



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT:
Section 96(1A) Modification Application**

**SICEEP, DARLING SQUARE, SOUTH WEST PLOT,
SYDNEY**

SSD 6011 MOD 2



Environmental Assessment Report
Section 96(1A) of the *Environmental Planning
and Assessment Act 1979*

March 2017

Cover Photograph: Photomontage of proposal (Source: Applicant's Response to Submissions to SSD7388)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a proposed modification to the State significant development (SSD) consent (SSD 6011) for a mixed use development of the South West Plot at Darling Square, which is part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP).

The application has been lodged by Lend Lease (Haymarket) Pty Ltd pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to make internal and external design amendments to the buildings and remove the proposed IQ Hub from the podium of the buildings.

1.2 The Subject Site

The subject site is known as the South West Plot within Darling Square and is bound by Steam Mill Lane (formerly Dickson's Lane) to the north, Hay Street to the south, Darling Drive to the west and a pedestrian link known as The Boulevard to the east (see **Figure 1**). The site is located within the City of Sydney local government area.

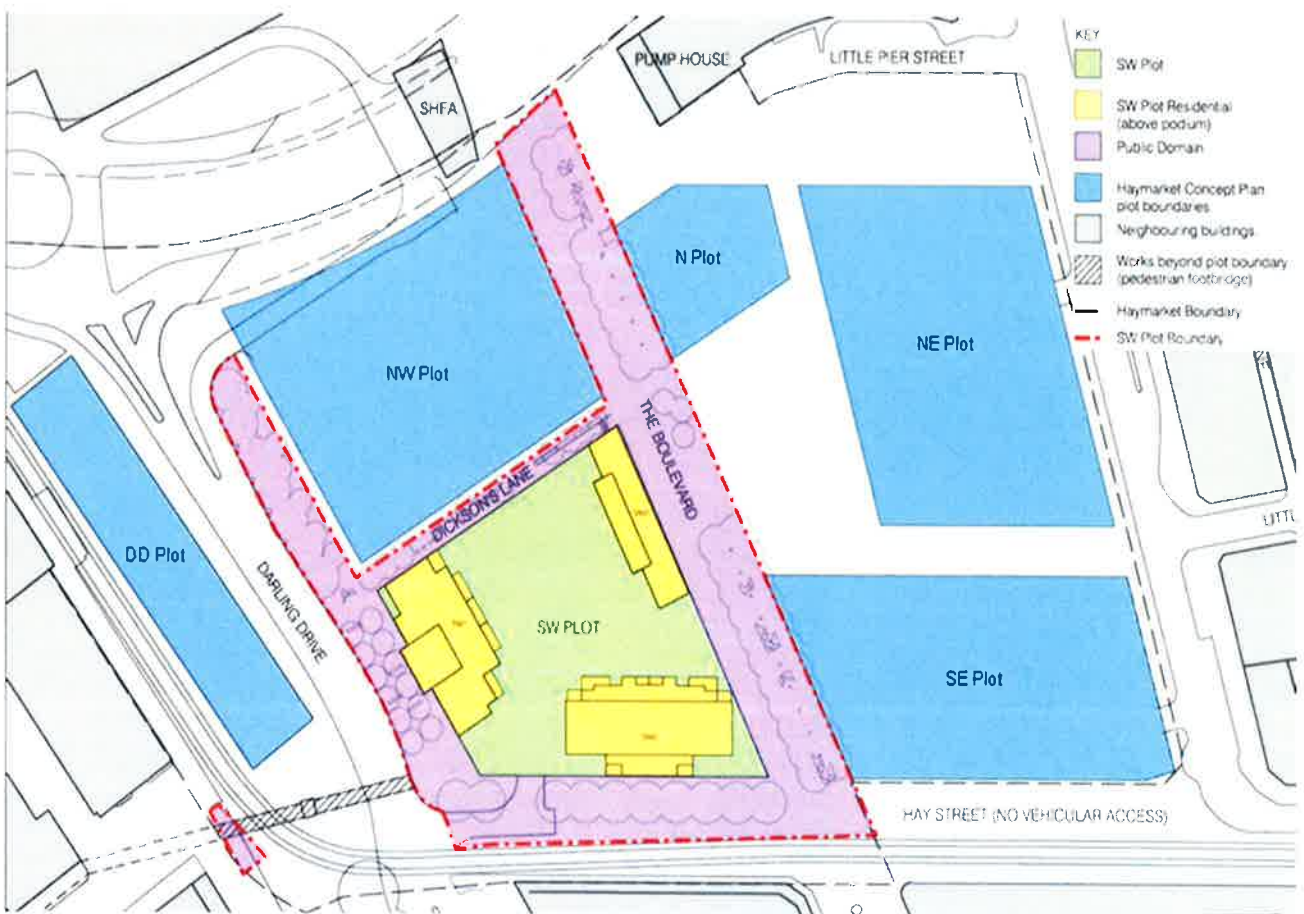


Figure 1: South West Plot site location within Darling Square.

The site is located within the Darling Square redevelopment (see **Section 1.3**) and is immediately adjoined by:

- the North West Plot to the north which accommodates an eight and 13 storey commercial development currently under construction;
- the North Plot also to the north currently the subject of a SSD proposal for a six storey mixed use commercial building including library, child care, retail and restaurant uses and a public plaza referred to as 'The Square'. The Department is currently finalising its assessment of the SSD application on the North Plot;

- the South East Plot to the east, which is approved as a nine, ten and 29 storey mixed use residential development. Construction has not yet commenced on this site;
- the Darling Drive Plot to the west, comprising two student accommodation buildings:
 - a 20 storey building, completed in February 2017;
 - a 22 storey building, currently under construction; and
- the North East Plot to the north east which accommodates a mixed use residential development with a maximum height of 41 storeys currently under construction.

The surrounding area comprises:

- the light rail corridor to the south and west, including Paddy's Market light rail stop to the south;
- the Powerhouse Museum to the west;
- Sydney's Paddy's Markets and UTS buildings to the south;
