

Response to Draft Conditions of Consent SSD7749 11 Gibbons Street, Redfern

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Part A Administrative Conditions	
<i>Revision of Strategies, Plans and Programs</i>	
<p>A11. Within three months of:</p> <p>(a) the submission of a Compliance Report under Condition C10;</p> <p>(b) the submission of an incident report under Condition A18;</p> <p>(c) the submission of an Independent Audit under Condition C132;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(e) the issue of a direction of the Planning Secretary under Condition A2 which requires a review,</p> <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	<p>We contest Condition A11, there is no Condition C132. We recommend the following amendment:</p> <p>A11. Within three months of:</p> <p>(a) the submission of a Compliance Report under Condition C10;</p> <p>(b) the submission of an incident report under Condition A18;</p> <p>(c) the submission of an Independent Audit under Condition C132C12;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(e) the issue of a direction of the Planning Secretary under Condition A2 which requires a review,</p> <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>
Gross Floor Area (GFA) Certification	
<p>B7. The GFA of the building must not exceed 13,216m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate.</p>	<p>We contest Condition B7. The GFA is provided on the plans referenced in Condition A2. We recommend the following amendment:</p> <p>B7. The GFA of the building must be consistent with Condition A2 not exceed 13,216 m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any-the relevant Construction Certificate.</p>
Public Domain Improvement Works Contributions	
<p>B9. Prior to issue of any Construction Certificate, a contribution of \$47,467 must be paid in accordance with the provisions of the Redfern-Waterloo Authority Contributions Plan. Alternatively, the contribution can be waived if the Applicant undertakes public domain works to a minimal value of</p>	<p>We contest Condition B9. To provide flexibility in the construction of the development, the construction certificates will be staged. As such, we recommend the following amendment:</p>

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<p>\$47,467. The works may include pavement treatment, improved lighting and/or landscaping and street tree planting.</p> <p>If a credit for public domain works is sought, the Applicant must provide an outline of the proposed works and estimated cost to UrbanGrowth NSW Development Corporation and obtain their written agreement prior to the issue of any Construction Certificate.</p>	<p>B9. Prior to issue of the Construction Certificate in relation to public domain works, a contribution of \$47,467 must be paid in accordance with the provisions of the Redfern-Waterloo Authority Contributions Plan. Alternatively, the contribution can be waived if the Applicant undertakes public domain works to a minimal value of \$47,467. The works may include pavement treatment, improved lighting and/or landscaping and street tree planting.</p> <p>If a credit for public domain works is sought, the Applicant must provide an outline of the proposed works and estimated cost to UrbanGrowth NSW Development Corporation and obtain their written agreement prior to the issue of any Construction Certificate.</p>
Road and Rail Noise and Vibration Criteria for Sensitive Developments	
<p>B12. The building must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the buildings comply with the criteria specified in <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (Department of Planning, 2008). Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issuing of any Construction Certificate.</p>	<p>We contest Condition B12. The proposal does not comply with the Interim Guideline.</p> <p>We note Condition B10 includes the Acoustic Report prepared by Renzo Tonin and Associates, dated 14 February 2019. This Acoustic Report also considers the criteria specified in <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (Department of Planning, 2008). The Acoustic Report considers the road traffic noise levels and the rail noise and vibration levels expected inside the proposed development to be acceptable.</p> <p>As such we recommend the following amendment:</p> <p>B12. The building must be designed and constructed so incorporate the recommendations within the Acoustic Assessment Report prepared by Renzo Tonin and Associates dated 14 February 2019. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issuing of any the relevant Construction Certificate.</p>

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<p>B22. Prior to the issue of the relevant Construction Certificate (excluding approved preparatory or demolition work), details of the proposed stormwater disposal and drainage from the development, including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths, must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.</p>	<p>We contest Condition B22.</p> <p>The acceptability of the civil design / stormwater system has been assessed as part of this application. There should be no need to go back to Council for further approval, this will create further uncertainty in the approval if Council's endorsement is sought again. Instead compliance should be sought with the approved plans.</p> <p>Given the consent authority is the Secretary, we consider this condition should be amended.</p> <p>We recommend the following amendment:</p> <p><i>B22. Prior to the issue of any the relevant Construction Certificate (excluding approved preparatory or demolition work), details of the proposed stormwater disposal and drainage from the development, including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths, must be submitted to prepared in consultation with Council and approved by Council the Secretary. All approved details for the disposal of stormwater and drainage are to be implemented in the development.</i></p>
<p>B25. Prior to the issue of the relevant Construction Certificate, a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be approved by Council, demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.</p>	<p>We contest Condition B25.</p> <p>Condition B25 requires Council approval for the stormwater quality assessment. Given the consent authority is the Secretary, we consider this condition should be amended.</p> <p>We recommend the following amendment:</p> <p><i>B25. Prior to the issue of any the relevant Construction Certificate (excluding approved preparatory or demolition work), a stormwater quality assessment must be undertaken by a suitably qualified drainage engineer and must be developed in consultation with Council and approved by Council the Secretary,</i></p>

