

MAJOR PROJECT ASSESSMENT:
Residential Development Buildings 1, 2 & 3
61 Mobbs Lane, Epping – Former Channel 7 Site
MP 10_0107



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

December 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 Ltd

Cover Photograph: Areal photograph illustrating boundary of former Channel 7 site

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*NSW Government
Department of Planning*

EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for the construction of a residential development at 61 Mobbs Lane, 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, approximately 24 km north-west of the Sydney CBD. The Proponent is Meriton Apartments Pty Ltd.

The proposal, as described in the EA, seeks approval for the construction of 3 residential buildings providing a total of 28 townhouses, with associated garage car parking and landscaping. The proposal follows previous approvals relating to the redevelopment of the site, MP 08_0258- Early Works Package and MP 08_0257 residential flat Buildings 4 and 5.

The proposal has a Capital Investment Value of **\$10,582,955** and will create 300 new construction jobs.

State Environmental Planning Policy (Major Development) 2005 lists the site as a State Significant Site under Schedule 3, Part 4 – Channel 7 site. Clause 7 of Part 4 zones the land, the subject of this application, General Residential (R1). The proposal is permissible within the zoning and is consistent with the objectives of the zone.

The Environmental Assessment (EA) was exhibited for a 31 day period from **Wednesday 29 September 2010** until **Friday 29 October 2010**. The Department received 28 submissions from the public and 6 submissions from public authorities.

On 26 November 2010, the Proponent submitted a Preferred Project Report, addressing issues raised in the public exhibition including private open space and landscaping, privacy and streetscape appearance.

Key Issues considered include: Compliance with the approved Concept Plan and State Significant Site controls, and State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development, streetscape/ urban design and residential amenity.

The Department considers that the proposed residential development is generally 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, the Statement of Commitments and the Department's recommended conditions of approval.

The proposal demonstrates appropriate urban design providing high levels of amenity for residents, while satisfactorily maintaining the amenity of existing surrounding residents within the locality. The proposal assists with the orderly redevelopment of the former Channel 7 site and will contribute towards the long term dwelling targets within the Draft West Central Sub-regional strategy. For the above reasons, the proposal is recommended for approval, subject to conditions.

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

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1. BACKGROUND

Meriton Apartments Pty Ltd (the Proponent) seek approval to construct 3 buildings providing 28 townhouses at 61 Mobbs Lane, Epping. The project location is shown in **Figure 1** below.

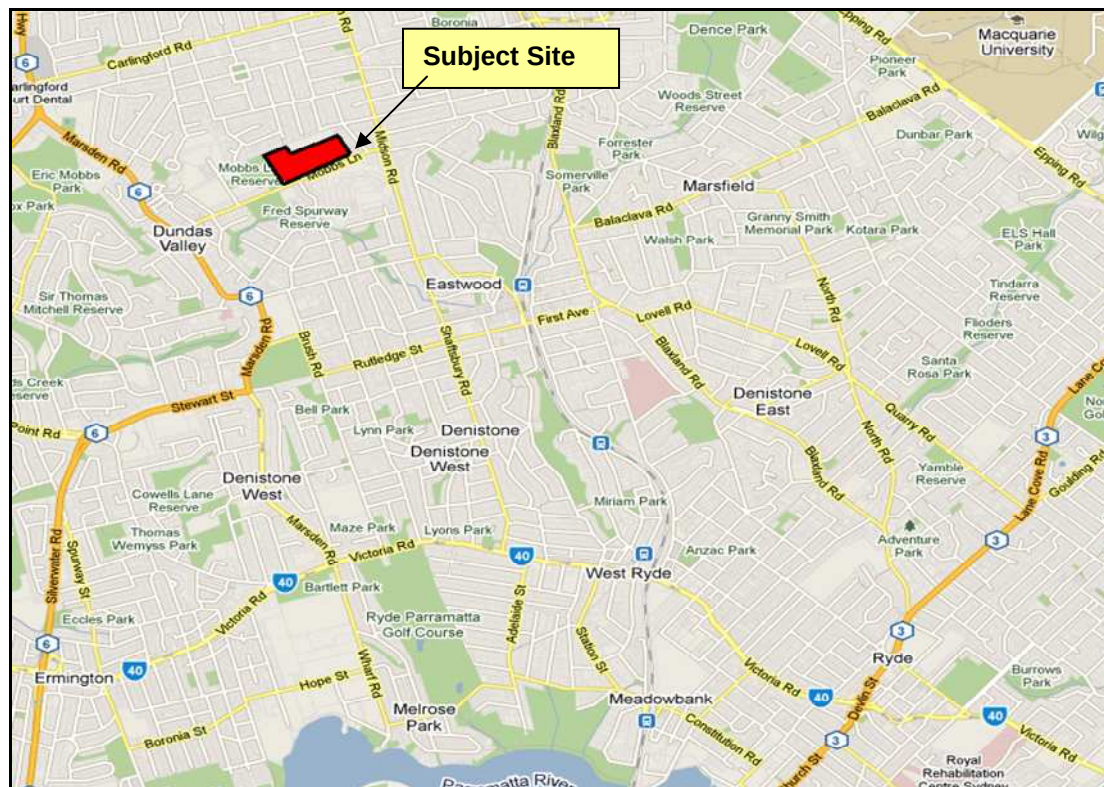


Figure 1: Site Location

The site was previously utilised by Channel 7 as studios and is located on the northern side of Mobbs lane, approximately 24km from the Sydney CBD, within the Parramatta local government area. The site has an area of 8.9ha.

On 22 August 2005, a Concept Plan (MP 05_0086) was approved for the redevelopment of the former Channel 7 site for residential purposes. The approval included provisions for the maximum number of units, building layout, maximum building heights, gross floor area, floor space ratio, and requirements in relation to dwelling mix and minimum public open space provisions.

On 14 July 2010, the Planning Assessment Commission (PAC) approved a major project for early works (MP 08_0258), for the demolition of all existing structures and the construction of internal and external roads, utilities, stormwater management works, tree removal, a child care centre and private resident facilities.

On 15 September 2010, the PAC approved the construction of residential flat Buildings 4 and 5, located in the central eastern part of the site, providing a total of 134 units, associated basement parking and landscaping (MP 08_0257). The two previous approvals are consistent with the approved Concept Plan.

The Department is currently considering a proposed modification to the approved Concept Plan, seeking changes to the approved total number of units, dwelling mix, deletion of references to maximum permitted FSR, modification of the GFA definition to be consistent with the Standard Local Environmental Planning Instrument, and the provision of a neighbourhood shop. The proposed modifications to the Concept Plan do not have any impacts on this proposal and therefore both applications can be assessed concurrently.

