



Stage 1B Basement, Barangaroo South Modification 4

Modifications to layout and Gross Floor Area
State Significant Development Modification Assessment
(SSD 6960 MOD 4)

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Glossary

Abbreviation	Definition
Applicant	Lendlease (Millers Point) Pty Ltd
Consent	Development consent
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report is an assessment of an application to modify 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 Lendlease (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 amend the basement layout and increase the non-residential Gross Floor Area (GFA) within the basement by 27.8 m² (from 65 m² to 92.8 m²).

1.1 Background

The modification application relates to the Stage 1B basement located at Barangaroo South in the City of Sydney local government area (LGA). Barangaroo is located on the north-western edge of the Sydney central business district (**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 | Location of Barangaroo South site within Barangaroo (Base source: Google maps)

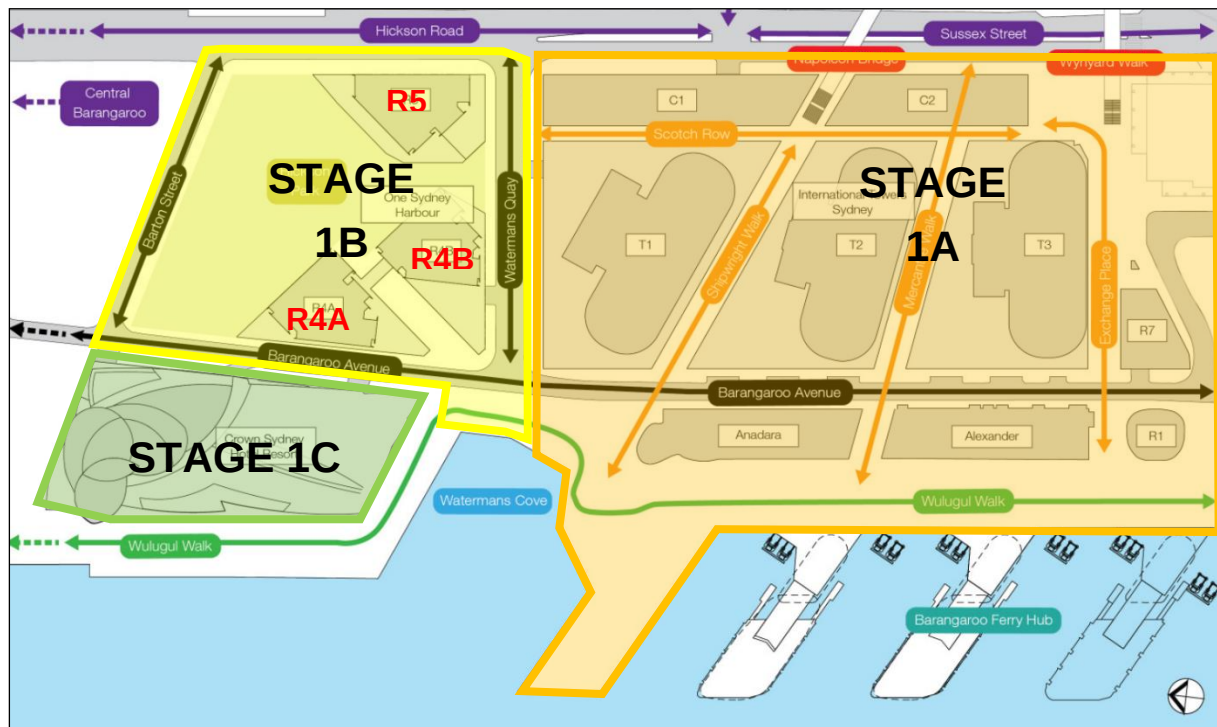


Figure 2 | Barangaroo South showing Stage 1B (shaded yellow) (Source: EIS SSD 6960)