- the Sydney Central Business District (CBD) to the east; and
- the Sydney International Convention Centre, Exhibition Centre, Theatre and associated public domain to the north.

1.3 Approval history

On 5 December 2013, the then Acting Director-General granted approval for a Stage 1 Concept Proposal (SSD 5878) for a new mixed use residential neighbourhood known as Darling Square, which is a key component of the broader Sydney International Convention Exhibition and Entertainment Precinct (SICEEP) urban renewal project. The consent granted Concept Approval for six separate development plots including the South West Plot (subject of this application).

On 21 May 2014, the then Executive Director Development Assessment Systems and Approvals, granted approval (SSD 6011) of a mixed used development at the South West Plot (**Figure 1**) which included:

- site preparation works;
- construction of an eight storey, 25 storey and 40 storey residential buildings, including a 5 storey podium, to be used for:
 - non-residential uses on the ground and first floor levels;
 - above ground car parking and storage;
 - residential apartments;
- public domain improvements, including a pedestrian boulevard linking Quay Street to Darling Harbour (The Boulevard), and an east-west pedestrian laneway known as Dickson's Lane (now known as Steam Mill Lane); and
- vehicular access and signage zones.

Construction on the approved South West Plot development is nearing completion with occupation of residential apartments expected in mid 2017.

2. PROPOSED MODIFICATION

On 6 December 2016, the Applicant lodged an application (SSD 6011 MOD 2) seeking approval to amend the approved development as a result of further design development. The proposed modifications are outlined in below and key changes are shown in **Figures 3 and 4**:

- revised lobbies and facades at the podium level to buildings SW1 and SW3;
- replacement of the ground floor space previously reserved for the IQ Hub with retail space;
- fixed canopies replaced with umbrellas and retractable canopies along Steam Mill Lane;
- removal of the mezzanine level from within the retail space in the north-east corner, and adding an outdoor terrace;
- amending windows and glazing type to apartments in buildings SW1 and SW3;
- reduce the height of building SW3;
- reduce total GFA;

- addition of mechanically controlled flood barriers to two retail tenancies;
- removal of all roof level signage zones and two ground floor building identification signs;
- amendments to back of house and service areas permitting increased retail floor space; and
- additional toilets within the podium with access for retail visitors.

