

Figure 4: Photomontage of building design – eastern view (from Harbour Street)



Figure 5: Photomontage of building design – eastern view (from Harbour Street)

5.2 Access

Safe and efficient access to and from the site for the approximately 3,300 workers and corresponding increase in pedestrians as a result of the development is a key issue for consideration.

Assessment

Pedestrian Access

The site is well serviced by both at-grade and raised pedestrian connections to and from Darling Harbour and the CBD.

A traffic signal controlled crossing at the Harbour Street / Day Street intersection exists, which will ensure the safe and efficient at-grade movement of pedestrians in the east – west direction will occur.

Raised pedestrian connections also exist from Liverpool Street to the southern edge of the site, and from Day Street to the northern edge of the site, with the upgrading of the northern pedestrian connection to be part of the Public Domain Project Application.

This upgrade will comprise adequate weather protection and incorporate lighting and architectural elements (See **Figure 6** for an indicative diagram). The existing section of the bridge into the site is also to be demolished and replaced with a new pedestrian bridge integrated into the northern building detailed in the project application.

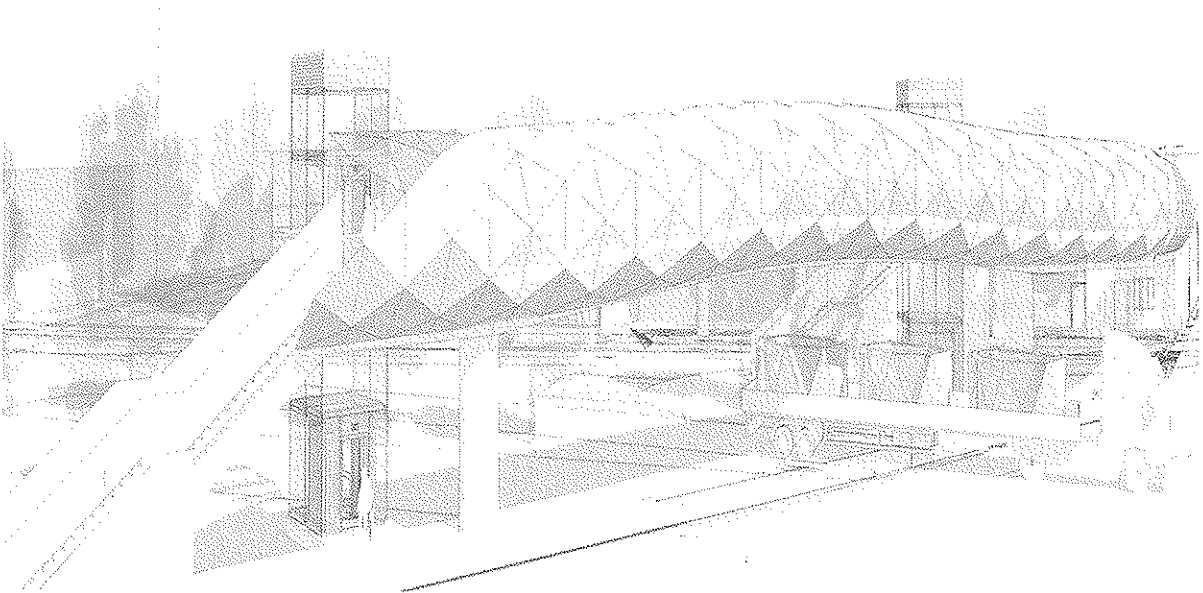


Figure 6: Indicative diagram of pedestrian upgrade over Harbour Street

A new lift and stairs are also to be provided on the western side of Harbour Street, and a new pedestrian connection along the eastern elevation of level 1 of the new northern building is also to be provided.

The separation between the northern and southern buildings is also an integral component of the design of the buildings which establishes a pedestrian link and view corridor between Day Street and Darling Harbour.

The streetscape between the site and Harbour Street is also to be upgraded and a new north-south 7 metre wide pedestrian boulevard will be created on the western side of the

buildings which will further the sites accessibility from the west, connecting into existing pedestrian connections from Tumbalong Park and Darling Harbour (see **Figure 7**)

The at-grade pedestrian connection between the buildings will also promote the movement of people around the north and south building components, and combined with the ground floor activation of retail uses, the facilitation of pedestrian movements will ensure an active and vibrant area will be realised.

