

Item 5.**Development Application: 1 Shakespeare Place, Sydney****File Number:** D/2024/868**Summary****Date of Submission:** 21 October 2024

Amended drawings and supporting documentation submitted on 4 & 7 February, 20 February, 21 & 27 May, 11 & 29 July 2025

Applicant: Property and Development NSW**Architect/Designer:** Jane Irwin Landscape Architecture**Developer:** Property and Development NSW

Owner: The Council of the City of Sydney
The State of New South Wales
Transport for NSW
Trustees of Royal Botanic Gardens & Domain Trust

Planning Consultant: MG Planning**Heritage Consultant:** GML Heritage**Cost of Works:** \$27,347,187

Zoning: SP5 Metropolitan Centre
SP2 Infrastructure (Classified Road)
RE1 Public Recreation

The application comprises the upgrade of the public domain and road realignment and is permissible with consent within the above zones. The application also proposes events to occur within the SP5 Metropolitan Centre zone which is permissible with consent.

Proposal Summary: Development consent is sought for the upgrade of the public domain surrounding the northern wing of the NSW

State Library, known as the Mitchell Wing. Proposed public domain upgrade works are sought to occur within the existing western forecourt adjacent to Macquarie Street, increasing the size of the northern forecourt adjoining Shakespeare Place and upgrades to the eastern service area adjoining Hospital Road.

The application is referred to the Local Planning Panel as part of the land included in the development site is owned by Council.

Proposed public domain works include the demolition of existing site structures and the removal of non-significant trees and vegetation, the construction of a larger northern forecourt comprising landscaping, lawn, paving and seating areas, new lighting to landscaped areas and the Mitchell Wing facade, the relocation of the Shakespeare Memorial statue and landscape upgrades to the existing western-facing forecourt adjacent to Macquarie Street. The proposal also includes improvement works to the existing loading area to the east of the Mitchell Wing.

The works to the northern and eastern areas surrounding the Mitchell Wing will result in road realignment works to Shakespeare Place, Hospital Road and Bent Street, and will require intersection and footpath upgrades to surrounding footpaths and the Bent Street/Macquarie Street/Shakespeare Place intersection.

Generally, road realignment works comprise the reduction in the width of the carriageway of Shakespeare Place as it functions as the on and off ramps to the Eastern Distributor and redirecting Hospital Road further east as it approaches Shakespeare Place. Road works also include the removal of slip lanes to and from Macquarie Street and Shakespeare Place, pedestrian footpath upgrades including the increase in footpath width to the north of Shakespeare Place adjoining the Royal Botanic Gardens, reduced travel distances at the intersection of Bent Street/Macquarie Street/Shakespeare Place and footpath improvement works to Macquarie Street and Bent Street.

The application also proposes to use the outdoor forecourt areas for events with a maximum capacity of 1,500 people. Proposed events operating between 7.00am and 10.00pm occur on up to 52 occasions throughout the year and additional special events that run until 12.00 midnight on a maximum on 6 occasions per year.

The application is Integrated Development under the Heritage Act 1977 as the site is listed as a heritage item of State significance, and the Roads Act 1993 as the proposal comprises major road works to a classified road.

General Terms of Approval have been issued by Heritage NSW and Transport for NSW.

The application was placed on public exhibition between 29 October 2024 and 27 November 2024. A total of 12 submissions were received comprising one comment, 3 submissions of support and 8 objections. Objections received raised the following matters:

- Impact of construction noise
- Construction impacts on traffic and pedestrians
- Cost of works
- Need for additional public open space
- Need for further redirection of Shakespeare Place
- Impact of events on use of public space and noise
- Impact of development on local businesses
- Lack of canopy cover
- Lack of sanitary facilities for events
- Management of events

Overall, the proposal seeks to balance the need for upgraded public spaces, improve the street address of the State Library, increase canopy cover and biodiversity, improve usability of the open space, appropriately address the need for the road space, and provide an opportunity for activation with events. The application has been accompanied by appropriate documentation demonstrating acoustic impacts from construction and events will have an acceptable impact on surrounding developments and subject to compliance with recommended conditions of consent, the development is supported.

The application is considered to have an acceptable impact on the heritage significance of the State Library building and larger heritage precinct and the increased area of landscaping and canopy cover is consistent with Council's landscape and greening recommendations.

