

SICEEP, DARLING SQUARE CONCEPT PROPOSAL S96– CONSOLIDATED AGENCY RESPONSE TO SUBMISSIONS

Key Issue	Response
Department of Planning and Environment	
To allow a simple comparison of traffic generation impacts, provide the morning (AM) and evening (PM) vehicle per hour peaks for the: a) as approved Concept Proposal (CP) (2001 RMS' guidelines) b) as approved CP updated by RMS' TOT 2013/14 c) as approved MOD1 updated by RMS' TOT 2013/14 d) as proposed modification under RMS' TOT 2013/14	Noted. Arcadis has prepared a letter providing a comparison of the requested traffic generation rates for the PM peak. The peak period examined has been in the PM as it was determined in the original assessment of the application that the PM peak was the more critical out of the both the AM and PM peak. This approach was agreed with Roads and Maritime Services and Infrastructure for New South Wales.
Confirm whether the realignment of Little Hay Street (1m shift) impacts on the approved building within the NE Plot	The Parameter Plans have been further adjusted to a first decimal point on the north to south dimension of both the North East Plot and South East Plot. This reflects an eight (8) metre width for Little Hay Street and accurate plots boundaries for adjacent developments. There is no impact on the approved North East Plot development.
Confirm whether there will be a non-compliance between the proposed revised North Plot building envelope (i.e. overhang of the boulevard) and the 'Streets+ Lanes' controls of the Design Guidelines (i.e. street widths and openness to sky).	The 'Streets + Lanes' controls within the Design Guidelines (as updated) reflect the reimagined North Plot building. Specifically, the Design Guidelines now included for the reimagined North Plot building allows for encroachments into the Boulevard if key principles are still achieved. The detailed proposal for the North Plot building will be consistent with the Design Guidelines as the overhang is limited and will achieve the following requirements: ▪ not encroach into the Boulevard more than 1m at grade ▪ not block any view lines through streets and laneways ▪ maintain the tree alignment in the Boulevard Accordingly, subject to approval of the proposed amendments to the Design Guidelines there will be no non-compliance and the detailed DA for the North Plot Building (Darling Exchange) will also remain consistent with the Design Guidelines (as amended)
Other	
Landowner's consent is required.	Landowners consent was provided to the Department on 12 July 2016.
All reports submitted as part of the modification application should be reviewed in light of any revisions made in the resolution of the issues noted above.	Noted, all relevant reports have been updated as necessary.

Key Issue	Response
City of Sydney Council	
Parameter Plans	
As was raised in the City's submission to the Stage 1 DA, the parameter block plans for the South-East Plot are substantially larger than the Stage 2 DA counterparts. The Stage 1 DA plans should reflect the Stage 2 DAs. There is no reason to bulk up the Stage 1 envelopes. This sets an expectation that envelopes may change in Stage 2 DAs or through later modifications, bringing with it increased environmental impacts.	The South East Plot is the sixth application progressed under the Darling Square Concept Proposal (SSD 13_5857), representing one of the final applications to be progressed in accordance with the Stage 1 Approval. The Concept Proposal established a maximum building envelope for each plot and an approved maximum GFA within the entire Darling Square development area. The built form of the South East Plot has been informed by the guiding approved Concept Proposal and is completely within the maximum building envelope established by the Concept Proposal and does not exceed the GFA for the Darling Square site (as proposed to be amended). A full assessment of the proposal's consistency with the approved Concept Proposal was provided with the exhibited EIS for the South East Plot. It was determined from this assessment that the South East Proposal is generally consistent with the approved Concept Proposal. No further change is proposed to the Parameter Plans beyond those outlined in the covering letter.
Public Art	
A revised Public Art Strategy has been lodged to the Department and has since been presented by the Applicant and their public art consultant to the City of Sydney Public Art Advisory Panel (PAAP). The budget that appears to be allocated by the Applicant for public art is not commensurate with the scale and cost of the development. The Applicant should be requested to confirm their budget for public art. The City recommends the allocation of 1% of the total Darling Square capital investment value to public art projects in the public domain.	The public art to be provided within Darling Square is being delivered and co-ordinated in a site-wide manner. Public art is one of many social benefits which will be delivered through the Darling Square development, and more importantly, through the overall redevelopment of the Sydney International Convention, Exhibition and Entertainment Precinct. It is important to consider this public benefit in line with the other benefits to be provided through the project. Ultimately, the public art to be delivered in the precinct will greatly enhance the urban fabric and visual interest provided in the locality, vastly improving the appearance of the area when compared to the existing situation. The level/provision of public art planned is considered to be appropriate.
Affordable Housing	
The Applicant has continually put the view forward that student housing within the West Plot satisfies affordable and key worker housing in Darling Square. The City's previous submissions on the Stage 1 DA, North-East Plot Stage 2 DA and South-West Plot Stage 2 DA identified that a minimum of 10%, and preferably 20%, of the residential GFA should be allocated as affordable or key worker housing. This desire stands in relation to the South-East Plot DA. The South-east Plot is now the remaining opportunity within one of the last remaining large-scale renewal projects in the City capable of containing key worker housing. Access to affordable housing is an essential component of an inclusive, dynamic and sustainable city.	Darling Square is playing a critical role in providing new housing to overcome Sydney's current undersupply of housing. Investigations of additional forms of housing that are affordable have been undertaken on a site wide basis, as expressed in past applications. Within the overall SICEEP precinct a variety of housing types and sizes will be provided that will inform a diverse range of prices. Affordable housing options are to be provided in the form of student housing, consisting of 1303 beds. The delivery of this form of affordable housing is considered the most desirable due to the locational advantages of nearby tertiary institutions, as well as proximity to key transport hubs, facilities and services. This approach was agreed and approved as part of the Concept Proposal and subsequently implemented throughout the previous stages of Darling Square and is not proposed to be changed.

