

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06-0267

(FILE NO. S06/00787)

**NATIONAL INDIGENOUS DEVELOPMENT CENTRE,
FORMER REDFERN PUBLIC SCHOOL**

LOTS 1, 2 & 4, DP 817 283, NUMBER 160-202 GEORGE STREET, REDFERN

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the *Environmental Planning & Assessment Act, 1979*, Section 75J Clause (2) determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment identified in Appendix D and the Proponent's Statement of Commitments in Schedule 3, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP
Minister for Planning

Sydney,

2007

SCHEDULE 1

PART A—TABLE

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| Application made by: | Indigenous Land Corporation |
| Application made to: | Minister for Planning |
| Major Project Application: | MP 06_0267 |
| On land comprising: | Lots 1,2 and 4, DP 817 283 160 – 202 George Street, Redfern |
| Local Government Area | City of Sydney |
| For the carrying out of: | National Indigenous Development Centre, comprising a new multi purpose building; swimming pool; child care centre; multi code football field; adaptive reuse of existing school buildings for educational, commercial and dormitory uses; demolition of existing toilets blocks and associated landscaping. |
| Estimated Cost of Works | \$ 30, 677, 631 |
| Type of development: | Major Project |
| S.119 Public inquiry held: | No |
| Determination made on: | |
| Date approval is liable to lapse: | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act. |

PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06-0267

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.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Appeals—Third Party

A third party right to appeal to this approval in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

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

PART C—DEFINITIONS

In this approval,

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

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means City of Council.

CPI means Consumer Price Index.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by MG Planning April 2007.

Minister means the Minister for Planning.

MP No. 06-0270 means the Major Project described in the Proponent's Environmental Assessment.

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

Proponent means Indigenous Lands Corporation or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

RWA means Redfern Waterloo Authority

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

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 06-0267

PART A—ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development approval is granted only to carrying out the development described in detail below:

- Refurbishment of existing school buildings for educational, office and dormitory accommodation uses;
- Demolition of existing toilet blocks associated with the former use of the site as a school;
- Construction of a multi purpose building, 25m swimming pool and the associated sport, recreational and educational uses;
- Construction of a new Child Care Centre;
- Provision of a new multi football code playing field and associated earth works;
- Provision of landscaping and fencing around the perimeter and within the site;
- Remodelling the cul-de-sac configuration at the end of the existing Renwick Street carriageway to facilitate the construction of new car park and a manoeuvring area for large service vehicles;
- Construction of a new service vehicle access off George Street; and
- Refurbishment of existing car park and construction of a new car park with access from Phillip Street.

A2 *Development in Accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment dated April 2007 prepared by MG Planning Pty Ltd including all Appendices and the following drawings prepared by Tonkin Zulaikha Greer and 360⁰:

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

| | | | |
|----------------------------------|---|--|------------|
| DA-53 | - | Demolition Building A Elevations | 27/03/07 |
| DA-54 | - | Demolition Building A Section | 27/03/07 |
| DA-55+ A12 amendments | - | Demolition Building B Plans | 27/03/07 |
| DA-56 + A12 amendments | - | Demolition Building B Elevations | 27/03/07 |
| DA-57 + A-4 amendments | - | Demolition Building C+D Level 0-2 | 27/03/07 |
| DA-58 | - | Demolition Building C+D Level 3 + Roof | 27/03/07 |
| DA-59 | - | Demolition Building C+D Elevations 1 | 27/03/07 |
| DA-60 + A14 amendments | - | Demolition Building C+D Elevations 2 | 27/03/07 |
| DA-100 | - | Building A Level 0+1 | 27/03/07 |
| DA-101 | - | Building A Level 2+3 | 27/03/07 |
| DA-103 & 103a | - | Building A Elevations | 27/03/07 |
| DA-104 & 104a | - | Building A Sections | 27/03/07 |
| DA-200 + A13 amendments | - | Building B Level 1+2 | 27/03/07 |
| DA-201 | - | Building B Level 3 + Roof Plan | 27/03/07 |
| DA-203 & 203 + A13 amendments | - | Building B Elevations | 27/03/07 |
| A-15 | - | Building C+D Level 0,1 + 2 | 23/08/07 |
| A-16 | - | Building C+D Level 3 | 23/08/07 |
| DA-304 & 304a | - | Building C+D North + South Elevation | 27/03/07 |
| DA-305 & 305a | - | Building C+D West + East Elevation | 27/03/2007 |
| A-01 | - | Building F Level 1 | 25/07/07 |
| A-02 | - | Building F Level 2 | 25/07/07 |
| A-03 | - | Building F Level 3 | 25/07/07 |
| DA-403 | - | Building F Roof | 27/03/07 |
| A-05 | - | Building F/G – Eastern Elevation & Western Elevation | 25/07/07 |
| DA-408 & 408a + A-05 amendments. | - | Building F – South Elevation Only | 25/03/04 |
| DA-409 + A-04 amendments | - | Building F Section 3 Only | 27/03/07 |
| A-04 | - | Building F & G Sections | 25/07/07 |
| DA-500 | - | Building G Level 2+3 | 25/03/07 |
| DA-501 | - | Building G Roof | 27/03/07 |
| DA-503 & 503a | - | Building G East Elevation 1+2 Section F (Excludes part east | 27/03/07 |

