

Departments' Response to Council's comments on conditions

Condition	Council's Comments	Department's Response
MP11_0093 MOD1 – Detailed Application for Precincts 1 and 2		
<p><del><b>C10 Public Art / Cultural Interpretation</b></del>  <del>The proponent must liaise with the Council in relation to the proposed culturally interpretive art works visible from the public domain. In this regard, a detailed Cultural Art Plan will be prepared and a copy of the same will be provided to Council's Public Art Committee for comment and endorsement, prior to final approval by the Director General.</del></p>	<p>The documentation indicates that some public artwork may be located in the public open space. Council as the future custodian of the space, should have an 'approval' role in any public artwork within the public domain.</p>	<p>The Commission is referred to <b>Section 6.4</b> of the assessment report, which noted that Council did not object to the deletion of this condition.</p>
<p><b>E6 Public Domain</b>  The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.</p>	<p>No changes are proposed to this existing condition. Council's recommendation remains that a Planning Agreement should be entered into with the City to finalise the details of dedication. Should the IPC be of the mind to accept the DPE recommendation that the dedication be by condition, given that the Council will be the future custodian of this space, this condition should be modified to require the public domain works to be completed to the satisfaction of Council.</p>	<p>The Commission is referred to <b>Section 6.3.5</b> of the assessment report, which notes that securing the public open space and public art through condition, rather than a planning agreement, is an established approach for the site. Notwithstanding, the Department has no objection to the public domain works being completed to the satisfaction of Council, in accordance with the approved plan and the Public Domain Manual.</p>
<p><del><b>E13 Easement for Public Access – E12</b></del>  <b>Dedication of Open Space</b>  Prior to the issue of an Occupation Certificate for this development, <del>an easement for Public Access shall be created over the following spaces within Precinct 1 and 2 shall be dedicated to Council for public use in accordance with Drawing ODA070J:</del>  <b>a) Zone A: the two public domain areas (235 m<sup>2</sup>) of Precinct 2 bound by Caroline Street, Eveleigh Street and Lawson Street</b>  <b>b) Zone C: the 753 m<sup>2</sup> forecourt area of Precinct 1 bound by Caroline Street and Louis Street. The</b></p>	<p>Council's recommendation remains that a Planning Agreement should be entered into with the City to finalise the details of dedication. Should the IPC be of the mind to accept the DPE recommendation that the dedication be by condition, the dedicated lands should not be subject to any encumbrances.</p> <p>It is also recommended that the suite of other public domain and open space conditions in SSD 8135 are carried across to this application (eg. Conditions E8 to E12).</p>	<p>The Commission is referred to <b>Section 6.3.5</b> of the assessment report, which notes that securing the public open space and public art through condition, rather than a planning agreement, is an established approach for the site.</p> <p>In response to applying Conditions E8 - E12 of SSD 8135 to the Project Approval:</p> <ul style="list-style-type: none"> <li>- Condition E8: This is largely consistent with the requirements of existing Condition E6, but Condition E6 could be updated to specifically reference 'open spaces'.</li> </ul>

<p><b>Proponent must consult with Council to establish if this easement is required to include including</b> the 8 car parking spaces along the Caroline Street frontage of Precinct 1</p>		<ul style="list-style-type: none"> <li>- Condition E9: Not relevant to the Project Approval as this specifically applies to the public open space in Precinct 3, excised from the Project Approval.</li> <li>- Condition E10: No objection to the inclusion of this condition. Note: E10(a) should reference 'Condition C7' and E10(b) should reference 'Condition E12'.</li> <li>- Condition E11: No objection to the inclusions of this condition.</li> <li>- Condition E12: Existing Condition E6 already requires works be completed in accordance with the approved plans and the <i>Public Domain Manual</i>. This condition could be updated to refer to the approved Alignment Levels (required under condition B11).</li> </ul>
<b>SSD 8135 – Detailed Application for Student Housing on Precinct 3</b>		
<p><b>Subsidised Student Accommodation for Aboriginal and Torres Strait Island Students</b></p> <p>A11 A minimum of 110 beds within the student accommodation shall be subsidised and made available to Aboriginal and Torres Strait Island students in accordance with the AHC letter of offer dated 15<sup>th</sup> February 2018.</p>	<p>Council's comments suggested that the proposal make available 20% of approved rooms as 'affordable student accommodation' (at a reduced rental rate) for the use of Aboriginal and Torres Strait Islander and/or other disadvantaged students. So as to increase the availability of these rooms, it is recommended that they also be made available to other disadvantaged students.</p> <p>Refer other comments below regarding Condition E4.</p>	<p>The Commission is referred to <b>Section 6.3.5</b> of the assessment report, which considers that the proposal (including the 18% rooms as affordable student accommodation) delivers an acceptable public benefit.</p>

