



**SECTION 96(2) MODIFICATION AND STATE
SIGNIFICANT DEVELOPMENT ASSESSMENT
REPORT:**

***Sydney International Convention, Exhibition and
Entertainment Precinct (SICEEP), Darling Square
(formally The Haymarket), W1 and W2 Buildings
Darling Drive Plot, Darling Harbour***

SSD 7133 and SSD 6010 MOD 1



Secretary's Environmental Assessment Report
Section 96(2) and 89H of the *Environmental Planning
and Assessment Act 1979*

April 2016

ABBREVIATIONS

Applicant	Urbanest Darling Harbour No.1 Pty Ltd
CIV	Capital Investment Value
Concept Approval / Concept Plan	Approved Concept Plan for the redevelopment of the site (SSD 5878)
Commission	Planning Assessment Commission
Consent	Development Consent
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Cover Photograph: View south towards the proposed W1 Building (foreground) from the Pier Street Overpass (Source: applicant's RtS)

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EXECUTIVE SUMMARY

This report provides a concurrent assessment of a State significant development (SSD) application (SSD 7133) for a student accommodation development (W1 Building) and a section 96(2) modification application (SSD 6010 MOD 1) to a SSD approval for student accommodation within the W2 Building. The sites are within the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Square, Darling Drive Plot at Darling Harbour. The applicant is Urbanest and the proposals are located within the City of Sydney Local Government Area (LGA).

The proposals seek approval for the:

- construction of a 22 storey student accommodation building (W1 Building) providing for 520 student rooms (668 beds), a new public open space, a central courtyard, bicycle parking and signage; and
- modification of the W2 Building including the construction of a pedestrian bridge-link at first floor level (connecting the W1 and W2 Buildings), installation of a Light Emitting Diode (LED) / projector screen, provision of a communal rooftop terrace and internal reconfiguration of the building/room layout.

The applications were publicly exhibited for 30 days between 11 November 2015 and 11 December 2015. The Department received seven submissions from public authorities in response to the exhibition, including City of Sydney Council. Council provided an additional submission in response to the applicant's Response to Submissions. The key issues raised in the submissions include amenity of student rooms and accommodation, use and operation of the central courtyard, traffic, design quality, compliance with development standards, bicycle parking, security, noise and waste storage and collection. No submissions were received from the general public.

The Department has considered these issues in its assessment, along with consistency with the Concept Approval and signage.

The proposed W1 Building is of a high standard of design and complements the existing character of the surrounding area. Its facades are appropriately articulated and are of a similar architectural design to the neighbouring W2 Building, ensuring that these linked buildings appear closely related. Furthermore, the use of the site for student accommodation is in accordance with the Concept Plan

Subject to the review of the proposed first floor balcony, the Department concludes that the proposed W1 Building will achieve a high standard of architectural design and appearance. The provision of no motorcycle parking spaces and 90 bicycle parking spaces is considered sufficient for the development and strict compliance with the recommended minimum standards of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* is not appropriate in this instance as the site is located on the edge of the city within easy walking distance of existing services and public transport.

The W1 Building will provide for an acceptable standard of amenity in terms of student accommodation room sizes, floor to ceiling heights, corridor widths, ventilation, kitchen and laundry facilities and privacy. The communal central courtyard will provide for an active space for future students and subject to appropriate management will be afforded an appropriate level of security.

The Department supports the construction of a pedestrian bridge-link as it strengthens the physical and visual connection between the W1 and W2 Buildings and the proposed W2 Building roof terrace will provide for additional communal open space.

Overall the W1 Building and modifications to the W2 Building will form an integral part of the renewal of the SICEEP Darling Square precinct and the wider Darling Harbour area. The proposal will provide significant public benefit as it will contribute to the completion of the Darling Drive Plot and will provide new student accommodation, public domain works including a public open space and employment opportunities.

The Department concludes that the proposals are in the public interest and recommends that the applications be approved subject to conditions.

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1. BACKGROUND

1.1 Introduction

This report provides a concurrent assessment of a State significant development (SSD) application (SSD 7133) for a student accommodation development (W1 Building) and section 96(2) modification application (SSD 6010 MOD 1) to a SSD approval for student accommodation within the W2 Building. The sites are within the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Square, Darling Drive Plot at Darling Harbour. The application is Urbanest and the proposals are located within the City of Sydney Local Government Area (LGA).

The proposals seek approval for the:

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- modification of the W2 Building including the construction of a pedestrian bridge-link at first floor level (connecting the W1 and W2 Buildings), installation of an Light Emitting Diode (LED) / projector screen, provision of a communal rooftop terrace and internal reconfiguration of the building/room layout.

1.2 Sydney International Convention, Exhibition and Entertainment Precinct

The Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) is a major urban renewal project along the western and southern ends of Darling Harbour. The SICEEP project in its entirety involves three interrelated components linked together by a new integrated public domain, including:

- convention, exhibition and entertainment facilities and open space (Core Facilities);
- a mixed use neighbourhood with improved public domain (Darling Square); and
- a premium hotel complex (ICC Hotel).

An image showing the full extent of the SICEEP precinct is provided at **Appendix D**.

1.3 Darling Square

The Darling Square site occupies the southern portion of the SICEEP, and has an area of approximately 4 hectares. The site is bound by the Pier Street overpass and the Novotel Hotel to the north, Hay Street to the south, the Light Rail corridor to the west and Harbour Street to the east. The Darling Square site comprises six mixed-use development plots, two public open spaces, a central north/south pedestrian link, east west laneways and associated landscaping and public domain (refer to **Figure 1**).

1.4 Darling Drive Plot

The Darling Drive Plot (DD Plot) is located along the western boundary of Darling Square, is roughly rectangular in shape and has an area of 5,675m². The site is bound by the light rail corridor and Powerhouse Museum to the west, Darling Drive to the east, Darling Drive roundabout and the Pier Street overpass to the north and the Goods Line to the south (refer to **Figures 1 and 2**). The DD Plot is divided in two development sites, referred to as the W1 and W2 sites.

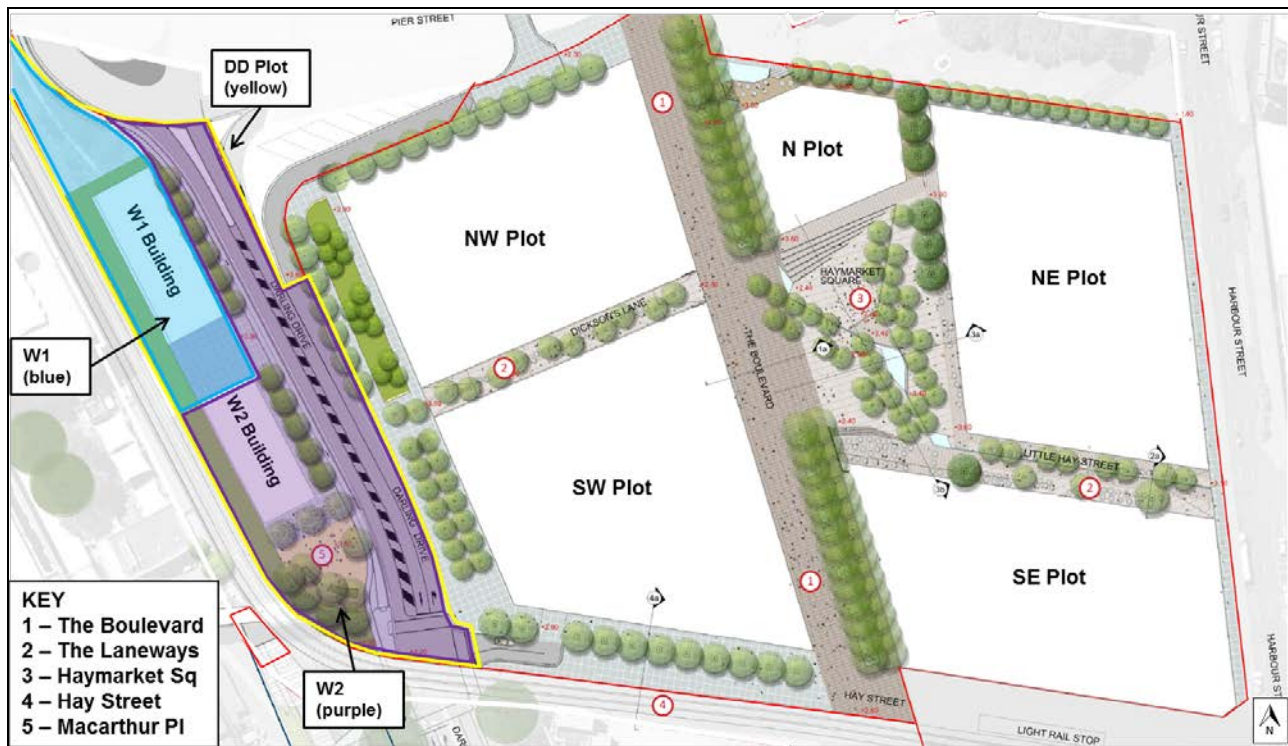


Figure 1: Darling Square (formerly known as the Haymarket) Concept Proposal layout

The W1 site has an area of 1,328.8m² and is located within the northern half of the DD Plot. The site is flat, vacant and sparsely covered with grass.

The W2 site has a site area of 4,346.2m² and is located within the southern half of the DD Plot. The site includes part of the Darling Drive road corridor and the approved W2 building, which is currently under construction as discussed at **Section 1.5**.

The areas to the east (within Darling Square) and north are undergoing a period of transformation as part of the SICEEP redevelopment, which include the development of mixed use commercial and residential buildings ranging in heights from 5 to 40 storeys and the construction of the Core Facilities and new public open spaces.

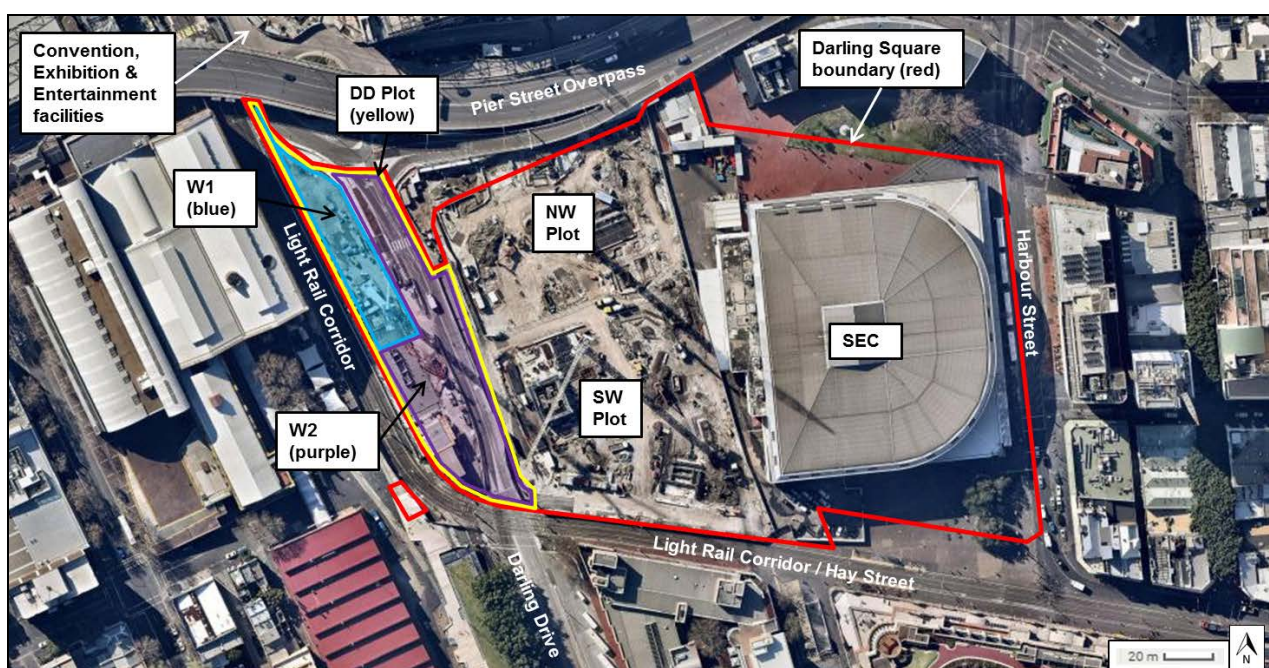


Figure 2: Concept Approval, DD Plot and W1 and W2 site locations (Base source: Nearmaps)

1.5 Previous approvals and other relevant applications

On 5 December 2013, the Acting Director-General (as delegate of the Minister) approved SSD 5878 for the development of the Darling Square precinct (refer to **Figures 1 and 2**). On 26 November 2015, this application was modified by a S96 application (SSD 5878 MOD1). The approval, as modified, allows for the staged redevelopment of the southern precinct of the SICEEP and establishes the vision, planning and development framework for the assessment of future development proposal for the site. The key aspects of the Concept Approval are:

- six separate development plots providing a GFA of 199,811m² (comprising 52,120m² non-residential GFA and 147,691m² residential GFA);
- maximum building height of 138.63 metres;
- open spaces, roads, laneways and pedestrian through-site links; and
- above ground public and private car parking.

On 7 May 2014, the Acting Executive Director, Development Assessment Systems and Approvals approved SSD 6010 for the construction of the southern W2 building within the DD Plot comprising (refer to **Figure 3**):

- site preparation works including demolition of existing structures, removal of existing vegetation and site remediation as required;
- construction of a 20 storey building to be used for student accommodation;
- various public domain improvements, including construction of a public square (Macarthur Place), upgrading existing footpaths and provision of street trees, seating and bicycle parking facilities;
- re-alignment of Darling Drive and provision of pedestrian and bicycle paths; and
- business and building identification signage.



Figure 3: The approved W2 building (Base source: SSD 6010)

The Department has also approved the following SSD applications within Darling Square:

- a mixed use residential building on the South West Plot (SSD 6011);
- a mixed use residential building on the North East Plot (SSD 6626); and
- a mixed use commercial building on the North West Plot (SSD 6013).

The Department has also issued Secretary's Environmental Assessment Requirements (SEARs) for the following proposed developments within Darling Square:

- a mixed use residential building on the South East Plot (SSD 6633); and
- a commercial and community use building and a new public square on the North Plot (SSD 7021).

2. PROPOSALS

2.1 Summary descriptions (as exhibited)

W1 Building SSD application description

The proposal seeks approval for the construction of a 22 storey student accommodation building providing for 520 student rooms (668 beds), provision of a new public open space, a central courtyard, bicycle parking and signage.

