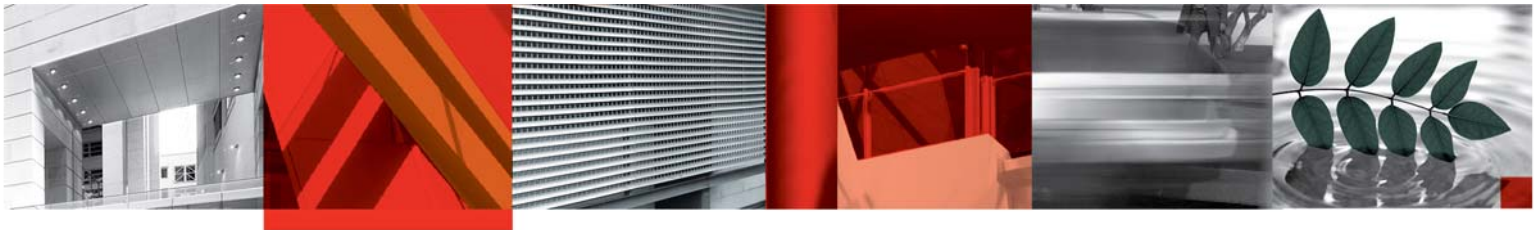


Section 96 (MOD 2) to Concept Proposal (SSD_5878)



Darling Square, SICEEP

GFA, Parameter Plans and Design Guideline Amendments

Submitted to Department of Planning and Environment
On Behalf of Lend Lease (Haymarket) Pty Ltd

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Alexis Cella

14/03/2016

This has been reviewed by:



14/03/2016

Contents

1.0	Introduction	1
2.0	Background to the Original Approval	2
2.1.1	Public Private Partnership SSD DA (SSD 12_5752)	3
2.1.2	Concept Proposal (SSD 13_5878)	4
2.1.3	Concept Proposal (SSD 13_5878) MOD 1	5
2.2	Concept Proposal Development Stage Status	5
3.0	Background to Modification Application	7
3.1	Development Stages Status	7
3.2	Evolution of Concept Proposal and Design Quality	7
4.0	Background to the Proposed Modifications	12
4.1	Floor Space	12
4.2	North Plot	13
4.3	Little Hay Street Alignment	13
4.4	Design Guidelines	13
4.5	Consultation	13
5.0	Description of Proposed Modifications	14
5.1.1	Non-residential Floor Space Increase	14
5.1.2	Residential Floor Space Increase	14
5.1.3	North Plot	15
5.1.4	North-East and South-East Plot	16
5.1.5	Update to Darling Square Design Guidelines	16
5.2	Proposed Modifications to the Approval	17
6.0	Strategic Justification	20
6.1	NSW 2021: A Plan to Make NSW Number One	20
6.2	A Plan for Growing Sydney	21
6.3	Summary of Strategic Justification	23
7.0	Section 96(2) of the EP&A Act, 1979	24
8.0	Environmental Assessment	27
8.1	Section 79C(1)(a) Planning Instruments	27
8.2	Section 79C(1)(b) Impact on the Environment	28
8.2.1	Design Excellence	29
8.2.2	Built Form	31
8.2.3	Visual and View Impact	35
8.2.4	Visual Impacts	35
8.2.5	View Impacts	36
8.2.6	SEPP 65 / Internal Residential Amenity	36
8.2.7	Public Domain and Landscaping	39

Contents

8.2.8	Overshadowing	40
8.2.9	Wind Impact	42
8.2.10	Transport and Accessibility	43
8.2.11	Non-Indigenous Heritage	44
8.2.12	Infrastructure and Utilities	45
8.2.13	Waste	45
8.2.14	Site Suitability	45
8.2.15	Public Interest	46
8.2.16	Summary	46
9.0	Conclusion	47

Figures

1	SICEEP Precinct Plan	3
2	Concept Proposal Development Plots	4
3	Construction underway at Darling Square	7
4	Illustration of the approved/proposed amended concept for Darling Square	8
5	North Plot Parameter Plan comparison (plan view)	15
6	North Plot Parameter Plan comparison (3D view)	15
7	Proposed amended Darling Square Land Use Mix	16
8	The Cultural Ribbon	22
9	Darling Square exemplar design excellence	30
10	Ground plane activation	33
11	Minimum separation distances	34
12	Updated Darling Square Public Domain Concept	39
13	Winter Solstice 12pm Shadow Diagram	41
14	Extract from amended Design Guideline	42
15	Illustration of the 10% reduced building form within the amended north plot parameter plan	42

Tables

1	SICEEP DA & S96 Status	6
2	Design evolution of Concept Proposal	8
3	Consistency with approved concept proposal	25
4	Compliance with relevant environmental planning instruments	28
5	Vehicle trip generation rates comparison	43

Contents

Appendices

- A** Design Report
Denton Corker Marshall
- B** Numeric Comparison Table
JBA
- C** Stakeholder and Community Engagement Report
LendLease
- D** Visual and View Impact Analysis
JBA
- E** Wind Impact Assessment - Addendum
CPP
- F** Statement of Heritage Impact - Addendum
TKD Architects
- G** Services Infrastructure Report
Hyder
- H** Transport and Traffic Impact Assessment
Hyder
- I** Waste Management Plan – Addendum Statement
Waste Audit and Consultancy Services

1.0 Introduction

This report for modifications to the approved Concept Proposal at Darling Square, Sydney International, Convention, Exhibition and Entertainment Precinct (SICEEP) is submitted to the Minister for Planning in accordance with section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Concept Proposal Approval (SSD_5878) allows for a new urban neighbourhood at the southern end of the SICEEP site and includes the following key components and development parameters:

- Indicative staging of demolition and development of future development plots;
- Land uses across the site including residential and non-residential uses;
- Street and laneway layouts and pedestrian routes;
- Open spaces and through-site links;
- Six separate development plots, development plot sizes and separation, building envelopes, building separation, building depths, building alignments, and benchmarks for natural ventilation and solar access provisions;
- A maximum total gross floor area (non-residential and residential GFA);
- Above ground car parking including public car parking;
- Residential car parking rates;
- Design Guidelines to guide future development and the public domain; and
- A remediation strategy.

This report has been prepared by JBA on behalf of Lend Lease ((Haymarket) Pty Ltd (the applicant) and is based on the Design Report, prepared by the original Concept Proposal architects Denton Corker Marshall (DCM), and other supporting technical information appended to the report (see Table of Contents). The report describes the proposed modifications; outlines the purpose of the modifications; and provides a detailed assessment of the potential environmental impacts (having due regard to the original Director General's Requirements issued for the project on 12 March 2013).

In summary, this Section 96(2) modification application (the Modification Application) seeks the following modifications to the Concept Proposal:

- Increase in the total maximum non-residential and residential Gross Floor Area by 4,443m² and 6,681m² respectively;
- adjustments and increase to the maximum height of the north plot parameter plan/building envelope;
- minor administrative correction to the alignment of Little Hay Street; and
- minor consequential amendments to the approved Darling Square Design Guidelines.

This Modification Application constitutes the second modification to the consent (MOD 2). The availability of section 96(2) to modify Development Consent SSD_5878 is addressed in Section 7.0 below.

2.0 Background to the Original Approval

The NSW Government considers that a precinct-wide renewal and expansion of the 1980's built convention, exhibition and entertainment centre facilities at Darling Harbour is required, and is committed to Sydney reclaiming its position on centre stage for hosting world-class events with the creation of SICEEP.

Following an extensive and rigorous Expressions of Interest and Request for Proposals process, Lend Lease and Darling Harbour Live (a consortium comprising AEG Ogden, Lend Lease, Capella Capital and Spotless) were announced by the NSW Government in December 2012 as the preferred proponent to transform Darling Harbour and create SICEEP.

Key features of the Preferred Precinct Plan includes (**emphasis added**):

- Delivering world-class convention, exhibition and entertainment facilities, including:
 - Up to 40,000m² exhibition space;
 - Over 8,000m² of meeting rooms space, across 40 rooms;
 - Overall convention space capacity for more than 12,000 people;
 - A ballroom capable of accommodating 2,000 people; and
 - A premium, red-carpet entertainment facility with a capacity of 8,000 persons.
- Providing a hotel complex at the northern end of the precinct.
- **A vibrant and authentic new neighbourhood at the southern end of the precinct, now called 'Darling Square', including apartments, student accommodation, shops, cafes and restaurants;**
- Renewed and upgraded public domain that has been increased by a hectare, including an outdoor event space for up to 27,000 people at an expanded Tumbalong Park; and
- Improved pedestrian connections linking to the proposed Ultimo Pedestrian Network drawing people between Central, Chinatown and Cockle Bay Wharf as well as east-west between Ultimo/Pymont and the City.

On 21 March 2013 a critical step in realising the NSW Government's vision for the SICEEP Project was made, with the lodgement of the first two State Significant Development Applications (SSD DAs) with the (now) Department of Planning and Environment. The key components of these proposals are outlined below and **Figure 1** illustrates the Precinct Plan for the SICEEP site.

2.1.1 Public Private Partnership SSD DA (SSD 12_5752)

The Public-Private Partnership (PPP) SSD DA (SSDA 1) includes the core facilities of the SICEEP Project, comprising the new, integrated and world-class convention, exhibition and entertainment facilities along with ancillary commercial premises and public domain upgrades. SSDA1 was approved on 22 August 2013, with three modifications subsequently approved on 22 February 2014, 18 July 2014 and 1 July 2015.



Figure 1 – SICEEP Precinct Plan

2.1.2 Concept Proposal (SSD 13_5878)

The Concept Proposal SSD DA (SSDA 2) establishes the vision and planning and development framework which will be the basis for the consent authority to assess detailed development proposals within the Darling Square Site. SSDA2 was approved on 5 December 2013 ('Concept Proposal (as approved)'). The Stage 1 Concept Proposal approved the following key components and development parameters:

- Indicative staging of demolition and development of future development plots;
- Land uses across the site including residential and non-residential uses;
- Street and laneway layouts and pedestrian routes;
- Open spaces and through-site links;
- Six separate development plots (see **Figure 2**), development plot sizes and separation, building envelopes, building separation, building depths, building alignments, and benchmarks for natural ventilation and solar access provisions;
- A maximum total gross floor area of 197,236m² (excluding ancillary above ground parking), comprised of:
 - A maximum of 49,545m² non-residential GFA; and
 - A maximum of 147,691m² residential GFA
- Above ground car parking including public car parking;
- Residential car parking rates;
- Design Guidelines to guide future development and the public domain; and
- A remediation strategy.

For clarity, this modification application relates to this approved Concept Proposal.



Figure 2 – Concept Proposal Development Plots

Source: Denton Corker Marshall

2.1.3 Concept Proposal (SSD 13_5878) MOD 1

Approval was granted on 26 November 2015 for the first modification to the Concept Proposal (MOD 1), which involved an increase in the total maximum non-residential GFA by 2,575m². The increase in GFA related solely to the North West Plot (commercial office building and carpark) and was able to be accommodated within the approved parameter plans.

The 'Concept Proposal (as amended)' therefore provides for the following:

- A maximum total gross floor area of 199,811m² (excluding ancillary above ground parking), comprised of:
 - A maximum of 52,120m² non-residential GFA; and
 - A maximum of 147,691m² residential GFA.

2.2 Concept Proposal Development Stage Status

In addition to the approval of SSDA1 and SSDA2, the following approvals have been granted for various stages of the Darling Square site:

- Darling Drive (part) development plot (SSDA3 – ref: SSD_6010) for the construction and use of a residential building (student accommodation) and the provision of associated public domain works approved on 7 May 2014;
- North-West development plot (SSDA4 – ref: SSD_6013) for the construction and use of a mixed use commercial development and public car park building and associated public domain works approved on 7 May 2014;
- South-West development plot (SSDA5 – ref: SSD_6011) for the construction and use of a mixed use residential development and associated public domain works approved on 21 May 2014; and
- North-East development plot (SSDA (SSDA7 – ref: SSD_6626) for the construction and use of a mixed use residential development and associated public domain works approved on 16 April 2015.

Approval was also granted on 15 June 2014 for SSDA6 (ref: SSD_6116) which includes the construction and use of the International Convention Centre (ICC) Hotel and provision of public domain works.

Table 1 below more specifically details the current status of DAs and modification applications across the SICEEP Site.

