

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

JRPP No	213SYE083
DA Number	LDA 2013/329
Local Government Area	City of Ryde
Proposed Development	Construction, use and fit-out of a six storey commercial office building for Novartis Pty Ltd. The building will have a total gross floor area of 9,885m ² with a basement car park for 97 car spaces. Signage is also proposed as part of this application.
Street Address	52-58 Waterloo Road Macquarie Park
Applicant/Owner	Applicant: Marshall Property Owner: Novartis Pharmaceuticals Australia Pty Ltd
Number of Submissions	No submissions were received
Recommendation	Deferred Commencement Approval with Conditions
Report by	Sandra McCarry Senior Town Planner – City of Ryde

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The application proposes to construct a new six storey building at 52-58 Waterloo Road, Macquarie Park and commence the use of the building by Novartis Pty Ltd for their national headquarters.

The proposed works will comprise of:

- demolition of part of the at-grade car park (89 spaces) and demolition of the existing 2 storey commercial building (Building 3), the retaining wall, fence and metal shed in the northern portion of the site;
- construction, use and fit-out of a six storey commercial office building with a total gross floor area of 9,885m² with a basement car park level for 97 car spaces;
- removal of 28 trees;
- installation of a business identification sign; and
- landscaping and stormwater infrastructure.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$41,521,567.00.

The development application was publicly exhibited and adjoining property owners notified and given between 2 October to 23 October 2013 to make a submission. During the notification period no submission were received.

The development generally complies with the planning requirements with the exception of the front setback control. The variation to the setback controls is not considered to result in any significant adverse impact on the amenity of the locality and is supported by Council officers. The variation is discussed in full later in the report.

The proposal was referred to NSW Transport RailCorp who has granted its concurrence subject to Council imposing a deferred commencement condition. The consent does not become effective until such time as further approvals/certifications are obtained from RailCorp and submitted to Council. Accordingly a Deferred Commencement condition has been imposed, as required by RailCorp.

2. APPLICATION DETAILS

Name of applicant: Marshall Property

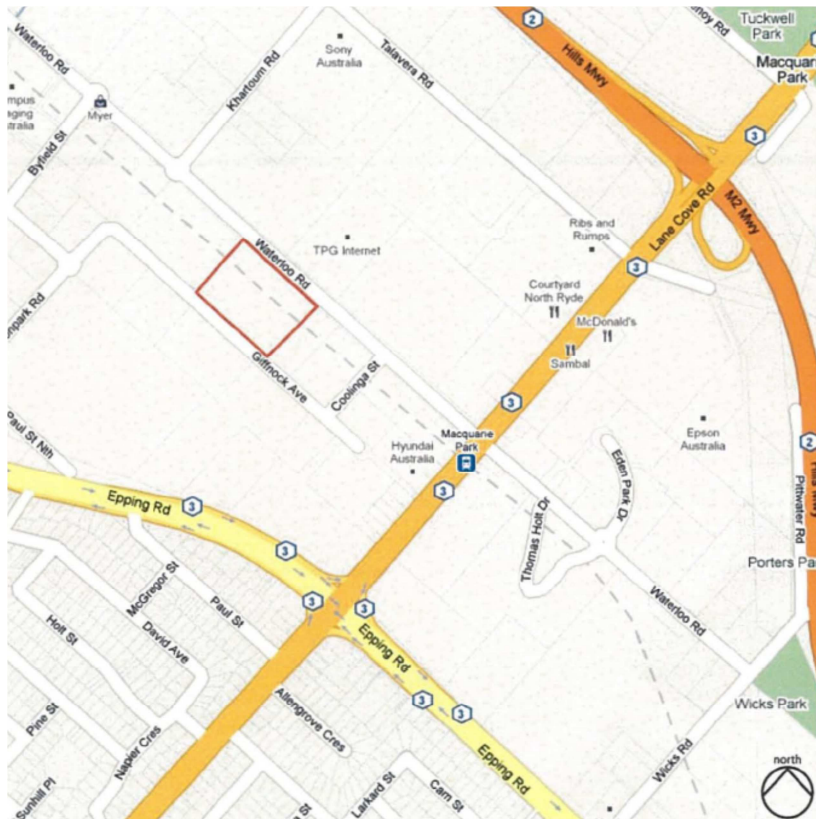
Owner of the site: Novartis Pharmaceuticals Australia Pty Ltd

Estimated value of works: \$41,521,567.00

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 subject site is known as 52-58 Waterloo Road, Macquarie Park and is legally described as Lot 5 in Deposited Plan 1043041. The site has an area of 19,298m², with frontages to both Waterloo Road and Giffnock Avenue. The frontage to Waterloo Road is 163.89m (main street address) and 161.2m frontage to Giffnock Avenue with a site depth of 119.4m.



 The Site

Figure 1: Location map



 The Site

Figure 2: Aerial photo of the subject site with existing buildings and at grade parking on site.

The site is earmarked for part of the future fine grain road network as identified under Council's Development Control Plan 2010 and Amendment 1 Macquarie Park Planning Proposal.

The site currently contains three low scale commercial buildings with a large area of the site occupied by at-grade car parking for use by Novartis employees and visitors. The site is gently undulating and falls approximately 8m from the high point in the north-west boundary to the low point in the south east corner. Vegetation on the site is highly modified and consists of landscaped garden beds, lawns and planted trees and shrubs.

4. PROPOSAL

This application seeks approval for demolition of part of the at-grade car park (89 spaces) and demolition of the existing 2 storey commercial building (Building 3). The demolition also includes the adjacent retaining wall, fence and metal shed and removal of 28 trees on site, see Figure 3 below. It is also proposed to construct and fit out a six storey commercial office building comprising 9,885m² of gross floor area and basement car-parking for 97 vehicles. A 14.08m x 2.2m high illuminated panel sign will be erected on the north east elevation, facing Waterloo Road for business identification.

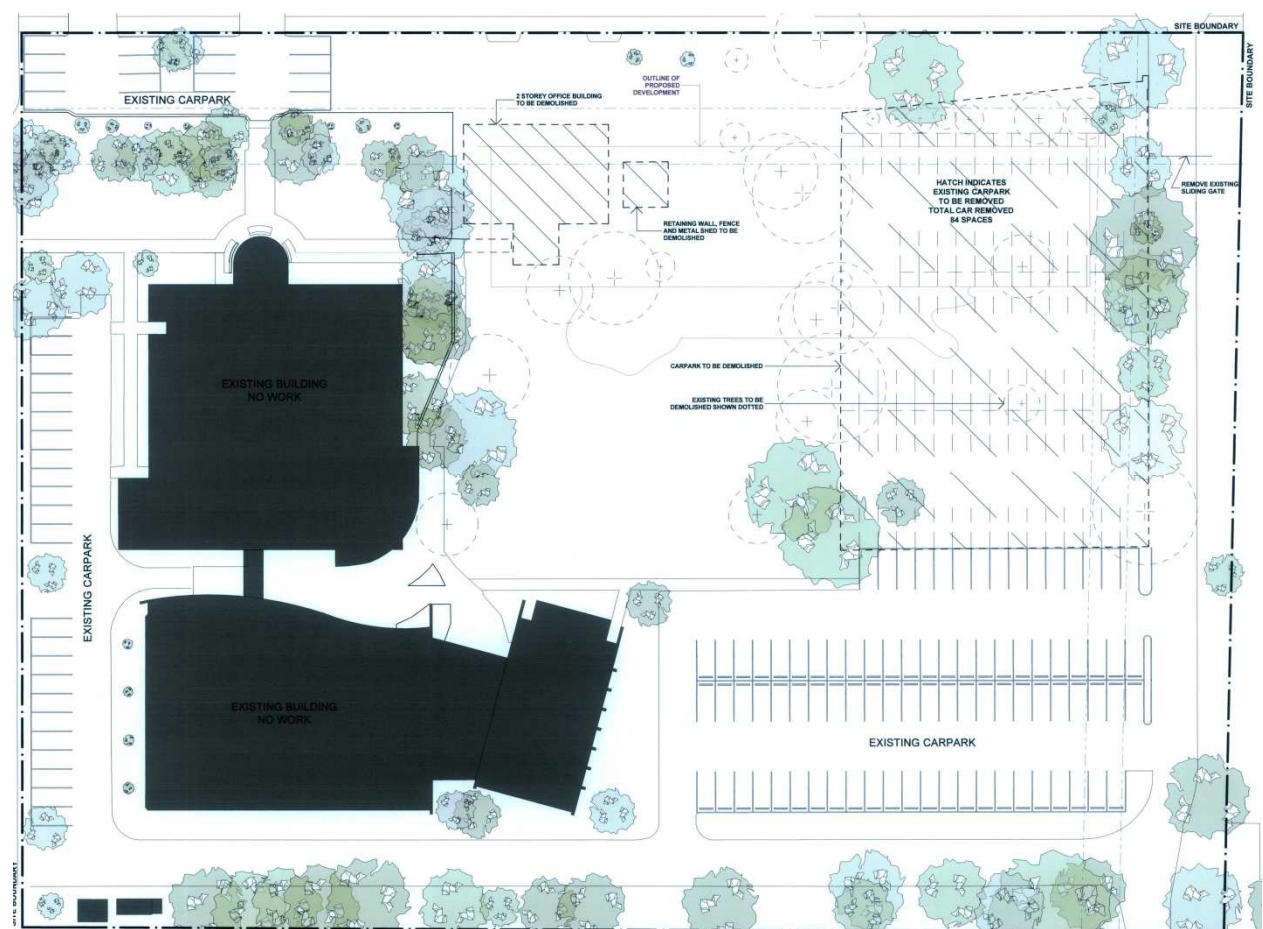


Figure 3: Hatched area indicates existing carpark to be removed and 2 storey commercial building (Building B) and metal shed. The dotted circles are existing trees to be demolished.



Figure 4: Photomontage of the proposed building as viewed from Waterloo Road.



Figure 5: Photomontage of the building from within the site.

The form of the building is a transparent linear rectangular 'glass box' contrasted by curved timber and aluminium structures. The 'glass box' will contain the office space whilst the curved structures contain elements such as the ground floor

cafe, cyclist end of trip facilities, fire stairs and plant rooms. The roof incorporates the building plant screened by a curved timber frame and a roof garden for the use of the employees.

The various levels of the building are to be used for the following purposes:

Level	Uses	Gross Floor area
Ground	Cafe / staff cafeteria / cyclist end of trip facilities / lobby / storage	1,462m ²
Level 1	Office space	1,638m ²
Level 2	Office space	1,640m ²
Level 3	Office space	1,638m ²
Level 4	Office space	1,640m ²
Level 5	Meeting rooms	1,648m ²
Level 6	Plant room / Roof garden	219m ²
Basement	Car parking spaces	97 vehicles

All of the levels within the building are to be vertically connected by lifts and a curved stairwell. A section of the front curved wall will be setback 9.2m from the front boundary with the rest of the building setback between 12.3 to 18.8m on the ground floor. The main building line (Level 1 and above) is setback 15m from the front boundary, 20m from the eastern boundary, over 70m from the rear southern boundary and over 60m from the western boundary.

