

: PROJECT APPROVAL

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

DETERMINATION OF MIXED USE DEVELOPMENT APPLICATION

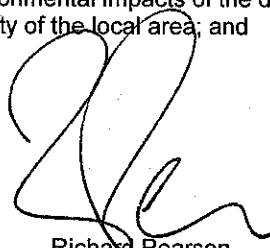
Major Project No. 08_0112
(File No. S08/00898)

I, the Deputy Director-General, acting under delegation from the Minister for Planning having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the EP&A Act), determine pursuant to section 75J(1) of the EP&A Act to **give approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2.

This approval applies to the plans, drawings and documents cited by the proponent in their Environmental Assessment, Response to Submissions and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are to:

- (a) ensure the site is appropriately managed for the proposed use;
- (b) to encourage good urban design and a high standard of architecture;
- (c) to encourage ecologically sustainable development principles;
- (d) adequately mitigate the environmental impacts of the development;
- (e) reasonably protect the amenity of the local area; and
- (f) protect the public interest.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning

Sydney

22nd October

2010

SCHEDULE 1

Application No.:	08_0112
Proponent:	Candalepas Associates
Approval Authority:	Minister for Planning
Land:	Lots 1-9 Section 9 DP 4209 and Lot B DP 354297
Project:	Construction of an 18-storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments as described in Condition A1, Part A, and Schedule 2.

DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means City of Sydney Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning or delegate.

Environmental Assessment (EA) means the Environmental Assessment prepared by Kass-Hermes dated March 2010 and as amended by Preferred Project Report prepared by Kass-Hermes dated July 2010.

Major Project No. 08_0112 means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A,

and Condition A2.

Minister means the Minister for Planning.

PAC means the Planning Assessment Commission

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

PPR means Preferred Project Report.

Project means development that is declared under Section 75B of the EP & A Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Project Application means the project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, and Condition A2.

Regulations mean the Environmental Planning and Assessment Regulations, 2000 (as amended).

RTA means the Roads and Traffic Authority.

RWA means the Redfern Waterloo Authority

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION No. MP 08_0112

PART A – ADMINISTRATIVE CONDITIONS

A1. Development Description

Project Approval is granted for the construction of an 18-storey mixed-used building, including retail, commercial, supermarket and residential apartments.

A2. Development in Accordance with Plans and Documentation

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment report for Mixed Use Development prepared by Kass-Hermes dated March 2010 including appendices and Preferred Project Report prepared by Kass-Hermes dated July 2010 including appendices			
B. Statement of Commitments prepared by Kass-Hermes contained in Schedule 3			
C. Architectural Drawings prepared by Candalepas Associates – Architects dated June 2010, itemised as follows:			
Drawing No	Issue	Name of Plan	Date
DA-1001	C	Site Analysis/Locality + Content Plan	22/07/2010
DA-1101	C	Basement Floor Plans	22/07/2010
DA-1102	C	Basement & Ground Floor Plans	22/07/2010
DA-1103	C	Level 1 & Level 2 Floor Plans	22/07/2010
DA-1104	C	Residential Floor Plans Level 3-8	22/07/2010
DA-1105	C	Residential Floor Plans Level 9-17	22/07/2010
DA-1106	C	Level 18 + Roof Plans	22/07/2010
DA-1201	C	Section A-A	22/07/2010
DA-1301	C	Gibbons Street (west) Elevation	22/07/2010
DA-1302	C	South Elevation	22/07/2010
DA-1303	C	William Lane Elevation	22/07/2010
DA-1304	C	North Elevation	22/07/2010
DA-1501	C	Equinox / Winter Shadow Diagrams	22/07/2010
DA-1502	C	Development Calculations	22/07/2010
DA-1503	C	View Analysis 01	22/07/2010
DA-1504	C	View Analysis 02	22/07/2010
DA-1505	C	Elevational Analysis 01	22/07/2010

A3. Public Domain and Future Approval

Notwithstanding Condition A1 and A2, nothing in this instrument approves public domain works as detailed in the EA and PPR, or any fitout works to any retail or commercial tenancy.

