

8 February 2023

Our Ref: R/2022/15/A
File No: 2023/021407
Your Ref: SSD-33258337

Thomas Piovesan
Department of Planning and Environment
via Major Projects Planning Portal

Dear Thomas,

Response to Submissions – Toga Central – SSD-33258337

Thank you for your correspondence dated 10 January 2023 inviting the City of Sydney (the City) to comment on the Response to Submissions (RtS) submitted for the Toga Central development at 2-8A Lee Street, Haymarket.

In our advice on the Environmental Impact Statement (EIS) dated 30 September 2022, the City advised that we do not object to the eventual redevelopment of this site, however, we raised a number of significant concerns with the development as proposed. This included the lack of coordination of the development with adjoining development sites, the design of the public domain including accessibility; significant adverse impacts to the State heritage listed former Parcels Post Building, the amount of parking proposed and the lack of canopy cover provided. The City advised that these issues must be resolved prior to determination.

The RtS submitted for the development **does not** satisfactorily resolve the issues raised in our letter dated 30 September 2022 and the key issues raised remain outstanding.

Consistent with the objections raised in our previous submission and given the lack of design response to address our concerns, the City concludes that this State heritage listed site, as it is currently proposed, should not be the basis for a tower, and overall, the proposal results in unacceptable adverse impacts to the heritage item and the locality.

1. Coordination with adjoining development sites

A key issue raised in our previous submission dated 30 September 2022 was the coordination of the Toga Central development with adjoining development sites, particularly the interface with the Central Place Sydney development to the south and integration of the public domain.

The RtS advises that the applicant has further developed the architectural plans and landscape plans to ensure there is integration and coordination across the sites and has undertaken consultation with Dexus-Frasers, which is positive.

However, as discussed in this letter, there are outstanding issues relating to public domain materials, details shown on plans and accessibility that are yet to be resolved.

The City maintains our advice that DPE must ensure that the Toga Central development is fully coordinated and consistent with the plans for Central Place Sydney by Dexu Frasers.

2. Design of the public domain

2.1 Accessibility

Given the importance that has been given in the proposal to the east-west connection between Lee Street and the over station development as a key people movement corridor (see Figure 1), the City recommended that allowance for a ramp on the Lee Street frontage be provided within the Toga site.



Figure 1: Access and movement plan showing the primary east-west movements relying on the proposed stairs down to Lee Street

The plans have been amended to include a publicly accessible lift next to the Lee Street stairs, however a ramp within the Toga development on plans reviewed by the City has not been provided. The RtS states that ramp access is provided within the Central Place Sydney development.

The amended architectural plans do not show where this ramp is located. If the ramp described in the RtS is located on the southern side of the Connector building at Central Place Sydney, this is not considered to provide equitable, dignified access within the identified east-west pedestrian movement corridor, which is not acceptable.

Alternatively, if this ramp is located on the northern side of the Connector building, this is not identified in any of the plans reviewed by the City.

The reliance of a lift in this key east-west movement corridor at the Lee Street stairs is not supported by the City. A ramp must be provided on the northern side of the Connector building (in consultation with Central Place Sydney if required) and this must be resolved prior to determination. Therefore, all of our comments in Part 2.1 of our previous advice remain relevant.

2.2 Coordination of Henry Deane Plaza

The City previously raised concern about the lack of coordination and consistency between the Landscape Plans submitted for Toga Central and those submitted for the Central Place Sydney DA, particularly with regard to Henry Deane Plaza.

The RtS package includes amended Landscape Plans which the applicant states demonstrate alignment in both the levels and concept design for Henry Deane Plaza.

The City has identified issues with the submitted Landscape Plans, which are outlined in Section 4.2 below. Overall, the Landscape Plans do not contain sufficient detail to demonstrate adequate coordination of Henry Deane Plaza and importantly do not show the proposed levels.

The Landscape Report contains diagrams for each element/ issue related to landscaping. For example, p37 of the report discusses levels, p38 discusses soil zones, p40 discusses lighting, etc. All of this information should be provided in a coordinated and completed set of Landscape Plans, rather than in a separate Landscape Report.

The RtS states that the Dexus-Frasers Consortium and TOGA will continue to coordinate through further design development to achieve a consistent and coordinated outcome for Henry Deane Plaza which is supported. It is essential that this is fully resolved prior to determination. Alternatively, as the City previously recommended, the public domain elements should form part of a separate development application to be assessed by the City should these issues not be resolved prior to determination.

