

12 April 2019

10051

Carolyn McNally  
Secretary  
Department of Planning and Environment  
320 Pitt Street  
Sydney  
NSW 2000

Dear Ms McNally,

## **SECTION 4.55(1A) MODIFICATION APPLICATION BUILDING C1, BARANGAROO SOUTH**

This application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd (Lendlease), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 8529 for the construction of a commercial building referred to as Building C1, Barangaroo South.

The proposed modifications include:

- Removing the glass façade within the approved Building C1 interpretation zone (fronting Hickson Road) and replacing it with a detailed interpretation piece.
- Introduction of additional out of hours work to support crane and hoarding dismantling, paving and services works. The works and additional hours include:
  - Dismantling of Class B hoarding from Monday to Friday between 7:00pm to 7:00am;
  - Dismantling of Class A hoarding works on Sundays between 8:00am to 5:00pm;
  - Dismantling of Tower Crane on Sundays between 8:00am to 5:00pm;
  - Paving works around Building C1 on Sundays between 8:00am to 5:00pm; and
  - Internal services commissioning works from Monday to Friday between 7:00pm and 7:00am, and on Saturdays and Sundays from 5:00am to 7:00pm.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement prepared by Ethos Urban dated November 2017. This application is accompanied by:

- Interpretation Piece Drawings prepared by Aileen Sage Architects (**Attachment A**);
- Revised Base Building Drawings prepared by Tzannes (**Attachment B**);
- Design Integrity Statement prepared by Tzannes (**Attachment C**);
- Acoustic Impact Statement prepared by Wilkinson Murray (**Attachment D**);
- Addendum Environmental, Construction and Site Management Plan prepared by Lendlease (**Attachment E**); and
- Revised Noise and Vibration Management Plan prepared by Lendlease Building (**Attachment F**).

## 1.0 Consent Proposed to be Modified

Development consent for Building C1 (SSD 8529) was granted by the Department of Planning and Environment on 6 June 2018 for:

*Construction and use of a 7-storey retail/commercial building, including:*

- *A total GFA of 11,703m<sup>2</sup>, comprising 10,995m<sup>2</sup> commercial floor area and 708m<sup>2</sup> retail GFA*
- *Public domain to match the existing Stage 1A public domain works (SSD 6303)*
- *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*

Building C1 is currently under construction. A photomontage of the approved development is shown in **Figure 1**.



**Figure 1 - Building C, as viewed from Hickson Road**

Source: Tzannes

## 2.0 Proposed Modifications to the Consent

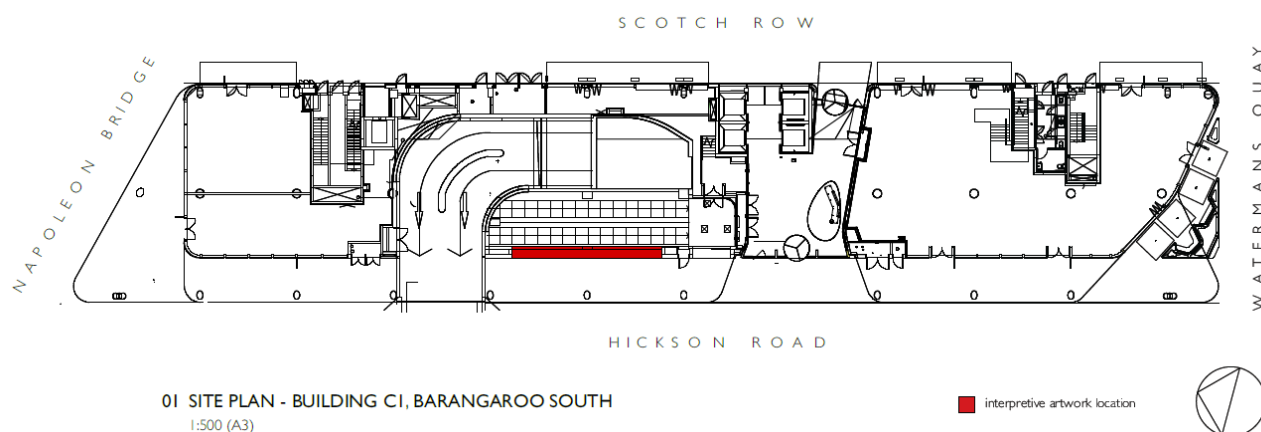
The proposed modification to the development consent comprises:

- Removing the glass façade within the approved Building C1 interpretation zone (fronting Hickson Road) and replacing it with a detailed interpretation piece; and
- Introduction of additional out of hours work to support crane and hoarding dismantling, paving and services works. The works and additional hours include:
  - Dismantling of Class B hoarding from Monday to Friday between 7:00pm to 7:00am;
  - Dismantling of Class A hoarding works on Sundays between 8:00am to 5:00pm;
  - Dismantling of Tower Crane on Sundays between 8:00am to 5:00pm;
  - Paving works around Building C1 on Sundays between 8:00am to 5:00pm; and
  - Internal services commissioning works from Monday to Friday between 7:00pm and 7:00am, and on Saturdays and Sundays from 5:00am to 7:00pm.

The proposed modifications are described in more detail below.

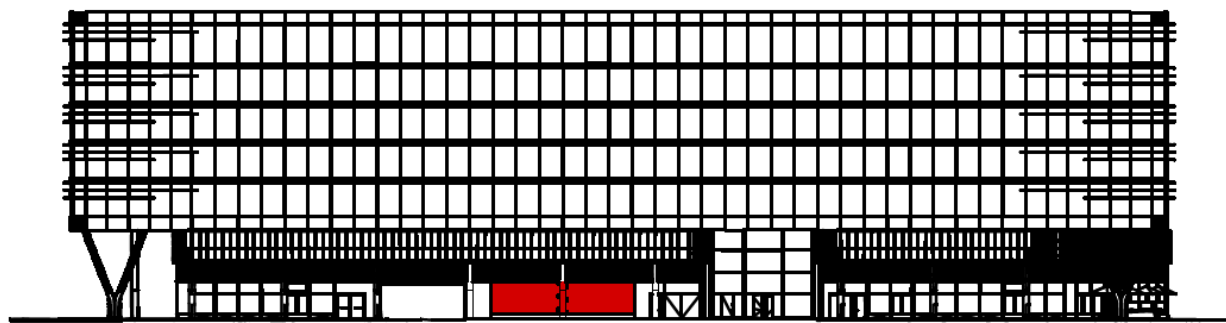
### 2.1 Interpretation Zone and Interpretation Piece

This application seeks approval to incorporate a detailed interpretation piece within the interpretation zone approved under SSD 8529. The interpretation piece will replace the existing glass façade currently approved within the interpretation zone. Architectural drawings of the interpretation piece have been prepared by Aileen Sage Architects and are provided at **Attachment A**. Specifically, the interpretation piece will be located on the glass façade of the bike foyer facing Hickson Road, as shown below at **Figure 2** and **Figure 3**.



**Figure 2 - Location of the interpretation piece within Building C1**

Source: Aileen Sage Architects



## 02 LOCATION ELEVATION

1:1000 (A3)