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	<p>demonstrating how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced.</p>
Flood Planning Levels	
<p>B27. Prior to the issue of the relevant Construction Certificate, a Flood Design Certification Report, prepared by a suitable Civil/Flooding Engineer, shall be submitted to the Certifying Authority verifying the following criteria have been met:</p> <ul style="list-style-type: none"> (a) compliance with the recommendations of the Site Flood Assessment, prepared by WMA Water, dated 24 September 2018; (b) proposed commercial/retail/community facilities floor levels shall be set above the estimated 1% AEP flood level of 24.9m AHD; (c) all proposed residential and lift lobby floor levels shall be at or above 500 mm above the estimated 1% AEP flood level of 25.4m AHD; (d) power equipment shall be elevated to be at or above the estimated 1% AEP flood level of 25.4 m AHD; and (e) all electrical wiring, conduits installed below 25.4 m AHD shall be suitable for immersion in water and contain no fibrous material and be self- draining. 	<p>We contest Condition B27.</p> <p>Specific ‘flood’ levels are included in this condition. This is a major issue for SGCH, because the substation location does not work. The location of the chamber substation (on the submitted plans) has been negotiated with Ausgrid and is below the flood level. Parts (b) to (e) of Condition B27 would make complying with the authority requirements impossible. This location was coordinated with the actual flood levels in the WMA water report.</p> <p>Part B27(a) will satisfy the recommendations within the Flood Design Certification Report. As such, we recommend the following amendment:</p> <p><i>B27. Prior to the issue of the relevant Construction Certificate, a Flood Design Certification Report, prepared by a suitable Civil/Flooding Engineer, shall be submitted to the Certifying Authority verifying the following criteria have been met:</i></p> <ul style="list-style-type: none"> <i>(a) compliance with the recommendations of the Site Flood Assessment, prepared by WMA Water, dated 24 September 2018</i> <i>(b) –(e) deleted</i>
BASIX Certification	
<p>B36. <i>The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 943081M_05, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.</i></p>	<p>This condition will be amended once revised Basix is submitted</p> <p>Certificate reference will be updated as a result of resubmission of DA plans with BASIX certification as discussed with the Department. We recommend the following amendment:</p> <p><i>B36. The development must be implemented, and all BASIX commitments thereafter maintained in accordance with the approved BASIX Certificate No. 943081M_05, and an updated certificate issued if amendments are made.</i></p>

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	<p>The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the relevant Construction Certificate plans.</p>
<p>Storage and Handling of Waste</p>	
<p>B48. The design of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney Policy for Waste Minimisation in New Developments 2005. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.</p>	<p>We contest Condition B48.</p> <p>The acceptability of the waste storage design has been assessed as part of this application. There is therefore no need to go back to Council for further approval. This will create uncertainty in the approval if we need to seek Council's endorsement again. Rather compliance with the approved plans is required.</p> <p>We consider Condition B48 is unnecessary and recommend that this condition is deleted.</p>
<p>Mechanical Plant Noise Mitigation Part C – Prior to Commencement of Works</p>	
<p>Traffic Works</p>	
<p>C38. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee of Council prior to any work commencing on site.</p>	<p>We contest Condition C38.</p> <p>Condition C38 requires agreement by Council prior to any works commencing on-site. Given the consent authority is the Secretary, we recommend the following amendment:</p> <p>C38. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by developed in consultation with the Local Pedestrian, Cycling and Traffic Calming Committee of Council and approved by the Secretary prior to any the issue of the relevant construction certificate, excluding demolition, remediation and site preparation work-commencing on-site.</p>

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<i>Stormwater Drainage System</i>	
<p>Revised but not as per our recommended.</p> <p><i>C41. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.</i></p> <p><i>A plan checking fee will be payable and a performance bond may be required before RMS approval is issued.</i></p>	<p>We contest Condition C41.</p> <p>Stormwater system will be designed to discharge partially to Gibbons (RMS approval needed) and partially to William Lane (City Approval needed). The reference to Gibbons Street has not been included, technically meaning that our stormwater (which discharges to William Lane) calculations must be submitted to RMS, despite not being relevant. There may be some program risk in this as it will then be reviewed by another party with RMS, potentially delaying approval.</p> <p>We recommend the following amendment:</p> <p><i>C41. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Gibbons Street are to be submitted to NSW RMS for approval, prior to the commencement of any works.</i></p> <p><i>A plan checking fee will be payable and a performance bond may be required before Roads and Maritime NSW RMS approval is issued.</i></p>
<i>Part D – During Construction</i>	
<i>Construction Hours</i>	
<p><i>D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</i></p> <p><i>(a) between 7.30 am and 5.30 pm, Mondays to Fridays inclusive; and</i></p> <p><i>(b) between 7.30 am and 3.30 pm, Saturdays.</i></p>	<p>We contest Condition D2.</p> <p>As proposed in the Response to Submissions, SGCH propose to undertake set up and pack up activities between 7am – 7.30am and 5.30pm and 6.00pm. This additional 30 minutes is particularly important during concrete pours which take significant time to set up and complete.</p> <p>We request the following hours:</p> <ul style="list-style-type: none"> • Monday to Friday – 7.00am to 6.00pm however we would limit noisy works to the requested hours above (7.30am – 5.30pm) • Saturday – 7.00am to 3.30pm however we would limit noisy works to the requested hours above (7.30am – 3.30pm)