5. **BACKGROUND**

- The Urban Design Review Panel and Pre-lodgement Meeting was held on 4 September 2013. At the meeting the UDRP raised the following:
 - **Site Approach:** *The Panel is concerned that decisions made with this proposal may constrain future outcomes on the site. A master plan for the whole site should be submitted to demonstrate the development potential of the site in the context of the current proposal and how Council's objectives for new streets and a more urban future context could be supported.*
 - **Public Domain Interface:** *The proposal addresses the street edge along Waterloo Road with a generous setback and a landscape quality. A significant influence upon the proposed setback is the constraint of the railway stratum and associated requirements for building structure clearance. The Panel recommends further exploration of building structure and its relationship to the Railway stratum. It may be possible to shift the building forward to the first line of columns. While this will not achieve the Council's desired setback, it will assist in reducing the separation of the building from the street edge. The architect has located communal space at ground level, such as the cafeteria, bike storage access and the main lobby to assist in activating the street, if not for public access, then for workers in the building. The Panel appreciates the need for controlled access to the building and the architect's strategy for the ground floor. Potential solutions include:*

- *improving the visual activation of the ground floor and outdoor terrace. The spaces could contribute to the appearance of activation and the perception that people are engaging and overlooking with the street. Greater resolution of site levels, details of balustrades and retaining walls and planting could assist.*
 - *activating some part of the ground level. The provision of a coffee/café tenancy was discussed and its location could be an opportunity to provide an active use along Waterloo Road. The curved element at the building entry is potentially underutilised as the proposed bike storage. This location would be ideal for a coffee shop that would benefit both workers within the building and from the surrounding area.*
 - *incorporating a more urban approach to the landscape design of the front setback.*
- **Landscape Design:** *A more urban quality to the front setback area with a greater proportion of paving and some opportunities for seating would assist in integrating the proposal into the desired future streetscape.*
 - **Architectural Expression:** *The Panel recommends the DA submission include preliminary detail on façade system and glazing specification along with materials board and colour samples. High visibility light transition glass with no body tint and low reflectance is supported.*
 - **Signage:** *A potential option included the extension of the curtain wall above the roof line. In principle the Panel supports this approach and encourages integrated signage, incorporated into the building fabric. Signage at the street edge is discouraged.*

Planner's Comment:

- Site Approach: The applicant has submitted a concept master plan which illustrates indicative building envelopes, building separation, future road alignments, parking and open space. The concept plan demonstrates that the remainder of the site could be developed in the future in accordance with Council's current and proposed planning controls.
- Public Domain Interface: The applicant have taken on board the panel's comments and have amended the building setback by bringing it forward and providing a kiosk at the front to assist in activating the street. Furthermore condition 1(a) has been imposed requiring the street edge along Waterloo to be more "open" by widening the entrance, provide public seating near the kiosk area, paving to match public domain and more transparent balustrading around the staff cafeteria area. The applicant has been advised of this and has no objections to the imposition of the condition.
- Architectural Expression: The applicant has submitted details on the façade system and glazing specifications. Council's Team Leader – Design and Development is satisfied with the proposed specifications.

The pre-lodgement notes raised the following:

- **Front Setbacks:** The main building is setback 17.37 metres from Waterloo Road. This is well behind the 10 metres setback identified in DCP2010 - Part 4.5. The reason for the extended setback is due to the

relation of the building site to the location of the Epping to Chatswood railway easement and the associated zone of influence.

The objective of the 10 metres setback is to encourage potential street activation on Waterloo Road and provide a harder edge to the street alignment as redevelopment occurs. The applicant advised that the reasons for the wide setback:

- The need to locate footings clear of the zone of influence for the railway;
 - The proponent's desire to closely contain the campus. The building is being built as business premises for a single company with a limited need for public interaction;
 - The proponent's need for security.
- **Building Separation:** The DCP includes controls for building separation. The final design should show the relationship between the buildings and provide the appropriate separation distance.
- **Fine-grain Road affecting the site:** There is a need to address the impact of the proposed fine-grain road affecting the site having regard to current controls and proposed controls. Council's preferred option would be for the proposed road along the eastern boundary of the site to be constructed and dedicated as part of this initial redevelopment of the site. The impediments that hinder this being achieved are recognised (i.e. the proposed development will comply with the current LEP2010 controls affecting the site and does not need any bonus for height or FSR) but the concern is that there may be no impetus in the near future for the road to be provided.
- The other matter to be addressed is the width of the road. The current controls identify it as having a width of 16.2 metres but the draft controls (Macquarie Park Planning Proposal Amendment 1) seek a narrower carriageway of 14.1 metres.
- **Traffic, Vehicle Access and Parking:** The proposal involves some reconfiguration of the existing parking areas, removal of existing parking spaces and provision of a new basement garage area. The extensive use of stacked tandem parking for this type of development is not supported given the arrangement is an inefficient form of vehicle access and will result in excessive number of vehicle manoeuvres in the basement garage area. Tandem parking reduces the amenity of carspaces dedicated for accessibility and service vehicles.

Planner's Comment:

- The issue of front setback has been addressed by amending the proposal to bring it forward as much as possible without encroaching into the zone of influence within the rail easement and to activate the street edge as discussed above. This has been achieved by reducing the front setback by 2.7m and activating the streetscape by provision of a kiosk at the front of the building with some outdoor seating scattered around the front of the site.
- The proposed building will not be adjacent to any buildings with the proposal compliant with the building separation requirements.
- The proposed building has been setback 20m from the eastern boundary, which is sufficient to cater for the provision of a new road plus the required

setback, in accordance with Council's Macquarie Park Planning Proposal Amendment 1 requirement.

- Traffic and parking impact is discussed in detail further in the report and is considered satisfactory.
- The application was lodged on 12 September 2013 and the proposal was notified and advertised between 2 October 2013 and 23 October 2013. No submissions were received.
- A meeting was held with the applicant, their architects and planning consultant on 16 September 2013. At this meeting Council officers re-iterated the importance of the proposed road and of Council's preference for the proposed road along the south eastern boundary of the site to be constructed and dedicated as part of this initial redevelopment of the site. Whilst it was acknowledged that the proposed development complies with the current LEP2010 controls affecting the site and does not need any bonus for height or FSR Council is willing to consider offsetting the Section 94 Contribution against the construction of the road. The applicant agreed to consider this option.
- A further meeting was held on 23 September 2013 where the applicant advised that the suggestion of offsetting the Section 94 contribution against the construction of the road was considered by Novartis however due to the strict time commitment to deliver this development, this was not considered feasible. The applicant is however willing to continue to work with Council in terms of providing this road. The applicant is to commence costings for the road and may lodge a Section 96 application. Any approval of this application would be conditioned to require the submission of a Bank Guarantee for the Section 94 contributions. The Bank Guarantee would include the requirement that the applicant has 6 month to lodge the Section 96 application, after this period Council would call on the Bank Guarantee.

6. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (State & regional Development) 2011;
- State Environmental Planning Policy (Infrastructure)2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy 64 – Signage;
- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010.

7. PLANNING ASSESSMENT

7.1 State Environmental Planning Policy (State and Regional Development) 2011

The proposal is a class of development described in Schedule 4A of the EP&A Regional Act, being a development that has a capital investment value of more than \$20 million, Part 4 of the State and Regional Development SEPP applies to the DA.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$41,521,567.00.

7.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 86 of Division 2 – Development in Railway Corridor states:

86 Excavation in, above or adjacent to rail corridors

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
 - (a) within or above a rail corridor, or*
 - (b) within 25m (measured horizontally) of a rail corridor or*
 - (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*
- (4) In deciding whether to provide concurrence, the chief executive officer must take into account:*
 - (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

A rail easement runs underneath the Waterloo Road frontage of the site and it is proposed to provide a basement level which will require excavation, accordingly the proposal was referred to RailCorp. On 26 November 2013 RailCorp advised:

RailCorp has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application LDA2103/0329 subject to Council imposing the following deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.

Should Council choose not to impose the deferred commencement condition in Attachment A or the conditions provided in Attachment B (as written), then RailCorp's concurrence has not been granted to the proposed development.

A Deferred Commencement Condition, as required by RailCorp has been imposed, (**Part 1 Deferred Commencement Consent 1**) and RailCorp operational conditions (See **Conditions 31 to 35, 59 & 82.**)

Note: RailCorp has provided 12 months for submission of the required documentations however Council's general practise for deferred commencement condition to be satisfy is 6 months, which is sufficient time to provide the required information.

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

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

A Preliminary Environmental Site Assessment prepared by JBS & G (NSW & WA) P/L was submitted with the application. The findings of the report concluded that there is a low potential for contamination to be present at the site which would impact ongoing use and development for commercial purposes.

The proposal was referred to Council's Environmental Health Officer who has raised no objections to the proposal.

7.4 State Environmental Planning Policy No. 64 – Signage

The proposal includes the installation of an illuminated 2.2m high x 14.085m business identification signage on the north east elevation of the building fronting Waterloo Road. The sign will identify the Novartis business operating on the site.

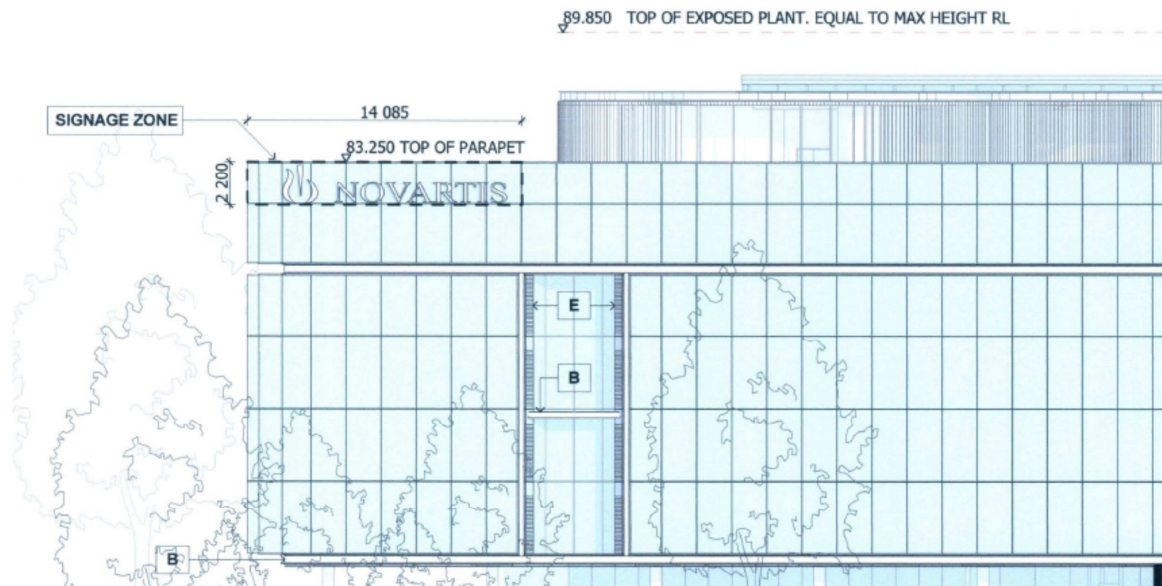


Figure 6: Signage zone located at the top corner of the building to identify the name of business on site.

SEPP 64 defines a 'building identification sign' as follows:

'a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services'

The aims and objectives of SEPP 64 are stated in Part 1 Clause 3(1) as follows:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements.

SEPP 64 Part 2 Clause 8 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and;
that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

As demonstrated in the assessment of this application, the signage is compatible with the objectives of SEPP 64. Schedule 1 of SEPP 64 considers such matters as the character of the area, special areas, views and vistas, streetscape setting or landscape, site and building, associated devices and logos with advertisements and advertising structures, illumination and safety. The proposed

sign is assessed under the criteria contained in Schedule 1 and the aims of SEPP 64.

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes - the sign on the building is compatible with existing/ future character of the area with regard to high quality designed buildings.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality and the proposed signage does not include advertising, just business identification.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not within any conservation areas or open space.
3 Views and vistas	
Does the proposal obscure or compromise important views?	The site is not located within any existing nominated vista. By virtue of the nominated size, location and orientation the sign will not obscure or compromise any potential vista.
Does the proposal dominate the skyline and reduce the quality of vistas?	The sign will not dominate the skyline nor does it reduce the quality of Macquarie Park potential vista.
Does the proposal respect the viewing rights of other advertisers?	The sign will not compromise the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes - the sign is compatible in size and design of the building.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Will contribute to the visual interest of the streetscape.
Does the proposal reduce clutter	Yes - provide name of the business.

by rationalising and simplifying existing advertising?	
Does the proposal screen unsightliness?	There is no particular “unsightliness” on the site and the sign will provide identification rather than screening unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No - will not protrude above the building/structure.
Does the proposal require ongoing vegetation management?	No.
5 Site and building	
The proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes - the size and design of the sign is compatible with building and the Macquarie Park Corridor area.
Does the proposal respect important features of the site or building, or both?	Yes - sited and sized to be an integral part of the design.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	The proposal demonstrates an appropriate level of imagination and innovation.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Complies.
7 Illumination	
Would illumination result in unacceptable glare?	No - internally illuminated with LED.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No - the illumination of the sign would not adversely impact on safety to pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	No - no residential properties nearby, site surrounded by commercial/industrial uses. However

	as the area is evolving with many new developments within the area containing a residential component, a condition will be imposed restricting the illumination of the sign to between 7.00am to 11pm. (See Condition 37)
Can the intensity of the illumination be adjusted, if necessary?	Not required.
Is the illumination subject to a curfew?	Yes - whilst currently there are no residential properties nearby, the area is changing with more mixed use developments being constructed. See above with regards to condition to restrict the illumination to between 7.00am to 11.00pm.
8 Safety	
Would the proposal reduce the safety for any public road?	The signage will not affect road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.

