



Design Modifications to Stage 1B Basement, Barangaroo South

*State Significant
Development
Modification Assessment
(SSD 6960 MOD 2)*

July 2019

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Glossary

Abbreviation	Definition
Applicant	Lendlease (Millers Point) Pty Ltd
Consent	Development Consent
Council	City of Sydney
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GSC	Greater Sydney Commission
INSW	Infrastructure New South Wales
LGA	Local Government Area
SSD	State Significant Development
SSL	Structure Surface Level
TfNSW	Transport for New South Wales



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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 Ethos Urban on behalf of 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 structure surface level (SSL) of the approved basement slab from a consistent level of RL 0.7 to variable levels between RL 0.7 and RL 0.9.

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 | The location of Barangaroo South site within the Barangaroo development area
(Base source: Google Maps)

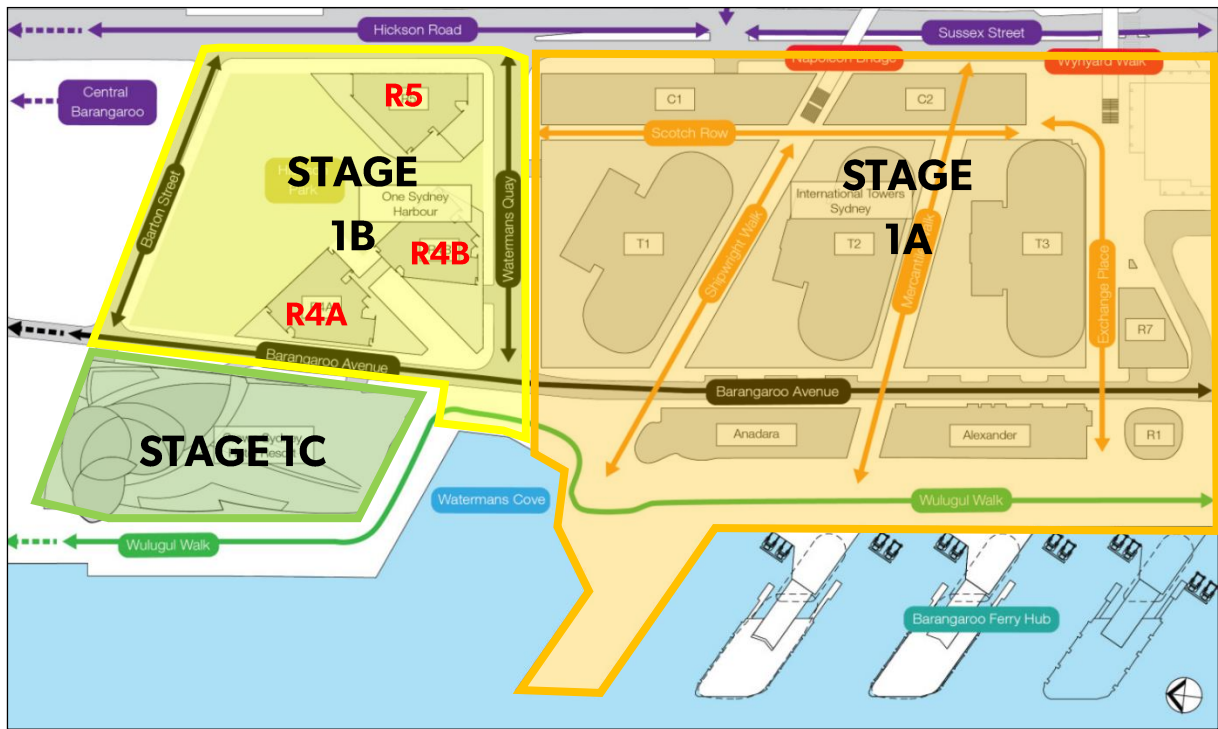


Figure 2 | The Barangaroo South development area with Stage 1B shown by the yellow shading
(Base source: EIS SSD 6960)

