



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

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

SSD 6013 MOD1



Secretary's Environmental Assessment Report
Section 96(2) of the
Environmental Planning and Assessment Act 1979

July 2015

Cover Photograph: Artists impression of the eastern façade (Source: Applicant's Environmental Impact Statement, March 2015)

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*NSW Government
Department of Planning & Environment*

1. BACKGROUND

1.1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 6013) issued for the North West Plot, The Haymarket (now known as Darling Square) at the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Harbour, under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification seeks to increase the gross floor area (GFA), building height and envelope, redesign the building façades, relocate the entrance and reconfigure the internal layout.

1.2 Site and locality

Darling Square occupies the southern portion of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) (**Figure 1**), and has an area of approximately 4 hectares.

The North West Plot (the site) is rectangular in shape and is bound by the future theatre access road and the Pier Street overpass to the north, future Dickson's Lane to the south, Darling Drive to the west and the pedestrian link known as The Boulevard to the east. The site has an area of 5,145m².

The site formally contained the northern portion of the Sydney Entertainment Centre (SEC) car park and a portion of the existing public domain, and is now cleared.

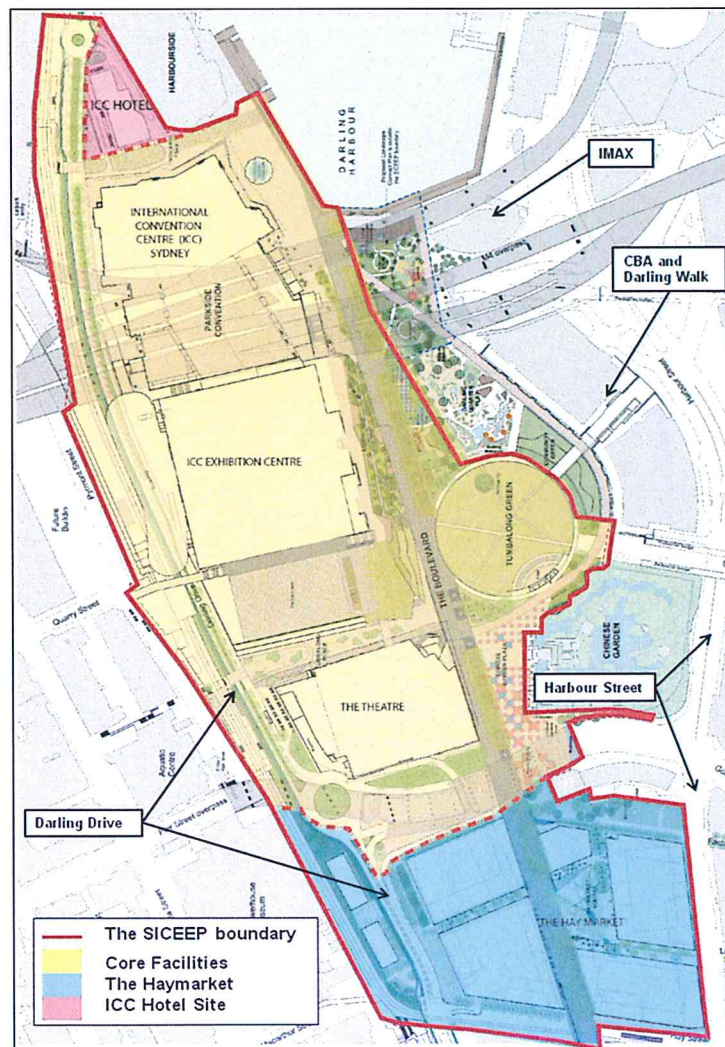


Figure 1: SICEEP Master plan

1.3 Previous approvals and other relevant applications

On 5 December 2013, the Acting Director-General (as delegate of the Minister) approved the Stage 1 Concept Proposal for the development of the Darling Square precinct (**Figure 2**). 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 proposal for the site. The key aspects of the Concept Approval are:

- six separate development plots providing a GFA of 197,236m² (comprising 49,545m² non-residential GFA and 147,691m² residential GFA);
- maximum building height of 138.63 metres;
- open spaces, roads, laneways and pedestrian through-site links; and
- above ground public and private car parking.



Figure 2: Darling Square (formally known as the Haymarket) Concept Proposal Layout

On 7 May 2014, the Acting Executive Director, Development Assessment Systems and Approvals approved SSD 6013 for the redevelopment of the North West Plot comprising:

- site preparation works including demolition of existing structures, tree removal, minor excavation and site remediation as required;
- staged construction of a 12 storey building to be used for commercial premises, and above ground car parking;
- various public domain improvements, including the provision of part of a new east-west pedestrian laneway (known as Dickson's Lane) linking Darling Drive to The Boulevard, upgrading of existing footpaths, provision of street trees, and provision of bicycle parking facilities; and
- building identification signage and a wall advertising sign.

The Department has also approved the following SSD applications within Darling Square:

- a mixed use residential building on the South West Plot (SSD 6011);
- a mixed use residential building on the North East Plot (SSD 6626); and

- a student accommodation building on the Darling Drive Plot (SSD 6010).

The Department is currently assessing a request to modify the approval for the South West Plot, which proposes minor modifications, including an increase in the non-residential GFA from 1,870m² to 2,003m² (+133m²) (SSD 6011 MOD1).

The Department has also issued Secretary's Environmental Assessment Requirements (SEARs) for the following proposed developments within Darling Square:

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

2. PROPOSED MODIFICATION

The proposal involves the following key modifications:

- increase the GFA from 38,565m² to 41,076m² (+2,511m²);
- increase the building height from 12 storeys to 13 storeys (+1 storey), with an associated maximum height increase of 2.35 metres;
- revised building and façade design, including amended building material and the introduction of an entrance atrium off The Boulevard;
- revised internal car park design, commercial floor space design and layout;
- decrease in motorcycling parking spaces from 75 to 37 (-38 spaces); and
- increase in bicycle parking spaces from 146 to 160 (+26 spaces).

The applicant has also advised that the construction of the development will no longer be delivered in two stages, as previously approved.

A comparison of the amendments to the entrance arrangements and façade design is shown at **Figure 3**. A comparison of the amendments to the ground floor layout is shown at **Figure 4**.

