

5 February 2021

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Mr Jim Betts
Planning Secretary
Department of Planning, Industry and Environment
12 Darcey Street
Parramatta NSW 2150

Dear Mr Betts

SECTION 4.55(1A) MODIFICATION APPLICATION STAGE 1B BASEMENT – ONE SYDNEY HARBOUR, BARANGAROO SOUTH

This modification application has been prepared by Ethos Urban on behalf of Lendlease (Millers Point) Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 6960 relating to the Stage 1B Basement at One Sydney Harbour, Barangaroo South (the site).

The modification relates to minor layout changes and an adjustment to the gross floor area (GFA) in the Stage 1B Basement. Specifically, the application seeks approval for:

- Increase of non-residential GFA within the basement by 27.8m², to a total of 92.8m².
- Minor adjustment to the basement layout.

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. This application is accompanied by revised Basement Architectural Drawings prepared by Renzo Piano Building Workshop, provided at **Attachment A**.

1.0 Background

The allocation of GFA within the Stage 1B Basement (SSD 6960) is outlined below. The Stage 1B Basement services the three residential towers of the One Sydney Harbour development, being Building R4A (SSD 6964), Building R4B (SSD 6965) and Building R5 (SSD 6966).

The Stage 1B basement is located within both Block 4A and Block 4B under the Barangaroo Concept Plan (as modified). The Concept Plan provides for both Residential and Other Uses Non-Residential GFA within these blocks. The original approval for each tower contained an allocation of residential GFA in the basement, to provide for rooms required for the servicing of the towers (such as the security control room).

Through design development of the basement, several shared rooms and facilities have been adjusted and combined in the basement to service all towers. As a result, all residential GFA previously allocated to the basement is to be reallocated to the residential buildings, R4A, R4B and R5 and the GFA remaining in the basement is classified as non-residential other uses.

An earlier modification was prepared and approved for SSD 6960 (Stage 1B Basement) ('MOD 3') to reclassify habitable basement areas measured as residential GFA to other uses non-residential GFA and this modification completes this process.

Under Building R5 (SSD 6966), 33m² of residential floor space was allocated in the basement to account for habitable floor space. As this GFA relates to shared areas including a security room, dock masters and facilities manager rooms within the basement, this GFA is proposed to be reallocated to the Stage 1B basement through this modification, as 'other uses non-residential' GFA, consistent with the approach adopted for Buildings R4A and R4B.

A modification application to SSD 6966 was lodged with the Department of Planning, Industry and Environment in January 2021 to remove this GFA from the Building R5 (SSD 6966) development consent. It is noted that due to the ongoing design refinement of the basement proposed as part this application, the originally approved 33m² being reallocated from Building R5 to the basement has been reduced to 27.8m² as part of this application.

2.0 Consent proposed to be modified

Development consent SSD 6960 was granted by the Planning Assessment Commission (now Independent Planning Commission) on 7 March 2017. Approval was granted for:

Construction of the Stage 1B basement including remediation, bulk excavation, interim public domain, interim roadway, services, infrastructure and associated works.

The application has since been modified three times. The first modification to SSD 6960 was approved 5 April 2019, which approved minor changes to the approved basement layout. A second modification was approved on 31 July 2019 and related to amendments to the top level of the basement slab. A third modification was approved on the 10 December 2019, which related to the reallocation of GFA from the R4A and R4B building consents to the basement consent, as well as minor layout refinements.

Therefore, this application constitutes the fourth modification to SSD 6960 (MOD 4).

3.0 Proposed modifications to the consent

The proposed modifications to the development consent comprise:

- An increase in the non-residential GFA located in the basement from 65m² to 92.8m² (increase of 27.8m²).
- Minor redesign of the basement, including changes to the air lock/egress corridor layout.

The proposed modifications are described in more detail below.

3.1 Modifications to the development

Minor design modifications are proposed within the approved basement to adjust the geometry of the approved room layouts. These modifications are clouded on the plans at **Attachment A** and do not affect the car parking areas, only the pedestrian circulation and habitable rooms.

As shown at **Figure 1**, previously residential GFA (shown in yellow) is proposed to be reallocated as non-residential other uses GFA (shown in purple). A similar reallocation also occurs on Basement Level B1.



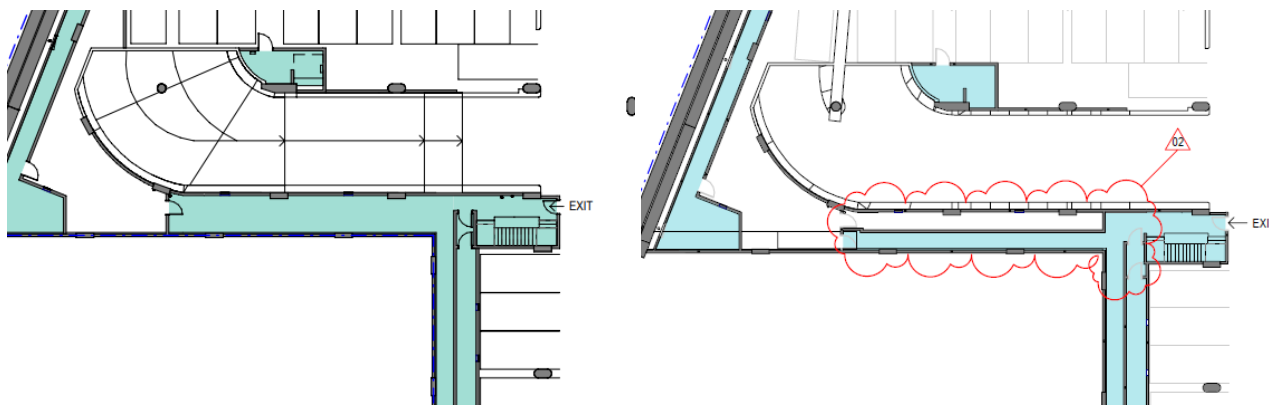
Approved basement layout (yellow indicating residential GFA)
residential other uses)

Proposed basement layout (blue indicating basement GFA – non-

Figure 1 Proposed GFA reallocation on Basement Level B0

Source: RPBW

Further to the above GFA changes, minor design changes are proposed to the layout of the airlock/egress corridor, due to ongoing design development of the basement. The design change is shown at **Figure 2**.



