



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:**

***The Rocks Centre Entry Upgrade and Variation to
the Sydney Cove Redevelopment Scheme***

SSD 8307



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

February 2018

ABBREVIATIONS

Applicant	Property NSW, or anyone else entitled to act on this consent
AS	Australian Standard
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney Council
DCP	Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
ICNP	Interim Construction Noise Policy
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
NCC	National Construction Code
OEH	Office of Environment and Heritage
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RTS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Photomontage of proposal as viewed from Playfair Street (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report provides an assessment of a State Significant Development (SSD) application for demolition and construction of a new entry structure to Rocks Centre (Penrhyn House) (SSD 8307), located at 22-26 Playfair Street, The Rocks. The application has been lodged by Property NSW (the Applicant) and the site is located within the City of Sydney local government area.

The proposal seeks approval to upgrade the public entry to the building including the installation a new lift to improve access.

The proposal has a Capital Investment Value of \$1,023,672 million and would generate 15 construction jobs. The proposal is SSD under clause 6 of Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011*, as it comprises development on land identified as being within The Rocks and does not comply with the Sydney Cove Redevelopment Authority Scheme (SCRA Scheme). Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited between Thursday, 2 November 2017 until Friday, 1 December 2017. The Department of Planning received two submissions from public authorities.

The key issues raised in the submissions included the height and siting of the proposed entry structure and the design of the access bridge. The Department finds the proposal is appropriate in its location and would not adversely impact the State heritage item. The proposal is in the public interest as it would enable the continued use of a heritage item by providing access for people of all ranges of mobility.

The Department has considered the above issues in its assessment. The Department has considered the merits of the proposal in accordance with relevant matters under Section 79C, 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 concludes the proposal is in the public interest and recommends that the SCRA Scheme variation is made and the application be approved, subject to the recommended conditions.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State Significant Development (SSD) application for alterations to The Rocks Centre (Penrhyn House), 22-26 Playfair Street, The Rocks (the site) (SSD 8307).

The proposal seeks approval for the construction of a new entry structure to provide equitable access to a new restaurant on Level 1. The entry structure includes a double-glazed lift, access bridge and associated paving.

The application has been lodged by Place Management, Property NSW (the Applicant). The site is located within the City of Sydney local government area (LGA).

1.2 The Site and Surroundings

The Rocks Centre is located on the corner of Argyle Street and Playfair Street (**Figure 1**) and is identified as a State Heritage Item. The Rocks Centre has its principle frontage to Argyle Street, a second frontage to Playfair Street and a frontage to Kendall Lane. The northern boundary of the site abuts Scarborough House which is a mixed-use building.

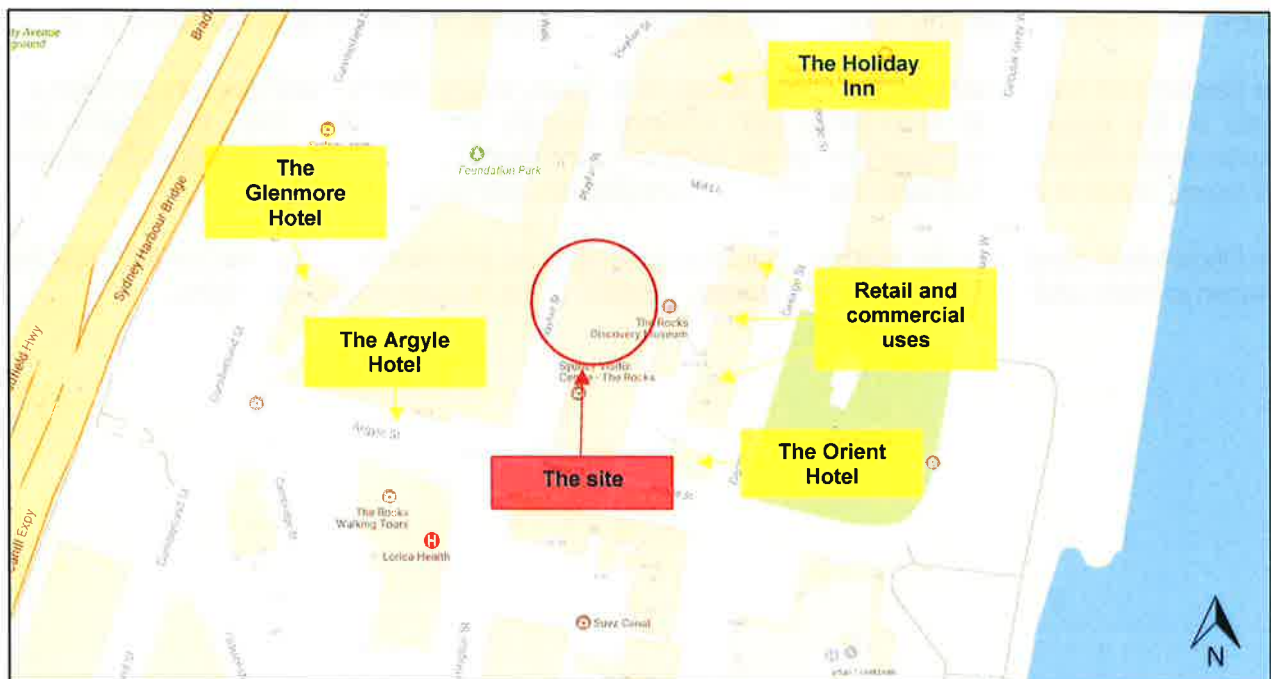


Figure 1: Site location (Base source: Nearmap)

The site is part of the historic The Rocks precinct located adjacent to Sydney Harbour and north of Sydney's CBD (**Figure 2**). The surrounding area is characterised by a mix of buildings and uses including:

- the Argyle and the Glenmore hotel south-west of the site
- the Holiday Inn north of the site
- the Orient Hotel and a variety of retail and commercial uses to the east of the site.

