

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF SHORTLAND AND PART MOFFATS PRECINCT REDEVELOPMENT, TELOPEA

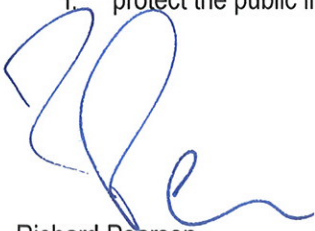
Major Project No.09_0170

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, Preferred Project Report 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

Sydney,

29th August

2010

SCHEDULE 1
MAJOR PROJECT NO. 09_0170

PART A — TABLE

Application made by:	Housing NSW
Application made to:	Minister for Planning
Major Project Number:	MP 09_0170
On land comprising:	Lots 219A, 219B and J DP 36743, Part Lot 1274 DP 216673
Local Government Area	Parramatta City Council
For the carrying out of:	The demolition of existing structures and construction of a maximum 103 residential flat units on Shortland Precinct and maximum 49 residential flat units in Moffatts Precinct.
Capital Investment Value	\$32.58 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse	5 years from the date of this approval unless the building works associated with the project have substantially commenced

PART B—NOTES RELATING TO THE DETERMINATION OF MP No. 09_0170**Responsibility for other consents / agreements**

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Legal notices

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

Inconsistencies between documents

In the event of any inconsistency between the conditions to this major project approval and the approved plans and documentation described in Schedule 2 and the Statement of Commitments in Schedule 3, the conditions in this major project approval prevail.

PART C - DEFINITIONS

In this approval the following definitions apply:

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Parramatta Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECCW	Department of Environment, Climate Change and Water or its successors
Department	Department of Planning or its successors
Director-General	Director General of the Department of Planning, or nominee
EA	Environmental Assessment titled <i>Telopea Urban Renewal Project Environmental Assessment</i> and <i>Appendices</i> prepared by Worley Parsons, dated 1 February 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PPR	Preferred Project Report titled <i>Preferred Project Report Telopea Urban Renewal Project</i> and <i>Appendices</i> prepared by Worley Parsons, dated 3 June 2010
Project	The project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Schedule 2, Part A, Condition A2.
Proponent	Housing NSW, or anyone else entitled to act on this Approval
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Subject Site	Lot 219A D.P. 36743 & 219B D.P. 36743
Statement of Commitments	The Proponent's Statement of Commitment in Schedule 3

SCHEDULE 2 CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 09_0170

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Except as amended by the conditions of this approval, approval is granted only to carrying out the development as described in Schedule 1, and development must be carried out consistently with the Statement of Commitments (attached as Schedule 3).

These conditions of approval do not relieve the Proponent of its obligations under the EP&A Act and any other Act.

A2 *Development in accordance with plans and documents*

The development will be undertaken in accordance with the following documents and drawings:

<i>Teloopa Urban Renewal Project Environmental Assessment and Appendices prepared by Worley Parsons, dated 1 February 2010</i>			
<i>Preferred Project Report Teloopa Urban Renewal Project and Appendices prepared by Worley Parsons, dated 3 June 2010</i>			
<i>Architectural (or Design) Drawings prepared by Turner & Associates</i>			
Drawing No.	Revision	Name of Plan	Date
DA105	A	DEMOLITION PLAN	18/12/09
DA111	G	BASEMENT LEVEL PLAN	12/5/10
DA112	G	GROUND LEVEL PLAN	12/5/10
DA113	G	LEVEL 1 PLAN	12/5/10
DA114	G	LEVEL 2 PLAN	12/5/10
DA115	G	LEVEL 3 PLAN	12/5/10
DA116	G	LEVEL 4 PLAN	12/5/10
DA117	G	LEVEL 5 PLAN	12/5/10
DA118	G	ROOF LEVEL PLAN	12/5/10
DA151	E	SOUTH ELEVATION	12/5/10
DA152	E	WEST ELEVATION	12/5/10
DA153	E	NORTH ELEVATION	12/5/10
DA154	E	EAST ELEVATION	12/5/10
DA161	A	SECTION AA	18/12/09
DA162	A	SECTION BB	18/12/09
DA205	A	DEMOLITION PLAN	18/12/09
DA211	G	BASEMENT LEVEL PLAN	14/5/10
DA212	G	LOWER GROUND LEVEL PLAN	14/5/10
DA213	H	GROUND LEVEL PLAN	14/5/10
DA214	G	LEVEL 1 PLAN	14/5/10
DA215	G	LEVEL 2 PLAN	14/5/10
DA216	H	LEVEL 3 PLAN	14/5/10
DA217	H	LEVEL 4 PLAN	14/5/10
DA218	H	LEVEL 5 PLAN	14/5/10
DA219	H	ROOF LEVEL PLAN	14/5/10
DA251	F	SOUTH ELEVATION	14/5/10
DA252	E	WEST & EAST ELEVATIONS BUILDING A1	14/5/10
DA253	E	NORTH ELEVATION	14/5/20
DA254	E	WEST AND EAST ELEVATIONS BUILDING A2	14/5/10
DA261	B	SECTION AA	18/12/09

