

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2011SYE131
DA Number	LDA2011/0644
Local Government Area	City of Ryde
Proposed Development	Demolition of existing warehouse and construction of a 7 storey office building
Street Address	22 Giffnock Avenue, Macquarie Park
Applicant/Owner	Goodman Property Services Pty Ltd
Number of Submissions	No submissions received
Recommendation	Approval with Conditions
Report by	Sandra Bailey, Team Leader Major Developments

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the demolition of an existing warehouse and timber shed, and the construction of a 7 storey office building at 22 Giffnock Avenue, Macquarie Park. The development will contain a gross floor area of 10,294m² as well as two levels of basement car parking. This building will be attached to the existing 3 storey office building located at the front of the site. The development also involves subdivision of the site to create road reserves along the southern and eastern boundaries of the site. These road reserves will be dedicated to Council.

The development application was publicly exhibited between 19 January 2012 and 22 February 2012. During this time, no submissions were received in respect of the proposed development.

The development results in the following non-compliances:

- Height – the building height ranges from 31.405 metres to 31.665 metres resulting in breaches to the 30 metre height control.
- Floor Space Ratio – the development proposes a variation to the maximum permitted floor space ratio by 11.83%. The variation to the floor space ratio is supported by a Voluntary Planning Agreement and is consistent with the Council's DCP controls.

- Landscaping – the development results in variations to the Council's requirements in respect of total landscaped area, deep soil planting and landscaping within the eastern boundary setback areas. These variations occur due to the retention of the existing building. Compliance with the DCP requirements will occur either once the Type 3 road is constructed or when the rest of the site is redeveloped.

Each of these non-compliances has been discussed in detail in the report. Following an assessment of the proposal, it is considered that the non-compliances are acceptable on planning grounds.

The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

2. APPLICATION DETAILS

Name of applicant: Goodman Property Services Pty Ltd.

Owner of site: The Trust Company Limited.

Estimated value of works: \$22,769,443.

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

3. SITE DESCRIPTION

The site is known as 22 Giffnock Avenue, Macquarie Park and the legal description of the land is Lot 12 DP 711380. The site area is 8,501m². The site is located on the south western side of Giffnock Avenue and has a frontage of 94.37 metres to Giffnock Avenue. The site location is illustrated in Figure 1.

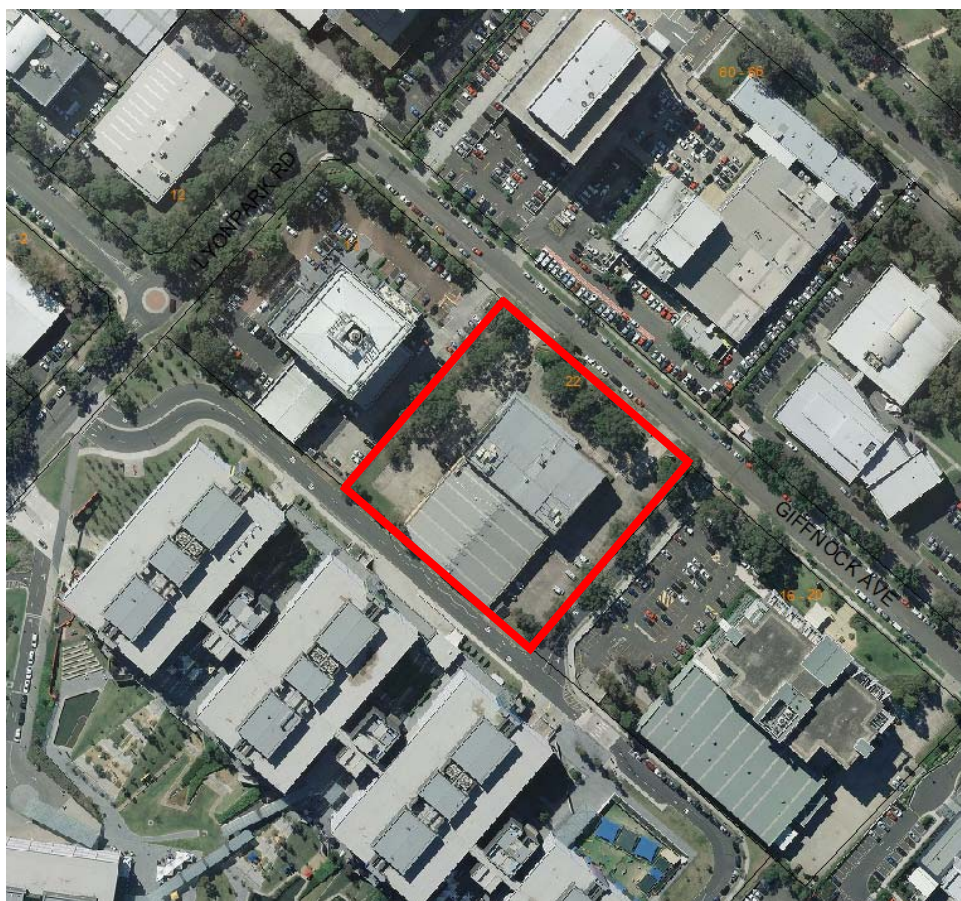


Figure 1. Site location.

Existing development on the site includes a three storey commercial building located on the northern part of the site. This building is set back approximately 20 metres from Giffnock Avenue. A warehouse exists on the southern portion of the site and extends to the south western boundary of the site. At grade car parking with access from Giffnock Avenue is provided within the front setback and along the side boundaries. Trees are generally located along the side boundaries. The following figure demonstrates the location of these buildings on the site. Photographs have also been provided to illustrate the existing features of the site.

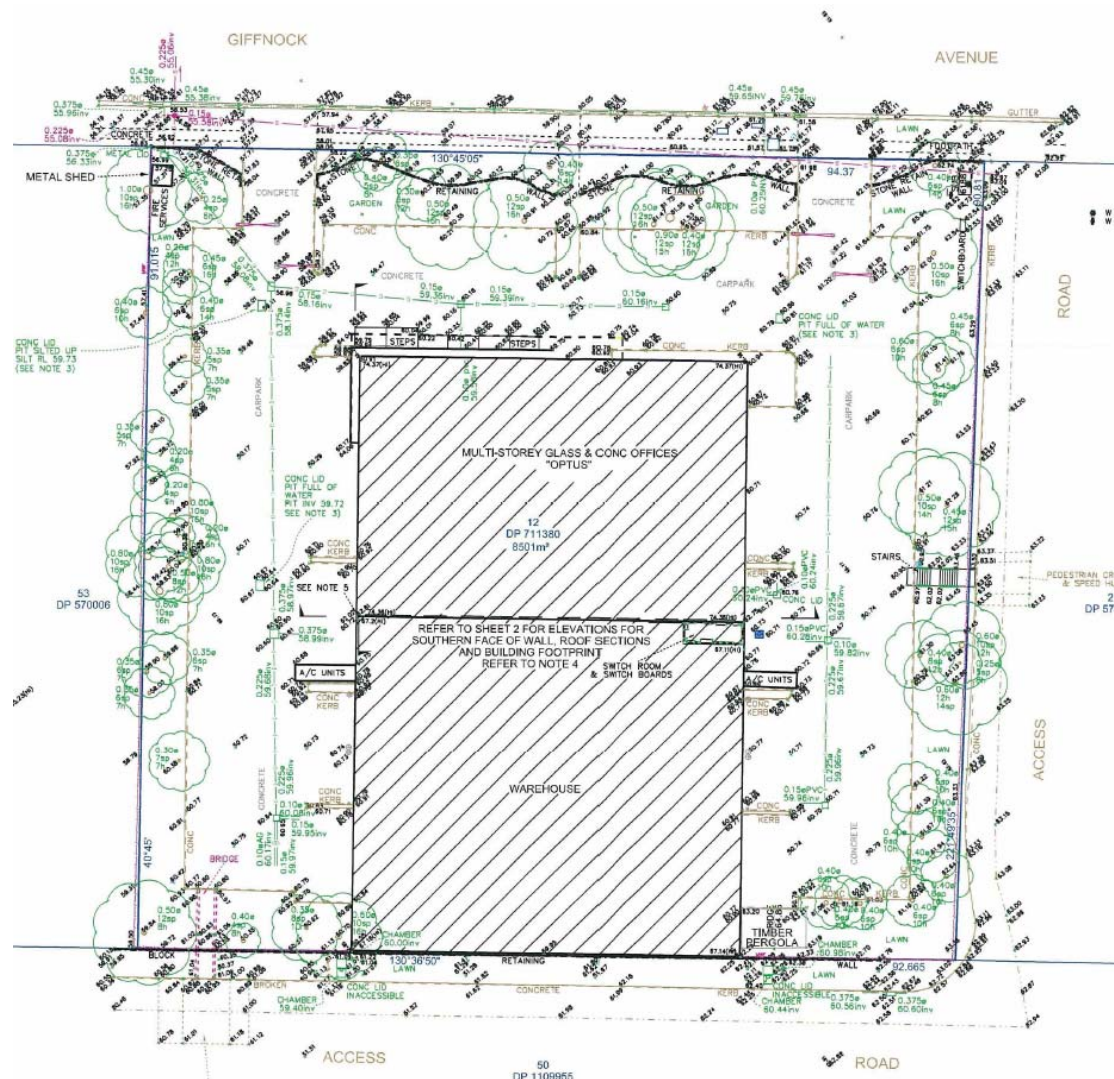


Figure 2. The above plan demonstrates the existing buildings, on site car parking and trees on the subject site.



Photo 1. This photo shows the existing 3 storey office building as viewed from Talavera Road. The warehouse is located behind this building.



Photo 2. This photograph is taken from the rear of the site. It demonstrates the warehouse at the rear of the site and the office component at the front of the site.



Photo 3. The warehouse is constructed to the rear boundary. At the rear of the site there is a private road which services the adjoining Optus Campus.

Surrounding development consists of a range of other commercial buildings. Directly south and south west of the site is the Optus Campus development which consists of 6 separate buildings, 2 of which are 4 storeys and 4 of which are 5 storeys in height. The Optus Campus also includes a private road network which runs along the rear and eastern boundary of the subject site. Development on the northern side of Giffnock Avenue and to the immediate east of the site includes a range of 5 and 6 storey commercial buildings. To the immediate west of the site is an older style 3 storey commercial building.

The site is located within approximately 500m of the Macquarie Park Station and 1km of the Macquarie University Station, Macquarie University and the Macquarie Shopping Centre.

The following photographs illustrate the surrounding developments.



Photo 4. This photo illustrates the surrounding developments on the northern side of Giffnock Avenue.



Photo 5. The above photo demonstrates the adjoining building to the west of the site as viewed from Giffnock Avenue. This building also contains warehousing at the rear of the site.



Photo 6. The above photograph demonstrates the adjoining building to the east of the site as viewed from Giffnock Avenue.



Photo 7. The rear of the site adjoins the Optus Campus. The above photo demonstrates two of the Optus buildings located on this site.



Photo 8. Immediately to the east of the site along Giffnock Avenue, there is private road which services the Optus Campus.

4. SITE DETAILS

Total site area – 8,501m².

Frontage to Giffnock Avenue – 94.37 metres.

Eastern boundary length – 90.81 metres.

Western boundary length – 91.02 metres.

Rear boundary length – 92.665 metres.

5. PROPOSAL

The development involves the demolition of the existing warehouse and timber shed at the rear portion of the site. It is proposed to construct a 7 storey office building containing a gross floor area of 10,294m² as well as two levels of basement car parking for 106 vehicles. This building will be located behind the existing three storey office building and set back 5 metres from the side and rear boundaries. The new building will be attached to the existing building on the ground, first and second floor levels. A glazed roof atrium is proposed on these levels. Minor alterations will occur to the 3 storey office building involving enlarging the existing windows into the proposed atrium.

Vehicular access will remain off Giffnock Avenue with the existing access driveways being retained. The access driveways will be amended to ensure that all ingress occurs via two existing entry lanes on the eastern boundary. To accommodate this, the existing boom gate on Giffnock Avenue will be relocated further back from Giffnock Avenue to allow for cars queuing to enter the site to be located on site. All egress will occur via a single driveway on the western boundary. To provide two way vehicular movements at the front of the site, it is proposed to extend the car park approximately 2.5m towards Giffnock Avenue.