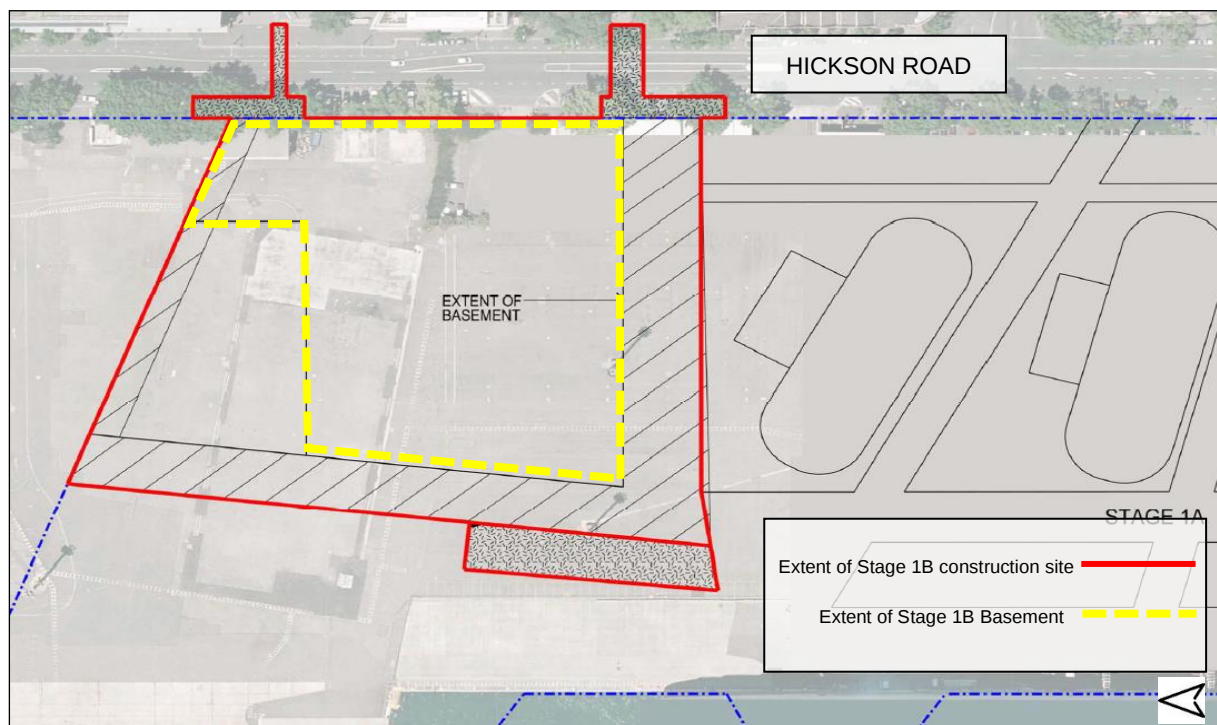


Figure 3 | Approved Stage 1B basement extent and construction area (Source: EIS SSD 6960)

1.2 Approval history

On 7 March 2017, the Planning Assessment Commission 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.

SSD 6960 provided for 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.

SSD 6960 has been modified on three occasions (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Alterations to the basement works including: - relocation of Building R5 core on all basement levels and ground level - revision of plant room layout and relocation of basement structural columns - removal of back-up diesel generator on basement level B1 - reduction in car parking from 884 to 822 spaces.	Director	4.55(1A)	5 April 2019
MOD 2	Amendment to the structure surface level of the basement slab from a consistent level of RL 0.7 to variable levels between RL 0.7 and RL 0.9.	Director	4.55(1A)	31 July 2019
MOD 3	Increase in non-residential GFA within the basement from 26 m ² to 65 m ² and amendments to basement layout.	Director	4.55(1A)	10 December 2019

1.3 Related applications

On 3 October 2019, the Independent Planning Commission approved Building R5, a 30-storey residential tower with ground and first floor level retail (SSD 6966).

The Department is currently assessing SSD 6966 MOD 1, which seeks approval to, among other things, remove residential GFA from SSD 6966 that is allocated to the basement (the non-residential GFA proposed to be added to the basement as part of the subjection modification).

2 Proposed modification

The Applicant proposes the following modifications:

- minor adjustments to the basement layout, including to the airlock/egress corridor (**Figure 4**)
- an increase in non-residential GFA within the basement by 27.8 m², from 65 m² to 92.8 m².

The Applicant states the proposed amendments result from design development, including the consolidation and centralisation of rooms in the Stage 1B basement. The additional GFA would service Buildings R4, R4B and R5, and include a security control room and operations manager's room. The location of these areas is shown at **Figures 5 and 6**.

The Applicant contends the modifications are justified on the following grounds:

- the layout adjustments are minor
- there is no change to the approved physical extent of the basement, all changes are internal and do not require additional excavation and remediation
- the proposal remains compliant with the maximum GFA permitted by the Barangaroo Concept Plan
- there are no changes to technical environmental reports forming part of the approved development.