DA262	B	SECTION BB BUILDING A1 & SECTION CC BUILDING A2		18/12/09
Landscape Drawings prepared by <i>taylor brammer</i>				
Project Title	Drawing No.	Revision	Name of Plan	Date
TELOPEA RENEWAL PROJECT - SHORTLAND	LA01	A	LANDSCAPE PLAN	17.12.2009
TELOPEA RENEWAL PROJECT - MOFFATTS	LA01	A	LANDSCAPE PLAN	17.12.2009
Stormwater and Drainage Drawings prepared by <i>Michael Frost & Associates Pty Ltd</i>				
Project Title	Drawing No.	Revision	Name of Plan	Date
1-5 SHORTLAND ST, TELOPEA SHORTLAND A1	C02	D	HYDRAULIC SERVICES – STORMWATER GROUND FLOOR	15.12.09
1-5 SHORTLAND ST, TELOPEA SHORTLAND A1	C03	B	HYDRAULIC SERVICES – STORMWATER DETAIL SHEET	16.12.09
1-5 SHORTLAND ST, TELOPEA SHORTLAND A2	C02	E	HYDRAULIC SERVICES – STORMWATER BASEMENT PLAN	15.12.09
1-5 SHORTLAND ST, TELOPEA SHORTLAND A2	C03	E	HYDRAULIC SERVICES – STORMWATER GROUND FLOOR SHEET 1 OF 2	16.12.09
1-5 SHORTLAND ST, TELOPEA SHORTLAND A2	C04	E	HYDRAULIC SERVICES – STORMWATER GROUND FLOOR SHEET 2 OF 2	16.12.09
1-5 SHORTLAND ST, TELOPEA SHORTLAND A2	C05	B	HYDRAULIC SERVICES – STORMWATER DETAIL SHEET	16.12.09
17 STURT STREET, TELOPEA MOFFATTS	C02	D	HYDRAULIC SERVICES – STORMWATER BASEMENT PLAN	16.12.09
17 STURT STREET, TELOPEA MOFFATTS	C03	D	HYDRAULIC SERVICES – STORMWATER GROUND FLOOR SHEET 1 OF 2	16.12.09
17 STURT STREET, TELOPEA MOFFATTS	C04	D	HYDRAULIC SERVICES – STORMWATER GROUND FLOOR SHEET 2 OF 2	16.12.09
17 STURT STREET, TELOPEA MOFFATTS	C05	B	HYDRAULIC SERVICES – STORMWATER DETAIL SHEET	16.12.09
17 STURT STREET, TELOPEA MOFFATTS	C06	A	STORMWATER DRAINAGE DESIGN EXTENT OF 100-YR FLOODING	01.06.10

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 Statement of Commitments, the conditions of this approval prevail.

A4 *Compliance with the Building Code of Australia*

Work must be carried out in accordance with the requirements of the *Building Code of Australia*.

A5 *Development Expenses*

It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

PART B—PRIOR TO THE CERTIFICATION OF CROWN BUILDING WORK**B1 *Crown Building Work***

Crown building work cannot be commenced to be carried out unless the Crown building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws.

