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Mr Anthony Witherdin
Director – Key Sites Assessment
Department of Planning and Environment
4 Parramatta Square, 2 Darcy Street
Parramatta NSW 2150

Dear Mr Witherdin,

ATLASSIAN OFFICE AND HOTEL DEVELOPMENT (SSD-10405)

SECTION 4.55(1A) APPLICATION TO AMEND SSD-10405 | 8-10 LEE STREET HAYMARKET

This letter has been prepared by Urbis on behalf of Vertical First Pty Ltd in support of a Section 4.55(1A) application to modify Development Consent SSD-10405 for the Atlassian Office and Hotel Development at 8-10 Lee Street Haymarket (the **Atlassian Central Development**).

The Modification Application seeks consent for minor modifications to the internal configuration of the development within the Basement Levels, Inwards Parcels Shed, and the 'OSD' level above the Inwards Parcels Shed. The application also includes modifications to conditions of consent to increase construction hours and amend the wording of conditions to clarify construction stages for certain works to be undertaken.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2000 (the Regulations)* and the DPE *State Significant Development Guidelines – preparing an modification report 2021*, having regard to the category of modification and scale of the proposed changes.

This letter is accompanied by the following documentation:

- Updated Project Description (**Appendix A**)
- Architectural Plans and Design Report prepared by SHoP and BVN (**Appendix B**)
- Revised Waste Report by GHD (**Appendix C**)
- Heritage Statement prepared by Urbis Heritage (**Appendix D**)
- Traffic Statement prepared by JMT Consulting (**Appendix E**)
- Transport Infrastructure Assessment Statement prepared by TTW (**Appendix F**)
- Acoustic Statement prepared by Acoustic Logic (**Appendix G**)
- Preliminary Construction Noise, Vibration and Dust Management Plan (**Appendix H**)

1. BACKGROUND

The Atlassian Central Development is the catalytic project for the creation of the TechCentral which will transform the Western Gateway Sub-precinct into a new technology and innovation precinct to support and grow the industry nationally.

The Atlassian Central Development is located within the Central State Significant Precinct, which recognises the value and significance of the Precinct to realise the Government's aim to establish a globally competitive precinct for technology and innovation.

The State Significant Development (**SSD**) application sought approval for:

- Partial deconstruction and reconstruction of the Inwards Parcels Shed and associated structures at ground and lower ground level for conservation and adaptive reuse.
- Demolition of existing structures
- Construction of a 39 storey tower above the reconstructed Inwards Parcels Shed including:
 - 8,196sqm of tourist and visitor accommodation,
 - 63,281sqm of commercial office GFA
 - 2,542sqm of retail / food and drink GFA within the Inwards Parcel Shed and basement levels.
- Basement parking, servicing and end of trip facilities
- Hard and soft landscaping
- Subdivision and stratum subdivision of the site.

Consent was granted for SSD-10405 on 15 October 2021 subject to conditions.

2. PROPOSED MODIFICATION

This Section 4.55(1A) application proposes to modify SSD-10405 as summarised in the following subsections:

2.1. MINOR CHANGES TO LAYOUT WITHIN BASEMENT LEVELS, INWARDS PARCELS SHED AND OSD LEVEL

A number of minor internal and external changes are proposed to the levels within the Basement Levels, Inwards Parcels Shed and the OSD level above the Inwards Parcels Shed.

A detailed breakdown of the proposed design changes is listed below and detailed in the Design Report prepared by SHoP and BVN (**Appendix A**):

- **Basement Level 2:**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south, lift stop reshuffle and relocated stair access.
 - New mail room
 - Reconfiguration of fire-stair in south-east corner

- Relocate and merge security room and dock managers office.
- New YHA bike parking in south-west corner
- Toga retail storeroom lowered under ramp and ramp access added.
- New cold room added below dive ramp.
- **Basement Level 1:**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south, lift stop reshuffle and relocated stair access.
 - New YHA end of trip facilities in north-western corner
 - Reconfigured fire stairs in north-west and south-east corners
 - Stairs to new basement mezzanine level
 - Ramped corridor east of core to accommodate new basement mezzanine level
 - Relocation of flood gates
- **New Basement Mezzanine level added between Basement Level 1 and Lower Ground Level.**
This level will be accessed via new stairs and goods lift. This level will serve back of house functions including:
 - Cleaners' office, store, and amenities/change room.
 - Plant space
 - Building spares room
- **Lower Ground Level:**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south, lift stop reshuffle and relocated stair access.
 - Escalator added between Lower Ground and Upper Ground Level
 - Day 1 visitor bike parking added in Lower Ground Link Zone
 - Deletion of retail space in northern lobby
 - Amenities added to south-west retail space
 - Reconfigured disabled access ramp
 - New plant room
 - Revised Adina Loading dock
- **Upper Ground Level**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south, lift stop reshuffle and relocated stair access.
 - Escalator added between Lower Ground and Upper Ground Level
 - New concierge desk and store
 - Relocated amenities

