

ATTACHMENT 1 – Draft Conditions

LDA2017/0192 - 6-8 Giffnock Avenue, Macquarie Park

DEFERRED COMMENCEMENT

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

- (A) Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2017/0192 subject to the following conditions of consent:
1. **Tree removal at 2-4 Giffnock Avenue.** Separate development consent or a Tree Permit must be obtained for the removal of Trees 18, 19, 20, 21, 22, 23, 24, 25, 28, 32, 33, 34, 35, 38, 41, 43, 44, 45, 47, 49, 50 and 51 at Lot 100 DP 1224422 as shown on the Tree Management Plan prepared by Naturally Trees (dated 25 May 2017).
- (B) The consent or permit identified in deferred commencement condition (A) (1) above must be obtained within twelve (12) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

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

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

GENERAL

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

1. **Approved Plans/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
Site Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-005, Issue 3
Level -1 Basement Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-099, Issue 14
Ground Floor Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-100, Issue 15
Level 1 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-101, Issue 14
Level 2 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-102, Issue 15
Level 3 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-103, Issue 7
Level 4 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-104, Issue 3
Level 5 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-105, Issue 3
Level 6 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-106, Issue 3
Level 7 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-107, Issue 3
Level 8 Plan	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-108, Issue 3
Elevations Sheet 1 - North	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-201, Issue 5
Elevations Sheet 2 – East	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-202, Issue 1
Elevations Sheet 3 – South	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-203, Issue 1
Elevations Sheet 4 – West	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-204, Issue 1
Sections Sheet 2	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-252, Issue 1
Section Sheet 4	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-254, Issue 1
Section Sheet 5	25.05.2017	Drawing No. S2-FAC-AR-DRG-DA-255, Issue 1
Plan of proposed subdivision of Lot 2 DP563884 and Lot 40 DP111172	26.05.2017	Sheet 1 of 1.
Landscape Plan prepared by Urbis	26.05.2017	Unreferenced. Total 14 pages.
Tree Management Plan prepared by Naturally Trees	25.05.2017	TMP01

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

- (a) Any reference to the removal of trees at 2-4 Giffnock Avenue (at Lot 100 DP1224422) is to be deleted from the Approved Plans and Documents under this consent.
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. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Recommendations of the Sustainability Design Assessment prepared by Aurecon (dated 22 May 2017, Revision 1, Reference 252568) are to be included in the final building design. Details are to be noted on the plans submitted with the **Construction Certificate**.
4. **Staged Construction & Occupation of the Development.**

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

This development consent permits the staged Occupation of the development hereby approved as indicated below.

Stage 1:

Tree removal and site preparation works
Basement
Ground floor including front of house, data hall, loading dock and basement carpark access
Temporary ground floor mechanical plant
Level 2, including 8 electrical plant areas
Level 3, including 6 electrical plant areas
Public Domain and Landscaping works.

Stage 2:

Level 2, including office area and data hall

Stage 3:

Remainder of building, excluding fitout of data halls on Levels 3 to 8 and their associated plant area.
Site landscaping

Stage 1 shall not be occupied until the Principal Certifying Authority is satisfied that Stage 1 in its entirety, has been implemented including the construction of the road and intersection works, and the relevant public domain and landscaping works forming part of this consent.

An Occupation Certificate for Stage 2 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 2 have been completed to the satisfaction of the Principal Certifying Authority or Council.

An Occupation Certificate for Stage 3 of this consent shall not be issued until such time as all relevant conditions have been satisfied and all works associated with Stage 3 have been completed to the satisfaction of the Principal Certifying Authority or Council.

5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
6. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **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. **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.

11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
12. **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.
13. **Excavation.** All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
14. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
15. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
16. **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.
17. **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.
18. **Tree Protection - 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>
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

19. **Stormwater Management Plan.** Stormwater Management Plan, Revision 1, dated 30 June 2017 and prepared by Aurecon regarding the proposed stormwater works at the site, Road 15 and Giffnock Avenue is acceptable in principle. The detailed stormwater plans shall be prepared and submitted to Council for approval in accordance with this report findings and recommendations, prior to the issue of **any Construction Certificate**. TUFLOW model should be simulated for the final stormwater design/drawings.
20. **Flood management.** The building's habitable and non-habitable floor levels and basement car park crest levels shall be set in accordance with Section 8.2, Council's Development Control Plan 2014.
21. **Water Sensitive Urban Design.** WSUD measures shall be provided in accordance with Council's DCP 2014.
22. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.
Note: A plan of traffic management is to be submitted to and approved by the Consent Authority

23. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
24. **Mechanical ventilation of loading docks** – All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and airconditioning in buildings – Mechanical ventilation in buildings*.
25. **Fuel Fill Points for combustible liquids** - The fuel filling points for any tank shall be:
 - i. readily accessible,
 - ii. protected from accidental damage,
 - iii. clearly identified in compliance with AIP CP5
 - iv. Located either outside or if located inside - shall not further than two (2) metres from any building entry useable by a tank vehicle and not in a location where the surrounding temperature is elevated, complying with AS1940 “Storage Handling of Flammable and Combustible Liquids”
26. **Storage of waste oil** - Adequate facilities must be provided on the premises for the storage of all liquid waste products, which shall be stored in a covered and bunded area.
27. **Bundling of drum storage areas** - All drum storage areas must be bunded to prevent the escape of spills or leaks.
28. **Bundling of above ground storage tanks** - All above ground liquid storage tanks must be bunded to prevent the escape of spills or leaks.
29. **Separation Distances for Above ground storage tanks and Containment Systems** - Above Ground Storage Tanks and Containments systems shall be provided with adequate separation distances to all storage areas where required to comply with AS1940.
30. **Fire Resistance Level of Package Stores and Containment Systems** – Where AS1940 requires a higher Fire resistance level (FRL) than the National Construction Code - Building Code of Australia the higher FRL shall apply.
31. **Above ground storage tanks** – All above ground storage tanks shall be designed, constructed and installed in compliance with:
 - a) AS1940 “Storage Handling of Flammable and Combustible Liquids”
 - b) AS 1692 – 2006 “Steel Tanks for Flammable and Combustible Liquids”
 - c) AS 1657 – “Fixed Platforms, Walkways, stairways and ladders – Design, Construction and installation”
 - d) Work Health and Safety Regulations 2011 – including all placarding and manifest requirements
 - e) NSW Work Safe “Code of Practice for the Storage and Handling of Dangerous Goods”

32. **Construction of tank bunds** - All tank bunds must be designed and constructed in accordance with the following requirements:
- (a) The bund must have a capacity of at minimum of 125% of the largest tank plus the volume displaced by any additional tanks within the bund area. In addition to the volume of 110% of liquid contained within each bund area, the volume of the bund shall also incorporate the amount of firewater required for a minimum of 20 minutes suppression to control the spread of fire, the volume of any water from sprinkler systems within the relevant containment area, if applicable.
Note - Consideration shall also be given to ingress of floodwater for the subject construction, where applicable.
 - (b) The walls and floor of all bunds must be constructed of materials impervious to the contents of any container within the bund and be structurally adequate to contain any liquid spilled within the bund. All bunds shall be regularly inspected and maintained in a satisfactory manner to comply with the requirements of the Protection of Environment Operations Act, 1997 and prevent pollution.
 - (c) A collection sump must be provided in the floor of the bund to facilitate the removal of liquids.
 - (d) Drain valves must not be provided in the bund.
 - (e) Pipework from the enclosed tanks and any associated pumps must pass over the bund walls.
 - (f) Hose couplings for tanks enclosed within the bund must be located so that leaks or spills are contained within the bund.
 - (g) All bunds shall be constructed to enable the recovery of any spillages,
 - (h) All Bunds shall be chemically and fire resistant
 - (i) All bunded areas must be roofed where practicable to prevent the entry of rainwater.
 - (j) There shall be no drainage systems connected to the storm water located within or below or immediately adjacent any bunded area.
33. **Storage of hazardous substances** - The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.
34. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
35. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
36. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

37. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.
38. **Access for maintenance purposes** - Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard *AS/NZS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
39. **Registration of water-cooling systems** - All water-cooling regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.
Registration forms are located on Council's website and a copy has been attached to the approval.
40. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
41. **Deleted.**
42. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.
43. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.
Additional clearances must be provided for overhead and side loading where appropriate.
44. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

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.

45. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$258,240.00
Open Space & Recreation Facilities	\$-
Civic & Urban Improvements	\$253,120.00
Roads & Traffic Management Facilities	\$665,280.00
Cycleways	\$35,040.00
Stormwater Management Facilities	\$77,440.00
Plan Administration	\$9,440.00
The total contribution is	\$1,298,560.00

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

46. **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 each **Construction Certificate**.

47. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of each **Construction Certificate**.
48. **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 any **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
49. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of any **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
50. **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 any **Construction Certificate**.
51. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
52. **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 relevant **Construction Certificate**.
53. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The new driveway access to the loading dock and basement parking must have a minimum 2m separation so as to reduce pedestrian exposure time at this crossing point.
- b) Car space 21 lacks a blind aisle extension as required by Section 2.4.2 (c) of AS 2890.1. To address this, the space is to be swapped with the adjoining disabled space and the shared area to be relocated to the northern side of the disabled space. Additionally the two spaces are to be shifted south.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of relevant **Construction Certificate**.

54. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure generally in accordance with the plans by Aurecon Consulting Engineers (Refer to Project No. 252568 Dwg S2-FAC-CI-DRG-01-110 Rev 05 dated 23 June 2017) subject to any amendments warranted by Council's City Works and Infrastructure as a result of the review and approval of the detailed Public Domain civil plans.

These are to be amended to reflect the following:

- a) The detailed stormwater plans at the site and along public roads shall be documented in accordance with Council's Part 8.2 of Ryde Development Control Plan 2014 and Stormwater Management Plan report prepared by Aurecon.
- b) The Kerb Inlet pits (minimum 2.4 m width) shall be cast-in-situ and conforming to Council's standard drainage pit details.
- c) The minimum distance from the lintel to the near end of the splay of the driveway at kerb line should be at least 600mm.
- d) A drainage system longitudinal section drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing crossing utility services, pipe size, class (class 4) and type, pipe support type in accordance with Council's Section 8.2, DCP 2014 and AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system.
- e) A design certificate shall be issued to Council confirming that stormwater plans were designed and documented in accordance with Council's Section 8.2, DCP 2014 and Floodplain Development Manual 2005, NSW Government.
- f) Council requires clearances between stormwater assets and other structures so Council can inspect, maintain and rebuild the asset when required. The developer shall ensure the continued structural integrity and independence of both the building and the stormwater asset. Foundations must be designed and certified by a structural engineer to meet the following requirements:
 - g) No loads are to be transferred from the structure to the stormwater asset.
 - h) The structure must be fully supported in the event of structural failure and collapse of the stormwater asset.
 - i) Foundations must extend to at least one metre below the zone of influence of the stormwater asset, since asset failure during a storm may cause substantial erosion.
 - j) Any piers are to be bored, not driven.
 - k) The zone of influence is the area above and beside an asset where loads will have an impact on the stormwater asset. The gradient of the zone of influence begins at the minimum horizontal clearance from the stormwater asset and extends upwards to the ground surface at an angle of 45 degrees regardless of soil conditions.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate for the Public Domain works and prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

55. **Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with Council's Floodplain Risk Management controls, the following measures are required to be implemented in the development.

- a) All pedestrian entry points and driveway areas must not be less than the adjoining flood levels plus *freeboard* as determined in the Aurecon Stormwater Management Plan Report dated 30 June 2017.
- b) All structures subject to flooding and overland flows must be constructed of flood compatible building components (refer to Schedule 3 of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures,
- c) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy. To achieve this, the structure must be designed and certified by a suitably qualified structural engineer to comply with this condition.
- d) The proposed inlets and downstream outlet of the flood mitigation measure (large drainage line along the southern and western boundary) may pose a threat to public safety during extreme storm events and therefore warrant signage in the area of inlets / outlets to warn the general public to be clear of the area during a flood event.

Certification of the structural design and details complying with this condition must be submitted to the Accredited Certifier for approval prior to the issue of the relevant **Construction Certificate**.

56. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an

inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the relevant **Construction Certificate**.

57. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for the relevant **Construction Certificate**.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or

adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.

- Pumps used for dewatering operations are to minimise noise disturbance on surrounding properties.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

Note. Diesel pumps may be utilised for onsite dewatering operations provided they can meet the construction noise requirements of Condition 97.

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

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for the relevant **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.

59. **Deleted.**

60. **Species Substitution.** The planting palette is to be updated to reflect the species assemblages consistent with Sydney Turpentine Ironbark Forest in accordance with the Flora and Fauna Assessment prepared by ACS Environmental dated May 2017. Details of compliance are to be shown on the plans for the relevant **Construction Certificate**.

61. **Tree planting – street tree.** An additional *Angophora costata tree* (Sydney Red Gum) street tree is to be added to the approved landscape plan generally in the same location of the existing Tree 2, with a minimum size of 200 litres to be planted in the nature strip.

Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the relevant **Construction Certificate**.

62. **Planting Pot Sizes.** The proposed planting on site is to be provided at the following pot sizes at installation:

- Trees: 200 litres
- Boundary Screen Shrubs: 300mm
- Groundcovers: 140mm

Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the relevant **Construction Certificate**.

63. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of the **Construction Certificate**.

