

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Relevant EPIs and DCPs:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (State Significant Precincts) 2005;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No.64 – Advertising and Signage;
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Sydney Harbour Foreshores and Waterway Area DCP 2005.

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 & Regional Development) 2011

The aims of this SEPP are to identify SSD and State significant infrastructure and provide the necessary functions to joint regional planning panels to determine development applications. The proposal is a SSD pursuant to section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development at Barangaroo with a CIV in excess of \$10 million, under clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning is the consent authority for the development.

State Environmental Planning Policy (State Significant Precincts) 2005

The aims of this 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 listed as a State Significant Site under Part 12 of Schedule 3 of the SSP SEPP.

It is intended that the SEPP be amended and MOD 8 subsequently be determined. As discussed at **Sections 1.5 and 3.2**, the Department considers it appropriate that the current SSD application be assessed in accordance with the final recommendations for MOD 8.

The relevant design excellence provisions of clause 19 of Part 12 of the SSP SEPP have been considered at **Section 5.2.2**.

In light of the above, the Department considers that the proposed development will be consistent with MOD 8.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to provide a State wide approach to the remediation of contaminated land. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required;
- the relevant considerations for consent to carry out remediation work; and
- that remediation works undertaken meet certain standards and notification requirements.

As the proposed development requires consent under the provisions of clause 3 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*, the proposed works are classified as 'Category 1' works under clause 9 of SEPP 55, and the Applicant must obtain consent before undertaking the remedial works.

Clause 7 of the SEPP prevents a consent authority from issuing development consent unless it has considered whether:

- the subject site is contaminated;
- a contaminated site is suitable for its proposed use in its current state, or will be suitable following remediation; and
- it is satisfied that the site will be remediated before the land is used for the purpose proposed under the application.

A RAP has been prepared by Environ and submitted with the application. The RAP Addendum has been endorsed by an independent EPA-accredited Site Auditor (Mr. Graeme Nyland). The Site Auditor has confirmed that the changes are largely administrative in nature, do not amend the technical content, the recommended remediation strategy or the approach to validation. The Site Auditor has stated that his original Site Audit Report and Site Audit Statement can be relied upon as being relevant to the revised RAP and that on the completion of the remediation and validation an updated Site Audit Statement will be provided.

The proposed remediation works will be undertaken in accordance with the abovementioned RAP (as amended) and the supporting detailed HHERA.

The Department's assessment concludes that the RAP and HHERA can be relied upon to ensure that the land would be remediated in accordance with the requirements of SEPP 55 and to ensure the land is made suitable for its intended future uses, subject to conditions (refer to **Section 5.8**). The Department's assessment therefore concludes that the proposal is consistent with the relevant provisions of SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64- Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table 13** below demonstrates the consistency of the proposed signage with these assessment criteria (future signs with the proposed signage zones will be subject to separate future planning applications).

Table 13: SEPP 64 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are appropriately located and integrated into the design and appearance of the building. The inclusion of building and business identification signage is common for tower buildings/developments.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs follow a consistent theme throughout the development.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signs would not detract from the amenity or visual quality of the surrounding area.	Y

3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signs are integrated with the proposed building and would not result in any obstruction of views. As discussed at Section 5.7 , the location and content of the signs would not otherwise compromise important views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed roof level Crown logo signs are located below the parapet line of the building and would not dominate the skyline.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not impact upon the viewing rights of other advertisers.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are proportionate to the scale of the building.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage zones would contribute to the visual interest of the building by contributing to the identification and recognition of site.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs are considered to be sympathetic to the architectural treatment of the building.	Y
Does the proposal screen unsightliness?		N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs do not protrude above the parapet line of the building.	Y
Does the proposal require ongoing vegetation management?	The signs would not require ongoing vegetation management.	Y
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs have been designed to be fully compatible with the proposed building and its architecture. Importantly the signs have been placed so as to allow suitably identification for future uses without causing visual clutter.	Y
Does the proposal respect important features of the site or building, or both?	The signs have been located in the most architecturally appropriate locations to assist in place identification and wayfinding.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been fully integrated with the building architecture.	Y
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The Crown logo has been designed to be an integral part of the signage.	Y
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians,	The illumination of signs and signage zones would not result in unacceptable glare.	Y

vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination would not detract from existing amenity.	Y
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The intensity of the illumination is not able to be adjusted and would not be subject to a curfew. This is acceptable given the circumstances of the site and its location adjacent to the CBD	Y
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs would not obscure sightlines to or from public areas.	Y
Would the proposal reduce safety for any public road?	The signs are not considered to be out of proportion given the scale of the development. Illumination would not consist of flashing, blinking or intermittent lights. The signs would not reduce safety for any public road	Y