<p><b>Crime Prevention through Environmental Design (CPTED) and Wind Mitigation</b></p> <p>B1. Prior to the issue of the relevant Construction Certificate, a CPTED assessment shall be submitted for the Planning Secretary's approval showing method(s) / treatment(s) to ensure that the following spaces are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles:</p> <ul style="list-style-type: none"> <li>a) the public open space located between the main entrance of the building and Lawson Street</li> <li>b) the central communal courtyard at lower ground floor level.</li> </ul> <p>The wind mitigation measures recommended within the Pedestrian Wind Environment Study (Revision 2) prepared by Windtech and dated 19 January 2018 shall be reviewed in light of any CPTED mitigation measures recommended by the CPTED assessment.</p> <p>B2. Prior to the issue of the relevant Construction Certificate, the drawings shall be amended and submitted to and approved by the Planning Secretary showing the inclusion of mitigation measures provided in the CPTED assessment and wind assessment.</p>	<p>Council previously recommended that design alternatives that ameliorate wind conditions should be investigated. This remains the Council's preferred position.</p> <p>The public open space is to be dedicated to Council. Should the wind mitigation measures involve landscaping and/or other structures within the public open space, Council as the future custodian of the space, should have an 'approval' role in any mitigation measures within the public domain. The mitigation measures will also need to be co-ordinated with the public domain plans required by conditions B12 and B13.</p> <p>It is recommended that the conditions be amended to this effect.</p>	<p>The Commission is referred to <b>Section 6.3.8</b> of the assessment report, which considers wind impacts and associated impacts on CPTED. The Department does not object to amending this condition to require the drawings be prepared in consultation with Council, prior to seeking the Secretary's approval.</p>
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<p><b>Public Art</b></p> <p>B4 Final details of the proposed public art work must be prepared and submitted to and approved by the Planning Secretary prior to issue of the Construction Certificate for the façade works or public domain works, whichever is the sooner.</p>	<p>The documentation indicates that some public artwork may be located in the public open space. Council as the future custodian of the space, should have an 'approval' role in any public artwork within the public domain.</p>	<p>The Department does not object to the public domain works being completed to the satisfaction of Council.</p>
<p><b>Contribution levied under Redfern– Waterloo Authority Affordable Housing Contributions Plan (RWAHC Plan)</b></p> <p>E4 In accordance with the provisions of the RWAHC Plan and prior to the issue of an Occupation Certificate for the development, the Applicant shall either:</p> <ol style="list-style-type: none"> <li>a) pay an affordable housing contribution of \$1,436,126.40 (based on a rate of \$86.88 /m<sup>2</sup> of GFA). This rate is indexed and a final calculation of the amount owing will be made prior to payment; or</li> <li>b) the contribution levied in a) above will be waived upon: <ol style="list-style-type: none"> <li>i) Registration of the Aboriginal Housing Company Limited as a community housing provider under the <i>Housing Act 2001 (NSW)</i>; and</li> <li>ii) Registration of a restriction under Section 88B of the <i>Conveyancing Act 1919</i> (or similar restrictive covenant on the Title of the consolidated allotments) so the 62 dwellings on Precinct 1 will be provided as affordable housing in perpetuity; and</li> <li>iii) submission of evidence to the Planning Secretary of the registration of AHC as a community housing provider and the restriction on the title of the land.</li> </ol> </li> </ol>	<p>It is recommended that the 110 beds (refer Condition A11 above) be also subject to a restriction on title.</p>	<p>The Department supports this amendment.</p>

<p><b>Public Domain and Open Space</b></p> <p>E8 Prior to the issue of an Occupation Certificate, the Applicant shall provide evidence to the satisfaction of the Certifying Authority demonstrating that all open space and public domain works have been completed.</p> <p>E9 Prior to the issue of an Occupation Certificate for this development, the open space located to the south of the building (150 m<sup>2</sup>) and bound by Eveleigh Street, Lawson Street and the railway corridor shall be dedicated to Council for public use. Evidence of this shall be provided to the Planning Secretary.</p>	<p>Council's recommendation remains that a Planning Agreement should be entered into with the City to finalise the details of dedication. Should the IPC be of the mind to accept the DPE recommendation that the dedication be by condition, the City (rather than the Certifying Authority) should have the approval role in Condition E8, and the dedicated lands should not be subject to any encumbrances (Condition E9).</p>	<p>The Commission is referred to <b>Section 6.3.5</b> of the assessment report, which notes that securing the public open space and public art through condition, rather than a planning agreement, is an established approach for the site.</p> <p>Notwithstanding, the Department has no objection to the evidence for Condition E8 being submitted to the satisfaction to Council.</p> <p>The Department considers Condition E9 is necessary to guarantee the proposed open space is dedicated to Council.</p>
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