



Alterations to Stage 1B basement, Barangaroo South

State Significant
Development Modification
Assessment
(SSD 6960 MOD 1)

April 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Lend Lease (Miller's Point) Pty Ltd
BDA	Barangaroo Delivery Authority
BCA	Building Code of Australia
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
EPA	NSW Environment Protection Authority
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
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RAP	Remedial Action Plan
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
The Auditor	Contaminated Site Auditor
VSAQP	Validation Sampling Analysis and Quality Plan



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1. Introduction

This report is an assessment of an application to modify the State significant development approval (SSD 6960) for the construction of the Stage 1B basement car park 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 approval to alter the basement layout by revising the location of Building R5 core, removing the back-up diesel generator and reducing the capacity of the car park by 62 car parking spaces.

1.1 Background

The modification application relates to the Stage 1B basement located at Barangaroo South in the City of Sydney local government area. Barangaroo is located on the north-western edge of the Sydney central business district (CBD) (**Figure 1**). Stage 1B (**Figure 2**) is located in the north-eastern portion of Barangaroo South and adjoins Hickson Road to the east. The extent of the Stage 1B basement ranges from below part of Hickson Park and the area beneath Buildings R4A, R4B and R5 (**Figure 3**).



Figure 1 | The location of Barangaroo South site within the Barangaroo development area
(Base source: Google Maps)

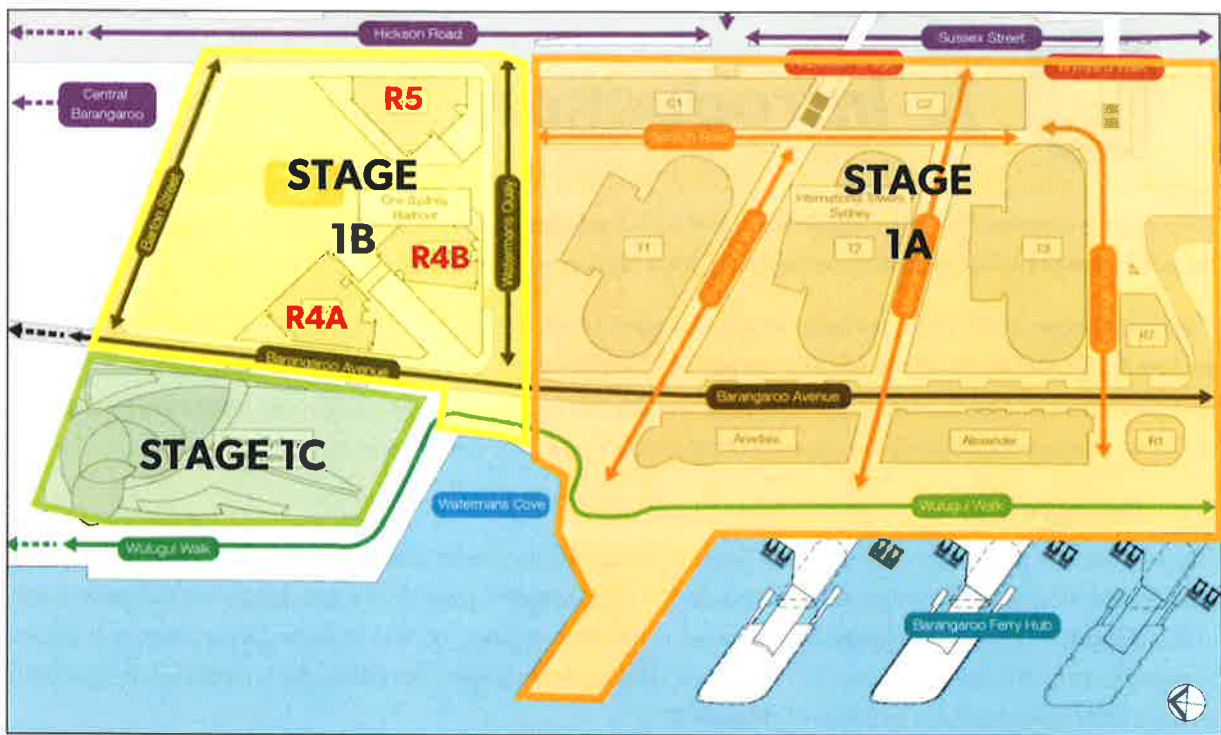


Figure 2 | The Barangaroo South development area with Stage 1B shown by the yellow shading
(Base source: Applicant)

