

City of Sydney

ABN 22 636 550 790
GPO Box 1591 Sydney NSW 2001 Australia
Town Hall House 456 Kent Street Sydney NSW 2000 Australia
Phone +61 2 9265 9333 Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



4 May 2012

Our Ref : S076158.035
Your Ref: MP11_0092



Neville Osborne
Manager - Energy Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Department of Planning
Received
9 MAY 2012
Scanning Room

Dear Sir

Environmental Assessment for Sydney CityGrid Stage 2A(ii)

Thank you for the opportunity to comment on the Environmental Assessment for Sydney CityGrid Stage 2A(ii). I would firstly apologise for the delay in responding to you.

Council has previously provided comments in relation to the Project Approval for site establishment and demolition of the existing building on the site (MP10_0071). A copy of the relevant letter is included for your information and is still applicable to the current development.

Given the time frame to make comment on the development, the proposal was not referred to the Planning, Development and Transport Committee or the Central Sydney Planning Committee (CSPC) for comment. A review of the documentation has however been undertaken by Planning Assessments staff.

In considering the issues that were raised in Council's letter of 23 August 2010, I would make the following comments. If amendments cannot be made to the development to take account of these matters, the Department should be satisfied that adequate justification has been provided for the form of development currently proposed.

Heritage and Urban Design

Whilst the design of the tower is well executed, concerns remain about the way the tower meets the ground, its interface with the public domain and its relationship to adjoining buildings.

1. The Bligh Street wall sits forward of the former NSW Club. Consideration should be given to setting the building back to reveal more of the facade of the former NSW Club, particularly as viewed from the corner of Hunter and Bligh Street. In the photomontage the column from the tower appears to come forward of the former NSW Club building and thus over scales it. The column should be recessed into the entry.
2. Consideration should be given to improving pedestrian amenity and activation on O'Connell Street. This street is dominated by the two driveway crossings

city of villages

and a blank facade. There is a small amount of activation provided by a pedestrian entry to the escalators. There are potential pedestrian and vehicular conflicts on O'Connell Street as the driveway to the car park is next to the pedestrian entry to the escalators. The base building has not been set back 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. Furthermore, the ground level facade is predominantly blank for about two thirds of its length.

3. The proposed facade also sits forward of the adjoining buildings along O'Connell Street. The facade treatment of stone louvres has the effect of narrowing the street section and is inconsistent with the predominant building line along O'Connell Street. Although projections of a decorative nature (such as cornices, eaves, sills, mullions and architraves) are generally acceptable (up to 450mm), this should not be extended for whole facades up to the street wall height of the building.
4. A cafe is proposed on Bligh Street but appears to be more of a coffee cart with outdoor seating than a retail/cafe space. Although it will sit under the Bligh Street awning, no internal space is proposed. It is also unclear how genuine the proposal is in that there is no 'back of house' area for food preparation, storage of goods, waste, and outdoor furniture after trading hours. Some internal space would demonstrate some commitment to the delivery of activation to Bligh Street and Richard Johnson Square and would enhance activation and use of the cafe in all weather conditions. Further comments are provided further below regarding the proposed enclosure to mitigate the expected wind conditions.
5. Both facades to the electrical substation appear the same. The sandstone artwork for the O'Connell Street facade does relate to the vertical expression of the adjoining buildings 28-34 O'Connell Street and 16-18 O'Connell Street.
6. A public art strategy has not been provided. The substation facade is described as 'artwork stone louvres'. It is more a decorative screen than a public art work. The design intent of the art work refers to the materiality of the sandstone rather than an interpretation of the context.
7. In summary, the building should:
 - (a) not project beyond the predominant building line along O'Connell Street,
 - (b) be setback to reveal more of the former NSW Club on Bligh Street,
 - (c) activate both Bligh and O'Connell Streets at ground level.
8. It is recommended that the design be modified to:
 - (a) Setback the stone facade of the electrical substation on Bligh Street to reveal more of the elevation of the former NSW Club.
 - (b) Ensure that the column from the sky tower, is located within the recessed entry on Bligh Street (behind the line of the street wall) so as not to overwhelm the former NSW Club and the streetscape with its (super) scale.
 - (c) Setback the stone facade of the electrical substation on O'Connell Street to match the predominant build-to line. Projecting the stone facade

450mm for the entire length of the street wall adds to the bulk of the building and it literally appears to 'stick out' from the rest of the buildings that comprise the street.

