

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, we modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

**Member of the Commission**      **Member of the Commission**      **Member of the Commission**

Sydney

2018

### SCHEDULE 1

**Concept Approval:**      **MP 06\_0101** granted by the Minister for Planning on 30 June 2009

**For the Following:**      Concept approval for:

- the redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of 17,380 m<sup>2</sup> of GFA comprised of:
  - a) 2,655 m<sup>2</sup> of retail/commercial GFA
  - b) 12,720 m<sup>2</sup> of residential GFA including student housing
  - c) 3,095 m<sup>2</sup> cultural/community GFA including a gymnasium/fitness centre, 60 place child care centre, a gallery and offices for the AHC
- maximum building heights and floor space ratios within Precincts 1, 2 and 3
- basement car park for 115 vehicles, including 10 accessible spaces
- eight at-grade 90° angle car parking spaces along the northern side of Caroline Street
- widening of the railway overbridge on the northern side of Caroline Street within Precinct 1
- landscaping and public domain improvement works.

**Proponent:**      Deicorp Ltd

**Consent Authority:**      Minister for Planning

**The Land:**      Pemulwuy Precinct comprising land bound generally by Louis Street, Vine Street, Eveleigh Street, the railway line and Lawson Street, Redfern. Land to which this approval applies also includes:

- airspace to the north of the existing railway overbridge and north of Lawson Street
- Eveleigh Lane
- that part of Caroline Lane to the east of Lot A DP 4393511 (108 Lawson Street Redfern)

- Eveleigh Street (between Caroline Street and Lawson Street)
- Caroline Street (between Louis Street and Eveleigh Street).

The site comprises the following properties:

Street	House No.	Lot No(s)	DP
Louis	1-5	21	434387
	7 -33	1-14	33299
	35-37	1-2	206799
	39-59	1-11	33106
Caroline	2-10	1-5	33107
Eveleigh		29	374
		1	975453
	44-48	3130	975455
	50	321	131476
	52	1	525094
	54	322	131476
	56-58	B & A	75111
	60-64	A, B & C	107218
	66-68	Y & X	440163
	70-74	A, B & C	437340
	76	1	981953
	78	1	906105
	80-84	X, Y & Z	107216
	86	1	981953
	88-90	A & B	444916
	92-100	E – A	441990
	102	1	10425
Vine	1-11	6-1	436836
Caroline (south side)	1-15	A-H	33204
Eveleigh (south of Caroline)	104-106	A-B	438843
	108	1	653482
	110	1	583847
	112	1	113726
Lawson	104	104	131639
	106	B	439351
Eveleigh (East Side)	49	1	709305
	51-57	A-D	437614
	59	2	907002
	61	B	906776
	63	188	77816
	65-69	1-3	438267
	71-75	A-C	437987
	77-79	1	996782
	81-83	B	326761
	85	B	81200
	87	1	996783
	89	1	741715
	91	1	779120
	93-95	A-B	439127
	97	1	797845
	99	1	94785
	101-105	1	88846
	107	1	708931
	109	1	996784
	111-119	1-5	230305
	121	1	995857

	123	1	803299
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**Modification:**

**MP 06\_0101 MOD 2:** the modification includes:

- amendments to the location and form of the Precinct 3 building envelope including an increase of 16 storeys (to maximum 24 storeys) up to RL 96.57
- increase GFA by 9,555 m<sup>2</sup> (to 26,935 m<sup>2</sup>)
- increase of 442 student beds (to 596 beds)
- deletion of retail, commercial and gallery uses from Precinct 3
- replace retail use in Precinct 1 with gallery use
- deletion of the land-bridge over the railway corridor
- deletion of 80 m<sup>2</sup> public open space in Precinct 3 (to 150 m<sup>2</sup>) and dedication of 438 m<sup>2</sup> open space to Council.

The Concept Approval (MP 06\_0101) is modified as follows:

## SCHEDULE 1

### PART B – NOTES RELATING TO THE DETERMINATION OF MP 06\_0101

- (a) Schedule 1 Part B – Notes Relating to the Determination of MP 06\_0101 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

#### Legal notices

Any advice or notice to the consent authority shall be served on the **Director General Secretary**.

