

8 August 2013

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Attention: Matthew Rosel, Senior Planner  
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Dear Matthew,

### **SSD 13\_5878 - SICEEP Haymarket Stage 1 DA Response to Submissions**

I write in relation to the Department's letter dated 18 July 2013 which enclosed Darling Harbour Live's Response to Submissions regarding State Significant Development Application No. SSD 5878 for the southern precinct ('The Haymarket') associated with the Sydney International Convention, Exhibition and Entertainment Precinct. We have recently provided a detailed submission outlining the matters which the City supports and the matters that remain unsatisfactory.

To assist with your understanding of the issues in play, we provide a table summarising the City's review of the Response to Submissions. The table nominates the issues raised within the City's submission to the Haymarket Stage 1 DA, discusses the Proponent's response to the issues raised and outlines the City's sustained contentions in relation to the project.

As is evident in the table, the majority of issues raised by the City have not been satisfactorily addressed, or have in the opinion of the City not been adequately addressed.

The following recommendations from the City's original feedback are considered to be critical issues that have not been addressed:

- continue the alignment of Macarthur Street eastbound to Haymarket Square, and adjust the North West and South West Plots accordingly;
- incorporate screening or a activated 'wrap' to any aboveground car park levels;
- introduce minimum podium edge to tower setbacks of 5 metres as set out in the INSW urban design guidelines and reduce the number of overall tall towers from four to three redistributing the floor space);

It seems the only recommendations adopted from the City's original feedback have been the an amended drawing indicating a pedestrian crossing along Darling Drive and the removal of the Hay Street vehicle turning facility off Darling Drive. These

changes were inevitable and are not regarded as significant concessions by the Proponent's. The City contends that the Stage 1 building envelopes should be amended and re-advertised.

In the City's opinion, the Response to Submissions demonstrates that the Proponents are process driven rather than outcomes driven. This is evidenced through seeking to avoid re-advertising the DA by making only minimal changes. The project's construction programme is driving planning outcomes which have not been adequately considered and will produce relatively sub-optimal arrangements.

Too many of the potential meritorious elements of the project are left to the Proponent to decide or document with latter stages of development. For example:

- the Response to Submissions for the Stage 1 Concept DA states that public art will be subject to a future strategy and Stage 2 DAs will have "final public art pieces". However, it is noted that no public art component or commentary is present with the Stage 2 DAs for the North West, South West and West Plots; and
- the Stage 1 Concept DA includes an allocation of non-residential floorspace and indicates a range of potential uses, including retail premises, office space, IQ hub, community facilities, medical centre and the like. No certainty is provided regarding the specific amounts of floorspace to be provided for such a broad range of uses. The Stage 2 DAs lodged to date for the North West Plot and South West Plot then seek to create tenancies for future non-residential uses. However, even the Stage 2 DAs do not confirm the allocation or presence of particular uses, but rather relegate such decisions to further subsequent DAs. The Stage 2 DAs to date do not confirm, for example, whether an IQ Hub will be delivered at all or be diminished compared to the draft intentions provided in the Stage 1 Concept DA.

Significantly under-documented but well intentioned draft commitments like the IQ hub, public art, heritage interpretation features, the use of the Square for public activities and the quality of wayfinding and signage should not be left to latter stages of development. The City's experience demonstrates that there needs to be clear documentation and delivery requirements from the consent authority at the concept plan phase.

The Department is requested to apply conditions on any Notice of Determination granted to the Haymarket DA which cover the recommended conditions within the City's enclosed table.

Should you wish to speak with a Council officer about the submission, please contact Russell Hand, Senior Planner, on 9265 9333 or at [rhand@cityofsydney.nsw.gov.au](mailto:rhand@cityofsydney.nsw.gov.au).

