

Project Approval

Section 75J of the Environmental Planning & Assessment Act 1979

Under delegation of the Minister for Planning and Infrastructure dated 14 September 2011, I the A/Director-General, determine to give approval to the project application referred to in Schedule 1, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, subject to the conditions referred to in Schedule 2 and the proponent's Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Preferred Project Report and the proponent's revised Statement of Commitments (Schedule 3), subject to the conditions of approval in the attached Schedule 2.

These conditions are required to:

- Prevent, minimise, and/or offset adverse environmental impacts.
- Set standards and performance measures for acceptable environmental performance.
- Require regular monitoring and reporting.
- Provide for the ongoing environmental management of the project.

Sydney

2012

SCHEDULE 1

Application No.:

10_0171

Proponent:

Meriton Apartments Pty Limited

Approval Authority:

Minister for Planning and Infrastructure

Land:

Lots 2 and 3 in Deposited Plan 788637 and Lot 101 in Deposited Plan 1031459.

Project:

Demolition of existing structures on site and construction of a mixed use building (residential/retail/serviced apartments), basement with 597 car parking spaces, public domain works and installation of utility services.

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as in section 4 and Part 4A of the EP& A Act.
Construction	Any works, including earth and building works.
Council	Parramatta City Council
CPI	Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure, or its successors.
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee.
EA	Environmental Assessment Report titled <i>Environmental Assessment Report 330 Church Street, Parramatta Mixed Use Residential, Serviced Apartment, Retail and Commercial Development</i> prepared by Meriton Apartments Pty Limited, dated June 2011.
EPA	Environment Protection Authority or its successors.
EP&A Act	<i>Environmental Planning and Assessment Act 1979.</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000.</i>
Evening	The period from 6pm to 10pm.
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval.
Minister	Minister for Planning and Infrastructure, or nominee.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays.
OEH	Office of Environment and Heritage, or its successors (formerly referred to as DECCW, Department of Environment, Climate Change and Water).
PPR	Preferred Project Report titled <i>Preferred Project Report MP 10_0171 330 Church Street Parramatta</i> , dated July 2012.
PCA	Principal Certifying Authority has the same meaning as in section 4 and Part 4A of the EP& A Act.
Project	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Meriton Apartments Pty Limited, or anyone else entitled to act on this Approval.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RMS	Roads and Maritime Services
Statement of Commitments	The proponent's Statement of Commitments in Schedule 3.
Subject Site	Lots 2 and 3 in Deposited Plan 788637 and Lot 101 in Deposited Plan 1031459.

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

A1 DEVELOPMENT DESCRIPTION

Except as amended by this approval, project approval is granted for the following:

- Demolition of the existing building.
- Piling and associated earthworks.
- Construction and use of a new mixed use building with a maximum GFA of 44,117 m².
- Operation and use of 597 car parking spaces, 4 loading docks and 24 bicycle parking spaces within the basement car park.
- Installation of utility services.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Assessment Report titled *Environmental Assessment Report 330 Church Street, Parramatta Mixed Use Residential, Serviced Apartment, Retail and Commercial Development* prepared by Meriton Apartments Pty Limited, dated June 2011

Preferred Project Report titled *Preferred Project Report MP 10_0171 330 Church Street Parramatta*, prepared by Meriton Apartments Pty Limited, dated July 2012

Architectural Plans prepared by Tony Caro and Associates, Landscaping Plans prepared by Sturt Associates

Drawing No.	Issue	Name of Plan	Date
A000	6	Cover	23/11/11
A001	5	Site Analysis	23/11/11
A096	5	Plan_Parking Level 04	23/11/11
A097	5	Plan_Parking Level 03	23/11/11
A098	5	Plan_Parking Level 02	23/11/11
A099	7	Plan_Parking Level 01	20/09/12
A100	9	Plan_Level 00 Retail	20/09/12
A101	5	Plan_Level 01 Podium Lower	23/11/11
A102	5	Plan_Level 02 Podium Upper	23/11/11
A103	5	Plan_Typical Tower Lower	23/11/11
A104	5	Plan_Typical Tower Upper	23/11/11
A148	6	Plan_Level 01	23/11/11
A149	6	Plan_Level 02	23/11/11
A150	6	Plan_Levels 3 -4, 14 -15	23/11/11
A151	6	Plan_Levels 5 -7	23/11/11
A152	6	Plan_Levels 8 – 13	23/11/11
A153	6	Plan_Level 16	23/11/11
A154	6	Plan_Level 17	23/11/11
A155	6	Plan_Levels 18 – 20	23/11/11
A156	6	Plan_Levels 21 - 22	23/11/11
A157	6	Plan_Level 23	23/11/11
A158	6	Plan_Levels 24 – 34	23/11/11
A159	6	Plan_Level 35	23/11/11
A160	6	Plan_Level 36	23/11/11
A161	6	Plans_Podium Terraces	23/11/11
A200	5	Sections	23/11/11
A300	6	Elevations – Compiled	23/11/11
A350	6	Elevations - Podium	14/12/11
A351	4	Elevations - Podium	23/11/11
A352	3	Elevations – East Tower	23/11/11

A353	3	Elevations – East Tower	23/11/11
A354	4	Elevations – West Tower	23/11/11
A355	4	Elevations – West Tower	23/11/11
A400	4	Detailed Elevations – Podium	23/11/11
A401	5	Detailed Elevations – Podium	23/11/11
A402	5	Detailed Elevations – Podium	23/11/11
A403	4	Detailed Elevations – Podium	23/11/11
A404	5	Detailed Elevations – Podium	23/11/11
A405	3	Detailed Elevations – East Tower	23/11/11
A406	3	Detailed Elevations – East Tower	23/11/11
A407	3	Detailed Elevations – East Tower	23/11/11
A408	4	Detailed Elevations – West Tower	23/11/11
A409	4	Detailed Elevations – West Tower	23/11/11
A410	4	Detailed Elevations – West Tower	23/11/11
A500		Diagrams - Shadows	24/11/11
A501		Diagrams - Shadows	24/11/11
A550	6	Diagram_GFA Areas	23/11/11
A551	2	Site Analysis – Comparative Building Heights	23/11/11
A552	1	Diagrams_SEPP 65 Compliance_Solar	23/11/11
A553	6	Diagrams_SEPP Compliance_Ventilation 65	23/11/11
A650	6	Plans_Adaptive Apartments	23/11/11
Materials and Samples Boards Prepared by Tony Caro Architects			
330 Church Street Parramatta – External Materials		Podium – East + North	
330 Church Street Parramatta – External Materials		Towers – East + North	
330 Church Street Parramatta – External Materials		West Tower – West Facade	
330 Church Street Parramatta – External Materials		West Tower - Church St	