### PART C – DEFINITIONS

- (b) Schedule 1 Part C – Definitions is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

In this approval, the following definitions apply:

Act	<i>Environmental Planning and Assessment Act 1979</i>
Advisory Notes	Advisory information relating to the approved development but do not form a part of this consent.
AHC	Aboriginal Housing Company Limited.
Council	City of Sydney Council.
Department	Department of Planning and <b><u>Infrastructure Environment</u></b> or its successors.
<b><u>Director General Planning Secretary</u></b>	<b><u>Director General Planning Secretary</u></b> of the Department of Planning and <b><u>Infrastructure Environment</u></b> .
EA	Environmental Assessment Report prepared by Ludvik & Associates Pty Ltd.
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Floor Space Ratio (FSR)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Gross Floor Area (GFA)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
<b><u>SEPP MD</u></b>	<b><u>State Environmental Planning Policy (Major Development) 2005</u></b>
Minister	Minister for Planning <b><u>and Infrastructure</u></b> .
MP <del>No.</del> 06_0101	Concept Plan (as modified) for this proposal.
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Aboriginal Housing Company Ltd (AHC) or any party acting on the approval.
Regulation	Environmental Planning and Assessment Regulation 2000 (as amended).
Storey	has the same meaning as in Schedule 3, Part 5, Redfern-Waterloo Authority sites of <i>State Environmental Planning Policy (<del>Major Project</del> <b><u>State Significant Precincts</u></b>) 2005</i> .
Subject Site	Land described in Schedule 1 of this approval.

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

- (c) Schedule 2 Part A – Terms of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

#### A1 Development Description

Concept approval is granted only to the carrying out of development within the **land concept plan area** as described in ~~the Environmental Assessment Report by Ludvik and Associates Pty Ltd titled “Pemulwuy Project” dated December 2011 (as amended by the Preferred Project Report dated August 2012) and in the “Revised Statement of Commitments” attached at Appendix 4 to the Preferred Project Report Schedule 1~~, including:

- (1) The redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of ~~17,380~~ **26,935** m<sup>2</sup> of GFA comprised of:
- ~~2,655~~ **1,215** m<sup>2</sup> of retail/commercial GFA
  - ~~12,720~~ **23,870** m<sup>2</sup> of residential GFA including student housing
  - ~~3,095~~ **1,850** m<sup>2</sup> cultural/community GFA including a gymnasium/fitness centre, 60 place child care centre, a gallery and offices for the AHC.
- (2) Landscaped open space areas as identified in Drawing No. ODA070 Issue ~~F-J~~.
- (3) Maximum building heights and floor space ratios within Precincts 1, 2 and 3 as identified **below and as shown** on Drawing No. ODA012 Issue ~~G-J~~; ~~with the exception that the maximum height of the building on Precinct 3 in which the student housing is located shall be a maximum of 7 storeys.~~

Precinct	Maximum GFA	Maximum FSR	Maximum Height
<b><u>1</u></b>	<b><u>8,585 m<sup>2</sup></u></b>	<b><u>1.29:1</u></b>	<b><u>2-6 storeys</u></b>
<b><u>2</u></b>	<b><u>1,820 m<sup>2</sup></u></b>	<b><u>1.40:1</u></b>	<b><u>3 storeys</u></b>
<b><u>3</u></b>	<b><u>16,530 m<sup>2</sup></u></b>	<b><u>6.95:1</u></b>	<b><u>3-24 storeys</u></b>

- (4) A basement car park with 115 car parking spaces (including 10 accessible spaces) to service the mix of uses and with the following allocation of spaces:
- a)** Residential **Parking:**
- Townhouses and Apartments ~~70-73~~ spaces
  - **Student Accommodation – 3 space**
- b)** Retail – 16 spaces
- c)** Commercial – 13 spaces
- d)** Gymnasium – 6 spaces
- e)** Childcare Centre – 4 spaces
- f)** Gallery – 3 spaces
- Total – 115 spaces**
- (5) Eight (8) at grade 90° angle car parking spaces to be located on the northern side of Caroline Street within Precinct 1.
- ~~(6) Widening of the railway overbridge on the northern side of Lawson Street, east of Eveleigh Street.~~
- ~~(7-6)~~ Landscaping and public domain improvements works.