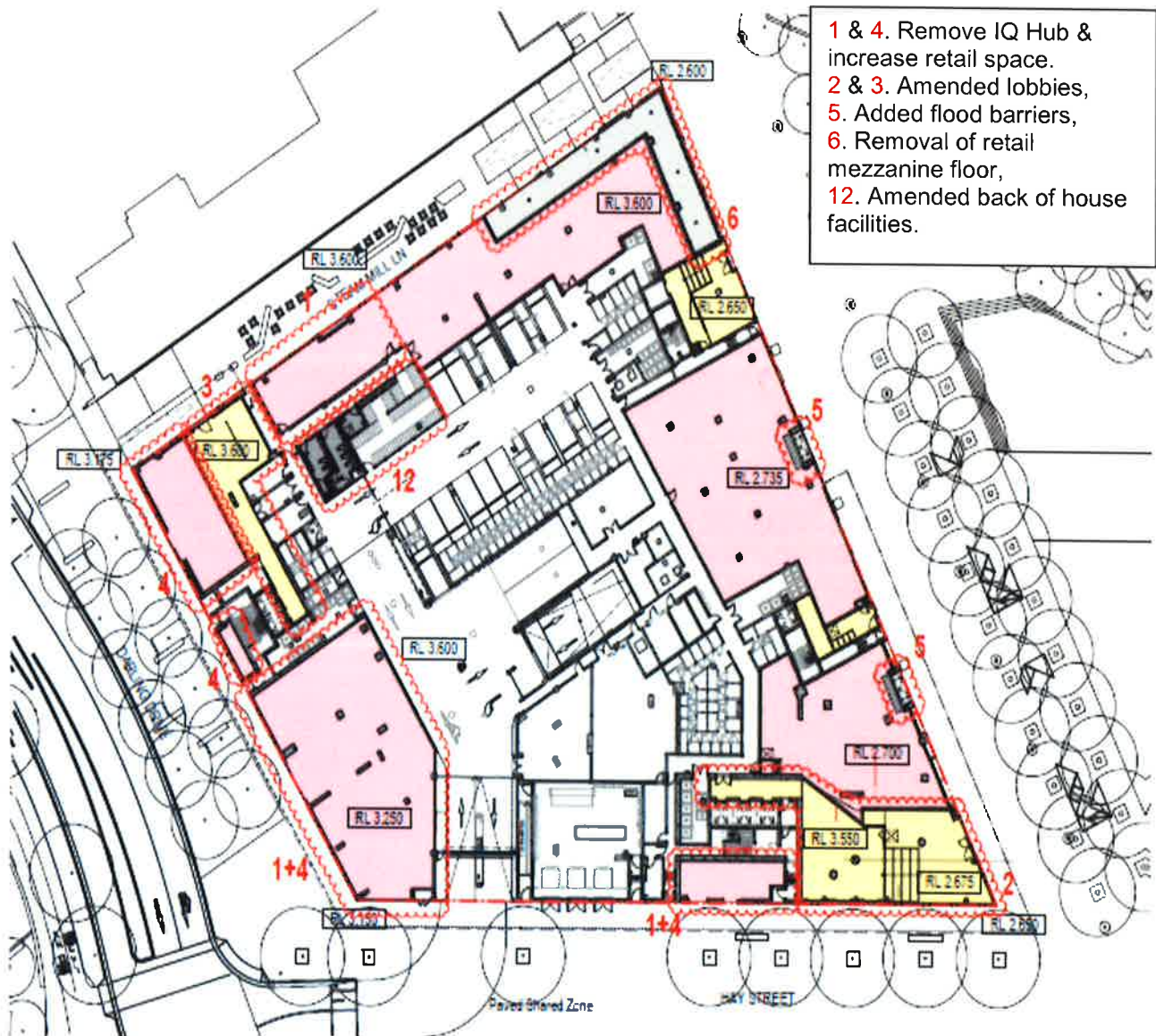


Figure 3: Ground floor plan modifications.

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of the subject application (**Table 1**):

Table 1: S96 (1A) of EP&A Act 1979

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the modifications are of minimal environmental impacts.

S96(1A)(b) that the development to which the consent as modified is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional impacts. It is substantially the same development as that originally approved.
S96(1a)(c) The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
S96(1a)(d) Any submission made concerning the proposed modification has been considered.	The Department received four submissions from agencies on the proposal. The comments provided in the submission have been considered in Section 4 of this report. No public submissions were received.