Key Issue	Response
Transport for NSW Heritage Council/Office of Environment and Heritage x 2	
The modification for the Concept plan seeks approval for a total of 1,159 parking spaces (excluding public car park for the North West Plot) for the Darling Square Precinct based on the Traffic and Transport Impact Assessment Report prepared for the modification of the concept plan. However, the Traffic, Transport and Accessibility Report prepared for the North Plot development application states that a total of 1,217 parking spaces will be provided for the Darling Square Precinct (excluding public car park for the North West Plot). TfNSW requests that the applicant confirms that the number of parking spaces proposed for the Darling Square Precinct is 1,159.	A total number of car parking spaces for Darling Square is not sought to be approved as part of the modification application. The car parking rates approved under the original Concept Proposal are not proposed to be amended. Approval for car parking spaces has, and will continue to be, sought within each detailed state significant development application. It is confirmed that a total of 1,109 car parking spaces are expected to be provided in Darling Square excluding the public car park within the North West Plot. This total number of spaces includes those car parking spaces approved within the South West and North East Plots, as well as the proposed car parking spaces within the South East Plot. For clarity, reference to 1,159 parking spaces is that of the theoretical maximum allowable under the approved rates (at that time based on the approved/proposed unit mix) – demonstrating that actual on-site provision is below that allowable.
Sydney Water	
No issues raised	Noted.
Environmental Protection Authority	
EPA recommends that the proponent clarify if the proposal is likely to trigger any scheduled activity threshold	It is confirmed the proposal does not trigger any schedule activity threshold.
Heritage Council/Office of Environment and Heritage x 2	
No issues raised.	Noted.
Roads and Maritime Services x 2	
No issues raised	Noted.
Transgrid	
No issues raised	Noted.

Key Issue	Response
General Public	
Recommend the Department stop consideration of the application due to its timing in the process and a lack of community consultation.	The proposed modification application is made under section 96 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). The modification application reflects the ongoing design development of Darling Square since the original approval, facilitating a better outcome in light of further design review. The ability to modify an approval is legislated within the EP&A Act to reflect the flexibility required through the development process. The assessment provided with the modification application demonstrates that an improved outcome will result from the modified Concept Proposal. Furthermore, as outlined in the original modification application report, widespread community consultation has been undertaken in an ongoing manner by the proponent, including consultation with the local community.
Objection to the increase of height (9 to 29 storeys) and new buildings.	It is clarified that there is no substantial increase in building heights. The only increase in a maximum building height relates to the North Plot which will facilitate the provision of a high quality community/lifestyle uses building (refer further discussion in covering Response to Submissions letter). No additional building envelopes are sought to be approved either through this modification application.
The new park will be overshadowed and local residents will not be able to enjoy the new public space.	As demonstrated in the updated shadow analysis, the new Square will receive appropriate solar access. Furthermore, Darling Harbour and the wider SICEEP site contains various areas of open space which receive good levels of solar access.
There will be implications on safety during emergency situations.	The proposed modification application does not seek to substantially alter the original Concept Proposal in regards to the number of people on the site, therefore the original assessment and approval remains valid in respect of safety concerns.
Impacts will occur to existing property values.	As above, the proposed modification application does not seek to substantially alter the approved Concept Proposal. The Darling Square redevelopment will deliver new housing and non-residential floor space, rejuvenating the locality and repairing a disconnected aspect of Sydney's CBD. Effects of new housing on property values is not a valid consideration under the EP&A Act.