

Modification of Major Project Approval

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

I, the Executive Director Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, under Instrument of Delegation dated 7 June 2007, modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

Date: 8 April 2008

SCHEDULE 1

National Indigenous Development Centre, comprising a new multi purpose building; swimming pool; child care centre; multi code football field; adaptive reuse of existing school buildings for educational, commercial and dormitory uses; demolition of existing toilets blocks and associated landscaping.

SCHEDULE 2

The above approval is modified as follows:

Delete A2 and replace with:

A2 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated April 2007 prepared by MG Planning Pty Ltd including all Appendices and the following drawings prepared by Tonkin Zulaikha Greer and 360 Degrees:

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer at Appendix 2 of the Environmental Assessment			
Drawing No.	Revision	Name of Plan	Date
A-08		Fence Plan	25/07/07
A-09		Fence Elevations	25/07/07
A-10		Fence Elevations	25/07/07
A-11		Fence Typology	25/07/07
DA-50	-	Demolition Site Plan	27/03/07
DA-51	-	Demolition Building A Level 0+1 Plans	27/03/07
DA-52	-	Demolition Building A Level 2+Roof Plan	27/03/07
DA-53	-	Demolition Building A Elevations	27/03/07

DA-54	-	Demolition Building A Section	27/03/07
DA-55+ A12 amendments	-	Demolition Building B Plans	27/03/07
DA-56+ A12 amendments	-	Demolition Building B Elevations	27/03/07
DA-57+ A-4 amendments	-	Demolition Building C+D Level 0-2	27/03/07
DA-58	-	Demolition Building C+D Level 3 + Roof	27/03/07
DA-59	-	Demolition Building C+D Elevations 1	27/03/07
DA-60+ A14 amendments	-	Demolition Building C+D Elevations 2	27/03/07
DA-100	-	Building A Level 0+1	27/03/07
DA-101	-	Building A Level 2+3	27/03/07
DA-103 & 103a	-	Building A Elevations	27/03/07
DA-104 & 104a	-	Building A Sections	27/03/07
DA-200+ A13 amendments	-	Building B Level 1+2	27/03/07
DA-201	-	Building B Level 3 + Roof Plan	27/03/07
DA-203 & 203 + A13 amendments	-	Building B Elevations	27/03/07
A-15	-	Building C+D Level 0,1 + 2	23/08/07
A-16	-	Building C+D Level 3	23/08/07
DA-304 & 304a	-	Building C+D North + South Elevation	27/03/07
DA-305 & 305a	-	Building C+D West + East Elevation	27/03/07
A-01	-	Building F Level 1	25/07/07
A-02	-	Building F Level 2	25/07/07
A-03	-	Building F Level 3	25/07/07
DA-403	-	Building F Roof	27/03/07
A-05	-	Building F/G – Eastern Elevation & Western Elevation	25/07/07
DA-408 & 408a + A- 05 amendments.	-	Building F – South Elevation Only	25/03/04
DA-409+ A-04 amendments	-	Building F Section 3 Only	27/03/07
A-04	-	Building F & G Sections	25/07/07
DA-500	-	Building G Level 2+3	25/03/07
DA-501	-	Building G Roof	27/03/07
DA-503 & 503a	-	Building G East Elevation 1+2 Section F (Excludes part east elevation of building F shown)	27/03/07
DA-504 & 504a	-	Building G/F North + South Elevation + Section1 (Excluding Building F Section2/BLD G South Elevation which is amended by drawing A-04)	27/03/07
C1.01	D	Concept Stormwater Management Plan	22/03/07
Landscape Drawings prepared by 360 Degrees at Appendix 8 of the Environmental Assessment.			
Drawing No.	Revision	Name of Plan	Date
1 of 1		Concept Landscape Plan	31 July 2007
1 of 1	A	Cope St Green Wall Elevation	31 July 2007
1 of 1		Public Domain Plan	31 July 2007
2 of 4	DA	Landscape Sections and Elevations	March 2007
3 of 4	DA	Landscape Sections and Elevations	March 2007