A4. Inconsistency between Plans and Documentation

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A5. Lapsing of Approval

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless the development has been substantially commenced.

A6. Development Contribution

The proponent must pay a levy of 2% of the cost of carrying out the development in accordance with the RWA Contributions Plan 2006 (Plan) prior to the issuing of the first strata subdivision certificate.

The proposed cost of carrying out the development was determined in accordance with the RWA Section 94 Plan as \$39,097,226.00 on 17/03/2010.

The proposed cost of carrying out the development is to be indexed from the above date until the date that payment is required in accordance with clause 10 of the Plan.

This condition does not apply if a planning agreement is entered into between the proponent, the RWA and Council within 6 months of the date of this determination and the agreement specifies that it is intended to exclude the obligations imposed by this condition.

A7. Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, and Schedule 2 of this approval.

A8. Interim Rail Corridor Requirements

The proponent of the development must allow in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.

A9. Signage

All proposed building identification and business identification signage requires a separate application to be lodged with RWA.

A10. Car Parking Spaces

The total number of approved car parking spaces is allocated as follows:

- Residential – 109 spaces
 - Retail/Commercial – 63 spaces – of which no more than 51 spaces are to be provided for the supermarket
 - Lawson Square Towers commercial tenants – 85 spaces
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PART B—PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Car Parking and Traffic Management

The proponent is to address and comply with the following RTA requirements. Details demonstrating compliance are to be submitted and approved by the PCA prior to the issue of the Construction Certificate.

1. A swept path analysis of a 12.5 m long HRV must be used, and the proponent is required to satisfactorily demonstrate to the RTA that the supermarket can deliver all goods with a truck no longer than 12.5 metres in length.
 2. No Stopping parking restrictions shall be provided along the Marian Street frontage of the subject site between William Lane and Gibbon Street as delivery vehicles are likely to park on the Marian Street frontage of the subject site, which will affect traffic flow and driver's sight distance at the proposed driveways. The No Stopping parking restrictions shall be referred to the City of Sydney Traffic Committee for endorsement.
 3. Existing No Stopping parking restrictions are to remain along the Gibbons Street frontage of the subject site.
 4. Consideration shall be given to the provision of a pedestrian crossing facility in Gibbons Street. In this regard, any proposed crossing shall be referred to the City of Sydney Council for consideration.
 5. The existing driveway on the Gibbon Street frontage of the subject site shall be removed with kerb and gutter reinstated to match the existing. Details of further requirements can be obtained from the RTA's Project Services Manager, Sydney Project Services, Parramatta (Ph: 8849 2144).
 - a. A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of a Construction Certificate by Council and commencement of road works.
 - b. The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the road works.
 6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.
 7. Retail parking should be separate from residential parking and should be clearly sign posted.
 8. The internal aisle ways are to be marked with pavement arrows to direct traffic movements in / out of the site and guide traffic circulation through the car park.
 9. The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.
 10. All vehicles are to enter and leave the site in a forward direction.
 11. All vehicles should be wholly contained on site before being required to stop.
 12. All loading and unloading shall occur on site.
 13. The required sight lines to pedestrians and / or other vehicles in or around the entrances are not to be compromised by landscaping, signage, fencing or other materials.
 14. Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with AS 2890.1 - 2004 for light vehicles and AS 2890.2 - 2002 for heavy vehicles.
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B2 *Affordable Housing Contribution*

Prior to the issue of a Construction Certificate, the proponent is to pay the RWA \$668,234.00 in accordance with the requirements of the RWA Affordable Housing Contributions Plan 2006.

B3 *Security Barrier on Marian Street*

The proponent is to submit a detailed design of any security barrier access on the Marian Street entry for approval to the Department's Director of Government Land & Social Projects prior to the issue of a Construction Certificate.

B4 *Sydney Airport Corporation*

Prior to the issue of a Construction Certificate, the proponent is to ensure that the development meets the requirements of Sydney Airport in respect of Obstacle Limitation Surfaces.

