

09 May 2013

The Director  
Karen Jones  
Metropolitan & Regional Projects South  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2000

SENT VIA WEB SITE SUBMISSION

Dear Karen Jones,

**Subject: State Significant Development Application for a staged mixed use development comprising residential, commercial, retail, community and open space uses at The Haymarket (Concept Proposal) (SSD5878)**

I refer to the above matter and your letter dated 25 March 2013.

As requested in your letter, outlined below is my submission for your consideration.

I object to the planned proposal on the following grounds:

### **Overdevelopment of the site**

Nine towers ranging from 12 to 40 storeys will be built on the current Entertainment Centre and car park site, an area of 47530m<sup>2</sup> (less than 5 hectares). Four of these towers are between 25 and 40 storeys.

The recommendation by City of Sydney Planning in their July 2012 submission that more than 3 high-rise towers on the site would lead to “tower crowding” has been ignored.

The problems arising from this overdevelopment are:

#### **1. Overshadowing of existing dwellings**

The EIS does not contain sufficient information to assess the number of individual dwellings in neighbouring tall buildings which will be overshadowed at any time, and in particular at the winter solstice. No information is given re vertical (elevation) shadowing. It will be too late by the DA stage to belatedly realise that DCP overshadowing guidelines are far from met for a substantial number of individual dwellings.

## **2. Excessive building depth of proposed buildings**

Each of the nine buildings has a proposed depth greater than the maximum 18 metres specified in the Residential Flat Design Code, and the developer fails to address the specific criteria in the Code under which the maximum may be exceeded.

## **3. Insufficient building separation of proposed buildings**

Within the site, there are 14 separations between buildings. Of these 14 separations, the proposed distances in eight are non-compliant. With the proposed separations in those eight, it is impossible to achieve the intent of the Residential Flat Design Code separation guidelines by detailed designs or any other method.

There is also a non-compliant proposed separation between the NE plot and the Holiday Inn at 68 Harbour St.

## **4. Inadequate and inequitable view sharing between existing and proposed buildings**

The new public facilities and open spaces could be created without adversely impacting on existing private views or outlooks. It is the new private towers which adversely impact on existing private views and outlooks. Therefore view sharing is required.

The EIS pays lip service to view sharing, but it is unwilling to adopt any of the four concrete measures which would promote view sharing, namely avoiding tower crowding, maintaining adequate building separation between towers, building slender towers and creating view corridors.

## **5. Population Density**

The Haymarket currently has 5376 residents on a 53 hectare site (2011 census). The 5 hectare Haymarket Precinct, coupled with the new Quay and Hing Loong Apartments developments will increase Haymarket's population to between 10,650 and 11,000 on 58 hectares— an increase of between 99% and 103%.

The Haymarket will be further impacted by the large developments in Central Park and Harold Park when residents use Haymarket streets to access Paddy's Market, Chinatown and other attractions in the precinct. All these developments will put pressure on the adequacy of public transport; the ability of the precinct's "short grain" roads to cope with increased traffic; community services such as schools, hospitals, libraries and health and community centres, some of which are already at overcapacity; and the ability to maintain pedestrian safety for residents and visitors to the area.

## **6. Student accommodation**

The student accommodation is on public land on a very narrow site between the Powerhouse Museum and Darling Drive. Narrowing Darling Drive will result in greater

traffic congestion on this vital access road. Any significant view of the heritage-listed Powerhouse Museum will be obliterated, begging the question about the purpose of heritage-listed buildings.

#### **7. Conflicts between SSD 5878 and SSD 5752 Sydney International Convention, Exhibition and Entertainment Precinct - Redevelopment of convention centre, exhibition centre, entertainment facilities and associated public domain works**

- Expansion of the Exhibition Centre at ground level is prevented
- Reduction in capacity of CBD music venue

#### **8. Traffic**

There are two major areas of concern, unacceptable levels of service on Darling Drive and Bus & Coach standing both exacerbating the stress on current traffic congestions (Quay St, Ultimo Road and Harris St).

The Transport and Traffic Impact Assessment contains self-contradictory estimates of current usage. Actual observations show that current traffic levels are already very close to the maximum capacity which can be carried by one lane. The proposal to reduce Darling Drive to one lane in both directions when it is already at or near full capacity for one lane will cause unacceptable levels of service during the peak.

The existing bus and coach standing barely copes with current requirements and the plan offers only a single coach drop off space and no alternative provision for the daily tourist bus pickups.

The above limitations, coupled with increased number of residents in the Haymarket Precinct will add further stress on traffic congestion. Frequent double parking, other illegal parking and road rage incidents are currently obstructing streets and making movements in and out of the Haymarket area, let alone our own drive-way difficult and quite frustrating at times. I can only see it getting worse with more residents in this small area.

#### **9. Heritage**

With the proposed obliteration of the view from the east of the Powerhouse Museum by the student accommodation and the diminution of the setting of the Chinese Gardens it is hard to give credence to the proposal statement "There will be no impact on heritage items located either within the development site or in its vicinity....".

It is interesting to note that the consultants TKD's Heritage report appears reluctantly to support the proposal and that it was submitted twice to the client for review before acceptance.

## **10. Consultation Process**

The consultation report appears imbalanced and is, in part, an inaccurate portrayal of events as recollected by the attendees at the meetings. Several issues raised in these “consultation” sessions appear to have been readily dismissed and misrepresented. These issues include:

- Overshadowing;
- Loss of views, inequitable view sharing between existing and proposed buildings;
- Reduction in property values of existing buildings (with estimated drop in property value by 10 - 20%);
- Reduced privacy due to insufficient building separation of proposed buildings;
- Pressure and questionable ability of current roads to cope with increased traffic;
- Lack of Public Transport, and ability of community services to service the increase in populations and visitors to the area;
- Reduced public and community space through the development of residential towers; and
- Depressing prospect of living in a demolition/building site for the next decade.

