

SICEEP – North West Plot SSDA4 - Response to Public Submissions

Number of times raised in Submissions	Item Raised	Proponent's Response
Overshadowing		
2	Contrary to the requirements of the City of Sydney Development Control Plan 2012 (DCP), the overshadowing diagrams in the original EIS were in plan only (Appendix J, pages 74-80). The original EIS did not include any overshadowing diagrams in elevation. Therefore it was impossible to assess the extent of overshadowing of individual neighbouring dwellings within tall buildings, ie The Peak and The Quay. The elevation studies have now been belatedly provided during the Stage 2 SSD's exhibition phase and meaningful public response is now possible for the first time. For some reason, exhibition of the Stage 2 SSDs did not wait until the revised EIS was publicly available. Therefore although this submission is being made in response to the Stage 2 SSDs, it necessarily focuses on the shadow diagrams in the revised SSD 5878. It is important to note that those elevation studies do flow through to each of the Stage 2 SSDs. As at the date of this submission, SSD3010, SSD6011 and SSD6013 are the only SSDs on exhibition for The Haymarket site.	There was no statutory requirement as part of the submission of the Stage 1 Development Application (SSD_5878) to prepare and submit elevational shadowing diagrams, noting that the Sydney DCP does not apply to the SICEEP site. Notwithstanding and in response to submitters and the Department of Planning and Infrastructure, detailed shadow diagrams were subsequently prepared illustrating the shadows cast by the Haymarket Concept Proposal on the facades of the Peak Apartments building. The shadow studies revealed that the extent of additional overshadowing as a result of the Concept Proposal (including the North West Plot which accommodates the subject mixed use commercial office building and public car park) is appropriate and reasonable. This conclusion was subsequently agreed with and supported by the Department of Planning and Infrastructure, with the Stage 1 Concept Proposal (SSD_5878) approved on 5 December 2013. With the subject State Significant Development Application (SSD_6013) being wholly contained within the approved building envelope for the North West plot, the overshadowing impacts resulting from the proposed Mixed Use Commercial Office Building and Public Car Park are appropriate and consistent with the Stage 1 approval.
2	The normally applicable overshadowing guidelines are those set out in the Sydney DCP (Section 4.2.3.1). It can be seen that the guidelines do not envisage any trade-off between direct sunlight during the period 9am to 3pm and direct sunlight outside that period. A number of factual errors in statements with respect to the assessment of overshadowing impacts are made by the applicant in relation to SSD_5878.	The Sydney DCP does not apply to the SICEEP site. The shadow studies prepared in support of the Stage 1 Development Application (SSD_5878) reveal that the extent of additional overshadowing as a result of the Concept Proposal (including the North West plot building envelope which accommodates the subject Mixed Use Commercial Office Building and Public Car Park) is appropriate and reasonable and will continue to afford apartments within the Peak building with an acceptable level of sunlight/daylight. This conclusion was subsequently agreed with and supported by the Department of Planning and Infrastructure, with the Stage 1 Concept Proposal (SSD_5878) approved on 5 December 2013.
2	The assertion made within SSD5878 Response to Submissions and Amendments to Proposed Development Report, July 2013, that the apartments on the northern and western elevations of the building are dual aspect is incorrect. Only corner apartments are dual aspect, with levels of the tower containing single aspect apartments on all elevations.	Noted. Notwithstanding the proportion of single aspect apartments within the Peak building, the level of additional overshadowing impacts remains acceptable as demonstrated within the detailed shadow studies submitted in support of the Stage 1 Concept Proposal (SSD_5878). This conclusion was subsequently agreed with and supported by the Department of Planning and Infrastructure, with the Stage 1 Concept Proposal (SSD_5878) approved on 5 December 2013.

