



***MODIFICATION REQUEST:
Sydney CityGrid Stage 1 – Belmore Park
Zone Substation -Through Site Link
Haymarket
MP 08_0075 MOD 1***

Description of Modification Request

Construction of a walkway (through-site link) on the eastern side of the Belmore Park zone Substation, as part of the construction of that substation.

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

December 2012

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EXECUTIVE SUMMARY

As part of the construction of the new zone substation at Belmore Park, approved under Part 3A of the *Environmental Planning and Assessment Act, 1979* (MP08_0075), Ausgrid now proposes to construct a walkway (through-site link) on the eastern side of the substation, between Campbell and Hay Streets, Sydney. The through-site link is to be created on Ausgrid property and its design has been developed in consultation with the neighbouring property. Ausgrid has therefore requested a modification to the project approval so as to enable the through-site link to be provided.

The Department's assessment of the modified project is detailed in Chapter 5 of this Report and finds that the modified project can be undertaken within acceptable design and amenity standards. The Department's assessment also finds that the predicted level of impact is substantially the same as that predicted for the originally approved project, given the through-site link is proposed within the area in which a visual-link was previously proposed.

The Department has formed key recommendations for the carrying out of the modified project. The existing conditions are generally adequate to ensure impacts are managed to an acceptable level, however, further modifying conditions have been recommended to ensure measures to specifically manage issues associated with the safety, design and landscaping aspects of the proposed link are finalised prior to its construction (via the preparation of a Through-site Link Design and Safety Management Plan).

Based on the Department's assessment of the modification application, the Department recommends that the Minister for Planning and Infrastructure, or his delegate, approve the modified project, subject to the recommended modifying conditions.

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1. BACKGROUND

On 20 September 2009, the then Minister for Planning granted concept plan approval for the upgrade of the electricity supply infrastructure that services the Sydney Central Business District, which is collectively referred to as the Sydney CityGrid Project. The concept plan reflected the staged delivery of the upgrade works to ensure that there is a reliable electricity supply to meet existing and future demand, as identified below:

Stage 1

- Stage 1A - construction and operation of the Belmore Park Zone substation building and stub tunnel connection from the existing City South Cable Tunnel to the substation;
- Stage 1B - integration of the substation (Stage 1A) with commercial/retail development located on the corner of Pitt, Campbell and Hay Streets.

Stage 2

- Stage 2A - construction and operation of the City East Zone Substation, in the vicinity of Phillip, Bent, Bligh and O'Connell Streets;
- Stage 2B - refurbishment of the existing Dalley Street Zone Substation, or construction of a new substation building adjacent to the existing site;
- Stage 2C - construction and operation of a sub-transmission switching station (STSS) at Riley Street;
- Stage 2D - construction and operation of the City East Cable Tunnel, between the STSS and the City North Zone Substation, with connections to the proposed City East and existing Dalley Street zone substations, and a potential services control room adjacent to the Riley Street STSS; and
- Stage 2E - extension to the City South Cable Tunnel from Wade Place to Riley Street, Surry Hills.

When approving the concept plan, the then Minister also granted concurrent project approval for Stage 1 of the Sydney CityGrid Project.

Since the concurrent concept plan and Stage 1 approvals, project approval has also been granted for part of Stage 2A on 13 July 2011 (for demolition of existing buildings and was modified on 2 July 2012 to clarify that works on neighbouring land would not be carried out until legal access to that land has been obtained) and Stage 2D on 18 July 2011.

Condition 3.2 of the concept plan approval has also been modified twice (4 November 2010 and 13 July 2011) to ensure that a design review process (including specified design principles) only applies to applications for building envelope(s) or built form and does not apply to project applications that include only development for the purpose of early works, demolition, excavation or site preparation.

The project application for the remaining works for Stage 2A (construction and operation of the City East Zone Substation and Integrated Commercial Tower) was approved on 11 December, 2012.

The subject modification application seeks to amend the project approval for Stage 1 so as to allow the Belmore Park Zone Substation to include a through-site link, enabling pedestrian access between Campbell and Hay Streets.

The location of the Stage 1 project is shown in Figure 1.



Figure 1: Project Location (reproduced from *Belmore Park Zone Substation and Commercial Development: Project Environmental Assessment*, December 2008)

The Belmore Park zone substation building is currently being constructed and is scheduled for completion in 2013. The timing of the commercial section of the substation is yet to be determined by Ausgrid. Refer to Figures 2 and 3 for the approved project layout.

