

# CONSOLIDATED INSTRUMENT

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## ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

### APPROVAL OF CONCEPT PLAN NO. 06\_0101

(FILE NO. 9042996)

#### CONCEPT PLAN FOR THE PEMULWUY MIXED USE REDEVELOPMENT, REDFERN FOR MIXED USES INCLUDING RESIDENTIAL, COMMERCIAL, RETAIL, COMMUNITY, CULTURAL, OPEN SPACE, LANDSCAPING AND DEVELOPMENT STAGING.

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under section 75O, to approve the Concept Plan referred to in Schedule 1 subject to the modifications in Schedule 2 and the Proponent's Statement of Commitments in Schedule 3;
- (b) under section 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Part A, Part B and Part C of Schedule 2.

The reason for the modifications are:

- (1) to prevent and/or minimise adverse environmental impacts;
- (2) to set requirements for the future applications on the site; and
- (3) to ensure an acceptable built form and public domain outcome for the site.

The Hon. Kristina Keneally MP  
**Minister for Planning**

Sydney,

2009

## Summary of Modifications

<b>MP06_0101</b>	<b>Approved by the Minister for Planning on 30 June 2009</b>
<b>MP06_0101 MOD1</b>	<p>Approved by the Deputy Director-General, Development Assessments &amp; Systems Performance on 21 December 2012, for:</p> <ul style="list-style-type: none"> <li>• increase of 1,880 m<sup>2</sup> GFA to 17,380, comprising: <ul style="list-style-type: none"> <li>○ a reduction of 4,595 m<sup>2</sup> retail/commercial GFA (to 2,655 m<sup>2</sup>)</li> <li>○ an increase of 6,520 m<sup>2</sup> residential GFA (to 12,720 m<sup>2</sup>)</li> <li>○ an increase of 1,045 m<sup>2</sup> cultural/community GFA (to 3,095 m<sup>2</sup>)</li> </ul> </li> <li>• amendment and increase of building envelope heights and FSR</li> <li>• increase of 44 car parking spaces (to 115 spaces) and provision of eight at-grade car parking spaces</li> <li>• widening of railway overbridge on the northern side of Lawson Street, east of Eveleigh Street</li> <li>• amendments to open space and landscaping.</li> </ul>
<b>MP06_0101 MOD2</b>	<p>Approved by the Planning Assessment Commission on <b>DATE TBC</b>, for:</p> <ul style="list-style-type: none"> <li>• amendments to the location and form of the Precinct 3 building envelope including an increase of 16 storeys (to maximum 24 storeys) up to RL 96.57</li> <li>• increase GFA by 9,555 m<sup>2</sup> (to 26,935 m<sup>2</sup>)</li> <li>• increase of 442 student beds (to 596 beds)</li> <li>• delete retail, commercial and gallery uses from Precinct 3</li> <li>• replace retail use in Precinct 1 with gallery use</li> <li>• delete the land-bridge over the railway corridor</li> <li>• delete 80m<sup>2</sup> public open space in Precinct 3 (to 150 m<sup>2</sup>) and dedication of 438 m<sup>2</sup> open space to Council.</li> </ul>

### MODIFICATION KEY

<b>MP06_0101</b>	<b>Approved 30/06/09</b>	<b>MP06_0101 MOD1</b>	<b>Approved 21/12/12</b>	<b>MP06_0101 MOD2</b>	<b>Approved DATE TBC</b>
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## SCHEDULE 1

### CONCEPT PLAN FOR THE REDEVELOPMENT OF THE BLOCK, REDFERN FOR MIXED USES INCLUDING COMMERCIAL, RETAIL, CULTURAL, RESIDENTIAL AND COMMUNITY USES, CARPARKING AND PUBLIC OPEN SPACE

(MP 06\_0101)

