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5 March 2015

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Chris Wilson, Executive Director, Major Projects Assessment

Dear Secretary

**STAGE 1C REMEDIATION AND EARTHWORKS – BARANGAROO
REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

We are writing on behalf of Crown Resorts Limited, the proponent for a proposal to carry out remediation and earthworks, comprising excavation and landforming works, and including the construction of a groundwater retention wall and internal stabilising walls, at the Barangaroo Site.

On the basis that the proposed development has a capital investment value in excess of \$10 million and is located within the Barangaroo Site, which is a State Significant Site, the proposed development is State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (the Act).

The purpose of this letter is therefore to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a State Significant Development Application (SSDA) for the proposed development. To support the request for the SEARs this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

1.0 BACKGROUND

Crown's interest in the site is the outcome of negotiations between Lend Lease and the NSW Government, including the Barangaroo Delivery Authority, to relocate the landmark hotel approved as part of the Barangaroo Concept Plan (as amended) to a new location within the Barangaroo site.

To facilitate this outcome an application will be made to the Minister by Lend Lease to amend *State Environmental Planning Policy (Major Development) 2005* (the Major Development SEPP) and at the same time the Barangaroo Concept Plan to include the proposed Crown Sydney Hotel Resort, as well as range of subsequent and related changes.

Both the amendment to the SEPP and Concept Plan will establish the pattern of development, building envelopes, land uses and gross floor area distribution and traffic, access and parking arrangements for the ongoing development of the remaining parts of the Barangaroo South site.

Separate Director-General's Requirements have been obtained by Lend Lease (Millers Point) Pty Ltd for the Concept Plan modification (Modification No. 8).

The proposed Crown Sydney Hotel Resort development will comprise of a single high rise building that will house a hotel, VIP gaming facilities and residential apartments. The proposed Crown Sydney Hotel Resort will be the subject of a separate SSDA. Separate SEARs are being sought for the design and construction of the proposed Crown Sydney Hotel Resort on the site and within the new building envelope and other development parameters that are to be established by the Concept Plan modification application.

Notwithstanding the above, the SSDA for the Stage 1C remediation and earthworks is not dependent on Concept Plan Modification No. 8 as it is already permissible under Concept Plan Modification No. 6 (MOD 6), which was approved in March 2014 and is the most recently approved relevant modification of the Barangaroo Concept Plan.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The development subject of this Request for SEARs is for the Stage 1C remediation and earthworks, which comprise:

- carrying out of remediation and validation within the Stage 1C remediation and earthworks area to ensure it is suitable for the intended future uses of the land;
- construction of a perimeter retention wall system and internal stabilising walls (called the 'Stage 1C groundwater retention wall system') to the west of Block 4B and Block 4C. The Stage 1C groundwater retention wall system would be fully integrated with the Stage 1B retention wall system (as specified by Lend Lease in the EIS for SSD 5897-2013), with direct connections to create a unified groundwater retention wall system across Stage 1B and Stage 1C; and
- bulk excavation within the perimeter of the Stage 1C groundwater retention wall, and the installation of lateral restraining structures to support the perimeter retention wall system.

Indicative plans showing the nature and extent of the Stage 1C remediation and earthworks are attached. The attached plans also indicate the location and extent of the groundwater retention wall system and the associated lateral restraining structures.

3.0 PLANNING CONTEXT

3.1 Environmental Planning and Assessment Act 1979

The Act establishes the assessment framework for SSD. Under Section 89D of the EP&A Act the Minister for Planning is the consent authority for SSD. Section 78A(8A) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

3.2 State Environmental Planning Policy (State and Regional Development) 2011

The Stage 1C remediation, excavation, and groundwater retention wall system project is development at Barangaroo that has a capital investment value greater than \$10 million. As such, pursuant to clause 8 of the State and Regional Development SEPP and Section 89C of the EP&A Act it is declared to be SSD.

3.3 State Environmental Planning Policy (Major Development) 2005

The Barangaroo site is listed as a State Significant Site in Part 12 of Schedule 3 of the Major Development SEPP. The Major Development SEPP zones the land part B4 Mixed Use and part RE1 Public Recreation.

Maximum building heights and gross floor area restrictions are established for nominated development blocks within the B4 Mixed Use zone.

The Stage 1C development area is located on land that is zoned RE1 Public Recreation under the Major Development SEPP. Earthworks are permissible in the RE1 Zone. Remediation is permissible in the RE1 zone by the application of clause 8 of *State Environmental Planning Policy*

No. 55 – Remediation of Land. The construction, operation and use of any future development within the Stage 1C development area will not be part of this SSDA for the Stage 1C remediation and earthworks and will be the subject of separate development applications in the future.

