

ATTACHMENT 1

City of Ryde
Civic Centre, Devlin Street, Ryde
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Applicant: Bob Whitson
Robert Menzies College
PO Box 1505
MACQUARIE CENTRE NSW 2113

Deferred Commencement Development Consent

Consent No: LDA2010/0256

Consent Date: This Consent does not become operative until the matters referred to in Part 1 have been submitted to Council and Council has notified you in writing that the Consent has become operative.

The information required in Part 1 shall be submitted to Council within twelve months from the date of this notice or the Consent will have lapsed, in accordance with the requirements of Section 95(6) of the Environmental Planning & Assessment Act.

Valid Until: 5 years from the date that Council notifies in writing that the Consent has become operative.

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 136 Herring Road, Macquarie Park Lot 8 DP 569359, Lot 7 DP 569359

Development: Erection of a 4 storey student housing development to accommodate 104 students as well as ancillary uses such as common areas, laundry facilities, and seminar rooms. Parking will be provided for 43 cars and 18 bicycles.

Subject to the conditions 1 to 51 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your rights of appeal to the Land and Environment Court under Section 97 of the Act, against any of the conditions contained within this consent, within a period of twelve (12) months after receipt of the Consent.

Sanju Reddy
Acting Team Leader
Major Development Team

Date: XXXXXXXXXXXX

Conditions of Consent for LDA2010/0256 :-

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

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

1. The Applicant shall provide details to RailCorp for endorsement as to which of the following two options will be utilised:
 - (A) Found the piles deeper below the influence zone, and install a suitable compressible material/casing around the piles for the length within the influence zone so that the piles transfer the load outside this area, or
 - (B) If adopting the current proposal, to undertake an assessment of the impact on the underground infrastructure, including the impact of their construction method.
2. In relation to the selected option in Condition 1, the Applicant shall provide the following details to RailCorp for endorsement:
 - (A) Final construction methodology for the installation of the piles/excavation.
 - (B) And if deemed necessary by RailCorp following the review of the above matters, the provision of the following items for endorsement by RailCorp:
 - (i) Tunnel monitoring requirements (including instrumentation and the monitoring regime).
 - (ii) A rail safety plan.
 - (iii) Any other matters in order to protect the rail corridor.
3. Any conditions imposed by RailCorp as part of this approval/certification requirement will form part of the consent.
4. The submission to Council of documentary evidence from RailCorp that all of their conditions have been met and they raise no objection to Council issuing an operational development consent.

Part 2 – General Conditions of Consent

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

GENERAL

1. Development is to be carried out in accordance with the following:
 - Architectural drawings prepared by Allen Jack Cottier Architects, detailed as follows:
 - DA 1001 Issue 5
 - DA 1101 Issue 1
 - DA 2101 Issue 5
 - DA 2102 Issue 5

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DA 2103 Issue 5
DA 2104 Issue 4
DA 2105 Issue 3
DA 2202 Issue 2
DA 3001 Issue 2
DA 3101 Issue 3
DA 3102 Issue 3
DA 3201 Issue 3
DA 3202 Issue 3
DA 3301 Issue 1

- Landscape Planting Plan, Drawing Nos.
SM09-022 LA000(C) dates 22 March 2010;
SM09-022 LA001 (B) dated 22 March 2010; and
SM09-022 LA101 (C) dated 22 March 2010.
Prepared by Site Image Landscape Architects
 - Statement of Environmental Effects prepared by JBA Urban Planning Pty Ltd and dated May 2010.
 - The report relevant to access for people with disabilities, prepared by Access Associates Sydney, dated May 2010.
2. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's Development Control Plan DCP 2010 except as amended by other conditions.
 3. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
 4. **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.
 5. **Noise and vibration from plant and equipment** - Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

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- (c) The transmission of vibration to any place of different occupancy.
- 6. **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*.
- 7. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report (Vipac Engineers & Scientists Ltd, Report No. 20C-09-0000-TRP-205279-2, 4 May, 2010, as amended) and any related project documentation must be implemented.
- 8. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- 9. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
- 10. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

PRIOR TO WORK COMMENCING

- 11. Compliance with the Building Code of Australia
 - a) All building work (other than work relating to the temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date of the application for the relevant construction certificate or complying development certificate was made)
 - b) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, in the Environmental Planning and Assessment Regulations 2000, subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- 12. Excavations and backfilling
 - a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 13. Retaining walls and drainage
 - If the soil conditions require it:
 - a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
 - b) adequate provision must be made for drainage.