- (d) Schedule 2 Part A – Terms of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

## A2 Development in Accordance with Plans and Documentation

The ~~approval development~~ shall be generally in accordance with:

- a) ~~MP 06\_0101 (as modified by MOD 1) and the Environmental Assessment, except where amended by the response to submissions and additional information to the response to submissions, and the following drawings prepared by Nordon Jago Architects: prepared by Cracknell & Lonergan Architects and Heritage Consultants dated 26 March 2009 (as amended by modification applications at b) below)~~
- b) the following section 75W modification applications (including appendices):
  - i) MP06 0101 MOD 1, prepared by Ludvik and Associates Pty Ltd dated December 2011, as amended by the Preferred Project Report dated August 2012
  - ii) MP06 0101 MOD 2, prepared by Ludvik and Associates Pty Ltd dated September 2017, as amended by the Response to Submissions Preferred Project Report dated May 2018 and letter prepared by Deicorp Ltd dated 10 July 2018
- c) the Statement of Commitments at Schedule 3
- d) the Terms of Approval, Modifications and Future Assessment and Application Requirements of this consent
- e) all written directions of the Planning Secretary
- f) the drawings as set out in the table below:

Drawing No. /Report	Revision	Name of Plan	Date
<b>Architectural Plans <del>Concept drawings</del> prepared by Nordon Jago Architects</b>			
<b>Overall Drawings – All Precincts</b>			
<del>0DA000</del>	<b>F</b>	<b>Cover Page</b>	
0DA011	<del>D-H</del>	Proposed Site Plan	<b>06.07.18</b>
0DA012	<del>F-J</del>	FSR & Building Heights	<b>06.07.18</b>
0DA013	C	Laneways	
0DA070	<del>F-J</del>	Public Domain Areas	<b>06.07.18</b>
0DA300	<del>B-E</del>	Streetscape Elevations	<b>06.07.18</b>
0DA600	<del>C-F</del>	Massing View	<b>06.07.18</b>
<del>0DA900</del>	<b>A</b>	<b>Materials and Finishes Board</b>	
<b>Concept landscape drawings (Public Domain + Public Art Strategy, Rev D dated 02 May 2018) prepared by Scott Carver Pty Ltd</b>			
<u>20170005</u>		<u>3.2 Pedestrian + Vehicular Movement</u>	<u>June 2017</u>
<u>20170005</u>		<u>3.3 Public Domain + Connections</u>	<u>June 2017</u>
<u>20170005</u>		<u>3.4 Materials Strategy</u>	<u>June 2017</u>
<u>20170005</u>		<u>3.5 Programme + Activation</u>	<u>June 2017</u>
<u>20170005</u>		<u>3.6 Public Art Strategy</u>	<u>June 2017</u>
<u>20170005</u>		<u>3.9 Land Dedication to Council</u>	<u>June 2017</u>
<u>20170005</u>		<u>4.2 Pemulwuy Precinct – The Wider Masterplan</u>	<u>June 2017</u>
<u>20170005</u>		<u>Indicative Materials Palette</u>	<u>June 2017</u>
<u>20170005</u>		<u>Indicative Planting Palette</u>	<u>June 2017</u>

<b>Precinct 1</b>		
<del>4DA005</del>	<b>F</b>	<b>Precinct 1 Perspectives and Site Analysis</b>
<del>4DA091</del>	<b>E</b>	<b>Basement Level B1</b>
<del>4DA100</del>	<b>E</b>	<b>Plan Level 01 – Townhouses</b>
<del>4DA101</del>	<b>E</b>	<b>Plan Level 02 – Townhouses</b>
<del>4DA102</del>	<b>E</b>	<b>Plan Level 01.1 (Mezzanine)</b>
<del>4DA103</del>	<b>E</b>	<b>Plan Level 02 – Residential</b>
<del>4DA104</del>	<b>E</b>	<b>Plan Level 003-05 Typical</b>
<del>4DA120</del>	<b>E</b>	<b>Roof Plan</b>
<del>4DA150</del>	<b>A</b>	<b>Townhouses Typical Detail Plan/Section</b>
<del>4DA151</del>	<b>A</b>	<b>Townhouse Street Perspectives</b>