| | | elevation of building F shown) | |
|--|-----------------|--|--------------|
| DA-504 & 504a | - | Building G/F North + South Elevation + Section1 (Excluding Building F Section2/BLD G South Elevation which is amended by drawing A-04) | 27/03/07 |
| C1.01 | D | Concept Stormwater Management Plan | 22/03/2007 |
| Landscape Drawings prepared by Context at of the Environmental Assessment | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 1 of 1 | | Concept Landscape Plan | 31 July 2007 |
| 1 of 1 | A | Cope St Green Wall Elevation | 31 July 2007 |
| 1 of 1 | | Public Domain Plan | 31 July 2007 |
| 2 of 4 | DA | Landscape Sections and Elevations | March 2007 |
| 3 of 4 | DA | Landscape Sections and Elevations | March 2007 |

A3 Development in Accordance with Documents

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

- (1) *Environmental Assessment Report* prepared by MG Planning Pty Ltd on behalf of the Indigenous Land Corporation April 2007;
- (2) Architectural Design Report prepared by Tonkin Zulaikha Greer Architects dated March 2007;
- (3) Heritage Assessment and Statement of Heritage Impact prepared by Tonkin Zulaikha Greer dated March 2007;
- (4) Landscape Design Report prepared by 360°, dated March 2007;
- (5) Tree Audit and Impact Assessment Report prepared by Banksia Ecology dated 20 March 2007;
- (6) Assessment of Traffic and Parking Implications Transport and Traffic Planning Associates dated March 2007 and the Supplementary Traffic Advice addendum undated ;
- (7) Access Report prepared by Accessibility Solutions dated 28 March 2007;
- (8) Report on Proposed Mechanical, Electrical, Fire, and Hydraulic Services prepared by Simpson Kotzman, dated March 29, 2007;
- (9) Preliminary BCA Report dated 10/01/2007 and BCA Statement of Compliance dated 2 August 2007, prepared Blackett Maguire Pty Ltd;
- (10) Historical Archaeological and Impact Assessment prepared by Archaeological and Heritage Management Solutions dated March 2007;
- (11) National Indigenous Development Centre, Redfern – 0603 – External Finishes Board.
- (12) Preferred Project Report prepared by INCOLL titled 'Response to Department of Planning'.

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

A5 Lapsing of Approval

In order that the development as approved is carried out within a defined period of time, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval.

A6 Place of Public Entertainment

A separate development application for use of any of the buildings on the site as a place of public entertainment must be submitted to the Redfern Waterloo Authority.

A7 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of development approval under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Staging of Construction

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

Stage 1 – Archaeological test excavations;

Stage 2 - Demolition of toilet blocks and other minor items and civil and earth works;

Stage 3 - Construction of new buildings, swimming pool and refurbishment of existing buildings being retained on the site

Stage 4 - External works including the oval, landscaping and public domain works.