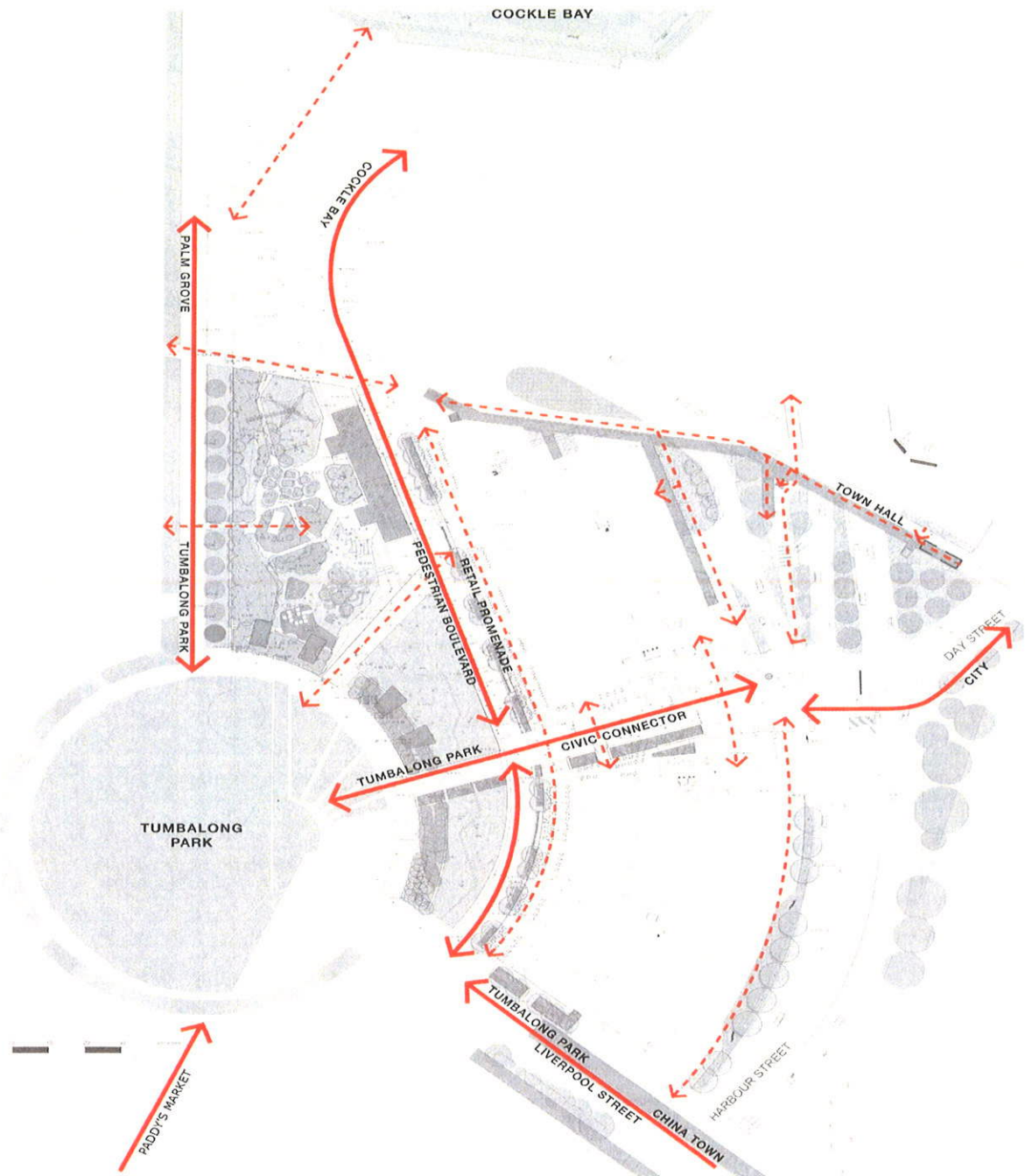


Figure 7: Accessibility Plan

Vehicular Access

Adjoining Harbour Street ensures the site is also accessible by car, with the western distributor and cross city tunnel in close proximity.

Access is via an upgraded egress into the northern section of the site (See **Figure 8**), which also doubles as the access point into the McDonalds Drive through (See **Figure 9**).

A specific condition is also recommended to require matters in relation to the detailed traffic management measures and entrance/exit to and circulation within the McDonalds drive through to be addressed by the proponent in consultation with the RTA.



Figure 8: Proposed Harbour Street Traffic Management

Following detailed investigation of underground services, the re-shaping of the underground carpark and service area has been required with a greater separation from the western distributor needed than was anticipated in the Concept Plan.

The result of this has been the relocation of the carpark exit to the southern end of the site (rather than the northern section of the site as approved by the Concept Plan) to avoid any potential queuing and conflict issues from people exiting the carpark and people entering the McDonalds drive through.

