



**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:**

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

SSD 6633



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

December 2016

ABBREVIATIONS

Applicant	Lend Lease (Haymarket) Pty Ltd
CIV	Capital Investment Value
Concept Approval / Concept Proposal	Approved Concept Proposal for the redevelopment of the site (SSD 5878)
Commission	Planning Assessment Commission
Consent	Development Consent
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Cover Photograph: Artist impression of the South East Plot looking south across Darling Square (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report provides an assessment of a State significant development (SSD) application for a mixed use development (SSD 6633). The site is located within the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Square, South East Plot at Darling Harbour. The applicant is Lend Lease (Haymarket) Pty Ltd and the proposal is located within the City of Sydney Local Government Area (LGA).

The proposal seeks approval for the construction of three buildings over a shared podium at the South East Plot to be used for a mix of residential and retail uses together with associated above ground car parking and public domain improvements.

The project has a Capital Investment Value (CIV) of \$167,000,000 and is expected to generate 450 construction jobs and 84 operational jobs.

The application was publicly exhibited between 14 March 2016 and 2 May 2016. The Department of Planning and Environment (the Department) received five submissions from the public and five submissions from government authorities in response to the exhibition, including City of Sydney Council. An additional four submissions were received from government authorities in response to the applicant's Response to Submissions. The key issues raised in the submissions include design quality, residential amenity, activation of the undercroft, above ground car park screening, flooding, traffic and bicycle parking.

The Department has considered the above issues in its assessment, along with consistency with the approved concept proposal (Stage 1 Concept Approval).

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

The Department's assessment concludes the building is consistent with the building envelope parameters set by the Stage 1 Concept Approval and will achieve a high standard of design that will positively contribute to the Darling Square precinct and wider SICEEP. Since being lodged the application has been amended to provide an acceptable level of activation within the undercroft area by increasing the retail tenancies and separating the residential entrance lobbies.

The Department's assessment has considered the amenity of future apartments and, following several amendments to improve apartment sizes, solar access and privacy, the Department is satisfied the apartments will achieve an appropriate standard of amenity.

The Department's assessment of the traffic impacts indicates the rate of car parking provision and associated traffic impacts are in accordance with the Stage 1 Concept Approval, servicing arrangements are acceptable. The Department considers there is no need for car share spaces within the site and sufficient bicycle parking is provided for the development.

Flooding and stormwater infrastructure are also in accordance with the Stage 1 Concept Approval and therefore considered satisfactory.

Overall the building will form an integral part of the renewal of the SICEEP Darling Square precinct and the wider Darling Harbour area. The proposal will provide significant public benefit as it will contribute to the completion of Darling Square, provide new residential and retail accommodation, public domain works and employment opportunities.

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

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State significant development (SSD) application for a mixed use development (SSD 6633) on the South East Plot (SE Plot) within Darling Square at Darling Harbour, which is located within the City of Sydney Local Government Area (LGA). The application has been lodged by Lend Lease Haymarket Pty Ltd (the applicant).

The proposal seeks approval for the construction of three buildings over a podium at the SE Plot to be used for a mix of residential and retail uses together with associated above ground car parking and public domain improvements.

1.2 Sydney International Convention, Exhibition and Entertainment Precinct

Darling Square is located within the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), which is a major urban renewal project along the western and southern ends of Darling Harbour. The SICEEP project involves three interrelated components linked by a new integrated public domain (the Boulevard), including:

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

An image showing the full extent of the SICEEP precinct is provided at **Appendix C**.

1.3 Darling Square and the South East Plot

The Darling Square precinct occupies the southern portion of the SICEEP, and has an area of approximately 4 hectares. The precinct is bound by the Pier Street overpass and the Novotel Hotel to the north, Hay Street to the south, Harbour Street to the east and the light rail corridor to the west and south. Darling Square comprises six mixed-use development plots, two public open spaces, a central north/south pedestrian link, east west laneways and associated landscaping and public domain (refer to **Figure 1**).



Figure 1: Darling Square (formerly known as the Haymarket) (Base source: SSD 5878)

The SE Plot is located in the south eastern corner of Darling Square, is roughly rectangular in shape and has an area of 4,646 m². The SE Plot is bound by the light rail corridor, Hay Street, Paddy's Market / The Peak Apartments to the south and Harbour Street and low-rise commercial properties within Chinatown to the east.

The areas to the west and north (within Darling Square) are undergoing significant transformation as part of the SICEEP redevelopment, which includes the development of mixed use commercial and residential buildings ranging in height from 5 to 40 storeys (**Figure 2**). Further north, beyond the Pier Street overpass, the construction of the SICEEP Core Facilities and new public open spaces are nearing completion.

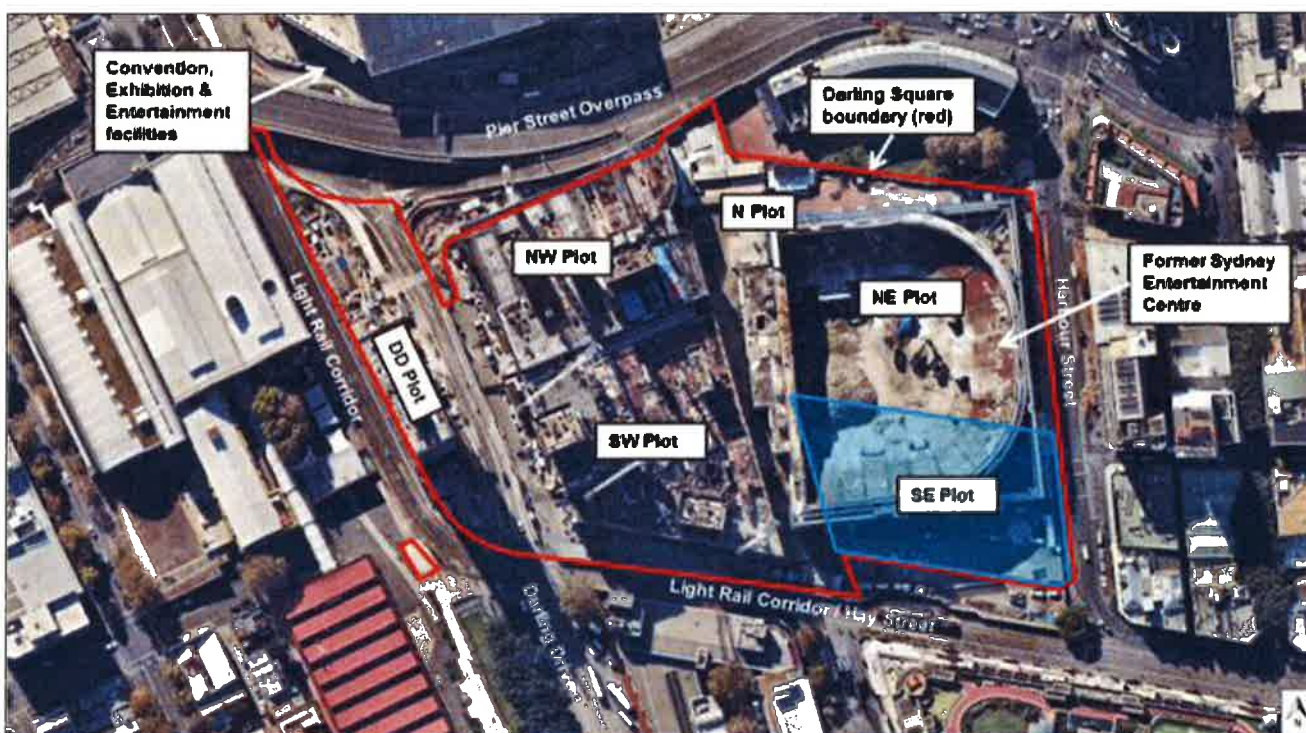


Figure 2: Aerial view showing the Concept Approval and SE Plot site location (Base source: Nearthmaps)

The site includes archaeological remains that associated with the historic use and development of the area, including (c1850) Dickson Dam Wall and occupational evidence between 1870s – 1890s.

1.4 Previous approvals and other relevant applications

On 5 December 2013, the Acting Director-General (as delegate of the Minister) approved a Concept Proposal (SSD 5878) for the development of the Darling Square precinct (Stage 1 Concept Approval) (refer to **Figures 1** and **2**). The approval allows for the staged redevelopment of the precinct and establishes the vision, planning and development framework for the assessment of future development proposal for the site.

The Stage 1 Concept Approval has been previously modified on two occasions, as summarised in **Table 1**.

Table 1: Summary of modifications to the Stage 1 Concept Approval

MOD no.	Summary of Modifications	Approval Date
MOD 1	Increase of 2,575 m ² non-residential GFA.	26 November 2015
MOD 2	Increase of 4,548 m ² non-residential GFA and 6,681 m ² residential GFA, modification to the height and form of the North Plot, the alignment of Little Hay Street and amendment to Design Guidelines (including reduction of site-wide solar access requirement to 63%).	4 October 2016

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

- six separate development plots providing a total GFA of 211,040 m² (comprising 56,668 m² non-residential GFA and 154,372 m² residential GFA);
- maximum building height of 138.63 metres;
- open spaces, roads, laneways and pedestrian through-site links; and
- above ground public and private car parking.

The Department of Planning and Environment (the Department) has approved the following SSD applications within Darling Square:

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

Construction is underway on the Darling Drive, North West and South West Plots. The demolition of the Sydney Entertainment Centre is nearing completion (refer to **Figure 2**).

The Department is also currently assessing an SSD application for a commercial and community use building on the North Plot including a new public square (SSD 7021).

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposal

The key components and features of the proposal (as refined in the Response to Submissions (RtS) and RtS Addendum) are provided in **Table 2** below and are shown in **Figures 3 to 7**.

Table 2: Key components of the SSD application

Aspect	Description
Summary	Construction of buildings up to 29 storeys in height for residential and retail use, above ground car parking, public domain and landscaping improvements and remediation (as required).
Built form	• Construction of: • part 5, part 6 storey podium, maximum height RL 25.03; • 29 storey SE1 tower (including podium), maximum height RL 99.70; • 9 storey SE2 building (including podium), maximum height RL 34.97; and • 10 storey SE3 building (including podium), maximum height RL 35.85.
Gross Floor Area	• Total GFA of 32,028 m² comprising: • 30,411 m² residential GFA; and • 1,617 m² retail GFA.
Residential accommodation	• A total of 391 residential apartments comprising: • 20 studio apartments; • 181 one bedroom apartments; • 177 two bedroom apartments; and • 13 three bedroom apartments.
Access	• Provision of a vehicle access point at Harbour Street.
Public domain and landscaping	• Provision of footpath along Harbour Street within the site; • paving within the colonnade space fronting Hay Street (Figure 4); • landscaping to podium roof level; and • conceptual design of Harbour Street (outside the site) to including paving, planting and installation of lighting (subject to separate application approval).
Car Parking	• Total of 265 above ground car parking spaces located on levels 2 to 5 within the podium.
Remediation	• Remediation works, in accordance with the SICEEP Darling Square Remediation Action Plan (as required).

The SSD application has a Capital Investment Value (CIV) of \$167,000,000 and is expected to generate 450 construction jobs and 84 operational jobs once fully developed.



Figure 3: Location of towers/buildings within the SE Plot building (Base source: applicant's EIS)



Figure 4: View towards the south east corner of the podium and the undercroft/colonnade fronting the light rail corridor / Hay Street (Source: applicant's EIS)



Figure 5: View north towards the podium and SE1 tower (left) and view south towards the SE3 building and SE1 tower beyond (right) (Source: applicant's EIS)



Figure 6: View south along Harbour Street (Source: applicant's EIS)



Figure 7: View west along Little Hay Street (Source: applicant's EIS)

2.2 Project need and justification

A Plan for Growing Sydney

A Plan for Growing Sydney sets out the NSW Government's vision for Sydney for the next 20 years. The Plan anticipates that the population of Sydney will increase by 1.6 million over the life of the Plan, which will result in the need for approximately 664,000 new homes across the metropolitan area.

The Plan aims to accelerate urban renewal across Sydney and give people a choice of housing that is more affordable and located closer to where they work. It encourages balanced growth by stimulating housing growth in both infill and greenfield areas and aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for growth, the Plan focuses urban renewal in Strategic Centres, areas close to transport hubs and corridors and advocates efficient use of land in infill areas.

City of Sydney LGA is located within the Central Subregion and the site is located within the Global Sydney Strategic Centre. A key priority for the Strategic Centre is to provide capacity for additional mixed use development including additional housing and public domain improvements.

The proposed development supports the strategic aims of the Plan by including residential and retail uses as part of an overall mixed-use development within the Sydney Global Strategic Centre. The provision of additional dwellings will encourage walking, cycling and the use of public transport and make use of existing infrastructure due to its close proximity to public transport and entertainment, leisure and employment opportunities.

Draft Central District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC is currently preparing District Plans to inform local council planning and influence the decisions of State agencies. The aim of the District Plans are to connect local planning with the longer-term metropolitan planning for Greater Sydney. The District Plans will commence public exhibition early in 2017.

The SE Plot is located within the Central District. The Draft Central District Plan includes eight key priorities, the following priorities are relevant to the SE Plot redevelopment:

- enhance the role of global Sydney;
- plan for demographic change;
- meet housing demand with innovative solutions;
- enrich unique places and connections;
- promote and celebrate cultural diversity; and
- protect the environment and enhance sustainability.

The proposal is consistent with the relevant priorities of the Draft Central District Plan as it will provide for new employment opportunities to support global Sydney, includes a range of apartment types that cater to a broad range of residents, provides for a new development that achieves a high standard of design, includes heritage interpretation and art and has been designed in accordance with ESD principles.

The SICEEP project and the Darling Square precinct

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

As part of the SICEEP project, the redevelopment of the Darling Square precinct will have a positive social impact by connecting the Core Facilities (which include the convention, exhibition and theatre/entertainment facilities) with public transport and key activity nodes and other areas to the south such as universities and Central Station. The project will also deliver a high quality public domain that will encourage interaction within a safe and secure environment. The provision of public art, commercial activation, recreation areas and landscape treatments will improve the amenity for pedestrians. The improved connectivity and access will ensure equitable access for all persons throughout the precinct.

The proposed mix of uses within the Darling Square will create a vibrant, activated and new neighbourhood providing for new homes, commercial areas, employment and recreational opportunities.

The SE Plot

The SE Plot and North Plot are the last two development plots within Darling Square to be determined. The SE Plot proposal provides the following strategic benefits:

- providing new housing (a total of 391 dwellings) that adjoins the CBD and has excellent access to public transport (bus, train, light rail and ferry), employment, educational facilities, health services and other social infrastructure;
- providing 1,617 m² of new retail accommodation, complementing existing retail offerings in the Darling Square precinct, neighbouring Chinatown and the Sydney CBD;
- contributing towards employment growth by providing an estimated 450 jobs during the construction phase and 84 jobs at the operational stage; and
- providing for new public domain improvements.

3. STATUTORY CONTEXT

3.1. Consent authority

The proposal is SSD because the development has a CIV in excess of \$10 million located at Darling Harbour, which is identified as a SSD site under clause 2 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The Minister is therefore the consent authority.

3.2. Determination under delegation

On 16 February 2015, the then Minister for Planning delegated functions under s89E of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to determine SSD applications within SICEEP to the Executive Director, Key Sites and Industry Assessments, in cases where:

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

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

3.3. Permissibility

The *Darling Harbour Development Plan No.1* (DHDP) is the principal EPI that applies to the site. Clause 6 of the DHDP states that development for the purpose of retail and residential accommodation may be carried out with development consent. The proposal is therefore permissible under Clause 6 of the DHDP.

The Stage 1 Concept Approval allows for a range of land uses across the Darling Square precinct, including residential and non-residential uses (with specific uses to be nominated at application stage).

The Department considers the proposed retail and residential accommodation is consistent with the land-use parameters set by the Stage 1 Concept Approval.