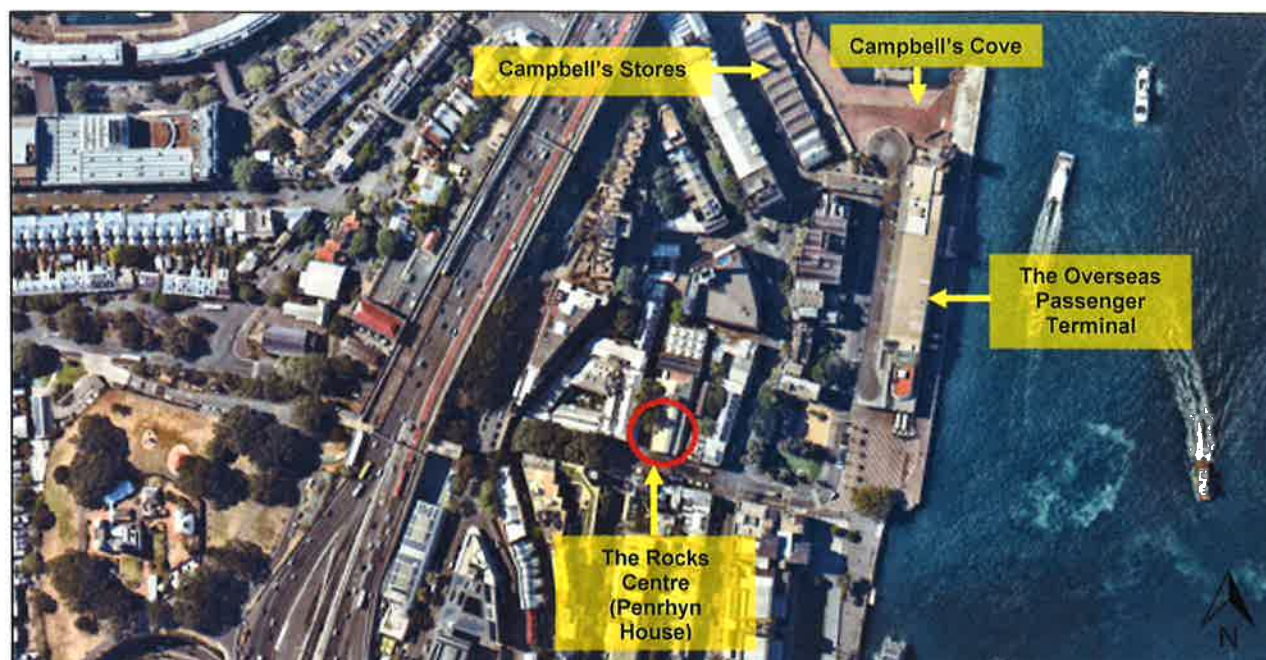


Figure 2: Aerial view showing the site and surrounds (Base source: Nearmap)

2. DESCRIPTION OF PROPOSAL

2.1 Description of Proposal

The proposal seeks approval for alterations to The Rocks Centre to improve access to Level 1. The key components and features of the proposal are provided in **Table 1** and are shown in **Figure 3**.

Table 1: Key components of the SSD application

Aspect	Description
Summary	Alterations to create equitable access from Playfield Street to a future restaurant tenancy on Level 1
Demolition	Existing 1994 entry enclosure to The Rocks Centre
Built form	- Construction of a new steel framed and glazed entry structure comprising: - a double-sided lift which provides access to the first floor of The Rocks Centre via an access walkway - widening of the existing opening in the wall of The Rocks Centre enabling clearance for the new walkway - associated internal paving - First-floor works include: - installation of a steel framed walkway bridge, connecting the lift to the existing first-floor within Penryhn House - sliding glass entry doors on two frontages, the Playfair Street frontage and the enclosure's south-western elevation. - Sub-surface works comprising: - a lift-pit which involves excavation to a depth of 1400 mm to accommodate the proposed lift
Public domain and landscaping	New paving around the entry to the lift structure

The SSD application has a Capital Investment Value (CIV) of \$1,023,672 and is expected to generate 15 construction jobs.

The application also proposes a variation to the Sydney Cove Redevelopment Authority Scheme (SCRA Scheme) for the proposed entry structure which will be outside of the envelope nominated in the SCRA Scheme.

