

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



Soo-Tee Cheong (chair)

Member of the Commission



Ilona Millar

Member of the Commission



Peter Williams

Member of the Commission

Sydney

4 March 2019

SCHEDULE 1

- Project Approval:** **MP 11_0093** granted by the delegate of the Minister for Planning on 21 December 2012.
- For the following:** Development of the Pemulwuy Project, Redfern for mixed uses including commercial, retail, residential and community uses.
- Applicant:** Deicorp Ltd
- Consent Authority:** Independent Planning Commission
- Land:** Land bound generally by Louis Street, Vine Street, Eveleigh Street, railway line and Lawson Street, Redfern. Land to which this approval applies also includes:
- airspace to the north of the existing railway overbridge and north of Lawson Street
 - Eveleigh Lane
 - that part of Caroline Lane to the east of Lot A DP 439351 (108 Lawson Street Redfern)
 - Eveleigh Street (between Caroline Street and Lawson Street)
 - 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

Street	House No.	Lot No(s)	DP
	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

Modification:

MP 11_0093 MOD 1: Modifications to:

- delete all buildings and works relating to Precinct 3 from the project approval
- delete the land-bridge over the railway corridor
- replace the retail use in Precinct 1 with gallery use
- amend public domain and open space within Precinct 1 and 2
- amend/delete conditions and Statement of Commitments to take account of the deletion of Precinct 3.

The consent (MP 11_0093) is modified as follows:

SCHEDULE 1

- (a) Schedule 1 – the Land is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

Land

Land bound generally by Louis Street, Vine Street, Eveleigh Street, ~~railway line~~ and Lawson Street, Redfern. Land to which this approval applies also includes:

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

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

Street	House No.	Lot No(s)	DP	
Louis	1-5	21	434387	
	7 -33	1-14	33299	
	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	
<u>Eveleigh (East side)</u>	<u>49</u>	<u>1</u>	<u>709305</u>	
	<u>51-57</u>	<u>A-D</u>	<u>437614</u>	
	<u>59</u>	<u>2</u>	<u>907002</u>	
	<u>61</u>	<u>B</u>	<u>906776</u>	
	<u>63</u>	<u>188</u>	<u>77816</u>	
	<u>65-69</u>	<u>1-3</u>	<u>438267</u>	

Street	House No.	Lot No(s)	DP
	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

- (b) Schedule 1 – the Land is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

DEFINITIONS

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

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

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

A1 Development Description

Development is granted for the carrying out of the development **of Pemulwuy Precincts 1 and 2** described below:

- ~~17,370~~ **10,405** m² of gross floor area comprising:
 - ~~2,655~~ **1,215** m² of retail/commercial gross floor area
 - ~~12,730~~ **7,340** m² of residential gross floor area comprising:
 - 36 townhouses (5 x 2 bedroom, 18 x 3 bedroom and 13 x 4 bedroom)
 - 26 apartments (21 x 2 bedroom and 5 x 3 bedroom)
 - ~~154 student housing bedrooms in 42 units~~
 - ~~3,095~~ **1,850** m² of cultural/community gross floor area, including a gymnasium/fitness centre, gallery, 60 place child care centre and offices for AHC
 - Basement car park for 115 vehicles including 10 accessible spaces
 - 8 at grade 90° angle spaces along the northern side of Caroline Street
 - Landscaping and public domain improvement works.
- (d) Schedule 2 Part A – Administrative Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

A2 Terms of Approval

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

The development will be undertaken in accordance with ~~MP06_0101~~ and MP ~~No.~~ 11_0093 and the Environmental Assessment dated December 2011, prepared by Ludvik and Associates Pty Ltd, **and the Schedule 3 Statement of Commitments**, except where amended by:

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

Drawing No./Report	Revision	Name of Plan
Architectural Plans prepared by Nordon Jago Architects		
Overall Drawings – All Precincts		
0DA000	F	Cover Page
0DA014	D	Proposed Site Plan
0DA012	F	FSR & Building Heights
0DA013	C	Laneways
0DA070	F J	Public Domain Areas
0DA300	B	Streetscape Elevations
0DA600	C	Massing View
0DA900	A	Materials and Finishes Board
<u>0DA015</u>	<u>A</u>	<u>Proposed Site Plan – Precincts 1 and 2</u>

Precinct 1		
1DA005	F-G	Precinct 1 Perspectives and Site Analysis
1DA091	E	Basement Level B1
1DA100	E	Plan Level 01 - Townhouses
1DA101	E-F	Plan Level 02 – Townhouses Plan Level 01(GF) – Mixed Use Building
1DA102	E	Plan Level 01.1 (Mezzanine)
1DA103	E	Plan Level 02 - Residential
1DA104	E	Plan Level 03-05 Typical
1DA120	E	Roof Plan
1DA150	A	Townhouse Typical Detail Plan/Section
1DA151	A	Townhouse Street Perspectives
1DA200	D	Sections A & B
1DA201	D	Section C & D
1DA300	D	North & West Elevations
1DA301	D	South & East Elevations
Precinct 2		
2DA005	F	Precinct 2 Perspectives and Site Analysis
2DA100	E	Level 1 Plan
2DA101	E	Level 2 Plan
2DA102	D	Level 3 Plan
2DA103	D	Level 4 Plan
2DA120	E	Roof Plan
2DA200	E	Sections
2DA300	D	Elevations
Precinct 3		
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	Sections
3DA300	D	Elevations
DN160	D	Lawson Street Bridge Works
Report/Plan	Author	Date
Landscape Treatments		
Public Domain & <u>Landscape Report & Public Art Strategy</u>	<u>Scape Scott Carver Pty Ltd</u> <u>Professor Michael Tawa</u>	<u>9 December 2014</u> <u>5 June 2017</u>
Email to Greg Colbran (Dei Corp) regarding landscape treatments for townhouses	Andrew Turnbull, Scott Carver	23 August 2012
Acoustic Assessment		

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

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

PART B PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

- (e) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition 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 Design Modifications

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

- ~~a) Treatments to address potential privacy issues and manage solar access to the windows and balconies of the western elevation of the student housing accommodation on Precinct 3 are to be provided. Any changes to the external finishes of the building in order to address these issues shall be fixed in such a way to ensure the rooms have access to natural light and views from the windows and balconies are directed away from eastern facing windows to the residential building on Precinct 1.~~
- a)** Swept path plans demonstrating that vehicular movements into and out of the rear of 108 Lawson Street Redfern can be achieved from Caroline Lane in accordance with Australian Standard AS 2890.1.
- ~~e-b)~~ **e-b)** The western facing windows of townhouses and apartments are to be provided with screening to allow for passive control of afternoon sun.
- (f) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition B2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B2 Waste Management

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

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

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

- (g) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition B21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B21 Adaptable Housing

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

- a) Confirmation that 57 of the residential units **and 3 of the student housing units** are able to be adapted for people with a disability in accordance with the Building Code of Australia and City of Sydney Access DCP 2004;

- b) Compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

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

- (h) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition B25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

RailCorp-Sydney Trains Conditions

B25 Geotechnical and Structural Stability and Integrity

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

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

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

- The Proponent is to be aware that **RailCorp-Sydney Trains** will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- All piling and excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

- (i) Schedule 2 Part B – Prior to the issue of Construction Certificate is amended by the deletion of Conditions B26, B27 and B30 as follows:

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

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

~~The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.~~

~~**B27 Use of Lights and Reflective Materials**~~

~~The design, installation and use of lights, signs and reflective materials in Precinct 3, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.~~

~~The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.~~

~~**B30 Requirement for the Proponent to enter into an Agreement with RailCorp**~~

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

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

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

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

- (j) Schedule 2 Part B – Prior to the issue of Construction Certificate is amended by the insertion of the following new Condition B26

B26 Contribution Levy Credit for Public Domain Works

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

- (k) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition B28 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B28-B27 Demolition, Excavation and Construction Impacts

