

# Modification of Project Approval

## Section 75W of the *Environmental Planning & 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.

MEMBER OF THE COMMISSION

MEMBER OF THE COMMISSION

Sydney

2018

### SCHEDULE 1

**Project Approval:** **MP 09\_0068** granted by the Planning Assessment Commission on 1 July 2013

**For the following:** Residential Development, including:

- demolition of existing buildings and tree removal
- adaptive reuse of the former hospital building for residential housing and construction of 3 residential flat buildings comprising a total of 158 residential apartments
- 2 level basement car parking for 138 car spaces
- provision of a publicly accessible communal open space
- strata subdivision.

**Proponent:** Kaymet Corporation Pty Ltd

**Approval Authority:** Minister for Planning

**The Land:** 134-144 Pitt Street, Redfern

**Modification:** **MP 09\_0068 MOD 1**, including:

- increase the height of Buildings B & C from four to six storeys
- increase in the total gross floor (GFA) area from 13,846 m<sup>2</sup> to 15,592 m<sup>2</sup>
- dedication of 3,993 m<sup>2</sup> of GFA for use as affordable rental housing
- use of 140 m<sup>2</sup> of GFA for neighbourhood shops
- increase in the total number of residential apartments from 158 to 213 apartments
- increase in carparking from 138 to 158 spaces
- modification of the floor plans and elevations for Buildings A to D
- reconstruction and adaptive re-use of the former Rachel Forster Hospital colonnade.

## SCHEDULE 2

The Project Approval is modified as follows:

- (a) Part A, Condition A1 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

### A1 DEVELOPMENT DESCRIPTION

Project Application approval is granted only to the development as described below:

- demolition of existing buildings and tree removal;
- adaptive reuse of the former hospital building for residential housing and construction of 3 residential flat buildings comprising a total of ~~158~~ **213** residential apartments;
- **use of 3,993 m<sup>2</sup> of GFA for affordable rental housing;**
- **use of 140 m<sup>2</sup> of GFA for neighbourhood shops;**
- **reconstruction and adaptive re-use of the former Rachel Forster Hospital colonnade**
- 2 levels of basement car parking for ~~138~~ **158** car parking spaces;
- provision of a publicly accessible communal open space; and
- strata subdivision.

- (b) In Part A, Condition A2 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

### A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development shall be undertaken in accordance with MP 09\_0068 and the:

- Environmental Assessment dated December 2012 and Preferred Project Report dated June 2013 prepared by ABC Planning,
- **Environmental Assessment dated November 2016, the Response to Submissions dated October 2017, prepared by Daniel McNamara Planning Services (DMPS), and the supplementary information dated 4 and 6 December 2017, prepared by Tony Owen Partners;** and
- following drawings.

Architectural Drawings prepared by Tony Owen Ptnrs Architecture & Building Works			
Drawing No.	Revision	Name of Plan	Date
<b><u>A087</u></b>	<b><u>D</u></b>	<b><u>Demolition Plan</u></b>	<b><u>Oct 2017</u></b>
<del>A-010</del> <b><u>A090</u></b>	<del>F</del> <b><u>C</u></b>	Lower Basement Plan	<del>7/06/2013</del> <b><u>July 2017</u></b>
<del>A-011</del> <b><u>A090</u></b>	<del>F</del> <b><u>C</u></b>	Upper Basement Plan	<del>7/06/2013</del> <b><u>July 2017</u></b>
<del>A-012</del> <b><u>A100</u></b>	<del>G</del> <b><u>D</u></b>	Lower Ground Plan	<del>7/06/2013</del> <b><u>Oct 2017</u></b>
<del>A-013</del> <b><u>A101</u></b>	<del>G</del> <b><u>F</u></b>	Ground Floor Plan	<del>30/04/13</del> <b><u>Dec 2017</u></b>
<del>A-014</del> <b><u>A102</u></b>	<del>F</del> <b><u>F</u></b>	First Floor <b><u>Level 1</u></b> Plan	<del>7/06/2013</del> <b><u>Dec 2017</u></b>
<del>A-015</del> <b><u>A103</u></b>	<del>F</del> <b><u>F</u></b>	Second Floor <b><u>Level 2</u></b> Plan	<del>7/06/2013</del> <b><u>Dec 2017</u></b>
<del>A-016</del> <b><u>A104</u></b>	<del>F</del> <b><u>F</u></b>	Third Floor <b><u>Level 3</u></b> Plan	<del>7/06/2013</del> <b><u>Dec 2017</u></b>
<del>A-017</del> <b><u>A105</u></b>	<del>F</del> <b><u>F</u></b>	Fourth Floor <b><u>Level 4</u></b> Plan	<del>7/06/2013</del> <b><u>Dec 2017</u></b>
<del>A-018</del>	<del>F</del>	Fifth Floor <b><u>Level 5</u></b> Plan	<del>7/06/2013</del>

