

Project Approval

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

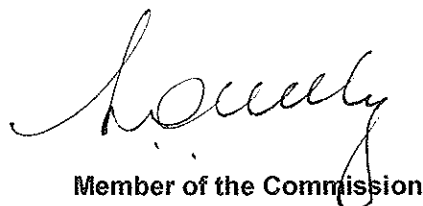
The Planning Assessment Commission of New South Wales (the Commission) having considered all relevant matters prescribed under Section 75J(2) of the Environmental Planning and Assessment Act 1979, including those relevant matters prescribed by Section 75I(2) as contained in the Director General's Environmental 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



Member of the Commission



Member of the Commission

Sydney, 15 September 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

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 receive 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 timed 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**

(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.