



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT ASSESSMENT
REPORT: First Use and Fit-out of Levels 23 to 38 of
Commercial Building C5, Barangaroo South (SSD 5565)**



Secretary's Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

June 2014

ABBREVIATIONS

DPE	Department of Planning and Environment
Applicant	Lend Lease (Millers Point) Pty Ltd
CIV	Capital Investment Value
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of Department of Planning and Environment, or her delegate.
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
RTS	Response to Submissions
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP	State Environmental Planning Policy
SSD	State significant development

Cover Photograph: Photomontage of Commercial Building C5 (as modified)

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EXECUTIVE SUMMARY

This report provides an assessment of a State significant development application lodged by McKenzie Group Consulting Planning (NSW) on behalf of Wilson Management seeking approval for the first-use and the internal fit-out of levels 23 to 38 of commercial building C5 at Barangaroo South.

The project has a capital investment value (CIV) of approximately \$46 million and will provide a purpose built office which supports 3000 employees.

The development is State significant development under clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is development at Barangaroo that has a CIV of more than \$10 million. The Minister for Planning is the consent authority.

The site is zoned 'B4 Mixed Use' under Part 12, Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). The proposed development is permissible with development consent.

The proposal was exhibited from Wednesday 5 March 2014 until Friday 4 April 2014. The Department of Planning and Environment (DPE) received a submission from the City of Sydney Council and a joint submission from Transport for NSW and Roads and Maritime. Both the submissions raised no concerns due to minor nature of the application. No submissions were received from other public authorities. One public submission was received during the exhibition.

The public submission raised concerns regarding road congestion and air pollution associated with additional traffic generated from the construction and operation of the Barangaroo Development, including the proposed office use of commercial building C5. DPE is satisfied that the potential traffic and environmental impacts and traffic impacts associated with the fit-out and use of the KPMG offices have largely been considered in the assessment of the application for the construction of the commercial building and will be mitigated through conditions of consent.

DPE has assessed the merits of the application and considers that the key assessment issues include: compliance with the BCA, travel demand management, ESD and construction impacts. DPE is satisfied that the impacts of the proposed development are minor, have been adequately addressed in the applicant's Environmental Impact Statement, and can be adequately managed through the recommended conditions of consent.

DPE also considers the site to be suitable for the proposed development and that the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including ecologically sustainable development, NSW 2021, the draft *Metropolitan Strategy for Sydney to 2031* and the Barangaroo Concept Plan. DPE therefore considers that the development is in the public interest and recommends that the State significant development application be approved, subject to conditions.

1. PROPOSED DEVELOPMENT & SITE DESCRIPTION

1.1 The Proposal

Wilson Management Pty Ltd is seeking approval for the fit-out levels 23 to 38 of commercial building C5 for use as commercial offices. The subject site is depicted in **Figure 1** below.

