



***STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:***

***Sydney International Convention, Exhibition
and Entertainment Precinct (SICEEP), The
Haymarket SW Plot, Darling Harbour Sydney
(SSD 6011)***

***Mixed Use Residential Development and
Associated Public Domain Works***



Secretary's Assessment
Report Section 89H of the
*Environmental Planning and Assessment Act
1979*

May 2014

ABBREVIATIONS

Applicant	Lend Lease (Haymarket) Pty Ltd
CIV	Capital Investment Value
Consent	Development Consent
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
INSW	Infrastructure New South Wales
LEP	Local Environmental Plan
Minister	Minister for Planning
PAC	Planning Assessment Commission
PPP	Public Private Partnership
Regulation	Environmental Planning and Assessment Regulation 2000
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Stage 1 Approval	Approved SSD 5878 for Stage 1 Concept Proposal for the mixed use redevelopment of The Haymarket precinct

Cover Photograph: Artist impression of the South West Plot looking west across the Haymarket Square (Source: Applicant's Environmental Impact Statement).

© Crown copyright 2014
Published May 2014
Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

The Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) is a major urban renewal project occupying the western and southern ends of Darling Harbour. The SICEEP project is being delivered as three interconnected development precincts. The three key components of SICEEP include:

- the redevelopment of the convention, exhibition and entertainment centre and reconfigured public domain works (Core Facilities);
- a new mixed use residential neighbourhood and new open spaces (The Haymarket); and
- provision of the International Convention Centre hotel complex (ICC Hotel).

On 5 December 2013 the Stage 1 Concept Proposal (SSD 5878) was approved and allowed for the staged redevelopment of The Haymarket precinct of the SICEEP (Stage 1 Approval). On 7 May 2014 two Stage 2 development applications were approved relating to the Darling Drive Plot, student accommodation (SSD 6010) and North West Plot, commercial building (SSD 6013) of The Haymarket precinct. A separate SSD Application is currently being assessed by the Department of Planning and Environment for the development of the International Convention Centre Hotel (SSD 6116).

This is an assessment report for a (Stage 2) State Significant Development (SSD) Application seeking approval for the construction of buildings providing for a mix of residential and non-residential uses together with associated public domain works. The development site is known as the South West Plot and is located within the SICEEP – The Haymarket.

The site is located within the City of Sydney Local Government Area and the applicant is Lend Lease (Haymarket) Pty Ltd. The project has a Capital Investment Value of \$204 million. The proposal seeks consent for site preparation works (demolition and remediation), construction of three buildings over a shared podium, car parking, 1,805m² non-residential floorspace, 538 apartments, public domain improvements and signage.

The department publicly exhibited the application from 19 June 2013 until 2 August 2013 (45 days). The department received a total of 60 submissions comprising 51 submissions from the general public and nine submissions from public authorities. Key issues raised during the exhibition related to consistency with the Stage 1 Approval, public domain, dwelling mix, affordable housing provision, vehicular access and IQ Hub (a form of low-cost workspace) provision.

The applicant submitted a Response to Submissions (RtS) providing additional information to address the concerns raised during the exhibition and to clarify key issues. The department is satisfied that the proposal is generally consistent with the Stage 1 Approval. Further, the department's assessment concludes that the building and public domain design are of a high quality, vehicular and pedestrian access arrangements are satisfactory, the proposal would provide an appropriate mix of dwellings to support the needs of the community, and the proposed signage and temporary signage is consistent with SEPP 64.

The department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the Environmental Planning and Assessment Act 1979, the principles of Ecologically Sustainable Development, and issues raised in all submissions.

The department considers that the proposal will form an integral part of the renewal of the Haymarket precinct and the wider SICEEP. The proposal would provide significant public benefit through provision of new residential accommodation, employment opportunities and a development which achieves a high quality of architectural and public domain design.

The department considers that the proposal is in the public interest and recommends that the application be approved subject to conditions.

TABLE OF CONTENTS

1.	BACKGROUND	3
1.1	Sydney International Convention Exhibition and Entertainment Precinct (SICEEP)	3
1.2	The Haymarket Site	5
1.3	The subject site.....	5
2.	PROPOSED PROJECT	7
2.1	Project description	7
2.2	Response to Submissions.....	7
2.3	Summary description of proposal	7
2.4	Project need and justification	13
3.	STATUTORY CONTEXT.....	14
3.1.	State significant development	14
3.2.	Consent Authority	14
3.3.	Permissibility.....	15
3.4.	Environmental Planning Instruments.....	15
3.5.	Objects of the EP&A Act	15
3.6.	Ecologically Sustainable Development.....	15
3.7.	Environmental Planning and Assessment Regulation 2000	16
3.8.	Secretary's Environmental Assessment Requirements	16
4.	CONSULTATION AND SUBMISSIONS.....	16
4.1.	Exhibition	16
4.2.	Public Authority Submissions	17
4.3.	Public Submissions.....	19
4.4.	Applicant's Response to Submissions.....	20
5.	ASSESSMENT	20
5.1.	Key assessment issues	21
5.2.	Consistency with the Stage 1 Approval	21
5.3.	Vehicular and pedestrian access	27
5.4.	Housing affordability and dwelling mix	31
5.5.	Other issues.....	33
6.	CONCLUSION	34
7.	RECOMMENDATION.....	35
 APPENDIX A RELEVANT SUPPORTING INFORMATION		
APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)		
APPENDIX C COMPLIANCE WITH THE STAGE 1 APPROVAL		
APPENDIX D ARUP REPORT		
APPENDIX E RECOMMENDED CONDITIONS OF CONSENT		

1. BACKGROUND

The purpose of this report is to determine a detailed (Stage 2) Development Application for a mixed use residential development and associated public domain works. The proposal relates to the South West Plot, as approved by The Haymarket Concept Proposal for the redevelopment of the southern portion of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP).

1.1 Sydney International Convention Exhibition and Entertainment Precinct (SICEEP)

The subject site forms part of The Haymarket precinct, which is located within the SICEEP (detailed in **Sections 1.1 to 1.3**).

The SICEEP is a major urban renewal project along the western and southern ends of Darling Harbour. The SICEEP project in its entirety involves three interrelated components linked together by a new integrated public realm, including (refer to **Figure 1**):

- convention, exhibition and entertainment facilities and open space (Core Facilities);
- a mixed use neighbourhood with improved public realm (The Haymarket); and
- a premium hotel complex (ICC Hotel).

The key features of the entire SICEEP project are shown in **Figure 1** and include:

- an international standard convention, exhibition and entertainment facility;
- a mixed use neighbourhood at the southern end of the precinct, called 'The Haymarket';
- a hotel complex at the northern end of the precinct;
- renewed and upgraded public domain including an outdoor event space for up to 27,000 people at an expanded Tumbalong Park; and
- improved pedestrian connections.

Previous approvals and other relevant applications

On 22 August 2013, the then Minister approved the State Significant Development (SSD) for the Core Facilities, being the development of the Convention, Exhibition and Entertainment Centres (SSD 5752).

On 7 May 2014 the Acting Executive Director, Development Assessment Systems and Approvals approved the following Stage 2 development applications for The Haymarket:

- the Darling Drive Plot, being the development of a student accommodation building (SSD 6010); and
- the North West Plot, being the development of a mixed use commercial development (SSD 6013).

The department is also currently assessing an application for the development of the International Convention Centre Hotel complex, located at the northern tip of the SICEEP and providing for a 35 storey hotel building (SSD 6116).

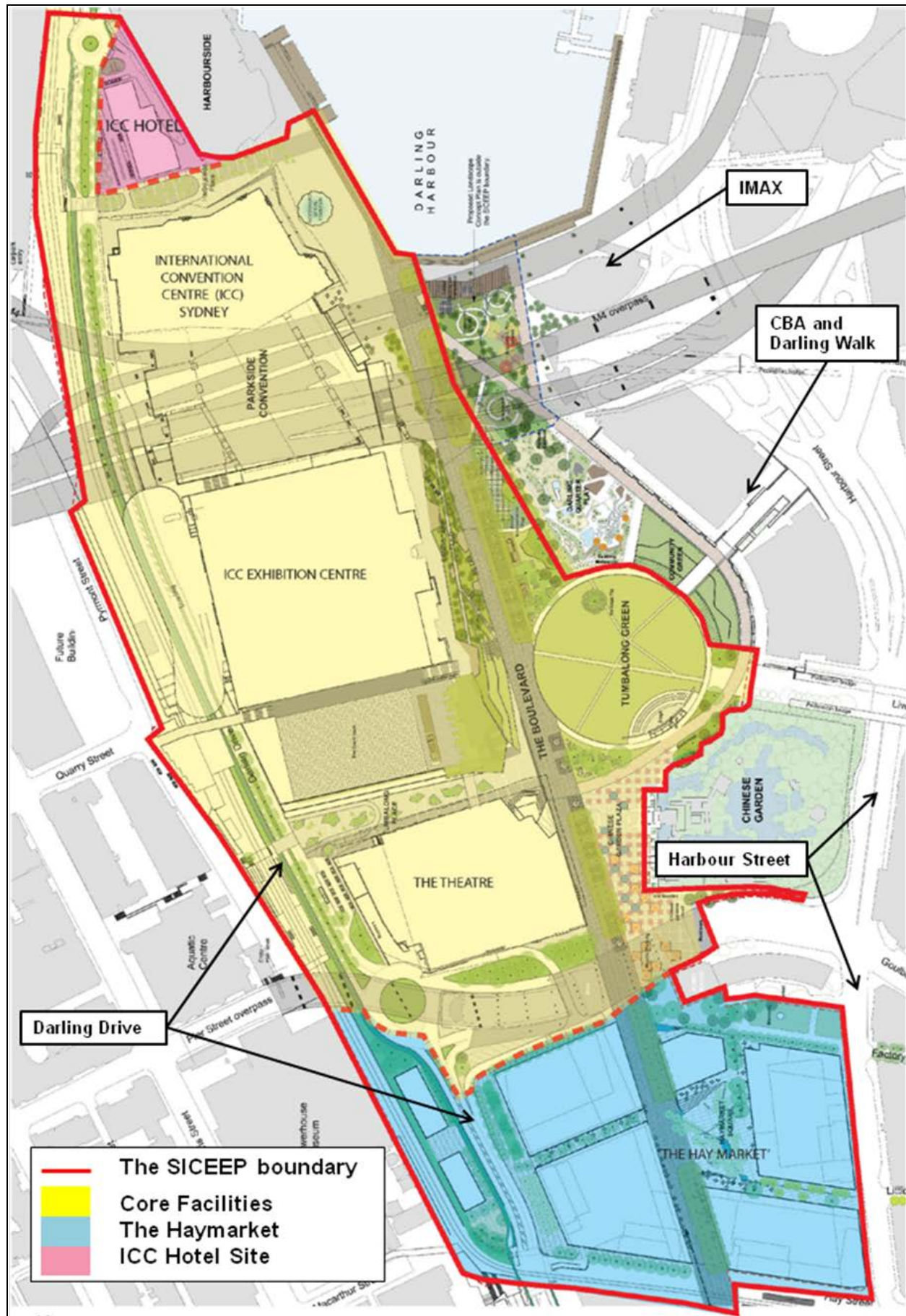


Figure 1: SICEEP Master plan (Source: SSD 5878 DG's report)

1.2 The Haymarket Site

The Haymarket site occupies the southern portion of the SICEEP and has an area of approximately 4 hectares. The site is bound by the Pier Street overpass to the north, Hay Street to the south, the Light Rail corridor to the west and Harbour Street to the east (refer to **Figure 2**).

On 5 December 2013 the Acting Director-General (as delegate of the then Minister) approved the Stage 1 SSD (Concept Proposal) for The Haymarket. The approval allows for the staged redevelopment of the southern precinct of the SICEEP and establishes the vision, planning and development framework for the assessment of future development proposals for the site. The key built aspects of The Haymarket redevelopment are:

- six separate development plots providing for a gross floor area of 197,236m² comprising 49,545m² non-residential GFA and 147,691m² residential GFA;
- maximum building height of up to 138.6m;
- open spaces, roads, laneways and pedestrian through-site links;
- above ground public and private car parking; and
- realignment of Darling Drive.



Figure 2: The Haymarket Concept Proposal Layout (Source: SSD 5878 DG's report)

1.3 The subject site

Known as the South West Plot, the subject site occupies the south western portion of The Haymarket precinct and has an area of approximately 1.2 hectares. The site is bound by Dickson's Lane and Pier Street Overpass to the north, Hay Street to the south, Darling Drive to the west and the pedestrian link Boulevard to the East. The South West Plot currently accommodates the southern element of the Sydney Entertainment Centre (SEC) car park, part of an elevated pedestrian footbridge, existing public domain and the servicing area and buildings associated with the western elevation of the SEC (refer to **Figures 3 and 4**).

