

MAJOR PROJECT ASSESSMENT:
Project Application for Stage 1-
Residential Development
61 Mobbs Lane, Epping
MP 08_0257



**Director-General's
Environmental Assessment Report
Section 75I of the
*Environmental Planning and Assessment
Act 1979***

August 2010

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Meriton Apartments Pty Limited
RtS	Response to Submissions

Cover Image: Ariel photograph of former Channel 7 Site, 61 Mobbs Lane, Epping

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EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for the construction of Stage 1 – Residential Development at 61 Mobbs Lane (Epping Park), Epping (former Channel 7 site) pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act). The site is located within the Parramatta Local Government Area, and is approximately 24 km north-west of the Sydney CBD. The Proponent is Meriton Apartments Pty Limited.

The proposal, as described in the EA, sought approval for Stage 1 of the development which included the construction of 3 residential flat buildings (218 units) ranging in height from 3-6 storeys, with associated basement parking (Buildings 4, 5 and 7), 12 x 2 storey townhouses with grade parking (Building 3), landscaping and subdivision.

On 5 July 2010, the Proponent submitted a response to submissions and a Preferred Project Report. The Proponent has deleted Buildings 3 (townhouses) and 7 (residential flat building) from Stage 1 and now seeks approval for 2 residential flat buildings (134 units), with increased basement car parking and landscaping.

The PPR has a Capital Investment Value of **\$45,567,886** and will create 320 new construction jobs.

State Environmental Planning Policy (Major Development) 2005 lists the site as a State Significant Site (SSS) under Schedule 3, Part 4 – Channel 7 site. Clause 7 of Part 4 zones the site, General Residential and Public Recreation. The proposal is permissible within the zoning and is consistent with the objectives of the zones.

The Environmental Assessment (EA) was exhibited for a 30 day period from **Wednesday 8 July 2009 to Friday 7 August 2009**. The Department received 5 submissions from public authorities and 148 submissions from the public.

Key Issues considered include; consistency with the approved Concept Plan, building height and bulk, landscaping; and compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code.

The Department considers the Stage 1 residential development is consistent with the Concept Plan approval and is suitable for the subject site. The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been satisfactorily addressed within the EA, PPR, Statement of Commitments and the Department's recommended conditions of approval.

The proposed development achieves an appropriate level of design and would satisfactorily maintain the amenity of the locality and surrounding development. In addition, the proposal would assist in contributing towards long term dwelling targets of the Draft West Central Sub-regional Strategy. For the above reasons, the proposal is supported, subject to recommended conditions of approval.

The Project Application is being referred to the Planning Assessment Commission (PAC) for determination as the Proponent has made a reportable political donation.

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1. BACKGROUND

Meriton Apartments Pty Ltd seek approval to construct the first stage of residential development on the former Channel 7 at 61 Mobbs Lane, Epping. The project location is shown in **Figure 1** below.

Figure 1: Project Location



The site, known as 61 Mobbs Lane, Epping, is located on the northern side of Mobbs Lane, approximately 24 km northwest of the Sydney CBD. The site is located within the Parramatta Local Government Area. The buildings on the site were previously utilised by Channel 7 as television studios and associated facilities.

The site subject to the Stage 1 - Residential Development (as modified) has an area of 7,952m² within the north eastern portion of the site (the entire former Channel 7 site has an area of 89,190m²). Vehicular access is currently available off the north-eastern corner of the Mobbs Lane frontage. Existing structures located on the site include:

- Seven Network television studios and ancillary buildings (comprising a gross floor space of 22,000m²);
- Transmission and telecommunications towers;
- Satellite receiving station and satellite dishes;
- Security gate house;
- 790 on-site parking spaces and petrol bowsers;
- Disused tennis court; and
- Helipad.

A Major Project (MP 08_0258 Early Works Package), determined by the Planning Assessment Commission (PAC) on 14 July 2010, approved the demolition of existing buildings on the whole of the Channel 7 site, tree removal, construction of internal and

external roads, services, utilities and stormwater management works as well as a child care facility and private resident facilities. Demolition works commenced on 21 July 2010.

The eastern portion of the site is generally flat, while the western portion is undulating. The site has a change in levels of approximately 30m from east to west. A drainage line flows into Terrys Creek along the north western section of the site. The western and central portion of the site contains native and exotic vegetation, built structures, car parking and grasslands.

The site previously operated 24 hours a day and employed up to 700 staff. Vehicle movements were generated from the operations that occurred on the site, which included employee trips, heavy vehicle transportation and audience attendance at various events held in the studios on the site. Helicopter movements occurred within the facility but had no set flight movements.

Figure 2: Existing Site Layout

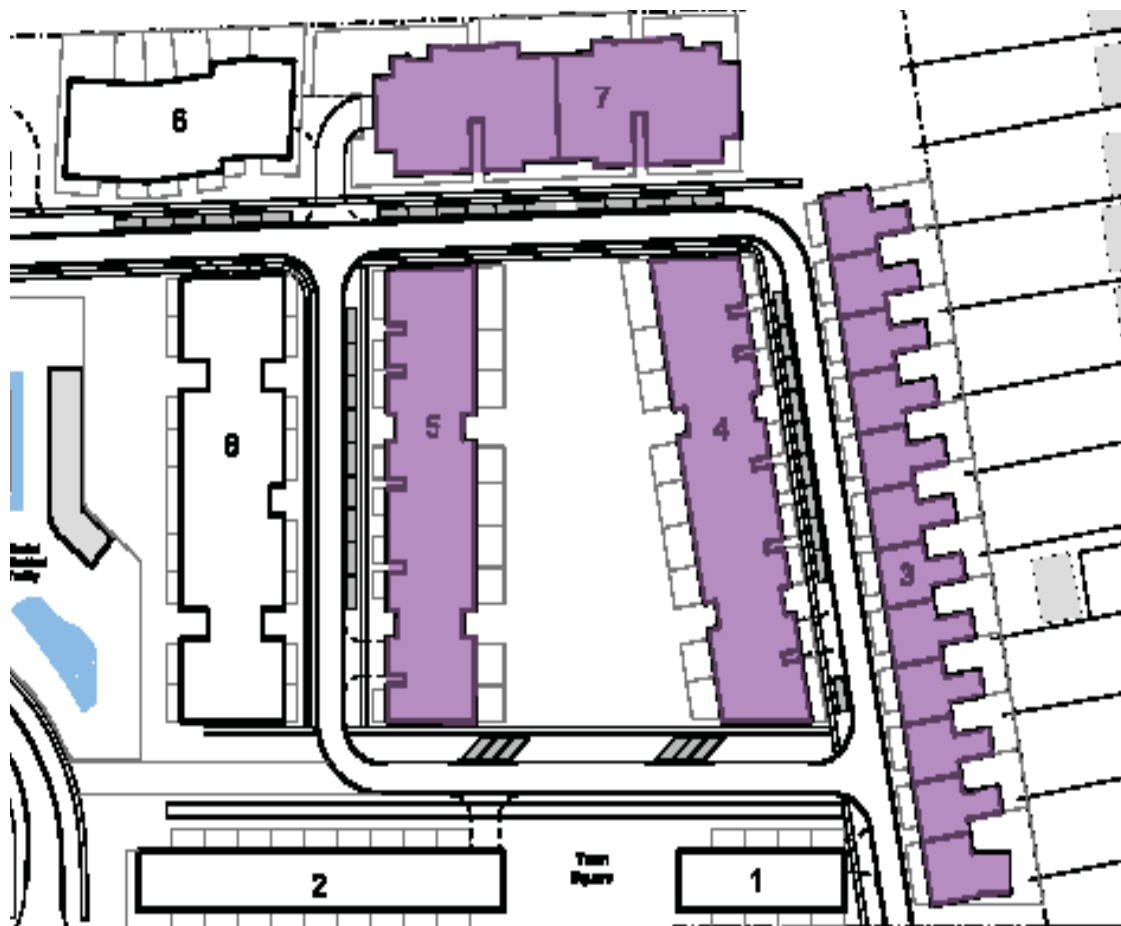


2. PROPOSED PROJECT

2.1 Project Description (Original EA)

The proposal is the first stage of residential development on the former Channel 7 site. The exhibited proposal sought approval to construct three residential flat buildings (218 units), stepped in height ranging between 3-6 storeys with basement car parking, 12 x 2 storey townhouses, landscaping and subdivision. The layout of the original project is shown in **Figure 3**.

Figure 3: Project Layout



2.1 Preferred Project Report (PPR)

Following exhibition, the proponent submitted a PPR which deleted the proposed town houses (Building 3) and one of the residential flat buildings (Building 7) from stage 1 of the redevelopment. The Proponent now seeks approval for 2 residential flat buildings (Buildings 4 and 5) comprising a total of 134 residential units.

Building 4

Building 4 ranges in height from 3 to 6 storeys above existing ground level, and comprises of 67 residential apartments. The building has been designed so that the 3 storey element is located towards the south-eastern part of the site, with the number of storeys increasing as the building extends towards the north-west, following the downward slope of the site. Substantial storage and mechanical plant equipment is also proposed at roof level. Each unit within the building is provided with a private courtyard or balcony. The proposed total floor area of Building 4 is 6,892m².

Building 5

Building 5 ranges in height from 3 to 6 storeys above existing ground level, and comprises a total of 67 residential apartments. The three storey element of the building is located towards the south, and the number of storeys increases as the building extends northwards. Substantial storage and mechanical plant equipment is also proposed at roof level. A swimming pool, gym and associated facilities would be located at basement level. Each residential unit is provided with a private courtyard or balcony. The proposed floor area of Building 5 is 7,312m².

Car Parking

Basement level parking provides parking for a total of 201 cars. Two storey basement parking is proposed beneath Building 4 with single storey basement parking beneath the 'village green', extending beneath the building footprint of Building 5. A single vehicle entry to the car park is proposed south-west of Building 4, off a new internal road approved by the Early Works Package (MD 08_0258).

Landscaping

The PPR has resulted in the inclusion of a proposed 'Village Green' located between Buildings 4 and 5 as part of the Stage 1 development. The green, accessible directly from Buildings 4 and 5 and the public domain, provides landscaped public open space and a paved raised podium to the southern part of the green providing seating.

Further details regarding unit size provision and a number of images of the proposal can be viewed in **Appendix C**.

