



Planning &
Environment

State Significant Development Assessment Report

Building C1, Barangaroo South SSD 8529



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

May 2018

ABBREVIATIONS

Applicant	Lend Lease (Millers Point) Pty Ltd, or anyone else entitled to act on this consent
AS	Australian Standard
BITP	Barangaroo Integrated Transport Plan 2012
CIV	Capital Investment Value
CONA	Construction and Operational Noise Assessment
Concept Plan	Approved Concept Plan for the redevelopment of the site (MP 06_0162), as amended.
Consent	Development Consent
CTMP	Construction Traffic Management Plan
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
GFA	Gross floor area
GSC	Greater Sydney Commission
INP	Industrial Noise Policy
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
NPI	Noise Policy for Industry 2017
OEH	Office of Environment and Heritage
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SoHI	Statement of Heritage Impact
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SW	Sydney Water
TA	Traffic Assessment
TfNSW	Transport for New South Wales
TMAP	Transport Management and Accessibility Plan

Cover Photograph:

Artists' impression of Building C1 (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report provides an assessment of a State significant development (SSD) application for commercial Building C1 (SSD 8529) within Barangaroo South lodged by Lend Lease Millers Point Pty Ltd. The proposed development is located within the City of Sydney local government area (LGA).

The application seeks approval for the construction and use of commercial Building C1, with a height of seven-storeys (RL 33.2) and Gross Floor Area of 11,703 sqm. The proposal also includes minor public domain works, signage and integration works with the existing Stage 1A basement car park.

The proposal has a Capital Investment Value (CIV) of \$53.3 million and will create 203 construction jobs and 1000 operational jobs.

The proposal is SSD under clause 3 of Schedule 2 of the State and Environmental Planning Policy (State and Regional Development) 2011, as the development is located at Barangaroo and has a CIV of more than \$10 million. Therefore, the Minister for Planning is the consent authority for the application.

The Department publicly exhibited the application for 30 days from 9 November to 8 December 2017. The Department received a total of nine submissions, comprising seven public authority submissions and two public submissions, one of which was from the local Member of Parliament, Mr Alex Greenwich, Member for Sydney.

None of the public authorities objected to the proposal, however comments were raised in regard to the requirement to obtain approval for the future re-design of the signalised intersection at Hickson Road. Public submissions objected to the application and raised concerns with construction and operational noise.

The Department's assessment has considered the relevant legislation and key assessment issues including compliance with the requirements of the Barangaroo Concept Plan, design excellence, noise and traffic and parking impacts.

The Department is satisfied the proposal is consistent with the relevant environmental planning instruments and the strategic objectives for the area, as outlined in the *Greater Sydney Regional Plan*, *Eastern City District Plan* and *Sustainable Sydney 2030*.

The building has been designed as part of a pair to match the existing adjacent Building C2 development, providing for a unique and interesting streetscape. The building has also incorporated particular features, including an internal timber structure, glass curtain wall and high environmental performance. The development will improve the quality and amenity of the public domain by providing active ground floor retail tenancies and continuing the Hickson Road Colonnade. The building has also been designed by Tzannes Associates (TZA), one of Australia's most widely recognised architectural firms, that also designed the adjacent corresponding development, Building C2. For these reasons, the Department considers the proposal exhibits design excellence and recommends a design excellence waiver is approved.

The Department is satisfied that the impacts associated with the development including noise, access, traffic and parking have been assessed, and appropriate conditions recommended where necessary, to ensure the impacts of the development are appropriately mitigated and/or managed and community concerns addressed.

The Department's assessment concludes the proposal is in the public interest and recommends that the application be approved, subject to conditions.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of State significant development application (SSD 8529) lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) for the construction and use of commercial Building C1 at Barangaroo South.

1.2 Barangaroo

Barangaroo is located on the north-western edge of the Sydney Central Business District (CBD) within the City of Sydney local government area (LGA). Barangaroo is bounded by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and King Street Wharf/ Cockle Bay/ Darling Harbour to the south.

Barangaroo has a total area of 22 hectares and has been divided into three distinct redevelopment areas (from north to south), comprising of Headland Park (now known as Barangaroo Reserve), Barangaroo Central and Barangaroo South (**Figure 1**).



Figure 1: The Barangaroo site (highlighted in red) and Barangaroo South (shaded in yellow) (Source: Google).

1.3 The site and surroundings

The proposed development is located within the Barangaroo South area, adjoining Hickson Road to the east, commercial Building C2 to the south and commercial Building C3 (now known as International Tower T1) to the west (**Figure 2**).



Figure 2: Barangaroo South (Source: Applicant's EIS).

1.4 Approved Barangaroo Concept Plan

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (Concept Plan) (MP 06_0162) for the renewal of the Barangaroo site for a mix of uses, including residential, retail, commercial and public recreation.

The Concept Plan establishes nine development blocks, gross floor area (GFA), building height and public open space/ public domain areas. The Concept Plan also includes the *Built Form Principles and Urban Design Controls* to guide development.

The proposed development, Building C1, is located within Barangaroo South, which has been divided into construction Stages 1A, 1B and 1C (**Figure 3**). Building C1 is located within the Stage 1A construction area which relates to a mixture of commercial, residential and retail buildings. All of these developments, except Building C1 have been constructed.

Stage 1B relates to residential buildings R4A and R4B which are currently under construction and Building R5 and the future Hickson Park, which are currently under assessment. Stage 1C relates to the Crown Sydney Hotel Resort which is also currently under construction.

A detailed planning history of the Concept Plan and its modifications is provided at **Appendix D**. In summary, eight modifications have been approved since the Concept Plan was originally approved.

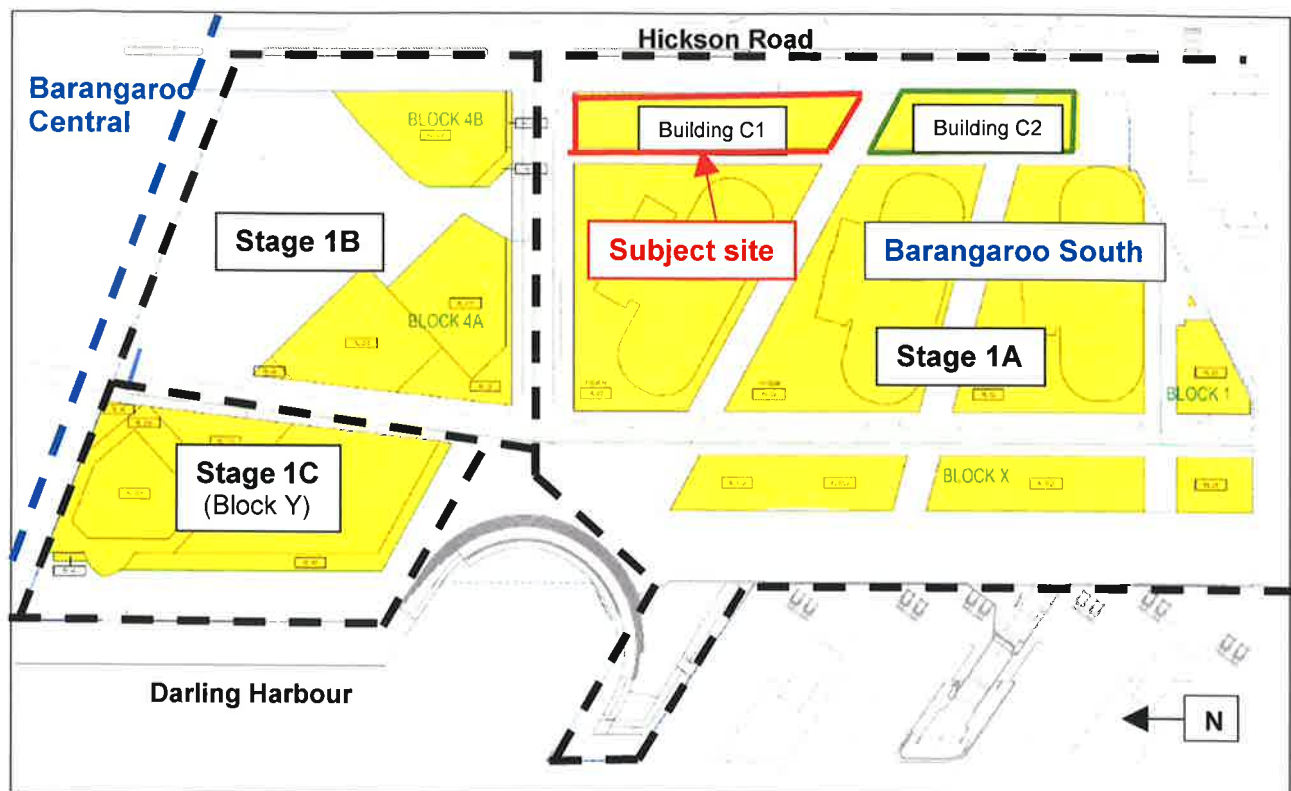


Figure 3: Barangaroo South Concept Plan blocks and construction stages (Source: Applicant's EIS)

1.5 Current construction works and completed projects

A number of key approvals have been issued for development at Barangaroo South, Headland Park and Barangaroo Central (Figure 4), including:

- residential Buildings R4A and R4B (under construction)
- stage 1B basement car park (under construction)
- blocks 4 and 5 and Hickson Road remediation works (under construction)
- retail Building R1 (complete)
- Barangaroo ferry hub (complete)
- Crown Sydney Hotel Resort (under construction)
- commercial Building C3 (complete)
- commercial Building C4 (complete)
- commercial Building C5 (complete)
- residential buildings R8 and R9 (complete)
- retail Building R7 (complete)
- Headland Park (Barangaroo Reserve – complete)
- Barangaroo Central foreshore promenade (complete).

1.6 Related projects

The proposed development has been designed as part of a matching pair with the approved and constructed Building C2 (SSD 6425). The developments are intended to have similar layouts, built-form, materials and finishes.

The site also has two previously approved projects that will integrate with the proposed development. The public domain works for the site and the surrounding area have been approved under the Stage 1A public domain works application (SSD 6303) and the basement has been approved and constructed under the Stage 1A basement car park application (MP10_0023).



Figure 4: Barangaroo construction and completed projects aerial view (Source: Google)

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposal

The application seeks approval for the construction and use of commercial Building C1. The key components of the proposed development are summarised in **Table 1** and shown in **Figures 5 to 8**.

Table 1: Key development components

Aspect	Description
Built form	Construction of a 7-storey commercial building with a maximum height of 29.7 m (RL 33.2).
GFA	- Total GFA of 11,703 sqm, comprising: 708 sqm retail floor area 10,995 sqm commercial floor area.
Use	- Four ground floor retail tenancies, including awnings for future outdoor dining areas. - Commercial tenancies for Levels 1-6. - Outdoor terrace at Level 6. - Roof top solar photo-voltaic installation.
Public domain/landscaping	- Treatment of publicly accessible areas and integration with the existing Stage 1A public domain works (SSD 6303). - A pedestrian colonnade to Hickson Road.
Basement	- Integration with the basement riser and bicycle access on the site approved under the Stage 1A basement car park (MP10_0023). - Allocation of 18 car spaces, 35 bicycle spaces and end-of-trip facilities, including 96 lockers within existing Stage 1A Basement. - Minor alterations to the existing basement to integrate with the proposed building, including relocation of the shared service riser, lifts, fire stair and removal of valet waiting room to provide two car parking spaces.
Signage and interpretation	- Three commercial signage zones to Level 6 to accommodate future building identification signage. - A signage strategy to guide future ground level retail signage. - A digital interpretation zone on the ground floor façade addressing Hickson Road, comprising static graphics to communicate the history of Barangaroo South with future installation to be subject to a separate approval.
Employment	203 jobs during construction and 1000 during operation.
CIV	\$53.3 million.