Accordingly, the sign is considered to be satisfactory, having regard to the aims and objectives of SEPP 64 Advertising and Signage.

7.5 Sydney Environmental Plan (Sydney Harbour Catchment) 2005

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

7.6 Ryde Local Environmental Plan 2010

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

Zoning

The subject site is zoned – B3 Commercial Core under the provisions of LEP2010. The proposed development is for an office premises with ancillary cafe, which is permissible in the zone.

The objectives of B3 Commercial zone are:

- 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 maximise public transport patronage and encourage walking and cycling.*
- To ensure the zone is characterised by high-quality well-designed buildings that enhance and encourage a safe environment.*
- To encourage industries involved in scientific research and development.*

The proposed commercial building will provide the Australian headquarters for Novartis Pty Ltd, a Swiss based pharmaceutical company. The site is located within close proximity to public transport and will provide end of trip facilities (bicycle spaces, lockers and change/showers area), which will encourage walking and cycling. The design is a high innovative design and will enhance and encourage a safe environment. The proposal can satisfy the objectives of the zone.

Other Mandatory Requirements

Clause 4.3 (2): Height of Buildings

The height of any building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The site is broken into two height zone: 30m and 37m.



T1	26
T2	27.5
U1	30
U2	30.5
U3	33.5
V	37

Figure 7: Height Map

The proposed building is located with the 37m height limit zone and will not exceed 30.2m therefore complies with the LEP.

Clause 4.4 (2) – Floor Space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site has 2 different FSR zone: 1.5:1 and 2:1.

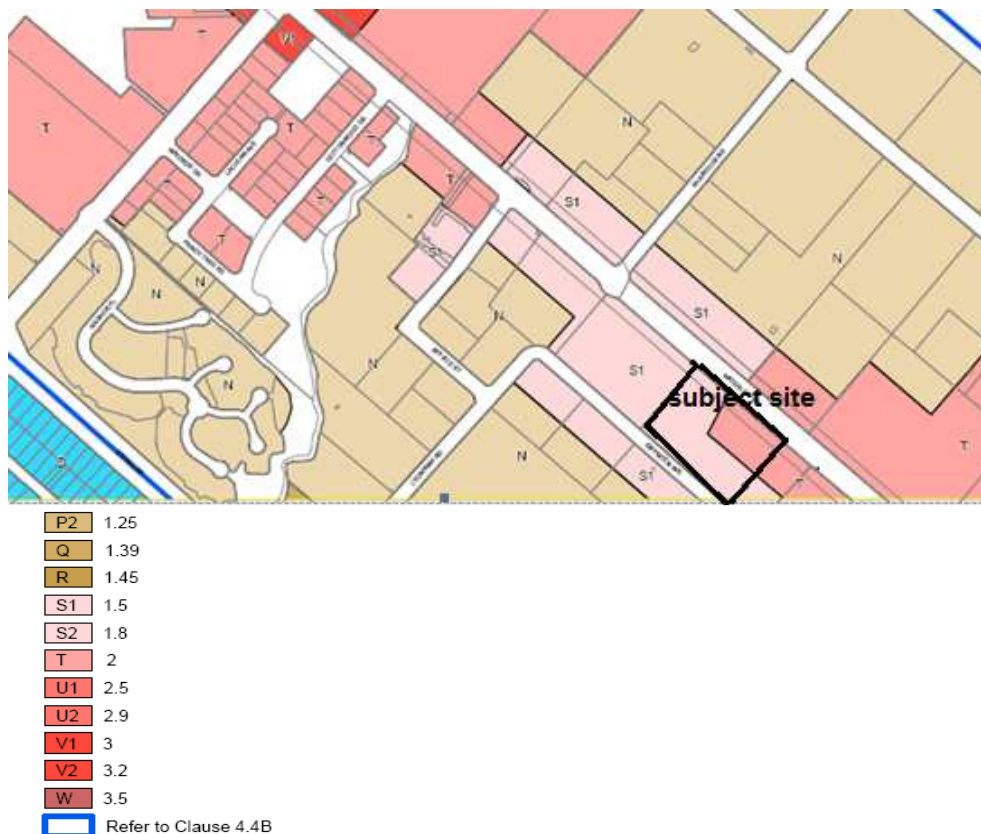


Figure 8: Floor Space Ratio Map.

The maximum floor space permitted for the entire site is 31,687.25m². This proposal will have a total floor area of 9885m², combined with the existing floor areas (5,430m²) will represent a total gross floor area of 15,315m², a FSR of 0.79:1 which is well under the maximum allowed on the site.

Clause 4.4B Macquarie Park Corridor – Floor Space ratio

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

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

The subject site contains part of the proposed access network as shown on the Macquarie Park Corridor Proposed Access Network Map. However the development does not seek a floor space ratio over the maximum permitted on the site. As such this clause is not required. However, the building has been setback 20m from the south-east boundary to allow for the provision of a future road.

Clause 4.5E(2) Off Street Parking

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



Figure 9: Macquarie Park Corridor Parking Restriction Map

As per the Macquarie Park Corridor Parking Restrictions Map, different parking rates apply to different part of the site. The two rates are 1 space per 70m² or 1 space per 80m². Based on a floor area of 9885m² the maximum car spaces are between 124 spaces (based on 80m² of GFA) and 142 spaces (based on 70m²). The proposal provides for 97 car spaces, which is well below the maximum and is in keeping with the objectives of the LEP to encourage less private vehicle usage and promote alternative modes of transport.

Currently on site there are 209 at grade parking spaces and based on the current commercial floor space of the existing buildings and the parking rate of 1 space per 70m², only 78 car spaces are required. 89 at grade parking will be demolished to make way for the new building and replaced by the 97 basement car spaces. No works are proposed to the remainder of the existing 120 at-grade car parking spaces that will services the existing buildings. The site currently has

surplus car parking spaces and with the removal of the 89 spaces will bring the development further in line with Council's objectives for reduction of on-site parking provision and will encourage sustainable modes of transport.

Clause 4.6(6) Retail Activity in Commercial Core Zone

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

The proposal provides for a small retail (kiosk café) premises on the ground floor, being only 20.23m² in size, which complies with the above requirement.

Clause 6.6 Objectives for Macquarie Park Corridor

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

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

- (a) to promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity,*
- (b) to implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,*
- (c) to guide the quality of future development in the corridor,*
- (d) to ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points,*
- (e) to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.*

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

The applicant has indicated in the Statement of Environmental Effects that the development will:

- promote the corridor as a premium location for globally competitive businesses;*
- 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,*
- deliver a high-quality, well-designed and safe environment that reflects the natural setting.*

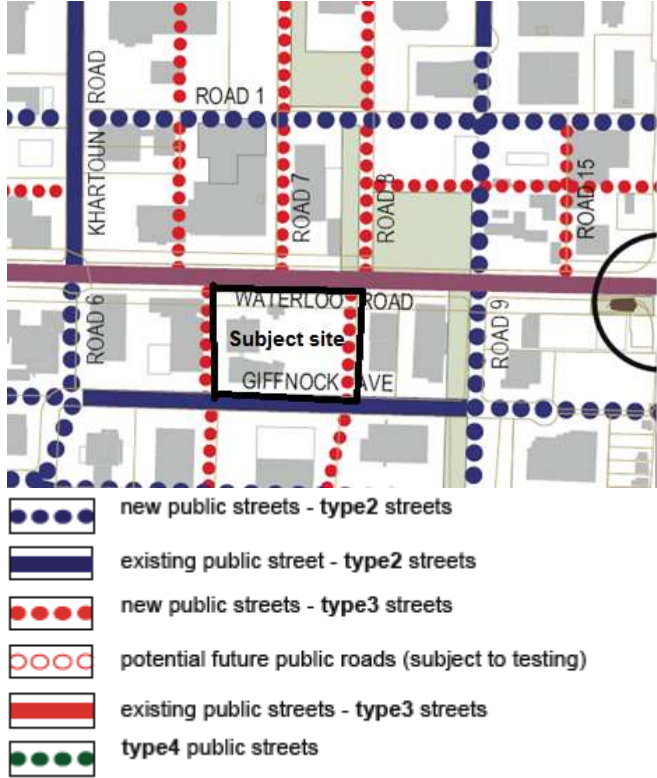
The proposed development is consistent with the above objectives.

7.7 City of Ryde Development Control Plan 2010

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

Part 4.5 – Macquarie Park Corridor

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

Control	Comments	Comply
S3.0 – Structure Plan		
3.2 Street Network Provide new public streets as shown in the Street Network Structure Plan.	<p>The Street Network Structure Plan requires a new road on the site, as shown on the diagram below.</p>  <p>Figure 10: Street Network Structure Plan</p> <p>The requirement for the provision of a road can only be imposed if the proponents claim bonus provisions under the LEP (as an incentive). In this instance, the proposal does not rely on the bonus provisions. However the applicant has set back the building 20m to provide for the road adjacent to the south eastern boundary as shown in the street network structure plan.</p> <p>Note: Figure 4.5.05 of the DCP - Street Network Structure Plan shows a Type 3 street (16.1m) of the subject site, however Planning Proposal For Macquarie Park Corridor - Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor indicates that this road will be reduced to 14.1m wide. The proposal has allowed a setback of 20m from the proposed south-east boundary which is sufficient for a future road of 14.1m wide.</p>	Yes

3.3 Open Space Network Provide public open space as shown in Figure 4.5.06 Open Space Network.	The site has not been earmarked for open space.	N/a
3.4 Built Form Network a. Buildings are to be designed in accordance with s6.0. b. Refer to City of Ryde LEP 2010 for Building Height & Floor Space Ratio controls.	See Section 6 below. Compliance with building height and floor space ratio controls	See below Yes
S4.0 – Special Precinct		
Must comply with special precinct requirements	The site does not form part of any special precinct identified in the Macquarie Park Corridor.	N/a
S5.0 – Public Domain		
5.1.1 Introduction a. Buildings are not permitted on any proposed street identified in the Street Network Structure Plan section 3.	The building is setback 20m from the eastern boundary and will not encroach into the proposed road adjacent to the eastern boundary.	Yes
5.1.4 Type 3 Streets a. Varies, Typically 16.1m road reserve (to Council satisfaction.	The DCP indicates a future Type 3 (16.1m) road along the south eastern boundary running between Waterloo Road and Giffnock Avenue. However the Macquarie Park Plan Review prepared by Architectus (for Draft LEP2013 - Amendment 1), indicates that the road should actually be 14.1m. Accordingly the applicant has assumed that in the future a 14.1m road will be provided, and accordingly set back the building 5m from the proposed road corridor. The applicant has advised that the 14.1m road is considered the appropriate option as: <ul style="list-style-type: none"> • <i>it was the width nominated in the road hierarchy established by Architectus in the most recent urban design study undertaken for the Macquarie Park Corridor that has been adopted by Council;</i> • <i>it was considered appropriate and used for the traffic modelling undertaken by Bitzios Traffic Consultants for the Macquarie Park Corridor;</i> • <i>it reflects the existing private access road which traverses the site, minimising the work required to provide the road in future; and</i> • <i>it allows for the retention of the large number of trees which run along the existing private access road, which would otherwise need to be removed if the 16m road were to be provided.</i> 	No – variation to the width but in accordance with Amendment 1

