



## APPENDIX B

## STATUTORY COMPLIANCE TABLE

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
<b>Environmental Planning and Assessment Act 1979</b>			
Part 1 Preliminary	Section 1.3 Objects of the Act  <i>Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The proposal seeks to initiate early establishment works for the renewed, mixed-use waterfront precinct development at Central Barangaroo in accordance with the approved Concept Plan (MP06_0162). The proposed enabling works will enable the effective management and development of the State's resources through commencing an initial stage of works on the site prior to the assessment and consent of subsequent detailed SSDAs. This will better manage the social and economic welfare of the community during the anticipated construction program.	
	<i>facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	Sustainability is a key driver for the Central Barangaroo precinct, and it is Infrastructure NSW intention to deliver a globally recognised, exemplar sustainable urban precinct. Sustainability is a key consideration from the project outset (early works) through to the final execution and operation of the development as envisaged under the approved Concept Plan. The development is in accordance with this objective as specific sustainability measures have been proposed as part of the ESD Report	<b>Section 6</b>

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		<p>accompanying the MOD 9 application, and at a broader level the economic, environmental and social impacts of the proposed works have been considered by the applicant and assessed in the EIS. Site specific construction management measures are outlined in the CEMP at <b>Appendix W</b>.</p>	
	<p><i>to promote the orderly and economic use and development of land,</i></p>	<p>The proposed works seek to facilitate the coordinated design and delivery of the precinct and its neighbouring activities and will minimise construction impacts through the staged completion of early works in the Central Barangaroo site. This represents an orderly and feasible development of the land for the applicant and the surrounding landholders. The works will enable the future use of the site in accordance with the Concept Approval MP06_0162.</p>	<p><b>Section 3</b></p>
	<p><i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i></p>	<p>The Central Barangaroo site is currently being utilised largely as a construction site and concrete hardstand storage area. The site is clear of any significant vegetation and no ecological communities are known, and as such the proposed works will not impact threatened and other species. This is reinforced through the issue of a BDAR Waiver for the works by the Department on 12 April 2022.</p>	<p>BDAR Waiver at <b>Appendix R</b></p>
	<p><i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p>	<p>Aboriginal cultural, archaeological and built heritage has been thoroughly considered by the applicant as outlined in <b>Section 6.6</b>. Due to the scope of works below ground, there will be no impact to built heritage items, and appropriate mitigation measures have been</p>	<p><b>Section 6.6</b> ACHAR at <b>Appendix O</b> Heritage Impact</p>

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		recommended to reduce any impact to Aboriginal cultural and archaeological heritage.	Statement at <b>Appendix P</b>  Historical Archaeological Assessment at <b>Appendix Q</b>
	<i>to provide increased opportunity for community participation in environmental planning and assessment</i>	A detailed Community Relations Plan is proposed as part of the proposed works, to ensure community participation is maintained throughout the construction period and in the future detailed SSDAs for the site. This will inform relevant stakeholders, manage community impact, and ensure issues are responded to by the applicant.	<b>Section 5</b>  Engagement Report at <b>Appendix T</b>
Division 4.3 Development that needs consent (except complying development)	<p>Section 4.15(1) Matters for consideration</p> <p>(a)(i) The provisions of any environmental planning instrument:</p> <ul style="list-style-type: none"> <li>▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i></li> </ul>	The application has been assessed in accordance with the relevant State planning instruments as outlined in the following sections of this table. The assessment demonstrates the proposal accords with the objectives and provisions of the relevant policies. Supporting information is provided within the consultant appendices provided at <b>Appendix A – Appendix W</b> of the EIS.	<b>Section 6</b>  Consultant appendices at <b>Appendix A – Appendix W</b>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> </ul>		
	<p>(a)(ii) Relevant proposed instruments that have been the subject of public consultation under this Act include:</p> <ul style="list-style-type: none"> <li>▪ <i>Draft Remediation of Land SEPP</i></li> </ul>	<p>The application has been assessed in accordance with the relevant draft State planning instruments as outlined in the following sections of this table. The assessment demonstrates the proposal accords with the objectives and provisions of the draft policies.</p>	<p><b>Section 6</b></p>
	<p>(a)(iii) Any development control plan</p>	<p>Section 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD.</p> <p>Further to this, it is noted Figure 1.1 of the Sydney Development Control Plan (DCP) 2012 identifies that land within the Barangaroo precinct is excluded from the Sydney DCP 2012.</p>	<p><b>N/A</b></p>
	<p>(a)(iiia) Relevant planning agreement or draft planning agreement</p>	<p>The applicant has established an agreement with Infrastructure NSW for future ownership of the Central Barangaroo Site through the project development agreement</p>	<p><b>Section 1.2</b></p>
	<p>(a)(iv) The regulations</p>	<p>This EIS has been prepared in accordance with Division 5 of the Environmental Planning and Assessment Regulation 2021 which outlines requirements for State significant development.</p>	<p>EIS</p>
	<p>(a)(v) Repealed</p>		<p>N/A</p>
	<p>(b) The likely impacts of that development, including environmental impacts on both the natural and built</p>	<p>The likely impacts of the development including the environmental impacts on the natural and built</p>	<p><b>Section 6</b></p>

