

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 79C(a)(i) and Section 79C(a)(ii) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

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

- *State Environmental Planning Policy (State & Regional Development) 2011*;
- *Sydney Cove Redevelopment Authority Scheme*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No.55 Remediation of Land*;
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; and
- *Sydney Harbour Foreshores and Waterway Area DCP 2005 (DCP)*.

Note: Clauses within the above EPIs and DCPs that are not relevant to the application or have been considered in Section 5 of this report have been omitted from the below assessment.

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

The development is SSD under clause 2(h) of Schedule 2 of the SRD SEPP, as it is a development in The Rocks area that has a CIV of more than \$10 million.

Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)

Campbell's Stores is located within Site XXVII under the provisions of the SCRA Scheme and includes 'Commercial' and 'Special' land uses as permissible for the site.

The Campbell's Stores is currently used for restaurants which is permissible under 'Commercial' uses. The proposal does not include the use of the site and any future uses will be subject to separate development applications. Notwithstanding, it is envisaged that the site will continue to operate as a restaurant premises.

The Department is satisfied the proposal is consistent with the aims and objectives of the SCRA Scheme.

State Environmental Planning Policy No 55 – Remediation of Land

The site does not have a history of contamination and the proposal does not involve a change of use. The site is therefore considered suitable for the ongoing use of the building and public domain.

State Environmental Planning Policy (Infrastructure) 2007

The site is identified on the 'Interim Rail Corridor – CBD Rail Link and CBD Metro map and involves shoring and excavation within the corridor. Pursuant to clause 88(3) written notice of the application was given to TfNSW.

TfNSW has provided comments to the Department requiring the Applicant to provide detailed plans and documentation to TfNSW and Sydney Trains to their satisfaction, and preparation of a Construction, Pedestrian and Traffic Management Plan with the CBD Coordination Office within TfNSW and RMS. The Department supports these conditions and has recommended their imposition accordingly.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP)

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

Table 6: Consideration of SREP (Sydney Harbour Catchment) 2005

SREP (Sydney Harbour Catchment) 2005	Criteria	Department Assessment	Comment /	Complies
Part 1, clause 3 (2)(c1)	<ul style="list-style-type: none"> Land to which the plan applies. Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Sydney Opera House Buffer Zone, as shown on the Sydney Opera House Buffer Zone Map. 	<ul style="list-style-type: none"> The proposed works are located within the SOH Buffer Zone as identified on the relevant map. 		YES
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. However, the SCRA Scheme does not zone the land. 	<ul style="list-style-type: none"> Although the W1 Maritime Waters zone is adjacent to the site, no works will be carried out in the zone. 		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. 	<ul style="list-style-type: none"> The Department has considered the relevant matters 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. 	<ul style="list-style-type: none"> The proposal would have a negligible impact on biodiversity, ecology or the natural environment. 		YES
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. 	<ul style="list-style-type: none"> Public access along the foreshore would be enhanced and public access to the waterway would similarly be improved through new east/west pedestrian access routes. 		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. 	<ul style="list-style-type: none"> The proposal would not impact on the maintenance of a working harbour. 		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. 	<ul style="list-style-type: none"> The proposal does not include any opportunities for waterway access and would not impact on the use of the waterway. 		N/A

Part 3, Clause 25 Foreshore and waterways scenic quality	<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. 	<ul style="list-style-type: none"> The proposed works will improve the scenic quality of the foreshore and waterway. 	YES
Part 3, Clause 26 Maintenance, protection and enhancement of views	<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 views. 	<ul style="list-style-type: none"> The proposal will make substantial improvements to views. 	N/A
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. 	<ul style="list-style-type: none"> The proposed development is of a type that does not require referral to the Advisory Committee. 	N/A
Part 4, clause 40 Strategic Foreshores Areas	<ul style="list-style-type: none"> Division 1 - Requirements for Master plans. This Division applies to development that is carried out on a strategic foreshore site. 	<ul style="list-style-type: none"> The site identified as a strategic foreshore site on Sheet 3 (City Foreshore Area). The Minister has not directed a master plan for the land be prepared. 	YES
Part 5 Division 3A Sydney Opera House	<ul style="list-style-type: none"> Clause 58A outlines this division applies to the Sydney Opera House buffer zone, as outlined on the Sydney Opera House Buffer Zone Map. Clause 58B outlines matters taken into consideration for development in the Sydney Opera House buffer zone to protect the World Heritage Value of the site. Clause 58C outlines parameters for minor development in which this division does not apply. 	<ul style="list-style-type: none"> The Department's assessment in Section 5.1 of this report concluded the proposal would not adversely impact on the world heritage significance of the SOH. 	YES

