

Environmental Impact Statement

Crown Sydney Hotel Resort
Stratum Subdivision Application

Submitted to Department of Planning, Industry
and Environment
On behalf of Crown Sydney Hotel Resort

17 June 2020 | 17632



Ben Craig	Director	bcraig@ethosurban.com	02 9409 4953
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Statement of Validity

Development Application Details

Applicant name	Crown Sydney Property Pty Ltd
Applicant address	AON Tower – Level 19, 201 Kent Street NSW 2000 Australia
Land to be developed	Lot 501 (Previously Lot 214 DP1221076)
Proposed development	Stratum subdivision as described in Section 3.0 of this Environmental Impact Statement.

Prepared by

Name	Prugya Maini
Qualifications	BPLAN MPIA
Address	173 Sussex Street, Sydney
In respect of	State Significant Development - Development Application

Certification

I certify that I have prepared the content of this EIS and to the best of my knowledge:

- it is in accordance with Schedule 2 of the Environmental Planning and Assessment Regulation 2000;
- all available information that is relevant to the environmental assessment of the development to which the statement relates; and
- the information contained in the statement is neither false nor misleading.

Signature



Name

Prugya Maini

Date

17/06/2020

Executive Summary

Purpose of this Report

This submission to the Department of Planning and Environment (the Department) comprises an Environmental Impact Statement (EIS) for a Development Application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It relates to the stratum subdivision of Crown Sydney Hotel Resort. The Crown Sydney Hotel Resort site is identified as a State Significant Site under Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The subdivision of land at Barangaroo (other than strata title, community title or certain other types of minor subdivision) is State Significant Development (SSD) for the purposes of the EP&A Act. Therefore, as the proposed subdivision comprises stratum subdivision it is SSD for the purposes of the EP&A Act.

The Secretary's Environmental Assessment Requirements (SEARs) were issued on 27 February 2020. This EIS has been prepared in accordance with the Department's guidelines for SSD applications lodged under Part 4 of the EP&A Act, and addresses the issues raised in the SEARs. The EIS has been prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) with regards to requirements for an EIS.

Overview of the Project

The proposed subdivision seeks consent to create new lots relating to the Hotel and Residential components of the Crown Sydney Hotel Resort, which is currently under construction in accordance with SSD 6957.

The SSD Application will seek consent for the staged subdivision of Lot 501 to create the following Stratums:

- Lot 1 - Crown Sydney Hotel Resort; and
- Lot 2 - Crown residential apartments.

No physical works are proposed to be carried out as part of this SSDA. The stratum subdivision will be carried out in a staged manner to reflect the ongoing development of Barangaroo, and in particular, Barangaroo South.

The Site

Barangaroo is located on the north western edge of the Sydney Central Business District, bounded by Sydney Harbour to the west and north, the historic precinct of Millers Point (for the northern half), The Rocks and the Sydney Harbour Bridge approach to the east and a range of new development dominated by large CBD commercial tenants to the south.

The Barangaroo area has been divided into three distinct redevelopment areas (from north to south) – the Barangaroo Reserve, Central Barangaroo and Barangaroo South, and has been subject to multiple investigations that detail the physical and natural characteristics of the site. The area of land which this stratum subdivision relates to is within Barangaroo South, the most southern of these three precincts.

Relevant Approvals

Four separate SSD consents have been granted in relation to the subdivision of Barangaroo and SEARs have been issued for a fifth stage, namely:

- SSD6381, identified as Stage 1 (approved 16 December 2014) for the:
 - Consolidation of lots 3, 5 and 6 in DP 876514;
 - Subdivision of the consolidated lots into Lot 100 (being Barangaroo South) and Lot 101 (being Barangaroo Central and the Headland Park); and
 - Staged stratum subdivision of Lot 100 into nine allotments according with approved buildings and infrastructure within Stage 1A of Barangaroo South and a residual lot (Lot 214).

- SSD7478, identified as Stage 2 (approved 26 September 2017) for the:
 - Staged stratum subdivision of the residual lot (Lot 214) into seven allotments according with approved buildings and infrastructure within Stage 1A, future Sydney Metro allotments and a residue allotment (Lot 300) for the remainder of Barangaroo South.
- SSD8997, identified as Stage 3 (SEARs issued 15 January 2018) for the creation of the following stratus:
 - Lot 401 – subdivision of Residue Lot 300 to create a lot for proposed Building C1, including parking and end of trip facilities.
 - Lot 402 – subdivision of Residue Lot 300 and Lot 205 in DP 1204694 (bicycle and amenities lot) to adjust boundaries in response to proposed Building C1.
 - Lot 403 – subdivision of Residue Lot 300 and Lot 213 in DP 12210736 (Tower 1 lot) to adjust boundaries to allocate 12 basement car spaces for Tower 1 and basement plant room not included in previous subdivision.
 - Lot 400 – new residue allotment.
- SSD9758, identified as Stage 1B (Fourth Stage) (SEARs issued 17 December 2018) for the creation of the following stratus:
 - Lot 501 – relating to Crown Sydney Hotel Resort; and
 - Lot 500 – new residual lot.

Development consent SSD6957 MOD 2 (approved 7 May 2020) for the Crown Sydney Hotel Resort, provides for:

- site remediation, earthworks, excavation, structural and site preparation works;
- construction and fit-out of a 71-storey (RL 275 metre) tower including podium;
- construction of three basement levels;
- a total GFA of 77,500 sqm, comprising:
 - 81 residential apartments;
 - hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities;
 - 6,085 sqm restricted gaming facility GFA; and
 - 6,700 sqm retail GFA.
- 641 on-site car parking spaces and 207 bicycle parking spaces;
- public domain works and landscaping; and
- business and building identification signage and signage zones.

Planning Context

Section 5.0 of the EIS considers all applicable legislation in detail. Subdivision is permissible with development consent under *State Environmental Planning Policy (State Significant Precincts) 2005*. The development is consistent with and complies with all the relevant strategic policies, environmental planning instruments, plans and guidelines, and the Barangaroo Concept Plan (as modified).

Environmental Impacts and Mitigation Measures

This EIS provides an assessment of the environmental impacts of the project in accordance with the SEARs and sets out the undertakings made by Crown Sydney Hotel Resort to manage and minimise potential impacts arising from the development. It demonstrates that the proposed development is consistent with the approved Concept Plan (as modified) and is satisfactory in relation to biodiversity and consultation.

The proposed development relates to stratum subdivision only. No physical works are proposed. In light of the proposed development, no adverse environmental impacts are expected to occur and as such, no mitigation measures are proposed.

Conclusion and Justification

Having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the proposed subdivision is justified for the following reasons:

- It is consistent with and complies with all the relevant strategic policies, environmental planning instruments, plans and guidelines, including the Concept Plan (as modified);
- It will assist in fulfilling the strategic vision established for the Crown Sydney Hotel Resort, allowing for the orderly development and occupation of the residential and hotel uses on the site; and
- There are no adverse environment impacts associated with the proposed stratum subdivision.