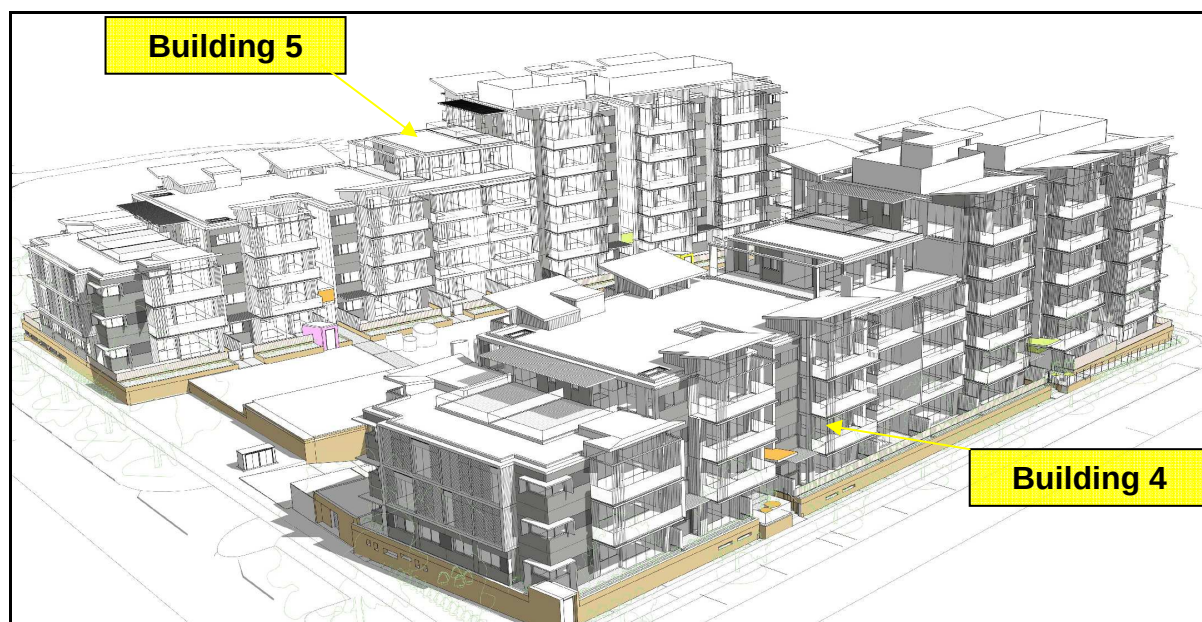


Figure 4: Ariel Perspective

2.2 Project Need and Justification

NSW State Plan

The NSW State Plan seeks to deliver attractive and sustainable development through increasing the supply of affordable housing within existing urban areas, with access to existing centres, services and public transport. The proposal will better utilise land for

residential purposes on a site which is currently underutilised for a purpose which is out of character with the surrounding area. The provision of a range of unit sizes, as proposed, would assist in ensuring the dwellings were accessible to a wide range of the community.

Sydney Metropolitan Strategy “City of Cities”

The Sydney Metropolitan Strategy “City of Cities” is a strategic document that guides the development of the Sydney Metropolitan area towards 2031. The Strategy is currently under review. The Strategy review discussion paper sets housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs by 2036.

The proposal is consistent with the aims of the Metropolitan Strategy and will contribute towards meeting new dwelling targets and, in its delivery, provide a number of construction jobs.

Draft West Central Subregional Strategy

The site falls within the area defined as the Draft West Central Subregional Strategy. The key directions for the West Central Subregional area are as follows:

- Provide local employment opportunities;
- Realise potential for economic development along to the M7 Motorway;
- Allow for housing growth close to public transport corridors;
- Provide greater housing choice and affordability;
- Coordinate planning and governance of centres and improve connectivity between centres;
- Improve recreational facilities and access to open space; and
- Promote the subregion's unique cultural diversity.

The Subregional Strategy currently targets the provision of an additional 61,000 jobs and 95,500 dwellings for the region by 2031. Parramatta LGA has a total employment capacity target of 27,000 jobs, and 21,000 additional dwellings. Epping is identified as a town centre within the strategy, and is identified as being a centre likely to experience both significant employment growth rates and housing growth, facilitated by improvements to local transport infrastructure. The proposal will assist in contributing to some of the identified dwelling capacity targets for Parramatta LGA.

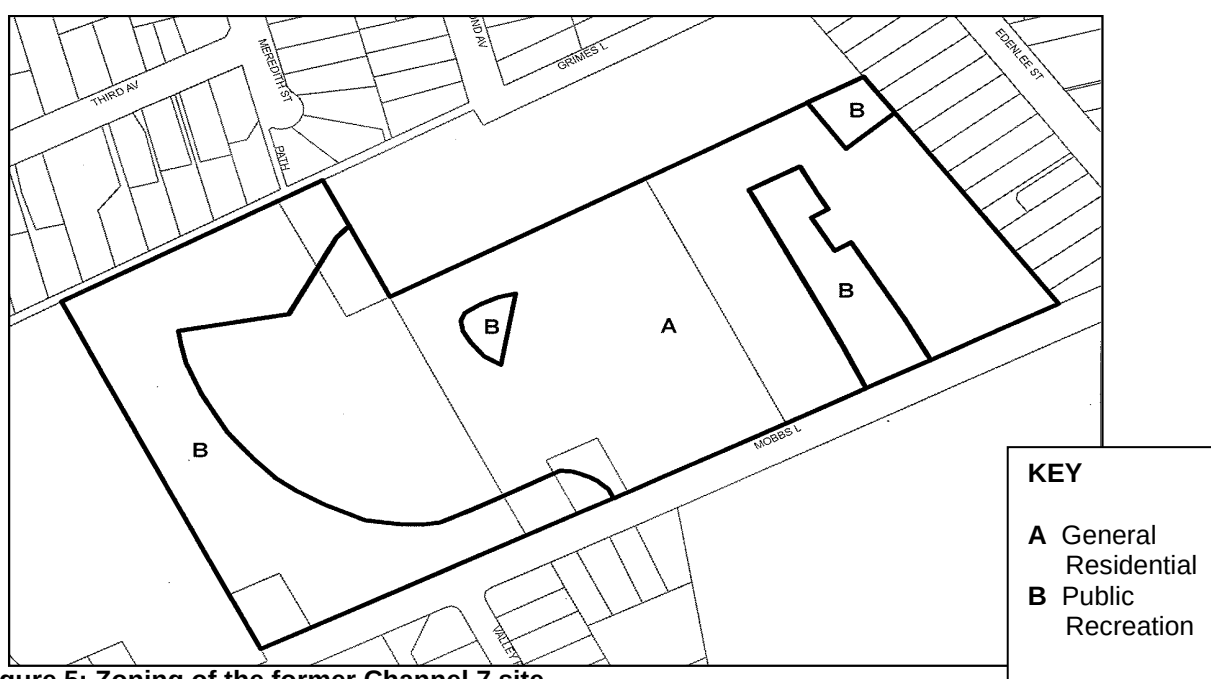
3. STATUTORY CONTEXT

3.1 Major Project

The project is a Major Project under *State Environmental Planning Policy (Major Development) 2005*, as it has a Capital Investment Value (CIV) of more than \$5 million (proposed CIV is **\$45,567,886**) in accordance with Schedule 3, Part 4 – Channel 7 site (SSS). It is therefore a project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

3.2 Permissibility

State Environmental Planning Policy (Major Development) 2005 lists the site as a SSS under Schedule 3, Part 4 – Channel 7 site. Clause 7 of Part 4 zones the land, the subject of this application, General Residential (identified as 'A') and Public Recreation (identified as 'B'). The proposal is permissible and consistent with the zone objectives.



The proposed number of dwelling units, density, and gross floor area of Stage 1 Residential Development complies with and would contribute towards the cumulative maximums included within the Major Development SEPP and the approved Concept Plan for the site.

3.3 Environmental Planning Instruments

In accordance with Sections 75(2)(d) and 75(2)(e) of the EP&A Act, the proposal has been assessed in relation to all relevant State Environmental Planning Policies (SEPPs) and the relevant environmental planning instruments (EPIs) that would (except for the application of Part 3A), substantially govern the carrying out of the project. The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

(a) *to encourage:*

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal would comply with the objectives of the EP&A Act in that it would facilitate for the orderly development of the former Channel 7 site, providing a range of housing types, and resulting in the provision of public open space.

3.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The development is considered to consistent with the ESD principles. A full assessment of the proposal in relation to ESD is included in **Appendix D**.

3.6 Statement of Compliance

On 18 February 2009, the Director-General issued DGRs for the project pursuant to Section 75F of the EP&A Act. In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from Wednesday 8 July 2009 until Friday 7 August 2009 (30 days), on the Department's website, and at the Department's Information Centre, at the Parramatta City Council Offices and also at the Epping Library. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph, Northern District Times, Parramatta Advertiser and the Parramatta Sun on 8 July 2009 and notified landholders, relevant State and local government authorities in writing.

The Department received 153 submissions during the exhibition of the EA - 5 submissions from public authorities and 148 submissions from the general public and special interest groups. A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

5 submissions were received from public authorities:

4.2.1 Parramatta City Council

Parramatta City Council raises issues and / or requires further clarification with the proposal as follows:

- Council does not support the construction of 6 storeys on the site.
- Tree Retention – Consideration should be given to the retention of existing trees along the north eastern boundary;
- Catchment Management & Drainage – Due to the multiple types of subdivision incorporated into the whole development site (Torrens title for the childcare centre, strata/stratum for the residential development and community title) the subdivision would need to incorporate drainage easements to accommodate the proposed drainage system;
- Traffic – The off-street car parking should be in accordance with AS 2890.1-2004 and Parramatta Council's DCP 2005;
- Urban Design & Planning – A Crime Prevention through Environmental Design should be submitted;

Parramatta Council also provided comments on the submitted PPR and raised the following issues:

- Council does not support the construction of 6 storeys on the site;
- Crime Prevention through Environmental Design report should be submitted to the Eastwood Local Area Command (NSW Police) for review;
- Seek clarification that solar access is provided to at least 70% of living rooms within the development between 9am and 3pm at mid-winter;
- Council does not support the projection of a basement level more than 1.2m above natural ground level;
- No consent should be granted prior to the finalisation of the Voluntary Planning Agreement between Council and the Proponent;
- Any approval should incorporate Council's standard permitted construction hours.

Department of Planning comment

The PPR is generally consistent with the approved Concept Plan for the site (MD 05_0086), as well as the SSS controls contained within the Major Development SEPP 2005, which permit a maximum 6 storeys on the subject site.

A recommended condition is included within **Appendix G** restricting the basement levels from projecting more than 1.2m above finished ground level at any point, in accordance with the definition 'of storey' within Schedule 3 of the modified Major Development SEPP.

The Crime Prevention through Environmental Design has been prepared in accordance with the Department's publication; 'Crime Prevention and the Assessment of Development Applications', addressing surveillance, access control, territorial reinforcement and space management. The submitted Crime Prevention Report is considered adequate and the proposal will provide a high level of casual surveillance, access control and a clear definition of communal and private space to provide a safe environment.

A condition requiring the Voluntary Planning Agreement to be executed prior to the release of the Construction Certificate for the proposed development has been included in **Appendix G**.

The deletion of Buildings 3 and 7 from Stage 1 of the development means that there would be no impacts on existing trees to the north eastern boundary. All works relating to the installation of sewer, water, gas, electrical and communications services, were considered as part of the Early Works Package (MD 08_0258), approved by the Planning Assessment Commission on 14 July 2010.

