

Barangaroo – Cutaway Cultural Facility

Environmental Impact Statement for 
Stage Significant Development (SSD-47498458)

February 2023

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Contents

Declaration	7
Executive Summary	9
1. Introduction	12
1.1 Applicant Details	12
1.2 Site Overview	12
1.3 Project Overview	13
1.4 Project Context and Background	14
1.5 Project Background and Relevant Planning History	14
1.6 Report Structure	16
2. Strategic Context	17
2.1 Site Locality Context	17
2.2 Key Features of the Site and Surrounds	19
2.3 Strategic Planning Context	23
2.4 Cumulative Impacts	27
2.5 Project Justification	27
2.6 Analysis of Project Alternatives	28
3. Project Description	29
3.1 Project Overview	29
3.2 Project Area	31
3.3 Design Approach – Connecting with Country	32
3.4 Demolition	32
3.5 Vegetation removal and Site Excavation	32
3.6 Uses	33
3.7 Physical layout and design	33
3.8 Landscaping	40
3.9 Operations	41
3.10 Vehicle Access, Parking, Loading and Servicing and Active Transport	42
3.11 Waste	43
3.12 Site Services	43
3.13 Stormwater drainage	44
3.14 Background of Design Excellence Process	44
4. Statutory Context	46
4.1 Key Statutory Requirements	46
5. Engagement	55
5.1 Engagement Carried Out	55
5.2 Engagement outcomes	58

5.3	State Design Review Panel	59
5.4	Next Steps	59
6.	Assessment of Impacts	60
6.1	Built Form	60
6.2	Environmental Amenity	61
6.3	Connecting with Country and Aboriginal Cultural Heritage	66
6.4	Heritage	67
6.5	Social Impacts	69
6.6	Operational impacts	69
6.7	Construction impacts	70
6.8	Cumulative Impacts	71
6.9	Crime Prevention Through Environmental Design (CPTED)	71
6.10	Biodiversity	72
6.11	Transport and Accessibility	73
6.12	Noise and Vibration	77
6.13	Ecologically Sustainable Development (ESD)	80
6.14	Lighting	81
6.15	Flooding	82
6.16	Water Cycle Management	83
6.17	Contamination and hazardous material	83
6.18	Waste Management	83
6.19	Services	84
6.20	Accessibility	84
6.21	Compliance with the Building Code of Australia (BCA)	84
6.22	Construction Impacts	84
7.	Justification of the Project	86
7.1	Ecologically Sustainable Development	86
7.2	Consistency with Strategic Context	87
7.3	Compliance with Statutory Requirements	87
7.4	Consultation	88
7.5	Likely Impacts of Development	88
7.6	Suitability of the Site for the Development	89
7.7	The Public Interest	89
8.	Conclusion	90
9.	Attachments	91

List of Figures

Figure 1: Site location and context (Source: SIX Maps)

Figure 2: Location Plan

Figure 3: The location of the site below Barangaroo Reserve

Figure 4: Entry to the Cutaway from the forecourt adjacent to Nawi Cove

Figure 5: An internal view of the Cutaway looking north towards the loading dock. The sandstone face wall is visible to the right of the image

Figure 6: An internal view of the Cutaway showing the sandstone wall and the open roof/void spaces

Figure 7: The Cutaway in events mode

Figure 8: Existing ground level layout (source INSW)

Figure 9: Artists impression of internal view of the main events hall within the proposed Cutaway Cultural Facility

Figure 10: Artist impression - View of the entry to the proposed Cutaway Cultural Facility, looking east from Nawi Cove

Figure 11: Site Plan of the Project Area (Source Fjmtstudio)

Figure 12: Ground floor plan

Figure 13: First floor plan

Figure 14: Second floor plan

Figure 15: Roof plan

Figure 16: Birdseye view of the skylights

Figure 17: Section view of the skylight/roof enclosure

Figure 18: Section view of the skylight/roof enclosure

Figure 19: View of proposed landscaping treatment to entry of the Cutaway Cultural Facility, looking east from Nawi Cove

Figure 20: View of proposed landscaping treatment to entry of the Cutaway Cultural Facility, looking east from Nawi Cove

Figure 21: View looking southwest from Millers Point HCA towards tree elements at Cutaway entry

Figure 22: View looking southwest from Millers Point HCA towards tree elements at Cutaway entry

Figure 23: View of HCT interpretive device from Merriman St, looking west towards Stargazer Lawn, Barangaroo Reserve

Figure 24: View of HCT interpretive device from Stargazer lawn, Barangaroo Reserve looking east towards Merriman St

Figure 25: Extract from HIS showing heritage conservation areas and heritage items under SLEP 2012 adjacent to the site

Figure 26: Extract from HIS showing heritage listed Dalgety Bond Store under the Eastern Harbour Precincts SEPP

List of Tables

Table 1: Proponent details
Table 2: Site overview
Table 3: Summary of Strategic Planning Context
Table 4: Project alternatives
Table 5: Key elements of the project description
Table 6: Key Statutory planning requirements
Table 7: Stakeholders
Table 8: Overview of Engagement Activities
Table 9: Summary of feedback from stakeholders and community
Table 10: Operational impacts
Table 11: Construction impacts
Table 12: Hours of Construction

List of Attachments

Attachment 1: SEARs Compliance Table
Attachment 2: Statutory Compliance Table
Attachment 3: Community Engagement Table
Attachment 4: Mitigation Measures Table

List of Appendices

Appendix 1: Architectural Drawings prepared by fjmtstudio
Appendix 2: Survey prepared by Craig & Rhodes
Appendix 3: Architectural Design Report prepared by fjmtstudio with Bangawarra
Appendix 4: Biodiversity Development Assessment Report (BDAR) Waiver
Appendix 5: Transport and Accessibility Impact Assessment prepared by TTW
Appendix 6: Draft Aboriginal Cultural Heritage Assessment Report prepared by Curio Projects
Appendix 7: Crime Prevention through Environmental Design prepared by Urbis
Appendix 8: Heritage Impact Statement prepared by Curio Projects
Appendix 9: Lighting Design Report prepared by Steensen Varming
Appendix 10: Noise and Vibration Impact Assessment prepared by Arup
Appendix 11: Waste Management Plan

Appendix 12: Services Infrastructure Report
Appendix 13: Integrated Water Management Plan
Appendix 14: Engagement Report prepared by WSP
Appendix 15: Social Impact Assessment prepared by WSP
Appendix 16:: ESD Report prepared by ARUP
Appendix 17: Flood Risk Assessment prepared by GRC Hydro D
Appendix 18: Access Review Report prepared by MGAC
Appendix 19: BCA Capability Statement prepared by Group DLA
Appendix 20: Preliminary Construction and Environmental Management Plan prepared by EY

Declaration

Submission of Environment Impact Statement:

Project Details	
Project Name	Barangaroo – Cutaway Cultural Facility
Application Number	SSD-47498458
Address of the land in respect of which the development application is made	Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776,
Applicant Details	
Applicant Name	Infrastructure NSW
Applicant Address	Level 27, 201 Kent Street, Sydney NSW 2000
ABN	85 031 302 516
Nominated Contact	Kate Holmes, Senior Development Manager, Capital Projects
Details of person by whom this EIS was prepared	
Name	Joanne McGuinness
Address	SJB Planning, Level 2, 490 Crown Street, Surry Hills NSW 2020
Qualifications	Bachelor of Town Planning (Hons) University of New South Wales (UNSW)
Declaration by registered environmental assessment practitioner	
Name	Scott Barwick
Registration Number	8990
Organisation registered with	Planning Institute of Australia
Declaration	<p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none"> — Has been prepared in accordance with Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2021</i>; — Contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates; — Does not contain information that is false or misleading; — Addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project; — Identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments; — Has been prepared having regard to the Department's <i>State Significant Development Guidelines – Preparing an Environmental Impact Statement</i>; — Contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social

impacts of the project and the principles of ecologically sustainable development;

- Contains a consolidated description of the project in a single chapter of the EIS;
- Contains an accurate summary of the findings of any community engagement; and
- Contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

Signature:



Date

17 February 2023

Executive Summary

Purpose of this Report

This Environmental Impact Statement (EIS) has been prepared by SJB Planning on behalf of Infrastructure NSW in support of State Significant Development (SSD) Application SSD-47498458, submitted to the Department of Planning and Environment (DPE), for the proposed development of a cultural facility within the Cutaway located at Barangaroo (‘the site’).

Pursuant to clause 3 of Schedule 2 of the State Environmental Planning Policy (Planning System) 2021 (Planning Systems SEPP) development within the Barangaroo Precinct that has a capital investment value (CIV) in excess of \$10 million is SSD. The Cost Summary Report prepared by WT Partnership identified that the project has a CIV greater than \$10 million and is therefore SSD.

On 18 August 2022 Infrastructure NSW requested Secretary's Environmental Assessment Requirements (SEARs) for the proposal. The SEARs were issued on 16 September 2022. This EIS addresses the issues raised in the SEARs and has been prepared in accordance with *the Department Planning, Industry and Environment's (DPIE) State Significant Development Guidelines (2021) (the ‘SSD Guidelines’)*, which applies to SSD lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.

Project Summary

The proposal seeks to establish a new cultural facility within the Cutaway located at Barangaroo. The Cutaway, a large concrete shell space, was delivered in 2015 as part of the Barangaroo Reserve approved under Major Project application No. MP10-0048 with the space being earmarked for future use and final fitout. The project approval identified the future use of the space for a future cultural facility, subject to obtaining a separate approval. Consistent with MP10-0048, the proposal seeks approval for the fitout and enclosure to both the existing roof openings to the Cutaway and entrance at Nawi Cove to accommodate a cultural facility.

Infrastructure NSW’s objective is to create a memorable and grand experience through the design of a major, single, large format, flexible venue. This project aims to develop and support civic uses, arts and culture, increase attendance at cultural events, and support the cultural precincts and infrastructure around Barangaroo.

The primary facilities will be supported by appropriate back of house and ancillary facilities to allow the Cutaway to be positioned as a preferred venue for events, exhibitions, cultural uses, festivals and installations. The Cutaway will be designed to:

- **Become one of Sydney’s premier cultural facilities;**
- Be recognised globally for hosting the performing and visual arts, alongside exhibitions and events; and
- Engage both the local community and national and international visitors.

The application seeks consent for the operation and construction of a new cultural facility within the Cutaway located at Barangaroo, including:

- The internal alterations and fitout of the existing Cutaway space over three (3) levels to accommodate event and gallery spaces, back of houses areas, amenities, offices and ancillary retail and café;
- The enclosure of the existing roof opening/voids;
- A new façade and entry treatment from the forecourt adjacent to Nawi Cove, including new landscaping;
- The heritage interpretation of the former Sydney Ports Harbour Control Tower;
- Utilisation of existing access, loading and parking arrangements; and
- The operation of a range of events, exhibitions, cultural uses, festivals and installations. The hours of operation will be 24/7 to allow for overnight cleaning, kitchen operation, security operating or bumping in / out.

The Cutaway has been used as a temporary events space in accordance Development Application No. 2015/938, which was approved by the City of Sydney Council on 27 October 2016. This proposal seeks to formalise the ongoing use of the Cutaway as a premier cultural facility housing a range of events.

Strategic Context

The proposal will deliver a premier cultural facility that is currently lacking in Sydney and provide for Sydney's civic, arts and culture. This will encourage increased attendance at cultural events and support the cultural precincts and infrastructure around Barangaroo. This is consistent with the overarching themes and requirements of all relevant plans, policies and guidelines.

Statutory Context

This EIS has been prepared in accordance with the requirements of the *EP&A Act 1979* and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation). Section 4 and Attachment 2 of the EIS considers all the applicable legislation as stipulated in the Secretary Environmental Assessment Requirements (SEARs).

The Eastern Harbour Precincts State Environmental Planning Policy (Precincts SEPP) is the principal environmental planning instrument applying to the site. The site is zoned RE1 Public Recreation under the Precincts SEPP. The proposal is permissible with consent and is consistent with the objectives of the RE1 zone.

The development of the Barangaroo Precinct, within which the subject site is situated, is guided by the approved Concept Plan No. MP06_0162 (as modified) (the Concept Plan). The Concept Plan for Barangaroo was approved in February 2007 by the then Minister for Planning under Part 3A of the *EP&A Act 1979*. The Concept Plan was for the creation of a new harbour precinct known as Barangaroo (formerly known as East Darling Harbour), which encompasses 22 hectares of **reclaimed land on Sydney's foreshore and** provides an extension to the Sydney CBD. An integral component of the Concept Plan approval is the requirement to deliver 50% of the site (around 11 hectares) as public open space and public domain, including a new public headland park and public foreshore promenade.

The obligations and commitments applying under the Concept Plan also require the provision of a minimum of 12,000m² of community uses to enhance the cultural experience at Barangaroo. The proposed cultural facility, the subject of this Application, is considered to be consistent with the Concept Plan as further demonstrated in this EIS.

Engagement

Section 5.0 of the EIS details the engagement that has been undertaken in the formulation of the project. Engagement has been undertaken with the following key stakeholders:

- Government agencies, including Placemaking NSW, Government Architect NSW, Department of Planning and Environment (DPE), Transport for NSW, Sydney Ports, and the City of Sydney.
- Metropolitan Local Aboriginal Land Council; Aboriginal knowledge holders, community members and interest groups.
- The general public, and local and neighbouring community interest groups, including Millers Point Resident Action Group and Walsh Bay Precinct Management Association.

The outcomes of the consultation process have been considered in the design of the project. It is anticipated that further consultation will be undertaken in the post-lodgement phase.

Environmental Impacts and Mitigation Measures

This EIS provides an assessment of the environmental impacts of the project in accordance with the SEARs and sets out the measures to be implemented to manage and minimise potential impacts arising from the project.

Conclusion and Justification

The carrying out of the project is justified for the following reasons:

- The proposal will facilitate the development of a premier cultural facility that delivers excellence in arts, culture and heritage by improving the utility of the Cutaway and providing a unique multi-functional space that is not available anywhere else in Sydney. The proposal increases the capability of the space to host a wider range of events, allow for greater utilisation of the space throughout the year, and improve the experience of patrons and operators using the space.
- The proposal is consistent with the Concept Plan.
- The proposal is consistent with the relevant state and local strategic planning policies and guidelines.
- The proposal is permissible with consent and meets the relevant statutory requirements of the relevant environmental planning instruments.
- The proposal will have a wide range of positive social and economic impacts.
- The assessment of the proposal has demonstrated that the development will not result in any adverse environmental impacts that cannot be appropriately managed through the mitigation measures set out in this EIS.
- The proposal is highly suitable for the site in that it is consistent with its current use, as approved under the Concept Plan, and enhances and increases the capability of the existing Cutaway as a cultural facility.
- The proposal is in the public interest.
- The proposal is consistent with the principles of ecologically sustainable development as defined by section 193 of the EP&A Regulation.

1. Introduction

This Environmental Impact Statement (EIS) has been prepared by SJB Planning (SJB) on behalf of **Infrastructure NSW (the ‘applicant’)** in support of SSD-47498458 for the proposed development of a new cultural facility at the Cutaway, Barangaroo (‘the site’).

In accordance with clause 3 of Schedule 2 of the Planning Systems SEPP, development within Barangaroo with a capital investment value (CIV) of more than \$10 million is identified as State Significant Development (SSD) pursuant to Section 4.36(2) of the *EP&A Act 1979*. As the proposed development will have a CIV in excess of \$10 million, the proposal is classified as SSD.

As required by the EP&A Regulation, this EIS has been prepared in accordance with the SSD guidelines for applications lodged under Part 4 of the *EP&A Act 1979*, and addresses the SEARs issued on 16 September 2022.

Attachment 1 identifies where the SEARs have been addressed in this EIS. This EIS should be read in conjunction with the supporting information accompanying this report. The EIS intends to inform the community and stakeholders about the Project, including its social, economic and environmental impacts, mitigation measures and benefits, as well as providing an environmental assessment of the project.

1.1 Applicant Details

The applicant for this SSD is Infrastructure NSW, and details are provided in Table 1 below:

Applicant Details	
Applicant Name	Infrastructure NSW
Applicant Address	Level 27, 201 Kent Street, Sydney NSW 2000
ABN	85 031 302 516
Nominated Contact	Kate Holmes, Senior Development Manager, Capital Projects

Table 1: Proponent details

1.2 Site Overview

The proposal will be located within the existing large concrete shell space, known as the Cutaway, which sits beneath Barangaroo Reserve and atop an existing public car park. The site information relevant to the project is provided in the following table.

Address	The Cutaway, Barangaroo (located beneath Barangaroo Reserve)
Legal Description	Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776,
Site Area	The Cutaway has a footprint of 6,500m ² (approximately)

Table 2: Site overview

A map of the site and locality is provided in Figure 1.

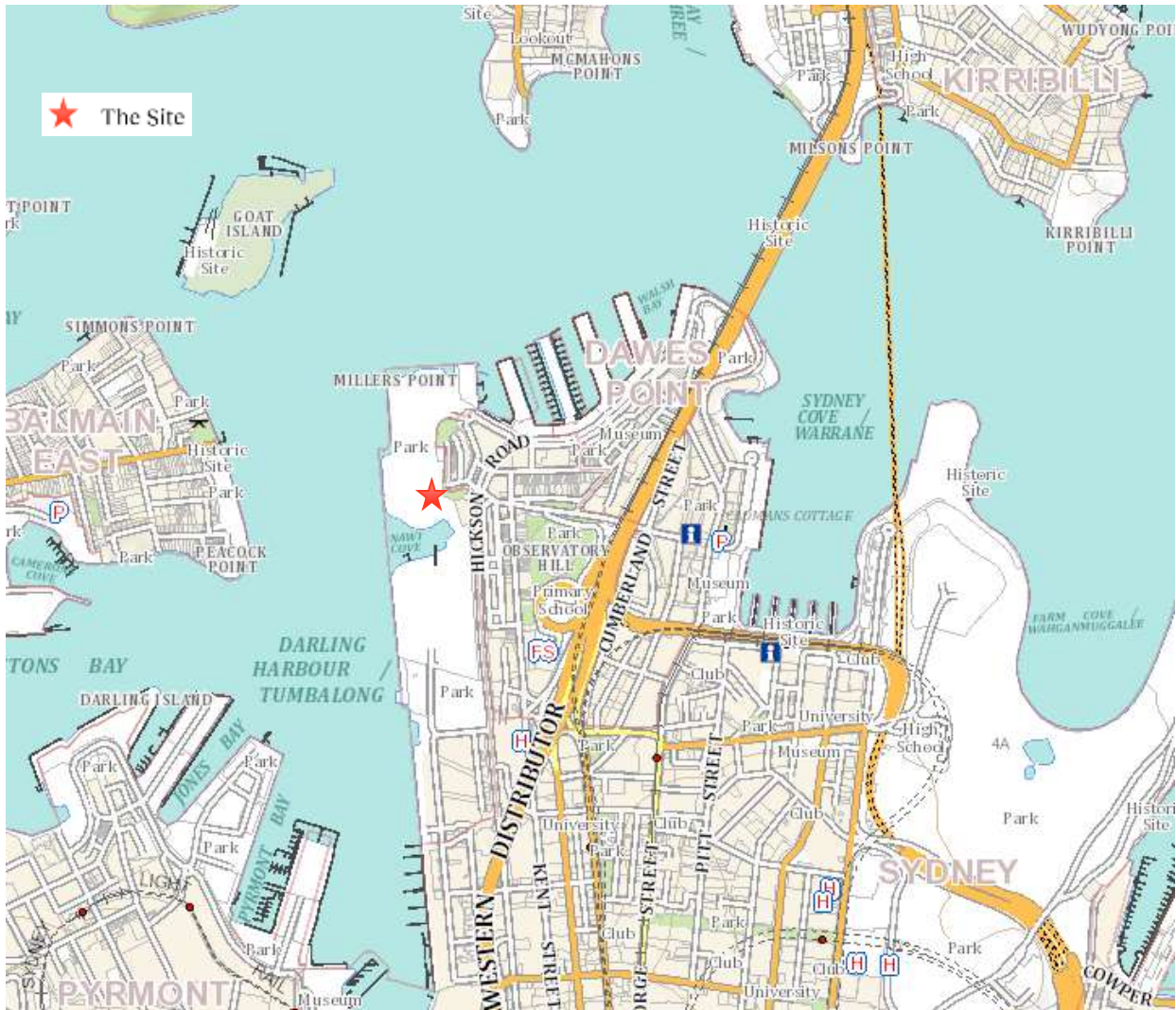


Figure 1: Site location and context (Source: SIX Maps)

1.3 Project Overview

This SSD application seeks development consent for a cultural facility within the Cutaway consisting of:

- The internal alterations and fitout of the existing Cutaway space over three (3) levels to accommodate event and gallery spaces, back of house areas, amenities, commercial kitchen, offices and ancillary retail and café;
- The enclosure of the existing roof opening/voids;
- A new façade and entry treatment from the forecourt adjacent to Nawi Cove, including new landscaping;
- Heritage interpretation relating to the former Harbour Control Tower in accordance with Major Project approval No. MP10_00048;
- Utilisation of existing access, loading and parking arrangements; and
- The operation of a range of events, exhibitions, cultural uses, festivals and installations. The hours of operation will be 24/7 to allow for overnight cleaning, kitchen operation, security operating or bumping in / out.

The proposal is detailed in the architectural drawings prepared by Fjmtstudio at Appendix 1.

Objectives of the development

Infrastructure NSW's objective is to create a memorable and grand experience through the design of a major, single, large format, flexible venue. This project aims to develop and support civic uses, arts and culture, increase attendance at cultural events, and support the cultural precincts and infrastructure around Barangaroo.

The primary facilities will be supported by appropriate back of house and ancillary facilities to allow the Cutaway to be positioned as a preferred venue for events, exhibitions, cultural uses, festivals and installations. The Cutaway will be designed to:

- Become one of Sydney's premier cultural facilities;
- Be recognised globally for hosting the performing and visual arts, alongside exhibitions and events;
- Engage both the local community and national and international visitors;
- Celebrate the Aboriginal connection to Country and to the site by applying a Connecting with Country framework; and
- Demonstrate excellence in design and world class sustainability.

1.4 Project Context and Background

Infrastructure NSW is a department of the NSW Government, which is responsible for the oversight of the State's infrastructure pipeline and precinct delivery. Infrastructure NSW provides independent advice to the NSW Government on the identification and prioritisation of critical public infrastructure across the state.

The key functions of Infrastructure NSW comprises expert advice, project delivery, infrastructure assurance and precinct development which includes the transformative urban regeneration of the Barangaroo Precinct.

1.5 Project Background and Relevant Planning History

Barangaroo Act 2009 No.2

The role and functions of Infrastructure NSW are administered under the *Barangaroo Act 2009*. The project aligns with the objectives of the Barangaroo Act 2009 and principal functions of Infrastructure NSW as highlighted below.

3 Objects of Act

The objects of this Act are as follows:

- (a) to encourage the development of Barangaroo as an active, vibrant and sustainable community and as a location for national and global business,*
- (b) to create a high quality commercial and mixed use precinct connected to and supporting the economic development of Sydney,*
- (c) to facilitate the establishment of Barangaroo Reserve and public domain land,*
- (d) to promote the orderly and sustainable development of Barangaroo balancing social, economic and environmental outcomes,*
- (e) to create in Barangaroo an opportunity for design excellence outcomes in architecture and public domain design.*

14 Principal functions of Infrastructure NSW under this Act

(1) Infrastructure NSW has the following functions under this Act:

.....

- (b) to promote, procure, organise, manage, undertake, secure, provide and conduct cultural, educational, residential, commercial, transport, tourist and recreational activities and facilities at Barangaroo,
- (g) to undertake the delivery of infrastructure associated with Barangaroo or that relates to the principal functions under this Act of Infrastructure NSW

Approved Barangaroo Concept Plan MP06_0162

The development of Barangaroo is guided by Concept Plan No. MP06_0162 (as modified) (the Concept Plan). The Concept Plan for Barangaroo was approved in February 2007 by the then Minister for Planning under Part 3A of the *EP&A Act 1979*.

The Concept Plan approval granted consent for the renewal of a 22ha precinct (formerly known as East Darling Harbour) as a new harbour precinct of Sydney, providing an extension to the Sydney CBD, and the delivery of around 11 hectares (50% of the site) of public open space and public domain, including a new public headland park and 2.2km public foreshore promenade. The Concept Plan has been subject to a number of modifications, with the most recent being Modification 11 approved on 22 October 2020. Modification 9 was submitted to the Department of Planning and Environment (DPE) in 2022 and has completed public exhibition. It is noted that the subject application is prepared in accordance with and submitted under the current approved Concept Plan and does not rely on the determination of Mod 9, notably additional community use GFA sought under Mod 9, to proceed through the SSD planning process.

The Concept Plan (as modified) is described as follows:

- (1) A mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), comprised of:
 - (a) a maximum of 191,031 sqm of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;
 - (b) a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South;
 - (c) a maximum of 34,000sqm of GFA for retail uses of which a maximum of 30,000 sqm will be in Barangaroo South;
 - (d) a maximum of 5,000 sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and
 - (e) a minimum of 12,000sqm of GFA for community uses.
- (2) Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including an approximate 2.2km public foreshore promenade.
- (3) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- (4) Public domain landscape concept, including parks, streets and pedestrian connections.
- (5) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
- (6) Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.
- (7) No approval is granted or implied for the future use of a heliport and/or a helipad MOD 9 amendment to MP06_0162.

The proposed cultural facility supports the commitments and obligations applying under the Concept Plan for increased cultural experiences and the provision of a minimum of 12,000m² of community uses.

Accordingly, the application is capable of satisfying the requirement for consistency with the approved Concept Plan (s4.24(2) of the *EP&A Act 1979*).

Major Project MP10-0048

The Cutaway was approved under Major Project application No. MP10-0048 on 3 March 2011. This application approved major works for Barangaroo Reserve (formerly Headland Park). It also included the provision of a future car park and cultural facility underneath the park. The future cultural facility was to be located within a void space above the carpark. The void space has an initial footprint of 6,500m² with potential for up to 18,000m². While the creation of the void space formed part of the approval under MP10-0048, the actual future cultural space required the approval of a separate project application. Consistent with MP10-0048, the proposal seeks approval for the fitout and enclosure to both the existing roof openings to the Cutaway and entrance at Nawi Cove to accommodate a cultural facility.

Development Application D/2015/938

On 27 October 2016, the City of Sydney Council granted consent to Development Application No. 2015/938 for temporary use of the future Cultural Cutaway space for a range of public and private events. The consent imposes a maximum capacity of 5,500 persons (including staff, patrons and performers) within the premises any one time.

Since then, the Cutaway has been utilised for a wide range of events and exhibitions, including but not limited to, a Sydney festival venue and performance space, NAIDOC week events and community markets and festivals.

1.6 Report Structure

This EIS is structured as follows:

- Summary
- Section 1: Introduction
- Section 2: Strategic Context
- Section 3: Project Description
- Section 4: Statutory context
- Section 5: Community engagement
- Section 6: An assessment of Impacts
- Section 7: Project Justification
- Section 8: Conclusion
- Attachments

2. Strategic Context

This section describes key features of the site and its surrounds that are relevant to the projects strategic planning context. This section also provides an analysis of alternatives that were considered as part of the scoping process.

2.1 Site Locality Context

The site is known as the Cutaway which is located at Barangaroo within the City of Sydney Local Government Area (LGA) on Gadigal Country.

Barangaroo is a 22 hectare Precinct located in the northern part of the CBD and on Sydney's western waterfront. It is bound by Sydney Harbour to the north and west, the historic neighbourhoods of Millers Point, Walsh Bay, The Rocks and Sydney Harbour Bridge to the east and the Darling Harbour/King Street Wharf to the south.

Barangaroo is divided into three (3) distinct precincts:

- Barangaroo Reserve, a naturalistic harbour side park to the north,
- Central Barangaroo, the subject of the Mod 9 proposal to create a mixed use precinct accommodating new public open spaces, cultural, retail, commercial and residential uses. This precinct will be supported by a new Metro Station currently under construction; and
- Barangaroo South a commercial, hotel and retail hub supported by extensive public domain and open space, that is nearing completion.

The public domain and open space is integrated throughout the Precinct and incorporates a 2km foreshore walk known as Wulugul Walk.

The site is legally described as Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776.

The Cutaway is an existing concrete shell space located beneath Barangaroo Reserve. An existing public car park and loading dock also sits beneath the Cutaway and is accessible via Towns Place.

The location of the site is shown in Figure 2. The site is illustrated in Figure 3.