B5 *Existing Illawarra Rail Line Corridor*

- (a) A Construction Certificate shall not be issued until the measures detailed in this condition of approval have been incorporated into the construction drawings and specifications. Prior to the commencement of works the PCA shall provide verification to RailCorp that this condition has been complied with.
 - (b) Prior to the issue of a Construction Certificate, the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site the applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.
 - (c) All excavation and construction works are to be undertaken in accordance with the methodology and recommendations detailed in the Geotechnical Report prepared by SMEC Testing Services Pty Ltd dated April 2009 and Structural Report prepared by James Nicholson Pty Ltd dated 15 February 2010. These documents can be amended with the written agreement of RailCorp.
 - (d) The following items are to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate:
 - i. Final construction details of any proposed piling, sheet piling, batter, walls, levee walls and footings.
 - ii. Final construction methodology with details pertaining to structural support during excavation.
 - iii. Tunnel monitoring details proposed to be installed during excavation and construction phases.
 - iv. A rail safety plan including instrumentation and the monitoring regime.
 - (e) Prior to the commencement of works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
 - (f) A Construction Certificate must not be issued until the measures recommended in the Acoustic Report prepared by Renzo Tonin Associates dated 10 February 2010 have been incorporated into the design and construction specifications. The report shall incorporate additional detail as specified within the Preferred Project Report dated July 2010.
 - (g) A Construction Certificate must not be issued until the measures recommended in the Electrolysis Report prepared by Corrosion Control Engineering dated 15 September 2009 have been incorporated into the design and construction specifications. The report shall incorporate additional detail as specified within the Preferred Project Report dated July 2010.
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- (h) The proponent shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
 - (i) 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 comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
 - (j) Prior to the issue of a Construction Certificate the applicant is to submit to RailCorp a plan showing all craneage and other aerial operation for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
 - (k) Prior to the issue of a Construction Certificate, the proponent must hold current public liability insurance cover for a sum to be determined by RailCorp. This insurance shall not contain any exclusion in relation to works on or near the rail corridor. The proponent is to contact RailCorp's Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the PCA must witness written proof of this insurance in conjunction with RailCorp's written advice to the proponent on the level of insurance required.
 - (l) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
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PART C—PRIOR TO THE COMMENCEMENT OF WORKS

C1 Construction Management Plan

Prior to commencing construction, a Construction Management Plan and Traffic Management Plan will be prepared and forwarded to Council, the RWA and the Department. This plan will include:

- (a) Development of a site specific soil erosion and sediment control plan,
- (b) Construction hours,
- (c) Air quality/dust control procedures,
- (d) Asbestos material control,
- (e) Noise management procedures,
- (f) Waste management plan,
- (g) Community Safety Plan,
- (h) Arrangements for temporary pedestrian and vehicular access,
- (i) Storage and Handling of Materials Procedures,
- (j) Environmental Training and Awareness,
- (k) Contact and complaints handling procedures,
- (l) Emergency Preparedness and Response.

The Traffic Management Plan shall include:

- a. A report with Traffic Control Plans attached.
- b. Commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors.
- c. Construction vehicle routes for approach and departure to and from all directions.
- d. A site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.
- e. The Traffic Control Plans are to be prepared by a qualified person (red card holder). Plans must be provided for each of the following stages of the works:
 - Demolition
 - Excavation
 - Concrete pour
 - Construction of vehicular crossing and reinstatement of footpath
 - Traffic control for vehicles reversing into or out of the site.
- f. Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

C2 Development Staging

The proponent is to comply with the conditions contained in this instrument for all stages of development subject to this approval.

Prior to the commencement of each stage of works, the proponent is to notify the Department and Council of the proposed works and compliance to date with this approval. The proponent, or any party acting upon this approval, shall also submit a report addressing future compliance with all relevant conditions of this approval.

C3 Dilapidation Report

Prior to the commencement of any demolition or excavation works on site, the PCA shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the existing public infrastructure over the full site frontage and adjacent areas (in colour) has been completed and submitted to the RWA and Council. The photos must include detail of:

- The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained
 - Any existing drainage infrastructure including pits, lintels, grates.
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Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the proponent as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded in detail and demonstrated under the requirements of this condition.

