



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:**

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

SSD 7021



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

May 2017

ABBREVIATIONS

ADG	<i>Apartment Design Guide</i>
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
DRP	Design Review Panel
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
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement
GANSW	Government Architect of NSW
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 North Plot looking north across Darling Square (Source: Applicant's RtS)

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Published May 2017
NSW Department of Planning & Environment
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*NSW Government
Department of Planning & Environment*

EXECUTIVE SUMMARY

This report provides an assessment of a State significant development (SSD) application for a mixed-use development (SSD 7021). The site is known as the North Plot, located in Darling Square within the broader Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), at Darling Harbour. The Applicant is Lend Lease (Haymarket) Pty Ltd and the proposal is located within the City of Sydney Local Government Area.

The proposal seeks approval for the construction of a six storey building (known as Darling Exchange) for community and retail use, creation of a publicly accessible open space (the Square) and pedestrian laneway and associated public domain and landscaping improvements.

The application was publicly exhibited between 16 March 2016 and 2 May 2016. The Department received three submissions from the public and nine submissions from government authorities in response to the exhibition, including City of Sydney Council (Council). An additional submission from the public and four submissions from government authorities were received in response to the Applicant's Response to Submissions. The key issues raised in the submissions include servicing, use of the public open space for events, overshadowing, density of development, fit-out and public art provision.

The Department has considered the above issues in its assessment, along with consistency with the approved concept proposal (Stage 1 Approval) and the overall design of the development. 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, issues raised in all submissions as well as the Applicant's response to these.

The Department's assessment concludes the building is consistent with the building envelope parameters set by the Stage 1 Approval and will achieve a high standard of design that displays landmark qualities and will positively contribute to the Darling Square precinct and wider SICEEP. The encroachment of the curved stair into the Boulevard has been carefully considered and the Department concludes it is justified, would provide additional visual interest and will announce the presence of the landmark building.

The future fit-out of the building will deliver community facilities to Darling Square, including a two level library with a provision for at least 200 m² of IQ Hub space, which satisfies the requirement for space to support the development of innovative business ideas within the Stage 1 Approval. The child care centre, retail uses and restaurant/bar will complement the Darling Square neighbourhood and the final fit-out and operation of these uses will be subject to separate applications to Council.

The public domain, including the new public open space, will achieve the highest standard of design and appearance, provide excellent opportunities for active and passive recreation and will be a significant public benefit.

The Department is satisfied all servicing for the Darling Exchange building can be undertaken within the neighbouring North East Plot podium and the absence of on-site car parking provision is in accordance with the Stage 1 Approval. Sufficient bicycle parking is provided for the development.

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 provide community facilities, contribute to the completion of Darling Square, provide new retail accommodation, public domain works, significant public open space and employment opportunities.

The Department concludes the proposal is in the public interest and recommends that 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 community/retail development on the North Plot, including public domain works to create a new public open space and pedestrian laneway within Darling Square at Darling Harbour (SSD 7021).

The application has been lodged by Lend Lease Haymarket Pty Ltd (the Applicant). The site is located within the City of Sydney Local Government Area (LGA).

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 (below) linked by a new integrated public domain including a north/south pedestrian link (the Boulevard):

- 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 is provided at **Appendix C**.

1.3 Darling Square Precinct and the North 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 Rockford 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.

The North Plot is located centrally within, and along the northern boundary of the Darling Square Precinct and comprises the North Plot building envelope, Darling Square public open space and the Little Hay Street pedestrian laneway. Overall, the site has an area of 4,990 square metres (m²) and is the final plot within the Darling Square Precinct (refer to **Figure 1**) to be developed.

To the north of the site is the Pier Street Overpass, Pumphouse restaurant/bar and the Novotel Rockford Hotel. Further north, beyond the Pier Street overpass, is the SICEEP Core Facilities and new public open spaces. The areas to the east, west and south are all within the Darling Square Precinct are undergoing a period of 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**).

The site does not contain any heritage listed items. However, the former Hydraulic Pump House façade (State significant) is located to the north of the site. The site includes archaeological remains that illustrate many aspects of the historic use and development of the area, including (c1850) Dickson Dam Wall and residential and industrial occupational evidence between 1870s – 1890s.



Figure 1: Darling Square (formerly known as the Haymarket) outlined in blue and the North Plot outlined in red (Base source: Applicant RtS)



Figure 2: Aerial view showing the Darling Square site boundary, plot locations and current stages of construction (Base source: Nearmaps)

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 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 proposals for the site.

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

Table 1: Summary of modifications to the Stage 1 Approval

MOD no.	Summary of Modifications	Approval Date
MOD 1	Increase of 2,575 m ² non-residential gross floor area (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.	4 October 2016

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

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

In approving the second modification application to the Stage 1 Approval (SSD 5878 MOD 2) the Department imposed the following Future Environmental Assessment Requirements (FEARs) to ensure that any encroachments of the future North Plot building into the Boulevard was acceptable:

A6A Prior to the determination of any State significant development application relating to the North Plot, amended Parameter Plans and Design Guidelines shall be submitted to the Secretary for approval, showing:

- a) the replacement of 'Note C' on all relevant Parameter Plans with a new Note requiring an uninterrupted minimum 19 metre building separation to a height of 6.5m above ground level, with the separation reducing to 13.4m to accommodate the public stair / canopy and 16m at upper levels; and*
- b) revision of the Design Guidelines to reflect the change in condition A6A(a) above.*

Notwithstanding A6A(a) above, encroachments into the Boulevard may be considered in accordance with Condition B4A.

B4A Future Development Applications for the North Plot shall demonstrate compliance with the requirements of Condition A6A and the approved Parameter Plans and the Design Guidelines.

Minor encroachments of the North Plot into the 'uninterrupted minimum 19 metre building separation' may be considered where it has been demonstrated that:

- a) the encroachment does not restrict pedestrian sightlines looking north and south along the Boulevard at the western extent of the North Plot building;*
- b) pedestrian connectivity along the Boulevard is not adversely affected;*
- c) the perception of openness and width of the Boulevard is maintained from a pedestrian perspective;*
- d) any encroachments are designed to be lightweight and visually permeable; and*
- e) any encroachment does not result in an unacceptable visual pinch-point along the Boulevard.*

The Department has approved under delegation, the following SSD applications within Darling Square:

- a commercial building on the North West Plot (SSD 6013);
- 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 mixed use residential development on the South East Plot (SSD 6633);
- student accommodation buildings (Buildings W1 and W2) on the Darling Drive Plot (SSD 6010 and SSD 7133).

On 21 April 2017, the Director, Key Sites Assessments approved a modification to the North East Plot, which allowed for the inclusion of loading and unloading facilities within the ground floor podium level of that building for the use of all the uses within the proposed Darling Exchange building within the North Plot.

Construction is underway on the North West, North East, South West Plots and Building W1 of the Darling Drive Plot (refer to **Figure 2**).

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposal

The key components and features of the proposal (as refined in the RtS and RtS Addendum) are provided in **Table 2** below and are shown in **Figures 3 to 6**.

Table 2: Key components of the SSD application

Aspect	Description
Summary	Construction of a six storey building (known as Darling Exchange) for community and retail use, creation of a publicly accessible open space and pedestrian laneway and associated public domain and landscaping improvements.
Built form	• Construction of a six storey building (Darling Exchange) with a maximum height of RL 33.5.
GFA	• Total GFA of 6,604 m².
Uses	• Retail uses, including a Market Hall and stalls, food and beverage; • restaurant / bar; and • community uses including a library (containing an IQ Hub) and childcare centre.
Public domain and landscaping	• Creation of a publicly accessible open space (the Square) (with the potential for outdoor market stalls and events subject to future applications); • provision of a timber canopy extending from the Darling Exchange building along the western edge of the Square; • creation of the east/west Little Hay Street pedestrian laneway, located between the North East and South East Plots; • general interface works to connect the new and existing public domain areas; and • provision of a landscaped green roof to the Darling Exchange building.
Signage zones	• Three signage zones.
Remediation	• Remediation works, in accordance with the SICEEP Darling Square Remediation Action Plan (as required).

The Department notes the proposal originally sought approval for the use of the Square for events (including outdoor markets and medium and large scale events) and the construction of two single storey retail kiosks along the western boundary of the Square. However, the Applicant has advised it no longer seeks approval for these components.

The SSD application has a Capital Investment Value (CIV) of \$35,839,202 and is expected to generate 150 construction jobs and 148 operational jobs once fully developed.

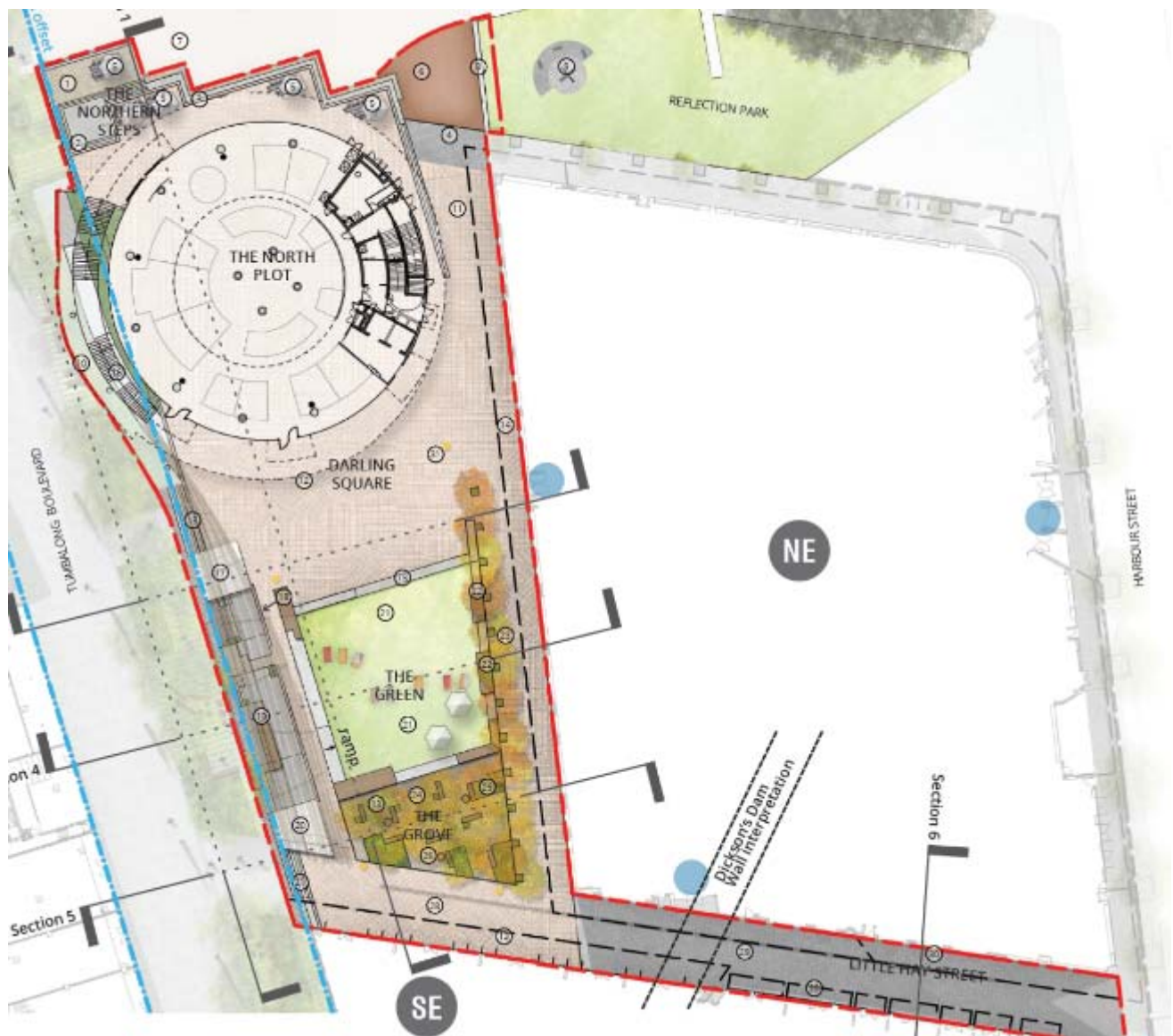


Figure 3: The location of the Darling Exchange building, the Square, Little Hay Street and public domain (Source: Applicant's RtS)



Figure 4: View south-west across the Square towards the South West Plot including hard and soft landscaping (the indicative market stalls are no longer part of this proposal) (Source: Applicant's RtS)



Figure 5: View North towards the Darling Exchange building across the Square (Source: Applicant's RtS)



Figure 6: View north along the Boulevard towards, Darling Exchange building to the right (Source: Applicant's RtS)

2.2 Project need and justification

A Plan for Growing Sydney

A *Plan for Growing Sydney* (the Plan) sets out the NSW Government's vision for Sydney to be "a strong global city, a great place to live" and includes a number of supporting goals and directions. The Plan's key goals are to provide:

1. a competitive economy with world-class services and transport;
2. a city of housing choice with homes that meet our needs and lifestyle;
3. a great place to live with communities that are strong, healthy and well connected; and
4. a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

City of Sydney LGA is located within the Central Subregion and the North Plot is located within the Global Sydney Strategic Centre and within the south-western extent of Sydney's Cultural Ribbon.

