



Building C1, Barangaroo South Modification 3

Installation and use of co-generator plant
State Significant Development Modification Assessment
(SSD 8529 MOD 3)

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Cover image: *Lend Lease (Miller's Point) Pty Ltd*

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Glossary

Abbreviation	Definition
Applicant	Lend Lease (Miller's Point) Pty Ltd
AQA	Air Quality Assessment
AQAA	Air Quality Assessment Addendum
CBD	Central Business District
Council	City of Sydney Council
dB	Decibel
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Agency
EPL	Environment Protection Licence
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecological Sustainable Development
INSW	Infrastructure NSW (previously Barangaroo Delivery Authority)
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
PEOA	Protection of the Environment Operations Act 1997
RRO/RRE	Resource Recovery Order / Resource Recovery Exemption
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
The site	Building C1, Barangaroo South
TfNSW	Transport for NSW

Executive Summary

Lendlease (Millers Point) Pty Ltd (the Applicant) seeks approval to modify the consent (SSD 8529) granted for the construction and use of a 7-storey retail/commercial building, known as Building C1, at Barangaroo South (the site).

The section 4.55(2) modification application seeks to install a co-generator (using biofuel from used cooking oil) within the existing plant room across the ground and mezzanine levels of Building C1. The proposal also seeks to amend the roof layout to accommodate the exhaust system associated with the co-generator.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the modification request and sought advice from City of Sydney Council (Council), Environment Protection Agency (EPA), Fire and Rescue NSW and members of the public.

The Department received one submission from Council that initially objected to the proposal and raised concerns relating to potential air quality health impacts. Council also requested additional information relating to plant maintenance and monitoring.

The Department also received a submission from EPA making comments on the proposal and sought additional information about potential air quality and noise impacts.

No submissions were received from members of the public.

The Department forwarded the RtS to Council and EPA. Council advised its issues had been resolved and that they were generally satisfied with the proposal. EPA advised all air quality impact issues were sufficiently addressed.

Assessment

The key assessment issues are ecologically sustainable development, potential air quality and odour impacts and noise impacts.

The Department considers the proposal is acceptable as:

- the installation of the co-generator was always envisaged under the original consent
- the proposal would offer a carbon saving of 1,706 tonnes of carbon dioxide equivalent each year
- the proposal would not result in harmful air quality, odour or noise impacts
- the proposal would not change the appearance of the building when viewed from the public domain
- the operation of the co-generator would be regulated and monitored by the EPA
- the recommended conditions would appropriately mitigate and manage the potential impacts of the proposal.

Summary

The Department considers the installation of the co-generator would reduce carbon emissions without resulting in adverse air quality, noise impacts or other environmental impacts. The Department therefore concludes the modification is in the public interest and should be approved, subject to conditions.

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1 Introduction

This report provides an assessment of an application seeking approval to modify the State significant development (SSD) consent (SSD 8529) for a retail and commercial building, known as Building C1 (the site), at Barangaroo South.

The application has been lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks approval to install a co-generator in the approved internal plant area and amend the roof layout to incorporate an exhaust system.

1.1 Background

The site adjoins Hickson Road to the east, commercial Building C2 to the south and commercial Building C3 (known as International Tower T1) to the west (**Figure 1** and **2**). Building C1 (**Figure 3**) includes four retail tenancies on the ground floor (total retail GFA of 726 m²).

The ground level also incorporates the office lobby and integrates with the Stage 1A basement car park bicycle and vehicle egress points. Levels 1-6 of Building C1 are used for office premises (total commercial GFA of 11,022 m²) and secondary access to Building C1 is available from Scotch Row.



Figure 1 | The site context showing the Barangaroo South area by the green line and the site by the red shading (Base source: Nearmaps)

