

**ANGEL PLACE
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SYDNEY NSW 2000**

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4 August 2022

Ms Amy Watson
Team Leader – Key Sites Assessment
Department of Planning and Environment
4 Parramatta Square
Parramatta NSW 2150

Dear Amy,

ATLASSIAN OFFICE AND HOTEL DEVELOPMENT SSD-10405 MOD 1 - RESPONSE TO REQUEST FOR ADDITIONAL INFIRMATION

This letter has been prepared by Urbis on behalf of Vertical First Pty Ltd in response to the Request for Additional Information (RFI) received from the Department of Planning and Environment (DPE) dated 28 July 2022.

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

MOD 1 seeks to make the following amendments to SSD-10405:

- minor design amendment to the retaining wall design in the north-eastern corner of the basement levels 1 and 2
- amendment to the definition of construction/building works to remove the last paragraph of the exclusion relating to heritage items, which are approved by the development consent and include specific requirements in Section C of the consent prior to these works occurring
- amendments to the requirements in Section C – Condition C3, C5 and C7, primarily changing the timing of these requirements, and
- amendments to various conditions in Part E.

This letter provides a response to the agency submissions received as part of the notification process of the modification application, and a response to DPE's request for additional information.

This RFI response is supported by amended architectural drawings prepared by ShoP and BVN Architects.

RESPONSE TO AGENCY SUBMISSIONS

MOD 1 was referred to Heritage NSW, Transport for NSW and City of Sydney as part of the referral process.

Heritage NSW and Transport for NSW raised no objection or requested no additional information as part of their review of the application.

City of Sydney raised no objection to the proposed modifications however noted they did not support the proposed changes to Condition C3 and Condition C5. A response to their submission is provided in Section 2 below.

RESPONSE TO RFI

CITY OF SYDNEY RFI RESPONSE

The City of Sydney raised concerns in relation to the proposed changes to Conditions C3 and C5. DPE have requested that this include further justification as to why components (a) and (c) of the Salvage and Reuse of Distinctive Elements Plan (Condition C5) should be deferred until prior to CC5, rather than an earlier construction stage.

We wish to note that with respect to both Condition C3 and C5, Heritage NSW, who we understand prepared the original conditions are supportive of the modifications proposed.

A response to Council's concerns is provided in the table below:

Table 1 Response to comments raised by the City of Sydney

Issue	Response
<p>Condition C3 – Heritage Consultant</p> <p><i>Condition C3, in its entirety, is advisory in nature. It sets out the roles and responsibilities of the nominated heritage consultant throughout all phases of construction to ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts. The condition should remain unchanged.</i></p>	<p>The wording of Condition C3 does not allow the condition to be satisfied prior to any Construction Certificate. The condition states “<i>throughout the documentation and construction stages</i>”, however is located within Part C of the consent which requires satisfaction “<i>Prior to the Demolition and Dismantling of the Heritage Item</i>”.</p> <p>The proposed amendments sought under MOD 1 do not seek to remove the requirement, rather they resolve to enable logical sequencing of the individual elements of the condition so that they can feasibly be satisfied</p> <p>In regard to Condition C3(a), it is reiterated that this serves no purpose as the Conditions specifically cited in this subsection (C4, C7, D32 and D34) are required to be satisfied, and any other condition this subsection might relate to by the wording “including (but not limited)” will also required to be satisfied in their own right.</p>

Issue	Response
	<p>Therefore, the deletion of this subsection will not remove any step in the heritage consultant's monitoring of the documentation or construction phases of the project.</p> <p>The remainder of the proposed changes seek to relocated parts of Condition C3 to later parts of the broader consent to allow appropriate timeframes for requirements to be met.</p> <p>The proposed amendments to Condition C3 do not undermine the intent of the condition and will allow for its satisfaction in a more suitable way.</p>
<p>Condition C5 – Salvage and Reuse of Distinctive Elements (SRDE)</p> <p><i>It is imperative that the SRDE Plan is prepared prior to any works being carried out to the heritage item to identify the materials to be salvaged and reused within the development and other developments within the Western Gateway Precinct.</i></p> <p><i>Stage CC1 involves excavation and retention works. It is assumed that the retention works include any demolition and dismantling works to the heritage item. Accordingly, deferring the requirement to prepare the SRDE Plan to CC5 is not supported.</i></p>	<p>The proposed modifications include a staged approach to the SRDE Plan whereby Part (a) and (c) of Condition C5 are carried out prior to the issue of Construction Certificate 5 to allow for the dismantling of the heritage items to occur in order to understand how much material is able to be salvaged and subsequently reused.</p> <p>In this regard, a comprehensive plan package and confirmation of what salvaged heritage fabric would be incorporated/reused or surplus to the project can only be prepared and identified once the heritage items are dismantled.</p> <p>We seek to confirm that demolition and dismantling works are to occur prior to construction (i.e. prior to CC1) as these activities are not considered construction in accordance with the definition of construction/building work within the Instrument of Consent. The modifications proposed by MOD 1 seek to further resolve this matter by seeking approval to remove the paragraph that excludes these works occurring in relation to heritage items for reasons identified in the original modification report.</p> <p>Further, CC1 relates to excavation and retention works. These retention works do not include the demolition and dismantling of heritage fabric/items.</p>

Issue	Response
	<p>Reconstruction and reuse of heritage fabric will occur in CC5. During the site establishment and enabling works, which includes demolition and deconstruction activities, heritage fabric will be removed from site for storage until the SRDE is finalised and elements reconstructed on site.</p> <p>Ultimately, the salvage requirements of the SRDE Plan will be met in full. The proposed amendments to C5 simply seek to provide a logical sequencing for these requirements to be met when the required information is available.</p> <p>It is also noted that Heritage Council of NSW have already endorsed the SRDEP Plan, with an updated version expected prior to CC5 to close out Condition C5.</p>

DPE RFI RESPONSE

DPE have identified a number of additional minor changes shown on the architectural plans submitted alongside MOD 1 which were not approved in the plans as part of SSD-10405. DPE has requested clarification and justification for any additional design changes sought.

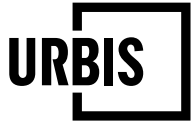
The following clarification is provided:

1. DA-09B-B01-00 rev 8 / Updated survey information regarding subterranean elements comprising the neighbouring building (Adina Hotel)
2. DA-09B-B01-00 rev 8 / Minor development on internal planning to toilet areas inside the End of Trip Facility, which are superseded by changes addressed in the MOD 2 Submission recently lodged.
3. DA-10B-B01-01 rev 8 / identical to the above.
4. DA-10B-B01-01 rev 8 / Graphical error on the drawing showing an incorrect overlay of Structure, which is superseded by changes addressed in the MOD 2 Submission recently lodged.

Update plans have been prepared by SHoP and BVN resolving issues 2-4 above. It is noted that the updated survey information has been left on the plans as this is part of a neighbouring building and does not constitute any change sought under MOD 1.

CONCLUSION

This letter has provided a response to the issues raised by City of Sydney Council and the Department of Planning and Environment in relation to the proposed modifications to SSD-10405 under MOD 1.



It is considered that the justification in the Statement of Environmental Effects submitted with the modification application, and supplemented by the responses above, provide appropriate grounds to amend the noted conditions of consent, particularly Condition C3 and Condition C5.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "S. Gunasekara". The signature is fluid and cursive, with a large initial "S" and a stylized "G".

Simon Gunasekara
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