The Daylight Assessment (prepared by Heggies ref: 10-8866-R1, 24 June 2010) illustrates that solar access is gained to 71.6% of living rooms to both Building 4 and 5 for at least 3 hours between 9am and 3pm at mid-winter, consistent with the minimum requirement of the Residential Flat Design Code.

Other concerns raised by Council are considered to be either adequately addressed by the PPR or are addressed within Section 5 of this report and / or through the inclusion of conditions recommended in **Appendix G**.

4.2.2 Roads Traffic Authority

The comments received during the exhibition period from the RTA relate to works approved by MP 08_0258 - Early Works Package.

Department of Planning comment

Comments relating to MP 08_0258 - Early Works Package, were considered as part of the assessment of that project.

4.2.3 Department of Environment and Climate Change and Water

The comments received during the exhibition period from the DECCW relate to works approved by MP 08_0258 - Early Works Package.

Department of Planning comment

Comments relating to MP 08_0258 - Early Works Package, were considered as part of the assessment of that project.

4.2.4 State Transit Authority

The State Transit Authority (STA) advised that the existing 541 and 521 bus services which run along the eastern end of Mobbs Lane and along Mobbs Lane and Marsden Road, respectively, Monday to Saturdays will continue to service the site. The STA acknowledge that the level of bus services to the site may need to be adjusted accordingly once residential activity occurs within the site and adjacent developments.

Department of Planning comment

STA's comments are noted and were also considered as part of the assessment of MP 08_0258 - Early Works Package.

4.2.5 Sydney Water Corporation

Sydney Water Corporation raised no objections to the proposal, however notes the following:

- Sydney Water is currently assessing a Section 73 Certificate for the proposal that will enable Sydney Water to specify any works required as a result of the development and to assess if amplification and / or changes to the system are applicable.
- Sydney Water advises that a new application will need to be submitted to confirm the requirements for the 650 dwellings as outlined in the proposal.

Department of Planning comment

Sydney Water Corporation comments are noted and a condition has been recommended within **Appendix G**, addressing the above.

4.3 Public Submissions

The Department received 148 submissions from the public. Public submissions raised the following issues:

- Excessive building height, bulk and scale
- Increased traffic and pressure on existing road network
- Lack of public transport accessibility
- Non-compliance with Approved Concept Plan in relation to maximum density and setbacks
- Pressures on existing infrastructure
- High visibility of development
- Impacts on privacy
- Stormwater runoff and environmental impacts on Terry Creek
- Loss of trees and lack of deep soil landscaping
- Development inconsistent with 2(a) low density residential and 6a (open spaces) zoning on surrounding sites
- Overshadowing of public domain

These issues have been discussed in detail in Section 5 of this report. It is considered that the issues raised have been adequately addressed within the PPR and the Department's recommended conditions.

4.4 Proponent's Response to Submissions

Following exhibition of the Environmental Assessment (EA), the Department advised the Proponent of a number of issues relating to the EA. The main issues related to building

height, setbacks and compliance with SEPP 65 Design Quality of Residential Flat Development.

The Preferred Project Report (PPR) was submitted by the Proponent on 5 July 2010, as a response to issues raised in relation to the EA. Key Changes from the EA to the PPR include:

- Deletion of Buildings 3 and 7 from Stage 1 (reducing the total number of units from 230 to 134 units);
- Change in the unit mix to result in a larger proportion of 1 and 2 bedroom units;
- Additional second basement level parking to Building 4, and modifications to parking layout resulting in increased car parking provision for 201 cars;
- New basement swimming pool, gym, sauna and changing facilities to Building 5;
- Modification of roofs to Buildings 4 and 5 from pitched to part flat/ part 'winged' roof;
- Increase in the maximum building heights above natural ground level of Building 4 (RL 137.170 to 138.020) and Building 5 (136.170 to 137.020);
- Modification of balcony forms;
- Revision of proposed 'village green' to include central podium and surrounding areas: and
- Deletion of strata subdivision from project.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Consistency with the approved concept plan;
- Height;
- Residential Amenity
- Urban Design
- Deep Soil Landscaping/ Open Space
- Voluntary Planning Agreement (VPA)

5.1 Consistency with the Approved Concept Plan (as modified) and SSS controls

On 22 August 2006, the former Minister for Planning approved a Concept Plan (MP 05_0086) for the redevelopment of the former Channel 7 site that includes:

- Maximum of 650 dwellings;
- Maximum of 80,000m² gross floor area;
- Maximum floor space ratio of 0.89:1;
- Maximum 96,000m² total envelope area;
- No more than 73 dwellings / ha;
- Maximum height of 6 storeys;
- Minimum 3.1ha of public open space; and
- A child care centre.



Figure 6: Approved Concept Plan (MD 05_0086)

This application forms the first phase of residential construction works, after the Early Works Package, MD 08_0258, approved by the PAC on 14 July 2010.

The proposal is consistent with the approved Concept Plan and SSS listing within the Major Development SEPP, which permits a maximum of 6 storeys on the site. The proposal also contributes towards the overall maximum number of dwellings, gross floor area, number of dwellings per hectare, and unit size percentages however, as an early stage of development the numerical requirements cannot be fully applied. The maximum provisions included within the approved Concept Plan will be monitored throughout the development of the whole site.

It is considered that the proposal is generally consistent with the Concept Plan and is supported, subject to recommended conditions of approval. A full assessment against the approved Concept Plan is included in **Appendix E**.

5.2 Height

Building Height

The PPR has resulted in an increase in the maximum height of Building 4 from RL 137.170 to RL 138.020 and Building 5 from RL 136.170 to RL 137.020 (an increase of 850mm in both instances). The additional height is a result of increased floor to ceiling heights and the proposed roof top plant and storage. The plant would be located centrally on the roofs of both buildings, set back from side elevations, thus reducing its visibility from the public domain. The proposal complies with the 6 storey building height control and Department considers the minor increase in building acceptable.

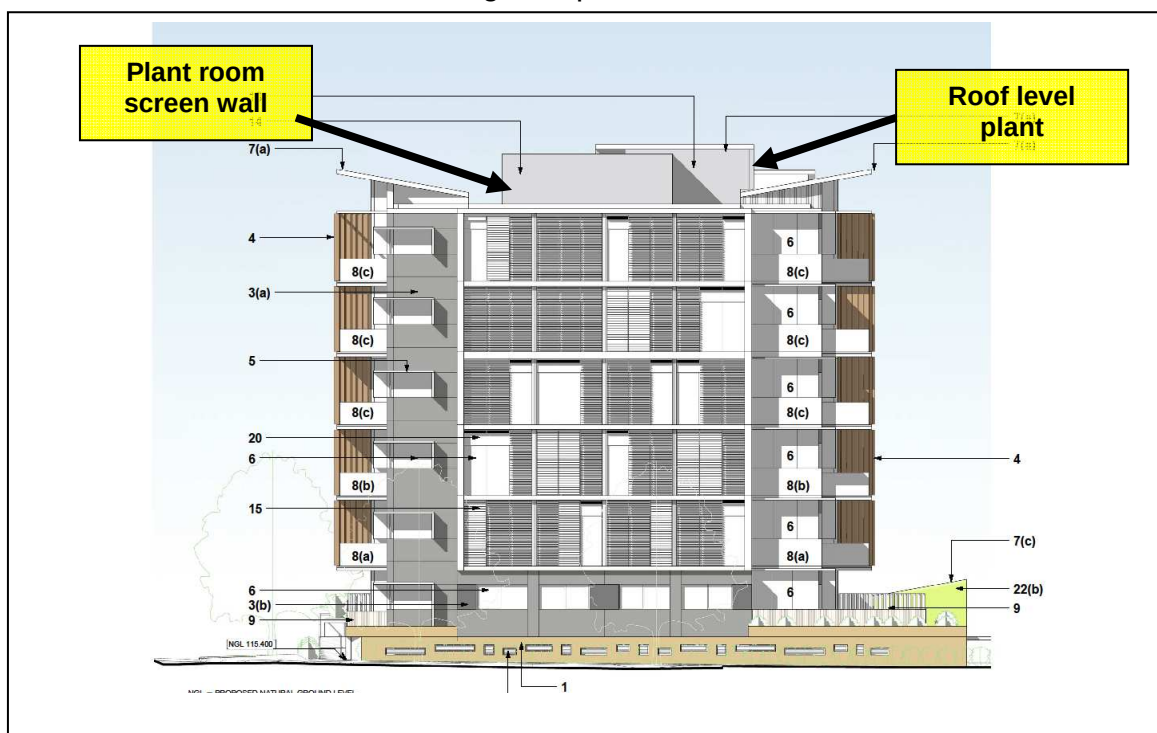


Figure 7: Section of buildings 4 & 5 illustrating location of roof plant

The proposed 2.8m high screen walls surrounding the roof top plant are considered excessive. Therefore a condition is recommended in **Appendix G**, requiring the screen walls to be replaced with louvers with a maximum height of 1.4m above finished roof level. This will minimise the bulk of the roof top plant when viewed from surrounding areas.

Basement Car Park

The proposed basements project above the natural ground level, exceeding 1.2m in some instances. To ensure compliance with the SSS controls, a condition has been recommended in **Appendix G**, requiring the basement levels be modified so that the finished floor level of the ground floor level above does not exceed 1.2m above the finished natural ground level.

5.3 Residential Amenity

Residential Flat Design Code (RFDC)

The proposal generally complies with the RFDC with the exception of some minor and partial non-compliances, with apartment depth and cross ventilation controls, discussed below.

Apartment depth

The RFDC recommends that single aspect apartments be limited in depth to 8 metres from a window, and that kitchens should be no more than 8 metres from a window. The single aspect units of the development exceed the maximum permitted depth of 8 metres by up to 1.5m. The negative impacts have however, been mitigated through the use of open plan kitchen and living areas, which benefit from floor to ceiling windows and doors to external elevations. Therefore, sufficient natural light would be afforded to these units and the partial non-compliance is considered to be acceptable in this instance.

Cross Ventilation

The RFDC recommends that 60% of units should be naturally cross ventilated. Of the proposed 134 units, 90 (67%) of the units enjoy natural cross ventilation, while 44 (33%) of the units are single aspect units. Of the naturally cross ventilated units however, 28 (21%) only receive cross ventilation via a bathroom window, to an elevation set within an indent of the building. The location of these windows, which front an opposite elevation, reduces the effectiveness of the unit to facilitate convective currents. The quality of the natural ventilation would therefore be reduced to these units.

