

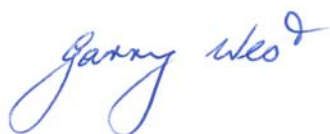
# Project Approval

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

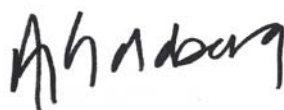
As delegate of the Minister for Planning and Infrastructure under delegation from the Minister dated 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approves the Project Application referred to in Schedule 1, subject to the conditions specified in Schedule 2 and the Statement of Commitments provided in Schedule 3.

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; and
- provide for the ongoing environmental management of the project.



Garry West  
Member of the Commission



Abigail Goldberg  
Member of the Commission

Sydney

20 February 2014

### SCHEDULE 1

#### PART A: PARTICULARS

<b>Application No.:</b>	MP10_0068 (PA)
<b>Proponent:</b>	Westfield Ltd
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	Westfield Shopping Centre, Parramatta Lot 2 DP851525
<b>Project:</b>	<b>Stage 1 Project Approval for</b> Retail Additions to Existing Shopping Centre incorporating: <ul style="list-style-type: none"><li>• A total of 31,495 m<sup>2</sup> (GFA) of additional floor space;</li><li>• One additional retail level and three additional parking levels;</li><li>• Various related modifications throughout the building;</li><li>• Additional 562 car spaces;</li><li>• Associated public domain and art works; and</li><li>• Road infrastructure works to support the development.</li></ul>

## **PART B: NOTES RELATING TO THE DETERMINATION OF MP10\_0068 (PA)**

### **Responsibility for other approvals / agreements**

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

### **Appeals**

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

### **Legal notices**

Any advice or notice to the approval authority shall be served on the Director-General.

## PART C — 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.

**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** means the Environmental Assessment prepared by Ingham Planning and dated November 2012.

**FFL** means finished floor level

**GFA** means gross floor area.

**Minister** means the Minister for Planning & Infrastructure.

**MP10\_0068 (CP)** means the Concept Plan and **MP10\_0068 (PA)** means the Project Application described in the Proponent's Environmental Assessment and Preferred Project Report.

**Preferred Project Report (PPR)** means the Preferred Project Report and Response to Submissions prepared by Ingham Planning and dated June 2013.

**Proponent** means Westfield Ltd or any party lawfully acting upon this approval.

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

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

**Subject Site** has the same meaning as the land identified in this Schedule.

**End of Schedule 1**

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## SCHEDULE 2

### TERMS OF APPROVAL

#### PART A - ADMINISTRATIVE CONDITIONS

##### Development Description

A1 Development approval is granted only to carrying out the development described in detail below:

Additions to Shopping Centre (Stage 1) incorporating:

- A total of 31,495 m<sup>2</sup> (GFA) of additional floor space;
- One additional retail level and three additional parking levels;
- Various related modifications throughout the building;
- Additional 562 car spaces (4990 spaces in total);
- Associated public domain and art works; and
- Road Infrastructure works to support the development.

##### Development in Accordance with Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated November 2012 prepared by Ingham Planning as amended by the Preferred Project Report prepared by Ingham Planning dated June 2013, including all associated documents and reports;
- the Draft Statement of Commitments prepared by Ingham Planning dated June 2013; and
- the following drawings:

