

The following statement of significance for the Water Feature has been extracted from the State Heritage Register Nomination form for the Darling Harbour Water Feature:

The Darling Harbour Water Feature's importance is derived primarily from its aesthetic significance, established as an item of exemplary design for its period, receiving the Walter Burley Griffin Award of the Royal Australian Institute of Architects, and the New South Wales Chapter Civic Design Merit Awards in 1991. In 1992 it was awarded the National Civic Design prize of the Australian Institute of Landscape Architects.

The Water Feature was designed in 1987 by a notable architect, Robert Woodward, a war veteran whose career as a fountain designer was of national and international prominence.

The Darling Harbour Water Feature is of State significance as an example of outstanding fountain design representative of excellence in Australian modernist design of the mid twentieth century.

The Woodward spiral fountain is a beautiful piece of original design with its interplay of water, light and surface texture. It is both an irresistibly interactive water element and beautiful spiral sculptural form. The Woodward water feature makes a significant contribution to the urban design of Darling Harbour. It is one of a group of iconic structures and garden features at Darling Harbour associated with the 1988 Bicentenary [sic] Celebrations. It is significant for its historical and cultural values.

3.6 Exhibition Centre Precinct – Archaeological Remains – Iron Wharf

The archaeological remains are located between the end of Liverpool St and the eastern side of the Exhibition Centre.



Source: SHFA

Statement of Significance

The Iron Wharf was considered to be an engineering masterpiece at the time of its construction. Parts of the wharf still remain buried at the site and are significant archaeological remains. They have the potential to inform about early large scale iron construction. The Iron Wharf is significant as it was one of the first large scale iron constructions in the world. The construction of the wharf led to the development of Darling Harbour as the major goods centre in Sydney.

3.7 Harris Street Heritage Conservation Area



Source: City of Sydney LEP 2012 Heritage Map Sheet HER_008.

Statement of Significance

The area represents and demonstrates two of the key period layers for the development of Ultimo/Pymont as a direct result of the Harris and Macarthur Estates, and later Federation industrial development. It is a good example of mid to late Victorian residential and commercial development with Federation era industrial infill development.

Heritage Items within the Conservation Area

There are several heritage items in the Conservation Area that have the potential to be impacted on by the proposed development. They include:

- 578-606 Harris Street;
- 608-614 Harris Street;
- 597-607 Harris Street;
- 629-637 Harris Street;
- 77-79 Macarthur Street.



578-606 Harris Street.



608-614 Harris Street

Statement of Significance for 578-606 Harris Street

The buildings date from one of the key period of layers for the development of Ultimo/Pymont as a direct result of subdivision of the Harris and Macarthur Estates. 578 Harris Street is a good example of a late Victorian commercial building. 580-600 Harris Street is a good example and one of the largest mid Victorian terrace groups in the area. 602-606 Harris Street is a good example of a Federation terrace. All buildings in the group make a positive contribution to the streetscape.

Statement of Significance for 608-614 Harris Street

The building dates from one of the key period of layers for the development of Ultimo/Pymont as a direct result of subdivision of the Harris and Macarthur Estates. It is a good example of a Federation warehouse which makes a positive contribution to the streetscape.



597-607 Harris Street.



629-637 Harris Street

Statement of Significance for 597-607 Harris Street

The building dates from one of the key period of layers for the development of Ultimo/Pymont as a direct result of subdivision of the Harris and Macarthur Estates. It is a good example of a mid Victorian terrace group and corner shop on a prominent corner site which makes a positive contribution to the streetscape.

Statement of Significance for 629-637 Harris Street

The buildings date from one of the key period of layers for the development of Ultimo/Pyrmont as a direct result of subdivision of the Harris and Macarthur Estates. They are good examples of mid Victorian terraces which make a positive contribution to the streetscape.