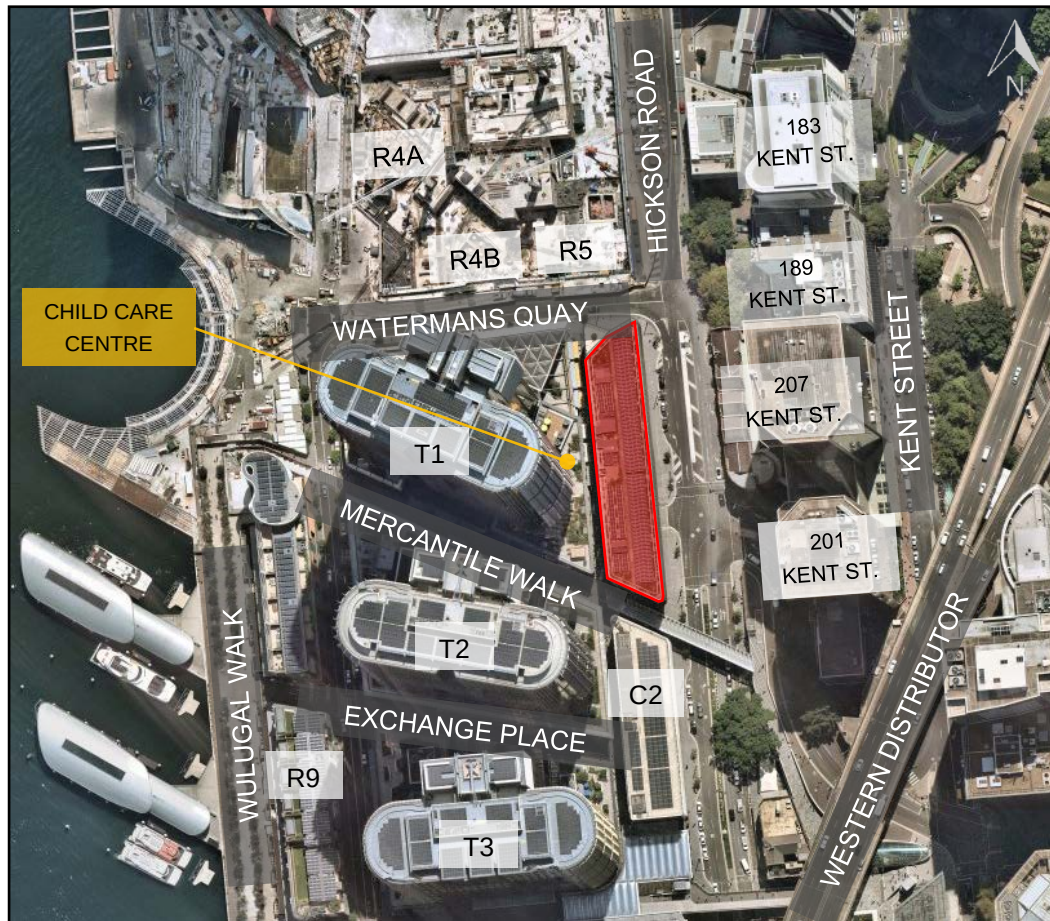


Figure 2 | The local context (Base source: Nearmaps)