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

B2 Developer Contributions

Redfern-Waterloo Authority Contributions Plan 2006

Prior to issue of the Stage 1 Construction Certificate, a levy in the amount of \$598,749.52 (2% of the proposed cost of development) is to be paid to the Redfern-Waterloo Authority, unless agreement is reached in accordance with Clause 16 of the *Redfern-Waterloo Authority Contributions Plan*.

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

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

Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006

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

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

B3 Structural Details

Prior to issue of the Construction Certificate for each Stage, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification AI.3).

B4 Land Contamination

Prior to issue of a stage 1 Construction Certificate a Site Audit Statement must be prepared and submitted by an independent NSW EPA accredited Site Auditor to the Certifying Authority, which confirms that the site has been remediated to the standard suitable for the proposed land use.

B5 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of the Construction Certificate for each Stage a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B6 Heritage Significance of Existing School Buildings

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

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

Evidence of the above commission on the above terms is to be provided to the consent and certifying authorities prior to issue of a stage 3 Construction Certificate.

B7 Stormwater & Drainage

(1) Prior to the issue of a stage 2 Construction Certificate, details of the proposed stormwater disposal and drainage from the development including on site stormwater detention in accordance with the City of Sydney Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to an approved by the City of Sydney Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

(2) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to the issue of a stage 2 construction certificate.

B8 Noise Attenuation Measures

Prior to issue of a stage 3 Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by Renzo Tonin and Associates, March 2007.

B9 Mechanical Ventilation

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

B10 Lighting and Security

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

B11 Sydney Water – Section 73 Certificate

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

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.

B12 Footpath Damage Bank Guarantee

Prior to issue of a stage 1 construction certificate the proponent must provide a bank guarantee to the City of Sydney Council for an amount determined by the Council as security for rectification of any damage to the public way.

B13 Dilapidation Reports

Prior to issue of a stage 1 Construction Certificate the Proponent is to engage a qualified structural engineer to prepare a Dilapidation Report detailing the structural condition of all buildings, infrastructure and roads adjacent to the site. Copies of the report is to be provided to the adjoining private property owner’s and the City of Sydney Council and any damage caused by the development is to be made good to the satisfaction of the party(ies) that may be affected at the Proponent’s cost.

B14 Construction and Traffic Management Plan

Prior to the issue of a stage 1 Construction Certificate, a Construction Management Plan shall be prepared and a copy submitted to the satisfaction of the Principal Certifying Authority. The Construction management plan must include all issues identified in the proponent's statement of commitments for Construction as detailed in Schedule 3 of this instrument. The hours of operation however must be in accordance with condition D14 of this approval.

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

B15 Construction Waste Management Plan

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

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 Construction Certificate required prior to construction works

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- (a) a Construction Certificate for the relevant stage of building work has been issued by the City of Sydney Council or a Certifying Authority; and
- (b) a Principal Certifying Authority has been appointed and the Department of Planning and Redfern Waterloo Authority has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Redfern Waterloo Authority of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

C2 Transport

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

C3 Heritage

If deemed appropriate by the Conservation Architect, an interpretation strategy for the site must be submitted and approved by the NSW Department of Planning, prior to the commencement of work.

C4 Application for Hoardings and Scaffolding on a Public Place

A separate application is to be made to the City of Sydney Council for Approval under section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place.

C5 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from the City of Sydney Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the City of Sydney Council.

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

To ensure that utility authorities are advised of the development:

- (1) 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.
- (2) Prior to the commencement of work the Proponent is to negotiate with the utility authorities (eg. Energy Australia, 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 developer.

C8 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C9 Aboriginal and European Archaeological Test Excavation

A test excavation must be undertaken on the site by a qualified archaeologist prior to the commencement of work with respect to both Aboriginal and European archaeology. These excavations must be undertaken in accordance with the Aboriginal Heritage Impact Assessment and the Historical Archaeological and Impact Assessment submitted as part of the project application.

All procedures to be followed as part of the test excavations must be as per the proponent's statement of commitments C through to Q as detailed in Schedule 3 of this instrument.

PART D—DURING CONSTRUCTION**D1 Heritage**

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing heritage listed buildings. New services are to be surface mounted rather than chased in to the existing walls to minimise impact on heritage fabric.

Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

D2 Loading and Unloading During Construction

- (1) All loading and unloading associated with construction must be accommodated on the site.
- (2) 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 the City of Sydney 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.