2.3 Urban Design issues

The City previously raised concern regarding the geometry of primary forms, geometry of the Lee Street stairs, wayfinding in Devonshire Tunnel and materiality. Specific design recommendations were also provided.

In summary, the issues raised in point 2.3 of our previous letter remain relevant and have not been adequately resolved.

The following specific issues remain outstanding:

- The City recommended that the extent of the BoH at RL 16 from the Lee Street entry should be reduced to elongate the stairs further east and to allow inclusion of a ramp. In response, the extent of the BoH has been reduced by a very small amount to allow the proposal to comply with DDA requirements. However, no ramp has been provided. The change has not positively impacted the layout or generosity of the stairs and the design remains unsupported from an urban design perspective.

- No changes have been made to the hard vertical edges. The impact of the vertical walls could be lessened through introducing stepped planters so that vertical walls are no more than 1m in height.
- The City reiterates that the visual aperture from Lee Street up to the plaza should be increased through the removal of vertical walls. This has not been addressed.
- Regarding sight lines to the future OSD walkway, the only change impacting sight lines is the change from a solid lift core to a transparent lift core. The City's previous recommendations would need to be incorporated cumulatively to have a positive impact, which has not occurred.
- No changes have been made to the materiality. The City recommends that the materiality be more related to the public domain than the adjacent buildings. This will allow the public domain to have a consistent and unified character.
- The City recommended that the materiality of the public domain be clarified. The RtS advises that the materiality has been reduced to four selections which will be refined through detailed design. The lack of resolution at this stage does not allow any certainty of outcome. It is recommended that a condition of consent be imposed that requires final material selections and design detail to be approved by the City prior to the issue of a Construction Certificate.

In addition, it is important that the two oculus that provide light to the below ground concourse area (one on Toga land and one on Central Place land) be aligned geometrically with the primary structural arrangement to appear coordinated between the two applications.

2.4 Public Domain plan details

The points raised in Part 2.4 of the City's previous letter have not been adequately addressed in the RtS. The following points are yet to be resolved:

- The proposal has not been updated to show the extent of new paving treatments and transitions between public and private land or transitions to different paving treatment. The revised plans arguably show less information on these elements than before.
- The number of bike racks has been increased significantly. Their placement has not been adequately considered and the overall number creates significant clutter in the public domain.
- Two existing street trees have been retained, however existing trees inside the boundary are still proposed for removal and still no new street trees are provided. This results in an overall reduction in tree canopy. Trees that can be retained should be protected through construction.
- Information about the pedestrianised treatment on the northern side of Toga Central has not been provided.

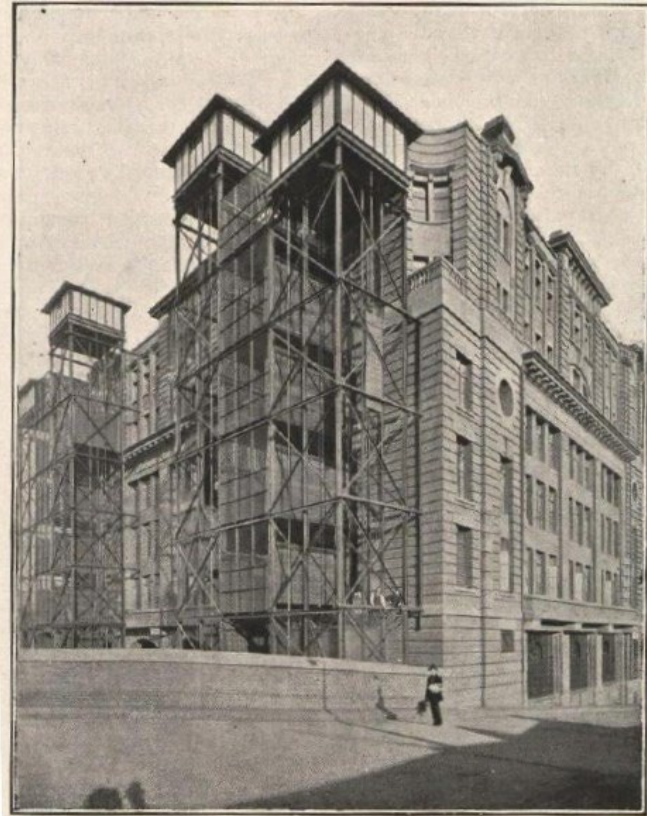
Overall, efforts in relation to the public domain details have aimed at resolving the alignment of stairs and access to the lift. The streetscape still requires attention to fully integrate it into the proposal and show clearly that the Street Design Code principles have been followed.