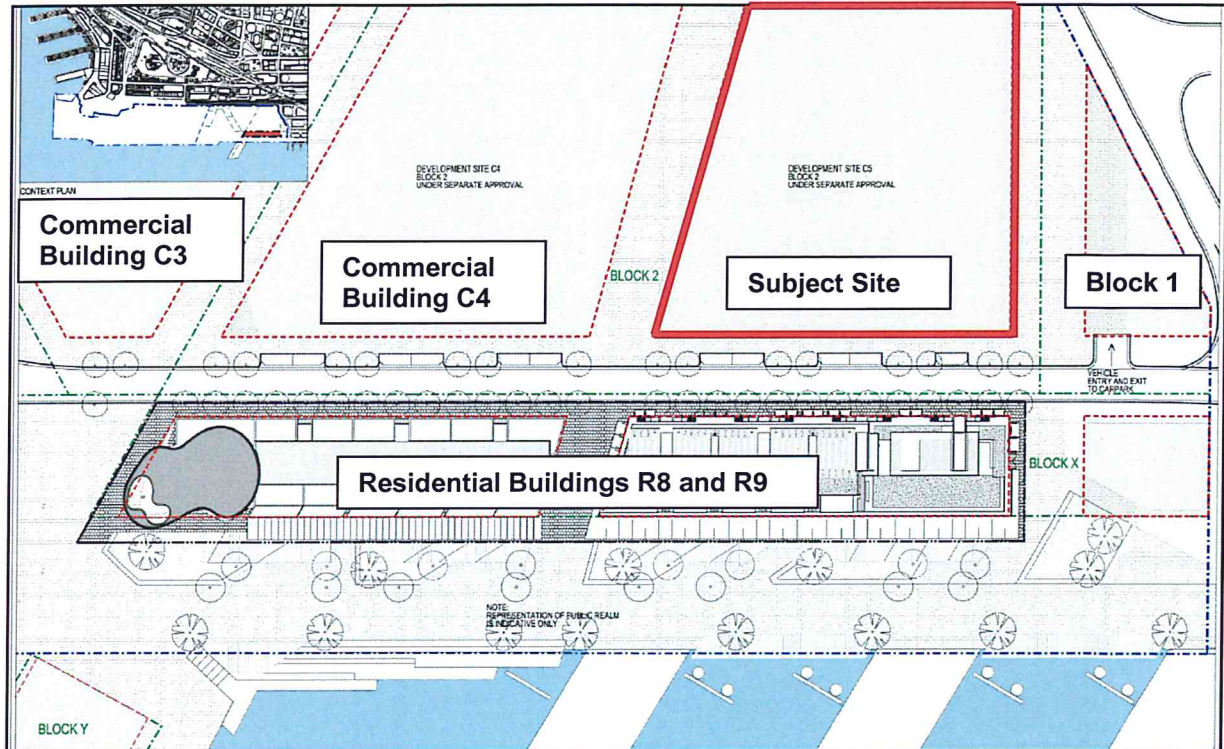


Figure 1: Subject Site

1.2 Site Description

Commercial building C5 is located within Block 2 at Barangaroo South (**Figure 1**). To the north of the site is commercial building C4 which was approved by the then Minister for Planning on 3 March 2011 and is currently under construction. To the south is Block 1 which has concept approval for residential building R7 (MP06_0162). To the east is Hickson Road and to the west are residential buildings R8 and R9 which were approved by the Executive Director, Development Assessment Systems and Approvals, under delegation, on 28 June 2013.

1.3 Site History

C5 Project Approval (MP10_0227)

On 24 April 2012, the then Director-General, under delegation dated 18 August 2012, approved the construction of a new 39-storey commercial building (C5) with a maximum GFA of 90,539 m² and associated parking.

On 18 February 2013, the then Director, Metropolitan and Regional Projects North, approved, a section 75W application (MP10_0227 MOD 1) to re-word Condition A7 to permit the progressive validation of remediation works within the project area.

2. PROPOSED DEVELOPMENT

2.1 Proposal

The application seeks approval for the fit-out and use of levels 23 to 38 (excluding Level 27 which is the Plant) of commercial building C5 for commercial offices operated by KPMG. The proposed hours of operation are 24-hours-per-day, 7-days-per-week. The proposed project layout is depicted in **Figures 2 and 3** below.