Based on all of the above points raised, I strongly object to the planned proposed. Further details of my objections are provided in the Appendix of this letter.

Yours respectfully,

E Liao  
0427 893 081

## APPENDIX

### 1. Overshadowing of existing dwellings

The EIS states that no overshadowing controls are applicable to the proposed development (EIS Section 5.9, page 97). This statement has two aspects:

#### ○ Overshadowing within the site

Some may argue that, due to the lack of overshadowing controls, strictly speaking the project is free to destroy public and internal private amenity within the site as it sees fit. This would be a very shortsighted view. It would clearly be preferable to abide by normally adopted overshadowing guidelines, i.e. those set out in the City of Sydney Development Control Plan 2012. In fact the EIS is complacent about overshadowing within the site. It finds that "the majority of podiums do not (emphasis added) receive solar access to at least 50% or more of their area during the winter solstice". (Section 5.9, page 98). Nevertheless, the EIS finds this acceptable on the bizarre grounds that residents and visitors are free to go elsewhere if they want some winter sun, and that winter sun is allegedly less important than summer sun.

#### ○ Overshadowing of areas external to the site

Notwithstanding the lack of overshadowing controls applicable within the development, external impacts should be assessed using the normally applicable guidelines, i.e. those set out in the City of Sydney Development Control Plan 2012 ("the DCP"). These state:

- " (1) Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.*
- (2) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June. This control does not apply to windows on a side boundary or only separates from a side boundary or passageway.*
- (3) The development application is to include diagrams in plan **and elevation** (emphasis added) that show the shadow impact of the proposal at 9am, 12 noon, and 3pm at midwinter."*

In fact, contrary to the requirements of the DCP, the overshadowing diagrams in the EIS are in plan only (Appendix J, pages 74 - 80). The EIS does not include any overshadowing diagrams in elevation. Therefore it is impossible to assess the extent of overshadowing of individual neighbouring dwellings within tall buildings, i.e. The Peak and The Quay. For example, it is very likely that dwellings in the lower floors of North and West facades of these buildings will receive less than 2 hours direct sunlight to habitable rooms between 9am and 3pm on 21 June. This may also be the case for medium-level floors. It is impossible to tell from the incomplete information contained in the EIS. The EIS does not contain sufficient information to assess the

number of individual dwellings in neighbouring tall buildings which will be overshadowed at any time, and in particular at the winter solstice. In the absence of diagrams in elevation, the EIS simply makes the global statement that "The Peak Apartments residential tower (north and west facades only) would be partially overshadowed by the Concept Proposal in the late afternoon at the winter solstice." No information is given to allow assessment of the number of individual dwellings which will no longer meet the DCP guidelines. The EIS says nothing about shadowing of The Quay apartments. That is not good enough. The EIS should have contained overshadowing diagrams in elevation and a detailed analysis of the impact on dwellings in large facades. It will be too late by the DA stage to belatedly realise that DCP overshadowing guidelines are far from met for a substantial number of individual dwellings.

With respect to the podium of The Peak Apartments, the EIS states "The landscaped podium will continue to receive at least 2 hours of daylight access (on 21 June), assuring compliance with the intent of the DCP". Although this statement is true, 2 hours is a major reduction from the existing 21 June daylight access of about 6 hours. Also, the diagrams on page 78 of Appendix J show that on 21 June the majority of the podium is shaded from 1400, not from 1500 as stated in the accompanying text.

The EIS notes "significant overshadowing impacts to the Powerhouse Museum courtyard" but states, without providing any evidence, that "the playground is identified as potentially being redeveloped in the future for a non-residential use", as if that somehow removed the desirability of avoiding shadowing of open space which is currently public, and may well in future in fact be residential.

## **2. Excessive building depth of proposed buildings**

The proposed building depths of the nine buildings are given in section 5.6.4 on page 88 of the EIS. They range from 19 metres to 24 metres.

The relevant controls are the Building Depth Controls in the Residential Flat Design Code (RFDC). They state on page 26:

- *Whether there is a building envelope or not, the maximum internal plan depth of a building should be 18 metres from glass line to glass line.*
- *The 18-metre guideline generally applies to street wall buildings, buildings with dual and opposite aspect and buildings with minimal side setbacks.*
- *Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. Use building depth in combination with other controls to ensure adequate amenity for building occupants. For example, a deeper plan may be acceptable where higher floor to ceiling heights allow sun access or where apartments have a wider frontage*

And on page 27 they state:

- *In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.*

The rationale for the Controls is as follows (page 26):

*Control over building depth is important, as the depth of a building will have a significant impact on residential amenity for the building occupants. In general, narrow cross-section buildings have the potential for dual aspect apartments with natural ventilation and optimal daylight access to internal spaces.*

It can be seen that each of the nine buildings has a proposed depth greater than the 18 metre guideline. The largest excess is 6 metres, which is 33% above the 18 metre guideline, but which the EIS describes as being a "relatively minor variation".

It is incumbent upon the developer to demonstrate why deeper plans than the guideline of 18 metres are acceptable in each of the nine buildings. Are higher floor to ceiling heights being proposed? Are wider frontages being proposed? The EIS is silent on these issues. Rather than addressing the specific criteria in the Controls under which deeper plans than 18 metres may be approved, the EIS simply makes the following vague promises:

<b>EIS vague promise</b>	<b>Comment by this submission</b>
"The building depths do not preclude the future buildings from achieving compliance with the solar access 'Rules of Thumb' from a whole of precinct perspective." (Section 5.6.4, page 88)	What does this mean? Does it mean that some buildings will have such outstanding solar access that residents in other buildings will be happy to have poor solar access in their building?
"The proposed building envelopes will achieve a high standard of residential amenity." (Section 5.6.4, page 88)	This vague statement remains to be proven. Prima facie a depth of greater than 18 metres does not provide a high standard of residential amenity.
"The extent of building depth variation is minor (generally being between 2m and 6m) and is considered to be acceptable given that the indicative scheme has demonstrated compliance with other key RFDC objectives." (Section 5.6.4, page 89)	It is surprising that the developer considers a 6 metre variation to be minor. It is 33% more than the 18 metre guideline. The developer is also suggesting here that one RFDC objective can be traded off against other objectives. However there is no provision in the RFDC for one objective to be traded off against other objectives.

