

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6381

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

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

The aims of this SEPP are to identify State significant development and State significant infrastructure and provide the necessary functions to joint regional planning panels to determine development applications.

The proposal is a State significant development pursuant to section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is on land identified as being within the Barangaroo Site on the State Significant Development Sites Map and proposes the subdivision of the site in accordance with Clause 3(2) of Schedule 2 of the SRD SEPP. Therefore, the Minister for Planning is the consent authority.

As stated in Section 3.1 above, clause 10 of the SEPP permits subdivision certificates to be issued by an accredited certifier for a subdivision that is a State significant development. The recommended conditions of consent have been tailored to reflect this provision.

State Environmental Planning Policy (Major Development) 2005 (MD SEPP)

The aims of the MD SEPP are to facilitate the redevelopment of important sites such as Barangaroo for the benefit of the State and provide for the development of major sites for a public purpose. Barangaroo is identified as a State Significant Site in Part 12, Schedule 3 of the MD SEPP. In addition, Schedule 3 of the MD SEPP sets out zoning, height and floor space requirements for each development block within Barangaroo.

Part 12 Division 2 clause 16 stipulates that development consent is required to subdivide land within the Barangaroo site. Clause 16(4) requires that the consent authority before granting consent for stratum subdivision of a building at Barangaroo, consider whether the related building management statement adequately addresses the ongoing maintenance, upgrading, redevelopment and structural adequacy of the part of the building within each proposed stratum lot. This matter has been addressed in **Section 5.4** of this report.

The Department is satisfied that the requirements of clause 16 have been adequately addressed to enable the determination of the application.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Consideration of the relevant clauses in SREP (Sydney Harbour Catchment) 2005 are addressed in **Table 1** below.

Table 1: Consideration of SREP (Sydney Harbour Catchment) 2005

SREP (Sydney Harbour Catchment) 2005	Criteria	Department Assessment	Comment /	Complies
Part 3, clause 17 Zoning W1 Maritime Waters	<ul style="list-style-type: none"> Land is divided into a number of zones as shown on the zoning map. The objectives of the zones are to protect waters required for effective movement of public water transport, allow development that is compatible with and will not affect public water transport and to promote equitable use of the waterway. 	The W1 Maritime Waters zone is adjacent to the subject site. The application does not propose the carrying out of any works in the zone.		N/A
Part 3, clause 18 Development control	<ul style="list-style-type: none"> Development may only be carried out in the W1 Maritime Zone if it outlined in the Table. 	Refer to comments above.		N/A

Part 3, clause 18A Subdivision of Waterways	<ul style="list-style-type: none"> Land zoned W1 may be subdivided if the purpose of the subdivision is to enable the creation of a lot that is, or is to be used for development that is the subject of a project approval under Part 3A of the Act (as relevant). Before granting consent to subdivision, the consent authority must consider whether, and to what extent, the subdivision is likely to result in any reduction in public access to the foreshore or waterways. 	The application does not seek approval to subdivide land zoned W1.	N/A
Part 3, clause 20 Matters for Consideration	<ul style="list-style-type: none"> The matters referred to in Division 3 must be considered by the consent authority before granting development consent under Part 4 of the Act. 	The Department has considered the relevant matters, as detailed below.	YES
Part 3, clause 21 Biodiversity, ecology & environmental protection	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in the clause in relation to biodiversity, ecology and environmental protection 	The subdivision of the land will have no effect on the biodiversity, ecology and environmental protection of the foreshore and waterways areas.	N/A
Part 3, Clause 22 Public access to, and use of, foreshores and waterways	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways. 	The subdivision of the land proposes to delineate the public domain including the foreshore promenade and areas accessible to the public—see Lot 200 on Proposed Plan of Subdivision (Ground Level) which defines the BDA Residual Lot. Proposed Lot 200 will be subject to easements for access, which will secure public access to these areas.	YES
Part 3, Clause 23 Maintenance of a working harbour	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour. 	The application does not propose any physical works and therefore, it will not have an impact on the functioning of the working harbour or maritime activities.	N/A
Part 3, Clause 24 Interrelationship of waterway and foreshore uses	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses. 	Refer to comments for clause 23 above.	N/A
Part 3, Clause 25 Foreshore and waterways scenic quality	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways. 	The proposed plan of subdivision (stratum) reflects the approved built form and public domain layout. This will ensure that views to and from the foreshore and public places are maintained in accordance with the Barangaroo Concept Plan and the Design Principles which underpin the development of the site.	YES
Part 3, Clause 26 Maintenance,	<ul style="list-style-type: none"> The consent authority must take into consideration the matters listed in relation to the 	Refer to comments for Clause 25 above.	YES

