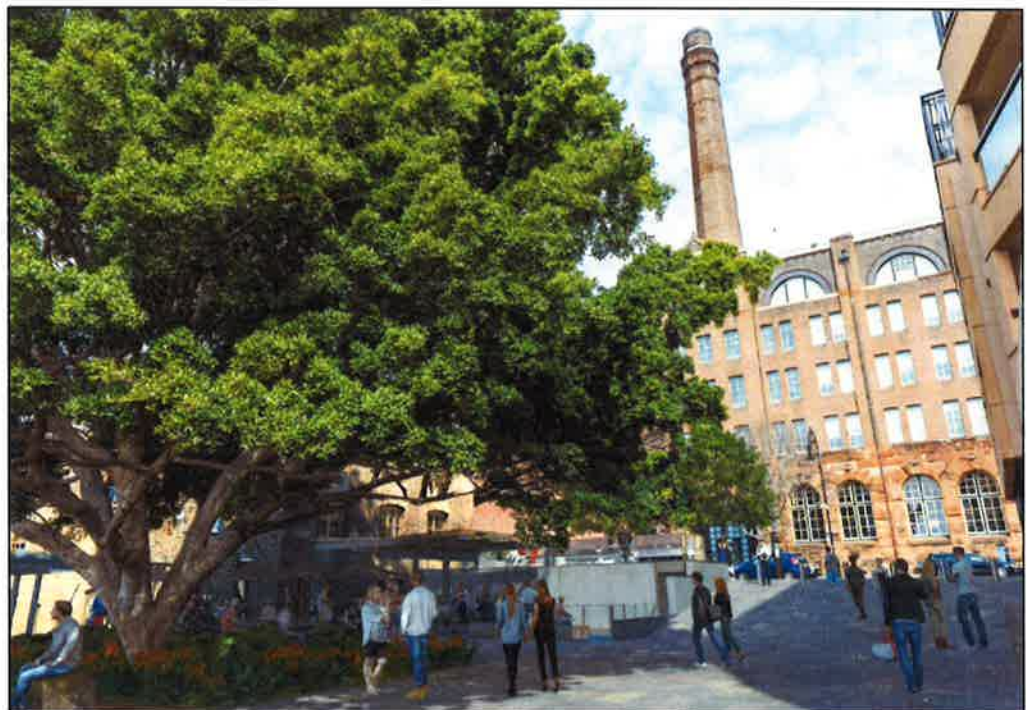




**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:**

***Alterations and additions to Campbell's Stores, The
Rocks***

SSD 7056 MOD 1



Environmental Assessment Report
Section 4.40 of the
Environmental Planning and Assessment Act 1979

June 2018

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 4.55(2) modification application for State Significant Development Application (SSD 7056) for the alterations and additions to Campbell's Stores, The Rocks.

The modification application has been lodged by Tallawoladah (the Applicant) to seek approval for the reconfiguration of the Bay 12 area to conserve and interpret archaeological items *in situ*, discovered during excavation works.

1.2 The site

The site is known as Campbell's Stores and is located between Hickson Road and the Sydney Harbour foreshore. The site currently comprises a three-storey sandstone and brick warehouse building that is identified as a State heritage item. The building is divided into 11 distinct bays, with an open area to the north end of the site, termed 'Bay 12'. The site is shown in **Figure 1**.



Figure 1: The existing site viewed from the Overseas Passenger Terminal, looking to the north (Source: Applicant's modification application).

1.3 Site context

The site is located within The Rocks heritage precinct in the City of Sydney Local Government Area (LGA). The site is situated in a prominent position opposite Campbell's Cove, part of the Sydney Harbour foreshore.

The site is separated from the water by a foreshore promenade, which forms part of a broader continuous pedestrian link between The Rocks with Circular Quay, Sydney Opera House, Royal Botanic Gardens, Walsh Bay and Barangaroo. The site and its surrounds are shown in **Figure 2**.

The surrounding area is characterised by a mix of buildings and uses, including:

- the Overseas Passenger Terminal to the south-east, which services cruise passenger vessels and comprises a range of bars and restaurants
- the Park Hyatt Hotel immediately north of the site
- the Metcalfe Bond Stores to the west, which accommodates a range of retail, commercial and residential uses
- the ASN Co Building to the south, which accommodates a range of commercial and educational uses.

