



**ANGEL PLACE
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Team Leader – Key Sites Assessment
Department of Planning and Environment
4 Parramatta Square
Parramatta NSW 2150

Dear Amy,

ATLASSIAN OFFICE AND HOTEL DEVELOPMENT SSD-10405 MOD 2 - APPLICANT RESPONSE TO SUBMISSIONS

This letter has been prepared by Urbis on behalf of Vertical First Pty Ltd in response to the Response to Submissions (**RTS**) request from the Department of Planning and Environment (**DPE**) dated 31 August 2022 and the subsequent correspondence regarding Agency Submissions received on 14 September 2022.

The RTS request is in relation to a Section 4.55(1A) modification application (MOD 2) for the approved State Significant Development (SSD-10405) which approved an office and hotel accommodation development at 8-10 Lee Street, Haymarket.

MOD 2 seeks to make the following amendments to SSD-10405:

- Minor changes to the layout within basement levels, inwards parcels shed and OSD level.
- Modification to construction hours condition F8.
- Clarification of construction stage of certain works.
- Amendment to timing of conditions D5, D25, D26, D27, D28, D30, D32 and D34.

The modification application was publicly notified between 12th August 2022 and 25th August 2022.

This letter provides a response to the submissions received during the notification period, and to DPE's request for additional information within the RTS request letter.

This response is supported by an amended MOD 2 Statement of Modification prepared by Urbis.

1. RESPONSE TO SUBMISSIONS

During the notification period, submissions were received from the following agencies:

- Transport for NSW
- City of Sydney Council

- Heritage NSW
- Heritage NSW – Aboriginal Cultural Heritage

In addition, one public submission was received.

No issues were raised by TfNSW and Heritage NSW – Aboriginal Cultural Heritage in their submissions.

The table below sets out the issues raised by City of Sydney, Heritage NSW and the public submission, and provides a response to each.

Table 1 Response to Submissions

Issue	Response
City of Sydney	
<p><u>Waste Management</u></p> <p>The internal reconfiguration within the basement levels includes a reduction to the Adina loading area in front of the waste room at Basement Level 2. It is unclear how waste will be serviced in this area. Swept paths must be provided that demonstrate there is adequate space for a driver to enter and exit the vehicle and move the bins to the rear of the vehicle. It should also be noted that no bulky waste storage areas have been provided for the development. These should be provided in accordance with the City's Guidelines for Waste Management in New Developments 2018.</p> <p>It appears that a waste truck will need to back into the collection point for rear lift collection. A roller door should be considered along the wall where the truck backs into its loading dock to reduce bin movement and improve bin access to the rear of the vehicle.</p> <p>In accordance with Condition Nos. G37 and G38, an Operational Waste Management Plan must be prepared in consultation with the City prior to the issue of Occupation Certificate. At this early stage of the development, it should be noted that the current Waste Management Plan is not supported, and further information will be required in the future to address the following:</p>	<p>There is a total of 16m² and 4m² for bulky waste storage in the Atlassian and YHA waste rooms respectively. The TOGA/Adina waste room would accommodate a bulky waste storage area of 4m² if required. We note that the TOGA site is subject to a separate SSDA relating to its future redevelopment.</p> <p>The plan layout (AR-13B-B00-02) shown in the Waste Management Report prepared by GHD dated February 2022 shows a double door arrangement to the loading dock. This can be amended to a roller door arrangement if required, subject to architectural input.</p> <p>An Operational Waste Management Plan will be prepared in accordance with consent condition G37 and G38 prior to OC.</p>

