

**STATE SIGNIFICANT DEVELOPMENT:
ASSESSMENT REPORT:
*Foreshore and Public Domain Works,
Campbell's Cove and Variation to Sydney
Cove Redevelopment Authority Scheme
SSD 7246***



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

March 2018

ABBREVIATIONS

Applicant	Place Management NSW, Property NSW or anyone else entitled to act on this consent
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement entitled 'SSD 7246: Campbell's Cove, The Rocks' and accompanying appendices, prepared by Urbis Pty Ltd and dated January 2017
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Amending Act	<i>Environmental Planning and Assessment Amendment Act 2017</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Ports	Ports Authority of NSW
OPT	Overseen Passenger Terminal
RMS	Roads and Maritime Services
RTS	Response to Submissions package entitled 'SSD 7246: Campbell's Cove, The Rocks', prepared by Urbis Pty Ltd dated November 2017
SCRA Scheme	<i>Sydney Cove Redevelopment Authority Scheme</i>
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment, or delegate
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State significant development
TfNSW	Transport for NSW

Cover Photograph: Artist's impression of proposal as viewed west of site (Source: RTS)

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EXECUTIVE SUMMARY

This report provides an assessment of a State Significant Development application (SSD 7246) for foreshore and public domain improvement works lodged by Place Management NSW for Property NSW (the Applicant) at Campbell's Cove, The Rocks.

The development is SSD under Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011, as it comprises development within The Rocks having a Capital Investment Value over \$10 million and the development does not comply with the approved Sydney Cove Redevelopment Scheme. Therefore, the Minister for Planning is the consent authority.

The Environmental Impact Statement (EIS) for the proposed development was publicly exhibited from 8 February to 10 March 2017 (31 days). The Department of Planning and Environment (the Department) received a total of 15 submissions, including nine from public authorities and six public submissions, all of which objected to the proposal. The key issues raised in the public submissions was construction-related impacts, including construction hours, noise and traffic impacts.

On 13 November 2017, the Applicant submitted a Response to Submissions (RTS) which included design amendments to the proposal and provided additional information to respond to key issues raised in the submissions. The RTS included a Sydney Cove Redevelopment Authority (SCRA) Scheme variation for the siting and construction of the Bay X stairs and waterfront steps which are outside of the siting identified in the SCRA Scheme. Variation of the SCRA Scheme is therefore concurrently sought to enable development consent for the Bay X stairs and waterfront steps to be granted for the development.

The RTS and amended SCRA Scheme variation were publicly exhibited from 16 November to 15 December 2017 (30 days). In response, the Department received seven public authority submissions and five public submissions, of which four objected (as per above).

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15, the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these.

The Department considers the revised proposal will provide a major improvement to the existing public open space in this iconic location through its sensitive design and choice of materials. The proposal will improve access and the pedestrian experience along the harbour foreshore from Circular Quay to Millers Point and Barangaroo. The proposed materials will complement those used in Campbell's Stores within The Rocks.

In response to the community concerns regarding construction noise and traffic impacts, the Department has reviewed the noise and traffic assessments and concluded the standard construction hours are reasonable and noise impacts are not significant given high noise predictions are limited to the demolition period and intensive works would be located further away from residences. Proposed noise mitigation measures and preparation of a community consultation strategy would further assist to ameliorate and manage noise impacts.

The Department acknowledges the community concerns regarding the proposed works between 6 pm and 10 pm with limiting the works to early and mid-evening periods and activity restricted to spoil removal and deliveries. The Department considers the benefits in carrying out deliveries and spoil removal during these times are that construction would be finalised earlier. Any potential impacts can also be appropriately managed and mitigated through recommended conditions.

The Department concludes the proposal is in the public interest and recommends that the application, subject to the SCRA Scheme variation being made, be approved subject to conditions.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State Significant Development application (SSD 7246) lodged by Place Management NSW, Property NSW (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for foreshore and public domain works at Campbell's Cove, The Rocks (the site).

1.2 The site

The site is located on the western side of Circular Quay and is bound by Campbell's Stores to the west, the Overseas Passenger Terminal (OPT) to the east and south, the Park Hyatt Hotel to the north and the foreshore of Sydney Harbour to the east (**Figure 1**).



Figure 1: Site location plan (Source: Nearmaps)

The site comprises a pedestrian promenade providing a north-south connection between Circular Quay West and the Park Hyatt Hotel and provides a public gathering space and seating for passive recreation and events in Campbell's Cove.

Pedestrian access to the site is provided from Hickson Road to the east and west of the Campbell's Stores building. The northern connection comprises a sloping paved area with removable bollards while the southern section comprises stairs, walls and handrails (known as the Bay X stairs) and a

Hills Fig Tree. A pontoon at the northern end of Circular Quay also provides a water taxi pick-up and drop-off point.

The site is shown in **Figures 2 to 3** below.



Figure 2: Site Plan (Base source: Nearmaps)

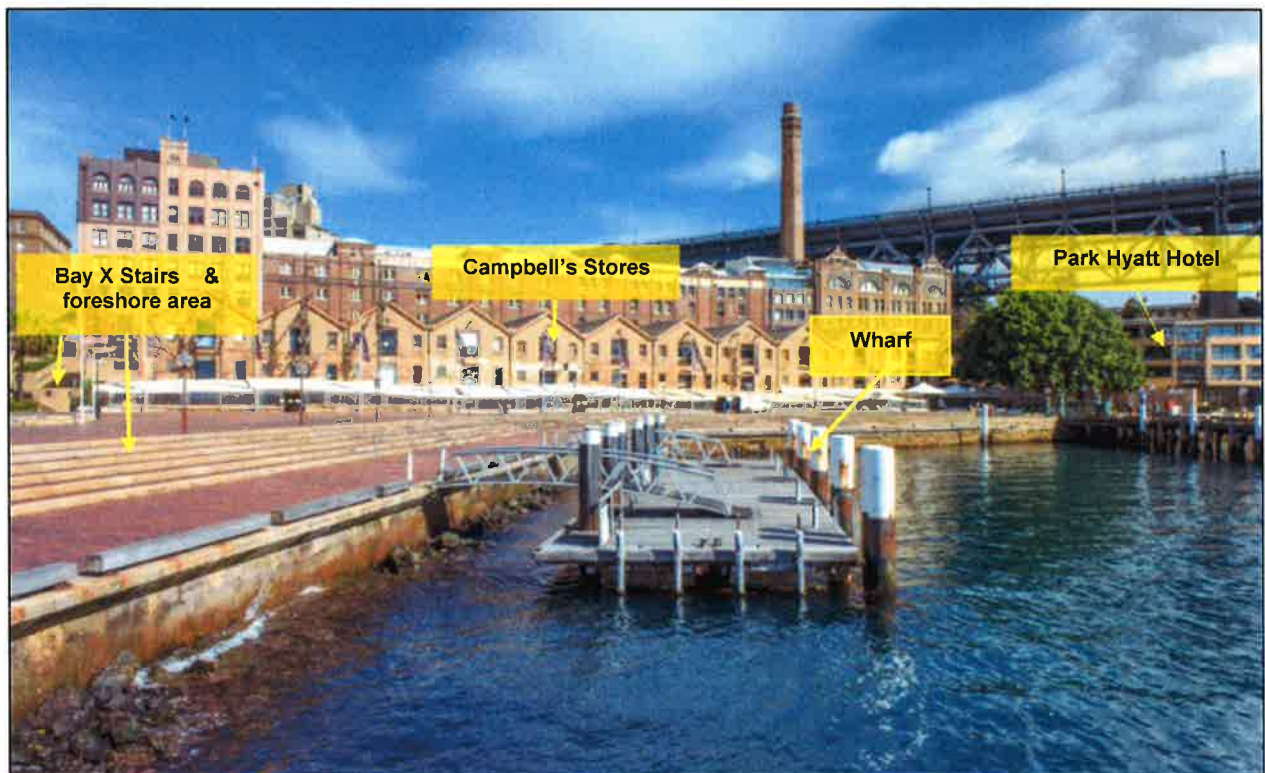


Figure 3: The site as viewed from foreshore looking west (Base source: Applicant's RTS)

Property NSW own the foreshore promenade running north-south adjacent to Sydney Harbour. Council owns part of the road reserve in Hickson Road and the Ports Authority own the OPT and surrounding sections of the promenade.

1.3 Site context

The site and surrounding area form part of The Rocks, located to the north of the Sydney Central Business District (CBD) and within the City of Sydney local government area. The site and its surrounds are illustrated in **Figure 4**.

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

- the OPT to the south-east of the site which services passenger vessels and contains a range of restaurants and bars
- the Park Hyatt Hotel (five storeys) north of the site
- the Metcalfe Bond Stores (five to six storeys in height) to the west which accommodates a range of retail, commercial and residential uses
- the ASN Co Building to the south-west which houses a range of commercial and educational land uses
- Campbell's Stores immediately adjoins the west of the site
- Museum of Contemporary Art to the south-west of the site.



Figure 4: Site location plan (site circled in red) (Base source: Nearmap)

1.4 Previous SSD approvals in the Campbell's Cove Precinct

The future vision of Property NSW for the broader precinct is for Campbell's Cove to become a national standard waterfront promenade, to host major public events and to contribute to the activation of the area. To contribute to this vision, a separate SSD application has been approved for building alterations to Campbell's Stores.

The Campbell's Stores development (SSD 7056) comprises internal and external building alterations, restoration works and reconfiguration of the outdoor dining area to the east of the Campbell's Stores. Changes to ground levels along a portion of Hickson Road, west of Campbell's Stores, will provide disabled access along the footpath (**Figure 5**).