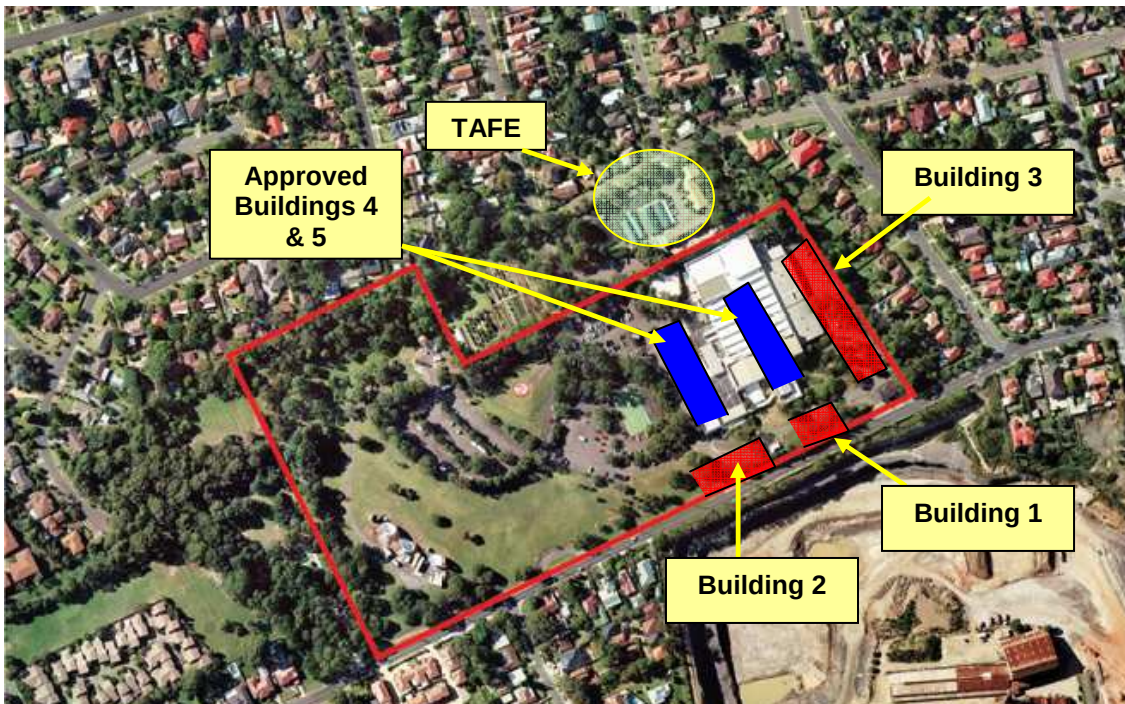


Figure 2: Existing Site Layout

The Channel 7 site is predominantly surrounded by low density detached residential dwellings. Sydney Institute of TAFE is located to the north, and the former Eastwood Brickpit (currently being redeveloped for residential development) is located to the south. Mobbs Lane Reserve, a publically accessible recreation facility is located to the west.

2. PROPOSED PROJECT

2.1. Project Description (Original EA)

This proposal is for the construction of 3 x residential buildings, 2-3 storeys in height, Buildings 1, 2 and 3 providing a total of 28 townhouses with garage parking and landscaping to Building 3. The layout of the project is shown in **Figure 3**. The key components of the project are listed in **Table 1** below.



Figure 3: Project Layout

Table 1: Key Project Components

Aspect	Description
Total site area is = 6,194m ²	
Building 1	3 storey residential building located along southern boundary fronting approved internal 'road 3', providing 5 x three bedroom residential townhouses. Rear double garages located at ground floor level, accessed off 'road 2'. Private open space is provided in the form of upper level balconies and courtyards.
Building 2	3 storey residential building located along the southern boundary of the Channel 7 site, fronting approved internal 'road 3', providing 11 x three bedroom residential townhouses. Rear double garages located at basement level, with split accesses off internal 'road 2', and 'road 1'. Private open space is provided in the form of upper level balconies and courtyards.
Building 3	Part 1 and part 2 storey residential building located along the eastern boundary of the Chanel 7 site, providing 12 x four bedroom townhouses, with double garages and landscaping.
Car Parking	4 on-street visitor car parking spaces provided on approved 'road 3'



Figure 4: Perspective- front elevation of Buildings 1 & 2, looking west along internal road 3



Figure 5 Perspective- front elevation of Building 3, looking south along internal road 2

2.2. Preferred Project Report (PPR)

Following exhibition, the proponent submitted a PPR addressing comments from the Department as well as submissions made in response to the public exhibition. The PPR has not resulted in any physical modifications to the proposed buildings, but has provided additional information regarding a number of issues including:

- Confirmation that the Proponent has submitted plans relating to new traffic signals at junction of Mobbs Lane and Marsden Road, as required by MP 08_0258, and intends to have them operational prior to occupation of Buildings 1, 2 and 3;

- Responses to urban design comments;
- Supporting information in relation to AS 4299 Adaptable Housing;
- Confirmation that a Traffic Management Plan is to be prepared; and
- Revised waste strategy relating to Buildings 1 and 2.

2.3. 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 was previously underutilised. The proposal forms part of an overall residential development providing a range of unit sizes, assisting to provide residential accommodation for a wide range of the community.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan sets out housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs, by 2036. The Plan further refines Sydney wide targets for the west central sub-region for an additional 96,000 dwellings and an additional 98,000 jobs by 2036. The Plan seeks at least 70% of new dwellings to be located within existing urban areas.

The proposal is consistent with the aims of the Metropolitan Plan for Sydney, as it will contribute toward meeting overall dwelling targets, locating dwellings within existing urban areas, and in its delivery, provide a number of construction jobs.

Draft West Central Sub-regional Strategy

The site falls within the area defined by the Draft West Central Subregional Strategy. Housing and employment targets for the sub-region have been updated by the by the Metropolitan Plan as identified above. Parramatta LGA has a total housing target of 21,000 additional dwellings and an employment capacity target of 27,000 jobs. This will be updated following release of the Metropolitan Plan. Epping is identified as a town centre within the sub-regional Strategy and is identified as being a centre likely to experience both significant employment 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 the Parramatta LGA.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal 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 **\$10,582,955**) in accordance with Schedule 3, Part 4- Channel 7 site. 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 (Major Development SEPP), lists the site as a State Significant Site under Schedule 3, Part 4- Channel 7 site. Clause 7 of Part 4 zones the land, the subject of this application, General Residential (R1). The proposal is permissible and consistent with the zone objectives.