3.4. Environmental planning instruments

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPIs) that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- Darling Harbour Development Plan No 1;
- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development & accompanying Apartment Design Guide.

The Department's consideration of these EPIs is provided in **Appendix B**. In summary, the Department is satisfied the application is consistent with the requirements of these EPIs.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act. A response to the Objects of the EP&A Act is provided at **Table 3**.

Table 3: Response to the objects of section 5 of the EP&A Act

Objects of section 5 of the EP&A Act	Response
(a) to encourage:	
(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,	The proposal redevelops an existing inner city brownfield site that is in close proximity to existing services and excellent existing public transport. The proposal maximises the efficient use of the site and provides for significant economic and social benefits. The redevelopment will also create a significantly better environment through the provision of new active frontages, public domain improvements and a building of a high standard of design and appearance.
(ii) the promotion and co-ordination of the orderly and economic use and development of land,	The proposal forms part of the broader SICEEP project and the Stage 1 Concept Approval, which delivers significant economic and social benefits.
(iii) the protection, provision and co-ordination of communication and utility services,	The proposed development will connect to and augment (as required) communication and utility services in consultation with service providers.
(iv) the provision of land for public purposes,	The proposal includes the provision and upgrade of public domain around the site, including public footways (Section 5.8.3.).
(v) the provision and co-ordination of community services and facilities, and	The proposal includes community rooms and communal open spaces that will be accessible by all residents within the development. Publicly accessible community facilities and open spaces will be provided as part of the development of the nearby North Plot.
(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and	The site does not include any threatened species, populations or ecological communities. The proposal includes landscaping, which will provide for new habitat opportunities
(vii) ecologically sustainable development, and	The proposal includes measures to deliver ecologically sustainable development (Section 3.6).

(viii) the provision and maintenance of affordable housing, and	The proposal provides for additional dwellings and increases the mix and choice of dwelling types within this inner city area. As discussed in Section 5.8.2. , the proposal does not include dedicated affordable rental housing. However, this is justified on the basis that affordable housing, in the form of student accommodation, is provided within the Darling Drive Plot.
(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and	The Department publicly exhibited the proposed development as outlined in Section 4.1 , which included consultation with Council and other government authorities and consideration of their responses.
(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.	The Department publicly exhibited the proposed development as outlined in Section 4.1 , which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website and at Council's office.

3.6. Ecologically Sustainable Development

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

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including:

- minimum 4 Star Green Star equivalent Multi Unit Residential – as built v1 rating on all residential towers;
- residential component to comply with BASIX minimum requirements;
- energy efficient fittings, fixtures and appliances, including fluorescent or LED lighting, lighting controls and ventilation;
- energy and water metering to monitor common energy/water usage;
- high efficiency fittings including dual flush toilets and low-flow taps and showerheads;
- variable refrigerant flow system providing heating and cooling to enable numerous indoor fan coil units to be serviced by central condenser units;
- rainwater collection and reuse; and
- green roof at podium level.

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

3.7. Secretary's Environmental Assessment Requirements

On 20 July 2015, the Department notified the applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied section 1.6 of the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulation), the Department publicly exhibited the application for a minimum of 30 days, from 16 March 2016 until 2 May 2016 (47 days), on the Department's website, at the Department's Information Centre and at Council's office.

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

The Department received a total of 12 submissions, comprising seven submissions from public authorities and five submissions from the general public. Copies of the submissions may be viewed at **Appendix A** and a summary of the issues raised in the submissions is provided at **Tables 4** and **5** below. The Department has considered the comments raised in these submissions during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix B**.

Table 4: Summary of public authority submissions to the EIS exhibition

City of Sydney (Council)
Council does not object to the proposal, however, has raised the following concerns: - amenity of proposed apartments, including overall apartment size, room dimensions and solar access; - maintenance and viability of the planted car parking screen; - extent to which the building fills the building envelope; - wind impacts to the podium and ground level public domain; - public art should be provided at 1% of CIV; - provision of affordable housing; - public domain works; - noise impacts; and - mechanical ventilation.
Transport for NSW (TfNSW)
TfNSW does not object to the proposal, however, it raised the following issues: - impact of construction on the operation of the Light Rail and Sydney Trains assets; - provision of signage along the shared path; and - pedestrian and traffic management during construction. TfNSW also provided recommended conditions of consent, should the application be supported.
Environment Protection Authority (EPA)
The EPA does not object to the proposal, however, it requested confirmation of whether the proposal would trigger any scheduled activity threshold (as per Schedule 1 of the <i>Protection of the Environment Act 1997</i>).
Sydney Water
Sydney Water does not object to the proposal and provided general comments on protection of and building over Sydney Water assets, extension, adjustment and amplification of Sydney Water's systems, stormwater and flooding, trade waste licence and environmental approval.
Heritage Council
The Heritage Council does not object to the proposal. However, it recommended conditions be imposed to record and mitigate impacts on, potential non-indigenous archaeological finds.

Table 5: Summary of issues raised in public submissions to the EIS exhibition

Issue	Proportion of submissions
Poor architectural design	80%
Poor solar access for future residents	80%
Inadequate view sharing	80%
Excessive residential density	40%
Inappropriate building heights	20%
Increased traffic congestion	20%
Overshadowing of new public open space	20%

The Department notes issues raised in public submissions in relation to view sharing, building heights, traffic congestion and overshadowing were considered in detail during the assessment of the Stage 1 Concept Approval and have been resolved in the assessment and determination of that application. Consequently, the Department has considered these particular issues only in so far as they relate to the detailed design of this proposal.

4.2. Response to submissions

The applicant provided a response to the issues raised in submissions and made the following amendments to the proposal:

- revision of apartment mix, layout and design;
- provision of an addition 40 m² retail GFA;
- minor external alterations relating to windows, doors and materials; and
- introduction of wind mitigation screens at podium level.

The applicant's RtS was made publicly available on the Department's website and the Department notified relevant State and local public authorities of receipt of the RtS. An additional four submissions were received from public authorities, including Council, EPA, TfNSW and the Heritage Council. The issues raised by public authorities are summarised in **Table 6**.

Table 6: Summary of public authority submissions

Council
Council reiterated its concerns and raised the following additional concerns: • impact of flooding on retail tenancies; • insufficient provision of adaptable units; • capability of driveway and loading dock designs to accommodate Council's waste vehicles; • design and quantum of bicycle parking; • street tree provision; and • stratum subdivision. Council provided recommended conditions of consent, should the application be supported.
TfNSW
TfNSW recommended additional conditions requiring: • preparation of a loading dock and service vehicle management plan; and • preparation of a construction pedestrian and traffic management plan.
EPA
The EPA is satisfied the proposal does not trigger any scheduled activity threshold.
Heritage Council
The Heritage Council provided additional conditions that require the protection and retention of Dickson's Dam Wall buildings.

In response to the Department's continued concerns about future residential amenity standards, particularly solar access, apartment sizes and ground floor activation the applicant provided an addendum, which made further amendments to the proposal, including:

- conversion of nine apartments from two to one bedroom apartments;
- internal revisions of various apartments to improve open plan living spaces;
- internal and external reconfiguration of four apartments in Building SE3;
- provision of skylights to five apartments in Building SE1;
- provision of new openings and enlarged windows on the eastern and western podium elevations;
- separation of the shared SE1/SE3 residential lobby into two lobbies; and
- provision of an enlarged retail unit (an addition 67 m² retail GFA) fronting Hay Street beneath the colonnaded undercroft.

5. ASSESSMENT

5.1 Section 79C(1) matters for consideration

Table 7 identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD in accordance with section 89H of the EP&A Act. The EIS has been prepared by the applicant to consider these matters and also those required to be considered in the SEARs, section 78(8A) of the EP&A Act and schedule 2 of the Regulation.

Table 7: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPI's is provided in Appendix B of this report
(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	Not applicable
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls is provided in Section 5 and Appendix B
(a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not applicable
(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the Regulations), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>), that apply to the land to which the development application relates	Not applicable
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to Section 5 of this report
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report
(d) any submissions made in accordance	Consideration has been given to the submissions received

with this Act or the regulations	during the exhibition period. See Sections 4 and 5 of this report
(e) the public interest	Refer to Section 5 of this report
The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if: (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the <i>Threatened Species Conservation Act 1995</i>), or (b) a biobanking statement has been issued in respect of the development under Part 7A of the <i>Threatened Species Conservation Act 1995</i> .	Not applicable

5.2 Key assessment issues

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

- consistency with the Stage 1 Concept Approval;
- design quality;
- residential amenity;
- traffic; and
- flooding.

Each of these issues is discussed in the following sections of this report. Other matters were taken into consideration during the assessment of the application and are discussed at **Section 5.8**.

5.3 Consistency with the Stage 1 Concept Approval

The Stage 1 Concept Approval sets out a number of requirements and parameters for future applications in developing the Darling Square site. The Department has considered the proposal against the requirements of the Stage 1 Concept Approval below and in detail at **Appendix B**.

A summary of the proposal's consistency with the building envelope provisions of the Stage 1 Concept Approval is provided in **Table 8** and shown in **Figure 8**.

Table 8: Compliance with Stage 1 Concept Approval building envelope controls

Component	Concept Proposal	Proposal	Consistent
Building Height			
Podium	Maximum RL 25.03	RL 24.40 metres	Yes
SE1	Maximum RL 99.85	RL 98.70 metres	Yes
SE2	Maximum RL 38.10	RL 34.97 metres	Yes
SE3	Maximum RL 68.38	RL 35.86 metres	Yes
Building Separation			
Podium	N/A	N/A	N/A
SE1 and SE2	Minimum 9 metres	12.4 metres	Yes
SE1 and SE3	Minimum 18 metres	18.6 metres	Yes
SE2 and SE3	Minimum 24 metres	32 metres	Yes

Building Width/Depth			
Podium	Maximum envelope plot size: 96 x 56 metres	96 x 56 metres	Yes
SE1	Maximum width 57 metres Maximum depth 24 metres (plus 500mm articulation zone)	50 metres 23.6 metres	Yes Yes
SE2	Maximum width 48 metres Maximum depth 15 metres (plus 500mm articulation zone)	47.6 metres 14.8 metres	Yes Yes
SE3	Maximum width 50 metres Maximum depth 21 metres (plus 500mm articulation zone)	46.4 metres 20 metres	Yes Yes

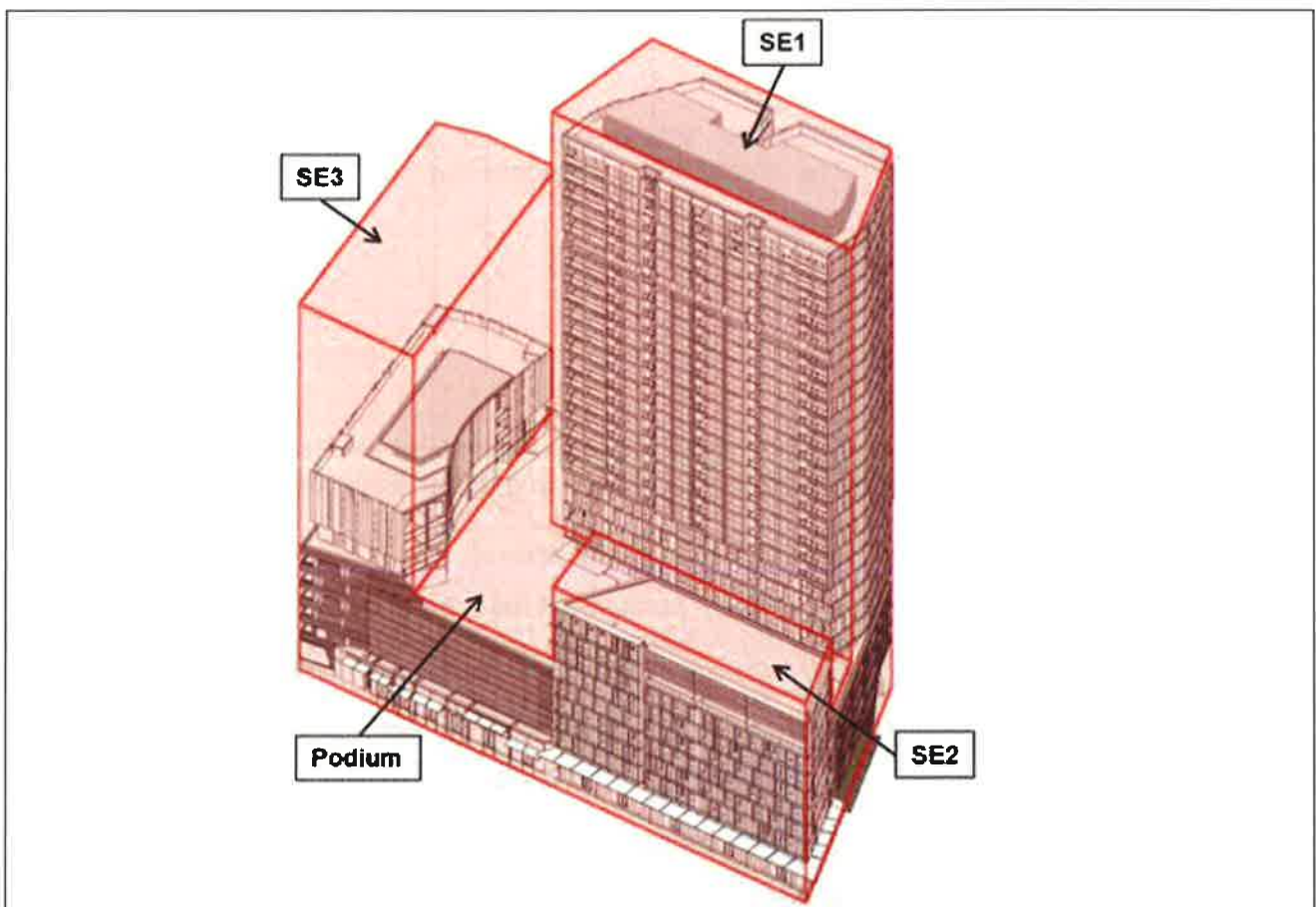


Figure 8: Stage 1 Concept Approval maximum SE Plot building envelope (red) and the proposed development (Source: Applicant's EIS)

The appropriateness of the building envelope heights was a key consideration of the Department's original assessment of the Stage 1 Concept Approval. The Department concluded the height of the development would provide acceptable urban design and amenity outcomes, subject to conditions.

Council has raised concern that as the approved building envelopes for the SE Plot (and across the Darling Square precinct) are larger than the proposed buildings, there may be an expectation that these volumes be developed at a later stage via a modification application.

The Department notes the proposed development largely fills the approved building envelopes, except for the SE3 tower which is approximately 30 metres (10 storeys) lower than the maximum height of the building envelope. Nevertheless, the Stage 1 Concept Approval also stipulates a maximum GFA for the site (of 211,040 m²), which would be reached should this application and the concurrent application for the North Plot (SSD 7021) be approved.

The EP&A Act allows the applicant to submit modification applications at any time. In the event a modification application is submitted, the Department would assess it on its merits, carefully considering the implications and impacts of the modifications and having regard to any issues raised in submissions.

The Department considers the proposed development fully complies with the Stage 1 Concept Approval parameters as outlined in **Table 8** and **Figure 8**. In addition, the Department notes the proposed lower height of the SE3 tower, when compared to the Stage 1 Concept Approval maximum building envelope, results in positive improvements to view sharing and solar access with the nearby residential apartments, including The Peak Apartments, and overshadowing of public domain.

5.4 Design quality

The Department notes approximately 80% of submissions received from the public raised concerns about the architectural quality of the building, including the lack of activation of the colonnaded undercroft and articulation/modulation of the building facades. The Department considers the following design quality considerations are the key assessment issues in determining the appropriateness of the proposal in this prominent location:

- building design;
- activation of the colonnade space on Hay Street and design of SE1 lobby; and
- above ground car parking screening.