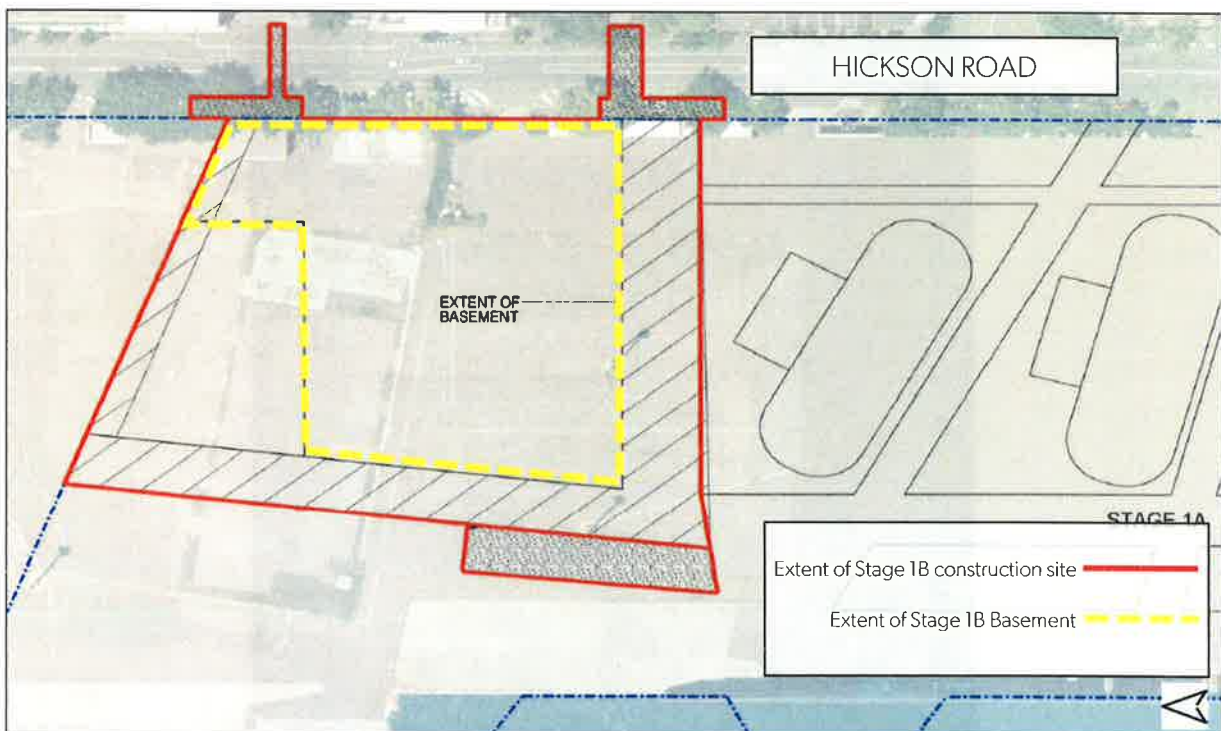


Figure 3 | The approved Stage 1B basement (dashed yellow line) and Stage 1B basement construction area (red line) (Source: Applicant)

1.2 Approval History

SSD 6960 – Construction of Stage 1B basement

On 7 March 2017, the Minister for Planning approved SSD 6960 for the Stage 1B basement, including remediation, bulk excavation, interim public domain, interim roadway, services, infrastructure and associated works at Barangaroo South. The Stage 1B basement provides car parking, plant room and other back-of-house facilities for the three residential towers (Buildings R4A, R4B and R5) that form part of the One Sydney Harbour development (**Figure 4**). This approval has not previously been modified.

1.3 Related Projects

The following applications are relevant to the modification application and are identified in **Figure 4**:

SSD 6964 – Building R4A

Approved on 7 September 2017, Building R4A is a 72 storey residential tower with ground level retail.