Yours sincerely,



**Graham Jahn AM**  
**Director**  
 City Planning | Development | Transport

## SSD 5878 Haymarket Stage 1 SSDA - City of Sydney comments on Response to Submissions Report

Issue	Applicant Response	Issue Addressed?	City's Contention
1a. Reduce number of tall towers from 4 to 3 to reduce tower crowding, amenity impacts and allow for the Macarthur Street alignment.	<p>The proposal is a result of rigorous master planning. The number of tower is driven by commercial objectives, demand and the ground plane layout for street pattern and open space.</p> <p>Four towers are preferred over three towers of larger bulk and/or height.</p> <p>Tower overcrowding is mitigated by variation in the height of the towers at 25 storeys and 40 storeys.</p>	No	<p>The loss of the ability to retain the existing street pattern of Macarthur Street is the most significant issue for the City.</p> <p>The four towers is aided by the decision not to comply with the minimum setbacks in the urban design guidelines. The City has demonstrated how the proposed towers can be amended to retain the Macarthur Street alignment, with lost floorspace reallocated to the podium edges or via increased height for the three towers.</p>
1b. Setback towers at least 5m from podium edges	<p>The design intent of the chosen composition is to introduce street edge buildings to achieve diversity on the elevations.</p> <p>By locating towers visible from the street level provides a sense of place for residents and ease of wayfinding for visitors. The proposal allows for a continuous reading of the street wall rather than a podium and tower creating a physical separation which allows towers to appear to be floating above the street wall.</p> <p>By locating development around the site's perimeter, the separation between buildings has been maximised.</p> <p>Articulation along the street wall provides</p>	No	<p>Towers should be setback at least 5m from the podium edges as illustrated in the INSW urban design guidelines to provide appropriate street scale, reduce wind downdrafts, reduce the overbearing and sense of enclosure of towers to pedestrians and reflect the desired building character of the Sydney Development Control Plan 2012.</p> <p>The City encourages the proposed articulation along the street wall. However, that articulation should be strong within a podium form and towers should be setback from the edge.</p> <p>Building separation shown in the envelope plans is insufficient and would be improved with the reduction from four towers to three.</p>

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	a human scale via the grid, balconies, windows, coloured infill panels.		
2. Reduce student housing tower to 32-35m, reshape in plan.	<p>The building height defines the western edge of the Haymarket and the proposed pedestrian links at Dickson's Lane and Macarthur Place.</p> <p>The break between the buildings prevents a singular reading along the street wall and provides relief and visual interest.</p>	No	<p>The City raised no issues in relation to the location of the proposed student housing towers relative to Macarthur Street or Dickson's Lane.</p> <p>The proposed built form will unnecessarily overshadow the Powerhouse Museum's south-east courtyard in the morning from 9am to 12noon. The courtyard is an important meeting place for school and other group visits to the museum. It also presents as an urban barrier between the Haymarket and Ultimo.</p> <p>A reduction in the height of the student housing towers will substantially improve solar access to the Powerhouse courtyard.</p> <p>The break in the building is unnecessary if the building height were to be reduced to improve solar access to the Powerhouse.</p>
<p>3.</p> <ul style="list-style-type: none"> <li>Establish a working group for interface issues.</li> <li>Fund interface works. Prepare Public Art Strategy.</li> </ul>	<p>DHL have established appropriate forums, which are ongoing, with the City to ensure that interfaces with areas external to the site are seamless and in line with works planned by the City. These forums will continue on a regular basis.</p> <p>DHL propose to undertake paving and tree planting to upgrade Hay Street between Harbour Street and Darling Drive and propose to upgrade the western pedestrian pavement along Harbour</p>	Partially addressed in respect to Public Art.	<p>Discussions on interface issues should not be held informally at the choice of the Proponents. For example, the City asked the Proponents for its intentions around interface works months ago. A formal working group should be established in response to a condition of consent. The working group should meet monthly or bi-monthly to discuss interface issues.</p> <p>The Proponents should outline their intentions for interface works prior to the determination of any Stage 2 DAs.</p>

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	<p>Street.</p> <p>The proposal for final public art pieces will form part of the relevant Stage 2 SSDAs for the public domain elements.</p>		<p>Quay Street should also be upgraded to suit the Haymarket material palette and form a seamless connection between the SICEEP project and Central Station.</p> <p>The consent authority should condition the preparation of (a) A Public Art Strategy (b) a Heritage Interpretation Strategy, and (c) a detailed Public Art Delivery Plan for each Stage 2 DA. The three Stage 2 DAs for the North West Plot, South West Plot and West Plot each referred to the future preparation of a Heritage Interpretation Strategy. That is not sufficient certainty that public art will be provided.</p>
<p>4. Lower podium edge to allow winter sun to Haymarket Square</p>	<p>The Stage 1 building envelopes are overstated in that they include plant rooms and lift overruns. The illustrative design indicates a parapet height that is lower than the maximum building envelope.</p> <p>Good solar access is provided in the Square and the shadow diagrams will be used in retail planning to guide the location of alfresco dining.</p>	<p>No</p>	<p>The maximum building envelopes are too generous and provide the Proponent with flexibility in terms of a building higher than the illustrative schemes relied on by the Proponent for impact assessment.</p> <p>The podium edges in the North East Plot should be lowered to improve the already low base case scenario for solar access into Haymarket Square. The loss of floorspace from the inner edge of the Square can be relocated to the outer street edge of the podium along Harbour Street where the proposed scale is too low.</p>
<p>5. Provide chamfers on corners</p>	<p>The vehicular, pedestrian and cyclist environment does not demand corner chamfers.</p> <p>Corners of the building are either fully</p>	<p>Yes, subject to conditions</p>	<p>The consent authority should condition the development to provide fully glazed shopfronts and/or permeable residential lobbies on all corners.</p>