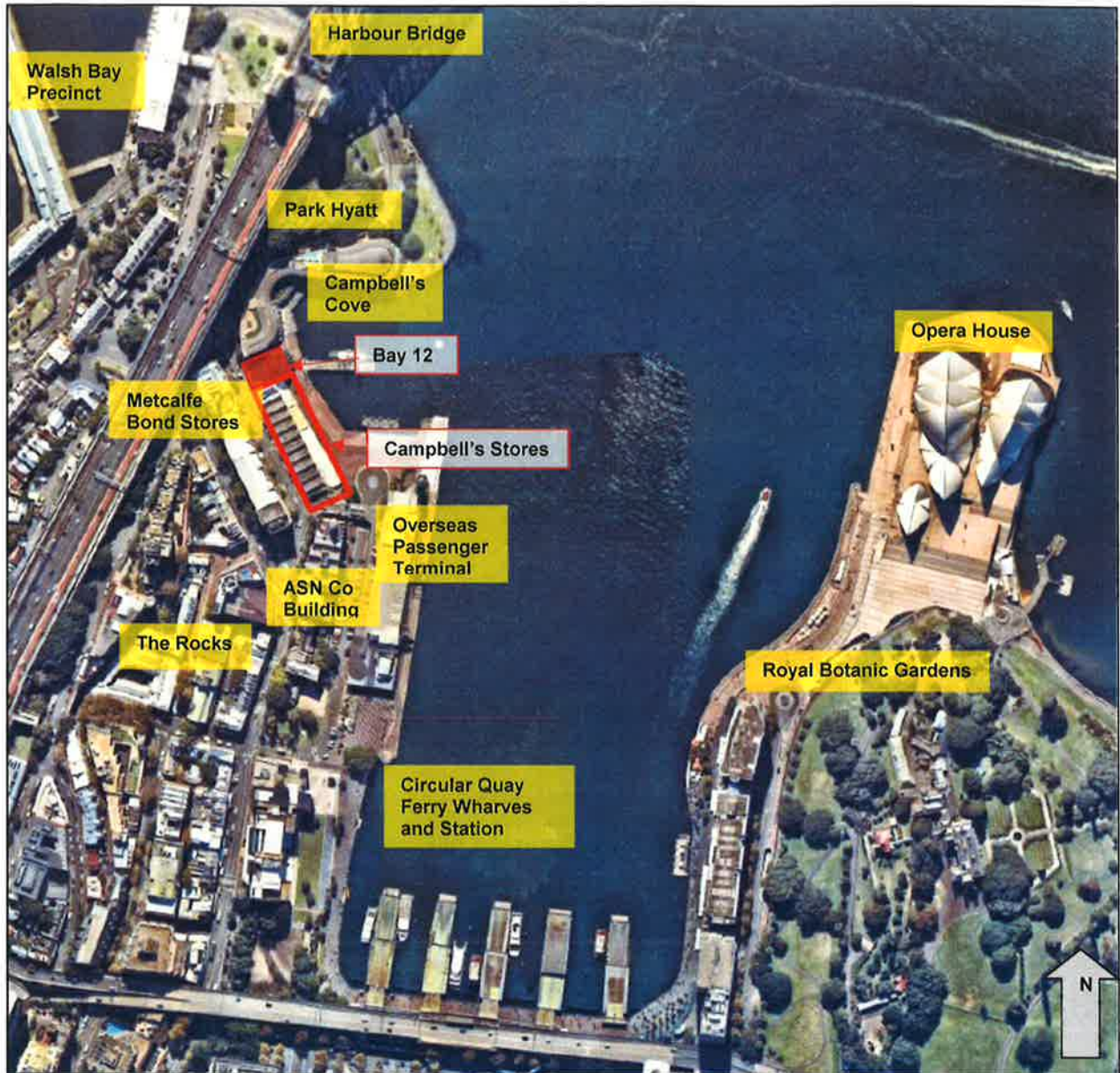


Figure 2: Aerial view showing the site outlined in red (Source: Nearmap).

1.4 Approval history

On 19 April 2017, the Planning Assessment Commission approved SSD 7056 for the alterations and additions to Campbell's Stores, The Rocks, including:

- conservation and remediation works to the Campbell's Stores, upgrades to the existing stormwater infrastructure and re-grading of the outdoor dining area
- external and internal building works to facilitate the adaptive re-use of the Campbell's Stores
- reconfiguration of the existing outdoor covered dining area to the east of Campbell's Stores and construction of a new outdoor dining area to the west of Campbell's Stores
- construction of a new outdoor dining area to the north of Campbell's Stores with basement storage, public amenities and plant (in the area known as Bay 12)
- public domain, landscaping and footpath works along Hickson Road.

The approved development, specific to Bay 12, is shown in **Figure 3** and **Figure 4**.

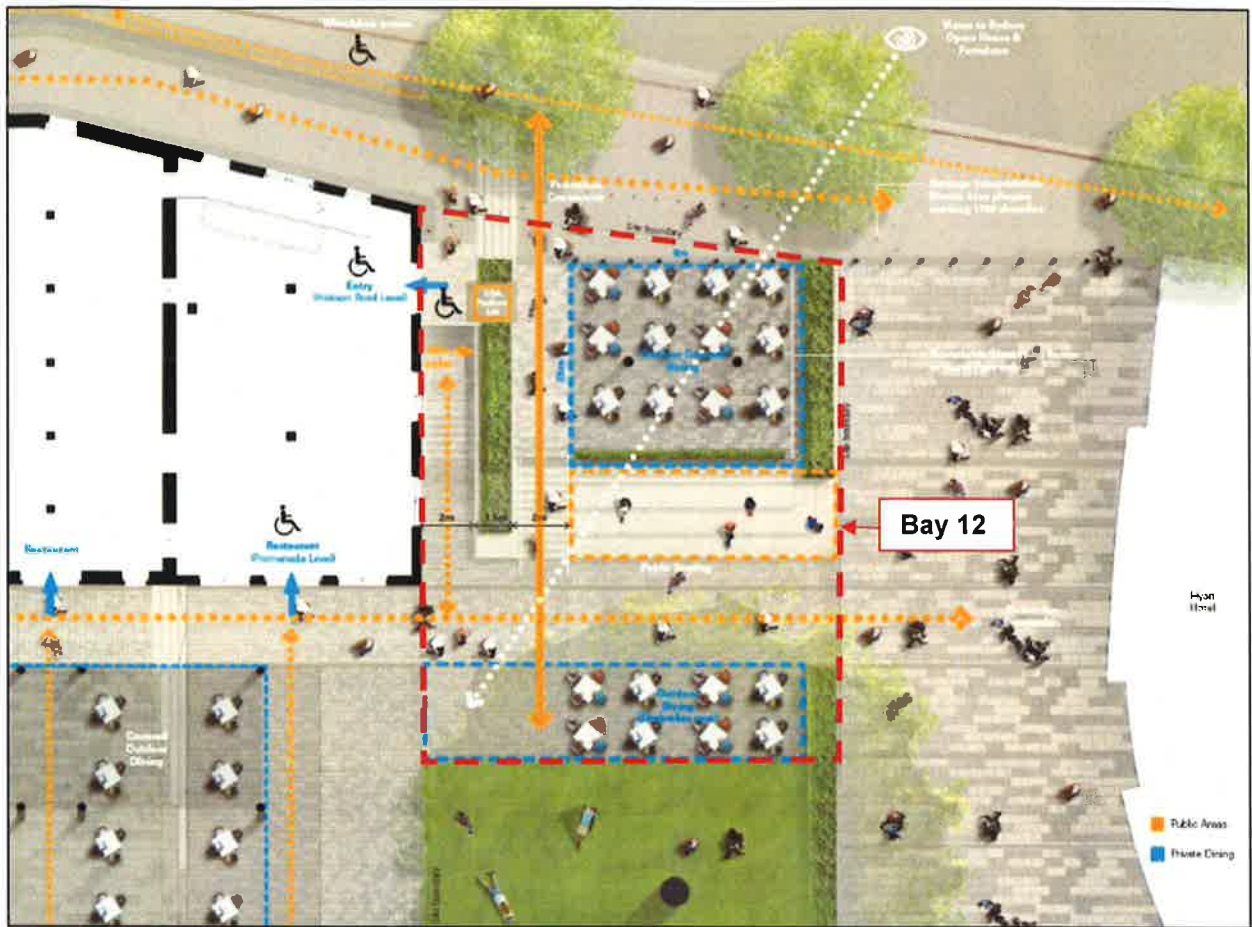


Figure 3: Bay 12 as approved under SSD 7056 (Source: Applicant's modification application).