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.
- (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 LIMITS OF APPROVAL

This approval shall lapse five years from the date of this approval unless the works associated with the project have physically commenced.

A5 OTHER APPROVALS

- (1) The approval of building in no way implies approval for the following:
 - (a) the internal fit-out of the retail floor space
 - (b) the installation of signage
 - (c) strata subdivision.
- (2) Separate approval(s) must be obtained from the relevant consent authority for the above works and uses (where required).

A6 PRESCRIBED CONDITIONS

The proponent shall comply with the relevant prescribed conditions of approval under clause 98 of the Environmental Planning and Assessment Regulation 2000.

A7 DEVELOPMENT CONTRIBUTIONS

A monetary contribution comprising of three per cent of the value of the proposed works is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be made by Cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to the Council prior to the issue of the first Construction Certificate above ground floor level (RL 7.5). At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the consumer price index (all groups index) for Sydney issued by the Australian Statistician.

Note¹: The value of the proposed works as specified in the Quantity Surveyor's report prepared by RPS Group and dated 18 January 2011, is \$149,852,992.

A8 EXECUTION OF VOLUNTARY PLANNING AGREEMENT

The proponent shall enter into a voluntary planning agreement (VPA) with Parramatta Council covering the following items within six months of the date of this project approval as per Meriton Apartment Pty Ltd's letter dated 25 September 2012:

- (1) The transfer of part lots 2 and 3 in Deposited Plan 788637 as depicted in Drawing No. A100 Revision 9 dated March 2011, and last updated on 20/09/12 to Parramatta Council free of cost (see plan at **Attachment A**). This land shall be transferred to the Council prior to the issue of the final Occupation Certificate.
- (2) The embellishment of the river foreshore and retaining wall adjacent to the site boundary and the turfing of part lots 2 and 3 in Deposited Plan 788637 prior to the issue of the final Occupation Certificate.

Note: The Planning Agreement is in addition to the section 94A developer contributions applicable to the project.

A9 MEDIATION

Where this approval requires further consent/approval from Council or another authority, the parties shall not act unreasonably preventing an agreement from being reached. In the event that an agreement is unable to be reached within two months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

End of Section

PART B - PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

B1 STRUCTURAL DETAILS

Prior to the issue of each 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:

- (1) The relevant clauses of the BCA.
- (2) The relevant development approval.
- (3) Drawings and specifications comprising the Construction Certificate.
- (4) The relevant Australian Standards listed in the BCA (Specification A1.3).

B2 TEMPORARY GROUND ANCHORS, SHORING AND PERMANENT BASEMENT RETAINING WALLS AFFECTING THE ROAD RESERVE

- (1) For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the *Roads Act 1993* must be lodged with the relevant road authority.
- (2) For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve), prior to the relevant Construction Certificate being issued, the following documents must be submitted to the Certifying Authority and a copy to the relevant road authority:
 - (a) dilapidation Report of adjoining buildings/structures
 - (b) evidence that public utility services have been investigated.
- (3) If adjoining a public way:
 - (a) evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the relevant road authority, valid for at least the duration of the project. The original document must be submitted to the relevant road authority
 - (b) a bank guarantee in accordance with the relevant road authority's fees and charges. The original document must be submitted to relevant road authority.

B3 ALIGNMENT LEVELS CHURCH STREET

Prior to the relevant Construction Certificate being issued, footpath alignment levels for the development must be submitted to the Council for approval. This submission must be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels of 10 m cross sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 m past either side of the site.

These alignment levels are then to be incorporated into the plans submitted with the application for the relevant Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

B4 CHANGES TO KERBSIDE PARKING RESTRICTIONS

Prior to the issue of the relevant Construction Certificate, a separate submission must be made to the relevant road authority for approval for any changes to the kerbside parking arrangements. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

B5 DRIVEWAY CROSSOVERS

All driveway crossovers, including those for service vehicles, must be designed in accordance with the *Parramatta City Centre Development Control Plan 2007*. All crossovers should be designed to give pedestrians priority and with no grade change for pedestrians.

B6 LAYOUT OF CAR PARKING SPACES

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas shall comply with the current relevant Australian standards, including Australian Standard AS2890.1 (2004) and AS2890.2 (2002), except where amended by other conditions of this approval. Confirmation from an appropriately qualified traffic consultant that the car park layout complies with the abovementioned requirements shall be provided to the Certifying Authority prior to the issue of the Construction Certificate for the basement works.

B7 NUMBER OF CAR SPACES

- (1) The provision of 597 car spaces is approved. A total of 457 of these car spaces are approved for the multi-unit dwellings¹. For all other uses, 140 car spaces are approved.
- (2) Four loading bays are to be made available for the use of the future tenants. The space shall be located in a position that has easy and close access to a lift.
- (3) Details and drawings showing the car parking allocation for each use² and of the loading arrangements shall be submitted for the approval of the Director-General, prior to the issue of the first Construction Certificate.
- (4) Individual non-residential uses must not exceed each maximum requirement for that type of use under council's DCP.
- (5) Any future strata subdivision shall reflect the car parking allocation as approved under (3) above.

Note ¹: Multi-unit dwellings include the serviced apartment component of the project.