### **3. Insufficient building separation**

The relevant controls for building separation are the Residential Flat Design Code (RFDC) Primary Development Controls - Building Separation. The objectives and controls are on Page 26 of the RFDC.

Objectives

- *"To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.*
- *To provide visual and acoustic privacy for existing and new residents.*
- *To control overshadowing of adjacent properties and private or shared open space.*
- *To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.*
- *To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow."*

## Controls

*"For buildings over three storeys, it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Suggested dimensions within a development, for internal courtyards and between adjoining sites are:*

### **"Up to four storeys/12 metres**

- *12 metres between habitable rooms/balconies*
- *9 metres between habitable/balconies and non-habitable rooms*
- *6 metres between non-habitable rooms*

### **"Five to eight storeys/up to 25 metres**

- *18 metres between habitable rooms/balconies*
- *13 metres between habitable rooms/balconies and non-habitable rooms*
- *9 metres between non-habitable rooms*

### **"Nine storeys and above/ over 25 metres**

- *24 metres between habitable rooms/balconies*
- *18 metres between habitable rooms/balconies and non-habitable rooms*
- *12 metres between non-habitable rooms"*

The proposed building separations in the EIS are shown in Figure 48 in Section 5.6.3 on page 87.

There are 14 separations between the proposed buildings internal to the site.

**Of these 14 separations, the proposed distances in 8 are non-compliant.**

The eight non-compliant separations, plus an additional non-compliant separation with a building external to the site, are shown in the table below:



<b>Building Names</b>	<b>Height of each Building (floors) Section 4.6.2 Table 7 page 59</b>	<b>Proposed Separation (metres) Figure 48 in Section 5.6.3 on page 87</b>	<b>RFDC control separation (metres)</b>	<b>Comment by this submission</b>
SW1 to NW	25 and 12	8	<ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	The proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method.
N to NE3	6 and 40	8	<ul style="list-style-type: none"> <li>- 18 metres between habitable rooms/balconies</li> <li>- 13 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 9 metres between non-habitable rooms</li> </ul>	The proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method.
SW3 to SW2	40 and 9	9	<ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	The proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method.
SE1 to SE2	28 and 9	9	<ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	The proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method.
W1 to W2	21 and 21	10	<ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	The proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method.
NE1 to NE3	18 and 40	12	<ul style="list-style-type: none"> <li>- 24 metres between habitable rooms/balconies</li> <li>- 18 metres between habitable rooms/balconies and non-habitable rooms</li> <li>- 12 metres between non-habitable rooms</li> </ul>	The proposed separation is sufficient for non-habitable rooms only. It is therefore possible to achieve the intent of the RFDC guidelines only if all rooms are non-habitable.

<b>Building Names</b>	<b>Height of each Building (floors) Section 4.6.2 Table 7 page 59</b>	<b>Proposed Separation (metres) Figure 48 in Section 5.6.3 on page 87</b>	<b>RFDC control separation (metres)</b>	<b>Comment by this submission</b>
SE1 to SE3	28 and 18	18	- 24 metres between habitable rooms/balconies - 18 metres between habitable rooms/balconies and non-habitable rooms - 12 metres between non-habitable rooms	The proposed separation is sufficient only if there are no habitable rooms/balconies on the exterior of both buildings.
SW1 to SW3	25 and 40	18	- 24 metres between habitable rooms/balconies - 18 metres between habitable rooms/balconies and non-habitable rooms - 12 metres between non-habitable rooms	The proposed separation is sufficient only if there are no habitable rooms/balconies on the exterior of both buildings.
Unspecified building on NE plot to Holiday Inn at 68 Harbour St	Over 12 and 12	EIS states that separation is non-compliant on floors 9 to 12 (page 88), but does not state the proposed separation	- 24 metres between habitable rooms/balconies - 18 metres between habitable rooms/balconies and non-habitable rooms - 12 metres between non-habitable rooms	Cannot comment. EIS needs to show the proposed separation.

The EIS notes the non-compliance with building separation requirements and offers several reasons why the non-compliance is allegedly acceptable. The EIS statements and the corresponding comments by this submission are shown in the table below:

<b>EIS vague promise</b>	<b>Comment by this submission</b>
"Although some of the proposed envelopes do not meet the minimum separation requirements of the RFDC, the indicative internal apartment layouts provided in the Design Report (Appendix J) suggest that the intent of the RFDC guidelines can be readily achieved by the detailed designs and their positioning within the approved envelopes." (Section 5.6.1 on page 86)	For five separations, the proposed separation is insufficient for all types of rooms. It is therefore impossible to achieve the intent of the RFDC guidelines by detailed designs or any other method. For another two separations, the proposed separation is sufficient only if there are no habitable rooms/balconies on the exterior of both buildings. For another one separation, the proposed separation is sufficient for non-habitable rooms only. It is therefore possible to achieve the intent of the RFDC guidelines only if all rooms are non-habitable.

