

Tables of Compliance

Table 1 – Darling Harbour Development Plan No. 1

Objective	Response	Compliance	
Objects of the plan	(1) The objects of this plan are: (a) to promote the development of the Darling Harbour area as part of the State's Bicentennial Program, (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area, and (c) to make provision with respect to controlling development within that area.	The proposal is compliant with the objects of the plan in that: <ul style="list-style-type: none"> ▪ The development will provide educational, recreational, entertainment, cultural and commercial facilities, through the provision of commercial office space, retail floorspace and a children's theatre on the site. 	Y
Objects of the plan	(2) The means whereby this plan aims to achieve its objects are: (a) by providing that certain kinds of development may not be carried out in the Darling Harbour area otherwise than in accordance with the terms of a permit, (b) by prohibiting all other kinds of development within that area, and (c) by ensuring that the controls that apply in that area in relation to the carrying out of development apply also in relation to the demolition and renovation of buildings and works.	Noted	Noted
Clause 6 Permit required for certain development	Development: (a) for the purposes of tourist, educational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of money lending), (b) for the purposes of transport facilities, (c) for the purposes of beautifying the landscape, (d) for any purpose specified in Schedule 1, or (e) for any purpose incidental or subsidiary to a purpose referred to in paragraph (a), (b), (c) or (d), may not be carried out except with a permit being obtained therefore.	This Project Application seeks consent for 64,232m ² GFA of commercial floorspace; 2,592 m ² GFA of retail floorspace and 1,000m ² GFA for a kids theatre, and 800 car parking spaces (in total) and access and egress arrangements.	Y

	Objective	Response	Compliance
Clause 8 Permit 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.	n/a	n/a
	(2) part 5 of the Act applies to and in respect of the renovation or demolition of a building or work in the same way as it applies to and in respect of the carrying out of development.	n/a	n/a

Table 2 – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Objective	Response	Compliance
Aims of plan (a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained: (i) as an outstanding natural asset (ii) as a public asset of national and heritage significance for existing and future generations;	The proposed development will not impact upon the catchment, foreshores, waterways and islands of Sydney Harbour. It seeks to enhance the diverse range of uses at Darling Harbour and maintain it for future generations.	Y
(b) to ensure a healthy, sustainable environment on land and water;	The proposed development will replace an underused entertainment complex which is in need of redevelopment and will activate and rejuvenate the Darling Walk site, with the provision of new retail, cultural and recreational facilities. The northern building proposes a children's theatre of 1,000m ² , and an upgraded and more accessible public domain area, which will include a redesigned and improved children's playground.	Y
(c) to achieve a high quality and ecologically sustainable urban environment;	The proposed buildings are high quality, with a strong focus on sustainability and are capable of achieving an Australian Building Greenhouse Rating (ABGR) rating of 5 stars for the base building, and will encourage all tenants to design their fit outs to achieve a minimum 5 star ABGR.	Y
(d) to ensure a prosperous working harbour and an effective transport corridor;	n/a	n/a
(e) to encourage a culturally rich and vibrant place for people;	The proposed development will activate an underused site, currently within the Darling Harbour area and ensure it becomes a sustainable, vibrant, safe and family orientated area to mirror the others component parts of the Darling Harbour precinct.	Y
(f) to ensure accessibility to and along Sydney Harbour and its foreshores;	The proposed development will not impact upon the accessibility to and along Sydney Harbour and its foreshores.	Y

Objective	Response	Compliance	
Aims of plan continued...	(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity; and	The proposed development will not impact upon the watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity of the Harbour.	Y
	(h) to provide a consolidated, simplified and updated legislative framework for future planning.	n/a	n/a
Clause 21 Biodiversity, ecology and environment protection	(a) development should have a neutral or beneficial effect on the quality of water entering the waterways,	As set out in the Concept Plan, the buildings proposed within this Project Application will replace the existing development. The development footprint is similar to the existing building and is generally in accordance with the approved Concept Plan (Refer to Section 6.3 of the report). It is proposed that a stormwater recycling strategy and a blackwater treatment system is to be included within the development. Furthermore, an assessment of the capacity of the existing infrastructure found that there will be no increase in stormwater run-off and existing stormwater drains have reserve capacity. The proposed development is not likely to impact upon the biodiversity, ecology and environment protection of the waterways.	n/a
(b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),			
(c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),			
(d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,			
(e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,			
(f) development should retain, rehabilitate and restore riparian land,			
(g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,			
(h) the cumulative environmental impact of development,			
(i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.			

