



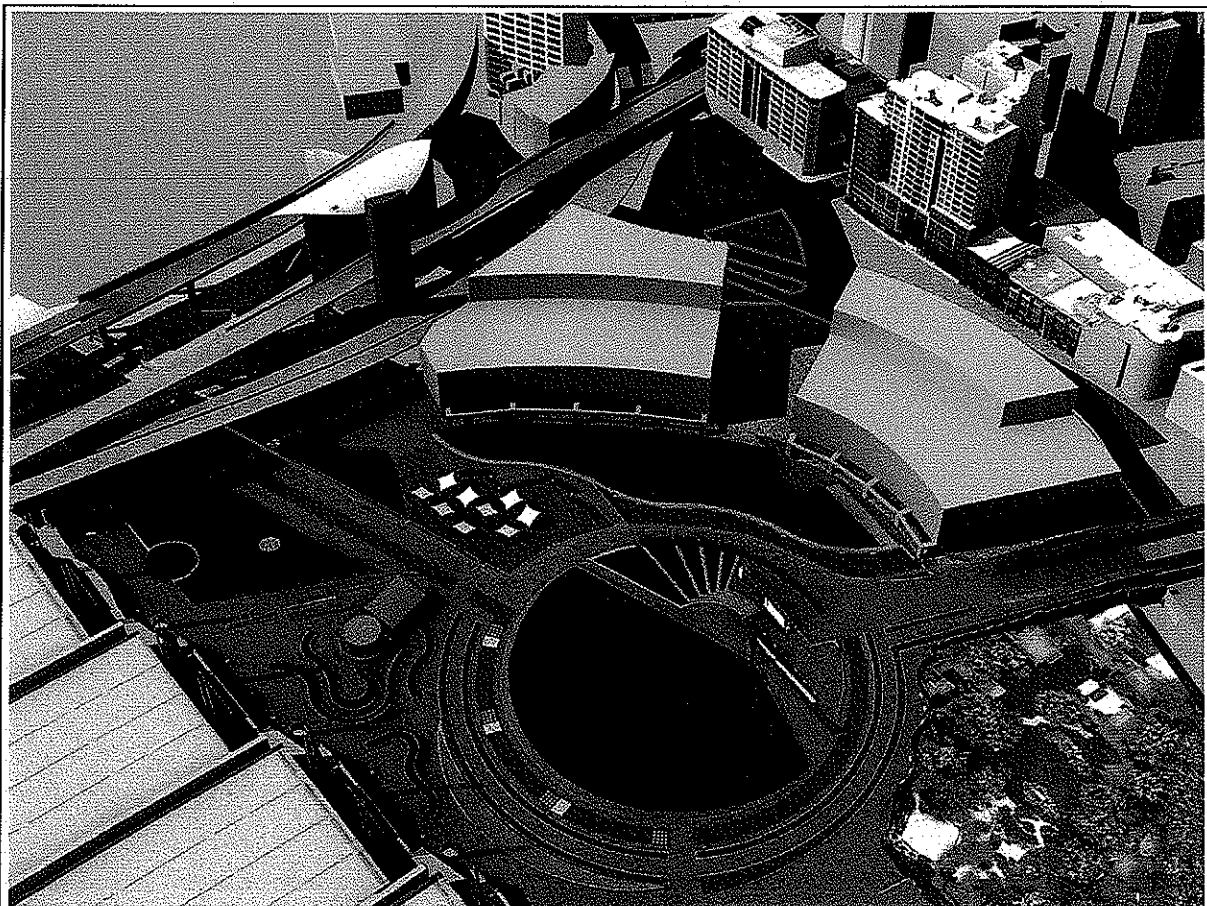
NSW GOVERNMENT
Department of Planning

**MAJOR PROJECT ASSESSMENT
CONCEPT PLAN FOR DARLING WALK
REDEVELOPMENT**

**Darling Harbour, Sydney
Proposed by SYDNEY HARBOUR
FORESHORE AUTHORITY,
MP06_0054**

Director-General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July 2008



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1. EXECUTIVE SUMMARY

This is a report on a Concept Plan Application seeking approval to redevelop Darling Walk at Darling Harbour. The site is owned by the Sydney Foreshore Authority (SHFA) and is located within the Darling Harbour precinct on the western edge of the Sydney CBD and on the eastern side of Darling Harbour, adjacent to the western side of Harbour Street. The site has a total area covering approximately 32,900m².

Proposal

The Concept Plan application seeks approval for the following key parameters:-

- Land uses between 64,000m² and 68,000m² GFA of **commercial floor space** including up to 5,000m² GFA of **retail floor space** (retail and associated uses) and up to 1,000m² GFA for **cultural, recreational and entertainment uses**;
- Building footprint, height, bulk and scale
- a maximum of **200 car parking spaces** to service the commercial building and a **600 space public car park** facility
- **Public domain** improvements
- **Demolition works**

The Capital Investment Value of the proposal is **\$280 million** and the proposal will create **3000** full time equivalent construction jobs and **3,300** full time equivalent operational jobs.

Permissibility

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being schedule 2 of the MP SEPP identifies "specific sites" to which Part 3A of the EP & A Act applies. Clause 10 of Schedule 2 identifies the area known as a Sydney Harbour Foreshore Site located within Darling Harbour (Map 9) as a site to which Part 3A applies. The opinion was formed by the Director-General as delegate for the Minister on 19 April 2006.

Public Exhibition

The proposal was exhibited for a 47 day period from 16 February to 27 March 2008. The Department received 7 submissions from public authorities and 111 public submissions (including 102 pro-forma letters). Key issues included:

- Loss of views
- Building heights and built form
- Traffic generation, including site access
- Pedestrian access
- Land uses
- Easements
- Contamination

Preferred Project Report

On 3 June 2008, the proponent submitted a response to submissions and a Preferred Project Report to address issues raised by the Department and other public authorities. Revisions to the project included:

- Assessment of pedestrian and vehicular access/potential conflicts
- Justification for public car parking
- Building bulk and scale in the context of surrounding spaces and buildings
- View impacts
- Preferred land uses
- Easements
- Overshadowing
- Detailed public domain concept plan

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Draft Statement of Commitments and recommended modifications to the Concept Plan and that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. The proposed redevelopment establishes a sound framework for the provision of ESD outcomes on the site and further detailed analysis can be undertaken at the Project Application stage. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the proposal will provide environmental, social and economic benefits to the area. All statutory requirements relating to the Concept Plan proposal have been met.

On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

Public Interest / Public Benefit

It is expected that the proposed development will have some impact on the locality in terms of views and traffic generation however, on balance the proposal will provide significant benefits to the community, including:

- Activation and rejuvenation of the Darling Walk site.
- Employment opportunities through the construction and operational phase of the development.
- Improved public domain areas, including engagement between private and public realms.
- Improved pedestrian connectivity and accessibility.

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2. BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

Darling Walk is located within the Darling Harbour precinct on the western edge of Sydney Central Business District. The site includes 38 parcels of land, has an area of approximately 32,900m². The site is owned by the Sydney Harbour Foreshore Authority, although some parcels of land are currently owned by the Roads and Traffic Authority and these are proposed to be transferred to the Sydney Harbour Foreshore Authority in the future.

The western distributor is located adjacent to the northern boundary of the site, the Chinese gardens are located immediately to the south, Tumbalong Park is to the west and Harbour Street and the western edge of the CBD (including some residential buildings) are to the east the site.

The closest Railways station is Town Hall located approximately 400 metres north-east of the site, Central Station is approximately 800 metres to the south-east. (see Figure 1 – Site Location Plan).

2.1.2 Existing site features

The Darling Walk site is irregular in shape. It comprises a large area of public domain which includes a lake, the purpose built 2-storey Sega World building, several food and retail outlets, a video arcade, mini golf centre, the Outback Centre and McDonalds 'drive thru' and restaurant.