B2 *Mechanical Ventilation*

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

B3 *Electrolysis Protection*

Prior to certification of Crown building works, the Proponent shall engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the Shortland Street development from stray currents. Any measures recommended in the report to control the risk shall be incorporate into the development. A copy of the report shall be forwarded to the Department.

B4 *Stormwater Plan*

Prior to certification of any Crown building works the proponent shall prepare a Stormwater Drainage Plan for the development, including the following details:

- connection to Council's underground drainage system;
- layout of drainage system;
- on site stormwater detention;
- absorption trenches;
- demonstrate that storm water discharge into the RTA drainage system will not exceed the pre-development discharge;
- demonstrate all new openings are designed to be a minimum 300 mm above the determined 1 in 100 year flood level; and
- provision and maintenance of overland flow paths.

All approved details for the disposal of stormwater and drainage are to be implemented in the development

Drainage from the development is not to impact the down stream catchment or downstream properties and shall not be discharged into the rail corridor unless prior approval has been obtained from Railcorp. The storm water discharge into the RTA drainage system must not exceed the pre-development discharge, unless approval is obtained from the RTA.

B5 *Disabled Access*

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy.

B6 *Traffic, Car Parking and Access Arrangements*

Prior to certification of the Crown building works, plans are to be prepared identifying the following traffic and parking details:

- The minimum clearance for car parks being in accordance with AS 2890.1.
- All parking bays being permanently marked out on the pavement surface.

B7 Reflectivity

The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be prepared prior to certification of the Crown building works.

B8 Outdoor Lighting

All outdoor lighting 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*.

B9 Rock Anchors

There are to be no rock anchors into the rail Corridor.

B10 Sydney Water – Notice of Requirements

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to certification of any Crown building works.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

PART C— PRIOR TO COMMENCEMENT OF WORKS**C1 Notice to be Given Prior to Commencement / Excavation**

Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

C2 Construction Management Plan

Prior to commencement of works, a Construction Management Plan shall be prepared and approved by the Department. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- (1) **Hours of work**, which must be in accordance with the conditions of this approval;
- (2) **Contact details** of the site manager and all principle contractors;
- (3) **Traffic management**, which is to be developed in consultation with Council and is to include:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - location of proposed work zones;
 - location of any proposed crane standing areas;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - identification of a route map for construction vehicles;
 - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction;
 - management of car parking for employees, tradesperson and construction vehicles;
 - approval from Council for any temporary road closures or crane use from Council's property;

- (4) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom; and must include:
 - The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device.
 - The procedures to be adopted for the prevention of run-off loose material and litter from the site onto the public way.
- (5) **Noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implements, and address any other relevant provisions of Australian Standard 2436-1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*;
- (6) **Waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste.
- (7) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

C3 Driveway Crossing Application

Prior to any work occurring on the driveway crossings within Council's road reserve, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$166.30

Note: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the plans.

C4 Pre-construction Dilapidation Report

Prior to commencement of works the Proponent shall advise Council in writing, of any existing damage to Council and adjoining property in a pre-construction dilapidation report. A dilapidation survey of Council's assets and adjoining property including photographs and written record, must be prepared and submitted to Council prior to the commencement of works; failure to identify any damage to Council's assets and the adjoining properties will render the Proponent liable for the costs associated with any necessary repairs.

C5 Use of Cranes or Other Aerial Materials

Prior to the commencement of works the Proponent shall submit to RailCorp a plan showing all craneage and other aerial operations for the Shortland Street development and must comply with all Railcorp requirements. Works shall not commence until written confirmation has been received from RailCorp that this condition has been satisfied.

C6 *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.

C7 *Utility Services*

- Prior to the commencement of work the Proponent is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water Corporation Limited 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 developer.
- Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

C8 *Road Opening Permits*

The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

C9 *Contact Telephone Number*

The Proponent shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to Council and the Department prior to commencement of works.

C10 *Haulage Routes*

The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

PART D – DURING CONSTRUCTION**D1 *Hours of work***

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

- All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the approved development must only be carried out between the hours of:
 - 7.00am and 6.00pm on Mondays to Fridays
 - 8.00am and 1.00pm on Saturdays
 - No work must be carried out on Sundays or public holidays.
- Works may be undertaken outside these hours where:
 - The delivery of materials is required outside these hours by the Police or other authorities
 - It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
 - The work is approved by the Director General or his nominee.

