



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT:
Section 96(2) Modification Application**

**Sydney International Convention, Exhibition and
Entertainment Precinct (SICEEP), Darling Square
(formally The Haymarket), Darling Harbour**

SSD 5878 MOD2



Environmental Assessment Report
Section 96(2) of the *Environmental Planning and
Assessment Act 1979*

September 2016

Cover Photograph: Artist's impression of Darling Square

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of proposed modifications to the Stage 1 State significant development (SSD) Concept Approval at Darling Square (formerly referred to as 'The Haymarket') (SSD 5878 MOD2). The modifications seek to increase the maximum residential and non-residential floorspace within the Darling Square precinct, amend the height and form of the North Plot building envelope, realign Little Hay Street and the northern site boundary, and amend the Design Guidelines.

1.2 Site and locality

The site occupies the southern portion of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), and has an area of approximately 4 hectares. The site is bound by the Pier Street overpass and the Novotel Hotel to the north, Hay Street to the south, the Light Rail corridor to the west and Harbour Street to the east. The site comprises six mixed-used development plots, two public open spaces, a central north/south pedestrian boulevard, east/west laneways and associated landscaping and public domain (**Figure 1**).



Figure 1: Darling Square (formally known as the Haymarket) Concept Proposal Layout

1.3 Previous approvals and other relevant applications

On 5 December 2013, the Acting Director-General (as delegate of the Minister) approved a Stage 1 concept proposal (SSD 5878) for the development of the site (**Figure 1**). The approval allows for the staged redevelopment of the site and establishes the vision, planning and development framework for the assessment of future development proposals.

On 26 November 2015, the Director, Key Sites Assessments (as delegate of the Minister) approved a S96 modification application (SSD 5878 MOD1) that increased non-residential gross floor area (GFA) by 2,575m².

The key components of the Stage 1 Concept Approval (as modified) are:

- six separate development plots providing a gross floor area (GFA) of 199,811 m² (comprising 52,120 m² non-residential GFA and 147,691 m² residential GFA);

- maximum building height of 138.63 metres;
- open spaces, roads, laneways and pedestrian through-site links; and
- above ground public and private car parking.

The Department of Planning and Environment (the Department) has also approved the following Stage 2 SSD applications within Darling Square (**Figure 1**):

- a mixed use residential building on the South West Plot (SSD 6011);
- a mixed use residential building on the North East Plot (SSD 6626);
- a commercial building with public car parking on the North West Plot (SSD 6013); and
- student accommodation buildings (Buildings W1 and W2) on the Darling Drive Plot (SSD 6010 and SSD 7133).

The Department is concurrently assessing SSD applications for the following proposed developments within Darling Square:

- a mixed use residential building on the South East Plot (SSD 6633); and
- a commercial and community use building with a new public square on the North Plot (SSD 7021).

Construction is underway on the Darling Drive, North West and South West Plots. The Sydney Entertainment Centre is currently being demolished (refer to **Figure 2**)

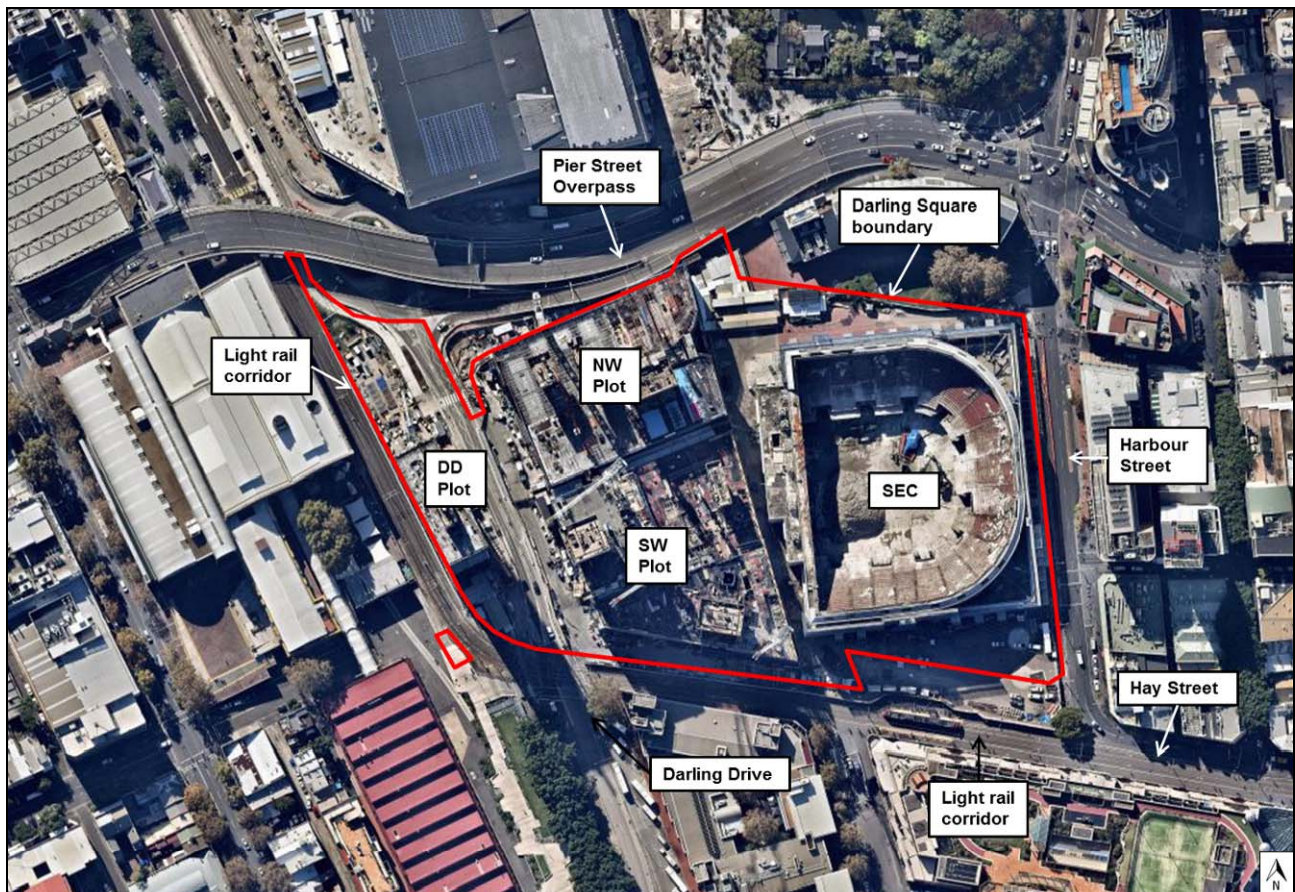


Figure 2: Approved Stage 1 Concept Approval site boundary (outlined in red)

2. PROPOSED MODIFICATIONS

On 14 March 2016, Lend Lease (the applicant) lodged a modification application under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 5878. The application involves the following key modifications:

- increase the site-wide maximum GFA by 11,229 m², comprising:
 - 4,548 m² non-residential GFA (increase from 52,120 m² to 56,668 m²); and
 - 6,681 m² residential GFA (increase from 147,691 m² to 154,372 m²).
- amendment to the form and height of the North Plot building envelope;
- realign Little Hay Street and corresponding amendment of the boundary between the North East and South East Plots;
- minor realignment of the site boundary adjacent to the North Plot and consequential increase of the site area by 1.3 m² to 37,701.40 m²; and
- amendment to the Darling Square Design Guidelines.