Approved NW Plot – eastern elevation



Proposed modification NW Plot – eastern elevation



Figure 3: Comparison of the amendments to the entrance arrangements, introduction of the atrium and façade design on the eastern elevation (Source: Applicant's modification documents)

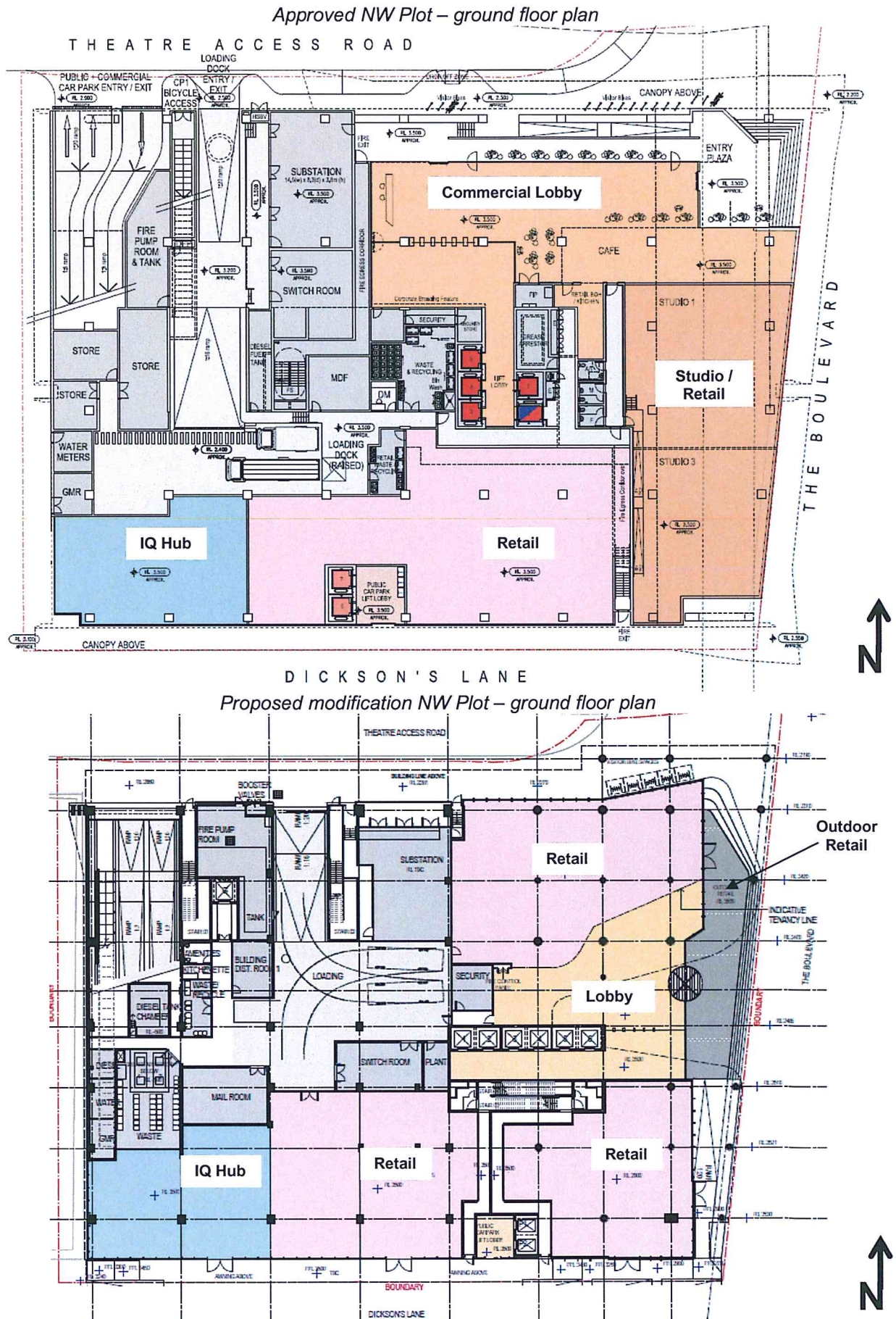


Figure 4: Comparison of the amendments to the ground floor layout (Source: Applicant's modification documents and Response to Submissions)

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals (**Table 1**):

Table 1: Consideration of proposed modification against Section 96(2) of the EP&A Act

Section 96(2) matters for consideration	Comment
(a) that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The proposal remains a commercial building and public car park consistent with the approved development. The proposed increase in height (+1 storey), GFA (+6.5%) and modifications to the building footprint, façade design and internal layout reconfiguration result in changes to particular elements of the building. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved through the Stage 1 Concept Proposal (5878) and SSD for the North West Plot (6013).
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.	The Department has consulted all relevant public authorities or approval bodies on the proposed modification application, and no objections were received.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified. Details of the notification are provided in Section 4 of this report.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	City of Sydney Council, Transport for NSW, Sydney Water and Roads and Maritime Services do not object to the proposed modifications. The Department has considered all the submissions in Sections 4 and 5 of this report.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

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

The Department comprehensively assessed the original SSD application for the North West Plot against the above EPIs. The Department has considered the proposal against these EPIs and is satisfied that it remains acceptable in this regard.

3.3 Delegation

On 16 February 2015, the Minister for Planning delegated functions to determine modifications under section 96 of the EP&A Act to a Director or Manager who reports to the Executive Director, Infrastructure and Industry Assessments, where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

In accordance with the Minister's delegation, the Acting Director, Key Site Assessments may determine this project under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the *Environmental Planning & Assessment Regulation 2000*, the Department publicly exhibited the proposal on its website, in its Information Centre and at Council's office from Wednesday 25 March 2015 to Friday 8 May 2015 (45 days). Public notice of the exhibition was placed in *The Sydney Morning Herald*, *The Daily Telegraph* and *The Central* newspapers. The Department also notified adjoining landholders and relevant State and local government authorities in writing.

