

21 June 2021

Mr Anthony Witherdin
Director – Key Sites Assessment
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta 2150

Attention: Russell Hand

Dear Russell,

WATERLOO METRO QUARTER - NORTHERN PRECINCT SSD DA (SSD-10440) | RESPONSE TO REQUEST FOR FURTHER INFORMATION

This letter has been prepared to respond to the request for further information (RFI) issued by the Department of Planning, Industry and Environment (DPIE) on 15 April 2021 regarding the Waterloo Metro Quarter (WMQ) Northern Precinct State Significant Development (SSD) Development Application (DA) (SSD-10440). The RFI was issued by DPIE following their review of the Response to Submissions (RtS) report submitted by the applicant on 9 April 2021.

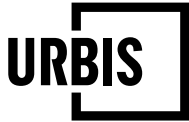
The subject RFI requested resolution around satisfaction of Condition A12 of the Concept Approval (SSD 9393) and advised that DPIE was awaiting further comments from the City of Sydney (the Council) and other agencies.

Email correspondence was also received from DPIE on 11 May 2021 requesting the applicant respond to additional comments provided by the Council and the Environment, Energy and Science Group (EES) within DPIE. Recommended draft conditions were also provided by Transport for NSW (TfNSW) for consideration by DPIE should development consent be granted.

This letter comprises the applicant's response to the matters raised by DPIE in their RFI letter and the comments provided in the submissions received from Council, EES and TfNSW. It is considered that these matters have been appropriately responded to and DPIE should now be in a position to finalise their assessment of the SSD-10440.

This letter is accompanied by the following technical support documentation:

- Façade Design Memo prepared by Apex (**Attachment A**),
- Bicycle Parking Comparison Summary prepared by Urbis (**Attachment B**),
- Landscape Design Memo and revised Section D Plan prepared by Aspect (**Attachment C**),
- Flooding Response memo prepared by WSP (**Attachment D**), and
- Waste Memo prepared by Elephants Foot (**Attachment E**).



1. DPIE – SATISFACTION OF CONDITION A12

DPIE requested the following further information regarding Condition A12 of the concept approval (SSD 9393):

Resolution around satisfaction of Condition A12 of the Concept Approval (SSD 9393) concerning obligations for public benefits prior to the determination of the first Detailed SSD.

We note a Modification Application to Concept Approval SSD 9393 is pending lodgement (SSD-9393-MOD-2). We understand the Modification will seek to stage the current requirements of Condition A12.

Most of the public benefits required under Condition A12 are provided as part of the Central and Southern Precinct SSD DA works.

A legally binding agreement has been provided to DPIE to demonstrate that the public benefits required to be provided across the WMQ site are secured. Notably, this includes:

- A minimum 2,200sqm of publicly accessible open space across the Waterloo Metro Quarter (**WMQ**) site, including its final area, design and ongoing management. Most of this open space is provided within the Cope Street Plaza which is delivered under the Southern Precinct SSD-10437. The remainder of this publicly accessible open space is proposed to be delivered within Raglan Plaza which forms part the Northern Precinct (SSD-10440) and under the CSSI approval.

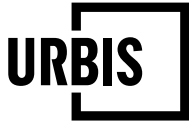
It is noted that a legally binding agreement has also been provided to DPIE to satisfy the other requirements of Condition A12 being 70 social housing dwellings to be dedicated or transferred as agreed by NSW Land and Housing Corporation, a minimum of 5% of the approved residential GFA dedicated or transferred to a Registered Community Housing Provider as affordable housing, and community facilities with a minimum area of 2,000sqm.

2. TRANSPORT FOR NEW SOUTH WALES COMMENTS

Transport for New South Wales (**TfNSW**) provided comments on the Northern Precinct on 21 April 2021. TfNSW comments included recommendations for conditions of consent to be included on any consent issued. In summary, the recommendations for conditions related to:

- Undertaking annual staff travel surveys for the WMQ and providing bicycle parking and end of trip facilities for residents, staff and bicycle couriers based on the results during the operation of the development to maintain appropriate active transport provisions,
- Implementing any required safety measures in the design in consultation with TfNSW based on the results of the "Stage 2 (concept plan)" road safety audit currently being undertaken,
- Updating the Green Travel Plan (**GTP**) in consultation with TfNSW and updating it annually,
- Preparing a Transport Access Guide (**TAG**) in consultation with TfNSW and obtaining approval prior to the issue of an Occupation Certificate,
- Preparing a Construction Pedestrian and Traffic Management Plan (**CPTMP**) in consultation with TfNSW prior to the issue of any Construction Certificate or site preparation works, and
- Updating the Freight and Servicing Management Plan (**FSMP**) in consultation with TfNSW prior to the issue of any Construction Certificate and obtaining endorsement from TfNSW.