#### PART A – TABLE APPLICATION DETAILS

Application made by:	Aboriginal Housing Company (AHC)																																																								
Application made to:	Minister for Planning																																																								
Major Project Application:	MP 06_0101																																																								
On-land comprising:	<p>DP436836 — 1 to 6, DP29/374, DP975453 — 1, DP975455 — 3130, DP131476 — 321, DP525094 — 1, DP131476 — 322, DP975111 — A and B, DP107218 — A, B and C, DP440163 — X and Y, DP437340 — A, B and C, DP981953 — 1, DP906105 — 1, DP107216 — X, Y and Z, DP724080 — 1, DP444916 — A and B, DP441990 — C, D and E, DP830390 — 1, DP791393 — 1, DP33106 — 1 to 11, DP585895 — 3, DP33299 — 1 to 14, DP434387 — 21, DP437987 — C, DP996782 — 1, DP326761 — A and B, DP81200 — B, DP996783 — 1, DP741715 — 1, DP779120 — 1, DP439127 — A and B, DP797845 — 1, DP194785 — 1, DP88846 — 1, DP708931 — 1, DP996784 — 1, DP230305 — 1 to 5, DP995857 — 1, DP803299 — 1, DP33204 — C, E to H, DP438843 — A and B, DP653472 — 1, DP583847 — 1, DP113726 — 1, DP131639 — 104, DP43935 — B.</p> <p><u>Land bound generally by Louis Street, Vine Street, Eveleigh Street, the railway line and Lawson Street, Redfern. Land to which this approval applies also includes:</u></p> <ul style="list-style-type: none"><li><u>airspace to the north of the existing railway overbridge and north of Lawson Street;</u></li><li><u>Eveleigh Lane;</u></li><li><u>that part of Caroline Lane to the east of Lot A DP 439351 (108 Lawson Street Redfern)</u></li><li><u>Eveleigh Street (between Caroline Street and Lawson Street); and</u></li><li><u>Caroline Street (between Louis Street and Eveleigh Street).</u></li></ul> <p><u>The site comprises the following properties:</u></p> <table><tr><th>Street</th><th>House No.</th><th>Lot No(s)</th><th>DP</th></tr><tr><td>Louis</td><td>1-5</td><td>21</td><td>434387</td></tr><tr><td></td><td>7 -33</td><td>1-14</td><td>33299</td></tr><tr><td></td><td>35-37</td><td>1-2</td><td>206799</td></tr><tr><td></td><td>39-59</td><td>1-11</td><td>33106</td></tr><tr><td>Caroline</td><td>2-10</td><td>1-5</td><td>33107</td></tr><tr><td>Eveleigh</td><td></td><td>29</td><td>374</td></tr><tr><td></td><td></td><td>1</td><td>975453</td></tr><tr><td></td><td>44-48</td><td>3130</td><td>975455</td></tr><tr><td></td><td>50</td><td>321</td><td>131476</td></tr><tr><td></td><td>52</td><td>1</td><td>525094</td></tr><tr><td></td><td>54</td><td>322</td><td>131476</td></tr><tr><td></td><td>56-58</td><td>B &amp; A</td><td>75111</td></tr><tr><td></td><td>60-64</td><td>A, B &amp; C</td><td>107218</td></tr></table>	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
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																																																						
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	<a href="#">66-68</a>	<a href="#">Y &amp; X</a>	<a href="#">440163</a>
	<a href="#">70-74</a>	<a href="#">A, B &amp; C</a>	<a href="#">437340</a>
	<a href="#">76</a>	<a href="#">1</a>	<a href="#">981953</a>
	<a href="#">78</a>	<a href="#">1</a>	<a href="#">906105</a>
	<a href="#">80-84</a>	<a href="#">X, Y &amp; Z</a>	<a href="#">107216</a>
	<a href="#">86</a>	<a href="#">1</a>	<a href="#">981953</a>
	<a href="#">88-90</a>	<a href="#">A &amp; B</a>	<a href="#">444916</a>
	<a href="#">92-100</a>	<a href="#">E – A</a>	<a href="#">441990</a>
	<a href="#">102</a>	<a href="#">1</a>	<a href="#">10425</a>
<a href="#">Vine</a>	<a href="#">1-11</a>	<a href="#">6-1</a>	<a href="#">436836</a>
<a href="#">Caroline (south side)</a>	<a href="#">1-15</a>	<a href="#">A-H</a>	<a href="#">33204</a>
<a href="#">Eveleigh (south of Caroline)</a>	<a href="#">104-106</a>	<a href="#">A-B</a>	<a href="#">438843</a>
	<a href="#">108</a>	<a href="#">1</a>	<a href="#">653482</a>
	<a href="#">110</a>	<a href="#">1</a>	<a href="#">583847</a>
	<a href="#">112</a>	<a href="#">1</a>	<a href="#">113726</a>
<a href="#">Lawson</a>	<a href="#">104</a>	<a href="#">104</a>	<a href="#">131639</a>
	<a href="#">106</a>	<a href="#">B</a>	<a href="#">439351</a>
<a href="#">Eveleigh (East Side)</a>	<a href="#">49</a>	<a href="#">1</a>	<a href="#">709305</a>
	<a href="#">51-57</a>	<a href="#">A-D</a>	<a href="#">437614</a>
	<a href="#">59</a>	<a href="#">2</a>	<a href="#">907002</a>
	<a href="#">61</a>	<a href="#">B</a>	<a href="#">906776</a>
	<a href="#">63</a>	<a href="#">188</a>	<a href="#">77816</a>
	<a href="#">65-69</a>	<a href="#">1-3</a>	<a href="#">438267</a>
	<a href="#">71-75</a>	<a href="#">A-C</a>	<a href="#">437987</a>
	<a href="#">77-79</a>	<a href="#">1</a>	<a href="#">996782</a>
	<a href="#">81-83</a>	<a href="#">B</a>	<a href="#">326761</a>
	<a href="#">85</a>	<a href="#">B</a>	<a href="#">81200</a>
	<a href="#">87</a>	<a href="#">1</a>	<a href="#">996783</a>
	<a href="#">89</a>	<a href="#">1</a>	<a href="#">741715</a>
	<a href="#">91</a>	<a href="#">1</a>	<a href="#">779120</a>
	<a href="#">93-95</a>	<a href="#">A-B</a>	<a href="#">439127</a>
	<a href="#">97</a>	<a href="#">1</a>	<a href="#">797845</a>
	<a href="#">99</a>	<a href="#">1</a>	<a href="#">94785</a>
	<a href="#">101-105</a>	<a href="#">1</a>	<a href="#">88846</a>
	<a href="#">107</a>	<a href="#">1</a>	<a href="#">708931</a>
	<a href="#">109</a>	<a href="#">1</a>	<a href="#">996784</a>
	<a href="#">111-119</a>	<a href="#">1-5</a>	<a href="#">230305</a>
	<a href="#">121</a>	<a href="#">1</a>	<a href="#">995857</a>
	<a href="#">123</a>	<a href="#">1</a>	<a href="#">803299</a>

<b>Local Government Area</b>	City of Sydney
<b>For the carrying out of:</b>	A detailed description of the approved concept plan is described in Schedule 2 at Modification A1.
<b>Capital Investment Value:</b>	\$60 million
<b>Type of development:</b>	Concept Plan
<b>Determination:</b>	Concept approval is granted subject to the modifications in the attached Schedule 2.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date consent is liable to lapse:</b>	5 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act.

<b>MODIFICATION KEY</b>					
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MODIFICATION KEY				
MP06_0101	Approved 30/06/09	MP06_0101 MOD1	Approved 21/12/12	MP06_0101 MOD2
			Approved	INSERT

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## PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0101

### Inconsistencies between documents

In the event of any inconsistency between the modifications to this concept plan approval and the approved plans and documentation described in Schedule 2 or the Proponent's Statement of Commitments in Schedule 3, the modifications to this concept plan approval prevail.