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2	It is disappointing that at this late stage in the development application process, despite numerous site visits by the proponent, and despite the apartment aspects being publicly available from NSW Land and Property Information, the proponent is still unaware of the actual apartment aspects within The Peak. In total there are 110 apartments in The Peak with single aspects which are either west only or north only. 110 apartments with single aspects which are either west only or north only is hardly a negligible number whose existence can be falsely denied by the proponent.	Noted. Notwithstanding the proportion of single aspect apartments within the Peak building, the level of additional overshadowing impacts remains acceptable as demonstrated within the detailed shadow studies submitted in support of the Stage 1 Concept Proposal (SSD_5878). This conclusion was subsequently agreed with and supported by the Department of planning and Infrastructure, with the Stage 1 Concept Proposal (SSD_5878) approved on 5 December 2013.
2	The proponent provides diagrams but fails to discuss the existing shadowing of the west façade of The Peak. The proponent provides diagrams but fails to discuss the combination of the proposed development with existing shadowing of the west façade of The Peak. It can be concluded that, as a result of combination of the proposed development with existing shadowing of the west façade, some single aspect apartments on the west façade and the south-west dual aspect corner apartments which currently receive less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June will suffer additional overshadowing. Rather than counting the number of units which will not meet the DCP guidelines, the proponent attempts to trade-off direct sunlight at 4pm for lack of direct sunlight during the period 9am to 3pm. There is no provision in the DCP guidelines for such a trade-off.	The Sydney DCP does not apply to the SICEEP site. The existing shadow impacts caused by the Peak building itself on apartments, in particular apartments on the southern and western elevations are noted. An assessment was undertaken in relation to the direct additional overshadowing impacts resulting from the Concept Proposal, with the results revealing that impacts would be acceptable and that apartments within the Peak would continue to receive an acceptable level of sunlight/daylight. In addition, we note that solar access is but one consideration in terms of residential amenity, with other equally important aspects to residential amenity (as prescribed under the Residential Flat Design Code) including views, outlook, access to services, transport, jobs etc. Therefore, notwithstanding some additional (acceptable) overshadowing impacts to apartments on the western elevation of the Peak building, these need to be considered holistically in terms of the other aspects of residential amenity afforded to these apartments.
Visual and View Impacts		
1	Nothing new has been proposed that would avoid the whole proposal, if accepted, erecting a really high and extensive wall of domestic structures when viewed from almost anywhere inside the basin of Darling Harbour looking south – akin to the “Toaster” effect in Circular Quay of its now universally regretted overdevelopment on the eastern bank, compared with the “gently rising” effect on its western side.	Submitted in support of the Stage 1 Concept Proposal SSDA was a detailed Visual and View Impact analysis. The analysis, which considered impacts of The Haymarket upon public domain views experienced from the north, concluded that the Haymarket proposal achieves a reasonable balance between the protection of private views and the protection of public domain views. This conclusion was subsequently agreed with and supported by the Department of Planning and Infrastructure, with the Stage 1 Concept Proposal (SSD_5878) approved on 5 December 2013. With the subject SSDA4 being wholly contained within the approved North-West plot building envelope, potential visual and view impacts resulting from the proposed Mixed Use Commercial Office Building and Public Car Park are considered to be acceptable.
1	The Chinese Garden of Friendship robbed of its curtilage will seem inconsequential and views from within will then be utterly dominated by the surrounding building heights.	The original Heritage Assessments undertaken in support of SSDA1 (PPP) and SSDA2 (Haymarket Concept Proposal) concluded that the setting of the Chinese Garden of Friendship will be enhanced by the developments.

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Transport and Traffic		
1	The analysis of transport and traffic impacts is introspectively limited to the area of interest. External impacts are made light of and excused as being no worse than the current situation. Traffic effects in the locality are becoming worse. The proposal will bring road traffic in the locality to a standstill. It is recommended that the traffic and transport analysis is referred to Transport for NSW and NSW and Roads and Maritime Service for a detailed review to ensure its adequacy as a comprehensive account of the traffic and transport impacts, and especially future traffic intensity (noting there being no real possibility of increasing road capacity in the district).	The traffic modelling and analysis undertaken by Hyder Consulting (a multi-national design and engineering consultancy with extensive traffic and transport experience) is considered to be appropriate and fit for purposes. The data used in formulating the traffic and transport conclusions reached for SSDA 4 have been verified through a peer review (undertaken as part of the assessment of SSDA 2 by the Department of Planning and Infrastructure) by Arup. In relation to SSDA 4, Hyder advise that the proposed development of the North West Plot will not result in any significant adverse impacts upon the operation of the local road network. It is noted that SSDA 4 has been referred to both Transport for NSW and Roads and Maritime Service for comment. A response to comments raised by these agencies has been provided as part of this Response to Submissions.
Process		
1	Replacement of the Darling Harbour convention, exhibition and entertainment facilities is long overdue. Alternative options to the SICEEP Project should be further considered and tested, including relocating the facilities above Central Station. The land at Darling Harbour would be more valuable if it were to accommodate more intense and highly productive CBD uses. The State should ensure it is optimising its own assets.	Approval of the new core facilities at Darling Harbour was granted by the Minister for Planning and Infrastructure on 22 August 2013.
Built Form and Urban Design		
1	The proposed Haymarket Square turns its back on Chinatown by building a glass and concrete façade along Harbour Street with only two narrow laneway entry points. A better outcome from a public amenity and access perspective would be to remove the Harbour Street frontage for the entire length of the square to make it open, visible, attractive and connected to the fabric and essence of Chinatown.	The approved Concept Proposal finds that the built form and public domain is suitable and forms an appropriate relationship with the surrounding urban fabric, including Chinatown. Connectivity into wider urban context, including Chinatown, has been a key consideration in the development of the approved Concept Proposal for The Haymarket. Continuity of street widths, fine-grain ground level retail uses and a consistency of landscape design and palette are all proposed to achieve a seamless integration. Lend Lease will continue to seek to reflect the materiality of Chinatown into the proposed Haymarket buildings and the new network of laneways (as evident within SSDA 4, e.g. Dickson's Lane).

