

ASSESSMENT REPORT

Remediation, Hickson Road, Barangaroo DA 6617 MOD 1

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 96(1A) modification application (MOD 1) lodged by Lendlease (the Applicant) seeking to modify a State significant development application (SSD 6617) for the remediation and associated works at Hickson Road, Barangaroo. MOD 1 seeks approval for the removal of two street trees due to an amendment to the configuration of the temporary works compound.

1.2 The site

Barangaroo is located on the north-western edge of the Sydney CBD. The site is bounded by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and King Street Wharf/Cockle Bay/Darling Harbour to the south. The Barangaroo precinct is divided into three redevelopment areas (from north to south): Headland Park; Barangaroo Central; and Barangaroo South. A location Plan is provided at **Figure 1** below.



Figure 1: Site location (Source: SSD 6617 EIS)

1.3 Site context

The area subject to the current application is located within the Hickson Road reserve and is generally adjacent to parts of Barangaroo South and Barangaroo Central to the west. The subject land forms part of the EPA Declaration Area 21122 and is herein referred to in this report as the 'remediation area' (Figure 2).

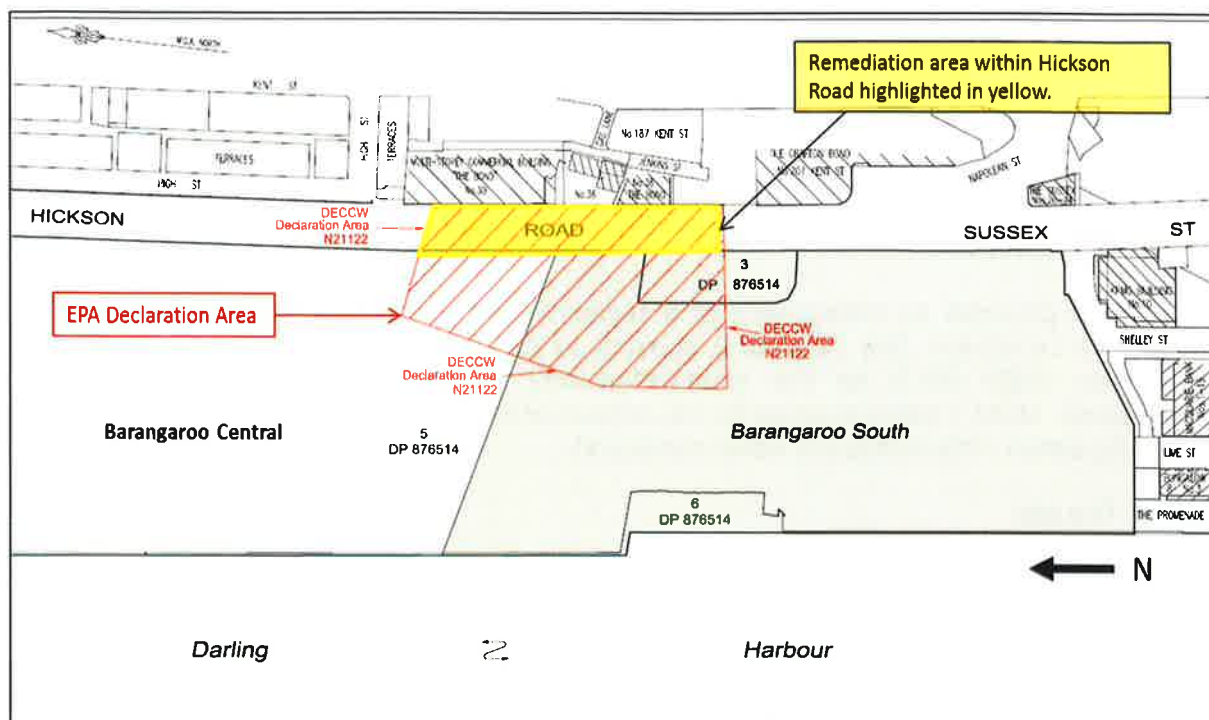


Figure 2: Remediation Area (Source: SSD 6617 EIS)

1.4 Approval History

On 25 August June 2016, State significant development application (SSD 6617) was approved by the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning, for remediation and associated works in part of Hickson Road within the EPA Declaration Area (no. 21122) and adjacent areas in Barangaroo.

The application sought approval for:

- remediation of part of Hickson Road and associated works via either one of two methods; on-site in-situ treatment (the preferred method) or excavation for off-site treatment and disposal
- removal of 15 street trees to facilitate the remediation works. These trees would be replaced following the completion of the works.

The Department's consent included the following:

- Condition B30 which requires the preparation of a Tree Management Sub-Plan
- Condition D36 which requires the Applicant to undertake all works in accordance with the Tree-Management Sub-Plan prepared under Condition B30
- Schedule 3 which requires the preparation of a Tree Management Plan which includes replacement plantings for the trees removed, or in accordance with any other street tree design approved by the relevant authority.

