



Building C1 Design and Administrative Changes, Barangaroo South

*State Significant
Development Modification
Assessment
(SSD 8529 MOD 2)*



June 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
ATM	Automatic Teller Machine
Applicant	Lend Lease (Miller's Point) Pty Ltd
BDA	Barangaroo Delivery Authority
CBD	Central Business District
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure



Contents

Glossary	iii
1. Introduction	1
1.1 Background	1
1.2 Approval History	3
2. Proposed Modification	4
3. Strategic Context	6
3.1 Greater Sydney Region Plan	6
3.2 Eastern City District Plan	6
4. Statutory Context	7
4.1 Scope of Modifications	7
4.2 Environmental Planning Instruments	7
4.3 Consent Authority	8
4.4 Objects under the Act	8
5. Engagement	9
5.1 Department's Engagement	9
5.2 Summary of Submissions	9
6. Assessment	10
6.1 Section 4.15(1) Matters for consideration	10
7. Evaluation	13
8. Recommendation	14
9. Determination	15
Appendices	16
Appendix A – Documentation	16
Appendix B – Modification Instrument	17
Appendix C – Consolidated Consent	18



1. Introduction

This report is an assessment of an application to modify the State significant development (SSD) approval (SSD 8529) for the construction and use of a 7-storey retail/commercial building, known as Building C1, at Barangaroo South.

The modification application has been lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks to permit out of hours construction works and change the design of the approved interpretation zone.

1.1 Background

Barangaroo is located on the north-western edge of the Sydney Central Business District (CBD) within the City of Sydney local government area (LGA). Barangaroo has a total area of 22 hectares and has been divided into three distinct redevelopment areas (from north to south), comprising of Headland Park (now known as Barangaroo Reserve), Barangaroo Central and Barangaroo South (**Figure 1**).

The modification application relates to Building C1 (the site) at Barangaroo South (**Figure 2**). The site adjoins Hickson Road to the east, commercial Building C2 to the south and commercial Building C3 (known as International Tower T1) to the west.

Building C1 (**Figure 3**) includes four retail tenancies on the ground floor (total GFA of 726 m²). The ground level also incorporates the office lobby and integrates with the Stage 1A basement car park bicycle and vehicle egress points. Levels 1-6 of Building C1 are used for office premises (total GFA of 11,022 m²) and secondary access to Building C1 is available from Scotch Row.



Figure 1 | The location of Barangaroo South shown by the yellow shading (Source: The Department)