As modified by:

Architectural (or Design) Drawings prepared by Tonkin Zulaikha Greer at Attachment 3 of the S.75W Modification Application (MP 06_0267 MOD 1):			
Drawing No.	Revision	Name of Plan	Date
A-592		Building G Fence Plan & Details – Renwick Street	19/11/2007

Delete Condition B1 and replace with:

B1 Staging of Construction

Separate Construction Certificates may be obtained relating to the following stages of development, as approved:

- Stage 1 – Demolition
- Stage 2 – Remediation and Earthworks (including Archaeological Test Excavation but excluding Bulk Excavation.)
- Stage 3 – Renwick Street Car Park and Pathway
- Stage 4 – Playing Field
- Stage 5 – Building A Refurbishment
- Stage 6 – Building B Refurbishment
- Stage 7 – Building C/D Refurbishment
- Stage 8 – Building F (Sports and Recreational Hall)
- Stage 9 – Building G (Child Care Centre)
- Stage 10 – External Works (including Public Domain Works)

The following conditions relate to each stage and must be completed, unless otherwise stated, prior to the issue of a Construction Certificate for each stage.

Delete Condition B2 and replace with the following:

B2 Developer Contributions

(1) Redfern-Waterloo Authority Contributions Plan 2006

The following community facilities are accepted in lieu of payment of a S.94A levy in the amount of \$598,749.52:

- a) Multi-purpose sports and recreational hall (PCYC or equivalent community organisation); and
- b) Accommodation space for various community organisations.

However, if these community facilities are not provided as part of the development and/or the facilities are not made available for local community use on a managed basis, the full amount of the S.94A levy is to be paid to the Redfern-Waterloo Authority (or equivalent entity within the State Government), within 5 years of the date of issue of the first Construction Certificate.

The amount payable is 2% of the proposed cost as indexed between the date of determination and the date the levy is required to be paid, in accordance with Cl.25J(4) of the Environmental Planning and Assessment Regulation 2000 and Cl.10 of Redfern-Waterloo Authority Contributions Plan 2006.

(2) Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

Prior to issue of the Stage 1 Construction Certificate, a contribution in the amount of \$226,383 is to be paid to the Redfern-Waterloo Authority towards the provision of affordable housing.

A copy of Redfern-Waterloo Authority Contributions Plan 2006 and Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 is available for inspection at the Redfern-Waterloo Authority office, Level 11, Tower 2, 1 Lawson Square, Redfern.

Delete Condition B3 and replace with the following:

B3 Structural Details

Prior to issue of the Construction Certificate for each Stage, where relevant, 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 consent,
- (3) Drawings and specifications comprising the Construction Certificate, and
- (4) The relevant Australian Standards listed in the BCA (Specification A1.3).

Prior to work commencing, structural details and a Structural Certificate for Design in accordance with Clause A2.2(a)(iii) of the Building Code of Australia must be submitted to the satisfaction of the Certifying Authority.

Delete Condition B4 and replace with the following:

B4 Land Contamination

Prior to the issue of Construction Certificate for Stages 8 and 9, an Interim Audit Statement must be prepared by an independent NSW EPA accredited Site Auditor and submitted to the Certifying Authority, which confirms that the area of the site associated with Stages 8 and 9 has been remediated to the standard suitable for the proposed land use.

Delete Condition B6 and replace with the following:

B6 Heritage Significance of Existing School Buildings

An experienced conservation architect is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.

The conservation architect is to be involved in the resolution of all matters associated with the existing buildings on the site only, where significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the proponent to respond directly to the consent authority where information or clarifications is required regarding the resolution of heritage issues throughout the project.

Evidence of the above commission on the above terms is to be provided to the consent and certifying authorities prior to issue of a Construction Certificate for Stages 5, 6 and 7, whichever occurs first.

Delete Condition B7 and replace with the following:

B7 Stormwater and Drainage

- (1) Prior to the issue of each Construction Certificate (excluding Stage 1), details of the proposed stormwater disposal and drainage from the development including on-site stormwater detention in accordance with the City of Sydney Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to an approved by the City of Sydney Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site

detention must be submitted prior to the issue of each Construction Certificate (excluding Stage 1).

