



Planning &
Infrastructure

**STATE SIGNIFICANT DEVELOPMENT:
Fit-out of Levels 1 to 28 of Commercial Building C4,
Barangaroo South (SSD 5582)**



Director-General's
Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

April 2014

ABBREVIATIONS

Agency	Planning and Infrastructure
Applicant	Lend Lease (Millers Point) Pty Ltd
CIV	Capital Investment Value
DGRs	Director-General's Requirements
Director-General	Director-General of Planning and Infrastructure, or his 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 and Infrastructure
PAC	Planning Assessment Commission
Regulation	Environmental Planning and Assessment Regulation 2000
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 C4 (as modified)

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EXECUTIVE SUMMARY

This report provides an assessment of a State significant development application (SSD 5582) lodged by Lend Lease (Millers Point) Pty Ltd (Lend Lease) seeking approval for the fit-out of levels 1 to 28 of commercial building C4 at Barangaroo South.

The project has a capital investment value (CIV) of approximately \$127.5 million and will generate 250 construction jobs.

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 a development at Barangaroo that has a CIV of more than \$10 million. The Minister for Planning and Infrastructure 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 1 August 2013 until 30 August 2013. Planning and Infrastructure ("the agency") received submissions from Transport for NSW (TNSW) and Roads and Maritime Services (RMS). The City of Sydney Council advised that it would not be lodging a submission. No public submissions were received.

The matters raised by TNSW and RMS included deficiencies in the applicant's Workplace Travel Plan (WTP) relating to the use of superseded information, and the procedures for monitoring the on-going effectiveness of the WTP. In addition, concerns were raised with potential traffic impacts associated with construction trucks utilising York Street during peak hour. The agency notes that the issues raised by TNSW and the RMS were addressed to the satisfaction of both agencies in the applicant's Response to Submissions Report (RTS).

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

The agency 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.

The agency therefore considers that the development is in the public interest and recommends that the State significant development application be approved, subject to conditions.

1. SITE DESCRIPTION & SITE HISTORY

1.1 The Proposal

Lend Lease is seeking approval to fit-out levels 1 to 28 of commercial building C4 for use as commercial offices. The subject site is depicted in **Figure 1** below.