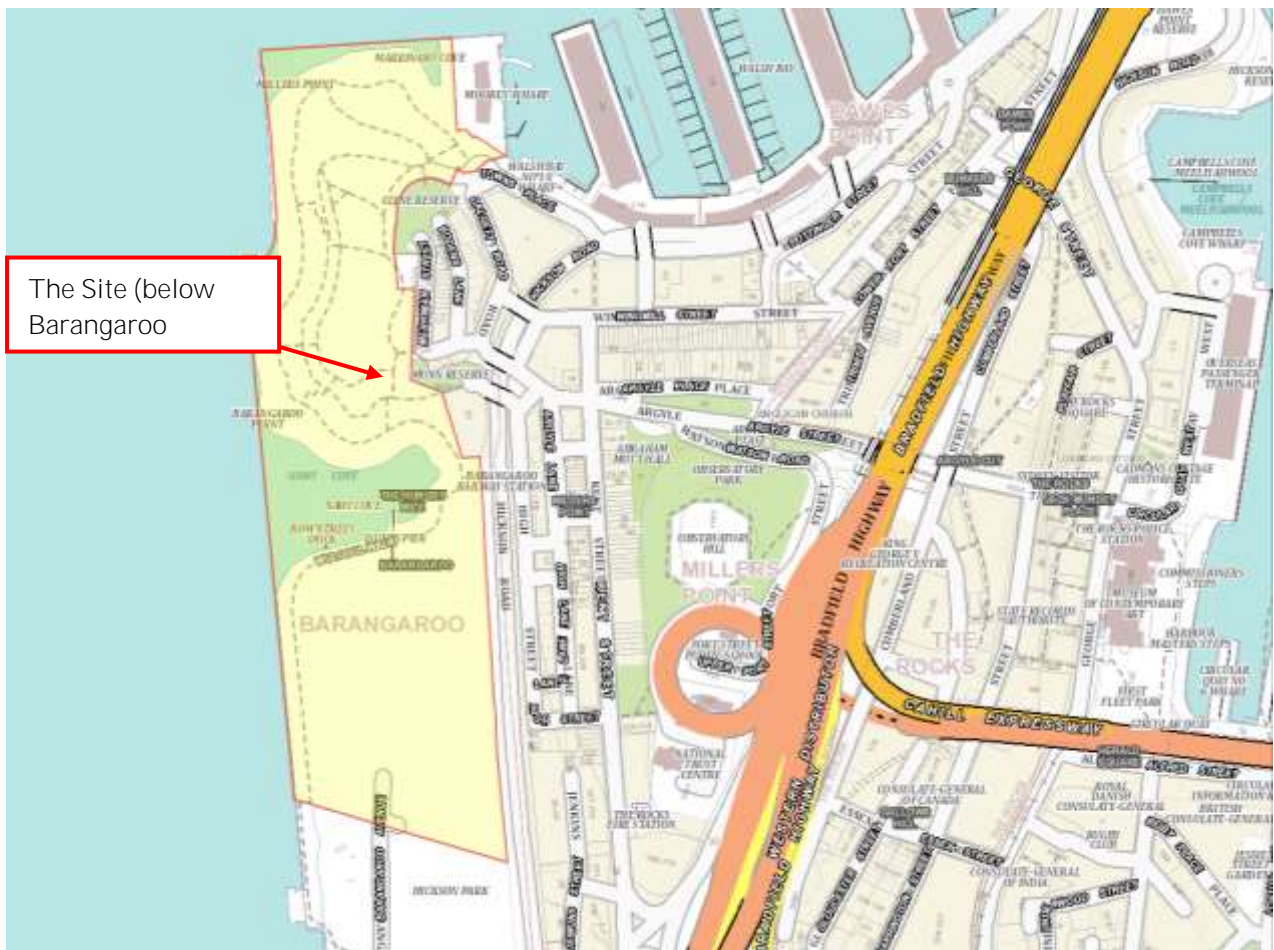


Figure 2: Location Plan



Figure 3: The location of the site below Barangaroo Reserve

2.2 Key Features of the Site and Surrounds

2.2.1 Existing Development

The Cutaway is a large concrete shell pre-designed for a future use and was delivered as part of the Barangaroo Reserve. The Cutaway is located beneath Barangaroo Reserve and atop an existing public car park accommodating 300 spaces across two (2) basement levels. The Cutaway is 14 metres high with a 6,500m² footprint.

The floor, walls and roof of the space are of concrete construction while the eastern face of the Cutaway space is a dramatic natural sandstone face. A mezzanine level is located within the southern end of the space, which is known as the Waranara Terrace.

There are four (4) large roof/void openings to the sky on the eastern side which provide natural ventilation and daylight. These openings create potential noise impacts to surrounding residences from events within the Cutaway.

The Cutaway has been future proofed for its proposed fit-out and use as a cultural facility, with structural provision for internal floors, plant rooms in place for the future installation of services and access for loading dock and waste management. The loading dock is located within the northern end.

The main pedestrian access to the Cutaway is from a forecourt, at the south-east corner, which links to Wulugul Walk and is adjacent to Nawi Cove. Digital signage welcomes people to the location. A digital Welcome to Country is situated at the entry and welcomes people to Gadigal country. Pedestrian access to the upper level space is via a land bridge from Argyle Place via Munns Reserve.

The primary pedestrian entry and exit to the car park is via two public lifts located in the south end of the Cutaway. The lifts service the ground level entry (adjacent to Nawi Cove), the Waranara Level and the Barangaroo Reserve above.

Vehicle access to the loading dock and public car park is provided from Towns Place.

Photographs of the Cutaway are provided in Figures 4-7. An existing layout plan of the Cutaway is provided in Figure 8.



Figure 4: Entry to the Cutaway from the forecourt adjacent to Nawi Cove



Figure 5: An internal view of the Cutaway looking north towards the loading dock. The sandstone face wall is visible to the right of the image



Figure 6: An internal view of the Cutaway showing the sandstone wall and the open roof/void spaces



Figure 7: The Cutaway in events mode

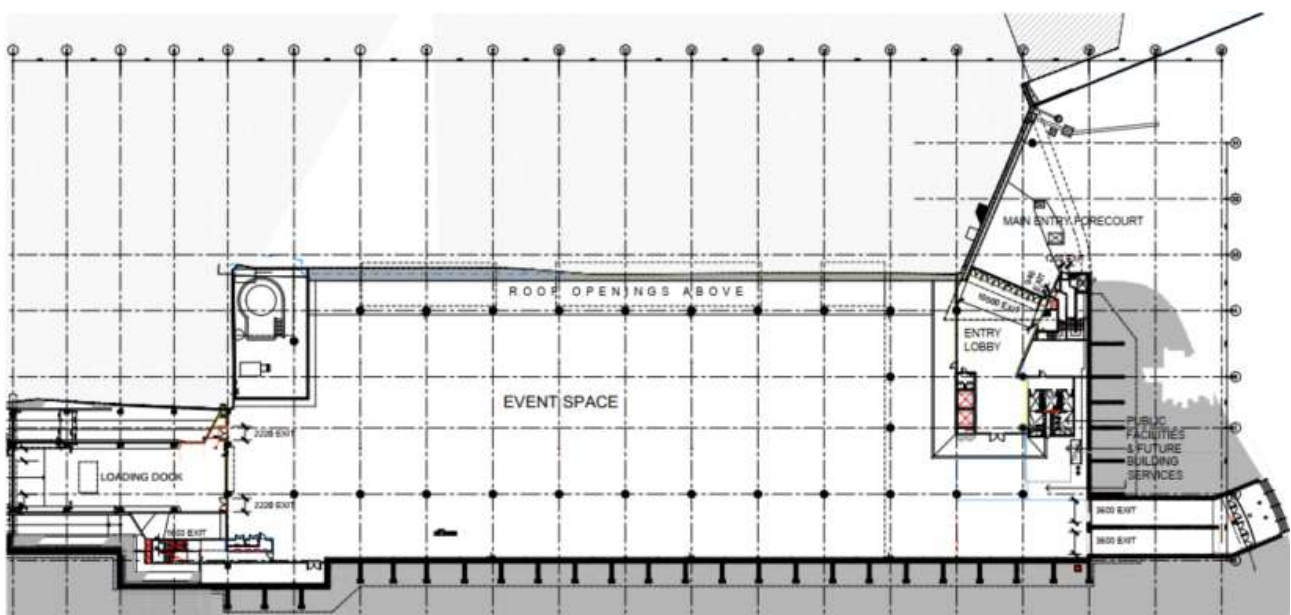


Figure 8: Existing ground level layout (source INSW)

2.2.2 Topography

Existing floor plans included in the Architectural Drawing Package illustrate the levels of the Cutaway. A Survey of the Barangaroo Reserve, Wulugul Walk, Nawi Cove and surrounding features is provided in the Appendix 2.

There is a level difference of approximately 14m at the highest point, between roof (open voids) that sit within Barangaroo Reserve and the public domain adjacent to the ground level entry of the Cutaway.

2.2.3 Vegetation

As the Cutaway is an internal space, it is largely devoid of vegetation. Sparse vegetation overhangs parts of the sandstone wall, from the void spaces in the roof. Seedlings are visible along sections of the base of the wall. Vegetation on top of the Cutaway, which forms part of Barangaroo Reserve, consists of landscaped planter beds surrounding the roof voids and some trees. Vegetation within this part of the Barangaroo Reserve is sparse, and is dominated by lawns, and is known as the Stargazer Lawn. Other parts of the Barangaroo Reserve, surrounding the site are more densely vegetated. A Biodiversity Development Assessment Report (BDAR) waiver was issued by the Secretary of DPE on 10 February 2023 and is provided at Appendix 4.

2.2.4 Heritage

The Cutaway and Barangaroo Reserve are not listed as heritage items. The following heritage items and heritage conservation areas have been identified within the broader Barangaroo Precinct and surrounding areas:

- Dalgety Bond Store Group - State Heritage Register (Listing No. 00526)
- SPS 14 - Sewage Pumping Station No.14 heritage item (since relocated to Barangaroo Reserve)
- The Sydney Ports Harbour Control Tower (Sydney Ports 170 Register, since demolished)
- Millers Point & Dawes Point Village Precinct - State Heritage Register (Listing No. 01682)
- Millers Point Heritage Conservation Area (HCA) - State Heritage Register (Listing No. 00884) and Schedule 5 of the Sydney LEP 2012 (CA35)
- Walsh Bay Wharves Precinct - State Heritage Register (Listing No. 00559)

The Heritage impact Statement included at Appendix 8 provides a comprehensive list of heritage items surrounding the Precinct.

2.2.5 Aboriginal and Archaeological Heritage

The proposal involves the internal fit-out and associated works to an existing concrete shell structure located beneath Barangaroo Reserve and above an existing carpark. Any excavation and disturbance of the ground plane is limited to previously excavated/ disturbed areas within the existing concrete structure or such as the Nawi Cove entry, or recent construction such as Stargazer Lawn. No Aboriginal objects or places will be disturbed. Works of this nature would not ordinarily require an AHIP. Notwithstanding, an Aboriginal Cultural Heritage Assessment (ACHAR) has been undertaken to identify the tangible and intangible values of the site.

The formulation and application of a Connecting with Country framework has been an integral aspect of the project and has informed the design of the Cutaway and interpretive elements both above and below

ground. This ensures the design approach and manifestation responds to the Aboriginal cultural connections to Country that exist specifically to the Cutaway and more broadly to this place in Sydney.

2.2.6 *Transport and Accessibility*

Public transport

The site is proximate to various rail related infrastructure including Wynyard Station (via Wynyard Walk) to the south, the future Barangaroo Metro Station currently under construction to the southeast, and existing light rail services in the Sydney CBD. The Barangaroo Ferry Hub connects Central Barangaroo to Circular Quay, Balmain and Milsons Point and other stops along the Parramatta River route.

Various bus services run along the adjacent Hickson Road. Wynyard Walk also provides pedestrian access to bus services in Wynyard.

Active transport

Various pedestrian and cycle routes are provided within Barangaroo and the surrounds. Continuous foreshore access is provided along Wulugul Walk within Barangaroo which extends around Nawi Cove and adjacent to the ground level entry of the Cutaway. Pedestrian access to the upper level (Waranara Terrace level) of the Cutaway is via a land bridge from Argyle Place via Munns Reserve. Pedestrian access is also provided from the adjoining streets of Hickson Road and Merriman Street and connecting streets.

Vehicle access and servicing

Direct vehicle access to the Cutaway is via Towns Place, which connects to Dalgety Road and Hickson Road. This vehicular access is for servicing and incorporates a loading dock and area which allows vehicles to access the Cutaway to turn around and leave the driveway loading area in a forward-facing direction.

Car parking

The Cutaway is located above an existing public car park. Vehicle access to the car park is via Town Place. Access from the carpark to the Cutaway, Waranara level and Stargazer Lawn is provided via an existing lift. The lift operates in alignment with the hours of operation of the carpark and facilitated during events and functions.

2.2.7 *Services*

The site is currently serviced by existing utility services including stormwater, potable water, wastewater, recycled water, electrical and telecommunications. These services are either considered adequate and/or can be augmented to accommodate the needs of the proposal if required.

2.2.8 *Stormwater*

The B3 level of the existing carpark beneath the Cutaway accommodates a water treatment plant which is used to harvest, filter and treat rainwater, seepage and groundwater to irrigate the gardens throughout the reserve and expel excess into the harbour and sewerage respectively.

Maintenance regimes are in place for the water treatment infrastructure, which requires access from the loading dock/car park entry. Access for maintenance and use of this infrastructure will be retained throughout the project works and ongoing operational phase.

2.2.9 Contamination

Previous investigations were undertaken as part of the broader approved Barangaroo Concept Plan and the delivery of Barangaroo Reserve. The Cutaway is a large concrete shell pre-designed for a future use and delivered as part of Barangaroo Reserve. The floor, walls and roof of the space are of concrete construction while the eastern face is of natural sandstone. The proposal involves the internal fit-out and infill of the roof and entry openings. The proposal is primarily a fitout, and the extent of excavation and disturbance of the ground plane is limited to previously excavated locations around the Nawi Cove entry and within the Stargazer Lawn. The potential to encounter contaminated materials during the works is unlikely and therefore further investigations will not be required. Notwithstanding, appropriate management measures will be implemented during the construction phase to address any unexpected contamination.

As the construction of the Cutaway was completed in 2015, and the proposal is for internal alterations and fitout of the existing space, the potential for hazardous materials to be encountered in the building during the works is minimal and can be managed through standard conditions of consent.

2.2.10 Surrounding Locality

North: The site generally sits below the southern extent of Barangaroo Reserve which encompasses a total area of 6ha of open space adjacent to Sydney Harbour. Construction of Barangaroo Reserve was completed in August 2015. Barangaroo Reserve features more than 10,000 sandstone blocks along the foreshore, which were extracted from beneath the Cutaway and the underground car park.

Other headlands on Sydney Harbour are situated beyond the site, including Me-Mel (Goat Island) to the northwest, Balls Head Reserve to the north, and Blues Point Reserve to the northeast.

East: To the east lies **Millers Point which accommodates many of Sydney's heritage listed buildings related to the area's maritime history, including small workers cottages, grand Edwardian terraces, stately homes and apartment blocks.** Further east is Observatory Hill, a State significant heritage item.

South: To the south lies Nawi Cove, Central Barangaroo and the Barangaroo Metro Station currently being constructed beneath Hickson Road. Further south and neighbouring Darling Harbour is Barangaroo South.

West: To the west of the site is the waters of Darling Harbour, and beyond this Pyrmont and Balmain East.

2.3 Strategic Planning Context

The projects align with key strategic plans and policies as outlined in Table 3 below.

Objectives	Comment
NSW State and Premier's Priorities	<p>The proposal will deliver on one of the key State priorities by contributing to the creation of 'a strong economy'. The new cultural facility will achieve this by:</p> <ul style="list-style-type: none"> — Creating new job opportunities both in the construction and ongoing operational phase. — Enhancing the night-time economy of Barangaroo through a range of events, supported by food and beverage offering. — Increased tourism for Sydney and NSW with a range of cultural attractions and events that will be hosted at the Cutaway.

Objectives	Comment
State Infrastructure Strategy 2022-2042 Staying Ahead	<p>The State Infrastructure Strategy seeks to boost economy-wide productivity and competitiveness through a competitive visitor economy supported by cultural facilities. In line with the Strategy, the proposal will deliver a premier cultural facility that will attract skilled workers and visitors to contribute to the State's economy and competitiveness.</p> <p>The proposal is also consistent with the objective to integrate infrastructure, land use and service planning, as it provides for a major cultural facility next to the Barangaroo Metro, currently under construction and due to be completed within 2024.</p> <p>The Cutaway is located within the wider Walsh Bay/Barangaroo Arts Precinct, which is identified as a key project.</p>
Cultural Infrastructure Strategy 2016, Infrastructure NSW	<p>The strategy recommended that Arts NSW, in consultation with Indigenous leaders, the then Barangaroo Delivery Authority (now Infrastructure NSW) and other relevant NSW Government agencies, lead the development of a strategic business case for an Indigenous Cultural Centre, investigating sites around Sydney Harbour including Barangaroo.</p> <p>In late 2020 and early 2021, the NSW Government facilitated consultation and early feasibility studies, which were led by Aboriginal cultural leaders, to investigate the option for the Cutaway at Barangaroo to be an Indigenous Cultural Centre. This was one of the potential options for the space under consideration at the time.</p> <p>The decision to progress with the Cutaway at Barangaroo as a flexible multi-purpose space was a decision of the NSW Government following a three-phase investigation and consultation process into potential opportunities for the Cutaway.</p> <p>The Cutaway will be able to host First Nations cultural events and exhibitions as part of its program, which is consistent with the approach for the development and ongoing curation of Barangaroo. Communication and engagement with the Aboriginal community through the finalisation of the ACHAR process will identify opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space.</p>
Greater Sydney Region Plan - A Metropolis of Three Cities	<p>The proposal will contribute towards the vision for boosting Greater Sydney's liveability, productivity and sustainability as demonstrated by the alignment with the priorities of the Eastern City District Plan:</p> <p><i>Infrastructure and collaboration:</i></p> <ul style="list-style-type: none"> — The proposal optimises the investment in transport infrastructure, including the Sydney Metro, by locating a major cultural facility adjacent to the new Barangaroo Station
Eastern City District Plan, Greater Sydney Commission	<ul style="list-style-type: none"> — The new cultural facility will be highly accessible to the Eastern Harbour City and wider Sydney via public transport (Sydney Metro, Wynyard Walking and Station and Sydney Ferries). <p><i>Liveability:</i></p> <ul style="list-style-type: none"> — The proposal increases opportunities for people to participate in cultural activities and art.

Objectives	Comment
Sustainable Sydney 2030-2050, City of Sydney	<p><i>Productivity:</i></p> <ul style="list-style-type: none"> — The proposal supports the expansion of cultural and creative industries within the Innovation Corridor, with the establishment of a premier cultural facility adjacent to the Walsh Bay Precinct. <p><i>Sustainability:</i></p> <ul style="list-style-type: none"> — The design and ongoing operation of the proposal seeks to reduce carbon emissions and address energy, water and waste efficiency as summarised below: <ul style="list-style-type: none"> ○ In line with the Barangaroo Climate Positive Principle, the project will be carbon neutral; ○ Recycled water will be utilised for all non-potable water uses; and ○ A minimum of 90% of construction and demolition waste will be diverted from landfill. <hr/> <p>The delivery of a premier cultural facility aligns with the following strategic direction of the Sustainable Sydney 2030:</p> <ul style="list-style-type: none"> — <i>A thriving cultural and creative life</i> <p>The proposal supports the following Transformative Projects of Sustainable Sydney 2030.</p> <ul style="list-style-type: none"> — <i>Eora journey Yananurala</i> <p>Yananurala, meaning ‘Walking on Country’ in Gadigal language, is a 9km Harbour Walk that highlights Aboriginal history and culture at places along Sydney’s foreshore. Interpretive works that form part of the Walking on Country: Sitelines and Conversations project are identified within Barangaroo Reserve.</p> <p>The design of the Cultural facility has taken into account future interpretation within Barangaroo Reserve and throughout the Precinct. Consultation with the City of Sydney has also been undertaken at key milestones in the design process.</p> <p>Aboriginal connection to Country and applying a Connecting with Country framework has been a key focus for the design of the Cultural facility, underpinned by collaboration with Aboriginal knowledge holders and the broader Aboriginal community. The programming and use of the facility will include opportunities for Aboriginal cultural practices, events and activities.</p> <ul style="list-style-type: none"> — <i>Making space for culture</i> <p>The proposal enhances and supports the existing cultural precinct at Walsh Bay, with a premier cultural facility on government owned land. It will facilitate economic growth with increased employment and visitation to the area, as well as collaboration between creative and cultural industries. The proposal will also enhance the character and amenity of Barangaroo and surrounds with a premier cultural facility that exhibits design excellence.</p>
City of Sydney Local Strategic Planning Statement (LSPS)	<p>The Cutaway Cultural Facility aligns with the following planning priorities outlined in the City of Sydney LSPS:</p> <ul style="list-style-type: none"> — <i>Supporting community wellbeing with social infrastructure:</i> <ul style="list-style-type: none"> ○ <i>Community and cultural infrastructure</i>

Objectives	Comment
	<ul style="list-style-type: none"> — <i>A creative and socially connected city:</i> <ul style="list-style-type: none"> ○ <i>Creativity and culture is visible and embedded in place</i> ○ <i>Planning for culture and performance</i> — <i>Growing a stronger, more competitive Central Sydney:</i> <ul style="list-style-type: none"> ○ <i>Supporting Sydney's visitor economy</i> — <i>Developing innovative and diverse business clusters in City Fringe</i> <ul style="list-style-type: none"> ○ <i>Strengthen the economic and productive role of the Innovation Corridor</i>
Future Transport Strategy 2056	<p>The proposal responds to the enhanced opportunities available on the site provided by the Sydney Metro infrastructure.</p> <p>Transport and access are discussed further at Section 6.8 and Appendix 5.</p>
Government Architect's Connecting with Country Framework	<p>The Connecting to Country Framework is a guide for developing connections with Country to inform the planning, design, and delivery of built environment projects in NSW.</p> <p>The design approach to the proposal aligns with the Connecting with Country Framework. Fjmtstudio collaborated with Bangawarra and Jake Nash Design to facilitate a design that is embedded with Country. Bangawarra has worked as spatial co-designers, with a focus on caring for and connecting to Country. Their team comprised of a number of Aboriginal designers from various community groups, all of whom could speak to the broader priorities of their families and communities, so the design was imbued with these participants' cultural knowledge.</p> <p>Additional engagement was conducted in line with <i>the Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i>, in the preparation of the Aboriginal Cultural Heritage Assessment Report (ACHAR) (refer to Appendix 6), which provided for Aboriginal stakeholders have been able to register and engage on all aspects of planning on this redevelopment. Communication and engagement with the Aboriginal community through the finalisation of the ACHAR process will identify opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space.</p> <p>Further detail is provided in the Architectural Design Report at Appendix 3. and the Draft ACHAR at Appendix 6.</p>
Government Architect's Better Placed	The proposal responds to the seven (7) objectives for good design outlined in Better Placed as detailed in the Architectural Design Report at Appendix 3.
Crime Prevention through Environmental Design (CPTED)	The proposal has been designed to respond to the CPTED principles as outlined in Appendix 7 and Section 6.6.

Table 3: Summary of Strategic Planning Context

2.4 Cumulative Impacts

The Cutaway Cultural Facility will deliver benefits to the cultural and creative sector and broader community, as well as the economy. The proposal is not expected to give rise to any unacceptable environmental impacts that cannot be appropriately managed. The proposal is considered to have positive impacts in the long-term by improving the amenity and performance of an existing government asset that has always been earmarked for a cultural facility under the approved Concept Plan. The proposal will optimise the existing Cutaway by enhancing the capability of the space to host a wider range of events, allow for greater utilisation of the space throughout the year, and improve the experience of patrons and operators using the space. This will be achieved by:

- Weatherproofing the space by enclosing roof voids with skylights. This will mitigate occurrences of events being cancelled as a result of rain and other elements permeating the space.
- Enhancing the acoustic performance of the space by enclosing the existing roof voids and installing attenuation measures.
- The provision of back of house facilities, equipment and amenities for event operators.

The proposal is located in the vicinity of other significant developments that are planned or currently underway within Barangaroo, including:

- Barangaroo Metro;
- Central Barangaroo; and
- Various projects within Barangaroo South

In this regard, cumulative impacts arising from the Cutaway are likely to be attributed to short-term construction-related impacts, as well as potential operational impacts, primarily associated with noise. As outlined in Section 6.9, these impacts can be appropriately managed.

2.5 Project Justification

The project seeks to deliver excellence in arts, culture and heritage by improving the utility of the Cutaway and providing a unique space that is not available anywhere else in Sydney. The fitout works will increase the capability of the space to host a wider range of events, allow for greater utilisation of the space throughout the year, and improve the experience of patrons and operators using the space.

Through the provision of an enhanced facility, the proposal will develop and support civic uses, arts and culture, increase attendance at cultural events, and support the cultural precincts and infrastructure around Barangaroo.

The proposal supports the commitments and obligations applying under the Concept Plan for increased cultural experiences and the provision of a minimum of 12,000m² of community uses across the Barangaroo Precinct. It is also consistent with the approval of Major Project MP10-0048 which delivered the Cutaway and future-proofed its use as a cultural facility.

As detailed in Section 7.0 of this EIS, the proposal is justified in the context of environmental, social and economic considerations, as well as the proposal's alignment with the objects of the *EP&A Act 1979* and other statutory instruments applicable to the site. The proposal is also consistent with the overarching objectives of the relevant strategic plans, policies and guidelines. The potential impacts of the development are acceptable and are able to be managed.

2.6 Analysis of Project Alternatives

Under the provisions of EP&A Regulation 2021, and in accordance with the State Significant Development Guide prepared by the Department of Planning, Infrastructure and Environment (DPIE), there is a requirement to analyse any feasible alternatives for SSDAs.

Table 4 outlines three (3) project alternatives: Do Nothing, Alternative Design and Proposed Design.

Objectives	Comment
<i>Do Nothing</i>	<p>The Do Nothing alternative would result in the Cutaway being maintained in its current form as a temporary events space. This does not provide optimised outcomes or realise the commitments and obligations under the Concept Plan. While the Cutaway is a large, open flexible space, its use for large scale events, arts and cultural installations is limited by the following:</p> <ul style="list-style-type: none"> — The space being open to the elements with large openings in the roof. — Lack of acoustic enclosure and therefore potential noise impacts to neighbours. — Limited on-site amenities to cater for large numbers of people at events. — No permanent back of house facilities and minimal installed services which make the running of events in the current form, limited in scale and expensive to operate for temporary or one-off events. — The expansive size of the space limits the potential to accommodate smaller, more intimate events. — It operates under an existing approval for a temporary events space with a limited number of events per year. <p>The proposed cultural facility supports the commitments and obligations applying under the Concept Plan for increased cultural experiences and the provision of a minimum of 12,000m² of community uses.</p> <p>The project is consistent with the approval of Major Project MP10-0048 which delivered the Cutaway and future proofed its use as a cultural facility with structural provision for internal floors, plant rooms in place for the future installation of services and access for loading dock and waste management.</p>
<i>Alternative Design</i>	<p>Alternative designs have been explored and discussed with key stakeholders leading to consensus agreement that a large, flexible civic space and temporary exhibition space is the best outcome for Sydney.</p>
<i>Proposed Design</i>	<p>It is considered that the proposed design provides for an optimised outcome at the site. It supports the increase and enhancement of civic uses, arts and culture within and around the Barangaroo precinct with a large format, flexible venue that is supported by appropriate back of house and ancillary facilities. Thereby positioning the Cutaway as a premier venue for events, exhibitions, cultural uses, festivals and installations.</p>

Table 4: Project alternatives

3. Project Description

3.1 Project Overview

This SSD Application seeks approval for the following development:

- The internal alterations and fitout of the existing Cutaway space over three (3) levels to accommodate event and gallery spaces, back of houses areas, amenities, offices and ancillary retail and café;
- The enclosure of the existing roof opening/voids;
- A new façade and entry treatment from the forecourt adjacent to Nawli Cove, including new landscaping;
- Heritage interpretation relating to the former Harbour Control Tower in accordance with Major Project approval No.MP10_00048;
- Utilisation of existing access, loading and parking arrangements; and
- The operation of a range of events, exhibitions, cultural uses, festivals and installations. The hours of operation will be 24/7 to allow for overnight cleaning, kitchen operation, security operating or bumping in / out.

Architectural drawings prepared by Fjmtstudio are included at Appendix 1. Photomontages of the internal view and entry of the proposal are shown in Figures 9 and 10.



Figure 9: Artists impression of internal view of the main events hall within the proposed Cutaway Cultural Facility



Figure 10: Artist impression - View of the entry to the proposed Cutaway Cultural Facility, looking east from Nawli Cove

The key elements of the Project are summarised in Table 5 below.

Element	Project Description
Project Area	The site is known as the Cutaway. A large concrete shell located beneath Barangaroo Reserve and atop an existing public car park. The internal space within the Cutaway is 14 metres high with a footprint of around 6,500m ² .
Site description	Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776,
Proposed Use	Cultural facility
Hours	24/7 including overnight cleaning, kitchen operation and bump- in/bump- out
Demolition and tree/vegetation removal	– Minor internal demolition works and demolition of existing entry doors, removal of minor vegetation around the existing openings/voids.
Proposed Works and Layout	<ul style="list-style-type: none"> – Fitout of the existing Cutaway space over three (3) levels – The enclosure of the roof opening/voids – A new façade and entry treatment, including works within the adjacent forecourt – Heritage interpretation relating to the former Harbour Control Tower in accordance with Major Project approval No.MP10_00048 <p>Refer to Section 3.7 for physical layout.</p>
Gross Floor Area	9, 921.8m ²

Height	The internal ceiling height of the Cutaway is 14m. The external height of the roof enclosures does not extend above the existing void projections within Barangaroo Reserve.
Loading and servicing	Loading and servicing will occur via the existing loading dock located within the northern end of Cutaway. This will accommodate waste collection by a commercial contractor, as well as deliveries and servicing for event, and gallery, bump-in/ bump-out activities.
Jobs	<ul style="list-style-type: none"> – Construction - 150 jobs – Operation - up to 48 jobs during events model
Timing	Construction is to commence in September 2023 and will take approximately 15 months.