Delete Condition B8 and replace with the following:

B8 Noise Attenuation Measures

Prior to issue of Construction Certificates for Stages 5–9 inclusive, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of each building incorporates the recommendations of the Acoustic Assessment Report prepared by Renzo Tonin and Associates, March 2007.

Delete Condition B9 and replace with the following:

B9 Mechanical Ventilation

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stages 5, 6, 7, 8 and 9.

Delete Condition B10 and replace with the following:

B10 Lighting and Security

An outdoor lighting strategy for the site, endorsed in writing by a NSW Police Crime Prevention Officer, must be submitted to the Principal Certifying Authority prior to the issue of the first Construction Certificate that relates to Stages 3-10 inclusive. The lighting plan will identify the type and number of Luminaries, extent of glare and light spill outside the boundary and any measures needed to mitigate the impacts of nearby residences. With respect to the playing field a lighting expert is to confirm that the lighting will comply with the Australian Standards for ball sports and physical activity.

Delete Condition B11 and replace with the following:

B 11 Sydney Water – Section 73 Certificate

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of the first Construction Certificate issued relating to Stages 3-10 inclusive.

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.

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.

Delete Condition B12 and replace with the following:

B 12 Footpath Damage Bank Guarantee

Prior to issue of the first Construction Certificate the proponent must provide a bank guarantee to the City of Sydney Council for an amount determined by the Council as security for rectification of any damage to the public way.

Delete Condition B13 and replace with the following:

B13 Dilapidation Reports

Prior to issue of the first Construction Certificate the Proponent is to engage a qualified structural engineer to prepare a Dilapidation Report detailing the structural condition of all buildings, infrastructure and roads adjacent to the site. Copies of the report is to be provided to the adjoining private property owner's and the City of Sydney Council and any damage caused by the development is to be made good to the satisfaction of the party(ies) that may be affected at the Proponent's cost.

Delete Condition B14 and replace with the following:

B 14 Construction and Traffic Management Plan

Prior to the issue of the first Construction Certificate, a Construction Management Plan shall be prepared and a copy submitted to the satisfaction of the Principal Certifying Authority. The Construction management plan must include all issues identified in the proponent's statement of commitments for Construction as detailed in Schedule 3 of this instrument. The hours of operation however must be in accordance with condition D14 of this approval.

The Proponent shall also submit a copy of the plan to the Redfern Waterloo Authority and the Council.

Delete Condition B15 and replace with the following:

B15 Construction Waste Management Plan

Prior to the issue of each Construction Certificate, a Waste Management Plan shall be prepared by a suitably qualified person in accordance with the City of Sydney Council's Policy for Waste Development in New Developments 2005. The Proponent shall submit a copy of the plan to the Department and Council.

Delete Condition C2 and replace with the following:

C2 Transport

- (1) Prior to the commencement of works associated with the first stage of works to be commenced on site the relocation of the pedestrian crossing from George to Phillip Street is to be resolved and endorsed by the Sydney Traffic Committee;
- (2) The design of the kerbside parking arrangements along George Street as detailed in the Assessment of Traffic and Parking Implications and supplementary Traffic Advice prepared by Transport and Traffic Planning Associates must be endorsed by the Sydney Traffic Committee.

Delete Condition C9 and replace with the following:

C9 – Aboriginal and European Archaeological Test Excavation

Test Excavation with respect to both Aboriginal and European archaeology must be undertaken on the site by a qualified Archaeologist during the course of the excavation works and must be completed prior to the commencement of works associated with Stages 3, 4, 8, 9 and 10 inclusive. These excavations must be undertaken in accordance with the Aboriginal Heritage Impact Assessment and the Historical Archaeological and Impact Assessment submitted as part of the project application.

All procedures to be followed as part of the test excavations must be as per the Proponent's Statement of Commitments C–Q as detailed in Schedule 3 of this Instrument.