Conservation Management Plan 2014	Department Comment / Assessment
<p>Policy 1</p> <p>The future use of Campbell's Stores should be consistent with its outstanding cultural significance, should not impact on significant fabric and spaces, and should provide for public access to the building.</p>	<p>The proposal does not include the use of the Campbell's Stores however, it is envisaged that the building would continue to be used for restaurants, café's or retail in accordance with the SCRA Scheme. The proposal will not adversely impact upon the significant fabric of the building and will improve public access to and within the building.</p>
<p>Policy 8</p> <p>Significant fabric should be conserved using conservation processes appropriate to the assessed level of significance. Restoration and reconstruction should aim to recover or reveal significance.</p>	<p>The main elements including the standstone walls, timber post and beam structures, internal walls and floors will be retained and restored where required.</p>
<p>Policy 9</p> <p>Fabric identified as Intrusive should be removed where this would recover significance, or replaced in more appropriate materials and/or finishes.</p>	<p>The CMP identifies the sail ship masts and shade canopy along the eastern forecourt, the Bay X wall duct and the lightweight structure at Bay 12 as intrusive elements. The proposal seeks to remove these items and replaced with more sympathetic items.</p>
<p>Policy 11</p> <p>External alterations or additions should be discouraged; however, if required to meet approved interpretation, re-use or cultural tourism requirements, these should be of a minor nature, and subservient to the primary architectural features and composition of the existing structure. New works should not obscure significance.</p>	<p>The proposal seeks to replace the intrusive ship masts and canopy with a glass awning to the eastern forecourt dining area. The proposal will improve amenity for customers and views to and from the harbour foreshore. The Bay 12 landscaped terrace will similarly improve views to the harbour foreshore from Hickson Road.</p> <p>Both items have been setback from the Campbell's Stores and improve the permeability to the original fabric of the building.</p>
<p>Policy 13</p> <p>An appropriate physical and visual setting should be maintained for Campbell's Stores by allowing no development within the setting that would adversely impact on the place or on views to and from the place.</p>	<p>As noted above, the proposed shade structure to the eastern forecourt dining area will be setback 3 m from the building with three sections attached over the building entry points. Similarly, the Bay 12 terrace is separated from Bay 11 and improves permeability to the building.</p> <p>The proposed works significantly improves views to and from the site.</p>
<p>Policy 14</p> <p>As a necessary minimum, the ongoing maintenance should include works that will ensure that each element retains its current level of significance and not allow the loss of significance due to the deterioration of fabric.</p>	<p>The proposal includes the restoration of deteriorated fabric. Notwithstanding, the Department has recommended a condition requiring the Applicant prepare a Conservation Program prepared in consultation with SHFA and NSW Heritage.</p>
<p>Policy 17</p> <p>No external alterations or additions should occur to the Campbell's Stores building including minor additions for services.</p>	<p>In order to minimise impacts on the roof form of Bays 1 to 10, the proposal seeks to create openings to the corrugated iron roof of Bay 11 for the proposed mechanical ventilation system. The proposed works do not include the installation of any ducts that protrude above the roof plane.</p>
<p>Policy 18</p> <p>Any new development must respect the cultural significance of the property and its setting and not destroy or obscure historical associations. The introduction of new fabric should be undertaken in such a manner that it does not result in a lessening of the cultural significance of the place. New work should</p>	<p>As discussed in Section 5.3, the proposed works are sympathetic to the heritage value of the building and seek to enhance the significant fabric and spaces.</p>

be identifiable as such and should, wherever possible, be capable of being removed without damage to significant fabric or spaces.	
Policy 19 The extension or alteration of existing services in Campbell's Store is acceptable in the context of re-use, but should not have a detrimental impact to the significance of the building components as a whole.	The proposal seeks to centralise existing services and amenities within three Bays (Bays 3, 6 and 9) to minimise impacts on the heritage fabric of the building.
Policy 20 Plant and equipment should be discreetly located and is not to impact on the significant roofscape of the Stores. Ideally plant and equipment should be contained within existing ancillary structures and not impede on the original building envelope.	Plant and equipment has been located within the existing building. Roof vents have been proposed to Bay 11 where existing plant is located. However, there will be no ductwork protruding above the roof line.
Policy 25 Any potentially encountered Aboriginal archaeological resources should be conserved in accordance with the requirements of the <i>NSW National Parks and Wildlife Act 1979</i> and their potential for interpretation considered.	The proposed works will be undertaken in accordance with the recommendations contained within the archaeology report prepared by Austral Archaeology, dated 1 September 2015 (see Appendix A).
Policy 26 Any potential archaeological resources on the property should be conserved in accordance with the requirements of the <i>NSW Heritage Act 1977</i> and their potential for interpretation considered.	The Department has recommended a condition requiring any artefacts recovered from the site be appropriately recovered and restored.
Policy 27 Where the site is identified as having archaeological potential all excavation should be carried out under supervision by a qualified archaeologist. Appropriate permits should be sought from the NSW Heritage Council prior to the commencement of works.	The Department has recommended a condition requiring that all works be in accordance with the Austral Archaeology report, dated 1 September 2015. In addition, the nominated excavation director must meet the criteria outlined by NSW Heritage.

Sydney Harbour Foreshores and Waterway Area DCP 2005

The site of the building is within the defined Foreshores and Waterways Area and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment and design guidelines for development within the area.

The site does not contain any threatened species or their habitat. The proposal includes the removal of one tree located in Bay 12, however it is consistent with the landscape aims and performance criteria within the DCP as it will retain the significant fig tree at the northern end of the site and provide six new street trees along Hickson Road.

The proposal is consistent with built form guidelines as it maintains the existing siting and orientation of the building, improves foreshore access, has a positive visual impact when viewed from the water and is sympathetic to the heritage significance of the building and The Rocks Area.