There are a number of Directions and Actions that are of particular relevance to the proposal, including:

- Direction 1.1 Grow a more internationally competitive Sydney CBD;
- Action 1.1.3 Diversify the CBD by enhancing the Cultural Ribbon;
- Action 1.1.4 Deliver the Government's Vision for Sydney Harbour, incorporating Sydney's Cultural Ribbon including the new and revitalised precincts of Barangaroo, Darling Harbour, Walsh Bay, The Bays Precinct and surrounding foreshore land;
- Direction 3.4 Promote Sydney's heritage and culture; and
- Action 3.4.1: Continue to grow Global Sydney's CBD as an international arts and cultural destination.

The proposed development supports the strategic goals, directions and actions of the Plan by diversifying the experience within the cultural, tourist and entertainment precinct clustered within Darling Harbour and supporting Sydney's role as Australia's preeminent tourist destination. The proposal will make a significant contribution to the renewal of the urban foreshore and will add to Sydney's reputation as a global city and the Government's vision for Darling Harbour.

The proposal will draw people to the site and is likely to foster additional interest and encourage patronage of the cultural and tourist facilities within the immediate surrounding area. The proposed development would not have any adverse impacts on the historic importance or setting of nearby heritage items.

The provision of community and retail facilities on the North Plot will contribute to the vitality of the Darling Square mixed-use residential precinct. The proposal will also 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 is to connect local planning with the longer-term metropolitan planning for Greater Sydney. The District Plans public exhibition concluded in April 2017.

The North Plot is located within the Central District. The *Draft Central District Plan* includes eight key priorities including the following priorities relevant to the North Plot development:

- enhance the role of global Sydney;
- enrich unique places and connections;
- plan for demographic change;
- 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 and community/cultural facilities to support global Sydney. The inclusion of library and childcare facilities in a dense urban environment fosters the creation of a liveable neighbourhood capable of catering for a people's needs at various stages of their life. In addition, the development is of the highest standard of design, includes heritage interpretation and art and has been designed in accordance with Ecologically Sustainable Development (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 with public transport and key activity nodes and other areas to the south such as nearby 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 vibrant, activated new neighbourhood providing for new homes, commercial areas, employment and recreational opportunities.

The North Plot

The North Plot is the last plot within Darling Square sought to be developed. The North Plot proposal provides the following strategic benefits:

- providing new mixed use development 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 new community (library, IQ Hub and childcare centre) uses which will contribute to the liveability and uniqueness of the Darling Square neighbourhood;
- creating a new public open space, east/west pedestrian laneway and associated public domain and landscaping works;
- providing new retail accommodation, complementing existing retail offerings in the Darling Square precinct, neighbouring Chinatown and the Sydney CBD; and
- contributing towards employment growth by providing an estimated 150 jobs during the construction phase and 148 jobs at the operational stage.

3. STATUTORY CONTEXT

3.1. Consent Authority

The proposal is SSD because the development has a CIV in excess of \$10 million (\$35,839,202) 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*. The Minister is therefore the consent authority.

3.2. Determination under Delegation

In accordance with the then Minister for Planning's delegation, signed on 16 February 2015, to determine SSD applications within SICEEP, the Executive Director, Key Sites and Industry Assessments may determine this project as:

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

3.3. Permissibility

The *Darling Harbour Development Plan No.1* (DHDP) is the principal environmental planning instrument (EPI) that applies to the site. Clause 6 of the DHDP states that development including tourist, recreational, cultural or commercial facilities may be carried out with consent. Furthermore, development for any purpose specified in Clause 6d Schedule 1 (including: commercial premises; recreation facilities; markets and parks and gardens) may also be carried out with consent. The proposal is therefore permissible under Clause 6 of the DHDP.

The Stage 1 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 community/cultural and retail accommodation is consistent with the land-use parameters set by the Stage 1 Approval.

3.4. Environmental Planning Instruments

Under Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any 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* (DHDP);
- *State Environmental Planning Policy (State & Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP64); and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour SREP).

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 the 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 site that is in close proximity to existing services and excellent public transport. The proposal maximises the efficient use of the site and provides for significant economic and social benefits.
(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 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 the creation of a new public open space (the Square) and

	pedestrian laneway (Section 5.5).
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The proposal includes the provision of a public library at first and second floor levels of the Darling Exchange and childcare centre at third and fourth floor levels. Publicly accessible open spaces and public domain will be provided as part of the development.
(vi) <i>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</i>	The site does not include any threatened species, populations or ecological communities. The proposal includes extensive landscaping, which will provide for new habitat opportunities.
(vii) <i>ecologically sustainable development, and</i>	The proposal includes measures to deliver ecologically sustainable development (Section 3.6).
(viii) <i>the provision and maintenance of affordable housing, and</i>	The proposal is entirely non-residential in nature and does not include dedicated affordable rental housing.
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	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) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	The Department publicly exhibited the application and subsequent Response to Submissions as outlined in Section 4 , 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 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 5 Star Green Star equivalent rating;
- energy efficient fittings, fixtures and appliances, including LED lighting, lighting controls and ventilation;
- heat recovery ventilators at upper levels;
- energy and water metering to monitor common energy/water usage;
- materials sourced from sustainable sources;
- reduced emissions through the use of environmentally friendly refrigerants, managing stormwater and light-spill;
- the proposal will aim to recycle at least 90% of construction and demolition waste;
- ecological value of the site will be improved as a result of site remediation and provision of extensive landscaping/habitat; and
- a green roof.

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 13 May 2015 the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that 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 Regulation 2000* (EP&A Regulation), the Department publicly exhibited the application from 16 March 2016 until 2 May 2016 (47 days). The application was exhibited on the Department's website, at the Department's Information Centre and at the City of Sydney Council's office.

The Department placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Central Courier on 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 nine submissions from public authorities, two submissions from the general public (one objection and one support) and an objection from the Pyrmont Action Group. A summary of the issues raised in the submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

The Department has considered the comments raised in the government authority and public submissions during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix E**.

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

Council
Council does not object to the proposal and supports the design of the Darling Exchange building and the Square. However, Council has raised the following issues: - insufficient detail has been provided on the design and internal layout of the childcare centre and insufficient outdoor children's playspace; - the provisions of the Council's Development Control Plan (DCP) 2012 apply to the design of the childcare centre; - further detail is required of the capacity of lifts to meet the future demands of the development; - the market stall layouts should be laid out in regular geometric patterns to improve their efficiency and future customer experience; - street furniture within the public domain should be of a consistent design; - the North Plot building envelope should be amended so that it is no larger than the Darling Exchange building proposed by this application; - adverse wind impacts to the ground level public domain and the balconies of the top floor restaurant/bar; - public art should be provided at 1% of CIV; and - appropriate mechanical ventilation should be provided. Council provided a separate submission stating it supports the establishment of the Darling Exchange library including IQ Hub space.
Transport for NSW (TfNSW)
TfNSW does not object to the proposal. However, provided comments in relation to: - traffic and pedestrian safety issues associated with the proposed multiple loading and unloading spaces throughout the Darling Square Precinct; - pedestrian and traffic management and signage during construction; and - the potential need for the adjustment / relocation of Sydney Trains infrastructure.

TfNSW also provided recommended conditions of consent, should the application be supported.
Property NSW, Place Management (PNSW) (formerly Sydney Harbour Foreshore Authority)
PNSW did not object to the proposal. However, it raised the following issues: - the loading and unloading arrangement undermine the pedestrian character and amenity of the public domain and should be confined to the neighbouring North East Plot podium; - the inclusion of a roof top restaurant/bar is inconsistent with the original purpose of the building; - the introduction of the retail pods within the Square is excessive and creates visual clutter; and - any increase in height of the Darling Exchange building should not result in additional overshadowing of the Square.
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 of NSW (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.
Office of Environment and Heritage (OEH)
OEH does not object to the proposal as it does not result in adverse biodiversity, natural hazards or Aboriginal cultural heritage impacts.
Transgrid
Transgrid does not object to the proposal as it does not affect Transgrid's infrastructure.

One public submission was received which raised the following objections to the proposal:

- the proposal represents an overdevelopment of the site; and
- the Darling Exchange building would results in adverse overshadowing impacts.

One public submission was received in support of the proposal stating the development is of a high standard of design.

The Pyrmont Action Group raised concern that the Darling Exchange building was for commercial rather than community use, that the community be consulted about the fit-out of the future library space and that the childcare centre should be operated by Council.

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

4.2. Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 1 February 2017, the Applicant provided a Response to Submissions (RtS) (**Appendix A**), which includes the following amendments to the proposal:

- amendment of site boundary and increase of site area by 390 m²;
- further shifting/cantilevering of floorplates to increase building articulation;
- rotation of the orientation of the building core at all levels;

- removal of mechanical plant and louvered façade from all levels and provision of a centralised roof top plant room;
- reduction of overall Darling Exchange GFA by 31 m², and increase in retail pod GFA by 10 m²;
- revised signage zones locations and sizes;
- widening of the external stair and extension to first floor level of the library;
- reduction of the total number of market stalls from 32 to 18 and rearrangement of stall layouts;
- improvements to the layout and efficiency of the market stalls;
- amendment to market hall façade treatment, access points and provision of awnings;
- internal reconfiguration of uses at all levels;
- fixed screens added and amendments to balustrades;
- redesign of the Square, its landscaping and access and demolition/redesign of the part of Reflections Park contained within the site boundary;
- amendments to the design of the northern steps; and
- minor adjustments to ground levels, furniture and furniture layouts and lighting poles and services/utilities.

The Department publicly exhibited the Applicant's RtS from 7 February 2017 until 22 February 2017 (15 days). The Department also notified relevant state and local public authorities of the RtS. An additional four submissions were received from public authorities, including Council, TfNSW, PNSW and Sydney Water and one submission from the public. A summary of the issues raised in the submissions is provided at **Table 5** below and copies of the submissions may be viewed at **Appendix A**.

Table 5: Summary of public authority submissions

Council
Council reiterated its comments regarding street furniture and public art from its original submission. Council also: • supported the childcare centre modifications on the provision the fit-out of the childcare centre will be subject to a future planning application; and • provided recommended conditions should the application be recommended for approval.
PNSW
PNSW reiterated its concerns regarding servicing and retail pods and provided the following additional comments: • if relocating vehicle servicing from the Boulevard is not possible then limitations on use and frequency should be imposed; • the public square should be clutter-free and the use of retail pods for restaurant, café or bar is not supported; and • further justification is required for the extent of grassed area within the public open space.
TfNSW
TfNSW confirmed it has no further comment on the proposal.
Sydney Water
Sydney Water confirmed it has no further comments to make on the proposal.

One public submission was received objecting to the proposal stating the retail component of the Darling Exchange building should be provided with on-site car parking.

In response to submissions to the RtS and the Department's request for further information and justification in relation to the curved staircase encroachment into the Boulevard, amenity impacts of proposed events (including servicing requirements) and signage zones, the Applicant provided an RtS Addendum, which provided further clarifications and included the following further amendments:

- increased transparency of the curved staircase that projects into the Boulevard;
- deletion of events and associated servicing within the Boulevard from the proposal;
- reduction in the total number of signage zones from eight to three; and
- deletion of the retail pods within the Square from the proposal.