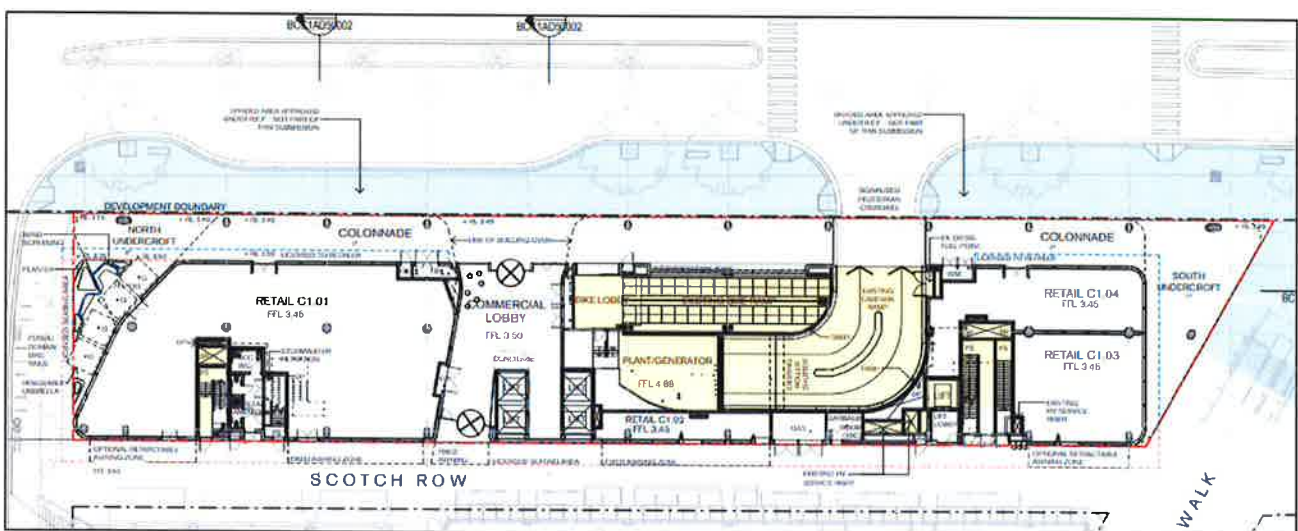


Figure 5: Ground floor plan (Source: Applicant's EIS)

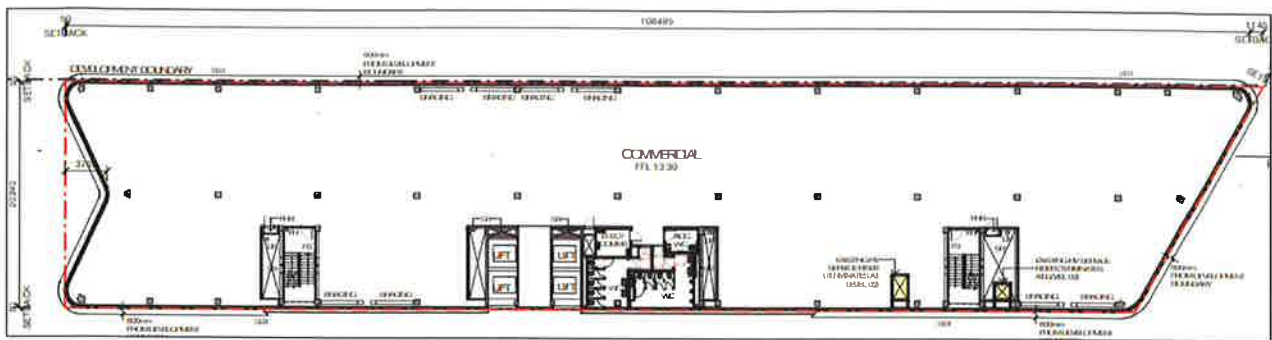


Figure 6: Typical floor plan (levels 2 to 5) (Source: Applicant's EIS)



Figure 7: Photomontage view from the north-east (Source: Applicant's EIS)



Figure 8: Photomontage view from the south-east (Source: Applicant's EIS)

2.2 Strategic context, project need and justification

Greater Sydney Regional Plan

Greater Sydney Regional Plan – A Metropolis of Three Cities sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan seeks to update directions and actions in *A Plan for Growing Sydney* and *Towards our Greater Sydney 2056*. The Plan includes 10 key directions to provide:

1. a city supported by infrastructure – infrastructure supporting new developments
2. a collaborative city – working together to grow a Greater Sydney
3. a city for people – celebrating diversity and putting people at the heart of planning
4. housing the city – giving people housing choices
5. a city of great places – designing places for people
6. a well-connected city – developing a more accessible and walkable city
7. jobs and skills for the city – creating conditions for a stronger economy
8. a city in its landscape – valuing green spaces and landscape
9. an efficient city – using resources wisely
10. a resilient city – adapting to a changing world.

The City of Sydney LGA is located within the Eastern Harbour City. The proposed development supports the directions and objectives of the Plan by:

- contributing 10,995 sqm of commercial floor space to the office market to facilitate jobs and skills for the city
- providing for 1000 operational jobs in a connected and highly accessible area
- providing for sustainability initiatives for a resilient city.

Eastern City District Plan

The Greater Sydney's Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The proposed development is located within the *Eastern City District Plan*. The proposal is consistent with the *Eastern City District Plan* as it provides for office space and job opportunities in the highly accessible Barangaroo precinct (Planning Priority E7 and E11) and reduces carbon emissions through sustainability initiatives (Planning Priority E19).

City of Sydney Sustainable Sydney 2030

The City of Sydney's *Sustainable Sydney 2030* sets out the goals for a green, global and connected city. The Plan recognises the importance of sustainable economic growth and employment in Sydney.

The proposed development is consistent with the Plan, notably Strategic Direction 1: '*A globally competitive and innovative city*' as it supports the development of commercial floor space which will provide employment opportunities.

3. STATUTORY CONTEXT

3.1 State Significant Development

The proposal is State Significant Development (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 (\$53.3 million) and is located at the Barangaroo Site, in accordance with clause 3, Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

3.2 Consent authority

The Minister for Planning is the consent authority for the proposed development under section 4.5 of the EP&A Act.

In accordance with the Minister's delegation of 11 October 2017, the Executive Director, Key Sites and Industry Assessments may determine the SSD application as:

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

Design Competition Waiver

On 1 December 2014, the Secretary delegated her functions under Schedule 3 of the SSP SEPP and Schedule 2, Part C – Future Applications C2(7) of the Concept Plan to the Executive Directors who report to the Deputy Secretary, Planning Services. This enables the Executive Director, Key Sites and Industry Assessments to waive the requirement for a design competition under Schedule 3 of the SSP SEPP and the terms of the Concept Plan.

The building has been designed by one of Australia's most widely recognised architectural firms, Tzannes Associates. Tzannes Associates also designed the adjacent Building C2, which was recently awarded the 2017 Athenaeum and European Centre for Design Award for International Architecture. As considered in **Section 5** of this report, the proposed building demonstrates design excellence and has been independently reviewed and supported by leading architect, Ken Maher.

It is therefore considered appropriate the Executive Director, Key Sites and Industry Assessments, grant a Design Competition waiver for the proposed building (**Appendix E**).

3.3 Permissibility

Under the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP), the site is zoned 'B4 Mixed Use'. The proposed development, comprising retail and commercial uses, is permissible with consent in the B4 zone.

3.4 Environmental Planning Instruments

Under section 4.15(1)(a)(i) and (ii) of the EP&A Act, the consent authority is required to consider any environmental planning instrument or proposed instrument that is of relevance to the development application. The following EPIs apply to the proposed development:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018.

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

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 2**.

Table 2: Consideration of the proposal against the objects of section 1.3 the EP&A Act.

Objects of section 1.3 of the EP&A Act	Department's response
(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 provide commercial and retail opportunities and contribute to the overall public domain to enhance economic and social welfare of the community.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal has integrated ESD principles as addressed in Section 3 of this report.
(c) <i>to promote the orderly and economic use and development of land,</i>	The proposal is consistent with the Concept Plan and represents the orderly and economic use of the land. The merits of the proposal are considered in Section 5 of this report.
(d) <i>to promote the delivery and maintenance of affordable housing,</i>	The proposal relates to a commercial use only and does not involve the provision 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 proposed development will not have an adverse impact on the natural environment.
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposal does not have any adverse heritage impacts as addressed in Section 5 of this report.
(g) <i>to promote good design and amenity of the built environment,</i>	The proposal exhibits design excellence and good amenity as discussed in Section 5 of this report.
(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposal will be constructed in accordance with the Building Code of Australia and with the recommended conditions of consent in Appendix F .
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government,</i>	The Department undertook consultation with City of Sydney Council and other relevant State government agencies (refer to Section 4 of this report).
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The public exhibition and involvement in the proposal is in Section 4 of this report.

3.6 Compliance with Clause 4.24(2) of the EP&A Act

Clause 4.24(2) of the EP&A Act specifies that while any concept development application for a site remains in force, the determination of any further development application cannot be inconsistent with the consent for the concept proposals.

The Department has considered the proposed development against the Concept Plan and the *Barangaroo South Built Form Principles and Urban Design Controls*, as contained in **Appendix C**. The proposed development demonstrates consistency with the Concept Plan and Design Controls, including the maximum height, setbacks and GFA. Therefore, the Department is satisfied the proposed development is consistent with the Concept Plan.

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 proposed development has incorporated the following ESD initiatives and measures:

- the provision for approximately 700 sqm of photovoltaic panels
- LED lighting to reduce energy consumption
- connection to non-potable water supply from Recycled Water Treatment Plant for flushing
- low flow fittings to reduce potable water demand by 35%
- 4 kL rainwater tank to harvest rainwater for irrigation purposes
- connection to the Barangaroo South District Cooling Plant (DCP) via a basement heat exchanger
- external shading and plantings.
- materials, sealants and adhesives consistent with Green Star to minimise VOCs and formaldehyde

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 via a thorough and rigorous assessment of the environmental impact of the proposed development. The proposed development is consistent with ESD principles as described in section 5.16 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

3.8 Environmental Planning and Assessment Regulation 2000

Subject to any other reference to compliance with the EP&A Regulation cited in this report, the requirements for applications (Part 6), notification (Part 6, Division 6) and fees (Part 15, Division 1AA) have been complied with.

3.9 Secretary's Environmental Assessment Requirements

On 23 June 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the Applicant's EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

4. EXHIBITION CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 9 November 2017 until 8 December 2017 (30 days). The application was exhibited on the Department's website, at the NSW Service Centre and the City of Sydney Council's office.

The Department placed a public exhibition notice in the *Central Courier* on Wednesday 8 November 2017, and provided written notification to adjoining landholders and relevant State and local government authorities.

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 F**.

4.1.1 Public authority submissions

The issues raised in the public authority submissions is provided at **Table 3** and copies of the submissions may be viewed at **Appendix A**.

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

City of Sydney Council (Council)
The Council supports the application and raised no objection or further comments to the proposal.
Environment Protection Authority (EPA)
The EPA did not object to the proposal and consider that risks of contaminants to human health or the environment are low. Sufficient remediation works for Building C1 were undertaken in the Stage 1A basement car parking development application and the proposed development does not include any further excavation works.
The EPA also noted that the Noise Impact Assessment was prepared in accordance with the <i>NSW Industrial Noise Policy (INP)</i> , and that there has been a recently updated version of this policy, the <i>Noise Policy for Industry 2017</i> . As the SEARs was issued prior to the release of the new policy, the EPA notes that the previous policy, the INP applies.
Transport for NSW (TfNSW)
TfNSW did not object to the proposal, however as part of the RtS, the following was requested in consultation with the Sydney Coordination Office within TfNSW:
• The delivery of a bus stand and associated infrastructure to the Hickson Road frontage as part of the development and a public domain plan for these works. • The detailed design of the intersections, to accommodate a bus stop on the Hickson Road frontage of the site and bus operation along Hickson Road. • The following bicycle parking and infrastructure: ○ a bicycle parking and end-of-trip facilities in accordance with the Council requirements ○ bicycle facilities located in a in secure, convenient, accessible areas close to the main entries incorporating adequate lighting and passive surveillance and in accordance with Austroads guidelines ○ develops wayfinding strategies and travel access. • Preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP).
Roads and Maritime Services (RMS)
RMS raised no objection to the proposal, however the following comments were made:
• Sight distances from the proposed vehicular egress to the traffic signals at the intersection of Hickson Road/Sussex Street/Napoleon Street are to be in accordance with the Austroads Guide to Road Design Part 4A. • The car parking layout and loading areas are to be in accordance with the relevant Australian Standards. • A Construction Traffic Management Plan (CTMP) is to be prepared in consultation with TfNSW and submitted to TfNSW, Council and RMS for approval prior to the issue of a Construction Certificate. • The Transport Assessment and CTMP should give consideration to the cumulative traffic impacts on the surrounding road network from the Sydney Metro construction works. • The Applicant requires prior approval from RMS in accordance with section 87 of the <i>Roads Act 1993</i> for the installation or modifications to signalised intersections.
Sydney Water
Sydney Water did not object to the proposal noted the following:
• The existing water system has the capacity to supply potable water to Barangaroo South and Central under peak flow. • The local wastewater system has the capacity to accommodate flows from Barangaroo South and Central when the RWP is offline. • The Applicant is to continue to work with Sydney Water to ensure that the proposed development does not interfere with the agreed stormwater deviation work at the vicinity of this development site.
Ausgrid
Ausgrid raised no objection to the proposal and provided recommended standard conditions of consent.
Office of Environment and Heritage (OEH)
OEH raised no objection to the proposal noting that the proposal does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues and provided no additional comments.

4.1.2 Public submissions

Two public submissions (objections) were received raising concerns regarding the construction and operational noise and vibration. One of the objections was from the local Member of Parliament, Mr Alex Greenwich, the Member for Sydney. Mr Alex Greenwich also requested construction activities be restricted to normal work hours, and banned on weekdays between 9 pm and 7 am, Saturdays after 5 pm and on Sundays and public holidays. These issues are addressed in **Section 5** of this report.

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 4 April 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**), on the issues raised during the exhibition of the proposal. The RtS contained additional information, consultant reports and amended plans demonstrating the following:

- introduction of outdoor terrace on Level 6
- introduction of a planter box and outdoor umbrellas associated with northern retail tenancy on ground level
- additional fixed awnings for portions of the Scotch Row elevation of the building to mitigate wind impacts
- modifications to shopfront mullions at ground level
- minor layout and materials amendments throughout the building.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. An additional three submissions were received from public authorities, including Council, RMS and TfNSW. A summary of the issues raised in the submissions is provided at **Table 4** and copies of the submissions may be viewed at **Appendix A**.

Table 4: Summary of public authority submissions to the RtS

City of Sydney Council
Council raised no objection or additional comments in response to the RtS.
Transport for NSW
TfNSW provided the following additional comments: • The Applicant is working on the Hickson Road Bus Stand with the Barangaroo Delivery Authority (BDA) and the Sydney Coordination Office within TfNSW. • Minor amendments are required to the Applicant's suggested condition regarding the Construction Pedestrian and Traffic Management Plan. • The Applicant is to consult with the Sydney Coordination Office within TfNSW in relation to the Green Travel Plan.
Roads and Maritime Services
RMS provided the following comments to the RtS: • RMS is currently reviewing the revised Traffic Signal Design Plan for the intersection of Napoleon Street and Hickson Road. • The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the works which will need to be executed prior to RMS assessment of the detailed civil design plans. • As part of the intersection involves private access, the Applicant may be required to dedicate land or provide an easement for the maintenance of the traffic control lights. Further details will be included in WAD process.