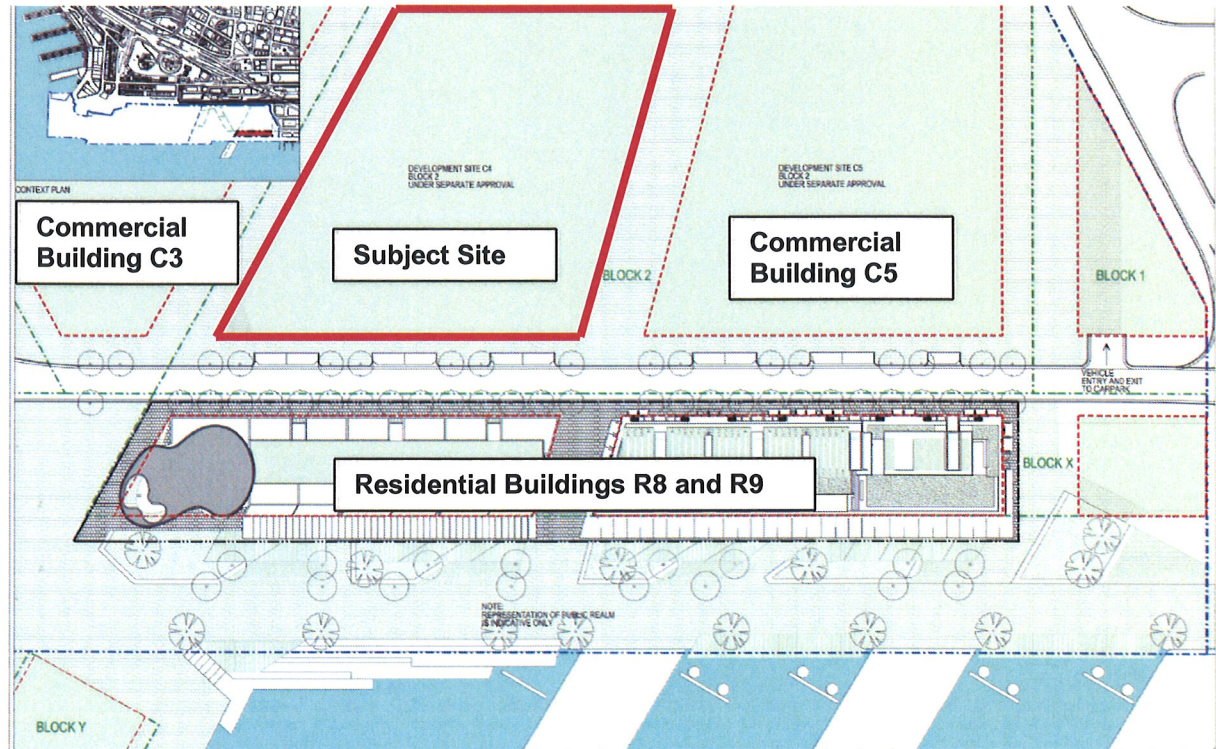


Figure 1: Subject Site

1.2 Site Description

Commercial building C4 is located within Block 2 at Barangaroo South (see **Figure 1** and **2**). To the north of the site is commercial building C3 which was approved by the then Minister for Planning on 11 March 2011. Construction of this building has not yet commenced. To the south is commercial building C5 which is currently under construction. 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. Construction of these buildings has not yet commenced.



Figure 2: Construction of Commercial Building C4 (photo taken 4 February 2014)

1.3 Site History

1.3.1 State Significant Site Listing and Concept Plan

On 27 March 2006, the then Minister for Planning advised that the Barangaroo site was to be considered a potential State significant site for inclusion in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP), and confirmed the project as a Major Project subject to Part 3A of the EP&A Act. A Concept Plan permitting the redevelopment of the site for recreational and mixed uses was subsequently approved on 9 February 2007.

On 12 October 2007, Schedule 3, Part 12 of the MD SEPP was amended to reflect the land uses and development block configurations approved under the Concept Plan. A subsequent amendment to MD SEPP was gazetted on 16 December 2010, to rectify inconsistencies between the MD SEPP and the Barangaroo Concept Plan that arose as a result of Modification 4 to the Concept Plan.

The Concept Plan, as modified, currently permits:

- A mixed use development involving a maximum of 563,965 m² gross floor area (GFA), comprised of:
 - (a) a maximum of 128,763 m² and a minimum of 84,595 m² of residential GFA;
 - (b) a maximum of 50,000 m² of GFA for tourist use;
 - (c) a maximum of 39,000 m² of GFA for retail uses;
 - (d) a maximum of 4,500 m² of GFA for active uses in the 'Public Recreation' zone (3,000 m² of which will be in Barangaroo South); and
 - (d) a minimum of 12,000 m² of GFA for community uses (10,000 m² of which will be in Barangaroo South).
- 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 a 2.2 km public foreshore promenade;
- Built form and urban design principles, maximum building heights and GFA for each development block within the mixed use zone;
- A public domain landscape concept, including parks, street and pedestrian connections; and
- Works to the existing seawalls and creation of a partial new shoreline to the harbour.

1.3.2 C4 Project Approval (MP10_0025)

On 3 March 2011, the then Minister for Planning approved the construction of commercial building C4. The project approval has been modified on three occasions to alter the GFA and car and bicycle parking requirements, and permit the progressive validation of remediation works within the project area. The project approval, as modified, currently permits:

- The construction of 99,097 m² of GFA comprised of:
 - 2,33 m² of retail floor space;
 - 95, 140 m² of commercial floor space; and
 - a 1,619 m² office lobby.
- The allocation of 161 commercial car parking spaces, four retail car parking spaces, 36 loading spaces, and 293 bicycle parking spaces within the basement car park for the exclusive use of the occupants of commercial building C4;
- 127 at-grade bicycle parking spaces adjacent to Hickson Road;
- The creation of business signage zones at tower and podium level;
- The installation of temporary public domain works, hoardings and construction banners within the C4 project area; and
- Installation of utility services.

2. PROPOSED DEVELOPMENT

2.0 Proposal

The application seeks approval for the fit-out and use of levels 1 to 28 of commercial building C4 for commercial offices operated by Westpac. The proposed hours of operation are 24-hours-per-day, 7-days-per-week. The proposed project layout is depicted in **Figures 3 and 4** below.



Figure 3: Podium Layout (Ground Floor)



Figure 4: Typical Tower Layout

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 and Infrastructure is the consent authority.

3.2 Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure delegated responsibility for the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act 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 no submissions were 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)*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005)*.

The MD SEPP is the relevant EPI that sets out development standards at Barangaroo. In this regard, the only provisions of the MD SEPP relevant to the assessment of this application are the zoning requirements. As previously outlined, the application is permissible within the 'B4 Mixed Use' zone. An assessment of compliance with the remaining EPIs is provided at **Appendix B**. In summary, the agency is satisfied that the application complies with the relevant provisions of the 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**). The agency 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.