4.2 Submissions

The Department received four submissions in response to the exhibition of the Section 96(2) request. Submissions were received from the City of Sydney Council, Roads and Maritime Services, Transport for NSW and Sydney Water, and are summarised below (**Table 2**):

Table 2: Summary of submissions on proposed modification request

City of Sydney Council	
Modification request	<p>Council advised that it generally supports the modified design and notes a number of improvements compared to the approved development. Council provided the following comments:</p> <ul style="list-style-type: none"> • the modification significantly reduces activation of the northern frontage at ground level, deletes the entrance plaza on the north-east corner and relocates access to the commercial lobby to the eastern frontage; • the wall advertising sign on the northern façade is enlarged and relocated west beyond that already approved. It should be positioned to align with the composition of the panels and the metal cladding; • the applicant should submit a calculation of all currently approved and proposed GFA across the Haymarket Concept Proposal area; and • the Department should be satisfied that any modifications outside of the agreed building envelope can be approved without modifying the approved Concept Proposal.
Response to Submissions	<p>Council advised that the northern elevation remains substantially inactive and provided the following additional comments:</p> <ul style="list-style-type: none"> • further information should be provided on the type and extent of the outdoor retail proposed outside of the north east retail unit and lobby; • further information should be provided on the design treatment of the area in between the external columns on the south east corner; and • the IQ Hub and south eastern retail tenancy do not have direct access to the services on the ground level.
Roads and Maritime Services	
Modification request	RMS advised that it did not object to the proposal.

Transport for NSW	
Modification request	TfNSW advised that it had no comments on the proposal.
Sydney Water	
Modification request	Sydney Water requested that standard conditions be imposed in relation to seeking a Section 73 Compliance Certificate and determining whether servicing the development will affect any Sydney Water utilities and/or easements.

No public submissions were received in relation to the modification request.

4.3 Response to Submissions

The applicant provided a response to the issues raised in Council's submission. In particular, the proposal was modified to increase the ground level activation of the northern façade by extending the north east corner (together with other internal layout reconfigurations increasing the GFA by 359m²) and increasing access to this corner from The Boulevard. The applicant also confirmed that:

- no changes are proposed to the approved position of the wall advertising sign on the northern façade;
- the Building and Laneway Visual Assessment will continue to provide guidance and reinforce the core principles for the detailed design of the southern public laneway (as required through condition A9 of the original SSD 6013 approval); and
- the proposed modification for the North West Plot can be accommodated within the maximum non-residential floor space approved under the Stage 1 Concept Proposal, although noting that a Section 96 modification application is currently being prepared to seek an increase to the approved non-residential floorspace.

5. CONSIDERATION OF PROPOSED MODIFICATIONS

5.1 Summary of planning considerations

The key planning considerations of the proposed modification relate to:

- consistency with Stage 1 Concept Approval; and
- design quality.

5.2 Consistency with Stage 1 Concept Approval

The Stage 1 Concept Approval sets out a number of requirements and parameters for future development applications in Darling Square. The Department assessed the original application for the North West Plot (SSD 6013) against these requirements and parameters, and found that the application was consistent with the Stage 1 Concept Approval.

The Department has assessed the proposed modifications against these requirements and parameters in **Appendix C**. A comparison of the key aspects of the proposed modification against the Stage 1 Concept Approval and North West Plot approval is set out below (**Table 3**).

Table 3: Comparison of the key aspects of the proposed modification against the Stage 1 Concept Approval and North West Plot approval

Component	Stage 1 Concept Approval	North West Plot approval (SSD 6013)	Proposed Modification	Comment
Building Height	Max RL 53.60 AHD	RL51.00 AHD (12 storeys)	RL 53.20 AHD (13 storeys)	Complies
Building Height (18m setback to south edge)	Max RL 48.60 AHD	RL44.45 AHD (11 storeys)	RL 47.90 AHD (12 storeys)	Complies
Building Depth	Max 59-61m	56m	59.5-62m*	Generally complies
Building Length	Max 75-82m	75-81m	75.5-84m*	Generally complies
Building separation	Min 20m to North Plot	20m to North Plot	20m to North Plot	Complies
	Min 8m to South West Plot	8m to South West Plot	8m to South West Plot	Complies
Non-residential GFA	49,545m ² (entire Darling Square site)	38,565m ²	41,435m ²	Complies

* Including minor encroachments, discussed below.

The key issues with the proposed modification in relation to consistency with the Stage 1 Concept Approval include:

- consistency with approved building envelope; and
- implications of the increase in non-residential GFA.

5.2.1 Building envelope

The height and scale of the approved building on the North West Plot is substantially smaller than allowed by the Stage 1 Concept Approval. Although being 2.35 metres higher than the approved building, the proposed building continues to generally comply with the requirements of the Stage 1 Concept Approval, with the exception of the following minor encroachments discussed below:

- 500mm projections on the southern, northern and western façades; and
- two metre projection at the lower four levels on the western façade.

The 500mm projections on the southern, northern and western façades relate to architectural detailing, such as cladding, sunshade and awnings. The Department considers that these minor projections do not add significant bulk to the building and the proposal remains generally consistent with the Stage 1 Concept Approval.

The applicant contends that the proposed two metre projection on the western façade on Darling Drive (identified in green in **Figure 5**) is necessary to accommodate a structural column and cladding to support the carpark levels, while avoiding interference with the existing subterranean service culverts. In response to this constraint the applicant has designed the structural support as an architectural feature of the building, providing additional articulation and visual interest. Further, the car park cladding is articulated to align with the podium of the approved mixed use building on the South West Plot (**Figure 6**).

