

# Modification of Development Consent

Section 96(1A) of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation dated 16 February 2015, I approve the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.



Ben Lusher  
**Director**  
**Key Sites Assessments**

Date:

28 JULY

Sydney

## SCHEDULE 1

**Development Approval:** SSD 6513 granted by the Secretary on 25 August 2016

**For the following:** Construction of Building R1, Barangaroo South and fitout and use as a pub

**Applicant:** Lend Lease (Millers Point) Pty Limited

**Consent Authority:** Minister for Planning

**The Land:** 51A Hickson Road, Barangaroo (Part Lot 200 in DP 1204948)

**Modification:** SSD 6513 MOD 1: modification includes:

- installation of 14 retractable awnings on Levels 1 and 2 of the western façade;
- modification to Conditions B5 and F15 to include a reference to the EPA's Approved Methods for Modelling and Assessment of Air Pollutants in NSW; and
- modifications to Condition F8 and F9.

## SCHEDULE 2

The above approval is modified as follows:

1. Schedule A – Administrative Condition – Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of struck-out words/numbers as follows:

### Development Description

- A2 The development will be undertaken in accordance with the following documents and plans:

<b>Environmental Impact Statement entitled '<i>Building R1 (SSD 6513-2014), Barangaroo South</i>' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2014; and <u>Section 96(1A) Modification Application – SSD 6513</u>' and associated attachments prepared by JBA Urban Planning Consultants dated 12 May 2017</b>			
<b>Amended Application and Response to Submissions report entitled '<i>Amended Application and Response to Submissions, Building R1, Barangaroo South (SSD 6513)</i>' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 14 August 2015</b>			
<b>Amended Application RTS consisting of emailed <i>Response to Submissions</i> dated 3 December 2016 and <i>Building R1 Barangaroo South Updated Operational Acoustic Report</i> dated 6 June 2016</b>			
<b>Remedial Action Plans entitled <i>Overarching Remedial Action Plan for the Barangaroo Project Site, Sydney</i>, prepared by Environmental Resources Management Australia and dated June 2010, and <i>Amended Remedial Action Plan Barangaroo ORWS Area</i>, prepared by AECOM Australia Pty Ltd and dated July 2011</b>			
<b>Architectural Plans prepared by Collins and Turner</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BR1-ASK-12-04-05	E	Site Locality Plan	17/07/2015
BR1-ASK-12-00-00	AA	Ground Level Plan	23/07/2015
BR1-ASK-12-01-00	U	Level 1 Plan	17/07/2015
BR1-ASK-12-02-00	U	Level 2 Plan	17/07/2015
BR1-ASK-12-03-00	K	Roof Canopy Plan	27/07/2015
BR1-ASK-12-04-00	J	Plant Room Roof Plan	25/03/2015
BR1-ASK-13-00-00	B	Ground Level Fitout Plan	27/07/2015
BR1-ASK-13-01-00	A	Level 1 Fitout Plan	29/06/2015
BR1-ASK-13-02-00	A	Level 2 Fitout Plan	29/06/2015
BR1-ASK-12-00-11	U	Section (East-West)	23/07/2015
BR1-ASK-12-00-12	M	Section (North-South)	17/07/2015
BR1-ASK-12-00-21	P	Elevation East	23/07/2015
BR1-ASK-12-00-22	M	Elevation North	23/07/2015
BR1-ASK-12-00-23	M	Elevation South	23/07/2015
BR1-ASK-12-00-24	L	Elevation West	17/07/2015
BR1-ASK-12-00-50	F	Materials Schedule	25/03/2015
<b>Basement Car Park Plans prepared by Lend Lease Design</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
BR1_ASK_PA1_0001	01	Basement Level 1	01/09/2014
BR1_ASK_PA1_0002	01	Basement Level 2	01/09/2014

BR1 ASK PA1 0003	01	Basement Level 3	01/09/2014
BR1 ASK PA1 0101	01	Cross Section 1-1	01/09/2014
BR1 ASK PA1 0102	01	Longitudinal Section 2-2	01/09/2014
<b>Architectural Plans prepared by H&amp;E Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<u>AD 1020</u>	<u>02</u>	<u>Level 1 Solar Protection Awning Locations</u>	<u>20/4/2017</u>
<u>AD 1030</u>	<u>02</u>	<u>Level 2 Sun Protection Awning Locations</u>	<u>20/4/2017</u>
<u>AD 3100</u>	<u>02</u>	<u>Section Solar Protection Awning Locations</u>	<u>20/4/2017</u>
<u>AD 6000</u>	<u>02</u>	<u>Solar Protection Awning Details</u>	<u>20/4/2017</u>
<u>AD 6001</u>	<u>02</u>	<u>Solar Protection Awning Details</u>	<u>20/4/2017</u>