5. ASSESSMENT

5.1 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) of the EP&A Act have been addressed in **Table 5**. The table represents a summary for which additional information and consideration is provided in further sections of the report and relevant appendices, as referenced in the table.

Table 5: Section 4.15(1) Matters for Consideration

Section 4.15(1)	Consideration
(a)(i) any environmental planning instrument	The proposal complies with the relevant EPIs as considered in Section 3 and Appendix B of this report.
(a)(ii) any proposed instrument	The proposal is consistent with the proposed environmental planning instruments (refer to Section 3 and Appendix B of this report).
(a)(iii) any development control plan	The proposal is for State significant development and therefore development control plans are not required to be considered in accordance with clause 11 of the SRD SEPP.
(a)(iiiv) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 3 of this report).
(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	The Department has considered that the likely impacts of the proposed development are acceptable and/or have been appropriately managed by recommended conditions of consent (refer to Section 5 and Appendix F of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (refer to Sections 4 and 5 of this report).
(e) the public interest	The Department considers the proposal to be in the public interest (refer to Section 5 and 6 of this report).

5.2 Key assessment issues

The Department has considered the Applicant's EIS, the issues raised in the submissions and the RtS in its assessment of the proposal. The Department considers the key environmental assessment issues associated with the proposal to be:

- consistency with the SSP SEPP and Barangaroo Concept Plan
- amenity
- noise and vibration
- transport, traffic, access and car parking

Each of these key issues are addressed in the following sections of this report. Other issues that have been considered during the assessment of the application are addressed in **Section 5.6**.

5.3 Consistency with the SSP SEPP and Barangaroo Concept Plan

The site is located within Barangaroo, which is listed as a State significant precinct under the SSP SEPP. The SSP SEPP provides the zoning and planning controls for the site, which are reflected in the approval of the Barangaroo Concept Plan (MP 06_0162 as modified by MOD 8). The Department has considered the proposal against the Concept Plan in the following sections of the report, including the built form, *Built Form Principles and Urban Design Controls* and design excellence.

A detailed assessment of the proposed development against the SSP SEPP and Concept Plan are provided in **Appendix B** and **C** respectively.

5.3.1 Built form

The Concept Plan divides Barangaroo South into blocks, each with a maximum cumulative GFA and height. The proposed development is located in Block 3 and complies with the maximum GFA and height controls applicable to buildings within Block 3 as shown in **Table 6**.

Table 6: Barangaroo Concept Plan Block 3 height and GFA controls

	Required under the Concept Plan	Proposed development	Compliance
Height	RL 203 (RL 33.2 shown in the <i>built form principles and urban design controls</i>)	Maximum building height = RL 33.2	Yes
GFA	Total cumulative GFA = 129,934 m ²	C3 (as-built) = 118,146 m ² C1 (proposed) = 11,703 m ² Total = 129,840 m ²	Yes

The Department has considered the proposed built form and its relationship to the surrounding development and the public domain. The proposal exhibits a similar built form in height and layout to match the adjoining Building C2 to the immediate south, together which provide a gateway into the Barangaroo South precinct. While Building C1 is a longer development than Building C2, both developments fit into the Barangaroo South street layout in accordance with the Concept plan and relate appropriately to their corresponding street block to the west.

The proposal will also improve the relationship of the precinct to the public domain and existing development to the east by providing a transitional building between the significantly taller C3 tower development to the west (49 storeys) to pedestrian walkways on Hickson Road and the existing development to the east of Hickson Road (4-5 storeys).

As the development complies with the maximum GFA and height controls and has demonstrated an appropriate relationship with the existing development and the public domain, the Department considers that the proposal is consistent the SSP SEPP and Concept Plan and the built form is acceptable.

5.3.2 Built Form Principles and Urban Design Controls

The Concept Plan requires development in Barangaroo South to demonstrate consistency with the Barangaroo South *Built Form Principles and Urban Design Controls* prepared by Rogers Stirk Harbour and Partners (the Design Controls). The Design Controls supplement the Concept Plan and set out broad objectives and standards to guide the design and built form for development within Barangaroo South.

The Department has provided a detailed consideration to the Design Controls in **Appendix C** of this report. The proposed development will have a maximum building height of RL 33.2 and will be located in accordance with the indicative design drawings in the Design Controls as shown in **Figure 9**. The proposed development will also incorporate the following elements, consistent with the Design Controls:

- an articulated, well-proportioned and legible building mass with a defined ground floor and northern corner treatment
- high quality materials and finishes that contribute to the visual appearance of the building facade such as high performance double glazing and recycled and engineered timber.
- continuation of the Hickson Road Colonnade from the existing Building C2 development to define the street wall and provide pedestrian access
- retail outlets to activate the public domain at street level to Shipwright Walk, Scotch Row, Watermans Quay and the Hickson Road Colonnade
- integration of ESD principles, consistent with the requirements for a five (5) Green Star energy rating.

The Department's assessment concludes that the proposed development is consistent with Design Controls.

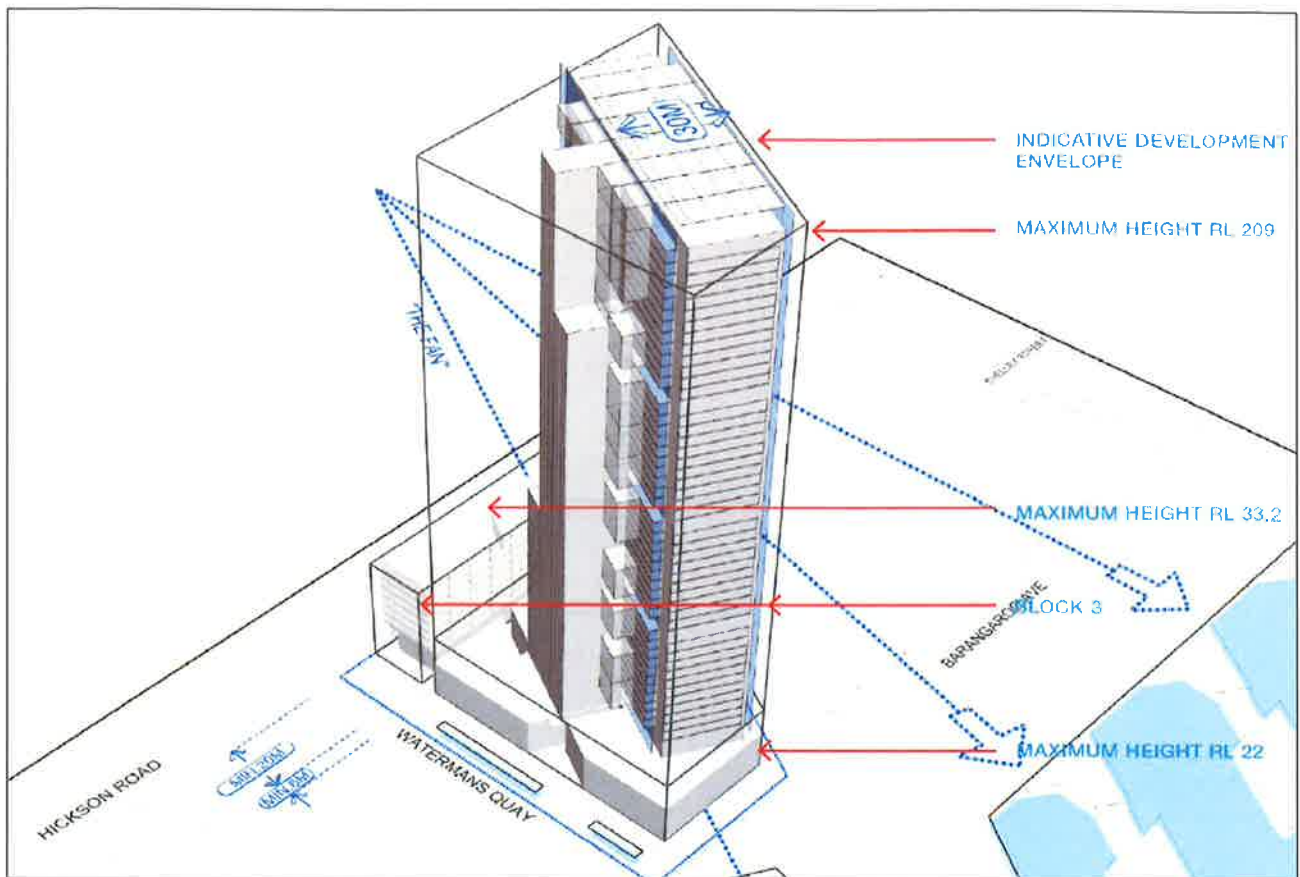


Figure 9: Barangaroo South Built Form Principles and Urban Design Controls

5.3.3 Design excellence

The SSP SEPP and Concept Plan require the consent authority to consider if the proposed development exhibits design excellence and sets parameters around the requirements for design excellence competitions. The Department considers the following elements of the proposal exhibit design excellence:

- the built form and external appearance of the building would improve the visual amenity of the precinct by complementing the existing Building C2 and providing a gateway to Barangaroo South
- the building would improve the public domain by:
 - activating the street frontage with ground floor retail tenancies
 - continuing the Hickson Road Colonnade, a key pedestrian walkway connecting the precinct to the Sydney CBD
 - providing for strong corner treatment with a curved expression to the northern that allows for a smooth transition that leads the streetscape around the corner.
- high quality materials and finishes such as high performance double glazing, recycled and engineered timber
- building design that:
 - maximises access to natural light
 - minimises wind and reflectivity impacts within the public domain
 - provides a high degree of passive surveillance over the public domain via the provision of retail tenancies at the ground floor level
 - can achieve a minimum five (5) Green Star energy rating.

The SSP SEPP and Concept Plan require the development of the site be subject to a design excellence competition as the site area is greater than 1,500 sqm (2,074 sqm). However, a design excellence competition may be waived if the Secretary is satisfied that the architect responsible for the proposed design has an outstanding reputation in architecture and necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.

The Applicant has not held a design excellence competition and seeks a waiver on the basis the proposed building has been designed by Tzannes Associates (TZA), one of Australia's most widely recognised architectural practices. TZA also designed the adjacent Building C2, which was recently awarded the 2017 Athenaeum and European Centre for Design Award for International Architecture.

The proposed development has been designed as a pair with the existing Building C2, in which both will incorporate a similar layout, built form, materials and finishes (engineered timber and glass). The detailed design of the proposal will vary slightly from Building C2, to provide for an individual identity for the proposed building, while maintaining a consistent frontage to Hickson Road. The proposal for matching buildings provides for a unique and interesting streetscape.

The design has been independently expert reviewed by architect Ken Maher. Ken Maher is a Life Fellow of the Australian Institute of Architects, and a Fellow of the Australian Institute of Landscape Architects. He is also Professor of Practice in the Built Environment Faculty at the University of New South Wales. Ken Maher was also awarded the Australian Institute of Architects' 2009 Gold Medal.

Ken Maher supports the proposed development on the basis that it demonstrates design excellence and is in accordance with the Design Controls. He advises that the scale and character of the development is within context, providing coherency for both pedestrians and vehicles. He also advises the building displays appropriate articulation and an innovative use of structural Cross Laminated Timber, providing continuity of character with the adjacent Building C2 and a consistent frontage to Hickson Road, and provides for a flexible and well-planned workplace with high amenity and a confident expression to the public realm.

The Applicant has also confirmed that it will ensure TZA has direct involvement in the detailed design documentation phase for construction of the proposed development to ensure the design integrity of the development is maintained.

The Department is therefore satisfied that the proposed development will achieve design excellence and therefore recommends the Executive Director, Key Sites and Industry Assessments (as delegate of the Secretary) waive the requirement for the Applicant to undertake a design excellence competition (see **Appendix E**).

5.4 Amenity

5.4.1 View impacts

The proposed development has a maximum building height of RL 33.2 (7 storeys) and will be viewed from Hickson Road, Watermans Quay and Shipwright Walk. As identified in **Section 5.3** of this report, the proposed development is less than the maximum building height of RL 209 under the SSP SEPP and the Concept Plan.

The Department is also satisfied the photomontages in the EIS accurately depict the impact of the proposed development and the external view of the building would improve the quality and amenity of the public domain by providing a well-designed building that will integrate with the existing development at Barangaroo South.

The Department is satisfied the proposed development will improve the visual amenity of Barangaroo and will not give rise to any additional view impacts beyond those already assessed as part of the approved Concept Plan.

5.4.2 Overshadowing impacts

In its assessment of the Concept Plan, the Department considered the impact of the proposed building envelopes and the extent of the overshadowing. The Department considered that the level of overshadowing associated with the approved building envelopes was acceptable.

The Department notes that the proposed building (RL 33.2) is much lower than the maximum height under the Concept Plan (RL 209), and is within the height prescribed by the Design Controls (RL 33.2). Therefore, the shadows cast by the proposed development would be far less than that approved under the Concept Plan.

Shadow analysis diagrams have been provided to demonstrate the extent of overshadowing as a result of the proposed development. The shadow analysis demonstrates that the majority of the shadowing will fall within the shadows of existing and approved buildings at Barangaroo South (including the significantly larger commercial buildings, C4 and C3). During the winter solstice (21 June), the shadow analysis shows there will be no additional shadowing at 9 am and 3 pm, with only minimal additional overshadowing at 12 pm to the south of the building onto the public domain on Shipwright Walk as shown in **Figure 12**.