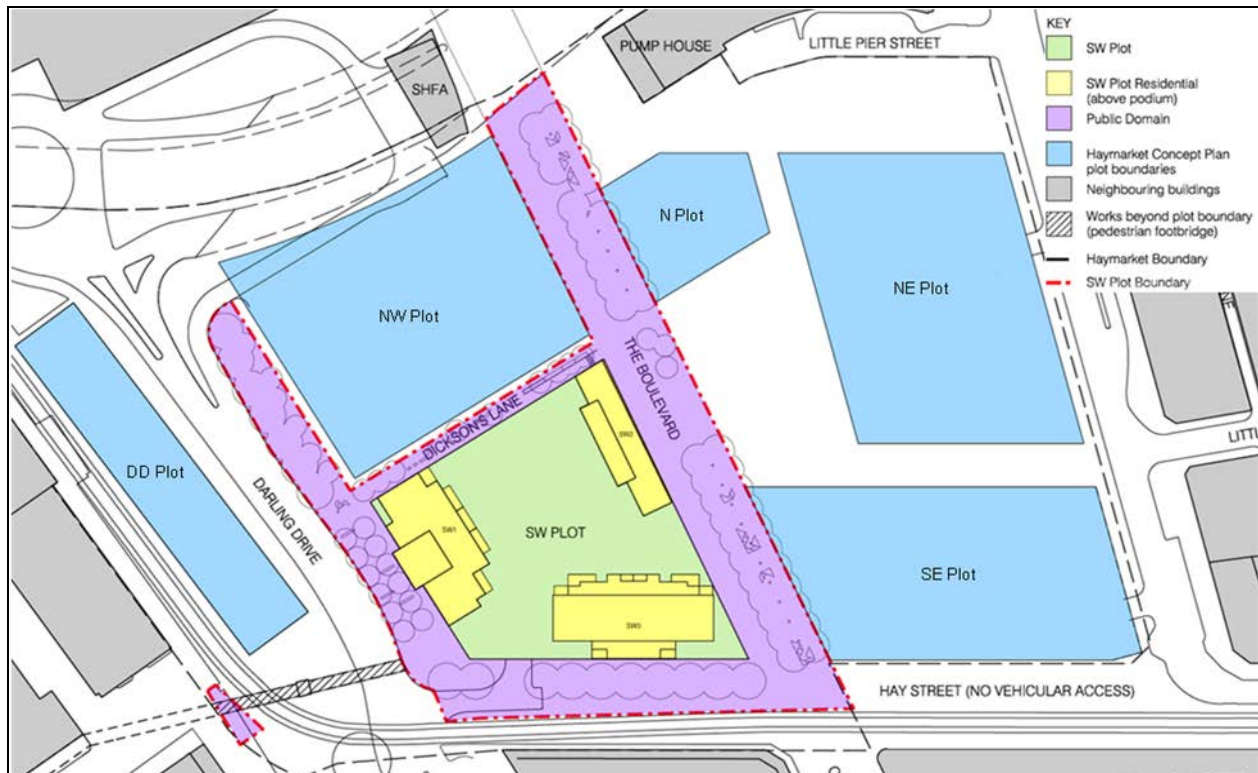


Figure 3: The Haymarket Plot layout and the detailed layout of the South West Plot (Source: applicant's EIS)

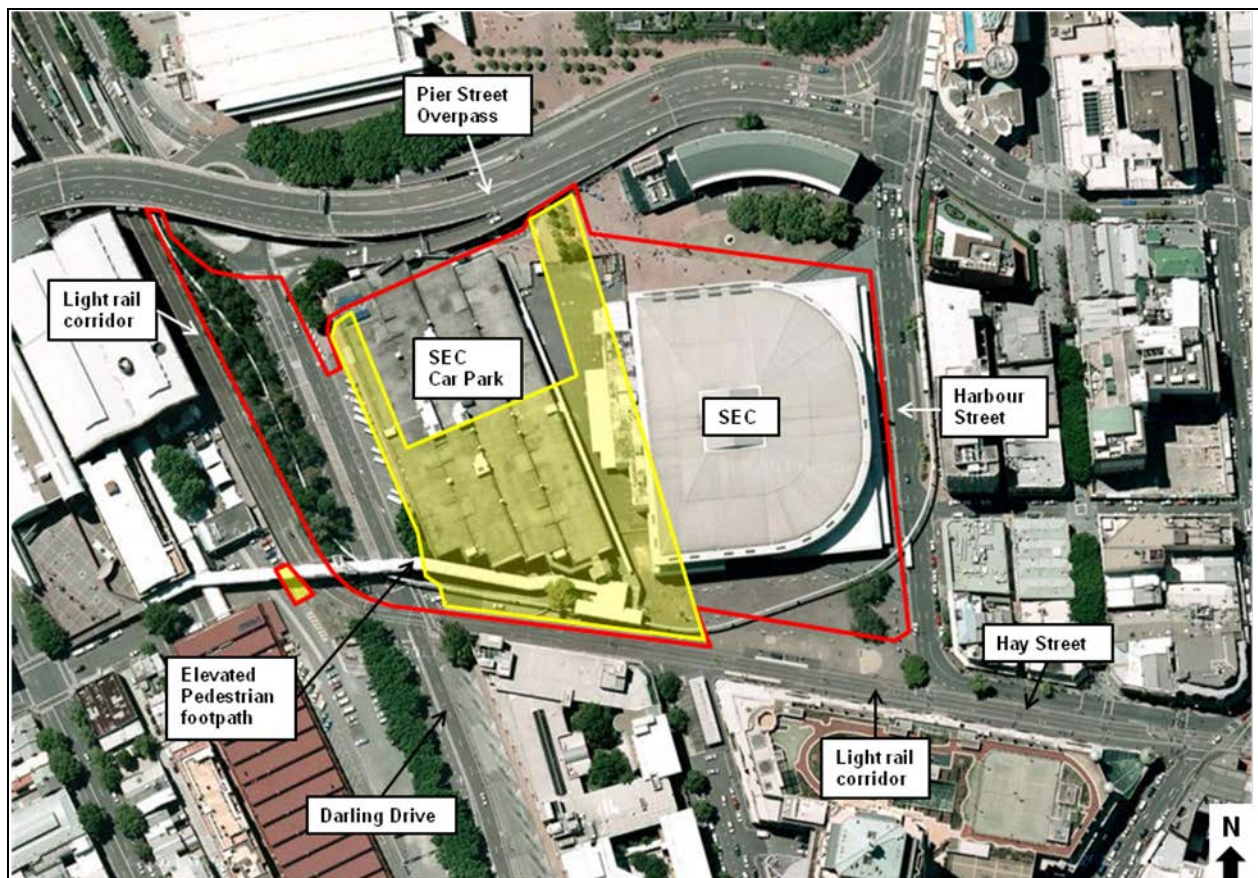


Figure 4: Aerial view of The Haymarket site and South West Plot, The Haymarket site boundary outlined in red, the South West Plot highlighted in yellow (Base source: SSD 5878 DG's report)

2. PROPOSED PROJECT

2.1 Project description

The proposal, as exhibited in the Environmental Impact Statement (EIS), seeks approval for the redevelopment of the South West Plot, which includes the demolition of existing site improvements and construction of buildings of a variety of heights (5, 8, 24 and 40 storeys) providing accommodation for 538 residential apartments, 1,805m² of non-residential floorspace, 405 above ground residential car parking spaces and public domain improvements.

2.2 Response to Submissions

Following the public exhibition of the EIS, the department placed a copy of all submissions received on its website. The department requested that the applicant address the issues raised in the submissions as well as a number of specific issues identified in the assessment of the proposal including:

- built form;
- traffic and transportation;
- public domain;
- dwelling mix and affordability;
- IQ Hub (a form of low cost workspace);
- visual and view analysis;
- crime prevention;
- noise; and
- consistency with the Concept Proposal.

The applicant provided a Response to Submissions (RtS) (**Appendix A**), which contains further information and clarification of the key issues raised by the department, the public and agencies.

The key issues addressed in the RtS report include:

- architecture and built form;
- traffic, transport and access;
- public domain and landscaping; and
- dwelling mix and affordability.

2.3 Summary description of proposal

The key components and features of the proposal (as refined in the RtS) are provided in **Table 1** below and are shown in **Figures 5 to 10**.

Table 1: Key components of the proposal

Aspect	Description
Concept Proposal (summary)	Construction of three buildings over a shared podium in the South West Plot to be used for a mix of residential and non-residential uses together with associated public domain improvements.
Demolition	• Staged demolition of existing site improvements, including; • Sydney Entertainment Centre; • Sydney Entertainment Centre Car Park; and • part of the elevated pedestrian footway.
Built form	• staged construction of: • 5 storey podium and community room, maximum height RL 25.03; • 24 storey SW1 building (including podium), maximum height RL 88.825; • 8 storey SW2 building (including podium), maximum height RL 33.550; • 40 storey SW3 building (including podium), maximum height RL 137.175; and

Aspect	Description
	landscaping works to the podium level.
Gross Floor Area	- Total GFA of 45,985m² comprising: 43,985m² residential GFA; and 1,870m² non-residential GFA.
Residential accommodation	- A total of 538 residential apartments comprising: 72 apartments within the podium; 157 apartments within SW1 tower; 8 apartments within SW2 building; and 301 apartments within SW3 tower.
Access	Provision of a vehicle access point at Hay Street
Public domain	- Provision of part of The Boulevard – a pedestrian boulevard linking Quay Street to Darling Harbour; - provision of part an east-west pedestrian laneway known as 'Dickson's Lane', linking Darling Drive and 'The Boulevard'; - provision of landscaping along the eastern side of Darling Drive; and - new lift and stairway facilitating pedestrian movement from Macarthur Street to Darling Drive.
Car Parking	399 above ground car parking spaces located on ground to fourth floor levels.
Signage	- Provision of signage zones; and - temporary business identification signage on SEC.
Remediation	Any associated remediation as may be required.

The proposal has a Capital Investment Value of \$204,480,000 and is expected to generate 600 construction jobs and 65 operational jobs once fully developed.

Key changes from the proposal as exhibited in the EIS include:

- reductions of building heights by up to 2.5 metres and increase of podium parapet by 245mm;
- internal reconfiguration of units;
- design amendments to Building SW1;
- increased activation of Hay Street;
- provision of a community room at podium roof level;
- redesign of vehicle entry off Hay Street;
- amended dwelling mix including an increased provision of one and three bedroom units and an overall reduction in the number of units from 542 to 538;
- reduction in total number of car parking spaces from 405 to 399 and provision of drop-off bay on Darling Drive;
- increase in residential GFA from 43,210m² to 43,985m² and non-residential GFA from 1,805m² to 1,870m²;
- alteration of public domain landscaping scheme; and
- inclusion of temporary signage associated with sales and marketing.

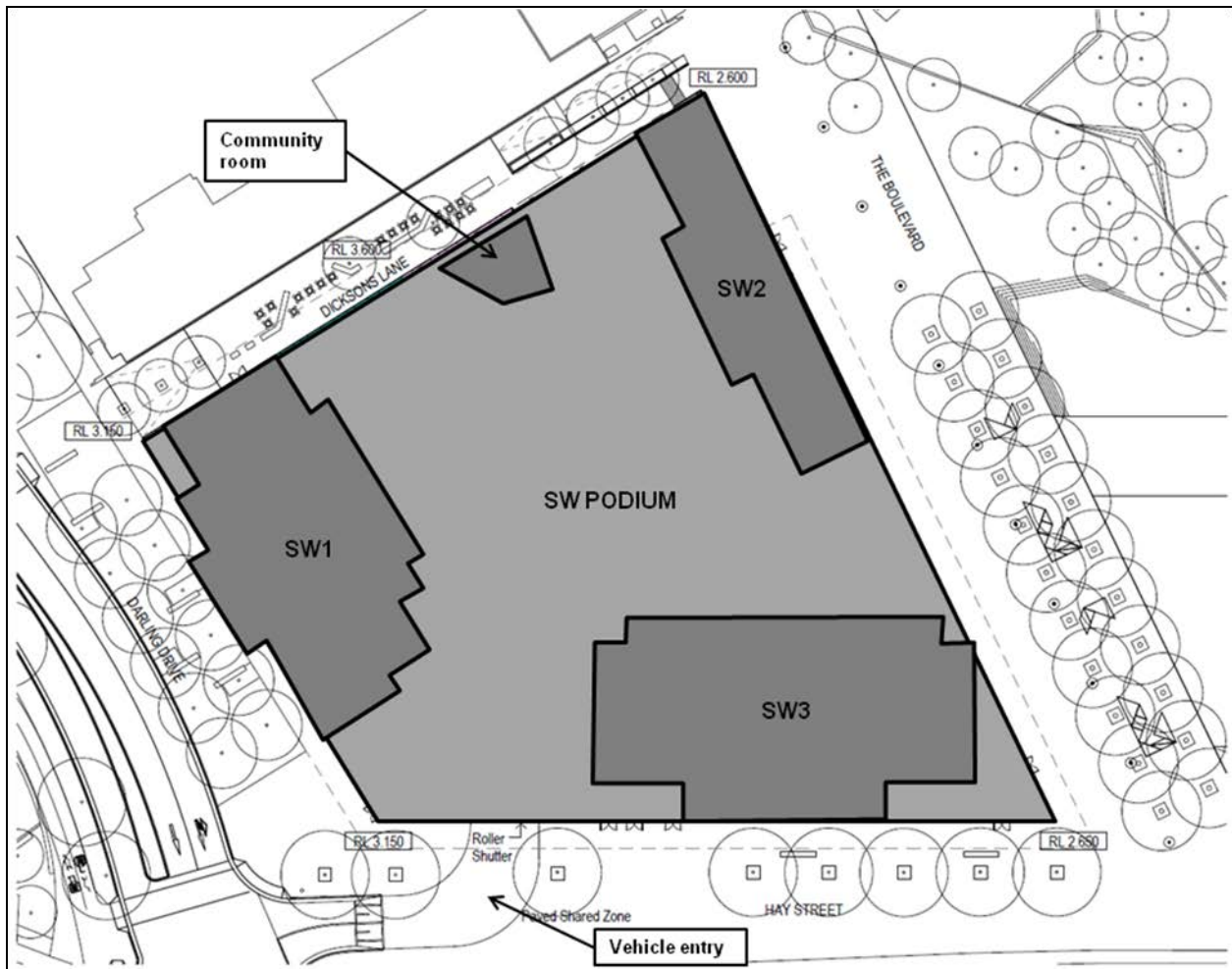


Figure 5: South West Plot building layout and immediate surrounding context (Base source: applicant's RtS)



Figure 6: View from Hay Street to the south eastern corner of the South West Plot and the Boulevard (Source: applicant's RtS)

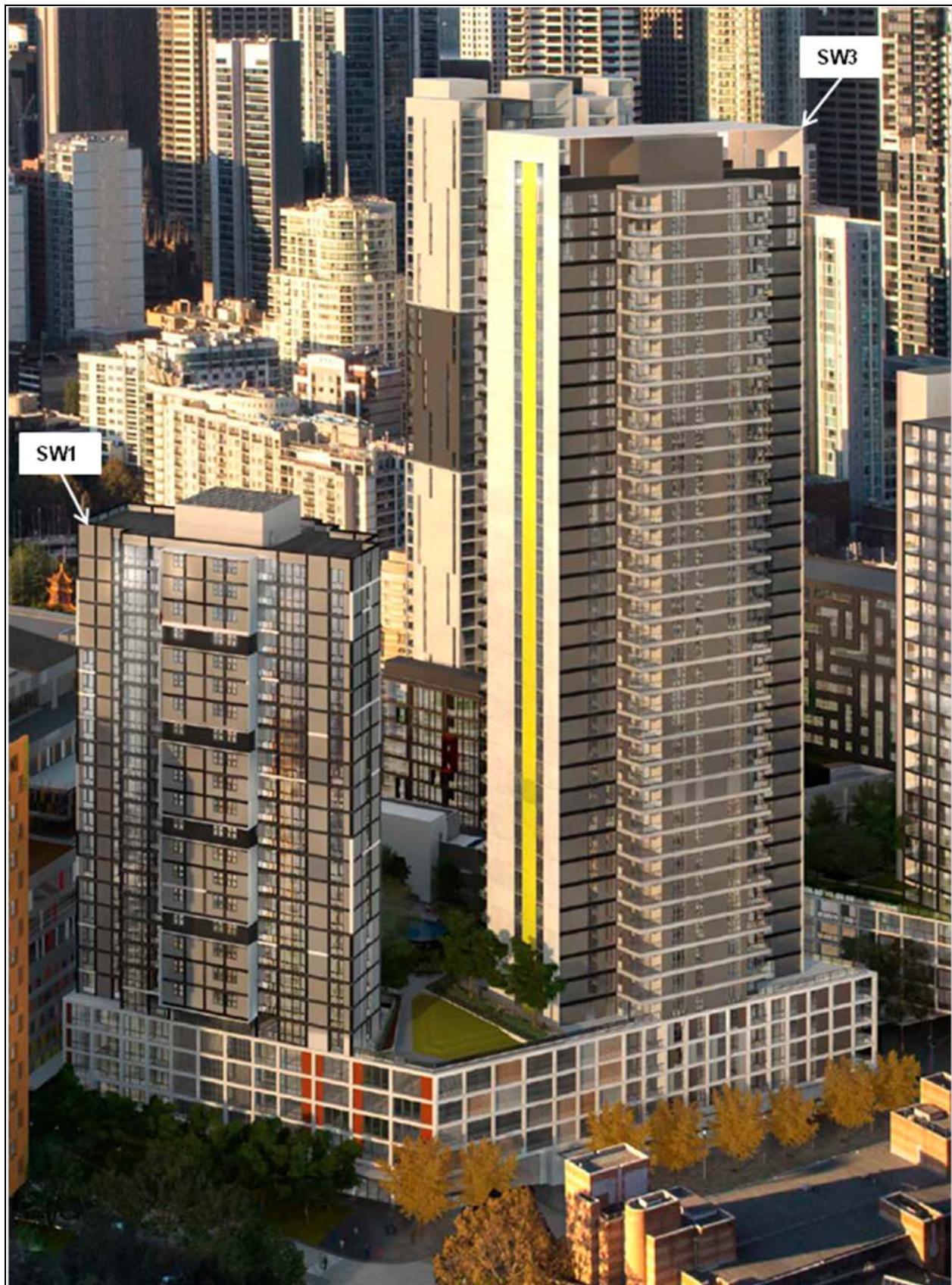


Figure 7: Aerial view to the north east including SW1, SW3 and the podium (Base source: applicant's RtS)



