

Department of Planning, Housing and Infrastructure

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Central Barangaroo Early Works (Phase 1) – Hickson Road Interface

State Significant Development Assessment Report (SSD 39587022)

January 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD application for the Central Barangaroo Early Works – Hickson Road Interface located at Barangaroo. The Application was lodged by Aqualand B Development Holding Pty Ltd (the Applicant). The report:

- explains why the project is declared SSD and who the consent authority is
- assesses the project against government policy and statutory requirements, including mandatory considerations
- demonstrates how matters raised by the community and other stakeholders have been considered
- explains any changes made to the project during the assessment process
- assesses the likely environmental, social and economic impacts of the project
- evaluates and weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- provides an opinion on whether the project is approvable, along with the reasons, to assist the Independent Planning Commission in making an informed decision on the project.

Executive Summary

This report details the Department's assessment of a State significant development (SSD) application (SSD 39587022) for early works at Central Barangaroo. The application seeks consent for the construction of a new retaining wall and associated works at the boundary of the site with Hickson Road. Aqualand B Development Holding Pty Ltd is the Applicant.

The proposal is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is a proposal in Barangaroo with a CIV over \$10 million. The Independent Planning Commission (IPC) is the declared consent authority for the project under section 4.5(a) of the EP&A Act, as the City of Sydney Council (Council) objects to the proposal.

Engagement

The Department publicly exhibited the environmental impact statement (EIS) from 30 May 2023 until 26 June 2023 (28 days). The Department received one public submission objecting to the proposal, an objection from Council and advice from nine government agencies.

Concerns raised in the public objection include the proposal's consistency with the existing Barangaroo Concept Plan approval (MP06_0162) and the modifications sought under MOD 9 (currently under assessment at the time of writing this report), as well as construction, traffic and air quality impacts.

The key issues raised by Council include the consistency of the proposal with the existing Concept Plan approval, alignment with the existing and future public domain and potential construction impacts.

Assessment

The Department has considered the merits of the proposal in accordance with the matters under section 4.15(1) and the objects of the EP&A Act, issues raised in submissions and the Applicant's response.

The Department considers the proposal is acceptable for the following reasons:

- the proposed works are required to support the future public domain upgrade works along Hickson Road and the relocation of a Sydney Water pumping station
- the proposal would help facilitate a future mixed-use development in Central Barangaroo, consistent with the current Concept Plan approval. Additionally, it does not depend on, or pre-empt the changes proposed in MOD 9 to the Concept Plan approval. The scope of the

Department's assessment does not take into account MOD 9 as it is not relevant or necessary to support the Early Works proposal

- while the proposal may result in some increased stormwater flooding impacts, the increased flooding is minor, temporary and would be largely contained within the site. Additionally, the proposal would not increase the flood hazard level of the site or the surrounding public domain
- potential impacts associated with construction traffic, noise and air quality, contamination, groundwater management and archaeology are considered to be acceptable, subject to conditions securing appropriate management and mitigation measures.

Conclusion

Overall, the Department's assessment concludes the project is consistent with the existing Barangaroo Concept Plan approval and it would not result in any unacceptable environmental impacts. As such, the Department considers the project to be in the public interest and is, therefore, approvable, subject to conditions.

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1 Introduction

1.1 Barangaroo Precinct

1. Barangaroo is a major urban renewal precinct located at the north-western edge of the Sydney central business district (CBD). It is situated along the Sydney Harbour foreshore in the City of Sydney (Council) local government area (LGA). It covers an area of approximately 22 hectares and comprises three redevelopment precincts, including Barangaroo Reserve, Central Barangaroo and Barangaroo South (Figure 1).



Figure 1 | Regional context map (Source: Nearmap)

2. Barangaroo is the subject of an approved Concept Plan (the Concept Approval) and various development approvals for mixed-use redevelopment as summarised in **Section 1.3**.

1.2 Central Barangaroo

3. The SSD proposal relates to land within Central Barangaroo. Central Barangaroo is bound by Sydney Harbour to the west, Hickson Road to the east, Barangaroo Reserve and Nawi Cove to the north and Barangaroo South and Barton Street / Hickson Park to the south.
4. The Concept Approval provides for three development blocks within Central Barangaroo with building heights up to RL 35 m (approximately 8 storeys), commercial and residential

uses together with public domain and open spaces. No construction works have commenced on site, other than site preparation, remediation and works associated with the Sydney Metro. The site has supported the construction of Barangaroo South for the past ten years. It was most recently used as a laydown area to assist with constructing the Barangaroo Metro Station.

5. Part of the public domain and road upgrades along Hickson Road have been completed under SSI-7400 for the Sydney Metro – Chatswood to Sydenham project (**Figure 3**).
6. Nearby public transport options include the Barangaroo Metro, located 300 metres to the north (opened on August 19, 2024), Wynyard Station, 500 meters to the southeast, and the Barangaroo Ferry Wharf, 340 metres to the southeast. The site is also serviced by busses running along Hickson Road.
7. Barangaroo contains one listed heritage item, the Dalgety’s Bond Store Group, located approximately 300 meters to the north of the site.

1.3 Development site

8. The development site is legally identified as Lot 51 in Deposited Plan 1301725. This lot is 13 hectares in area. The proposed development is in the southeastern corner of this lot, specifically within Blocks 5 and 6 of Central Barangaroo (refer to **Figure 2**), with frontages on Hickson Road and Barton Street.



Figure 2 | Local context map within Barangaroo – proposal in orange (Source: RtS, DPHI)

Note: Central Barangaroo includes the expansion of Hickson Park from MOD 8 to the Concept Plan

9. The site is mostly flat, contains no vegetation and is surrounded by construction hoarding and fencing (**Figure 3**). The site experiences flooding from overland stormwater flows.
10. The site is owned by Infrastructure NSW (INSW). INSW has provided landowners consent to lodge the application.

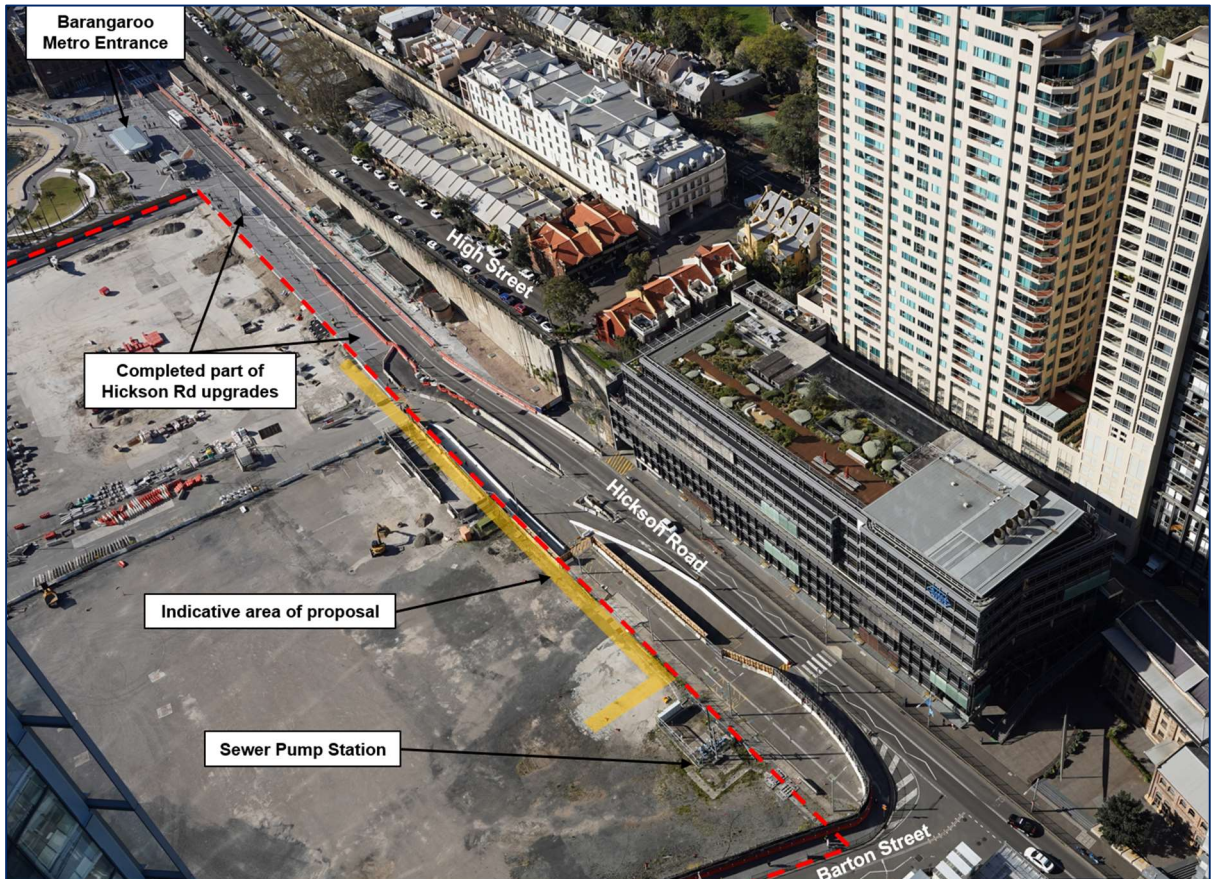


Figure 3 | Context of the indicative extent of the proposal and current state of Hickson Road
(Source: DPHI)