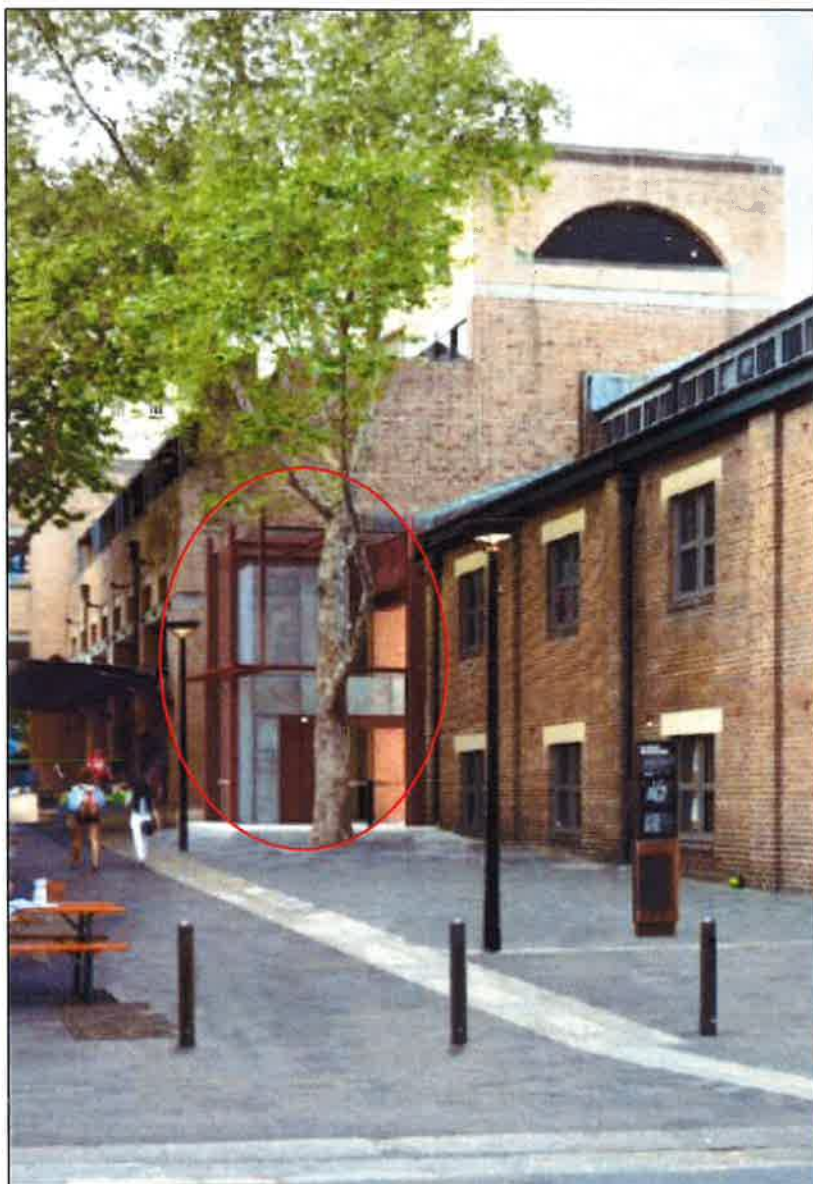


Figure 3: Photomontage of proposed entry structure (Source: Applicant's EIS)

The existing and proposed SCRA Scheme Drawings are illustrated in **Figures 4** and **5** below. This issue is considered in **Appendix C**.

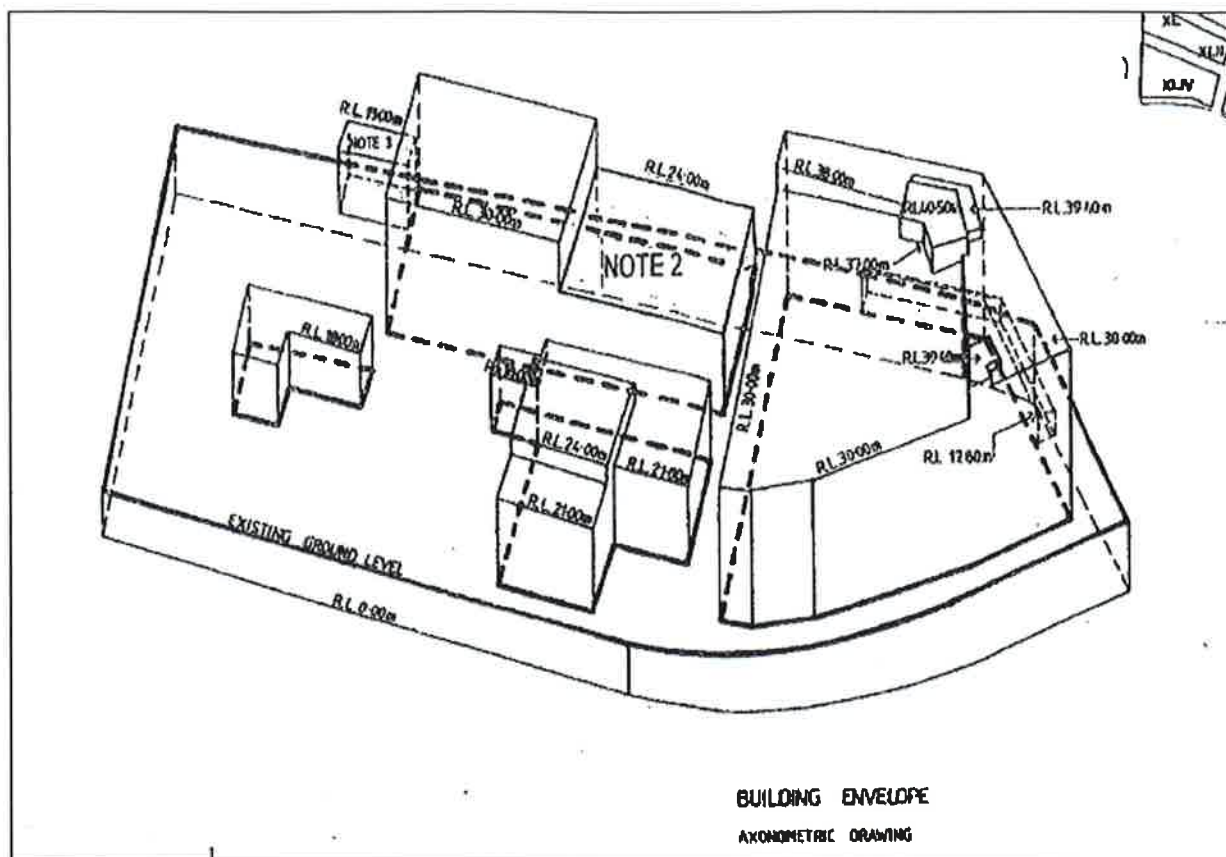


Figure 4: Existing SCRA Scheme Drawing (Source: Applicant's EIS)