	Objective	Response	Compliance
Clause 22 Public access to, and use of, foreshores and waterways	(a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,	Public accessibility routes to and from the Darling Walk site are proposed to be enhanced. The proposed development however will not impact upon the public access to and use of the foreshores and waterways.	n/a
	(b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,		
	(c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,		
	(d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,		
	(e) the need to minimise disturbance of contaminated sediments.		
Clause 23 Maintenance of a working harbour	(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,	Not applicable to this application	n/a
	(b) consideration should be given to integrating facilities for maritime activities in any development,		
	(c) in the case of development on land that adjoins land used for industrial and commercial maritime purposes, development should be compatible with the use of the adjoining land for those purposes,		
	(d) in the case of development for industrial and commercial maritime purposes, development should provide and maintain public access to and along the foreshore where such access does not interfere with the use of the land for those purposes.		

	Objective	Response	Compliance
Clause 24 Interrelationship of waterway and foreshore uses	(a) development should promote equitable use of the waterway, including use by passive recreation craft	Not applicable to this application	n/a
	(b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,		
	(c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,		
	(d) water-dependent land uses should have priority over other uses,		
	(e) development should avoid conflict between the various uses in the waterways and along the foreshores.		
Clause 25 Foreshore and waterways scenic quality	(a) the scale, form, design and siting of any building should be based on an analysis of: (i) the land on which it is to be erected, and (ii) the adjoining land, and (iii) the likely future character of the locality,	As set out in the Concept Plan, the proposal seeks to regenerate and activate an under-utilised site, in need of redevelopment. The scale, form, design and sitings of the buildings have largely been determined by the approved building envelopes set out within the Concept Plan. As set out in Section 6.4 of this report, the buildings have also been designed with regard to the surrounding land uses and their geometry and the objectives for the site.	Y
	(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,	Visual qualities of Sydney Harbour and its islands, tributaries and foreshores will not be affected by the propose development.	Y
	(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.	n/a	n/a
Clause 26 Maintenance, protection and enhancement of views	(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,	The Concept Plan has sought to enhance views from the CBD to the site, however the proposed development, will create a change in the composition of views to and from the site, Darling Harbour, the CBD and surrounding residential and commercial developments. Section 6.6 of this report discusses the impact of the proposal upon views.	Y
	(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,		
	(c) the cumulative impact of development on views should be minimised.		

Table 3 – State Environmental Planning Policy No 55 – Remediation of Land

Objective	Response	Compliance
<p>Clause 7</p> <p>Contamination and remediation to be considered in determining development application</p>	<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land required remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for the development consent must carry out the investigation required by sub-clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p>	Y
<p>(4) The land concerned is:</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital – land:</p>	Noted	n/a

	Objective	Response	Compliance
Clause 7 Contamination and remediation to be considered in determining development application continued...	(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).		

Table 4 – Concept Plan

Objective	Response	Compliance
Building Envelope	(1) Provide 68,000m ² GFA of primarily commercial floorspace, including up to 5,000m ² GFA of retail floorspace (retail and associated uses) and up to 1,000m ² GFA for recreation, cultural or entertainment uses.	Y
	(2) Provide at least one major view corridor through the site, radial to the centre of Tumbalong Park, with the principal corridor aligning with the Day Street/ Harbour Street intersection.	Y
	(3) Provide a 20m minimum width view/ circulation corridor which incorporates urban landscaping.	Y
	(4) Build to a maximum height of 37.3m AHD along the Harbour Street frontage.	Y
	(5) Build to a maximum height of 26.2m AHD along the Tumbalong Park frontage.	Y
	(6) Provide minimum floor to floor heights of 4.0m (ground to first floor) and 3.6m (first floor and above).	Y
	(7) No significant additional overshadowing of the Chinese Garden between 9.00am and 1.30pm at the winter solstice.	Y
Setbacks	(1) Ensure the buildings generally follow the alignment of the Harbour Street boundary from Liverpool Street to Day Street and the Tumbalong Park boundary.	Y
	(2) Maintain the Cross City Tunnel easement alignment.	Y