Figure 8: View south west to the South West Plot and North West Plot across the Pier Street overpass (Base source: applicant's RtS)

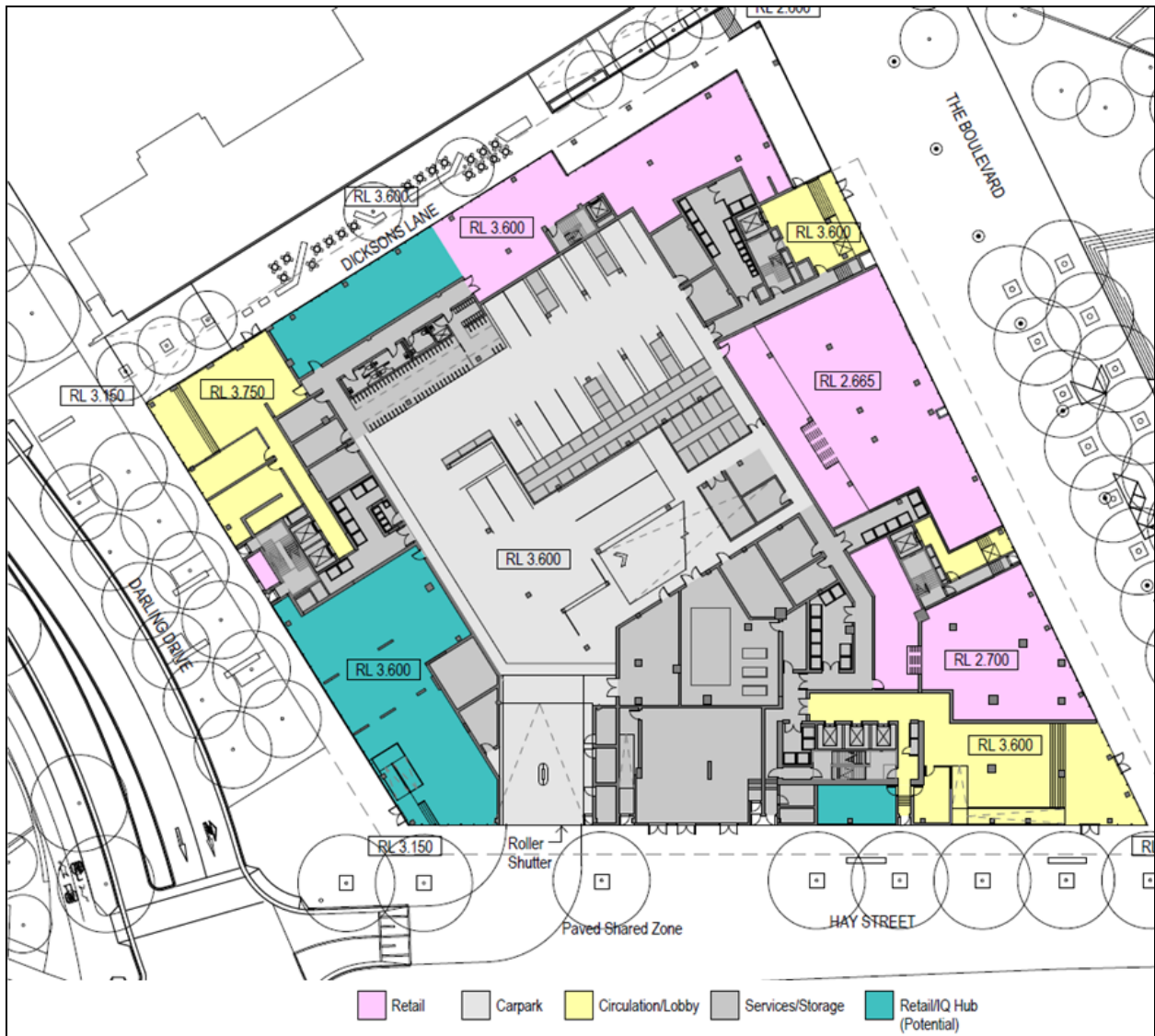


Figure 9: Ground floor floorplan layout (Source: applicant's RtS)



Figure 10: Typical above podium building floorplan layout (Source: applicant's RtS)

2.4 Project need and justification

NSW 2021

NSW 2021, the State's Plan, seeks to deliver attractive and sustainable development through increasing the supply of housing in existing urban areas with access to centres, services and transport. The proposal supports the objectives of NSW 2021, through the provision of new residential and non-residential accommodation that takes advantage of its proximity to public transport and services within the locality.

Draft Metropolitan Strategy for Sydney

The Draft Metropolitan Strategy for Sydney was released in March 2013 and guides the development of Sydney metropolitan areas to 2031. In terms of the Central Subregion, the plan seeks to create an additional 138,000 dwellings and 230,000 jobs by 2031.

The proposal is considered to be consistent with the objectives of the Strategy that seek to provide housing and non-residential accommodation in inner Sydney, and will meet the changing population and market demands within this part of Sydney.

Draft Sydney City Subregional Strategy

The proposal is consistent with the Draft Sydney City Subregional Strategy as it will create additional dwellings and jobs for the locality and includes provision of extensive public domain that will assist in integrating the site into the remainder of The Haymarket Precinct and the wider area.

The SICEEP project and The Haymarket precinct

The entire SICEEP project is a critical element in the Government's objective to ensure Sydney remains competitive in the national and international conference and event markets. The SICEEP project is identified in the State Infrastructure Strategy 2012-2013 and is central to the government's commitment to deliver international standard convention, exhibition and entertainment facilities for the State.

As part of the SICEEP development, The Haymarket precinct will have a positive social impact by delivering a better quality public domain that will accommodate people gathering and encourage interaction and a safe and secure environment. The layout and design will help connect the Core Facilities with public transport and key activity nodes such as the proposed Haymarket Square and other areas to the south such as universities and Central Station. The provision of public art, commercial activation, recreation areas and landscape treatments will improve the amenity for pedestrians. The improved connectivity and access will ensure equitable access for all persons throughout the precinct.

The South West Plot

The SW Plot forms an integral part of The Haymarket precinct and the wider renewal and expansion and will contribute to reinvigorating Darling Harbour. The proposal will provide significant public benefits by:

- providing new housing (a total of 538 dwellings) that adjoins the CBD and has excellent access to public transport (bus, train, light rail and ferry), employment, educational facilities, health services and other social infrastructure;
- providing 1,805m² new non-residential accommodation (which could include retail and commercial (IQ Hub) uses), which will form an extension of Chinatown and the Sydney CBD;
- contributing to the creation of an integrated high density mixed use precinct;
- providing for new buildings with a high standard of architectural design and appearance that will complement the existing urban character of the locality;
- contributing towards employment growth by providing an estimated 600 jobs during the construction phase and 65 jobs at the operational stage; and
- providing for new public realm and landscaping that will link The Haymarket precinct to the wider SICEEP and existing surrounding areas including the Goods Line to the south west.

3. STATUTORY CONTEXT

3.1. State significant development

The proposal is State significant development because it is development with a capital investment value (CIV) in excess of \$10 million located at Darling Harbour which is identified as a State Significant Development site under clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

3.2. Consent Authority

The application is a State significant development application in accordance with Division 4.1 of Part 4 of the EP&A Act.

On 27 November 2013 the then Minister delegated his functions (relating to the SICEEP) under section 89E of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals where:

- a political disclosure statement has not been made; and
- any submission made about the application by the Council or members of the public has been considered in the assessment of the application.

In accordance with the Minister's delegation, the Executive Director, Development Assessment Systems and Approvals may determine this project under delegated authority.

3.3. Permissibility

The Stage 1 Approval allows for land uses across The Haymarket site including residential and non-residential uses (with specific uses to be nominated at development application stage). The department considers that the proposed development for residential, retail and commercial uses is consistent with the land-use parameters set by the Stage 1 Approval. Further, the Stage 1 Approval envisages that the South West Plot would be developed for the purpose of residential and non-residential uses.

3.4. Environmental Planning Instruments

The department's consideration of relevant EPIs (including SEPPs) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the EPIs.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 of the Act and read as follows:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal complies with the above objects, particularly (a) (i), (a) (ii) as the proposal promotes the orderly and economic use of the site and (a) (i), (a) (v) and (c) as the proposal contributes to the enhancement of the social and economic welfare of the community. The proposal includes measures to deliver ecological sustainable development (**Section 3.6**).

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and

(d) improved valuation, pricing and incentive measures

The development incorporates ecologically sustainable design initiatives and sustainability measures, including:

- 4 Star Green Star equivalent Multi Unit Residential – as built v1 rating on all residential towers;
- florescent or LED lighting;
- ventilation and lighting controls;
- energy efficient appliances;
- energy and water metering to monitor common energy/water usage as well as usage for individual dwellings;
- split system heating and cooling units within the majority of dwellings;
- low flow rate fittings and fixtures and rainwater collection resulting in a 40% reduction in potable water consumption;
- site-wide electric car-share scheme; and
- passive signage and dynamic information system and technology to educate residents/visitors about sustainable design and encourage wider interest.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the department is satisfied that the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.7. Environmental Planning and Assessment Regulation 2000

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

3.8. Secretary's Environmental Assessment Requirements

Sections 1.6, 4 and 5 of the EIS address compliance with the SEARs (formerly Director-Generals Requirements). These matters have been addressed in the EIS sufficiently to enable an adequate consideration and assessment of the proposal for determination purposes.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the EP&A Regulation, the Secretary is required to make the EIS of a State significant development application publicly available for at least 30 days. After accepting the EIS the department publicly exhibited the application from Wednesday 19 June 2013 until Friday 2 August 2013, being 45 days. The application was publicly available on the department's website, at the department's Information Centre and at the City of Sydney Council office.

The department also placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Central Courier on the 19 June 2013 and notified adjoining landholders, and relevant State and local government authorities in writing. The department received a total of 61 submissions, comprising nine submissions from public authorities and 52 submissions from the general public. A summary of the issues raised in the submissions is provided below. It is noted that this exhibition was carried out during the assessment of the Stage 1 Concept Proposal.

A further three submissions were received from public authorities in response to the RtS.

4.2. Public Authority Submissions

A total of nine submissions were received from public authorities, with the Sydney Harbour Foreshore Authority, Department of Trade and Investment and Telstra raising no issues with the proposal. The issues raised by the remaining public authorities are summarised in the **Table 2** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instrument of consent at **Appendix E**.

Table 2: Summary of public authority submissions

City of Sydney (Council)	
Environmental Impact Statement	Council did not object, but has raised the following key issues with the proposal: - the key issues identified in Council's previous submission to the concept proposal SSD 5878 should be addressed including; - Macarthur Street alignment should be extended to the Haymarket Square; - the towers should be set back at least 5 metres from podium edge; - raised podium edge along the eastern side of Haymarket Square should be lowered; - car parking rates should be reduced and reflect the Sydney LEP 2012; and - a design excellence strategy should be prepared for the southern precinct. - the vehicle entry point should be relocated from Hay Street to Darling Drive; - the vehicle turning area within the vehicle entry point should be removed; - confirmation that the vehicle entry driveway is suitable as a shared space; - consideration of pedestrian and cycle accessibility; - continuous flush paving should be provided in pedestrian areas and pedestrians given priority over vehicles, the palette of paving materials should blend with Council established palette; - further activation should be provided along Hay Street; - details are required of the detailed design and management of the Macarthur Street lift/stair; - a minimum of 10% of new dwellings should be affordable rental housing; - a minimum of 10% of new dwellings should be 3 bedroom dwellings; - the overhang of building SW1 should be deleted; - natural light and ventilation should be provided for lift lobbies and corridors; - the first floor of the development should have floor to ceiling heights of 3.6m to allow for flexible uses; - the design of the Dickson's Lane shopfronts and awnings should be provided; - terracing and tree planting should be removed from Dickson's Lane; - appropriate lighting should be provided to public domain; - Haymarket Square should be provided with suitable access, services and management to allow for appropriate future activities; - proposed tree species should be revised; - further details of the bio swale should be provided; - a public art strategy for the Haymarket southern precinct is required; - a Place Management Plan should be provided; - the IQ Hub floorspace and management should be secured by condition; - noise mitigation measures are required to address the interface between ground floor commercial and first floor residential uses; - a community room should be provided for residents; and - additional security measures are required in lobby and car parking areas.
Response to Submissions	Council provided comment on the RtS and stated that its concerns relating to the following key issues have not been adequately addressed: - a minimum of 10% of new dwellings should be affordable rental housing; - a minimum of 10% of new dwellings should be 3 bedroom dwellings; - the overhang of building SW1 should be deleted; - the towers should be set back at least 5 metres from podium edge; - a condition should specify the provision of the IQ Hub, including a minimum floor