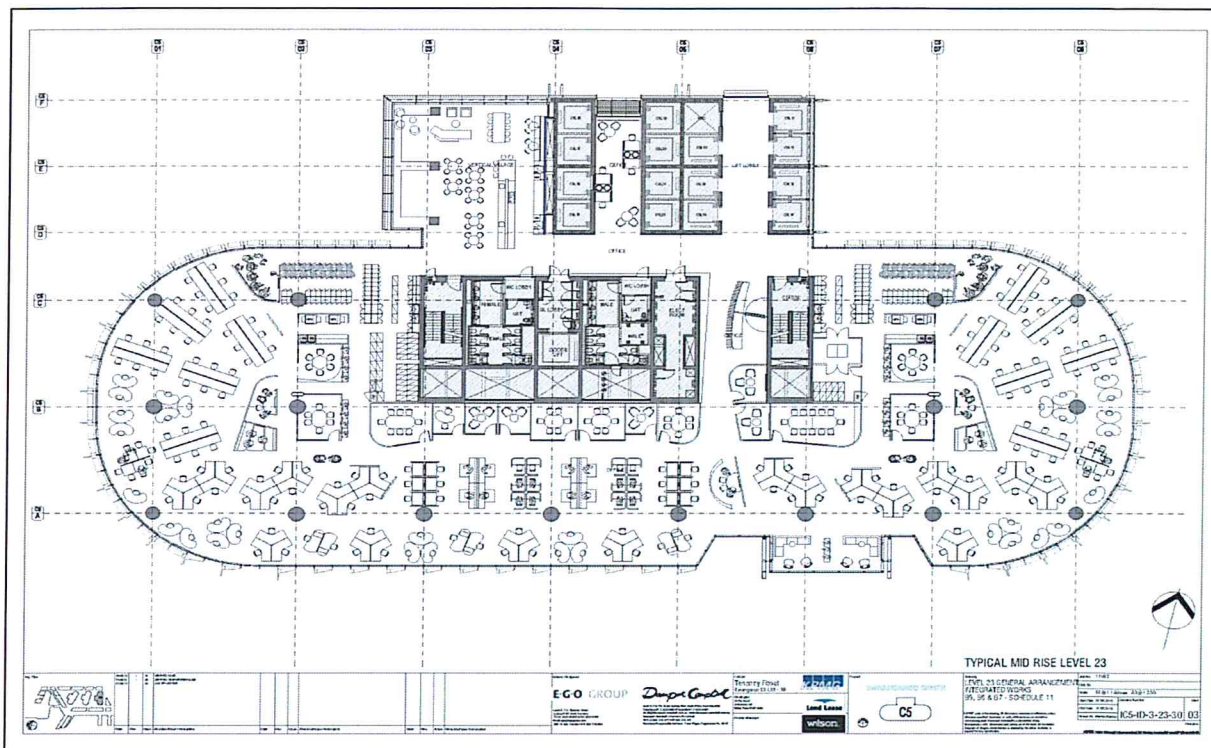


Figure 2: Typical Tower Layout

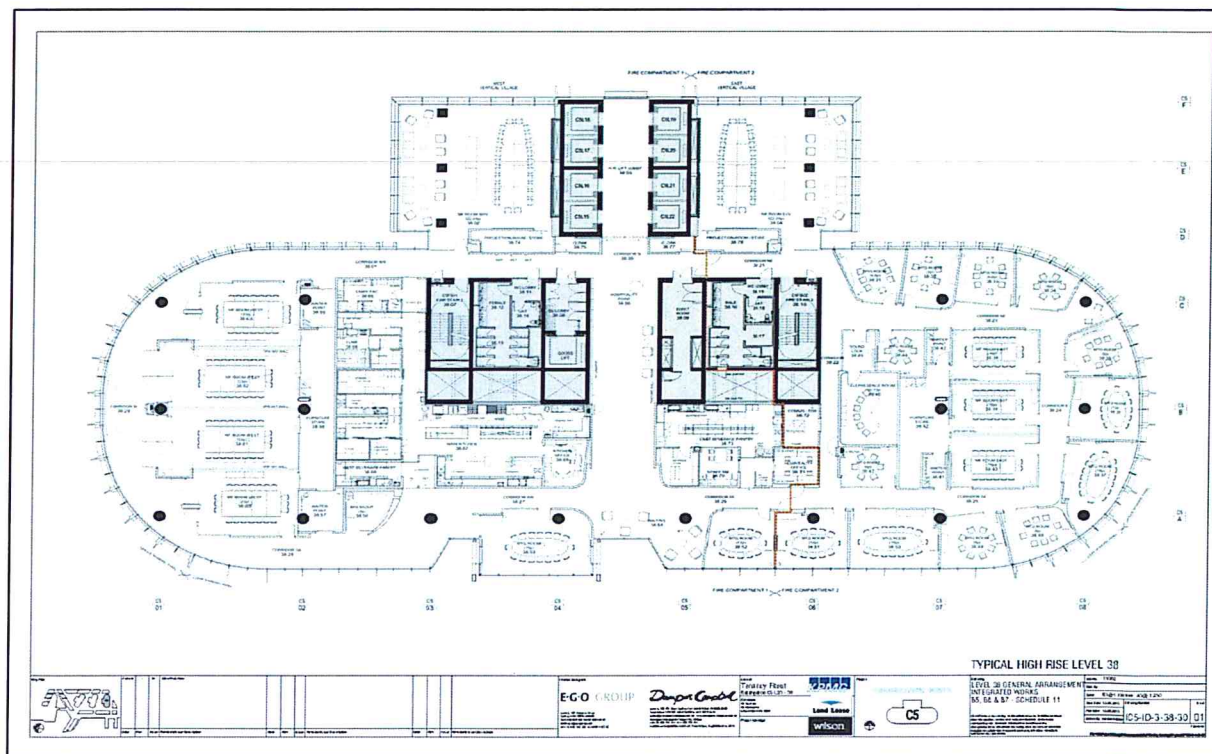


Figure 3: General layout of levels 27 and 38 for meeting rooms and multifunction project rooms

3. STATUTORY AND STRATEGIC CONTEXT

3.1 SEPP (State and Regional Development) 2011

The proposal is a State significant development pursuant to section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development at Barangaroo with a CIV in excess of \$10 million, under clause 3, Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore, the Minister for Planning is the consent authority.

