

Our ref: Redfern Mixed Co-Living Development (SSD-32275057)

Mr Stephen Barry
Office of the Independent Planning Commission NSW
Suite 15.02, Level 15, 135 King Street
SYDNEY NSW 2000

28 August 2024

Subject: Request for Comments – Recommended Conditions of Consent

Dear Mr Barry,

Thank you for referring the recommended conditions of consent for the Redfern Mixed Use Co-Living Development (SSD-32275057) to the Department of Planning, Housing, and Infrastructure (Department) for comment.

The Department has reviewed the recommended conditions of consent and has provided comments (see **Attachment A**) for the Commission's consideration.

Please contact James Groundwater, Senior Planning Officer, Key Sites and TOD Assessments, on [REDACTED] if you would like to arrange a briefing or require any additional information.

Yours sincerely,

[REDACTED]
Anthony Witherdin
Director
Key Sites and TOD Assessments

Redfern Mixed Use Co-living Development (SSD-32275057)

Proposed changes to Conditions of Consent

Notes:

- a) Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
- b) As a result of new conditions, re-numbering of conditions will be required/undertaken.

Condition No. / Section	Commission's Intended Outcome	Revised Condition (Additions in bold and underline , deletions in strikethrough)	Comments DPHI
DEFINITIONS 'AS'	<ul style="list-style-type: none"> Minor correction – name of Standards Australia 	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken	Noted
PART A GENERAL CONDITIONS			
INFRASTRUCTURE CONTRIBUTIONS			
REDFERN-WATERLOO AFFORDABLE HOUSING CONTRIBUTIONS A12	<ul style="list-style-type: none"> Minor correction (indexation of affordable housing contribution amount since referral of application to Commission) 	Prior to the issue of the first Construction, an affordable housing contribution of \$677,092 714,878 (based on a rate of \$102.32 m ² /GFA) must be paid to Infrastructure NSW in accordance with the provisions of the Redfern-Waterloo Authority Affordable Housing Contributions Plan. The contribution rate will be indexed annually at 1 July in accordance with the published Building Price Index in Rawlinson's Handbook. Evidence demonstrating compliance with the above must be provided to Infrastructure NSW and the Planning Secretary prior to issue of any Construction Certificate.	The base rate is now \$108.03 (no longer \$102.32 as of 1 July 2024)
PART B PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE			
DETAILED DESIGN			
MATERIALS AND FINISHES B2	<ul style="list-style-type: none"> To respond to this landowner's concerns regarding the southern wall and ensure that the Applicant consults with them regarding the final materials and finishes 	<p>Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:</p> <p>c) <u>confirmation of the process and methods in arriving at the final choice for all materials and finishes, including details of consultation with the landowner of 9 Woodburn Street with respect to the materials and finishes of the development's southern wall</u></p>	<p>Recommends the words "details of consultation" be replaced by "evidence of consultation". Recommends the following standard definition of consultation be added to the definitions section of the consent.</p> <p>Consultation</p> <p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and</p> <p>provide details of the consultation undertaken including:</p> <p>the outcome of that consultation, matters resolved and unresolved; and</p> <p>details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>
NEW CONDITION DESIGN MODIFICATIONS – PRIVACY TREATMENTS BX	<ul style="list-style-type: none"> To respond to Council's concerns/submission regarding privacy treatments and glazing and associated amenity impacts 	<p><u>Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier, revised plans which demonstrate the following:</u></p> <p>(a) <u>Operable external privacy treatments for courtyard facing rooms which enable simultaneous user control of visual privacy and daylight/solar access; and</u></p> <p>(b) <u>Operable external privacy treatments for lowest level rooms facing Cleveland / Eveleigh / Woodburn Streets</u></p>	To align with other conditions, recommends replace 'any Construction Certificate' with 'the Construction Certificate for above ground works'