It is noted that any civil works on Botany Road will require concurrence from TfNSW in accordance with Section 138 of the *Roads Act 1993*. The applicant does not raise any objection to the imposition of the recommended conditions outlined in the submission issued by TfNSW on SSD-10440.



3. ENVIRONMENT, ENERGY AND SCIENCE GROUP (EES) COMMENTS

The EES Group within DPIE provided comments on 22 April 2021 following their review of the RtS package previously submitted.

The comments received from the EES Group relate to flood emergency response management, specifically requesting the applicant consider a range of storm durations and the timing of flooding in relation to evacuation to inform appropriate flood emergency response management.

As noted by the EES Group a flood emergency management plan and a flood emergency strategy are not required at this stage, however WSP have provided a response to the EES Group comments including a preliminary flood emergency strategy (refer **Attachment D**). As outlined by WSP flood protection has been achieved within the Northern Precinct by adopting ground level finished floor levels above the relevant flood planning levels and providing shelter areas above the probable maximum flood (**PMF**) levels.

As outlined within **Attachment D**, an evacuation strategy for occupants of the ground floor of the Northern Precinct includes designating shelter areas within higher levels of the development where occupants can remain safe by sheltering in place until the end of the flood emergency. The capacity of each sheltering area has been considered based on the number of persons anticipated within commercial lobbies, basement, and each ground level retail tenancy, with an average split between front of house and back of house areas within the tenancy, and the expected occupancy of both retail staff and patrons.

The additional response from WSP also considers other potential storm events, including shorter storm events, in accordance with the request from EES notwithstanding this is not required under the planning controls for this stage of the development. Table 2 of this letter at **Attachment D** documents the time it would take retail levels below the PMF to be affected by flood waters, and then the amount of time a person would be expected to shelter in place at the designated higher FFL. As demonstrated in the table, times at the shelter FFL are not significant, with a worst-case scenario of people sheltering for a maximum 1 hour and 12minutes. It is noteworthy that this sheltering is to avoid flood levels that are less than 0.5m deep, in a PMF event.

4. CITY OF SYDNEY COUNCIL COMMENTS

The Council provided comments on the RtS package for the Northern Precinct on 8 May 2021. The Council comments and the key items raised are addressed in the following sub-sections.

4.1. PLANNING PROCESS

It is noted that the Council has expressed concern regarding the separation of planning processes for the Botany Road Corridor, the WMQ, and the Waterloo Estate. The Council are currently undertaking a strategic planning review of the Botany Road Corridor; however, this review is yet to be publicly released or exhibited for comment. It is understood that the Council are looking to incentivise commercial land uses within the corridor, and it is therefore noted that the proposed Amending Concept DA (SSD-10441) specifically responds to this objective as outlined in the Environmental Impact Statement submitted with that development application.

The development of the Waterloo Estate is likely to progress over the next 15-20 years, and the Planning Proposal Authority for the first stage of the rezoning (Waterloo Estate South) is now DPIE. The Waterloo Estate South rezoning is yet to be placed on public exhibition and is currently not a relevant matter for planning consideration. Notwithstanding, the masterplan layout and detailed design of the proposed development at the WMQ has been in part informed by indicative locations of new public open space and new built form envisaged within this precinct directly to the east of the WMQ site.

On 12 September 2019, *State Environmental Planning Policy Amending (Waterloo Metro Quarter) 2019* was made. This SEPP introduced new planning controls for the WMQ site to enable the redevelopment of the site to align with the construction and completion of the metro station. It is not reasonable or necessary for planning processes for the WMQ site to be delayed until the rezoning of adjacent precincts such as the Botany Road Corridor or Waterloo Estate.

