

## **RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE**

---

**FILE:** D/2017/727 **DATE:** 28 November 2017  
**TO:** Members of the Central Sydney Planning Committee  
**FROM:** Graham Jahn, Director City Planning, Development and Transport  
**SUBJECT:** Information Relevant To Item 7 - 136 Hay Street, Haymarket - At CSPC -  
30 November 2017

---

### **Alternative Recommendation**

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee has been satisfied in this instance;
- (B) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is not reasonable or necessary in this instance; and
- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/727, subject to the conditions as detailed in **Attachment A** to the subject report **to the Central Sydney Planning Committee (CSPC) on 30 November 2017 and being amended with additional standard conditions, Conditions (76), (77), (78), (86), (89), (90), (94), (97) and (104), shown in *bold italics* (additions) as follows, and the subsequent renumbering of existing conditions:**

(to be inserted after existing Condition (75) -

**(76) ROAD OPENING PERMIT**

***A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council prior to the commencement of any:***

- (a) Excavation in or disturbance of a public way, or***
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).***

**(77) 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.*

**(78) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

*Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifying Authority. The ESCP must:*

- (a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the NSW Protection of the Environment Operations Act 1997.*
- (b) Include a drawing(s) that clearly shows:*
  - (i) location of site boundaries and adjoining roads*
  - (ii) approximate grades and indications of direction(s) of fall*
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention*
  - (iv) location of site access, proposed roads and other impervious areas*
  - (v) existing and proposed drainage patterns with stormwater discharge points*
  - (vi) north point and scale*
- (c) Specify how soil conservation measures will be conducted on site including:*
  - (i) timing of works*
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained*
  - (iii) access protection measures*
  - (iv) nature and extent of earthworks, including the amount of any cut and fill*
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas*
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology*

- (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)*
- (viii) frequency and nature of any maintenance program*
- (ix) other site-specific soil or water conservation structures.*

(to be inserted after existing Condition (82) -

**(86) UTILITY SERVICES**

*To ensure that utility authorities are advised of the development:*

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.*
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.*

(to be inserted after existing Condition (84) -

**(89) SURVEY**

*All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.*

(to be inserted after additional Condition (89) -

**(90) SURVEY CERTIFICATE AT COMPLETION**

*A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.*

(to be inserted after existing Condition (87) -

**(94) WORKS REQUIRING USE OF A PUBLIC PLACE**

*Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.*

(to be inserted after existing Condition (89) -

**(97) EROSION AND SEDIMENT CONTROL**

***The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.***

***During the construction period;***

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;***
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and***
- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.***

(to be inserted after existing Condition (95) -

**(104) WASTE AND RECYCLING MANAGEMENT - MINOR**

***The development must comply with the relevant provisions of Council's Policy for Waste Minimisation in New Developments 2005 which requires facilities to minimise and manage waste and recycling generated by the development.***

## **Background**

A planning assessment report has been prepared for the consideration of the CSPC members for the 30 November 2017 meeting. This report recommends that deferred commencement approval be granted, subject to conditions, to Development Application D/2017/727 for a Stage 2 development application for a mixed use development at 136 Hay Street, Haymarket.

A number of additional standard conditions of consent are recommended to be included in Attachment A to the subject report, which were omitted in error.

At the CSPC Briefing on 23 November 2017 the question was raised as to whether the service lane could act as a through-site link for pedestrians between Hay Street and Campbell Street. Planning staff have raised the question with the relevant parties.

A formal through-site link was explored early in the assessment and was discounted for the following reasons:

- An existing pedestrian through-site link is provided on the adjoining Ausgrid site approximately 29m to the east of the subject site, providing a mid-block connection between Hay Street and Campbell Street (refer to Figures 1 to 3 below);
- The private service lane has an existing vehicle access easement burdening the service lane (benefitting Ausgrid);

- Transport for NSW and the Sydney Coordination Office and Council Transport Planners have reconfirmed their advice that it is not supportable from a pedestrian safety perspective to introduce pedestrians given the amount of servicing to be accommodated including waste vehicles and servicing/ deliveries for a number of retail tenancies and hotel with function rooms which would be staggered across both day and night (refer to swept path diagrams at Attachment A); and
- The proposed service lane is considered to provide an important function for the site given the unacceptable impacts that on-street servicing or hotel guest pick-up/ drop-off would have on the surrounding street network and light rail operations.