3. Heritage

3.1 Demolition of external facades

The extent of demolition to the eastern façade is significant and remains highly impacting on the heritage item and is not supported by the City. The works to the south-eastern corner of the building, which is of exceptional heritage significance is an extreme and devastating loss and is not supported and should be avoided.

Figure 76 of the Heritage Impact Statement prepared by Urbis provides a historic photo of the former Parcels Post Building with the following caption:



“Architectural Disfigurement, the New Parcels Post Office, at Sydney Railway Station. The above is a glaring example of the inconsistency of Government methods. A public building, having a fine stone façade, costing thousands of pounds, is turned into an eyesore by the addition of shoddy external lift construction” (Source: Building, Vol 17 No 98, 12 October 1915, p59).

Figure 2: Copy of Figure 76 from the Heritage Impact Statement

The proposed development results in a similar ‘disfigurement’ of the external facades of the building, as the reconstruction of brick and sandstone is again proposed to be demolished to allow for new lifts. The proposed tower intrudes into the existing volume and requires 60% of its demolition. As a result, the physical and visual impact to the heritage item is extreme and negative (See Figures 3 and 4 below).



Figure 3: Eastern elevation showing extent of demolition proposed.



Figure 4: Eastern elevation showing the impact of the eastern tower pod.

Overall, the City maintains our previous position in that we do not support the extent of demolition to the eastern façade and recommend amending the design to allow for the retention of the south-eastern corner of the building and to be more sympathetic to the existing building, which is of exceptional heritage significance.

3.2 Internal demolition

The large eastern void has been slightly reduced in size. This remains unsupported by the City.

If the primary scope is to introduce daylighting to the building, this is required because the eastern pod has been designed to cover the eastern façade. Without the eastern pod, adequate daylighting would be provided through the existing fenestration and the void would not be necessary.

The requested Heritage Asset Construction Methodology, to establish mitigation measures to limit any risks to the internal columns and finishes and to avoid adverse impacts, has not been provided. The applicant's request to include this report as a condition of consent is not acceptable and diverts the purpose of this document. Any

possibility to reduce the impact should be considered during the assessment stage to allow for redesign if necessary.

3.3 *Demolition and disruption to interior configurations*

The three lifts located on the south-eastern corner still impact the existing exceptionally significant fabric of the building. Their relocation to the southern pod would reduce the impact.

The existing floor structure should be exposed and restored. Photos of tests where the ceiling has been removed were requested by the City at our site visit dated 19 January 2023 but these have not been provided.

3.4 *External conservation works*

The Schedule of Conservation Works should be expanded to ensure the inclusion of all defective exterior fabric including sandstone, brickwork, steel framed windows, timber and bronze work and recommend the methodology for restoration/repairs. The final material selection, sandstone and bricks type and quality, products to be used, and a windows schedule showing replaced steel and glass parts, is to be produced. The current schedule is not detailed and does not deliver proper recommendations.

The Schedule of Conservation Works has not been expanded to include the reversal of unsympathetic alterations to the facades. Reconstructive works advised by the CMP including the interpretive reinstatement of traditional bronze swing doors, side lights and transom to western entry based on the original drawings and reconstructive works to northern and southern shopfronts should be included.

The schedule should be accompanied by detailed architectural drawings to clearly identify the scope and location of work, and that to ensure that details such as sandstone and brickwork detailing, and bronze and steel window framing, where reconstructed, are accurately replicated. The drawings provided do not have the level of detail that is required to support the level of conservation works that are required.

A programme of costed heritage asset cyclic maintenance works is still required and should be requested as condition of consent to the issue of a Construction Certificate.

3.5 *Internal conservation works*

The City provided several recommendations regarding the Internal Schedule of Conservation Works.

Appendix M – Revised Schedule of Conservation Works has been reviewed. This document contains minimal detail and is not considered adequate. Proper investigation of every significant element is to be considered and assessed, including (but not limited to) the floor structure behind the existing ceilings, decorated columns and basement pavement lights. The methodology of repair and restoration is also required.