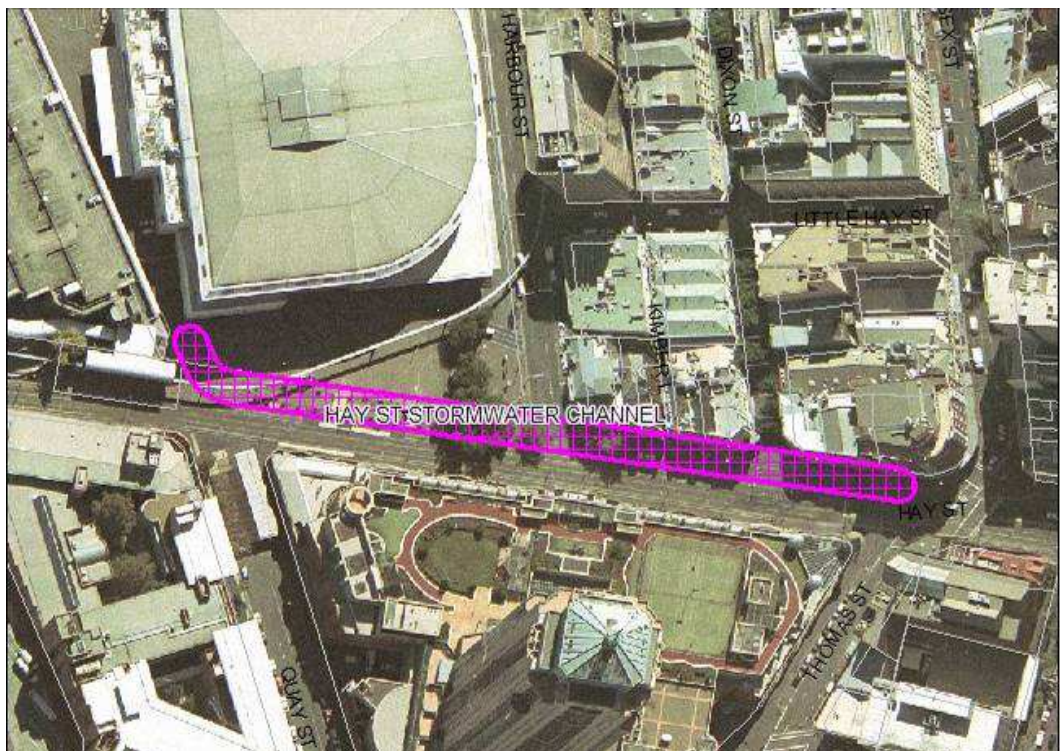


77-79 Macarthur Street.

Statement of Significance for 77-79 Macarthur Street

The building dates from one of the key period of layers for the development of Ultimo/Pyrmont as a direct result of subdivision of the Harris and Macarthur Estates. It is a good example of a late Victorian terrace/commercial building/hotel/church complex which makes a positive contribution to the streetscape.

3.8 Hay Street Stormwater Channel (Hay Lackey Drain)



Source: Sydney Water.

Statement of Significance

The Hay Street stormwater system is highly significant as it was one of the first five original combined sewers constructed in Sydney around the 1860 period. The other four sewers were; Blackwattle Bay (SHI 4570535), Woolloomooloo (SHI 4570813), Tank Stream (SHI 4573709) and Bennelong (SHI4570854). These five sewers were responsible for greatly improving public health by diverting stormwater and sewage off the streets and discharging it out into the city's Harbour. The five sewers are the first examples of sewerage and drainage services to be built in Sydney, and potentially Australia. The subsequent construction of the BOOS (Bondi Ocean Outfall Sewer) in 1889 and the connection of the Hay Street system in 1901 diverted sewer flow from the harbour and into the ocean. Eventually the drain was used predominantly for stormwater, this further improved public health, hygiene and living standards for the city's residents. The channel is of technological significance as it provides an excellent example of the engineering and construction techniques of the late 1800's and of the city's early infrastructure. The numerous extensions and modifications made throughout the years provide an archaeological record of the advancements made in drainage construction techniques. The operational curtilage for Hay Street SWC includes all original fabric and archaeological evidence including, but not limited to the channel bed, walls and coping. There is no visual curtilage associated with this structure as it is located predominantly underground. ...

3.9 Hydraulic Pumping Station No. 1



Statement of Significance

Hydraulic Pumping Station No.1 played a pivotal role in the industrial, commercial and architectural development of Sydney. As the city's first and major public provider of hydraulic power, it has strong historical associations with many prominent buildings and firms. The elegant structure of the remaining building is one of the very few industrial landmarks remaining in this part of the city.

3.10 Market City (facade of former Paddy's Markets)



Statement of Significance

Market City ("Paddy's Market") and site is considered to be of heritage significance for its historical and social values. The site and facades of the buildings are also significant for their contribution to the Sydney Markets Group and the Haymarket Conservation Area, both listed in the National Estate. The site is significant in the evolution and pattern of the history of NSW. Paddy's Markets stands on early reclaimed land and was part of Surgeon John Harris's Ultimo Estate. The precinct is significant as an area of early industrialisation, with some of the first steam machinery in Australia installed in mills previously on the site. The buildings have been associated with markets in Sydney since 1840 and are associated with the Queen Victoria Building in a larger network of markets in the Sydney area. The area continues its historic busy market like atmosphere of social significance to the Sydney community. They are also associated with Sydney's Chinatown and are an important cultural centre which demonstrates the growth of the Chinese community in Sydney from about 1870. Note: This listing is solely intended for the preservation of the surviving form and fabric of the original 1909-10 building and is not intended to cover the post-1990s development of the site.

3.11 Pier Street Precinct Archaeological Remains

The area of the remains is bounded by Hay, Harbour, Pier Sts and Merino Boulevard, Darling Harbour.



Source: SHFA.

Statement of Significance

Little Pier Street Precinct displays historical significance, firstly, due to being part of Dickson's Steam Mill Complex, which included Australia's first Steam Engine and marked the arrival of industrial technology. Little Pier Street Precinct also saw the establishment of Australia's first salting works, which introduced innovative industrial and commercial enterprise. Aesthetically, the site contains sub surface structural features such as; walls, floors and boiler foundations. Socially, Little Pier Street Precinct has become a place of high social value as an archaeological site, which contains physical evidence directly related to well known events in Australia's history. The presence of actual relics has increased the interpretative potential of the site

3.12 Powerhouse Museum



Statement of Significance

The building dates from one of the key period of layers for the development of Ultimo as a direct result of subdivision of the Harris and Macarthur Estates and industrial redevelopment of the area at the turn of the century. The building is also significant for its association with the Sydney tram network. It is a good example of a Federation industrial building which makes a positive contribution to the streetscape.

3.13 Pyrmont Bridge



Archival image source: City of Sydney Archives, SRC10604.