The total gross lettable floor space of the existing building is 15,500m². The building is clad in predominately grey and dark red pre-fabricated panels and features a glass cone structure protruding above the roof line.

The main road frontage of the site is approximately 200 metres long and faces onto Harbour Street at the section that links Bathurst Street to the north and Liverpool Street to the south. Vehicular access to the site is from three points from the east which comprise ingress for northbound traffic off Harbour Street, to the north of Liverpool Street, a traffic signal controlled egress at the Harbour Street / Day Street intersection and ingress just north of the controlled egress. There is no existing car parking on site, with the only vehicle access being for loading and unloading and temporary parking.

There are two key pedestrian links to the site from the CBD. The Bathurst Street pedestrian bridge at the northern end of the site is the main link to the CBD and Town Hall Railway Station. A second bridge, known as the Liverpool Street pedestrian bridge, is at the southern end of the site and is the secondary connection that links Darling Walk/Darling Harbour South to the southern CBD. There is a pedestrian link from this bridge into the existing Sega World building.

2.1.3 Surrounding development

Darling Walk is part of the Darling Harbour precinct which contains a range of entertainment, cultural and exhibition venues on the western edge of the CBD. These venues include Sydney Entertainment Centre, Sydney Convention and Exhibition Centre, the IMAX cinema, and numerous harbour side bars and restaurants.

Directly to the south of the site is The Chinese Garden of Friendship, to the west the site adjoins Tumbalong Park, a large multi-purpose green space used for community events and performances. To the east, on the opposite side of Harbour Street, are a number of buildings ranging from 4 to 19 storeys in height and containing a mix of uses including residential units, a hotel, and commercial office space. To the north the site is a pedestrian connection (between the site and western distributor) that links the city to Darling Harbour and Pyrmont beyond. Also to the north of the site are the Palm Grove amphitheatre, an event space which has recently been upgraded, and the IMAX cinema.

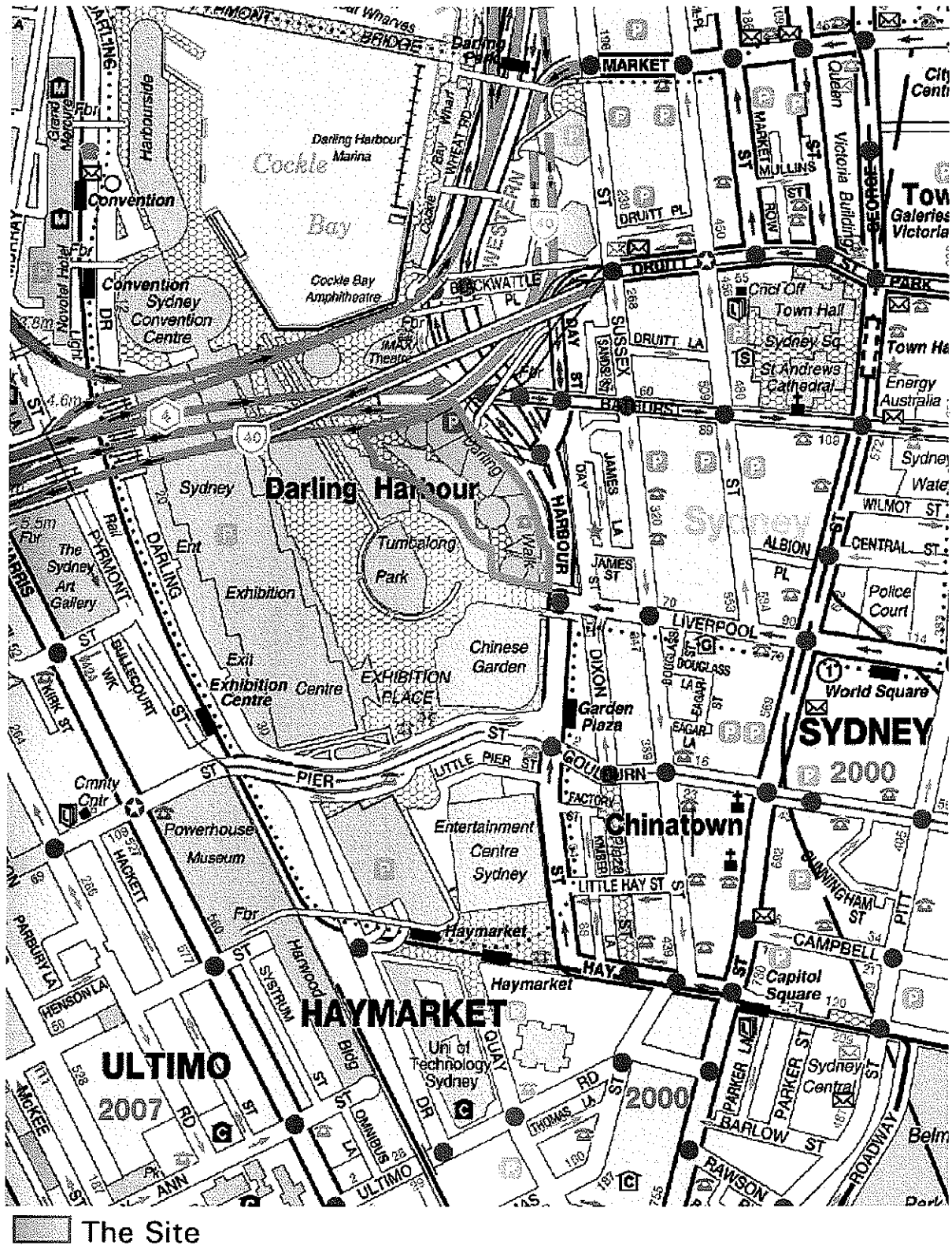


Figure 1: Site Location

2.1.4 Zoning / Darling Harbour Development Plan

The principal environmental planning instrument applying to the site is the Darling Harbour Development Plan No. 1 (DHDP). Pursuant to Schedule 6 Part 7 of the *Environmental Planning and Assessment Act 1979* (the Act), the DHDP is considered to be a regional environmental plan.

The DHDP provides for a range of permissible uses including

... tourist, educational, recreational, entertainment, cultural or commercial facilities... child care centres, car parking stations,... professional consulting rooms... and shops.

The proposed land uses are permissible and consistent with those permitted by the DHDP.

2.2 SITE HISTORY

In 1988 the precinct opened as a leisure and tourist destination for entertainment, cultural, educational and recreational uses and as a gathering and celebration precinct.

The Sega World was constructed as a games and amusements complex and opened in March 1997. It has been closed since November 2000, however several other retail, entertainment and tourism uses remain in operation on site.

3. THE PROPOSED DEVELOPMENT

3.1 The proposed development

The Concept Plan for Darling Walk seeks to establish the broad parameters the proposed redevelopment of the site and focuses principally on controls for height and building envelopes, and urban design principles.

The proposal seeks concept approval for redevelopment of Darling Walk for commercial, retail, cultural, recreational and entertainment uses as follows:

Building

A total GFA of 64,000m² to 68,000m² comprising:

- up to 5,000m² GFA of retail floor space;
- up to 1,000m² GFA for cultural, recreational and entertainment uses; and
- the remaining GFA for commercial uses.
- 2 indicative building footprints, separated by a 20 metre wide 'view corridor' linking Darling Harbour to the CBD.
- Indicative building envelope height of approximately 33.6 metres (RL 37.3 AHD) to Harbour Street, and 22.5 metres (RL 26.2 AHD) fronting Tumbalong Park and the Chinese Gardens.

Public domain

- Public domain improvements including interactive water feature/pond, relocated and reconfigured children's playground and pedestrian bridges (Bathurst Street).
- The key elements include:
 - Reconfigured children's play area to be designed for families and feature interactive water-play features and play equipment.
 - A north-south pedestrian boulevard along the western edge of the development providing a key walkway, to be activated by cafes and retail areas.
 - A precinct green to be connected to the children's play area and bounded by the existing Melaleuca Grove. A large terrace lawn area would create a space for passive recreation for visitors to the site and local workers.
 - The 'Civic link' which runs between the two proposed buildings is intended to provide a legible and high quality address to Darling Walk for pedestrians between the CBD and Tumbalong Park.