1.0 Introduction

This Environmental Impact Statement (EIS) is submitted to the Department pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for State Significant Development (SSD).

The Crown Sydney Hotel Resort site is identified as a State Significant Site under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The subdivision of land at Barangaroo (other than strata title, community title or certain other types of minor subdivision) is State Significant Development (SSD) for the purposes of the EP&A Act.

This report has been prepared by Ethos Urban on behalf of Crown Sydney Property Pty Ltd and is based on the Plans of Subdivision prepared by Geostrata (**Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and the SEARs which are included at **Appendix C**.

1.1 Overview of Proposed Development

This proposed subdivision seeks consent to create the following Strata:

- Lot 1 - Crown Sydney Hotel Resort; and
- Lot 2 - Crown residential apartments.

1.2 Background to the Development

1.2.1 Approved Concept Plan

The Barangaroo Concept Plan (MP06_0162) was approved in February 2007. The Concept Plan covers urban design and policy initiatives and is the statutory planning approval that guides the development of Barangaroo. The approved Concept Plan has been modified seven times since it was approved, and the Statement of Commitments has been revised accordingly. The most recent modification is Concept Plan (MOD 8) and was approved on 28 June 2016.

The Concept Plan (as modified) provides for:

- A mixed use development with a maximum of 594,354m² gross floor area (GFA), including:
 - A maximum of 183,031m² of residential GFA, of which a maximum of 154,000m² will be in Barangaroo South; – A maximum of 76,000m² of GFA for tourist uses of which a maximum of 59,000m² will be in Barangaroo South;
 - A maximum of 34,000m² of GFA for retail uses of which a maximum of 30,000m² will be in Barangaroo South;

- A maximum of 5,000m² of GFA for active uses in the public recreation, of which 3,500m² will be in Barangaroo South; and
- A minimum of 12,000m² GFA for community uses.
- Approximately 11 hectares of new public open space and public domain, with a range of formal and informal open spaces serving separate recreational functions and including a 2.2-kilometre 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 new shoreline to the harbour; and
- Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.

1.2.2 Relevant Development Applications

Crown Sydney Hotel Resort (SSD 6957)

On 31 October 2019, Application SSD 6957 Mod 1 was approved by the Group Deputy Secretary. The modifications related to various alterations to the approved scheme including the reconfiguration of the internal layout and apartment layouts, resulting in changes to the GFA breakdown and increase in the number of residential apartments. The modification also included the reconfiguration of the basement car park resulting in changes to the breakdown of car space allocation, additional residential bicycle parking spaces, minor design amendments to the ground level including landscaping, reconfiguration to the terrace layouts on Levels 3, 4 and 24, and the addition of an observation deck for the public within Level 66.

Subsequently, on 7 May 2020 a second modification under section 4.55(1A) (SSD 6957 Mod 2) was approved by a delegate of the Minister for Planning. The modification included the amalgamation of apartments on Levels 33, 37, 51, 60 and 61. The second modification resulted in a decrease in the total number of residential apartments from 87 to 81 as currently approved. The total maximum residential Gross Floor Area (GFA) of 22,600m², the approved total building GFA of 77,500m², and residential car spaces remain unchanged by this modification. The Development Consent, as modified, includes:

- site remediation, earthworks, excavation, structural and site preparation works;
- construction and fit-out of a 71-storey (RL 275 metre) tower including podium;
- construction of three basement levels;
- a total GFA of 77,500 sqm, comprising:
 - 81 residential apartments;
 - hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities;
 - 6,085 sqm restricted gaming facility GFA; and
 - 6,700 sqm retail GFA.
- 641 on-site car parking spaces and 207 bicycle parking spaces;
- public domain works and landscaping; and
- business and building identification signage and signage zones.

On 1 June 2020, a third modification application under section 4.55(1A) (SSD 6957 Mod 3) was lodged, which seeks consent for the amalgamation of some apartments in response to a specific buyer request in relation to apartments on Levels 48 and 49. These modifications result in a decrease in the total number of residential apartments from 81 to 76 as currently approved under SSD 6957 Mod 2.

Subdivision Applications

Four separate SSD consents have been granted in relation to the subdivision of Barangaroo. These applications include:

- SSD6381, identified as Stage 1 (approved 16 December 2014) for the:
 - Consolidation of lots 3, 5 and 6 in DP 876514;
 - Subdivision of the consolidated lots into Lot 100 (being Barangaroo South) and Lot 101 (being Barangaroo Central and the Headland Park); and
 - Staged stratum subdivision of Lot 100 into nine allotments according with approved buildings and infrastructure within Stage 1A of Barangaroo South and a residual lot (Lot 214).
- SSD7478, identified as Stage 2 (approved 26 September 2017) for the:
 - Staged stratum subdivision of the residual lot (Lot 214) into seven allotments according with approved buildings and infrastructure within Stage 1A, future Sydney Metro allotments and a residue allotment (Lot 300) for the remainder of Barangaroo South.
- SSD8997, identified as Stage 3 (approved 10 October 2019) for the creation of the following stratus:
 - Lot 401 – subdivision of Residue Lot 300 to create a lot for proposed Building C1, including parking and end of trip facilities;
 - Lot 402 – subdivision of Residue Lot 300 and Lot 205 in DP 1204694 (bicycle and amenities lot) to adjust boundaries in response to proposed Building C1;
 - Lot 403 – subdivision of Residue Lot 300 and Lot 213 in DP 12210736 (Tower 1 lot) to adjust boundaries to allocate 12 basement car spaces for Tower 1 and basement plant room not included in previous subdivision; and
 - Lot 400 – new residue allotment.
- SSD9758, identified as Stage 4 (approved 20 December 2019) for the creation of the following stratus:
 - Lot 501 - relating to Crown Sydney Hotel Resort; and
 - Lot 500 – new residue allotment.

This staged stratum subdivision application relates to Lot 501 relating to the Crown Sydney Hotel Resort.

1.2.3 Infrastructure NSW

On July 1 2019, the Barangaroo Delivery (BDA) was absorbed by Infrastructure NSW (INSW). The Barangaroo Delivery Authority Act 2009 (NSW) was amended to become the Barangaroo Act 2009 No 2, providing Infrastructure NSW the role to manage the redevelopment of Barangaroo.

Under the Barangaroo Act 2009 No 2, Barangaroo is defined as the land identified on the Barangaroo Delivery Authority Operational Area Map. Infrastructure NSW is the registered landowner of most of the Barangaroo site, including the development application site.

It is noted that small portions of the Barangaroo site are owned by other Government agencies including the Marine Ministerial Holding Corporation, the Roads and Maritime Services and the Crown. The area of this Stratum Subdivision is wholly under the landownership of Infrastructure NSW.

1.3 Objective of the Development

The objective of the proposed development is to create stratum lots to facilitate the ongoing management and ownership of the Crown Sydney Hotel Resort and the residential apartments.