A comparison of the approved and proposed modifications to the North Plot building envelope is shown at **Figures 3 and 4**.

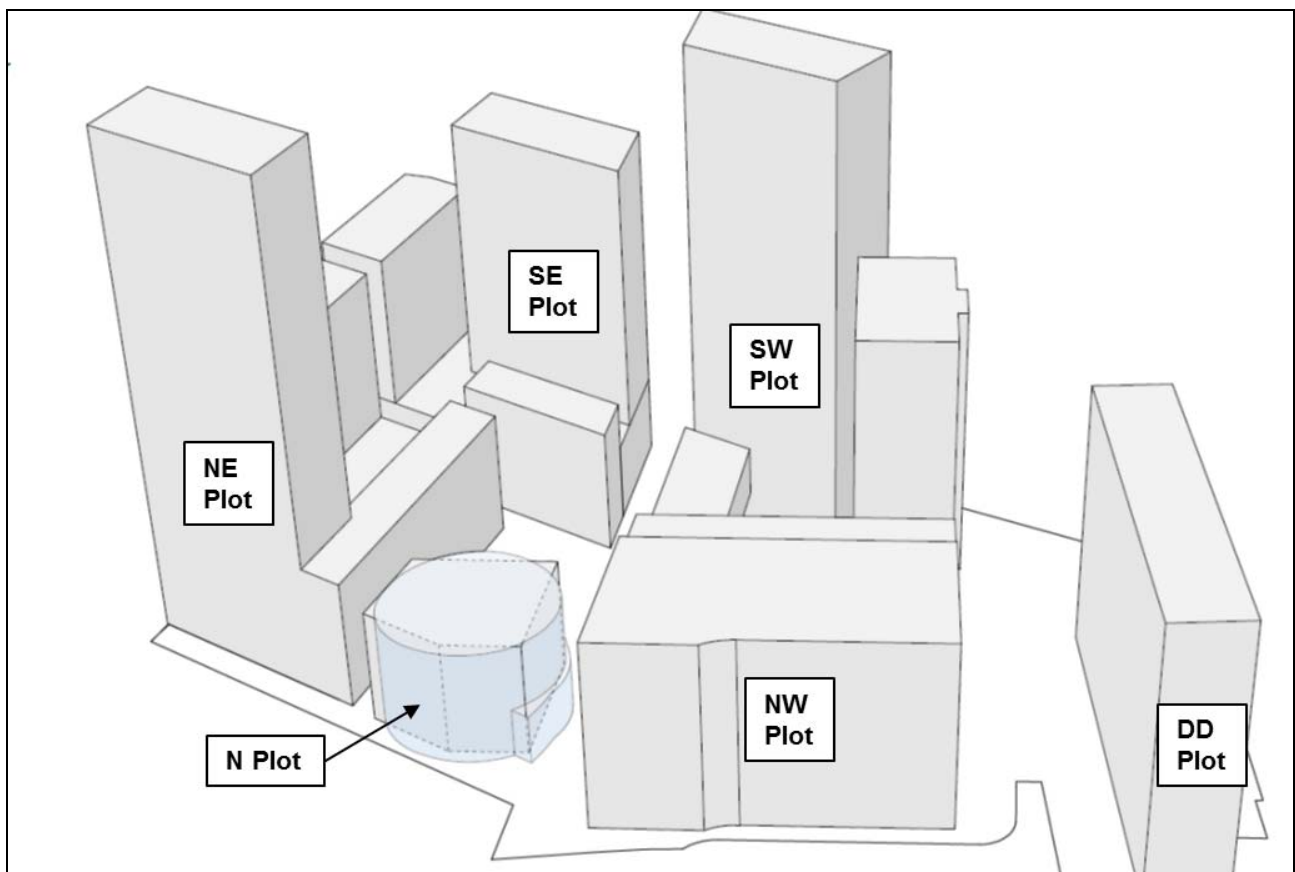


Figure 3: Built form massing comparison between the approved and proposed North Plot building envelope

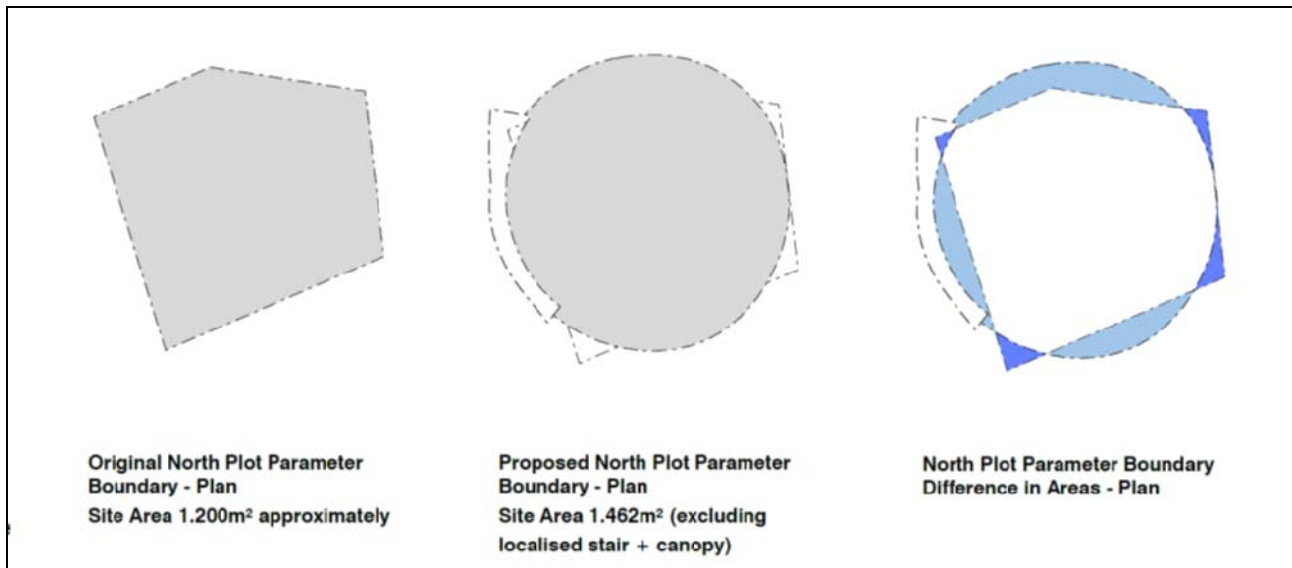


Figure 4: Footprint comparison between the approved and proposed North Plot building envelope

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 1: Section 96(2) matters for consideration

Section 96(2) matters for consideration	Comment
(a) 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).	The proposed modification seeks a relatively minor increase in GFA and amendments to the North Plot building envelope. The amendments to the North Plot do not have any significant visual or amenity impacts. On this basis, the proposal would result in development that is substantially the same as the originally approved development. Relevant environmental impacts are considered in Section 5 of this report.
(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.	The Department has consulted with all relevant public authorities on the proposed modification application, and no objections were received from these authorities.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified. Details of the notification are provided in Section 4 of this report.
(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.	All submissions made during the exhibition are considered in Sections 4 and 5 of this report.