<b>Statutory Reference</b>	<b>Statutory Consideration</b>	<b>Relevance</b>	<b>Section in EIS</b>
	environments, and social and economic impacts in the locality.	environments, and social an economic impact on the locality are assessed in detail within the EIS.	
	(c) The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	<b>Section 7</b>
	(d) Any submissions made	Submissions will be considered following exhibition of the application.	<b>Section 5</b>
	(e) The public interest	The public's interest in the proposal is demonstrated in the EIS.	<b>Section 7</b>
<b>Environmental Planning and Assessment Regulation 2000</b>			
Division 5	Division 5 of the Environmental Planning and Assessment Regulation 2021 which outlines requirements for State significant development	This EIS has been prepared to address the requirements of Division 5 of the EP&A Regulations and SEARs.	<b>EIS</b>
<b>Biodiversity Conservation Act 2016</b>			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that Biodiversity Conservation Act 2016 the likely impact of the proposed development on biodiversity values.	<p>A BDAR Waiver Request was submitted to the DPE in March 2022 in accordance with the guidance provided in the relevant Guidelines "<i>How to apply for a biodiversity development assessment report waiver</i>" prepared by Environment, Energy and Science and dated October 2019. The Waiver Request provided an assessment against the eight biodiversity values as defined in Section 1.5 of the Biodiversity Conservation Act 2016 and clause 1.4 and clause 6.1 of the Biodiversity Conservation Regulation 2017.</p> <p>On 6 April 2022, the delegated Environment Agency Head in the Environment and Heritage Group (EHG)</p>	BDAR Waiver at <b>Appendix R</b>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
		determined that the proposed development is not likely to have any significant impacts on biodiversity values. Subsequently on 12 April 2022, the delegate of the Planning Secretary within the DPE also determined the proposed works is not likely to have any significant impacts on biodiversity values.	
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>			
Part 3, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution network	<p>Clause 2.48 Determination of development applications— other development</p> <p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the</p>	<p>The application involves works immediately adjacent to an electricity substation consistent with clause 2.48(b)(ii) and as such the application is to be notified to Ausgrid and consider any response to the notice (including comments about potential safety risks) received within 21 days.</p> <p>The application involves the decommissioning and removal of an existing kiosk and kiosk substation, and installation of two new kiosk substations for temporary construction supply in the south-eastern corner of the site.</p> <p>Safe work assessments will be undertaken at each stage of the electrical infrastructure works which are adjacent any Ausgrid assets and City of Sydney smart poles.</p>	<p><b>Section 6.7.3</b></p> <p>Infrastructure and Utilities Report at <b>Appendix T</b></p>

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	<p>top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>		
<p>Part 3, Division 15 Railways, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors— notification and</p>	<p>Clause 2.102 Development near proposed metro stations</p> <p>(1) This section applies to land shown as CBD Metro Station Extent on a rail corridors map and land that is adjacent to that land.</p> <p>(2) A consent authority must not grant consent to development on land to which this section applies unless it has taken into consideration—</p>	<p>The northern end of the proposed shoring wall will be built adjacent to the southern extent of the Barangaroo Metro station temporary soldier pile and jet grout shoring wall. Approximately 20m of the shoring wall will be located within Barangaroo Station Metro second reserve. The consent authority must therefore consider clause 2.102(2) (a) and (b).</p>	<p><b>Section 6.3.1.</b> Sydney Metro Protection Report at <b>Appendix L</b></p>