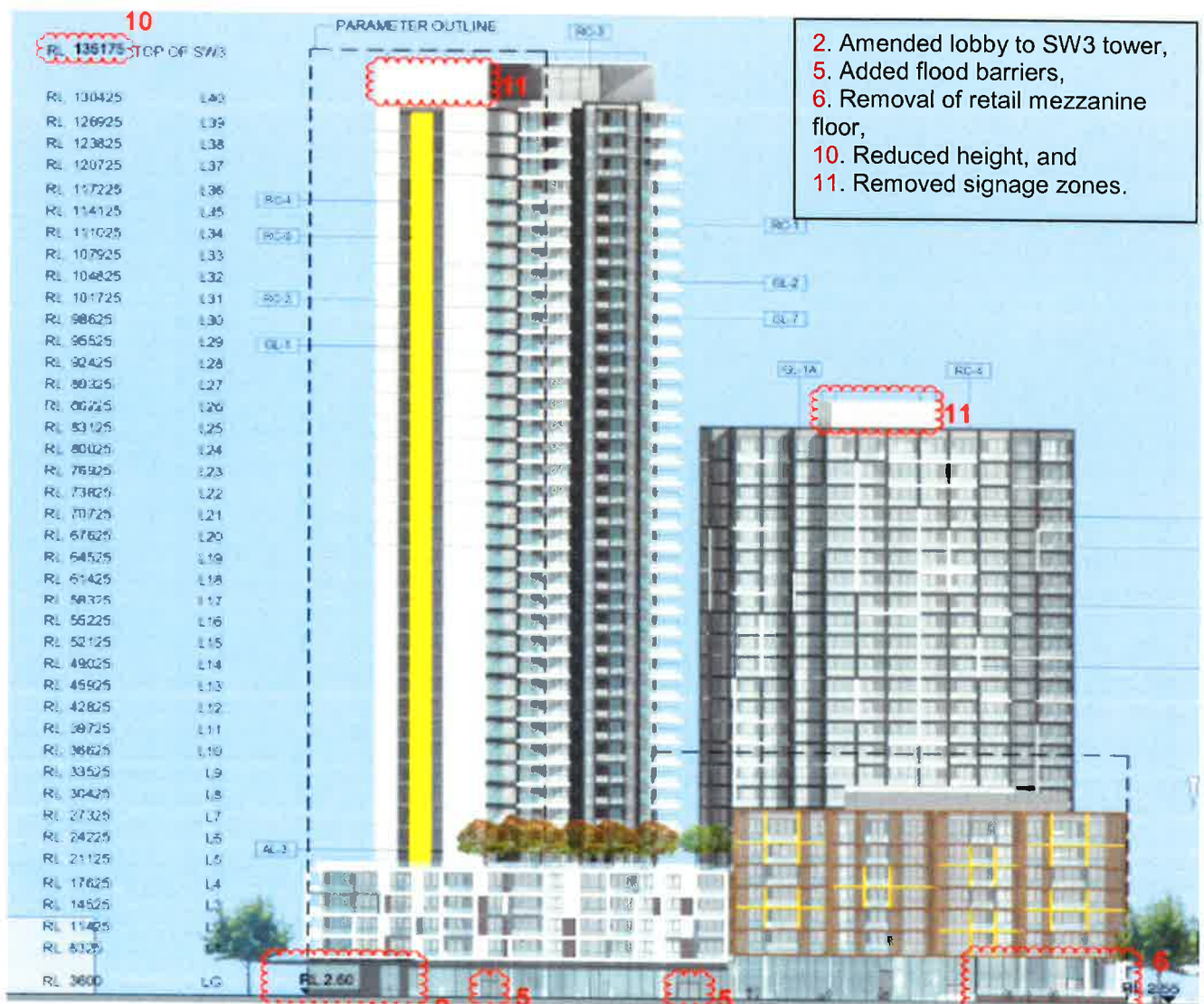


Figure 4: Proposed modifications, east elevation.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;

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Department of Planning & Environment

- *State Environmental Planning Policy No. 55- Remediation of Land;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *Darling Harbour Development Plan No. 1.*

The Department comprehensively assessed the original SSD application against the above EPIs. The Department has also considered the current proposal against these EPIs and is satisfied that it remains consistent with the above EPIs (**Appendix C**).