Table 5: Key elements of the project description

3.2 Project Area

The proposed development is located within the existing large concrete shell space, known as the Cutaway, which sits beneath Barangaroo Reserve and atop an existing public car park. The proposal also includes works within the adjacent entry forecourt and within Barangaroo Reserve. The site plan illustrating the location of the proposed development is illustrated in Figure 11.



Figure 11: Site Plan of the Project Area (Source Fjmtstudio)

3.3 Design Approach – Connecting with Country

From the inception of the scheme, the approach to the design has been to create a memorable and grand experience through the design of a major, large format, flexible venue space that is embedded with Country and embraces the natural landscape. This is illustrated by the following extracts from the Fjmtstudio Architectural Design Report (Appendix 3), which details the design response to Connecting with Country.

Within the envelope of the existing Cutaway space, we have employed a design philosophy that attempts to heal the wounds left by the damage of past colonisation and development on the site. Our collaboration with Bangawarra and Jake Nash from the inception of the project, has allowed us to deliver a concept that is embedded in Country, and celebrates the Aboriginal cultural history on the site.

The volume of the Cutaway offers infinite opportunity for settings — from intimate to spectacular, like a rock shelf where every small setting is individual but part of a larger whole. The Cutaway embraces all scales equally and inclusively.

The scheme reconciles and accommodates Indigenous Culture offering flexible, agile space while accommodating best practice infrastructure for contemporary, local commercial, and international performances.....

A fundamental aspiration for the project is to deliver a facility that can accommodate a wide range of cultural events and functions. Our design addresses this by providing maximum flexibility in the arrangement of spaces and performance requirements — a key element being acoustic performance. The team have collaborated to ensure we are delivering a space that is high performance, whilst still allowing for a variety of events and uses — this ensures the Cutaway Cultural Facility will be sought after and highly used well into the future.

3.4 Demolition

Given the Cutaway is currently a large, open shell, minimal demolition works are proposed as detailed in the Architectural Drawings (Appendix 1) and summarised below:

- Removal of the existing fencing around the roof voids and plinth to Merriman Street to allow for the new skylight enclosure of the voids. A new concrete beam will be installed to provide a fixing point for the skylight. The fence will be made good and reinstated following completion of the roof works.
- Removal of temporary office within northern end of the ground floor;
- Penetrations in slabs for lifts and services as required;
- Demolish toilets and communications and security enclosure within the southern end of the ground floor; and
- Demolition of existing entry doors and walls.

3.5 Vegetation removal and Site Excavation

Removal of a small area of planted native vegetation/shrubbery (approximately 80sqm) within the Stargazer Lawn is required to accommodate the proposed Harbour Control Tower interpretation device.

As the works are primarily for a fitout of the existing Cutaway, minimal excavation is proposed and is limited to previously excavated locations, including existing concrete structure within the Cutaway and paved areas at the forecourt entry around Nawi Cove and the lawn/garden areas of the Stargazer Lawn within Barangaroo Reserve. The excavation is required to accommodate the HCT interpretation within Stargazer Lawn and the new entry forecourt and associated structures.

3.6 Uses

The proposal is for a cultural facility that has the potential to host a broad range of events and activities in different configurations and modes. Examples of events that could be hosted within the cultural facility include, but are not limited to the following:

- Staged musical performances;
- Seated banquet events;
- Artistic installations and exhibitions that may be part of a major festival, such as the Sydney Festival or Biennale;
- Cultural festival including dance and musical performances
- A major public event such as markets requiring higher levels of bespoke infrastructure; and
- A fashion parade;

The following amenities and services are provided to support the cultural facility functions:

- Back of house areas - Commercial kitchen, waste areas, cleaning, maintenance, storage, control and operations, security, goods lift and loading;
- Reception, cloakroom areas;
- Offices and staff amenities;
- Public amenities;
- Ancillary retail for merchandise and ticket office; and
- Ancillary café and bar.
- Cultural gallery

An education and community learning space will also be provided.

3.7 Physical layout and design

The key elements of the design and layout of the proposal is described below.

3.7.1 *Internal alterations and fitout*

The proposal involves internal alterations and fitout of the existing Cutaway to create a cultural facility over three (3) levels. The internal alterations and fitout works are described below and are illustrated in the extracts of the floor plans prepared by Fjmtstudio included at Figures 12 to 14.

Ground level

Alterations and fitout works to the ground level comprises the following elements:

- A pre-function/foyer area accommodating an entry lobby, reception, ticketing/retail services areas, amenities and store areas.
- An event hall, the principal events space.
- Back of house areas, including commercial kitchen, green room, security, storage, goods lift, waste room, cleaning, maintenance and the existing loading areas.

- The existing sandstone cut, running along the eastern side of the Cutaway, remains as an exposed and prominent element to provide a backdrop to the event.
- Feature timber tree elements are incorporated throughout the ground floor. The trees are fundamental to the design concept. The trees wrap the existing structural columns within the pre-function area and extend along the western edge of the event hall in front of the sandstone cut. The trees create a feature to the ceiling form.
- An acoustic treated wall will be erected along the western, southern and northern side of the events hall. The amenities and back of house services will be housed behind this wall.
- Acoustic panelling will be installed to the ceiling of the events hall.

Level 1 Gallery Mezzanine

A new mezzanine will be constructed at level 1. The mezzanine will be located above the ground level back of house areas and partly above the pre-function area and will incorporate the following:

- Gallery exhibition space, lobby and amenities
- Green room
- Security and operations room
- Storage areas
- Staff breakrooms and amenities

Level 2 Mezzanine

The existing mezzanine (Waranara) level will be extended and will align with the level 1 mezzanine. The level 2 mezzanine will have direct external access from the Waranara Terrace and will incorporate the following:

- A reception area;
- Education facility;
- Offices;
- A café, which can be accessed from the external terrace;
- Staff amenities; and
- Storage areas.

Vertical Circulation

- New stairways will be provided to link the ground level to the new level 1 and 2 mezzanines;
- New fire stairs will be installed within the northern end of the building;
- The existing lifts within the southern end of the Cutaway provide access across all three levels; and
- A goods lift will be installed adjacent to the loading area within the northern end of the building.

Public Car Park

A total of six (6) car parking spaces will be removed on basement level 1 and 2 (three spaces per level), to accommodate facilities for grease arrestor pump-out and a new main switchboard room.

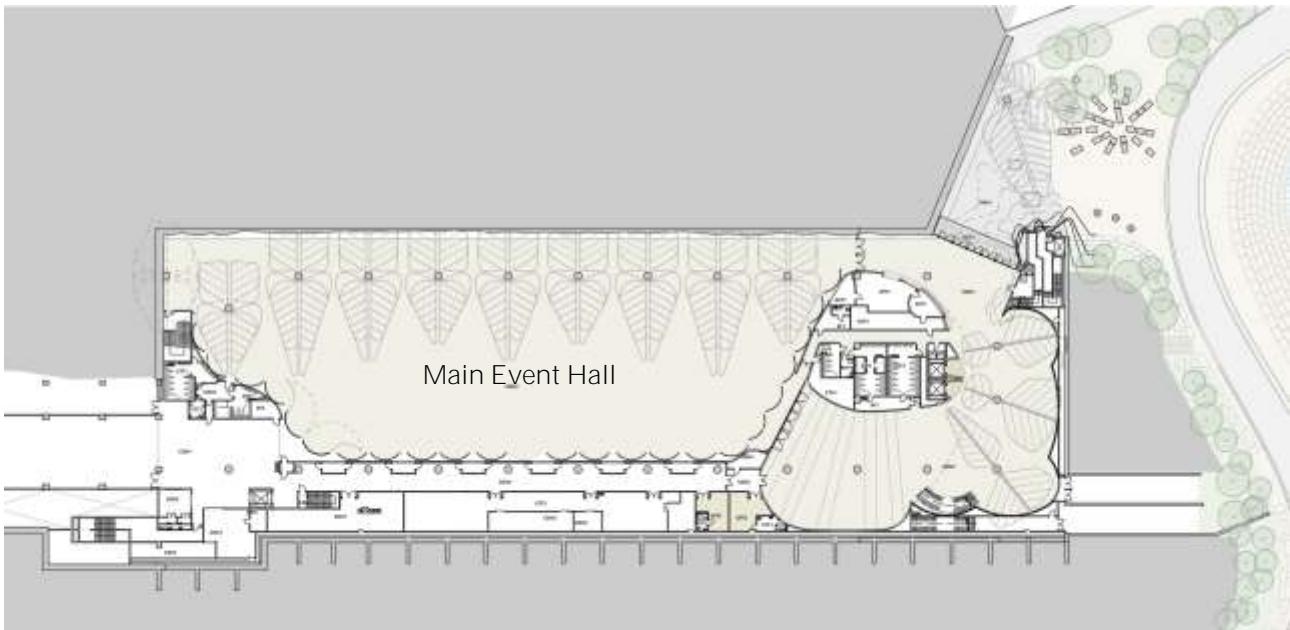


Figure 12: Ground floor plan

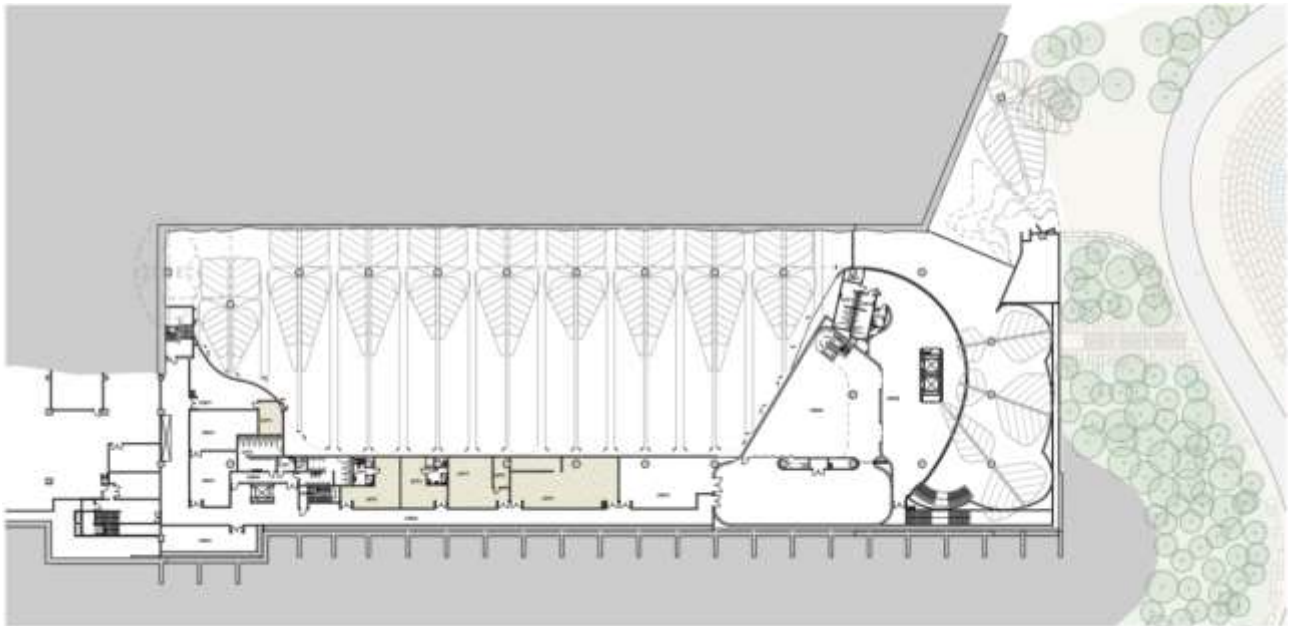


Figure 13: First floor plan

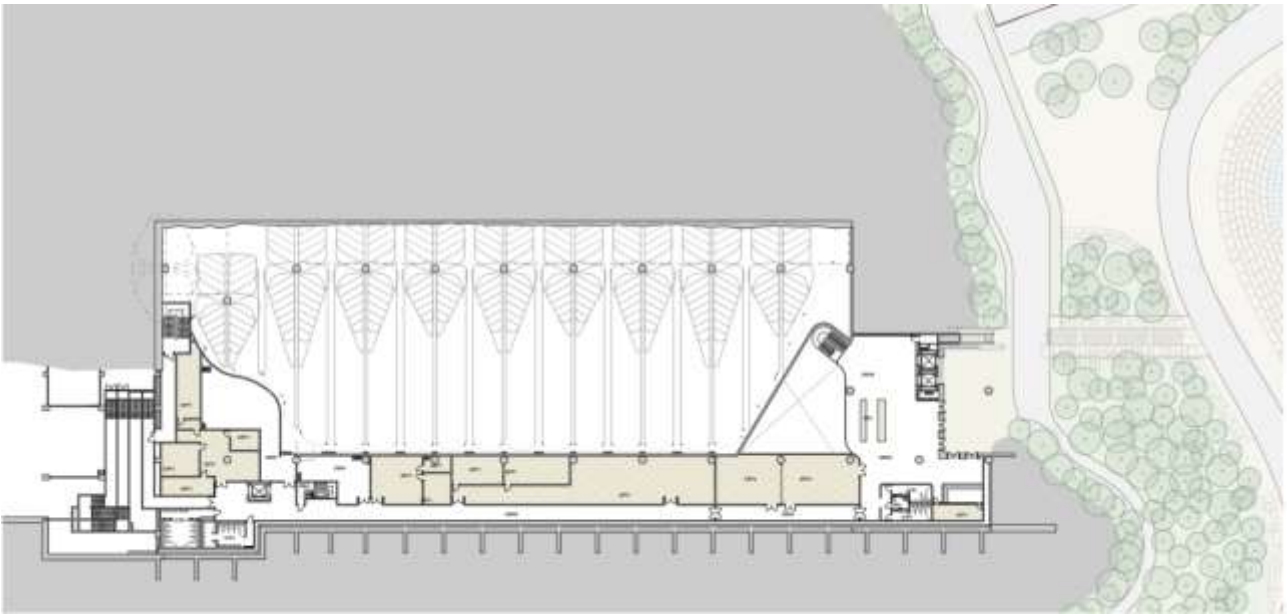


Figure 14: Second floor plan

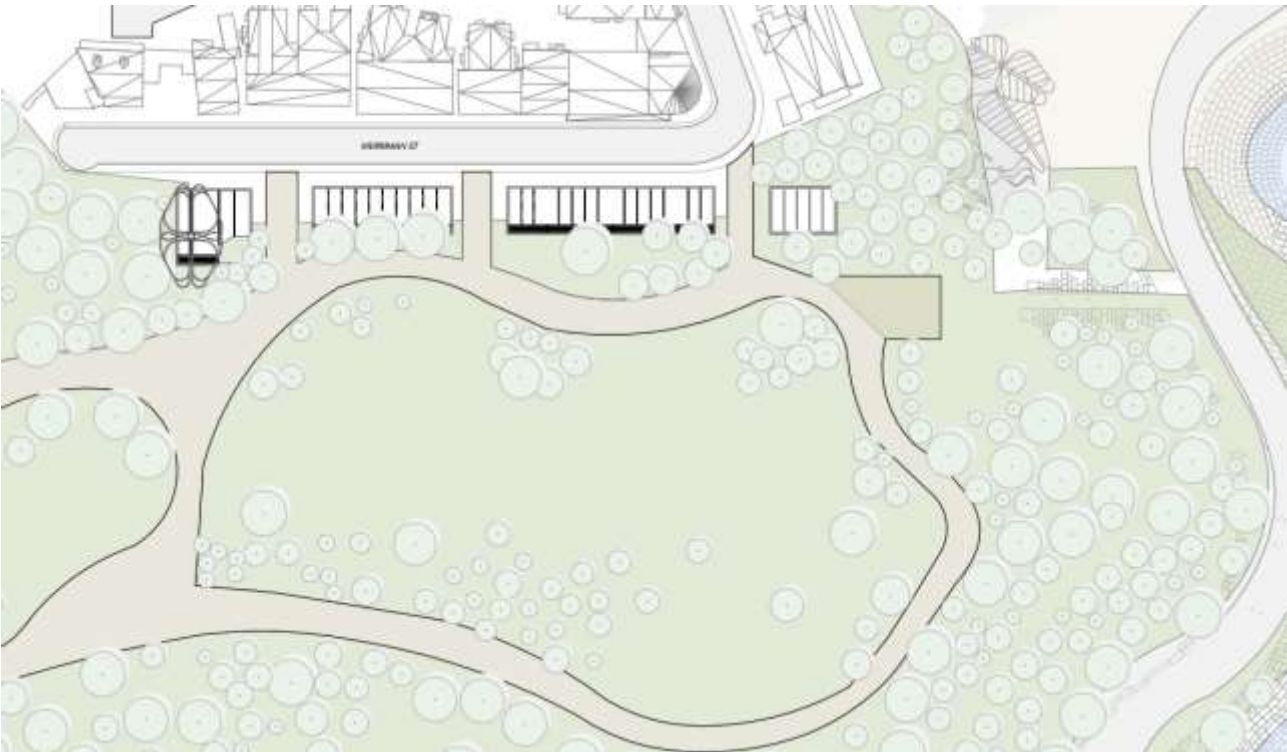


Figure 15: Roof plan

3.7.2 The enclosure of the existing roof openings/voids

The existing four (4) roof voids will be enclosed with glazed skylights to improve the acoustic performance of the Cutaway, while maintaining daylight access. Key features of the skylights are described below:

- The skylights are stepped to accommodate the geometry of the Cutaway and minimise their visual impact from Merriman Street, Barangaroo Reserve (Stargazer Lawn) and adjacent residences. The skylights will not protrude above the current profile of Barangaroo Reserve and will retain the existing landscaping surrounding the existing voids.
- The skylight structure will be designed to allow for maintenance and replacement of glazing.

- The design of skylights will ensure impacts to the existing sandstone wall will be minimised wherever possible.
- A continuous plenum will be installed parallel to the skylights to facilitate exhaust and provide additional ventilation.
- The existing fence plinth to Merriman Street will be removed and replaced by new concrete beam for structural fixing of the new skylight. The existing fence around the perimeter of the void openings will be made good and reinstated following installation of the skylights.

The skylights are illustrated in the perspectives in Figures 16 and 17.



Figure 16: Birdseye view of the skylights

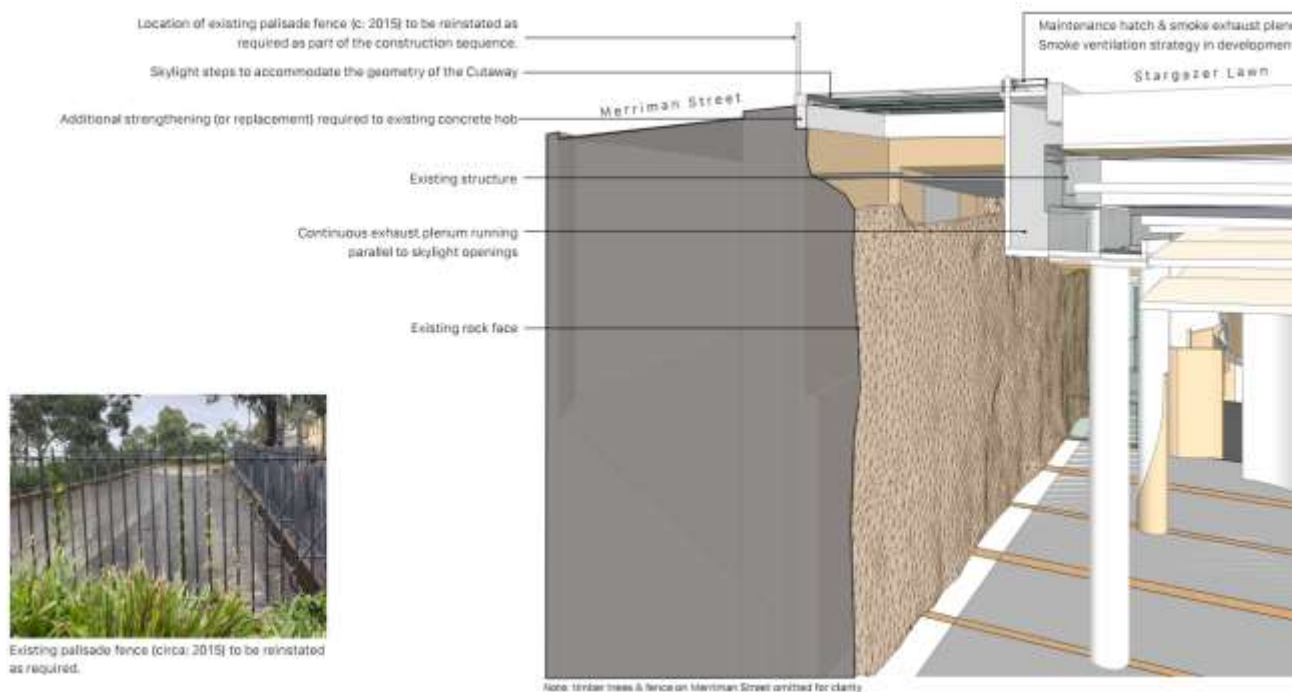


Figure 17: Section view of the skylight/roof enclosure

3.7.3 Façade and entry treatment

A new entry and façade treatment will be provided to the existing Cutaway entry from the forecourt adjacent to Nawi Cove. Key features of the facade and entry treatment are described below:

- Enclosure of the facility with glazed doors in line of the existing entry.
- Landscape planters to the walls and fascia at the entry treatment as outlined in Section 3.8 below.
- The provision of two (2) timber tree elements, a lower and higher tree, to mark the entry to the Cutaway.
- The existing bitumen is to be retained. New paving will be integrated within this area to provide a seamless transition.

An extract of the entry treatment is provided in Figure 18 below.

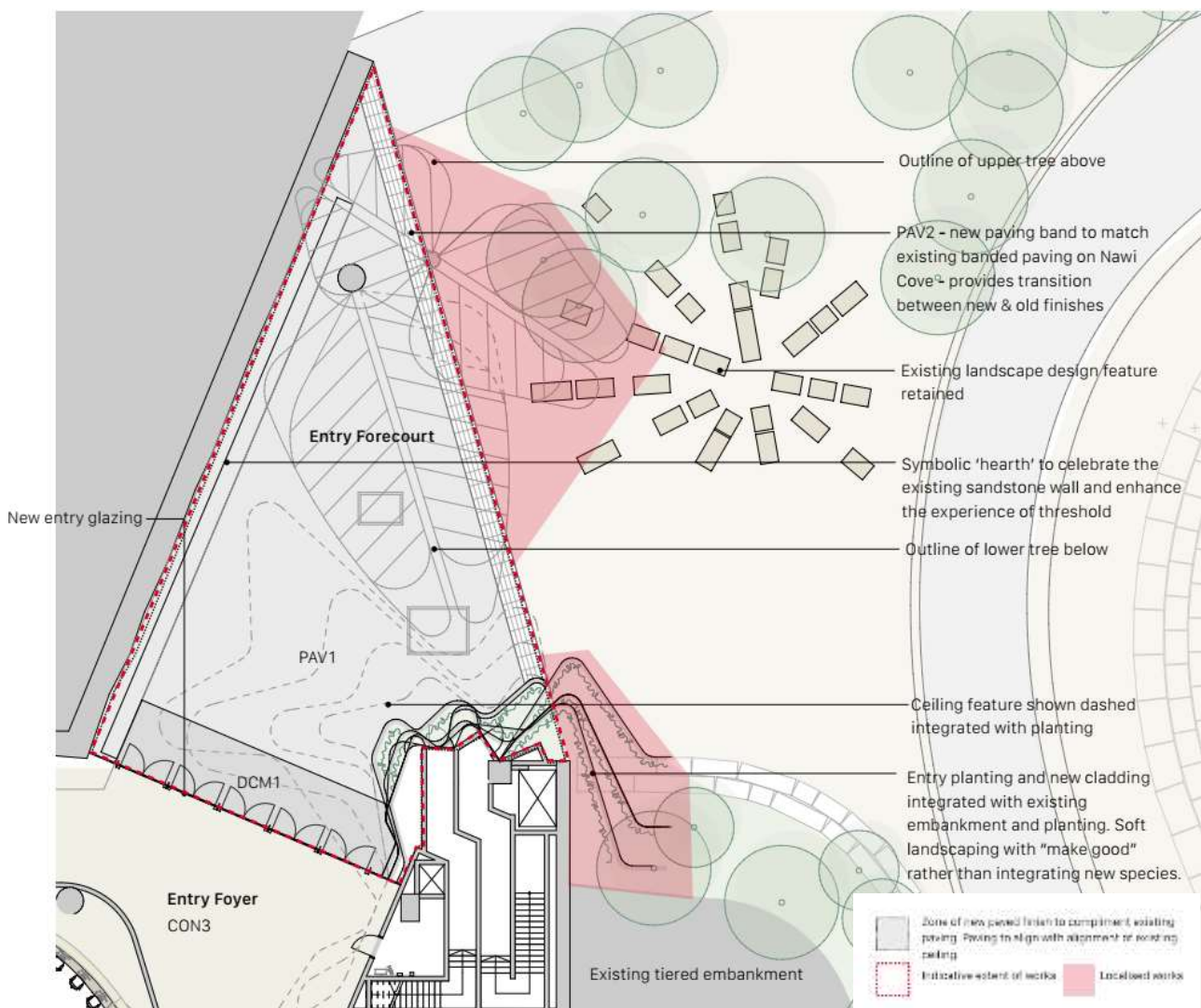


Figure 18: Section view of the skylight/roof enclosure

3.7.4 Interpretation of the Sydney Ports Harbour Control Tower

The demolition and requirement for interpretation of the Sydney Ports Harbour Control Tower (HCT), which was previously located with Barangaroo Reserve, was approved under MP 10_0048 (as modified). Condition 43 of the development consent sets out the parameters for the interpretive structure, including consideration of the Heritage Interpretation Strategy prepared by GML 2016.

Given the location of the former HCT is within the footprint of the Cutaway, at the northern end of the site, the interpretative device has been incorporated into this proposal.

The interpretation of the HCT expresses both First Nations history and maritime history - past, present and future. The potential key elements of the interpretation include:

- A timber tree element, similar to the trees within the Cutaway and at the forecourt entry.
- Directional speakers will be incorporated into the canopy of the tree to provide a sound-scape, which will provide an aural journey comprising local first nations language, the sound of fishing, foraging and gathering; early port and maritime activities; followed by guidance from the tower.
- The footprint of the control room or a mock up of one part of the console will be embedded in the ground plane.
- Additional interpretive signage bollards, relics etc. around will be incorporated around the base of tree.

A perspective of proposed concept for the HCT interpretation is provided in Figure 19 below. The details of the interpretation will be developed further in accordance with the recommendations of the Heritage Impact Statement prepared by Curio Projects (Appendix 8).

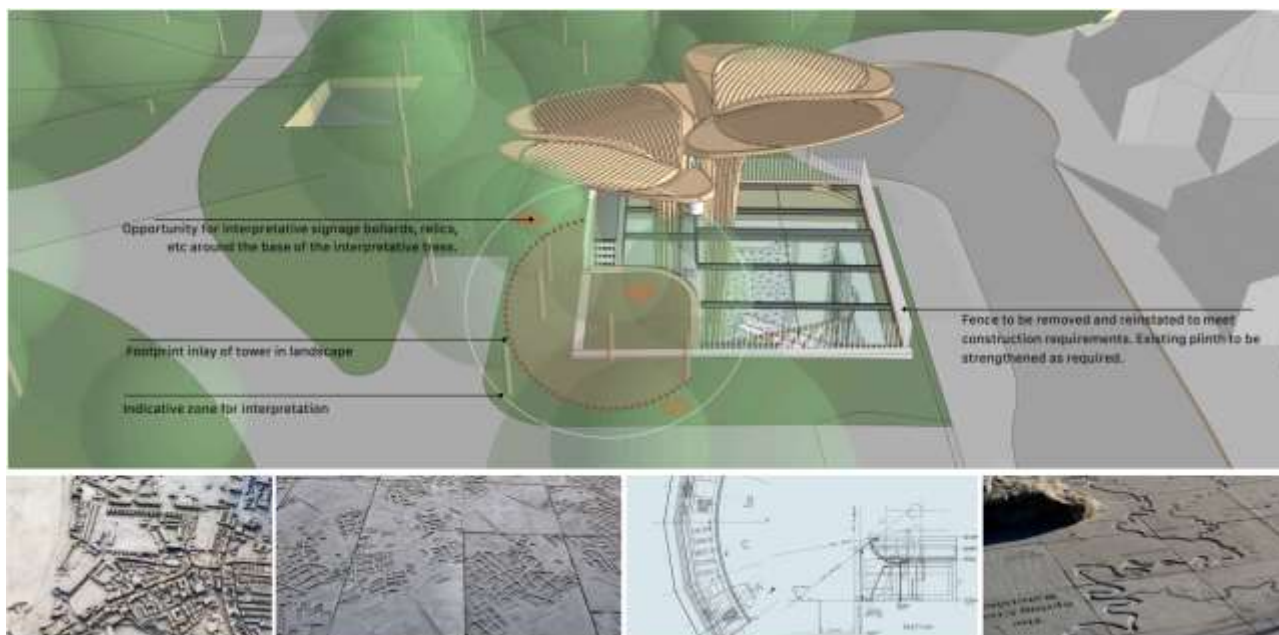


Figure 19: View of proposed landscaping treatment to entry of the Cutaway Cultural Facility, looking east from Nawi Cove

3.7.5 Materials and Finishes

The materials and finishes are detailed in the Architectural Report included at Appendix 3 and are summarised below:

- Profiled timber trees
- Profiled resilient panelling
- Polished concrete screed
- Inlaid fibrous and acoustic panelling
- Glass roof void enclosures

3.7.6 Lighting

The proposal incorporates internal lighting and some external lighting to enable the operation of the cultural facility. The external lighting is limited to the following:

- Entry and entry forecourt lighting
- Pathway lighting towards entry
- Lighting to level 2 external terrace

The Lighting Design report prepared by Steensen Varming (Appendix 9) outlines the proposed lighting strategy.