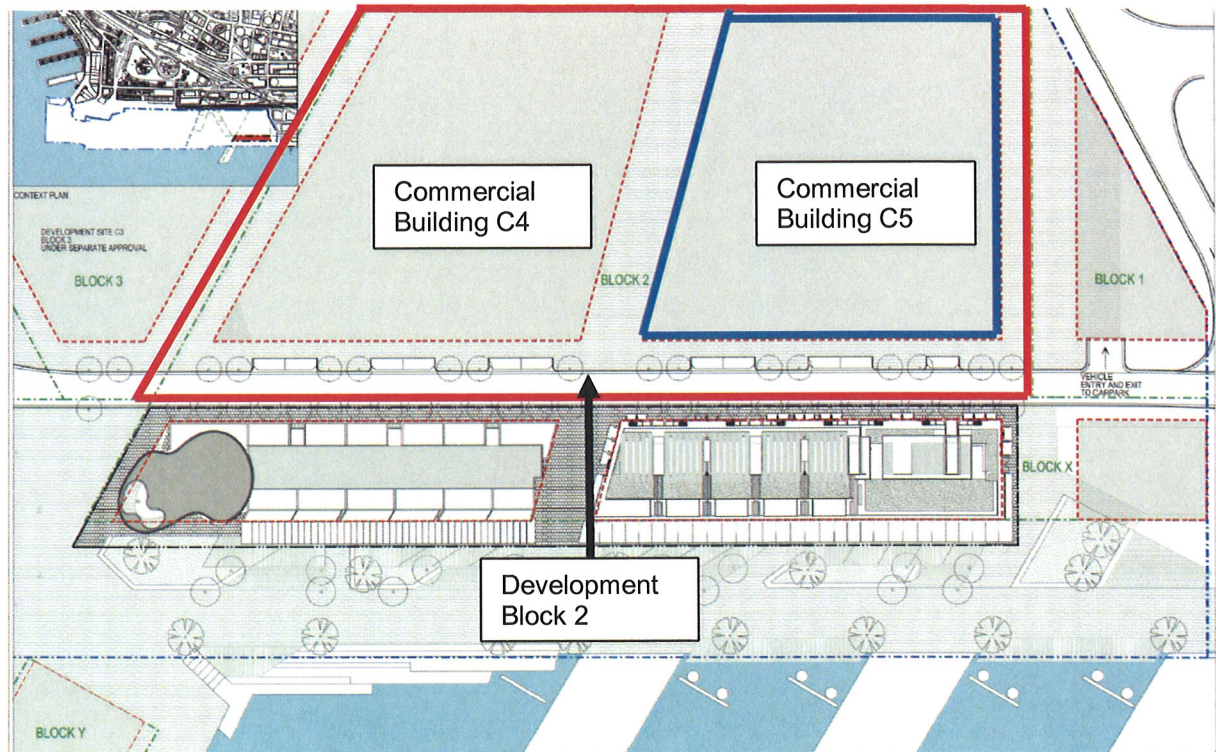


Figure 5: Barangaroo Concept Plan

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.

The agency 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, the agency 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

The agency considers that the proposal is consistent with the following State and regional strategies:

- The objectives of NSW 2021 via the creation of 250 new construction jobs within the Sydney CBD; and
- The planning objectives of the draft *Metropolitan Plan for Sydney to 2031*, which promote:
 - the provision of floor space to accommodate 102,000 new jobs within central Sydney; and
 - the use of the Sydney CBD as a centre for international business.

3.10 Director-General's Requirements

Section 3 of the EIS addresses compliance with the Director-General's Requirements. 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 Director-General made the application and accompanying information publicly available in accordance with the Regulation for at least 30 days following the date of first publication (see **Table 1**).

Table 1: Exhibition Details

Exhibition/Notification	Format	Dates
Publicly Exhibited	DPI Bridge Street office, the City of Sydney Council's One Stop Shop, and on the agency's website	1 August to 30 August 2013
Newspaper Notice	Sydney Morning Herald and Daily Telegraph	Published 31 July 2013
Written Notices	Surrounding landowners	Dated 30 July 2013

4.2 Public Authority Consultation and Submissions

The agency received three submissions during the exhibition of the application – two submissions from the RMS and one submission from TNSW. The City of Sydney Council advised that it would not be lodging a submission, and no submissions were received from the general public. A summary of the issues raised in submissions is provided below.