State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

The Department has assessed the proposal against the aims and objectives of SEPP 65 below:

SEPP 65	Department's Response
Proposed Principle	
1. Context and Neighbourhood Character	The proposal is consistent with the use and built form requirements of the Concept Plan (as modified) and with the existing and desired future character of the locality as discussed in Section 5.3 . The proposal will have acceptable impacts on the amenity of existing and future adjoining development.
2. Built Form and Scale	The proposal is consistent with the building envelope parameters set by the Concept Plan (as modified) and the height and general scale of the development is appropriate within its city edge locality. The scale of the development is compatible with existing developments adjoining the site and the other buildings within the Barangaroo precinct as discussed in Section 5.2 . The development is considered to be of a high standard of architectural design and appearance and achieves design excellence as discussed in Section 5.3 . The development has an appropriate relationship with nearby heritage items and conservation areas.
3. Density	The building is considered to be of an appropriate density and scale and is consistent with the gross floor area controls of the Concept Plan (as modified).
4. Sustainability	A BASIX certificate was provided with the proposal and demonstrates that the proposed development meets the BASIX water, thermal and energy efficiency targets. Further, Ecologically Sustainable Development principles have been incorporated into the proposal and the proposal will be considered under the Green Star Custom Tool (minimum 6 Star Green Star rating) and NABERS (achieving a minimum 5 star hotel rating).
5. Landscape	The proposal includes a landscaped roof at level nine and public domain improvements. The landscaped design will provide a high level of amenity for residents, employees and visitors and ties into the overall landscaping of the Barangaroo precinct.
6. Amenity	The proposal generally complies with the principles of SEPP 65 and the

	recommended standards of the ADG in terms of achieving satisfactory residential amenity. The proposed apartments will achieve satisfactory levels of privacy, private open space, solar access and natural ventilation.
7. Safety	The building has been designed to provide passive and active surveillance of the surrounding public domain. Security access is provided for pedestrian entry into the residential building and vehicular entry to the basement.
8. Housing Diversity and Social Interaction	The proposal does not include affordable housing. However, affordable housing is proposed to be provided within Block 4 of the Barangaroo precinct. The proposal provides a mix of apartment sizes to cater for a range of residents.
9. Architectural Expression	The proposal demonstrates a high standard of architectural design, which provides for a unique and iconic building that achieves design excellence. The proposal also includes an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building.

An assessment of the proposal against the ADG best practice design principles is provided below:

ADG – Relevant Criteria	Proposal	Consistency?												
3B Orientation														
<ul style="list-style-type: none"> Building type/layouts respond to streetscape, optimising solar access Overshadowing of neighbouring properties is minimised 	<ul style="list-style-type: none"> The proposed building is consistent with the Concept Plan (as modified). Overshadowing is minimised (refer to Section 5.6.3). 	Yes												
3C Public Domain Interface														
<ul style="list-style-type: none"> Transition between public/private without compromising security Amenity of public domain is retained and enhanced 	<ul style="list-style-type: none"> Active frontages are provided at all street frontages and the waterfront promenade. Residential and hotel lobbies are easily identifiable. Suitable public domain/landscaping provided. 	Yes												
3D Communal and Public Open Space														
<ul style="list-style-type: none"> minimum 25% of the site minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter 	<ul style="list-style-type: none"> Residents will have access to the 1,900sqm landscaped pool deck, which is approximately 30% of the site area. The pool deck will receive direct sunlight for 4 hours in mid-winter. 	Yes												
3E Deep Soil Zones														
<ul style="list-style-type: none"> For sites greater than 1,500sqm a minimum of 7% to 15% of the site should provide for deep soil zone(s) 	<ul style="list-style-type: none"> No deep soil area is provided. 	No Refer to Section 5.6.1												
3F Visual Privacy														
<ul style="list-style-type: none"> Minimum separation distance from building to side boundary: <table border="1" data-bbox="151 1742 730 2027"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<ul style="list-style-type: none"> The proposed building is consistent with the Concept Plan (as modified). 16m separation between the podium and the R4a building envelope. 27m between the mid-rise tower and the R4a building envelope. 56m between the tower and the R4a building envelope. 	Yes
Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
3G Pedestrian Access to Entries														
<ul style="list-style-type: none"> Building entries and pedestrian access 	<ul style="list-style-type: none"> Entries and pedestrian access 	Yes												