It is noted that Sydney DCP 2012 does not identify a potential through-site link in this location.



Figure 1: View of the existing through site link from Hay Street, indicated by the arrow



Figure 2: View along the existing through site link, looking south from Campbell Street

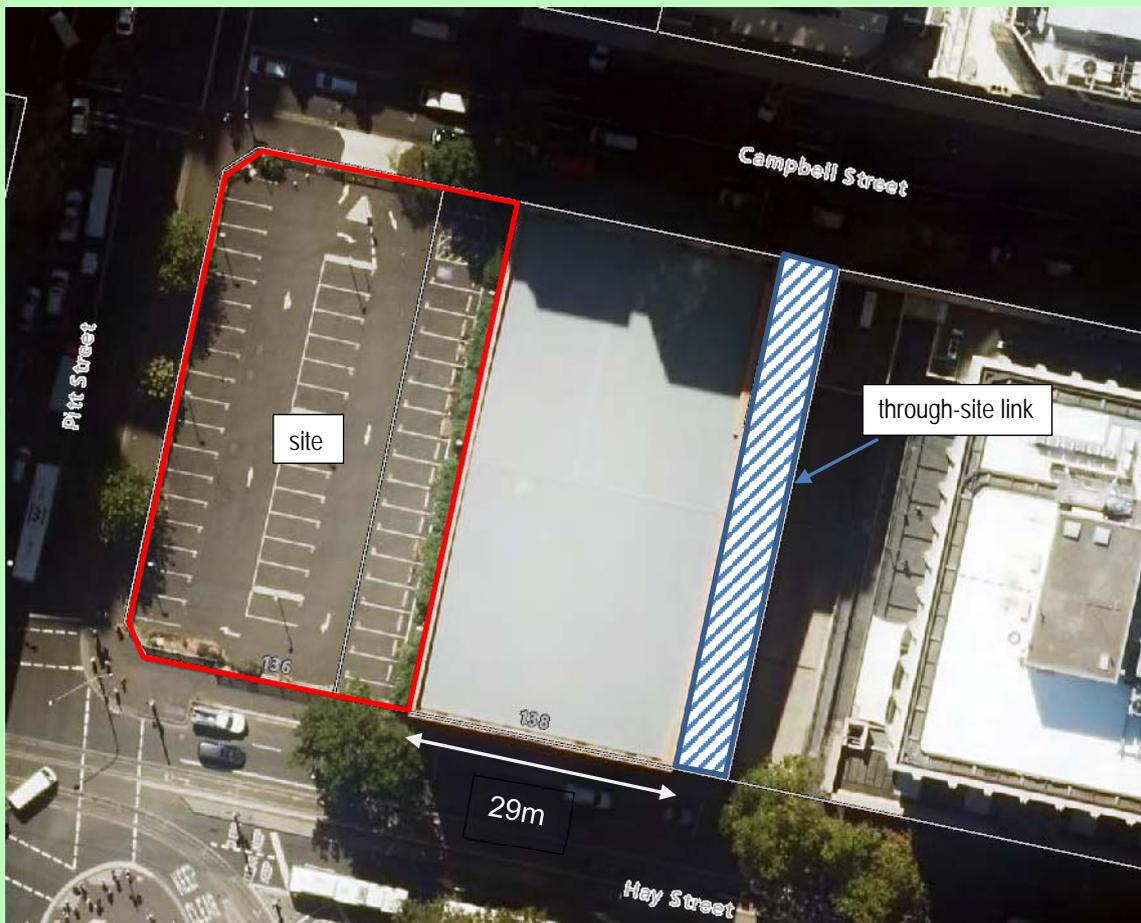


Figure 3: Aerial photo showing the relationship between the subject site and existing through site link

Prepared by: Rebecca Thompson, Senior Planner

TRIM Document Number: 2017/592547

**Attachments**

Attachment A – Swept Path Analysis 2017/592547-01

Approved	 <b>Graham Jahn AM, Director City Planning, Development and Transport</b>
----------	---

# **ATTACHMENT A**

**SWEPT PATH ANALYSIS  
136 HAY STREET, HAYMARKET**