5. ASSESSMENT

5.1 Section 79C(1) matters for consideration

Table 6 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 EP&A Regulation.

Table 6: 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 EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	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.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

5.2 Key assessment issues

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

- consistency with the Stage 1 Approval;
- the design of the Darling Exchange building;
- public domain; and
- traffic.

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 5.7**.

5.3 Consistency with the Stage 1 Approval

The Stage 1 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 Approval below and in detail at **Appendix D**. The key relevant requirements for the site include:

- building envelope; and
- building separation distances.

5.3.1. Building envelope

A summary of the proposal's consistency with the building envelope provisions of the Stage 1 Approval is provided in **Table 7** and shown at **Figure 7**.

Table 7: Compliance with Stage 1 Approval building envelope controls

Provision	Stage 1 Approval	Proposal	Consistent
Building Height	Maximum RL 33.5	33.4	Yes
Building Separation	Between the North and North West Plots: - minimum 19 m building separation to a height of 6.5 m above ground level - separation reducing to 13.4 m to accommodate the public stair / canopy; and - 16 m at upper levels. Unless acceptable alternative demonstrated in accordance with Condition B4A.	Alternative separation distance proposed.	Yes Refer to Section 5.3.2
	Between the North and North East Plots: - minimum 8 m from the North East Plot and North Plot building core; and - minimum 6.5 m from the North East Plot and North Plot timber wrap feature	8 m 6.5 to 7.5 m	Yes
Building Width	Maximum envelope plot size: 44 x 44 m (plus 5 m for the splayed staircase).	44 x 44 m (staircase contained within the above dimensions)	Yes

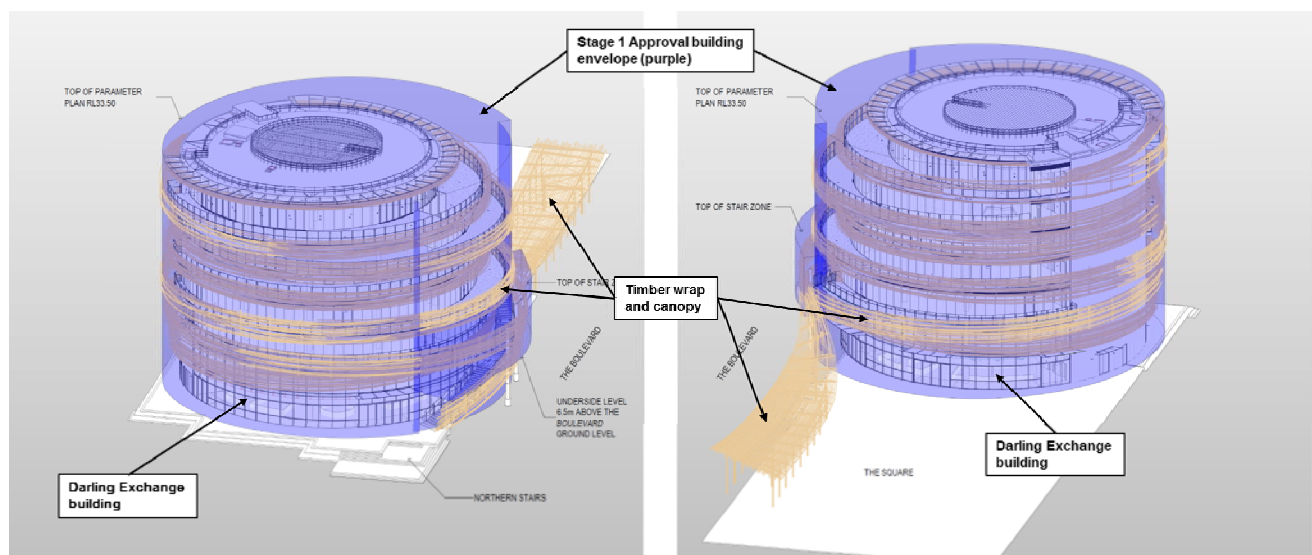


Figure 7: View of the northern (left) and southern (right) elevations of the Darling Exchange building contained within Stage 1 Approval maximum North Plot building envelope (purple) (Source: Applicant's RtS Addendum)

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

requested the Stage 1 approved envelope be modified to be no larger than the Darling Exchange building proposed by this application.

The Department notes Council's concerns that the proposed Darling Exchange building fills approximately 80 percent (%) of the entire building envelope. However, the Department does not agree the Stage 1 building envelope needs to be modified as it provides a maximum building extent together with an allowance for GFA within the overall volume. The Department notes the proposed floorplates have been shifted and cantilevered relative to each other and considers the design response within the approved envelope is acceptable.

Minor sections of the timber strips/ribbons (the timber wrap), that encase the Darling Exchange Building (discussed further at **Section 5.4**), extend up to 500 mm beyond the building envelope (shown in purple at **Figure 7**). However, this is considered acceptable as the parameter plans allow for a 500 mm 'articulation zone'. Furthermore, the extension of the timber wrap out into the public open space to form an open lattice canopy (discussed further at **Section 5.4**), is considered to constitute an ancillary public domain structure and therefore not part of the building envelope. The timber wrap that encases the external stair which encroaches into the Boulevard is also acceptable as discussed in **Section 5.3.2** below.

Further, the proposal will result in a total GFA of 210,349 m² across all buildings in Darling Square, which almost fully utilises the remaining GFA allowed by the Stage 1 Approval (211,040 m²). Therefore, any significant increase to fill the building volume would require a modification of the Stage 1 Approval. Noting that no modification is proposed to amend either the GFA or building envelopes, the Department cannot speculatively consider any issues in relation to this.

In conclusion, the Department is satisfied the proposed development is consistent with the building envelope provisions of the Stage 1 Approval and therefore supports this aspect of the proposal.

5.3.2. Building separation distances

Building separation between the North and North West Plot buildings

FEAR A6A requires the proposal to provide for an uninterrupted 19 m separation distance between the North and North West Plots (across the Boulevard) to a height of 6.5 m above ground level reducing to 13.4 m (to accommodate the public stair) and 16 m at upper levels (refer to **Figure 8**).

FEAR B4A allows for minor encroachments into the FEAR A6A separation distance having regard to the following criteria (refer to **Section 1.4** and **Table 8**):

- encroachment into pedestrian sightlines;
- pedestrian connectivity;
- perception of openness/width of the Boulevard;
- materiality and transparency of the encroachment; and
- the creation of a visual pinch-point.

The proposed Darling Exchange building public stair encroaches into the 19 m ground floor level separation distance by a maximum of 4.6 m, therefore reducing the separation distance to a minimum of 14.4 m at its narrowest point (refer to **Figure 9**).

The Department notes due the curved and rising nature of the stair the encroachment reduces as the stair turns with the shape of the Darling Exchange building and rises to the first floor Library level. In addition, in response to concerns raised regarding the level of transparency of the encroaching staircase, the Applicant has increased the perforation of the upright component of each step (the stair rises) from 28% to 39% to increase visual permeability through the stairs (refer to **Figure 10**).

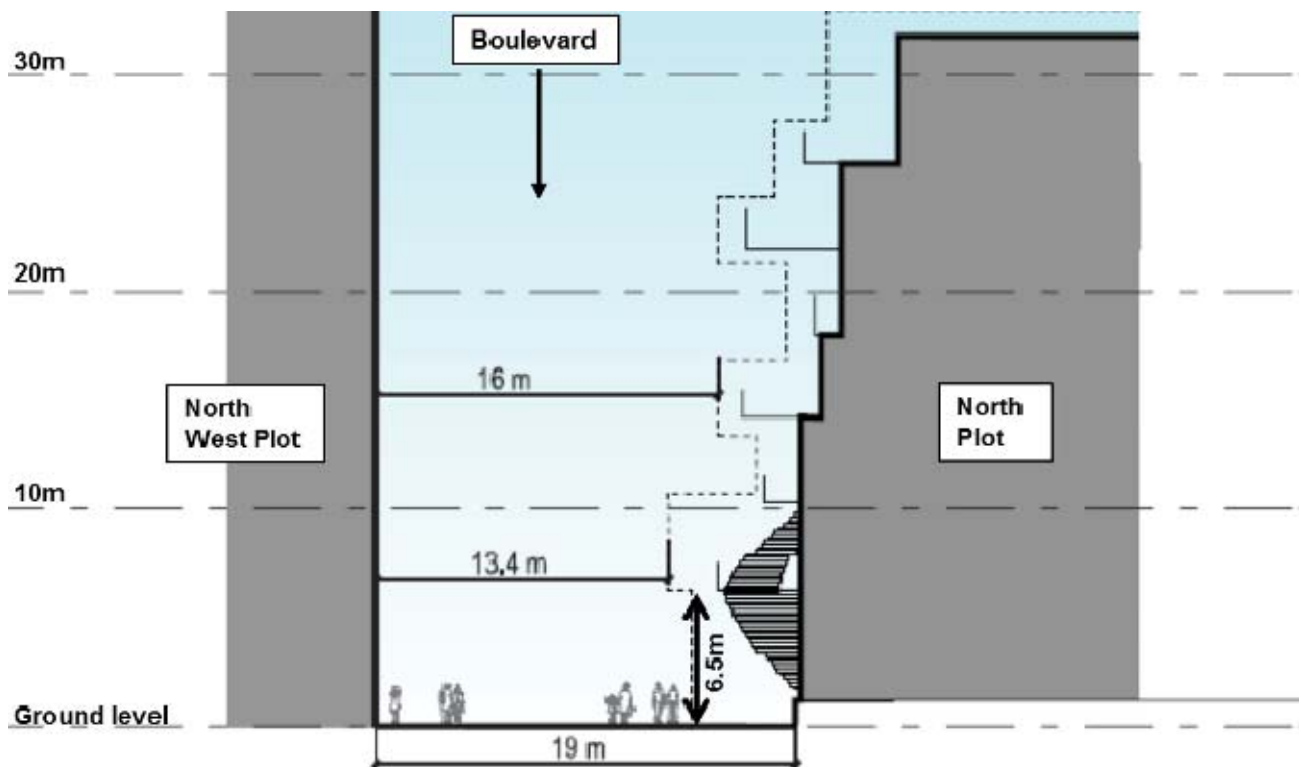


Figure 8: Required North and North West Plot building separation. Building envelope shown as dotted line and the previous indicative North Plot building shown within (Source: SSD 5878 MOD 2)

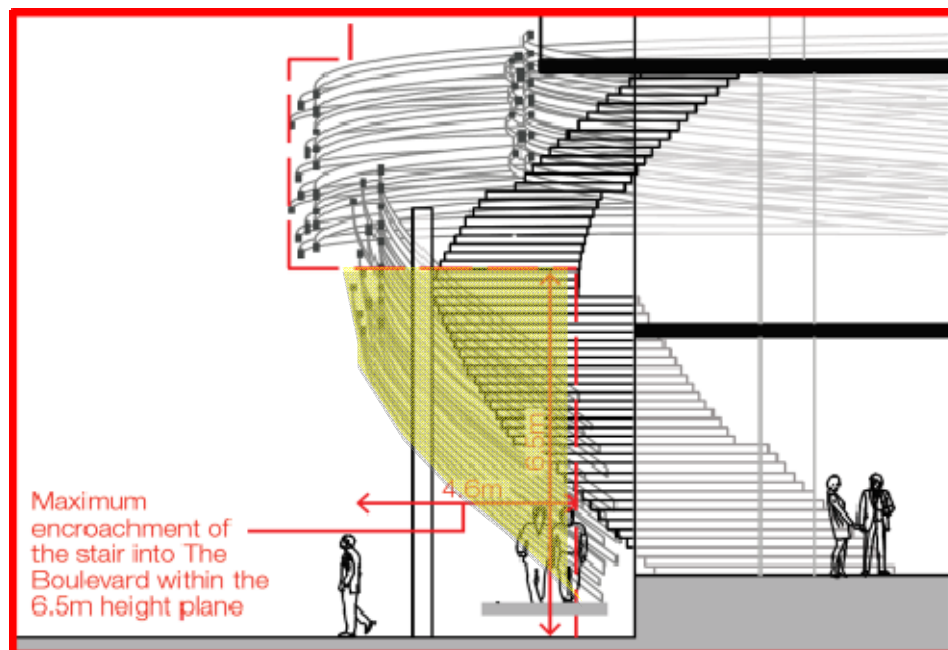


Figure 9: The proposed 4.6 m encroachment into the 19 m ground floor level separation distance (shaded in yellow) (Base source: Applicant's RtS)

The Department considers maintaining the 19 m width of the Boulevard is a critical consideration in achieving the north/south pedestrian connection and visual links from China Town to Darling Harbour. However, the potential for an encroachment into the Boulevard was considered in the Department's previous assessment of the Stage 1 Approval, and was accepted in principle subject to a number of performance criteria outlined in FEAR B4A. The Department has considered the criteria in FEAR B4A, as well as the Applicant's justification in **Table 8**.