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other requirements	<p>(a) whether the proposed development will adversely affect the development and operation of a proposed metro station, including by impeding access to, or egress from, the proposed metro station, and</p> <p>(b) whether the proposed development will encourage the increased use of public transport.</p>	<p>The proposal will not adversely affect the adjacent Metro tunnel and station as the Metro tunnels are surrounded by medium strength bedrock or better, and as such, the Sydney Metro Protection Report prepared by Coffey consider there is no likely risk of pile excavation instability. Furthermore, the use of positive ground support mechanisms and installation of temporary steel casings into the top of the sandstone bedrock during excavation / construction will ensure there is no impact on the stability of the Metro.</p> <p>The proposed works will enable the future development of the site as a mixed-use precinct in accordance with MP06_0162. The future development will encourage the use of Barangaroo Station through direct connections with the Station and a critical mass of development to support the investment in the Metro infrastructure.</p>	
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
Chapter 4 Remediation of Land	<p>Clause 4.6 Contamination and remediation to be considered in determining development application</p> <p>A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is</p>	<p>Previous environmental investigations conducted on the site have identified soil as being contaminated with total petroleum hydrocarbon (TPH), polycyclic aromatic hydrocarbons (PAH), metals and asbestos-impacted fill material. Whilst a portion of the site has already been remediated as part of the Barangaroo South development works and a notice issued by the EPA (No. 20204418) confirming the land was no longer remediation, the proposed works involves</p>	<p><b>Section 6.5.1</b></p> <p>Remedial Work Plan at <b>Appendix N</b></p>