1DA200	D	Sections A & B
1DA201	D	Section C & D
1DA300	D	North & West Elevations
1DA301	D	South & and East Elevations
<b>Precinct 2</b>		
2DA	F	Precinct 2 Perspectives and Site Analysis
2DA	E	Level 1 Plan
2DA	E	Level 2 Plan
2DA	D	Level 3 Plan
2DA	D	Level 4 Plan
2DA	E	Roof Plan
2DA	E	Sections
2DA	D	Elevations
<b>Precinct 3</b>		
3DA005	F	Precinct 3 Perspectives and Site Analysis
3DA100	E	Lower Ground & Ground Floor Plan
3DA101	E	Level 1 Plan
3DA102	E	Level 2 Plan
3DA103	E	Level 3 Plan
3DA104	E	Level 4 Plan
3DA105	B	Level 5 Plan
3DA106	B	Level 6 Plan
3DA120	C	Roof Plan
3DA200	E	Section
3DA300	D	Elevations
DN160	D	Lawson Street Bridge Works
<b>Report/Plan</b>	<b>Author</b>	<b>Date</b>
<b>Landscape Treatments</b>		
Public Domain & Landscaping Report	Scape	9 December 2011
Email to Greg Colbran (Dei Corp) regarding landscaping treatments	Andrew Turnbull, Scott Carver	23 August 2012
<b>Acoustic Treatments</b>		
Pemulwuy Acoustic Assessment	Koikas Consultants Pty Ltd	13 December 2011
<b>Traffic Assessment</b>		
Transport and Accessibility Impact Assessment	John Coady Consulting Pty Ltd	13 December 2011
<b>Structural Assessment</b>		
Structural report for Pemulwuy	Bonacci	12 December 2011
<b>BASIX Assessment</b>		
Precinct 1 BASIX Assessment	Wintech	13 December 2011
Precinct 3 BASIX Assessment	Wintech	13 December 2011
<b>Site Investigation</b>		
Geotechnical Assessment	SMEC Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC Testing Services Pty Ltd	25 August 2010
<b>Stormwater Drainage</b>		
Stormwater Concept Plan SC-01	Neil Lowry & Associates	December 2011

Site Plan SC-02	Neil Lowry & Associates	December 2011
<b>Construction Management</b>		
Construction Management Methodology	Dei Corp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
Soil Water Management Plan for Precinct 3, Redfern Dwg. No. C083 Rev A	Bonacci	March 2011
Sediment Basin Detail Dwg. No. C083 Rev A	Bonacci	March 2011
<b>Wind Assessment</b>		
Precinct 1 – Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 2 – Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 3 – Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
<b>Heritage Assessment</b>		
Heritage Interpretation Strategy	NBRS	9 December 2011
Railway Corridor Retaining Wall	NBRS	9 December 2011

## PART B – MODIFICATIONS TO CONCEPT PLAN

- (e) Schedule 2 Part B – Modifications to Concept Plan, Modification B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

### B1 Proposed Land Uses

The approved uses on the three Precincts under the concept plan are to be limited as follows:

Precinct	Approved uses
1	<ul style="list-style-type: none"> <li>• 36 x two storey townhouses;</li> <li>• 26 units within an apartment building;</li> <li>• <b><u>Retail, Cultural (art gallery),</u></b> commercial and community <b><del>uses</del></b> (gymnasium) <b><u>uses</u></b>;</li> <li>• Basement car park with 115 car parking spaces (including 10 accessible spaces) and bicycle storage facilities; and</li> <li>• Publicly open space areas.</li> </ul>
2	<ul style="list-style-type: none"> <li>• <b><u>Retail,</u></b> commercial, <b><u>AHC offices</u></b> and community (child care centre) uses combined with private and public open space areas.</li> </ul>



