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By email: [renah.givney@dpie.nsw.gov.au](mailto:renah.givney@dpie.nsw.gov.au)

Dear Renah,

**SSD 47498458 - The Cutaway Cultural Facility, Barangaroo - Advice on EIS**

Thank you for your correspondence dated 28 February 2023 inviting the City of Sydney Council ("the City") to comment on the above.

The application seeks consent for a new cultural facility within the Cutaway located at Barangaroo, comprising the following:

- Internal alterations and fit out of the existing Cutaway over 3 levels to accommodate event and gallery spaces, back of houses areas, amenities, offices and ancillary retail and café;
- Enclosure of the existing roof openings/voids;
- New façade and entry treatment, including landscaping;
- Heritage interpretation relating to the former Harbour Control Tower in as required in the Major Project approval No.MP10\_00048;
- Utilisation of existing access, loading and parking arrangements;
- The operation of a range of events, exhibitions, cultural uses, festivals and installations. The hours of operation will be 24/7 to allow for overnight cleaning kitchen operation, security operating or bumping in / out. Operation hours of events are also specified; and
- Maximum capacity of 2,300 patrons (not including staff, performers and events support).

The City has reviewed the application and considers that the proposed fit-out of the Cutaway will provide a more fit-for-purpose multi-functional cultural venue in the local government area. The proposal will contribute to the harbourside cultural activities of Sydney and provide much needed creative infrastructure to the emerging Barangaroo precinct. However, there are concerns the facility is no longer committed as an Indigenous cultural centre and Infrastructure NSW must investigate opportunities to genuinely interpret Indigenous culture and heritage. In the assessment and any approval, the following matters require consideration.

## 1. Harbour Control Tunnel interpretative structure

As part of a Major Project approval No. MP10\_00048 for the site, the detailed design of the physical interpretative structure for the Harbour Control Tower (HCT) is required to be finalised (via condition B43) by 30 September 2024 (as per condition D15).

Requirements of the detailed design are shown in condition B43 below.

B43. The Proponent shall finalise the detailed design of the physical interpretative structure for the Harbour Control Tower shown in plans S16-0071 LA01.01, S16-0071 LA03.01 and 21-25400-S02 in consultation with Council, the Office of Environment and Heritage (Heritage Office), the Port Authority of NSW and the Australian National Museum. The device shall:

- be of a high quality design using durable materials;
- be of a sculptural three-dimensional quality;
- be designed so that it is clearly visible as an interpretation device from adjacent parkland and vantage points;
- be designed in consultation with a public artist and suitably qualified heritage expert; and
- be consistent with the revised '*Barangaroo Harbour Control Tower Interpretation Plan*', prepared by GML Heritage and dated September 2016.

Evidence of consultation with key stakeholders and detailed design documentation for this structure shall be submitted to the Secretary for approval by ~~30 June 2020~~ **30 June 2023**.

The detailed design of the HCT interpretative structure has been included as part of this subject application.

In general, the City raise no objections to the proposed HCT interpretative structure, subject to the following matters being addressed:

- It appears from the submitted architectural drawings that the column supporting the interpretative structure is located against the sandstone cliff/wall. This departs from the other columns in the space being clear of the sandstone cliff/wall allowing it to read as a single element in the space. It is recommended that the column(s) are set off from the existing sandstone cliff/wall and do not visually and physically obstruct the sandstone cliff/wall and defining characteristic of the Cutaway space.
- The interpretative structure penetrates through the glass roof, which has the potential to leak if not detailed carefully and robustly. Detailed sections are to be provided showing how the structure penetrates the glass roof and how the glass roof and drainage interacts with the existing sandstone cliff and concrete edge beam at the top of the sandstone cliff/wall.
- Additional information is required to assess the impact of the interpretative structure on the Merriman Street heritage streetscape. A site section should be provided through Merriman Street including the scale of the terrace houses opposite Headland Park, with the interpretative structure included and heights dimensioned.
- Views of the interpretative structure from the northern heritage houses along Merriman Street should also be provided to understand if there are any view loss impacts from these houses.

- The details and materiality are not described adequately to be satisfied of the longevity of the proposal and its suitability for exposure to the elements in the public domain. For example, laminated timbers are not durable or long-lasting, and the penetration detail where the tree form intersects with the skylight below appears unresolved and problematic. The City and the local community should be consulted on these design details.