Whilst the proposal includes changes to the surrounding road network, the application has sufficiently demonstrated that the future road design can accommodate the forecasted traffic load whilst having an acceptable impact on the wider road network.

The proposed public space has been designed in consultation with the State Design Review Panel, is

considered to exhibit design excellence and is generally in the public interest.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Protection and Biodiversity Conservation Act 1999 (Cth.)
- (ii) Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021
- (iii) Heritage Act 1977
- (iv) Roads Act 1993
- (v) SEPP (Resilience and Hazards) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Biodiversity and Conservation) 2021
- (viii) SEPP (Precincts – Eastern Harbour City) 2021
- (ix) SEPP (Industry and Employment) 2021
- (x) Sydney Local Environmental Plan 2012
- (xi) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2024/868 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the SP5 Metropolitan Centre, SP2 Infrastructure (Classified Road) and RE1 Public Recreation zones.
- (D) The proposed development has acceptable impacts on the heritage significance of heritage items within the development site. The development is in accordance with the aims and objectives for heritage conservation provided in Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (E) The proposal maintains appropriate access and use of the road network and improves opportunities for walking and cycling around the site and is consistent with the aims of the Sydney Local Environmental Plan 2012 relating to maintaining the road network and improving the pedestrian and cyclist network.
- (F) The proposed development is unlikely to result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain, and the broader Central Sydney locality, subject to conditions.
- (G) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to heritage conservation, acoustic amenity, road design and access and event management.

Background

The Site and Surrounding Development

1. The site comprises several parcels of land and public domain including 1 Shakespeare Place (Lot 7028 DP 1077148, Lot 1 DP 51387, Lot 11 DP 1177504) and 2 Prince Albert Road (Lot 1013 DP 1199151, Lot 1011 DP 1199151, Lot 1012 DP 1199151, Lot 1014 DP 1199151) and street sections on Shakespeare Place, Hospital Road, Macquarie Street, Bent Street and part of Sir John Young Crescent. The development site is irregular in shape and predominantly impact the public forecourts that surround the State Library of NSW.
2. The northern wing of the State Library of NSW is known as the Mitchell Library which fronts onto a forecourt area to the north fronting Shakespeare Place. A loading area and secondary entry is located on the eastern side of the building fronting Hospital Road. Another public forecourt is located to the west of the library fronting Macquarie Street. The State Library of NSW is identified as a heritage item of state significance on the Sydney Local Environmental Plan 2012 (item no. I1950) and under the Heritage Act 1977 (SHR 01071).
3. Shakespeare Place is a small section of road connecting the Cahill Expressway/Eastern Distributor to Central Sydney. The street separates the northern State Library of NSW forecourt from the south-western entry to the Royal Botanic Gardens. Eastbound and westbound lanes are separated by a large central median that contains the Shakespeare Memorial statue. Shakespeare Place is identified as a heritage item of local significance in the Sydney Local Environmental Plan 2012 (item no. I1949).
4. Hospital Road is located to the east of the State Library site and separates developments fronting Macquarie Street and The Domain. The northern end of Hospital Road meets the junction of Shakespeare Place and Sir John Young Crescent and provides access to the library loading dock. Hospital Road is located within the curtilage of the heritage listing for The Domain, being identified as a heritage item of state significance under the Local Environmental Plan 2012 (item no. I1653) and the Heritage Act 1977 (SHR 01070).
5. At the north-western corner of the library is the intersection of Macquarie Street, Bent Street and Shakespeare Place.
6. The surrounding area is characterised by a mixture of land uses. The Royal Botanic Gardens and The Domain to the north and east of the site provide large, publicly accessible landscaped gardens and open spaces, predominantly for passive recreation use. The Domain currently has approval to also hold large-scale events throughout the year.
7. To the south of the Mitchell Library is the Macquarie Wing, a modern extension of the State Library of NSW that has subterranean access from the Mitchell Library and separate street access from Macquarie Street. Further to the south is NSW Parliament House and associated parliamentary offices.
8. Opposite the site to the west is a mix of commercial office and residential apartment uses.
9. The development site sits above the city circle train line. The section of railway infrastructure in which the site sits above is listed as a heritage item of state significance known as the St James Railway Station Group (SHR 01248). The State

Library of NSW also sits within a precinct of national heritage significance known as the Governor's Domain and Civic Precinct National Heritage Listing under the Environmental Protection and Biodiversity Conservation Act 1999.