D2 *Site Notice*

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- (1) Details of the Builder and Structural Engineer for all stages of the project;
- (2) The approved hours of work;
- (3) 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; and
- (4) To state that unauthorised entry to the site is not permitted.

D3 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction of any stage of the project, shall be replaced, to the satisfaction of Council.

D4 *Noise Control*

- All work, including excavation and construction work must comply with the Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

D5 *Standards and Codes*

All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

D6 *Work Cover Requirements*

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

D7 *Hoarding Requirements*

- To ensure an appropriate presentation of the site to the public domain during the construction period, temporary artwork shall be provided along any hoarding/fencing proposed to be erected around the subject site.
- The temporary artworks shall inform the general public about the proposed works being undertaken by the Proponent, the site's history and heritage significance.
- No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

D8 *Loading and Unloading During Construction*

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day 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.

D9 *No obstruction of public way*

The public way (outside of the work area) 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 the relevant Authority to stop all work on site.

D10 *Disposal of seepage and stormwater*

Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

D11 *Erosion and sediment control*

Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The Proponent is to carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D12 *Dust Control Measures*

Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The Proponent is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D13 *Pedestrian Access During Construction*

Pedestrian access along Shortland Street and Marshall Road is to be maintained throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

D14 *Setting Out of Structures*

The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

D15 *Directional Signage*

- Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area.
- Particular attention is to be paid to:
 - wheelchair accessible paths of travel
 - safe road crossing areas including signalised and other designated crossings
 - key landmarks
 - access to transport nodes including public transport
 - the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

D16 *Traffic Movement*

- All loading and unloading associated with works must occur on site.

- All vehicles must enter and leave the site in a forward direction.
- The cost of all traffic management works shall be borne by the Proponent.
- No trucks associated with the approved works are permitted to park or stand on public roadways.
- Gates shall be closed between vehicle movements.
- Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
- The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

D17 *Approved Plans to be On-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.

D18 *Work on Site to Cease*

- If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.
- Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the National Parks and Wildlife Service.

D19 *Excavated Material*

Any excavated material to be removed from the site must be assessed, classified, transported and disposed of in accordance with the EPA's *Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

D20 *Imported Fill*

Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

PART E – PRIOR TO SUBDIVISION

E1 *Subdivision Certificate*

The Proponent shall ensure that:

- a. The final subdivision plan, including an easement(s), right of carriageways, building management statements are to be endorsed by or on behalf of the Crown prior to registration of the subdivision certificate; and
- b. Prior to registration of the final subdivision plan in the Office of the Registrar-General, a Part 4A certificate is to be obtained under section 109D(1) of the EP&A Act for each stage of the subdivision (if any).

E2 *Registration of Easements, Restrictions to Use, Right of Carriageway*

The Proponent shall ensure that:

- (a) the creation of easements for services, rights of carriageway and restrictions as to user are applicable under section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
- (i) easements for sewer, water supply and drainage over all public services/infrastructure on private property;
 - (ii) drainage easements are to be placed over all subsurface drains and interallotment drainage, benefiting and burdening the property owners (maintenance of subsurface drains is to be included in the 88B instrument).
 - (iii) documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas;
- (b) any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

PART F – PRIOR TO OCCUPATION AND COMMENCEMENT OF USE

F1 Environmental and Residential Amenity Strategy

Prior to occupation of Stage 1 (Building J3) in Moffatts Precinct, the Proponent shall provide the Department with a detailed strategy demonstrating how adverse amenity impacts to 2 Evans Road and 13 Sturt Street will be minimised and an appropriate level of amenity including privacy can be achieved, such as installation of privacy screens. The Proponent shall also demonstrate that the recommendations of this strategy have been implemented prior to occupation of Building J3.

F2 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Sydney Water Act 1994* shall be obtained prior to occupation of the building.

F3 Integral Energy

Prior to occupation of the buildings the Proponent must demonstrate that any amplification works required have been provided in accordance with Integral Energy requirements.