2. PROPOSED MODIFICATION

MOD 1 seeks approval under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to extend the two temporary compound work areas (known as Stage A1 and Stage B1) currently located within Hickson Road. As a result, a portion of the compound areas (north and south) would sit outside the EPA remediation area within Hickson Road (**Figures 3 and 4**).

The Stage A1 area would increase in size by 230 m² to north and 250 m² to the south. The Stage B1 area would increase in size by 95 m² to the north and 45 m² to the south. The purpose of the expansion is to provide more space for the storage of materials and equipment needed for the Hickson Road remediation works.

To facilitate the extended temporary compound area, two Hills Weeping Figs are proposed to be removed (Trees 12 and 50). The trees will be replaced with appropriately advanced trees which are of the same species (i.e Hills Weeping Fig tree), or as required by the relevant authority upon completion of the works (**Figure 5**).

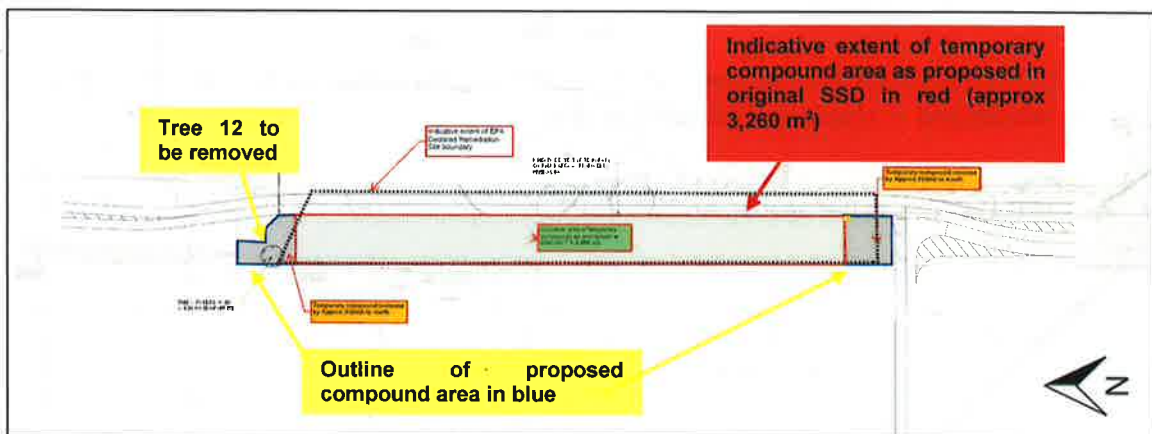


Figure 3: Proposed compound works extension Stage A1 situated south of Hickson Road (Source: EIS MOD 1 SSD 6617)

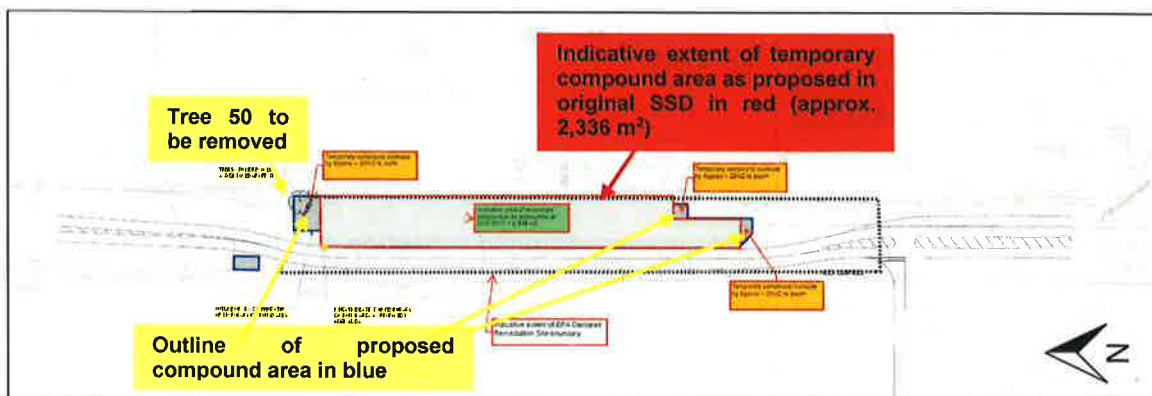


Figure 4: Proposed compound works extension Stage B1 situated north of Hickson Road (Source: EIS MOD 1 SSD 6617)



Figure 5: Street trees 12 and 50 respectively as viewed looking south within Hickson Road (Source: EIS MOD 1 SSD 6617)

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 1 – Consideration of matters under section 96(1A)

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	Section 5 of this report provides an assessment of the impacts associated with the proposal. As the proposal involves a minor increase in the temporary works compound, removal of two street trees and administrative changes to conditions, the Department is satisfied the proposed modifications will have minimal environmental impact.
S96(1A)(b) that the development to which the consent as modified 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).	As the proposal relates to a minor increase in the approved works compound area, removal of two trees and administrative changes to conditions, the Department is satisfied it would result in development that is substantially the same as originally approved.
S96(1A)(c) The application has been notified in accordance with the regulations.	The modification application was notified to City of Sydney Council in accordance with the Regulation. Details of the notification are provided in Section 4 of this report.
S96(1A)(d) Any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions on the proposal.