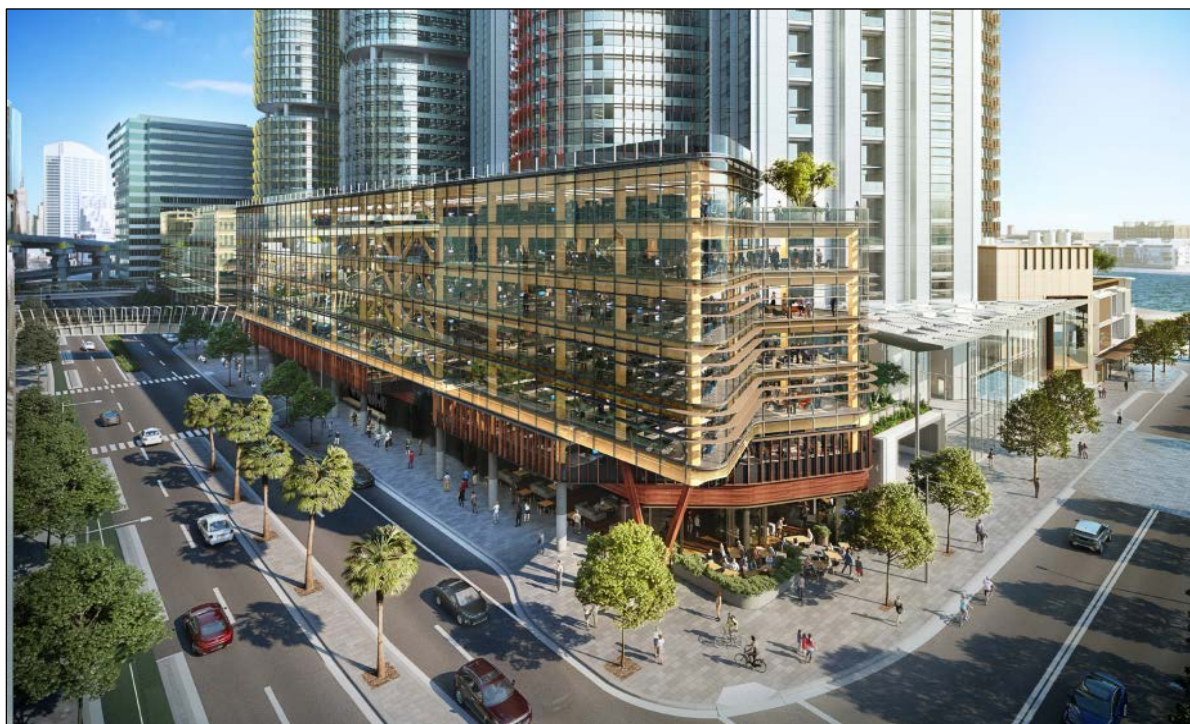


Figure 3 | Photomontage view of Building C1 from the north-east (Source: Tzannes)

1.2 Approval history

On 6 June 2018, the Executive Director, Key Sites and Industry Assessments, approved SSD 8529 for the construction and use of a 7-storey retail/commercial building, including:

- a total GFA of 11,703 m², comprising 10,995 m² commercial and 708 m² retail GFA
- public domain works
- integration and minor alterations to the existing Stage 1A Basement (MP10_0023)
- allocation of 18 car spaces, 40 bicycle spaces and 96 lockers within the Stage 1A Basement
- roof top planting and solar photo-voltaic installation
- commercial signage zones on level 6 to accommodate business identification signage
- a ground floor interpretation zone.

The original consent for Building C1 also permitted a plant room across the ground and mezzanine levels for the future installation of a used cooking oil co-generator (**Figure 4**).

The development consent has been modified on three occasions (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Design refinements to the retail shopfronts and lobby entrance	Minister	4.55(1A)	7 May 2019
MOD 2	Design and administrative changes including additional construction hours	Minister	4.55(1A)	20 June 2019
MOD 4	Amendments to the signage zones	Minister	4.55(1A)	27 April 2020

2 Proposed modification

On 11 September 2019, the Applicant lodged a modification application (SSD 8529 MOD 3) seeking approval, under section 4.55(2) of the EP&A Act, to make minor design changes to accommodate the installation of the co-generator envisaged under the original consent. The proposal seeks approval to:

- install two cooking oil fired engines (the co-generator) in the approved plant room on ground and mezzanine levels that would operate 24-hours-per-day and seven-days-per-week
- modify the access to the approved plant room by constructing a double door entry to enable plant installation and also installing upgraded fire-rated doors
- modify the roof layout by installing four 1 m tall exhaust flues.

The Applicant also advises that the proposal would be constructed to comply with AS1940 relating to the storage and handling of flammable liquids. The Department notes cooking oil is not classified as dangerous goods under State Environmental Planning Policy No 33 – Hazardous and Offensive Development.

The proposed modification is shown in **Figure 4** to **Figure 7**.

