

City of Sydney

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23 August 2010

Our Ref: S0706158.006
Your Ref: 10/14379-2

Manager - Water and Energy
NSW Department of Planning
GPO Box 39
SYDNEY 2001

Attention: Neville Osborne

Dear Neville

STAGE 2A(i) CITY EAST ZONE SUBSTATION PROJECT (Application: 10_0071)

I refer to your letter received by Council on 22 July 2010 about the abovementioned application.

The proposal as outlined in the Environmental Assessment report prepared by Energy Australia and dated July 2010 is generally acceptable to the City. However, we make the following comments regarding design, heritage, traffic and the public domain:

Design Excellence

The application proposes a 10% increase in FSR in accordance with Clause 10 of the *Sydney LEP 2005*. Although the submission argues that the provision of the additional power is a public benefit, design excellence in the built form and a contribution to the public domain should be factored in such as a proposal for integrated public and an upgrade of Richard Johnson Square, which the City would support.

Streetscape and Public Domain Interface

Although the detailed design of the proposed substation and tower will follow in the Stage 2A(ii) Project Application, and will be subject to a design review process, the intended lack of activation to both the Bligh Street and O'Connell Street frontages is of particular concern to the City, particularly for the projected height of 40 – 50m. It appears that the facade treatment will do little to engage the adjacent public domain, including Richard Johnson Square and will erode the character of the streetscape.

The City appreciates that the main purpose of the application is for the substation and that its proposed location in the basement/podium limits opportunities for meaningful activation and the accommodation of activity-generating uses. But further detail and articulation of the proposed facade treatment and street activation should be heavily considered and explored during the Stage 2A(ii) Project Application and design review phase. The integration of engaging public art on either or both the Bligh Street and O'Connell Street frontages should be investigated, as should a creative approach to the possible upgrade of Richard Johnson Square.

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In addition, the proposed double driveway arrangement will result in further erosion of the O'Connell Street character. The requirement for this is discussed below, under 'Traffic'.

Heritage

Although not identified as a Special Area or located within identified heritage streetscapes, the precinct surrounding the site is of particular heritage significance for historic, aesthetic and social values related to the early Colonial period of development of Sydney and subsequent development throughout the late Victorian era and early 20th Century. The precinct comprises a high portion of state significant heritage items by celebrated architects that are listed in the *Sydney LEP 2005* and on the State Heritage Register. It is considered that the excessive height of the podium and the lack of a street setback of the tower will erode the character of the precinct as established by these heritage items.

It is considered that the proposed development will have a detrimental impact upon the values represented in surrounding heritage items, particularly upon the two adjacent items, being the former NSW Club, 31 Bligh Street and AFT House formerly Delfin House, which are dealt with separately as follows:

Impact on the former NSW Club:

The important heritage issues presented by the proximity of the former NSW Club to the development site are:

- The necessity for recognition of the established setback and scale of the NSW Club building in the design of any new structure on the adjoining site in context in the street. The NSW Club House is a fine sandstone city building, which now stands in isolation as a remnant of Victorian Sydney amid surrounding development. The current proposal provides a limited narrow recess adjacent to the side elevation of the NSW Club, whilst the remainder of the proposed tower will sit forward of the Club, impinging upon views of the building from locations south of the site and overpowering the building.
- The careful design of the column support within the recessed entry adjacent to the Club.
- The necessary use of compatible high quality materials and facade articulation, proportioning and detailing to compliment the heritage qualities of the NSW Club without imitating or detracting from it.
- Conservation works may be required to the southern facade of the heritage item. The early photo c 1925 shows another Victorian building adjacent to the south is evidence that the southern elevation has not been exposed for over 100 years. Demolition of this building and subsequent development of Kindersley House may well have caused damage to the walling.

Impact on AFT House formerly Delfin House:

AFT House at 16-18 O'Connell Street is of exceptional heritage significance as one of Australia's finest examples of the Art Deco office building; the stylistic treatment of its

main entry being unique in Sydney. The streetscape contribution of the building to O'Connell Street is considerable yet the proposed development makes little acknowledgment of the key features of its facade particularly its striking arched base.

The important heritage and urban design constraints presented by the proximity of this building to the development site are:

- A need for recognition of the scale of the arched base section of the building in the design of any attached section of the new development in relation to the lower portion of AFT House.
- The necessary use of compatible high quality materials and facade articulation, proportioning and detailing to compliment the heritage qualities of AFT House without imitating or detracting from it.