	area and a Plan of Management; and the applicant's undertakings in the RtS should be conditioned.
Transport for NSW (TfNSW), incorporating comments from Railcorp and Roads and Maritime Services (RMS)	
Environmental Impact Statement	TfNSW advised that the redevelopment of the SICEEP site provides an excellent opportunity to improve walking and cycling connections. Safe and convenient access to the light rail stations via direct connections and interface with the light rail stations are key components to the success of the redevelopment proposal. TfNSW raised a number of matters that required further information to be provided or clarified, including: - cyclist end of trip facilities such as showers and changing rooms are required; - identification of pedestrian and cyclist connections to the surrounding area; - the car park entry/exit should be design to ensure that its operation would not impact on the Darling Drive/Hay Street signals; and - a total of two turning approach lanes (left and right) should be provided at the exit to the car park in Hay Street. Conditions were recommended to be included should approval be granted.
Response to Submissions	TfNSW provided comment on the RtS, raising the following issues: - the car park entry/exit should be designed to ensure that its operation does not impact on the Darling Drive/Hay Street signals; - a total of two turning approach lanes (left and right) should be provided at the exit to the car park in Hay Street; - the shared zone and raised table within the car park access is not supported; - safety concerns regarding the mid-block pedestrian crossing on Darling Drive; and - signalised pedestrian crossing should be provided across the eastern leg of the Darling Drive / Hay Street intersection. Conditions were recommended to be included should approval be granted.
Environment Protection Authority (EPA)	
Environmental Impact Statement	The EPA requested that all activities during construction and operations should be undertaken in accordance with relevant noise guidelines
Response to Submissions	The EPA provided recommended conditions of consent to address licensing requirements, construction noise, waste and community consultation.
Sydney Water	
Environmental Impact Statement	Sydney Water provided the following comments: - an integrated development and local servicing strategy is to be prepared demonstrating that the total Darling Harbour redevelopment complies with Sydney Water's Operating Licence; - every stage of development should demonstrate compliance with Sydney Water's building over and or adjacent to stormwater asset policy and guidelines; - a flood study should be undertaken to address the impact of the proposed development on each site to ensure that this does not cause further impact on existing flooding conditions; and - a flood risk management plan should be prepared, highlighting flood hazards and mitigation measures.
Response to Submissions	Sydney Water has confirmed that it is working through the design of the stormwater connections and disconnections into the Hay Street Stormwater Oval pipe. Sydney Water also confirmed that the applicant is in the process of conducting a flood study that will ensure that the development does not cause further impact on existing flood conditions.
Office of Environment and Heritage (OEH) – Heritage Council of NSW	
Environmental Impact Statement	The Heritage Council of NSW considers that the documentation submitted with the application is satisfactory and raised no objection. Conditions were recommended to be applied as previously provided to the department for other applications within the

	overall SICEEP development. The Heritage Council recommended that the Heritage Impact Statement be amended to address the history of the Aboriginal occupation of the project area and include reference to archaeological resources which have previously been, and will be excavated from the project area.
Office of Environment and Heritage (OEH) – Aboriginal cultural heritage and biodiversity	
Environmental Impact Statement	OEH raised no concerns with the proposal in terms of impact upon aboriginal cultural heritage and biodiversity.
Ausgrid	
Environmental Impact Statement	Ausgrid requested that construction should avoid if possible the City West Cable Tunnel easement. If construction is proposed in the easement, the applicant must enter into an agreement with Ausgrid to ensure the CWCT is not damaged or Ausgrid's ability to safely operate and maintain the CWCT is not adversely impacted. Conditions were recommended including further liaison with Ausgrid and that work in the vicinity of Ausgrid's underground infrastructure is undertaken in accordance with Ausgrid's Network Standard NS156 – Working Near or Around Underground Cables.

4.3. Public Submissions

A total of 52 public submissions were received during the exhibition of the application (all objections), including 43 (87.6%) pro-forma letters from residents of the nearby Peak Apartments (this submission predominantly raised concerns with overshadowing/solar access, view loss, infrastructure and traffic analysis prepared for the Stage 1 Concept Proposal). The concerns raised in the submissions are summarised in **Table 3**.

Table 3: Summary of issues raised in public submissions

Issue	Proportion of submissions (%)
Loss of views	94.1%
Loss of solar access	94.1%
Traffic congestion	92.2%
Overshadowing	88.2%
Lack of new infrastructure	80.4%
Factual errors in application	80.4%
Inappropriate height of buildings	80.4%
Inaccuracies in Concept Plan being used to assess proposal	78.4%
Failure of planning process	7.8%
Lack of public consultation	7.8%
Increased population	7.8%
Lack of public transport	7.8%
Insufficient recreational area	5.9%
Loss of public land	5.9%

Other issues raised (less than 5%) in resident submissions to the exhibition included:

- impact on private open spaces;
- reduction of privacy;
- increase of crime;
- heritage impacts (Paddys Market);
- adverse impact on businesses in China Town;
- impacts on public spaces / parks;
- poor public space and amenity design;
- additional community and sporting/ recreational facilities required;
- more native planting required within landscaping; and

- insufficient visitor parking.

The department notes that the majority of the issues raised in submissions were extensively considered during the assessment of the Stage 1 Approval and have been resolved in the assessment and determination of that application. Consequently, the department has considered these particular issues in so far as they relate to detail design issues only (in **Section 5**).

The department also received a submission from Pymont Action (special interest group) as a result of receipt of the Response to Submissions document. The submission supports the provision of the mixed use development, however has raised the following issues:

- access issues resulting from the removal of the Macarthur Street walkway and the need to zigzag through the site;
- a direct overpass pedestrian / cycle link should be provided from Harris Street into the precinct which should also be designed for the disabled and people with strollers;
- wind impacts on the Boulevard;
- provision of visitor car parking and lack of public transport;
- location of community facilities to be conditioned in this application in accordance with the Stage 1 Approval (Note: the Stage 1 Approval does not stipulate the location for the community building / facility, however the RtS includes comments that discussions are currently being held with relevant organisations and finalisation of a parcel of land to meet this requirement will be shown in a future application).
- provision of recreational facilities; and
- overrepresentation of exotic planting species in proposed landscaping scheme.

4.4. Applicant's Response to Submissions

The applicant provided a response to the issues raised in submissions which is included in the Response to Submissions document (**Appendix A**) and resulted in a number of minor amendments to the development as outlined in **Section 2.3**.

The department is satisfied that the issues raised in submissions have been addressed through the Response to Submissions, this report and the recommended by conditions.

5. ASSESSMENT

Table 4 identifies the matters for consideration under Section 79C of the EP&A Act that apply to State significant development. The table represents a summary for which additional information and consideration is provided for in further sections of the report and the relevant appendices or the EIS.

Table 4: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Appendix B
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan*	Not applicable
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable

(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report.
(d) any submissions	Refer to Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls has been given in **Appendix B**.

5.1. Key assessment issues

The department considers the key environmental issues for the application to be:

- consistency with the Stage 1 Approval;
- vehicular and pedestrian access; and
- housing affordability and dwelling mix.

Each of these issues is discussed in the following sections of this report. **Section 5.5** of the report discusses other issues that were taken into consideration during the assessment of the application.

5.2. Consistency with the Stage 1 Approval

The Stage 1 Approval for The Haymarket sets out a number of requirements and parameters for future applications in developing The Haymarket site. The department has considered the requirements of the Stage 1 Approval, which is provided in **Appendix C**. An assessment of the key relevant requirements for the site is provided below and includes:

- building heights and envelopes;
- SW1 projecting bay;
- tower setbacks and re-entrant feature; and
- design quality.

5.2.1. Building heights, envelopes

The proposal features an irregular square shaped podium with towers above (refer to **Figures 5, 7 and 11**). A summary of the proposed buildings' compliance with the requirements of the Stage 1 Approval is provided in **Table 5**.

Table 5: Consistency with building envelope parameter plans

Component	Concept Proposal	Proposal	Consistent
Building Height			
Podium	Maximum RL 25.03	RL 25.205	Yes
SW1	Maximum RL 91.38	RL 88.825	Yes
SW2	Maximum RL 38.10	RL 33.550	Yes
SW3	Maximum RL 138.63	RL 137.175	Yes
Building Separation			
Podium	N/A	N/A	N/A
SW1 and SW2	Minimum 21 metres	39 metres	Yes
SW1 and SW3	Minimum 18 metres	18 metres	Yes
SW2 and SW3	Minimum 9 metres	16 metres	Yes

Building Width/Depth			
Podium	Maximum envelope plot size: 51 x 74 x 92 x 76 metres	51 x 74 x 92 x 76 metres	Yes
SW1	Maximum width 45 metres	39.5 metres	Yes
	Maximum projecting bay width 12.5 metres (plus 500mm articulation zone)	12.7 metres (includes articulation zone)	Yes*
	Maximum depth 24 metres	20.5 metres	Yes
	Maximum projecting bay depth 2.5 metres (plus 500mm articulation zone)	2.4 metres (includes articulation zone)	Yes
SW2	Maximum width 53 metres	43.5 metres	Yes
	Maximum depth 19 metres (plus 500mm articulation zone)	11.5 metres (includes articulation zone)	
SW3	Maximum width 57 metres	43 metres	Yes
	Maximum depth 24 metres (plus 500mm articulation zone)	22.5 metres (includes articulation zone)	Yes

* The department notes that the width of the projecting bay is 200mm wider than the 12.5 metre maximum building envelope projecting bay width. The applicant has clarified that the solid bay width is 12.05 metres wide and it is the cowl, which creates the white wrap-around cube feature that comprises the remaining 650mm width. The department considers that as the cowl represents an architectural feature and does not exceed the 'articulation zone' it complies with the maximum building envelope provisions.

The department considers that all of the proposed buildings are consistent with the building envelope provisions as approved within the Stage 1 Approval.

5.2.2. Design quality

Condition B1 of the Stage 1 Approval requires that future applications demonstrate a high standard of architectural design incorporating a high level of building modulation / articulation and a range of high quality materials and finishes.

In order to ensure that a high standard of architectural design would be achieved, the proposal was presented to the Design Review Panel (DRP) established by Infrastructure NSW and chaired by the Government Architect to ensure that design excellence is achieved for the redevelopment of the SICEEP site. The DRP generally supported the proposal and did not raise any concerns with the proposed buildings.

The applicant considers that the massing of the buildings reinforces the street edges of Darling Drive and Hay Street and that towers SW1 and SW3 will create unique and recognisable buildings within the skyline. The various forms, articulation, fenestration and uses of each part of the proposal have been designed to be visually unique and also mutually complementary. Furthermore, the diverse architectural treatment and proposed materials within the South West Plot relate to the wider context of the Stage 1 Approval.

Council has not raised any concerns specifically about the architectural design of the buildings.

The department notes that the design of the SW1 tower has been refined in response to concerns raised about the appearance of the western façade and particularly with regard to the projecting bay. The revised design of the projecting bay includes a stacked cube expression (which is achieved through the use of five white wrap-around cowls) that further articulate the western façade with three dimensional elements and result in an unique and interesting architectural expression (refer to **Figure 11**).



Figure 11: Western elevation of building SW1 and podium (Source: applicant's RtS)

The department supports the proposed form and the materials and considers that the design of the South West Plot includes a number of features that ensure the buildings achieve a high standard of architectural design and visual appearance. Although the buildings each display an individual architectural identity, they also contain architectural elements which subtly tie the overall design together. Each building is appropriately articulated and modulated to achieve a high architectural standard. The department also notes that the elevations of the 5 storey podium of the South West Plot comprise a modulated expressed concrete grid that reinforces the street edge to surrounding streets and thoroughfares at an appropriate human scale.

The department is satisfied that the combination of the development's architectural expression and proposed palette of materials achieve a high standard of overall design and the proposal would also be in keeping with the future character of the locality as envisaged by the Stage 1 Approval.

5.2.3. SW1 projecting bay

The SW1 building includes a projecting bay measuring 12.7 metres wide and projecting 2.4 metres forward of the western elevation of the tower (and podium) between levels 6 to 25 (refer to **Figure 11**). The projecting bay accommodates a one bedroom apartment on each floor (refer to **Figure 12**). The applicant notes that the projection assists in screening an otherwise blank wall (due to the location of the stair/lift core) and will provide visual interest to this façade.

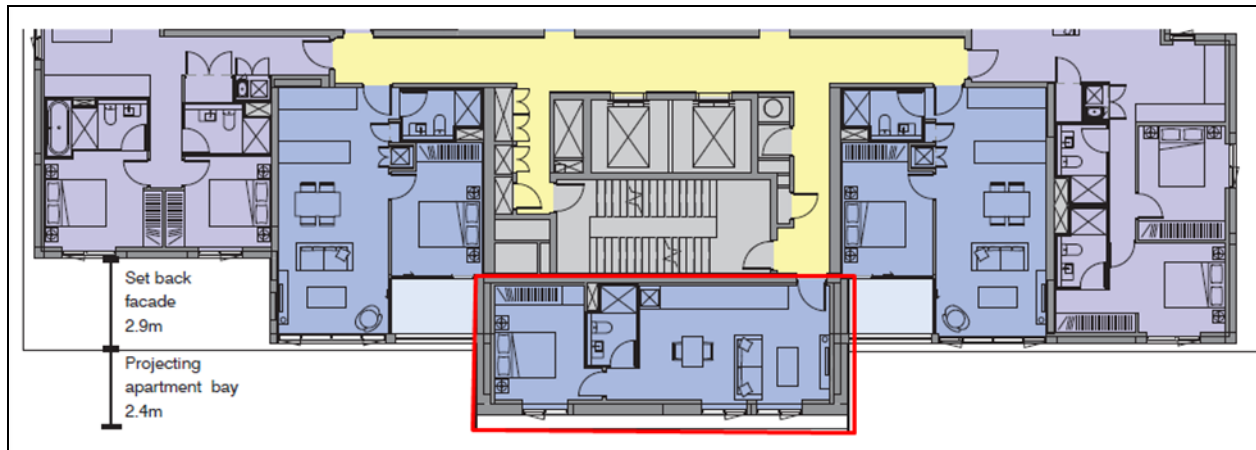


Figure 12: One bedroom apartment (highlighted in red) within the projecting bay on the western elevation of building SW1 (Source: applicant's RtS)

Council has raised concern about the projecting bay stating that it:

- is inconsistent with the Council's DCP, which allows a maximum 450mm overhang only in exceptional circumstances;
- is inconsistent with the building envelope of the Stage 1 Approval; and
- would add perceived scale/bulk to the building and would be overbearing on surrounding footpaths.

The department notes that the SW1 building was originally designed without a projecting bay and that the blank western elevation of the stair/lift core was visible for the entire height of the building above podium level. The department considers that the original design did not provide sufficient articulation and the blank expanse of the elevation failed to achieve an acceptable overall visual appearance. The department considers that the screening of the stair/lift core by the projecting bay significantly improves the overall appearance of the building and therefore is beneficial in urban design terms (refer to **Figure 13**).



Figure 13: A comparison of the western elevation of building SW1 without (left) and with (right) the projecting bay (Source: applicant's RtS)

The building envelope parameter plans for the Stage 1 Approval allows for the provision of a projecting bay measuring up to 12.5m wide and 2.5m deep (plus 500mm articulation zone). The proposed projecting bay (12.7 metres wide and 2.4 metres deep) and is therefore wholly within the building envelope provisions (including the articulation zone).

The department notes that the principal façade of the SW1 building is set back 12 metres from Darling Drive and the land within the setback would be used as a landscaped open space (including two rows of crowning trees) and pedestrian thoroughfare. The department considers, given the large setback and substantial planting that the proposed projecting bay would not be overbearing on the pedestrian environment.

In light of the above assessment, the department considers that the projecting bay of building SW1 is visually acceptable and would not have an unacceptable impact on the locality.