The following figure demonstrates the location of the proposed building as well as the access arrangements.

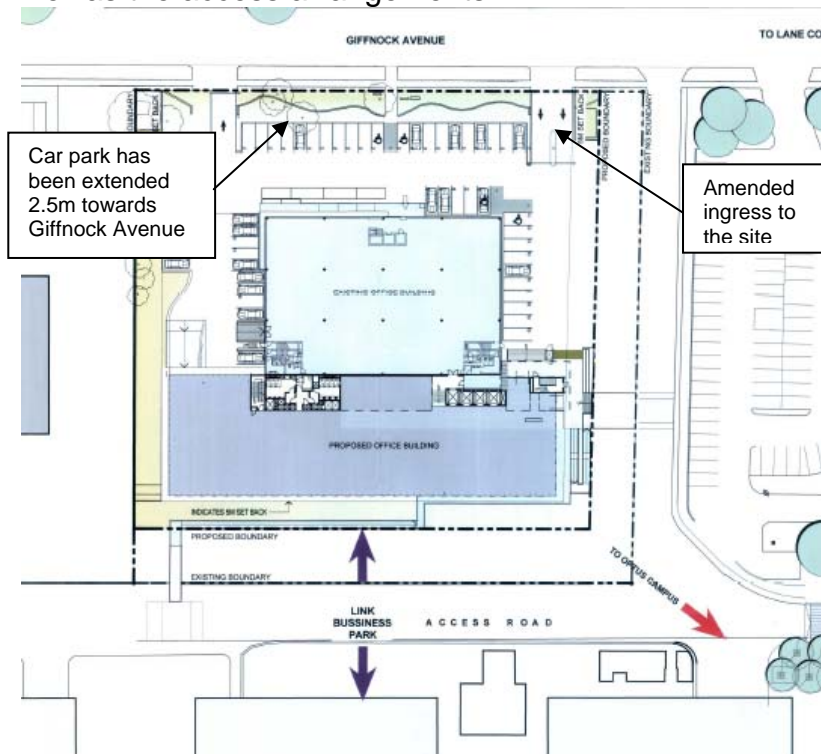


Figure 3. The above figure demonstrates the development on the subject site.

The development will provide a total of 178 car parking spaces. 106 spaces will be provided in the two level basement car park beneath the new building and 72 spaces at grade.

The development also involves subdivision of the land to create road reserves along the southern and eastern boundaries of the site. These road reserves will have an area of 1,578m² and will be dedicated to Council. Along the southern rear boundary it is proposed to dedicate an area that will have a depth of 10m for the entire length of the boundary. The dedication to Council along the eastern boundary involves a width of 8.05m for the entire boundary.

The development involves the removal of 40 trees from the site. These trees are generally located along the side boundaries and within the front setback. A detailed landscaping plan has been submitted for the entire site.

The development also involves the construction of a new 1000kVA kiosk substation on the north eastern corner of the site.

A Voluntary Planning Agreement (VPA) has been submitted with the development application. The VPA provides the following elements:

- The dedication of 1,578m² of the site to Council for the purposes of the future construction of a Type 2 and Type 3 Road as shown on the Macquarie Park Structure Plan.

- The payment of \$275 per m² for the provision of 1466m² of additional floor area prior to the issue of any Construction Certificate.

6. BACKGROUND

As part of the prelodgement process the development was considered by Council's Urban Design Review Panel. The Panel was generally supportive of the development and raised no objections to the floor space ratio or the height of the building. In particular the following comments were provided:

Lobby location

The Panel is concerned that the current lobby location and levels are not providing a solution that delivers a high quality address to either Giffnock Ave in the short term or the future proposed Type 2 and 3 streets for the longer term. The Panel recommends that the entry point be reconsidered and that it be relocated directly off either or preferably both the Type 2 and Type 3 road locations.

Comment: The submitted plans were amended to provide two entrances into the lobby. One entrance remains facing towards Giffnock Avenue and an additional entrance has been providing facing the Type 3 road. The applicant has not provided an entry lobby off the new Type 2 road due to the uncertainty in respect of the timing of this road. No objection is raised in respect to the position of the entry lobbies.

Appearance of the existing building

The Panel encourages the applicant to also address the appearance of the existing building to reduce its visual impact. This could be done through additions to the existing façade, landscaping or other means particularly to the entry side (south east façade and corner).

Comment: The applicant has stated that carrying out significant works to the existing building is not feasible given the operational requirements and lease of the existing tenant, which is Optus. The long term Master Plan for the site includes the demolition of this building and redevelopment of the front portion of the site. Additional landscaping will be provided along Giffnock Avenue. The existing building was constructed in the 1980's. The visual impact of this building is not considered to be sufficient grounds to consider a refusal of this application.

Design of the proposed building – solar, shadow and appearance

For the proposed new building the Panel considers that the façade design is overly reliant on high performance glass to deal with solar load and is concerned that the solar shelves/louvers will not be sufficient or appropriate to deal with low angle sun particularly to the north west and south west facades and corner.

Additional information is required to properly demonstrate the solar load on the proposed building and impact of the existing surrounding built form regarding its shadowing of the proposed building. This should be provided via shadow diagrams including the existing and proposed development on the site and adjoining sites such as the Optus Campus and building to the north

west. These diagrams should show the sun and shadow in both plan and elevation for summer, equinox and mid-winter.

Regardless, the Panel is also concerned about the solar reflectivity of the façade on the ground plane and the unbroken length of the new façade. Both issues must be addressed.

Comment: The applicant has provided information to demonstrate that the proposed development will comply with Section J2 of the BCA in relation to glazing and solar performance. Shadow diagrams have also been submitted which demonstrate that the development will not have any adverse overshadowing impacts on the adjoining buildings. A solar reflectivity report has also been provided which made the following recommendations:

- The glazing used on the north-western half of the ground floor, level 1 to 3 should have a maximum normal specular reflectivity of visible light of 15%.
- The glazing used on all other aspects of the proposed development should have a maximum normal specular reflectivity of visible light of 20%.
- The use of other highly reflective materials on the façade of the proposed development should also be minimized.

A condition of consent will be imposed to ensure that the development complies with the above findings of the report. (See condition number 34).

Natural Ventilation

The Panel encourages the applicant to provide opportunities for natural ventilation in the building including the atrium and each floor of the building.

Comment: The applicant has stated that natural ventilation is not possible given the commercial nature of the development. As the development can comply with the BCA, natural ventilation is not considered as essential.

Landscape

A landscape plan will be required that illustrates how the proposal will improve the current landscape character of the site and the existing and future streets around the development. This plan should also look at opportunities to enhance the legibility of the entry to the new building and should provide for safe pedestrian access from Giffnock Ave to the new entry point.

Comment: As part of the amended development a new landscaping plan has been submitted. This plan retains the existing trees at the front of the site. Although trees are to be removed along the side boundaries, replacement planting is proposed. The retention of the planting adjacent to the street will assist in the site in retaining some of its existing character while the replacement planting matures. The development has not achieved improved pedestrian access from Giffnock Avenue due to the retention of the on grade car parking. This will be improved once the Type 3 road is constructed and the 12 car parking spaces located partly within this road are removed. In the mean time the applicant has provided a pedestrian access point from the private road which will allow for safe access from Giffnock Avenue. This is demonstrated in Figure 4.

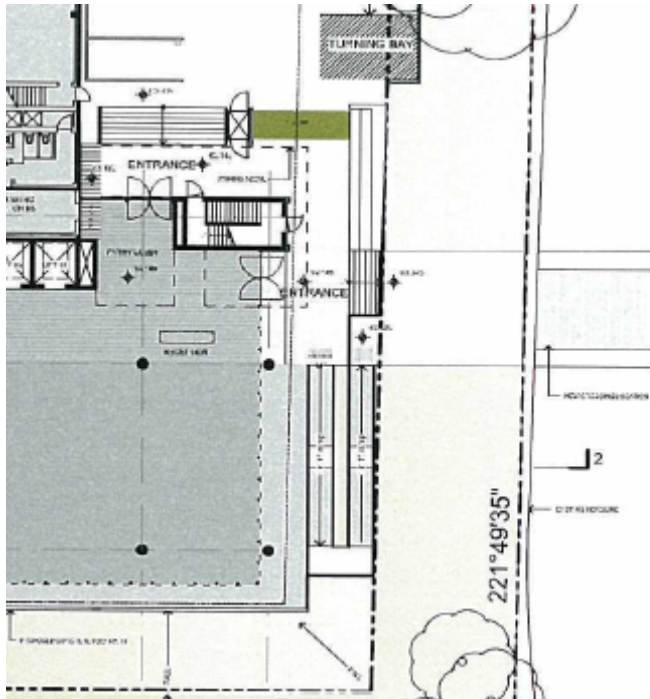


Figure 4. The above diagram demonstrates the location of the pedestrian access from the existing private road to the entrance of the building.

Plant Room

The Panel is concerned with the extent and visual impact of the plant room floor. This impact should be reduced as the design develops. For example providing a distinct 'top' to the building could minimise the impact of the plant room as well as create visual interest. Alternatively, the area occupied by the plant room should be located on the roof so that it cannot be seen from any of the surrounding streets.

Comment: The top of the building has been designed so that it has a 'top'. In addition the size of the plant room has been reduced from the pre DA plans. This structure has been set back from the side and rear boundaries to reduce its visual impact.

Entry to the existing building

The Panel considers that the entry to the existing building from Giffnock Ave should be enhanced and expanded by widening the existing pathway through deletion of some of the on grade car spaces to either side of the pathway and providing a landscaped pedestrian link from the street right up to the existing entry door.

Comment: The entrance to the building has been enhanced, however the applicant has not deleted the on grade parking to provide the pedestrian link from the street to the new building. The enhanced access from the existing private road will give adequate identification of the building.

The DA was submitted to Council on 15 December 2011.

Following a preliminary assessment a letter was forwarded to the applicant on 25 January 2012 advising that the following additional information was required:

- A copy of the survey at an accurate scale.
- Details of the loading and unloading facilities for the proposed building.
- Confirmation that the plans complied with the required parking aisle and sizes of the car parking spaces.
- Turning paths for large vehicles accessing the entry and exit driveways.
- Concerns were raised in respect of the projected turning volumes provided in the Traffic Impact Assessment and clarification was requested.

Additional information was submitted on 17 February 2012.

A concern was raised with the applicant on 12 March 2012 in respect of the loss of trees near the Giffnock Avenue frontage. To accommodate two way movement along the northern portion of the site the development proposed to extend the car parking approximately 2.5m towards Giffnock Avenue. This resulted in the loss of 11 trees along the front of the site. The applicant has subsequently submitted amended plans on 19 March 2012 which propose no changes to the car parking at the front of the site which results in 6 large trees being retained. This has however resulted in a loss of 7 car parking spaces which has decreased the amount of car parking proposed from 178 spaces to 171 spaces. The following diagram demonstrates the amended front setback area and shows the retention of the trees.