A further application has also been approved for works to Tenancy 5 at the OPT. The Tenancy 5 development (SSD 7683) comprises a restaurant, with associated external building works, erection of a micro-brewery pod and public domain works to the north of the OPT site (**Figure 6**).



Figure 5: The Campbell's Stores proposal looking south (Base source: RTS SSD 7056)



Figure 6: Photomontage showing approved micro-brewery pod associated with Tenancy 5 (Base source: RTS SSD 7683)

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposal

The application originally proposed a promenade, a new waterfront leisure area and amphitheatre for public events, a shared plaza, upgrade and extension of the turning circle and truck access to the new OPT wharf extension, and improved east-west connections from the Campbell's Cove promenade to Hickson Road and The Rocks.

In response to public submissions, public authority and Council comments, the application has been amended during the assessment process through the Response to Submissions (RTS). The key components and features of the proposed development, as refined in the RTS are summarised in **Table 1** below and depicted in **Figures 7 to 10**.

Table 1: Key components of the development

Aspect	Description
Demolition	- Demolition of the existing paving within the site, Bay X stairs and waterfront steps. - Excavation of the site up to 500 mm below ground level.
Promenade	- New 10 m wide promenade running from the north to the south of the site. - Lowering of the existing promenade levels by up to 500 mm to improve drainage, accessibility and relationship with Campbell's Stores and replacement the existing paving. - Revised palette of materials for paving, seating and lighting.
Shared zone	- New shared zone north of the existing entry road into Campbell's Cove. - New paving to match paving used in the promenade. - Relocation of eight existing Livistona Palm trees.
Waterfront	- Revised palette of materials for paving, seating and lighting. - Construction of new waterfront steps and wharf timber seats. - Retention of heritage listed railings, gate and sea wall.
Through-site Connections	Two through-site connections to link the waterfront with Hickson Road and The Rocks, known as the Bay X Stairs and the Hickson Road Link.
Jobs and Capital Investment Value	60 construction jobs and 3 full-time operational jobs - CIV of \$16,158,000

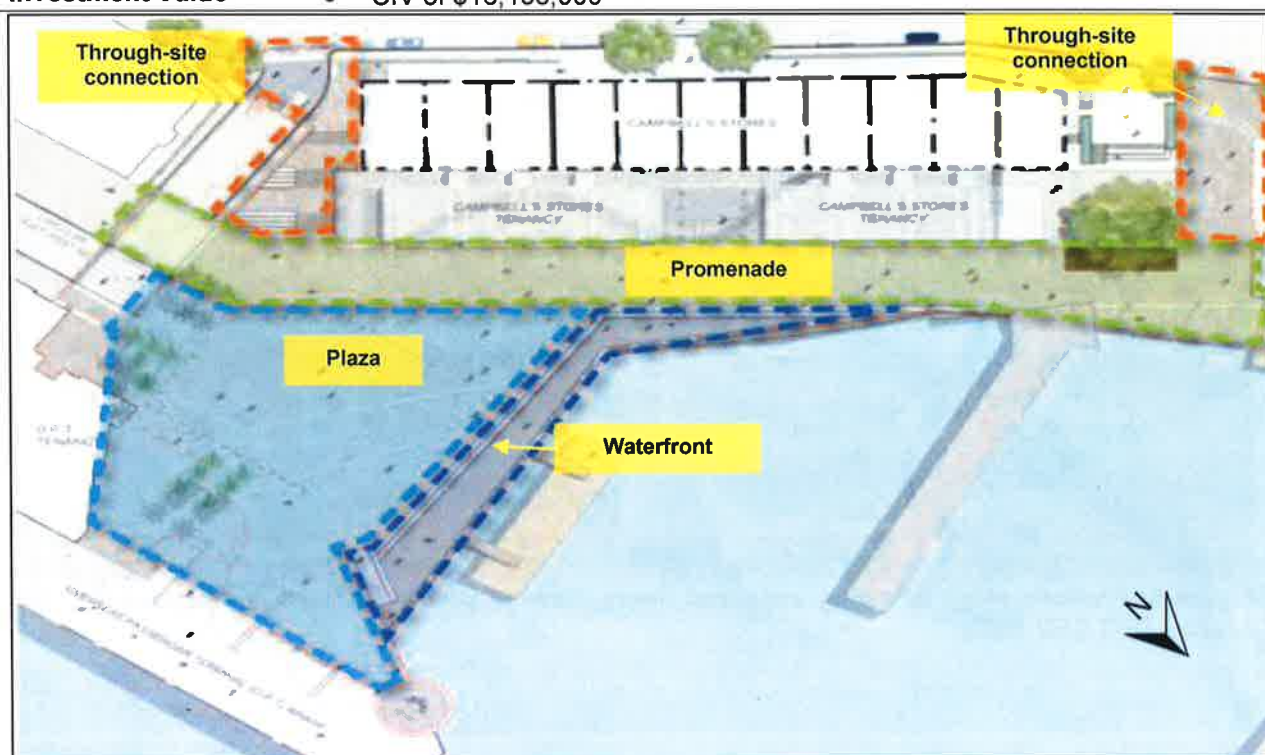


Figure 7: Overview of the proposal (Base source: Applicant's RTS)



Figure 8: Photomontage of promenade (Source: Applicant's RTS)



Figure 9: Photomontage of Plaza (Source: Applicant's RTS)



Figure 10: Photomontage of proposed Bay X Stairs (Source: Applicant's RTS)

The application also proposes a variation to the Sydney Cove Redevelopment Authority Scheme (SCRA Scheme) for the realignment of the Bay X stairs and foreshore steps. The proposed and existing SCRA Scheme Drawings are illustrated in **Figures 11** and **12** below. This issue is considered in **Section 3** and **Appendix C**.

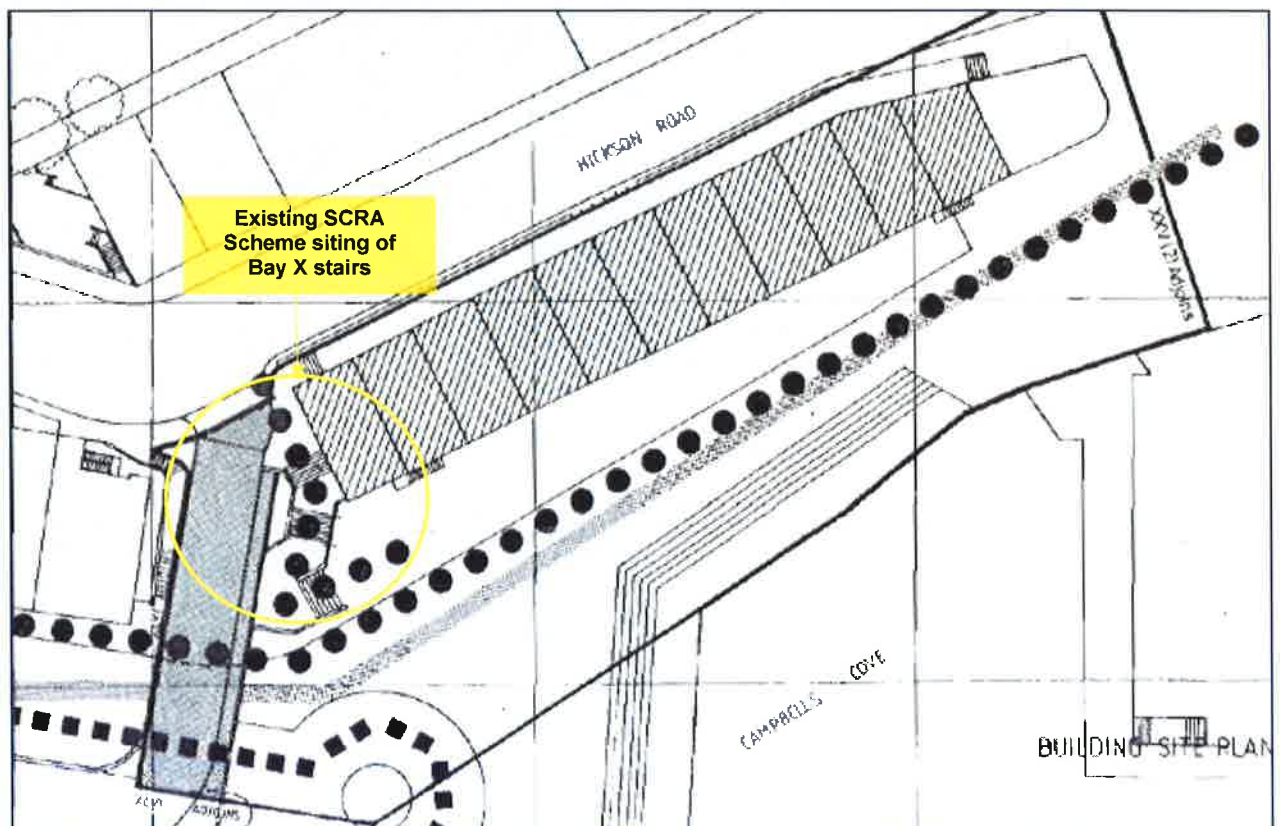


Figure 11: Existing SCRA Scheme Drawing (Source: Applicant's EIS)