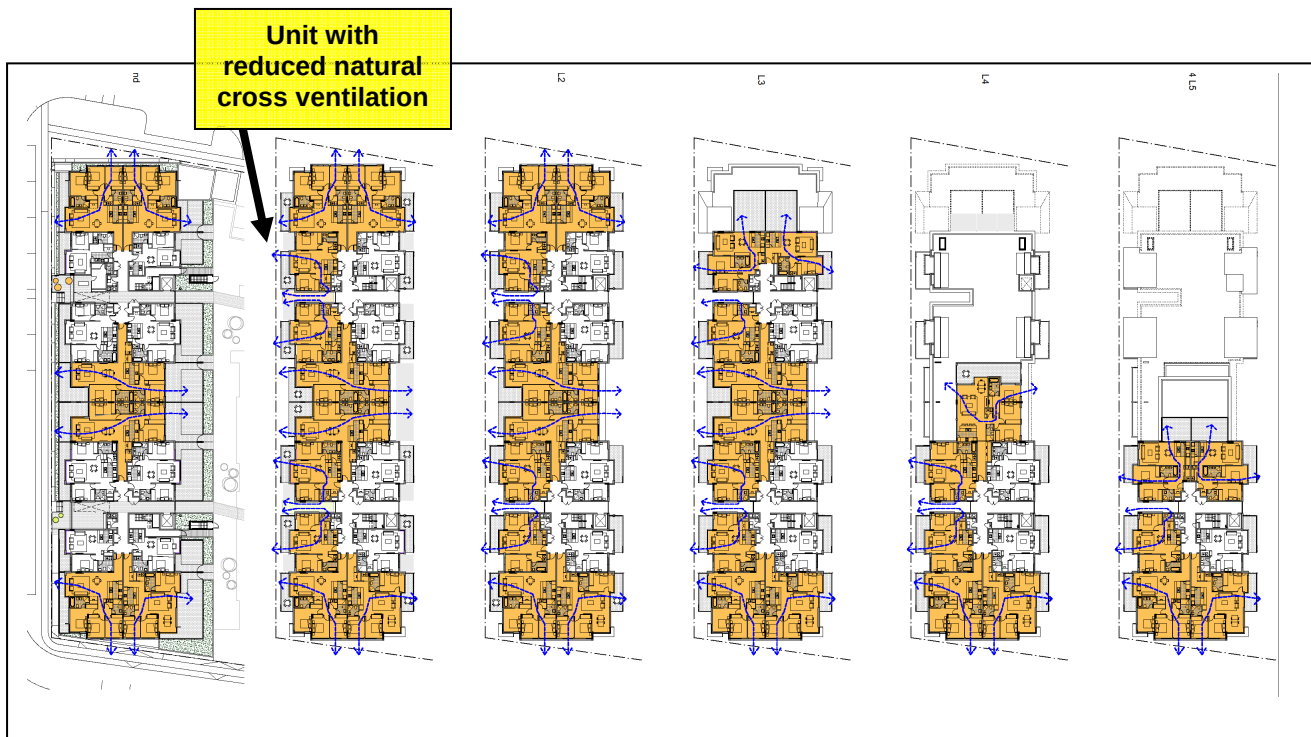


Figure 8: Illustration of cross ventilation paths within buildings 4 & 5

Notwithstanding, natural ventilation has been maximised, particularly to single aspect apartments by keeping internal barriers to a minimum and having open plan kitchen/ dining/ living areas to all units. Natural ventilation has also been maximised through doors opening directly onto balconies and in many cases positioning door openings from bedrooms onto balconies which will provide some cross ventilation when open.

Solar Access

The Daylight Assessment Report prepared by Heggis Pty Ltd (Ref: 10-8866-R1 Rev. 0, dated 24 June 2010) confirms that the proposal complies the RFDC in terms of achieving a minimum three hours of sunlight to living rooms and private open space of at least 70% of the development in midwinter.

Conclusion

The proposed residential units are of an adequate size and design, which utilise natural light and ensure privacy is maintained with adequate building separation between habitable rooms. The layouts of each floor of both buildings is repeated on the floor above, ensuring areas of high noise potential (kitchens and bathrooms) are not located above bedrooms. Private open space would be provided in the manner of enclosed courtyards or balconies for each unit, accessible off main living areas and bedrooms in some cases. The proposal offers a range of unit sizes generally conforming to suitable floor areas included within the RFDC. In addition, over 70% of habitable rooms will receive 3 hours of sunlight at mid winter and all units will enjoy excellent outlooks and views from upper levels. Despite the minor non-compliances with apartment and building depth it is considered that the apartments will provide sufficient amenity for future occupants.

A full assessment against the controls of the RFDC is included in **Appendix D**.

5.4 Urban Design

The previously proposed building design, incorporating elements from the surrounding Californian bungalow and Federation housing stock, has been replaced with a more contemporary scheme. The PPR scheme has deleted the pitched roof design in favour of a flat roof with awnings, and now utilises modern materials including precast concrete panels in grey tones, aluminium louvers, glass balustrades, aluminium framed windows and doors. The revised scheme better reflects the contemporary multi-storey nature of the development and is considered to better suit the character of the development in terms of context, scale and built form.

The PPR scheme includes 'feature colours' to the different entry lobbies of both buildings, in yellow, green, orange and pink. The colour scheme would extend up the buildings and would be visible externally through the use of glazing, tiling and panelling. The proposed colour scheme is at odds with the proposed overall colour scheme, being variations of greys and muted neutral tones. The use of the bright colours would detract from the external appearance of the buildings. A condition has therefore been recommended in **Appendix G** requiring the proposed lobby colour schemes to be replaced with colours consistent with the colour scheme for the rest of the development.

5.5 Deep Soil Landscaping/ Open Space

Deep Soil Landscaping

Stage 1 includes the construction of the central 'village green', located between buildings 4 and 5. The footprint of the basement car park level extends beneath the 'village green', therefore reducing the amount of deep soil landscaping on the Stage 1 site area to approximately 120m² (1.5% of total site). The RFDC recommends a minimum 25% of the open space should be deep soil. The lack of deep soil landscape is considered acceptable in this instance as significant deep soil landscaping will be secured elsewhere across the

overall site. A total of 3.1ha of publicly accessible open space will be provided on the site with a large portion being provided for deep soil landscaping.

Open Space

Concern was raised regarding the useability and accessibility of the public open space ('village green') located between buildings 4 and 5. The height of the raised podium, which is up to 2.09m - 2.17m above the surrounding street level in some instances, is dictated by the basement car park entrance and floor to ceiling height requirements. The raised podium would result in a reduction in the perceived 'public accessibility' of this space from the surrounding public domain. The change in levels would also reduce visibility through the site creating a visual 'barrier' from the street, at this prominent location within the development site.

The 'village green' is a publicly accessible space and it is imperative the space is easily perceived as such from the surrounding public domain to ensure it's usability and accessibility to residents of Buildings 4 and 5 and to other residents within the whole development site. A condition has therefore been recommended in **Appendix G** requiring the height of the raised podium area to be reduced to a maximum of 1.2m above natural ground level, consistent with the basement car park levels. This would result in the podium area having a consistent finished floor height with the rest of the village green.

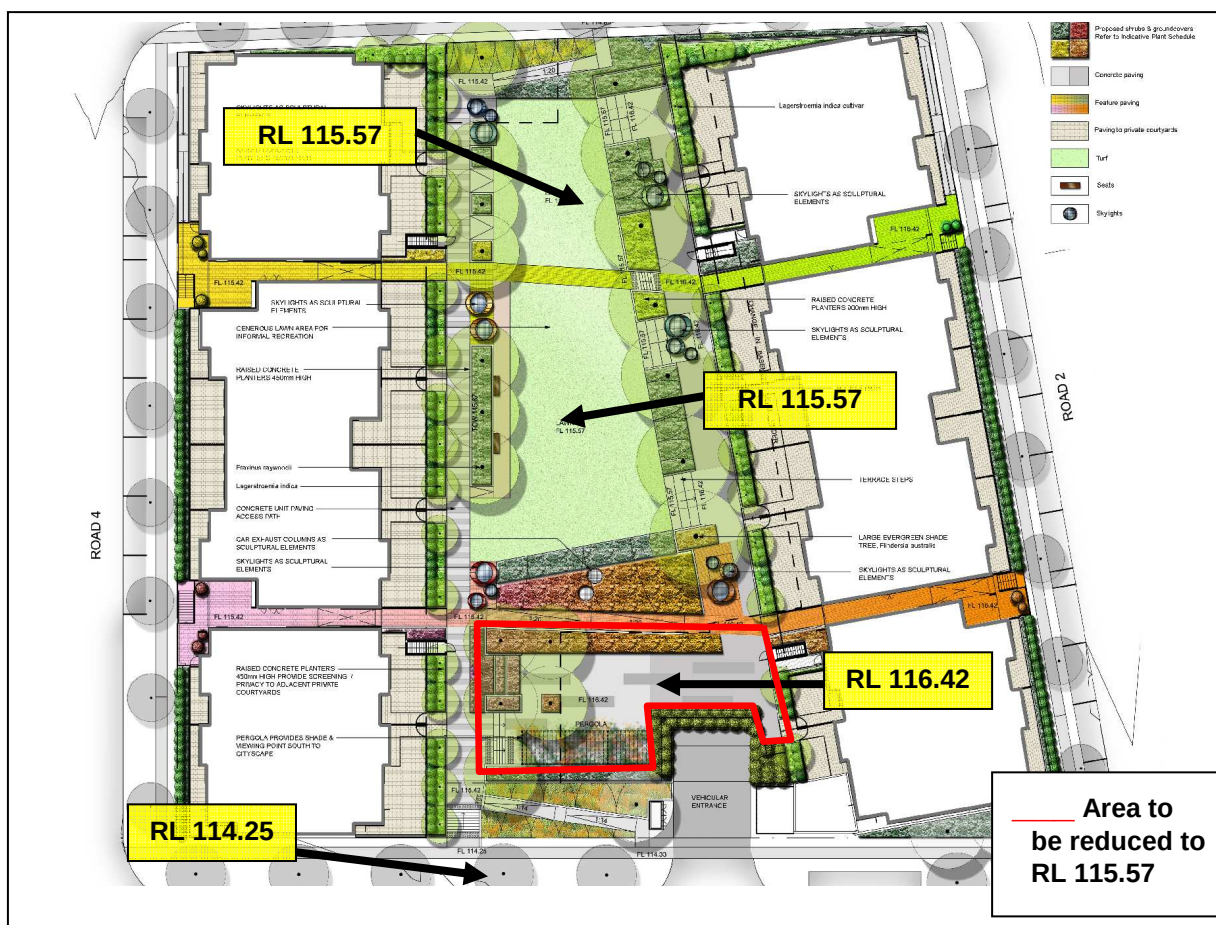


Figure 9: Landscape Plan showing levels of village green

5.6 Voluntary Planning Agreement (VPA)

The approved Concept Plan required the preparation of a planning agreement and / or a suitable development contributions framework to address the provision of:

- Community facilities - including demand for, size, and location of a childcare centre.
- Public open space – including design, tenure, and management.
- Traffic calming measures – including design, tenure, and management.
- Utilities infrastructure - including demand, capacity, and location of an electricity zone substation.

The Proponent and Council are currently negotiating the VPA in response to an independent expert review of the proposed contributions framework. Council have requested that consent not be granted until the Voluntary Planning Agreement between Council and the Proponent has been finalised. However, the Department considers that the application can be determined subject to a recommended condition requiring the VPA to be executed substantially in accordance with the Letter of Offer, dated 27 August 2010, submitted to Parramatta City Council, prior to the release of any Construction Certificate (Included within **Appendix G**). The condition will provide sufficient certainty for the proponent and Council that works can not commence on the residential development until the VPA is executed with Council.