10. A site visit was carried out on 16 December 2024. Photos of the site and surrounds are provided below:
11. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Northern frontage of the Mitchell Library and Shakespeare Place



Figure 3: Northern frontage of the Mitchell Library and adjoining public forecourt



Figure 4: Western frontage of the Mitchell Library, adjacent public forecourt, and Macquarie Street



Figure 5: Existing western forecourt fronting Macquarie Street



Figure 6: Eastern frontage of the Mitchell Library and Hospital Road



Figure 7: Hospital Road facing towards the junction of Shakespeare Place and Sir John Young Crescent

History Relevant to the Development Application

Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 6 January 2025. The request sought:
 - (a) Removal of the proposed subdivision from the application. Negotiations between landowners regarding land transfer and management is ongoing and have not been finalised. It was recommended that subdivision be considered in a separate application following the finalisation of negotiations between stakeholders.
 - (b) Removal of the proposed kiosk from the application. The level of detail submitted with the application does not allow for a comprehensive review of the impacts of the kiosk on existing services and impacts on the heritage impact of the State Library and the surrounding setting.
 - (c) Further clarification regarding documentation coordination between landscape plans and public domain drawings.
 - (d) Additional information on civil design drawings including sections through pedestrian crossings, slopes, gutters and site boundaries, and further information regarding stormwater quality and concept designs.

- (e) Additional information to inform Transport for NSW's (TfNSW) consideration of the proposed road realignment of the classified road including additional modelling for future road usage.
13. The applicant responded to the request on 4 February 2025 providing updated drawings responding to Council's request relating to drawing coordination and clarification. The applicant also confirmed the removal of the subdivision aspect of the proposal and noted matters in Council request that may require conditions for further details or design amendments.
14. On 7 and 20 February 2025, the applicant provided further information relating to the civil design and stormwater management. A further request was sent to the applicant on 31 March 2025 requesting further clarification on the civil design in which a response was received on 21 and 27 May 2025.
15. On 11 July 2025, the applicant requested that the development be carried out in two stages, discussed further below and provided a staging plan detailing works to be carried out in each stage.
16. On 29 July 2025, a final Plan of Management was submitted that included additional information relating to the management of the site during events including the frequency of standard events, bump-in and bump-out activities, coordination of events with The Domain, location of temporary sanitary facilities, detailed noise attenuation recommendations and an undertaking that Property and Development NSW will review and endorse each individual event-specific Plan of Management prior to the carrying out of an event.

Proposed Development

17. The application seeks consent for the following:
- Demolition of the existing site structure and removal of non-significant trees and vegetation
 - Construction of a new 3,400sqm public domain area comprising:
 - New public lawn for casual use, arts and cultural events and use by the State Library
 - Construction of four generally circular seating areas
 - New landscapes areas including increased tree canopy cover, understorey planning and commitment to locally endemic natives in new planter beds
 - New lighting including road, public domain, and façade lighting for the State Library
 - New signage and wayfinding, including City of Sydney signage and bespoke digital signage elements to enable to State library to promote their activities
 - Relocation of the Shakespeare statue to accommodate the proposed road realignment

- Road works and changes to the traffic arrangements including:
 - A road space reallocation from vehicle lanes on Shakespeare Place to public domain and pedestrian spaces in line with the road user space reallocation policy
 - Reduction of the westbound carriageway from four lanes to three lanes, including removal of the left slip lane to Macquarie Street and reconfiguration of the central median
 - Reconfiguration of the eastbound carriageway to create two through lanes and removal of the northern left slip lane
 - Removal of the three existing City of Sydney accessible car parking spot and replace with one off-street accessible parking space at Hospital Road near the northern loading dock
 - Optimisation of the traffic signals at the Bent Street/Macquarie Street intersection to support better flow of traffic
 - Realignment of Hospital Road, reducing the width of the carriageway and straightening the intersection with Sir John Young Crescent to improve safety
 - Reconfiguration of the State Library loading dock and parking to improve safety and reduce vehicle movement clash points
 - Reconfiguration of utilities including alignment and pit locations to accommodate the proposed design, road realignment and to support events, activation, and maintenance
18. The application also proposes to carry out the development in 2 stages. Proposed staging is as follows:
- (a) Stage 1: Western forecourt upgrade works and facade lighting
 - (b) Stage 2: Northern forecourt upgrade works, road realignment and all remaining works
19. Plans and elevations of the proposed development are provided below.