Issue	Applicant Response	Issue Addressed?	City's Contention
	glazed retail shopfronts or residential lobbies.		
6. Skin exposed car parking with floor space or, where not possible,	<p>Skinning of exposed car parking will be provided by decorative architectural features.</p> <p>Catenary lighting is proposed along Dickson's Lane to maintain ground plane focus and create ambience.</p>	No	The exposed car parking should be skinned by land uses, such as affordable housing product at lower levels.
7. Manage flood impacts so that retail spaces provide active frontage.	Ground level retail spaces will be at ground level where practicable. Where possible, changes in level will be consolidated or internalised within retail tenancies. Where level changes occur in the public domain, these elements have been designed to fully integrate and respond to the proposed use.	Yes	N/A. Detail subject to Stage 2 DAs.
8. Active Harbour Street frontage	The design of the retail fronting Harbour Street will be reviewed to explore opportunities for direct retail edge accommodating level changes within tenancies where possible. The tenancies are proposed to be food and beverage outlets.	Yes	N/A. Detail subject to Stage 2 DAs.
9. South-east plot retail activation at the corner of Hay Street and Harbour Street.	Retail opportunities for the south-east corner and Hay Street edge are currently being investigated. This may include an expanded Paddy's Market or Dixon Street markets.	No	There is considerable uncertainty over the ground plane design of the South East Plot, and therefore the overall merit of the building. Retail opportunities at the corner of Hay Street and Harbour Street should be confirmed prior to

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			determination of the Stage 1 DA.
10. Relocate ground floor parking where possible.	Future Stage 2 SSDAs will address this matter.	No	The Stage 1 building envelopes and ground plane activities are based on the provision of ground floor parking. Flexible ground floor design, including larger retail tenancies, will be lost if large areas of car parking at ground level are pursued. The consent authority should condition that all but essential loading and accessible visitor parking should be relocated above ground.
11. Provide green roofs on every podium.	The provision of green roofs will be considered for residential plots.	No	The consent authority should condition every podium provide green roofs.
12. Provide acoustic modelling in Stage 2 re impacts of interaction between residential and active uses.	Acoustic modelling has been undertaken to provide in-principle design recommendations for future first floor apartments and ground floor active uses. The specific requirements will be considered with the relevant Stage 2 SSDA.	No	<p>The acoustic modelling prepared indicates that first floor apartments will have significantly reduced amenity to combat noise issues. For example, thick or double glazing with acoustic sealing will be necessary to bedrooms and thick glazing with acoustic sealing will be necessary for living rooms. This indicates that natural ventilation will not be achievable when noisy activities occur.</p> <p>There is no discussion on the operational constraints that may be necessary for ground floor uses, e.g. restricted trading hours until 10pm, which may unduly limit the activation and ultimately the success of the precinct.</p> <p>Consideration must be given to providing non-residential lower floor uses such as IQ hub space or office space. Affordable housing product may</p>