3.3 Delegation

On 16 February 2015, the Minister delegated functions to determine modifications to SSD applications to Directors who report to the Executive Director in the Planning Services Division, in cases where:

- an objection has not been received by the relevant local Council,
- where the proponent has not provided a political donation disclosure statement, or
- where there are no public submissions objecting to the proposal.

As City of Sydney Council (Council) did not object to the proposed modification, no public submissions objecting to the proposal were received and the applicant has not provided a political disclosure statement, the Director, Key Sites Assessments, has delegation to determine the application.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

The Department displayed the proposal on its website from Friday 16 December 2016 until Tuesday 31 January 2017 (an extended period 46 days due to the Christmas and New Year holiday period). The Department also notified relevant State and local government authorities in writing. Due to the minor nature of the modifications, the proposal was not publicly exhibited.

4.2 Submissions

The Department received five submissions from public authorities in response to the notification of the application, with Environment Protection Agency, TransGrid, Sydney Water and City of Sydney Council providing no comments or objections.

The Department notes that prior to the submission of the current application, Council wrote to the Department advising that it supports the establishment of the Darling Exchange Library and Maker Space including an IQ Hub in the North Plot building.

The Heritage Council also raised no objection to the proposal, however it recommends that a suitably qualified historical archaeologist be consulted should unknown historical material or heritage items/sites be uncovered or identified during construction.

5. CONSIDERATION OF PROPOSED MODIFICATION

5.1 Key assessment issues

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

- consistency with the Stage 1 consent;
- the relocation and reconfiguration of the IQ Hub;
- floor plan design; and
- the amendments to canopies in Steam Mill Lane.

5.2 Consistency with the Stage 1 Concept Approval consent

The Department has considered the proposed modification application in accordance with the requirements of the Stage 1 Concept Approval (SSD 5878) in detail at **Appendix B**.

The Department has similarly considered the proposed modification application against with the requirements of the Stage 1 Concept Approval and concludes that the development, as modified, continues to fully comply with the requirements of the Concept Approval. A full assessment is provided at **Appendix B**.

5.3 Relocation and reconfiguration of the IQ Hub

The Stage 1 Concept Approval (SSD 5878) for Darling Square required investigation into the provision of an IQ Hub, which would provide low-cost workspace for start-up business ventures and social initiative for creative industries. Following investigation, the applicant proposed an IQ Hub as part of the detailed SSD for the South West Plot (SSD 6011). The Department's assessment supported this initiative and the consent accordingly requires the applicant to provide a minimum of 100m² of IQ Hub floor space for a minimum of three years.

Since this consent, the applicant has been in consultation with Council regarding an alternate location and configuration for the IQ Hub and its inclusion within the 2,225m² public library proposed in the nearby North Plot. Through these negotiations the applicant has committed to contribute \$500,00.00 to enable the establishment and operation (for a period of five years) of an 'Innovation Exchange' facility within the library and programs for entrepreneurs, innovators and start-up business ventures to grow their ideas and turn them into viable products or services.

The applicant therefore seeks to relocate the IQ Hub from the South West Plot to an alternative configuration within the North Plot.

The applicant has advised that the Innovation Exchange facility is expected to be approximately 200m² in area, although the final size and configuration will be resolved by Council as part of the future fit out of the library. Council will be responsible for the fit out and operation of the library including the Innovation Exchange.

Council has advised its support for the establishment of the IQ hub within the Darling Exchange Library (SSD 7021) noting that:

- the applicant and Council have agreed to establish an Innovation Exchange (IQ Hub) on level of the library within the 'Maker Space';
- the applicant will contribute \$500,000 over five years to support programming the facility; and
- there is a substantial benefit to the IQ Hub as a result of integration with the library and Maker Space, creating a vibrant hub amongst leading educational, cultural, technology and entertainment institutions and creatives.

The Department has reviewed the information provided by the applicant and agrees that the Innovation Exchange program within the library will provide an enhanced facility and programs for start-up businesses compared to the IQ Hub previously approved within the South West Plot. Specifically, it will provide a larger area, capability for flexible use and a commitment for five years of operation compared to three years previously approved.