Further it is noted that the Waterloo Metro Quarter Design and Amenity Guidelines were finalised following the determination of the Concept DA (SSD-9393). As an Amending Concept DA has been submitted, it is therefore appropriate to update the Design and Amenity Guidelines to be consistent with a revised Concept Plan. The detailed development applications, such as the Northern Precinct SSD DA, are to then be subsequently assessed and considered against the final Design and Amenity Guidelines in accordance with clause 6.45(2)(d) of SLEP 2012.

4.2. WIND

Council have highlighted that the Wind Impact Assessment prepared by RWDI (version 5, dated 15 February 2021) requires extensive tree canopy coverage to meet the wind comfort and safety criteria in order to provide suitable pedestrian amenity. As such, Council have noted sufficient soil volumes and depths are to be provided for each street-tree type.

Aspect Studios (**Aspect**), the landscape architects for both the WMQ SSD DAs and CSSI Approval, have prepared a memo in response to the comments provided by Council with regards to wind and landscape matters (**Attachment C**).

It is noted that the Wind Impact Assessment recommendations have informed the position of tree planting at key locations in order to ensure a safe and comfortable wind environment is provided for pedestrians navigating the site. All proposed tree planting in these locations will be provided at grade within deep soil areas that allow the trees access to sufficient soil volumes. Aspect have advised that the tree positions and "rootballs" have been coordinated with below ground services to ensure that all trees reach full maturity, height and canopy width.

The applicant accepts references in the conditions of consent to Council's 'Landscape Code Volume 2'. As such, the recommendations outlined within the Wind Impact Assessment (version 5, dated 15

February 2021) have guided the tree planting locations and detailed design within the proposed landscaping and public domain design for the WMQ site.

4.3. AWNINGS

A recommendation was put forward by Council for the inclusion of a condition requiring awnings located over the footpath and adjacent at grade spaces to comply with Section 3.2.3 of the *Sydney Development Control Plan 2012 (SDCP)* to provide weather protection and amenity for pedestrians.

As indicated in the RtS submitted on 9 April 2021, awnings are provided along all street frontages for wind and weather protection to allow for great visual interest at the streetscape level and improved pedestrian amenity. The awnings also provide intuitive wayfinding for pedestrians around and throughout the WMQ precinct.

The Northern Precinct includes the following awnings:

- 3 metre wide continuous awnings are proposed along the Raglan Street and Botany Road frontages (excluding the loading bay entrance),
- 3.5 metre wide continuous awning is provided along Grit Lane, and
- The built form of Building 1 overhangs the lobby entrance at ground level to create an awning.

All these awnings generally sit between 3.2 to 4.2 metres above the finished ground level except the awning along Grit Lane. The Grit Lane awning sits between 4.7 metres and 5.4 metres above the ground level as a result of the level change along the laneway from east to west. Overall, the design of all awnings for Building 1, aside from the Grit Lane awning, is generally consistent with the SDCP design parameters.

The DRP previously provided recommendations for the applicant to consider reducing the Grit Lane awning to 3 metres wide to provide visibility to the sky between the North and Central Precincts and integrating partial glazing to the awning.

The DRP resolved to support the changes to the Grit Lane awning following the presentation which occurred on 10 May 2020, stating:

“The Panel supports the addition of glazing to the Grit Lane awnings.”

Given the proposed awnings to Building 1 are generally consistent with the SDCP parameters and the proposal has been endorsed by the DRP, no further design amendments are proposed to the awnings and a condition to the effect of requiring compliance with Section 3.2.3 of the SDCP is considered unnecessary.

4.4. EXTERNAL SUN SHADING

Council have raised concerns with the DRP’s comments regarding glazing and thermal comfort levels and have requested that a condition be included requiring externally mounted operable sun shading devices to mitigate sun affected facades.

It is noted that the DRP resolved to accept the solution presented by the applicant’s design team including reduced façade projections and utilising specific glazing specifications which exceed minimum Section J requirements. As such, the matter was closed-out and endorsed by the DRP following presentation #14 which took place on 19 March 2021 (refer to the Design Integrity Report at Appendix E of the RtS for SSD-10440).