- Bollards added to entry ramp
- **Mezzanine Level**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south, lift stop reshuffle and relocated stair access.
 - Reconfigure stair to mezzanine level
- **OSD Level**
 - Reconfiguration of the lift core resulting in a reduced dimension both east-west and north-south and relocated stair access.
 - New plant space between lift shafts.

2.2. MODIFICATION TO CONSTRUCTION HOURS – CONDITION F5

Condition F5 limits the hours for certain construction activities to be undertaken, and specifies the following:

Construction, including the delivery of materials to and from the site, may only be carried out between the following hours (unless prior written approval provided by TfNSW and Council):

- (a) *between 7am and 7pm, Mondays to Fridays inclusive; and*
- (b) *between 7am and 3pm, Saturdays.*

No work may be carried out on Sundays or public holidays. Unless prior written approval provided by TfNSW and Council.

Reason for Modification: Construction works may be required outside of the hours and days under certain circumstances, for example, tower crane establishments.

Materials deliveries, for example, wide loads greater than 2.5m are required to be within the worksite prior to 5:30am as per the National Heavy Vehicle Regulator (NHVR) requirements, therefore will need to occur outside of the prescribed hours and require RMS (TfNSW) and Council approval.

2.3. MODIFICATION TO CONSTRUCTION HOURS – CONDITION F8

Condition F8 limits the hours for certain construction activities to be undertaken, and specifies the following:

F8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) *9am to 12pm, Monday to Friday;*
- (b) *2pm to 5pm Monday to Friday; and*
- (c) *9am to 12pm, Saturday.*

Works to be undertaken during the construction process for the development will require the use of the following equipment:

- Excavator with hydraulic hammer attachment.
- CFA bore piling.

The use of this machinery will be limited by the hours contained within Condition F8. It is proposed to amend Condition F8 to reduce the respite times as follows:

F8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

- (a) ~~9am~~ **8am** to 12pm, Monday to Friday;
- (b) ~~2pm~~ **1pm** to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday; **and**
- (d) **1pm to 3pm, Saturday.**

Reason for Modification:

The amended hours have been reviewed by Acoustic Logic in the context of the project and the proposed machinery to be used, and their findings are contained in **Appendix G**. Acoustic Logic note that the proposed amended hours would increase the hours within each day of hydraulic hammering and rock breaking, however will reduce the prolonged noise exposure and potential disruption to surrounding receivers.

2.4. CLARIFICATION OF CONSTRUCTION STAGE OF CERTAIN WORKS

A review of the consent has identified several construction aspects which are not specified to occur within a specific construction stage within the consent and bring forward the detailed excavation from CC2 to CC1. Accordingly, it is proposed to amend Condition A7 to clarify when certain works will occur.

This modification seeks to amend Condition A7 as follows:

A7. The development must be carried out in accordance with the stages within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate for each stage of work:

CONSTRUCTION CERTIFICATE (CC)	DESCRIPTION
CC1	Excavation and retention, detailed excavation and associated inground services
CC2	Detail excavation, basement to underside of L1 structure, services and civil up to and including UGF
CC3	Tower super structure, including timber

CONSTRUCTION CERTIFICATE (CC)	DESCRIPTION
CC4	Tower façade, tower services and base build finishes
CC5	Heritage reconstruction, podium facades, podium and OSD services and public domain

2.5. AMENDMENT TO TIMING OF CONDITIONS

The following conditions are proposed to be amended to shift the timing in the construction program for their satisfaction. The timing amendments are to reflect the proposed Construction Certificate (CC) staging and the proposed amendments to Condition A7 as outlined above. The conditions requiring amendment are summarised in the table below and are proposed to be amended to reflect the CC timing outlined in the table below.