SSD 6965 – Building R4B

Approved on 7 September 2017, Building R4B is a 60 storey residential tower with ground level retail.

SSD 6966 – Building R5

Currently under assessment, SSD 6966 would result in a residential tower of 29 storeys.

SSD 7944 – Barangaroo Public Domain

Approved on 11 September 2018, the application relates to public domain works for areas within Barangaroo South and Barangaroo Central. Construction has commenced.

SSD 6957 – Crown Sydney Hotel Resort

Approved on 28 June 2016, the Crown Sydney Hotel Resort is a 71-storey podium and tower development. The basement of the development has been designed to integrate with the Stage 1B basement. Construction has commenced.

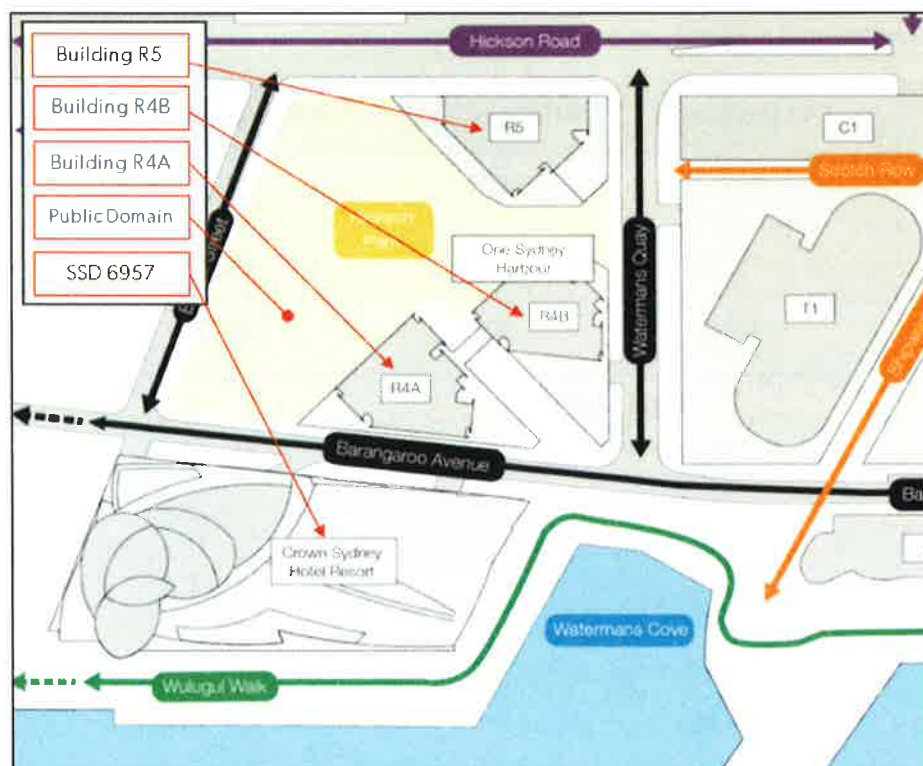


Figure 4 | The relevant applications in proximity to the site (Base source: Applicant)



2. Proposed Modification

On 26 November 2018, the Applicant lodged a modification application (SSD 6960 MOD 1) seeking approval, under section 4.55(1A) of the EP&A Act, for the following:

- relocate the Building R5 core on all basement levels and ground level
- revise the plant room layout and relocate the basement structural columns
- remove the back-up diesel generator on Basement Level B1
- reduce the basement car parking capacity by 62 car parking spaces from 884 to 822

The approved and proposed plans are compared below in **Table 1-2** and **Figure 5 to 9**.

