

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10405 Atlassian - Office and Hotel Development
<b>Applicant</b>	VERTICAL FIRST PTY LTD
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

### Date of decision

15 October 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including the creation of a new innovation and technology precinct, new links to address Central Station pedestrian capacity, improved public domain and creation of approximately 344 construction and 5,000 on-going operational jobs
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan and the Eastern City District Plan's vision to establish the Central Station Precinct and WGSP as a globally competitive vibrant mixed-use innovation and technology precinct
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the potential heritage impacts of the proposal can be appropriately mitigated and managed subject to conditions requiring:
  - the dismantling, reconstruction and reuse of the IP Shed and Ambulance Avenue wall, in consultation with Heritage NSW
  - the IP Shed seating and green roof being removed and replaced with a metal roof, unless it can be demonstrated that an alternative design can achieve acceptable visual, heritage and wind outcomes
  - the single 13.1 m wide archway within Ambulance Avenue wall being replaced with two smaller asymmetrical arches
- the project would not result in any adverse traffic impacts as it results in low levels of traffic generation, provides adequate pick-up/drop-off and loading facilities, does not include on-site car parking and adjoins Central Station, one of Sydney's major public transport hubs
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects (DPIE, July 2021)*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 16 December 2020 until 3 March 2021 (50 days). Nine public submissions were received, including six objections, one comment and two in support of the project.

The Department also visited the site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include heritage impacts, scale of the development, overshadowing, traffic impacts, wind impacts, impacts on pedestrian movement, construction noise, subdivision, the need for office and backpacker accommodation and community consultation. Other issues are addressed in detail in the Department's Assessment Report.

Issue raised	Department's consideration
Heritage impact on IP Shed	<p>Assessment</p> <ul style="list-style-type: none"> <li>• The proposal seeks approval to demolish, dismantle, salvage and adaptively reuse / reconstruct the IP Shed and the Ambulance Avenue wall.</li> <li>• The HIA indicates it is not possible to retain the heritage item in-situ on-site (except for the two retained arches) due to the extremely constrained nature of the site, which would prevent construction the access and construction of the tower. In addition, the existing brickwork is unable to be reused as it has been constructed with strong mortar and would likely be significantly damaged during deconstruction.</li> <li>• The Applicant undertook an analysis of feasible alternatives to carrying out the project and concluded the do nothing, alternative uses, location and designs options. The analysis concluded these alternative options would not realise the strategic vision for the WGSP, delivery of significant employment opportunities and jeopardise the provision of the competition winning design and design excellence.</li> <li>• After careful consideration of the site and the proposal, the Department considers that the Applicant has demonstrated that the heritage item cannot be retained in-situ and the amount of demolition of heritage fabric is unavoidable.</li> <li>• The Department considers, on-balance, the demolition, dismantling, salvage and adaptive reuse / reconstruction of the IP Shed is acceptable given the significance of the site and as: <ul style="list-style-type: none"> <li>○ the only alternative to the partial demolition/dismantling of the heritage item is its complete demolition and impact of partial demolition/dismantling is outweighed by ensuring its survival through adaptation</li> <li>○ significant heritage fabric is to be salvaged and reused within the development, subject to a detailed methodology for dismantling, storage and reconstruction / reuse</li> <li>○ the adapted IP Shed and Ambulance Avenue wall provide for a high level of heritage interpretation and heritage legibility and facilitates increased public access</li> <li>○ the Applicant has committed to appropriate and sensitive methodology for undertaking the works</li> <li>○ the proposal would not have adverse heritage impacts on Central Station</li> <li>○ it will implement public art and heritage interpretation strategies</li> </ul> </li> </ul> <p>Recommended Conditions</p> <ul style="list-style-type: none"> <li>• Preparation of a final DDS Methodology, salvage and reuse plan and temporary protection plan in consultation with Heritage NSW and all works must occur under the supervision of heritage specialists</li> <li>• Preparation of photographic archival recording of the building and its context</li> </ul>