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	<p>satisfied that the land will be remediated before the land is used for that purpose.</p> <p>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>localised remediation related to the secant pile retention wall.</p> <p>The remediation activities involve:</p> <ul style="list-style-type: none"> <li>▪ Excavation and removal of all materials required for the installation of the retaining wall structure.</li> <li>▪ Classification of all material that is removed, and disposal off-site in accordance with the NSW EPA 2014.</li> <li>▪ Validation of all imported and beneficially reused materials (if applicable) against the site assessment criteria (SAC) prior to acceptance and placement on the site.</li> <li>▪ Ongoing management and monitoring, including implementation of a Long-Term Environmental Management Plan.</li> </ul> <p>The approach is discussed further in the Remedial Works Plan prepared by EDP.</p> <p>Following completion of remedial works outlined in the Remedial Works Plan and future Plans, as well as the implementation of a Long-Term Environmental Management Plan., EDP conclude the works will have minimal impact on the overall suitability of the site with respect to future land uses approved under the Concept Plan.</p>	
	<p>Clause 4.14 Guidelines and notices: All remediation work</p> <ul style="list-style-type: none"> <li>▪ The contaminated land planning guidelines</li> </ul>	<p>The Remedial Works Plan have been prepared in reference to these guidelines.</p>	<p>Remedial Work Plan at <b>Appendix N</b></p>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	<ul style="list-style-type: none"> <li>▪ The guidelines (if any) in force under the Contaminated Land Management Act 1997</li> <li>▪ A plan of remediation prepared in accordance with the contaminated land planning guidelines</li> </ul>		
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>			
Part 10.3 Foreshore and Waterways Area, Division 2 Matters for Consideration	Section 10.19 Biodiversity, ecology and environment protection  The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows:  (a) development should have a neutral or beneficial effect on the quality of water entering the waterways,  (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),  (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,  (h) the cumulative environmental impact of development,	During the proposed early works appropriate management measures will be implemented to ensure stormwater discharge does not result in any adverse impacts or pollution on receiving waterways. This includes treatment of collected rainfall in excavated areas as a result of the proposed works to ensure that appropriate water quality targets are met.  Water quality targets will be designed to meet the objectives of the receiving water body (Sydney Harbour) in accordance with State Water Quality Objectives and the National Water Quality Framework Australian and New Zealand Environment and Conservation Council & Agriculture and Resource Management Council of Australia and New Zealand, 2000).  It is noted that the volume of water to be managed/treated will be minimal due to the minor excavation works and small catchment associated with the proposal.  Similarly, any groundwater that is evident within the area of excavation will be collected and treated to a	<b>Section 6.4</b>  Stormwater Management and Flooding Report at <b>Appendix M</b>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	<p>(i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.</p>	<p>level appropriate for discharge to receiving aquatic system to ensure terrestrial and aquatic species are not adversely harmed.</p> <p>Subject to the implementation of mitigation measures outlined in the Stormwater Management and Flooding Report, the proposed early works will not result in any adverse impacts to the receiving aquatic system (Sydney Harbour) in terms of water pollution and will not detrimentally increase flood risk of other properties.</p>	
	<p>Section 10.20 Public access to, and use of foreshores and waterways</p> <p>The matters to be taken into consideration in relation to public access to, and use of, the foreshores and waterways are as follows:</p> <p>(a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,</p> <p>(b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,</p> <p>(c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,</p>	<p>The development will not impact public access to the foreshore or Wulugul Walk. The proposed site establishment involves the provision of temporary structures within the Central Barangaroo boundary, ensuring there is no disruption to access or sight lines along Wulugul Walk, Barton Street or to Nawi Cove.</p> <p>The appointment of accredited traffic controllers will manage intersections at site entrances, specifically along Barton Street and Hickson Road, to ensure this is maintained throughout the duration of construction.</p>	<p><b>Section 6.8</b></p> <p>CEMP at <b>Appendix W</b></p>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	<p>Section 10.21 Maintenance of a working harbour</p> <p>The matters to be taken into consideration in relation to the maintenance of a working harbour are as follows:</p> <p>(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,</p>	<p>The existing site does not accommodate a working harbour. The proposed development will not negatively impact any of the neighbouring, working harbours.</p>	<p><b>Section 6</b></p>
	<p>Section 10.22 Interrelationship of water and foreshore uses</p> <p>The matters to be taken into consideration in relation to the interrelationship of waterway and foreshore uses are as follows:</p> <p>(b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,</p>	<p>The development will not impact the use of the Darling Harbour or Nawi Cove waterway for commercial or recreational purposes. The works are within the site boundary and specifically are contained in the south-western portion of the site and will not impact use of the waterways to the west. Stormwater management and treatment measures will ensure the health of the waterway is maintained.</p>	<p>CEMP at <b>Appendix W</b></p> <p>Stormwater Management and Flooding Report at <b>Appendix M</b></p>
<b>State Environmental Planning Policy (Planning Systems) 2021</b>			
Schedule 2	<p>Section 2 Development on specified sites</p> <p>Development that has a capital investment value of more than \$10 million on land identified as being within the Barangaroo Site on the State Significant Development Sites Map is classified as State significant development.</p>	<p>The proposed modified development at Central Barangaroo has an estimated capital investment value of \$15,600,000 (exl. GST) and accordingly, is classified as a State significant development.</p>	<p>Cost Estimate Report at <b>Appendix F</b></p>
<b>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</b>			
	<p>Section 8 Zone B4 Mixed Use</p> <p>(1) The objectives of Zone B4 Mixed Use are as follows:</p>	<p>The proposed works are associated with the future mixed-use development of the Central Barangaroo precinct, as approved under the Concept Plan</p>	<p><b>Section 4</b></p>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
Appendix 5 – Barangaroo Site	<p>(a) to provide a mixture of compatible land uses,</p> <p>(b) to integrate suitable development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,</p> <p>(c) to encourage a diverse and compatible range of activities through various means</p> <p>(e) to implement the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process,</p> <p>(g) to ensure that the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area.</p>	<p>MP06_0162. The future development will deliver compatible uses, including residential, tourist, retail, commercial, recreational and community land uses within walking distance from existing and future public transport infrastructure as approved under the Concept Approval.</p> <p>The proposed development and the future early works applications will be delivered in accordance with the overall Central Barangaroo Sustainability Strategy (CeNSUS).</p> <p>The proposed works will be undertaken with the appropriate energy efficiency measures. The early works are staged as to minimize the construction impacts to the amenity and operations of the area, reducing impacts on residents in the area.</p> <p>As such, the proposed development is consistent with the objectives of the B4 Mixed Use zone.</p>	
	<p>(2) Except as otherwise provided by Chapter 2, development for any purpose may be carried out with consent on land within Zone B4 Mixed Use unless prohibited by subsection (3).</p>	<p>The proposed works are associated with the future mixed-use development of the Central Barangaroo precinct, as approved under the Concept Plan MP06_0162. The concept plan approval granted consent for the provision of residential, tourist, retail, commercial, recreational and community land uses. The proposed early works will facilitate the future mixed-use development.</p>	<b>Section 4</b>
	<p>(3) Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use—</p> <p>bulky goods premises; caravan parks; dual occupancies; dwelling houses; extractive industries; hazardous industries; hazardous storage establishments; heavy industries;</p>		<b>Section 4</b>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	industries; light industries; materials recycling or recovery centres; mines; moveable dwellings; offensive industries; offensive storage establishments; restricted premises; sex services premises; truck depots; warehouse or distribution centres.	As these land uses are not explicitly identified in subsection (3), the development is permitted with development consent.	
Appendix 5 – Barangaroo Site	<p>Section 9 Zone RE1 Public Recreation</p> <p>(1) The objectives of Zone RE1 Public Recreation are as follows—</p> <p>(a) to enable land to be used for public open space or recreational purposes,</p> <p>(b) to provide a range of recreational settings and activities and compatible land uses,</p> <p>(c) to protect and enhance the natural environment for recreational purposes,</p> <p>(d) to ensure the vitality and safety of the community and public domain,</p> <p>(e) to promote and maintain public access to and along the foreshore,</p> <p>(f) to allow land beneath the finished surface of the public domain to be used for car parking associated with development on land within Zone B4 Mixed Use if it can be demonstrated that any such use will not detract from the primary use of the land for public open space or recreational purposes,</p> <p>(g) to allow the public domain to be enhanced by a variety of compatible land uses in a manner that contributes positively</p>	<p>The proposed works will facilitate the future mixed-use development of the Central Barangaroo precinct, as approved under the Concept Plan MP06_0162. The future development will deliver a significant provision of recreation and community uses, as well as public open space along the western portion of the site adjacent to Wulugul Walk.</p> <p>The provision of temporary structures within the RE1 zone include site establishment structures including sheds and hoarding to secure the safety of the site for employees, visitors and the public. The construction measures identified in the CEMP (<b>Appendix W</b>) will ensure the surrounding area can continue to be utilised for recreational purposes, provides access to the foreshore and the natural environment is protected.</p> <p>The temporary structures will be screened from the public domain due to the retention of the existing Class A hoardings which currently surround the Central Barangaroo site and will not result in the erection of any permanent above ground structures. This will ensure the future use of land within the RE1 Zone for recreational purposes following the</p>	<p><b>Section 6.8.2</b></p> <p>CEMP at <b>Appendix W</b></p>