Note ²: The breakdown and allocation is to be in accordance with Council's DCP is required to indicate: residential spaces, residential spaces for persons with a disability and residential visitor spaces; serviced apartment spaces, serviced apartment spaces for persons with a disability; spaces for retail customer and for retail staff use (based on Council's DCP requirement for 'Shops'); spaces for supermarket customer and supermarket staff use, and spaces for commercial use. Where the final use of tenancies is unknown, a scenario for the allocation of uses is to be provided.

B8 NUMBER OF BICYCLE SPACES

A minimum of 24 bicycle spaces are to be provided for the development and permanently located within the basement car park. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B9 FACILITIES FOR CYCLISTS

The number of storage, change room and shower facilities for the retail premises shall comply with the requirements of the *Planning Guidelines for Walking and Cycling*, (December 2004)

B10 ELECTRICITY SUPPLY

Documentary evidence confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supply to the development shall to be provided to the PCA, prior to the issue of the relevant Construction Certificate. In addition, the substation required to service the development shall be located in a suitable position within the approved building envelope.

B11 SYDNEY WATER

Prior to the issue of the relevant Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Certifying Authority.

B12 FLOOD RISK MANAGEMENT MEASURES

Prior to the issue of any Construction Certificate for works located below RL 8.8 m, the proponent must provide the Certifier with evidence that the following works have been incorporated in the Construction Certificate drawings:

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- (1) The car park ramp level at the entrance to the basement car park must be no lower than RL 7.48 m
 - (2) Direct access being provided between the supermarket and the flood refuge area within the lower podium level.
 - (3) Provision of elevating landings within the stair wells (one or two steps higher than the level of the car park) to allow visitors and/or residents to access the stairwell without causing shallow floodwaters in the car park to flow into the stairwell and impede the vertical evacuation of visitors and/or residents to the lower podium level.
 - (4) Any substation and/or control room being located on the lower podium level. In the event that this is not possible, evidence demonstrating why the substation can not be accommodated in this location must be provided to the satisfaction of the Certifying Authority.
 - (5) Provision of sufficient shelter over the refuge area to protect residents/patrons from on inclement weather (i.e. an area of roof in excess of 250 m²)
 - (6) The “travelator” from the retail level to car parking Level 01 being constructed to prevent any spill of floodwaters that enter from Church Street down the travelator until the flood level reaches 8.8 m AHD.
 - (7) All doors to stairwells that are lower than the PMF level must open outward so that floodwaters will shut these doors thereby limiting the ingress of floodwaters from a higher level spilling down stairs and hampering the movement of persons from lower levels to higher levels in the building(s).
 - (8) A 300 mm high plinth being constructed on the three sides of the ramp on Levels 01, 02 and 03 to control the spill of inflows from one level down to the next level of the car park.
 - (9) The provision of stairs on the south-east corner of the development connecting the car parking levels to the ground level only.

B13 FLOOD PROTECTION MEASURES BELOW RL 8.8 METRES

Prior to the issue of any Construction Certificate related to the basement car park or ground floor level of the podium, the proponent must provide evidence to the Certifier confirming that there are no openings within the external façade that could convey water into the building’s internal spaces up to the relevant flood planning level for each façade. The relevant flood planning levels are as follows:

- (1) RL 6.59 m along the northern boundary of the site.
- (2) RL 7.48 m on the eastern and southern boundaries of the site.
- (3) RL 8.8 m on the western boundary of the site.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all flood prevention measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

B14 FLOOD PROTECTION MEASURES FOR BUILDING ENTRANCES

The proponent shall design appropriate flood proofing measures for all building entrances that are located between the external ground level and the internal flood planning level to prevent the ingress of water into the building prior to the issue of any Construction Certificate for works above RL 6.59. The flood proofing measures must be designed by a suitably qualified expert. All flood proofing measures must be depicted in the Construction Certificate drawings.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all flood prevention measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

B15 STORMWATER AND DRAINAGE

- (1) Prior to the relevant Construction Certificate being issued, details of any proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention (if required) and details of the provision and maintenance of overland

flow paths must be submitted to the Certifying Authority. All details for the disposal of stormwater and drainage are to be implemented in the development.

- (2) Any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, if required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.
- (3) The requirements of Sydney Water with regard to the on site detention of stormwater, if required, must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention, if required, must be submitted prior to the relevant Construction Certificate being issued.
- (4) Where relevant, an application must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

B16 EROSION AND SEDIMENTATION CONTROL

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

B17 STORAGE AND HANDLING OF WASTE

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of the *Parramatta City Centre Development Control Plan 2007*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for the basement car park.

B18 COMPLAINTS WITH BASIX CERTIFICATE

Prior to the issue of the first Construction Certificate above ground floor level (RL 7.5), details of all commitments outlined in the BASIX Certificate Number 63718608, to achieve satisfactory levels of thermal comfort and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority. Should design changes require an amended BASIX Certificate, a copy shall be provided to the department along with stamped plans for information.

B19 DETAILS OF COLOURS, MATERIALS AND FINISHES

External building materials and finishes shall be generally in accordance with details submitted with the project application EA and PPR.

Final design details of the awnings and or/louvers, and roof feature/s including, where relevant, their proposed external materials and finishes, schedules and a sample board of materials and colours, shall be submitted to and approved by the Director-General prior to the issue of the Construction Certificate for the relevant works.

B20 INSTALLATION OF VERTICAL SHADING DEVICES

Details of external vertical shading devices for the eastern and western elevations shall be provided to the satisfaction of the Director-General prior to the issue of the first Construction Certificate for works above RL 14.

B21 LANDSCAPE AND PUBLIC DOMAIN PLAN

Prior to the issue of the first Construction Certificate for works above ground floor level (RL 7.5), the proponent shall provide the Certifying Authority with a Landscape and Public Domain Plan prepared in consultation with the Council. The plans shall include:

- (1) All site levels, elevations and sections (where relevant).
- (2) Location of the building and other building elements on site.
- (3) Materials and finishes of all paved areas/hard surfaces/footpaths around the perimeter of the site in accordance with the requirements of the Council's public domain policy for the Civic Place precinct.