Notwithstanding, Apex have prepared a technical memo for the façade design and glazing specifications in response to Council’s latest comments (refer **Attachment A**). Apex notes that the tower façade of Building 1 has been specifically designed to target a greater area of solid to align with

recent changes to Section J of the National Construction Code (**NCC**), which in part, seek to reduce the reliance on dark or excessively reflective glass.

The performance of the vision glass for Building 1 is consistent with the transparency and solar control adopted for developments including the Barangaroo Towers 1, 2 and 3 and Quay Quarter Tower at 50 Bridge Street. The performance parameters aim to maximise transparency or visible light transmission (**VLT**) whilst providing the solar control (**SHGC**) required for performance of the building. As such, the following specifications are targeted for the glass product:

- VLT 50%;
- SHGC = 0.23;
- External reflectivity < 20%

Apex have indicated that the use of operable sun-shading devices has not been adopted as they are not considered suitable given they typically require extensive maintenance and replacement of components to maintain functionality. Maintenance of these devices can result in disruptions which adversely impact on the amenity of tenants occupying the building and the replacement of components can create local losses in performance during maintenance regimes.

Given the extent of solid materials on the façade, Apex are also of the view that the performance gains from implementing operable façade elements to Building 1 are not significant enough to justify the increased embodied carbon and subsequent environmental costs from utilising these systems.

The applicant has previously demonstrated to the DRP that the Building 1 design and glazing specifications are suitable to achieve appropriate thermal comfort for future tenants and subsequently have obtained endorsement for the design. Any changes to the design to include operable façade elements would undermine the DRP process and would not necessarily result in an improved outcome for future tenants. As such, the applicant does not accept the inclusion of a condition to this affect.

4.5. BUILDING PARAPETS

Council have requested that building parapets are raised above the finished roof level to conceal plant equipment, whilst maintaining appropriate solar access.

An increase to the parapet height of Building 1 has been considered by the design team, however, is not supported as it would increase overshadowing to the northern façade of Building 2 in mid-winter. The Design of Building 1 seeks to minimise any unnecessary overshadowing to Building 2 and given that the plant rooms will not be visible from the public domain this suggestion has not been adopted.

4.6. TRANSPORT

4.6.1. Traffic Modelling

Council has raised concerns with the “siloes approach taken to redevelopment of the site” given its proximity to surrounding significant redevelopments in the area such as considering the social housing redevelopment (Waterloo Estate) to the east of the WMQ site in the traffic modelling.

It is noted that Ptc (the project traffic engineers) have previously provided a technical response at the RtS stage in regard to Council’s queries around the traffic modelling (refer to Appendix M of the RtS for SSD-10440).

While the traffic modelling does not include the defined traffic generation from adjacent developments (including the Waterloo Estate), as this information is not available, it does include background traffic growth up to the design year to ensure the surrounding road network has been tested with new expected developments.

Ptc previously highlighted that it is general industry practice to apply an overall background traffic growth in addition to the existing surveyed traffic data to account for the increase in traffic activity associated with developments within the Greater Sydney area.

As outlined in **Section 4.1**, Waterloo Estate is likely to progress over the next 15-20 years with DPIE being the Planning Proposal Authority. Further, the Waterloo Estate South rezoning is yet to be placed on exhibition and is not a current planning consideration. Again, we reiterate that it is not reasonable or necessary for planning processes for the WMQ site to be delayed until the rezoning of adjacent precincts such as the Botany Road Corridor or Waterloo Estate.

4.6.2. Bicycle Parking

Council have indicated that they do not support the changes proposed to the Waterloo Metro Design and Amenity Guidelines to provide the number of commercial office visitor bicycle parking in line with Green Star requirements, which varies from the rates prescribed in the Sydney Development Control Plan 2012 (**SDCP 2012**).

Council have also stated that Building 1 occupants should not have to park at the metro station and have requested bicycle parking and end of trip facilities are maximised where possible to encourage more active transport alternatives for staff and visitors.

For clarity, a comparison of bicycle parking requirements and the proposed bicycle parking across the Northern, Central and Southern precincts of the WMQ is provided below. Overall, a total of 74 visitor bicycle spaces are provided to support the over station development across the WMQ site (refer **Attachment B**).

