

## APPENDIX G PROJECT APPROVAL

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

As delegate of the Minister for Planning under delegation executed on 14 September 2012, I approve the Project Application referred to in Schedule 1, subject to the Conditions as noted in Schedule 2 and the Proponent's Statements of Commitment at 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.

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

Sydney

2012

### SCHEDULE 1

**Application No.:**

MP11\_0093

**Proponent:**

Aboriginal Housing Company

**Approval Authority:**

Minister for Planning

**Land:**

Land bound generally by Louis Street, Vine Street, Eveleigh Street, ~~railway line~~ and Lawson Street, Redfern.

Land to which this approval applies also includes:

- ~~airspace to the north of the existing railway overbridge and north of Lawson Street;~~
- Eveleigh Lane;
- that part of Caroline Lane to the east of Lot A DP 439351 (108 Lawson Street Redfern);
- Eveleigh Street (between Caroline Street and Lawson Street); and
- Caroline Street (between Louis Street and Eveleigh Street).

The site comprises Pemulwuy Precincts 1 and 2 and includes the following properties:

Street	House No.	Lot No(s)	DP
Louis	1-5	21	434387
	7 -33	1-14	33299

# CONSOLIDATED INSTRUMENT

Street	House No.	Lot No(s)	DP
	35-37	1-2	206799
	39-59	1-11	33106
Caroline	2-10	1-5	33107
Eveleigh		29	374
		1	975453
	44-48	3130	975455
	50	321	131476
	52	1	525094
	54	322	131476
	56-58	B & A	75111
	60-64	A, B & C	107218
	66-68	Y & X	440163
	70-74	A, B & C	437340
	76	1	981953
	78	1	906105
	80-84	X, Y & Z	107216
	86	1	981953
	88-90	A & B	444916
	92-100	E – A	441990
	102	1	10425
Vine	1-11	6-1	436836
Caroline (south side)	1-15	A-H	33204
Eveleigh (south of Caroline)	104-106	A-B	438843
	108	1	653482
	110	1	583847
	112	1	113726
Lawson	104	104	131639
	106	B	439351
<b>Eveleigh (East side)</b>	<b>49</b>	<b>1</b>	<b>709305</b>
	<b>51-57</b>	<b>A-D</b>	<b>437614</b>
	<b>59</b>	<b>2</b>	<b>907002</b>
	<b>61</b>	<b>B</b>	<b>906776</b>
	<b>63</b>	<b>188</b>	<b>77816</b>
	<b>65-69</b>	<b>1-3</b>	<b>438267</b>
	<b>71-75</b>	<b>A-C</b>	<b>437987</b>
	<b>77-79</b>	<b>1</b>	<b>996782</b>
	<b>81-83</b>	<b>B</b>	<b>326761</b>
	<b>85</b>	<b>B</b>	<b>81200</b>
	<b>87</b>	<b>1</b>	<b>996783</b>
	<b>89</b>	<b>1</b>	<b>741715</b>
	<b>91</b>	<b>1</b>	<b>779120</b>
	<b>93-95</b>	<b>A-B</b>	<b>439127</b>
	<b>97</b>	<b>1</b>	<b>797845</b>
	<b>99</b>	<b>1</b>	<b>94785</b>
	<b>101-105</b>	<b>1</b>	<b>88846</b>
	<b>107</b>	<b>1</b>	<b>708931</b>
	<b>109</b>	<b>1</b>	<b>996784</b>
	<b>111-119</b>	<b>1-5</b>	<b>230305</b>
	<b>121</b>	<b>1</b>	<b>995857</b>
	<b>123</b>	<b>1</b>	<b>803299</b>

# CONSOLIDATED INSTRUMENT

**Project:**

Development of The Pemulwuy Project, Redfern for mixed uses including:

- commercial;
- retail;
- residential: and;
- community uses.

## Summary of Modifications

MP11_0093	Approved by the Deputy Director-General on 21 December 2012
MP11_0093 MOD1	Approved by the Independent Planning Commission on <b>DATE TBC</b> , for modification to: <ul style="list-style-type: none"><li>• delete all buildings and works relating to Precinct 3 from the project approval</li><li>• delete the land-bridge over the railway corridor</li><li>• replace the retail use in Precinct 1 with gallery use</li><li>• amend public domain and open space within Precinct 1 and 2</li><li>• amend/delete conditions and Statement of Commitments to take account of the deletion of Precinct 3.</li></ul>

## DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Advisory Notes	Advisory information relating to the approved development but do not form a part of this approval
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the Act
Council	Council of the City of Sydney
Department	Department of Planning and <b>Infrastructure-Environment</b>
<b>Director-General Planning Secretary</b>	<b>Director-General Planning Secretary</b> of the Department of Planning and <b>Infrastructure-Environment</b>
EA	Environmental Assessment Report prepared by Ludvik & Associates Pty Ltd
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Floor Space Ratio (FSR)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Gross Floor Area (GFA)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Redfern LAC	Redfern Local Area Command
SEPP MD	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning and Infrastructure
MP06_0101	Concept Plan (as modified) for this proposal
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PCA	Principle Certifying Authority (Part 4A of the Act)
PPR	Preferred Project Report
Proponent	Aboriginal Housing Company Ltd (AHC) or any party acting on the approval
Regulation	Environmental Planning and Assessment Regulation, 2000 (as amended)
RMS	NSW Roads and Maritime Services or its successors
Storey	has the same meaning as in Schedule 3, Part 5, Redfern-Waterloo Authority sites of State Environmental Planning Policy (Major Development) 2005.
Subject site	Land described in Schedule 1 of this approval

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## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### A1 Development Description

Development is granted for the carrying out of the development described below:

- ~~17,370~~ **10,405** m<sup>2</sup> of gross floor area comprising:
  - ~~2,655~~ **1,215** m<sup>2</sup> of retail/commercial gross floor area;
  - ~~12,730~~ **7,340** m<sup>2</sup> of residential gross floor area comprising:
    - 36 townhouses (5 x 2 bedroom, 18 x 3 bedroom and 13 x 4 bedroom);
    - 26 apartments (21 x 2 bedroom and 5 x 3 bedroom);
    - **154 student housing bedrooms in 42 units**
  - ~~3,095~~ **1,850** m<sup>2</sup> of cultural/community gross floor area, including a gymnasium/fitness centre, gallery, 60 place child care centre and offices for AHC;
- Basement car park for 115 vehicles including 10 accessible spaces;
- 8 at grade 90° angle spaces along the northern side of Caroline Street; and
- Landscaping and public domain improvement works.