The amendments are similar to those approved in SSD 6960 MOD 3, which transferred residential GFA in the basement that was attributed to Buildings R4A and R4B to non-residential GFA in SSD 6960.

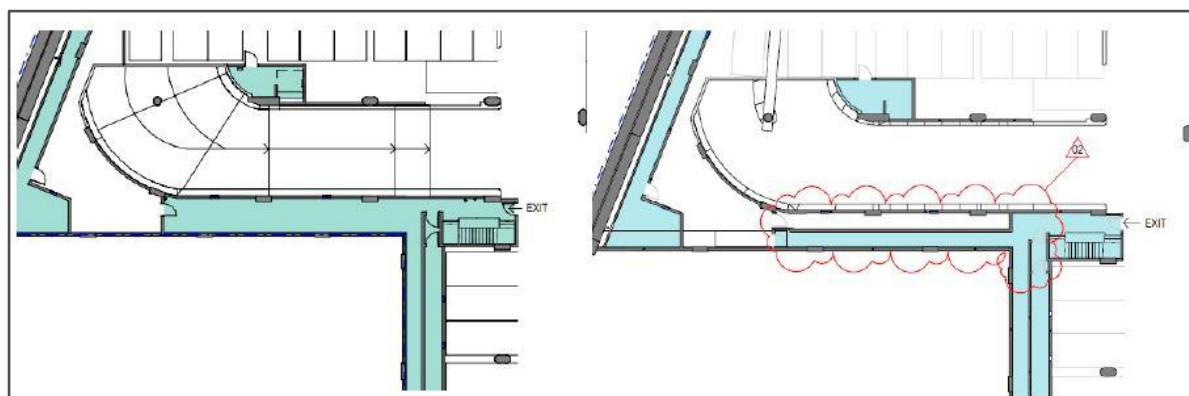


Figure 4 | Comparison of Basement Level B1 as approved (above) and proposed (below), showing proposed changes to airlock/egress corridor clouded in red (Source: Architectural drawings)

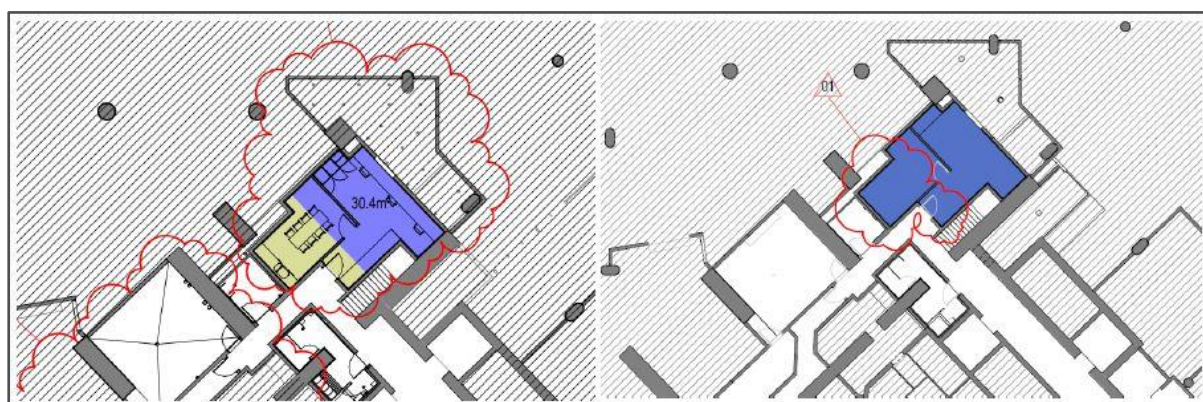


Figure 5 | Consolidated facilities Basement Level B0 - approved (left) and proposed (right), change clouded in red: yellow = residential GFA, blue = non-residential GFA (Source: Architectural drawings)