- (d) Provide some internal space to the proposed cafe on Bligh Street to ensure its use and activation of Richard Johnson Square in all weather conditions.
- (e) Provide a glass line at ground level for O'Connell Street with doors as a 'line of defence' after hours instead of the proposed fencing/security gate.
- (f) Reduce the conflicts between pedestrians and vehicles along O'Connell Street by co-locating the driveways to the southern boundary.

Traffic Issues

- 9. The documentation notes that a detailed Construction Traffic Management Plan will be provided at a later date, prior to the construction certificate being issued. As the roads authority for all the roads surrounding the site, this detailed CTMP must be submitted to Council for approval.
- 10. The report notes that it is proposed to provide an 11m wide driveway crossover for the Ausgrid trucks. This is accompanied by a swept path plan included in the report (Figure 6). The Architectural Plan (PA - 05) and the Public Domain Plan (11042 - LPA01) however show a much smaller driveway crossover. This discrepancy needs to be resolved.
- 11. The proposed driveways will result in the need to relocate a post box and a pay phone. These do not appear to be shown on any of the plans and should be resolved with the relevant service providers.
- 12. The 11m wide driveway shown in the traffic report does not show the driveway of the adjacent building. There are concerns that these two driveways may actually connect and form a near 20m crossover which is unacceptable.
- 13. The proposal to provide a driveway crossover for infrequent maintenance and delivery of transformers on a 10 - 20 years cycle is not supported. The driveway will permanently remove 11m of kerb side parking and will reduce pedestrian amenity in the area. The access should be maintained as a standard kerb and gutter and an alternative solution should be found to allow maintenance vehicles to enter the site. The traffic report states that traffic management will be required to control any transformer vehicle movements, including a road closure and removal of parking.

Public Domain

- 14. Public domain works are proposed to the O'Connell Street frontage of the development only. The Public Domain Concept Plans for O'Connell Street, prepared by Aspect, appear to be generally consistent with the City's required materials palette, including street tree species required under the Street Tree Master Plan 2011. The proposed works as shown however do not indicate public domain lighting, which will need to be provided as part of the public domain scope, to meet AS 1158 and as per section 6.3.10 of the EA, which notes: *"Lighting is also proposed through-out the public domain for security and access requirements."*

15. Works to the Bligh Street frontage are limited to paving, stairs and some seating to the privately owned building forecourt, between the building line and the property boundary. These are proposed as temporary works until Richard Johnson Square is upgraded (see further comments below). The design attempts to resolve some of the levels/access issues across the site, while allowing for integration of future works to Richard Johnson Square, but it appears from the limited information provided that the levels proposed to the forecourt as part of this application are to be further raised when the works to Richard Johnson Square are carried out. It is unclear what impact this may have on such elements as the stairs at the southern extent of the site and levels around the cafe.
16. The development will involve work within the Bligh Street and O'Connell Street road corridors. The Environmental Assessment notes that Ausgrid is exempt from the provisions of S138 of the Roads Act 1993 and the Local Government Act 1993 (exercising its functions under the Electricity Supply Act 1995), but is required to notify the City of the works and take into account any submissions made.

Richard Johnson Square

17. A Public Domain Concept Plan for Richard Johnson Square has been prepared by Aspect, which picks up on earlier design work undertaken by Aspect for the City;
18. A number of references are made throughout the EA about the proposed works to Richard Johnson Square, but it is noted that the upgrade would occur with the approval of the City *"separate to this project"*. This requirement should be tied in with the development to ensure that the upgrade occurs and should be completed in line with the proposed building and associated forecourt / public domain works.
19. It is also noted that the Landscape Plan submission prepared by Aspect contains the following note *"Future upgrades to Richard Johnson Square and Bligh Street Public Domain is dependent on the City of Sydney and the agreed VPA for the development site."* Council's planning and public domain officers are unaware of any VPA that is proposed as part of this development. Should the reference relate to a pre-existing VPA associated with one of the earlier DA consents (which is no longer relied upon), the VPA would have no current status.
20. The EA notes that cable tunnelling work will affect a portion of the Richard Johnson Square site, which will (as a minimum) need to be made good prior to completion of the development works. Integrating the upgrade of the Square in line with the building forecourt work would result in less disruption of the affected public domain, avoid the need for temporary, sacrificial work as currently proposed and fulfil Design Principle 2 of the Director-General's requirements dated 12 August 2011 rather than providing a concept proposal and would bring certainty to the delivery of the upgrade.
21. In any event, the draft Statement of Commitments in the EA includes the statement that *'Prior to the commencement of construction, conditions surveys would be prepared for sections of Bligh, O'Connell and Hunter Streets in the vicinity of the site that are likely to be used by construction traffic. Any road/footpath damage, aside from that resulting from normal wear and tear, would be repaired to the pre-existing standard at Ausgrid's cost'*. This

requirement should be carried forward into the final Statement of Commitments.