Issue	Response
<ul style="list-style-type: none"> - Details of sweeping paths for each loading bay and clearance of 2 metres for loading. - Details on how vehicular movements will be minimised and whether all three sites will be serviced by the same waste contractor. It is the City's preference that each site requires general and recycling waste to be collected each day. - Specific details on collection times. - Greater detail on the uptake and management of onsite food processing. The current Plan only provides suggested approaches. - Whilst reference was made to the individual bailing of paper, cardboard and soft plastics in the Plan, no space is assigned for the storage of bailed waste or source separation bins for these individual waste streams. - The Plan outlines that organic food scraps are to be stored in 1100L waste bins. Due to weight issues and OH&S concerns, these bins should be a smaller size of 240L or less. 	<p>It is noted that the vehicle swept path analysis for Basement 2 was considered as part of the traffic impact assessment. On this basis, the existing Waste Management Report (GHD 2022) identifies that a two metre clearance would be available between the parking space and wall for the loading of bins where collection vehicles reverse into parking spaces for waste collection using rear loader waste collection vehicle.</p> <p>The collection frequency assumed for the waste storage requirement estimate was based on daily collection. Specific details on collection timing and arrangement is pending engagement of a waste contractor.</p>
<p><u>Construction Works and Hours</u></p> <p>Conditions F5 and F8 are proposed to be modified to permit certain construction activities to be carried out within extended construction hours.</p> <p>The submitted Acoustic Statement, prepared by Acoustic Logic, has been reviewed. It outlines that the CFA bore piling will be undertaken at the project site, which generates less noise in comparison to sheet piling or driven piles as nominated in the Condition F8. Predicted noise levels in the Statement shows that there will not be an exceedance of noise levels (background +10dBA) at affected receivers for this activity. The Acoustic Statement also advises that the duration of the project will be shortened by at least 10 weeks for the noisy activities based on the requested hours.</p>	<p>As set out in Section 2 of this report, the Statement of Modification has been amended to remove the proposed modification to condition F5. We therefore consider this matter resolved.</p> <p>In regard to Council's recommended amendment to condition F8, the Applicant accepts the recommendation that CFA bore piling be excluded from the list of activities considered under condition F8 as per the suggested wording provided by Council.</p>

Issue	Response
<p>However, the City considers this to be unacceptable for the other high noise generating activities.</p> <p>Based on the information provided in the Acoustic Statement, the City recommends Condition F8 be amended to include the <i>bold italic text</i> as follows:</p> <p><i>F8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities* may only be carried out between the following hours;</i></p> <p><i>(a) 9am to 12pm, Monday to Friday</i></p> <p><i>(b) 2pm to 5pm Monday to Friday and</i></p> <p><i>(c) 9am to 12pm, Saturday</i></p> <p><i>*CFA bore piling is not included in the above activities and can be carried out within the time restrictions set out in condition F5.</i></p>	<p>However, the Applicant is still seeking to amend condition F8 to extend the working hours for the activities limited by the condition. The 10-week duration reduction is only possible where the extended hours apply for all of these activities.</p>
<p><u>Amendments to Timing of Conditions</u></p> <p>The proposed amendments to certain conditions, as outlined in Section 2.5 of the submitted Modification Report, prepared by Urbis, are generally acceptable.</p> <p>However, the changes to Condition Nos. <i>D32 – Heritage Interpretation Plan</i> and <i>D34 – Designing with Country</i> are not supported. The satisfaction of these conditions should remain unchanged at CC4, prior to any detailed works being carried out on the development.</p>	<p>D32 – Heritage Interpretation Plan and D34 – Designing with Country conditions need to be satisfied ahead of commencing the Parcel shed reinstatement, public domain works and Podium/OSD façade and finishes which will be the area in which Designing for Country is incorporated. This construction work will be released under CC5. Heritage Interpretation is not relevant to the tower façade, services or base build finishes the subject of CC4.</p>
Heritage NSW	
<p>The proposed design changes to the layout within the basements levels, Inward Parcels Shed and 'OSD' level above the Inwards Parcels Shed are minor that would not adversely impact the site's heritage significance and are therefore considered acceptable from a heritage perspective.</p>	<p>Noted</p>

