

3 February 2021

File No: 2021/015005  
Our Ref: R/2019/26/A

David Glasgow  
Director, Key Sites Assessments  
Planning and Assessment  
Department of Planning, Environment and Industry  
Locked bay 5022, Parramatta, NSW 2124

Via Planning Portal

Dear David,

**Response to EIS – Atlassian Office and Hostel Development – SSD 10405**

Thank you for your correspondence dated 10 December 2020 seeking comment on the EIS for the Atlassian office and YHA hostel development at 8-10 Lee Street, Haymarket. City staff have reviewed the EIS and provide the following feedback.

**Process**

The Atlassian/YHA proposal will be the first building to form part of the Western Gateway precinct, which in turn is the first stage of the Central Station over station redevelopment. The City acknowledges the rigorous competitive design process undertaken to select the architectural team, the ambitious environmental performance of the building and, when viewed in isolation, the potentially positive contribution to the city's skyline.

However, the planning process applied to this site and the Western Gateway precinct by DPIE generally was rushed and did not adhere to first principles of good place making. This may continue adversely impacting the success of the development and the surrounding public domain as many matters have not been sufficiently resolved nor integrated by TfNSW prior to the project proceeding.

The Western Gateway precinct is likely to provide a similar floor space area as the Barangaroo commercial towers but on a significantly smaller site. The surrounding context is sensitive and constrained, adjacent to numerous state and local heritage items including Central Station, the future Railway Square extension, the Devonshire Street extension and Prince Alfred Park. It would have been logical to complete the precinct planning and implement the relevant planning controls prior to any application being prepared.

It is recommended that further coordination, integration and planning of the site and Design Guidelines are resolved prior to final determination.