### Responsibility for other approvals / agreements

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

### Appeals

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

### Legal notices

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

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## PART C—DEFINITIONS

In this approval, the following definitions apply:

<b>Act</b>	<del>means the</del> <i>Environmental Planning and Assessment Act 1979</i> <del>(as amended)</del> .
<b>Advisory Notes</b>	<del>means a</del> Advisory information relating to the approved development but do not form a part of this consent.
<b>AHC</b>	<del>means the</del> Aboriginal Housing Company <del>Ltd Limited</del> .
<b>Council</b>	<del>means</del> City of Sydney Council.
<b>Department</b>	<del>means the</del> Department of Planning <del>and Infrastructure Environment</del> or its successors.
<b>Director General Planning Secretary</b>	<del>means the</del> <del>Director General Planning Secretary</del> of the Department <del>of Planning and Infrastructure</del> .
<b>Environmental Assessment EA</b>	<del>means the</del> Environmental Assessment <del>Report</del> prepared by <del>Cracknell &amp; Loneragan Architects and Heritage Consultants on behalf of the Aboriginal Housing Company Ltd and dated October 2007 and as amended by additional information dated 26 March 2009 Ludvik &amp; Associates Pty Ltd.</del>
<b>EP&amp;A Regulation</b>	<del>Environmental Planning and Assessment Regulation 2000</del>
<b>Floor Space Ratio (FSR)</b>	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
<b>Gross Floor Area (GFA)</b>	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
<b>Major Projects SEPP MD</b>	<del>means the</del> <del>State Environmental Planning Policy (Major Development) 2005</del>
<b>Minister</b>	<del>means the</del> Minister for Planning <del>and Infrastructure</del> .
<b>MP No. 06_0101</b>	<del>means the</del> <del>Major Project described in the Proponent's Environmental Assessment Report Concept Plan (as modified) for this proposal.</del>
<b>Part 3A</b>	<del>Part 3A of the</del> <i>Environmental Planning and Assessment Act 1979</i>
<b>PPR</b>	<del>Preferred Project Report</del>
<b>Proponent</b>	<del>means the</del> Aboriginal Housing Company Ltd <del>(AHC)</del> or any party acting <del>upon this the</del> approval.
<b>Regulation</b>	<del>means the</del> Environmental Planning and Assessment Regulation 2000 (as amended).
<b>Storey</b>	has the same meaning as in Schedule 3, Part 5, Redfern-Waterloo Authority sites of <i>State Environmental Planning Policy (Major Project State Significant Precincts)</i> 2005.
<b>Subject Site</b>	<del>has the same meaning as the land identified in Part A of this schedule</del> <u>Land described in Schedule 1 of this approval.</u>
<del><i>Pemulwuy Concept Plan</i> means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.</del>	
<del><i>Project</i> means development that is declared under section 75B of the Act to be a project to which Part 3A of the Act applies.</del>	

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## SCHEDULE 2

### TERMS OF APPROVAL AND MODIFICATIONS TO CONCEPT PLAN APPROVAL MAJOR PROJECT NO. 06\_0101 CONDITIONS

#### PART A – TERMS OF APPROVAL

##### A1 Development Description

Concept approval is granted only to the carrying out of development ~~solely~~ within the ~~land concept plan area~~ as described in the ~~document the Environmental Assessment Report by Ludvik and Associates Pty Ltd titled “Pemulwuy Concept Plan Project” dated October 2007, in the Response to Submissions document dated 26 March 2009, December 2011 (as amended by the Preferred Project Report dated August 2012) and in the “Revised Statement of Commitments” dated April 2009 all as prepared by Cracknell & Loneragan Architects and Heritage Consultants attached at Appendix 4 to the Preferred Project Report Schedule 1,~~ including:

- (1) The redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of ~~15,500~~ ~~17,380~~ ~~26,935~~ m<sup>2</sup> of GFA comprised of:
  - (a) ~~A maximum of 7,250~~ ~~2,655~~ ~~1,215~~ m<sup>2</sup> of retail/commercial GFA;
  - (b) ~~A maximum of 6,200~~ ~~12,720~~ ~~23,870~~ m<sup>2</sup> of residential GFA ~~(excluding residential respite care) including student accommodation;~~ and
  - (c) ~~A maximum of 2,050~~ ~~3,095~~ ~~1,850~~ m<sup>2</sup> cultural/community GFA ~~(including residential respite care) including a gymnasium/fitness centre, 60 place child care centre, a gallery and offices for the AHC.~~
- (2) ~~A minimum of 500m<sup>2</sup> of public open space is to be provided, as identified in Site Masterplan Concept CA 03 dated October 2007~~ Landscaped open space areas as identified in Drawing No. 0DA070 Issue F-J.
- (3) Maximum building heights ~~and envelopes within development blocks as identified in the Proposed Elevations Drawings CA 06 and CA 09 prepared by Cracknell & Loneragan Architects dated October 2007 and floor space ratios within Precincts 1, 2 and 3 as identified below and as shown on Drawing No. 0DA012 Issue G-J; with the exception that the maximum height of the building on Precinct 3 in which the student housing is located shall be a maximum of 7 storeys.~~

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

- (4) ~~Retention and adaptive reuse of 1-11 Vine Street, for use as community uses; and A basement car park with 115 car parking spaces (including 10 accessible spaces) to service the mix of uses and with the following allocation of spaces:~~

a) Residential Parking:

- Townhouses and Apartments 70-73 spaces
- ~~Student Accommodation – 3 space~~

b) Retail – 16 spaces

c) Commercial – 13 spaces

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- d) Gymnasium – 6 spaces  
e) Childcare Centre – 4 spaces  
f) Gallery – 3 spaces  
**Total – 115 spaces**

(5) A maximum of 71 car parking spaces to service the mix of uses, with the final allocation of individual spaces to be determined at the detailed design stages using the maximum car parking limits identified in condition B4 of this approval Eight (8) at grade 90° angle car parking spaces to be located on the northern side of Caroline Street within Precinct 1.

~~(6) Widening of the railway overbridge on the northern side of Lawson Street, east of Eveleigh Street.~~

(7-6) Landscaping and public domain improvements works.