<b>A106</b>	<b>F</b>		<b>Dec 2017</b>
A-019	F	Roof Plan	7/06/2013
<b>A110</b>	<b>D</b>		<b>Oct 2017</b>
<b>A130</b>	<b>C</b>	<b>Adaptable Units 1</b>	<b>Jul 2017</b>
<b>A131</b>	<b>C</b>	<b>Adaptable Units 2</b>	<b>Jul 2017</b>
<b>A132</b>	<b>C</b>	<b>Adaptable Units 3</b>	<b>Jul 2017</b>
<b>A133</b>	<b>C</b>	<b>Adaptable Units 4</b>	<b>Jul 2017</b>
<b>A134</b>	<b>C</b>	<b>Adaptable Units 5</b>	<b>Jul 2017</b>
<b>A150</b>	<b>C</b>	<b>Liveable Housing Units 1</b>	<b>Jul 2017</b>
<b>A151</b>	<b>C</b>	<b>Liveable Housing Units 2</b>	<b>Jul 2017</b>
<b>A152</b>	<b>C</b>	<b>Liveable Housing Units 2</b>	<b>Jul 2017</b>
<b>A160</b>	<b>F</b>	<b>Typical Slot Detail – Building A</b>	<b>Dec 2017</b>
A-020	G	Elevations 01	7/06/2013
<b>A200</b>	<b>D</b>	<b>East Elevations -Building A.C.D</b>	<b>Oct 2017</b>
A-021	G	Elevations 02	30/04/2013
<b>A201</b>	<b>D</b>	<b>West Elevations - Building A.C.D</b>	<b>Oct 2017</b>
A-022	F	Elevations 03	7/06/2013
<b>A202</b>	<b>D</b>	<b>North Elevations – Building D</b>	<b>Oct 2017</b>
A-023	G	Elevations 04	30/04/2013
<b>A203</b>	<b>D</b>	<b>South Elevation- Building D</b>	<b>Oct 2017</b>
A-024	F	Elevations 05	7/06/2013
<b>A204</b>	<b>D</b>	<b>North &amp; South Elevation -Building B.C</b>	<b>Oct 2017</b>
A-025	F	Elevations 01	7/06/2013
<b>A300</b>	<b>D</b>	<b>Section A &amp; B</b>	<b>Oct 2017</b>
A-026	F	Elevations 02	7/06/2013
<b>A301</b>	<b>D</b>	<b>Section C &amp; D</b>	<b>Oct 2017</b>
A-030	F	Sections 01	7/06/2013
<b>A302</b>	<b>D</b>	<b>Section A</b>	<b>Oct 2017</b>
A-041	-	Ramp Section Detail	7/06/2013
<b>A320</b>	<b>C</b>		<b>July 2017</b>
<b>Landscape Plans prepared by Isthmus Landscape Design Formed Gardens</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
IS0075DA1 <b>L 100</b>	B <b>D</b>	Title Sheet & Lower Ground Site Plan <b>Cover Sheet &amp; Site Plan</b>	August 2012 <b>16/06/2017</b>
IS0075DA2 <b>L 101</b>	B <b>D</b>	Detail Plan A— Lower Ground Floor <b>Landscape Concepts— Lower Ground Floor Plan</b>	August 2012 <b>16/06/2017</b>
IS0075DA3 <b>L 102</b>	B <b>D</b>	Detail Plan B— Lower Ground Floor <b>Landscape Concepts Ground Floor Plan</b>	August 2012 <b>16/06/2017</b>
IS0075DA4 <b>L 103</b>	B <b>D</b>	Detail Plan C— Lower Ground Floor <b>Landscape Concepts Roof Terraces-B, C &amp; D</b>	August 2012 <b>16/06/2017</b>
IS0075DA5 <b>L 104</b>	B <b>D</b>	Ground Floor/Public Domain Site Plan <b>Landscape Concepts Sections/Elevations 01</b>	August 2012 <b>16/06/2017</b>
IS0075DA6 <b>L 105</b>	B <b>D</b>	Detail Plan— Public Domain <b>Landscape Concepts Sections/Details</b>	August 2012 <b>16/06/2017</b>
IS0075DA7	B	Details & Plant Schedule	August 2012
IS0075DA8	B	Public Domain Details	August 2012
IS0075DA9	B	Public Domain Details	August 2012
<b>Stormwater Drainage Plans prepared by Greenarrow Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
H-01	A	Cover Sheet, Legend & Survey	Oct 2011