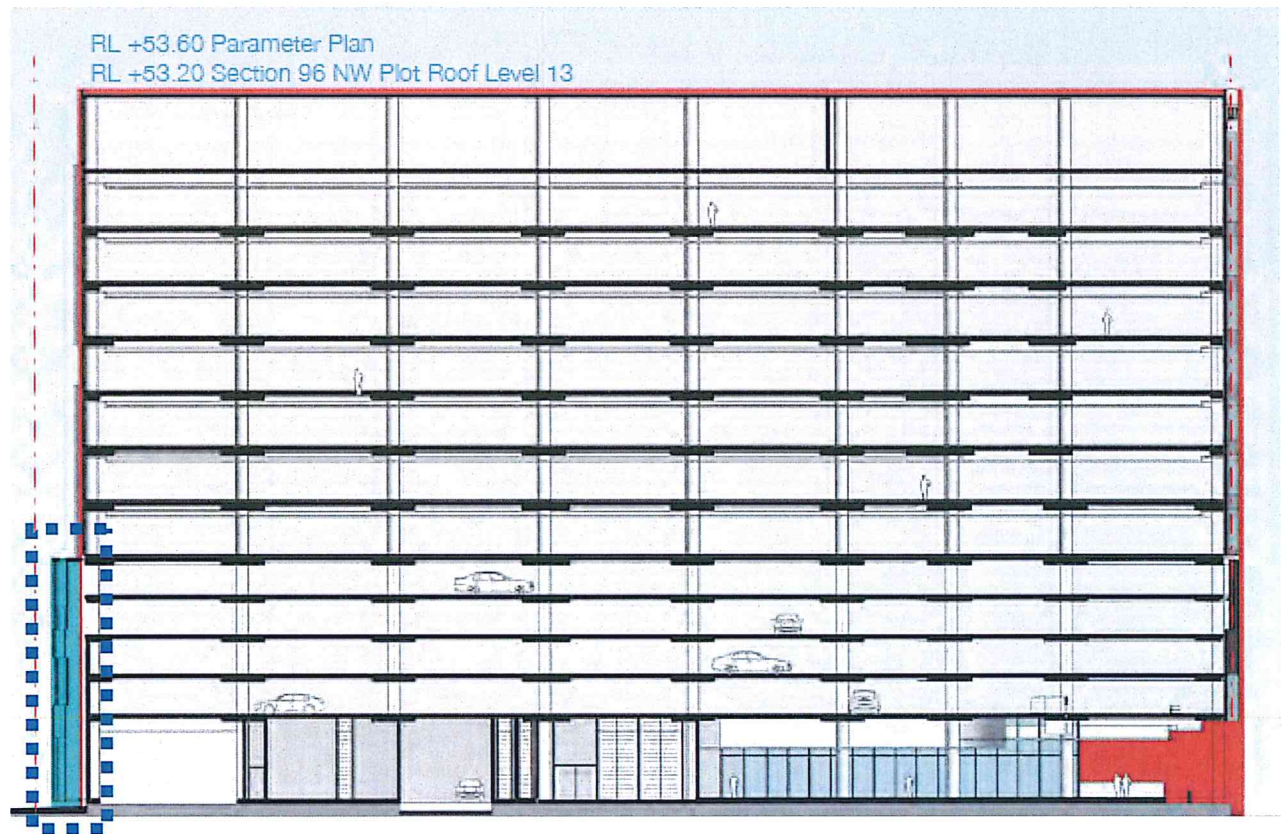


Figure 5: East-west section of the proposed building providing a comparison of the Stage 1 Concept Approval (outline shown in red) and the 2m encroachment (shown in blue) (Source: Applicant's modification request documents)

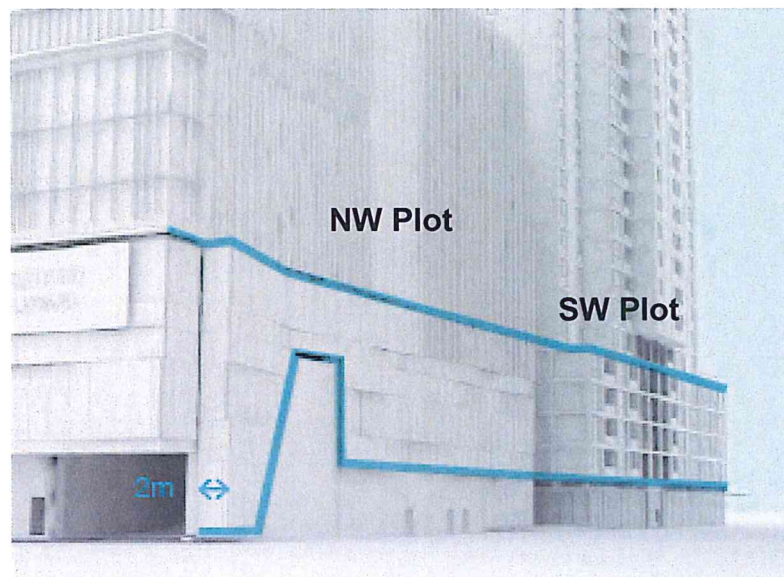


Figure 6: Two metre encroachment on western façade aligning with the South West Plot (Source: Applicant's modification request documents)

The design of the encroachment as an architectural feature and relationship to the South West Plot provides a considered response to the constraints of the subterranean culvert in this location. While this encroachment will add some bulk to the western façade, this corner of the building is not highly accessible given its location adjacent to the Pier Street overpass and theatre access road. The Department considers that the proposed encroachment is acceptable because:

- the extent of the encroachment is minor in the context of the scale of the proposed building;
- it is necessary for the functioning of the building;

- it is well integrated in its design; and
- it is consistent with the approved building on the adjacent South West Plot.

Further, as the encroachment relates to a discreet element of the building, the Department is satisfied that the proposal remains generally consistent with the Stage 1 Concept Approval.

In addition to being generally consistent with the Stage 1 Concept Approval, the Department considers that the increased height of the proposed building is appropriate for the following reasons:

- the height of the proposed building will not result in any additional adverse impacts in terms of overshadowing and view loss on surrounding buildings to those already assessed through the Stage 1 Concept Approval;
- the proposed building height (of 13 storeys) remains consistent with the emerging character of Darling Square, providing a transition between the higher 24 and 40 storey towers on the South West Plot and a lower six storey future development on the North Plot; and
- the proposed building is well designed, with a clear separation of the lower and upper level street wall alignment that relates to adjoining buildings and with architectural features providing horizontal articulation and glazed active façades so that the building scale appears to diminish towards the upper levels.

5.2.2 Increase in GFA

Condition A8 of the Stage 1 Concept Approval (SSD 5878) provides a maximum GFA of 197,236m² (excluding ancillary above ground car parking) across the Darling Square precinct. This includes 49,545m² of non-residential GFA and 147,691m² of residential GFA.

The proposal seeks to increase the non-residential GFA in the North West Plot from 38,565m² to 41,435m² (+2,870m²), which means that the cumulative total non-residential GFA proposed across Darling Square will increase from 42,485m² to 45,448m² (+3,003m²). **Table 4** shows the breakdown of approved and proposed non-residential GFA across the Darling Square site.

Table 4: Breakdown of approved and proposed non-residential GFA across the Darling Square site

Plot	Approved GFA (m ²)	Proposed GFA (m ²)	Total GFA (Approved / Proposed) (m ²)	Approved Stage 1 non-residential GFA (m ²)	Remaining GFA (m ²)
North West Plot	38,565	2,870	41,435		
South West Plot	1,870	133*	2,003		
North East Plot	2,050	-	2,050		
South East Plot	-	-	-		
North Plot	-	-	-		
Total	42,485	3,003	45,448	49,545	4,097

* As proposed in SSD 6011 Modification 1, currently under assessment.