There are no other controls within Part 12 of Schedule 3 of the Major Development SEPP which apply to the proposed Stage 1C remediation and earthworks.

3.4 Other Planning Policies

In addition to the above, the following environmental planning instruments apply to the site and will need to be considered as part of the SDD application:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;* and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment).*

3.5 The Concept Plan

The Stage 1C remediation and earthworks are consistent with the approved Concept Plan (as modified under MOD 6). Particularly, since the proposed development is for facilitative works only and no above ground structures are proposed, the Stage 1C remediation and earthworks would not constrain the future development of public realm as established in MOD 6 any more than the current situation.

The details of future development at the site will be the subject of separate development applications, within which strategic planning matters, including consistency with the Concept Plan, will be appropriately addressed. Notwithstanding this, the proposed Stage 1C remediation and earthworks can be considered as facilitating development which directly supports Objectives A4 and E2 of the Metropolitan Plan for Sydney 2036, and which supports the renewal of Barangaroo, a 'key direction' of the draft Sydney City Subregional Strategy.

4.0 OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the future SSDA for Stage 1C remediation and earthworks:

- Construction traffic – construction access will be coordinated with Barangaroo site-wide staging and construction access arrangements. Cumulative construction traffic impacts will be assessed in the EIS.
- Construction noise and vibration – construction noise and vibration will be assessed in accordance with the EPA's Construction Noise Guidelines, including cumulative construction noise, to determine appropriate mitigation and management controls.
- Construction air quality – fugitive discharges of particulates (i.e. dust) from excavation works will be assessed in the EIS, including cumulative construction particulate emissions across Barangaroo, to determine appropriate mitigation and management controls.
- Remediation – the EIS will be accompanied by a Remedial Action Plan (RAP). The RAP will set out the extent of contamination at the site, whether the site is suitable in its current state for the intended future uses, or, if any remediation is required to make the site suitable for the intended future uses, the extent of that remediation. The EIS will also be accompanied by a review from an accredited Site Auditor verifying that the site is either suitable for the intended future uses in its current state or can be made suitable for the intended future uses by carrying out the remediation set out in the RAP. The RAP and Site Auditor's report will address the requirements of SEPP 55.
- Drainage, stormwater and ground water – construction programming, design and management controls will be described in the EIS to ensure there is no pollution of waters.

- Marine ecology and water quality – the EIS will assess impacts on water quality in Darling Harbour as well as the potential implications for marine ecology as a result of the proposed works
- Infrastructure servicing and utilities – there are minimal utilities and services within the Stage 1C remediation and earthworks area. All utilities and services infrastructure will be identified, and consultation with relevant utilities or services infrastructure owners documented in the EIS.
- Construction waste management;
- Geotechnical constraints;
- Climate change and sea level rise; and
- Archaeology and European heritage.

It is highlighted that the Stage 1C remediation and earthworks are expected to be carried out concurrently with Block 4 remediation and Stage 1B excavation works proposed by Lend Lease (SSD 5897-2013), which was approved in November 2014. SSD 5897-2013 and provides for the remediation and excavation of the Stage 1B development area, including the installation of a Stage 1B perimeter groundwater retention wall system.

The Stage 1C remediation and earthworks are closely integrated to the Block 4 remediation and Stage 1B excavation works. In particular,

- The Stage 1C groundwater retention wall system will be keyed into the Stage 1B groundwater retention wall system at its northern and southern extent, to create and fully integrated groundwater retention wall system surrounding the Stage 1B and Stage 1C development areas in total. This will remove the need for the full Stage 1B retention wall system to be installed.
- It is the intention of Crown and Lend Lease to construct the Stage 1C and Stage 1B groundwater retention wall systems concurrently using a single contractor. This will maximise the efficiency of the construction works, and minimise environmental impacts associated with mobilising and de-mobilising construction equipment to/from the site.
- The excavation of the Stage 1C development area will occur concurrently with the Stage 1B excavation and remediation works. Excavation will generally be to the same depth (i.e. approximately 18m below ground level).

Notwithstanding the integrated nature of the two proposals, the Stage 1C remediation and earthworks will be designed and managed such that they do not affect the design, delivery or management of the Block 4 remediation works and Stage 1B excavation works.

5.0 CONCLUSION

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact myself or Tim Ward on 9956 6962 or tward@jbaurban.com.au.

Yours faithfully



Lesley Bull
Director

Enc.

Attachment A – Stage 1C Remediation, Earthworks and Groundwater Retention Wall System Plans prepared by Wilkinson Eyre Architects