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	<p>to, and does not dominate, the primary use of the land for public open space or recreational purposes,</p> <p>(h) to allow land to be used in conjunction with the transportation of passengers by water.</p> <p>(2) Development for any of the following purposes may be carried out with consent on land within Zone RE1 Public Recreation—</p> <p>business identification signs; charter and tourism boating facilities; community facilities; earth works; entertainment facilities; environmental facilities; environmental protection works; filming; flood mitigation works; food and drink premises; function centres; information and education facilities; jetties; kiosks; markets; moorings; passenger transport facilities; public entertainment; public halls; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; telecommunications facilities; telecommunications networks; temporary structures; transport depots; underground car parks; water recreation structures; waterbodies (artificial).</p> <p>(3) Except as otherwise provided by Chapter 2, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subsection (2).</p>	<p>completion of construction and demolition of site sheds.</p> <p>The proposed construction works for the secant pile wall and interface works are not located within the boundary of the RE1 Public Recreation zone.</p> <p>However, this application seeks consent for the provision of temporary structures within the western portion of the site in the RE1 Public Recreation zone. These are detailed on the Site Establishment Plan appended to the CEMP (<b>Appendix W</b>). ‘<i>Temporary structures</i>’ are permitted with consent in the RE1 Public Recreation Zone as identified in subsection (2).</p> <p>It is further noted the erection of temporary builder’s structures including the construction or installation of a building site shed, office or associated amenity structure is classified as ‘exempt development’ under Subdivision 3 of Division 3 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	<p></p> <p><b>Section 4</b> CEMP at <b>Appendix W</b></p>
Appendix 5 – Barangaroo Site	<p>Section 17 Height of buildings</p> <p>The height of building map identifies the following heights for the site:</p> <ul style="list-style-type: none"> <li>▪ RL 35</li> </ul>	<p>The proposed secant wall is entirely below ground and does not constitute an above ground structure.</p> <p>There is no applicable height control for the RE1 Zone and the proposed location of the erection of temporary structures.</p>	<p>Architectural Plans at <b>Appendix H</b></p>