The CTMP must:-

- i. The CTMP is to be adhered to at all times.
- ii. The applicant is to make provision for parking onsite once the basement level is constructed. All staff and contractors are to use the basement parking once available.
- iii. Make provision for all construction materials to be stored on site, at all times.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- v. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.

- vi. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- x. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- xi. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

- 64. **Waste and Service Vehicle Access.** The access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 8.8m Medium Rigid Vehicle (MRV), as a minimum requirement. The height clearance required is 4.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m MRV shall be submitted to and approved by the Council’s Traffic Engineer prior to the issue of the relevant **Construction Certificate**. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.
- 65. **Separation between Driveways.** A plan showing a minimum of 2m wide separation on the footpath between basement car park and loading dock driveway shall be submitted to and approved by the Council’s City Works and Infrastructure prior to the issue of the relevant **Construction Certificate**.

66. **Public domain improvements** - The public domain is to be upgraded in Giffnock Avenue frontage of the development site and within the newly constructed road N°15 in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor. The work is to include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the **Stage 1 Occupation Certificate**.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works & Infrastructure, prior to the issue of the relevant **Construction Certificate**.

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Macquarie Park Corridor Street Tree Master Plan unless otherwise specified in this consent.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work associated with the service.
- (d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P2 along Giffnock Avenue and the new road N°15.

Subject to design, it is expected that three (3) new street lights on multi-function poles (MFP) will be required along the Giffnock Avenue frontage and four (4) new street lights on an MFP will be required along the new road N°15. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor. The consultant shall liaise with Council's City Works and Infrastructure Directorate in obtaining Council's requirements and

specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted for approval by Council's City Works & Infrastructure prior to lodgement of the scheme with Ausgrid for their approval.

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

67. **Public Infrastructure Works** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of the relevant **Construction Certificate**. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, and DCP 2014 Part 8.2 - Stormwater and Floodplain Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed new road N°15 pavement into the remaining surface. Required design of the new road N°15 must provide an intersection design with the future road dedication of Drake Avenue.

- (a) The full reconstruction of half road width for the Giffnock Avenue fronting the proposed development in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*.
- (b) The full construction of the new road N°15 of 14.5m wide, in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works* and the *Public Domain Technical Manual* Section 6 – *Macquarie Park Corridor*.
- (c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- (d) The construction of new kerb and gutter along the Giffnock Avenue frontage of proposed development site and within the new road N°15. The new kerb and gutter along Giffnock Avenue shall be constructed at the existing alignment.
- (e) Proposed kerb/gutter profiles are to be provided to ensure proper connections to existing kerb and gutter along Giffnock Avenue and existing infrastructure at the boundary with the neighbouring property at No. 85 Epping Road.

- (f) Construction of granite footpath for the full width along the Giffnock Avenue frontage of the development site and within the new road N^o15 in accordance with the City of Ryde *Public Domain Technical Manual* Section 6 – *Macquarie Park Corridor*.
- (g) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (h) Staging of the public civil works, if any, and transitions between the stages.
- (i) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

- 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- 2. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

68. **Driveway Access and Boundary Alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the submission of plans for the public domain improvements and infrastructure works. The application shall be accompanied by preliminary engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
69. **Vehicle Footpath Crossings** – To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards (AS2890.1). The crossings shall match the paving style along the frontages of the development site.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of **any Construction Certificate**.

70. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
71. **Public Domain Works – Maintenance Bond** - To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works in the road reserve following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the six (6) months' maintenance period. A bond in the form of a cash deposit or Bank Guarantee of \$50,000 shall be lodged with the City of Ryde prior to the issue of any 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.
72. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.
- Note:** An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the plans for the public domain works.
73. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the relevant **Construction Certificate**.
74. **Details of surface water management system** - Details of the proposed surface water management system for the fuel dispensing area must be submitted for approval with the application for the relevant **Construction Certificate**. Such details must include a design certificate from a suitably qualified person certifying that the design of the surface water management system complies with the conditions of this Consent.
75. **Bund details** - Details of the proposed tank bunds must be submitted for approval to Council prior to the approval of the relevant **Construction**

Certificate by the Accredited Certifier. Such details must include a design certificate from a suitably qualified person certifying that the design of the tank bunds complies with the conditions of this Consent.

Note. These plans shall comply with all conditions of consent imposed by this approval.

76. **Plans to be endorsed by accredited consultant** - Where the storage of hazardous substances is proposed a set of plans endorsed by a WorkCover Authority accredited consultant must be submitted to Council for approval along with the plans for the bunding prior to the approval of the relevant **Construction Certificate**. A copy of these plans shall be submitted concurrently to the Certifier.