Table 1 | Approved Stage 1B Basement car parking provision

Proposed Development	Max. spaces permitted under Concept Plan		Total	Compliance with Concept Plan
	Residential uses	Retail Uses		
R4A	391	1	392	Yes
R4B	320	1	321	Yes
R5	170	1	171	Yes
Total	881	3	884	Yes

Table 2 | Proposed Stage 1B basement car parking provision

Use	R4A (approved)	R4B (approved)	R5 (proposed)	Total
Residential	377	300	143	820
Retail	1	1	0	2
Total	378	301	143	822
Total Provided				822



Figure 5 | The approved (above) and proposed (below) location of the Building R5 core, shown by the yellow area, on Basement Level B1 (Base Source: RPBW Architects)



Figure 6 | The approved (left) and proposed (right) location of the Building R5 core on Basement Level B0 (Base Source: RPBW Architects)

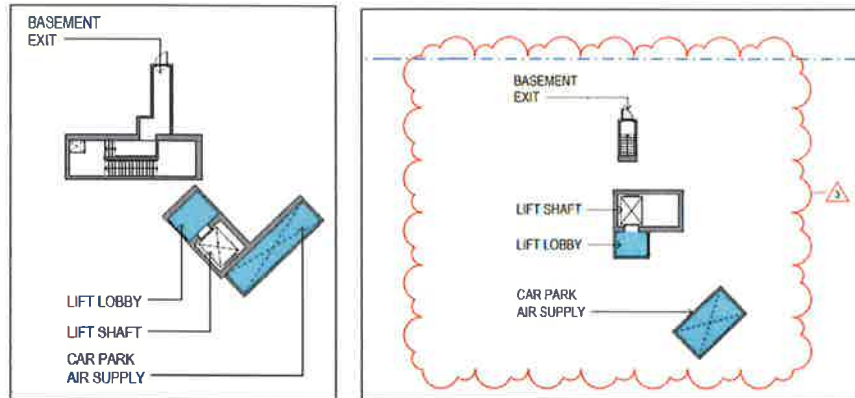


Figure 7 | The approved (left) location and proposed (right) layout of the ground floor elements due to relocation of the Building R5 core (Base Source: RPBW Architects)