	<b>B</b>	<b>Survey and Site Services</b>	<b>05.10.2016</b>
H-02	A	Lower Basement <b>2</b> Plan	Oct 2014 <b>08.09.2016</b>
H-03	A	Upper Basement <b>1</b> Plan	Oct 2014 <b>08.09.2016</b>
H-04	A <b>B</b>	Lower Ground Floor Plan	Oct 2014 <b>05.10.2016</b>
H-05	A <b>B</b>	Ground Floor Plan	Oct 2014 <b>05.10.2016</b>
H-06	A	Levels <b>1 – 5 Plan</b>	Oct 2014 <b>08.09.2016</b>
H-07	A	Roof Plan <b>Level 2 Plan</b>	Oct 2014 <b>08.09.2016</b>
H-08	A	Details <b>Level 3 Plan</b>	Oct 2014 <b>08.09.2016</b>
H-09	A	Syphonic OSD System <b>Level 4 Plan</b>	Oct 2014 <b>08.09.2016</b>
<b>H-10</b>	<b>A</b>	<b>Level 5 Plan</b>	<b>08.09.2016</b>
<b>H-11</b>	<b>A</b>	<b>Roof Plan</b>	<b>08.09.2016</b>
<b>H-12</b>	<b>B</b>	<b>Details</b>	<b>05.10.2016</b>
<b>A Class Hoarding Rectification Works prepared by Australian Consulting Engineers</b>			
<b><u>Drawing No.</u></b>	<b><u>Revision</u></b>	<b><u>Name of Plan</u></b>	<b><u>Date</u></b>
<b><u>F0100</u></b>	<b><u>A</u></b>	<b><u>A Class Hoarding Rectification Works</u></b>	<b><u>Dec 17</u></b>
<b><u>F0101</u></b>	<b><u>A</u></b>	<b><u>A Class Hoarding Rectification Works</u></b>	<b><u>Dec 17</u></b>

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 within the BCA; and
- otherwise provided by the conditions of this approval.

- (c) In Part A, after Condition A8 of Schedule 2, insert new Conditions A8A and A8B as follows:

#### **A8A MANAGEMENT OF COLONNADE FABRIC**

The Proponent shall manage the columns and associated elements of the colonnade in accordance with the specifications outlined in the *Letter regarding storage and condition of dismantled columns* prepared by Weir and Phillips Heritage, dated 15 November 2017.

#### **A8B COLONNADE RECONSTRUCTION**

The Proponent shall provide a Colonnade Reconstruction Plan to the Secretary for approval prior to the issue of any amended Construction Certificate for the development.

The Colonnade Reconstruction Plan must:

- be prepared by a qualified structural engineer in association with the Conservation Architect nominated under Condition A8 of this approval;
- provide design details for the reconstruction the entire colonnade fronting Pitt Street in accordance with the Concept Plan approval
- include evidence to demonstrate the reconstruction works reflect the architectural details of the original structure (i.e. details are based on archival photographs); and
- provide a timing and methodology program for the reconstruction of the colonnade.