<p>b. Existing Streets extend along existing alignment where possible.</p> <p>c. New streets: provide new Type 3 streets where shown in Figure 4.5.44 & 4.5.56 of the Plan.</p> <p>d. Streets are defined by minimum 5 Landscaped street setbacks.</p> <p>e. Cycle facilities are to be provided in accordance with Ryde Bicycle Strategy & Master Plan 2007.</p>	<p>Council's Strategic Planner concurs with the above points and advised that the 14.1m wide road is in accordance with future amendments.</p> <p>New Street not required to be provided as part of this application as no bonus height or FSR claimed.</p> <p>Street not required to be provided as no bonus claimed.</p> <p>End of trip cycle facilities are provided within the building.</p>	<p>N/a</p> <p>N/a</p> <p>N/a – 5m setback provided from future road for landscaping.</p> <p>Yes</p>
<p>5.3.1 Cycle Strategy</p> <p>a. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007.</p>	<p>The site fronts on to Waterloo Road which is shown as a regional bike route. The bike routes will not be affected by the development. Cycle access and end of trip facilities such as lockers, showers and bicycle storage area are located in the ground floor at the front of the building.</p>	<p>Yes</p>
<p>5.3.2 Street Furniture</p> <p>a. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual.</p>	<p>As mentioned earlier, the road will not be constructed as part of the current development. However, the development has been designed to ensure that the future road can be provided at some stage in the future. A condition of consent has been included to require the public domain along Waterloo Road to be upgraded (See Condition 39).</p>	<p>N/a</p>
<p>5.3.3 Street Tree & Front Setback Tree Planting</p> <p>a. 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>	<p>The subject site has two street frontages – Waterloo Road and Giffnock Avenue.</p> <p>No details have been provided with regards to street trees and Condition 1(a)(v) & 39 have been imposed requiring the applicant to provide street trees along Waterloo Road (within the subject property boundary) in accordance with the Macquarie Park Public Domain Technical Manual. It is considered that as the proposed building fronts Waterloo Road only and the public domain works will be for the total site frontage of Waterloo Road, public domain work improvement work should be in Waterloo Road only. Furthermore the proposed building is setback more than 70m from Giffnock Avenue as such public domain works should be for</p>	<p>No - No details provided – will require by way of condition</p>

unless it can be demonstrated that there is no alternative.		
6.1.4 Street Setbacks & Built-To Lines a. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP. i. Where build to lines are shown, 85% of the building frontage must be built to the specified street setback.	<p>The DCP identifies the setback to Waterloo Road as being a minimum of 10m green setback (build to line).</p> <p>The proposed development will not achieve the 10m build-to line on the Waterloo Road frontage, with the building setback 9.2m for a very small section of the curved front café area wall (approximately 2.5m) with the rest of the building setback approximately between 12.3m to 18.8m on the ground floor. The upper levels (level 1 and above) will have a setback of 15m from the boundary. This variation to the control is primarily due to locating the building away from the rail easement that runs underneath the Waterloo Road frontage of the site which prevents any load bearing structures being located within the easement.</p> <p>The building has been placed as close to the build-to line as possible.</p> <p>The building was originally sited further from the front setback however has been amended to be closer to the front by 2.7m.</p> <p>Whilst the building does not achieve the build-to line control, the proposed building siting will still achieve the objective of the control which is to create a more urban built form character along Waterloo Road. The proposal satisfies this intent by providing an external café which activate the area.</p>	No – variation acceptable.
6.1.5 Side & Rear Setbacks b. Buildings are to be set back 10m from a rear and 5m from a side site boundary.	Rear: 73.7m Western side: 62.5m Eastern side: 5m from proposed future road.	Yes
6.1.6 Building Separation a. Provide a minimum 20m separation between buildings facing each other within a site.	Not adjacent/facing other buildings on site.	N/a
6.1.7 Building Bulk a. Building Bulk All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance).	Discussed further in report.	N/a
6.1.8 Site Coverage & Deep Soil Areas a. A minimum 20% of a	Based on the site area of 6500m ² for the 2:1 proportion, the deep soil area is approximately	Yes

site must be provided as deep soil area.	2219m ² , which is 34%.	
6.1.9 Building Articulation a. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character.	Council's Team Leader – Design and Development has reviewed the design of the building and subject to some minor design changes to activate/open up the street edge, generally consider the building to be of a high quality design with appropriate scale and form.	Yes
6.1.10 Ceiling Heights a. 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 	Ground floor – 5.2m Upper levels – 3.7m	Yes
6.1.11 Active Frontages a. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. b. Active ground level uses are encouraged where secondary active frontages are shown in figure 4.5.94.	This section of Waterloo Road does not contain any active frontages. Giffnock Avenue is not an active frontage.	N/a
6.1.12 Awnings & Canopies a. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP.	As the site has not been identified as having a primary active frontage, there is no requirement for an awning or canopy. This control is not applicable to the development.	N/a
6.1.3 Topography & Building Interface. a. 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	The development will involve excavation within the building footprint. The excavation will be clear of the 4m zone from the side and rear boundaries.	Yes

<p>this zone.</p> <p>b. Where buildings are set back from the street, entries are to be provided at street level where possible.</p> <p>c. An accessible path of travel is to be provided from the street through the main entry door of all buildings.</p>	<p>The development complies with the requirements of this clause.</p>	
<p>6.1.14 Advertising Signage</p> <p>a. Signage shall comply with Part 9.1 of the DCP.</p>	<p>Signage is proposed as part of this application and whilst the sign exceed the maximum sign permitted for a Panel sign, the proposed sign is considered satisfactory and complies with the objectives of Part 9.1 of DCP.</p>	<p>Yes</p>
<p>6.1.15 Environmental Performance</p> <p>a. Commercial development is required to achieve a 4 Star Green Star Certified Rating.</p>	<p>A Sustainability Report has been prepared by AECOM. The report confirms that the proposed development is capable of achieving a 5 Star NABERS Energy base building rate and has been designed in compliance with BCA and Council's ESD requirements in DCP 2010 - Part 4.5 Macquarie Park Corridor which requires commercial development achieves a 4 Star Green Star Certified Rating. The Report concludes that that Novartis is targeting a 5 Star (Australian Excellence) rating under the Voluntary Green Star scheme and will achieve a very high standard of sustainability.</p>	<p>Yes</p>
<p>6.1.16 Wind Impact</p> <p>a. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided</p>	<p>Wind Analysis submitted with the proposal. The proposal is not considered to create unsafe wind conditions.</p>	<p>Yes</p>
<p>6.1.17 Noise & Vibration</p> <p>a. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required</p>	<p>The applicant has submitted an acoustic report prepared by an appropriately qualified acoustic consultant (Global Environmental Solutions). The assessment addressed the noise impact of existing traffic on the amenity of internal spaces and set criteria for noise emission. The assessment</p>	<p>Yes</p>

6.3 – Services & Site Management		
6.3.2 Stormwater Drainage a. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP & a stormwater drainage system in accordance with the “major/minor” system concept set out in Australian Rainfall and Runoff.	Council’s Senior Development Engineer has assessed the development application and raised no objections to the proposal, subject to conditions.	Yes
6.3.3 Waste Management a. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.	A waste management plan was submitted with the development application. This has been reviewed by Council’s Environmental Health Officer and no objections have been raised.	Yes
6.3.4 Soil Management b. Development is to be designed and constructed to integrate with the natural topography of the site.	Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements.	Yes
6.3.5 Site Contamination a. 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.	An environmental site assessment report by Environmental Investigation Services has been submitted with the application which concludes that that site is suitable for the proposed development. Council's Environmental Health Officer has reviewed the application and raised no objection to the proposal.	Yes
6.3.6 Site Facilities a. Adequate loading	Adequate loading/unloading and access provisions	Yes

facilities to be provided	have been provided.	
6.3.7 Vehicular Access		
a. Vehicular access is not permitted along streets identified as 'Active Frontages'.	Waterloo Road is not identified as an "active frontage".	Yes
b. Where practicable, vehicle access is to be from secondary streets.	Access from Waterloo Road.	N/a
c. Potential pedest/vehicle conflict is to be minimised by:		
i. Limiting the width and no. of vehicle access points.	One way in and out for visitors and employees car parking.	Yes
ii. Ensuring clear sight lines at pedestrian and vehicle crossings.	Clear sight lines.	Yes
iii. Utilising traffic calming devices.	Not required.	N/A
iv. Separating and clearly distinguishing b/w pedestrian and vehicular accessways.	Separate accessway.	Yes
d. The appearance of car parking and service vehicle entries is to improved by:		
i. Locating/ screen garbage collection, loading & service areas away from the street.	Loading and servicing area located at side.	Yes
ii. back or recessing car park entries from the main façade line.		Yes
iii. Avoiding black holes in the façade by providing security doors to car parking entries.	Roller door provided.	
6.3.8 On site Parking		
a. Safe and secure 24 hour access to car parking areas is to be provided for building users.	Existing at grade parking and in basement level of the building.	Yes
b. Parking areas must	Parking within basement level of the building.	Yes

<p>not be located within the front, side or rear setbacks.</p> <p>c. Parking areas are to be screened from view from the street, public domain & communal open space areas, using site planning & appropriate screen planting or structures.</p> <p>d. Provide safe & direct access from parking areas to bldg entry points.</p> <p>e. Provide appropriate mature vegetation b/w parking bays to provide shade and enhance visual impact.</p> <p>f. 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.</p> <p>g. Basement parking areas must not extend forward of the building line along the street.</p> <p>Parking Rates:</p> <p>i. car parking for commercial and industrial activities is to be provided in accordance with the rates contained in RLEP 2010.</p>	<p>Existing at grade parking located throughout the site, with some parking spaces adjacent to the front boundary. These parking areas are not part of this proposal.</p> <p>The public domain street edge has been addressed by way of condition to open up the street edge entrance with appropriate screen plantings.</p> <p>Direct access from parking area to building entry.</p> <p>Landscaping proposed.</p> <p>Basement parking located directly underneath building footprint.</p> <p>Basement parking area does not extend forward of the building.</p> <p>Different parking rates apply to different part of the site. The two rates are 1 space per 70m² or 1 space per 80m². Based on a floor area of 9885m² the maximum car spaces are between 124 spaces (based on 80m² of GFA) and 142 spaces (based on 70m²). The proposal provides for 97 car spaces, which is well below the maximum and is in keeping with the objectives of the LEP to encourage less of private vehicle usage and promote alternative modes of transport.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Bicycle Parking</p> <p>Commercial: employee - 1 space/200m² GFA</p> <p>Visitor - 1 space/750m² GFA</p>	<p>Require: 50 bicycle spaces for employees and 14 spaces for visitors.</p> <p>Proposed: 57 staff spaces and 12 visitors.</p> <p>Condition 14 has been imposed requiring minimum of 50 bicycles spaces for employees and 14 bicycle spaces for visitors.</p>	<p>Yes</p>
<p>6.3.9 Work Place Travel Plan (WTP)</p>		

b. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees.	Approximately 800 employees within the new building. Condition 84 has been imposed requiring a WPTP to be submitted detailing the promotion, development, implementation and monitoring of a co-ordinated transport strategy for the company. The objectives of the WPTP are to encourage/provide incentives for employees to utilise public transport, walking and cycling. To investigate alternative modes of transport (away from single-occupancy car use towards more sustainable forms of transport).	No – A WPTP has not been submitted, can be condition to be submitted.
--	---	---

Part 7.2 - Waste Minimisation and Management

As the development involves the demolition and construction of a building the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Environment Health Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

Part 9.1 - Advertising Signs

The DCP allows signs in Macquarie Park Corridor. Clause 3.3.1 states: *The total area of signs on a site (excluding the area of a business directory board or pylon sign) must not exceed 1 square metre of signage per 1 metre of building frontage for the first 10 metres then 0.3 square metres of signage for each 1 metre of building frontage after that.*

The Building has a frontage of 80.15m to Waterloo Road. Based on the above a maximum of 31m² (10 + 21m²) of signage is allowed. It is proposed to provide the following: (Note: the Dimensions of the signs are taken from the front to end of the words plus company logo).

	Wording	Dimension	Area
Sign 1	Company logo + Novartis	2.2 x 1.94 & 8.8 x 1.24	4.2 <u>10.9</u> <u>15.1m²</u>

Clause 4.0 - Requirement for Panel Signs

Requirement	Proposed	Comply
A sign with an advertisement area that is greater than 5m ² but no more than 12m ² . Controls a. only permitted in business and industrial zones; b. shall not extend laterally beyond the wall of the building to which it is attached; c. shall not project above the top of	Sign exceed 12m ² In business zone Does not extend beyond the wall of the building and or project above the top	No – variation acceptable. See full discussion below

the wall to which it is attached; d. shall not project horizontally more than 300mm from the wall.	of the parapet. Conditioned to ensure that the sign does not project more than 300mm from wall. (See Condition 38)	Yes No - No details provided but can condition to comply.
---	---	--

Non Compliance:

Section 4 of Part 9.1 of the Ryde Development Control Plan 2010 provides definitions and requirements for different types of signage. For panel signs, it is described as signs with an advertisement area that is greater than 5m² but no more than 12m².