3.8 Landscaping

As the project is largely internal works, there is limited scope for new landscaping interventions. The proposed landscaping works are confined to planters to the walls and fascia at the entry treatment. The planting softens the existing concrete wall of the Cutaway and blend with the adjacent landscaping mound and Barangaroo Reserve backdrop.

The species selection will align with the wider Barangaroo Precinct. The plants selection is also informed by the relationship to Aboriginal culture, specifically plants that were edible or woven.

A perspective of the proposed landscape treatment is provided in Figure 20 below. Further details are provided in the Architectural Design Report.

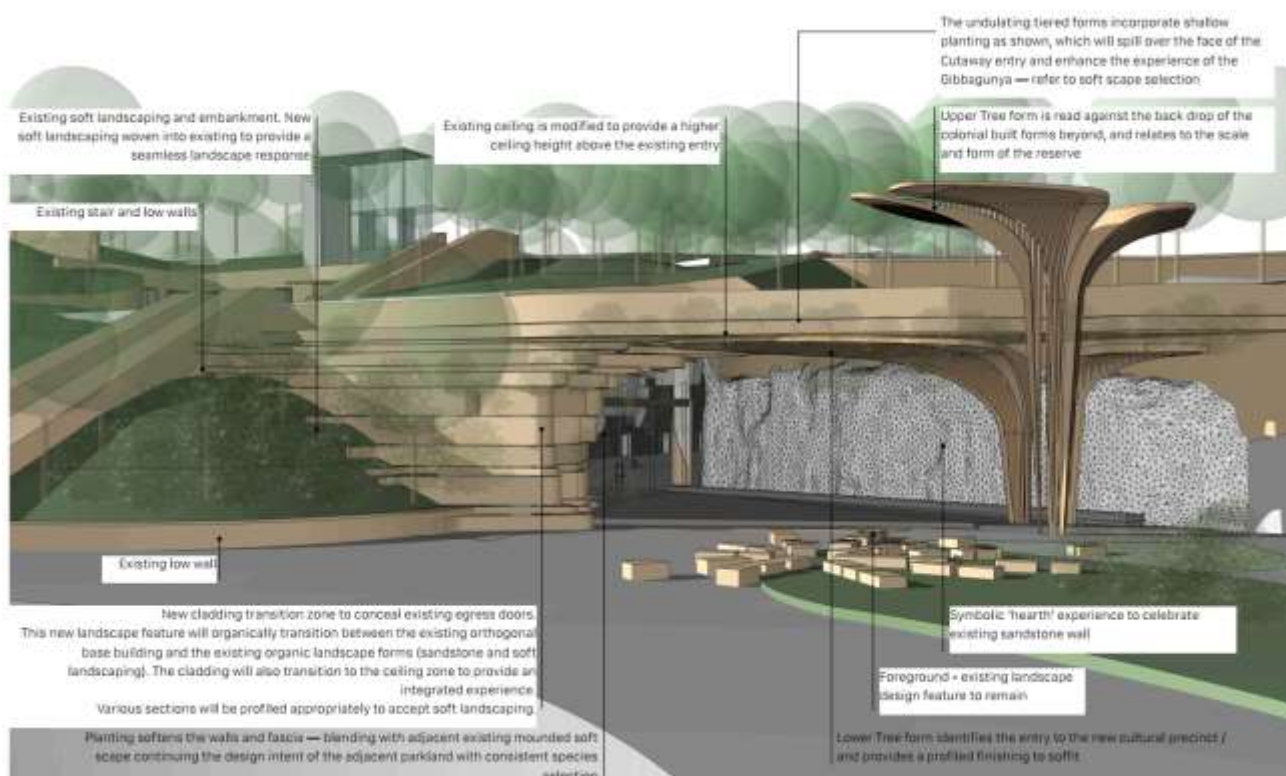


Figure 20: View of proposed landscaping treatment to entry of the Cutaway Cultural Facility, looking east from Nawi Cove

3.9 Operations

The design and fitout of the Cutaway Cultural Facility will be capable of accommodating a range of events and activities with different configurations and modes as outlined in Section 3.6. Key operational elements of the proposal are described below. An Operational Plan of Management will be prepared to guide and manage the operation of the facility. The preparation of the Operational Plan of Management will be required as a condition of consent.

3.9.1 Capacity

Given the variable type of events that will be hosted within the Cutaway, the capacity of the events will also vary. The internal fitout has been designed to accommodate a maximum capacity of up to 2,300 patrons within the Main Event Hall located on the ground level (refer to Figure 12). This maximum only applies to patrons and does not include staff, performers and events support.

By comparison, a maximum capacity of 5,500 persons (including staff, patrons and performers) applies under the temporary events consent issued by the City of Sydney (DA No. 2015/938).

3.9.2 Hours of Operation

Events

It is proposed that the facility will operate 24/7 to allow for overnight cleaning, kitchen operation, security operating or bumping in / out in accordance with the acoustic framework outlined in the Noise and Vibration Impact Assessment (Appendix 10). In accordance with this framework, the following core hours of operation of events are proposed:

- **New Years period: 10am to midnight (New Year's Eve); midnight to 2am 7am (New Year's Day);**
- Major event (up to four per year). This includes single day events that have potential to generate high noise impacts: 7am- midnight;
- Medium scale events (up to 21 per year). This includes single day and multi-day events that have potential to generate medium noise impact: 10am-to 11pm;
- General events (no limit on the number of events per year). This includes events that generate low to medium noise impacts: 8am to 6pm.

Café

A cafe and service offering would be open Monday through Sundays and public holidays during from 7am to 10pm to align with the events.

Car park

Maintain the current access to the public lifts during car park operating hours (6am – 12am) daily, 365 days per year.

Reception/precinct information

The reception/precinct information on level 2 will operate the same hours as an event. Outside of events, operation hours will be from 9am to 5pm.

Loading dock

Consistent with the recommendations of the Noise and Vibration Impact Assessment (Appendix 10) the hours of operation of the loading dock will be as follows:

- Deliveries shall only take place between 7am and 10pm.
- No vehicle movements to and from the loading dock shall take place between 10pm and 7am unless required for 'special' events where 'bump out' activities were time crucial and could not be undertaken the next day. For example, following a touring concert event.

3.9.3 *Staff*

The number of staff within the Cutaway will fluctuate, depending on the type of event. The maximum staff will be approximately 48 during events mode. Outside events mode, the permanent staff will be approximately 13.

3.9.4 *Alcohol Service*

The operation of the facility will include the sale of alcohol and will require a liquor licence from Liquor and Gaming NSW. This requirement can be addressed via a condition of consent.

3.10 *Vehicle Access, Parking, Loading and Servicing and Active Transport*

The Transport and Accessibility Impact Assessment (TAIA) prepared by TTW (Appendix 5) details the access, parking, transport and servicing components of the proposal, which are summarised below.

3.10.1 *Vehicular Access*

The existing vehicle access to the Cutaway is via Towns Place, which connects to Dalgety Road and Hickson Road. This provides access to the car parking located below the Cutaway and the existing loading dock located within the northern end of the Cutaway. No change is proposed to the existing vehicle access arrangements.

3.10.2 *Car parking*

The Cutaway is located above an existing public car park. The car park contains 301 parking spaces over two basement levels.

The car park is open daily, operating from 6am to midnight Monday to Sundays including public holidays. The car park is operated by Wilson Parking and charges commercial rates for access, including for regular users and subscribers.

The proposed Cutaway fitout will remove six (6) existing carparking spaces. Three (3) spaces on Basement 1 will be removed to accommodate the grease arrestor room for the new kitchen, and three (3) spaces on Basement 2 will be removed to accommodate the new main switchboard room.

3.10.3 *Loading and Servicing*

The servicing and waste collection arrangements will continue to be via the existing loading dock within the northern part of the Cutaway. The loading bay will be operated in accordance with the recommendations of the Noise and Vibration Impact Assessment (Appendix 10) as outlined in Section 3.9.2 above.

3.11 Waste

A Waste Management Plan (WMP) has been prepared by JBS&G (Appendix 11). The WMP outlines the waste management facilities and strategies during the construction and ongoing operation of the project.

3.11.1 Operational Waste

A centralised waste storage area is located within the northern western section of the building. The waste storage area is adequately sized to accommodate the requisite bins for the estimated waste and recycling material generated by the proposal.

The centralised waste storage area is located adjacent to the loading dock for ease of access. Waste will be undertaken by a licensed waste contractor via the existing loading dock, which is accessed from Towns Place.

3.11.2 Construction Waste

The nominated contractor will need to comply with the relevant Australian Standards, all relevant conditions of consent and the WMP to ensure all waste is carefully removed, packaged and transported from the site to an appropriate waste facility. Where appropriate, waste will be reused or recycled.

3.12 Site Services

The Services Infrastructure Report prepared by Aurecon (Appendix 12) identifies that the proposal does not require the upgrade of the existing services infrastructure, as summarised below.

Water

The fit-out potable cold water will be supplied off the existing base building supply. It is not anticipated that any water mains upgrade will be required.

Waste-water

Sanitary drainage from the fit-out works will be connected to the nearest available drainage points. In addition to these, a sullage dump point will be provided near the existing Sydney Water connection point for connection of any temporary amenities required during large events. It is anticipated that there is no upgrade required to Sydney Water Sewer mains.

Fire Protection Services

The available flow and pressure from the town's main is capable to provide the fire hydrant and fire sprinkler demand. It is not anticipated that any water mains upgrade will be required.

Electrical infrastructure

The existing base building is currently supplied by Ausgrid Substation S.6062 located in Basement 1 under the forecourt area. It is anticipated that there is no upgrade required to Ausgrid Substation.

Natural gas infrastructure

With the aim to achieve 6 Star Green Star and future proofing the cultural facility from carbon emission, natural gas is not to be used.

Communications

During construction, the existing communications/server/IT room will need to be temporarily relocated to the car park, before being permanently relocated back into the completed cultural facility.

3.13 Stormwater drainage

The Integrated Water Management Plan prepared by TTW (Appendix 13) outlines the proposed stormwater management system for the project, which comprises:

- Downpipes and box gutters for the new skylight enclosures are proposed to be reticulated east of the existing structural columns to connect to the stormwater network of the base building; and
- An Erosion and Sediment Control Plan.

3.14 Background of Design Excellence Process

Commitment to Design Excellence

Design Excellence refers to the highest standard of architectural, urban and landscape design as well as a structured process to support the achievement of high-quality design. Design excellence is a long standing and overriding principle for the design and development of Barangaroo and its achievement is the result of significant commitment, led by an outstanding team of design specialists. Infrastructure NSW is committed to design excellence throughout the design, planning approval and delivery processes, as reflected in the exceptional buildings, landscape and public spaces being delivered across the 22-hectare site at Barangaroo.

To ensure all parties involved in Barangaroo are committed to the pursuit of design excellence, a Design Excellence Advisory Panel (DEAP) was established. This panel guides all design decisions and arose from the independent Sussex Penn Review in 2011, which outlined key design principles to guide the creation of **Barangaroo's development**.

The DEAP includes independent design advisers of some of Australia's and the world's leading exponents of master planning, urban design, architecture and landscape architecture. Current members include Bob Nation AM, Keith Cottier of Allen Jack + Cottier, Karl Fender of Fender Katsalidis Architects, Oi Choong of Context, Kim Crestani of Order Architects, Isabelle Toland of Aileen Sage Architects and Richard Nugent of Conybeare Morrison.

Alison Page has been engaged by Infrastructure NSW as an First Nations Design Advisor and Panel member for its Barangaroo Arts and Culture Panel since 2014. On the Cutaway fitout works project, Alison drafted the project brief Connecting with Country requirements and was engaged as a technical advisor during the architect tender process. Alison continues to be involved in the project as a technical advisor to the project team and as an advisor within the broader precinct as Chair of the Barangaroo Arts & Culture **Panel and Chair of Infrastructure NSW's First Nations Working Group**.

Infrastructure NSW is committed to design excellence on the Cutaway fitout works and will seek design excellence through an intelligent, sensitive, and highly functional design that is appropriate for the brief and also fits within the given budget.

The rigorous design excellence process is briefly outlined below.

Initial selection of architects

A potential longlist of 11 architects was selected from several NSW Government prequalification panels by INSW's DEAP member Bob Nation. The list comprised a combination of large/established firms and small/emerging firms and was selected by:

- **Conducting desktop research into the architects' capabilities** and previous record in delivering iconic civic and/or cultural places;
- **Considering the architects' ability to deliver an outcome that will firstly be a memorable destination but function in the spatial multivalent multievent demand.** The architect needs to be creative and understand the constraints and opportunities that this unique space can realise; and
- **Discussions with Barangaroo's DEAP.**

Selection of a shortlist of architects

The selection of a shortlist of architects was in consultation with the DEAP and reflected a diversity of practice and approach including emerging or small architects alongside larger established ones. This resulted in shortlist of four (4) architectural firms – two (2) established firms and two (2) small / emerging.

Evaluation of submissions and selection of a preferred architect

Following the release of the tender, shortlisted firms prepared a design submission and presentation to the Evaluation Panel and DEAP in their capacity as technical advisors. The submissions were then reviewed and evaluated by an Evaluation Panel including two representatives from the DEAP, resulting in Fjmtstudio's appointment as the project architect with their selected design team.

Design Development

Design excellence will be maintained throughout the design development process and will be led by Fjmtstudio in consultation with Infrastructure NSW and the DEAP.

Importantly, the DEAP will:

- Review the design elements of the SSD before submission;
- Provide guidance and advice to Infrastructure NSW and Fjmtstudio;
- Review the design to ensure design excellence is realised; and
- Ensure the design integrity is not impacted if there are any major design changes.

Consultation has been undertaken with the Government Architect NSW's State Design Review Panel (SDRP). The design has been refined in response to comments raised by the SDRP. A detailed response to each query raised by the SDRP is included in the Architectural Design Report prepared by Fjmtstudio (Appendix 3).

4. Statutory Context

4.1 Key Statutory Requirements

Development approval is sought for the project under the State Significant Development provision of Part 4 of the *EP&A Act 1979*. Table 6 below outlines the project's key statutory requirements. This section is complemented by a statutory compliance table at Attachment 2 that identifies all statutory requirements and where those requirements have been addressed in the EIS.

Matter	Comment
Permissibility	<p>The site is located under the Barangaroo Reserve and is zoned RE1 Public Recreation under the State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (Precinct SEPP).</p> <p>The proposal is associated with the ongoing development of Barangaroo, as approved under the Concept Plan MP06_0162.</p> <p>The proposed cultural facility would broadly be categorised as a combination of the following uses, which are permissible in the RE1 zone with consent:</p> <ul style="list-style-type: none"> — Community facilities; — Information and education facilities; and — Entertainment facilities; <p>Refer to discussion in Section 4.1.1 below.</p>
Power to grant consent	<p><i>Environmental Planning and Assessment Act 1979</i></p> <p>The <i>EP&A Act 1979</i> establishes the assessment framework for SSD. Section 4.12(8) requires that Development Applications for SSD be accompanied by an EIS. Matters relevant to the preparation of an EIS (including the application for SEARs) are set out under the EP&A Regulation.</p> <p>Pursuant to Section 4.5(a) the Minister for Planning and Homes is the consent authority for SSD, or the Minister's Delegate.</p> <p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p>The proposed development has a capital investment value of more than \$10 million and is located within the Barangaroo precinct, and accordingly is State Significant Development pursuant to clause 3 of Schedule 2 of the Planning Systems SEPP.</p> <p><i>Consent authority</i></p> <p>Section 4.5 of the <i>EP&A Act 1979</i> and Section 2.7 of the Planning Systems SEPP stipulate that the consent authority is the Minister for Planning if an SSDA is made by or on behalf of a public authority. This application is made by Infrastructure NSW, which is a public authority.</p>

Matter	Comment																												
	<p><i>Consistent Approvals</i></p> <p>Section 4.42 of the <i>EP&A Act 1979</i> identifies authorisations cannot be refused if they are necessary for carrying out State Significant Development. The following lists legislative approvals under Section 4.42, which due to the nature of the project, are not required.</p> <table> <tr> <th>Act</th><th>Approval Required</th></tr> <tr> <td>Fisheries Management Act 1994</td><td>No - NA</td></tr> <tr> <td>Mine Subsidence Compensation Act 1961</td><td>No - NA</td></tr> <tr> <td>Mining Act 1992</td><td>No - NA</td></tr> <tr> <td>Petroleum (Onshore) Act 1991</td><td>No - NA</td></tr> <tr> <td>Protection of the Environment Operations Act 1997</td><td>No - NA</td></tr> <tr> <td>Roads Act 1993</td><td>No - NA</td></tr> <tr> <td>Pipelines Act 1967</td><td>No - NA</td></tr> </table> <p><i>Approvals not required for State Significant Development</i></p> <p>Section 4.41 of the <i>EP&A Act 1979</i> stipulates that certain authorisations are not required for SSD. Regardless, the due to the nature of the project, even it was not SSD, the approvals would not be required.</p> <table> <tr> <th>Act</th><th>Approval Required</th></tr> <tr> <td>Fisheries Management Act 1994</td><td>No - NA</td></tr> <tr> <td>Heritage Act</td><td>No - NA</td></tr> <tr> <td>Rural Fires Act 1997</td><td>No - NA</td></tr> <tr> <td>National Parks and Wildlife Act 1974</td><td>No - NA - see comment below</td></tr> <tr> <td>Water Management Act 2000</td><td>No - NA</td></tr> </table> <p>With regard to the <i>National Parks and Wildlife Act 1974</i>, the proposal primarily involves internal works to an existing concrete shell structure located beneath Barangaroo Reserve and above an existing carpark. Any excavation works will be limited to interventions into the existing concrete structure and previously disturbed areas within Stargazer and will not disturb any Aboriginal objects or places. Notwithstanding, a Draft ACHAR has been prepared by Curio Management to assess the tangible and intangible values of the site (refer to Appendix 6). Furthermore, the proposal has also been informed by a Designing within Country framework, to ensure the design approach and manifestation responds to the Aboriginal cultural</p>	Act	Approval Required	Fisheries Management Act 1994	No - NA	Mine Subsidence Compensation Act 1961	No - NA	Mining Act 1992	No - NA	Petroleum (Onshore) Act 1991	No - NA	Protection of the Environment Operations Act 1997	No - NA	Roads Act 1993	No - NA	Pipelines Act 1967	No - NA	Act	Approval Required	Fisheries Management Act 1994	No - NA	Heritage Act	No - NA	Rural Fires Act 1997	No - NA	National Parks and Wildlife Act 1974	No - NA - see comment below	Water Management Act 2000	No - NA
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Water Management Act 2000	No - NA																												
Other approvals																													

Matter	Comment
	<p>connections to Country that exist specifically to the Cutaway and more broadly to this place in Sydney.</p> <hr/> <p><i>EPBC Approval</i></p> <p>The <i>Environmental Protection and Biodiversity Act 1999 (EPBC Act)</i> provides a legal framework to protect and manage matters of national environmental significance (MNES), which include nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as MNES. If the proposed development will, or is likely, to impact a MNES, then it is required to be referred to the Federal Department of the Environment for assessment to determine if it constitutes a 'controlled action' requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the <i>EPBC Act</i>.</p> <p>The project is not likely to impact any MNES. Therefore, the project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.</p>
Pre-Conditions prior to granting consent	<p><i>Biodiversity Conservation Act 2016</i></p> <p>Pursuant to 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), an SSDA is required to be accompanied by a biodiversity development assessment report (BDAR). However, a BDAR waiver may be granted should it be determined by DPE and the DPE Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values. A BDAR Waiver was granted by the Secretary of DPE on 10 February 2023 (Appendix 4).</p> <hr/> <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i></p> <p>The Resilience and Hazards SEPP requires the consent authority to consider whether the subject land of any development application is contaminated and whether it can be suitable for the intended use. The Cutaway is a large concrete shell pre-designed for a future use and delivered as part of the Barangaroo Reserve. The floor, walls and roof of the space are of concrete construction while the eastern face is of natural sandstone.</p> <p>The proposal involves the internal fit out and infill of the roof openings. Minimal excavation is proposed and is limited to previously disturbed locations, including existing concrete structure within the Cutaway and paved areas at the forecourt entry around Nawi Cove and the lawn/garden areas of the Stargazer Lawn within Barangaroo Reserve.</p> <p>Any excavation would be limited to interventions into the existing concrete structure. On this basis it is considered that the proposal is appropriate for the proposed use and satisfies the provisions of the Resilience and Hazards SEPP with regard to potential onsite contamination.</p>
Mandatory matters for consideration	<p><i>Environmental Planning and Assessment Act 1979</i></p> <p><u><i>Relevant objects of the EP&A Act</i></u></p> <p>The proposal is consistent with the relevant objectives of the <i>EP&A Act 1979</i> as outlined in Attachment 2.</p>

Matter	Comment
	<p><i>Environmental planning instruments</i></p> <p>Key environmental planning instruments applying to the site and proposed development requiring consideration are identified below.</p> <p><u><i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (Eastern Harbour Precincts SEPP)</i></u></p> <p>The Eastern Harbour Precincts SEPP is the principal planning instrument applying to the site and Barangaroo Precinct. As outlined in Attachment 2, the proposal is permissible with the RE1 Zone Public Recreation Zone applying to the site, and is consistent with following provisions contained in <i>Appendix 5 Barangaroo site</i> of the SEPP:</p> <ul style="list-style-type: none"> — 9(1) Objectives of the RE1 Public Recreation Zone — 17 Height of building — 18 Gross floor area requirements — 19 Design Excellence — 21 Heritage conservation <hr/> <p><u><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</i></u></p> <p>The Biodiversity and Conservation SEPP provides a planning framework to manage and improve environmental outcomes for Sydney Harbour and its tributaries.</p> <p>The site is located within the Sydney Harbour Catchment area and the Foreshores and Waterways area. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP). This requires consideration of the provisions of Chapter 10 - Sydney Harbour Catchment with regards to the maintenance, protection and enhancement of views, biodiversity, public access and relationship with the waterway and foreshore uses. The consistency of the proposal with these provisions is outlined in Attachment 2. Given proposed works are for the internal fit out of the existing void space, infill of the roof and entry openings the proposal will not impact on the views or visual qualities of the harbour, foreshore or waterway zone.</p> <hr/> <p><u><i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i></u></p> <p>The Transport and Infrastructure SEPP provides that the consent authority is to have regard to the following matters of consideration, where relevant:</p> <ul style="list-style-type: none"> — Development near proposed Metro stations (clause 2.103 of Division 15). <p>As the proposal is adjacent to the Barangaroo Metro station, which is currently under construction, it necessary to consider this provision. As discussed further, given the nature of the works being largely internal it is not expected to impact on access to or egress from Barangaroo Metro Station, or broader operation of the station. External works within general proximity to station is limited to the two feature trees at the forecourt entry. These structures are approximately 60 metres from the station and will not obstruct access to or from the station.</p>

Matter	Comment
	<p><i>Relevant Approvals</i></p> <p>Pursuant to Section 4.24(2) of the <i>EP&A Act 1979</i> the determination of any further development application in respect of the site cannot be inconsistent with the Concept Plan. This application seeks consent for works to the Cutaway for the use of a cultural facility to realise the commitments for increased cultural experiences and provision of community uses under the Concept Plan. Community uses are defined under the Concept Plan as follows:</p> <p><i>‘Community uses’: include child care centres, community facilities, educational establishments, entertainment facilities (other than cinemas and amusement centres), information and education facilities, landside ferry facilities, places of public worship, public administration buildings, public halls, recreation areas, recreation facilities (major, outdoor and indoor) and health services facility</i></p> <p>Refer to Section 4.1.1 below and Attachment 2.</p>

Table 6: Key Statutory planning requirements

4.1.1 Permissibility

The proposed cultural facility will host a broad range of events and activities and is categorised as a combination of the following land use definitions:

- *‘Community facility’ means a building or place—*
 - (a) *owned or controlled by a public authority or non-profit community organisation, and*
 - (b) *used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*
- *‘entertainment facility’ means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.*
- *‘Information and education facility’ means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*

The land uses that are permissible within the RE1 zone with consent are listed below and includes community facilities, entertainment facilities and information and education facilities.

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).

While it is noted that food and drink premises are permissible with consent, the proposed café will form an ancillary and incidental component of the cultural facility.

4.1.2 Concept Plan MP06_0162.

The Concept Plan was approved in February 2007 by the then Minister for Planning under Part 3A of the *EP&A Act 1979* and has been subsequently modified.

Pursuant to Section 4.24(2) of the *EP&A Act 1979* the determination of any further development application in respect of the site cannot be inconsistent with the Concept Plan (as modified)

As detailed below, the proposal is consistent with the approval Concept Plan.

Terms of Approval

The Terms of Approval of the Concept Plan are contained in Part A of Schedule 2. The conditions that are relevant to this proposal are described below.

Condition A1 Development Description

Condition A1 describes the key elements of the approved Concept Plan.

- (1) *A mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), including:*
 - (a) *a maximum of 191,031 sqm of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;*
 - (b) *a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South;*
 - (c) *a maximum of 34,000sqm of GFA for retail uses of which a maximum of 30,000 sqm will be in Barangaroo South;*
 - (d) *a maximum of 5,000 sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and*
 - (e) *a minimum of 12,000sqm GFA for community uses.*
- (2) *Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including an approximate 2.2km public foreshore promenade.*
- (3) *Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.*
- (4) *Public domain landscape concept, including parks, streets and pedestrian connections.*
- (5) *Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.*
- (6) *Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.*
- (7) *No approval is granted or implied for the future use of a heliport and/or a helipad MOD 9 amendment to MP06_0162.*

The proposal is consistent with Condition A1 as:

- It does alter the maximum GFA of 602,354m² applying across the site.
- It will contribute to the provision of a minimum of 12,000m² of gross floor area (GFA) of community uses with the provision of a cultural facility that has a GFA of 9, 921.8m².

Condition A2 Development in Accordance with Plans and Documentation

Condition A2 lists the plans and documents that were approved as part of the original Concept Plan and subsequent modifications. Community uses are defined within the approved documentation as follows:

'Community uses': include child care centres, community facilities, educational establishments, entertainment facilities (other than cinemas and amusement centres), information and education facilities.

landside ferry facilities, places of public worship, public administration buildings, public halls, recreation areas, recreation facilities (major, outdoor and indoor) and health services facility.

As detailed in the discussion of permissibility in Section 4.1.1, the proposed cultural facility is categorised as a community facility, entertainment facility and information and education facility which are listed in the definition of community uses. The proposal satisfies the exclusions relating to entertainment centres, as it is not a cinema or amusement centre.

Having regard to the above, the proposal is consistent with condition A2 of the Concept Plan as it is categorised as a community use as defined in the approved documentation.

Part B - Modifications to the Concept Plan - Condition B4

Part B of Schedule 2 of the Concept Plan sets out conditions that modify the description of the approval and approved documents and plans contained in Part A of the approval. Condition *B4 Built Form*, which is reproduced below specifies the maximum GFA for the site, maximum and minimum GFA for land uses and the maximum GFA allocation across each of the blocks within the Precinct. Condition B4 is reproduced below:

B4 Built Form

1. Approval is given to a mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), including:
 - a) A maximum of 191,031 sqm GFA for residential uses of which a maximum of 162,031 sqm may be located in Barangaroo South;
 - b) A maximum of 76,000 sqm GFA for tourist uses of which a maximum of 59,000 sqm may be located in Barangaroo South;
 - c) A maximum of 34,000 sqm GFA for retail uses of which a maximum of 30,000 sqm may be located in Barangaroo South;
 - d) A maximum of 5,000 sqm GFA for active uses in the Public Recreation zone (3,500sqm of which will be in Barangaroo South); and
 - e) A minimum of 12,000sqm GFA for community uses.
2. Despite A1 (1) and B4(1) above, future development applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below.

	GFA (sqm)	Residential GFA (Max) (sqm)	Height (Max AHD)	Height above existing ground level (m)
Block 1	1,927		RL 25	23
Block 2	197,280		RL 180	178
Block 3	129,934	10,515	RL 209	207
Block 4A	92,629	91,816	RL 250	248
Block 4B	21,508	20,637	RL 107	173
Block X	18,908	16,463	RL 41.5	39.5
Block Y	77,500	22,600	RL 275	273
Block 5	29,688	15,000	RL 34	32
Block 6	3,000	-	RL 29	27
Block 7	15,000	14,000	RL 35	33
TOTAL	587,354	191,031		

3. Notwithstanding B4(2) above, future development applications for buildings within Blocks 2, 3, 4A and 4B and Y, may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in Modification B9.