Parking

- Basement car parking for 800 spaces, comprising 200 spaces for the commercial GFA and up to 600 spaces as commercially operated public car parking spaces.

Demolition

The Proponent's PPR seeks approval for demolition and site establishment works on the site including demolition of the existing building, ancillary structures, landscaping and external signage, decommissioning, removal and relocation of existing services, removal of hazardous materials, closure of the pedestrian bridge access which links the Bathurst Street footbridge to Level 1 of the existing building and removal of existing roadways.

Future Project Applications

The Department has received preliminary applications for multiple project applications relating to this development, specifically for demolition and early works (including remediation), bulk excavation and construction of the basement structure, construction of the buildings and public domain works including construction of roads. Director-General's Requirements were issued for these project applications on 9 May 2008.

3.2 Project Chronology

- 18 January 2006 - request for clause 6 opinion lodged with the Department.
- 19 April 2006 – Director-General, as delegate for the Minister formed the opinion that the proposal is a Major Project and that Part 3A of the Act applies
- 30 January 2007 – The Minister authorised the submission of a Concept Plan.
- 08 March 2007 – Director- General's Environmental Assessment Requirements signed by the Director-General's Delegate and provided to the proponent.
- 13 November 2007 – inadequate Environmental Assessment (EA) lodged with the Department.
- 14 December 2007 – adequate EA lodged with the Department.
- 16 January – 27 February 2008 - EA placed on public exhibition.
- 3 and 24 June 2008 – proponent submitted PPR and final adequate information.

3.3 Project Amendments

A PPR was submitted on 24 June 2008 incorporating the following amendments:

- Assessment of pedestrian and vehicular access/potential conflicts
- Justification for public car parking
- Building bulk and scale in the context of surrounding spaces and buildings
- View impacts
- Preferred land uses
- Easements
- Overshadowing
- Detailed public domain concept plan

4. STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The Director-General as delegate for the Minister for Planning formed the opinion on 19 April 2006 that the proposal is a Major Project under *State Environmental Planning Policy (Major Projects) 2005*. It has a capital investment value of \$280million in excess of \$5 million and is located within a specified site of Schedule 2 of SEPP 2005, 'Darling Harbour'.

4.2 PERMISSIBILITY

The principal environmental planning instrument applying to the site is the Darling Harbour Development Plan No. 1 (DHDP). Pursuant to Schedule 6 Part 7 of the *Environmental Planning and Assessment Act 1979* (the Act), the DHDP is considered to be a regional environmental plan.

The DHDP does not state specific FSR or height controls and therefore an assessment of this proposal is against the aims and objectives of the Plan and is considered on a merit basis.

The objectives in Clause 3 of the DHDP include:

... to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area.

Clause 6 and Schedule 1 of the DHDP also specify certain types of development that may be carried out with consent, including:

... tourist, educational, recreational, entertainment, cultural or commercial facilities... child care centres, car parking stations,... professional consulting rooms... and shops.

The proposed land uses in the Concept Plan are permissible and consistent with the objectives of the DHDP.

4.3 MINISTER'S POWER TO APPROVE

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H(3) of the *Environmental Planning and Assessment Act 1979*, as described in section 6 below. The project is permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

4.4 DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 08 March 2007 required the following key issues to be addressed:

- Built Form and Urban Design;
- Public domain/pedestrians;
- Site Suitability;
- Traffic, Access and Parking;
- Amenity;
- Public services and Infrastructure;
- Stormwater;
- Sustainability;

The DGRs are contained in **Appendix A**. The EA lodged by the proponent in December 2007 was deemed at that time to be adequate for exhibition.

4.5 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act)

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) *To encourage:*
 - (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,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities,*
 - (vi) *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,*
 - (vii) *ecologically sustainable development,*
 - (viii) *the provision and maintenance of affordable housing,*
- (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.*

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iv), (v) and (vii) are significant factors informing the determination of the application. The proposal does not raise significant issues with regards to (iii), (vi) and (viii).

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application. The balancing of the application in relation to the Objects is provided in Section 5.

4.5.1 ESD Principles

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

- (a) **Integration Principle** – The proposal has positive social and economic impacts supporting the revitalisation of Darling Harbour as a long-term visitor destination and employment generating use. The development also encourages the sustainable use of existing facilities within the Darling Harbour locality such as transport, entertainment and sporting facilities located in proximity to the site and does not adversely impact on the environment.
- (b) **Precautionary Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity and does not contain any threatened

- or vulnerable species, populations, communities or significant habitats. No significant climate change risks are identified as a result of this proposal.
- (c) **Inter-Generational Principle** – The proposed development represents a sustainable use of a site, utilises existing infrastructure within the Darling Harbour locality and contributes to the vibrancy of the area for the benefit of future generations.
 - (d) **Biodiversity Principle** – The proposal does not impact upon biological diversity or ecological integrity. The development site has been previously developed and has a low level of environmental sensitivity.
 - (e) **Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

The source of flooding is unlikely to impact on the proposed development site in the 1 in 100 year flood event however, two of the trunk stormwater drainage systems which exist within the proximity of the site have the potential to impact on overland flow and surface flooding. This can be addressed in detail at the Project Application stage. The proposed development is unlikely to be adversely impacted by potential river or sea level rises.

The proponent has also committed to achieving a 5 Star Australian Building Greenhouse Rating for the buildings and tenancy fit outs.

4.6 Section 75I(2) of the Act

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 requires the Director-General's report to address a number of matters as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is located on the assessment file.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project application for the Minister's consideration is set out in this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this concept plan application.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the concept plan application is identified immediately below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the prevailing environmental planning instrument is provided in this report.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the concept plan application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the concept plan application is this report in its entirety. The proposal adequately complies with the DGRs.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in this report.
The suitability of the site for the project	The objectives for the site under the DHDP permits uses as proposed in this concept plan application.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in this report. Copies of all submissions received is provided in Appendix B.

4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

4.7.1 Application of EPIs to Part 3A projects

To satisfy the requirements of section 75(2)(d) and (e) 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. An assessment of compliance with the relevant EPIs is provided immediately below which concludes that the proposal complies with these documents.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Projects) 2005
- Darling Harbour Development Plan No.1
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Other planning controls to be considered in the assessment of the proposal are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 (Remediation of Land)
- Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(1) Part 3A of the Act, however the DGRs require the proponent to address the relevant provisions. Notwithstanding, there are no numerical controls applicable to the site under the DHDP and Sydney Harbour Catchment SREP 2005.

4.8 PRIMARY CONTROLS

4.8.1 State Environmental Planning Policy (Major Projects) 2005

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being schedule 2 of the MP SEPP identifies "specific sites" to which Part 3A of the EP & A Act applies. Clause 10 of Schedule 2 identifies the area known as a Sydney Harbour Foreshore Site located within Darling Harbour (Map 9) as a site to which Part 3A applies. The opinion was formed by the Director-General as delegate for the Minister on 19 April 2006.

4.8.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is consistent with the principles for the area in that it will regenerate and activate an underused site, provide for increased public access to a harbour site, enhance the diverse range of uses at Darling Harbour for existing and future generations, and will achieve a high quality and ecologically sustainable development on the site through its architectural design. The proposal will provide a vibrant place for people, enabling the use of an improved public domain environment and access to a variety of uses.

The proposed development will not adversely affect the natural assets of Sydney Harbour and is generally consistent with the considerations and objectives of the REP.

4.8.3 Darling Harbour Development Plan No.1

The proposal is consistent with the objectives for the site as it encourages uses that will provide for tourist, educational, recreational, entertainment, cultural and commercial facilities.