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

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

- (l) Schedule 2 Part B – Prior to the issue of Construction Certificate, Condition B29 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

B29-B28 Crane and Other Aerial Operations

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

PART C PRIOR TO CONSTRUCTION

- (m) Schedule 2 Part C – Prior to Construction is amended by the deletion of Conditions C7 and C8, as follows as follows:

~~C7— Rail Corridor Alignment~~

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

~~C8— Archival Recording of Murals~~

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

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

- (n) Schedule 2 Part C – Prior to Construction, Condition C9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

C9-C7 Public Domain

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

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

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

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

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

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

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

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

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

- (o) Schedule 2 Part C – Prior to Construction is amended by the deletion of Conditions C10, C11 and C11 as follows as follows:

~~C10 Public Art / Cultural Interpretation~~

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

~~RailCorp Conditions~~

~~C11 Services Searches~~

~~Prior to the commencement of the Lawson Street Bridge works the Proponent shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Proponent must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.~~

~~C11 Survey~~

~~The Proponent shall provide an accurate survey locating the Precinct 3 development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. Written confirmation of RailCorp's satisfaction is to be provided to the PCA.~~

- (p) Schedule 2 Part C – Prior to Construction, Condition C12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

C12-C8 Stray Currents and Electrolysis from Rail Operations

Prior to the commencement of ~~the Lawson Street Bridge~~ works **on Precinct 2** the **Proponent Applicant** is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The **Proponent Applicant** must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (q) Schedule 2 Part C – Prior to Construction, Condition C13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

C13-C9 Dilapidation Surveys

Prior to the commencement of ~~bridge widening Precinct 2 works, on completion of bridge widening works and 12 months from the completion of bridge widening works~~ **bridge widening Precinct 2 works**, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from ~~RailCorp Sydney Trains~~ **RailCorp Sydney Trains** and the ~~Proponent Applicant~~. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by ~~RailCorp Sydney Trains~~ **RailCorp Sydney Trains**.

- (r) Schedule 2 Part C – Prior to Construction is amended by the deletion of Conditions C14 and C15 as follows as follows:

~~**C14 Fencing**~~

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

~~**C15 Derailment Protection**~~

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

PART D DURING CONSTRUCTION

- (s) Schedule 2 Part D – During Construction, Conditions D12 and D13 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

RailCorp Sydney Trains Conditions

D12 Physical Access to RailCorp Sydney Trains' Facilities

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

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

D13 Adjacent Heritage Structures

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

- (t) Schedule 2 Part D – During Construction is amended by the deletion of Conditions D14 to D17 as follows as follows:

~~D14 Scaffolding~~

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

~~D15 Track Possessions and Power Outages~~

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

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

~~D16 Safe Working Rules~~

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

~~D17 Access Management~~

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

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

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

- (u) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

E7 Site Landscaping

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

- (v) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations is amended by the deletion of Condition E9 as follows as follows:

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

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

- (w) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, the numbering of Conditions E10 to E12 is amended by the insertion of the **bold and underlined** numbers and deletion of the ~~bold and struckout~~ numbers as follows:

~~E10-E9~~ **Waste Management**

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

~~E11-E10~~ **Section 73 Certificate**

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

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

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

~~E12-E11~~ **Fire Safety Certificate**

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

- (x) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E13 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

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

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

- a) **Zone A: the two public domain areas (235 m²) of Precinct 2 bound by Caroline Street, Eveleigh Street and Lawson Street**
- b) **Zone C: the 753 m² forecourt area of Precinct 1 bound by Caroline Street and Louis Street. The Proponent must consult with Council to establish if this easement is required to include including** the 8 car parking spaces along the Caroline Street frontage of Precinct 1

- (y) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

~~E14~~ E13 Site Consolidation

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

- (z) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, the numbering of Conditions E10, E11 and E12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

~~E15~~ E14 Signposting of Share Ways

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

- (aa) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

~~E16~~ E15 Contribution levied under Redfern–Waterloo Authority Contributions Plan (RWCP)

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

- a) pay a contribution of **~~\$1.4 million~~ 883,925** (based on 2% of the estimated development cost); or
- b) undertake public domain improvement works to a minimum value of **~~\$1.4 million~~ 883,925** (or 2% of the estimated cost of the development). Such works could include **~~widening of the railway overbridge,~~** pavement treatment to the share ways, improved lighting to the public domain and/or landscaping and street tree planting.