<b>Architectural Drawings prepared for the Preferred Project Report by Westfield (Job No. D6727)</b>		
<i>Drawing No.</i>	<i>Name of Plan</i>	<i>Date</i>
DA-01-5201-ST1 Rev D	Proposed Level 1 Floor Plan	June 2013
DA-01-5202-ST1 Rev D	Proposed Level 2 Floor Plan	June 2013
DA-01-5203-ST1 Rev D	Proposed Level 3 Floor Plan	June 2013
DA-01-5204-ST1 Rev D	Proposed Level 3M Floor Plan	June 2013
DA-01-5205-ST1 Rev D	Proposed Level 4 Floor Plan	June 2013
DA-01-5206-ST1 Rev D	Proposed Level 4M Floor Plan	June 2013
DA-01-5207-ST1 Rev D	Proposed Level 5 Floor Plan	June 2013
DA-01-5208-ST1 Rev D	Proposed Level 5M1 Floor Plan	June 2013
DA-01-5209-ST1 Rev D	Proposed Level 5M2 Floor Plan	June 2013
DA-01-5210-ST1 Rev D	Proposed Level 6 Floor Plan	September 2013
DA-01-5211-ST1 Rev D	Proposed Level 6M Floor Plan	June 2013
DA-01-5212-ST1 Rev D	Proposed Level 7 Floor Plan	September 2013
DA-01-5213-ST1 Rev D	Proposed Level 7M Floor Plan	June 2013
DA-01-5214-ST1 Rev D	Proposed Level 8 Floor Plan	June 2013
DA-01-5215-ST1 Rev D	Roof Plan	June 2013

DA-01-5301-ST1 Rev D	Proposed South Elevation 2 – Campbell Street	June 2013
DA-01-5302-ST1 Rev D	Proposed North Elevation 1 – Argyle Street	June 2013
DA-01-5303-ST1 Rev D	Proposed East Elevation 3 – Church Street	June 2013
DA-01-5304-ST1 Rev D	Proposed West Elevation 4 – O'Connell Street	June 2013
DA-01-5305-ST1 Rev D	Proposed East Elevation 5 – Marsden Street	June 2013
DA-01-5306-ST1 Rev D	Proposed West Elevation 6 – Marsden Street	June 2013
DA-01-5401-ST1 Rev D	Section AA + BB	June 2013
DA-01-5402-ST1 Rev D	Section CC+ DD	June 2013

except for:

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

### **Inconsistencies between documents**

A3 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.

### **Prescribed Conditions**

A4 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.

### **Compliance with Building Code of Australia**

A5 All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

### **Lapsing of Approval**

A6 This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.

### **Signage**

A7 This approval does not include any approval for any new advertising and/or signage on the premises. A separate development application must be submitted to and approved by Parramatta City Council prior to the erection or display of any such advertising and/or signage.

### **Separate consents**

- A8 A separate development application(s) for the fitout and use of each individual tenancy must be submitted to and approved by Parramatta City Council prior to that use or fitout commencing.

Note: This does not apply for works that are classified as Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

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**End of Part A**

## **PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Detailed Drawings**

- B1 Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

### **Verification of Support for New Loads**

- B2 For alterations and additions to the existing building, a certificate from a qualified practicing structural engineer (National Engineering Registration Board) must be submitted to the Certifying Authority prior to a Construction Certificate being issued. The certificate must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia.

### **Design Modifications and Further Details for Approval**

- B3 Prior to the issue of the first Construction Certificate, plans and specifications demonstrating compliance with the following shall be submitted and approved by the Director-General:
- (a) Changes to Level 2 and to the Argyle Street façade to improve street activation shall be incorporated into the Stage 1 application in accordance with the details provided on Plan DA-01-5205-ST1 Rev D.
  - (b) Detailed drawings of all new facades and specifications and details of all proposed façade materials, finishes and colour palette.
  - (c) A detailed landscape plan prepared by a suitably qualified landscape architect of all proposed podium level plantings, including planter box size and depths, drainage and proposed maintenance schedule.

### **Detailed Landscape and Public Domain Plan**

- B4 A detailed landscape and public domain plan shall be prepared by an appropriately qualified landscape architect and approved by Council prior to issue of a Construction Certificate. In the event that an agreement is unable to be reached and the plan is not approved within 3 months after the plan's lodgement with Council, 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. If a resolution is unable to be reached, the plan is to then be submitted to the Director-General for approval.

The scope of works to be incorporated into the plan shall be generally in accordance with the Landscape / Public Domain Report by Site Image Landscape Architects dated 16 November 2012.

The detailed plan for all public domain areas adjacent to the site shall also be in accordance with Parramatta City Council's Public Domain Guidelines and incorporate the following:

- (a) All proposed upgrades to paving, street furniture and street lighting.
- (b) Detailed Landscape Plans for all new landscape plantings including proposed maintenance measures.
- (c) Details of any public artwork proposed for the public domain.