The bicycle parking proposed within the Southern and Central Precincts for market, social and affordable housing residents and visitors, retail staff and visitors and childcare staff and visitors are all compliant with the SDCP 2012 requirements. As outlined in the RFI Response for the Southern Precinct SSD-10437 (dated 7 June 2021), a total of 87 bicycle spaces are provided to service the 435 rooms within the student housing proposed in Building 3.

Given the SDCP 2012 does not specify bicycle parking rates for student housing, the proposed bicycle parking has been calculated based on the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)* requirements using the rate of 1 space per 5 boarding rooms. Iglu (the future tenant of Building 3) have previously undertaken real-world bicycle parking occupancy surveys at various sites within the City of Sydney LGA and other urban areas which indicate a maximum utilisation of 5%. This is significantly lower than the proposed bicycle parking provisions for student housing which caters for 20% of units based on AHSEPP rates.

The Northern Precinct SSD-10440 provides in excess of the SDCP 2012 applicable rates for commercial occupants, retail staff and retail visitors. It is reiterated that there will be no occupants of Building 1 (or any of the over station development) required to utilise the Sydney Metro bicycle parking. It is noted that a total of 236 bicycle spaces have been provided adjacent to the end of trip facilities at Basement Level 01 to encourage active travel for occupants of Building 01.

The proposal does however seek to vary the requirements of the SDCP 2012 for commercial visitor bicycle parking. Despite the shortfall, the proposal includes a total of 17 commercial visitor bicycle parking spaces which exceeds the relevant Green Star requirements for Building 1.

All the proposed visitor bicycle parking spaces have been appropriately located at-grade in the public domain adjacent to building entrances, whilst allowing for adequate street tree planting and landscaping. It is acknowledged that some of the visitor bicycle parking spaces for the Central Precinct are located within the public domain areas adjacent the Northern and Southern Precincts.

The proposed commercial visitor bicycle parking is appropriate for the following reasons:

- The commercial visitor bicycle parking provisions (17 spaces) are consistent with the Green Star requirements, based on 5% of commercial occupants/staff. In fact, the proposal provides an additional 9 spaces above the Green Star requirements. As such, the proposal encourages sustainable modes of travel and contributes towards achieving sustainable design outcomes for the development. It is also noted that the proposal provides additional retail visitor parking for the Northern Precinct.
- The provision of additional visitor bicycle parking would compromise the current street landscaping and result in the cluttering of the public domain areas adjacent the buildings and station entrances. This would reduce the public space provided and unnecessarily constrain the overall usability of these public domain areas to the detriment of the community.
- Additional visitor bicycle parking is provided within the public domain as part of the CSSI approval. Whilst this is for future metro station users, Building 1 in the Northern Precinct forms part of the wider integrated station development. The overall WMQ provides a mix of uses integrated with the metro station. As such, it is anticipated that a number of people travelling to and from the WMQ site will be using both the station infrastructure and the various land uses available. Therefore, it is expected that both SSD DA and CSSI approved bicycle parking will be utilised by all site visitors.

Overall, the proposed bicycle parking provisions are considered appropriate to support the proposed developments within the Northern Precinct and wider WMQ site. No further bicycle parking provisions are required for commercial visitors and the proposed changes to the Design and Amenity Guidelines are considered appropriate.

4.7. PUBLIC ART

Council have recommended advertising an open 'expression of interest' (**EOI**) as part of the public art process for First Nations' artists and requests conditions be included which require further consultation with Council's Public Art Team.

We reiterate that a detailed Public Art Strategy was prepared and submitted with the EIS for SSD-10440 (Appendix MM) which placed a strong emphasis on recognition and celebration of Aboriginal Culture and the multicultural diversity of the area.

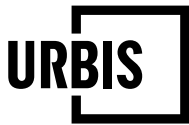
The Public Art Strategy highlights that key recommendations and advice provided by Council in June 2020, such as ensuring the strategy reflects local and national indigenous identity, character and heritage of the area, was taken into consideration in formulating the strategy. The Public Art Strategy has also been prepared in accordance with the design criteria and objectives outlined in Sections 3U and 3V of the Design and Amenity Guidelines to create opportunities to celebrate and express Aboriginal cultural heritage values and narratives.