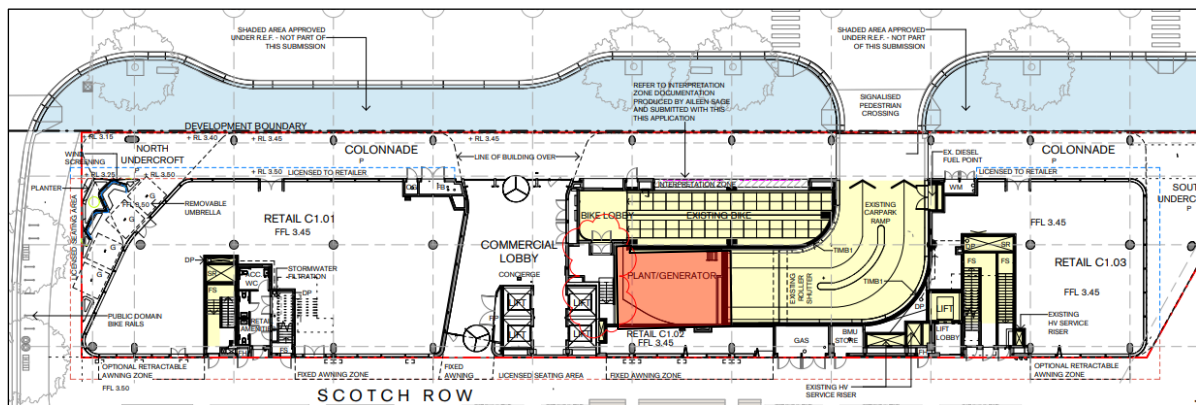


Figure 4 | The proposed ground level layout with the approved area for the co-generator shown by the red shading (Base source: Tzannes)

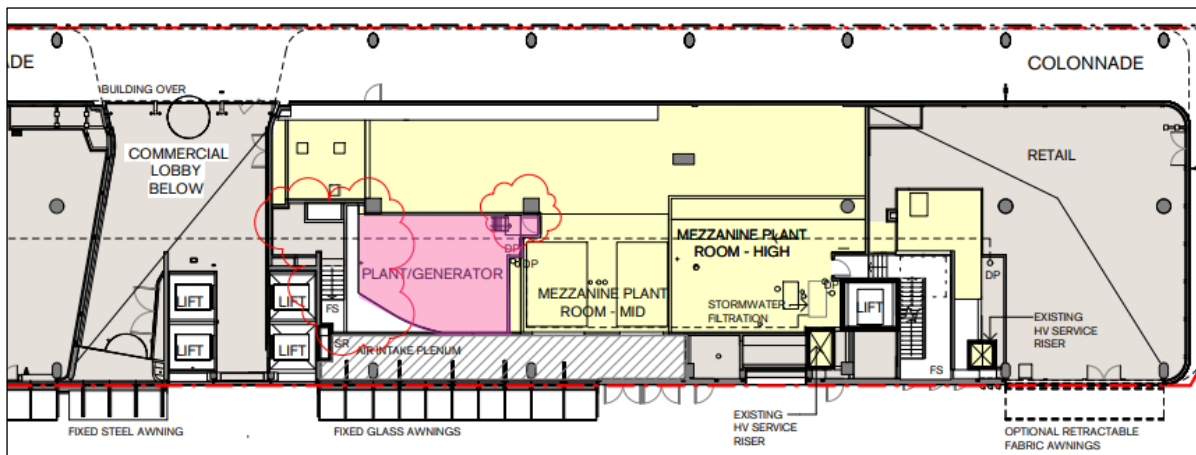


Figure 5 | The proposed mezzanine layout with the space for the co-generator shown by the pink shading. (Base source: Tzannes)

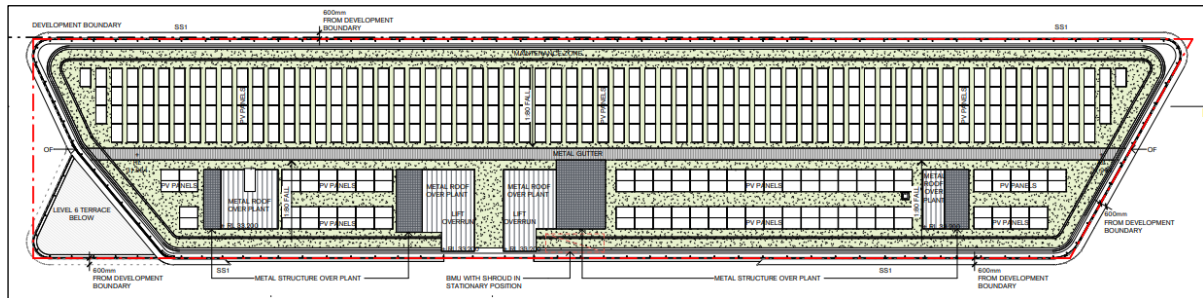


Figure 6 | The approved roof plant layout (Source: Tzannes)