Note. These plans shall comply with all conditions of consent imposed by this approval.

77. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the relevant **Construction Certificate** and a copy shall also be submitted to Council where Council is not the Certifier.

Such details must include:

- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
- (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

78. **Garbage storage details** - Details of the proposed garbage room or storage area must be submitted for approval with the application for the relevant **Construction Certificate**. Such details must include:

- (a) the specifications and layout of all proposed waste storage and handling equipment; and
- (b) the access to the collection point.

79. **Access details for waste collection vehicles** - Details of all driveways and manoeuvring areas for waste collection vehicles must be submitted for approval with the application for the relevant **Construction Certificate**. Such details must include:

- (a) vehicle turning circles and swept paths; and
- (b) overhead and side clearances (where appropriate).

80. **Acoustical consultant's report** - A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise and vibration criteria must be submitted with the application for the relevant **Construction Certificate**.

81. **Wind Impact.** A report from a qualified wind consultant demonstrating compliance with the Acceptable Criteria for Environmental Wind Conditions is to be submitted to the Principal Certifying Authority before the issue of the relevant **Construction Certificate**. The report is to be based on the approved plans under this consent.

Recommendations are to include measures to mitigate wind impacts along Giffnock Avenue, that do not involve alterations or additions, including installation of an awning, to the building façade as shown on the approved plans.

82. **Public Art.** A Public Arts Plan is to be submitted for approval by Council in accordance with Council's Public Art Policy, prior to the issue of the relevant **Construction Certificate**. The public art shall be equal to approximately 0.1% of the estimated total construction cost, is to be prepared by an arts and cultural planner and is to address the following:

- (a) The provision of detailed design stage is to satisfy the City of Ryde that the public art is being developed according to the approved Landscape Strategy Public Art Strategy, and the public art commitments are being fulfilled.
- (b) Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
- (c) The detail design will be reflect the undertakings as documented in the Landscape Strategy Public Art Strategy.
- (d) The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
- (e) The proposal should provide engineer's drawings and demonstrate:
 - Australian building standards requirements and codes for the structural design;
 - Sound practices for fabrication and construction, and materials appropriate for application;
 - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.

83. **Compliance with Access Report.** The development is to comply with the requirements contained in the Access Report prepared by iAccess Consultants, dated 25 May 2017 (Rev. B, report no. IAC-683) and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the **Construction Certificate** plans.

- 83A. **Air quality assessment.** A revised air quality assessment is to be submitted for approval by Council, prior to the issue of the relevant **Construction Certificate**. The assessment is to provide recommendations to ensure compliance with the Protection of Environment (Clean Air) Regulations 2010 and nominating an option to be adopted for the NO₂ emissions to ensure that

the release of particulate matter and NOx complies with all requirements. The revised Air Quality Assessment shall also incorporate an assessment of all other air quality emissions from the subject site and provide recommendations ensure comply with the Protection of Environment (Clean Air) Regulations 2010 including all design requirements for the emission of vapours from diesel and goods stored on site.

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.

84. 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.

85. 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.

86. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

87. 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. Any doors/gates on the boundary must be installed so they do not open onto any footpath.

88. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.
89. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
90. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment Report prepared by Naturally Trees dated 25.05.2017. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

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.

91. **Public Stormwater Works.** A bond money of \$150,000 or to the value of the public stormwater works quantified by a registered quantity surveyor shall be paid to the Council. The bond money shall be refunded after the maintenance period set by City of Ryde.
92. **Work Zones and Permits.** The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
93. **Notice of Intention to Commence Work –** Prior to commencement of the public domain works, a Notice of Intention to Commence Public Domain Works shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

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

94. **Pre-Construction Dilapidation Report -** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing

public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

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

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

95. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.

- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
 - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
96. **Temporary Footpath Crossing** - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.
97. **Construction Noise Control** -A comprehensive construction noise and vibration management plan to protect the amenity of the adjacent properties must be prepared by a suitable qualified acoustic consultant and submitted to the Principal Certifying Authority before demolition commences. The plan must be prepared in accordance with the relevant requirements of Interim Construction Noise Guideline (DECC, 2009) and AS2436-2010 "*Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*" and include:
- a) Identification of nearby affected residences or other sensitive receivers (management level for a child care centre shall be, internal level of 45 dB(A) $L_{Aeq}(15min)$ and external level of 60 DB(A) $L_{Aeq}(15min)$).
 - b) An assessment of the expected noise impacts.
 - c) Details of the work practices required to minimise noise impacts.
 - d) Noise monitoring procedures.
 - e) Procedures for notifying nearby affected residents or businesses.
 - f) Complaints management procedures.