Table 1 Proposed Amendments to Timing (Construction Certificates) of Conditions

Condition	Current Condition timing	Proposed Condition timing
D5 Public Domain Landscaping	CC2	CC5
D25 Stormwater Quality	CC2	CC1
D26 Stormwater Quality	CC2	CC1
D27 Stormwater Drainage Design	CC2	CC1
D28 Stormwater Drainage Design	CC2	CC1
D30 Flood Planning Level	CC2	CC1
D32 Heritage Interpretation Plan	CC4	CC5
D34 Designing with Country	CC4	CC5

3. SECTION 4.55(1A) ASSESSMENT

Department of Planning and Environment (DPE) may modify a development consent by way of an application made under Section 4.55(1A) of the EP&A Act if satisfied that the amendment is of 'minimal environmental impact' and the development remains 'substantially the same' as originally approved. The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence.

3.1. MINIMAL ENVIRONMENTAL IMPACT

Layout Changes

The proposed modifications to the internal layout within the Basement and Inward Parcels Shed will have minimal environmental impact for the reasons listed below:

- The proposed changes are wholly contained within the approved building envelope, with only the changes at the OSD level being visible externally.
- The design development has been undertaken to improve the functionality of the building and improve operational efficiencies, which will not provide impacts beyond those of the originally approved development.
- Changes to the internal configuration of the building will not result in any impacts beyond those of the approved building form.
- The accompanying Heritage Statement (**Appendix D**) confirms that the proposed modifications will not result in additional heritage impacts on the Site or surrounding context.
- The accompanying Traffic Statement confirms the modifications will not cause additional traffic impacts on the surrounding road network (**Appendix E**).
- The Transport Infrastructure Assessment concludes that there is no impact from the Atlassian Central development structures on the future Metro corridor (**Appendix F**).

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

Hours of Construction

An assessment of the environmental impacts of the proposed extended hours of “*Rock breaking, rock hammering, sheet piling, pile driving and similar activities*” has been assessed by Acoustic Logic based on the known machinery to be used on the site. The acoustic assessment identified the use of CFA bore piling which is proposed on the site would not typically generate any higher noise or vibration levels than other methods of excavation which are not limited to the hours on Condition F8. The assessment concludes that the hours proposed are considered reasonable as they remain within Category 1 of the City of Sydney Council ‘*Code of Practice for Construction Hours/Noise within the Central Business District 1992*’.

It is noted that some construction activities are permitted to exceed the City of Sydney noise level limits such as rock-breaking, hydraulic hammering and some piling activities.

Based on the assessment of the additional hours proposed, on a daily basis there will be an increase in noise exposure, however this will result in a reduction in the number of days which these activities will be required to occur on the site, and therefore there will be minimal change to the overall volume of acoustic exposure of sensitive receivers from these activities.

Construction Staging

The proposed changes to the construction staging will have minimal environmental impacts, as the works delivered will remain unchanged.

3.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same as the approved development as outlined below:

- The proposed changes are wholly contained within the approved building envelope, with only the changes at the OSD level being visible externally. The building form itself will only be altered to reflect the reconfigured core, which will be reduced in size both east-west and north-south.

- The proposal will continue to deliver the same mix of land uses within the building, being commercial office space and tourist and visitor accommodation, with lobby and retail uses located at Upper Ground and Lower Ground levels.
- The modifications are minor in nature and contain detail which has only been contemplated as the design process evolves towards construction, but in principle seeks to deliver the building as originally approved.

Accordingly, the proposed modifications can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

3.3. PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with Section 4.55(1A) (C) of the EP&A Act, the consent authority can undertake any relevant notification of the proposed modification in accordance with the regulations and any development control plan. Should submissions be received the matters raised will be considered during the assessment process.

4. SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning policy (Biodiversity and Conservation) 2021
- Sydney Local Environmental Plan 2012
- Western Gateway Sub-precinct Design Guide 2021
- Sydney Development Control Plan 2012

The development as modified will continue to comply with the relevant provisions as summarised below.

4.1.1. State Environmental Planning Policy (Planning Systems) 2021

The Atlassian Central development is classified as SSD as it falls within the requirements of Clause 13(2) of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021 (SEPP PS)*, being a development on a State Heritage Listed site, of which the 'tourist related' component of the development has a CIV of exceeding \$10 million.

The proposed modifications will result in substantially the same development as that originally approved and will still meet the requirements of Clause 13(2) of Schedule 1 of SEPP PS.

4.1.2. State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2007 (T&I SEPP)* requires development 'in or adjacent to rail corridors' to include consultation with rail authorities throughout the approvals process. This was undertaken as part of the original approval and will continue as part of this modification process.