#### A2 Terms of Approval

**This approval relates solely to Precincts 1 and 2. Any reference to any development within Precinct 3 in the following drawings and associated reports is to be disregarded.**

The development will be undertaken in accordance with ~~MP06\_0101~~ and MP ~~No.~~ 11\_0093 and the Environmental Assessment dated December 2011, prepared by Ludvik and Associates Pty Ltd, except where amended by:

- a)** the Preferred Project Report dated August 2012, prepared by Ludvik and Associates Pty Ltd, ~~and~~
- b)** **the following modification application(s):**
  - i)** **MP 11\_0093 MOD 1 prepared by Ludvik & Associates Pty Ltd dated 10 July 2018**
- c)** the following drawings:

Drawing No./Report	Revision	Name of Plan
<b>Architectural Plans prepared by Nordon Jago Architects</b>		
<b>Overall Drawings – All Precincts</b>		
<del>0DA000</del>	<b>F</b>	<b>Cover Page</b>
<del>0DA011</del>	<b>D</b>	<b>Proposed Site Plan</b>
<del>0DA012</del>	<b>F</b>	<b>FSR &amp; Building Heights</b>
0DA013	C	Laneways
0DA070	<b>F J</b>	Public Domain Areas
<del>0DA300</del>	<b>B</b>	<b>Streetscape Elevations</b>
<del>0DA600</del>	<b>C</b>	<b>Massing View</b>
0DA900	A	Materials and Finishes Board
<del>0DA015</del>	<b>A</b>	<b>Proposed Site Plan – Precincts 1 and 2</b>
<b>Precinct 1</b>		
1DA005	<b>F G</b>	Precinct 1 Perspectives and Site Analysis
1DA091	E	Basement Level B1
1DA100	E	Plan Level 01 - Townhouses

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1DA101	<del>E</del> <u>F</u>	Plan Level 02 – Townhouses <b>Plan Level 01(GF) – Mixed Use Building</b>
1DA102	E	Plan Level 01.1 (Mezzanine)
1DA103	E	Plan Level 02 - Residential
1DA104	E	Plan Level 03-05 Typical
1DA120	E	Roof Plan
1DA150	A	Townhouse Typical Detail Plan/Section
1DA151	A	Townhouse Street Perspectives
1DA200	D	Sections A & B
1DA201	D	Section C & D
1DA300	D	North & West Elevations
1DA301	D	South & East Elevations
<b>Precinct 2</b>		
2DA005	F	Precinct 2 Perspectives and Site Analysis
2DA100	E	Level 1 Plan
2DA101	E	Level 2 Plan
2DA102	D	Level 3 Plan
2DA103	D	Level 4 Plan
2DA120	E	Roof Plan
2DA200	E	Sections
2DA300	D	Elevations
<b><del>Precinct 3</del></b>		
<b><del>3DA005</del></b>	<del>F</del>	<b><del>Precinct 3 Perspectives and Site Analysis</del></b>
<b><del>3DA100</del></b>	<del>E</del>	<b><del>Lower Ground &amp; Ground Floor Plan</del></b>
<b><del>3DA101</del></b>	<del>E</del>	<b><del>Level 1 Plan</del></b>
<b><del>3DA102</del></b>	<del>E</del>	<b><del>Level 2 Plan</del></b>
<b><del>3DA103</del></b>	<del>E</del>	<b><del>Level 3 Plan</del></b>
<b><del>3DA104</del></b>	<del>E</del>	<b><del>Level 4 Plan</del></b>
<b><del>3DA105</del></b>	<del>B</del>	<b><del>Level 5 Plan</del></b>
<b><del>3DA106</del></b>	<del>B</del>	<b><del>Level 6 Plan</del></b>
<b><del>3DA120</del></b>	<del>C</del>	<b><del>Roof Plan</del></b>
<b><del>3DA200</del></b>	<del>E</del>	<b><del>Sections</del></b>
<b><del>3DA300</del></b>	<del>D</del>	<b><del>Elevations</del></b>
<b><del>DN160</del></b>	<del>D</del>	<b><del>Lawson Street Bridge Works</del></b>
<b>Report/Plan</b>	<b>Author</b>	<b>Date</b>
<b>Landscape Treatments</b>		
Public Domain & <b><u>Landscape Report &amp; Public Art Strategy</u></b>	<b><u>Scape Scott Carver Pty Ltd</u></b> <b><u>Professor Michael Tawa</u></b>	<b><u>9 December 2011</u></b> <b><u>5 June 2017</u></b>
Email to Greg Colbran (Dei Corp) regarding landscape treatments for townhouses	Andrew Turnbull, Scott Carver	23 August 2012
<b>Acoustic Assessment</b>		
Pemulwuy Acoustic Assessment	Koikas Consultants Pty Ltd	13 December 2011
<b>Traffic Assessment</b>		
Transport and Accessibility	John Coady	13 December 2011

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Impact Assessment	Consulting Pty Ltd	
<b>Structural Assessment</b>		
Structural report for Pemulwuy	Bonacci	12 December 2011
<b>BASIX Assessment</b>		
Precinct 1 BASIX Assessment	Windtech	13 December 2011
Precinct 3 BASIX Assessment	Windtech	13 December 2011
<b>Site Investigation</b>		
Geotechnical Assessment	SMEC Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC Testing Services Pty Ltd	25 August 2010
<b>Stormwater Drainage</b>		
Stormwater Concept Plan SC 01	Neil Lowry & Associates	December 2011
Site Plan SC 02	Neil Lowry & Associates	December 2011
<b>Construction Management</b>		
Construction Management Methodology	Dei Corp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
<b>Report/Plan</b>	<b>Author</b>	<b>Date</b>
Soil Water Management Plan Layout for Precinct 3, Redfern Dwg. No. C083 Rev A	Bonacci	March 2011
Sediment Basin Detail Dwg No. C084 Dev A	Bonacci	March 2011
<b>Wind Assessment</b>		
Precinct 1 –Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 2 –Report No. WB028-01F06 (rev2)	Windtech	7 December 2011
Precinct 3 –Report No. WB028-01F07 (rev2)	Windtech	7 December 2011
<b>Heritage Assessment</b>		
Heritage Interpretation Strategy	NBRS	9 December 2011
Railway Corridor Retaining Wall	NBRS	9 December 2011

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.

### A3 Inconsistency Between Documents

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statements of Commitment (Schedule 3), the conditions of this approval prevail.