1.4 Barangaroo Part 3A Concept Plan (MP06_0162)

11. On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP06_0162) (Concept Plan) for the redevelopment of Barangaroo.
12. The Concept Plan has since been modified nine times and a further modification (MP06_0162 MOD 9) is currently under assessment. It seeks approval to increase the amount of GFA in Central Barangaroo, change the layout of Blocks 5, 6 and 7, increase the heights allowed on Blocks 5 and 6, modify Barangaroo Avenue to a one-way street, provide a new north/south laneway open to the sky and amend two east/west pedestrian links and amend design guidelines for Central Barangaroo.

13. The Concept Plan, as modified, establishes:
 - a mix of uses, including residential, retail, commercial and public recreation
 - a maximum gross floor area (GFA) of 602,354m², building envelopes, building height and public open space / public domain areas
 - Built Form Principles and Urban Design (BFPUD) controls to guide the design of the development (Barangaroo South).
14. The Concept Plan allows for the construction of Barton Street as a temporary road that runs east to west through Hickson Park for the sole use of construction vehicles during the development of Barangaroo South and Central Barangaroo.
15. The Department has considered the consistency of this early works application with the existing Concept Plan approval in **Section 5** and **Appendix C**.

1.5 Related projects and works

16. Barangaroo Central has been the subject of several related projects and works. This includes SSDs, which granted consent to remediate the site in stages, and Stage 1B public domain works, which (among other things) included the creation of a small portion of Hickson Park within Barangaroo Central remediation works. Additionally, a State Significant Infrastructure application was approved for the Sydney Metro, which facilitated the establishment of Barangaroo Station to the north of the site. More details can be found in **Appendix B**.

2 Project overview

17. The application seeks consent for the construction of a new retaining wall and associated works at the boundary of the site with Hickson Road in Central Barangaroo. The Applicant states the works are required to support the future public domain upgrades along Hickson Road being undertaken by INSW and the relocation of the Sydney Water pumping station.
18. **Table 1** summarises the key components of the proposal.

Table 1 | Key aspects of the project

Aspect	Description
Physical layout and design	<ul style="list-style-type: none"> Construction of a 153 m long x 17.6 m deep secant pile retaining wall in an 'L' shape measuring 132 m along the Hickson Road frontage and returning 21 m to the west at its southern extent The works also include Sydney Metro / Hickson Road interface works to the perimeter retention wall of the Barangaroo Metro Station Box, including jet grout columns for waterproofing and support where the proposal meets the existing metro station structure.
Demolition and investigation	<ul style="list-style-type: none"> Partial demolition of an existing shoring wall and capping beam along Hickson Road.
Earthworks	<ul style="list-style-type: none"> Excavation to enable the construction of the retaining wall and rock anchors and post-construction backfill and remediation.
Infrastructure and services	<ul style="list-style-type: none"> Construction of temporary stormwater diversion works along Hickson Road and Barton Street Relocation of services Construction of two temporary substations to enable connection to a future extended Ausgrid high voltage network.
Timing and sequencing	<p>Construction is anticipated to take 14-17 months in three general stages as follows:</p> <ul style="list-style-type: none"> Stage 1 – Site Establishment (4-6 months) Stage 2 – Demolition, excavation, remediation and construction (9-10 months) Stage 3 – Demobilisation (1 month).

3 Statutory context

3.1 Permissibility and Assessment Pathway

19. **Table 2** details the legal pathway under which consent is sought and the permissibility of the proposal.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the Planning Systems SEPP, being development in the Barangaroo Precinct with a value of more than \$10 million (Schedule 2, clause 3).
Consent authority	The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP, as Council duly made a submission objecting to the development application.
Permissibility	The site is zoned B4 Mixed Use Under the Eastern Harbour City SEPP. The proposal is permissible with consent as an innominate use in the land use table of the zone.
Concept Plan (MP06_0162)	The Part 3A Concept Plan for Barangaroo applies to the site of the proposed development. Pursuant to Schedule 2, 3B of the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> , a Consent Authority must not grant consent under Part 4 for the development unless it is satisfied the development is generally consistent with the terms of the approval of the Concept Plan (Section 5 and Appendix C).

3.2 Other approvals and authorisations

20. The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.
21. Under section 4.41 of the EP&A Act, other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
22. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with

any SSD development consent for the project. The proposal may require separate approvals (unless a relevant exemption applies) for:

- an aquifer interference approval under Chapter 3 of the *Water Management Act 2000*
- Section 73 approval under the *Sydney Water Act 1994*.

23. The Department has consulted with and considered the advice from relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4 – Engagement** and **Section 5 – Assessment**). Suitable conditions have been included in the recommended conditions of consent to satisfy their requirements (**Appendix D**).

3.3 Planning Secretary’s Environmental Assessment Requirements

24. The Department’s review determined that the EIS addresses each matter in the Planning Secretary’s environmental assessment requirements (SEARs) issued on 14 April 2022 and is sufficient to enable an adequate consideration and assessment of the project for determination.

3.4 Mandatory matters for consideration

25. Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is in **Table 3** below.

Table 3 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans and planning agreements	The Department is satisfied the proposal is permissible with development consent and is consistent with the Concept Plan as detailed at Section 5 – Assessment and Appendix C.
EP&A Regulation	The Department publicly exhibited the proposal in accordance with the EP&A Regulations, as detailed at Section 3 – Statutory Context and Appendix C.
Likely impacts	The Department has carefully considered the likely impacts of the proposal and any recommended conditions to manage these impacts at Section 5 – Assessment.

Matter for consideration	Department's assessment
Suitability of the site	The site is suitable for the development as it will facilitate future mixed use development as envisaged under the Concept Plan approval, which is discussed further at Section 1.4, Section 5 – Assessment and Appendix C.
Public submissions	The Department received one public submission, which is summarised in Section 4 – Engagement and has been considered in Section 5 – Assessment.
Public interest	The Department is satisfied the proposal is in the public interest as detailed in Section 5 – Assessment, Section 6 – Evaluation and Appendix C.

3.5 Objects of the EP&A Act

26. In determining the application, the consent authority must consider whether the proposal is consistent with the relevant objects of the EP&A Act, including the principles of ESD. Consideration of these factors is described in A. Consideration of those factors is described in **Appendix C**.

3.6 Biodiversity development assessment report

27. Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).
28. A BDAR waiver request was submitted to the Department on 4 August 2022. The Environment Agency Head and the Team Leader, Key Sites Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 21 September 2022.
29. On 3 October 2023, the Applicant requested a revised BDAR waiver as part of the amended scope of the EIS. On 9 November 2023, an amended BDAR waiver was granted.

4 Engagement

4.1 Public exhibition of the EIS

30. After accepting the development application and EIS, the Department:
- publicly exhibited the EIS from 30 May 2023 to 26 June 2023 (28 days) on the NSW planning portal
 - notified occupiers and landowners near the site about the public exhibition
 - notified relevant government agencies and Council.
31. Department officers also visited the site and surrounding area to gain a better understanding of the site context and the issues raised in submissions.
32. The Department received one public submission objecting to the proposal, comments from nine Government agencies and an objection from Council. A summary of the key issues raised in submissions and agency advice is below.
33. A link to the full copy of the submissions and agency advice received is at **Appendix A**.