4.8.4 State Environmental Planning Policy (Infrastructure) 2007

The proposed development meets the aims of the Infrastructure SEPP as it allows for the efficient redevelopment of surplus government owned land. Schedule 3 of the SEPP requires traffic generating development to be referred to the RTA. The proposal was considered by the Sydney Regional Traffic Committee which raised the following matters:

- Further details regarding the proposed vehicle access arrangements;
- The potential for a hazardous mix of vehicles and pedestrians at the Harbour Street/Day Street;

- Further details required regarding car parking areas, internal circulating roads, loading bays and/or service facilities;
- Detailed information required to determine the adequacy of, or improvements works required for, pedestrian facilities. A pedestrian study was requested to be undertaken.

The above matters have been addressed by the proponent in the PPR and discussed in detail further in this report.

4.9 OTHER CONTROLS

4.9.1 State Environmental Planning Policy No. 55 – Contaminated Land

A Preliminary Environmental Site Assessment of the existing built up part of the Darling Walk site was commissioned in April 2007. The assessment recommends the preparation of an acid sulphate soil management plan, and further investigation following the demolition of the building for levels of benzo (a) pyrene and nickel, including additional boreholes across the whole site to meet minimum sampling density. Modifications to the Concept Plan will include these recommendations.

Based on these recommendations it is considered that the site can be made suitable for the proposed development and thus satisfactorily meet the requirements of SEPP 55.

4.9.2 Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft SEPP 66 aims to ensure that new development achieve the following objectives:

- Improve accessibility to housing, employment and services by walking, cycling and public transport;
- Improving the closure of transport and reducing dependence solely on cars for travel purposes;
- Moderating growth in the demand for travel and distances travelled, especially by car;
- Supporting the efficient and viable operation of public transport services; and
- Providing the efficient movement of freight.

The proposal has been assessed having regard for the above objectives and is determined as being satisfactory for the following reason:

- The site is highly accessible to existing public transport infrastructure and provides linkages for walking and pedestrian access.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The DGRs and following key issues were considered in the Department's assessment of the Environmental Assessment:

- Land uses
- Built Form, Urban Design and The Public Domain
- The Public domain/ Pedestrian access
- Site Suitability
- Traffic, Access and Parking
- Amenity
- Public services and Infrastructure
- Stormwater
- Sustainability

5.1 LAND USE

The Concept Plan proposes a principally commercial office development with complimentary retail and associated uses, servicing future employees to the precinct.

The proposal takes a strategic approach to land uses for the site, following numerous redevelopment options considered for the site. Traditional convention and exhibition uses were not considered favourably as they would not provide ground level activation or be oriented to family activities, and indicative building forms would generally create a barrier to the CBD, contrary to urban design objectives.

The Concept Plan seeks approval for a range of uses, such as commercial offices, food and beverage establishments, general retail, places of public entertainment, recreational, cultural and entertainment facilities, tourist office and facilities, child care, health, sporting and medical facilities, open spaces and public amenities. A floor space of 1000m² is allocated for cultural uses and the Instrument of Approval sets this figure at a minimum, to ensure that at least this much GFA is provided for cultural uses, which will ensure an appropriate mix of uses.

The redevelopment of the site into principally a commercial office development with complementary retail is considered to be an appropriate response as it supports Darling Harbour's ongoing growth and enables the expansion of South Darling Harbour and connection between Ultimo/Pymont and southern area of the CBD/Haymarket. The location of uses will maximise public transport patronage and encourage walking and cycling, and will retain and enhance the precinct's role as a safe and family oriented location within a pedestrianised environment.

The site is considered suitable for the proposed development for the following reasons:-

- the proposed development would re-activate and rejuvenate the Darling Walk site and the adjoining south Darling Harbour area.
- the proposed development would create a high quality, distinctive office building of exceptional design and construction quality.
- proposes commercial business uses, retail and associated uses, public domain and ancillary uses which are permissible and will complement the uses within the remainder of Darling Harbour.
- promotes pedestrian accessibility from Tumbalong Park and Cockle Bay and will generally incorporate existing vehicles access points.

A working population will help activate Darling Harbour and support retail uses during business hours.

5.2 BUILT FORM, URBAN DESIGN & PUBLIC DOMAIN

5.2.1 Building Envelopes & Heights

The existing buildings range in height from RL14 to RL44 (height of cone structure), with the main bulk of the existing building at RL18.4. The proposed buildings are at RL26.2 adjacent to Tumbalong Park and RL37.3 adjacent to Harbour Street. The adjoining CBD buildings to the east range in height from RL58.25 to RL73.5 between Liverpool and Bathurst Streets, whilst buildings to the west of Tumbalong Park are at approximately RL21.8.

The proposed envelopes seek to retain the curvilinear nature of the site and the proposed massing steps back the buildings away from Tumbalong Park so as to minimise the perceived impact of bulk and scale – this is done by proposing 6 storeys at Tumbalong Park up to 9 storeys adjacent to the Harbour Street frontage. The stepped nature of the building envelopes achieves a building mass which is modulated in height and scale between two distinct urban environments.

The separation of the built form by a 20m-wide view corridor further minimises any impact of bulk and scale and enables a new pedestrian link and vista to Darling Harbour to be established.

The proposed built form, including massing and building height, is a response to the CBD environment to the east and the pedestrian environment of Tumbalong Park and Darling Harbour to the west/north-west and is considered acceptable in its surrounding context.

