



# Stage 1B Basement, Barangaroo South Modification 5

---

Modifications to layout and Gross Floor Area  
State Significant Development Modification Assessment  
(SSD 6960 MOD 5)

September 2021

Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Stage 1B Basement, Barangaroo South, Modification 5

Subtitle: Modifications to the basement layout

---

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

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

# 1 Introduction

This report provides 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 to align with the core location for Building R5 approved under SSD 6966 MOD 1.

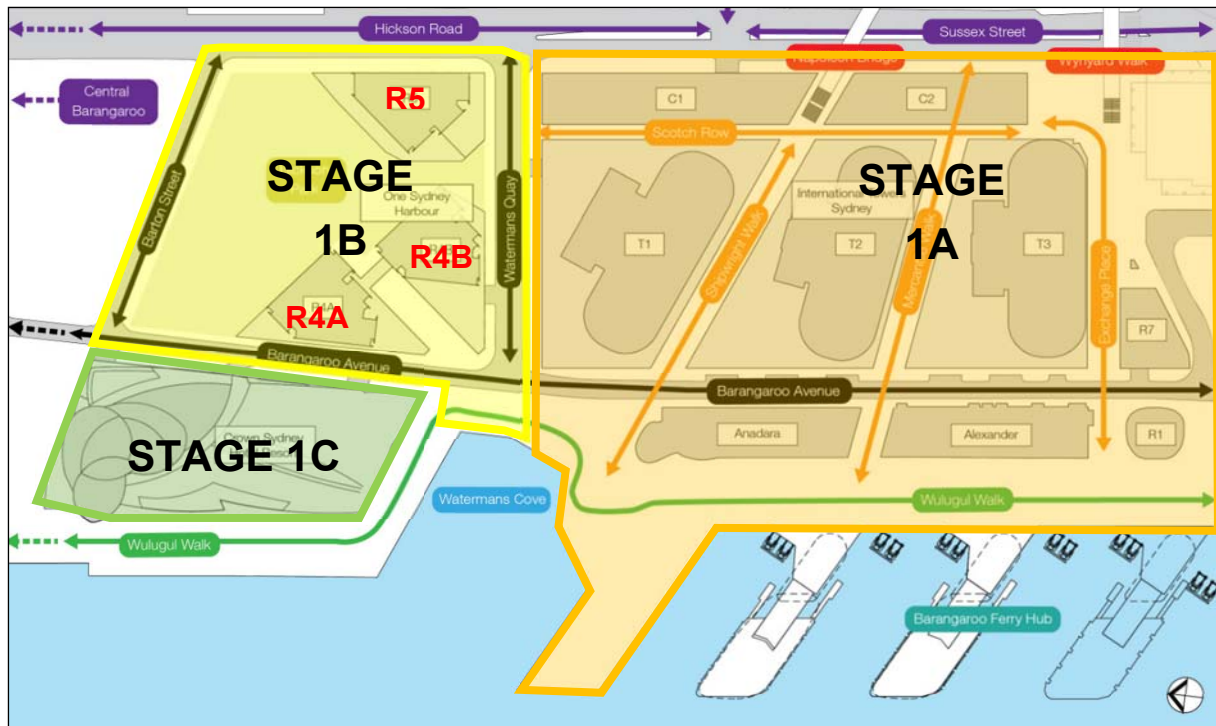
## 1.1 Background

The site is located within Barangaroo South on the north-western edge of the Sydney central business district in the City of Sydney local government area (LGA). (**Figure 1**).

Stage 1B is located in the north-eastern portion of Barangaroo South and is bound by Barton Street to the north, Hickson Road to the east, Watermans Quay to the south and Barangaroo Avenue to the west (**Figure 2**).



