

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, we the Planning Assessment Commission approve the modification of the Project Application referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2014

SCHEDULE 1

PART A: PARTICULARS

Application No.: MP10_0113

Proponent: Stamford Property Services Pty Ltd

Approval Authority: Minister for Planning

Land: 110 -114 Herring Road, Macquarie Park
(Lot 1 DP 780314)

Project: Mixed use residential, retail and commercial development incorporating:

- demolition and excavation;
- four residential buildings retail and commercial floor space;
- basement car parking;
- landscaping and public works around the buildings, including lift and stairs to Epping Road
- publicly accessible open space and through site links; and
- road works.

Modification MP 10_0113 MOD 2:

- modify Condition B29 to reflect NSW's current water rating system to allow a 3 star WELS appliance rating to be used in lieu of a AAA water rating;
- modify Condition D1 to extend the construction hours;
- amend compliance time frames for all conditions within Part B of the approval to reflect the proposed staging for the issue of relevant construction certificates; and
- amend conditions B30 and F7 to defer requirements for upsizing of drinking water and wastewater mains until issue of a Occupation Certificate.

SCHEDULE 2 CONDITIONS

The Project Approval for MP 10_0113 is modified as follows:

PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (a) Part B – Prior to Issue of a Construction Certificate, conditions B1 to B32 are modified by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

B1 Design Modifications

In order to improve amenity for adjoining properties and future residents, the design of the proposed development should be amended as follows:

Car Parking

335 car parking spaces shall be provided within the basement of the development including:

- 233 standard residential spaces (at a rate of 0.6 spaces per 1 bedroom apartment and 0.9 spaces per 2 bedroom apartment)
- 34 accessible spaces (at a rate of 1 space per adaptable apartment); and
- 68 visitor parking spaces (at a rate of 1 space per 5 apartments).

In addition, 7 on-street car parking spaces shall be provided as part of the development.

Relevant Construction Certificate for car parking: prior to the issue of construction certificate for detailed architectural design of the below ground car park.

Street Network

RMS does not provide concurrence to use Epping Road as an exit from the site, with the exception of emergency vehicles. The new road along the north western boundary shall be blocked off at Epping Road and an appropriate turning circle is to be provided to the satisfaction of Council.

Amended plans demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of Construction Certificate.

Relevant Construction Certificate for street network: prior to the issue of construction certificate for demolition.

B2 Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia* (BCA).

Relevant Construction Certificate: prior to the issue of any construction certificate.

B3 Monetary Contributions

Following receipt of the approval of the Director-General for the amended plans required by Condition B1, the approved plans must be submitted to Council so that it may calculate the required Section 94 Contributions (in accordance with the City of Ryde's Section 94 Contributions Plan). The contributions are to be paid to Council prior to the determination of a Construction Certificate for above ground works.

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.

Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

Relevant Construction Certificate: Prior to the issue of a construction certificate/s for detailed architectural design of the relevant building.

B4 Security Bond and Enforcement Levy

- (1) A Security Bond for an amount determined by Council and based on the value of the proposed new roads on site shall be deposited with Council prior to the issue of a Construction Certificate for the satisfactory completion of:
- (a) Herring Road maintenance
 - (b) New local roads through the development site
 - (c) Construction of stormwater and any other infrastructure within the road reserve of the proposed new roads.

Part of the Bond (being 75%) shall be redeemed following certification by the PCA of the practical completion of the work with the remainder (being 25%) being released following a satisfactory 6 month maintenance period following practical completion of the works.

- (2) An Enforcement Levy **and other applicable fees and charges** is to be paid to Council on lodgement of a Construction Certificate application in accordance with the requirements of Council's Management Plan (Scheduled Fees)

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B5 Long Service Levy

Prior to the issue of the Construction Certificate, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B6 Details of Materials, Colours and Finishes

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B7 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B8 Outdoor Lighting

- (1) All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.
- (2) The Proponent will ensure that adequate lighting is provided to proposed pedestrian through site links on the application site.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B9 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for each relevant stage, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B10 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Department.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B11 Construction Management Plan

Prior to the issue of a Construction Certificate, the Construction Management Plan shall be updated and submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) noise and vibration management (see also **B13** below),
- (4) waste management (see also **B14** below),
- (5) tree management (see also **B12** below),
- (6) erosion and sediment control (see also **B17**),
- (7) flora and fauna management; and
- (8) stormwater management.

The Proponent shall submit a copy of the approved plan to the Department and Council.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B12 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to the Department and Council prior to commencement of a Construction Certificate. [note: no access to Epping Road is granted by RMS]

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B13 Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate, the Noise and Vibration Management Plan shall be updated and shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) identification of the specific activities that will be carried out and associated noise sources,
- (2) identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) the construction noise objective specified in the conditions of this approval,
- (4) the construction vibration criteria specified in the conditions of this approval,
- (5) determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) noise and vibration monitoring, reporting and response procedures,
- (7) assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- (10) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to the Department and Council prior to commencement of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B14 Construction Waste Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with City of Ryde Council's Development Control Plan 2010. The Proponent shall submit a copy of the plan to the Department and Council prior to commencement of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B15 Tree Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Tree Management Plan prepared by a suitably qualified person in accordance with City of Ryde Council's Development Control Plan 2010. **The proponent shall provide Council with the name and contact details of the person/company responsible for tree management on site.**

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B16 Lighting Plan

A detailed plan prepared by a suitably qualified lighting engineer must be submitted to PCA for approval prior the issue of a Construction Certificate for above ground works.