Table 1 – SICEEP DA & S96 Status

DA No		Description of Application	Status
SSDA 1	12_5752	SICEEP Core Facilities – Exhibition Centre, Convention Centre, The Theatre, Event Deck and Tumbalong Park	Approved: 22 August 2013
	MOD 1	S96(1A) - various	Approved: 20 February 2014
	MOD 2	S96(1A) – various	Approved: 18 July 2014
	MOD 3	S96(1A) – various	Approved: 1 July 2015
SSDA 2	13-5878	Darling Square Concept Proposal	Approved: 5 December 2013
	MOD 1	S96(1A) – minor increase in non-residential GFA	Approved: 26 November 2015
	MOD 2	S96(2) – various	Subject of this modification application
SSDA 3	6010	Western Plot (Student Accommodation – Building W2)	Approved: 7 May 2014
	MOD 1	S96(2) – various	<i>Under assessment</i>
SSDA 4	6013	North-West Plot (Public car park/ commercial office building)	Approved: 7 May 2014
	MOD 1	S96(2) – various	Approved: 20 July 2015
	MOD 2	S96(1A) – various	Approved: 26 November 2015
SSDA 5	6011	South-West Plot (Mixed Use Residential Development)	Approved: 21 May 2014
	MOD 1	S96(1A) – various	Approved: 27 July 2015
	MOD 2	S96(1A) – rationalisation of plant and lobby space, provision of mezzanine.	<i>Target lodgement: second/third quarter 2016</i>
SSDA 6	6116	ICC Hotel	Approved: 15 June 2014
	MOD 1	S96(1A) – various	Approved: 8 July 2015
SSDA 7	6626	North-East Plot (Mixed Use Residential Development)	Approved: 16 April 2015
SSDA 8	6831	ICC Hotel fit-out, façade lighting system and subdivision	Approved: 16 October 2015
SSDA 9	6633	South-East Plot	<i>Lodged concurrently with this modification application</i>
SSDA 10	7021	North Plot and Square	<i>Lodged concurrently with this modification application</i>
SSDA 12	7133	Western Plot (Student Accommodation – Building W1)	<i>Under assessment</i>

3.0 Background to Modification Application

3.1 Development Stages Status

Since approval of the Concept Proposal in 2013, approvals have been granted for a number of stages across Darling Square, with development well underway across the site (refer to **Figure 3**) and the first residents expected to move in from mid 2017.



Figure 3 – Construction underway at Darling Square

3.2 Evolution of Concept Proposal and Design Quality

The approved Concept Proposal and associated Design Guidelines establish the overall parameters in which all subsequent development across Darling Square is required to adhere to.

These concept parameters and controls have accordingly formed the basis and design brief for each individual development stage.

In taking the concept (refer to **Figure 4**) to reality and achieving the vision for Darling Square, the proponent has appointed a diversity of high calibre and world class architects and landscape designers with extensive experience in delivering high quality urban projects. **Table 2** below provides an overview of each architect appointed to date for each individual stage, along with a representative image of the project.

Whilst only a snapshot, it is clear from the quality and range of architects and the finished product/image that Darling Square is on track to becoming a highly accessible and innovative mixed use precinct that incorporates high quality urban design and provides for a network of streetscapes and open spaces.

Whilst acknowledging that the Concept Proposal included an overall maximum GFA cap, which was derived from an indicative design scheme prepared at the time, the design and delivery of individual stages within the confines of an approved envelope is a fluid process that involves a number of facets and considerations. However, a quality design outcome is a constant driver for the project.

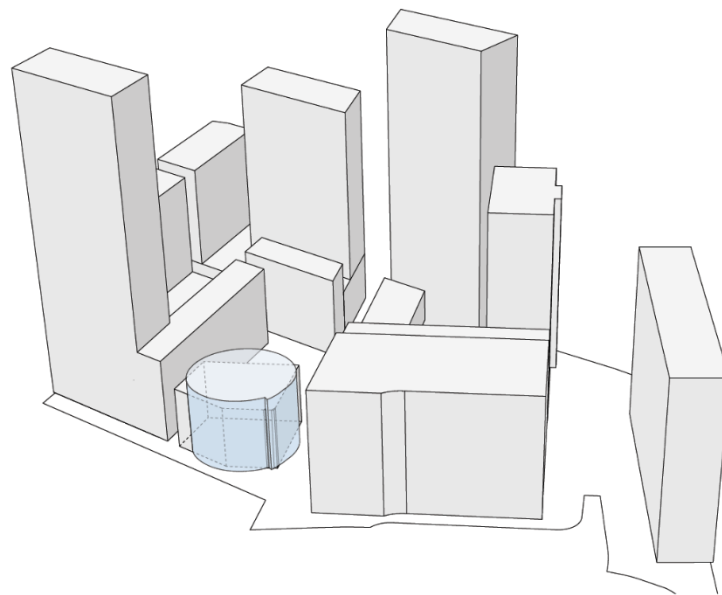


Figure 4 – Illustration of the approved/proposed amended concept for Darling Square

Source: DCM

Table 2 – Design evolution of Concept Proposal

Stage	Use	Design Architect	Design Quality
SSDA 3 Darling Drive Plot	Student accommodation	Allen Jack +Cottier (AJ+C)	

Stage	Use	Design Architect	Design Quality
SSDA 4 North- West Plot	Mixed use commercial	Woods Bagot / Lend Lease Design	
SSDA 5 South- West Plot	Mixed use residential	Denton Corker Marshall /Lend Lease Design	

Stage	Use	Design Architect	Design Quality
SSDA 7 North- West Plot	Mixed use residential	Tzannes Associates	
SSDA 9 South- East Plot	Mixed use residential	Francis-Jones Morehen Thorp (fjmt)	

Stage	Use	Design Architect	Design Quality
SSDA 10 North Plot + Square	Mixed use community building + public open space	Kengo Kuma / Aspect Studios	 

4.0 Background to the Proposed Modifications

4.1 Floor Space

As illustrated in Section 2 and 3, the staged development of Darling Square is well progressed with all 8 buildings/stages of the Concept Proposal subject to detailed design¹.

At the time of preparing the original Concept Proposal (and more specifically the indicative design scheme) there was by its very nature only a high level study undertaken to establish what theoretical development potential could occur across every stage/within each parameter plan.

It has now clear through moving well into the detailed design phase of the Darling Square project that there have been opportunities to deliver high quality buildings that achieved excellent levels of amenity and resulted in no adverse environmental impacts whilst utilising more floor space area than originally planned for during the concept proposal stage.

In other words, additional GFA can be realised within the approved (with the exception of the North Plot) parameter plans, meaning an increase in the overall residential and non-residential gross floor area is required and essential to complete the project and realise its vision and to achieve the best urban design outcome and to achieve the highest and best use for the land. Accordingly, the maximum amount of GFA approved under the Concept Proposal² is proposed to be amended/increased 5.56% - that is 4,443m² of non-residential floor space and 6,681m² of residential floor space. In conjunction with MOD 1 to the Concept Proposal this results in an overall increase of GFA by 9.97%, being 7,018m² non-residential and 6,681m² residential.

This real life increase can be attributed to a variety of reasons, including:

- utilising a variety of architects (each with their own methods/design vernacular);
- the efficient planning of buildings within the approved envelopes (with the exception of the North Plot);
- the changing needs/wants of buyers;
- a more detailed study of the available quantum of floor space within these buildings;
- delivering a more finer grained and active ground plane and public domain; and
- realising a truly mixed use neighbourhood with a community building as its heart.

¹ SSDA 9 and SSDA 10 SSDAs are lodged concurrently with this modification application

² Increase beyond that of the approved modified concept proposal.

4.2 North Plot

The proponent has long held aspirations to do something special and leave a lasting legacy and contribution to the local area/community and Global Sydney more broadly.

The north plot has therefore been re-imagined to be a more dynamic and cylindrical shape, moving away from its originally anticipated more rectilinear form. The foundation for this change to the approved parameter plan comes from the design influence of an internationally renowned architect (Kengo Kuma) working in collaboration with Lend Lease to deliver on its promise of a community building/facility within Darling Square. To facilitate the re-imagined vision for the north plot, relatively minor adjustments/increases to the approved envelope are required along with adjustments to its allocated mix/quantum of floor space.

The balance additional floor space that is not being allocated within the re-imagined North Plot is being distributed and accommodated within the approved building envelopes/parameter plans of the South-East Plot and South-West Plot.

4.3 Little Hay Street Alignment

As a result of undertaking a detailed site survey as part of the design development of the Darling Square project, it has become evident that the proposed extension of Little Hay Street into the precinct does not exactly align with Little Hay Street proper. Accordingly, the proposed alignment of Little Hay Street is proposed to be moved 1m further north in order to ensure the alignment correctly matches Little Hay Street proper. This consequently means that the length of the North East Plot and South East Plot along Harbour Street needs to be adjusted (+/- 1m).

4.4 Design Guidelines

Throughout the ongoing development of Darling Square, minor variations have been proposed to the Design Guidelines on various occasions (as to be expected) within individual SSDAs/s96s. In order to ensure the Design Guidelines remain up-to-date together with reflecting the design development of current/future SSDAs, minor consequential amendments to the Design Guidelines are proposed as part of this modification (refer to Section 5.1.5 for further details).

4.5 Consultation

Over the course of preparing the subject s96 modification application, Lend Lease has consulted with a number of government agencies, independent bodies, and other key stakeholders. This includes meeting with both the Department of Planning and Environment and the City of Sydney Council. The discussions gave Lend Lease the opportunity to provide an overview of the planned changes to the Concept Proposal along with receiving initial thoughts and feedback and identifying aspects that should be addressed as part of the S96 modification application. The comments and feedback provided have accordingly been incorporated and addressed as part of this submission (as appropriate).

Lend Lease has also more broadly engaged with the local community as part of preparing the modification application. Full details and feedback of the consultation process is at **Appendix C**.

5.0 Description of Proposed Modifications

The proposed modifications to the approved Concept Proposal are described in this section. This Section 96 application seeks the following modifications to the approved Concept Proposal:

- Increase in the total maximum non-residential and residential Gross Floor Area by 4,443m² and 6,681m² respectively;
- adjustments and increase to the maximum height of the north plot parameter plan/building envelope;
- minor administrative correction to the alignment of Little Hay Street; and
- minor consequential amendments to the approved Darling Square Design Guidelines.

Revised parameter plans prepared by DCM together with updated illustrative design plans (reflecting approved and proposed development within the parameter plans and in which the amended GFA figures are based on) for Darling Square are provided at **Appendix A**. Also included at **Appendix A** are the updated Design Guidelines.

The different components of the proposal are discussed further below.

5.1.1 Non-residential Floor Space Increase

The provision of additional non-residential floor space within the Darling Square Concept Proposal will:

- support greater activation of the ground plane/public domain through provision of additional retail 'pods' and the like;
- enable the re-imagined vision of the North Plot as a community focused and lifestyle building to be realised; and
- support further activation within the South-West Plot.

An additional 4,443m² of non-residential gross floor area is therefore proposed (split between South-West Plot – 305m² and North Plot and Square – 4,138m²), resulting in a revised maximum of 56,563m² of non-residential GFA. The additional non-residential floor space to be accommodated within the South-West Plot will be formalised through a future s96 modification application.

5.1.2 Residential Floor Space Increase

The provision of additional residential floor space within the Darling Square Concept Proposal will facilitate the delivery of the South-East Plot. An additional 6,681m² of residential floor space is therefore proposed, resulting in a revised maximum of 154,372m².

This residential floor space is envisaged to provide approximately 148 additional residential dwellings (over and above the original indicative design scheme prepared over the Precinct in support of the Concept Proposal). All of this additional residential GFA is able to be accommodated within the existing approved South East Plot parameter plan/building envelope.

Floor Space Comparison Analysis

Appendix B provides a comparison overview between the original indicative design scheme submitted in support of the Darling Square Concept Proposal SSDA and the current approved/future detailed stages of the development in regard to GFA along with dwelling/bed numbers, dwelling typologies, and car parking.

5.1.3 North Plot

In order to align with the re-imagining of the North Plot and support its special place within the precinct, the north plot parameter plan is proposed to be adjusted in terms of its shape, width and height. Importantly, the amended envelope continues to support the expectation that development is low in scale (a juxtaposition from other development across the precinct) and integrates seamlessly with the surrounding public realm/square.

Figure 5 illustrates in plan form the change proposed to the North Plot, with some push and pull required to realise the cylindrical form – resulting in a similar footprint in terms of overall area.

