

ATTACHMENT 1

Recommended Conditions of Consent (LDA2013/0106)

DEFERRED COMMENCEMENT

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

The following condition is to be complied with prior to consent becoming operational.

- 1. Registration of Easement:** To legalise future stormwater discharge from proposed new road into the existing stormwater pipeline traversing No. 93-99 Waterloo Road, a minimum 2.5m wide drainage easement shall be created in favour of Council over this pipeline and applicable downstream properties. Documentation from the Land and Property Information Office demonstrating compliance with this requirement is to be submitted to council before the Consent can become operative.

NOTE: This requirement must be met within 6 months of the date of issue of the Deferred Commencement Consent.

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

GENERAL

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

- 1. Approved Plans.** 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	Plan Number	Date	Issue
Demolition Plan	DA-005	1/08/2013	2
Ground Floor	DA-007	1/08/2013	4
Basement 1	DA-008	1/08/2013	2
Basement 2	DA-009	1/08/2013	2
Basement 3	DA-010	1/08/2013	2
Levels 1-5	DA-011	1/08/2013	1

Level 6 – Plant	DA-012	1/08/2013	2
Elevations	DA-013	1/08/2013	2
Elevations	DA-014	1/08/2013	2
Sections	DA-015	1/08/2013	2
Section B-B	DA-016	1/08/2013	2
3D Perspective	DA-018	1/08/2013	2
3D Perspective	DA-019	1/08/2013	2
3D Perspective	DA-020	1/08/2013	2
Stormwater	H06	7/08/2013	02
Stormwater	H05	7/08/2013	02
Stormwater	H04	7/08/2013	02
Stormwater	H03	7/08/2013	02
Stormwater	H02	7/08/2013	02
Stormwater	H01	7/08/2013	03
Stormwater	H00	7/08/2013	02
Landscape Concept	LP01C	5/12/2012	C
Landscape Concept	LP02 B	5/12/2012	B

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (or as marked in red on the approved plans):

- (a) The Landscape Plan is to be amended to include the following details and submitted for approval with the application for Construction Certificate:
 - Screen planting (to 2.5m high) along the Northern boundary should be incorporated as part of the proposed plant palette for the site.
 - Details of the proposed podium planting along the Western end of the building are to be provided for Construction Certificate, showing top of wall heights, wall materials along with details of drainage within the raised planters.
 - Provide Landscape details and technical Specification as part of the Construction Certificate documentation.
 - Show the locations of stormwater pit on the landscape plans so that it does not conflict with the planting proposed on the site.

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* and relevant Development Control Plans except as amended by other conditions.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

13. **Engineering Compliance Certificates.** Engineering Compliance Certificates must be obtained for the following works at the specified stage (If Council is appointed the PCA then the appropriate inspection fee is to be paid to Council) and **submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:**
- Prior to backfilling of pipelines in which Council has an interest.
 - Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
 - Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.
14. **Fill** - All imported fill must be uncontaminated and be validated in accordance with the *Contaminated Sites: Sampling Design Guidelines* (EPA, 1995) before being used on the site.
15. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area, be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
16. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
17. **Further requirements** - If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.

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.

18. **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.
19. **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.
20. **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.
21. **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.
22. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
23. **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.
24. **Disposal of asbestos wastes** - All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.
25. **Licensed contractor** -All Asbestos containing materials shall be removed and a licensed removal contractor under the Work Health and Safety Act 2011 and/or Work Health and Safety Regulation 2011 shall carry out these works. These removal works are to be completed in accordance with the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (2005)].

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.

26. **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	\$433,532.84
Open Space & Recreation Facilities	\$0
Civic & Urban Improvements	\$424,734.83
Roads & Traffic Management Facilities	\$455,723.82
Cycleways	\$58,623.77
Stormwater Management Facilities	\$53,045.76
Plan Administration	\$15,705.95
The total contribution is	\$1,441,366.97

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>.

27. **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)

28. **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

29. **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**.

30. **Maintenance Bond.** To ensure satisfactory performance of the completed external public engineering works, a maintenance period of six (6) months shall apply to all external public engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$25,000 shall be lodged with City of Ryde prior to issue of the **Construction Certificate** to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

31. **Pedestrian Link** - Steel palisade fencing is to be provided along the western property boundary adjacent to the pedestrian link. The fencing should not be solid. Paving of the pedestrian link at rear of property is to be coloured concrete with black granite (600x300x60mm) banding at 6m intervals. Full construction details including samples and dimensioned plans, demonstrating compliance with Council's Macquarie Park Public Domain Technical Manual are to be submitted and approval obtained from Council prior to the issue of Construction Certificate. A Right of Way must be created over the pedestrian link in favour of Council for public access in accordance with the Voluntary Planning Agreement approved in relation to this Consent.