Note: Appropriate background noise levels relevant to the most sensitive receivers will be required to support the plan.

All relevant requirements of the plan must be implemented throughout the period of demolition and construction.

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.

98. **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*.
99. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
100. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
101. **Dust Control**— A dust control plan must be prepared in accordance with relevant legislation and guidelines and submitted to the Principal Certifying Authority before any works on site commence to prevent the escape of dust from the site during construction and include:
 - (a) Physical barriers being placed around the site and other dust sources to prevent wind or work activities from generating dust.
 - (b) Watering areas of exposed soil during dry windy weather.
 - (c) Covering or watering stockpiles during dry windy weather.
 - (d) Watering the work area or use of fog cannons during excavation work.
 - (e) Stopping excavation work during periods of high winds if dust emissions cannot be prevented.
 - (f) Watering haul roads during dry weather.
 - (g) Ensuring that all excavated materials transported from the site are covered.
 - (h) Re-stabilisation of disturbed areas as soon practicable after work is completed.

All relevant requirements of the plan must be implemented throughout the period of construction.

102. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;

- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
103. **Construction materials.** All materials associated with construction must be retained within the site.
104. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
105. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
106. **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".
107. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

Site trees to be removed

8 Giffnock Avenue:

- Tree 1 – *Pinus patula* – Mexican Weeping Pine
- Tree 3 – *Eucalyptus pilularis* – Blackbutt
- Tree 5 – *Ficus rubiginosa* – Port Jackson Fig
- Tree 6 – *Pinus patula* – Mexican Weeping Pine
- Tree 7 – *Corymbia citriodora* – Lemon Scented Gum
- Tree 12 – *Eucalyptus saligna* – Sydney Blue Gum
- Tree 17 – *Liquidambar styraciflua* – American Sweet-gum

6 Giffnock Avenue:

- Tree 8 – *Melaleuca linariifolia* – Narrow-leaved Paperbark
- Tree 9 – *Eucalyptus botryoides* - Bangalay
- Tree 10 – *Corymbia citriodora* – Lemon Scented Gum
- Tree 11 – *Corymbia citriodora* – Lemon Scented Gum
- Tree 13 – *Corymbia citriodora* – Lemon Scented Gum
- Tree 14 – *Corymbia maculate* – Spotted Gum

Tree 15 – *Casuarina cunninghamiana* – River Sheeoak
 Tree 16 – *Casuarina cunninghamiana* – River Sheeoak
 Tree 26 – *Melaleuca quinquenervia* – Broad-leaved Paperbark
 Tree 27 – *Melaleuca quinquenervia* – Broad-leaved Paperbark
 Tree 29 – *Corymbia maculata* – Spotted Gum
 Tree 30 – *Corymbia maculata* – Spotted Gum
 Tree 31 – *Corymbia maculata* – Spotted Gum
 Tree 36 – *Corymbia maculata* – Spotted Gum
 Tree 37 – *Corymbia maculata* – Spotted Gum
 Tree 39 – *Corymbia maculata* – Spotted Gum
 Tree 46 – *Corymbia maculata* – Spotted Gum
 Tree 48 – *Corymbia maculata* – Spotted Gum

Trees to be removed within Council street verge

Tree 2 – *Eucalyptus pilularis* – Blackbutt

108. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

Trees to be retained and protected within Council street verge

Tree 4 – *Eucalyptus globosidea* – White Stringybark

Trees to be retained and protected within No. 2-4 Giffnock Avenue

Tree 40 – *Corymbia maculata* – Spotted Gum
 Tree 52 – *Eucalyptus microcrays* - Tallowood

- 108A. **Tree removal on adjoining land.** No approval is granted for the removal of any trees on the adjoining land at 2-4 Giffnock Avenue (Lot 100 DP1224422).

109. **Tree works – Relevant Standards.**

- a. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
- b. Trees permitted to be removed must be removed in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

110. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.

111. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using

manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

112. **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 Aurecon Consulting Engineers (Refer to Project No. 252568 Dwg S2-FAC-CI-DRG-01-110 Rev 05 dated 23 June 2017) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
113. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
114. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
115. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
116. **Utility Services -** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
117. **Hold Points during construction – Drainage Works -** Construction inspections shall be required by Council’s Stormwater Engineer for the Council stormwater drainage works at the following hold points: -
 - Upon excavation of trenches shown on the approved drainage drawings.
 - Upon installation of pipes and other drainage structures.
 - Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections. Please contact Customer Services Section on 9952 8222 for the fees and charges and to arrange an inspection. It is anticipated that many inspections shall be required by Council's staff.

118. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
119. **Hold Points during construction - Public Domain –** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

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

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - c) Upon compaction of the applicable sub-base course.
 - d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
 - e) Upon installation of any formwork and reinforcement for footpath concrete works.
 - f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.
120. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

121. **Storage and removal of wastes** - All construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
122. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
123. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
124. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
125. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
126. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.

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.

127. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the **Stage 3 Occupation Certificate**.

128. **Dedication of Land.** The dedication of land to Council for the purpose of a public road connecting to Giffnock Avenue (approximately 1,315m²) shall only be initiated after Council has provided written confirmation of satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of the **Stage 1 Occupation Certificate**.
129. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
- Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
130. **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 **Stage 1 Occupation Certificate**.
131. **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 the **Stage 1 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.
132. **Positive Covenant(s)- Stormwater Management –** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the flood mitigation measure (large drainage pipe extending along the southern and western boundary of the lot) and the pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. A Stormwater WAE plan will be required to be submitted in association with this application so as to verify the system has been built as approved. The positive covenant must be registered on the title prior to the release of Occupation Certificate for development works for which the system(s) serve.

133. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level, install any structure or modification to the land which would impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow, to the satisfaction of Council and must be registered on the title of the property prior to the release of the **Stage 1 Occupation Certificate**.
134. **Engineering Compliance Certificates.** 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 the **Stage 1 Occupation Certificate**. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Certification from a Hydraulic Engineer that the finished floor levels and flood mitigation measures have been constructed as approved and the overland flow path has been maintained as designed.
 - c) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - d) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - e) 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), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - f) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - g) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.

- h) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - i) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
135. **Public Domain Works – WAE.** Prior to the issue of the **Stage 1 Occupation Certificate**, Works-As-Executed Drawings for the Council stormwater drainage works shall be submitted to and approved by Council. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer, certifying the drawings are a true and accurate representation of the constructed works.
136. **Security deposit.** The Council must be provided with security for the purposes of protection of the proposed replacement street tree planting as required under **Condition 61** of a total of \$1500, prior to the release of the **Stage 1 Occupation Certificate** and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street tree.
137. **CCTV Report -** Prior to the issue of the **Stage 1 Occupation Certificate**, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network along the proposed Road 15 and Giffnock Avenue. Any defects in the drainage network identified in the report shall be rectified to Council's satisfaction.
138. **Works-as Executed Drawings – Stormwater Drainage -** Prior to the issue of the **Stage 1 Occupation Certificate**, Works-As-Executed Drawings for the Council stormwater drainage works shall be submitted to and approved by Council's Stormwater Engineer. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer (registered on the NER of Engineers Australia), certifying the drawings are a true and accurate representation of the constructed works.
139. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of the **Stage 1 Occupation Certificate**.
- Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.
140. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic

Committee. These works are to be undertaken prior to the issue of the **Stage 1 Occupation Certificate**.

141. **Deleted.**
142. **Electricity accounts for new street lighting** - Prior to the issue of the **Stage 1 Occupation Certificate**, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.
143. **Compliance Certificates – Street Lighting** – Prior to the issue of the **Stage 1 Occupation Certificate** the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
144. **Compliance Certificate – External Landscaping Works** – Prior to the issue of the **Stage 1 Occupation Certificate**, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
145. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of the **Stage 1 Occupation Certificate**.
146. **Supervising Engineer Final Certificate** – Prior to the issue of the **Stage 1 Occupation Certificate**, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
147. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

(a) Road pavement,

- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works and Infrastructure Directorate, prior to issue of the **Stage 3 Occupation Certificate**. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the **Stage 3 Occupation Certificate**.

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

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

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

150. **Compliance Certificate – External Works** – Prior to the issue of the **Stage 1 Occupation Certificate**, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
151. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the

Principal Certifying Authority before the issue of the **Stage 3 Occupation Certificate**. A copy of this certificate shall be submitted to Council, where Council is not the Certifier.

152. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of the **Stage 3 Occupation Certificate**.
153. **Public Art Plan**. Prior to the issue of the **Stage 3 Occupation Certificate**, the approved works contained in the Public Art Plan approved by Condition 82 shall be implemented.

PRIOR TO OCCUPATION OR COMMENCEMENT OF SITE OPERATIONS

The conditions in this Part of the consent relate requirements that must be met prior to occupation of the site or commencement of operations at the site.