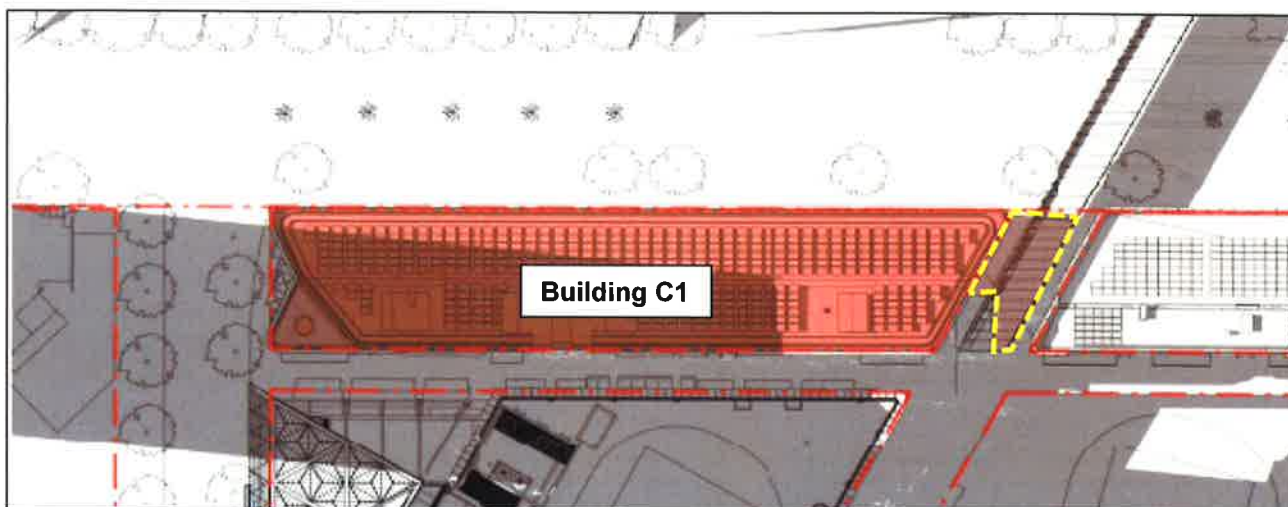


Figure 12: Shadow study 21 June 12 pm (additional shadows generated by the building are shown encircled in yellow) (Source: Applicant's ES).

The Department is satisfied that the overshadowing of the proposed development is minimal and will not give rise to any significant overshadowing impacts beyond those considered and approved under the Concept Plan.

5.5 Noise and vibration

The construction and operation of the proposed development has the potential to generate noise and vibration impacts on surrounding sensitive receivers. The EIS was accompanied by a Construction and Operational Noise Assessment (CONA) which considered construction and operational noise.

The Department received public submissions raising concerns regarding the impact of construction noise and operational noise (ventilation stacks and mechanical plant equipment) on the Stamford on Kent, located at the corner of Kent Street and Gas Lane. Mr Alex Greenwich, Member for Sydney, also requested restrictions on hours of construction activity. No issues were raised by the Environment Protection Authority.

Construction and operational noise impacts are considered separately below.

5.5.1 Construction noise

Construction activities are proposed between 7 am and 7 pm (Monday to Friday) and 7 am and 5 pm on Saturdays with no work on Sundays or public holidays. These construction hours are consistent with those approved across Barangaroo South and the City of Sydney's construction noise policy, *Construction Hours/Noise within the Central Business District*. The proposed construction activities are also consistent the hours requested by Mr Alex Greenwich, Member for Sydney.

The CONA considered the expected construction noise in conjunction with the cumulative noise levels of the surrounding construction works. Typical construction noise is based on worst-case scenarios with all construction activity occurring simultaneously. The proposed construction activities include use of mobile cranes, trucks, concrete pumps, angle grinders, saws, compressors, bobcats and hand tools.

The CONA assessed the potential impact of the construction noise against the requirements of the EPA's *Interim Construction Noise Guideline* (ICNG). Predicted noise levels are substantially below the Noise Management Levels (background plus 10 dBA) on weekdays at all locations, with a minor exceedance of 3 dBA at residential receivers at Hickson Road (38 Hickson Road) on Saturdays (Table 7), and up to 5 dBA at commercial receivers at Building C3 (Tower T1) and Building C2.

Table 7: Predicted residential construction noise levels - Laeq (15 min) - dBA

Residential Receiver	Predicted noise level	Weekday NML	Exceedance Level	Saturday NML	Exceedance level
Scenario A - Building construction					
1 - Hickson Road Residences	57	64	0	57	0
2 - R8 Residences	51	65	0	53	0
3 - High Street Residences	47	57	0	50	0
4 - Merriman Street Residences	40	56	0	51	0
5 - Balmain East Residences	34	59	0	51	0
6 - Darling Island Residences	36	57	0	55	0
Scenario B - Façade construction					
1 - Hickson Road Residences	60	64	0	57	3
2 - R8 Residences	51	65	0	53	0
3 - High Street Residences	50	57	0	50	0
4 - Merriman Street Residences	42	56	0	51	0
5 - Balmain East Residences	37	59	0	51	0
6 - Darling Island Residences	36	57	0	55	0

In response to concerns raised by the Stamford on Kent residents, the RtS provides that an assessment of noise impact was conducted at 38 Hickson Road (The Bond Apartments) which is the nearest residential receiver. The Department notes that while the Stamford on Kent is located to the east of 38 Hickson Road, the distance of 183 Kent Street is greater due to the building's elevation (Figure 10). As such, any noise impact will be higher at 38 Hickson Road than the Stamford on Kent building (and is therefore the nearest residential receiver).



Figure 10: Noise impact on residents at Kent Street (Source: Applicant's RtS)

The Department notes the construction noise levels measured at 38 Hickson Road comply with the NMLs during weekdays and would only be exceeded by 3 dBA on Saturdays as the worst-case scenario (**Table 7**). The expected noise levels are not higher on Saturdays, however as the noise management levels are lower on Saturdays, this results in a minor 3 dBA exceedance.

The Department considers this exceedance to be minor, in that it only relates to the construction of the facade (a small proportion of the overall construction works) and it is not readily detectable and therefore can be suitably managed through conditions of consent. In this regard, the Department recommends specific conditions of consent requiring the following:

- a Construction Noise & Vibration Management Plan that includes practical measures to minimise noise impacts, specifically on Saturdays
- an updated Construction Environment Management Plan for Barangaroo South
- the preparation of a Community Communication Strategy to facilitate communication between the Applicant and effected landowners and businesses during the construction of the development.

The Department is satisfied that the conditions of consent would suitably manage the noise generated from construction of the development on the Stamford on Kent building and surrounding residences. The Department concludes construction noise impacts are reasonable and acceptable.

5.5.2 Vibration

The proposed construction methods and equipment used for the structure and façade are not expected to generate adverse vibration impacts on nearby receivers, particularly as the key sources for vibration (pile driving, sheet driving and rock breaking and hammering) are not required to construct the proposed building.

As stated above, to ensure construction noise impacts are adequately minimised and managed the Department recommends conditions regulating vibration limits and the preparation of a Construction Noise & Vibration Management Plan and Community Communication Strategy. The Department concludes construction vibration impacts are acceptable.

5.5.3 Operational Noise

The proposed development seeks approval for the use of the building for commercial and retail purposes. The Department notes the potential noise impact from commercial offices of the proposed development would be negligible and consistent with other commercial buildings in the CBD.

No specific ground floor retail uses (e.g. shops or food and drink premises) are proposed under this application, with the internal fit-outs and operation of individual tenancies subject to separate future development applications. An assessment of the potential noise impacts in connection with these uses will occur during the consideration of these applications by the relevant consent authority.

Public submissions raised concerns about noise from ventilation stacks and mechanical plant equipment.

The Department accepts the primary noise generating source from the general operation of the proposed development is likely to be from mechanical plant located on the rooftop of the development and in other designated plant rooms. This will consist of air handling units, roof top exhaust fans and a future waste cooking oil power generator located on the ground level mezzanine. However, it is noted that the major plant, heat exchanges and chillers are contained within the Barangaroo basement car park.

Details of the specific mechanical plant and equipment to be installed in the building have not been provided. The Department therefore recommends a condition of consent requiring the detailed assessment of operational noise emissions consistent with the established noise criteria to be approved by the Department prior to the issue of the Construction Certificate. The Department notes this is consistent with the approach undertaken for the assessment of Commercial Building C2.

In respect of noise from the ventilation stacks, the RtS advises they are associated with the high voltage rooms, are not fan assisted and are not acoustically significant.

The Department recommends a condition of consent to limit the emission of noise from plant and equipment to a maximum of the background plus 5 dBA, and no greater than the background noise level between 12 midnight and 7 am, consistent with the INP.

For the reasons above, the Department is satisfied that any impacts from operational noise on nearby noise sensitive receivers will be negligible and effectively managed by recommended conditions of consent.

5.6 Transport, traffic, access and parking

5.6.1 Transport context

Barangaroo is a major commercial and retail precinct within the Sydney Central Business District that is easily accessible and well supported by public transport. The transport needs of Barangaroo have been addressed in the *Transport Management and Accessibility Plan* (TMAP) prepared as part of the Barangaroo Concept Plan and TfNSW's *Barangaroo Integrated Transport Plan 2012* (BITP). The BITP provides the projected mode share and details on a range of transport actions to manage the overall impact of the precinct on key transport hubs.

The proposed development is located within walking distance from Wynyard Train Station (250 m), Barangaroo Ferry Wharf (230 m) and several taxi ranks. There are also dedicated pedestrian paths and bridges, bicycle lanes and the foreshore promenade.

In addition to existing services, there will be a substantial increase in public transport and improved accessibility to Barangaroo due to the proposed Sydney Metro station within Barangaroo Central which is expected to commence operation in 2024. The CBD South East Light Rail which is currently under construction, and expected to be operational in 2020, will also provide additional high capacity public transport services between Sydney's south-east and Wynyard Train Station.

The Department also notes Hickson Road has been identified as a 'planned city centre bus corridor' in TfNSW's *Sydney's Bus Future 2013* and *Sydney City Centre Access Strategy 2013* (SCAS) servicing Barangaroo. This is likely to involve the provision of more direct routes and rationalised stops, making it easier for passengers to understand the bus network.

The Department concludes there is sufficient capacity now and in the immediate future for the transport network to service workers, residents and visitors.

5.6.2 Construction traffic

The construction of the proposed development will occur concurrently with the construction of other developments within the Barangaroo South Precinct, notably Crown Sydney, One Sydney Harbour, R4A, R4B and other remediation and upgrade works.

The TA provides that the proposed development would generate up to six additional heavy vehicle movements per hour during construction. These additional vehicular movements are minor and would have negligible additional impact on the overall road network at Barangaroo South and no further works are required to accommodate the anticipated construction traffic.

TfNSW and RMS recommended a condition of consent requiring a Construction Pedestrian and Transport Management Plan (CPTMP) to be prepared in consultation with the Sydney Coordination Office within TfNSW.

The Department is satisfied that the surrounding road network can safely accommodate the traffic generated by the construction of the proposed development. To ensure construction traffic is effectively managed, the Department recommends a condition of consent requiring CPTMP for the development to be prepared in consultation with the Sydney Coordination Office within TfNSW and the Barangaroo Delivery Authority.

5.6.3 Operational traffic

During operation, the TA provides that the proposed development will generate a maximum of 5 vehicle trips per hour in the peak AM and PM periods. These additional movements are considered to be negligible in the context of the expected traffic volumes in the precinct and would not result in any additional impacts on surrounding intersections.

The Department is satisfied the traffic generated by the operation of the proposed development would be safely accommodated by the existing road network.

5.6.4 Car parking and access

The Barangaroo Concept Plan prescribes a maximum rate of 1 car space per 600 sqm of commercial GFA. The proposed development has a total commercial gross floor area of 11,703 sqm, allowing for a maximum of 19 car spaces. The development proposes the allocation of 18 car spaces located within the existing Stage 1A basement level (MP10_0023). This comprises of 1 space for retail and 17 spaces for commercial. The Department supports the proposed car parking.

The proposed development will utilise the existing driveway access between Hickson Road and the Stage 1A basement. This includes an entry/exit point via a driveway to Hickson Road that traverses the pedestrian footpath and the Hickson Road Colonnade. This has potential for pedestrian and vehicle conflict for workers and visitors to the building.

The design of this driveway, adjoining footpath, road-way and signalised intersection have been previously approved (as part of the Stage 1A basement car park MP10_0023) and are currently in operation (**Figure 12**).

The RtS advises the application does not seek to holistically change existing access arrangements. However, it states the intersection design will need to be modified (outside the scope of this application) to align to the stop line on the basement egress with the Building C1 ground floor/façade line (**Figure 11**) and **12**). The RtS was accompanied by a Road Safety Audit and Pedestrian Safety Measures Report which outlines safety mitigation measures, including signage and lighting (**Figures 11 and 12**).

RMS has advised it is currently reviewing the revised Traffic Signal Design Plan for the intersection of Napoleon Street and Hickson Road and the Applicant will be required to enter into a Works Authorisation Deed (WAD) for the works which will need to be executed prior to RMS assessment of the detailed civil design plans.

RMS has also advised as part of the intersection involves private access, the Applicant may be required to dedicate land or provide an easement for the maintenance of the traffic control lights and that further details will be included in WAD process.