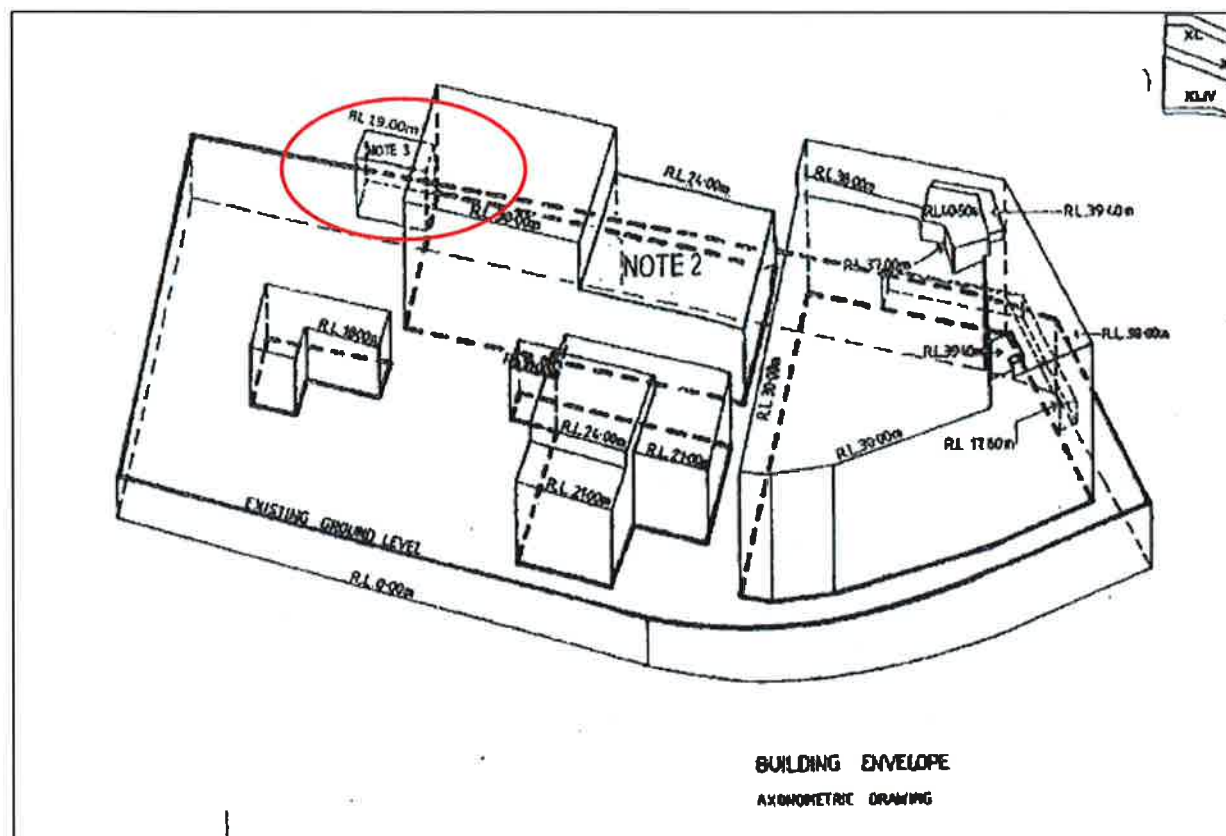


Figure 5: Proposed SCRA Scheme Drawing location of proposed amendment circled red (Base Source: Applicant's EIS)

3. STATUTORY CONTEXT

3.1. State Significant Development

The development is SSD under clause 6 of Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011, as it comprises development on land identified as being within The Rocks and which does not comply with the SCRA Scheme. A SCRA Scheme variation is therefore being concurrently sought to enable development consent to be granted. The Minister for Planning 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 for Planning's delegation to determine SSD applications, signed on 16 February 2015, the Executive Director, Key Sites and Industry Assessments may determine this application as:

- the relevant Council has not made an objection; and
- there are less than 25 public submissions in the nature of objection; and
- a political disclosure statement has not been made.

SCRA Scheme Variation

On 26 February 2016, the Minister delegated the 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.

3.3. Permissibility

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 within The Rocks area must be consistent with the relevant controls of the SCRA Scheme.

The Rocks Centre is located within Drawing number Site XXXI-C of the SCRA Scheme. The proposal seeks to undertake improvements to the access into the existing restaurant, which is permissible under the SCRA Scheme.

The proposed entry structure would protrude above the existing maximum building envelope of RL 15 m prescribed within the SCRA Scheme. The maximum proposed height of the entry structure is RL 18.18 which is not consistent with the envelope depicted in the SCRA Scheme.

A variation to the SCRA Scheme is required to enable development consent to be granted. The Applicant has therefore requested a variation to Drawing number XXXI-C of 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 for Planning (or delegate) must consider making a proposed variation to the SCRA Scheme.

The Regulation provides for the Applicant to apply to the Minister for a variation to the approved 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 Scheme, set out in the reasons for the variation to the Scheme and address the matters that the Minister must consider.

The proposed entry structure does not comply with the maximum height of the prescribed building envelope as established in 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

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to 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 EPI's apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Cove Redevelopment Scheme
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP).

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and considers the application is consistent with the requirements of the EPIs.

3.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act. A response to the Objects of the EP&A Act is provided at **Table 2**.

Table 2: Response to the objects of section 5 of the EP&A Act

Objects of section 5 of the EP&A Act	Department's Response
(a) <i>to encourage:</i>	
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The proposal does not impact on natural and artificial resources, as it involves the development within an already disturbed urban area. The proposal will improve access into the building, which will enhance economic and social welfare.
(ii) <i>the promotion and co-ordination of 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 .
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	The proposal is unlikely to impact on existing communication and utility services.
(iv) <i>the provision of land for public purposes,</i>	The proposal does not involve the provision of land for public purposes.
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The proposal does not include the provision of community services and facilities.
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and</i>	The site does not contain any threatened species and their habitat.

ecological communities, and their habitats, and	
(vii) ecologically sustainable development, and	The proposal includes measures to deliver ESD (Section 3.7).
(viii) the provision and maintenance of affordable housing, and	The proposal does not involve the provision / maintenance of affordable housing.
(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and	The Department consulted with Council and OEH.
(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.	Section 4 sets out details of the Department's public exhibition of the proposal.

3.7. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. 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 development proposes ESD initiatives and sustainability measures, including:

- 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 accessibility improvements to a State heritage item which will benefit residents, visitors and tourists
- the proposal involves the retention of the tree adjoining the lift.

The Department has considered the project in relation to the ESD principles. 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 ESD principles and the Department considers 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 4 April 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department considers section 1.2 of the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

3.9. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) cited in this report, the requirements for notification (Part 6, Division 6 of the EP&A Regulation) and fees (Part 15, Division 1AA of the EP&A Regulation) have been complied with.