On this basis, the Department supports the relocation and reconfiguration of the IQ Hub from the South West Plot to the North Plot for the following reasons:

- the IQ Hub space will be approximately twice the size as the area approved within the South West Plot;
- the co-location within the library allows flexible use, with the space being capable of holding events, seminars, meetings and workshops, as well as meeting the needs of general library users when not needed for IQ Hub programs;

- the applicant has committed to funding of \$500,000.00 for the provision of the Innovation Exchange Program for five years, compared to three years proposed within the South West Plot;
- the integration of the IQ Hub within the library will enhance the vibrancy of the library and the Darling Exchange building. Further the co-mingling of space and services is likely to result in higher usage of both facilities than had they been offered in separate locations.

The Department notes that as the SSD application for the North Plot (SSD 7021) currently remains under assessment and does not include the fitout of the library, the approval of the current proposal may result in a lack of certainty around the delivery of the IQ Hub as an agreed community benefit under the original Concept Approval (SSD 5878). The Department therefore recommends that the occupation certificate for the retail space on the south-west corner of the building (being in the currently approved IQ Hub location) not be issued under such time as:

- the SSD application for the North Plot is approved; and
- a binding agreement has been made between Council and the applicant for the delivery of the innovation Exchange within the library.

Should this not be achieved by 31 December 2018, the applicant must continue to provide a minimum 100m² of IQ Hub space, for a minimum of three years, within the South West Plot consistent with the current requirements of the approval.

The Department therefore supports the deletion of Conditions C2 and G1, subject to imposition of a new condition F18 to provide certainty that a minimum of 100m² of IQ space will be provided and funded for three years, in accordance with the terms of the original consent for the South West Plot, should the Innovation Exchange within the library not proceed.

5.4 Canopies in Steam Mill Lane

The proposal seeks to delete a portion of the fixed canopy along pedestrian-only Steam Mill Lane and replace it with eight fixed umbrellas. Further the applicant proposes that retractable canopies would be provided to individual retail tenancies, subject to future applications in conjunction with the fit-out of these spaces.

The Department considers the substitution of fixed canopies with umbrellas and retractable canopies will improve the pedestrian and visitor experience along Steam Mill Lane due to the varied visual appearance of the Lane, the greater penetration of daylight and the increased amenity afforded by opening the narrow Lane to the sky. The canopies are 2.5 metres in depth which is consistent with the Darling Harbour Design Guidelines.

The applicant also submitted a statement by Cermak Peterka Peterson Wind Engineering and Air Quality Consultants (CPP) to support the change in canopy treatment. The analysis concluded that similar pedestrian wind conditions will be experienced while the canopies are in use, as the previously approved fixed canopy. CPP advised that the retractable canopies would be retracted when wind conditions exceeded approximately 10.6 m/s, however Steam Mill Lane would nevertheless remain acceptable for pedestrian sitting activities. CPP also advise that the endurance of the canopy material should be investigated during design.

The Department recommends that an additional condition F17 be imposed requiring the canopy material for the umbrellas and retractable canopies be suitably designed and sourced to withstand

the anticipated wind conditions in Steam Mill Lane prior to issue of an occupation certificate for the retail tenancies.

5.5 Ground floor amendments

The modification proposes a number of changes to the ground floor including:

- reduction in size (by 112m²) of the lobby for building SW1 and the entrance from Darling Drive deleted. The entrance from Steam Mill Lane will remain;
- consolidation of the mail room with the lobby for building SW3 and creation of a new retail tenancy along the Hay Street frontage. Changes to the proportion of glazed and solid wall are also proposed in this location;
- deletion of the mezzanine floor within the retail space in building SW2, at the corner of Steam Mill Lane and The Boulevarde. An outdoor terrace adjacent to this retail space is also proposed; and
- the space previously to be used for the IQ Hub (as discussed in **Section 5.3**) will become available for retail tenancies.

The Department is satisfied that the proposed ground floor amendments will not result in any detrimental impacts to the surrounding area, the development and for residents or visitors to the site. The provision of additional retail tenancies will provide greater activation along Darling Drive, Hay Street and Steam Mill Lane frontages and provide a greater range of services or shopping in the expanded retail floor space. The Department therefore supports these modifications.