In terms of height, an increase of 5m (refer to **Figure 6**) is proposed (current approved height is RL 28.50, amended height is RL 33.50) in order to accommodate the re-imagined mix of uses and facilitate the potential realisation of a unique publicly accessible top-floor space. Further discussion is provided within **Appendix A** in terms of the rationale for the amended North Plot parameter plan.

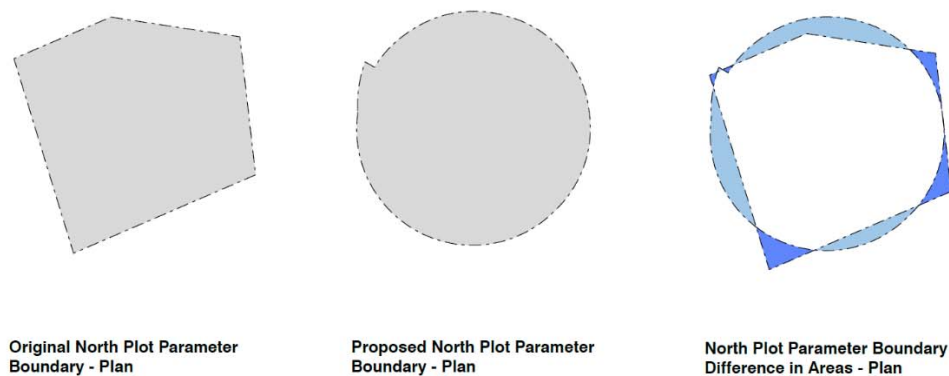


Figure 5 – North Plot Parameter Plan comparison (plan view)

Source: DCM

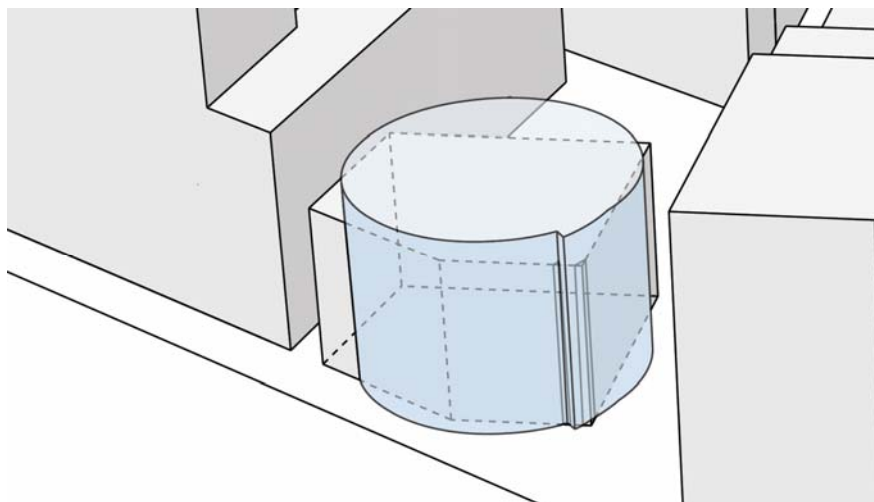


Figure 6 – North Plot Parameter Plan comparison (3D view)

Source: DCM

The proposed land use for the north plot is also proposed to be amended in order to formally recognise its re-imagination as a mixed use community/lifestyle building (refer to **Figure 7**).

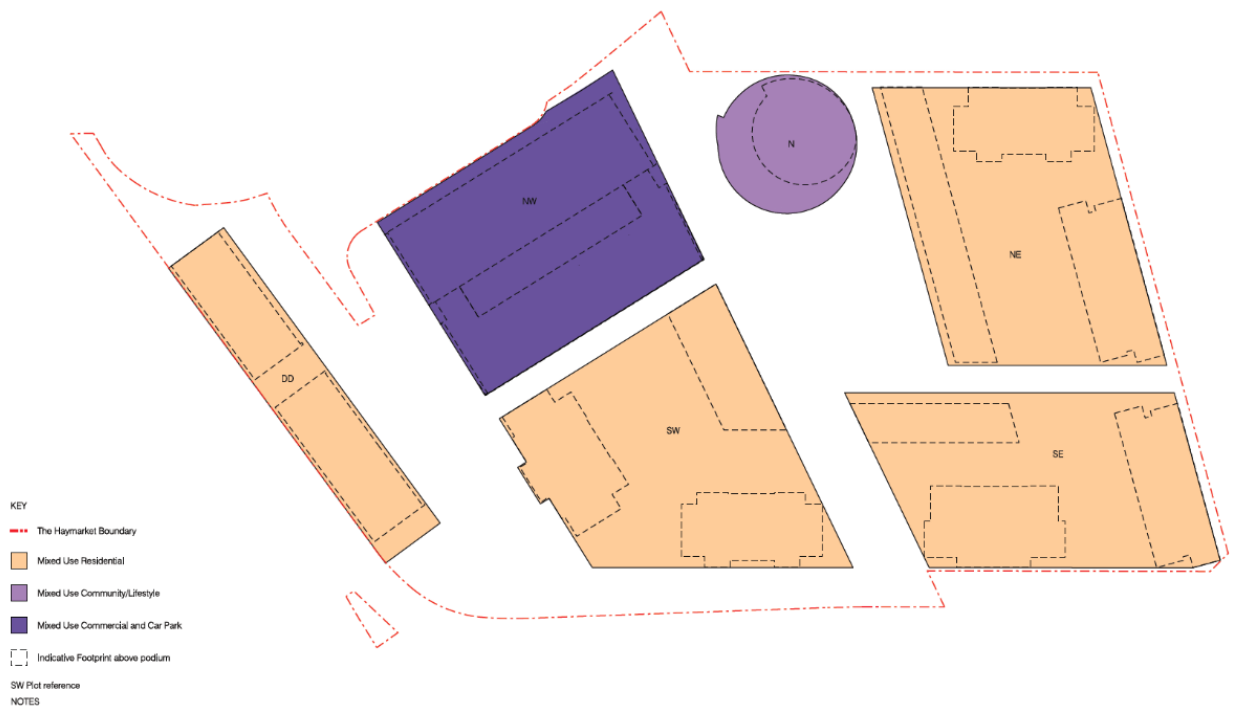


Figure 7 – Proposed amended Darling Square Land Use Mix

Source: DCM

5.1.4 North-East and South-East Plot

In correcting a misalignment of proposed Little Hay Street (discovered following a detailed site survey), the parameter plan length of the North East Plot needs to be reduced by 1m (from 85m to 84m) and the South East Plot needs to be increased by 1m (from 50m to 51m).

5.1.5 Update to Darling Square Design Guidelines

The Darling Square Design Guidelines are proposed to be amended to reflect the most up to date vision for the project (refer to **Appendix A**). These amendments relate principally to:

- accommodating the re-imagined North Plot;
- reflecting approved and proposed illustrative architectural plans; and
- updating the car parking rates approved under the Concept Proposal.

5.2 Proposed Modifications to the Approval

The above modifications necessitate amendments to the Concept Plan Approval. Words proposed to be deleted are shown in ~~**bold italics strike through**~~ and words to be inserted are shown in **bold italics**.

SCHEDULE 1

- Development:** Development of the Sydney Internal Convention, Exhibition and Entertainment Precinct (SICEEP) – ~~The Haymarket Darling Square~~, Concept Proposal including:
- Indicative staging of demolition and development of future development plots;
 - Land uses across the site including residential and non-residential uses;
 - Street and laneway layouts and pedestrian routes;
 - Open spaces and through-site links;
 - Six separate development plots, development plot sizes and separation, building envelopes, building separation, building depths, building alignments, and benchmarks for natural ventilation and solar access provisions;
 - A maximum total gross floor area of ~~197,236m²~~ **199,811 210,935m²**(excluding ancillary above ground parking), comprised of:
 - o A maximum of ~~49,545m²~~ **52,120m²** 56,563m² non-residential GFA; and
 - o A maximum of ~~147,691m²~~ **154,372m²** residential GFA
 - Above ground car parking including public car parking;
 - Residential car parking rates;
 - Design Guidelines to guide future development and the public domain; and
 - A remediation strategy.

SCHEDULE 2 – PART A – TERMS OF APPROVAL

DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTS

- A4 The applicant shall carry out the project generally in accordance with the
- a) *Environmental Impact Statement, as amended by the Response to Submissions;*
 - b) **Updated** Design Guidelines as set out in the Design Report, **dated February 2016;** and
 - c) Section 96(1A) application SSD 5878 MOD 1 prepared by JBA Urban Planning Consultants dated October 2015;
 - d) **Section 96(2) application SSD 5878 MOD 2 prepared by JBA Urban Planning Consultants dated March 2016;**
 - e) following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt or Complying Developments;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or design) Drawings prepared by Denton Corker Marshall			
Drawing No	Revision	Name of Plan	Date
MCD AR D107	~~P5~~ P7	Proposed Site Plan	~~25/09/2013~~ 2/03/2016
MCD AR D201	~~P3~~ P4	Parameter Plan 01 Maximum Building Envelope Plot Sizes	~~25/09/2013~~ 15/06/2015
MCD AR D202	~~P3~~ P5	Parameter Plan 02 Maximum Envelope Plot Separation	~~25/09/2013~~ 2/03/2016
MCD AR D203	~~P3~~ P5	Parameter Plan 03 Maximum Horizontal Building Envelope	~~25/09/2013~~ 2/03/2016
MCD AR D204	~~P3~~ P4	Parameter Plan 04 Minimum Building Envelope Separation	~~25/09/2013~~ 11/06/2015
MCD AR D205	~~P3~~ P4	Parameter Plan 05 Maximum Vertical Building Envelope	~~25/09/2013~~ 11/06/2015
MCD AR D206	~~P3~~ P4	Parameter Plan 06 Proposed Land Use	~~25/09/2013~~ 11/06/2015
~~MCD AR D207~~	~~P2~~	~~Parameter Plan 07 Maximum Building Plots Overlaid onto Existing Site Plan~~	~~25/09/2013~~
~~MCD AR D208~~	~~P2~~	~~Parameter Plan 08 Maximum Building Plots Overlaid onto Proposed Site Plan~~	~~25/09/2013~~

Reason: This condition is proposed to be updated to reflect the adjustments to the north, north east and south east plots sought under this modification along with updating the Design Guidelines.

BUILDING ENVELOPES

A7 The maximum height for the development shall be consistent with the Concept Proposal vertical building envelope parameter plans for each building as detailed below:

Plot and Building	Maximum Height – RL
North Plot	
-	~~RL 28.50~~ RL 33.50
North East Plot	
Podium	RL 25.03
NE1	RL 68.38
NE2	RL 38.10
NE3	RL 138.63
South East Plot	
Podium	RL 25.03
SE1	RL 99.85
SE2	RL 38.10
SE3	RL 68.38
South West Plot	
Podium	RL 25.03
SW1	RL 91.38
SW2	RL 38.10
SW3	RL 138.63
North West Plot	

Plot and Building	Maximum Height – RL
-	RL 53.60
Darling Drive (Western Plot)	
W1	RL 75.20
W2	RL 75.20

Reason: This condition is proposed to be updated to reflect the additional height for the north plot sought under this modification.

MAXIMUM GROSS FLOOR AREA (GFA)

- A8 The maximum GFA for the development shall not exceed ~~197,236m²~~
~~199,811m²~~ **210,935m²** (excluding ancillary above ground car parking),
 comprised of a maximum of:
- a) ~~49,545m²~~ **52,120m²** **56,563m²** non-residential GFA; and
 - b) ~~147,691m²~~ **154,372m²** residential GFA

Reason: This condition is proposed to be updated to reflect the additional residential and non-residential floor space sought under this modification.

6.0 Strategic Justification

The original Environmental Impact Statement (EIS) accompanying the SSDA 2 Concept Proposal provided a comprehensive review of the proposal's consistency with the relevant strategic policies and plans applying to the site. The underlying intent of the proposed modifications is to fulfil the vision of the SSDA 2 Concept Proposal, therefore ensuring that the findings of the original assessment are still relevant, with the proposal continuing to contribute to the achievement of a range of targets and actions established under strategic policies and plans.

Since the approval of the SSDA 2 Concept Proposal, the strategic planning framework has progressed at both a state and regional level. As such, an updated assessment of the proposal against the current strategic policies and plans is provided below, with an emphasis on the appropriateness of the additional GFA and corresponding apartments/beds and non-residential uses.

