

Development consent

Section 89E of the Environmental Planning and Assessment Act 1979

As delegate for the Minister for Planning and Infrastructure, under section 89E of the Environmental Planning and Assessment Act 1979, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Richard Pearson
A/Director-General

Sydney

2013

SCHEDULE 1

Application No.: SSD-5878

Applicant: Lend Lease (Haymarket) Pty Ltd

Consent Authority: Minister for Planning and Infrastructure

Land: Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) – The Haymarket, Darling Harbour

(Lot 1 DP612907, Lot 2 DP612907, Lot 200 DP1165804, Lot 201 DP1165804, Lot 205 DP771841, Lot 201 DP771841, Lot 1 DP827982, Lot 900 DP1132344, Lot 33 DP 870306, Lot 1 DP812844, Lot 2 DP827982, Lot 503 DP812423, Lot 868663 and Lot 1 DP812344).

Development: Development of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) – The Haymarket, Concept Proposal including:

- Indicative staging of demolition and development of future development plots;
- Land uses across the site including residential and non-residential uses;
- Street and laneway layouts and pedestrian routes;
- Open spaces and through-site links;
- Six separate development plots, development plot sizes and separation, building envelopes, building separation, building depths, building alignments, and benchmarks for natural ventilation and solar access provisions;
- A maximum total gross floor area of 197,236m² (excluding ancillary above ground car parking), comprised of:
 - A maximum of 49,545m² non-residential GFA; and

- A maximum of 147,691m² residential GFA
- Above ground car parking including public car parking;
- Residential car parking rates;
- Design Guidelines to guide future development and the public domain; and
- A remediation strategy.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Lend Lease (Haymarket) Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
Concept Proposal	A staged development application in accordance with the EP&A Act
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate). Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Future Development Application	A subsequent development application for a detailed proposal in accordance with the EP&A Act
Minister	Minister for Planning and Infrastructure, or nominee
OEH	Office of the Environment and Heritage, or its successor
RMS	Roads and Maritime Services Division, Department of Transport or its successor
RTS	Response to Submissions report titled Response to Submissions and Amendments to Proposed Developments prepared by JBA Urban Planning Consultants Pty Ltd, dated July 2013
Subject Site	Sydney International Convention, Exhibition and Entertainment Precinct, Darling Harbour, The Haymarket precinct
SHFA	Sydney Harbour Foreshore Authority or its successors
Stage 2 Application	A subsequent development application for a detailed proposal in accordance with the EP&A Act
TfNSW	Transport for NSW or its successors

SCHEDULE 2

PART A – TERMS OF APPROVAL

Development description

- A1 Consent is granted to the Concept Proposal as described in the Environmental Impact Statement, as amended by the Response to Submissions and the conditions contained in this development consent.

Determination of future Stage 2 applications

- A2 In accordance with section 83B(3)(a) of the EP&A Act the Stage 2 works are to be the subject of Future Development Applications.
- A3 The determination of the future Stage 2 applications is to be generally consistent with the terms of development consent SSD 5878 as described in **Schedule 1**, and subject to the conditions in Part B in **Schedule 2**.

Development in accordance with plans and documents

- A4 The applicant shall carry out the project generally in accordance with the:
- a) Environmental Impact Statement, as amended by the Response to Submissions;
 - b) Design Guidelines as set out in the Design Report; and
 - c) following drawings as set out in the table below, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Denton Corker Marshall			
Drawing No.	Revision	Name of Plan	Date
MCD AR D107	P5	Proposed Site Plan	25/09/2013
MCD AR D201	P3	Parameter Plan 01 Maximum Building Envelope Plot Sizes	25/09/2013
MCD AR D202	P3	Parameter Plan 02 Maximum Envelope Plot Separation	25/09/2013
MCD AR D203	P3	Parameter Plan 03 Maximum Horizontal Building Envelope	25/09/2013
MCD AR D204	P3	Parameter Plan 04 Minimum Building Envelope Separation	25/09/2013
MCD AR D205	P3	Parameter Plan 05 Maximum Vertical Building Envelope	25/09/2013
MCD AR D206	P3	Parameter Plan 06 Proposed Land Use	25/09/2013
MCD AR D207	P2	Parameter Plan 07 Maximum Building Plots Overlaid onto Existing Site Plan	25/09/2013
MCD AR D208	P2	Parameter Plan 08 Maximum Building Plots Overlaid onto Proposed Site Plan	25/09/2013

Lapsing of approval

- A5 This consent will lapse five years from the date of consent unless works have physically commenced.