3	<ul style="list-style-type: none"> <li>• <b>Commercial and cultural (art gallery) uses</b></li> <li>• private and public open space areas; and</li> <li>• student housing comprising <b>42 units (154-596 student beds)</b>.</li> </ul>
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- (f) Schedule 2 Part B – Modifications to Concept Plan, Modification B4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

**B4 Transport and Pedestrian Management**

- (1) Vehicular access to the basement area **within Precinct 1** shall be limited to one access/egress point onto Vine Street
- (2) The development shall include the retention of the shared zone along Eveleigh Street between Lawson Street and Caroline Street and the provision of a share zone along Caroline Street between Louise Street and Eveleigh Street. The share zones shall be provided in consultation with Council and RMS.
- (3) Secure bicycle parking facilities shall be provided:
  - a)** in the basement car park on Precinct 1 for use by all components of **~~the development Precincts 1 and 2~~**
  - b)** **within Precinct 3 for the use of the occupants guests/visitors of Precinct 3.**

- (g) Schedule 2 Part C – Future Assessment and Application Requirements, C2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

**C2 DESIGN EXCELLENCE**

- (1) All future applications for any new building and for external works to existing buildings are to demonstrate design excellence in accordance with Schedule 3, Part 5, Division 3, clause 22 of *State Environmental Planning Policy (Major Projects) 2005*
- (2) A Design Competition under clause 22(3) of Schedule 3, Part 5, Division 3 of the *State Environmental Planning Policy (Major Projects) 2005* is not required for any component of the approved Concept Plan.
- (3) The design of buildings is to be consistent with the objectives and relevant controls of the Redfern Waterloo Authority Built Environment Plan.
- (4) The detailed design of the building within Precinct 3 shall provide an active frontage to Eveleigh Street.**

- (h) Schedule 2 Part C – Future Assessment and Application Requirements, C7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

**C7 DEDICATION OF PUBLIC OPEN SPACE AND ROADWAYS**

- (1) The Proponent must either:
  - (a) Offer for dedication as public spaces to Council, public parks, roads and public domain; or
  - (b) create Right of Ways and Easements to allow public access to public parks, roads and public domain.
- (2) The areas and location of public open space areas are to be in accordance with the approved Concept Plan.
- (3) All areas of public open space shall be designed to be accessible.**
- (3-4)** The following are to accompany any future application for public parks, roads and public domain:

- (a) A landscape plan demonstrating proposed landscape scheme for the public domain areas is to be prepared in consultation with and is subject to approval by Sydney City Council;
  - (b) Commitments by the applicant advising the proposed timing of the proposed landscape works, roadworks and dedication of the proposed open space and roadways or creation of any Easement or Right of Ways.
- (4-5)** If Council refuses the dedication of any public space(s), then 1(b) of this condition shall be applied to enable public access. Details are to be provided with the relevant future application(s).

- (i) Schedule 2 Part C – Future Assessment and Application Requirements, is amended by deleting C11 as follows:

**C11—RailCorp**

**Future application(s) must address the following requirements of RailCorp:**

**(1) Corridor Protection**

~~Prior to the lodgement of an application seeking approval for any structure within 25m of the rail corridor that involves ground penetration of greater than 2m, the following are to be prepared in accordance with Railcorp’s requirements and lodged with the relevant application:~~

- ~~(a) a Geotechnical and Structural report~~
- ~~(b) an Excavation and Construction methodology~~
- ~~(c) cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.~~

**(2) Derailment protection**

~~Prior to the lodgement of any application seeking approval for new structures located within 20m of the rail corridor, a derailment protection risk assessment in accordance with Australian Standard AS5100 must be prepared and lodged with the application. Where the risk assessment has identified a need for derailment protection, or where required by the Australian Standard, the applicant is to incorporate those measures into the design and engineering details of the building, and to submit those with the application.~~

