

Your reference : MP06_0162 MOD 4
Our reference : DOC10/36356
Contact : Bob Marr (02) 9995 6825

Mr Daniel Cavallo
A/Director Government Land & Social Projects
Department of Planning
23-33 Bridge St
Sydney NSW 2001

Dear Mr Cavallo

**RE: ENVIRONMENTAL ASSESSMENT (EA) EXHIBITION
MAJOR PROJECT MP06_0162 MOD 4
BARANGAROO CONCEPT PLAN AMENDMENT**

I refer to your letter dated 9 August 2010, seeking a submission from the Department of Environment Climate Change and Water ("DECCW") on the above application from Lend Lease (Millers Point) Pty Ltd (Lend Lease). I refer also to the appended documents titled:

- *Environmental Assessment Report Concept Plan and State Significant Site Listing - Volumes 1-3* prepared by JBA Urban Planning Consultants on behalf of Lend Lease; and
- *Urban Design Statement* prepared by Rogers Stirk Harbour and Partners.

DECCW notes that the application relates mainly to changes to building heights, building footprints and to floor space. DECCW notes also, and commends, the ongoing intention by the applicant to ensure that the development is done in a way that exceeds the Environment and Sustainability Goals established in the approved Concept Plan.

Noise Impacts

DECCW acknowledges that an acoustic report prepared by ARUPS (Appendix P to the EA) has been submitted in support of the application. The report highlights the need for detailed and co-ordinated acoustic input into the detailed design phase of the development. This is to ensure that operational noise is acceptable in terms of both receivers within and outside of the project area. The preparation of an overarching and strategic acoustic design strategy that can inform the detailed acoustic design of various uses within the project area is therefore highly desirable.

DECCW expects that major project applications for aspects of the overall site development will be accompanied by detailed acoustic design studies that address acceptable standards for both noise emission (noise emitted) and imission (noise received).

Co- and Tri-generation

DECCW notes that the Barangaroo development is proposed to be "Carbon Neutral" which is likely to require the use of co-generation or tri-generation facilities installed within individual buildings or power plants servicing building clusters. Consequently the proponents should be

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW



aware that an Environment Protection Licence may be required under the provisions of the *Protection of the Environment Operations Act 1997* (POEO Act) if the proposal includes installation and operation of a cogeneration or tri-generation plant.

A co- or tri-generation plant is likely to require a licence if it generates electricity through the use of an internal combustion engine that has the capacity to burn more than 3 megajoules of fuel per second. Reference should be made to Schedule 1 of the POEO Act for full details of the applicable licensing thresholds for electricity generation (available at: <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N>).

The proponent should also be aware of DECCW's *Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra*. This policy is available at: <http://www.environment.nsw.gov.au/resources/air/lnp09124.pdf> and supporting information is at: <http://www.environment.nsw.gov.au/air/cogentrigen.htm>.

Licensing Arrangements

As you will be aware, a number of demolition activities which will occur at the Barangaroo site will be scheduled under the POEO Act, including some flagged in the above EA. For example, it appears that the activity "*Crushing grinding or separating*" may occur, and if this activity exceeds the threshold specified under Section 16 of the POEO Act, then a licence will be required for this activity and indeed for the whole site. DECCW understands that the Barangaroo Delivery Authority intends to apply for and hold an overarching Environment Protection Licence (EPL) for the Barangaroo site and it will manage works done by contractors, sub-contractors and lessees (including Lend Lease) by contractual arrangements.

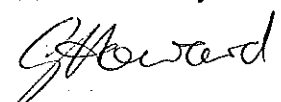
You will also be aware that DECCW cannot consider an application for an EPL until a valid consent or approval is obtained by the licence applicant. DECCW understands that BDA intends to seek a licence for *Scheduled Development Works* on the basis of the approval issued by the Department of Planning (DoP) in November 2007 to demolish a number of structures at the Barangaroo Site. DECCW understands further that BDA intends to seek variations to the EPL to include other scheduled activities with appropriate licence conditions, as the individual Project Applications are approved by DoP.

As you are aware, DECCW has made recent submissions to DoP on both the *Bulk Excavation and Basement Car Park* and the *Headland Park Early Works* EAs. In these submissions DECCW highlighted a number of areas where more work was needed by the applicants to ensure proper and full assessment of environmental impacts, particularly in relation to noise, air and water. Since then, DECCW has met with Lend Lease, BDA and their respective consultants to discuss the EA shortcomings and identify a pathway forward to ensure improved environmental assessment, and to also progress planning matters into the future.

Accordingly, once the above concerns are fully addressed, DECCW is satisfied that any short-term environmental or amenity impacts associated with the Barangaroo development, including those arising from this proposed consent modification, can be controlled by licence conditions.

If you have any queries regarding these matters please contact Bob Marr on 9995 6825.

Yours sincerely

 10/9/10

Giselle Howard
Director Metropolitan Region
Environment Protection and Regulation