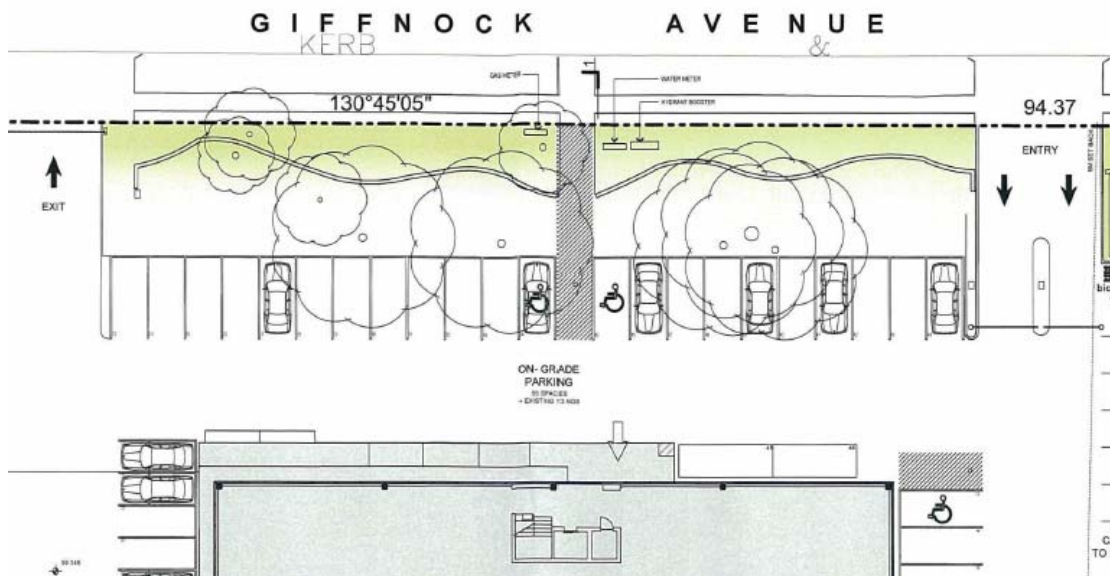


Figure 5 The amended plan submitted shows the retention of existing trees along Giffnock Avenue. This has resulted in a loss of 7 car parking spaces being the total on site car parking to 171 spaces.

As part of this DA, a VPA was submitted. The VPA was considered by Council at its meeting held on 27 March 2012. At this meeting, Council resolved as follows:

- That Council enter into the Voluntary Planning Offer made by Goodman Property Services (Aust) Pty. Ltd, as part of the Development Application LDA2011/644 at 22 Giffnock Avenue, Macquarie Park for the demolition of an existing warehouse and timber shed and the construction of a seven storey commercial building with two levels of basement car parking.*

- b) *That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application.*

7. 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 No. 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2010
- Ryde Development Control Plan 2010.

8. PLANNING ASSESSMENT

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

The development involves the removal of several Sydney Blue Gums from the site. These trees are a characteristic species of Blue Gum High Forest (BGHF), which is listed as endangered ecological community under the Threatened Species Conservation Act.

The applicant has provided an Ecological Assessment Report from SLR Global Environmental Solutions in respect of the site. This report has concluded:

The subject site at 22 Giffnock Avenue, Macquarie Park is already entirely developed, and has long been a completely artificial environment. There is no significant ‘remnant’ and native vegetation present, and all of the native plants which are present on the subject site have been planted in artificial gardens.

There is no element of the “natural environment” present on the subject site at Macquarie Park. In this regards:

- *Whilst there are a number of Sydney Blue Gums present, these do not represent an example of the Blue Gum High Forest (BGHF) community (listed as a critically endangered ecological community) because all of the specimens present are horticultural plantings of unknown provenance, and there are no other relevant elements of the BGHF community on the site.*
- *The single specimen of the Narrow-leaved Black Peppermint present does not represent the listed “threatened species”, because it is clearly a*

horticultural planting of unknown provenance and is located hundreds of kilometers outside its normal distributional range;

- *There are no hollow-bearing trees or any other potential habitat features of relevance for any threatened biota on the subject site.*

Given its nature and condition, the proposed re-development of the subject site will not impose any adverse impact upon either the 'natural environment' in general or upon any threatened biota. There is no ecological rationale for refusal of or modification to the proposed development, and there is no requirement for a Species Impact Statement (SIS).

Council's Consultant Landscape Architect supports the findings of the report.

8.2 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.

There is no previous development on this site to suggest that contamination has occurred. In respect of SEPP 65, the site is considered to be appropriate for the proposed development.

8.3 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the proposed development due to its relevant size and capacity. The applicable clauses under the Infrastructure SEPP are as follows:

Infrastructure SEPP	Comments	Comply
<p>Clause 104 Traffic generating development</p> <ul style="list-style-type: none"> • The proposed development, being a commercial building with a floor area greater than 10000m² is considered to be a traffic generating development. • Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> – Take into consideration any submission that the RMS provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passes, the RMS advises that 	<p>The development proposal has been forwarded to the Roads and Maritime Services (RMS) for comments. RMS has raised no objection to the proposed development.</p> <p>The issues of potential traffic safety, road congestion and parking implications have been considered elsewhere in the report. These matters are considered satisfactory.</p>	Yes

Infrastructure SEPP	Comments	Comply
<p>it will not be making a submission), and</p> <ul style="list-style-type: none"> – Take into consideration any potential traffic safety, road congestion or parking implications of the development. 		

8.4 Ryde Local Environmental Plan 2010

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

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B3 Commercial Core under the provisions of the LEP 2010. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximize public transport patronage and encourage walking and cycling.
- To ensure the zone is characterized by high-quality well-designed buildings that enhance and encourage a safe environment.
- To encourage industries involved in scientific research and development.

As demonstrated in the assessment, the proposed development satisfies the zone objectives.

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height as specified on the Building Heights Map. The map identifies the site as having a maximum height of 30 metres.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The plant room and stairs breaches the maximum height requirement. The height of the top of the plant room to natural ground level varies between 31.405m to 31.665m. The plant room also proposes 3 cooling towers that will further breach the control by a further 1.5 metres. These cooling towers are relatively small in relation to the top of the building. The breach of the height requirement is demonstrated in the following diagrams.

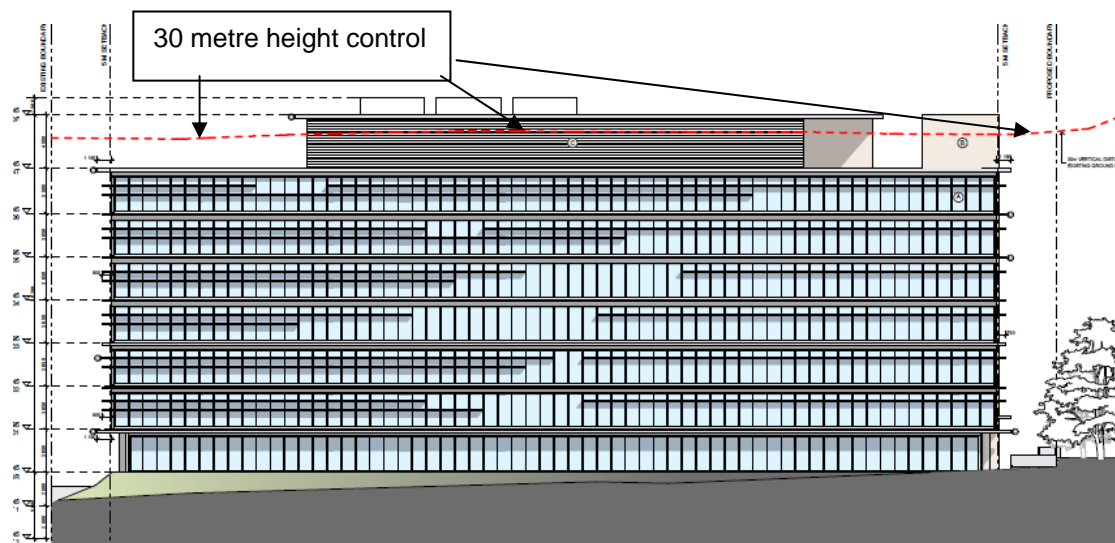


Figure 6. The red line demonstrates the breach of the 30m height control along the south-west elevation.

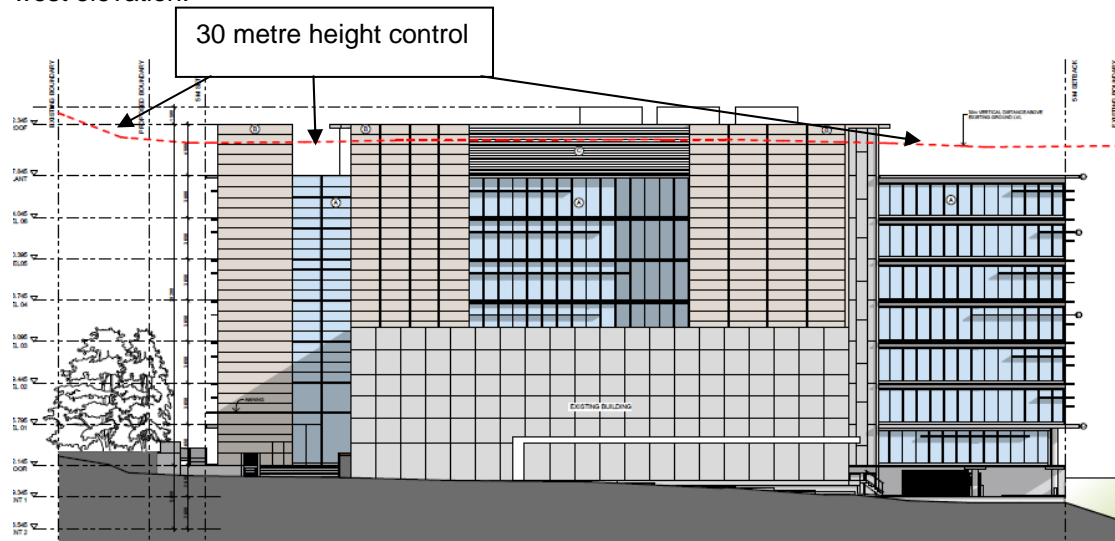


Figure 7. The red line demonstrates the breach of the 30m height control along the north-east elevation.

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- The applicant has provided a written request which demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed development will be in the public interest and it is consistent with the objectives of the particular development standard and the objectives of the zone.
- Concurrence of the Director-General has been obtained.

These matters are discussed below.

1. Written request which demonstrates the environmental grounds for the variation and that compliance would be unreasonable and unnecessary.

The applicant has provided a written request seeking to justify the variation to the development standard in Section 5.4.4 of the Statement of Environmental Effects prepared by Urbis Pty Ltd.

The following environmental grounds have been given by the applicant in respect to the variation to the FSR control:

- The height exceedance is confined to the plant room and cooling towers only, which are recessed from the edges of the building and as such will have a minimal impact on the appearance of the building from the street.
- The proposed height is considered to provide appropriate street proportions in relation to the existing building heights and height transitions within the area. This is demonstrated on the following diagram.

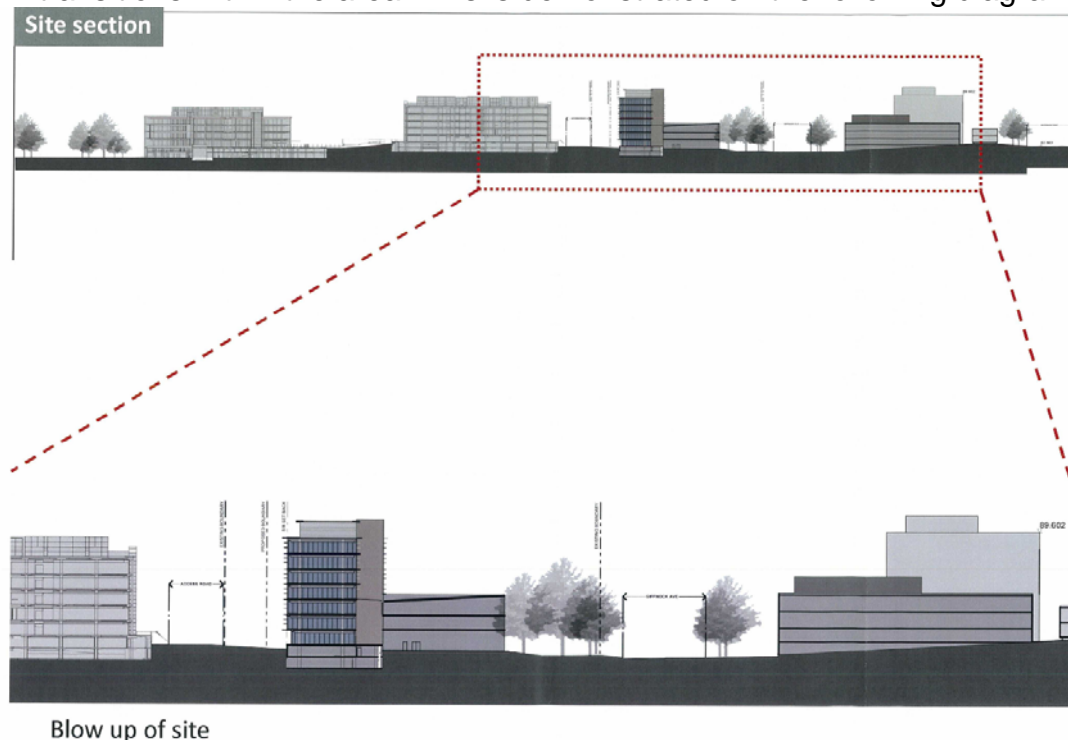


Figure 8. The above section demonstrates the height of adjoining buildings and the proposed building.