3.10. Strategic Context

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

- the objectives of *NSW 2021* (the State Plan) via the creation of 15 construction jobs

- the objectives of *NSW 2021* including enhancing the cultural and natural heritage in NSW through the access upgrade and continued use of a state heritage building in the State's most significant heritage precinct – The Rocks
- the objectives of *A Plan for Growing Sydney* including the key goal to grow a more internationally competitive CBD. The improvements to the building would generate tourism, social, economic and community benefits and enable The Rocks to 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
 - conserve the heritage values of the precinct.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department publicly exhibited the application (for 30 days) from Thursday, 2 November 2017 until Friday, 1 December 2017. The application was exhibited on the Department's website, at the NSW Service Centre and at the City of Sydney Council's office.

The Department placed a public exhibition notice in the *Sydney Central Courier* on Wednesday, 1 November 2017, and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of two submissions from public authorities and no submissions from the general public. A summary of the issues raised in the submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

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

4.1.1. Public Authority submissions

Table 3: Summary of public authority submissions to the EIS exhibition

Heritage Council of NSW (Heritage Council)
Heritage Council does not object to the proposal and provided comments that: • the proposal will not have an adverse impact on the heritage significance of The Rocks Centre • the proposed widening of the existing opening by 400 mm is not ideal, however the extent of demolition in the context of The Rocks Centre is not extensive and would not reduce the amount of the building's significant fabric • the visibility of the new enclosure and its contents should be lessened, in particular the diagonal cross bracing on the bridge balustrade, as it is inconsistent with the rectangular composition elsewhere in the building • the Heritage Impact Statement recommendations are supported which include monitoring of sub-surface works and recording of locally significant archaeological resources Heritage Council provided recommended conditions, should the application be supported.
City of Sydney Council (Council)
Council does not object to the proposal and provided comments that: • the proposed entry structure is slightly larger than the existing structure • the structure would relate better to the existing building if it was set below the fascia and gutter line in line with the existing envelope

- there will be a small section of reconstructed brickwork to be removed to provide for a wider opening for the lift/footbridge which will have a minor heritage impact but is supported as the wall nib is retained and the brickwork opening has been altered previously
- there will be no impact on the significant existing timber flooring and floor structure at the first-floor level.

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 issues raised in the submissions.

On 22 December 2017, the Applicant lodged its RTS report responding to key issues raised by public authorities. The key RTS included further justification for the siting, design and height of the proposed structure in relation to The Rocks Centre.

The Department made the RTS response publicly available on its website. No further submissions were received.

5. ASSESSMENT

5.1 Section 79C(1) matters for consideration

Table 4 identifies the matters for consideration under section 79C that apply to SSD. The RTS has been prepared by the Applicant to consider these matters and those matters detailed in the SEARs. The Department's assessment has also considered these matters which are further discussed, where relevant, throughout **Section 5**.

Table 4: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Variation to the relevant SCRA Scheme standard 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	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 <i>Refer Division 8 of the EP&A Regulation</i>	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	Impacts of the development have been considered in Section 5 of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 1 of this report.
(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 Section 5 of this report.

Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable Not applicable
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5.2 Key Assessment Issues

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

These issues are discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed at **Section 5.4**.

5.3 Heritage and Visual Impacts

The proposal involves replacing the existing entry structure to accommodate a lift that would provide equitable access to the upper floor of The Rocks Centre. The structure would continue to be visible from the public domain and would result in internal and external alterations to The Rocks Centre which is a State heritage building (**Figure 6**).



Figure 6: Photomontage of existing and proposed entry structure (Base source: Applicant's EIS)

The overall height of the existing structure is RL 17.63 m and is read as a transparent glass structure from the public domain. The overall height of the proposed structure is RL 18.18 m, representing a minor increase in height of 0.550 m. The proposal has a similar footprint to that of the existing structure (existing 3 m x 4.5 m, proposed 3.7 m x 5 m). The proposed variation to the SCRA Scheme to increase the height of the entry structure envelope by 0.550 m is considered separately in **Appendix C**.

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Council advised the proposal would have an acceptable impact on the significance of The Rocks Centre, however consideration should be given to lowering the height of the new structure so it sits below the fascia and gutter line of the building as per the existing structure. The Heritage Council did not object to the proposal but advised the visibility of the new enclosure and its contents should be lessened, in particular the prominence of the diagonal bracing in the bridge balustrade.

- reducing the height of the structure was considered, however the resultant shorter and bulky design was an undesirable alternative. The taller and slender design proposed was chosen as it has a narrower envelope and a better visual relationship with The Rocks Centre.
- the vertical elements of the structure and the layering of materials enables important horizontal alignments of The Rocks Centre to be appreciated and read as continuous elements. The layering of materials further reduces the visibility of the structure and specifically the balustrade (**Figure 8**).

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from The Rocks Centre assist to suitably reduce its visual impact when viewed from the public domain. The Department considers this to be consistent with established best practice for additions to heritage significant buildings. The Department considers the proposed height of the entry structure would have an acceptable visual outcome.

The proposed walkway bridge is a structural element necessary for the operation of the lift. The walkway is 6 m in length, however the Department notes the full length of the walkway and diagonal bracing would not be visible from most vantage points within the public domain. The portion which would be visible is treated with a layering of materials to reduce its visual prominence. The Department considers the walkway to be an appropriate addition and is satisfied the diagonal bracing would not detract from the visual amenity of the public domain.

The Department concludes the entry structure and associated walkway would have an acceptable visual and heritage outcome. The works will be read as a clear addition to the heritage building, would improve accessibility and ensure the continued use of the building.