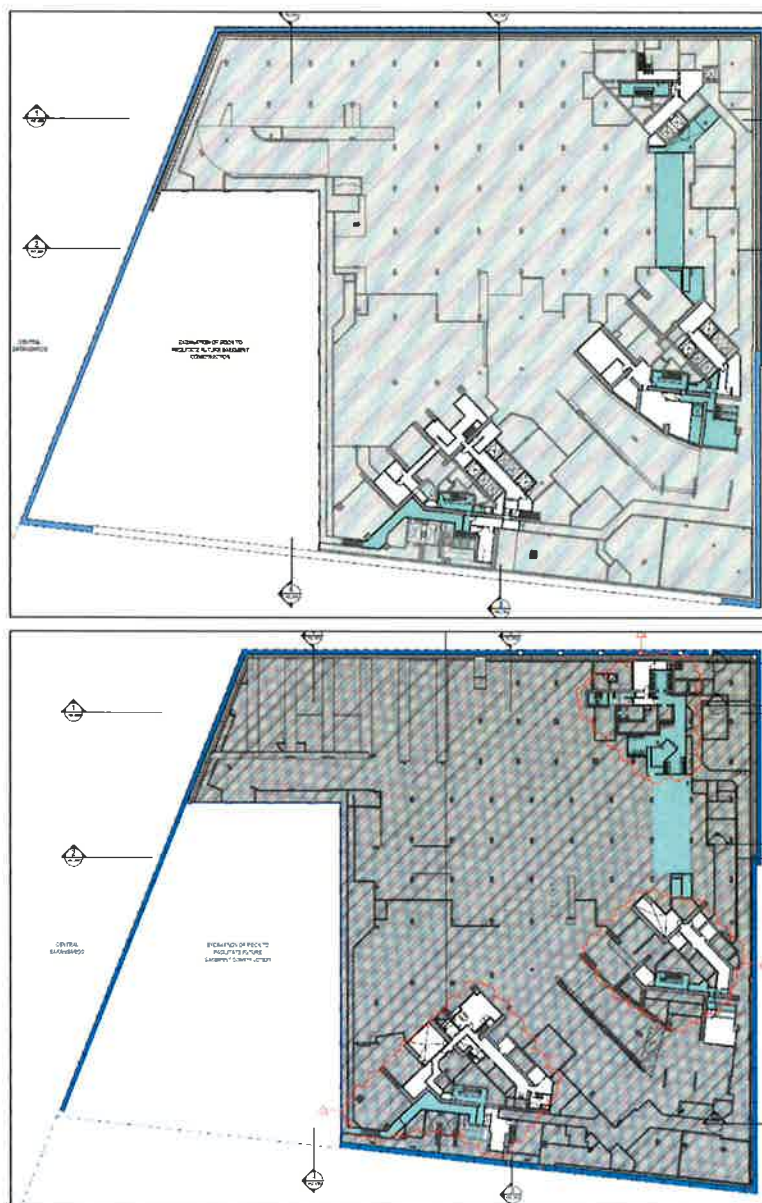


Figure 8 | The approved (above) and proposed (below) plant room layout and structural columns of Basement Level B0 shown by the red clouding (Base Source: RPBW Architects)



Figure 9 | The approved (left) location and proposed (right) removal of the back-up diesel generator on Level 1B shown by orange shading (Base Source: RPBW Architects)



3. Strategic Context

3.1 Greater Sydney Region Plan

The 'Greater Sydney Regional Plan – A Metropolis of Three Cities' 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 Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has 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 Eastern City District Plan covers the City of Sydney LGA. The modification application is consistent with the Eastern City District Plan by helping to grow a stronger and more competitive central business district (Planning Priority E7).



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 3**.

Table 3 | 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 modification application would not result in any change to the extent of the basement and would not require any additional excavation or remediation works. Further, the proposed modification would not result in any change to the basement GFA calculations, public domain measures or compliance with the BCA. The Department is therefore satisfied the application would not result in any additional environmental impacts beyond those assessed in SSD 6960.
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 would not result in any change to the use of the site, intensity of the use, compliance with legislation, GFA or extent of the Stage 1B basement area. On this basis, the Department is satisfied the modification application would result in a development that is substantially the same as 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 two submissions in relation to the application. No objections were received, and no submissions were received from members of the public. 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 No. 33 – Hazardous and Offensive Development

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005)
- Sydney Harbour Foreshores and Waterways Development Control Plan 2005.

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the proposed modification is consistent with these EPIs. Consideration of the modification application against the above EPIs, where relevant to the proposed changes, is provided at **Appendix B**.

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.

However, 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 was referred to Council, Barangaroo Delivery Authority (BDA) and Environment Protection Agency (EPA).

5.2 Summary of Submissions

Council raised no objection to the modification application but expressed concern the original SSD 6960 application was not sufficiently coordinated with the other applications for Barangaroo South. Council commented that the original proposal ought to have been designed in conjunction with nearby applications to ensure a holistic outcome. Council also noted Condition A9(A) of the original SSD 6960 application, outlining the limits of the consent, does not approve the allocation or use of car parking spaces in the Stage 1B basement.

Council also considered the plans provided with the modification application have been modified to allow a greater number of car parking spaces. Council concluded it would be premature to assume an increase in car parking numbers would be approved as part of the Building R5 application (SSD 6966), which is currently under assessment by the Department.

In addition, Council noted parking rates should not be calculated against Sydney Local Environmental Plan 2005 but Sydney Local Environmental Plan 2012 due to the forthcoming completion of Barangaroo Metro Station.

EPA also provided a submission confirming the modification application would have no impact on remediation works being undertaken at Barangaroo under Environment Protection Licence 13336. The EPA had no further comments on the modification application.

No comments were received from the public.

5.3 Response to Submissions

The Department placed copies of the submissions received on its website and requested the Applicant provide a Response to Submissions (RtS). The Department also requested updated plans that clearly labelled the location of the diesel generator proposed to be removed.

The Applicant provided an RtS and attached updated architectural plans to identify the location of the diesel generator. The updated architectural plans also reflected the deep soil zones recently approved by the Secretary under Condition A3 of SSD 6960. The Applicant addressed Council's comments in the RtS as follows:

- the residential towers above One Sydney Harbour (SSD 6964, SSD 6965, SSD 6966) do impact the design of the Stage 1B basement and that the proposals should be designed holistically
- the Stage 1B basement is a shared basement that will service three residential towers that have each progressed in accordance with the Barangaroo Concept Plan
- the applications were consistent with the planning framework established by the Barangaroo Concept Plan and the Secretary's Environmental Assessments Requirements for each application
- the applications would therefore result in a holistic outcome that is consistent with the planning framework for the Barangaroo South site.

