

**From:** [Kendall Clydsdale](#)  
**To:** [Gabriel Wardenburg](#)  
**Cc:** [Paulina Wythes](#); [Tahlia Hutchinson](#); [Margaret Mason](#); [Judith Elijah](#)  
**Subject:** Novus on Albert - 763-769 Pacific Highway, Chatswood - Build-to-Rent (SSD-59805958): Request for additional Comment - recommended conditions of consent  
**Date:** Friday, 11 July 2025 9:14:38 AM

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Dear Gabriel,

With regard to the subject, thank you for providing the Department's response to the Commission Panel's proposed draft recommended conditions of consent amendments.

The Commission is considering further imposition of conditions of consent for the Application (see table below), should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's response by 5pm Tuesday, 15 July 2025.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <b><u>bold and underlined</u></b> , deletions in <del>strikethrough</del> )	DPHI Comments
Definition of EIS	To ensure all relevant documentation is captured in the definition.	The Environmental Impact Statement titled Novus on Albert Build-to-Rent Project, prepared by Ethos Urban, dated 6 June 2024, submitted with the application for consent for the Development, including <b><u>the Applicant's response to submissions</u></b> <b><u>and</u></b> any additional information provided by the Applicant in support of the application.	
Condition A1(b)	To ensure all relevant documentation is captured in the condition.	in accordance with the EIS, <b><u>including</u></b> the Applicant's response to submissions, and the Applicant's responses to requests for further information; and	
Condition C11	The URL link within the note at the Department's recommended condition C11 'Sydney Water Assets' is not working. <b><i>Can the Department please provide a revised</i></b>		

	<i>link?</i>		
<b>New conditions</b>	<p>The Commission notes the following two conditions have been consistently imposed on similar developments determined by the Commission.</p> <p><i>Can the Department please confirm or otherwise whether these two conditions should also be imposed on SSD-59805958?</i></p>	<p><b><u>Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</u></b></p> <ul style="list-style-type: none"> <li>i. <b><u>9am to 12pm, Monday to Friday;</u></b></li> <li>ii. <b><u>2pm to 5pm Monday to Friday; and</u></b></li> <li>iii. <b><u>9am to 12pm, Saturday.</u></b></li> </ul>	
		<p><b><u>The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.</u></b></p>	

Any queries at all, please do not hesitate to contact me.

Kind regards,

**Kendall Clydsdale | Principal Case Manager**

Office of the Independent Planning Commission NSW  
Suite 15.02 Level 15 135 King Street Sydney NSW 2000

e: [REDACTED] | p: [REDACTED] [www.ipcn.nsw.gov.au](http://www.ipcn.nsw.gov.au)

**From:** [Gabriel Wardenburg](#)  
**To:** [Kendall Clydsdale](#)  
**Cc:** [Paulina Wythes](#); [Tahlia Hutchinson](#); [Margaret Mason](#); [Judith Elijah](#)  
**Subject:** RE: Novus on Albert - 763-769 Pacific Highway, Chatswood - Build-to-Rent (SSD-59805958): Request for additional Comment - recommended conditions of consent  
**Date:** Wednesday, 16 July 2025 11:30:29 AM  
**Attachments:** [image001.png](#)

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Hi Kendall thanks for your email.

Please see our responses below in the original table. Please don't hesitate to reach out if you have any further questions.

Cheers,

**Gabriel Wardenburg**

Team Leader

Energy & Resource Assessments - Underground

Development Assessment & Infrastructure

Planning and Assessment | Department of Planning Housing and Infrastructure

4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150

M [REDACTED] T [REDACTED] E [REDACTED]



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*The Department of Planning and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging.*

*We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.*

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**From:** Kendall Clydsdale [REDACTED]  
**Sent:** Friday, 11 July 2025 9:15 AM  
**To:** Gabriel Wardenburg [REDACTED]  
**Cc:** Paulina Wythes [REDACTED] Tahlia Hutchinson [REDACTED]  
[REDACTED] Margaret Mason [REDACTED] Judith Elijah [REDACTED]  
**Subject:** Novus on Albert - 763-769 Pacific Highway, Chatswood - Build-to-Rent (SSD-59805958): Request for additional Comment - recommended conditions of consent

Dear Gabriel,

With regard to the subject, thank you for providing the Department's response to the Commission Panel's proposed draft recommended conditions of consent amendments.

The Commission is considering further imposition of conditions of consent for the Application (see table below), should it determine to approve the Application.

The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's response by 5pm Tuesday, 15 July 2025.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in <b><u>bold and underlined</u></b> , deletions in <del>strikethrough</del> )	DPHI Comments
<b>Definition of EIS</b>	To ensure all relevant documentation is captured in the definition.	The Environmental Impact Statement titled Novus on Albert Build-to-Rent Project, prepared by Ethos Urban, dated 6 June 2024, submitted with the application for consent for the Development, including <b><u>the Applicant's response to submissions and</u></b> any additional information provided by the Applicant in support of the application.	Agreed.
<b>Condition A1(b)</b>	To ensure all relevant documentation is captured in the condition.	in accordance with the EIS, <b><u>including</u></b> the Applicant's response to submissions, and the Applicant's responses to requests for further information; and	Agreed.
<b>Condition C11</b>	The URL link within the note at the Department's recommended condition C11 'Sydney Water Assets' is not working. <b><i>Can the Department please</i></b>		<a href="https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html">https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html</a>

	<i>provide a revised link?</i>		
<b>New conditions</b>	<p>The Commission notes the following two conditions have been consistently imposed on similar developments determined by the Commission.</p> <p><b>Can the Department please confirm or otherwise whether these two conditions should also be imposed on SSD-59805958?</b></p>	<p><b><u>Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</u></b></p> <ul style="list-style-type: none"> <li>i. <b><u>9am to 12pm, Monday to Friday;</u></b></li> <li>ii. <b><u>2pm to 5pm Monday to Friday; and</u></b></li> <li>iii. <b><u>9am to 12pm, Saturday.</u></b></li> </ul> <p><b><u>The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous'</u></b></p>	<p>The Department recommends these additional conditions are not applied to this consent.</p> <p>The restriction on hours of construction for certain works are not consistent with the recommendations of the Acoustic Engineer set out in the Noise and Vibration Impact Assessment dated 16 May 2024. During the Department's assessment and routine engagement process the Applicant advised the standard condition would result in challenges in sequencing of activities on site. The Department considered the local urban CBD context and that recent approvals by Council in the Chatswood CBD do not include similar conditions, with works being approved within standard hours and with no mandated respite periods.</p> <p>Recommended Condition D4 contains provisions for noise management strategies to be developed in consultation with adjoining properties, including respite periods. Construction noise limits and vibration criteria are required by Condition E8-E11.</p>

		<p><u>includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.</u></p>	
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Any queries at all, please do not hesitate to contact me.

Kind regards,

**Kendall Clydsdale | Principal Case Manager**

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Suite 15.02 Level 15 135 King Street Sydney NSW 2000

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