3.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- *Darling Harbour Development Plan No 1*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;

- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The Department comprehensively assessed the original Stage 1 Concept Proposal application against the above EPIs, and is satisfied that the proposed modification remains acceptable in this regard.

3.3 Delegation

On 16 February 2015, the Minister for Planning delegated functions to determine SICEEP modifications under section 96 of the EP&A Act to the Executive Director, Key Sites and Industry Assessments, where:

- a political disclosure statement has not been made; and
- the delegate forms the opinion that any submission made about the application by the Council of the City of Sydney or members of the public had been considered in the assessment of the application.

In accordance with the Minister's delegation, the Executive Director, Key Sites and Industry Assessments may determine this project under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department publicly exhibited the application for 46 days from 17 March 2016 until 2 May 2016. The application was publicly available on the Department's website and exhibited at the Department's Information Centre and at the City of Sydney Council office.

The Department placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Central Courier on the 16 March 2016 and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received eight submissions from public authorities and one public submission.

A link to the submissions may be viewed at **Appendix A**. A summary of the issues raised in the submissions is provided below.

4.2 Submissions

Of the eight submissions received from public authorities Roads and Maritime Services, Sydney Water, the Office of Heritage and Environment and Transgrid raised no objection the proposal. Issues raised by the remaining public authorities are summarised in **Table 2** below and addressed in **Section 5** and/or by way of a recommended condition in **Appendix B**.

Table 2: Summary of submissions

City of Sydney (Council)	
Exhibition	Council does not object to the proposal and stated that it supports the design and land-use of the North Plot. However, it raised the following concerns: <ul style="list-style-type: none"> • the Darling Square building envelopes should be reduced to reflect the buildings within them; and • affordable housing should be provided within the Darling Square precinct.
Transport for NSW (TfNSW)	
Exhibition	TfNSW does not object to the proposal. However, it raised concern that the proposed

	modification would result in an increase in the total residential car parking provision within the Darling Square precinct.
Environment Protection Authority (EPA)	
Exhibition	The EPA does not object to the proposal. However, it requested confirmation of whether the proposal would trigger any scheduled activity threshold (as per Schedule 1 of the <i>Protection of the Environment Act 1997</i>).
Heritage Council	
Exhibition	The Heritage Council does not object to the proposal, subject to the retention of existing conditions to mitigate heritage impacts.

One public submission was received to the proposed modification. This raised general concerns about the height of buildings, traffic generation and the potential overshadowing on open space. The Department notes these issues were considered in detail in its assessment of the Stage 1 Concept Approval and found to be acceptable. The Department therefore considers these particular issues only in so far as they relate to the proposed modification of the Stage 1 Concept Approval.

The submission also raised concerns about the potential increase of the South East Plot building envelope from nine to 29 storeys. However, the Department notes that such an amendment is not proposed.

4.3 Response to Submissions (RtS)

The applicant provided a response to the issues raised in submissions. In addition, following further refinement of the designs of the North and South East Plots the applicant has made the following changes to the proposal:

- further amendment to the North Plot building envelope to allow for the inclusion of a feature public staircase entrance and the articulation / cantilevering of floors within the detailed North Plot SSD application;
- increase of the site area by 1.3 m² to take account of the increased articulation / cantilevering of floors within the detailed North Plot SSD application; and
- increase of the non-residential GFA by a further 105 m², (from 4,443 m² to 4,548 m²).

The Department referred the RtS to Council and TfNSW. The Department received a submission from TfNSW confirming it had no objection to the proposal.

5. ASSESSMENT OF PROPOSED MODIFICATIONS

5.1 Key Assessment Issues

The Department has considered the modification application, the issues raised in submissions and the applicant's RtS in its assessment of the proposal. The Department considers the key assessment issues associated with the proposals are:

- increase in residential and non-residential GFA;
- amendments to built form; and
- traffic impacts.

Each of these issues is discussed in the following sections of this report. Other matters taken into consideration during the assessment of the application are discussed at **Section 5.5**.

5.2 Increase in residential and non-residential GFA

Term of Approval A8 of the Stage 1 Concept Approval sets a maximum overall GFA of 199,811 m² (excluding ancillary above ground car parking) across the site. This is divided into 52,120 m² of non-residential GFA and 147,691 m² of residential GFA.

The proposal seeks to increase the residential and non-residential GFA as shown in **Table 3**.

Table 3: Comparison between the approved and proposed modified GFA

	Concept Approval (m ²)	Proposal (m ²)	Difference +/- (m ²)
Residential GFA	147,691	154,372	+ 6,681 (+4.5%)
Non-Residential GFA	52,120	56,668	+ 4,548 (+8.7%)
Total	199,811	211,040	+11,229 (+5.6%)

The additional residential GFA will be accommodated wholly within the South East Plot and the additional non-residential GFA would be divided between the North Plot (4,203 m²), the South West Plot (305 m²) and the South East Plot (40 m²).

The Department considers the proposed increase in GFA to be acceptable as:

- the proposed increase in GFA (5.6%) is considered minor in the context of the overall redevelopment of the site;
- growth in residential and commercial floorspace in the Sydney CBD is consistent with the strategic direction set out in *A Plan for Growing Sydney*;
- the additional floorspace will be contained within proposed modified building envelopes, which the Department considers to have a built form compatible with the desired future character of the area (as discussed in **Section 5.3**);
- the additional floorspace will not result in additional environmental impacts on the surrounding area and public domain (as discussed in **Section 5.3**);
- the additional floorspace will not result in additional adverse traffic generation (as discussed in **Section 5.4**);
- the proposal will contribute towards Darling Square's estimated employment growth of 2,100 construction jobs and 2,000 operational jobs; and
- the site is highly accessible and well connected to public transport, including trains, buses, ferries and the Sydney Light Rail and is therefore ideally located to support high density development.

The Department therefore considers the site is highly suitable to providing increased housing and employment opportunities and can accommodate the additional residential and non-residential GFA without adverse impacts.

5.3 Amendments to built form

The built form of the development was a key consideration of the Department's original assessment of the Stage 1 Concept Approval. The Department concluded the building envelope heights appropriately frame the public open space, achieve an appropriate civic scale and are acceptable given the site's city edge location. In addition, the separation of building envelopes was considered appropriate.