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- (4) Details of public seating and lighting.
 - (5) Location, number and type of plant species.
 - (6) Details of planting procedure and maintenance.
 - (7) Details of drainage and watering systems.
 - (8) Details of any artwork, and appropriate treatment of fire stairs and exhaust vents protruding above ground level.

B22 NOISE MITIGATION MEASURES

Prior to the issue of the first Construction Certificate for the residential and serviced apartments, all noise mitigation measures identified in Appendix 1 and 2 of the Acoustic Assessment (Revision 1) prepared by Acoustic Logic shall be incorporated into the Construction Certificate Drawings to the satisfaction of the PCA.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all noise mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

B23 WIND MITIGATION MEASURES

Within three months of the date of the project approval, the proponent provide a report and associated plans for the approval of the Director-General identifying all wind mitigation measures (including their design specifications) to ensure compliance with the following criteria :

- (1) 10 m/s along Church St and all areas where outdoor dining is proposed.
- (2) 13 m/s within the riverbank foreshore area.
- (3) 16 m/s at all other locations.

All wind mitigation measures approved by the Director-General must be incorporated into the Construction Certificate¹ drawings.

Note¹: In the event that Construction Certificates are issued on a level by level basis, all wind mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

B24 DESIGN VERIFICATION

Prior to the issue of the first Construction Certificate for works above ground floor level (RL 7.5), the proponent shall provide the Certifying Authority with a statement from a qualified designer confirming that the development is consistent with the approved plans and details, and continues to satisfy the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

B25 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the building approved by this major project does not exceed 44,117 m² or a maximum height of RL 91.5 m for the eastern tower, and RL 125.6 m for the western tower. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the first Construction Certificate for works above ground floor level (RL 7.5).

B26 REFLECTIVITY

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. In addition, all reflectivity mitigation measures contained in the *Solar Light Reflectivity Analysis for the Proposed Development Located at Riverfront Apartments, Parramatta* prepared by Windtech and dated 13 May 2011, shall be included in the Construction Certificate drawings.

Evidence of compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate for works above the mezzanine level of the podium (RL 17).

Note¹: The Windtech report recommends mitigation works on levels 11 to 20 of the western aspect of the western tower and the north-western corner of the podium.

Note²: In the event that Construction Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Construction Certificate.

B27 OUTDOOR LIGHTING

All outdoor lighting shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

B28 DISABLED ACCESS - GENERAL

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA Access Policy and the recommendations contained in the *Access Review* prepared by Morris-Goding Accessibility Consultants dated 4 May 2011. Prior to the issue of the relevant Construction Certificate, a statement confirming compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B29 DISABLED ACCESS – PUBLIC DOMAIN

The public domain fronting the site must be designed and constructed to provide access to facilities for people with a disability in accordance with the BCA and relevant Australian Standards (including amendments). Full details of paths, proposed handrails, tactile ground indicators, ramps and the like are to be submitted to the Certifying Authority demonstrating compliance with the BCA and relevant Australian Standards prior to the relevant Construction Certificate being issued.

B30 PRE-CONSTRUCTION DILAPIDATION REPORTS

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

Any damage to Council or any other service provider's infrastructure that impact on public safety during construction is to be rectified at the developer's cost to the satisfaction of the Council..

B31 ACID SULPHATE SOILS MANAGEMENT PLAN

An Acid Sulphate Soils Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The management plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

B32 SECTION 34 LEVY

No Construction Certificate shall be released until the Certifying Authority is satisfied that the required levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid.

B33 PUBLIC DOMAIN AND FOOTPATH DAMAGE DEPOSIT

A public domain works deposit and footpath damage deposit is to be paid to the Council prior to the issue of the first Construction Certificate. Deposits are to be calculated as follows:

- (1) Public Domain Works Deposit
 - \$630.00 per square metre of surfaced footpath when works are proposed to extend into the public domain.
- (2) Footpath Damage Deposit
 - \$1,000.00 per lineal metre of public domain frontage.

B34 HERITAGE ARCHIVAL RECORDING

No works shall commence until an archival record of the existing building on the subject site has been prepared and submitted to the Council. This shall include measured drawings and an archival photographic record before any work commences. The archival record shall be prepared in accordance with the guideline, *Photographic Recording of Heritage Items using Film or Digital Capture* (Heritage Office 2006).

B35 SITE VALIDATION

A Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, must be submitted to the PCA, the Director-General and the Council confirming that the site is suitable for the approved uses prior to the issue of a Construction Certificate for the basement car park works.

End of Section

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of works, the proponent must prepare an updated Construction Management Plan (CMP) which addresses the following requirements:

- (1) Describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase.
- (2) Describe all activities to be undertaken on the site during site establishment and construction of the development.
- (3) Clearly outline the stages/phases of construction that require ongoing environmental management, monitoring and reporting.
- (4) Detail statutory and other obligations that the proponent is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies.
- (5) Describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works.
- (6) Detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address and identified adverse environmental impacts.
- (7) Documents all sub-environmental management plans, studies and monitoring programs required in this approval.
- (8) Include arrangements for community consultation and complaints handling procedures during construction.
- (9) The requirements of the OEH in relation to archaeological matters, (if any) as noted in Condition C8 below.

The updated CMP is to be submitted to the PCA for approval prior to the commencement of works on site.

C2 CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

Prior to commencement, a Construction Noise and Vibration Management Plan shall be prepared and submitted to the Council for review and comment and submitted to the PCA. The noise management criteria specified in the Plan shall comply with the criteria recommended in the *Interim Construction Noise Guideline July 2009* (DECCW).

C3 CONSTRUCTION WASTE MANAGEMENT PLAN

Prior to commencement, a Construction Waste Management Plan prepared by a suitably qualified person shall be submitted to the PCA.