## **A2 Development in Accordance with Plans and Documentation**

The approval development shall be generally in accordance with

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

Drawing No.	Revision	Name of Plan	Date
CA 01	1	Mixed Use Arial View A	October 2007
CA 02	1	Mixed Use Arial View B	October 2007
CA 03	1	Site Masterplan Concept	October 2007
CA 04	1	Lot Plan and Staging	October 2007
CA 06	1	Proposed Elevations	October 2007
CA 07	1	Mixed Use Concept Plans: Ground	October 2007
CA 08	1	Mixed Use Concept Plans: Typical Floor	October 2007
CA 09	1	Proposed Elevations	October 2007
CA 10	1	Lower Ground / Upper Ground Plans / Section AA	October 2007
CA 11	1	First / Second Floor Plans / Section BB	October 2007
CA 12	1	Roof Plan / Atypical First Floor / Section CC	October 2007
CA 13	1	Landscape Masterplan	October 2007
CA 14	1	Planting Schematic & Indicative Planting List: Typical Section AA	October 2007
CA 15	1	Concept Materials Finishes/Public Art	October 2007

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

<b>Precinct 1</b>			
1DA005	F	Precinct 1 Perspectives and Site Analysis	
1DA091	E	Basement Level B1	
1DA100	E	Plan Level 01 – Townhouses	
1DA101	E	Plan Level 02 – Townhouses	
1DA102	E	Plan Level 01.1 (Mezzanine)	
1DA103	E	Plan Level 02 – Residential	
1DA104	E	Plan Level 003-05 Typical	
1DA120	E	Roof Plan	
1DA150	A	Townhouses 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 & and East Elevations	
<b>Precinct 2</b>			
2DA	F	Precinct 2 Perspectives and Site Analysis	
2DA	E	Level 1 Plan	
2DA	E	Level 2 Plan	
2DA	D	Level 3 Plan	
2DA	D	Level 4 Plan	
2DA	E	Roof Plan	
2DA	E	Sections	
2DA	D	Elevations	
<b>Precinct 3</b>			
3DA005	F	Precinct 3 Perspectives and Site Analysis	
3DA100	E	Lower Ground & Ground Floor Plan	
3DA101	E	Level 1 Plan	
3DA102	E	Level 2 Plan	
3DA103	E	Level 3 Plan	

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3DA104	E	Level 4 Plan
3DA105	B	Level 5 Plan
3DA106	B	Level 6 Plan
3DA120	C	Roof Plan
3DA200	E	Section
3DA300	D	Elevations
DN160	D	Lawson Street Bridge Works
Report/Plan	Author	Date
<b>Landscape Treatments</b>		
Public Domain & Landscaping Report	Scape	9 December 2011
Email to Greg Colbran (Dei Corp) regarding landscaping treatments	Andrew Turnbull, — Scott Carver	23 August 2012
<b>Acoustic Treatments</b>		
Pemulwuy Acoustic Assessment	Koikas Consultants — Pty Ltd	13 December 2011
<b>Traffic Assessment</b>		
Transport and Accessibility Impact Assessment	John — Coady Consulting — Pty Ltd	13 December 2011
<b>Structural Assessment</b>		
Structural report for Pemulwuy	Bonacci	12 December 2011
<b>BASIX Assessment</b>		
Precinct 1 BASIX Assessment	Wintech	13 December 2011
Precinct 3 BASIX Assessment	Wintech	13 December 2011
<b>Site Investigation</b>		
Geotechnical Assessment	SMEC — Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC — Testing Services Pty Ltd	25 August 2010
<b>Stormwater Drainage</b>		
Stormwater Concept Plan SC-01	Neil — Lowry — & Associates	December 2011
Site Plan SC-02	Neil — Lowry — & Associates	December 2011
<b>Construction Management</b>		
Construction Management Methodology	Dei Corp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
Soil Water Management Plan for Precinct 3, Redfern Dwg. No. C083 Rev A	Bonacci	March 2011
Sediment Basin Detail Dwg. No. C083 Rev A	Bonacci	March 2011
<b>Wind Assessment</b>		

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Precinct 1 — Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 2 — Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 3 — Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Heritage Assessment		
Heritage Interpretation Strategy	NBRS	9 December 2011
Railway Corridor Retaining Wall	NBRS	9 December 2011

### ~~A3 — Lapsing of Approval~~

~~Approval of the Pemulwuy Concept Plan shall lapse 5 years after the determination date stipulated in Part A of Schedule 1 of this approval unless an application is submitted to carry out a development for which concept approval has been given.~~

### ~~A3 Approval is not granted in relation to these matters~~

~~This approval does not give approval for subdivision of the land or development~~

### ~~A4 — Determination of Future Applications~~

~~The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 06\_0101 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A, B & C of Schedule 2.~~

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## PART B – MODIFICATIONS TO CONCEPT PLAN

### B1 PROPOSED LAND USES

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

<u>LOT Precinct</u>	Approved uses
<u>Lot 1</u>	<ul style="list-style-type: none"> <li><u>36 x two storey townhouses;</u></li> <li><u>26 units within an apartment building;</u></li> <li><del>Retail, Cultural (art gallery)</del>, commercial and community <del>uses</del> <u>(gymnasium) uses;</u></li> <li><u>Basement car park with 115 car parking spaces (including 10 accessible spaces) and bicycle storage facilities; and</u></li> <li><del>combined with private and p</del> <u>Publicly</u> open space areas.</li> </ul>
<u>Lot 2</u>	<ul style="list-style-type: none"> <li><del>Residential, Retail,</del> commercial, <del>AHC offices</del> and community <u>(child care centre)</u> uses combined with private and public open space areas.</li> </ul>
<u>Lot 3</u>	<ul style="list-style-type: none"> <li><del>Commercial and cultural (art gallery) uses and (ancillary) retail</del></li> <li><del>uses combined with</del> private and public open space areas; <u>and</u></li> <li><del>student housing comprising 42 units (154-596 student beds)</del></li> </ul>

### ~~B2~~ FUTURE STAGING

~~(1) The staging of the development under the concept plan is to proceed as follows:~~

<u>Stage</u>	<u>Lots and uses</u>
<u>Stage 1</u>	<del>Residential and community uses within proposed Lot 2.</del>
	<del>Development of the building on the corner of Lawson and Eveleigh Streets within Proposed Lot 1 for retail and commercial use only.</del>
	<del>Development of the public open space on the corner of Caroline and Louis Streets.</del>
<u>Stage 2</u>	<del>Remaining retail, commercial and community uses within Proposed Lot 1.</del>
<u>Stage 3</u>	<del>Commercial, cultural and (ancillary) retail uses within Proposed Lot 3.</del>

