

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_0158 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



Member of the Commission

Sydney,

July 12

2011

SCHEDULE 1

Application No.:

MP10_0158

Proponent:

Meriton Apartments Pty Limited

Approval Authority:

Minister for Planning and Infrastructure

Land:

61 Mobbs Lane, Epping (former Channel 7 site)

Project:

Residential Development, including:

- construction of two residential flat buildings, Buildings 7 and 8 of the approved Concept Plan (as modified), ranging in height between 3 and 6 storeys;
- 127 residential units;
- 173 basement car parking spaces and 11 parking spaces at street level;
- Excavation; and
- associated 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 & Infrastructure 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 December 2010.

Minister means the Minister for Planning and Infrastructure.

MP No. 10_0158 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 April 2011.

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.

SCHEDULE 2

PART A – TERMS OF APPROVAL

A1. Development Description

Project Application approval is granted only to the development as described below:

- construction of two residential flat buildings, Buildings 7 and 8, ranging in height between 3 and 6 storeys;
- 127 residential units;
- 173 basement car parking spaces and 11 parking spaces at street level;
- excavation; and
- associated landscaping.

A2. Development in Accordance with Plans and Documentation

The development shall be undertaken in accordance with MP10_0158 and the Environmental Assessment, prepared by Meriton Apartments Pty Limited, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by PTW Architects and Sturt Associates.

Architectural Drawings prepared PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A0010- A0013, A0020, A0030, A0031, A7100-A7102, A7102, A7200, A7201, A7300, A7301, A8101, A8103, A8104, A8105, A8106, A8200, A8201, A8300, A8301, A8400	Project Application re- issue	Architectural Plans	5/4/2011
A8500- A8501	Project Application re- issue	Colour Detail Elevation	5/4/2011
A8502- A8503	Project Application re- issue	Colour Sample Boards	5/4/2011
SW1- SW4	D	Stormwater Plans	4/11/2010
SW5	-	Stormwater Plan	17/11/2010
Landscape Plans prepared by Sturt Associates			
Drawing No.	Revision	Name of Plan	Date
DA-1029-01	-	Landscape Concept Plan	11 Nov 2010
Other			
345629M_02	-	BASIX Certificate- Department of Planning & Infrastructure	28 April 2011
45925	-	Geotechnical Report- Douglas Partners	March 2009
-	-	Waste Management Plan- Wastetech Services Pty Ltd.	30 November 2010

Except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be

necessary for the purpose of compliance with the BCA and any Australian Standards incorporated within the BCA; and

- otherwise provided by the conditions of this approval.

A3. Inconsistencies between Documentation

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

A7. RTA Requirements

- a) The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the approval and as required by the various public utility authorities and/ or their agents.
- b) All works/ regulatory signposting associated with the approval are to be at no cost of the RTA.

A8. Lapsing of Approval

Approval of this Project Application shall lapse 5 years after the determination date in Part A of Schedule 1, unless the development has physically commenced.

End of 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 Principal Certifying Authority must detail the following amendments:

- a) Where Buildings 7 and 8 have a height of 6 storeys, the basement levels shall comply with the following definition of 'basement':

'the space of a building where the floor level of that space is predominantly below ground level (finished) and where the floor level of the storey immediately above is less than 1.2 metres above ground level (finished).'

- b) The 13 adaptable units identified on the architectural plans must comply with the requirements for Adaptable House Class C dwellings of AS 4299- Adaptable Housing.
- c) The layout of the basement and at-grade car parking (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, circulation ramps, requirements for speed humps and parking bay dimensions) must be in accordance with AS 2890.1- 2044 and AS 2890-2002 for heavy vehicles.
- d) Internal aisle ways in the basement car park are to be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park.
- e) The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2 metres, measured to the lowest projection of the roof (fire sprinkler, lighting, sign and ventilation), according to AS 2890.1-2004.
- f) Clear sightlines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road path in accordance with Figure 3.3 of AS 2890.1-2004 for light vehicles and AS 2890.2-2002 for heavy vehicles.
- 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 AUSTRROADS. A plan illustrating compliance must be submitted to the Certifying Authority prior to the issue of the Construction Certificate relating to basement level works.
- h) The 11 on-street visitor parking spaces provided are to be permanently marked on the pavement and used accordingly.
- i) Privacy screens with a minimum height of 1.5 metres above floor level must be erected along the length of the eastern elevation of first and second floor level units Nos. 113 and 210 in Building 8, as shown on the approved architectural plans.
- j) The courtyard fences to the north elevation of units G04, 102, 103, 104 and 105 in Building 8, shall be stepped and reduced in height to no higher than 1.8 metres above finished ground level of the courtyards or street level, whichever is lower.
- k) Approval is not granted for the proposed feature colours to the external facades. External glazing shall be clear glazed and the feature colours must be replaced with colours consistent with the approved colour scheme for the remainder of the buildings. Details of the modified colour scheme shall be submitted to and approved by the Certifying Authority, prior to the issuing of the Construction Certificate for above ground level works.