The proposal seeks to alter the shape of the North Plot building envelope from a rectilinear to circular envelope (and associated amendments to widths to reflect the new geometry) and to increase its height by 5 metres (from RL 28.5 to RL 33.5 metres) as shown at **Figure 5**.

Concern was raised in the public submission about the general height of all the approved building envelopes in Darling Square.

The applicant contends the design approach to the North Plot has changed significantly following the appointment of architecture firm Kengo Kuma and Associates (the detailed building design is being considered separately, SSD 7021). Consequently, it is necessary to revise the North Plot building envelope to accommodate the new circular building design, which is wrapped in timber battens (refer to **Figure 6**). The applicant asserts the design approach for the North Plot will provide a building that achieves design excellence.

The Department considers the key issues related to built form include:

- North and North West Plot building separation and relationship to the boulevard;
- North and North East Plot building separation;
- height and overshadowing; and
- Design Guidelines.

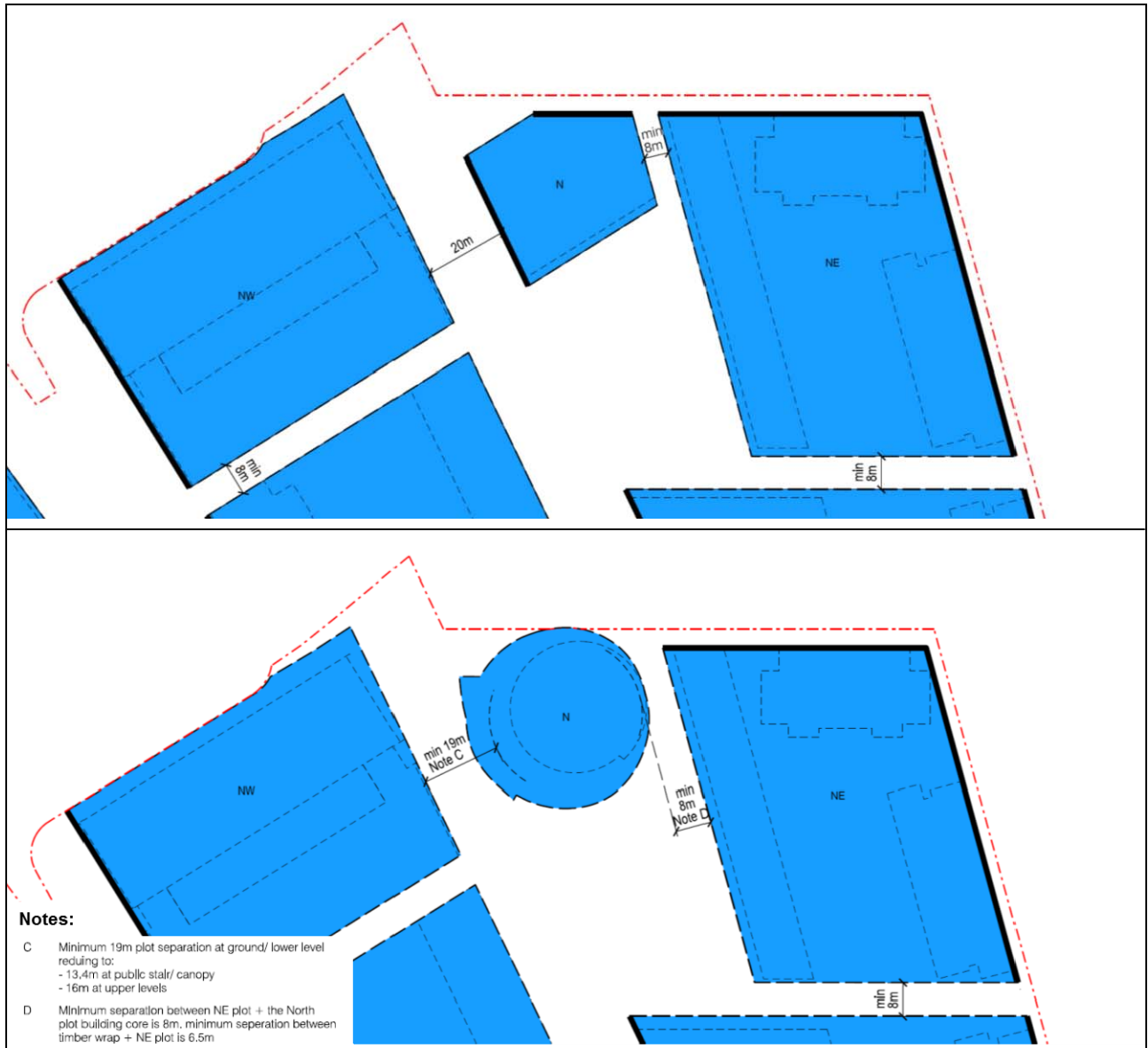


Figure 5: Approved (top) and proposed modified (bottom) separation distances between the North Plot and North East and North West Plots



Figure 6: View north across Darling Square open space towards the North Plot building

North and North West Plot building separation and relationship to the boulevard

The Stage 1 Concept Approval requires a minimum 20 metre separation between the North Plot and the North West Plot building envelopes. The space between the North and North West plots is occupied by the north/south pedestrian boulevard, which runs the length of the SICEEP connecting Hay Street in the south to Cockle Bay / Darling Harbour in the north.

In the Department's assessment of the Stage 1 Concept Proposal, the boulevard design (including its width) was supported as it would facilitate sight-lines to key destinations and accommodate significant pedestrian volumes. It would benefit from street furniture, public art and soft planting, with two continuous rows of eucalypts, broken where the boulevard joins with the new public square.

The modification seeks to reduce this separation between the North and North West Plot building envelopes to 19 metres at ground floor level, 13.4 metres at public stair/canopy level and 16 metres at upper levels (refer to **Figures 5** and **7**). The Department notes this alteration results in the North Plot building envelope projecting into the 20 metre width of the boulevard and therefore interrupts the consistent north/south view-line along the boulevard.

The Department considers the reduction of the North and North West Plot building envelope separation, and its encroachment into the boulevard, is acceptable as:

- the public/civic nature of the North Plot building and its expected attainment of design excellence warrants its projection into the boulevard north/south view-line to highlight its location;
- the encroachments at upper levels contain feature timber battens of the North Plot building, which will add visual interest along the boulevard, form the northern marker of Darling Square and announce the presence of the public building;
- the north / south view along the boulevard, at the upper levels of the North Building, is already disturbed by the elevated Pier Street Overpass / Western Distributor;
- the North West Plot building, on the opposite side of the boulevard, is a mixed-use commercial / public car park building and therefore the amendment to the building separation will not have any residential amenity implications;
- the reduction of the width of the boulevard at ground and lower ground floor levels by one metre (to a overall width of 19 metres) is minor in nature and unlikely to be perceptible; and
- the Design Guidelines provide detailed guidance on how and where the encroachments will occur (refer to **Section 5.3**).