32. **Public Domain and Infrastructure Works:** To facilitate access to and from the proposed development, the following external public engineering works shall be constructed at no cost to Council. Detailed engineering plans are to be submitted to Council for approval prior to issue of Construction Certificate and the works will need to be constructed prior to issue of any occupation certificate.

- (a) The construction of a new type 2 Road having a road formation width of 20m comprising of 11m sealed carriage way (a 3m wide traffic lane and 2.5m wide parking lane on each side) and 4.5m wide footpath on both sides. The construction shall include kerb and gutters, underground piped stormwater drainage, street lighting and Water Sensitive Urban Design (WSUD) treatment

system, including any other necessary works where required to make the construction effective.

- (b) Detailed engineering plans prepared by a chartered civil engineer in accordance with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works and the Macquarie Park Public Domain Technical Manual, DCP 2010 Part 8.2 are to be submitted to Council for approval.
- (c) The Public Domain improvement works including (but not limited to) footpath paving, street tree planting, provision of street lighting and undergrounding of electrical mains along the frontage of the subject site on Khartoum Road and along the frontage of the subject site with respect to the New Road are to be designed and constructed by the applicant at no cost to Council. All works are to be carried out in accordance with the commitments of the Voluntary Planning Agreement and the Macquarie Park Public Domain Technical Manual. Detailed engineering plans prepared by a chartered civil engineer are to be submitted to and approved by Council prior to issue of Construction Certificate. Applicants must ensure that the health of the street trees are guaranteed for a minimum of five years to ensure the character and appearance of the streetscape is established and maintained. Any plants that die within five years of planting must be replaced by the applicant with a specimen of a similar size and maturity.
- (d) Street Lighting is to be installed on multifunction poles that comply with Council's specification, along both the Khartoum Road and New Road frontages of the site, at locations nominated in the Master Street Lighting Plan for Macquarie Park or in the absence of that Plan, at spacing determined during the detail design to comply with AS/NZS 1158 for road and footpath lighting. The street lighting plans are to be submitted to Council for approval.
- (e) Engineering plans assessment and works inspection fees are payable to Council for the above works, in accordance with Council's Management Plan prior to any approval being granted by Council.

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

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles

- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

34. **Stormwater Management.** To ensure that stormwater runoff from the development is in undertaken manner and without impact to neighbouring properties, detailed stormwater management plans and certification of the stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to the new concrete junction pit located on land to be dedicated to Council, generally in accordance with the plans by Cardno ITC, (Refer to Project No. NA020FY13020 Rev 02 dated 07 August 2013).

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;

- The certification must state that the submitted design (including all components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a total site discharge during the 100yr ARI storm event equivalent to {the pre-developed (pervious) state of the site and that the onsite detention volume has been sized appropriately to accommodate stormwater runoff from the proposed development.

35. **Engineering Assessment:** Submission of detailed engineering plans and calculations prepared by a chartered civil engineer demonstrating the existing pipeline traversing through No. 93-99 Waterloo Road will have sufficient capacity to accept the discharge from the proposed development, including how the 1 in 100 year overland flow surcharge can be safely managed from the new road to Waterloo Road. Where the capacity is proved deficient, detailed engineering design of amplification works are to be submitted to and approved by Council prior to issue of Construction Certificate with the amplification works being completed prior to issue of any Occupation Certificate.

The design and assessment are to comply with DCP 2010 Part 8.2 Stormwater Management and engineering assessment fees are payable in accordance with Council's Management Plan, prior to approval being granted by Council.

Additionally, the proposed gross pollutant trap must be relocated to a suitable location wholly on the subject site so that the site traffic flows will not be obstructed and public infrastructure damaged when maintenance service is conducted on the GPT.