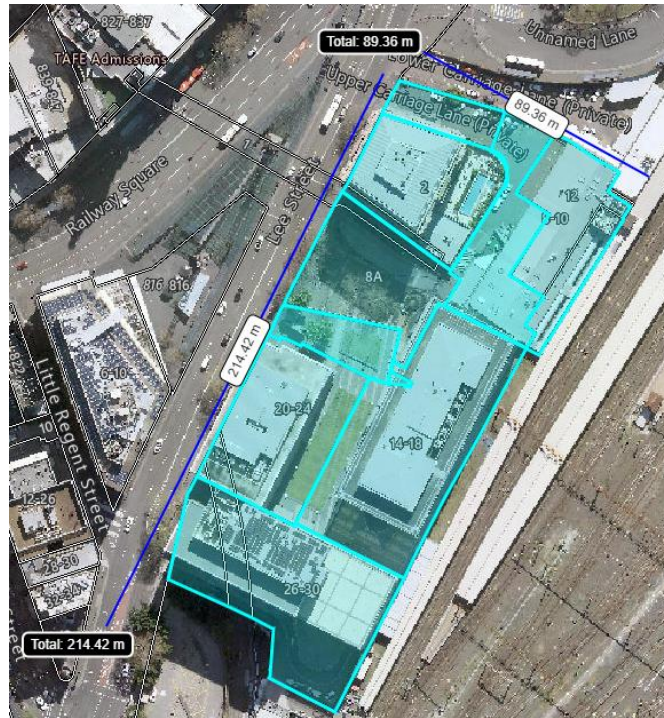


Figure 1: An aerial view of the Western Gateway precinct

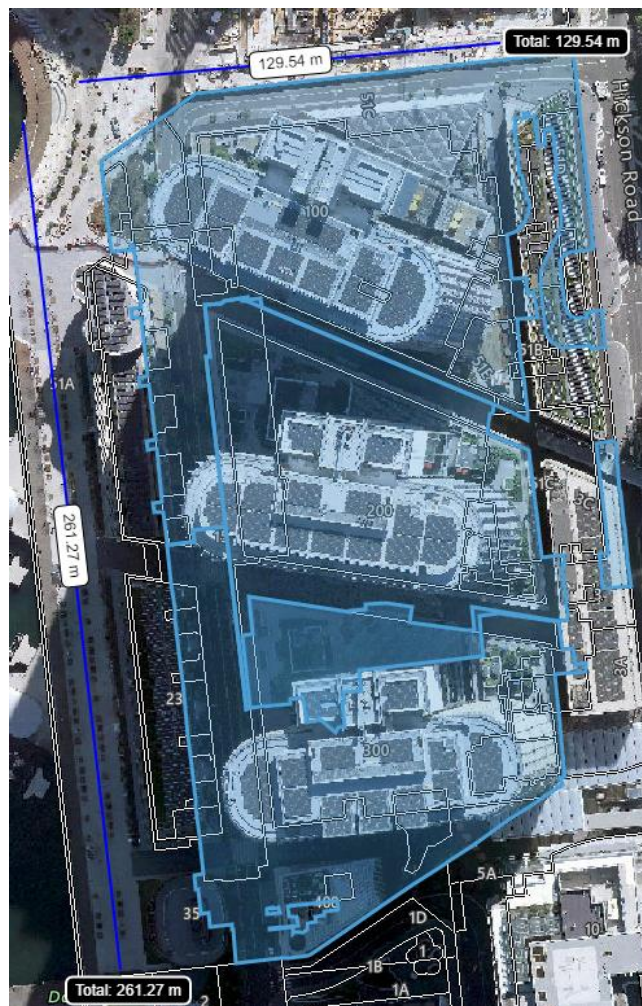


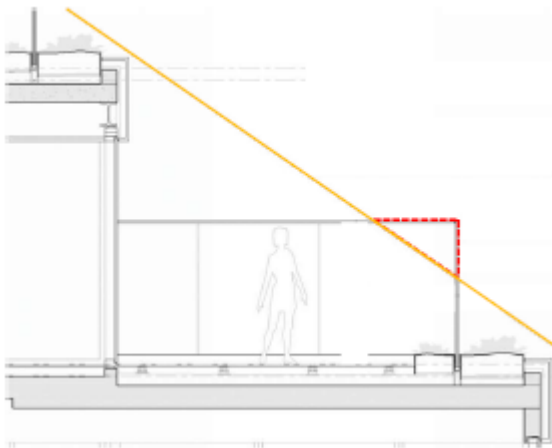
Figure 2: An aerial view of the Barangaroo towers

The draft Western Gateway Design Guide continues to be shaped by the evolution of each project up to their respective boundaries, rather than providing a holistic framework to manage the cumulative impacts of each development. While supportive of the project, and discussed under separate headings, the City's remaining concerns are with managing heritage impacts, wind impacts, minor but avoidable overshadowing, the provision of open space, accessibility and extent of tree canopy.

The City is supportive and believes that a successful outcome will be achieved with principles in place to guide development. In this spirit the City will continue to work cooperatively with DPIE and Atlassian+YHA to try and achieve the best outcome possible for the site.

### **Minor overshadowing of Prince Alfred Park**

1. This is avoidable and can be fixed. The development overshadows Prince Alfred Park by way of high glass balustrading to the roof terraces. The sun access plane forms part of the Central Sydney Planning Strategy sets the limit for overshadowing over the park.
2. The City strongly objects to this overshadowing beyond the limit - it breaches the sun access plane to the park. This has previously been brought to the applicant's attention and is easily remedied. The section below shows the extent of balustrade which causes the impact. Reducing the extent of private terrace footprint and height of glazing (and its structural support) will remove the impact completely and comply with the limit of allowable shadow. The Department should avoid a precedent for future development at Central Station and enforce compliance with the sun access plane.

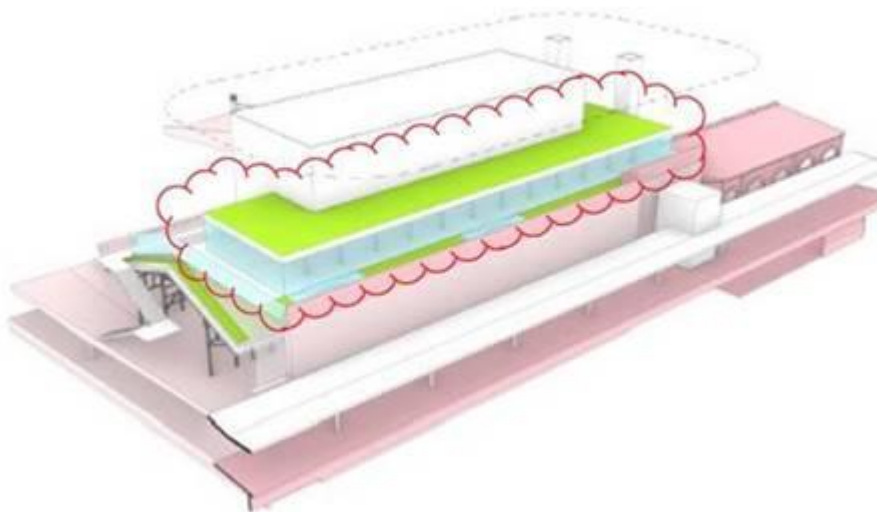


### **Heritage**

3. A significant amount of Exceptional and High Significance elements is proposed to be demolished and some to be removed and re-assembled should be minimised.
4. The roof garden and stepped seating structure on the roof are not considered sympathetic to the scheme and should be avoided. The simpler metal roofing is recommended to be maintained for visual separation with the new structure. We