Future Environmental Assessment Requirement (FEAR) B1 of the Stage 1 Concept Approval requires future applications to demonstrate 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 applicant considers the proposal exhibits design excellence and responds appropriately to the context of Darling Square's position at the CBD edge as:

- the buildings are compliant with the parameters established within the Stage 1 Concept Approval;
- the overall design of the buildings are of a high quality and standard;
- the height of the building is compatible with existing neighbouring developments and is appropriate within this city edge location;
- suitable building separation is provided within the site and to neighbouring properties, which maximises solar access, outlook and view sharing;
- an appropriate interface is provided between the built form and public domain;
- the building's elevations are appropriately modulated and articulated and provide for a relatable scale at the pedestrian level; and
- the material palette is simple, consisting of terracotta, metal, precast concrete and glass that contrasts with and complements the other buildings within Darling Square and the surrounding area.

To ensure a high standard of architectural design, the proposal was presented to the SICEEP Design Review Panel (DRP) that was established by Infrastructure NSW and is chaired by the NSW Government Architect. The DRP supported the design of the SE Plot building and recommended that:

- appropriate activation be provided to the colonnade space area on Hay Street; and
- attention be given to the design of the lobby/foyer area of SE1 which consists of a long internal corridor.

The applicant has amended the design of the ground floor SE1 residential lobby in response to the DRP's comments by inserting two additional windows into the lobby corridor, fronting Hay Street (**Figure 9**).

5.4.1 Building design

The proposed development comprises a podium / tower built form typology, comprising of one tower (SE1-29 storeys) and two lower buildings (SE2-10 storeys and SE3-9 storeys), which rest on a shared podium covering the entire SE Plot site.

The proposed buildings, above podium level, have been designed to present a different facade to Darling Square, Little Hay Street and Hay Street, and therefore each elevation is afforded its own individual identity, which adds significantly to the visual interest of the overall design. The tower/buildings are appropriately articulated and modulated, and draw on the character and materials of buildings within the Darling Square precinct.

The podium comprises a terracotta façade with punched windows, blind windows and integrated/recessed balconies, which are irregularly spaced to articulate the facades. Compared to the tower/buildings above, the podium is more solid in appearance and consequently provides a strong overall grounding for the development. At ground level, retail façades are provided to Little Hay Street and the Boulevard, while Harbour Street and Hay Street elevations includes retail frontage, a residential lobby, services and a vehicular entry point (as discussed further below). A two storey colonnade is provided at the Hay Street elevation and establishes a prominent design element for the southern boundary of the Darling Square precinct.

The Department notes the proposed SE3 building is 30 metres (approximately 10 storeys) less than the permitted building envelope height, and considers this reduction in scale provides a more relatable scale of development on the corner of Harbour and Hay Streets.

The Department supports the architectural design treatment of the two storey colonnade as it visually establishes the southern aspect of SE Plot as a destination, similar to many inner city colonnaded shopping parades in Sydney and other cities, and gives the building identity and interest. This is further enhanced by the site's location directly opposite Paddy's Markets and the Haymarket Light Rail stop. The Department considers this design creates a visually interesting urban space which achieves an acceptable standard of design and provides an appropriate threshold to the southern boundary of Darling Square (refer to **Figures 4 and 5**).

Overall, the Department considers the building will provide a varied and interesting visual experience and will contribute positively to the emerging distinctive skyline of Darling Square and the wider SICEEP, as envisaged in the Stage 1 determination. The Department therefore supports the overall design of the development as it achieves a high standard of design and appearance.

Notwithstanding the above, the Department shares the DRP's views about the activation of the Hay Street undercroft and design of the SE1 lobby. In addition, Council has raised concerns about screening of the above ground car park. These issues are discussed below.

5.4.2 Activation of the Hay Street undercroft and design of SE1 lobby

The Stage 1 Concept Approval requires street level activation is maximised and mitigation measures are employed to address non-activated elevations. It also requires confirmation of the detailed design, use and management of the Hay Street undercroft area.

In its assessment of the Stage 1 Concept Approval, the Department acknowledged that due to significant stormwater infrastructure (proposed and existing) located beneath the southern boundary of the site and the broader flooding overland flow dynamics, it is necessary for the SE Plot building to span over and be set back from the southern portion of the site. In response to these constraints the building has been designed to include a two storey undercroft supported by a colonnade.

The two storey undercroft is approximately 86 metres long and 9 metres deep.

As originally submitted, the undercroft elevation was divided into three retail tenancies, blank walls, corridor windows and a residential lobby, as described below (and shown at **Figure 9**):

- 39 metres (45%) of active glazed retail tenancy frontages;
- 12 metres (14%) of glazed lobby entrance; and
- 35 metres (41%) of blank wall / heritage interpretation and corridor windows.

The proposal included a single residential entry point for the SE1 and SE3 towers. Internally the lift and stair-cores of both towers are linked via single long corridor (shown in purple in **Figure 9**).

The applicant has stated that activation of the undercroft will serve as a key deterrent to anti-social behaviour and the provision of a single lobby for SE1 and SE3 is appropriate. In particular:

- the three retail tenancies will encourage activity within the undercroft;
- recesses along the façade have been minimised to reduce opportunities for anti-social behaviour and will be reinforced by effective lighting within the colonnade; and
- the space in the future could be used for events such as Vivid, Art and About and the Biennale.

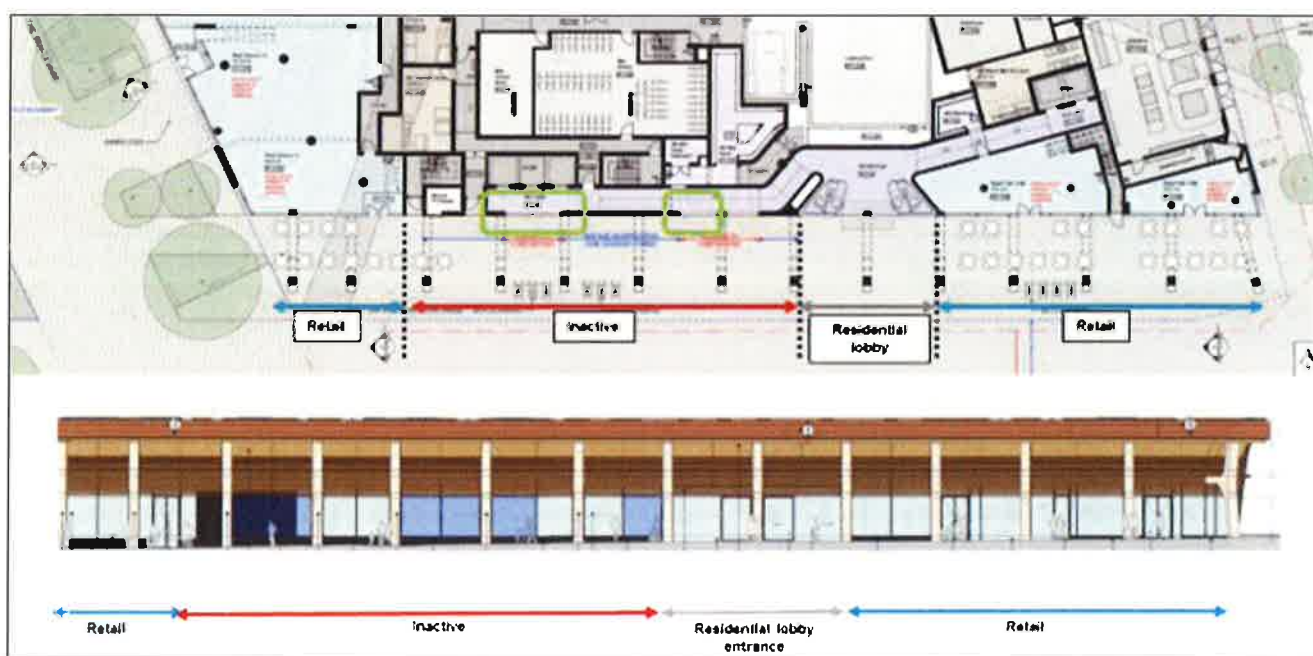


Figure 9: The original ground floor level undercroft layout and elevation including the location of proposed uses and inactive areas, additional windows inserted by applicant outlined in green (Base source: Applicant's RtS)

The Department raised concern that a continuous length of 35 metres (41%) of the undercroft elevation would not be activated and this portion of the elevation is centrally located within the undercroft. Further, the residential lobby provides some level of activation, however, this is considered less intensive than a retail frontage.

The Department considered the inadequate activation within the undercroft area would result in:

- the under-utilisation of the undercroft area;
- a lack of vibrancy that will have a deactivating effect on the south eastern corner of the precinct;
- the significant dilution of the design integrity of the building and a lack of a strong use or purpose for the space; and
- increased risk of anti-social behaviour and/or vagrancy.

In response, the applicant has amended the proposal by separating the shared SE1/SE3 residential lobby into two separate lobbies and included a large retail unit between the two lobbies as shown at **Figure 10**.

The Department notes the revised proposal has increased the width/frontage of retail units by approximately 12 metres (now occupying 60% of the total facade), increased the size of retail accommodation by 67 m² and created two residential lobbies with reduced internal corridor lengths.

In light of the above amendments, the undercroft elevation is now divided as described below (and shown at **Figure 10**):

- 51 metres (59%) of active glazed retail tenancy frontages;
- 10 metres (12%) of glazed lobby entrance; and
- 25 metres (29%) of blank wall / heritage interpretation and corridor windows.

The Department is satisfied the proposal has adequately responded to the concerns raised and will provide an appropriate level of activation within the undercroft area and internal residential amenity.

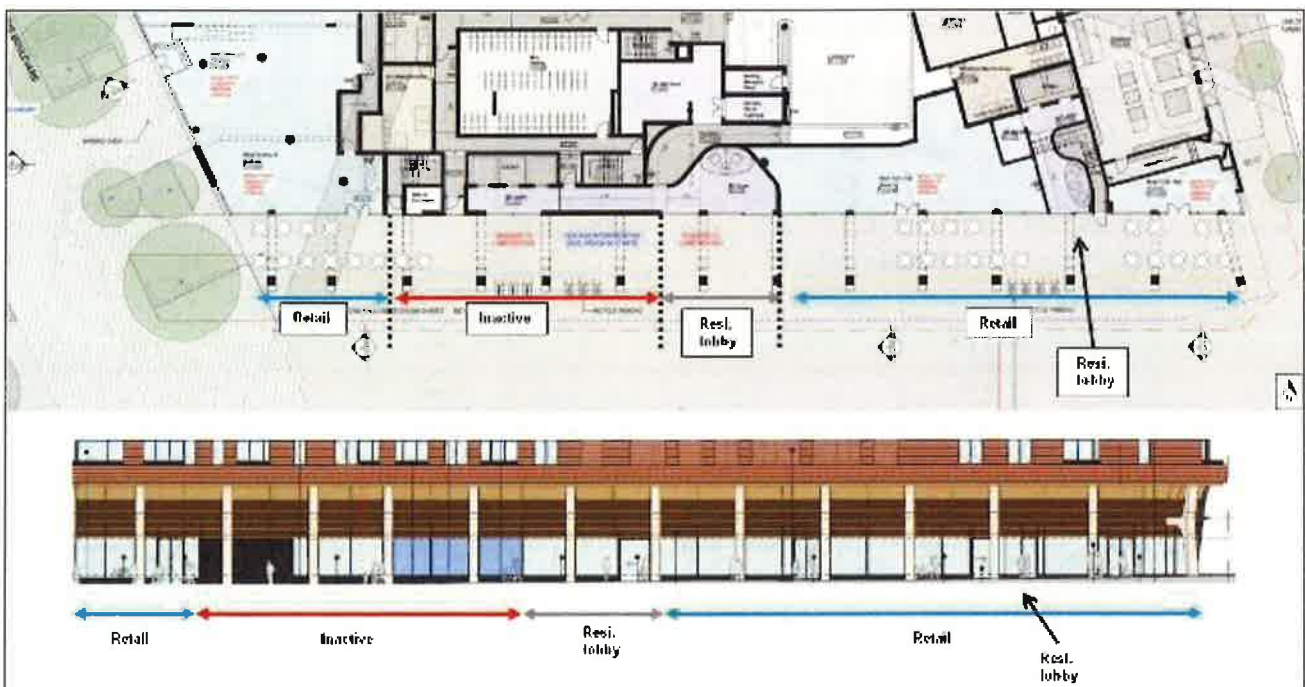


Figure 10: The amended ground floor level undercroft layout and elevation including the location of proposed uses and inactive areas (Base source: Applicant's Addendum).

5.4.3 Above ground car park screening

FEAR B5 requires all above ground car parking achieve an appropriate design and visual impact within laneways.

The proposal includes above ground car parking at all levels within the podium. The majority of the above ground car parking is edged by apartments and therefore screened from view. However, there is a section of approximately 30 metres fronting Little Hay Street to the north and 24 metres fronting Hay Street to the south, which would be exposed.

Little Hay Street

The exposed area of car parking facade fronting Little Hay Street would be treated with louvres, terracotta coloured aluminium battens and climbing plants (**Figure 11**).

Council has raised concern about the maintenance implications (i.e. pruning and pest removal) of the proposed climbing plants. The applicant has confirmed that general management / maintenance of the climbing plants would form part of the future strata management.

The Department is satisfied the proposed screening treatment is of a high standard of design and appearance, and will complement the design quality of the Little Hay Street elevation and the urban laneway atmosphere.

As the above ground car parking screening is located between the first and fourth floor levels, the Department considers this part of the development would be easily accessible for maintenance purposes. The Department is satisfied future strata management is appropriate to ensure that climbing plants and planter boxes will be appropriately maintained.



Figure 11: View west along Little Hay Street showing above ground car park screening without climbing plants (left) and with climbing plants (right) (Source: applicant's EIS and RtS)

Hay Street

The exposed area of car parking facade fronting Hay Street would be screened by louvers, terracotta coloured aluminium battens set within blind windows that follow the pattern of clear-glazed residential windows along the remainder of the façade.

The Department is satisfied the proposed architectural treatment of the above ground car park fronting Hay Street represents an appropriate architectural response that will provide effective screening of the above ground car park in this location.

The Department recommends a condition ensuring the proposed blind windows appropriately replicate the windows (in terms of placement height, widths and depths) proposed for the remainder of the façade.

5.5 Residential amenity

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments. The associated Apartment Design Guide (ADG) sets out best practice design principles for residential developments.

The Department has considered the residential amenity of the proposal against the ADG criteria (**Appendix B**), which demonstrates the development as a whole provides an acceptable level of amenity. However, there are departures from the guidelines of the ADG in relation to:

- building depths;
- solar access;
- apartment sizes;
- balcony sizes;
- room dimensions;
- number of apartments sharing a single lift;
- privacy;
- accessible apartments; and
- deep soil zone.

5.5.1 Building depth

The ADG recommends that overall building depth should not exceed 18 metres glass-line to glass-line. As noted at **Table 8**, the depth of the buildings comply with the Stage 1 Concept Approval building envelope controls and provide the following building depths:

- Podium: 56m;
- SE1 building: 23.6 m;
- SE2 building: 14.8 m; and
- SE3 building: 20 m.

The Department considered the depth of building envelopes within its assessment of the Stage 1 Concept Approval, which noted although the depths exceeded the ADG recommended depths the indicative floor plans demonstrated that apartments would generally receive an acceptable level of solar access and natural ventilation.

The Department is of the view that the residential apartments will be afforded a high standard of residential amenity, as:

- the majority of apartments have a good aspect overlooking either the communal or public open spaces, existing streetscapes and, in the case of higher level apartments, district and water views;
- no habitable rooms are deeper than eight metres from a window (excluding kitchenettes), which is consistent with the recommended maximum of the ADG;
- the depths of the majority of the towers is less than the maximum widths set by the Stage 1 Concept Approval building envelope provisions; and
- all apartments achieve an acceptable standard of internal amenity (as discussed in **Section 5.5** and **Appendix B**).