F4 Noise Control – Plant and Machinery

Prior to occupation a report is to be prepared by a qualified acoustic engineer confirming that the installation and performance of the mechanical systems complies with:

- the Acoustic Assessment Report
- the Building Code of Australia
- Australian Standard AS1668 and other relevant codes
- the project approval and any relevant modifications
- any dispensation granted by the New South Wales Fire Brigade.

F5 Fire Safety Certificate

A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to Occupation. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

F6 Road Damage

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

F7 Footpath Construction

Prior to occupation, the Proponent shall construct a 1.2 m wide by 70 mm thick concrete footpath across the property frontage within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to occupation. All costs are to be borne by the Proponent.

F8 Waste Management

Prior to Occupation, waste handling works must have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

F9 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 Council. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the proponent must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

PART G – POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS**G1 Building J3**

- (a) Within two years of the commencement of construction of Building J3, No. 2 Evans Road and No. 13 Sturt Street (located immediately adjacent to Building J3) are to be demolished to ensure a satisfactory level of amenity is achieved for all occupants of Building J3.
- (b) Notwithstanding a) above, the Proponent may seek the Director-General's approval to vary the two year timeframe identified in a), subject to the Proponent demonstrating that a satisfactory level of amenity can be achieved for the affected residents. Measures to be adopted, including consultation with affected residents, will need to be detailed in any request for a variation.

G2 Annual Fire Safety Certificate

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure 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.

G3 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:

- Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

- 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.
- 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.

G4 *Unobstructed Driveways and Parking Areas*

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

ADVISORY NOTES

AN1 *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 Proponent shall ensure the following matters are complied with:

- 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:
 - at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions
 - 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.
- 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.

AN2 *Movement of Trucks Transporting Waste Material*

The Proponent shall notify the Roads and Traffic Authority'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.

AN3 *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.

AN4 *Temporary Structures*

A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit 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 also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

AN5 *Structural Capability for Existing Structures*

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN6 *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

SCHEDULE 3

MP 09 0170

SHORTLAND AND PART MOFFATS PRECINCT REDEVELOPMENT, TELOPEA PROPOSER'S STATEMENT OF COMMITMENTS

SECTION 2- PROJECT APPLICATION

1. General (applicable to both Shortland Precinct and Moffatts Precinct)

- 1.1 Obtain all necessary approvals, licences and permits for construction and operation of the Project Application
- 1.2 Prepare and implement a Construction Environmental Management Plan (CEMP) for the Project Application to include acoustic, dust provisions
- 1.3 Provide regular updates during the construction process, and provide a contact during construction for members of the public to be able to signal any concerns.
- 1.4 Design and construct both developments so as to comply with the Building Code of Australia.
Incorporate requirements of Section 3 of the BCA Report (Appendix 23).
Install and maintain all essential fire safety services as listed in Section 4 of the BCA Report (Appendix 23).

2. Transport and Traffic

2.1 Develop a location specific "green" travel plan to encourage sustainable and healthy travel in accordance with NSW State Plan Targets:

- Improved health through reduced obesity, smoking and risk drinking
- Public transport meets reliability and safety targets
- Public transport has an increased share of peak hour commuters.

3. Accessibility

- 3.1 Provide a minimum clear width of 850mm (920mm door leaf) at each doorway leading to emergency egress stairways.
- 3.2 Install audible and visual warnings indicators as part of emergency warnings systems to assist people with a sensory disability.
- 3.3 Ensure that components in all lift cars (control panels, audio/visual indicators, handrails and light levels) comply with AS 1735.12.
- 3.4 Ensure the internal floor width dimension of each passenger lift car is a minimum of 1400mm, compliant with AS 1428.2.
- 3.5 Ensure the entry doorway to each residential garbage room has a minimum clear width of 800mm (870mm door leaf). A minimum clear width of 850mm (920mm door leaf) is preferred.
- 3.6 Ensure the level difference between the Fixed Floor Level (FFL) of any residential balconies/terraces and the adjacent internal floor complies with AS 1428.1.
- 3.7 Provide a minimum vertical clearance of 2500mm over each accessible and over each adaptable unit car parking bay.
- 3.8 Provide a minimum vertical clearance of 2200mm over the vehicular path of travel leading to each accessible and to each adaptable unit car parking bay from the car parking entrance.