Statement of Significance

Pyrmont Bridge is an item of State heritage significance for its aesthetic, historical and scientific cultural values. An essential link between the city and the inner western suburbs, Pyrmont Bridge is

closely associated with the economic and social development of Sydney at the end of the 19th century. Pyrmont Bridge is closely associated with Percy Allen, PWD Engineer-in-Chief of bridge design, who was responsible for the introduction of American timber bridge practice to NSW and designed over 500 bridges in NSW. The quality of the carved stonework of the piers and portals added to the aesthetic appeal of the bridge. At the time of construction the swing span of Pyrmont Bridge was one of the largest in the world. It was one of the first swing bridges to be powered by electricity. The timber approach spans demonstrate a rare example of deck type Allan trusses; there being no other known example. The bridge's Australian design and technological innovation was a source of pride for the people of NSW. Despite the demolition of the eastern approach to the bridge and the construction of the mono-rail track, Pyrmont Bridge retains its essential heritage values.

Sewage Pumping Station 1



Statement of Significance

SP001 is of historic, aesthetic and technical/research significance. Historically it was part of an original network of twenty sewage pumping stations constructed in Sydney at the end of the 19th century. The station was a key component of this network, being the largest and controlling station for the performance of the other first generation stations. The station is also historically significant for its associations with the Bondi Ocean Outfall Sewer (BOOS) which was Sydney's first ocean outfall. The construction of SP001 and the BOOS (ten years earlier) formed a part of the major advance in the protection of the public health of Sydney by ending the discharge of sewage into the Harbour. They were built as a direct response to the outbreaks of Enteric Fever (Typhoid) which plagued Sydney from the 1870s to 1890s and the recommendations of the Sydney City and Suburban Health Board (which was established by the Government in 1875 to report on the best means of sewage disposal) which proposed the establishment of outfall sewers. Aesthetically it is an excellent example of a substantial and prominent industrial building designed in the Federation Free Style which due to its scale, colour, texture and location has considerable streetscape value. In its surviving fabric SP001 provides evidence of technical excellence in traditional construction techniques and craftsmanship, such as the stone dressings around the entrance openings. Technically, the underground areas of the station are significant, being an early example of the use of reinforced concrete usage within Australia. It has educational potential in revealing the development of sewage pumping engineering works and architectural taste in a period when utilitarian buildings were given as much careful attention as public buildings. It is also technically significant for its continual use as a low level sewage pumping station as originally designed and constructed, albeit with mechanical and electrical upgrading. Originally it was supplied with direct current from the nearby Tramway's Department Powerhouse.

3.14 Street facades, former Post Office Stores, 64 Harbour Street



The building was originally known as the John Bridge wool store.

Statement of Significance

The former John Bridge woolstore has historic significance for its association with John Bridge & Co, one of the leading wool and grain businesses for which it was built. Now part of the Furama Hotel, it is a rare example of a large fine Victorian period woolstore beautifully built in polychrome brickwork. It is a superbly-scaled element in the streetscape. It is representative of a period of development which saw many warehouses constructed around the piers, wharves and goods railway sidings of Darling Harbour. The small display section of cruciform cast-iron structure retained from the original structure has scientific significance.

3.15 Sydney Trades Hall, 4-10 Goulburn Street



Statement of Significance

The Sydney Trades Hall is important as one of the first and continuing headquarters of much of the New South Wales Trade Union Movement. It is a fitting reminder of an important part of Australia's history which was to be followed by many western countries based on Australian experience. The birth of the Labour Party may be traced to Trades Hall leaders. The building's design is by one of Australia's first native born architects, John Smedley. Its composed facades and tower contribute to the Haymarket area by retaining a nineteenth century character and provide a dominant landmark. The Trades Hall was held in high esteem by the working community and this was reinforced by Mr Jacob Gerrard's address at the official opening day. The subsequent rapid growth of the trade Union Movement earlier this century saw the original building enlarged considerably to accommodate its

needs. Original records of meetings and other historical events in the life of the Trade Union Movement have been collected and are kept in the original library and banner room. (Daybreak Architects)

3.16 The Carousel



Source of image at left: http://praiserating.com.au/display_city_images.php?id=42&city_id=1, accessed 31 January 2013.

Statement of Significance

The Darling Harbour Carousel is a rare, complete and intact example of an Edwardian carousel, and is representative of a wider variety of similar machines. The Darling Harbour Carousel retains its steam engine and original workings, and demonstrates the methods of construction and operation that are associated with the "golden age" of carousels (1890s and 1920s). Its rich decorations are entertainingly attractive and form both an expression of traditional fairground architecture and an exposition of the popular idiom, appropriately demonstrating on-going adaptation to times and places. The Darling Harbour Carousel has been part of Sydney's cultural life for most of the twentieth century, associated with many major cultural festivals and events, and has travelled throughout much of NSW as a central entertainment of the important agricultural shows and fairs. It continues to entertain children and adults alike in its present location as part of a major tourist locality in Sydney. [source: Godden Mackay Heritage Consultants, April 1997].