5.5.2 Solar access

The ADG recommends the following solar access provisions between 9 am and 3 pm at mid-winter:

- a minimum 70% of living rooms and private open spaces of apartments receive a minimum of two hours direct sunlight; and
- a maximum of 15% of apartments receive no direct sunlight.

The ADG notes that achieving the minimum solar access provisions may not be possible on some sites. This includes south facing sloping sites and when significant views are orientated away from the desired aspect for direct sunlight.

Solar access was carefully considered within the Department's assessment of the Stage 1 Concept Approval, which noted the constraints of the site and concluded that Stage 2 applications should aim to achieve the following minimum levels of solar access:

- at least two hours or more of direct sunlight to 63% of all apartments in mid-winter; and
- no more than 17% of apartments receive no solar access.

Solar access to the SE Plot is constrained by surrounding buildings, the location and orientation of building envelopes within the SE Plot and the extent of south facing facades. Notwithstanding, the Department considers the above levels of solar access represent an absolute minimum, and to ensure the best outcome for the site the SE Plot should be afforded greater solar access where this can reasonably be achieved.

In addition to the above, the judgement in the matter of *Botany Development Pty Ltd. v Botany Council [2013] NSW LEC 10360*, notes that the 9 am to 3 pm time span nominated in the ADG may be extended in some cases. This includes where the analysis clearly demonstrates solar access before and after those times can be obtained, and high quality design considerations and orientation of buildings would maximise solar access.

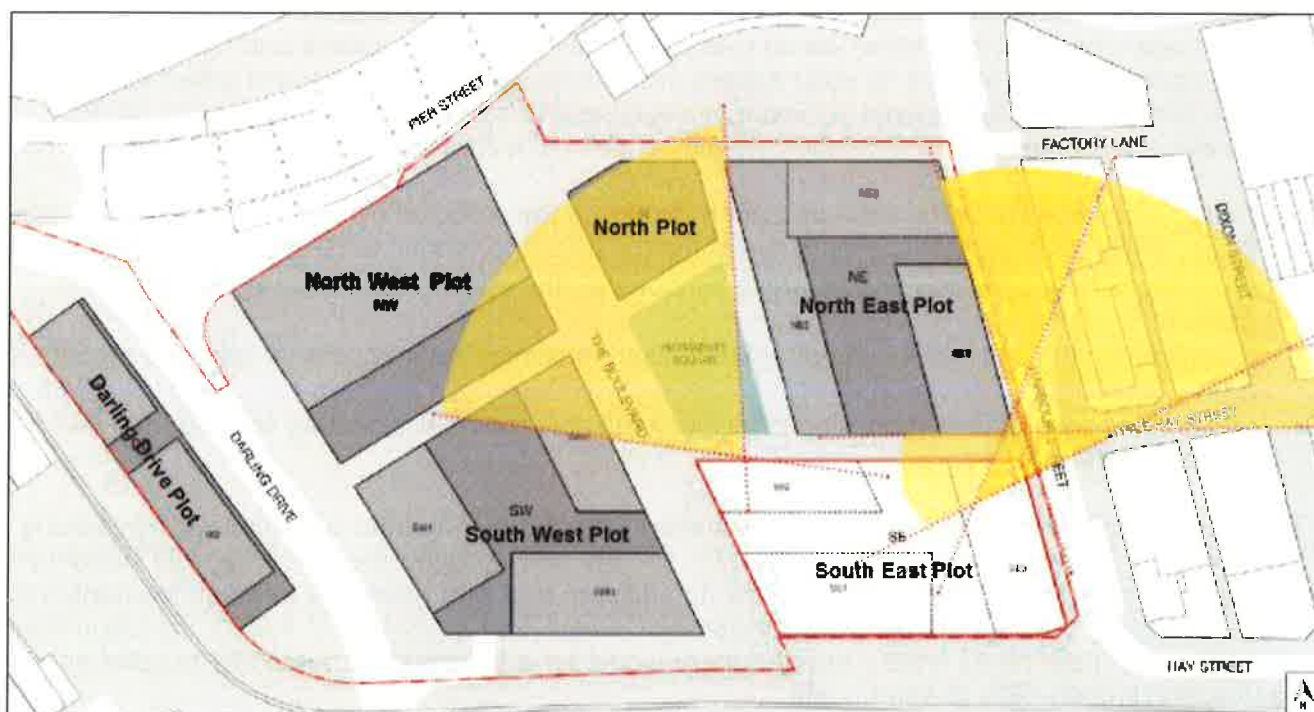


Figure 12: Solar access to the SE Plot, generally unobstructed solar access shown in yellow (Base source: applicant's EIS)

As originally submitted, the proposal did not meet the ADG's solar access recommendations as 183 of 391 apartments (47%) achieved two hours of sunlight and 34% of apartments received no solar access between the hours of 9am and 3pm midwinter.

The applicant has stated the proposal complies with the Darling Square site-wide 63% solar access target and is therefore acceptable.

Department's Assessment

The Department notes that achieving the ADG recommended level of solar access is difficult on the SE Plot for the following reasons (refer to **Figure 12**):

- solar access to the apartments within the podium levels (being 101 apartments) is restricted due to their location edging the above ground car parking, orientation onto Little Hay Street and

- proximity to adjoining buildings, overshadowing from buildings within the South West Plot and North East Plot and the long southern elevation onto Hay Street;
- the location of towers within the North East Plot, South West Plot and existing buildings to the east obscure solar access from the north and east;
- as required by the Stage 1 Concept Approval, the podium and building layouts are arranged to achieve a high standard of building form and as such building orientation and layout is limited; and
- the SE Plot has an east/west orientation which results in a longer southern elevation when compared to the other development plots within Darling Square.

The proposal has included the following design measures to increase solar access and internal residential amenity:

- the number of north facing apartments have been maximised, given the constraints of the site;
- dual aspect apartments have been provided where possible to optimise direct sunlight to habitable rooms;
- apartment depths have been limited to ensure daylight penetration; and
- outlook and panoramic views are available to many of the south facing apartments.

The Department acknowledges, based on the SE Plot as proposed that apartments within the Darling Square precinct (site-wide) will on average achieve 63% solar access and no more than 17% of apartments will receive no solar access. Notwithstanding, the Department raised concern that the percentage of apartments achieving acceptable levels of solar access within the SE Plot (47%) was low and further consideration should be given to increase/improve solar access.

In response to these concerns, the applicant has revised the proposal by:

- incorporating clerestory/skylights to five of the top floor apartments within Building SE1;
- providing of new openings and enlarged windows on the eastern and western facades of the podium;
- reconfiguring the internal layouts of apartments to maximise solar access to habitable rooms; and
- updating its solar access modelling to include habitable rooms accidentally omitted from the original modelling.

The Department notes these amendments have increased the number of apartments achieving 2 hours of solar access in mid-winter from 47% to 50% and reduced the percentage of apartments receiving no solar access from 34% to 22%. In addition, and with reference to the judgement in the matter of *Botany Development Pty Ltd. v Botany Council [2013] NSW LEC 10360*, the Department considers that if the hours were extended there would be additional improvements to solar access, up to approximately 56% of apartments.

In light of the above changes, and acknowledging the constraints of the site, the Department considers the proposed development has maximised the percentage of apartments receiving solar access. The Department therefore concludes, on-balance, the proposal is acceptable with respect of solar access.

5.5.3 Apartment sizes

The ADG recommends minimum apartment sizes, which vary depending on the apartment type. **Table 9** compares the originally proposed apartment sizes against the ADG requirements.

Table 9: Comparison between the ADG apartment size guideline and the originally proposed apartment sizes

Apartment Type	Total Apartments	ADG Apartment Size	Proposed Apartment size	Compliant Apartments	Non-Compliant Apartments
Studio	20	35 m ²	35 m ²	20	-
1 bedroom	172	50 m ²	51-58 m ² 48-49 m ²	149 -	- 23
2 bedroom	186	70 m ²	70-81 m ² 67-68 m ² 61-63 m ²	147 - -	- 30 9
3 bedroom	13	90 m ²	90 m ²	13	-
TOTAL	391			329 (84.1%)	62 (15.9%)

As shown in **Table 9**, of the total 391 proposed apartments, 329 (84.1%) comply with the recommended ADG apartment size and 62 (15.9%) (being one and two bedroom apartments) are smaller than the recommended ADG minimum.

Council has raised concern the proposal does not wholly comply with the recommended ADG minimum apartment sizes.

The Department notes 23 (13.4%) one bedroom apartments are a maximum of 2 m² smaller than required and 30 (16.1%) two bedroom apartments are a maximum of 3 m² smaller, which represent minor deviations from the recommended ADG minimums. These apartments have regular shaped rooms allowing for flexible furniture arrangement, appropriate storage (internal and external), direct access to windows, acceptable solar access and appropriate depths. In light of this, the Department considers these apartments are acceptable.

Nine (4.8%) two bedroom apartments are between 61 m² and 63 m² in size and are therefore up to 9 m² smaller than the recommended ADG minimum. The layouts of these apartments are shown at **Figure 13**. The Department has carefully considered the layouts of the nine non-compliant two bedroom apartments and considers the small size results in a poor standard of accommodation. In particular, the combined living room and kitchen areas are particularly cramped and undersized, and are unlikely to be capable of comfortably accommodating future occupants (potentially up to four people).

The applicant has stated that although these two bedroom apartments are less than the recommended ADG minimum apartment size, they still achieve an acceptable standard of accommodation. Notwithstanding and in response to the concerns raised by the Department, the applicant has amended the proposal by converting these undersized two bedroom apartments into one bedroom apartments (refer to **Figure 13**).



Figure 13: Original two bedroom (left) and amended one bedroom (right) typical apartment layout of the nine undersized apartments (Base source: Applicant's RtS and Addendum)

The Department notes all of these newly proposed one bedroom apartments will exceed the ADG minimum one bedroom apartment size and living room widths and the second rooms (now converted to study rooms) have been designed so they would not be usable as second bedrooms.

In light of the above changes, the Department is now satisfied that the amended nine apartments will provide an appropriate standard of internal residential amenity and are therefore acceptable.

5.5.4 Room sizes

The ADG recommends that living rooms for studios and one bedroom apartments should be 3.6 metres wide and two and three bedroom apartments should be 4 metres wide.

Of the 391 apartments proposed the proposal includes the following apartments with living rooms narrower than the recommended ADG minimum:

- 116 (67% of 172) one bedroom apartments (between 200 mm and 300 mm narrower); and
- 108 (58% of 186) two bedroom apartments (between 200 mm and 600 mm narrower).

The Department considers the above deviations are minor in nature and acceptable. In particular, the layout of apartments are flexible, square/rectangular in shape and can accommodate likely future furniture. The amenity of these apartments is of a high standard, including appropriate outlook, access to daylight and balcony spaces. The size of apartments, as discussed in the previous section, are also acceptable subject to the condition.

5.5.5 Balconies

The ADG recommends minimum balcony sizes for apartments, which vary depending on the apartment type. **Table 10** compares the proposed balcony sizes against the requirements of the ADG.

Table 10: Comparison between the ADG recommended minimum and the proposed balcony sizes

Apartment Type	Total Apartments	ADG balcony size	Proposed balcony size	Compliant Apartments	Non-Compliant Apartments
Studio	20	4 m ²	4 - >4 m ²	20	-
1 bedroom	181	8 m ²	8 - >8 m ² 7 m ² 6 m ²	71 - -	- 106 2
2 bedroom	177	10 m ²	10 - >10 m ² 8 - 9 m ² 6 - 7 m ²	91 - -	- 21 65
3 bedroom	13	12 m ²	12 - >12 m ²	13	-
TOTAL	391			195 (50%)	194 (50%)

As shown in **Table 10**, 195 of the 391 proposed apartments (50%) meet the ADG balcony sizes and 194 (50%) (being one and two bedroom apartments) have balconies smaller than the recommended ADG minimum.

The applicant has stated all proposed balconies are usable and functional spaces. In addition, those apartments with smaller balconies are compensated by the range of communal open spaces (1,700 m²) provided within the SE Plot and the high standard of internal residential amenity.

Two bedroom apartments

A total of 65 two bedroom apartments are provided with balconies of 6-7 m², which are 5 m² - 4 m² smaller than required. These balconies occur in the SE1 building between levels 11 and 29. The Department notes all of these apartments exceed the recommended ADG minimum apartment sizes internal space standards by between 3-11 m², are located on the northern façade with excellent solar access, have well planned functional layouts and will be afforded expansive outlook and views (**Figure 14**).

On-balance, the Department considers the high standard of internal amenity afforded to these apartments, coupled with the easy access to communal open space facilities adequately compensates for the size of proposed balconies.

The remaining 21 non-compliant two bedroom apartments have balconies with areas of 1-2 m² below the ADG recommended minimum. However, the Department notes these apartments all meet or exceed the ADG recommended minimum apartment size. The Department considers the deviation from the recommended minimum balcony size to be minor and therefore acceptable.

Studio, one and three bedroom apartments

All but two of the 108 non-compliant one bedroom apartments have balconies with areas of 1 m² or less below the ADG recommended minimum. The Department considers this deviation from the minimum balcony size to be minor, unlikely to be discernible to future residents and therefore acceptable.

Overall, the Department considers the proposed balconies will provide an acceptable standard of amenity for future occupants and the deviations from the recommended minimum standards are minor and acceptable.



Figure 14: Example of two bedroom apartments with non-compliant balconies (Source: Applicant's Rts)

5.5.6 Number of apartments sharing a single lift

The ADG recommends that for buildings 10 storeys and over, no more than 40 apartments should share a single lift, although variations are possible where it has been demonstrated that a high level of amenity is achieved.

The proposed SE1 tower and its associated podium component include a total of 292 apartments sharing three lifts, which equates to 97 apartments per lift. This is 57 apartments per lift more than the ADG recommendation.

The SE2 and SE3 towers comply with the ADG's recommended number of apartment's sharing a single lift.

The applicant has provided a Vertical Transport Design Statement (VTDS), which analyses the capacity, performance and suitability of the SE1 tower's three passenger lifts to meet future needs. The VTDS concludes the lifts will have the capacity to handle 6% of the building's population at any one time and a waiting time of 60 seconds or less. Based on this, the applicant asserts the lift system will provide future tenants and visitors with a good level of service.

The Department considers, on balance, the proposal for three lifts will provide an acceptable level of service as:

- the proposed building will provide for a high standard of internal amenity, including a lobby with seating opportunities, articulated corridors within the podium component and short internal corridors and access to natural light and ventilation within the tower component;
- the proposed number of apartments per lift is consistent with other towers approved within the Darling Square precinct, including South West Plot building 3 (100 apartments per lift) and North East Plot building 3 (84 apartments per lift); and
- the VTDS has confirmed that a waiting time of up to 60 seconds is the standard waiting time for a normal residential tower development.

5.5.7 Privacy / building separation

The ADG recommends that for buildings nine storeys and above, habitable rooms and balconies should have a minimum separation distance from site boundaries of nine metres (18 metres between buildings). The ADG recognises that architectural treatments can be employed to address instances of overlooking.

In its assessment of the Stage 1 Concept Approval, the Department noted there were instances where building separation distances were less than the recommended minimum. However, the Department concluded this is acceptable as design techniques and architectural features can be used to safeguard future and existing residential amenity.

The SE Plot and North East Plot buildings are separated by Little Hay Street, and have the following building separation:

- eight metres at podium level;
- eight metres between SE2 and NE2 buildings; and
- twelve metres between SE3 and NE1 buildings.

As discussed at **Section 5.3** the above building separation is consistent with the building envelope requirements of the Stage 1 Concept Approval. However, it is less than the ADG recommended minimum building separation distance (18 metres) and consideration of potential overlooking between buildings is therefore relevant.