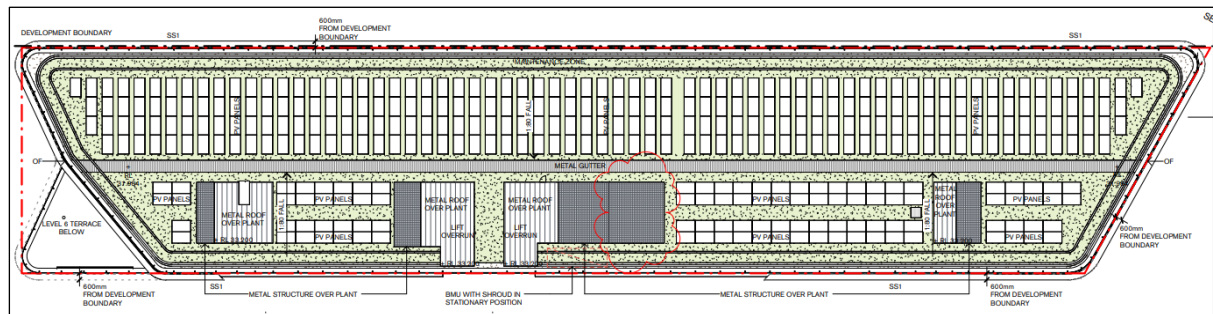


Figure 7 | The proposed roof plant layout with the co-generator exhaust shown by the red clouding (Source: Tzannes)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as substantially the same development to what was originally approved as the proposal:

- would not change the overall use of the site
- would result in environmental impacts consistent with those of the approved development
- the building would appear the same from the public domain.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, in accordance with the Minister's delegation, the Director, Key Sites Assessments, may determine this application as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(2) of the EP&A Act, including relevant environmental planning instruments or proposed environmental planning instruments;
- EP&A regulation;
- the likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest;
- the reasons for granting approval for the original application.

The Department has considered these matters in its assessment of the project. Refer to the assessment in **Section 5** and the consideration of statutory controls in **Appendix B**.

3.4 Consistency with the Concept Approval

In accordance with Clause 3b of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*, the Department has considered the proposed modification and is of the opinion the modification remains consistent with the Concept Plan as the co-generator is largely internal, would not affect the floor space ratio or gross floor area at the site and would not change the appearance of the building from the surrounding public domain. The proposed exhaust flues do not interfere with any facade, would result in a negligible visual change to the roof and would not obscure and views or sightlines to or from the building.

4 Engagement

4.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation, the Department exhibited the application from 3 October 2019 to 16 October 2019:

- on the Department's website
- at the offices of the Department
- at City of Sydney Council offices.

A public notice was placed in the Sydney Morning Herald and the Daily Telegraph on 2 October 2019. Previous submitters and members of the public were notified of the modification application and invited to make a submission. The modification application was also referred to City of Sydney Council (Council), NSW Fire and Rescue (NSWFR) and the Environment Protection Agency (EPA).

4.2 Summary of submissions

The Department received a submission from Council that objected to the application due to potential air quality health impacts on the childcare centre near the site (**Figure 2**).

EPA provided a submission that did not object to the proposal but requested additional information relating to air quality and noise impacts.

No submissions were received from members of the public.

4.3 Key Issues – Government agencies

The EPA advised the proposal would require an environment protection licence under section 43 of the Protection of the Environment Operations Act 1997 (PEOA). This requirement, however, is not relevant to some facilities seeking to recover energy by thermally treating waste if they comply with the NSW energy from waste policy statement. In this statement, certain low-risk activities, including the use of recovered waste oil for thermal treatment can be undertaken if a Resource Recovery Order (RRO) and a Resource Recovery Exemption (RRE) have been granted by the EPA.

The EPA received an application for a Resource Recovery Order and a Resource Recovery Exemption in May 2019, and the EPA requested additional information in relation to noise and air impacts. The EPA noted the same documentation was lodged with the modification application and again requested the additional documentation.

4.4 Key Issues – Council

Council objected to the proposal on account of potential air quality health impacts to the childcare centre located 25 m from the proposed exhaust flues (**Figure 2**). Council recommended a site-specific risk assessment and air quality impact report be undertaken to outline the potential impact of the proposal on the surrounding area. Council also recommended a maintenance plan be prepared to address the

future maintenance of equipment and the monitoring and reporting processes to ensure the system would not negatively impacting surrounding receivers.

4.5 Response to submissions

The Applicant provided a Response to Submissions (RtS) that addressed the matters raised in the submissions. The Applicant also provided an updated Air Quality Assessment and an Air Quality Assessment Memo.

The RtS was made publicly available on the Department's website and no public submissions were received. The Department forwarded the RtS to Council and EPA who advised their comments had been resolved and that they were generally satisfied with the proposal.