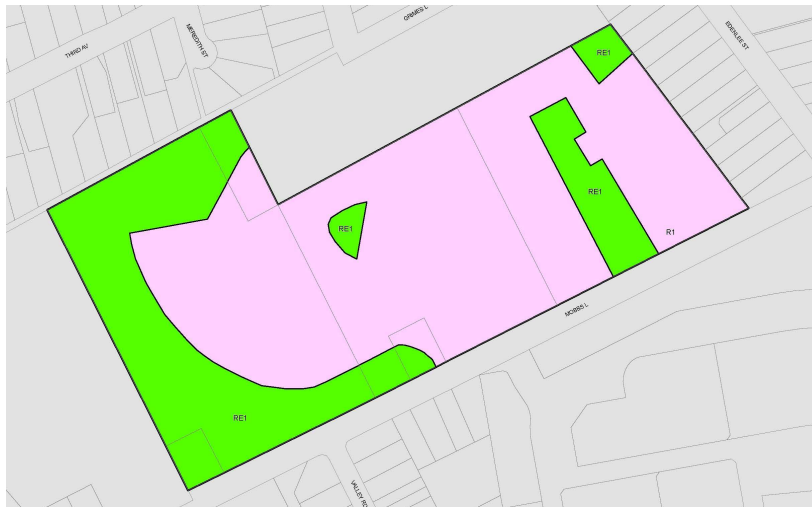


Figure 6: Zoning (source: Major Development SEPP)

3.3. Environmental Planning Instruments

In accordance with Sections 75I(2)(d) and 75I(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 C**.

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 complies with the objectives of the EP&A Act as it will facilitate the proper development of the site which will promote the social and economic welfare of the community, via the provision of a range of housing types.

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 be consistent with the ESD principles. A full assessment of the proposal in relation to ESD is included in **Appendix C**.

3.6. Statement of Compliance

On 14 July 2010, the Director-General issued DGRs for the project pursuant to Section 75F of the EP&A Act. In accordance with Section 75F of the EP&A Act, the Department is satisfied that the Director-General's 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 29 September 2010** until **Friday 29 October 2010** (31 days) on the Department's website, and at the Department of Planning, Bridge Street, Parramatta City Council and the Epping Library. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph, the Northern District Times, the Parramatta Advertiser, and the Parramatta Sun. The Department also notified adjoining and surrounding landowners and relevant State and local government authorities in writing.

The Department received 34 submissions during the exhibition of the EA - 6 submissions from public authorities and 28 submissions from the general public. A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

6 submissions were received from public authorities

Parramatta City Council

- Given the 3 storey height and lack of private open space at ground level, Council considers Buildings 1 and 2 to be residential flat buildings rather than townhouses.
- Consideration should be given to the retention of existing trees.
- The setbacks of Buildings 1 and 2 contravene the setbacks shown on the approved Concept Plan.
- At least 10% of the units should be adaptable, complying with AS 4299 Adaptable Housing.
- Opportunities for activation and passive surveillance from Buildings 1 & 2 to Mobbs Lane should be investigated.
- Buildings 1 and 2 do not provide adequate private open space.
- Front fencing to Buildings 1 and 2 should be reduced to 1.2m with no more than 900mm from ground level being solid.
- The length of Building 3 is considered excessive and should be broken up into separate building elements.
- The proposed garages to Building 3 exceed the maximum permitted width of 50% of the site width and do not provide a 300mm setback from the front building line as required by the Parramatta Development Control Plan 2005 (PDCP 2005).
- The first floor rear balconies to Building 3 do not provide any amenity and will result in unacceptable privacy impacts to existing dwellings fronting Edenlee Street, to the east.
- The maximum building heights of Building 3 are considered excessive.
- Council is satisfied with the proposed parking provision and that the resulting traffic can be accommodated by the existing road network.

Department Response

- The number of dwellings, building heights, and provision of communal basement area beneath the dwellings, mean that Buildings 1 and 2 are Class 2 buildings. Buildings 1 and 2 therefore constitute residential flat buildings in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, and have been assessed against relevant criteria in Section 5 of this report.
- Tree removal across the whole Channel 7 site was considered and approved as part of MP 08_0258. The two feature trees proposed to the gardens of dwellings in Building 3 and already approved street trees will contribute towards streetscape character.
- The Channel 7 site's southern boundary is approximately 8 metres north of Mobbs Lane, exceeding the 6 metres shown on the approved Concept Plan (Figure 10, **Appendix C**). The

rear elevation of Buildings 1 and 2 will be set back a further 3 metres, providing a total setback of approximately 11 metres from Mobbs Lane which complies with the approved Concept Plan.

- Clause 4.4.3 of the PDPC 2005 would require 3 of the proposed dwellings to be capable of being modified to comply with AS4299- Adaptable Housing. The standard requires dwellings to be capable of later modifications to adaptable housing standards with little extra costs. The type of housing proposed within this project precludes this as the units are provided on multi-levels. This is supported by a report from Morris Goding, Accessibility Consulting, confirming that AS4299 is not generally applied to townhouse development due to the generally small floor areas of the units. In relation to the whole former Channel 7 site, 2 x 1 bedroom and 2 x 2 bedroom adaptable units are to be provided in approved Buildings 4 and 5, and it is considered that the provision of adaptable housing would be more appropriately provide within future residential flat buildings where the standard could be more easily applied.

All additional issues raised by Parramatta City Council have been addressed in Section 5 of this report. Council requested a number of standard conditions be imposed which have all been recommended within **Appendix E**.

The Roads and Traffic Authority (RTA)

- The issuing of the Occupation Certificate for this project, in conjunction with the issuing of Occupation Certificates for approvals MP 08_0258 and MP 08_0257, will trigger the requirement for the approved traffic signals at the intersection of Marsden Road/ Mobbs Lane to be constructed and fully operational (as per Condition C40 of MP 08_0258).
- The bus bay on Mobbs Lane should be designed and constructed to accommodate the largest bus to use the bay.