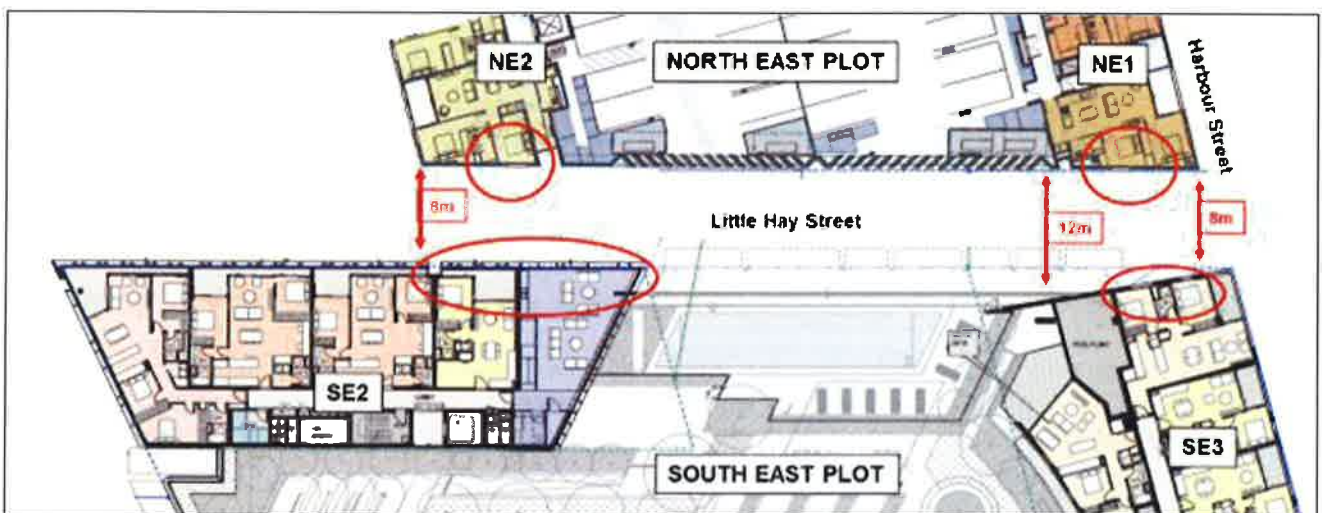


Figure 15: Building separation between the South East Plot and North East Plot buildings

The Department is concerned the proposed internal layout would result in overlooking in the following locations (refer to **Figure 15**):

- apartments and community rooms located in SE2 building overlooking bedroom windows of apartments in the south west corner of the NE2 building between the first and ninth level; and
- apartments located within the SE3 building overlooking bedroom windows of apartments in the south-east corner of the NE2 building between the first and ninth level.

In response to the concerns raised, the applicant has confirmed that privacy screens or opaque glazing would be included to the bedroom windows of the affected apartments in the North East Plot development to the north (bedroom windows circled in red at **Figure 15**). The applicant has provided a letter of undertaking that the window treatments would be included as part of a forthcoming Section 96 modification application for the North East Plot.

The Department acknowledges there are fewer affected windows within the approved North East Plot development and therefore it would be easier to address the mutual overlooking by treating those windows, rather than the more numerous SE Plot windows. The Department is satisfied,

subject to the modification of the North East Plot development as proposed, that the proposal would achieve an acceptable level of privacy.

To ensure an appropriate level of privacy is achieved, the Department recommends a condition that requires the windows of the apartments at each level be treated/screened to prevent direct overlooking, unless this has already been achieved via modification of the North East Plot development.

5.5.8 Accessible / adaptable apartments

The ADG recommends that 20% of apartments incorporate the Liveable Housing Guideline's (LHG) silver level universal design features and that consideration be given to providing adaptable housing in accordance with Council guidelines (i.e. provision of 15% adaptable apartments).

The LHG silver level benchmark focuses on seven structural and spatial design elements of a building to support the changing needs of individuals and families at different stages of life. The applicant confirms that 78 (20%) of apartments within the SE Plot achieve six of the seven design elements, marginally falling short of LHG benchmarks relating to the distance between the toilet and bathroom door (between 233 to 394mm). The Department considers the minor non-compliance with one of the spatial design elements of the LHG is negligible and therefore acceptable.

The proposal provides for 10 (2.5%) apartments that would comply with the Sydney Development Control Plan 2012 (Sydney DCP 2012) adaptable apartments standards. Council has raised concern that the proposed development fails to provide an appropriate number of adaptable apartments in accordance with the Sydney DCP 2012 (i.e. a total of 49 apartments).

The applicant has stated that the layout/structural requirements necessary to achieve the Sydney DCP 2012 adaptable apartments standards would have an adverse impact on the layout and arrangement of other apartments. In addition, the provision of 78 apartments that generally achieve LHG silver level benchmark will adequately deliver flexible adaptable housing.

The Department considers the proposed provision of 10 adaptable (DCP compliant) apartments is acceptable as:

- the proposal adequately addresses the 20% LHG silver level universal design features;
- the provision is generally consistent with other residential buildings within Darling Square (the South West Plot includes 10 (1.8%) adaptable apartments and the North East Plot includes 9 (1.5%) adaptable apartments); and
- a total of 86.4% of apartments meet or exceed the ADG recommended minimum apartment size, which allows for flexibility to address the changing needs of individuals and families at different stages of life.

5.5.9 Deep soil zone

The ADG recommends that deep soil zones should be provided equivalent to 7% of the overall site area. Whilst, no deep soil zones are proposed within the SE Plot, the ADG states that variation to the deep soil zone requirement is possible where a site is located within an urban centre, the ground floor is predominately non-residential and alternative planting is provided.

The Department considers the lack of dedicated deep soil zone within the SE Plot is acceptable as:

- the development is located in a dense urban area and it is typical for buildings in such locations to occupy the entire site;
- new trees have been approved throughout the entire SICEEP (as part of separate applications), including adjacent to the SE Plot along the Boulevard and within the Darling Square public open space;
- the development includes extensive soft landscaping as part of the communal open space at podium level;

- the ground floor uses in the podium are entirely non-residential (with the exception of the residential lobby); and
- the hydrological impacts of the 100% site coverage will be mitigated by existing and proposed stormwater infrastructure.

5.5.10 Conclusion

The Department has carefully considered the internal layout of the proposed development and the resulting residential amenity afforded to future residents.

The Department acknowledges the site's city edge location, orientation and existing constraints that limit the ability of the development to achieve the ADG recommended level of solar access. However, the Department considers, following the amendment of the proposal:

- the development has maximised the percentage of apartments achieving solar access and is therefore acceptable;
- internal apartment layouts and sizes will achieve an acceptable standard of amenity for future residents;
- where apartments do not meet one of the ADG recommended minimum standards, they meet or exceed other standards ensuring there is no adverse overall cumulative amenity impacts;
- building depths are acceptable given the standard of residential amenity afforded to future residents; and
- the lack of deep soil areas are acceptable due to the site's location, existence of extensive tree cover in the immediate area and as ground floor uses are entirely non-residential

Overall the Department considers the proposed development will provide for an acceptable standard of amenity of future residents and is therefore acceptable.

5.6 Traffic

Traffic and car parking were key considerations in the Department's assessment of the Stage 1 Concept Approval. The Department concluded the development would have acceptable traffic impacts subject to future development applications complying with maximum car parking rates and including bicycle parking.

Concerns were raised, during exhibition of this proposal, in public submissions about traffic impacts and Council raised concern about servicing requirements, car share and bicycle parking provision.

Each of these issues is addressed within the following sections.

5.6.1 Car parking provision

FEAR B19 of the Stage 1 Concept Approval states that residential car parking provision within Stage 2 applications shall not exceed the maximum residential car parking rates shown in **Table 11** below.

Table 11: Maximum residential car parking rates

Unit Type	Approved Car Parking Rate	Proposed No. of Units	Maximum No. of Spaces	Proposed number of spaces
Studio	0.1 spaces / unit	20	2	265
1 bed	0.5 spaces / unit	181	91	
2 bed	1.0 spaces / unit	177	177	
3 bed+	1.5 spaces / unit	13	20	
Total	-	391	290	265

A total of 265 residential car parking spaces are proposed for the 391 apartments within the SE Plot, which is 29 spaces less than the maximum rate (290 spaces).

Concerns were raised in public submissions that the proposed car parking provision would have adverse traffic impacts.

In its assessment of the Stage 1 Concept Approval the Department analysed the appropriateness of the quantum, location and impact of car parking provision and also engaged ARUP to undertake an independent assessment of traffic and car parking impacts to inform its assessment. The Department concluded the maximum residential car parking rates (refer to **Table 11**) align with the anticipated level of car ownership within the immediate surrounding suburbs and that the site has excellent access to public transport. Furthermore, the car parking rates provide a reasonable balance between residential car parking demand and traffic generation in the inner city.

The Department is satisfied the proposal is in accordance with the Stage 1 Concept Approval and includes less than the maximum allowed car parking spaces on site. The Department concludes that the proposal will therefore result in lesser traffic impact than assessed in the Stage 1 Concept Approval and is therefore acceptable.

5.6.2 Servicing

The proposal includes four service vehicle bays; two for standard Medium Rigid Vehicles (MRVs), two for smaller service vehicles. The majority of vehicles servicing the site would be MRV or smaller.

Council has raised concern that the proposed development has not been designed to accommodate a 9.25 metre long Council Waste Vehicle with a 4.0 metre height clearance. Council and TfNSW have recommended that a loading dock management plan be developed to promote the safe and efficient operation of the loading dock.

The applicant has provided detailed sections and vehicle swept path analysis, which confirms there is sufficient height clearance and circulation/manoeuvring space for access by Council's refuse vehicles.

The Department notes that as the development consists of residential and small scale retail uses there is likely to be minimal demand for trucks larger in size than MRVs.

The Department is satisfied the design of the loading dock area can sufficiently accommodate MRVs and Council's refuse vehicles. In addition, the Department has recommended Council's and TfNSW's recommended condition requiring the preparation of a loading dock and service vehicle management plan be adopted.

5.6.3 Car share

Council has recommended a minimum of three car share spaces be provided within the podium of the development in accordance with Council's DCP.

The proposal does not include the provision of any car share parking spaces.

The applicant has stated that the provision of car share spaces are not necessary within the SE Plot as a car share space is provided within the North West Plot and 15 car share spaces are provided in the Core Facilities, north of the Pier Street overpass.

The Department notes that in addition to the car share spaces within the North West Plot and Core Facilities (which will be publicly accessible) there are five existing car share spaces close to the SE Plot at Quay Street, Hay Street and World Square. The Department therefore considers there would be a sufficient number of car share spaces within an acceptable walking distance of the site.

5.6.4 Bicycle parking

FEAR B20 of the Stage 1 Concept Approval states that an appropriate amount of bicycle parking should be provided within Stage 2 applications.

The proposal includes the following bicycle parking:

- 391 bicycle spaces (Class 1) for residential dwellings, provided within residential storage cages within the podium levels;
- 45 bicycle spaces (Class 2) for residential visitors and retail staff, provided at ground floor level of the podium; and
- 20 visitor bicycle spaces (Class 3) within the public domain, beneath the Hay Street undercroft/colonnade.

Number of bicycle spaces

Council has stated that its DCP recommends a minimum of 40 Class 3 visitor bicycle spaces should be provided

The applicant has confirmed the number of bicycle spaces is consistent with Council's DCP requirements and the dimensions of the residential storage cages allow sufficient room for bicycle storage.

The Department notes that although there are 20 fewer Class 3 bicycle parking spaces provided, the proposal includes an addition 34 retail/residential visitor Class 2 bicycle spaces than Council's DCP minimum requirement (11 spaces).

The Department notes that within the Darling Square site a total of 72 public visitor bicycle spaces have been approved within the public domain in association with the Darling Drive, North West and South West Plots. Further, the applicant proposes an additional 20 bicycle spaces in the SE Plot and 20 spaces in the North Plot public domain. The Department is satisfied a sufficient number of public visitor bicycle spaces have been provided within the SE Plot public domain, which will complement the existing approved (and proposed) public visitor bicycle spaces within Darling Square.

Type and location of bicycle spaces

Council has raised concern that the residential bicycle spaces should be provided within a dedicated bicycle storage area (Class 3) rather than within residential storage cages and all bicycle spaces should be located on the ground floor level.

It is the Department's view that the provision of residential bicycle storage (being Class 1 storage contained within apartment storage cages) at all levels of the podium car parking levels is acceptable as:

- apartment storage cages are 1015 mm x 1015 mm x 1900 mm minimum which will be sufficient for a bicycle to be hung vertically; and
- multiple lifts serve the podium car parking levels and future cyclists will not be forced to share the vehicular ramped access.

Signage

Council has recommended way finding signage be installed within the podium to direct cyclists to the proposed storage areas.

The Department agrees with Council's recommendation for the installation of way finding signage, and a condition is recommended accordingly.

In light of the above assessment and subject to the recommended conditions, the Department considers the overall provision and location of bicycle parking is acceptable.

5.7 Flooding

Flooding was a key consideration of the Department's assessment of the Stage 1 Concept Approval. The EIS for the Stage 1 Concept Approval included a flooding strategy for Darling Square, which

includes the provision of new drainage infrastructure to mitigate flood impacts and protection of retail units with a barrier systems in extreme flooding events. The Department engaged Parsons Brinkerhoff to advise in its assessment of flooding impacts, and concluded that, subject to the installation of the proposed infrastructure, flooding impacts would be satisfactorily mitigated.

FEAR B28 of the Stage 1 Concept Approval requires that details of the location and design of the stormwater amplification / new culvert be provided with the SE Plot application and that the details are developed in consultation with Sydney Water.

Council has reiterated its concern which it raised in response to the Stage 1 Concept Approval, being that the proposed flood planning levels of the retail tenancies will not comply with Council's Interim Floodplain Management Policy and that it does not support the proposed reliance on 'barrier system' flood defence.

The applicant has confirmed that the proposed flood planning levels and flooding defence is in accordance with the Stage 1 Concept Approval and considers this approach delivers the best urban design outcome for the public domain and the precinct.

The application includes civil drawings relating to flooding and drainage infrastructure. In addition the application is also accompanied by a detailed Flooding, Stormwater and Water Sensitive Urban Design Report (FSWR), which includes mitigation measures including confirmation of floor levels, flood alarms and a 'barrier system' to protect retail tenancies from potential flooding impacts.

The Department notes the applicant has developed the detailed design in consultation with Sydney Water which has confirmed it has no objection to the proposed drainage infrastructure and mitigation measures contained within the FSWR.

The Department considered Council's original submission on flooding and stormwater as part of its assessment of the Stage 1 Concept Approval and concluded that, based on independent specialist advice, the approach to flooding and stormwater (which included flood planning levels of the retail tenancies and 'barrier system' flood defence) was acceptable. In light of the above, the Department is satisfied the proposed flooding and drainage is in accordance with the Stage 1 Concept Approval and is therefore acceptable.

The Department recommends a condition requiring the development be undertaken in accordance with the approved flooding and stormwater strategy for the site.

5.8 Other issues

5.8.1 Construction hours

The proposal seeks approval for the construction hours as shown in **Table 12**, which differ from Council's standard construction hours.

Table 12: Comparison between Council's standard and the proposed construction hours

	Council's Standard Construction Hours	Proposed Construction Hours	Difference	
			AM	PM
Monday to Friday	7.30am to 5.30pm	7am to 7pm	30min later	1.5hrs later
Saturday	7.30am to 3.30pm	8am to 5pm	30min earlier	1.5hrs later
Sunday or public holidays	No work	No work	0	0

Council has recommended the development be constructed in accordance with Council's standard construction hours.

The Department notes the proposed construction hours are extended by two hours during the week (Monday to Friday) and by two hours on Saturdays when compared to Council's standard construction hours.