It is therefore considered that due to the exceptional aesthetic significance of the surrounding heritage items on Bligh Street and O'Connell Street, the proposed design necessitates a sympathetic response in terms of scale, massing, setbacks, facade articulation, proportioning and detailing to compliment and reinforce their heritage qualities.

Archaeology

Both the City of Sydney's Archaeological Zoning Plan (1992) and the Non-Indigenous Archaeology by Casey & Lowe Pty Ltd dated 15 March 2010, detail that there is limited archaeological potential due to the presence of basements of sufficient depth to have removed most, if not all of the site's archaeological remains. Casey & Lowe Pty Ltd elaborate that the excavation involved for the existing structures and their basements is considered to have removed all except for possibly the bases of wells if they were deeper than four metres in this area. All other structural remains and features relating to the nineteenth century land use of the property will have been removed. Casey & Lowe recommend that the initial bulk excavation of the substation site be monitored by an experienced historical archaeologist. Monitoring would only be necessary when the basement floor slab is being removed.

Traffic

The City must be the approval authority for the Construction Traffic Management Plan (CTMP).

Once approved by the City (as part of the CTMP) all approved truck routes must form part of the contract and must be distributed to all truck drivers.

The traffic report suggests that some truck movements may require vehicles to exit the work site in reverse. This is not acceptable. All vehicles must enter and exit the site in a forward direction. If a one off reversing movement is required the applicant can seek an exemption to this condition from the City's Construction Regulations Unit. The applicant will need to discuss this issue well in advance of the movement requiring to occur.

All Traffic Control Plans associated with the CTMP must comply with Australian Standards and RTA's Traffic Control At Work Sites" Guidelines.

The site must provide bicycle parking and end trip facilities to comply with the NSW Department of Planning Guidelines to Walking and Cycling. Estimations of numbers of staff based on floor area calculations will be required to provide the base for the values.

The plan appears to show two driveways along the O'Connell Street frontage, one for access/egress to the basement car park and another to access the substation. The applicant will need to provide details of why the driveways cannot be combined. In addition, information outlining the likely frequency of use of the second driveway is required to justify its existence. The City has a policy of trying to improve pedestrian amenity by amalgamating driveway crossovers. These issues must be addressed for the City to consider supporting the two driveways, if indeed this is the case.

Alignment Levels

The submission does not appear to seek approval to set floor levels although bulk excavation is proposed. The City assumes that the intention is for floor and flood planning levels to be set during the Stage 2A(ii) Project Application.

Recommended Development Conditions

It is requested that any approval incorporate the below listed conditions.

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) To provide articulation at street level, the base building is to be setback a minimum of 500mm from the O'Connell Street frontage above the height of the arched granite base of AFT House at 16-18 O'Connell Street.
- (b) The necessary use of compatible façade articulation, proportioning and detailing to compliment the heritage qualities of adjacent and surrounding heritage items without imitating or detracting from it.
- (c) The integration of facade articulation to the base level on Bligh Street and O'Connell Street through the incorporation of interpretative public art on both the street frontages.
- (d) The façades of the podium on Bligh Street and O'Connell Streets are to incorporate high quality materials considering 'yellow block' sandstone cladding to enhance the reference to the sandstone and trachyte stone in surrounding heritage buildings and the Richard Johnson monument.
- (e) The pavement of the recessed entry on Bligh Street is to be Austral 'verde'.

The modifications should be submitted for approval by the Consent Authority prior to the issue of the Construction Certificate.

(2) SCHEDULE OF CONSERVATION WORKS

The demolition of the existing buildings on the site will reveal the condition of the southern elevations of the former NSW Club, at 31 Bligh Street and AFT House at 16-18 O'Connell Street. Once excavation has been undertaken it will be difficult ascertain the repairs required to the southern elevations of these buildings. Prior to the commencement of excavation works, a Schedule of Conservation Works to be undertaken in conjunction with the approved works must be prepared by a heritage architect and must be submitted to and approved by Council, prior to the release of the Construction Certificate. The Schedule should include conservation works that are designed to arrest further damage to fabric as well as to reinstate an appropriate level of finish, and are to be accompanied with Specification notes.