However, the Department is concerned the encroachment of the North Plot building envelope into the boulevard at the lower levels (up to a height of about 6.5 m above ground level, as shown on **Figure 7**) would materially impact the integrity of the design quality and function of the boulevard. In particular, the wrapping stair structure at this lower level would impact upon north / south views along the boulevard for pedestrians and has the potential to impede the intended open sense of pedestrian connectivity afforded by the approved boulevard space (refer to **Figure 8 and 9**).

The Department therefore recommends a condition requiring amended drawings and Design Guidelines showing an uninterrupted 19 m building separation width for the boulevard between the North Plot and North West Plot buildings up to height of 6.5 m.

Notwithstanding, the Department notes that some minor projections into the uninterrupted 19 m building separation maybe be required at the lower levels of the North Plot. In this regard, the Department recommends a condition requiring that any minor encroachment of the North Plot building into the 19 m separation be considered as part of future development applications for this building, where it has been demonstrated that:

- the encroachment does not restrict pedestrian sightlines looking north / south the boulevard;
- pedestrian connectivity along the boulevard is not adversely affected;
- the perception of openness and width of the boulevard is maintained for pedestrians;
- any encroachments are designed to be lightweight and visually permeable; and
- any encroachments does not result in an unacceptable visual pinch-point along the boulevard.

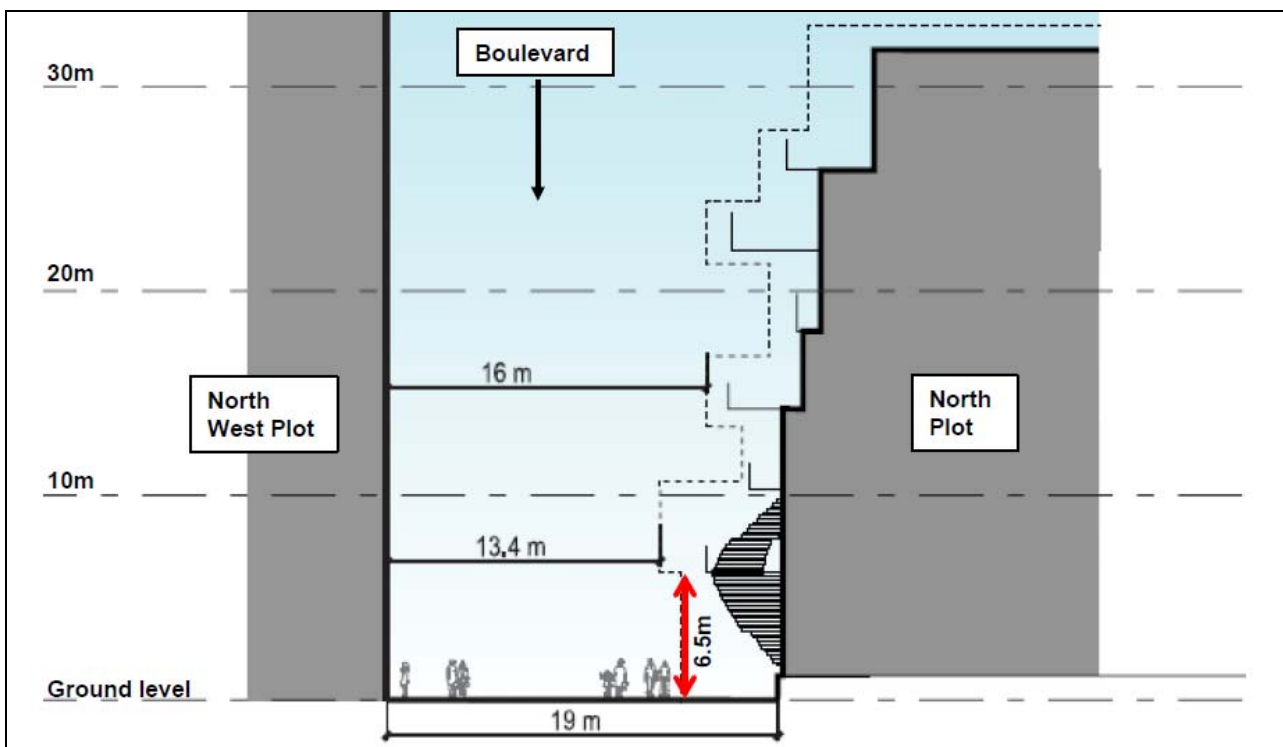


Figure 7: Proposed North and North West Plot building separation and relationship to the boulevard



Figure 8: Indicative view south along the boulevard



Figure 9: Indicative view north along the boulevard

North and North East Plot building separation

The Stage 1 Concept Approval requires a minimum 8 metre separation between the North Plot and North East Plot building envelopes.

The proposed widening of the North Plot building envelope to the east (to accommodate the timber wrap) will result in it being 1.5 m closer to the North East Plot residential podium at its closest point. The Department considers this change is acceptable as:

- the solid building core of the North Plot building will be maintained at 8 metres separation to the North East Plot, and therefore the solid component of the North Plot building would not change when viewed from the apartments within the North East Plot;
- the reduction of the 1.5 metre separation distance accommodates the wooden timber wrap architectural feature, which is a fundamental component in achieving design excellence for the future building. In addition, this architectural feature would have a screening effect, disrupting views from the North Plot towards the North East Plot podium apartments and therefore improving privacy; and
- the revised circular nature of the North Plot would increase oblique views from the North East Plot apartments around the sides of the North Plot building.

Height and overshadowing

Solar access to Darling Square was a key consideration of the Department's original assessment of the Stage 1 Concept Approval. In its original assessment, the Department noted in dense urban environments it is common for public open spaces to be overshadowed at some time during the day, and in many cases this overshadowing can be extensive. The Department concluded the resulting overshadowing of public open space would be acceptable given the circumstances of the site and noted the southern portion of the public open space would achieve direct sunlight between 11:30 am and 1:30 pm in mid-winter.

The modification includes a 5 metre increase in the proposed height of the North Plot building envelope (from RL 28.5 to RL 33.5 metres). Shadow diagrams have been provided with the application, which compare the approved and modified situation (**Figure 10**).

Concern was raised in the public submission about the potential overshadowing of the public open space.

The applicant contends the increase in height will provide for a building of an appropriate civic scale. Further, the proposed amendment to the form of the North Plot has a negligible overshadowing impact on Darling Square, when compared to the Stage 1 Concept Approval.

The Department notes the shadow diagrams submitted with the application show the shadows cast by the circular shaped North Plot building envelope:

- would be largely contained within the maximum shadow cast by the approved rectilinear shaped building envelope; and
- ensure the southern portion of the public open space would continue to achieve direct sunlight between 11:30 am and 1:30 pm in mid-winter.

In addition, the amended Design Guidelines include a new control that requires the future building within the North Plot to include a minimum 20% reduction of parameter footprint of GFA at each level, excluding open terraces (**Figure 11**). The Department notes this reduction will result in the future building being smaller than the maximum building envelope for the North Plot.