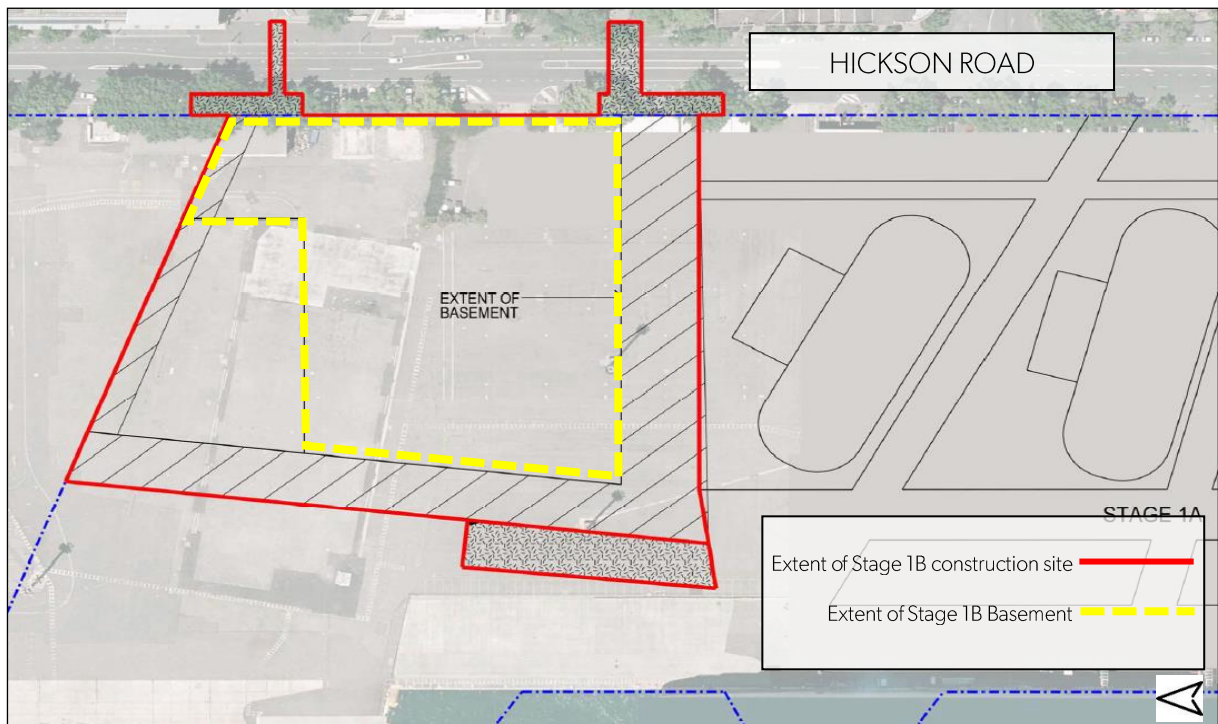


Figure 3 | The approved Stage 1B basement (dashed yellow line) and Stage 1B basement construction area (red line) (Source: EIS SSD 6960)

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 Approval).

The SSD Approval 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.

The SSD Approval has been modified on one occasion only (see **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 B1 - reduction in the basement car parking from 884 to 822 spaces.	Director	4.55(1A)	5 April 2019

1.3 Related Projects

The following applications are relevant to the modification application and are identified in **Figure 4**.

SSD 6964 – Building R4A

Approved on 7 September 2017, Building R4A is a 72-storey residential tower with ground level retail.

SSD 6965 – Building R4B

Approved on 7 September 2017, Building R4B is a 60-storey residential tower with ground level retail.

SSD 6966 – Building R5

Currently under assessment, SSD 6966 would result in a 29-storey residential tower.

SSD 6957 – Crown Sydney Hotel Resort

Approved on 28 June 2016, the Crown Sydney Hotel Resort is a 71-storey podium and tower development. The basement of the development has been designed to integrate with the Stage 1B basement. Construction has commenced.

SSD 7944 – Barangaroo Public Domain

Approved on 11 September 2018, the application relates to public domain and associated works within Barangaroo South and Barangaroo Central, including:

- construction of public domain areas at Watermans Cove (including a public pier), Hickson Park, Watermans Quay, Wulugul Walk and a section of Barangaroo Avenue
- site preparation works
- ground treatments and finishes
- landscaping
- furniture and finishes
- lighting
- wayfinding signage
- civil and stormwater infrastructure and utility services.

SSD 7944 MOD 1 – Barangaroo Public Domain

Currently under assessment, SSD 7944 MOD 1 seeks to:

- raise the approved ground level of Hickson Park by a maximum of 400mm to provide integration with the future upgrade of Hickson Road and to support the improved stormwater management across the public domain
- alter the design of the public pier and make minor changes to public domain elements and materials at Barangaroo South.

