



**Planning &
Environment**

**STATE SIGNIFICANT DEVELOPMENT:
Section 96(1A) Modification Application**

**SICEEP, DARLING SQUARE, SOUTH EAST PLOT,
SYDNEY**

SSD 6633 MOD 1



Environmental Assessment Report
Section 96(1A) of the *Environmental Planning
and Assessment Act 1979*

October 2017

Cover Photograph: Extract photomontage of proposal (Source: Applicant's SEE)

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*NSW Government
Department of Planning & Environment*

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a proposed modification to the State significant development (SSD) consent (SSD 6633) for a mixed use residential building on the South East Plot at Darling Square, which is part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Harbour.

The application has been lodged by Lend Lease (Haymarket) Pty Ltd (the Applicant) pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks to make internal and external design amendments to the building, ground floor retail and public domain interface; convert two residential apartments on level 8 and 9 into a single apartment, increase car parking by four spaces and change the approved construction hours to enable commencement at 7 am on Saturdays.

1.2 The Locality and the Subject Site

The subject site is located within the City of Sydney local government area and is known as the South East Plot, within Darling Square, which is the southernmost precinct of the SICEEP (**Figure 1**).



Figure 1: Aerial photo of the SICEEP site and Darling Square (outlined in blue). Source: Applicant's Architectural Design Report

The site is regular in shape and has an area of 4,646 square metres (m²) and is adjacent to the light rail corridor, Hay Street, Paddy's Market and The Peak Apartments to the south. Harbour Street and lower rise commercial properties within Chinatown are located to the east. The areas to the west and north of the site comprise mixed-use developments which are either under construction or recently completed, including the South West Plot, North East Plot and North Plot within Darling Square (Figure 2).

The subject site has been cleared and construction of the mixed-use building has commenced.