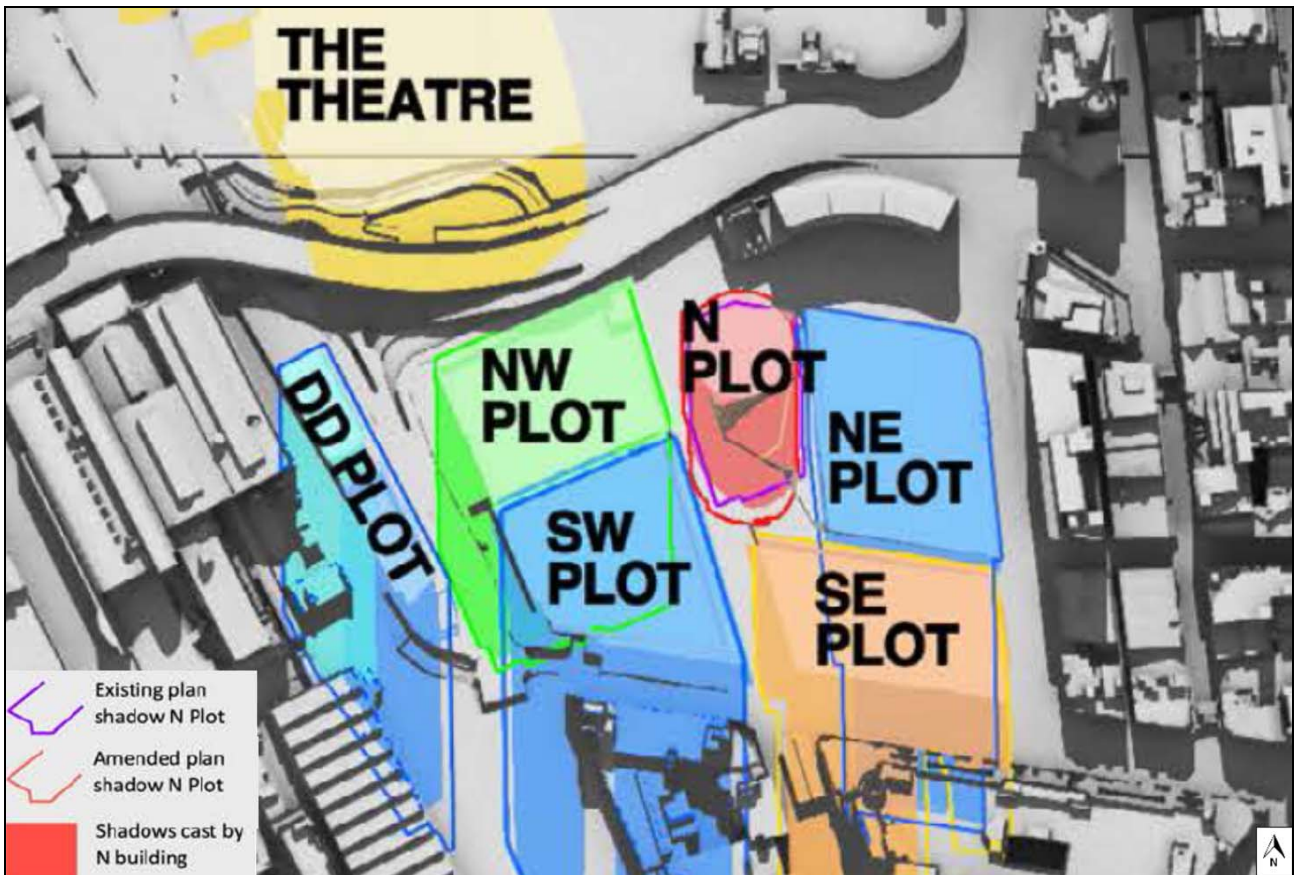


Figure 10: Comparison of the North Plot shadow cast during the Winter Solstice at noon (shaded in pink)

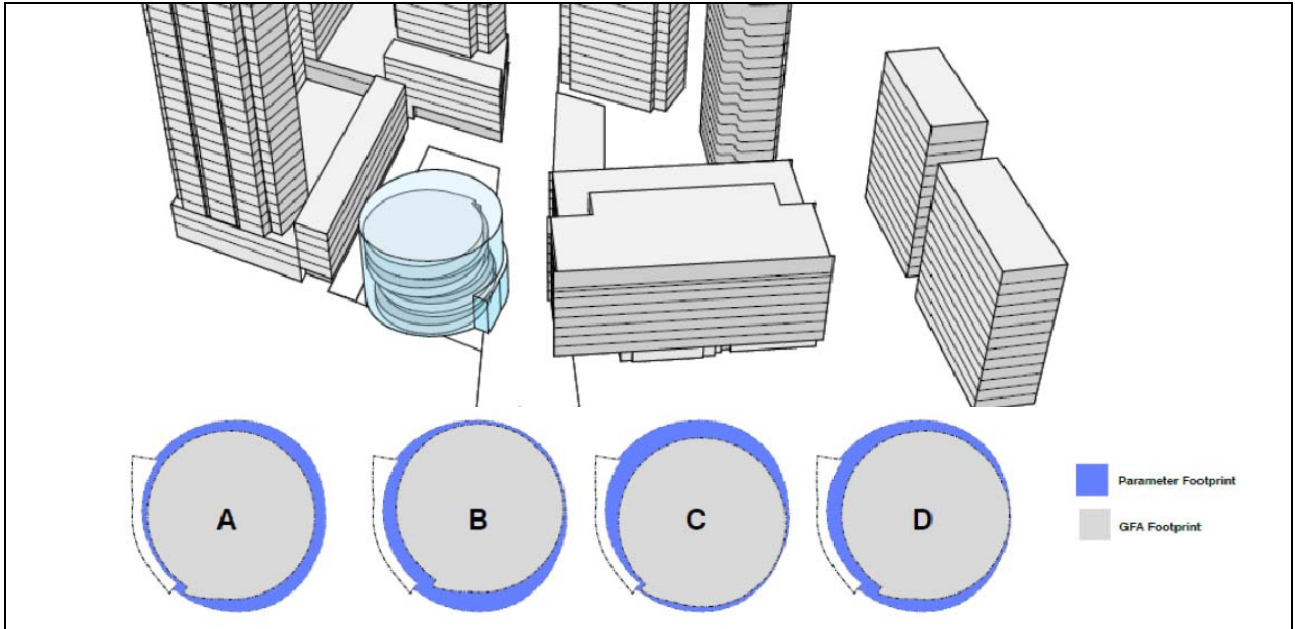


Figure 11: Indicative images showing a 20% reduction of GFA at each level

The Department is satisfied that despite the increase to the height of the North Plot building envelope, the proposal will not result in unacceptable overshadowing impacts on the Darling Square open space and it remains of an appropriate scale, as:

- the shadow studies submitted with the proposed modification demonstrate the proposal has a negligible impact on solar access to Darling Square open space (Figure 10);
- the amended form of the North Plot building envelope (from rectilinear to circular) generally allows for additional access to sunlight surrounding the building;

- the Design Guidelines include a requirement that the future building within the North Plot includes a minimum 20% reduction of parameter footprint of GFA at each level, which ensure the future building within the North Plot is of a lesser scale than the maximum size of the North Plot building envelope;
- the indicative design of the North Plot building includes cantilevered levels, which would allow for additional sunlight to penetrate through to the open space in winter months; and
- the revised height matches the maximum podium building envelope heights surrounding the Darling Square open space.