1.4 Summary of Approval Sought

This application seeks consent for the staged subdivision of Lot 501 to create the following stratus:

- Lot 1 - Crown Sydney Hotel Resort; and
- Lot 2 - Crown residential apartments.

No physical works are proposed to be carried out as part of this SSDA. The stratum subdivision will be carried out in a staged manner to reflect the ongoing development and operation of the Crown Sydney Hotel Resort.

1.5 Analysis of Alternatives

1.5.1 Strategic need for the proposal

The redevelopment of the Crown Sydney Hotel Resort site is the result of a long-term strategic planning process which culminated in February 2007 when the (then) NSW Minister for Planning and Infrastructure approved a Concept Plan to guide the urban renewal of Barangaroo.

Barangaroo South is the southern 7.5 hectares of the Barangaroo area, which has become an advanced financial district and the first large scale carbon neutral precinct in Australia. With a mix of uses, including commercial, residential, retail and dining along with a new landmark hotel. On completion it will home about 2,000 residents, 23,000 office workers and more than 2.9 hectares of public open space.

The proposed staged stratum subdivision of the Barangaroo area will continue to facilitate the future uses envisaged on the site, in turn, enabling the strategic vision for the precinct. The success of Barangaroo relies on the orderly and logical use, ownership and management of the land, as proposed by this SSDA.

1.5.2 Alternative Options

Two options are available to Crown Sydney Hotel Resort in responding to the identified need for the staged stratum subdivision of Crown Sydney Hotel Resort.

Option 1: The Proposed Development

This option involves the stratum subdivision of the Crown Sydney Hotel Resort as proposed under SSDA 6957 (described in **Section 1.2.2**). The proposal will continue to facilitate the future use of the Crown Sydney Hotel Resort site by creating separate strata for the functional operation of the hotel and residential components.

Option 2: Do Nothing

The Crown Sydney Hotel Resort has always proposed to include part hotel and part residential uses, as envisaged under the Barangaroo Concept Plan. The redevelopment of Barangaroo and the ongoing operations of approved buildings is contingent on the ability for the individual buildings to be released to the market, critical in achieving the desired future outcome for Barangaroo South. Not creating the proposed strata would significantly hinder the establishment and operation of the Crown Sydney Hotel Resort.

1.6 Project Team

An expert project team has been formed to deliver the project and includes:

Proponent	Crown Sydney Hotel Resort
Urban Planning	Ethos Urban
Surveyor	Geostrata
Legal	Corrs Chambers Westgarth

1.7 Secretary's Requirements

In accordance with section 4.39 of the EP&A Act, the Secretary of the (former) Department issued the requirements for the preparation of the EIS on 27 February 2020 (refer to **Appendix C**).

Table 1 provides a detailed summary of the individual matters listed in the SEARs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

Table 1 Secretary's Requirements

Requirement	Location in Environmental Assessment	
General Requirements		
The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the Environmental Planning and Assessment Regulation 2000.	Throughout	
Key Issues	Report/EIS	Technical Study
1. Environmental Planning Instruments, Policies and Guidelines <ul style="list-style-type: none">Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including:<ul style="list-style-type: none">State Environmental Planning Policy (State & Regional Development) 2011;State Environmental Planning Policy (State Significant Precincts) 2005;State Environmental Planning Policy (Infrastructure) 2007;Sydney Regional Environmental plan (Sydney Harbour Catchment) 2005; and Sydney Harbour Foreshores and Waterways Development Control Plan 2005Draft Environment SEPP; andSydney Local Environment Plan 2012.Address the relevant provisions, goals and objectives of the following:<ul style="list-style-type: none">NSW State Priorities;Eastern City District Plan;Greater Sydney Region Plan – A Metropolis of Three Cities;Future Transport Strategy 2056 and associated plans; andSydney Development Control Plan 2012.	Section 5.1	-
2. Consistency with the Barangaroo Concept Plan Demonstrate consistency with the Barangaroo Concept Plan (MP 06_0162 (as modified)).	Section 5.2	-
3. Plan of Subdivision <ul style="list-style-type: none">identifies all lots proposed to be created across the siteidentifies the location of all servicing infrastructure across the sitedetails any covenants, easements, notations, rights of way or the like proposed to ensure appropriate access is provided to each service provider to enable the on-going maintenance of their assetsdetails any covenants, easements, notations, rights of way or the like to enable public access to the public domain areas across the siteincludes a draft Section 88b instrument and a building management statement where relevant.	Section 3.0	Appendix A
4. Utilities <ul style="list-style-type: none">Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation and easement requirements of the development for the provision of utilities including staging of infrastructure.Identify any potential impacts of the proposed construction and operation on the existing utility infrastructure and service provider assets, and demonstrate how these will be protected or impacts mitigated.	Section 5.4	Appendix E
Plans and Documentation		
The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i> . Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include the following:	This report	Appendix A

Requirement	Location in Environmental Assessment	
•		
1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • The location of the land, boundary measurements, area (m²) and north point. • The existing levels of the land in relation to buildings and roads. • Location and height of existing structures on the site. • Location and height of adjacent buildings. All levels to be to Australian Height Datum (AHD).	-	Appendix D
2. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • Significant local features such as parks, community facilities, the public domain and open space and heritage items. • The location and uses of existing buildings, shopping and employment areas. • Traffic and road patterns, pedestrian routes and public transport nodes. 	Section 2.0	-
3. Drawings at an appropriate scale illustrating: The location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land.	-	Appendix A Appendix D
4. Building Management Statement: <ul style="list-style-type: none"> • Prepare a Building Management Statement addressing the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot. 	Section 5.5	Appendix F Appendix G
Documents to be submitted		
<ul style="list-style-type: none"> • 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition. • 4 hard copies and 5 electronic copies of the documents and plans (once the application is considered acceptable). Electronic copies of the documentation must be on a USB with documents in PDF format with 	-	-
Consultation		
During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with: <ul style="list-style-type: none"> • City of Sydney Council; • Sydney Water; • Transport for NSW; • AusGrid; and • Local Aboriginal Land Council and Stakeholders. The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.	Section 4.0	-
Further consultation after 2 years		
If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.	This application has been lodged within 2 years of the issue date.	-

2.0 Site Analysis

2.1 Site Location and Context

Barangaroo is located on the north-western edge of Central Sydney, bounded by Sydney Harbour to the west and north, the historic precinct of Millers Point (for the northern half), The Rocks and the Sydney Harbour Bridge approach to the east; and bounded to the south by a range of new development dominated by CBD commercial tenants.

The Barangaroo area has been divided into three distinct redevelopment areas (from north to south), comprising Barangaroo Reserve, Central Barangaroo and Barangaroo South (refer to **Figure 1**), and has been subject to multiple investigations that detail the physical and natural characteristics of the site. The area of land the subject of this SSDA is within Barangaroo South.