Additional traffic modelling has also been undertaken by the proponent at the request of the RTA, who are now satisfied with the proposal. A specific condition is recommended to require matters in relation to the detailed traffic management measures and entrance/exit to and circulation within the McDonalds drive through to be addressed by the proponent in consultation with the RTA.

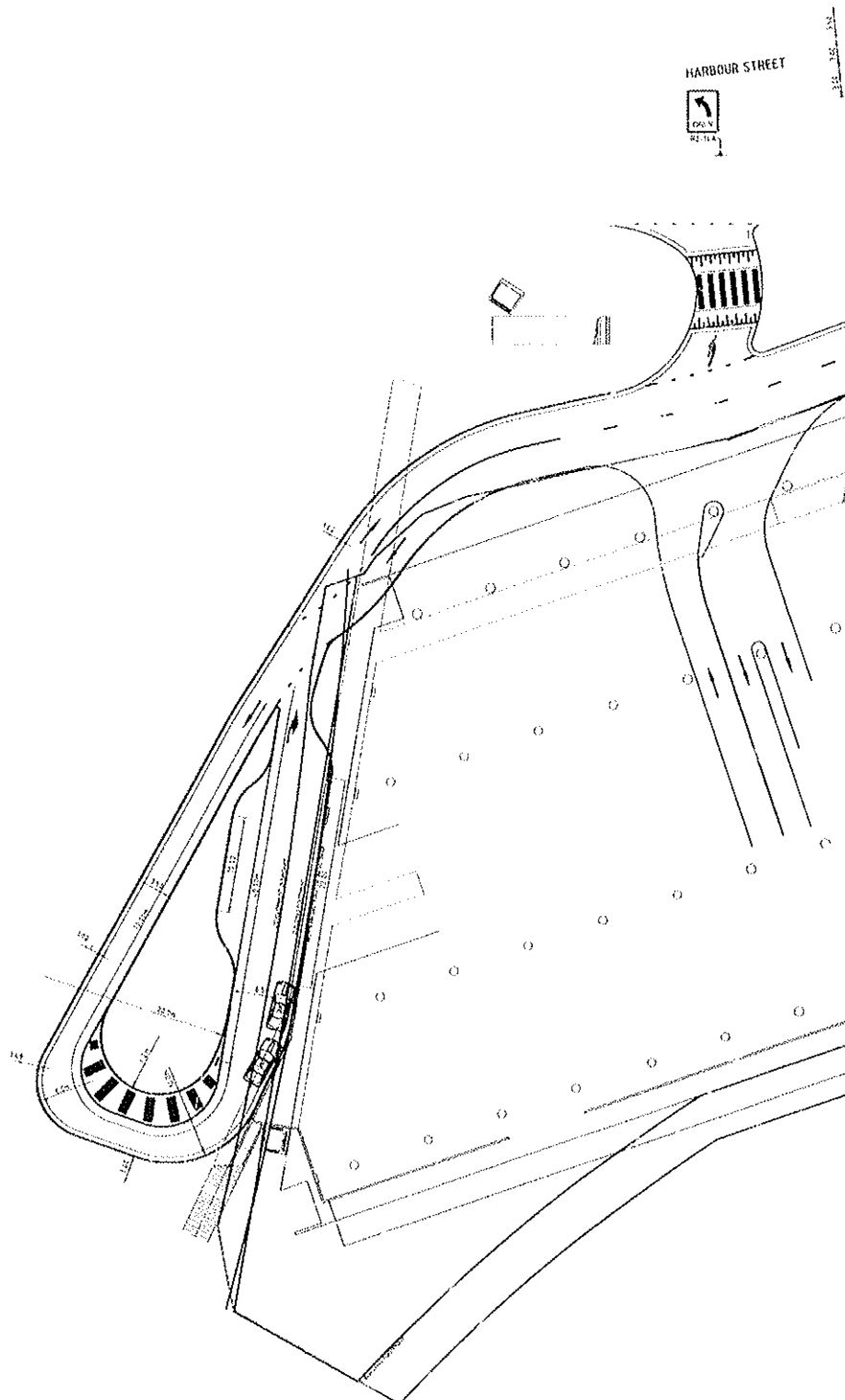


Figure 9: Proposed McDonald's access arrangements

Summary

The site is highly accessible from both the north-south and east-west directions, and the provision of the separated building forms and upgrading of the northern pedestrian bridge and any associated traffic management measures will further facilitate the proficient movement of people and cars to and from the site.

5.3 Public Domain and Staging

The Concept Plan Approval proposes significant landscaping, streetscape and public domain works, which will be provided as a separate major project application to the building project application (being the Public Domain application).