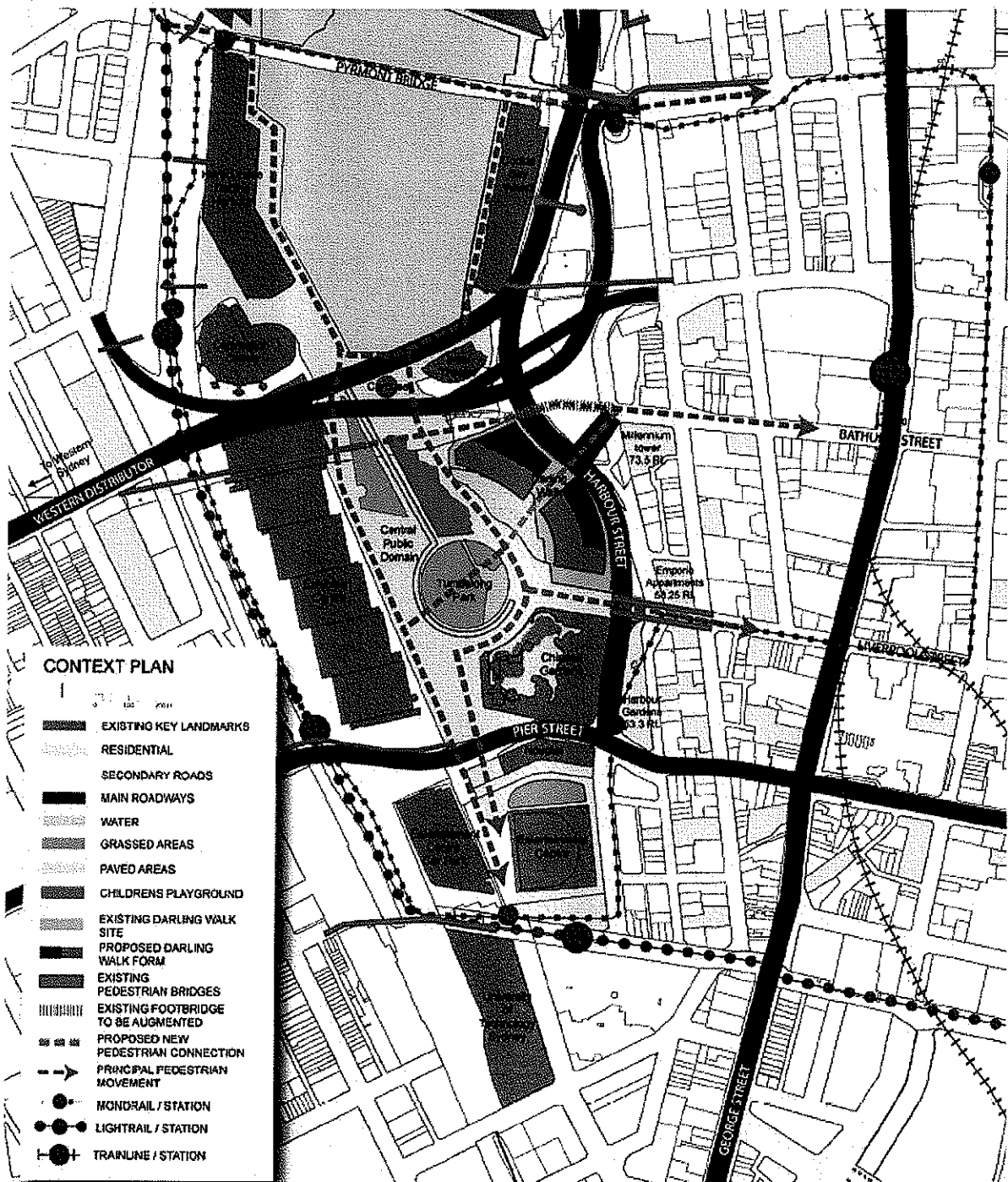


Figure 2: Context Plan

5.2.2 Views

To the east and south-east of the subject site are some residential buildings fronting Harbour Street. In particular, residents from 2 buildings the Millennium Towers and Emporio Apartments have made submissions raising concern that the proposal will result in loss of park and harbour views.

In the PPR (including Addendum) the Proponent has provided additional view analysis and quantified the view impacts of the proposal.

Millennium Towers

This building contains a total of 309 dwellings. Existing views from the western facing units building are predominantly of Tumbalong Park and the convention buildings of Darling Harbour and the Pyrmont ridge beyond. Oblique views of Darling Harbour are only available to the upper levels of this building, with this view from the lower levels being obscured by the IMAX building and Western Distributor structures.

The proposal will result in some partial view loss of Tumbalong Park from 4 units on Levels 17 and 18, and view loss of the Pyrmont Ridge from 12 units on Levels 10-12. However, the introduction of the 20 metre wide view corridor between the proposed buildings will result in an increased view of Tumbalong Park (through the corridor) to 40 units between Levels 1 and 21.

There will be an approximate reduction in view to 5% of the units within the building, and an increase in view to approximately 13% of the units within the building.

Emporio Apartments

This building contains a total of 167 dwellings. Existing views that will be impacted by the proposal are to Tumbalong Park and Pyrmont Ridge and are oblique views.

The proposal will result in partial view loss to the centre of Tumbalong Park to 15 units between Levels 11 and 16, and view loss to Pyrmont Ridge to 3 dwellings on Level 6.

These view losses of oblique views equate with 11% of units within the building.

Public Views

The proposal will open up a view corridor in the centre of the site allowing views between the CBD and Tumbalong Park which are currently obscured. It will also provide public pedestrian thoroughfare along this corridor which will improve the physical connections of Darling Harbour with the CBD. This is a significant public benefit of the development.

The NSW Land and Environment Court case *Tenacity Consulting v Warringah Council* established **Planning Principles** for the consideration and assessment of view impacts, view loss and view sharing. A planning principle is defined by the Court as a statement of a desirable outcome from, a chain of reasoning aimed at reaching or a list of appropriate matters to be considered, in making a planning decision. In *Tenacity Consulting v Warringah Council* Commissioner Roseth defines view sharing as follows:

'The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment'.

To decide whether or not view sharing is reasonable, a 4 step assessment was adopted by Commissioner Roseth. The consideration of view sharing must consider the assessment

- of views affected (i.e. whether or not they are iconic views, water views, obscured etc),
- from what part of the property are the views obtained,
- the extent of the impact, and
- the reasonableness of the proposal which is causing the impact.

In this regard, an assessment of the impact of the proposal upon views from Millennium Towers and Emporio Apartments in accordance with these principles is as follows:

Views Which Are Affected

'water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than

partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured'.

In this case the views that are affected are not water or iconic views and would more appropriately be described as local and district views.

From what part of the property are the views obtained

'the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic'.

The views are all obtained from the western facing windows and balconies of the 2 buildings. Some units currently have a view from their interior from both a standing and sitting position. Others at the lower levels rely on the standing position to achieve the view. Existing views can be achieved from both a sitting and standing position on the balconies.

The extent of the impact

'this should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating'.

The proposed development will result in a minimal impact to each of these buildings 5% of units in Millennium, 13% of units in Emporio. It is assessed that the overall impact to the buildings will be minor, particularly given that the views are not iconic.

The reasonableness of the proposal which is causing the impact

'A development that complies with all planning controls would be considered more reasonable than one that breaches them. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable'.

There are no specific planning controls applicable to the subject site. However, the planning control in the adjacent City of Sydney area affecting the eastern side of Harbour Street allows buildings up to 50 metres in height. The proposal is 33.6 metres at its highest point and is well within this height. Its maximum RL of 37.3 AHD is also significantly less than the Millennium Towers building which is RL 73.5 AHD at its highest point, and Emporio Apartments which is RL 58.2 AHD at its highest point.

In the context of the scale of the surrounding development, the proposed heights are assessed as being compatible and reasonable, and they do not exceed in stated or statutory maximum. The proposal is significantly lower than some of the buildings in its immediate vicinity and ensures that the majority of views are retained and unaffected, consistent with the principle of view sharing.

In addition the proposal will result in a considerable improvement to public views from Darling Harbour back to the Sydney CBD. It is considered that the public benefits of these connections outweigh the minor non-iconic view impacts on private dwellings.

It is concluded that the proposal does not result in any unreasonable or significantly adverse impacts upon views to and from the site, and will actually result in an improvement to both public and private views.

5.2.3 Public Domain

The proposed public domain strategy aims to enhance the quality, quantity and useability of the public area within the site, and is in keeping with the objectives to activate and rejuvenate the Darling Walk site. Specifically, the improvements include the removal of the existing lake and replacement with an improved water feature, and the children's play area is to be upgraded and relocated.

The intent of the public domain works is to draw on the site's proximity to Sydney Harbour / Cockle Bay and connections to the CBD. The proposed works are considered to be an improvement to the existing environment and will contribute to rejuvenating and activating the site.

5.3 TRAFFIC, PARKING & ACCESS

5.3.1 Car Parking

The MP SEPP does not set parking requirements for the site and no other planning controls for parking apply to development within Darling Harbour. Therefore, the City of Sydney's parking controls have been used by the proponent as a guide to determine the appropriate provision of on-site car parking.

The current rates are set as a maximum provision and with the exception of accommodation uses, hotel, clubs, Cinemas and theatres the maximum rate is based upon the site area rather than floor space. The detailed design would be the subject of a future Project Application.

The Concept Plan proposes a total of 800 car parking spaces on site, comprising:

- A public car parking facility for 600 spaces;
- 200 car parking spaces to service the commercial office building; and
- Associated loading bays and service parking for the commercial and retail tenants.

Using the City of Sydney's parking criteria for commercial floor space, 310 parking spaces could be provided to service the commercial development, which are 110 more spaces than proposed in the Concept Plan. It is therefore considered that the provision of 200 spaces is considered acceptable, given the range of commercial uses proposed whilst still enabling other modes of public transport to be considered.

The proponent has justified through the PPR the proposed 600 public parking spaces by highlighting that many visitors to Darling Harbour and Darling Walk visit the precinct at times when public transport is less frequent and limited, such as at night and at weekends. A visitor survey shows between 10-15% rely on private motor vehicles thus requiring access to public car parks. This is further reinforced as families visiting Darling Harbour often have requirements for prams/strollers and the like.

Any potential future redevelopment of the nearby Sydney Entertainment Car Park will require some spaces to be relocated to an alternative site in Darling Harbour. The redevelopment of Darling Walk provides an opportunity to accommodate some of these spaces to be relocated. The proponent provides the following commitment:

On completion of the new parking facility at Darling Walk, 600 car spaces in the Entertainment Car Park shall be quarantined from weekday usage during standard business hours (8:00am – 6:00pm) until such time as the Entertainment Car Park site is redeveloped as currently proposed for expanded convention and exhibition facilities.