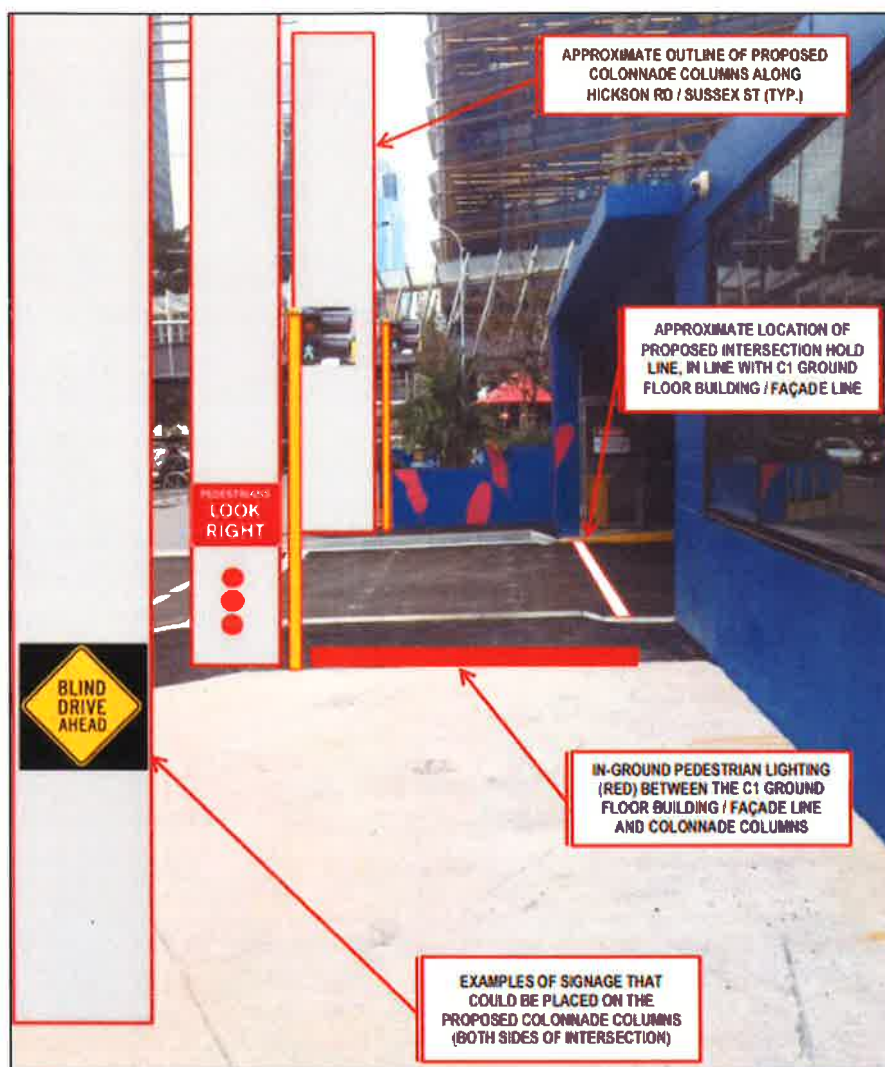


Figure 11: View of future footpath under proposed colonnade (Applicants EIS)



Figure 12: View of basement exit ramp (facing east) approaching the signalised intersection (Applicants EIS)

The Department recognises the intersection re-design aims to attempt to improve the pedestrian accessibility and connectivity at this juncture point. The Department considers that the proposed design is capable of achieving a satisfactory road and pedestrian safety outcome, subject to meeting the requirements of RMS.

5.6.5 Bicycle parking and access

The proposed development seeks approval for the allocation of 35 bicycle parking spaces and 96 lockers located within the Stage 1A basement level.

TfNSW recommends the bicycle parking and end-of-trip facilities for staff and visitors are in accordance with the City of Sydney Council development control plans, standards and guidelines. The *City of Sydney Development Control Plan 2012* requires 76 bicycle parking spaces for the development.

The Department notes that the TMAP and the BITP target a rate of 4 per cent of building users to access the site via bicycle. Based on this rate, the proposed development would generate a demand for 40 bicycle parking spaces for 1000 employees. The development proposes 35 bicycle parking spaces, a shortfall of 5 spaces when analysed against the modal split provided by the TMAP and the BITP. Therefore, the Department recommends a condition of consent for the allocation of an additional 5 spaces in the basement.

TfNSW also recommended the bicycle parking to be located in a secure, convenient, accessible area in accordance with the Austroads guidelines with appropriate wayfinding strategies and travel access guides. The bicycle parking is to be located within the basement, accessed via a dedicated bike entry ramp from Hickson Road, providing for safe, separate access to secure bicycle parking.

The Department is satisfied that the provision for 40 bicycle spaces and 96 lockers located within the existing basement is acceptable as it is consistent with the rates identified in the TMAP and BITP and provides for safe, secure access.

5.7 Other issues

The Department has considered all other issues in **Table 7**.

Table 7: The Department's assessment of other issues

Issue	Consideration	Recommendation
Public domain	- The proposed development seeks approval for the treatment of the ground plane within the C1 site boundary, which includes the northern and southern undercroft and colonnade areas. - The public domain works surrounding the site that are connected to the development have been approved under the Stage 1A of Barangaroo South public domain works application (SSD 6303). - With recommended conditions of consent in place, the Department is satisfied that the proposed development would be constructed to effectively integrate with the surrounding public domain.	Recommended conditions require the Applicant to demonstrate the ground floor plane of Building C1 suitably integrates with the alignment levels and surface treatment for Hickson Road and the surrounding public domain.
Signage	- The proposal seeks approval for future building identification and wayfinding signage comprising the following; - one signage zone to the east elevation (approximately 20 sqm)	- Recommended conditions require the Applicant to: - limit signage within the primary signage zones to two facades of the building and one sign within

	○ two alternative signage zones to the north elevation (approximately 10 sqm), with only one signage zone to be used at any one time ○ a signage strategy for the ground floor retail shop fronts. • The Department has considered the proposed signage against the relevant provisions of SEPP 64 (refer to Appendix B of this report). • The Applicant has requested that the detailed design of future retail business identification signage, where consistent with the Signage Strategy, be submitted to the PCA for approval. • However, the Department considers that the merits of secondary tenant signage would be more appropriately assessed as part of separate future development applications associated with the fit-out of the specific retail uses. • Subject to these conditions of consent, the Department is satisfied the signage is consistent with the proposed uses, the Barangaroo South precinct and the provisions of SEPP 64.	○ each primary signage zone at all times ○ limit signage to a maximum sign area of 60 sqm ○ submit the detailed signage design (content, materials, finishes, dimensions etc) to the Department for approval, prior to the issue of the relevant Construction Certificate. ○ seek further development consent for the fit-out and use of the retail areas (including signage where required).
Heritage	• The Statement of Heritage Impact (SoHI) prepared by TKD Architects accompanied with the EIS provides that the proposed development will not have an adverse impact on the surrounding heritage items and any visual impacts of the proposed development on the heritage items in the vicinity of the site are considered acceptable. • The Department notes the proposed development is located across Hickson Road from the nearest heritage item, the "Grafton Bond Store", a former warehouse. The proposed development, being 7 storeys, will provide an appropriate transition from the significantly taller C3 tower development to the west (49 storeys) to Hickson Road and the Grafton Bond Store on the east side of Hickson Road (4-5 storeys), reducing the overall impact of the Barangaroo development upon the Grafton Bond Store. • For these reasons, the Department is satisfied the proposed development will not have an adverse impact on the heritage items located within the vicinity of the site.	• No recommended conditions are required.
Air quality impacts	• An air quality assessment statement prepared by AECOM found that the construction of the proposed development would not substantially increase air emissions or the cumulative air impacts of concurrent works at Barangaroo South. • The EPA provided that the proposed development would not pose any additional environmental impacts beyond those currently being managed at Barangaroo.	• Recommended conditions require the Applicant to submit an updated Air Quality and Odour Management Plan for Barangaroo South to the Environment Protection Authority (EPA) for review.

	• With regards to the air quality impact during the operation of the proposed development, the development is similar in scale and nature to other commercial buildings throughout the Sydney CBD and is expected to have similar and acceptable impacts. • Any future uses beyond that of commercial and retail will be subject to future development applications. • The Department also notes that any air pollution occurring as result of the construction or operation development will be regulated under the <i>Protection of the Environment Operations Act 1997</i>. • Given the above, the Department is satisfied that air emissions associated with the proposed development can be effectively managed, subject to conditions of consent.	
Contamination	• The development site for Building C1 is part of the Stage 1A development area. This area has been remediated in accordance with the requirements of the ORWS Amended RAP (AECOM, 2011) under the Bulk excavation, remediation and basement car park application (MP 10_0023). • These remediation and validation works have been audited by the NSW EPA in accordance with the <i>NSW Contaminated Land Management Act</i> (1997) and have been confirmed suitable for development. • No further excavation will be required as part of the proposed development as the ground floor footprint of the proposed development is located entirely within the footprint of the Stage 1A basement, and all construction works will be carried out above the existing Stage 1A basement concrete slab. • Given the above, the Department is satisfied that any contamination issues associated with the proposed development have been addressed via the approved ORWS RAP under MP10_0023 and the potential harm to human health is low.	• Recommended conditions require the Applicant to notify the Department immediately and stop works if any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination.
Wind	• The potential impact on the wind environment of the pedestrian level has been considered under the assessment of the Concept Plan. • As the proposal is consistent with the Concept Plan, the Department considers that any wind impacts from the proposed development are acceptable. • A Wind Assessment Report prepared by Cermak Peterka Petersen Pty Ltd, dated October 2017, provides that overall, the pedestrian level wind environment is satisfactory and in some locations the development is expected to improve the wind conditions at pedestrian level.	• Recommended conditions require the Applicant to submit evidence to the PCA demonstrating compliance with all wind mitigation recommendations of the Wind Impact Assessment.

	The Department is satisfied the proposal will not result in unacceptable wind impacts beyond that of what was approved under the Concept Plan.	
Stormwater, drainage and utility services	- The proposed development has been designed to connect into the infrastructure services provided under MP 10_0023 and SSD 6303. - Ausgrid requested that the Applicant obtain advice from Ausgrid regarding the connection of the proposed development and the electricity network infrastructure and locate underground services prior to any excavation to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. - Sydney Water noted that the existing water infrastructure has the capacity to support the proposed development. This includes the potable water supply during peak flow and the capacity of the wastewater system.	Recommended conditions require the Applicant to comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, etc)

6. CONCLUSION

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

The proposed development will contribute to Barangaroo South precinct, matching the existing Building C2 development to provide a gateway to the precinct that is inviting to future visitors, residents and workers. The proposal will also provide for an additional 11,703 sqm of commercial and retail floor space in close proximity to the CBD that will provide for approximately 203 construction jobs and 1000 operational jobs.

The Department's assessment finds the proposed development is consistent with the strategic intent for the area in accordance with the *Greater Sydney Regional Plan*, *Eastern City District Plan* and *Sustainable Sydney 2030*. The proposed building demonstrates compliance with the location, height and floor space controls in the SSP SEPP and Barangaroo Concept Plan.

The Department is satisfied the proposed development will exhibit design excellence and positively contribute to the character of Barangaroo. The building comprising an engineered timber frame and glass façade has been designed as part of a pair to match the existing adjacent Building C2 development, providing a unique and interesting streetscape. Further, the building has been designed by Tzannes Associates (TZA), one of Australia's most widely recognised architectural firms. Accordingly, the Department recommends the Secretary (or delegate), grants the waivers to undertake a design competition for the proposed building.

The proposal has also adequately demonstrated the impacts of the development can be suitably managed with regards to noise, traffic and car parking and other environmental impacts. Where necessary, the Department has recommended conditions of consent, including the requirement to prepare and implement a range of environmental management plans to mitigate residual construction and operational impacts (air, noise, waste, traffic etc).

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

7. RECOMMENDATION

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

- a) **consider** the findings and recommendations of this report
- b) **waive** the requirement to undertake a design competition for Building C1 in accordance with Schedule 3, Part 12, clause 19(4) of the SSP SEPP and Modification C2(7)(a) of the Barangaroo Concept Plan
- c) **sign** the attached waiver at **Appendix E**
- d) **grants consent to** the SSD application (SSD 8529) subject to conditions of consent, under section 4.38(1)(a) of the EP&A Act, having considered matters in accordance with (a) above
- e) **signs** the attached development consent at **Appendix F**.

Prepared by: Ellen Mannix
Senior Planning Officer
Key Sites Assessments

Endorsed by:



30/5/18

Cameron Sargent
Team Leader
Key Sites Assessments

Endorsed by:



Ben Lusher
Director
Key Sites Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and 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=8529

2 Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8529

3 Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8529

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) and (ii) 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 and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018

COMPLIANCE WITH CONTROLS

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

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The proposed development is State significant development in accordance with clause 3 of Schedule 2 of the SRD SEPP, as the development is at Barangaroo and has a CIV in excess of \$10 million (**Table 1**).

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

Assessment criteria	Comments	Compliance
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes
Schedule 2 State significant development — identified sites (Clause 8 (1)) 3 Development at Barangaroo Development that has a capital investment value of more than \$10 million on land identified as being within the Barangaroo Site on the State Significant Development Sites Map	The proposed development is within the identified Barangaroo site and has a CIV in excess of \$10 million	Yes

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)

The SSP SEPP aims to facilitate the redevelopment of important sites such as Barangaroo for the benefit of the State and provide for the development of major sites for public purpose. Barangaroo is listed as a State Significant Precinct under Part 12 of Schedule 3 of the SSP SEPP.

The SSP SEPP zones the site as 'B4 Mixed Use'. The proposed development, comprising ground level retail with commercial above, is permissible with consent in the B4 zone. The proposed development is consistent with the other requirements of the SSP SEPP as detailed in **Table 2**.