<ul style="list-style-type: none"> connects to and addresses the public domain • Access, entries and pathways are accessible and easy to identify • Large sites provide pedestrian links for access to streets and connection to destinations 	<ul style="list-style-type: none"> connects to and addresses the public domain. • Entries are well located, designed and easily identifiable. • The proposal includes pedestrian links through the podium connecting surrounding public domain and streets. 	
3H Vehicle Access		
<ul style="list-style-type: none"> • Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. 	<ul style="list-style-type: none"> • Vehicle access is provided from Barangaroo Avenue. • Appropriate sight lines are achieved. • Car park entry is well designed and integrated into the design of the podium • Pedestrians/cyclists are separated from traffic. 	Yes
3J Bicycle and Car Parking		
<ul style="list-style-type: none"> • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less • Parking is available for other modes of transport • Car parking design access is safe and secure • Visual and environmental impacts of underground, at grade or above ground car parking are minimised 	<ul style="list-style-type: none"> • 610 car parking spaces provided, comprising: <ul style="list-style-type: none"> ○ 500 non-residential, including 250 valet and 250 self-parking; and ○ 110 residential spaces. • No above ground car parking provided. • A total of 188 bicycle parking spaces, comprising: <ul style="list-style-type: none"> ○ 83 secure non-residential spaces; ○ 68 secure residential spaces; and ○ 37 visitor spaces within the public domain. 	Yes
4A Solar and Daylight Access		
<ul style="list-style-type: none"> • Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area • Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter • Shading and glare control is provided 	<ul style="list-style-type: none"> • 52 (78.78%) of apartments achieve a minimum of 2 hours of sunlight between 9am and 3pm in mid-winter. • No (0%) apartments have a solely south facing aspect. 	Yes
4B Natural Ventilation		
<ul style="list-style-type: none"> • At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) • Overall depth of a cross-over or cross-through apartment does not exceed 18m 	<ul style="list-style-type: none"> • Due to the semi-circular shape of the tower layout all apartments (100%) are naturally cross ventilated. • No cross-over / cross-through apartments proposed. 	Yes
4C Ceiling Heights		
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> - Habitable rooms 2.7m - Non-habitable rooms 2.4m 	Ceiling heights meet or exceed the recommended minimums.	Yes
4D Apartment Size and Layout		
<ul style="list-style-type: none"> • Minimum apartment sizes <ul style="list-style-type: none"> - Studio 35sqm - 1 bedroom 50sqm - 2 bedroom 70sqm - 3 bedroom 90sqm • Every habitable room must have a window in an external wall with a total glass area of not 	<ul style="list-style-type: none"> • All apartment sizes exceed the minimum guidelines • Not all apartments meet the ceiling height to room depth ratio habitable room depth requirement. • Some apartments have a habitable room depth between 9-10.5m from a 	No Refer to Section 5.6.1