Delete all conditions under PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE and replace with the following:

F1 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (1) Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (3) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Prior to the issue of Occupation Certificates for Stages 5–9 inclusive, a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations in Section 6.7 and 7.4 of the Acoustic Assessment Report (Renzo Tonin and Associates, March 2007).

F2 Accessibility

Prior to issue of the Final Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Access Report (Accessibility Solutions (NSW) Pty Ltd, 2007).

F3 Heritage

- (1) The conservation architect must sign off the completed project prior to the issue of the Final Occupation Certificate.
- (2) A brass plaque relating to the history of the site must be installed on the façade of the building prior to occupation. The design, location and wording must be submitted for the approval of the Department prior to the Final Occupation Certificate being issued.

F4 Staging

Separate Occupation Certificates may be obtained relating to the stages of the development as identified in Condition B1 of this approval.

F5 Occupation Certificates to be Submitted

An Occupation Certificate for all stages of works must be obtained from the PCA and a copy submitted to the Redfern Waterloo Authority and the Department prior to the commencement of occupation or use of the building.

F6 Post-Construction Dilapidation Reports

Prior to the issue of a Final Occupation Certificate, the Proponent is to engage a qualified structural engineer to prepare a Post-Construction Dilapidation Report detailing the structural condition of all buildings, infrastructure and roads adjacent to the site. Copies of the report shall be provided to the City of Sydney Council and adjoining property owner's.

F7 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 the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

F8 Annual Fire Safety Statement

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

F9 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.

F10 Mechanical Ventilation

Following completion, installation and testing of any 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 Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F11 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to issue of each Occupation Certificate.

F12 Waste Management

Prior to a Final Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and the City of Sydney Council's Policy for Waste Minimisation in New Developments 2005.

F13 Commercial & Child Care Centre Kitchens

The construction, fit out and finishes of any proposed commercial food premises shall comply with Standard 3.2.3 of the Australian and New Zealand Standards Food Code under the Food Act 2003. All food preparation areas are to be inspected and certified by Council's Environmental Health Officers prior to use.

F14 Child Care Centre

Prior to use of the Child Care Centre a licence must be obtained from the Department of Community Services certifying that the facility complies with all requirements of the Children's Service Regulation 2004.

F15 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act, 1994 shall be submitted to the PCA prior to the issue of the Final Occupation Certificate.

F16 Land Contamination

Prior to the issue of an Occupation Certificate for Stages 4 – 9 inclusive, a Site Audit Statement must be prepared and submitted by an independent NSW DECC accredited Site Auditor to the Certifying Authority, which confirms that the corresponding portion of the site relating to each stage has been remediated to the standard suitable for the proposed land use and the Occupation Certificates relating to Stages 5-9 inclusive must not be issued until the Accredited Site Auditor has confirmed that the playing fields (Stage 4) has been remediated.

F17 Section 88B Instrument

Prior to the issue of the Occupation Certificate for Stage 8 a Section 88B Instrument is to be registered for the subject site, with terms which require the Multi Purpose Sport and Recreation Facility to be available for local community use and operated by a community-based organisation. The terms of the Instrument are to be to the satisfaction of the Director General.

Delete all conditions under **PART G—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS**, and replace with the following:-

G1 Commercial & Child Care Centre Kitchens

The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the Australian and New Zealand Standards Food Code under the Food Act 2003.

G2 Lighting on Playing Field

All lighting associated with the playing field must be switched off between 9.30pm and 7.00am from Sunday to Friday and from 10.30pm on Saturdays.

G3 Hours of Operation Multi Purpose Building/PCYC & Child Care Centre

(1) Multi Purpose Building

The hours of operation of the multi purpose building is limited to opening between the hours of 7am to 10pm seven days a week except on occasions where the building is being used as a place of public entertainment in which case the venue must cease operating by 11.30pm.

(2) Murawina Child Care Centre

The hours of operation of the child care centre on the site is limited to opening between the hours of 7.30am – 6.00pm on weekdays only.

G4 Annual Fire Safety Certification

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.