5.7 Other Issues

• Transport and Accessibility (Construction)

Traffic generation impacts resulting from the change of land use of the site and the provision of 650 new dwellings and a child care facility, were considered as part of the assessment of the approved Concept Plan application.

Major Application MP 08_0258 - Early Works Package, approved all internal and external traffic works for the whole Channel 7 site. Necessary conditions relating to traffic and access were included as part of the determination of that project.

• Car Parking

The PPR for Stage 1 has resulted in an increase in the basement car parking provision compared to the EA, from 175 to a total of 201 car parking spaces. The approved Concept Plan and the Major Development SEPP, do not include specific car parking requirements. The Parramatta Council DCP 2005 requires a minimum of 209 on-site car parking spaces (see **Appendix C**). The proposal would have a deficiency of 8 on-site car parking spaces. This deficiency is however, considered minimal and adequate off-street visitor parking will be provided within the overall Channel 7 site. For these reasons, the proposed car parking provision is considered acceptable.

The basement car parking area has been extended beneath the 'village green' linking the two basement parking areas. Furthermore, an additional basement parking level is proposed beneath Building 4 and there is one single vehicle entry point at the southern end. The proposed increase in parking provision is considered acceptable given the lack of any visual or amenity or traffic impacts resulting from the increased number of spaces.

The parking provision is a combination of stacked and single spaces. Car parking allocation to individual units has not been identified at this time. However, the number of 2 and 3 bedroom units, which are likely to be allocated more than one car parking space, exceed the number of stacked spaces. The stacked parking arrangement is therefore acceptable in

this instance. Conditions have been imposed to ensure the off-street car parking is in accordance with AS 2890.1-2004 and Parramatta Council's DCP 2005.

In addition to the vehicle parking provision, 46 wall mounted bicycle parking spaces are to be provided in 3 different locations within the basement parking beneath the two buildings, which complies with Parramatta Council's DCP 2005.

- Impacts on Adjoining Properties

Surrounding residential development would benefit from the redevelopment of the site as a whole, in terms of providing additional areas of public open space and potential improvements to public transport as a result of an increased population in the area.

The proposed buildings would be significantly set back from all site boundaries ensuring no negative impacts on the privacy or solar access of surrounding development. Conditions have been recommended in **Appendix G** to address amenity issues relating to the construction process, to ensure environmental impacts on surrounding development are minimised. The impacts on the amenity of future stages of development on the subject site, as a result of the proposed works will be considered through the assessment of those later stages.

- Tree Removal

The Stage 1 site area covers a large area of the site where existing buildings are located. The development would not therefore require the removal of a significant number of existing trees. The proposed 'village green' would be surrounded by raised planters with a depth of 1m, facilitating for the planting of 7 *Flindersia australis* Crown Ash trees (300 litres), and twelve *Fraxinus raywoodii* Raywood Ash trees (200 litres). A condition is recommended within **Appendix G** requiring the retention of the approved landscaping in accordance with the approved Landscaping Plan for the life of the development.

- Wind Impacts

A Pedestrian Wind Environment Statement (prepared by Windtech, Ref: WA658-01F02 Rev 1, dated March 31 2009) was submitted with the EA. The report concluded that the ground level pedestrian areas, including the 'village green' were generally well shielded from prevailing winds by surrounding buildings and the layout of retained and proposed new trees within and around the site. Any wind conditions experienced to the proposed balconies would be mitigated by the proposed sliding louvers to side elevations and the use of solid balustrades to the balconies.

- Waste Management

2 garbage rooms with garbage chutes are provided on all floors of both buildings (except level 5, where only 1 is provided). The chutes lead to the basement level garbage rooms where waste and recycling bins are located. Full bins would need to be wheeled to the externally accessed garbage room, located east of the basement parking vehicle entry, to await collection.

Parramatta City Council waste services do not service private roads. A condition has been recommended within **Appendix G**, requiring the Proponent to enter into a contract with a licensed contractor for the removal of waste and recycling materials from the development. The Proponent has advised they have entered into early negotiations with waste contractors to serve the development.

6. RECOMMENDATION

The Department has assessed the EA, as modified by the PPR, and considered the public and agency submissions in response to the proposal. The key issues raised in submissions relate to the number of storeys/ building height in relation to site context, visual privacy for surrounding residents and impacts on existing infrastructure.

The Department is of the opinion that the Preferred Project Application is consistent with the Concept Plan approval, achieves a high standard of urban design and adequately maintains the amenity of the locality and surrounding development.

The suitability of the site for residential development was addressed through the approved Concept Plan and the current proposal would assist in contributing towards long term dwelling targets, set within the Draft West Central Subregional Strategy, while achieving high levels of amenity for future residents. In addition, the proposal would assist in securing a greater choice and affordability of units within the area thought the high percentage of 1 and 2 bedroom units within the development.

The Department is satisfied that the impacts of the proposed residential development have been addressed in the Proponent's EA and PPR, as well as the Proponent's Statement of Commitments which has committed to a number of measures ensuring the proposal proceeds smoothly and does not adversely impact on local amenity throughout the construction process.

The Department has also prepared recommended conditions of approval in respect of this project approval and are set out in the instrument of approval at **Appendix E**. The reasons for the imposition of conditions are to minimise the maximum height of the proposed development thus, reducing the perceived bulk of the buildings and their compatibility with the site context, as well as ensuring an inclusive development of high quality urban design outcome. Conditions would also manage construction impacts and adequately mitigate any environmental impacts of the development.

Caroline Owen
Planning Officer
Metropolitan Projects

Michael Woodland
Director
Metropolitan Projects

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX B PROPONENT'S RESPONSE TO SUBMISSIONS/ PPR

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX C ADDITIONAL DETAILS OF PROPOSED DEVELOPMENT

Surrounding Development

Located within the suburb of Epping, the site is surrounded by the following:

- The eastern side of the site is bounded by detached dwellings fronting Edenlee Street.
- The northern boundary of the site is shared with the Northern Sydney Institute for TAFE and residential properties. A right of way runs along the north western boundary between the TAFE site and the Mobbs Lane Reserve.
- The current residential development at the former Eastwood Brickpit lies south-east of the site. Residential dwellings also front Mobbs Lane to the west of the Brickpit site opposite the south-western portion of the site.
- The western site boundary abuts Mobbs Lane Reserve, a publicly accessible recreation facility with an area of approximately 4ha.

Unit Size Mix

Table 2: Proposed unit size mix

Unit size	Building 4	Building 5	Total	Percentage of develop.
1 bedroom units (small)	1	-	1	1%
1 bedroom units	11	12	23	17%
2 bedroom units (small)	7	9	16	12%
2 bedroom units	21	19	40	30%
3 bedroom units	27	27	54	40%
Total	67	67	134	100%

Photomontage



Figure 10: Photomontage- Building 4, looking north-east ('village green' just seen to left)

Proposed Car Parking Provision

Unit type/ number of units	Council DCP rate MIN (Residential Flat Buildings not within 400m of a railway station or transit corridor)	Car Parking Spaces Required	Total Car Parking Spaces Required	Total Car Parking Spaces Proposed
24 x 1 bedroom	1 space/unit	24	209	201 (as well as 22 on- street visitor spaces)
56 x 2 bedroom	1.25 spaces/unit	70		
54 x 3 bedroom	1.5 spaces/unit	81		
134 x Visitor parking	0.25 spaces/unit	34		

Table 3: Car Parking Requirements/ Provisions

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are five accepted ESD principles:

- a) *Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- b) *If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- c) *The principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- d) *The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- e) *Improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Integration Principle – The Department has considered all issues raised in submissions and the proposal does not compromise a particular stakeholder or hinder the opportunities of others. The site is serviced by existing and proposed infrastructure. The environmental impacts of the proposal have also been addressed through the proponent's Statement of Commitments and the recommended conditions/modifications of approval.

Precautionary Principle – Stage 1 of the residential development would not have any impacts on the existing endangered ecological community Turpentine-Ironbark Forest, including approximately 14 *Angophora floribunda*, located in the north-west part of the Channel 7 site. The development area has been developed for some time and is occupied by built structures. Furthermore, a stormwater Quality Management Strategy has been developed for both construction and post construction phases.

Inter-Generational Principle – The proposal represents a sustainable use of the site as the redevelopment will utilise existing infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts.

Biodiversity Principle – Following an assessment of the proponent's PPR it is considered with appropriate certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has been extensively developed for some time and has a low level of environmental sensitivity. The endangered ecological community is located in the far north-west of the Channel 7 site and would not be impacted upon by the proposal. New planting will utilise drought resistant native plant species therefore assisting with the long term biodiversity of the development.

Valuation Principle – *The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate measures to mitigate adverse environmental effects and maximise energy efficiency through design. The development has been designed in accordance with BASIX targets utilising energy and water efficient fittings. The above measures will be included in the total cost of the project and considering greenhouse gas emissions linked to environmental performance, accessibility and travel the proposal is considered to be acceptable.*

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The Proponent's EA and PPR are located on the Department's website www.planning.nsw.gov.au .
Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities on the project for the Minister's consideration is set out in Section 6 of this report.
Copy of any report of the Planning Assessment Commission.	No review has been required to be carried out by the Planning Assessment Commission
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project.	Each relevant SEPP that substantially governs the carrying out of the project is identified in within this Appendix below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to the prevailing environmental planning instrument is provided later in this Appendix.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in sections 4 and 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The impact of the development on the public interest is discussed in section 5 of this report.
The suitability of the site for the project	The site is considered to be suitable for the Stage 1 of the redevelopment of the site in accordance with the approved Concept Plan.

Copies of submissions received by the Director-General in connection with public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in this report.
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ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Other controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55- Remediation of Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above a EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to meet targets of a 20% reduction in energy use and 40% reduction in potable water.

A BASIX certificate has been submitted for the proposal which indicate that both buildings will satisfactorily meet the BASIX targets with a 22% reduction in energy use and a 40% reduction in potable water.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

A Design Verification Statement has been provided by PTW Architects, stating that the subject development has been designed having respect to the design quality principles.

Key Principles of SEPP 65	Department Response
Principle 1: Context	Subject to the recommended conditions, the proposed buildings are of a height consistent with the approved Concept Plan and be acceptable within the site context.