C4 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to commencement, the Traffic Management Plan shall be revised to include the following additional information to the satisfaction of the PCA:

- (1) The location of dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- (2) The location of turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- (3) Provision of a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- (4) Provision of material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- (5) The provisions of an on-site parking area for employees, tradespersons and construction vehicles.

-
- (6) Mechanisms for ensuring all new employees are aware of the construction management obligations.
 - (7) Traffic control plans for the site, including:
 - a. evidence confirming that all traffic control devices installed in the road reserve will be in accordance with the *Traffic Control Worksite Manual* (Roads and Traffic Authority NSW), and have been designed by a consultant holding a RMS 'red card' qualification
 - b. all approvals obtained from the Council for temporary road closures or crane use from public property
 - c. a detailed description and route map of the proposed route for vehicles involved in spoil removal and material delivery. A copy of the delivery route must be made available to all contractors
 - d. evidence of RMS' concurrence where construction access is provided directly or within 20 m of an arterial road
 - e. measures to minimise construction related traffic during school peak periods

C5 NOTICE TO BE GIVEN PRIOR TO WORKS

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

C6 CONTACT TELEPHONE NUMBER

Prior to the commencement of the works, the proponent shall forward to Council a 24-hour telephone number to be operated for the duration of the construction works.

C7 REMOVAL OF HAZARDOUS MATERIALS

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C8 ARCHAEOLOGICAL INVESTIGATIONS

- (1) Prior to the commencement of works the proponent shall undertake a professional archaeological investigation program to allow any significant archaeological heritage resource (terrestrial or maritime) and remnant built fabric elements to be accurately identified and protected during the works from unnecessary damage. The methodology for the archaeological investigation program shall be submitted to the OEH (Heritage Branch) for approval prior to the commencement of investigations. A copy shall be provided to the department.
- (2) The results of the archaeological investigation program shall include, but not necessarily be limited to:
 - (a) consideration of measures to avoid or minimise disturbance to archaeology, where archaeology of historical archaeological significance is found to be present
 - (b) where it cannot be avoided, recommendations for any further investigations for archaeology of historical archaeological significance
 - (c) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.
- (3) The results of the archaeological investigation program shall be submitted for the approval of the OEH one month prior to the commencement of pre-construction and construction activities affecting significant archaeology.
- (4) Where areas of historical archaeological significance will be affected by the construction works, these areas are to be subject to a professional archaeological excavation programme and/or recording. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines. These are to be prepared to the satisfaction of the OEH.

C9 *ARCHAEOLOGICAL REPORTING*

- (1) After archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the department, the OEH and the Council. The proponent shall also be required to nominate a repository for the relics salvaged from the historical archaeological excavations.
- (2) The information within the final excavation report shall be required to include the following:
 - (a) an executive summary of the archaeological programme
 - (b) due credit to the client paying for the excavation, on the title page
 - (c) an accurate site location and site plan (with scale and north arrow)
 - (d) historical research, references, and bibliography
 - (e) detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved
 - (f) nominated repository for the items
 - (f) detailed response to research questions (at minimum those stated in the approved Research Design)
 - (g) conclusions from the archaeological programme.
- (3) Details of how this information about the excavations has been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

C10 *INTERPRETATION STRATEGY*

An Interpretation Strategy shall be prepared and implemented to incorporate the findings from the archaeological works. A final plan which includes specific detail regarding the design, locations; media; devices and messages which are proposed to be used at the site should be submitted for the approval of the Director-General. The Plan must be prepared in consultation with a materials conservator and an archaeologist in order to ensure that physical conservation needs of the archaeology are adequately reflected in final proposals.

C11 *UTILITY SERVICES*

Prior to commencement of work:

- (1) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with.
- (2) The following documents must be submitted to and approved by the PCA and a copy given to the relevant road authority:
 - (a) structural drawings and certification as prescribed elsewhere in this approval
 - (b) a geotechnical report and certification as prescribed elsewhere in this approval.

C12 *HOARDING*

A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public place and such application is to include:

- (1) Architectural, construction and structural details of the design as well as any proposed artwork.
- (2) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

C13 *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 the

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 the relevant road authority.

C14 GEOTECHNICAL REPORTS

Prior to the commencement of any drilling/piling works on site, the proponent shall submit to the PCA, the results of a detailed geotechnical investigation on the site. The report is to address such matters as:

- (1) Appropriate drilling methods and techniques.
- (2) Vibration management and monitoring.
- (3) Dilapidation survey.
- (4) Support and retention of excavated faces.
- (5) Hydrogeological considerations.

The recommendations of the report are to be implemented during the course of the works.

End of Section.

PART D - DURING CONSTRUCTION

D1 HOURS OF WORK

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

- (1) Between 7 am and 6 pm, Mondays to Fridays inclusive.
- (2) between 8 am and 5 pm, Saturdays.
- (3) No work on Sundays and public holidays.

Works outside these hours are not permitted except as explicitly specified below or in other conditions and include:

- (1) The delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons, or emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm.
- (2) Other works expressly approved by the Director-General.

D2 ENVIRONMENTAL CONSTRUCTION AND SITE MANAGEMENT PLAN

The proponent must undertake all works in accordance with the requirements of the Environmental Construction and Site Management Plan approved by the Certifying Authority.

D3 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, as designed in accordance with Condition B13, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D4 DISPOSAL OF SEEPAGE AND RAINWATER

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 the relevant authority.

D5 SETTING OUT OF STRUCTURES

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D6 APPROVED PLANS TO BE ON SITE

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the department, the relevant authority or the PCA.

D7 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, PCA and structural engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size.
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period.
- (3) 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.
- (4) 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.

D8 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.

D9 DAMAGE TO PUBLIC INFRASTRUCTURE

Any damage to Council assets that impact on public safety during construction shall be rectified immediately to the satisfaction of the Council, and at the proponent's cost.