2) **Prior to the issue of an Occupation Certificate** ~~E~~vidence of the costs of the public domain improvement works shall be provided to Council and the **~~Director~~ General Planning Secretary**.

- (bb) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E17 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

E17-E16 Contribution levied under Redfern– Waterloo Authority Affordable Housing Contributions Plan (RWAHCP)

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

- a) ~~pay an affordable housing contribution of \$1,271,118 903,986.40 (based on a rate of \$73.12 ~~86.88~~ /m² of GFA). This rate is indd and a final calculation of the amount owing will be made prior to payment; or~~
- b) ~~Upon:~~
- i. ~~Registration of the Aboriginal Housing Company Limited as a community housing provider under the *Housing Act 2001 (NSW)*; and~~
 - ii. ~~The registration of a restriction as to user under Section 88B of the *Conveyancing Act 1919*, (or similar restrictive covenant on the Title of the consolidated allotments), to the effect that the 62 dwellings on Precinct 1 will be provided as affordable housing in perpetuity.~~

~~The contribution levied under the RWAHCP will be waived.~~

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

Prior to the issue of an Occupation Certificate for the development, the Applicant shall register a restriction under Section 88B of the Conveyancing Act 1919 (or similar restrictive covenant on the title of the consolidated allotments) ensuring the 62 dwellings in Precinct 1 will be provided as affordable housing in perpetuity as per Commitment 22 in the Statement of Commitments and submit evidence of such registration to the Planning Secretary.

- (cc) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

RailCorp Sydney Trains Conditions

E18-E17 Dilapidation Surveys

Prior to the issue of the Occupation Certificate for Precinct ~~3-2~~ and 12 months from the completion of works at Precinct ~~3-2~~, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from **RailCorp Sydney Trains** and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by **RailCorp Sydney Trains**.

- (dd) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations is amended by the deletion of Conditions E19 and E20 as follows as follows:

E19 – Maintenance of Development

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

~~E20 Maintenance of Bridge Widening~~

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

- (ee) Schedule 2 Part E – Prior to Issue of Occupation Certificate / Prior to Operations, Condition E21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

~~E21~~**E18** As-Built Drawings

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

PART F OPERATIONAL CONDITIONS

- (ff) Schedule 2 Part F – Operational Conditions is amended by the deletion of Condition F3 as follows:

~~F3 Plan of Management for Student Housing~~

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

- (gg) Schedule 2 Part E – Operational Conditions, the numbering of Conditions F4 to F14 is amended by the insertion of the **bold and underlined** numbers and deletion of the ~~bold and struckout~~ numbers as follows:

~~F4~~**F3** Intruder Alarms

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

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

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

~~F6~~**F5** Signs At Egress

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

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

~~F7~~**F6** Signposting

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

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

F8-F7 Licensing of Child Care Centre

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

F9-F8 Child Care Centre maximum capacity

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

F10-F9 Awning Maintenance

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

F11-F10 Paving Materials

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

F12-F11 Separate approval for retail and commercial tenancies

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

F13-F12 Car Park Management

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

F14-F13 Use of Share Ways

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

- (h) Schedule 2 Part F – Operational Conditions, Condition F15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

RailCorp-Sydney Trains Conditions

F15-F14 Drainage

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

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

- (ii) Schedule 2 Part E – Operational Conditions, the numbering of Condition F16 is amended by the insertion of the **bold and underlined** numbers and deletion of the ~~bold and struckout~~ numbers as follows:

~~F16-F15~~ Pollution Control

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

- (jj) Schedule 2 Part F – Operational Conditions is amended by the deletion of Condition F17 as follows:

~~F17 Graffiti, Screening and Landscaping~~

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

Schedule 3

Statement of Commitments

- (kk) Schedule 3 – Statement of Commitments is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

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 site preparation works and prior to the commencement of building works
4.	Building Works	The buildings are to be constructed in accordance with the <u>approved</u> plans approved in the Project Approval , the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5.	Construction Management	<p>Construction work is to be carried out in accordance with the Demolition and Construction <u>and Traffic</u> Management Plan to be submitted prior to the issue of a Construction Certificate.</p> <p>All contractors/suppliers will be advised of the Management Plan and will be required to adhere to those requirements throughout the construction phase.</p> <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>	Ongoing from the commencement of construction
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 submitted with the application for Project Approval.</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 demolition works

No.	Subject	Commitment	Timing
7.	Public Domain	Public domain works are to be constructed in accordance with the report and plan prepared by Scape <u>Public Domain and Public Art Strategy, June 2017, prepared by Scott Carver Pty Ltd and Professor Michael Tawa.</u>	As part of construction works
8.	Safety and Security	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 the Obtrusive Effects of Outdoor Lighting.</i>	As part of construction works
9.	Rail Infrastructure	The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Group Pty Ltd.	Ongoing from the commencement of demolition works
10 <u>9</u>	Acoustic & Vibration	The buildings are to be constructed in accordance with the recommendations contained in the report prepared by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.	As part of construction works
11 <u>10</u>	Road Traffic Facilities	The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.	As part of construction works
12 <u>11</u>	Car Parking, Loading & Access	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> 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>	As part of construction works
13 <u>12</u>	Retail & Commercial Uses	Development applications for the commencement of the use of the retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.	Prior to the commencement of use of retail and commercial tenancies
14 <u>13</u>	Ecologically Sustainable Development	The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd.	As part of construction works
15 <u>14</u>	Heritage/Archaeology	Appropriate action is to be taken should any matter of archaeological significance be revealed <u>unexpected historical archaeological relic or Aboriginal object be discovered</u> during the excavation program.	During excavation works
16 <u>15</u>	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 <u>16</u>	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 -</i>	As part of construction works

No.	Subject	Commitment	Timing
		Adaptable Housing, together with 3 of the student housing dwellings in Precinct 3.	
18 <u>17</u>	Public Utilities	<p>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.</p> <p>Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of the service providers.</p> <p>The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority.</p> <p>Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.</p>	As part of construction works
19 <u>18</u>	Development Contributions	All reasonably required contributions are to be paid.	When required
20 <u>19</u>	Occupation of the Building	All required certificates are to be provided to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.	Prior to occupation of the building
24 <u>20</u>	Community Consultation	The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.	Ongoing
22 <u>21</u>	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 <u>22</u>	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
<u>23</u>	<u>Gallery</u>	<p><u>The gallery is to be constructed, established and maintained in Precinct 1 for use by the Aboriginal Housing Company to display articles associated with the Aboriginal and Torres Strait Islander community.</u></p> <p><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></p>	<u>Prior to the commencement of the gallery and ongoing</u>
<u>24</u>	<u>Development</u>	<u>Development of the Project, i.e. in Precincts P1, P2 and P3, is to be carried out concurrently</u>	<u>Ongoing</u>
<u>25</u>	<u>Dedication of land to Sydney City Council</u>	<u>An area of some 988 m² of the land is to be dedicated to Council as part of the public</u>	<u>Prior to the occupation of the development</u>

No.	Subject	Commitment	Timing
		<u>domain, of which 753 m² is to be located in Precinct 1 and 235 m² in Precinct 2.</u>	
26	<u>Design Excellence</u>	<u>The design excellence of the Project is to be retained throughout the Project to the completion of construction</u>	<u>Ongoing</u>

**End of modification to MP 11_0093
(MP 11_0093 MOD 1)**