Objective	Response	Compliance	
Setbacks continued...	(3) Provide a set down area for buses along the Harbour Street frontage.	A pick up/ set down access lane off Harbour Street is proposed on the eastern side of the southern building. The proposed arrangements are set out in Section 5.8 .	Y
	(4) Provide urban landscaping treatments within the side setbacks.	The public domain and streetscape will be upgraded to provide the following areas: <ul style="list-style-type: none"> ▪ Pedestrian Boulevard ▪ Active Play Area ▪ Water Play Area ▪ Terraced Community Green ▪ Civic Connector ▪ Streetscape Upgrades A separate Project Application will be lodged for landscaping and public domain works. Refer to Section 5.7.	Y
	(5) Provide the following site setbacks: (a) Harbour Street – 5m from Harbour Street site boundary ¹ (b) Side of southern building – 6m from Liverpool Street building alignment southern boundary of development footprint (c) Side of northern building – 3m from northern boundary of the development footprint (d) Tumbalong Park – 5m (building frontage) from Darling Walk boundary at ground level and from western boundary of development footprint (e) Tower Block – 35m from western and southern frontages boundary of building footprint (f) Tower Block – 30m from southern boundary of building footprint	The proposed development is compliant with the setback controls set for Harbour Street, the Southern building and the Northern building. The proposed development is not compliant with the setback controls for the Tower Block. Refer to Sections 6.3 .	Partial non-compliance.

¹ The 5m setback is at southern boundary only. Setback along Harbour Street is irregular in width.

	Objective	Response	Compliance
Building Articulation	(1) Provide non-congruous balconies, awnings or screens.	Building facades are articulated and include awnings and screens. An iconic articulated roof form is also proposed. Refer to Section 6.4 .	Y
	(2) Provide fixed and/ or operable sun screens and articulate and enliven the façade.		
	(3) Select articulated elements which are integral with the building design and massing.		
	(4) Vary façade treatment, setbacks, cantilevers and materials.		
	(5) Define building entries clearly using setbacks, canopies, difference materials, textures and colours.		
	(6) Articulate roofs to provide a quality roofscape. Provide for activation of the roofscape where appropriate.		
Building Materials	(1) Use materials which are generally in accordance with the requirements of an "A" grade commercial building.	The building will be constructed of high quality materials including glass, lightweight cladding and timber. Refer to materials board.	Y
	(2) Select materials that generally acknowledge the material palette in Darling Harbour and distinguish the different building functions.		
	(3) Use facades that do not result in glare that causes discomfort or threatens the safety of pedestrians.	Materials will not cause disability glare. Refer to Section 6.19 and materials board.	Y
	(4) Minimum performance characteristics for façade glazing to be:		
	(a) Shading co-efficient no worse than 0.36% where exposed to excessive solar loads or where no architectural shading devices are utilised.		
	(b) Solar reflectance of generally between 6 & 14% noting that the City of Sydney generally permits up to 20%. The transparency of the façade glazing is to be enhanced where practicable after taking into consideration glare, solar load & privacy issues, and shall not exceed 14%.		
Public Domain	(1) Prevent creation of a wall or back-door relationship between Darling Harbour and Harbour Street	Active frontages will be provided on Harbour Street and along the civic connector.	Y
	(2) Create a view corridor between Harbour Street and Tumbalong Park	A view corridor is being created between the northern and southern buildings at the Day Street intersection.	Y

	Objective	Response	Compliance	
Public Domain continued...	(3) Design building forecourts to visually and physically extend the street and pedestrian areas	The forecourts will integrate and connect with the Boulevard and new east-west pedestrian link to Harbour Street.	Y	
	(4) Integrate existing elevated pedestrian bridges with the development	Bathurst Street pedestrian bridge will be augmented and integrated in the northern building.	Y	
	(5) Provide activated family orientated spaces at ground level	Subject to Public Domain Project Application	Y	
	(6) Provide ground floor retail at a contiguous level to the finished footpath level	Ground floor retail uses will be provided. Final details subject to Public Domain Application.	Y	
	(7) Provide paving of archades and colonnades (if applicable) and forecourts, as extensions of the public domain	Subject to Public Domain Project Application	n/a	
	(8) Provide outdoor seating contained within a specified area which extends no more than a maximum of 5m from the line of the development footprint	Subject to Public Domain Project Application	n/a	
	(9) Concentrate public domain interface at areas of maximum retail and commercial activity	Public Domain interface is concentrated at the Tumbalong Park frontage & the Harbour Street frontage of the Southern building	Y	
	(10) Upgrade and integrate water body and playground into the development	Subject to Public Domain Project Application	n/a	
	(11) Integrate Carousel into the development	Subject to Public Domain Project Application	n/a	
	(12) Provide active water feature	Subject to Public Domain Project Application	n/a	
	(13) Design public interface zone facing Darling Harbour to accommodate large crowds for Darling Harbour events	Subject to Public Domain Project Application	n/a	
	Access and Car Parking – Access Controls	(1) Maintain access north of the Western Distributor for vehicles serving Tumbalong Park	Access is maintained	Y
		(2) Provide a development that is compliant with the Disability Discrimination Act 1992 and the BCA	Refer to Accessibility Report at Appendix U .	Y
(3) Provide bicycle access and parking		Bicycle parking is provided within the basement car park	Y	
(4) Provide vehicular access primarily from the Harbour/ Day Street intersection		The main vehicle access point is from the Harbour/ Day Street intersection	Y	
(5) provide easily identifiable vehicle entries for the general public and office workers		The main vehicle access point is from the Harbour/ Day Street intersection	Y	