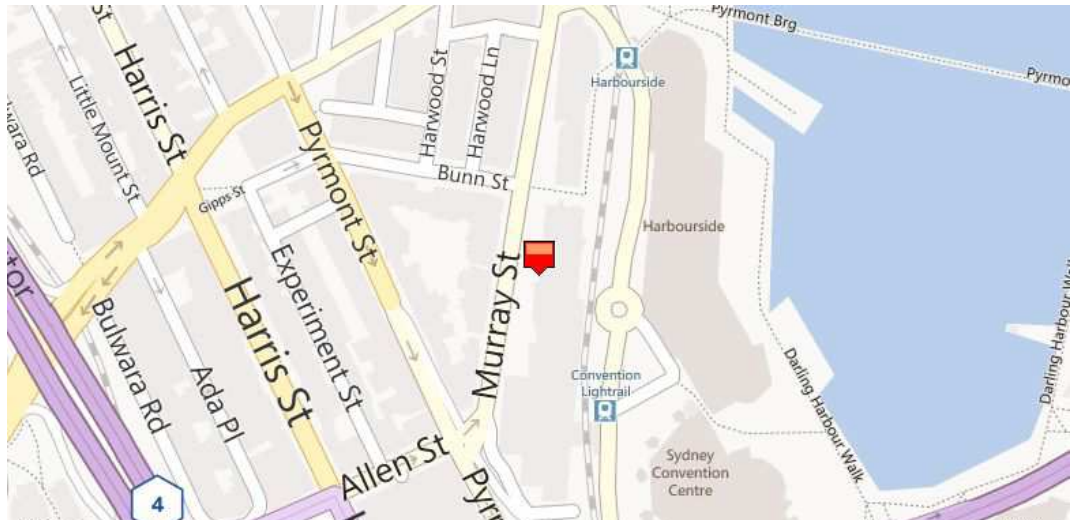
3.17 Ultimo Post Office



Statement of Significance

The building dates from one of the key period of layers for the development of Ultimo/Pymont as a direct result of subdivision of the Harris and Macarthur Estates. It is a good example of a Federation Post Office on a prominent corner site which makes a positive contribution to the streetscape.

3.18 Water Cooling System and Manifold



Source: SHFA

Statement of Significance

The water cooling system and manifold was an integral component of the operating system of the Power Station. The former Ultimo Power Station, (now the Powerhouse Museum) dating from 1899, is historically significant for being the original generating station for the supply of electricity to power the electric tramway network throughout Sydney. It was also one of the largest and most important generating stations in NSW for many years and has associations with the electrification of the suburban railway system and with the general reticulation of electrical power. The station also played a major part in the development of the Ultimo/Pymont area.

4 ASSESSMENT OF HERITAGE IMPACT: PPP COMPONENT

4.1 NSW Heritage Branch Model Questions

The assessment of heritage impacts has been undertaken in reference to the model questions given in the NSW Heritage Office's publication '*Statements of Heritage Impacts*'.

Demolition of a building or structure	x
Minor partial demolition	x
Major partial demolition	x
Change of use	x
Minor additions	x
Major additions	x
New development adjacent to a heritage item	✓
Subdivision	x
Repainting	x
Re-roofing/re-cladding	x
New services	x
Fire upgrading	x
New landscape works and features	x
Tree removal or replacement	x
New signage	x

New development adjacent to a heritage item

Question: How is the impact of the new development on the heritage significance of the item or area to be minimised?

Response: Listed heritage items within the development site are confined to two archaeological items. Heritage impacts on the archaeological items are assessed in separate reports by Casey & Lowe. The Chinese Garden of Friendship and Carousel are located within the Darling Harbour Precinct but are outside the development site. The Darling Harbour Water Feature and sections of the Water Cooling System and Manifold are within the development site.

The Carousel may be relocated in the future from its present location beneath the M4 overpass to an open area at the northern end of the Darling Quarter Play sub-precinct. There will be no impacts on the Carousel resulting from the development, although its setting will be enhanced by new landscaping.

The Chinese Garden of Friendship is presently separated from the existing Exhibition Centre by a wide paved concourse. The proposed Theatre is sited at a distance from the Garden that is similar to the existing situation. The space between the Theatre and the Garden is to be upgraded with new landscaping works. Because the garden itself is an internally focussed item there will be no impacts on it, although the setting on its western side will be enhanced by new landscaping works.

The Darling Harbour Water Feature is to be retained and conserved. The proposed Exhibition Centre has been carefully located to provide a curtilage for the Water Feature that will give it an appropriate setting comparable to that which presently exists.

The proposed development will have no impact on the Water Cooling System and Manifold because of the location of the item relative to the development site. There are no major works that would necessitate its disturbance on this part of the site.

Several listed heritage items are close to the PPP site. They include the Darling Harbour Rail Corridor, Sewage Pumping Station, the Commerce Building, Commerce House, Pyrmont Bridge, and the Trades Hall

Impacts on the Darling Harbour Rail Corridor and the Sewage Pumping Station will be limited. Although the heights of the proposed Convention Centre, Exhibition Centre and Theatre will be greater than the existing Convention, Exhibition and Entertainment facilities, they are comparable in scale to existing development on the western side of the Rail Corridor. The loading dock associated with the Exhibition Centre will have some visual impact on the Rail Corridor because it extends over part of it. However, this is limited in extent and will not physically damage the fabric of the Corridor. Historically the Rail Corridor is understood to have been partially enclosed by large structures. It should also be noted that infrastructure associated with the monorail intrudes to a greater extent on the Rail Corridor than the structure of the proposed loading dock. The Monorail and associated infrastructure will be removed by others, offsetting the impacts of the loading dock. The Rail Corridor is also crossed by various road bridges, and pedestrian links to the Novotel on the western side of the Rail Corridor. The setting of the Rail Corridor itself will be generally enhanced and upgraded through landscaping works. Publicly accessible views, interpretation and understanding of the Rail Corridor and the Pumping Station will not be affected.

There will be no impact on the Commerce Building, Commerce House and the Trades Hall because of their distance from the proposed development.

The proposed development will have no impact on Pyrmont Bridge because of its distance from the structure.

Question: Why is the new development required to be adjacent to a heritage item?

Response: The PPP development is a comprehensive renewal of a major precinct at Darling Harbour. Heritage items associated with the overall site are an integral component of it.