6.1 NSW 2021: A Plan to Make NSW Number One

NSW 2021: A Plan to Make NSW Number One is a long-term plan to deliver services in NSW, and sets clear priorities to guide government decision-making and resource allocation.

NSW 2021 is based around five strategies to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen our local environment and communities. NSW 2021 includes numerous goals that are relevant to the proposal and designed to increase the supply of housing in NSW, rebuild the economy, build more liveable centres, and enhance cultural/creative opportunities (amongst others). The proposed modifications, and in particular the delivery of additional housing, jobs and community facilities, are consistent with these goals as it will:

- Create additional jobs within Global Sydney, the engine room of the NSW and Australian economy;
- Contribute towards increasing the percentage of the population living within 30 minutes by public transport of Sydney;
- Contribute to providing additional housing which in turn contributes to housing affordability through greater supply;
- Provide housing stock more appropriate for people's needs;
- Grow patronage on public transport and other sustainable means of transport; and
- Increase access and participation in creative, social and cultural activities.

Under NSW 2021, Regional Action Plans have been developed to provide more focused strategic aims to particular areas. The Darling Square site is located within the Eastern Sydney and Inner West Regional Action Plan (RAP). This is a region of 216km² incorporating the Ashfield, City of Botany Bay, Burwood, Canada Bay, Canterbury, City of Sydney, Leichardt, Marrickville, Randwick, Strathfield, Waverley and Woollahra Local Government Areas. The population is expected to increase by more than 200,000 people by 2031 and an additional 137,000 dwellings are expected to be required to house the population.

The overall Darling Square development, including the additional apartments/beds and non-residential uses facilitated as part of this modification, will contribute to the achievement of the regional priorities as the proposal will:

- Contribute towards making Sydney the number one financial capital in Australia and a leading economic and financial capital in the Asia Pacific region;
- Increase and improve housing supply within an established highly accessible centre with access to a range of services and amenities;
- Provide opportunities for the community to maximise the use of public facilities and other spaces; and
- Deliver urban renewal that is balanced and sustainable and is accompanied by essential local infrastructure.

6.2 A Plan for Growing Sydney

A Plan for Growing Sydney is a strategic document that sets out the NSW Government's vision for the development of the Sydney Metropolitan area for the next 20 years. The Plan anticipates that the population of Sydney will increase by 1.6 million people over the next 20 years and sets out housing targets for the Sydney region (in which Darling Square is located within) at 664,000 additional dwellings. The NSW Government has also set a target of delivering 689,000 jobs by 2031.

The Plan aims to locate new housing in places to give people a choice of housing that is more affordable and to enable them to work closer to where they live. It encourages balanced growth by stimulating housing growth in both infill and greenfield areas and aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for balanced growth, the Plan focuses urban renewal in areas surrounding existing centres, transport hubs and corridors, green spaces, and advocates efficient use of land in infill areas. The Plan also seeks to increase the variety of housing options available to cater for different lifestyles and household sizes.

The proposed modification application directly supports a number of key goals, directions, actions and priorities established under the Plan which collectively aim to achieve the Government's vision for Sydney (as a strong global city and a great place to live).

Goal 1: A competitive economy with world class services and transport

The modification application:

- contributes towards diversifying the CBD and its Cultural Ribbon (refer to **Figure 8**) through enabling/adding an iconic building that will house community/lifestyle facilities (such as a library, childcare and markets);
- supports the creation of approximately 100 new jobs;
- supports the provision of housing closer to jobs;

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

The modification application:

- Enables the accelerated delivery of additional housing within an underutilised urban/infill area; and
- Supports investment in sustainable means of transport through increasing density in an area with high levels of public transport and in close proximity to jobs, education, and other essential infrastructure.

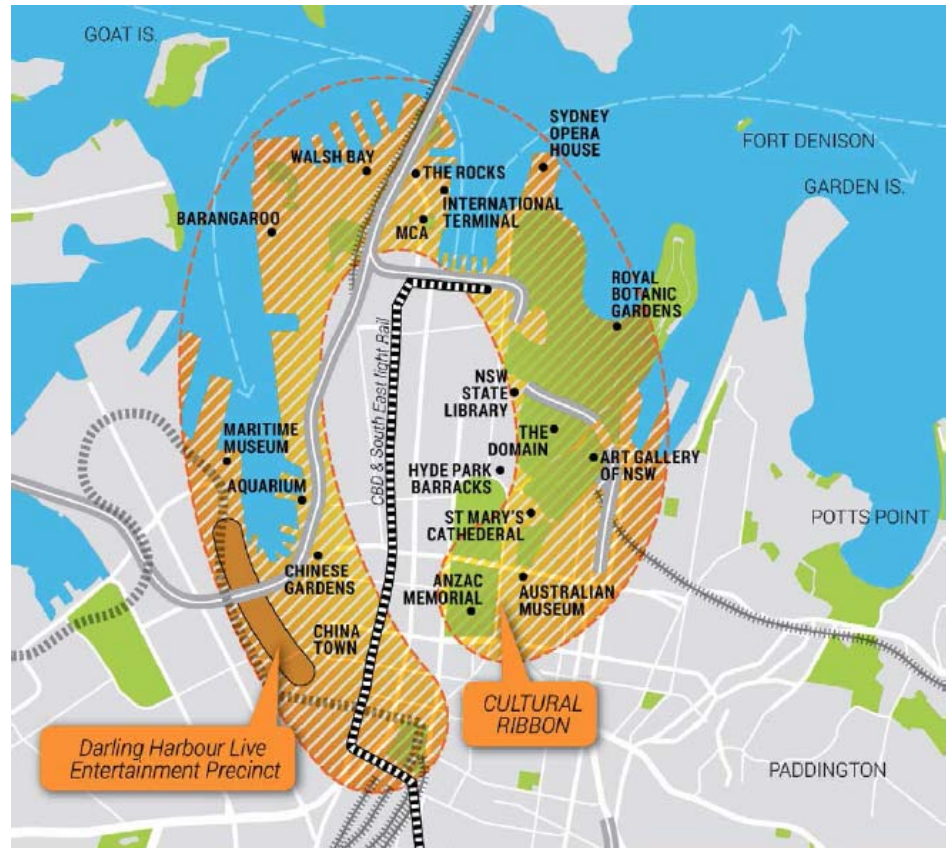


Figure 8 – The Cultural Ribbon

Source: NSW Government

Goal 3: A great place to live with communities that are strong, healthy and well connected

The modification application:

- Supports the delivery of a precinct that builds upon Sydney's vibrant cosmopolitan culture;
- Grow Global Sydney's CBD as an international and cultural destination; and
- Matches a growing community with better access to jobs and essential social/cultural infrastructure.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The modification application enables the provision of additional density within a highly suitable urban infill location and therefore takes pressure off potential impacts on the natural environment often associated with urban sprawl.

Central Subregion

Key priorities established under the Plan for the Central Subregion (which includes the City of Sydney LGA) that the proposed modification application will support include:

- Accelerating additional housing supply, choice and, in turn, affordability;
- Improving accessibility to cultural/social facilities;
- Enhancing the Sydney CBD as Australia's premier location for employment, vibrant land uses, cultural activity, and iconic buildings/places; and
- Providing additional capacity for retail, tourism and cultural facilities.

Further, The Plan includes a specific priority for Darling Harbour in which the proposed modification application supports:

Build Darling Harbour Live to deliver the Sydney Internal Convention, Exhibition and Entertainment Precinct and increase capacity for mixed-uses including additional housing and public domain improvements.

6.3 Summary of Strategic Justification

In summary, the proposed modification to the Darling Square Concept Proposal will:

- facilitate around 148 additional new dwellings;
- create an additional 100+ jobs/workers;
- pave the way for an iconic building; and
- support the Cultural Ribbon through realising a new and expanded community/lifestyle building.

The provision of additional dwellings, jobs and a more vibrant and liveable precinct at Darling Square is consistent with all the relevant strategic planning documents established to guide the growth of Sydney, including the NSW 2021: A Plan to Make NSW Number One and The Plan for Growing Sydney. The proposal has significant planning merit and is consistent with these strategies, including as it will:

- Contribute to the delivery of a vibrant and liveable CBD through integrating land use planning with transport infrastructure. Darling Square is highly accessible as is located close to two train stations, adjoins light rail and benefits from connections to a large number of bus services to the key destinations such as the Sydney CBD. The provision of additional dwellings at the site will allow more people to live in such a highly accessible location, contributing to making Sydney connected through reducing travel times, growing patronage on public transport and providing people with easy access to alternative modes of transport.
- Contribute to providing new housing to meet Sydney's growth, which requires over 33,000 new dwellings to be built every year.
- Contribute to providing new employment (over 100+ jobs/workers) to meet the State Government's new jobs target, which requires over 34,000 new jobs to be created every year.
- Continue to deliver a mix of well-designed housing that meets the needs of Sydney's growing population and different price points (for example, there is a range of accommodation offered, including residential apartments and student accommodation).

7.0 Section 96(2) of the EP&A Act, 1979

The power for a consent authority to modify a development consent is found in section 96 of the EP&A Act. Section 96 is an independent facilitative power that is separate to the grant of a development consent.

The statutory requirements to be satisfied for the grant of consent to modify a development consent are set out in Section 96. These depend on whether or not the modification is made under subsection (1), (1A) or (2). This modification application to the SSDA 2 Concept Proposal SSD-5878 is made under Section 96(2) of the EP&A Act.

Pursuant to Section 96(2) of the EP&A Act, the Minister or his delegate may modify the development consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

(emphasis added)

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- the proposed development retains the approved public car parking/active ground level uses and commercial uses;
- it generally retains the same built form envelopes (refer to **Figure 4**);
- it fundamentally retains the same relationship to the public domain and surrounding development;
- the provision of residential parking will continue to accord with the approved parking rates established under the Concept Proposal;
- car parking will continue to be located at or above ground and appropriately screened/sleeved;
- the proposed development retains its focus on sustainable means of transport, as the number of car parking spaces serving non-residential uses (e.g. retail, library, markets, child care and so on) remains unchanged;
- the proposed changes considered in their totality and in the context of the scale of the overall development are of a moderate nature reflective of normal development processes;
- the proposed changes result in no more than a moderate increase to the amount of approved floor space (5.56% increase beyond the Concept Proposal (as amended) / 9.9% increase beyond the Concept Proposal (as approved));
- the proposed development will continue to contribute to the creation of a new lively and vibrant mixed use precinct; and
- the cumulative environmental impacts of the modified development (encapsulating approved MOD 1 and proposed MOD 2) are consistent with the environmental impacts of the approved development.

A comparison of the key components of the approved development and the proposed modified development is provided at **Table 3**. **Table 3** demonstrates that all key elements of the approved development remain, resulting in a development that clearly meets the test of being substantially the same as originally approval.

Table 3 – Consistency with approved concept proposal

Component	Approved development	Amended Proposed Development	Consistency / Substantially the Same
Envelope	– North Plot – North-East Plot – North-West Plot – Western (Darling Drive) Plot – South-East Plot – South-West Plot	– No material change (change in shape and increase in height by 5m) – No change – No change – No change – No change – No change	✓
Land use	Residential and non-residential	No change	✓
Gross Floor Area	Residential - 147,691m ² Non-residential - 49,545m ² Total – 197,236m ²	Original Approval	✓
		Residential - 154,372m ² (increase of 6,681m ² (4.5%)) Non-residential – 56,563m ² (increase of 7,018m ² (14.1%)) Total – 210,935m ² (increase of 13,699m ² (9.97%))	
		Modified Approval	✓
		Residential - 154,372m ² (increase of 6,681m ² (4.5%)) Non-residential – 56,563m ² (increase of 4,443m ² (8.69%)) Total – 210,935m ² (increase of 11,124m ² (5.56%))	
No of dwellings	1,363	1,511 (increase of 148 or 10%)	✓
Residential car parking rates	– Studio – 0.1 spaces / unit – 1 bed – 0.5 spaces / unit – 2 bed – 1 spaces / unit – 3 bed – 1.5 spaces / unit	No change	✓
Car parking location	– North West, North-East, South-East and South-West Plots – At grade/above ground	No change	✓
Affordable housing (student accommodation)	1,066 beds	1,303 beds (increase of 237 or 22%)	✓
Vehicular Access / Loading	– North-West – Exhibition Place – North-East – Harbour Street – South-East – Harbour Street – South-West – Hay Street	No change	✓
Open spaces	– Boulevard – Square – MacArthur Place – Hay Street – Total approx. 8,000m²	– Boulevard – Square – MacArthur Place – Hay Street – Total approx. 8,000m²	✓
Streets, laneways and pedestrian routes	– Re-aligned Darling Drive – Dicksons Lane – Little Hay Street – The Boulevard	No change	✓

The cumulative increase in floor space is supportable from an environmental impact perspective, especially as:

- High quality buildings and public spaces that achieve design excellence continue to be provided;
- The increase has been in the main accommodated within the building envelopes approved under the original Concept Proposal. Therefore built form related impacts associated with a increase in floor space (i.e. visual and view impacts, overshadowing impacts, heritage impacts etc) are negligible/consistent with that of the approved Concept Proposal;
- The site is located within a Global City and therefore has the infrastructure available to service the increase in density;
- The resulting overall increased density (FSR of 5.6:1) remains consistent with/below that of other surrounding development within the City of Sydney (which has a base FSR of 8:1);
- The increase in floor space enables Darling Square to deliver additional jobs, housing and community uses; and
- The increase in non-residential floor space has no corresponding increase in the provision of car parking spaces across Darling Square. The increased amount of residential floor space through the application of reduced car parking rates and given the site's high level of public transport accessibility ensures that these additional cars in terms of traffic generation is similar to that of the approved Concept Proposal.