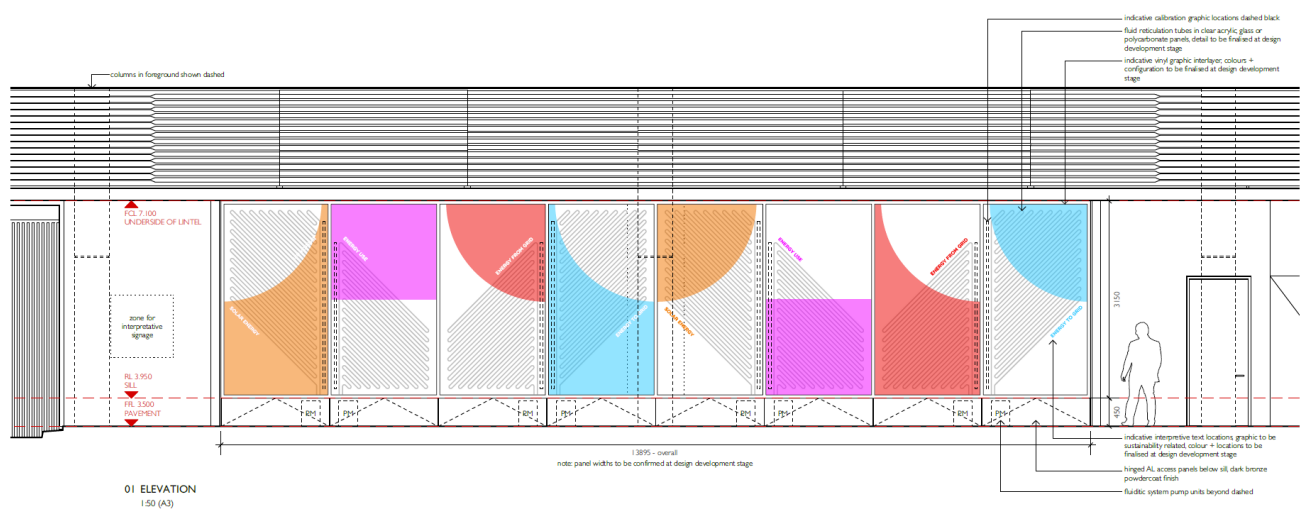
 interpretive artwork location

**Figure 3 - Location of the interpretation piece fronting Hickson Road**

Source: Aileen Sage Architects

The interpretation piece will comprise of a pneumatic and fluidic façade system that will translate recorded data of energy used and energy generated by Building C1. It aims to promote the sustainability initiatives of the building in a graphic form, illustrating to the public how the building is responding to its changing environment through solar collection and building energy usage.

The design of the piece is shown in **Figure 4**. The interpretation piece has an overall length of 13.8m and comprises fluid reticulated tubes in clear acrylic, glass or polycarbonate panels with a vinyl graphic interlayer, the details of which are to be finalised at the detailed design stage. The interpretation piece is not self-illuminated. It relies on the lighting provided by the building.



**Figure 4 - Detailed design of the proposed interpretation piece.**

Source: Aileen Sage Architects

## 2.2 Construction Hours

This application seeks to amend the approved construction hours to allow for out of hours construction work until September 2019. The approved working hours under Section D1 of SSD 8529 are as follows:

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

The proposed out of hours work will be undertaken from 7pm to 7am Monday to Friday for selected activities and from 8am to 5pm on Sundays for other activities. These works have been requested to be undertaken during the proposed times as they are considered the safest and therefore best time to undertake the works, noting the busy nature of Hickson Road, Scotch Row and Watermans Quay. Services Commissioning works with no external acoustic impacts will also be undertaken on 5am to 7pm Saturdays and Sundays.

A brief summary of the proposed out of hours work is provided at **Table 1**. A more detailed description is provided in the Acoustic Impact Statement at **Attachment D**.

**Table 1 - Proposed out of hours works**

Description of works	Proposed hours
Dismantling of Class B Hoarding	7pm – 7am
Dismantling of Class A Hoarding	8am – 5pm Sunday
Dismantling of Tower Crane	8am – 5pm Sunday
Demolition of Tower Crane Base	8am – 5pm Sunday
Paving works around Building C1	8am – 5pm Sunday
Services Commissioning works	7pm – 7am Monday to Friday 5am – 7pm Saturday 5am – 7pm Sunday

Source: Wilkinson Murray

There will be a maximum of 4 consecutive nights work, as well as a maximum of 4 nights work in each week. No work will occur after 7pm on Sunday nights. Night work will not occur for more than 15 nights through this period. Construction works will revert to normal construction hours once these works are completed.

An Acoustic Impact Assessment has been prepared by Wilkinson Murray to assess the proposed out of hours works (**Attachment D**). As discussed at **Section 4.4**, it was found that the proposed extended construction hours will not adversely impact the acoustic amenity of the surrounding residences.

The specific tools and their sound levels are also identified in the Acoustic Impact Statement to clearly clarify the tools and machinery to be used to support the proposed out of hours works. It is noted that the rattle / impact gun (the highest noise generating tool) will be restricted post 10:00pm to support noise management. This mitigation measure (amongst the others recommended) seeks to support better noise management by limiting higher noise emitting tools during earlier evening periods.

An addendum to the Environmental, Construction and Site Management Plan prepared by Lendlease has also been prepared (refer to **Attachment E**). It provides new sections which relate to the proposed crane and hoarding removal (section 3.2.6) and noise and vibration (section 5.1). An addendum to the Noise and Vibration Management Plan is also provided (**Attachment F**).

Each addendum articulates the new relevant matters for consideration, including crane and hoarding removal, truck movements and parking, associated with the proposed out of hours works, as recommended through consultation with the Department.

## Community Engagement

Community consultation has been undertaken on the proposed out of hours works so residents are aware of the proposal. This has included:

- Consultation with the Millers Point Resident Action Group (occurred at 7:00pm on 12 March 2019);
- Targeted letter drops to building management along Kent Street premises (undertaken between the week of 11 and 15 March 2019); and
- Targeted phone calls to known impacted stakeholders (undertaken between the week of 11 and 15 March 2019).