Floor Space Ratio

22. The EA uses the provisions of Sydney LEP 2005 to justify the proposed FSR. In particular it is noted that the proposal seeks approval to exceed the maximum permitted FSR by an additional 10%. In addressing clause 10(d) of the LEP, particularly in relation to improvements to the public domain, the proponent submits that the building opens up the streetscape highlighting neighbouring heritage items, provides a through site link and incorporates a public art facade.
23. The City does not agree that the proponent has provided an acceptable justification for the uplift in FSR. As outlined elsewhere in this response, it is not agreed that the proposal opens up the streetscape highlighting neighbouring heritage items. It is also not agreed that the 'public art facade' is more than a decorative screening element to a substation. Any public domain improvement in support of the uplift in FSR needs to be above and beyond those that would have been delivered through normal development consent requirements.
24. By way of comparison, the applicant of the 2008 DA consent, with the same approved FSR as that proposed, supported their 10% uplift in FSR by a Voluntary Planning Agreement involving:
 - (a) Paving, kerb and gutter installation and restoration, lighting and landscaping work throughout the whole of the area known as "Richard Johnson Square" to a value of \$1,000,000.00.
 - (b) The construction of a pedestrian connection between Bligh Street and O'Connell Street, including the art wall screen developed commissioned and constructed in accordance with the Agreement.
 - (c) The registration of a public Right of Way over the pedestrian connection.
 - (d) The design, fabrication and installation of a piece of public art within the building from a reputable artist with experience of public art of the nature contemplated, the final form of which is to be developed in consultation with and approved by the Council, to a value of \$2,000,000.00.
25. Notwithstanding the above comments, any consent issued by the Department should require the allocation (purchase) of heritage floor space in accordance with the provisions of Sydney LEP 2005.

Wind Analysis

26. In noting the limited setback of the tower above the podium structure, the Department should be satisfied that the proposal will result in satisfactory wind conditions for public safety and comfort at street level and in the through site link. The wind conditions should also be such as to not inhibit the growth of street trees.
27. It is also noted that in providing acceptable comfort levels to ensure the success of the proposed cafe and outdoor seating area, this should not be at the expense of an unacceptable ground floor urban environment. In this regard, the enclosure of the cafe and outdoor seating area by 1.5m high

impermeable screens is not supported. Alternate mitigation measures should be provided.

Land Owners Consent

28. It is noted that parts of the facade will overhang the public way and that there will be an encroachment beyond the property boundaries on the lower levels of the building. Separate contact should be made with Council's Properties Unit to ascertain the requirement for landowners consent and/or for any leasing arrangements to be put in place for the use of airspace above or areas under Council owned land.

Tree Removal

29. The Environmental Assessment notes that hoardings required for Stage 2A(i) require removal of existing trees and that advanced replacement trees will be provided in offset. Any proposal to remove trees should be discussed with and approved by the City's Tree Management Unit.

Health and Building

30. Any approval should include appropriate conditions of consent that address Health and Building issues including Construction Hours, Noise and Activities, Waste and Recycling, BCA Compliance, Emissions and Construction Management.

Recommended Development Conditions

31. Any approval of the development should be subject to the following conditions of consent:

DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The tower above the podium should be setback a minimum of five metres from the street frontage on both Bligh Street and O'Connell Streets.
- (b) The eastern fire stair should be setback further from Bligh Street by a minimum of four metres to reveal more of the southern wall and form of the former NSW Club.
- (c) The cylindrical form of both the western and eastern fire stairs should be reconsidered in favour of a more recessive architectural expression.
- (d) The proposed over cladding of the southern side boundary wall of the NSW Club (Statement of Heritage Impact by NBR SAP p 19) is to be deleted. The wall should either be exposed celebrating its raw quality or rendered in a soft lime based render.
- (e) The ground floor façades of the podium on Bligh Street and O'Connell Streets and the interior walls of the through site link 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.

- (f) The pavement of the recessed entry on Bligh Street is to be Austral 'verde'.

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 the consent authority 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.

HERITAGE INTERPRETATION STRATEGY

- (a) An interpretation strategy for the site must be submitted to and approved by the consent authority, prior to a Construction Certificate being issued. (including 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 The consent authority.