The site is bordered by Campbell, Pitt and Hay Streets to the north, west and south respectively, and the commercial Central Square Building to the east. The surrounding environment includes commercial/retail development, entertainment facilities, high density residential/hotels, open space and car parking/transport infrastructure.

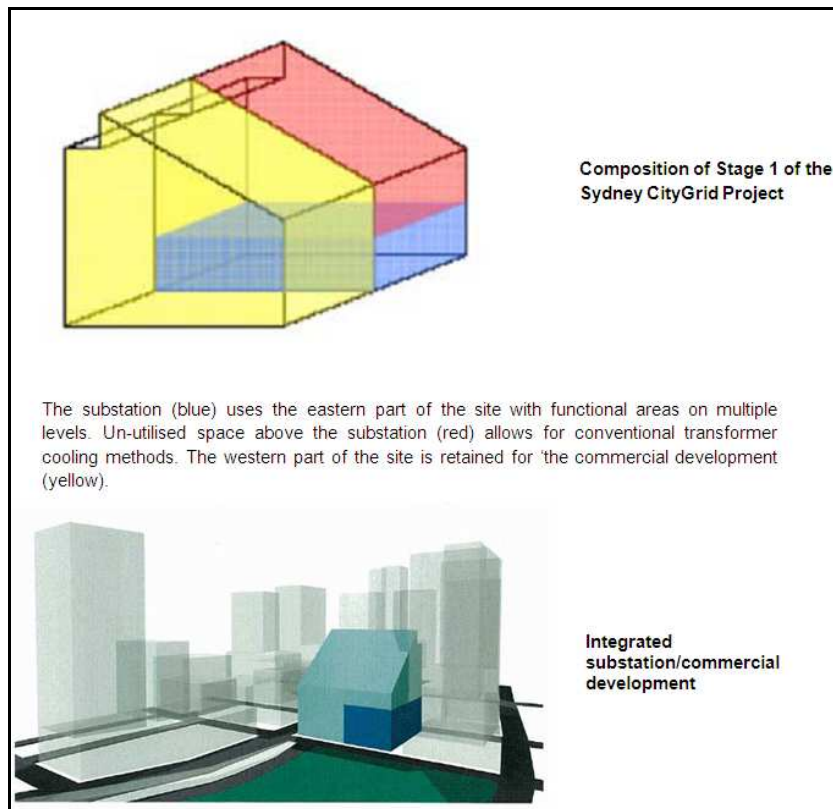


Figure 2: Approved Project Layout



Figure 3: Approved Project Layout – Detailed Plan

The Proponent has sought the replacement of the approved visual link with a through-site link due to the neighbour on the eastern boundary of the site (MKH Properties – Central Square Building) requesting the link be publicly accessible.

The Proponent purchased the land on which the approved visual link was to be situated (and now on which the through-site link is proposed) from this neighbour and the deed of sale included a restrictive covenant on a 6 metre wide strip of land along the eastern boundary of the Stage 1 site. The covenant precluded construction of any above ground structure on this strip of land without the agreement of the neighbour. As such, the Proponent has agreed with the neighbour a compromise whereby the Proponent can construct a perimeter wall to a distance of 2 metres from the substation which leaves 4 metres in which to provide the now proposed through-site link.

The Proponent has advised the Department that this neighbour is also satisfied with the architectural treatment proposed and has written a letter in support to Council. The Proponent has also provided a letter signed by the neighbour agreeing to a publicly accessible site link. The Department invited comments from this neighbour during the assessment of the subject modification and no comment was made.

2. PROPOSED MODIFICATION

2.1 Modification Description

Ausgrid (the Proponent) is seeking approval to modify the Project Approval of 20 September 2009, for the inclusion of a through-site link as part of the construction of the Belmore Park zone substation (being Stage 1A of the Sydney CityGrid Project). The through-site link is to be located on the eastern side of the Belmore Park zone substation and on property owned by the Proponent.

The through-site link was previously to comprise of a visual link only, where the area within the link would be inaccessible to the public. This is because during the design review process that was held for Stage 1 (during the assessment of the project application), the design panel had determined that an activated link would pose a safety hazard to the public using the link, through potential criminal activity. Therefore, the visual link, as currently approved, would provide a landscape buffer for the neighbour to the east of the site. The link was designed to lessen the visual impact of the substation structure and unify the open space components of that area, without permitting public access through the link (via a toughened, etched glass wall at either end of the visual link).