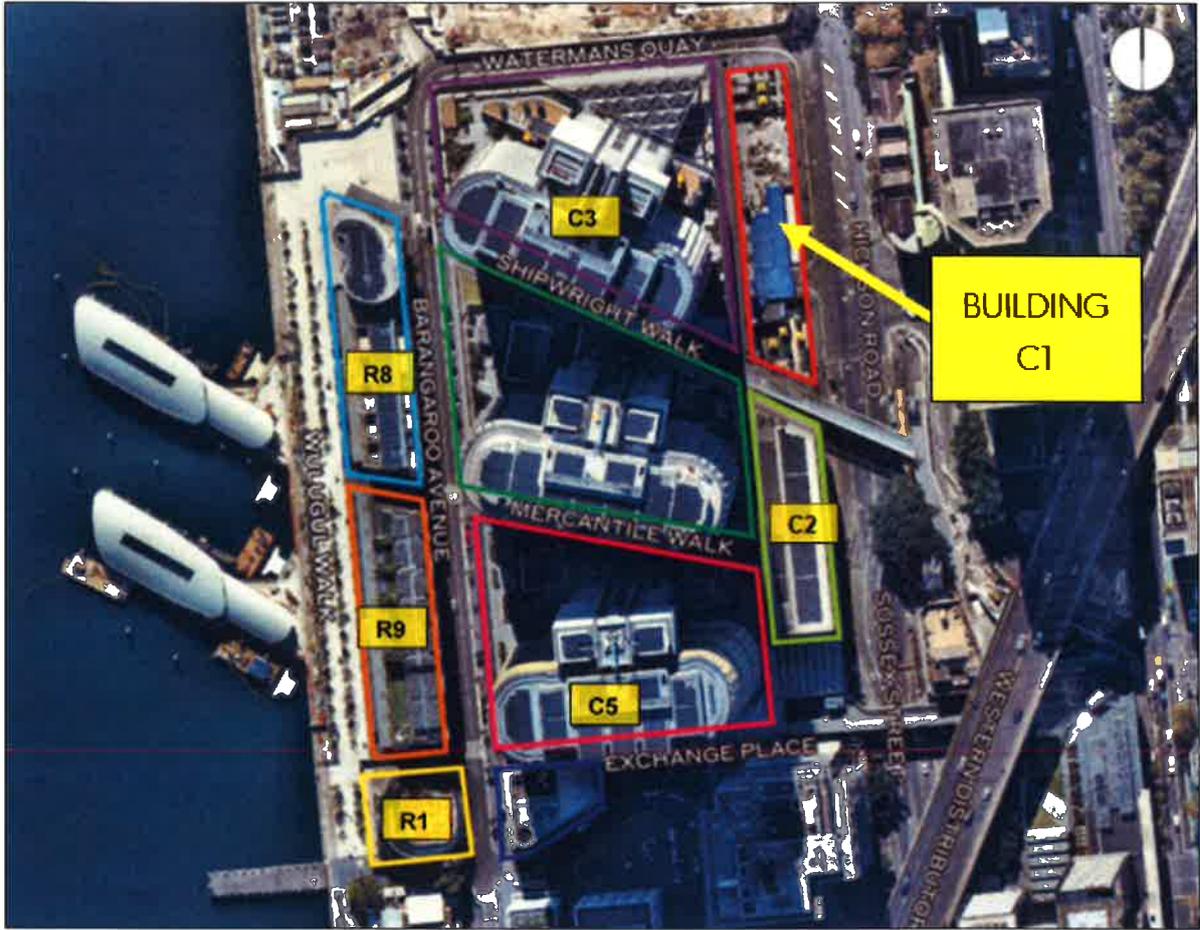


Figure 2 | The location of Building C1 at Barangaroo South (Base source: Applicant)