The Proponent shall provide the PCA with certification from the Conservation Architect confirming the reconstruction works have been completed in accordance with the approved Colonnade Reconstruction Plan prior to the issue of any Occupation Certificate for Building C.

- (d) In Part B, Condition B1 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B1 DESIGN MODIFICATIONS**

The approved plans and the *Construction Certificate* plans and specifications, required to be submitted to the Certifying Authority, pursuant to Clause 139 of the Regulation, must detail the following modifications:

- a) ~~The maximum building height at the eastern end of Building 1 shall be reduced to a maximum of RL 55.10 AHD (excluding plant);~~
  - b) The upper level of the western façade of Building 4 **A** shall be setback a minimum of 2.6 metres from the main façade;
  - c) **Redesign of the northern and eastern elevations of Level 5 of Building A to incorporate suitable architectural treatments to ensure this level is visually recessive and can be read as a new building element when viewed from significant vantage points within the Pitt Street view corridor, as identified in the Conservation Management Plan for the former Rachel Forster Hospital;**
  - d) All plant and air conditioning, with the exception of lift overruns, be setback a minimum of 2 metres from building facades facing site boundaries;
  - e) Retention of the entire existing colonnade fronting Pitt Street in accordance with the Concept Plan approval;
  - f) A revised basement car parking plan showing **the final locations of the waste storage areas** car parking in accordance with this approval;
  - g) **Redesign of the windows on the eastern elevation of Building A to the satisfaction of the Conservation Architect nominated under Condition A8 of this approval; and**
  - h) **Provision of privacy screens to the eastern edge of balconies in apartments 321 and 419 in Building B to prevent direct overlooking to Building C to the east.**
- (e) In Part B, Condition B2 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B2 REDFERN-WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006**

To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the Redfern-Waterloo Authority Contributions Plan 2006.

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

Pursuant to the Redfern-Waterloo Authority Contributions Plan 2006, a contribution in the amount of ~~\$951,294.54~~ **\$1,305,168.00** plus indexation in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid to Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund (~~Account Number 223110318392~~) towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.

Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of any amended Construction Certificate. No deferred or periodic payments are permitted.

Actual payment must be made to the Urban Growth NSW Development Corporation (phone 92029100 **9840 8600** for any queries)

A copy of Redfern-Waterloo Authority Contributions Plan 2006 is available for inspection at the offices of UGDC, Level 4, 219-241 Cleveland Street, Strawberry Hills **Level 12, MLC Centre, 19 Martin Place, Sydney** or from the website [www.smda.nsw.gov.au](http://www.smda.nsw.gov.au), [www.udgc.nsw.gov.au](http://www.udgc.nsw.gov.au)

- (f) In Part B, Condition B3 of Schedule 2 is deleted in its entirety:

**~~B3 REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006~~**

~~To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 or other applicable Contributions Plan.~~

~~The levy has been calculated in accordance with Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 as 1.25% of the total gross area of the proposed development at \$73.12 per square metre (current until 30 June 2013) and to be indexed from 1 July in each year in accordance with (Consumer Price Index – All Groups Index) for Sydney.~~

~~Pursuant to the Redfern-Waterloo Affordable Contributions Plan 2006, a contribution in the amount of **\$24,898.09** is to be paid to the Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund (Account Number 223110318392) towards the provision of affordable housing within the Redfern-Waterloo area as set out in the Works Schedule to that Plan. Such payment is to be accompanied by a calculation of indexing as applicable. *Note the contribution may change as a result of the required modifications by this consent resulting in a reduction in final Gross Floor Area. The final figure should be clarified with Urban Growth NSW Development Corporation (UGDC).*~~

~~Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.~~

~~Actual payment must be made to the Sydney Metropolitan Development Authority (phone 92029100 for any queries).~~

~~A copy of Redfern-Waterloo Affordable Housing Contributions Plan 2006 is available for inspection at Level 4, 219-241 Cleveland Street, Strawberry Hills or from the website [www.smda.nsw.gov.au](http://www.smda.nsw.gov.au)~~

- (g) In Part B, Condition B4 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

**B4 NUMBER OF CAR SPACES**

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any amended Construction Certificate.