In addition to the approved visual link for the substation component, a pedestrian link is to be developed as part of the commercial component of the project (Stage 1B). This pedestrian link would provide a public thoroughfare between the commercial/retail component of Stage 1 and the street (linking the commercial development to Hay and Campbell Streets). The details of this component however would be determined during the detailed design phase of Stage 1B.

The Proponent now seeks to replace the previously proposed, and approved, visual link with a through-site link (functioning as a walkway), at that same location.

The proposed modified layout is shown in Figure 4. It can be seen that the proposed layout as originally approved is fundamentally the same to that proposed (refer to Figure 2), with the only change being the replacement of the visual-link with the through-site link at the eastern boundary of the site.



Figure 4: Proposed Modified Layout (eastern boundary of the site to be now publicly accessible)

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

The Project Approval for Stage 1 does not allow for the activation of the visual link that forms part of Stage 1A. However, this proposed change is not a radical transformation from the originally approved project and hence can be dealt with as a modification under section 75W.

3.2 Delegated Authority

On 1 October 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division where the relevant local council has not made an objection, a political disclosure statement has not been made, and there are less than 10 public submissions in the nature of objections in respect of the modification request. As Council does not object to the modification and no public submissions were received, and a political disclosure statement has not been made, the Director may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the Department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. However, surrounding properties were notified by letter and invited to comment. The request was referred to Sydney City Council (Council).

The Department received one late submission on the modification request from Council. No other submissions were received on the request.

A summary of the issues raised in Council's submission is provided below.

City of Sydney Council supported the proposed modification and raised the following issues for the Department's consideration:

- Council suggested that the proposed through-site link not be dedicated to Council, but be subject to an easement for public access. This position has been reached by Council based on the link encompassing on-going requirements for maintenance access to the substation building, that the dedication to Council would be in stratum, the pavement of the link would include access hatches, and it is narrower than what would normally be required by Council for the purposes of a pedestrian thoroughfare.
- Lighting should accord with the relevant Australian Standards. Council noted that the typical post top light fitting is approximately 4 metres high and that the stratum reflects this height at a minimum (whilst noting that 6 metres is preferred).

- Design details, including materials, furniture and lighting should be consistent with Sydney Street & Sydney Lights Design Codes (granite paving) to reinforce the public route.
- Tree planting is to follow the standards established under the Street Tree Master plan.

The Department has considered the issues raised in the submission in its assessment of the proposed modification.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be associated with the activation of the link, being:

- 1) public safety hazards; and
- 2) aesthetic impacts on the adjoining neighbour and the public using the space.

5.1 Public safety hazards

Issue

The Department notes that potential risks to public safety were the key deterrents to the opening up of the visual link at the time of the original assessment of the project. There was a concern that the provision of the through-site link, to be located between two main streets in the City of Sydney (being Campbell and Hay Streets) would pose a safety and security risk for the public working, living or visiting the area immediately surrounding the link, including those actively using the link as a thoroughfare. The associated issues with these risks include potential criminal activity occurring within the link, including stealing and illicit drug use.

Consideration

Since the original assessment of the Belmore Park proposal, the Proponent has discussed the subject modification with the project's Design Review Panel on 28 June and 30 August 2012. The Panel found that should the visual link be converted to a walkway, measures to ensure the night time security of the link could be implemented. It is noted that the Panel considers that the walkway design is an improvement on the visual link that was proposed under the original assessment. The Panel has however identified that further information on materials, photomontage views and landscaping should be provided during the detailed design stage.

The Department also notes Council has provided the Department with advice on lighting requirements, which would assist in addressing safety (and design) issues.

Due to the above, the Department considers the Proponent should be required to investigate options available to mitigate and manage likely safety and security hazards, prior to commencing works associated with the proposed through-site link. These options include, but are not limited to, the installation of CCTV surveillance cameras at strategic locations and/or the closing of the link after sunset. Therefore, the Department recommends a modifying condition requiring the Proponent prepare and implement, in consultation with Council, a Through-site Link Design and Safety Management Plan. The plan is to detail the final suite of security measures determined for the through-site link. This plan would require the approval of the Director-General, prior to the commencement of works associated with the through-site link.

The Department also notes that given the short and direct view through to the street frontages, in combination with adequate lighting, potential safety and security risks are unlikely to be significant and would be manageable.