- The site is surrounded by wholly commercial uses which are not sensitive to overshadowing, and the additional height does not increase overshadowing of the surrounding properties.
- The additional height has no impact on the human scale at ground floor level.
- The height of the building is not so significant as to undermine the prominence of Waterloo Road or Lane Cove Road.

The applicant's submission has demonstrated that the non-compliance will not result in any adverse impacts to the amenity of the adjoining properties or the public domain areas. The non-compliance also will not contribute negatively to the bulk and scale of the building. As detailed further in the report, the development is consistent with the zone objectives and objectives for the height control. In these circumstances, it is agreed with the applicant that compliance with the development standard is unreasonable and unnecessary.

2. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the height clause are discussed below:

(a) *To maintain desired character and proportions of a street within areas.*

The height of the proposed development is currently greater than the heights of the buildings on the adjoining Optus Campus and other immediate adjoining properties. Figure 7 illustrates a cross section from Waterloo Road through to Epping Road and this figure demonstrates that there are other buildings of similar height to the proposed development. The height of the proposed development is however consistent with the desired character of the area with all adjoining sites having a 30m height control as envisaged by RLEP 2010.

The development proposes a variation of the height control of approximately 5% and is restricted to the plant room. The plant room is stepped back from the elevations which will assist in reducing the visual impact of this structure.

The development has proposed to dedicate an area of the site which will at some stage in the future accommodate 2 new roads. The development will not adversely impact on the proportions of these streets.

(b) *To minimise overshadowing and ensure a desired level of solar access to all properties.* The proposed development will generate additional overshadowing. This overshadowing will affect an adjoining building on the Optus Campus at 9.00am mid winter. By approximately 11.30am, this building will be unaffected. At 12 noon and 3pm, the development will only overshadow the existing private road and adjoining car park. That part of

the building which breaches the height control will not have an adverse impact in terms of overshadowing.

- (c) *To enable the built form in denser areas to create spatial systems that relate to human scale and topography.* The non compliance in terms of the height of the building will not affect how the development relates to the human scale and topography of the site. As the plant room is set back from the edges of the building, it will be difficult for a person at street level to see. The development relates to the human scale by providing various design elements including active frontages to the ground floor, building overhangs, articulation and landscaping.
- (d) *To enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.* This objective is not considered to be applicable to the development as the site is not adjacent to either a train station or large vehicular intersection.
- (e) *To reinforce important road frontages and specific centres.* Giffnock Avenue and the new Type 2 and Type 3 roads have not been identified as an important road frontage. The site also is not located within a specific centre. The development will not have any adverse impacts on those roads that have been identified as an important road frontage or specific centre.

In addition to the above objectives, the Macquarie Park Corridor has the following objectives for height:

- a) *To provide effective control over the scale and bulk of future development.* The non-compliance is restricted to a small portion of the plant room. The height of the overall building is consistent with the heights of nearby buildings as demonstrated in Figure 7 as well as being consistent with the desired character of future buildings as envisaged by LEP 2012.
- b) *To concentrate building heights around railway stations.*
- c) *To provide focal nodes that clearly highlight the role of railway stations.* The site is located approximately 1km from the Macquarie University Railway Station and 0.5km from Macquarie Park Station. The site however will not be visible from either railway station. Neither will the development detract from the heights of buildings in the vicinity of either station. The above two clauses are not considered applicable to the development.
- d) *To reinforce the important road frontages of Waterloo Road and Lane Cove Road.* The development will not have any impact on the road frontages of Waterloo Road or Lane Cove Road.

The development is consistent with the zone objectives as well as the height objectives.

3. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Conclusion

The variation to the height control occurs for approximately 5% of the building and is restricted to the plant room. This non-compliance is relatively minor and will not result in any adverse impacts on the amenity of the adjoining properties. In addition, the height of the building is compatible with adjoining buildings and the future desired character of the area. Despite the non-compliance with the height control, the development satisfies the criteria outlined in Clause 4.6 and the variation is acceptable.

Clause 4.4 Floor Space Ratio

The floor space ratio (FSR) of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a part 1:1 and part 1.5:1 floor space ratio. Based on the permitted FSR map, the permissible development area is 10,819m².

Clause 4.4B specifies that the consent authority may consent to development that results in a FSR in excess of the FSR shown for that land on the FSR 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 site also contains part of the proposed access network shown on the relevant map. Accordingly, the above clause is applicable. Figure 9 illustrates the access network as identified in the Structure Plan contained in Part 4.5 of DCP 2010 and this reflects the Council's intended road network.

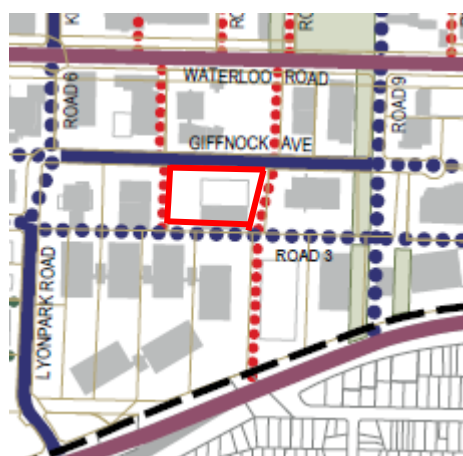


Figure 9. Extract from the Structure Plan in Part 4.5 of DCP 2010. The Structure Plan reflects the Council's intended road network.

Applying the bonus for both roads, the maximum permitted floor space on the site would be 12,397m². This would result in the development proposing 1466m² above the maximum permitted floor space or a variation of 11.83%.

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- The applicant has provided a written request which demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed development will be in the public interest and it is consistent with the objectives of the particular development standard and the objectives of the zone.
- Concurrence of the Director-General has been obtained.

These matters are discussed below.

1. Written request which demonstrates the environmental grounds for the variation and that compliance would be unreasonable and unnecessary.

The applicant has provided a written request seeking to justify the variation to the development standard in Section 5.5.1 of the Statement of Environmental Effects prepared by Urbis Pty Ltd.

The following environmental grounds have been given by the applicant in respect to the variation to the FSR control:

- The proposed development is entirely consistent with the underlying objective or purpose of the standard.
- The proposed development is in line with DCP objectives which allow bonus FSR for the provision of public infrastructure benefits.
- The additional FSR will not result in inappropriate bulk and scale of development.
- The site is well serviced in terms of both public transport and infrastructure and can comfortably support the additional FSR.
- The proposed development generally complies with other relevant standards of LEP 2010 and will have a negligible impact on the locality and its surrounds.

To support the growth of the Macquarie Park Corridor it is necessary to provide new and improved infrastructure, facilities and public domain improvements which have been adopted in the relevant Ryde plans and policies. Part 4.5 of the DCP for Macquarie Park permits Council to consider a variation to the FSR controls where the development is providing a public benefit. The public benefit can be by way of works in kind, monetary contribution, developer agreement, VPA or other form acceptable to Council.

Any additional floor space should not exceed the controls shown on the maps associated with Amendment 1.

The applicant has provided a VPA which proposes a cash contribution for the additional floor space which exceeds the permitted control. This will provide the required public benefit. The associated maps of Amendment 1 have identified this site as having a maximum FSR of 2:1. Combining this with the bonus floor space for the roads would permit a floor space of 18,580m² on the site. The proposed development results in 13,863m² of floor space which does not exceed the maximum permitted floor space under Amendment 1.

The applicant's submission is consistent with the Council's DCP requirements in respect to floor space. The development also complies with the zone objectives and objectives for the floor space ratio as demonstrated further in the report. In these circumstances, compliance with the development standard would be unreasonable and unnecessary.

2. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the floor space ratio clause are discussed below:

a) To provide effective control over the bulk of future development.

The development proposes 1466m² of additional floor space above the maximum permitted floor space ratio. The additional floor space is contained within a building that achieves an acceptable height. The bulk, scale and height of the building will not result in any adverse impact to adjoining properties in terms of overshadowing or loss of privacy and would not detract from the desired character of the area. It is unlikely that there would be a perceivable difference between the bulk and scale of the proposed building and that of a development which complied with the control and retained the same height.

b) To allow appropriate levels of development for specific areas.

Despite the additional floor space the building will have an acceptable bulk and scale and is unlikely to impact on the amenity of any adjoining properties. The development is not likely to create a precedent for future sites.

c) To enable the consent authority to assess and respond appropriately to future infrastructure needs.

As detailed above, Part 4.5 of DCP 2010 permits Council to consider a variation to the FSR control within Macquarie Park where the development is providing a public benefit. In this instance, the public benefit is a cash contribution associated with the VPA. This will enable Council to provide future infrastructure within the Macquarie Park area which will assist Council in ensuring that the key aims of the DCP are achieved. A contribution under

Section 94 of the Act will also be imposed which will also assist the Council to provide future infrastructure needs.

In addition to the above objectives, the Macquarie Park Corridor has the following objectives for floor space ratio:

a) To achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes.

The site is not located adjacent to a railway station. Despite this, the floor space proposed on this site will not detract from those sites near the station being the focal point.

b) To allow feasible development of the sites around railway stations and facilitate focal points at the station areas.

The site is not located adjacent to one of the railway stations. This objective is not applicable to the development.

c) To ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building.

The site is not considered to be in a peripheral location in the corridor. However the issue of providing a building in a landscaped setting is still relevant. This development is for the demolition of an existing warehouse building and the construction of a new building which will be attached to the existing office building. The site is typical of many of the sites that were developed in the 1980's as it provides minimal landscaping and on grade car parking is located around the building. Due to the nature of this development, much of the on grade car parking will be retained. This development however represents an interim step in terms of the complete redevelopment of the site and it sets in place opportunities to increase the landscaped setting of the building. Landscaping will be enhanced along the side and rear boundaries. The development is consistent with the intent of the above objective.

d) To reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form.

The development will not detract from the importance and function of either Waterloo Road or Riverside Main Street.

e) To encourage the provision of a new street network and to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.

The development is consistent with this requirement. 1,578m² of the site is proposed to be dedicated to Council as road reserve in accordance with the Macquarie Park Structure Plan and DCP 2010. This arrangement is to be secured as part of the VPA. In addition the applicant has also offered a cash contribution as part of the VPA which will permit increased community benefit by way of improved infrastructure, facilities and public domain.

3. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

Conclusion

The variation to the floor space ratio is consistent with the requirements of DCP 2010 and LEP 2010 in terms of providing the road network and increased community benefit. The bulk and scale of the building is appropriate for the site and is consistent with Council's envisaged controls for the area. Despite the non-compliance with the FSR control, the development satisfies the criteria outlined in Clause 4.6 and the variation is acceptable.

Clause 4.5E Macquarie Park Corridor

Off Street Parking

Subclause (1) relates to off street parking. The maximum off street parking spaces for commercial and industrial development in the Macquarie Park Corridor is not to exceed those shown on the relevant map. The site is identified as having 2 parking zones being 1 space per 70m² GFA and 1 space per 46m² of GFA.

The amended development has provided a total of 171 car parking spaces on the site. One hundred and six (106) spaces are located within the basement of the proposed development and the remaining 65 spaces are located at grade. This results in a parking rate of 1 space per 81m². Twelve (12) of these car parking spaces are provided within the future road reserve on the eastern boundary. These 12 spaces will be removed once the future Road 3 is constructed. Under this scenario the car parking provision would be 1 space per 87m².