Council recommended a condition of consent be applied to require a suitable Resource Recovery Order / Resource Recovery Exemption be obtained prior to the operation of the co-generator.

The EPA advised the issuing of the RROE is contingent on the modification application being approved. The EPA further advised, if the Applicant does not pursue a RROE, an application for an Environmental Protection Licence must be made. The EPA also recommended a condition of consent to ensure the plant is designed and operated as specified in the noise assessment and does not emit low frequency noise during operation.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application and Concept Approval
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- the submissions received.

The Department considers the key assessment issues associated with the proposal are ecological sustainable development, air quality impacts and noise impacts.

5.1 Ecological sustainable development

The Applicant advises the proposed changes support the precinct-wide sustainability initiatives for Barangaroo South and deliver on the INSW requirement to deliver an on-site energy generation solution that is not photovoltaic power.

The proposed co-generator plant comprises two oil fired engines that would be fuelled by used cooking oil transported to the site by truck. The truck would access the site using the Stage 1A basement and pump the used cooking oil into a 20,000 litre storage cell. This would enable the co-generator to function continuously for 10-14 days.

The co-generator would be used to generate low carbon power and heating. Electricity produced would contribute to powering the Barangaroo South district cooling plant. Heat produced would be used as part of a district heating plant which will service Buildings R4A, R4B and R5, the end-of-trip facilities within the Stage 1A basement and Building C1 (**Figure 8**).

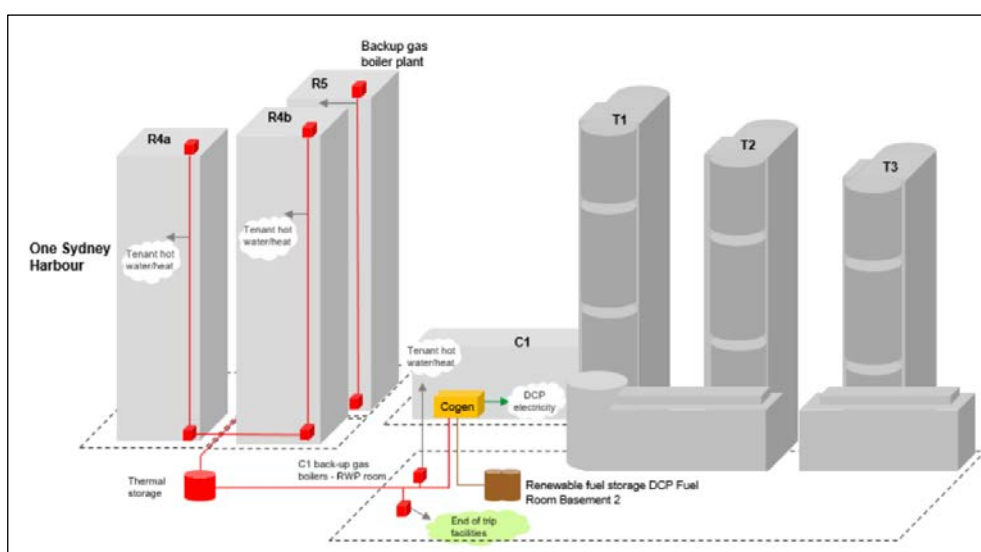


Figure 8 | The proposed power and heating distribution plan (Source: Applicant)

The Sustainability Report provided by the Applicant outlines the positive contribution the co-generator would make to the sustainability outcomes of the site through creating on-site low carbon power and significantly reducing the site's reliance on other types of energy for heating and cooling.

The Department supports the proposed co-generator as it would:

- support ESD through delivering a system driven by a renewable fuel
- align with the Statement of Commitments on ESD contained in the original Concept Plan (refer to **Section 3.4**)
- provide a low carbon power source to Barangaroo South and reduce the reliance on gas-powered electricity.

5.2 Air quality impacts

Gaseous and particulate matter emissions

Emissions from the co-generation plant would be discharged via dedicated emission points located at roof level of Building C1 and would project a maximum of 1 m above the plant enclosure. Four exhaust flues are proposed, however only two will be in use at any given time (**Figure 9**). The four new exhaust flues have the potential to emit gaseous and particulate emissions.