3.6 *Connection between fPPB and the proposed additions*

The significant original fabric of the shopfronts of the south facade such as stallboard lights, top lights and steel framing should be retained and conserved. Where the shopfronts are no longer required, the stallboard lights should be reinstated to the original detail as per CMP Policy 38. The easternmost bay of the southern facade should be retained as (or appear as) an entrance in accordance with the original design intent as per CMP Policy 39. This is still required to be detailed.

3.7 Heritage interpretation

The interpretation strategy is not sufficiently detailed and does not propose anything on the existing building. It should list physical elements/panels with sizes, materials and specific locations, especially on the building itself.

4. Landscape

Overall, while there have been some plans added to the Landscape Design Response (Appendix P) and amended Landscape Plans have been submitted, many of the landscape issues previously raised remain unresolved and/ or are not well demonstrated.

4.1 Greening of the site

The City's advice on the EIS requested that a canopy cover plan be provided and advised that the use of palms and Hills Weeping Figs are not appropriate in this location. Instead, the City advised that the proposal should introduce broad canopy tree plantings and that integrated greening and green roofs should be provided to the tower.

A canopy coverage diagram has been submitted with the Landscape Design Response (p51), which shows that the canopy coverage is reduced from 16.9% (existing) to only 6.4% (proposed). This is a significant loss in tree canopy to the site.

The applicant claims that due to height constraints of the basement below and soil volume loads, it is not possible to support large trees on structure. If support for the planting of large trees is not possible due to limited soil volume loads above the proposed basement, then trees 18 and 20 should be retained for the increase and retention of canopy cover (see further details in Section 5 below).

Henry Deane Plaza is located south of the tower, which overshadows the plaza for the majority of the day in mid-summer, up to 58% at noon. The amended design has added Cabbage Tree Palms in locations where the tower does not overshadow the plaza. The outcome includes 1 new tree and approximately 13 new palms in the plaza within the Toga site (though this varies from the plant schedule in the drawing package). Refer to further details in Section 5 below.

The City's recommendations regarding integrated greening and green roofs have not been adopted by the applicant. The RtS states that vertical planting to the tower is not proposed and the Level 7 terrace will be subject to a future DA. This is noted, however the City generally advises the landscape details be resolved with the main SSDA for towers to ensure the landscaping is accommodated for early and will be feasible.

4.2 Landscape drawings

The City previously advised that the Landscape Drawings do not include sufficient detail and appear to be conceptual only. The following comments are made regarding the amended Landscape Plans:

- The amended Landscape Plans remain incomplete, with no levels to demonstrate the resolution of the 2.79m level difference between the street and Henry Deane Plaza. Much of the detail found on the coloured report plans have not been incorporated into the Landscape Plans package. A coordinated, complete design in the Landscape Plans is necessary to demonstrate resolution of the spaces surrounding Toga Central.

- The amended Landscape Plans include the general arrangement of materials and elements, limited levels, planting plans, plant schedule and outline specification. There are no details to demonstrate tree pit design over structure and in steps within the plan package. None of the trees listed in the plant schedule are shown in plan. New palms and grass trees are only 75L pot size with no min trunk height at installation. The tree and palm coverage in Henry Deane Plaza is not well resolved nor demonstrated.
- Steps details within the Landscape Response Report relate to step details with under stair ventilation, not how planting within stairs will be resolved. Typical planter wall details, seat and street tree details should be located in the Landscape Plan package if they are site specific to this project.
- The RtS does not include a full review of the upper ground level grading to ensure equitable access is provided for all users to pavements and plaza that comply with AS1428 and the City's Inclusive and Accessible Public Domain Policy and Guidelines.
- Resolution of the levels in the publicly accessible plaza and provision of an equitable and dignified access from the street to the precinct and towers has not been demonstrated in the landscape design. The design within the site relies on a public accessible lift connecting the upper and lower plaza levels and the Lee St level.

5. Tree management

5.1 Tree removal

The City previously advised that the removal of Trees 18-22 are not supported. The proposal has been amended to retain Trees 21 and 22 on Lee Street but still proposes the removal of Trees 18-20.

The amended Landscape Plan proposes to plant four Cabbage Palms and one Sydney Red Gum in the vicinity of three existing London Plane Trees.

The three existing London Plane Trees (Trees 18-20) provide significant shade and amenity to the site and form a row of single species with the trees along the Lee Street frontage.