Broader community consultation is also intended. A broader community consultation session has been confirmed for Tuesday 2 April 2019.

## 2.3 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

### Condition A3

A3 *The development may only be carried out*

- In compliance with the conditions of this consent;*
- In accordance with all written directions of the Secretary;*
- Generally in accordance with the EIS and RTS; and*
- In accordance with the approved plans in the table below;*

Architectural Plans prepared by Tzannes			
Drawing No.	Revision	Name of Plan	Date
<b>Basement Plans</b>			
BCC1AD1B100	3	GA Plan – Basement Level B1	23/01/2018
BCC1AD1B125	2	Demolition Plans – Basement	23/01/2018
BCC1AD1 B200	3	GA Plan – Basement 2	23/01/2018
<b>General Plans</b>			
BCC1AD00007	5	GFA Summary	13/03/2018
<b>Floor Plans</b>			
BCC1AD20000	<del>44</del> 16	GA Plan – Ground Floor	<del>1/03/2018</del> 21/02/2019
BCC1AD20025	4	Demolition Plan – Ground Floor	23/01/2018
BCC1AD30000	8	GA Plan – Mezzanine	13/03/2018
BCC1AD30100	6	GA Plan – Level 01	13/03/2018
BCC1AD30200	6	GA Plan – Levels 02-05	13/03/2018
BCC1AD30600	6	GA Plan – Level 06	13/03/2018
BCC1AD30700	7	GA Plan – Roof	31/01/2018
<b>Elevation Plans</b>			
BCC1AD41000	3	South Elevation	23/01/2018
BCC1AD42000	6	West Elevation	8/02/2018
BCC1AD43000	3	North Elevation	23/01/2018



Architectural Plans prepared by Tzannes			
BCC1AD44000	7 11	East Elevation	<del>31/01/2018</del> 21/02/2019
<b>Section Plans</b>			
BCC1AD50001	3	Section AA	23/01/2018
BCC1AD50002	6	Section BB and CC	09/02/2018
<b>Finishes Plans</b>			
BCC1AD80000	3	Materials and Finishes	23/01/2018
<b>Shopfront Modules</b>			
BCC1ADSOO10	2	Shopfront modules - Zone A	11/10/2017
BCC1ADS0011	3	Shopfront modules - Zone B	17/10/2017
BCC1ADS0012	2	Shopfront modules - Zone C	11/10/2017
BCC1ADS0013	3	Shopfront modules – Zone D, E	22/01/19
BC1ADS0015	10	Shopfront modules - Zone C Awnings	15/03/2017
<b>Interpretation Zone</b>			
ADZ0030-00	A	Drawing Register + Site Plan	27/02/19
ADZ0030-10	A	Plan	27/02/19
ADZ0030-11	A	Elevation	27/02/19

**Condition D1***Construction hours*

D1 construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

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

**minor out-of-hours construction works to support crane and hoarding dismantling, paving and services works, may additionally be carried out between the following hours:**

- a) between 7 pm and 7 am, Mondays to Fridays inclusive;
- b) between 5am and 7 pm, Saturdays and Sundays inclusive;
- c) between 8am and 5pm on Sundays.

### 3.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposed modifications do not alter any of the key components of the approved development, being a 7-storey timber-framed retail/commercial building;
- The interpretation zone was approved under SSD 8529 and the modification seeks to incorporate the detailed design of the interpretation piece within the approved zone now that the design is better understood; and
- There are no changes to the architectural character or quality of the approved building.

### 4.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact. The key considerations are assessed below.

#### 4.1 Impact on the Environment

The EIS submitted with the original application considered a range of potential environmental impacts, the follow of which are unchanged as a result of the proposed modifications:

- Land Use and GFA;
- Amenity;
- Public Domain and Public Access;
- Transport and Accessibility;
- Water Management;
- Air Quality;
- Heritage;
- Utilities;
- Ecologically Sustainable Development;
- Contamination;
- Building Code of Australia;
- Sea Level Rise and Climate Change;
- Consultation.

The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. The relevant matters that require further consideration are discussed in more detail below.



## 4.2 Relevant EPIs, Policies and Guidelines

The proposed interpretation piece and amendments to the hours of work do not alter the original assessment of compliance with the relevant planning instruments.

The development, as proposed to be modified, does not alter the consistency of the development with the relevant provisions of the Barangaroo Concept Plan.