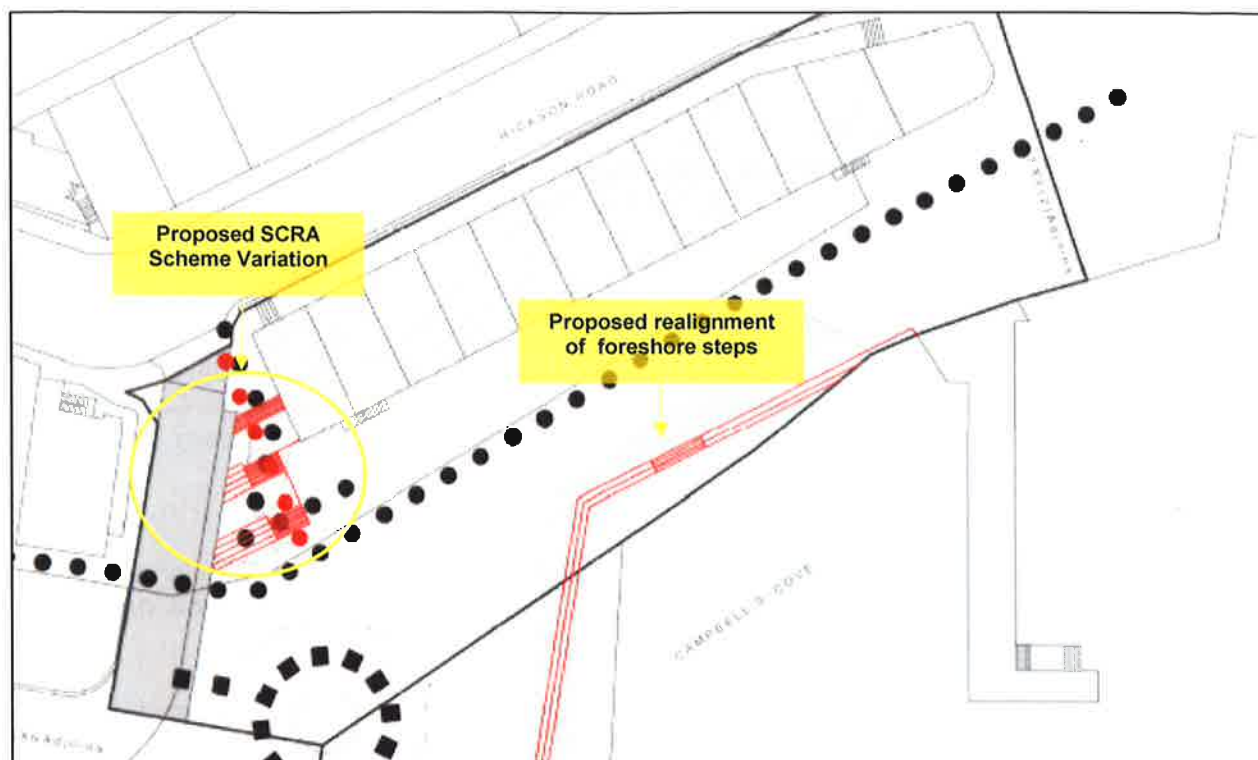


Figure 12: Proposed SCRA Scheme Drawing (Base Source: Applicant's RTS)

2.2 Project Need and Justification

The Department considers the proposal is consistent with the following State strategies:

- the objectives of *NSW 2021* (the State Plan) via the creation of approximately 60 full time equivalent jobs during construction and accommodation of approximately 3 full time jobs during operation
- the objectives of *NSW 2021* including enhancing the cultural and natural heritage in NSW through the upgrade of the public plaza and through-site links in the State's most significant heritage precinct – The Rocks
- the objectives of *A Plan for Growing Sydney*, including Action 1.1.3 which outlines the need to diversify the CBD by enhancing the cultural ribbon and Action 1.1.4 which seeks to deliver the Government's vision for Sydney Harbour, incorporating the cultural ribbon and surrounding foreshores lands. The improvements to the public domain would generate tourism, social, economic and community benefits and enable The Rocks to enhance the cultural ribbon and continue to remain one of Australia's pre-eminent tourist destinations
- would enhance the Eastern City identified in *Towards our Greater Sydney 2056*, the draft *Greater Sydney Region Plan* and the *Revised Draft Eastern City District Plan* by ensuring a more productive, livable and sustainable city through:
 - the creation of more jobs in the CBD
 - improving and diversifying lifestyle choices for people who live, work and visit The Rocks
 - improving connectivity of the site with the public domain and The Rocks area
 - conserve the heritage values of the precinct.

3. STATUTORY CONTEXT

3.1 State Significant Development

The proposal is SSD pursuant to section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$10 million and the development does not comply with the approved SCRA Scheme and is located in The Rocks, which is identified as a SSD site under

clause 6 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

A SCRA Scheme variation is therefore being concurrently sought to enable development consent to be granted for the development. The Minister is the consent authority for the SSD application and is responsible for the making of the SCRA Scheme variation.

3.2 Consent Authority

Determination of Application

In accordance with the Minister's delegation dated 11 October 2017, the Executive Director, Key Sites and Industry Assessments can determine the subject application cases as Council has not objected to the proposal, no political disclosure statement has been made, and fewer than 25 public objections have been received.

SCRA Scheme Variation

On 28 February 2016, the Minister delegated functions under clause 9 of the Regulation in relation to a draft variation to the SCRA Scheme, to the delegate also determining the development application in relation to which the variation was submitted.

As the Executive Director, Key Sites and Industry Assessments is determining the development application in relation to which the variation was submitted, the variation to the SCRA Scheme can also be made by the Executive Director, Key Sites and Industry Assessments.

3.3 Permissibility

Part 8 of Schedule 1 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* applies to the site as it is located within the Sydney Cove Development Area and is not the subject of a local environmental plan. Part 8 specifies that all development must have development consent and must comply with the requirements of the approved scheme unless a variation to the approved scheme is first approved (see **Section 3.4**).

The SCRA Scheme is the relevant Environmental Planning Instrument (EPI) regulating development in The Rocks and defines building heights, envelopes, permitted uses and public domain areas in The Rocks. Development in The Rocks area must be consistent with the relevant controls of the SCRA Scheme.

Campbell's Cove is generally located within three sites under the provisions of the SCRA Scheme which permit 'Special' land uses as permissible for the site. Campbell's Cove is currently used as public domain which is permissible under 'Special' uses. The proposal seeks to undertake public domain improvements which the Department concludes are permissible under the SCRA Scheme.

3.4 Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999

The *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* (Regulation) is the regulatory mechanism that outlines the process for amending the SCRA Scheme and the mandatory matters the Minister (or delegate) must consider whether to make a proposed variation to the SCRA Scheme.

The Regulation provides for the Applicant to apply to the Minister for a variation to the approved SCRA Scheme that is necessary to be made to enable development consent to be granted to the proposed development. The application must describe the elements of the development which do not comply with the approved SCRA Scheme, set out in the reasons for the variation to the SCRA Scheme and address the matters that the Minister must consider.

The siting and alignment of the Bay X stairs and foreshore steps are outside of the pedestrian route and siting nominated within the SCRA Scheme.

The Applicant has therefore concurrently applied to vary the SCRA Scheme to enable development consent to be granted to the proposed development. The proposed variation to the SCRA Scheme is considered in more detail in **Appendix C**.

3.5 Environmental Planning Instruments (EPIs)

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument that is of relevance to the development the subject of the development application. Therefore the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project. The following EPIs apply to the site:

- Sydney Cove Redevelopment Authority Scheme
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy – Environment.

The Department has undertaken a detailed assessment of these EPIs in Appendix B and is satisfied the application is consistent with the requirements of the EPIs. Detailed consideration of the proposed SCRA Scheme variation is provided at **Appendix C**.

3.6 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood by powers to advance the objects of the legislation, and limits on those powers should be considered to the extent they are relevant. A response to the Objects of the EP&A Act is provided at **Table 2**.

Table 2: Consideration of the proposal against the objects of the amended Act

Objects of the amended Act	Consideration
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will facilitate improved social and cultural interactions within the community through the proposed public domain improvements to Campbell's Cove.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	Section 3.7 of this report considers the proposal against the principles of ESD.
(c) <i>to promote the orderly and economic use and development of land</i>	The proposed development will better facilitate the use of the site and the merits of the proposal are considered in Section 5 .
(d) <i>to promote the delivery and maintenance of affordable housing</i>	The proposal does not involve the delivery or maintenance of affordable housing.
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The proposal and recommended conditions will ensure the protection of the environment and the site does not contain any threatened species or their habitat.
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	The proposal will facilitate improved social and cultural interactions within the community through the proposed public domain improvements to Campbell's Cove.

(g) to promote good design and amenity of the built environment	Section 5 of this report considers the proposal's design and amenity.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal seeks public domain works not the erection of a building.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The proposed is SSD and therefore the Minister is the consent authority.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 4 sets out details of the Department's public exhibition of the proposal, public submissions. The Department's consideration of key issues raised in public submissions is provided in Section 5 .

3.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department has assessed the proposed development in relation to ESD principles and has made the following conclusions:

- the proposal will not involve significant construction works that would give rise to air quality or water quality impacts
- the proposal considers existing environmental impacts in the area, such as noise and odour impacts and it is not anticipated these issues will give rise to health, diversity or productivity issues
- the proposal will deliver improvements to the public domain for the benefit of residents, visitors and tourists
- the proposal involves the retention and relocation of the existing palm trees on-site.

The Precautionary and Inter-generational Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with the ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.8 Secretary's Environmental Assessment Requirements

On 25 September 2015, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied the EIS addresses compliance with the SEARs to enable the assessment and determination of the application.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application, including the SCRA Scheme variation from 8 February to 10 March 2017 (31 days) on its website, at the Department Information Centre and the City of Sydney Council office.