Car parking allocation	Number
1 bedroom <b>and studio</b> apartments	<del>34</del> <b>38</b>
2 bedroom apartments	<del>61</del> <b>75</b>
3 bedroom apartments	<del>17</del> <b>20</b>
Visitor Spaces	<del>26</del> <b>16</b>
<b>Retail Spaces</b>	<b>2</b>
<b>Car Share Spaces</b>	<b>3</b>
<b>Service Vehicle Spaces</b>	<b>3</b>
<b>Total Car Parking Spaces</b>	<del>138</del> <b>158</b>
<b>Motorcycle Spaces</b>	<b>14</b>

A plan which confirms the number and location of the residential and visitor car parking spaces required in the table to this condition shall be submitted to the Certifying Authority prior to issue of **any amended** Construction Certificate.

- (h) In Part B, Condition B5 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

~~Bicycle parking shall be provided in the basement car parking in accordance with the approved plans.~~ **A minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.**

<b><u>Bicycle parking allocation</u></b>	<b><u>Number</u></b>
<b><u>Residential (one space per unit to be provided within individual basement storage areas)</u></b>	<b><u>213</u></b>
<b><u>Visitors</u></b>	<b><u>21</u></b>
<b><u>Retail</u></b>	<b><u>11</u></b>
<b><u>Total</u></b>	<b><u>245</u></b>

- (i) In Part B, after Condition B5 of Schedule 2, insert new condition B5A as follows:

#### **B5A FACILITIES FOR CYCLISTS**

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 –2015 except that:

- (a) all bicycle parking for occupants of the residential apartments must be Class 1 bicycle facilities. Notwithstanding Class 1, bicycle lockers may also be designed to allow for stand-up/ hanging storage of bicycles;
  - (b) If an apartment has a basement storage area on title that is large enough to accommodate a bicycle and is no smaller than a Class 1 bicycle locker, then additional bicycle parking for that apartment is not required
  - (c) all bicycle parking spaces for staff/ employees of any land uses must be Class 2 bicycle facilities; and
  - (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.
- (j) In Part B, Condition B13 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B11 ARCHAEOLOGY**

Prior to the issue of **an amended** Construction Certificate:

- a) A demolition plan should be developed that is designed to facilitate removal of the superstructure of the Rachel Forster Hospital buildings and ensure the protection of areas of potential historical archaeological potential identified in Figure 33 and Figure 38 of the AHMS December 2012 Archaeological Assessment. The demolition plan should be developed in consultation with the archaeological consultant and demolition contractor.
- b) A **Revised** Research Design and Excavation Methodology should be prepared regarding historical archaeological investigations at the subject site and provided to the Heritage Council or its Delegate for approval prior to works commencing. The **Revised** Research Design and Excavation Methodology **must:**
  - i. **confirm the degree of archaeological potential within the eastern and southern portion of the site and quantify the level of impact of the approved works on surviving archaeological resources;**
  - ii. **be prepared in accordance with the Heritage Council's best practice publications including *Assessing Historical Archaeological Sites and Relics (2009)* and *Archaeological Assessments (1996)*; and**
  - iii. **should be prepared in conjunction with any required Aboriginal archaeological investigations at the subject site.**
- c) Historical archaeological investigations should be undertaken prior to the commencement of construction works or as part of the construction works schedule.
- d) Historical archaeological investigations should initially take the form of a testing program to determine the nature, integrity and extent of the archaeological resource at the subject site.
- e) A review of the results of any testing program at the subject site should be used to determine whether or not further historical archaeological investigations, such as salvage, are required.
- f) The results of the archaeological program must be interpreted within the site in a way which allows users to be able to understand and appreciate the sites history and heritage.
- g) An archaeological report regarding the results of the historical archaeological investigations should be prepared in accordance with best practise professional guidelines. A copy of the archaeological report should be submitted to the Department of Planning & Infrastructure and the Heritage Council of NSW.
- h) A plan should be developed for the long term storage and curation of all recovered historical archaeological material.