- (d) Alignment plans and cross sections for all footpath works, with particular attention given to the provision of access for people with disabilities on the kerb ramps.
- (e) Removal of planter boxes in the bus passenger circulation area that obstruct bus passenger movements.
- (f) Details of the relocation to a more suitable location of any bicycle parking currently proposed within the Campbell Street footpath that has the potential to affect sight lines or pedestrian movements.

### **Arts Plan**

- B5 A detailed Public Art Plan for the provision public art in relation to Stage 1 to the value of \$60,000 shall be prepared by a suitably qualified artist and approved by Council prior to issue of a Construction Certificate detailing:
- (a) location and dimension of artwork.
  - (b) public art themes to respond to site history and or social, cultural or natural elements.
  - (c) integration into the site and surrounds.
  - (d) materials to be used, with particular attention to durability.
  - (e) budget and funding.

### **Road Works: RMS Requirements**

- B6 The following works are required to mitigate the transport impact of the proposed development:
- (a) Traffic and transport improvement works on the Great Western Highway, between Church Street and O'Connell Street, including the intersection of the Great Western Highway and Marsden Street. Please note that this intersection improvement works involve road widening.
  - (b) Improvement works at the intersection of Church Street and Campbell Street

The applicant is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. The WAD needs to be executed prior to the issue of construction certificate. RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- B7 The works outlined above need to be completed and implemented prior to the issue of any Occupation Certificate for the proposed development.
- B8 All works associated with the proposed development are to be at no cost to RMS or Council.

### **Railcorp Requirements**

- B9 An acoustic assessment demonstrating and verifying how the proposed development will comply with the Department of Planning's document titled "Development near Rail Corridors and Busy Roads – Interim Guidelines" is to be formally submitted to RailCorp for review prior to the issuing of a Construction Certificate. All recommendations of the Acoustic Assessment are to be incorporated into the construction documentation.
- B10 The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are, (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.



B11 The Principal Certifying Authority shall not issue the Construction Certificate until written documentation has been received from RailCorp confirming that this condition has been satisfied.

B12 Prior to the issue of a Construction Certificate a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and endorsement on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

#### **Section 94 Contribution**

B13 A monetary contribution comprising 3% of the total cost of the development 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 by EFTPOS, credit card or bank cheque. The contribution is to be paid to Council prior to the issue of a construction certificate and is to be in accordance with the following:

- (a) A cost report indicating the itemised cost of the development must be completed and submitted to Council prior to the issue of a construction certificate:
  - (i) Where the total development cost is less than \$500,000: "Parramatta City Council Cost Summary Report"; or
  - (ii) Where the total development cost is \$500,000 or more: "Parramatta City Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Parramatta City Council's Offices or Council's web site, [www.parracity.nsw.gov.au](http://www.parracity.nsw.gov.au)

- (b) Should the cost summary report be submitted in advance of payment, the Levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney.
- (c) Evidence must be provided that the Levy has been paid to Council in accordance with this condition or that the cost of works is equal to or less than \$250,000.

#### Advisory Note

- A development valued at \$250,000 or less will be exempt from the levy
- A development valued at an amount greater than \$250,000 will attract a levy of 3% based on the full cost of the development.

#### **Fees, Charges and Bonds**

B14 An *Environmental Enforcement Service Charge* must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment. Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

B15 An *Infrastructure and Restoration Administration Fee* must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment. Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

- B16 In accordance with Section 80A(6)(a) of the *Environmental Planning and Assessment Act 1979*, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee. Should a bank guarantee be lodged it must:

- a) Have no expiry date;
- b) Be forwarded directly from the issuing bank with a cover letter that refers to this Development Consent;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds will be payable at the following rates:

- **Hoarding:** \$10,000 per street frontage (in 2012/2013 financial year)
- **Street Furniture:** \$2000 per retained item (in 2012/2013 financial year)
- **Nature Strip and Roadway** \$20,000 per retained street frontage (in 2013/2014 financial year)
- **Street Trees** - \$2000 per retained street tree (2013/2014 financial year rate)

As the Bonds will be dependent on the extent of new public domain works to be approved by Council under condition B3, Council will provide advice of the Bonds payable following approval of the Public Domain Plan.