The Department is therefore satisfied that subject to the implementation of the above-mentioned recommended condition, public safety hazards due to the conversion of the visual link to a through-site link, would be mitigated and managed to an acceptable standard.

5.2 Aesthetics and visual design

Issue

Given the purpose of the through-site link is to provide a public thoroughfare between Hay and Campbell Streets, via the substation site, the link should be an aesthetically pleasing environment to use. The key factors that will influence the achievement of such an environment are design and landscaping considerations.

The link is to comprise of granite paving and pole lighting, with trees situated along the eastern side of the link (refer to Figure 4 above).

Consideration

The Department notes the activation of the eastern side of the substation was previously suggested by Council during the assessment of the original project. The Department also notes the Proponent has developed the design of the proposed through-site link in consultation with the neighbour to the east of the site and it is consistent with the City of Sydney's Public Domain Guidelines. These Guidelines include a requirement that through-site links are to be a minimum width of 4 metres (which is also the width of the proposed link).

The Council has also advised the Department that lighting, materials, including furniture and tree planting are required to be in accordance with relevant Council guidelines.

The Department's Urban Design, Centres and Urban Renewal section has been consulted on the proposed design aspects of the proposed through-site link. This section has advised that given the shady environment of the link, the Proponent should be required to take into account shade tolerant tree species when selecting trees to plant along the link. This section of the Department has also recommended that any relevant modifying conditions incorporate flexibility for lighting selection, so as to allow for special lighting treatments which relate to lighting treatments on returning facades (i.e. the position of the substation building).

Taking into consideration the above comments, the Department recommends that the Through-site Link Design and Safety Management Plan include details on the final design, lighting and landscaping treatments for the link. This will enable the Council to be involved in the processes for the selection of the final treatments and ensure these are consistent with Council's relevant design and public domain guidelines.

The Department also recommends a modifying condition that requires the Proponent to ensure the design and landscaping treatments for the link include:

- a) public domain materials to express that the through-site link provides public access; and
- b) appropriate native plantings of trees and shrubs to suit the environment of the eastern section of the site.

The Department considers the activation of the previously approved visual link at the eastern side of the substation site would enhance pedestrian connectivity through the site by linking to main streets, thereby offering greater pedestrian priority. The Department also

considers that subject to the implementation of the above recommendations, the visual design would be appropriate to its location.

6. CONCLUSION AND RECOMMENDATIONS

The Belmore Park Zone Substation project, which included a visual-link on its eastern side, was approved by the then Minister for Planning on 20 September 2009. The Proponent of this approved project now proposes to replace the visual-link with a through-site link, at the same location. The key change from the approved project is the activation of the visual-link, so as to provide a public thoroughfare between Hay and Campbell Streets, via the eastern side of the substation.

The Department has reviewed the information attached to the Proponent's modification application, including its letter of 22 March 2012 and modified layout plans. The Department has also considered the matters outlined under Council's submission, including matters relating to the design and landscaping treatments for the through-site link, and the Proponent's response to the submission.

The Department considers the key issues for the proposed modification are primarily related to the proposed activation of the eastern side of the project site (visual-link to a through-site link). Therefore, the key associated issues are considered to be potential public safety hazards and aesthetic impacts on the adjoining neighbour and the public using the space.

The Department considers that the predicted level of impact would be substantially the same as that predicted for the originally approved project, given the through-site link is proposed within the area previously proposed to include the visual-link. The Department has however formed key recommendations to ensure public safety hazards and aesthetic impacts are managed to an acceptable level (via the preparation and implementation of a Through-site Link Design and Safety Management Plan).

The Department therefore recommends the modification be approved, subject to the recommended modifying conditions.

Prepared by

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Endorsed by

Nelle O'Leary 12/12/12
Manager – Energy Projects
Infrastructure Projects

Approved

Felicity Greenway
A/Director
Infrastructure Projects 13/12/12

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5370

APPENDIX B SUBMISSIONS

City of Sydney Council Submission – Attached

City of Sydney

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3 September 2012

File No: 2012/231512
Your Ref: MP 08_0076 MOD 1

Swati Sharma
A/Senior Planner – Infrastructure Projects
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Email swati.sharma@planning.nsw.gov.au

Dear Swati

RE: Modification Request for Sydney CityGrid Stage 1 – Belmore Park Zone Substation (MP 08_0075)

Reference is made to your letter dated 25th July 2012 regarding the above modification.