**(3) Drainage**

~~The final drainage solution should be developed in consultation with Railcorp, prior to the lodgement of either the first application for subdivision or first application for new development, whichever occurs first. The final drainage solution shall address the following matters:~~

- ~~(a) Demonstrate that drainage and stormwater within the site can be managed without any adverse impact on the rail corridor.~~
- ~~(b) That stormwater runoff from all impervious surfaces on the property is collected and conveyed to a point suitable for integration with the constructed stormwater drainage system.~~
- ~~(c) Details of the future care and control of the drainage system.~~

**(4) Noise and Vibration**

~~An acoustic assessment is to accompany any application for a new building, and is to identify any noise attenuation measures for the proposed building appropriate to its intended use.~~

(5) **Balconies and Windows**

~~Any proposed balcony or window that is within 20m of the rail corridor is to incorporate adequate measures that prevent the throwing of objects onto the rail corridor.~~

(6) **Reflective material**

~~Future structures located along the rail corridor are to minimise the use of reflective material such as mirrored glass and metal finishes.~~

(7) **Fencing and Landscaping**

~~Prior to the lodgement of the first application for either subdivision or new buildings, design guidelines are to be prepared regarding the fencing to be used/constructed along the entire common boundary with the rail corridor. The fencing guidelines and specifications are to be developed in consultation with RailCorp and submitted with any application.~~

~~(8) Both parties to the abovementioned consultation shall act reasonably and RailCorp is not to unreasonably prevent a resolution / agreement from being reached. In the event that a resolution / agreement is unable to be reached within 3 months, the matter is to be referred to the Director General for determination. All areas of disagreement and the position of each party are to be clearly stated to enable this determination to be made.~~

### SCHEDULE 3

#### Modified Revised Statement of Commitments

#### STATEMENT OF COMMITMENTS

No.	Subject	Commitment	Timing
1.	Authority Approvals	All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.	Prior to the carrying of work
2.	Demolition	Demolition works are to be carried out in accordance with the requirements of AS 2601-2001: <i>Demolition of Structures</i> .	During the demolition of the existing buildings
3.	Remediation	Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant <i>Australian Standards</i> , Codes and guidelines.	As part of the site preparation works and prior to the commencement of building works
4.	Building Works	The buildings are to be constructed in accordance with <del>plans approved in the Project Approval the approved plans</del> , the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5.	Construction Management	Construction work is to be carried out in accordance with the <del>Demolition and Construction Management Plan to be submitted Construction Pedestrian and Traffic Management Plan to be prepared in consultation with TfNSW</del> prior to the issue of a Construction Certificate <del>for the Project</del> .  All contractors/suppliers will be advised of the Management plan and will be required to adhere to those requirements throughout the construction phase.	Ongoing from the commencement of construction

		<p>Erosion and sediment control measures are to be installed and maintained for the duration of the construction works and until all ground disturbed by the works is stabilised.</p> <p>Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.</p>	
6.	Waste Management	<p>Wastes associated with demolition works, construction work and the on-going operation of the buildings are to be managed in accordance with the Waste Management Plan <del>submitted with the application for Project Approval.</del></p> <p>The removal of all wastes, including asbestos based wastes, is to be undertaken in accordance with the regulations and requirements of the NSW Government and relevant codes of practice and guidance notes.</p>	Ongoing from the commencement of construction
7.	Public Domain	<p>Public domain works are to be constructed in accordance with the <del>report and plan prepared by Scape Public Domain &amp; Public Art Strategy and plans prepared by Scott Carver Pty Ltd and Professor Michael Tawa.</del></p>	As part of construction works
8.	Safety and Security	<p>All outdoor lighting is to be installed in accordance with <i>AS/NZ 1158.3:1999 – Pedestrian Area (Category P) Lighting</i> and <i>AS 4282:1997 – control of Obtrusive Effects of Outdoor lighting.</i></p>	As part of construction works
9.	Rail Infrastructure	<p>The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Groupt Pty Ltd.</p>	Ongoing from the commencement of construction
10.	Acoustic & Vibration	<p>The buildings are to be constructed in accordance with the recommendations contained in the report provided by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.</p>	As part of construction works
11.	Road Traffic Facilities	<p>The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.</p>	As part of construction works
12.	Car Parking, Loading & Access	<p>One hundred and fifteen (115) off-street car parking are to be provided in accordance with <i>AS2890.1-2004: Parking Facilities – Part 1: Off-Street Car Parking.</i></p> <p>Loading facilities are to be established in accordance with the approved plan and <i>AS2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities.</i></p>	As part of construction works
13.	Retail & Commercial Uses	<p>Development applications for the commencement of the use of retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.</p>	Prior to the commencement of use of retail and commercial tenancies
14.	Ecologically Sustainable Development	<p>The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd <u>and the ESD Report prepared by JHA Consulting Engineers.</u></p>	As part of construction works
15.	Heritage/ Archaeology	<p>Appropriate action is to be taken should any matter of archaeological significance be revealed during the excavation program.</p>	During excavation