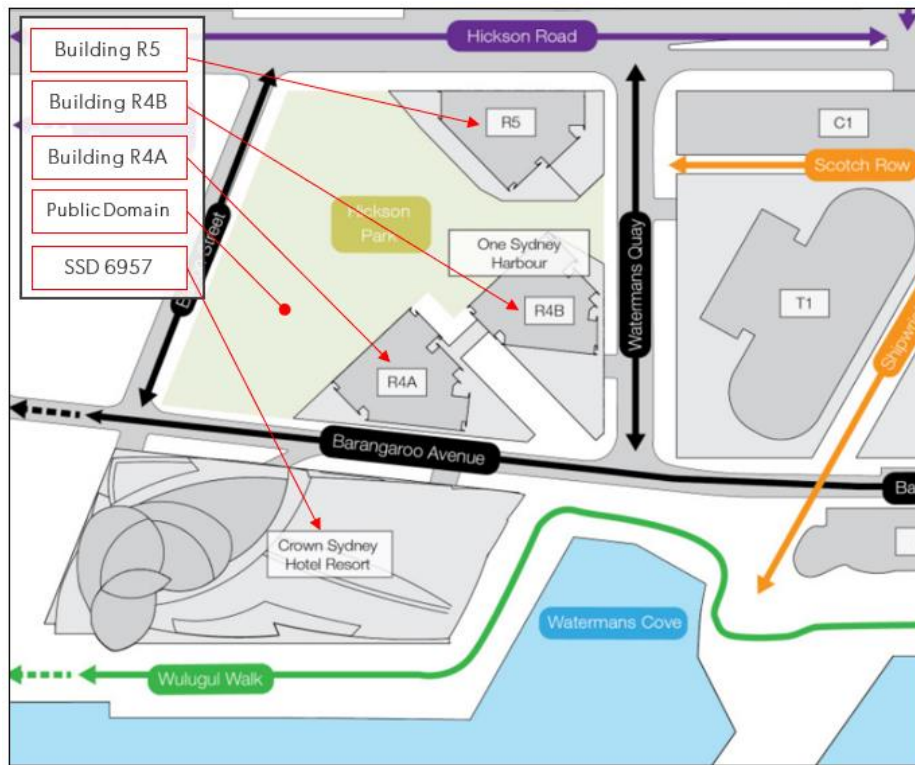


Figure 4 | The relevant applications in proximity to the site (Base source: EIS SSD 6960)



2. Proposed Modification

On 6 June 2019, the Applicant lodged a modification application (SSD 6960 MOD 2) seeking approval under section 4.55(1A) of the EP&A Act, to amend the SSL of the approved basement slab from a consistent level of RL 0.7 to variable levels between RL 0.7 and RL 0.9.

The amended levels will align with the levels of the public domain works approved under SSD 7944 and the amendments proposed under modification application SSD 7944 MOD 1. The levels will also match the future raising of Hickson Road by Infrastructure NSW (formerly known as NSW Barangaroo Delivery Authority). The amended levels will also assist with stormwater flows throughout Hickson Park by providing grades that allow the deep soil area to drain naturally by gravity above the slab level.

An extract showing the approved plan and the proposed plan is provided in **Figure 5**.