5.2.4. Tower setbacks and re-entrant feature

Requirement B2 of the Concept Approval requires architectural features to be employed to appropriately separate the residential towers from the podium / street wall. Furthermore, the approved Design Guidelines recommend that towers include a 're-entrant' feature which is to provide a physical separation between podium and upper tower levels to further distinguish the street-wall from the tower above (refer to **Figure 14**). With regard to the South West Plot, buildings SW1 and SW3 are considered to be 'towers' and therefore are required to provide suitable separation between the podium and the tower above.

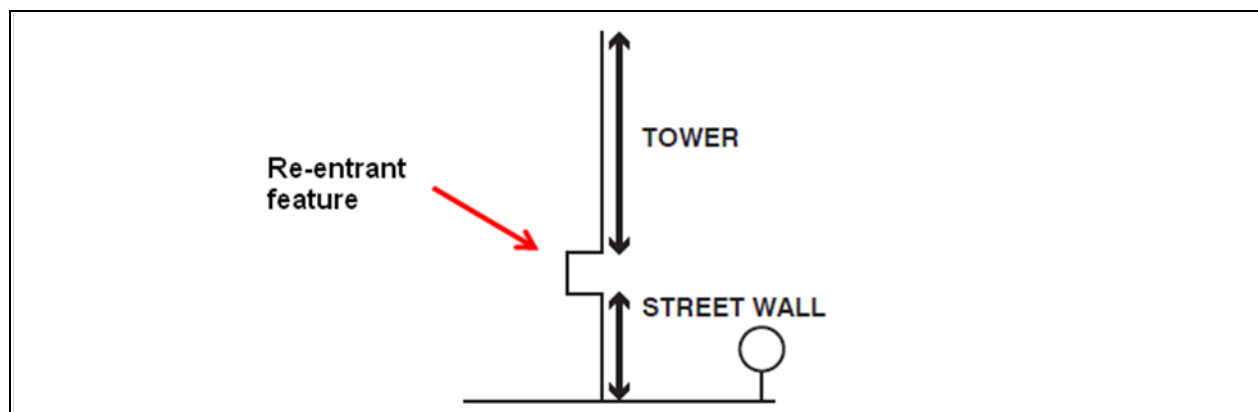


Figure 14: Re-entrant feature diagram (Source: approved Design Guidelines SSD 5878)

Council has reiterated its concern raised in its submission to the Stage 1 Approval that all towers should be set back at least 5 metres from the podium edge to provide an acceptable townscape response.

Both of the proposed towers include elements of built form flush with the podium edge as indicated below and shown in **Figure 15**:

- SW1 – 26.5 metres of the western elevation (66%) is flush with the podium edge; and
- SW3 – 14.8 metres of the southern elevation (34%) is flush with the podium edge.

The applicant has acknowledged that physical separation between the podium and the tower elements have not been provided for the entire width of the elevations of SW1 and SW3 fronting surrounding streets and provides the following justification:

- there is a change in materiality and architectural expression between the tower and podium which reinforces the difference between these forms;
- with regard to the SW1 tower, the projecting bay begins one storey above the podium roof level to reflect a notional re-entrant feature;
- with regard to the SW3 tower, the majority of the tower elevation is set back either 2.6 or 4.8 metres; and

- all 'flush' tower elements are set back 350mm from the podium face.

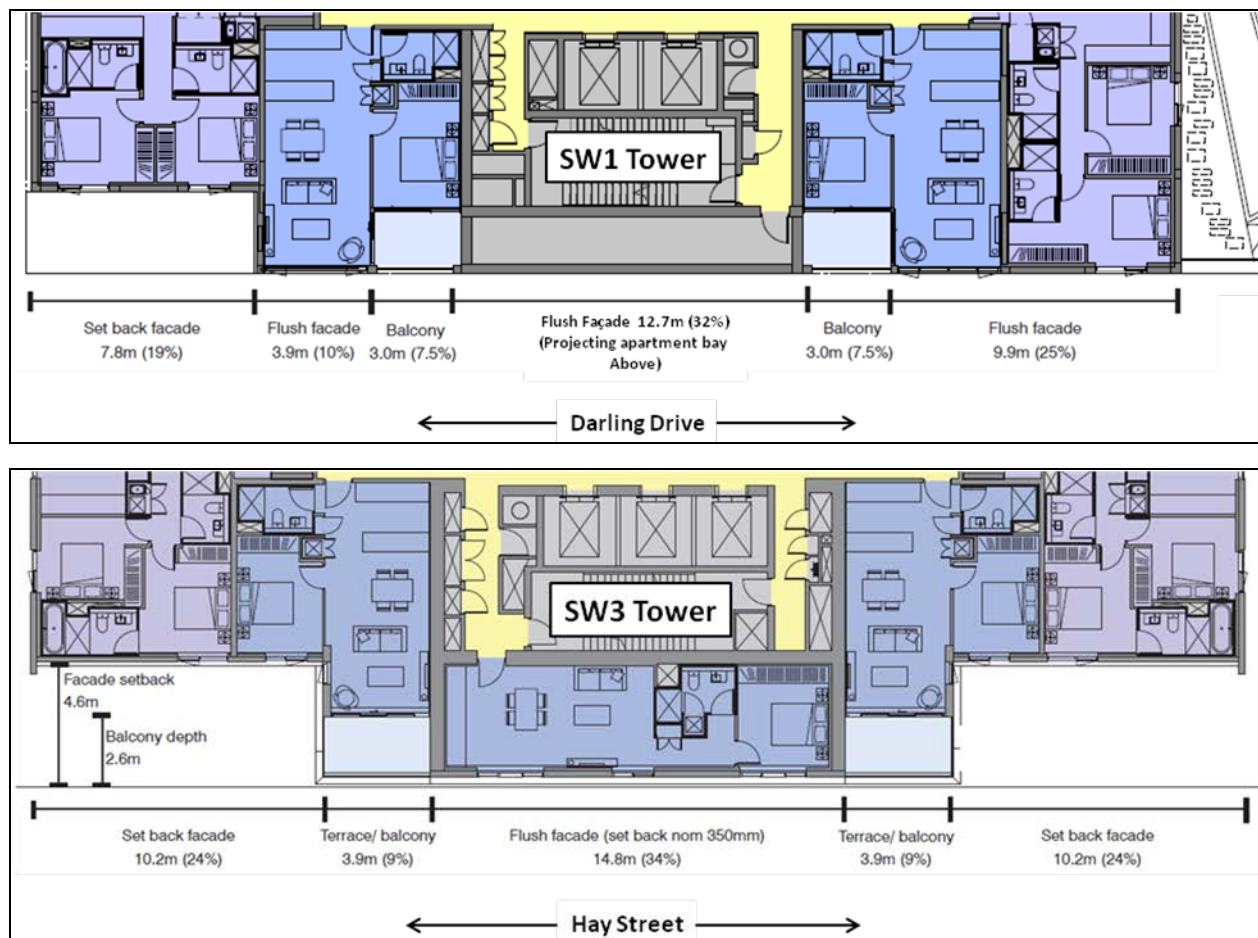


Figure 15: Elements of the western elevation of tower SW1 (top) and southern elevation of tower SW3 (bottom) that are flush with and set back from the podium edge (Base source: applicant's RtS)

The department notes that the appropriateness of the tower and podium designs/setbacks were considered in detail during the assessment and determination of the Stage 1 Approval. The department considers, as noted in requirement B2, that an acceptable relationship between the towers and the podium can be achieved subject to architectural features being employed that appropriately separate the residential towers from the podium.

The department notes that the Design Review Panel considered the detailed design of the proposed towers and specifically the proposed relationship between the tower and podium elements. The Panel concluded that the overall design was acceptable and the absence of a re-entrant feature is appropriately mitigated by the use of different materials between the towers and the podium.

Although re-entrant features have not been provided, the department considers that in visual terms the towers would achieve a suitable level of separation from the podium below, particularly as:

- there is a noticeable difference between the design and use of materials between the podium and towers;
- the proposed crowning tree planting within the 12 metre landscaping area between SW1 and Darling Drive will screen the podium/tower connection from pedestrian views;
- a similar visual separation effect to a re-entrant feature is achieved for SW1 as the projecting bay commences one storey above podium; and

- the minor element of SW3 that is not set back from the podium edge will not be a dominant visual/architectural feature.

5.3. Vehicular and pedestrian access

Vehicular and pedestrian access to and around the South West Plot were key considerations during the assessment of the Stage 1 Approval. The application includes information regarding the design of the vehicular access to the South West Plot and shared zone area, pedestrian movements across Hay Street and the Macarthur Street pedestrian connection.

The department engaged ARUP to undertake an independent assessment of the design of the vehicle access and shared zone to inform its assessment. The ARUP report is provided at **Appendix D**. The issues are discussed below.

5.3.1. Design of vehicular access and shared zone

At present the existing SEC car park has a vehicular access point located in the south west corner of the site connecting with the Darling Drive/Hay Street intersection. This vehicular access point is signalised and consists of a single vehicular entry lane and two dedicated exit lanes, one left turn only one right turn only (refer to **Figure 16**).

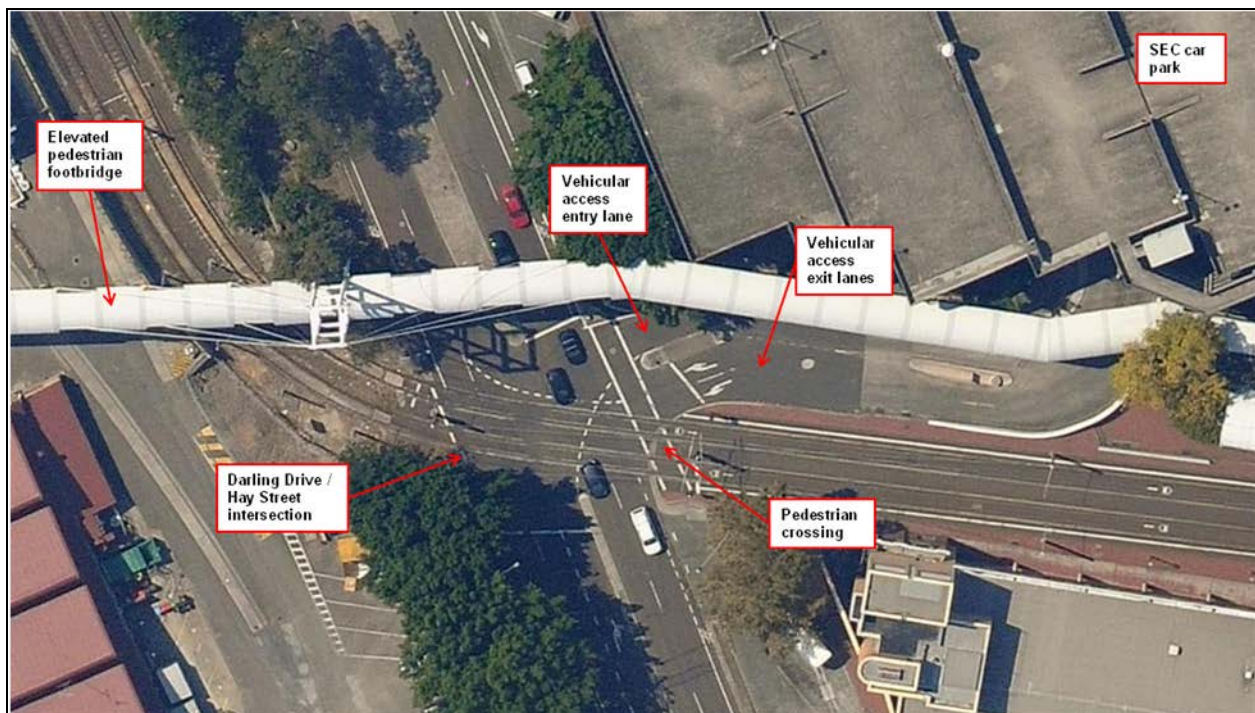


Figure 16: Existing SEC car park vehicle access and Darling Drive / Hay Street intersection (Base source: Nearmap)

The proposal involves the replacement of the existing vehicular access point with a new vehicular entry point to provide access to the residential car park. The majority of the driveway would comprise a shared vehicular/pedestrian zone (refer to **Figure 17**).

TfNSW raised the following concerns:

- the provision of one (rather than two) vehicular exit lane could cause delays to vehicles leaving the development and adversely impact on the operation of the Darling Drive/Hay Street intersection;
- the shared zone is not supported as it covers only some parts of the car park access and therefore could confuse pedestrians and motorists; and
- the speed hump / raised threshold is not supported as it could cause queuing out into the intersection and create an unsafe environment.

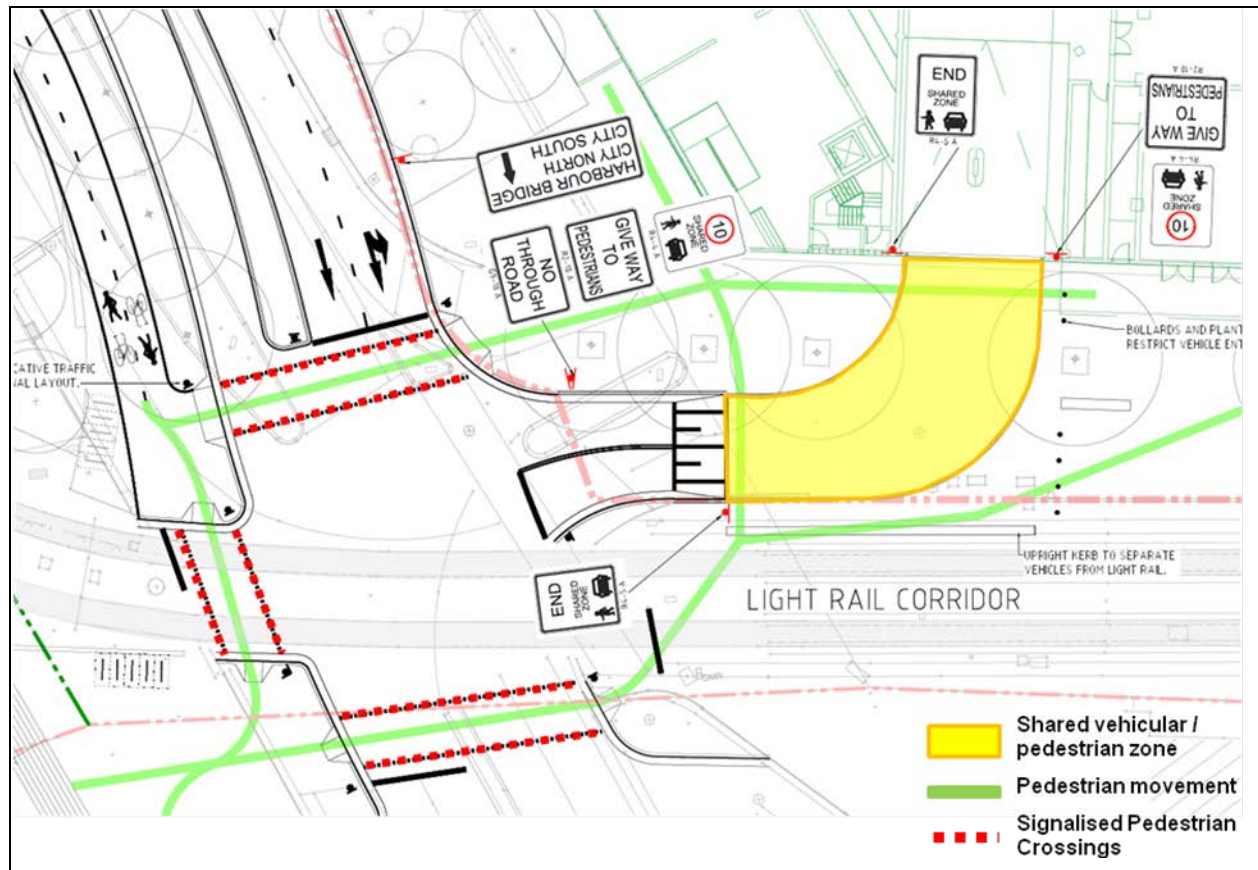


Figure 17: South West Plot vehicle entry point, pedestrian crossings and shared zone (Base source: applicant's RtS)

The applicant has confirmed that extensive traffic modelling was undertaken, in consultation with RMS, for the Stage 1 Approval and that the Darling Drive/Hay Street intersection would not be adversely impacted by the proposal. The applicant notes that the proposed shared vehicular/pedestrian zone will be clearly sign posted and designed to ensure that it will not cause confusion to vehicles or pedestrians. Further, sufficient space is allowed for within the design to ensure the speed bump would not cause unacceptable queuing.