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	<p>We understand Council have agreed to similar hours and arrangements on other building sites in the LGA.</p> <p>We recommend the following amendment:</p> <p><i>D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</i></p> <p>(a) between 7.30 7.00am and 5.30 6.00 pm, Mondays to Fridays inclusive (noisy works are limited to 7.30am – 5.30pm); and</p> <p>(b) between 7.30 7.00 am and 3.30 pm (noisy works are limited to 7.30am – 3.30pm), Saturdays.</p>
Part E Prior To Occupation or Commencement of Use	
GFA and Height Certification	
<p><i>E2. A Registered Surveyor is to certify that the GFA of the building does not exceed 13,246 m² and the height of the building does not exceed 18-storeys or RL 85.75 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.</i></p>	<p>We contest Condition E2.</p> <p>We note GFA is provided on the plans referenced in Condition A2. We recommend the following amendment:</p> <p><i>B7. The GFA of the building must be consistent with Condition A2 not exceed 13,216 m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any-the relevant Construction Occupation Certificate.</i></p>
Affordable Housing Contributions	
<p><i>E4. Prior to the issue of any Occupation Certificate, an affordable housing contribution of \$87,054 (based on a rate of \$86.88m²/GFA) must be paid in accordance with the provisions of the Redfern-Waterloo Authority Affordable Housing Contributions Plan. Alternatively, the contribution can be waived if:</i></p>	<p>We contest Condition E4.</p> <p>We request the Condition is amended to allow for a separate OC to be issued for the retail spaces to facilitate a stratum subdivision certificate being registered ahead of the OC for the residential portion being issued.</p> <p>We recommend the following amendment:</p>

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<p>(a) the Applicant provides suitable evidence that they are a registered community housing provider under the Housing Act 2001 (NSW); and</p> <p>(b) the Applicant demonstrates the registration of a restriction as to the user under Section 88B of the Conveyancing Act 1919 (or similar covenant on the Title of the allotment(s)), to the effect that a minimum of 160 dwellings will be provided as affordable housing in perpetuity.</p> <p>Evidence demonstrating compliance with the above must be provided to the UrbanGrowth NSW Development Corporation and the Planning Secretary prior to issue of any Occupation Certificate.</p>	<p>E4. Prior to the issue of any the relevant Occupation Certificate, an affordable housing contribution of \$87,054 (based on a rate of \$86.88m²/GFA) must be paid in accordance with the provisions of the Redfern-Waterloo Authority Affordable Housing Contributions Plan. Alternatively, the contribution can be waived if:</p> <p>(a) the Applicant provides suitable evidence that they are a registered community housing provider under the Housing Act 2001 (NSW); and</p> <p>(b) the Applicant demonstrates the registration of a restriction as to the user under Section 88B of the Conveyancing Act 1919 (or similar covenant on the Title of the allotment(s)), to the effect that a minimum of 160 dwellings will be provided as affordable housing in perpetuity.</p> <p>Evidence demonstrating compliance with the above must be provided to the UrbanGrowth NSW Development Corporation and the Planning Secretary prior to issue of any the relevant Occupation Certificate.</p>
<p>Completion of Public Domain Improvement Works</p>	
<p>E5. Prior to the issue of any Occupation Certificate, evidence of the costs and satisfactory completion of the public domain improvement works referred to in Condition B9 must be provided to Council and the UrbanGrowth NSW Development Corporation.</p>	<p>We contest Condition E5.</p> <p>We request the Condition is amended to allow for a separate OC to be issued for the retail spaces to facilitate a stratum subdivision certificate being registered ahead of the OC for the residential portion being issued.</p> <p>We recommend the following amendment:</p> <p>E5. Prior to the issue of any the relevant Occupation Certificate, evidence of the costs and satisfactory completion of the public domain improvement works referred to in Condition B9 must be provided to Council and the UrbanGrowth NSW Development Corporation.</p>
<p>Removal of Redundant Driveways</p>	
<p>E9. All redundant driveways on the Gibbons Street boundary shall be removed and replaced with kerb and gutter to match existing prior to the issue of any Occupation Certificate.</p>	<p>We contest Condition E5.</p>