Table 2: Consideration of the relevant provisions of the SSP SEPP.

Assessment criteria		Comments	Compliance
Clause 1 Land to which this Part Applies	This Part applies to land identified on the Land Application Map.	The proposed development is located on land identified on the Land Application Map.	Yes
Clause 7 Land use zones	Land within the Barangaroo Site is in a zone as shown on the Land Zoning Map.	The proposed development is located on land zoned B4 Mixed Use.	Yes
Clause 8 Zone B4 Mixed Use	The relevant objectives of Zone B4 Mixed Use are as follows: (a) provide a mixture of compatible land uses, (b) integrate suitable development in accessible locations to maximise public transport patronage and encourage walking and cycling, (c) to encourage a diverse and compatible range of activities through various means, including commercial and retail development, (d) incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain, (e) implement the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, (f) facilitate the conservation of heritage items, (g) ensure that the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area.	The Department is satisfied the proposed development is consistent with the relevant objectives of the B4 Mixed Use zone for the following reasons: - the proposed development comprises of a mixed-use development, consisting of commercial and retail floor space - the proposed development provides for employment opportunities within walking distance to Wynyard Train Station and other public transport facilities - the proposed development exhibits design excellence - the proposal will not have an adverse impact on any items of heritage significance - the proposal will not result in any adverse noise, privacy or traffic impacts on nearby residents.	Yes
Clause 17 Height of buildings	The height of a building on the Barangaroo site is not to exceed the maximum building height of 209 RL.	The proposed development has a maximum 33.2 RL.	Yes

Clause 18 Gross floor area restrictions	The total gross floor area of all buildings on Block 3 is not to exceed 129,934 m ² .	The total GFA currently approved within Block 3 is for Building C3 (118,959 m²). C3 has been constructed and the as-built GFA is 118,146m². The GFA proposed within Block 3 under the proposed development is 11,703 m². The total GFA is 129,849 m².	Yes
Clause 19 Design excellence	Consent must not be granted unless the consent authority has considered whether the proposed building exhibits design excellence.	The Department has considered the design excellence criteria and is satisfied that the application exhibits design excellence for the following reasons: - the proposed development is to be constructed using high quality materials and finishes such as high performance double glazing and recycled and engineered timber - the form and external appearance of the building would improve the quality and visual amenity of the public domain by matching the existing Building C2 and providing a gateway to Barangaroo South - the proposed development would improve the quality of and activate the public domain by providing retail tenancies, continuing the Hickson Road Colonnade and an architectural corner treatment - the building has been designed to maximise access to natural light, minimise wind and reflectivity and achieve a minimum five (5) Green Star energy rating.	Yes
	Consent must not be granted for the erection of a new building on a site greater than 1,500 sqm unless a design competition has been held. This does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design and that the architect responsible has an outstanding reputation in architecture and necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.	The proposed development has a site area of 2,074 sqm, and therefore requires a design competition. The Applicant has not held a design excellence competition and seeks a waiver on the basis that the proposed building has been designed by Tzannes Associates (TZA), one of Australia's most widely recognised architectural firms. Furthermore, the Applicant has confirmed that it will ensure TZA has direct involvement in the detailed design documentation phase for construction of the	Yes

		proposed development to ensure the design integrity of the development is maintained. Due to the design excellence of the proposed building, it is recommended the Executive Director, Key Sites and Industry Assessments (as delegate of the Secretary) waive the requirement for the Applicant to undertake a design excellence competition (see Appendix E).	
Clause 21 Heritage conservation	A person must not, in respect of a building, work, relic, tree or place that is a heritage item adversely impact that heritage item	The proposed development will not have any adverse impacts on items of heritage significance.	Yes

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

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

The proposed development has a frontage to a classified road and therefore is subject to assessment under Clause 101 of the ISEPP. The proposed vehicle access and the safety, efficiency and ongoing operation of the classified road is considered appropriate within the context of the site. The Department also considers the proposed commercial development has appropriately managed the potential traffic noise and vehicle emissions.

The proposed development is also considered traffic-generating development in accordance with Schedule 3 of Clause 104 of the ISEPP as it involves commercial area of more 2,500 sqm.

The proposal was referred to Roads and Maritime Services and Transport for NSW and their comments are summarised in **Section 4** of this report. Given the consultation and consideration of the issues raised by TfNSW and RMS, the Department considers the proposal to be consistent with the ISEPP.

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

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

The development site for Building C1 is part of the Stage 1A development area. This area has been remediated in accordance with the requirements of the ORWS Amended RAP (AECOM, 2011) under the Bulk excavation, remediation and basement car park application (MP 10_0023).

These remediation and validation works have been audited by the NSW EPA in accordance with the *NSW Contaminated Land Management Act* (1997) and have been confirmed suitable for development.

No further excavation will be required as part of the proposed development as the ground floor footprint of the proposed development is located entirely within the footprint of the Stage 1A basement, and all construction works will be carried out above the existing Stage 1A basement concrete slab.

Given the above, the Department is satisfied that any contamination issues associated with the proposed development have been addressed via the approved ORWS RAP under MP10_0023. Therefore, the Department considers that the potential harm to human health is low and is satisfied the proposal is acceptable with regard to SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

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

State Environmental Planning Policy No.64 – Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The proposal includes the provision for a signage zone and signage strategy to accommodate future building identification and wayfinding signage.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1 of the SEPP. The Department considered the proposed signage to be consistent with the objectives of the SEPP and a detailed assessment of the proposal against the assessment criteria in Schedule 1 is provided in **Table 3**.

Table 3: Consideration of the relevant provisions of SEPP 64.

Assessment criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the Barangaroo area. The inclusion of building and business identification signage is consistent with other commercial developments in Barangaroo and the CBD.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the outdoor advertising theme throughout Barangaroo.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will be concealed behind the existing C3 tower and therefore will not be able to be viewed from the waterway. The proposed signage is not located within, nor detracts from, any other environmentally sensitive, heritage, natural, conservation, open space, waterways or residential area.	Yes
3 Views and vistas		
Does the proposal: - obscure or compromise important views? - dominate the skyline and reduce the quality of vistas? - respect the viewing rights of other advertisers?	The proposed signage is integrated with the proposed building and is to be contained within the building envelope. The proposed signage will not compromise any important views, the skyline or interfere with other advertisers.	Yes

4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed commercial signage zone is appropriate for the streetscape and setting of the proposed development. The scale, proportion and form of the retail signs will be considered in future development applications.	Commercial signage zone – Yes Retail signs – N/A
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed commercial signage zones would contribute to the visual interest of the building by providing identification and recognition of the site. The visual interest of the streetscape and setting of the retail signage will be considered in future development applications.	Commercial signage zone – Yes Retail signs – N/A
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The site does not contain any existing advertising.	N/A
Does the proposal screen unsightliness?	The signage is integrated into a new development that exhibits design excellence, therefore there is no unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage will not protrude beyond the building envelope.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not contain, or impact upon any vegetation.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed commercial signage zone has been designed to be integrated within the building façade, compatible with the design and architecture of the building. It is unknown if the proposed retail signage under the signage strategy would be compatible with the scale, proportion and other characteristics of the site or building.	Commercial signage zone – Yes Retail signs – No
Does the proposal respect important features of the site or building, or both?	The proposed commercial signage zone will not detract from the important features of the site and building. The retail sign impact on important features of the site or building will be considered in future development applications.	Commercial signage zone – Yes Retail signs – N/A
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The content of the proposed commercial signage will be subject to further assessment prior to the issue of a construction certificate (refer to Section 5 of this report). The innovation and/imagination of the retail signs will be considered in future development applications.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	These details for the proposed commercial signage will be subject to further assessment prior to the issue of a construction certificate (refer to Section 5 of this report).	Commercial signage zone – Yes

	These details for the retail signs will be considered in future development applications.	Retail signs – N/A
7 Illumination		
Would illumination: - result in unacceptable glare? - affect safety for pedestrians, vehicles or aircraft? - detract from the amenity of any residence or other form of accommodation.	Details of illumination will be subject to future assessment prior to the issue of a construction certificate (refer to Section 5 of this report).	Commercial signage zone – Yes
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The Illumination impacts of the retail signs will be considered in future development applications.	Retail signs – N/A
8 Safety		
Would the proposal reduce safety for: - pedestrians, particularly children, by obscuring sightlines from public areas? - for any public road?	Safety impacts will be subject to future assessment prior to the issue of a construction certificate (refer to Section 5 of this report).	Commercial signage zone – Yes
	Safety impacts of the retail signage will be considered in future development applications.	Retail signs – N/A

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area, and the relevant provisions of the SHC SREP have been considered in **Table 4**.

Table 4: Consideration of the relevant provisions of the SREP (Sydney Harbour Catchment) 2005

Assessment criteria		Comments	Compliance
Part 1 Preliminary			
Clause 2 Aims of the Plan	This clause sets out the aims with respect to the Sydney Harbour Catchment and establishes the principles for the purpose of enabling these aims to be achieved.	The proposal is consistent with the aims of the Plan for the following reasons: - The catchment, foreshores and waterways will not be adversely affected by the proposal. - The proposed development will sufficiently manage its impact on the natural environment subject to conditions of consent. - The proposed retail ground floor use will contribute to the culture and vibrancy of the area.	Yes
Clause 3 Land to which plan applies	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area as identified in the zoning map.	Yes
Part 2 Planning Principles			
Clause 13 Sydney Harbour Catchment	Provides a set of planning principles for land within the Sydney Harbour Catchment.	The proposal is consistent with the planning principles for the Sydney Harbour Catchment for the following reasons:	Yes

		- the proposal is confined to previously developed land and therefore would have negligible impact on the natural environment and assets including, hydrological, ecological and geomorphological processes and water quality, - the proposed development will sufficiently manage its impact on the environment during construction subject to recommended conditions of consent. - the site is screened by the existing C3 tower development and will not be viewed from the waterways or foreshores.	
Clause 14 Foreshores and Waterways Area	Provides a set of planning principles for land within the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area and is consistent with the planning principles for the following reasons: - the proposal will not have any impact of the natural assets and visual qualities of the Sydney Harbour, - the proposal comprises of pedestrian links that will facilitate public access to and along the foreshore.	Yes
Clause 15 Heritage conservation	Provides a set of planning principles for heritage conservation	The proposal will not detract from the heritage significance of surrounding heritage items as addressed in Section 5 .	Yes
Part 3 Foreshores and Waterways Area			
Division 1 Development Control			
Clause 16 Zones indicated on Zoning Map	Land is zoned in accordance with the zoning map.	The site is on land adjacent to the waterway zoned W1 – Maritime Waters.	N/A
Clause 17 Zoning objectives	The objectives of the W1 – Maritime Waters Zone are as follows: to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally	The site is located adjacent to the W1 Maritime Waters Zone. However, the site located wholly on land and has no associated uses that directly rely on the waterway. The proposal will not affect the movement of commercial shipping, public water transport and maritime industry operations.	N/A

	- to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations - to promote equitable use of the waterway, including use by passive recreation craft.		
Division 2 Matters for consideration			
Clause 20 General	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.	Yes
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 will not have any adverse impacts on the biodiversity, ecology or the general environment. The proposed development does not involve excavation or decontamination works as these have been previously approved under MP 10_0023. Stormwater quality and quantity control measures have been incorporated into the design and conditions of consent.	Yes
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.	The proposal is consistent with the Concept Plan which provides for improved public access within Barangaroo and to the foreshore without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation.	Yes
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 will not reduce the capacity of the Sydney Harbour to function as a working harbour.	Yes
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 is set back from the foreshore and the development does not impact foreshore public access.	Yes
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 Department considered the proposed development to achieve design excellence as detailed in Section 5 of this report. Furthermore, the proposal is set back from the harbour and screened by the C3 tower development and would maintain the existing scenic qualities of Sydney Harbour.	Yes

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 location, height and bulk of the proposed building is consistent with the approved Concept Plan. The proposed building will be screened from the harbour by the C3 tower development as discussed at Section 5 of this report.	Yes
Division 3 Foreshores and Waterways Planning and Development Advisory Committee			
Clause 29 Consultation required for certain development applications	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	The proposal was referred to the Advisory Committee and no objection or comments were received.	Yes
Division 4 Miscellaneous			
Clause 59 Development in vicinity of heritage items	The consent authority must assess the impact of the proposed development on the heritage significance of heritage items within the vicinity of the development.	The proposed development is located across the road from the State listed heritage item, the Former warehouse "Grafton Bond Store". The proposal will provide for a transition zone from C3 tower to the heritage item, reducing the impact of the overall Barangaroo development upon the heritage item as discussed in Section 5 of this report.	Yes

Draft Environment State Environmental Planning Policy

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

State Environmental Planning Policy (Coastal Management) 2018

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

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

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

APPENDIX C CONSISTENCY WITH THE CONCEPT APPROVAL

An assessment of the proposal against the relevant Concept Plan requirements, Modifications and Future Assessment Requirements of the Concept Approval is provided below.