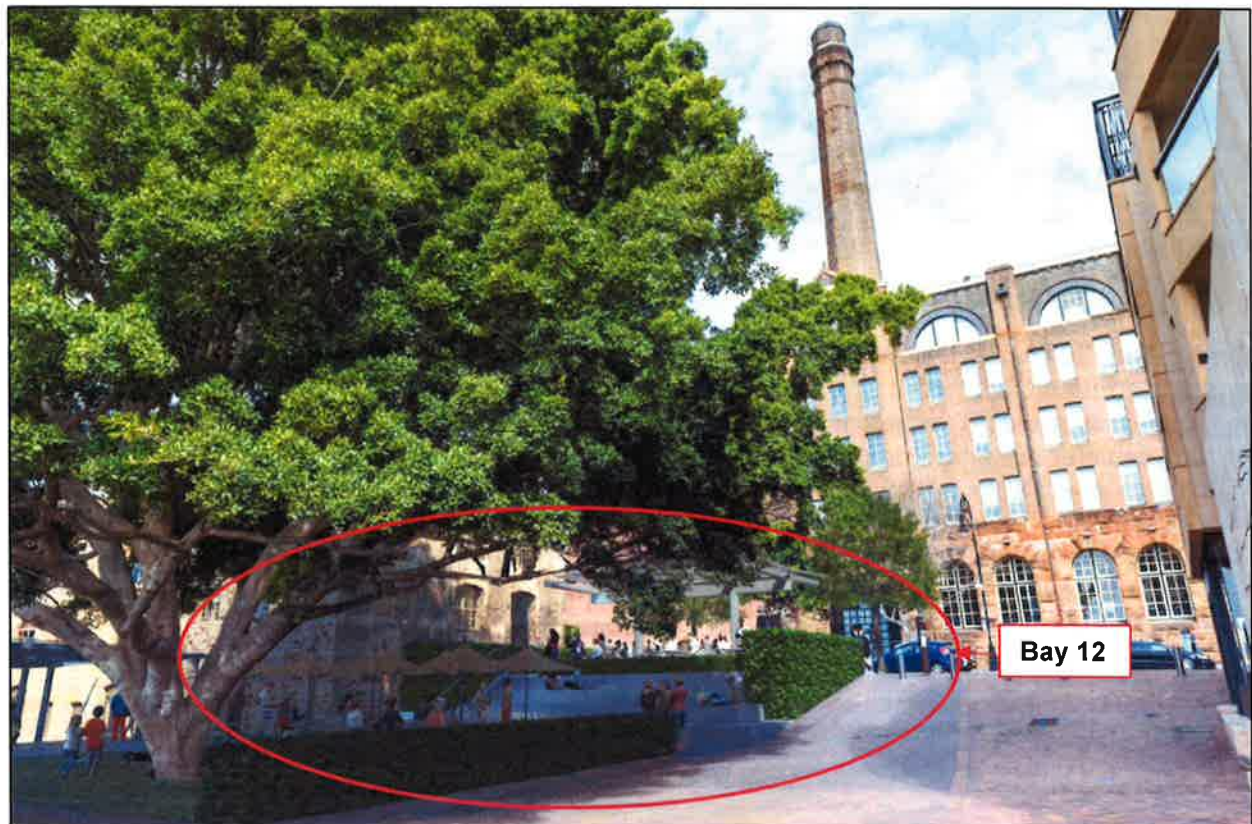


Figure 4: Photomontage of Bay 12 viewed from the foreshore promenade as approved under SSD 7056 (Source: Applicant's modification application).

3. STATUTORY CONTEXT

3.1 Modification of approval

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is in **Table 1**.

Table 1: Consideration of section 4.55(2) of the EP&A Act.

Section 4.55(2)	Assessment
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.	The proposed modification relates to the Bay 12 area and minor modifications to Bay 11. There are no changes proposed to Bays 1 to 10 or their associated outdoor dining areas. The proposed modifications will not change the proposed use or patron capacity. Therefore, the Department is satisfied the development is substantially the same development for which consent was originally granted.
That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The development does not require consultation with any other Minister, public authority or approval body. Notwithstanding, the Department has consulted the relevant State government authorities and the City of Sydney Council in relation to the modification application (refer to Section 4 of this report).
The application has been notified in accordance with the regulations.	The application has been notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (refer to Section 4 of this report).
Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	The Department has considered the submissions received during the exhibition period (refer to Sections 4 and 5 of this report)
Consideration of section 4.15(1) of the EP&A Act as are of relevance to the development application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The Department has assessed the relevant matters for consideration under section 4.15(1) of the EP&A Act. Refer to Section 5 of this report.

3.2 Environmental Planning Instruments

The following EPIs apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy.

The Department's detailed consideration of the modified proposal against the applicable EPIs is provided in **Appendix B** of this report. The Department is satisfied the modification application has adequately addressed the relevant provisions and is consistent with the EPIs.

3.3 Delegated authority

In accordance with the Minister for Planning's delegation dated 11 October 2017, the Director, Key Sites Assessments can determine the section 4.55(2) application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of an objection.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with clause 118 of the *Environmental Planning and Assessment Regulation 2000*, the Department publicly exhibited the application between 19 April 2018 and 2 May 2018 (14 days). The application was exhibited on the Department's website, at Service Centre NSW and the City of Sydney Council's office.

The Department placed a public exhibition notice in the Central Courier on 18 April 2018, and provided written notification to the adjoining landholders and relevant State and local government authorities.

The Department received four public authority submissions and no public submissions.

The Department has considered the comments raised in the public authority submissions during the assessment of the application in **Section 5** of this report, and has recommended conditions in the modification of consent in **Appendix C**.

4.1.1 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 2** and copies of the submissions may be viewed at **Appendix A**.

Table 2: Summary of public authority submissions to the exhibition of the modification application.