Council raised concern that there may not be sufficient non-residential GFA available in the Stage 1 Concept Approval to allow the Darling Square development to be achieved.

The proposed non-residential GFA for the South East Plot and North Plot are not yet known, but the illustrative scheme for the Stage 1 Concept application indicates a significant amount of non-residential floorspace on these two plots, namely within the:

- South East Plot, which includes active retail frontages at the ground floor; and
- North Plot, which includes retail, commercial and community uses.

The applicant notes that the remaining non-residential GFA may not be sufficient and has advised that it may submit a modification request to increase the amount of non-residential GFA in conjunction with the proposal for the North Plot.

The Department considers that the North West Plot is highly suitable to providing increased employment opportunities and is able to accommodate the additional commercial GFA. Further, the remaining non-residential GFA of 4,097m² is sufficient to deliver key elements of the vision for the South East Plot and North Plot, such as non-residential uses to activate the public realm and community uses within the North Plot. Any request to amend the Stage 1 Concept Approval to increase the non-residential GFA will be considered on its merits.

The Department also supports an increase in commercial GFA on the North West Plot because:

- growth in commercial floorspace in the Sydney CBD is consistent with the strategic direction set out in *NSW 2021* and *A Plan for Growing Sydney*;
- the proposal will contribute towards Darling Square's estimated employment growth of 2,100 construction jobs and 2,000 operational jobs;
- the site is highly accessible on the fringe of Sydney's CBD and well connected to public transport, including trains, buses, ferries and the Sydney Light Rail;
- there will be no increase in traffic generation as a result of the increased commercial floorspace, as there is no increase in on-site car parking provision (see **Section 5.5**); and
- the potential impact of the increased commercial GFA on existing and planned demand for services, such as sewer, stormwater, water, gas, electricity, communications and waste, are minor and can be accommodated by the proposed modification.

5.3 Design quality

5.3.1 Façade re-design and materials

The approved building incorporates a series of strategic 'folded and creased' composite panels to shroud (or screen) the above ground multi-level car park and colour composite panels in certain zones of the office façade to provide visual interest and contrast to the typically 'banded' window appearance of office developments (**Figure 3**).

The proposal seeks amendments to the façade design and materials (**Figure 3**). A key design amendment is the relocation of the building entrance to the eastern façade, and the creation of a prominent entrance through a full height glazed atrium. The design of the façade continues to screen the car park levels, but with a 'skin' of folded perforated composite metal, with varying colour shades and perforations to provide an articulated 'base' for the building above active uses at ground level. The commercial uses on the upper levels are designed to maximise activity and transparency through glazing, with sunshades and 'fins' providing shade and reducing sun glare.

The proposal was presented to the SICEEP Design Review Panel (DRP) on 1 April 2015. The DRP did not raise any objections but noted that the curved glass (on the eastern façade) should be accurately shown as segmented glass and encouraged the applicant to target a higher green star rating. The Department notes that the glazing on the eastern façade is accurately shown and that the applicant's Addendum to the Sustainability Report states that the proposed development would continue to achieve a 5 star rating as established by the Green Building Code of Australia, in accordance with condition F1.

The Department has assessed the design and appearance of the proposal and considers that it continues to demonstrate a high standard of architectural design, because:

- the eastern façade encourages activation, transparency and connectivity and integration between The Boulevard, building entrance and atrium through active façades provided by a yoga/gym/wellbeing space at Level 1 and 2 and the end of trip cycling facility at Level 1;
- the commercial space (Levels 5 to 11) allows for increased activity and transparency through curtain wall glass facades;
- the carpark levels continue to be screened;
- the north eastern corner of Levels 5 to 12 (commercial and plant levels) contains a feature 'window' frame on the northern façade, which is visible over the Pier Street overpass and integrates with the SICEEP Core Facilities and Darling Harbour;

- to reduce solar glare and reflection, sunshade and vertical anti-reflective 'fins' are proposed on the northern façade, vertical sunshades are proposed on west façade and horizontal sunshades proposed on the east façade; and
- the continuous canopy awning at the ground level frontage along Dickson's Lane (southern façade) is maintained, but increased in height towards The Boulevard to further accentuate the importance and transparency of the south eastern ground level corner.

The Department therefore concludes that the development will continue to achieve a high standard of architectural design that incorporates a high level of building modulation / articulation and a range of high quality materials, as required by the Stage 1 Concept Approval.

5.3.2 Relocation of entrance and activation of the northern façade

The proposal seeks to relocate the main entrance of the building from the north east corner to the eastern façade (**Figures 3 and 4**). The ground floor retail unit on the eastern façade has therefore moved to the north east corner of the building to accommodate the relocated entrance lobby.

The applicant contends that the entrance has been relocated to create a prominent frontage to The Boulevard, and will be highlighted by a full height glazed atrium to showcase the composition of the inner central voids. This full height glazed atrium seeks to integrate the upper commercial levels with the street level and building entrance, which could otherwise be segregated by the car park levels. This atrium will encourage activity at the upper levels of the building and integrate with the various uses of the building through bridges, platforms and glazed lifts. Active frontages, such as retail, gym/yoga/wellbeing and end of trip cycling facilities fronting onto The Boulevard, will further enhance the building entrance on the eastern façade.

Council raised concerns that the relocation of the entrance removes access to the building from the north eastern corner, significantly reducing activation of the northern façade at ground level. Council also raised concerns about the amount of the northern façade taken up by back of house services and requested that the ground floor layout be amended to increase activation of the northern façade by redistributing some of the services and inactive functions.

In response, the applicant has amended the ground floor layout by extending the retail unit on the north east corner to increase activation along the northern façade, as shown in blue on **Figure 7**. The proposal has also been amended so that the stairs up to the ground level entrance wrap around the north east corner, as shown in green on **Figure 7**. The applicant notes that the amendments to the north east corner and some internal reconfiguration of the ground floor layout increase the active uses on the ground floor by 359m².