Concept Approval	Comments
Term of Approval	
A4 Determination of Future Applications Determination of future applications is to be generally consistent with the terms of Concept Plan MP06_0162	The proposal is generally consistent with the terms of Concept Plan MP06_0162 (as modified by MOD 8).
Modifications to Concept Plan	
B4 Built Form 1. A mixed use development involving a maximum of 594,354 m ² gross floor area (GFA), including: - a maximum of 183,031 m² of residential GFA of which a maximum of 154,000 m² will be in Barangaroo South; - a maximum of 76,000 m² of GFA for tourist uses of which a maximum of 59,000 m² will be in Barangaroo South; - a maximum of 34,000 m² of GFA for retail uses of which a maximum of 30,000 m² will be in Barangaroo South; - a maximum of 5,000 m² of GFA for active uses in the Public Recreation zone of which 3,500 m² will be in Barangaroo South; and - a minimum of 12,000 m² GFA for community uses. 2. GFA requirements for Block 3: - Block 3 shall not exceed a maximum of: - Total GFA: 129,934 m² - Residential GFA: 10,515 m² - Height (Max AHD): RL 209 - Height above existing ground level (m): 207 3. Future development applications within Blocks 4A and 4B may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in B9. 4. Wintergardens may be excluded from the maximum residential and tourist GFA stipulated for Blocks 4A, 4B and Block Y subject to compliance with the revised <i>Built Form Principles and Urban Design Controls</i> .	1. The proposal complies with the maximum GFA requirements including: - N/A - N/A - The proposal provides for 708 m² GFA for retail uses. - N/A - N/A 2. The proposal complies with the maximum GFA requirements for Block 3 as follows: - Total GFA: 129,849 m² - Height (Max AHD): RL 33.2 - Height above existing ground level (m): 29.7 m 3. N/A
B5 Revised Design Principles Future applications in Barangaroo South are to demonstrate consistency with the <i>Built Form Principles and Urban Design Controls</i> .	The proposal is consistent with the <i>Built Form Principles and Urban Design Controls</i> (Design Controls) as amended by MOD 8 (as per below).
B9 Envelope Amendments and Built Form Controls Barangaroo South 1. The <i>Built Form Principles and Urban Design Controls</i> shall be modified in accordance with the requirements of the modifications B9(2) to B9(6). 2. The draft Barangaroo South Design Guidelines shall be reformatted and consolidated into the revised set of <i>Built Form Principles and Urban Design Controls</i> .	The revised Design Controls have been modified in accordance with B9(2) to B9(6) and have been approved by the Department.

Signage 5. Each development application for the erection of a new building is to include a description and illustration of intended signage location/s and form.	The proposal includes the provisions for signage zones and a Signage Strategy prepared by Urbanite Pty Ltd. An assessment of the signage is provided in Section 5 of this report.
Future Assessment Requirements	
C2 Design Excellence - This provision applies to the following development: - The erection of a new building that will be greater than Reduced Level (RL) 57, - The erection of a new building on a site greater than 1,500 sqm. - The Proponent shall hold a design excellence competition for all development identified at (1) above. - The design competition brief shall be approved by the Director General or his delegate. - The Director General shall establish a design review panel for the design excellence competition(s) that will consider whether the proposed development exhibits design excellence. - The design review panel shall also be utilised for any significant changes to the Concept Plan, as determined by the Director General. - For the purposes of this modification, a <i>design review panel</i> means a three to five member panel comprised of appropriately qualified design professionals, chaired by a registered architect. - Notwithstanding (2) above, the requirement for a design excellence competition may be waived if the Director General: - certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and - is satisfied that: - the architect responsible for the proposed design has an outstanding reputation in architecture, and - necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.	- The proposed building occupies a site greater than 1,500 sqm. - The Applicant has not held a design excellence competition. - Due to the design excellence of the proposed building, it is recommended the Executive Director, Key Sites and Industry Assessments (as delegate of the Secretary) waive the requirement for the Applicant to undertake a design excellence competition (see Appendix E) as discussed in Section 5 of this report.
C4 Car Parking - The following maximum car parking rates shall apply to future development within the site: - Commercial:- 1 space/ 600 m² GFA - Residential:- 1 bed/bedsit unit – 1 space/2 units - 2 bed unit – 1.2 spaces/unit - 3+ bed unit – 2 spaces/unit - Other Uses: City of Sydney Council rates - Hotel: City of Sydney Council rates or as otherwise approved by the relevant delegate of the Minister.	The proposed development has a total commercial gross floor area of 11,703 sqm, allowing for a maximum of 19 car spaces. The development proposes the allocation of 18 car spaces located within the Stage 1A basement level. This comprises of 1 space for retail and 17 spaces for commercial. The proposed total of 18 car parking spaces is less than the maximum 19 spaces permitted under the Concept Plan and is supported.

C7 Pedestrian Linkages, Activation of Streets and Public Domain In developing detailed plans for the development blocks, "internal" or "through-site" links and internal public domain activity should not occur at the expense of achieving primacy in pedestrian activity and use. In addition, future applications shall comply with the following: c) maximise active interfaces of buildings to streets, through site connections and public open space, to encourage diversity and public access.	The proposal will does not involve the provision for any new pedestrian links, however it will maintain existing links along Shipwright Walk and Watermans Quay in accordance with the Concept Plan. The ground floor retail provides for glazed façade for an active interface between the building and the pedestrian links.
C11 Landscaped Areas Where landscaped areas involving the planting of trees are proposed above basement car parking, the Proponent must ensure there is adequate soil depth to support mature scale trees.	The proposal does not include the planting of any trees above the approved Stage 1A basement car park.
C12 Wind Assessment Report A wind assessment report is to accompany all future development application/s (for above-ground works) and is to incorporate specific mitigation measures into the design of the building and public domain.	The EIS was accompanied by a Wind Assessment Report prepared by Cermak Peterka Petersen Pty Ltd. The report provides an assessment of the impact on the surrounding local wind environment of the proposed development. The report concludes that overall, the pedestrian level wind environment is satisfactory and, that the development is expected to improve the wind conditions in some locations. The Department supports this assessment and is satisfied the proposal will not result in unacceptable wind impacts as discussed in Section 5 of this report.
C13 Lighting Strategy A Preliminary Lighting Strategy is to be submitted for all future applications for above-ground works. The strategy is to: - be prepared in consultation with the Sydney Observatory; - include, but not be limited to, an assessment of potential impact on the Sydney Observatory; and - is to recommend relevant mitigation measures to minimise any adverse lighting impacts to neighbouring properties.	A lighting strategy prepared by Fredon was submitted as part of the RtS. The lighting design of the proposed development will comply with the relevant Australian Standards, including AS2293.1-2005, AS1680.2.1-2008, AS4282-1997, AS1158.3.1 – 2005. The strategy has been sent to the Sydney Observatory for comment noting that there will be no potential impact on the Sydney Observatory.
C15 Airspace The Proponent shall ensure that for all future development applications involving the erection of a building, all necessary approvals are obtained under the <i>Airports (Protection of Airspace) Regulations 1996</i>, where required.	The required approvals have been obtained and relevant conditions are recommended.

Barangaroo Concept Plan Built Form Principles and Urban Design Controls

Built Form Principles	Comment	Consistent
1. City's New Western Façade		
To create an integrated new western frontage to the city centre, the slender ends of buildings (above podium level) are to be oriented to the waterfront.	The proposed building is set back from the western frontage and will be screened by the existing C3 tower.	N/A
2. Hickson Road as a Boulevard		
To promote the scale of Hickson Road as a grand boulevard, provide a consistent street wall and use materials that are complementary to the sandstone nature of the headland.	The proposed development will match the existing C2 development and continue the Colonnade fronting Hickson Road.	Yes
3. Buildings to Define Streets		
To define the public space of the street, all building façades are to be set to the street alignment.	The proposed building façade is set to the street alignment. The building façade also includes active uses (i.e. retail outlets) on the ground level addressing the streets to define street edges and the public space.	Yes
4. North South Pedestrian Connections		
Provide greater pedestrian permeability through blocks, particularly north south connections between Block 2 to 4, Wulugul Walk and Barangaroo Avenue, and Scotch Row at ground level being not less than 6 m wide, 50% open to the sky and a minimum clear height of 2 storeys. Provide east-west links through Watermans Quay, Shipwright Walk, Mercantile Walk and Exchange Place.	North-south pedestrian connections are provided through the block via the Colonnade along Hickson Road and Scotch Row.	Yes
5. Marking the City Frame		
To continue a built form dialogue with the adjoining city, building heights across the site are in keeping with the rest of the city, with the highest form at the north of the precinct.	The proposed building complies with the Concept Plan height controls and is consistent with the existing commercial buildings located across Hickson Road	Yes
6. Open Space Within Blocks		
To create blocks permeated with laneways, courtyards, walkways and parklands around the edges of blocks. To provide open space at podium level between tower forms.	The proposed building will be confined to the block as determined by the Concept Plan. The key access ways, including the Hickson Road Colonnade, Scotch Row and Shipwright Walk would be maintained as part of the development.	Yes
7. View Sharing		
To promote the equitable access to views towards the harbour, the built form is to be arranged to define the street corridors and to allow view corridors from the existing private buildings to the east.	As demonstrated in Section 5 of this report, the Department is satisfied that views towards the harbour would be largely maintained.	Yes
8. Orientation of Buildings		
To provide optimum orientation and transparency across the site and to create a silhouette of gaps between slender towers. Orientation of towers to relate to fanning principle. Long facades to face north and buildings facing Hickson Road and the waterfront to be oriented to the east and west to define road and promenade.	- The proposed building does not include a tower element. - The long façade of the proposed development faces east and west adjacent to Hickson Road to define the road and promenade.	Yes

URBAN DESIGN CONTROLS – BLOCK 3		
1. Building Mass and Location		
OBJECTIVES	COMMENT	COMPLIANCE
- Adoption of “fanning principle” for siting of buildings. - To ensure building mass is appropriate within the envelope. - The northern part of the block shall contain built form of a comparatively lower scale (when compared to the tower forms as generally indicated in the indicative design).	- The orientation and siting of the building in relation to the Block is consistent with the fanning principle. - The proposed building is within the envelope of the approved Concept Plan. - The proposed building has a maximum RL of 33.2, significantly less than the maximum of 209.	Yes
STANDARD	COMMENT	COMPLIANCE
- The length of the horizontal floor plate of the north and south elevation of the tower form is to be no more than 85.5 m. - The bulk of building mass will be set back from Hickson Road alignment at a minimum of 20 m. - The primary floor plate depth, excluding structure and shading devices of each tower form sits between vertical planes (light blue), which establishes a 30 metre zone. Expressed structure and secondary floor plate is allowable outside this dimension.	- There is no Tower element proposed. - The bulk building mass referred to in this control relates to Building C3 which complies with this requirement. The proposed development is located along Hickson Road and will contribute to the ‘street wall’ as per control 2 (see below). - No tower element is proposed. The primary floor plate depth applies to Building C3.	Yes
2. Street Wall Establishment		
OBJECTIVES	COMMENT	COMPLIANCE
- To establish spaces to articulate and define facades. - Building mass at podium to form a continuous Street Wall with a minimum predominant podium height of 3 storeys. - Street Wall to define Barangaroo Avenue. - Podium height shall be determined having regard to compatibility of streetscape form with the surrounding area, and appropriate engagement and framing of the public domain, together with environmental consideration on the public domain and surrounding buildings.	- The façade of the proposed development is appropriately articulated and defined. - The continuation of the Colonnade along Hickson Road would enable the establishment of a street wall that responds to the streetscape and appropriately engages the public domain.	Yes
STANDARD	COMMENT	COMPLIANCE
- To establish Colonnade along Hickson Road. The width and height shall be appropriate to encourage its use, and be integrated into the proportions of the building of which it a part. - Building form to create a street wall with a one storey minimum height for most of the public accessible ground floor façade. - Building mass to define a street wall on Barangaroo Avenue, Exchange Place, Shipwright Walk and Hickson Road. - Scotch Row to be a minimum of 6m in width with a defined eastern edge parallel to Hickson Road at ground level.	- The proposed development will continue the Colonnade along Hickson Road. - The building is in a consistent seven storey form, including the publicly accessible ground floor façade. - The proposed development is to the boundary of Hickson Road and Shipwright Walk providing a street wall seven storeys in height. - The existing arrangement at Scotch Row will be maintained. The proposed development will further define the eastern edge at ground level.	Yes

3. Building Articulation		
OBJECTIVES	COMMENT	COMPLIANCE
- To establish an articulated, well-proportioned building mass. - To reduce the impact of the building mass	The proposed building is suitably articulated with a well-proportioned building mass.	Yes
STANDARD	COMMENT	COMPLIANCE
- The building envelope and floor plates are to be articulated and modulated, using a range of architectural components such as prows, corner redents, vertical villages, expressed lift cores, bay windows and other structural expression - Tower form is to express sustainability features e.g. access to natural light.	- The lower levels of the proposed development are articulated from the upper levels using architectural components (e.g. the provision of a Colonnade along Hickson Road and sun shading devices) and a range of materials and finishes (e.g. glazed bricks, recycled and engineered timber and high performance double glazed glass). - There is no tower element proposed.	Yes
4. Building Legibility		
OBJECTIVES	COMMENT	COMPLIANCE
- Constituent elements of the building need to be articulated. - The elements of the building and structure should be legible at the base of the building	- Constituent elements of the proposed development are articulated, including the Colonnade along Hickson Road. - The proposed development is legible at the base of the building.	Yes
STANDARD		
- The separate primary components of the building will be expressed. - Visible parts of the towers primary structure are to extend to the ground plane and be expressed as a separate element from the podium.	- Primary components of the proposed development, including the Colonnade along Hickson Road and the lower and upper levels are separately expressed. - There is no tower element proposed.	Yes
5. Ground Floor Permeability and Accessibility of Public Realm		
OBJECTIVES	COMMENT	COMPLIANCE
- To provide permeability and accessibility through Barangaroo South. - To maximise safety of the public realm	- Pedestrian accessibility is provided to the proposed building to the Hickson Road Colonnade and from each frontage. - The provision of retail uses on the ground floor maximises passive surveillance and public safety in the public realm.	Yes
STANDARD		
- Public access around the block is to be maintained on all edges. - Provide two north-south primary connections, including the Hickson Road Colonnade and two east west primary connections (Shipwright Walk & Barangaroo Avenue). - Provide one north to south secondary public access route through the block. - Scotch Row must be not less than 50% open to the sky. - For security purposes the secondary routes may be closed at certain times	- Public access is maintained on all edges. - The primary north-south pedestrian connections are provided through the Hickson Road Colonnade and Scotch Row. - The primary east-west pedestrian access is provided through Shipwright Walk and Watermans Quay. - Scotch Row will be a minimum of 59.1% open to the sky. - The proposal will not impact Exchange Place.	Yes