A landscape report has however been submitted with the project application which details these future proposed public domain works (See **Figure 10**).

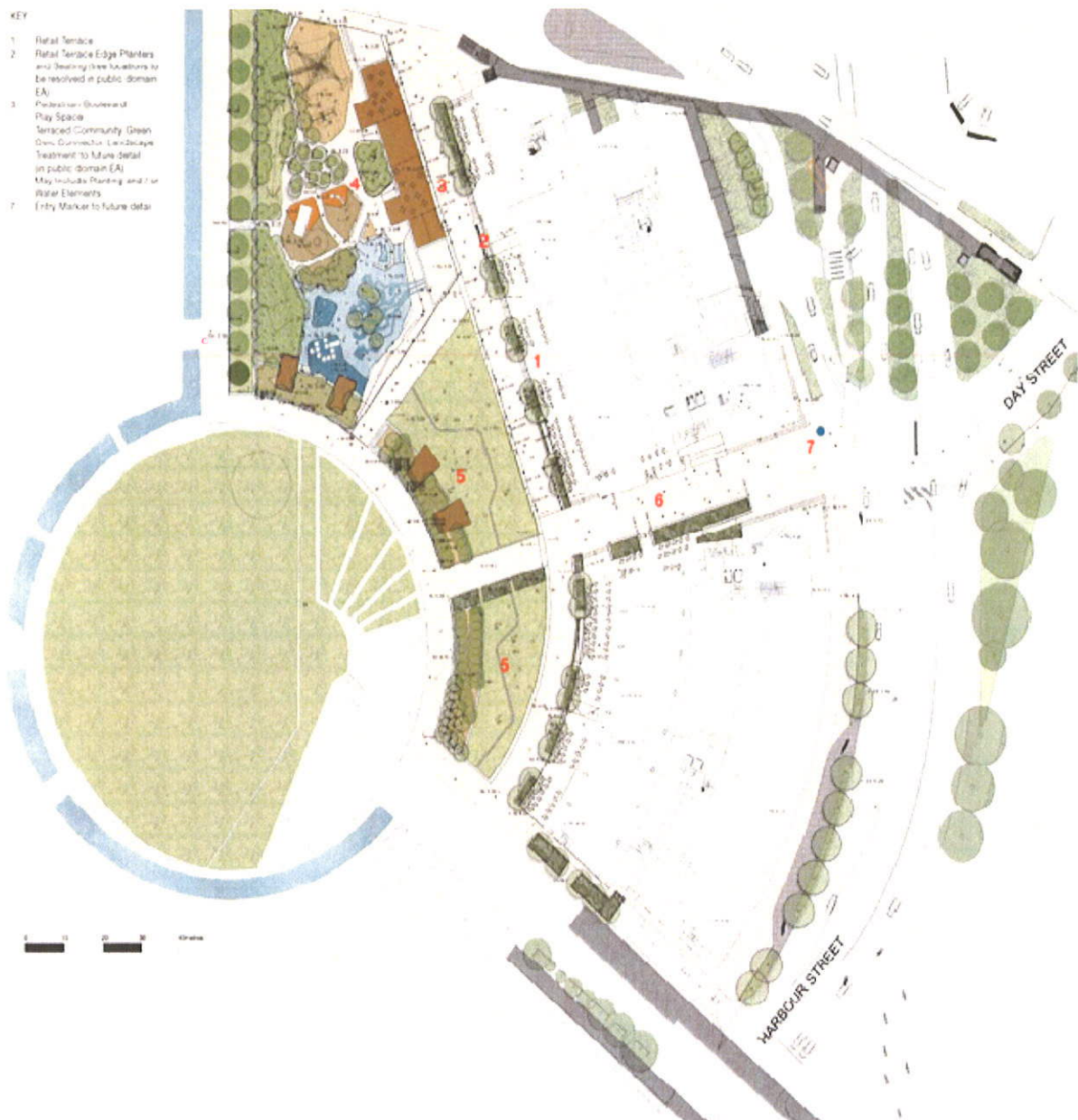


Figure 10: Proposed Public Domain Plan

The intent of the public domain works is to draw on the site's proximity to Sydney Harbour / Cockle Bay and connections to the CBD. The proposed works are considered to be an improvement to the existing environment and will contribute to rejuvenating and activating the site.

Specifically the works will include the removal of the existing lake and relocation and upgrading of the children's play area. This will include a play environment comprising a series of activity zones to cater for varying age groups consisting of play equipment, sand play, terrain slides, climbing walls, swings and net structures.

An interactive water element may also be provided which may comprise classic water mechanics (such as locks, wheels and sluice gates), interactive bubblers, streams and jets, and shallow water pools.