On this basis, any future potential redevelopment of the Entertainment Car Park will ultimately result in a net decrease in the total public car parking spaces available in the Darling Harbour precinct. The provision of a public car park in the Darling Walk redevelopment is considered satisfactory.

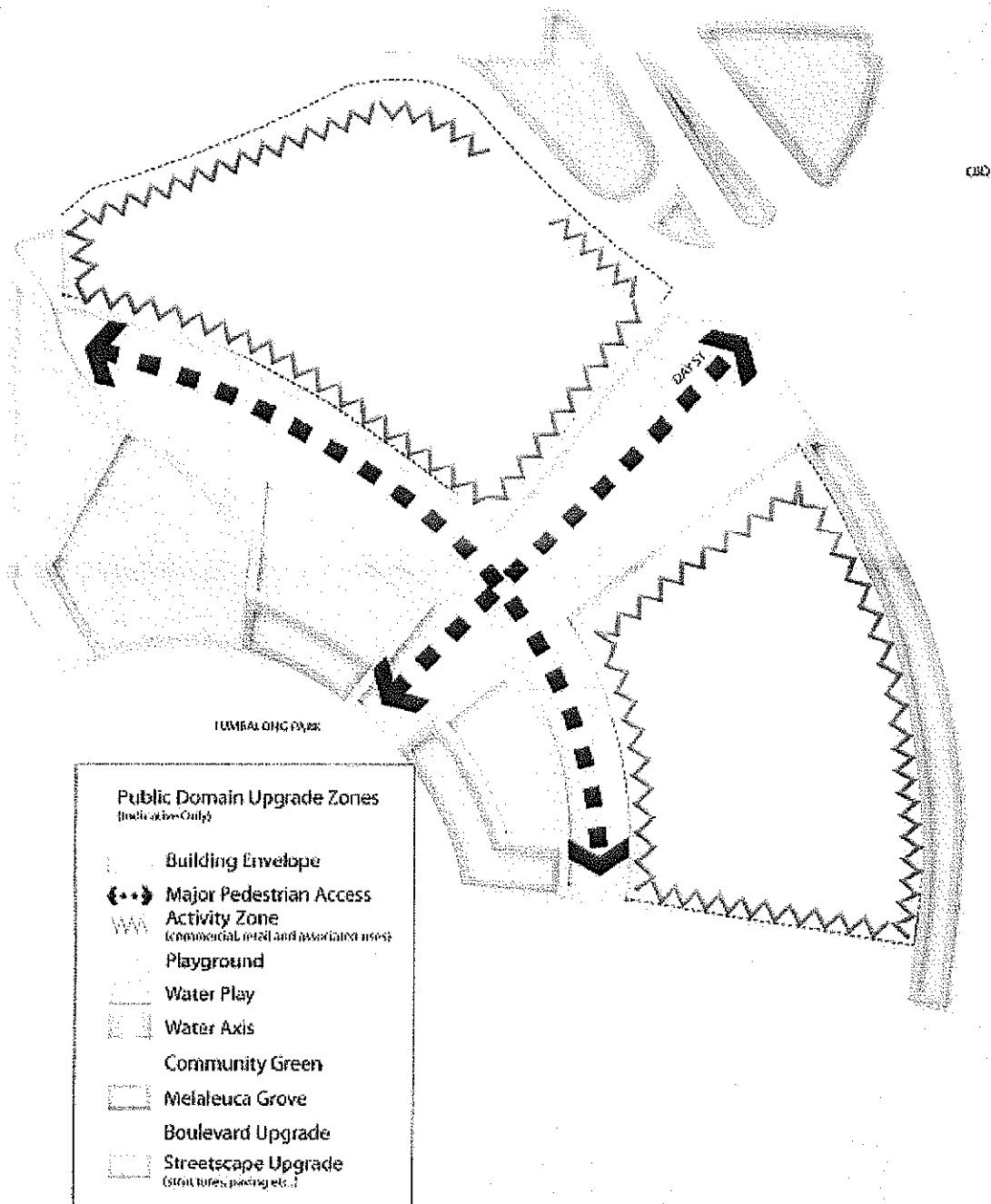


Figure 3: Public Domain upgrades

5.3.2 Traffic

A Traffic and Parking Implication report was prepared by Transport and Traffic Planning Associates in November 2007. The report assessed the potential access and traffic implications, the suitability of the potential internal circulation and servicing arrangements and sought to respond to the DGR's requirements in relation to traffic, transport and parking issues.

Concern was raised by the RTA about potential conflict at the Harbour St/Day St intersection as well as the adequacy of pedestrian movements. The assessment concludes that the traffic movements generated by the development can be accommodated on the road system without any unsatisfactory road capacity or safety implications, and that proposed vehicle access arrangements, generally taking advantage of existing traffic signal control, will be satisfactory. A separate pedestrian analysis was also undertaken.

The PPR amends the proposal by relocating the egress from the basement car park to the southern side of the southern building away from the Harbour St/Day St intersection, to minimise potential conflict.

5.3.3 Pedestrian Access

Existing pedestrian links to the site are via the pedestrian bridge from Bathurst Street to the north-east, 2 parallel pedestrian bridges from Liverpool Street to the south-east, and a pedestrian link at an at-grade traffic signal controlled crossing at the Harbour Street/Day Street intersection to the east. The pedestrian environment of the wider Darling Harbour area and Tumbalong Park to the west, combined with linkages from the CBD, makes the site accessible to pedestrians.

The RTA's *Guide to Traffic Generating Developments* is used to estimate the pedestrian demand for the proposed development, as well as applying journey to work travel mode splits. It is estimated that around 1100 pedestrian trips would be generated in the morning peak hour, comprising people walking to the site from train, bus and tram stops as well as people walking to work.

A pedestrian analysis undertaken in the PPR examined pedestrian demand and movements associated with the proposed development and concludes that existing connections and proposed pedestrian access to and from the development will be satisfactory.

Bathurst Street Pedestrian Bridge

To further improve pedestrian accessibility, it is proposed to enhance and improve the Bathurst Street pedestrian bridge, to serve as a strong link to the site. Subject to a future application, the proponent makes a commitment through the PPR to improvement works on the existing pedestrian bridge.

The improvement to the Bathurst Street pedestrian bridge is considered necessary as it will reinforce the pedestrian connection to the site, particularly via the new 20m wide view/access corridor between the two main built forms.

5.4 SOLAR ACCESS

Existing and proposed shadow diagrams have been assessed, in particular the impact of overshadowing on 21 June between 9am-12pm. Increased shadows from the proposed development are minor and predominantly affect areas for transient uses rather than recreational use. There is minor overshadowing of Tumbalong Park between 9am – 10am from the proposed development and the existing northern wall and established plantings within the Chinese Garden along with the row of Plane trees already cast existing shadows.

Overall, the proposed development as set out in the Concept Plan will not create adverse overshadowing to adjoining areas.

5.5 WIND IMPACTS

A Wind Environment Statement and analysis of the local wind climate against the proposed built form concludes that the development and public domain areas are not expected to be exposed to any strong adverse wind effects. It is expected that additional planting within the public domain would improve wind conditions as would densely foliated vegetation and/or impermeable balustrades in the lower roof areas of the proposed buildings.

The proposal is considered to satisfactorily address wind impacts and provides appropriate mitigation measures.

5.6 CONTAMINATION AND REMEDIATION

The Department is satisfied that evidence has been produced of the site's suitability in terms of site contamination subject to appropriate conditions requiring further investigation and any subsequent remediation.

5.7 PUBLIC SERVICES AND INFRASTRUCTURE

5.7.1 Easements

The main constraints to the site are a stormwater drain crossing the site from east to west, sewer services, electrical cables, Telstra cables and a proposed 4m diameter cable crossing beneath the site at the north-west corner however these constraints do not preclude development on the site.