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#### **A4 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

#### **A5 Approval is not granted in relation to these matters**

This approval does not give approval for:

- a) The provision of any mechanical plant or equipment. Separate approval may be required in relation to the installation of mechanical plant and equipment relating to the use of the proposed development.
- b) Subdivision of the development.
- c) Right hand turns from Lawson Street into Eveleigh Street, with the exception of emergency vehicle access.

#### **A6 Lapsing of Approval**

This approval will lapse 5 years from the date of commencement of approval, unless:

- 1) a shorter period of time is specified by the Regulations or
- 2) the development has physically commenced.

#### **A7 No Approval for Road Works External to the site**

This approval does not include any of the road works proposed which are external to the site. Such works include:

- a) the relocation of the intersection of Vine Street and Abercrombie Street.

Separate application will be required to be made to Council in relation to these works.

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## PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### B1 Design Modifications

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority must specify the following modifications:

- ~~a) Treatments to address potential privacy issues and manage solar access to the windows and balconies of the western elevation of the student housing accommodation on Precinct 3 are to be provided. Any changes to the external finishes of the building in order to address these issues shall be fixed in such a way to ensure the rooms have access to natural light and views from the windows and balconies are directed away from eastern facing windows to the residential building on Precinct 1.~~
- ~~b-a)~~ Swept path plans demonstrating that vehicular movements into and out of the rear of 108 Lawson Street Redfern can be achieved from Caroline Lane in accordance with Australian Standard AS 2890.1.
- ~~c-b)~~ The western facing windows of townhouses and apartments are to be provided with screening to allow for passive control of afternoon sun.

### B2 Waste Management

Prior to the issue of a-the relevant Construction Certificate, the Proponent Applicant is to submit a Waste Management Plan for the management of operational waste for the various components of the development. This plan is to address:

- a) Practical removal of waste storage containers, including recycling bins, from the lower ground area of the building on Precinct 1 for collection.
- b) An education program to encourage use of the recycling facilities for the residents of the apartment building on Precinct 1.
- c) Practical removal of waste storage containers, including recycling bins, from the storage facilities of the building on Precinct 2 for collection.
- ~~d) Details of waste management for the commercial tenancies in Precinct 3 (NOTE: Use of the garbage room under the gallery is not practical for these tenancies).~~
- ~~e-d)~~ Details of the ventilation of waste storage areas which do not have access to natural ventilation.
- ~~f-e)~~ Management of the removal of bins from the waste storage areas for collection and their removal following collection.

The Waste Management Plan shall be to the satisfaction of Council.

### B3 Acoustic Treatments

The following details as recommended in the Koikas Consultants Pty Ltd Acoustics Assessment dated 13 December 2011 are required to be submitted with the Construction Certification application:

- a) The maximum vibration limit is to be specified by a consulting geotechnical engineer prior to commencement of excavation;
- b) The specifications shall include reference to building materials capable of achieving the recommended acoustic attenuation in accordance with Section 6.5 of the Koikas assessment.
- c) Compliance with the recommendations of Section 10.1 of the Koikas assessment in relation to BCA requirements.

### B4 Construction Management Plan

A detailed construction management plan (CMP) is to be submitted with the Construction Certificate application. The CMP is to include the following details:

- a) Details as specified in Section 5.5 of the Koikas Acoustic Assessment
- b) A detailed demolition and construction waste management plan. The demolition and construction waste management plan must address:

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- i. Procedures for the removal and disposal of asbestos cement products, including procedures for notification of all adjoining and nearby properties that asbestos materials are to be removed;
  - ii. Classification of waste materials;
  - iii. Investigation for recycling and reuse of demolition materials;
  - iv. Location of waste storage facilities.
- c) A detailed traffic and pedestrian management plan, including haulage and delivery routes, delivery times and the number and type of vehicles to be used during construction and demolition.
- d) Details of arrangements for parking of construction workers vehicles.
- e) Loading and unloading of vehicles:
  - i. If, during construction, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
  - ii. A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- f) An undertaking in relation to inspection and maintenance of erosion and sediment control barriers.
- g) Details of dust and debris control.
- h) Details of how tracking of soil and materials from the site will be managed.
- i) Details of the protection of public and private property.
- j) Details regarding tree protection.
- k) Site management details.

The CMP is to be prepared in consultation with Council and Redfern LAC to ensure the concerns of these authorities are appropriately addressed.

Details of written consultation with Council and Redfern LAC are to be provided to the PCA with the Construction Certificate application.

#### **B5 Geotechnical Certification**

Prior to the issuing of a Construction Certificate, a Geotechnical inspection report/certificate confirming that the development site is suitable for the proposed development must be provided to the principal certifying authority. The certificate must be in accordance with the relevant requirements of the Building Code of Australia and be prepared by an appropriately qualified person.

#### **B6 Structural Certification**

Structural drawings prepared by suitably qualified practicing structural engineer are required to be submitted with the Construction Certificate application.

#### **B7 Footpath Damage Bank Guarantee Eveleigh Street, Caroline Street And Lawson Streets**

A Footpath Damage Bank Guarantee must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges and is to be calculated for the footways affected by works away from the central Pemulwuy space. This has been determined as being 65 linear metres of concrete unit paving footway and 330 linear metres of asphalt footway. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

#### **B8 Reflectivity**

The PCA must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

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## **B9 Materials and Finishes**

The Principal Certifying Authority must be satisfied that the materials and finishes proposed buildings to be used in this development are in accordance with the approved plans, as amended by conditions of the approval. This condition does not relate to the materials and finishes of the public domain area which will require the separate approval of Council (refer condition B15).

## **B10 Long Service Levy**

Receipt of payment of the Long Service Payments Corporation in accordance with Section 34 of Building Construction Industry Payments Act 1986 must be presented to the PCA prior to issue of a Construction Certificate.

## **B11 Alignment Levels**

- a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

## **B12 Stormwater and Drainage - Major Development**

On-site detention, treatment and re-use is encouraged.

- a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- c) The requirements of Sydney Water with regard to the onsite detention of stormwater as specified in their submission dated 10 February 2012 must be complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Any direct connection of stormwater to Sydney Water's stormwater channel will need to comply with Sydney Water's connection requirements. Should this be proposed the Proponent will be required to lodge a stormwater connection application with a Sydney Water accredited Water Servicing Coordinator.

## **B13 Water Sensitive Urban Design (WSUD)**

The proposed development is required to meet contemporary stormwater quality targets. A WSUD Strategy and MUSIC model is required to be prepared and submitted to Sydney Water prior to the issue of a Construction Certificate for the development.