To assess the potential air quality impacts, the Applicant prepared an Air Quality Assessment (AQA). The AQA noted the surrounding area was generally commercial in nature but identified a childcare centre 25 m to the west of the site (at level 1 of International Tower 1) and residential receivers 230 m to the north-east of the site.



Figure 9 | The proposed four exhaust flues on the roof are shown by the red outlines
(Source: Tzannes)

The Applicant advised the co-generator would comply with the emission limit for particulate matter but did not comply with the emission limit for nitrogen oxide. The AQA therefore recommended the plant be fitted with process controls to ensure compliance.

Council's submission objected to the proposal due to the potential air quality impacts to the childcare centre. Council recommended the Applicant undertake a site-specific risk assessment to assess the impact of the emissions. Council also recommended a maintenance plan be provided to review the ongoing maintenance and monitoring of the co-generator.

The EPA did not object to the proposal but requested the Applicant provide additional information in relation to the potential for adverse air impacts resulting from the burning of waste cooking oil.

The Applicant's RtS included an Air Quality Assessment Addendum (AQAA) and a summary memo that summarised the air quality impacts on the childcare centre. The additional modelling confirmed there would be no predicted exceedance of any air quality criteria at the childcare centre. The Department referred the RtS to Council and the EPA. Both Council and the EPA advised their initial concerns had been addressed.

The Department considers the potential air quality health impacts have been suitably addressed and the proposal would not result in any adverse impact to the nearby childcare centre, other buildings in the area or the public domain. The Department notes the EPA are satisfied the proposal would not result in any exceedance of the relevant air quality criteria at the childcare centre or any other sensitive receivers and Council no longer object to the application.

The Department has also recommended a condition of consent requiring the Applicant to secure a RRO/RRE license prior to the operation of co-generator or if it is not granted, an application for an Environment Protection Licence. This would ensure the operation of the co-generator (including monitoring, maintenance and reporting) would be regulated by the EPA. The Department has also recommended a condition requiring the co-generation plant to be designed and operated as specified in the revised AQAs.

Subject to the recommended conditions, the Department is satisfied the proposal would not result in harmful air quality impacts at the childcare centre or any other sensitive receivers.

Odour

The Applicant's RtS considered the potential for odour impacts resulting from the proposal. The Applicant noted there is very little published information about the odour profiles caused by used cooking oil generators.

However, the Applicant noted that any potential odour could be mitigated by enabling the co-generator to be installed with a particulate catalyst within the air extraction system. This would reduce volatile organic compound emissions by 85%. The Applicant has also committed to operating an odour nuisance complaint procedure to record any future complaints from members of the public.

The EPA is satisfied the Applicant has suitably addressed the potential odour impacts resulting from the burning of cooking oil and raised no concerns. Council raised no concerns about potential odour impacts.

The Department considers the potential odour impacts have been suitably addressed and notes:

- the EPA and Council raise no concerns about potential odour impacts
- effective mitigation measures could be installed without retrofit
- spill kits would be provided at the filling point in the basement to minimise the risk of odour impacts resulting from a spill

- the delivery tankers would be fitted with a reciprocating delivery pipe to minimise the likelihood of any odour impacts from refilling the storage cell
- local residents are able to record an odour complaint with the Applicant
- the ongoing operation of the co-generator would be regulated by the EPA who would set the circumstances for when/if the particulate catalyst filter is required
- conditions of consent are recommended to ensure no offensive odours are emitted.

The Department therefore concludes the proposed co-generator is not likely to result in any adverse odour impacts and is acceptable.

5.3 Noise impacts

The proposal would result in the continuous operation of two engines in the internal plant room across the ground floor and the mezzanine level.

To assess the potential noise impacts resulting from the operation of the co-generator, the Applicant provided an acoustic assessment. The assessment concluded the two engines in the plant room would not adversely impact the acoustic amenity of the local area.

The EPA requested the Applicant demonstrate the proposed plant would not result in any low frequency noise impacts to the local area.

In the RtS, the Applicant clarified the proposed co-generator does not emit low frequency noise as defined by the EPA. The Applicant noted that even if a low frequency noise emission of 5 dB were applied to the site, the place of greatest acoustic impact would receive 28 dBA. The Department notes the night-time noise limit is 50 dBA and that the site would therefore still comply in a worst-case operating scenario.