are concerned that the proposed green roof is on a cantilevered section of the heritage roof and could not be adequately supported by the existing structure. It would require additional major steel structural elements to support it. Given the nature of the expressed timber structure in the underside of the parcels shed roof, any additional structure will be visible and will compromise the integrity and appearance of the reconstructed timber structure. For similar reasons and further discussed regarding other issues, the proposed bleacher seating has an unnecessary visual imposition and affects the structural integrity of the heritage item. For these reasons it is not supported.

5. Similarly, the number of penetrations and disruption to the heritage item is considered excessive for its conservation and could be improved.
6. Belmore Park view south No.2 and Pitt St & Barlow St view south No.3 show that the tower form competes with the Central Station Clock Tower.
7. The addition on top of the existing parcel shed roof to the south-eastern side (clouded in red on the image below) interfere with the visual and physical separation required between the existing and the tower addition. As well, the former roof form and materiality is hidden by the top addition. Consideration should be given to reducing the overall impact of this element.



8. The blank wall on the ground floor on the eastern elevation separating the train station does not deliver any connectivity or engagement between the new development and the station.
  - The City understands this wall is essential for fire and blast separation between the rail line and the new building (e.g. if a diesel train derails at platform 1 or 2). Its scale and impact need to be ameliorated by modelling or sculpting the wall in three dimensions with piers or other architectural features and must have a design quality and materiality commensurate with the existing quality of Central Station. The wall could also be an opportunity for a public artwork.



- The importance of this wall appearance is high if these platforms are to be built over in future.
9. The large amalgamated arch facing Ambulance Avenue needs more work and is considered to be out of scale and unsympathetic in the context. In its current form, it would result in a substantial loss of the fine and significant original brick masonry.
- This new access to the shopping concourse to the south should be delivered as three new arches within the existing brick pier set out. These need to be consistent with the scale, classical proportions, geometry, wall thickness and construction detailing of the existing brick arches in the wall. The proposed demolition of the existing brick wall must be preceded by accurate survey of the existing fabric including a point-cloud laser scan of the entire wall and an inventory of all elements to be salvaged including sandstone elements and metal work. The brick wall must be reconstructed to the same brick rod (i.e. mortar joint) set out of the retained east end of the wall (note that the beds and perpends in the existing brick wall are less than the modern standard of 10mm). All existing brick piers should be reconstructed to full height to match their original size, design and position. Please note that this was relayed to the applicant in preliminary discussions and was agreed in principle at the time.
10. The visual impact of the large glass cladding of the shed on northern elevation is uncharacteristic, somewhat bland and looks unfinished. In addition, considering the north orientation, it will negatively impact on energy performance.
- A preferable solution may be to undertake an interpretative re-construction. The original windows could be refurbished and returned to their original locations in the elevations. The areas of (formerly solid weatherboard) walls surrounding them may be glazed but clad with build external timber horizontal louvres based on the proportions and materiality of the original weatherboard cladding. This can deliver an appropriate level of passive sun control and present a more solid appearance more consistent with the original building. This would allow clear glazing and so would allow very good visual connection between the interior and exterior in all lighting conditions.

### **Wind Impacts**

11. The draft Western Gateway Design Guide provides objectives and design guidance for wind assessment for all development sites at part 3.1.5. Design guidance point (2) includes a cross reference to a map for the relevant standards that the City has been unable to access.
12. The applicant's Wind Impact Assessment includes such a map which seems to limit the application of the 'sitting' comfort criteria to a very small portion of the future Public Space within the current Eddy Avenue forecourt, outside the Western Gateway sub-precinct boundary. Greater clarity is required prior to determination

on the wind comfort criteria for the western gateway precinct, given that the proposal includes a large number of external sitting areas which are not on major thoroughfares through the site and beyond. It is recommended that the Design Guidelines are finalised prior to the completion of the assessment, and that they include detailed comfort targets for all public domain areas within the development precinct and adjacent areas.