Issue raised	Department's consideration
	<ul style="list-style-type: none"> <li>Preparation and implementation of a Heritage Interpretation Strategy.</li> <li>Replace the green roof and seating area with a metal roof unless, following further consultation with key stakeholders, it can be demonstrated that an alternative design approach provides for acceptable visual, heritage and wind outcomes.</li> <li>The single large (13.1 m wide) Ambulance Avenue arch to the pedestrian link is to be amended to provide two asymmetrical arches.</li> </ul>
Heritage impact on Central Station	<p>Assessment</p> <ul style="list-style-type: none"> <li>The HIA has considered the impact of the proposal on the heritage significance of Central Station and concluded: <ul style="list-style-type: none"> <li>although the proposal includes major changes to the IP Shed, it does not impact the significant principal elements of Central Station, including the main terminal, platforms and clocktower</li> <li>the development is spatially separated from Central Station and its principal elements and as such would not dominate or block views to any of those key items.</li> </ul> </li> <li>The Department notes that changes to the setting of Central Station and the broader surrounding area are unavoidable in the context of the strategic objectives to create high density development within the Central SSP. In this context, the proposal would not have an adverse impact on the setting of Central Station as: <ul style="list-style-type: none"> <li>the proposal would not have an adverse impact on views towards Central Station or its clocktower or from key views around the site</li> <li>the elegant, tall tower form minimises visual impacts on views to and from Central Station and its clocktower within the immediate context.</li> </ul> </li> </ul>
Scale of development	<p>Assessment</p> <ul style="list-style-type: none"> <li>The proposed development fully complies with the SLEP maximum building height and GFA controls for the site. In addition, the proposal is contained wholly within the WGSP Design Guide building envelopes, with the exception of minor exceedances, which the Department has concluded are minor and acceptable (<b>Section 6.2.2</b>).</li> <li>The proposal is the outcome of a design competition and the DIP supports the height and scale of the development. Further, the proposal is consistent with the desired future character of the Central SSP, which envisages tall buildings above and around Central Station.</li> <li>The Department concludes the development provides for an appropriate built form relationship to the IP Shed and the anticipated future towers within the WGSP (<b>Section 6.3.1</b>).</li> </ul>
Overshadowing	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Department has considered the Overshadowing Analysis and notes the shadow cast by the tower between 9am and 3pm at mid-winter would result in 30 minutes of additional overshadowing of 38 Chalmers Street and would not overshadow 34 Chalmers Street.</li> <li>The proposal would not overshadow the properties to the north-west of the site fronting Harris, Thomas and Quay Streets or public spaces at Railway Square, Henry Deane Plaza or Belmore Park.</li> <li>The Department concludes the proposal would therefore not result in adverse overshadow impacts and is acceptable.</li> </ul>
Traffic generation and pick-up/drop-off facility	<p>Assessment</p> <ul style="list-style-type: none"> <li>The TIA submitted with the application has confirmed the development would generate up to 81 private vehicle trips and 20 servicing vehicle trips during the AM and the PM peak hour. In addition, the proposal would not adversely impact on the operation of nearby intersections.</li> </ul>