protection and enhancement of views	maintenance, protection and enhancement of views.		
Part 3, clause 29 Foreshores & Waterways Development Advisory Committee	<ul style="list-style-type: none"> A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee. 	Subdivision is not listed as a type of development in Schedule 2 which warrants referral to the Advisory Committee.	N/A
Part 4, clause 40 Strategic Foreshores Areas	<ul style="list-style-type: none"> Division 1- Requirements for Masterplans This Division applies to development that is carried out on a strategic foreshore site. 	Barangaroo is identified as a strategic foreshore site on Sheet 1 (City Foreshore Area).	YES
Part 4, clause 41 Requirement for Master Plans	<ul style="list-style-type: none"> Sub-clause 4 identifies that a Master Plan does not have to be prepared for the City Foreshores Areas, as shown on the Strategic Foreshores Sites Map, unless the Minister so directs. 	The Minister has not directed that a Master Plan be prepared. Therefore, the provisions of Part 4 are not applicable to the development. Notwithstanding this, the proposal is generally consistent with Barangaroo Concept Plan and in this regard, will ensure that development is undertaken in an orderly manner.	N/A
Part 5 Heritage Provisions	<ul style="list-style-type: none"> Listed matters to be taken into consideration by the consent authority before granting consent to development under Part 4 of the Act. This Part applies to land and items identified on the Heritage Map. 	There are no heritage items on the Barangaroo site listed in schedule 4 for the SEPP. Therefore, the provisions of Part 5 do not apply.	N/A

Local Environmental Plan(s)

No local environmental plans apply to the site.

Development Control Plans

Consideration of the Sydney Harbour Foreshores & Waterways DCP is provided in **Table 3** below.

Table 3: Summary of Compliance with the Sydney Harbour Foreshores & Waterways DCP

DCP	Key controls	Compliance
Ecological assessment	<ul style="list-style-type: none"> Determination of conservation status, statement of intent and performance criteria. 	The site is not identified on Map 8 as containing any terrestrial or aquatic ecological communities.
Landscape assessment	<ul style="list-style-type: none"> Consideration of landscape character types and performance criteria. 	Barangaroo is not identified as a landscape character type in the DCP or on Map 8 and therefore, the proposal is not assessed against any specified performance criteria.
Design Guidelines (General & Land/water based- as relevant to the proposal)	<ul style="list-style-type: none"> Foreshore access 	Improved levels of public access to the foreshore will result from the Barangaroo development. The proposed plan of subdivision reflects the approved development. Proposed Lot 200 will be subject to easements for access, which will secure public access to the public

	<ul style="list-style-type: none"> • Waterway conflicts • Siting of buildings & structures • Built form • Redevelopment Sites 	<p>domain.</p> <p>N/A – the proposal does not include works within the waterway.</p> <p>N/A – the application does not seek approval for the construction of a building or any physical works. The proposed plans of subdivision reflect the siting/design of approved buildings in Barangaroo South- refer to discussion in section 5 of the report.</p> <p>N/A – the proposal does not include the construction of buildings and therefore, these controls are not relevant considerations.</p> <p>The proposal is consistent with the requirements of Section 5.11 in that the subdivision layout creates Lot 200 (BDA Residual Lot) which incorporates the public domain and will provide for public access to and along the foreshore.</p>
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APPENDIX C

Planning History

Barangaroo Concept Plan MP 06_0162

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

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

The capital investment value (CIV) of the approved Concept Plan was \$1.5 billion with up to 16,000 operational jobs. The approved layout is shown in **Figure 1** below.