The removal of the tree London Plane Trees (Trees 18-20) and replacement with Cabbage Palms and a Sydney Red Gum would significantly reduce the canopy cover area and remove the aesthetic value of this row of existing trees along Lee Street in front of the site.

Given these trees are located on the boundary of the site and in front of the proposed public domain, forming a row of mature canopy trees, the removal of Trees 18-20 remain unsupported by the City. A modification to the basement design could allow retention of these trees.

With regard to impacts to Trees 21 and 22, the amended AIA report indicates that impacts to these trees consist of proposed access lift zones during the construction phase. The report indicates that there will be <10% canopy encroachment and therefore <10% canopy removal is required for access.

A Tree Protection Plan (drawing) showing the Tree Protection Zones for trees 21 and 22 will be required from the appointed arborist.

In addition, details of any required pruning in the form of a Pruning Specification Plan (including marked up photos) will be required. It is noted that the City will only support minimal pruning requirements in regard to any construction clearances.

5.2 Replacement tree planting

The amended Landscape Plan has removed reference to the Hills Weeping Figs to be planted, as per the City's recommendation. However, the City maintains that additional tree planting should be required.

6. Transport and access

6.1 Parking

No changes have been made to the number of car parking spaces proposed despite the City's comments requesting a lower commercial car parking provision.

All of the City's comments in Section 6.1 of our previous letter remain relevant. We maintain our position that the proposed provision of parking is strongly opposed as it is excessive in this location, being directly adjacent to Central Station.

6.2 Vehicle access

The City previously raised concern about design alignment with neighbouring sites. The RtS includes a letter of support from Atlassian and Dexus, stating their awareness and support of Toga's plans, which resolves this issue.

6.3 Mode share targets

The mode share targets have been revised to reflect a greater use of public transport and bicycles, which is supported.

6.4 Loading and servicing

The application has been revised to incorporate an additional loading bay to provide a total of six loading bays. This is still well below both the DCP rates, and the rates recommended by the TfNSW Urban Freight Tool. Therefore, the City's comments in Part 6.4 of our previous letter regarding the servicing provision remain relevant.

6.5 Pedestrian comfort

The City notes that the requested details regarding pedestrian numbers have been provided.

6.6 Bicycle parking

The application has been amended to provide the requested 223 employee bicycle parking spaces, which is supported.

The shared bike/ vehicle access is supported as an interim measure, noting that an end state where the northern access point is bikes only and Ambulance Avenue is pedestrianised is strongly preferred.

It is noted that there is not level access between the EoT and the lift lobby on B1 as this connection includes stairs. The proponent should confirm that the lift outlined in an orange circle below allows to DDA compliant access to EoT facilities.

7. Waste management

Seven day a week waste collection for organics is specifically referenced in the waste guidelines and is supported for food related retail and tenancies given increased potential for smell and vermin. However, the City's preference would be that at least 2 days waste storage for all waste and recycling is allocated. This allows for space for the management of waste even where delays or missed collections occur. Where possible, reduced frequency of collection for nonorganic streams could also reduce pressure on loading area and support a reduction in truck movements and related congestion.

7.2 Loading

8. Public art

The revised Preliminary Public Art Plan addresses much of the advice received from the City's Public Art Advisory Panel regarding coordination with adjacent landowners. It is noted that a list of the artists shortlisted for the other sites has been provided.

It is recommended that a Detailed Public Art Plan with final details of public artworks be submitted to City's Public Art team prior to the issue of any Construction Certificate for above ground works. The installation of completed public artwork and a Final Public Art Report is to be submitted to the City prior to the issue of any Occupation Certificate. The City can provide a condition of consent to reflect the above when required by DPE.

9. Contamination

A Letter of Interim Advice has been submitted for the proposed development. The auditor has advised that post demolition data gap investigations are required for the Remedial Action Plan to define the extent of remediation required. The auditor has requested that following the demolition and data gap investigations a final revision of the RAP must be provided to the Auditor for review and approval. The auditor concludes that the DESI and RAP are appropriate and practicable for the site.

Therefore, the proposal is satisfactory to the City having regard to contamination, subject to conditions which can be provided when required by DPE.

Should you wish to speak to a Council officer about this advice, please contact Samantha Kruize, Senior Planner on 9265 9333 or at skruize@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized flourish at the end.

Graham Jahn AM LFRAIA Hon FPIA
Director
City Planning | Development | Transport