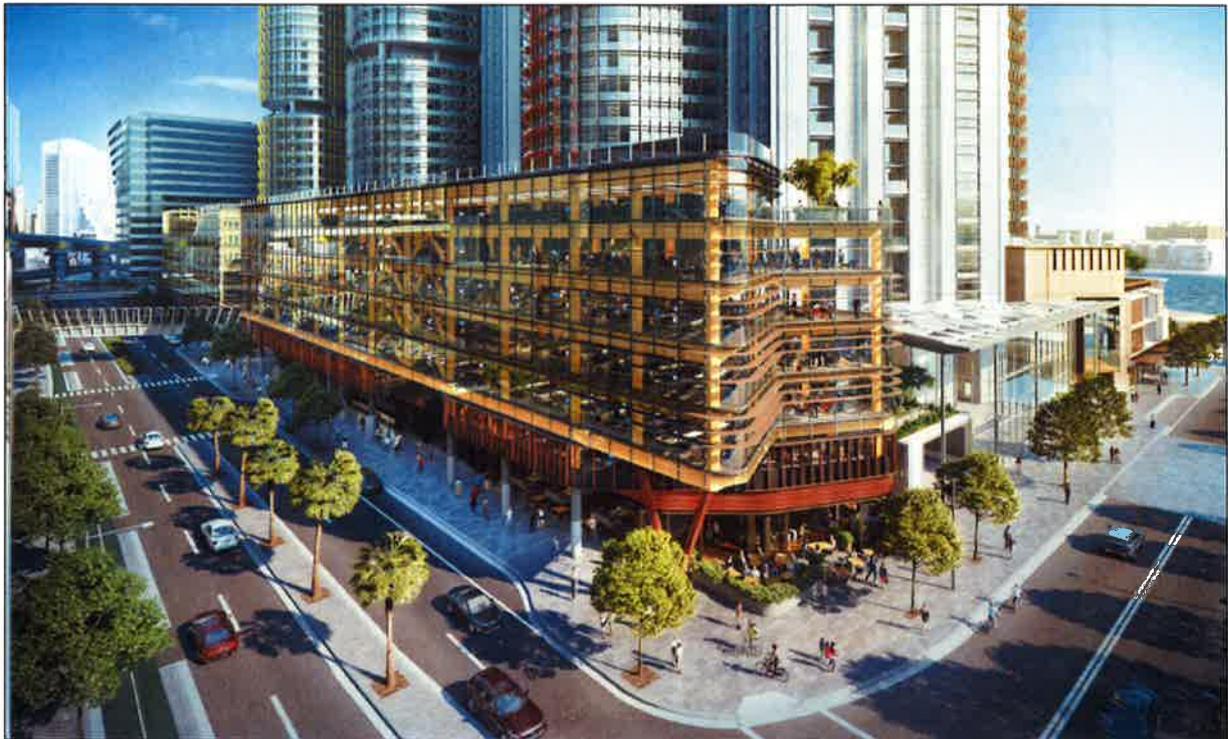


Figure 3 | Photomontage view of Building C1 from the north-east (Source: Applicant)

1.2 Approval History

SSD 8529 – Commercial Building C1

On 6 June 2018, the Executive Director, Key Sites and Industry Assessments, approved SSD 8529 for the construction and use of a 7-storey retail/commercial building including:

- a total GFA of 11,703 m², comprising 10,995 m² commercial and 708 m² retail GFA
- public domain works
- integration and minor alterations to the existing Stage 1A Basement (MP10_0023)
- allocation of 18 car spaces, 40 bicycle spaces and 96 lockers within the existing Stage 1A Basement
- roof top planting and solar photo-voltaic installation
- commercial signage zones to level 6 to accommodate future business identification signage
- a ground floor interpretation zone.

SSD 8529 included approval for a digital interpretation zone on the ground floor façade addressing Hickson Road. The interpretation zone was proposed to include static graphics to communicate the history of Barangaroo South. Future installation was envisaged to be subject to a separate approval. The location of the interpretation zone is shown in **Figure 4**.

SSD 8529 MOD 1

On 7 May 2019, the Director, Key Sites Assessments, approved SSD 8529 MOD 1 for design refinements to the retail shopfronts and lobby entrance.

Relevant Applications

SSD 6425 – Building C2

Commercial Building C2 (SSD 6425) was designed as part of a matching pair with the approved and constructed Building C1. The developments, both designed by Tzannes architects, are intended to have similar layouts, built form and finishes. Building C2 was approved by the Minister for Planning on 25 June 2015.

SSD 6303 – Stage 1A Public Domain

The public domain works within Stage 1A of Barangaroo South were approved by the Minister for Planning on 5 March 2015. The application established a pedestrian colonnade along Hickson Road and sought to integrate the publicly assessable areas of Stage 1B with the broader Barangaroo South public domain.

MP10_0023 - Stage 1A Basement

The Stage 1A basement was approved by the Minister for Planning on 2 November 2010 and integrates with Building C1. The basement has been constructed.



2. Proposed Modification

On 18 April 2019, the Applicant lodged a modification application (SSD 8529 MOD 2) seeking approval, under section 4.55(1A) of the EP&A Act, for out-of-hours construction works and design changes to the ground floor interpretation zone. The two elements of the proposal are outlined below.

Out of hours construction works

Crane and hoarding dismantling, paving and services works outside the permitted hours of construction for approximately five months. The proposed hours include:

- dismantling of Class B (overhead) hoarding from Monday to Friday between 7 pm and 7 am
- dismantling of Class A (fence) hoarding works on Sundays between 8 am and 5 pm
- dismantling of the Tower Crane on Sundays between 8 am and 5 pm
- paving works around Building C1 on Sundays between 8 am and 5 pm
- internal services commissioning from Monday to Friday between 7 pm and 7 am, and on Saturdays and Sundays from 5 am to 7 pm.

The proposed occurrences of the out-of-hours works are outlined below in **Table 1**.