Building envelopes

- A6 Building plots, separation distances and horizontal building envelopes are to be generally consistent with the Concept Proposal building envelope parameter plans listed in condition A4.
- A7 The maximum height for the development shall be consistent with the Concept Proposal vertical building envelope parameter plans for each building as detailed below:

Plot and Building	Maximum Height - RL
North Plot	
-	RL 28.50
North East Plot	
Podium	RL 25.03
NE1	RL 68.38
NE2	RL 38.10
NE3	RL 138.63
South East Plot	
Podium	RL 25.03
SE1	RL 99.85
SE2	RL 38.10
SE3	RL 68.38
South West Plot	
Podium	RL 25.03
SW1	RL 91.38
SW2	RL 38.10
SW3	RL 138.63
North West Plot	
-	RL 53.60
Darling Drive (Western) Plot	
W1	RL 75.20
W2	RL 75.20

Maximum Gross Floor Area (GFA)

- A8 The maximum GFA for the development shall not exceed 197,236m² (excluding ancillary above ground car parking), comprised of a maximum of:
- a) 49,545m² non-residential GFA; and
 - b) 147,691m² residential GFA

Legal notices

- A9 Any advice or notice to the consent authority shall be served on the Director-General.

END OF PART A

PART B – CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS FOR STAGE 2

Built form

- B1 Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of building modulation / articulation and a range of high quality materials and finishes.
- B2 Future Development Applications shall demonstrate that the architectural feature(s) separating the residential towers from the street wall shall be appropriately designed to ensure that suitable visual separation between the two elements is achieved. Furthermore, contrasting materials or other acceptable alternatives shall be used to give emphasis/visual primacy to the lower levels of the buildings (below the re-entrant feature).
- B3 Future Development Applications shall maximise street level activation where possible. A Street Level Activation Plan shall be provided that:
 - a) indicates the extent and locations where street level activation has been provided;
 - b) provides justification for the areas where street level activation it has not been provided; and
 - c) provide mitigation measures where necessary to address any inactive building facades at the street level (excluding any vehicular access points).
- B4 Future Development Applications shall demonstrate that appropriate pedestrian sightlines / visual safety is achieved at building corner locations. Mitigation measures may include (but are not limited to) providing glazing to the corners of retail shopfronts and residential/commercial lobbies.
- B5 Future Development Applications (where above ground car parking is proposed) shall include a detailed Building Design and Laneway Visual Assessment to ensure an appropriate design of the buildings and visual environment within the laneways.
- B6 To the extent that an undercroft is contemplated in the design, the Future Development Application for the South East Plot shall include an Undercroft Design Assessment relating to the proposed undercroft area adjacent to (pedestrianised) Hay Street. The Assessment shall provide detailed design, use and management of the space.
- B7 Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.
- B8 Future Development Applications shall include an Access Review and demonstrate that an appropriate degree of accessibility.

Landscaping and open space

- B9 Future Development Applications shall include detailed landscaping plans for public, communal and private open space areas and the landscape and treatment of all public domain areas.
- B10 Open spaces and public domain improvements shall be delivered in the sequence indicated within the approved Design Report, Illustrative Development Staging Diagram, unless otherwise modified in a Future Development Application. The open spaces and public domain works are to be completed prior to the occupation of the building(s) of the

appropriate development application, unless otherwise approved in writing by the Director-General.

- B11 The Future Development Application for the relevant Plot that includes the Haymarket Square shall include a Public Square Management Plan that has been prepared in consultation with SHFA.

Public art

- B12 Future Development Applications shall include a Public Art Strategy.

Crime prevention

- B13 Future Development Applications shall include a Crime Prevention Through Environmental Design (CPTED) assessment, including mitigation measures where necessary. To the extent that an undercroft is contemplated in the design the Future Development Application for the South East Plot shall make particular reference to the design of the undercroft area adjacent to (pedestrianised) Hay Street

Housing affordability and diversity

- B14 Future Development Applications shall investigate the provision of additional forms of housing that are affordable on the site (which could include rental residential accommodation, key worker accommodation and/or student accommodation).