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s. The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road, except those areas that will be upgraded in accordance within the Public Domain Plan.

### **Long Service Levy**

- B17 Documentary Evidence of payment of the Long Service Levy under Section 34 of the *Building and Construction Industry Long Service Levy Payments Act 1986* is to be received prior to the issuing of the Construction Certificate.

### **Stormwater Drainage**

- B18 Stormwater drainage from the development shall be designed to connect into Council's existing system in accordance with Council's requirements.

### **Ventilation to Rainwater Tank**

- B19 Appropriate cross ventilation is to be provided to the proposed 50,000 litre rainwater tank, with details shown on the construction certificate plans.

**Service Infrastructure/Utilities**

B20 All new service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope and screened from public view with details demonstrated on Construction Certificate Plans.

**Car Parking**

B21 All internal roadways, driveways, access ramps, vehicle turning areas, parking space dimensions and layouts and headroom clearances etc shall comply with AS 2890.1-2004 and AS 2890.2-2002 where applicable.

**ESD measures**

B22 The Construction Certificate Plans are to include ESD measures in accordance with initiatives specified in the ESD Report prepared by Cundall dated 15 November 2012.

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**End of Part B**

## **PART C – PRIOR TO CONSTRUCTION**

### **Construction Certificate Required**

- C1 A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building (with the exception of demolition work). This definition includes the installation of fire safety measures.

### **Notify Council of Intention to Commence Works**

- C2 In accordance with the provisions of clause 81A(2) of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.

### **Site Signage**

- C3 Clearly visible all weather signs are required to be erected in prominent positions on the site detailing:
- (a) that unauthorised entry to the work site is prohibited.
  - (b) the excavator's and / or the demolisher's and / or the builder's name.
  - (c) contact phone number for any questions/complaints including an after hours emergency number.
  - (d) licence number.
  - (e) approved hours of site work.
  - (f) name, address and contact phone number of the Certifying Authority (if other than Council).
- C4 The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council. NB: Should changes be made for the carrying out of the work Council must be immediately informed.

### **Other Approvals**

- C5 The proponent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under section 68 of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### **Security Fencing**

- C6 Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition/construction.

### **Suitable Screens**

- C7 Suitable screens and/or barricades shall be erected during demolition and building work and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

### **Construction Environmental Management Plan**

- C8 A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and

submitted to the relevant authorities at least 4 weeks prior to the commencement of construction. The CEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders.

The CEMP must contain all the Construction Sub Plans, including:

- a) Construction Noise and Vibration Management Sub Plan;
- b) Construction Contaminated Land Management Sub Plan; and
- c) Construction Soil and Water Management Sub Plan.

The CEMP must be submitted to the Principle Certifying Authority for approval and a copy of the approved CEMP must be sent to Council and the Director-General and made publicly available.

### **Operation Environmental Management Plan**

C9 An Operation Environmental Management Plan (OEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and submitted to the relevant authority at least 4 weeks prior to the commencement of operation. The OEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders. The OEMP must incorporate a monitoring and review program which contains (but is not limited to):

- a) an Operation Noise Management Sub Plan,
- b) an Operation Air Quality/Odour Management Sub Plan.

The OEMP must be submitted to the Principle Certifying Authority for approval and a copy of the approved OEMP must be sent to Council and the Director-General and made publicly available.

### **Construction Traffic Management Plan**

C10 Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan (TMP) to the satisfaction of the Principle Certifying Authority. The TMP shall be prepared in accordance with Australian the RMS' Manual – "Traffic Control at Work Sites". The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, pedestrian access, impacts to public transport and associated mitigation measures, materials storage, hours of operation, access arrangements, handling and deliveries including construction traffic parking.