Office of Environment and Heritage - Heritage Division (The Heritage Council)
<p>The Heritage Council support the modified proposal and provide the following comments:</p> <ul style="list-style-type: none"> • The proposed changes to Bay 12 will improve the view to Campbell's Stores, consistent with policies of the Conversation Management Plan (CMP). • The proposed piles and awning supports appropriately avoid the pre-1830s and pre-1834 archaeology. • The archaeological impacts of the required drainage in connection with the exposed archaeology are acceptable. • The management of vibratory and compaction impacts from reburial should be addressed in the final construction approach. • The Interpretation Plan is to address the use of former rail ballast material to represent the old harbour alignment, as required as a condition of the original consent. • Condition B17(b) Interpretation Plan (stage 2) allows for a response to the discovery of archaeological items. The existing condition should be satisfactory to ensure the interpretation approach will adequately respond to the discovery, and inform the approach to the site. This may involve some amendment to the design to respond to the Final Plan prepared for this condition. <p>The Heritage Council supports the recommendations contained within the '<i>Campbell's Stores, Campbell's Cove SSD 7056 DA, s96 – Bay 12 Archaeological Statement of Heritage Impact</i>', subject to the following additional requirements:</p> <ul style="list-style-type: none"> • A report prepared by a conservation specialist is required to advise on the management of the archaeological items including confirmation of the separating fabric. • The Applicant shall confirm who will be responsible for ongoing maintenance. • Condition E1 is to be amended to include the maintenance requirements for the archaeological viewing window and who is responsible for its ongoing management.

City of Sydney Council (Council)
Council support the modified proposal, and provide the following comments: <ul style="list-style-type: none"> • The revised proposal is an improvement with regards to heritage, views and pedestrian connectivity. • A condition of consent is recommended to impose the recommendations of the <i>Archaeological Statement of Heritage Impact for the Proposed Redesign of Bay 12</i>. • A condition of consent is recommended to amend the Interpretation Plan to address the retention and preservation of the archaeological items.
Transport for NSW (TfNSW)
TfNSW did not object to the modified proposal and requested the Applicant to update the Construction Traffic and Pedestrian Traffic Management Plan (CPTMP), in consultation with the Sydney Coordination Office within TfNSW.
Environmental Protection Authority (EPA)
The EPA did not object to the modified proposal and had no comments in relation to the development.
Roads and Maritime Services (RMS)
RMS did not object to the modified proposal and had no comments in relation to the development.

4.1.2 Public submissions

No submissions from the public were received.

4.2 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the comments raised in the submissions.

On 10 May 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the comments raised during the exhibition of the proposal. The Applicant acknowledged the comments and recommended conditions of consent from the public authority submissions and agreed to the conditions. The RtS was made publicly available on the Department's website and no public submissions were received.

5. ASSESSMENT

5.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 3** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided for in **Section 5** (key and other issues) and relevant appendices or other sections of this report, referenced in the table.

Table 3: Consideration of section 4.15(1) of the EP&A Act.

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 3 and Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.

(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 3 of this report).
(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,	The Department considers the likely impacts of the development are acceptable and/or have been appropriately mitigated or addressed by recommended conditions (refer to Section 5 and Appendix B of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 5 of this report.
(d) any submissions	The Department has considered the submissions received during the exhibition period (refer to Sections 4 and 5 of this report).
(e) the public interest	The Department has considered the modified proposal to be in the public interest.

5.2 Key assessment issues

The Department has considered the Applicant's modification application, the issues raised in submissions and the RtS in its assessment of the modified proposal. The Department considers the key issues associated with the proposal are:

- heritage - archaeological
- heritage - built form
- visual impact
- public domain and access.

Each of these issues are discussed separately in the following sections of this report.

5.3 Heritage - Archaeological

During excavation works for the approved development, archaeological items of State significance were discovered comprising sandstone paving and wall footings associated with the bond store and sea wall. The Applicant reported the discovery to Heritage Council, who recommended the items to be displayed *in situ*.

The presence of the archaeological items was unknown during the consideration and assessment of the original application. The approved development included a concreted tiered public seating area situated over the location of the more recently discovered archaeological items. To respond to the discovery of these items, the Applicant has proposed an alternative design for the Bay 12 area that preserves and displays the archaeological items *in situ*.

The proposed alternative design includes the relocation of the toilet block, awning and the display of the below ground items through a viewing "window" pavement opening in the ground level slab (4.2 m x 4.2 m) (**Figure 6**). This display will allow for public viewing into the pre-1834 stonework and archaeology. The modification application has been accompanied by an *Archaeological Statement of Heritage Impact for the Proposed Redesign of Bay 12* (AS) which provides an assessment of the archaeological impacts of preserving these items.

The AS finds the amended toilet block design will require five pile footings. The piles are to avoid the pre-1834 sandstone paving and bond store remains, however there will be a minor conflict with three of the proposed piles and the later (1880-1895) / 1920s remains. This will result in a low level of impact that will be minimised through a cantilevered design and hand excavation.