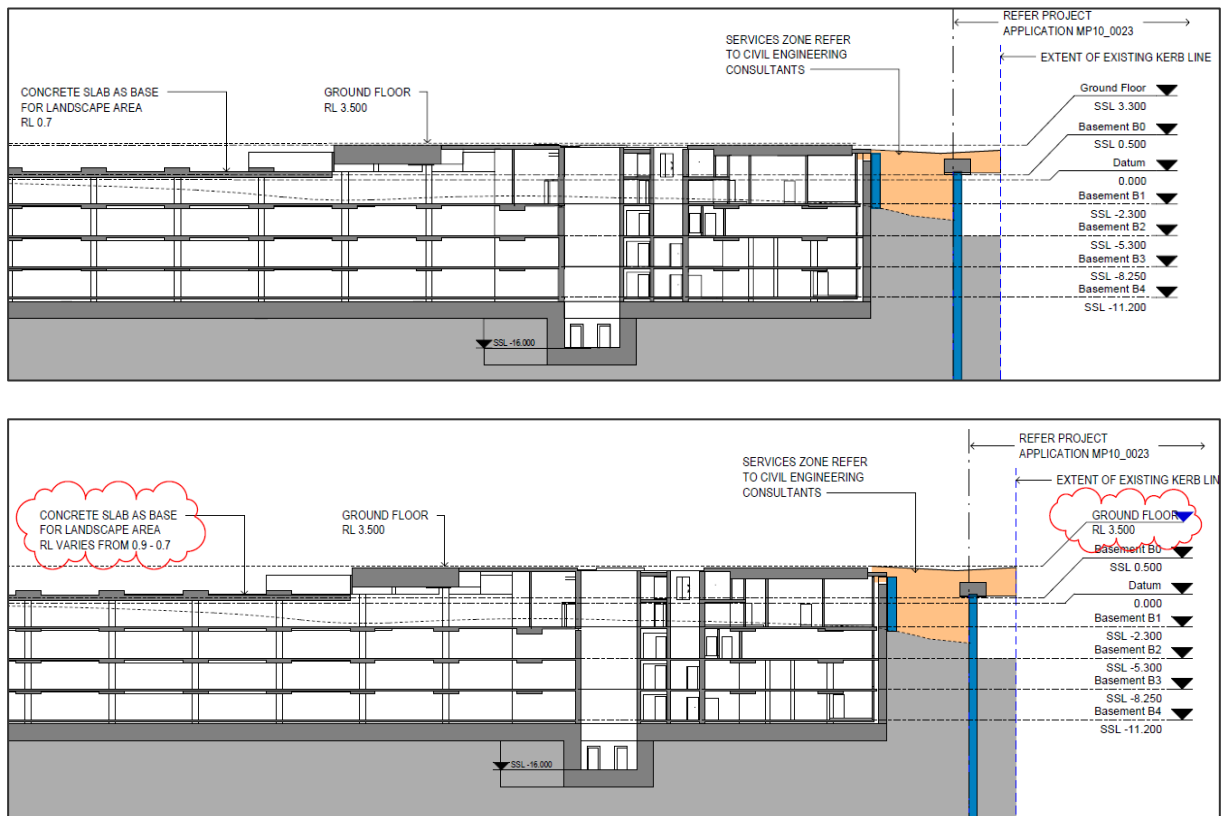


Figure 5 | Comparison of approved plan (above) and proposed plan (below) with the proposed changes bubbled in red (Base source: EIS SSD 6960 MOD 2)



3. Strategic Context

3.1 Greater Sydney Region Plan

The 'Greater Sydney Regional Plan – A Metropolis of Three Cities' sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The City of Sydney LGA is located within the Eastern City. The proposed development supports the directions and objectives of the Plan, in particular by facilitating the safe, efficient and orderly development of the Barangaroo South area.

3.2 Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District Plan covers the City of Sydney LGA. The modification application is consistent with the Eastern City District Plan by helping to grow a stronger and more competitive central business district (Planning Priority E7).



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify a 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 provided in **Table 2**.

Table 2 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	The modification application would not result in any change to the extent of the basement and would not require any additional excavation or remediation works. Further, the proposed modification would not result in any change to the basement gross floor area calculations, public domain measures or compliance with the National Construction Code. The Department is therefore satisfied the application would not result in any additional environmental impacts beyond those assessed in SSD 6960.
That 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 (if at all).	The modification would not result in any change to the use of the site, intensity of the use, compliance with legislation, gross floor area or extent of the Stage 1B basement area. On this basis, the Department is satisfied the modification application would result in a development that is substantially the same as originally approved.
The application has been notified in accordance with the regulations.	Section 5 of this report demonstrates that the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	The Department received three submissions in relation to the application. No objections were received, and no submissions were received from members of the public. Refer to Section 5 of this report.

4.2 Environmental Planning Instruments

The following Environmental Planning Instruments apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Harbour Foreshores and Waterways Development Control Plan 2005.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers that the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

4.3 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.4 Objects under 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.



5. Engagement

5.1 Department's Engagement

The Department made the modification application available on its website. Given the minor nature of the modification application, the Department did not formally seek submissions on the application, but forwarded the application to Council, INSW, Environment Protection Agency (EPA) and Transport for NSW (TfNSW) for comment.

5.2 Agency Submissions

The EPA and TfNSW did not raise any concerns or objections to the proposed modification. INSW did not provide comment on the modification application, however as landowner, they provided their consent to the lodgement of the modification application.