The Department placed a public exhibition notice in the *Central Courier* on Wednesday 8 February 2017, and notified adjoining landholders, community groups, relevant State and local government authorities in writing.

The Department received fifteen submissions following the exhibition of the EIS, comprising nine submissions from public authorities and six public submissions. These submissions are summarised below.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

4.2 Public Authority Submissions

The Department received nine public authority submissions, summarised in **Table 3**.

Table 3: Summary of public authority submissions

City of Sydney Council (Council)
Council did not object to the proposal, however raised the following concerns: - the public domain design should be simplified - mitigation measures to minimise heritage and environmental impacts are needed - a Heritage Interpretation Strategy and updated Archaeological assessment is required - the design of works around the Hills Fig Tree and removal of palm trees - the outdoor dining adjacent to the Customs Officer's Stairs, vehicular access to the OPT and pedestrian crossing are not supported - a separate application should be required for a signage strategy
Port Authority of NSW (Ports)
Ports objects to the proposal as it has not granted landowner's consent to the proposal and it does not consider the construction and operational impacts of the OPT.
NSW Heritage Council (Heritage Council)
Heritage Council did not object to the proposal, however raised the following concerns: - supporting reports are in draft versions and are incomplete - the EIS does not analyse views between the SOH and the site - the paving materials, the seating and light poles are inconsistent with those within The Rocks precinct
Office of Environment and Heritage (OEH) Planning and Aboriginal Heritage
OEH did not object to the application, however it did not consider the EIS adequately assess heritage impacts.
Sydney Trains
Sydney Trains did not object to the proposal.
Transport for NSW (TfNSW)
TfNSW did not object to the proposal, and provided comments in relation to a turning area into Circular Quay West Road, truck access to the OPT and Construction Pedestrian and Traffic Management Plan.
Department of Primary Industries (DPI)
DPI did not object to the proposal and did not raise concern with the application.
Environmental Protection Authority (EPA)
EPA did not object to the proposal, but requested further information to support the Noise Impact Assessment and provided recommended conditions.
Sydney Water
Sydney Water did not object to the proposal and provided a recommended condition.

4.3 Public Submissions

The Department received six submissions from the public all objecting to the proposal. The key issues raised in the public submission objections are summarised in **Table 4**.

Table 4: Summary of key issues raised in the public submissions to the proposal

Issue	Proportion of submissions
The application is not presented in a suitable form as several reports are in draft form	6 (100%)
Noise impacts from the proposed use of the public spaces for public leisure activities and festivals on residents of 8 Hickson Road	6 (100%)
Construction hours should be restricted and be subject to a condition of consent prohibiting works, deliveries and arrival of workers outside of these hours	5 (83%)
The relocation of the truck turn-around area to the north of the OPT is likely to result in noise impacts on residents of 8 Hickson Road	2 (33%)
The residents of 8 Hickson Road were not initially consulted during the exhibition period	1 (16%)

4.4 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 issues raised in the submissions.

On 13 November 2017, the Applicant lodged its RTS report and revised SCRA Scheme variation which details the realignment of the Bay X stairs and provided additional information to address concerns raised during the exhibition period. The key components of the RTS include:

- Council's landowner's consent
- revised palette of materials for paving (simplified paving layout, paving sizes and softer palette), seating and light poles to be consistent with the character of The Rocks
- removal of the proposed outdoor dining area adjacent to Campbell's Stores, boardwalk, works to the sea wall and turning circle in Circular Quay Way from the proposal
- replacement of pedestrian crossing at the entry of the OPT from Hickson Road with a raised and paved zone
- revised staging plan
- reduction in the extent of place identification signage
- permeable paving and a raised timber deck around the Hills Fig tree
- retention and relocation of palm trees.

The revised plans included changes to the previously exhibited proposed SCRA Scheme variation. The Department therefore publicly exhibited the RTS and revised SCRA Scheme variation, including notifying previous submitters and relevant authorities, from 16 November to 15 December 2017 (30 days).

An additional seven submissions were received from public authorities, including Council and Ports, and five submissions from the public, four objections and one in support of the proposal.

A summary of issues raised in the RTS submissions is provided at **Tables 5** and **6** below and a link to all submissions is provided at **Appendix E**.

Table 5: Summary of RTS public authority submissions

Council
Council did not object to the proposal and provided comments in relation to the 14 palm trees and recommended conditions, including tree protection zones, mitigation measures for railings, gates, Aboriginal and archaeology matters, need for a Heritage Interpretation Plan and Signage Strategy.
Ports
Ports has not granted landowner's consent to the revised proposal. Ports also recommended draft conditions including an Environmental Construction Management Plan to avoid disruption with cruise ship and general operations at the OPT, and should Circular Quay West be required for construction access, the Applicant must liaise with Ports.
EPA
EPA did not object to the proposal and provided comments regarding potential operational noise impacts arising from public events and measures to implement principles of water sensitive urban design.
TFNSW
TFNSW did not object to the proposal, and provided comments in relation to a condition to formalise the truck access arrangement to the OPT wharf extension through the preparation of an OPT Truck Access Management Plan and Construction Pedestrian Traffic Management Plan.
Heritage Council
Heritage Council did not object to the proposal and provided comments in relation to conditions requiring the Applicant to adhere to the recommendations within the Archaeological Assessment Report (final version), mitigation measures in the event state significant archaeology is discovered and a final report documenting the outcome of all archaeological works required in the proposal.
RMS
RMS did not object to the proposal and provided comments in relation to a condition requiring a construction licence being required for occupation of RMS owned land.

The key issues raised in the five public submissions are summarised in **Table 6**.

Table 6: Summary of key issues raised in the public submission

Issue	Proportion of submissions
Objections	
Construction hours should not be extended to 10 pm. Cumulative noise impacts should be considered	3 (75%)
The impact of extended hours of construction up to 10 pm has not been considered in the noise and vibration impact statement and traffic impact statement	2 (50%)
Service and vehicle access from Hickson Road between the Park Hyatt Hotel and Bay 11 should be restricted to emergency access only and service access should be restricted to the southern end of the site from Circular Quay west	2 (50%)
Given the complexity and size of the proposal the exhibition period provided was inadequate	1 (25%)
The nature of the construction works proposed to be carried out between 6 pm and 10 pm are not detailed in the proposal	1 (25%)
Support	
Construction hours should take place during operating hours of 7 am to 1 am as long as they don't impact the business (Tenancy 5 of OPT) and conditions are imposed which manage impacts	1 (25%)

On 15 January 2018, the Applicant lodged supplementary information which included:

- Ports' landowner's consent
- removal of 8 of the 14 palm trees which are on Ports land
- after hours construction works Monday to Friday (6 pm to 10 pm) would be limited to Port ship days and activities limited to the removal of spoil and deliveries.

5. ASSESSMENT

5.1 Section 4.15(1) matters for consideration

Table 7 identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 5** (key and other issues) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 7: Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Variation to the relevant SCRA Scheme is discussed in detail in Appendix C . The Department's consideration of other relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan (not applicable to SSD)	Whilst DCPs do not apply to SSD applications, consideration has been given to the Sydney Harbour Foreshores and Waterways DCP in Appendix B of this report.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – see Section 3.8 of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications, 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 including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Impacts of the development have been considered in Section 5 of this report.
(c) the suitability of the site for the development	The site is considered suitable for the development.
(d) any submissions	Consideration has been given to submissions received during the exhibition periods in Section 4 of this report. Key issues raised in submissions have been considered further in Section 5 of this report.
(e) the public interest.	The public interest of the development has been considered in Sections 4 and 5 of this report.
Biodiversity values exempt if: (a) On biodiversity certified land? (b) Biobanking Statement exists?	Not applicable

5.2 Key Assessment Issues

The Department has considered the EIS, issues raised in submissions and the Applicant's RTS in its assessment of the proposal. The Department considers the key planning issues associated with the proposal are:

- public domain and landscape design
- heritage and archaeological impacts
- construction impacts.

Each of the key issues is discussed in the following sections of this report. Other issues were taken into consideration during assessment of the application and are discussed in **Section 5.7**.

5.3 Public Domain and Landscape Design

The proposed development includes the following public domain works and benefits:

- new landscaping
- improved through-site links.

Figure 15 illustrates the location of the proposed key public domain works. The proposal includes 4 zones comprising the promenade, waterfront, shared zone and through-site connections. These areas are discussed separately below.