As the parking control is a maximum control, both of the above scenarios comply with the LEP requirement. Council, however, needs to be satisfied that the development will provide adequate car parking for the intended use of the building. The applicant has provided information to demonstrate that the parking provided is sufficient to meet the expected demand of the development. The proposed building will be occupied by Optus. Optus currently have a detailed Work Place Travel Plan that encourages the use of alternative travel modes by providing additional bus services, travel pass loans and discounted parking rates for staff that ride share. A condition of consent will ensure that these measures will also be applicable for the proposed development. Based on the existing parking requirements for the Optus campus, the proposed 159 car parking spaces (this reflects the loss of the 12 spaces to accommodate the Type 3 road) will be adequate for the proposed development.

Council's Traffic Engineer has also advised that given Council's objectives to reduce private vehicle dependency and in turn increase public transport occupancy, the parking provision is acceptable and the development would contribute positively to the reduction in private motor vehicle dependency.

Clause 6.1 Acid Sulphate Soils

The site is not identified on the Acid Sulfate Soils Map. This clause is not applicable to the development.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality
- The effect of the proposed development on the likely future use or redevelopment of the land
- The quality of the fill or the soil to be excavated, or both
- The effect of the proposed development on the existing and likely amenity of adjoining properties
- The source of any fill material and the destination of any excavated material
- The likelihood of disturbing relics
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a 2 level basement car park. Council's Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a construction certificate.

The site is not known to contain any relics or any other item of heritage significance.

The development is considered satisfactory in respect of this clause.

Clause 6.6 Macquarie Park Corridor Objectives

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 following objectives:

- 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
- 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
- To guide the quality of future development in the corridor

- 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
- 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.

The development satisfies the above objectives.

8.5 City of Ryde DCP 2010

Council adopted City of Ryde DCP 2010 on 16 June 2009 and its provisions became effective on 30 June 2010. The following sections of DCP 2010 are relevant to the proposed development:

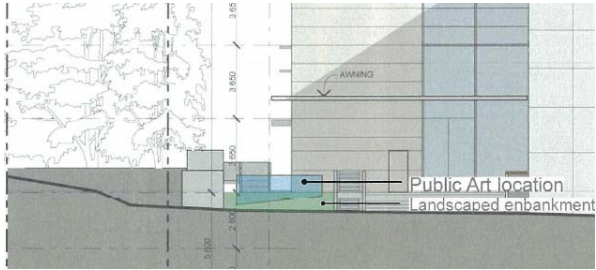
Part 4.5 of DCP 2010 – Macquarie Park Corridor


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 DCP is divided into four sections. The first section is the structure plan and this sets out the broad framework for development within the Macquarie Park Corridor. The second section deals with special precincts and provides character statements, objectives and development controls for the areas. This section is not relevant to the current development as it is not located within a special precinct. The third section of the DCP deals with controls applicable for the public domain. The final section contains controls in respect to the siting and planning design. The following table demonstrates the proposals compliance with these requirements.

Control	Comments
s3.0 – Structure Plan	
Street Network 1. Provide new public streets as shown in the Street Network Structure Plan. 2. New streets are to be dedicated to Council. 3. All major development shall utilise the Macquarie Park Integrated Traffic and Movement Study.	The Street Network Structure Plan has identified two new streets on the site. The first road is a Type 3 road along the eastern boundary. Under the Structure Plan this road is contained wholly within the subject site. The development has made provision for a half road rather than the entire road. The Structure Plan has always intended to be used as a guide in respect of the position of the roads. The road network will not be adversely affected due to this development only providing an area for half a road as there will be opportunity to acquire the other half road from the adjoining site. This amendment has been supported by Council's Strategic Planners and Traffic Planner and Council has

Control	Comments
	<p>received no objections from adjoining landowners.</p> <p>The second road is a Type 2 road along the rear boundary. The development proposes to dedicate the required area for the half road. This is consistent with the Structure Plan.</p> <p>The development does not intend to construct the roads, however subdivision is proposed to enable the land which will accommodate the roads to be dedicated to Council.</p>
Open Space Network 1. Provide public open space as shown in Figure 4.5.06 Open Space Network.	The site is not required to provide any public open space.
Built Form Network 1. Buildings are to be designed in accordance with s6.0.	This matter has been discussed further in the assessment report and the development is considered to satisfy these requirements.
s5.0 – Public Domain	
5.1 – Streets	
Type 2 Street 1. Typically 20.4m road reserve to Council satisfaction. (The diagrams demonstrate a 20m road reserve). 2. Existing streets extend along exiting alignment where possible. 3. New streets: provide new Type 2 streets where shown in Figure 4.5.55 and 4.5.56 of the Plan. 4. Secondary streets are typically defined by landscaped street setbacks. Tree planting in landscape setbacks are to comply with the Street Tree Planting Key Plan in the Macquarie Park Public Domain Technical Manual.	<p>The Type 2 road is located along the rear boundary. As a half road is required the applicant has proposed a width of 10m for the entire length of the boundary which is to be dedicated to Council for a future road. This road width will ensure that Council can provide the secondary street which will be consistent with other future streets in the area. At this stage the road is not intended to be constructed. No objection is raised to the later construction of the road as at this stage the road would not connect to any other part of the road network or be required for access to the development.</p> <p>The development will achieve the required setback to the road.</p>
Type 3 Street 1. Typically 15.5m road reserve to Council satisfaction. (The diagram demonstrates a 16.1m road reserve). 2. Existing streets extend along exiting alignment where possible. 3. New streets: provide new Type 3 streets where shown in Figure 4.5.57 and 4.5.58 of the Plan. 4. Type 3 streets are defined by minimum 5m landscaped street setbacks.	<p>The Type 3 road is located along the eastern side boundary. As half the road is proposed a width of 8.05m for the entire length of the boundary is to be dedicated to Council. At this stage the road will not be required to be constructed as it will not connect to any other part of the road network or be required for access to the development.</p> <p>The development will achieve the required setback to the road.</p>
5.3 – General Public Domain Controls	

Control	Comments
<p>Cycle Strategy</p> <ol style="list-style-type: none"> 1. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007. 2. Provide cycle/pedestrian paths as shown in Figure 4.5.78 of the Plan. 3. Provide lockable bicycle storage and end-of-trip facilities at train stations and within development. 	<p>Giffnock Road is not identified as a local bike route.</p> <p>Bicycle storage is proposed within the basements for 66 bicycles. This is consistent with Council's requirements.</p>
<p>Street Furniture</p> <ol style="list-style-type: none"> 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. 	<p>At this stage it is not proposed to construct either the Type 2 or Type 3 road as discussed above. As part of any development, the Giffnock Avenue frontage would be required to be upgraded in accordance with the Public Domain Technical Manual. The applicant has submitted a plan demonstrating the improvements to the public domain along Giffnock Avenue. This plan reflects most of the requirements of the public domain manual however fails to include details about the paving. Condition number 39 requires the submission a more detailed landscape plan which will specify all construction details for the public domain.</p>
<p>Street Tree & Front Setback Tree Planting</p> <ol style="list-style-type: none"> 1. 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. 	<p>The public domain plan provided by the applicant has demonstrated street tree planting. Council is however intending to undertake street tree planting around April 2012. As such the applicant will not be required to undertake the street tree planting.</p>
<p>Community Facilities</p> <ol style="list-style-type: none"> 1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan. 	<p>Any development consent would include a condition requiring the payment of Section 94 Contributions. Part of this contribution will be towards the provision of community facilities.</p>
<p>Public Art</p> <ol style="list-style-type: none"> 1. Public art must be included in all new development on sites over 15,000sqm. 	<p>The applicant has provided a public art proposal for the site. Public art is proposed to be a feature in the entry terrace on the south-eastern side of the new building. This is demonstrated on the below diagram.</p>  <p>The public art inspiration has come from the trees located on the site and intends to reflect the tree trunk and shedding bark layers. This</p>

Control	Comments
	<p>is reflected in the following diagram.</p>  <p>The concept has been considered by Council's Arts and Cultural Planner and is supported. A condition will be imposed on the consent requiring compliance with the public art plan. (See condition number 69).</p>
<p>Implementation – infrastructure, facilities and public domain improvements</p> <ol style="list-style-type: none"> 1. Public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development. 2. The Access network being the roads and open space is to be dedicated to Council as part of a new development is to conform with LEP 2010 – Macquarie Park Corridor – Access Network. 3. Council may consider granting consent to a development where the building height and fsr are in excess of the control if: <ul style="list-style-type: none"> • The development provides a community benefit such as works in kind, monetary contribution, development agreement, VPA. • The additional height and fsr proposed does not exceed the controls shown on the Centres Map – Macquarie Park Corridor Incentive Height of Buildings Map and the Macquarie Park Corridor Incentive FSR map. 4. New community and public domain space, roads, pedestrian ways and infrastructure, shall be dedicated to Council. Where this is not practicable, easements and rights of ways may be created. 	<p>As part of this development the public domain along Giffnock Avenue will be embellished.</p> <p>Land will be dedicated to Council for the Type 2 and 3 roads that affect the property.</p> <p>A VPA has been submitted with the development application which proposes community benefit by way of a cash contribution for the additional floor space. The development does exceed the maximum floor space ratio permitted in RLEP 2010 however the development does not exceed the controls on the Macquarie Park Precinct Floor Space Ratio Map. Based on these maps the site is identified as having a FSR of 2:1. The development complies with the requirements of this clause.</p>
s6.0 – Site & Building Design	
6.1 – General Built Form Controls	
<p>Height Controls</p> <ol style="list-style-type: none"> 1. Building heights are to comply with the RPSO and Ryde LEP 2008, Amendment 1. 	<p>This issue has already been addressed in the report.</p>

Control	Comments
<p>Floor Space Ratio Controls</p> <ol style="list-style-type: none"> 1. Floor space ratios are to comply with the RPSO and Ryde LEP 2008, Amendment 1. 	<p>This issue has already been addressed in the report.</p>
<p>Site Planning & Staging</p> <ol style="list-style-type: none"> 1. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Ryde LEP 2008 Amendment 1 – Access Network. 2. Buildings are to be sited to address existing and new frontages in the following order of precedence: <ol style="list-style-type: none"> a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets). b) Secondary frontages: these are generally existing, or new Type 2 or 3 streets. 3. Front door and street address is to be located on the primary frontage. Loading docks, vehicular access is not permitted to be located on the primary frontage unless it can be demonstrated that there is no alternative. 	<p>Giffnock Avenue is identified as a staged development frontage and the new Type 2 and Type 3 roads as secondary frontages. The development has proposed two new entries to the proposed building. Both of these are located on the north-eastern corner of the proposed building and one will face towards Giffnock Avenue and the other towards the future Type 3 road. Although Council's Urban Design Review Panel requested an entry off the Type 2 road, the applicant has advised that this is not architecturally or commercially desirable at this time given the uncertainty in respect of the timing of the Type 2 road. At some stage in the future after the Type 2 road has been provided, it would always be possible for the entry off this road to be revisited. No objection is raised to the pedestrian access as proposed.</p> <p>Vehicular access to the basement is located from the existing car park which is accessed from Giffnock Avenue.</p>
<p>Street Setbacks & Built-To Lines</p> <ol style="list-style-type: none"> 1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. <ol style="list-style-type: none"> a) Where minimum setbacks are shown, buildings may be set back further from the street according to specific site conditions. 2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 3. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line. 4. <u>5m setbacks</u> 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible. Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback. 	<p>The development is required to provide a 5 metre setback to Giffnock Avenue, the Type 2 road and the Type 3 road. No change is proposed to the Giffnock Avenue setback which complies with the required setback. The development has proposed a 5m setback to both of the proposed new roads. Along both the southern and eastern elevation of the building it is proposed to contain screening elements which project within the required 5m setback. This variation is permitted by the DCP.</p> <p>60% of the setback area of each road frontage is required to be soft landscaping. This is not achieved for the setback along the eastern boundary adjacent to the Type 3 road. As part of the development it is proposed to retain 12 car parking spaces within this setback and the new development proposes a new pedestrian entry which includes a ramp. This results in approximately 10% of the setback being available for landscaping. As part of the VPA, the existing car parking spaces will be removed once</p>