5.6 Other Issues

Table 4: Assessment of Other Issues

Issue	Consideration	Recommendation
Window changes	The proposal seeks to replace two windows on the western elevation of SW1 with a single window. Further, spandrel glass to podium and tower apartments on the south elevation of SW3 is to be changed to clear glass. The Department is satisfied these minor changes will not result in any detrimental impacts to the external appearance of the building and will maintain or enhance ventilation, daylight access and outlook to the adjoining apartments.	No additional conditions or amendments necessary.
Reduced height of SW3	The lift overrun and plant room heights have been reduced, decreasing the height of building SW3 by two metres. This minor reduction in height will not be discernible from the street and will marginally reduce the impacts of the development, which were previously deemed acceptable	No additional conditions or amendments necessary.
Flood mitigation	The Flood Mitigation Strategy for the site has been refined to include mechanically controlled flood barriers to the retail entrances along the Boulevarde, which are concealed in the ground when not in use. No detrimental impacts are anticipated because of this amendment.	No additional conditions or amendments necessary.
Removal of signage zones	The approved roof signage zones and two ground level signs which identified lobby entrances are proposed to be deleted. The Department considers the deletion of unnecessary signage zones will result in a positive impact in the built environment.	No additional conditions or amendments necessary.
Refinements to back of house/ service areas	The Department supports the additional toilet facilities as part of the end of trip facilities accessible to both retail staff and visitors. The back-of-house area amendments and resulting increase in retail floor space will not detract from the useability of the ground floor while providing for increased retail opportunities.	No additional conditions or amendments necessary.

Road damage repair	The applicant requests Condition F4 Road Damage be amended to require any road damage repair be completed prior to the final Occupation Certificate for the residential component of the development. F4 currently requires this work prior to the issue of any Occupation Certificate. The Department is satisfied that requiring the work prior to issuing the final Occupation Certificate will ensure any necessary repairs are carried out after the possibility of damage occurring from construction has passed	Condition amended.
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6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96(1A) of the EP&A Act and the Department is satisfied that the proposal complies with all statutory and strategic provisions, subject to the recommended amendments to the conditions.

The Department's assessment concludes that the proposed modification is appropriate on the basis that it would:

- not detract from the overall design of the buildings;
- not result in any additional impacts to the surrounding area; and
- maintain consistency with the approved Concept Proposal for Darling Square.

Consequently the proposal is in the public interest and the Department recommends that the modification is approved subject to the recommended conditions.

7. RECOMMENDATION

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

- (a) **considers** the findings and recommendations of this report;
- (b) **approves** the modification; and
- (c) **signs** the attached Instrument of Modification for SSD 6011 MOD2.

Endorsed by:

A. Watson

Amy Watson
Team Leader
Key Sites Assessments

Approved by:

Ben Lusher 14.3.17

Ben Lusher
Director
Key Sites Assessments

Prepared by: Petra Blumkaitis
Key Sites Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Modification requests

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8134

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8134

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8134

APPENDIX B COMPLIANCE WITH THE RELEVANT STAGE 1 CONCEPT APPROVAL CONDITIONS

Condition		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.	The modified proposal remains consistent with the requirements of the Stage 1 Concept Approval.	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:	The proposal reduces the height of tower SW3 by 2 metres (to RL 135.175m) through the lowering of the lift over-run and plantroom. The heights remain below the maximum heights allowed in the parameter plans.	Yes																																								
<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 33.50</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></table>		Plot and Building	Maximum Height - RL	North Plot		-	RL 33.50	North East Plot		Podium	RL 25.03	NE1	RL 68.38	NE2	RL 38.10	NE3	RL 138.63	South East Plot		Podium	RL 25.03	SE1	RL 99.85	SE2	RL 38.10	SE3	RL 68.38	South West Plot		Podium	RL 25.03	SW1	RL 91.38	SW2	RL 38.10	SW3	RL 138.63	North West Plot		-	RL 53.60		
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Condition		Assessment	Compliance
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 211,040m ² (excluding ancillary above ground car parking), comprised of a maximum of: ▪ 56,668m² non-residential GFA; and ▪ 154,372m² residential GFA		The modified proposal results in a 112m ² reduction in residential GFA and a 198m ² reduction in non-residential GFA. The proposal therefore remains consistent with the maximum Darling Square GFA requirements (as amended).	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 quality materials and finishes.		The modified building continues to achieve a high standard of architectural design.	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 modified building increases the amount of street level activation through additional retail tenancies on the ground level.	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 modified building maintains appropriate pedestrian sightlines / visual safety.	Yes