W2 Building modification application description

The proposal seeks approval for the modification of the W2 Building including the construction of a pedestrian bridge-link at first floor level (connecting the W1 and W2 Buildings), installation of an LED/projector screen, provision of a communal rooftop terrace and internal reconfiguration of the building/room layout.

The SSD application relies on the approval of the modification application with regards to the construction of the first floor level pedestrian bridge-link.

2.2 Response to Submissions

Following the public exhibition of the SSD and modification application, the Department placed copies of all submissions received on its website. The Department requested that the applicant address the issues raised in the submissions as well as a number of specific issues in relation to the Operational and Security Management Plan, room sizes, security of the central courtyard, signage, bicycle parking and building materials.

The applicant provided a Response to Submissions (RtS) (**Appendix A**), which contains amendments, further information and clarification of the key issues raised by the Department and public authorities. Key changes in the RtS include:

- realignment of site boundary;
- provision of fencing/gates within the central courtyard;
- repositioning of entry/exit doors of the W2 Building to improve their relationship to the 'V' column colonnade (refer to **Figure 14**);
- amendment of the proposed size and design of the roof terrace to the W2 Building;
- refinement of proposed signage;
- inclusion of Building Maintenance Unit at roof level of both the W1 and W2 Buildings; and
- no longer proposing any changes to the Operation and Security Management Plan (Condition F12).

2.3 Description of proposals

The key components and features of both proposals (as refined in the RtS) are provided in **Table 1** below and are shown in **Figures 4 to 7**.

Table 1: Key components of the modification and SSD applications

SSD APPLICATION (SSD 7133) – W1 Building	
Aspect	Description
Built form	<ul style="list-style-type: none"> Construction and use of a 22 storey building to a maximum height of RL 75.2.
Gross Floor Area (GFA)	<ul style="list-style-type: none"> Total GFA of 13,209m².
Residential / student use	<ul style="list-style-type: none"> A total of 520 student rooms (668 beds), comprised of: <ul style="list-style-type: none"> 372 single rooms; 148 twin-share rooms; manager's apartment (relocated from W2 Building); and a total of 881m² of common rooms, breakout spaces, dining/lounge areas and seating areas.
Bicycle parking	<ul style="list-style-type: none"> A total of 110 bicycle parking spaces, comprised of: <ul style="list-style-type: none"> 90 student spaces; and 20 visitor spaces within the public domain.
Public domain	<ul style="list-style-type: none"> Public domain improvements including the provision of a: <ul style="list-style-type: none"> 260m² public open space to the north of the site ('North Park'); and 310m² central courtyard located between the W1 and W2 Buildings.
Signage	<ul style="list-style-type: none"> Business identification signage.
SECTION 96(2) MODIFICATION (SSD 6010 MOD1) – W2 Building	
Aspect	Description
Built form	<ul style="list-style-type: none"> Construction and use of an enclosed, north/south pedestrian bridge-link at first floor level connecting the W1 and W2 Buildings; installation of an LED/projector screen on the western elevation of the bridge-link; provision of a 104m² communal roof terrace on the roof of the W2 Building and associated rationalisation of plant and services; internal reconfiguration of the W2 Building; and reduction of GFA by 13m² from 14,354m² to 14,341m².

The SSD application has a Capital Investment Value (CIV) of \$56,756,000 and is expected to generate 185 construction jobs and 40 operational jobs once fully developed, which is in addition to the 180 construction and 10 operational jobs generated by the W2 Building.



Figure 4: Proposed first floor level pedestrian bridge-link between the W1 and W2 Buildings (Source: applicant's RtS)

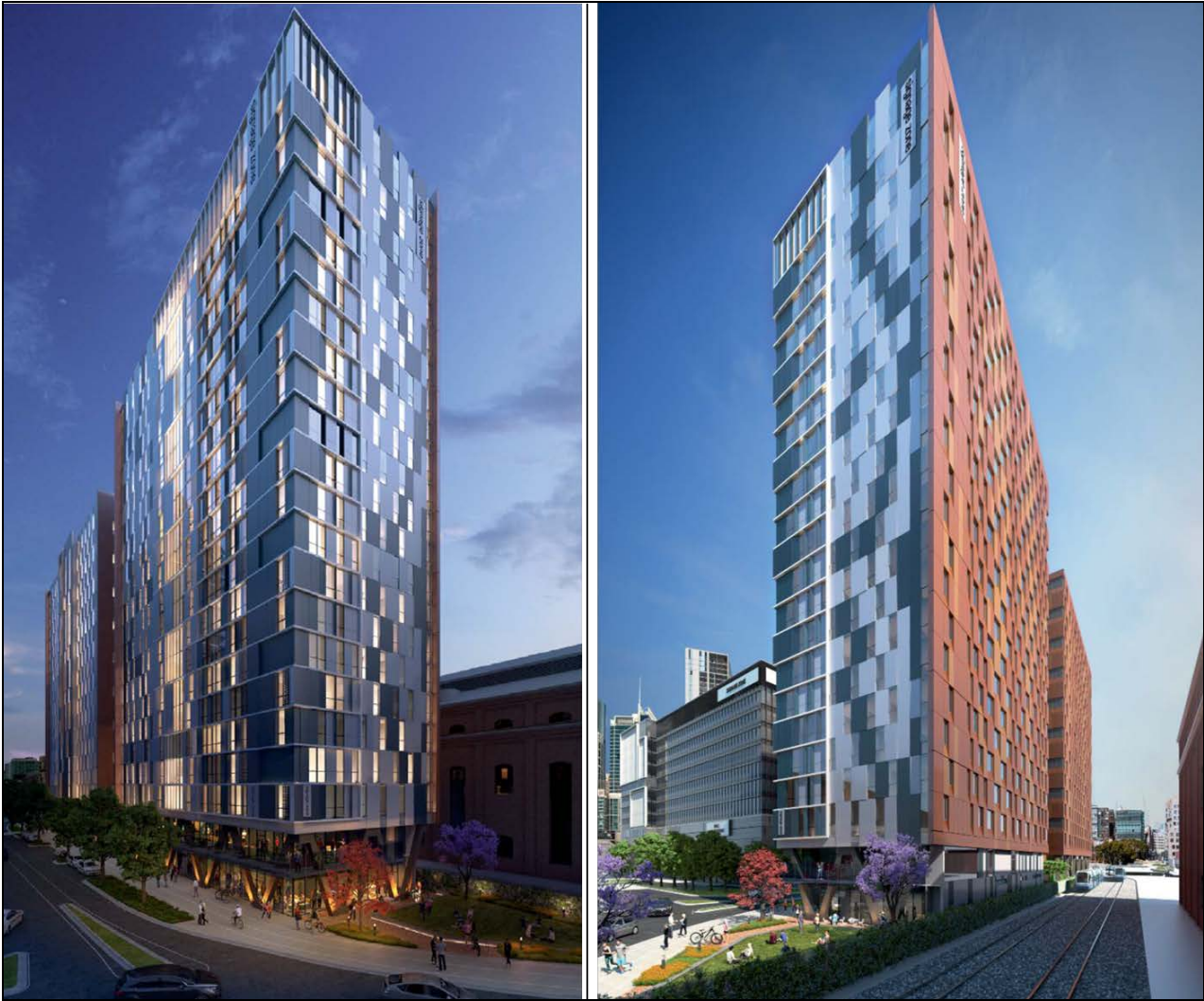


Figure 5: View south west (left) and south east (right) of the proposed W1 Building (Source: applicant's RtS)



Figure 6: View north west towards the south eastern corner of the W1 Building (Source: applicant's RtS)



Figure 7: View north west within the proposed central courtyard towards the amphitheatre seating and the light rail boundary (Source: applicant's RtS)

2.4 Project need and justification

A Plan for Growing Sydney

A *Plan for Growing Sydney* sets out the NSW Government's vision for Sydney to 2031. The Plan anticipates that the population of Sydney will increase by 1.6 million people by 2031 and this will result in the need for approximately 689,000 new jobs and 664,000 new homes across the metropolitan area.

The Plan aims to accelerate urban renewal across Sydney and encourages growth in both infill and greenfield areas to stimulate balanced growth throughout Sydney. It also aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for growth, the Plan focuses urban renewal in Strategic Centres, areas close to transport hubs and corridors and advocates efficient use of land in infill areas.

The proposed development supports the strategic aims of the Plan as it provides for student accommodation in close proximity to nearby universities and will relieve pressure on demand for other forms of affordable residential accommodation in the locality.

3. STATUTORY CONTEXT

3.1. Consent Authority

The proposal for the construction of the W1 Building is SSD because the development has a CIV in excess of \$10 million located at Darling Harbour, which is identified as a SSD site under clause 2 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. The Minister is therefore the consent authority. Similarly, the Minister remains the consent authority for the proposed modification to the W2 Building as it was originally approved as SSD.

3.2. Determination under Delegation

On 16 February 2015, the then Minister for Planning delegated functions under s96 and s89E of the EP&A Act to determine S96 modification and SSD applications within SICEEP to the Executive Director, Key Sites and Industry Assessments in cases where:

- a political disclosure statement has not been made; and

- the delegate forms the opinion that any submissions made about the application by the Council of the City of Sydney or members of the public has been considered in the assessment of the application.

Council has objected to the proposal, primarily on the grounds of rooms sizes and internal amenity. The Department has considered the objection and Council's other concerns in detail at **Section 5**.

In accordance with the Minister's delegation, the Executive Director, Key Sites and Industry Assessments may determine this project under delegated authority.

3.3. Permissibility

The Darling Harbour Development Plan No.1 (DHDP) is the principal EPI that applies to the site. Clause 6 of the DHDP states that development for the purpose of residential accommodation may be carried out with development consent. The proposed student accommodation use (a form of residential use) is permissible under Clause 6 of the DHDP.

The Concept Approval allows for land uses across the Darling Square precinct, including residential and non-residential uses (with specific uses to be nominated at application stage). The Department considers that the proposed development for student accommodation is a form of residential land-use consistent with the land-use parameters set by the Concept Approval. Further, the Concept Approval envisaged that the Darling Drive Plot be developed for the purpose of student accommodation.

3.4. Environmental Planning Instruments

Under Section 79C of the Act, the Secretary's report for a project is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPIs) that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- *Darling Harbour Development Plan No 1;*
- *State Environmental Planning Policy (State & 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;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP);*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*

The Department's consideration of relevant EPIs is provided in **Appendix C**. In summary, the Department is satisfied that the application is consistent with the requirements of the EPIs.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in section 5 of the Act and read as follows:

- (a) *to encourage:*
- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - the promotion and co-ordination of the orderly and economic use and development of land,*
 - the protection, provision and co-ordination of communication and utility services,*
 - the provision of land for public purposes,*
 - the provision and co-ordination of community services and facilities, and*
 - the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*

- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal complies with the above objects, particularly (a)(i), (ii) and (v) as the proposal promotes the orderly and economic use of the site and contributes to the enhancement of the social and economic welfare of the community. The proposal includes measures to deliver ecologically sustainable development (**Section 3.7**).

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

Building W1 will be designed to achieve a self-assessed 4 star 'Australian Best Practice' Green Star Urbanest Custom As-Built certified rating and incorporates ecologically sustainable design initiatives and sustainability measures, including:

- space efficient building floor plates;
- energy efficient heating, ventilation and air conditioning including operable windows to every bedroom and natural ventilation to corridors;
- water efficient building services including rainwater collection and fire system reuse;
- provision of effective waste minimisation practices to reduce all operational waste to four (4) recycling waste streams;
- recycling of at least 80% of construction and demolition waste;
- dematerialisation through the use of prefabricated bathroom and kitchens;
- high quality common areas and facilities targeted at students, including a catering facility, TV/games rooms, study and group and work rooms on the lower levels;
- secure bicycle storage;
- inclusion of integrated student learning portals; and
- provision of real time data on building HVAC system performance and mass transport options.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied that the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.7. Secretary's Environmental Assessment Requirements

On 20 July 2015 the Department notified the applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that section 1.6 of the EIS adequately addresses compliance with the SEARs to enable the assessment of the application for determination purposes.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the EP&A Regulation, the Department publicly exhibited the applications concurrently for 30 days from Thursday 11 November 2015 until Friday 11 December 2015. The applications were publicly available on the Department's website and exhibited at the Department's Information Centre and at the City of Sydney Council office.

The Department placed a public exhibition notice in the Sydney Morning Herald and Daily Telegraph on the 11 November 2015 and notified adjoining landholders and relevant State and local government authorities in writing. The Department received a total of seven submissions from public authorities and no submissions from the general public.

The Department received a further submission from Council in response to the RtS.

Copies of the submissions may be viewed at **Appendix A**. A summary of the issues raised in the submissions is provided below.

4.2. Submissions

A total of seven submissions were received from public authorities in response to the exhibition, with Roads and Maritime Services, Environment Protection Authority, and Heritage Council providing no comments or raising no issues with the proposals. A further submission was received in response to the RtS, from Council. The issues raised by public authorities are summarised in the **Table 2** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instruments of consent at **Appendix F**.

Table 2: Summary of public authority submissions

City of Sydney (Council)	
Environmental Impact Statement	<p>Council does not object to the proposed modifications to the W2 Building. However, Council does object to the size and amenity of the student rooms within the proposed W1 Building, specifically that the rooms are 1.1m² less than the room sizes outline in the ARH SEPP. Council has also raised the following concerns in relation to:</p> <p><u>SSD application (Building W1)</u></p> <ul style="list-style-type: none"> • size and amenity of student rooms and shared facilities; • no self-catering facilities • layout and number of bicycle parking spaces; • building design and materials; • use, design and activation of the ground floor central courtyard; • pedestrian safety; • waste storage and collection; and • amendments to the Operation and Security Management Plan. <p><u>Modification application (Building W2)</u></p> <ul style="list-style-type: none"> • acoustic impacts of the roof top terrace; • interface of the building and pedestrian network with Macarthur Place and the light rail corridor; • use of the LED/projector screen and tiered seating; • size and landscaping of roof terrace; and • the content of the Operational and Security Plan of Management. <p>Council also provided recommended conditions of consent, should the application be supported.</p>
Response to	Council stated that many of its concerns have been addressed by the applicant's RtS.