- no approval is sought for the allocation of car parking spaces in the modification application. The application seeks to provide a layout that is capable of accommodating the car parking spaces approved under the development consents for the developments above. The Applicant confirms this is to demonstrate the car parking permitted under the Barangaroo Concept Plan can be provided, subject to the relevant approvals.
- the provision of car parking spaces was calculated in accordance with the maximum rate approved by the Barangaroo Concept Plan.

The RtS was made publicly available on the Department's website and no further submissions were received.



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 4 | 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 and Appendix B of this report.
(a)(ii) any proposed instrument	The modified proposal complies with the relevant legislation as addressed in Section 4.2 and Appendix B 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)(iia) 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 that the application relates only to the basement and ground level of the development and does not propose any increase to GFA, additional excavation or remediation works. The Department therefore concludes the application is not likely to result in any adverse environmental impacts beyond those already assessed under SSD 6960 (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 two submissions in relation to the application (refer to **Section 5** of this report). No objections were received.

(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 Stage 1B basement at Barangaroo South.

The Department has considered the Applicant's modification application, Council's submission and the RtS in its assessment of the modification application. Each proposed element of the application is assessed separately below. Other assessment issues are considered in **Section 6.5**.

6.2 Relocate the Building R5 core

The modification application seeks approval to revise the location of the Building R5 core. This results in minor changes to the basement levels B0, B1, B2, B3, B4, B5 and ground floor (**Figures 5 and 6**). The Applicant notes the design of Building R5, including the floorplate configuration, has been revised in response to submissions received in SSD 6966. The Applicant therefore notes the modification application will ensure the ground floor and basement levels are consistent with these above-ground design changes.

The Department notes the design changes under SSD 6966 necessitate a modification to SSD 6960 to align with the Building R5 core. The Department also notes the revised location of the core is within the Stage 1B basement and would not require any additional excavation or remediation works and would not result in any adverse environmental impacts. The Department therefore concludes the relocation of the Building R5 core would ensure consistency with SSD 6966 and is acceptable.

6.3 Revise the plant room layout and relocate the basement structural columns

The modification application also seeks ancillary amendments to the basement levels, including revision of the plant room layout and relocation of the basement structural columns (**Figure 7**).

The Applicant provided an updated Structural Engineering Report to reflect the proposed modification application. Sections of the report relating to groundwater, general description of the basement and concrete have been updated to ensure consistency with the modification application. The report concludes the modified development can be designed and constructed in accordance with the relevant codes and standards.

The Department notes the proposed amendments to the plant room layout and structural grid are warranted by the revised location of the Building R5 core and would not result in any adverse operational or structural impacts. The Department therefore concludes this element of the modification application is supported.

6.4 Reduce the basement car parking capacity by 62 car parking spaces

The Stage 1B basement consent permits a maximum of 884 car parking spaces (**Table 1**). The car parking rate approved under SSD 6960 represents a maximum amount of car parking permitted under the Barangaroo Concept Plan. The number of car parking spaces required for Building R4A (378) and R4B (301) have been approved. Building R5 is currently under assessment but proposes 143 car parking spaces.

To provide the actual number of car parking spaces required by each development, the Applicant seeks to reduce the car parking capacity of the Stage 1B basement by 62 spaces (**Table 2**). This would reduce the total car parking capacity of the basement from 884 spaces to 822 and would align with the car parking spaces required to service the three residential buildings

The Department considers the proposed 822 car parking spaces is compliant with the car parking provision identified in the Barangaroo Concept Plan as it provides a maximum not a minimum.

The Department therefore concludes the amended car parking capacity of the Stage 1B basement would continue to provide an appropriate quantum of car parking and is supported.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 5**.