As shown above, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted. The modification of development consent SSD - 5878 can therefore lawfully be approved under Section 96(2) of the EP&A Act. A further assessment of any potential environmental impacts, and ultimately an evaluation of how these impacts are minimal (or negligible), is provided in Section 8.0 below.

8.0 Environmental Assessment

Section 96(3) of the Act requires the consent authority to take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Section 79C(1) of the EP&A Act states:

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

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- (iii) any development control plan, and*
- (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,*

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.”

8.1 Section 79C(1)(a) Planning Instruments

The Environmental Impact Statement (EIS) submitted with the original SSDA for the Darling Square Concept Proposal addressed the proposed development's level of compliance against the relevant environmental planning instruments, including:

- State Environmental Planning Policy – (State & Regional Development) 2011;
- State Environmental Planning Policy – Infrastructure 2007;
- State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy No. 55 Remediation of Land;
- Draft State Environmental Planning Policy – (Competition) 2010;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Darling Harbour Development Plan No. 1 (DHDP)

The proposed modifications to the SSDA 2 Concept Approval are of a nature that it is considered that there will be no material alteration to the level of compliance of the development with the above relevant planning instruments as articulated within the original SSDA. For completeness, **Table 4** provides a summary of how the proposed modified development will continue to comply with the relevant planning instruments.

Table 4 – Compliance with relevant environmental planning instruments

Instrument	Comments
SEPP (State & Regional Development)	The modified development continues to meet the threshold for State Significant Development.
SEPP (Infrastructure)	The provisions of the Infrastructure SEPP are more relevant to the consideration and assessment of the original SSDA in terms of requirements and referrals for development applications (i.e. not modification applications). This said, it is expected that referral of this modification application to relevant agencies and approval bodies will be undertaken. Early engagement with key agencies (such as Roads and Maritime Services, Transport for NSW, Sydney Water etc) has also been undertaken by the proponent prior to lodgement of this modification application.
SEPP BASIX	The requirement for residential development to meet the energy and water reduction targets and thermal performance requirements set by BASIX will continue to apply, with future relevant Stage 2 SSDAs to be accompanied by BASIX Certificates.
SEPP 65	The modified Concept Proposal continues to remain consistent with the provisions of SEPP 65 and the Residential Flat Design Code/Apartment Design Guide. Refer to Section 9.2.6 for further details.
SEPP 55 (Remediation of Land)	The site remains suitable for the proposed development (with no fundamental change to the approved uses) subject to the implementation of remedial strategy as originally approved. The proposed modifications do not alter the site's suitability; the Stage 2 SSDAs including further specific details regarding remedial works, as appropriate.
Draft Competition SEPP	The proposed modified development continues to be consistent with the aims of the Draft Competition SEPP in that it will promote economic growth and competition within NSW.
SREP Sydney Harbour Catchment	The proposed modified development does not affect the level of compliance with the key relevant matters for consideration.
Darling Harbour Development Plan No. 1	The proposed modified development continues to support the objectives of the DHDP and retains permissible land uses as originally approved.

Amendment No 3 to SEPP 65 (including the accompanying Apartment Design Code) was gazetted post approval of the Concept Proposal and is therefore technically a matter for consideration for the consent authority. Consideration of this amendment to SEPP 65 in the context of the nature of the modification application is provided below.

8.2 Section 79C(1)(b) Impact on the Environment

The EIS submitted with the original SSDA addressed the likely impacts of the development, including:

- Design Excellence
- Built Form
- Visual and View Impact
- Internal Residential Amenity
- Public Domain and Landscaping
- Overshadowing
- Wind Impact
- Transport and Accessibility
- Accessibility
- Non-Indigenous Heritage
- Archaeology
- Noise and Vibration
- Infrastructure and Utilities
- Waste

- Water Cycle Management
- Air Quality
- Geotechnical
- Contamination
- Construction Management
- Socioeconomic and Cultural Issues
- Crime Prevention through Environmental Design
- Environmental Sustainability
- Ecologically Sustainable Development
- Development Contributions
- Site Suitability
- Public Interest

The proposed modified development does not give rise to any material alteration to the assessment of the potential impacts considered as part of the original SSDA. Where relevant, the technical reports and plans addressing the above matters have been updated to provide an assessment of the modified SSDA 2 Concept Proposal (refer Table of Contents). These reports indicate that in light of the nature of the modifications to the approved development the conclusions of the original assessment remain valid.

The following matters, however are noted below.

8.2.1 Design Excellence

The EIS submitted in support of the Concept Proposal SSDA provided an overview/framework of how design excellence would be achieved/implemented through the detailed design of the project. For completeness, this included:

- Retaining an internationally and Australian renowned design team which is recognised for design innovation and excellence throughout the delivery of the project;
- Continuing regular and collaborative meetings with the Design Review Panel in the ongoing design and refinement of future DAs for which planning approval will be sought;
- Utilising a variety of architects in delivering the detailed design for future buildings within the Concept Proposal; and
- Utilising the Darling Harbour Live consortium's skills and proven track record to deliver world class convention, exhibition and entertainment facilities, a high quality, expanded and re-invigorated public domain, and a new neighbourhood with a vibrant and exciting mix of commercial, residential, and retail uses.

The achievement of Design Excellence remains at the core for the proponent, and accordingly the modified Concept Proposal for Darling Square continues to support this outcome.

Design Team / Diversity of Architects

As detailed within **Table 2**, the proponent has selected the highest of calibre architects to be responsible for delivering the individual built form and public domain stages of the Darling Square Concept Proposal. The range of architects includes:

- Denton Corker Marshall
- Allen Jack + Cottier
- Lend Lease Design
- Aspect Studios

- Hassall
- Tzannes Associates
- Fjmt
- Kengo Kuma
- Woods Bagot
- Six Degrees

In this regard, each approved building and stage to date has demonstrated (and been endorsed by the DRP and relevant consent authority) that it has achieved an appropriate design outcome and meets the design quality principles of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (as applicable). Each building/public domain element has (and will continue as a result of the modified Concept Proposal) to stand on its own merits.

The proposed re-imagining of the North Plot (realised through the subject modification application) clearly demonstrates the achievement of exemplar design excellence at Darling Square (refer to **Figure 9**).



Figure 9 – Darling Square exemplar design excellence

Source: Kengo Kuma

Design Review Panel (DRP)

The DRP has continued to have an important one in the delivery of the individual stages of the SSDA Concept Proposal.

Each major design aspect of the Darling Square project has undergone a review by the DRP during the detailed design phase and prior to the formal lodgement of each SSDA for the individual development plots. This has ensured that the design quality of the stage has been tested and consensus reached as to its acceptability/achievement of design excellence.

In this regard, the concurrent SSDAs lodged with this modification application (North Plot and Square and South-East Plot) which include the changes being sought under this modification application³ have gone through a process of review by the DRP.

³ Not including the additional GFA allocated to the South-West Plot – which is the subject of a future s96 application

8.2.2 Built Form

The amended SSDA 2 Concept Proposal will continue to provide a built form that is responsive to the context and characteristics of the site, including existing built form, the character of surrounding precincts, the location of the site within a transitional zone on the CBD fringe, and close proximity to public transport. Importantly, the amended Concept Proposal, specifically the North Plot, is responsive to the character of the approved immediate surrounding plots including the North-West Plot, North-East Plot and South-West Plot. This is achieved through the form of the amended North Plot being rectilinear and of a height that remains subservient and respectful of the North Plot's prime position at the northern edge of the Square.

It must be noted that the only material building envelope amendment proposed as part of the Modification Application relates to the North Plot. The proposed floor space amendments are sought to allow for the fulfilment of the approved building envelopes and to achieve the envisaged urban design outcome and vision of the original Concept proposal.

Building Height and Scale

The North Plot is proposed to be amended to facilitate a low scale circular building which will act as a feature at the entry to the Darling Square precinct. The amended building height and scale for the North Plot will contribute to the creation of a highly functional and exceptionally designed community/lifestyle building, and is acceptable for the following reasons:

- The height of the North Plot responds to the adjoining context of the North-East, South-East and South-West Plot podiums, all of which work together to frame the new public space of The Square.
- The proposed height is suitable given the desire for the North Plot to contain a marker building which signifies the entry to the precinct.
- The retained intermediate scale of the North Plot provides a civic quality to the future building which will contain a mix of community and lifestyle uses. Furthermore, the low scale of the North Plot reinforces the significance of the future building within the public domain and the role it will play in contributing to the shape and experience of the surrounding public space.
- The circular form supports a positive urban design outcome in terms of providing an opportunity for a seamless interface between built form and public domain.
- The low scale and circular form of the North Plot will continue to maximise solar access to The Square and will enhance the opportunity for sightlines and views from within The Square to the surrounding areas of public domain.
- The separation of the North Plot to surrounding approved/proposed development is appropriate given the intended use of the future building for community and lifestyle uses (a change from the original Concept Proposal which included residential uses).
- Visual analysis of the amended built form at Section 9.2.4 demonstrates that the proposed building height and scale is capable of integration into the built form typology of the locality.

In light of the above and as illustrated in **Figure 10**, the amended Concept Proposal responds to the context of Darling Square and will provide a positive enhancement to the built form and massing of the precinct through providing the opportunity for a unique design response.

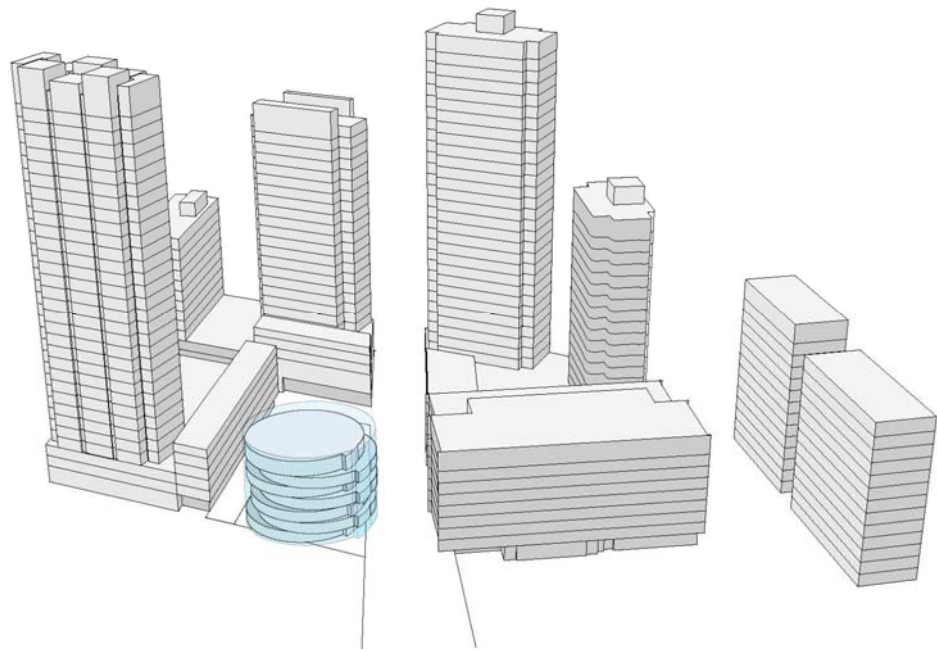


Figure 10 – Amended North Plot in the Darling Square framework

Source: DCM

Building Framework

No amendment is proposed to the framework of buildings within Darling Square, including the street layout and general arrangement of the development plots. The building footprint of the North Plot has been slightly amended to reflect the circular nature of the building and the desire to create a strong focal/anchor point for the entry of the Darling Square precinct. The amended built form is considered to significantly contribute to the future built form qualities of Darling Square in that:

- The principle of perimeter edge planning has been maintained, with the North Plot providing the northern boundary of The Square through a softer response which blends the built form and public domain.
- High quality public domain and landscaping remains the focus of the heart of Darling Square, reinforced through the marker of the North Plot at the entry of the precinct.
- The alignment of The Boulevard remains contiguous with the PPP Site, and is reinforced within Darling Square by the siting of the future built form. The visual connection between Darling Square and the wider Darling Harbour Precinct will remain through the Boulevard. The amended siting of the North Plot will not inhibit clear sightlines along The Boulevard and pedestrian movements will not be impacted as the ground plane will remain fundamentally the same width.
- The amended design of the North Plot provides greater opportunities for ground plane activation and the ability for enhanced public domain treatments around the entire building (refer to **Figure 11**).
- The arrangement of the buildings across Darling Square continues to provide good separation, encourages natural ventilation, and maximises solar access and outlook.
- Laneways are still provided as a direct response to the fine grain development patterns found in Chinatown and Ultimo. These laneways create a point of difference in the urban experience and contribute to a sense of arrival when entering The Square.