- ~~(2) The development of the retail/commercial building on the corner of Lawson and Eveleigh Streets within Lot 1 must commence prior to occupation of the residential within proposed Lot 2. Prior to commencing works on the existing building on the corner of Lawson and Eveleigh Streets within Lot 1, it may be used as a temporary site office for the duration of the construction process.~~
- ~~(3) The development of public open space on the corner of Caroline and Louis Streets must be included within or submitted concurrently with any application for the first stage of the Concept Plan. Other areas of public and private open space are to be linked with the stages of the Concept Plan in which they are located.~~
- ~~(4) All areas of public and private open space are to be provided as soon as practicable and to be completed prior to the issue of any occupation certificate for the relevant stage of the development with which they are associated.~~

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## B2 OPEN SPACE PROVISION

All areas of public and private open space are to be provided as soon as practicable and to be completed prior to the issue of any occupation certificate.

## B3 HERITAGE INTERPRETATION

- (1) A Heritage Interpretation Plan addressing the cultural and social significance of the area is to be submitted with the lodgement of the first application for any new building on the site.
- (2) Archival or oral historical research together with the local Aboriginal community into the nature and significance of the Aboriginal connections with the locality as a whole is to inform the preparation of an Interpretation Plan for the site.
- (3) The implementation of the heritage interpretation is to include the provision of interpretation elements within the publicly accessible open space, **which is to be achieved as part of Stage 1 of the development**, and incorporated in the Public Art Strategy.

## B4 TRANSPORT AND PEDESTRIAN MANAGEMENT

- ~~(1) The development of Stage 1 is to incorporate appropriate traffic control measures to provide for improved pedestrian movements within and from the area, generally to achieve the aims and objectives of "Traffic and Transport Impact Study" prepared by Transport and Traffic Planning Associates dated October 2007.~~
- ~~(2) A maximum of 71 car parking spaces to service the mix of uses, with the final amount to be determined at the detailed design stages using the following maximum car parking rates:~~

Use / Development Stage	Maximum Car parking provision
Residential (Stage 1)	45 spaces Basement (42) and at grade (3)
Commercial, Retail and Cultural uses (Stage 1, 2 & 3)	20 spaces Basement with at grade loading only
Emergency vehicles (Stage 1)	6 spaces at grade

- ~~(3) Additional on-street kerbside car parking spaces may also be provided on roadways within or around the site subject to Council approval as the relevant roads authority.~~
- ~~(4) The development of Stage 1 is to include further detailed analysis of the proposed basement car parking to minimise impacts on surrounding road network, which should include the provision of fewer and centralised access points to the basement area to limit vehicle movements across adjacent footpaths.~~
- ~~(5) The development of Stage 1 is to include further detailed analysis of the proposed shared zone extension, which is to be further developed in consultation with council.~~
- ~~(6) A Bicycle Strategy to provide off street bicycle parking for residential and commercial uses, and public bicycle parking within park areas is to be provided prior to the lodgement of the first application, and is to identify how this strategy will be delivered with each Stage of development.~~
- ~~(7) The development of the various uses within the Concept Plan is to incorporate a car share scheme to be implemented in future stages of the development.~~

- (1) Vehicular access to the basement area **within Precinct 1** shall be limited to one access/egress point onto Vine Street
- (2) The development shall include the retention of the shared zone along Eveleigh Street between Lawson Street and Caroline Street and the provision of a share zone along

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Caroline Street between Louise Street and Eveleigh Street. The share zones shall be provided in consultation with Council and RMS.

(3) Secure bicycle parking facilities shall be provided:

- a) in the basement car park on Precinct 1 for use by all components of the development Precincts 1 and 2
- b) within Precinct 3 for the use of the occupants guests/visitors of Precinct 3.

#### B5 FUTURE SUBDIVISION

Any subdivision of land is to ensure that the provision of public open space and the provision of car parking facilities for the respective uses occurs as required by the conditions of this approval.

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## PART C - FUTURE ASSESSMENT AND APPLICATION REQUIREMENTS

Pursuant to section 75P(1)(a) of the EP&A Act the following future environmental assessment requirements apply.

### C1 SITE CONTAMINATION AND REMEDIATION

- (1) Prior to the lodgement of the first application, an appropriately detailed assessment of potential site contamination is to be undertaken by suitably qualified persons and submitted to the Department.
- (2) Should any contaminants be identified a Remediation Strategy and Remediation Action Plan appropriate for the use of the respective portions of the site, are to be prepared and submitted with all applications.
- (3) If required, any remediation strategy and remediation action plan may be implemented in a staged manner and should be in a rational and orderly manner.

### C2 DESIGN EXCELLENCE

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

### C3 SEPP 65

All future applications for the residential components under the Concept Plan are to demonstrate compliance, or fully justify any non-compliance, with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

### C4 ESD AND SUSTAINABLE DESIGN

- (1) The future applications for residential development are to demonstrate compliance with the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
- (2) Future applications are to consider and investigate options for reducing potable water consumption, provision of alternative water supply for non-potable uses, and the use of recycled water across the land subject of this Concept Plan.
- ~~(3) Future applications for new retail and commercial buildings are to demonstrate that they will achieve a minimum of 4.5 Star ABGR or equivalent Green Star rating.~~
- ~~(4) The requirement in (3) above need not apply to the refurbishment of existing buildings, however a report prepared by a suitable qualified person addressing the sustainable development features to be incorporated into each refurbishment, fitout or change of use is to accompany each application.~~

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## C5 WIND IMPACTS

A detailed wind impact assessment is to be undertaken by suitably qualified persons for any new building exceeding four storeys in height and is to occur as building design(s) are being developed and prior to the lodgement of any application, and should consider the following:

- (a) main entries to buildings being located away from building corners;
- (b) the use of canopies/awnings to assist in effective wind amelioration; and
- (c) the use of other wind amelioration measures as necessary.