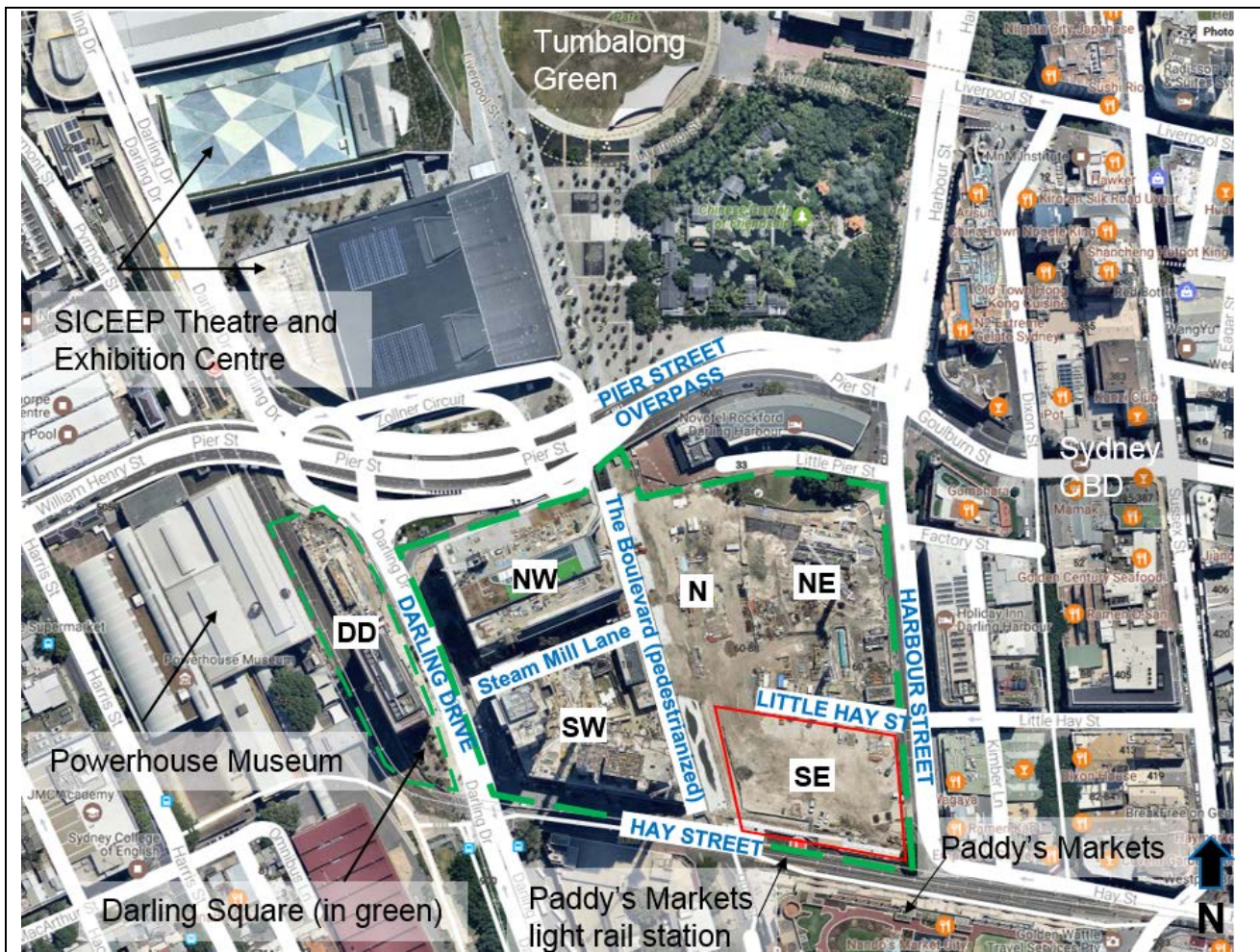


Figure 2: South East Plot site location (outlined in red) within Darling Square. Source: Applicant's SEE

1.3 Approval history

1.3.1 Stage 1 Concept Approval

On 5 December 2013, the Acting Director-General (as delegate of the Minister) approved the Stage 1 Concept Proposal (SSD 5878) for the development of Darling Square precinct, which is a key component of the SICEEP urban renewal project. The approval allows for the staged redevelopment of six separate development plots including the South East Plot (subject of this application). The Stage 1 Concept Approval has been modified on two occasions, including amendments to the GFA, building heights and envelopes.

The key aspects of the Concept Approval are:

- six separate development plots providing a gross floor area (GFA) of 211,040 m² (comprising 56,668 m² non-residential GFA and 154,372 m² residential GFA)
- maximum building height of 138.63 m

- open spaces, roads, laneways and pedestrian through-site links
- above ground public and private car parking.

1.3.2 Development consent for the South East Plot

On 16 December 2016, the Executive Director, Key Sites and Industry Assessments approved a mixed use residential development (SSD 6633) on the South East Plot which included:

- construction of a nine, ten and 29 storey tower above a six storey mixed use podium, to be used for ground floor retail, above ground parking and residential apartments
- public domain and landscaping improvement works
- vehicle access from Harbour Street
- remediation works.

2. PROPOSED MODIFICATION

The Section 96 (1A) application (SSD 6633 MOD 1) seeks approval for the following design modifications:

- amending the internal design of the podium levels, including dividing one retail unit into two fronting Hay Street, deleting a small mezzanine retail level on level 1, internal amendments to back of house facilities and apartment storage areas and minor changes to floor levels
- updating the design of shopfronts on the ground floor level
- adding four automatic flood gates on the ground floor façade along Hay Street, two along the Boulevard and one on Harbour Street
- amending the design of stairs and ramps used for circulation
- replacing aluminium window louvres (privacy screens) on the southern elevation of levels 6 to 29 to windows with privacy glass
- deleting two car spaces on level 2
- adding two car spaces on level 3, one car space on level 4 and three car parking spaces on level 5
- reducing the total GFA by 420 m² (214 m² residential and 206 m² non-residential)
- consolidating two x 2 bedroom units to create a 4 bedroom unit (over level 8 and 9), which will reduce the total number of apartments by one unit (from 391 to 390)
- minor alterations to the window openings to several apartments on the south and east elevations.

In support of these design changes, updated BASIX certificates, an accompanying NatHERS Certificate and an updated BASIX Summary and Assumptions report have been submitted.

This application also proposes to modify conditions of consent to:

- increase the approved number of car spaces from 265 to 269 (Condition C14)
- vary the approved construction hours to allow work on Saturdays to commence at 7 am instead of 8 am (Condition E2)
- update the approved Waste Management Plan (Condition C31)
- update the approved BASIX certificate (Condition C41).