The Department considers the proposed co-generator would not adversely impact the acoustic amenity of the surrounding area as:

- the engines are located in an internal, acoustically treated plant room
- the intake and outlet piping would be installed with silencers
- the proposed equipment does not emit low frequency noise
- the proposal complies with the relevant noise criteria at nearby sensitive receivers.

The Department notes the EPA and Council are satisfied the proposal would not result in adverse noise impacts.

The Department has also recommended conditions requiring:

- the plant to be designed and operated as specified in the noise and air quality reports
- the plant to not emit low frequency noise when measured at the nearest residential receivers
- detailed roof plans showing the co-generator to be submitted to the certifying authority and the Planning Secretary
- the Applicant to obtain a NSW EPA RRO/RRE licence prior to the operation of the co-generator.

Subject to the recommended conditions the Department is satisfied the proposal is acceptable.

6 Evaluation

The Department has reviewed the proposed modification and taken all submissions into consideration. The Department is satisfied the modification application is appropriate as the proposal:

- would result in similar built form to that approved under SSD 8529
- would facilitate the co-generator envisaged under the original consent
- would be regulated and monitored by EPA and the conditions of consent
- would provide a more sustainable source of on-site energy generation for Barangaroo South
- would not result in any significant air quality, odour or noise impacts.

Consequently, the Department concludes the modification application is in the public interest and should be approved, subject to conditions.

7 Recommendation

- It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces
- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8529 MOD 3 falls within the scope of section 4.55(2) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 8529
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



Tim Green
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **adopted / not adopted** by:



Anthony Witherdin

Director

Key Sites Assessments

(as delegate of the Minister for Planning and Public Spaces)

Appendices

Appendix A – List of referenced documents

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

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/25251>

Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25251>

Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/project/25251>

Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/25251>

Appendix B – Statutory Considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report, as referenced in the table.

Table 2 | Assessment of Section 4.15(1)

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 3 .
(a)(ii) any proposed instrument	The modified proposal complies with the relevant legislation as addressed in Section 3 .
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the installation and operation of the co-generator would not result in any adverse air quality, noise or odour impacts (refer to Section 5).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 5 .
(d) any submissions	The Department received submissions from Council and the EPA. Refer to Section 4 and 5 .
(e) the public interest	The Department considers the proposal to be in the public interest as it would facilitate the orderly and efficient development of commercial Building C1 and provide a sustainable source of on-site energy generation for Barangaroo South.

Table 3 | Assessment of Section 4.55(2)

Section 4.55(2)	Assessment
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The development, as proposed to be modified, is substantially the same development as the originally approved as it: • would facilitate the installation of the co-generator envisaged under the original application • would not result in any change to the approved FSR or GFA of Building C1 • would not result in any external changes to the appearance of Building C1 with the exception of the four exhaust flues on the roof • would not result in any adverse environmental impacts that cannot be appropriately managed or mitigated.
That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.	The Department has consulted the relevant government agencies, previous submitters and the Council in relation to the modification application (refer to Section 4).
The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the EP&A Regulation (refer to Section 4).
Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.	The Department has considered the submissions received during the exhibition period (refer to Sections 4 and 5).
Consideration of section 4.15(1) of the EP&A Act as are of relevance to the development application and the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The Department has assessed the relevant matters for consideration under section 4.15 of the EP&A Act (refer to Table 2).

Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft Environment State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018
- Draft Environment State Environmental Planning Policy – Environment.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

Objects under the act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Compliance with the concept plan

The Department is satisfied the proposal is consistent with the Barangaroo Concept Plan. Refer to **Section 3.4**.

Appendix C – Community views for Draft Notice of Decision

Issue	Consideration
<i>Council Submission</i> Council raised concern with the air quality health impacts to the childcare centre near the site.	- The Applicant provided an Air Quality Assessment Addendum to confirm there would not be any adverse air quality health impacts to the childcare centre. - Council provided correspondence to the Department to confirm their initial concerns had been resolved. <i>Conditions</i> - The Applicant is required to secure a Resource Recovery Order / Resource Recovery Exemption from the EPA prior to operation of the co-generator. - A series of conditions relation to odour requirements have been imposed, including: - The use of the premises must not give rise to the emission of any gaseous vapours or other impurities which are a nuisance, injurious or prejudicial to health. - The use must not cause or permit the emission of any offensive odour from the premises - Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act 1997.

Appendix D – Modification Instrument