The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site:

A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas;
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible;
  - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors; and
  - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve must be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - ii. Approval must be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road;
  - ii. Site inductions must be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations;
  - iii. Minimising construction related traffic movements during school peak periods; and
  - iv. Minimising construction related traffic impacts to adjoining bus routes and the bus interchange area adjacent to the site.

The Construction and Traffic Management Plan must be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

A copy of the Construction and Traffic Management Plan must be submitted to Council and the Director-General.

## Road Permits

C11 Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the *Roads Act 1993*:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

### **Protection of Underground Services**

- C12 Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.

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**End of Part C**

## **PART D – DURING CONSTRUCTION**

### **Hours of Work**

- D1 All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery 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.

Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance. Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses; and
- Internal fit out work.

### **Safety**

- D2 Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

### **Public Risk Insurance**

- D3 Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- Above;
- Below; or
- On

any public land owned or controlled by Council.

The public risk insurance must be maintained for the period during which these works are being undertaken. The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party. A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

### **Complaints Register**

- D4 To allow the PCA/Council to respond to concerns raised by the public, the applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must 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 effect;
- (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 must be made available to Council and/or the principal certifying authority upon request.

- D5 To ensure appropriate lawful disposal of waste, a Waste Data file is to be maintained during the works recording:
- Details of all contractors associated with the demolition, excavation and construction;
  - Waste disposal receipts/dockets for any demolition or construction material removed from the site.

These records must be retained and made available upon request.

### **Sight Lines**

- D6 The required sight lines to pedestrians and other vehicles in or around the car park or entrances are not to be compromised by construction works.

### **Tree Protection**

- D7 All street trees to be retained shall be protected within a Tree Protection Zone for the entire duration of construction works.
- D8 No activities, storage or disposal of materials shall take place within the tree protection zone.

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**End of Part D**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **Occupation Certificate**

- E1 An Occupation Certificate must be obtained from the Certifying Authority and a copy furnished to Council in accordance with clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **Church Street Façade Activation Works**

- E2 Prior to the issue of the first Occupation Certificate, plans and specifications shall be submitted to and approved by the Director-General for modifications to levels 2 and 3, including relocation and/or reconfiguration of fire exits and service areas and associated changes to the Church Street façade to provide an active frontage along Church Street at footpath level.

The works are to be fully completed within 36 months from the date of being approved by the Director-General or prior to the issue of a final Occupation Certificate, whichever occurs first.

### **Public Domain and Art Works**

- E3 All works approved within the Public Domain Plan required by Condition B4 are to be carried out to the satisfaction of Council's Supervisor Civil Assets before the issue of any Occupation Certificate.
- E4 The artworks shall be installed in accordance with the approved arts plan required by condition B4. The artworks are to be prepared by artists. On completion of the artwork design stage, the applicant is to submit all additional documentation to Council and the Principal Certifying Authority detailing the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.

The works incorporated in the arts plan are to be installed to the satisfaction of the Principal Certifying Authority prior to the release of an Occupation Certificate.

### **Road Infrastructure Works**

- E5 Road Infrastructure works required by Condition B6 are to be carried out to the satisfaction of the Roads and Maritime Services before the issue of any Occupation Certificate.

### **Section 73 Certificate**

- E6 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of an Occupation Certificate. 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](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

## **Food Premises**

- E7 All food premises' must be registered with Parramatta City Council's Environment and Health Unit prior to the issue of an Occupation Certificate.

## **Bond Release**

- E8 A written application to Council's Civil Assets Team for the release of a bond must quote the application number and site address. The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

## **Fire Safety Certificate**

- E9 A Fire Safety Certificate must be submitted to the Principal Certifying Authority for all of the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued. A copy of the Fire Safety Certificate must be submitted to council.