13. Other limitations in the analysis include the exclusion of wind results for areas outside the precinct boundaries, including Central Station platforms and nearby areas. The analysis includes several development scenarios, however, none of the scenarios include the detailed design of all three development sites, and hence the cumulative impact cannot possibly be anticipated until each site has a suitably progressed design. The report itself recommends further wind tunnel testing is undertaken once the built forms of Block B and C have been further refined.
14. The Design Guidelines includes the following requirement at part 3.1.5 (3): *Wind impacts from any development must not exceed the Wind Safety Standard which is an annual maximum peak 0.5 second gust wind speed in 1 hour of 24m/s*. The wind report notes that in the scenario with only the Atlassian project constructed, the safety standard is exceeded at 11 locations.
15. One location (23) is disregarded as it is a function of the existing context. Under the Atlassian + Dexus/Frasers development scenario, the safety standard is exceeded at 14 locations. Under the Atlassian + Dexus/Frasers + Toga development scenario, the safety standard is exceeded at 13 locations. In all scenarios, a number of the safety exceedances occur on the 'bleachers', and in the Atlassian only scenario, additional exceedance occurs at the Upper Ground Level Plan, where outdoor sitting areas are planned. The proposal clearly does not comply with the Design Guidelines objectives for Wind in part 3.1.5, which are:
  - a. *Development within the sub-precinct must ensure that the cumulative impact of development on the wind environment does not result in uncomfortable or unsafe wind conditions on public domain within and surrounding the development taking into consideration the intended primary purpose of that space.*
  - b. *The wind environment must be suitable for the intended uses.*
16. Greater clarity is required over the status of the 'bleachers' as a public or private space, if they are retained. The Wind Report nominates this as a *private* outdoor location, however, other reports (including the CPTED Report) note this as being a key *publicly accessible* space. The Report proposes mitigation by removing all access during less favourable conditions. No information is provided to quantify the extent of time that the podium is unfit for its intended use. The Design Guidelines clearly state at 3.1.5 (a) that *the wind environment must be suitable for the intended uses*.
17. Summary Recommendations in relation to Wind Impacts:

- a. The Design Guidelines document should be finalised prior to completion of the assessment and set detailed and specific wind comfort criteria for all publicly accessible locations within, and adjacent to, the western gateway precinct.
- b. The accessible roof and 'bleachers' on the Parcel Shed roof should not be approved unless it can be demonstrated that the wind safety standard is achieved.
- c. Greater certainty in relation to achieving acceptable wind comfort conditions must be demonstrated prior to approval for any development block within the precinct. The City recommends that the department undertakes their own precinct-wide wind tunnel testing at a time when each development block has a suitably progressed and refined building design.

### **Design for Environmental Performance**

18. The City supports the commitment to environmental performance embedded within the proposal, and notes that this is fundamental to the development. We also acknowledge that innovation at this level can create challenges in terms of how the building's design/performance rates using traditional rating tools. As such, the City recommends the following commitments within the application form part of the conditions of consent:
  - a. A NABERS Office Energy base building Commitment Agreement targeting 5.5 Star must be signed prior to the release of any Construction Certificate. Furthermore, it is not unreasonable or inconsistent to require through conditions a commitment to achieve NABERS 6 Star Rating through the purchase of offsite renewable energy, even if it requires Atlassian to enter into a 5- or 10-year Power Purchase Agreement.
  - b. The building is to achieve Net-Zero operational emissions through a combination of energy efficiency, on-site renewables (through Building Integrated PV cells) and offsite renewable power.
  - c. Rainwater harvesting is to occur and be reused on-site for landscaping and grey water appropriate appliances.
  - d. The development is to be designed to include dual reticulation for connection to any future precinct scale recycled water scheme.
  - e. 90% of demolition and construction waste is to be recycled, while provision is made for separate food and garden organics waste.
19. The ESD Report addresses climate change, but only from the point of view of internal thermal comfort. It does not address the Urban Heat Island Effect and impacts on the wider context. The report should be updated to address reflected heat from the façade, any heat impacts on the public domain and proposed mitigation measures. Reducing the UHI effect is a specific aim within the draft Western Gateway Design Guide (refer part 2.1(m); 3.4.1(e) part c: reduce the

urban heat island effect). It is not acceptable to rely on tree planting by others outside the development site as potential UHI mitigation.