Design Guidelines

The proposal includes amendments to the approved Design Guidelines. The changes include new requirements for the North Plot building setbacks and its relationship to surrounding public domain and adjoining buildings. The proposed changes primarily take account of the revised form of the North Plot building envelope discussed previously in this section. The Department considers these changes to be administrative in nature and therefore acceptable. The Department recommends that Term of Approval A4 be updated to make reference to the revised Design Guidelines.

5.4 Traffic impacts

5.4.1 Traffic generation

The proposal does not seek to alter the approved maximum car parking rates. However, the proposed increase in GFA will result in an increase in the total number of residential dwellings that could be accommodated within the precinct (approximately up to 148 additional dwellings).

The applicant has provided a Traffic Assessment to demonstrate the likely traffic and parking impacts as a result of the increase of the GFA and potential dwelling numbers.

In August 2013, the RMS published updated traffic generation rates for high density developments. The Department notes that these revised rates are significantly lower than the 2001 rates applied in the Department's assessment of the original Stage 1 Concept Proposal.

The Department notes that despite the increase in GFA, the calculation of traffic generated by the development based on the updated traffic generation rates would be 21% (250 trips) less than what was originally assessed for the development during morning and afternoon peak periods.

The Department is therefore satisfied the proposed increase in non-residential and residential GFA would not result in any unacceptable traffic impacts.

5.4.2 Car parking

Condition B19 of the Stage 1 Concept Approval requires that future development applications provide for residential car parking in accordance with maximum parking rates. This condition does not include an overall car parking figure for the site.

TfNSW raised concern that the modification seeks approval to increase the total number of car parking spaces (excluding public car park for the North West Plot) on the site.

The applicant has confirmed the modification does not seek approval for a total number of car parking spaces and does not amend the approved car parking rates for the site. In addition, the applicant proposes to update the Design Guidelines to correctly refer to the approved maximum car parking rates.

The modification does not seek to amend Condition B19 and the Department is satisfied that the provision of residential car parking will be considered in detail as part of the assessment of detailed development applications.

5.5 Other

Site Area

The proposal includes a minor adjustment of the northern site boundary to accommodate the curved building envelope of the North Plot (refer to **Figure 12**), which results in an overall increase in the site area of 1.3 m². Therefore the Department considers the proposed amendment to be minor and administrative in nature and is acceptable.

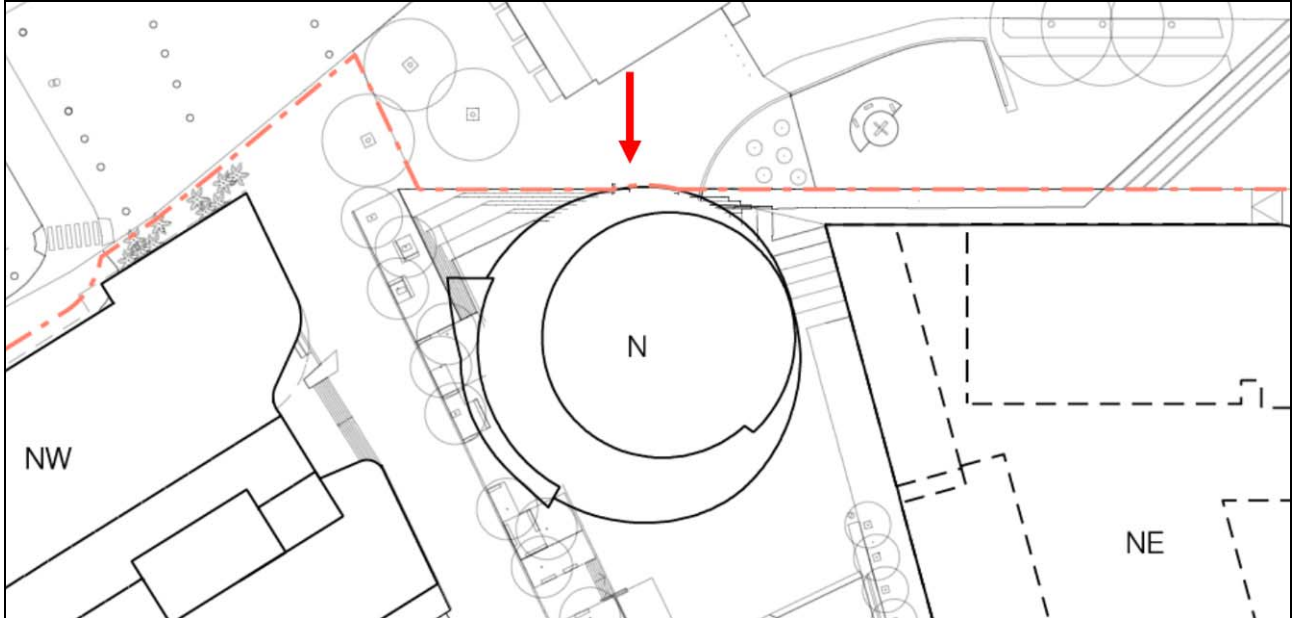


Figure 12: Minor adjustment to the northern site boundary

Affordable Housing

The Stage 1 Concept Approval does not include dedicated affordable rental housing (ARH).

Council has raised concern about the absence of ARH and recommended that 10% to 20% of all new housing be ARH (comprising key worker housing). Council has stated it does not consider student accommodation to be ARH.

The Department notes this matter was considered in detail in the assessment of the Stage 1 Concept Approval and future environmental assessment requirement (FEAR) B14 required future applications to investigate additional forms of housing that are affordable on the site (including rental residential accommodation, key worker accommodation and/or student accommodation).

The absence of ARH within the proposal is justified by the applicant on the basis that affordable housing, in the form of student accommodation (1393 beds), has been approved within the Darling Drive Plot (SSD 6010 and SSD 7133).

The Department maintains its view that it is not necessary for ARH to be provided within Darling Square as part of the proposed modification as:

- there is no statutory or policy requirement for affordable housing to be provided on this site under the *Darling Harbour Development Plan No.1* or any other relevant EPI;
- the provision of student accommodation within the Darling Drive Plot will help relieve pressure on existing low-priced rental properties that would have otherwise been occupied by students; and
- the proposal provides additional dwellings and increases the supply, mix and choice of dwelling types within this inner city area.

Staging

FEAR B10 requires the public domain / open space be delivered in accordance with the approved Illustrative Development Staging Diagram (IDSD) unless otherwise modified in a future development application. As approved, the IDSD indicates the delivery of the Little Hay Street public domain is divided between the North East and South East Plots. The staging of the South East Plot is further divided into two parts.