EIS vague promise	Comment by this submission
<p>" The building separation distances do not affect the ability of the indicative floor plates to demonstrate compliance (from a whole of precinct perspective) with the daylight access 'Rule of Thumb' under the RFDC." (Section 5.6.3 on page 87)</p>	<p>Daylight access to adjacent properties is only one objective of the separation controls. The other objectives are:</p> <ul style="list-style-type: none"> <li>• <i>"To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.</i></li> <li>• <i>To provide visual and acoustic privacy for existing and new residents.</i></li> <li>• <i>To control overshadowing of (adjacent properties and) private or shared open space.</i></li> <li>• <i>To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.</i></li> <li>• <i>To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow."</i></li> </ul> <p>The EIS needs to explain how all of these other objectives can be achieved with separations less than the control separation.</p>
<p>" The Concept Proposal minimises overshadowing impacts to key areas of the public domain through the use of podiums and setbacks from Haymarket Square. These break up the scale of development when viewed from key areas of the Public Domain, reducing perceived bulk at the 'human scale'." (Section 5.6.3 on page 87)</p>	<p>It is true that the use of podiums and setbacks is desirable. But this does not dispense with the need to observe control separations. Observing control separations is the most direct way to "break up the scale of development".</p>
<p>"Adequate open space and deep soil zones can be provided across the Site." (Section 5.6.3 on page 87)</p>	<p>On a given site with a given number of buildings, it is a truism that the smaller the separations, the greater the usable areas of large open space. This does not dispense with the need to observe control separations.</p>

## 4. Inadequate and inequitable view sharing between existing and proposed buildings

### ○ Public and private goods

This submission accepts the planning principle that *"The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores"* as stated in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

This submission also supports the maintenance and creation of view corridors from the new public domain to Darling Harbour.

However, the actual situation is not one of a conflict between public and private goods. There would be no conflict if the proposal contained only low-rise public buildings and public open space, with no high-rise apartments and offices. The actual situation is that one private good, namely views and outlooks from existing private

buildings, is being very adversely impacted by the creation of another **private** good, namely views and outlooks from new private buildings. The EIS fails to document or even mention the embarrassing fact that the new private buildings will have excellent views of Darling Harbour, Sydney Harbour and Anzac Bridge. That is surely not a coincidence.

### ○ View sharing between private buildings

This submission accepts the principle that view sharing between private buildings is desirable. The new private buildings will have excellent views and outlooks. They must share their views and outlooks with existing private buildings.

View sharing can be achieved via a combination of the following measures:

- Avoiding tower crowding
- Creating view corridors
- maintaining adequate building separation between towers
- building slender towers.

The EIS pays lip service to view sharing, but it is unwilling to actually adopt any concrete measures to enable view sharing. Each measure is discussed in turn below.

#### Avoiding tower crowding

A tower is a building of more than 10 storeys from the ground. (City of Sydney, Issue 3 Design Excellence and Building Massing, Appendix 18 Planning and Built Form Considerations of Appendix I Consultation Report). In the same document the City states "*The City's initial work shows that any more than three (emphasis added) towers south of Pier Street will result in tower crowding*" (in Section 05 Built Form). City of Sydney also point out that avoiding "big boxes" would be in keeping with the low-rise character of adjoining Chinatown.

Woods Bagot give an example of how view corridors at South Darling Harbour can be respected in the diagram on Page 23 of Urban Design and Public Realm Guidelines, Appendix 19 of Appendix I Consultation Report. In their example, there are only two new towers south of Pier Street.

How many towers does the EIS propose? The EIS contains nine buildings of more than 10 storeys south of Pier Street.

They are:

NE1 RL68.38 18 storeys	SW3 RL138.63 40 storeys
NE3 RL138.63 40 storeys	NW RL53.60 12 storeys
SE1 RL99.85 28 storeys	W1 RL75.20 21 storeys
SE3 RL68.38 18 storeys	W2 RL75.20 21 storeys
SW1 RL91.38 25 storeys	

(EIS, Height of each Building (floors) Section 4.6.2 Table 7 page 59)

The fact that the EIS proposes at least three times as many towers south of Pier Street as either the City of Sydney or Woods Bagot demonstrates that, while paying lip service to view sharing, the project makes no attempt to avoid tower crowding.

#### *Creating view corridors*

The EIS states in Section 4.6 *"The Haymarket development has sought to provide for reasonable view sharing and to create view corridors through the SICEEP site in a northerly direction towards Darling Harbour and Sydney Harbour through the positioning of building footprints and the configuration of public domain corridors."*

It is true that there will be a view corridor along The Boulevard from public space towards Darling Harbour. However, that is not relevant to view sharing between private buildings. The view along The Boulevard is not accessible from any of the dwellings in The Peak apartments, which are located to the East of the proposed Boulevard.

It is very misleading to suggest that creating a view corridor, which is not visible from a given private dwelling, somehow promotes view sharing between private buildings. The EIS does not propose any view corridor which actually enables view sharing between private buildings.

#### *Maintaining adequate building separation between towers*

The EIS says on page 31 of Appendix N, "The design guidelines provide for the detailed design of built form to maintain adequate building separation between built forms for view sharing." In fact most of the proposed building separations are non-compliant with Residential Flat Design Code separation guidelines. The non-compliance is so great that it is impossible to achieve the intent of the Residential Flat Design Code separation guidelines by detailed designs or any other method. The EIS pays lip service to view sharing, but it makes no attempt to maintain adequate building separation between towers. Building separations are considered in detail elsewhere in this submission.

"Four (4) mid-rise blocks hold the western and eastern edges of the site and respond to the linear street grain along these edges. Four (4) towers rise up from the urban blocks and are of different heights. The tower (sic) maintains reasonable separation between the buildings to permit views through the site from adjacent buildings and the reduced height of the SE1 tower considers views from the Peak Apartment Tower" (Design Philosophy, Massing strategy, page 30)

If this refers to all the towers rather than just one, it should be noted that from the Peak there would be views only from level 36 upwards. Below this there will be no view to consider!

#### *Building slender towers*

Proposed building depths are given in section 5.6.4 on page 88 of the EIS. They range from 19 metres to 24 metres. Each has a proposed depth greater than the maximum 18 metres specified in the Residential Flat Design Code. While paying lip service to view sharing, the project makes no attempt to build slender towers. Building depths are considered in detail elsewhere in this submission.