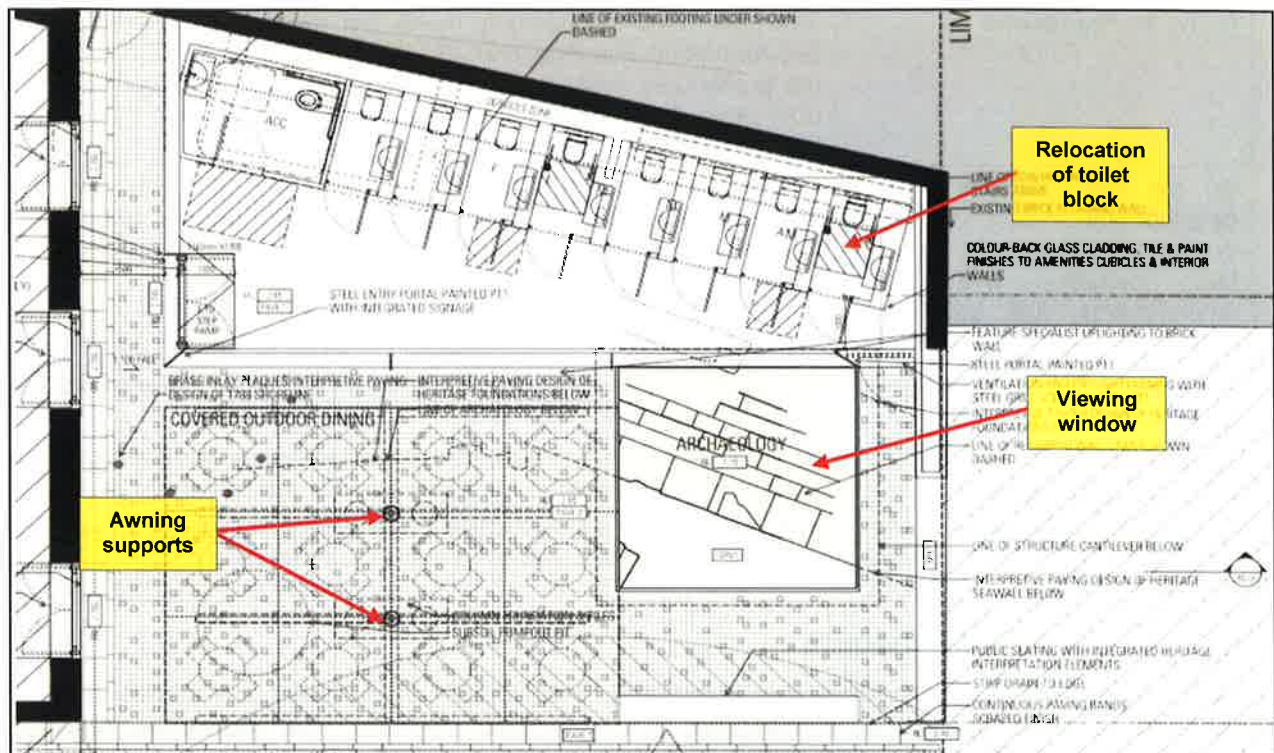


Figure 6: Archaeological works (Source: Applicant's modification application)

The proposed awning for the ground level outdoor seating area has been positioned to avoid significant archaeological remains. The awning design will use two steel columns located in previously disturbed areas to minimise the impact of the pile footings on the archaeological items.

The viewing window will require sub-soil drainage to manage excess water for the exposed sea wall and bond store remains. The drainage system will comprise of nylax strip drains and a pump-out tank to the existing stormwater system. This system will require a drainage trench along the north and east side of the viewing window, that will involve a 100 mm wide cut through the pre-1834 sandstone paved surface and part of the pre-1834 bond store wall.

The report considers the cut to the east side is of low impact, however the cut to the north side is of high impact. The report maintains there are no viable alternatives and the impact is acceptable as it will facilitate the overall conservation and display of the archaeological items.

The City of Sydney and Heritage Council support the findings of the AS, with the Heritage Council noting the required cut to the north side of the viewing window is acceptable. The City of Sydney and the Heritage Council recommend a condition of consent requiring the recommendations outlined in the report be imposed as a condition of consent. These include the requirement for works to be monitored by an archaeologist, additional archaeological excavation to determine the extent of the archaeological resources and construction mitigation techniques.

The Heritage Council also recommend conditions for managing the archaeological items during construction and operation. This includes a report from a conservation specialist that provides advice on the management of archaeological items during and post construction and materials for separating archaeology. The Applicant is also to provide the Department and Heritage Council written confirmation of who is responsible for the ongoing maintenance of the archaeological items.

The Department considers the display of the archaeological items will promote greater public awareness and appreciation of the history of The Rocks precinct. The display will provide for heritage interpretation and education of this historically significant area and become a focal point within The Rocks precinct.

The Department supports the findings of the AS and is satisfied the archaeological impact has been appropriately minimised and is acceptable within the context of the preservation works. The Department recommends conditions of consent requiring the involvement of an archaeologist and conservation specialist, additional archaeological excavation, construction mitigation techniques and confirmation around the ongoing management of the archaeological items.

The Department concludes the proposed modification is acceptable on archaeological grounds.

5.4 Heritage – Built form

The development, as approved, included a raised outdoor dining terrace with an awning within Bay 12, adjacent Hickson Road (**Figure 7**). The proposal also included an external opening to an existing Level 1 window of Bay 11 of the State listed heritage item, Campbell's Stores. The Department supported the opening to allow for disabled access from the raised outdoor terrace to Level 1 of Bay 11.

The modification application proposes to relocate the outdoor dining area and associated awning to the ground level and reduce the raised terrace into an uncovered public viewing terrace (**Figure 7**). The terrace will provide for public views from above into the archaeological display and also outward to the Campbell's Cove foreshore, Sydney Harbour and Opera House beyond.

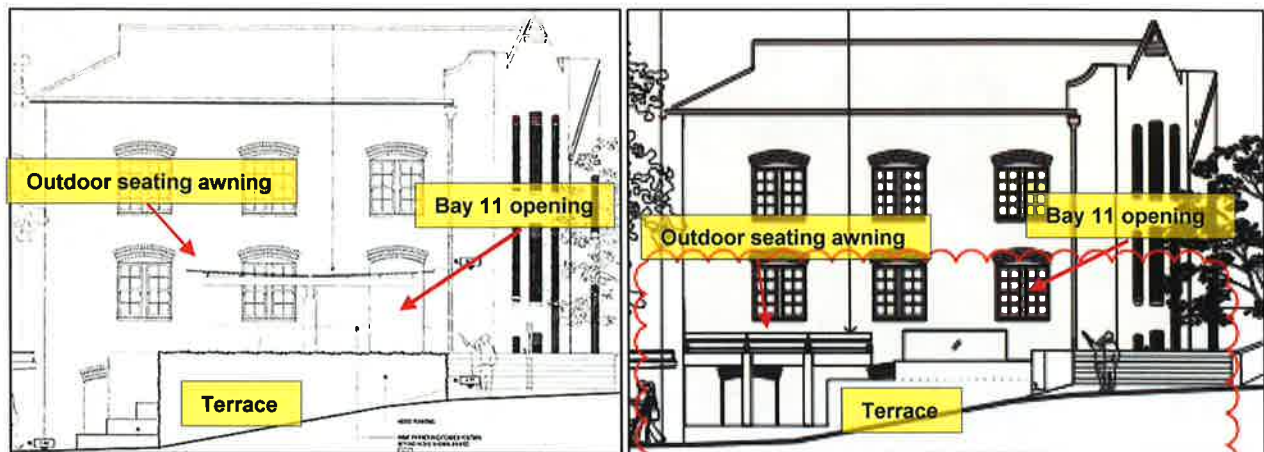


Figure 7: Previously approved north elevation and proposed north elevation (Source: Approved plans for SSD 7056 and Applicant's modification application).