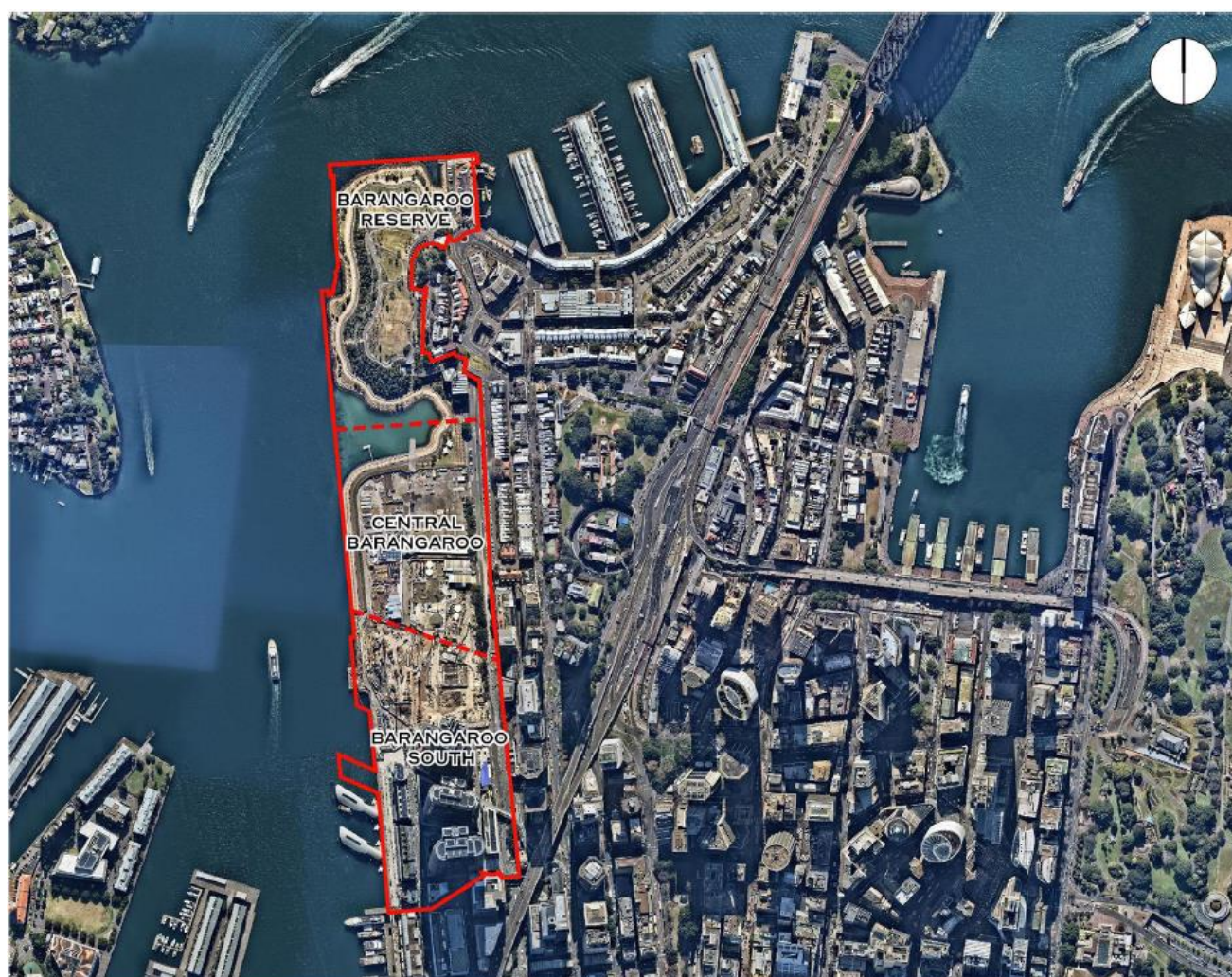


Figure 1 Location Plan

Source: Nearmap and Ethos Urban

2.2 Site Description

The Crown Sydney Hotel Resort, the subject of this SSDA, is located on land in the North West corner of Barangaroo South. With reference to the Barangaroo 'development blocks', as identified within the approved Concept Plan Urban Design Controls (MP06_0162 MOD 4), the Crown Sydney Hotel Resort site is located to the west of Blocks 4A, 4B and 4C and to the north of Globe Harbour, and referred to by Concept Plan (Mod 8) as Block Y. The Crown Sydney Hotel Resort site has a total site area of 12,651m², which comprises three components that are herein referred to as 'the site' (**Figure 3**). These components include:

- Crown building site area – approximately 6,204m²
- Underground basement works beyond the building footprint – approximately 5,062m²
- Ground level licensed area – approximately 1,385m²