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	<ul style="list-style-type: none"> <li>▪ RL 29</li> <li>▪ RL 34</li> <li>▪ No height for RE1 zone</li> </ul>		
Appendix 5 – Barangaroo Site	<p>Section 18 Gross floor area restrictions</p> <p>The gross floor area map identifies the following gross floor area restrictions for the site:</p> <ul style="list-style-type: none"> <li>▪ 15,000sqm</li> <li>▪ 3,000sqm</li> <li>▪ 29,668sqm</li> <li>▪ No gross floor area control for RE1 zone</li> </ul>	<p>The proposed development does not propose gross floor area.</p> <p>The temporary structures are not classified as a permanent ‘building’ and as such will not contribute to gross floor area on the site.</p>	Architectural Plans at <b>Appendix H</b>
Appendix 5 – Barangaroo Site	<p>Section 19 Design Excellence</p> <p>Consent must not be granted to development involving the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed building exhibits design excellence.</p>	<p>The proposed development does not involve the erection of a new building or external alterations to an existing building, and as such section 19 is not applicable to the proposed development.</p>	N/A
Appendix 5 – Barangaroo Site	<p>Clause 21 Heritage conservation</p> <p>(1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item--</p> <p>(a) demolish, dismantle, move or alter the building, work, relic, tree or place, or</p> <p>(b) damage or remove the relic, or</p> <p>(c) excavate land for the purpose of discovering, exposing or moving the relic, or</p>	<p>The proposed works do not involve any impact to listed heritage items. There are no heritage items situated within the Central Barangaroo site boundary.</p> <p>Notwithstanding this, an assessment of the impact of the proposed works on surrounding built heritage items, as well as the Aboriginal cultural heritage and historical archaeology potential of the site, has been provided. Subject to the implementation of mitigation</p>	<p><b>Section 6.6</b></p> <p>ACHAR Report at <b>Appendix O</b></p> <p>Heritage Impact Statement at <b>Appendix P</b></p>

Statutory Reference	Statutory Consideration	Relevance	Section in EIS
	<p>(d) damage or despoil the tree or place, or</p> <p>(e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or</p> <p>(f) damage any tree, or land on which the building, work or relic is situated, or the land that comprises the place, or</p> <p>(g) make structural changes to the interior of the building or work,</p> <p>except with the consent of the consent authority.</p>	<p>measures, the proposed works are supported on heritage grounds.</p>	<p>Historical Archaeological Assessment at <b>Appendix Q</b></p>
<b>Draft State Environmental Planning Policy (Remediation of Land)</b>			
<p>Explanation of Intended Effect</p>	<p>The Explanation of Intended Effect for the draft SEPP was on exhibition from 31 January 2018 until 13 April 2018. The draft SEPP will retain the key operational framework of the former SEPP 55 and add new provisions relating to remediation works.</p>	<p>The assessment under the Hazard and Risk SEPP remains relevant to the draft SEPP.</p>	<p><b>Section 6.5.1</b> Remedial Work Plan at <b>Appendix N</b></p>