

From: [Bridget McNamara](#)
To: [Amy Watson](#)
Subject: FW: MP 08_0098 MOD 14 - Response to Submissions - R/2016/1/B
Date: Tuesday, 25 July 2017 9:13:07 AM
Attachments: [Attachment A - Conditions - The Star.docx](#)

From: Bridget McNamara
Sent: Monday, 19 June 2017 10:09 AM
To: 'Michele.nettlefold@planning.nsw.gov.au' <Michele.nettlefold@planning.nsw.gov.au>
Cc: Christopher Corradi <ccorradi@cityofsydney.nsw.gov.au>
Subject: MP 08_0098 MOD 14 - Response to Submissions - R/2016/1/B

Hi Michelle,

Thank you for your email. We have reviewed the response to submissions and the additional information received and the City does not object to the proposed modification, subject to the following being included/modified:

In regards to the applicant including reference to the 'Schedule of Minor Works_MP08_0098 – The Star', we have no objection to this; however, it should be tailored to the casino rather than an extract from the SEPP (reference to heritage item, heritage conservation etc).

In addition, there are a number of items which are listed, which should not be exempt or complying development for the site, these include:

- The notes – relevant legislation that applies to the site

General Exempt Development

- 1.4 Awnings, Blinds & Canopies
- 1.5 Bollards
- 1.6 Demolition
- 1.7 Driveways & Hard stand spaces
- 1.9 Flagpoles
- 1.10 Footpaths – outdoor dining
- 1.16 Mobile Food & Drink Outlets
- 1.17 Pathways and Paving
- 1.18 Subdivision

Exempt advertising and signage

All external signs are not exempt or complying. Internal signs are acceptable.

- 2.2 Building Identification signs
- 2.3 Wall signs
- 2.4 fascia signs
- 2.5 Under awning signs
- 2.6 top hamper signs
- 2.7 window signs
- 2.10 Community notice & public information signs (internal only)
- 2.11 Temporary event signs

Complying Development

- 4.2 Change of use of premises
- 4.4 Shopfronts and awnings
- 4.6 Projecting wall signs
- 4.7 Freestanding pylon & directory board signs
- 4.8 driveway, hard stand spaces, pathways and pylons
- 5 Demolition

We object to 3 (b) being included: *If the Secretary or the Director General or his delegate considers the amendments to be minor and does not require a modification of this approval as notified in writing.*

Public Domain

In regards to the proposed public domain works, we make the following comments:

The updated referral includes increased detail about proposed public domain upgrades resulting from the development. These include:

- o 40 lineal metres of granite paving along the frontage to the Astral Lobby in Pyrmont Street. The paving does not extend to the intersection with Jones Bay Road as noted above. An additional 55 lineal metres of paving would be required to connect to the intersection.
- o 100 lineal metres of asphalt footway stretching east along Jones Bay Road, with upgraded pedestrian and vehicular crossings. The upgraded asphalt does not extend to the intersection with Pyrmont Street, approximately 15 metres of additional footway would be required.
- o Replacement of the Pirrama Road pavement and street furniture where affected by the proposed construction zone. This includes removal of existing palms with future replacement following completion of works.

However, the proposed scope of works noted in this revised works package does not address the comments noted above and it is requested that the applicant revises their plans to address the following concerns:

- o The proposed granite paving along Pyrmont Street is localised and centred upon their entrance. It does not address the existing state of asphalt pavement (which is in need of repair in places) nor the increased footfall that will directly result from the development. Continuing the granite pavement to the intersection with Jones Bay Road will set the public domain treatment and eventual upgrade of the rest of the road rather than presenting as a 'doormat' upgrade to suit the developments needs only.
- o The proposed upgrade of asphalt along Jones Bay Road also falls short of improving the footway for the same reasons as above. Also affected are the pedestrian crossing on Jones bay Road which requires improvement on both sides of the street to meet current standards.

ESD

The ESD report states on page 3 (1.4.3 Water) that urinals are to have a 1 Star WELS rating. There is no reason for setting the water rating this low.

Greenroof

The green roof to level 5 is a welcome addition, and should make a significant contribution to reducing the heat load. However, at an approximate area of 5420sqm, there is also an opportunity to make a significant contribution to urban ecology and biodiversity. Subsequently, the proposed plant palette should be further diversified ensuring locally indigenous species are selected wherever possible, and only species with low water requirements are selected. It is therefore recommended to include a condition requiring the plant list to be developed in consultation with the City's ecologist, Sophie Golding.

I have attached our recommended conditions regarding the public domain, heritage, transport and green roof which are to be included in any consent given.

Should you have any queries, please do not hesitate to contact me.

Regards

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Planning Assessments



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RECOMMENDED CONDITIONS

Heritage

(1) HERITAGE _ SELS BUILDING

General Heritage

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the SELS Building, which is listed as a Heritage Item.
- (b) The fabric and features of the SELS Building to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999.
- (d) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the SELS Building
- (e) New services to the SELS Building are to be installed with minimum intervention to significant fabric and spaces.
- (f) Brickwork/stone must not be rendered, painted or coated.

(2) MAKING GOOD TO EXISTING BUILDING

All new internal and external finishes and works of making good to the SELS Building must match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

(3) SELS BUILDING LIGHTING

The lighting to Pyrmont Street Façade of the SELS Building is to be installed in accordance with the Lighting Methodology Statement prepared by URBIS dated 16 February 2017.

(4) FITOUT OF SELS BUILDING

The fit –out to retail tenancy in the SELS Building does not form part of this proposal and is to be the subject of a future development application.

Transport

(5) BICYCLE PARKING AND END OF TRIP FACILITIES

The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below and the approved plans

User	Quantity	Requirements
Staff	29	Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2
End of trip change facilities including showers and change area		Separate male and female facilities at Heart of House on Level 00

The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

Green Roof

(6) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (ii) Details of earthworks including mounding and retaining walls.
 - (iii) Details of the location, sizes and numbers of plants used with reference to NATSPEC, with a preference for locally indigenous and drought resistant plants. The proposed green roof plant species are not approved, and must be selected in consultation with the City's ecologist to ensure adequate biodiversity.
 - (iv) Details of the soil media/substrate type and depth.
 - (v) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vi) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, the following details are to be submitted to and approved by the Principal Certifying Authority:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and

- (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate.
- (d) Prior to the issue of an Occupation Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
 - (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

Public Domain

(7) ALIGNMENT LEVELS – MAJOR DEVELOPMENT BETWEEN GRIDLINES 23 AND F

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(8) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

(9) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(10) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(11) PUBLIC DOMAIN PLAN BETWEEN GRIDLINES 23 AND F

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps,

lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(12) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, , a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, 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 City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

Site Rectification / Hoarding Approval / The Public Way

(13) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a [insert time frame, typically 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.

(14) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

(15) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the [Street Name/s] frontage[s] of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(16) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of (TBC) lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.