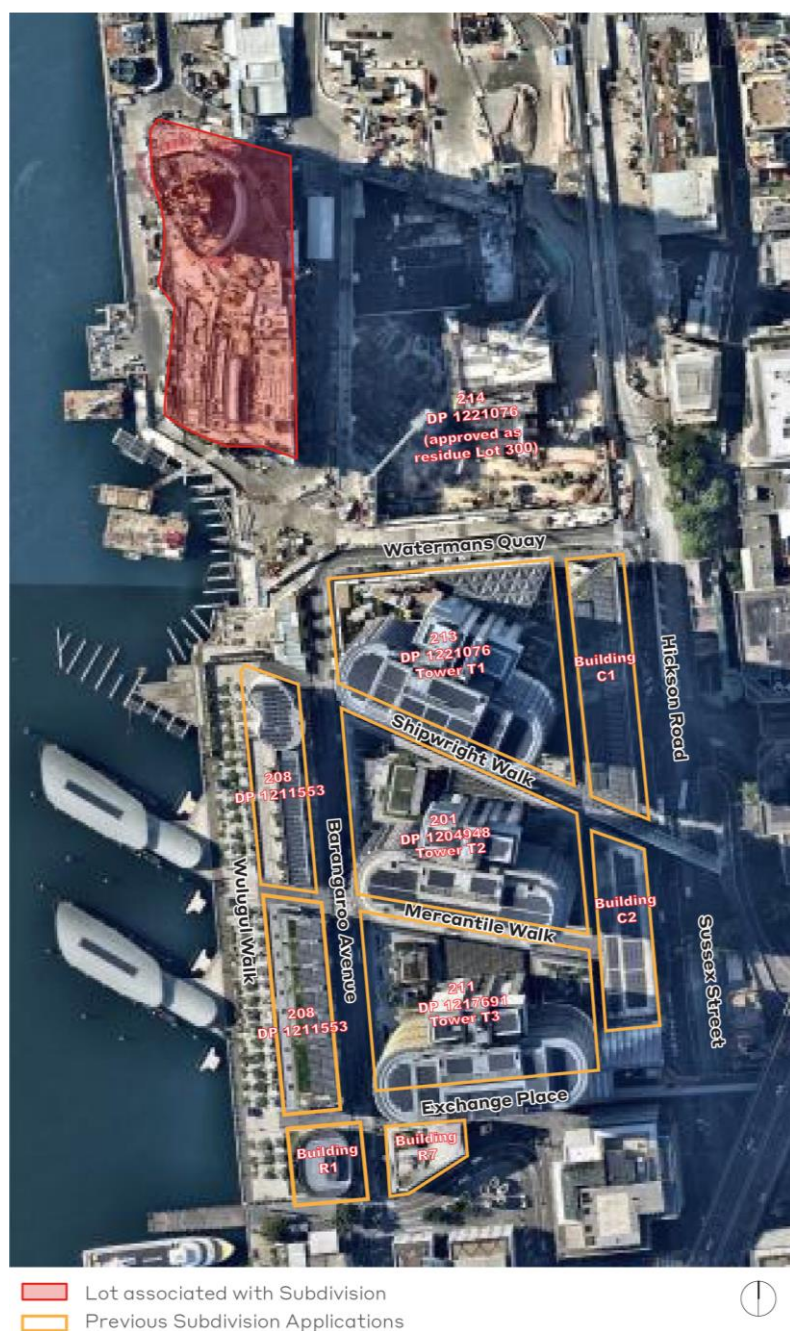


Figure 2 Site Aerial

Source: Nearmap & Ethos Urban

2.3 Existing Development and Structures

2.3.1 Built Form

At the time of the initial Concept Plan approval, the Barangaroo area comprised an open concrete/bitumen apron largely reclaimed over water. Since the approval of the Concept Plan in February 2007, a number of planning applications have been approved for various components of development across all three precincts within Barangaroo. Construction has commenced on the Crown Sydney Hotel Resort.

2.3.2 Infrastructure and Services

A range of infrastructure arrangements for the Crown Sydney Hotel Resort were granted consent as part of SSD6957 and are currently being delivered in accordance with this consent. Refer to the Infrastructure Management Plan at **Appendix E** for further details.

2.4 Surrounding Development

The site is surrounded by the following:

- The northern boundary of the Barangaroo South site adjoins Central Barangaroo, with Barangaroo Reserve located further north.
- To the east of the site lies Hickson Road, which is fronted by a mix of residential, commercial uses.
- To the south are several commercial buildings within Kings Street Wharf.
- Sydney Harbour is directly west of the site.

3.0 Description of the Development

3.1 Overview

The proposed subdivision seeks consent to create two new lots relating to the Crown Sydney Hotel Resort currently under construction in accordance with SSD 6957.

The SSD Application will seek consent for the staged subdivision of Crown Sydney Hotel Resort lot (Lot 501) to create the following Strata:

- Lot 1 - Crown Sydney Hotel Resort; and
- Lot 2 - Crown residential apartments.

The proposed strata are illustrated in **Figure 3**. Draft plans of subdivision are provided in **Appendix A**. A Draft Section 88B Instrument which sets out the terms of easements associated with the proposed subdivision is provided at **Appendix B**.

It is noted that the proposed allotment numbers used throughout this EIS are also indicative and subject to variation throughout the subdivision registration, post development consent.

No physical works are proposed to be carried out as part of this SSDA. The stratum subdivision will be carried out in a staged manner to reflect the ongoing development of Barangaroo, and in particular, Barangaroo South.

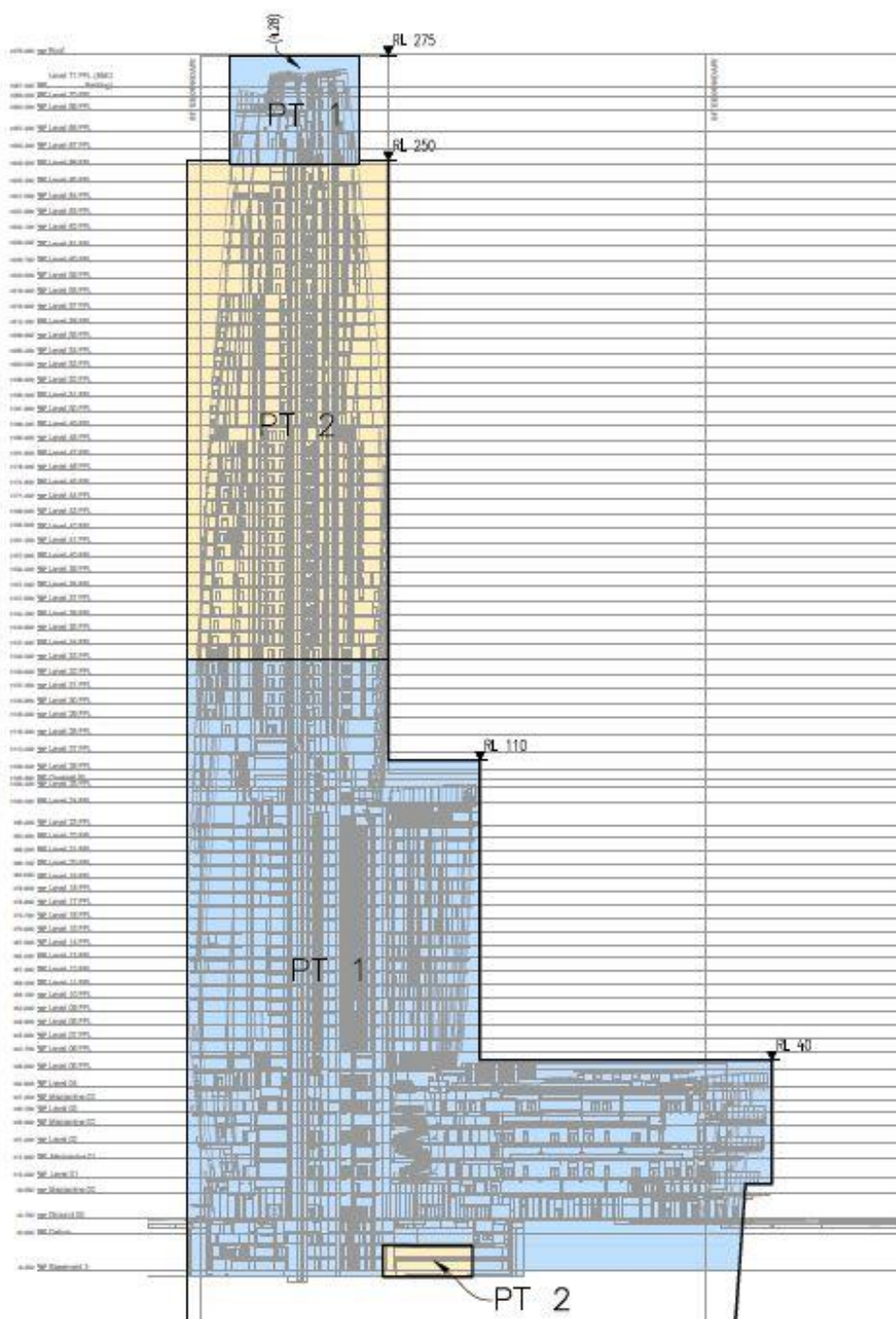


Figure 3 Proposed stratum subdivision plan

Source: Mark John Andrew

3.2 Staged registration

As outlined above, development consent is sought for the staged subdivision of stratum lots within the Crown Sydney Hotel Resort. It is noted that this SSDA is not proposed to be 'staged' in the manner outlined in **Section 4.22** of the EP&A Act, but rather the development consent that allows for the staged registration of the subdivided lots.