Table 1 | Proposed occurrences of the out-of-hours construction works

Description of works	Occurrences
Dismantle Class B hoarding	Up to 8 nights
Dismantle Class A hoarding	Up to 4 Sundays
Dismantling Tower Crane	1 Sunday
Dismantling Tower Crane base	1 Sunday
Paving works around Building C1	Up to 4 Sundays
Internal Services works	10 weeks

Design changes to the interpretation zone

The Applicant seeks to include a new public art piece within the interpretation zone approved under SSD 8529. The 13.8 m long interpretation piece will replace the existing glass façade of the bike foyer facing Hickson Road. The proposed heritage zone is identified below in **Figure 4**.

The public art piece will display real-time data relating to the energy generated and consumed by Building C1. The glass façade will encase a pneumatic fluid system that visualises the data on the glass. The interpretation piece will not be illuminated and is shown in **Figure 5**.



3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the 'Greater Sydney Regional Plan – A Metropolis of Three Cities' which sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The city of Sydney LGA is located within the Eastern City. The proposed development supports the directions and objectives of the Plan, in particular by facilitating the safe, efficient and orderly development of the Barangaroo South area.

3.2 Eastern City District Plan

The GSC has also prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Department's assessment considered the original application complied with the strategic planning context for the site. The Department has considered the proposed changes against the strategic planning context and is satisfied the proposal remains consistent with the strategic planning context.



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify a consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Table 2**.

Table 2 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	The proposed modification would not alter any of the key components or characteristics of what was originally approved under SSD 8529. The Department is satisfied the potential additional noise impacts can be mitigated by the conditions of consent and the construction management plan.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The modification application seeks to permit additional hours of construction and change the design of the interpretation zone. No changes are proposed to the building use, height, GFA or FSR. On his basis, the Department is satisfied the modification application would result in a development that is substantially the same as the originally approved.
The application has been notified in accordance with the regulations.	Section 5 of this report demonstrates that the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Department received a submission from Council in relation to the potential for noise impacts to residents on Hickson Road. Refer to Section 5 of this report.

4.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

- Draft Environment State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Draft Environment State Environmental Planning Policy – Environment.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers that the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

4.3 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

Under the Minister’s delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Section 4.55(1A) modifications are not required to be notified under the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). However, the modification application was made publicly available on the Department's website and referred to the City of Sydney Council (Council).

5.2 Summary of Submissions

The Department received a submission from Council in relation to the application. Council requested additional information to justify the need to operate outside the standard construction hours. No public submissions were received.

5.3 Response to Submissions

Following the exhibition of the application, the Department placed a copy of Council's submission on its website and requested the Applicant provide a response to Council's comments. The Applicant provided a Response to Submissions (RtS) containing additional information to justify the additional construction works on the basis of public safety. The Applicant include additional justification for the construction works and noted additional mitigation measures to reduce the potential for acoustic impacts on residential receivers.

The Applicant, with the support of the Barangaroo Delivery Authority, maintained the out-of-hours works are the ideal delivery method to complete the construction works associated with Building C1.

The RtS was made publicly available on the Department's website and no public submissions were received. The Department forwarded the RtS to Council for comment. Council did not object to the proposal and confirmed they had no additional comment on the application.



6. Assessment

6.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 3** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided for in other sections of this report, as referenced in the table.

Table 3 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 4.2 of this report.
(a)(ii) any proposed instrument	The modified proposal complies with the relevant legislation as addressed in Section 4.2 of this report.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 5 of this report).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in any adverse environmental impacts (refer to Section 6 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	The Department received a submission from Council in relation to potential noise impacts (refer to Section 5 and 6) of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient development of commercial Building C1.

In its assessment, the Department has considered the Applicant's modification application, Council's submission and the RtS and consider the out-of-hours construction works and design changes to be the key assessment issues.

The Department notes that despite the dismantling of hoarding forming part of the modification application, it is not required to be considered. The hoarding forms part of a separate approval issued by the Barangaroo Delivery Authority (BDA), as the relevant road authority. This is therefore a matter for the BDA.

Out of hours construction works

The original consent for SSD 8529 included Condition D1, restricting construction hours to the following times:

- a) between 7 am and 7 pm, Mondays to Fridays inclusive
- b) between 7 am to 5 pm, Saturdays
- c) no construction work may be carried out on Sundays or public holidays.