The Department considers the proposed construction hours are acceptable as:

- they are consistent with the standard hours that have been approved for the other recent projects in Darling Square, including the South West, Darling Drive, North West and North East Plots;
- existing residential properties within the neighbouring Peak Apartments building to the south are approximately 80 metres away from the SE Plot site boundary.
- the properties within the South West Plot (currently under construction) are unlikely to be completed / occupied until the final construction phases of the proposed development. Work has not started on the North East Plot and that building will not be completed / occupied before the completion of the proposal;
- the applicant has advised the proposed construction hours will reduce the construction programme by approximately 10 – 12 weeks; and
- the applicant has committed to implementing appropriate noise mitigation measures and a Construction Environmental Management Plan.

The Department therefore recommends conditions requiring the construction to be carried out in accordance with the proposed hours of construction and preparation of and adherence to appropriate construction environmental management / noise and vibration mitigation plans.

5.8.2 Affordable housing

Housing affordability was a key consideration of the Stage 1 Concept Approval. The Stage 1 Concept Approval did not include dedicated affordable rental housing (ARH) and there are no planning controls for Darling Harbour that regulate affordable housing provision. The Department considers that the applicant has provided a variety of housing options for the Darling Square precinct and notes the indicative Concept Proposal included student accommodation, which represents a form of accommodation that is affordable and provides housing diversity in the precinct. To ensure affordability was considered as part of future applications the Department imposed FEAR B14, which requires future applications to investigate forms of on-site affordable housing (including rental residential accommodation, key worker accommodation and/or student accommodation).

The SE Plot does not include dedicated ARH. Council has raised concern about the absence of ARH and recommended that 10% to 20% of all new housing be ARH.

The applicant has reviewed the potential provision of ARH in response to FEAR B14 and stated the inclusion of ARH is not necessary given the significant provision of affordable student accommodation (1393 beds) within two buildings contained within the Darling Drive Plot (approved under SSD 6010 and SSD 7133). In addition, the applicant asserts the approved student accommodation will help relieve pressure on existing low-priced rental properties (that would have otherwise been occupied by students), further increasing the availability of existing affordable accommodation within the vicinity of the Darling Square precinct.

The Department notes the Stage 1 Concept Approval did not seek to deliver ARH. However, it did envisage that future development applications for the mixed-use residential plots (South West, North East and South East Plots) would include a broad variety of apartment sizes and types and these new dwellings would increase the mix, choice and diversity of dwelling types within this inner-city area.

The Department is satisfied that the previously approved mixed-use residential plots and the proposed SE Plot provide for an appropriate mix of apartments and promote housing choice and diversity. The Department agrees with the applicant that the provision of student accommodation

within the Darling Drive Plot will help relieve pressure on existing low-priced rental properties that would have otherwise been occupied by students. In addition, the Department notes the Darling Square precinct is part of a significant urban renewal project that provides significant public benefits in the form of new open spaces, roads, laneways, community facility, public art and heritage interpretation.

On this basis, and in the absence of a specific ARH commitment through the Stage 1 Concept Approval, the Department considers it is not necessary for ARH to be provided specifically within Darling Square or the SE Plot.

5.8.3 Harbour Street Public Domain

The proposal includes conceptual public domain works along Harbour Street, showing a possible extended footway width and street tree planting.

Council has raised concern that there is no commitment to funding for the footway / public domain works outside the site boundary and this will result in the development not being integrated with the surrounding public domain.

The applicant has met with Council (as landowner and roads authority), TfNSW/RMS and the City Centre Transport Taskforce, and that these key stakeholders have differing views on the ultimate form of the public domain along Harbour Street. Consequently, the applicant has not been able to provide a final design for Harbour Street. In addition, the applicant notes the provision of a draft concept plan for Harbour Street (outside the site boundary) is consistent with the approach approved for the neighbouring North East Plot.

The Department considered whether the SICEEP project should provide development contributions to Council for works outside the site boundary in its assessment of the Stage 1 Concept Approval. The Department noted the site is excluded from the City of Sydney Section 94 Contribution Plans and any contributions under Section 61 of the *City of Sydney Act 1988*. In addition, the Department concluded the resulting form and layout of the development results in significant public benefits, particularly in the form of open spaces, new roads, creation of a new city neighbourhood and providing jobs and therefore does not require development contributions.

The Department considers the proposal provides for an adequate pedestrian footway width along the Harbour Street frontage and although the proposed changes outside the site would improve the public domain they are not required to address footpath capacity or pedestrian circulation or movement. The public domain plan also indicates the proposed footway paving (within the site boundary) will match Council's standard street paving used within Harbour Street. The Department also notes any works within Harbour Street is subject to the agreement of the key stakeholders (noted above).

The Department therefore considers the proposed development provides an acceptable pedestrian environment, has been designed to integrate into the future public domain along Harbour Street and is not required to provide a contribution towards public domain improvements. In addition, the proposal does not prevent improvement being undertaken to Harbour Street in the future. The Department recommends a condition requiring further discussions be held between the applicant and key stakeholders to explore the potential options for Harbour Street public domain.

5.8.4 Archaeology

Indigenous archaeology

The Applicant's heritage consultant has confirmed the development is to be constructed on reclaimed land and therefore has no potential for Aboriginal archaeological remains. The Department is satisfied that no further Aboriginal archaeological assessment recording or testing is necessary.

Non-indigenous archaeology

The site has the potential to contain non-indigenous archaeological remains (built following the various stages of land reclamation) that would illustrate many aspects of the European historical use and development of the area including:

- c1850 Dickson's Dam Wall (state significant); and
- occupation evidence between 1870s – 1890s.

The proposal does not include a basement, however, piling, new stormwater, sewerage and other services are proposed, which may impact on the above noted archaeology. The applicant has committed to detailed archaeological excavation and recording.

Noting the applicant's commitment, the Heritage Council is satisfied the proposed management of archaeological resources is appropriate and recommends conditions to address archaeological impacts. The Department recommends the Heritage Council's conditions accordingly.

5.8.5 Public Art

FEAR B12 requires the submission of a Public Art Strategy for the site.

The proposal includes a Public Art Strategy that provides a Darling Square (precinct wide) approach to the provision of public art, which focuses on the interpretation of the site's history and archaeology and modern art installations on and/or adjacent to buildings and within the public domain.

Council has reiterated its concerns raised in its submission to the Stage 1 Concept Approval that a minimum of 1% of the CIV of the Darling Square precinct should be allocated to public art.

The applicant asserts that public art is one of the many public benefits being delivered as part of the Darling Square development. Further, the applicant stated that public art within the site is being delivered as a co-ordinated, site-wide manner and the approach to the SE Plot is consistent with the previous development applications for other plots within the precinct. The applicant presented the Public Art Strategy for Darling Square to Council's Public Art Advisory Panel on 26 April 2016, and will continue to work with Council to deliver appropriate public art outcomes for the site. The applicant asserts that the vision for Darling Square is to blend public art and architecture therefore providing art as an integral part of the precinct development.

The Department notes FEAR B12 does not stipulate a minimum amount or range to be spent on public art and the Department notes the applicant will deliver public art throughout Darling Square. Furthermore, there are significant public benefits associated with the Darling Square precinct development, including:

- repair of the urban fabric of this part of the city, restoring a street grain and connectivity;
- creation of new roads, lanes, streets and cycle routes and improved pedestrian and cyclist connectivity through the site;
- creation of significant new areas of public open space;
- creation of a new mixed use neighbourhood providing housing and commercial accommodation; and
- creation of approximately 2,000 construction jobs and 2,100 operational jobs

The Department is satisfied the proposed Public Art Strategy is in accordance with FEAR B12 and will ensure the delivery of appropriate public art throughout the Darling Square precinct. The applicant's innovative approach to public art, which blends art and architecture, coupled with stand-alone pieces of art means applying Council's minimum art spend (1% of the total CIV) requirement is not appropriate for this site. Notwithstanding, the Department is confident the public art strategy will deliver the highest standard of public art across the precinct, which will make a positive contribution towards Darling Square and broader SICEEP. In addition, the Department notes:

- the North Plot building (concurrently assessed under SSD 7021) will be an iconic public building, which in itself displays landmark qualities;
- the Public Art Strategy also envisages the scattering of bespoke pieces of art through the public domain via curated art installations, furniture, and lighting;

- the applicant has committed to increase the scale of some intended artworks to enhance the experience in the laneways; and
- the applicant is also investigating extending the bespoke public art beyond the limits of Little Hay Street and Steam Mill Lane to ensure the laneway galleries do not end abruptly at the Darling Square site boundary.

5.8.6 Operational noise

Council raised concern about the noise impacts on apartments from use of the public square and ground floor tenancies.

A Noise and Vibration Report (NVR) has been submitted with the EIS and concludes the proposal would achieve appropriate acoustic environment subject to mitigation and operational measures including acoustic glazing, awnings to retail premises, acoustic louvers to plant rooms and adherence to noise conditions.

The applicant has confirmed all apartments facing the public square (located on levels 2 to 5 of the podium) will be provided with acoustic glazing to protect them from potential noise.

The Department is satisfied the proposed development will be appropriately attenuated, subject to the implementation of noise mitigation measures within the NVR and a condition is recommended accordingly. The Department also recommends noise conditions to ensure that operational noise complies appropriate EPA standards to ensure an appropriate acoustic environment.

5.8.7 Wind

Council raised concern about the potential wind impacts at podium level and along the Boulevard. The Department and Council recommended that additional mitigation measures be employed to address wind impacts within the communal landscaped area at podium level and along the Boulevard.

In response, the applicant has amended the design of the podium to include additional structures and screens to mitigate wind impacts and create a more comfortable environment. In addition, the applicant has confirmed that proposed awnings along the western (Boulevard) elevation of the podium coupled with tree planting within the Boulevard itself will ensure that pedestrians will be able to walk comfortably.

The Department is satisfied the proposed wind mitigation measures will ensure the development provides an appropriate wind environment and recommends a condition requiring the wind mitigation measures be installed prior to first occupation.

5.8.8 Mechanical Ventilation

Council has recommended that details of the mechanical ventilation capacity for the retail tenancies and discharge points should be provided.

The applicant has stated that the ground floor tenancies have been designed so that kitchen exhausts will be ducted through the SE2 building and out at roof level. The exhausts will include appropriate filtration.

The Department is satisfied the proposed development has considered the likely future kitchen exhaust needs of the retail tenancies. The Department recommends a condition requiring the appropriate installation and maintenance of kitchen exhaust facilities.

5.8.9 Waste collection

Council has raised concern that waste collection should not result in adverse visual or traffic impacts and recommended a condition requiring:

- refuse/recycling bins be put on the street no earlier than half an hour before collection;
- bins be removed no later than half an hour after collection; and
- collection only occur between 7 am – 8 pm weekdays and 9 am – 5 pm weekends.

The applicant has confirmed that residential waste will be collected by Council collection services from the loading dock within the podium. Retail waste will be collected by a private contractor and the exact location and timing will be determined following the appointment of the contractor.

The Department recommends a condition requiring, should on-street pick-up be required, the applicant endeavour to collect bins and return them to the waste storage room within half an hour following collection. Consistent with other recent development approvals at Darling Square, the Department also recommends a condition requiring the preparation of a Waste Management Plan for the collection of refuse/recycling from the development.

5.8.10 Contamination

Contamination was assessed as part of the Stage 1 Concept Approval for Darling Square (SSD 5878), including the approval of a site-wide Remedial Action Plan. The RAP concludes that subject to any necessary remediation being carried out in accordance with the RAP, the site can be made suitable for the proposed development and future uses.

The Department is satisfied contamination on the site has been appropriately addressed and notes that measures are in place should unanticipated contamination be found during works. Further consideration of contamination and SEPP 55 is provided at **Appendix B**.

5.8.11 Street tree planting

Council has raised concern that the proposed landscaping plans include street tree planting and stated that street tree planting is Council's responsibility and no street tree planting should be undertaken by the applicant.

The Department notes street tree planting is Council's responsibility and the tree planting shown on the landscaping plans is located outside the site and is annotated as 'concept only, subject to approval'. The Department is therefore satisfied that the street tree planting is indicative only and will not be carried out by the applicant in relation to this application.

5.8.12 Subdivision

Council recommended the retail and residential components of the building be subdivided into two separate stratum lots and that the overarching strata management or building management statement is registered. Council also recommended a suite of strata and stratum subdivision conditions.

The Department notes the application does not include the stratum or strata subdivision of the building. Any subdivision of the building will be the subject of a future application and the Department recommends a condition confirming this. As no strata or stratum subdivision is proposed the Department does not consider it necessary to impose the conditions recommended by Council.

5.8.13 Council's recommended conditions

Council has also recommended a number of conditions (not previously discussed within this report), which the Department does not agree are necessary or appropriate as summarised in **Table 13**.

Table 13: Summary of Council's conditions not considered necessary or appropriate

Council Recommended Conditions	Department's Reason
Provision of detailed plans and subsequent dedication of Little Hay Street, the Boulevard and	These spaces are not part of this application and are owned by SHFA and will be managed by the

public domain to Council	applicant. The application does not include the dedication of any public domain or open space.
Provision of a heritage interpretation plan for Little Hay Street	Little Hay Street is part of the North East Plot (not the South East Plot) and a heritage interpretation strategy has been approved as part of a separate application.
Submission of landscaping plans	Sufficient details are already provided
Street tree protection during construction	No street trees are adjoining the site
Details of imported fill	No imported fill proposed
Details of underground tank removal	No underground tank removal proposed
Signalling system for single lane ramps	No single lane vehicular ramps proposed
Changes to kerbside parking restrictions and payment of roadway costs	No changes are proposed to kerbside parking restrictions and no proposed roads.
Submission of vehicle swept path analysis	The application has demonstrated that vehicles can enter/exit the site appropriately.
Approvals under section 138 of the Road Act	Applied as an Advisory Note
Council's on-street parking permit scheme restrictions	Applied as an Advisory Note
Design and operation of visitor car parking	No visitor car parking is proposed
Alignment levels and public domain bank guarantees	Ground works alignment levels are included in the application and conditions are included that will adequately protect the public domain
Discharge of water to Council's stormwater system	No proposed discharge of water to Council's stormwater system

6. CONCLUSION

The Department has assessed the merits of the proposals taking into consideration the issues raised in all submissions and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The proposed SE Plot building will form an integral part of the Darling Square precinct that will contribute to the urban renewal of the locality. The proposal has significant benefits including:

- providing for new residential accommodation that adjoins the CBD and has excellent access to public transport (bus, train, light rail), employment, educational facilities, health services and other social infrastructure;
- providing for a new building with a high standard of architectural design and appearance and will complement the existing urban character of the area (subject to additional activation within the undercroft and the separation of the SE1 and SE3 tower lobby);
- contributing towards employment growth by providing an estimated 450 jobs during the construction phase and 84 jobs at the operational stage; and
- providing for public domain improvements that will integrate the development into the Darling Square precinct and existing surrounding areas.

The Department's assessment concludes the building is consistent with the building envelope parameters set by the Stage 1 Concept Approval and will positively contribute to the Darling Square precinct and wider SICEEP.

The Department has carefully considered Council's concerns regarding the amenity of future occupants of the building. The Department is satisfied, following the amendment of the application that the proposal has maximised the percentage of apartments achieving solar access and the internal layout and size of the apartments will provide for an appropriate standard of residential amenity.

The Department's assessment indicates the rate of car parking provision and associated traffic impacts are in accordance with the Stage 1 Concept Approval, servicing arrangement are acceptable, there is no need for car share spaces within the site and sufficient bicycle parking is provided for the development and within the public domain.

Flooding and stormwater infrastructure are also in accordance with the Stage 1 Concept Approval and therefore considered satisfactory.

Subject to the recommended conditions, the Department considers the proposal is in the public interest and recommends the application for approval.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- a) **consider** the recommendations of this report; and
- b) **approve** the State Significant Development Application (SSD 6633), under section 89E of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **sign** the attached development consent at **Appendix E**.