Figure 10: The proposed stair design including 39% stair riser perforation. Computer generated image (top) and image showing level of perforation (bottom) (Source: Applicant's Updated RtS)

Table 8: The Department's consideration of the five criteria of FEAR B4A

FEAR B4A Criteria	Applicant's Justification	Department's Comment
a) The encroachment does not restrict pedestrian sightlines looking north and south along the Boulevard at the western extent of the North Plot building.	The proposal would not affect pedestrian sightlines as the stair is of a light weight construction and uses visually permeable materials including the timber wrap and perforated stair risers.	- The visual permeability of the stair has been maximised; - the principal view line north/south along the Boulevard beneath the Pier Street overpass remains unobstructed (refer to Figure 10); - the circular nature of the Darling Exchange building opens up views around the building; and - only two slender structural columns are proposed which limits the impact of the stair on sightlines.
b) Pedestrian connectivity along the Boulevard is not adversely affected.	The encroachment will not hinder or obstruct pedestrian connectivity/	- The narrowest point (14.4 m) occurs for a small portion of the overall encroachment and therefore its impact is limited; - an accessible ramp is provided beneath the stair connecting the Boulevard to the Square and the Darling Exchange building; - the width of the stair improves visual and physical connectivity to the first floor library; and - the stair, including the increase to 39% perforation, would be <i>Disability Discrimination Act 1992</i> compliant.
c) The perception of	The Boulevard already	The Boulevard includes rows of trees and light

openness and width of the Boulevard is maintained from a pedestrian perspective.	includes public domain improvements that create obstructions along its length.	columns which varies the perception of openness of the space. The proposed encroachment is minor and would not be out of place in this context; - the ground floor double height, glazed space of the Darling Exchange building will have a high degree of transparency; and - the market hall will be visually permeable and will increase the perception of openness of the Boulevard and surrounding area.
d) Any encroachments are designed to be lightweight and visually permeable.	The materials used are light-weight, transparent to ensure a high degree of visual permeability.	- The design of the stair includes visually permeable light-weight materials including the timber wrap, perforated steel and glass; - pedestrians will be able to see through the structure to the public domain and spaces beyond it; and - the ground floor double height space of the Darling Exchange market hall will also be visually permeable (as discussed above).
e) Any encroachment does not result in an unacceptable visual pinch-point along the Boulevard.	A minimum 14.4 m separation distance is sufficient to prevent the creation of a visual pinch-point.	All the reasons noted above apply to this criterion and provide sufficient justification that the proposal would not result in an unacceptable visual pinch-point.

Having carefully considered the above criteria and the overall visual impact of the proposed encroachment the Department concludes the proposed encroachment into the 19 m separation distance in this instance is acceptable. In design terms, the minor projection of the Darling Exchange building into the Boulevard provides additional visual interest along the Boulevard and will announce the presence of this landmark building, the public library and the Square (particularly when viewed from the north).

The Department recommends a condition requiring the stair risers to be 39% perforated to ensure maximum visual permeability through the stair structure.

Building separation between the North and North East Plot buildings

The proposed Darling Exchange building is located a minimum of 8 m from the adjacent residential North East Plot building, reducing to 6.5 m to include the timber wrap architectural feature (refer to **Figure 11**).

As discussed at **Section 5.3.2** the building separation is consistent with the building envelope requirements of the Stage 1 Approval. However, the separation is less than the 9 m recommended by the Apartment Design Guide (ADG), which sets out best practice design principles for residential developments.

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

In response to potential overlooking, the Applicant amended the layout of the Darling Exchange, building, by rotating the building footprint so that no windows are located opposite the North East Plot building. In addition, the proposed timber wrap architectural feature provides further visual screening to balconies to interrupt any oblique overlooking.

The Department is satisfied the amendments to the building footprint and provision of the timber wrap ensure future apartments within the North East Plot building will maintain acceptable levels of privacy despite the reduction in building separation.



Figure 11: Location of the Darling Exchange building in relation to the neighbouring NE Plot building (Base source: Applicant's RtS)

5.4 The design of the Darling Exchange building

FEAR B1 of the Stage 1 Approval requires future applications 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 Darling Exchange building comprises a six storey (plus mezzanine level) generally circular building providing for (**Figures 3 to 6, 12 and 13**):

- Market Halls at ground floor and mezzanine levels;
- library and IQ Hub space at first and second floor levels;
- childcare centre facility at third and fourth floor levels; and
- a roof top restaurant bar.

As discussed at **Section 5.3.2** the building separation is consistent with the building envelope requirements of the Stage 1 Approval. However, the separation is less than the 9 m recommended by the Apartment Design Guide (ADG), which sets out best practice design principles for residential developments.

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

It is a free-standing building set within the northern/central part of the Darling Square Precinct. It has a unique and deliberately circular built form that opens up views around its sides and visually sets it apart from all other buildings within the Darling Square Precinct. A key component of the building design is that its floorplates have been shifted so that they are laterally offset and cantilevered relative to each other, giving a highly articulated visual stacking effect.



Figure 12: View south towards the Darling Exchange building (Source: Applicant's RtS)

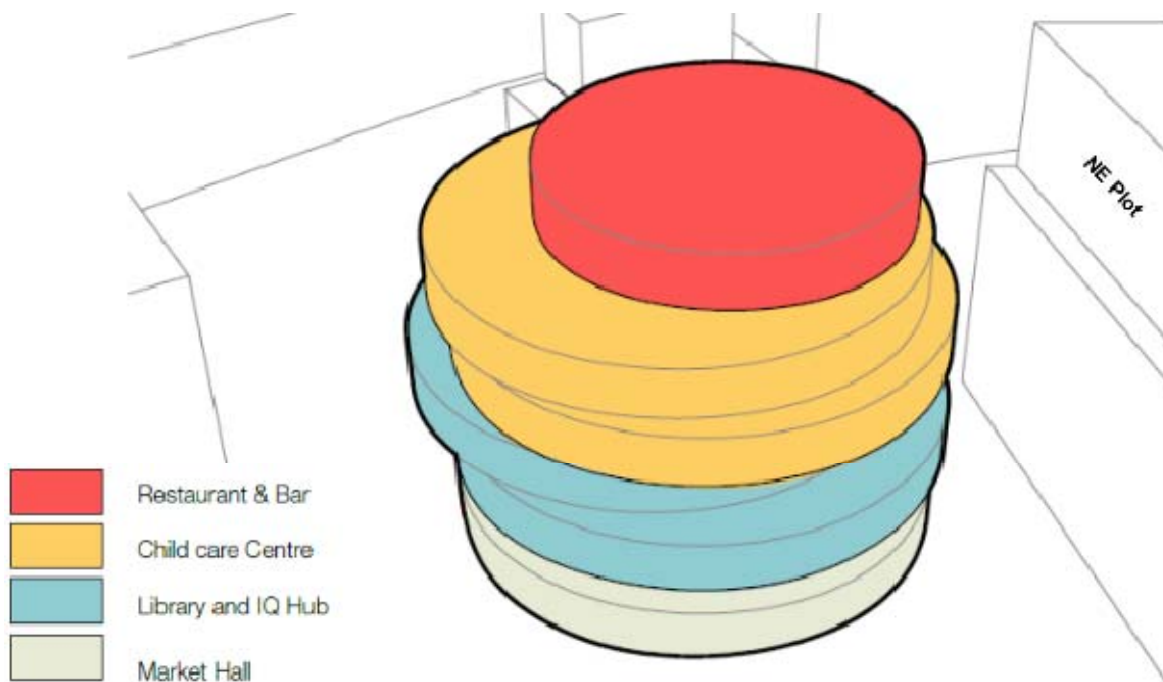


Figure 13: Proposed division of uses within the Darling Exchange building (Source: Applicant's EIS)

The majority of the building core comprises glazing, which will be encased in the timber wrap as shown in **Figure 12**. This timber wrap further emphasises the shifted / cantilevered effect of the floorplates and establishes a unique and visually dynamic architectural aesthetic. The timber wrap comes to ground at the north-western corner of the building hugging the external staircase and announcing the entrance to the first/second floor public library and IQ Hub. The timber wrap also extends out from the southern elevation of the building providing a canopy along the western side of the Square. This feature canopy further adds to the iconic visual experience presented by the building and gives the illusion that building is being unravelled (refer to **Figure 5**).

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 building is compliant with the parameters established within the Stage 1 Approval;
- the Darling Exchange building is a distinctive and high quality design;
- the height of the building is compatible with existing neighbouring developments and is appropriate within this city edge location;
- suitable building separation is provided to neighbouring buildings, which maximises solar access and outlook and the timber wrap provides effective screening from overlooking;
- the shifted/cantilevering floorplates of the building provides articulation and visual interest;
- the new Square is of the highest standard of design and will provide space for activities and events (subject to separate applications) for the benefit of the community;
- an appropriate interface is provided between the built form and public domain; and
- the dramatic use of timber within the design of the building comprises a unique architectural feature and positively contributes to the overall design and appearance of the development.

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 Government Architect of NSW (GANSW). The DRP generally supported the design of the Darling Exchange building and public open space / domain, only providing comment that the design quality of The Darling Exchange should be carried through the construction process.

Council has supported the design and land use of the North Plot and Darling Square and that overall the proposal exhibits design excellence. No concerns were raised about architectural quality within public submissions and one submission praised the overall design of the Darling Exchange building.

The Department considers the unique approach to the building design displays landmark qualities and is likely to provide for an iconic and instantly recognisable building within Sydney.

The Department initially queried the longevity and durability of the timber wrap. In response, the Applicant has confirmed the timber will be appropriately treated, and although allowed to weather naturally, it will be maintained for the life of the building. The Department considers the timber wrap is a fundamental component of the overall success of the design of the Darling Exchange building. The use of timber provides a contrasting materiality to the surrounding buildings within the Darling Square Precinct, which employ more an urban palette of materials. In addition, the use of timber provides a link to the softer nature of the public open space and public domain (**Figure 14**).

The Department notes the ground floor Market Hall has been designed to be both visually and physically permeable and as a result the building is highly activated and integrated into the public domain. The Department considers, in addition to the striking architectural design, the activation and integration of the building into its context strengthens the likelihood that the North Plot will become a destination for locals, tourists and the broader population (**Figure 15**).

Overall the Department considers the Darling Exchange building will provide a unique and iconic visual experience and will contribute significantly and positively to the emerging distinctive skyline of Darling Square Precinct and the wider SICEEP. The Department, therefore, supports the overall design of the development and is of the view that the development achieves a high standard of design and appearance.



Figure 14: Timber wrap architectural feature (Source: Applicant's RtS)



Figure 15: Indicative Market Hall layout (top left) and activated facades (Source: Applicant's RtS)

5.5 Public domain

The proposed development includes extensive public domain works, including:

- the creation of a public open space (the Square) to be used for active/passive recreation and potential special events (subject to separate applications);
- a laneway connecting the Square to Harbour Street and Chinatown (Little Hay Street); and
- other public domain improvements to integrate the site with the immediate surrounding area.

The Square comprises three components, including hard paving around and south of the Darling Exchange building, a square shaped elevated grassed area and a grove of trees with public seating (refer to **Figures 3, 4 and 16**). A series of broad steps (and associated ramp) are provided to the north of the Darling Exchange building, which provide a marker for the northern entrance to the

North Plot. In addition, the steps provide a subtle transition between the existing public domain and the North Plot, which emphasises its civic qualities.