Department Response

- The Proponent has indicated they submitted plans for traffic signal upgrade works to Mobbs Lane and Marsden Road, as required by MP 08_0258 Early Works Package, to the Sydney Regional Development Advisory Committee (SRDAC) on 22 November 2010. The plans will be assessed by the RTA. Once approval is received it is the Proponent's intent to install the traffic signal upgrade works. A condition has been recommended within **Appendix E** reiterating the need for the traffic signals prior to the issuing of an Occupation Certificate for 150 dwellings and the child care centre, in accordance with Condition C40 of MP 08_0258.
- Works to Mobbs Lane, including bus bays and shelters were addressed and approved as part of MP 08_0258 Early Works Package.
- The RTA also provided a number of standard conditions which have been recommended within **Appendix E**.

State Transit Authority (STA)

The STA made the following comments:

- The STA requires detailed engineering plans, outlining proposed road improvements and new bus stop on Mobbs Lane, prior to an approval by the Department.
- The delivery of the Early Works Package (MP 08_0258) should be undertaken in the initial stages of the development.
- The STA requests input into and a final copy of the Construction Traffic Management Plan.

Department Response

- All works to internal and external roads were approved by MP 08_0258 Early Works Package.
- Condition C24 of MP 08_0258 Early Works Package, required approved road improvement works east of the proposed western site entrance (opposite the Brickworks site) to be fully constructed prior to the release of the Final Occupation Certificate for the first stage of the residential development (MP 08_0257). A similar condition has been recommended within **Appendix E** to ensure safe access to this development should it be completed prior to approved Buildings 4 and 5.

- A condition has been recommended within **Appendix E**, requiring the Proponent to prepare a Construction Traffic Management Plan, in consultation with the STA, prior to the issue of a Construction Certificate.

Sydney Water

Sydney Water advised that the existing drinking water system has sufficient capacity for the proposal and that a Section 73 Certificate would be required prior to the release of an Occupation Certificate (condition recommended in **Appendix E**).

Sydney Water also made a comment relating to stormwater connections outside the site however, those works were approved as part of MP 08_0258, Early Works Package.

Integral Energy

Integral Energy advised the proposal can be accommodated by the existing voltage network and that the Proponent must submit an 'Application for Connection of Load' to enable connection to network. A condition requiring this has been recommended within **Appendix E**.

Department of Climate Change, Energy and Water

The Department of Climate Change, Energy and Water advised they had no comments.

4.3. Public Submissions

All 28 submissions received from the public objected to the proposal. The key issues raised in public submissions are listed in **Table 2**. The Department has considered the issues raised in submissions in its assessment of the project.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
Traffic Impacts to Mobbs Lane and surrounding roads	50%
Increased on-street parking	29%
Pressures on capacity existing schools and hospitals	14%
Density and character	14%
Harm to surrounding bushland for native wildlife habitats	11%
Need for additional public transport to service the development	7%
Distance from public transport	4%
Visitor parking	4%
Lack of storage	4%
Overshadowing	4%
Privacy	4%
Determination should be deferred until after the determination of MD 05_0086 MOD	4%
Traffic Management Plan should form part of the EA	4%

A number of public submissions received related to the proposed increase in the total residential units on the site. This is currently being considered as part of the proposed modification to the approved Concept Plan and the units within this proposal are accommodated within the approved 650 units.

4.4. Proponent's Response to Submissions

Following exhibition of the Environmental Assessment (EA), the Department advised the Proponent that additional information was required in relation to the usability of private open space to Building 3, waste collection and AS4299 Adaptable Housing.

A Preferred Project Report (PPR) was submitted by the Proponent on 26 November 2010, as a response to issues raised in relation to the EA. The PPR did not result in any modifications to the proposed development, however provided responses to issues raised, which have been taken into consideration in Section 5 of this report.

5. ASSESSMENT

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

- Compliance with the approved Concept Plan/ State Significant Site (SSS) controls
- Streetscape/ Urban Design
- Residential Amenity

5.1. Compliance with Approved Concept Plan (as modified) and State Significant Site 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 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;
- Minimum 3.1ha of public open space; and
- A child care centre.



Figure 7: Approved Concept Plan (MD 05_0086)

The proposed 28 residential units will contribute towards the total number of units on the site. The collective residential development resulting from approved Buildings 3 and 4 (MP 08_0257) and this proposal complies with the requirements of the approved Concept Plan and the SSS listing. **Table 3** below illustrates the contributions towards the cumulative totals of development of the Channel 7 site. The Department's detailed comparison of the proposal and previously approved major project in relation to the Concept Plan and SSS listing is illustrated in **Appendix C**.

Table 3: Compliance with Approved Concept Plan and SSS Controls

Concept Plan/ SSS Controls	Approved MP 08_0257	Current Proposal	Accumulative Total	Complies?
Maximum 650 units	134	28	162	YES
Maximum GFA 80,000m ²	14,204m ²	5,292m ²	19,496m ²	YES
Maximum 73 dwellings per ha	15 dw/ha	3 dw/ha	18dw /ha over whole site	YES

Concept Plan/ SSS Controls	Approved MP 08_0257	Current Proposal	Accumulative Total	Complies?
FSR (max 0.89:1)*	0.16:1	0.06:1	0.22:1	YES
Maximum total building envelope 96,000m ² *	14,775m ²	5,078m ²	19,853m ²	YES

* denotes Concept Plan control only

There is a minor inconsistency with the approved Concept Plan in relation to the rear setback of Building 3 to the eastern site boundary. The approved maximum building height plan (Figure 10, **Appendix C**) identifies a rear setback for Building 3 of 8.7m from the eastern site boundary. Proposed Building 3 would have varying rear setbacks between 8.045m and 8.060m. The variance in the rear setback of Building 3 is minor and will not have detrimental impacts on surrounding properties. The setback complies with the PDCP 2005, which allows for minimum rear setbacks of 6 metres for small lots (<550m²) and is therefore considered acceptable.

The proposal is consistent with the approved Concept Plan and SSS listing within the Major Development SEPP in terms of height, density and land use.

5.2. Urban Design

Council has raised several objections in relation to the streetscape appearance and design of the proposed buildings. This is addressed below.

Building 3

Council has objected to the proposed length of Building 3 (approximately 130 metres), citing the PDCP 2005 maximum building length control for multi-unit dwellings (20 metres).

The building length is consistent with the approved Concept Plan. The building includes 4 different, 2 storey housing types with varying heights, materials and colours, which break up the appearance of building mass and bulk, while providing visual interest along the streetscape (see **figure 8**). The proposed building length is considered acceptable.