20. The north elevation of the Parcel Shed is proposed as full height glazing with no external shading. Further, the aspirations for the project architecture show clear glazing to enhance transparency and allow views into the building. This is not well resolved or feasible due to summer sun ingress, and high performance or tinted/reflective glazing will be required to address heat. The City strongly objects to the use of high performance or tinted glazing in lieu of passive external shading devices in situations directly impacting the public such as this.
21. The application proposes areas of the tower floor plate to be naturally ventilated (the BiPV are operable panels) on the northern and western elevations and partially to full mechanical ventilation on the east and southern edges of the building (fixed panels). Developed in Europe, this system has great potential in the northern hemisphere climate conditions. There is evidence of success trialling the glass system in greenhouses for crop production in Europe and Israel reduces energy requirements by maintaining optimal root temperatures for crops and plants, rather than heating or cooling the air. <https://www.pv-magazine-australia.com/2019/10/15/new-chapter-for-solaragriculture-bipv-for-off-grid-greenhouses/>
22. However, there is no confirmation the BIPV system been constructed and tested in commercial buildings elsewhere in Australia, preferably in areas with the same climate zone. The design fails to confirm:
  - If the glazing system contribute to heat gain on a western façade and what are the impacts on the healthy growth of trees and plants.
  - Does the glazing / operable ventilation system result in wind impacts to landscape zones within the tower?
  - What is the strategy if trees fail on these upper levels post construction?
23. The glazing system and creation of landscaped habitats within the tower is an ambitious proposal that must also be feasible and designed based on empirical evidence that the design can work in Sydney.
24. DPIE have no assurance that the landscape will succeed and evidence that a stable ambient temperature and environment can be achieved for optimal plant growth with natural ventilation.
25. The following recommendations are made with respect to the BiPV system:
  - Submit photographic evidence and confirm locations where this BiPV glazing system has been built with planting at the edge in Sydney or a warm temperate climatic zone.
  - Build off site in Sydney a full-sized prototype for the BiPV façade with planting in the habitat and tested off site located in a west facing aspect.



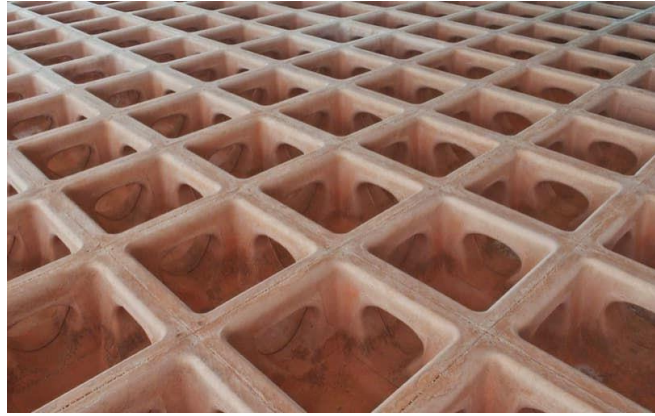
- Submit empirical evidence gathered from testing the prototype to confirm feasibility of the glazing solar system, natural ventilation and how impacts on proposed planting within Habitat levels will be mitigated.
- The City understands a similar condition was applied by DPIE to the Lend Lease development Damaru House Barangaroo (1 Sussex Street) that includes an integrated green roof with solar panels over a CLT commercial building. DPIE required empirical evidence and ongoing research data collected to demonstrate the energy captured, energy costs and temperature reduction, and success of an integrated green roof with PV cells.

## Noise

26. The acoustic report identifies hostel rooms on the north and west elevations as exceeding comfort levels and requiring an alternative natural ventilation strategy. Providing natural ventilation to the hostel rooms is imperative to ensure the development achieves the sustainability outcomes stated within the EIS. It is recommended that the DPIE require any natural ventilation strategy to comply with the City's [draft Alternative natural ventilation of apartments in noisy environments performance pathway guideline](#).
27. The Demolition and Construction Noise and Vibration Management Plan does not include an adequate complaints resolution process: there are no forms for on-site managers to complete/processes to follow regarding complaints resolution and no community consultation is proposed. These matters are required to be included within the plan at a minimum to cover these issues in order to protect surrounding sensitive receivers during the demolition and construction phase.