	The proposed buildings would not have any detrimental impacts on the amenity of surrounding development and any impacts on future stages of development on the site would be assessed as part of that proposal.
Principle 2: Scale	Although the proposed buildings would be higher than immediately surrounding residential development, the scheme has been devised to incorporate a range of heights between 3 and 6 storeys, which complies with the maximum permissible building height of 6 storeys within the approved Concept Plan. The height of the buildings has been staggered, with the 3 storey elements located towards the south-east of the site with heights increasing away from Mobbs, thus reducing the appearance of height when viewed from the public domain.
Principle 3: Built Form	The buildings are set in located centrally within the site, setback from the side boundaries. Later stages of development along site boundaries, with lower building heights, will act as a transition buffer with surrounding low rise residential development.
Principle 4: Density	The site is zoned R1 General Residential and RE1 Public Recreation. The development has been designed in accordance with the permissible uses for the site zoning. Stage 1 would contribute towards the maximum permitted site density included within the approved Concept Plan. The maximum permitted site density will be monitored at future development stages.
Principle 5: Resource, Energy and Water Efficiency	The application has been accompanied by a valid BASIX Certificate for the residential element of the development, illustrating compliance with water and energy efficiency targets.
Principle 6: Landscape	The proposal consists of a central 'village green' located between Buildings 4 and 5, as well as planting around part of the external building facades. The 'village green' is however, located above the proposed basement car park for the development. Therefore deep soil landscaping on the site is almost negligible. The space has however, been designed to maximise access to it with direct access from adjoining ground floor level courtyards. In addition, the site would allow for passive surveillance through the location of upper level balconies. The location of the development is generally in the location of the existing buildings on site and the proposal would not have any impacts on existing native and exotic vegetation on the site. A recommended condition has been included within Appendix F requiring additional landscaping to be planted around the perimeter of the buildings to shield the car park ventilation louvers.
Principle 7: Amenity	The development would not result in any loss of solar access to surrounding development. The new development would comply with SEPP 65 Design Quality of Residential Flat Development, supported by the Residential Flat Design Code, in that over 70% of each of the living rooms within the buildings would achieve solar access for at least 3 hours between 9am and 3pm in mid-winter. A range of unit sizes are proposed providing appropriate room dimensions and layouts and the development allows for ease of access for all age groups and degrees of mobility.
Principle 8: Safety and Security	The proposal has been designed to provide passive surveillance of the 'village green'. In addition, the scheme provides a clear distinction between public and private spaces.

	External lighting is proposed to assist with pedestrian safety. The residences will have secure access arrangements in place and CCTV will be provided at all entry points. The basement levels would be painted white and well lit.
Principle 9: Social Dimensions and Housing Affordability	The two buildings would have a total of 24 (18%) 1x bedroom units (small and larger), 56 (42%) 2x bedroom units (small and larger) and 54 (40%) 3 bedroom units. The mix is diverse enough to offer a wide mix of unit sizes to assist with the affordability of the development.
Principle 10: Aesthetics	The buildings have been designed to include a range of varied and complimentary materials. The mix of textures and colours of sharing a similar hue would assist in breaking up the bulk of the buildings and providing visual interest.

An assessment of the proposal against the Residential Flat Design Code is set out in the table below:

	RFDC requirement	Proposed	Complies?
Building Separation	Min 18m between habitable rooms	27m- 40m	YES
Building depth	10m- 18m	14m-20.5m	Substantially complies
Naturally cross ventilated	Min 60% of units	33% corner units 34% dual aspect units 33% single aspect units	YES
Kitchens with natural ventilation	Min 25%	>25%	YES
Single aspect apartment- distance from window	Max 8m	<8m- 9.5m	Substantially complies
Depth of kitchen from window	Max 8m	8m- 10m	Only 1 unit complies
Apartment Size (min)	1 bedroom= 50m ² 2 bedroom= 70m ² 3 bedroom = 95m ²	1 bedroom= -48m ² - 66m ² 2 bedroom= -75m ² - 89m ² 3 bedroom= -103m ² - 128m ²	Only 1 unit <50m ² YES YES
Balcony Depth	Min 2m	>2m	YES
Floor to ceiling heights	≥2.7m	≥2.7m	YES

In light of the assessment detailed in Section 5.3 of this report above, it is considered that the proposal displays an acceptable level of consistency with the Principles in SEPP 65 and the accompanying RFDC.

State Environmental Planning Policy (Major Development) 2005

The *Major Development SEPP* applies to the project as discussed in Section 3.1 of this report. The subject site is of state significance under Schedule 3, Part 4 of the *Major Development SEPP*, which sets out provisions relating to the redevelopment of the former Channel 7 site including, zoning, height, density and number of dwellings and total gross floor area.

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the RTA for concurrence. The proposed works are not defined as traffic generating development however, the proposed road works require the RTA to be consulted under the Roads Act 1993.

A detailed discussion on comments received from the RTA is provided in Section 4.

State Environmental Planning Policy 55- Remediation of Land

A '*Soil and Groundwater Risk Assessment*' was submitted with MP 08_0258 Early Works Package. The Department was satisfied that subject to conditions requiring the works to be carried out in accordance with the recommendations of that report, the site is capable of being utilised for residential development.

APPENDIX E COMPLIANCE WITH APPROVED CONCEPT PLAN (AS MODIFIED)

An assessment of the proposal against the relevant approval requirements and modifications of the approved Concept Plan (as modified) is provided below.			
Approved Concept Plan (as modified)		Department Comment	
Approval Requirement			
A1. Development Description Concept approval is granted only to the carrying out the development solely within the concept plan area as described in the document titled “ <i>The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report</i> ” prepared by Architectus (dated May 2006) including the following modifications: (1) Up to 650 dwellings; (2) Up to 80, 000 m ² maximum gross floor area (representing a floor space ratio of 0.89:1 over the entire Channel Seven site and including any terraces and balconies to be calculated as part of floor area or gross floor area); (3) Up to 96,000 m ² total envelope area (including any terraces and balconies to be calculated as part of floor area or gross floor area and all building inefficiencies comprising, but not limited to, building entrances, foyers, lobbies, stair and lift voids, underground services and car parking, plant and machinery, and communal recreation areas); (4) No more than 73 dwellings per hectare on land; (5) A maximum height number of 6 storeys and height distribution in accordance with figure 8.9 of the preferred project report dated May 2006 (note 7 storey buildings are not permitted on this site). (6) The development must provide a minimum of 5% one-bedroom dwellings; (7) The development must not exceed 15% provision of 3-bedroom + study dwellings; (8) Landscaped public open space (no less than 3.1 hectares) and private open space; (9) Associated services and infrastructure; (10) Land use distribution, building heights, densities, dwelling mixes and types; and (11) Strata and Torrens title subdivision subject to compliance with the modifications of this approval.	The table below illustrates the compliance of the proposal with the numerical modifications of the approved Concept Plan:		
	Approved Concept Plan	Proposed	Complies?
	Maximum of 650 dwellings	134 dwellings	YES
	Maximum of 80,000m ² gross floor area	14,204m ²	YES
	Total envelope area not more than 96,000m ²	<96,000m ²	YES Target is for whole site
	Not more than 73 dwellings per ha	169 dwellings per ha	YES Target is for whole site
	Must provide minimum of 5% 1 bedroom units	18%	YES
	Not more than 15% of 3 bedroom + study units	No 3 bedroom + study units proposed	YES
	Minimum 3.1ha of landscaped public open space	0.0675ha	YES Target is for whole site
	Building heights nor more than 6 storeys	3-5 storeys above ground level	YES
Modifications			
B1. Development Control Any significant departure from Modifications A1 and A2, Part A, Schedule 2 will require lodgement of further detailed plans and documentation to the Department addressing.	The modifications proposed to the approved building layout are considered to be minor and do not require further detailed		

and where required revising, the internal road network and associated development envelopes to reflect and extend the surrounding street pattern. Any revised plans and documentation will provide (but not be limited to): (a) An urban design strategy, including detailed analysis of the physical, environmental, social, cultural and economic aspects of the site informing opportunities and constraints, resulting in an agreed urban design outcome. (b) An analysis of existing buildings, including building height and footprints, significant vegetation, surrounding street and block pattern, existing delineation of public and private open space, topography and view corridors. (c) An appropriate street pattern, built form, building height, open space, view corridors, density, vegetation strategy, entry points, detention basin, car parking and traffic management and road hierarchy. The timing, format and content of further detailed plans and documentation to be lodged in respect of Modification B1, Part A, Schedule 2 will be agreed and approved by the Department, in consultation with Council and other agencies, where appropriate. The Director General will determine whether a future application for development constitutes a significant departure from this approval. A significant departure will require submission and approval of a new concept plan proposal.	assessment.
B3. Community Consultation A detailed programme for community consultation will be formalised by the proponent and agreed by the Department in consultation with Council where appropriate within three months after the determination date in Part A of Schedule 1 of Concept Plan No. 05_0086, or as otherwise determined by the Director General, to the satisfaction of the Department, in consultation with Council and local stakeholders where appropriate.	On 27 July 2007, following a review of the <i>'The Parklands, Epping: Engagement and Communication Strategy'</i> submitted by the Proponent, the Department advised that the strategy was considered appropriate and satisfied Modification B3.
B4. Transport and Access B4.1 The proponent will submit further detailed plans and documentation addressing the following issues within three months of the determination date in Part A of Schedule 1 of Concept Plan No. 05_0086, or as otherwise determined by the Director General, to the satisfaction of the Department, in consultation with Council and other agencies where appropriate. (1) Traffic volumes generated by the potential child care centre. (2) Approach and departure routes of traffic travelling to and from the site. (3) Maximising ingress to and egress from the site via Mobbs Lane.	On 30 March 2009, following a review of the Traffic Report along with comments from STA, RTA and Parramatta City Council, the Department advised that Modification B4.1 and B4.2 are discharged, subject to the submission of detailed designs of the proposed works (as required by Modification B4.3) being submitted with the early works application. Information was submitted as part of the Early Works application MD 08_0258 and was considered by the Department to satisfy the requirements of Modification B4.3.