D10 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Construction works shall be undertaken generally in accordance with the *Traffic Management Plan Mixed Use Residential, Retail and Commercial Development 330 Church Street, Parramatta* prepared by NRS Traffic Planning dated 17 June 2011, subject to the following information being included within the Plan:

- (1) A requirement to ensure that all dedicated construction site entrance and exits shall be controlled by a certified traffic controller.
- (2) A requirement to ensure all construction vehicles must enter and exit the site in a forward gear.
- (3) A plan depicting the material, plant and spoil bin storage areas within the site
- (4) A requirement for the map depicting the construction vehicle access route to be distributed to all contractors prior to the commencement of deliveries to the site.
- (5) A requirement to ensure truck movements are staged and coordinated to prevent trucks circling CBD streets whilst awaiting access to the site.

D11 DUST CONTROL MEASURES

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions.
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed.
- (3) All materials shall be stored or stockpiled at the best locations.
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs.
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays.
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth.
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D12 VIBRATION CRITERIA

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

- (1) For structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structures*.
- (2) For human exposure to vibration, the evaluation criteria presented in *British Standard BS 6842- 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.

D13 VIBRATION MANAGEMENT

Vibratory compactors must not be used closer than 30 m from adjoining buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D14 NOISE MANAGEMENT

For the duration of the works noise must be managed in accordance with the approved Construction Noise and Vibration Management Plan.

D15 WASTE

The proponent must ensure that all waste generated on site during construction and operation is classified in accordance with the EPA's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*, and disposed of to a facility that may lawfully accept waste.

D16 WASTE MANAGEMENT PLAN

For the duration of the works waste generated on site must be managed in accordance with the approved Waste Management Plan.

D17 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 OEH shall be 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.

D18 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 (NPWS) 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.

D19 RECYCLING OF CONCRETE

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

End of Section.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 FIRE SAFETY CERTIFICATE

A Fire Safety Certificate shall be furnished to the PCA for all the essential fire or other safety measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the department and Council by the PCA.

E2 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of the development at the subject site approved by this major project does not exceed 44,117 m² and a maximum height of RL 91.5 m for the eastern tower, and RL 125.6 m for the western tower respectively. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

E3 MECHANICAL VENTILATION

Following completion, installation and testing of all the mechanical ventilation systems, the proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The BCA.
- (2) *Australian Standard AS1668* and other relevant codes.
- (3) The development approval and any relevant modifications.
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E4 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:

- (1) The site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings.
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E5 REFLECTIVITY MEASURES

All reflectivity mitigation measures contained in the *Solar Light Reflectivity Analysis for the Proposed Development Located at Riverfront Apartments*, Parramatta prepared by Windtech and dated 13 May 2011, shall be implemented prior to the issue of the first Occupation Certificate for works above RL 17.

Note¹: In the event that Occupation Certificates are issued on a level by level basis, all reflectivity mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E6 WIND MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate for works above ground floor level (RL 7.5), all wind mitigation measures approved under Condition B24 shall be installed to the satisfaction of the PCA.

Note¹: In the event that Occupation Certificates are issued on a level by level basis, all wind mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E7 NOISE MITIGATION MEASURES

Prior to the issue of the first Occupation Certificate for the residential and serviced apartments, all noise mitigation measures identified in Appendix 1 and 2 of the Acoustic Assessment (Revision 1) prepared by Acoustic Logic shall be installed to the satisfaction of the PCA.

Note¹: In the event that Occupation Certificates are issued on a level by level basis, all noise mitigation measures relevant to the levels being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E8 FLOOD PROOFING MEASURES – BUILDING ENTRANCES

The proponent shall install all flood proofing measures associated with the protection of the building entrances identified in the Construction Certificate drawings prior to the issue of any Occupation Certificate for works above RL 6.59.

E9 FLOOD MITIGATION AND FLOOD MANAGEMENT MEASURES

Prior to the issue of any Occupation Certificate for works located below RL 8.8 m, the proponent must provide the Certifier with evidence that all recommendations contained in Section 7 of the Flood Emergency Response Assessment, prepared by Cardno and dated 12 October 2012 have been implemented.

E10 FLOOD EMERGENCY RESPONSE PLAN

Prior to the issue of any Occupation Certificate the proponent must prepare a Flood Emergency Response Plan and forward it to the Director-General for approval. The Plan must address the following issues:

- (1) Details of the flood warning system, including final trigger levels, how the flood level and rate of rise of the flood level will be determined by the warning system, and how and where the alarm will be sounded.
- (2) Details of all proposed evacuation routes off-site in a 100 year ARI flood (including Lennox Bridge), and within the site to safe refuge areas on the first floor internally in extreme floods from all areas of the basement and ground floor.
- (3) Key design elements to manage flood risk as outlined in section 5 of the Flood Emergency Response Plan, prepared by Cardno and dated 12 October 2012.
- (4) Any measures to restrict the removal of vehicles after the flood warning system has been activated to educe the risk to human life.

E11 DAMAGE TO PUBLIC INFRASTRUCTURE

- (1) Prior to issue of the final Occupation Certificate, the Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been completed in accordance with the following:
 - (a) all ground anchors must be de-stressed and isolated from the building prior to completion of the project
 - (b) the temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2 m
 - (c) all timber must be removed
 - (d) all voids must be backfilled with stabilised sand (14 parts sand to 1 part cement)
 - (e) all costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this approval.
- (3) The Bank Guarantee, if any, may be released after the Civil Engineer submits certification to the PCA and the relevant road authority that all the works described in above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the relevant road authority.

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- (4) The cost of repairing any damage caused to Council or other public authority's assets immediately fronting 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 the final Occupation Certificate.
 - (5) The proponent shall arrange for an appropriate Council officer to inspect the public domain prior to the release of the public domain and footpath damage deposit.

Note¹: The refund will be based on the amount of the deposit minus the cost of any damage observed to the public domain/ footpaths adjacent to the site

E12 POST CONSTRUCTION DILAPIDATION REPORT

The proponent shall engage a suitably qualified person to prepare post-construction dilapidation reports at the completion of the construction works. These reports are to ascertain whether the construction works caused any structural damage to adjoining buildings, infrastructure or roads. The dilapidation reports are to be prepared and submitted to the PCA.