C4 *Notice of Commencement*

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

C5 *Site Notice*

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, PCA and structural engineer
- be durable and weatherproof
- display 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
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C6 *Notification of Builder's Details*

Prior to the commencement of any development or excavation works, the PCA shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

C7 *Erosion and Drainage Management*

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the PCA. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

C8 *Geotechnical Report*

Prior to the commencement of any bulk excavation 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:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

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

C9 *Stormwater Plan*

The proponent is to prepare and submit a detailed stormwater plan to Council, the RWA and the Department.

C10 *Changes to Stormwater Plan*

Post development stormwater discharge from the site into the RTA drainage system should not exceed the pre-development discharge. Any changes to the stormwater drainage system will need to be submitted to the RTA for approval prior to the commencement of works.

C11 *Contaminated Land Report*

The proponent is to provide a Contaminated Land Report to the Department prior to the commencement of construction.

C12 *Energy Australia*

Detailed design drawings for the two substations are to be submitted for Energy Australia for approval (if required), prior to the commencement of any construction works. An accredited service provider is to undertake the design of the substation chamber.

C13 *Mechanical Plant*

All mechanical plant rooms/machinery are to be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS 1668.2.

PART D—DURING CONSTRUCTION

D1 *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 Council or the Department.

D2 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively 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 source of sediment.

D3 *Excavation*

Excavation is to be undertaken in accordance with the recommendations of the Geotechnical Investigation Report prepared by SMEC Engineering dated April 2009. A geotechnical engineer is to be present during excavation to recommend any necessary support requirements during excavation.

D4 *Vibration Specialist*

A suitably qualified vibration specialist/engineer is to be engaged during the entire excavation process, where excavation is being undertaken within 20 metres or less of adjoining properties/buildings. The specialist is to monitor onsite vibrations and instruct on suitable excavation equipment.

D5 *Disposal of Seepage and Stormwater*

All seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D6 *Dust Control Measures*

The proponent must implement adequate measures 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 shall be dampened slightly to prevent dust from becoming airborne but shall 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, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D7 *Waste Management*

- a) All waste generated by the development shall be disposed to a facility to receive such waste. Hazardous materials including asbestos and leas shall be in accordance with work Cover requirements and relevant Australian Standards.
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- b) Any asbestos waste generated by the development must be disposed of in accordance with the requirements of Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

D8 *Hours of Construction*

All building work shall be restricted to within the hours of 7.00 am to 6.00 pm between Monday to Friday, and 7.00 am to 3.30 pm on Saturday, with no work on Sundays and/or Public Holidays. Measures shall be undertaken to ensure no adverse noise or amenity impacts occur to any residential premises.

D9 *Excavation of Aboriginal Heritage items and European Archaeology*

A preliminary program of archaeological test excavation should be undertaken if natural soil profiles are found to remain intact. Test excavations should be undertaken in conjunction with European archaeological investigation.

In the event of Aboriginal archaeological remains or European archaeological remains being found on site, a suitably qualified archaeologist, trained in recognising Aboriginal/European artefacts, is to be engaged to assess the material before determining the correct management action. All archaeological work is to be fully documented and the reports made available for the Aboriginal community and the public.

D10 *Use of road or footpath*

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations.

D11 *Asbestos Removal*

All demolition works involving the removal and disposal of asbestos cement must 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 National Occupational Health and Safety Commission (NOHSC: "Code of Practice for the Safe Removal of Asbestos" and any Council guidelines

D12 *Classification of Waste*

Prior to the exportation of waste from the site, the waste materials must be classified to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

D13 *Loading and Unloading*

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

PART E – PRIOR TO SUBDIVISION

E1 *Submission of Plans of Subdivision (Strata)*

For issue of the subdivision certificate, an application must be made to the certifying authority to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*. The proponent shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the certifying authority.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

E2 *General Easement/ R.O.W. Provision and Certification*

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to the consent authority or a PCA that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the certifying authority.