Question: How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Response: The curtilage around items within the Darling Harbour site (including the site of the PPP development) and those adjacent to it remain unchanged. All items, both on the site and adjacent to it, will retain their visual integrity and interpretation of their heritage significance will be unaffected. The setting of the items on the western side of the PPP site – the Sewage Pumping Station and the Rail Corridor – will be affected to some extent because of the bulk of new buildings. However, this is consistent in scale with historically significant development such as the Powerhouse Museum and the Goldsbrough Mort woolstore, and with recent residential development on the western side of the Rail Corridor.

Question: How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

Response: The proposed development will have no impact on views to the Chinese Garden of Friendship or the Carousel.

The proposed development will not impact on views of the Sewage Pumping Station, which is presently separated from existing development at Darling Harbour by the open space buffer formed by Darling Drive, beyond which rises the large scaled mass of the Exhibition Centre. There will be some visual impact on the Darling Harbour Rail Corridor because of the proposed loading dock associated with the Exhibition Centre, but this is limited in scope when compared with existing monorail infrastructure and its impacts will be offset by removal of the monorail infrastructure by others. Essentially the existing situation of large building forms to the east of Darling Drive will be continued.

The proposed development will not impact on views of the Commerce Building, Commerce House and the Trades Hall. This is because of their location relative to the PPP site. In the case of Commerce House and the Trades Hall they are separated from the site by intervening streets and existing development.

Question: Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Response: archaeological impacts are addressed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe.

Question: Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

Response: The PPP development is sympathetic to the Carousel because the relationship between it and the new buildings will be similar to the relationship between it and existing buildings.

The proposed development will retain and conserve the Darling Harbour Water Feature. The location of the proposed Convention Centre relative to the fountain will be similar to that of the existing Convention Centre, thus providing an adequate visual curtilage for it, although the height of the new building will be greater than the existing.

The distance between the Chinese Garden and the Theatre will be similar to the distance that presently exists between it and the Exhibition Centre. Although the design of the new building is different to the Exhibition Centre in terms of form and scale, the setting of the Chinese Garden will be maintained.

There will be some impact on the Darling Harbour Rail Corridor because of the loading dock associated with the Exhibition Centre. However, the loading dock will not affect interpretation of the Corridor or an understanding of its heritage significance. Its simple form and curved configuration will assist in minimising its impact on the Rail Corridor.

The location of heritage items near the PPP site precludes there being visual impacts deriving from the proposed works.

Question: Will the additions visually dominate the heritage item? How has this been minimised?

Response: The proposed development will not visually dominate any heritage items within the site or adjacent to it, for the reasons outlined in responses given above. Although the Exhibition Centre loading dock will extend over a part of the Rail Corridor, it will not dominate the item, especially when compared to monorail infrastructure.

Question: Will the public, and users of the item, still be able to view and appreciate its significance?

Response: The public and users will continue to be able to view and appreciate the Chinese Garden, the Darling Harbour Water Feature and the Carousel.

The proposed development will not change views to heritage items in the vicinity of the site, nor mar public appreciation of their heritage significance.

4.2 State Environmental Planning Policy (State & Regional Development) 2011

Darling Harbour is listed in Schedule 2 of the Policy, which identifies State Significant development sites.

Land, places, buildings or structures listed on the State Heritage Register under the *Heritage Act 1977*, are identified as environmentally sensitive areas of State significance in Section 4 (h) of the Policy.

The Carousel is the only State Heritage Register-listed item in the vicinity of the development site. The NSW Heritage Council has advised its intention to include the Darling Harbour Water Feature in the State Heritage Register. Neither item will be negatively affected by the proposed development.

There will be no impact on the Carousel because of its location beneath the M4 overpass and the limited scope for development in this part of the site. Its setting will be enhanced by landscape works associated with the development. The open space around the Darling Harbour Water Feature that presently exists, including the space between it and the Convention Centre, will be maintained in the proposed development.

4.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Darling Harbour is not included in Schedule 4 of the SREP.

4.4 Sydney Local Environmental Plan 2012

The City of Sydney is not the consent authority for the PPP development. However, several buildings in the vicinity of the site are listed as heritage items in Sydney Local Environmental Plan (LEP) 2012.

Clause 5.10 of the Sydney LEP contains heritage provisions. The proposed PPP development has been assessed against these provisions. The provisions do not directly apply to the site, but are helpful criteria in determining the heritage impacts of the development proposal.

Provisions	Response
5.10(1) Objectives	
(a) to conserve the environmental heritage of the City of Sydney,	<p>The proposed PPP development will retain and conserve the Darling Harbour Water Feature.</p> <p>It will not result in any change to heritage items in the vicinity of the site.</p>

Provisions	Response
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	<p>There will be some impact on views to the Darling Harbour Rail Corridor, but the relatively limited extent of the proposed loading dock will not affect interpretation or understanding of the item's heritage significance.</p> <p>Views to, and settings of, other heritage items in the vicinity of the PPP development will not be negatively affected.</p>
(c) to conserve archaeological sites,	Compliance with this objective is addressed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe.
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Compliance with this objective is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
5.10(2) Requirement for consent Development consent is required for any of the following:	
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):	
(i) a heritage item,	This provision is not applicable to the development proposal.
(ii) an Aboriginal object,	This is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(iii) a building, work, relic or tree within a heritage conservation area,	This provision is not applicable.
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	This provision is not applicable.
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	The relevance of this provision is addressed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe.