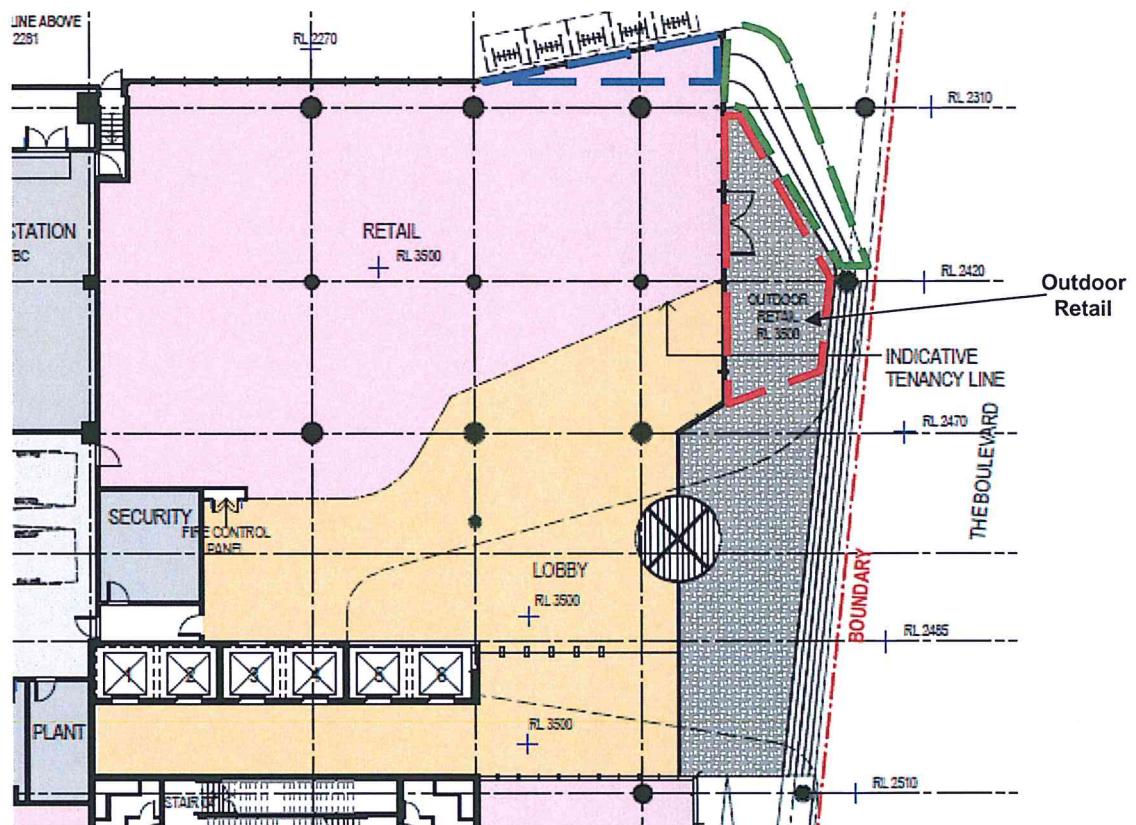


Figure 7: Amendment to the retail unit shown in blue, proposed outdoor dining area shown in red and amended stairs shown in green (Source: Applicant's Response to Submissions)

Notwithstanding the amendments Council remains concerned about the lack of a building entrance on the northern façade and the overall extent of active frontages on the ground floor of the northern elevation. Noting this concern and the applicant's response, the Department supports the proposal as:

- the arrangement enhances the prominent building frontage and entrance onto The Boulevard and the future Darling Square;
- the new atrium successfully reflects the importance of this prominent façade and is well integrated into the wider Darling Square precinct;
- the proposed treatment to the north east corner and proposal for stairs up to the ground level on the north east corner will integrate this corner of the building with The Boulevard and further north into Darling Harbour;
- the car parking access, loading and servicing and the substation are located off the theatre access road consistent with the previous approval;
- the remainder of the building frontage at ground level on the northern façade not used for access and services is proposed as an active façade to the retail unit; and
- the northern frontage is an appropriate location for access and services given its access onto the theatre access road and the lower quality public realm below the overpass.

5.4 Other issues

Outdoor retail space

Council has questioned the suitability of the proposed outdoor retail space adjacent to the north-east retail tenancy and building lobby (**Figure 7**) as this area is likely to have high pedestrian traffic being adjacent to the main entrance / exit to the building. Council requested further information about the type and extent of the proposed activities in this location.

The applicant has confirmed that this space may potentially be used for outdoor dining depending on the tenancy of the adjacent retail unit.

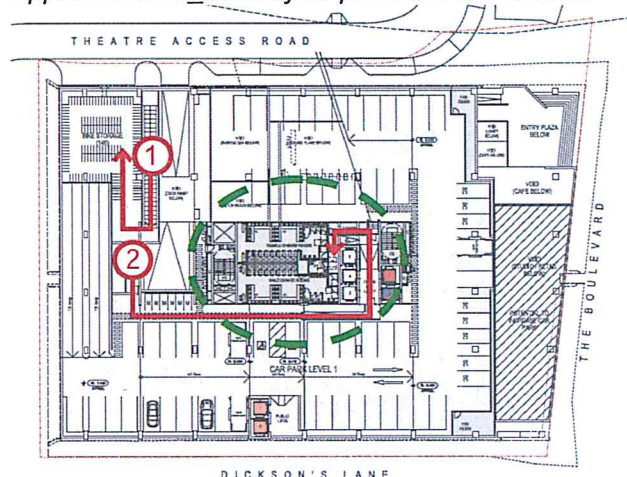
The Department notes that outdoor seating is not proposed as part of this application. Any outdoor seating would be considered as part of a future application to the Council for the use of the retail tenancy. In any case, the Department considers that outdoor dining in this area may positively activate this space and the building at ground floor level under the building canopy. Active use of this space will also contribute positively to the nature of The Boulevard. However, there may be a risk that, if not carefully designed and managed, outdoor dining and in particular retail in this space could disrupt pedestrian movement entering and exiting the building. The Department supports the use of this space for outdoor dining in principle and recommends a condition ensuring that any future seating is related to the use of the retail tenancy, limited to the area to the north of building entrance only and ensures safe and equitable access to the building.

Cycle provision

The modification proposes to increase internal bicycle parking from 146 to 160 spaces, relocate the bicycle entrance / exit and relocate the bicycle parking / end of trip facilities (**Figure 8**). No change is proposed to the 32 visitor cycling parking spaces.

The *NSW Planning Guidelines for Walking and Cycling* requires employee cycle parking at a rate of 3-5% of staff and visitor cycle parking at a rate of 5-10% of staff. The proposal provides combined cycle parking for 8% of staff. The majority of this cycle parking provision is for employees on the North West Plot, which is in contrast to the Guidelines that recommend a higher proportion for visitors. Notwithstanding, the Department supports the proposed staff and visitor cycle parking provision as the demand for cycle parking in this building is likely to come from employees of the commercial uses, rather than visitors to the building. Further, the site is well served by public transport being located on the fringe of the Sydney CBD and cycle parking for visitors to the wider SICEEP cultural uses is widely distributed across the SICEEP.