## **B14 Photographic Record / Dilapidation Report – Public Domain**

Prior to a Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and

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plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-

- a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) Each image is to be numbered and cross referenced to a site location plan;
- d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

#### **B15 Public Domain Hold Points**

- a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period

#### **B16 Landscaping**

- a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance;
  - (v) Details of drainage and watering systems.
- b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

#### **B17 Car Parking**

The off street car parking facilities shall comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004 Parking facilities Part 1: Off-street car parking (with the exception of the accessible spaces which must comply with AS 2890.6 – 2009).

The layout of the basement car park, including driveway, ramp grades, aisle widths and sight distances are to be designed in accordance with AS 2890.2 – 2002.

#### **B18 Dilapidation Report**

Dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practicing structural engineer and submitted for the approval of the Principal Certifying Authority:

- a) prior to the issue of a Construction Certificate and commencement of demolition/excavation works; and
- b) on completion of construction demolition/excavation works.

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A specific site dilapidation report shall be provided in relation to 108 Lawson Street in accordance with the undertaking from Dei Corp to Marcello Araldi dated 19 September 2012.

#### **B19 Electricity Substation**

If an electricity substation is required for the development, the Proponent shall liaise with the applicable energy supplier in relation to the size and location of the substation. In this regard, any substation(s) shall be located in an area which is not visually prominent and does not detract from the amenity of the public domain. Details of the location of the substation(s) are to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued.

NOTE: The location of the substations is not approved as part of this plan. The Proponent is to negotiate an alternative location for the substations with Council and Ausgrid.

#### **B20 Survey of Utility Services**

To ensure that utility authorities are advised of the development prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

#### **B21 Adaptable Housing**

Prior to a Construction Certificate being issued, the following information is required to be submitted to the PCA:

- a) Confirmation that 57 of the residential units ~~and 3 of the student housing units~~ are able to be adapted for people with a disability in accordance with the Building Code of Australia and City of Sydney Access DCP 2004;
- b) Compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

This advice is to be prepared by an appropriately qualified access consultant.

#### **B22 BASIX Certificates**

A copy of the required completed BASIX certificates must be lodged with the Construction Certificate application and the items nominated as part of the BASIX certificate must be specified on the Construction Certificate plans.

#### **B23 Security Measures**

Prior to the issue of a Construction Certificate for the proposed development, the Proponent is to provide written evidence to the PCA that they have liaised with the Redfern Local Area Command of the NSW Police in relation to the installation of security devices and any other crime prevention initiatives.

#### **B24 Loading Areas**

The Proponent is to prepare a Plan of Management addressing how businesses within the development can be serviced without impacting on the roadways. The Plan of Management should address:

- Frequency of deliveries
- Types of vehicles
- Management of removalist vehicles servicing the residential dwellings.

Should the Plan of Management involve loading from streets, the approval of Council to the Plan of Management will be required to be provided. Use of streets as a loading area may require the creation of formal loading zones in which case the approval of the relevant Traffic Committee and Council will be required.

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## **RailCorp Sydney Trains Conditions**

### **B25 Geotechnical and Structural Stability and Integrity**

Prior to the issue of a Construction Certificate ~~or excavation works commencing (which ever may occur first)~~ for Precinct 3-2 ~~or bridge widening~~, the Proponent shall submit the following items for RailCorp approval/certification and any works within 25 m of the rail corridor including 2 m or more of ground penetration or excavation, the following are to be prepared in accordance with Sydney Trains' requirements and provided to Sydney Trains for review and written endorsement:

- a) A final Geotechnical and Structural report that meets RailCorp's Sydney Trains' requirements. ~~The Geotechnical and Structural Report shall also evaluate the stability of the embankment and the retaining wall from future demolition, excavation, piling/piers/footings and the loading and ground deformation of future buildings.~~
- b) ~~Construction methodology with details pertaining to structural support during excavation and piling/piers/footings~~ An Excavation and Construction Methodology that meet Sydney Train's requirements.
- c) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All RL depths and horizontal distances as determined by the registered surveyor of the proposed Level 1 (excavated level) to be nearest platform, track, and any overhead structures.
  - ~~• And if deemed necessary by RailCorp following the review of the above matters, the following:~~
    - ~~i. Track monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.~~
    - ~~ii. A rail safety plan.~~
    - ~~iii. Machinery to be used during excavation/construction.~~
    - ~~iv. Any other matter in order to protect the rail corridor.~~
- d) A Detailed survey of the proposed development in relation to the Rail Corridor, as undertaken and provided by a registered surveyor to the satisfaction of Sydney Trains.
- e) If required, a Monitoring Plan including instrumentation and monitoring regime for the duration of the excavation and construction of the development that meet Sydney Train's requirements.
- f) If required, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

The Principle Certifying Authority shall not issue the Construction Certificate, ~~or bridge widening works are to commence~~, until written confirmation has been received from RailCorp Sydney Trains confirming that this condition has been satisfied.

The Proponent is to be aware that RailCorp Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

All piling and excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

### **~~B26 Building, Balconies and Window Design~~**

~~Windows and other external features (eg roof terraces and external fire escapes) in the building on Precinct 3 that are within 20m and face the rail corridor must be installed with measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor.~~

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~~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.~~

#### B26 Contribution Levy Credit for Public Domain Works

Prior to the issue of a Construction Certificate, and if a contribution levy credit for public domain works is to be sought under Condition E16(b), the Applicant must provide an outline of the proposed public domain works and estimated cost for the Secretary's approval

#### B27—Use of Lights and Reflective Materials

~~The design, installation and use of lights, signs and reflective materials in Precinct 3, 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.~~

~~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.~~

#### B28-B27 Demolition, Excavation and Construction Impacts

Prior to the issue of a Construction Certificate for any building on Precinct ~~3-2~~ or bridge widening works a Risk Assessment/ Construction Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works ~~on any potential are to be submitted to RailCorp for review and comment on the~~ impacts on the rail corridor is to be prepared for Sydney Trains review and written endorsement. The Principle Certifying Authority shall not issue the Construction Certificate, ~~or bridge widening works to commence,~~ until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

~~No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.~~

#### B29-B28 Crane and Other Aerial Operations

Prior to the issuing of a Construction Certificate for Precinct 2 the Proponent Applicant is to submit to RailCorp Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp Sydney Trains requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp Sydney Trains confirming that this condition has been satisfied.