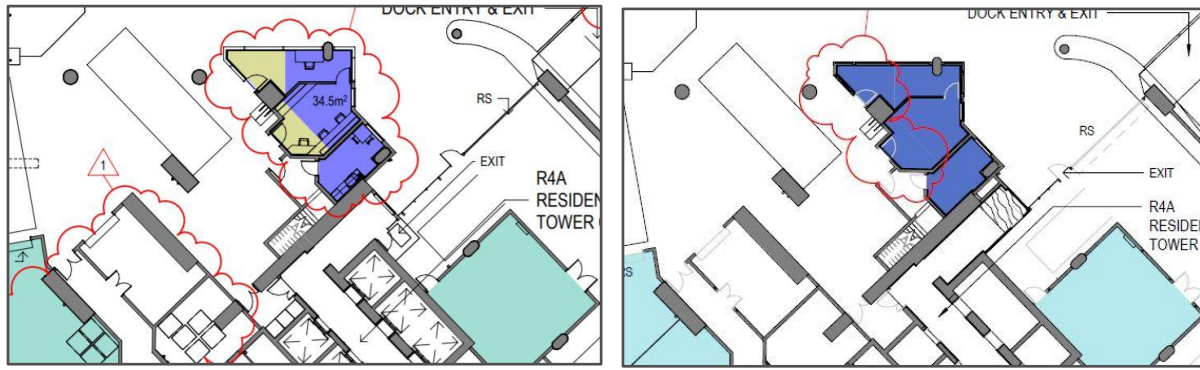


Figure 6 | Consolidated facilities Basement Level B1 - approved (left) and proposed (right), change clouded in red: yellow = residential GFA, blue = non-residential GFA (Source: Architectural drawings)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&A Act. However, in accordance with the Minister's delegation, the Director, Key Sites Assessments, may determine this application as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

3.4 Consistency with Concept Approval

The Department has considered the proposed modification and is of the opinion the modification remains consistent with the terms of approval and future environmental assessment requirements of the Concept Approval.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, the Department made the application publicly available on its website on 12 February 2021, and referred it to City of Sydney Council (Council) for comment.

Council stated that it did not wish to comment on the proposal. No public submissions were received.

5 Assessment

In assessing the merits of the modification, the Department has considered:

- the modification application and associated documents (**Appendix A**)
- the Environmental Assessment and conditions of approval for the original application (as modified)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation.

The proposal seeks to consolidate and centralise rooms within the Stage 1B basement that are required to service Buildings R4A, R4B and R5. This result in minor adjustments to the basement layout and an increase in non-residential GFA within the basement by 27.8 m².

The Department has assessed the merits of the proposed changes and is satisfied the proposal is acceptable as:

- the proposed changes are minor, would be contained within the approved basement and therefore would not result in any additional visual or amenity impacts
- it would not result in any change to the extent of the basement footprint and would therefore not require any additional excavation or remediation works
- the total GFA for non-residential uses would remain below the maximum GFA permitted under the Concept Plan for Block 4B
- it would improve the operational efficiency of the building
- it would not impact on egress or reduce access to facilities and services
- Council did not raise any concerns.

The Department therefore concludes the proposed changes to the basement layout and increase in non-residential GFA are acceptable.

6 Evaluation

The Department has reviewed the modification application and assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act.

The Department is satisfied the proposed modification is acceptable as:

- it would not exceed the maximum GFA permitted under the Concept Plan
- it would not result in any additional impacts beyond those already assessed and approved
- it would remain substantially the same development.

Consequently, the Department considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6960 MOD 4 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 approve the modification
- **modifies** the consent SSD 6960 MOD 4
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Karl Fetterplace
Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **adopted** / ~~not adopted~~ by:



8 March 2021

Anthony Witherdin

Director

Key Sites Assessments

(as delegate of the Minister for Planning and Public Spaces)

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/41196>

Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	The potential environmental impacts arising from the proposed modification are minor in nature (Section 5).
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.	The development, as proposed to be modified, is substantially the same development as that originally approved in that: - it would not result in any change to the use of the site, or intensity of the use - it would not increase the Stage 1B basement footprint or require any additional excavation or remediation works - the proposed modifications are minor in the context of the scale of the development - the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved development.
The application has been notified in accordance with the regulations.	The application is not required to be notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) (Section 4).
Any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions in relation to the application (Section 4).

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 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	The proposed modification is consistent with the relevant proposed Environmental Planning Instruments (EPIs) as addressed below in 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)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>EP&A 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) (Section 4).

(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 likely impacts of the modification are acceptable and have been appropriately addressed (Section 5).
(c) the suitability of the site for the development	The site is suitable for the development (Section 5).
(d) any submissions	The Department did not receive any submissions (Section 4).
(e) the public interest	The proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent (Section 5).

Environmental Planning Instruments

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy for the Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment).

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. Due to the minor nature of the modification application, the Department is satisfied the application remains consistent with EPIs.

Objects of 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.

Appendix C – Notice of modification

The Notice of Modification can be found at the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/41196>