Two large terraced lawn areas incorporating timber boardwalks and water features at its edges are also planned to be incorporated into the public domain, as well a pedestrian boulevard along the western side of the buildings, activated by cafes and retail areas at the ground level of the development.

The public domain design and material selection will also incorporate sustainable design elements such as water sensitive urban design and use of recycled material (where possible). It will also seek to maximise safety & security, consistent with 'Safer by Design' principles.

Rainwater harvesting from the site is also proposed to provide non-potable water for the public domain water irrigation and water features.

The landscaping and Public Domain works the subject of the Concept Plan Approval are to be completed prior to the occupation of any component of the building or carpark.

Detailed design and material selection will also be provided in a separate Project Application.

Summary

The proposed public domain upgrades aim to enhance the quality, quantity and use-ability of the public area within the site, and is in keeping with the objectives to activate and rejuvenate the Darling Walk site.

A condition is recommended that these works be completed prior to occupation of the building to ensure a completed development with appropriate amenity, access and facilities.

6 CONSULTATION AND EXHIBITION

The application was referred to public agencies and placed on public exhibition from 24 September to 24 October 2008.

The project application was placed on the Department's website in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Environment Planning and Assessment Regulation, 2000*.

The Department received 5 submissions from public authorities and 9 public submissions.

6.1 Public Authority Submissions

The following is a summary of submission received from the public authorities.

6.1.1 Ministry of Transport (MOT)

The MOT raised concerns that the proposal does not adequately address the DGR's in regard to measures to promote public transport, particularly in relation to the amount of car parking provided.

Comment

The provision of the public car park was assessed during the Concept Plan assessment, which concluded that any future redevelopment of the public carparking in Darling Harbour will result in a net decrease in the total public car parking spaces in the precinct. The provision of the public car park in Darling Walk is therefore considered satisfactory.

Condition C9 of the Concept Plan terms of approval also stipulated that details of the availability / decommissioning of other public car parking in Darling Harbour, and a pricing strategy to encourage short stay parking is required.

The draft Statement of Commitments includes a provision that a car park management plan will be prepared by the proponent that specifies the charging rates, signage and conditions of use for the carpark.

To reinforce one of the modifications to the Concept Plan a condition is recommended by the Department to further ensure that the pricing strategy is structured to encourage short stay parking, and not all day parking of city workers.

The condition also requires that details on the availability / decommissioning of other car parking in Darling Harbour must be furnished prior to the occupation of the subject building.

6.1.2 Sydney Water

Sydney Water have not raised objections to the current modification, however note that they will assess the impact of the proposed development when the proponent applies for a section 73 certificate, and that the Developer is to fund any adjustments needed to Sydney Water infrastructure and should engage a water servicing coordinator to get a Section 73 certificate to manage the servicing aspects of the development.

Comment

Conditions have been recommended that the proponent engage a water servicing coordinator to get a Section 73 certificate to manage the servicing aspects of the development.

6.1.3 Sydney Regional Development Advisory Committee (SRDAC)

The SRDAC did not raise any objections to the proposal, however raised a few concerns in relation to access arrangements and level of service of Harbour Street and Liverpool Street due to the new egress in the car parking area.

They also require evidence on the transfer of RTA owned land to SHFA.

They have also provided some conditions of approval, that in summary are:

- All works/signposting are to be at no cost to RTA
- The swept path of longest vehicle (including garbage trucks) entering and exiting the site are to be in accordance with AUSTROADS and submitted to Council for approval
- Car parking provision must be to Councils satisfaction

- Dynamic Signposting at car park entrance and on each parking level is to be provided to advise of the number of available spaces
- Provision of suitable bike storage facilities and showers/change rooms
- The layout of the car parking areas is to be in accordance with the AS 2890.1 and AS 2890.2-2002 for heavy vehicle usage
- The developer shall be responsible for all public utility adjustments/relocation works
- A road occupancy licence is to be obtained from RTA for any works that impact on traffic flows on Harbour Street during construction activities
- All demolition and construction vehicles are to be contained wholly within site and vehicles must enter before stopping
- No construction zone will be permitted on Harbour Street
- Proposed alterations to the traffic signals at the intersection of Harbour Street and Day Street and Harbour Street and Liverpool Street are to be designed to meet RTA's requirements, and be endorsed by suitably qualified traffic engineer
- The design requirements (where applicable) are to be in accordance with RTA's road design guide and other Australian codes of practice
- The certified copies of the traffic signal design plans are to be submitted to the RTA for consideration prior to the release of the construction certificate and commencement of signal works
- RTA fees for administration, plan checking, traffic signal works inspections and project management are to be paid by the developer prior to commencement of works
- The developer may be required to enter into a Works Authorisation Deed for above mentioned works – which will need to be executed prior to RTA's assessment of the detailed traffic signal design plans.