#### B30—Requirement for the Proponent to enter into an Agreement with RailCorp

~~Prior to the issuing of a Construction Certificate for Precinct 3 and the bridge widening works the Proponent is required to enter into an Agreement with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development.~~

~~The Proponent is advised that a separate Interface Agreement may also be required for the proposed bridge widening works and if required such an Agreement must be entered into either prior to the Construction Certificate or on completion of works, as advised by RailCorp.~~

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~~The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp advising that an Agreement has been entered into.~~

~~No bridge widening works are to commence until written confirmation has been received from RailCorp approving the bridge widening works and an Agreement has been entered into.~~

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## PART C – PRIOR TO CONSTRUCTION

### C1 Construction Certificate

Prior to commencement of any demolition, excavation or construction works associated with the approved development, it is necessary to obtain a Construction Certificate (CC). A CC may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the CC are to be amended to satisfy all relevant conditions of this approval.

### C2 Site Fencing

The construction site must be enclosed with a 1.8m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority prior to commencement of any works or demolition on site. The written endorsement of Council and Redfern LAC to the location and design of the site fencing shall be submitted to the PCA prior to installation of the fencing.

### C3 Erosion and Sediment Control

Erosion and sediment control devices are to be installed, as necessary, prior to the commencement of any demolition, excavation or construction works on the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum of three months following completion of the project, where necessary.

### C4 Preservation of Survey Marks

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

A fee will apply for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

### C5 Demolition, Excavation and Construction Management

Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:

- i. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
- ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- iii. An Excavation Work Method Statement prepared by an appropriately qualified person.

### C6 Utility Services

Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Ausgrid, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the Proponent.

### ~~C7 Rail Corridor Alignment~~

~~Prior to the commencement of works on Precinct 3, a Registered Surveyor is to peg-out the property boundary along the rail corridor alignment to ensure that no works are undertaken on RailCorp land.~~

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### **C8 — Archival Recording of Murals**

~~An archival recording of all murals should be undertaken prior to any works being undertaken, including removal of part or whole of the brick wall along the northern side of Lawson Street and the block wall running parallel to Eveleigh Street and located between Eveleigh Street and the railway corridor.~~

~~These records are to be held by Aboriginal Housing Company and a copy provided to the Director General.~~

### **C9-C7 Public Domain**

Prior to the commencement of construction, the Proponent must obtain Council's written endorsement regarding the material, finishes and treatment of the public domain areas within the site.

Council will require three copies of a detailed Public Domain Plan. This Plan must be prepared by an architect, urban designer or landscape architect and be lodged with Council's Public Domain Section and endorsed by Council prior to the commencement of public domain works.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

The detailed documentation shall be provided at a level and standard suitable for construction purposes. Documentation shall include but not be limited to:

- a) A1 sized public domain plans at scale 1:200;
- b) Cross sections and Elevations at scale 1:100;
- c) Include specifications for the proposed works;
- d) Ensure maximum footpath cross falls of 2.5% from building line to top of kerb;
- e) Long Sections at scale 1:200;
- f) Construction details at appropriate scale;
- g) Schedules and specification;
- h) Services;
- i) Entire scope of works on Council property and that proposed to be dedicated including intersection treatments with the proposed new road pavements, line marking, parking, kerb and gutters (as relevant);
- j) Civil and stormwater infrastructure;
- k) Footpaths and pavements, treatment to the right of carriageway, road restoration;
- l) Street tree planting;
- m) utility poles, and service pits;
- n) Species, quantity, spacing, sizes of planting, staking and/or tree guard;
- o) Materials and finishes;
- p) Furniture and fixtures;
- q) Street lighting, pedestrian lighting and feature lighting;
- r) Drainage lines, and pits; and
- s) Extent of temporary works and permanent features to be clearly shown, including furnishing and/or footings, finished surfaces, service and planting.

The documentation shall also provide detailed design for safety and security which encompasses the following:

1. The through site links (or shared zones and pedestrian streets as appropriate), shall be designed and developed in accordance with the following principles:
  - a) Safe, passive surveillance, activity and night time use and provision for active surveillance at clearly defined entry points;
  - b) Equitable and easy access by the provision of a continuous paths of travel (consistent with AS 2107);
2. Well lit to safety standards (AS1158 pedestrian lighting). Use of metal halide (white) lighting, giving regard to highlighting any unique architectural features;
3. Uninhibited public access 24 hours a day to all public and communal areas;

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4. Direct route with direct views from adjacent streets or public domain and provide clear, unencumbered sight lines;

Note: A Public Domain Works Guarantee deposit will be required for the public domain works associated with the shared zones adjoining Lawson Street down Eveleigh Street and along Caroline Street, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. This is separate to and in addition to the Footway Damage Bank Guarantee. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The public domain plan will need to be endorsed by both Council and Redfern LAC to ensure it meets the requirements of those authorities prior to final approval of the **Director-General Planning Secretary**.

#### **~~C10 — Public Art / Cultural interpretation~~**

~~The proponent must liaise with the Council in relation to the proposed culturally interpretive art works visible from the public domain. In this regard, a detailed Cultural Art Plan will be prepared and a copy of the same will be provided to Council's Public Art Committee for comment and endorsement, prior to final approval by the Director-General.~~

#### **~~RailCorp Conditions~~**

##### **~~C11 — Services Searches~~**

~~Prior to the commencement of the Lawson Street Bridge works the Proponent 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 signaling. Should rail services be identified within the subject development site the Proponent must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.~~

##### **~~C11 — Survey~~**

~~The Proponent shall provide an accurate survey locating the Precinct 3 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. Written confirmation of RailCorp's satisfaction is to be provided to the PCA.~~

#### **~~C12-C8~~      **Stray Currents and Electrolysis from Rail Operations****

Prior to the commencement of ~~the Lawson Street Bridge~~ works on Precinct 2 the **Proponent-Applicant** is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The **Proponent-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 Principle Certifying Authority with the application for a Construction Certificate.

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### **C13-C9 Dilapidation Surveys**

Prior to the commencement of bridge widening Precinct 2 works, ~~on completion of bridge widening works and 12 months from the completion of bridge widening works during and on completion 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 Sydney Trains and the Proponent Applicant. 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 Sydney Trains.

### **C14—Fencing**

~~Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.~~

### **C15—Derailment Protection**

~~Prior to the commencement of bridge widening works the Proponent shall provide to RailCorp for its endorsement a report demonstrating that the structural design of the bridge widening satisfies the requirements of Australian Standard AS5100. Bridge widening works are not to commence until written confirmation has been provided by RailCorp that this condition has been satisfied.~~

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## **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 Department, Council or the PCA.