4.2 Summary of advice received from Government agencies

34. The Department received advice from nine Government agencies on the proposal.
35. A summary of the government agency positions is provided in **Table 4**.

Table 4 | Summary of agency advice

Agency	Advice summary
Biodiversity Conservation and Science Group (BCS)	<ul style="list-style-type: none">• A drainage design that responds to final built form should be considered prior to determination, as the modelling approach used can only demonstrate incremental impacts in the precinct as the works progresses. This could result in true or cumulative impacts associated with the development not being predicted.• Considers the interim design can only accommodate small stormwater events due to a lack of adequate freeboard in stormwater pits, which may result in stormwater overflowing from the pipe/pits (surcharge). BCS noted standard practice is to allow for 150mm of freeboard.• Acknowledged that the interim drain design now shows clearances to existing services and the part of the drain that runs along Barton Street now sits within the site.

Agency	Advice summary
Transport for New South Wales (TfNSW)	<ul style="list-style-type: none"> • Supports the Applicant’s proposed conditions for a Construction Pedestrian Traffic Management Plan (CPTMP) to be prepared in consultation with and endorsed by TfNSW to manage project and cumulative traffic.
Heritage NSW – Heritage Council of NSW (HNSW)	<ul style="list-style-type: none"> • The site has high archaeological potential and may contain significant archaeological state significant relics and resources. • The recommendation to carry out an archaeological monitoring and excavation program is supported. An archaeological research design and methodology should be developed to investigate and record archaeological resources, including unexpected finds, with maritime-specific steps. • The recommendations of the maritime archaeological assessment for local and state maritime sites must be implemented. • A Heritage Management Plan should be prepared which considers the in-situ conservation of State significant heritage items identified during archaeological excavations through project redesign.
Heritage NSW – Aboriginal Cultural Heritage Branch	<ul style="list-style-type: none"> • The proposal would not impact Aboriginal cultural heritage. • The Applicant’s response to prepare an Unexpected Finds Protocol addressed HNSW – ACH Branch’s EIS advice.
Sydney Metro	<ul style="list-style-type: none"> • Recommended conditions to manage potential impacts to the metro corridor.
Sydney Water	<ul style="list-style-type: none"> • Acknowledged the Applicant is carrying out an options assessment of the proposed relocation of pump station SP1129, which will be given to Sydney Water for review.
Department of Climate Change, Energy, the Environment and Water (DCCEEW) (Formerly DPHI Water)	<ul style="list-style-type: none"> • The Applicant should quantify the maximum level of water take per year due to aquifer interference activities during construction and prepare a Construction Environmental Management Plan. • Advised that if groundwater interception or dewatering is required, all relevant approvals will need to be obtained unless an exemption under the <i>Water Management Act 2000</i> applies.
Ausgrid	<ul style="list-style-type: none"> • The compatibility of proposed development with existing Ausgrid infrastructure should be considered. • Any applications for new connections should be made to Ausgrid as soon as practicable. • Dial before you dig enquiries should be made before works start.

Agency	Advice summary
Environment Protection Authority (EPA)	<ul style="list-style-type: none"> The proposal is not a Scheduled Activity under the <i>Protection of the Environment Operations Act 1997</i>. The site is not regulated under the <i>Contaminated Land Management Act 1997</i>.

4.3 Summary of Council’s submissions

36. Council objected to the application and the progress of any works on-site until further clarity regarding the future development of Central Barangaroo is provided (through the resolution of MOD 9). Following a review of the RtS, Council maintained its objection.
37. A summary of the Council’s final position and outstanding concerns is provided in **Table 5**.

Table 5 | Summary of issues raised by Council

Council	Submission summary
City of Sydney Council	<ul style="list-style-type: none"> Council objects to progressing any works on-site until further clarity regarding the future development of Central Barangaroo is provided. Recommended conditions on public domain integration (grades and levels), contamination and validation, acid sulphate soils, construction noise, construction traffic, stormwater drainage design, on-site detention, water quality assessment and financial security for defects and liabilities. Considers there will likely be no impact on flood levels, increased flood risk and no impact on water quality, subject to appropriate measures being in place during construction. Approval of the relevant owner of the drains to be cut should be obtained. The Applicant should implement reasonable and feasible measures as detailed in the Council’s Construction Noise Code and previously recommended conditions.

4.4 Summary of public submissions

38. The Department received one submission during the exhibition period, objecting to the proposal. Key issues raised in the submission include:
- lack of community consultation prior to lodgement
 - concern about the consistency of the proposal with the existing Barangaroo Concept Plan approval (MP06_0162) and as proposed to be modified by MOD 9 (**Section 1.5**)

- the proposals consistency against s4.24(2) of the EP&A Act regarding existing concept proposals applying to a site
- more information should be provided that confirms the proposal would not facilitate the development uplift proposed under MOD 9
- construction impacts of the proposal including traffic, noise and vibration and air quality
- the need for a Construction Environmental Management Plan.

4.5 Response to submissions and additional information

39. Following the public exhibition period, the Department asked the Applicant to respond to the issues raised in submissions and the advice received from Government agencies.
40. After reviewing the Applicant's response to submissions (RtS), the Department requested further information addressing groundwater and stormwater management concerns.
41. The Department made the RtS and additional information publicly available on the NSW planning portal and forwarded the submissions report to relevant Government agencies and Council for comment.

5 Assessment

5.1 Key assessment issues

42. The Department has considered the proposal, issues raised in submissions and the Applicant's response. The Department considers the key assessment issues associated with the proposal are:

- consistency with the existing Barangaroo Concept Plan approval
- stormwater management.

43. These issues are discussed below. Other issues were taken into consideration during the assessment of the proposal and are discussed in **Section 5.4** and the appendices of this report.

5.2 Consistency with Concept Plan Approval

44. Council objected to the proposal on the basis that works should not commence until further consultation and clarity is provided regarding the future development of Central Barangaroo. The Department also received a public objection raising concern that the proposed works would pre-empt the approval of a section 75W modification request to the Barangaroo Concept Plan approval (MP06_0162 MOD 9), currently under assessment.

45. In response, the Applicant advised the proposal, does not rely on or pre-empt the approval of MOD 9 as:

- no permanent excavation is proposed with all excavation required to construct the retaining wall to be backfilled upon completion
- the proposed works are required to enable any future development at the site, independent of the scale and layout of any future buildings
- the proposed works are in accordance with the current approved Concept Plan, which does not set any specific parameters or excavation limits for early works.

46. The Applicant also contends that the commencement of the early works is required to coordinate and integrate the works with public domain renewal works being undertaken next to the site by other government agencies. In particular, the works are required to support:

- Hickson Road works by INSW – the proposal would stabilise Hickson Road to support public domain upgrades and later support precinct basement excavation works

- Sydney Water Pumping Station – the proposal would facilitate the future relocation and commission of the Sewer Pump Station as part of a separate application to Sydney Water.
47. The Department has undertaken a detailed consideration of the proposal against the Concept Plan in **Appendix C** and has carefully considered the issues raised by Council and the public submission. Overall, the Department is satisfied the proposal is consistent with the approved Concept Plan and does not depend on, or pre-empt the changes proposed in MOD 9 for the following reasons:
- the retaining wall is entirely within the approved development area of Central Barangaroo
 - the wall will provide the necessary structural integrity along Hickson Road required for the future public domain works, the relocation of the sewer pumping station and the future redevelopment of Central Barangaroo, consistent with the Concept Plan as currently approved
 - the works are necessary for the site's development, regardless of the specific forms and layouts of future buildings that may occupy the site
 - no permanent excavation or basement enabling works for future development are proposed
 - the approved Concept Plan does not set out any specific requirements or limits for excavation, basement design or early works (**Appendix C**).
48. The Department is therefore satisfied the proposal is consistent with the approved concept plan and does not depend on, or pre-empt the changes proposed in MOD 9.

5.3 Stormwater management

49. The site and Hickson Road are subject to overland stormwater flows in a 1% Annual Exceedance Probability (AEP) storm event. The proposal will intercept two existing 600mm stormwater drains that cross Central Barangaroo from Hickson Road and join existing pipes beneath the future site of Harbour Park.
50. As the retaining wall will cut the two existing pipes, the Applicant proposes to construct a temporary 600mm pipe to divert stormwater around the site. The interim drain would run south along Hickson Road, turn west within the site and follow the alignment of Barton Street within the site, before re-joining the existing drain network beneath the future site of Harbour Park (**Figure 4**).