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 City of Sydney Council to stop all work in site.

D4 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.

D5 Erosion and Sedimentation Control

Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The applicant is to carry out works generally in accordance with the Construction Management Plan in respect to environmental management and safeguards. These 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. Soil erosion and sediment control measures and methods shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom*. Details are to be complied with prior to Construction.

D6 Disposal of Seepage and Stormwater

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

D7 Stormwater Pits

Any existing stormwater pits that do not comply with AS 3500 will be upgraded as part of the development.

D8 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. The registered surveyor shall submit a plan to the Department and Redfern Waterloo Authority certifying that structural works are in accordance with the approved project application.

D9 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, Redfern Waterloo Authority or Council.

D10 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 the details of the Builder, the Architect and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D11 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D12 Protection of Street and On-site Trees

All trees on the site and on the street that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction. Details of the methods of protection must be submitted to and be approved by the proponent's arborist in writing before forwarding to the Certifying Authority.

D13 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the immediate area during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,

- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D14 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5.30 pm, Mondays to Fridays inclusive;
- (2) between 7:30 am and 3.30 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D15 Signage

Adequate signage and other protective measures should be erected in the vicinity of the heritage items and in the vicinity of the work site to alert contractors and subcontractors to the existence and fragile nature of these heritage items.

D16 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the Department of Environment and Climate Change (DECC) in accordance with Section 91 of the National Parks and Wildlife Act, 1974 and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the DECC to cease work for the purposes of archaeological recording.

D17 Referral to Heritage Office

The proponent must ensure that any excavation which reveals Aboriginal objects is referred to the Aboriginal Liaison Officer at the Heritage Office (telephone 9873 8567) as well as DECC.

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.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

G1 Noise Control – Plant and Machinery

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

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

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

F1 Accessibility

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

F2 Heritage

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

F3 Occupation Certificate to be Submitted

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

F4 Post-Construction Dilapidation Reports

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

F5 Fire Safety Certificate

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

F6 Annual Fire Safety Statement

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

F7 Road Damage

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

F8 Mechanical Ventilation

Following completion, installation and testing of any mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

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

F9 Structural Inspection Certificate

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

F10 Waste Management

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

F11 Commercial & Child Care Centre Kitchens

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

F12 Child Care Centre

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

F13 Sydney Water

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* shall be submitted to the PCA prior to the issue of the Occupation Certificate for Stage 2.

PART G—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

G2 *Commercial & Child Care Centre Kitchens*

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

G3 *Lighting on Playing Field*

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

G4 *Hours of Operation Multi Purpose Building/PCYC & Child Care Centre*

(1) Multi Purpose Building

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

(2) Murawina Child Care Centre

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

G5 *Annual Fire Safety Certification*

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

ADVISORY NOTES

AN1 Place of Public Entertainment

The proponent must submit a development application to the Redfern Waterloo Authority to obtain a license to use the multi purpose building/PCYC as a Place of Public Entertainment.

AN2 Signage

A separate development application for all proposed signage on for the buildings on the site is to be submitted to the Redfern Waterloo Authority.

AN3 Use of Mobile Cranes

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

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN4 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.

AN5 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN6 Disability Discrimination Act

This application is to comply with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

SCHEDULE 3

MP 06-0267

NATIONAL INDIGENOUS DEVELOPMENT CENTRE, FORMER REDFERN PUBLIC SCHOOL

LOTS 1, 2 & 4, DP 817 283, NUMBER 160-202 GEORGE STREET, REDFERN

PROPONENT'S STATEMENT OF COMMITMENTS

ABORIGINAL ARCHAEOLOGY

C. An archaeological test excavation will be undertaken in accordance with the research design and methodology provided in Appendix 2 of the *Aboriginal Heritage Impact Assessment* (AHMS, March 2007);

D. The archaeological test excavation will be undertaken prior to commencement of development work within the areas marked blue and yellow on Figure 8.3 in the *Aboriginal Heritage Impact Assessment* (ibid);

E. The results of test excavation and further consultations with the local Aboriginal community will form the basis for decisions about management of Aboriginal heritage sites and cultural values during the site re-development. Detailed recommendations for management of Aboriginal heritage will be included in the test excavation report;