Endorsed by:



Brendon Roberts
Team Leader
Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Prepared by: Matthew Rosel
Consultant Planner
Key Sites Assessments

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Impact Statement

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6633

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6633

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6633

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

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

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

- *Darling Harbour Development Plan No.1*
- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *Building Code of Australia;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *City of Sydney Development Control Plan 2012; and*
- *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.*

COMPLIANCE WITH CONTROLS

Darling Harbour Development Plan No.1

Relevant Sections	Consideration and Comments	Complies?
3 Objects (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area (c) to make provision with respect to controlling development within that area.	The proposed development provides for a residential and retail uses. The proposed development is permissible with consent.	Yes
6 Permit required for certain development Development: (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending)...[or] (d) for any purpose specified in Schedule 1... [includes: residential building, commercial premises, shops, film/television/radio studios, car parking stations, recreational facilities, markets and parks and gardens...] ...may not be carried out except with a permit being obtained therefore	The proposed development provides for residential and retail land-uses consistent with the land-use parameters set by the Stage 1 Concept Approval.	Yes
8 Permits required for renovation and demolition (1) The renovation or demolition of a building or work may not be carried out except with a permit being obtained therefore	The site preparation works are permissible with consent.	Yes

State Environmental Planning Policy (State and Regional Development) 2011

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

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal satisfies the criteria for traffic generating development under clause 104 of the SEPP and therefore must be referred to RMS (a part of TfNSW) for comment.

The proposal was referred to RMS and TfNSW for comment in accordance with the ISEPP and their comments are summarised in **Section 4** of this report. The proposal is considered to be consistent with the ISEPP given the consultation and consideration of the comments raised by TNSW has been undertaken in the Department's assessment in **Section 5** of this report.

State Environmental Planning Policy No. 55 - Remediation of Land

Contamination was assessed as part of the Stage 1 Concept Proposal for Darling Square (SSD 5878), including the approval of a site-wide Remedial Action Plan.

The RAP identifies two localised areas of soil contamination within the site that present potentially unacceptable health risks to future site occupants. No unacceptable ecological risks associated with groundwater have been identified within the site. The RAP presents an approach to

remediate and validate these areas of soil contamination and thereby mitigate the unacceptable risks identified. Appendix E of the site-wide RAP provides a Plan of Remediation for the SE Plot, which advises that if unanticipated contamination conditions arise, procedures are in place to ensure that appropriate remediation work is undertaken, including advising the Site Auditor of the incidence and actions taken.

The RAP concludes that subject to any necessary remediation being carried out in accordance with the RAP, the site can be made suitable for the proposed development and future uses.

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

A detailed acid sulphate soils management plan will be prepared to address the high likelihood of acid sulphate soils within natural soils beneath the water table within the site.

Building Code of Australia (BCA)

The applicant has submitted a BCA Compliance Report which confirms compliance with the relevant sections of the BCA. The Department also recommends a condition requiring compliance with the BCA.

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

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

There has been a commitment to use the requirement of BASIX as a minimum requirement and a BASIX report (ref: 628683M_04) has been submitted for the building demonstrating satisfactory compliance with BASIX targets. The BASIX scores of the building are:

- Energy – 40%;
- Water – 21%; and
- Thermal Comfort – Pass.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

While the Department notes the site is located approximately 600 metres from the Darling Harbour foreshore, an assessment of the proposal against the Sydney Regional REP has been undertaken. Within the Sydney Harbour REP, the site is identified as being within the 'Foreshores & Waterways Area' boundary. Overall, the Department is satisfied the proposal is consistent with the relevant provisions and matters for consideration within Part 3, Division 2 of the Sydney Regional REP as it will not negatively impact upon the Sydney Harbour Catchment.

City of Sydney Development Control Plan 2012

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to SSD.

State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

The Department has assessed the proposal against the aims and objectives of SEPP 65 below:

SEPP 65	Department's Response
Proposed Principle	
1. Context and Neighbourhood Character	The proposal is consistent with the use and built form requirements of the Stage 1 Concept Approval and with the existing and desired future character of the locality as discussed in Section 2.2 . The proposal will have acceptable impacts on the amenity of existing and future adjoining development.
2. Built Form and Scale	The proposal is consistent with the building envelope parameters set by the Stage 1 Concept Approval and the height and general scale of the development is appropriate within its city edge locality. The scale of the development is compatible with existing developments adjoining the site and the other buildings within the Darling Square precinct as discussed in Section 5.4 . The development is considered to be of a high standard of architectural design and appearance as discussed in Section 5.4 . The development has an appropriate relationship with nearby heritage items and conservation areas.
3. Density	The building is considered to be of an appropriate density and scale and is consistent with the gross floor area controls of the Stage 1 Concept Approval.
4. Sustainability	A BASIX certificate was provided with the proposal and demonstrates that the proposed development meets the BASIX water, thermal and energy efficiency targets. Further, Ecologically Sustainable Development principles have been incorporated into the proposal and the residential towers will be considered under the Green Star Custom multi-residential tool.
5. Landscape	The proposal includes a landscaped podium roof and public domain improvements. The landscaped design will provide a high level of amenity for residents, employees and visitors and ties into the overall landscaping of the Darling Square precinct.
6. Amenity	The proposal complies with the principles of SEPP 65 and, despite some non-compliances, generally meets the recommended standards of the ADG. Overall the proposal achieves a satisfactory standard of residential amenity. The proposed apartments will achieve acceptable levels of privacy, private open space, solar access and natural ventilation.
7. Safety	The building has been designed to provide passive and active surveillance of the surrounding public domain. The Department recommends a condition requiring the amendment of the ground floor level fronting the undercroft to improve activation of the space. Security access is provided for pedestrian entry into the residential building and vehicular entry to the basement.
8. Housing Diversity and Social Interaction	The proposal does not include affordable housing. However, student accommodation containing more than 1,300 student beds is provided within the Darling Drive Plot. The proposal provides a mix of apartment sizes to cater for a range of residents.
9. Architectural Expression	The proposal demonstrates a high standard of architectural design. The proposal also includes an effective palette of materials and finishes that appropriately articulate the building form and integrate with the surrounding Darling Drive

	precinct and other existing surrounding buildings within Haymarket. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building.
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An assessment of the proposal against the ADG best practice design principles is provided below:

ADG – Relevant Criteria			Proposal	Consistency?
2E Building Depth				
• Use a range of building depth of 12-18m from glass line to glass line • Where greater depths are proposed demonstrate layouts can achieve acceptable amenity			• Building depths vary between 14.8m and 56m	No Refer to Section 5.5
3B Orientation				
• Building type/layouts respond to streetscape, optimising solar access • Overshadowing of neighbouring properties is minimised			• The proposed building is consistent with the Stage 1 Concept Approval • Overshadowing is minimised in accordance with the Stage 1 Concept Approval	Yes
3C Public Domain Interface				
• Transition between public/private without compromising security • Amenity of public domain is retained and enhanced			• Active frontages have been maximised. • Residential lobbies are easily identifiable. • Suitable public domain/landscaping provided.	Yes
3D Communal and Public Open Space				
• minimum 25% of the site • minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter			• Residents will have access to the 2,772 m² landscaped podium level, which is approximately 60% of the SE Plot site area. • The podium level communal open space will receive 57% direct sunlight between 9am – 3pm.	Yes
3E Deep Soil Zones				
• For sites greater than 1,500sqm a minimum of 7% to 15% of the site should provide for deep soil zone(s)			• No deep soil area provided.	No Refer to Section 5.5
3F Visual Privacy				
• Minimum separation distance from building to side boundary:			• The proposal complies with the Stage 1 Concept Approval minimum separation distances. • The northern elevation of the SE Plot is closer to the neighbouring North East Plot than the recommended ADG minimum separation distances.	No Refer to Section 5.5.
Height	Habitable rooms and balconies	Non-habitable rooms		
Up to 12m (4 storeys)	6m	3m		

Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
3G Pedestrian Access to Entries				
• Building entries and pedestrian access connects to and addresses the public domain • Access, entries and pathways are accessible and easy to identify • Large sites provide pedestrian links for access to streets and connection to destinations		• Entries and pedestrian access connects to and addresses the public domain. • Entries are well located, designed and easily identifiable. • The proposal includes pedestrian links through the podium connecting surrounding public domain and streets.		Yes
3H Vehicle Access				
• Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		• Vehicle access is provided from Harbour Street. • Appropriate sight lines are achieved. • Car park entry is well designed and integrated into the design of the podium • Pedestrians/cyclists are separated from traffic.		Yes
3J Bicycle and Car Parking				
• Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less • Parking is available for other modes of transport • Car parking design access is safe and secure • Visual and environmental impacts of underground, at grade or above ground car parking are minimised		• 265 car parking spaces provided. • Above ground car parking is of an acceptable design and layout. • A total of 456 bicycle parking spaces, comprising: ○ 391 secure residential spaces; ○ 45 secure retail staff and residential visitor spaces; and ○ 20 publicly accessible visitor spaces within the public domain.		Yes
4A Solar and Daylight Access				
• Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area • Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter • Shading and glare control is provided		• 50% of apartments receive 2hrs of direct sunlight in mid-winter • 22% of apartments have no direct sunlight access in mid-winter. • The building design includes recessed balconies, screens and other shading and glare control devices		No Refer to Section 5.5
4B Natural Ventilation				
• At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated)		• The proposal achieves 67% natural cross flow ventilation.		Yes

Overall depth of a cross-over or cross-through apartment does not exceed 18m		
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7m - Non-habitable rooms 2.4m	Ceiling heights meet or exceed the recommended minimums.	Yes
4D Apartment Size and Layout		
- Minimum apartment sizes - Studio 35sqm 1 bedroom 50sqm 2 bedroom 70sqm 3 bedroom 90sqm - Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms - Habitable room depths are limited to 2.5 x the ceiling height - In open plan layouts the maximum habitable room depth is 8m from a window - Master bedroom have a minimum area of 10sqm and other bedrooms have 9sqm - Bedrooms have a minimum dimension of 3m (excluding wardrobes) - Living rooms have a minimum width of: 3.6m for studio and one bed 4m for 2 and 3 bed - The width of cross-over or cross-through apartments are at least 4m internally.	53 apartments do not meet the recommended ADG minimum apartment size guideline. 224 apartments include rooms that do not meet the recommended ADG minimum room size guideline. - Building depth is in accordance with the parameters set by the Stage 1 Concept Approval.	No Refer to Section 5.5
4E Private Open Space and Balconies		
- Primary balconies are provided to all apartments providing for: - Studios apartments min area 4sqm 1 bedroom min area 8sqm min depth 2m 2 bedroom min area 10sqm min depth 2m 3 bedroom min area 12sqm min depth 2.5m - For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm - Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building - Primary open space and balconies maximises safety	- As shown in Table 5.3.3, a total of 194 (50%) one and two bedroom apartments have balconies with areas less than the recommended ADG minimum. - There are no ground floor level apartments. - All balconies are integrated into the architectural form/detail of the building. - Balcony design avoids opportunities for climbing and falls.	No Refer to Section 5.5
4F Common Circulation and Spaces		
Maximum number of apartments off a	Between eight and 12 apartments	No

circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated	are provided off each circulation core. • The SE1 tower includes a total of 292 apartments sharing three lifts, which equates to 97 apartments per lift. • Natural ventilation and light is provided to the residential internal corridor/circulation areas. • The residential lobbies and circulation spaces provide opportunities for interaction. • Corridors within the towers are not excessively long. Long corridors within the podium are articulated.	Refer to Section 5.5
4G Storage		
• The following storage is required (with at least 50% located within the apartment): - Studio apartments 4m³ - 1 bedroom apartments 6sqm - 2 bedroom apartments 8sqm - 3 bedroom apartments 10sqm	• Residential storage meets or exceeds the minimum guidelines.	Yes
4H Acoustic Privacy and 4J Noise and Pollution		
• Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments.	• Noise transfer is minimised through the appropriate layout of the building. • Apartments are appropriately stacked and laid out to prevent noise transfer.	Yes
4K Apartment Mix		
• Provision of a range of apartment types and sizes • Apartment mix is distributed to suitable locations within the building.	• A variety of apartment sizes and types are accommodated and appropriately located within the building. • The apartments are logically located within the building.	Yes
4L Ground Floor Apartments		
• Street frontage activity is maximised where ground floor apartments are located • Design of ground floor apartments delivers amenity and safety for residents	• N/A	N/A
4M Facades		
• Building facades provide visual interest along the street while respecting the character of the local area • Building functions are expressed by the facade	• The proposal achieves a high standard of architectural design and will positively contribute to the Darling Square precinct and city skyline. • The retail and residential uses are externally expressed in the design of	Yes

		the building.																			
4N Roof Design																					
• Roof treatments are integrated into the building design and positively respond to the street • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features		• The roof design of the building is architecturally expressed and visually interesting. • Residents have access to the landscaped podium roof area (pool deck).	Yes																		
4O Landscape Design and 4P Planting on Structures																					
• Landscape design is viable and sustainable • Landscape design contributes to streetscape and amenity • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure		• Landscaping includes a mixture of native and non-native plants and small trees. • Planting and furniture is provided within the public domain and on the podium roof.	Yes																		
4Q Universal Design																					
<table><tr><th>Universal Design Guidelines (20% of apartments)</th><th>SSD 6633</th></tr><tr><td>Safe and continuous levelled path to entrances</td><td>Compliant</td></tr><tr><td>Accessible entry door with a minimum 820mm clear opening width and a step-free threshold</td><td>Compliant</td></tr><tr><td>Level landing area of 1200mm x 1200mm at the entrance door</td><td>Compliant</td></tr><tr><td>Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces</td><td>Compliant</td></tr><tr><td>Internal corridors with a minimum of 1000mm clear width.</td><td>Compliant</td></tr><tr><td>Step free shower recess</td><td>Compliant</td></tr><tr><td>Bathroom wall is reinforced for grab rails around the toilet, shower and basin</td><td>Compliant</td></tr><tr><td>A toilet is provided on the ground or entry level in multi-level apartments that provides: • minimum clear width of 900mm between walls • minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing) </td><td>Non-Compliant with circulation space forward of toilet pan requirement</td></tr></table>			Universal Design Guidelines (20% of apartments)	SSD 6633	Safe and continuous levelled path to entrances	Compliant	Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant	Level landing area of 1200mm x 1200mm at the entrance door	Compliant	Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces	Compliant	Internal corridors with a minimum of 1000mm clear width.	Compliant	Step free shower recess	Compliant	Bathroom wall is reinforced for grab rails around the toilet, shower and basin	Compliant	A toilet is provided on the ground or entry level in multi-level apartments that provides: • minimum clear width of 900mm between walls • minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing)	Non-Compliant with circulation space forward of toilet pan requirement	No Refer to Section 5.5
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• A variety of apartments with adaptable designs are provided • Apartments layouts are flexible and accommodate a range of lifestyle needs		• All apartments (subject to amendments discussed in Section 5.5) are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.																			