Comment

The majority of these issues can be dealt with as recommended conditions of approval.

The RTA provided consent for the applicable lands to be included in the project application in a letter to the proponent dated 13 November 2008.

Further matters in relation to any detailed traffic management measures required are being addressed by the proponent in consultation with the RTA, and the conclusion of any required measures to the satisfaction of the RTA is included as a condition of approval in this report.

6.1.4 South Eastern Sydney Illawarra NSW Health (SESINH)

The SESINH Committee agreed that the redevelopment of Darling Walk should proceed.

They also raise queries as to the number of new jobs that will be created, operating hours of the development and estimated increase in transient population.

Taking into consideration the identified extensive filling that will occur, SESINH also propose that the proponent reports regularly on the progress of the development in meeting the goals of the National Environmental Protection Measure (NEPM), which includes:

1. The results of any monitoring undertaken during bulk excavation
2. the assessment of action taken to manage contaminants, including circumstances that led to any levels as indicated in the monitoring investigation being exceeded
3. the results of the above assessment

Comment

The approximate number of new jobs created will be 600 construction and 3,300 operational jobs, however the increase in the transient population is unknown.

The requirement to report on the results of any monitoring and assessment actions to manage contaminants is recommended as a condition of approval of the application.

6.1.5 City of Sydney Council

The Council raised a number of concerns, mainly in relation to traffic and pedestrian access, the activation of Harbour Street and provision of car parking. In summary they are:

- *Building Design and Access:* The activation of the Harbour Street and Tumbalong frontage; additional ground level entry points; linkage of the Liverpool Street bridge; and materials to be used that reduce glare
- *Parking:* The City discourages the provision for 600 public car parking spaces, state the proponent should consider separating the bicycle parking, providing motorcycle parking and the provision of ground level bicycle parking; the use of car share spaces and comments regarding accessible parking and pedestrian accessibility were also given by the City.
- *Traffic Access and Manoeuvrability:* The development should reduce egress points and include bicycle and pedestrian phases; The pedestrian phase at Harbour Street / Day Street should be increased; the proponent should further review the level of expected traffic from the Harbour St – Day Street exit; ensure porte cochere not be used for long term parking or long term taxi standing
- *Proposed Conditions of Consent for:* Stormwater and drainage; Pedestrian access during construction; Directional signage; Acid sulphate soils management plan; Pedestrian and bicycle crossing phase; Intersection and Accessible spaces.

Comment

Darling Walk is highly accessible from both the north-south and east-west directions, and the provision of the separated building forms and upgrading of the northern pedestrian bridge and associated traffic management measures will further facilitate the proficient movement of people and cars to and from the site.

The at-grade pedestrian connection between the buildings also promotes the movement of people around the north and south building components, and combined with the ground floor activation of retail uses, the facilitation of pedestrian movements will ensure an active and vibrant area will be realised.

The future associated public domain works will also draw on the site's proximity to Sydney Harbour / Cockle Bay and connections to the CBD. The proposed works are considered to be an improvement to the existing environment and will contribute to rejuvenating and activating the site.

The provision of the public car park was assessed during the Concept Plan assessment, which concluded that any future redevelopment of the Entertainment carpark will result in a net decrease in the total public car parking spaces in the Darling harbour precinct. The provision of the public car park in Darling Walk is therefore considered satisfactory.

The proponent has however made some amendments to the car park layout in the PPR to alleviate some of the concerns raised by the City.

Additional traffic modelling has also been undertaken by the proponent at the request of the RTA, who are now satisfied with the proposal. A specific condition is recommended to require matters in relation to the detailed traffic management measures and entrance/exit to and circulation within the McDonalds drive through to be addressed by the proponent in consultation with the RTA.

The required conditions of approval recommended by the Council have also been included in this report.

6.2 Public Submissions

Public Submissions have been broadly categorised as follows:

- View impacts
- Building height and built form
- Traffic
- Construction noise and dust on surrounding properties

The majority of the above issues have all been addressed in the report where it was concluded that the application is consistent with the Concept Plan Approval and will provide environmental, social and economic benefits to the area.

The proponents view analysis concluded that view impacts resulting from the additional roof form may exist to apartments in the Millennium Towers and Harbour Gardens apartments. However modifications made to the size of the roof form by the proponent reduce any resulting view impacts, and given the roof form incorporates all of the roof plant and equipment, the visual appearance of the buildings, and therefore views from above will be greatly improved.