Whilst the City supports the idea of a Through Site Link (TSL), it is Council practice that they not be dedicated to Council but subject to an easement for public access. The reason for this is that the TSL:

- (i) will have on-going requirements for maintenance access to the building;
- (ii) would be dedicated in stratum;
- (iii) has a series of access hatches built into the pavement; and
- (iv) is narrower than we would normally require for a pedestrian link (usually minimum of 6 metres).

Accordingly, the City would support formalising access through an easement for public access together with a positive covenant for maintenance for cleaning, insurance and the like.

Additionally, lighting should accord with the relevant Australian Standards. The typical post top light fitting is approximately 4 metres high. It is suggested the stratum reflect this height at a minimum (6 metres would be preferred). Lower lights, as sketched are not desirable.

Materials, furniture and lighting should be consistent with Sydney Street & Sydney Lights Design Codes (granite paving) to reinforce the public route.

Tree planting to follow standards established in the Street Tree Master plan, including installation size, planting hole depth and width preparation, sub soil drainage etc. The City's Arboricultural Services team could advise and appropriate species, consistent with the master plan proposals for adjacent streets.

Finally, In lieu of a glass balustrade, it is recommended a metal palisade design be explored.

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Should you wish to speak with a Council officer about the above, please contact Andrew Rees, Area Planning Manager - Central, on 9265 9333 or email arees@cityofsydney.nsw.gov.au. Council's Arboricultural Services Manager, Karen Sweeny can be reached through the same number 9265 9333 or by email ksweeney@cityofsydney.nsw.gov.au

Yours sincerely,

Graham Jahn AM
Director
City Planning | Development | Transport

city of villages

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

Director
Infrastructure Projects

Sydney 2012

SCHEDULE 1

Project Approval: 08_0075 granted by the Minister for Planning on 20 September 2009

For the following: Stage 1 of the Sydney CityGrid Project, for the construction and operation of the Belmore Park Zone substation site.

Modification: 08_0075 MOD 1: Construction of a walkway (through-site-link) on the eastern side of the Belmore Park Zone substation, between Campbell and Hay Streets.

SCHEDULE 2 CONDITIONS

The approval is modified by

1. Replacing condition 1.1 with new condition 1.1 as follows:

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Projects Application 08_0075;
 - b) *Sydney CityGrid Project, Concept Environmental Assessment Report*, prepared by PlanCom Consulting Pty Ltd and endorsed by EnergyAustralia, dated December 2008;
 - c) *Belmore Park Zone Substation and Commercial Development, Project Environmental Assessment Report*, prepared by PlanCom Consulting Pty Ltd and endorsed by EnergyAustralia, dated December 2008;
 - d) *Sydney CityGrid Project Submissions Response & Preferred Project Report*, prepared by PlanCom Consulting Pty Ltd and dated May 2009;
 - e) *Belmore Park Zone Substation & Commercial Development Project, Submissions Response & Preferred Project Report*, prepared by PlanCom Consulting Pty Ltd for EnergyAustralia, dated May 2009;
 - f) The Ausgrid modification request and letter dated 22 March 2012, including accompanying site plans (MOD 1); and
 - g) the conditions of this approval.

2. Replacing condition 1.2 with new condition 1.2 as follows:

- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) and 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) and 1.1f) inclusive, and any other document listed from condition 1.1a) and 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replacing the words “condition 2.1” under existing condition 2.2 with the following words:

“conditions 2.1 and 2.1A”

4. Inserting new conditions 2.1A and 2.1B, immediately below existing condition 2.1, as follows:

- 2.1A The Proponent shall prepare and implement a **Through-site Link Design and Safety Management Plan**, in consultation with the Council, detailing the measures to mitigate and manage security and design issues associated with the operation of the link including, but not necessarily limited to:
- a) measures to mitigate and manage security hazards (such as the closure of the link during night periods or the installation of CCTV surveillance camera(s) at strategic points within the link);
 - b) design and lighting treatments; and
 - c) landscaping treatments.

The Plan shall be submitted to the Director-General for approval, prior to the commencement of construction works associated with the through-site-link.

- 2.1B The Proponent shall ensure the design and landscaping treatments required under condition 2.1A of this approval include:
- a) public domain materials to express that the through-site link provides public access; and
 - b) appropriate native plantings of trees and shrubs to suit the environment of the eastern section of the site.