ARUP advised, based on the recommended traffic generation and directional splits outlined in the recent RMS 'Guide to Traffic Generating Development', that the development is likely to generate the following vehicle trips during commuter peak hours:

- AM peak hour: 27 vehicles in, 76 vehicles out; and
- PM peak hour: 54 vehicles in, 28 vehicles out.

ARUP considers that:

- the maximum hourly vehicle flow leaving the car park (76 vehicles during the AM peak) would result in an average of two vehicles queued at the intersection per signal cycle over the peak hour period and therefore the single lane approach would not result in unacceptable delays;
- provided appropriate design features implemented in accordance with the TfNSW guidelines for the introduction of Shared Zones, the proposed Hay Street shared zone would operate satisfactorily and safely; and
- as the proposal includes approximately 12 metres distance between the commencement of the shared zone (at the raised threshold) and the Darling Drive/Hay Street intersection there would be sufficient storage capacity to accommodate the anticipated level of traffic during peak hours without impacting on other vehicle movements through the intersection.

The department notes that the single lane exit from the car park to the Darling Drive/Hay Street intersection would result in some delays being experienced. However, given the relatively low level of traffic generation any delays would not be significant and the single lane design is therefore considered acceptable.

In order to prevent vehicle and pedestrian conflicts it is important that the shared zone is appropriately designed. The department considers that the proposed shared zone would operate satisfactorily and safely for vehicles and pedestrians, subject to the following features being provided in accordance with TfNSW's guidelines for the introduction of Shared Zones:

- prominent features such as signs and landscaping to indicate a change in the street environment;
- signage indicating the start and end of the shared zone, including 10km/hr speed limit;
- altered pavement surfacing, clearly distinguishable by colour, texture and materials; and
- traffic calming features to slow vehicles speeds.

The department considers that the provision of a raised threshold at the beginning of the shared zone would reduce the speed of drivers entering the shared zone and therefore increase vehicle and pedestrian safety. The department also notes ARUP's advice that sufficient storage capacity has been provided to accommodate likely traffic movements. The department therefore supports the provision of the raised threshold.

5.3.2. Pedestrian movements across Hay Street

At present there is an existing signalised pedestrian crossing located on the eastern side of the Darling Drive / Hay Street intersection and oriented north/south across Hay Street (which is a pedestrianised street shared with the light rail) (refer to **Figure 16**).

The applicant considers this signalised pedestrian crossing is not needed as pedestrians may cross at any location along the existing Hay Street shared zone and such an approach is supported by RMS traffic signal design guidelines. The proposal consequently shows the deletion of the eastern pedestrian crossing from the intersection (refer to **Figure 17**).

TfNSW has raised concern regarding the removal of the pedestrian crossing and stated that a pedestrian crossing should be maintained in this location to ensure pedestrian safety.

ARUP has considered the deletion of the pedestrian crossing and agrees with TfNSW that a signalised crossing is necessary for the following reasons:

- the existing Hay Street shared zone is not a grade separated facility;
- pedestrian sight lines when approaching the intersection along Darling Drive from the south are impeded by the high brick wall of UTS building and this therefore creates a safety risk should pedestrians not be aware/hear a tram approaching. Directing pedestrians to a crossing eliminates this issue; and
- the absence of a pedestrian crossing would significantly affect users with hearing or sight impairments who rely on crossings to indicate they may cross the road safely.

The department notes that the proposed removal of the signalised pedestrian crossing on the eastern side of the Darling Drive / Hay Street intersection could have a detrimental impact on pedestrian safety and would be contrary with RMS traffic signal design guidelines. The department therefore considers that a signalised pedestrian crossing should be provided to the eastern side of the intersection. Appropriate conditions of consent have been recommended accordingly.

5.3.3. Macarthur Street pedestrian connection

At present, pedestrian access between the site and Macarthur Street is achieved via an elevated pedestrian overpass (refer to **Figure 16**). At grade pedestrian access is not possible due to the

physical constraints of Darling Drive, the Light Rail Corridor, level changes and the termination of Macarthur Street by the Powerhouse Museum servicing area.

The proposal seeks to improve the existing east/west pedestrian connection between the site and Macarthur Street and in this regard proposes (refer to **Figure 18**):

- demolition of the eastern part of the elevated pedestrian footway located within the site boundary;
- erection of a lift and stairs connecting the retained portion of the elevated pedestrian walkway with the Goods Line; and
- creation of an at grade route from the lift/stair across the Goods Line and new pedestrian crossings at Darling Drive to the site.

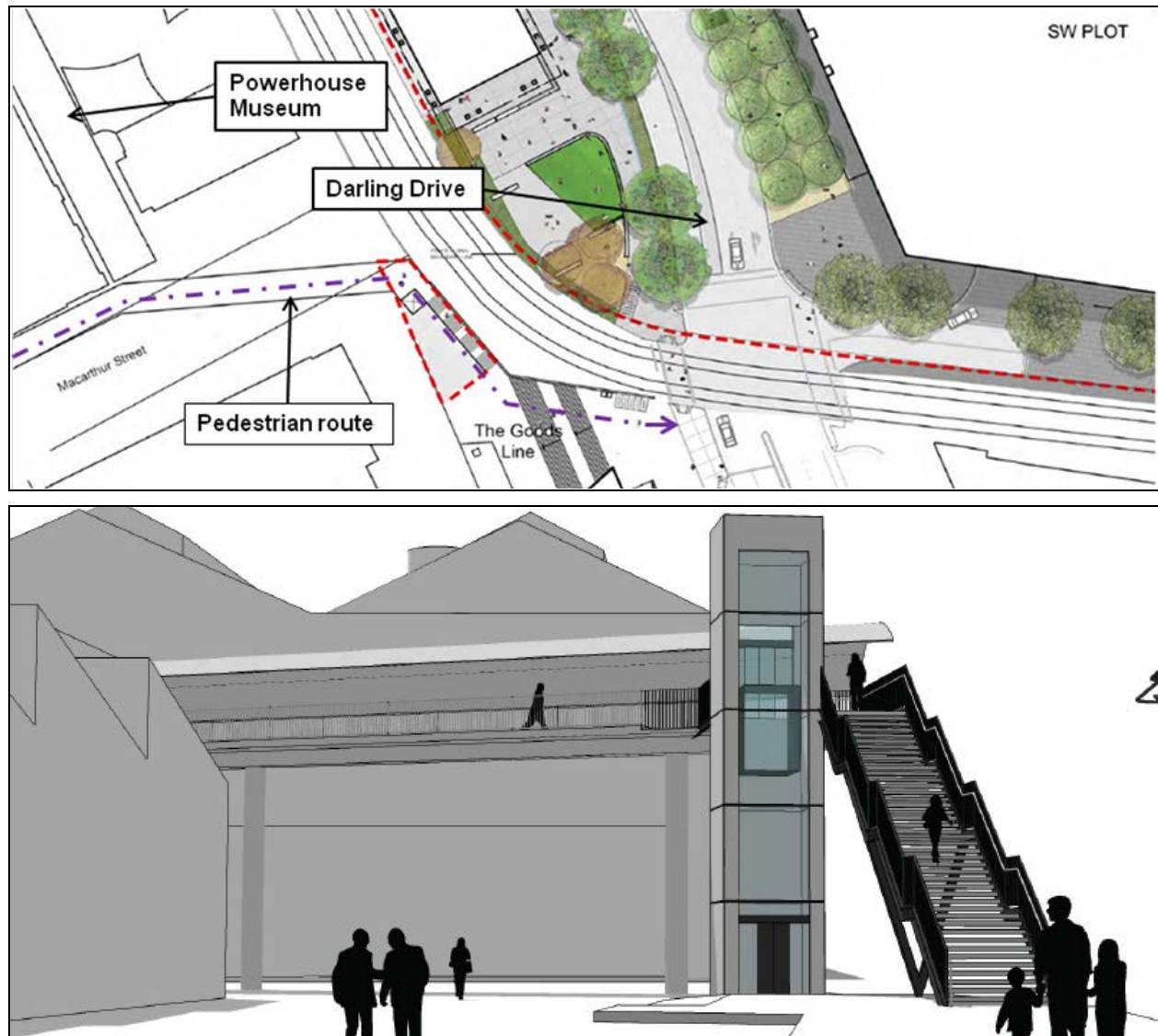


Figure 18: Macarthur Street pedestrian connection interim solution, pedestrian route (top) and visualisation of lift/stairs (bottom) (Base source: applicant's RtS and SSD 5878)

The applicant has stated that the proposed east/west pedestrian connection (above) would be an interim solution, which can be delivered as part of this development. A future permanent solution is also being investigated in association with SHFA, INSW and the Powerhouse Museum (part owner of Macarthur Street) to provide a wholly at grade pedestrian route along Macarthur Street (refer to **Figure 19**). In terms of progressing/delivering the future permanent solution, the applicant has confirmed that at this stage an in-principle agreement has been reached between the four parties for its provision. However, given the uncertainty around the potential delivery of

the future permanent solution, the applicant has stated that it will progress the development of this design in tandem with the interim solution.

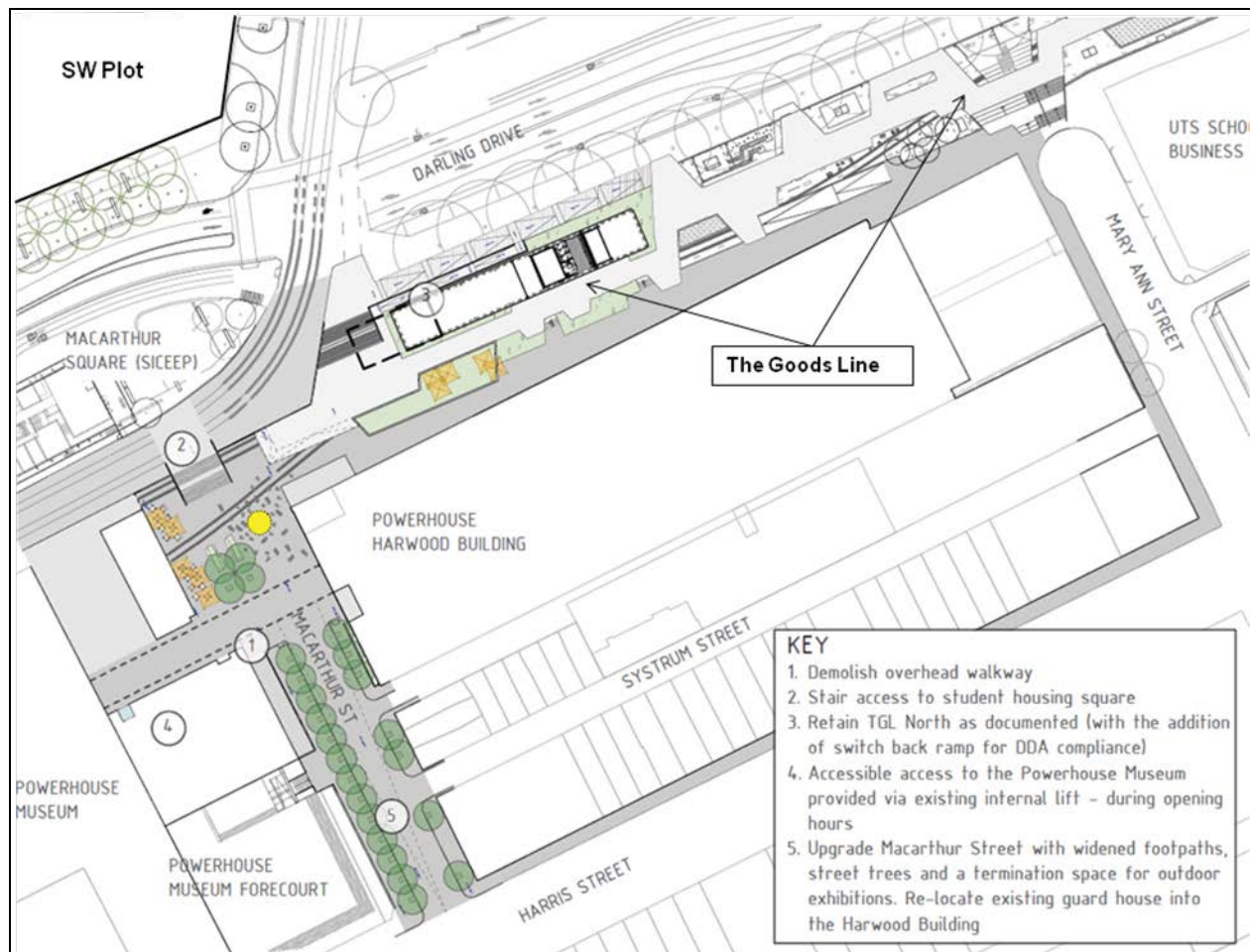


Figure 19: Macarthur Street pedestrian connection, future permanent solution (Base source: applicant's RtS)

The department considers that the proposed interim design represents an improvement over the existing, entirely elevated, pedestrian footway. The proposal would provide a clearer and more logical pedestrian connection from Hay Street to Macarthur Street. Furthermore, the interim design would better integrate the south west corner of The Haymarket with the Goods Line and also remove the unsightly elevated walkway currently spanning Darling Drive. The department notes that the route would be fully accessible as it is provided with a lift.