Little Hay Street will provide for a key east/west pedestrian connection between the Darling Square Precinct and Chinatown and the Sydney CBD. The new link will include paving consistent with Council's existing paving along Harbour Street and will be highly activated by ground floor retail units within the North East and South East Plots.

Overall, the Department considers the public domain will achieve the highest standard of design and appearance, provide excellent opportunities for active and passive recreation and will be a significant public benefit.

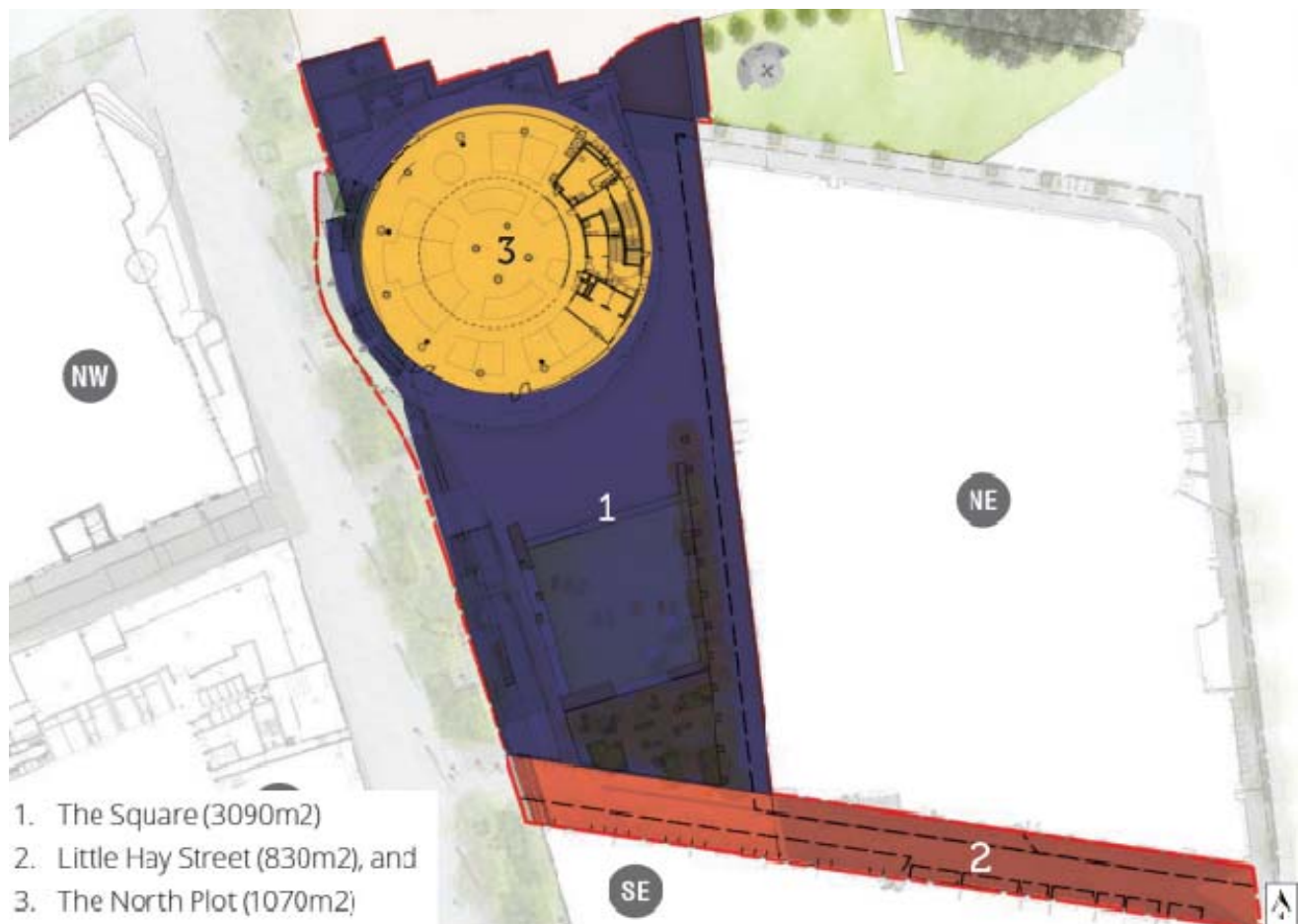


Figure 16: Key components of the public domain improvements (Base source: Applicant's RtS)

Furniture and structures within the public domain

Council recommended that street furniture within the public domain of the Square and the Boulevard should be of a consistent design to achieve a more cohesive and less cluttered outcome.

In response to Council's concerns the Applicant has prepared the following furniture design principles to guide the furniture design palette:

- provision of a coherent palette that references the broader site context, whilst supporting the development of individual and more intimate spaces within Darling Square;
- provision of a similar furniture palette for the Boulevard to the existing furniture with simple robust details and materials (such as timber and concrete);
- provide a consistent palette across the Darling Square site that is suitable for small group gatherings at a neighbourhood scale and offers intimate settings and experience;
- ensure the furniture is durable;

- utilise the steps and bleaches at the edge of the Square and to provide informal seating opportunities, reduce clutter, and provide a strong unifying element to the precinct; and
- provide seating opportunities for people with disabilities and the elderly and provide for backrests and armrests.

The Department is satisfied, subject to the Applicant's furniture design principles, the proposed development will provide acceptable furniture within the public domain. The Department recommends a condition requiring the development be carried out in accordance with the furniture design principles.

Provision of retail pods

The proposal originally included the provision of two 30 m² retail pods within the Square, located beneath the timber wrap canopy and along the western boundary with the Boulevard (refer to **Figure 17**).



Figure 17: Image of the northern (top left) and southern (top right) retail pods and their layout (bottom) (Base source: Applicant's RtS)

The Department and PNSW raised concern about the inclusion of retail pods within the Square, including the potential for the pods to result in visual clutter, obstruct pedestrian sightlines, have a privatising effect on the public space, and that they are not included within the Stage 1 Approval building envelope.

In response to the concerns raised the Applicant has confirmed that it now no longer seeks approval for the construction of the two retail pods.

The Department is satisfied the removal of the proposed retail pods addresses the concerns raised and recommends a condition to delete the retail pods from the scheme.

5.6 Traffic

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

Loading and unloading facilities for the day-to-day operation of the Darling Exchange building will be provided within the podium of the adjoining North East Plot building. The proposed development does not include any on-site car parking spaces and provides 20 publicly accessible visitor bicycle spaces within the public domain at ground floor level. Bicycle spaces and end of trip facilities for employees are proposed to be provided within the podium of the adjoining North East Plot building

5.6.1 Servicing

The proposal originally proposed to make use of the public domain surrounding the Darling Exchange building, and parts of the Square, for informal servicing arrangements for all uses within the Darling Exchange building.

The Department, Council, TfNSW and PNSW raised operational, safety and visual impact concerns about the proposed servicing arrangements. In response, the Applicant deleted all servicing within the public domain (excluding the Harbour Street bay, which is retained) and modified the North East Plot development (SSD 6626 MOD 2) to accommodate servicing for the Darling Exchange building as shown at **Figure 18**.

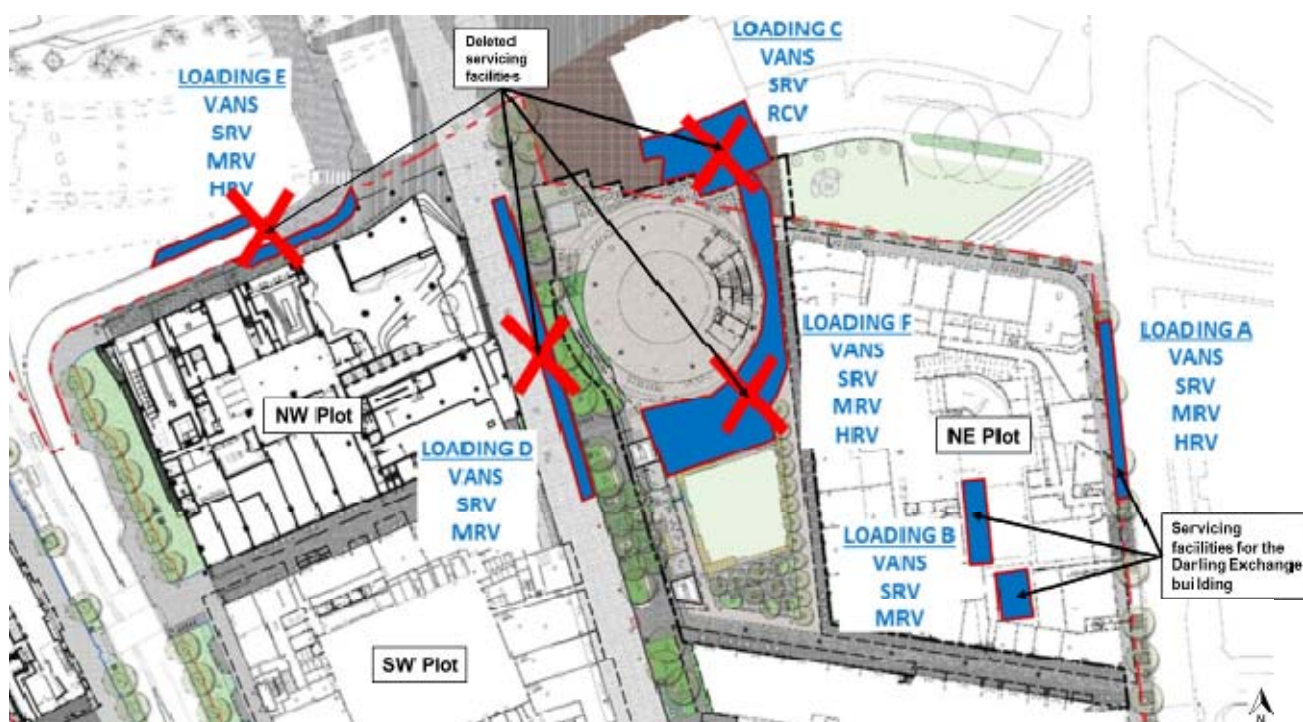


Figure 18: Amended servicing facilities for the Darling Exchange building (Base source: Applicant's RtS)

In its assessment the modification application to the North East Plot (SSD 6626 MOD 2) the Department concluded the North East Plot is capable of accommodating the servicing requirements of the Darling Exchange building. In addition, it is a condition of the North East Plot SSD consent that:

- the Applicant prepare a loading dock and service vehicle management plan to ensure the space is appropriately managed; and
- the use of the North East Plot for the servicing of the Darling Exchange building is registered on title.

The Department is satisfied the removal of servicing facilities (loading zones C and F) from the public domain and the Square addresses the concerns raised and that the location of servicing facilities within the North East Plot is an acceptable servicing strategy for the North Plot. The Department has recommended a condition requiring the movement of goods between the North East Plot and the North Plot minimise disruption to traffic and residential amenity.

5.6.2 Parking provision

Car parking

Car parking provision was a key consideration in the Department's assessment of the Stage 1 Approval for the Darling Square Precinct. In its assessment, the Department analysed the appropriateness of the amount, 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 noted the site has excellent access to public transport and concluded, subject to the adherence to maximum car parking rates, and the inclusion of a 400-space public car park within the North West Plot, the proposal would strike an appropriate balance between car parking demand and traffic generation within the inner city.

No car parking was permitted within the North Plot. Concern was raised in public submission that the retail component of the Darling Exchange should be provided with dedicated customer car parking.

The Department notes that an overall strategic objective of the *Sydney City Centre Access Strategy* and current transport/access policies is to reduce car parking provision within city areas. The Department considers, given the site's city fringe location and excellent public transport accessibility (including bus, light rail, train and ferry) that there is strong justification for not providing on-site car parking spaces within the North Plot.

The Department maintains the view that no retail car parking spaces should be provided within the North Plot as:

- the absence of car parking spaces within the North Plot is in accordance with the Stage 1 Approval and existing strategic transport/access policy for Sydney;
- nearby public car parking spaces will be available for use by future customers to the Darling Exchange building within the North West Plot public car park and in various on-street locations; and
- the site is highly accessible to public transport and visitors to the Darling Exchange will likely access the site by public transport and walking.