Provisions	Response
(d) disturbing or excavating an Aboriginal place of heritage significance,	The relevance of this provision is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(e) erecting a building on land:	
(i) on which a heritage item is located or that is within a heritage conservation area, or	The proposed development involves demolition of two buildings that are not heritage-listed and the erection of three new buildings.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	This provision is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(f) subdividing land:	
(i) on which a heritage item is located or that is within a heritage conservation area, or	This provision is not applicable. Subdivision is not proposed.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	
5.10 (3) When consent not required However, development consent under this clause is not required if:	These provisions are not applicable to the proposed development.
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	
(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and	
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or	
(b) the development is in a cemetery or burial ground and the proposed development:	
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	
(ii) would not cause disturbance to human	

Provisions	Response
<p>remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	
<p>5.10(4) Effect of proposed development on heritage significance</p>	
<p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>This report has been undertaken to evaluate the effects of the proposed development on listed heritage items within the development site and listed heritage items in the surrounding locality.</p>
<p>5.10(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>Refer to the preceding response.</p>
<p>5.10(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>This provision is not applicable to the site.</p>

Provisions	Response
<p>5.10(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>Archaeology has been assessed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe.</p>
<p>(8) Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent</p>	<p>These provisions are addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.</p>
<p>5.10(9) Demolition of nominated State heritage items</p> <p>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>The proposed development does not require the demolition of nominated State heritage items. Both items on the development site are to be retained and conserved.</p>
<p>5.10(10) Conservation incentives</p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a</p>	<p>These provisions are addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.</p>

Provisions	Response
<p>building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	

4.5 City of Sydney Development Control Plan 2012

Clause 3.9 of the Sydney Local Environmental Plan contains heritage provisions. The proposed PPP development has been assessed against these provisions. The provisions do not directly apply to the site, although the development is in the vicinity of several heritage items listed in Sydney Local Environmental Plan 2012.

Clause 3.9 Heritage - Provisions	Response
Objectives	
<p>(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.</p>	<p>The heritage significance of heritage items in the vicinity of the development site will not be affected by the proposed development. Although not a listed heritage item, the significance of the Darling Harbour Water Feature has been acknowledged.</p> <p>Archaeological sites are dealt with in the Non-Indigenous Archaeological Assessment and</p>

Clause 3.9 Heritage - Provisions	Response
	Impact Statement prepared by Casey & Lowe.
	Aboriginal sites and places of significance are dealt with the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants..
(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.	<p>The setting of the Chinese Garden of Friendship will be enhanced by the proposed development.</p> <p>The setting of the Carousel will not be affected by the proposed development.</p> <p>The setting of the Darling Harbour Water Feature will be relatively unchanged by the proposed development, although the scale of the new Convention Centre is greater than the building it replaces. However, the circumstance of a bulky building forming the immediate western backdrop to the fountain will continue.</p> <p>The character and heritage significance of items in the vicinity of the development site is not affected by the proposed development because of their location relative to it.</p>

Provisions

3.9.1 Heritage Impact Statements

(1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:	This report has been undertaken to evaluate the effects of the proposed development on listed heritage items within the development site and listed heritage items in the surrounding locality.
(a) heritage items identified in the Sydney LEP 2012; or	
(b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.	
(2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the proposed development has on the building and its setting.	This provision is not applicable to the development proposal.
(3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage	Tanner Kibble Denton Architects is recognised for its heritage expertise and has won awards for

Clause 3.9 Heritage - Provisions	Response
consultant.	heritage-related building projects.
<p>(4) The Heritage Impact Statement is to address:</p> <p>(a) the heritage significance of the heritage item or the contribution which the building makes to the heritage significance of the heritage conservation area;</p> <p>(b) the options that were considered when arriving at a preferred development and the reasons for choosing the preferred option;</p> <p>(c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; and</p> <p>(d) the compatibility of the development with conservation policies contained within an applicable Heritage Conservation Management Plan or Conservation Management Strategy, or conservation policies within the Sydney Heritage Inventory Report.</p>	<p>a) this provision is addressed elsewhere in the report.</p> <p>b) the proposed development is the outcome of detailed briefing and the specific requirements of the client. In terms of heritage items on the site, the preferred option for the Carousel is positive in terms of its heritage impact. Heritage impacts associated with the Water Feature are neutral – its curtilage of open space is maintained and its western setting, a large building, will also be maintained albeit in a differing form.</p> <p>c) this provision is addressed elsewhere in the report.</p> <p>d) this provision is not applicable.</p>
<p>(5) Where the site adjoins another local government area, the Heritage Impact Statement is to address the potential impact on adjoining or nearby heritage items or heritage conservation areas in the adjoining local government area.</p>	This provision is not applicable.
<p>(6) Where the development application proposes the full or substantial demolition of a heritage item, or a contributory building within a heritage conservation area, the Heritage Impact Statement is to:</p> <p>(a) demonstrate why the building is not capable of retention or re-use;</p> <p>(b) include a statement from a quantity surveyor comparing the cost of demolition to the cost of retention if the demolition is recommended primarily on economic grounds;</p> <p>(c) include a report by a suitably qualified structural engineer if the demolition is proposed on the basis of poor structural condition; and</p> <p>(d) include a pest inspection report if the building is a weatherboard building.</p>	The proposed development does not require demolition of a heritage item or contributory building.