(3) HERITAGE INTERPRETATION STRATEGY

- (a) A brief interpretation strategy for the site must be submitted to and approved by Council, prior to a Construction Certificate being issued. (Reference the site was the former offices of Walter Burley Griffin).
- (b) The interpretation strategy must detail how information on the history and significance remaining fabric of the site will be provided for the public and make recommendations regarding the appropriate location and display.
- (c) Prior to an Occupation Certificate being issued the approved interpretation strategy must be implemented to the satisfaction of Council.

(4) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS

Prior to a Construction Certificate being issued, an archival photographic recording of the building is to be prepared to Council's satisfaction. The recording should be in digital form, prepared in accordance with the NSW Heritage Office guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture'. One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- The Development Application number must be noted on the front of the folder and in the report.
- Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.

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- Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images.

The digital based recording is to include:

- Thumbnail image sheets and a selection of A5 or A4 size images, all labelled and cross-referenced to the catalogue sheets and base plans, and processed on A4 size archival photographic paper using archivally stable inks.
- CD or DVD containing the report in a pdf format and the electronic images saved as JPEG files with associated metadata and cross referenced to the catalogue sheets.

(5) ARCHAEOLOGICAL MONITORING

The initial bulk excavation of the substation site and the removal of the Kindersley House basement floor slab is to be monitored by a suitably qualified Archaeologist.

(6) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate or Certificate of Completion.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

(7) PUBLIC DOMAIN PLAN

A detailed Public Domain Plan, prepared by an architect, urban designer or landscape architect, must be submitted with the Stage 2A(ii) Project Application.

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The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and current public domain policies and must clearly show the proposed treatments to the O'Connell Street and Bligh Street frontages of the site, including the adjacent Richard Johnson Square.

(8) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE

For temporary shoring including ground anchors affecting the road reserve, a separate application under Section 138 of the Roads Act 1993 must be lodged with Council.

For new permanent basement wall/s or other ground retaining elements (not being anchors projecting under the road reserve):-

- (a) Prior to a Construction Certificate being issued, the following documents must be submitted to the Certifying Authority (CA) and a copy to Council (if Council is not the CA):
 - (i) Dilapidation Report of adjoining buildings/structures.
 - (ii) Evidence that public utility services have been investigated.
- (b) If adjoining a Public Way:
 - (i) Evidence of a \$10 million dollar public liability insurance policy specifically indemnifying the City of Sydney, valid for at least the duration of the project. The original document must be submitted to Council.
 - (ii) Bank guarantee in accordance with the Council's fees and charges. The original document must be submitted to Council.
- (c) Prior to commencement of work:
 - (i) The location of utility services must be fully surveyed and the requirements of the relevant public utility authority complied with; and
 - (ii) The following documents must be submitted to and approved by the Principal Certifying Authority (PCA) and a copy to Council (if Council is not the PCA):
 - a. Structural drawings and certification as prescribed elsewhere in this consent.

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- b. **Geotechnical report and certification as prescribed elsewhere in this consent.**
- (d) Prior to issue of Occupation Certificate, the Principal Certifying Authority must receive written and photographic confirmation that the restoration of the public way has been complete in accordance with the following:
- (i) All ground anchors must be de-stressed and isolated from the building prior to completion of the project.
 - (ii) The temporary structure, including foundation blocks, anchors and piers must be removed above and below the public way, prior to completion of project, down to a depth of 2m.
 - (iii) All timber must be removed.
 - (iv) All voids must be backfilled with stabilised sand (14 parts sand to 1 part cement).
 - (v) All costs for any reinstatement of the public way made necessary because of an unstable, damaged or uneven surface to the public way must be borne by the owner of the land approved for works under this consent.
- (e) The Bank Guarantee may be released after the Principal Certifying Authority submits certification to Council that all the works described in (d) above have been completed and that there is no remaining instability, damage or unevenness to the public domain as a result of the development. This certification is to include relevant photographs and must be to the satisfaction of the Council's Director City Planning.

(9) STREET TREE PROTECTION

Street trees must be protected during construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist (AFQ 2 or 3) and must include:
- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
 - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and

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- (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
- (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Materials or goods, including site sheds, must not be stored or placed:
 - (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (d) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding [Tree Management Team to insert location of hoarding and affected trees] to protect branches during the construction works.
- (e) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

(10) FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of an area of 168sqm of asphalt and 266sqm of brick site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee 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 issue of a Construction Certificate.