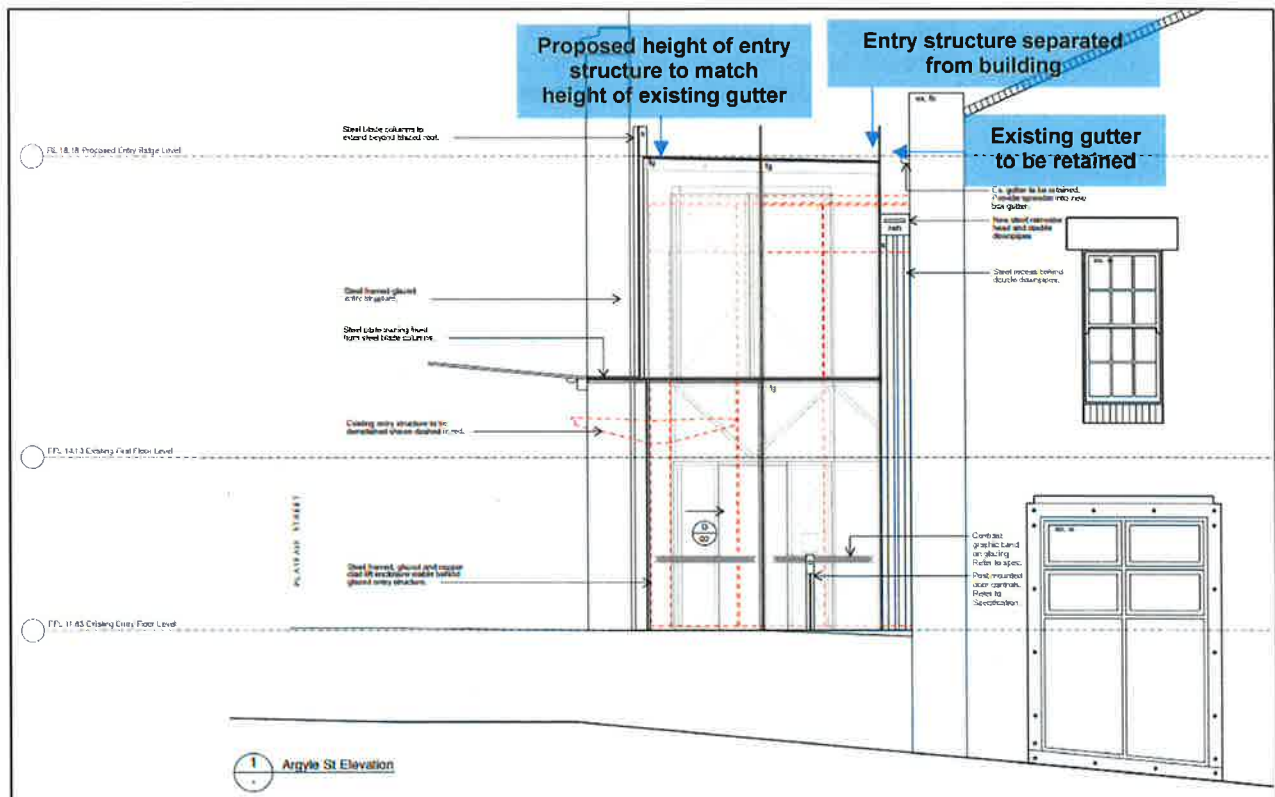


Figure 8: View of proposed entry structure as viewed from Argyle Street (Base source: Applicant's EIS)

5.4 Other Issues

The Department's consideration of other issues is provided at Table 7.

Table 7: Department's assessment of other issues

Issue	Consideration	Recommendation
Construction Impacts	- Works are proposed to be undertaken during the following hours: - Mondays to Fridays inclusive between 7 am and 6 pm - Saturdays between 8 am and 3 pm - no work on Sundays and public holidays. <i>Construction Noise</i> - The Department considers construction noise impacts are likely to be generated by the proposed works as a result of	The Department recommends a condition requiring the Applicant to prepare a CEMP outlining management and mitigation

Issue	Consideration	Recommendation
	the demolition works, excavation and construction of the entry structure and the equipment proposed to be used. • Potential construction noise impacts are likely to be experienced by nearby restaurants and the general public. • The Applicant has not provided a Noise and Vibration Assessment given the minor nature of the proposal. • The Applicant advises the noise generating works associated with the construction phase is anticipated to be minor and would be limited to a period of 28 weeks. The equipment to be used would be small scale and used for short periods. Noise and vibration generating activities are likely to include minor excavation, drilling for structure support fixings, localised jack hammering to prepare areas for paving rectification, the use of a crane to remove existing structures and put the new steel structure in place and noise associated with construction vehicle movements. • The Applicant advises the impacts on patrons of nearby restaurants and the general public, would be managed by long-term established construction work practices on-site. • Given the site is located within the CBD and is within an already noisy environment, the Department considers the proposal would have minimal impact on the amenity of the nearby commercial properties. Notwithstanding, to ensure the amenity of surrounding properties is maintained, the Department recommends the Applicant prepare a CEMP.	measures to minimise amenity impacts, particularly construction noise, dust mitigation measures, public and employee safety.
Archaeology	• There is potential for archaeological remains within the site, however given the limited extent of the excavation proposed, being limited to the Playfair Street entry only, there is low to nil potential for remains of high significance to be identified. The HIS notes the location of the proposed excavation for the lift pit is identified has been previously disturbed. The HIS further identifies the previously known structure on this portion of the site is likely to correspond with an area previously covered by a c. 1870s verandah. • The Heritage Council supports the HIS recommended monitoring measures during the excavation and sub-surface works phase of the proposal. • The Department recommends if items are identified during works, works are to cease and the material is to be assessed. The Department recommends relevant conditions accordingly.	• The Department recommends conditions relating to the notification procedures and requirements under the <i>Heritage Act 1977</i> and <i>National Parks Act 1974</i>.
Contamination	• The preliminary site investigation (PSI) report concludes the site has a low potential for contamination. There are potential contamination sources on-site as a result of previous known and unknown land uses and unknown fill sources. • Given the nature of the proposed development and minimal excavation, the PSI concludes further investigation is not required. • The Department considers the proposed works are minor in nature, noting minimal excavation is proposed. The Department supports the recommendation within the PSI stating an unexpected finds protocol must form part of the construction management plan and all excavated material is classified in accordance with relevant NSW EPA guidelines and disposed of accordingly. • The Department is satisfied there is limited potential for contaminated material to be encountered as a result of the proposal.	• The Department recommends conditions to ensure measures are in place should any unanticipated contamination be found during works and requiring the excavated material be classified and disposed of in accordance with relevant NSW EPA guidelines.

5.5 Public Interest

The development will improve access to Level 1 of the building and enable people with a range of mobility levels access to the future restaurant. The proposal is considered to be in the public interest and would address the state priorities as the proposal will enable the continued use of a heritage building.