## 2. Additional Heritage Interpretation

As suggested in the submitted HIS report, the HCT interpretative structure will need to be supported by a secondary layer of heritage interpretation devices. The City and local community are to be consulted on the development of these.

## 3. Connecting with Country

The co-design aspect of the proposal by fjmtstudio collaborating with Bangawarra and Jake Nash Design is supported by the City's Public Art Policy which "*embraces material and immaterial products and concepts emanating from the imaginative and creative thinking of artists.*" Despite this, there is limited details in the submission on Jake Nash, the artist, and his involvement in the HCT interpretative structure. The submission proposal discusses the conceptual idea of a hearth at the entrance, involving the artist, but that this "experience" is still in development with Jake Nash and Bangawarra. Further detail is required.

## 4. Design Elements

The following amendments and clarifications are to be made regarding the proposed skylights:

- Please clarify whether the proposed skylights are extended to the underside of the northern sculptural tree. The submitted architectural plans and design report show the void under the tree is covered by new skylights but the photomontage in the submitted HIS report shows otherwise. The option shown in the photomontages (i.e. no infill skylights under the tree), should be adopted as it provides a better interpretation of the HCT structure.
- The infill skylights' top surface is to be set no higher than the asphalt surface of Merriman Street to minimise the skylights visual impact on the streetscape and heritage terraces.
- Retention or reinstatement of existing palisade fences at edges of the infill skylights is not shown in the architectural drawings.

With regard to the 'marker' tree structures at the entrance, as per the HCT interpretative structure; the materiality and construction of these elements at the Cutaway entrance are not described adequately to be satisfied of the longevity of the proposal and its suitability for exposure to the elements in the public domain. Further detail is required.

## 5. Landscaping

There are no landscape plans and there is insufficient information to assess the suitability and feasibility of the landscape works, impacts on existing trees and if the design responds to the site's microclimate, wind impacts and sunlight. There is absent clarity for the extent of works and how the proposal integrates with the existing entrance forecourt to the Cutaway, landscape, walls, and the tiered embankment, and any impacts on trees within the public domain and Barangaroo Reserve (the park). The following is to be addressed:

- Insufficient information –
  - Appendix 1: The submitted architectural drawings do not include landscape plans to assess the suitability of the proposal, landscape design “make good”, works to the entrance to disguise the cladding, and any impact on the reserve. Proposed sections do not show existing trees and context.
  - Appendix 2: The existing survey does not include existing landscape, trees, fences, walls and features, and levels, making it difficult to assess the impact of proposed sculptural “tree” form, skylights and “making good”.
  - Appendix 3: The submitted architectural design report does not include landscape plans and states that *“the new landscaping for the Cutaway will only be located at the main entrance and the Harbour Control Tower Interpretation. Fjmtstudio landscape will be integrating seamlessly with the existing planting and material palette as set by PWP (Peter Walker Partnership)”*.
- Cutaway entrance – Despite strong advice from the State Design Review Panel (SDRP) to include *“new trees at the Cutaway entry, rather than representation of trees to signify the entry”* (Appendix 3 page 18), no living canopy trees are proposed. Instead, there are two entry marker “tree” sculptural forms that are approximately 13m tall in the forecourt, that will be visible in the park and Merriman Street.

Landscape works to the entrance are stated as “make good” using species determined by the PWP design and excludes the tiered embankment. However, submitted photomontages indicate extensive landscaping to disguise the concrete shell by planting at the slab edge. There is insufficient information for the cladding planter design and how this will be accessed and maintained.

- Skylights – The proposed skylight design includes a maintenance hatch and smoke exhaust plenum design to the western edge, that may potentially vent to the trees and landscaping. The exact zone of works, fences, and the skylight and mechanical design impacts on the park and existing trees in Barangaroo Reserve is not clear. There is no tree survey, concise scope of works plan and the submitted report states that *“all trees will be protected and replaced if affected by works to the skylights”*. Any tree removal is not supported.

## 6. Tree Protection

The application indicates that the proposal is unlikely to require the removal of any trees, however, to ensure that existing trees are protected during construction activities, A Tree Protection Specification and Plan shall be provided with any future development application prepared by an experience and suitably qualified AQF level 5 Arborist and written in accordance with the Australian Standard AS4970 'Protection of Trees on Development Sites' for all trees surround the site. The specification and plan should ensure all trees are retained and appropriately protected during any future construction works at the site.