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	<p>We request the Condition is amended to allow for a separate OC to be issued for the retail spaces to facilitate a stratum subdivision certificate being registered ahead of the OC for the residential portion being issued.</p> <p>We recommend the following amendment:</p> <p><i>E9. All redundant driveways on the Gibbons Street boundary shall be removed and replaced with kerb and gutter to match existing prior to the issue of any the relevant Occupation Certificate.</i></p>
<p><i>E19. Prior to a Certificate of Completion being issued for public domain works and prior to the issue of any Occupation Certificate, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to, and accepted by, Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.</i></p>	<p>We contest Condition E19.</p> <p>Condition E19 requires approval by Council. Given the consent authority is the Secretary, we recommend the following amendment:</p> <p><i>E19. Prior to a Certificate of Completion being issued for public domain works and prior to the issue of any the relevant Occupation Certificate, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to, and accepted by, Council and approved by the Secretary for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance consistent with the Council's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.</i></p>
<p><i>E20. All works to the City's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.</i></p>	<p>We contest Condition E20.</p> <p>Condition E20 requires approval by Council for the certificate of completion. Given the consent authority is the Secretary, we recommend the following amendment:</p> <p><i>E20. All works to the City's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council the Secretary on the Certificate of Completion for public domain works.</i></p>

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<i>Environmental Performance</i>	
<p>E25. Prior to the issue of the any Occupation Certificate, the Applicant shall implement the commitments outlined in BASIX Certificate No. 943081M_06.</p>	<p>Accept – we note this condition will be updated as per Condition B36</p>
<i>Waste and Recycling Collection</i>	
<p>E36. Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.</p> <p>An Operational Waste Management Plan (OWMP) detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.</p> <p>The OWMP is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):</p> <ul style="list-style-type: none"> • The use of the premises and the number and size of occupancies. • The type and quantity of waste to be generated by the development. • Details of the proposed recycling and waste disposal contractors. • Waste storage facilities and equipment. • Access and traffic arrangements. • The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials. <p>Prior to the occupation of the development, the owner or Applicant is required to contact Council's City Services Department, to make the necessary arrangements for the provision of waste services for the premises. The waste storage areas shall be clearly signposted.</p>	<p>We contest Condition E36.</p> <p>Condition E36 requires approval of Council, this may result in time delays. We note the Secretary is the consent authority. Also please refer to our comment in relation to Condition E37.</p> <p>We recommend the following amendment:</p> <p>E36. Prior to the issue of any the relevant Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.</p> <p>An Operational Waste Management Plan (OWMP) detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and prepared in consultation with Council approved by Council's Director of City Services the Secretary.</p> <p>The OWMP is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):</p> <ul style="list-style-type: none"> • The use of the premises and the number and size of occupancies. • The type and quantity of waste to be generated by the development. • Details of the proposed recycling and waste disposal contractors. • Waste storage facilities and equipment. • Access and traffic arrangements.

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	<ul style="list-style-type: none"> The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials. <p>Prior to the issue of the relevant occupation certificate of the development, the owner or Applicant is required to contact Council's City Services Department, to make the necessary arrangements for the collection provision of waste services for from the premises. The waste storage areas shall be clearly signposted.</p>
Acoustic Compliance	
<p>Revised but not as per our previous recommendation. The revised condition is reproduced below:</p> <p><i>E39. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under Condition B10 and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.</i></p>	<p>We contest Condition E39.</p> <p>We recommend this condition be amended as we cannot achieve compliance with the Policy and the reference to other guidelines is ambiguous.</p> <p>We recommend that Condition E39 only refer to the recommendations of the Renzo Acoustic Report as per Conditions B10 and B11. The reference to 'NSW Industrial Noise Policy and other guidelines applicable to the development' is unnecessary and ambiguous.</p> <p>We recommend the following amendment:</p> <p>E39. Prior to the issue of any the relevant Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with all noise mitigation measures required under Condition B10. and to ensure the development achieves compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development.</p>

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<i>Part F Post Occupation – During Operation</i>	
<p><i>F12. Use of the communal open space areas is restricted to 7 am to 10 pm Monday to Saturday and 8 am to 9 pm Sundays and public holidays.</i></p>	<p>We contest Condition F12.</p> <p>SGCH staff intend to run placemaking activities to support residents within the spaces covered by Condition F12. We recommend the following amendment:</p> <p><i>F12. The use of the communal facilities, including the Level 3 podium, level 4 terrace and the level 17 roof terrace, is restricted to SGCH employees, residents and their guests only.</i></p>