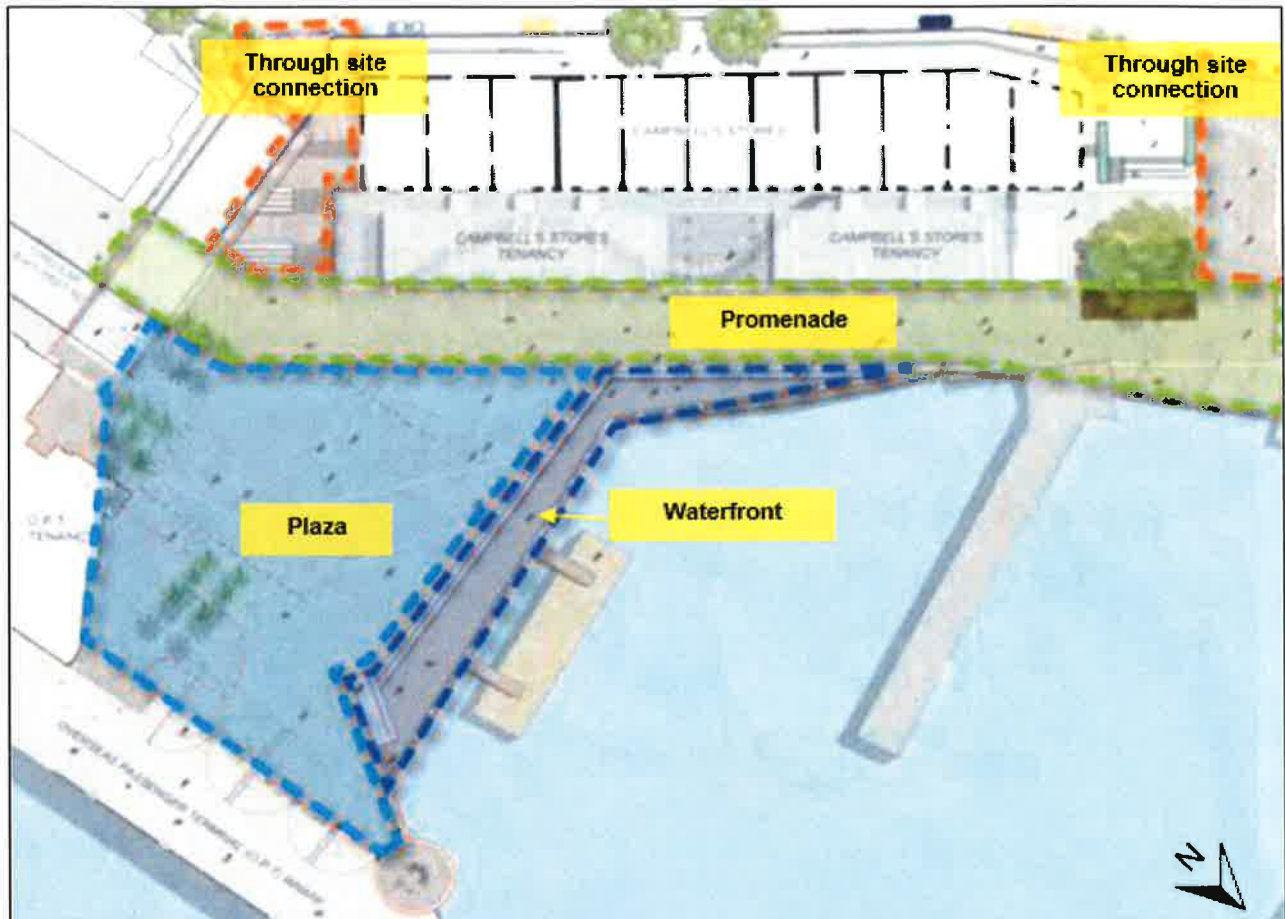


Figure 15: Overview of proposed character zones for the proposed public domain works (Base source: Applicant's RTS)

5.3.1 Promenade

The promenade includes a continuous 10 m wide east-west link along Sydney Harbour, with level access to the Campbell's Stores outdoor dining areas. The promenade provides a through-link between Circular Quay and The Rocks to the south, and Dawes Point and Walsh Bay to the east.

The finished ground levels of the promenade integrate with the existing Hills Fig Tree, the wharf and the OPT and will accommodate emergency and maintenance vehicles. The proposal will replace existing drainage and reduce ponding which is currently damaging infrastructure.

The design principles of the treatment, alignment and character of the current promenade are maintained in the proposed design. The palette of materials includes granite pavers of various shades.

The paving demonstrating the 1788 shoreline would be defined by bronze inlays and would be sympathetic to the Campbell's Stores. The paving would be set as per the City of Sydney standard public domain arrangement (**Figure 16**).

A Hills Fig Tree is located within the promenade between Campbell's Stores and the Park Hyatt Hotel. The area within the existing Hills Fig Tree's TPZ includes permeable paving and the level is raised slightly to ensure excess excavation is not required within the adjacent garden bed. A lightweight timber deck is proposed to further minimise root disturbance (**Figure 17**).

The Department considers the promenade works would provide improved connections along the foreshore of Circular Quay, provide better integration with the existing building envelope, improve drainage, and improved aesthetics and amenity which would create a more positive experience for users of the public domain.

The Department concludes the proposed promenade works would deliver desirable public domain benefits at Campbell's Cove.



Figure 16: Photomontage of proposed promenade paving with shoreline interpretation (Source: Applicant's RTS)

5.3.2 Plaza

The plaza is situated north of the existing entry road into Campbell's Cove. The plaza adjoins the waterfront and promenade. This area comprises paving, an approved outdoor dining area for the OPT and eight Livistona Palm trees.

The plaza paving is similar to the paving treatment in the promenade. Additionally, the historical shoreline and alignment is referenced through the introduction of lighter coloured pavers and bronze inlays. The eight Livistona Palm trees at the base of the Bay X stairs are proposed to be relocated to the eastern boundary of Circular Quay Way.

The Department considers the works are sensitively designed to be sympathetic to the approved OPT and is consistent with the broader Campbell's Cove public domain proposal.

The Department concludes the proposed paving is consistent with Council's advice as it uses a lighter colour palette and uses smaller pavers. The Department supports this aspect of the proposal.



Figure 17: Photomontage of proposed surface treatment adjacent to existing Hills Fig tree (Source: Applicant's RTS)

5.3.3 Waterfront

The waterfront is located adjacent to Sydney Harbour, the plaza and promenade. The waterfront comprises existing concrete steps providing access down to Sydney Harbour and the taxi wharf located within Campbell's Cove.

The works include new paving, concrete steps and wharf timber seats with integrated interpretive elements to increase passive surveillance. The steps and seats are realigned to reflect in part the alignment of Campbell's Stores. The design improves opportunities for passive surveillance by increasing options for seating and improves the layout and functionality of this area (**Figure 18**).

Public submissions raised concern regarding cumulative noise impacts from use of the waterfront area for public events. The Department, however notes public events do not form part of the proposal. The Department is satisfied the proposed materials are compatible with those used in Campbell's Stores and represents an improvement to the quality of the public domain.



Figure 18: Photomontage of indicative waterfront area and Campbell's Stores works SSD 7056 (Source: Applicant's EIS)

5.3.4 Through-site Connections

The two through-site connections are currently provided at the eastern and western end of Campbell's Cove, known as the Bay X stairs and the Hickson Road Link, respectively. These connections provide an important link between the waterfront, Hickson Road and The Rocks (**Figures 19 and 21**).

The proposal seeks to improve the design of the Bay X stairs by removing walls and fencing and simplifying the layout of the stairs. The Bay X stairs will be pre-cast concrete with pre-cast concrete panelling to the walls.

The Hickson Road Link is proposed to be re-paved, ensuring the area is disability access compliant and can accommodate emergency vehicle access. The area will utilise the same permeable paving treatment as the adjacent promenade ensuring water and oxygen penetration to the roots of the Hills Fig Tree.

The Department notes the design and orientation of the new Bay X stairs would improve visual connectivity and would also assist in improving pedestrian access to the foreshore. In respect of the Hickson Road link, the Department agrees the works would maximise access for people with disabilities and would ensure easier and simpler paths of travel and facilitate improved circulation areas to the waterfront.

The Department is therefore satisfied the changes to the through-site connections are appropriate for the site and are supported.



Figure 19: Photomontage of Hickson Road linkage adjoining The Park Hyatt Hotel
(Source: Applicant's RTS)

5.4 Heritage and Archaeology Impacts

The proposed development incorporates:

- demolition of the Bay X stairs adjacent to Campbell's Stores (**Figure 20**)
- excavation to lower the promenade surrounding Campbell's Stores by 500 mm to improve the public domain interface with the Campbell's Stores
- replacing the paving of the public domain surrounding Campbell's Stores and the OPT
- construction of the new Bay X stairs (**Figure 21**) and steps adjacent to the foreshore.

The potential heritage and archaeological impacts associated with these works are considered separately below.

5.4.1 Heritage

There are a range of heritage sensitivities within and around the site. Within the site are existing cast iron gates and railings located at the southern end of the existing wharf jetty which are listed on the State Heritage Register. The proposal does not seek to alter these items.

The site is located within the Sydney Opera House (SOH) buffer zone. However, given the nature of the works and the distance between the site and the SOH, there would also be no adverse visual impact on the SOH and its buffer zone.

The site also adjoins State listed heritage item Campbell's Stores and is within the vicinity of other state heritage items including the ASN Co Building, the Metcalfe Bond Stores and The Former Mining Museum (36-64 George Street).

The 2014 Conservation Management Plan (CMP) for Campbell's Stores incorporates a heritage curtilage for the building which encompasses the subject site. The heritage curtilage policy requires an appropriate physical and visual setting be maintained for Campbell's Stores and not allowing development within the setting that would adversely impact on the place or views to and from the place.



Figure 20: Existing Bay X stairs as viewed from Campbell's Cove Public Domain (Source: Department's photograph)

The Applicant's RTS included a Statement of Heritage Impact (SHI) which provides a detailed assessment of the potential heritage impacts of the proposal and built heritage items within the vicinity of the site.

The SHI concludes the proposed works would not adversely impact on the heritage significance of the adjacent Campbell's Stores and nearby the ASN and Co building or the Mining Museum, particularly Campbell's Stores as it would improve the visibility of the building and generally improve the amenity of the precinct. The Heritage Council raised no heritage concerns in respect to the works proposed.



Figure 21: Artists impression of proposed Bay X stairs as viewed from Campbell's Cove Public Domain (Source: Applicant's RTS)

The lowering of the promenade paving would increase the visibility of the Campbell's Stores eastern façade and remove a cause of detrimental sub-surface moisture impact, improving the heritage value of the building and its long-term maintenance.