Approved SSD_6013 cycle provision and access



Proposed changes to cycle provision and access

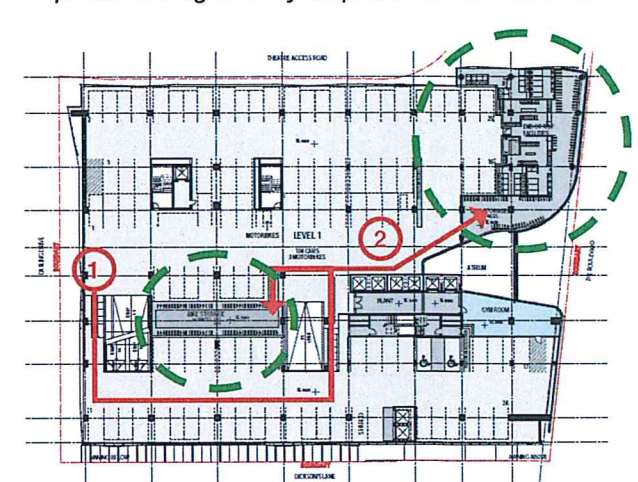


Figure 8: Reconfiguration of the cycle provision and access to end of trip facilities (Source: Applicant's modification documents)

The Department considers that relocating the bicycle access from in between the car park access and loading bay to the north west corner of the building will improve safety and convenience for cyclists.

The Department supports the relocation of the end of trip cycling facilities to be visible on the eastern façade, as this provides an activated and interesting feature on this façade. However, there is a risk that, if not well designed and maintained, these facilities may negatively impact on the appearance of the building on this prominent façade (**Figure 9**) that is highly visible from the Boulevard. The Department therefore recommends a condition that future fit out of this space must include specific details setting out how this space is designed and how it will be used and maintained to ensure the high quality appearance of the building.



Figure 9: End of trip facilities visible from The Boulevard (Source: Applicant's modification documents)

Traffic and parking

Consistent with Condition C12, the proposed modification does not seek to change the car parking provision, being 400 public car spaces, 50 ancillary commercial car spaces and 1 car share space.

The commercial car parking provision remains consistent with the maximum rates set out in the *City of Sydney Local Environmental Plan 2012*.

The modification proposes amendments to the layout of the car park at Level 1, 2, 3 and 4. The Department considers that these changes to the internal layout of the car park will not impact on the functioning of the car park. There is no change proposed to Condition C11, which requires that the layout of the car park entries / exits are designed so that future queuing areas and capacity requirements comply with Section 3.4 of AS 2890.1-2004.

The Department notes that the number of motorcycle parking spaces has reduced from 75 spaces to 37 spaces. The proposed motorcycle parking provision of 37 spaces is in accordance with the *City of Sydney's Development Control Plan 2012*, which requires one motorcycling space for every 12 onsite car parking spaces. The Department therefore supports the reduction in motorcycle spaces.

Treatment of south eastern corner

Council requested additional information on the proposed treatment of the area in between the external columns at the south eastern corner of the building (**Figure 10**). Council's submission states that this could provide an opportunity for landscaping or a high quality finish to reflect the location of this corner on the building's principal frontage.

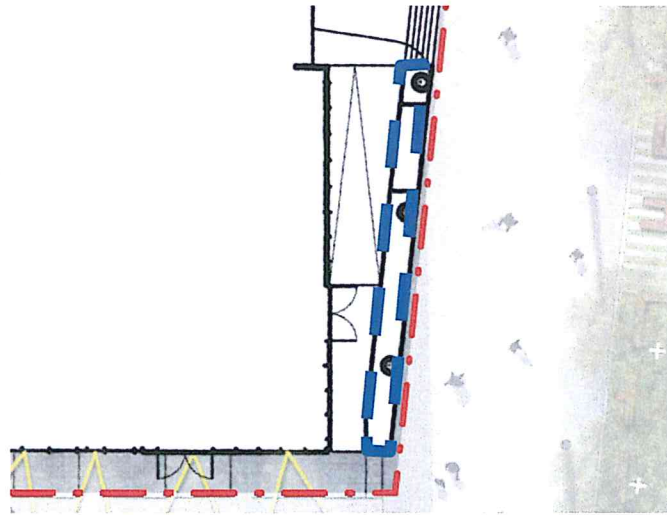


Figure 10: South east corner of the building (Source: Applicant's Response to Submissions)

The applicant confirms that this structural element is proposed to be finished in the same material as the entry stairs, being polished off-form concrete, to be coordinated with the finish of the building, and given its height it could be used for seating.

The Department considers that the applicant's treatment of this space is appropriate.

Access to ground floor utilities

Council has noted that the IQ Hub and south eastern retail tenancy on the ground floor do not have direct internal access to services, loading and waste facilities. In response, the applicant has confirmed that future fit out of the ground floor uses will ensure that the IQ Hub and retail units have direct access to the building's services.

The Department is satisfied that suitable access can be provided at the detailed design stage for the internal fit out of these units.

WELS shower heads

Conditions C21 and F16 of the original North West Plot approval (SSD 6013) outline requirements for water efficient taps and shower heads (minimum 4-star WELS rating) prior to the issue of a Construction Certificate and Occupation Certificate respectively.

The applicant has noted that there is currently no 4-star WELS rated shower heads available on the market. The maximum available is 3-stars. The applicant therefore requests that condition F16 be amended to require 4-star rated taps and shower heads, where available. This is consistent with the existing wording of condition C21.

The Department is satisfied that the purpose of condition F16 is to ensure compliance with condition C21 and therefore recommends that condition F16 be revised.

6. CONCLUSION

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

The proposed modification is generally consistent with the SICEEP Stage 1 Concept Approval (SSD 5878) and does not result in any additional adverse impacts on the surrounding area. The development is considered to be substantially the same as the originally approved development (SSD 6013).

The Department supports the increase in non-residential GFA on the North West Plot as this will deliver increased employment opportunities in an accessible location, on the fringe of Sydney's CBD. The proposal will not compromise the delivery of key elements of the concept plan within the remainder of Darling Square.