In summary, INSW engaged Woods Bagot to prepare Urban Design and Public Realm Guidelines (Urban Design Guidelines). The principles in these Guidelines include:

- “Responding to the adjacent items of heritage significance through the design of alignments, proportions, and solid to void ratios;”
- “Preserving significant view corridors;”
- “Preventing loss of privacy by overlooking of adjacent properties;”

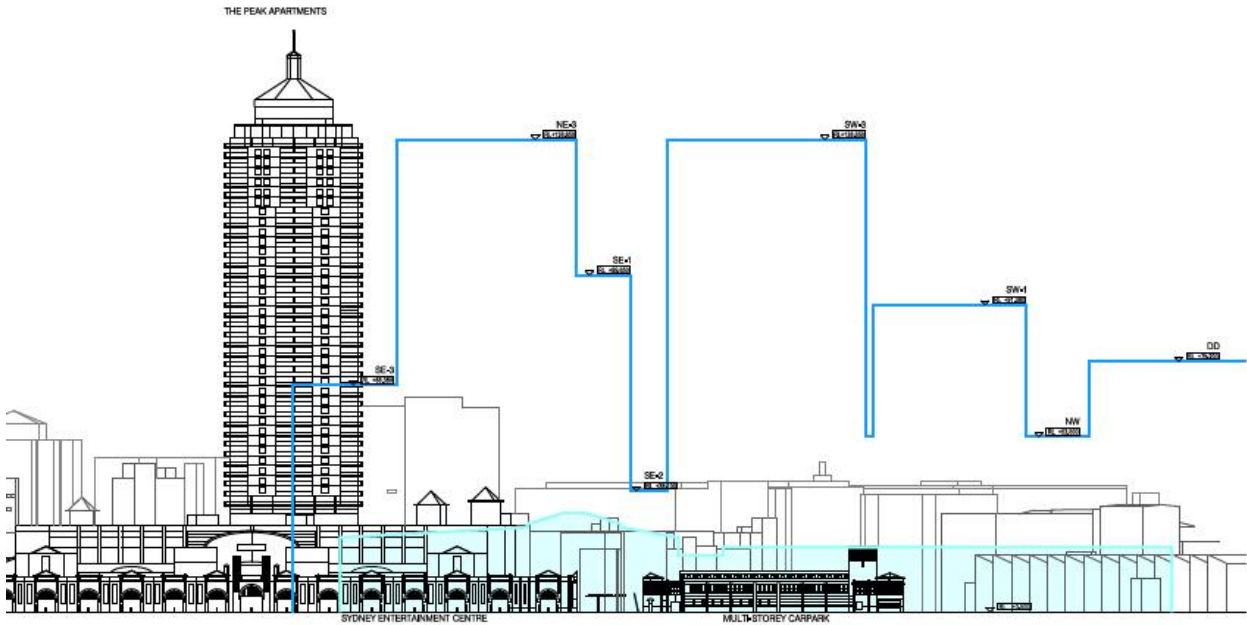
Lend Lease is misusing the planning guidelines, which gives public views priority over private views, in the Haymarket Precinct in suggesting that the new *private* views have priority over the existing *private* views.

This shows these planning guidelines have been ignored in the drive for increased density and optimum placement of the new towers for maximum return - all with scant regard for the existing buildings.

The loss of amenities, outlook and views is an excessive burden on the residents of the Peak and for all the residents of surrounding buildings. At a minimum, it is imperative to delete the Tower SE1 from the planned development.

The following figure – buried in SSD 5755 illustrates the size of the proposal in relation to The Peak.

KEY  
— PROPOSED BUILDING PROFILE  
— EXISTING BUILDING PROFILE



7428A MOD AR D397 01/03/2013	DENTON CORKER MARSHALL	THE HAYMARKET LEND LEASE DEVELOPMENT	DEVELOPMENT APPLICATION PEAK TOWER - NORTH ELEVATION PROPOSED BUILDING PROFILE OVERLAY
1:1000 @ A3 0 10 20 30			

## 5. Population density

The proposed Haymarket Precinct development covers a site area of 47, 530m<sup>2</sup> (a little less than 5 hectares). Haymarket currently covers about 53 hectares (RP data research [www.rpdata.com](http://www.rpdata.com)) so the suburb will expand to about 58 hectares when the development is completed.

The Haymarket Precinct will house approx. 3500 to 3680 people in 1363 units and about 1000 students in the proposed student accommodation on Darling Drive.

The following table shows the current population and the estimated number of residents in new developments proposed or currently under construction in Haymarket.

<i>Development</i>	<b>Approx. number of residents</b>
Current Haymarket residents (2011 census)	5376
The Quay Apartments – 270 units	730
Hing Loong apartments, Dixon St – 47 units	130
The Haymarket Precinct (1363 units and 422 student beds for 1000 students)	4680
<b>Total</b>	<b>10916</b>

Resident estimates are based on 2.7 people per apartment. However, at a community consultation held at The Holiday Inn Hotel on 18 April, 2013, representatives from Lend Lease and Darling Harbour Live quoted their expectation at 2.5 people per apartment and about 5000 people (including students) eventually living in the precinct.

Whoever's estimates are correct, they increase the population living in Haymarket by at least 99% above the 2011 census. There will be at least 184 residents per hectare in the Haymarket Precinct.

With an estimated 3500 to 3680 residents covering the current Entertainment Centre/Carpark site, this new precinct will house over 700 people per hectare, making it be the most crowded area in Sydney and about 3.5 times denser than Elizabeth Bay which is currently the most crowded suburb in Australia. (source RP data [www.rpdata.com.au](http://www.rpdata.com.au)). Because of the rather convenient way the Haymarket site has been measured (over the light rail line in the west and Hay St in the south), the true density is probably nearer 900 per hectare.

It will be more than ten times denser than Potts Point which houses over 4000 people per square kilometre (source SMH Domain 30 March 2013). But unlike Elizabeth Bay, Haymarket is on the edge of the CBD and the residential population is daily increased by:

- office and retail workers in the area
- workers delivering goods to office, retail and residential sites
- visitors from greater Sydney and intrastate, interstate and overseas tourists who visit Chinatown, Paddy's Market, Darling Harbour, Haymarket shops and restaurants



- visitors to residential buildings which will increase with the opening of new developments

The population will also soon be impacted by large developments currently under construction at Central Park (1800 units and, based on 2.7 residents per apartment, approx. 4860 residents) and Harold Park (1250 dwellings and approx. 3375 residents.)