The modified proposal also involves the retention of window located on Level 1 of Bay 11 of Campbell's Stores (**Figure 7**). As Level 1 will no longer be connected to the raised platform, the opening is not required.

The Heritage Council and the City of Sydney support the modified proposal. The Heritage Council consider the modification will improve the view to the Campbell's Stores Building consistent with policies of the Conversation Management Plan.

The Department considers the modified proposal is less intrusive to the heritage significance of the Bay 12 area than the previously approved development. The proposal has less overall bulk and scale with improved views to Campbell's Stores. Further, the retention of the Bay 11 window would retain additional heritage fabric, resulting in an improved heritage outcome.

The Department is satisfied the modified proposal will facilitate archaeological interpretation and enhance the viewing of heritage items within The Rocks precinct. Therefore, the Department considers the proposed modification is suitable with regards to heritage and recommends a condition of consent requiring the Interpretation Plan be updated.

5.5 Visual impact

The proposed reconfiguration of the approved Bay 12 layout will result in changes to the view corridors to and from the site. The approved application included a raised outdoor terrace adjacent Hickson Road with an associated awning. The amended design includes the relocation of the approved covered outdoor seating area to the ground level and the reduction of the approved Hickson Road terrace into a smaller, open public viewing platform.

The application has been accompanied by a *Visual Impact Assessment* prepared by Virtual Ideas that provides a range of photomontages to illustrate the expected visual impact of the proposed modification (**Figure 8**).



Figure 8: Photomontage from raised viewing platform (Source: Applicant's modification application).

The proposed modifications will result in the following changes to the views experienced to and from the site:

- the window display, viewing platform and public seating will allow for public views into the archaeological items
- the proposed viewing platform will provide public views out to Sydney Harbour, which was previously commercial viewing space from the outdoor seating area
- the lowering of the outdoor dining area and associated awning will improve the views from the public domain to the site and the State heritage building, Campbell's Stores
- the relocation of the awning and umbrellas to the south of Bay 12 will reduce the views to the Sydney Opera House from within Bay 12 and Hickson Road
- the proposed awning and viewing platform will be screened from the Sydney Harbour by the existing tree, which is to be retained.

The Heritage Council and the City of Sydney are supportive of the amended design as it improves the visual connectivity, with particular reference to the improvement of the views to Campbell's Stores.

The Department considers that on balance the relocation of the approved awning has less overall visual impact compared to the previous approval. The amended design will also redistribute the available viewing space to increase the public viewing space over commercial viewing space. The

Department also considers the proposed modifications will improve the viewing of heritage items, including the archaeological items and Campbell's Stores.

The Department notes that the site is also located within the Sydney Opera House buffer zone of the UNESCO World Heritage listing. As the modified proposal has lowered the awning and provides for a public viewing platform, the Department considers the public views to the Opera House and its buffer zone will be improved.

The Department concludes the modified proposal highlights the archaeological items and improves the visual connectivity to and from the site. The reduction and relocation of the approved awning reduces the visual barrier between the site and Campbell's Stores and Sydney Harbour and the proposed viewing platform will increase public opportunities to enjoy views of Sydney Harbour, the Opera House and the surrounds.

Therefore, the Department is satisfied the modified proposal reduces the visual impact from the previously approved arrangement and improves the visual connectivity to and from the site.

5.6 Public domain and access

The Bay 12 area is integrated into the public domain surrounding Campbell's Stores, comprising public access, pedestrian connectivity and accessible access. The approved Bay 12 layout included an internal east-west connection, terraced public seating and a lift for accessible access from the ground floor to the raised outdoor seating area (**Figure 9**).

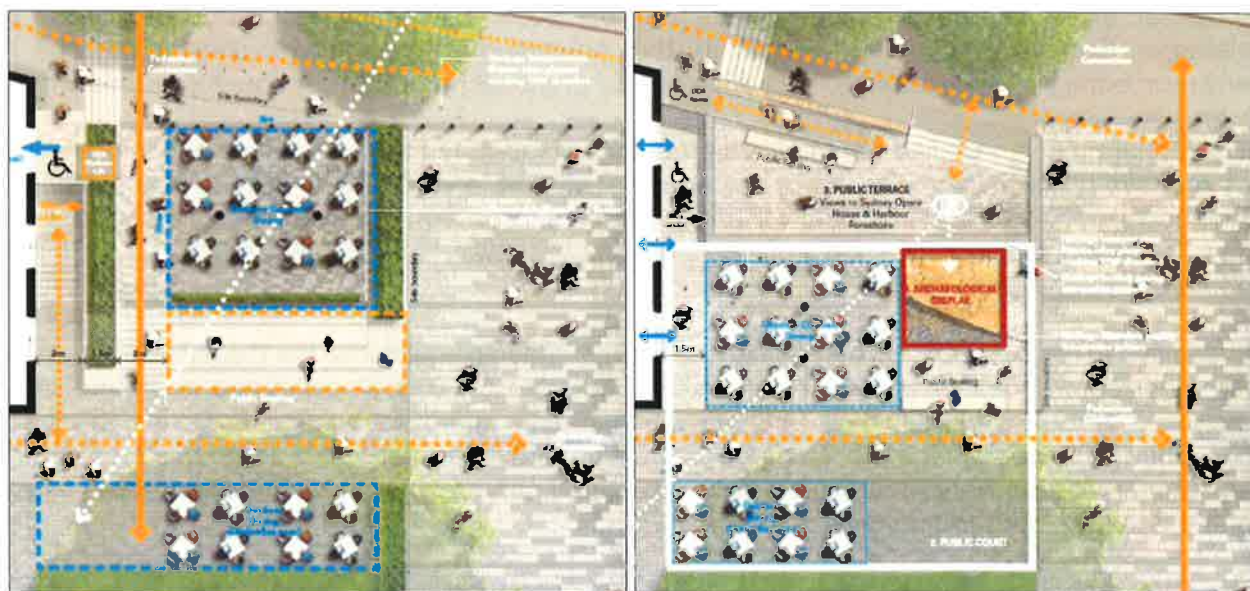


Figure 9: Public access routes as approved (left) and proposed (right) (Source: Applicant's modification).

The proposed modifications involve the removal of the approved internal east-west pedestrian connection, changes to the terracing levels of the site and provision for public seating areas in front of the archaeological display and on the elevated public terrace (**Figure 9**). The changes to the floor levels of the site also result in the replacement of a platform lift with a ramp in an adjacent location.