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of the subject application (**Table 1**):

Table 1: S96 (1A) of EP&A Act 1979

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the modifications are of minimal environmental impact.
S96(1A)(b) that the development to which the consent as modified is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional impacts. The proposed changes do not alter the overall form or function of the building and the development is considered to remain substantially the same development as that originally approved.
S96(1A)(c) The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
S96(1A)(d) Any submission made concerning the proposed modification has been considered.	The Department received two submissions from agencies, which raise no objection. The comments provided in the submissions have been considered in Section 4 of this report. No public submissions were received.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Darling Harbour Development Plan No. 1.

The Department comprehensively assessed the original SSD application against the above EPIs. The Department has considered the current proposal and is satisfied that it remains consistent with the above EPIs (**Appendix C**).

3.3 Delegation

In accordance with the Minister for Planning's delegation dated 16 February 2015 the Director, Key Sites Assessment, may determine the Section 96 (1A) application as:

- Council has not made an objection
- a political donation disclosure statement has not been made
- there are no public submissions objecting to the proposal.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation

The Department made the application publicly available on its website and referred the application to the City of Sydney (Council), Roads and Maritime Services (RMS), Transport for New South Wales (TfNSW), Sydney Water and Property NSW for comment.

4.2 Submissions

The Department received two submissions from public authorities as follows:

- Roads and Maritime Services advised that the proposed modifications are unlikely to have a significant impact on the classified road network and
- Transport for NSW advised it had have no further comment on the development considering the proposed modifications.

Council, Sydney Water and Property NSW did not make a submission and no submissions from the public were received.

5. CONSIDERATION OF PROPOSED MODIFICATION

5.1 Key assessment issues

The Department considers that the key considerations associated with the proposal are:

- consistency with the SSD approval (SSD 6633) and Stage 1 Concept Approval
- modifications to the building design
- construction hours
- other issues.

5.2 Consistency with SSD 6633 Approval and SSD 5878 Stage 1 Concept Approval

The Department assessed the proposed modifications against the requirements of the SSD Approval (SSD 6633) and considers:

- the nature of the modifications to the internal planning and fabric relate to detailed design matters and do not materially change the conclusions of the original assessment
- the development as modified does not differ substantially from that approved and existing conditions of approval remain appropriate, subject to minor amendments
- the modified proposal will not result in additional impacts on adjoining development.

The Department also assessed the proposed modification application against the requirements of the Stage 1 Concept Approval (SSD 5878) and concludes that the development, as modified, continues to comply with the requirements of the Concept Approval. A full assessment is provided at **Appendix B**.

5.3 Building design changes

The Department has assessed the key proposed design changes and considers that the building design is generally improved and so is the functionality and amenity of the building for future occupants. The Department has considered the key aspects of the design below.

5.3.1 Ground floor retail

The proposal seeks to divide one retail unit (12A) into two smaller retail tenancies and provide one additional opening fronting Hay Street (13A and 13B) (**Figures 3 and 4**). The Department considers this will improve the activation of the Hay Street colonnade, which was a principal consideration in the assessment of the Stage 1 Concept Plan and SSD approval. In particular, it will minimise the

extent of blank wall, increase the retail mix of the development and create a more diverse, stimulating and attractive street. This design change will also increase shopfront design flexibility to suit a more diverse range of future retail tenants.