Control	Comments
	Council requires the road to be constructed. These spaces will then convert to landscaping. Once this happens, the 60% soft landscaping as required by the DCP will be achieved. In these circumstances, the variation is acceptable.
Side & Rear Setbacks <ol style="list-style-type: none"> 1. Buildings are to be set back 10m from a rear and 5m from a side site boundary. 2. Awnings, canopies, balconies, sun shading and screening elements can project into the side to rear setback zones. 3. Basement car park structures should not encroach into the minimum required side or rear setback zone unless the structure can be designed to support mature trees and deep root planting. 	<p>The development is required to be set back 5m from the western boundary. The building complies with this setback. The new building will contain screening elements that project within this setback, however this is permitted by the DCP.</p> <p>The basement car park does not project within the required setback.</p>
Building Separation <ol style="list-style-type: none"> 1. Provide a minimum 20m separation between buildings facing each other within a site. 2. Provide a minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades do not exceed 20m. 	This clause is not applicable to the development.
Building Bulk <ol style="list-style-type: none"> 1. All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance). 2. The preferred distance of any point on a habited floor from a source of natural daylight is 12m. 3. Atria and courtyards are encouraged to promote access to natural light, pedestrian links and slender building forms. 4. Arrange courtyards and atria to respond to street and solar orientation. 	<p>Section 6.1.15 of the DCP refers to environmental performances and the development complies with these requirements.</p> <p>The development has proposed an atrium that will extend from the ground to Levels 1 and 2 of the building. This atrium will assist in ensuring natural light to the new and the existing building. The new building will provide adequate access to natural light.</p>
Site Coverage & Deep Soil Areas <ol style="list-style-type: none"> 1. A minimum 20% of a site must be provided as deep soil area. 2. Deep soil must be at least 2m deep. 3. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20m x 10m may be included. 	As all deep soil areas must have the dimensions of 20m x 10m, via the definition, the site contains no deep soil areas. Despite this, the site does provide deep soil areas around the perimeter of the site which will permit adequate landscaped areas. This control cannot be achieved due to the development retaining the existing building and the on grade car parking. The applicant has proposed a future masterplan which,

Control	Comments
	<p>while not part of this DA can be used to give an indication of how the site can be developed once the existing building is removed. In this scenario deep soil planting would be possible and in all likelihood, the development would achieve compliance. In this instance, the variation is considered acceptable.</p>
<p>Building Articulation</p> <ol style="list-style-type: none"> 1. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character. 2. Façade design is to reflect and respond to the orientation of the site using elements such as sun shading and environmental controls where appropriate. 3. Building services such as roof plant and parking ventilation are to be coordinated and integrated with the overall façade and building design, and screened from view. Roof forms, building services and screening elements are to occur within the overall height control. 	<p>The building articulation has generally been positively supported by Council's Urban Design Review Panel. The facades have been designed to ensure an appropriate scale, rhythm and proportion.</p>
<p>Ceiling Heights</p> <ol style="list-style-type: none"> 1. 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 2. Upper levels which are predominantly plant or parking may vary the minimum floor to ceiling height. 	<p>Each floor to floor height is 3.65m with the upper floor being 3.8m. This height results in a 2.7m floor to ceiling height. The development complies with the control with the exception of the ground floor. Whereas the development is required to have a floor to ceiling height of 3.6m, only 2.7m is proposed. This non-compliance is due to the need to connect this building to the existing building on the site as well as the small cross fall over the site. As the development has still provided an adequate entrance to the development, no objection is raised to this variation.</p>
<p>Active Frontages</p> <ol style="list-style-type: none"> 1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. 	<p>The site is not identified as a primary frontage or secondary active edge. Accordingly, this clause is not applicable.</p>
<p>Awnings & Canopies</p> <ol style="list-style-type: none"> 1. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP. Entry canopies and discontinuous awnings and entry canopies are permitted elsewhere in the corridor. 2. Entry canopies and discontinuous 	<p>An awning is not required to be provided on the site.</p> <p>An entry canopy has been provided to the new building entry. This entry lobby assists in providing a frontage to Giffnock Avenue as well as the Type 3 road. The entry canopy is solid and proposes a height of 4.2 metres.</p>

Control	Comments
<p>awnings may be provided to building entries not located along active frontages.</p> <ol style="list-style-type: none"> entry canopies may be glazed or solid, and are to be coordinated with the overall façade design. provide canopies with a soffit height of 3.6m-4.2m. 	
<p>Topography & Building Interface</p> <ol style="list-style-type: none"> Level changes across sites are to be resolved within the building footprint. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. An accessible path of travel is to be provided from the street through the main entry door of all buildings. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks. 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>The development has incorporated level changes within the footprint of the building. An accessible path of travel is provided from the street to the building and throughout the building.</p> <p>A pedestrian ramp and entry has been provided from the Type 3 road. This has been integrated into the landscape design.</p>
<p>Advertising Signage</p> <ol style="list-style-type: none"> Signage shall comply with Part 9.1 of the DCP. 	<p>Signage is not included as part of this development application.</p>
<p>Environmental Performance</p> <ol style="list-style-type: none"> Commercial development is required to achieve a 4 Star Green Star Certified Rating. Development is required to comply with Section 6.1.7 of the DCP (Building Bulk). 	<p>As the existing building on the site will be attached to the proposed building, a Green Star rating is not applicable. The development is however expected to meet the requirements for a 4.5 Star NABERS Energy. This will ensure that the building achieves an acceptable environmental performance.</p> <p>As previously detailed, the development complies with Section 6.1.7 of the DCP.</p>
<p>Wind Impact</p> <ol style="list-style-type: none"> Buildings shall not create uncomfortable of unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. 	<p>A Wind Assessment Report has been submitted with the development application. This report has concluded that the wind conditions for all trafficable areas within and around the site will be acceptable.</p>
<p>Noise & Vibration</p> <ol style="list-style-type: none"> An Acoustic Impact Assessment report prepared by a suitably qualified acoustic 	<p>The applicant has provided an Acoustic Report which has concluded that the development will comply with the relevant</p>

Control	Comments
<p>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.</p> <p>2. Development is to comply with all relevant statutory regulations.</p>	<p>noise goals for commercial premises. The report has also concluded as follows:</p> <ul style="list-style-type: none"> • No additional noise mitigation is required for the main rooftop plant room. • Noise from car parks and loading docks are well separated from neighbouring commercial buildings and is not expected to cause any adverse noise impacts.
6.2 – Private & Communal Open Space	
<p>Landscaping & Communal Courtyards</p> <ol style="list-style-type: none"> 1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area. 2. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June. 3. Appropriate shading is to be provided so that communal spaces are useable during summer. 4. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to provide for the growth of mid to large sized trees. 5. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. 	<p>Only 13% of the site will be landscaped. This figure excludes the dedicated road reserves. As this space is to be maintained as landscaped area for potentially the next 10 years in accordance with the VPA, it is reasonable to include this space as part of the landscaped area. This would result in the site having 24% of the site as landscaped area.</p> <p>The applicant has provided a future masterplan which while not part of this DA can be used to give an indication of how the site can be redeveloped once the existing building is removed. In this case scenario, the site would provide the required minimum landscaped area. In this instance the variation to the landscaped area is temporary and is acceptable in this instance.</p>
<p>Pedestrian Through-Site Links</p> <ol style="list-style-type: none"> 1. Pedestrian through site links must be provided: <ol style="list-style-type: none"> a) Where Pedestrian Access Corridors are shown in the Ryde LEP 2008 Amendment 1 – Access Plan. 	<p>This clause is not applicable to the development as the site does not contain any pedestrian through site links.</p>
<p>Planting on Structures</p> <ol style="list-style-type: none"> 1. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods. 2. Design planters to provide the largest possible volume of soil in accordance with recommended standards. 	<p>The development does not propose any plantings on structures.</p>
6.3 – Services & Site Management	
<p>Floodplain Management</p> <ol style="list-style-type: none"> 1. All stormwater leaving the site, at any time, up to a 1-in-20 year stormwater event, is treated/filtered in accordance with ANZECC Guidelines for Urban Stormwater management. 	<p>The development has been assessed by Council's Engineers and has been found to be satisfactory. (Refer to the Referral section of the report for further information).</p>

Control	Comments
2. Development must not increase peak stormwater flows for rainfall events of up to 1-in-2 year storm.	
Stormwater Drainage 1. 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.	The development has been assessed by Council’s Engineers and has been found to be satisfactory. (Refer to the Referral section of the report for further information).
Waste Management 1. 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 document was considered satisfactory and satisfies the provisions of this clause.
Soil Management 1. Development is to be designed and constructed to integrate with the natural topography of the site to minimum the need for excessive sediment disturbance and prevent soil loss. 2. Effective soil management and maintenance practices are to be followed to prevent soil loss.	The development has been conditioned to ensure that appropriate sediment and erosion control measures will be implemented. (See condition numbers 27 and 41).
Site Contamination 1. 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 site has previously been used as a commercial/warehouse building. In respect of site contamination, the site is considered suitable for the intended use.
Site Facilities 1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. 2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must: a) Be integrated with the development. b) Minimise the visibility of these facilities from the street. c) Be located away from openable windows to habitable rooms. 3. Barrier free access is to be provided to all shared facilities. 4. Provide at least one shower and	Vehicular access to the loading facilities is provided from Giffnock Avenue which is a tertiary street. A rubbish and recycling area has been provided within the basement and achieves the DCP requirements. Barrier free access has been provided to all aspects of the development. Change rooms and showers have been provided in the basement adjacent to the main bicycle parking area.

Control	Comments
<p>changing facility that is accessible to the building users.</p>	
<p>Vehicular Access</p> <ol style="list-style-type: none"> 1. Vehicular access is not permitted along streets identified as 'Active Frontages'. 2. Where practicable, vehicle access is to be from secondary streets. 3. Potential pedestrian/vehicle conflict is to be minimised by: <ol style="list-style-type: none"> a) Limiting the width and number of vehicle access points. b) Ensuring clear site lines at pedestrian and vehicle crossings. c) Utilising traffic calming devices. d) Separating and clearly distinguishing between pedestrian and vehicular accessways. 4. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards. 	<p>Vehicular access is proposed from the existing Giffnock Avenue frontage. Giffnock Avenue has not been identified as an active frontage. The width of the driveway will comply with the requirements of the DCP as well as the Australian Standard.</p> <p>Potential pedestrian and vehicular conflict has been limited with only the existing access and egress crossings being utilized.</p> <p>All new parking is located within the basement of the building.</p>
<p>On-Site Parking</p> <ol style="list-style-type: none"> 1. Safe and secure 24 hour access to car parking areas is to be provided for building users. 2. Parking areas must not be located within the front, side or rear setbacks. 3. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures. 4. Provide safe and direct access from parking areas to building entry points. 5. Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants. 6. Basement parking should be contained wholly beneath ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along the public street. 7. Basement parking should be contained wholly beneath ground level along public streets. Where this cannot be achieved 	<p>The development has incorporated safe and direct access from the basement car parking areas to the building entry points as well as providing 24 hour access to the car parking areas.</p> <p>The basement car parking will not be visible from any proposed road or Giffnock Avenue as it does not extend within the setbacks of the development. The basement car parks are located directly under the building's footprint.</p> <p>The number of car parking spaces has been determined in accordance with the RLEP 2010.</p> <p>In terms of bicycle parking the development is required to provide 51 spaces for employees and 14 spaces for visitors, totaling bicycle parking for 65 bikes. The development has proposed spaces for 66 bicycles and complies with the requirement.</p>

Control	Comments
<p>due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along the public street.</p> <p>8. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p> <p>9. Car parking for commercial/industrial development is to be provided for in accordance with the rates contained in the RPSO.</p> <p>10. Bicycle parking is to be provided at the following rates: Commercial – employee minimum 1 space per 200m² gfa. Visitor minimum 1 space per 750m² gfa.</p>	
<p>Work Place Travel Plan (WPTP)</p> <p>1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees.</p>	<p>A WPTP has not been submitted with the development application. A condition of consent will be imposed requiring the WPTP to be submitted with any fitout application for the future tenant. (See condition number 70).</p>

Part 7.2 Of DCP 2010 - Waste Minimisation and Management

A concept Waste Management Plan has been submitted with the development application. The information provided satisfies the requirements of this part of the DCP. Appropriate conditions of consent have been incorporated into the recommendation to ensure compliance with the general objectives of the DCP.