The modification to the building envelope and external alterations, including the increase in building envelope and height, relocation of the entrance, introduction of an atrium and external façade changes, will enhance the overall design of the building and will not result in any additional visual or amenity impacts.

7. RECOMMENDATIONS

It is therefore recommended that the Acting Director, Key Site Assessments:

- (a) **considers** the findings and recommendations of this report;
- (b) **approves** the modification under delegated authority, subject to conditions; and
- (c) **signs** the attached Instrument of Modification for SSD 6013 MOD1.

Prepared by: Brendon Roberts
Senior Planning Officer
Metropolitan Projects

Endorsed by

A Watson

Amy Watson
Team Leader
Metropolitan Projects

Approved by

Ben Lusher 20.7.15

Ben Lusher
Acting Director
Key Site Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6987

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6987

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT

APPENDIX C COMPLIANCE WITH THE 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 is generally consistent with the requirements of the Stage 1 Concept Approval (Section 5.2).	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 modified proposal is within the approved building height of RL 53.60 for the North West Plot (Section 5.2).	Yes																																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Plot and Building</th> <th style="text-align: left;">Maximum Height - RL</th> </tr> </thead> <tbody> <tr> <td colspan="2">North Plot</td> </tr> <tr> <td>-</td> <td>RL 28.50</td> </tr> <tr> <td colspan="2">North East Plot</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 colspan="2">South East Plot</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 colspan="2">South West Plot</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 colspan="2">North West Plot</td> </tr> <tr> <td>-</td> <td>RL 53.60</td> </tr> <tr> <td colspan="2">Darling Drive (Western) Plot</td> </tr> <tr> <td>W1</td> <td>RL 75.20</td> </tr> <tr> <td>W2</td> <td>RL 75.20</td> </tr> </tbody> </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
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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: <ul style="list-style-type: none"> ▪ 49,545m² non-residential GFA; and ▪ 147,691m² residential GFA 	The modification proposes an increase in non-residential GFA, with cumulative non-residential GFA for Darling Square still within 49,545m ² (Section 5.2.2).	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 quality materials and finishes.	The modified building continues to achieve a high standard of architectural design (Section 5.3).	Yes																																														
B2 Future Development Applications shall demonstrate	Not Applicable	Not Applicable																																														

Condition	Assessment	Compliance
<p>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).</p>		
<p>B3 Future Development Applications shall maximise street level activation where possible. A Street Level Activation Plan shall be provided that:</p> <ul style="list-style-type: none"> ▪ 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). 	<p>The modified building proposes street level activation on all frontages, except where the frontage is required for car park access, services, loading and the substation (Section 5.3.2).</p>	<p>Yes</p>
<p>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.</p>	<p>The modified building achieves appropriate pedestrian sightlines / visual safety as all building corners are glazed, except the north west corner that has the car park access and building services. This corner is highly visible from Darling Drive, the Pier Street overpass and the theatre access road.</p>	<p>Yes</p>
<p>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.</p>	<p>Above ground car parking is proposed. The applicant contends that the Building and Laneway Visual Assessment will continue to provide guidance and reinforce the core principles for the detailed design of the southern public laneway.</p>	<p>Yes</p>
<p>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.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>B7 Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.</p>	<p>An addendum to the Wind and Reflectivity Assessment has been submitted, which sets out specific requirements for the</p>	<p>Yes</p>

Condition	Assessment	Compliance
	design of the proposed 'fins' on the northern façade to diffuse any direct solar reflection onto the Pier Street overpass.	
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.	Updated landscape plans are provided within the modification request. 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.	No change is proposed to the delivery of open spaces and public realm improvements.	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.	No change is proposed to the Public Art Strategy included within the RtS document considered as part of original approval.	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.	An addendum to the CPTED assessment concludes that the modification does not change the conclusions in the original CPTED.	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).	Not Applicable	Not Applicable

Condition	Assessment	Compliance
Traffic		
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	Not Applicable
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.	Not Applicable	Not Applicable
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 North West Plot. The design of the building façade screens the car parking levels (Section 5.3.1).	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.	Not Applicable	Not Applicable
Residential car parking		
B19 Future Development Applications shall provide on-site residential car parking at the following maximum rates: <ul style="list-style-type: none"> ▪ 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 	Not Applicable	Not Applicable
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.	160 employee and 32 visitor bicycle spaces are proposed, including end of trip facilities (Section 5.4)	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 nominated community organisation(s).	Not Applicable	Not Applicable
Heritage and archaeology		
B22 Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	An addendum to the Statement of Heritage Impact has been prepared. The modification does not result in any additional impact on heritage.	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	An addendum to the archaeological assessment has been prepared. Recommendations are to be adopted in works	Yes

Condition	Assessment	Compliance
recommendations of the assessment shall be adopted as part of future Development Applications.	undertaken on the site.	
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): <ul style="list-style-type: none"> ▪ 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. 	An Addendum to the Sustainability Report demonstrates that a 5 Star Green Star rating will be achieved for the modified 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.	Not Applicable	Not Applicable
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
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.	An addendum to the Noise and Vibration Assessment has been submitted, which confirms that 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 standing and walking 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.	A revised Waste Management Plan has been submitted, which states that the basic principles remain relevant to the updated design.	Yes
Signage		
B31 The signage controls are deleted from the Design Guidelines.	Not Applicable	Not Applicable

Condition	Assessment	Compliance
Construction		
<p>B32 Future Development Applications shall analyse and address the impacts of construction and include:</p> <ul style="list-style-type: none"> ▪ 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. 	<p>The proposed modification will not change arrangements for construction management assessed under the original approval. Nevertheless, reports received with the application, including the updated construction management plan, are considered to address the requirements of B32.</p>	<p>Yes</p>
<p>B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.</p>	<p>An addendum to the Services Infrastructure Report has been submitted, which states that the modified proposal is likely to have an insignificant impact on utility providers to service the development.</p>	<p>Yes</p>
Contamination		
<p>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.</p>	<p>An addendum to the Remediation Assessment has been submitted, which states that the modification does not warrant amendments to the original RAP.</p>	<p>Yes</p>
Community facilities		
<p>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 (now Secretary). 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.</p>	<p>Not Applicable.</p>	<p>Not Applicable</p>

Condition	Assessment	Compliance
IQ Hub		
<p>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.</p>	<p>The modification does not decrease the size or change the location of the approved IQ Hub.</p>	<p>Yes</p>