3.9 Ensure all lighting levels comply with AS1428.2 and that all illumination levels are 150 lux for paths of travel, corridors and stairs.

3.10 All Signage will comply with BCA part D3.6 and AS1428.1 requirements.

4. Geotechnical

4.1 Excavate a series of shallow test pits to determine the depth of the topsoil which would assist in the sub-grade preparation of the site. Remove deleterious or contaminated fill off site. Appropriately store and reuse top soil for landscaping.

4.2 Proof roll exposed sub-grade with a 5 tonne minimum dead weight, smooth drum, vibratory roller carried out under the direction of a geotechnical engineer or experienced earthworks superintendent. Any unstable areas identified during proof-rolling should be locally excavated down to a competent base and replaced with engineered fill.

4.3 Use in situ clays as engineered fill, provided unsuitable material and any organics or building rubble is excluded.

4.4 Undertake backfilling earthworks platforms as per the recommendations of Section 4.12 of the Geotechnical Report prepared by

4.5 Retain or batter all compacted fill to a permanent slope no steeper than 1V in 2H, and preferable 1V in 3H or 1V in 4H to facilitate maintenance. Ensure that a grass cover is established on all exposed batters.

4.6 Carry out density testing of engineered fill at least one test per fill layer per 1,000 m² or three tests per layer per visit (whichever requires the most tests). Test would be carried out in accordance with AS3798.

4.7 Provide good drainage for construction and operation to promote run-off and reduce ponding. Grade earthworks platforms to maintain cross falls during construction. Should soil softening occur then the sub-grade would be excavated to below the depth of the moisture softening and the excavated material replace with engineered fill.

4.8 Carefully plan and schedule earthworks to avoid breaks for holidays during construction etc.

4.9 Establish temporary batters no steeper than 1V in 1H for excavations in the soil and the extremely weathered shale profile. If required, construct conventional retaining walls at the toe of the batters and backfill. The completed excavation would be assessed by a geotechnical engineer to assess stability.

4.10 Undertake detailed design of retaining walls in accordance with the parameters set out in Section 4.4 of the Geotechnical Reports prepared by Jeffery and Katauskas for Shortland Precinct and Moffatts Precinct dated 14 December 2009 and 16 December 2009 respectively.

4.11 Undertake detailed design of footings in accordance with the parameters set out in Section 4.5.2 of the Geotechnical Report prepared by Jeffery and Katauskas for Shortland Precinct and Moffatts Precinct dated 14 December 2009 and 16 December 2009 respectively.

4.12 Construct pad footings (including excavation, cleaning, inspection, and pouring) with minimum delay to avoid deterioration. Should delays be

anticipated then the base of the footings provide protection with a blinding layer of concrete. Prevent water from ponding in the base of the footings.

- 4.13 Allow for on-grade floor slabs to be separated from all walls, footings, columns etc to permit relative movement. Design joints in the concrete on-grade floor slabs to accommodate shear forces but not bending movements by using dowel or key joints. Give consideration for suspending the floor slab by pouring over a void former at least 50 mm thick.
- 4.14 Detailed design of driveways and parking area should be done as per the recommendations outlined in Section 4.7 of the Geotechnical Report prepared by Jeffery and Katauskas for Shortland Precinct and Moffatts Precinct dated 14 December 2009 and 16 December 2009 respectively.
- 4.15 All soil that is to be removed off-site would be assigned a waste classification and appropriately disposed. Further testing would be undertaken should contaminated soil be found to be present.

5. Noise and Vibration

5.1 Environmental Noise:-

Limits for mechanical plant noise levels generated within the new buildings have been established. Source noise levels for plant will be assessed and plant will be selected to meet the environmental noise limits. Roof-top plant will be enclosed or screened as required. If necessary, additional environmental noise control methods may include induct attenuators, acoustic louvres for plant rooms, and enclosures for noisy plant items.

5.2 Road Traffic Noise:-

Target internal noise levels will be achieved in all communal and community areas using commercial curtain wall systems. There will be no specific acoustic performance requirements which will demand high-performance glazing.