4. Wintergardens may be excluded from the maximum residential and tourist GFA stipulated for Blocks 4A, 4B and Block Y in the Table above, subject to compliance with the wintergarden objectives and standards contained within the Built Form Principles and Urban Design Controls (Modification B5).

Conditions B4(3) and B(5) relates to Blocks in South Barangaroo and are not applicable to the proposal and are not discussed further.

It is noted that there is a 15,000m² difference between the total GFA specified in condition B4(1) of 602,354m² and the total GFA for block allocations identified in condition B4(2), which equates to 587,354m².

In accordance with the approved documents and plans listed in Condition A2, the 15,000m² of GFA is allocated to land outside the development blocks, within the RE1 zone and comprises:

- 10,000m² of minimum 12,000m² of community use GFA that is required to be provided under condition B4(1)(e). The remaining 2,000m² of community uses is allocated to Block 6 or 7 in accordance with condition B7(3); and
- 5,000m² of the maximum active use GFA specified in condition B4(1)(d).

It is noted that there is currently no community use GFA located within the RE1 zone across the Precinct. Any existing community uses are located within the development blocks. Accordingly, the 10,000m² of community uses allocated outside the development blocks is available.

Having regard to the above, the proposal is consistent with Condition B4 of the Concept Plan approval as:

- It does alter the maximum GFA of 602,354m² applying across the site as specified in B4(1);
- The proposal does not alter the GFA allocations for residential, tourist, retail and active uses outlined in conditions B4(1)(a)-(d);
- The site is not located within Blocks 1 – 7 identified in condition B5(2), and as such does not alter the GFA block allocations applying to each block.
- It utilises 9,921.8m² of the 10,000m² of community use GFA that is allocated to land outside the development block, within the RE1 zone, noting that none of this GFA has been utilised to date.
- It does not affect the allocation of a minimum of 2,000m² of community use GFA to Blocks 6 and 7 required under condition B7(3).

4.1.3 Section 7.11 Contributions

The site is covered by the Barangaroo Contributions Plan. Section 5.2 of the plans states the following:

State Government or Contributions Plan Funded Development

A payment of a contribution levy of 1% of the construction costs of any development that is funded by the State Government or undertaken for the purpose of providing items contemplated by the Contributions Plan, is required to be made.

If a levy is payable under this Contributions Plan for development that is funded by the State Government or is undertaken for the purpose of providing items contemplated by the Contributions Plan, then Infrastructure NSW may agree to the levy being offset by the value of the public benefit provided by that development. The proponent of the development must provide full details of the public benefit provided and the value to Infrastructure NSW who will then consider the request and advise the proponent accordingly. Any offset to a levy will be reflected in a voluntary planning agreement entered into pursuant to section 35 of the Act.

- The proposal is being funded by State Government and is also for a purpose contemplated in the Contribution Plan. On this basis, the payment of the levy is to be off-set by the public benefit provided by the proposal, which includes: Improved amenity and functionality of an existing government asset that has been earmarked for a cultural facility. The proposal will optimise the existing Cutaway by enhancing the capability of the space to host a wider range of events, allow for greater utilisation throughout the year, and improve the experience of patrons using the space.
- Developing and enhancing civic uses, arts and culture at Barangaroo and supporting the surrounding cultural precincts, including the Walsh Bay cultural precinct, by fostering collaboration between creative and cultural industries.
- Increased access to cultural opportunities for the community.

5. Engagement

The section provides an overview of the community and stakeholder engagement that has been carried out to date for the project, and the outcomes of that engagement is detailed in the Engagement Report prepared by WSP (Appendix 14). It also outlines further community engagement that will be undertaken following the lodgement of the application and its approval. The **engagement has been informed by DPE's Undertaking Engagement Guidelines for State Significant Development (2021)**.

5.1 Engagement Carried Out

5.1.1 Consultation objectives

Consultation objectives were designed to align with the engagement principles set out in the Undertaking Engagement Guidelines for State Significant Projects (2021). This recognises that community feedback can help inform a project and provides meaningful ways the community can participate in the planning and assessment of projects. The consultation objectives sought to:

- Enable stakeholders and the community to provide input and feedback on the fit-out;
- Ensure a variety of targeted, inclusive and effective engagement techniques are employed;
- Ensure that accurate, relevant and timely information is supplied to stakeholders and community;
- Minimise any misinformation by proactively addressing information gaps; and
- Capture and document feedback in an Engagement Report to accompany the EIS.

5.1.2 Identified Stakeholders

Engagement has been undertaken with the organisations identified in Table 7, to varying degrees, throughout the formulation of the proposal and preparation of the EIS.

Government	Industry	Community, interest groups and neighbours
Placemaking NSW	Sydney Festival	Metropolitan Local Aboriginal
Create NSW	Biennale of Sydney	Land Council (Metro LALC)
Treasury NSW	International Convention	Millers Point Community
DPE	Centre	Resident Action Group
Government Architects	Business Events Sydney	Walsh Bay Precinct Management
Transport for NSW (incl. Sydney Metro)	ICMS Australia	Association
Port Authority of NSW	Arinex	Fort Street Public School
City of Sydney	SXSW Sydney	Surrounding community
Crown Lands	Sydney Theatre Company	
Heritage NSW	Crown Resort Sydney	
National Trust		
Destination NSW		

Table 7: Stakeholders

5.1.3 Engagement Activities

Table 8 below provides a description of the engagement activities that were undertaken.

Engagement Activities	
<u>Postcard</u> : Delivered to 2400 residences and businesses in the local area	
<u>Posters (decals)</u> : Placed on the ground near the Cutaway and Wulugal Walk directing people to the website (and the online survey)	
<u>Social media posts</u> : Infrastructure NSW social media including, Facebook, Instagram, Website and Barangaroo EDM	
<u>Key stakeholder letters</u> : Sent via email to the following stakeholders outlining information about the project and inviting them to reach out to Infrastructure NSW with any questions:	
<ul style="list-style-type: none"> – Fort Street Public School – Committee for Sydney – Destination NSW – Australian National Maritime Museum – Heritage NSW – National Trust 	<ul style="list-style-type: none"> – Maritime (Transport for NSW) – Port Authority of NSW – Crown Lands – Millers Point Community Resident Action Group – Walsh Bay Precinct Management Association
<u>Meetings</u> : The proposal was addressed as part of a regular meetings with the following organisations:	
<ul style="list-style-type: none"> – City of Sydney – Sydney Metro – Government Architect – Metro Local Aboriginal Land Council (Metro LALC) 	
<u>Community drop-in session</u> : Wednesday 5 October 2022 from 11am to 2pm at the Cutaway.	
<u>Community webinar</u> : Held on Wednesday 12 October 2022 from 6:30pm to 7:30pm.	
<u>Stakeholder meetings</u> : the following stakeholder groups:	
<ul style="list-style-type: none"> – Other Government agencies – First Nations groups – Heritage organisations – Community groups – Other groups – Arts groups 	
Online surveys: Access via the Barangaroo website.	

Table 8: Overview of Engagement Activities

5.1.4 *Aboriginal engagement*

To date Infrastructure NSW's First Nations Design Advisor, Alison Page, has been integral throughout the procurement and design process. Alison provided the **project's** Connecting with Country brief, technical advice during the architect tender process and review of the design. Alison will continue to be involved throughout the project as a technical advisor to the project team and as an advisor within the broader precinct as Chair of the Barangaroo Arts & Culture Panel and **Chair of Infrastructure NSW's First Nations Working Group**.

As detailed in the Connecting with Country Framework included in the Architectural Design Report (Appendix 3), the design of the Cutaway cultural facility prepared by Fjmtstudio was developed in response **to the project's brief and in** close collaboration with the following Aboriginal knowledge holders and representatives:

- Shannon Foster | D'harawal Eora Knowledge Keeper and Registered Traditional Owner (Bangawarra)
- Jacob (Jake) Nash | of the Daly River people, West of Darwin. Bangarra Dance Theatre Head of Design
- Matte McConnell | of the Wiradjuri people, Master of Architecture
- Juliette Guadalupe-Foster | Guanani, Dharawal, Dharug, Gadi, Eora, Worimi people

Shannon Foster is a descendent of D'harawal, Dharug, Worimi, Gadi people and those now being called Eora, a Traditional Owner of Sydney, registered with the Office of the Registrar, and an acknowledged Dharawal Knowledge Keeper. This title was bestowed upon Shannon by her Elders' **Circle**, to whom she is answerable for the work she puts out into the world.

Engaging Shannon as a Traditional Owner Knowledge Keeper meant that Aboriginal engagement was embedded in all **design workshops**. **Shannon's Elders Circle meets regularly and** questions regarding the project have been put to them. Additionally, as a member of the local Aboriginal kinship system, her extended networks of Dharawal, Dharug, Eora and Gadi extended family regularly participate in design decisions about connecting with Country design. Shannon has had informal conversations with many of them about the broader site and program.

Alongside Shannon was Jake Nash, whose mother is Murri from Daly River. Jake is the Bangarra Head of Design and has been designing Aboriginal dance, film, sets and art at the highest levels of performing and fine arts in Sydney for 20 years. Jake knows the care with which we must design in the Sydney Aboriginal context. With Shannon and Jake was Matte McConnell (Wiradjuri), a Master of Architecture graduate who specialises in the spatial implications of cultural protocols and the ways in which care for culture and Country can be held within an architectural project. Juliette Guadalupe-Foster (Guanani, Dharawal, Dharug, Gadi, Eora, Worimi) also participated in conversations with the Elders about the priorities of this type of program and location.

Engagement with Metropolitan Land Aboriginal Land Council (Metro LALC)

A briefing session was held with the Metro LALC.

Aboriginal Cultural Heritage Assessment Report

A Draft Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared for the project. As part of this process, other organisations and individuals were provided the opportunity to register their interest in the project, as a Registered Aboriginal Party (RAP). Details of the RAPs and the consultation process are provided in the Draft ACHAR included at Appendix 6.

5.2 Engagement outcomes

A summary of the key items provided by the stakeholders and community during the engagement is outlined in Table 9.

Comment	EIS Section/Response
<u>Accessibility</u> – some community members emphasised the need for better accessibility to the location both through public transport and ensuring accessibility for delivery vehicles.	The site benefits from a good level of access to public transport which will be enhanced with the opening of the Metro in 2024. Delivery vehicles will be able to gain direct access to the loading dock (Refer to Section 6.8 and Appendix 5).
<u>Noise and Acoustics</u> – community members and stakeholders emphasised the need to ensure the acoustic impacts on local communities were minimised.	The proposal incorporates design interventions which will result in improvements to noise containment. This includes the enclosure of the roof voids, which is the key noise emission path. Recommendations are provided regarding the operation of the loading dock to further mitigate potential noise impacts to the surrounding noise sensitive receivers. Refer to Section 6.9 and Appendix 10.
<u>Sandstone/rock face</u> – the community provided significant positive feedback on the rockface and preserving the prominence of this in the design	The sandstone face/wall remains exposed and is a prominent feature in the proposal. (Refer to Architectural Design Report at Appendix 3).
<u>Aboriginal Cultural Heritage/First Nations</u> <ul style="list-style-type: none"> – stakeholders emphasised the need to ensure integration of First Nations education and storytelling – there was some disappointment expressed that the NSW government was not delivering an Aboriginal Cultural Centre 	<p>From the inception of the scheme, the approach to the design has been to create a space that is embedded with Country and embraces the natural landscape. As outlined in 5.1.4, design of proposal was developed in close collaboration with the Aboriginal knowledge holders and representatives. The Architectural Design Report (Appendix 3) details how the design responds to Connecting with Country.</p> <p>Ongoing communication and engagement with the Aboriginal community will be undertaken through the finalisation of the ACHAR process, regarding opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space. (Refer to Section 6.3, Appendix 3 -Architectural Design Report, Appendix 6 Draft ACHAR and Appendix 15 Social Impact Assessment SIA)</p>
<u>Affordability</u> – some groups were concerned about the change of the smaller space to a bigger space and how this would affect affordability	In line with the recommendations of SIA (Refer to Appendix 15), opportunities to promote the affordable use of the venue for community groups /organisations will be considered. The

development of a potential framework with community criteria, to support INSW/ PMNSW in maximising affordable use, will be explored. Engagement with small /community groups and organisations and the City of Sydney will be undertaken, to understand needs and opportunities to maximise affordable use of the space.

Table 9: Summary of feedback from stakeholders and community

5.3 State Design Review Panel

Consultation has been undertaken with the Government Architect NSW's State Design Review Panel (SDRP). The design has been refined in response to comments raised by the SDRP. A detailed response to each query raised by the SDRP is included in the Architectural Design Report prepared by Fjmtstudio (Appendix 3).

5.4 Next Steps

Infrastructure NSW is committed to ensuring continued engagement will take place with key stakeholders and community during the statutory exhibition of the SSDA application, and design development where appropriate.

Indicative activities that are to be undertaken in the engagement for subsequent phases of the project include:

- A variety of engagement events, including in-person and online sessions, to share project updates and hear from community members
- Inclusion of all stakeholders and community groups identified in this report
- Invitations to identified community organisations for one-on-one project briefings and discussions
- Effective promotion of engagement activities to ensure interested people are aware of the opportunity
- Continuation of project website updates
- Continuation of project email, accommodating written feedback from community members (and other stakeholders)
- Written notification to residents and businesses local to the site, including all of Barangaroo.

Efforts will be made to create innovative engagement opportunities to reach a broader range of community members.

This includes communication and engagement with the Aboriginal community through the ACHAR process, about opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space.

Future engagement will encourage participants to provide feedback specifically about the engagement methods, including suggestions for what could work better. This feedback and evaluation will be routinely monitored by the project team and improvements actioned.

6. Assessment of Impacts

This section of the report assesses and responds to the environmental impacts of the proposed SSD Application. It addresses the matters for consideration set out in the SEARs. The mitigation measures proposed to mitigate any environmental impacts are provided at Attachment 4 and complement the findings of this section.

6.1 Built Form

The proposed works primarily involve the internal alterations and fitout works. Consequently, the external built form interventions that will be discernible from the public domain and surrounding development are limited to the timber feature tree elements at the entry; the enclosure and works to the entry façade; the HCT interpretation element located atop of the Cutaway within Barangaroo Reserve, and the enclosure of the roof voids with glazed skylights.

6.1.1 Design Excellence and Design quality

The proposal has been the outcome of an extensive design process that has aimed to achieve a premier and memorable cultural facility. As detailed in Section 3.14, a design excellence process was established to guide and inform the project design. Fjmtstudio collaborating with Bangawarra and Jake Nash Design were selected as part of a design excellence process. This collaboration, established at the inception of the scheme, facilitated a design that is embedded with Country.

The Architectural Design Report demonstrates that the proposal achieves design excellence, consistent with Clause 19(2), of Appendix 5 of the SEPP Precincts—Eastern Harbour City, as outlined below:

- (a) *Whether a high standard of architectural design, materials and detailing appropriate to the building type and location*

The process for a high standard of architectural design has been implemented from the outset of the project. Within the envelope of the existing Cutaway space, the employed design philosophy attempts to heal the wounds left by the damage of past colonisation and development on the site. Collaboration with Bangawarra and Jake Nash from the inception of the project, has allowed Fjmtstudio to deliver a concept that is embedded in Country, and celebrates the Aboriginal cultural history on the site.

The design concept carefully considered the existing building shell, and designed elements which enhance and respect the existing Cutaway space. The sandstone cut has remained exposed and prominent in our design, which will be a backdrop to the many cultural events taking place in the future.

The design maintains a strong rhythm of the existing concrete column grid in the major event space, **celebrating the existing structure with the new addition of the timber ‘trees’**. These trees are fundamental to the design concept, and they embrace the existing structural columns, exposing them through sections of the new timber. The technical overlay of the theatre rigging also adheres to this rhythm, further preserving the existing language in the ceiling treatment.

The design retains as much height in the space as possible in order to preserve the grandeur of the experience in such a unique space.

The entry to the Cutaway Cultural Facility has been celebrated by extending some of the internal design elements to the exterior, serving as a marker and identifier. They also provide a presence on Nawi Cove.

- (b) *whether the form and external appearance of the building will improve the quality and amenity of the public domain,*

The project is an internal fit out, however as it is an integral part of the Barangaroo Reserve it will improve the quality and amenity of the public domain through the visitation experience. The design improves the public domain interface at the entrance to the interior through enhanced identification and way finding and an integrated landscape approach.

- (c) *whether the building will meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*

The aspiration of the project is to achieve 6 Star Green Star rating for the building, which includes a range of environmental considerations.

The design of the new skylight enclosure to the existing roof voids maximises the amount of daylight access whilst accommodating the required services and acoustic requirements.

Numerous spaces across multiple levels in the facility can function in a passive mixed mode — with consideration given to numbers of people in the space and the performance requirements of various event types. The design draws fresh air from multiple points to facilitate this, and the mechanical systems promote air circulation — taking advantage of the existing height by supplying air through the lower level and exhausting at the higher level.

Material selections have prioritised sustainable and Australian products wherever possible.

As such a highly trafficked space with a dynamic use, durability and longevity has been considered and addressed through the design process. The break up of the Event Hall wall treatment employs a datum line which allows the use of highly durable finishes in the lower concentrated use areas, and acoustically appropriate finishes above.

The proposal will not have adverse impacts with regard to visual privacy, wind and overshadowing. As outlined in Section 6.9 below and the Noise and Vibration Impact Assessment (Appendix 10) the acoustic impacts arising from the proposal can be appropriately managed and will not increase noise impacts to surrounding development, including residential development.

6.2 Environmental Amenity

The proposal largely involves internal alterations and fitout works. The external works are limited to the timber tree elements at the entry forecourt and the heritage interpretation of the HCT located atop the Cutaway, within Barangaroo Reserve. Consequently, the proposal will not result in overshadowing of the adjacent public domain or residences. Nor will the proposal have any impacts on the visual privacy of nearby residences. An assessment of the potential visual impacts of the external works is provided below.

6.2.1 Views and Visual Impact

As noted above, the bulk of the proposed works are internal and the external built form interventions that will be discernible from the public domain and surrounding development are limited to the following:

- The new entry façade treatment, including its enclosure with glazing.
- The enclosure of the roof voids. This will largely be indiscernible as the skylights will not project above the level of the existing roof voids.
- The timber tree elements at the entry forecourt.
- The HCT interpretation structure atop of the Cutaway, within Barangaroo Reserve. This structure is also a timber tree element.

While the new entry façade treatment and enclosure will be visible from the adjacent public domain, it will not have any adverse visual or view impacts. The new façade treatment will enhance the existing entry with incorporation of landscaping that is integrated with the existing landscaping on the adjacent vegetated embankment.

The enclosure of the existing roof voids with glazed skylight will not have adverse visual or view impacts. The skylight will not project above the height of the existing voids and will not impact on existing landscape, turfed or vegetated areas surrounding the existing voids. While the existing circa 2015 fence surrounding the roof voids will be removed to enable the installation of the skylights, it will be reinstated once these works are completed. Consequently, the enclosure of the roof voids will be largely indiscernible from the surrounding areas.

Having regard to the above, this assessment of visual impacts and impacts on views only considers the timber tree elements at the entry forecourt and the HCT interpretation structure. The assessment relies on view perspectives prepared by Fjmtstudio. The locations of the view perspectives were selected based on the visibility of the external works from the surrounding area, in particular, from the adjacent heritage items and conservation area. This assessment is supported by an assessment of the visual impacts in the Heritage Impact Statement (HIS) (Appendix 8), which considers the scale of the works and the sensitivity of the study area and surrounds.

Entry Tree Elements to Cutaway Forecourt

The tallest level of the proposed trees sits just above the existing concrete slab entry height to the Cutaway. The entry trees would be within the visual catchment of the Millers Point Heritage Conservation Area, the Millers Point and Dawes Point Village Precinct Conservation Area, as well as the heritage listed Palisade Hotel and the Dalgety Bond Stores (Munn Street Warehouses).

Figure 21 illustrates the view of the entry tree from the Millers Point Heritage Conservation Area. Only the top of the taller of the two tree elements is visible. The tree sits well below the height of the adjoining Dalgety Bond Storey and will be largely screened by existing trees.



Figure 21: View looking southwest from Millers Point HCA towards tree elements at Cutaway entry

Figure 22 illustrates the view across Nawi Cove towards the entry to the Cutaway, and the relationship between the new feature trees and the surrounding heritage fabric. It is evident from Figure 21 that the scale of tree elements is consistent with the scale of the existing Cutaway entry. The lower of the two (2) trees sits below the entry ceiling. The taller tree slightly projects above the pathway of the Barangaroo Reserve and is well integrated with the vegetation treatment at the entry.



Figure 22: View looking southwest from Millers Point HCA towards tree elements at Cutaway entry

The proposed entry tree structures sit below the surrounding built form, including the adjacent listed Dalgety Bond Stores and Palisade Hotel and the nearby conversation areas. The structures also sit below the trees within Barangaroo Reserve. Furthermore, as the trees and vegetation of the Barangaroo Reserve continue to mature, the entry trees will be further screened from the heritage items. While the nearby

heritage items are considered sensitive to visual impact, the proposed trees will have no impact on key views west towards Sydney Harbour from the heritage items and conservation areas. Overall, the proposed entry tree elements are considered to have a low visual impact.

Harbour Control Tower interpretative device

The HCT interpretative device is proposed to be constructed in the location of the demolished HCT, on **Merriman Street**. The proposed interpretive ‘sculpture’ is situated adjacent to, and within the visual catchment of, the Millers Point Heritage Conservation Area, the Millers Point and Dawes Point Precinct Conservation Area and Merriman Street Terraces.

Figure 23 illustrates the view of the HCT interpretation looking west from Merriman Street within the adjacent heritage. Figure 24 illustrates the view of the HCT interpretation from within Barangaroo Reserve, looking east across Stargazer Lawn towards the conservation area. In both figures, the profile of the previously demolished HCT is superimposed.

The scale of the proposed HCT interpretative sculpture is in keeping with the immediate context of the landscape. It will sit at approximately the eave-height of the adjacent Merriman Street terraces (around 6m height). As illustrated in Figures 23, the sculpture will be at a consistent height with the vegetation and plantings of the Barangaroo itself and will be increasingly dwarfed as these trees continue to mature.



Figure 23: View of HCT interpretive device from Merriman St, looking west towards Stargazer Lawn, Barangaroo Reserve



Figure 24: View of HCT interpretive device from Stargazer lawn, Barangaroo Reserve looking east towards Merriman St

While the HCT was demolished in 2017, in assessing the visual impact of the proposed interpretive structure it is reasonable to consider the form and scale of the previous HCT. As outlined in the following extract of the HIS, which is taken from previous heritage investigations, the HCT was considered to visually dominate Millers Point,

The HCT soars above Millers Point and can view into the small-scale houses and gardens that comprise Millers Point. It is incongruous against the fine grain and small scale of the housing.

As outlined in the HIS, the former HCT had an overall height of approximately 87m and sat around 60m above Merriman Street level. By comparison the interpretive device sits around 6m above Merriman Street. As a direct comparison between the previous HCT, the proposed device is considered to have a low comparative visual impact.

While the sculpture is not a direct physical representation of the HCT in terms of height and dimension, it provides an interpretive device to subtly reflect the HCT as a tall feature in the landscape.

The adjacent heritage items on Merriman Street are considered highly sensitive to visual impact, with the key views west towards Darling Harbour potentially impacted by the works. As illustrated in Figure 22, the views west from Merriman Street have already been significantly impeded by the increasing height and bulk of the Barangaroo Reserve tree plantings and vegetation. Both Figures 22 and 23 show the context of the interpretive device within the mature tree plantings of Stargazer Lawn within Barangaroo Reserve, within existing bushy tree growth.

In consideration of the scale of the proposed works, the sensitivity of nearby heritage items and the direct comparison of the works with the visual impact of the HCT prior to demolition, the HIS concludes the interpretive device is considered to have a moderate visual impact. It is considered that the design is as sensitive to the setting and character of the space and with visual impacts minimised as far as reasonably possible while still achieving a HCT interpretation device to subtly reflect the HCT as a tall feature in the landscape and that retains visibility from the adjacent parkland and vantage points.

Having regard to the above, the proposal is considered to have an acceptable visual impact.

6.3 Connecting with Country and Aboriginal Cultural Heritage

The design of the proposal aligns with the GANSW Designing with Country Principles. From the inception of the scheme, the approach to the design has been to create a space that is embedded with Country and embraces the natural landscape.

The co-design was undertaken by Fjmtstudio in close collaboration with Shannon Foster (Bangawarra, **D'harawal Eora Knowledge Keeper and registered Traditional Owner**) and Jake Nash (Murri descendant, Jake Nash Design, and Head of Design for Bangarra Dance Theatre), along with Matte McConnell (Wiradjuri) and Juliette Guadelupe-Foster (Guanani, Dharawal, Dharug, Gadi, Eora, Worimi). Each of whom could speak to the broader priorities of their families and communities. In particular, Shannon and Juliette had informal conversations with Elders in their communities about priorities of the site and program. The Architectural Design Report (Appendix 3) details the Connecting with Country framework and process.

A Draft Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared for the project (Appendix 6). As part of this process, other organisations and individuals were provided the opportunity to register their interest in the project, as a Registered Aboriginal Party (RAP) and provide their feedback and thoughts on the project. This ACHAR process will allow for additional engagement to be conducted with the Aboriginal community, in line with the recommendations of the SDRP.

As part of the Aboriginal engagement outlined in the Engagement Report, the Metropolitan LALC was consulted. A representative of the LALC expressed significant disappointment that the NSW Government was not delivering an Aboriginal Cultural Centre at the Cutaway. It was commented that instead, the proposed Cutaway fitout works would contribute to the existing group of cultural facilities that emphasise 'colonial initiatives'.

In late 2020 and early 2021, the NSW Government facilitated consultation and early feasibility studies, which were led by Aboriginal cultural leaders, to investigate the option for the Cutaway at Barangaroo to be an Indigenous Cultural Centre. This was one of the potential options for the space under consideration at the time. The decision to progress with the Cutaway at Barangaroo as a flexible multi-purpose space was a decision of the NSW Government following a three-phase investigation and consultation process into potential opportunities for the Cutaway.

The Cutaway will hold First Nations cultural events and exhibitions as part of its program, which is consistent with the approach for the development and ongoing curation of Barangaroo.

As outlined in the Social Impact Assessment (SIA) (Appendix 15) the likelihood of grievance with government, hurt, and loss felt by some members of the Aboriginal community due to the Cutaway no longer being developed as an Aboriginal Cultural Centre is likely and the magnitude of this impact is major. In line with the recommendations of the SIA ongoing communication and engagement with the Aboriginal community will be undertaken through the finalisation of the ACHAR process, about opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space.

Draft ACHAR

The Draft ACHAR prepared by Curio Projects (Appendix 6) identified that the current study area does not contain any previously recorded Aboriginal sites and that extensive land modification has removed all archaeological potential. As such, the proposed works have no potential to impact Aboriginal objects, sites or archaeological resources.

The Draft ACHAR found the study area retains intangible cultural values and significance to the Aboriginal Community. While no specific Aboriginal cultural values were identified as part of ACHAR assessment or Aboriginal community consultation, general themes of Aboriginal cultural heritage and significance have been explored and implemented as part of the concept design for the proposal. The use of these themes as well as the recreation of the natural landscape have the potential to enhance the intangible cultural value of the study area through ongoing use and connection by the Aboriginal community. On this basis the ACHAR concludes that the proposed works have no potential to impact the intangible values of the study area but rather the potential to **positively enhance the Aboriginal community's connection to the study area.**

Notwithstanding, ongoing communication and engagement with the Aboriginal community through the ACHAR process, will identify opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space. This will be facilitated through the preparation of an Aboriginal Heritage Interpretation to facilitate a long-term conservation outcome for intangible Aboriginal cultural heritage within the proposal.

6.4 Heritage

As outlined in Section 2.2.4 the broader Barangaroo precinct and surrounding area contains heritage items and heritage conservation areas, this includes a number of State heritage listed items. A Heritage Impact Statement (HIS) has been prepared by Curio Projects and is included at Appendix 8. This HIS considers the impacts of the proposal on the surrounding items of heritage significance in terms of environmental and physical impact. The extract from the HIS in Figures 25 and 26 below, illustrates the heritage items and conservation areas that are adjacent to the general site area which is highlighted in blue.

The demolition of the former HCT and requirement for an interpretation was approved under MP 10_0048 (as modified). The HIS also includes an assessment of the proposed HCT interpretation, which is to be incorporated into the proposal.





Figure 26: Extract from HIS showing heritage listed Dalgety Bond Store under the Eastern Harbour Precincts SEPP

The HIS also includes an assessment of the proposed HCT interpretation structure.

The HIS concludes the following:

- The study area does not contain any heritage listed items but is situated in direct proximity to several State heritage listed heritage conservation area and items.
- The proposed works have been designed to align with Designing with Country Principles.
- The proposed works will have no physical impact on heritage fabric.
- The proposed internal alterations and fitout works will have nil visual impact on nearby heritage listed items.
- The construction of sculptural trees at the main Nawi Cove entry way to the Cutaway have been assessed to have a low visual impact to nearby heritage items.
- The HCT interpretation device (sculptural tree) at the location of the demolished HCT was assessed to have a moderate visual impact on the heritage significance of nearby heritage items, in particular the Millers Point HCA (SLEP), the Millers Point and Dawes Point Village Precinct Conservation Area, a State Heritage Register (SHR) item, and the Merriman Street Terraces, also on the SHR.
- The sculptural tree design is in keeping with the setting and character of the space, and visual impacts have been minimised as far as reasonably possible while still maintaining compliance with the SEARs regarding creation of a physical HCT interpretation.
- When compared directly to the visual impacts of the former HCT prior to demolition, the proposed works are considered to have a positive visual impact on the space.