Submissions	<p>However, Council has confirmed that its following concerns remain outstanding:</p> <p><u>SSD application (Building W1)</u> Council reiterated its concerns with regard to the SSD application (Building W1), including its objection to amenity, particularly rooms sizes and corridor widths.</p> <p><u>Modification application (Building W2)</u></p> <ul style="list-style-type: none"> • acoustic impacts of the roof top terrace; • the approved works for Macarthur Place should be shown on the plans for approval and fencing to the light rail corridor should be of a high standard; and • the requirement for the applicant's compliance with the Operational and Security Plan of Management should be retained.
Transport for NSW (TfNSW)	
Environmental Impact Statement	<p>TfNSW does not object to the SSD and modification proposals. However, it made comments on the SSD proposal in relation to:</p> <ul style="list-style-type: none"> • impact of construction on the operation of the Light Rail and Sydney Trains assets; • use and suitability of the proposed loading zone; • provision of signage along the shared path; and • pedestrian and traffic management during construction. <p>TfNSW also provided recommended conditions of consent, should the application be supported.</p>
Sydney Water	
Environmental Impact Statement	<p>Sydney Water does not object to the SSD and modification proposals and provided recommended conditions of consent, should the application be supported.</p>

No public submissions were received in relation to either application.

4.3. Response to Submissions

The applicant provided a response to the issues raised in submissions, which is included in the RtS document (**Appendix A**) and resulted in a number of amendments to the applications as outlined in **Section 2.2**. The Department is satisfied that the issues raised in all submissions have been addressed through the RtS, this report and the relevant appendices of the EIS and modification request.

5. ASSESSMENT

5.1. Key assessment issues

The Department has considered the EIS and modification applications, the issues raised in submissions and the applicant's RtS in its assessment of the proposals. The Department considers that the key issues associated with the proposals are:

Building W1 SSD application:

- Section 79C(1) matters for consideration;
- consistency with the Stage 1 Approval;
- residential amenity;
- motorcycle and bicycle parking; and
- use and design of the central courtyard.

Concept Approval modification application

- Section 96(2) matters for consideration;
- built form / design quality;
- open space; and
- pedestrian safety.

Each of these issues is discussed in the following sections of this report. Other matters were taken into consideration during the assessment of the applications and are discussed at **Section 5.3.4**.

5.2. State Significant Development Application – Building W1

5.2.1. Section 79C(1) matters for consideration

Table 3 identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD, in accordance with section 89H of the EP&A Act. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and schedule 2 of the Regulation.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPI's is provided in Appendix C of this report
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls is provided in Section 5 and Appendix C
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report
(e) the public interest	Refer to Section 5 of this report
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

5.2.2. Consistency with the Stage 1 Approval

The Stage 1 Approval for Darling Square sets out a number of requirements and parameters for future applications in developing the Darling Square site. The Department has considered the requirements of the Stage 1 Approval, which is provided in **Appendix E**. An assessment of the key relevant requirements for the site is provided below and includes:

- building envelope; and
- design quality.

Building envelope

The Darling Drive Plot is divided into two building sites, one in the north and the other in the south. The proposed W1 Building is rectangular in shape and is located within the northern portion of the site within the Darling Drive Plot. The Department supports the W1 Building as it fully complies with the requirements of the Stage 1 Approval as outlined in **Table 4** and as shown in **Figure 8**.

Table 4: Compliance with Stage 1 Approval

Component	Concept Proposal	Proposal	Complies
Height	Maximum RL 75.2	Maximum RL 75.2	Yes
Building Depth	Maximum 20 metres (plus 500mm articulation zone)	Maximum 17 metres (includes articulation zone)	Yes
Building Separation	Minimum 24 metres to South West Plot	Minimum 37 metres	Yes
	Minimum 10 metres to Building W2 to the south	10 metres	Yes

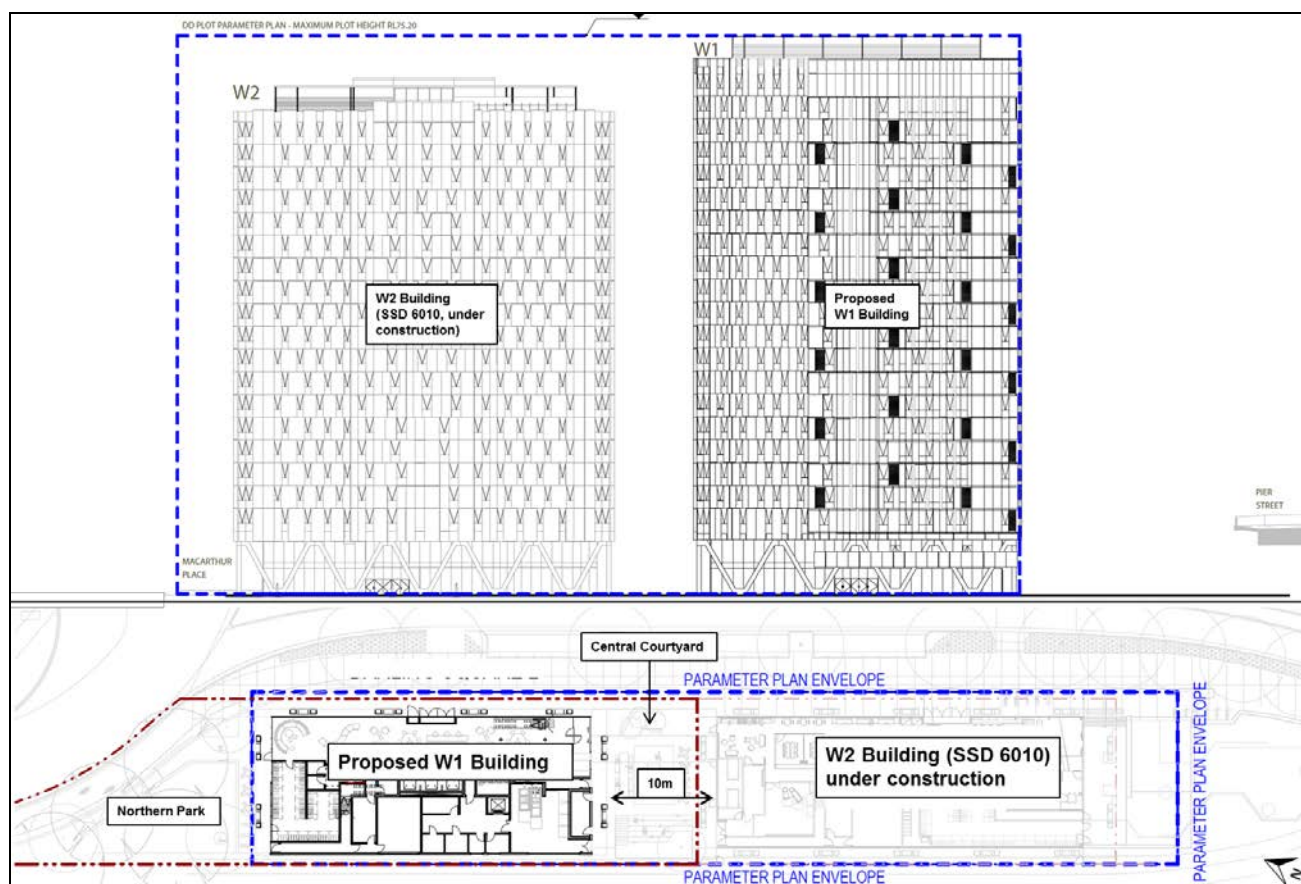


Figure 8: East elevation (top) and ground floor plan (bottom) illustrating compliance with the building envelope plan (Source: Applicant's EIS)

Design quality

Condition B1 of the Stage 1 Approval requires future applications to 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.

To ensure a high standard of architectural design, the proposal was presented to the Design Review Panel (DRP) that was established by Infrastructure NSW and chaired by the Government Architect to ensure design excellence is achieved for the redevelopment of the SICEEP site. The DRP supported the design of the W1 Building, and recommended future investigation on the relationship of the ground and upper levels, balcony and fire stair design.

The applicant asserts that the height of the W1 Building and its slender east/west profile assist in delineating the transition zone from Central Sydney to Ultimo. The proposal is a highly functional and an aesthetically pleasing design which will form a strong edge to Darling Square. Furthermore, the W1 Building is strongly connected to the W2 Building in design terms. The applicant has

confirmed that all the DRP's considerations have been addressed in the final design of the building, in particular:

- the eastern façade was amended to include additional modulation;
- appropriate security features provided for the central courtyard;
- fire stair access has been improved; and
- the balcony treatment is open rather than enclosed.

The Department supports the proposed built form and considers that the building's design includes a number of features that achieve a high standard of architectural design. In particular, the façades incorporate a mixture of panelling, different glass alignments and a range of colours that appropriately articulate the building and add visual interest. Furthermore, the similarities between the proposed building design and the W2 Building ensure that these developments appear closely related. However, the differences between the style of glazing and use of cladding materials ensure both buildings retain their own architectural identity.

'V' column colonnade

The building design includes a two storey street wall architectural feature, which comprises an expressed 'V' shaped column colonnade in front of recessed glazing. This feature is also provided to the neighbouring W2 Building creating a unifying feature of the DD Plot development.

The proposal includes a first floor balcony projecting forward of the 'V' columns along part of the eastern elevation fronting Darling Drive and the northern elevation fronting the North Park (**Figures 9 and 10**). The balcony is proposed to be used as a seating area associated with the first floor on-site catered dining area.

Council has raised concern that the proposed first floor balcony on the eastern and northern façade transects the two storey 'V' columns and breaks the consistency of the façade.

The applicant asserts that the first floor balcony has been designed to appear light-weight and would therefore have an acceptable visual appearance.

The Department notes that the 'V' colonnade of the neighbouring W2 Building is uninterrupted and does not include a balcony at first floor level. Furthermore, the proposed balcony to the W1 Building is asymmetrical in the context of that building and projects approximately 1.3 metres forward of the 'V' columns.

The Department shares Council's concern regarding the impact of the proposed balcony on the overall design of the street wall feature and considers that this would significantly interrupt an important design feature. The Department notes the applicant's comments that the balcony would be light-weight. However, it is not convinced, based on the information provided that the design is an appropriate intervention into the otherwise unifying and consistent street wall / 'V' colonnade architectural feature.

During the Department's assessment of the neighbouring W2 Building, the applicant sought not to provide an awning structure to the western side of the building (as sought by Council) as it would interrupt the architectural integrity and appearance of the building.

The Department recommends a condition requiring the applicant to provide a revised design either removing the first floor balcony or providing an alternative design that ensures that the 'V' colonnade remains the dominant architectural feature and is not adversely interrupted.

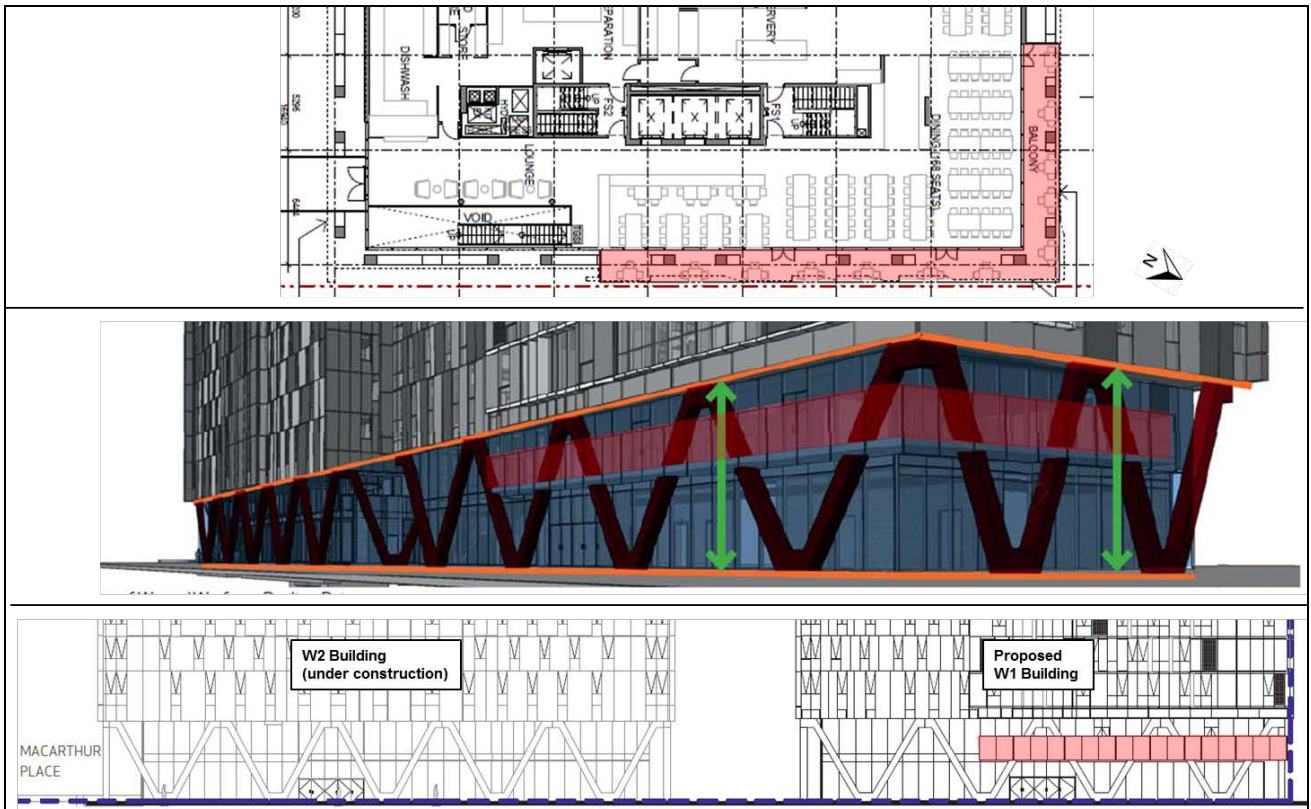


Figure 9: The first floor balcony highlighted in red. Proposed layout (top), context with the W2 Building (middle) and elevation (bottom) (Base source: applicant's RtS)

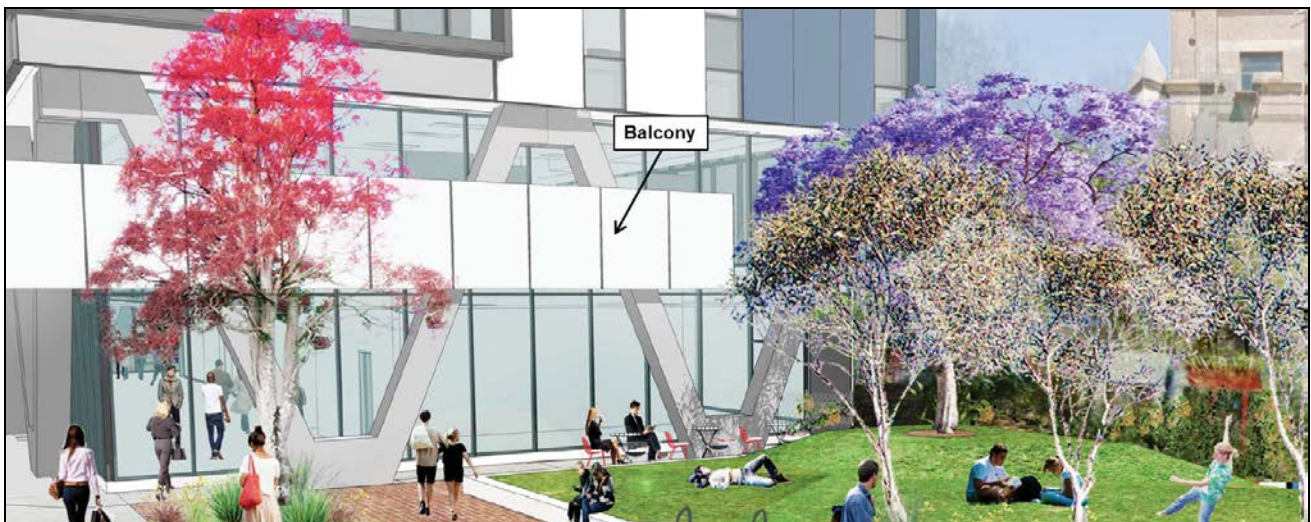


Figure 10: The first floor balcony on the northern elevation fronting the North Park (Source: applicant's RtS)

Materials and maintenance

The proposed building materials consist of earthy terracotta coloured cladding panels and dark window frames to the west and southern facades. The northern and eastern facades are comprised of glazing, blue and silver metal cladding and metal louvres. The 'V' colonnade at the ground and first floor level is to be constructed of sealed concrete.