Proposed developments in the CBD, including the Greenland project in Bathurst St (400 units/approx. 1080 residents) and the possible conversion of the Ernst & Young building to apartments, as well as yet unannounced developments to encourage city living, will have an effect on visitor traffic to Haymarket attractions.

The increased population will have an impact on:

- the adequacy of public transport services into and out of the area
- road congestion in the small “fine grain” streets of Haymarket, which is already near maximum capacity. The EIS encourages use of public transport instead of cars for residents. However, delivery trucks, cars used by office workers and retail and hospitality workers, who often work late into the evening, and tourist coaches clog our roads now. The volume will only increase with the redevelopment of Darling Harbour.
- pedestrian safety, especially around Hay St, Quay St and Ultimo Rd as more people frequent Paddy’s Market, Market City and the proposed Woolworths supermarket in the Quay complex.
- the need for more community services like schools, hospitals, community and health centres, and libraries which are already under pressure as the demographics of the area changes.

## **6. Student accommodation**

Two blocks of student accommodation, 21 storeys high and housing 1000 students, are proposed for a narrow site adjacent to the Powerhouse Museum. The site is bounded by the light rail tracks and the Museum on one side and Darling Drive on the other. To fit the blocks into the site, it is proposed to narrow Darling Drive to one lane in either direction. The proposal has the following problems:

- Darling Drive, the only access for current residents to the north of the city and the Harbour Bridge will be narrowed despite it being at or near capacity for one lane now. The capacity will be further strained when Haymarket Precinct residents with car entry points in Exhibition Place and Darling Drive will need to use this road for access to all points of the compass. Residents with Harbour St access will also need to use Darling Drive to access points south and west. (See Traffic Analysis for further detail)

- the development would block the eastern side of the Powerhouse Museum, the heritage-listed site of the old Ultimo Power Station and the only remaining vantage point to view the whole building. We disagree with the EIS which states “principal views to the Powerhouse are available from Harris St and will not be affected by the proposed development, while views to the building are of secondary importance” (P81 Heritage Impact Statement). More than half the views of the building from Harris St are obliterated by a more recent entrance addition, so any appreciation of the site exterior can only be seen from the east.
- Although the site is public land, it is not in sympathy with the City of Sydney height limits in Ultimo which range from 6m-28m (current Ultimo precinct height map).

## **7. Conflicts between SSD 5878 and SSD 5752 Sydney International Convention, Exhibition and Entertainment Precinct - Redevelopment of convention centre, exhibition centre, entertainment facilities and associated public domain works**

### **○ Expansion of the Exhibition Centre at ground level is prevented**

The land on which the Entertainment Car Park stands is required in order to enable expansion of the Exhibition Centre at ground level. The proposed new Exhibition Centre building in SSD 5752 is multi-level. That is inefficient and inconvenient. If the Exhibition Centre expansion is not at ground level, Sydney's facilities will remain inadequate.

### **○ Reduction in capacity of CBD music venue**

- The existing Entertainment Centre has a capacity of 12,000.
- The new theatre in SSD 5752 will have a capacity of 8,000.
- There is debate about which venue has the better sight-lines.
- No evidence has been presented to suggest that the usable capacity will increase.

The CEO of the relevant industry association, Live Performance Australia, the peak body of the entertainment industry, was quoted in the Sydney Morning Herald of 17 December 2012 as saying that every major Australian capital city except Brisbane had a major music venue located in the central business district and that "If this is the design that has got to take the city through the next 10, 15, 20 years, then it just doesn't make sense to reduce your capacity in a city that's quite rapidly growing," she said of the proposal for Sydney. "I think it's a missed opportunity."

If it is not possible to build an expanded theatre in SSD 5752, then the existing facility should be retained and refurbished.

## 8. Traffic

There are two major areas of concern, unacceptable levels of service on Darling Drive and Bus & Coach standing and exacerbating the stress on current traffic congestions (Quay St, Ultimo Road and Harris St).

### ○ Unacceptable levels of service on Darling Drive

Darling Drive has three access points:

- **Ultimo Road at the south end**
- **Harbour St (Pier St) in the middle**
- **Union Street/Murray Street at the north end**

It is proposed to reduce Darling Drive to one lane each way EIS 2/4 P71:

*"Darling Drive has reduced the number of lanes and tightened the road corridor to provide a more attractive setting for the student accommodation"*

Section 6.4 on page 24 of the TRANSPORT AND TRAFFIC IMPACT ASSESSMENT prepared by Hyder states "It is estimated that the PM peak hour volume on Darling Drive is approximately in the order of 900 vehicles per hour in the southbound direction and 400 vehicle per hour in the northbound per direction." (sic). This is a total of 1,300 vehicles per hour.

Multiple references are made to traffic movement from Darling Drive into Quay St. There is no such intersection. There is a remnant of Quay St, which is the entry point to the existing SEC car park, which is referred to separately in the study as the new SW carpark entry/Hay Street.

However, the graph on page 10 in Section 4.1.2 of the same report shows that, as at March 2012, the highest traffic flows on Darling Drive are the Saturday pm peak. That is about 1,500 vehicles/hour totalled over both directions. This is an actual observation, not an estimate. **Therefore the statement that the total peak flow is 1,300 vehicles per hour in both directions is clearly an underestimate.**

Even if one accepts the underestimate of 1,300 vehicles per hour, the southbound flows are already very close to the maximum capacity which can be carried by one lane. The AUSTROADS Guide to Traffic Engineering Practice - Part 2: Roadway Capacity states that the typical one-way mid-block lane capacities on urban roads under interrupted flow conditions are 900-1,000 vehicles/hour/lane. We are already almost there.