### **D2 Hours of Work**

The hours of construction and work on the development must be as follows:

- a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 6.00pm on Mondays to Fridays, inclusive, and 7.00am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

### **D3 No Obstruction of Public Way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

### **D4 Use of Mobile Cranes**

The following requirements apply:

- a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- b) 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 for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

### **D5 Compliance with Construction and Traffic Management Plans**

All development activities and traffic movements must be carried out in accordance with the approved Construction and Traffic Management Plans. All controls in the Plans must be maintained at all times. A copy of the Plans must be kept on-site and made available upon request.

### **D6 Construction Noise**

Noise from the construction, excavation and demolition activities associated with the development shall comply with the NSW Department of Environment and Heritage Noise Guidelines 2009.

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#### **D7 Dust Control**

Dust control measures shall be implemented during all periods of earthworks, demolition, excavation and construction in accordance with the requirements of NSW Department of Environment and Heritage.

#### **D8 Covering of Loads**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **D9 Vehicle Cleansing**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **D10 Archaeological Discovery During Excavation**

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

#### **D11 Dial before you dig**

Care is to be taken during excavation and demolition to ensure existing cables are not damaged.

#### **RailCorp Sydney Trains Conditions**

#### **D12 Physical Access to RailCorp Sydney Trains' Facilities**

No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp Sydney Trains.

Where the Proponent-Applicant proposes to enter or use the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp Sydney Trains confirming that its conditions have been satisfied.

#### **D13 Adjacent Heritage Structures**

As the proposed development is located in close proximity of railway heritage items, the Proponent-Applicant is required to retain the services of a heritage expert/architect to supervise works that are in close proximity to the heritage item in order to conserve heritage values.

#### **~~D14 Scaffolding~~**

~~No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp. To obtain approval the Proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.~~

#### **~~D15 Track Possessions and Power Outages~~**

~~The proposed demolition, excavation and construction works that directly abut the rail corridor need to be undertaken in a safe and controlled manner to avoid any impacts~~

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~~on the rail corridor or train services. As such track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) may be required to undertake the proposed works. The Proponent is therefore required to obtain RailCorp's written advice as to the need for track possessions and/or power outages and to comply with RailCorp's requirements that may involve, but not be limited to:~~

- ~~• The need to enter into an Agreement to enable this work to be planned and to proceed in a safe and controlled manner.~~
- ~~• Cost of supervision, design checks, meetings, approvals and service searches is to be borne by the Proponent.~~
- ~~• In the event that the Proponent requires access to the rail corridor prior to entering into an Agreement, the entering into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the Proponent is carrying out any work within or adjacent to the railway corridor.~~
- ~~• Appropriate level of insurance.~~

#### ~~D16— Safe Working Rules~~

~~All works are to be carried out in accordance with RailCorp's standards, Safeworking rules and regulations, including the Network Rules and Procedures. It should be noted that RailCorp's representative might impose conditions on the methods to be used and require the provision of on-site Safeworking supervision for certain aspects of the works.~~

#### ~~D17— Access Management~~

~~Prior to the commencement of works an Agreement/Deed shall be entered into with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development. The cost of any agreement/deed, including supervision, design checks, meetings, approvals and services searches is to be borne by the Applicant. It should be noted that this agreement/deed may include, but not be limited to, the following issues:~~

- ~~• Design, excavation and construction assessments and sign-offs.~~
- ~~• Environmental, insurance and OHS requirements.~~
- ~~• Indemnities from claims arising out the development~~
- ~~• Safe working rules and procedures.~~
- ~~• Construction bonds.~~

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## PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

### E1 Occupation Certificate

Occupation or use, either in part or full, is not permitted until an Occupation Certificate (OC) has been issued. The OC must not be issued unless the buildings are suitable for occupation or use in accordance with its classification under the BCA and until all preceding conditions of this approval have been complied with.

Where Council is not the PCA, a copy of the OC must be provided to Council.

### E2 Plan of Management –Car Parking Areas

Prior to the issue of an Occupation Certificate (OC) for the development a Plan of Management for the car parking areas (basement and at grade) is to be prepared and submitted to the PCA for approval.

The Plan of Management shall identify:

- Security procedures.
- Distribution of car parking spaces for the various uses throughout the development and designation of the spaces for the various uses.
- Emergency procedures.
- Signposting

The Plan of Management must also address the management of the at grade car parking spaces (on the forecourt area of Precinct 1). In this regard the Proponent is required to consult with Council regarding options for management of these spaces and enforcement of parking restrictions. The written endorsement of Council to the Plan of Management shall be submitted with the application for Occupation Certificate. A copy of the endorsed Plan of Management shall be provided to the Director General.

### E3 Plan of Management – Child Care Centre

Prior to the issue of an Occupation Certificate for the child care centre, a Plan of Management for the centre is to be prepared and submitted to the PCA for approval.

The Plan of Management shall include the following details:

- Hours of operation.
- Security procedures
- An emergency evacuation plan that encompasses the requirements of the NSW Fire Brigade and outlines the procedures by which staff will be trained in emergency procedures.
- Compliance with recommendations of Section 7.6 of Koikas Acoustic Assessment.
- Landscape details.
- Compliance with the requirements of *Children (Education and Care Services) Supplementary Provisions Regulation 2012* and Sydney City Council Child Care Centres Development Control Plan 2005.

### E4 Compliance with BASIX requirements

The PCA must be satisfied that all commitments listed in each relevant BASIX Certificate for the development have been fulfilled prior to an Occupation Certificate being issued.

### E5 Travel Plan

Prior to the issue of an Occupation Certificate for the development, the Proponent must prepare a Green Travel Plan. The Green Travel Plan shall include details of train and bus timetables and illustrations of routes between the site and various destinations. The Travel Plan is to be submitted to Council for approval prior to issue of an Occupation Certificate.

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## **E6 Public Domain**

The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

## **E7 Site Landscaping**

All landscaping in accordance with the detailed landscape plan referred to in condition **B17 B16** is to be completed prior to an Occupation Certificate being issued.

## **E8 Acoustic Certification**

Prior to the issue of an Occupation Certificate for the development, certification from an accredited Acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants is required to be provided. The certification shall indicate that the acoustic mitigation measures outlined in the Koikas acoustic assessment and relevant Australian Standards have been suitably incorporated into the development and that relevant noise criteria have been satisfied.

## ~~**E9 Student Housing Manager**~~

~~Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.~~

## ~~**E10 E9 Waste Management**~~

Prior to the issue of an Occupation Certificate, the approval of Council must be obtained in relation to the waste and recycling management facilities and ensure arrangements are in place for waste collection by Council.