Council has raised the following concerns with the design of the building:

- the use of masonry or concrete with oxidising colouring would provide a superior outcome compared to the metal cladding panels proposed;
- the 'V' column material should be robust, durable and capable of withstanding impacts given its prominent location within the public domain; and

- maintenance of the western elevation should not impact on the operation of the rail corridor.

The applicant has stated that the western façade will be maintained using a Building Maintenance Unit (BMU) located on the roof. The materials are also sympathetic to the surrounding character and context and would be consistent with the materials used for the neighbouring W2 Building.

The Department is satisfied that the building's design and materials acknowledge the surrounding character of the locality (including warehouses and Powerhouse Museum) and complement the materials of the neighbouring W2 Building and the other developments within the Darling Square precinct. The use of cladding panels rather than masonry is not considered to reduce quality of the overall building appearance and the use of concrete cladding to the 'V' colonnade is considered to be suitably robust.

The Department is satisfied that the provision of the BMU would adequately allow for the maintenance of the western façade without impacting on the operation of the light rail. The Department recommends a condition requiring that the BMU be installed prior to first occupation and that it be contained within its housing when not in use.

Overall the Department is satisfied that the proposed building will be a positive addition to the Darling Square precinct and the broader SICEEP.

5.2.3. Residential Amenity

The future amenity of the proposed development is a key consideration in the Department's assessment.

The applicant has advised that the W1 Building has been designed to provide a new style of student accommodation, focused towards younger (first year) students living out of home for the first time. The accommodation layout and use resembles a reinvented form of traditional university dormitory style accommodation with smaller individual rooms and a focus on communal facilities (on-site catering, common rooms and spaces) and does not provide in-room kitchenettes.

Council has raised strong concerns about the overall level of residential amenity provided for future residents of the proposed development, specifically objecting to the size of the proposed single rooms. Further, Council is also concerned about floor to floor heights, natural cross ventilation, kitchen and laundry facilities, privacy and internal corridor widths.

The ARH SEPP provides specific guidance on boarding houses, including room sizes, communal facilities, open space and solar access. Further, the Sydney Development Control Plan 2012 provides guidance for student accommodation, which would apply if the proposal was not SSD. The Department has undertaken a merit based and holistic assessment of residential amenity with specific considerations to each of the concerns raised by Council.

Room sizes

The ARH SEPP contains a range of standards that (if met) cannot be used to refuse consent. This includes room sizes for boarding rooms (excluding bathrooms/kitchens). The proposal includes 520 rooms, which are divided into single and twin-share rooms.

The ARH SEPP room size standards and the proposed room sizes are shown in **Table 5** below.

Table 5: Comparison of ARH SEPP recommended room sizes and the proposed room sizes

	No. of Rooms	ARH SEPP	Proposal	Difference +/-
Single rooms	372	12m ²	10.9m ²	- 1.1
Twin-share rooms	148	16m ²	19.1m ²	+3.1

Council has objected to the size of the single rooms stating that they are significantly undersized. Council recommended that room sizes be increased to at least the ARH SEPP minimum.

Furthermore, in terms of planning process, Council has stated that a SEPP 1 Objection is required as the proposal varies the minimum room size standard.

The applicant has stated that the ARH SEPP does not require room size standards to be achieved as they are benchmarks. The applicant asserts that the proposed size of single rooms is acceptable and that a SEPP 1 Objection is not required to vary the ARH SEPP minimum room size standards.

The Department notes the ARH SEPP minimum room sizes standards are benchmarks, which allow the consent authority to grant consent whether or not it complies with those minimum benchmarks. The Department therefore agrees with the applicant that a SEPP 1 Objection is not required for the consideration of the variation to the minimum room sizes.

The Department considers that the proposed single room sizes are acceptable as:

- the facility offers a fully catered and communal dormitory style of accommodation where residents will have access to communal spaces and facilities which far exceed the minimum benchmarks in the ARH SEPP (20m²), including:
 - approximately 881m² of common rooms, breakout spaces, dining/lounge areas and seating areas within the building;
 - a total of 1,089m² open space is provided (Macarthur Square, North Park, the central courtyard and rooftop terrace);
- the site is within close proximity to existing educational institutions, public transport and a number of new open spaces, services and facilities within the broader SICEEP, which may be utilised by residents;
- the rooms have an efficient and logical layout that maximises the use of space. Furthermore, the indicative furniture layouts provided with the application show that sufficient space will be provided for future tenants; and
- the single rooms will represent a more affordable option for some students.

The Department considers that the proposed twin share rooms are acceptable and notes that they exceed the ARH SEPP recommended minimum room sizes.

A detailed assessment of the proposal against the ARH SEPP and Section 4.4 of the Council's Development Control Plan 2012 (SDCP) is provided at **Appendix B** and **C**.

Floor to floor heights

Council has raised concern that the proposed floor to floor height of 2.9 metres would not allow for an appropriate (BCA compliant) floor to ceiling height of 2.7 metres and recommended that the floor to floor heights be increased to 3.1 metres.

The applicant has stated that the floor to floor heights will be 2.92 metres, and due to the efficiency of the build and the inclusion of the 20mm redundancy that the development will achieve a minimum 2.7 floor to ceiling heights within habitable rooms, in accordance with the BCA.

The Department notes the applicant's assurance that the proposal will provide a minimum 2.7 metre floor to ceiling height for habitable rooms, which meets Council's requirements and the BCA. To ensure that the minimum floor to ceiling height is provided as proposed, the Department recommends a condition requiring the applicant to demonstrate, prior to issue of a construction certificate that the proposal complies with the BCA.

Natural cross ventilation

The ARH SEPP and SDCP 2012 do not provide any guidance on cross ventilation for student accommodation rooms. Notwithstanding, the applicant has demonstrated that a total of 80 (15%) of the 520 proposed student rooms will be naturally cross ventilated.

Council has raised concerns that the proportion of student rooms which are naturally cross-ventilated is very low and recommended that the design be amended to improve natural cross ventilation.

The applicant has stated that the building has been designed to provide optimum natural cross ventilation in a cellular typology. Further, the development is a 'Class 3' building under BCA and there are no legislative requirements for cross ventilation.

The Department notes that the proposal includes a distinct student accommodation type, comprising single and twin-share student rooms arranged in a cellular layout. This accommodation type is proposed in response to market demands and student living preferences.

The Department considers that in order to increase natural cross ventilation the proposal would have to be significantly amended to provide apartment style student accommodation or include substantial indentations into the building floorplan layout to provide additional access to windows.

The Department considers, given the site circumstances that the proposal provides for a reasonable level of natural ventilation as:

- the alternative solutions for achieving additional natural cross ventilation would result in:
 - the provision of a type of student accommodation that is not consistent with current market demands; and
 - unreasonable and significant amendments to the proposal, which, due to the constraints of the building envelope, are likely to significantly reduce the quantum of student accommodation rooms.
- 1.5m high windows including an opening equivalent to a minimum of 5% of the floor area of the student room is provided to every bedroom to provide natural ventilation; and
- three windows are provided to internal corridors, which will provide for a reasonable level of natural ventilation.

Kitchen facilities

The proposed W1 Building does not include any individual or communal self-catering kitchens for use by the students. Instead the proposal includes a dedicated on-site catering facility located on the first floor level, which has a dining capacity of 168 persons.

To provide students with the choice for cooking their own food, Council recommends that communal kitchen facilities be provided in accordance with Council's Development Control Plan 2012 (SDCP), which requires a minimum communal kitchen area of 6.5m² or 1.2m² per resident, whichever is the greater.

The applicant has stated that the W1 Building is designed as a reinvented university dorm style accommodation targeted to younger or first year students who may not have extensive networks and relationships within Sydney. In addition, if students prefer self-catered accommodation the adjoining W2 Building provides for this.

The Department considers that the proposed absence of self-catering facilities within the W1 Building is acceptable as:

- prior to choosing to rent the accommodation students will be aware that the W1 Building only provides for on-site catering; and
- the provision of only on-site catering is likely to appeal to students who want to self-cater and are seeking an all-inclusive accommodation type.

Laundry facilities

The proposal includes a total of nine washing machines and ten dryers for the 668 students, which equates to a ratio of approximately 1:74 for washers and 1:67 for dryers.

Council has recommended that the proposal meet the SDGP requirement that one washer and one dryer be provided per 12 students (1:12) and therefore provide 56 (of each) machine.

The applicant contends that the proposed number of washers and dryers is based on studies of existing day-to-day student laundry operational demands from other Urbanest properties.

The Department notes that the proposal provides the same number of washing and drying machines to the neighbouring W2 Building. Further, this figure is consistent with the larger number of approved student accommodation development in and around the Sydney CBD.

The Department is satisfied that the proposed number of washing and drying machines will provide for adequate laundry facilities for future residents as the proposed provision of laundry and drying facilities is based on the applicant's experience with the day-to-day laundry demand from students.

Privacy

The original Concept Approval provides for a separation distance between the proposed W1 Building and the neighbouring W2 Building of 10 metres. The proposed building is consistent with this provision and both buildings include student rooms facing each other across the 10 metre gap.

Council has recommended that mitigation measures should be incorporated to improve the privacy for residents within the affected rooms.

The applicant has stated the W1 Building has been designed to fit within the building envelope and one apartment per floor has a single aspect oriented towards the W2 Building.

The Department concurs with Council that appropriate mitigation measures should be employed to address the potential overlooking between the student rooms of the W1 and W2 Buildings. The Department recommends a condition requiring the secondary south facing windows of the student rooms of the W1 Building be obscurely glazed and that the window of the single aspect rooms be appropriately treated (e.g. angled, baffled, screened or other such treatment) to ensure an appropriate level of privacy is achieved.

Internal corridor widths and amenity

The internal corridors of Levels 3 to 18 are between 1.15 metres and 1.3 metres in width, with areas in front of lifts being approximately 1.9 metres. Natural light and ventilation is provided via three openings at the eastern, western and southern façades (**Figure 11**).

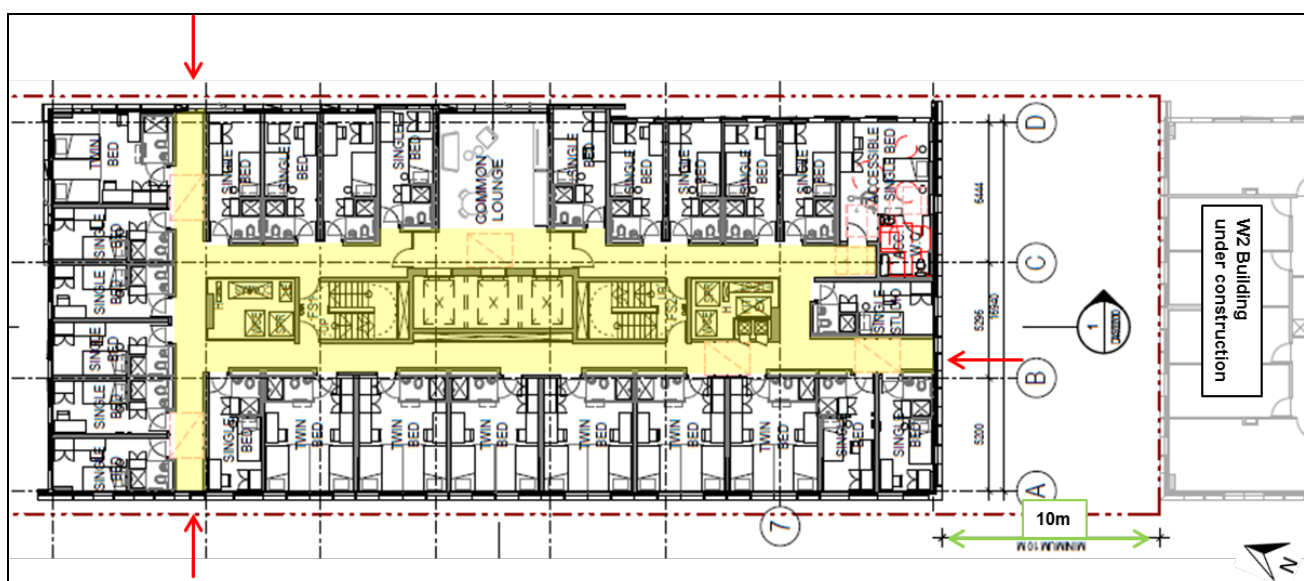


Figure 11: Typical floor plan layout of the proposed W1 Building showing internal corridors (highlighted yellow) and window locations (red arrows) (Base source: applicant's RtS)

Council raised concern that the corridors are afforded a limited amenity as they are narrow and have access to little natural light.

The applicant contends that the inclusion of three windows allows for adequate ventilation and natural light within the corridors. Furthermore, the varied widths, entry articulation and circulation paths will provide a good standard of amenity.

The Department notes that the minimum corridor widths (1.15m) meet the BCA minimum corridor width.

The Department explored options to reduce the proposed size of the twin rooms (which exceed minimum requirements) to allow an increase in the size of corridor widths and concludes that the reduction would add limited benefit at the expense of the generous twin room sizes. Further, the Department notes that a meaningful increase in corridor width would add additional bulk to the building, reduce building separation and potentially impact the layout and number of student rooms. Given the constraints of the site, the Department considers that increases are not justified.