<p>less than 10% of the floor area. Daylight and air may not be borrowed from other rooms</p> <ul style="list-style-type: none"> • Habitable room depths are limited to 2.5 x the ceiling height • In open plan layouts the maximum habitable room depth is 8m from a window • Master bedroom have a minimum area of 10sqm and other bedrooms have 9sqm • Bedrooms have a minimum dimension of 3m (excluding wardrobes) • Living rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and one bed - 4m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4m internally. 	<p>window.</p> <ul style="list-style-type: none"> • Bedrooms and living rooms meet or exceed minimum dimensions. • Apartments meet minimum internal widths. 	
<p>4E Private Open Space and Balconies</p>		
<ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - Studios apartments min area 4sqm - 1 bedroom min area 8sqm min depth 2m - 2 bedroom min area 10sqm min depth 2m - 3 bedroom min area 12sqm min depth 2.5m • For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety 	<ul style="list-style-type: none"> • All balcony sizes meet or exceed the area and depth guidelines. • There are no ground floor level apartments. • All balconies are integrated into the architectural form/detail of the building. • Balcony design avoids opportunities for climbing and falls. 	<p>Yes</p>
<p>4F Common Circulation and Spaces</p>		
<ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated 	<ul style="list-style-type: none"> • Between three and six apartments are provided off each circulation core. • A total of 66 apartments are served by four lifts. • Natural ventilation and light is provided to the residential internal corridor/circulation areas. • The residential lobbies and circulation spaces provide opportunities for interaction. • Corridors are not excessively long. 	<p>Yes</p>
<p>4G Storage</p>		
<ul style="list-style-type: none"> • The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> - Studio apartments 4m³ - 1 bedroom apartments 6sqm - 2 bedroom apartments 8sqm - 3 bedroom apartments 10sqm 	<ul style="list-style-type: none"> • Residential storage exceeds the minimum guidelines. 	<p>Yes</p>
<p>4H Acoustic Privacy and 4J Noise and Pollution</p>		
<ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	<ul style="list-style-type: none"> • Noise transfer is minimised through the appropriate layout of the building. • Apartments are appropriately stacked and laid out to prevent noise transfer. 	<p>Yes</p>
<p>4K Apartment Mix</p>		
<ul style="list-style-type: none"> • Provision of a range of apartment types and 	<ul style="list-style-type: none"> • A variety of apartment sizes and 	<p>Yes</p>

<ul style="list-style-type: none"> sizes Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> types are accommodated and appropriately located within the building. The apartments are logically located within the building. 																			
4L Ground Floor Apartments																				
<ul style="list-style-type: none"> Street frontage activity is maximised where ground floor apartments are located Design of ground floor apartments delivers amenity and safety for residents 	<ul style="list-style-type: none"> N/A 	N/A																		
4M Facades																				
<ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area Building functions are expressed by the facade 	<ul style="list-style-type: none"> The proposal achieves a high standard of architectural design and will positively contribute to the Barangaroo precinct and city skyline. The retail and residential uses are externally expressed in the design of the building. 	Yes																		
4N Roof Design																				
<ul style="list-style-type: none"> Roof treatments are integrated into the building design and positively respond to the street Opportunities to use roof space for accommodation and open space is maximised Roof design includes sustainability features 	<ul style="list-style-type: none"> The roof design of the building is architecturally expressed and visually interesting. Residents have access to the landscaped podium roof area (pool deck). 	Yes																		
4O Landscape Design and 4P Planting on Structures																				
<ul style="list-style-type: none"> Landscape design is viable and sustainable Landscape design contributes to streetscape and amenity Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) Plant growth is optimised with appropriate selection and maintenance Building design includes opportunity for planting on structure 	<ul style="list-style-type: none"> Landscaping includes a mixture of native and non-native plants and small trees. Planting and furniture is provided within the public domain and on the podium roof. 	Yes																		
4Q Universal Design																				
<table border="1"> <thead> <tr> <th>Universal Design Guidelines (20% of apartments)</th> <th>SSDA 6376</th> </tr> </thead> <tbody> <tr> <td>Safe and continuous levelled path to entrances</td> <td>Compliant</td> </tr> <tr> <td>Accessible entry door with a minimum 820mm clear opening width and a step-free threshold</td> <td>Compliant</td> </tr> <tr> <td>Level landing area of 1200mm x 1200mm at the entrance door</td> <td>Compliant</td> </tr> <tr> <td>Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces</td> <td>Compliant</td> </tr> <tr> <td>Internal corridors with a minimum of 1000mm clear width.</td> <td>Compliant</td> </tr> <tr> <td>Step free shower recess</td> <td>Compliant</td> </tr> <tr> <td>Bathroom wall is reinforced for grab rails around the toilet, shower and basin</td> <td>Compliant</td> </tr> <tr> <td>A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> minimum clear width of 900mm between walls minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing) </td> <td>Compliant</td> </tr> </tbody> </table>		Universal Design Guidelines (20% of apartments)	SSDA 6376	Safe and continuous levelled path to entrances	Compliant	Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant	Level landing area of 1200mm x 1200mm at the entrance door	Compliant	Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces	Compliant	Internal corridors with a minimum of 1000mm clear width.	Compliant	Step free shower recess	Compliant	Bathroom wall is reinforced for grab rails around the toilet, shower and basin	Compliant	A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> minimum clear width of 900mm between walls minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing) 	Compliant	Yes
Universal Design Guidelines (20% of apartments)	SSDA 6376																			
Safe and continuous levelled path to entrances	Compliant																			
Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant																			
Level landing area of 1200mm x 1200mm at the entrance door	Compliant																			
Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces	Compliant																			
Internal corridors with a minimum of 1000mm clear width.	Compliant																			
Step free shower recess	Compliant																			
Bathroom wall is reinforced for grab rails around the toilet, shower and basin	Compliant																			
A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> minimum clear width of 900mm between walls minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing) 	Compliant																			
<ul style="list-style-type: none"> A variety of apartments with adaptable designs are provided Apartments layouts are flexible and accommodate a range of lifestyle needs 	<ul style="list-style-type: none"> All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs. 																			