The staged subdivision consent will allow for the sequential creation / registration of lots to occur as required to integrate with the construction and occupation program for Barangaroo South without the need for separate ongoing subdivision applications. By necessity, the final sequencing of creation / registration of the lots will be flexible, within the defined subdivision parameters of the approved development and subject to Infrastructure NSW approvals.

4.0 Consultation

In accordance with the requirements of the SEARs consultation has been undertaken with relevant stakeholders as described below.

The City of Sydney Council has been involved in discussions throughout the previous stages of subdivision applications, including the previous subdivision application, SSD 9758 – Fourth Stage Subdivision, which involved the staged subdivision of Lot 400 into (two) lots for the Crown Sydney Hotel Resort (Lot 501, the subject of this application) and a residue allotment.

Crown Sydney Property Pty Ltd has had regular engagement with Ausgrid with regards to the overall management of services to the Crown Sydney Hotel Resort, including services to each proposed stratum lot. No comments have specifically been raised to date regarding this application.

In response to these discussions with government agencies, further detailed information regarding building management has been provided as part of this application in the form of a proposed amendment to the Barangaroo South Building Management Statement (**BMS**) (Refer to **Section 5.5** for further details). Further detail regarding the proposed easements are included within the proposed subdivision plans at **Appendix A** and Draft Section 88B at **Appendix B**.

As noted within **Appendix F**, the process required for approval of the proposed amendment to the currently Registered BMS for Barangaroo South requires extensive consultation and signatures from various stakeholders prior to being approved. These stakeholders include members under the existing BMS such as Infrastructure NSW, Lendlease IMT (LLITST ST and OITST ST), Lendlease (Barangaroo South Co-owner), Lendlease (Daramu House), Lendlease Retail (Barangaroo) R8/R9, Lendlease Retail (Barangaroo) R7, Hualong Investment and the Owners – Strata Plan No. 91649. However it is noted that due to the terms of the Registered BMS, as these parties are not affected by stratum subdivisions within the Crown Sydney Hotel Resort, these parties cannot withhold their consent to amend the BMS as proposed. Infrastructure NSW separately has approval rights under the terms of the Crown Development Agreement.

The application and proposed amendment to the existing registered Building Management Statement will be circulated to the relevant stakeholders mentioned above during the public exhibition period, for their approval and signature. It is noted that a draft version of the proposed updated Building Management Statement (as included at **Appendix G** and **Appendix H**) was issued to Infrastructure NSW for comment, prior to lodgement of this application, and any comments received will be considered and incorporated prior to the approval and registration of the updated BMS.

Consultation with other community stakeholders has been undertaken throughout previous stages of the Crown Sydney Hotel Resort development application and construction. In particular, the following preliminary community stakeholder consultation has been undertaken during the preparation of this application:

- the Millers Point Community Resident Action Group (August 2019)
- the Walsh Bay Precinct Management Associated meetings (Feb 2020)

No comments regarding the proposed application were raised by these stakeholders during this time.

Furthermore, the proposed development will be placed on public exhibition for 30 days in accordance with clause 83 of the *Environmental Planning and Assessment Regulation 2000*. During the public exhibition period Council, State agencies and the public will have an opportunity to make submissions on the project.

5.0 Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the proposed subdivision. It addresses the matters for consideration set out in the SEARs (see **Section 1.5**).

5.1 Relevant EPIs, Policies and Guidelines

The relevant strategies, environmental planning instruments, policies and guidelines as set out in the SEARs are addressed in **Table 2**.

Table 2 Summary of consistency with relevant Strategies, EPIs, Policies and Guidelines

Instrument/Strategy	Comments
Strategic Plans	
NSW 2021	<p>NSW 2021 is a 10-year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen our local environment and communities.</p> <p>The Barangaroo site has an important role in the NSW 2021 Plan as it will assist with achieving multiple goals set out in the Plan, including but not limited to improving the performance of the NSW economy, increasing the competitiveness of doing business in NSW, providing critical infrastructure and building liveable centres.</p> <p>As discussed in Section 1.2, the proposed subdivision will facilitate the delivery of development at Barangaroo. The subdivision of the Barangaroo area will enable the orderly and economic use of the land, directly contributing to Barangaroo achieving the goals discussed above.</p>
A Metropolis of Three Cities	<p>This SSDA is consistent with the Plan for Growing Sydney as it will facilitate the delivery of the envisaged development at Barangaroo, which is identified as one of the key deliverables in achieving Goal 1 of the plan, for “a competitive economy with world-class services and transport”.</p>
Eastern City District Plan	<p>Barangaroo South is identified within the Eastern City District and identifies a number of key priorities and objectives focused on:</p> <ul style="list-style-type: none"> • A productive city; • A liveable city; and • A sustainable city. <p>The Sydney CBD is identified as a strategic centre of the Eastern City district and is a key location due to its concentration of knowledge and professional services jobs in close proximity to a range of public transport options. Relevant to the proposed development, the following priorities are identified for the Central District:</p> <ul style="list-style-type: none"> • Enhancing the CBD’s role as a global leader; • Growing economic activity in centres; and • Improving 30-minute access to jobs and services. <p>The Plan also identifies job targets being between 662,000 – 732,000 in the Eastern City District by 2036. The proposed development will assist in the functional operation of the Crown Sydney Hotel Resort, enabling ongoing employment opportunities to assist in achieving the abovementioned priorities.</p>
Future Transport 2056 Strategy	<p>The Future Transport 2065 Strategy is the 2017 update of the existing NSW Long Term Transport Masterplan. The Strategy sets the vision and strategic direction for Greater Sydney’s transport planning towards 2056. The proposed development remains consistent with the Strategy as it:</p> <ul style="list-style-type: none"> • Assists in the provision of commercial development in a location which benefits from strong connections to public transport; and • Will not impact the ability of Transport for NSW to protect critical strategic growth and transport corridors identified in the Strategy.
Stage Legislation	
EP&A Act	<p>The proposed development is consistent with the objects of the EP&A Act for the following reasons:</p> <ul style="list-style-type: none"> • it reflects the future development of the Barangaroo area for the purpose of promoting the social and economic welfare of the community and a better environment; and