## Tree Management

28. The Upper Link Zone is 6.8m wide from the western edge to the Shed roofline. The design preferences pavement, however, there is space to improve the design and increase urban canopy on the site. Design cues should be taken to emulate nearby civic scale public domain areas such as the pedestrianised George Street precedent, Devonshire Street precinct and Barangaroo foreshore precinct. Such plantings allow for maximised pedestrian comfort and canopy cover. The applicant should pursue an avenue of trees similar to the areas listed above within this public plaza.
29. As the applicant should pursue the installation of more trees within the upper level plaza, the use of structural soil vaults to provide the necessary soil volumes in accordance with the [City's Landscape Code Volume 2](#) must be investigated and included as part of the proposal. The current proposal uses above ground planters which will not allow for the necessary site access and soil volumes. The applicant may wish to consider a grid/waffle slab as per below.



30. The City requests that the applicant provide accurate soil volumes for the proposed trees as part of the landscape plans. As it appears many of the tree will be installed on slabs or structures the installation of structural soil vaults and soils must be considered to provide soil volumes consistent with the Sydney Landscape Code. Trees in the public domain are to contribute to urban canopy targets, provide adequate shade in summer, sunlight in winter, and as a minimum include a higher proportion of medium to large sized trees.
31. The City requests that the applicant provides more information on how they intend to deliver a precinct-based approach to the development and realise the “Day 2/3” designs in order to maximise canopy cover and provide trees on the Lee Street Driveway.

### **Landscaping**

32. Further information is required regarding the plant species selection and maintenance at the top of the tower, as follows:
  - Plant species are native and succulents which may be suited to the ocean clifftops, how will they perform at levels over 200mm above sea level?
  - Will the plants be desiccated in high wind and heat of the rooftop?
  - How will the planters be safely accessed and maintained? How is green waste removed from the upper roof levels and is this self-composted on site?
  - Is there a site-specific fertigation system required to irrigate and fertilise the planters? Is there allowance in the building design for storage tanks, rainwater tanks, compost areas etc? Where is this accommodated in the building design.
33. The success of landscape on slab requires great design, coordinated services, soil depth and soil volume, drainage, watering systems and ongoing maintenance. Yet the submitted landscape plans indicate planters on slab within the public domain and tower with trees and shrubs in narrow planters only 500-800mm depth.
34. The typical plan and section for Level 15 (Fig 8) through western edge of the facade shows a planter with palm trees. The planter design is flush with the

surrounding FFL with a slab set down 600mm, mounded to 800mm which does not meet minimum depths under the Landscape Code. All trees and palms are 25L pot size and will therefore be around 1 metre high at installation.

35. The sections are unclear, for example they do not show the facade edge. Trees will take time to reach the heights indicated. The architectural sections show that the western edge from Levels 12 to 36 is perpendicular to the slab, meaning any planters for vegetation needs to be wide enough to support even canopy growth.
36. Elsewhere on all habitat levels there are planters 500mm depth and free-standing narrow planters with shrubs located between seating areas and pods. Planters on level 7 and 11 will reflect typical L15 layout with planters set above ground with no slab downturns.



*Fig 8 – Section EE lower tower habitat (no façade edge drawn)*

37. At the mid tower levels “Discover” Habitat on Levels 23,27,31 the planting theme is sensory planting theme with bushland species. Typical plan and section for Level 23 (Fig 9) through western edge of façade includes gum trees.
38. The applicant also includes a caveat lower and mid-level landscape plans noting the “planting layout is indicative and subject to coordination with structural design and set downs”. This provides the consent authority no assurance the proposed landscaping is feasible.



Fig 9 – Section FF mid tower habitat (no façade edge drawn)

39. The City strongly supports the aspirations of the developer to provide a high-quality landscaped environment throughout the public domain and within the tower. The following recommendations are therefore made to assist in achieving this vision:
- Review the design of all planters, and freestanding pots in the public domain and tower, to ensure landscape areas on slab achieve the minimum soil depths and soil volumes in accordance with the Sydney Landscape Code Volume 2.
  - Provide updated plans with levels (SSL, RL, TW), typical details and confirm the soil volume for all new trees.
  - Ensure that any landscape conditions reference the Landscape Code Volume 2.

## Remediation

40. The Site Remedial Action Plan (RAP) prepared by Douglas and Partners and dated September 2020 states that the site will be suitable after remediation for the proposed development. It is recommended that the RAP be peer reviewed by a NSW EPA Accredited Site Auditor through the submission of a Section B Site Audit Statement or letter of interim advice certifying that the RAP is practical and effective.

## Air Quality

41. The air quality assessment identifies potential adverse impacts of diesel emissions from idling trains at Central Station on the natural ventilation strategy for the

building. Providing natural ventilation to the hostel rooms is imperative to ensure the development achieves the sustainability outcomes stated within the EIS. It is recommended that further analysis be undertaken to assess the impact of idling trains on the future occupants of the building.