F. If any human burials are found during archaeological excavation, or at any time during the development process, excavation work will cease immediately. The NSW Police Service and DEC will be notified and advice sought before work re-commences;

G. The Indigenous Land Corporation will ensure that the sand deposits identified on Figure 8.3 in the *Aboriginal Heritage Impact Assessment* (ibid) are not disturbed or removed prior to the archaeological test excavation. All relevant contractors will be briefed to ensure the sand deposits are not inadvertently disturbed during bulk excavation and remediation work;

H. A project archaeologist will be engaged to monitor excavation of lower portions of the imported fill material (ie. fills within 200mm of the indicated level of sand deposits) to ensure the sand deposits are not disturbed;

I. The Metropolitan Local Aboriginal Land Council will be consulted on a regular (monthly) basis during the archaeological excavation until any issues arising in relation to management of Aboriginal cultural heritage have been resolved;

J. The Metropolitan Local Aboriginal Land Council will be invited to participate in any archaeological investigations at the site;

K. A copy of the Environmental Assessment will be forwarded to the Metropolitan Local Aboriginal Land Council and they will be invited to provide written comment on the cultural significance of the study area and the recommendations regarding management of Aboriginal heritage:

L. If any Aboriginal objects are otherwise discovered on site, excavation or disturbance will cease and the National Parks and Wildlife Division of the Department of Environment and Conservation will be informed in accordance with Section 91 of The National Parks and Wildlife Act, 1974.

EUROPEAN ARCHAEOLOGY

M. An archaeological test excavation (see Appendix A Research Design) will be undertaken to determine the nature, extent and condition of the potential historical archaeological resource on the site. The archaeological test excavation will be undertaken in accordance with the Research Design set out in Appendix A of the *Historical Archaeological and Impact Assessment* prepared by AHMS (March 2007);

N. Any excavation on the site will be undertaken by a qualified archaeologist to determine the nature of the archaeological resource. The archaeologist will be provided with adequate time and resources to determine whether or not the area contains significant relics and to identify the extent and integrity of any such relics;

O. No State Significant relics will be disturbed during the abovementioned excavation without further consultation with the Heritage Office. Depending on the nature of the discovery, additional assessment may be undertaken prior to recommencement of excavation in the affected area.

P. The archaeologist will employ a best practice approach and recording methods when monitoring the excavation;

Q. At the conclusion of the excavation the archaeologist will provide a written report describing the excavation results to the Heritage Office and Department of Planning;

REMIEDIATION

R. All remediation on the site is to be undertaken in accordance with the *Remedial Action Plan* (Environmental and Earth Sciences, March 2007).

S. A NSW EPA accredited Site Auditor will be engaged to provide an independent review of the remediation and to issue a Site Audit Statement upon completion of the works confirming that the site has been remediated to a standard suitable for the proposed land use.

CONSTRUCTION

T. Prior to commencing construction, a Construction Management Plan will be prepared for approval by the PCA. This Plan will include:

- the proposed methods for access to and egress from the site for construction vehicles;
- the proposed phase of construction works on the site and the expected duration of each construction phase;
- the proposed order in which works on the site will be undertaken, and a method statements on how various stages of construction will be undertaken;
- the proposed method of pedestrian management surrounding the site for the various stages of the development;
- the proposed method for traffic management during construction;
- the proposed areas within the site to be used for the storage of excavation materials, construction materials and waste containers during the construction period;
- the proposed method/device to remove of loose material from all vehicles and/or machinery before entering the road reserve erosion and sediment control;
- dust suppression measures and stockpile protection;
- measures to secure the site during construction;
- the proposed method of support to any excavation adjacent to adjoining properties. The proposed method should be certified by the relevant engineers; and
- The location and operation of any site crane.

U. The consultation strategy is proposed to run throughout the construction stage and adjoining residents as well as interested community members will be kept informed of the proposed timeframes for construction and completion. The public will be informed of any early works construction, including remediation and archaeological works.

ESD

W. All new services works will comply with the energy efficiency requirements set out in the BCA 2006 Part J.

X. The development will incorporate the specific energy efficiency initiatives identified in pages 15-18 of the *Report on Proposed Mechanical, Electrical, Fire, and Hydraulic Services* (Simpson Kotzman, March 2007).