The proposed development exceeds this requirement with an area of 15.1m².

Although exceeding the maximum extent of signage, given the size of the proposed building (80m in length) and 6 storey in height, the scale of the signage is considered appropriate. The sign is an integrated part of the building design, is compatible in scale and proportion with the building and the surrounding buildings within the Macquarie Park Corridor.

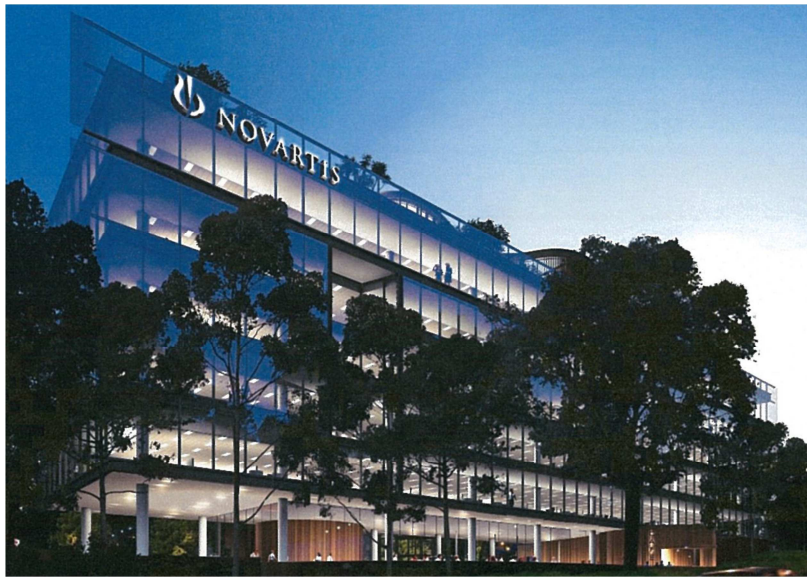


Figure 11: Novartis sign on top north east corner of the building – integral part of the building/design.

Part 9.2 - Access for People with Disabilities

The applicant has submitted an Access Report by Accessible Building Solutions which confirms that the development can comply with the accessibility requirements under the BCA and The Premises Standard.

7.8 Any Draft Planning Instruments

Draft LEP 2013 was adopted by Council on 12 March 2013 and is waiting gazettal by the Department of Planning and Infrastructure; as such LEP 2013 can be considered certain and imminent.

In addition at Council's meeting of 22 October it was resolved to adopt Draft (Amendment 1) Macquarie Park Corridor and to forward it to the Department of Planning and Infrastructure. Therefore Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor – as amended, has been forwarded to Department of Planning requesting the Minister to make the plan.

The relevant provisions of DLEP 2013 are considered below:

Zoning and Permissibility

The subject site is earmarked to remain within land zoned B3 - Commercial Core under the provisions of DLEP 2013 (same as existing). The use and objectives of the B3 use zone is unaltered and is the same as assessed above.

Ryde Local Environment Plan 2013 Draft (Amendment 1) Maps

The general development controls have been discussed above under the current controls however controls which have been added or amended as part of the amendment are discussed below:

Height of Buildings

The maximum height of buildings permitted on the site under DLEP 2013 is 65m. The proposal will not exceed the height with the maximum height of the development being 32m.

Floor Space Ratios

The subject site will have a new a single floor space ratio across the whole site, being 3:1. The proposal does not exceed the current floor space ratio of 2:1.

Proposed Access Network

Figure 4.0.2 Proposed Access Network – shows two 14.1m wide roads to be provided, along the western and eastern boundaries respectively.

The applicant has submitted an indicative masterplan for both LEP 2010 and Draft LEP 2013 (Amendment 1) which demonstrates that a development can be provided that maximises the allowable GFA on the site and results in an appropriate built form and the local road infrastructure through the site can be provided. The proposed building is sited 20m from the eastern boundary and over 60m from the western boundary, which is sufficient distance to allow for the provision of any future roads on site.

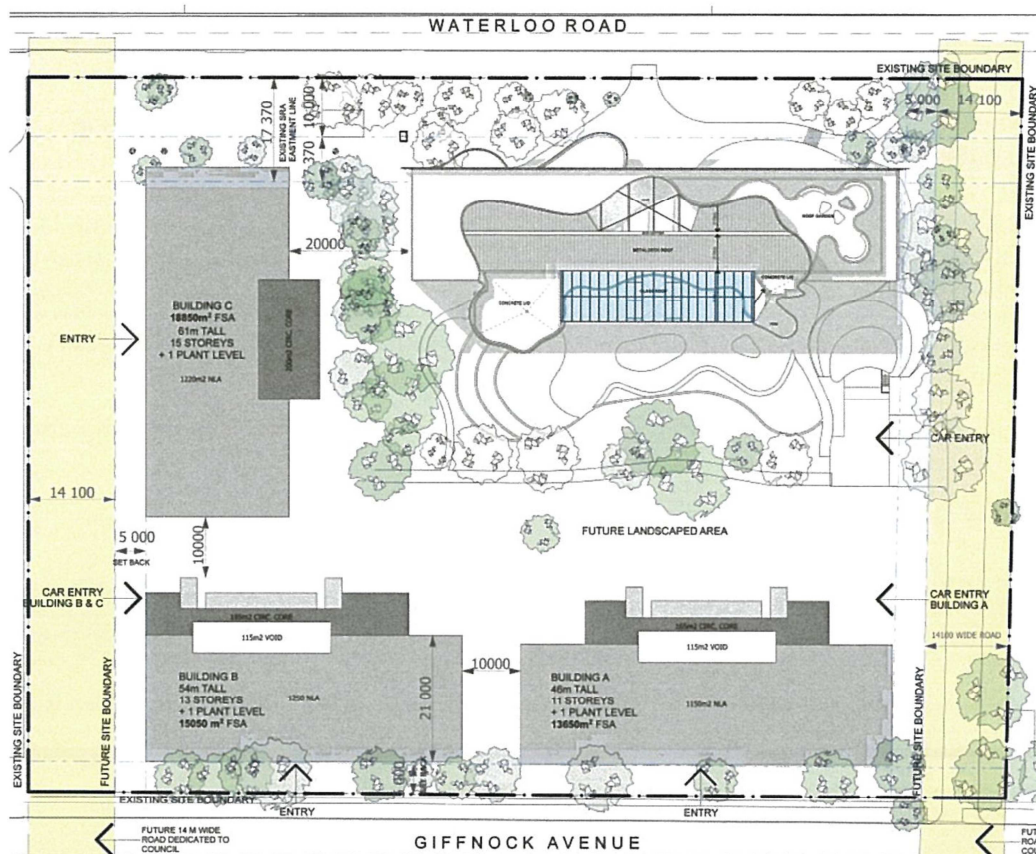


Figure 12: Indicative master plan for the site demonstrating that future infrastructure can be provided in accordance with Draft LEP 2013 (Amendment 1).

7.9 Section 94 Development Contributions Plan 2007 (2010 Amendment)

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

The development proposes a *gross floor area* of 9885m² for the proposed building.

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

A	B
Community & Cultural Facilities	\$373,870.85
Open Space & Recreation Facilities	\$0.00
Civic & Urban Improvements	\$366,281.34
Roads & Traffic Management Facilities	\$385,196.73
Transport & Accessibility Facilities	\$0.00
Cycleways	\$50,557.80
Stormwater Management Facilities	\$44,836.48
Plan Administration	\$13,544.35

The total contribution is

\$1,234,287.56

NOTE:

As discussed above, the provision of the road adjacent to the eastern boundary is important for establishing vehicular links within Macquarie Park to assist in increase permeability and access within the area. There is no impetus for the road to be provided as part of this application, however after several discussions with the applicant, it was agreed to offset the Section 94 Contribution against the construction of the road and a Section 96 application or an amending development application be submitted for the provision of the road. Accordingly a condition of consent has been imposed requiring a Bank Guarantee to be given at Construction Certificate which is equivalent to the S94 contribution. The amended proposal is to be lodged and approved within twelve (12) months from the date consent is issued by The Council to the development application. If the applicant has not lodged the Section 96 or amended application and the application approved within this time, Council will be able to call upon the Bank Guarantee and utilize the money in accordance with the Section 94 calculation.

Where the Proponent fails to obtain approval for the proposed road within the specified period, The Council will call on the Bank Guarantee and such a payment will be received and deemed a monetary contribution by the Proponent towards The Council.

8. LIKELY IMPACTS OF THE DEVELOPMENT

Built Form

The proposed development is of a well design commercial building. The form of the building is a transparent rectangular shaped building contrasted by curved timber front structures. The building complies with Council's height and floor space controls and will contribute positively within the Macquarie Park Corridor.

The building is sited between 9.2m for a very small section of the curved front café area wall with the rest of the building setback approximately between 12.3m to 18.8m on the ground floor. The upper levels will have a setback of 15m from the boundary. The proposed landscaping plan shows the site to be well landscaped with varying shrubs and trees to soften the development. Tree planting will be provided within the front setback area.

The height of this building is within the permitted height and proposed signage integrated with the overall design of the building. The applicant has shown a number of finishes and material samples in support of the application. These are supported by Council's Urban Design Planner. The proposal is under the maximum 2:1 floor space ratio permitted on the site.

Traffic Impact

Council's Traffic Engineer has reviewed the proposal and the submitted Parking and Traffic Report and has raised no objections to the proposal with regards to

traffic. The Traffic report concludes that : *“the proposed development will generate slightly higher peak hour vehicle movements than the existing site. The intersections modelling of the projected traffic activity associated with the proposal indicates the intersection located within the vicinity of the site will continue to operate similarly to the existing conditions. Therefore, the proposed development is unlikely to have any notable impact on the overall operation of the surrounding road network”*.

Safety by Design

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

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

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

Public Domain

Council has a Public Domain Technical Manual that applies to Macquarie Park. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain.

Note: The subject site has frontages to Waterloo Road and Giffnock Street. A condition of consent has been recommended to ensure that the public domain along Waterloo Road is upgraded as part of this development consent. All of this work will contribute positively to the streetscape. Council's Team Leader – Design and Development has commented on the public domain aspect of the proposal and has requested amendments along the street edge (See **Condition 1(a)**).

Previous Approval

LDA2011/0443 was approved on 6 December 2011 for land subdivision from one lot into two. This consent approved the subdivision of the site as follows:

Proposed Lot 1 and Lot 2 will have an area of 11,900m² and 7,398m² respectively. The plan below shows the layout of the proposed allotments:

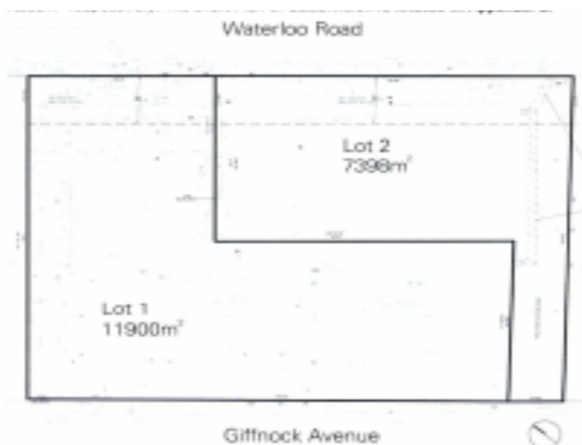


Figure 13: Approved LDA 2011/0443 - subdivision dividing the site into two allotments

Should the applicant proceed with the registration of the subdivision, the proposed new 6 storey building, subject to this application, will be located entirely within the proposed Lot 2, as shown above. However the application for the proposed new building is assessed under the current site area of 19298m² with side and rear from the existing boundaries. **Condition 3** has been imposed requiring the surrender of LDA 2011/0443 if the current application - LDA 2013/329 is acted upon.