Part 8.1 of DCP 2010 - Construction Activities

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent.

Part 8.2 of DCP 2010 - Stormwater Management

Council's Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of Part 8.2 of DCP 2010.

Part 9.2 of DCP 2010 - Access for People with Disabilities

The DCP requires that the commercial building must be accessible to people with disabilities via a continuous accessible path of travel to and through the

entrances as well as the entire ground floor being accessible. In addition, the each level of the building must be accessible.

The applicant has provided an Access Review Report which demonstrates that in general the development will provide a continuous accessible path of travel for people with disabilities. The report also gives recommendations that will need to be addressed in the detailed design prior to any Construction Certificate.

The main recommendations that have arisen from the review include:

- The development will be required to provide a minimum of 3% accessible car parking bays in accordance with DCP 2010. The development currently proposes 2 accessible car parking bays which represents 1.14% of total car bays. This will need to be increased to 5 car parking spaces. A condition of consent has been imposed to ensure details which demonstrate compliance is submitted with the Construction Certificate. (See condition number 31).
- The entry ramp has a gradient of 1:15 and an intermediate landing at an interval of 9000mm which is compliant with AS1428.1. Council's DCP requires that the appropriate landings should be every 6000mm. The report has recommended that this be addressed in the Construction Certificate drawings. (See condition number 32).

A condition of consent has also been imposed to ensure that the development complies with the access report and the appropriate standards. (See condition number 30).

Part 9.3 of DCP 2010 - Car Parking

The number of car parking spaces required to be provided for the commercial development has been previously considered based on the requirements of Clause 4.5E of LEP 2010.

The DCP requires that all new developments are required to provide on site loading and unloading facilities which complies with AS2890.1 and AS2890.2.

Servicing of the site is proposed to be undertaken by vans and couriers. These vehicles would use the available visitor parking or a designated loading area adjacent to the western elevation of the existing building. This approach is typical for commercial developments. The applicant has also advised that any servicing by larger vehicles would be undertaken on weekends and outside peak periods when adequate space parking within the ground floor is available. Council's Traffic Engineer is satisfied with this access arrangement subject to a condition of consent requiring a loading bay management plan (see condition number 77).

8.6 Section 94 Development Contributions Plan 2007 (Amendment 2010)

Development Contributions Plan – 2007 (2010 Amendment) 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 contributions that are payable with respect to the increased floor area are based on the following figures being inside Macquarie Park:

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$372,561.67	
Open Space and Recreation Facilities	\$0	
Civic and Urban Improvements	\$364,998.74	
Roads and Traffic Management Facilities	\$383,847.89	
Transport and Accessibility Facilities	\$0	
Cycleways	\$50,380.76	
Stormwater Management Facilities	\$44,679.48	
Plan Administration	\$13,496.93	
Grand Total		\$1,229,965.47

Notes:

- The December 2011 rates have been applied to the development.
- No credit has been given for the existing floorspace.

Condition 20 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

9. LIKELY IMPACTS OF THE DEVELOPMENT

Many of the impacts associated with the proposed development have already been addressed in the report. Other likely impacts include:

9.1 Tree Removal

The original plans resulted in the loss of 40 trees. The following diagram illustrates the location of the trees to be removed.

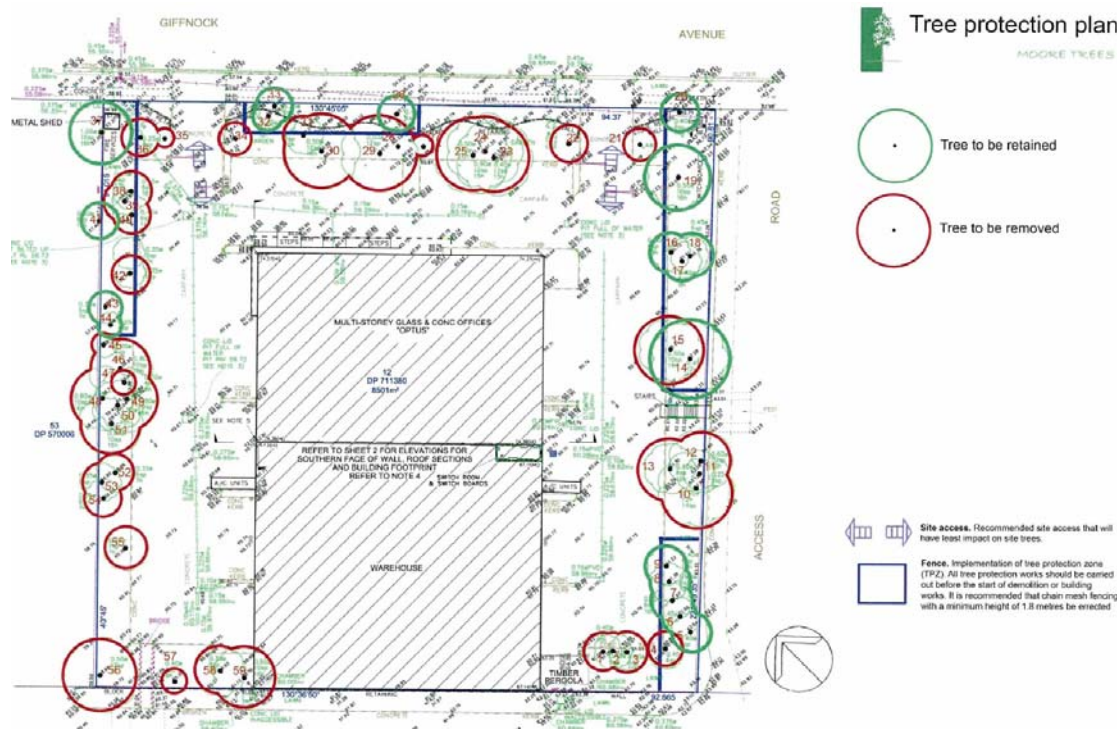


Figure 10. The above figure illustrates the location of the trees to be removed. Amended plans were subsequently submitted that retains 6 further trees within the street setback area.

As can be seen from the above diagram the trees are all located around the boundaries of the site. While the trees to be removed along the rear and 2 side boundaries is a direct consequence of the development, the trees within the street setback were proposed to be removed to accommodate further car parking. The applicant has subsequently submitted an amended plan which retains the car parking as existing and results in the retention of a further 6 large trees within the front setback area. The loss of 7 car parking spaces is unlikely to adversely affect the development, however the retention of the trees is important in terms of the landscaped character of the area.

The applicant has submitted a detailed landscaped plan which proposes a significant amount of replacement planning. The replacement planting addresses the location of the proposed roads as well as being appropriate sized species for the site. The replacement planting will compensate for the loss of the existing trees as well as improving the long term landscape treatment of the site.

9.2 Traffic Generation

Council's assessment process for traffic generation in Macquarie Park requires the future traffic generation to be assessed in accordance with the RTA Guide to Traffic Generating Developments. This assumes a parking rate of 1 space per 40m². The applicant has argued that this rate is not appropriate for the proposed development as the development is providing parking at a rate of 1 space per 81m² and the reduced parking will result in fewer vehicles arriving/departing the premises. The applicant proposed to calculate the trip generation by way of assessing the number of trips per car space. The

applicant was supplied with surveyed peak hour trips based on the existing 2103 car spaces belonging to Optus Campus. The data presented a maximum peak hour rate of 0.3 trips per car space. However the applicant has adopted a more conservative trip rate of 0.4 trips per car space. Council's Traffic Engineer has agreed with the approach taken by the applicant as sufficient consideration and evidence has been presented to support the validity of calculating the traffic generation as a result of the proposed development.

This has resulted in an additional 50 trips in the peak hour. This increase is unlikely to have any noticeable effect on the surrounding intersections.

10 THE PUBLIC INTEREST

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur, the development still complies with the objectives of the particular control.

11 REFERRALS

External referrals

NSW Police

Eastwood Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design. Comments from Eastwood Police are summarized below:

- **Surveillance:** A number of recommendations have been made to ensure appropriate levels of surveillance throughout the development, including the use of CCTV security cameras and security mirrors within corridors and blind corners. These recommendations have been imposed as conditions of consent. (See condition number 57).
- **Lighting:** Recommendations were made in respect to lighting including the submission of a lighting maintenance policy and appropriate lighting near the entry exit points. These recommendations have been imposed as conditions of consent. (See condition number 59).
- **Territorial Re-enforcement:** Recommendations are made regarding the types of signage to be provided throughout the development to assist in crime avoidance. The recommended signage has been imposed as conditions of consent. (See condition number 58).
- **Environmental Maintenance:** A recommendation has been made in respect to graffiti management as well as a site maintenance plan. This has been imposed as a condition of consent. (See condition number 60).
- **Space/Activity Management:** Concerns have been raised in respect to access to the basement. A condition of consent has been imposed to require authorized access to the basement. (See condition number 61).
- **Access Control:** Specific access control recommendations were made to minimise the intrusion into the development. These recommendations have been imposed as conditions of consent. (See condition number 61 to 63).

Roads and Maritime Services

No objections have been raised to the proposed development.

Internal Referrals

Development Engineer: No objections subject to conditions of consent.

Environmental Health Officer: No objections are raised to the proposed development.

Traffic Engineer: No objections were raised to the development subject to one condition of consent. (See condition number 77).

Consultant Landscape Architect: No objection to the development subject to two conditions of consent. One of these conditions is in respect to tree protection measures and the other condition requires additional planting the Giffnock Avenue frontage. (See condition numbers 54 and 79).

12 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was exhibited between 19 January 2012 and 22 February 2012. During this time, no submissions were received.

13 CONCLUSION

The proposed development is for the demolition of an existing warehouse and the construction of a 7 storey office building which will be attached to the existing 3 storey office building. The development will contain a gross floor area of 10,294m² as well as two levels of basement car parking. The development also involves subdivision of the site to create road reserves which will be dedicated to Council, along the southern and eastern boundaries of the site.

The development results in some non compliances with the planning controls. This includes a 11.83% variation to the floor space ratio. This variation is supported by Council's controls which permits exceedance of the floor space ratio where the development is providing public benefit. The public benefit in this case is established in a Voluntary Planning Agreement which proposes a cash contribution and dedication of part of the future roadway. The development also breaches the maximum height control in respect of the plant rooms. There are variations to Council's requirements in respect of the total landscaped area, deep soil planting and landscaping within the eastern side setback. These variations occur due to the retention of the existing building and the at grade parking. Any future redevelopment of the site would ensure that these areas of non compliance are removed. As these matters are temporary non compliances, the variations are acceptable.

The development application is recommended for approval subject to conditions.

14 RECOMMENDATIONS

A. Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- (a) That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2011/0644 for the construction of a commercial building at 22 Giffnock Avenue, Macquarie Park, subject to the Conditions of Consent in Attachment 1 of this report.

B. That a copy of the development consent be forwarded to the Roads and Maritime Services.

Report prepared by:

Sandra Bailey
Team Leader Major Developments

Report approved by:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager – Environment and Planning

ATTACHMENT 1

CONDITIONS OF CONSENT

GENERAL

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

1. **Approved Plans.** 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
Demolition Plan	16/3/12	DA-301 Issue D. Rice Daubney
Demolition Elevation	12/12/11	DA0302 Issue B. Rice Daubney
Basement Level 1	12/12/11	DA1011 Issue D. Rice Daubney
Basement Level 2	12/12/11	DA1102 Issue D. Rice Daubney
Ground Floor	14/3/12	DA1201 Issue I. Rice Daubney
Level 01	13/12/11	DA1301 Issue D. Rice Daubney
Level 02	13/12/11	DA1302 Issue C. Rice Daubney
Level 03	13/12/11	DA1303 Issue B. Rice Daubney
Level 04	13/12/11	DA1304 Issue B. Rice Daubney
Level 05	13/12/11	DA1305 Issue B. Rice Daubney
Level 06	13/12/11	DA1306 Issue B. Rice Daubney
Level 06 – Plant	13/12/11	DA1401 Issue B. Rice Daubney
Elevations	13/12/11	DA1501 Issue E. Rice Daubney
Elevations	13/12/11	DA1502 Issue E. Rice Daubney
Sections	13/12/11	DA1601 Issue B. Rice Daubney
Cover Sheet	16/3/12	000 Issue D. Arcadia Landscape Architecture.
Landscape Plan	16/3/12	101 Issue D. Arcadia Landscape Architecture.
Landscape Details	16/3/12	501 Issue B. Arcadia Landscape Architecture.
Plan of Subdivision		114400500-00

2. **Voluntary Planning Agreement** - Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Goodman Property Services (Australia) Pty Limited that relates to the development application the subject of this consent, must be lodged for registration on the title of the property within 3 months following issue of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979 and registration on the title of the property prior to the issue of any interim Occupation Certificate.