4S Mixed Use		
<ul style="list-style-type: none"> • Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement • Residential levels are integrated within the development, safety and amenity is maximised. 	<ul style="list-style-type: none"> • The development addresses the street and public open spaces and pedestrian thoroughfares and active frontages are provided. • Residential circulation areas are clearly defined and access to communal open space is provided. 	Yes
4T Awning and Signage		
<ul style="list-style-type: none"> • Awnings are well located and complement and integrate with the building • Signage responds to the context and design streetscape character 	<ul style="list-style-type: none"> • Awnings are incorporated into the design of the building and appropriately located. • Signage complies with SEPP 64. • Applications for future signage within the signage zones will be submitted. 	Yes
4U Energy Efficiency		
<ul style="list-style-type: none"> • Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation 	<ul style="list-style-type: none"> • The development meets BASIX water, thermal and energy efficiency targets. • The development will achieve a minimum 5 Star Green Star Custom rating. • The hotel component will achieve a minimum 4 star NABERS hotel energy rating. 	Yes
4V Water Management and Conservation		
<ul style="list-style-type: none"> • Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into the site design 	<ul style="list-style-type: none"> • Water efficient fittings and appliances will be installed. • A Water Sensitive Urban Design strategy has been prepared. 	Yes
4W Waste Management		
<ul style="list-style-type: none"> • Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity • Domestic waste is minimised by providing safe and convenient source separation and recycling 	<ul style="list-style-type: none"> • Waste storage is provided at basement level in convenient locations. • Separate waste and recycling containers will be provided and will be managed by the building manager. 	Yes
4X Building Maintenance		
<ul style="list-style-type: none"> • Building design detail provides protection from weathering • Systems and access enable ease of maintenance • Material selection reduced ongoing maintenance cost 	<ul style="list-style-type: none"> • The building has been appropriately designed to allow ease of maintenance. • The materials are robust. 	Yes

State Environmental Planning Policy (Infrastructure) 2007

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

The proposal satisfies the criteria for traffic generating development under clause 104 of the SEPP and therefore must be referred to RMS (apart of Transport for NSW) for comment.

The proposal was referred to the Transport for NSW for comment in accordance with the ISEPP and their comments are summarised in **Section 4** of this report. The proposal is considered to be consistent with the ISEPP given the consultation and consideration of the issues raised by TNSW has been undertaken in the Department's assessment in **Section 5** of this report.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

Consideration of the relevant clauses in SEPP (Miscellaneous Consent Provisions) 2007 are addressed in **Table 14** below:

Table 14: Consideration of SEPP (Miscellaneous Consent Provisions) 2007

SEPP Provisions	Criteria	Department Comment / Assessment	Complies
Part 1, clause 3 Aims, objectives	This policy aims to ensure suitable provision is made to ensure the safety of patrons and the protection of the environment in relation to temporary structures.	Recommended conditions of consent require the Applicant to provide the Certifying Authority with documentation from a suitably qualified structural engineer certifying that all structures (including temporary structures) comply with the State's building laws (i.e. the Building Code of Australia), and ensure the facility will not have a detrimental impact on the environment.	YES
Part 2, clause 12 Matters for consideration	<ul style="list-style-type: none"> • Whether number of persons should be restricted. • Adverse noise impacts. • Limitation on hours of operation • Parking impacts • Principles for minimising crime risk • Satisfactory location • Toilets • Whether it is located on land that comprises a State heritage item, an item of environmental heritage (Aboriginal objects etc) or is in a heritage conservation area or a place of significant Aboriginal significance. • Duration of consent • Conditions relating to dismantling or removal of structures. 	<ul style="list-style-type: none"> • The proposal does not constitute a major event and patrons would be limited to on site construction / remediation workers. • Conditions of consent will ensure noise impacts are controlled whilst the remediation works are undertaken. • The Department has carefully considered the appropriateness of the proposed hours of construction / remediation in Section 5.10.9 of this report. • No parking is proposed on site for construction workers who would use public transport consistent with other major CBD construction projects. • The application includes signage, fenced access pathways, night-time lighting and security hoardings. These measures are expected to minimise the risk of crime. • The location of the proposed works is considered acceptable. • Amenities will be provided in accordance with BCA requirements. • The site is located outside the Archaeology Zone and there are no listed local or State heritage items located within the site. Notwithstanding this, conditions are recommended that would ensure there is archaeological monitoring and recording in the event of unexpected finds. • Development consent will be limited to 5 years. • Recommended conditions of consent 	N/A