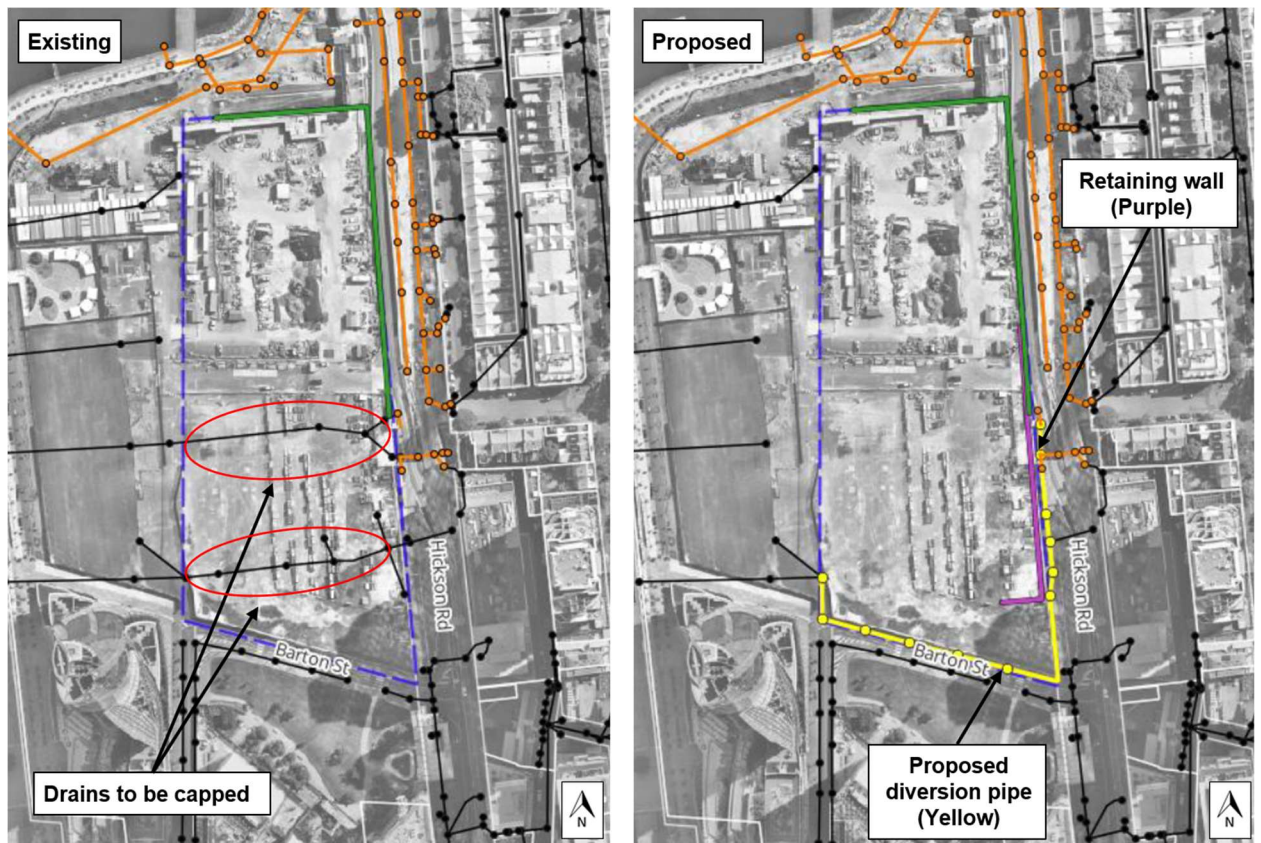


Figure 4 | Existing and proposed stormwater network layout – interim works in yellow (Source: RFI)

51. As part of the RTS and additional information requests, the Applicant provided a Stormwater and Flooding report, a Flood Impact Assessment (FIA) and details of the proposed interim drainage design. These assessments concluded that:
- replacing the existing drains with the interim pipe is predicted to increase stormwater levels within the site between 50mm to 100mm (or 0.1 m³) in a 1% AEP event on top of levels already experienced on-site (**Figure 5**)
 - in a Probable Maximum Flood (PMF) event, increased stormwater levels of between 10mm and 30mm are predicted within the site and part of Hickson Road (**Figure 5**), with no change in flood hazard
 - the overland flows into the site are a result of the removal of drainage pits from the existing drains.
52. The Applicant considers these impacts are acceptable because the increased stormwater levels are minor, short term and within a localised area. Further, the Applicant advised the probability of a PMF storm event is low and the flood hazard of the site is not predicted to worsen compared to the pre-development situation.

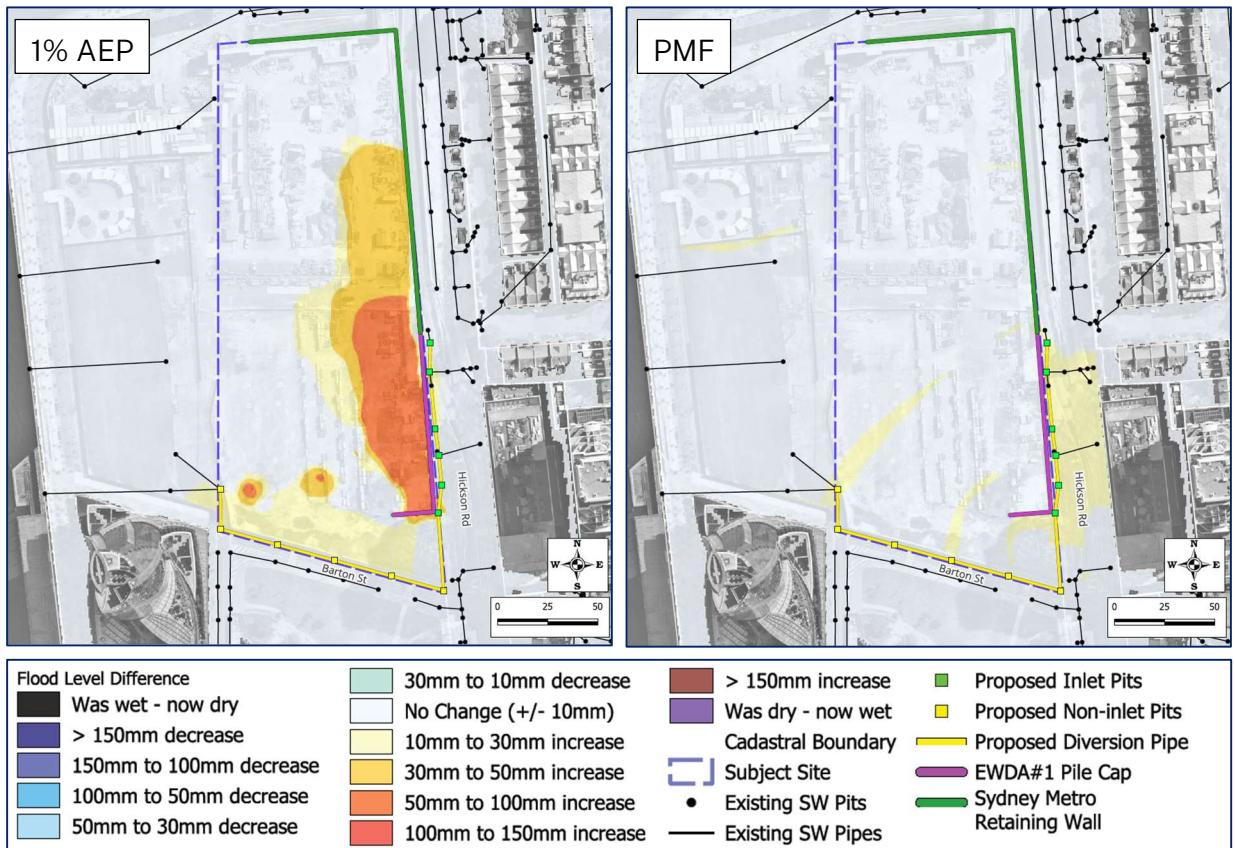


Figure 5 | Anticipated level increase above existing conditions in 1% AEP and PMF (Source: RFI)

53. BCS confirmed that its initial concerns regarding flood modelling and pipe location had been addressed. However, BCS maintained that it would be difficult to ensure that there are no adverse impacts if the development site relies on flows that cannot be accommodated in the final built form. BCS maintained that the Applicant should:
- prepare and model a drainage design that can manage stormwater for the final built form for Central Barangaroo
 - demonstrate a drainage design that has adequate freeboard between the pipe and stormwater pits (noting standard practice is 150mm for street pipework) to mitigate the risk of the drain overflowing.
54. The Department sought advice from the Chief Engineer, who reviewed the Applicant's RtS, additional information and the advice from BCS. The Chief Engineer advised that:
- the Applicant's modelling is acceptable and reflects current site conditions
 - the design of the interim drainage solution does not need to address the PMF as the modelled PMF scenario allows stormwater flows over the site that do not impact areas beyond the site
 - a final drainage design based on the ultimate development outcome of Central Barangaroo is not critical for the assessment of the current proposal. Speculating on a

final built form outcome for additional stormwater assessment would have marginal benefit

- the proposed stormwater system is an acceptable temporary solution and is fit for purpose.