## **Transport**

42. The application proposes a 3.6 metre clearance for the service vehicle ramp access. Please note that MRVs require 4.5 metre clear height and will have a maximum length of 8.8 metres. It is recommended that the ramp be amended accordingly.

## **Public Domain and Water Sensitive Urban Design**

43. The City is concerned that the development is relying on a proposed stormwater network extension to reduce flood levels in Ambulance Avenue, which is unacceptable. All flood planning levels are to comply with the City's [Interim Floodplain Management Policy](#). The following further information should be submitted for review prior to determination:
  - a. A study regarding the practicability and constructability of the proposed stormwater network extension, regarding underground utilities in the area.
  - b. Approval from Sydney Water for the proposed extension to connect to the Sydney Water trunk drain.
  - c. Failsafe design of the inlet structures in the Ambulance Avenue sag, for example blockage of the inlets.
44. The City has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A stormwater quality assessment for the proposed development must comply with the City's specific modelling parameters as adopted in MUSIC-link. A preliminary Music model has been completed which confirms that the proposed water quality treatment devices can be installed to meet the Sydney Water load reduction targets. However, a certificate and/or report from MUSIC-link and the electronic copy of the MUSIC Model must be submitted for review and approval with the stormwater quality assessment report.
45. The City requests that the levels and gradients are submitted now for full review and approval. If more information is required contact Phil Dunne [pdunne@cityofsydney.nsw.gov.au](mailto:pdunne@cityofsydney.nsw.gov.au).

## **Subdivision and Lot Consolidation**

46. A subdivision plan (showing a 4-lot stratum subdivision) has been included in the documentation, but it appears that this is for information only. It also appears that the site will be subdivided prior to this development taking place. No information is provided regarding this subdivision. The site should be either consolidated, or a separate application should be made to subdivide the site.

Should you wish to speak with a Council officer about the above, please contact David Zabell, Senior Planner, on 9265 9333 or at [dzabell1@cityofsydney.nsw.gov.au](mailto:dzabell1@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a large loop at the end of the last name.

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



## **Recommended conditions**

### **(1) RODENT TREATMENT PROGRAMME – PRE DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Coordinator Planning Assessments/Area Planning Manager.

### **(2) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

### **(3) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

### **(4) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

#### **(5) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

#### **(6) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

#### **(7) SERVICE VEHICLE SIZE LIMIT**

The size of vehicles servicing the property must not exceed **8.8m**.

**(8) VEHICLES ACCESS**

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

**(9) SIGNAL SYSTEM**

A system of traffic lights and/or mirrors must be installed as drafted in the draft loading dock management plan by JMT consulting dated 23 November 2020 at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

**(10) SIGNS AT EGRESS**

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling "Give Way to Pedestrians and Bicycles" before crossing a footpath on an existing or identified shared path route.

The signs/ are to be erected prior to issue of an Occupation Certificate and must be maintained in good order at all times by the owners of the building.

**(11) CAR PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street car parking facilities is to satisfy the *Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking* and *Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities* and *Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

**(12) CHANGES TO KERB SIDE CAR PARKING RESTRICTIONS**

A separate submission must be made for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development/use.

All costs associated with any parking changes would be borne by the developer.

Note: The applicant is to contact the Area Traffic Engineer to discuss the proposal before making a submission.

**(13) COST OF SIGNPOSTING**

All costs associated with signposting of any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(14) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new 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". All costs associated with the construction of new road/footpath 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 "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

**(15) TRAFFIC WORKS**

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**(16) ON-SITE LOADING OPERATION**

All loading and unloading associated with the site must be carried out within the site at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**(17) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, 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.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

#### **(18) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY**

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

#### **(19) PUBLIC DOMAIN CONCEPT PLAN**

A concept public domain plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the middle of the road, must be prepared in accordance with the *Public Domain Manual* and the City's *Sydney Street Code*. It must be submitted to and approved by Council's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation. The plan must include (where relevant) all

existing and proposed paving materials, locations of street trees, site furniture, light poles, signage and other public domain elements.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed documentation for construction).

## **(20) PUBLIC DOMAIN LEVELS AND GRADIENTS**

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission, must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed *Application for Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publically accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradients plans are to be included with Public Domain Plan – Detailed Documentation for Construction Condition submission.