The modification application was accompanied by an Access Report. The report finds the proposed modifications improve disability access compared to the previously approved proposal and can achieve the required continuous paths of travel.

The City of Sydney are supportive of the design, noting that the proposal provides for improved pedestrian connectivity.

The Department considers the relocation of the approved outdoor dining area and awning to the lower level will better integrate with the public domain and will reduce the scale impact on the pedestrian experience through the east-west link between Hickson Road and the foreshore promenade.

The Department also considers that despite the removal of the lift, accessible access is maintained to Campbell's Stores at ground level and the raised viewing area. With regards to the removal of the internal east-west link, the Department considers that because the modified proposal maintains east-west access through the existing public accessway to the north of Bay 12, the removal of the internal east-west link is acceptable.

The modified proposal also improves the public domain by way of layout, public viewing opportunities and public access to historically significant archaeology. The proposed arrangement will facilitate the public interaction with the archaeology and the history of The Rocks precinct.

The Department is satisfied the proposed modifications will provide for suitable pedestrian access, improve the public domain and provide for more meaningful public space to enhance the overall pedestrian experience.

6. CONCLUSION

The Department has reviewed the proposed modification and assessed the merits of the modified proposal, taking into consideration advice from the public authorities, including Council and the Heritage Council. Comments raised in the submissions have been considered and all environmental issues associated with the modified proposal have been thoroughly addressed.

The Department is satisfied the modified proposal will facilitate the preservation and interpretation of archaeological items. The proposed viewing window and public display of the historically significant archaeological fragment will enhance the heritage significance of the Campbell's Stores and The Rocks precinct. This will promote greater public awareness and appreciation of the history and archaeology of the Rocks.

In addition to the preservation and public display of archaeological items, the Department considers the modified proposal provides for an improved outcome for Bay 12 compared to the previously approved layout. The reduction and relocation of the approved awning improves the visual connectivity to and from the site, Campbell's Stores and Sydney Harbour. Further, the reconfigured layout provides for more meaningful public space that can be enjoyed by the wider public as part of the Sydney Harbour foreshore promenade.

The Department concludes the impacts of the proposed modification are acceptable and can be appropriately managed through the implementation of the recommended conditions of consent.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.


7. RECOMMENDATION

It is recommended the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **determine** that the application SSD 7056 MOD 1 falls within the scope of section 4.55(2) of the EPA Act;
- **modify the consent** (SSD 7056 MOD 1); and
- **sign** the attached modification of development consent (**Attachment D**).

Ellen Mannix
Senior Planning Officer
Key Sites Assessments


Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

Decision

The recommendation is Approved by:



18/6/18.

Ben Lusher
Director
Key Sites Assessments
as delegate of the Minister for Planning.

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:

1. Environmental Impact Statement

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9240

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9240

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9240

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

EPIs considered as part of the assessment of the modification application are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy.

COMPLIANCE WITH CONTROLS

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

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The original development was deemed State significant in accordance with clause 6 of Schedule 2 of the SRD SEPP, as the development is at The Rocks and has a CIV in excess of \$10 million (**Table 1**).

Table 1: Consideration of the relevant provisions of the SRD SEPP.

Assessment criteria	Department's assessment	Compliance
<p>3 Aims of Policy The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development</p>	The original development was identified as SSD.	Yes
<p>8 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	The original development was permissible with development consent. The site is specified in Schedule 2.	Yes
<p>Schedule 2 State significant development —identified sites (Clause 8 (1))</p> <p>6 Development in The Rocks Development on land identified as being within The Rocks Site if:</p> <p>(a) it has a capital investment value of more than \$10 million, or</p> <p>(b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.</p>	The original development was within The Rocks and had a capital investment value of more than \$10 million.	Yes

Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)

Campbell's Stores are located within Site XXVII under the provisions of the SCRA Scheme and includes 'Commercial' and 'Special' land uses as permissible for the site. The modification application does not involve a change of use and therefore the Department is satisfied the modified proposal is consistent with the aims and objectives of the SCRA Scheme.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The application was referred to Roads and Maritime Services and Transport for NSW and their comments are summarised in **Section 4** of this report. TfNSW requested the Applicant to update the Construction Traffic and Pedestrian Traffic Management Plan (CPTMP), in consultation with the Sydney Coordination Office within TfNSW.

The Department notes that part of the Bay 12 works would be within the future rail corridor and therefore recommends a condition of consent to require the Applicant to update the Construction Traffic and Pedestrian Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW.

Given the consultation and consideration of the issues raised by TfNSW and RMS, the Department considers the modified proposal to be consistent with the ISEPP.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

The Department has considered the potential contamination issues under the assessment of the original application. As the site does not have a history of contamination and the proposal does not involve a change of use, the Department is satisfied the modified proposal will not raise any additional issues with regards to contamination.

Draft Remediation of Land State Environmental Planning Policy

The Department notes the Explanation of Intended Effect for a new Remediation of Land SEPP was recently exhibited until 13 April 2018. The Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposed works are not expected to result in any contamination issues, the Department considers the modification application would be consistent with the intended effect of the Remediation of Land SEPP.

State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)

The Coastal SEPP commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* (NSW) from a land use planning perspective. It defines four coastal management areas and provides an assessment criteria tailored for each coastal management area. The consent authority must apply those criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site as being located within the Coastal environment area and Coastal use area. Land within these areas are subject to clause 13 and 14, however as the site is located on land within the Foreshores and Waterways Area of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, clauses 13 and 14 of the Coastal SEPP do not apply.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)

The SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. The modified proposal is consistent with the relevant Planning Principals of the SHC SREP and will not have any significant adverse impact on the Sydney Harbour Catchment as considered in **Table 2** below:

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

Criteria		Department's assessment	Compliance
Part 1 Preliminary			
Clause 2 Aims of the Plan	<ul style="list-style-type: none"> This clause sets out the aims with respect to the Sydney Harbour Catchment and establishes the principles for the purpose of enabling these aims to be achieved. 	<p>The modified proposal is considered to be consistent with the aims of the Plan for the following reasons:</p> <ul style="list-style-type: none"> The catchment, foreshores and waterways will not be adversely affected by the modified proposal. The modified proposal has minimal additional impact that can be sufficiently managed subject to conditions of consent. The modified proposal will improve the existing commercial use and contribute to the culture and vibrancy of the area. 	Y
Clause 3 Land to which plan applies	<ul style="list-style-type: none"> Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area. 	The site is located within the Foreshores and Waterways Area as identified in the zoning map.	Y
Part 2 Planning principles			
Clause 13 Sydney Harbour Catchment	Provides a set of planning principles for land within the Sydney Harbour Catchment.	The modified proposal is consistent with the planning principles for the Sydney Harbour Catchment as follows:	Y