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			also be used as an interim measure.
13. Public domain materials and signage to be discussed with the City.	The selection of materials and finishes will be in consultation with the City. A Wayfinding and Signage Strategy is being prepared.	Yes	The consent authority should condition that: <ul style="list-style-type: none"> <li>- the Proponents consult with the City prior to the determination of any Stage 2 DA; and</li> <li>- the Proponent's Wayfinding and Signage Strategy be provided to the Department and Council for review prior to the first Stage 2 DA being determined.</li> </ul>
14. Stairs and water features in Square should be reviewed.	The stairs in the Square are indicative and the water features are subject to detailed design associated with future Stage 2 SSDAs.	Yes	N/A. Detail subject to Stage 2 DAs.
15. Driveways should not disrupt pedestrian priority. Paving of the Boulevard should extend to Quay Street and not stop short due to the light rail line.	Pedestrian primacy has been addressed via access from Macarthur Street, the Darling Drive crossing, the Hay Street crossing, shared pedestrian and cycle paths and the Hay Street pedestrian zone. Paving along Hay Street will extend to the southern edge.	Yes	N/A. The City notes that the inclusion of a crossing along Darling Drive is a significant beneficial inclusion to the Stage 1 DA.
16. Provide a pedestrian crossing to Darling Drive directly west of Dickson's Lane.	A crossing has been provided.	Yes	N/A. As above, this is a positive step for pedestrian safety.



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<p>17.</p> <p>The Hay Street shared zone should be accompanied by a design showing compliance with RMS requirements.</p> <p>Consider the interaction between loading activities and the shared cycleway for the student housing accommodation.</p>	<p>The proposal has been amended to delete the vehicle drop-off and turning facility in Hay Street. However, vehicular access via a driveway is retained to the South West Plot.</p> <p>The proposal includes a 1m wide space along the loading bays/drop off bays to allow students to wait before crossing the shared cycleway.</p>	<p>Partially addressed.</p>	<p>The City continues to question the merit of any vehicle access along Hay Street for the South West Plot. See the City's submission to the Stage 2 South West Plot SSDA.</p> <p>The provision of a waiting zone between the loading bays and shared cycleway is noted. However, the City's submission to the West Plot SSDA calls for the creation of a dedicated bi-directional cycleway on Darling Drive rather than the shared cycleway on the footpath.</p>
<p>18. Residential car parking rates should closely match Sydney Local Environmental Plan 2012.</p>	<p>The rates being sought are consistent with those approved for comparable development within the City of Sydney including the Carlton United Breweries site and The Quay.</p>	<p>No</p>	<p>The parking rates approved for other sites within the City of Sydney were approved on the basis of higher parking provision in previous planning instruments and guidelines. Parking rates are not static and change in response to new policy, public transport initiatives and travel behaviours. Sydney LEP 2012 has been in place and applied to surrounding development since December 2012. The residential parking rates in the LEP should apply to the Haymarket precinct.</p>
<p>19. All pedestrian connections should be designed for cyclists. The Proponent should consult with the City's Cycling Team to ensure proposed connections match existing or planned infrastructure. The Darling Drive</p>	<p>Cyclists will have shared use of Darling Drive, Hay Street and the Boulevard. The smaller laneways deter cyclists.</p> <p>DHL will continue to liaise with the City's Cycling Team during the preparation of a cycling strategy.</p> <p>A shared cycleway is proposed along the footpath to the east of the student accommodation component.</p>	<p>Yes</p>	<p>N/A. However, refer to the City's submission on the Stage 2 DA for the West Plot in relation to the shared cycleway along the student tower footpath.</p>

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20. Use appropriate bicycle parking rates.	Compliance with applicable guidelines will be addressed as part of future Stage 2 DAs.	Yes	N/A. Subject to Stage 2 DAs. For instance, see the City's submission to the Stage 2 DA for the West Plot calling for substantially more bike parking spaces for the first student housing tower.
21. There are an excessive number of taxi zones.	It is the intention that the areas designated as taxi zones function as loading zones and taxi drop-off or pick-up locations rather than taxi ranks.	Yes	N/A.
22. Reduce Darling Drive to a single southbound lane to provide an improved pedestrian environment.	The proposed lanes are required for the egress of vehicles from Pier Street and the North West Plot.	No	The City continues to maintain that the slip lanes from Pier Street and the North West Plot can be rationalised and Darling Drive can be reduced to one southbound lane. This would allow a bi-directional separated cycleway and resolve issues with the Darling Drive pedestrian crossing needing to be signalised across two southbound lanes.
23. Hold competitive design process for the Pier Street underpass/portal transformation.	The Pier Street underpass is within the scope of the PPP DA.	N/A	N/A
24. Provide a minimum 10% affordable housing.	<p>The project allows for housing that is affordable, with details to be addressed in future DAs.</p> <p>The student housing component is affordable housing.</p> <p>The potential to accommodate further and different forms of rental housing that is affordable on the site will be investigated.</p>	No	The consent authority should condition that a minimum 10% of housing should be affordable housing. There is too much uncertainty if left to the Proponents to decide whether to include affordable housing or not. The Director-General's requirements require the Proponents to consider a variety of housing options for a broad range of residents including affordable housing.