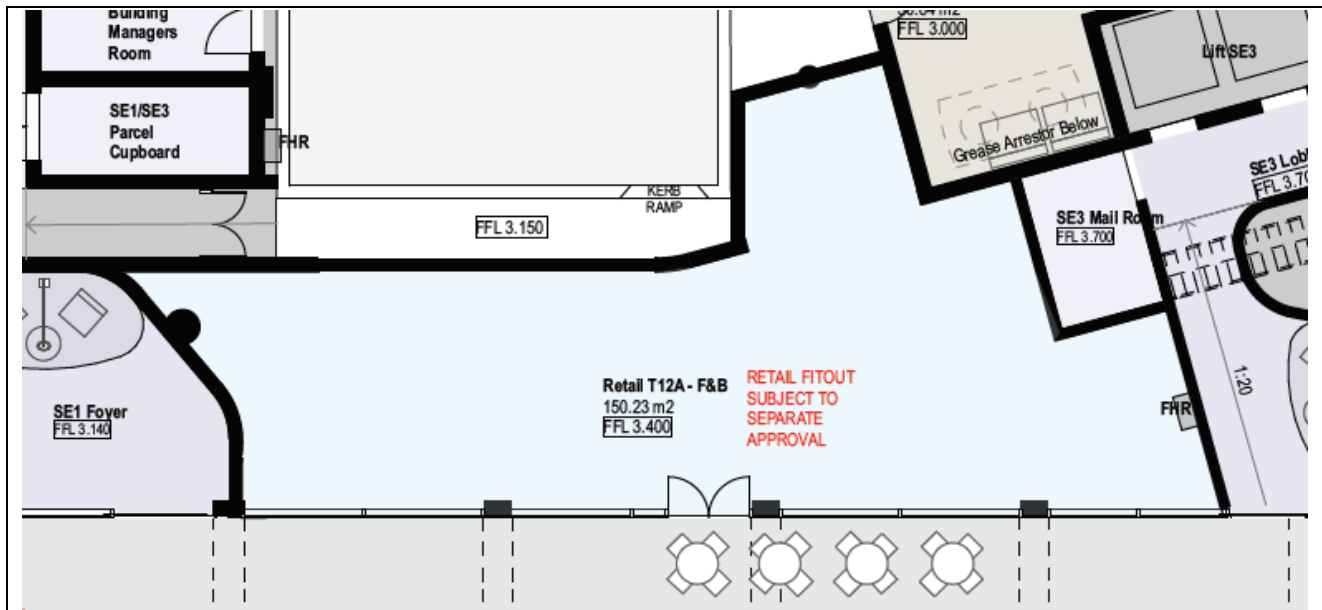


Figure 3: Approved retail area 12A (shaded light blue). Source: SSD 6633 approved plans

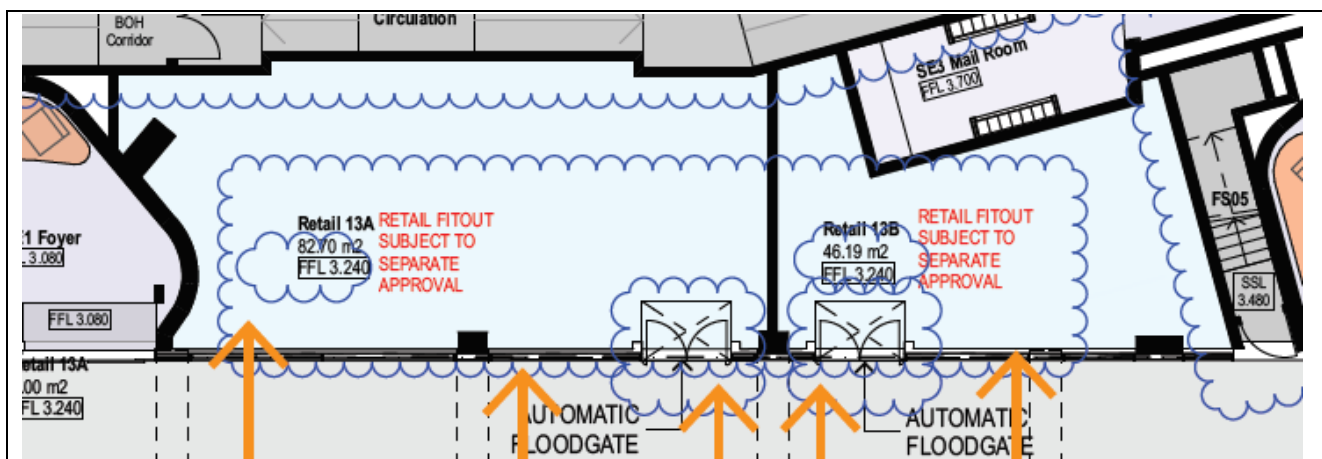


Figure 4: Proposed retail areas 13A and 13B (shaded light blue). Source: Applicant's Architectural Design Report

5.3.2 Mezzanine retail and general shopfront updates

The proposal seeks to remove the mezzanine above the ground floor of retail unit 1 (North Western corner of the building at the intersection of Little Hay Street and The Boulevard), and update the design of the shopfront (**Figures 5 and 6**). The Department notes that the removal of the mezzanine is likely to add variety to the retail mix of the development as retail spaces with higher ceilings increase the flexibility of use and appeal to a broader range of tenants than spaces with more conventional, lower ceiling heights.