Figure 8: Street Perspective, Building 3 (looking North)

Council also raised concerns that the roofs of dwellings within Building 3 were considered excessive and unnecessary. The four dwelling types which make up Building 3 incorporate skillion roofs which fall away from the outside side boundaries in the case of the two end dwellings, and fall towards the rear boundary in the case of the inner dwellings. The two end dwellings (Type A and B) would have maximum building heights of 8.45m and 8.25m respectively, while building

types C and D would have maximum heights of 7.9m and 7.75m respectively. The design of the two end dwellings provides strong corner features adding to the visual interest of Building 3 from the public domain. Building 3 will provide a positive contribution to the overall development of the former Channel 7 site.

Garages to Building 3

The garages to Buildings 3 have front setbacks consistent with the front building line (5.6m from the front boundary) and widths representing 53% of the lot frontage. This is inconsistent with the PDGP 2005 which requires garages to have maximum widths of 50% of the lot frontage and a minimum 300mm setback from the front building line.

The impact of the proposed garages on the streetscape has been reduced through building articulation and the use of varied colours and materials, adding interest to the front building façade. In addition, the 5.6m setback of the garages from the front boundary will ensure they will not dominate the streetscape. The proposed garage width is necessary to comply with AS 2890.1-2004. Given the minor nature of the non-compliances (53% of the lot width and front setback) and the lack of any negative impacts on the streetscape, the proposed garages are considered acceptable.

Public Domain Interface of Buildings 1 and 2

Council raised concerns regarding the Mobbs Lane street frontage in terms of street activation and opportunities for passive surveillance. Buildings 1 and 2 will provide a positive primary frontage to the internal road network, contributing to the new streetscape character of the former Channel 7 site. The front elevations have been designed to provide a sense of address and visual interest. In accordance with the PDGP 2005, a condition has been recommended in **Appendix E** requiring the front fences to dwellings within Buildings 1, 2 and 3 to have maximum heights of 1.2m above ground level.

The rear building setback and provision of open space at upper levels, to the secondary Mobbs Lane frontage, provides privacy and security for residents, while ensuring a positive relationship with the Mobbs Lane street frontage.

5.3. Residential Amenity

Residential Flat Design Code (RFDC)

Buildings 1 and 2 are Class 2 buildings and therefore State Environmental Planning Policy No. 65-Design Quality of Residential Flat Development applies. Buildings 1 and 2 generally comply with the standards of the accompanying Residential Flat Design Code (RFDC) with the exception of communal open space requirements, discussed below.

Open Space and Deep Soil Areas

The RFDC recommends that ground floor dwellings should be provided with at least 25m² of private open space. The RFDC also recommends that at least 25%-30% of the site area should be dedicated to communal open space and 25% of that should be deep soil zones.

Dwellings within Buildings 1 and 2 will be afforded a consolidated area of 21m² of private open space in the form of an upper level rear balcony. Building 1 will also have an additional 12.5m² of open space provided by an upper level balcony to the front elevation, resulting in a total provision of 33.5m². Dwellings within Building 2 will have an additional 17m² of private open space in the form of a raised courtyard to the front elevation, resulting in a total of 38m².

No communal open space is proposed as part of this development however, private open space provision will be complemented by the 3.1ha of landscaped public open space to be provided across the whole Channel 7 site, in accordance with the approved Concept Plan. This includes the approved 'town square' located between Buildings 1 and 2 (MP 08_0258) and the 'village green' located between approved Buildings 4 and 5 (MP 08_0257).

Dwellings within Building 3 will be provided with more than 40m² of private open space and at least 30% of the individual site areas will be deep soil zones, in accordance with the PDGP 2005 requirements for terrace housing.

Solar Access

The habitable rooms and private open space of dwellings within Building 3 will receive more than 3 hours of solar access between 9am and 3pm on 21 June, as required by SEPP 65. The orientation of Buildings 1 and 2 mean that the southern elevations would not receive any sunlight on 21 June. However, all the dwellings within Buildings 1 and 2 are dual frontage and would receive continuous sunlight to the northern elevations throughout the day on 21 June, and this is considered acceptable.

The solar access diagrams submitted with the EA confirm that the proposal would not overshadow neighbouring dwellings on 21 June.

Levels of Rear Gardens to Building 3

Dwellings within Building 3 will open directly onto level paved areas to the rear, with lawn and/or landscaping extending to the rear site boundary. The levels of the eastern part of the Channel 7 site (running north/south) vary, which will result in the rear gardens of dwelling nos. 8-12 within Building 3 experiencing significant slopes (see **Figure 9**). Despite the reduction in the usability of part of the rear gardens of these dwellings, they will be provided with a consolidated level paved area in excess of 46m². The change in levels will affect only 5 out of the 12 units and is not considered detrimental to the amenity of future residents.



Figure 9: Illustration of site level changes to rear yards of dwellings Nos. 8-12- Building 3
Red circle indicates areas of most significant changes in levels.

Privacy

The distances of balconies and habitable room windows within the development, to those within surrounding properties, exceeds 12m in all instances (the minimum requirement of the PDGP 2005). The varying heights of the site along the eastern side boundary mean that some of the dwellings within Building 3 will have floor levels above those of dwellings to the rear. However, the separation distances between dwellings exceeds 25m in all but one case, where at least 12m will

be achieved. The distances provided within the development from surrounding dwellings mean that there would be no negative impacts on visual or acoustic privacy on surrounding residents.

5.4. Other Issues

Traffic and Parking

A number of public submissions raised concerns in relation to additional traffic and on-street parking pressures. Both Council and the RTA have advised the proposal is considered acceptable in relation to traffic and parking, subject to the installation and operation of the approved traffic signal upgrade works to Mobbs Lane and Marsden Road. A condition has therefore been recommended within **Appendix E** requiring the traffic signal upgrade works to be operational prior to the issuing of an Occupation Certificate in for 150 dwellings and the child care centre.

The proposal which will result in 2 off-street parking spaces for each of the dwellings within Buildings 1 and 2, 4 off-street parking spaces for dwellings within Building 3 and 4 on-street visitor spaces opposite Building 2, satisfy the parking requirements of the PDGP 2005.

The vehicle access to the rear garages of Buildings 1 and 2 has been provided in accordance with AS 2890.1 allowing vehicles exiting dwelling nos. 5, 12 and 13 (located at the end of the rear access) to exit in a forward motion.

Surveillance and Security

Council raised concern regarding the passive surveillance opportunities from Buildings 1 and 2. The two buildings are orientated northwards, fronting internal road 3, with rear frontages to Mobbs Lane. The proposal is supported by a Crime Risk Assessment Report which advises, that the dual frontages of Buildings 1 and 2 allow for adequate passive surveillance from the upper level balconies and windows to both frontages. This ensures the dwellings have opportunities for passive surveillance while maximising amenity for residents.