55. The Department has carefully considered the proposed stormwater design, BCS advice, and advice from the Chief Engineer. While the Department acknowledges the concerns raised by BCS, it is not currently possible to model the final built form of Central Barangaroo, as the future detailed design is not yet known. The proposed drainage design is only intended for temporary stormwater management before the site's redevelopment.

56. Further, the Department considers the temporary stormwater management system would effectively manage stormwater flows. Although the proposal is anticipated to result in minor increases in flood levels for both the 1% AEP and the PMF events (the worst-case scenarios), the Department considers this would not result in significant flooding impacts for the following reasons:

- the predicted increase in flood depths during the 1% AEP event is between 50 to 100 mm. This increase is minor, will be contained within the site, and poses a low flood hazard (H1 - acceptable for people and vehicles), consistent with current site conditions
- the predicted increase in flood depths during the PMF event is between 10 to 30 mm. This change is also minor, will remain within the site and along parts of Hickson Road, and the flood hazard levels for both the site and Hickson Road during the PMF event remain unchanged
- the final drainage design for Central Barangaroo will be refined in future applications for permanent buildings, streets, and public areas to ensure effective long-term stormwater management is achieved across the site
- the Department has recommended conditions requiring the detailed drainage design to be updated to incorporate a minimum freeboard of 150mm as recommended by BCS and for it to comply with Council's detailed specifications.

57. The Department also notes Council did not object to the proposed drainage works.

58. Therefore, the Department's assessment concludes the proposed temporary stormwater management system is acceptable, subject to conditions.

5.4 Other issues

59. The Department’s consideration of other issues is summarised in **Table 6** below.

Table 6 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
<p>Non-Aboriginal Archaeology</p>	<ul style="list-style-type: none"> • The Applicant submitted a Heritage and Historical Archaeological Assessment and Maritime Archaeological Assessment (MAA) with the proposal. The assessments concluded the site has the potential to contain European archaeological remains/items and maritime archaeological remains of State and local significance. • HNSW recommended that a Heritage Management Plan that considers in-situ conservation of significant heritage items. This plan should also incorporate an unexpected finds policy and specify that all recommendations from the MAA must be carried out by a qualified maritime archaeologist. Council did not raise any concerns regarding heritage issues. • The Department has considered HNSW advice and the Applicant’s responses. Noting the potential presence of maritime archaeological remains of State and local significance, the Department recommends conditions be imposed requiring the Applicant to: <ul style="list-style-type: none"> ○ undertake archaeological testing and monitoring, managed by a suitably qualified and experienced maritime archaeologist ○ prepare an ARDM and an unexpected finds policy, addressing HNSW’s requirements for a Heritage Management Plan ○ seek further input and approval from HNSW on potential retention, re-design, conservation, interpretation, removal, or curation of any archaeological heritage items ○ prepare a final archaeological excavation report detailing the results following any archaeological excavation. • Subject to the recommended conditions, the Department is satisfied the archaeological impacts of the proposal are acceptable and can be appropriately mitigated and managed. 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> • undertake test excavations • implement the MAA recommendations • prepare an ARDM and an Unexpected Finds Policy • monitor works by a qualified maritime archaeologist • prepare a final archaeological excavation report at the end of archaeological excavation works.
<p>Aboriginal Cultural Heritage</p>	<ul style="list-style-type: none"> • The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR), which concludes the site has nil to low potential for retaining Aboriginal objects and no further archaeological assessment for ACH is required. 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> • implement an ACH unexpected finds

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> HNSW – ACH Branch advised the site is unlikely to cause harm to Aboriginal cultural heritage and recommended an Unexpected Finds Protocol be developed. The Department is satisfied there is a low potential for impacts on ACH as the site consists of reclaimed land that has been heavily disturbed. The Department is also satisfied that any potential impacts can be appropriately managed subject to implementing an unexpected finds protocol for ACH. 	<p>protocol during works.</p>
<p>Public domain levels and access</p>	<ul style="list-style-type: none"> Council noted the proposal could raise the levels of the site and the Hickson Road reserve by 1m (from RL 2.5m to RL 3.5m), which may require ramps in the public domain for pedestrian movement. Council recommended details of levels and gradients complying with its Public Domain Manual be provided for its approval prior to the issue of a Construction Certificate. The Applicant advised the final levels between the site and Hickson Road will be confirmed between the Applicant and INSW as part of detailed design development for the proposal and the future upgrade of Hickson Road, being undertaken by INSW. The Department considers the final levels between the site and Hickson Road, will need to be integrated to ensure an appropriate public domain outcome is achieved. As such, the Department recommends a condition be imposed requiring the Applicant to demonstrate the final levels and gradient will integrate with the surrounding public domain, in consultation with INSW, to the Secretary's satisfaction. 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> prepare and implement a CTPMP submit level and gradient details to the Department to any Construction Certificate.

Issue	Findings and conclusions	Recommended conditions																								
Construction Noise	<ul style="list-style-type: none"> The proposal seeks consent for the following construction hours: <ul style="list-style-type: none"> Monday to Friday: 7am to 6pm Saturday: 7am to 5pm (four additional hours over the ICNG) Sundays and public holidays: No works. A public submission raised concerns about construction noise impacts at nearby residential receivers. Council recommended compliance with its Code of Practice. <p>60. The nearest sensitive receivers to the site include residential dwellings located 30 meters to the east along High Street, the Barangaroo South towers 55 meters to the southeast, The Bond Apartments at 38 Hickson Road 85 meters to the southeast, and the KU Lance Children’s Centre at 37 High Street, which is 130 meters to the northeast (see Figure 2).</p> <p>61. The application was accompanied by a Noise and Vibration Impact Assessment (NVIA) which advises construction would take 14-17 months and predicts noise levels would be above the noise management levels (NMLs) as follows:</p> <table border="1" data-bbox="379 1126 1177 1608"> <thead> <tr> <th>Receiver type</th> <th>Receiver</th> <th>NML (dB(A)) (Background + 10dB(A))</th> <th>Predicted NML Exceedance (dB(A))</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>High Street</td> <td>57</td> <td>+10</td> </tr> <tr> <td>Residential</td> <td>R4A, R4B and R5</td> <td>62</td> <td>+1</td> </tr> <tr> <td>Open space</td> <td>Hickson Park</td> <td>60</td> <td>+3</td> </tr> <tr> <td>Childcare</td> <td>Childcare</td> <td>65</td> <td>Nil</td> </tr> <tr> <td>Commercial</td> <td>Hickson Road Commercial</td> <td>70</td> <td>+1</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The Applicant’s NVIA recommends mitigation measures for the predicted noise exceedances along High Street, including using quieter equipment, noise barriers/screens, respite periods, notifying neighbours and conducting additional noise assessments. The Department has carefully considered the Applicant’s noise assessments, Council’s advice and public submission and is satisfied the construction noise and vibration impacts are acceptable as: 	Receiver type	Receiver	NML (dB(A)) (Background + 10dB(A))	Predicted NML Exceedance (dB(A))	Residential	High Street	57	+10	Residential	R4A, R4B and R5	62	+1	Open space	Hickson Park	60	+3	Childcare	Childcare	65	Nil	Commercial	Hickson Road Commercial	70	+1	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> prepare a construction noise and vibration management plan set construction hours detail instances where works are allowed outside of specified hours limit piling works to occur only during standard construction hours require respite periods for noisy construction works i.e. piling notify nearby properties during construction implement noise monitoring and a complaints handling procedures.
Receiver type	Receiver	NML (dB(A)) (Background + 10dB(A))	Predicted NML Exceedance (dB(A))																							
Residential	High Street	57	+10																							
Residential	R4A, R4B and R5	62	+1																							
Open space	Hickson Park	60	+3																							
Childcare	Childcare	65	Nil																							
Commercial	Hickson Road Commercial	70	+1																							