Architectural roof features and the like are permitted above the maximum height if they are considered to contribute to the articulation of the rooftop. The curved roof is well designed, integrates with the stepped profile of the building forms, and is considered an acceptable element over and above the maximum height stipulated in the Concept Plan Approval.

Additional traffic modelling has also been undertaken by the proponent at the request of the RTA, who are now satisfied with the proposal. A specific condition is recommended to require matters in relation to the detailed traffic management measures and entrance/exit to and circulation within the McDonalds drive through to be addressed by the proponent in consultation with the RTA.

Conditions of approval will ensure that appropriate measures are in place with regards to the management of Construction noise and dust emitting from the site.

7 PUBLIC INTEREST / PUBLIC BENEFIT

It is expected that the proposed development will have some impact on the locality in terms of views and traffic generation, however overall the proposal will provide significant benefits to the community, including:

- Activation and rejuvenation of the Darling Walk site.
- increased employment opportunities through the additional 600 full time construction and 3,300 operational jobs generated through the development.
- improved public domain areas, including engagement between the private and public realms (to be provided through the completion of the public domain works).
- improved pedestrian connectivity and accessibility between the site and interface with the CBD to the east and Darling Harbour to the west.

Accordingly, the proposal is considered in the public interest for the above reasons.

8 CONCLUSION

The Department has assessed the Project Application and considered the submissions in response to the proposal. The key issues raised in submissions relate to view impacts,

building height and built form, traffic impacts, and construction noise and dust emission. The Department has determined that the proponent's response to the key issues in their EA, PPR and Draft Statement of Commitments will ensure there are minimal environmental impacts as a result of the proposal, subject to modifications and further assessment requirements.

The public benefit of the redevelopment is highly desirable, as it will activate and rejuvenate the Darling Walk site and provide employment opportunities through the various proposed land uses. Darling Walk will therefore support Darling Harbour's ongoing growth and enable the expansion of South Darling Harbour and connection between Ultimo/Pymont and southern area of the CBD/Haymarket. The location of uses will maximise public transport patronage and encourage walking and cycling, and will retain and enhance the precinct's role as a safe and family oriented location within a pedestrianised environment.

The building is well designed and provides an appropriate interface with Harbour Street and Tumbalong Park, and through the use of sustainable design solutions and assessment of the indoor environmental quality during the design stage of the project a healthy and enjoyable office environment for the approximately 3,300 workers of the buildings will be delivered.

The Department has determined that the project application is therefore acceptable.

9 RECOMMENDATION

It is recommended that the Minister for Planning:

- A). **Consider** all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act, 1979*, including those relevant matters prescribed by 75J(2) as contained in the findings and recommendations of this report;
- B). **Approve** the application, subject to conditions, under section 75J(1) Environmental Planning and Assessment Act, 1979 having considered all relevant matters in accordance with (A) above; and
- C). **Sign** the attached instrument of approval

Prepared by:

Endorsed by:

Toby Philp
Senior Planner, Urban Assessments

Josephine Wing
Team Leader, Urban Assessments

Michael Woodland
Director, Urban Assessments
Approved by:

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

APPENDIX A. DETERMINATION OF THE DARLING WALK CONCEPT PLAN

APPENDIX B. DIRECTOR GENERALS ENVIRONMENTAL ASSESSMENT REPORT – DARLING WALK CONCEPT PLAN

APPENDIX C. ENVIRONMENTAL ASSESSMENT REPORT

Provided on disk.

APPENDIX D. RESPONSE TO SUBMISSIONS

A response from the proponent to matters raised in the submissions is provided with the PPR.

Provided on disk.

APPENDIX E. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	08_0057
Project	Project Application for commercial development at Darling Walk, Darling Harbour
Location	Darling Walk, Darling Harbour
Proponent	Lend Lease
Date issued	
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) must include:</p> <ul style="list-style-type: none"> • an executive summary • description of the site, including cadastre and title details • a Concept Plan detailing the proposed layout of the buildings, FSR, height, land uses, ancillary services and infrastructure, and any staging of the proposal, • a description of the measures that would be implemented to avoid, minimise, and manage the impacts of the project • signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading • a Quantity Surveyors Certificate of Cost to verify the capital investment value of the project
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <p>1. Relevant EPIs and Guidelines</p> <p>Assess the proposal against all relevant legislation and planning provisions applying to the site, including:</p> <ul style="list-style-type: none"> • Darling Harbour Development Plan No. 1 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • SEPP 11 – Traffic Generating Development • Draft SEPP 66 – Integration of Land Use and Transport <p>The Environmental Assessment must identify the nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and provide adequate justification for any non-compliance.</p> <p>2. Built Form and Urban Design – the Environmental Assessment must include, but not be limited to, consideration of the following matters:</p> <ul style="list-style-type: none"> • the massing of the buildings including heights and setbacks; • active frontages to Darling Harbour and Harbour Street; • consideration of the arrangement of the buildings and impacts of the development within the existing and likely future character and uses of the locality (including existing and proposed development within Darling Harbour precinct and adjoining CBD sites) with specific consideration in regards to height, depth, bulk, scale and overshadowing impacts; • sight lines and view corridors. <p>3. Public domain/ pedestrians</p> <p>The Environmental Assessment is to demonstrate how the proposed building design and uses, and treatment of the public domain and open spaces will:</p>