The Department considers that the proposed detailed design of the retail façade introduces pattern and texture which will improve the appearance of this corner of the building. Further, this design change to the shopfront and increase in floor to ceiling height is typical of other ground level retail spaces in this building and brings consistency to their appearance.



Figure 5: The approved façade of retail unit 1 outlined in red fronting The Boulevard. Source: SSD 6633 approved plans



Figure 6: The proposed façade of retail unit 1 bubbled in blue fronting The Boulevard. Source: Applicant's Architectural Design Report

5.3.3 Window changes

The proposal seeks to amend windows along the eastern elevation on levels 2 to 5 (Podium levels) following detailed design development. The Department considers these changes are minor and will not be readily noticeable from the public domain. Access to daylight will be improved which will provide better amenity for future occupants of the units.

From levels 6 to 29 (above the Podium) the approved aluminium louvres (privacy screens) to study room windows on the southern elevation are proposed to be replaced with windows with privacy glass (**Figure 7**). The Applicant has advised that these windows are to be awning type with maximum 125mm wide opening.

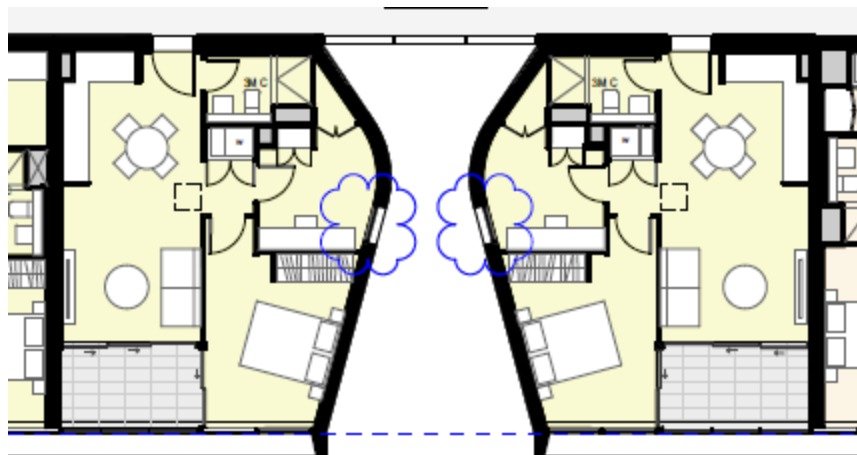


Figure 7: Typical example of openings on levels 6 to 29 to be windows with privacy glass (bubbled in blue). Source: Applicant's Architectural Design Report

These changes do not give rise to concern about the loss of privacy between units. The Department considers that the inclusion of privacy glass will improve the amenity for future occupants in terms of better daylight access and outlook. The proposed change will not be perceptible from the public

domain and would have no material impact on the overall design quality of the building.

The Department also notes that these windows will need to be designed to meet the Building Code of Australia (BCA) in terms of fire safety to the satisfaction of the certifier in accordance with Condition C5.

5.4 Extended construction hours on Saturdays

Condition E2 provides that construction works may occur on the South East Plot between the following hours:

- 7:00 am and 7:00 pm, Mondays to Fridays inclusive
- 8:00 am and 5:00 pm, Saturdays
- no work is to be undertaken on Sundays and public holidays.

The hours specified in Condition E2 were initially imposed as proposed by the Applicant in its SSD application. In the assessment of that application the Department considered these work hours to be generally consistent with those approved across the wider Darling Square precinct; however, the approved hours for the South West, North West and North East Plots allow construction works on Saturdays to commence at the early time of 7 am and these plots are being constructed at the same time as the South East Plot.

The proposal now seeks to modify Condition E2 to extend construction hours on Saturdays by commencing at 7 am instead of 8 am to bring construction of the South East Plot in line with the work hours across the wider Darling Square precinct. The Applicant has advised that the earlier start time will reduce the total construction period on this site by approximately four weeks.

An acoustic statement has been submitted with this application, which concludes that the proposed change to construction hours will have no significant impact on the surrounding residential and hotel uses. The Department recognises that existing residential properties within the neighbouring Peak Apartments to the south are approximately 80 metres away from the South East Plot boundary, which is considered to provide adequate separation for noise moderation purposes, particularly as the noise emanating from the South East Plot for the one extra hour is unlikely to be discernible from the general construction noise emanating from the wider Darling Square precinct.