		require temporary structures to be dismantled and removed from the site within 3 months of the completion of the remediation works.	
--	--	---	--

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Consideration of the relevant clauses in SREP (Sydney Harbour Catchment) 2005 are addressed in Table 2 below.

Table 15: Consideration of SREP (Sydney Harbour Catchment) 2005

SREP	Criteria	Department Comment / Assessment	Complies
Part 3, clause 17 Zoning W1 Maritime Waters	<ul style="list-style-type: none"> The objectives of the zone 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. 	<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 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. 	<ul style="list-style-type: none"> See above. 	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 biodiversity, ecology and environmental protection matters that are outlined in this clause. 	<ul style="list-style-type: none"> The proposed development is likely to have a positive effect on water quality in Darling Harbour as it will prevent contaminated groundwater migrating west from the site into the harbour. This is likely to have a positive effect on marine ecology. 	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 measures to maintain public access to foreshores and waterways. 	<ul style="list-style-type: none"> Public access will be provided along the foreshore at the completion of the works and is also available on Hickson Road. 	YES
Part 3, clause 23 Maintenance of a working harbour	<ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain maintenance of a working harbour. 	<ul style="list-style-type: none"> The application will not impact on the ability of the site to maintain a working harbour. 	YES
Part 3, clause 24 Interrelationship of waterway and foreshore uses	<ul style="list-style-type: none"> The consent authority must take into consideration the interrelationship of waterway and foreshore uses. 	<ul style="list-style-type: none"> The development does not propose any works in the waterway and public access along the foreshore would be maintained. 	YES
Part 3, clause 25 Foreshore and waterways scenic quality	<ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain or enhance the scenic quality of foreshores and waterways. 	<ul style="list-style-type: none"> Hoardings will be erected around the site, which will prevent extensive views into the remediation area. The proposed building is considered to achieve design excellence as discussed at Section 5.2.2 and the 	YES

		scenic quality of foreshores and waterways will therefore be maintained.	
Part 3, clause 26 Maintenance, protection and enhancement of views	<ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain or enhance views. 	<ul style="list-style-type: none"> Public views of the remediation works would be screened by hoardings. The proposed building is considered to achieve design excellence as discussed at Section 5.2.2 and it will therefore enhance views in and around Darling Harbour. 	YES
Part 3, clause 27 Boat storage facilities	<ul style="list-style-type: none"> The consent authority must take into consideration the matters outlined in this clause in relation to boat storage facilities. 	<ul style="list-style-type: none"> No boat storage facilities are proposed as part of the development. 	N/A
Part 3, clause 29 Foreshores & Waterways Development Advisory Committee (FWDAC)	<ul style="list-style-type: none"> A consent authority must not grant consent to a DA unless it has considered any submission received from the FWDAC within 30 days of the referral. 	<ul style="list-style-type: none"> The proposal does not trigger the need to refer the application to the FWDAC. 	N/A
Part 3, clause 41 Strategic Foreshore Site	<ul style="list-style-type: none"> Development consent must not be granted for development on a strategic foreshore site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. 	<ul style="list-style-type: none"> The Department considers that the proposal is generally consistent with the relevant land use and general master planning provisions contained within the Barangaroo Concept Plan (as modified by MOD 8), as discussed at Section 5.2. 	YES

Sydney Harbour Foreshores and Waterways 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 location of the building is not affected by any ecological or specific landscape character area, and the design guidelines provisions are not relevant to this application. Additionally, as the development is contained within the Barangaroo site and would be separated from the water's edge by the public foreshore boardwalk, it would not result in any significant impacts to the harbour foreshore.