TRANSPORT

Y. NIDC visitors and employees will be encouraged to use public transport by:

- the placement of bus and rail timetable information in common areas throughout the complex such as foyers and staff kitchen areas;
- the provision of public transport information packages to all employees of businesses/organisations located within the proposed development. These packages will include details of:

the location and most direct route to Redfern Station as well as all bus stops within 400 metres of the site.

timetable and route information of those services which operate via each of the identified transport nodes.

- promotion of the site's high level of accessibility to both the suburban inter-urban and intra-state rail services in all advertising material sent out to organisations/groups which are proposing to use the facility.

Z. Subject to endorsement by the Sydney Traffic Committee, the existing pedestrian crossing on George Street is to be relocated to the Phillip Street intersection as shown in Figure 7 of the *Assessment of Traffic and Parking Implications* (Transport and Traffic Planning Associates, March 2007).

AA. Subject to endorsement by the Sydney Traffic Committee, kerbside parking arrangements along the George Street frontage are to be reconfigured in accordance with Figure 7 of the *Assessment of Traffic and Parking Implications* (Transport and Traffic Planning Associates, March 2007), to provide for bus parking and deliveries to the site.

BB. All costs associated with 'D' and 'E' above, the implementation of the Renwick Street Road Closure, construction of the Renwick Street car park and the construction of the modified cul-de-sac arrangements will be borne by the ILC.

CC. Secure bicycle racks for up to 22 bicycles will be provided on site in the Main Entry Terrace open space area and adjacent to the PCYC.

TREES

DD. Proposed new street tree planting along Cope, Phillip and George Streets will be carried out in accordance with the Landscape Plan prepared by 360° (Drawing No LP01 Issue March 2007).

EE. Tree protection measures detailed in the *Tree Audit and Impact Assessment Report* (Banksia Ecology, March 2007) will be implemented during construction.

ACCESS

FF. The development will be undertaken in accordance with the recommendations in the *Access Report* (Accessibility Solutions (NSW) Pty Ltd, 2007).

NOISE

GG. The development is to be designed and constructed in accordance with the recommendations contained in Section 6.7 and 7.4 of the *Acoustic Assessment Report* (Renzo Tonin and Associates, March 2007).

BCA

HH. All works will comply with the provisions of the BCA (Blackett Macguire & Associates, 2006), either in terms of the deemed-to-satisfy provisions or by way of an alternate solution.

LIGHTING AND SECURITY

II. An outdoor lighting plan will be submitted to the PCA prior to the issue of the construction certificate. The lighting plan will identify the type and number of luminaries, extent of glare and light spill outside the boundary and any measures needed to mitigate the impacts on nearby residences. Lighting measures to meet safety and energy objectives will also be detailed in the lighting plan.

JJ. A closed circuit television (CCTV) system will be provided to strategic locations for surveillance and digital recording. Footage will be of a quality and clarity that complies with approved government technical standards and will safeguard any evidentiary values. All footage will be kept for a minimum of 30 days.

KK. The NSW Police Crime Prevention Officer will be consulted during the detailed design phase to ensure safety issues are adequately addressed.

WASTE

MM. A Construction Waste Management Plan will be provided to the PCA for approval at the construction certificate stage which will address the following:

- Re-use of excavated material on-site and disposal of any excess to an approved site;
- Green-waste mulched and re-used in landscaping either on-site or off-site;
- Bricks, tiles and concrete re-used on-site as appropriate, or recycled off-site;
- Plasterboard re-used in landscaping on-site, or returned to supplier for recycling;
- Framing timber re-used on-site or recycled elsewhere;
- Windows, doors and joinery recycled off-site;
- Plumbing, fittings and metal elements recycled off-site;
- All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with Workcover Authority and EPA requirements;
- Locations of on-site storage facilities for material to be reused onsite, or separated for recycling off-site; and
- Destination and transportation routes of all materials to be either recycled or disposed of offsite.

NN. An Operational Waste Management Plan will be prepared prior to the issue of the Occupation Certificate for approval by the PCA which will detail operational waste management.