Issue	Response
<p>The proposed amendment to construction staging of certain works are appropriate to provide clarification on the described works and corresponding Construction Certificate (CC) stages.</p>	<p>Noted</p>
<p>The documentation provided does not adequately provide justification of the proposed amendment to the timing of conditions in the construction program specifically, D5 Public Domain Landscaping from CC2 to CC5, D32 Heritage Interpretation Plan and D34 Designing with Country from CC4 to CC5.</p> <p>Delaying the proposed timing of these conditions to CC5 presents a risk for the opportunity to integrate key design elements to not be fully realised. A holistic approach that demonstrates consideration of the site's context and setting should be applied to the public domain, heritage interpretation and designing with country.</p> <p>It is understood that the proponent is currently collaborating with TOGA and CPS to ensure heritage interpretation across the precinct achieves a cohesive outcome. It is strongly encouraged that the public domain and designing with country aspects of the development to be given due consideration in the program.</p> <p>Having considered the documentation provided in this MOD 2 package, it is recommended that the current condition timings are retained (i.e., D5 Public Domain Landscaping CC2, D32 Heritage Interpretation Plan CC4 and D4 Designing with Country CC4).</p>	<p>Condition D5 - Public Domain Landscaping requires detailed design development to occur in order to produce drawings required to satisfy this condition. These drawings will not be produced in time for CC2 which is "Basement to underside of level 1 structure, services and civil to UGF".</p> <p>The detailed landscape drawings are not required by the stage of construction governed by CC2. The landscaping works will be submitted under Design Package 6 which is incorporated in CC5.</p> <p>D32 – Heritage Interpretation Plan and D34 – Designing with Country conditions need to be satisfied ahead of commencing the Parcel shed reinstatement, public domain works and Podium/OSD façade and finishes which will be the area in which Designing for Country is incorporated. This construction work will be released under CC5. Heritage Interpretation is not relevant to the tower façade, services or base build finishes the subject of CC4.</p> <p>The collaboration process with adjoining landowners relative to Heritage Interpretation and Designing with Country principles is occurring throughout the design programme, with the collating of the documents for CC being an outcome. As Toga and</p>

Issue	Response
	<p>CPS design programmes are behind Atlassian's, moving these conditions to a later CC provides the opportunity to collaborate further and aligns our design programme more closely with theirs noting that these adjacent developments are not currently as progressed from a design perspective</p>
Public Submission	
<p>A submission was received from the Mecure Hotel, Sydney which raised issues in relation to out of hours construction work, and has requested hydraulic hammering does not occur on Saturdays.</p>	<p>The Statement of Modification has been amended to remove the proposed modification to condition F5 which is considered to resolve the first issue raised in the public submission.</p> <p>In regard to construction hours for hydraulic hammering, the standard conditions of consent allow hydraulic hammering to occur on Saturdays between 9am and 12pm. The proposed modification to extend this time by two hours to include 1pm to 3pm is considered reasonable as it will reduce the overall hydraulic hammering period and will therefore reduce the prolonged noise exposure period of potential disruptive works on surrounding receivers, which is considered to be a better outcome.</p> <p>We also note that the proposed extended hours generally fall when hotel guests will either have checked out or are generally out for the day. This period will generally be when hotel rooms are being cleaned and serviced.</p> <p>It is noted that the Mecure Hotel was not identified as one of the closest</p>

Issue	Response
	affected sensitive receivers within the vicinity of the site in the Acoustic Statement submitted with the modification application.

2. RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

DPE outlined a number of issues within the RTS response request letter as provided in the table below. A response to each issue is also provided in the table.