Condition No. / Section	Commission's Intended Outcome	Revised Condition (Additions in bold and underline , deletions in strikethrough)	Comments DPHI
PRE-CONSTRUCTION REQUIREMENTS			
STORMWATER MANAGEMENT SYSTEM B9	<ul style="list-style-type: none"> Minor update to (d) – current edition of Rainfall and Runoff Report 	<p>Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s):</p> <p>d) with a system capacity designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016 2019 or whichever edition is in force at the time) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines</p>	Noted
PUBLIC DOMAIN CONCEPT PLAN B11	<ul style="list-style-type: none"> To respond to Council's concerns/submission Minor updates – grammatical 	<p>Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to and have approved by the Council's Public Domain Unit a public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's Public Domain Manual and Sydney Streets Code.</p> <p><u>Future public domain upgrade works surrounding the site must be shown in the Council approved public domain concept plan and is to include, but not be limited to, a contraflow cycleway, Continuous Footpath Treatments (CFT), and kerb realignment on Eveleigh Street.</u></p>	<p>The proposal is not required to undertake public domain works associated with the cycleway along Eveleigh Street.</p> <p>To provide clarity that the scope of public domain works is subject to Council's separate approval, the Department recommends that the second part of this conditions be amended to state:</p> <p><u>Public domain upgrade works surrounding the site must be consistent with Council approved public domain concept plan and is to include, but not be limited to, a contraflow cycleway, Continuous Footpath Treatments (CFT), and kerb realignment on Eveleigh Street.</u></p>
LANDSCAPING B14	<ul style="list-style-type: none"> To respond to Council's concerns / submission and ensure that they are involved in the final landscaping design 	<p>Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:</p> <p><u>(a) has been prepared in consultation with Council</u> <u>(b)</u> is generally consistent with the landscaping plans referenced in Condition A1; <u>(c)</u> includes details of tree planting, including pot sizes; <u>(d)</u> includes details of the location, species, maturity and height at maturity of plants to be planted on-site; <u>(e)</u> demonstrates adequate drainage and watering systems for the planters; <u>(f)</u> includes details of plant maintenance and watering for the first 12 months; and <u>(g)</u> includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.</p>	Noted
CAR PARKING B15	<ul style="list-style-type: none"> To ensure development provides for EV charging facilities in accordance with Applicant's Revised RfS commitments 	<p>Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic and parking requirements:</p> <p>d) <u>provision of infrastructure for electric vehicles (EV) in accordance with the NCC and Drawing Number SSD2001, Rev D, of the Architectural Drawings</u></p>	Noted
BICYCLE PARKING AND FACILITIES B16	<ul style="list-style-type: none"> Minor correction to (a) – lexical error 	<p>Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating compliance with the following:</p> <p>a) compliance with application <u>applicable</u> Australian Standards for the layout, design and security of bicycle facilities;</p>	Noted
PUBLIC ART STRATEGY B24	<ul style="list-style-type: none"> To ensure that this condition links to the work done by the Applicant through the Connecting with Country process (prepared as part of EIS) 	<p>The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken, <u>and is to be implemented in accordance with the EIS, across the site.</u></p>	Noted
PART C PRIOR TO THE COMMENCEMENT OF WORKS			
MANAGEMENT PLANS			

Condition No. / Section	Commission's Intended Outcome	Revised Condition (Additions in bold and underline , deletions in strikethrough)	Comments DPHI
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN C1	<ul style="list-style-type: none"> To ensure that appropriate and detailed consultation is undertaken, noting the proximity of the landowners at 9-11 Woodburn Street, Redfern to the project site. 	Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) which must address and include (but not be limited to) the following matters: (a) Details of: (iii) community consultation, including appropriate and detailed consultation with the landowners of 9-11 Woodburn Street and complaint handling procedures;	Noted
CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN C2	<ul style="list-style-type: none"> To address potential construction worker vehicle impacts on Woodburn and Eveleigh Streets The added wording emanates from a strategy outlined in the Applicant's Construction Traffic Management Plan, submitted as part of the EIS 	Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW, which must address and include (but not limited to) the following matters: (j) measures to avoid construction worker vehicle movements within the precinct, including that construction workers do not park on public roads and only park in a designated off-street area or use public transport to access the site, in accordance with the EIS;	Noted
CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN C3	<ul style="list-style-type: none"> To ensure Applicant considers alternative measures for the impacted adjoining terrace landowners and other directly impacted landowners and negotiates positive outcomes with them where necessary 	Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development, which must address and include (but not limited to) the following matters: h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community (including the adjoining landowners of 9-11 Woodburn Street and other adjoining landowners and businesses directly impacted by the development);	Noted
PRE-CONSTRUCTION DOCUMENTATION AND MEASURES			
COMMUNITY COMMUNICATION STRATEGY C9	<ul style="list-style-type: none"> To ensure that the Applicant is required to effectively communicate with adjoining landowners in managing the potential social and environmental impacts associated with construction of the development 	Before construction commences, the Applicant must prepare a Community Communication Strategy (CCS) for approval by the Planning Secretary that identifies: (a) how the Applicant will publicise and distribute information about or relevant to the construction and operation of the development, including an appropriate consultation schedule that aligns with project construction milestones. Adjoining landowners, businesses and others directly impacted by the development are to be clearly identified in the CCS; (c) mechanisms for relevant stakeholders (including adjoining landowners, businesses and others directly impacted by the development) and the public to communicate with the Applicant in relation to the construction and operation of the development during its construction and for a minimum of 12 months following the completion of construction.	Noted
PRE-CONSTRUCTION DILAPIDATION REPORTS C11	<ul style="list-style-type: none"> To respond to concerns raised in submissions about structural impacts to the adjoining terraces and in line with the Applicant's RFI response to the Commission (dated 22 August 2024 and received 23 August 2024) 	Prior to the commencement of any construction, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an suitably qualified experienced Professional Engineer person , which details the structural condition of all adjoining buildings (including all buildings, structures and trees forming part of 9-11 Woodburn Street, Redfern) , infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.	Noted
CONSTRUCTION PARKING C17	<ul style="list-style-type: none"> To address potential construction worker vehicle impacts on Woodburn and Eveleigh Streets The added wording emanates from a strategy outlined in the Applicant's Construction Traffic Management Plan, submitted as part of the EIS 	Prior to the commencement of any earthwork or construction, the Applicant must submit to the Certifier evidence that sufficient parking has been provided for heavy vehicles and for site personnel (where required) on-site or within an approved work zone, to ensure that construction traffic associated with the development does not utilise on-street parking within public roads surrounding the site or public parking facilities, in accordance with the EIS.	Noted