## PART B – PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

### B5 MECHANICAL VENTILATION

- (1) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2.
- (2) All kitchen exhaust systems intended to be used for solid fuel or charcoal cooking are to be designed installed and maintained in accordance with AS1668.2 Section 3.4.6. All hoods and associated exhaust systems for use over charcoal and solid fuel appliances shall be provided with separate systems, and shall not be combined with a system serving grease or oil generating or oil heating appliances.
- (3) All solid fuel or charcoal cooking appliance exhaust systems are to be provided with an enhanced filtration system so as to prevent any cooking odour, smoke or fumes adversely affecting customers or any adjacent or nearby residents, businesses or the general public, as outlined in the DEC 'Approved Methods for the Modelling and Assessment of Air Pollutants in NSW' published 2017 or its successor and 'Assessment and Management of Odour from Stationary Sources in NSW (2006)' or its successor.
- (4) The kitchen exhaust systems, including enhanced filtration systems shall be installed in accordance with the manufacturers' specifications by appropriately qualified person(s) conversant with the installation and operation of the system.
- (5) Only appropriately qualified person(s) conversant with the operation of the approved kitchen exhaust mechanical ventilation system be engaged to conduct servicing and maintenance of the systems.
- (6) The systems shall be maintained in accordance with the manufacturers' recommendations with regard to the systems' particular application and cooking usage and based on the implementation of these recommendations. **A Maintenance Management Plan** shall be prepared which is to be endorsed by the manufacturer.
- (7) Following the endorsement of the **Maintenance Management Plan**, the systems are to be maintained in accordance with the specific requirements of the MMP.
- (8) The Maintenance Management Plan and all service records are to be kept on-site and made available to City of Sydney officers upon request.
- (9) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (10) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, must be submitted to the Principal Certifying Authority.

## PART F – POST OCCUPATION / DURING USE

### F8 COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (1) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report *Proposed Restaurant and Bar, Building R1, Barangaroo Precinct* ref 46.5164.R9C:MSC, prepared by The Acoustic Group and dated 12 May 2016, must

be implemented into the design and/or operational management of the premises prior to the commencement of the use of the premises, unless otherwise agreed by the Secretary. Assumptions and recommendations include:

- (a) the building facade glazing must be a minimum thickness of 10.38mm;
  - (b) the underside of the external balconies have acoustic absorption above the horizontal plane of slotted timbers, excluding those areas above which are translucent panels. The extension of the acoustic absorption into the outer curved section of the slotted timbers (with respect to a cross-section elevation) shall be subject to the practicalities of installing such absorption having regard to the egress of rain. Such absorptions shall have a Noise Reduction Coefficient (NRC) not less than 0.85 incorporated into the design;
  - (c) no speakers may be placed on the northern balconies and terrace;
  - (d) any external speakers on the southern and western balconies and terraces must be located in the ceiling and directed downwards;
  - (e) the glass facades on the northern side of the building must be closed when music greater than 75dB(A) at three (3) metres from any speaker is played inside the building.
- (2) No external drop down blinds or shield walls (as suggested by the acoustic report) are approved as part of this consent.
  - (3) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report is to be submitted to and approved by the Secretary that confirms that the development complies with the requirements set out in the acoustic report and in (1) above.

**F9 COMPLIANCE WITH THE ACOUSTIC REPORT**

- (1) Within 30 days of the commencement of operations a suitably qualified acoustic consultant is to undertake compliance testing on a Friday and a Saturday night from 10pm to midnight that confirms that the development complies with the requirements set out in the acoustic report identified in Condition E15-(1) **F8**.
- (2) Should substantiated complaints be made to the Department and/or Council regarding noise, a suitably qualified acoustic consultant is to undertake further compliance testing to the satisfaction of the Secretary to confirm that the development complies with the requirements set out in the acoustic report identified in Condition E15-(1) **F8 (1) and F6**. Should this demonstrate non-compliance, the acoustic consultant must recommend further mitigation measures to enable compliance (including a specific time frame to implement measures) to the satisfaction of the Secretary.

**F15 EMISSIONS**

- (1) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health, as outlined in the DEC 'Approved Methods for the Modelling and Assessment of Air Pollutants in NSW' published 2017 or its successor and 'Assessment and Management of Odour from Stationary Sources in NSW (2006') or its successor.
- (2) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**End of Modifications to SSD 6513 MOD 1**