The Department supports the inclusion of windows in the eastern, western and southern facades, which will allow direct and ambient natural light into the corridor spaces and will offer a reasonable standard of amenity. The Department considers there is limited opportunity to provide an additional window for natural sunlight without requiring a substantial redesign of student room layouts. Given the north/south orientation of the building, numerous additional windows would need to be inserted to provide more than a limited benefit to the internal corridor space and amenity.

Conclusion

The Department has carefully considered the internal layout of the proposed development and the resulting residential amenity afforded to future residents. In addition, the Department is mindful that the proposed development seeks to provide a new style of student accommodation layout, which will diversify the student accommodation options within the locality and complement the accommodation provided within the W2 Building.

Given the nature of the proposed development, the Department considers that the proposed student room space standards coupled with the provision of an on-site catering facility are appropriate despite Council's concerns. Laundry facilities have been provided in accordance with the analysis of day-to-day laundry demands from other comparable student accommodation developments.

The Department is satisfied that appropriate 2.7 metre floor to ceiling heights can be achieved and that internal corridors have reasonable widths and access to direct sunlight and ventilation from three windows. The Department shares Council's concern about the potential for overlooking between student rooms and has recommended appropriate mitigation measures to address this.

Overall the Department considers that subject to the minor amendments discussed above, the proposed development will provide for an acceptable standard of amenity of future residents.

5.2.4. Motorcycle and bicycle parking

The ARH SEPP requires that one motorcycle space and one bicycle space be provided for every 5 boarding rooms. This would require the provision of 104 motorcycle spaces and 104 bicycle spaces for the 520 rooms proposed. As motorcycle and bicycle parking provision is a 'standard for boarding houses', any variation of this standard requires a SEPP 1 Objection.

The proposal includes a total of 90 secure internal bicycle spaces and 20 visitor spaces within the public domain. The proposal does not include any motorcycle parking spaces.

In its assessment of the adjoining W2 Building, the Department considered a SEPP 1 Objection relating to the absence of motorcycle parking provision within that development and concluded it

was acceptable given the city-edge location and good public transport availability. The W2 Building provided an ARH SEPP compliant number of bicycle parking spaces.

Motorcycle parking

As the current proposal does not include any motorcycle parking, the applicant has submitted a SEPP 1 Objection, which is discussed in detail in **Appendix B**. The Department concludes that compliance with the development standard is unreasonable and unnecessary as the site is located in proximity to a range of educational establishments and has access to local services and facilities by a range of travel methods including walking, cycling and public transport.

Bicycle parking

The proposal provides a total of 110 bicycle spaces, including:

- 90 bicycle spaces specifically for the use of students; and
- 20 visitor bicycle parking spaces within the public domain.

The ARH SEPP requires 104 spaces specifically for the use of students. The applicant has submitted a SEPP 1 Objection as the proposed 90 spaces specifically for the use of students is 13% below this requirement. The SEPP 1 objection is discussed in detail in **Appendix B**.

Council has objected to the proposal on the grounds of a lack of adequate bicycle parking provision and recommended that the full amount required by the ARH SEPP should be provided.

The applicant asserts that the proposal achieves the objectives of the ARH SEPP standard notwithstanding its non-compliance. The non-compliance results in a development that delivers greater public benefits due to the improved floorspace efficiency.

The application includes a study of existing cycle parking demand, within Urbanest developments in Sydney, Melbourne and Adelaide. The Department notes that on average cycle parking has been provided to existing Urbanest developments at a rate of 1 space per 8.3 students and of the spaces provided 30% are occupied at any one time. The study confirms that a key factor in the low level of use of bicycle parking is that typically up to 70% of residents are international students studying for a temporary period and it is uncommon for these students to choose to own a bicycle.

The Department considers that the proposed provision of 90 bicycle parking spaces is appropriate for the development for the following reasons:

- the alternative solutions for providing an additional 14 bicycle spaces would compromise the internal layout of the development and/or the reduction of usable and functional open space;
- the proposed provision of 90 bicycle spaces equates to a ratio of provision of 1 space per 7.4 students, which is greater than the existing Urbanest average provision;
- based on the average use of bicycle parking across existing Urbanest developments (i.e. 30%), approximately 27 of the proposed 90 spaces are expected to be occupied at any one time. The provision of 90 spaces is therefore considered to be adequate;
- a total of 20 bicycle parking spaces are provided within the North Park, which are in addition to the 90 provided within the proposed building; and
- the site is extremely well located to public transport. Walking is likely to be a key choice of movement as educational facilities, the CBD and other key services and facilities are within easy walking distance.

The Department concludes that the objection to the provision of an additional 14 bicycle parking spaces is well founded and therefore compliance with the ARH SEPP standard is unreasonable, unnecessary and would hinder the attainment of other key benefits of the proposal, such as improved public domain, provision of the central courtyard appropriate and ground floor layout.

5.2.5. Use and design of the central courtyard

The proposal includes the creation of a central courtyard located between the approved W2 Building and proposed W1 Building.

The proposed courtyard is proposed to be a communal / active space, where students from both buildings can congregate. The courtyard includes amphitheatre seating located along the western boundary that faces into the courtyard and an LED/projector screen attached to the first floor level pedestrian bridge (both the LED/projector screen and the bridge form part of the separate concurrent modification application, SSD 6010 MOD1) (**Figure 12**).

The key issues associated with the central courtyard are its design and activation and safety and security.

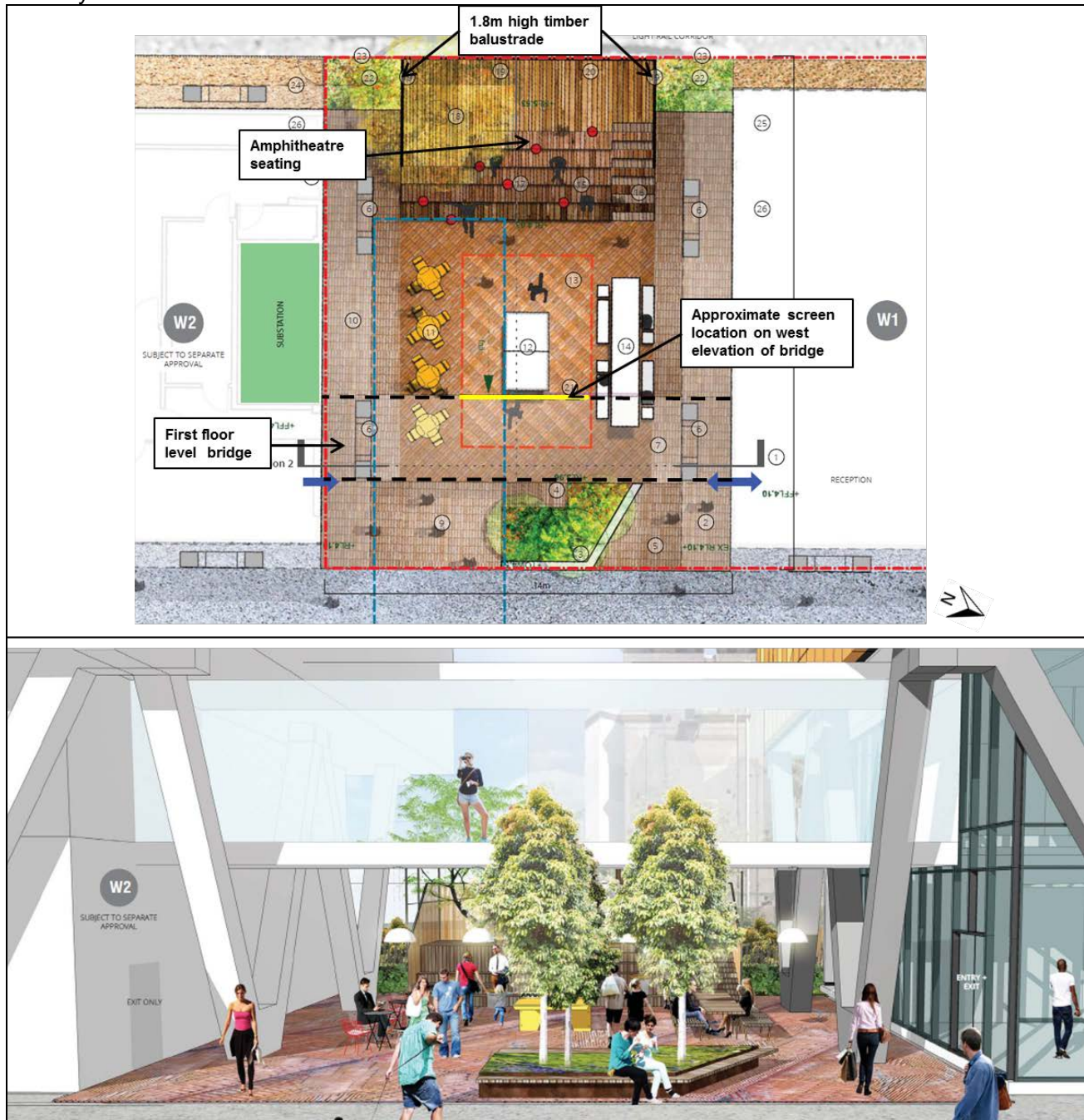


Figure 12: Central courtyard layout (top) and a view west from Darling Drive (bottom) (Base source: applicant's RtS)

Courtyard design and activation

Council raised concern regarding the conflict between the building entrance and the 'V' columns and recommended the replacement of the chain-link fence on the western / light rail boundary. The Department also initially raised concern about the potential wind impacts on the proposed amphitheatre seating.

In response to the concerns raised, the applicant amended the courtyard design, including the relocation of the building entrances and inclusion of a timber fence along the western boundary. In addition, the applicant has provided an updated Wind Analysis, which confirms that subject to the installation of a 1.8 metre high balustrade around the back and sides of the amphitheatre seating area, the seating area is likely to achieve a pedestrian comfort level of between 'pedestrian standing' and 'pedestrian sitting'.

The Department is satisfied that the proposed amendments to the entrance and western boundary appropriately address Council's concerns and are positive improvements to the design of the central courtyard. The Department also considers that the relocation of the building entry will improve the activation of the space and notes that additional activation would be difficult given the location of the waste storage and other service rooms.

The provision of a 1.8 metre high balustrade around the amphitheatre seating will result in an improvement to the wind environment. However, to ensure that the central courtyard can be used as an active space as proposed, the Department recommends a condition requiring that additional wind mitigation measures be taken to ensure the seating area achieves a pedestrian comfort level of 'pedestrian sitting'.

The Operation Security Plan of Management (OSPM) (refer to **Section 5.3.4**) includes restrictions on the hours of operation of the space, capacity and confirms that the no external speakers will be installed (students wishing to watch films etc on the bridge-link LED/projector screen will use WiFi headphones). Notwithstanding the OSPM the Department recommends a condition stipulating the hours of operation and capacity of the courtyard and that no speakers shall be installed in the space.

Security

Council has raised concern about the security of the courtyard and in particular that it will be publicly accessible.

The applicant has stated that design features such as paving/ground treatments, planter boxes and the bridge link will delineate the transition from public to semi-private space. The central courtyard will be managed by the live-in on-site manager and monitored by CCTV. The applicant has also stated that the relocated entry doors are now clear of the structural elements of the 'V' columns, which will provide for improved passive surveillance of the space.

The Department considers that the proposed courtyard will provide for an acceptable level of safety and security as:

- the design of the courtyard includes changes in paving material and other visual cues, which will clearly indicate that the courtyard is a private/semi-private space. Such architectural design features will passively deter general public access;
- CCTV will be installed, which is monitored in real-time either at the on-site reception area or within the Urbanest (head office) centralised security centre;
- Urbanest employ roaming site-based security contractors;
- the courtyard will be subject to high footfall as the proposed W2 Building has its main entrance facing the courtyard and the W1 Building has a secondary exit facing the courtyard; and
- it is not uncommon to have open, activated semi-private spaces between buildings.

To ensure that the courtyard is a safe space, the Department recommends a condition requiring the applicant to undertake an assessment addressing Crime Prevention Through Environmental Design (CPTED) principles, which includes and expands on the above noted mitigation measures.

In light of the above assessment, and subject to the recommended conditions, the Department considers that the proposed design and activation and security of the central courtyard is acceptable.

5.2.6. Other issues – W1 Building

Construction hours

The proposal seeks approval for the construction hours as shown in **Table 7**, which differ from Council's standard construction hours.

Table 7: Comparison between Council's standard and the proposed construction hours

	Council's Standard Construction Hours	Proposed Construction Hours	Difference	
			AM	PM
Monday to Friday	7.30am to 5.30pm	7am to 7pm	+ 30min	+ 1.5hrs
Saturday	7.30am to 3.30pm	8am to 5pm	- 30min	+ 1.5hrs
Sunday or public holidays	No work	No work	0	0

Council has recommended that the development be constructed in accordance with Council's standard construction hours.

The Department notes that the proposed construction hours are extended by two hours during the week (Monday to Friday) and by one hour Saturday when compared to Council's standard construction hours.

The Department considers that the proposed construction hours are acceptable as:

- there are no existing residential properties adjoining the site and the properties within the SW Plot (currently under construction) will not be completed / occupied before the completion of the W2 Building;
- the construction hours are consistent with the standard hours that have been approved for recent projects in the SICEEP;
- the proposed construction hours would allow the building to be constructed within a shorter timeframe; and
- the applicant has committed to implementing appropriate noise mitigation measures and a Construction Environmental Management Plan.

The Department therefore recommends conditions requiring the construction to be carried out in accordance with the hours of construction as proposed and preparation of and adherence to appropriate construction environmental management / noise and vibration mitigation plans.

Servicing and loading area and waste collection

Servicing and loading area

A service and loading area (vehicle layover of approximately 50 metres in length) on the western side of Darling Drive was approved as part of the W2 Building. This service and loading area is also intended to provide short-term parking for taxi or vehicle pickup/drop-off. Parking along this section of Darling Drive is limited (15 minute parking) to prevent continual parking throughout the day.

TfNSW raised concern about traffic and safety issues arising from the development relying on the Darling Drive servicing and loading area for on-street loading/unloading and pick-up/drop-off.

The applicant asserts there will not be significant traffic delays or impacts due to the use of the on-street loading bay.

In its assessment of the original W2 Building application, the Department considered the collective servicing and pickup/drop-off needs for both the W1 and W2 Buildings within the DD Plot. The Department concluded due to the narrowness of the site that on-street servicing was appropriate

and the proposed servicing and loading area was of a sufficient size to cater for both the W1 and W2 Buildings.