Instrument/Strategy	Comments																																		
	<ul style="list-style-type: none"> it will ensure the promotion and co-ordination of the orderly and economic use and development of land. <p>The proposed development is consistent with Division 4.7 of the EP&A Act, particularly for the following reasons:</p> <ul style="list-style-type: none"> the development has been declared to have state significance; the development is not prohibited by an environmental planning instrument; and the development has been evaluated and assessed against the relevant heads of consideration under section 4.15(1). <p>In accordance with Section 6.5, where an accredited certifier is identified as being able to issue subdivision certificates by an environmental planning instrument, a certifier is able to issue the subdivision certificate.</p>																																		
EP&A Regulations	<p>The EIS has addressed the specification criteria within clause 6 and clause 7 of Schedule 2 of the EP&A Regulation. Similarly, the EIS has addressed the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage (see Section 0).</p> <p>As required by clause 7(1)(d)(v) of Schedule 2, the following additional approvals will either not be required or are not applicable in order to permit the proposed development to occur.</p> <table> <tr> <th>Act</th><th>Approval Required</th></tr> <tr> <td colspan="2">Legislation that does not apply to State Significant Development</td></tr> <tr> <td>Coastal Protection Act 1979</td><td>N/A</td></tr> <tr> <td>Fisheries Management Act 1994</td><td>N/A</td></tr> <tr> <td>Heritage Act 1977</td><td>N/A</td></tr> <tr> <td>National Parks and Wildlife Act 1974</td><td>N/A</td></tr> <tr> <td>Native Vegetation Act 2003</td><td>N/A</td></tr> <tr> <td>Rural Fires Act 1997</td><td>N/A</td></tr> <tr> <td>Water Management Act 2000</td><td>N/A</td></tr> <tr> <td colspan="2">Legislation that must be applied consistently</td></tr> <tr> <td>Fisheries Management Act 1994</td><td>No</td></tr> <tr> <td>Mine Subsidence Compensation Act 1961</td><td>No</td></tr> <tr> <td>Mining Act 1992</td><td>No</td></tr> <tr> <td>Petroleum (Onshore) Act 1991</td><td>No</td></tr> <tr> <td>Protection of the Environment Operations Act 1997</td><td>No</td></tr> <tr> <td>Roads Act 1993</td><td>No</td></tr> <tr> <td>Pipelines Act 1967</td><td>No</td></tr> </table>	Act	Approval Required	Legislation that does not apply to State Significant Development		Coastal Protection Act 1979	N/A	Fisheries Management Act 1994	N/A	Heritage Act 1977	N/A	National Parks and Wildlife Act 1974	N/A	Native Vegetation Act 2003	N/A	Rural Fires Act 1997	N/A	Water Management Act 2000	N/A	Legislation that must be applied consistently		Fisheries Management Act 1994	No	Mine Subsidence Compensation Act 1961	No	Mining Act 1992	No	Petroleum (Onshore) Act 1991	No	Protection of the Environment Operations Act 1997	No	Roads Act 1993	No	Pipelines Act 1967	No
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Roads Act 1993	No																																		
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SEPP 55	The proposed subdivision does not seek to alter the use of the land. Land to which the subdivision applies has already been considered suitable for development from a contamination perspective and has since been developed.																																		
SEPP (Infrastructure)	Two basement stratum lots approved under SSD 7478 are for the purpose of reservation of the CBD Metro corridor (Zone B), as shown on the interim rail corridor map. The proposed development will not impact the future rail corridor and the area to which this subdivision relates is located away from the CBD Metro corridor.																																		
SEPP (State and Regional Development) 2011	The Barangaroo area is identified as a State Significant Site in Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011. The subdivision of land at Barangaroo (other than strata title, community title or certain minor subdivision) is State Significant Development (SSD) for the purposes of the EP&A Act. The proposed subdivision, which comprises stratum subdivision is SSD for the purposes of the EP&A Act.																																		

Instrument/Strategy	Comments	
SEPP (State Significant Precincts) 2005	The Barangaroo area is listed as a State Significant site under Part 12 of Schedule 3 of the State Significant Precincts SEPP. In accordance with Section 16 under Part 12 of Schedule 3, subdivision is permitted within Barangaroo with development consent.	
Draft Environment SEPP	The Draft Environment SEPP relates to the protection and management of our natural environment and seeks to deliver a single planning instrument which will consolidate seven existing SEPPs related to the natural environment, including the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development does not propose any physical works capable of adversely impacting the Sydney Harbour Catchment and is consistent with the key aims of the SEPP which amongst other things, seek to better protect Sydney Harbour and its waterways.	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Clause 20 General	The matters referred to in Division 2 are addressed below.
	Clause 21 Biodiversity, ecology and environment protection	No physical works are proposed as part of this application, therefore there will not be any impact on the Harbour's biodiversity, ecology or environment.
	Clause 22 Public access to, and use of foreshores and waterways	No physical works are proposed as part of this application. The proposed stratum subdivision will not affect the accessibility of the waterway for the public.
	Clause 23 Maintenance of a working harbour	The proposed subdivision supports the redevelopment of the wider Barangaroo site for mixed uses that was assessed as part of the Concept Plan for the site.
	Clause 24 Interrelationship of water and foreshore uses	The proposed development does not propose any physical works and will not have any adverse impacts on the use of waterway for maritime functions.
	Clause 25 Foreshore and waterways scenic quality	The proposed development does not propose any physical works and will not alter the scenic quality of the foreshore and waterways.
	Clause 26 Maintenance, protection and enhancement of views	The proposed development does not propose any physical works and will therefore not adversely impact any views and vistas.
	Clause 27 Boat storage facilities	N/A. No boat storage facilities are proposed.
Foreshores and Waterways DCP	The Foreshores and Waterways DCP does not apply to the Barangaroo area, however is generally consistent with the controls of the DCP which seek to protect ecological and landscape values of Sydney Harbour. Previous project applications for Barangaroo South, including the Stage 1A and Stage 1B Public Domain applications have demonstrated that development at Barangaroo South will have minimal impact on any ecological communities or landscape values. Notwithstanding, the proposed stratum subdivision will not have any adverse impact on any ecological communities and or landscape values.	
Local Planning Instruments and Controls		
Sydney Local Environmental Plan 2012	The Sydney Local Environmental Plan 2012 does not apply to Barangaroo.	
Sydney Development Control Plan 2012	The Sydney Development Control Plan 2012 does not apply to Barangaroo.	

5.2 Consistency with the Barangaroo Concept Plan (Mod 8)

The proposed subdivision is consistent with the Barangaroo Concept Plan (Mod 8). The staged stratum subdivision of the Crown Sydney Hotel Resort contemplated under this SSDA reflects the site use as outlined under SSD6957, which was considered as consistent with the approved Concept Plan.

5.3 Biodiversity

In accordance with the requirements of the *Biodiversity Conservation Act 2016*, an assessment of any State Significant proposal's biodiversity impacts must accompany the Environmental Impact Statement (EIS) for an SSDA, including the provision of Biodiversity Development Assessment Report (BDAR) in instances where it is required.

The Department has previously advised that in instances where it is believed that such an application is not required, a waiver should be requested from the Department prior to lodgement of the application. As the proposed development is considered to have a negligible impact on biodiversity, a waiver request was submitted on 18 March 2020.