9. COMMENTS FROM COUNCIL DEPARTMENTS

Senior Development Engineer: 7 November 2013: Council's Senior Development Engineer has made the following comments:

Stormwater Management

The proposed drainage plan incorporates an onsite detention (OSD) system which serves to drain the area of the site under development. The design of the system is in accordance with Council's design objectives for large sites, producing a PSD less than the pre-developed (natural) conditions.

The proposed system is noted to utilise the existing point of connection to Council's in-ground drainage network and therefore does not require any works in the public domain based on the submitted plan. Standard conditions of consent concerning compliance with the submitted drainage plan are advised.

Impacts to Council Infrastructure

It is understood Council's Public Works will be reviewing the proposal in the context of potential impacts to the public domain. Notwithstanding this, it is noted that there is no footpath formed along the Waterloo Road frontage. It is warranted that the developer upgrade this infrastructure to facilitate pedestrian access to and from the site which will increase due to the proposal. It is also noted that both driveway crossovers accessing the site from Waterloo Road and Giffnock Avenue are dilapidated and likely to degrade further due to the scope of works and therefore the driveway crossovers should be reconstructed to ensure the serviceability of this infrastructure is consistent with that of the proposed development.

Vehicle Access and Parking

The proposed development will occupy a portion of existing parking area currently servicing the existing commercial buildings on the site on the site whilst providing basement level parking area in the new development. This will result in the loss of 89 existing carspaces which will be replaced by 97 carspaces in the basement level.

Parking requirements for the development as stated in Council's LEP 2010 is a maximum of 1 carspace for 80m² of GFA. A summary of the parking requirements is as tabled below.

Level - Use	GFA	Ryde City DCP Parking Requirements			Proposed
		Maximum parking rates (Ryde LEP 2010)	Required (Rounded up)		
Ground – Retail/ Office	1462 m ²	1 Carspace / 80m ²	19	124 (TOTAL)	97
Level 1 – Office	1638 m ²		21		
Level 2 – Office	1640 m ²		21		
Level 3 – Office	1638 m ²		21		
Level 4 – Office	1640 m ²		21		
Level 5 - Meeting	1648 m ²		21		

With respect to the impact this has on the existing commercial space, the applicant's traffic consultant has presented that the site currently has a surplus parking supply of 141 parking spaces, based on the existing commercial GFA (5430m²), Councils parking rate (1 carspace per 80m²) and the total existing parking capacity of 209 carspaces. By strict interpretation of Council's LEP 2010 parking requirement map, the site has two separate parking rates applying to the same lot, with the western side, which currently accommodates the existing commercial buildings having a higher rate of 1 space per 70m². Application of this rate produces a parking requirement maximum of 78 carspaces thereby the existing parking surplus is actually 131 spaces.

The proposed distribution of parking is as summarised;

- The existing commercial buildings that will be retained will have access to 120 carspaces which are to be retained. The level of parking is higher than the maximum permitted by the LEP (42 surplus spaces) however significantly reduces the degree of non-compliance presented by the current arrangement (131 surplus spaces).
- The proposal provides 97 carspaces which is less than the maximum 124 permitted by the LEP and therefore complies with Councils requirements.

Accordingly whilst there is marked reduction in parking per GFA on the site, the net parking capacity brings the site further into alignment with Council's controls contained in the LEP and is therefore acceptable.

The design and layout of the proposed basement garage is generally acceptable with respect to the requirements of AS 2890.1. The following items are noted;

- The applicant was advised during Council's pre-lodgement assessment that the extensive use of stacked/ tandem parking has potential issues with respect to safe and efficient access to parking and logistic difficulties in management of the parking area. To address this, the applicant has submitted a parking management plan which has detailed the variety of scenarios that may be accounted for in practise. It has stipulated that the set of parking spaces will be allocated to employees working in close proximity to each. As the parking area is under the management of a single tenant (Novartis), the communication and co-operation between the employees is feasible and is accepted that the proposed arrangement could feasibly be undertaken. Compliance with the parking management plan is to be complied with as an ongoing condition of approval. It is to be noted that AS 2890.1(Off-street Parking) does not provide any guidance as to the design of tandem parking however it does not explicitly prohibit such arrangements.*
- Some 12 bike parking spaces is provided in the basement garage. This complies with the rate specified in Councils Parking DCP.*
- The proposal accommodates some 12 small carspaces which equals 12% of the provided parking supply. Whilst there is no control or standard outlining set limits of their use, the quantity of small carspaces is acceptable.*
- The quantity of disabled spaces satisfies Council's Access for People with Disabilities DCP.*

Traffic Generation

The applicant's traffic consultant has presented two sets of traffic generation estimates. One based on the RMS guidelines whilst the other deduced from traffic surveys of the existing site, establishing a traffic generation rate based on per parking space. Whilst traffic generation is typically relative to floor area (as per the RMS Guidelines), the alternative approach undertaken by the consultant is more applicable given that the proposal does not have a corresponding increase in parking spaces on the site.

Modelling both sets of values to the adjoining intersection performance indicates that there is expected to be only very minor impacts to the surrounding road network and as such, the proposed traffic generation levels do not warrant concern.

Service Requirements

The proposal has provided a total of 6 parking bays with two of the bays stacked near the basement garage entry allowing for a LRV (Large Rigid Vehicle). The level of service bays is considered acceptable with respect to servicing of the proposed development.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

Council's Team Leader – Design and Development: 6 November 2013:

I have reviewed the Development Application dated 10.09.2013 against the comments provided by the Urban Design Review Panel at the pre DA stage. The

proposal is for a six storey commercial building for a single occupant, the site owner. It is noted that on the whole, the issues raised by the Panel have been addressed.

Site approach

The proposal is concerned with only part of the site. The Panel requested that a Master Plan that addressed building envelopes, building separation, future street alignments, parking, open space and public realm be provided. The Indicative Master plans in the SEE are satisfactory in that they demonstrate how the remainder of the site could be developed in the future in accordance with Council's current and proposed planning controls.

Street setback/railway easement

The Panel requested that the proponent investigate the possibility of reducing the proposed front setback so that it is more consistent with Council's desired setback of 10m and a more active street frontage can be achieved. The DA has reduced the setback of the building line by 2.7m which is satisfactory.

Public Domain interface

The Panel identified that the front setback area should have an urban rather than a landscaped character and the design approach should allow the ground floor of the building to engage with the street. This approach anticipates the new planning controls for Macquarie Park that will see Waterloo Road becoming the major spine of the centre. This character will not be achieved as the paved entrance to the building is only 4 metres wide at the street edge and the raised planting areas will reduce visibility of the ground floor from the street. It is recommended that retaining walls be a maximum height of 500mm and the width of the entrance be increased (min 10m) so that its presentation to Waterloo Road is more open and accessible to passing pedestrians and cyclists. The staff cafeteria should also help to activate the street by incorporating transparent balustrading rather than the solid walling indicated in the elevations.

Paving of the front setback area should be the same as the granite paving of the footpath so that this area reads as publically accessible open space and there is a seamless transition between public and private space. The small café at the main entrance is a welcome addition though the landscaped walls need to open up more to the street to suggest an invitation. Additionally a seating area possibly with some fixed benches and tables should be included adjacent to the entrance.

The street tree planting on Waterloo Road is to be undertaken in accordance with the Macquarie Park Public Domain Technical Manual. In this regard street trees are to be planted at 8m spacing 1.5m into the property boundary.

The proposed 5m long benches along the street frontage are not supported because the outlook to Waterloo Road is uninviting and there is very little shade available in this location. It would be preferable if a public seating area was provided in conjunction with the café.

The proposed hydrant booster pumps and kiosk substation should be located and/or screened so they are not visible from the public domain. Multi function poles are to be provided on Waterloo Road and the new road.

Recommendation

A revised plan and a detailed section of the front setback area and public domain is to be provided. Detail regarding the balustrading of the staff cafeteria area is to be provided.

Architectural expression

The proposed DA indicates that it is striving for a high quality architectural design outcome. However the successful resolution of this design will be dependent on resolving the detail design to an equally high level. As such, the documentation provided is insufficient to ensure a quality design outcome.

Recommendation

Detailed sections at a scale of 1:20 of the aluminium and timber vertical screens and the glazed façade system are to be provided. A materials board and colour samples are to be provided

Signage

The proposed sign on the extension of the curtain wall above the roof line is satisfactory.

New road on southern boundary

It is noted that Council is negotiating the provision of a new local road running parallel to the southern boundary in accordance with the new planning controls (Amendment 1). The interface between this new road and the new building and landscape needs to ensure CPTED principles are applied.

Planner's Comment:

Condition 1 (a) has been imposed requiring amended landscaping plans and architectural plans to be submitted addressing the public domain interface, as discussed above. The applicant has advised that they have considered the comments made by the Team Leader – Design and Development and has no objection to changes to the landscape design.

A schedule of finishes has been submitted and Council's Team Leader – Design and Development has advised that the schedule of finishes is considered satisfactory.

Public Works: 18 November 2013:

Traffic

General comments – The site along the eastern boundary is mapped as being affected by a proposed 16m wide "type 3".

At this stage the applicant has not proposed to enter into any agreement with Council in regard to the dedication and construction of this future road, however has designed the building to cater for the future road whenever it will be constructed. Accordingly, a positive covenant under section 88E of the Conveyancing Act should be registered against the titles of the property with a requirement to prohibit any future development on the area of land affected by the proposed future type 3 road. This matter will be conditioned.

Public Domain

General comments – The site of the proposed development along the eastern boundary is mapped as being affected by a proposed 16m wide “type 3” future road. The applicant has not proposed to enter into any agreement with Council in regard to the dedication and construction of this future road, however has designed and located the new building to cater for the future road whenever it will be constructed.

The site has two street frontages, namely Waterloo Road & Giffnock Avenue. However, as the proposed new building works is located in close proximity to Waterloo Road, public domain improvement works in only Waterloo Road is required in accordance with the Macquarie Park Corridor DCP technical manual. This matter will be conditioned for compliance prior to Construction Certificate.

Planner's Comment:

As discussed above, the road will not be constructed as part of the current development with the road width based on Amendment 1 requirements. The conditions imposed will reflect the required road width.

Environmental Health Officer: 2 October 2013: No objection was raised from Council's Environmental Health Officer subject to standard environmental health conditions.

Consultant Landscape Architect: 8 October 2013: Council's Consultant Landscape Architect has reviewed the application and has made the following comments:

28 trees will require removal to facilitate the development of the new campus.

A Development Impact Assessment Report was completed by Earthscape Horticultural Services in September 2013. The report considers 56 trees located within 54 Waterloo Road, Macquarie Park. The majority of the trees are non-local native species, many of which are mature specimens. The following trees are exempt under the City of Ryde DCP 2010: Trees 1, 7, 14, 24, 55 and 56.

Existing trees to be removed

There are twenty eight (28) trees proposed to be removed to facilitate the proposed development.

The following ten (10) trees have been assessed as being of low and very low retention value:

- *Tree 22 (Eucalyptus sp.)*
- *Tree 24 (Hakea salicifolia). Tree is exempt from Council's Tree Preservation Order.*
- *Trees 28 and 30 (Eucalyptus robusta)*
- *Tree 32 (Pittosporum undulatum)*
- *Tree 34 (Melaleuca quinquenervia)*
- *Trees 44, 47 and 50 (Agonis flexuosa)*
- *Tree 48 (Melaleuca armillaris)*

Removal of these trees is considered acceptable.