## ~~**E11 E10 Section 73 Certificate**~~

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

## ~~**E12 E11 Fire Safety Certificate**~~

A Fire Safety Certificate must be submitted to the PCA for all items listed in the Fire Safety Schedule prior to issue of an Occupation Certificate. A copy of the Fire safety Certificate must be submitted to Council if it is not the PCA.

## ~~**E13 Easement for Public Access E12 Dedication of Open Space**~~

Prior to the issue of an Occupation Certificate for this development, an easement for Public Access shall be created over the following spaces within Precinct 1 and 2 shall be dedicated to Council for public use in accordance with Drawing ODA070J:

a) Zone A: the two public domain areas (235 m<sup>2</sup>) of Precinct 2 bound by Caroline Street, Eveleigh Street and Lawson Street

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- b) **Zone C:** the 753 m<sup>2</sup> forecourt area of Precinct 1 bound by Caroline Street and Louis Street. The Proponent must consult with Council to establish if this easement is required to include including the 8 car parking spaces along the Caroline Street frontage of Precinct 1.

#### **E14 E12 Site Consolidation**

The allotments comprising the subject site are to be consolidated into ~~three two~~ lots, corresponding to the ~~three two~~ development precincts (Precincts 1 and 2) prior to issue of an Occupation Certificate for this development.

#### **E15 E13 Signposting of Share Ways**

The share ways shall be signposted in accordance with RMS standard requirements.

#### **E16 Contribution levied under Redfern– Waterloo Authority Contributions Plan (RWCP)**

- 1) In accordance with the provisions of the RWCP, prior to the issue of an Occupation Certificate for the development, the Proponent shall either:
  - a) pay a contribution of ~~\$1.4 million~~ 883,925 (based on 2% of the estimated development cost); or
  - b) undertake public domain improvement works to a minimum value of ~~\$1.4 million~~ 883,925 (or 2% of the estimated cost of the development). Such works could include ~~widening of the railway overbridge~~, pavement treatment to the share ways, improved lighting to the public domain and/or landscaping and street tree planting.
- 2) Prior to the issue of an Occupation Certificate ~~E~~vidence of the costs of the public domain improvement works shall be provided to Council and the ~~Director General Planning Secretary~~.

#### **E17 Contribution levied under Redfern– Waterloo Authority Affordable Housing Contributions Plan (RWAHCP)**

In accordance with the provisions of the RWAHCP, prior to the issue of an Occupation Certificate for the development, the Proponent shall either:

- a) pay an affordable housing contribution of ~~\$1,271,118~~ 903,986.40 (based on a rate of ~~\$73.12~~ 86.88/m<sup>2</sup> of GFA). This rate is indexed and a final calculation of the amount owing will be made prior to payment; or
- b) Upon:
  - i. Registration of the Aboriginal Housing Company Limited as a community housing provider under the *Housing Act 2001 (NSW)*; and
  - ii. The registration of a restriction as to user under Section 88B of the *Conveyancing Act 1919*, (or similar restrictive covenant on the Title of the consolidated allotments), to the effect that the 62 dwellings on Precinct 1 will be provided as affordable housing in perpetuity.

The contribution levied under the RWAHCP will be waived.

Evidence of the registration of AHC as a community housing provider and the restriction on the title of the land shall be provided to the ~~Director General Planning Secretary~~ prior to the issue of an Occupation Certificate for the development.

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## **RailCorp-Sydney Trains Conditions**

### **E18 Dilapidation Surveys**

Prior to the issue of the Occupation Certificate for Precinct **3-2** and 12 months from the completion of works at Precinct **3-2**, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from **RailCorp-Sydney Trains** 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-Sydney Trains**.

### **~~E19—Maintenance of Development~~**

~~The Proponent must provide a plan of how future maintenance of the Precinct 3 development is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupation Certificate. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.~~

### **~~E20—Maintenance of Bridge Widening~~**

~~The Proponent must provide a plan of how future maintenance of the bridge widening is to be undertaken. The maintenance plan is to be submitted to RailCorp for endorsement prior to the commencing of the bridge widening works. These works are not to commence until written approval of the maintenance plan has been provided by RailCorp.~~

### **~~E21-E17~~ As-Built Drawings**

~~Prior to the issuing of an Occupation Certificate for Precinct **3-2** and on the completion of the bridge widening works the Applicant is to submit the as-built drawings to RailCorp. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement (apart from those encroachments approved by RailCorp) are to be provided to Sydney Trains for review.~~

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## PART F – OPERATIONAL CONDITIONS

### F1 Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

### F2 Shop Fronts

- a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type.

### ~~F3 Plan of Management for Student Housing~~

~~The student housing must be operated / managed in accordance with the Plan of Management, dated 1 August 2012 and submitted with the PPR.~~

### ~~F4~~ F3 Intruder Alarms

Should intruder alarm/s be installed these must operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

### ~~F5~~ F4 Intercom for Basement Car Park

An intercom must be installed at the entry to the basement car park entry and be at least 6m clear of the property boundary, wired to all units and the management office. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

### ~~F6~~ F5 Signs At Egress

The following signs must be provided and maintained within the site at the point of vehicle egress from the basement car park:

- a) Compelling drivers to stop before proceeding onto the public way; and
- b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

### ~~F7~~ F6 Signposting

All costs associated with signposting for any kerbside parking restriction and traffic management measures associated with the development shall be borne by the Proponent.

No sign(s) shall be erected without the prior approval of Council and the relevant Traffic Committee.

### ~~F8~~ F7 Licensing of Child Care Centre

- a) A license to operate the child care centre must be obtained from the NSW Department of Family and Community Services prior to commencement of operations at the child care centre.
- b) Full compliance with any licensing requirements of the NSW Department of Family and Community Services is required.

### ~~F9~~ F8 Child Care Centre maximum capacity

The total number of children at the centre at any one time must not exceed 60 children.

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#### **~~F10-F9~~Awning Maintenance**

The awnings must be inspected and maintained to ensure their structural integrity, aesthetic and functional quality.

#### **~~F11-F10~~ Paving Materials**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

#### **~~F12-F11~~ Separate approval for retail and commercial tenancies**

Separate development approval is required prior to use and occupation of any of the retail and commercial tenancies approval as part of this development.

#### **~~F13-F12~~ Car Park Management**

The car parking area(s) shall be managed in accordance with the approved Plan of Management.

#### **~~F14-F13~~ Use of Share Ways**

Use of the share ways within the development site shall be in accordance with RMS requirements for share ways.