The PPR provides the status of negotiations with the relevant utility providers regarding the relocation of services, cables and the like.

5.8 DEMOLITION & FUTURE APPROVAL REGIME

This report recommends approval of the concept plan to redevelop the Darling Walk site, which implies in principle approval for demolition of the existing building and associated structures on the site including some public domain areas immediately adjacent to the buildings (the lake) but excluding the children's playground. It is intended that this area will continue to operate until a future project application for public domain works has been determined.

The Proponent has submitted detailed information relating to the demolition works in the PPR, including a description, demolition plan, construction management plan, hazardous materials survey and decommissioning reports.

Section 75P(1)(c) allows the Minister, in giving approval for a concept plan, to determine that no further environmental assessment is required for a project or any particular stage of a project, in which case the Minister may give approval for the project or the relevant stage under section 75J without further application, environmental assessment or report under Division 2.

Given the extent of information provided in the PPR relating specifically to demolition works, in this instance it is recommended that the Minister determine that no further environmental assessment be required for this stage of the project, and give project approval for that component.

The recommended approval for demolition works will be subject to specific conditions to ensure that the environment and amenity of the area are protected and impacts are minimised.

5.9 DEVELOPER CONTRIBUTIONS

There is no Section 94 Contribution Plan applying to the site. Further, Section 61 of the City of Sydney Act does not apply to the site either, as the Sydney LEP 2005 is not applicable.

In addition to the proposed building envelopes and uses on the site, the proposal involves significant public domain improvements, that have a value of between \$6 - 10 million. This is equivalent to approximately 2-3% of the total development cost.

The proposal will result in provision of upgraded public domain and open space areas of a value that is equivalent to the collection of a developer contribution, with a resultant public benefit.

6. CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited from 16 January 2008 to 27 February 2008 and was published on the Department of Planning website. The EA was made available to the public in the Department's Information Centre and at City of Sydney Council offices.

6.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

The Department received a total of 7 submissions from public authorities, and 111 public submissions.

6.3 PUBLIC SUBMISSIONS

The majority of the public submission took the form of a pro-forma letter from the occupiers of Millennium Towers. Overall, the following key issues were raised:

- *Height* – The scale of the proposed buildings would have a negative visual impact upon the surrounding area and would create loss of views and value to neighbouring residential accommodation.

Comment:

The proposed building height is acceptable as the stepped approach to the built form is an appropriate response to the low scale of Darling Harbour to the west and the denser CBD to the east. View assessment reveals that the loss of views will be minimal and result in an improvement to both public and private views.

- *Traffic* – The proposed parking and vehicle access would have a detrimental impact upon road and highways safety.

Comment:

Further assessment through the PPR ensures that vehicular access and circulation arrangements will not cause conflict.

- *Cross City Tunnel Entrance* – The proposed parking and access would cause an unacceptable level of congestion to the Cross City Tunnel Entrance.

Comment:

The Proponent's PPR provides further details regarding vehicular access and circulation arrangements, ensuring there will be no conflicts with pedestrians.

- *Use* – The introduction of office buildings onto the site would impact negatively upon other uses on the site.

Comment:

The proposed uses are consistent with the uses envisaged for the site under the Darling Harbour Development Plan No.1, and complementary to the mixture of uses in Darling Harbour.

- *Car Parks* – The introduction of 800 new car parking spaces into a central city location is undesirable, would cause more congestion and pollution and is unnecessary.

Comment:

The proposed public car park is acceptable, on the basis that the Proponent has committed to reducing access to the Entertainment Centre public car park on weekdays, once the subject car park is operational. The proposal will therefore not result in a net increase in public car parking.

6.4 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following is a summary of submissions received from public authorities.

6.4.1 Ministry of Transport

The Ministry recommends that a comprehensive transport access and parking strategy be prepared for the Darling Harbour Precinct and raises concern that the environmental assessment does not adequately address the specific DGRs relating to Traffic, Access and Parking, in particular about the proposed public car park, promotion of public transport usage, and provision of bicycle parking.

Comment: The proposed public car park is acceptable on the basis of the redevelopment of the Entertainment Car Park, and overall there will be no net increase in public car parking. The site's proximity to the CBD will also encourage walking and pedestrian access, and the siting of buildings promotes enhanced connectivity to its surrounds.

The proposal commits to the provision of bicycle storage facilities both in commercial tenant and public parking areas, the preparation of a Green Commuter Strategy, and the quarantining of 600 car spaces in the Entertainment Car Park from weekday usage during standard business hours until any future potential redevelopment of the Entertainment Car Park.

6.4.2 City of Sydney

The City of Sydney is in general support of the proposal but made the following comments:

- Site suitability
- The incorporation of ESD principles into the design of buildings for the site;
- Include sufficient tourism, recreation and cultural uses in the land use mix;
- New development should enhance the park like character of the precinct, add to tourist and family oriented uses, activate all building frontages, encourage public domain interaction, and ensure appropriate distribution of uses;
- Exclude public car parking spaces;
- Identify changes to the existing vehicular and pedestrian traffic networks; and
- Deletion of existing 'McDonalds Drive Through'

Comment: The proposal meets the objectives of the DHDP and provides public domain improvements that will encourage interaction and connectivity. Building design, activation and incorporation of ESD will be considered at the detailed Project Application stage. The provision of the public car park is considered acceptable in light of any future potential redevelopment of the Entertainment Car Park and the PPR has satisfactorily addressed vehicular/pedestrian networks. The deletion of the drive through is not possible given the 99-year lease agreement in place however, this is not considered to be an impediment to the proposal. Access and pedestrian activation has been improved in the PPR.

6.4.3 Heritage Council of NSW

The Heritage Council does not raise objection to the proposal and considers that thorough investigations about the archaeological potential of the site should be carried out prior to a construction certificate being issued and supports the applicants' commitment regarding the preparation of an interpretation plan for the site in accordance with the Heritage Office's guidelines.

Comment: The requirement for such a plan will be incorporated into the Instrument of Approval.

6.4.4 Sydney Water

The proposal could impact on Sydney Water's stormwater assets and two wastewater submains and it is requested that consultation take place during the concept and detailed design of the proposal. Objection is not raised to the proposal and general conditions have also been provided by Sydney Water.

Comment: General conditions and specific conditions requiring consultation with Sydney Water have been included in the Instrument of Approval.

6.4.5 NSW Health

Objection is not raised to the proposal but it is recommended that a ground level air monitoring program be undertaken relative to the Cross City Tunnel Stack.

Comment: The recommendation will be included in the Instrument of Approval.

6.4.6 Sydney Regional Development Advisory Committee (RTA)

The Committee made the following comments:

- Insufficient details to assess proposed vehicle access arrangements;
- Provision of a pedestrian bridge at the Harbour Street/Day Street intersection to avoid potential pedestrian/vehicular conflict;
- Lack of details regarding car parking areas, internal circulating roads, loading bays or service facilities.
- Insufficient detail to determine the adequacy or improvement works required for pedestrian facilities. A pedestrian study is to be undertaken to address this issue, including the effects of the loss of public and private car parking in the Darling Harbour area and the constrained provision of car parking for the commercial, retail and entertainment activity proposed on the site. The study is to be submitted to the RTA for consideration prior to project application stage.

Comment: The proposal is a Concept Plan, not a Project Application however the Proponent's PPR provides further details regarding vehicular access and circulation arrangements, ensuring there will be no conflicts with pedestrians. A pedestrian bridge at the Harbour Street/Day Street intersection is not considered appropriate given the existing bridge links and the Proponent had made a commitment to augment the existing pedestrian bridge into the development, which is included as a modification to the Concept Plan. Further, points 7 – 13 in the Statement of Commitments adequately commit to traffic and parking measures.