Glazing required for the majority of the apartment façades has been determined by the requirement to control noise from external traffic. For the Shortland site, rail noise is also considered.

Target internal noise and vibration levels will be achieved in all communal and community areas using commercial curtain wall systems and conventional building and structural material and systems.

There will be no specific acoustic performance requirements which will demand high performance glazing or building structural isolation

5.3 Comply with internal noise level targets:

- Lower apartment living area: 35 dBL_{Aeq}
- Upper apartment living area: 40 dBL_{Aeq} (55 dBL_{Aeq} windows open)
- Lower apartment sleeping area: 30 dBL_{Aeq} (between 10pm and 7am)
- Upper apartment sleeping area: 35 dBL_{Aeq} (between 10pm and 7am) and 45 dBL_{Aeq} (windows open)
- Lower communal (and community) spaces: 45 dBL_{Aeq}
- Upper communal (and community) spaces: 50 dBL_{Aeq}

(NB. for apartments with mechanical ventilation, they are the total noise level with windows closed and the ventilation for that space operating normally. For naturally-ventilated apartments, they are the total noise level with windows open. For spaces unaffected by external noise they represent the noise level from the air-conditioning / ventilation. For areas affected by external noise they represent the noise level from the air-conditioning / ventilation PLUS noise from the external sources.)

5.4 Comply with the following groundborne noise criteria:

- Daytime (7am to 10pm) 40 dBL_{Amax}
 - Night-time (10pm to 7am) 35 dBL_{Amax}
- 5.5 Comply with internal vibration level targets:
- Residences, night 0.13 m/s^{1.75} to 0.26 m/s^{1.75}
 - Residences, day 0.2 m/s^{1.75} to 0.4 m/s^{1.75}

SECTION 2A- Project Specific—Shontland Precinct

1. Accessibility

1.1 Provide a continuous accessible path of travel from street frontage to the east building main entry doorway on lower ground level and to the west building main entry doorway, compliant with AS1428.1.

1.2 Provide a continuous accessible path of travel from the west building to the community room main entry doorway. Ensure the path of travel has a gradient of no steeper than 1:14. The ramps are to be designed in accordance with AS1428.1.

1.3 Provide a minimum latch-side clearance of 510mm at units 3, 9, 15, 21, 45, 51, and 56.

1.4 Provide one car parking bay for every five units or part thereof in the development, compliant with HNSW Design Requirements (table p 38) – that is provide 21 accessible car bays.

1.5 Ensure adaptable unit car parking bays (outside) have a cross-fall of no steeper than 1:33.

1.6 Ensure the paths of travel from each of the ground level adaptable unit car parking bays to the main entrances to the west and east buildings respectively have gradients compliant with AS 1428.1.

2. Wind

2.1 Establish additional windbreaks, eg staggered vertical screens, or landscaping such as trees, shrubs or planter boxes west of the western car park.

2.2 Place an awning above the A2 Main Entrance to shield against vertical downwash.

3. Geotechnical

- 3.1 Carry out regular qualitative vibration monitoring and if ground vibrations are considered excessive further geotechnical advice would be sought.
- 3.2 Control any groundwater seepage through conventional sump pumping or gravity drainage systems.

4. Landscaping

- 4.1 Undertake landscape planting for the central grassed open space with deciduous tree plantings to provide winter sun and summer shade, screen planting, feature tree planting in lawn area and fixed seating.
- 4.2 Retain some of the existing trees to provide visual amenity and screening.
- 4.3 Undertake landscape planting in the community space area including a mix of native and exotic shrubs, groundcovers and palms as well as additional screen planting to maintain privacy for neighbouring properties and residents.

5. Noise and Vibration

5.1 Road Traffic Noise:-

Facade performance requirements for the Shortland Site, and restrictions on operable windows, will be determined by the need to control rail noise and to meet the DoP guidelines for developments near rail corridors.

5.2 Rail Noise and Vibration:-

Target internal noise and vibration levels will be achieved in all communal and community areas using commercial curtain wall systems and conventional building and structural material and systems. There will be no specific acoustic performance requirements which will demand high-performance glazing or building structural isolation.