36. **Water Sensitive Urban Design:** Submission of detailed engineering plans, calculations including computer modelling results (Music model) prepared by a chartered civil engineer to demonstrate how the following stormwater quality targets will be met for the proposed development.
- 90% reduction in the post development mean annual load of Total Gross Pollutant Loads (greater than 5mm);
 - 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).
 - 60% reduction in the post development mean annual load of Total Phosphorous (TP).
 - 45% reduction in the post development mean annual load of Total Nitrogen (TN)
37. **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 28th March 2013. 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 and Premises Standards 2010 in relation to accessibility.
38. **Accessible Car Parking.** The development is to provide a minimum of 5 accessible car parking bays out of the 250 approved parking spaces on the site. The design, layout and location of these spaces is to be in accordance with AS2890.6. The accessible car bays and shared areas must have 2500mm vertical clearance with 2200 vertical clearance leading to the accessible car bays. Details indicating compliance are to be demonstrated on the Construction Certificate plans.
39. **Boom Gate Design:** The design must ensure that the location of the proposed boom gate and the visitor card reader/ intercom and the roller shutter door at the entry to the site is located no less than 5m inside the site boundary to ensure vehicles entering the property do not queue over the footpath whilst using the visitor card reader/ intercom, or waiting for the gate to open. The roller shutter door at the entry to the site will need to ensure there will be sufficient shelter length in accordance with AS/NZS 2890.1 Section 3.4 and Table 3.3 to prevent vehicles queuing or reversing

across the footpath. Plans and Traffic Engineer certification confirming compliance are to be submitted with the Construction Certificate application.

40. **Intersection Design:** The geometric design of the intersection of the new road with Khartoum Road shall ensure a HRV vehicle can safely negotiate the intersection at a minimum speed of 15km/hr without encroaching onto the kerb or wrong side of the road. Plans including computer generated turning paths and Traffic Engineer certification indicating compliance are to be submitted with the Construction Certificate application.
41. **Parking Restriction:** “No Parking” restrictions shall be established on Khartoum Road on approach to Talavera/Khartoum Rd intersection for 100m between the hours of 6-10am and 3-7pm to facilitate safe traffic movement as required by the Roads and Maritime Services. The applicant must ensure that occurs in a timely manner as this will require approval of the Ryde Local Traffic Committee (applicant to seek approval through Council’s Public Works Department).
42. **Carparking/Driveway Access Design:** To facilitate safe traffic flows to and from the site the proposed carparking layout and driveway design shall comply with relevant sections of Australian Standards AS 2890, to accommodate the safe forward in and out manoeuvre of the largest vehicle visiting the site.
43. **Reflectivity.** The development is to comply with the recommendations of the Solar Light Reflectivity Analysis prepared by Windtec and dated 12 November 2012. In this regard the selected glazing for the façade of the proposed development should have a maximum normal specular reflectance of visible light of 20% to avoid any adverse glare to motorists, pedestrian and occupants of the neighbouring building. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
44. **Bicycle Parking.** A minimum of 74 bicycle parking rails or lockers designed and installed in accordance with the Australian Standard AS2890.3 are to be provided with the development. Adequate storage, change room and shower facilities must be provided adjacent to the bicycle parking area on the ground floor level. Details are to be submitted on the Construction Certificate plans.
45. **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 23/11/12). 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

46. **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.
47. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all public and private properties adjoining the site and provide an accurate record of the existing condition of adjoining public and private properties (including any public place and infrastructure services) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
48. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction certificate.

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” where applicable. 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 RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

49. **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
- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

50. **Kitchen Exhaust System** - Adequate provision must be made for the future installation of kitchen exhaust systems to the proposed retail café. Details are to be provided on the Construction Certificate plans.
51. **Ventilation of Car Park** - Details of the proposed method of ventilating the basement carpark must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
52. **Water Cooling System** - Details of any proposed water-cooling systems, and alterations to any existing systems (including the installation of new cooling towers), must be submitted to and approved by Council before the issue of a Construction Certificate. Such details must include:
- (a) Certified plans and specifications of the proposed water cooling system;
 - (b) A site survey plan showing the location of the proposed cooling tower and any air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - (c) Access details for inspection and maintenance purposes;
 - (d) Details of the proposed water treatment system; and
 - (e) A Compliance Certificate from a suitably qualified person certifying that the design of the cooling tower(s) complies with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial Control – Design, installation and commissioning*.
53. **Trade Waste Permit** - The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
54. **Details of the Garbage Rooms** - Details of the proposed garbage room(s) must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Should a food premises be installed on site, the garbage room shall comply with AS 4674:2004 and Council's DCP 2006 "Waste Minimisation and Management". Such details must include:
- (a) the specifications and layout of all proposed waste containers and equipment; and
 - (b) the access to the collection point.