The Department is satisfied that the earlier start time on Saturdays will not unduly interfere with the amenity of surrounding land uses. The Department notes that Conditions E12 to E18 require construction noise and vibration to be properly managed and controlled. This includes limiting the hours of operation for high noise generating equipment and include respite periods. The Department therefore supports the proposed extension of construction hours.

Other Issues

Table 2: Assessment of Other Issues

Issue	Consideration	Recommendation
Additional car parking	<p>The proposed modification seeks to delete two car spaces on level 2 and add two car spaces on level 3, one car space on level 4 and three car parking spaces on level 5. This will result in an overall increase from 265 to 269 residential car parking spaces.</p> <p>In the assessment of the Stage 1 Concept Approval (SSD 5878) the Department determined appropriate parking rates based on the <i>RMS Guide to Traffic Generating Development (Section 5 – Parking Requirements for Specific Land Uses)</i> and comparisons with approved rates of comparable land use developments within the City of Sydney considering the access to public transport from the site.</p> <p>In the assessment of SSD 6633, the approved total of 265</p>	Condition C14 to be amended to include the increase in car parking.

	<p>residential car parking spaces (Condition C14) was calculated to be 29 spaces less than the maximum (290) using the rates applied in the assessment of SSD 5878.</p> <p>The Department is satisfied that the increase by four car spaces to 269 is minor and will remain below the maximum number of car spaces allowed under the Stage 1 Concept Approval. The proposal will continue to result in lesser traffic impacts than considered acceptable in the assessment of the Stage 1 Concept Approval.</p> <p>The Department is therefore satisfied the additional residential parking spaces are acceptable.</p>	
Conversion of two 2-bedroom apartments to one 4-bedroom apartment	<p>This application seeks approval to convert two 2-bedroom apartments on levels 8 and 9 into one split level 4-bedroom apartment. This would result in one less apartment from 391 to 390 apartments.</p> <p>The proposed 4-bedroom apartment meets the recommended amenity standards in the Apartment Design Guide, in terms of apartment size, depth, room sizes, solar access, ventilation and private open space. Further, the creation of an additional 4-bedroom apartment increases diversity of apartment types in the building without impacting upon the overall standard of residential accommodation.</p>	No additional conditions or amendments necessary.
Accessibility changes	<p>The proposed accessibility changes include additional ramps and stairs designed to enhance pedestrian safety within the podium car park to residential floors. The purpose of these changes is to improve safe access. The Department considers these design changes acceptable and notes that the it remains that the applicant must satisfy Conditions C8 and C9 (Access for People with Disabilities) prior to the issue of a construction certificate.</p>	No additional conditions or amendments necessary.
Changes to Condition C31 (Storage and Handling of Waste & Condition C41 (Environmental Performance)	<p>The applicant seeks approval to amend Conditions C31 and C41 to reference the updated waste management plan (dated May 2017) and the revised BASIX certificate.</p> <p>The Department is satisfied that these proposed changes only update the documents referenced and do not alter the operation of these conditions.</p>	Conditions C31 & C41 to be amended
Automatic flood gates on ground floor retail frontages	<p>Flooding was a key consideration of the Department's assessment of the Stage 1 Concept Approval and based on independent specialist advice, the Department concluded that the approach to flooding and stormwater (which included flood planning levels of the retail tenancies and 'barrier system' flood defence) was acceptable. This matter was again addressed in the assessment of SSD 6633 and conditions were imposed appropriately dealing with flooding, including the waterproofing of all areas below the standing groundwater level. These conditions are to be satisfied prior the issue of a construction certificate.</p> <p>The applicant has provided additional details on the proposed automatic flood gates to retail tenancies, including certification from Arcadis Australia Pacific Pty Ltd (Arcadis) that the design of the floodgates is consistent with in accordance with the conclusions and mitigation measures of the <i>Flooding Stormwater and Water Sensitive Urban Design Report</i> prepared by Hyder Consulting Pty Ltd, dated 15 February 2016, which is referred to in Condition C42.</p> <p>The Department notes that the flood gates are to be concealed when not in operation and will be imperceptible from the public domain and visually acceptable.</p>	No additional conditions or amendments necessary.