Traffic

- B15 The Future Development Application(s) for the Darling Drive Plot shall include details of the provision of signalised pedestrian crossing facilities across Darling Drive opposite Dickson's Lane and the Applicant shall liaise with RMS during the detailed design phase of that crossing.
- B16 The Future Development Application for the South West Plot shall demonstrate that the Hay Street driveway and crossover are appropriately designed and will encourage safe pedestrian movement.
- B17 Future Development Applications shall demonstrate that ground floor car parking has been avoided where possible. However, should ground floor car parking be provided, it shall be appropriately screened so not to be visible from the public domain (excluding those times when the car park entry door is in use).
- B18 The Future Development Application for the South West Plot shall include an analysis of the transition, route and pedestrian experience of the east/west Macarthur Street pedestrian connection.

Residential car parking

- B19 Future Development Applications shall provide on-site residential car parking at the following maximum rates:
- | | |
|--------------------------|-------------------|
| a) Studio | 0.1 spaces / unit |
| b) 1 bed / 1 bed + study | 0.5 spaces / unit |
| c) 2 bed / 2 bed + study | 1.0 spaces / unit |
| d) 3 bed+ | 1.5 spaces / unit |

Bicycle parking

- B20 Future Development Applications shall include an appropriate amount of bicycle parking for residents and visitors, including visible public bicycle parking in the public domain for visitors and appropriate end of trip facilities within non-residential accommodation.
- B21 The Future Development Application for the North Plot shall include an investigation into the provision of a Bike Hub. Any provision should be designed in consultation with SHFA and/or Council and/or a nominated community organisation(s).

Heritage and archaeology

- B22 Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.
- B23 Future Development Applications shall include baseline aboriginal and non-aboriginal archaeological assessments identifying the areas of the site which may contain significant archaeology and how impacts will be mitigated. Any recommendations of the assessment shall be adopted as part of future Development Applications.

Environmental performance

- B24 Future Development Applications shall demonstrate achievement of the following minimum Green Star ratings (or equivalent rating of a superseding environmental rating system):
- a) 5 star Green Star Office for the North West Plot (excluding the public car park);
 - b) 4 star Green Multi Unit Residential rating on all residential towers; and
 - c) 4 star Green Star Custom rating for student accommodation.
- B25 Future Development Applications relating to the N, NE, SE and SW Plots shall include an investigation into the provision of green roofs at podium level.
- B26 Future Development Applications shall demonstrate the incorporation of ESD principles in the future design, construction and ongoing operation phases of the development.

Flooding and stormwater

- B27 The Future Development Application for the SE Plot shall include the location and detailed design of the stormwater amplification / new culvert, which shall be developed in consultation with Sydney Water.

Operational noise

- B28 Future Development Applications shall include site specific Noise Assessments and demonstrate that an appropriate acoustic amenity is achieved and include mitigation measures where necessary.

Wind assessment

- B29 Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.

Waste

- B30 Future Development Applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

Signage

B31 The signage controls are deleted from the Design Guidelines.

Construction

B32 Future Development Applications shall analyse and address the impacts of construction and include:

- a) Construction Transport Management Plan, addressing traffic and transport impacts during construction;
- b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity);
- c) Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction;
- d) Community Consultation and Engagement Plans, addressing complaints during construction;
- e) Construction Waste Management Plan, addressing waste during construction;
- f) Air Quality Management Plan, addressing air quality during construction;
- g) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with '*Managing urban stormwater, soils and construction (Landcom 2005)*'; and
- h) Acid Sulphate Soil Assessment and Management Plan.

B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.

Contamination

B34 Future Development Applications shall include a Remediation Action Plan addressing the potential contamination of the land including mitigation measures where necessary in accordance with SEPP 55.

Community facilities

B35 An appropriate area of land shall be provided within the development for the delivery of a community building/facility by a community organisation, or as agreed with the Director General. The developer shall provide infrastructure and services to the land and prepare a Future Development Application for the relevant works in consultation with SHFA and Council.

IQ Hub

B36 The Future Development Applications shall include an investigation into the provision of IQ Hub accommodation and shall consult with Council and/or SHFA and local tertiary educational institutions regarding the quantum and location of the accommodation.

END OF PART B