Bicycle parking

FEAR B20 requires the proposal to provide for an appropriate amount of bicycle parking for employees (including end of trip facilities) and public visitors to the site.

The proposal provides for 20 visitor bicycle spaces within the public domain on-site. A total of 14 bicycle spaces and end of trip facilities for the employees of the Darling Exchange building are provided within the ground floor level of the approved neighbouring North East Plot building.

The Department's assessment of the recent modification to the North East Plot application (SSD 6626 MOD 2) concludes there is sufficient space within the ground floor podium of that building to accommodate the required 14 bicycle spaces and end of trip facilities for the Darling Exchange building. In addition, a condition was imposed requiring the use of the North East Plot building for bicycle and end of trip facilities for the Darling Exchange to be registered on the title of the North East Plot.

5.7 Other issues

5.7.1 Darling Exchange building fit-out

The application originally proposed the fit-out of all uses within the Darling Exchange building, including:

- retail uses (Market Hall, food and beverage);
- restaurant / bar; and
- community uses (library and IQ Hub, childcare centre).

Council initially raised, concern about the internal layout / fit-out of the uses within the Darling Exchange building, in particular the childcare centre, and recommended that fit-out be excluded from the proposal.

In response to the concerns raised the Applicant's RtS amended the proposal and excludes fit-out of the Darling Exchange building. Following the amendment of the scheme, Council has confirmed it no longer raises concerns about this aspect of the proposal and recommends details of the fit-out be submitted to Council for its determination.

The Department is satisfied the detailed internal design of the uses within the Darling Exchange building can be resolved as part of the consideration of future development applications to Council. The Department recommends a condition confirming the fit-out of all uses within the Darling Exchange building (retail, restaurant/bar and community uses) will be the subject of separate development applications.

5.7.2 Library and IQ Hub

FEAR B36 requires the Applicant to investigate the provision, location and size of IQ Hub accommodation within the Darling Square Precinct (in consultation with key government authorities). In addition, the indicative layout of the Stage 1 Approval included the potential provision of a new library within the North Plot.

The proposal includes the provision of a contemporary public library (2,225 m²) located over the first and second floors of the Darling Exchange building. The library will also include an IQ Hub (at least 200 m²), which is a space for educational, cultural, technology and entertainment institutions and will provide flexible spaces for collaboration between creative start-ups, makers, innovators and entrepreneurs. The Library and IQ Hub would be operated by Council.

The Applicant has stated the library will provide for a publicly accessible community resource to the benefit of the local and broader community. In addition, the Applicant has entered into an agreement with Council to provide it with \$500,000 towards the establishment of IQ Hub program within the Library for a period of 5 years.

A public submission was received in support of the provision of a new library for the area. Council has confirmed it supports the provision of the library and IQ Hub and considers it represents a significant benefit for the area.

The Department is satisfied the proposed provision of a library and IQ Hub addresses the requirements of FEAR B36. In addition, the Department agrees with Council that the proposed library represents a significant benefit for the Darling Exchange Precinct.

The Department recommends a condition requiring the future development application for the fit-out of the library include an IQ Hub space of no less than 200 m².

5.7.3 Construction impacts

The Applicant has committed to implementing the following mitigation measures during construction to ensure the construction works do not have unacceptable impacts:

- preparation of a Construction Traffic Management Plan (CTMP) detailing construction and environmental management principles for the proposed development;
- establishment of vehicle routes and times to prevent traffic congestion and require subcontractors / suppliers to submit formal delivery booking requests five business days prior to delivery;
- provision of holding areas for urgent and emergency vehicles within the development site; and
- implementation of an Air Quality Management Plan and Air Quality Monitoring Program detailing preventative and monitoring measures to minimise air quality impacts.

TfNSW has recommended a condition to formalise the CTMP.

The Department considers construction impacts can be appropriately managed subject to the proposed mitigation measures, the CTMP, construction hours (as discussed below) and the preparation of Construction Environment Management, Construction Noise and Vibration and Waste Management plans. Conditions are recommended accordingly.

Construction hours

The proposal seeks approval for the construction hours, as shown in **Table 9**, which extend beyond Council's standard construction hours by two hours during the week (Monday to Friday) and on Saturday.

Table 9: 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 earlier	1.5hrs later
Saturday	7.30am to 3.30pm	7am to 5pm	30min earlier	1.5hrs later
Sunday or public holidays	No work	No work	0	0

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;
- the residential properties within the South West Plot building (which are nearing completion) are approximately 50 m away from the closest part of the proposed Darling Exchange building;
- the properties within the North East Plot (currently at site preparation stage) are unlikely to be completed / occupied until the final construction phases of the proposed development;
- the proposed construction hours would allow the building to be constructed and within a shorter timeframe (approximately 10 – 12 weeks) providing a direct benefit to future residents and the wider community;
- the Applicant has committed to implementing appropriate noise mitigation measures and a Construction Environmental Management Plan; and
- Council has not objected to the extended construction hours.

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

5.7.4 Overshadowing

Concern was raised in the public submission about the potential overshadowing of the public open space. PNSW has also commented that the height of the Darling Exchange building should not result in additional overshadowing of the public square above what was approved by the Stage 1 Approval.

The Applicant contends the height of the Darling Exchange will provide for a building of an appropriate civic scale. Further, the proposal is wholly contained within the approved North Plot building envelope (refer to **Figure 19**).

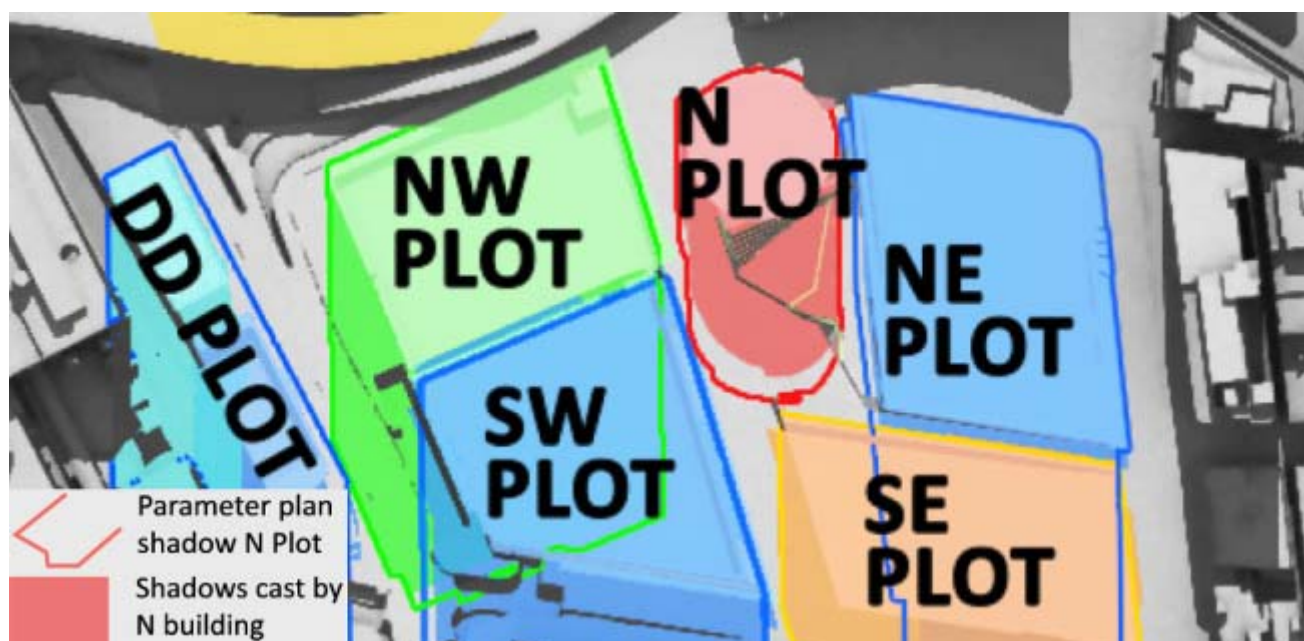


Figure 19: Winter Solstice shadow cast by the Darling Exchange building at noon (shaded in pink) and the North Plot building envelope (red line) (Base source: Applicant's RtS)

The Department is satisfied the proposal will not result in unacceptable overshadowing impacts on the public open space, as:

- the shadow studies submitted with the proposed modification demonstrate the proposal has an acceptable impact on solar access to Darling Square open space in accordance with the conclusions of the Concept Approval (**Figure 19**) and will ensure the southern portion of the public open space would continue to achieve direct sunlight between 11:30 am and 1:30 pm in mid-winter;
- the Darling Exchange building is of a lesser scale than the maximum size of the North Plot building envelope, and includes cantilevered levels, which allow for additional sunlight to penetrate through to the open space in winter months; and
- the height of the Darling Exchange building matches the podium heights of the other Darling Square buildings facing the open space.

5.7.5 Signage

The proposal includes the provision of three building identification signage zones, one will be located on the south-eastern ground floor elevation of the building and the remaining two within the pavement (refer to **Table 10** and **Figure 20**).

The Department notes the proposed signage zones will be positioned adjacent to and above the ground floor main entrances/exits to the Market Hall and Library/Childcare centre. Further, future signage is not likely to be illuminated.

Table 10: Details of proposed three signage zones

Signage Zone	Number	Height	Width	Illuminated
Zone B	1	750 mm	4,000 mm	No
Zone C	2	750 mm	3,000 & 4,000 mm	No

The Department has considered the principle of the proposed signage zones and is satisfied all future signs will be capable of being appropriately positioned, proportioned and integrated into the design of the building and is therefore acceptable. In addition, the Department is satisfied the proposed signage zones are appropriately dimensioned and will not result in future signage that dominates or detracts from the Darling Exchange building.

The Department, therefore, supports the proposed signage zones and is satisfied they meet the key assessment criteria in SEPP 64 (refer to **Appendix D**). Notwithstanding, the Department recommends a condition requiring future signs within the signage zones, including any illumination, be subject to separate approval.

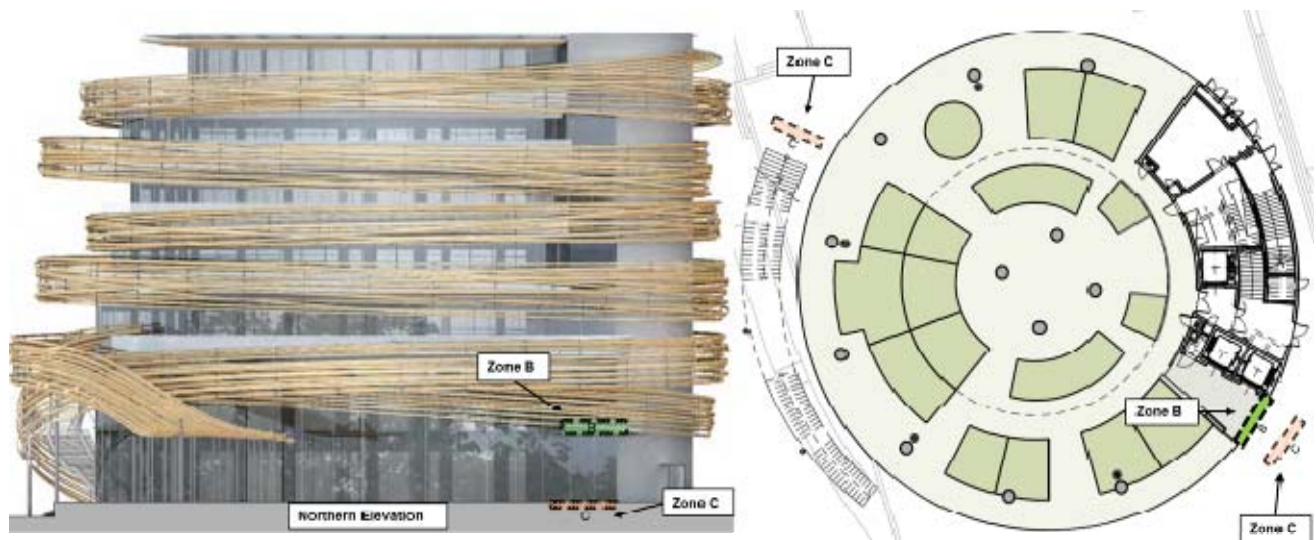


Figure 20: Locations of proposed signage zones (Base source: Applicant's RtS)

5.7.6 Public art

The proposal includes a Public Art Strategy in accordance with FEAR B12 of the Stage 1 Approval, which provides a Darling Square (precinct wide) approach to the provision of public art, focusing 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 concern to the Stage 1 Approval that a minimum of 1% of the CIV of the Darling Square precinct should be allocated to public art.