	Objective	Response	Compliance
Access and Car Parking – Access Controls continued...	(6) Locate vehicle access 3m minimum from pedestrian entrances	Vehicle entry is approximately 24m from the civic connector	Y
	(7) Restrict car park access width to the minimum required for efficient access	Car park access width is minimum required to meet the development's needs	Y
	(8) Provide vehicular access to the Cross City Tunnel ventilation stack	Vehicular access is provided to the northern most part of the site	Y
	(9) Provide garbage and loading areas integral with the development	Garbage and loading areas are provided within the basement	Y
	(1) Provide all car parking (except disabled) below ground level and provide disabled compliant with the relevant codes	All car parking is provided within the 4 basement levels and is compliant with the relevant codes.	Y
	(2) Provide no more than 800 parking spaces in total on the site	A maximum of 800 car parking spaces are to be provided within the basement car parking levels.	Y
	(3) Provide 600 short stay public car parking spaces to be operated 24 hours/ 7 days per week	A 600 space public car park is provided	Y
	(4) Provide 200 parking spaces for commercial tenants	200 spaces for commercial tenants is provided	Y
	(5) Commercial tenant parking spaces to be clearly signposted as private parking and to not be used, leased or sold for purposes of commercial or public parking	Commercial tenant parking spaces are located at basement level 1 and are separated from the public car parking spaces	Y
	(6) Public parking spaces to be clearly signposted and to not be used, leased or sold for any other purpose		
(7) The design of the car park facilities to conform with AS2890.1 - 1993	Car park design complies with the relevant standards	Y	
(8) Ensure that vehicles enter and leave the site in a forward direction	Vehicles enter and leave in a forward direction.	Y	
(9) Ensure that landscaping does not affect drivers of vehicles entering, existing or manoeuvring within the car park seeing other vehicles, pedestrians or children etc	Subject to Public Domain Project Application	n/a	
(10) Provide car park management facilities, i.e. basement car park management office	Office is provided at basement level 2	Y	

Objective	Response	Compliance	
Landscaping	(1) Select trees to provide summer shade, winter sun and wind protection to the public domain	To be dealt with in a future Project Application for Public Domain works	n/a
	(2) Select trees not heavily dependent on a regular water regime	To be dealt with in a future Project Application for Public Domain works	n/a
	(3) Select native trees where practical and exotic trees only where their use will improve environmental outcomes and/or special visual features	To be dealt with in a future Project Application for Public Domain works	n/a
	(4) Provide grand and ceremonial trees along Harbour Street	To be dealt with in a future Project Application for Public Domain works	n/a
	(5) Provide all soft landscape areas with a permanent subsurface irrigation system	To be dealt with in a future Project Application for Public Domain works	n/a
Sustainable Development	(1) Achieve an Australian Building Greenhouse Rating (ABGR) minimum rating of 5 stars for the base building and tenancy fit out subject to the future tenants compliance	The proposed buildings have been designed to achieve a 5 star ABGR design rating and target a 6 Green Star rating in design. An ESD Report is included in Appendix F . It is considered that the proposed buildings will meet the criteria within the Concept Plans Statement of Commitments and will encourage all tenants to design their fit outs to achieve a rating of 5 Green Stars.	Y
	(2) Encourage all tenants to design their fitouts to achieve a rating of 5 Star ABGR		
	(3) Achieve a Green Building Council of Australia, Green Star – office Design v2 point rating system of 60 minimum weighted credits		
	(4) Provide the required overall Green Star office Design v2 rating with a focus on the following categories: <ul style="list-style-type: none"> ▪ Energy ▪ Emissions ▪ Management ▪ Water ▪ Indoor Environment Quality ▪ Innovation ▪ Transport ▪ Land use and Ecology 		