The Department does not consider that the circumstances of the development have changed since the approval of the W2 Building (which includes the roadworks along Darling Drive). The Department therefore maintains its view that the proposed on-street service and loading area is the optimum design and location for the facility and overall will have acceptable traffic impacts. The Department notes that TfNSW and RMS were both consulted as part of the assessment the W2 Building application.

Waste collection

Council has recommended, due to the constraints of the site and distance of the waste storage rooms from the street that bins should not be put on the street more than half an hour before collection and that bins are removed half an hour after collection.

The applicant has stated that Urbanest employs private contractors to collect waste and these contractors will have access to on-site waste storage areas and collection times on the kerbside will be minimised.

The Department recommends a condition requiring the applicant to endeavour to collect bins and return them to the waste storage room within half an hour following collection.

Operational and security management

An OSPM submitted with the W1 Building SSD application outlines the following key measures to ensure high levels of operation and service for the building:

- on site management (and manager's apartment) responsible for access control, resident communications, service recovery including complaint handling, defect monitoring, rectification processes, incident investigation and arbitration of disputes;
- implementation of 'House Rules' which incorporate health and safety procedures and information on emergency contacts;
- conducting regular safety and statutory inspections and implementation of a reactive and planned maintenance strategies;
- student inductions and provision of information boards within common areas;
- display of fire safety statement, current fire safety schedule and emergency
- evacuation routes for the premises in the reception area and inside each room;
- restricted hours for use of external spaces and the central courtyard between the two buildings; and
- implementation of a complaint handling strategy including resident (student) complaints and public complaints

Council recommended that the OSPM be updated to ensure the scheme include self-locking key card entry system, solid core doors, garbage storage and recreation areas are located along well used routes, appropriate lighting and CCTV.

The applicant has confirmed the development will include secure card access, solid core doors, appropriately located waste storage, well-lit pedestrian routes and CCTV.

The Department has considered the above and is satisfied that subject to appropriate management, the future use of the site for student accommodation will not have an unreasonable impact on the locality in terms of noise and behaviour of the residents of the building. The Department recommends a condition requiring the OSPM be referred to Sydney Harbour Foreshore Authority (SHFA) for its endorsement.

Signage

The proposal includes the provision of the following six business identification signs for the W1 Building (refer to **Figure 13**), all displaying the 'Urbanest' company name and comprising:

- three upper level / roof parapet illuminated signs, measuring:
 - eastern elevation: 7.66m x 3m (23m²);
 - north western corner: 2.06m x 7.34m (15.1m²);
 - north western corner: 1.87m x 4.82m (9m²);
- one street wall illuminated sign, measuring:
 - south east corner: 1.75m x 4.47m (7.8m²);
- two ground floor level non-illuminated signs, measuring:
 - eastern elevation: 6m x 11.8m (70.8m²); and
 - north east corner: 2.6m x 727mm (1.9m²).



Figure 13: The location of the proposed business identification signage (Source: applicant's RtS)

The Department notes that a SEPP 64 compliance schedule has been submitted with the application, which indicates that the future signs will be consistent with the design and siting criteria of SEPP 64.

The Department is of the view that the proportions, size and scale of the proposed signs are acceptable within the overall context of the building and notes the proposed signage is similar in terms of its location and size to the approved signage for the neighbouring W2 Building. Furthermore:

- the signage is compatible with the amenity and visual character of the area, is appropriately located and of an acceptable standard;
- the signage is appropriately integrated into the overall design of the building; and

- two of the three signs at the lower levels are non-illuminated. Overall it is considered unlikely that the proposed signage will have negative impacts on motorists or residents.

The Department recommends a condition requiring that the future signage is appropriately designed and maintained.

Sydney Water assets

Sydney Water has noted that the proposed building will be built over a sewer, which traverses the site and stated that no building / permanent structure can be built within one metre of the outside wall of the asset.

The applicant has confirmed that it has previously sought Sydney Water's advice on the potential for building over its asset. Furthermore, the applicant has provided Sydney Water's written response on the matter, which confirms that Sydney Water agreed (in principle) that the development could be built over their infrastructure subject to its consideration of further detailed plans (as part of a Section 73 Certificate application).

In light of the above, the Department recommends a condition requiring the applicant to submit a Section 73 Certificate application to Sydney Water for its consideration.

5.3. Modification of Approval – W2 Building

5.3.1. Section 96(2) matters for consideration

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters in **Table 6** are addressed in respect of all applications that seek modification approvals.

Table 6: Consideration of proposed modification against Section 96(2) of the EP&A Act

Section 96(2) matters for consideration	Comment
(a) that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The proposal remains a residential/student building and no changes are made to the height of the building. The proposed introduction of a pedestrian bridge link, roof terrace and internal reconfigurations, will not substantially change the use or building form as approved. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved through SSD 6010.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.	The Department has consulted all relevant public authorities on the proposed modification application, and no objections were received from these authorities.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified. Details of the notification are provided in Section 4 of this report.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	All submissions made during the exhibition are considered in Sections 4 and 5 of this report.

5.3.2. Built form / design quality

Built form and design quality were key issues in the Department's original assessment of the W2 Building. The Department concluded that the W2 Building is of a high quality design that responds to the site's context and will provide a reasonable level of amenity to residents.

The modification proposes an enclosed pedestrian bridge-link connecting the W1 and W2 Buildings at first floor level. In addition, a LED/projector screen measuring a maximum of 4.6 x 3 metres is proposed to be attached to the western elevation of the bridge-link, facing into the central courtyard (refer to **Figures 14 and 15**). The use and design of the central courtyard is proposed under the SSD application for the W1 Building as discussed at **Section 5.2.5**.

Council supports the introduction of the pedestrian bridge-link. However, Council considers that the enclosing walls of the bridge should not collide with the structure of the two storey 'V' column architectural design feature. Furthermore, the LED/projector screen should be positioned so it is easily viewable and not used for advertising.

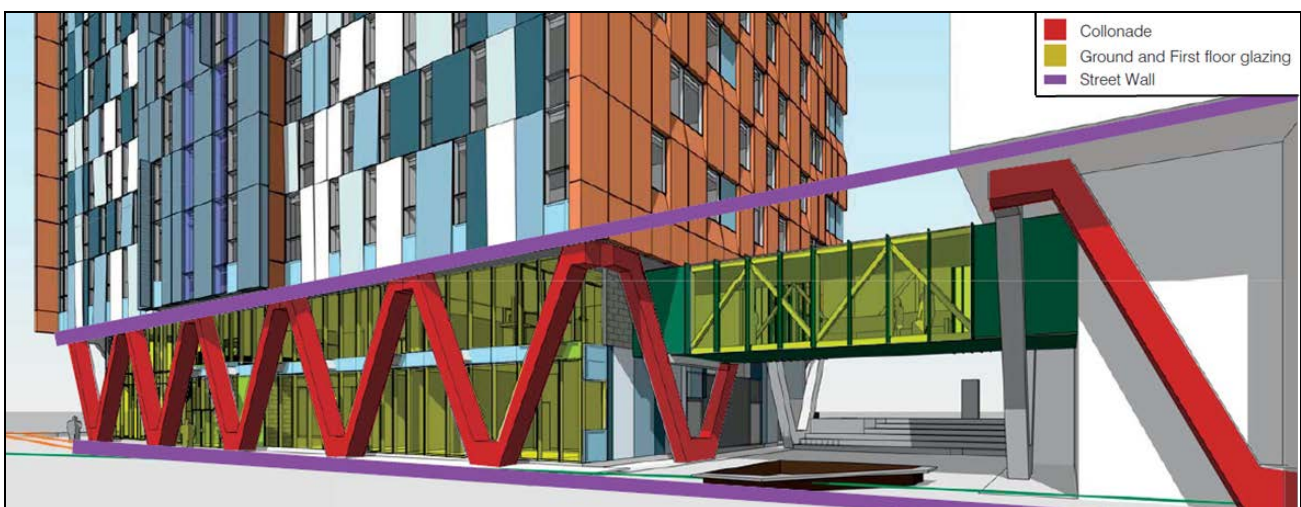


Figure 14: Relationship between the proposed pedestrian bridge-link and 'V' column (Base source: applicant's RtS)

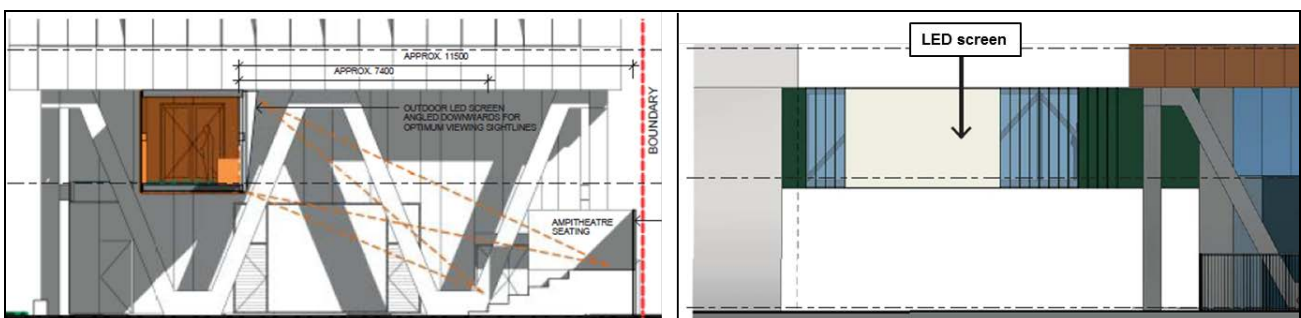


Figure 15: An east/west section showing the LED/projector screen viewing angles (left) and the screen's location on the western façade of the pedestrian bridge-link (right) (Base source: applicant's RtS)

The applicant has confirmed there is a 200-300mm gap between the structure of the bridge and 'V' columns, which ensures the two structures appear independent. With regard to the LED/projector screen, the applicant has stated that such screens are able to be used outdoors in all lighting conditions and it will be appropriately angled to ensure an optimal viewing angle. In addition the applicant has stated that the LED/projector screen will not be used for advertising.

The Department is satisfied that the proposed bridge and 'V' structure columns have been designed with sufficient separation, which ensures there are no awkward junctions between the two structures. The bridge linking the two buildings has been architecturally designed to integrate with

the form and appearance of both buildings, which complements and enhances the overall design quality of each building. The Department is also satisfied that the LED/projector screen can be positioned and angled to ensure it can be appropriately seen from the seating area within the proposed central courtyard.

To ensure the proposed architectural quality of the building is not compromised by the display of commercial advertising, the Department recommends a condition of consent to ensure the LED/projector screen is not used for the display of advertising.

5.3.3. Open space

The original W2 Building approval allows for the provision of roof top plant, lift overrun and other associated structures. It does not provide for general access for future residents.

The modification proposes to modify the eastern half of the roof top by installing a 104m² communal roof terrace, which is for use by the future residents of both the W1 and W2 Buildings. The layout of the roof terrace is shown at refer to **Figure 16**.

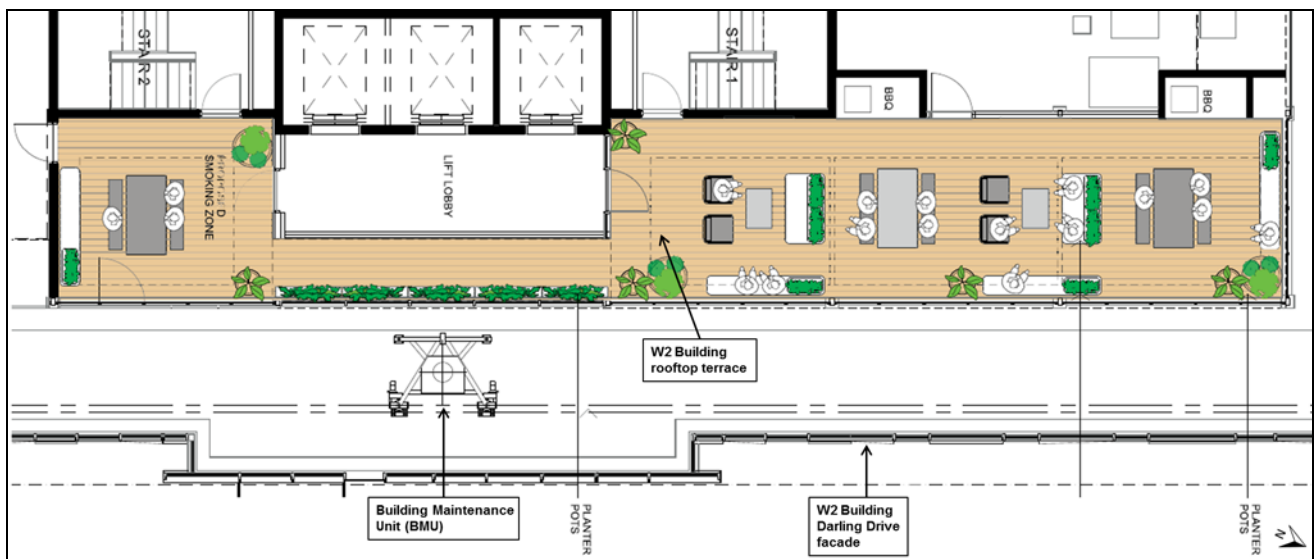


Figure 16: W2 Building roof terrace (Source: applicant's RtS)

Council initially recommended that the roof terrace be enlarged, is acoustically treated and that consideration be given to the requirements of smokers and non-smokers. Council also raised concern that the modification excludes Macarthur Place from the proposed landscape masterplan for the Darling Drive Plot.

In response to Council's concerns, the proposed roof terrace has been enlarged by approximately 40m² (from 64m² to 104m²) and the area south of the lift/stair core has been designated as an area for smokers. The applicant has stated that due to the location and height of the roof terrace it will not have any acoustic impacts. The applicant has stated that no changes are proposed to the approved landscaping for Macarthur Place.

The Department considers that the layout and design of the proposed roof terrace is acceptable for the following reasons:

- the enlarged roof terrace (104m²) will provide a key communal open space area and will be accessible for residents of both the W1 and W2 Buildings;
- the roof terrace is set back from the parapet edge and will not be visible from the street;
- the roof terrace will be located a minimum of 38 metres from the nearest residential property (i.e. apartments within the South West Plot to the east);
- the applicant has confirmed no speakers will be installed and therefore no amplified music will be played in the space;

- the original development consent (SSD 6010) includes conditions (G2 and G6) that limit noise emissions from the site associated with the use of the site and operation of plant, machinery and other equipment; and
- the Operation and Security Management Plan includes provisions to address complaints, operational management, security and hours of operation.