## 7. Flooding Risk

The submitted Flood Risk Assessment advises that specific flood risk mitigation measures are not required. It has taken into account the potential effects of climate change, states that both entries to the site are above the PMF and therefore, the flood planning requirements of the City's flood policy have been met.

The submitted architectural plans show basement levels and apparent access to and from the ground floor. Under the City's flood policy, where access is provided to basement levels, the flood planning level is the higher of the 1% AEP + 0.5m or the PMF.

The report is to be clarified/amended to include advice with regards the flood planning requirements of Section 5 of the City's flood policy regarding entry levels to basement/underground car parks.

## 8. Noise Impacts & Hours of Operation

With regard to operational noise, the City advises the following:

- The proposed operational hours sought are 24 hours 7 days a week, to allow for overnight cleaning, kitchen operation, security operating or bumping in / out in.
- The proposed core hours of operation of events are similar to those approved under the previous approval at the site for the temporary use of the Cutaway for events (D/2015/938 (as amended)), covering 4 categories:
  - Category 1: Major events 10am to 12am (2am New Years Eve) 4 permitted per year,
  - Category 2: Medium events 6 permitted per year,
  - Category 3: Low to medium events between 8am to 6pm unlimited numbers per year, and
  - Category 4: Low to medium events between 10am and 11pm: 15 permitted per year.
- Following a review of the submitted Acoustic Report, the proposed events are within similar annual frequencies and times of operation. The proposed maximum capacity of 2,300 patrons is also less than the previously approved 5,500 persons.
- The enclosure of the area with glazed skylight sections and closable louvres at the main entry is concluded to be improving the acoustic attenuation of the structure.

- The City does however have some concerns about the potential transmission of low frequency noise (dB(c)) from predictions in Table 29 of the submitted Acoustic Report, which does not attenuate as much as medium and higher frequency noise measured as dB(a) and could give rise to complaints for events taking place after 10pm.
- It is recommended that any hours of operation for events after 10pm be subject to a trial approval. Otherwise, the acoustic limits and restrictions within the consent for D/2015/938 (as amended) should be applied.
- A Plan of Management should be prepared for the operations of the facility including Security Management.
- Restriction of vehicle movements to and from the loading dock to between 7am and 10pm is also recommended within the submitted Acoustic Report, which should be applied.
- Regarding construction noise, the submitted Acoustic Report has predicted some noise exceedances at neighbouring residential properties and recommended mitigation measures. This City agrees with these measures and recommends these be included as part of the conditions for any approval.

## **9. Access and Transport**

The submitted traffic report suggests that the proposed development will not increase the capacity of the Cutaway and will only increase the number and frequency of the private and public events at the site, therefore, it is understood that there will be no significant change in traffic performance of the nearby traffic network. Access to the site for pedestrians and vehicles will be retained as per existing arrangements.

A total of 6 car parking spaces are to be removed, reducing the number of parking spaces from 301 to 296, which is supported by the City.

Given that this proposal is an extension application of the existing Cutaway Cultural Facility approved under MP10-0048, all the relevant traffic and transport conditions that were imposed in that approval are still to be applied to this application.

## **10. Waste Collection and Storage**

For safety reasons, the City does not support the reversing of waste collection vehicles, or other vehicles, into and out of the loading dock. The City also does not support the daily collection of waste from new developments.

The waste storage areas should be adequately sized to reduce collection frequency to three times per week. This request is made in line with Sustainable Sydney 2030 whereby the City is aiming to limit truck movements to ease road congestion.

## **11. Ecologically Sustainable Development**

The project has outlined a desire to exceed compliance of the Section J Deemed to Satisfy provisions from NCC 2019. NCC 2022 commences in May 2023. Considering likely project timeframe, the Section J reporting is required to reflect a commitment to NCC 2022. Additionally, the Section J report has highlighted the unique thermal envelope and likely need for performance solution compliance pathway. Given this, a

specific energy reduction target beyond "exceed compliance" should be set for the project.

The project has outlined a targeted 6 Star Green Star Rating. However, it is not clear as to what rating tool is proposed to be used. It is assumed that the project will be targeting 6 Stars under Green Star Buildings v1.0. Please clarify the intent for 6 Star target under Green Star Buildings v1. Further, the project should be registered with GBCA for a Buildings v1 rating.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized flourish at the end.

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