6. Ensuring Quality of Rooftops		
OBJECTIVES	COMMENT	COMPLIANCE
The mass at the rooftop shall be articulated and legible.	Photovoltaic cells have been incorporated into the design of the rooftop therefore providing articulation through variation.	Yes
STANDARD		
- Roof forms to incorporate architectural elements. - Lift shafts, overruns and control rooms are to be extruded above the roof line and used to provide architectural articulation to the roof. - Exposed mechanical equipment is to be avoided. - The architectural treatment of the roof and its form is to be designed, coordinated and remain sympathetic to adjacent context. - Good quality materials (i.e. durable, hardwearing, sustainable) to be used. - Roof Design to integrate sustainable features.	- The roof form includes photovoltaic cells, providing for consistent architecture. - Lift shafts, overruns and control rooms are extruded above the roof line and used to provide architectural articulation to the roof. - The mechanical equipment is to be suitably screened within the roof form. - The architectural treatment of the roof is designed to be consistent with the existing adjacent C2 building. - The proposal provides for durable materials and finishes, including glass and timber.	Yes
7. Facades		
OBJECTIVES	COMMENT	COMPLIANCE
- To ensure the architectural quality of the facades. - To articulate the buildings functions and massing with appropriate façade design and detailing. - To ensure the facades contribute to the buildings articulation and mass. - To contribute to the “carbon neutral” aims for Barangaroo South.	- The proposed development provides for high quality architectural facades. Design excellence has been considered in Section 5 of this report. - The building is appropriately articulated with the ground level exhibiting reduced massing and more dynamic detailing than the upper levels to articulate the retail functions. Conversely, the upper levels exhibit increased massing, simpler detailing and geometry with a smooth glazed exterior to articulate its commercial functions. - The facade incorporates high quality finishes, including glazing and timber panelling. These elements contribute to the buildings’ articulation and mass. - The proposal includes a range of sustainability measures as detailed in Section 3 of this report.	Yes
STANDARD		
- Depth and layering of facades to be achieved through relief and protrusions. Mirrored facades should be avoided. - The choice of appropriate materiality for longevity, durability and flexibility. Materials such as steel, glass, concrete, timber and aluminium. - Environmentally sustainable design to be incorporated on all facades. - Façade components such as external shading to be used to provide light and	- Horizontal external shading devices have been used in the façade detail to increase depth and layering. This assists in breaking up the vertical mass of the proposed development. - Materials and finishes (steel, glass, masonry, concrete) selected are considered satisfactory in terms of longevity, durability and flexibility. - Sustainability measures are detailed in Section 3 of this report.	Yes

shade to the building and to consider and reinforce Control 2+3. • Facades longer than 60m are to be modulated above podium level by distinctive and significant architectural elements e.g. vertical villages, cores or external staircases, in the vertical plane. • There shall be no single plane in the façade greater than 60m in length and 60m in height without articulation, and change in plan from adjoining building elements unless as otherwise determined by the Secretary, in consultation with the Barangaroo Delivery Authority.	• Horizontal external shading devices have been used the façade detail. • The east and west elevations are a maximum of 33 m tall and exceed 60 m in width. Furthermore, the elevations have been modulated with architectural elements such as panelling.	
8. Active Streetfronts		
OBJECTIVES	COMMENT	COMPLIANCE
• To ensure a vibrant public domain will be created at street level.	• The proposed development would activate and encourage a vibrant the public domain at street level on Hickson Road, Scotch Row, Shipwright walk and Watermans Quay via the provision of retail outlets.	Yes
STANDARD		
• At least 60% of the ground level is to be active on the primary street wall facades. • Building entrances to internal areas such as office lobbies, exits and service areas or loading docks shall not count toward the 60% requirement • Building service areas and loading docks will not be located on Hickson Road or Barangaroo Avenue.	• A minimum of 58% of the ground level will provide for an active street wall façade. The minor non-compliance arises from the previously approved basement access ramp and established services operating on the site and is therefore considered acceptable.	No
9. Signage		
OBJECTIVES	COMMENT	COMPLIANCE
• To ensure the location, size, appearance and quality of signage in the building is appropriate.	• As outlined in Section 5 of this report, conditions have been recommended to ensure that the detailed design of signage (i.e. location, size, appearance and quality) is appropriate.	Yes
STANDARD		
• High level signage is to be limited to a maximum of 2 separate faces per building. • Signage is not to exceed 60 sqm per sign. • Identity signage only to be incorporated within the building facades/structure • Details of signage are to be considered as part of the overall design of the building for the purposes of design excellence. • Signage shall not be greater than 1 building storey high between floor slabs.	• No detailed signage is proposed. signage will form part of a future signage strategy to be approved by the Department pursuant to a recommended condition of consent, including the following additional recommended conditions of consent: ○ limit the number of building identification signs displayed on the development to two (2) at any one time ○ no sign is to exceed 60 sqm. ○ identity signage only to be incorporated within the building facades/structure ○ signage shall not be greater than 1 building storey high between floor slabs.	Yes

APPENDIX D BARANGAROO CONCEPT PLAN – PLANNING HISTORY

Barangaroo Concept Plan (MP 06_0162)

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) (Concept Plan) on 9 February 2007.

The Concept Plan allowed for:

- mixed use development involving a maximum of 388,300 m² of GFA contained within eight blocks on a total site area of 22 hectares (ha)
- approximately 11 ha of new public open space/ public domain, including a 1.4 kilometre (km) public foreshore promenade
- a maximum of 8,500 m² GFA for a passenger terminal and a maximum of 3,000 m² GFA for active uses that support the public domain within the public recreation zone
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone
- alteration of the existing seawalls and creation of a partial new shoreline to the Harbour
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations, including employee parking
- an underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

The capital investment value of the approved Concept Plan was \$1.5 billion with the generation of up to 16,000 operational jobs

The following outlines the subsequent seven modification approvals to the Concept Plan:

MP 06_0162 MOD 1

On 25 September 2007, the then Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved a minor modification to the Concept Plan to correct minor typographical errors and re-wording of the design excellence terms. This modification did not alter the maximum GFA or mix of uses.

MP 06_0162 MOD 2

On 16 February 2009, the then Minister for Planning approved a second modification to the Concept Plan to increase the GFA of commercial uses by 120,000 m² in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 m². The modification increased the total maximum GFA for Barangaroo to 508,300 m² (an increase of 120,000 m² or 31 per cent over the whole site).

MP 06_0162 MOD 3

On 11 November 2009, the then Minister for Planning approved a third modification to the approved Concept Plan, generally meeting the requirements of the Concept Plan approval relating to the northern headland and northern cove, with other changes as follows:

- the reinstatement of a headland at the northern end of the site with a naturalised shape and form, including a build-up of height and a landscaped connection to physically link Clyne Reserve to allow direct pedestrian access from Argyle Place
- an enlargement of the northern cove to achieve a greater naturalised shape, form and edges (note this modification and the one above were required modifications in the terms of the original Concept Plan, contained in Modification B1 and B2, and following recommendations made in the jury report regarding the original winning competition scheme)
- the consequential re-alignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland
- the consequential removal of development Block 8 and part of Block 7 and redistribution of the associated land use mix
- the demolition of three heritage items being the Sandstone Seawall; the Sydney Ports Harbour Control Tower, and the MWS & DB Sewage Pumping Station

- amendments to the Statement of Commitments relating to the preparation of relevant plans and strategies so that work can commence in stages.

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 m².

MP 06_0162 MOD 4

On 16 December 2010, the then Minister for Planning approved a fourth modification to the Concept Plan. The modified Concept Plan provides for the following:

- a maximum of 563,965 m² mixed uses GFA, including residential, commercial and retail uses which includes:
 - a maximum of 128,763 m² of residential uses
 - a maximum of 50,000 m² of tourist uses GFA
 - a maximum of 39,000 m² of retail GFA.
- a maximum of 4,500 m² of active uses GFA (3,000 m² of which will be in Barangaroo South)
- a minimum of 12,000 m² of community uses GFA (10,000 m² of which will be in Barangaroo South)
- approximately 11 ha of new public open space/ public domain, with a range of formal and informal open space serving separate recreational functions and includes a 2.2 km public foreshore promenade
- built form principles, maximum building heights and GFA for each development block within the mixed use zone
- public domain landscape concept including parks, streets and pedestrian connections
- alteration of the existing seawalls and creation of a portion of the new shoreline to the Harbour.

In order to accommodate the changes made to the Concept Plan, Schedule 3 of Part 12 of the Major Development SEPP was concurrently amended. The amendment rezoned parts of the Barangaroo site and the adjoining areas from 'RE1 Public Recreation' and 'W1 Maritime Waters and Transport' to 'B4 Mixed Use' and 'RE1 Public Recreation'. Modifications to the distribution of GFA and building heights were also included in the amendment.

MP 06_0162 MOD 5

This modification was lodged in February 2011, and proposed modifications to clarify the outcomes with respect to the distribution of community uses GFA across the Barangaroo site, and to correct a number of minor typographical errors. This application was subsequently withdrawn on 22 March 2011.

MP06_0162 MOD 6

This modification application proposed to modify the approved Concept Plan for Barangaroo South. The proposed modifications, as publicly exhibited, sought approval for the following:

- the realignment of the development block boundaries for Blocks 3, 4A and 4B
- revisions to the Urban Design Controls to reflect the changes to the Block boundaries for Blocks 3, 4A and 4B
- change the requirement for a 'minimum' of 12,000 m² of community uses GFA to be delivered to a 'maximum'
- allow architectural roof elements and building management units to be excluded from the maximum height limit definition
- specify the car parking rates for 'other' uses thus removing the requirement to comply with City of Sydney Council's current car parking rates.

On 25 March 2014, the Commission approved the application.

MP06_0162 MOD 7

On 11 April 2014, the then Minister for Planning and Infrastructure approved a seventh modification to the Concept Plan to allow the construction, operation and maintenance of a concrete batching

plant to supply concrete for the construction of future development under this Concept Plan at Barangaroo South.

MP06_0162 MOD 8

On the 28 June 2016, the Commission approved an eighth modification to the Concept Plan, providing for the following modifications:

- increase in the maximum GFA from 563,965 m² to 594,354 m², and increase in maximum GFA contained in the development blocks from 549,465 to 579,354 m²
- increase in height from RL 170 m to RL 275 m and GFA from 33,000 m² to 77,500 m² for Block Y, increase in height from RL 41.5 m to RL 250 m and GFA from 8,150 m² to 86,979 m² for Block 4A
- decrease in height from RL 175 m to RL 107 m and GFA from 29,900 m² to 19,158 m² for Block 4B, decrease in height from RL 80 m to RL 25 m and GFA from 9,400 m² to 1,927 m² for Block 1, and deletion of Block 4C
- decrease in GFA from 209,213 m² to 197,280 m² for Block 2, and decrease in GFA from 142,669 m² to 129,934 m² for Block 3
- amend development block configurations for Block Y and Blocks 4A and 4B
- increase GFA outside of blocks from 14,500 m² to 15,000 m²
- amend GFA allocated for various land uses (residential, tourist, retail, active)
- amendment of Barangaroo site boundary, relocation of pier and reduction in the Southern Cove (now Watermans Cove)
- amendment of *Built Form Principles and Urban Design Controls*.

Court case

- On 29 July 2016, the Environmental Defenders Office, acting on behalf of Millers Point Fund Incorporated, lodged an appeal in the Land and Environment Court against the Commission's decision to approve MOD 8 and Crown Sydney Hotel Resort.
- On 23 December 2016, the Court dismissed the appeal, finding the Commission had not failed to exercise its powers, duties and functions, did not take into account irrelevant considerations and no error of law had been made.

APPENDIX E DESIGN EXCELLENCE WAIVER

Record of Secretary's Certification of Waiver ("Certification") of Architectural Design Competition Pursuant to State Environmental Planning Policy (State Significant Precincts) 2005 ("SSP SEPP"), Schedule 3, Part 12, Clause 19(4) and Barangaroo Concept Plan Approval MP_06 0162, Schedule 2, Part C – Future Applications C2(7).

I, Anthea Sargeant, delegate of the Secretary of the Development of Planning and Environment, certify that the development described in Schedule 1 of this Certification ('**Development**') is development for which an architectural design competition is not required pursuant to:

- Schedule 3, Part 12, Clause 19(4) of the SSP SEPP
- Schedule 2, Part C – Future Applications C2(7) of the Barangaroo Concept Plan.

For the purposes of the SSP SEPP and Barangaroo Concept Plan (noted above), I am satisfied that:

- the building exhibits design excellence
- the architects responsible for the proposed design of the development has outstanding reputations in architecture
- necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.

Schedule 1

Proposal for the construction of a 7-storey commercial building (RL 33.2 m), known as Building C1, at Barangaroo South, as described under SSD 8529.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Date

APPENDIX F RECOMMENDED CONDITIONS OF CONSENT