The Department considers the works would have a positive impact on appearance of the Campbell's Cove public domain and would improve the presentation of the Campbell's Stores. The Department agrees with the findings of the SHI and is satisfied the proposed development would comply with the Campbell's Stores CMP and would have no adverse impact on the heritage significance of the adjoining properties including Campbell's Stores, the ASN and Co building, the Mining Museum, The Rocks Conservation Area or the SOH.

To ensure the history and significance of the site, the Department agrees with Council and the Heritage Council that a Heritage Interpretation Strategy is prepared for the proposal. The Department recommends that a Heritage Interpretation Strategy is therefore prepared and reviewed by the Heritage Council and approved by the Secretary.

5.4.2 Archaeology

There is potential for archaeological remains to be found on-site when excavation works are undertaken. The Archaeological Assessment (AA) identifies potential for sea walls, wharves and building footings, deposits or artefacts to be found on site. The earlier stores built on site and associated structures in the promenade may also be identified.

The proposed works include replacement of paving and street furniture and associated regrading. The Department considers impacts from landscaping and surface level readjustments to be low as these works would be relatively shallow, being up to 400 mm below the ground level and are within areas which were raised following the bicentennial landscaping works at Campbell's Cove.

Where higher level impacts are to occur, these works relate to trenching for new services such as stormwater drains largely within the promenade, the removal and relocation of the palm trees and the construction of the new Bay X stairs. The AA found significant archaeological material is likely to be present at a depth of at least 2 m below the ground level. Most of the works proposed would be within a depth of 1 m. The root system of trees may however extend into the 2 m zone below

the ground level. As such, although the proposed works may potentially uncover archaeological material, the Department considers the nature of the works means any impacts would be limited.

The Heritage Council recommended conditions requiring the Applicant adhere to the recommendations within the AA, apply mitigation measures in the event state significant archaeology is discovered, and a final report documenting the outcome of all archaeological works required in the proposal.

To ensure appropriate management of the site, the Department recommends a condition which requires a suitably qualified archaeologist to monitor excavation works. Additional conditions are recommended which would manage the process if significant archaeological material is identified on-site.

The Department concludes potential archaeological impacts are minor and recommended conditions will mitigate and manage potential impacts.

5.5 Construction Impacts

The Department considers key impacts associated with construction works relate to hours of construction and potential noise, air and traffic impacts. These are considered separately below.

5.5.1 Construction hours

Construction work on site is proposed to be undertaken between 7 am and 6 pm Monday to Friday, and 8 am and 1 pm Saturday. No work is proposed on Sundays or public holidays.

When ships are scheduled to be berthed at the OPT (OPT ship days), construction hours would be extended to between 6 pm and 10 pm. On these occasions, Applicant proposes to limit works to deliveries and the removal of spoil.

The construction program indicates works would be undertaken in three stages over approximately 9 months, beginning in March 2018 and finishing in November 2018.

The proposed daytime construction hours are considered reasonable and acceptable, as the hours are less than those that undertaken at other CBD locations and would provide nearby residents with long respite periods from construction activity.

Public submissions raised concerns about deliveries and spoil removal between 6 pm and 10 pm and the amount of days these works would be undertaken during OPT ship days. Noise impacts associated with these works were also raised and is considered separately below.

The Applicant has advised the removal of spoil and deliveries between 6 pm and 10 pm would only occur on a maximum of 26 occasions. This is required when large passenger ships are berthed at OPT and access is restricted to the construction site during the day.

While this would result in extended construction hours on 26 occasions, the Department considers there are benefits in carrying out deliveries and spoil removal during these times as the construction program would be shorter and the public domain upgrade would therefore be delivered more promptly.

The activities proposed to be undertaken between 6 pm and 10 pm are expected to generate significantly less noise than day-time construction activity as high noise activities related to excavator hammering, concrete saws and angle grinding would not take place. The duration would also be limited to early and mid-evening periods for 4 hours per day on a maximum of 26 occasions which would provide residents with sufficient respite periods.

To ensure disruption to the area by construction activity is minimised, the Department has recommended conditions restricting construction hours, limiting access to the site between 6 pm

and 10 pm to Circular Quay West Road, and limiting activity during the proposed 26 occasions to deliveries and spoil removal. The Department has also recommended the preparation of a Construction Environmental Management Plan to manage construction-related impacts.

The Department supports the proposed construction hours and concludes potential impacts can be appropriately managed by recommended conditions.

5.5.2 Construction noise

Construction noise would be generated by demolition works, construction of stairs, re-paving and vehicles entering and leaving the site. The Applicant has proposed construction vehicles use Circular Quay Way to access the site and use the Hickson Road site through-link only when the OPT is in use for cruise ships.

A number of public submissions raised concern about construction noise and vehicles using the Hickson Road through-site link for access. Potential construction noise impacts are likely to be experienced by residents at 8 Hickson Road and the commercial properties, including Campbell's Stores, Park Hyatt Hotel, Metcalf Bond Stores, ASN Co building and the OPT.

The Acoustic Report predicts construction noise levels to exceed the noise management levels (background + 10 dB) at the nearest residents by up to 15 dB, and at the nearest commercial property by up to 19 dB. However, the predictions are worst-case scenarios and based on high noise demolition activities occurring during the day, including excavator mounted hammering, concrete sawing and angle grinding. These activities are not proposed to be undertaken at all times during construction nor are they proposed between 6 pm and 10 pm.

The Department notes that high intensive activities, including demolition of the existing Bay X stairs and foreshore steps and redistribution of fill is proposed in Zone 2, while minor public domain works with limited construction activity would take place in Zone 1 (**Figure 22**). The Department considers as the high noise activities are proposed in Zone 2 during the day and away from residents at 8 Hickson Road and Park Hyatt Hotel, construction would have minimal impact on the amenity of the nearby sensitive residential and commercial properties.

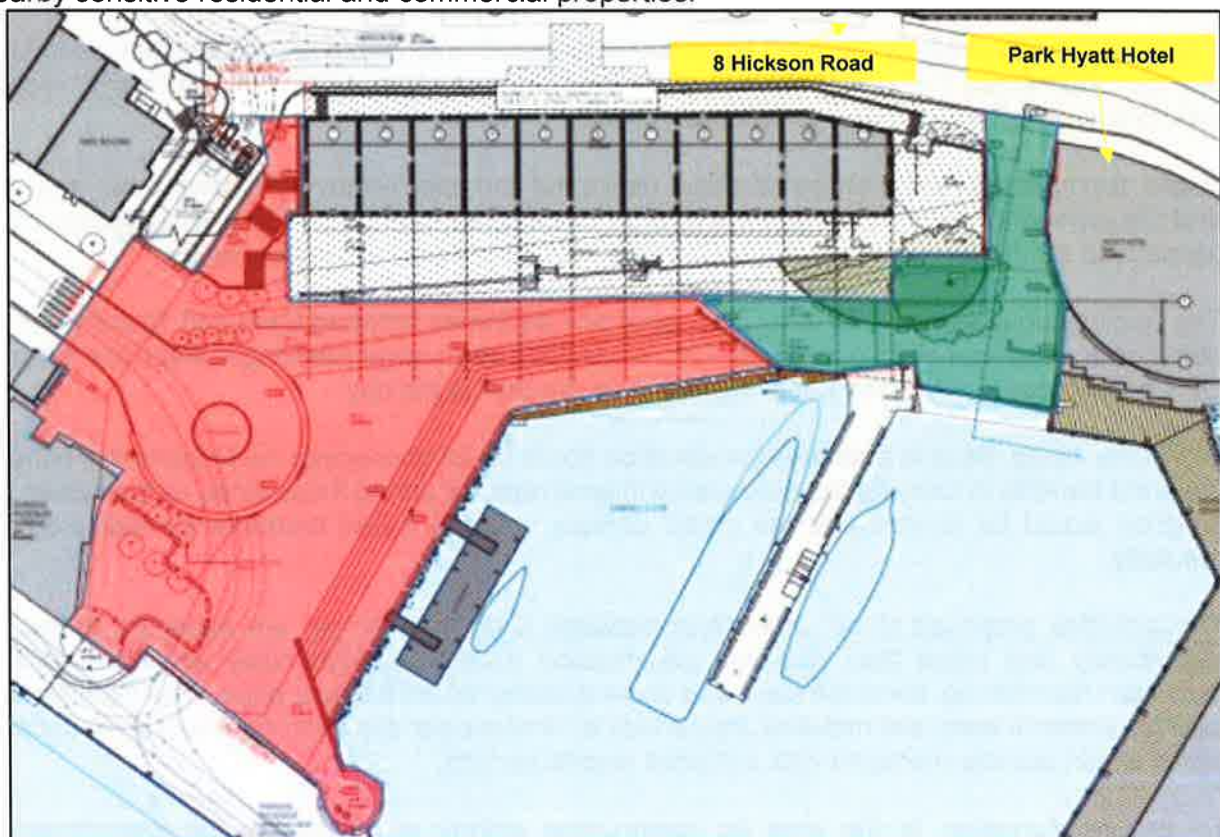


Figure 22: Construction Zones: Green – Zone 1; Red – Zone 2 (Source: Applicant's EIS)

Public submissions objected to construction vehicles using the Hickson Road link for access to the site during 6 pm and 10 pm. The Applicant proposes construction and emergency vehicles would use this link for access, during the 26 OPT ship days.

The Department accepts there is the potential for noise impacts on residents at 8 Hickson Road during this period, and has therefore recommended a condition which limits access to 26 occasions to Circular Quay West Road to maintain residential amenity. However, the Department considers it appropriate to enable access to the Hickson Road link during standard hours to ensure the construction period does not become unnecessarily delayed with consequent longer construction noise and disruption impacts.