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OUTDOOR LIGHTING C19	<ul style="list-style-type: none"> Minor amendment – current editions of standards 	Prior to commencement of any lighting installation, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1: 2005 2020 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements (or whichever edition is in force) and AS 4282- 2019 2023 Control of the obtrusive effects of outdoor lighting (or whichever edition is in force).	Noted
PART D DURING CONSTRUCTION			
VIBRATION CRITERIA D17	<ul style="list-style-type: none"> Minor correction to (a) – current edition of standard 	Vibration caused by construction at any residence or structure outside the Site must be limited to: (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration – Effects of vibration on structures (German Institute for Standardisation, 1999) DIN 4150-3 (2016) Vibrations in buildings - Part 3: Effects on structures, English Translation (German Institute for Standardisation, 2016) ; and	Noted
TREE PROTECTION D22	<ul style="list-style-type: none"> To ensure potential impacts to existing trees on adjoining land are protected 	While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the CEMP required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes installing and maintaining tree protection for existing mature trees located on 9 Woodland Avenue, Redfern, maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.	Noted
PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE			
COMPLIANCE REPORTING			
OUTDOOR LIGHTING E20	<ul style="list-style-type: none"> Minor amendment to (b) – current edition of standard 	Prior to the occupation or commencement of use, the Applicant must prepare and submit to the Certifier a Report demonstrating that installed lighting associated with the development: (b) complies with the latest version of AS 4282- 2019 2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997 2023 or whichever edition is in force); and	Noted
MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS			
OPERATIONAL PLAN OF MANAGEMENT E27	<ul style="list-style-type: none"> Minor addition to (c) – To ensure this condition more specifically to recognise and enshrine the work undertaken through the EIS's Connecting with Country process and engagement practices New sub-condition at (d), as suggested by Applicant in their RFI response to the Commission – noting the significance of Redfern for First Nations communities in Sydney and the challenges faced by First Nations people in accessing secure and affordable housing, Commission is eager to enshrine a potential avenue for the development to provide this, as far as practicable 	Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to): (c) management of the multi-purpose space, with priority to be given for local community uses, including First Nation groups and service providers (d) management of the co-living units, with four (4) units dedicated for priority occupation by First Nations students and/or First Nations community members. Management details must also include (but is not limited to), the following: (ii) if there is no identified demand for First Nations students and/or community members to tenant the co-living units, they may be let to other tenants; (iii) if any of the four (4) co-living units are not occupied by First Nations students and/or community members, prior to leasing any other co-living units in the development, the co-living manager or managing agent must firstly engage with local First Nations organisations and tertiary educational institutions (including nearby universities, colleges and Eora TAFE Darlington) to identify potential tenants and prioritise occupation of up to four (4) units by First Nations students and/or community members.	Noted, the Applicant has amended the proposal to include four rooms to be prioritised for First Nations students and/or community members.

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<p>NEW CONDITION</p> <p><u>MECHANICAL VENTILATION</u></p> <p>FX</p>	<ul style="list-style-type: none"> To ensure that the performance and functioning of the proposed mechanical ventilation system is monitored on an ongoing basis (should the consent, for example, be sold on to another developer) 	<p><u>Ongoing monitoring and maintenance of the mechanical ventilation system must be undertaken every 12 months for the life of the development to ensure that it is in good working order, and that it complies with this development consent and its level of performance at time of commissioning.</u></p>	<p>Noted, please confirm if this replaces Condition E39.</p>

DRAFT