Clause 3.9 Heritage - Provisions	Response
(7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.	This provision is not applicable.
3.9.3 Archaeological assessments	
(1) An archaeological assessment is to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by the NSW Office and Environment and Heritage.	Archaeological assessment is addressed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe..
3.9.5 Heritage items	
(1) Development affecting a heritage item is to:	a) there is no change proposed to the fabric of the Carousel or the Water Feature;
(a) minimise the extent of change to significant fabric;	b) this provision is not applicable;
(b) use traditional techniques and materials unless contemporary techniques and materials will result in a better conservation outcome;	c) the interpretation and setting of the Carousel will be enhanced by its relocation to another part of the site. Interpretation and setting of the Water Feature will essentially remain the same;
(c) enable the interpretation of each of the significant values of the item through the treatment of the item's fabric, spaces and setting;	d) the Carousel and Water Feature will retain their present use;
(d) provide a use compatible with its significance;	e) interpretation will form the subject of a separate report;
(e) the provision of on-site interpretation, or a combination of each of these measures;	f) the heritage significance of the Carousel will not be affected by the relocation – the item has a history of relocation that has been assessed as part of its significance. The heritage significance of the Water Feature will not be reduced or obscured, for reasons stated above.
(f) not reduce or obscure the heritage significance of the item; and	g) this provision is not applicable.
(g) be reversible where necessary so new work can be removed with minimal damage, or impact to significant building fabric.	
(2) Development should enhance the heritage item by removing unsympathetic alterations and additions and reinstating missing details, building and landscape elements, where physical or documentary evidence is available.	This provision is not applicable.

5 ASSESSMENT OF HERITAGE IMPACT: THE HAYMARKET PRECINCT

5.1 NSW Heritage Branch Model Questions

The assessment of heritage impacts has been undertaken in reference to the model questions given in the NSW Heritage Office's publication '*Statements of Heritage Impacts*'.

Demolition of a building or structure	x
Minor partial demolition	x
Major partial demolition	x
Change of use	x
Minor additions	x
Major additions	x
New development adjacent to a heritage item	✓
Subdivision	x
Repainting	x
Re-roofing/re-cladding	x
New services	x
Fire upgrading	x
New landscape works and features	x
Tree removal or replacement	x
New signage	x

New development adjacent to a heritage item

Question: How is the impact of the new development on the heritage significance of the item or area to be minimised?

Response: Listed heritage items within the Haymarket Precinct are confined to one archaeological item. Heritage impacts on the archaeological items are assessed in separate reporting by Casey & Lowe.

Several listed heritage items are close to the Haymarket Precinct. Those to the west of the site include the Darling Harbour Rail Corridor, Powerhouse Museum and Ultimo Post Office. Those to its north and east include the Hydraulic Pumphouse, and former Post Office Stores facades. The Market City facades are located to the south of the site.

There will be some impacts on the Powerhouse Museum and Rail Corridor, resulting from the two student housing blocks. The two buildings are situated immediately to the east of the Rail Corridor and will block views to the Powerhouse Museum from the east. It should be noted that this section of the Museum is utilitarian, befitting its location against the former Darling Harbour Goods Yard. The buildings will also impact on the open character of the Corridor, which currently works with Darling Drive to form a buffer between the existing development at Darling Harbour and development along the western side of the Corridor. However, the setting of the Rail Corridor will be enhanced by the continuation of the Ultimo Pedestrian Network and its associated landscaping works.

There will be no impact on the Ultimo Post Office, which is located at some distance from the site and is screened by buildings associated with the Powerhouse Museum.

The scale of proposed development to the south of the Hydraulic Pumphouse is low and is consistent with the existing relationship between the heritage item and the Entertainment Centre. However, the setting of the building is enhanced because of the widening of open space on this part of the site. There is an existing dislocation of scale between the Pumphouse and the Novotel to its immediate east.

There will be some impact on views to the former Post Office Stores facades because of the scale of development at the northeastern corner of the Haymarket Precinct. However, the facades were incorporated into a hotel development that included the addition of several storeys. These were designed in a contemporary idiom that is not related to the masonry architecture of the facades.

There will be relatively little impact on the Market City facades, which form part of the base of a tall residential tower constructed circa 1990. Although some views will be lost from the southern end of the Haymarket precinct, other views to the building are unaffected. The development in this part of the Haymarket Precinct will be consistent with recent development in the general Haymarket locality in terms of architectural form and building height. The recently completed buildings in the general Haymarket area demonstrate a diversity of architectural style and detail.

There will be little impact on the Harris Street Conservation Area and the heritage items within it because of their location relative to the development. Potential impacts resulting from the heights of proposed buildings will be further minimised by the strong presence of street trees along Harris Street and intervening buildings and structures.

Question: Why is the new development required to be adjacent to a heritage item?

Response: The Haymarket Precinct development is a comprehensive renewal of a major precinct at Darling Harbour. Heritage items associated with the overall site are an integral component of it. The proposed development is the outcome of urban design studies that led to master planning of the overall precinct that was designed to be cognisant of heritage items in its vicinity.

The proposed development is a considered response to the briefing requirements of the client.

Question: How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Response: The curtilage around heritage items in the vicinity of the site will enable their heritage significance to be understood and interpreted. There is sufficient space between the items and new development to ensure that their architectural character can be understood and appreciated. However, the proposed development will impact on the setting of the items to some extent because of its form and scale.

The setting of the Hydraulic Pumphouse will be enhanced because its existing curtilage is maintained and the architectural quality of new development on this part of the site will generally be of a high standard.

Question: How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

Response: Views to several heritage items will be affected by the development. The impact on views is a result of the placement of buildings across the site to achieve a high level of future user and occupant amenity and the scale and form of the development.

Question: Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Response: Archaeological impacts are addressed in the Non-Indigenous Archaeological Assessment and Impact Statement prepared by Casey & Lowe.