Airborne Noise:

Glazing required for the majority of the apartment facades has been determined by the requirement to control noise from train pass-bys to meet the DoP guidelines for developments near rail corridors.

It is expected that there will be no specific acoustic performance requirements which will demand high-performance glazing for any of the apartments in order to control airborne noise from rail noise affecting the Shortland Site.

Groundborne Noise:

Existing rail vibration plus future rail vibration (based on the duplication of the rail line and the operations of the PRL approved by the Minister for Planning in February 2002) has been considered.

The groundborne noise levels in all accommodation, resulting from train pass-by events, will be less than 35 dBLAmax. Therefore, no specific

groundborne noise controls are required for the proposed buildings on the Shortland site.

Vibration:

The groundborne vibration levels in all accommodation, resulting from train pass-by events, are expected be less than $0.13 \text{ m/s}^{-1.75}$ to $0.26 \text{ m/s}^{-1.75}$. Therefore, no specific vibration controls are required for the proposed buildings on the Shortland site.

SECTION 2B- Project Specific – Moffatts Precinct

1. Accessibility

- 1.1 Ensure the pathway leading from the site boundary at Sturt Street to the main entry doorway complies with AS 1428.1.
- 1.2 Provide a minimum internal latch-side clearance of 460mm over a minimum depth of 1450mm at the main entry doorway of the following residential units: 4, 10, 15, 20, 25, 28, 30, 32, 34, 36, 38, 40, 42, and 44.
- 1.3 Provide one car parking bay for every five units or part thereof in the development, compliant with HNSW Design Requirements (table p 38) – that is provide a total of 10 car bays, each with 3.8 metre width.

2 Geotechnical

- 2.1 Exercise caution during rock excavation on this site as the excavation would be in close proximity to existing building to the east, west and north-west. Complete dilapidation reports for all nearby surrounding buildings and structures prior to excavation.
- 2.2 Use hydraulic rock hammers away from likely critical areas and undertake continuous vibration monitoring during rock excavations. Peak Particle Velocity (PPV) should be limited to no higher than 5 mm/sec on the neighbouring buildings. Should the vibration levels exceed this level then alternative rock hammers and other attenuation methods would be implemented as per Section 4.2.2 of the Geotechnical Report by Jeffery and Katauskas dated 16 December 2009.
- 2.3 Control any water seepage encountered during excavation through conventional sump pumping or gravity drainage systems. Form toe drains at the base of all cut rock slopes to collect any groundwater seepage. All groundwater seepage during excavation would be monitored.
- 2.4 Provide underfloor drainage within the basements which would be comprised of a strong, durable single sized washed aggregate. Connect underfloor drainage with the wall drains and direct to a sump for pumped disposal to the stormwater system.

3. Landscaping

- 3.1 Undertake landscape planting at the pedestrian entry and streetscape with deciduous tree plantings to provide winter sun and summer shade, screen planting, and planting which creates defensible spaces and non-institutional landscape spaces.
- 3.2 Retain key significant trees to provide visual amenity and screening.
- 3.3 Undertake landscape planting in community space area with additional screen planting to maintain privacy for neighbouring properties and residents; and hard paved area connecting to lawn open spaces.

4. Noise and Vibration

4.1 Road Traffic

There will be no specific acoustic performance requirements which will demand high-performance glazing for any of the apartments in order to control road traffic noise.

Rail Noise and Vibration

Target internal noise and vibration levels will be achieved in all communal and community areas using commercial curtain wall systems and conventional building and structural material and systems.

There will be no specific acoustic performance requirements which will demand high-performance glazing or structural isolation.

5. General Amenity

- 5.1 Within two years of commencement of construction of Building J3, Housing NSW will decant existing occupants from units within 10 metres of existing buildings directly fronting and sharing a common boundary with Building J3.
- 5.2 Housing NSW will endeavour, prior to the occupation of Building J3, to lodge project application/s for the redevelopment of part of Moffatts Precinct including the two buildings at 2 Evans Road, namely 'Building 1' (units 1-12) and 'Building 2' (units 13-18) and one building at 13 Sturt Street namely, 'Building 3' (units 65-70).