6.4.7 Tourism NSW

Tourism NSW did not raise objection to the development and requested further consultation at the Project Application Stage once mix of land uses are finalised. It is recommended that tourism components of the proposal should be appropriately located in relation to market accessibility.

Comment: At the Project Application stage the proposal will be referred to Tourism NSW.

7. PUBLIC INTEREST / PUBLIC BENEFIT

It is expected that the proposed development will have some impact on the locality in terms of views and traffic generation however, overall the proposal will provide significant benefits to the community, including:

- Activation and rejuvenation of the Darling Walk site.
- Employment opportunities through the construction and operational phase of the development.
- Improved public domain areas, including engagement between private and public realms.
- Improved pedestrian connectivity and accessibility.

Accordingly, the proposal is considered in the public interest for the above reasons.

8. CONCLUSION

The Department has assessed the Concept Plan and considered the submissions in response to the proposal. The key issues raised in submissions relate to building height, view loss, traffic impacts, vehicle movements, and encouragement of public transport. The Department has determined that the proponent's response to the key issues in their EA, PPR and Draft Statement of Commitments will ensure there are minimal environmental impacts as a result of the proposal, subject to modifications and further assessment requirements.

A key feature of the Concept Plan is the provision of public domain improvements and improved pedestrian connectivity to the wider Darling Harbour precinct and adjoining CBD. The public benefit of the redevelopment is highly desirable, as it will activate and rejuvenate the Darling Walk site and provide employment opportunities through the various proposed land uses.

The intent of the proposal meets the objectives identified for the site in the Darling Harbour Development Plan No. 1 by providing a development that will activate and rejuvenate the Darling Walk site.

In the absence of parking controls for the site, the proposal's traffic and parking arrangements are acceptable subject to conditions and further assessment requirements. The proposal has given adequate consideration to the site's capability to accommodate this type of development.

The Department has determined that the Proponent's response to the key issues in their EA, PPR and Draft Statement of Commitments, as well as compliance with the conditions imposed within the instrument of approval, will ensure there are minimal environmental impacts as a result of the proposal.

The Department has determined that the site is suitable for the proposed development and is in the public interest. Accordingly, the Department recommends that the Project Application be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this Report;
- (B) **approve** the concept plan, under Section 75O of the *Environmental Planning and Assessment Act, 1979*;
- (C) **determine** that a further environmental assessment for the demolition works stage of the project is not required, pursuant to Section 75P(1)(c);
- (D) **approve** the demolition works stage of the project, pursuant to Section 75J;
- (E) sign the Instruments of Approval (**tag B**).

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APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	06_0054
Project	Concept Plan for commercial development at Darling Walk, Darling Harbour
Location	Darling Walk, Darling Harbour
Proponent	Sydney Harbour Foreshore Authority
Date issued	
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) must include:</p> <ul style="list-style-type: none">• an executive summary• description of the site, including cadastre and title details• a Concept Plan detailing the proposed layout of the buildings, FSR, height, land uses, ancillary services and infrastructure, and any staging of the proposal,• a description of the measures that would be implemented to avoid, minimise, and manage and the impacts of the project• signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading• a Quantity Surveyors Certificate of Cost to verify the capital investment value of the project
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <p>1. Relevant EPIs and Guidelines</p> <p>Assess the proposal against all relevant legislation and planning provisions applying to the site, including:</p> <ul style="list-style-type: none">• Darling Harbour Development Plan No. 1• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005• SEPP 11 – Traffic Generating Development• Draft SEPP 66 – Integration of Land Use and Transport <p>The Environmental Assessment must identify the nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and provide adequate justification for any non-compliance.</p> <p>2. Built Form and Urban Design – the Environmental Assessment must include, but not be limited to, consideration of the following matters:</p> <ul style="list-style-type: none">• the massing of the buildings including heights and setbacks;• active frontages to Darling Harbour and Harbour Street;• consideration of the arrangement of the buildings and impacts of the development within the existing and likely future character and uses of the locality (including existing and proposed development within Darling Harbour precinct and adjoining CBD sites) with specific consideration in regards to height, depth, bulk, scale and overshadowing impacts;• sight lines and view corridors. <p>3. Public domain/ pedestrians</p> <p>The Environmental Assessment is to demonstrate how the proposed building design and uses, and treatment of the public domain and open spaces will:</p> <ul style="list-style-type: none">• maximise public interaction and encourage the attraction of Darling Harbour as a local,

regional and international destination;

- achieve pedestrian desire lines and circulation networks within the site; and buildings themselves, as well as other parts of Darling Harbour, Cockle Bay and the CBD;
- minimise vehicle and pedestrian conflicts within and to/from the site including along Harbour Street;
- improve pedestrian connections to the CBD by considering treatments beyond the site in Harbour Street;
- maximise safety and security within the public domain around the precinct;
- maximise surveillance and activity within the public domain including maximising activities at ground level;
- ensure access for people with disabilities and aged persons.

The Environmental Assessment must also include a Concept Plan design for the public domain associated with the proposed use which demonstrates good urban design and high quality landscaping.

4. Site Suitability

The Environmental Assessment must provide an assessment of the suitability of the site for the proposed uses, including the usage trends for Darling Harbour.

5. Social context

The Environmental Assessment must include an assessment of the social context of the development including infrastructure requirements, access and community services and facilities.

6. Traffic, Access and Parking

(i) The public car park is not favoured. If it is to be provided, a full justification is to be provided, using the Sydney LEP 2005 criteria. Intended operational measures of the public car park will need to address at a minimum:

- access hours
- pricing structure
- measures to minimise peak AM floors and disallow use by CBD workers.

(ii) Detailed description and assessment of the:

- daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersection and the need/associated funding for upgrading or road improvement works;
- details on the proposed access and the adequacy of the parking provision associated with the proposed development including subsequent compliance with the requirements of the relevant Australian Standards (ie turn paths, sight distance requirements, aisle widths, etc);
- details on how the site will be serviced;
- proposed number of car parking spaces and whether it complies with the appropriate parking codes;
- Accessibility to public transport services.

(iii) Details on how the traffic impacts will be minimised along the adjacent road network particularly peak periods.

(iv) Demonstrated commitment to promote the use of public transport with on-site car parking for commuters discouraged, and minimum parking spaces provided.

(v) Bicycle access to and through the site, including bicycle routes and parking.

7. Amenity

The Environmental Assessment must demonstrate that the proposal will be designed and operated so that there is no unacceptable level of impacts from the cross city tunnel ventilation stack.

8. Public services and infrastructure

The Environmental Assessment must:

- detail the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal, including the existing Sydney Water and possible Energy Australia infrastructure;
- detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation.

9. Stormwater

Stormwater harvesting is strongly encouraged including utilizing the existing pond, reuse in adjoining open spaces and toilet flushing, run off from roofs and use of Water Sensitive Urban Design techniques as recommended by Sydney Water.

10. Sustainability

The Environmental Assessment must include, but not be limited to, consideration of best practice measures to improve environmental performance of the building and surrounds.

Specific consideration must be given to energy efficiency, water conservation, waste management and the use of SEDA standards.

11. Statement of Commitments

The Environmental Assessment must include:

(i). Proposed mitigation and management of any impacts identified in the above assessment; and

(ii). A draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of:

- built form and design of the proposed buildings;
- access arrangements, traffic management and parking;
- existing infrastructure on the site and measures to protect or relocate any such infrastructure;
- stormwater management;
- any contributions towards infrastructure costs;
- identification of the ongoing responsibility for ownership and maintenance of any public domain works.

12. Consultation

Appropriate and justified levels of consultation should take place with the following agencies regarding the proposal:

- City of Sydney Council
- Sydney Water
- Ministry of Transport

13. Test of adequacy

If the Director General considers that the Environmental Assessment for the Project does not adequately address the Environmental Assessment Requirements, the Director General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent. The Director General may modify these requirements by further notice to the proponent.

Deemed refusal period

Under clause 8E(2) of the *Environmental Planning and Assessment Regulation 2000*, the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project.