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25. Allow for community uses in North Plot	Discussions have commenced with the City regarding the proposed of a library, bike hub, community facilities, child care and retail space in the North Plot.	Yes	N/A
26. Allow for library and child care co-location	Refer above.	Yes	N/A
27. Allow for child care needs	Refer above.	Yes	N/A
28a. Provide a unit mix with 10% 3 bedroom units.	The proposal will provide a varied mix including studios, one bed, one bed plus study, two bed and three bed apartments.	No	The consent authority should condition that a minimum 10% 3 bedroom apartments will be provided.
28b. Position 2 and 3 bedroom units at podium roof level for access to landscaping.	The arrangement of apartment types will be subject to future Stage 2 DAs.	Yes	N/A. Subject to Stage 2 DAs.
29. Outline Public Art Strategy. Reinforce Asian cultural heritage.	An Outline Interpretation Strategy has been prepared and submitted with the PPP DA. The City will be consulted at appropriate stages throughout the preparation of the Strategy.  The proposal for the final public art pieces will form part of the relevant Stage 2 DAs.	No	The preparation of Interpretation Strategies is noted as an initial step towards public art. However, the consent authority should condition that a distinct Public Art Strategy be prepared for the precinct.  The Stage 2 DA for the North West Plot, South West Plot and West Plot do not include "the final public art pieces" as suggested.
30. Allow for markets in Haymarket Square and design Hay Street accordingly.	Stage 2 DAs will allow for market infrastructure for the Square, particularly along Hay Street.	Yes	N/A. Subject to Stage 2 DAs.
31-34. Adopt aggressive ESD targets	DHL is committed to achieving specified star rating for the office, residential and	Yes	N/A. Subject to Stage 2 DAs.

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	<p>student accommodation components.</p> <p>Opportunities to adopt aggressive sustainability initiatives such as photovoltaic cells, re-use opportunities for water and energy strategies with Barangaroo are being investigated.</p>		
35. Reduce flexibility associated with building envelopes.	No specific response to the issue that the building envelopes are too generous and flexible.	No	The consent authority require the Proponents to submit tighter building envelopes which reflect the illustrative scheme and Stage 2 DAs provided to date.
36. Capture commitments by the Proponents in conditions	The details will be provided as part of future detailed Stage 2 SSDAs.	No	The consent authority should capture undertakings and commitments by Proponents in the conditions of consent. This ensures any undertakings are provided and not diluted at latter stages.
37. The Department should consider whether Design Excellence can be achieved.	Design excellence has been achieved.	N/A	The Department should consider whether design excellence has been achieved. The Proponent's opinion is not relevant.
38a. Subject the residential towers, office/car parking building and student housing towers to competitive design processes.	<p>Competitive design processes are unnecessary because the project will involve a variety of renown architects, is subject to ongoing Design Review Panel meetings, uses DHL's skills and proven track record and the Stage 1 DA establishes a clear set of principles and guidelines to guide future development.</p> <p>The future multi-functional community building for the North Plot is proposed to be subject to a limited design competition.</p>	No	The consent authority should condition that competitive design processes are held in relation to the balance of residential towers which are not subject to current Stage 2 DA.

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38b. Appoint Council or CSPC as consent authority for Stage 2 DAs.	The Minister for Planning is considered to be the appropriate consent authority for all applications for the SICEEP site.	No	The City disagrees and contends that the City of Sydney, or Central Sydney Planning Committee depending on the capital investment value, should be the consent authority following the Stage 1 determination.
38c. Sydney Local Environmental Plan 2012 provisions should apply to each building/plot in terms of car parking rates, tall building provisions.	Car parking rates are consistent with Sydney Local Environmental Plan 2005 and similar recent developments within the City of Sydney.  Roof features and end-of-journey facilities are subject to Stage 2 DAs.	No	Each Stage 2 DA should address the Sydney LEP 2012 in relation to design excellence, tall buildings, architectural roof features and end-of-journey facilities.  The residential components of the project should be subject to the car parking rates in Sydney LEP 2012, as set out earlier in this response.