(4) Signalised intersections at the junction of Mobbs Lane and Midson Road. (5) Signalised intersections at the junction of Mobbs Lane and Marsden Road. (6) Roundabout on Mobbs Lane adjacent to the Brickworks site. (7) Public transport accessibility. (8) Permeability for pedestrians. (9) Accessibility for cyclists. The proponent will implement appropriate measures to address the above issues to the satisfaction of the Department, in consultation with Council and other agencies where appropriate. B4.2 Prior to the lodgement of an initial application for development on the subject site the proponent will implement the recommendations and modifications in set out in Sydney Regional Advisory Committees letter to the Department dated 24 January 2006 to the satisfaction of the Department, in consultation with Council and other agencies where appropriate. B4.3 The proponent will submit further documentation and plans in support of future applications for development on the subject site which provide detailed design of road cross sections, intersection of geometry and manoeuvrability of service vehicles to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.	
B5. Planning Agreements A planning agreement and/or development contributions framework shall be prepared and executed within three months of the determination date in Part A of Schedule 1 of Concept Plan No. 05_0086, or as otherwise determined by the Director General. The planning agreement and/or development contributions framework shall nominate the proponent, Council and other agencies (as relevant) as the affected parties and will be agreed to by the Department, in consultation with Council and other agencies where appropriate. The planning agreement and/or development contributions framework shall address (but not be limited to) the provision and procurement of: (1) Community facilities - including demand for, size, and location of a childcare centre. (2) Public open space – including design, tenure, and management. (3) Traffic calming measures – including design, tenure, and management. (4) Utilities infrastructure - including demand, capacity, and location of an electricity zone substation.	Following no agreement between Council and the Proponent, the Department engaged an independent expert to undertake an assessment of the proposed contributions framework. On 27 March 2009, the Department advised Council and the Proponent that a modified version of a development contributions framework should be adopted. The Proponent is required to contribute a total of \$3,192,038 comprising a cash contribution of \$1,950,038. It is recommended to impose a condition of approval requiring the VPA to be executed prior to the release of a Construction Certificate (Included within Appendix F).
B7. Staging Plan Prior to the lodgement of an initial application for residential development on the subject site a detailed staging plan showing: (1) dwelling numbers;	An indicative Staging Plan was submitted to the Department on 24 April 2009 which satisfied the requirements of the condition,

(2) gross floor areas and total envelope area; (3) unit type, and (4) dwelling mix. The staging plan will be formalised by the proponent and agreed by the Department, in consultation with Council, and other agencies where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate.	
B9. Landscaping Plan and Public Domain Management Prior to the lodgement of an initial application for development (other than the erection of a temporary marketing suite as detailed in Project No. 208.044.11, dated December 2008, MSA000, MSA100 - 101, MSA110, MSA200 - 203, MSA400, MSA306 - MSA309) on the subject site a landscaping plan and public domain management plan for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council. The landscaping plan and public domain management plan will be prepared and undertaken by a suitably qualified person(s) and will provide (but not be limited to): ▪ A safe pedestrian environment that seeks to minimise contacts and conflicts with the road network, by providing green linkages/corridors to/from the main open space areas. ▪ Open space that is perceived unequivocally by members of the public, by its proper site planning and design, to be welcoming, accessible and inclusive. ▪ Well designed engineering functions that do not dominate or alienate the use and enjoyment of open space. ▪ Facilities that will attract users to the park, including facilities that normally associates with successful design of open space. ▪ Retention of significant vegetation that will enhance the amenity of the development, helping to place the development within its local context.	On 25 March 2009, correspondence was forwarded to the Proponent advising that the information that was submitted was sufficient for the discharge of Modification B9.
B10. Aboriginal Archaeological and Archaeological Investigation Future applications for development on the subject site will be accompanied by an Aboriginal heritage and archaeological investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The Aboriginal archaeological and archaeological investigation will be prepared and undertaken by a suitably qualified person(s).	On 2 April 2009, correspondence was forwarded to the Proponent advising that the discharge of the Modification prior to a Project Application is premature and contrary to the timing of the Modification. The Department advised that the study could be undertaken on a site wide basis but shall be submitted with and determined under the first Project Application. The PPR for MP 08_0258 Early Works, included an Aboriginal Heritage Impact Assessment (AHIA) over the former Channel 7 site. It is considered that the

	AHIA provides sufficient details to determine the impact of the proposed works on aboriginal heritage and has provided recommendations to be carried out during the proposed early works (where appropriate, conditions have been imposed for MP 08_0258).
B11. Geotechnical Investigation Future applications for development on the subject site will be accompanied by a geotechnical investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The geotechnical investigation will be prepared and undertaken by a suitably qualified person(s).	On 2 April 2009, correspondence was forwarded to the Proponent advising that the discharge of the Modification prior to a Project Application is premature and contrary to the timing of the Modification. The Department advised that the study could be undertaken on a site wide basis but shall be submitted with and determined under the first Project Application. The EA for MP 08_0258 Early Works, included a Geotechnical Investigation report over the whole of the Channel 7 site. It was considered that the geotechnical investigation provided sufficient details to determine the suitability of the site for the proposed development.
B12. Sub Consultant Reports The proponent will implement all the recommendations set out within "The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report – Appendices" produced by Architectus (May 2006) in any future applications for development on the subject site to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. Each report may require updating as determined by the Department or Council. (Note: Under Modification A3, in the event of any inconsistency between the recommendations of any sub-consultant report, and the requirement of these modifications, then the modifications shall prevail).	Where necessary, updated sub-consultant reports have been provided to the satisfaction of the Department in relation to Stage 1 Residential development.
B13. Stormwater Modelling Prior to the issuance of certificates of occupancy for any building on the site, the proponent will provide detailed hydrological, hydraulic, water balance and water quality modelling in accordance with the NSW Department of Conservation Guidelines – "<i>Managing Urban Streams and Urban Stormwater: Treatment Techniques</i>" to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate.	A condition was imposed as part of the determination for MD 08_0258 Early Works Package, requiring the submission of stormwater modelling in accordance with the requirement to the satisfaction of the Council prior to commencement of the construction of the stormwater infrastructure.
B14. Stormwater Management Prior to the issuance of certificates of construction, the proponent shall prepare and submit plans and relevant documentation to the Department for approval demonstrating compliance with, or evidence of the following matters: (1) The open drainage channel through the site (north-western side) from Grimes Lane is required to be preserved in order to maintain stormwater drainage	A condition was imposed as part of the determination for MD 08_0258 Early Works Package, requiring the submission of stormwater details to Council, prior to commencement of the construction of the stormwater infrastructure.

discharge from upstream catchments (e.g.: First Avenue, Second Avenue, etc); (2) The upstream catchment run off can be safely managed and conveyed through the site from the north and north-eastern side of the Channel Seven site; (3) Any proposed detention storage strategy will demonstrate zero increase in flooding or stormwater flows; (4) Any proposed detention storage strategy will result in significantly reduced frequencies of inundation; (5) All piped drainage infrastructure located on the site is designed to convey 20 year ARI flows generated on the site; (6) Provision of stormwater pipes under mobs lane to discharge site run off (off the site) to nearby Terry's Creek; (7) Installation of Pollution Control Devices (PCD's) along various drainage outlets discharging runoff from the developed site; and (8) Rehabilitation of existing drainage outlets and the open drainage channel. In undertaking the above the proponent shall take into consideration the following: (1) Any relocation or adjustment of existing stormwater infrastructure is to be undertaken at the proponent's expense and subject to the requirements of Council. (2) The proponent is to enter into a suitable Deed of Agreement with the Council relating to stormwater infrastructure which provides Council with rights of access and protects Council's interests.	
B15. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Future applications for development on the subject site shall be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.	A revised BASIX Certificate was submitted with the PPR. The BASIX Certificate has been included as part of the approved documents listed in Appendix F.

APPENDIX F POLITICAL DONATION DISCLOSURES

See the Department's website at www.majorprojects.planning.nsw.gov.au

Project Approval

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

The Planning Assessment Commission of New South Wales (the Commission) having considered all relevant matters prescribed under Section 75J(2) of the Environmental Planning and Assessment Act 1979, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental Assessment report, determine Major Project No. 08_0257 by **granting approval** to the major project described in the attached Schedule 1, subject to the conditions of approval in the attached Schedule 2 and the Proponent's Statement of Commitments in Schedule 3 pursuant to Section 75J(1) of the Environmental Planning and Assessment Act 1979.

The reasons for the conditions are to:

- a) ensure the site is appropriately managed for the proposed use;
- b) encourage good urban design and a high standard of architecture;
- c) encourage ecologically sustainable development principles;
- d) adequately mitigate the environmental impacts of the development;
- e) reasonably protect the amenity of the local area; and
- f) protect the public interest

Sydney,

2010

SCHEDULE 1

Application No.:

MP 08_0257

Proponent:

Meriton Apartments Pty Ltd

Approval Authority:

Planning Assessment Commission

Land:

61 Mobbs Lane, Epping (former Channel 7 site)

Project:

Stage 1- Residential Development, including:

- Construction of Buildings 4 and 5 consisting of 134 residential units with associated basement car parking; and
 - Landscaping and associated works to publicly accessible open space.
-

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DEFINITIONS

In this approval,

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Parramatta City Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his nominee.

Environmental Assessment (EA) means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated June 2009.

Minister means the Minister for Planning.

MP No. 08_0257 means the Major Project described in the Proponent's Preferred Project Report.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report (PPR) means the Preferred Project Report prepared by Meriton Apartments Pty Limited and dated July 2010.

Proponent means Meriton Apartments Pty Limited or any party acting upon this approval.

Regulation means the Environmental Planning and Assessment Regulation, 2000 (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

End of Section

SCHEDULE 2
PART A - ADMINISTRATIVE CONDITIONS

A1. Development Description

Development approval is granted only to carrying out the development described in detail below:

- Construction of 2 x residential flat buildings consisting of 134 residential units with associated single and two storey basement car parking for 201 vehicles; and
- Landscaping, civil and hydraulic works to the central 'village green'.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 08_0257 and the Environmental Assessment dated June 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated July 2010, prepared by Meriton Apartments Pty Limited, and the following drawings:

Architectural Drawings prepared for the Environmental by PTW Architects				
Drawing No.	Revision	Name of Plan	Drawn By	Date
A4001	-	Drawing List	PTW Architects	2/06/2010
A4003-A4005	-	Architectural Plans	PTW Architects	2/06/2010
A4100-A4106	-	Architectural Plans	PTW Architects	2/06/2010
A4200-A4202	-	Architectural Plans	PTW Architects	2/06/2010
A4251-A4252	-	Architectural Plans	PTW Architects	2/06/2010
A5101-A5106	-	Architectural Plans	PTW Architects	2/06/2010
A5200-A5202	-	Architectural Plans	PTW Architects	2/06/2010
A5251-A5252	-	Architectural Plans	PTW Architects	2/06/2010
A5260-A5261	-	Architectural Plans	PTW Architects	2/06/2010
A5280		Architectural Plans	PTW Architects	2/06/2010
A5282	-	Architectural Plans	PTW Architects	2/06/2010
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA-1016-10	-	Landscape Concept Plan	Sturt Associates	28 June 2008
SI- PA03	-	Stage 1 Plan of Management	PTW Architects	01/0/2009
SI- PA04	-	Tree Removal Plan	PTW Architects	22/04/2009
SI- PA08	-	Building 4 & 5 Sections &	PTW Architects	22/04/2009

		Planting		
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
318579M	-	BASIX Certificate	Department of Planning	29 June 2010
2116999A	-	Waste Management Plan	Parson Brinckerhoff Australia Pty Ltd	April 2009
201015-01035- CI-REP02		Stormwater Management Strategy, Servicing Strategy Civil Report	Worley Parsons	11/05/2009

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

A3. Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5. Construction Certificate

Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A6. Car Park and Service Vehicle Layout

- The layout of the car park shall comply with Australian Standard AS 2890.1-2004 Parking Facilities Part 1: Off Street Parking and the Parramatta City Council DCP 2005. All parking spaces are to be linemarked.
- The layout of the service vehicle areas shall comply with Australian Standard AS2890.2: 1989 Off Street Parking Part 2 – Commercial Vehicles Facilities.
- Driveway and ramp gradients shall comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.*
- All new vehicular crossings are to be constructed in accordance with Parramatta City Council's specifications.
- Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

A7. No external service ducts for multi-unit development and above

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

A8. Further Approvals

The following shall be the subject of separate Development Applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- a) A separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of approval.