Issue raised	Department's consideration
	<ul style="list-style-type: none"> <li>The Applicant has amended the Lee Street pick-up/drop-off facility and undertaken an RSA to ensure its design provides for safe operation.</li> <li>The Department considers the predicted service vehicle trips are acceptable as they are the same as the number of vehicle trips generated by the existing development. In addition, the number of private trips is unlikely to have an adverse impact due to their low number, no on-site car parking is provided and as trips would be dispersed throughout the local road network.</li> <li>The Department notes a new pick-up/drop-off facility is necessary to replace the existing Adina Hotel facility removed from the Lee Street driveway. In addition, the Applicant has confirmed the facility would not result in road safety issues.</li> </ul> <p>Recommended conditions</p> <ul style="list-style-type: none"> <li>Preparation of a Stage 3 RSA, implement any mitigation measures and make a separate application to Council for kerb-site parking arrangements.</li> </ul>
Public domain wind impact	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant updated the WIA to include the most recent designs of the Block B and C developments.</li> <li>The WIA confirms that the public domain would achieve pedestrian comfort levels consistent with the requirements of the WGSP Design Guide. There are a number of instances around the site where the 24 m/s pedestrian safety criteria would be exceeded. However, the WIA confirms this can be addressed through the implementation of off-site temporary wind mitigation measures.</li> <li>The Department is satisfied that public domain wind impacts are acceptable and can be appropriately managed subject to the implementation of landscaping and temporary wind mitigation measures.</li> </ul> <p>Recommended conditions</p> <ul style="list-style-type: none"> <li>Preparation and implementation of a Temporary Wind Mitigation Strategy</li> <li>Installation of landscaping prior to first occupation of the development.</li> </ul>
Central Station pedestrian tunnels	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has stated that the development has been designed to adequately accommodate pedestrian movements and noted the Central Station pedestrian links would be upgraded / provided as part of the future Day 2 and 3 scenarios. In addition, construction would ensure that the Devonshire Street Pedestrian Tunnel remains open throughout the construction phase of the development.</li> <li>The Department notes TfNSW plans to upgrade Devonshire Street Pedestrian Tunnel and construct the Central Walk West as part of the future broader renewal of Central Station and the Central SSP.</li> </ul> <p>Recommended conditions</p> <ul style="list-style-type: none"> <li>Preparation of a detailed CEMP to address the likely environmental impacts arising during construction phase</li> <li>The Devonshire Street Pedestrian Tunnel must remain open during construction.</li> </ul>
Construction noise impacts	<p>Assessment</p> <ul style="list-style-type: none"> <li>The closest receivers to the site include two adjoining hotels (Adina and Mercure) and commercial uses within Henry Deane office development and Central Station. The closest residential receiver to the site is located between 110 m and 250 m away from the site.</li> <li>The Applicant submitted a NVIA, which confirmed construction may result in noise impacts on adjoining hotels and office developments. The NVIA recommended mitigation measures including acoustic screens and reduced construction hours on Saturdays.</li> </ul>

Issue raised	Department's consideration
	<ul style="list-style-type: none"> <li>The Department considers the Applicant's mitigation measures are acceptable and recommends preparation and implementation of various construction management plans, respite periods and other controls.</li> <li>The Department concludes, subject to conditions, noise and vibration impacts can be satisfactorily mitigated and managed to ensure the amenity and operations of surrounding sensitive receivers is not adversely impacted upon (Section 6.7).</li> </ul> <p>Recommended Conditions</p> <ul style="list-style-type: none"> <li>Preparation and implementation of a Construction Noise and Vibration Management Plan.</li> <li>Construction work shall be carried out in accordance with the Applicant's management and mitigation measures, limited construction hours, include respite periods, not be 'offensive noise' and all construction vehicles shall only arrive at the site during the permitted hours of construction.</li> </ul>
Subdivision	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has updated subdivision plans to clarify the extent and nature of the proposal and confirmed it will work with key stakeholders to address and titling and land tenure arrangements.</li> <li>Council considered the subdivision proposal and raised no concerns subject to standard conditions.</li> </ul> <p>Recommended conditions</p> <ul style="list-style-type: none"> <li>The Department has reviewed Council's updated conditions, considers them acceptable and recommends them accordingly.</li> </ul>
Need for office and backpacker accommodation	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has stated the office accommodation is being purpose built to accommodate the Atlassian headquarters and the YHA accommodation replaces and upgrades the existing use on the site.</li> <li>The proposal is permissible with consent and fully complies with the height and floor space controls for the site. The provision of office and tourist accommodation is also consistent with the Greater Sydney Region Plan and the Eastern City District Plan, the Central SSP strategic vision for the area and the desired future character of the WSGP.</li> </ul>
Community consultation	<p>Assessment</p> <ul style="list-style-type: none"> <li>The Applicant has confirmed it undertook a range of community and stakeholder engagement prior to the lodgement of the application.</li> <li>As discussed at <b>Section 5</b>, the Department exhibited the EIS for 50 days which exceeds the minimum 28 days statutory requirements of the EP&amp;A Act. It also made the Applicant's RtS and SRtS publicly available and has considered all additional submissions received in its assessment (<b>Section 6</b>). The Department is satisfied that the community has had sufficient opportunity to comment on the proposal.</li> </ul>