		<ul style="list-style-type: none"> • The modified proposal involves minimal excavation works and therefore would have negligible impact on the natural environment and assets including, hydrological, ecological and geomorphological processes and water quality. • The proposed modification will have minimal additional impact on the environment that can be suitably managed subject to recommended conditions of consent. • The proposed modifications involve reduced structures that will improve the views to and from the site. 	
Clause 14 Foreshores and Waterways Area	Provides a set of planning principles for land within the Foreshores and Waterways Area.	<p>The site is located within the Foreshores and Waterways Area and is consistent with the planning principles for the following reasons:</p> <ul style="list-style-type: none"> • The modified proposal will not impact the natural assets and visual qualities of Sydney Harbour. • The modified proposal will improve pedestrian connectivity and public access along the foreshore. 	Y
Clause 15 Heritage conservation	Provides a set of planning principles for heritage conservation.	<p>The site is a State Heritage listed item and is consistent with the planning principles for the following reasons:</p> <ul style="list-style-type: none"> • The modified proposal will facilitate the preservation and interpretation of archaeological items. • The modified proposal will enhance the cultural qualities of the Foreshores and Waterways Area. • The archaeological items will be protected subject to recommended conditions of consent. 	Y
Part 3 Foreshores and Waterways Area			
Division 1 Development control			
Clause 16 Zones indicated on Zoning Map	<ul style="list-style-type: none"> • Land is zoned in accordance with the zoning map. 	The site is adjacent to the waterway zoned W1 – Maritime Waters.	Y

<p>Clause 17 Zoning objectives</p>	<p>The objectives of the W1 – Maritime Waters Zone are as follows:</p> <ul style="list-style-type: none"> • to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally, • to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations, • to promote equitable use of the waterway, including use by passive recreation craft. 	<p>The site is located adjacent to the W1 Maritime Waters Zone. However, the site located wholly on land and has no associated uses that directly rely on the waterway. The modified proposal will not affect the movement of commercial shipping, public water transport and maritime industry operations.</p>	<p>Y</p>
<p>Division 2 Matters for consideration</p>			
<p>Clause 20 General</p>	<ul style="list-style-type: none"> • The matters referred to in Division 3 must be considered by the consent authority. 	<p>The Department has considered the relevant matters below.</p>	<p>Y</p>
<p>Clause 21 Biodiversity, ecology & environmental protection</p>	<ul style="list-style-type: none"> • The consent authority must consider the matters listed in the clause in relation to biodiversity, ecology and environmental protection. 	<p>The modified proposal will not have any adverse impacts on the biodiversity or ecology of the area.</p>	<p>Y</p>
<p>Clause 22 Public access to, and use of, foreshores and waterways</p>	<ul style="list-style-type: none"> • The consent authority must consider the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways. 	<p>The modified proposal will improve public access along the foreshore without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation.</p>	<p>Y</p>
<p>Clause 23 Maintenance of a working harbour</p>	<ul style="list-style-type: none"> • The consent authority must consider the matters listed in relation to the maintenance of a working harbour. 	<p>The modified proposal will not reduce the capacity of Sydney Harbour to function as a working harbour.</p>	<p>Y</p>
<p>Clause 24 Interrelationship of waterway and foreshore uses</p>	<ul style="list-style-type: none"> • The consent authority must consider the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses. 	<p>The modified proposal will not have any adverse impacts on the use of the waterway.</p>	<p>Y</p>

Clause 25 Foreshore and waterways scenic quality	<ul style="list-style-type: none"> The consent authority must consider the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways. 	The modified proposal involves a reduced overall structure that will be predominantly screened by an existing tree and therefore will improve the scenic quality of the foreshore and waterway.	Y
Clause 26 Maintenance, protection and enhancement of views	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views. 	The modified proposal will improve the views to and from Sydney Harbour.	Y
Division 3 Foreshores and Waterways Planning and Development Advisory Committee			
Clause 29 Consultation required for certain development applications	<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"> The modified proposal was referred to the Advisory Committee, who made no comments. 	Y
Part 5 Heritage provisions			
Division 1 General			
Clause 53 Objectives	<p>The relevant objectives in relation to heritage are:</p> <ul style="list-style-type: none"> To conserve the environmental heritage of the land. To conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items. To ensure that archaeological sites and place of Aboriginal heritage significance are conserved. 	Campbell's Stores is a State Heritage listed item and the application is consistent with the planning principles as the modified proposal will preserve archaeological items for heritage interpretation and appreciation.	Y
Division 2 Protection of heritage items			
Clause 54 Land to which Part applies	This Part applies to an in respect of the land shown on the Heritage Map and to the heritage items identified on that map.	Campbell's Stores is not identified on the Heritage Map	N/A
Clause 55 Protection of heritage items	Development consent is required for the altering of a heritage item by making structural or non-structural changes to its exterior, including changes to its detail, fabric, finish or appearance.	The modified proposal seeks development consent to alter the heritage item.	Y

Division 4 Miscellaneous			
Clause 59 Development in vicinity of heritage items	The consent authority must assess the impact of the proposed development on the heritage significance of heritage items within the vicinity of the development.	The modified proposal will improve the views to and from the site and reduce the overall impact on heritage items within the vicinity of the development.	Y

Draft State Environmental Planning Policy (Environment SEPP)

The Department notes the Explanation of Intended Effect for the Environment SEPP was recently until the 15 January 2018. The Environment SEPP proposes to simplify the planning rules for the protection and management of the natural environment by consolidating seven existing SEPPs, including the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The relevant matters for consideration and the general provisions relating to Sydney Harbour are proposed to remain in accordance with those in the current SEPP and therefore the proposed development would be consistent with the intended effect of the Environment SEPP.

APPENDIX C RECOMMENDED CONDITIONS OF CONSENT

The recommended conditions of consent 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=9240