Waste Storage/ Collection

The PPR proposes that residential waste will be collected from the front of Buildings 1 and 2, from roads 3 and 1. The proposal would result in waste collection taking place up to 35m from dwellings 13-16 on road 1 where bins would not be visible from the property.

The Proponent has advised that the rear vehicle access is capable of allowing a garbage truck to enter and exit the site in a forward direction. In addition, there is potential for bin storage to occur beneath the stairs within the rear garages. To ensure a practical and convenient method of waste collection, a condition is recommended within **Appendix E** requiring waste collection from dwellings 13-16 in Building 2 to take place in the rear basement area, and the dedication of a bin storage area beneath the garage stairs.

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 increased pressures on the existing road network, pressures on street parking around the site and within nearby centres, and streetscape appearance.

The Department considers that the proposal is consistent with the Concept Plan approval, and will provide a positive streetscape character and amenity of residents, while also maintaining the amenity of surrounding residents.

This proposal will contribute towards long term dwelling targets, set within the Draft West Central Sub-regional Strategy. In addition, the proposal will assist towards the sustainable development of the former Channel 7 site, providing a number of larger dwelling units, with large areas of private open space, ideal for families. The development will complement the already approved residential flat Buildings 4 and 5 and future higher density residential development on the site.

The Department has prepared recommended conditions of approval in respect of the project approval which are set out in **Appendix E**. The reasons for the imposition of the conditions are to ensure the timely and orderly development of the site in conjunction with existing approvals and to manage the construction impacts of the development.

Subject to the recommended conditions, the Department is satisfied that all the impacts of the proposal have been satisfactorily addressed within the Proponent's EA, PPR and Statement of Commitments.

Michael Woodland
Director
Metropolitan Projects 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 PREFERRED PROJECT REPORT

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

APPENDIX C 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 approved infrastructure. The environmental impacts of the proposal have also been addressed through the proponent's Statement of Commitments and the recommended conditions of approval.

Precautionary Principle – This proposal will not have any impacts on the existing endangered ecological community Turpentine-Ironbark Forest, including Apple Box *Angophora floribunda* trees, located in the north-west part of the Channel 7 site. Furthermore, a stormwater Quality Management Strategy has been developed for both construction and post construction phases of the development.

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 and economic impacts through the provision of additional housing.

Biodiversity Principle – Following an assessment of the proponent's EA and 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 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.

Valuation Principle – 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 4 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 proposed residential development 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.

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 (Major Development) 2005
- 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 (Building Sustainability Index: BASIX) 2004
- 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 (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.

Figure 10 below illustrates the maximum permitted building heights and building setbacks approved by the Concept Plan MP 05_0086. The proposal complies with maximum building heights.

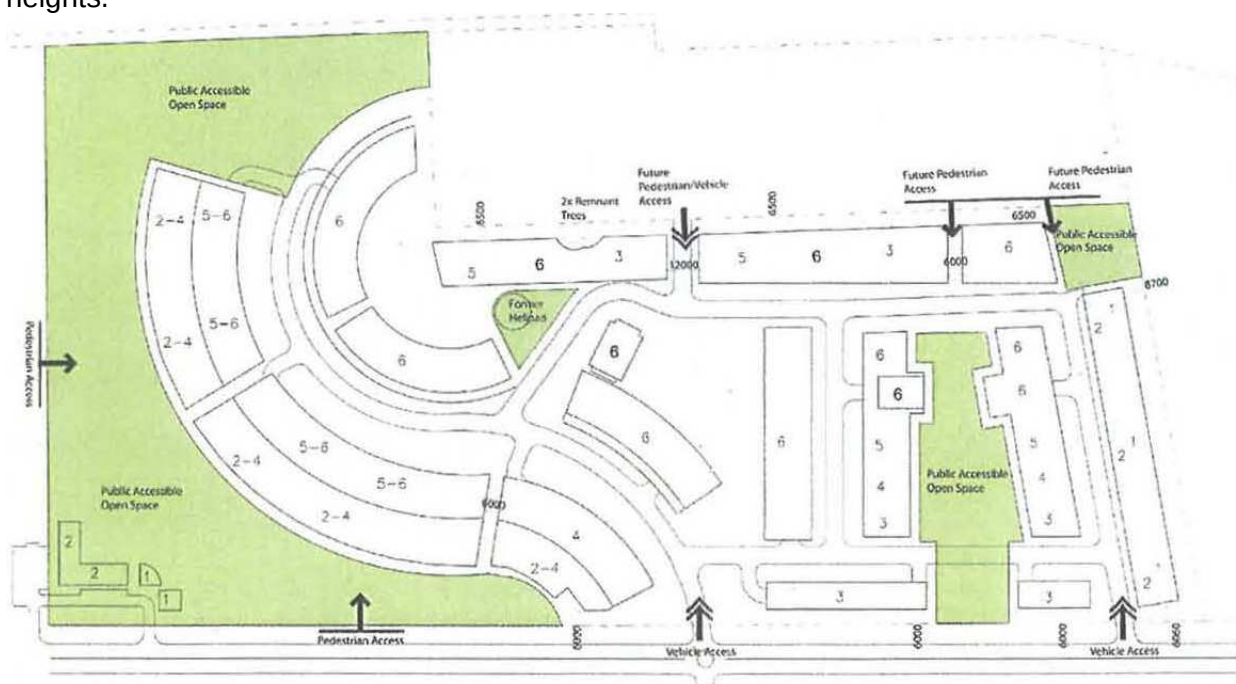


Figure 10 Maximum building height (source: Approved Concept Plan MP 05_0086, as Modified)

The tables below illustrate the contribution of the proposal and the previous project approval towards the cumulative totals for the numerical controls within the approved Concept Plan (MP 05_0086) and the SSS within the Major Development SEPP 2005.