3.2 Delegated Authority

On 27 February 2013, the Minister for Planning delegated responsibility for the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act on the Barangaroo site to the Executive Director, Development Assessment Systems and Approvals where:

- The relevant local council has not made an objection;
- A political disclosure statement has not been made; and
- There were less than 25 submissions in the nature of objection.

The proposal complies with the terms of the delegation as the City of Sydney Council (council) advised that it would not be lodging a submission in relation to the application due to its minor nature, a political disclosure statement has not been made in relation to the application, and only one submission was received from the general public.

3.3 Permissibility and Zoning

The site is zoned 'B4 Mixed Use' under Part 12 Schedule 3 of the MD SEPP. The proposed use is permissible with development consent.

3.4 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*;
- *State Environmental Planning Policy (Remediation of Land) 1998*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005)*.

An assessment of compliance with the above EPIs is provided at **Appendix B**. In summary, DPE is satisfied that the application complies with the relevant provisions of the abovementioned EPIs.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in section 5 of the Act. The proposal complies with the objects of the EP&A Act as the application will promote the orderly and economic use of the site, and will facilitate the operation of the approved building in accordance with Australian best practice sustainability initiatives. Accordingly, the application is considered consistent with the objectives of section 5 of the EP&A Act.

3.6 Compliance with Clause 3B of Schedule 6A of the EP&A Act

Clause 3B(2)(d) of Schedule 6A of the EP&A Act specifies that a consent authority must not grant consent under Part 4 unless it is satisfied that a development is generally consistent with the terms of the approval of a Concept Plan.

The subject site is located within development block 2 of the Barangaroo Concept Plan (see **Figure 5**). DPE considers that the application is consistent with the Concept Plan (as modified) because it will facilitate the fit-out and use of the building for commercial uses.