Approved airlock/egress corridor

Proposed airlock/egress corridor

Figure 2 Proposed design changes to airlock/egress corridor

Source: RPBW

3.2 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 italics strike through~~** and words to be inserted are shown in **bold italics**.

A1 Development Description

Except as amended by this consent, development consent is granted for the following:

- Remediation, bulk excavation and construction of the Stage 1B basement, including provision of basement slabs over four (4) levels to support future carparking;*
- Construction, fit out and use of common facilities within the basemen such as plant rooms, loading docks, waste rooms and storage;*
- Construction of structural cores for the future Stage 1B residential buildings and above ground basement elements such as access ramps, risers, fire stairs and lifts;*
- Use of ~~65m²~~ **92.8m²** of gross floor area (GFA) within level B0 and B1 of the basement for basement uses;*
- Provision of interim public domain, associated landscaping and temporary construction of part of Barangaroo Avenue; and*
- Provision of services and infrastructure within and adjacent to the basement and permanent stormwater infrastructure between Hickson Road and Darling Harbour.*

A2 Development in Accordance with Plans and Documentation

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

Drawing No.	Revision	Name of Plan	Date
BB2_PA2_A000	E F	Title Sheet	29.08.19 21.12.20
BB2_PA2_A100	D E	Basement Plan Level B0	29.08.19 21.12.20
BB2_PA2_A101	E F	Basement Plan Level B1	29.08.19 21.12.20

E3 GFA Certification

*A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development approved by this consent does not exceed ~~65m²~~ **92.8m²** for basement uses on level B1 and B0. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.*

4.0 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 it:

- There is no change to the approved physical extent of the Stage 1B basement, with all changes being located internally and not requiring any additional excavation or remediation.
- The proposed modifications do not result in any change to the findings of the technical environmental reports prepared for SSD 6960 in relation to air quality, geotechnical conditions, acid sulphate soils, remediation, human health and archaeology.
- The proposed modifications remain compliant with the maximum GFA permitted under the Barangaroo Concept Plan (as modified).

5.0 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 original application considered a range of potential environmental impacts, the majority of which are unchanged a result of the proposed modification.

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.

5.1 Barangaroo Concept Plan (as modified)

The development, as proposed to be modified, remains consistent with the applicable provisions of the Barangaroo Concept Plan (as modified), in particular Condition B2 which sets the maximum GFA. An assessment of the proposed GFA is outlined in **Table 1** and **2**.

It is noted that the GFA within Stage 1B Basement contributes to the total for both Block 4A (which includes Buildings R4A and R4B) and Block 4B (which includes Buildings R5). Therefore, it is proposed that the reduction sought for R5 is calculated towards Block 4B, and the remainder of the basement GFA be included in the Block 4A GFA total as approved.

Table 1 Assessment against Barangaroo Concept Plan (Block 4A)

Concept Plan (MOD 11) – Block 4A	Stage 1B Basement	Building R4A total	Building R4B total	Block 4A Total	Assessment
Residential 91,816m²	0m ²	47,564m ²	44,252m ²	91,816m ²	✓
Other Uses (Non-Residential) 813m²	65m ² (no change)	438m ²	309m ²	812m ²	✓
Total 92,629m²	65m ² (no change)	48,002m ²	44,561m ²	92,628m ²	✓

Table 2 Assessment against Barangaroo Concept Plan (Block 4B)

Concept Plan (MOD 11) – Block 4B	Stage 1B Basement (as proposed to be modified)	Building R5 total	Block 4B Total	Assessment
Residential 20,637m²	0m ²	20,637m ²	20,637m ²	✓
Other Uses (Non-Residential) 871m²	27.8m ²	781m ²	808.8m ²	✓
Total 21,508m²	27.8m ²	21,418m ²	21,445.8m ²	✓

This modification application proposes an increase in GFA of 27.8m², to be attributed to the other uses non-residential basement GFA within Block 4B total under the Barangaroo Concept Plan (as modified). This GFA comprises the 33m² removed from R5 residential GFA total under the separate SSD 6966 Mod 1. However, due to the ongoing design refinement of the basement, the originally approved 33m² has been reduced to 27.8m².

As 65m² has already been approved in the Stage 1B basement in Block 4A, the overall GFA total of the basement increases to 92.8m² with the addition of the proposed 27.8m² in Block 4B.

5.2 Reasons given for granting consent

The Planning Assessment Commission determination report sets out the following reasons for approval of SSD 6960:

- Suitable monitoring, management and mitigation measures can be implemented to ensure an acceptable level of environmental performance.
- The basement will accommodate future development of the approved residential buildings.
- The basement will not compromise the delivery of Hickson Park.

The proposed modification remains consistent with these reasons.

6.0 Conclusion

The proposed modifications relate to adjustments to GFA and minor layout changes in the Stage 1B Basement. The changes are compliant with the maximum GFA permitted under the Barangaroo Concept (as modified) and do not result in any substantial changes to the Stage 1B Basement as approved.

In accordance with section 4.55(1A) of the EP&A Act, the Department of Planning, Industry and Environment 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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