Conditions of Consent for LDA2010/0256 :-

14. Protection of Public Places

- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

15. **Waste Management Plan** - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

Council's DCP 2010, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

16. A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to any works commencing on the site.

A	B
Community & Cultural Facilities	\$ 0
Open Space & Recreation Facilities	\$ 0
Civic & Urban Improvements	\$ 71,123.68
Roads & Traffic Management Facilities	\$ 76,333.38
Cycleways	\$ 9,832.74
Stormwater Management Facilities	\$ 8,704.73
Plan Administration	\$ 2,651.66
Total	\$ 168,646.18

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

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

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17. A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the infrastructure inspection fee. Please refer to Council's Management Plan for the current fee amounts. The security deposit is to be paid prior to any works commencing on the site.
18. An **Enforcement levy** is to be paid to Council prior to any works commencing on the site, in accordance with the requirements of Council's Management Plan (scheduled fees).
19. Documentary evidence of payment of the **Long Service Levy** under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to any works commencing on the site.
20. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the commencement of any works on the site.

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

21. **Car Parking.** All internal driveways, vehicle turning areas, aisle widths and parking space dimensions shall comply with AS 2890.1:2004. In this regard, the parking spaces are to be provided with a maximum of 5% fall. Certification shall be provided by a suitably qualified Traffic Engineer stating the above.
22. **Deleted.**
23. **Soil and Water Management Plan.** A *Soil and Water Management Plan (SWMP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing.

These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours

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- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
 - (c) Location of all impervious areas
 - (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
 - (e) Location and description of existing vegetation
 - (f) Site access point/s and means of limiting material leaving the site
 - (g) Location of proposed vegetated buffer strips
 - (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
 - (i) Location of stockpiles
 - (j) Means of diversion of uncontaminated upper catchment around disturbed areas
 - (k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
 - (l) Procedures for maintenance of erosion and sediment controls
 - (m) Details for any staging of works
 - (n) Details and procedures for dust control.
24. **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 2010: - Part 8.1; Construction Activities.
25. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
26. **Engineering Certification.** Certification shall be obtained from a chartered civil engineer upon completion of drainage works, confirming all drainage works have been constructed in accordance with approved construction plans.
27. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with a Construction Certificate equivalent of the following concept plans prepared by GJ Sparks & Partners Pty Ltd:

09980-H00 dated 3.11.10
09980-H01 dated 3.11.10
09980-H03 dated 29.11.10
09980-H04 dated 11.11.10
09980-H05 dated 8.11.10
09980-H06 dated 8.11.10

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09980-H07 dated 8.11.10
09980-H15 dated 29.11.10
09980-ES01 dated 3.11.10
09980-H16 dated 12.11.10
09980-H17 undated (Revision A)

28. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010:- Part 8.1; Construction Activities.
29. **Protection of underground services** - Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
30. **Noise** - Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.
30. **Protection of trees** - Trees must not be removed, lopped or trimmed without the prior written approval of Council and any trees to be retained must be protected from damage during demolition work.
32. **Mud and debris from vehicles** - All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.
33. **Removal of mud and debris from roadway** - Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (ie. by sweeping or vacuuming).
34. Signage is to be provided on the site as follows:
 - a) During the entire construction phase signage shall be fixed on site identifying the principal contractor (the coordinator of the building work), and providing phone numbers.
35. Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
36. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
37. Street trees that are to be retained, whilst not requiring exclusion fencing, will be recognised to have Tree Protection Zones established around them. All restrictions applicable to areas within fenced Tree Protection Zones will apply to street trees. Existing driveways and footpaths that fall within any unfenced Street Tree Protection Zone, may be utilized for the specific purposed for which it was designed.

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38. The area around street tree/s to be retained is not to be used for storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking.

DURING CONSTRUCTION

39. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
40. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
41. Only unpolluted water is to be discharged to Council's stormwater drainage system.
42. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
43. All excavated material must be removed from the site.
44. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
45. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
46. 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 AS1742.3-1996 "Traffic Control Devices for Work on Roads".

PRIOR TO OCCUPATION

47. Documentary evidence of landscape planting and construction in accordance with the approved plan referred to in Condition No.1 and to be submitted to the Council prior to occupation of the building.

OPERATIONAL REQUIREMENTS

48. **Noise Limits** – The noise level emitted by any air conditioners must not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity.
49. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
50. **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*.

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- 51. External lighting** – External lighting shall be located and directed so as to not have an unacceptable impact upon adjoining properties.

End of consent

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