SITES IN THE VICINITY OF A HERITAGE ITEM

The proposed works are to ensure that the following buildings and structures are to be suitably protected during the construction process:

- The former NSW Club, 31 Bligh Street (Schedule 8 Part 1)
- The former Delfin House, 16-18 O'Connell St (Schedule 8 Part 1)
- Richard Johnson monument (Schedule 8 Part 3)

The following are to be submitted to and approved by the consent authority prior to the issue of a Construction Certificate:

- (a) A dilapidation survey of the above buildings and structures.
- (b) Details of the protection strategy of the above buildings and structures.
- (c) Findings of a geotechnical report detailing the investigation of the location and depth of footings of the adjacent heritage buildings. This report should address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

ARCHAEOLOGICAL INVESTIGATION

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the *Heritage Act 1977*.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified by any person during the planning or historical assessment stage, application must be made by a suitably qualified archaeologist to the Department of Environment and Climate Change for an excavation permit for Aboriginal relics.
- (c) The applicant must comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance is made for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

ARCHAEOLOGICAL MONITORING AND REPORTING

All excavation of the substation site and the removal of the Kindersley House basement floor slab and for cable shafts and tunnelling beyond the footprint of the site is to be monitored by a suitably qualified Archaeologist.

One electronic and one paper copy of the final report of the results of archaeological investigations and monitoring should be submitted to the City of Sydney for lodgement in Archives.

COMMEMORATIVE PLAQUE

A commemorative plaque, recording the names of the developer, architect, consent authority and year of completion of construction must be installed on the building prior to occupation. The design, location and wording must be submitted to and approved by the consent authority prior to an Occupation Certificate being issued.

FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed [insert FSR] calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of

FSR, the Floor Space Area of the approved development is [insert number]sqm.

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.
- (c) Prior to a Construction Certificate being issued, Council's written verification must be obtained, confirming that [insert sqm of HFS (whole number only i.e. no decimals)]sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space in excess of [insert FSR] as specified in the Sydney Local Environmental Plan 2005.

ASSOCIATED ROADWAY COSTS

All costs associated with the construction and repair of any road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

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 footway and kerb 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.

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

FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee for a sum to be determined by Council 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.

ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building and adjacent circulation areas (including private forecourts and the public way) must be submitted to Council for

approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.

- (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

PUBLIC DOMAIN PLAN

The Public Domain Plan accompanying this application has not been approved by this consent. Three copies of a detailed Public Domain Plan, generally in accordance with the Public Domain Concept Plans prepared by Aspect as part of the Environmental Assessment, must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and cover all public domain elements including footway and road pavements, kerb and gutter, street tree planting and tree pits, street furniture as applicable and public domain lighting. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

- (a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to

Construction Certificate being issued and prior to the commencement of any work within the public way.

- (c) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- (d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

PRESERVATION OF SURVEY MARKS

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

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

PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to a Construction Certificate being issued, a photographic recording of the public domain site frontages, including the full extent of Richard Johnson Square, is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) 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 license 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 signatures of both the applicant and the photographer must be included.

LANDSCAPING OF THE SITE

The Landscape Plans accompanying this Development Application has not been approved by this consent.

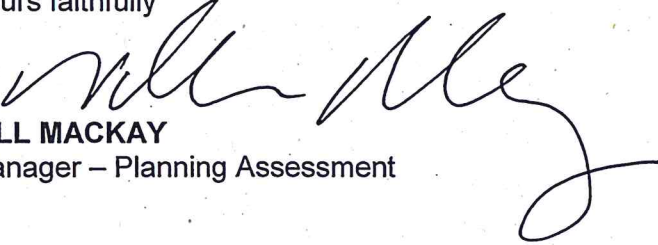
- (a) A detailed landscape plan/s, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by The consent authority prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of soil depths, earthworks including mounding and retaining walls, and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage, watering and water-proofing systems;
 - (vi) Details of fencing, furniture and feature elements.
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

PAVING MATERIALS

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

Should you wish to discuss these matters further please contact Philip Jamieson on 9246 7619 or by email at pjamieson@cityofsydney.nsw.gov.au.

Yours faithfully



BILL MACKAY
Manager – Planning Assessment

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



23 August 2010

Our Ref: S076158.006

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.

23 October 2008

city of villages

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.

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



- 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.

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



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.

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



- 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 truck 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

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



- (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.

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



(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".

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



- (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.

23 October 2008

city of villages

City of Sydney

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



- (q) All internal circulation ramps must either be two way, or provide 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

ANDREW REES
Area Planning Manager

23 October 2008

city of villages