The Applicant asserts 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 is being delivered as a co-ordinated, site-wide manner and the approach to the North 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 in April 2016 and it was agreed that the Applicant would continue to work with Council to deliver appropriate public art outcomes for the site. The Applicant asserts the vision for Darling Square is to blend public art and architecture therefore providing art as an integral part of the precinct.

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 Department notes the Applicant's innovative approach to public art, which blends art and architecture, coupled with stand-alone pieces of art. 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 will be an iconic public building, which in itself displays landmark and artful qualities (as discussed at **Section 5.4**);
- 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 extent of 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.

The Department notes the Applicant is required to deliver public art throughout Darling Square as part of the Project Delivery Agreement with Infrastructure NSW and PNSW. The Department therefore does not consider it necessary to apply a minimum monetary value for public art.

5.7.7 Use of the Square

The Applicant initially proposed to use the Square for a number of events throughout the year, including market stalls, mid-sized and large-sized events. The Applicant also proposed that events would be serviced by new vehicle servicing bays/facilities within the Boulevard.

PNSW and the Department raised concern about the provision of servicing facilities within the Boulevard and the lack of information provided about the proposal. The use of the square for market stalls may be acceptable in principle, however, medium and large events would be more appropriate within Tumbalong Green, which has been designed to specifically host events of varied sizes.

In response to the concerns raised the Applicant has confirmed that it no longer seeks approval for events within the Square. Instead, events would either be undertaken in accordance with the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* as exempt development, or a separate development application will be made with the relevant consent authority seeking approval for the event.

The Department is satisfied the removal of events from the proposal addresses the above concerns. The Department recommends conditions that delete events and the provision of servicing facilities within the Boulevard from the development.

5.7.8 Wind

Council initially raised concern about the potential wind impacts along Little Hay Street and at the outdoor space of the North Plot and recommended additional mitigation measures be employed to address wind impacts.

In response, the Applicant has included additional awnings and canopies along Little Hay Street and to the Darling Exchange building to prevent localised wind-downwash. In addition, screens and folding glass doors are provided to the roof top restaurant/bar to block northerly prevailing winds.

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

5.7.9 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 tenancies have been designed to accommodate a variety of cooking styles and operations. All tenancies will be provided with standard kitchen exhausts with the majority capable of accommodating solid fuel (charcoal) exhausts. All kitchen exhaust systems will discharge at roof level in accordance with relevant Australian Standards and will include appropriate filtration.

The Department is satisfied the proposed development has considered the likely future kitchen exhaust needs of the retail tenancies and notes these specifications will be further developed at the detailed design stage of the development. To facilitate this outcome the Department recommends a condition requiring the appropriate installation and maintenance of kitchen exhaust facilities.

5.7.10 Roof top restaurant / bar

PNSW initially raised concern about the impact of the inclusions of the roof top restaurant / bar within the proposal.

In response to the concern raised, the Applicant amended the scheme by limiting the maximum capacity to 280 patrons, increasing acoustic absorptive finishes, preventing balcony access after 11 pm and requiring music noise monitoring and sound system limiting devices. PNSW supports the amendments to the proposed roof top restaurant / bar.

The Department notes, as discussed at **Section 5.3.2**, that the rotation of the core of the Darling Exchange building ensures no windows are located directly opposite neighbouring habitable room windows of the adjacent North East Plot building. Further the Applicant has not sought approval for the operation or the fit-out of the restaurant / bar as part of this application.

On this basis, the Department is satisfied the proposed restaurant / bar can be appropriately managed to prevent adverse residential amenity impacts. The Department recommends a condition requiring the submission of a separate development application to Council for the fit-out and operation of the restaurant / bar.

5.7.11 Archaeology

Non-indigenous archaeology

The site has the potential to contain non-indigenous archaeological remains (located within reclaimed land) that would illustrate many aspects of the historical use and development of the area including:

- c1850 Dickson's Dam Wall (State significant);
- Former Hydraulic Pumping Station No.1 (Hydraulic Pump House) (State significant); and
- occupation evidence between 1870s – 1890s.

The Darling Exchange building does not include a basement level and has been designed to avoid excavation below RL 2.0 to ensure the development does not adversely impact on the Dickson's Dam Wall. Notwithstanding this, piling, lift pits, new stormwater, electrical and other services are proposed, which may impact on occupation evidence between 1870s – 1890s. Consequently, the Applicant has committed to detailed archaeological excavation and recording prior to removal of any archaeological information.

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, including:

- protection of the Hydraulic Pump House during works;
- retention and minimisation of impacts on the Dickson's Dam Wall and Mill buildings;
- management of heritage impacts during construction by the preparation of archaeological excavation documents and monitoring and recording during works; and
- the results the archaeological fieldwork should be used to inform the Interpretation Plan, required under FEAR B22 of the Stage 1 Approval.

The Department recommends the Heritage Council's conditions accordingly.

Indigenous archaeology

The Applicant's heritage consultant has confirmed the development is to be constructed on reclaimed land (following European settlement) and therefore has no potential for Aboriginal objects. OEH has confirmed it concurs with this conclusion. The Department is satisfied that no further Aboriginal archaeological assessment recording or testing is necessary.

5.7.12 Contamination

Contamination was assessed as part of the Stage 1 Approval for Darling Square (SSD 5878), including the approval of a site-wide Remedial Action Plan. The RAP identifies the site may contain contaminants. However, it concludes that subject to 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 notes mitigation measures are in place to address predicted contamination on the site and should any unanticipated contamination be found during works. The Department is satisfied contamination on the site has been appropriately addressed. Further consideration of contamination and SEPP 55 is provided at **Appendix B**.

6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions as well as the Applicant's response to these, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The proposed North 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 new mixed use development 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 new community (library, IQ Hub and childcare centre) uses which will contribute to the liveability and uniqueness of the Darling Square neighbourhood;
- creating a new public open space, east/west pedestrian laneway and associated public domain and landscaping works;
- providing new retail accommodation, complementing existing retail offerings in the Darling Square precinct, neighbouring Chinatown and the Sydney CBD; and
- contributing towards employment growth by providing an estimated 150 jobs during the construction phase and 148 jobs at the operational stage.

The Department's assessment concludes the development is consistent with the building envelope parameters set by the Stage 1 Approval and will provide a new building that achieves the highest standard of architectural design, displays landmark qualities and will positively contribute to the existing urban character of the area.

The public domain, including the new public open space, will achieve the highest standard of design and appearance, provide excellent opportunities for active and passive recreation and will be a significant public benefit.

The encroachment of the Darling Exchange building's curved stair into the Boulevard has been carefully considered is appropriate in this instance. The Department considers the stairs will provide additional visual interest and recommends a condition to ensure the stair material maximises visual permeability.

The Department is satisfied all servicing for the Darling Exchange building can be undertaken within the neighbouring North East Plot building and the absence of on-site car parking provision is in accordance with the Stage 1 Approval. Sufficient bicycle parking is provided for the development.

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 provide community facilities, contribute to the completion of Darling Square, provide new retail accommodation, public domain works, significant public open space and employment opportunities.

Subject to the recommended conditions, the Department considers the proposals are in the public interest and recommends the applications for approval.

7. RECOMMENDATION

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

- a) **considers** the recommendations of this report; and
- b) **approves** the SSD application (SSD 7021), under section 89E of the EP&A Act, having considered matters in accordance with (a) above; and
- c) **signs** the attached development consent at **Appendix E**.

Endorsed by:

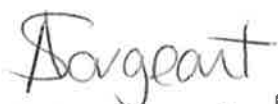


Amy Watson
Team Leader
Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Approved by:



Anthea Sargeant 18/5/17
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=7021

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7021

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7021

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 EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

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 No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *City of Sydney Development Control Plan 2012.*

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 community (library, IQ Hub, childcare), commercial (retail and restaurant/bar) and recreational 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 mixed use community / non-residential uses consistent with the land-use parameters set by the Stage 1 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 (SRD SEPP)

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows:	The proposed development is	Yes

(a) to identify development that is State significant development,	identified as SSD.	
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:.. (b) Darling Harbour 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 No. 55 - Remediation of Land

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

The site-wide RAP identifies two localised areas of soil contamination within the site that present potentially unacceptable health risks to future site occupants and one of this sites is located within the application boundary. 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 North Plot. 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 measures are in place should any unanticipated contamination be found during works.

A detailed acid sulphate soils management plan will be prepared to address acid sulphate soils within natural soils beneath the water table within the site. The Department notes that the proposal does not include a basement and therefore the predicted level of soil disturbance will be marginal.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64- Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are

contained in Schedule 1. **Table 11** below demonstrates the consistency of the proposed signage zones with these assessment criteria (future signs with the proposed signage zones will be subject to separate future planning applications).

Table 11: SEPP 64 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are discrete, appropriately located and integrated into the design and appearance of the building.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	A total of three signage zones are proposed, which are appropriately proportioned to ensure that future signage does not dominate the building or the public domain.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The limited number and small overall advertising area of the signage zones ensure that future signage will not detract from the amenity or visual quality of the surrounding area.	Y
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage zones are integrated with the proposed building and would not result in the obstruction of any views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage zones are located above entrances and within the pavement and therefore will not dominate the skyline.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not impact upon the viewing rights of other advertisers.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage zones are proportionate and sympathetic to the scale of the building.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage zones would contribute to the visual interest of the building by contributing to the identification and recognition of site.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing signage.	N/A
Does the proposal screen unsightliness?	No screening is required.	N/A
Does the proposal protrude above buildings, structures	The signage zones are integrated into the design of the building and located above entrances and within the	Y

or tree canopies in the area or locality?	pavement. The signage zones will not protrude above buildings, structures or tree canopies.	
Does the proposal require ongoing vegetation management?	The signs would not require ongoing vegetation management.	Y
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage zones have been designed to be fully compatible with the proposed building and its architecture. Importantly the signage zones have been placed so as to allow suitably identification for future uses without causing visual clutter.	Y
Does the proposal respect important features of the site or building, or both?	The signage zones have been located in architecturally appropriate locations that will complement the overall design and appearance of the building and the public domain.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been fully integrated with the building architecture. The inclusion of in-pavement signage is considered to support the overall unique architectural approach to the development and will contribute to the overall innovative/landmark design.	Y
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	For consideration as part of a future detailed signage application.	N/A
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination is proposed.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.	N/A
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	No illumination is proposed.	N/A
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage zones would not obscure sightlines to or from public areas.	Y
Would the proposal reduce safety for any public road?	The signage zones would not reduce safety for any public road as they will not be: • visible from any public road; • illuminated; or • out of proportion with the proposed building.	Y

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* (Harbour SREP). The Harbour SREP 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 520 metres from the Darling Harbour foreshore, an assessment of the proposal against the Harbour SREP has been undertaken. Within the Harbour SREP, the site is identified as being within the 'Foreshores & Waterways Area' boundary. Overall, the Department is satisfied that the proposal is consistent with the relevant provisions and matters for consideration within Part 3, Division 2 of the Sydney Harbour 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 SRD SEPP, Development Control Plans do not apply to SSD.