The Department recommends conditions requiring the roof terrace be accessible by residents of both the W1 and W2 Buildings and that condition G2 (no speakers or amplified music) be amended to include reference to the proposed roof terrace.

5.3.4. Pedestrian safety

Council considers that there will be a strong pedestrian movement desire-line from the site to the north east. Consequently, Council has recommended that Darling Drive should be reconfigured to allow for a pedestrian crossing at the north eastern corner of the site, nearby the Darling Drive roundabout.

Pedestrian movement across Darling Drive was a key consideration of the Department's assessment of the original application for the W2 Building (SSD 6010). The Department concluded, following consultation with TfNSW that a signalised pedestrian crossing should be provided across Darling Drive and the most appropriate location for this crossing was outside the W2 Building and aligned with the new laneway between the SW and NW Plots (refer to **Figure 17**).

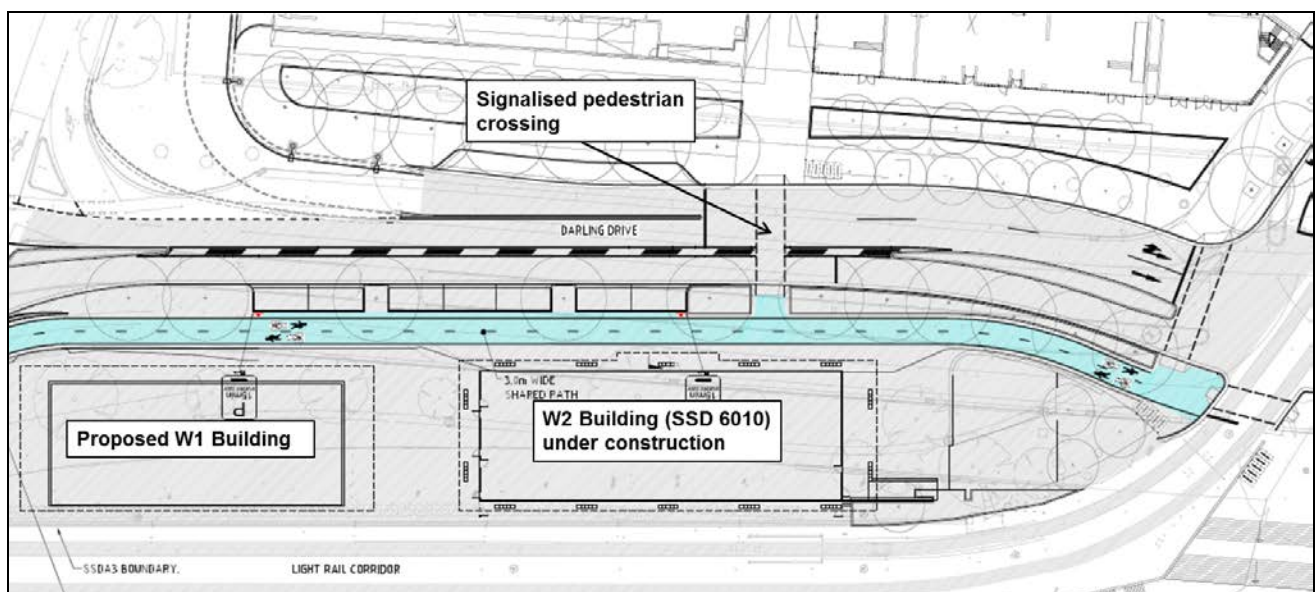


Figure 17: Location of signalised pedestrian crossing across Darling Drive (Base source: SSD 6010)

The Department also notes that three additional new or upgraded key east/west pedestrian crossings across Darling Drive were also approved as part of the Core Facilities application (SSD 5752), including the:

- at grade crossing between the Exhibition light rail stop and Tumbalong Place;
- at grade crossing between the Convention Centre light rail stop and Harbourside Place; and
- elevated pedestrianised extension of Quarry Street to the Exhibition Centre;

The Department maintains its view that the approved east/west pedestrian crossings across Darling Drive will adequately address pedestrian east/west movement. The Department therefore does not consider it necessary to provide an additional pedestrian crossing at the north east corner of the site and also notes that such a provision is likely to have an impact on the free-flow of traffic along Darling Drive.

6. CONCLUSION

The Department has assessed the merits of the proposals taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed by the proposals and the recommended conditions.

The proposed W1 Building will deliver the remaining half of the DD Plot redevelopment and form an integral part of the Darling Square precinct that will contribute to the urban renewal of the locality. The proposal will provide significant public benefits by:

- providing for new student accommodation (a total of 520 rooms / 688 beds) that adjoins the CBD and has excellent access to public transport (bus, train, light rail), employment, educational facilities, health services and other social infrastructure;
- providing for a new form of student accommodation layout (ie for younger first year students), which will diversify the types of student accommodation options within the locality and complement the accommodation provided within the W2 Building and elsewhere in Sydney;
- providing for a new building with a high standard of architectural design and appearance and will complement the existing urban character of the area (subject to the amendment/reconsideration of the first floor balcony);
- contributing towards employment growth by providing an estimated 185 jobs during the construction phase and 40 jobs at the operational stage; and
- providing for public domain improvements and an additional public open space that will integrate the development into the Darling Square precinct and existing surrounding areas.

The Department has carefully considered Council's concerns regarding the amenity of future occupants of the building. On balance it considers that the proposal is acceptable importantly noting that the W1 Building focuses on providing a more communal residential facility, which includes full catering and despite providing smaller room sizes it offers an overall high standard of amenity for future students.

The pedestrian bridge-link between the W1 and W2 Buildings will strengthen the physical and visual connections between the two buildings and the roof terrace will provide for a key communal open space for the DD Plot. The Department concludes that the proposed amendments to the W1 Building are positive overall and will have an acceptable impact on the surrounding townscape.

Subject to the recommended conditions, the Department considers the proposals are in the public interest and recommends the applications for approval.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- a) **consider** Council's submission and the recommendations of this report;
- b) **approve** the modification application (SSD 6010 MOD1) under section 75W of the EP&A Act, having considered all relevant matters in accordance with (a) above, and **sign** the attached Instrument of Modification at **Appendix F**; and
- c) **approve** the State Significant Development Application (SSD 7133), under section 89E of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the attached development consent at **Appendix F**.

Prepared by: Matthew Rosel
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Approved by:

 Sargeant
Anthea Sargeant 1/4/16
Executive Director
Key Sites and Industry 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. Environmental Impact Statements

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7352
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7133

2. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7352
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7133

3. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7352
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7133

4. City of Sydney Council's Submissions

Attached to this Appendix.

APPENDIX B SEPP 1 OBJECTION STANDARDS FOR BOARDING HOUSES - ASSESSMENT

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the on-site motorcycle and bicycle parking requirement within Clause 30 'Standards for boarding houses' of the Affordable Rental Housing SEPP 2009 (ARH SEPP). Clause 30(1)(h) states that:

'at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms'.

This would require the provision of 104 motorcycle spaces and 104 bicycle parking spaces (520 rooms proposed). No motorcycle parking and 90 bicycle parking spaces are proposed as part of the proposal. As such any variation of this standard requires a SEPP1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The ARH SEPP does not include objectives specifically for the relevant development standard or Clause 30. The Department has therefore considered the overall aims of the SEPP, which are:

- a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of the Policy is set out at Clause 3 of SEPP 1, and seeks to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Wehbe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states that:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish

that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

As outlined above the ARH SEPP does not include objectives for the development standard. Accordingly, the Department has considered the objection made by the applicant against objectives of the ARH SEPP and notes that it is consistent with the objectives, as:

- the proposal will result in the provision of specialist student accommodation, assisting to ease pressures on low cost market rental housing within the surrounding area;
- the development will provide on-site secure bicycle parking spaces in excess of cycle parking demand seen in other Urbanest developments in Sydney and Melbourne; and
- the site is located within close proximity of a number of educational establishments and local services and facilities, accessible by a number of non-private vehicle travel methods.

As a result of this assessment it is considered, notwithstanding the non-compliance with the development standard, that the underlying objectives of the SEPP are achieved by the proposal development.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environment harm to sustain an objection under SEPP 1. This position was confirmed in *Wehbe V Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objectives of the Act.

Under the Act, Section 5(a)(i) & (ii) the following is required:

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*

It is considered that, in the circumstances, strict application of the development standard would hinder the attainment of the objectives of the Act. The site is ideally located in proximity to a range of educational establishments and is well located for accessing local services and facilities by a range of travel methods including walking, cycling and light rail. The development will provide specialised residential accommodation for students, reducing pressures on existing student housing in the surrounding area.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The forgoing analysis has found that the proposed development achieves the underlying objectives of the ARH SEPP. Consequently, it is considered that the SEPP1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances.

5. Is the objection well founded?

The Department considers that the SEPP 1 Objection advanced by the applicant that compliance with the on-site motorcycle and bicycle parking requirement standard is well founded on the basis that strict application would hinder the attainment of the objectives of the Act and that the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions 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:

- *Darling Harbour Development Plan No.1*
- *State Environmental Planning Policy (State & 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;*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *Building Code of Australia;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *City of Sydney Development Control Plan 2012.*

COMPLIANCE WITH CONTROLS

Darling Harbour Development Plan No.1

Relevant Sections	Consideration and Comments	Complies?
3 Objects (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area (c) to make provision with respect to controlling development within that area.	The proposed development provides for a residential (student accommodation) use. The proposed development is permissible with consent.	Yes
6 Permit required for certain development Development: (a) for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending)...[or] (d) for any purpose specified in Schedule 1... [includes: residential building, commercial premises, shops, film/television/radio studios, car parking stations, recreational facilities, markets and parks and gardens...] ...may not be carried out except with a permit being obtained therefore	The Department considers that the proposed development for student accommodation is a form of residential land-use consistent with the land-use parameters set by the Stage 1 Concept Approval.	Yes
8 Permits required for renovation and demolition (1) The renovation or demolition of a building or work may not be carried out except with a permit being obtained therefore	The site preparation works are permissible with consent.	Yes

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed developments are identified as SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed developments are permissible with consent under <i>Sydney Local Environmental Plan 2005</i> . The site is specified in Schedule 2.	Yes
Schedule 2 State significant development — identified sites (Clause 8 (1)) 2 Development on specified sites Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:.. (c) Broadway (CUB) Site,	The proposed developments are within the identified Darling Harbour Site and each have a CIV in excess of \$10 million	Yes

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generating developments to be referred to Roads and Maritime Services (RMS). RMS provided a submission on the proposals confirming that it had no comments to make.

State Environmental Planning Policy No. 55 - Remediation of Land

Contamination was assessed as part of the Stage 1 Concept Proposal for Darling Square (SSD 5878), including the approval of a site-wide Remedial Action Plan.

Appendix E of the site-wide RAP provides a Plan of Remediation for the DD Plot, which advises that if unanticipated contamination conditions arise, procedures are in place to ensure that appropriate remediation work is undertaken, including advising the Site Auditor of the incidence and actions taken. The RAP concludes that subject to any necessary remediation being carried out in accordance with the RAP, the site can be made suitable for the proposed development and future uses.

A site audit report has been submitted with the application and concludes that the site is suitable for its proposed use. Furthermore, it confirms that the site is outside the boundaries of the five Remediation Areas defined in the Darling Square site-wide Remediation Action Plan RAP.

The Department is satisfied that contamination on the site has been appropriately addressed and notes that measures are in place should any unanticipated contamination be found during works. Conditions are recommended to ensure:

- that the RAP is implemented throughout the works;
- the Site Auditor's endorsement of the RAP is to be provided prior to commencement of any remediation works; and
- following completion of the remediation works, a copy of the site audit report and statement verifying that the land is suitable for the proposed uses is forwarded to SHFA prior to occupation of the site.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64- Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table 8** below demonstrates the consistency of the proposed signage with these assessment criteria (future signs with the proposed signage zones will be subject to separate future planning applications).

Table 8: SEPP 64 Compliance Table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signs are appropriately located and integrated into the design and appearance of the building. The inclusion of building and business identification signage is common for tower buildings/developments.</p> <p>The proposed signs mirror those approved on the adjacent student accommodation to the south, which is also within the DD Plot.</p>	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs follow a consistent theme throughout the development and within the DD Plot.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signs would not detract from the amenity or visual quality of the surrounding area.	Y
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signs are integrated with the proposed building and would not result in any obstruction of views.	Y
Does the proposal dominate the skyline and reduce the	The proposed roof level signs are located below the parapet line of the building and would not dominate the skyline.	Y

quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not impact upon the viewing rights of other advertisers.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are proportionate to the scale of the building.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage would contribute to the visual interest of the building by contributing to the identification and recognition of site.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs are considered to be sympathetic to the architectural treatment of the building.	Y
Does the proposal screen unsightliness?		N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs do not protrude above the parapet line of the building.	Y
Does the proposal require ongoing vegetation management?	The signs would not require ongoing vegetation management.	Y
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs have been designed to be fully compatible with the proposed building and its architecture. Importantly the proposed signs mirror those approved on the adjacent student accommodation to the south, which is also within the DD Plot.	Y
Does the proposal respect important features of the site or building, or both?	The signs have been located in the most architecturally appropriate locations to assist in place identification and wayfinding.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been fully integrated with the building architecture.	Y
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The Urbanest logo has been designed to be an integral part of the signage.	Y
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination of signs and signage zones would not result in unacceptable glare.	Y
Would illumination detract from the amenity of any	The illumination would not detract from existing amenity.	Y

residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The intensity of the illumination is not able to be adjusted and would not be subject to a curfew. This is acceptable given the circumstances of the site and its location adjacent to the CBD.	Y
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs would not obscure sightlines to or from public areas.	Y
Would the proposal reduce safety for any public road?	The signs are not considered to be out of proportion given the scale of the development. Illumination would not consist of flashing, blinking or intermittent lights. The signs would not reduce safety for any public road	Y

State Environmental Planning Policy (Affordable Rental Housing) 2009

An assessment of the proposal in relation to the development standards included within the Affordable Rental Housing SEPP is set out below:

Section	Control	Compliance
Clause 29 Standards that Cannot be Used to Refuse Consent	<p>If the proposed density is not more than:</p> <p>a) the existing max FSR permitted for residential development on that land</p> <p>Building Height</p> <p>b) if building is not more than max permitted height</p> <p>Landscaping</p> <p>c) if proposed landscaping is compatible with streetscape</p> <p>Solar Access</p> <p>d) if communal rooms receive at least 3hrs sunlight between 9-3 at midwinter</p> <p>Private Open Space</p> <p>e) one area of at least 20m² and min 3m depth for use of the lodger and one area of 8m² and min 2.5m for manager</p> <p>Car Parking</p> <p>f) at least 0.2 spaces for each boarding room</p> <p>Accommodation room size</p> <p>g) 12m² for single lodger, 16m² in any other case</p>	<p>a) N/A</p> <p>b) Complies with maximum building heights permitted under Concept Proposal</p> <p>c) Landscaping proposed is compatible with the streetscape</p> <p>d) Communal rooms achieve at least 3hrs solar access between 9-3 at midwinter</p> <p>e) 260m² communal open space provided within the central courtyard and 104m² provided on the roof of the W2 Building. No private open space provided for Manager's residence.</p> <p>f) No car parking proposed.</p> <p>g) Refer to Section 5.2.3.</p>
Clause 30 Standards	<p>a) For 5+ boarding rooms at least one area of communal living space;</p>	<p>a) Complies.</p>

for Boarding Houses	b) Boarding rooms to be no greater than 25m ² (excluding bathroom & kitchen) c) Rooms not to be occupied by more than 2 adults d) Adequate bathroom and kitchen facilities e) To have boarding manager (if more than 20 lodgers) f) Repealed g) If site zoned for commercial purposes- ground floor not to be used for residential h) At least 1 bicycle & 1 motorcycle parking space per 5 rooms	b) No rooms greater than 25m ² c) Complies d) All rooms provided with en-suite. On-site catering provided. e) Complies f) N/A g) No student rooms are provided at ground floor level. The use of the site complies with the Darling Harbour Development Plan No.1. h) Refer to Section 5.2.4.
Clause 30A Character of Local Area	Consideration whether the design of the development is compatible with the character of the local area.	Refer to Section 5

In light of the assessment detailed in **Section 5** of this report and the table above, it is considered that the proposal displays an acceptable level of consistency with the development standards within the Affordable Rental Housing SEPP.