## C6 LANDSCAPING AND TREE REMOVAL

- (1) A detailed landscape plan is to be submitted with each subsequent application, ~~informed by principles set out in the approved Landscape Masterplan Drawing No. CA 13 dated October 2007 prepared by Julie Cracknell Peter Lonergan Architects.~~
- (2) ~~Each landscape plan is to~~ The landscape plan(s) must identify any existing trees or other vegetation to be retained, any necessary protection measures during construction, and the provisions of new planted areas which are to provide appropriate levels of privacy between units but must ensure that the principles of 'Safety through Design' are achieved.

## C7 DEDICATION OF PUBLIC OPEN SPACE AND ROADWAYS

- (1) The Proponent must either:
  - (a) Offer for dedication as public spaces to Council, public parks, roads and public domain; or
  - (b) create Right of Ways and Easements to allow public access to public parks, roads and public domain.
- (2) The areas and location of public open space areas are to be in accordance with the approved Concept Plan, ~~and the public open space must be a minimum of 500m<sup>2</sup> in area.~~

### (3) All areas of public open space shall be designed to be accessible.

- ~~(3-4)~~ The following are to accompany any future application for public parks, roads and public domain:
  - (a) A landscape plan demonstrating proposed landscape scheme ~~consistent with the approved Landscape Masterplan Drawing CA13 for the public domain areas is to be prepared in consultation with and is subject to approval by Sydney City Council;~~
  - ~~(b) Plans illustrating any proposed subdivision of the land to enable dedication as public open space or plans illustrating any Easement or Right of Ways to enable use as public open space; and~~
  - ~~(c-b)~~ Commitments by the applicant advising the proposed timing of the proposed landscape works, roadworks, ~~subdivision~~ and dedication of the proposed open space and roadways or creation of any Easement or Right of Ways.
- ~~(4-5)~~ If Council refuses the dedication of any public space(s), then 1(b) of this condition shall be applied to enable public access. Details are to be provided with the relevant future application(s).

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## C8 SITE SERVICING

Emergency and service vehicles must have adequate access to and within the site ~~and into each proposed basement carparking area.~~

## C9 SYDNEY WATER

- (1) Future applications are to consider the impacts on Sydney Water stormwater infrastructure. Prior to lodgement of any application consultation with Sydney Water regarding any potential impacts on this infrastructure is to occur.
- (2) The applicants for future applications are also to liaise with Sydney Water to:
  - (a) ensure water and sewer infrastructure are appropriately sized to correlate with the requirements of the Water Management Plan.
  - (b) investigate the potential of having a reticulated recycled water scheme for the development.

## C10 WATER TABLE / GROUNDWATER

The future application(s) involving basement structures are to provide details of how the water table and ground water will be managed during and after construction of any basement car parking area.

## C11 RAILCORP

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

### ~~(1) Corridor Protection~~

~~Prior to the lodgement of an application seeking approval for any structure within 25m of the rail corridor that involves ground penetration of greater than 2m on Precinct 3 or for the widening of the rail bridge as shown on the approved plans referred to in Condition A2, the following are to be prepared in accordance with Railcorp's requirements and lodged with the relevant application:~~

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

### ~~(2) Derailment protection~~

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

### ~~(3) Drainage~~

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

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

~~(4) Noise and Vibration~~

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

~~(5) Balconies and Windows~~

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

~~(6) Reflective material~~

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

~~(7) Fencing and Landscaping~~

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

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

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## SCHEDULE 3

### PROPONENT'S STATEMENT OF COMMITMENTS (AS AMENDED)

#### General Commitments

- (1) The Aboriginal Housing Company ("AHC") is committed to the principles of sustainability as defined in the Environmental Planning and Assessment Act 1979.
- (2) The AHC will obtain (or will ensure are obtained) all necessary approvals required by State and Commonwealth legislation in undertaking the project.
- (3) The AHC will continue to liaise with the local community through the whole process of developing the Precinct.
- (4) The Buildings will be set out by a registered surveyor to ensure their correct position and a registered surveyor will be used to set out heights of the critical floors, roofs, etc.
- (5) The Registered Surveyors Certificates will be provided to the Redfern Waterloo Authority or Department Of Planning with the other certificates on completion of each stage of the project or at the completion of the project.
- (6) A separate application will be made to Council for approval under Section 68 of the Local Government Act, 1993, for the erection of hoardings or scaffolding in a public place.
- (7) The development and its uses will be in accordance with the approved Project Application plans and as described in the Environmental Assessment.
- (8) Nine off street vehicle car parking spaces, six emergency vehicle spaces and seven spaces for delivery / courier will be provided.
- (9) The AHC will provide any necessary on road traffic facilities identified as being necessary in the traffic and parking plan.
- (10) Provide 36 additional parking spaces in accordance with attached sketch plan (Appendix Diagram D)
- (11) Peer review to be organised at the Institute of Architects chaired by Chris Johnson
- (12) Interpretive Strategy to be developed from the extensive site historic document and to include all significant aspects of the site and historic development including non-aboriginal history
- (13) Schedule of materials and finishes to be submitted with formal DA.
- (14) Public Art Plan to be further developed in the formal DA, which usually attracts floor space bonus or the like from the Local Government Area
- (15) Formal DA to reference the City of Sydney Social Plan 2006-2010 and Redfern Waterloo Safety Plan and the Application of safer by design principles, where it does not contradict the AHC Social Plan
- (16) Continue public consultative process with commercial, reference groups and local support services

#### Prior to Commencement of Works

- (1) Final design details of the proposed external materials and finishes shall be submitted to and approved by the RWA prior to the commencement of construction works.
- (2) The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.
- (3) All outdoor lighting shall comply, where relevant, with AS/NZ 1158.3: 1999 Pedestrian Area (Category P) Lighting and Australian Standard AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (4) Prior to commencement of works, a Construction Management Plan (CEMP) will be prepared. This plan will include procedures for the following:  
\* Contact details of the site manager;

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- \* ~~Air quality/dust control;~~
- \* ~~Flora and fauna protection;~~
- \* ~~Community access and safety;~~
- \* ~~Site specific soil erosion and sediment control;~~
- \* ~~Traffic and pedestrian management;~~
- \* ~~Storage and handling of materials;~~
- \* ~~Environmental training and awareness;~~
- \* ~~Contact and complaints handling procedures;~~
- \* ~~Emergency preparedness and response;~~
- \* ~~Site induction, OHS&R management and training;~~
- \* ~~Services disruption planning and management;~~
- \* ~~Archaeological and heritage management; and~~
- \* ~~Site contamination review and remediation, hazardous materials and contamination management.~~