Figure 11 – Ground plane activation

Source: DCM

Massing / Density

The increase in floor space accounts for an additional approximately 0.3:1 Floor Space Ratio (FSR), resulting in a total FSR of 5.6:1. The massing therefore remains more than appropriate given that the floor space ratio controls that apply to surrounding land under the *Sydney Local Environmental Plan 2012* has an established maximum floor space ratio control applying of up to 8:1 (base excluding accommodation floor space and design excellence bonus). With a proposed revised FSR remaining substantially below surrounding development potential, it is clear that contextually the amended SSDA 2 Concept Proposal and its associated increase in GFA across Darling Square continues to provide a form and density of development that sits comfortably with existing and future context and the locational attributes of the site within Sydney's CBD. Given the above, the potential massing and density impacts are minimal.

Building Separation and Visual Privacy

The North Plot has undergone a 'push and pull' process, where the circular form of the building has reduced the setbacks previously envisaged to the North-West Plot. This setback has been reduced to a minimum of 16 metres at the upper levels. The original separation between these two buildings was based on the indicative design of the Concept Proposal, which included residential uses in the North Plot.

The updated indicative scheme provided at **Appendix A** (which reflects the detail submitted with the DA) illustrates a mixture of community and lifestyle uses within the North Plot which have different privacy and amenity requirements than residential apartments. The proposed minimum separation distance between the two plots is considered to more than adequately achieve visual privacy commensurate with the type of uses which will be provided in the North Plot and approved in the North-West Plot (retail, public car park and commercial office space). There is also considered to be a negligible impact on the character and experience of the Boulevard in this location in light of the reduced building separation. It should be noted that the minimum separation distance between the North Plot and the North-East Plot is not proposed to be amended.

Figure 12 illustrates the minimum building envelope separation distances to be achieved under the proposed modified Concept Proposal, including the amendment to the distance between the North-West Plot and North Plot. Similar to the approach undertaken with the original Concept Proposal, it is acknowledged that building separation will be assessed as part of the concurrent Stage 2 DA for the North Plot, and that the assessment will be based upon the future buildings and not the Concept Proposal envelopes.

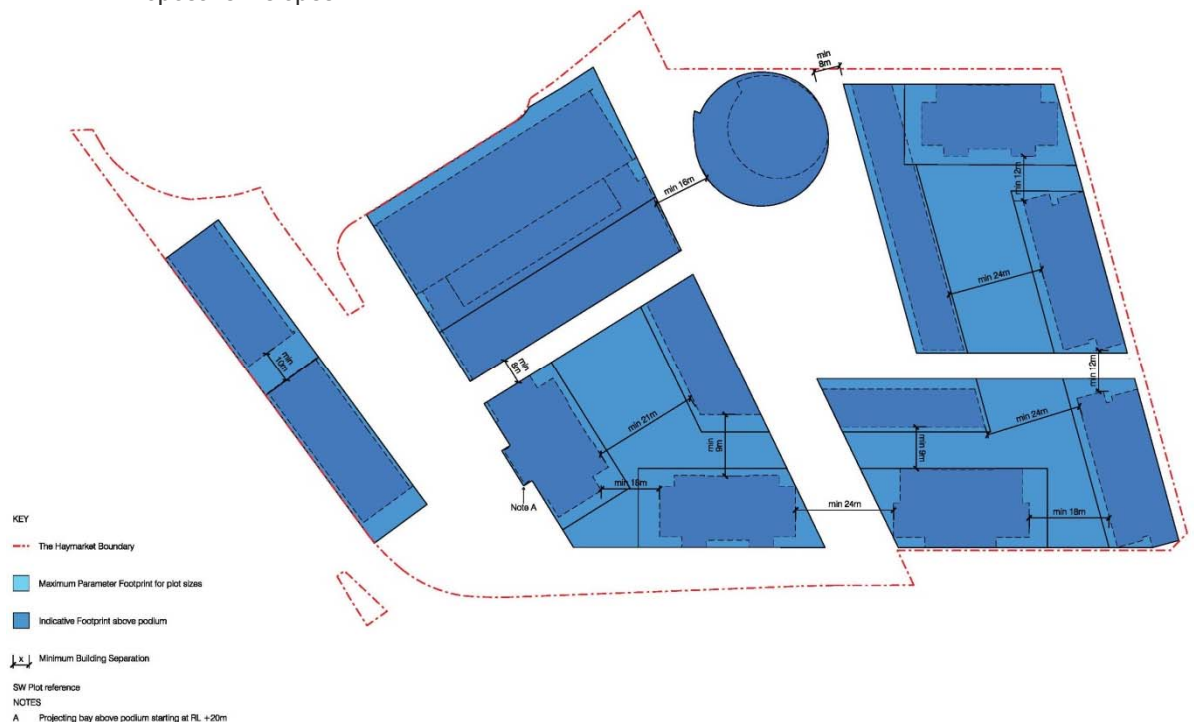


Figure 12 – Minimum separation distances

Source: DCM

8.2.3 Visual and View Impact

A Visual and View Impact Analysis was prepared by JBA in support of the original Concept Proposal. With only relatively minor amendments proposed to the approved building envelopes/parameter plans, the findings from this analysis are accordingly expected to remain valid. Nonetheless, for completeness, an updated Visual and View Impact Analysis has been prepared to support the proposed modification application (refer to **Appendix D**). This analysis includes details of the buildings as approved for the North-West Plot, South-West Plot, Student Accommodation Building W2, and the North-East Plot. Updated designs (based on the DAs lodged) for the remaining un-approved stages/buildings has also been reflected within the analysis (i.e. North Plot, South-East Plot and Student Accommodation Building W1).

The key conclusions reached from the Visual and View Analysis are provided below.

8.2.4 Visual Impacts

Consistent with the original Visual and View Impact Analysis prepared in support of the concept proposal, the proposed amended concept proposal ensures:

- Existing important views from the public domain at street level to the most significant and highly utilised public domain spaces within and in close proximity to the Site are retained;
- Existing public domain views to key heritage buildings and places are retained or unaffected by the proposal including to the Darling Harbour Water Feature, Chinese Garden of Friendship, and Pumping station No.1;
- Visual connectivity to other heritage items in the vicinity is not generally affected by the proposed new built form;
- The proposed buildings will frame existing public domain views and enclose streets adjoining creating a pedestrian scale. It will also contribute to a new southern CBD skyline and redefine the skyline on the western side of Darling Harbour;
- Continuous and unobstructed sightlines to the foreshore are maintained to the public, and views to, through and over the Site are retained such that the public / pedestrians will continue to enjoy the visual qualities of the harbour and its foreshores. The principal east west public domain view corridors providing both physical and visual access to the foreshore are retained; and
- The continuation of existing streets into and through the SICEEP Site (eg Hay Street, Little Hay Street, Quay Street, Quarry Street etc) establishing new sightlines, visual permeability and views and vistas throughout the precinct are unaffected by the proposal.

Where the proposed built form does encroach within or reduce partial existing public domain views towards the Sydney CBD skyline, these impacts are considered to be minor. It will not detract from the overall visual connectivity for pedestrians in the public domain nor result in any significant adverse impact.

Generally, the affected vantage points are not key places for pedestrians to stop and view the CBD or its skyline, and the wide range of different viewing points available within the Darling Harbour precinct and its approaches will continue to provide for variety and interest in the different views, vistas and sightlines available to pedestrians approaching and moving through the precinct from the north, south, east and west.

Low, medium and high level views of the sky along streets and from public domain places (squares, parks etc) continue to be retained, created or enhanced in a variety of contexts. The siting and design of the new buildings within Darling Square continues to aim to preserve important views of the Sydney CBD from encroachment and to both maintain and open up significant views from the public domain.

8.2.5 View Impacts

With respect to the impact of the Darling Square Concept Proposal (as amended) on private views the Visual and View Impact Analysis identifies that:

- The siting and design of the proposals responds to view sharing principles and to provide for an appropriate outlook from adjoining private development as practicable in a highly urbanised inner city environment. The detailed design of the proposed buildings does not fill the maximum proposed envelope;
- The impacts associated with the proposed development are considered to continue to provide for a reasonable 'outlook' from apartments that may nonetheless have a change in 'view', consistent with current planning objectives, strategies, principles and development controls for the CBD which recognise that outlook, as distinct from views, is the appropriate measure of residential amenity within a global CBD context. Outlook is retained from all affected apartments with an appropriate distance separation between towers and with space / daylight provided between the proposed new built form elements;
- There will be a reduction in some views available from, in particular, the upper levels of The Peak Apartments when looking towards the north. This results from the creation of an entirely new urban precinct in Darling Square where there are only currently low rise buildings in existence. The interruption of existing private views that are currently unimpeded by any development is inevitable in the context of an urban renewal project and is not unreasonable having regard to the highly urbanised global CBD environment of Sydney within which the land is situated. Notwithstanding, the proposed development has accommodated view sharing between and above buildings and has achieved the principles of view sharing appropriate in an highly urbanised CBD location seeking to retain a combination of water, horizon and CBD skyline; and
- Darling Square will have limited impact on the current northerly views towards Darling Harbour at the high rise and medium rise levels of The Quay Apartments. The existing field of view will be reduced in part however views will generally be retained across Sydney Harbour and there will be no impact on the easterly views up Ultimo Road towards the CBD.

In approving the Concept Proposal, the Department of Planning/Minister accepted the conclusions reached within the SSDA 2 Visual and View Impact Analysis, being that Darling Square achieves a reasonable balance between the protection of private views and the protection of public domain views. With fundamentally no material change to the approved building envelopes, this conclusion remains valid.

8.2.6 SEPP 65 / Internal Residential Amenity

Since the Concept Proposal was approved there has been an update to the State planning framework with respect to the design quality amenity and residential apartment buildings. In this regard, Amendment No 3 to *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) commenced on 19 July 2015, and along with it its companion document, the Apartment Design Guide (replacing the Residential Flat Design Guide).

The approved Concept Proposal demonstrated that it is generally consistent with the aims and objectives of the then SEPP 65 and the Residential Flat Design Guide and that it is capable of providing an acceptable level of internal amenity for residential occupants within a high density area.

The subsequent detailed residential stages of the Concept Proposal that have been approved to date (South-West Plot and North-East Plot) reinforce that the Concept Proposal facilitates high quality design and high levels of residential amenity.

The Design Report at **Appendix A** includes an updated assessment of the proposed amended Concept Proposal against the SEPP 65 Design Quality Principles (as amended). An updated Design Verification Statement is also provided by DCM.

DCM have also prepared an updated assessment of the proposed amended Concept Proposal against the key Apartment Design Guide objectives (design criteria), solar and daylight access and natural ventilation. The updated assessment includes the approved residential stages together with the proposed detailed design for the remaining stage (i.e. South-East Plot – which is the subject of a concurrent DA).

Solar and Daylight Access

The key ADG objective (4A-1) for solar and daylight access is:

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and open spaces.