Table: Compliance with Approved Concept Plan (as modified)

Concept Plan Controls	Proposal including already approved residential development (MP 08_0257)	Complies?
Zoning R1 General Residential	-	YES
Maximum Building Height- 6 storeys	-	YES
Maximum 73 dwellings per ha	18dw p/ha over whole site	YES
Maximum 650 units	162 units	YES
Maximum GFA 80,000m ²	19,496m ²	YES
FSR (max 0.89:1)	0.22:1 over whole site	YES
Maximum total building envelope 96,000m ²	19,853m ²	YES

Concept Plan Controls	Proposal including already approved residential development (MP 08_0257)	Complies?
Maximum 73 dwellings per ha	18dw p/ha over whole site	YES
Max height- Buildings 1 & 2= 3 storeys Building 3= part 2/ part 1	3 storeys Part 2/ part 1 storeys	YES YES
Dwelling mix- Minimum 5%= one bedroom units	24/650 or 4% (0 units in this proposal)	YES fits within whole development YES
Maximum 15%= 3 bedroom + study	12/650 or 2% (12 units in this proposal)	
Minimum landscaped Public Open Space= 3.1ha	3.1ha over total site	

Table: Compliance with State Significant Site Controls

SSS Requirements	Proposal including already approved residential development (MP 08_0257)	Complies?
Zoning R1 General Residential	-	YES
Maximum Building Height- 6 storeys	-	YES
Maximum 73 dwellings per ha	18dw p/ha over whole site	YES
Maximum 650 units	162 units	YES
Maximum GFA 80,000m ²	19,496m ²	YES

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 of Buildings 1 and 2 against these principles is given in the below table.

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 are 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	The proposed development complies with the building height approved by the Concept Plan. The buildings are of appropriate scale and height for the locality, providing a transition between the higher buildings on the site and existing surrounding development.
Principle 3: Built Form	The development will contribute towards the streetscape character of the Channel 7 site. The buildings will provide suitable street frontages both internally and to Mobbs Lane, as well as providing suitable settings for adjoining areas of public open space.
Principle 4: Density	The proposal contributes towards the cumulative total of dwellings on the Channel 7 site. The dwellings are of appropriate size and scale to facilitate for family accommodation of the site. The proposed density is appropriate for the site.
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	Buildings 1 and 3 will provide areas of planting to the internal street front elevation. Building 3 will also provide areas of planting and

	deep soil landscaping to the rear of the site. The development will be complimented by the previously approved areas of landscaped communal open space in the form of the village green and town square, adjacent to the buildings.
Principle 7: Amenity	Buildings 1 and 2 comply with SEPP 65 Design Quality of Residential Flat Development, and recommended standards of the Residential Flat Design Code. Dwellings within all three buildings will have satisfactory levels of solar access, privacy and general amenity for families. The development would not result in any loss of solar access to surrounding development.
Principle 8: Safety and Security	Buildings 1 and 2 have been designed to provide passive surveillance to both the internal road network and Mobbs Lane. All dwellings have been provided with areas of secure private open space. A clear distinction is made between public and private spaces.
Principle 9: Social Dimensions and Housing Affordability	The development provides accommodation for families which is balanced with the provision of a range of dwelling types to be provided across the rest of the former Channel 7 site.
Principle 10: Aesthetics	The buildings utilise building articulation, varying heights, materials and colours to provide interest to the street. The buildings will contribute towards a desirable streetscape character, complimenting the character of surrounding development.

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 12m between habitable rooms	>18m	YES
Building depth	10m- 18m	11.5m-13.5m	YES
Naturally cross ventilated	Min 60% of units	100%	YES
Kitchens with natural ventilation	Min 25%	100%	YES
Depth of kitchen from window	Max 8m	<8m	YES
Apartment Size (min)	3 bedroom = 95m ²	≥166m ²	YES
Balcony Depth	Min 2m	>2m	YES
Floor to ceiling heights	≥2.7m	≥2.7m	YES
Storage	≥2.7m ²	≥2.7m ²	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.

COMPLIANCE WITH OTHER 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 41% reduction in energy use and a 40% reduction in potable water.

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 D 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. 10_0107 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, 2010

SCHEDULE 1

Application No.:	MP 10_0107
Proponent:	Meriton Apartments Pty Ltd
Approval Authority:	Planning Assessment Commission
Land:	61 Mobbs Lane, Epping (former Channel 7 site)
Project:	Residential Development, including: • Construction of Buildings 1, 2 and 3 consisting of 28 townhouses with associated garage parking and landscaping.

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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 Meriton Apartments Pty Ltd and dated September 2010.

Minister means the Minister for Planning.

MP No. 10_0107 means the Major Project described in the Proponent's EA as amended by the 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 November 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 Buildings 1, 2 and 3, consisting of 28 townhouses with associated garage car parking, and landscaping to Building 3.

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0107 and the Environmental Assessment dated September 2010, prepared by Meriton Apartments Pty Ltd, except where amended by the Preferred Project Report dated November 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
A1000- A1006	-	Architectural Plans	PTW Architects	26.08.2010
A1100- A1105	-	Architectural Plans	PTW Architects	26.08.2010
A1200	-	Architectural Plans	PTW Architects	19.08.2010
A-3000, A-3005 - A-3012, A-3100 - A-3103, A-3200	-	Architectural Plans	PTW Architects	27.04.2009
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA-1021-01- DA-1021-02	-	Landscape Concept Plan	Sturt Associates	24 August 2010
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
A1201	-	Colour Sample Board	PTW Architects	26.08.2010
A-3201	-	Colour Sample Board	PTW Architects	27.04.2009
E-300-DR	A	Site Drainage Plan	Meriton Apartments Pty Ltd	8/20/2010
332538M	-	BASIX Certificate	Department of Planning	27 August 2010

except for:

- 1) 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
- 2) 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. 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 Strata Title 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 front fences to Buildings 1, 2 and 3 must have heights of 1.2m above finished ground level.
- b) A designated bin store area must be provided beneath the stairs within the basement garages of dwellings 13, 14, 15 and 16 of Building 2. Waste collection from these dwellings is to take place via the rear vehicle access.
- c) The 56 off-street parking spaces provided, are to be permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum).
- d) The development should comply with AS2890.1-2004, specifically:
 - i. Driveway and ramp gradients shall comply with Causes 2.5, 2.6 and 3.3;
 - ii. The overall internal width of all double garages is to be a minimum 5.4m wide with a door opening of 4.8m. Columns are to be located in accordance with the AS2890.1-2004.
 - iii. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps;
 - iv. The Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter;
 - v. Sight distances to pedestrians exiting the property shall be provided in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- e) The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2980.1-2004 and AS 2890/2-2002 for heavy vehicle use.
- f) The Driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8);
- g) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site shall be in accordance with AUSTROADS. A plan illustrating compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

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 for above ground level works, substantially in accordance with the terms set out in the letter of offer dated **27 August 2010** to Parramatta City Council.

B3. Traffic Signal works to Marsden Road/ Mobbs Lane Intersection

Certified copies of the civil / traffic signal design plans at the Marsden Road / Mobbs Lane intersection approved by MP 08_0258, drawn by a suitably qualified person, shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Certifying Authority for any part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre and commencement of road / signal works.