**All archaeological excavations must be undertaken in accordance with the Revised Research Design and Excavation Methodology approved by the Heritage Council or its delegate.**

- (k) In Part B, Condition B13 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

### **B13 WASTE RECYCLING MANAGEMENT**

- a) A **revised** Waste Management Plan is to be submitted to and approved by Council prior to **the issue of any amended** Construction Certificate ~~being issued~~. The **revised** plan must:
  - i. **remove the waste room located adjacent to the eastern elevation of Building A; and**
  - ii. **outline arrangements for on-site storage and collection of all domestic and commercial waste collection by a licensed waste contractor or Council**
  - iii. **comply with Council's Policy for Waste Minimisation in New Developments 2005.**

- b) All requirements of the ~~approved~~ **revised** Waste Management Plan must be implemented during **the** construction of the development.
  - c) The building must incorporate designated areas or separate garbage rooms constructed in accordance with Council's Policy for Waste Minimisation in New Developments 2005.
- (l) In Part B, Condition B17 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B17 LANDSCAPING**

- ~~a) Prior to the issue of a Construction Certificate, a suitably qualified arboriculturalist shall re-examine the health of all existing trees to be retained on-site. Should any trees be considered unsafe/unsuitable to be retained, a revised landscape plan shall be submitted showing any replacement planting for site trees that are being removed~~
  - a) **Prior to the issue of any amended Construction Certificate, the Proponent shall update the Landscape Concept Plans to the satisfaction of the PCA to ensure a suitably advanced native tree, with a minimum canopy spread of 8 m at full maturity is provided near the location of former Tree 5 identified within the Arboricultural Assessment prepared by Landscape Matrix Pty Ltd, submitted as part of the Environmental Assessment for MP09 0068.**
  - b) Prior to the issue of **any amended** Construction Certificate, a landscape maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
  - c) All landscaping in the approved plan, **as updated per a) above**, is to be completed prior to an Occupation Certificate being issued.
- (m) In Part B, Condition B23 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B23 HEIGHT & DENSITY GFA CERTIFICATION**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the building does not exceed ~~13,531.5m<sup>2</sup>~~ **15,592.1 m<sup>2</sup>** in accordance with the definition of GFA in the Sydney LEP 2012. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of **any amended** Construction Certificate for above ground works.

- (n) In Part B, Condition B26 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

#### **B26 CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

~~A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.~~ **The Proponent shall prepare and submit a Construction Pedestrian and Traffic Management Plan (CPTMP) to TfNSW's CBD Coordination Office for approval prior to the issue of any amended Construction Certificate for the development. The CPTMP needs to specify, but not be limited to, the following:**

- a) **Location of the proposed work zone;**
- b) **Haulage routes;**
- c) **Construction vehicle access arrangements;**
- d) **Proposed construction hours;**
- e) **Estimated number of construction vehicle movements;**
- f) **Construction program;**
- g) **Consultation strategy for liaison with surrounding stakeholders;**

- h) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- i) Cumulative construction impacts of projects including Sydney Metro City and South West project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
- j) Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

(o) In Part B, after Condition B29 of Schedule 2 insert new conditions B30 to B35 as follows:

### **B30 REDESIGN OF BUILDING A VENTILATION SLOTS**

The ventilation slots in Building A must be redesigned to the satisfaction of the Secretary prior to the issue of any amended Construction Certificate for the development to:

- a) ensure adequate openable windows are provided to all habitable rooms to accommodate suitable air circulation; and
- b) all windows comply with the minimum separation distances outlined in the BCA.

The final design of the ventilation slots must be incorporated into the amended Construction Certificate drawings for Building A.

### **B31 PRE-CONSTRUCTION VENTILATION TESTING**

Prior to the issue of any amended Construction Certificate for the development, the Proponent shall prepare and submit a Ventilation Study, including wind tunnel modelling, for the Secretary's approval, to demonstrate:

- (a) the ventilation slots identified in Buildings A and D, as amended by the design modifications outlined in Condition B30 above
- (b) the highlight windows to corner apartments identified in Buildings A, B and C
- (c) the ventilation grills/risers to upper level apartments within Buildings B, C and D

provide suitable pressure differentials to naturally ventilate the following apartments:

#### Building A

- LG01, G01, G05, G10, G11, 101, 110, 111, 112, 201, 210, 211, 212, 301, 310, 311, 312, 401, 410, 411, 412, 501, 510, 511 and 512.