APPENDIX C SICEEP MASTER PLAN

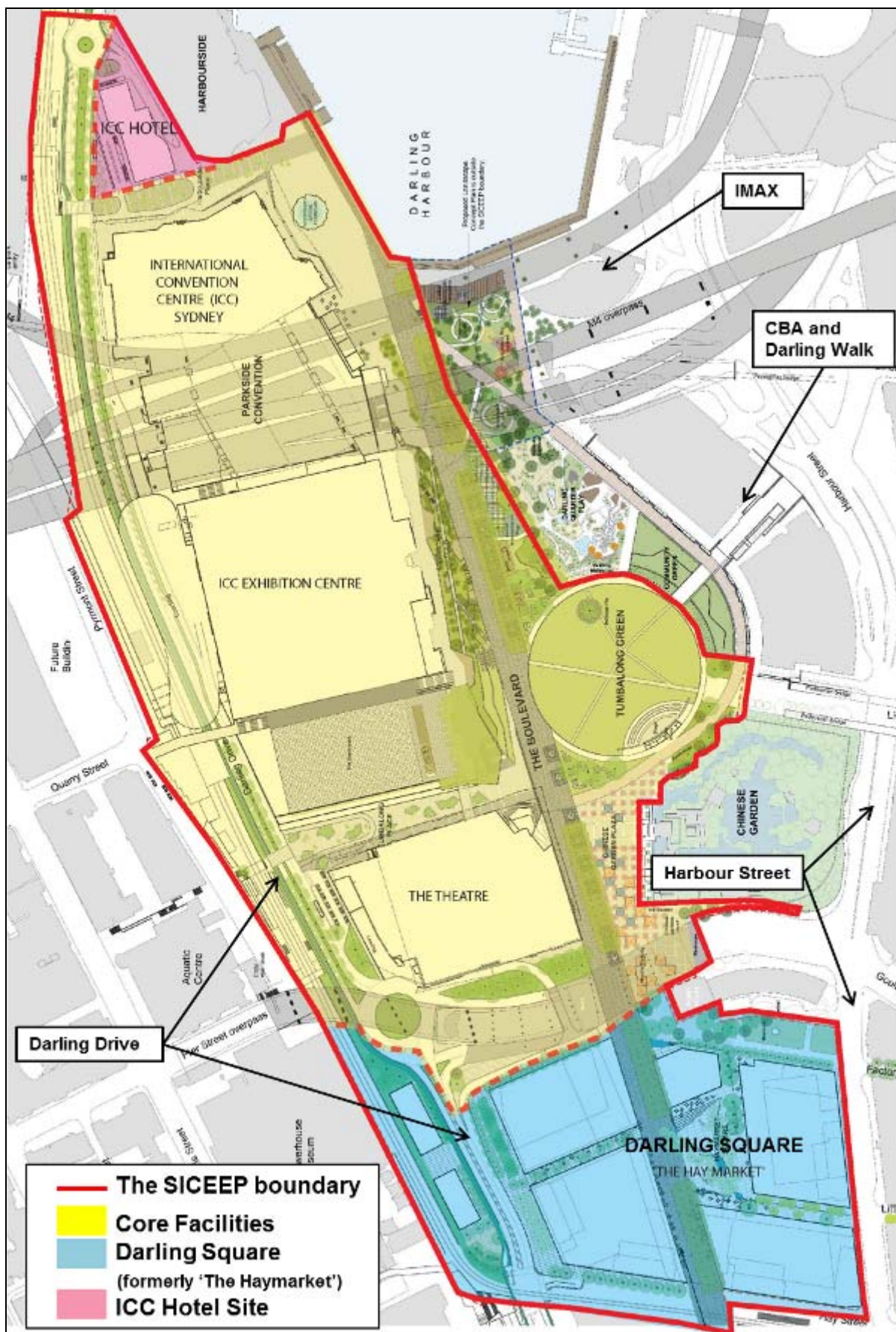


Figure 21: SICEEP Master plan (Base source: SSD 5878)

APPENDIX D CONSISTENCY WITH THE CONCEPT APPROVAL

An assessment of the proposal against the relevant approval requirements, modifications and FEARs of the Stage 1 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 consistent with the requirements of the Stage 1 Concept Approval.	Yes																																												
A6A	Prior to the determination of any State significant development application relating to the North Plot, amended Parameter Plans and Design Guidelines shall be submitted to the Secretary for approval, showing: a) the replacement of 'Note C' on all relevant Parameter Plans with a new Note requiring an uninterrupted minimum 19 metre building separation to a height of 6.5m above ground level, with the separation reducing to 13.4m to accommodate the public stair / canopy and 16m at upper levels; and b) revision of the Design Guidelines to reflect the change in condition A6A(a) above. Notwithstanding A6A(a) above, encroachments into the Boulevard may be considered in accordance with Condition B4A.	The Department has received and approved amended Parameter Plans and Design Guidelines in accordance with the requirements of condition A6A.	Yes																																												
A7	The maximum height for the development shall be consistent with the Concept Proposal vertical building envelope parameter plans for each building as detailed below: <table><tr><th>Plot and Building</th><th>Maximum Height - RL</th></tr><tr><td>North Plot</td><td></td></tr><tr><td>-</td><td>RL 33.50</td></tr><tr><td>North East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>NE1</td><td>RL 68.38</td></tr><tr><td>NE2</td><td>RL 38.10</td></tr><tr><td>NE3</td><td>RL 138.63</td></tr><tr><td>South East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SE1</td><td>RL 99.85</td></tr><tr><td>SE2</td><td>RL 38.10</td></tr><tr><td>SE3</td><td>RL 68.38</td></tr><tr><td>South West Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SW1</td><td>RL 91.38</td></tr><tr><td>SW2</td><td>RL 38.10</td></tr><tr><td>SW3</td><td>RL 138.63</td></tr><tr><td>North West Plot</td><td></td></tr><tr><td>-</td><td>RL 53.60</td></tr><tr><td>Darling Drive (Western) Plot</td><td></td></tr><tr><td>W1</td><td>RL 75.20</td></tr></table>	Plot and Building	Maximum Height - RL	North Plot		-	RL 33.50	North East Plot		Podium	RL 25.03	NE1	RL 68.38	NE2	RL 38.10	NE3	RL 138.63	South East Plot		Podium	RL 25.03	SE1	RL 99.85	SE2	RL 38.10	SE3	RL 68.38	South West Plot		Podium	RL 25.03	SW1	RL 91.38	SW2	RL 38.10	SW3	RL 138.63	North West Plot		-	RL 53.60	Darling Drive (Western) Plot		W1	RL 75.20	The proposal is within the approved building heights of the North Plot, as confirmed at Section 5.3.1 .	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 there is no overall exceedance of the maximum Darling Square GFA requirements: <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>46,505</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>SE</td><td>32,028</td></tr><tr><td colspan="2">Proposed</td></tr><tr><td>N</td><td>6,604</td></tr><tr><td colspan="2">Total</td></tr><tr><td>All Plots</td><td>210,349</td></tr></table>		Plot	GFA (m ²)	Approved		NW	44,010	SW	46,505	NE	53,652	DD (W1)	13,209	DD (W2)	14,341	SE	32,028	Proposed		N	6,604	Total		All Plots	210,349	Yes	
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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, as discussed at Section 5.4 .		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).	N/A		N/A																									
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 ground floor level of the building is highly permeable and will provide for excellent street level activation.		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 curved stair has been redesigned to maximize its transparency, as discussed at Section 5.3.2 . In addition, the ground floor level of the building shall be constructed within a high percentage of		Yes																									

	lobbies.	glazing. Overall the building facilitates pedestrian sightlines / visual safety.	
B4A	Future Development Applications for the North Plot shall demonstrate compliance with the requirements of Condition A6A and the approved Parameter Plans and the Design Guidelines. Minor encroachments of the North Plot into the 'uninterrupted minimum 19 metre building separation' may be considered where it has been demonstrated that: a) the encroachment does not restrict pedestrian sightlines looking north and south along the Boulevard at the western extent of the North Plot building; b) pedestrian connectivity along the Boulevard is not adversely affected; c) the perception of openness and width of the Boulevard is maintained from a pedestrian perspective; d) any encroachments are designed to be lightweight and visually permeable; and e) any encroachment does not result in an unacceptable visual pinch-point along the Boulevard.	The proposal demonstrates that the minor encroachment into the Boulevard is acceptable and does not restrict pedestrian movement, connectivity or the perception of openness. In addition, the part of the building that encroaches into the Boulevard is lightweight, suitably transparent and does not result in a visual pinch-point. Refer to Section 5.3.2	Yes
B5	Future Development Applications (where above ground car parking is proposed) shall include a detailed Building Design and Laneway Visual Assessment to ensure an appropriate design of the buildings and visual environment within the laneways.	No above ground car parking is proposed.	N/A
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.	N/A	N/A
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 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 an appropriate degree of accessibility will be achieved within the North Plot building and the Darling Square public open space.	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	Landscaping plans for the North Plot public domain and green roof and the Darling Square public open space	Yes

	and treatment of all public domain areas.	have been provided and are considered to achieve a high standard of design. The final details of public domain landscaping are to be endorsed by PNSW.	
B10	Open spaces and public domain improvements shall be delivered in the sequence indicated within the approved Design Report, Illustrative Development Staging Diagram, unless otherwise modified in a Future Development Application. The open spaces and public domain works are to be completed prior to the occupation of the building(s) of the appropriate development application, unless otherwise approved in writing by the Director-General.	No change is proposed to the sequence of public domain improvements	Yes
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 5.7.6 .	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 within the application 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	N/A	N/A

	driveway and crossover are appropriately designed and will encourage safe pedestrian movement.		
B17	Future Development Applications shall demonstrate that ground floor car parking has been avoided where possible. However, should ground floor car parking be provided, it shall be appropriately screened so not to be visible from the public domain (excluding those times when the car park entry door is in use).	The proposal does not include any on-site car parking. Loading and unloading facilities and management are discussed at Section 5.6.2 .	Yes
B18	The Future Development Application for the South West Plot shall include an analysis of the transition, route and pedestrian experience of the east/west Macarthur Street pedestrian connection.	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	N/A	N/A
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.	20 publicly accessible visitor bicycle spaces are provided outside to the eastern elevation of the North Plot building. 14 bicycle spaces and end of trip facilities for future employees of the Darling Exchange building are provided within the neighbouring North East Plot building as discussed at Section 5.6.2 .	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.	A 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 archaeological assessments identifying the areas of the site which may contain significant archaeology and how impacts will be mitigated. Any recommendations of the assessment shall be adopted as part of future Development Applications.	A Non-Indigenous Archaeological Report and Aboriginal Archaeological Assessment have been provided and the recommendations of these reports will be adopted within the detailed design of the building and public open space.	Yes

Environmental performance		
B24	Future Development Applications shall demonstrate achievement of the following minimum Green Star ratings (or equivalent rating of a superseding environmental rating system): ▪ 5 star Green Star Office for the NW Plot (excluding the public car park); ▪ 4 star Green Multi Unit Residential rating on all residential towers; and ▪ 4 star Green Star Custom rating for student accommodation.	The ESD Report confirms the development is committed to a 5 Star Green Star rating under the Green Star Design & As Built V1.1 tools 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 roof level of the North Plot building. The green roof would be landscaped but not accessible to visitors. 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. Yes
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 the proposal will achieve an appropriate acoustic amenity subject to mitigation measures. Events within the Square no longer form part of this application, as discussed at Section 5.7.7. Yes
Wind assessment		
B29	Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.	A Wind Assessment has been submitted with the application, which confirms that the proposal will achieve an appropriate wind environment subject to mitigation measures, as discussed at Section 5.5.7. Yes
Waste		
B30	Future Development Applications shall include a Waste Management Plan to address storage,	A Waste Management Plan has been submitted, which Yes

collection, and management of waste and recycling within the development.	addresses the storage, location and management of waste/recycling.	
Signage		
B31 The signage controls are deleted from the Design Guidelines.	Signage zones are proposed, which are considered acceptable as discussed at Section 5.7.5 .	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 application 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 the extension, augmentation and realignment of services can be satisfactorily achieved.	Yes
Contamination		
B34 Future Development Applications shall include a Remediation Action Plan addressing the potential contamination of the land including mitigation measures where necessary in accordance with SEPP 55.	The Site Audit Report confirms 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.	As discussed at Section 5.7.2 , a library is provided at the first and second floors of the North Plot building, which will be operated by Council.	Yes

IQ Hub		
B36	The Future Development Applications shall include an investigation into the provision of IQ Hub accommodation and shall consult with Council and/or SHFA and local tertiary educational institutions regarding the quantum and location of the accommodation.	The proposed library layout includes indicative spaces allocated to IQ Hub. In addition, an IQ Hub space will be operated for a trial period of three years within the South West Plot building.
		Yes

APPENDIX E RECOMMENDED CONDITIONS OF CONSENT