The PCA must compare the post construction dilapidation reports with the pre-construction dilapidation report required by Condition B30 and provide the relevant roads authority and owners with a copy of the report. A copy shall also be provided to the Director-General and Council.

E13 COMPLIANCE WITH BASIX CERTIFICATE

Prior to the issue of each interim Occupation Certificate and the release of the final Occupation Certificate, the applicant shall implement the commitments outlined in the BASIX Certificate 63718608.

Note¹: Where interim Occupation Certificates are issued on a level by level basis, all BASIX commitments relevant to the levels being certified must be installed prior to the issue of the corresponding Occupation Certificate.

E14 DESIGN VERIFICATION STATEMENT SEPP 65 ON COMPLETION

Prior to the issue of any Occupation Certificate, the proponent shall submit to the PCA a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*

E15 HISTORICAL MARKERS

The proponent shall prepare a plan which details the design and installation of suitable historic markers. The plan shall be prepared in consultation with the Council and to the satisfaction of the Certifying Authority. All markers must be installed prior to the issue of the first Occupation Certificate for works above ground floor level (RL 7.5).

E16 SYDNEY WATER

- (1) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.
- (2) The application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- (3) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- (4) The Section 73 Certificate must be submitted to the PCA prior issue of the first Occupation Certificate.

E17 WASTE COLLECTION

All waste collection must be undertaken in accordance with the Waste Management Plan prepared by Wastetech Services and dated 17 May 2011.

In addition, prior to the issue of the first Occupation Certificate, the proponent shall provide the PCA with the details of the private waste contractor/s engaged to collect commercial and residential waste.

E18 OPERATIONAL TRAFFIC MANAGEMENT PLAN

Prior to the issue of the first Occupation Certificate, the proponent shall prepare and provide the PCA with an Operational Traffic Management Plan outlining the mechanisms for managing the shared use of car parking and the management of deliveries for the retail uses.

End of Section

PART F - POST OCCUPATION

F1 LOADING AND UNLOADING

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

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.

F3 DISABLED CAR PARKING SPACES

At no time shall the proponent or anyone acting on this approval, lease or sublease for use a disabled car parking space unless it is for a person with a disability.

F4 HOURS OF OPERATION

The hours of operation for each retail operation shall be determined by the relevant consent authority in relation to their separate fit-out development applications.

F5 NOISE CONTROL – PLANT AND EQUIPMENT

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

F6 STORAGE AND HANDLING OF WASTE

The storage and handling of waste associated with the premises must comply with the Council's requirements. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F7 OPERATIONAL TRAFFIC MANAGEMENT PLAN

Car parking and deliveries must be undertaken in accordance with the Operational Traffic Management Plan.

F8 FLOOD EMERGENCY RESPONSE PLAN

The approved Flood Emergency Response Plan must be implemented over the life of the project.

End of Section

ADVISORY NOTES

AN1 FURTHER APPROVALS

- (1) The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):
 - (a) shop fit-out - the proponent shall seek development consent prior to occupation and use of individual tenancies. Development applications for food premises shall comply with the requirements of *AS 4674 Design, Construction and Fit-out of Food Premises*, *The Food Act 2003* and *Food Safety Standards*
 - (b) strata subdivision
 - (c) the proponent shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fit-out of Food Premises*. The proponent shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

AN2 REQUIREMENTS OF PUBLIC AUTHORITIES

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services directly as a result of the development 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 relevant Construction Certificate.

AN3 USE OF MOBILE CRANES

- (1) 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
 - (ii) at least four 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 am without the prior approval of the relevant authority.

AN4 MOVEMENT OF TRUCKS

The proponent shall notify the RMS 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.

AN5 STREET NUMBERING

- (1) Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's policy for street numbering, prior to the occupation of the building(s) or commencement of the use.
- (2) If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN6 DISABILITY DISCRIMINATION ACT

- (1) 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*.
- (2) 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 BCA 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.

AN7 ROADS ACT 1993

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

AN8 ASBESTOS REMOVAL

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: “Code of Practice for the Safe Removal of Asbestos”.

AN9 ROAD CLOSURE

A temporary road closure permit is to be obtained by Council/relevant road authority prior to the closure of any roads.

End of Schedule 2

SCHEDULE 3

PROPONENT'S STATEMENT OF COMMITMENTS

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by Meriton Apartment Pty Ltd to manage and minimise potential impacts arising from the development.

DRAFT

A. Stormwater Management

The proposal has been designed to respond to the findings of the flooding report. The key conclusions are as follows:

- The existing site is affected by the 100 year ARI flood event from local and regional flooding. Local flooding at Church Street dictates the finished floor levels where accesses are related to this frontage. At other accesses the regional flood planning level from the Parramatta River presides.
- Proposed finished floor levels shall be above at or above the Flood Planning Level for present day flood risk and future flood risk as a result of climate change.
- Changes to the floodplain as a result of increased flood storage are very minor and a full flood study is not considered warranted to demonstrate this.
- Changes to the public domain (riverside walkway) have not yet been determined by Council. Flood modeling by Council should be undertaken of land north of the subject site when Council prepares a final public domain plan for the river frontage.
- The flooding report confirms that the proposed finished floor levels provided at Appendix A (Tony Caro Dwg Plan_Level 00 Retail A100).

B. Ecologically Sustainable Development

The commercial components of the development will comply with Section J of the Building Code of Australia / National Construction Code.

The proposed development has been designed to contain various ESD initiatives to meet the requirements of BASIX. The BASIX Certificate provides details of all the energy efficiency requirements to be installed as part of the construction of the buildings.