The proposed artist selection criteria and experience of the curatorial team as noted in the Public Art Strategy is a sound process to ensure the artist's experience, quality of previous work and connection to community will deliver a broad range of artistic expressions within the precinct. It is noted that Council has acknowledged the expertise in the curatorial team and the proposed selection criteria contained within the Public Art Strategy.

4.8. WASTE

Council has provided various comments with regards to the Waste Management Plan (**WMP**) and general waste provisions. Elephants Foot have prepared a technical memo in response to Council's comments which is provide at **Attachment E**.

Given the waste facilities and loading dock servicing Building 1 is shared with Building 2, responses relevant to each building have been addressed. As relevant for Building 1, Council have stated that five collections per week to service the building will result in excessive vehicle movements.



The traffic consultant for the project, Ptc, has confirmed that five collections per week for mixed recycling and daily collections for food waste will not affect vehicle movement in the loading area, particularly as other waste and recycling streams will only be collected 1-2 x per week as documented in the memo by Elephants Foot.

The following is noted with regards to other matters raised by Council pertaining to food waste, further details on ongoing management and the preparation of construction and demolition WMPs:

- Food waste is already separated for the retail and commercial component of the development, which is relevant for Building 1.
- For Building 2, food waste is currently captured within the normal waste stream and therefore the development is capable of accommodating food waste generation. If Council's service is confirmed in the future, three 1100L bin can be converted to 13 x 240L bins for food waste.
- This would require all building occupants to store their food waste in eco-friendly bags and then transport them down via the lift into the waste room where the 240L bins are located. These 240L bins will be caged off from all other bins and equipment.
- Details regarding ongoing management, storage and collection of waste, implementation and maintenance of signage, and security of storage areas have been provided previously in the Operational WMP submitted with the DA:
 - Refer Section 11 – 'Stakeholder Roles & Responsibilities' (page 27)
 - Refer Section 13 – 'Waste and Recycling Storage Areas' (page 29).
- A separate Construction and Demolition WMP will be prepared by the applicant and provided prior to the relevant Construction Certificate. This is consistent with other OSD proposals (such as Pitt Street and Victoria Cross) and the applicant accepts a condition to this effect.

4.9. LANDSCAPE

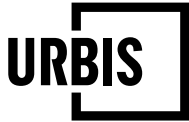
As outlined in the Landscape Memo prepared by Aspect (refer **Attachment C**) and discussed previously in **Section 4.2**, the recommendations contained within the Wind Impact Assessment prepared by RWDI (version 5, dated 15 February 2021) have been incorporated into the landscape design for the WMQ site.

Council indicated that they do not support the proposed soil mounding to the Level 13 communal terrace to achieve the required soil depth and recommended that the wall height be increased to these planters, limiting mounding to 300mm maximum.

Aspect have prepared a revised section drawing for the Level 13 communal terrace which accompanies the landscaping response provided at **Attachment C**. The design of the terrace has been amended and no longer relies soil mounding to achieve the required soil depth. In accordance with the '*Landscape Code Vol 2 – Planting on Structures*', the amended design incorporates a minimum soil depth of 900mm which is provided as part of a large continuous planter to support small trees ranging from 4 to 6 metres in height.

Council also provided the following comment:

Lendlease and UTS are undertaking testing of the relationship between green roofs and PV panels. Preliminary results demonstrate that, in addition to improved biodiversity, stormwater management, reduced albedo and urban heat island effects, green roofs can significantly reduce the temperature of PV equipment thereby increasing their efficiency. This should be pursued by conditions of consent.



The applicant does not accept Council's recommendation for a condition requiring further investigation of this research or the provision of additional green roofs. The applicant and project team have only been made aware of Lendlease and UTS undertaking **preliminary** research / testing on this matter (as referenced by Council in their response comments for the Northern Precinct SSD-10440). The relevance of Council's comments regarding this preliminary research and the lack of substantiative findings is not understood, especially considering the ongoing assessment and design review process that has been undertaken to date since lodgement of the SSD DAs in October 2020.

Given the lack of substantiative evidence for this research and the timing of this request, it is not considered necessary or appropriate in this instance for a condition requiring the applicant to pursue this research or provide additional green roofs as part of the design.