5.3 Community Submissions - Council

Council did not object to the proposal but requested the following comments be considered in the assessment of the application:

- the proposed changes to the SSL of the approved basement slab are incrementally minor, however the overall implications of these changes result in Hickson Park becoming increasingly inaccessible through raising the levels and introducing a seating wall that creates a barrier and mounding the grass. The current proposal (SSD 7944 MOD 1) to elevate levels of Hickson Park result in a 500mm high wall to the Hickson Road edge, separation between the public domain and the park, poor permeability and connectivity, and the reduction in universal access for all users. Meanwhile the elevated park levels to Barangaroo Avenue result in walls up to 700 mm high.
- it is recommended that a condition be imposed to 'cap' future level changes with a maximum ground level and structural slab level.

The comments provided by Council are addressed in **Section 6** of this report.

5.4 Community Submissions

No submissions were received from the public.



6. Assessment

6.1 Section 4.5(1) Matters for Consideration

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

Table 3 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Assessment
(a)(i) any environmental planning instrument	The modified proposal remains compliant with the relevant legislation as addressed in Section 4.2 of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under the State Environmental Planning Policy (State and Regional Development) 2011, Development Control Plans 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 EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 5 of this report).
(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 Department considers the likely impacts of the development are acceptable as the proposed modification is minor in nature as it relates only to the SSL of the basement slab. The Department therefore concludes the application is not likely to result in any adverse environmental impact beyond those already assessed under the SSD Approval.
(c) the suitability of the site for the development	The modification will not alter the suitability of the site for the development. The modification is minor and will ensure consistency with the public domain works approved under SSD 7944 and future rising of Hickson Road.
(d) any submissions	The Department has considered the submissions received (refer to Sections 5 of this report).
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient development of Stage 1B basement at Barangaroo South and align with the public domain works approved under SSD 7944.

The Department has considered the Applicant's modification application, Council's submission and agency submissions in its assessment of the modification application. Assessment issues are considered below.

6.2 Deep Soil Zones

Condition A3 of SSD 6960 required that prior to the issue of any Construction Certificate for the basement structure, the basement drawings were to be amended to provide a reduced basement slab level to facilitate a deep soil zone of at least 2000 m² with a depth of at least 3m to support large mature trees in Hickson Park. Condition A3 was discharged on 17 December 2018 and included deep soil zone of 2,132 m².

The Department notes plans submitted with the modification application are consistent with the construction drawings approved under Condition A3. Although, the modification application proposes to increase the SSL of the slab by a maximum of 200 mm, any potential reduction in deep soil zones can be offset by the modification proposed under SSD 7944 MOD 1, which seeks to raise Hickson Park by a maximum of 400 mm to allow for integration with the future upgrade of Hickson Road. This will equate to approximately 60 m³ of additional deep soil.

Additionally, the introduction of grades to the surface slab level does not negatively impact upon the minimum depths for planting specified with the deep soil zone. Generally, the inclusion of grades to the basement slab is supported, because effective drainage is essential to sustain large tree planting on slabs.

Council raised concerns that the proposed modification will impact the ground levels of Hickson Park. However, the proposed modification does not seek to alter the ground levels of Hickson Park as the modifications proposed to Hickson Park are being considered under modification application SSD 7944 MOD 1.

The modifications proposed under SSD 6960 MOD 2 will not pre-empt the determination of SSD 7944 MOD 1 as the proposed changes to the SSL of the approved basement slab are minor in nature and can proceed as a standalone modification.

Based on the above, the Department concludes that the modification to the SSL of the basement slab will not compromise the required deep soil zones and the future delivery of Hickson Park.



7. Evaluation

The Department has reviewed the modification application, Council's submission and agency submissions to assess the merits of the application. The Department is satisfied the modification request would facilitate the safe, orderly and efficient development of the Stage 1B basement of Barangaroo South and would not result in any adverse environmental impacts.

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



8. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD 6960 MOD 2 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 grant approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD 6960; and
- **signs** the attached approval of the modification (Attachment B)

Recommended by:

Rodger Roppolo

Planning Officer

Key Sites Assessments



9. *Determination*

The recommendation is: **Adopted / ~~Not adopted~~ by:**

31 July 2019

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/11596>

Appendix B – Notice of Modification

The Notice of Modification can be found on the Department of Planning and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/11596>