E3 *Submission of Certification of As-Constructed Development*

Prior to the issue of the Subdivision Certificate, the proponent is to submit a survey report and surveyor's certificate to the certifying authority which confirms that

- (a) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
 - (b) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
 - (c) Any facilities required by the development consent for the building (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.
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PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 *Occupation Certificate to be Submitted*

An Occupation Certificate must be obtained from the PCA and a copy submitted to the Department and Council prior to the commencement of occupation or use of the building.

The following documents should be forwarded to the Department and Council within two (2) days of the date of the Certificate being determined:

- (1) A copy of the determination;
- (2) Copies of any documents that were lodged with the Occupation Certificate application;
- (3) A copy of Occupation Certificate, if it was issued;
- (4) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- (5) A copy of any missed inspections; and
- (6) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

F2 *BASIX Certificate*

Prior to the issue of an Occupation Certificate, the PCA shall be satisfied that all commitments listed in BASIX Certificate No. 264563M have been complied with.

F3 *Infrastructure Repair*

Prior to issue of the Occupation Certificate, the PCA must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

F4 *Existing Illawarra Rail Line Corridor*

Prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

Prior to the issue of an Occupation Certificate, the proponent is to submit to RailCorp a copy of the final As-Built drawings and surveyed location of all rock anchors used.

F5 *Interim Rail Corridor Requirements*

Prior to the issue of an occupation certificate, the proponent must provide RailCorp's General Manager Network Development, with drawings, reports and other information related to the design, construction and maintenance of the approved development to allow RailCorp to fully understand the interaction between the approved development and the CBD Rail Link (CBDRL).

F6 *WAE plans for Stormwater Management and Disposal*

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the PCA prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
 - gradients of drainage lines, materials and dimensions
 - as built (reduced) level(s) at the approved point of discharge to the public drainage system
 - as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
 - the achieved storage volumes of the installed retention and detention storages and derivative calculations
 - as built locations of all access pits and grates in the detention and retention system(s), including dimensions
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- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

F7 *Sydney Water Section 73 Compliance Certificate*

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the PCA.

F8 *Delivery Management Plan*

A delivery management plan should address the basement car park and loading areas between the entering vehicles and service vehicles reversing into the loading bays. A copy of the plan is to be completed and forwarded to the RTA prior to occupation.

F9 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to Council for all the Essential Fire or Other Safety Measures forming part of this approval.

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 approval authority initial Fire Safety Certificate is received.

F10 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the PCA shall be satisfied of the following prior to the issue of any Occupation Certificate:

- The installation and performance of the mechanical systems complies with:
 - the Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
- The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the PCA prior to the issue of the Occupation Certificate.

F11 *Accessibility*

Prior to the issue of an Occupation Certificate, the PCA shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

F12 *Works As Executed Plans*

Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

F13 *Post-Construction Dilapidation Report*

The proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The report is to be submitted to the Department and the Council and is to:

- (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction, and
 - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to its infrastructure and roads (as far as reasonably practical) or that satisfactory arrangements have been made to remedy any damage. If this has been unreasonably delayed by the relevant authority, attempts to seek such confirmation shall be given to the satisfaction of the Department.
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PART G — POST OCCUPATION

G1 *Annual Fire Safety Certification*

The owner of the building shall certify to Council and the NSW Fire Brigade every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 *Wind Impacts*

Following completion of construction, the proponent shall undertake wind monitoring to assess any impacts of the building on local wind conditions at Gibbons Street and Marian Street. Within 6 months of the date of the issue of the Occupation Certificate, the proponent shall submit to the Department and the RWA a report outlining:

- The results of this monitoring;
- The effectiveness of recommendations outlined in the Windtech Report dated 11 February 2010; and
- Any further recommendations to attenuate any adverse wind impacts from the development.

G3 *Outdoor Lighting*

All outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and 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.

G4 *Car Parking*

At all times, on site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building or buildings at 1 Lawson Square, Redfern (or any part of that land into which it may later be subdivided). Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

G5 *Noise Control - Operational*

The use of the premises shall not cause a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.

G6 *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.
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- (3) Notwithstanding compliance with (1) and (2) 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.