The department considers that the proposed future permanent design would improve on the interim design by providing a wholly at grade pedestrian route along Macarthur Street.

Overall the department notes that both the interim and future permanent Macarthur Street pedestrian connection designs represent an improvement to east/west pedestrian connectivity and accessibility and consequently the department considers both options to be acceptable. A condition is recommended that requires the submission of details of the final Macarthur Street pedestrian connection design and the provision of the connection prior to the final occupation certificate.

5.4. Housing affordability and dwelling mix

Issues relating to housing affordability and dwelling mix were key considerations in the department's assessment of the Stage 1 Approval. While the Stage 1 Approval set the conceptual parameters for these matters, the current application confirms the approach to

housing affordability and the dwelling mix of the South West plot. These issues are discussed below.

5.4.1. Housing affordability

The South West Plot does not include dedicated affordable rental housing (ARH). Council has raised concern about the absence of ARH and recommended that a minimum of 10% of all new housing be ARH and nominated prior to the application being determined, or alternatively, that a contribution be made in lieu of ARH. The department notes that this matter was considered in detail in the assessment of the Stage 1 Approval and that condition 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 (227 apartments, 635 beds), will be delivered within the southern building in the adjacent Darling Drive Plot (SSD 6010). The illustrative design within the Stage 1 Approval for the whole Darling Drive Plot proposed a total of 422 student apartments containing 1,031 beds.

Sustainable Sydney 2030 and the City of Sydney Affordable Rental Housing Strategy 2009-14 provide an affordable housing target of 15% of all housing in the City (approximately 8,000 dwellings) by 2030. However, the department notes that there are no planning controls that regulate land use and affordable housing provision for the site under the Darling Harbour Development Plan No.1, which is the principal planning instrument applying to the site. There is therefore no statutory or policy requirement for affordable housing to be provided on this site.

The department considers that 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. More broadly, the proposal provides additional dwellings and increases the mix and choice of dwelling types within this inner city area. On this basis the department considers that it is not necessary for ARH to be provided specifically within the South West Plot.

5.4.2. Dwelling mix

Council has recommended that the proposed dwelling mix be revised to include 10% of apartments with a minimum of 3 bedrooms. In response to Council's recommendation, the applicant has amended the proposed dwelling mix to provided an additional seven 3 bedroom apartments and 19 studio apartments have been converted into one bedroom apartments to ensure a more balanced dwelling mix. The original and proposed amended dwelling mix is shown in **Table 6**.

Table 6: Original and Amended Dwelling Mix

Dwelling Type	Studio	1 bed	2 bed	3 bed	Total
EIS	31 (6%)	260 (48%)	236 (43%)	15 (3%)	542
RtS	12 (2%)	278 (52%)	226 (42%)	22 (4%)	538
Difference +/-	- 19	+ 18	- 10	+ 7	- 4

The applicant has also confirmed that there is flexibility in the design of the buildings to provide opportunities for the future consolidation of apartments should there be demand. For example, the building layouts could accommodate the amalgamation of two 1 bedroom (+ study) apartments to provide a 3 bedroom apartment.

The department notes that the applicant has undertaken market analysis to ensure that the proposed dwelling mix is relevant to a broad cross section of the community. In addition the floor plates have been designed to be flexible and to allow for dwellings to be combined should the demand exist in the future. The department is satisfied that the proposed development is capable

of providing an appropriate mix of dwellings to support the needs of the community at present and into the future. The department also notes that dwelling mix will also be considered as part of future development applications within the remaining Stage 1 Approval Development Plots to the east.

5.5. Other issues

IQ Hub

The proposal indicates the potential provision of IQ Hub floorspace at part ground and first floor level within the podium. The IQ Hub was indicatively shown in the Stage 1 Approval and comprises purpose built, low-cost workspaces for start-up ventures and social initiatives in creative industries. It was proposed that the IQ Hub would be developed in conjunction with the University of Technology Sydney (UTS) and other key stakeholders to build on the existing knowledge base in the area, centred on the UTS and TAFE campuses. Condition B36 of the Stage 1 Approval required the investigation of the provision of the IQ Hub as part of Stage 2 applications.

The applicant has stated that it is committed to the development, design, construction and delivery of the IQ Hub space and will coordinate the relevant stakeholders to ensure the best outcome is achieved. The applicant has also advised that the area and format requirements of the IQ Hub will be determined as the strategy unfolds and a sustainable business plan is finalised. The applicant confirmed within the RtS that it will conduct a three year pilot trial of the IQ Hub to determine the viability of running the IQ Hub space at a larger scale.

Council is concerned that the provision of the IQ Hub will not be ensured unless conditions are imposed, which require the provision of the IQ Hub and specify a minimum area and require a Plan of Management.

Following discussions and further negotiation with the applicant, the department notes that the applicant has made advances in the development of the IQ Hub concept and its delivery, including:

- preparation of a Concept Development and Delivery Strategy Paper;
- appointing a project lead and engaging relevant stakeholders (City of Sydney and UTS);
- undertaking market research and scheduling further market research which will include further stakeholder engagement; and
- projected completion of the 'concept vision' by December 2014.

The department is satisfied that the applicant has undertaken the necessary investigative measures to satisfy requirement B36. The department acknowledges that the delivery of the IQ Hub is largely dependent on the viability of the concept and supports the applicant's commitment to a IQ Hub pilot trial. The department recommends a condition that requires the applicant to conduct the trial subject to a minimum 3 year period and the provision of no less than 100m² IQ Hub floorspace.

Signage

The proposal includes a total of 23 signage zones (building identification signs) to be located at various levels of the development. Six signage zones are to be positioned at the upper roofline of the SW1 and SW3 towers, which may potentially be illuminated. The remaining 17 (non-illuminated) signage zones are to be located above and adjacent to entrances/lobbies areas. Temporary signage is also proposed to the marketing/sales suite (to be located within an existing unit at the north east ground floor corner of the Sydney Entertainment Centre).

The applicant has confirmed that the signage zones and temporary signage would meet the following controls:

- content of permanent signage shall relate to building naming / identification;

- content of temporary signage within the zones identified may include the developer's branding or other advertising; and
- detailed design of signage to be considered as part of the overall design of the building.

The department considers, subject to the appropriate future design of signage that there would be no negative impacts upon adjoining properties or the public domain. The department recommends that a condition be imposed requiring the submission of the final design of the signage. The department's assessment of the proposal against the provisions of the State Environmental Planning Policy No.64 – Advertising and Signage is provided in **Appendix B**.

6. CONCLUSION

The department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the applicant's EIS, RfS and department's recommended conditions. The department considers that the proposal is consistent with the Stage 1 Approval and is an appropriate development for the site.

The department considers that the proposal forms an integral part of The Haymarket precinct and the renewal of the site will contribute to the wider reinvigoration of the SICEEP. The proposal would provide significant public benefits through:

- providing 538 residential apartments that adjoins the CBD and has excellent access to public transport (bus, train, light rail and ferry);
- providing 1,870m² of new active ground floor and first floor non-residential accommodation, which will form an extension of Chinatown and the Sydney CBD;
- provision of a minimum of 100m² of IQ Hub space with the intent to provide additional space after completion of a trial three year period;
- contribution towards employment growth by generating an estimated 600 construction jobs and 65 operational jobs; and
- contributing to a new public realm by providing an east-west laneway, part of The Boulevard, landscaping along the eastern side of Darling Drive and throughout the site and a new lift/stairway facilitating pedestrian movement from Macarthur Street to Darling Drive and the wider Darling Harbour area.

The proposal will result in a high quality development providing residential and non-residential accommodation on a site within close proximity to the CBD and public transport. The design of the development has responded to the site's context and will provide a reasonable level of amenity to residents and will complement the remaining development occurring within the neighbouring portions of The Haymarket.

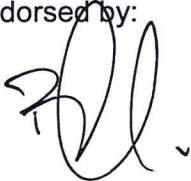
Subject to recommended conditions, the department considers the proposal to be in the public interest and recommends the application be approved.

7. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director of Development Assessment Systems and Approvals, as delegate of the Minister for Planning and Infrastructure, grants development consent for the construction of mixed use buildings containing residential and non-residential uses and associated public domain works within the South West Plot of The Haymarket (SSD 6011).

Prepared by Matthew Rosel
Senior Planner
Industry, Key Sites and Social Projects

Endorsed by:



Ben Lusher
Manager
Key Sites and Social Projects

Approved by:

Executive Director
Development Assessment Systems & Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on Planning and Infrastructure's website as follows.

1. Environmental Impact Statement

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6011

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6011

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6011

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

To satisfy the requirement of Section 79C(a)(i) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposals are:

- State Environmental Planning Policy (State & 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;
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development & accompanying Residential Flat Design Code;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Sydney Harbour Catchment Regional Environmental Plan.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is not permissible without consent as a result of the Darling Harbour Development Plan 1 and is specified in Schedule 2	Yes
Schedule 2 State significant development—identified sites (Clause 8 (1)) 2 Development on specified sites Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:... (b) Darling Harbour Site,	The proposed development is on the identified Darling Harbour Site and has a capital investment value of \$204 million	Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 85 of the SEPP requires applications immediately adjacent to rail corridors to be referred to rail authorities. In this regard the application was referred to Transport for NSW, who raised a number of issues with the proposal which has been discussed in **Section 5.3**.

State Environmental Planning Policy No. 55 - Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land by specifying when consent is required for remediation.

The RtS document includes an updated Site Remedial Action Plan (RAP) for the Haymarket Precinct prepared by Coffey, which followed a Site Auditor's review of the RAP that was submitted as part of the EIS. The RAP confirms that contaminant concentrations are below Soil Investigation Levels and below Remediation Acceptance Criteria and the site and public realm can therefore be made suitable for the proposed development and future uses.

The department is satisfied that the matter of site contamination has been appropriately addressed and notes that measures are in place should and unanticipated contamination be found during works.

State Environmental Planning Policy No. 64 – Advertising and Signage

The signage (and temporary signage) on the building elevations are defined as building identification signs under the provisions of SEPP 64. Building identification signs are defined in the SEPP as:

“building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.”

In accordance with Clause 8, in Part 2 of SEPP 64, the department must be satisfied that the building identification signage is consistent with the objectives of SEPP 64 as stated in Clause 3(1)(a) and the assessment criteria set out in Schedule 1.

The proposed signage zones (including temporary signage) are considered to be compatible with the amenity and visual character of the area, are appropriately located and are likely to be of a high quality (subject to future approval). The potential illumination of the upper level signage is not considered to have negative impacts upon motorists or residents.

The proposed signage zones and temporary signage are considered satisfactory with regards to the key assessment criteria in Schedule 1 of SEPP 64.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development and accompanying Residential Flat Design Code

SEPP 65 seeks to improve the design quality of residential flat developments through the application of a series of 10 design principles. An assessment of the principles is given in the table below:

Key Principles of SEPP 65	Department's Response
Principle 1: Context	The proposal is consistent with the use and built form requirements as per the Concept Proposal for The Haymarket and with the character of the locality. The proposal will not have any detrimental impacts on the

	amenity of existing and future adjoining development.
Principle 2: Scale	The proposal is consistent with the height limits as approved within the Concept Proposal (as discussed in Section 5.2). The buildings are considered to be of appropriate height and scale for the locality and is compatible with developments adjoining the site and the remainder of The Haymarket Precinct.
Principle 3: Built Form	The proposal is considered to demonstrate a high quality of architectural design as discussed in Section 5.2 .
Principle 4: Density	The proposal is considered to be of an appropriate density and scale consistent with the requirements of the approved Concept Proposal.
Principle 5: Resource, Energy and Water Efficiency	The proposal will be considered under the Green Star Multi-Unit Residential Tool and it is proposed to target a 4 Star Green Star rating.
Principle 6: Landscape	The proposal includes the provision of part of the north/south Boulevard, Hay Street and also landscaping within the setback to Darling Drive. Access would be provided to the public park south of the Darling Drive Plot to the west and also the central Haymarket Square to the east. The landscaping has been designed to complement the public domain treatments within the remaining sections of The Haymarket Precinct.
Principle 7: Amenity	The proposal generally complies with the principles and requirements of SEPP 65 and the recommended standards of the RDFC in terms of achieving satisfactory residential amenity. The proposed dwellings will achieve satisfactory levels of solar access to communal areas, natural ventilation and privacy.
Principle 8: Safety and Security	The building has been designed to provide passive and active surveillance of the surrounding public domain. Security access is provided for entry into buildings.
Principle 9: Social Dimensions and Housing Affordability	The proposal does not include affordable housing. However, the Darling Drive Plot to the west provides for student housing. The delivery of student housing will aid in reducing the pressures and demand for student housing in the area, and will aid in the creation of a mixed and balanced community.
Principle 10: Aesthetics	The design of the building is articulated and includes a palette of materials and finishes which will compliment the surrounding developments.

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of “rules of thumb” which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code. The Code contains best practice design principles which are relevant to the proposal and have been considered as part of the assessment.

A full assessment of the proposal against the RFDC rules of thumb is provided below:

	RFDC requirement	Proposed	Complies?
Part 1 Local Context			
Building Depth	Between 10-18m is appropriate. If wider, demonstrate how satisfactory daylighting and natural ventilation is achieved.	• Podium and SW2: 8.4m • SW1: provides between 12m and 21m • SW3: provides between 12.8 and 22m	Predominantly Yes, *Considered acceptable in terms of access to daylighting and natural ventilation
Building Separation (habitable rooms & balconies)	Up to 4 storeys: 12 metres between habitable rooms/balconies Above 5 storeys: 18 metres between habitable rooms/ balconies;	In accordance with approved Concept Proposal	Yes

Street Setbacks	Compatible with desired streetscape character	In accordance with approved Concept Proposal	Yes
Part 2 Site Design			
Deep Soil Landscaping	Min 25% of deep soil planting	Roof structure can accommodate 300mm soil build up. Allowances within allocated zones for soil depths up to 1000mm.	Yes
Fences	Provide privacy and security Contribute to public domain	No fencing proposed. Appropriate security and surveillance measures in place.	N/A
Communal Open Space	Communal open spaces to be 25-30% of site area	3,000m ² communal roof area provided (60% of development Plot area)	Yes
Private Open Space (ground floor)	25m ² with minimum width of 4m	N/A as no apartments on ground level	N/A
Part 3 Building Design			
Apartment Size (min)	1 bed = 50-63m ² 2 bed= 70-90m ² 3 bed = 93m ²	Studio = 42-47m ² 1 bed = 50-62m ² 2 bed = 73-112m ² 3 bed = 103-113m ²	Yes
Balcony Depth	Min 2m	Studios: no balconies 1 bed: 2.0m - 2.6m 2 bed: 2.0m - 3.0m 3 bed: 2.0m - 3.0m	Yes
Floor to ceiling heights	≥2.7m	• Residential: 2.7m • Ground and first floor non-residential: 4.5m - 6.3m	Yes
Max No. of apartments off a circulation core	Max 8 apartments per lift core	• SW1: max 8 units per floor; • SW2: max 4 units per floor; • SW3 (podium): max 3 units per floor; and • SW3: max 9 units per floor	Predominantly *considered acceptable given that there is only one additional unit per floor in SW3.
Storage	Studio = 6m ³ 1 bed= 6m ³ 2 bed = 8m ³ 3 + bed = 10m ³	Studios: 5.5m ³ 1 bed: 6m ³ 2 bed: 7.5m ³ 3 bed: 12m ³ (An additional 4.7m ³ per unit with a car space)	Predominantly *considered acceptable as studio apartments are only 0.5m ² below rule of thumb.
Solar Access	70% of living rooms & private open space to achieve 2hrs (for dense urban areas) sunlight between 9am-3pm on 21 June (Winter solstice)	65%	Predominantly *considered acceptable given the central Sydney location and as apartments are provided with a high level of amenity.
Natural Ventilation	Min 60% of apartments cross ventilated	67%	Yes
Kitchens with natural ventilation	Min 25%	29%	Yes

Awnings and Signage	Signs to comply with SEPP 64 and awning to encourage pedestrian activity	Separate assessment of signage application undertaken. Building provides an acceptable level of activation along Darling Drive, Hay Street and Dickson's Lane frontages.	Yes
Single aspect units	Limit those with southerly aspect to no more than 10%	8%	Yes

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application includes a review of the proposal against the requirements of the Building Code of Australia 2013. The report concludes that the proposed development is capable of achieving compliance with the BCA. A condition requiring compliance is recommended accordingly.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located within the boundaries of the Sydney Harbour Catchment and as such is subject to the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP). The Sydney Harbour REP aims to provide a clear and consistent planning framework to protect and enhance the unique attributes of the Harbour.