16.	Stormwater Drainage	Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry & Associates.	As part of construction works
17.	Access & Facilities for People with a Disability	Access facilities are to be provided in accordance with <i>AS1428-2001 – Access for Design and Mobility – New Building Work</i> .  57 of the dwellings in Precinct 1 are to be constructed in accordance with <i>AS4299-1995 – Adaptable Housing</i> , <del>together with 3 of the student housing dwellings in Precinct 3.</del>	As part of construction works
18.	Public Utilities	The buildings are to be connected to the required water, sewerage and electricity infrastructure in accordance with the requirements of Sydney Water Corporation and Energy Australia.  Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of service providers.  The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority.  Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.	As part of construction works
19.	Development Contributions	All reasonably required contributions are to be paid.	When required
20.	Occupation of the Building	All required certificates are to be provide to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.	Prior to the occupation of the building
21.	Community Consultation	The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.	Ongoing
22.	Child Care Centre	The child care centre is to be constructed and operated in accordance with the requirements of the Department of Community Services.	Ongoing
23.	Dwellings in Precinct 1	The sixty-two (62) dwellings in Precinct 1 are to be retained in the ownership of the Aboriginal Housing Company.  These dwellings are to be managed by the Aboriginal Housing Company to provide affordable housing for the local Aboriginal and Torres Strait Islander Community.	Ongoing
<b>24</b>	<b>Gallery</b>	<b><u>The gallery proposed to be constructed in Precinct 3 is to be relocated to the space allocated to retail/commercial space in Precinct 1.</u></b>  <b><u>A development application for the use and fitout of this space as a gallery is to be submitted to and approved by Sydney City Council prior to the establishment of the gallery.</u></b>	<b>Ongoing</b>
<b>25</b>	<b>Development</b>	<b><u>Development of the Project (i.e. in Precincts 1, 2 and 3) is to be carried out concurrently</u></b>	<b>Ongoing</b>
<b>26</b>	<b>Aboriginal Student Housing</b>	<b><u>110 of the 596 beds in the student housing on Precinct P3 are to be made available for use by Aboriginal and Torres Strait Islander students, in accordance with Aboriginal Housing Company letter dated 15<sup>th</sup> February 2018.</u></b>	<b>Ongoing</b>

<u>27</u>	<u>Dedication of land to Sydney City Council</u>	<u>1,138 m<sup>2</sup> of the open space land is to be dedicated to Council as part of the public domain</u>	<u>Prior to the occupation of the student accommodation development</u>
<u>28</u>	<u>Public Transport Initiatives</u>	<u>Wayfinding strategies and travel access guides are to be developed to assist with increasing mode share of walking and cycling for students, staff and visitors to the student housing in Precinct 3.</u>	<u>Prior to the occupation of the development</u>
<u>29</u>	<u>Design Excellence</u>	<u>The design excellence of the Project is to be retained through retention of lead architect and DIP throughout the Project to the completion of construction</u>	<u>Ongoing</u>

**End of Modification  
(MP 06\_0101 MOD 2)**