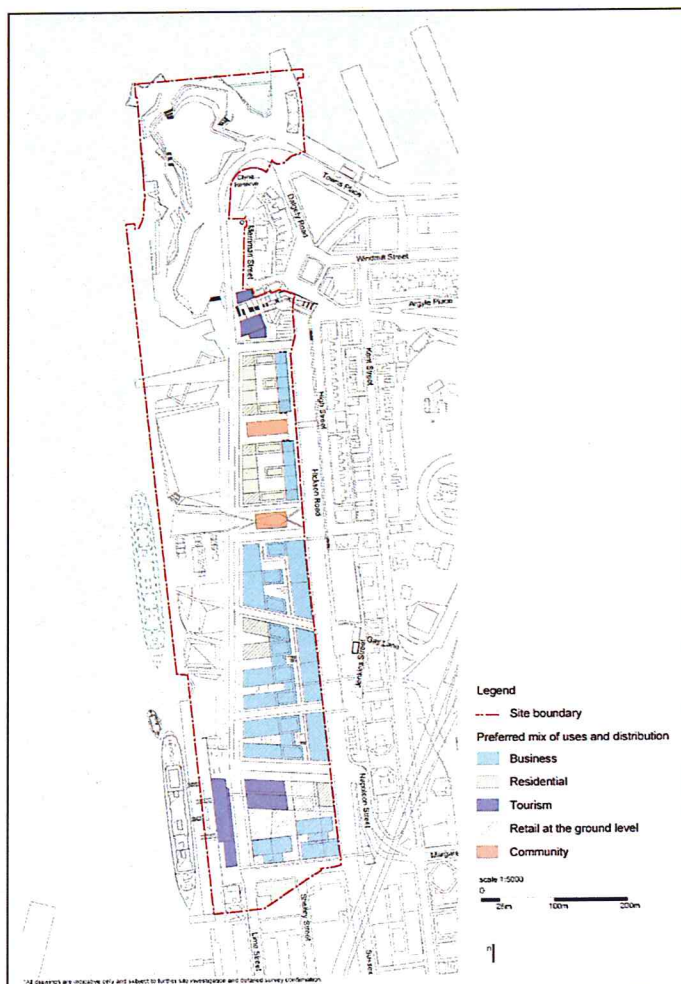


Figure 1: Original Concept Plan Layout and Land Use Matrix

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

MP 06_0162 MOD 1

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

MP 06_0162 MOD 2

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

MP 06_0162 MOD 3

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

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

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 m² (comprising 489,500 m² of mixed uses and 11,500 m² for the passenger terminal and active uses in the open space zone).

MP 06_0162 MOD 4

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

- A maximum of 563,965 sqm mixed uses GFA, including residential, commercial and retail uses which includes:
 - a maximum of 128,763 sqm of residential uses
 - a maximum of 50,000 sqm of tourist uses GFA; and
 - a maximum of 39,000 sqm of retail GFA.
- A maximum of 4,500 sqm of active uses GFA (3,000 sqm of which will be in Barangaroo South); and
- A minimum of 12,000 sqm of community uses GFA (10,000 sqm of which will be in Barangaroo South);

- Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open space serving separate recreational functions and includes a 2.2 km public foreshore promenade;
- Built form principles, maximum building heights and GFA for each development block within the mixed use zone;
- Public domain landscape concept including parks, streets and pedestrian connections; and
- Alteration of the existing seawalls and creation of a portion of the new shoreline to the Harbour.

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

MP 06_0162 MOD 5

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

MP06_0162 MOD 6

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

- The realignment of the development block boundaries for Blocks 3, 4A and 4B;
- Revisions to the Urban Design Controls to reflect the changes to the Block boundaries for Blocks 3, 4A and 4B;
- Change the requirement for a 'minimum' of 12,000 sqm of community uses gross floor area (GFA) to be delivered to a 'maximum';
- Allow architectural roof elements and building management units to be excluded from the maximum height limit definition; and
- Specify the car parking rates for 'other' uses thus removing the requirement to comply with City of Sydney Council's current car parking rates.

On 25 March 2014, the Planning Assessment Commission approved the application.

MP06_0162 MOD 7

This modification sought approval for the construction, operation and maintenance of a concrete batching plant to supply concrete for the construction of future development under this Concept Plan at Barangaroo South. The application was approved under delegation by the Executive Director, Development Assessment Systems and Approvals on 11 April 2014.

APPENDIX D SUPPLEMENTARY INFORMATION

APPENDIX E GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, 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. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*
that apply to the land to which the development application relates,
- (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,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
 - (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*
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