Although the department acknowledges that the South West Plot is located 550 metres south of the Darling Harbour foreshore, an assessment of the proposal against the Sydney Regional REP has been undertaken. Within the Sydney Harbour REP, the site is identified as being within the 'Foreshores & Waterways Area' boundary. Overall, the department is satisfied that the proposal is consistent with the relevant provisions and matters for consideration within Part 3, Division 2 of the Sydney Regional REP as will not negatively impact upon the Sydney Harbour Catchment.

APPENDIX C COMPLIANCE WITH THE STAGE 1 APPROVAL

An assessment of the proposal against the requirements of the Stage 1 Approval is as follows:

Terms of Approval / Conditions		Assessment	Compliance																																														
Building envelopes																																																	
A6	Building plots, separation distances and horizontal building envelopes are to be generally consistent with the Concept Proposal building envelope parameter plans listed in condition A4.	There is only one minor deviation from the requirements of the Stage 1 Approval, which is considered negligible.	Yes																																														
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: <table><tr><th>Plot and Building</th><th>Maximum Height - RL</th></tr><tr><td>North Plot</td><td></td></tr><tr><td>-</td><td>RL 28.50</td></tr><tr><td>North East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>NE1</td><td>RL 68.38</td></tr><tr><td>NE2</td><td>RL 38.10</td></tr><tr><td>NE3</td><td>RL 138.63</td></tr><tr><td>South East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SE1</td><td>RL 99.85</td></tr><tr><td>SE2</td><td>RL 38.10</td></tr><tr><td>SE3</td><td>RL 68.38</td></tr><tr><td>South West Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SW1</td><td>RL 91.38</td></tr><tr><td>SW2</td><td>RL 38.10</td></tr><tr><td>SW3</td><td>RL 138.63</td></tr><tr><td>North West Plot</td><td></td></tr><tr><td>-</td><td>RL 53.60</td></tr><tr><td>Darling Drive (Western) Plot</td><td></td></tr><tr><td>W1</td><td>RL 75.20</td></tr><tr><td>W2</td><td>RL 75.20</td></tr></table>	Plot and Building	Maximum Height - RL	North Plot		-	RL 28.50	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		-	RL 53.60	Darling Drive (Western) Plot		W1	RL 75.20	W2	RL 75.20	Refer to Section 5.2.1	Yes
Plot and Building	Maximum Height - RL																																																
North Plot																																																	
-	RL 28.50																																																
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																																																	
-	RL 53.60																																																
Darling Drive (Western) Plot																																																	
W1	RL 75.20																																																
W2	RL 75.20																																																
Maximum Gross Floor Area (GFA)																																																	
A8	The maximum GFA for the development shall not exceed 197,236m ² (excluding ancillary above ground car parking), comprised of a maximum of: 49,545m² non-residential GFA; and 147,691m² residential GFA	The proposal includes a residential GFA of 43,985m ² and a non-residential GFA of 1,870m ² .	Yes																																														
Built form																																																	
B1	Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of building modulation / articulation and a range of high	Refer to Section 5.2.	Yes																																														

Terms of Approval / Conditions	Assessment	Compliance
quality materials and finishes.		
B2 Future Development Applications shall demonstrate that the architectural feature(s) separating the residential towers from the street wall shall be appropriately designed to ensure that suitable visual separation between the two elements is achieved. Furthermore, contrasting materials or other acceptable alternatives shall be used to give emphasis/visual primacy to the lower levels of the buildings (below the re-entrant feature).	Refer to Section 5.2.4.	Yes
B3 Future Development Applications shall maximise street level activation where possible. A Street Level Activation Plan shall be provided that: ▪ indicates the extent and locations where street level activation has been provided; ▪ provides justification for the areas where street level activation it has not been provided; and ▪ provide mitigation measures where necessary to address any inactive building facades at the street level (excluding any vehicular access points).	The proposal is considered to have provided for a suitable level of activation at street level on all sides of the South West Plot podium	Yes
B4 Future Development Applications shall demonstrate that appropriate pedestrian sightlines / visual safety is achieved at building corner locations. Mitigation measures may include (but are not limited to) providing glazing to the corners of retail shopfronts and residential/commercial lobbies.	The proposal provides appropriate pedestrian sightlines and visual safety in the design of the building and the public domain areas.	Yes
B5 Future Development Applications (where above ground car parking is proposed) shall include a detailed Building Design and Laneway Visual Assessment to ensure an appropriate design of the buildings and visual environment within the laneways.	The northern elevation, of the proposed podium, which faces Dickson's Lane, would achieve an acceptable standard of design above ground floor level and visual environment within Dickson's Lane.	Yes
B6 To the extent that an undercroft is contemplated in the design, the Future Development Application for the South East Plot shall include an Undercroft Design Assessment relating to the proposed undercroft area adjacent to (pedestrianised) Hay Street. The Assessment shall provide detailed design, use and management of the space.	Not Applicable	Not Applicable
B7 Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.	The solar reflectivity analysis concluded that the proposal does not result in any adverse glare.	Yes
B8 Future Development Applications shall include an	An access review	Yes

Terms of Approval / Conditions	Assessment	Compliance
Access Review and demonstrate that an appropriate degree of accessibility.	assessment was carried out for the proposal, which confirms that the proposal demonstrates an appropriate degree of accessibility.	
Landscaping and open space		
B9 Future Development Applications shall include detailed landscaping plans for public, communal and private open space areas and the landscape and treatment of all public domain areas.	Landscape plans are provided within the application. Final details of the landscaping are to be endorsed by SHFA.	Yes
B10 Open spaces and public domain improvements shall be delivered in the sequence indicated within the approved Design Report, Illustrative Development Staging Diagram, unless otherwise modified in a Future Development Application. The open spaces and public domain works are to be completed prior to the occupation of the building(s) of the appropriate development application, unless otherwise approved in writing by the Director-General.	Public domain works are proposed to be completed in accordance with the approved Design Report and Illustrative Development Staging Diagram	Yes
B11 The Future Development Application for the relevant Plot that includes the Haymarket Square shall include a Public Square Management Plan that has been prepared in consultation with SHFA.	Not Applicable	Not Applicable
Public art		
B12 Future Development Applications shall include a Public Art Strategy.	A Public Art Strategy has been included within the RtS document.	Yes
Crime prevention		
B13 Future Development Applications shall include a Crime Prevention Through Environmental Design (CPTED) assessment, including mitigation measures where necessary. To the extent that an undercroft is contemplated in the design the Future Development Application for the South East Plot shall make particular reference to the design of the undercroft area adjacent to (pedestrianised) Hay Street.	A CPTED assessment has been carried out in support of the proposal.	Yes
Housing affordability and diversity		
B14 Future Development Applications shall investigate the provision of additional forms of housing that are affordable on the site (which could include rental residential accommodation, key worker accommodation and/or student accommodation).	The adjoining Darling Drive Plot (SSD 6010) contains 227 (635 bed) student accommodation building, which is a form of affordable housing and located within the boundary of the the Stage 1 Approval	Yes
Traffic		

Terms of Approval / Conditions		Assessment	Compliance
B15	The Future Development Application(s) for the Darling Drive Plot shall include details of the provision of signalised pedestrian crossing facilities across Darling Drive opposite Dickson's Lane and the Applicant shall liaise with RMS during the detailed design phase of that crossing.	Not Applicable	N/A
B16	The Future Development Application for the South West Plot shall demonstrate that the Hay Street driveway and crossover are appropriately designed and will encourage safe pedestrian movement.	Refer to Section 5.3.1.	Yes
B17	Future Development Applications shall demonstrate that ground floor car parking has been avoided where possible. However, should ground floor car parking be provided, it shall be appropriately screened so not to be visible from the public domain (excluding those times when the car park entry door is in use).	The proposal includes ground floor car parking. However, due to its distant location from the vehicular entry point it would not be readily visible from Hay Street	Yes
B18	The Future Development Application for the South West Plot shall include an analysis of the transition, route and pedestrian experience of the east/west Macarthur Street pedestrian connection.	A Macarthur Street connection study has been provided, which includes analysis of the transition, route and pedestrian experience of the east/west connection.`	Yes
Residential car parking			
B19	Future Development Applications shall provide on-site residential car parking at the following maximum rates: ▪ Studio 0.1 spaces / unit ▪ 1 bed / 1 bed + study 0.5 spaces / unit ▪ 2 bed / 2 bed + study 1.0 spaces / unit ▪ 3 bed+ 1.5 spaces / unit	The proposal includes 399 car parking spaces which is below the maximum rates of the Stage 1 Approval.	Yes
Bicycle parking			
B20	Future Development Applications shall include an appropriate amount of bicycle parking for residents and visitors, including visible public bicycle parking in the public domain for visitors and appropriate end of trip facilities within non-residential accommodation.	A storage locker will be provided for a minimum of 350 residential apartments together with a total of 54 residential visitor spaces and 10 spaces for the non-residential accommodation. A total of 20 bicycle spaces are provided within the South West Plot public domain.	Yes
B21	The Future Development Application for the North Plot shall include an investigation into the provision of a Bike Hub. Any provision should be designed in consultation with SHFA and/or Council and/or a	Not Applicable	Not Applicable

Terms of Approval / Conditions	Assessment	Compliance
nominated community organisation(s).		
Heritage and archaeology		
B22 Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	A Statement of Heritage Impact was prepared and included in the EIS.	Yes
B23 Future Development Applications shall include baseline aboriginal and non-aboriginal archaeological assessments identifying the areas of the site which may contain significant archaeology and how impacts will be mitigated. Any recommendations of the assessment shall be adopted as part of future Development Applications.	A Non-Indigenous Archaeological Assessment and Impact Statement was prepared and included in the EIS. Recommendations are to be adopted in works undertaken on the site.	Yes
Environmental performance		
B24 Future Development Applications shall demonstrate achievement of the following minimum Green Star ratings (or equivalent rating of a superseding environmental rating system): 5 star Green Star Office for the North West Plot (excluding the public car park); 4 star Green Multi Unit Residential rating on all residential towers; and 4 star Green Star Custom rating for student accommodation.	The application includes reports demonstrating that a 4 Star Green Star Multi Unit rating will be achieved for the building.	Yes
B25 Future Development Applications relating to the N, NE, SE and SW Plots shall include an investigation into the provision of green roofs at podium level.	A green roof has been provided at podium level between the three proposed buildings. The green roof would be landscaped and accessible to residents.	Yes
B26 Future Development Applications shall demonstrate the incorporation of ESD principles in the future design, construction and ongoing operation phases of the development.	An ESD report was submitted with the EIS, which subject to implementation in design and construction of the building will meet the required ESD principles.	Yes
Flooding and stormwater		
B27 The Future Development Application for the SE Plot shall include the location and detailed design of the stormwater amplification / new culvert, which shall be developed in consultation with Sydney Water.	Not Applicable	Not Applicable
Operational noise		
B28 Future Development Applications shall include site specific Noise Assessments and demonstrate that an appropriate acoustic amenity is achieved and include mitigation measures where necessary.	A Noise and Vibration Assessment has been submitted with the EIS and states that the proposal would achieve amenity requirements subject to mitigation and management	Yes

Terms of Approval / Conditions	Assessment	Compliance
	measures.	
Wind assessment		
B29 Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.	A Wind Report has been submitted with the EIS and states that the proposal would achieve acceptable wind environment subject to mitigation measures.	Yes
Waste		
B30 Future Development Applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	A Waste Management Plan has been submitted with the EIS and is considered satisfactory.	Yes
Signage		
B31 The signage controls are deleted from the Design Guidelines.	The proposed signage is considered acceptable	Yes
Construction		
B32 Future Development Applications shall analyse and address the impacts of construction and include: ▪ Construction Transport Management Plan, addressing traffic and transport impacts during construction; ▪ Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity); ▪ Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction; ▪ Community Consultation and Engagement Plans, addressing complaints during construction; ▪ Construction Waste Management Plan, addressing waste during construction; ▪ Air Quality Management Plan, addressing air quality during construction; ▪ Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with <i>'Managing urban stormwater, soils and construction (Landcom 2005)'</i>; and ▪ Acid Sulphate Soil Assessment and Management Plan.	Reports received with the application are considered to adequately address the requirements of B32.	Yes
B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.	The application includes an assessment of the proposal upon utilities.	Yes
Contamination		
B34 Future Development Applications shall include a Remediation Action Plan addressing the potential contamination of the land including mitigation measures where necessary in accordance with	A Remediation Action Plan and supporting Plan of Remediation has been submitted with this application, which is	Yes

Terms of Approval / Conditions	Assessment	Compliance
SEPP 55.	considered to satisfactorily address contamination issues.	
Community facilities		
B35 An appropriate area of land shall be provided within the development for the delivery of a community building/facility by a community organisation, or as agreed with the Director General. The developer shall provide infrastructure and services to the land and prepare a Future Development Application for the relevant works in consultation with SHFA and Council.	The applicant advises that discussions are currently being held and finalisation of a parcel of land to meet this requirement will be shown in a future application.	Yes
IQ Hub		
B36 The Future Development Applications shall include an investigation into the provision of IQ Hub accommodation and shall consult with Council and/or SHFA and local tertiary educational institutions regarding the quantum and location of the accommodation.	The applicant has submitted a strategy for the IQ Hub investigation, which includes the development of a working group.	Yes

APPENDIX D ARUP REPORT

APPENDIX E RECOMMENDED CONDITIONS OF CONSENT