3.2 Environmental Planning Instruments

The following EPIs were relevant to the original Development Application:

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

- State Environmental Planning Policy No. 55 – Remediation of Land.

An assessment of compliance with the EPIs was considered in the original application. The Department has considered the modification application against the objectives and aims of these instruments and is satisfied the modified proposal remains consistent with the relevant provisions.

3.3 Delegated Authority

In accordance with the Minister for Planning's delegation dated 11 October 2017, the Director, Key Sites Assessments may determine the section 96(1A) request as:

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

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

The modification application and accompanying information was made publicly available and notified in accordance with the *Environmental Planning and Assessment Regulation 2000*.

The Department made the proposal publicly available on its website. The Department notified the City of Sydney Council in writing.

4.2 Submissions

Council advised it would not be making a submission and no public submissions were received.

5. ASSESSMENT

Extension of temporary compound area

The proposed extension of the Stage A1 compound area would increase its size by 230 m² to the north and 250 m² to the south resulting in an overall area of 3,760 m². The proposed extension of the Stage B1 compound area would increase its size by 95 m² to the north and 45 m² to the south resulting in an overall area of 2,476 m². The extensions would represent an increase of 15 % and 6% for the Stage 1A and Stage 1B areas respectively.

Lend Lease advise the compound areas store a variety of materials and equipment, including odour enclosures, storage bays for spoil, ducting and air emission control systems, jet grout and excavation equipment, access ways, temporary water management infrastructure and other equipment.

The Department notes the increase in the temporary works compound areas are necessary to facilitate the remediation of Hickson Road and additional space is required to accommodate the remediation equipment and materials. The Department is satisfied the scope of the remediation works would not increase and therefore the expanded compound areas would not result in increased environmental impacts, particularly in respect of noise and odour impacts.

The Department is also satisfied the expanded compound areas would not reduce vehicular access along Hickson Road, with all traffic movements being managed through the staging of

the works which would rely on the two different compound configurations outlined in Stage 1A and Stage 1B (**Figures 3 and 4**).

The Department considers the extension of the temporary compounds to be acceptable.

Street tree removal

The extension of the compound area would require the removal of two Hills Weeping Fig trees 12 and 50 (**Figures 5 and 6**). Tree 12 is 12 m in height and is identified within the Arboriculture Assessment Report (AA report) as being in a fair condition, meaning it has signs of structural weakness or effects from pests and disease or infection. Tree 50 is 7 m in height and is identified by the AA report as being in a good condition. The trees are not identified as being of ecological importance.

The consent for the remediation of Hickson Road (SSD 6617) permits the removal of up to 15 Hills Weeping Fig street trees, the majority of which were located on the western side of Hickson Road. The Department considered the removal of these street trees were necessary to facilitate the remediation of the site. The consent requires the retention of the remaining trees and the Applicant to replace the street trees removed with appropriately advanced trees of the same species at the completion of works, or in accordance with any other street tree design approved by the relevant authority.

The two street trees provide visual interest and add to the character of Hickson Road and Barangaroo. Whilst their removal will increase the visual impacts associated with the loss of the street trees, they will be replaced with appropriately advanced trees which are the same species (i.e. Hills Weeping Fig trees) upon completion of the works. The Department is satisfied upon completion of the proposal and the associated replanting, the character of the streetscape will be restored.

The Department therefore supports the removal of the two Hills Weeping Fig trees and proposed modification to Condition A2.



Figure 6: Street trees 12 and 50 as viewed south within Hickson Road (Source: Google maps).

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under Part 4 of the EP&A Act and all relevant environmental planning instruments, and is considered to comply with all relevant standards and requirements. Council did not lodge a submission in response to the modification application and no public submissions were received.

The Department's assessment concludes the expanded works' compounds and removal of the two street trees is acceptable, is in the public interest, and is substantially the same development.

The Department recommends the application be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **determine** that the proposed modification falls within the scope of section 96(1A) of the EP&A Act;
- (c) **approve** the modification under section 96(1A) of the EP&A Act; and
- (d) **sign** the attached Instrument of Modification.

Prepared by: Rebecka Groth
Senior Planner
Key Sites Assessments


Endorsed by:



Cameron Sargent
Team Leader
Key Sites Assessments

DECISION

Approved by:

 19.10.17.

Ben Lusher
Director
Key Sites and Industry Assessments

APPENDIX A –MODIFICATION APPLICATION

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.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8726

APPENDIX B – RECOMMENDED MODIFICATION CONDITIONS