Building Code of Australia

Section J(B)1 Compliance with BCA provisions requires Class 3 buildings (including boarding houses) to comply with all provisions of the national Section J that are applicable. The applicant has submitted a BCA Compliance Report which confirms compliance with the relevant sections of the BCA. The Department also recommends a condition requiring compliance with the BCA.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located within the boundaries of the Sydney Harbour Catchment and as such is subject to the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP). The Sydney Harbour REP aims to provide a clear and consistent planning framework to protect and enhance the unique attributes of the Harbour.

While the Department notes that the site is located 450 metres from the Darling Harbour foreshore, an assessment of the proposal against the Sydney Regional REP has been undertaken. Within the Sydney Harbour REP, the site is identified as being within the 'Foreshores & Waterways Area' boundary. Overall, the Department is satisfied that the proposal is consistent with the relevant provisions and matters for consideration within Part 3, Division 2 of the Sydney Regional REP as it will not negatively impact upon the Sydney Harbour Catchment.

City of Sydney Development Control Plan 2012

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, and in accordance with the SEARs, it is

considered appropriate that this assessment consider the objectives of Section 4 of the SDCP 2012, which relates to student accommodation.

City of Sydney Development Control Plan 2012 - Section 4.4

An assessment of the SSD proposal against the numerical controls is set out in **Table 9** below.

Table 9: Compliance with City of Sydney Development Control Plan 2012 – Section 4.4

Section	Controls	Compliance
4.4.1.2 Bedrooms	<ol style="list-style-type: none"> Minimum room sizes: <ol style="list-style-type: none"> 12m² (including 1.5m² wardrobe space); additional 4m² when additional adult; 2.1m² for ensuite; 0.8m² for any shower in ensuite; 1.1m² for any laundry; and 2m² (including small fridge, cupboards and shelves and a microwave. Access to natural light Minimum ceiling height of 2.7m Fire safety for Class 3 buildings 	<ol style="list-style-type: none"> Refer to Section 5.2.3 Refer to Section 5.2.3 Complies Complies Complies Complies <ol style="list-style-type: none"> Complies Complies Complies
4.4.1.3 Communal Kitchen Areas	<ol style="list-style-type: none"> Minimum communal kitchen area of 6.5m² or 1.2m² per resident, whichever is the greater <ol style="list-style-type: none"> One sink per 6 people One stove top cooker per 6 people and exhaust ventilation Minimum kitchenette sizes for refrigerator storage, freezer storage, and lockable drawer or cupboard storage 	An on-site catered facility provided instead of individual or communal kitchenettes. Refer to Section 5.2.3 .
4.4.1.4 Communal Living Areas and Open Space	<ol style="list-style-type: none"> 1.25m² of communal open space per resident in apartments Indoor communal living areas to receive 2 hrs of solar access to 50% of area between 9am-3pm at midwinter 30% of bedrooms have private open space with minimum 4m of balcony or terrace area 	<ol style="list-style-type: none"> The proposal includes 881m² internal communal open space, which exceeds the minimum requirement (835m²) by 46m². Complies No apartments have private open space. Communal areas and open space areas are provided
4.4.1.5 Bathroom, Laundry and Drying Facilities	<ol style="list-style-type: none"> Communal bathroom facilities accessible 24hrs 1 x 5kg washing machine & 1 x dryer for every 12 residents 	<ol style="list-style-type: none"> N/A. Each room has en-suite. Refer to Section 5.2.3
4.4.1.7 Plan of Management	<ul style="list-style-type: none"> Submission of detailed plan of management 	<ul style="list-style-type: none"> Yes. Draft Operational Security Plan of Management has been provided and shall be agreed with SHFA.

In light of the assessment detailed in Section 5 of this report, it is considered that the proposal provides an acceptable level of consistency with the objectives of the SDCP 2012.

APPENDIX D SICEEP MASTER PLAN

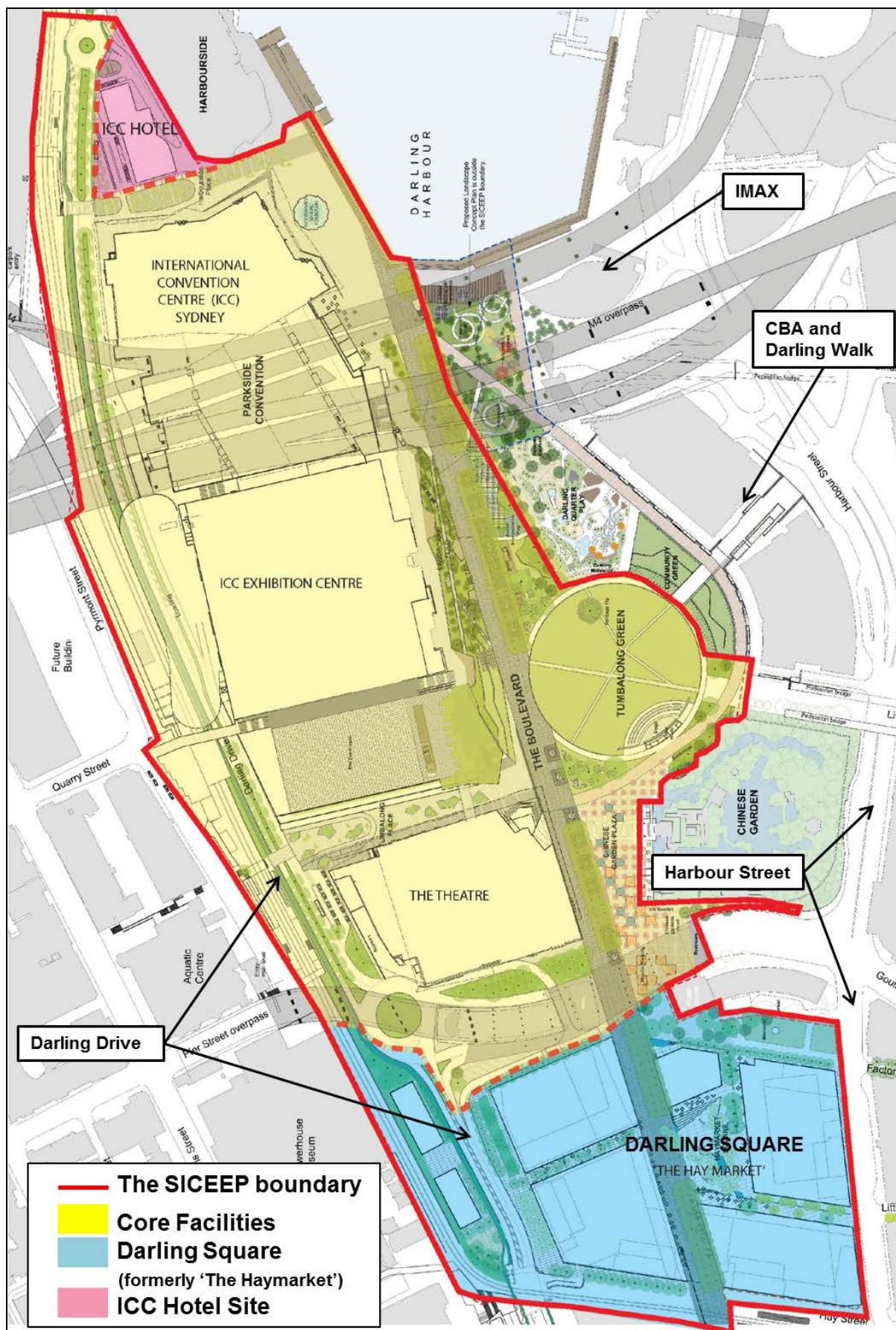


Figure 17: SICEEP Master plan (Base source: SSD 5878)

APPENDIX E CONSISTENCY WITH THE CONCEPT APPROVAL

An assessment of the proposal against the relevant Concept Approval requirements, Modifications and Future Assessment Requirements of the Concept Approval is provided below.

Condition		Assessment	Compliance																																															
			MOD	SSD																																														
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 proposals are generally consistent with the requirements of the Stage 1 Concept Approval.	Yes	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 28.50</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><tr><td>Darling Drive (Western) Plot</td><td></td></tr><tr><td>W1</td><td>RL 75.20</td></tr><tr><td>W2</td><td>RL 75.20</td></tr></table>	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	The proposals are within the approved building height of RL 75.20 for the DD Plot.	Yes	Yes
Plot and Building	Maximum Height - RL																																																	
North Plot																																																		
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W1	RL 75.20																																																	
W2	RL 75.20																																																	
Maximum Gross Floor Area (GFA)																																																		
A8	The maximum GFA for the development shall not exceed 199,811m ² (excluding ancillary above ground car parking), comprised of a maximum of: <ul style="list-style-type: none">52,120m² non-residential GFA; and147,691m² residential GFA	The modified proposal is consistent with the maximum Darling Square GFA requirements <table><tr><th>Plot</th><th>GFA (m²)</th></tr><tr><td colspan="2">Approved</td></tr><tr><td>NW</td><td>44,010</td></tr><tr><td>SW</td><td>46,815</td></tr><tr><td>NE</td><td>53,652</td></tr><tr><td colspan="2">Proposed</td></tr><tr><td>DD (W1)</td><td>13,209</td></tr><tr><td>DD (W2)</td><td>14,341</td></tr><tr><td colspan="2">Future</td></tr><tr><td>N</td><td>2,547</td></tr></table>	Plot	GFA (m ²)	Approved		NW	44,010	SW	46,815	NE	53,652	Proposed		DD (W1)	13,209	DD (W2)	14,341	Future		N	2,547	Yes	Yes																										
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N	2,547																																																	

		SE	25,237		
		Total			
		All Plots	199,811		
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 buildings achieve a high standard of architectural design.		Yes	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; andprovide mitigation measures where necessary to address any inactive building facades at the street level (excluding any vehicular access points).	The buildings provide an appropriate amount street level activation given the circumstances of the site.		Yes	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 buildings provide appropriate pedestrian sightlines / visual safety.		Yes	Yes
B7	Future Development Applications shall include a Reflectivity Analysis and demonstrate that the buildings do not cause adverse excessive glare.	A reflectivity assessment has been provided, which concludes that the proposal will not have any adverse reflectivity impacts.		Yes	Yes
B8	Future Development Applications shall include an Access Review and demonstrate that an appropriate degree of accessibility.	An Accessibility Statement has been provided, which concludes that an appropriate degree of accessibility will be achieved.		Yes	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.	Landscaping plans for public, private and communal open space areas has been provided. The final details of the landscaping are to be endorsed by SHFA.		Yes	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.	The principles of CPTED have been considered in the applicant's Design Report and necessary mitigation measures have been included.		Yes	Yes
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	The applicant asserts that the as the proposal represents a form of affordable housing it will		N/A	Yes

accommodation and/or student accommodation).	support diversity across the Darling Square precinct.		
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.	90 student and 20 visitor bicycle spaces are proposed.	N/A	Yes
Heritage and archaeology			
B22 Future Development Applications shall include a Heritage Impact Assessment and a Heritage Interpretation Strategy.	An Heritage Impact Strategy was previously prepared and approved for the Darling Square precinct	N/A	N/A
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.	An Non-Indigenous Archaeological and Impact Assessment has been provided and the recommendations of this report will be adopted within the detailed design of the building.	N/A	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 Sustainability Report demonstrates that a 4 Star Green Star Custom rating will be achieved for the W1 Building.	N/A	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 Sustainability Report submitted with the application confirms that ESD principles will be included throughout the lifecycle of the development.	N/A	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.	A Noise Report has been submitted with the application, which confirms that the proposal will achieve an appropriate acoustic amenity subject to mitigation measures.	N/A	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.	A Wind Assessment has been submitted with the application. The Department recommends a condition requiring additional mitigation measures to the wind environment within the central courtyard.	N/A	Yes
Waste			
B30 Future Development Applications shall include a Waste Management Plan to address storage,	A revised Waste Management Plan has been submitted, which	N/A	Yes

	collection, and management of waste and recycling within the development.	addresses the storage, location and management of waste/recycling.		
Construction				
B32	<p>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 stormwater, soils and construction (Landcom 2005)'</i>; and Acid Sulphate Soil Assessment and Management Plan. 	The applicant has been accompanied by the specified reports and is subject to conditions relating to construction impacts.	N/A	Yes
B33	Future Development Applications shall include detailed investigations and assessment of the impact on utilities.	A report has been provided which confirms that the extension, augmentation and realignment of services can be achieved subject to appropriate mitigation measures.	N/A	Yes
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 Site Audit Report confirms that the site is not located within any of the areas within the Darling Drive Plot identified for remediation. As such no remediation is required.	N/A	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 proposals do not include IQ Hub space. IQ Hub space is proposed within other Plots within the Darling Square precinct.	Yes	Yes

APPENDIX F RECOMMENDED CONDITIONS OF CONSENT