B2. Traffic Signal Works to Marsden Road/ Mobbs Lane Intersection

The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 150th dwelling on the former Channel 7 site, or within 24 months from the date of the approval of MP05_0086 MOD2, whichever occurs first.

B3. Provision of Energy Supplies

The Proponent must submit an 'Application for Connection of Load' to Integral Energy, prior to the issue of the 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. The location of any required substation shall not impact upon the size or accessibility of open space.

B4. Structural Details

Prior to the issue of the relevant 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).

B5. Construction Management Plan

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

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

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

B6. Traffic & Pedestrian Management Plan

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

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

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

B7. Erosion and Sediment Control

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

B8. 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 relevant 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 relevant 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.

B9. Acoustics

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

B10. Reflectivity

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

B11. Compliance Report

Prior to the issue of the relevant 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.

End of 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 the 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 the Council. The Proponent shall submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

C3. Signage/ 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 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;
- d) Stating that unauthorised entry to the work site is prohibited;
- e) 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;
- f) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- g) Showing the approved construction hours in accordance with this Approval.

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. 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.

C12. Light and Ventilation

The relevant 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 Clauses 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of AS1668.1, AS1668.2 and AS/NZS366.1.

If an alternate solution is proposed then the relevant 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 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 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 Principal Certifying Authority 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 (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

D16. Advance Tree Planting

All trees supplied above a 25L 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 5m 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. 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.

D27. 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.

D28. 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.

D29. 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.

D30. 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.

D31. 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.

D32. 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 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 Certification relating to this application.

E3. Car Park Signposting

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

E4. Street Numbering

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

E5. 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.

E6. Section 73 Compliance Certificate

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

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

E7. 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. 345629M_02, dated 28 April 2011, or as amended, will be complied with prior to occupation.

E8. 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.

E9. Post Construction Dilapidation Report

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

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

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

E10. Structural Inspection Certificate

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

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

E11. Mechanical Ventilation

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

E12. Waste and Recycling Collection Contract

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

E13. 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.

E14. 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.

E15. 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.

E16. 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 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. Basement Car Park Operations

- a) Vehicle turning areas within the basement car park are to be kept clear from obstacles, including parked cars, at all times.
- b) All vehicles are to enter and leave the site in a forward motion.
- c) The required sight lines to pedestrians and/ or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials.

End of 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 (notice of requirement) from the relevant local water supply authority and produce this to the satisfaction of:

- a) the certifying authority before release of the relevant 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 any Construction Certificate.

AN3. Application for Hoardings and Scaffolding

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

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

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

AN4. Use of Mobile Cranes

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

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

AN5. Movement of Trucks Transporting Waste Material

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

AN6. Construction Inspections

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

- 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.

AN7. Noise Generation

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

AN8. Stormwater drainage works or effluent systems

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

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

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

AN9. Temporary Structures

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

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

AN10. Disability Discrimination Act

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

AN11. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the

application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN12. Roads Act 1993

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

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

End of Section

SCHEDULE 3

STATEMENT OF COMMITMENTS

MP10_01058

PROJECT APPLICATION FOR

**Residential Development- Buildings 7 & 8
61 Mobbs Lane, Epping (Former Channel 7 site)**

1. Stormwater Management

Stormwater for the apartments has been designed in accordance with the approved Early Works Package (MP 08_0258) approved on the 14 July 2010. Stormwater will be captured and stored for irrigation purposes for landscaping for the completed development. The use of any such water will be undertaken in accordance with the relevant standards and regulations.

2. 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 site.

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.

Sediment run off will be managed with the provision of siltation traps, silt meshing at sensitive locations along the perimeter of the site during construction of the buildings. Sediment control management will be based on the Parramatta Council guidelines.

A truck route map will be made available to Council identifying which way vehicles will arrive and depart the site.

3. Waste Generation and 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 site where applicable.

Waste collection for the final development has been designed to take place from the basement car parking levels. The ceiling to floor heights and manoeuvrability of trucks have been designed as instructed by TTPA traffic consultants to ensure Council garbage trucks and service vehicles can enter and leave the site in a forward direction.

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.

4. Use of Cranes

Wiring will be appropriately covered where equipment or cranes are over transmission lines.

5. Staging of Development and Occupation

This phase involves the construction of Buildings 7 and 8 and the corresponding basement parking. A Staging Statement is enclosed in **Annexure 19** of the Environmental Assessment report dated December, 2010.

6. Environmental and 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 in consultation with the construction contractors and the relevant approval authority. Refer to **Annexure 17** of the Environmental Assessment report dated December, 2010, for a Preliminary Environmental and Construction Management Plan.⁸ for a Preliminary Environmental and Construction Management Plan.

source: Environmental Assessment / Preferred Project Report