So while Darling Drive can just handle the traffic density at the moment, we may expect any increase to result in bottlenecks and yet Hyder's report says that " ... the impact of The Haymarket development does not impose conditions on the intersections worse than what would have otherwise occurred through existing traffic "

The proposal to reduce Darling Drive to one lane in both directions when it is already at or near full capacity for one lane will cause unacceptable levels of service during the peak because of increased usage arising from:

- the new car parks
- the new public buildings and hotel in other parts of Darling Harbour
- shoppers in the new shops. Contrary to what is stated on page 30 in Section 6.6 of the Report, the new shops will NOT be limited to mainly serving the local areas. Market City and Paddy's Market already serve the whole of Sydney. There is a welcome suggestion by City of Sydney Council to site a Farmer's Market in the retail area, and this would also attract shoppers from a wide area
- owners of the new shops. Owners of the new shops will probably work long hours and they will wish to drive to and from work. Owners of existing shops already drive to work and park illegally in surrounding apartment buildings for the same reason
- some of the 1,000 students in the new student accommodation will inevitably own or rent cars, despite the best wishes of paternalistic authorities to deprive them of cars
- completion of 270 new apartments in The Quay on the corner of Quay St and Ultimo Road
- natural growth over time of through traffic.

Levels of service on Darling Drive will be further reduced by:

- two additional pedestrian crossings
- increased frequency of trams on the level crossing after the line is extended to Dulwich Hill (Gavin Biles of DHL informed us that frequency would be increased to 6 minutes)
- accidents blocking the one and only lane
- dropping off and picking up of passengers will slow down traffic, e.g. at the new student accommodation where there will be loading facilities only for students moving in and out.

**Hyder seem to be aware that the proposed reduction to one lane is problematic. Therefore in Section 5.2 on page 46 of the Appendix they falsely state "It is estimated that the average peak hour volume on Darling Drive is approximately in the order of 550 vehicles per hour per direction." This peak estimate of 1,100 vehicles per hour conveniently evenly distributed in both directions is inconsistent with the peak estimates of 1,300 (900 southbound and 400 northbound) and the actual observation of 1,500 (Saturday pm peak) contained elsewhere in their own report. Hyder appear to be making up numbers as they go along in order to support their dubious desired conclusion that future peak flows can be accommodated in one lane.**

- Bus & Coach Standing

Darling Drive will be realigned approximately 10 metres East (to take over the bus parking lane) to accommodate the student blocks).

So where do the buses and coaches drop off/pick up for events?

In the proposal there appears to be one bus pull-in zone for the theatre, whereas today there are 16 coach parking spots outside the SEC car park and 6 coach parking spaces on Harbour Street.

Section 6.5 on page 30 of the Transport and Traffic Impact Assessment prepared by Hyder states:

“Harbour Street is a one-way northbound road with three traffic lanes and one parking lane. At present, lane 1 (the western-most lane) is a designated bus drop off/ pick up area. However, as the demand for bus services is heavily governed by the existing Entertainment Centre, which will cease to exist post-development, **it has been assumed that the bus zone will be removed** and this traffic lane will henceforth operate as a full-time travel lane with no kerb side parking permitted.”

At present, tour buses line up each morning on Harbour Street to pick up tourists from the local hotels (The Holiday Inn, The Rockford Novotel, The Seasons and The Quest), for day trips and for the Airport run. There is space for about 6 buses. At the peak times there are often another 6 double parked, since they have nowhere else to go. Now this is to be reduced to ‘No parking’ or ‘No Stopping’.



With the 2 entry points to the precinct on Harbour Street, this is going to generate severe problems for all parties.

Do we simply tell the tour buses to pick up elsewhere ? But where? Do we abandon our tourists?

## 9. Heritage

The Heritage Report Conclusions are shown in italics

*The proposed PPP, Haymarket Precinct and Hotel development are supportable in heritage terms for several reasons:*

- There will be no impact on heritage items located either within the development site or in its vicinity through modification to building fabric or demolition;*

We are very pleased that no demolition of heritage buildings is required.

- The settings of the Chinese Garden of Friendship, Darling Harbour Water Feature and the Carousel will be enhanced by the developments;*

It is difficult to understand how the enhancement of the Chinese Gardens is gained by the placement of a 140 metre high block (NE 3) less than 100 metres away to the south and the theatre 50 metres away to the west

- Although there will be some impact on views to heritage items in the vicinity of the Haymarket Precinct, this will not affect interpretation of these items or their heritage significance;*

Once again, it is hard to understand how the placement of a 100 metre high block (SE1) some 30 metres away and the 140 metre tower (SW3) 60 metres away can fail to affect the interpretation of the Market City façade. Similarly, the 140 m high (NE3) tower dominates the heritage pumphouse about 30 metres away.

- There will be some impact on the Darling Harbour Rail Corridor resulting from the loading dock associated with the Exhibition. The impact of the loading dock is, however, limited and will not affect interpretation of the Rail Corridor or its heritage significance. The impact will be ameliorated by the removal of monorail infrastructure by others;*

So there will be some impact

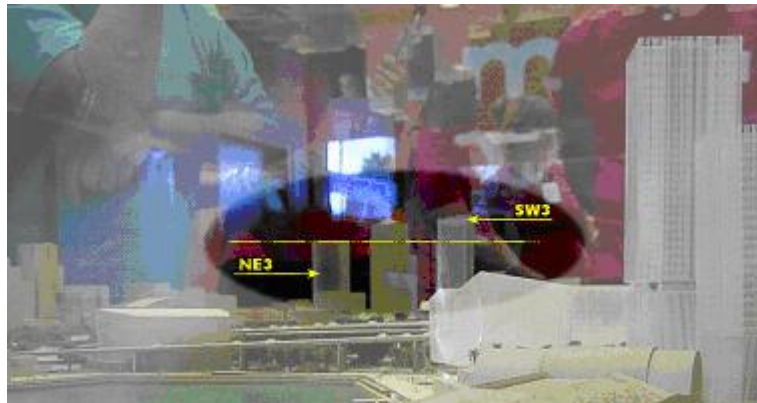
- Views to the Powerhouse Museum will be affected by the two residential blocks in the Haymarket Precinct situated next to the Rail Corridor, which will also be impacted. Principal views to the Powerhouse Museum are available from Harris Street and will not be affected by the proposed development, while views to the building are of secondary importance.*

The student blocks and tower SW 1 will obscure the sight lines to the Museum from the southwest and the CBD. Why is it deemed sufficient to retain only the western façade when the eastern façade is the most important one.