The measurable requirements identified within the ADG for how this objective can be achieved are:

- Living rooms and private opens of at least 70% of apartments in a building receiving a minimum of 2 hours sunlight between 9am and 3pm mid-winter; and
- A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.

The solar access modelling undertaken of the indicative design scheme prepared in support of the Concept Proposal indicated that:

- Up to 70% of residential apartments from a whole of precinct perspective will receive at least two (2) hours solar access during mid-winter; and
- Approximately 17% of residential apartments from a whole of precinct are single aspect and south facing.

DCM have undertaken updated solar access modelling reflecting the two approved mixed use residential stages and the final proposed mixed use residential stage, revealing that:

- 63% of residential apartments from a whole of precinct perspective will receive at least two (2) hours solar access during mid-winter;
- Approximately 13% of residential apartments from a whole of precinct perspective are single aspect and south facing;
- Approximately 34% of residential apartments within the South-East Plot (being the final stage of the Concept Proposal not yet approved) receive no direct sunlight between 9am and 3pm on mid-winter.

When compared to the original Concept Proposal, the updated modelling indicates that there is a minor shift in the expected proportion of apartments that will receive 2 hours of solar access during 9am and 3pm at mid-winter, whilst improvements are made with respect to reducing the expected number of single aspect south facing apartments.

The ADG acknowledges the difficulty in achieving a rigid numerical standard in all instances. As such, a set of design guidance are provided as a starting point for any alternative solution.

The achievement of more than 63% of apartments across the precinct receiving solar access (whilst an alternative to the design criteria of 70%) is considered to be more than acceptable in this situation given:

- The context of the proposal is high density and located within a global city, limiting the ability to achieve strict compliance;
- Those apartments with limited solar access will generally have an attractive streetscape or open space outlook;
- Common corridors on floor levels will generally be naturally lit;

- The incorporation of well-designed apartments with an efficient and open planned and useable layout;
- The use of expansive areas of glass in order to optimise access to diffuse light;
- Incorporation of design initiatives such as the introduction of skylights and through apartments; and
- The depth of the dwellings has been restricted to maintain reasonable access to natural daylight to all rooms therein.

We note that solar access is but one measure of amenity that contributes to good design. There are a range of other amenity measures available to future residents of the development, including but not limited to:

- close proximity to parks, shops, services and major transport infrastructure;
- cityscape views;
- access to high quality open space and amenities, including areas which are open to the sky;
- outlook to open space and access to daylight given the expanses of glass incorporated into the design;
- natural ventilation; and
- efficient and comfortable apartment layouts.

From the above, it is evident that the Concept Proposal (as modified) provides for a high quality residential environment. In this regard, solar access should not and is not the sole means of establishing whether an acceptable level of residential amenity is achieved for the development.

In summary, an acceptable level of solar access is considered to be provided and importantly the objective for solar and daylight access is capable of being achieved.

Natural Ventilation

The key ADG objective (4B-1) for natural ventilation is:

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.

The key measurable requirement identified within the ADG for how this objective can be achieved is:

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. All apartments at 10 storeys or greater are deemed to be naturally cross ventilated.

The natural ventilation modelling undertaken of the indicative design scheme prepared in support of the Concept Proposal indicated that 43% of apartments from a whole of precinct perspective would achieve natural cross ventilation. This calculation was based on the RFDC methodology.

DCM have undertaken updated natural ventilation modelling of the design scheme prepared in support of the proposed modification to the Concept Proposal (which reflects approved and proposed designs), revealing that 45% of apartments will be naturally cross ventilated (based on the RFDC methodology).

In summary, the amended Concept Proposal achieves a slight improvement on the percentage of naturally cross ventilated apartments compared with the approved Concept Proposal (when adopting the RFDC methodology).

In terms of the application of the ADG to the South-East Plot (being the final stage of the Concept Proposal not yet approved), modelling undertaken reveals that the design scheme will achieve more than 67% natural ventilation (based on natural cross ventilation and pressure driven natural ventilation).

8.2.7 Public Domain and Landscaping

The public domain and landscaping principles approved under the Concept Proposal are not proposed to be amended as part of the Modification Application. During the ongoing design development of the detailed stages of development, these principles have been enriched and a more comprehensive and detailed public domain and landscaping strategy has begun to take shape as evidenced in the detailed approvals of the early stages of Darling Square. The Public Domain Concept is still expected to deliver a range of important public benefits for Darling Square and will encourage residents and visitors to engage with the open space, new streets and laneways.

In light of the scale and nature of the project, there has been a progression of thinking in regard to the public domain. The design services of ASPECT Studios have been obtained for the final stages of the Darling Square development, providing a new perspective which has enhanced the base principles established by HASSELL as part of the original Concept Proposal.

An updated Public Domain Concept has been prepared by ASPECT and included within **Appendix A** - refer also to **Figure 13**.



Figure 13 – Updated Darling Square Public Domain Concept

Source: ASPECT Studios

The updated Public Domain Concept reflects the approved and proposed public domain/landscaping works across Darling Square. Importantly, the updated Concept incorporates the proposed amendment to the North Plot parameter plan.

A point of difference in the updated Concept is that the North Plot is now truly integrated as a component of the public domain rather than a hard edge to The Square. The unique shape of the North Plot has resulted in a 'push and pull' effect, with the circular form of the Plot resulting in subsequent revisions to the public domain interface/extent. The overall quantum of public domain has not been reduced, rather the edges of the public domain have been softened and there is a desire for the North Plot to be embraced as a component of public domain.

Other key features of the Public Domain Concept have been retained, including the objective of boundary planting and the focus of consolidating public domain in the core of the precinct, specifically through place making within The Square and The Boulevard. Key connections which contribute to the circulation and way finding within the precinct have also been maintained but enhanced to reflect the detailed design of the approved development plots.

The Public Domain Concept will continue to deliver the following public benefits:

- Provision of a new Square which will offer opportunities for public events and a space for gathering;
- Provision of vehicular access primarily around the perimeter allowing for a highly pedestrianised environment within Darling Square;
- Substantial planting to Darling Drive, improving outlook for occupants of the Western Plot;
- The accommodation of overland flow paths and Water Sensitive Urban Design measures to mitigate the impacts of stormwater events;
- Incorporation of active streets/laneways that support a vibrant and exciting new addition to the CBD/Haymarket urban grain;
- The reinforcement of the hierarchy of spaces, improving legibility and way finding within Darling Square;
- The use of high quality and robust materials to deliver superior design outcomes;
- Provision of seating and shading for user comfort;
- Opportunities for play and interaction with the built environment; and
- Accommodation of heritage interpretation strategies.

Overall, the Public Domain Concept for Darling Square has been enhanced through the progressive development of individual stages. The public domain will continue to be refined during the final stages of development in Darling Square, guided by the approved Public Domain and Landscaping principles.

8.2.8 Overshadowing

A detailed Shadow Study of the modified development has been undertaken by Virtual Ideas and is included at **Appendix A**. The study includes shadows details for:

- The approved North Plot envelope and the proposed amended North Plot envelope and associated revised north building detailed design;
- The approved envelopes and approved buildings of SSDA3/W2 (part Western Plot), SSDA4 (North-West Plot), SSDA5 (South-West Plot), and SSDA 7 (North-East Plot);
- The approved envelope and proposed detailed design for W1 building;
- The approved envelope and the proposed detailed design for SSDA9 (South-East Plot); and
- The approved core facilities/PPP buildings.

Whilst changes have occurred to the illustrative design that was submitted in support of the Concept Proposal SSDA (as expected in moving from the concept phase to the detailed design phase), the shadow impacts associated with the detailed design stage (apart from the North Plot) are contained wholly within the originally considered and assessed shadows as part of the Concept Proposal SSDA. Accordingly, the conclusions reached in terms of shadow impacts associated with the original Concept Proposal SSDA for the most part remain valid (excluding in relation to the North Plot).

The North Plot requires special additional consideration given the proposed amendments to its building envelope/parameter plan.

North Plot

The North Plot is critical to the success of the Darling Square redevelopment, given its northern low rise position/relationship anchoring the new Square. Therefore, the additional height/adjustments to the parameter plan form need careful consideration to ensure one of the key aspects of the vision for Darling Square remains a reality.

The Shadow Study included at **Appendix A** demonstrates that the shadows cast by the proposed amended illustrative design for the North Plot building (pink shading) is generally contained to the maximum shadow cast by the originally approved North Plot parameter plan (purple outline). This is further illustrated within **Figure 14**. Therefore, the additional actual shadow impacts expected from the modified building for the North Plot are negligible.

It is the less regular form of the proposed modified North Plot that is able to achieve shadow impacts generally consistent with the originally approved parameter plan, despite being 5m taller. The amended Design Guidelines (refer to **Appendix A**) also include specific provisions to ensure the building does not fill the amended envelope (specifying a 10% reduction of the building to the parameter plan – refer to **Figures 15 16**), ensuring shadow impacts are minimised and as described above.

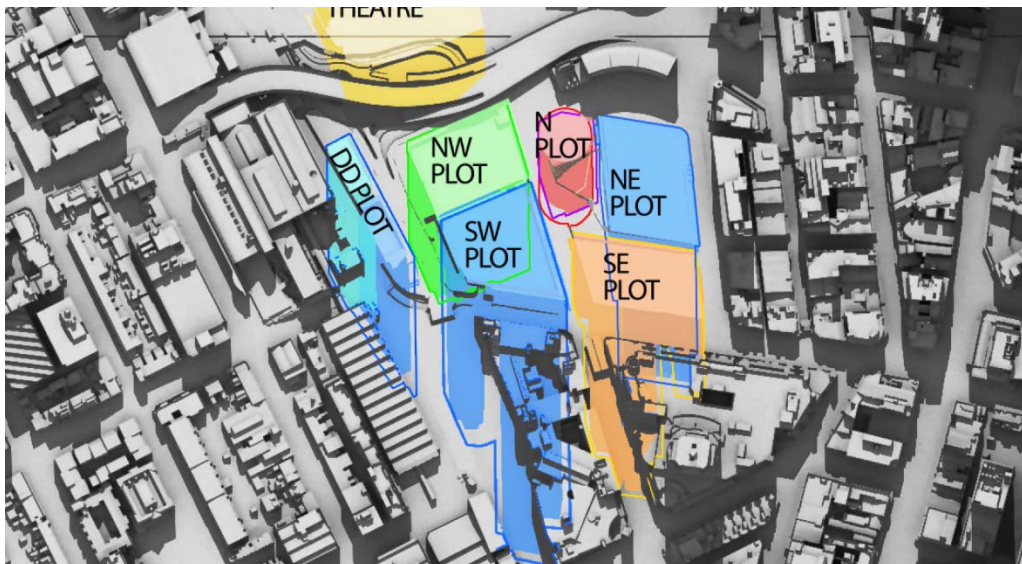


Figure 14 – Winter Solstice 12pm Shadow Diagram

Source: *Virtual Ideas*

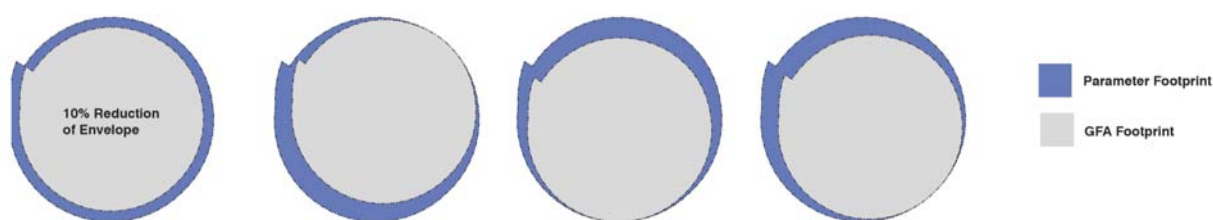


Figure 15 – Extract from amended Design Guideline

Source: DCM

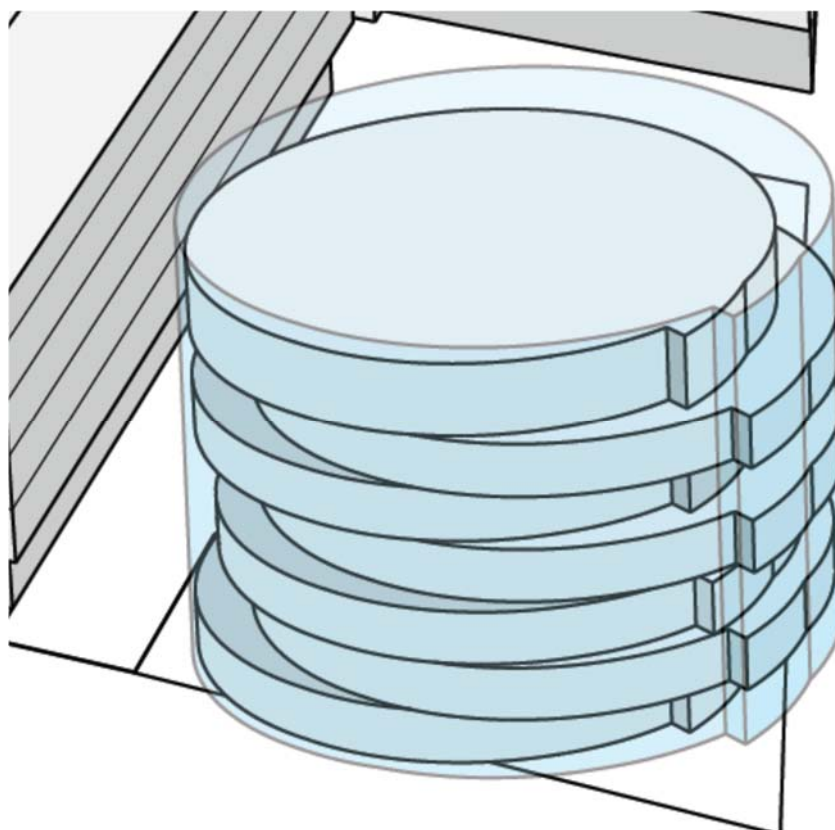


Figure 16 – Illustration of the 10% reduced building form within the amended north plot parameter plan