Twelve (12) trees with a moderate retention value are proposed to be removed to facilitate the development, including:

- *Trees 18 and 21 (Corymbia maculata)*
- *Trees 20, 33, 45, 46 and 49 (Melaleuca quinquenervia). Tree 45 is listed for removal in Section 9.1.4 of the Arborists report but is shown as being retained in Appendix 6. New retaining walls are proposed within the Tree Protection Zone (TPZ) with encroachment calculated at 38%. This high level of encroachment is likely to have an adverse impact on the tree. Removal of the tree is recommended and replacement planting is to be carried out in accordance with the Landscape Plan prepared by Aspect Studios.*
- *Tree 43 (Melaleuca quinquenervia)*
- *Trees 25 and 26 (Eucalyptus robusta)*
- *Tree 52 (Eucalyptus sideroxylon). This tree is recommended for removal in Appendix 4 as the extent of encroachment into the TPZ exceeds acceptable limits under AS4970:2009 however the tree is shown as being retained in the Tree Protection Plan in Appendix 6. In our opinion the extent of encroachment necessitates removal of this tree and a mature (min 200L pot size) replacement tree should be provided to compensate for the loss of this canopy tree from the street frontage.*
- *Tree 54 (Cupaniopsis anacardioides). Removal is considered acceptable*

Six (6) trees with a high retention value are proposed to be removed to facilitate the development including:

- *Trees 17 and 19 (Corymbia maculata)*
- *Tree 23 (Eucalyptus sideroxylon)*
- *Tree 27 (Eucalyptus botryoides)*
- *Tree 35 (Eucalyptus haemastoma). This tree is recommended for removal in Section 9.1.5 of the Arborist's report but is shown as being retained in Appendix 4 and Appendix 6. In our opinion Tree 35 should be retained and protected in accordance with the Arborist's recommendations in Appendix 4, whereby the existing kerb and gutter is to remain intact within the TPZ.*
- *Tree 53 (Eucalyptus sideroxylon). The proposed pedestrian entry area is within the Structural Root Zone (SRZ) of this tree. It is recommended that the entry pavement be redesigned to allow for the trees retention. This is one of several mature trees along Waterloo Road that are proposed for removal. The loss of canopy trees along the street frontage will have an impact on the landscape character of the street and in our opinion minor changes to the pedestrian entry could be made in order to retain this particular tree.*

The applicant's Arborist has advised that a stormwater line is located within the Tree Protection Zone of Tree 51 which will necessitate its removal.

The basement has now moved forward 3m which results in an unacceptable incursion into the Tree Protection Zone of Tree 52.

Council has advised that they will be conditioning widening of the entry to a minimum of 10m which will make retention of Tree 53 unfeasible.

Given these circumstances, removal of these the trees is considered acceptable subject to providing three new replacement trees along the Waterloo Road frontage. Species should be selected from those proposed in the Planting Schedule on the Landscape Plan. These trees should be installed as advanced stock with a minimum pot size of 100 Litres.

Generally the Landscape Plan prepared by Aspect Studios is considered acceptable however it is recommended that the following item be addressed prior to issuing a Construction Certificate.

Fencing of retaining walls

The retaining walls behind the proposed table tennis area and private courtyard will likely require a barrier to prevent fall hazards. The construction certificate documentation should outline what type of fencing or balustrade is proposed for this area.

Project Arborist

A Project Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures and monitor the trees throughout the development process.

Hold points and certification

The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

<i>Hold Point</i>	<i>Task</i>	<i>Responsibility</i>	<i>Certification</i>	<i>Timing of Inspection</i>
<i>1</i>	<i>Indicate clearly (with spray paint on trunks) trees approved for removal only</i>	<i>Principal Contractor</i>	<i>Project Arborist</i>	<i>Prior to demolition and site establishment</i>
<i>2</i>	<i>Establishment of tree protection fencing and additional root, trunk and/or branch protection</i>	<i>Principal Contractor</i>	<i>Project Arborist</i>	<i>Prior to demolition and site establishment</i>
<i>3</i>	<i>Supervise all excavation works proposed within the TPZ</i>	<i>Principal Contractor</i>	<i>Project Arborist</i>	<i>As required prior to the works proceeding adjacent to the tree</i>

4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

Planner's Comments:

A Flora and Fauna investigation, by LesryK Environmental Consultants, was carried out on the site. The investigation concluded that:

No endangered ecological communities or threatened fauna species listed on the EPBC or TSC Acts were detected or considered likely to occur at the subject site. Narrow-leaved Black Peppermint, which is listed as vulnerable on both the TSC and EPBC Acts, occurs on the site as planted specimens.

Given the species is not in its natural habitat, and well outside its natural range, it is considered there is unlikely to be a significant impact on this plant. As such, referral to the Federal Minister for Sustainability, Environment, Water, Population and Communities for further consideration or approval in relation to the proposal would not be necessary. Similarly, the preparation of a Species Impact Statement is not required.

No state or nationally listed threatened fauna species would be reliant upon the subject site. The further development of this site would not have a significant effect on any threatened animals, their populations or habitats.

Given that there are no endangered ecological communities or threatened fauna species on the site and that Council's Consultant Landscape Architect has raised no objections to the removal of the 28 trees (10 of which are trees of low to very low retention values) and with a condition for replacement trees to be planted within the front setback area (See **Condition 1(a)(v)**), the proposal is considered satisfactory).

10. EXTERNAL REFERRALS

NSW Transport RailCorp: A rail easement runs underneath the Waterloo Road frontage of the site and it is proposed to provide a basement level which will require excavation. As such, in accordance with Clause 86 of Division 2 of SEPP, the proposal was referred to Railcorp for their concurrence. RailCorp has granted deferred commencement approval and the applicable conditions have been imposed as required by RailCorp.

11. PUBLIC NOTIFICATION AND SUBMISSIONS

The application was advertised and notified between 30 September 2013 and 23 October 2013. No submissions were received.

12. CONCLUSION

The proposal generally complies with Council's planning controls, albeit, the variation to the front setback which can be supported by Council officers. The design of the building has been amended in accordance with the recommendations by the Urban Design Review Panel (UDRP) to provide a more public interaction at the front with the façade materials and design considered satisfactory. The building provides a high degree of amenity for future occupants in terms of access to public transport and internal facilities.

The provision of a 14.1m wide future road, which is part of the Street Network Structure Plan, is open for future negotiations with the building setback from the road to ensure that the objectives of the LEP and DCP can be achieved.

It is recommended that the application be approved subject to conditions.

RECOMMENDATIONS

- (a) That in accordance with Section 80 of the EP&A Act, 1979 the Sydney East Region Joint Regional Planning panel grant Deferred Commencement approval to the Development Application Number 2013/329 for the 6 storey commercial building at 52-58 Waterloo Road, Macquarie Park subject to the information required in Part I shall be submitted to Council within 6 months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 95(6) of the Environmental Planning & Assessment Act.
- (b) That a copy of the Deferred Commencement consent be forwarded to RailCorp.

Report Prepared By:

Sandra McCarry
Senior Town Planner – City of Ryde

Report Checked By:

Sandra Bailey
Team Leader – Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager Environment & Planning

ATTACHMENT 1

This Consent does not become operative until the matters referred to in Part I have been submitted to Council and Council has notified you in writing that the Consent has become operative.

The information required in Part I shall be submitted to Council within 12 months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 95(6) of the Environmental Planning & Assessment Act.

DEFERRED COMMENCEMENT

Part 1

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

1. **Approval/Certification.** Approval/certification from RailCorp as to the following matters and the approval/certification has been forwarded to the Council:
 - The Applicant shall prepare and provide to RailCorp for approval/certification the following items:
 1. Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 2. Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 3. A report assessing the in impact or any movement on the rail tunnel that may result from the proposed development. This report is to be based on the Final Geotechnical and Structural Report.
 4. Final cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
 5. Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's easement and tunnel location.
 6. If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of RailCorp's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Part 2

GENERAL

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

1. **Approved Plans/Documents** - Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Demolition Plan	10/09/2013	DA0301 Issue C
Site Plan	10/09/2013	DA1002 Issue C
Basement Plan	10/09/2013	DA1101 Issue B
Ground Floor	10/09/2013	DA1201 Issue C
Level 1	10/09/2013	DA1301 Issue C
Level 2	10/09/2013	DA1302 Issue B
Level 3	10/09/2013	DA1303 Issue B
Level 4	10/09/2013	DA1304 Issue B
Level 5	10/09/2013	DA1305 Issue B
Level 6	10/09/2013	DA1306 Issue B
Fit Out Plan	10/09/2013	DA1307 Issue B
Roof Plan	10/09/2013	DA1401 Issue B
Elevations – North East & South East	15/10/2013	DA1501 Issue D
Elevations – South West & North West	10/09/2013	DA1502 Issue B
Sections	10/09/2013	DA1601 Issue B
Landscape Courtyard Plan	September 2013	13047-DA1 Issue A
Site Section - Courtyard	September 2013	13047-DA2 Issue A
Level 6 Rooftop Terrace	September 2013	13047-DA3 & DA4 Issue A
Planting Strategy	September 2013	13047-DA5 Issue A

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

- (a) The landscaping plans and architectural plans DA1201 & DA1301 Issue C are to be amended as follows:
- i. the paved entrance at the street edge is to be increased to minimum 10m wide with the retaining walls within the front setback area to be maximum height of 500mm so that the presentation to Waterloo Road is open and accessible to passing pedestrians and cyclists and transparent balustrading rather than the solid walling is to be provided to the staff cafeteria so as to help to activate the street frontages of Waterloo Road and the new road. Detail of the balustrading of the staff cafeteria area is to be provided.

- ii. The 5m long benches along the street frontage are to be deleted as the outlook to Waterloo Road is uninviting with very little shade available in this location. A public seating area with some fixed benches and tables to be provided adjacent to the small kiosk area with the area around the kiosk to be more open to the street.
- iii. Paving at the front setback area should be the same as the granite paving of the footpath so that this area reads as publically accessible open space and there is a seamless transition between public and private space. Note: The pavers at the front setback area does not need to be the same size or layout of pavers.
- iv. Retention of Tree 35. Tree 35 (*Eucalyptus haemastoma*) is to be retained and protected in accordance with the recommendations in Appendix 4 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated September 2013, where by the existing kerb and gutter is to remain intact within the TPZ.
- v. Removal of Trees 51, 52 and 53 is considered acceptable subject to providing three new replacement trees along the Waterloo Road frontage. Species should be selected from those proposed in the Planting Schedule on the Landscape Plan. These trees should be installed as advanced stock with a minimum pot size of 100 Litres.
- vi. The proposed hydrant booster pumps and kiosk substation should be located and/or screened so they are not visible from the public domain. Details of the proposed screening to be provided and of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.

The Development must be carried out in accordance with the amended plans approved under this condition. Details of the above amendments are to be submitted to Council prior to approval of the Construction Certificate.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Surrender of LDA 2011/0443.** Upon the activation of this consent , the development consent LDA 2011/0443 dated 6 December 2011 for the subdivision of the allotment into two lots is to be surrender to Council in accordance with Clause 97 of the Environmental Planning Assessment Regulation 2000.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
- 5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
- 6. **Materials and Finishes Schedule** - The development materials, colours and finishes to be in accordance with the Façade Glazing Schedule and External wall finishes (DA1503 Issue A) prepared by Rice Daubney except as varied by any other condition on this consent.
- 7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
- 8. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- 10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
- 12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

14. **Bicycle/motorcycle parking.** A minimum of 50 bicycles spaces for employees and 14 bicycle spaces for visitors, designed and installed in accordance with Australian Standard A52890.3, are to be provided.
15. **Security Lighting.** Where security lighting is provided within the development it shall provide the appropriate level of illumination in accordance high security guidelines and should be designed so as not to illuminate or impact on pedestrians or motorists using Waterloo road or the internal road.
16. **Surveillance Equipment.** Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.
17. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
19. **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.
20. **Council Approval – Roads Act.** To ensure all engineering works within the public road and/or drainage reserve (including parkland) will be completed to Council satisfaction, engineering approval and compliance certificates must be obtained from Council for any of the following works (where applicable), at the specified stage and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate. Fees applicable to the proposed works in accordance with Council's Management Plan are to be paid to Council prior to approval being given by Council.
 - Approval for drainage connection(s) to Council's stormwater drainage systems and inspection of the stormwater connection by council prior to backfilling.
 - Approval shall be obtained for the construction of any structure on Council's road and drainage reserve (including parkland). The inspection(s) for these structures, during construction shall be made by Council e.g. prior to casting & backfilling of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps etc.

- Final inspection by Council after completion of all external works, with all disturbed areas satisfactorily restored.

21. **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) required within the road reserve. No works 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.

22. **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.

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

24. Excavation

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

25. **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.

26. **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.
27. **Waste management plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.
28. **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.