Condition	Assessment	Compliance
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 modified proposal maintains an appropriate building design along Steam Mill Lane Lane.	Yes
B7 Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.	The modified proposal will not add to the reflectivity and glare of the approved building.	Yes
B8 Future Development Applications shall include an Access Review and demonstrate that an appropriate degree of accessibility.	An addendum to the accessibility statement prepared for the original approval concluded that compliance with DDA Premises Standards and Australian Standards can be achieved.	Yes
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.	An updated landscape statement addressing the proposed changes to Steam Mill Lane was provided with the modification request.	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.	No changes to CPTED outcomes are anticipated due to the proposed modifications.	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).	Above ground car parking is approved on the SW Plot. The design of the building façade screens the car parking levels.	Yes
Bicycle parking		

Condition	Assessment	Compliance
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.	350 residential and 84 visitor bicycle spaces as well as end of trip facilities are required in the original consent. This requirement remains unchanged	Yes
Heritage and archaeology		
B22 Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	Given the minor nature of the proposed modifications and as the modifications do not result in any additional impact on heritage an addendum heritage report was not required.	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.	As above.	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 NW 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.	A BCA Review was included with the modification application. It includes an assessment from the original NatHERS assessor who confirms the building will still achieve BASIX compliance.	Yes
B26 Future Development Applications shall demonstrate the incorporation of ESD principles in the future design, construction and ongoing operation phases of the development.	The original SSD application was assessed against the principles of ESD. The proposed modifications do not change this assessment.	Yes
Operational noise		

Condition	Assessment	Compliance
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.	The conclusions in the original report remain unaltered.	Yes
Wind assessment		
B29 Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.	An addendum to the Wind Report has been submitted, which continues to find that the proposal is suitable for pedestrian sitting in terms of wind impacts.	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.	Waste Management will remain as approved.	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 'Managing urban stormwater, soils and construction (Landcom 2005)'; and ▪ Acid Sulphate Soil Assessment and Management Plan.	The proposed modification will not change arrangements for construction management assessed under the original approval.	Yes

Condition	Assessment	Compliance
B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.	The proposed modifications are not anticipated to adversely impact on 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 SEPP 55.	The conclusions in the original report remain unaltered.	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 proposed relocation of the IQ Hub from the SW Plot to the North Plot will result in the provision of a larger space accompanied by increased funding, in the North Plot building. The Department recommends a condition to provide certainty that the IQ hub space will be provided as outlined in Section 5.3.	Yes

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI)

To satisfy the requirements of Section 79C(a)(1) of the Act, this report includes references to the provision 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 proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005; and
- Darling Harbour Development Plan No.1.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

The original proposal is State Significant Development under Cause 2 of Schedule 2 of SEPP as the site falls within the area defined as the 'Darling Harbour Site' and has a capital investment value in excess of \$10million.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Maritime (RMS) for concurrence. The original SSD was referred to RMS who provided conditions. The modification was referred to RMS and no reply was received.

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modification will not affect the remediation and the fit-for-purpose status of the site. All relevant conditions and certification remain unchanged.

State Environmental Planning Policy No. 64 – Advertising and Signage

The modification will reduce the number of approved signage zones on the upper levels of the building and at ground level.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The modification will not change the approved development and is unlikely to result in unacceptable negative impacts to the Darling Harbour precinct.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The modification is not anticipated to result in unacceptable negative impacts to the ecological and landscape values of the harbour foreshore.

Darling Harbour Development Plan No.1

The modified development will remain consistent with the objectives of the Darling Harbour Development Plan No. 1 as it will not change the provision of tourist, entertainment, retail and accommodation facilities and public domain upgrades.

APPENDIX D RECOMMENDED INSTRUMENT OF MODIFICATION