Source: DCM

In summary, the modified development (and in particular the amended North Plot parameter plan) continues to ensure that the principal areas of the public domain within Darling Square (i.e. the Boulevard and the Square itself) receive sufficient solar access throughout the year, including during the winter solstice.

8.2.9 Wind Impact

A Wind Impact Assessment of the proposed modified Darling Square Concept Proposal has been carried out by Cermak Peterka Petersen (CPP) and is included as **Appendix E**.

The report draws on the original conclusions reached by CPP for the Concept Proposal SSDA together with drawing upon the results from the extensive wind tunnel testing that has been undertaken to date on the detailed Stage 2 SSDAs and which will be undertaken in the future in support of those remaining yet to be submitted/approved Stage 2 SSDAs.

CPP advise that the proposed modifications are not expected to change the broad conclusions and recommendations provided to date by CPP from both qualitative and quantitative assessments. In summary, detailed windbreak strategies can/will be implemented (detailed within Stage 2 SSDAs) to reduce the potential wind impacts and ameliorate wind conditions across the Darling Square site.

Overall, the changes to the approved parameters are not material and therefore there is not expected to be any adverse additional wind impacts resulting from the modified development.

8.2.10 Transport and Accessibility

An overall Whole of Precinct Transport and Traffic Impact Assessment (including TMAP and Road Safety Assessment) was prepared by Hyder in support of the Core Facilities SSDA and Darling Square Concept Proposal SSDA.

Hyder have again been engaged to assess the likely impacts of the proposed modified development on the findings of the original Transport and Traffic Assessment (refer to **Appendix H**).

Traffic Generation

Since the original Whole of Precinct Transport and Traffic Impact Assessment was prepared by Hyder back in early 2013, there has been a fundamental supplement to RMS' *Guide to Traffic Generating Developments*⁴ in the form of Technical Direction TDT 2013/04a. In short, the Technical Direction incorporates the results of a number of surveys undertaken to update trip generation and parking information for residential, office and retail land uses, amongst others.

A comparison between the vehicle trip generation rates used in the original Whole of Precinct Transport and Traffic Impact Assessment and the revised rates based on Technical Direction TDT 2013/4a is provided within **Table 5**.

Table 5 – Vehicle trip generation rates comparison

Land use	Evening peak hour vehicle trips (based on RMS' Guide to Traffic Generating Developments, 2002)	Evening peak hour vehicle trips (based RMS Technical Direction 2013/4a)
Residential	0.24 vehicle trips per hour for each unit	0.15 vehicle trips per hour for each unit
Retail	0.56 vehicle trips per hour per 10sqm GLFA	0.56 vehicle trips per hour per 10sqm GFA
Commercial	2 vehicle trips per hour per 100sqm GFA	1.2 vehicle trips per hour per 100sqm GFA

As evidenced within **Table 5**, the revised rates have decreased, with this attributed to taking into consideration the accessibility of a development site to public transport (reflecting lower vehicle trip generation trends). Accordingly, it is clear that the rates used in the original traffic modelling undertaken by Hyder for the Concept Proposal SSDA were conservative.

Based on the modified development Hyder have re-analysed traffic generation (refer to **Appendix H** for details) and advise that:

- There is a reduction in the PM Peak hour vehicle trip generation for retail development in the order of 81 vehicle trips⁵; and
- There is a reduction in the PM peak hour generation for residential development in the order of 100 vehicle trips.

⁴ RMS's *Guide to Traffic Generating Developments* provides guidance on a number of matters related to the traffic impacts of land use developments, most notably on matters relating to traffic generation and parking.

⁵ Hyder expect in any event that retail trips for the precinct will generally consist of non-car trips.

In light of the above, Hyder advise that the assessment undertaken and the conclusions reached previously in relation to the Concept Proposal SSDA remain valid and that no new traffic modelling is required to be undertaken to support the modification application.

Intersection Operation

The results from the extensive traffic modelling undertaken by Hyder in support of the Concept Proposal SSDA revealed that the impact of the Darling Square development does not impose conditions on the intersections worse than what would have otherwise occurred through existing traffic.

Given that the modified development will result in reduced traffic generation (owing to the amendments to RMS' vehicle trip generation rates) compared to that originally modelled in support of the Concept Proposal SSDA, Hyder conclude that the modified development is not likely to generate adverse traffic implications in excess of what has already been reported and considered acceptable.

Car Parking

Residential

As evident from **Table 5**, the proposed additional residential GFA results in additional dwellings being accommodated across Darling Square, which translates into additional parking spaces.

Based on the original indicative design dwelling mix which underpinned the residential GFA figure, there was the potential to accommodate a maximum of around 954 car parking spaces. Now, based on the approved/future proposed residential GFA/dwelling mix there is the potential to accommodate a maximum of around 1,160 parking spaces.

In terms of this revised maximum, we note that the actual parking provision across Darling Square will be well below this figure (by more than 50 spaces).

Importantly, whilst parking numbers on site will increase as a result of the modification application, Hyder advise that actual impacts associated with these additional cars in terms of traffic generation is similar to that of the approved Concept Proposal.

Non-Residential

The proposed modification application does not affect/change the original assumptions/provision of parking associated with the non-residential components of the Darling Square Concept Proposal. For example:

- 50 spaces remain allocated to the commercial office use within the North-West Plot;
- 400 spaces remain allocated as a public car park within the North-West Plot; and
- No car parking is specifically allocated to support retail/community uses across Darling Square.

Road Safety

Hyder advise that the proposed modified development is not expected to result in new issues relating to road safety that have not already been considered and addressed as part of the original Concept Proposal SSDA.

8.2.11 Non-Indigenous Heritage

A Statement of Heritage Impact (SOHI) has been prepared by TKD Architects (see **Appendix F**) to assess the potential impacts the proposed modified development will have (if any) on the heritage significance of the Site and heritage items in the vicinity of the Site. This assessment involved an analysis of the proposed modified development against the approved development, with TKD finding:

- The changes to the North Plot parameter plan are generally in accordance with the approved parameter plan;

- The overall GFA has been increased by approximately 5% (above the approved modified Concept Proposal), with the majority of this additional area fitting within the approved parameter plans;
- The assessment of the development against:
 - the NSW Heritage Branch Model Questions;
 - SEPP (State and Regional Development) 2011;
 - SREP (Sydney Harbour Catchment) 2005;
 - Sydney LEP 2012; and
 - Sydney DCP 2012

in the Statement of Heritage Impact originally submitted in support of the Concept Proposal SSDA is still applicable to the proposed modifications;

In summary, TKD conclude that the proposed modifications to the approved Concept Proposal are supportable in heritage terms, including given:

- There will be no impact on heritage items located in its vicinity through modification to building fabric or demolition;
- Development in Darling Square has been structured through interpretation of historic street patterns in this locality; and
- There will be little impact on views to heritage items in the vicinity of Darling Square because of increases in building heights. Any impacts on most heritage items are ameliorated by their distance from the site and by intervening buildings.

8.2.12 Infrastructure and Utilities

Hyder have undertaken an investigation of the potential impacts associated with the modified development (in terms of additional GFA/load) in terms of existing/proposed service networks within and around the precinct (refer to **Appendix G**).

The Proponent (including its consultant team) has and will continue to undertake consultation wherever possible with the relevant authorities and utility providers in order to determine the existing utilities and arrangements, forecast demand, and any required upgrade works to facilitate the Darling Square development.

In summary, Hyder advises that the proposed modified development (in particular the additional GFA) is considered to have minimal impact on the existing and proposed service networks within and around the precinct.

8.2.13 Waste

A Waste Management Review of the proposed modified development has been undertaken by Waste Audit and Consultancy Services and is included at **Appendix I**.

In summary, Waste Audit and Consultancy Services advise that there will be minimal changes in waste/recyclables generation that would have minimal impact on management systems, including storage of materials prior to collection by the appointed contractors.

8.2.14 Site Suitability

The site remains suitable for the modified development for the reasons outlined in the EIS lodged with the original Concept Proposal SSDA, including:

- the site's location at the edge of the Sydney CBD and in the vicinity of existing transport, tourism and business infrastructure is a highly appropriate location for a major new mixed use residential precinct;
- the site is disconnected from the urban grain of surrounding precincts (including Chinatown) and is in need of urban renewal;

- the site is capable of being appropriately serviced to accommodate future development;
- the site has excellent access to a wide range of services and facilities that will support future occupants/users of Darling Square;
- the site provides opportunities for future residents to live and work in the CBD;
- the site is well served by public transport; and
- the site is in close proximity to high quality public open space (existing and proposed) and employment and education opportunities.

8.2.15 Public Interest

The proposed modifications to the approved development is considered to be in the public interest, especially given that the changes will:

- Facilitate the addition of a new iconic (exemplar design excellence) building for Sydney, helping to reinforce its global status;
- Support the creation of over 100 additional jobs, bringing the total ongoing provision of jobs across Darling Square to more than 3,000;
- Improve the visitor experience and level of activation of the ground plane;
- Further assist with improving housing supply and choice by accommodating an additional approximately 148 dwellings;
- Facilitate a larger community facility/hub (including 21st Century Library and child care centre) to serve the needs of both Darling Square residents/workers and Sydneysiders more broadly;
- Result in a significant increase (over \$5.5 million) in the developer rights payments to the NSW Government, which reflects a substantial contribution compared to the ordinary one percent development contribution applied in the City of Sydney LGA.

8.2.16 Summary

Given the above assessment for each separate matter, it is clear the changes proposed in the Modification Application will have either a negligible or minimal environmental impact. Overall, the proposed modification to the SSDA2 Concept Approval does not significantly alter the findings and conclusions of the original assessment.

9.0 Conclusion

This Section 96 Modification Application seeks approval for amendments to the SSDA 2 Concept Approval, namely the provision of additional floor space; adjustment to the land use and building form of the north plot, correction to the alignment of Little Hay Street, and consequential changes to the Design Guidelines.

These amendments are proposed in light of the ongoing development and delivery of separate stages in the SSDA 2 Concept Approval. In moving well into the detailed design phase of the project there have been opportunities available that were not anticipated during the development of the original Concept Proposal. Namely, delivering high quality buildings designed by experienced and renowned architects that utilise more floor space than originally planned for.

The proposed modifications will not alter the environmental impacts assessed and approved as part of the existing development consent, and will in some aspects result in lesser environmental impacts whilst delivering an enhanced built form outcome, and creating additional public benefits.

In accordance with section 96(2) of the EP&A Act, the Minister or his delegate may modify the consent as the consent, as proposed to be modified, is substantially the same development as that originally approved and compliance with the key statutory plans and controls remain generally the same as the approved development.

Due to the significant merit of the proposed modifications and the lack of any adverse environment, social and economic impacts or impacts on amenity, the modifications are appropriate and supportable.