3. **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.
4. **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.
5. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
9. **Compliance with Australian Standards.** All work including demolition is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration by the proposed works on this site shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be

carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

13. **Road 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.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

14. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
15. **Excavation.** All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
16. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
17. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
18. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$372,561.67
Open Space & Recreation Facilities	\$0
Civic & Urban Improvements	\$364,998.74
Roads & Traffic Management Facilities	\$383,847.89
Cycleways	\$50,380.76
Stormwater Management Facilities	\$44,679.48
Plan Administration	\$13,496.93
The total contribution is	\$1,229,965.47

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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.

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

21. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
22. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
23. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
24. **Council Inspections.** To ensure all proposed stormwater connections to Council's drainage system will be completed satisfactorily, Council's engineer must inspect stormwater connection(s) to Council's existing stormwater pipeline/pit prior to backfilling. Council shall be notified when the collar connection has been completed to Council's pipeline/pit in accordance with standard details shown in City of Ryde, Development Control Plan 2006: - Part 8.2 - Stormwater Management and an inspection must be made **before** backfill. An inspection fee(s) of \$150 in accordance with Council's Management Plan shall be paid to Council prior to issue of Construction Certificate
25. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions including driveway gradients etc. shall comply with relevant provision of AS 2890 where applicable. Accordingly, detailed plans and engineering certification indicating compliance are to be submitted with the Construction Certificate application.
26. **On-Site Stormwater Detention.** Stormwater runoff from the site shall be collected and piped by gravity flow to Council's existing underground stormwater system in Giffnock Avenue via an on-site detention system designed in accordance with City of Ryde, Development Control Plan

2010: - Part 8.2; Stormwater Management. Accordingly, the site drainage and OSD system shall be designed to incorporate but not be limited to:

- a. Ensure the OSD design is not affected by backwater flow from Council's drainage system
- b. All gutters, downpipes and pipeline conveying runoff to the OSD tank are to be sized for the 1 in 100 year, 5 minute duration storm.

Detailed engineering plans prepared by a chartered civil engineer with NPER registration with Engineers Australia along with certification indicating compliance with this condition are to be submitted with the construction certificate application.

27. **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 Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- (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.

28. **Mechanical Ventilation.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:

- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and

- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications

29. Garbage and Recycling Rooms. All garbage and recycling rooms must be constructed in accordance with the following requirements:

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

Details demonstrating compliance must be submitted on the Construction Certificate plans.

30. Disabled Access. Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Morris-Goding Accessibility Consulting dated 29th November 2011. Details indicating compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the construction certificate being issued. Prior to occupation of the development, a suitably qualified access consultant is to certify that

the development complies with Australian Standard 1428 and the Building Code of Australia.

31. **Accessible Car Parking.** The development is to provide a minimum of 5 accessible car parking bays. The design, layout and location of these spaces is to be in accordance with AS2890.6. Details indicating compliance are to be demonstrated on the Construction Certificate plans.
32. **Entry ramp from the Eastern Boundary.** The external entry ramp located adjacent to the proposed eastern boundary which connects to the main entrance of the proposed building is to have appropriate landings every 6 metres maximum to ensure compliance with Part 9.2 of DCP 2010. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
33. **Satisfaction of VPA Requirements.** Documentary evidence of payment of the monetary contribution as identified in the Voluntary Planning Agreement is to be provided to the PCA prior to the issue of any Construction Certificate.
34. **Reflectivity.** The development is to comply with the recommendations of the Solar Light Reflectivity Analysis prepared by Windtec and dated 6 December 2011. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
35. **Bicycle Parking.** A minimum of 66 bicycle parking rails or lockers designed and installed in accordance with the Australian Standard AS2890.3 are to be provided with the development. Details are to be submitted on the Construction Certificate plans.
36. **Energy Efficiency.** Prior to the issue of the Construction Certificate, plans and specifications must be provided to the Principal Certifying Authority (PCA) that detail how the development will achieve the recommendations and predictions contained in the Energy Efficiency Performance Report prepared by Cardno ITC Pty Limited (dated 13/12/11). Certification that the building will achieve the prediction of this evaluation must also be submitted to the PCA by a suitably qualified consultant prior to the issue of the Construction Certificate.

Certification of the energy efficiency performance of the building must be submitted to the PCA by a suitably qualified consultant prior to the Final Occupation Certificate being issued
37. **Service Infrastructure/Utilities.** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like (unless already shown on the plan) shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.

38. **Stormwater Design.** The site stormwater drainage design shall ensure there will be no conflict between the proposed Humeceptor, stormwater pipe connections and the modified stormwater pit with the existing fire hydrant room to be retained. Accordingly, revised stormwater drainage plans indicating compliance with this requirement are to be submitted with the Construction Certificate application.
39. **Macquarie Park Public Domain Technical Manual.** The public domain along the entire site frontage of Giffnock Avenue is to be upgraded in accordance with the Macquarie Park Public Domain Manual. This includes street lighting, footpath paving and street furniture. The existing street tree planting that will be undertaken by Council around April 2012 is to be retained and incorporated into the details to be submitted to Council. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of the Construction Certificate 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.

40. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

41. **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.

42. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
43. **Vehicle Footpath Crossings.** To facilitate safe access to and from the site, new concrete layback and apron crossings are to be constructed at locations as indicated on the approved plan. The width, design and construction shall conform to Ryde City Council's Environmental Standards Development Criteria – Section 1-Driveways-1999. Additionally, crossings are to be constructed in plain reinforced concrete with finished levels comply with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the property boundary alignment and Bridge and pipe crossings will not be permitted.
44. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted to and approved by the PCA prior to any works commencing on the site.

The TMP shall be prepared in accordance with Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, the RMS's Manual – “Traffic Control at Work Sites”. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

Additionally, all traffic controllers on site must be RMS accredited traffic controllers.

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.

45. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
46. **Noise and vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

47. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
48. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
49. **Council owned land.** All materials associated with construction must be retained within the site.
50. **Site Facilities.** The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
51. **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.
52. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
53. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
54. **Tree protection.** The schedule of trees to be removed, and the construction management of trees to be retained is to be in accordance with the arborist's report prepared by Paul Vezgoff for Moore Trees, dated 13th December , 2011. Additional trees (numbered 22-34) along the Giffnock Avenue frontage are to be retained and protected and incorporated into proposed landscaping. Tree protection measures are to be as specified in Part 5 Tree Protection (pp 11-12) of the report, and installed prior to the commencement of any site works.
55. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

56. **Security Mirrors.** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners.
57. **CCTV.** CCTV cameras are to be installed both within and around the building to maximise surveillance opportunities. These cameras are also to be installed within the basement particularly near the entry and exit points. The following is to be provided:
- (a) Digital technology is to be installed to record images from the cameras.
 - (b) Recording equipment is to be stored in a secure area to avoid tampering.
58. **Safety and Warning Signage.** The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:
- (a) At the entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.
 - (b) On fire exit doors warning users that the doors are to be used for emergency purposes only.
59. **Lighting.** All lighting is to comply with the following requirements:
- (a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - (b) A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
60. **Site Maintenance Plan.** A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including CCTV cameras, security communications devices, card readers) and lighting, lighting and signage. A graffiti maintenance plan is to be incorporated into the site maintenance plan.
61. **Access to Basement Car Park.** A security access such as boom gates or a lockable roller shutter is to be provided to the entry/exit point of the basement car park. Access to the basement is to be for employees only. Access control should be provided from the basement area to the internal areas of the building so that only employees can access the building.
62. **Locks for Entry/Exit Points.** The main entry and exit points for the building are to be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets).
63. **Glass in Entry Doors.** Glass within the main entry/exit doors are to be laminated to enhance the physical security of the doors.
64. **Street Lighting.** Street lighting on Multifunction Poles shall be provided on the Giffnock Avenue frontage of the site. The lighting is to be designed and installed in accordance with the Macquarie Park Public Domain Technical

Manual. Electrical design plans showing the new installations with metered circuit and removal of the existing light and pole shall be submitted to Council and Ausgrid for approval prior to this work commencing.

65. **Kerb and Gutter.** Any existing or construction damaged sections of kerb and gutter as assessed by Council's Asset Systems Unit shall be replaced prior to laying new granite footway paving.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

66. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

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

67. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

68. **Public domain.** Prior to the issue of any Occupation Certificate the public domain along Giffnock Avenue is to be upgraded. This work is to be completed in accordance with the plan and details approved as part of condition number 39. All work is to be completed in accordance with the requirements of the Macquarie Park Public Domain Manual. A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
69. **Public Art.** Prior to the issue of any Occupation Certificate, the public art as detailed in the Public Art Plan prepared by Site Image and dated 7th February 2012 is to be provided on the site.
70. **Work Place Travel Plan.** Prior to the occupation of the building, a work place travel plan is to be prepared and a copy submitted to Council. The work place travel plan must include, but will not be limited to strategies to encourage public transport use, the encouragement to stagger start and finish times for employees, car pooling and teleworking to minimize the impact on the road system.
71. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria – 1999 section 4*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria – 1999 section 4 and Development Control Plan 2010: - Part 8.2; Stormwater Management*
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - 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 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).

72. 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 City of Ryde, Development Control Plan 2010: - 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.

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

74. 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.

75. Land Dedication. The dedication of land to council for future public road reserve along the entire south east and south west frontage of the site for future type 3 and 2 road respectively with the width of dedication as detailed on the draft plan of subdivision reference number 114400500-00 is to occur in accordance with the timing specified in the VPA.

76. Maintenance Of Dedicated Road Reserve. The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the subject property with the requirement to maintain the dedicated road reserve along the south east and south west frontage of the site identified as future type 3 and 2 road respectively as detailed on the "interim Masterplan" Project No. 09108 – DA 0902 issue B dated 12.12.11

prepared by Rice Daubney Architects. The term of maintenance shall be to Council's satisfaction but shall include, but not be limited to the maintenance of an on going public liability insurance to a minimum value of 20 million dollars. The terms of maintenance will cease upon the dedicated land becoming a fully operational public road, however at such time the proprietor of the land will be responsible for the removal of all encroachment e.g structures, Kiosk etc on the public road reserve at no cost to the Council.

77. Loading Bay Management Plan. The applicant is to provide a "Loading Bay Management Plan (LDMP)" for the site that clearly stipulates the direction of travel by service vehicles (including the maximum vehicle size) and all signage attributes (way-find signage, pavement markings, loading bay wording and any associated re-enforcement pavement markings) to ensure that service vehicle movements to/from the loading bay are seamless. The LDMP shall be issued to Council prior to the issue of an Occupational Certificate.

78. Mechanical Ventilation. Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

79. Further Tree Planting. Additional tree planting along the Giffnock Avenue frontage, in accordance with Landscape Drawing No. 2 Future Colour Landscape Plan, Issue A, should occur with the current staged development in anticipation of the eventual removal of the present frontage planting. All tree planting associated with the development is to be a minimum 100 litre bag size at the time of installation. This planting is to be provided prior to the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS

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

80. 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*.

81. Operation of Plant or Machinery. The operation of any plant or machinery 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 the most affected noise sensitive location in the vicinity. 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.

82. Air Handling and Water Systems. All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

83. Water Cooling and Warm Water Systems. All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.

84. Use of the Premises. The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.

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