Table 5 | Department's assessment of other issues

Issue	Findings	Recommended Condition
Remove back-up diesel generator on Basement Level B1	- The modification application seeks to remove a diesel generator located on Basement Level B1 (Figure 9). The diesel generator was approved under SSD 6960 to provide an emergency electricity supply to the residential buildings. The Applicant notes the diesel generator was originally included to satisfy a requirement of the client's brief and was not required to comply with any code, standard, regulation or legal obligation. - The Applicant provided a statement from Aurecon to confirm, notwithstanding the removal of the fuel tank and generators, the low voltage electrical services design would be consistent with the services report approved under SSD 6960. - In emergencies where back-up power supply is required for navigation and firefighting equipment, the Applicant has confirmed emergency lighting, fire indicator panels and diesel-powered pumps would be provided. Additionally, an indicative area has been provided for fuel cells and microturbines on Basement Level B1. - The Department notes removal of the fuel tanks and generator would not affect the development's compliance with any environmental planning instrument and has not previously been required as a condition of consent. The Department also notes the area currently housing the diesel generator would be used for plant or storage room. The Department therefore concludes the removal of the diesel generator is acceptable.	No additional conditions or amendments are necessary.



7. Evaluation

The Department has reviewed the proposed modification application, Council's submission and the RtS to assess the merits of the application.

The Department is satisfied the modification request would facilitate the safe, orderly and efficient development of the Stage 1B basement at Barangaroo South and would not result in any adverse environmental impacts.

Consequently, the Department considers 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 6960 MOD 1 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 6960; 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
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9755
2. Modification Instrument
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9755

Appendix B – Environmental Planning Instruments

EPIs considered as part of the assessment of the modification application are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005); and
- Sydney Harbour Foreshores and Waterways Development Control Plan 2005.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The proposal is a SSD pursuant to section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development at Barangaroo with a CIV in excess of \$10 million, under clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning is the consent authority for the development.

The application remains State Significant Development.

State Environmental Planning Policy (State Significant Precincts) 2005

The SSP SEPP aims to facilitate the development of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the State.

The Barangaroo site is listed as a State Significant Precinct under Part 12 of Schedule 3 of the SSP SEPP. The modification applications remains compliant with the SSP SEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The Department notes the diesel fuel previously approved to be stored in the basement was no considered a Dangerous Good and a Preliminary Hazards Analysis was not required. A condition of consent was, however, imposed to required a Diesel Filling Management Plan to ensure safe procedure.

As the modification application seeks to remove the diesel generators, Condition B38 – Diesel Filling Management Plan, is recommended to be removed.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to provide a State wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required;
- the relevant considerations for consent to carry out remediation work; and

- that remediation works undertaken meet certain standards and notification requirements.

As the original development required consent under the provisions of clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*, SSD 6960 was classified as 'Category 1' works under clause 9 of SEPP 55, and the Applicant obtained consent before undertaking the remedial works.

The Department received a submission from EPA (**Section 5**) that confirmed the proposal would not impact upon remediation works being undertaken at Barangaroo regulated through Environment Protection Licence No. 13336.

The Department's assessment therefore concludes that the proposal is consistent with the relevant provisions of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process. The original proposal was considered to be consistent with the ISEPP.

The Department considers the modification application remains consistent with the ISEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (Sydney Harbour Catchment) 2005 applies to all land within the Sydney Harbour Catchment, as shown on the Sydney Harbour Catchment Map.

The site of the Stage 1B basement is within the defined Foreshores and Waterways Area and is also identified as a Strategic Foreshore Site (Sheet 10 of the City Foreshore Area Map).

The Department considers the scope and location of the modification application would result in a development that remains compliant with the provisions of the Sydney Harbour Catchment 2005. The Department notes the modified application remains consistent with the Barangaroo Concept Plan.

Sydney Harbour Foreshores and Waterways DCP 2005

The site of the building is within the defined Foreshores and Waterways Area of the *Sydney Harbour Foreshores and Waterways Development Control Plan (DCP) 2005*, and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment, and design guidelines for development within the area.

The Department considered that the original application, due to its non-waterfront location, would not affect any ecological or landscape specific character and that the design guidelines were not relevant to this application.

The Department therefore considers the Sydney Harbour Foreshores and Waterways DCP 2005 remains irrelevant to the modification application.

Appendix C – Modification Instrument