Roads and Maritime Services (RMS)

RMS raised no objection to the application, however, it raised the following concerns:

- The applicant's Workplace Travel Plan (WTP) should be amended to ensure that it reflects:
 - the assumptions of the NSW Government's *Sydney City Centre Access Strategy*;
 - the Government's current commitments in relation to public transport and access upgrades; and
 - TNSW policy in relation to the use of bicycles on light rail services.
- Trucks accessing the site should avoid the use of York Street during business hours and the morning and evening peak periods;
- The fit-out application includes revised access and egress arrangements to the basement car park servicing commercial building C4. The revised arrangements are proposed under modification 6 to the Concept Plan (MP06_0162 MOD 6) and have not been approved to date due to outstanding traffic issues. The agency should consider these issues as part of the assessment of the proposed application;
- The Traffic Impact Assessment should be revised to consider recent traffic and transport changes within the CBD required to facilitate the CBD and South-East Light Rail Project, as well as recent changes to bus routes and infrastructure across the CBD; and
- The agency should ensure the proponent is required to obtain the approval of the RMS and the Transport Management Centre prior to any road closures taking place.

The applicant addressed the issues raised by the RMS in a Response to Submissions (RTS) report. A discussion of the applicant's response is provided in **Section 4.4** overleaf.

Transport for NSW (TNSW)

TNSW raised no objection to the application, however, raised the following concerns:

- The WTP should be updated to include the following information:
 - the number of staff expected to be on-site at any one time;
 - a commitment to undertake staff travel surveys within three months of the issue of an Occupation Certificate;
 - a time-frame for the appointment of the Travel Co-ordinator. It is TNSW's preference that this occur prior to the issue of an Occupation Certificate to ensure that the Co-ordinator can support the relocation process; and
 - confirmation of the monitoring program proposed and the responsibility of the Travel Plan Management Team for monitoring and implementing the WTP.
- The applicant should establish a governance framework with tenants to facilitate the finalisation of the WTP;
- As the WTP has been prepared by the applicant (Lend Lease), and not the final end user (Westpac), the WTP is considered an interim document only; and
- A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any activity likely to impact on the efficiency of the road network.

The applicant addressed the issues raised by TNSW in its RTS report. A discussion of the applicant's response is provided in **Section 4.4** below.

4.3 Public Submissions

As previously outlined, no public submissions were received.

4.4 Response to Submissions

The applicant provided a Response to Submissions (RTS) on 12 December 2013. The RTS provides the following commentary on the issues raised by the RMS and Transport for NSW:

- The WTP has been revised to respond to the issues raised by RMS and Transport for NSW. In addition, the final version of the WTP has been endorsed by Westpac to ensure it is suitable for implementation. As such the document should not be given an 'interim' status as recommended by TNSW;
- The requirement for a ROL should be imposed as a condition of consent;
- The requirements for managing construction traffic along York Street as outlined in the Construction Management Plan are consistent with the Construction Traffic Management Plan approved under MP10_0025 (construction of the base building); and
- The application seeks approval for the fit-out of an approved building. There are no road works proposed, and no additional trip generation will occur beyond that assessed for the base building. As such, no further traffic impact assessment should be required for this application.

The RTS was referred to the RMS and TNSW for comment. TNSW responded on behalf of both agencies and advised that some minor changes are required to the WTP to reflect minor changes to State and local transport strategies endorsed in December 2013.

The agency has recommended a condition to ensure that the WTP is updated to reflect the State and local transport plans, policies and strategies that are in place prior to the issue of an Occupation Certificate for the fit-out works.

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 DGRs 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. The agency'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?	Not applicable
(b) Biobanking Statement exists?	Not applicable

5.2 Key and Other Issues

The agency 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. The agency has reviewed the report and is satisfied that the proposed works are capable of complying with the relevant provisions of the BCA. The agency has recommended 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

Modification C4 of the Barangaroo Concept Plan specifies that car parking must be provided at a rate of 1 space per 600 m² of commercial GFA, and all other uses must be in accordance with the City of Sydney's rates. In addition, Statement of Commitment (SOC) 47, of the Concept Plan, requires the provision of bicycle parking in accordance with the City of Sydney Council's rates.

The car and bicycle parking requirements for commercial building C4 are set out in the project approval for the construction of this building. The project approval for the construction of commercial building C4 provides the following maximum number of car parking spaces for the entire building:

- 161 commercial car parking spaces;
- 4 retail spaces; and
- 36 loading spaces.

In addition, MP10_0025 specifies that 420 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 68,956 m² of commercial floor space, and accommodating a maximum of 4,500 employees at any given time, a maximum of 114.9 car parking spaces could be allocated for the use of occupants within levels 1 to 28. In addition, 180 bicycle parking spaces would be required to service these levels (sufficient spaces to accommodate a minimum of four per cent of building occupants). Based on the total number of car and bicycle parking spaces approved, the agency considers that the building can adequately service the need of future employees. The agency 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_0025).