Question: Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

Response: The proposed development is sympathetic in that it continues the urban scale and intricate street pattern of the adjoining Special Character Area, thus extending the urban fabric across the site. It has resulted from urban design studies and a master plan that is intended to integrate heritage items in a locality characterised by diverse scales and architectural forms with the proposed development in a complementary fashion. The urban structure of the development proposal is informed by an interpretation of the historic street pattern that previously existed in the locality.

Question: Will the additions visually dominate the heritage item? How has this been minimised?

Response: The proposed development takes into account considerations of amenity on the subject site, which necessitates locating larger buildings on its periphery. Whilst there are impacts on neighbouring heritage items, other aspects of the development will provide benefits to this section of the city, providing landscaped open space and an integrated pedestrian network. These features will provide an enhanced experience for those visiting and working in the Precinct. It has a large residential component, which means that future residents will derive enjoyment from the locality. This includes its heritage character, which is one part of a diverse local townscape.

It should be noted that the proposed development has components that are similar in scale to recent projects and projects under construction in the southern part of the City of Sydney. A number of these projects incorporate heritage items and significant early building fabric, such as the Market City development, the development on the south western corner of Quay Street and Ultimo Road and the redevelopment of the former Tooths Brewery site on Broadway.

Question: Will the public, and users of the item, still be able to view and appreciate its significance?

Response: All of the heritage items in the vicinity of the site will be able to be viewed and appreciated because they will be surrounded by open space and their existing physical context (outside of the development site).

5.2 State Environmental Planning Policy (State & Regional Development) 2011

Darling Harbour is listed in Schedule 2 of the Policy, which identifies State Significant development sites.

Land, places, buildings or structures listed on the State Heritage Register under the *Heritage Act 1977*, are identified as environmentally sensitive areas of State significance in Section 4 (h) of the Policy.

There are no State Heritage Register-listed items in the development site.

5.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Darling Harbour is not included in Schedule 4 of the SREP.

5.4 Sydney Local Environmental Plan 2012

Clause 5.10 of the Sydney Local Environmental Plan contains heritage provisions. The proposed Haymarket Precinct development has been assessed against these provisions. The provisions do not directly apply to the site, although the development is in the vicinity of several heritage items listed in Sydney Local Environmental Plan 2012.

Provisions	Response
5.10(1) Objectives	
(a) to conserve the environmental heritage of the City of Sydney,	<p>The development on the Haymarket Precinct will not involve demolition of built heritage items. There will be some impact on views to heritage items adjoining the site. However, the scale of development is consistent with development that has occurred in recent times in the southern section of the City of Sydney and is currently under construction.</p>
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	<p>The proposed development will not affect the heritage significance of items adjoining the site, but will have some impacts on views to them.</p> <p>In the case of the Hydraulic Pumphouse its setting will be enhanced because open space around the building is maintained and landscaping consolidated. The architectural resolution and scale of buildings to its south will be complementary to this item.</p> <p>Views to other items around the Haymarket Precinct will be affected by the scale of development around the periphery of the site. This is a consequence of consolidation and changes of site use. The scale of development is comparable to other parts in the southern section of Sydney.</p> <p>Impacts on the Market City facades and the former Post Office Stores facades are considered acceptable. Impacts on the Powerhouse Museum and former Ultimo Post Office - the most important views of the Powerhouse Museum are those from Harris Street and the M4 overpass, while the Post Office is too far away from the site to be meaningfully affected.</p> <p>There will be negative impacts on the Rail Corridor because of the height of adjacent development.</p>

Provisions	Response
	There will be little or no impacts on the Harris Street Conservation Area and the heritage items in it because of their location relative to the development site, because of the established street trees along Harris Street and because of buildings and structures between the Conservation Area and the development site.
(c) to conserve archaeological sites,	Compliance with this objective is addressed in the Non-Indigenous Archaeological Assessment and Impact Statement by Casey & Lowe.
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Compliance with this objective is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
5.10(2) Requirement for consent	
Development consent is required for any of the following:	
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):	
(i) a heritage item,	This provision is not applicable. There is only one heritage item on the subject site, which is archaeological in nature. Impacts are addressed in the Non-Indigenous Archaeological Assessment and Impact Statement by Casey & Lowe.
(ii) an Aboriginal object,	Impacts are assessed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(iii) a building, work, relic or tree within a heritage conservation area,	This provision is not applicable to the site.
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,	This provision is not applicable.
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	The relevance of this provision is addressed in the Non-Indigenous Archaeological Assessment and Impact Statement by Casey & Lowe.

Provisions	Response
(d) disturbing or excavating an Aboriginal place of heritage significance,	The relevance of this provision is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(e) erecting a building on land:	
(i) on which a heritage item is located or that is within a heritage conservation area, or	There are no built heritage items in the Haymarket Precinct.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	This provision is addressed in the Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants.
(f) subdividing land:	
(i) on which a heritage item is located or that is within a heritage conservation area, or	This provision is not applicable. Subdivision is not proposed.
(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	
5.10 (3) When consent not required However, development consent under this clause is not required if:	These provisions are not applicable to the proposed development.
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:	
(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and	
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or	
(b) the development is in a cemetery or burial ground and the proposed development:	
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	
(ii) would not cause disturbance to human	

Provisions	Response
<p>remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	
<p>5.10(4) Effect of proposed development on heritage significance</p>	
<p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>This report has been undertaken to evaluate the effects of the proposed development on listed heritage items within the development site and listed heritage items in the surrounding locality.</p>
<p>5.10(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>Refer to the preceding response.</p>
<p>5.10(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>This provision is not applicable.</p>