On 17 April 2020, a Biodiversity Development Assessment Report waiver for this application was provided by the Department and is included at **Appendix H**. Both the Key Sites Assessment team and the delegated Environment Agency Head in the NSW Environment, Energy and Science Department have outlined the proposed development was not likely to have significant impacts on biodiversity values.

5.4 Utilities

No physical works are proposed as part of this SSDA. All infrastructure and servicing provision for the existing and future development within the lots created have been and will be subject to separate approval. The Infrastructure Management Plan for Barangaroo South is provided at **Appendix E**. The plan satisfies the SEARs in that it provides an outline of the existing capacity, and any augmentation and easement requirements to support the provision of utilities including staging of infrastructure associated with the proposed development.

Crown Sydney Property Pty Ltd will continue to make the necessary arrangements for water supply, electrical supply, communications, sewer and stormwater connections from the relevant suppliers and/or authorities, as required.

5.5 Building Management Statement

It is noted that the SEARs requests the preparation of “a *Building Management Statement addressing the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot*”.

The land comprised within the Crown Sydney Hotel Resort site is already the subject of an existing Building Management Statement, being the building management statement registered with deposited plan 1204948 (Registered BMS). That Registered BMS addresses, amongst other things, the use, operation and arrangements regarding the supply of services, maintenance and upgrading of infrastructure between the various lots comprising Barangaroo South that are bound by the Registered BMS.

The Registered BMS already anticipates the sharing of infrastructure and services (and the sharing of costs) with new members as and when the land at Barangaroo South is gradually subdivided to create new stratum lots and members. In the Registered BMS, the Crown Sydney Hotel Resort site is already anticipated to be a member and is identified as “H1”.

A separate building management statement or strata management statement that relates only the Crown Sydney Hotel Resort cannot be prepared for a number of reasons, including from a legal perspective, that a strata management statement cannot be registered over land the subject of an existing building management statement without that existing building management statement falling away (section 196J of the *Conveyancing Act 1919*).

For this reason, it is proposed that the existing Registered BMS is amended to create a new annexure that would bind only the hotel and residential components of the Crown Sydney Hotel Resort site. The Request form that is intended to be registered to amend the existing Registered BMS to insert a new annexure and a copy of that new annexure is included in support of this EIS at **Appendix G**.

The proposed new annexure to the existing registered BMS attached to the Request is akin to a strata management statement (that would otherwise have been lodged for registration with the strata plan for the residential component of the Crown Sydney Hotel Resort site) governing the ongoing supply of services, maintenance and infrastructure as between the stratum lots comprised in the Crown Sydney Hotel Resort site and creates its own Hotel Resort Building Management Committee, Hotel Resort Shared Facilities and Hotel Resort Shared Costs. It is therefore considered that the requirements outlined within the SEARs have been met, to allow adequate assessment of the building management procedures in relation to the proposed stratum lots. Approval of the updated Building Management Statement can and will be sought concurrent to the assessment of this application.

The letter from Corrs Chambers Westgarth (see **Appendix F**) outlines in further detail a number of procedural and operational considerations with regards to the Registered BMS, and its relationship with the proposed amendment to that BMS the subject of the Request.

6.0 Justification of the Proposal

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

This means that the decision on whether a project can proceed or not needs to be made in the full knowledge of its effects, both positive and negative, whether those impacts can be quantified or not.

The proposed development involves no physical works and merely comprises stratum subdivision to facilitate the future use and management of the Crown Sydney Hotel Resort at Barangaroo. The assessment must therefore focus on the identification and appraisal of the effects of the proposed subdivision on the Barangaroo site.

Various components of the biophysical, social and economic environments have been examined in this EIS and are summarised below.

6.1 Social and Economic

Barangaroo is Sydney's largest redevelopment project undertaken this century and is valued at over \$6 billion. The project will be undertaken over a period of more than 10 years and will provide in excess of \$1.5 billion into the NSW economy annually. The three precincts, South, Central and the Barangaroo Reserve, provide different roles in making Barangaroo a successful showcase of urban renewal.

The proposed stratum subdivision will facilitate the hotel and residential operations of the Crown Sydney Hotel Resort, providing social and economic impact for the large number of visitors, residents and workers.

Specifically, the proposed subdivision of the Crown Sydney Hotel Resort will:

- Assist in attracting workers and visitors to Barangaroo;
- Allow for the ongoing and proper management of the Crown Sydney Hotel Resort and residential apartments;
- Support the continued creation of a world class address; and
- Assist in continuing the development of Barangaroo, and therefore providing a range of employment opportunities during construction and operation.]

There are no considered adverse social or economic impacts as result of the proposed subdivision.

6.2 Biophysical

This SSDA does not propose any physical works. As such, there is no risk that the existing site conditions will be altered by the carrying out of the subdivision of the site. The stratum subdivision of the Crown Sydney Hotel Resort will not result in any biophysical impacts.

6.3 Ecologically Sustainable Development

The EP&A Regulation lists four principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.

An analysis of these principles follows.

Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

This EIS has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal.

Intergenerational equity

Intergenerational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

The proposal has been designed to benefit both the existing and future generations by:

- Facilitating the future delivery of the Crown Sydney Hotel Resort, allowing future generations to appreciate and enjoy the development; and
- Allowing for the logical separation of uses within the Crown Sydney Hotel Resort, providing for recreation areas and employment near housing and other uses.

The overall Barangaroo development will integrate short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations.

The proposed subdivision does not pose any potential short or long term social, financial or environmental impacts.

Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

This EIS has demonstrated that the proposed development will not have any effect on the biological diversity and ecological integrity of the Crown Sydney Hotel Resort site. The proposal does not involve any physical works; therefore, there are no potential impacts on biological diversity and the ecological integrity of the Barangaroo site.

Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources, which may be affected by a proposal, including air, water, land and living things. As no physical works are proposed as part of this SSDA, no environmental resources will be affected and therefore valuations, pricing and incentive mechanisms will not be altered.

7.0 Conclusion

This EIS has been prepared to consider the environmental, social and economic impacts of the proposed stratum subdivision of the Crown Sydney Hotel Resort site. This application seeks to create two new stratum lots within the development, currently under construction in accordance with SSD 6957.

The EIS has addressed the issues outlined in the SEARs (**Appendix C**) and accords with Schedule 2 of the EP&A Regulation with regards to requirements for an environment impact assessment. Having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified for the following reasons:

- The proposed stratum subdivision will assist in fulfilling the strategic vision established for Barangaroo, allowing for the orderly development and operation of the Crown Sydney Hotel Resort;
- The stratum subdivision is consistent with and complies with all the relevant strategic policies, environmental planning instruments, plans and guidelines, including the Barangaroo Concept Plan (Mod 8);
- The stratum subdivision of the Crown Sydney Hotel Resort will assist in the management of future hotel and residential components, which will have a wide range of positive social and economic benefits; and
- There are no adverse environmental, social or economic impacts associated with the subdivision.

Given the merits described above it is requested that the application be approved, with appropriate conditions of consent (as required).