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> ○ minor noise exceedances (+1 dB(A)) at commercial and residential receivers in Barangaroo South are unlikely to be perceptible ○ noise exceedances of up to 10dB(A) at the dwellings along High Street would be temporary (being mainly associated with piling work), are below the high noise-affected level (75dB(A)), and conditions are recommended to notify nearby properties before noisy works and establish respite periods ○ the proposed construction hours are consistent with other similar projects in Barangaroo ○ some noise impacts are unavoidable given the dense urban nature of the surrounding area. ● To further manage impacts to residential receivers along High Street, the Department recommends conditions requiring: the Applicant to prepare and implement a Construction Noise and Vibration Management Plan; manage construction noise levels in accordance with the ICNG and Council's Code; and set limits on construction hours and noisy works to certain hours. ● Based on the above assessment, the Department is satisfied that construction noise can be appropriately mitigated and managed to an acceptable level. 	
Traffic and Parking	<ul style="list-style-type: none"> ● A public submission raised concerns about cumulative construction parking and traffic impacts from other nearby projects like the Barangaroo Metro and One Sydney Harbour. ● TfNSW recommended a CEMP be prepared to manage cumulative construction traffic impacts. Sydney Metro raised concerns that emergency access would conflict with the existing footpath on Barton Street (temporary road). ● In response to comments from Sydney Metro, the Applicant revised the preliminary site establishment plan to remove emergency access from Barton Street and specify one-way traffic in and out of the site. ● The Department considers the construction traffic and parking impacts of the proposal to be acceptable as: <ul style="list-style-type: none"> ○ nearby projects like Barangaroo Metro and One Sydney Harbour are either complete or nearing completion 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> ● prepare a construction pedestrian and traffic management plan ● provide details of sufficient off-street parking for site personnel.

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> ○ the site is an established construction compound and has ample space for parking within its boundaries ○ Hickson Road and the surrounding local roads have adequate capacity to handle the predicted volumes of construction traffic (six truck movements per hour (60 trucks per day) and up to eight trucks per hour (80 trucks per day) during concrete pours ○ construction activities will continue to use Barton Street until it is removed, consistent with the Concept Plan. ● To manage construction traffic impacts, the Department recommends that a Construction Pedestrian Traffic Management Plan be prepared in consultation with TfNSW prior to the start of construction. 	
Air Quality	<ul style="list-style-type: none"> ● A public submission raised concerns about air quality impacts during construction and noted that a CEMP had not been prepared. ● In response, the Applicant prepared a draft CEMP that proposes air quality monitoring, dust suppression, prompt removal of excavated / dust-generating materials from the site, and the establishment of a complaints management system to manage air quality impacts. ● The Department has considered the Applicant’s Air Quality Impact Assessment, draft CEMP and the concerns raised in submissions and considers the air quality impacts of the proposal are acceptable as: <ul style="list-style-type: none"> ○ works will be limited to the south-eastern corner of the site, further away from the childcare centre and terrace duplexes on High Street ○ air quality will be monitored during the project ○ measures would be implemented to manage dust. ● Conditions are also recommended to implement an Air Quality Management Plan (AQMP), as part of an updated CEMP, including details of air quality monitoring locations. 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> ● implement an AQMP as part of an updated CEMP, including details of air quality monitoring locations during construction.
Groundwater management	<p>62.DCCEEW requested further details on the potential groundwater drawdown from the construction of the proposal.</p> <ul style="list-style-type: none"> ● Council recommended conditions to manage the discharge of any groundwater collected during the project. ● The Applicant provided additional information which advised: <ul style="list-style-type: none"> ○ groundwater monitoring at the site found the standing water levels range between 2 to 1.7m below ground level 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> ● manage groundwater discharge during construction in

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> ○ the piles will intersect with standing groundwater at the site. However, no groundwater pumping or dewatering is expected to be required for either the excavation of the guide for the pile wall or the drilling for piling works. • As a result, no groundwater pumping would be necessary and no dewatering license or approval is required. • The Department considers the extent of potential groundwater impact to be acceptable and can be adequately managed during construction, subject to conditions. 	<p>accordance with an updated CEMP</p> <ul style="list-style-type: none"> • require further approvals for the potential dewatering, disposal of stormwater or seepage, where required.
Community consultation	<ul style="list-style-type: none"> • The public submission raised concern that the Applicant had not undertaken adequate community consultation prior to lodging the SSD application. • The Department is satisfied the application has had regard to the SSD guidelines, including consultation. • The Department publicly exhibited the proposal as outlined in Section 5, which included notifying adjoining landowners and displaying the proposal on the Department’s website. The Department is therefore satisfied the community has had sufficient opportunity to review and provide comments on the proposal. 	<p>Conditions are recommended to:</p> <ul style="list-style-type: none"> • require further consultation and/or notification during construction.

6 Evaluation

63. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD (**Section 5**), advice from government agencies, Council's and public submissions (**Section 4**). This includes consideration of the EIS, submissions, RtS and additional information.
64. The Department considers the project is approvable as:
- it is permissible with development consent
 - it will help support the future development of Central Barangaroo, consistent with the approved Concept Plan
 - the stormwater impacts of the proposal are minor and temporary and will not increase the Flood Hazard level of the site or surrounding public domain
 - impacts associated with construction traffic, noise and air quality, contamination, groundwater management and archaeology are all acceptable and can be adequately managed through the recommended conditions of consent.
65. The Department has also recommended a range of conditions to manage any residual environmental impacts to an acceptable level.
66. This assessment is hereby presented to the Commission for determination.

Glossary

Abbreviation	Definition
ACH	Aboriginal cultural heritage
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
Applicant	Aqualand B Development Holding Pty Ltd
AQIA	Air Quality Impact Assessment
ARDM	Archaeological Research Design & Methodology
BCS	Biodiversity, Conservation and Science Group in the NSW Department of Climate Change, Energy, the Environment and Water
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Commission, the	Independent Planning Commission
Council	City of Sydney Council
Council's Code	City of Sydney Code of practice: construction hours and noise in the city centre (1992)
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water, also formerly known as the Water Group within the then Department of Planning and Environment
Department	Department of Planning, Housing and Infrastructure
Eastern Harbour City SEPP	<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HNSW	Heritage NSW in the Department of Climate Change, Energy, the Environment and Water, as delegate of the Heritage Council of NSW
ICNG	Interim Construction Noise Guideline
LEP	Local Environmental Plan
Minister	Minister for Planning
NIA	Noise Impact Assessment

Abbreviation	Definition
PMF	Probably Maximum Flood
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RAP	Remedial Action Plan
SEPP	State Environmental Planning Policy
Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
PMF	Probable Maximum Flood
SSD	State Significant Development
TIA	Traffic Impact Assessment
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

- Environmental Impact Statement
- Response to Submissions
- Applicant’s additional information
- Submissions
- Government agency advice

<https://www.planningportal.nsw.gov.au/major-projects/projects/central-barangaroo-early-works-hickson-road-interface>

Appendix B – Related projects and works

Remediation Works

Barangaroo was used for wharf and port related activities since the 1800s. From 1839 to 1921, the former Australian Gas Light Company (now Jemena) gasworks operated at Millers Point on parts of Blocks 4 and 5 and the area now occupied by Hickson Road. These uses were demolished in 1922.

The site was contaminated with gasworks waste due to previous uses. In May 2009, the Environment Protection Authority (EPA) declared part of Millers Point a remediation site under the *Contaminated Land Management Act 1997* (CLM Act) (no. 21122). Three separate SSD applications were progressed for staged remediation of the declaration area (**Figure 6**). The proposal is partly on the Stage 2 remediation area assessed in SSD 6533.