G7 *Loading*

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to Services*

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.

AN2 *Application for Hoardings and Scaffolding*

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with Council's policies.
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

AN3 *Use of Mobile Cranes*

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

- (1) 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:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 *Roads Act, 1993*

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

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

AN5 *Road repairs necessitated by excavation and construction works*

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the proponent, owner and relevant contractor for the balance.

AN6 *RailCorp*

Where a condition of consent requires RailCorp's endorsement the PCA shall not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

AN7 *Stormwater Drainage Works or Effluent Systems*

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN8 *Sydney Water requirements*

Sydney Water is to be consulted on stormwater drainage, the provision of covenants over the detention and water quality treatment systems and the need for a revised flood study.

AN9 *Temporary Structures*

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN10 *Excavation – Historical Relics*

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN11 *Long Service Levy*

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN12 *Movement of Trucks Transporting Waste Material*

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

AN13 *Disability Discrimination Act*

This application is to comply 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.

SCHEDULE 3

STATEMENT OF COMMITMENTS PREPARED BY KASS-HERMES

7-9 GIBBONS ST REDFERN

The Director-General has requested pursuant to section 75F(6) of the *Environmental Planning and Assessment Act 1979* that the Environmental Assessment for the subject development include a Draft Statement of Commitments. If approval for the proposed project is granted, the Lawson Square Unit Trust will commit to the following environmental management and mitigation measures for the proposed project.

No	Commitment	Applicable Phase
1.	Hours of Operation Demolition and Construction works for the project will be limited to the hours approved by the Minister	Construction phase
2.	Site Security To prevent the unauthorised entry of people into the construction site, security for the construction site will include: • A security hoarding around the site perimeter; and • Lockable security gates;	Demolition and construction phase
3.	Demolition and Construction Demolition and Construction works shall be in accordance with the terms of the Minister's consent and all relevant SAA Codes.	Demolition and construction phase
4.	Contamination Remediation Remediation of the site, if required shall be in accordance with the recommendations of the Environmental Site Analysis undertaken by SMEC subsequent to the demolition of the existing structure on the site.	Demolition and construction phase
5.	Environment and Construction Management Environment and Construction Management shall be undertaken in accordance the Environment and Construction Management Plan prepared by Jones Nicholson Pty Ltd, Consulting Engineers	Demolition and construction phase
6.	Waste Management Waste Management shall be in accordance with the Waste Management Plan prepared by Candalepas Assoc	All phases
7.	Rail Infrastructure The construction of the subject development shall minimise potential impacts on and from Rail Infrastructure by complying with the recommendations of the Rail Infrastructure report by Jones Nicholson Engineers	Demolition and construction phase
8.	Acoustic and Vibration Potential acoustic and vibration impacts shall be mitigated by compliance with the recommendations of the Acoustic and Vibration report prepared by Renzo Tonin and Assoc	Demolition and construction phase
9.	Ecologically Sustainable Development The development shall achieve and maintain its nominated level of ecologically sustainability by compliance with the recommendations of the ESD report prepared by Jones Nicholson Pty Ltd.	All phases
10.	Compliance with Development Consent	All phases

	The development shall comply with all conditions of consent in relation to: • The design of the subject development; • The demolition, excavation, remediation and construction phase of the development; • The uses within the development; • Access, Egress and Fire Safety; • Carparking , loading and servicing; and ▪ The hours of operation of the various uses within the development.	
11.	Development Consent for Retail Uses & Fitouts Development Applications shall be submitted for each particular use and fitout of retail tenancies.	Post construction
12.	Development consent for Office tenancies Development Applications shall be submitted for each particular fitout/partitioning of office tenancies.	Post construction
13.	Developer Contribution / Affordable Housing Levy Developer Contributions and Affordable Housing Levies shall be paid prior to the release of the Construction Certificate or at the time specified by the Minister in the development consent if different to prior the issue of the Construction Certificate.	Post Construction
14.	Partial and Final Occupation Prior to the partial or final occupation of the subject development, a Partial and/or Final Occupation Certificate shall be obtained from the Principle Certifying Authority.	Post construction