The Applicant seeks to permit hoarding dismantling, tower crane dismantling, paving works and internal services commissioning works outside the permitted construction hours. In the RtS, the Applicant considers the out of hours works are warranted on grounds of public safety and notes the application seeks to minimise disruption to the area by conducting the works outside of peak pedestrian and road user times.

The Applicant justifies the need to complete some construction works out of hours for the following reasons:

- the proposed hours would not worsen traffic congestion at the intersection of Hickson Road and Napoleon Street between 7 am and 7 pm
- the proposed hours would permit works to be undertaken at times when there are less pedestrians in vicinity of the site
- the nearby Sydney Metro construction site has already proposed to close Hickson Road during the time this application seeks to complete out of hours works
- an acoustic impact statement has confirmed the noise associated with the proposed works will comply with noise limits at all residential receivers.

The Department notes the Applicant also proposes the following mitigation measures to reduce the likelihood of acoustic impacts to surrounding residences:

- community notification when crane removal activities are planned
- restricting use of the rattle gun from 10 pm
- brief all staff of noise transmission issues and discourage, as much as possible, metal hammering.

The Department considers the dismantling of tower cranes to be a common occurrence in the central business district (CBD) of Sydney. The Department has previously issued several approvals to permit the dismantling of tower cranes outside of normal construction hours without complaint from the public. There is significantly less pedestrian activity around Barangaroo on Sundays and the Department therefore considers it an appropriate time to conduct the dismantling works. The Department is satisfied the dismantling of the tower crane would not result in any amenity impacts to residents and therefore support the request to conduct the works out of standard hours.

The Department notes the proposed out of hours paving works surrounding Building C1 would necessitate the use of a paving saw. Condition D1 of SSD 8529 already restricts the use of high noise construction activities to the following hours:

- 9 am to 12 pm, Monday to Friday

- 2 pm to 5 pm, Monday to Friday
- 9 am to 12 pm, Saturday

The Department recommends to modify Condition D1 to apply the same restrictions that apply to high noise work on a Saturdays to the proposed Sunday works. The Department considers that broadening Condition D1 to apply on Sundays would enable the works to be completed while providing surrounding residential and commercial receivers with respite periods from high noise activities. The Department is satisfied the works, subject to Condition D1, would not result in adverse amenity impacts and therefore supports the request to complete paving works out of standard hours.

The services commissioning works relate to works internal to the building and rely only on hand tools and hand power hand tools to complete. These works are not noise intensive and would not have any impact upon the surrounding residences. The Department therefore supports the proposed out of hours services commissioning works.

Design changes to the interpretation zone

The modification application also seeks to include a new public art piece within the heritage interpretation zone approved under SSD 8529. The Department considers the change to the heritage interpretation zone would not result in any adverse environmental impacts at the site and would not impact upon statutory compliance or the design excellence of Building C1. The Department therefore supports the proposed amendment.



7. Evaluation

The Department has reviewed the proposed modification and assessed the merits of the application.

The Department is satisfied the proposed design changes would result in the completion of the interpretation zone envisaged under SSD 8529. The Department also considers the proposed out-of-hours works, subject to conditions of consent, would enable construction works to be completed without adversely affecting the day to day functionality of Barangaroo South. The Department does not consider the proposed modification would result in any adverse environmental impacts or amenity impacts on residents. Consequently, the Department concludes the modification application is in the public interest and should be approved.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD 8529 MOD 2 falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent SSD 8529; and
- **signs** the attached approval of the modification (Appendix B).

Recommended by:

Tim Green
Planning Officer
Key Sites Assessments

Recommended by:

Cameron Sargent
Team Leader
Key Sites Assessments



9. Determination

The recommendation is **not adopted**/**adopted** by

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – Documentation

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/11501>
2. Modification Instrument
<https://www.planningportal.nsw.gov.au/major-projects/project/11501>

Appendix B – Modification Instrument



Appendix C – Consolidated Consent

The Consolidated Consent can be found on the Department of Planning and Environment's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/project/11501>