29. **Section 94.** A monetary contribution in the form of a **Bank Guarantee** for the services in Column A and for the amount in Column B shall be made to the Council of the City of Ryde ("The Council") prior to the issue of the **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$373,870.85
Open Space & Recreation Facilities	\$0.00
Civic & Urban Improvements	\$366,281.34
Roads & Traffic Management Facilities	\$385,196.73
Transport & Accessibility Facilities	\$0.00
Cycleways	\$50,557.80
Stormwater Management Facilities	\$44,836.48
Plan Administration	\$13,544.35
The total contribution is	\$1,234,287.56

These are contributions under the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* (NSW) 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 or upon the realisation of the Bank Guarantee**. Such adjustment for inflation is by reference to the Consumer Price Index ("CPI") 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 reviewed 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>.

The Proponent is required to provide a **Bank Guarantee** in favour of The Council ("The Beneficiary") as security for the payment of Section 94 Contribution. The proponent is to consider the lodgement of an amended proposal, to development application LDA2013/329 that includes a provision for the construction of a fine grain road, in accordance with the Macquarie Park Corridor Planning Proposal, Amendment 1, adjacent to the eastern boundary of the subject site. The amended proposal is to be lodged and approved within twelve (12) months from the date consent is issued by The Council to the development application.

Where the Proponent fails to obtain approval for the proposed road within the specified period, The Council will call on the Bank Guarantee and such a payment will be received and deemed a monetary contribution by the Proponent towards The Council.

Should the proponent and Council be unable to agree to the value of the fine grain road to be dedicated to Council through a future application process, Council reserve the right to call on the Bank Guarantee.

Bank Guarantee Requirements. The Bank Guarantee to be provided to The Council must include the following:

- Bank Guarantee should be from an Authorised Deposit Taking institution (ADI);
- Bank Guarantee should state clearly that it is in favour of the "Council of the City of Ryde **ABN 81 621 292 610** ("The Beneficiary");
- The Bank Guarantee should clearly and correctly state that the amount to be guaranteed is \$1,234,287.56, subject to a CPI adjustment; and The Bank Guarantee should not have an expiry date.

30. **Consultants Reports.** The recommendations/strategies contained in the following reports, as attached at end of the consent, are to be adhered to, (except where modified by another condition of this consent):
- Acoustic Report prepared by SLR Global Environmental Solutions dated 10 September 2013,
 - Sustainability report prepared by AECOM dated September 2013.
 - Access Report prepared by Accessible Building Solutions dated 23 August 2013
 - Arborist Report prepared by Earthscope Horticultural Services dated September 2013.
31. **RailCorp – Acoustic.** An acoustic assessment is to be submitted to Council and RailCorp prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
32. **RailCorp – Electrolysis.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.
33. **RailCorp – Risk Assessment/Management Plan.** If required by RailCorp, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
34. **RailCorp –Monitoring.** If required by RailCorp, a tunnel/track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
35. **RailCorp – Insurance.** Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The Applicant is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance

required for this particular proposal. Prior to issuing the Construction Certificate the Principle Certifying Authority must witness written proof of this insurance in conjunction with RailCorp's written advice to the Applicant on the level of insurance required.

36. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
37. **Sign illumination.** The hours of illumination for the sign is restricted to between 7:00am to 11:00pm daily only and the applicant is to provide details of how this condition will be complied with and monitored to Council prior to the issue of the **Construction Certificate**.
38. **Signage.** The proposed panel sign is not to project more than 300mm from the wall of the building. Details of the sign are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
39. **Public Infrastructure Works.** To facilitate safe access to and from the proposed development detailed engineering plans for the following works, prepared by a chartered civil engineer are to be submitted to Council for approval prior to issue of Construction Certificate. The works shall be in accordance with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works, the Macquarie Park Corridor Public Domain Technical Manual and DCP 2010 Part 8.2 – Stormwater Management where applicable and must be completed at no cost to Council, prior to issue of any occupation certificate.
- a) The installation of full width granite footpaving and landscaping (including street tree planting) along the total site frontage in Waterloo Road in accordance with the Macquarie Park Public Domain Technical Manual.
Note: The granite paving that have been recently installed can be retained provided that the grades and junctions for the new and old paving can be satisfactory resolved.
 - b) The provision of five multi-function street lighting poles along the Waterloo Road frontage sited for the future road network and designed and installed to A.S. 1158.3.1 Categories P2 and V3. Plans of the new lighting schemes are to be submitted to Council for approval prior to commencement of work.
 - c) Three existing Ausgrid street lighting poles along the Waterloo Road frontage of the site are to be removed in conjunction with the installation of the new multifunction poles. Plans of these alterations are to be submitted to Ausgrid for approval prior to commencement of work
40. **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, prior to commencement any external public infrastructure works.

41. **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 RMS accredited traffic controllers and a minimum of seven (7) day notice shall be given to residents if their access will be affected by proposed construction activities.

42. **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 \$20,000 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.

43. **Arts and Cultural Plan** - Prior to the issue of a Construction Certificate, a site specific Arts and Cultural Plan is to be submitted for approval by Council. This Plan is to be prepared by an arts and cultural planner and will be required to address the following:

- a) Identify opportunities for the integration of public art in the development.
- b) Identify themes for public art.
- c) Durability, robustness and longevity.
- d) Demonstrate how public art is incorporated in the site and build form design.

44. **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)

45. **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

46. **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**.

47. **Sydney Water – quick check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

48. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

49. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

50. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

51. **Retaining walls.** The retaining walls behind the proposed table tennis area and private courtyard will likely require a barrier to prevent fall hazards. The construction certificate documentation should outline what type of fencing or balustrade is proposed for this area. Details of fencing/balustrading proposed for on top of the retaining walls in the private courtyard in the Construction Certificate documentation. Protective fencing is required for any walls in excess of 1m high.

52. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare. The lighting is not to cause nuisance to the owners or occupiers of adjacent premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
53. **Food Premises.** The premises must comply with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*. Details of all food handling areas must be submitted to and approved by Council before the issue of a **Construction Certificate**. Such details must include:
- (a) the layout and use of each room or area;
 - (b) the construction and finishes of all floors, walls and ceilings; and
 - (c) the location and details of all fixtures, fitting and equipment (including the method of installation).
54. **Mechanical Ventilation.** Adequate provision must be made for the installation of kitchen exhaust systems in the cafeteria. Details of all proposed mechanical ventilation 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
55. **A "Fire Safety Schedule":** specifying the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.
56. **External Engineering Works.** To ensure all driveway crossovers accessing the subject site have a service life consistent with that of the proposed development the following works shall be completed at no cost to Council
- a) The reconstruction of the existing concrete driveway crossover accessing the site from Waterloo Road frontage.

- b) The reconstruction of the existing concrete driveway crossover accessing the site from Giffnock Street frontage.

Detailed engineering plans prepared by a Civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works shall be submitted to Council for approval. Engineering plans approval and work inspection fee in accordance with Council's Management are payable to prior to approval being granted by Council.

57. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.
58. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's 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 Council kerb inlet pit in Waterloo Road, in accordance with the plans by Warren Smith and Partners (Refer to Job No. 3900001 Dwgs DAH-20 – DAH-22 dated Issue A dated 10 September 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 any associated 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 rate for all storm events up to the 100yr ARI 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.

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.

59. **RailCorp – inspections.** If required by RailCorp, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection

of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

60. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal 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.

61. Excavation adjacent to adjoining land

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

62. 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.

63. 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.

64. Boundary Levels. The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

65. **Driveway Grades.** The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.
66. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
67. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures which shall 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.

The ESCP must be submitted with the application for a Construction Certificate. 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.

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.

68. **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*.

69. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
70. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
71. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (c) Fill is allowed under this consent;
 - (d) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (e) the material is reused only to the extent that fill is allowed by the consent.
72. **Construction materials.** All materials associated with construction must be retained within the site.
73. **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.
74. **Site maintenance**
The applicant must ensure that:
- (f) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (g) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (h) the site is clear of waste and debris at the completion of the works.
75. **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".
76. **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.
77. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards. All tree removal work is to be carried out in accordance NSW Workcover

Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

78. **Tree Management.** Trees on site are to be managed in accordance with the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated September 2013. A Consultant Arborist with AQF Level 5 qualifications is to be engaged to ensure compliance with the tree protection measures, oversee all works, including demolition and construction, in relation to the trees identified for retention on the site and to monitor the trees throughout the development process.

Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

79. **Tree Protection Plan.** The Tree Protection Plan prepared by Earthscape Horticultural Services is to be updated to resolve discrepancies with the Development Impact Assessment Report, with regards to Trees 35, 45, 52 and 54.

80. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Warren Smith and Partners (Refer to Job No. 3900001 Dwgs DAH-20 – DAH-22 dated Iss A dated 10 September 2013) submitted in compliance to the condition labelled “Stormwater Management.”.

81. **Erosion and Sediment Control – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal 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.

82. **RailCorp – Survey.** Prior to the issuing of an Occupancy Certificate the Applicant shall provide as-built drawings and survey locating the development with respect to any rail boundary, RailCorp easement and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. The as-built survey is to confirm that there has been no encroachment into any RailCorp land or easement area.

83. **Term of Restrictions.** To cater for the future Road located adjacent to the eastern boundary of the site, an instrument setting out Terms of Restrictions on the use of land pursuant to Section 88E of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

- a. No development shall occur on the 14m wide strip of land located adjacent and parallel to the eastern boundary of the site.
- b. The 88E Instrument may not be extinguished or altered without prior approval being obtained from Ryde City Council.

The wording of the instrument shall be submitted to and approved by Council prior to release of the Occupation Certificate.

84. **Work Place Travel Plan.** A Work Place Travel Plan (WPTP) to be submitted to Council detailing the promotion, development, implementation and monitoring of a co-ordinated transport strategy for the company. The objectives of the WPTP are to encourage/provide incentives for employees to utilise public transport, walking and cycling and to investigate alternative modes of transport (away from single-occupancy car use) to more sustainable forms of transport and how the plans will achieve and monitor the objectives.

85. **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 to the Principal certifying Authority and Council for review with any required rectifications being completed prior to issue of any Occupation Certificate.

The W.A.E plans are 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.

86. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

87. **Certification.** A Tree Protection Schedule which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final

certification is to be made available to the City of Ryde Council on completion of the project.

88. **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.

89. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

90. **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.

91. **Public domain – work-as-executed plan.** 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**.
92. **Inspection.** Council’s Environmental Health Officer must inspect and approve the completed fit-out before the issue of an **Occupation Certificate**.
93. **Mechanical Ventilation.** A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems comply

with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

94. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
95. **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 system 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.
96. **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. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- Confirming that all works associated with the removal and construction of new driveway crossovers have been undertaken in accordance with the City of Ryde DCP 2010, Part 8.3 “Driveways”.
 - Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890. and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
 - Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this 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) and the relevant sections of the City of

Ryde DCP 2010, Part 8.2 “ Stormwater Management” and associated annexure.

- Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance the City of Ryde DCP 2010, Part 8.2 “Stormwater Management” and associated annexure.
- 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 DCP 2010, Part 8.1 “Construction Activities”.
- Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

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. Parking Management Plan – Compliance. For efficient operation of the basement parking area, the tenant of the site must adopt the “Parking Management Plan” prepared by Traffic and Parking Consultants dated 22 October 2013. The principal tenant of the development is to ensure that the Plan is complied with for the ongoing operation of the development and all measures in the plan must be maintained at all times. A copy of the Parking Management Plan is to be kept onsite at all times.

98. Food Business. The operator must notify their food business details to the NSW Food Authority before trading commences. Notifications may be lodged on-line at www.foodnotify.nsw.gov.au.

99. Waste Storage and Handling Facilities. 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.
- (k) An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes generated on the premises between collections.

100. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

101. **Grease Trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

The grease trap room must be constructed in accordance with the following requirements:

- (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
- (b) The room must be fitted with an air-tight (e.g. coolroom type) door.
- (c) The room must be provided with an approved system of mechanical exhaust ventilation.
- (d) The room must be provided with intrinsically safe artificial lighting.
- (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.
- (f) A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.

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

103. **Noise Pollution.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations*

Act 1997. 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.

104. **Public Utility.** The relocation/adjustment of all public utility services affected by the proposed works where required. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

105. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

106. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

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