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**End of Part E**

## **PART F – PRIOR TO THE USE AND DURING OPERATIONS/ POST COMPLETION**

### **Hours of Operation**

- F1 The hours of operation are restricted to the following:
- (a) 7.00 am to 11.00pm Sunday to Wednesday;
  - (b) 7.00 am to 12 midnight Thursday to Saturday;
  - (c) Notwithstanding, (a) and (b) above, the three car parking levels are permitted to remain open for 30 minutes after the closing times specified above to enable visitors and staff to exit the premises.

### **Microbial Control**

- F2 Microbial control is to be undertaken as follows:
- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS3666.2:1995 (or AS3666.3:2000 subject to prior notification to council) the *Public Health Act 1991* and Public Health (Microbial Control) Regulation 2000.
  - (b) A true copy of the annual certificate as stipulated as clause 9(2) of the Public Health (Microbial) Regulation 2000 which certifies the effectiveness of the process of disinfection used for the water cooling system must be submitted to council prior to the period ending 30 June each year.
  - (c) Prior to the commencement of use, the owner or occupier of the premises must apply to council for the registration of water cooling systems warm water systems installed on the premises in accordance with the Public Health (Microbial Control) Regulation 2000.

### **Shopping Trolley Management Plan**

- F3 Prior to the use of the supermarket a management plan must be submitted to and approved by council prior to the use of trolleys. The management plan is to detail the proposed method of retaining trolleys on site, trolley tracking and trolley recovery. Trolleys must remain and be contained within the boundary of the shopping centre and car park. The management plan must be implemented at all times during the use of shopping trolleys and is to be reviewed on an as needed basis or annually whichever is sooner. Any changes to the plan are to be approved by council in writing prior to the amendment of the plan.

### **Graffiti**

- F4 The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

### **Offensive Noise**

- F5 The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

### **Noise and Vibration from Plant**

- F6 Unless otherwise required by any other condition of this approval, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point on or within the boundary of the most affected receiver. Modifying factor corrections must be

- applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.
  - (c) The transmission of vibration to any place of different occupancy.

### **Storage and Disposal of Wastes**

- F7 All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

### **Maintenance of Waste Storage Areas**

- F8 All waste storage areas must be maintained in a clean and tidy condition at all times.

### **Vehicular Entry and Exit**

- F9 All vehicles shall enter and leave the site in a forward direction.

### **Vehicular Entry**

- F10 All vehicles should be wholly contained on site before being required to stop.

### **Lighting**

- F11 The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

### **Loading and Unloading**

- F12 All loading and unloading in relation to the premises is to take place wholly within the property.

### **Air Emissions**

- F13 The use of the premises must not give rise to the emission of gases, vapours, dusts, odour or other impurities which are a nuisance, injurious or prejudicial to health.

### **Future Food Uses**

- F14 The approved mechanical exhaust systems are to be designed to be capable of accommodating exhaust requirements for all tenancies in accordance with relevant Australian Standards, in order to allow for the event that any of the tenancies approved for future use by food premises or other uses which require mechanical exhaust. Any exhaust system servicing an area where food is being cooked must discharge exhaust air at roof level.

### **Annual Fire Safety Certificate**

- F15 An annual Fire Safety Certificate must be given to council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Safety Certificate is issued or the use commencing, whichever is earlier.

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**End of Part F**

## **ADVISORY NOTES**

### **Compliance Certificate, Water Supply Authority Act 2000**

AN1 Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

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

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

### **Requirements of Public Authorities for Connection to Services**

AN2 The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

### **Compliance with Building Code of Australia**

AN3 The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **Disability Discrimination Act**

AN4 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.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN5 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.

### **Sydney Water**

AN6 An application will need to be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) will need to be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the Certifying Authority prior to the occupation of the development.