To ensure the amenity of surrounding properties is maintained, the Department recommends a condition requiring the Applicant to prepare a Construction Environmental Management Plan (CEMP) which will include a Construction Noise Management Plan outlining management and mitigation measures to minimise amenity impacts, including construction noise.

The Department is satisfied with appropriate measures in place, construction impacts on residential and commercial properties can be appropriately mitigated.

5.5.3 Construction air quality impacts

Potential dust generating activities include the removal of paving and the demolition of the Bay X stairs. The Department is satisfied through appropriate conditions which require the preparation of a CEMP and Construction Air Quality Management Plan (CAQMP), dust generation during works would be effectively managed so it does not adversely affected the amenity of nearby residents and businesses.

The Department therefore recommends the Applicant prepare a CEMP and CAQMP which would manage and mitigate potential air quality impacts.

5.5.4 Construction traffic

A revised Construction Traffic Management Plan (CTMP) has been prepared for the proposal which identifies approximately 4-6 trucks movements will occur per day and slightly more during concrete pours. The Department considers the amount of truck movements to be minimal and would not cause disruption to the local road network.

The CTMP outlines all service vehicles will enter and exit the site via Circular Quay West Road and the service road between Campbell's Stores and the Park Hyatt Sydney. As previously noted, public submissions raised concern about the use of the service road between Campbell's Stores and the Park Hyatt Sydney when deliveries and the removal of spoil is undertaken during 6 pm and 10 pm.

The Department has therefore recommended a condition which limits access to and from the site on 26 occasions to Circular Quay West Road to maintain residential amenity.

The Department has also recommended a Construction Traffic and Pedestrian Management Plan is prepared in consultation with Ports and TFNSW to manage potential traffic impacts during construction activity.

The Department concludes the construction traffic and access arrangements would be acceptable and are supported, subject to the recommended conditions.

5.6 Other Issues

Other matters for consideration are addressed in **Table 9**.

Table 9: Assessment of Other Issues

Issue	Consideration	Recommendation
Lighting	- The public domain is proposed to be illuminated with street lights. - The proposed street lights would be consistent with the street lights used in Campbell's Cove. - Council raised no objection to the proposed street lights.	The Department recommends a condition requiring the outdoor lighting to comply with the relevant Australian Standards.
Signage	- The proposal originally included place identification signage including on the precast wall and steps on the new Bay X stairs and on the southern elevation of the bridge. - Council and the Heritage Council recommended signage should not be approved at this stage but be included in an overall Signage Strategy as part of a separate application. The strategy should be cohesive with signage proposed as part of the upgrade of Campbell's Stores. - The Applicant agreed with this approach and has committed to developing a strategy in consultation with Campbell's Stores project.	The Department recommends a condition which requires a Signage Strategy be prepared to identify potential future locations and potential future types of signage for Campbells Cove. The Strategy must be submitted to and approved by the Secretary prior to the commencement of stage 2 works.
Contamination	- The Preliminary Investigation (PI) in the EIS found the site is suitable for its purpose. The PI identifies at depths greater than 5 m the site is likely to comprise Acid Sulphate Soils (ASS). At depths up to 5 m, there was no evidence of potential for ASS. - Given the public domain works incorporate excavation of up to 2 m, it is unlikely for potential ASS to be encountered or that ASS could be generated.	The Department is satisfied there is limited potential for ASS to be encountered and recommends a condition to deal with unexpected contamination finds.

6. CONCLUSION

The Department has considered all relevant matters under section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ESD. The Department has reviewed the EIS, RTS, further information and the proposed SCRA Scheme variation and considered advice from public authorities. Issues raised in submissions have also been considered and all relevant environmental issues associated with the proposal have been thoroughly assessed.

The Department considers the proposed development, as amended through the assessment process, will be appropriate within the surrounding heritage context and will provide an attractive upgrade to the public domain that is sympathetic to the overall character of The Rocks. The proposed variation to the SCRA Scheme to accommodate improved access to Campbell's Cove is supported.

The development incorporates significant public benefit outcomes that will contribute positively to vibrancy and vitality of The Rocks. The key benefits include an improved public domain through improved through-site links and seating encouraging passive recreation and activation of Campbell's Cove.

The Department is satisfied the recommended conditions and implementation of measures detailed in the Applicant's EIS, RTS and supporting reports and as recommended by agencies will adequately mitigate the residual environmental impacts of the proposal.

Key conditions of consent would require the Applicant to:

- prepare a Signage Strategy for Campbell's Cove
- prepare a Construction and Environmental Management Plan
- follow a protocol in the event significant archaeological artefacts are uncovered
- limit access to and from the site from Circular Quay West Road between 6 pm and 10 pm to 26 occasions throughout the construction period.

The Department concludes the proposal is consistent with the strategic objectives for the area, as outlined in *NSW 2021, A Plan for Growing Sydney, Towards our Greater Sydney 2056*, the *Draft Greater Sydney Region Plan* and the *Revised Draft Eastern City District Plan*.

The proposal would result in positive social and economic impacts, including improved public domain outcomes which will benefit residents, workers and visitors and assist to revitalise Campbell's Cove.

The Department concludes the development is in the public interest and is capable of being approved, subject to the SCRA Scheme variation being made and recommended conditions.

7. RECOMMENDATION

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- agree** to make the proposed variation to the SCRA Scheme;
- consider** the findings and recommendations of this report;
- grants consent** to the State significant application (SSD 7246), subject to conditions; and
- sign** the attached development consent at **Appendix D**.

Prepared By: Rebecka Groth
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

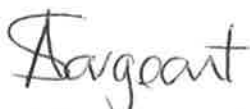
Recommended by:



Ben Lusher
Director
Key Sites Assessments

Decision

The recommendation is Approved by:



Anthea Sargeant 9/3/18
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning

APPENDIX A SUPPORTING INFORMATION

The following documentation and information supporting this assessment can be found at the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7246

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- Sydney Cove Redevelopment Authority Scheme
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 - Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment).

Note: Clauses within the above EPIs and DCPs that are not relevant to the application or have been considered in Section 5 of this report have been omitted from the below assessment.

Consideration of the proposed variation to the SCRA Scheme is provided at **Appendix C**.

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

The proposal is SSD as it seeks to vary the Sydney Cove Redevelopment Authority Area Scheme (SCRA Scheme) in accordance with clause 6 of Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011.

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

SEPP 55 is the primary EPI guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land;
- identify when consent is required or not required for a remediation work;
- specify certain considerations that are relevant to applications for consent to carry out remediation work; and
- require that remediation work meet certain standards and notification requirements.

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The EIS included a Preliminary Investigation (PI) which confirmed potential contaminants are unlikely to be located on-site. The PI identified the presence of fill materials in the surface and sub-surface zones of the site. No evidence of significant, gross contamination or material containing asbestos were observed in the fill materials were identified in the fill materials or in the sub-surface of the site.

The proposal includes minor excavations up to 2 m below ground level and acid sulphate generating soils are unlikely to be encountered. Further the Preliminary Investigation in the EIS found the site is suitable for its proposed use.

The Department therefore concludes the site is suitable for its continued use as public open space in accordance with SEPP 55.

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The application originally proposed place identification signage on the proposed Bay X stairs, the precast wall adjacent to the Bay X Stairs and on the southern elevation of the bridge. The signage on the entrance to the OPT bridge, vary in size and several signs would be backlit.

In response to the agency submissions received, the Applicant has removed all signage from the proposal to enable a wholistic approach to signage for Campbell's Cove. The Department agrees with this design approach and recommends a condition requiring a signage strategy for Campbell's Cove public domain.

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

Consideration of the relevant clauses in the SREP (Sydney Harbour Catchment) 2005 is addressed in the below.

SREP (Sydney Harbour Catchment) 2005	Criteria	Department Assessment	Comment	Complies
Part 1, clause 3 (2)(c1)	- Land to which the plan applies. - Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Sydney Opera House Buffer Zone, as shown on the Sydney Opera House Buffer Zone Map.	The proposed works are located within the SOH Buffer Zone as identified on the relevant map.		YES
Part 3, clause 17 Zoning W1 Maritime Waters	Land is divided into a number of zones as shown on the zoning map. However, the SCRA Scheme does not zone the land.	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 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.		YES
Part 3, clause 21 Biodiversity, ecology & environmental protection	The consent authority must take into consideration the matters listed in the clause in relation to biodiversity, ecology and environmental protection.	The proposal would have a negligible impact on biodiversity, ecology or the natural environment.		YES
Part 3, Clause 22 Public access to, and use of, foreshores and waterways	The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	Public access along the foreshore and to the waterway would be maintained. Access to the public domain would be improved through upgrades to existing pedestrian connections.		YES
Part 3, Clause 23 Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the	The proposal would not impact on the maintenance of a working harbour.		N/A

	maintenance of a working harbour.		
Part 3, Clause 24 Interrelationship of waterway and foreshore uses	The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The proposal does not include any opportunities for waterway access and would not impact on the use of the waterway.	N/A
Part 3, Clause 25 Foreshore and waterways scenic quality	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways.	The proposed works will enhance the scenic quality of the foreshore.	YES
Part 3, Clause 26 Maintenance, protection and enhancement of views	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	The proposal would not impact on views enjoyed from the public space towards the Sydney Opera House and Sydney Harbour.	YES
Part 3, clause 29 Foreshores & Waterways Development Advisory Committee	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	The proposed development is of a type that does not require referral to the Advisory Committee.	N/A
Part 4, clause 40 Strategic Foreshores Areas	- Division 1 - Requirements for Master plans. - This Division applies to development that is carried out on a strategic foreshore site.	- The site identified as a strategic foreshore site on Sheet 3 (City Foreshore Area). - The Minister has not directed a master plan for the land be prepared.	YES
Part 5 Division 3A Sydney Opera House	- Clause 58A outlines this division applies to the Sydney Opera House buffer zone, as outlined on the Sydney Opera House Buffer Zone Map. - Clause 58B outlines matters taken into consideration for development in the Sydney Opera House buffer zone to protect the World Heritage Value of the site.	- The Department's assessment in Section 5 of this report concluded the proposal would not adversely impact on the world heritage significance of the SOH. - Given the scale of the proposal, it would not reduce the visual prominence or have any adverse impacts on the significance or setting of the SOH.	YES

	• Clause 58C outlines parameters for minor development in which this division does not apply.		
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Sydney Harbour Foreshores and Waterway Area DCP 2005

The site is within the defined Foreshores and Waterways Area and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment and design guidelines for development within the area.