The approved road signals at the intersection of Marsden Road / Mobbs Lane shall be fully constructed and operational prior to the release of any Occupation Certificates by the Certifying Authority for part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre.

B4. Provision for Energy Supplies

The Proponent must submit an 'Application for Connection of Load' to Integral Energy, prior to the issue of a Construction Certificate, relating to this approval.

Any required substation must be located within the boundaries of the site. The size and location of the substation shall be submitted for the approval of the Accredited Certifier and Integral Energy prior to installation.

B5. 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).

B6. Construction and Traffic Management Plan

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

- 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,
- f) ingress and egress of vehicles to the site,
- g) loading and unloading, including construction zones,
- h) predicted traffic volumes, types and routes, and
- i) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to the Department, Council and the State Transit Authority.

B7. 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.

B8. 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.

B9. 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.

B10. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

B11. 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.

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. Requirement for Road Occupancy Permit

Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services, prior to carrying out the construction/restoration works.

C3. 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.

C4. 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 fence around the parameter of the whole former Channel 7 site.

C5. Toilet Facilities

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

C6. 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.

C7. 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.

C8. 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.

C9. 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.

C10. 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.

C11. 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.

C12. 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.

C13. Light and Ventilation

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the *BCA* or clause 3.8.4 and 3.8.5 of the *BCA* Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1.

If an alternate solution is proposed then the *Construction Certificate* application must include a statement as to how the performance requirements of the *BCA* are to be complied with and support the performance based solution by expert *evidence of suitability*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* in relation to *regulated systems*. This condition does not set aside the effect of the *Protection of the Environment Operations Act 1997* in relation to offensive noise or odour.

End of this Section

PART D – DURING CONSTRUCTION

D1. Copy of Project Approval

A copy of this project 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. Compliance with Construction and Traffic Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction and Traffic Management Plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the *PCA* or *Council* on request.

D4. Public Utility Adjustments/ Relocation Works

The developer shall be responsible for all public utility adjustment/ relocation works, necessitated by the above work and as required by the various public utility authorities and/or agents.

D5. Demolition/ Construction Vehicles

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

D6. Signposting

All works / regulatory signposting associated with the proposed development are to be at no cost to the RTA.

D7. 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.

D8. 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.

D9. 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.

D10. 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.

D11. 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 (e.g. 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.

D12. 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.

D13. 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.

D14. 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.

D15. Services to be provided Underground

All new services associated with this 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.

D16. Advance Tree Planting- Street Trees

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.

D17. Trees of Public Property- On-site Trees

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.

D18. Protection of Trees - Street Trees

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.

D19. Protection of Trees – On-site Trees

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.

D20. 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.

D21. 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.

D22. 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.

D23. 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.

D24. 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.

D25. 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.

D26. 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.

D27. 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.

D28. 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.

D29. 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.

D30. 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.

D31. 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.

D32. 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.

D33. 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. Road Works to Mobbs Lane

Road works to Mobbs Lane approved by MP 08_0258, including the right turn bay into Road 1, the bus bay, pedestrian refuge and footpaths shall all be fully operational prior to the release of any Occupation Certificate relating to this application.

E3. Road Improvement Works

The road improvement works approved as part of MP 08_0258, located east of the proposed western site entrance (opposite the Brickworks site) are to be fully constructed prior to the release of the Final Occupation Certificate for this development.

E4. Vehicular Access to Buildings 1 & 2

- a) A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
- b) The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004.

E5. Car Park Signposting

Resident car parking should be clearly signposted at entry to car parking areas.

E6. Compliance Report

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

E7. Street Numbering

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

E8. Water Ratings

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

E9. 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.

E10. 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. 332538M, dated 29 August 2010, or as amended, will be complied with prior to occupation.

E11. 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.

E12. 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.

E13. 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.

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. 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.

E16. 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.

E17. 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 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.

E18. 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.

E19. 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.

E20. Notification to the State Transit Authority

The Proponent must advise the STA in writing upon the issuing of any Occupation Certificate relating to this approval, in order that the STA may take this into consideration when reviewing services in the area.

End of this Section

PART F – DURING OPERATIONS

F1. 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.

F2. 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 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. 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:

- a) Foundations,
- b) Footings,
- c) Damp proof courses and waterproofing installation,
- d) Structural concrete, including placing of reinforcement and formwork prior to pouring,

- e) Structural beam and column framing,
- f) Timber wall and roof framing, and
- g) 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.

AN6. 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.

AN7. 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.

AN8. 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.

AN9. 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.

AN10. 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.

End of this Section

SCHEDULE 3- Statement of Commitments

MP 10_0107

PROJECT APPLICATION FOR

**Residential Development- Buildings 1, 2 & 3
61 Mobbs Lane, Epping (Former Channel 7 site)**

(source: Environmental Assessment / Preferred Project Report)

Subject	Commitments	Department Comments
Stormwater Management	Stormwater management to be undertaken in accordance with the Early Works Major Project Consent (MP 08_0258). An undertaking is 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	Excavation for the car parking basement levels will involve water tanks placed upon trucks being used to wet the site on a periodical basis to reduce dust emissions, which is a standard method on construction sites. 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 no work on Sundays or public holidays. Sediment run off will be managed with the provision of siltation traps, all meshing at sensitive locations along the parameter of the site during construction of the buildings. Sediment control management will be based on the Parramatta Council guidelines. A truck route map will be made available to Council identifying which way vehicles will arrive and depart the site.	Hours of works are limited to between 7.00am & 5.00pm Monday to Fridays, and 8.00am to 5.00pm on Saturday, no work on Sunday or public holidays in accordance with Condition D8.
Waste Generation & Collection	Construction material on the site is used in an efficient manner to reduce wastage. All construction material that is no longer required is sent to local building recycling companies or reused elsewhere on the site where applicable. Where possible, grey water 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.	
Use of Cranes	Where cranes are required, 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.	Hours of works are limited to between 7.00am & 5.00pm Monday to Fridays, and 8.00am to 5.00pm on Saturday, no work on Sunday or public holidays in

Subject	Commitments	Department Comments
		accordance with Condition D8.
Staging of Development & Occupation	This phase involves the construction of Buildings 1, 2 and 3 and the basement parking area associated with Buildings 1 and 2.	
Environmental & Construction Management Plan	An Environmental and Construction Management Overview was prepared by McLachlan Lister, 21 April 2009 and approved as part of the Early Works Package, 14 July 2010. A Final Construction Management Plan will be prepared prior to construction certification with the construction contractors and the relevant approval authority.	