On 25 March 2019, in accordance with SSD 6533, Lendlease advised the remediation of Block 5 within the EPA declaration area had been completed. The site has an existing Environmental Protection License (EPL 13336). On 18 June 2020, the EPA issued a notice declaring the site is no longer contaminated.

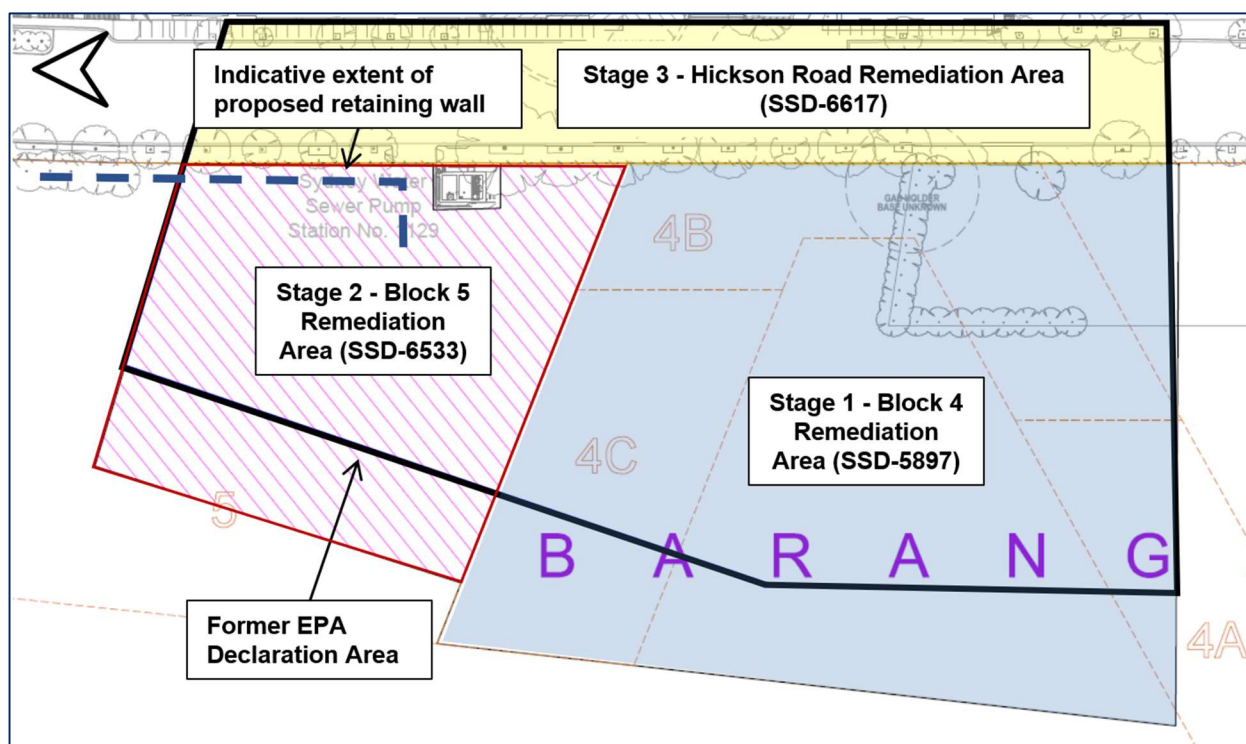


Figure 6 | Overview of previous staged remediation in Barangaroo (Source: DPHI)

Sydney Metro – Chatswood to Sydenham (SSI-7400)

On 9 January 2017, the Minister approved Critical SSI-7400 for the Sydney Metro Chatswood to Sydenham project. The approval included the construction of Barangaroo Station, aboveground landscaping, public domain works and shifting Hickson Road and associated services further to the west. These works, including the final alignment of Hickson Road and public domain, are due to for completion in late 2024.

Stage 1B Public Domain Works (SSD 7944)

On 11 September 2018, the Independent Planning Commission (the Commission) approved an SSD application for public domain and associated works for Barangaroo South and Central Barangaroo, including Hickson Park up to Barton Street, Waterman’s Quay, Wulugul Walk and part of Barangaroo Avenue.

The majority of Hickson Park is located within Barangaroo South, however, a triangular portion extends into Central Barangaroo as part of the Commission’s determination of MP06_0162 MOD 8.

Appendix C – Statutory considerations

Objects of the EP&A Act

Table 7 summarises the Department’s consideration of the relevant objects of the EP&A Act.

Table 7 | Objects of the EP&A Act and how they have been considered

Object	Consideration
<p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</p>	<ul style="list-style-type: none"> • The proposal would facilitate early works in Central Barangaroo for future mixed-use development.
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<ul style="list-style-type: none"> • The proposal seeks to construct early works for Central Barangaroo that will support the interface of Hickson Road, Barangaroo Metro station and future development. The proposal has considered economic, environmental and social impacts. ESD measures would be developed as part of subsequent development applications under the Concept Plan.
<p>(c) to promote the orderly and economic use and development of land,</p>	<ul style="list-style-type: none"> • The proposal is aligned with the Barangaroo Concept Plan which contemplates future mixed-use development at the site.
<p>(d) to promote the delivery and maintenance of affordable housing,</p>	<ul style="list-style-type: none"> • Not applicable as the proposal consists of a retaining wall.
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<ul style="list-style-type: none"> • The proposed works will have negligible impact on threatened or other species of native animals, plants or ecological communities or their habitats.
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<ul style="list-style-type: none"> • The Department concludes the heritage impact of the proposal is acceptable, subject to conditions (Section 5). The Department has recommended conditions relating to the management of unexpected archaeology during construction of the retaining wall.
<p>(g) to promote good design and amenity of the built environment,</p>	<ul style="list-style-type: none"> • The Department concludes the construction impacts of the proposal on the amenity of the built environment is acceptable (Section 5).
<p>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<ul style="list-style-type: none"> • Not applicable as the proposal does not seek consent for a building.
<p>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p>	<ul style="list-style-type: none"> • The Department publicly exhibited the proposed development as outlined in Section 5, which included consultation with Council and other public authorities, notification of surrounding properties and consideration of their responses and submissions received.

Object	Consideration
<p>(j) to provide increased opportunity for community participation in environmental planning and assessment.</p>	<ul style="list-style-type: none"> The Department publicly exhibited the proposal as outlined in Section 5, which included notifying adjoining landowners and displaying the proposal on the Department’s website. The Department has considered all issues raised in submissions as part of its assessment.

EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*
- *Cumulative Impact Assessment Guidelines for State Significant Projects.*

The Department considers the application has had regard to the above guidelines.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation)

The proposal is located within land that the Barangaroo Concept Plan (MP06_0162) applies to. Therefore Schedule 2, 3B of the STOP Regulation applies to the development.

The Department has considered the proposal against the terms of the Concept Plan in **Table 8** below. The Department considers the proposal is generally consistent with its terms of approval.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department’s environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP identifies SSD, State significant infrastructure (SSI), critical State significant infrastructure (CSSI) and confer functions on regional planning panels to determine development applications.

The proposal is SSD under clause 3 of Schedule 2 of the Planning Systems SEPP as it comprises development of a site located within Barangaroo and has a CIV of more than \$10 million.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

Appendix 5 of the Precincts – Eastern Harbour City SEPP regulates development in the Barangaroo site in lieu of a Local Environmental Plan. The proposed demolition, excavation and construction of the proposed pile wall are associated with the future mixed-use development of the Central Barangaroo precinct, as envisioned under the Barangaroo Concept Plan (MP06_0162), as modified.

The works are not listed as prohibited works in the PEHC SEPP (Appendix 5, cl 8(3)) for the B4 Mixed Use zone and are therefore permissible as innominate uses.

The proposal would not impact any listed heritage item in the Barangaroo site. The Department is satisfied the construction of the proposed works would not impact the fabric or significance of any heritage item listed in the Sydney LEP to the west. Despite this, conditions are recommended to manage any unexpected finds associated with Indigenous and non-Indigenous maritime heritage (**Section 5**).

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of the former SEPP 55 (Remediation of Land) were transferred to SEPP (Resilience and Hazards) 2021. This includes requirements on the consent authority to consider the contamination status of the land and any remediation necessary to make the land suitable for development.

