

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD 6965 MOD 2: Building R4B, Barangaroo South
Applicant	Lend Lease (Millers Point) Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions outlined in the instrument of consent.

A copy of the Department of Planning, Industry and Environment's assessment report, instrument of modification and conditions is available [here](#)

Date of decision

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- *Benefits* - the modification would provide a range of benefits for the region and the State as a whole, including by helping to grow a stronger and more competitive central business district.
- *Consistent with NSW Government Policy* - the modification is permissible with consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan, Eastern City District Plan and State Environmental Planning Policies.
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department's Assessment Report.
- *Public interest* – weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification application from 23 September 2020 until 7 October 2020 (14 days) and received three submissions, including comments from council and TfNSW, and one submission making comments from the public.

The Department also undertook the following consultation activities:

- exhibited the modification application on the Department's website.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include residential amenity, external amendments, car parking and traffic generation. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
Modification process and public consultation	<ul style="list-style-type: none">• The Department received one public submission objecting to the proposal on the basis that:<ul style="list-style-type: none">○ the current proposal is a steppingstone to enable approval of a much larger future modification○ the public do not benefit from the same opportunity to comment on modifications as SSD applications.• The Department has assessed the submitted modification on its merits, however notes that potential future modifications are not a material planning consideration. Any future amendments will be assessed on their merits, including consideration of any issues raised by the public.• The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application.• The application was notified in accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) including exhibition for 14 days and publication on the Department's website.