As the development includes more than 10,000sqm of commercial GFA, it is classified as traffic generating development. The original approval included a referral to NSW Roads and Maritime Authority (now part of TfNSW). However, as the proposed modification will not result in any change to the approved commercial GFA or on-site parking of the originally approved Atlassian Central development, the modification will not have any perceivable impact on the surrounding road network. A Traffic Statement has been prepared by JMT Consulting (**Appendix E**) which confirms the modification will have no impact on the surrounding road network.

4.1.3. State Environmental Planning Policy (Resilience and Hazards) 2021

The requirements of State Environmental Planning Policy (Resilience and Hazards) (**SEPP R&H**) were assessed as part of the original consent under the now repealed provisions of SEPP 55. The proposed modifications will not result in any change to the undertaking of the Remediation Action Plan (RAP) which will be undertaken to ensure the Site is made suitable for the uses contained in the Atlassian Central development.

4.1.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Site is located within the Sydney Harbour Catchment and therefore *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)* applies to the development. The original application was assessed against each of the relevant planning principles and considered consistent in the now repealed *Sydney Regional Environmental Plan (Sydney Harbour Catchment)* which have now been adopted in the BC SEPP in Chapter 10 of the BC SEPP.

The proposed modifications will not alter the exterior of the building form except for the reduced core form, and therefore will continue to be consistent with the planning principles in Clause 10.10 of the BC SEPP.

4.1.5. Sydney Local Environmental Plan 2012

The *Sydney Local Environmental Plan 2012 (LEP 2012)* is the principle planning instrument applying to the Site. LEP 2012 containing the land use zoning, height and GFA control, as well as several specific controls including Clause 6.53 Western Gateway Sub-precinct.

The proposed modifications do not alter the approved uses within the building, or the external built form which have been designed and assessed to be consistent with the LEP 2012 controls. There is a minor increase in the GFA of the building, accommodating an additional 234m². This results in the building having an overall GFA of 75,322m², which is below the GFA control for the Site of 77,000m² and therefore the modified development will remain compliant with the LEP 2012 controls.

4.2. WESTERN GATEWAY SUB-PRECINCT DESIGN GUIDE

In accordance with Clause 6.53(4) of LEP 2012 the *Western Gateway Sub-precinct Design Guide* (the **Design Guide**) was prepared in July 2021. The Design Guide provides design guidance for

developments within the Western Gateway Sub-precinct. It contains objectives and design guidance for future development, including on the Atlassian Central Site, which is referenced in the Design Guide as Block A.

The Design Guide was endorsed in July 2021 and considered in the assessment of the originally approved development. The relevant guidance to the proposed modifications is summarised in **Table 2** below.

Table 2 Western Gateway Sub-precinct Design Guide

Ref	Guideline	Consideration
3.1	Place and Destination	<p>The proposed modification will not result in any change to the interface of the Atlassian Central development with surrounding public domain spaces.</p> <p>The modifications will result in a minor reduction on the scale of the core, however the overall presentation of this element of the building will remain unchanged.</p> <p>Accordingly, consistency with the place and destination objectives including wind, design excellence, building massing, solar access, views and public spaces will remain unchanged.</p>
3.2	People and community	<p>The modifications proposed have been considered with regards to the heritage significance of the Site. A review of the modifications has been undertaken by Urbis Heritage and is contained in Appendix D which concludes that the modifications will not adversely affect the heritage significance of the Site.</p>
3.3	Mobility	<p>The modifications will improve the location of bike parking / end of trip facilities within the basement components of the development.</p> <p>The vehicle access and parking arrangements remain unchanged apart from some minor reconfigurations to improve loading and storage arrangements. A statement has been prepared by JMT Consulting (Appendix E) which confirms the proposed design modifications will not impact on the operations of the on-site loading dock or vehicle access to the Site.</p>
3.4	Sustainability	<p>The proposed modifications will not alter the sustainability, environmental performance or water management of the Atlassian Central development.</p>

Ref	Guideline	Consideration
		<p>The reconfiguration of the waste storage in Basement 2 to accommodate separate waste rooms for Atlassian and YHA will work to ensure that waste management systems can be implemented that will maximise resource recovery and reduce landfill waste.</p> <p>The Waste Management Plan has been updated by GHD (Appendix C). It identified that waste from the Hotel component of the development will reduce, however there will be an increase in waste generated by the commercial operations in the building.</p> <p>The Waste Management Plan proposes utilising 660L and 1,100L waste bins to improve waste storage efficiency to accommodate the revised waste volumes and to support the separate waste storage areas proposed in this modification.</p>