- (5) ~~A noise and Vibration Management Plan will be prepared by Acoustic Engineers.~~
- (6) ~~Prior to demolition a Waste Management Plan will be prepared. This will deal with (i) Demolition Waste and (ii) Construction Waste.~~
- (7) ~~A licensed asbestos / hazardous materials contractor will be engaged to undertake demolition of any parts of the buildings containing asbestos or other contaminant such as lead paint.~~
- (8) ~~Demolition of the buildings will be undertaken in accordance with the requirements of Australian Standard AS 2601— 2001: The Demolition of Structures which is incorporated into the Occupational Health and Safety Act 2000 administered by WorkCover NSW.~~
- (9) ~~Removal of asbestos based, hazardous and contaminated materials will be undertaken in accordance with the regulations and requirements of the NSW Government and the Worksafe Australia Asbestos Code of Practice and Guidance Notes.~~
- (10) ~~Following removal of all asbestos, hazardous and contaminated materials from the site final clearance certificates will be obtained and submitted to the RWA for its information.~~
- (11) ~~Final design plans of the stormwater drainage systems shall be prepared in accordance with Council's and Sydney Water's requirements prior to the commencement of construction works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.~~
- (12) ~~A Traffic and Pedestrian Management Plan will be prepared that will identify:~~
  - \* ~~The number and location of car parking spaces required by construction workers,~~
  - \* ~~Ingress and egress of vehicles to the site,~~
  - \* ~~Loading and unloading, including construction zones,~~
  - \* ~~Predicted traffic volumes, types and routes, and~~
  - \* ~~Pedestrian and traffic management methods.~~
- (13) ~~A sign will be erected in a prominent position on the site prior to the commencement of works in accordance with NSW Health policy, indicating the nature of the project and the Project Director and contractor contacts details.~~
- (14) ~~The applicant shall consult with Railcorp and comply with any appropriate requirements of that authority including any Metrowest tunnel requirements.~~
- (15) ~~Further negotiations with the City of Sydney Council regarding:-~~
  - ~~Closure of Eveleigh Lane and re-alignment of Caroline Lane~~
  - ~~Extension of the existing pedestrian priority shared zones~~
  - ~~Nature and management of open space on private land~~
  - ~~All footpath widths to be minimum 2.5m wide, and planted in accordance with the Council's Street Tree Masterplan.~~

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## During Construction

- (1) Measures to control soil erosion during demolition and construction will be in accordance with currently accepted principles, as described in Managing Urban Stormwater (EPA NSW) and Soil Erosion and Sediment Control (The Institution of Engineers, Australia).
- (2) All erosion and sediment control measures will be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as source of sediment.
- (3) All seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (4) Further investigations of groundwater conditions and quality will be undertaken where any soil contamination not already addressed is encountered.
- (5) Adequate measures will be taken to prevent dust from affecting the amenity of the neighbourhood during construction. (Under the Construction Management Plan). These will include:
  - \* Physical barriers erected at right angles to the prevailing wind direction or placed around or over dust sources to prevent wind or activity from generating dust emissions,
  - \* Earthworks and scheduling activities will be managed to minimise the amount of time the site is left cut or exposed,
  - \* All materials will be stored or stockpiled at the best locations,
  - \* The surface will be dampened slightly to prevent dust from becoming airborne, without creating runoff,
  - \* All vehicles carrying spoil or rubble to or from the site will be covered to prevent the escape of dust or other material,
  - \* All equipment wheels will be washed before exiting the site,
  - \* Gates will be closed between vehicle movements and will be fitted with shade cloth, and
  - \* Cleaning of footpaths and roadways will be carried out regularly.
- (6) The hours of construction, including the delivery of materials to and from the site, will be:
  - 7:00am and 6:00pm, Mondays to Fridays inclusive;
  - 8:00am and 1:00pm, Saturdays;
  - No work on Sundays and public holidays.
  - Works will only be undertaken outside these hours where:
    - \* The delivery of materials is required outside these hours by the Police or other authorities;
    - \* It is required in an emergency to avoid the loss of life, damage to property and/ or to prevent environmental harm;
    - \* The work is approved through the Construction Noise and Vibration Management Plan; and
    - \* Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.
- (7) Rock breaking, rock hammering, sheet piling, pile driving and any similar activity will only occur between the hours below unless otherwise approved in the Noise and Vibration Management Plan committed to above:
  - 9.00 am to 12.00 pm, Monday to Friday;
  - 2.00 pm to 5.00 pm Monday to Friday; and
  - 9.00 am to 12.00 pm, Saturday