The HIS recommends a secondary layer of interpretation be developed for the HCT interpretation during the detailed design phase, in consultation with key stakeholders. The secondary layer of interpretation is to respond to the Barangaroo Harbour Control Tower Interpretation Plan, prepared by GML, 2016, as identified in Condition 43 of the consent for MP 10_0048 (as modified).

Having regard to the above, the proposal is considered to have acceptable heritage impacts.

6.5 Social Impacts

A Social Impact Assessment (SIA) has been prepared by WSP Consulting and included at Appendix 15. This SIA has been prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects (2021).

The SIA includes a detailed assessment of all identified impacts of the proposal. The SIA found that many of the negative impacts of high significance were able to be downgraded and many of the positive impacts could be maximised through enhancement measures. The successful implementation of mitigation and enhancement measures will reduce the significance of all high negative impacts to medium or low and will increase the significance of many positive impacts to high or above.

The impacts associated with the construction and operation of the proposal, that were considered as being of high or very high significance, are identified in Table 10 and 11 below, along with the recommended mitigation or enhancement measures.

Operational impacts

Positive social impacts	Enhancement Measure
Event hirers and patrons will enjoy an improved experience of events in the Cutaway with better acoustics, a weather-proof venue space, and inclusion of on-site amenities.	As part of detailed design, continue engaging with hirers to confirm that the proposed equipment, rigging, and back of house addresses their needs.
There will be greater public access to the Cutaway benefitting the broader community, with expanded opening hours, the inclusion of a publicly accessible foyer and café, and fully accessible facilities.	Ensuring the public has access to the Cutaway off event-mode, including smaller spaces and café.
There will be increased access to cultural opportunities for the local and regional community.	
The space may be more affordable for existing and future hirers.	Monitor hire rates and use by community groups
Negative social impacts	Mitigation Measures
Lost opportunity to contribute to affordable opportunities in Sydney, particularly for non-commercial and small hirers.	Engage with small /community groups and organisations, City of Sydney, to understand needs and opportunities to maximise affordable use such as rehearsal space for students and school groups.
Grievance with government, hurt, and loss due to the Cutaway no longer being developed as an Indigenous Cultural Centre, as was initially proposed.	Ongoing communication and engagement with the Aboriginal community through the ACHAR process about opportunities for the Cutaway to maximise the influence of Indigenous culture and heritage through design, naming or wayfinding, management and programming of the space.

Table 10: Operational impacts

Construction impacts

Positive social impacts	Enhancement Measure
There were no positive social impacts of high significance identified during the pre-construction and construction period.	N/A
Negative social impacts	Mitigation Measures
Construction impacting existing and future hirers use of the Cutaway.	<ul style="list-style-type: none"> — Clear and early communication about process, timeframes, alternative options; provide contact details for further information / complaints management. — Work with directly impacted hirers around relocation needs. — Consider and maximise any possible activation of the space during construction (e.g., forecourt, foyer, foreshore promenade, Reserve) to continue temporary outdoor activation, including use by hirers if possible. — Consultation with hirers due to operate during construction is recommended to understand potential implications of works within Barangaroo Reserve and solutions to allow events or programs to go ahead.
Broader community not being able to use the Reserve due to construction nuisances.	<ul style="list-style-type: none"> — Investigate ways to ensure use of the Reserve is unaffected during high periods of use. — Prior to and during construction, ensure adequate complaints mechanism is put in place.
Construction impacts disturbing local amenity for neighbours - noise, vibration, dust, traffic impacts	<ul style="list-style-type: none"> — Implement construction noise mitigation measures outlined in the NVIA — Adequate communication to residents ahead of construction period — Implement measures identified in the final CEMP regarding noise, vibration, dust and works in the public domain.

Table 11: Construction impacts

Cumulative Impacts

The following potential cumulative impacts were identified:

- The ongoing planning and construction of the Barangaroo Metro Station will present a challenge during project construction and may represent additional nuisances for residents and users of the local area, in relation to noise, traffic and dust.
- Identified benefits in relation to livelihoods are likely to be cumulative with other existing and ongoing development in the area that will contribute to the economy and the night-time economy.
- There is potential for consultation fatigue among community members, resulting in limited feedback for this project and potentially others.

6.6 Crime Prevention Through Environmental Design (CPTED)

A Crime Prevention Through Environmental Design (CPTED) Report has been prepared by Urbis and is included at Appendix 7. The report provides an assessment of potential risk areas and recommendations to help reduce opportunities for crime and anti-social behaviour by using design and place management principles. The assessment has been prepared in accordance with the Department of Planning and Environment's (DPE's) **Guidelines for Crime Prevention and the Assessment of Development Applications**.

The assessment found that the proposed fit-out design incorporates the four CPTED principles consisting of surveillance, access control, territorial reinforcement and space management. To further increase safety and reduce crime risk, Urbis recommend consideration of the following in the final design and operation of the proposal:

Detailed design:

- Install surveillance systems (e.g., CCTV) across the site, particularly at entrances, within the proposed gallery space and around back-of-house areas.
- Reduce mirroring effect of existing glazing at night by ensuring internal and external lighting is balanced.
- Implement clear wayfinding signage with definitional legibility throughout all internal and external areas onsite.
- Install security access control on all back-of-house areas to restrict unauthorised access by non-staff members.
- Use clear signage and lighting to create a legible and inviting entrance and ensure the venue is visible from the public domain.
- Ensure lighting is adequate to permit facial recognition via CCTV.

Operations

- Prepare a Plan of Management for the operation of the site and if necessary, obtain a liquor licence if alcohol is to be served on the premises. The Plan of Management should include particulars pertaining to operating hours, service of alcohol, maximum capacities, access and egress arrangements, maintenance and cleanliness.
- Implement safety procedures for workers and contractors accessing the site, including mandatory working with children checks and a sign in/out requirement at the entry to the site.
- Promote the use of the site for a wide range of user groups by ensuring the spaces are flexible and accessible. This will attract a greater number of people to the site which will improve surveillance of

the space. Allow the upper two mezzanine levels to incorporate glazing to permit sightlines over the events space.

- Repair any damage promptly and undertake regular maintenance of all internal and external fixtures and surfaces. Repairs and maintenance should be documented clearly to enforce accountability to relevant staff.
- Maintain all access points, including fire exits and stairs, to ensure they remain in good working order and accessible.
- Encourage a strong staff presence across the facility during the hours of operation to provide access control and organised surveillance over the publicly accessible spaces.
- **Maintain access to and from the café's balcony. More activity on this balcony will provide opportunity for passive surveillance over the main entrance.**

The operational recommendations will be captured in the Plan of Management to be prepared in accordance with DPE's standard conditions of consent.

6.7 Biodiversity

A Biodiversity Development Assessment Report (BDAR) Waiver Request was prepared by Cumberland Ecology (refer to Appendix 4). The Waiver Request concludes that the preparation of a BDAR is not necessary given the low likelihood of impacts to biodiversity values arising from the proposal based on the following:

- The site is a large concrete void located beneath Barangaroo Reserve. A small amount of native vegetation is present within the Site, however, all vegetation occurring has likely propagated from seeds dropping from planted native vegetation above the site, overhanging the roof openings. Vegetation around the roof opening is considered not to be remnant vegetation.

Based upon results of floristic surveys, the existing vegetation is comprised entirely of planted native species within garden beds. Based on aerial imagery, the majority of vegetation has been planted post 1990. The composition, structure, and function of vegetation around the roof openings of the site and the surrounding landscape are considered to have been altered significantly from a near natural state and do not resemble any naturally occurring NSW Plant Community Types (PCTs) known from the locality. No naturally occurring threatened flora species were observed during the site inspection.

- Barangaroo Reserve has little potential to provide habitat for threatened species other than highly mobile, aerial species. Threatened species with the highest likelihood of utilising Barangaroo Reserve include the Greyheaded Flying-fox, Powerful Owl, Eastern Osprey, and Whitebellied Sea-Eagle. These highly mobile species may occasionally and opportunistically utilise the limited foraging resources of Barangaroo Reserve as part of a larger foraging range. Potential roosting habitat is available within the Site for cave-dwelling microbats, however extensive microbat surveys have been undertaken throughout the Site and no microbat roosts were identified. Furthermore, no microbats were recorded within the Site suggesting the Site is also not used by microbats for foraging. The Site also frequently hosts events that produce a large amount of light and noise, with some events continuing to operate late into the night. Potential ingress and egress points via the roof openings and main entrance are significantly reduced due to the presence of netting, with very small gaps present where the netting meets the sandstone wall.

No threatened fauna species were observed during the site inspection and the Site is not considered to support microbat roosts. The Site may provide some marginal foraging habitat for aerial fauna species although access is highly restricted.

- The Cutaway Cultural Facility primarily involves internal works to an existing building. Removal of a small area of planted native vegetation (approximately 80sqm) within the Reserve (Stargazer Lawn) is

required to accommodate the proposed Harbour Control Tower interpretation device. Due to the small size of the area to be removed and the planted nature of the vegetation, mostly comprising of *Lomandra longifolia* (Spiny-headed Mat-rush), and no suitable roosting or foraging habitat for threatened fauna will be impacted. The enclosing of the roof openings may impact the vegetation located around the sandstone wall, however, the majority of these species are exotic, and any native species present within the Cutaway, would have propagated from overhanging vegetation in Barangaroo Reserve.

Consistent with the findings Waiver Request, a BDAR Waiver was issued by the Secretary of DPE on 10 February 2023 and is also included at Appendix 4.

6.8 Transport and Accessibility

A Transport and Accessibility Impact Assessment (TAIA) has been prepared by TTW and is included at Appendix 5. The TAIA includes a Preliminary Construction Traffic Management Plan (CPTMP) which assesses the management of construction vehicles and investigates the local traffic and safety conditions throughout the construction process and is discussed in Section 6.8.1 below.

The TAIA identifies that overall, the traffic, transport and parking impacts of the proposal are considered acceptable. This is attributed to the proposal maintaining the current transport, access and servicing arrangements as the existing temporary events facility, that has been operating since 2016, in accordance with the consent issued by the City of Sydney (Ref DA2015/938). In addition, the operating capacity of the proposed cultural facility is below the maximum operating capacity of the existing temporary events venue.

The assessment of transport impacts was informed by:

- An analysis of the existing site access and servicing arrangements for the Cutaway.
- An analysis of the active transport, public transport and taxis servicing the site and surrounds.
- An analysis of the existing public car park located within the basement levels below the Cutaway, as well as surveys of on-street parking.
- An analysis of the existing road network and traffic conditions. This included traffic data collection for intersections around the site and traffic modelling of existing conditions using SIDRA Intersection 9.0 Network to accurately determine and demonstrate the current performance of the road network near the site.
- An analysis of travel mode habits through surveys and observations of the patrons of the existing temporary events facility and a review of Census Method of Travel to Work data. This data was then used to formulate baseline travel mode splits for broad types of events. These splits included consideration of the new Sydney Metro station at Barangaroo.

Key findings of the potential traffic, parking and transport impacts are summarised below.

Car Parking

The site contains an existing two-level public car park, accessed from Towns Place, across its basement levels. The car park contains 301 parking spaces (145 on Level B1 and 156 on Level B2), including 8 accessible spaces on B1, plus 8 motorbike parking spaces.

The car park is open every day of the week, operating from 5am to midnight Monday to Thursdays, 5am to 1am Fridays, 9am to 1am Saturdays, and 10am to 9:30pm on Sundays and public holidays. The car park is operated by Wilson Parking and charges commercial rates for access, including for regular users and subscribers.

The proposed works will result in a reduction of six (6) parking spaces from 301 spaces to 295 spaces to accommodate the grease arrestor on Level B1 a new main switchroom on Level B2. Site observations during existing events show that even with a full level reserved for a private lease arrangement (and effectively vacant at the time), the remaining car park level operated with some spare capacity. A reduction of 6 spaces, particularly in the context of both levels typically being available, will have virtually no effect on the overall capacity and operation of the car park.

Regarding the maximum car park demand for events, which is around 630 vehicles there are other car parks in the walking distance of the venue, including Barangaroo Point Wilson Parking located at Hickson Road, Millers Point Wilson Parking at Windmill Street and the on-street car parking near the site, that can accommodate the parking required during the events.

Cyclists

Given the proposed development will not increase the capacity of the venue, comparative to the existing temporary events use, an increase in cyclist demand is not expected due to this development. Moreover, based on the census travel data, only 2% of people cycling within Barangaroo area; therefore, the impact of the development on cyclist facilities is negligible.

Road Network and Traffic Impacts

Traffic modelling of the existing conditions was undertaken using SIDRA Intersection 9.0 Network to accurately determine and demonstrate the current performance of the road network near the site. Based on the modelling results, traffic parameters, including the level of service, degree of saturation and delay, at the study intersections are acceptable.

Since the proposal will only increase the frequency of events within the Barangaroo Cutaway and will not increase the capacity from the current temporary events use, there will be no significant growth in traffic performance of the nearby traffic network after the development. Therefore, the study intersections will remain at an acceptable level of service without much higher delay.

Pedestrian access

There are no major pedestrian infrastructure upgrades or modifications as part of this proposal. Furthermore, the proposed development will not increase the capacity of the venue, comparative to the existing temporary events use. Therefore, pedestrian volumes should remain the same as the existing condition, and the pedestrian demand will be accommodated as per the current access arrangements.

Vehicle access and servicing

The proposed works will result in no change to existing access to service vehicle facilities. Access to the site will be retained for service vehicles through the existing entrance at the roundabout intersection of Towns Place/Dalgety Road.

The new fit-out works within The Cutaway will continue to allow access into the site for service vehicles and will be consistent with the existing conditions. However, the works will introduce some new restrictions on the available manoeuvring space for large vehicles within the main hall space.

Articulated vehicle (20m) and Heavy Rigid Vehicle swept paths have been tested which demonstrate that large vehicles will be able to manoeuvre within the site on completion of the fit-out works. As these vehicles would occupy the full width of the facility in a U-turn manoeuvre, vehicle movements may need to be coordinated with furniture and equipment installation to ensure that sufficient space for any required vehicle can be made available.

Public Transport

The proposed works will result in no change to existing public transport facilities and services. Ongoing construction works related to the Sydney Metro station at Barangaroo, and its end-state design, will be unaffected by this proposal.

The proposed development will result in no increase in the capacity of the venue, comparative to the existing temporary events use, however the frequency of the events is expected to increase. The usage of public transport will remain the same as the existing baseline condition, which includes consideration of the upcoming Sydney Metro line. Based on the assumed modal splits, the current public transport and the future metro infrastructure will accommodate the travel demand generated by the proposal.

6.8.1 Construction Pedestrian and Traffic Management Plan

A Preliminary Construction Pedestrian and Traffic Management Plan (PCPTMP) has been prepared by TTW and is included in the TAIA. A summary of the likely construction pedestrian and traffic impacts and mitigation measures are outlined below. It is noted that a final CPTMP will be required to be completed **prior to the commencement of works, consistent with the DPE's Standard Conditions of Consent.**

Construction Hours

Hours of work are to be undertaken in conjunction with the Interim Construction Noise Guidelines, Noise Code of Practice 1992 and City of Sydney Construction Hours. As a mitigation measure and to reduce traffic, working outside of standard hours is proposed. However, prior approvals will be sought from the relevant authorities for these occurrences. Further discussion of the construction hours is provided in Section 6.9 and the Noise and Vibration Impact Assessment (Appendix 10).

Construction Duration

The construction duration for the project is estimated to be 15 months.

Construction Site Access

Construction access to the site from the surrounding road network will occur primarily from the Towns Place roundabout. This allows for large vehicles, including semi-trailers.

Depending on the timing of construction stages, a Work Zone may be required on Merriman Street to facilitate the enclosure of the existing roof openings in the form of a skylight structure. Additionally, Small Rigid Vehicle access route through Munn Reserve could be used to access level 2 mezzanine at Waranara Terrace.

Construction Worker Parking

It is estimated that there will be a maximum workforce of 150 workers at any one time. Once a contractor is appointed, a strategy shall be developed to accommodate worker parking within the existing public car park located below the Cutaway, where possible. The existing on-site car park has a total capacity of 301 parking spaces and may be available subject to commercial agreements between the appointed contractor and Wilson (the car park operator).

While the site does have availability of on-site parking, travel by private vehicle is discouraged, and workers will be advised of alternative transport options and will be encouraged to utilise public transport to and from the site. There is good provision of public transport in close proximity to the site. Workers

choosing to travel by car shall be responsible for finding their own parking and are to park in accordance with all signposted parking restrictions.

Construction Vehicle Routes

Construction vehicles shall be directed to travel on the main road network except where required to reach the construction site. The proposed construction vehicle routes comprise the following:

- Northern approach/departure
 - Approach: Bradfield Highway → York Street → Jamison Street → Kent Street → Town Place
 - Departure: Town Place → Kent Street → Bradfield Highway
- Western approach/departure
 - Approach: Western Distributor → Sussex Street → Hickson Road → Town Place
 - Departure: Town Place → Hickson Road → Sussex Street → Western Distributor

The final construction vehicle routes will be confirmed through the finalisation of the CTMP consistent with the DPE's **Standard Conditions of Consent**.

Traffic Impacts

The delivery of material to and from the site will result in some generated traffic activity associated with the works. It is expected that the heavy vehicles would generally arrive outside of AM and PM peaks, therefore there is no impact on the peak period traffic volume associated with the heavy construction vehicles.

The estimated construction traffic volumes for the standard operation for the worst-case is 22-33 trucks per day. This is equivalent to approximately 2-3 trucks per hour over 11 hours, as a result, increased traffic associated with construction activities will have only minor impacts on the existing road network.

Light vehicle traffic generation would be generally associated with construction staff movements to and from the site. Since Towns Place vehicle movement performance modelling is operating at Level of Service A and the predicted traffic generated during construction is expected to be less than that produced by recent events hosted at the Cutaway, the impact is anticipated to be negligible.

Staff would be comprised of project managers, various trades and general construction employees. Over the full period, the peak workforce represents the worst-case scenario for vehicle movements during the morning and the evening road network peak hour. The workforce arrival and departure periods (6:30 – 7:30AM) and (5:30 – 6:30PM) represent the peak construction traffic periods. Workers will be encouraged to use alternative transport options (non-private vehicle usage).

The construction works will have no impact on traffic flows around the site other than Merriman Street.

During the skylight construction works, access to site will be via Merriman Street. The traffic flow along Merriman Street will be managed with traffic controller and warning signages indicating construction vehicles are active along Merriman Street. Impact is expected to remain limited within Merriman Street as **residents' access will be maintained and wider traffic flows will not be impacted by the managed closure.**

Pedestrian and Cyclist Impacts

The construction will have no impact on pedestrian or cyclist movements externally, other than the construction driveway crossovers, which will be fully traffic controlled during all operational periods. It is

expected that pedestrians and cyclists will be safely re-routed around any footpath closures with clearly marked detours and appropriate signage. Signage should be fitted to communicate to staff and visitors the alternate access points and routes within the site.

Merriman Street and Bettington Street provide pedestrian connectivity to the Barangaroo Reserve. Roadway closures for the roof/enclosure skylight construction works may impact accessibility and permeability in this area. There may be some impact to pedestrian movement, subject to proposed staging of the construction works. While all accesses to the public domain will be maintained, appropriate hoarding and protection measures will be implemented to ensure safety of all users of the area at all times.

Cumulative Impacts

— Barangaroo Metro Construction

Barangaroo Metro station is currently being constructed approximately 25 metres below ground, beneath Hickson Road to the immediate north and east of site. The construction of the station is temporarily disrupting traffic to Hickson Road but there is no proposal to shut down Hickson Road. The construction of Barangaroo Station will be completed in 2024.

During the tree structure installation through the southern main entry via Hickson Road there might be some overlap between the timing of Barangaroo Metro Station works and the Cutaway Facility. Safe and efficient management plan will need to be implemented for communication and operation between the two projects. A detailed Construction Pedestrian and Traffic Management Plan (CPTMP) will be required prior to commencement of construction with consideration of all final design, work stages and a detailed construction methodology would be prepared by the appointed contractor.

Kent Street is not affected by the Metro Station work. Kent Street is approximately 11 metres wide which connects directly to a State Road. The construction of the Cutaway fitout will have no impact on the construction of the Barangaroo Metro Station, as the construction truck movement will not overlap.

— Central Barangaroo and South Barangaroo Construction

The Central and Barangaroo South projects are located directly to the south of site. The existing road network consists of a range of roads, including Watermans Quay, Hickson Road and a provision of temporary construction road (Barton Street).

However, relatively low construction vehicles per day are expected for the proposal through Kent Street. Therefore, in this context of the current traffic movement, there are not expected to be any traffic impacts associated with the construction of central and south Barangaroo.

6.9 Noise and Vibration

A Noise and Vibration Impact Assessment (NVIA) has been prepared by ARUP and is included at Appendix 10. The assessment considers the potential noise and vibration impacts that may result from the construction and operation of the proposal. The surrounding sensitive land uses include residential development to the east, along Merriman Street, Bettington Street and Dalgety Street. A hotel is also located on Bettington Street.

6.9.1 Construction hours

General construction works will be undertaken in accordance with Interim Construction Noise Guideline [2] (ICNG) standard hours of construction as outlined in Table 12 below:

Day	Standard construction hours	Proposed construction hours
Monday to Friday	7.00 am to 6:00 pm	7.00 am to 6:00 pm
Saturdays	8.00 am to 1:00 pm	8.00 am to 5:00 pm
Sundays or Public Holidays	No construction	No construction

Table 12: Hours of Construction

The extension of works outside of standard hours (i.e. 1pm-5pm Saturday) is proposed in order to take advantage of reduced road traffic on Saturdays for truck routes and deliveries. If additional after-hours work is required, approval may be sought from the relevant authorities where special requirements exist, for example oversized deliveries.

6.9.2 Construction Noise and Vibration

Construction Noise

The NVIA includes predictions of noise generated from the various stages of demolition, including installation of skylights, internal fitout and site establishment, have been predicted at surrounding noise sensitive receivers.

Residential receivers along Merriman Street, near the existing roof openings to the Cutaway may be **exposed to noise levels exceeding the ‘highly affected’ management level during some periods of works**, experiencing noise levels in excess of Leq(15min) 75dBA. However, these periods are likely to be limited in duration and frequency. The NVIA include recommendations to mitigate and control construction noise where exceedances of the relevant Noise Management Levels are predicted. This includes the preparation of a detailed Construction Noise and Vibration Management Plan (CNVMP) prior to issue of certification/commencement. The CNVMP is to address:

- The review of modelled construction details and noise and vibration impacts;
- The required scheduling of activities and works having regard to the nearest sensitive receivers;
- The preferred location of plan and equipment to behind structures to maximise shielding to receivers, use and maintenance of preferred equipment;
- Work site training;
- Community location; and
- Traffic impacts.

Construction vehicles will be used for deliveries and to remove waste from the site, with the proposed access points to the site located at:

- The loading dock main entrance at Towns Place for internal activities; and
- Merriman Street for works at street level above the Cutaway.

A limited number of vehicles are anticipated at Merriman Street, with isolated vehicle movements to occur infrequently. Adverse impacts are anticipated to be limited and of a short duration. To assist in mitigating these impacts, the NVIA recommends work is scheduled to ensure high noise activities only occur during

standard construction hours and with consideration of the nearest residential receivers. This will be incorporated into a CNVP required to be prepared in accordance with standard conditions of consent.

An assessment of construction generated traffic demonstrates increases in traffic are predicted to be **‘minor’** and is represented by a less than 2 dBA increase in traffic noise. On this basis lower operational traffic volumes are therefore deemed to comply.

6.9.3 *Operational Noise and Vibration*

The NVIA establishes noise criteria for the operational activities of the proposal and assesses the noise emissions of these activities. The operational noise sources include:

- Loading dock operations;
- Patron and music from internal spaces;
- Building services and external plant; and
- Traffic generated by operation of the site. **The Wilson’s Car Park also operates from the basement** below the Cutaway, with a shared entry with the Cutaway loading dock. The car park operates from 6am to midnight.

A summary of the noise assessment of each source is provided below. Based on this assessment, the NVIA concludes that subject to the implementation of the recommended mitigation measures, the operational noise impacts of the proposal are considered manageable.

Loading dock operations

Exceedances of night time criteria are predicted due to trucks leaving the loading dock, such as following an event. The predicted exceedances are only anticipated for **‘special’ events where ‘bump out’ activities** were time crucial and could not be undertaken the next day, such as following a touring concert event. Night-time vehicle movements outside this scenario would be avoided where possible and would only occur a **limited number of times a year after these ‘special’ events**. Impacts are not anticipated to be higher than current impacts at residences along Dalgety Road due to existing traffic.

To mitigate noise arising from the loading dock operations, the NVIA recommends the following mitigation measures:

- No vehicle movements to and from the Cutaway loading dock shall take place between 10pm and 7am unless required for events where bump out activities at night were crucial.
- Deliveries shall only take place between 7am and 10pm.

Patron and music from internal spaces

There is no NSW noise criteria which specifically addresses music and patron noise. For the assessment of events, which are intended to include music entertainment, the noise criteria established in the NVIA has been based on the current Development Consent (D/2015/938/A, 25 May 2017) issued by the City of Sydney for the temporary use of the Cutaway for events. Outside of these times, patron and music noise have been assessed to the NSW Noise Policy for Industry (NPfI) noise trigger levels, as per other daily operational noise emissions.

The assessment indicates that the internal noise levels are predicted to meet the noise criteria at the surrounding receivers.

The enclosure of the roof voids, which is the key noise emission path, will result in improvements to noise containment of the space. This will enable higher internal noise levels while still meeting the established external noise criteria. Permitted internal noise levels will be dependent on the final glazed skylight construction. Accordingly, the NVIA recommends the maximum internal noise levels shall be reviewed and confirmed during the detailed design stage and confirmed during post-construction testing of the venue. This process and resulting limits shall be captured in an Operational Noise Management Plan to be finalised prior to commencement of operations.

Building services and external plant

No external plant is proposed as part of the development, and new plant will be installed within the existing plantroom to the north of the Cutaway site. All plant noise emissions will require acoustic treatment to comply with NPfI Project Noise Trigger Levels. The nearest affected receivers along Merriman Street overlook the plant inlet and exhaust area.

Noise mitigation treatment is anticipated to be required, including the following:

- Specification of maximum sound power levels for all items of plant as part of the project documentation.
- Use of attenuators to control fan noise at both inlets and outlets.
- Vibration isolators to reduce vibration input to the building structure.
- Incorporation of sound absorptive treatments in plantroom spaces.

Acoustic mitigation measures for building services plant shall be developed at detailed design stage when equipment selections have been finalised and locations confirmed. This can be addressed through the imposition of standard conditions of consent.

Traffic generated by operation of the site

Impacts due to the loading dock operations have been outlined above. No significant increase in operational traffic is anticipated from the proposal.

Potential minor increases in road traffic generated by the operation of the site are anticipated to be less than that generated during the busiest stage of construction. An assessment of construction generated **traffic demonstrates increases in traffic are predicted to be 'minor'** and is represented by a less than 2 dBA increase in traffic noise. Lower operational traffic volumes are therefore deemed to comply.

Vibration

The most significant potential sources of vibration would be loading of large exhibition pieces in both the loading dock and Event Hall, Pre-Function space and Exhibition space. The resulting vibration impacts at surrounding receivers is not anticipated to be high enough to affect human comfort or structural damage at surrounding premises. No vibration mitigation measures are therefore considered necessary and no quantitative assessment has been presented.

6.10 Ecologically Sustainable Development (ESD)

An Ecology Sustainable Design (ESD) report has been prepared by ARUP and is included at Appendix 16. The ESD outlines a strategy that aligns with the sustainability targets of the project and broader Barangaroo Precinct, while identifying opportunities to incorporate further innovative initiatives. An overview of the ESD strategies is provided below.

Carbon

The proposal will align with the Barangaroo Climate Positive Principle of becoming carbon neutral (in operations). To achieve this, the energy strategy for the project focuses on passive design in order to minimise operational energy demand, as well as implementing energy efficient systems and renewable energy use.

Water

The proposal will contribute to the Barangaroo precinct's target of being Water Positive, by exporting more treated recycled water comparative to potable water used.

Circularity and Waste Minimisation

The project will strive to minimise waste through the design, construction, and operation phases and align with the principles outlined in the *NSW Government Decarbonising Infrastructure NSW Discussion Paper* Strategies to reduce embodied carbon and adopt Circular Economy principles during design stage to be explored include:

- Divert at least 90% of construction and demolition waste from landfill;
- Reduce end-of-life demolition waste of the fitout;
- Separation of waste streams;
- Produce Operational Waste Management Plan as part of a green guide for event users guide;
- Ban single use items;
- Design of event spaces to be flexible for different uses;
- Ethically sourced, sustainable materials demonstrating minimised impact on environment - i.e. Best practice standards and chain of custody, such as FSC timber; and
- Material and equipment selection embodied carbon be appropriate for each product life.

