ETHOS URBAN

Our Reference: 2190140
Department Reference: SSD 8517

4 February 2020

Jim Betts
Secretary
Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Amy Watson (Team Leader – Key Sites Assessments)

Dear Amy,

RE: COMMENT ON CONDITION B15

Ethos Urban write on behalf of Mirvac Projects Pty Ltd in relation to the Section 4.55(1A) Modification Application (MOD 5) to amend SSD 8517 as it relates to Bays 1-4a of the Locomotive Workshop, South Eveleigh.

Further to the email from André Szczepanski dated 29 January 2020, it is proposed to amend Condition B15 as follows:

PRE-CONSTRUCTION DILAPIDATION REPORT

B15. The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be shall be approved by the PCA prior to the issue of the Stage 2 Construction Certificate. A copy of the report is to be forwarded to each of the affected property owners.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the PCA that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards ~~**prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate issued for the development, whichever is the sooner**~~ **prior to commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop.**

Reason:

The first part of Condition B15 requires that a dilapidation report be prepared prior to construction. The second part of the condition requires that damage be fully rectified prior to any Certificate of Completion for the public domain works, or prior to the issue of an OC for the development, whichever is sooner.

This presents the same issue as the other conditions related to OCs, as it would require Mirvac to rectify damage before the public domain works are completed.

The proposed amendments to Condition B15 are consistent with the changes proposed to Condition E12. The proposed amendments will ensure that the rectification of the public domain is logically tied to the commencement of first use of the commercial bays (Bays 5-15) of the Locomotive Workshop.

It is therefore requested that Condition B15 be amended as part of the proposed modification to SSD 8517. If you have any questions, please do not hesitate to contact us on the details provided below.

Sincerely,

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