Ground floor level changes	The proposal seeks to alter the finished floor levels of various areas of the back of house facilities and ground floor tenancies fronting Hay Street. The proposed changes in levels vary from 150mm to 600mm. The Department considers that the changes will aid in accessibility and are likely to improve pedestrian movement and safety.	No additional conditions or amendments necessary.
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6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96 (1A) of the EP&A Act and the Department is satisfied that the proposal complies with all statutory and strategic provisions, subject to the recommended amendments to the conditions.

The Department's assessment concludes that the proposed modification is appropriate on the basis that it would:

- not detract from the overall design of the building on the South East Plot
- not result in any additional impacts to the surrounding area
- maintain consistency with the approved SSD Approval (SSD 6633) and Stage 1 Concept Proposal for Darling Square.

Consequently, the proposal is in the public interest and the Department recommends that the modification is approved subject to the recommended conditions.

7. RECOMMENDATION

It is therefore recommended that the Director, Key Sites Assessments:

- (a) **considers** the findings and recommendations of this report
- (b) **approves** the modification and
- (c) **signs** the attached Instrument of Modification for SSD 6633 MOD1.

Prepared by: Brian Kirk
Key Sites Assessments


Endorsed by:



Amy Watson
Team Leader
Key Sites Assessments

DECISION:

Approved by:

 13/10/17.

Ben Lusher
Director
Key Sites Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification requests

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8623

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8623

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8623

APPENDIX B COMPLIANCE WITH THE RELEVANT STAGE 1 CONCEPT APPROVAL CONDITIONS

Condition		Assessment	Compliance																																								
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.	The modified proposal remains consistent with the requirements of the Stage 1 Concept Approval.	Yes																																								
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: <table><tr><th>Plot and Building</th><th>Maximum Height - RL</th></tr><tr><td>North Plot</td><td></td></tr><tr><td>-</td><td>RL 33.50</td></tr><tr><td>North East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>NE1</td><td>RL 68.38</td></tr><tr><td>NE2</td><td>RL 38.10</td></tr><tr><td>NE3</td><td>RL 138.63</td></tr><tr><td>South East Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SE1</td><td>RL 99.85</td></tr><tr><td>SE2</td><td>RL 38.10</td></tr><tr><td>SE3</td><td>RL 68.38</td></tr><tr><td>South West Plot</td><td></td></tr><tr><td>Podium</td><td>RL 25.03</td></tr><tr><td>SW1</td><td>RL 91.38</td></tr><tr><td>SW2</td><td>RL 38.10</td></tr><tr><td>SW3</td><td>RL 138.63</td></tr><tr><td>North West Plot</td><td></td></tr><tr><td>-</td><td>RL 53.60</td></tr></table>	Plot and Building	Maximum Height - RL	North Plot		-	RL 33.50	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	The modification proposal does not alter heights of any approved building on the SE Plot.	N/A
Plot and Building	Maximum Height - RL																																										
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-	RL 53.60																																										

Condition		Assessment	Compliance
Darling Drive (Western) Plot W1 W2			
	RL 75.20		
	RL 75.20		
Maximum Gross Floor Area (GFA)			
A8	The maximum GFA for the development shall not exceed 211,040m ² (excluding ancillary above ground car parking), comprised of a maximum of: <ul style="list-style-type: none"> 56,668m² non-residential GFA and 154,372m² residential GFA 	The proposal (which results in an overall reduction of 420m ² GFA remains consistent with the maximum Darling Square GFA requirements (as amended).	Yes
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.	The modified application does not alter the approved built form or approved architectural design.	Yes
B3	Future Development Applications shall maximise street level activation where possible. A Street Level Activation Plan shall be provided that: <ul style="list-style-type: none"> indicates the extent and locations where street level activation has been provided provides justification for the areas where street level activation it has not been provided and provide mitigation measures where necessary to address any inactive building facades at the street level (excluding any vehicular access points). 	The modified building increases the amount of street level activation through an additional retail tenancy on the ground level.	Yes
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.	The modified building maintains appropriate pedestrian sightlines / visual safety.	Yes
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.	N/A	Yes

Condition		Assessment	Compliance
B7	Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.	The modified proposal will not add to the reflectivity and glare of the approved building.	Yes
B8	Future Development Applications shall include an Access Review and demonstrate that an appropriate degree of accessibility.	N/A	Yes
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.	The changes sought to the public domain interface achieve an improved design and enhanced amenity outcome.	Yes
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.	No changes to CPTED outcomes are anticipated due to the proposed modifications.	Yes
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).	The modifications only relate to above ground car parking housed within the podium. No changes to any ground floor parking is sought or impacted.	Yes
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.	Requirements for bicycle parking for future residents and visitors within the public domain remains unchanged by the modification application.	Yes
Heritage and archaeology			
B22	Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	The proposed modifications do not result in any additional impact on heritage. An	Yes