6. CONCLUSION

The Department has reviewed the EIS, RTS and assessed the merits of the proposal, taking into consideration advice from the Heritage Council and Council. All environmental issues associated with the proposal have been thoroughly addressed.

The siting and design of the entry structure is acceptable as it will have no impact on the heritage significance of the building and is visually acceptable when viewed from the public domain.

The public benefit of the proposal is the continued use of the State heritage building through improved pedestrian access and the activation of the public domain and The Rocks.

The Department considers the SCRA Scheme variation would have an acceptable impact on the public domain and the heritage significance of The Rocks Centre. Consequently, the Department considers the development is in the public interest and recommends the SCRA Scheme variation is made.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Draft conditions are recommended to address likely environmental impacts including construction noise, construction hours and archaeology.

7. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Key Sites and Industry Assessments:

- **agrees** to make the proposed variation to the SCRA Scheme;
- **consider** the findings and recommendations of this report; and
- **approve** the development application subject to conditions in accordance with section 89H of the *Environmental Planning and Assessment Act 1979*.

Endorsed by:



Andy Nixey
A/Team Leader
Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Prepared by: Rebecka Groth
Senior Planner, Key Sites Assessments

DECISION

Approved by:



Anthea Sargeant 14/2/18
Executive Director
Key Sites and Industry Assessments

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=8307

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8307

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8307

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 79C(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 Department's environmental assessment.

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

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

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 (State Significant Precincts) 2005

The SSP SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State (State Significant Precincts) for the benefit of the State. The SSP SEPP is the relevant EPI for the site and contains applicable development standards. The site is identified as being within a state significant precinct, being development within The Rocks.

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 includes a preliminary site investigation (PSI) report the site which concludes the site has a low potential for contamination. There are potential contamination sources on-site as a result of previous known and unknown land uses and unknown fill sources, however given the nature of the proposed development and minimal excavation, the PSI concludes further investigation is not required.

The Department considers the proposed works are minor in nature, being largely internal works and minimal excavation is proposed. The Department supports the recommendation within the PSI stating an unexpected finds protocol must form part of the construction management plan and

all excavated material is classified in accordance with relevant NSW EPA guidelines and disposed of accordingly.

The Department recommends conditions relating to ensure measures are in place should any unanticipated contamination be found during works. In addition, a condition is recommended requiring the excavated material is classified in accordance with relevant NSW EPA guidelines and disposed of accordingly.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

SREP (Sydney Harbour Catchment) 2005	Criteria	Department Comment / Assessment	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. - View impacts are considered in Part 5 Division 3A within this table.	Y
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.	The W1 Maritime Waters zone is not adjacent to the site, and no works would 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.	Y
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.	Y
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 remain unchanged.	Y

Part 3, Clause 23 Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour.	The proposal would not impact on the maintenance of a working harbour.	N/A
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 would not impact on the scenic quality of the foreshore and waterway.	Y
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 allow the retention of views enjoyed from surrounding public space areas.	Y
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.	Y
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	The proposal would not adversely impact on the world heritage significance of the SOH as views enjoyed from the public domain would be retained.	Y

	World Heritage Value of the site. • 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 is 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 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 XXXI-C of the SCRA Scheme (see **Drawing A** below).

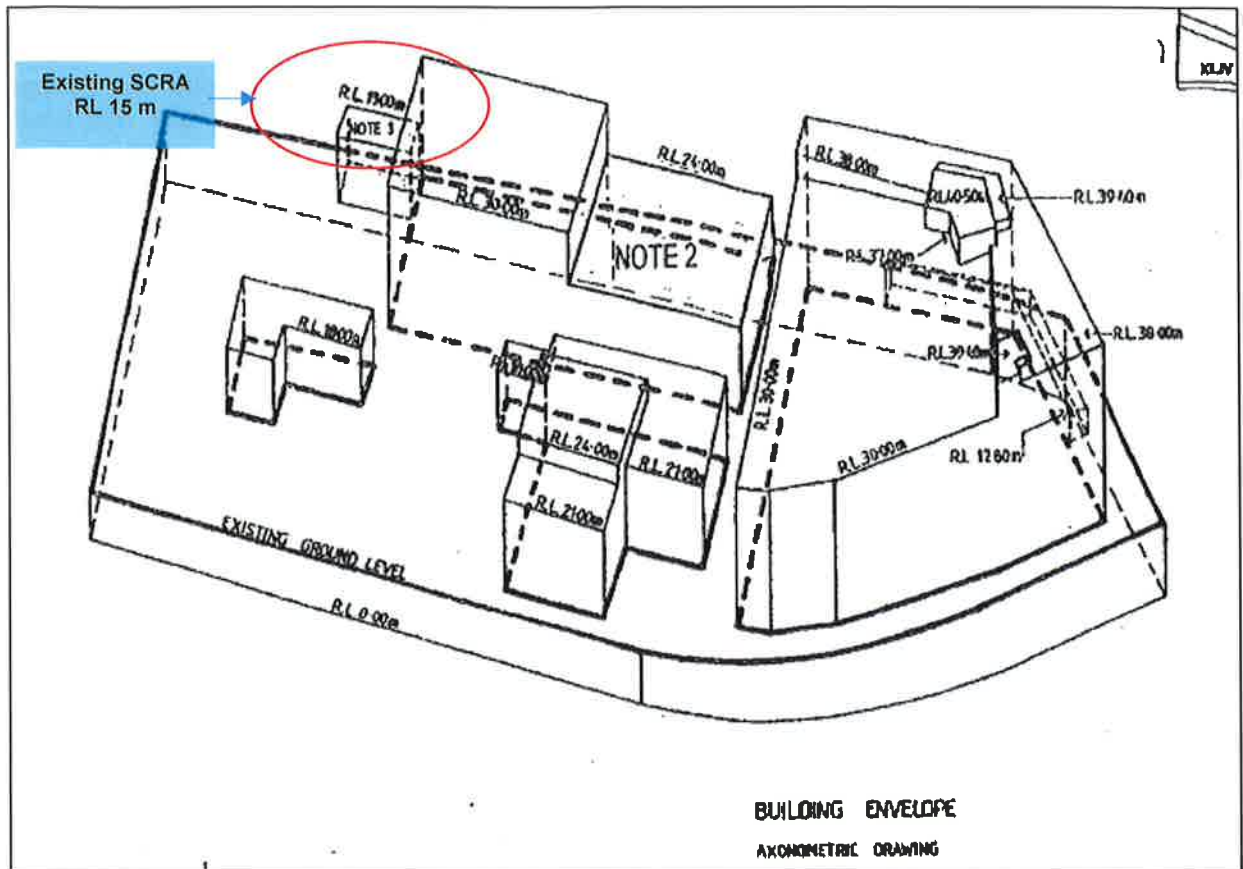
Proposed variation seeks to amend Drawing XXXI-C of the SCRA Scheme to enable development consent to be granted to the proposal, for the proposed entry structure which will be outside of the building envelope nominated in the SCRA Scheme. The entry structure includes a lift and footbridge which is inconsistent with the existing envelope controls as depicted in the special notes on Drawing XXXI-C (**Drawing B** below). Specifically, the entry structure has a height of RL 17.63 m, which is 2.63 m above the envelope nominated in the SCRA Scheme. The proposed structure is 0.550 m higher and has a larger footprint than the existing entry structure.