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1	The proposal represents a massive private overdevelopment of an existing recreational public open space.	The Haymarket seeks to create a vibrant, mixed-use inner city residential development that is compatible in terms of built form with the surrounding areas. The proposed density is appropriate given the site's proximity to education and employment centres, good connections to pedestrian and public transport networks and convenient access to open spaces, public amenity, education and entertainment precincts. The acceptability of the Concept Proposal from a built form and urban design perspective has been endorsed through its approval on 5 December 2013. With the subject SSDA4 being wholly contained within the approved building envelope for the North West plot, the proposed Mixed Use Commercial Office Building and Public Car Park in terms of height and bulk is appropriate and consistent with the Stage 1 approval.
Economic Impacts		
1	The financial and commercial benefits to Lend Lease from The Haymarket far out-way the promoted "public good" of the project associated with delivering the new exhibition, entertainment and convention centres.	Approval of the Concept Proposal for the Haymarket reinforces that the development will provide significant public benefits, including to: - develop The Haymarket into one of Sydney's most innovative residential and working districts; - create approximately 2,100 new jobs during construction, with ongoing employment opportunities for over 2,000 people; - improve housing supply, choice and affordability in the City of Sydney LGA by accommodating approximately 2,360 dwellings (comprising 1,360 residential apartments and 1,000 student beds) upon completion with a resident population in the order of 3,400 – 3,700; - facilitate a greater number of people living close to their place of work or study, including staff and students of the education and health precinct; - minimise urban sprawl and the costs to society associated with this inefficient form of growth; - encourage sustainable travel behaviour by providing a significant quantum of dwellings close to public transport; - provide opportunities to provide community uses for the benefit of existing and future residents; - embrace and respect the vitality and character of the neighbouring Chinatown precinct; - provide a quality visitor experience and establish The Haymarket as a distinctive destination within a revitalised quarter of the City; - create new functional, vibrant and connected public open spaces;

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		- increase and improve connections with Chinatown, Ultimo, the CBD and the south of the City; and - repair the urban fabric of this part of the City restoring street grain and connectivity.
1	There is no report on the economic/financial appraisal of the demolition of the 25 year old Entertainment Centre and its replacement with a smaller Theatre in accordance with NSW Treasury Guidelines. A financial appraisal of the destruction of the Entertainment Centre and car parks should also be assessed against the public subsidy that such an activity would require as a means of supplying the private sector with a site for a private residential/commercial development.	An assessment of the constraints of the existing facilities, and why it is impractical to retain them, was provided as part of the Response to Submissions for SSDA1 (5752-2012). The Stage 1 Concept Proposal (SSD_5878) was approved on 5 December 2013. Concept approval has therefore already been given in relation to the staged demolition of existing buildings and structures on the Haymarket Site. The financial risks and the risk allocation are outlined in documents available at www.siceep.com.
1	The proposal (from construction impacts and blocking off access to Darling Harbour) could unintentionally destroy Chinatown economically. The local economic risks to business continuity are a shortcoming in the EIS. The risks/costs to external parties not involved in the project (Chinatown businessmen) has not been properly assessed and valued.	Chinatown is a tourism and economic destination in its own right and, whilst there may be some short term loss of trade associated with the demolition of the Sydney Entertainment Centre (post 2015), this will not impact upon the viability of this centre. The redevelopment of The Haymarket, with a substantial increase in the local resident and worker population, is expected to deliver significant long-term benefits to the local economy and contribute to the overall vibrancy of the precinct. The staged implementation of the approved Concept Proposal also ensures activity in the precinct throughout the duration of the works.
1	The site could be left vacant/abandoned for a long period of time if finance is not secured/the economy changes.	Noted. Lend Lease is a highly experienced developer and will ensure that the site is developed and delivered in an efficient and timely manner.
1	It is important that the SICEEP project satisfies the objectives of the EP&A Act, particularly that it represents 'orderly and economic use and development of land'.	The SICEEP project and more specifically SSDA 4 is considered to meet the objectives of the EP&A Act, including representing the orderly and economic use and development of land.
Social and Community Impacts		
1	The proposal will isolate an existing, prosperous local Chinese business community, resulting in an insurmountable social wall.	Connectivity into wider urban context, including Chinatown, has been a key consideration in the development of the approved Concept Proposal for The Haymarket. Continuity of street widths, fine-grain ground level retail uses and a consistency of landscape design and palette are all proposed to achieve a seamless integration. The delivery of the Haymarket (including the proposed Mixed Use Commercial Office Building and Public Car Park) is expected to deliver significant long-term benefits to the local economy and contribute to the overall vibrancy of the Chinatown precinct.
1	No evidence is provided that impacts on services and infrastructure will be adequate in the future and accommodate growth in demand.	The redevelopment of the SICEEP site for entertainment, business tourism, residential, commercial and retail land uses has been determined by INSW to be the most suitable in fulfilling the objectives of the NSW Government for the subject site. Delivery of the SICEEP project will ensure an appropriate level of services and infrastructure is provided to meet the future needs of the development.