Condition	Assessment	Compliance
	addendum heritage report was not required.	
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.	As above.	Yes
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): <ul style="list-style-type: none"> ▪ 5 star Green Star Office for the NW Plot (excluding the public car park) ▪ 4 star Green Multi Unit Residential rating on all residential towers and ▪ 4-star Green Star Custom rating for student accommodation. 	The modification application including a revised BASIX certificate confirms the project will still achieve the relevant Green Star and BASIX thermal comfort compliance. Condition C41 is recommended to be amended accordingly.	Yes
B26 Future Development Applications shall demonstrate the incorporation of ESD principles in the future design, construction and ongoing operation phases of the development.	The original SSD application was assessed against the principles of ESD. The proposed modifications will still achieve the building related sustainability aspirations for the precinct and those of the original assessment.	Yes
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.	The conclusions in the original report remain unaltered in relation to operational noise.	Yes
Wind assessment		
B29 Future Development Applications shall include site specific wind assessments and include mitigation measures to prevent an adverse wind environment where necessary.	The modified proposal will not add to the wind environment of the approved building.	Yes

Condition	Assessment	Compliance
Waste		
<p>B30 Future Development Applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.</p>	<p>The Applicant submitted an updated report with the modification in relation to waste management. The Department is satisfied that the updated waste management requirements achieve the intended outcome of the condition. The request to amend the wording of the relevant conditions (C31) is supported to allow the updated waste management plan for the project.</p>	<p>Yes</p>
Construction		
<p>B32 Future Development Applications shall analyse and address the impacts of construction and include:</p> <ul style="list-style-type: none"> ▪ Construction Transport Management Plan, addressing traffic and transport impacts during construction ▪ Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity) ▪ Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction ▪ Community Consultation and Engagement Plans, addressing complaints during construction ▪ Construction Waste Management Plan, addressing waste during construction ▪ Air Quality Management Plan, addressing air quality during construction ▪ Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with '<i>Managing urban storm water, soils and construction (Landcom 2005)</i>' and ▪ Acid Sulphate Soil Assessment and Management Plan. 	<p>The proposed modification will not change arrangements for construction management assessed under the original approval, subject to an amendment to ensure details of the Acoustic Statement submitted with the modification are approved by the PCA prior to commencement of construction activities.</p>	<p>Yes</p>
<p>B33 Future Development Applications shall include detailed investigations and assessment of the impact on utilities.</p>	<p>The proposed modifications are not</p>	<p>Yes</p>

Condition	Assessment	Compliance
	anticipated to adversely 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.	The conclusions in the original report remain unaltered.	Yes
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.	The proposed modifications which are minor are not anticipated to alter the conclusions on the quantum of and location of accommodation as approved.	Yes

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI)

To satisfy the requirements of Section 79C(a)(I) of the Act, this report includes references to the provision of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 and
- Darling Harbour Development Plan No.1.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

The original proposal is State Significant Development under Cause 2 of Schedule 2 of SEPP as the site falls within the area defined as the 'Darling Harbour Site' and has a capital investment value in excess of \$10million.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Maritime (RMS) for concurrence. The original SSD was referred to RMS who provided conditions. The modification was referred to RMS and no reply was received.

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modification will not affect the remediation and the fit-for-purpose status of the site. All relevant conditions and certification remain unchanged.

State Environmental Planning Policy No. 64 – Advertising and Signage

The modification will reduce the number of approved signage zones on the upper levels of the building and at ground level.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The modification will not change the approved development and is unlikely to result in unacceptable negative impacts to the Darling Harbour precinct.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The modification is not anticipated to result in unacceptable negative impacts to the ecological and landscape values of the harbour foreshore.

Darling Harbour Development Plan No.1

The modified development will remain consistent with the objectives of the Darling Harbour Development Plan No. 1 as it will not change the provision of tourist, entertainment, retail and accommodation facilities and public domain upgrades.

APPENDIX D RECOMMENDED INSTRUMENT OF MODIFICATION