All lighting in public domain areas is to comply with the Macquarie Park public Domain Technical Manual requirements and Australian Standard AS1158 for Street Lighting Applications. The lighting plan should include, lighting designs, supported by luminance calculations and luminance plots, and is to be of a high standard and Energy Australia compatible.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B17 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B18 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RMS. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to and approved by Council, prior to the issue of a Construction Certificate for above ground works.

NB: This condition needs to be modified if road works require s.138 approval under the Roads Act 1993 by the road authority (Council).

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B19 Number of Bicycle Spaces

The proposal is to provide one bicycle space for every apartment. Bicycle parking should:

- (a) be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities;
- (b) ensure that potential conflicts with vehicles are minimised;
- (c) be secure and located undercover with easy access from the street and building entries;
- (d) be located in accordance with Safar by Design principles;
- (e) end of trip facilities accessible to staff (including at least 1 shower and change room in all commercial and retail developments; and
- (f) provide secure bicycle storage in all residential developments.

Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B20 Number of Loading Bays

The development is to provide loading bays for the development in accordance with Council's DCP 2010. Details of the loading arrangements shall be submitted to the satisfaction of Council and the Certifying Authority prior to the issue of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B21 Car Park and Service Vehicle Layout

(1) Plans are to identify the following traffic and parking details:

- (a) all vehicles should enter and leave the subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the subject Site in a

forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;

- (b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;
- (c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- (d) All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
- (e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as maneuverability through the Subject Site, shall be in accordance with AUSTRROADS;

- (2) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B22 Car Share Spaces

Details of the car share arrangements are to be submitted to the Certifying Authority prior to the issue of a construction certificate. A total of 3 car share spaces are to be **identified on title** and provided for the development.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B23 Storage

The development is to provide dedicated storage within the basement car park or within units at the following rates:

- studio apartments 6m³
- one-bedroom apartments 6m³
- two bedroom apartments 8m³
- three plus bedroom apartments 10m³

Basement storage shall not compromise safety or natural ventilation.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

B24 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B25 RMS Requirements

- (1) RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- (2) The Proponent may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. The WAD will need to be executed prior to RMS's assessment of the detailed civil design plans.

- (3) The development shall be acoustically designed to meet appropriate internal noise requirements through property setbacks, site and architectural treatments. Noise walls are not supported by RMS as noise mitigation.
- (4) The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirement, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2809.2 – 2002 for heavy vehicle usage;
- (5) Provision for building maintenance vehicles and removalists shall be provided on site;
- (6) All vehicles shall be wholly contained on site before being required to stop;
- (7) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Epping Road;
- (8) A construction Traffic Management Plan detailing contractor vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate (see B11 above); and
- (9) All works associated with the proposed development shall be at no cost to RMS.

Relevant Construction Certificate: prior to the issue of a construction certificate for excavation and site retention works.

B26 Landscape Plan

The Proponent shall submit detailed landscape plan to the Certifying Authority for approval prior to the issue of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B27 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3 stars.

Prior to the issue of a Construction Certificate for above ground works, the Proponent shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B28 BASIX Certificate requirements

Prior to the issue of a Construction Certificate for above ground works a BASIX Certificate shall be obtained and submitted to the Certifying Authority to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B29 Water Ratings

All water fixtures installed within the premises are to have a **3 star WELS** AAA water rating or more. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B30 Sydney Water Requirements

- (1) ~~The 100mm and 150mm drinking water mains need to be upsized prior to the issue of a Construction Certificate;~~
- (2) ~~The Existing 150mm wastewater mains need to be upsized prior to the issue of a Construction Certificate;~~
- (1)** An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of a Construction Certificate.
- (2)** The Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the website www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.
- (3)** Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Relevant Construction Certificate: prior to the issue of a construction certificate for demolition.

B31 Storage and Handling of Operational Waste

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Ryde Development Control Plan 2010. Details are to be submitted to the satisfaction of **Council and** the Certifying Authority prior to the issue of a Construction Certificate.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the relevant building.

B32 Stormwater and Drainage Works Design

Final design plans of the storm water drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Ryde City Council shall be submitted to the certifier and approved by Council prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

Relevant Construction Certificate: prior to the issue of a construction certificate for detailed architectural design of the below ground car park.

PART D - DURING CONSTRUCTION

- (b) Part D – During Construction, modify Condition D1 by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

D1 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and **7:00pm** ~~5:00 pm~~, Mondays to Fridays inclusive;
- (2) between 8:00 am and **04:00pm** ~~12:00 midday~~, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities; and
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

PART F - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

- (c) Part F – Prior to Occupation or Commencement of Use, modify Condition F7 by the insertion of **bold** and **underlined** words/numbers as follows:

F7 Sydney Water

- (1)** 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 “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development or release of the plan of subdivision.

- (2) The 100mm and 150mm drinking water mains need to be upsized prior to the issue of a Occupation Certificate; and**
(3) The Existing 150mm wastewater mains need to be upsized prior to the issue of a Occupation Certificate.

End of Modifications to MP 10_0113 MOD 2