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.

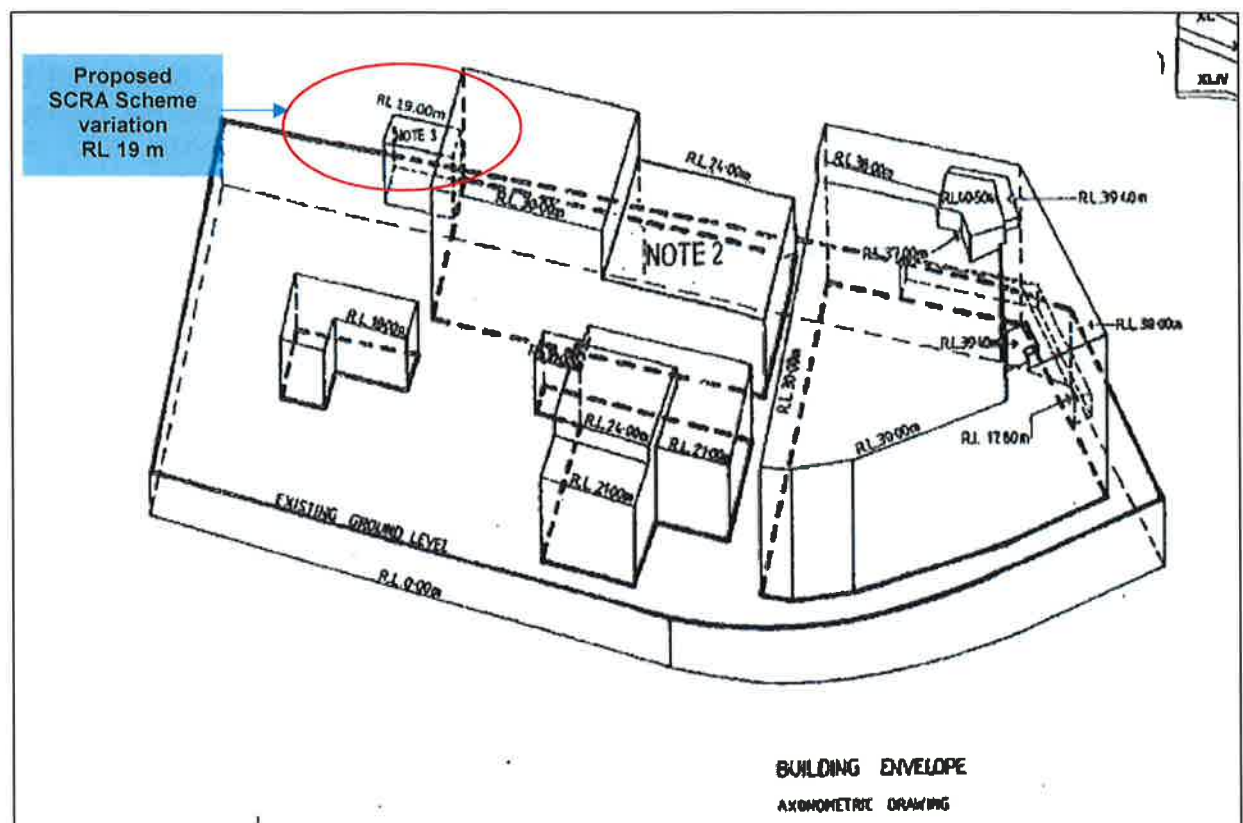
Consideration	Comment
Clause 4 – Application for variation to approved SCRA Scheme	On the 27 September 2017, the Applicant applied to make the draft SCRA Scheme variation.
Clause 5 – Decision as to preparation of draft variation	On 11 October 2017, the Secretary agreed to make the draft SCRA Scheme variation 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 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 proposal and SCRA Scheme variation were concurrently exhibited for 30 days from 2 November 2017 to 1 December 2017.
Clause 9 – Variation of approved SCRA Scheme	
(1) Minister is to consider all submissions	No agencies raised any issues about the proposed SCRA Scheme variation and no public submissions were received.
(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 The Rocks Centre.
iii. the quality of public domain in the locality, and	The proposal includes new paving immediately adjoining the entry into The Rocks Centre in Playfair Street which would help to 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 Rocks Centre.
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 envelope of the lift is outside of the nominated envelope and specified use in the SCRA Scheme. The proposed variation will not result in unacceptable impacts on surrounding heritage items or views. The proposal would improve accessibility into the building which would assist in patronage to The Rocks Centre. The proposal would overall upgrade the existing access from 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 XXXI-D



DRAWING B: PROPOSED SCRA SCHEME DRAWING XXXI-D

APPENDIX D 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=8307

APPENDIX E SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8307