#### **RailCorp Sydney Trains Conditions**

#### **~~F15-F14~~ Drainage**

Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and is not allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp Sydney Trains.

~~Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.~~

#### **~~F16-F15~~ Pollution Control**

During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

#### **~~F17— Graffiti, Screening and Landscaping~~**

~~To ensure that graffiti can be easily removed, the Proponent is to ensure that fencing and buildings along the rail corridor is coated with anti-graffiti paint or other coating.~~

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## Schedule 3

### Statements of Commitment

No.	Subject	Commitment	Timing
1.	Authority Approvals	All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.	Prior to the carrying of work
2.	Demolition	Demolition works are to be carried out in accordance with the requirements of <i>AS 2601-2001: Demolition of Structures</i> .	During the demolition of the existing buildings
3.	Remediation	Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant <i>Australian Standards</i> , Codes and guidelines.	As part of site preparation works and prior to the commencement of building works
4.	Building Works	The buildings are to be constructed in accordance with the <u>approved</u> plans <u>approved in the Project Approval</u> , the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5.	Construction Management	Construction work is to be carried out in accordance with the <u>Demolition and Construction and Traffic</u> Management Plan to be submitted prior to the issue of a Construction Certificate. All contractors/suppliers will be advised of the Management Plan and will be required to adhere to those requirements throughout the construction phase. Erosion and sediment control measures are to be installed and maintained for the duration of the construction works and until all ground disturbed by the works is stabilised. Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.	Ongoing from the commencement of construction
6.	Waste Management	Wastes associated with demolition works, construction work and the on-going operation of the buildings are to be managed in accordance with the Waste Management Plan <u>submitted with the application for Project Approval</u> . The removal of all wastes, including asbestos based wastes, is to be undertaken in accordance with the regulations and requirements of the NSW Government and relevant codes of practice and guidance notes.	Ongoing from the commencement of demolition works
7.	Public Domain	Public domain works are to be constructed in accordance with the <u>report and plan prepared by Scape Public Domain and Public</u>	As part of construction works

No.	Subject	Commitment	Timing
		<u><b>Art Strategy, June 2017, prepared by Scott Carver Pty Ltd and Professor Michael Tawa.</b></u>	
8.	Safety and Security	All outdoor lighting is to be installed in accordance with AS/NZ 1158.3:1999 - <i>Pedestrian Area (Category P) Lighting</i> and AS 4282:1997 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	As part of construction works
9.	Rail Infrastructure	<del>The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Group Pty Ltd.</del>	<del>Ongoing from the commencement of demolition works</del>
<del>10</del> <u>9</u>	Acoustic & Vibration	The buildings are to be constructed in accordance with the recommendations contained in the report prepared by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.	As part of construction works
<del>11</del> <u>10</u>	Road Traffic Facilities	The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.	As part of construction works
<del>12</del> <u>11</u>	Car Parking, Loading & Access	One hundred and fifteen (115) off-street car parking are to be provided in accordance with AS2890.1-2004: <i>Parking Facilities - Part 1: Off-Street Car Parking</i> . Loading facilities are to be established in accordance with the approved plan and AS2890.2-2002: <i>Parking Facilities - Part 2: Off-Street Commercial Vehicle Facilities</i> .	As part of construction works
<del>13</del> <u>12</u>	Retail & Commercial Uses	Development applications for the commencement of the use of the retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.	Prior to the commencement of use of retail and commercial tenancies
<del>14</del> <u>13</u>	Ecologically Sustainable Development	The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd.	As part of construction works
<del>15</del> <u>14</u>	Heritage/Archaeology	Appropriate action is to be taken should any <del>matter of archaeological significance be revealed unexpected historical archaeological relic or</del> <u>Aboriginal object be discovered</u> during the excavation program.	During excavation works
<del>16</del> <u>15</u>	Stormwater Drainage	<i>Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry &amp; Associates.</i>	As part of construction works
<del>17</del> <u>16</u>	Access & Facilities for People with a Disability	<i>Access facilities are to be provided in accordance with AS1428-2001 - Access for Design and Mobility - New Building Work.</i>	As part of construction works

No.	Subject	Commitment	Timing
		57 of the dwellings in Precinct 1 are to be constructed in accordance with AS4299-1995 - Adaptable Housing, <b>together with 3 of the student housing dwellings in Precinct 3.</b>	
<b>18</b> <b>17</b>	Public Utilities	The buildings are to be connected to the required water, sewerage and electricity infrastructure in accordance with the requirements of Sydney Water Corporation and Energy Australia. Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of the service providers. The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority. Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.	As part of construction works
<b>19</b> <b>18</b>	Development Contributions	All reasonably required contributions are to be paid.	When required
<b>20</b> <b>19</b>	Occupation of the Building	All required certificates are to be provided to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.	Prior to occupation of the building
<b>21</b> <b>20</b>	Community Consultation	The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.	Ongoing
<b>22</b> <b>21</b>	Child Care Centre	The child care centre is to be constructed and operated in accordance with the requirements of the Department of Community Services.	Ongoing
<b>23</b> <b>22</b>	Dwellings in Precinct 1	The sixty-two (62) dwellings in Precinct 1 are to be retained in the ownership of the Aboriginal Housing Company. These dwellings are to be managed by the Aboriginal Housing Company to provide affordable housing for the local Aboriginal and Torres Strait Islander Community	Ongoing
<b>23</b>	<b><u>Gallery</u></b>	<b><u>The gallery is to be constructed, established and maintained in Precinct 1 for use by the Aboriginal Housing Company to display articles associated with the Aboriginal and Torres Strait Islander community.</u></b>  <b><u>A development application for the use and fitout of this space as a gallery is to be submitted to and approved by Sydney City Council prior to the establishment of the gallery.</u></b>	<b><u>Prior to the commencement of the gallery and ongoing</u></b>
<b>24</b>	<b><u>Development</u></b>	<b><u>Development of the Project, i.e.</u></b>	<b><u>Ongoing</u></b>

No.	Subject	Commitment	Timing
		<u>in Precincts P1, P2 and P3, is to be carried out concurrently</u>	
<u>25</u>	<u>Dedication of land to Sydney City Council</u>	<u>An area of some 988 m<sup>2</sup> of the land is to be dedicated to Council as part of the public domain, of which 753 m<sup>2</sup> is to be located in Precinct 1 and 235 m<sup>2</sup> in Precinct 2.</u>	<u>Prior to the occupation of the development</u>
<u>26</u>	<u>Design Excellence</u>	<u>The design excellence of the Project is to be retained throughout the Project to the completion of construction</u>	<u>Ongoing</u>