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.

The agency has reviewed the revised WTP appended in the applicant's RTS in conjunction with Transport for NSW and has concluded that the WTP is acceptable subject to the following revisions:

- Section 2.1 of the Plan being revised to identify the four pedestrian links to the site in Figure 1. In addition it is recommended that a pedestrian access section is included below the mode split table;
- Sections 2.2 and 2.3 being revised to reference the version of the *Sydney City Centre Access Strategy* endorsed in December 2013. This includes the identification of bus routes;
- Section 2.3.4 being revised to outline that the North West Rail Link is expected to be open by the end of 2019; and
- Appendix B being revised to reference TNSW's new website.

The agency has included a condition requiring the abovementioned modifications to be undertaken to the WTP prior to the issue of an Occupation Certificate.

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 Westpac 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*.

The agency 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 Baranagarro South. Furthermore, the agency has concluded that the waste storage areas are sufficient to manage all waste generated on-site. Accordingly, the agency has included 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 Lend Lease. 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.

The agency 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. The agency has also included 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_0025.

5.2.5 Construction Impacts

The application includes a Construction Management Plan (CMP) prepared by Lend Lease which has been prepared to address environmental issues associated with the construction of the C4 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.

The agency notes that the CMP is essentially an update of the CMP prepared to manage the environmental 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 C4 fit-out works. Given the length of construction works at Barangaroo South, and the likelihood of several buildings being constructed simultaneously, the agency 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. The agency has therefore recommended the imposition of a condition requiring the proponent to comply with the requirements of EPL 13336 at all times.

The agency 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 C4.

5.2.6 Public Interest

The application is considered to be in the public interest as it will facilitate the future development of Barangaroo in accordance with the approved Barangaroo Concept Plan, which in turn will provide the following key public benefits:

- The provision of 68,956 m² of fit-for-purpose commercial floor space which will assist in reinforcing the role of the Sydney CBD/Barangaroo as a centre for international business; and
- The provision of a high quality and sustainable work space for future building occupants as per the objectives of the Barangaroo Concept Plan.

The issues identified by the RMS and TNSW in relation to the adequacy of the TMAP and WTP have been addressed in the applicant's RTS and the agency has recommended conditions to ensure the applicant updates the WTP in accordance with TNSW's additional recommendations, obtains a Road Occupancy Licence, and avoids the use of York Street during peak hours. Consequently, the agency recommends approval of the project, subject to conditions.

6. CONCLUSION AND RECOMMENDATION

6.1 Conclusion

The agency has reviewed the EIS and duly considered advice from public authorities in accordance with section 75(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.

The agency 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.

The agency considers the site to be suitable for the proposed development and that the application is in the public interest. Consequently, the agency 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 and Infrastructure, grants development consent for the fit-out and use of levels 1 to 28 of commercial building C4 at Barangaroo South (SSD 5582).

Endorsed by:



Dan Keary
Director,
Industry, Key Sites and Social Projects

Approved by:



8.9.18

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

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, the agency considers that the application is consistent with the provisions of the MD SEPP.

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	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 control	<ul style="list-style-type: none"> Development may only be carried out in the W1 Maritime Zone if it outlined in the Table. 	<ul style="list-style-type: none"> See above. 	N/A
Part 3, clause 20 Matters for Consideration	<ul style="list-style-type: none"> The matters referred to in Division 3 must be considered by the consent authority. 	<ul style="list-style-type: none"> The agency has considered the relevant matters below. 	YES
Part 3, clause 21 Biodiversity, ecology & environmental protection	<ul style="list-style-type: none"> The consent authority must take into consideration biodiversity, ecology and environmental protection matters that are outlined in this clause. 	<ul style="list-style-type: none"> 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 	YES

		<p>implemented.</p> <ul style="list-style-type: none"> 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. 	
Part 3, clause 29 Foreshores & Waterways Development Advisory Committee	<ul style="list-style-type: none"> A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee. 	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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 assessment	<ul style="list-style-type: none"> Consideration of landscape character types and performance criteria. 	<ul style="list-style-type: none"> N/A. The site contains no landscape characters as identified in the DCP.

Design Guidelines (General & Land/Water Based)	<ul style="list-style-type: none"> • Foreshore access 	<ul style="list-style-type: none"> • 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.
	<ul style="list-style-type: none"> • Waterway conflicts • Siting of buildings & structures 	<ul style="list-style-type: none"> • N/A – the proposed works are internal only. • N/A – the proposed works are internal only.
	<ul style="list-style-type: none"> • Built form • Signage 	<ul style="list-style-type: none"> • 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 Director-General 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