## **(21) STORMWATER DRAINAGE DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals demonstrating compliance with the requirements of Section 3.7.2 - *Drainage and Stormwater Management*, Section 3.7.3 – *Stormwater Quality*, 3.7.4 – *Additional provisions for Commercial and Industrial Properties* of the Sydney Development Control Plan 2012 must be submitted to and approved by the City's Public Domain Unit.

The submission must include the following;

- (a) A stormwater infrastructure design certification, stating that the proposed design complies with:
  - (i) Council's *Sydney Streets Technical Specifications*, Part A4 *Stormwater Drainage Design*;
  - (ii) Council's *Sydney Streets Technical Specifications*, Standard Drawings;
  - (iii) Council's *Sydney Streets Technical Specifications*, Part B10: *Stormwater Drainage Construction*; and
  - (iv) All relevant Australian Standards.
- (b) Structural certification of the hydraulic and structural design of all elements, excluding standard details from Council's *Sydney Streets Technical Specifications*.

The above certification shall accompany information that address the requirements of *Section 4.5 Data Requirements, Part A4 Stormwater Drainage*



*Design of Council's Sydney Streets Technical Specifications*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

## **(22) STORMWATER QUALITY**

The development must comply with the stormwater quality assessment titled [insert report title] report dated [insert date] approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC e-link reports. – to be filled in once MUSIC link report received.

## **(23) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table [insert table number] of the report titled [insert report title] prepared by [insert author] dated [insert date].

Details must be submitted to the Principal Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels. – to be filled in once resubmission has addressed comments above and Water Assets approve the FPLs.

## **(24) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications* A5 and B8, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent [insert street names] street frontages and shall be designed to include [insert lighting brief from DA referral].

Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

## **(25) DEWATERING**

Prior approval must be sought from the City's Public Domain Unit to discharge any groundwater into the City's stormwater drainage system.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

## **(26) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by the City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights Design Code*, *Sydney Streets Technical Specification* and *Sydney's Parks Code*. The plan must consider road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be to construction standard and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an *Application for Public Domain Plan Assessment* and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, an *Application for Public Domain Levels and Gradients* must be submitted to and approved by the Public Domain Unit to reflect these changes prior to an approval being issued for the construction of public domain work.

Note: Stamped plans will be issued for construction and approved under Section 138 of the Roads Act.

## **(27) SECTION 138 ROADS ACT APPROVAL**

Approval under Section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of any excavation in or disturbance of a public way for the construction of approved public domain works.

## **(28) HOLD POINTS**

Prior to an approval being issued for the construction of public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be provided by the City's Public Domain Unit in accordance with the City's *Public Domain Manual* and *Sydney Streets Technical Specification* (an approved list of hold points will be included in the Public Domain works Approval letter). These hold points must be adhered to during construction works.

## **(29) DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to the issue of a Construction Certificate for the public domain.

## **(30) LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City of Sydney's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The *Public Domain Manual* and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation shall include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

## **(31) PUBLIC DOMAIN WORKS BOND**

A Public Domain Works Bond will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Bond must be submitted as cash, an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of the City as security for completion of the obligations under this consent (Guarantee).

The City's Public Domain Unit must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with the City prior to an approval being issued for the Public Domain Plan.

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by the City in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

## **(32) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final

completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

**(33) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

**(34) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval, approved stamped plans for Gradients and Levels, Stormwater, Public Domain Lighting, the City of Sydney's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Certificate of Practical Completion must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

**(35) PUBLIC DOMAIN COMPLETION - WORK AS EXECUTED DOCUMENTATION**

Prior to a Certificate of Practical Completion being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and Road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**(36) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

**(37) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS**

- (a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.
- (b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:
  - (i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or
  - (ii) A certificate of Practical Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

**(38) SURVEY INFRASTRUCTURE – RESTORATION**

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
  - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
  - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;
  - (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

**(39) FLOOD RISK MANAGEMENT**

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report shall be provided to Council for record keeping purposes.

**(40) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Bond calculated on the basis of [insert length] square metres of [inert type of materials e.g. concrete] site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) **[Delete this part if using Part D below]** The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.
- (d) **[Delete this part if using Part C above]** The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond has been lodged and any rectification works to the footway and Public Domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.

**(41) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the [Street Name/s] frontage[s] of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) all costs associated with the works are to be borne by the developer.
  - (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
  - (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.



- (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
- (v) Council approval is required before kerbs are removed.
- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

#### **(42) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain shall be to City of Sydney specifications and heel / bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by the Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

#### **(43) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

#### **(44) 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".