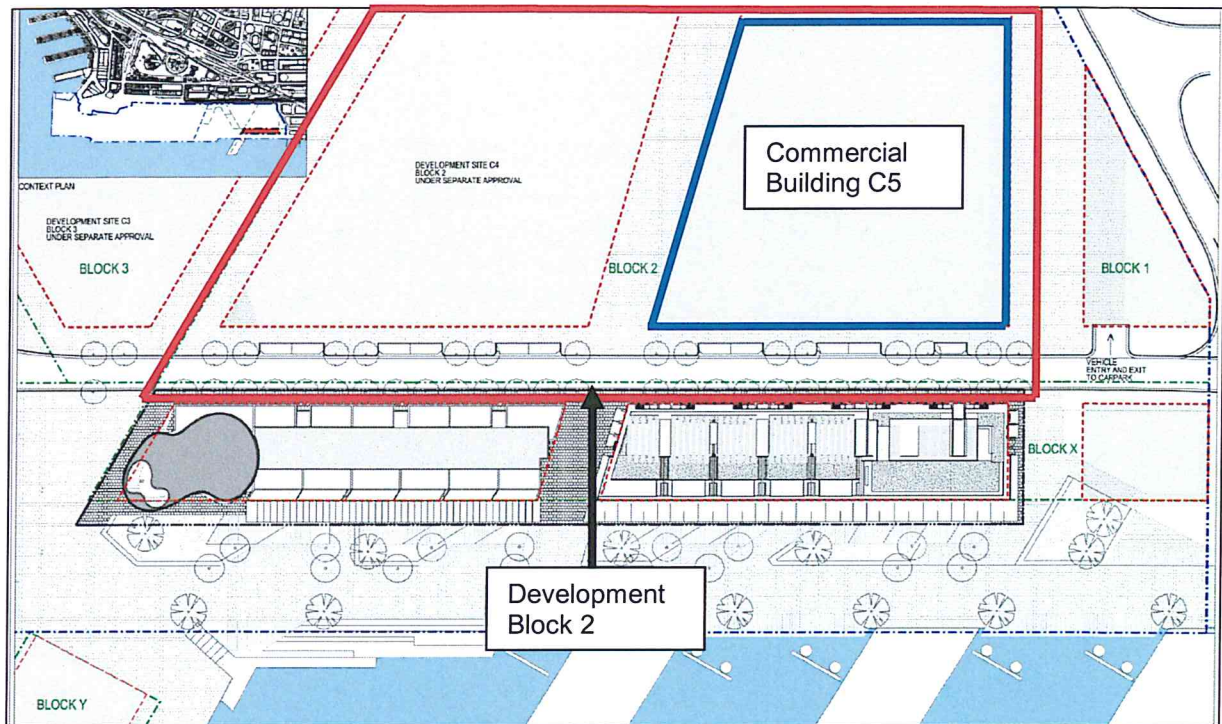


Figure 4: Barangaroo Concept Plan

3.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of the POEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

DPE has considered the project in relation to the ESD principles and has concluded that the application has been designed to incorporate Australian best practice sustainability initiatives during the construction and operational phases of the development, as outlined in **Section 5** of this report. In addition, DPE considers that the precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project.

3.8 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the regulation cited in this report, the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) have been complied with.

3.9 Strategic Context

DPE considers that the proposal is consistent with the objectives of NSW 2021 and draft *Metropolitan Plan for Sydney to 2031* through:

- the fit-out and use of commercial floor space to accommodate 3000 new workers within Barangaroo; and
- the strengthening of the use of the Sydney CBD as a centre for international business.

3.10 Secretary's Environmental Assessment Requirements

Section 3 of the EIS addresses compliance with the Secretary's Environmental Assessment Requirements (SEARs). These matters have been sufficiently addressed in the EIS to enable the assessment of the proposal for determination purposes.

4. EXHIBITION CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication (see **Table 1**).

Table 1: Exhibition Details

Exhibition/Notification	Format	Dates
Publicly Exhibited	DPE Bridge Street office, the City of Sydney Council's One Stop Shop, and on DPE's website	5 March 2014 to 4 April 2014
Newspaper Notice	Sydney Morning Herald and Daily Telegraph	Published 5 March 2014
Written Notices	Surrounding landowners	Dated 4 March 2014

4.2 Public Authority Consultation and Submissions

DPE received one submission from the City of Sydney Council (council) and one joint submission from Transport for NSW and Roads and Maritime. Both submissions raised no concerns due to the minor nature of the application.

4.3 Public Submissions

DPE received one public submission during the exhibition of the application. The public submission raised concerns regarding road congestion and air pollution associated with additional traffic generated from the construction and operation of the Barangaroo Development, including the proposed KPMG offices

DPE has reviewed the public submission and is satisfied that:

- The potential cumulative air pollution and road congestion impacts from the motor vehicles required for the proposed fit-out of commercial building C5 will be mitigated through measures outlined in the Construction Traffic Management Plan, conditions of consent and the Environmental Licence issued by the EPA for the Barangaroo site (EPL 13336).
- The additional traffic generated from the use of the KPMG offices can be accommodated within the existing road network as the car parking spaces to be allocated to the KPMG offices are based on the car parking rates deemed acceptable for the road networks capacity under the Barangaroo Concept Plan Approval.

5. ASSESSMENT

5.1 Section 79C Evaluation

Table 2 identifies the matters for consideration under section 79C that apply to State significant development, in accordance with section 89H of the EP&A Act. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the Regulation.

Table 2: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. DPE's consideration of the relevant EPI's is provided within Section 3.4 and Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.

(a)(iii) any development control plan (not applicable to SSD)	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD. However, consideration has been given to the relevant DCP at Appendix B .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The development application meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSDs, and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Satisfactorily complies. See Section 5.2 of this report
(c) the suitability of the site for the development	See Table 3 at Appendix B
(d) any submissions	Consideration has been given to submissions received during the exhibition period.
(e) the public interest.	The application is considered to be in the public interest as it will facilitate the use of the commercial floor space approved under MP10_0025 (as modified).
Biodiversity values exempt if: (a) On biodiversity certified land? (b) Biobanking Statement exists?	Not applicable Not applicable

5.2 Key and Other Issues

DPE considers the key environmental assessment issues for the application to be:

- Compliance with the BCA;
- Parking and travel demand management;
- Waste management;
- ESD; and
- Construction impacts.