Community

Community wellbeing is at the heart of the design of the Cutaway cultural facility. The project is positioned to be a key cultural destination in Sydney connecting local, national and international visitors. The design is **respectful of the site's cultural history and embeds connection to Country.**

Environmental benchmarking - achieving a Green Star rating

The proposal is targeting a 6 Star Green Star rating, which is considered world leadership as defined by the Green Building Council of Australia (GBCA)

The implementation of the strategies will deliver a sustainable development that integrates the principles of ESD as defined in EP&A Regulation.

6.11 Lighting

A Lighting Design Report has been prepared by Steensen Varming and is included at Appendix 9. The report assesses the potential amenity, visual and flora and fauna impacts arising from the proposed internal and external lighting. This includes consideration of obstructive lighting impacts on nearby sensitive receivers, including residents and the Sydney Observatory. Subject to the implementation of the recommended design and operational measures, the assessment indicates that the potential adverse

lighting impacts can be appropriately mitigated in line with *Australian Standard 4282: Control of the obtrusive effects of outdoor lighting*.

6.12 Flooding

A Flood Risk Assessment has been undertaken by GRC Hydro D and s included at Appendix 17. The assessment indicates that the site is not flood affected from external catchment and has a low flood risk. The assessment concludes that development will not cause any impact on existing flood behaviour, and does not require mitigation measures to address its flood risk.

6.13 Water Cycle Management

6.13.1 Stormwater Drainage

The Integrated Water and Management Plan prepared by TTW included at Appendix 13 identifies that the proposed stormwater management works are minor. There is no requirement for the provision of on-site detention. New downpipes and box gutters will be provided for the roof enclosure which will connect to the existing stormwater network within the base building, before discharging to the harbour. The proposal will **not connect to the City of Sydney's existing stormwater network.**

A water quality treatment system will be provided **is consistent with the relevant authorities' requirements** to minimise impacts on the water quality of the harbour.

6.13.2 Soil and Water

The Integrated Water and Management Plan (Appendix 13) identifies the sediment and erosion control management that will be implemented during construction. As the proposal is primarily for a fitout, it will involve minimal excavation. Excavation is limited to previously excavated locations, including existing concrete structure within the Cutaway and paved areas at the forecourt entry around Nawi Cove and the lawn/garden areas of the Stargazer Lawn within Barangaroo Reserve. The excavation is required to accommodate the HCT interpretation within Stargazer Lawn and the new entry forecourt and associated structures.

The proposed sediment and erosion control management is considered to adequately address the potential impacts during construction of the proposed development.

6.14 Contamination and hazardous material

As outlined in Section 2.2.9, previous historic contamination investigations were undertaken as part of the broader approved Concept Plan and the approval and delivery of Barangaroo Reserve.

The Cutaway is a large concrete shell pre-designed for a future use and delivered as part of Barangaroo Reserve. The floor, walls and roof of the space are of concrete construction while the eastern face is of natural sandstone. The extent of excavation and disturbance of the ground plane is limited to previously excavated locations, including existing concrete structure and paved areas at the forecourt entry around Nawi Cove and the lawn/garden areas of the Stargazer Lawn within Barangaroo Reserve. On this basis, it is considered that the potential to encounter contaminated material during the works is unlikely and the proposal does not require further investigations. Notwithstanding, management measures will be implemented during the works to address any unexpected contamination that may be encountered. This can be addressed through standard conditions of consent.

As the construction of the Cutaway was completed in 2015, and the proposal is for internal alterations and fitout of the existing space, the potential for hazardous materials to be encountered during the works is minimal and can be managed through standard conditions of consent.

6.15 Waste Management

A Waste Management Plan (WMP) has been prepared by JBS&G and is included at Appendix 11. The WMP outlines the proposed waste generation from demolition, construction and ongoing operation of the site.

The WMP identifies the likely waste streams to be generated during the construction and operation phases of the proposal. The WMP outlines measures to avoid the generation of unnecessary waste, minimise the volume of waste to be collected, and recycle, reuse and recover waste generated by the proposed works.

The WMP will be compliant with all relevant policy and legislation for waste management, including generation, handling, storage and disposal of all forms of waste. Waste will be collected by a commercial contractor from the existing loading dock accessed via Towns Place.

6.16 Services

Based on an investigation of the capacity of the existing site utilities and services, including water, wastewater, electricity and fire protection services, the Services Infrastructure Report prepared by Aurecon included at Appendix 12, identifies that there is adequate capacity within the existing services to accommodate the demands of the proposal and no upgrades are required.

6.17 Accessibility

MGAC has reviewed the accessibility of the proposal against the AS1428 series, Building Code of Australia (BCA), DDA Access to Premises Standards (including DDA Access Code) and ultimately the Commonwealth Disability Discrimination Act (DDA), which is detailed in the Access Review Report included at Appendix 18.

The review was undertaken to ensure that ingress and egress, paths of travel, circulation areas, and sanitary facilities comply with relevant statutory guideline. The report indicates that the proposal will achieve benchmarks for a higher level of accessibility and inclusiveness, which will be reviewed during ongoing design development to ensure appropriate outcomes are maintained.

6.18 Compliance with the Building Code of Australia (BCA)

Group DLA have reviewed the proposal against the relevant requirements of the Building Code of Australia (BCA), as outlined in the BCA Capability Report included at Appendix 19. The report indicates that the proposed development is capable of achieving compliance with the BCA 2022 (and BCA 2019 Amendment 1 for Section J), and the assessment of compliance of the new works will be assessed as part of the BCA Design Statement of Compliance (Crown Certificate) Stage.

6.19 Construction Impacts

Construction related traffic and noise impacts are addressed in the TAIA (Appendix 5) and NVIA (Appendix 10) and outlined in Section 6.8.7 and 6.9.3 above. This is supplemented by the Preliminary Construction and Environmental Management Plan (PCEMP) prepared by EY included at Appendix 20.

The PCEMP identifies that all works will be undertaken in accordance with the relevant statutory requirements.

A formal construction site will be established prior to the commencement of works on site, which will incorporate the following:

- Temporary site fencing to secure areas not already secured by fencing;
- On-site storage, compounds, site office etc.;
- Connection to temporary services;
- Site amenities;
- Sediment & erosion control measures; and
- Statutory and contact signage.

The PCEMP identifies the environmental and safety controls and measures to be implemented on site to ensure the safety and security of the site and the public and minimise environmental impacts.

A final PCEMP will be required to be completed prior to the commencement of works, consistent with the DPE's Standard Conditions of Consent.

7. Justification of the Project

7.1 Ecologically Sustainable Development

The clause 193 of the EP&A Regulation 2021 lists four (4) principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle.
- Intergenerational equity.
- Conservation of biological diversity and ecological integrity.
- Improved valuation and pricing of environmental resources.

An analysis of these principles is provided below.

Precautionary Principle

The application of the precautionary principle requires an assessment of whether a development will have a threat of serious and irreversible damage and if such a threat exists, scientific uncertainty should not be used as a reason for postponing measures to prevent environmental degradation.

This EIS has not identified any serious threat of irreversible damage to the environment that would arise from the proposal. On this basis, the precautionary principle does not require further consideration for the subject proposal.

Intergenerational Equity

Inter-generational equity requires that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal seeks to benefit both existing and future generations through:

- Delivering a premier cultural facility within Sydney, to develop and support civic uses, arts and culture, while connecting local, national and international visitors. The design is respectful of the site's **cultural** history and embeds connection to Country.
- Providing for new local employment opportunities during the construction and operational phases.
- Adoption of an ESD strategy to ensure the proposal aligns with the sustainably targets of the broad Precinct as outlined in Section 6.10 and ESD Report (Appendix 16) relating to carbon neutral, Water Positive, Green Star and waste minimisation.
- Adoption of impact mitigation measures to ensure environmental values are maintained and improved as a result of the development for future generations.

Conservation of biological diversity and ecological integrity

This requires that conservation of biological diversity and ecological integrity are a fundamental consideration for development. As outlined in Section 6 of this EIS and evidenced by the BDAR Waiver Request prepared by Cumberland Ecology and the BDAR Waiver granted by the Secretary of DPE at

Appendix 4, the proposal will not have any significant effect on the biological diversity and ecological integrity of the study area.

Improved valuation, pricing and incentive mechanisms

The principle of internalising environmental costs into decision making requires consideration of all environmental resources which may be affected by the carrying out of a project, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance.

7.2 Consistency with Strategic Context

The proposal is consistent with the relevant strategic planning framework and guidelines at the metropolitan, regional, and local level as demonstrated in Section 2.3 this EIS.

The proposal aligns with the objectives of the NSW State and Premier's Priorities and the State Infrastructure Strategy seeking to enhance the night time and visitor economy and increase tourism and job opportunities. The proposal is also consistent with other key strategic policies, including the Greater Sydney Region Plan, the Eastern City District Plan and the Connecting with Country Draft Framework.

In line with the Future Transport Strategy 2056, the proposed cultural facility responds to the enhanced accessibility that will be afforded by the Sydney Metro infrastructure, with the Barangaroo Station located within 100m of the Cutaway.

The delivery of cultural facility also aligns with directions and priorities outlined in the City of Sydney's Sustainable Sydney 2030-2050 and LSPS.

7.3 Compliance with Statutory Requirements

Section 4 and Attachment 2 of the EIS considers all the applicable legislation as stipulated in the Secretary Environmental Assessment Requirements (SEARs). The proposal is consistent with the following legislation and environmental planning instruments:

- Environmental Protection and Biodiversity Conservation Act 1999.
- Environmental Planning and Assessment Act 1979.
- Biodiversity Conservation Act 2016.
- Eastern Harbour Precincts State Environmental Planning Policy (Precincts SEPP)
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning (Resilience and Hazards) 2021.

The proposal is also consistent with the Concept Plan, in that:

- It contributes to the delivery of a minimum of 12,000m² of community uses that is required to be provided within the Precinct;
- It does not alter the maximum GFA of 602,354m² applying across the site;
- It does not alter the allocations of GFA for residential, tourist, retail and active uses across the site; and
- It does not alter the GFA block allocations applying to each of the development Blocks 1-7.

EP&A Regulations

The EIS has addressed the specification criteria within clause 190 and clause 192 of the EP&A Regulation. The EIS has addressed the principles of ecologically sustainable development applying Clause 193 of the EP&A Regulation and outlined in Section 7.1 above.

7.4 Consultation

Section 5.0 of the EIS details the engagement that has been undertaken in the formulation of the project. Engagement has been undertaken with the following key stakeholders:

- Government agencies, including Placemaking NSW, Government Architect NSW, Department of Planning and Environment (DPE), Transport for NSW, Sydney Ports, and the City of Sydney.
- Metropolitan Local Aboriginal Land Council; Aboriginal knowledge holders, community members and interest groups.
- The general public, and local and neighbouring community interest groups, including Millers Point Resident Action Group and Walsh Bay Precinct Management Association.

The outcomes of the consultation process have been considered in the design of the project. It is anticipated that further consultation will be undertaken in the post-lodgement phase.

In accordance with the Regulations, the EIS will be placed on formal public exhibition. Following this exhibition period, the applicant will respond to any matters raised by notified parties.

7.5 Likely Impacts of Development

Social and Economic

The social and economic impacts and benefits associated with the proposed development include:

- Improved amenity and functionality of an existing government asset that has been earmarked for a cultural facility. The proposal will optimise the existing Cutaway by enhancing the capability of the space to host a wider range of events, allow for greater utilisation throughout the year, and improve the experience of patrons and operators using the space.
- Developing and enhancing civic uses, arts and culture at Barangaroo and supporting the surrounding cultural precincts, including the Walsh Bay cultural precinct, by fostering collaboration between creative and cultural industries.
- Additional employment opportunities in consultancy, construction and operation.
- Enhancing the night-time economy of Barangaroo through a range of events, supported by food and beverage offering.
- Increased visitation and tourism to Barangaroo, Sydney and NSW with a range of cultural attractions and events.
- Increased access to cultural opportunities for the local and regional community.

Environmental

The environmental impact assessment of the proposed development has demonstrated that:

- The proposal will generate limited environmental impacts, due to it being accommodated within and existing concrete void located beneath Barangaroo Reserve which is presently being used for temporary events.
- A low likelihood of impacts to biodiversity values of the site or surrounding area.

As outlined in Section 6, the potential impacts can be mitigated, minimised or managed through the measures detailed in Attachment 4 to this EIS.

7.6 Suitability of the Site for the Development

The site is considered highly suitable for the proposed development for the following reasons:

- It is a large concrete shell, pre-designed for a future cultural use in accordance with Major Project application No. MP10-0048 , and is currently being used as temporary events space. Since 2016, the site has been used as a temporary events space and the proposal seeks to formalise the ongoing use of the site as a premier cultural facility housing a range of events.
- The proposed development will not result in any unacceptable or material environmental impacts in relation to adjoining and surrounding properties, particularly in terms of overshadowing, views, privacy and solar access.
- The local road network and key intersections have been assessed to be able to accommodate the traffic volumes generated by the proposal, without adverse impact on performance or safety.
- The operational and construction noise impacts arising from proposal are manageable. subject to the implementation of the recommended mitigation measures,

7.7 The Public Interest

The proposed development is considered to be in the public interest for the following reasons:

- It will deliver significant public benefit, by enhancing the capability of the Cutaway to host a wider range of events and activities and increase the communities access to cultural opportunities.
- It will deliver significant social and economic impacts as outlined in Section 7.5 above.
- It represents the economic and orderly development of land as it will optimise the utility an existing government asset.
- The proposal aims to achieve a high level of environmental performance including targeting a 6 Star Green Star rating.
- It can be concluded that on balance, the benefits of the proposal outweigh any adverse impacts and as such, the development is in the public interest.

8. Conclusion

The Environmental Impact Statement (EIS) has been prepared to consider the environmental, social and economic impacts of the proposed Cutaway Cultural Facility. The EIS has addressed the issues outlined in the SEARs (Attachment 1) and in accordance with the EP&A Regulation, which demonstrates:

- The proposal is consistent with the NSW State Priorities, State Infrastructure Strategy, District Plan and City of Sydney Local Strategic Planning Statement. It will deliver a premier cultural facility within a highly accessible location and will contribute to an enhanced night time and visitor economy, while increasing access to arts and culture for the community.
- The proposal exhibits design excellence and has been developed in close collaboration with Aboriginal knowledge holders, to create a space that is embedded with Country and embraces the natural landscape, consistent with the Connecting with Framework.
- The proposal is permissible and complies with the controls and provisions of the relevant statutory planning instruments, including the Eastern Harbour Precincts SEPP (Precincts SEPP).
- The proposal is consistent with the with the Concept Plan as it will contribute to the provision of community uses to enhance the cultural experience within the Barangaroo Precinct.
- The assessment of the proposal has demonstrated that the development will not result in any environmental impacts that cannot be appropriately managed through the mitigation measures.
- The proposal is consistent with the principles of ecological sustainable development as defined by section 193 of the EP&A Regulation.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and is requested that the application be approved approval, subject to appropriate conditions of consent, including the implementation of stated mitigation measures.

9. Attachments

Attachment 1: SEARs Compliance Table

Secretary's Environmental Assessment Requirements		
Development Details		
Application Number	SSD-47498458	
Project Name	The Cutaway Cultural Facility, Barangaroo	
Project Description	Fit out and enclosure of the existing roof openings in the Cutaway to accommodate a cultural facility.	
Location	The Cutaway, Barangaroo within City of Sydney Part Lot 52 in DP 1213772	
Applicant	Infrastructure NSW	
Date First Issued	16 September 2022	
Date of Expiry	Two years from date of issue	
Key Issues and Documentation		
Issue and Assessment Requirements	Documentation	Response / EIS Reference
1. Statutory Context <ul style="list-style-type: none">— Address all relevant legislation, environmental planning instruments (EPIs) (including proposed EPIs), plans, policies and guidelines.— Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.— If the development is only partly State significant development (SSD) declared under clause 8(1) of the State and Regional Development SEPP, provide an explanation of how the remainder of the development is sufficiently related to the component that is SSD.— Address the requirements of any approvals applying to the site, including the Barangaroo concept approval MP 06_0162.	— Address in EIS	Section 4 Attachment 2
2. Capital Investment Value and Employment <ul style="list-style-type: none">— Provide a detailed calculation of the capital investment value (CIV) of the development, prepared by a qualified quantity surveyor.— Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided.	— Cost Summary Report	Refer to Cost Summary Report prepared by WT Partnership, separately provided.
3. Design Quality <ul style="list-style-type: none">— Demonstrate how the development will achieve:<ul style="list-style-type: none">o design excellence in accordance with any applicable EPI provisions.o good design in accordance with the seven objectives for good design in Better Placed.— Where required by an EPI or concept approval, or where proposed, demonstrate how the development has been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence	<ul style="list-style-type: none">— Design Excellence Strategy (where design excellence is required by an EPI)— Competition Report (where a competitive design process will be held)— Design Review Summary (where the project has and will	Section 6.1.1, Appendix 3 Section 3.14 Appendix 3

Strategy. Recommendations (from the jury or Design Integrity Panel) are to be addressed prior to lodgement.		be reviewed by the SDRP)
<ul style="list-style-type: none"> — In all other instances, demonstrate that the development has been reviewed by the SDRP. Recommendations are to be addressed prior to lodgement. 		
4. Built Form and Urban Design	<ul style="list-style-type: none"> — Architectural drawings — Design Report — Survey Plan — Building Code of Australia Compliance Report — Accessibility Report — CPTED Report — Schedule of Materials and finishes — Landscape plan (if required) — A Tree Protection Specification and Plan (if required) 	<p>Appendix 3, Section 6.1,</p> <p>Appendix 2</p> <p>Appendix 19</p> <p>Appendix 18</p> <p>Appendix 7</p> <p>Appendix 3</p> <p>Appendix 3</p>
<ul style="list-style-type: none"> — Demonstrate how the proposal responds to Aboriginal cultural connections to Country, having regard to the commitment and principles for action in the Draft Connecting with Country framework. — Explain and illustrate the proposed built form, including a detailed site and context analysis to justify the proposed site planning and design approach. — Demonstrate how the proposal addresses and responds to the context, site characteristics, public domain, streetscape and existing and future character of the locality. — Demonstrate how services, including mechanical plant, is integrated into the design of the development. — Assess how the development complies with the relevant accessibility requirements. — Address any change to landscaping / public domain and impacts / protection of existing trees. — Consider the microclimate, and plant selection based on available light levels for any proposed landscaping. — Address how Crime Prevention through Environmental Design (CPTED) Principles are to be integrated into the development, in accordance with Crime Prevention and the Assessment of Development Applications Guidelines. 		
5. Operational details	<ul style="list-style-type: none"> — Address in EIS 	Section 3.9
<ul style="list-style-type: none"> — If approval for the land use is sought, provide operational details for the development, including any ancillary uses, including but not limited to, typical events to be held, hours of operation, patron capacity, any music to be provided on the premises, proposed lighting, illumination, liquor licencing requirements, etc. — Provide detail of any signage (if proposed) 		
6. Environmental Amenity	<ul style="list-style-type: none"> — Architectural drawings — Design Report 	<p>Appendix 3</p> <p>Section 6, Appendix 9</p> <p>Appendix 10</p>
<ul style="list-style-type: none"> — Address how good internal and external environmental amenity is achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces. — Assess amenity impacts on the surrounding locality, including lighting impacts, noise, vibration and visual privacy. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. 		
7. Visual Impact	<ul style="list-style-type: none"> — Visual Analysis — Visual Impact Assessment 	<p>Appendix 3,</p> <p>Appendix 8</p> <p>Section 6.2.1</p>
<ul style="list-style-type: none"> — Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed development. The analysis should include views from and to adjacent heritage buildings, landmarks and spaces. 		

<ul style="list-style-type: none"> — Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that assesses and justifies the impacts of the development on the existing catchment. 		
<p>8. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> — Identify how ESD principles (as defined in section 7(4) of Schedule 2 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development. — Demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards. — Demonstrate how the development minimises greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources. 	<p>— ESD Report</p>	<p>Appendix 16, Section 6.10</p>
<p>9. Traffic, Transport and Accessibility</p> <ul style="list-style-type: none"> — Provide a transport and accessibility impact assessment, which includes: <ul style="list-style-type: none"> o an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections. o details of the proposed development, including existing and proposed pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading. o analysis of the impacts of the proposed development (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments. o measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any 	<p>— Transport and Accessibility Impact Assessment</p>	<p>Appendix 5,</p>

<p>infrastructure improvements in accordance with relevant standards.</p> <ul style="list-style-type: none"> o mode share targets and proposals to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high quality end-of-trip facilities, and implementing a Green Travel Plan o specify how loading will occur within the cultural space (if this is required), including swept paths of the largest vehicle and confirmation that the floor of the cultural space can structurally support the heaviest load expected. 		
<p>9. Biodiversity</p> <ul style="list-style-type: none"> — Assess any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land. — If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification. 	<ul style="list-style-type: none"> — Biodiversity Development Assessment Report or BDAR Waiver 	<p>Appendix 4</p>
<p>10. Noise and Vibration</p> <ul style="list-style-type: none"> — Provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented. 	<ul style="list-style-type: none"> — Noise and Vibration Impact Assessment 	<p>Appendix 10</p>
<p>11. Construction impacts</p> <ul style="list-style-type: none"> — Provide an assessment of likely construction impacts including hours of work, noise, vibration, traffic and pedestrian, air quality, soil, water and waste management. — Address cumulative impacts associated with the proposal, Barangaroo Metro Station, and other works within Central Barangaroo and Barangaroo South. 	<ul style="list-style-type: none"> — Preliminary Construction Environmental Management Plan — Preliminary Construction Pedestrian and Traffic Management Plan 	<p>Appendix 20</p> <p>Appendix 5</p>
<p>12. Stormwater and Wastewater</p> <ul style="list-style-type: none"> — Provide an Integrated Water Management Plan for the development that: <ul style="list-style-type: none"> o is prepared in consultation with council and any other relevant drainage or water authority. 	<ul style="list-style-type: none"> — Integrated Water Management Plan 	<p>Appendix 13</p>

<ul style="list-style-type: none"> ○ details the proposed drainage design for the site including any on-site treatment, reuse and detention facilities, water quality management measures, and the nominated discharge points. ○ demonstrates compliance with council or other drainage or water authority requirements and avoids adverse impacts on any downstream properties, including during construction. <p>— Where drainage infrastructure works are required that would be handed over to council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards, the local council or other drainage or water authority.</p>		
<p>13. Flooding Risk</p> <ul style="list-style-type: none"> — Identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the NSW Floodplain Development Manual. — Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. 	<p>— Flood Risk Assessment (if required)</p>	<p>Appendix 17</p>
<p>14. Waste Management and Servicing</p> <ul style="list-style-type: none"> — Identify, quantify and classify the likely waste streams to be generated during construction and operation. — Provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. — For operational waste, detail storage and collection arrangements, including the number of bins required, collection frequency, responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage, and security of storage areas. Identify a separate space in a room or screened area for the storage and management of operational bulky waste. — Identify appropriate servicing arrangements for the site. — If buildings are proposed to be demolished or altered, provide a hazardous materials survey. 	<p>— Waste Management Plan</p> <p>— Hazardous Material Survey (if required)</p>	<p>Appendix 11</p> <p>Section 2.2.9,</p>
<p>15. Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> — An assessment of cultural values must be undertaken to identify and describe the values for Aboriginal people who have a cultural association with the land, in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). The assessment must review relevant previous investigations of the development area and historical research to identify aspects of Aboriginal use and occupation before European arrival and since. As relevant, the assessment must also identify: 	<p>— Aboriginal Cultural Heritage Assessment Report</p>	<p>Appendix 6</p>

<ul style="list-style-type: none"> ○ aspects of the development area that may have influenced past Aboriginal settlement, e.g. waterways, former and current areas, features and landforms that are associated with Aboriginal cultural values; ○ sites or places of significance identified in Aboriginal oral history, and the activities that occurred; and ○ any other intangible cultural heritage associations with the development area and themes, messages and storylines across the development and the landscape of which the Cutaway, Barangaroo forms a part. 		
<p>16. Environmental Heritage</p> <ul style="list-style-type: none"> — Where there is potential for direct or indirect impacts on the heritage significance of items of environmental heritage, provide a Statement of Heritage Impact prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. — Detail the proposed interpretation of the Harbour Control Tower, prepared in consultation with City of Sydney Council. 	<ul style="list-style-type: none"> — Statement of Heritage Impact — Heritage Interpretation Plan 	<p>Appendix 8</p> <p>Section 3.7.4</p>
<ul style="list-style-type: none"> — 17. Social Impact — Provide a Social Impact Assessment prepared in accordance with the Social Impact Assessment Guidelines for State Significant Projects. 	<ul style="list-style-type: none"> — Social Impact Assessment 	<p>Appendix 15</p>
<p>18. Infrastructure Requirements and Utilities</p> <ul style="list-style-type: none"> — In consultation with relevant service providers: <ul style="list-style-type: none"> ○ assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site. ○ identify any infrastructure upgrades required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained. ○ provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be coordinated, funded and delivered to facilitate the development. 	<ul style="list-style-type: none"> — Infrastructure Delivery, Management and Staging Plan 	<p>Appendix 12</p>
<p>19. Construction and Operation Staging</p> <ul style="list-style-type: none"> — If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated. 	<ul style="list-style-type: none"> — Address in EIS 	<p>Section 3.9, Section 6.8 Section 6.9.1</p>
<p>20. Contributions and Public Benefit</p> <ul style="list-style-type: none"> — Address the requirements of any relevant contribution plan(s), existing planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposal for further material public benefit. 	<ul style="list-style-type: none"> — Address in EIS 	<p>Section 4. 1.3</p>

-
- Any draft planning agreement must be prepared in accordance with the Planning Agreements Practice Note, February 2021.
 - Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including how comments have been addressed, are to be provided.
-

21. Engagement

— Engagement Report Appendix 14

- Detail engagement undertaken and demonstrate how it was consistent with the Undertaking Engagement Guidelines for State Significant Projects.
 - Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with:
 - the relevant Department assessment team.
 - any relevant local councils.
 - any relevant agencies.
 - the community.
 - if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation.
-

Attachment 2: Statutory Compliance Table

Development approval is sought for the project under the State Significant Development provision of Part 4 of the *EP&A Act 1979*. The Table below outlines the project's key statutory requirements.