The site does not contain any threatened species or their habitat. The proposal seeks to relocate the existing palm trees adjacent to the Bay X stairs adjacent to Circular Quay Way and consistent with the landscape aims and performance criteria within the DCP as it seeks to minimise impact on views as discussed in the SHREP assessment.

The proposal is consistent with built form guidelines as it maintains foreshore access, has a positive visual impact when viewed from the water and is sympathetic to the heritage significance of The Rocks Area.

Draft State Environmental Planning Policy (Environment)

The provisions of SREP 2005 are proposed to be included in the Environment SEPP, which is currently in draft form.

The relevant matters for consideration and general heritage provisions are proposed to remain as per those in the current SREP 2005 and therefore the proposed development would be consistent with the intended effect of this section of the draft SEPP.

The Sydney Harbour Foreshores and Waterway Area DCP 2005 is also proposed to be transitioned into one or more guidelines that would cover the current content and provide updated guidance to consent authorities based on design principles and landscape character. However, these guidelines are currently not in draft form.

APPENDIX C SCRA SCHEME VARIATION

Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)

The site is located on Drawing XXVII (2) of the SCRA Scheme (see **Drawing A** below).

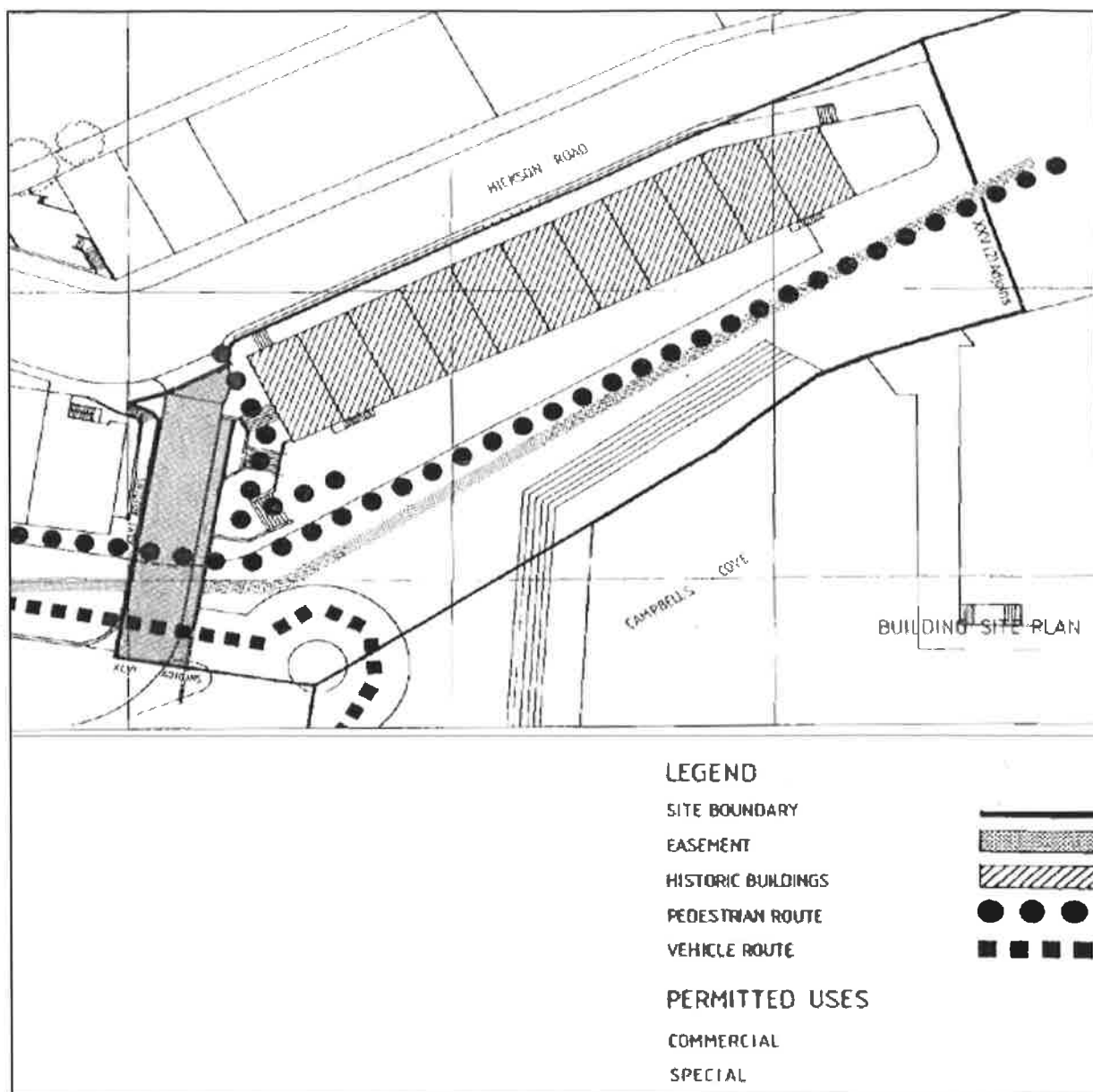
Proposed variation seeks to amend Drawing XXVII (2) of the SCRA Scheme to enable development consent to be granted to the proposal, for the realignment of the Bay X stairs which will be outside of the pedestrian route nominated in the SCRA Scheme and for the realignment of the foreshore steps which will be outside of the siting nominated in the SCRA Scheme (**Drawing B** below).

The Department has undertaken the following assessment of the proposed variation of the SCRA Scheme against the matters outlined in the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* (Regulation) below.

Consideration	Comment
Clause 4 – Application for variation to approved SCRA Scheme	On the 1 November 2017, the Applicant applied to make the draft SCRA Scheme variation.
Clause 5 – Decision as to preparation of draft variation	On 9 November 2017, the Secretary agreed to make the draft SCRA Scheme variation and notified the Applicant in writing.
Clause 6 – Public notice and exhibition of draft variation	The revised proposal and SCRA Scheme variation were concurrently exhibited.
Clause 7 – Inspection of and submissions concerning the draft variation	The during the public exhibition of the revised proposal and SCRA Scheme variation persons were able to inspect and make extracts of the draft variation and make a written submission concerning the draft variation.
Clause 8 – Public notice of development that is not designated or advertised development	The revised proposal and SCRA Scheme variation were concurrently exhibited for 30 days from 16 November 2017 to 15 December 2017.
Clause 9 – Variation of approved SCRA Scheme	
(1) Minister is to consider all submissions	No agencies or public submissions raised any issues about the proposed SCRA Scheme variation.
(2) If after considering those submissions, the Minister is of the opinion that the draft SCRA variation, if made:	
(a) Will not permit development that will adversely affect:	
i. development on adjoining land, or	The draft variation to the SCRA Scheme has been designated to integrate with the public domain and will not adversely affect development on adjoining land.
ii. the heritage significance of buildings, structures or sites in the locality, or	The Department concludes the proposed SCRA Scheme variation will not have an

	adverse heritage impact upon surrounding heritage items including Campbell's Stores.
iii. the quality of public domain in the locality, and	The proposal includes new seating, lighting and paving which would improve the quality of the public domain.
b) will not permit development that will have an adverse impact on the natural or built environment or an adverse social or economic impact in the locality, and	The Department is satisfied the works are acceptable and is satisfied they would contribute positively to the public domain. The proposal will enhance the attractiveness of Campbell's Cove and would contribute to the revitalisation of the public domain.
c) will conform with the general planning and design principles for the Sydney Cove Redevelopment Area.	The proposal will not adversely impact upon the heritage significance of the area. The realignment and siting of the Bay X stairs is outside of the pedestrian route nominated in the SCRA Scheme. The realignment of the foreshore steps would also be outside of the siting nominated in the SCRA Scheme. The proposed variation will not result in unacceptable impacts on surrounding heritage items or views. The proposal would improve drainage on-site which would assist in conserving the adjoining State Heritage item, Campbell's Stores. The proposal would upgrade the existing seating, lighting and accessibility to the public domain. The proposal is therefore considered to be reasonable. It is considered the proposal is consistent with the planning and design principles of the SCRA Scheme.

The Department is satisfied the proposal is consistent with the aims and objectives of the SCRA Scheme and recommends the Minister's delegate make the SCRA Scheme variation.



DRAWING A: CURRENT SCRA SCHEME DRAWING XXVII



DRAWING B: PROPOSED SCRA SCHEME DRAWING XXVII

APPENDIX D DEVELOPMENT CONSENT

APPENDIX E SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7246