5.2.1 Compliance with the Building Code of Australia (BCA)

The application includes a BCA Assessment report prepared by McKenzie Group which concluded that the proposed works are capable of complying with the relevant provisions of the BCA. DPE has reviewed the report and recommends a condition requiring the applicant to demonstrate that all works comply with the provisions of the BCA prior to the issue of a Construction Certificate.

5.2.2 Parking and Travel Demand Management

Car and Bicycle Parking

The car and bicycle parking requirements for commercial building C5 are set out in the project approval for the construction of this building. The project approval for the construction of commercial building C5 provides the following maximum number of car parking spaces for the entire building:

- 139 commercial car parking spaces; and
- 7 spaces for all other uses. retail spaces; and
- 36 loading spaces.

In addition, MP10_0227 specifies that a minimum of 326 bicycle parking spaces must be available for the use of future building occupants. This number was based on parking being available for four per cent of building occupants, as per the mode share target for cycling as outlined in the Transport Management Accessibility Plan (TMAP) for Barangaroo, which was the applicable transport plan when the original project application was determined.

Based on the application utilising 29,674 m² of commercial floor space, and accommodating a maximum of 3,000 employees at any given time, a maximum of 66 car parking spaces could be allocated for the use of occupants within levels 23 to 38. This has been considered and the applicant notes that 65 car spaces are to be allocated to the tenancy. Additionally, DPE notes that a minimum of 120 bicycle parking spaces are required to service these levels (sufficient spaces to accommodate a minimum of four per cent of the buildings occupants). This has been considered and the applicant proposes that 120 bicycle parking spaces are to be allocated to the tenancy.

DPE notes that although the required and proposed bicycle parking spaces are the same, the applicant calculated the proposed bicycle parking spaces at a slightly higher target rate of five per cent, but only applied this rate to the 2,400 occupants the Workplace Travel Plan anticipates to be on site at any one time. Where DPE calculated the required bicycle parking spaces at four per cent (consistent with the TMAP for Barangaroo) of the maximum 3,000 occupants the tenancy can support.

Based on the total number of car and bicycle parking spaces approved, DPE considers that the building can adequately service the need of future employees. DPE has recommended conditions of approval to ensure that car and bicycle parking is provided in accordance with the maximums specified in the project approval for the base building (MP10_0227).

Travel Demand Management

The application includes a WTP prepared by Arup. The WTP includes a number of initiatives including: the promotion of sustainable transport options for journeys to and from work (public transport, walking and cycling); combining journeys for different purposes; the use of teleconferencing in lieu of travelling to meetings; and work from home policies to reduce energy demands and traffic impacts associated with work related travel.

DPE considers that the measures provided in revised WTP are acceptable.

5.2.3 Waste Management

The application includes a Waste Management Plan (WMP) prepared by ARUP. The WMP aims to ensure that 80 per cent of the operational waste generated by the KPMG tenancy will be diverted from landfill, consistent with the overarching WMP for Barangaroo South as approved under MP06_0162 MOD 4.

In addition, to the above, the WMP specifies that the waste collection areas have been designed to comply with the waste storage requirements for commercial and retail development outlined within the *City of Sydney Council Policy for Waste Minimisation in New Developments 2005*.

DPE has reviewed the WMP and has concluded that it includes satisfactory measures to ensure that operational waste will be minimised in accordance with the overarching waste management goals for Barangaroo South. Furthermore, DPE has concluded that the waste storage areas are sufficient to manage all waste generated on-site and has recommended a condition requiring the proponent to implement the WMP during the operational phase of the development.

5.2.4 ESD

The Statement of Commitments (SOCs) approved under the Concept Plan (as modified) provide environmental performance targets for future development applications. The performance targets applicable to this application include:

- Each commercial building must achieve a 5-star Green Star rating;
- Provision of a 35 per cent reduction in potable water consumption and a 40 per cent reduction in flows to the sewer compared to a standard practice development;
- Provision of a 35 per cent reduction in greenhouse gas emissions compared to a standard practice development;
- 20 per cent of power is to be purchased from low impact renewable sources, or there should be a 20 per cent reduction in greenhouse gas emissions through carbon offsets. The purchase of renewable energy should be at world best practice level; and
- 100 per cent of waste bins are to allow for waste separation.