## 4.3 Visual Impact and Views

The proposed interpretative piece is to be installed in the approved interpretation zone located on the eastern façade, addressing Hickson Road. The interpretation zone will help to promote the sustainability aspects of Barangaroo South and provide an engaging experience to the street.

The interpretation piece is not for advertising purposes and will not hinder or obstruct any sight lines or otherwise have any additional effect on the visual form of Barangaroo South. It is not self-illuminated and will therefore not contribute to visual disturbance.

## 4.4 Noise and Vibration

An Acoustic Impact Statement has been prepared by Wilkinson Murray and is included at **Attachment D**. It provides an assessment of the potential noise emissions associated with the proposed out of hours works and the associated equipment and methodology which will support these works.

Overall, the assessment concludes that the noise associated with the proposed works will meet compliance at all residences with the exception of the marginal exceedance of the night works associated with the Class B hoarding.

The main contributor to this exceedance is the degree of operation of the Franna cranes to support the dismantling at the north eastern end of the site. To mitigate the impacts therefore, Wilkinson Murray recommend focussing early morning works on the southern and western side of the building during the night period when it is practicable.

Furthermore, the acoustic amenity of residents will be protected through the following measures:

- Notify, via Lendlease Community Relations, the surrounding community when crane installation and removal activities are planned;
- Restricting the use of the rattle gun (the most noise-generating tool) from 10:00pm; and
- Instruct workers of the issue of noise transmission to residences so that they are aware of the requirement to minimise noise emission. This would include avoiding, as much as possible, metal hammering.

## 4.5 Design Integrity

Under Condition A5 of SSD 8529, arrangements must be implemented to ensure Tzannes are engaged in the design documentation phase to ensure the integrity and design quality of the approved development is maintained. A letter from Tzannes acknowledging and supporting the proposed interpretation piece has been appended to this document at **Attachment C**.

## 4.6 Environmental, Construction and Site Management Plan

An addendum to the Environmental, Construction and Site Management Plan (ECSMP) addressing the proposed out of hour works has been prepared by Lendlease and is provided at **Attachment E**. Lendlease confirmed that the relevant noise guidelines would generally be met for the proposed out of hours works.

The ECSMP also confirms that additional attended noise monitoring and vibration monitoring of the out of hours works will be conducted in response to complaints, or where specific monitoring is needed to help further ensure the preservation of acoustic amenity where possible.

The approved Noise and Vibration Management Plan has also been updated (refer to **Appendix F**) to reflect the proposed out of hour works and noise mitigation measures to support these works recommended within the Acoustic Impact Statement.

#### **4.7 Reasons for Approval**

In the Department of Planning and Environment's Assessment Report, the following matters are noted as reasons for approval:

- Contribution to Barangaroo South precinct;
- Contribution to construction and operation jobs;
- Consistency with the strategic intent for the area outlined in the *Greater Sydney Regional Plan*, *Eastern City District Plan* and *Sustainable Sydney 2030*;
- Compliance with the State Significant Precincts SEPP and the Barangaroo Concept Plan;
- Achievement of design excellence; and
- Demonstration that impacts can be suitably managed with regards to noise, traffic and car parking and other environmental impacts.

The proposed modifications do not result in any change to these reasons for granting approval.

#### **4.8 Suitability of the Site for the Proposed Development**

The proposed modifications will not alter the suitability of the site for the development and will ensure consistency with the approved development under SSD 8529.

#### **4.9 Public Interest**

The proposed modifications are in the public interest. The proposed interpretation piece will help convey and illustrate to the public the sustainability principles of Building C1 and Barangaroo South, in addition to improving the vibrancy and amenity of the area.

The proposed out of hours works, specifically the crane, hoarding and paving works, have been selected to ensure they can be undertaken at the safest times when the least amount of people are around. The community consultation undertaken with surrounding residents and the noise management measures outlined in the Acoustic Impact Statement and Noise and Vibration Management Plan, will ensure the out of hours works will remain in the public interest.

## 5.0 Conclusion

The proposed modification seeks approval to replace the glass façade within the approved Building C1 interpretation zone and replacing it with a detailed interpretation piece, as well as additional out of hours work to support crane and hoarding dismantling, paving and services works which are considered best to be done in selected evening periods.

The proposed modifications are minor in nature and do not result in any change to the approved parameters of the building. Further, they do not result in any environmental impacts that were not considered as part of the original application.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The proposed modification is of minimal environmental impact; and
- Substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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