The proposal includes an amended IDSD, which proposes the delivery of the Little Hay Street public domain as part of the North Plot and public open space stage and the consolidation of the South East Plot stages into one stage as shown in **Figure 13**.

The Department considers the revised staging of the development is acceptable as:

- it ensures all of Little Hay Street is constructed in one stage and three years sooner than originally anticipated (in 2018);
- it is appropriate the key community and open space benefits in the North Plot are delivered at the same time as the Little Hay Street public domain, which provides an important east/west link to Chinatown and the CBD; and
- the consolidation of the two stages of construction of the South East Plot will reduce construction time by approximately seven years (completion in 2019), which will reduce potential impacts of construction on the surrounding area.

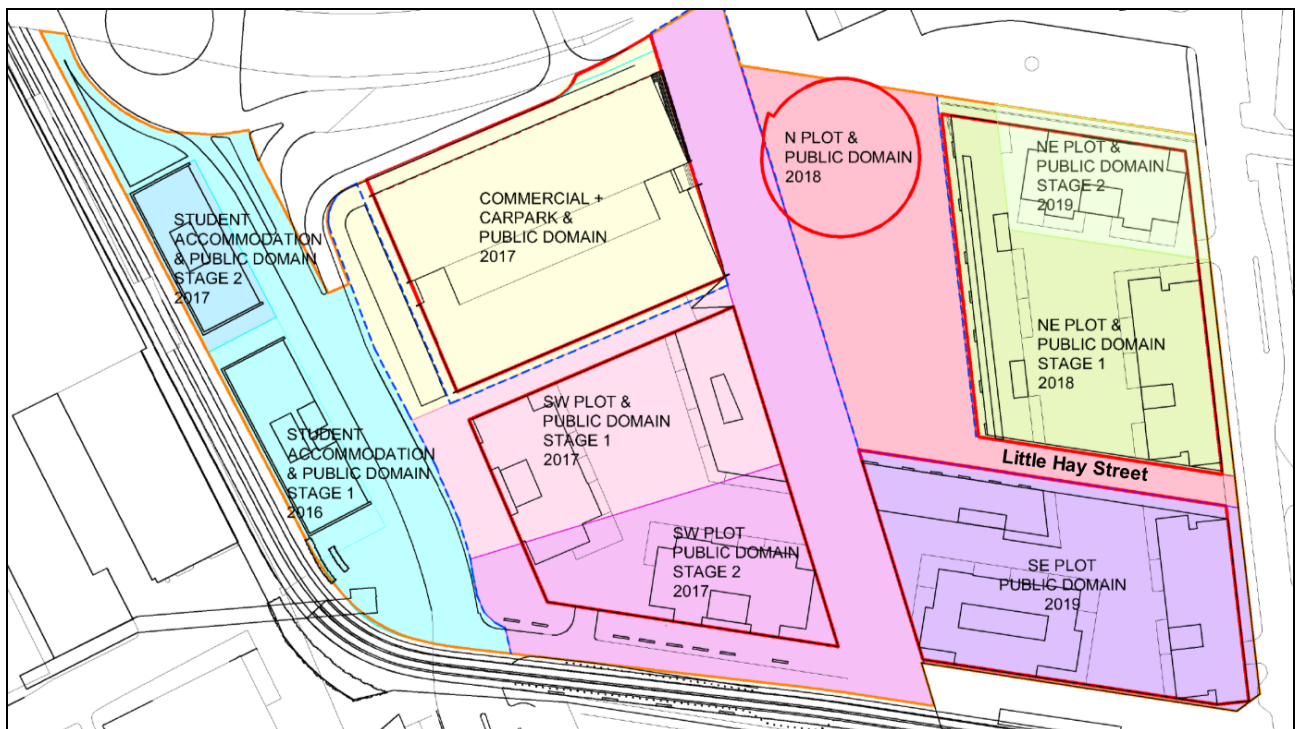


Figure 13: Updated Illustrative Development Staging Diagram

Extent of building envelopes

Council raised concern the approved building envelopes are larger than the detailed buildings within those envelopes and this may set an expectation that these volumes may be developed at a later stage via a modification application.

The Department notes this matter was considered in detail in the assessment of the Stage 1 Concept Approval, and the Department concluded the height, scale and bulk of building envelopes were acceptable and appropriate within this city edge context. The Department maintains this view and therefore does not recommend the building envelopes be reduced in size.

Should the Applicant seek to vary any part of the development via a section 96 modification application at a later stage, the Department will assess the proposal on its merits and carefully consider impacts of the proposal.

Little Hay Street alignment

Following a site survey as part of the detailed design development of Darling Square, the applicant discovered the proposed alignment of Little Hay Street does not correspond with the existing alignment of the adjoining Little Hay Street in Haymarket/Chinatown. Consequently, the modification seeks to move Little Hay Street one metre northwards and amend the boundaries of the North East and South East Plots accordingly.

The applicant has confirmed the proposed realignment of Little Hay Street does not have any impact on the approved building within the North East Plot (SSD 6626) or the proposed building within the South East Plot (which is currently being assessed under SSD 6633).

The Department considers the proposed change to be minor and administrative in nature and is therefore acceptable.

Protection of the Environment Operations Act 1997 (POEO)

The EPA requested confirmation of whether the proposal would trigger any scheduled activity threshold (as per Schedule 1 of the POEO). The applicant has confirmed the proposal would not trigger any scheduled activity as it does not propose to undertake any of the activities listed in Schedule 1 of the POEO (crushing grinding or separating, electricity generation, metropolitan electricity works, or extractive activities).

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96(2) of the EP&A Act and the Department is satisfied the proposal complies with all statutory and strategic provisions.

The proposed site-wide increase in the residential and non-residential GFA presents a marginal uplift when compared to the original Stage 1 Concept Approval and does not result in any additional adverse impacts on the surrounding area. Further, the proposal is considered to be substantially the same as the approved development.

The revised shape and height of the North Plot building envelope will facilitate the provision of a redesigned future North Plot building that aims to achieve design excellence.

The revised North Plot building envelope proposal will not result in unacceptable overshadowing impacts on Darling Square and the building will remain an appropriate scale for its context. The proposal maintains appropriate building separation between the North East and North West Plots and will not have an adverse visual or view impact on the north/south boulevard.

The modified proposal will result in a reduction in traffic generation and maintains the approved car parking rates for the precinct.

7. RECOMMENDATION

It is therefore recommended that the Executive Director, Key Sites and Industry Assessments:

- (a) **considers** the findings and recommendations of this report;
- (b) **approves** the modifications under delegated authority, subject to conditions; and
- (c) **signs** the attached Instrument of Modification for SSD 5878 MOD2.

Prepared by: Matthew Rosel
Consultant Planner
Key Sites Assessments

Endorsed by



Brendon Roberts
Team Leader
Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Approved by



Anthea Sargeant 4/10/16
Executive Director
Key Sites and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7550

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7550

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7550

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT

A copy of the modifying instrument can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7550