**Figure 1** | Location of Barangaroo South site within Barangaroo (Base source: Google maps)



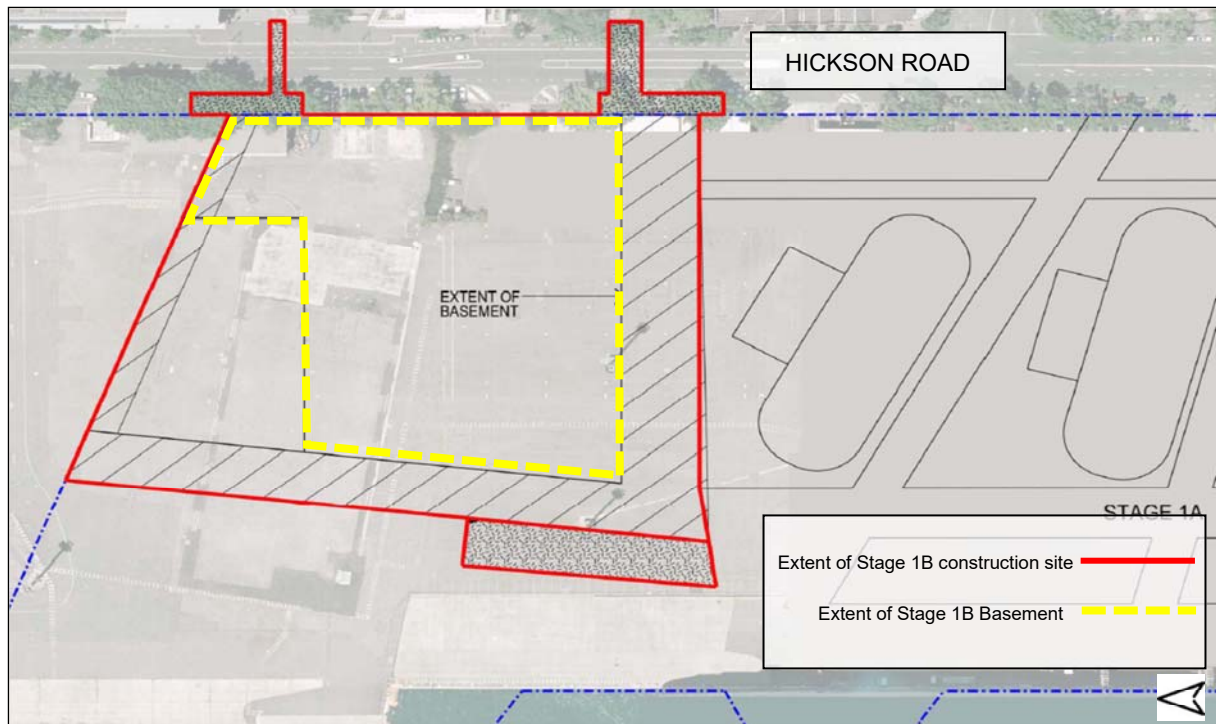
**Figure 2 |** Barangaroo South showing Stage 1B (shaded yellow) (Source: EIS SSD 6960)

## 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 provides 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 four occasions (**Appendix C**).



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

### 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).

On 19 August 2021, the Department approved SSD 6966 MOD 1, which included modification of internal layouts, building facades and finished floor levels, an increase in GFA by extending the Building R5 floor plate, two additional Key Worker Housing (KWH) apartments, amended signage zones and temporary public art.

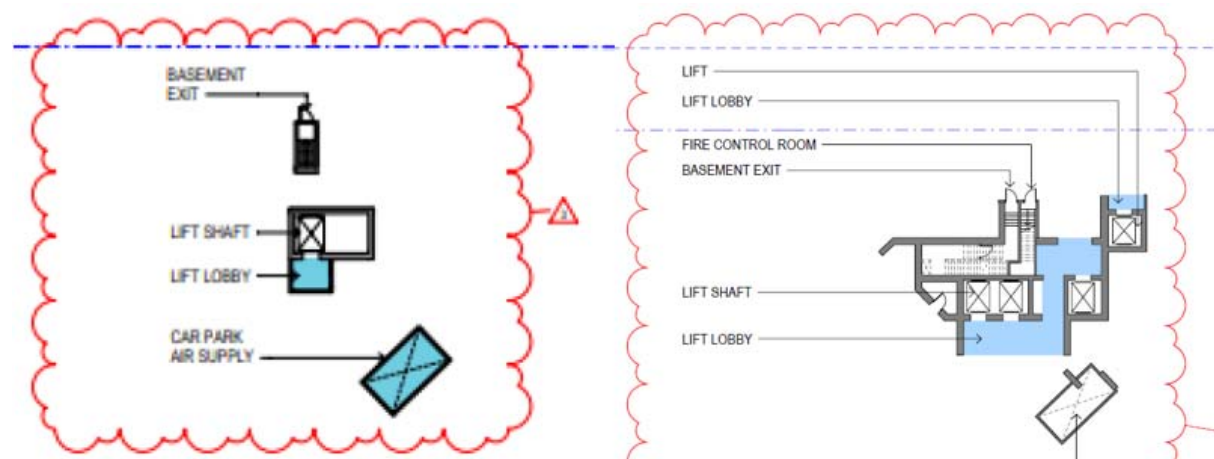


## 2 Proposed modification

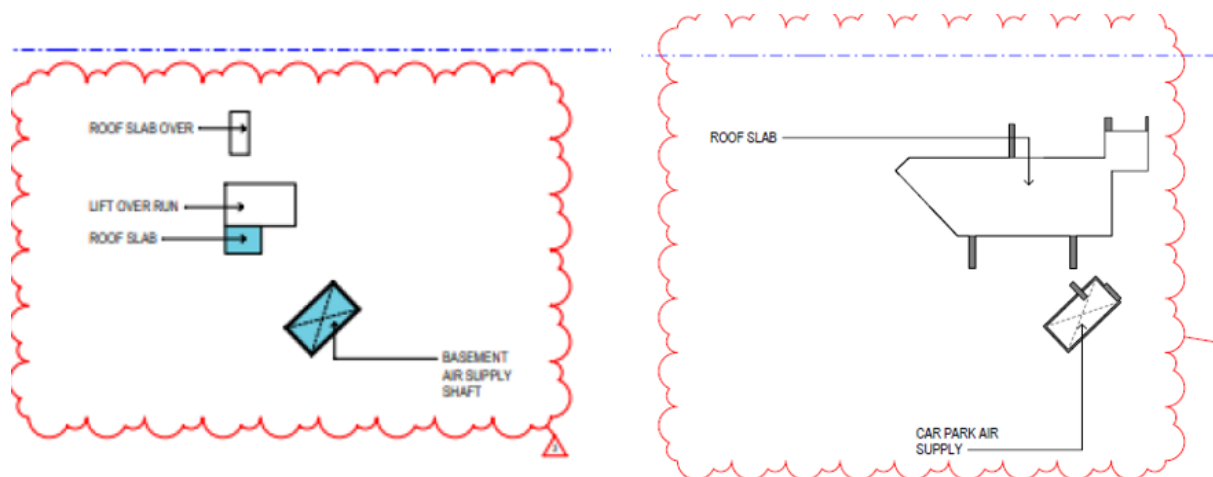
The proposal seeks approval for the following modifications to the State 1B basement:

- reconfiguration of the lift lobby and amendments to the lift core
- inclusion of the basement exit stairs
- revision of the roof slab to align with the building changes above.

The Applicant states the proposed amendments will ensure the basement aligns with Building R5 above as approved under SSD 6966 MOD 1.



**Figure 4 |** Comparison of Basement Level Ground Floor as approved (left) and proposed (right)



**Figure 5 |** Comparison of Basement Level Podium P1 as approved (left) and proposed (right)

## 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 for the application. However, under Schedule 2 (Barangaroo Site Delegations) of the Minister's delegation, the Executive Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- there are less than 50 public submissions in the nature of objection
- the Executive Director has formed the opinion that if approved, the application would be generally consistent with the approved Barangaroo Concept Plan (MP06\_0162)
- the Executive Director has formed the opinion that any submission made about the application by the Council of the City of Sydney has been considered in the assessment of the application.

### 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

The Department made the application publicly available on its website on 14 July 2021 and referred it to City of Sydney Council (Council) for comment.

Council stated that it did not have any comments 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 EIS and conditions of consent for the original application (as modified)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation.

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 changes align with the minor changes approved to the lift core and servicing within Building R5 and improve the operational efficiency of the building
- there is no change to the amount of gross floor area in the basement
- it would not impact on egress or reduce access to facilities and services.

The Department therefore concludes the proposed changes to the basement layout 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: the proposed changes are minor; it would not result in any additional impacts beyond those already assessed and approved; and 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 Executive Director, Key Sites and Regional 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 5 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
- **forms the opinion** that the application would be generally consistent with the approved Barangaroo Concept Approval (MP06\_0162)
- **forms the opinion** that Council's submission has been considered in the assessment of the application.
- **modifies** the consent SSD 6960
- **signs** the attached approval of the modification (**Appendix D**).

Prepared by: Marcus Jennejohn  
Senior Planning Officer

Recommended by:



**Amy Watson**  
Team Leader  
Key Sites Assessments

Recommended by:



**Anthony Witherdin**  
Director  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted by:**

A handwritten signature in blue ink that reads "Sargeant". The first letter 'S' is large and stylized, with the rest of the name written in a cursive script.

**Anthea Sargeant**

Executive Director

Key Sites and Regional 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/42266>

## Appendix B – Statutory considerations

To satisfy the requirements of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 1** and **Table 2**.

**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 ( <b>Section 5</b> ).
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: <ul style="list-style-type: none"><li>• it would not result in any change to the use of the site, or intensity of the use</li><li>• it would not increase the Stage 1B basement footprint or require any additional excavation or remediation works</li><li>• the proposed modifications are minor in the context of the scale of the development</li><li>• the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved development.</li></ul>
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) ( <b>Section 4</b> ).
Any submission made concerning the proposed modification has been considered.	The Department received a response from Council, they had no comments on the proposal.

**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)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>EP&amp;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) ( <b>Section 4</b> ).
(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 ( <b>Section 5</b> ).
(c) the suitability of the site for the development	The site is suitable for the development ( <b>Section 5</b> ).
(d) any submissions	The Department did not receive any submissions ( <b>Section 4</b> ).
(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 ( <b>Section 5</b> ).

## 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 – Summary of Modifications to SSD 6960

**Table 3 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Alterations to the basement works including: <ul style="list-style-type: none"><li>• relocation of Building R5 core on all basement levels and ground level</li><li>• revision of plant room layout and relocation of basement structural columns</li><li>• removal of back-up diesel generator on basement level B1</li><li>• reduction in car parking from 884 to 822 spaces.</li></ul>	Director	4.55(1A)	5 April 2019
<b>MOD 2</b>	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
<b>MOD 3</b>	Increase in non-residential GFA within the basement from 26 m <sup>2</sup> to 65 m <sup>2</sup> and amendments to basement layout.	Director	4.55(1A)	10 December 2019
<b>MOD 4</b>	Increase in non-residential Gross Floor Area within the basement from 65 m <sup>2</sup> to 92.8 m <sup>2</sup> and amendments to basement layout.	Director	4.55(1A)	8 March 2021

## **Appendix D – 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/42266>