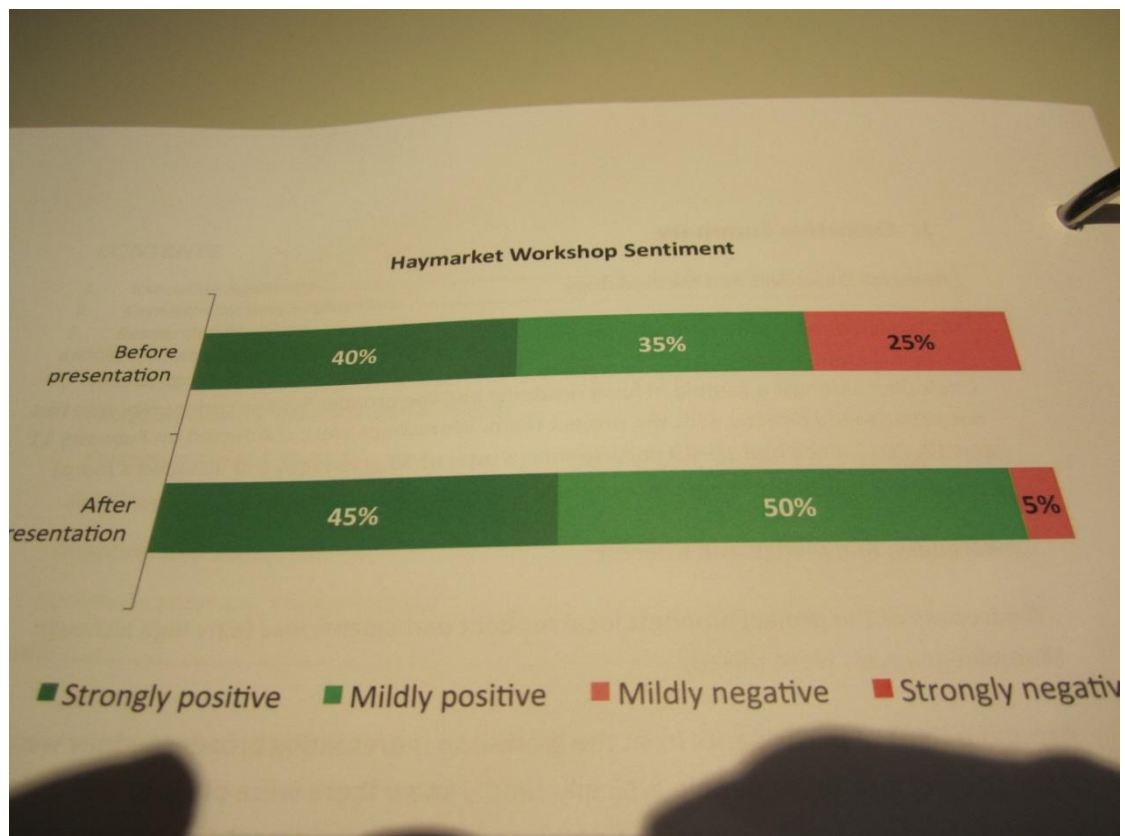


## 10 Consultation Process

The information given during consultation was very much smoke and mirrors. The statements given on the height of the towers was vague and variable with the number of floors being defined from the podium level in some cases. The RLs of the top of the towers were not disclosed prior to the EIS being lodged. In fact tower NE3 grew about 8 floors after consultation. This is clear from photos of the original model.



It is claimed that ‘mildly negative sentiment after presentations was reduced by 20%.’ This is not the impression of those who attended the meeting. Many walked out in disgust when it was fairly blatantly put to them that this was the deal and you could have your say when the DA was posted.





No mention has been made of the several large meetings held with residents of the Peak who were deeply concerned about the loss of amenity (views, overshadowing, privacy, lack of transport arrangements, the reduction in value of their properties and the prospect of living in a demolition/building site for a period of 8 -12 years). I believe a similar response was received from residents of the Goldsbrough and the Bullecourt.

The EIS consultation report actually states that the loss of views was “the subject of minimal concern” and “most felt that property prices would increase as a result of the project”, and “Some participants were very pleased to hear the work would be completed so quickly”. View loss is uppermost in the minds of owners of all 255 north and west facing units of the Peak alone.

Local real estate agents expect the loss of view to result in the following value losses

- the 176 North facing units in the Peak to drop in value by 10 - 20 %
- the 79 west facing units to drop in the region of 10%.

The total loss in value of properties in the Peak will, in consequence, be over \$26 million. With the long building period, it will be extremely difficult to sell properties in The Peak and any sales will be seriously discounted against market value until the project is completed - which could be 10 years or more away.

The Lend Lease timeline has the last tower scheduled for 2021, but with construction delays that will be more likely 2023 and beyond. In fact it has been announced by INSW that Lend Lease have been granted “until the middle of the next decade” to complete. With demolition due to start at the end of the year, local residents will be living in a building site for some 10-12 years.

The premier was proud of the fact that the pain of demolition and construction of SICEEP would be short and simultaneous. This is certainly not the case in the Haymarket precinct, where there are substantial concrete structures to demolish, particularly the Entertainment Centre. The proposal programme allows several months for demolition.

I note there is no detailed EIS regarding the demolition of the Entertainment Centre.