The EIS includes an ESD report prepared by Medland Metropolis. The ESD report specifies that the fit-out will be designed to achieve a 5-star NABERS energy rating via the incorporation of the following initiatives:

- Use of the district cooling plant facilities located within the basement car park in-lieu of a traditional tenancy based condenser water system;
- Low energy lighting solutions;
- Selection of low energy computing, audio visual and other office equipment;
- Control strategies to ensure equipment and appliances are switched off when not in use; and
- Staff education programs to ensure energy use is minimised.

DPE has assessed the ESD initiatives proposed by the applicant and is satisfied that the application will achieve compliance with the site wide water, greenhouse gas and renewable energy targets outlined in the Concept Plan SOCs. DPE has also recommended conditions of consent to ensure the relevant ESD commitments are implemented prior to the issue of an Occupation Certificate, and that the subject application will not affect the 6-star Green Star rating targeted for the base building, as approved under MP10_0227.

5.2.5 Construction Impacts

The application includes a Construction Management Plan (CMP) prepared by Lend Lease which has been prepared to address environmental impact issues associated with the construction of the C5 fit-out works including:

- Site management;
- Construction methodology;
- Environmental management;
- Implementation of noise, vibration, air quality, stormwater management, waste and traffic management controls; and
- Auditing and monitoring procedures.

DPE notes that the CMP is essentially an update of the CMP prepared to manage the environmental impact issues associated with the construction of the following projects across the Barangaroo site:

- The basement car park;
- Commercial buildings C3 to C5;
- Residential buildings R8 and R9;
- The Barangaroo Headland Park;
- The temporary public domain at Barangaroo Central; and
- Wynyard Walk.

The update deals with the cumulative impacts of the construction of the abovementioned projects and the C5 fit-out works. Given the length of construction works at Barangaroo South, and the

likelihood of several buildings being constructed simultaneously, DPE has supported this approach previously and supports this approach for the subject application. Furthermore, all construction related environmental impacts at Barangaroo are regulated and managed under the one Environmental Protection Licence (EPL) No. 13336. DPE has therefore recommended the imposition of a condition requiring the proponent to comply with the requirements of EPL 13336 at all times.

DPE has reviewed the CMP in consultation with other relevant government agencies, and is satisfied that the CMP and the EPL provides a suitable framework for managing construction related works and impacts associated with the fit-out of commercial building C5.

5.2.6 Public Interest

The application is considered to be in the public interest as it will provide 39,674 m² of fit-for-purpose commercial floor space which will assist in reinforcing the role of the Sydney CBD.

6. CONCLUSION AND RECCOMENDATION

6.1 Conclusion

DPE has reviewed the EIS and duly considered advice from public authorities in accordance with section 75I(2) of the EP&A Act. Key issues relating to the assessment of the proposed fit-out include: compliance with the BCA; parking and travel demand management; waste management; ESD; and construction impacts. All key environmental issues are considered relatively minor and, where required, appropriate conditions are recommended.

The application complies with the controls for the site approved under the MD SEPP and the Concept Plan (as modified). The development is also consistent with the strategic objectives for the area, the *Draft Metropolitan Strategy for Sydney to 2031*, and the requirements of relevant planning instruments, policies and objectives.

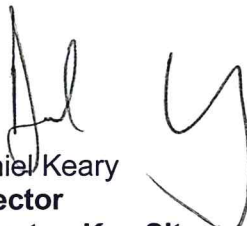
DPE is satisfied that the proposed fit-out will provide a high degree of internal amenity for future building occupants, and that the recommended conditions and implementation of the management and mitigation measures detailed in the applicant's EIS will adequately mitigate the environmental impacts of the proposal during the construction and operational phases of the development.

DPE considers the site to be suitable for the proposed development and that the application is in the public interest. Consequently, DPE recommends approval of the development, subject to the conditions outlined in the consent.

6.2 Recommendation

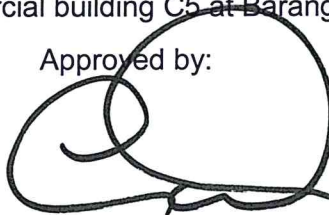
In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Development Assessment Systems and Approvals, as delegate of the Minister for Planning, grants development consent for the fit-out and use of levels 23 to 38 of commercial building C5 at Barangaroo South (SSD 5565).

Endorsed by:



Daniel Keary
Director
Industry, Key Sites and Social Projects

Approved by:



6.6.14

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on DPE's website as follows.

1. Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5565

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5565

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development and State significant infrastructure and provide the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development with a capital investment value (CIV) in excess of \$10 million at Barangaroo under clause 3 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Major Development) 2005

The aims of the MD SEPP are to facilitate the redevelopment of important sites such as Barangaroo for the benefit of the State and provide for the development of major sites for a public purpose. In addition, Schedule 3 of the MD SEPP sets out zoning, height and floor space requirements for each development block within Barangaroo.

The proposed use is permissible within the 'B4 Mixed Use' zone, and will not alter the height or the GFA of the approved building. As such, DPE considers that the application is consistent with the provisions of the MD SEPP.

State Environmental Planning Policy (Remediation of Land) 1998;

The aim of this SEPP is to promote the remediation of contaminated land, with the specific purpose to reduce the impacts to human health or any other aspect of the environment.

On 17 August 2011, the then Minister for Planning and Infrastructure approved the *Amended Remedial Action Plan, Barangaroo – ORWS Area (AECOM Australia Pty Ltd dated 14 July 2011)*. The Minister was satisfied that the amended RAP, prepared for the Barangaroo South basement car park (MP10_0023), could ensure that the project areas of the buildings to be erected above the car park were remediated in accordance with SEPP 55 and suitable for commercial use. Consequently, DPE is satisfied that commercial building C5 is suitable for the fit-out and commercial use as the remediation will be completed prior the fit-out commencing.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The relevant clauses in SREP (Sydney Harbour Catchment) 2005 are addressed in Table 2 below.

Table 2: Consideration of SREP (Sydney Harbour Catchment) 2005

SREP (Sydney Harbour Catchment) 2005	Criteria	Agency Comment / Assessment	Complies
Part 3, clause 17 Zoning W1 Maritime Waters	- Land is divided into a number of zones as shown on the zoning map. - The objectives of the zone are to protect waters required for effective movement of public water transport, allow development that is compatible with and will not affect public water transport and to promote equitable use of the waterway.	Although the W1 Maritime Waters zone is adjacent to the site no works will be carried out in the zone.	N/A
Part 3, clause 18 Development	Development may only be carried out in the W1 Maritime Zone if it outlined in the Table.	See above.	N/A

control			
Part 3, clause 20 Matters for Consideration	The matters referred to in Division 3 must be considered by the consent authority.	DPE has considered the relevant matters below.	YES
Part 3, clause 21 Biodiversity, ecology & environmental protection	The consent authority must take into consideration biodiversity, ecology and environmental protection matters that are outlined in this clause.	- The proposed development will have a neutral effect on the quality of water entering the waterway as appropriate soil and water management measures will be implemented. - Public access to the foreshore will not be affected during the construction or operational phases of the development. - The application will not impact on the ability of the site to maintain a working harbour. - The proposal will not have an adverse effect on the waterway. - The works are internal only and will not affect the scenic quality of the harbour and foreshore. - The proposed works are internal and as such will not have any adverse view impacts.	YES
Part 3, clause 29 Foreshores & Waterways Development Advisory Committee	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	Not applicable.	N/A

Local Environmental Plan(s)

No local environmental plans apply to the site.

Development Control Plans

Consideration of the Sydney Harbour Foreshores & Waterways DCP is provided in **Table 3** below.

Table 3: Summary of Compliance with the Sydney Harbour Foreshores & Waterways DCP

DCP	Key controls	Compliance
Ecological assessment	Determination of conservation status, statement of intent and performance criteria.	N/A. The site contains no terrestrial or aquatic ecological communities as identified in the DCP.
Landscape	Consideration of landscape character types and	N/A. The site contains no landscape

assessment	performance criteria.	characters as identified in the DCP.
Design Guidelines (General & Land/Water Based)	• Foreshore access	• Public access to Barangaroo is currently not available due to remediation works occurring within the Headland Park and Barangaroo South. Following completion of the works a permanent walkway will be provided along the western boundary of the site to provide a seamless connection between Barangaroo South and the Headland Park. It is anticipated that foreshore access will be available during the fit-out works.
	• Waterway conflicts	• N/A – the proposed works are internal only.
	• Siting of buildings & structures	• N/A – the proposed works are internal only.
	• Built form • Signage	• N/A – the proposed works are internal only • N/A – the proposed works are internal only.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at **Appendix B**.

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*
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APPENDIX D RECOMMENDED CONDITIONS OF CONSENT