(11) NOISE AND VIBRATION MANAGEMENT

Any noise and vibration management plan should include:-

- (a) selection and maintenance of all mechanical plant in relation to the acoustic output of such plant;
- (b) details on how and when predicted noise levels are to be verified and objective actions that will trigger a review of plant selection, work strategies, acoustic treatments and noise levels;
- (c) a detailed community consultation plan that should include but not be limited to the following:-
 - (i) noise monitoring techniques and method of reporting results to the community;
 - (ii) details of work schedules for all work phases;
 - (iii) review process during works;
 - (iv) site induction details for all employees and contractors;
 - (v) formal complaint management system; and
 - (vi) community involvement plan.

(12) TRAFFIC

- (a) The applicant must provide Council with details of the largest truck that will be used during the demolition, excavation and construction, prior to the start of any work on site and obtain approval from City's Construction Regulation Unit for the use of this vehicle.

NOTE: No dog trailers to be used without City's Construction Regulation Unit approval.

- (b) The developer must obtain a permit from the City's Construction Regulation Unit regarding the placing of any plant/equipment on public ways.
- (c) No queuing or parking is permitted in any public road.
- (d) All vehicles associated with the development shall be parked wholly within the site. All site staff related with the works are to park in a designated off street area, no staff are to park on the street.
- (e) All loading and unloading must be within the development site or at an approved "Works Zone".

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- (f) The applicant must comply with development consent for hours of construction. If out of hours work is required the applicant can seek an exemption to this condition from the City's Construction Regulations Unit. The applicant will need to discuss this issue well in advance of the movement requiring to occur.
- (g) Any Traffic Controllers are NOT to stop traffic on the public street(s) to allow trucks to enter or leave the site. The Roads Act does not give any special treatment to trucks leaving a construction site - **the vehicles already on the road have right-of-way** so that every vehicle leaving a site MUST wait until a suitable gap in traffic allows them to exit. Secondly Trucks are not (at no time) allowed to reverse into the site from the road for safety reasons.
- (h) Pedestrians may be held only for very short periods to ensure safety when trucks are leaving or entering BUT you must NOT stop pedestrians in anticipation i.e. **at all times the pedestrians have right-of-way on the footpath not the trucks.**
- (i) Physical barriers to control pedestrian or traffic movements need to be determined by the Construction Regulations Unit prior to commencement of work.
- (j) Any temporary adjustment to a Bus Stop or Traffic Signals will require the applicant to obtain approval from the STA and RTA respectively prior to commencement of works.
- (k) The developer must apply to the Construction Regulations Unit to organise appropriate approvals for cranes and barricades etc.
- (l) The developer must apply to Building Compliance Unit to organise appropriate approvals for hoarding prior to commencement of works.
- (m) The developer must apply to the Work Zones Co-ordinator to organise appropriate approvals for the Work Zones.
- (n) Any boomgate or barrier control, and any intercom at entry to the basement car park must be set back within the property boundary by the length of the longest proposed vehicle to use the finished site. This will ensure that all vehicles can wait completely within the development site and not block the road or footway.
- (o) The driveway must be located a minimum of 1m from the property boundary, a minimum of 2m from any other proposed or existing driveway and a minimum of 10m from the intersection of O'Connell Street and Hunter Street.
- (p) The site must be designed so that all servicing requirements of the site can be fully contained within the development site.

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- (q) All internal circulation ramps must either be two way, or provide a signal controlled system and suitably marked holding areas.
- (r) Swept paths should be submitted with the application for the approval of the basement car park. These swept paths should show that two way travel is possible within the car park.
- (s) The layout provided for Basement Level 03 shows a two way blind aisle with no dedicated turning area. The applicant must address this issue in their application for the approval of this parking level.
- (t) The layout provided for Basement Level 03 shows the adjacent one way circulation path entry point at the top of the ramp. In the detailed application of this the applicant will need to address the swept path here.
- (u) The applicant will need to provide details of how the substation will be installed during the construction phase, and how it will be maintained and serviced for the life of the development.

If you would like to speak to an officer, please contact Bridget McNamara, Specialist Planner on 9246 7616 or bmcnamara@cityofsydney.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Andrew Rees", written over a circular scribble.

ANDREW REES
Area Planning Manager

23 October 2008