Matter	Comment
Permissibility	<p>The site is located under the Barangaroo Reserve and is zoned RE1 Public Recreation under the State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (Precinct SEPP).</p> <p>The proposal is associated within the ongoing development of Barangaroo, as approved under the Concept Plan MP06_0162.</p> <p>The proposed cultural facility will host a broad range of events and activities and is categorised as a combination of the following land use definitions uses:</p> <ul style="list-style-type: none"> — <i>'Community facility' means a building or place—</i> <ul style="list-style-type: none"> (a) <i>owned or controlled by a public authority or non-profit community organisation, and</i> (b) <i>used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</i> — <i>'entertainment facility' means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.</i> — <i>'Information and education facility' means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.</i> <p>The land uses that are permissible within the RE1 zone with consent are listed below and includes community facilities, entertainment facilities and information and education facilities.</p> <p><i>business identification signs; charter and tourism boating facilities; <u>community facilities</u>; earth works; <u>entertainment facilities</u>; environmental facilities; environmental protection works; filming; flood mitigation works; food and drink premises; function centres; <u>information and education facilities</u>; 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).</i></p> <p>While it is noted that food and drink premises are permissible with consent, the proposed café will form an ancillary and incidental component of the cultural facility.</p>
Power to grant consent	<p><i>Environmental Planning and Assessment Act 1979</i></p> <p>The EP&A Act establishes the assessment framework for SSD. Section 4.12(8) requires that Development Applications for SSD be accompanied by an EIS. Matters relevant to the preparation of an EIS (including the application for SEARs) are set out under the EP&A Regulation.</p> <p>Pursuant to Section 4.5(a) the Minister for Planning and Homes is the consent authority for SSD, or the Minister's Delegate.</p> <p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>

Matter	Comment																
	<p>The proposed development has a capital investment value of more than \$10 million and is located within the Barangaroo Precinct, and accordingly is State Significant Development pursuant to clause 3 of Schedule 2 of the Planning Systems SEPP.</p> <p><i>Consent authority</i> Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP stipulate that the consent authority is the Minister for Planning if an SSDA is made by or on behalf of a public authority. This application is made by Infrastructure NSW, which is a public authority.</p>																
	<p><i>Consistent Approvals</i> Section 4.42 of the EP&A Act identifies authorisations cannot be refused if they are necessary for carrying out State Significant Development. The following lists legislative approvals under Section 4.42, which due to the nature of the project, are not required.</p> <table> <tr> <th>Act</th><th>Approval Required</th></tr> <tr> <td>Fisheries Management Act 1994</td><td>No - NA</td></tr> <tr> <td>Mine Subsidence Compensation Act 1961</td><td>No - NA</td></tr> <tr> <td>Mining Act 1992</td><td>No - NA</td></tr> <tr> <td>Petroleum (Onshore) Act 1991</td><td>No - NA</td></tr> <tr> <td>Protection of the Environment Operations Act 1997</td><td>No - NA</td></tr> <tr> <td>Roads Act 1993</td><td>No - NA</td></tr> <tr> <td>Pipelines Act 1967</td><td>No - NA</td></tr> </table>	Act	Approval Required	Fisheries Management Act 1994	No - NA	Mine Subsidence Compensation Act 1961	No - NA	Mining Act 1992	No - NA	Petroleum (Onshore) Act 1991	No - NA	Protection of the Environment Operations Act 1997	No - NA	Roads Act 1993	No - NA	Pipelines Act 1967	No - NA
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Other approvals	<p><i>Approvals not required for State Significant Development</i> Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for SSD. Regardless, the due to the nature of the project, even it was not SSD, the approvals would not be required.</p> <table> <tr> <th>Act</th><th>Approval Required</th></tr> <tr> <td>Fisheries Management Act 1994</td><td>No - NA</td></tr> <tr> <td>Heritage Act</td><td>No - NA</td></tr> <tr> <td>Rural Fires Act 1997</td><td>No - NA</td></tr> <tr> <td>National Parks and Wildlife Act 1974</td><td>No - NA - see comment below</td></tr> <tr> <td>Water Management Act 2000</td><td>No - NA</td></tr> </table>	Act	Approval Required	Fisheries Management Act 1994	No - NA	Heritage Act	No - NA	Rural Fires Act 1997	No - NA	National Parks and Wildlife Act 1974	No - NA - see comment below	Water Management Act 2000	No - NA				
Act	Approval Required																
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National Parks and Wildlife Act 1974	No - NA - see comment below																
Water Management Act 2000	No - NA																

Matter	Comment
	<p>With regard to the National Parks and Wildlife Act 1974, the proposal primarily involves internal works to an existing concrete shell structure located beneath Barangaroo Reserve and above an existing carpark. Any excavation works will be limited to interventions into the existing concrete structure and previously disturbed areas within Stargazer and will not disturb any Aboriginal objects or places. Notwithstanding, a Draft Aboriginal cultural Heritage Assessment Report has being prepared by Curio Management to assess the tangible and intangible values of the site (refer to Appendix 6). Furthermore, the proposal has also been informed by a Designing within Country framework, to ensure the design approach and manifestation responds to the Aboriginal cultural connections to Country that exist specifically to the Cutaway and more broadly to this place in Sydney.</p> <hr/> <p><i>EPBC Approval</i></p> <p>The Environmental Protection and Biodiversity Act 1999 (EPBC Act) provides a legal framework to protect and manage matters of national environmental significance (MNES), which include nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as MNES. If the proposed development will, or is likely, to impact a MNES, then it is required to be referred to the Federal Development of the Environment for assessment to determine if it constitutes a 'controlled action' requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the EPBC Act.</p> <p>The project is not likely to impact any MNES. Therefore, the project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.</p>
<p><i>Pre-Conditions prior to granting consent</i></p>	<p><i>Biodiversity Conservation Act 2016</i></p> <p>Pursuant to 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), an SSDA is required to be accompanied by a biodiversity development assessment report (BDAR). However, a BDAR waiver may be granted should it be determined by DPE and the DPE Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values. A BDAR Waiver was granted by the Secretary of DPE on 10 February 2023 (Appendix 4).</p> <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i></p> <p>The Resilience and Hazards SEPP requires the consent authority to consider whether the subject land of any development application is contaminated and whether it can be suitable for the intended use. The Cutaway is a large concrete shell pre-designed for a future use and delivered as part of the Barangaroo Reserve. The floor, walls and roof of the space are of concrete construction while the eastern face is of natural sandstone.</p> <p>The proposal involves the internal fit out and infill of the roof openings. Minimal excavation is proposed and is limited to previously disturbed locations, including existing concrete structure within the Cutaway and paved areas at the forecourt entry around Nawi Cove and the lawn/garden areas of the Stargazer Lawn within Barangaroo Reserve. On this basis it is considered that the proposal is appropriate for the proposed use and satisfies the provisions of the Resilience and Hazards SEPP with regard to potential onsite contamination.</p>

Matter	Comment
Mandatory matters for consideration	<p><i>Environmental Planning and Assessment Act 1979</i></p> <p><u><i>Relevant objects of the EP&A Act 1979</i></u></p> <p>The proposal is consistent with the relevant objectives of the EP&A Act 1979 for the following reasons:</p> <ul style="list-style-type: none"> — It allows for the orderly economic development of a government asset for a premier cultural facility within a large concrete shell, pre-designed for a future cultural use in accordance with Major Project application No. MP10-0048, and which currently being used as temporary events space. — It allows for additional employment opportunities throughout the construction and operation phases. — It will facilitate ecologically sustainable development. — It achieves design excellence with a high-quality design outcome that embeds Country. — It increases access to cultural opportunities for the community. <p>The proposed development is consistent with Division 4.7 of the EP&A Act, particularly for the following reasons:</p> <ul style="list-style-type: none"> — The development has been declared to have state significance. — The development is not prohibited by an environmental planning instrument. — The development has been evaluated and assessed against the relevant heads of consideration under Section 4.15(1), as outlined in this table. <p><i>Environmental planning instruments</i></p> <p>Key environmental planning instruments applying to the site and proposed development requiring consideration are identified below.</p> <p><u><i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (Eastern Harbour Precincts SEPP)</i></u></p> <p>The Eastern Harbour Precincts SEPP is the principal planning instrument applying to the site and Barangaroo Precinct. As outlined above and in 4.1.1, the proposal is permissible with the RE1 Zone Public Recreation Zone applying to the site, and is consistent with following provisions contained in <i>Appendix 5 Barangaroo site</i> of the SEPP:</p> <p><u><i>Objectives of the RE1 Public Recreation Zone (subclause (9(1))</i></u></p> <p>The proposal is consistent with the relevant objectives of the RE1 zone as:</p> <ul style="list-style-type: none"> — It does not impact on the ability to use RE1 zoned land within the Precinct for public open space and recreational purposes, including Barangaroo Reserve. — The cultural facility will accommodate a range of activities and land uses that are compatible with the recreational functions of Barangaroo Reserve and the RE1 zoned land across the Precinct. — It does not adversely impact on the natural environment of the harbour. — It contributes to the vitality and safety of the community and public domain with increased activation and surveillance of the adjacent adjoining public. — It does not impact on access along the foreshore which is currently provided via Wulugul Walk.

Matter	Comment
	<p><u>Height of building (subclause 17)</u></p> <p>There is no height control applying to the site.</p> <p><u>Gross floor area requirements (subclause 18)</u></p> <p>There is no gross floor area control applying to the site.</p> <p><u>Design Excellence (subclause 19)</u></p> <p>The proposal exhibits design excellence having regard to the considerations outlined in 19(2)(a)-(c) as demonstrated in the Architectural Design Report included at Appendix 3.</p> <p>The proposal does not involve the erection of a new building on a site greater than 1,500m² or with a height exceeding RL57 and consequently does not trigger the requirement for a design competition under subclause 19(3).</p> <p><u>Heritage conservation (subclause 21)</u></p> <p>The site is not identified as a heritage item under subclause 21.</p> <p>Notwithstanding, as the site is located within the vicinity of heritage items and heritage conservation areas, a Heritage Impact Statement (HIS) has been prepared by Curio Projects (Appendix 8). Based on the findings and conclusions of the HIS, the proposal does not have unacceptable heritage impacts.</p>
	<p><u><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)</i></u></p> <p>The Biodiversity and Conservation SEPP provides a planning framework to manage and improve environmental outcomes for Sydney Harbour and its tributaries.</p> <p>The site is located within the Sydney Harbour Catchment area and the Foreshores and Waterways area. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP). This requires consideration of the provisions of Chapter 10 - Sydney Harbour Catchment with regards to the maintenance, protection and enhancement of views, biodiversity, public access and relationship with the waterway and foreshore uses. The consistency of the proposal with these provisions is outlined in Attachment 2. Given proposed works are for the internal fit out of the existing void space, infill of the roof and entry openings the proposal will not impact on the views or visual qualities of the harbour, foreshore or waterway zone.</p>

Matter	Comment
	<p><u>State Environmental Planning Policy (Transport and Infrastructure) 2021(Transport and Infrastructure SEPP)</u></p> <p>The Transport and Infrastructure SEPP provides that the consent authority is to have regard to the following matters of consideration, where relevant:</p> <ul style="list-style-type: none"> — Development near proposed Metro stations (clause 2.103 of Division 15). <p>As the proposal is adjacent to the Barangaroo Metro station, which is currently under construction, it necessary to consider this provision. As discussed further, given the nature of the works being largely internal it is not expected to impact on access to or egress from Barangaroo Metro Station, or broader operation of the station. External works within general proximity to station is limited to the two feature trees at the forecourt entry. These structures are approximately 60 metres from the station and will not obstruct access to or from the station.</p> <hr/> <p><u>Relevant Approvals</u></p> <p>Pursuant to Section 4.24(2) of the <i>EP&A Act 1979</i> the determination of any further development application in respect of the site cannot be inconsistent with the Concept Plan (as modified)</p> <p>As detailed below, the proposal is consistent with the approval Concept Plan.</p> <p><u>Terms of Approval</u></p> <p>The Terms of Approval of the Concept Plan are contained in Part A of Schedule 2. The conditions that are relevant to this proposal are described below.</p> <p><u>Condition A1 Development Description</u></p> <p>Condition A1 describes the key elements of the approved Concept Plan.</p> <ol style="list-style-type: none"> (1) A mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), including: <ol style="list-style-type: none"> (a) a maximum of 191,031 sqm of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South; (b) a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South; (c) a maximum of 34,000sqm of GFA for retail uses of which a maximum of 30,000 sqm will be in Barangaroo South; (d) a maximum of 5,000 sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and (e) a minimum of 12,000sqm GFA for community uses. (2) Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including an approximate 2.2km public foreshore promenade. (3) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone. (4) Public domain landscape concept, including parks, streets and pedestrian connections. (5) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour. (6) Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.

Matter	Comment
	<p>(7) No approval is granted or implied for the future use of a heliport and/or a helipad MOD 9 amendment to MP06_0162.</p> <p>The proposal is consistent with Condition A1 as:</p> <ul style="list-style-type: none"> — It does alter the maximum GFA of 602,354m² applying across the site. — It will contribute to the provision of a minimum of 12,000m² of gross floor area (GFA) of community uses with the provision of a cultural facility that has a GFA of 9, 921.8m². <p><u>Condition A2 Development in Accordance with Plans and Documentation</u></p> <p>Condition A2 lists the plans and documents that approved as part of the original Concept Plan and subsequent modifications. Community uses are defined within the approved documentation as follows:</p> <p><i>'Community uses': include child care centres, <u>community facilities</u>, educational establishments, <u>entertainment facilities (other than cinemas and amusement centres)</u>, <u>information and education facilities</u>, landside ferry facilities, places of public worship, <u>public administration buildings</u>, public halls, recreation areas, recreation facilities (major, outdoor and indoor) and health services facility.</i></p> <p>As detailed in the discussion of permissibility in Section 4.1.1, the proposed cultural facility is categorised as a community facility, entertainment facility and information and education facility which are listed in the definition of community uses. The proposal satisfies the exclusions relating to entertainment centres, as it is not a cinema or amusement centre.</p> <p>Having regard to the above, the proposal is consistent with condition A2 of the Concept Plan as it is categorised as a community use as defined in the approved documentation.</p> <p><u>Part B - Modifications to the Concept Plan - Condition B4</u></p> <p>Part B of Schedule 2 of the Concept Plan sets out conditions that modify the description of the approval and approved documents and plans contained in Part A of the approval. Condition <i>B4 Built Form</i>, which is reproduced below specifies the maximum GFA for the site, maximum and minimum GFA for land uses and the maximum GFA allocation across each of the blocks within the Precinct. Condition B4 is reproduced below:</p> <p><i>B4 Built Form</i></p> <ol style="list-style-type: none"> 1. Approval is given to a mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), including: <ol style="list-style-type: none"> a) A maximum of 191,031 sqm GFA for residential uses of which a maximum of 162,031 sqm may be located in Barangaroo South; b) A maximum of 76,000 sqm GFA for tourist uses of which a maximum of 59,000 sqm may be located in Barangaroo South; c) A maximum of 34,000 sqm GFA for retail uses of which a maximum of 30,000 sqm may be located in Barangaroo South; d) A maximum of 5,000 sqm GFA for active uses in the Public Recreation zone (3,500sqm of which will be in Barangaroo South); and e) A minimum of 12,000sqm GFA for community uses.

Matter	Comment																																																												
	<p>2. Despite A1 (1) and B4(1) above, future development applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below.</p> <table><tr><th></th><th>GFA (sqm)</th><th>Residential GFA (Max) (sqm)</th><th>Height (Max AHD)</th><th>Height (Max AHD)</th></tr><tr><td>Block 1</td><td>1,927</td><td></td><td>RL 25</td><td></td></tr><tr><td>Block 2</td><td>197,280</td><td></td><td>RL 180</td><td></td></tr><tr><td>Block 3</td><td>129,934</td><td>10,515</td><td>RL 209</td><td></td></tr><tr><td>Block 4A</td><td>92,629</td><td>91,816</td><td>RL 250</td><td></td></tr><tr><td>Block 4B</td><td>21,508</td><td>20,637</td><td>RL 107</td><td></td></tr><tr><td>Block X</td><td>18,908</td><td>16,463</td><td>RL 41.5</td><td></td></tr><tr><td>Block Y</td><td>77,500</td><td>22,600</td><td>RL 275</td><td></td></tr><tr><td>Block 5</td><td>29,688</td><td>15,000</td><td>RL 34</td><td></td></tr><tr><td>Block 6</td><td>3,000</td><td>-</td><td>RL 29</td><td></td></tr><tr><td>Block 7</td><td>15,000</td><td>14,000</td><td>RL 35</td><td></td></tr><tr><td>TOTAL</td><td>587,354</td><td>191,031</td><td></td><td></td></tr></table> <p>3. Notwithstanding B4(2) above, future development applications for buildings within Blocks 2, 3, 4A and 4B and Y, may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in Modification B9.</p> <p>4. Wintergardens may be excluded from the maximum residential and tourist GFA stipulated for Blocks 4A, 4B and Block Y in the Table above, subject to compliance with the wintergarden objectives and standards contained within the Built Form Principles and Urban Design Controls (Modification B5).</p> <p>Conditions B4(3) and B(5) relates to Blocks in South Barangaroo and are not applicable to the proposal and are not discussed further.</p> <p>It is noted that there is a 15,000m² difference between the total GFA specified in condition B4(1) of 602,354m² and the total GFA for block allocations identified in condition B4(2), which equates to 587,354m².</p> <p>In accordance with the approved documents and plans listed in Condition A2, the 15,000m² of GFA is allocated to land outside the development blocks, within the RE1 zone and comprises:</p> <ul style="list-style-type: none">— 10,000m² of minimum 12,000m² of community use GFA that is required to be provided under condition B4(1)(e). The remaining 2,000m² of community uses is allocated to Block 6 or 7 in accordance with condition B7(3); and— 5,000m² of the maximum active use GFA specified in condition B4(1)(d). <p>It is noted that there is currently no community use GFA located within the RE1 zone across the Precinct, which. Any existing community uses are located within the development blocks. Accordingly, the 10,000m² of community uses allocated outside the development blocks is available.</p> <p>Having regard to the above, the proposal is consistent with Condition B4 of the Concept Plan approval as:</p>		GFA (sqm)	Residential GFA (Max) (sqm)	Height (Max AHD)	Height (Max AHD)	Block 1	1,927		RL 25		Block 2	197,280		RL 180		Block 3	129,934	10,515	RL 209		Block 4A	92,629	91,816	RL 250		Block 4B	21,508	20,637	RL 107		Block X	18,908	16,463	RL 41.5		Block Y	77,500	22,600	RL 275		Block 5	29,688	15,000	RL 34		Block 6	3,000	-	RL 29		Block 7	15,000	14,000	RL 35		TOTAL	587,354	191,031		
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Matter	Comment
	<ul style="list-style-type: none">— It does alter the maximum GFA of 602,354m² applying across the site as specified in B4(1);— The proposal does not alter the GFA allocations for residential, tourist, retail and active uses outlined in conditions B4(1)(a)-(d);— The site is not located within Blocks 1 – 7 identified in condition B5(2), and as such does not alter the GFA block allocations applying to each block.— It utilises 9, 921.8m² of the 10,000m² of community use GFA that is allocated to land outside the development block, within the RE1 zone, noting that none of this GFA has been utilised to date.— It does not affect the allocation of a minimum of 2,000m² of community use GFA to Blocks 6 and 7 required under condition B7(3).

Attachment 3: Community Engagement Table

Comment	EIS Section/Response
<u>Accessibility</u> - some community members emphasised the need for better accessibility to the location both through public transport and ensuring accessibility for delivery vehicles.	The site benefits from a good level of access to public transport which will be enhanced with the opening of the Metro in 2024. Delivery vehicles will be able to gain direct access to the loading dock (Refer to Section 6.8 and Appendix 5).
<u>Noise and Acoustics</u> - community members and stakeholders emphasised the need to ensure the acoustic impacts on local communities were minimised.	The proposal incorporates design interventions which will result in improvements to noise containment. This includes the enclosure of the roof voids, which is the key noise emission path. Recommendations are provided regarding the operation of the loading dock to further mitigate potential noise impacts to the surrounding noise sensitive receivers. Refer to Section 6.9 and Appendix 10.
<u>Sandstone/rock face</u> - the community provided significant positive feedback on the rockface and preserving the prominence of this in the design	The sandstone face/wall remains exposed and is a prominent feature in the proposal. (Refer to Architectural Design Report at Appendix 3).
<u>Aboriginal Cultural Heritage/First Nations</u> <ul style="list-style-type: none"> — stakeholders emphasised the need to ensure integration of First Nations education and storytelling — there was some disappointment expressed that the NSW government was not delivering an Aboriginal Cultural Centre 	<p>From the inception of the scheme, the approach to the design has been to create a space that is embedded with Country and embraces the natural landscape. As outlined in 5.1.4, design of proposal was developed in close collaboration with the Aboriginal knowledge holders and representatives. The Architectural Design Report (Appendix 3) details how the design responds to Connecting with Country.</p> <p>Ongoing communication and engagement with the Aboriginal community will be undertaken through the finalisation of the ACHAR process, regarding opportunities for the Cutaway to maximise the influence of Aboriginal culture and heritage through design, naming or wayfinding, management and programming of the space. (Refer to Section 6.3, Appendix 3 -Architectural Design Report, Appendix 6 Draft ACHAR and Appendix 15 Social Impact Assessment SIA)</p>

Comment	EIS Section/Response
<u>Affordability</u> – some groups were concerned about the change of the smaller space to a bigger space and how this would affect affordability	In line with the recommendations of SIA (Refer to Appendix 15), opportunities to promote the affordable use of the venue for community groups /organisations will be considered. The development of a potential framework with community criteria, to support INSW/ PMNSW in maximising affordable use, will be explored. Engagement with small /community groups and organisations and the City of Sydney will be undertaken, to understand needs and opportunities to maximise affordable use of the space.

Attachment 4: Mitigation Measures Table

The collective measures required to mitigate the impacts associated with the proposed works are detailed in the table below. These measures have been derived from the previous assessment in Section 6 and those detailed in appended consultants' reports.

Ref No.	Mitigation Measure
1 Noise and Vibration	
1.1 Construction Management	
CM-NV1	<p><u>Noise and vibration management plan</u></p> <p>A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared prior to the commencement of works. The CNVMP is to align with the recommendations of the Noise and Vibration Management plan prepared by ARUP and specify the actual plant to be used and will include updated estimates of the likely levels of noise and the scheduling of activities.</p>
CM-NV2	<p><u>Staffing</u></p> <p>Appointing a named member of the site staff who will act as the Responsible Person with respect to noise and vibration; Regularly train workers and contractors (such as at toolbox talks) to use equipment in ways to minimise noise; Ensuring good work practices are adopted to avoid issues such as noise from dropped items, noise from communication radios is kept as low as is practicable; Avoid the use of radios or stereos outdoors; and Avoid shouting and minimise talking loudly and slamming vehicle doors</p>
CM-NV3	<p><u>Plant and equipment</u></p> <ul style="list-style-type: none"> – Where possible stationary equipment should be located behind structures such as demountable buildings or stockpiles to maximise shielding to receivers. – Consider using electric / hydraulic equipment where possible. – Using the smallest equipment as is practical. – All plant and equipment used on site must be: <ul style="list-style-type: none"> o maintained in a proper and efficient condition; and o operated in a proper and efficient manner. – Turn off all vehicles, plant and equipment when not in use. – Ensuring that the Responsible Person checks the conditions of the powered equipment used on site daily to ensure plant is properly maintained and that noise is kept as low as practicable.
CM-NV4	<p><u>Scheduling - hours of work</u></p> <p>Ensure that the Responsible Person controls the working hours on site to ensure that work is only done during the acceptable periods (7am to 6pm on weekdays and 8am to 5pm on Saturdays. No work on Sundays or public holidays)</p>
CM-NV5	<p><u>Scheduling - high noise activities</u></p> <p>High noise activities, such as saw cutting, will be programmed to occur during the standard construction hours wherever possible and will be scheduled with due consideration to the nearest sensitive receivers</p>
CM-NV6	<p><u>Work site training</u></p> <ul style="list-style-type: none"> – "Toolbox talks" will be held at regular intervals with the contractor workers, including discussion of noise and vibration mitigation, monitoring and assessment. These topics will also be covered under induction processes. – Operate two-way radios at the minimum effective volume.

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- Identification of all reasonable and feasible noise mitigation methods will be conducted by the Responsible Person on a daily basis during noisy works. The Responsible Person will have the authority to modify work practices in response to complaints, where this is considered appropriate.
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CM-NV7

Community liaison

- Ensuring that the Responsible Person keeps the local community advised on expected activities and coordinates scheduling and locations of noisy works around any critical user events where practicable. This shall include face to face meetings with nearby receivers if requested and a letter box drop, and shall include close liaison with neighbours during construction.
 - Maintaining appropriate records of complaints to include timing, reported issues,
 - actions taken and measures to be included for on-going works. The complaints log will need to be filed with the Responsible Person.
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CM-NV8

Reversing alarms

- The use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers must be implemented.
 - Where practicable, broadband, non-tonal reversing alarms should be utilised on site equipment.
 - Ensure that the difference in volume between the reversing warning devices and the base machine noise level (at maximum governed speed under no load at any given test location) is minimised (in accordance with International Standard ISO9533:1989), and ensure that warning devices are no more than 5 dB above the Australian Standard level.
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CM-NV9

Material handling

- Avoid dropping equipment/materials from a height or into trucks.
 - Where practicable, use sound dampening material to cover the surfaces on to which any materials must be dropped.
-

CM-NV10

Equipment Location

- Locate noisy equipment away from noise-sensitive areas.
 - Plant known to emit noise strongly in one direction is to be orientated so that the noise is directed away from noise-sensitive areas.
 - Locate site access roads and site compounds as far away as possible from noise sensitive receptors.
 - Plan truck movements to avoid residential streets where possible.
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CM-NV11

Construction traffic

- Although impacts from additional traffic associated with construction are predicted to be below the 'minor impact' criteria, routing construction traffic along Towns Place is recommended to avoid direct exposure to residences along Dalgety Road.
 - Scheduling of large deliveries to the middle of the day to minimise impacts during more sensitive morning and late afternoon periods should also be implemented
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CM-NV12

Cumulative impacts

- Cumulative construction impacts should be considered and assessed as appropriate as part of the CNVMP, once activities, program and construction hours are finalised.
 - Projects to be considered and cumulative impacts addressed include Barangaroo Metro Station, and other works within Central Barangaroo and Barangaroo South.
 - Measures to mitigate cumulative impacts may include scheduling of works to avoid overlapping programs and cumulative increases. Alternatively consolidating works to reduce overall construction programs may be preferred and should be discussed as part of community consultation
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1.2 Design Development																																						
DD-NV1	<div><div>Events</div><div>The sound insulation of the skylight shall meet the transmission loss presented in table below:</div><div>Table 28: Modelled glazed skylight section transmission loss</div><table><tr><th rowspan="2">Transmission loss¹</th><th colspan="9">Octave Band Centre Frequency, Hz, dB</th></tr><tr><th>31</th><th>63</th><th>125</th><th>250</th><th>500</th><th>1k</th><th>2k</th><th>4k</th><th>8k</th></tr><tr><td>512m² area glazed skylight section:<ul style="list-style-type: none">18mm toughened glass233mm cavity with independent frames12mm Stadip silent acoustic laminate glass</td><td>-25</td><td>-35</td><td>-42</td><td>-51</td><td>-61</td><td>-69</td><td>-77</td><td>-87</td><td>-8</td></tr></table><div>Note:<ul style="list-style-type: none">1. Assumed transmission loss based on test data from BRE Acoustics</div><div>The maximum internal noise levels shall be reviewed during the detailed design stage and confirmed during post-construction testing of the venue. This process and resulting limits shall be captured in an Operational Noise Management Plan to be finalised prior to commencement of operations</div></div>									Transmission loss ¹	Octave Band Centre Frequency, Hz, dB									31	63	125	250	500	1k	2k	4k	8k	512m ² area glazed skylight section: <ul style="list-style-type: none">18mm toughened glass233mm cavity with independent frames12mm Stadip silent acoustic laminate glass	-25	-35	-42	-51	-61	-69	-77	-87	-8
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DD-NV2	<div><div>Building services</div><div>All plant noise emissions shall be reviewed during detailed design and acoustic treatment specified to comply with NPfI Project Noise Trigger Levels</div></div>																																					
1.3 Operation																																						
O-NV1	<div><div>Loading dock activities</div><div>No vehicle movements to and from the Cutaway loading dock shall take place between 10pm and 7am unless required for events where bumping out at night are crucial. Deliveries shall only take place between 7am and 10pm</div></div>																																					
2. Transport and Traffic																																						
2.1 Construction Management																																						
CM-TT1	<div><div>Construction Pedestrian and Traffic Management Plan</div><div>A Construction Pedestrian and Traffic Management Plan is to be prepared prior to the commencement of works detailing the measuring for managing and minimising potential impacts arising from construction traffic and vehicles.</div></div>																																					
2.2 Operation																																						
O-TT1	<div><div>Green Travel Plan</div><div>A Green Travel Plan is to be prepared detailing strategies to sustainable manage the transport needs of staff and visitors to the development.</div></div>																																					
3. Sustainability																																						
3.1 Design Development and Operation																																						
DD&O-ESD1	<div><div>The ESD initiatives contained in the ESD Strategy prepared by ARUP and to be incorporated into the detailed design and operation of the development.</div></div>																																					
4. Lighting																																						
4.1 Design Development																																						
DD-L1	<div><div>The selection, design and location of lighting is to be consistent with the recommendations of the Lighting Design report prepared by Steensen Varming.</div></div>																																					

4.1 Operations	
O-L1	The operation of lighting associated with the cultural facility is to be undertaken in accordance with the recommendations of the Lighting Design report prepared by Steensen Varming, as required.
5. Aboriginal and Cultural Heritage	
5.1 Design Development and Operation	
DD&O-ACH1	Communicate and engage with the Indigenous community through the ACHAR process about opportunities for the Cutaway to maximise the influence of Indigenous culture and heritage through design, naming or wayfinding, management and programming of the space.
DD&O -ACH2	Aboriginal Heritage Interpretation: Intangible First Nations values and themes should continue to be explored through development of interpretive elements and finalization of the concept design. The Proponent should continue to consult with the identified Aboriginal stakeholders (RAPs) throughout the Project
DD&O -ACH3	Actively apply existing Indigenous procurement framework, and investigate additional measures, supporting direct or indirect employment of Indigenous people to support management and operations of the space
6. Heritage	
6.1 Design Development	
DD-H1	<p>A secondary layer of interpretation shall be developed during the detailed design phase for the Harbour Control Tower (HCT) Interpretation device in consultation with following key stakeholders:</p> <ul style="list-style-type: none"> – City of Sydney Council – Port Authority of NSW – Heritage NSW – Australian National Maritime Museum <p>The HCT interpretation device is to be installed prior to occupation of the community facility.</p>
7. Access to the Cultural Facility/Community	
7.1 Operation	
O-ACF1	<p>Engage with stakeholders e.g., City of Sydney, community / cultural organisations to increase opportunities:</p> <ul style="list-style-type: none"> – for cultural and free activities in the venue's programming – to support the use of the venue's smaller spaces by community groups who need affordable space
8. Waste Management	
8.1 Construction Waste	
CM-WM1	A detailed Construction Waste Management Plan (CWMP) shall be prepared prior to the commencement of works. The CWMP is to address the construction waste management initiatives outlined in the Waste Management Plan prepared by JBS&G.
8.2 Design Development and Operation	
DD&O-WM1	An Operational Waste Management Plan shall be prepared prior to the occupation of the cultural facility. The OWMP is to address the operational waste management initiatives outlined in the Waste Management Plan prepared JBS&G.

9. Construction Management

CM-CEMP1	<p>A Construction Environmental Management Plan (CEMP) is to be prepared prior to the commencement of works. The CEMP is to address and/or incorporate the Preliminary CEMP prepared by EY as well as other the following reports provided with the EIS:</p> <ul style="list-style-type: none">• The Construction Waste Management Plan required to be prepared prior to the commencement of works.• The Construction Noise and Vibration Management Plan (CNVMP) required to be prepared prior to the commencement of works.• The Preliminary Construction Pedestrian and Traffic Management Plan required to be prepared prior to the commencement of works.• Other documents required to be prepared in accordance with the conditions of consent relating to construction management.
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