Table 2 Response to comments raised by DPE

Issue	Response
<i>Reconsider the proposed amendment to Condition F5, noting the proposed wording is too general, the impacts haven't been assessed and it is outside of any formal planning process to consider specific out-of-hours construction works</i>	<p>The Applicant has reviewed the previous request in relation to Condition F5 and has withdrawn this change on account of the flexibility already provided under Condition F6 of the development consent.</p> <p>In this regard, the MOD 2 Statement of Modification has been amended to remove the request to modify Condition F5.</p>
<i>Provide further justification for the proposed changes to the timeframe for the satisfaction of Condition D5 – Public Domain Landscaping, Condition D32 – Heritage Interpretation Plan and Condition D34 – Designing with Country, including the reason/implications of changing these from CC4 to CC5.</i>	<p>Condition D5 - Public Domain Landscaping requires detailed design development to occur in order to produce drawings required to satisfy this condition. These drawings will not be produced in time for CC2 which is "Basement to underside of level 1 structure, services and civil to UGF".</p> <p>The detailed landscape drawings are not required by the stage of construction governed by CC2. The landscaping works will be submitted under Design Package 6 which is incorporated in CC5.</p> <p>D32 – Heritage Interpretation Plan and D34 – Designing with Country conditions need to be satisfied ahead of commencing the Parcel shed reinstatement, public domain works and Podium/OSD façade and finishes which will be the area in which Designing for Country is incorporated. This construction work will be released under CC5. Heritage Interpretation is not</p>

Issue	Response
	relevant to the tower façade, services or base build finishes the subject of CC4.
<p><i>Provide a response to the DIP comments in relation to the proposed replacement of stairs with escalators</i></p>	<p>The replacement of stairs with escalators is to ensure that the visitors and occupants of varying degrees of mobility can move quickly between the lower and upper ground foyers in the event that they arrive at a foyer where the lifts do not serve their destination floor within the building. This is supplemented by a shuttle lift for use by non-ambulant users in normal operations.</p> <p>The applicant commits to a pro-active maintenance regime of the escalators outside normal hours to eliminate or minimise the risk of unplanned outages.</p> <p>The scenarios below outline the work-around strategies that may be applied in the very rare event of an unplanned outage.</p> <p>Scenario A – One escalator out of service – Very rare</p> <p>If one escalator is out of service, the remaining escalator would either run in the direction of maximum demand, or would operate in both directions between the lobbies under a traffic light arrangement. The Shuttle lift provides supplementary capacity and access for people with disabilities. If they are leaving the building from the upper ground level lobby, people can take the down ramp or take the stairs down to Henry Deane Plaza to Lee Street.</p> <p>Scenario B - Two escalators out of service – Extremely unlikely</p> <p>If two escalators are out of service, people can use the shuttle lift to travel between the foyers or go out the lobby and take the down ramp or take the stairs down to Henry Deane Plaza. In peak periods, some additional temporary signage may be required to direct users to the correct lobby from their path of approach outside the building.</p>

Issue	Response
	The likelihood of both escalators being simultaneously out of service is very remote.
<i>Review if any additional conditions need to be satisfied prior to CC1 given the proposed change to include detailed excavation in CC1 (e.g. Condition D38 and Condition D49).</i>	<p>A number of conditions were identified to move to CC1 as outlined in Section 2.5 of the Modification Report lodged with the MOD 2 application.</p> <p>The Applicant can support moving Condition D49 relative to the provision of approval for cranaage by TfNSW and the associated Crane Plan. This approval has already been obtained from TfNSW and can be provided to the certifier. The MOD 2 Report has been updated to include moving Condition D49 to CC1, now in Section 2.4 of the amended report.</p> <p>Condition D38 – Derailment Protection Risk Assessment – this assessment named Derailment Risk Assessment (RPS-RPT-xxxx-001 rev 4) was included within the SSDA and 25% Design Package submissions to TfNSW, both of which were approved by TfNSW ahead of submission to DPE. No changes are required to the staging of this condition.</p>

3. CONCLUSION

This letter has provided a response to the issues raised by the submissions received during the notification period and the Department of Planning and Environment in relation to the proposed modifications to SSD-10405 under MOD 2.

It is considered that the justification in the amended Statement of Modification submitted with the modification application, and supplemented by the responses above, provide appropriate grounds to amend the noted conditions of consent.

Should you require any further clarification on the above, please do not hesitate to contact me.

Yours sincerely,



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