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- (8) ~~Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Noise and Vibration Management Plan.~~
- (9) ~~Public ways will at all time to be kept clear of any materials, vehicles, refuse, skips or the like.~~
- (10) ~~In the event of any damage being caused to any existing kerb, guttering, stormwater pit, footpath trees and/ or footpath during building operation, the proponent will repair or reimburse Council for the full costs of repairing and making good.~~
- (11) ~~Public reserves, public roadway or private property (other than subject site) will not be used for storage or disposal of building materials or waste or excavated materials, without the prior approval of Council.~~
- (12) ~~The design of facilities will permit effective, appropriate and safe use by all people, including those with disabilities and will be in accordance with:~~
  - ~~\* NSW Health Facility Guidelines, including Part B-~~
  - ~~\* Design for Access, Mobility, OH&S and Security.~~
  - ~~\* DDS32 Improved Access for Health Care Facilities.~~
  - ~~\* AS 1428.~~
  - ~~\* The Building Code of Australia.~~
- (13) ~~Access and Safety protocols will be included in a CEMP to maintain access and use of the site during the redevelopment of the site to ensure the safety of work personnel and visitors.~~
- (14) ~~Roads and other traffic based elements will be designed and constructed in accordance with Australian Standards and/or the relevant standards of Sydney City Council or RTA as applicable.~~
- (15) ~~Car parking and loading bays will be constructed in accordance with the relevant Australian Standards.~~
- (16) ~~In the event that any historical or Aboriginal relics are uncovered during excavations, all excavation and disturbance to the area will stop immediately and the Department of the Environment will be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.~~
- (17) ~~The requirements of the relevant public authorities in regard to the connection to, relocation and/or adjustment of services affected by the construction of the proposed development will be complied with.~~
- (18) ~~The diversion of the existing services will be carried out in consultation with the Council and/or the relevant agency and in accordance with the necessary requirements.~~
- (19) ~~All buildings will be ventilated in accordance with relevant codes.~~
- (20) ~~All cooling towers and cooling and warm water systems will be operated and maintained in accordance with AS 3666:1995 (or AS 3666:2000) the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000.~~
- (21) ~~Existing vegetation will be maintained in accordance with the plans (including landscape plans) submitted.~~
- (22) ~~Any onsite stormwater system will connect into Council's existing trunk stormwater lines and/or be discharged in accordance with the hydraulic report submitted.~~
- (23) ~~Public domain and roadways to be developed as part of the Stage 1 works.~~
- (24) ~~Commercial development at D to be developed as part of the Stage 1 works.~~
- (25) ~~All work to be in accordance with the State Rail Corporation conditions and requirements.~~
- (26) ~~All work to be in accordance with the Sydney Water conditions and requirements.~~
- (27) ~~All work to be in accordance with the Energy Australia conditions and requirements.~~

**~~Prior to Occupation or Commencement of Use~~**

- (1) ~~A Fire Safety Certificate will be provided to the PCA for all the Essential Fire or Other Safety Measures forming part of application.~~

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- (2) ~~An Annual Fire Safety Statement will be provided to PCA within 12 months after the date on which the initial Fire Safety Certificate is received.~~
- (3) ~~Prior to occupation any relevant documentary easements for access will be created and registered over the appropriate lots to provide for public access, services, drainage, use of plant equipment, etc~~
- (4) ~~Prior to occupation, copies of all trade certificates will be provided to the PCA and Council.~~
- (5) ~~Prior to occupation, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required will be submitted to Council for information and recording purposes only.~~
- (6) ~~Provision for off street bike parking in open public space.~~

### Modified Statement of Commitments

<u>No.</u>	<u>Subject</u>	<u>Commitment</u>	<u>Timing</u>
<u>1.</u>	<u>Authority Approvals</u>	<u>All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.</u>	<u>Prior to the carrying of work</u>
<u>2.</u>	<u>Demolition</u>	<u>Demolition works are to be carried out in accordance with the requirements of AS 2601-2001: Demolition of Structures.</u>	<u>During the demolition of the existing buildings</u>
<u>3.</u>	<u>Remediation</u>	<u>Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant Australian Standards, Codes and guidelines.</u>	<u>As part of the site preparation works and prior to the commencement of building works</u>
<u>4.</u>	<u>Building Works</u>	<u>The buildings are to be constructed in accordance with <del>plans approved in the Project Approval</del> <u>the approved plans</u>, the relevant Construction Certificate and in accordance with the <u>Building Code of Australia</u>.</u>	<u>Ongoing from the commencement of construction</u>
<u>5.</u>	<u>Construction Management</u>	<u>Construction work is to be carried out in accordance with the <del>Demolition and Construction Management Plan</del> <u>to be submitted Construction Pedestrian and Traffic Management Plan to be prepared in consultation with TfNSW prior to the issue of a Construction Certificate for the Project.</u> All contractors/suppliers will be advised of the Management plan and will be required to adhere to those requirements throughout the construction phase. 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. Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.</u>	<u>Ongoing from the commencement of construction</u>
<u>6.</u>	<u>Waste Management</u>	<u>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</u>	<u>Ongoing from the commencement of construction</u>

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		<del>submitted with the application for Project Approval.</del> <u>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.</u>	
<u>7.</u>	<u>Public Domain</u>	<u>Public domain works are to be constructed in accordance with the <del>report and plan prepared by Scape Public Domain &amp; Public Art Strategy</del> and plans prepared by Scott Carver Pty Ltd and Professor Michael Tawa.</u>	<u>As part of construction works</u>
<u>8.</u>	<u>Safety and Security</u>	<u>All outdoor lighting is to be installed in accordance with AS/NZ 1158.3:1999 – Pedestrian Area (Category P) Lighting and AS 4282:1997 – control of Obtrusive Effects of Outdoor lighting.</u>	<u>As part of construction works</u>
<u>9.</u>	<u>Rail Infrastructure</u>	<u>The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Groupt Pty Ltd.</u>	<u>Ongoing from the commencement of construction</u>
<u>10.</u>	<u>Acoustic &amp; Vibration</u>	<u>The buildings are to be constructed in accordance with the recommendations contained in the report provided by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.</u>	<u>As part of construction works</u>
<u>11.</u>	<u>Road Traffic Facilities</u>	<u>The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.</u>	<u>As part of construction works</u>
<u>12.</u>	<u>Car Parking, Loading &amp; Access</u>	<u>One hundred and fifteen (115) off-street car parking are to be provided in accordance with AS2890.1-2004: Parking Facilities – Part 1: Off-Street Car Parking. Loading facilities are to be established in accordance with the approved plan and AS2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities.</u>	<u>As part of construction works</u>
<u>13.</u>	<u>Retail &amp; Commercial Uses</u>	<u>Development applications for the commencement of the use of retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.</u>	<u>Prior to the commencement of use of retail and commercial tenancies</u>
<u>14.</u>	<u>Ecologically Sustainable Development</u>	<u>The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd and the ESD Report prepared by JHA Consulting Engineers</u>	<u>As part of construction works</u>
<u>15.</u>	<u>Heritage/ Archaeology</u>	<u>Appropriate action is to be taken should any matter of archaeological significance be revealed during the excavation program.</u>	<u>During excavation</u>
<u>16.</u>	<u>Stormwater Drainage</u>	<u>Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry &amp; Associates.</u>	<u>As part of construction works</u>

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

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

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