The site has been remediated in stages as part of previous SSD applications.

The application includes a site-specific Remedial Action Plan (RAP) which has been informed by the existing Barangaroo RAP, Interim Audit Advice and Site Audit Report accompanying the application. The documents identify:

- all material required to install the pile wall will be removed from the site and classified for off-site disposal, in accordance with EPA requirements

- the works would not impact the suitability of the site for future changes in land use
- the RAP is consistent with the existing remediation strategy for Barangaroo.

Council acknowledges the conclusions of the RAP, Site Audit Report and Site Audit Statement (SAS). Council recommended conditions to implement the RAP and acid sulphate soil management plan, require Council notification for unexpected contamination finds, to validate imported fill and classify waste.

The Department is satisfied the RAP and Site Audit Report adequacy address contamination at the site and that the site can be made suitable for its intended use. Conditions are recommended to:

- require an unexpected contamination finds protocol to be implemented during works
- detail measures for site bunding to manage rainfall on potential stockpiles of excavated contaminated areas for collection, treatment and disposal
- prepare interim advice and a validation report following the completion of remediation works.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP (TISEPP) 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 types of infrastructure development, and providing for consultation with relevant public authorities about certain development.

The proposed development does not front a classified road and is not considered to be a traffic generating development as defined in Chapter 2 of the TISEPP. The Department considers the proposed development has appropriately considered traffic impacts.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the Biodiversity and Conservation SEPP (formerly the Sydney Harbour State Regional Environmental Policy) applies to the proposal as the site is located within the Sydney Harbour Catchment, in the Foreshores and Waterways Area and is in a mapped Strategic Foreshore Site.

The proposed development is confined to previously developed land and would therefore have a negligible and neutral impact on the natural environment, including water quality and quantity, aquatic ecology, flooding, public access and catchment management. Potential environmental impacts to the foreshore would be appropriately managed via recommended conditions (refer to **Section 5**). The proposal would continue to facilitate overland flows to the harbour, would have a neutral effect on the waterway, would not impact the water flow in Darling Harbour, would not increase the amount of stormwater runoff.

The proposed development would retain public access to the Sydney Harbour Foreshore through alternative paths around the site. The proposal is in the Barangaroo Concept Plan and its consistency with the Concept Plan is addressed further below. Heritage is considered in **Section 5**. Therefore, the proposed development is consistent with Chapter 6 of the Biodiversity and Conservation SEPP.

Consistency with the Barangaroo Concept Plan

The Department has considered the proposal against the existing Barangaroo Concept Plan in **Table 8**.

Table 8 | Consideration of the Barangaroo Concept Plan, as modified (MP06_0162)

Condition	Department's Consideration
Schedule 2, Part A – Terms of Approval	<ul style="list-style-type: none"> The proposal does not impact any documents listed in the Concept Plan. The Department is satisfied the proposal would not pre-empt the determination of any future application.
Schedule 2, Part B – Modifications to Concept Plan	
B1 – Public Domain – Northern Headland	<ul style="list-style-type: none"> Not applicable. The proposal is not located in the Northern Headland (Barangaroo Reserve).
B2 – Public Domain – Northern Cove	<ul style="list-style-type: none"> Not applicable. The proposal is not located at or near the Northern Cove (Nawi Cove).
B3 – Future Built Form and Public Domain	<ul style="list-style-type: none"> The Department is satisfied the proposal is wholly located in the B4 Mixed Use zone as currently approved in the Concept Plan and Eastern Harbour City SEPP and would not impact solar access.
Block 5	<ul style="list-style-type: none"> The proposal is wholly located in the extent of Block 5 as modified by B3(2).
Block Y	<ul style="list-style-type: none"> Not applicable. The proposal is not located in or near Block Y.
Barton Street	<ul style="list-style-type: none"> Not Applicable. The proposal would not impact the temporary nature and future removal of Barton Street under the Concept Plan.
Foreshore promenade	<ul style="list-style-type: none"> Not Applicable. The proposal is not in or near the foreshore promenade.
B4 – Built Form	<ul style="list-style-type: none"> The proposal would facilitate future development to enable the realisation of the GFA allowed under the Concept Plan.

Condition	Department's Consideration
B5 – Revised Design Principles	<ul style="list-style-type: none"> • Not Applicable. The nature of the proposal does not impact the revised design principles.
B6 – Tourist Uses	<ul style="list-style-type: none"> • Not Applicable. The proposal does not involve a tourist use.
B7 – Community Uses	<ul style="list-style-type: none"> • Not Applicable. The proposal does not involve community uses.
B9 – Barangaroo Central Envelope Amendments	<ul style="list-style-type: none"> • The proposal is a retaining wall located below ground level and does not impact the Central Barangaroo Envelope amendments.
B10 – Lightweight Bridge, Floating Dock or Pontoon	<ul style="list-style-type: none"> • Not applicable. The proposal is not located at or near the Northern Cove.
B11 – Key worker housing	<ul style="list-style-type: none"> • Not applicable. The proposal does not involve residential uses.
B12 – Staging	<ul style="list-style-type: none"> • Not applicable. The proposal is not located in Block 4A, 4B or Y.
Schedule 2, Part C – Future Applications	
C1 – Future building/s on Block 5	<ul style="list-style-type: none"> • Not applicable. The proposal does not seek approval to construct a building
C2 – Design excellence	<ul style="list-style-type: none"> • Not applicable. The proposal does not trigger any of the sub requirements under the condition and a design excellence competition is not required.
C3 – Transport and Pedestrian management	<ul style="list-style-type: none"> • Not applicable. The proposal does not trigger the review of the Transport Management and Access Plan.
C3A – Traffic impact assessment	<ul style="list-style-type: none"> • Not applicable. The proposal does not relate to the modification or development blocks the additional TIA was required for.
C3C – Consultation	<ul style="list-style-type: none"> • Not applicable. The proposal does not relate to the matters further consultation was required under the approved Concept Plan.
C4 – Car Parking	<ul style="list-style-type: none"> • Not applicable. The proposal is not of a type that would generate an operational parking demand.
C5 – Marine ecology	<ul style="list-style-type: none"> • Not applicable. The proposal does not involve the construction of a public pier or ferry wharves or foreshore elements in Barangaroo South, Central Barangaroo or the Headland Park/Northern Cove.

Condition	Department's Consideration
C6 – Rail	<ul style="list-style-type: none"> The proposal has been developed in consultation with TfNSW and Sydney Trains to consider the relationship with the Barangaroo Metro.
C7 – Pedestrian linkages, activation, streets and public domain	<ul style="list-style-type: none"> Not applicable. The proposal does not include works that relate to pedestrian links, ground plane activation, streets or the public domain. However, the proposal will ensure Hickson Road is supported structurally.
C8 – Road design near Block Y	<ul style="list-style-type: none"> Not applicable. The proposal would rely on Barton Road as a temporary construction road but would not impact the future design of the road layout in Central Barangaroo.
C9 – Public access to upper levels of Block Y	<ul style="list-style-type: none"> Not applicable. The proposal is not located on Block Y.
C10 – Public pier	<ul style="list-style-type: none"> Not applicable. The proposal is not located on the public pier.
C11 – Landscaped areas	<ul style="list-style-type: none"> Not applicable. The proposal does not involve any final landscaping.
C12 – Wind assessment	<ul style="list-style-type: none"> Not applicable. The proposal does not involve built form above ground level.
C13 – Lighting strategy	<ul style="list-style-type: none"> Not applicable. The proposal does not involve the illumination of built form.
C14 – Intersection design	<ul style="list-style-type: none"> Not applicable. The proposal does not involve road works.
C15 – Metro access points	<ul style="list-style-type: none"> The proposal would not compromise the ability to coordinate future access points to Barangaroo Metro, including underground pedestrian routes.
C16 – Airspace	<ul style="list-style-type: none"> Not applicable. The proposal involves sub-surface works and does not impact airspace.
C17 – Statement of Commitments	<ul style="list-style-type: none"> Not applicable. The existing Statement of Commitments do not detail matters relating to early/underground works.

Sydney Harbour Foreshores and Waterways Area DCP

Under 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD.

Appendix D – Recommended instrument of consent

SSD-39587022: <https://www.planningportal.nsw.gov.au/major-projects/projects/central-barangaroo-early-works-hickson-road-interface>