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**End of Schedule 2**

### SCHEDULE 3 Proponent's Statement of Commitments

ISSUE	COMMITMENT	APPROVAL AUTHORITY	TIMING
Building Code of Australia & Australian Standards	The proposed building is designed to meet all relevant requirements of the BCA & Australian Standards	PCA	Prior to issue of Construction Certificate
Demolition	Demolition work will comply with the requirements of AS2601:2001 in relation to Demolition of Structures. A work plan required by AS260.1:2001 will be	PCA	Prior to issue of Construction Certificate



ISSUE	COMMITMENT	APPROVAL AUTHORITY	TIMING
	accompanied by a written statement from a suitably qualified person that demolition works in the work plan comply with the safety requirements of the relevant Standards.		
Geotechnical and excavation	Geotechnical and excavation issues associated with structural strengthening will be addressed as part of the preparation of Construction Certificate documentation. This is not a significant issue as minimal excavation is required. A dilapidation survey will be undertaken of adjoining properties prior to works commencing.	PCA	Prior to issue of Construction Certificate
Pedestrian access during construction	Pedestrian access along public footpaths around the site will in the main be retained during construction and suitable pedestrian safety measures implemented where required (see CMP)..	Council	During Construction
Access to car parking during construction	The final Construction Management Plan will include a Car Parking Management Plan to ensure adequate parking is available during the construction phases.	PCA	During Construction
Accessibility	The proposed development will be designed & constructed to comply with the relevant Australian Standards, the BCA & the intent of the Disability Discrimination Act with respect to access.	PCA	Prior to issue of Construction Certificate
Public domain works	A public domain improvements plan will be prepared in consultation with Parramatta City Council for public domain improvements. Timing of construction of public domain improvements will be negotiated with Council.	Council	A Public Domain Improvement Plan will be prepared, finalised and approved, prior to occupation of Stage 1 works. Rectification of any damage to public infrastructure will be completed prior to building occupation.
Street Activation	The concept plan for street activation of the Argyle Street interface will be further developed in consultation with Council.	Council	Argyle Street Activation Plan approved by Council prior to finalisation of Stage 2 Plans.
Art work	An Art Works Plan is to be prepared in consultation with Parramatta Council. Westfield will commit up to \$60,000 towards art works aimed at adding to the overall quality of the public domain including the main pedestrian entries to the development.	Council	An Art Works Plan will be prepared, approved and implemented, prior to occupation of Stage 1 works.
Office Tower Architectural design Competition	An Architectural Design Competition will be held for the design of the office tower and a preferred design adopted by the proponent.	Council	Within 12 months of occupation of Stage 1.
S94A Developer Contributions	The proponent undertakes to pay the S94A Developer Contribution (currently 3% of project value) to Council, payable with each respective stage of the development.	Council	Contribution for Stage 1 paid prior to issue of Stage 1 Construction Certificate (CC). Contribution for Stage 2 paid prior to issue of Stage 2 (CC).

ISSUE	COMMITMENT	APPROVAL AUTHORITY	TIMING
Transport Accessibility Plan/Guide/Brochure	Preparation of Transport Accessibility Plan/Guide to inform visitors, shoppers and workers of transport options to access the site without the need to rely on private motor vehicles.	NSW Department of Transport	Prior to occupation of Stage 1.
Road/traffic improvements	Implement road and traffic improvements on the Great Western Highway, Campbell Street, Church Street (northbound) and modifications to signal timing as outlined in Section 3.38 of the Traffic Impact Study report prepared for the project by Colston Budd Hunt & Kafes Pty Ltd, dated October 2012	Council & Roads & Maritime Services	Prior to occupation of Stage 1.
Construction hours	In accordance with the CMP, construction hours will be limited to between 7am and 6pm Monday to Friday and 7am to 5pm Saturdays. Variations where required, will be identified in consultation with Council.	Council	During Construction
Construction Management	A Draft Construction Management Plan has been prepared (see <b>Appendix O</b> of the EA). Construction will be undertaken in accordance with the final approved versions of these plans.	PCA	Prior to issue of Construction Certificate and during construction for work activity on the site.
Ecologically Sustainable Development	<p>The proposed retail level will achieve a 4 Green Star Retail design rating. The proposed office tower development will achieve a 5 Green Star Office design rating.</p> <p>Prior to issue of the Construction Certificate for each stage of proposed works, an ESD strategy will be provided outlining measures to be incorporated into the building.</p>	PCA	Prior to issue of the Construction Certificate for each stage of the development.