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.

55. 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.

56. Pre Construction Meeting. To establish a program of required inspections including construction standards expectation and clarifying possible issues, a pre construction meeting shall be arranged with Council's engineer by the project builder and site engineer, prior to commencement any works being on the external public infrastructure works.

57. Relocation of bus stop. To facilitate construction works it may be necessary to temporarily relocate the bus stop on Khartoum Road. Prior to this work occurring, the applicant is to consult with and gain approval from the relevant authorities including Council. All costs associated with the relocation and reinstatement are to be covered by the applicant. The bus stop is to be reinstated prior to the issue of any Occupation Certificate.

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.

58. 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*.

59. 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.

60. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
61. **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.
62. **Council owned land.** All materials associated with construction must be retained within the site.
63. **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.
64. **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.
65. **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".
66. **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 25 March 2013. All tree work shall be carried out by a qualified Arborist and work shall be completed following AS4373 - 2007.
67. **Regulated systems** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.
68. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

69. **Security Mirrors.** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners.
70. **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.
71. **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.
72. **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.
73. **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.
74. **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.
75. **Glass in Entry Doors.** Glass within the main entry/exit doors are to be laminated to enhance the physical security of the doors.
76. **Implementation of Sediment and Erosion Control.** The applicant shall install sediment and erosion control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from

the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

77. Traffic Management. Any traffic management procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

78. Truck Shaker. A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

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.

79. 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.

80. 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.

81. **Public domain.** Prior to the issue of any Occupation Certificate the public domain along Khartoum Road is to be upgraded. This work is to be completed in accordance with the plan and details approved as part of condition number 32. 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**.

82. **Engineering Inspections.** To ensure all engineering works within the public road and/or drainage reserve (both existing and those to be dedicated) will be completed to Council’s satisfaction, Engineering Compliance Certificates must be obtained from Council for the following works at the specified stage where applicable and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

- Prior to backfilling of Council’s stormwater pipelines.
- Prior to backfilling of drainage connections to Council’s stormwater drainage systems
- After trimming and compaction of sub-grade
- After placement and compaction of the applicable sub-base course
- After placement of base course and prior to laying of asphalt wearing course.
- On site roller test of each course must be approved by Council before placement of the next course.
- After completion of formwork and Prior to pouring of concrete for Council’s pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.
- Final inspection, after completion of all works with all disturbed areas satisfactorily restored.

83. **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 12 February 2012 is to be provided on the site.

84. **Road Dedication.** The dedication of the new type 2 Road to Council as public Road, prior to issue of any Occupation Certificate. The dedication and associated administrative registration where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works.
85. **Stormwater Management - Work-as-Executed (WAE) Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
86. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, RYDE.
87. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development by the owner of the site. The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate.
88. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate;
- Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 2010*.
 - Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development

complies with the City of Ryde - Development Control Plan 2010: - Part 8.2; Stormwater Management and will function in accordance with the requirements of all conditions of consent relating to the discharge of stormwater from the site.

- 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 - 2003 (National Plumbing and Drainage Code).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management ".
- Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.

89. **Work-as-Executed Plan.** To ensure public infrastructure works are completed in accordance with approved plans and specifications, a Work-as-Executed plan for the works certified by a registered surveyor is to be submitted in both hard copy and pdf format to the Principal certifying Authority and Council for review prior to issue of any Occupation Certificate.

The W.A.E plans is to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plans.

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

91. **Waste Disposal:** To facilitate safe waste disposal from the site, safe access to the loading area shall be provided to Council's waste vehicles to service the proposed bins.

92. **Noise Mitigation** - The acoustic consultant shall determine if any noise mitigation measures are required to be installed or any acoustic silencers required for the car park fans, once all plant and mechanical ventilation equipment have been installed.

93. **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**.
94. **Access for maintenance purposes** - Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
95. **Registration of water-cooling and warm water systems** - All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 2010* must be notified to Council's Environmental Health Unit within one (1) month of installation. Registration forms may be obtained from Council's Customer Service.
96. **Certification of cooling towers** - A Compliance Certificate must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) on completion and commissioning of all cooling towers approved under this consent and before the issue of an Occupation Certificate.

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

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.

97. **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*.
98. **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.

99. **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*.

100. **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.