Some of the proposed ESD initiatives for the development are as follows:

- All units and communal areas to have 3 star showers and 4 star tap ware and toilets;
- 20,000L rain tank capacity for irrigation of landscaping;
- Un-trafficable areas of the main roof from all buildings are to be plumbed into the rain tank;
- Heating and cooling facilities for units to be rated at 2.0 to 3.0 stars;
- Within units fluorescent lighting to be provided to bedrooms, laundries and bathrooms;
- Gym to have air-conditioning operated with a time clock;
- Plant rooms to have exhaust fans interlocked to lights;
- Serviced apartments will have tag/key controlled lighting and electric operation; and
- All car park area lighting to have zoned switching and motion sensors.



C. Section 94 – Voluntary Planning Agreement

A Voluntary Planning Agreement will be entered into with Parramatta City Council in accordance with the Letter of Offer dated the 25 September 2012.

Dedication of foreshore land described as parts Lots 2 and 3 in Deposited Plan 788637 will be made to Parramatta City Council.

In accordance with the Letter of Offer, land to be dedicated will be returfed and made good.

D. Heritage

The subject site contains a heritage item identified as the former David Jones Department Store. The item is identified in the Parramatta City Centre Local Environmental Plan 2007, and is of local significance only.

A heritage impact assessment report has been prepared by NBRIS. The report undertakes an assessment of the significance of the existing heritage item and the impact that the proposal will have on the significance of that item.

The report finds as follows:

The proposed Riverfront Apartment development at 300 Church Street Parramatta will result in the demolition of an existing local heritage item that is primarily of historic significance. The demolition is justified by the substantial enhancement of the public domain along the riverbank as well as the improved setting of the Lennox Bridge. The existing structure is substantially modified from its original form and detail and now only represents limited aesthetic values which are not of high significance.

In conclusion, the proposed works described above do not adversely affect the identified heritage significance of any of the surrounding items and will enhance public appreciation of the bridge and the river while creating an appropriate streetscape character to Church Street and maintaining significant views within the city. I would therefore recommend the heritage aspects of this application be approved.

E. Transport and Access

Provision will be made on-site for bicycle storage/parking and this will have easy access to Council's bicycle network.

The proposed pedestrian linkages and site access will facilitate use of the existing bus services past the site. The provision of an awning along the western side of the site will provide shelter for the Church Street bus stop while the future implementation of the Civic Link will facilitate access to/from the railway station.

The proposed vehicle access arrangements comprise:

- a 6.0 metre wide combined ingress/egress for the basement carpark connecting through Lot 101 to Lane № 11.
- a connection for the loading dock through Lot 101 to Lane № 11.



These accesses will comply with the design requirement of AS 2890.1 and 2 and will accommodate the movement of all vehicles requiring to access the site.

A loading dock accommodating a Heavy Rigid Vehicle (HRV) vehicle is provided in the south-eastern corner of the building adjacent to the carpark access and refuse will also be removed at this dock. Three bays are provided on Basement Level 1 for small service/ delivery vehicles while service personnel etc will be able to use the retail/visitor parking spaces.

A total of 390 parking spaces will be allocated for the serviced apartments and residential apartments. 207 additional parking spaces will be shared between visitors, the retail uses on the site and the childcare centre.

A total of 39 accessible spaces will be provided for residents and 4 designated and suitable spaces for disabled drivers, 24 bicycle and 5 motorbike spaces will be provided for visitor retail and child care centre while residents will be able to locate bicycles in their storage areas.

F. Noise and Vibration

To meet the relevant noise criteria requirements the following construction and management controls are proposed:

1. For the control of noise from the outdoor play area:
 - a) No more than 70 children to use the outdoor play area at any one time.
 - b) Install a band of noise absorptive lining on the inside face of the Church Street parapet wall around the play area (i.e. – the side of the wall facing the play area). Lining to consist of 50mm thick Bradford Ultratel with Ultraphon lining or other material with minimum NRC of 0.8. Lining may be faced with perforated sheeting for protection (e.g. perforated fc sheet/metal) with minimum 20% open area. Band of insulation to start at 1.5m above the level of the play area and extend upwards from 1.5m.
2. For control of external noise impacts:
 - a) Glazing/doors of sleeping rooms facing Church Street shall be installed with acoustic seals and consist of minimum 10.38mm laminated glass with a minimum STC of 35.
 - b) Glazing/doors of all other rooms shall be installed with acoustic seals and consist of minimum 6.38mm laminated glass with a minimum STC of 31.
3. Any mechanical plant would be selected and treated to comply with the noise levels stipulated by Parramatta City Council. Treatment may include acoustically rated enclosures, silencers, vibration isolation mounts, barriers, acoustic louvres, etc.

G. Services

All relevant utility services are available to the subject site. Connection to services will occur as part of the construction schedule. Consultation is underway with the service authorities to establish appropriate timing for the connection of services to the development.



H. Demolition Works, Excavation and Earthworks

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

Where it is required to remove excavated materials from site trucks will be loaded in hard stand area at rear of building, all vehicles to be checked (cleaned as required) and covered to ensure spoil does not contaminate streets along exit route.

Trucks will use the route identified in the approved Construction Management Plan.

All construction activities will be undertaken in accordance with the approved Construction Management Plan for the site.

I. Construction Management

Overhead steel wires will be appropriately covered where equipment or cranes are over transmission lines, where applicable.

The hours of work will be restricted to between Monday to Friday 0700 - 1700 and Saturday 0800 - 1500, 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's guidelines.

Water tanks placed upon trucks will be used to wet the site on a periodical basis to reduce dust emissions, where required, which is a standard method on construction site.

Trucks will use the route identified in the approved Construction Management Plan.

All construction activities will be undertaken in accordance with the approved Construction Management Plan for the site.

J. Operational Management

The East Tower will operate as serviced apartments owned and managed by Meriton Serviced Apartments. All administrative functions of the serviced apartment property will be undertaken in the office adjoining the entry lobby to the East Tower.

The supermarket operation will be in accordance with the practices of the supermarket lessee and operator.

Meriton will manage and leasing of the individual retail spaces on the site in addition to the residential apartments.