#### Building B

- LG10, LG13, LG14, LG16, G12, G15, G16, G18, 115, 118, 119, 121, 215, 218, 219, 221 and 416.

#### Building C

- LG17, LG 20, LG21, LG22, G19, G22, G23, G25, 122, 125, 126, 128, 222, 225, 226, 228, 421 and 423.

#### Building D

- G29, G30, 135, 136, 230, 231, 232, 235, 236, 239, 240 and 241.

Should the study conclude the ventilation slots will not facilitate natural ventilation, the non-compliant apartments must be resigned to the satisfaction of the Secretary to achieve the standards outlined in Part 4B of the *Apartment Design Guide*.

### **B32 DESIGN OF ACOUSTIC SCREENS AND LANDSCAPING TO ROOF LEVEL TERRACES**

The upper level/roof top terraces on Buildings B and D must be redesigned to incorporate a transparent acoustic screen with associated landscape planting to mitigate potential noise and privacy impacts at existing residential premises along Albert Street and the western boundary of the site.

The details of the acoustic screening and associated landscape planting required on the upper level/roof top terraces of Buildings B and D must be submitted to the Secretary for approval prior to the issue of any amended Construction Certificate(s) for Buildings C and D.

The final design must be accompanied by an Acoustic Report that demonstrates the acoustic screens are capable of complying with the noise criteria identified in Condition G4 of this approval.

### **B33 AFFORDABLE RENTAL HOUSING PLAN**

Prior to the issue of any amended Construction Certificate for Buildings A to D, the Proponent must prepare and submit an Affordable Rental Housing Plan to the Secretary for approval.

The Affordable Rental Housing Plan must:

- a) identify the apartments proposed for use as affordable rental housing;
- b) confirm the combined gross floor area of the apartments proposed for use as affordable rental housing is no less than 3,993 m<sup>2</sup>;
- c) provide evidence of discussions and/or agreements with a registered community housing provider/(s); and
- d) demonstrate engagement with and nominate the preferred community housing provider/(s) to demonstrate the affordable rental housing required under this approval will be managed and maintained for a minimum period of ten (10) years from the date of issue of any Occupation Certificate for residential use.

### **B34 SUBSTATION DETAILS**

Prior to the issue of any amended Construction Certificate for Building A, the Proponent must provide evidence to the satisfaction of the PCA confirming the substation has been designed to comply with Energy Australia's requirements.

### **B35 UPDATED STATEMENT OF COMMITMENTS**

Within three months of the date of determination of MP 09\_0068 MOD 1, the Proponent shall update Statement of Commitments 1 to 8 and 12 to 15 to the satisfaction of the Secretary, to reflect the recommendations of the relevant technical reports prepared to support MP 09\_0068 MOD 1.

- (p) In Part D, Condition D14 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

### **D14 ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

The recommendations of the **Revised Historical and Archaeological Assessment** ~~A Aboriginal Heritage Impact Assessment~~ prepared by **Extent Heritage** ~~Archaeological Heritage & Management Solutions~~ and dated **8 June 2017** ~~June 2013~~ shall be adhered to (where required) by the developer during the course of the development. In addition:

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NS should be informed in accordance with section 146 of the Heritage Act 1977.
  - b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the **Office of Environment and Heritage** ~~Department of Environment and Climate Change~~ is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.
- (q) In Part D, Condition D15 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout words/numbers~~ as follows:

#### **D15 DISCOVERY OF ARCHAEOLOGICAL RESOURCES WITHIN THE SITE**

The recommendations of the **Revised Historical Archaeological Assessment** ~~Historical Archaeological Assessment for Kaymet Corporation Pty Ltd prepared by **Extent Heritage** Archaeological Heritage & Management Solutions and dated December 2012~~ **8 June 2017** shall be adhered (where required) at all times during construction.