4.3. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

4.4. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

4.5. LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Architectural:** The proposed modifications are contained within the approved building form and will largely imperceivable outside the building. The basement reconfiguration will improve the efficiency and functionality of the back-of-house functions of the building. The modifications include improvements to internal circulation within the basement and areas within the Inwards Parcels Shed, to provide more travel path options within these spaces.
- **Traffic:** The Traffic Statement prepared by JMT Consulting has assessed the modifications and confirms the proposed design changes will not have any adverse impacts on the loading arrangements onsite or the transport network surrounding the Site.
- **Waste:** The Updated Waste Management Plan prepared by GHD (**Appendix C**) identifies that the Commercial uses within the building will require a 151.2m² for waste storage, while the Hotel use will require 26m² for waste storage. The updated architectural plans prepared by SHoP and BVN indicated sufficient space will be provided for waste storage for each of these land uses. The plans contained in the Updated Waste Management Plan indicate that adequate space has been

provided within the Basement Level 2 to accommodate waste storage for the Atlassian Central Development.

- **Heritage:** The proposed modifications have been assessed by Urbis Heritage (**Appendix D**), who have concluded that there are no additional heritage impacts resulting from the proposed modifications.
- **Acoustic:** The Acoustic Statement prepared by Acoustic Logic (**Appendix G**) has assessed the acoustic impacts the proposed increase in hours for '*rock breaking, rock hammering, sheet piling, pile driving and similar activities*' having regard to the location of sensitive receivers surrounding the site. The assessment identifies exceedances of the City of Sydney Construction Noise Level Limits at one sensitive receiver, R1 being the Adina Hotel. These exceedances are identified to occur during all additional construction hours proposed. However, based on the construction program, it is anticipated that the Adina Hotel will be unoccupied at the time these construction activities will occur. It is noted that operation of the Adina Hotel ceased in April 2022 and the hotel is expected to remain closed until after the redevelopment of Block C occurs.

The Preliminary Construction Noise, Vibration and Dust Management Plan prepared by Acoustic Logic has been provided for information (**Appendix H**). The nearest residential receiver identified within the Plan is located at 107-121 Quay Street where the top levels have a direct line of sight and is approximately 124m from the Atlassian Project Site. Other residential receivers near to the site (on the corner of Lee Street and Little Regent Street being 12 Little Regent St), are shielded by the commercial receiver at 16 Lee Street and the Adina Hotel as well as being approximately 148m from the Atlassian Project Site and are not considered to be exposed to construction noise.

4.6. SUITABILITY OF THE SITE

The Site is considered highly suitable for the development as modified for the following reasons:

- The land uses contained within the development will remain unchanged and are permissible within the existing B8 Metropolitan Centre zone. The development will be an anchor building within the new TechCentral Precinct and will support the long-term development of an innovation precinct in central Sydney.
- The exterior structure will remain largely unchanged from the originally approved development, with only a minor reduction in the dimensions of the core being visible.
- The modifications will improve circulation and amenity for future users of the building.
- The existing transport and service network servicing the Site will not have greater pressure or demand due to the changes proposed in this modification application.

The modification does not propose significant amendments or a change of use to the approved development that would make it unsuitable for the Site. The development as modified will remain suitable for the Site for the reasons stated in the original approval of SSD-10405.

4.7. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

4.8. PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The proposed modifications are consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- The proposed extended hours of construction will generally not exceed the City of Sydney Construction Noise Level Limits at surrounding sensitive receivers, where this occurs, this is in line with activities where this is anticipated, and mitigation measures will be employed to minimise this as much as possible.
- No adverse environmental, social or economic impacts will result from the proposed modifications.
- The uses within the building are permissible with consent and are consistent with the zone objectives and will remain unchanged from those originally approved.
- The proposal will provide improved circulation within the building, particularly at the levels which interface with the public domain.
- The modifications will increase the usability of the Inwards Parcels Shed, which will preserve the heritage value of the building.

5. CONCLUSION

The proposed modification has been assessed in accordance with Section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal is of minimal environmental impact.
- The proposal is substantially the same development.
- The proposal satisfies the applicable planning controls and policies.
- The social and economic impacts are acceptable.
- The proposal remains suitable for the Site.
- The proposal is in the public interest.

Having considered all relevant matters, we conclude that the proposed modification is appropriate for the Site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Yours sincerely,



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