154. **Stormwater Rainwater Reuse for Cooling Towers** - The applicant shall not reuse the water from any rainwater tanks for the supply of water for any cooling towers or for any other part of the subject development without the prior approval under the Local Government Act, 1993 from Council.
155. **Stormwater/Rainwater Reuse for Cooling Towers** - All water cooling towers shall be supplied with potable water from Sydney Water's drinking water supply until such time as Approval under the Local Government Act 1993 for the reuse of stormwater/rainwater has been given
156. **Section 68 Approvals under Local Government Act, 1993** - The Applicant shall apply for Approval from Council under Section 68 of the Local Government Act 1993 and shall demonstrate that they will be able to meet all relevant criteria such an application can be approved
157. **Environmental management plan** - An environmental management plan which addresses the manner in which site operations will be conducted and monitored must be submitted to Council before occupation or site operations commence. The plan must be prepared to the satisfaction of Council by a suitably qualified person and include:
- a) An Emergency Spill Response Management Plan including:
 - i. a list of chemicals and maximum quantities to be stored at the site;
 - ii. identification of potentially hazardous situations;
 - iii. procedure for incident reporting;
 - iv. details of spill stations and signage;
 - v. containment and clean-up facilities and procedures; and
 - vi. the roles of all staff in the Plan and details of staff training.
 - b) A site plan including all drainage diagrams, site shut off valves and any pollution control or containment devices. This plan shall also be readily available on site and provided to emergency personnel

- c) an incident management response plan for the site for other incidents not included in the spill response plan and appropriate contact numbers
- d) Any changes or updates to this information shall be submitted to Council as soon as practicable

Note: A copy of the above information shall be stored in a readily accessible location on site for the use by emergency personnel along with all material safety data sheets for all products stored on site.

158. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the noise and vibration criteria specified in this consent must be submitted to Council within thirty (30) days of completion and commissioning of the plant and equipment.

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.

159. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 28 car parking spaces
 - 16 bicycle parking spaces
160. No approval is granted in this consent for general or third party advertising which is prohibited.
161. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
162. **Waste storage/disposal – recycling.** Wastes for recycling should be stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
163. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 5am on any day.
164. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the loading dock of the premises. The loading dock roller door is to be fully closed when the loading dock is in use. The loading dock is to be closed prior to any loading/unloading occurring.
165. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

166. **Public stormwater drainage system.** The public stormwater drainage system shall be maintained by the developer until the stormwater assets are handed over to City of Ryde.
167. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
168. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
169. **Hazardous wastes** - All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.
170. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
171. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
172. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
173. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
174. **Air pollution** – The storage tanks and any other plant including generators shall be fitted with all appropriate pollution control equipment, where required by the Protection of the Environment Operations (Clean Air) Regulation 2010. The storage tanks and any other plant including generators shall not be used or operated until all required pollution control equipment has been fitted and installed.
175. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Note: Any emissions of carbon monoxide (CO), sulfur dioxide (SO₂), Particulates - PM₁₀ and PM_{2.5} and Nitrogen Dioxide associated with the subject development shall comply with the requirements of Protection of the Environment Operations (Clean Air) Regulation 2010 and the report prepared by Aurecon “Air Quality Assessment – Generators Next DC” dated 19 May 2017, including all necessary mitigation strategies. .

176. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

177. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

178. **Noise Limits** - Noise generated at the premises must not exceed the noise limits specified in the noise impact assessment report prepared by Aerecon "Next DC data centre Noise Impact Assessment Next DC" dated 10 March 2017, Rev 01, Document Control Update 26 June 2017, submitted with the development application.

To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver's premises

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).

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

- (a) The L_{A10} noise level must not exceed the background noise level by more than 15 dBA and, in any case, a noise level of 66 dBA, when measured at the boundary of any affected industrial or commercial premises in the vicinity.
- (b) Between 7.00am and 10.00pm the L_{A10} noise level must not exceed the background noise level by more than 10 dBA and, in any case, a noise level of 55 dBA, when measured at the boundary of any affected residential premises in the vicinity.
- (c) Between 10.00pm and 7.00am the L_{A10} noise level must not exceed the background noise level by more than 5 dBA and, in any case, a noise level of 45 dBA, when measured at the boundary of any affected residential premises in the vicinity.

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).

180. **Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
181. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
182. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
183. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
184. **Duty to notify** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
185. **Public Health** - The operator of the premises shall comply with the requirements of the Public Health Act, 2010 and the Public Health Regulation 2012.

ADVISORY NOTES

- **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.

End of consent.