4.10. SIGNAGE

Council has raised concerns regarding the three top of building signs proposed on Building 1. Council is of the view that the signs will result in visual clutter, set an unacceptable precedent in the area and are inconsistent with the first and fourth assessment criteria of Schedule 1 of the *State Environmental Planning Policy No 64— Advertising and Signage (SEPP 64)*.

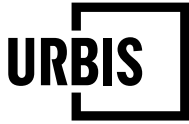
Three top of building 'signage zones' are proposed to support a future major tenant of Building 1. An assessment of the proposed signage against the Schedule 1 Assessment Criteria of SEPP 64 was provided in Section 6.6 of the EIS submitted with the application. This assessment was supported by additional assessment at Pages 46- 48 of the Response to Submissions Report for SSD-10440 dated 9 April 2021.

Without reiterating this previous assessment of the consistency of the proposed signage zones with SEPP 64, we note that in order respond to the Council's comments, that DPIE may elect to condition further guidance on the future design, size, quantum and illumination of the top of building signage to ensure that any impacts associated with the signage can be mitigated as part of a future development application for the installation of the signage.

Consistent with controls contained within the SDCP 2012 for other commercial centres and approved signage at the nearby South Eveleigh Precinct, we note the following restrictions for the detailed design of top of building signage of Building 1 may be appropriate in this instance:

- The applicant is willing to accept limitation to a maximum two top of building signs permitted on Building 1.
- The applicant is willing to accept conditions requiring the future design of the two top of building signs to:
 - Comprise individual letters / logos, pinned off brackets at the mullion located on the façade.
 - Illumination of the top of building signage must be back-lit only.
 - Any illumination of signage is to comply with the recommended values of AS 4282-1997. The maximum night-time luminance of any sign is not to exceed 300 cd/sqm.
 - Top of building illuminated signage is to be turned off between 11pm and 7am if the sign is visible from a residential premise.

In addition to the detailed assessment of the proposed top of building signage provided to DPIE with SSD-10440, the above design restrictions provide additional assurance that the future detailed design of signage on Building 1 will be appropriate for the Botany Road corridor and will satisfy the likely needs of future significant tenants of Building 1.



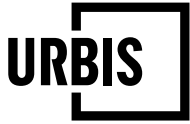
4.11. REMEDIATION

Council have noted that the Remedial Action Plan (**RAP**) prepared by Douglas Partners and Section B Site Audit Statement endorsed by NSW Accredited Site Auditor (Tom Onus) appears to relate to the eastern section of the site only in relation to the CSSI station works. As such, they've requested that further investigations be carried out for all other land within the site, especially with the potential plume of chlorinated hydrocarbons from the former dry cleaners at 87 Botany Road.

It is noted that a Contaminated Sites Strategy was not submitted as part of the Northern SSD-10440 given it sits above the Basement SSD-10438 and the associated excavation works are delivered under the basement works. As outlined in Section 8.2.2 of the Contaminated Sites Strategy Report submitted with the EIS for SSD-10438 (Appendix GG), a RAP specific to the western section of the site will be prepared to manage the potential contamination on site and achieve a Site Audit Statement that will state that the land is suitable for the proposed land use.

As such a Remediation Action Plan (**RAP**) for the western portion of the site is currently being prepared. The RAP, once finalised, will outline the remediation requirements and the need to obtain a Site Audit Statement which confirms the land is suitable for the proposed commercial land use in Building 1, referred to as Health Investigation Level (**HIL**) (D) for commercial use.

We note that given the findings of the RAP prepared by Douglas Partners for the CSSI approval (western portion of site), the site can likely be made suitable for the proposed land use. We anticipate that a condition of consent will be imposed requiring the preparation of a RAP, if necessary, and will outline the requirements to obtain a Site Audit Statement for the site to ensure the land is suitable for the proposed land use.



5. CONCLUSION

We trust the information provided in this letter and the supporting documentation satisfies the matters raised in the RFI letter and assist the DPIE in finalising the assessment of the development application and prepare a recommendation for approval.

Should you wish to discuss any of the above matters further, please do not hesitate to contact Ashleigh Ryan at aryan@urbis.com.au or the undersigned.

Yours sincerely,

A handwritten signature in black ink that reads "Jack Kerstens". The signature is written in a cursive, flowing style.

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