- maximise public interaction and encourage the attraction of Darling Harbour as a local, regional and international destination;
- achieve pedestrian desire lines and circulation networks within the site; and buildings themselves, as well as other parts of Darling Harbour, Cockle Bay and the CBD;
- minimise vehicle and pedestrian conflicts within and to/from the site including along Harbour Street;
- improve pedestrian connections to the CBD by considering treatments beyond the site in Harbour Street;
- maximise safety and security within the public domain around the precinct;
- maximise surveillance and activity within the public domain including maximising activities at ground level;
- ensure access for people with disabilities and aged persons.

The Environmental Assessment must also include a Concept Plan design for the public domain associated with the proposed use which demonstrates good urban design and high quality landscaping.

4. Site Suitability

The Environmental Assessment must provide an assessment of the suitability of the site for the proposed uses, including the usage trends for Darling Harbour.

5. Social context

The Environmental Assessment must include an assessment of the social context of the development including infrastructure requirements, access and community services and facilities.

6. Traffic, Access and Parking

(i) The public car park is not favoured. If it is to be provided, a full justification is to be provided, using the Sydney LEP 2005 criteria. Intended operational measures of the public car park will need to address at a minimum:

- access hours
- pricing structure
- measures to minimise peak AM floors and disallow use by CBD workers.

(ii) Detailed description and assessment of the:

- daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersection and the need/associated funding for upgrading or road improvement works;
- details on the proposed access and the adequacy of the parking provision associated with the proposed development including subsequent compliance with the requirements of the relevant Australian Standards (i.e. turn paths, sight distance requirements, aisle widths, etc);
- details on how the site will be serviced;
- proposed number of car parking spaces and whether it complies with the appropriate parking codes;
- Accessibility to public transport services.

(iii) Details on how the traffic impacts will be minimised along the adjacent road network particularly peak periods.

(iv) Demonstrated commitment to promote the use of public transport with on-site car parking for commuters discouraged, and minimum parking spaces provided.

(v) Bicycle access to and through the site, including bicycle routes and parking.

7. Amenity

The Environmental Assessment must demonstrate that the proposal will be designed and operated so that there is no unacceptable level of impacts from the cross city tunnel ventilation stack.

8. Public services and infrastructure

The Environmental Assessment must:

- detail the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal, including the existing Sydney Water and possible Energy Australia infrastructure;
- detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation.

9. Stormwater

Stormwater harvesting is strongly encouraged including utilizing the existing pond, reuse in adjoining open spaces and toilet flushing, run off from roofs and use of Water Sensitive Urban Design techniques as recommended by Sydney Water.

10. Sustainability

The Environmental Assessment must include, but not be limited to, consideration of best practice measures to improve environmental performance of the building and surrounds.

Specific consideration must be given to energy efficiency, water conservation, waste management and the use of SEDA standards.

11. Statement of Commitments

The Environmental Assessment must include:

- (i). Proposed mitigation and management of any impacts identified in the above assessment; and
- (ii). A draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of:
 - built form and design of the proposed buildings;
 - access arrangements, traffic management and parking;
 - existing infrastructure on the site and measures to protect or relocate any such infrastructure;
 - stormwater management;
 - any contributions towards infrastructure costs;
 - identification of the ongoing responsibility for ownership and maintenance of any public domain works.

12. Consultation

Appropriate and justified levels of consultation should take place with the following agencies regarding the proposal:

- City of Sydney Council
- Sydney Water
- Ministry of Transport

13. Test of adequacy

If the Director General considers that the Environmental Assessment for the Project does not adequately address the Environmental Assessment Requirements, the Director General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent. The Director General may modify these requirements by further notice to the proponent.

Deemed refusal period

Under clause 8E(2) of the *Environmental Planning and Assessment Regulation 2000*, the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project.