- (r) In Part F, Condition F5 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout words/numbers~~ as follows:

#### **F5 LOADING WITHIN THE SITE**

**Garbage collection and loading/unloading operations are not permitted adjacent to the site's Pitt Street frontage.** All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

- (s) In Part F, Condition F7 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout words/numbers~~ as follows:

#### **F7 TREE REMOVAL AND LANDSCAPING**

Prior to the issue of an occupation certificate, the Proponent shall provide documentary evidence that tree removal and landscaping have been carried out in accordance with the **requirements of Condition B17, and the** recommendations outlined in the Arboricultural Assessment and Development Impact Report for the Former Rachel Forster Hospital Site prepared by Landscape Matrix Pty Ltd and dated May 2007. This shall include any modifications to tree removal and landscaping approved with the construction certificate.

- (t) In Part F, Condition F9 of Schedule 2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout words/numbers~~ as follows:

#### **F9 WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL**

**Where domestic waste collection will be undertaken by Council, the Proponent must obtain Council's approval for the waste and recycling management facilities prior to the issue of any Occupation Certificate for Buildings A to D.** ~~Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development.~~ **The Proponent must also** and ensure arrangements are in place for domestic **and commercial** waste collection by a **licensed waste contractor or** Council **prior to the issue of any Occupation Certificate for the development.**

- (u) In Part F, after Condition F24 of Schedule 2, insert new conditions F25 and F26 as follows:

**F25 AFFORDABLE RENTAL HOUSING**

A minimum of 3,993 m<sup>2</sup> of the gross floor area of the development must be used for the purpose of affordable rental housing for a period of 10 years from the date of issue of any Occupation Certificate for residential use.

In addition, a restriction as to user must be registered on the title of all apartments nominated for use as affordable rental housing in the approved Affordable Rental Housing Plan, prior to issue of any Occupation Certificate for residential use.

The restriction as to user must be registered in accordance with section 88E of the *Conveyancing Act 1919*, and must specify all accommodation that is used for affordable rental housing must be managed by a registered community housing provider for a minimum of 10 years from the date of issue of any Occupation Certificate for residential use.

**F26 GREEN TRAVEL PLAN**

To encourage travel modes other than private vehicle, the Proponent shall prepare and implement a Green Travel Plan and Transport Access Guide for future residents, employees and visitors. Details are to be submitted to the PCA prior to the issue of an Occupation Certificate.

- (v) In Part G, after Condition G4 of Schedule 2, insert new condition G4A as follows:

**G4A ACOUSTIC TESTING**

Within 3 months of the issue of the Occupation Certificate(s) for Buildings B and D, the Proponent shall prepare a Noise Validation Report (NVR) to verify that the operation of the upper level/roof top terraces complies with the noise limits in Condition G4. The NVR must:

- a) be prepared by an appropriately qualified and experienced noise expert;
- b) confirm compliance or identify any non-compliances with the noise limits outlined in Condition G4 that are associated with the operation of the upper level/roof top terraces at Buildings B or D;
- c) where exceedences occur, describe any acoustic measures/treatments required to ensure compliance with the noise limits in Condition G4 and recommend appropriate re-testing once these measures/treatments are put in place.

Where additional acoustic treatments are required under c) above, all treatments must be approved by the Secretary, and installed by the Proponent within one month of approval by the Secretary.

- (w) In Part G, after Condition G10 of Schedule 2, insert new conditions G11 and G12 as follows:

**G11 USE OF COMMUNAL ROOFTOP AREAS**

The communal roof top areas on Buildings B, C and D must only be accessible to residents between 7 am and 10 pm, Mondays to Saturdays and 8 am and 10 pm, Sundays.

**G12 EXTERNAL LIGHTING**

All external lighting must comply with *AS 4282 -1197 Control of the obtrusive effects of outdoor lighting*. All lighting within the communal rooftop areas must not operate between 10 pm and 7 am Mondays to Saturdays and 10 pm and 8 am, Sundays.

**END OF MODIFICATION**