

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6715

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

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

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 a State significant development pursuant to section 89C of Environmental Planning and Assessment Act 1979 (EP&A Act)) as it is on land identified as being within The Rocks with a capital investment value of more than \$10 million. The proposal therefore satisfies the State significant development criteria in Schedule 2, clause 6 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)

The aims of the SCRA are to identify permitted uses, building envelopes and maximum heights, and key pedestrian access points. The site is located on Drawing XXXVII. The proposed development does not alter the building envelopes and is consistent with the permitted uses. Although the internal courtyard is proposed to be enclosed, the key pedestrian access route highlighted on Drawing XXXVII will be preserved. The proposal therefore complies with the provisions of the SCRA Scheme.

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to provide a State wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required;
- the relevant considerations for consent to carry out remediation work; and
- that remediation works undertaken meet certain standards and notification requirements.

Clause 7 of the SEPP prevents a consent authority from issuing development consent unless it has considered:

- whether the subject site is contaminated;
- whether a contaminated site is suitable for its proposed use in its current state, or will be suitable following remediation; and
- whether it is satisfied that the site will be remediated before the land is used for the purpose proposed under the application.

As the proposal is limited to the refurbishment of the existing building and given no excavation of the existing floor level slab is proposed, there is considered to be no exposure to contamination. On this basis, the site is considered suitable for the proposed development.

State Environmental Planning Policy No 64. (Advertising & Signage)

Considerations of the relevant clauses in SEPP 64 are addressed in **Table 3** below:

Table 3: Consideration of SEPP 64

SEPP 64	Criteria	Department Comment / Assessment	Complies
Part 1, clause 3 Aims, objectives	This policy aims to ensure that signage (including advertising) is compatible with the amenity and visual character of the area, provides effective communication, and is of a high quality design and finish.	The Department is satisfied that the signage is well located, is highly compatible with the heritage significance of the building and the contemporary character of the refurbishment. The proposal is considered to be of a high quality and will appropriately identify the entries to the DFS Galleria.	YES
Part 2, clause 8 Granting of consent to Signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied: (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.	Noted. Refer to comments above regarding clause 3(1)(a) and comments below regarding Schedule 1.	YES
Schedule 1 Assessment Criteria	- Character of the area - Special areas - Views and Vistas - Streetscape, setting or landscape - Site and building - Associated devices - Illumination - Safety	- The signage is considered to be compatible with the heritage character of The Rocks Precinct. - The proposal will not detract from the amenity or visual quality of the area. - All signage will be integrated with the building design, will ensure views and vistas are not obscured or compromised or the viewing rights of other advertiser adversely impacted. - The scale of the signage structures are appropriate for the site's setting. - The signs are an appropriate size and are in proportion with existing building and its features. - Conditions have been recommended to ensure that all illumination complies with the requirements of	YES

		AS4282. The proposed signage is not considered to compromise user safety or to unduly obscure sightlines from public areas.	
Transport Corridor Outdoor Advertising & Signage Guidelines	Specific design criteria for advertisements in transport corridors must be considered	The site is not within a transport corridor.	N/A

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Consideration of the relevant clauses in SREP (Sydney Harbour Catchment) 2005 are addressed in **Table 1** below.

Table 1: Consideration of SREP (Sydney Harbour Catchment) 2005

Relevant Clause	Provision	Compliance/Comment
Clause 3, Land to which the plan applies	Land identified on the on the Sydney Harbour Catchment Map.	The subject site is located within the boundary of the Sydney Harbour Catchment and therefore, the provisions of SREP (Sydney Harbour Catchment) 2005 apply to the development.
Part 2: Clause13 Planning Principal for Sydney Harbour Catchment	Identifies the planning principles for land within the Sydney Harbour Catchment.	The proposal is considered to be consistent with the planning principals for land within the Sydney Harbour Catchment as it will protect the environmental qualities of the Sydney Harbour and will not impact on the visual quality of Sydney Harbour.
Part 2, Clause 14 Planning Principals for Foreshores and Waterways Area	Identifies the planning principles for land within the Foreshores and Waterways Area.	The proposal is considered to be consistent with the planning principles for land within the Foreshore and Waterways Area, as it will protect the natural assets and unique qualities of Sydney Harbour and it will not have an adverse impact on the visual quality and public access to Sydney Harbour.
Part 2, Clause 15 Planning Principals for Heritage Conservation	Identifies the planning principles for heritage conservation.	The subject site is not identified as a heritage item on Sheet 1- heritage map. Notwithstanding this, the site is located within The Rocks precinct and the proposal is considered to generally consistent with the planning principles-refer to discussion in section 5.4 of the report.
Part 3, clause 17 Zoning	- 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.	The site is located within the foreshores and waterways area boundary but is not identified as zoned land on the zoning map. Therefore, there are no relevant zoning objectives applying to this land. Notwithstanding this, it is noted that the proposal will not adversely impact on unique qualities of Sydney Harbour or

		public access to the foreshore.
Part 3, clause 18 Development control	Development may only be carried out in the W1 Maritime Zone if it outlined in the Table.	See above.
Part 3, clause 20 Matters for Consideration	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.
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 no impact on the quality of water entering the waterway. - Existing public access to the foreshore will not be affected. - The application will not impact on the ability to maintain a working harbour. - The works will not affect the scenic quality of the harbour and foreshore given the minor nature of the works and the location of the site relative to the foreshore. - The proposed works will not result in any adverse view impacts.
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.
Part 4, clause 40 Strategic Foreshores Areas	- Division 1- Requirements for Masterplans - This Division applies to development that is carried out on a strategic foreshore site.	The Rocks is identified as a strategic foreshore site on Sheet 1 (City Foreshore Area).
Part 4, clause 41 Requirement for Master Plans	Sub-clause 4 identifies that a Master Plan does not have to be prepared for the City Foreshores Areas, as shown on the Strategic Foreshores Sites Map, unless the Minister so directs.	The Minister has not directed that a Master Plan be prepared. Therefore the provisions of Part 4 are not applicable to the development.

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.
Landscape assessment	Consideration of landscape character types and performance criteria.	The site is not identified as a landscape character type in the DCP or on Map 8 and therefore, the proposal is not assessed against any specified performance criteria.
Design Guidelines for land-based development (Section 5)	- Foreshore access - Waterway conflicts - Siting of buildings & structures - Built form - Signage	N/A. N/A. N/A The signage proposed is minimal in dimension and complimentary to the building design and the identity of The Rocks. Refer to further assessment against SEPP64-Advertising and Signage.

APPENDIX D SUPPLEMENTARY INFORMATION

APPENDIX E 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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