End of this Section

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Design Modifications

The approved plans and the *Construction Certificate* plans and specifications, required to be submitted to the Certifying Authority, pursuant to Clause 139 of the Regulation, must detail the following amendments:

- a) The basement levels shall be modified to comply with the following definition of 'basement':
'the space of a building where the floor level of that space is predominantly below ground level (finished) and where the floor level of the storey immediately above is less than 1.2 metres above ground level (finished).'
- b) The height of the raised podium area to the southern end of the 'village green' shall be reduced to not more than 1.2m above finished natural ground level.
- c) The screen walls to the roof level plant must be replaced with louvers with a maximum height of 1.4m above the finished floor level of the roof.
- d) Consent is not granted for the proposed feature colours for the entry lobbies. The proposed feature colours must be replaced with colours consistent with the approved colour scheme for the remainder of the buildings. Details of the modified colour scheme must be submitted to and approved by the Certifying Authority, prior to the issuing of the Construction Certificate relating to the approval above the podium level.

B2. Voluntary Planning Agreement

Pursuant to Section 93I(3) of the Act, the Proponent must enter into a planning agreement prior to the release of the Construction Certificate relating to the approval above the podium level, substantially in accordance with the terms set out in the letter of offer dated **27 August 2010** to Parramatta City Council.

B3. Structural Details

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- a) the relevant clauses of the BCA,
- b) the relevant development approval,
- c) drawings and specifications comprising the Construction Certificate, and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

B4. Construction Management Plan

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

- a) hours of work,
- b) contact details of site manager,
- c) Waste Management Plan,
- d) Noise and Vibration Management Plan,
- e) Air Quality Management Plan, and
- f) Construction Traffic Management Plan

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

B5. 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:

- a) ingress and egress of vehicles to the site,
- b) loading and unloading, including construction zones,
- c) predicted traffic volumes, types and routes, and,
- d) pedestrian and traffic management methods.

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

B6. Noise and Vibration Management

Prior to the issue of a Construction Certificate, a Noise and Vibration 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:

- a) Identification of the specific activities that will be carried out and associated noise sources,
- b) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- c) The construction noise objective specified in the conditions of this approval,
- d) The construction vibration criteria specified in the conditions of this approval,
- e) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- f) Noise and vibration monitoring, reporting and response procedures,
- g) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- h) Description of specific mitigation treatments, management methods and procedures that may be considered to control noise and vibration during construction
- i) Justification of any proposed activities outside the construction hours specified in the conditions of this approval.
- j) 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.

B7. Erosion and Sediment 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.

B8. Compliance Report

Prior to the issue of a Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

B9. Acoustics

Traffic noise within the apartments is to comply with the standards set down in Australian Standard AS 2107: Acoustics. A report demonstrating compliance is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate for above podium works.

B10. 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 confirming 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 podium works.

End of this Section

PART C – PRIOR TO CONSTRUCTION

C1. Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the approval and a Construction Certificate must:

- a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

C2. Signage

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) Stating that unauthorised entry to the work site is prohibited;
- b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- d) Showing the approved construction hours in accordance with this Approval.
- e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- f) This condition does not apply to building works being carried out inside an existing building.

C3. Security Fencing

The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority prior to commencement of any works or demolition on site. This may include a side around the parameter of the whole former Channel 7 site.

C4. Toilet Facilities

Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

C5. Dilapidation Report of Adjoining Structures

Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to the Department and Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' (acceptable to the Principal Certifying Authority and agreed by the Structural Engineer) of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties within the zone of influence (acceptable to the Principal Certifying Authority and agreed by the Structural Engineer) detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all

reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

C6. Notice to be given prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C7. Dial Before You Dig

Prior to any excavation and or stump grinding on or near the subject site the person/s having benefit of this approval are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this approval are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

C8. Erosion and Sediment Control

Erosion and sediment control devices are to be installed, as necessary, prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

C9. Protective Fencing

Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

C10. Road Occupancy Permit

Footpath or road construction and/or restoration in the public domain, during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit a Road Opening Permit through Council, prior to carrying out the construction/restoration works.

C11. Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

End of this Section

PART D – DURING CONSTRUCTION

D1. Code of development approval

A copy of this development approval, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation

D2. Survey Certificate

A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any further work proceeding on the building.

D3. Construction Noise

Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the DECCW Interim Construction Noise Guidelines 2009.

D4. Dust Control

Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

D5. Materials on footpath

No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

D6. Plant and equipment kept within site

All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

D7. Hours of Works

All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

D8. Complaints Register

The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- a) The date and time of the complaint;
- b) The means by which the complaint was made;
- c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
- d) Nature of the complaints;
- e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

D9. Sedimentation Control and Adjoining Waterways

Sediment controls, to ensure that sediment, fines and like material can enter the waterway or drainage system, are to be in place for the duration of the works. The proponent is to carry out works generally in accordance with the Site Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent and regular intervals. Any deficiencies are to be immediately made good. Methods shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom.

D10. Waste Data File

A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

D11. Services to be provided Underground

All new services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent, within the development and along all street frontages for the length of the development.

D12. Advance Tree Planting

All trees supplied above a 25 L container size for the site must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.

D13. Trees of Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the approval shall be removed or damaged during the works including the erection of any fences, hoardings or other temporary works.

D14. Protection of Trees - Street Tress

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D15. Protection of Trees – On-site Tress

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D16. Material Storage and Trees

No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

D17. Loading and Unloading During Works

The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site.
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- e) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

D18. Covering of Loads

All vehicles involved in the excavation and / or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

D19. No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

D20. Erosion and Sediment Control

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and(c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

D21. Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D22. Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D23. Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D24. External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D25. Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D26. Vibration Management

Vibratory compactors must not be used closer than 30 metres or project specific distance from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D27. Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

D28. Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D29. Compliance Report

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, maintain a report addressing compliance with all relevant conditions of this Part. This report should be made available to the Department and Council upon request.

End of this Section

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

E1. Occupation Certificate

Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this approval have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

E2. Subdivision Certificate

The Subdivision Certificate shall not be issued until an Occupation Certificate has been issued.

E3. Compliance Report

The subdivision certificate will not be issued until documentary evidence of compliance with the entire Approval has been submitted to Council.

E4. Street Numbering

An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate

E5. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail 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 Principal Certifying Authority prior to the release of the plan of subdivision.

E6. BASIX Certificate

Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development approval that all design measures relevant to the stage of occupation, identified in the BASIX Certificate No. 318579M, dated 29 June 2010, will be complied with prior to occupation.

E7. Certifying Authority to Arrange Qualified Landscape Architect

The Certifying Authority shall arrange for a qualified Landscape Architect / Designer to inspect the completed landscape works to certify adherence to the Approval conditions and Construction Certificate drawings. Landscape works within and adjacent to the areas the subject of the Occupation Certificate are to be fully completed prior to the issue of the Occupation Certificate.

E8. Works as Executed Plans

Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

E9. Post Construction Dilapidation Report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Department and Council.

E10. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E11. Mechanical Ventilation

- a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.
- c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

E12. Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

E13. Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

E14. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E15. Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

E16. Landscaping shall be completed prior to occupation

The landscaping adjacent to and within the areas the subject of the occupation shall be fully completed in accordance with the consent and approved plans, prior to occupation or use of the premises, and shall be maintained at all times.

End of this Section

PART F – DURING OPERATIONS

F1. Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

F2. Road Signage

All works/regulatory signposting associated with the development shall be carried out at no cost to the Roads and Traffic Authority.

F3. Noise – Mechanical Plant and Equipment

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a) Transmission “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15\text{minutes}}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

F4. Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

End of this Section

ADVISORY NOTES

AN1. Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- a) the certifying authority before release of the Construction Certificate,
- b) the approval authority before the release of the subdivision certificate, and
- c) the principal certifying authority prior to occupation.

AN2. Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3. Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (a) Architectural, construction and structural details of the design.
- (b) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4. Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5. Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6. Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the Building Legislation Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- c) Foundations,
- d) Footings,
- e) Damp proof courses and waterproofing installation,
- f) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- g) Structural beam and column framing,
- h) Timber wall and roof framing, and
- i) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN7. Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

AN8. Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- a) water supply, sewerage and stormwater drainage work
- b) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN9. Temporary Structures

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

AN10. Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN11. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN12. Roads Act 1993

A separate application shall be made to RTA for approval under Section 138 of the Roads Act, 1993 to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road, or
- b) dig up or disturb the surface of a public road, or
- c) remove or interfere with a structure, work or tree on a public road, or
- d) pump water into a public road from any land adjoining the road, or
- e) connect a road (whether public or private) to a classified road.

AN2 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

End of this Section

SCHEDULE 3- Statement of Commitments

MP 08_0257

PROJECT APPLICATION FOR

**Stage 1- Residential Development
61 Mobbs Lane, Epping (Former Channel 7 site)**

(source: Environmental Assessment / Preferred Project Report)

Subject	Commitments
Environmental and Construction Management	A Construction Phase Management Plan (CPMP) will be undertaken prior to construction certification in consultation with the construction contractors and the relevant approval authority. The CPMP will specifically include a: • Waste Management Plan; • Noise and Vibration Management Plan; • Air Quality Management Plan; and • Construction Traffic Management Plan.
Design	Stage 1 residential development pertains only to Buildings 4 and 5. Buildings 3 and 7 have been removed from this stage of the project. Therefore the total number of units for Stage 1 residential has been reduced from 230 to 134 units.
Stormwater Management	Stormwater management of the site will be designed in accordance with the relevant guidelines of Parramatta Council. An undertaking is be made that stormwater will be removed from the development lot by way of pipes and pits connected to the drainage system where related to the proposed development. Where possible, stormwater will be captured and stored for irrigation purposes for landscaping. The use of any such water will be undertaken in accordance with the relevant standards and regulations.
Construction Impacts	Noise emissions are primarily from machinery on the site and trucks entering and leaving a development site. To minimise noise impacts, the hours of work will be restricted to between 7am-6pm Monday-Fridays, 7am-5pm Saturdays and Sundays. Sediment run off will be managed with the provision of siltation traps, silt meshing at sensitive locations along the perimeter of the site during construction of the buildings. Sediment control management will be based on the Parramatta Council's guidelines.
Waste Generation and Collection	Construction material on the site is used in an efficient manner to reduce wastage and costs. All construction material that is no longer required is sent to local building recycling companies or reused elsewhere on site where applicable. Waste collection for the final development has been designed to take place from the basement car parking levels. The ceiling to floor heights and manoeuvrability of trucks have been designed to ensure Council garbage trucks and service vehicles can enter and leave the site in a forward direction.
Use of Cranes	Wiring will be appropriately covered where equipment or cranes are over transmission lines. To reduce the impact of existing residents, crane operating hours of 7am-6pm Monday to Friday and 7am-5pm Saturdays and Sundays will be undertaken by construction companies and subcontractors.
Mitigation of Amenity Impacts from Construction Activities	Relevant mitigation matters have been identified and addressed above. Construction will be undertaken in accordance with an approved Construction Management Plan.