4S Mixed Use		
• Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement • Residential levels are integrated within the development, safety and amenity is maximised.	• The development addresses the street and public open spaces and pedestrian thoroughfares and active frontages are provided. • Residential circulation areas are clearly defined and access to communal open space is provided.	Yes
4T Awning and Signage		
• Awnings are well located and complement and integrate with the building • Signage responds to the context and design streetscape character	• Awnings are incorporated into the design of the building and appropriately located. • No signage is proposed.	Yes
4U Energy Efficiency		
• Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation	• The development meets BASIX water, thermal and energy efficiency targets. • The development will achieve a minimum 4 Star Green Multi-Residential rating.	Yes
4V Water Management and Conservation		
• Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into the site design	• Water efficient fittings and appliances will be installed. • A Water Sensitive Urban Design strategy has been prepared. • Extensive flood management mitigation measures will be implemented.	Yes
4W Waste Management		
• Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity • Domestic waste is minimised by providing safe and convenient source separation and recycling	• Waste storage is provided at basement level in convenient locations. • Separate waste and recycling containers will be provided and will be managed by the building manager.	Yes
4X Building Maintenance		
• Building design detail provides protection from weathering • Systems and access enable ease of maintenance • Material selection reduced ongoing maintenance cost	• The building has been appropriately designed to allow ease of maintenance. • The materials are robust.	Yes

* Inconsistency considered acceptable as it complies with parameters of the Stage 1 Concept Approval

APPENDIX C SICEEP MASTER PLAN

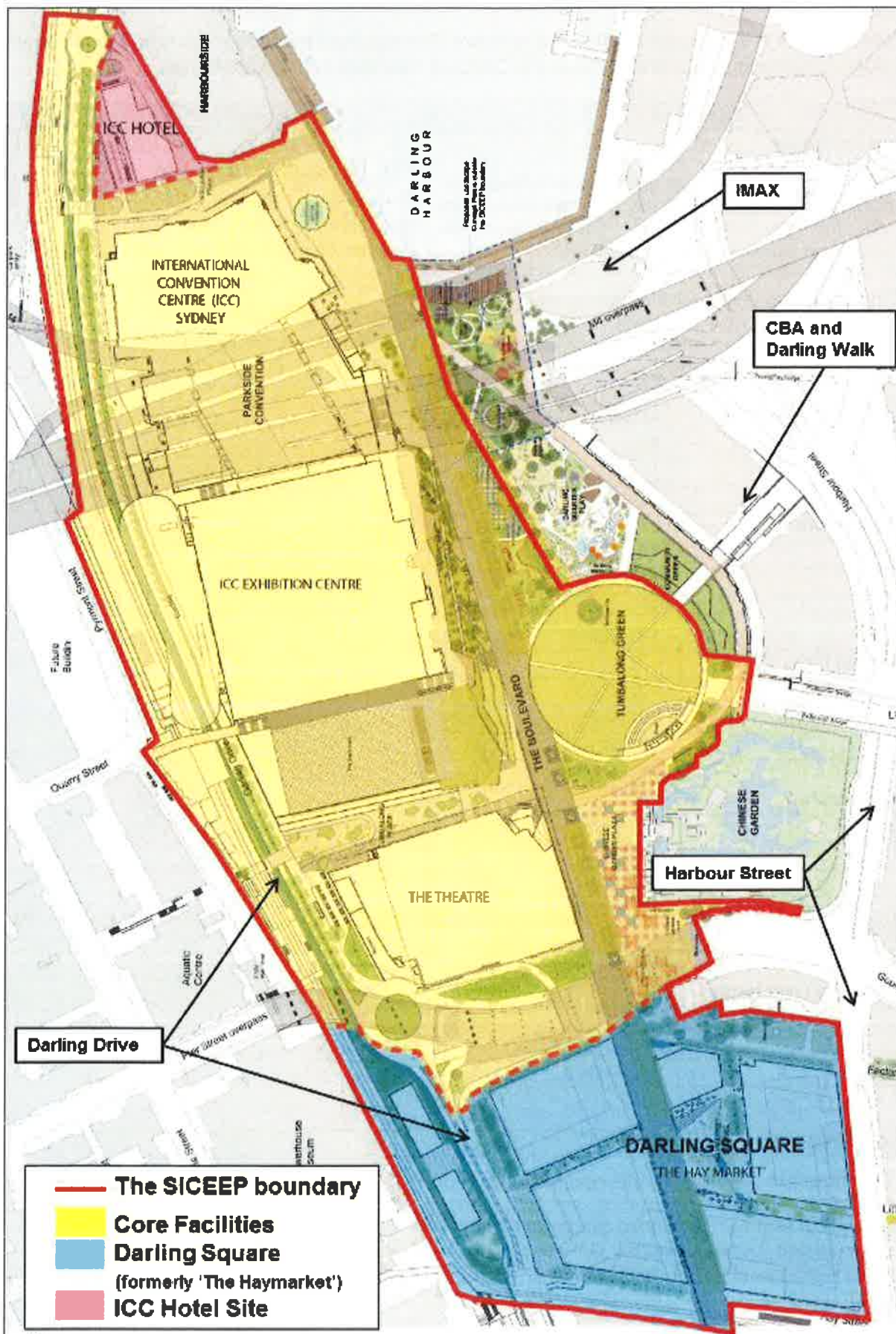


Figure 17: SICEEP Master plan (Base source: SSD 5878)

APPENDIX D CONSISTENCY WITH THE CONCEPT APPROVAL

An assessment of the proposal against the relevant Concept Approval requirements, Modifications and Future Assessment Requirements of the Concept Approval is provided below.

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 proposal is generally 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: <table><tr><td>Plot and Building</td><td>Maximum Height - RL</td></tr><tr><td>North Plot</td><td></td></tr><tr><td>-</td><td>RL 28.50</td></tr><tr><td>North East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>NE1</td><td>RL 68.38</td></tr><tr><td>NE2</td><td>RL 38.10</td></tr><tr><td>NE3</td><td>RL 138.63</td></tr><tr><td>South East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SE1</td><td>RL 99.85</td></tr><tr><td>SE2</td><td>RL 38.10</td></tr><tr><td>SE3</td><td>RL 68.38</td></tr><tr><td>South West Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SW1</td><td>RL 91.38</td></tr><tr><td>SW2</td><td>RL 38.10</td></tr><tr><td>SW3</td><td>RL 138.63</td></tr><tr><td>North West Plot</td><td></td></tr><tr><td>-</td><td>RL 53.60</td></tr><tr><td>Darling Drive (Western) Plot</td><td></td></tr><tr><td>W1</td><td>RL 75.20</td></tr><tr><td>W2</td><td>RL 75.20</td></tr></table>	Plot and Building	Maximum Height - RL	North Plot		-	RL 28.50	North East Plot		Podium	RL 25.03	NE1	RL 68.38	NE2	RL 38.10	NE3	RL 138.63	South East Plot		Podium	RL 25.03	SE1	RL 99.85	SE2	RL 38.10	SE3	RL 68.38	South West Plot		Podium	RL 25.03	SW1	RL 91.38	SW2	RL 38.10	SW3	RL 138.63	North West Plot		-	RL 53.60	Darling Drive (Western) Plot		W1	RL 75.20	W2	RL 75.20	The proposal is within the approved building heights of the SE Plot, as confirmed at Section 5.3.	Yes
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Maximum Gross Floor Area (GFA)																																																	
A8	The maximum GFA for the development shall not exceed 211,040 m ² (excluding ancillary above ground car parking), comprised of a maximum of: 56,668 m² non-residential GFA; and 154,372 m² residential GFA	The proposal ensures that there is no overall exceedance of the maximum Darling Square GFA requirements:	Yes																																														

	<table><tr><th>Plot</th><th>GFA (m²)</th></tr><tr><td colspan="2">Approved</td></tr><tr><td>NW</td><td>44,010</td></tr><tr><td>SW</td><td>46,815</td></tr><tr><td>NE</td><td>53,652</td></tr><tr><td>DD (W1)</td><td>13,209</td></tr><tr><td>DD (W2)</td><td>14,341</td></tr><tr><td colspan="2">Proposed</td></tr><tr><td>N</td><td>6,685</td></tr><tr><td>SE</td><td>32,028</td></tr><tr><td colspan="2">Total</td></tr><tr><td>All Plots</td><td>210,740</td></tr></table>	Plot	GFA (m ²)	Approved		NW	44,010	SW	46,815	NE	53,652	DD (W1)	13,209	DD (W2)	14,341	Proposed		N	6,685	SE	32,028	Total		All Plots	210,740	
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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 building achieves a high standard of architectural design.	Yes																							
B2	Future Development Applications shall demonstrate that the architectural feature(s) separating the residential towers from the street wall shall be appropriately designed to ensure that suitable visual separation between the two elements is achieved. Furthermore, contrasting materials or other acceptable alternatives shall be used to give emphasis/visual primacy to the lower levels of the buildings (below the re-entrant feature).	The building has been designed to ensure an appropriate level of separation/differentiation between the podium and the towers as discussed at Section 5.4 .	Yes																							
B3	Future Development Applications shall maximise street level activation where possible. A Street Level Activation Plan shall be provided that: ▪ indicates the extent and locations where street level activation has been provided; ▪ provides justification for the areas where street level activation it has not been provided; and ▪ provide mitigation measures where necessary to address any inactive building facades at the street level (excluding any vehicular access points).	The building provides an appropriate amount street level activation given the circumstances of the site. As discussed at Section 5.4 , the Department has recommended a condition requiring further amendments to the ground floor layout to improve activation of the undercroft	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	The building provides appropriate pedestrian sightlines / visual safety.	Yes																							

	lobbies.		
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 Design Report submitted with the EIS, as updated by the RtS provides detailed consideration of the architectural treatment of above ground car parking. As discussed at Section 5.4 , the proposal includes appropriate screening methods and integrating architectural features.	Yes
B6	To the extent that an undercroft is contemplated in the design, the Future Development Application for the South East Plot shall include an Undercroft Design Assessment relating to the proposed undercroft area adjacent to (pedestrianised) Hay Street. The Assessment shall provide detailed design, use and management of the space.	The Design Report submitted with the EIS, as updated by the RtS provides detailed consideration of the design, use and management of the undercroft. As discussed at Section 5.4 , the Department has recommended a condition requiring further amendments to the ground floor layout to improve activation of the undercroft	
B7	Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.	A reflectivity assessment has been provided, which concludes that the proposal will not have any adverse reflectivity impacts.	Yes
B8	Future Development Applications shall include an Access Review and demonstrate that an appropriate degree of accessibility.	An Accessibility Statement has been provided, which concludes that an appropriate degree of accessibility will 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.	Landscaping plans for the public domain and communal open space areas has been provided and are considered to achieve a high standard of design. The final details of public domain 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	No change is proposed to the sequence of public domain improvements	Yes

completed prior to the occupation of the building(s) of the appropriate development application, unless otherwise approved in writing by the Director-General.		
Public Art		
B12 Future Development Applications shall include a Public Art Strategy.	A Public Art Strategy has been included within the application, which is considered acceptable as discussed at Section 5.8.5.	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.	The principles of CPTED have been considered in the applicant's Design Report and necessary mitigation measures have been included.	Yes
B14 Future Development Applications shall investigate the provision of additional forms of housing that are affordable on the site (which could include rental residential accommodation, key worker accommodation and/or student accommodation).	The Darling Drive Plot (SSD 6010) contains two student accommodation buildings providing for 1008 student rooms (1,303 beds). The applicant asserts that student accommodation represents a form of affordable housing and will support diversity across the Darling Square precinct. No other affordable housing is proposed.	Yes
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.	N/A	N/A
B16 The Future Development Application for the South West Plot shall demonstrate that the Hay Street driveway and crossover are appropriately designed and will encourage safe pedestrian movement.	N/A	N/A
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	The proposal does not include ground floor car parking.	Yes

	appropriately screened so not to be visible from the public domain (excluding those times when the car park entry door is in use).																										
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.	N/A	N/A																								
Residential Car Parking																											
B19	Future Development Applications shall provide on-site residential car parking at the following maximum rates: ▪ Studio 0.1 spaces / unit ▪ 1 bed / 1 bed + study 0.5 spaces / unit ▪ 2 bed / 2 bed + study 1.0 spaces / unit ▪ 3 bed+ 1.5 spaces / unit Summary of the maximum number of car parking spaces allowed for the SE Plot <table border="1"> <thead> <tr> <th></th><th>No. Units</th><th>Rate</th><th>No. Spaces</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>20</td><td>0.1 spaces</td><td>2</td></tr> <tr> <td>1 bed</td><td>181</td><td>0.5 spaces</td><td>91</td></tr> <tr> <td>2 bed</td><td>177</td><td>1.0 spaces</td><td>177</td></tr> <tr> <td>3 bed+</td><td>13</td><td>1.5 spaces</td><td>20</td></tr> <tr> <td>Total</td><td>391</td><td>-</td><td>290</td></tr> </tbody> </table>		No. Units	Rate	No. Spaces	Studio	20	0.1 spaces	2	1 bed	181	0.5 spaces	91	2 bed	177	1.0 spaces	177	3 bed+	13	1.5 spaces	20	Total	391	-	290	The proposal provides for 265 car parking spaces which is 29 spaces less than the maximum (294) allowed by the Stage 1 Concept Approval.	Yes
	No. Units	Rate	No. Spaces																								
Studio	20	0.1 spaces	2																								
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2 bed	177	1.0 spaces	177																								
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Total	391	-	290																								
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.	391 residential, 45 retail and residential visitor bicycle spaces are provided within the podium. 20 publicly accessible visitor bicycle spaces are provided within the undercroft. Appropriate end of trip facilities are provided (four showers and 18 lockers).	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).	N/A	N/A																								
Heritage and archaeology																											
B22	Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	An Heritage Impact Strategy was previously prepared and approved for the Darling Square precinct	Yes																								
B23	Future Development Applications shall include baseline aboriginal and non-aboriginal	An Non-Indigenous Archaeological Report and	Yes																								

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.	Aboriginal Archaeological Assessment have been provided and the recommendations of these reports will be adopted within the detailed design of the building.	
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.	The Sustainability Report confirms that the development is committed to a 4 Star Green Star Design and As Built ratings under the Green Star Multi-Unit Residential v1 tool	Yes
B25 Future Development Applications relating to the N, NE, SE and SW Plots shall include an investigation into the provision of green roofs at podium level.	A green roof has been provided at podium level between the three proposed buildings. The green roof would be landscaped and accessible to residents.	Yes
B26 Future Development Applications shall demonstrate the incorporation of ESD principles in the future design, construction and ongoing operation phases of the development.	The Sustainability Report submitted with the application confirms that ESD principles will be included throughout the lifecycle of the development.	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.	A Flooding Strategy report and civil drawings have been provided, which include the location and detailed design of stormwater infrastructure. The Applicant has confirmed it has designed the project in consultation with Sydney Water and is considered acceptable, as discussed at Section 5.7 .	
Operational noise		
B28 Future Development Applications shall include site specific Noise Assessments and demonstrate that an appropriate acoustic amenity is achieved and include mitigation measures where necessary.	A Noise Report has been submitted with the application, which confirms that the proposal will achieve an appropriate acoustic amenity subject to mitigation	Yes

	measures.	
Wind assessment		
B29 Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.	A Wind Assessment has been submitted with the application, which confirms that the proposal will achieve an appropriate wind environment.	Yes
Waste		
B30 Future Development Applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	A Waste Management Plan has been submitted, which addresses the storage, location and management of waste/recycling.	Yes
Signage		
B31 The signage controls are deleted from the Design Guidelines.	No signage is proposed	Yes
Construction		
B32 Future Development Applications shall analyse and address the impacts of construction and include: ▪ Construction Transport Management Plan, addressing traffic and transport impacts during construction; ▪ Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity); ▪ Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction; ▪ Community Consultation and Engagement Plans, addressing complaints during construction; ▪ Construction Waste Management Plan, addressing waste during construction; ▪ Air Quality Management Plan, addressing air quality during construction; ▪ Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with <i>'Managing urban stormwater, soils and construction (Landcom 2005)'</i>; and ▪ Acid Sulphate Soil Assessment and Management Plan.	The applicant has been accompanied by the specified reports and is subject to conditions relating to construction impacts.	Yes
B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.	A report has been provided which confirms that the extension, augmentation and realignment of services can be achieved subject to appropriate mitigation	Yes

	measures.	
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 Site Audit Report confirms that the site can be made suitable for the proposed development and future uses.	Yes
Community Facility		
B35 An appropriate area of land shall be provided within the development for the delivery of a community building/facility by a community organisation, or as agreed with the Director General. The developer shall provide infrastructure and services to the land and prepare a Future Development Application for the relevant works in consultation with SHFA and Council.	The applicant advises that the community facility will be provided within the North Plot (SSD 7021).	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 proposal does not include IQ Hub space. IQ Hub space is proposed within other Plots of the Darling Square precinct.	Yes