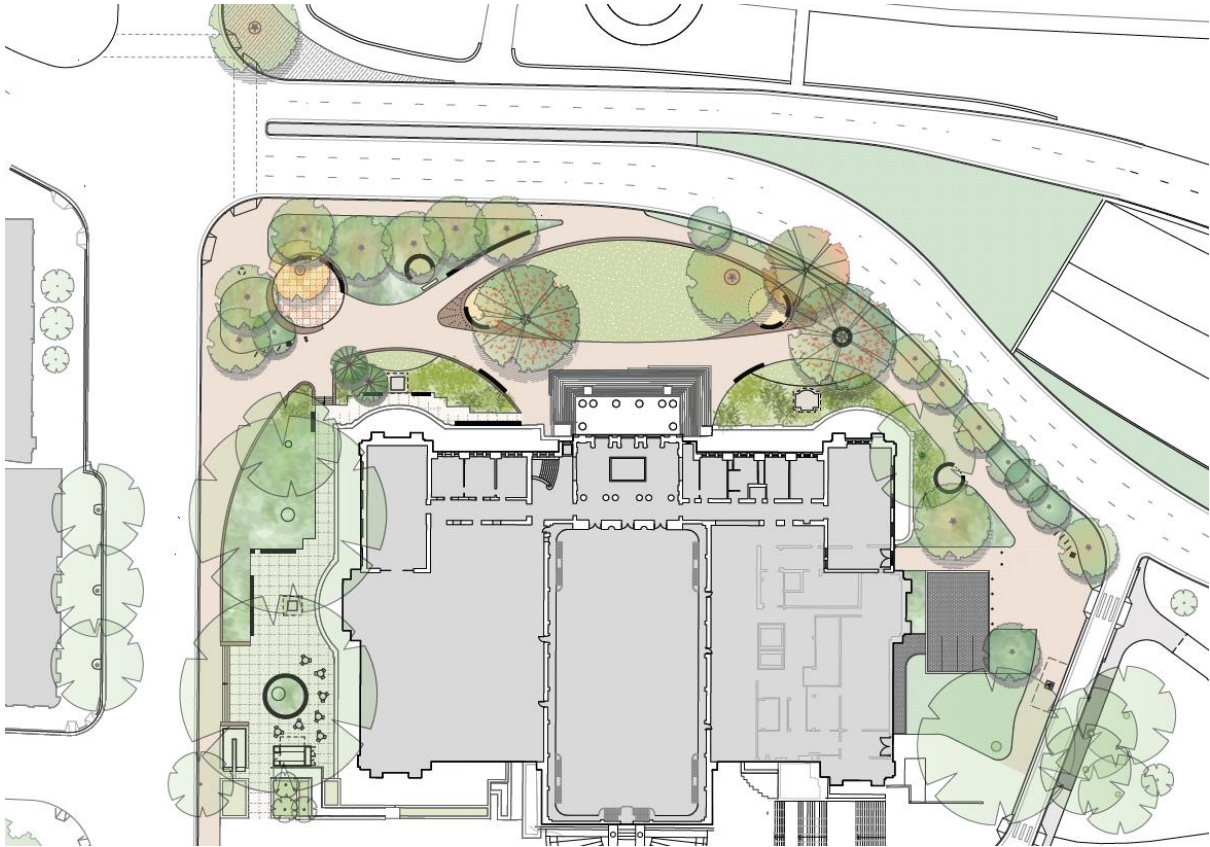


Figure 8: Proposed landscape design and road realignment



Figure 9: Photomontage of proposed northern forecourt and road realignment



Figure 10: Photomontage of proposed northern forecourt



Figure 11: Photomontage of proposed western forecourt



Figure 12: Proposed general lighting design of northern elevation

Assessment

20. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Crown Development Applications

21. This application has been made by or on behalf of a public authority (not being a Council) and is therefore to be assessed as a Crown development application.
22. Pursuant to section 4.33(1) of the EP&A Act, a consent authority (other than the Minister) must not:
- (a) refuse its consent to a Crown development application, except with the approval of the NSW Minister for Planning and Public Spaces; or
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant, or the NSW Minister for Planning and Public Spaces.
23. Draft conditions of consent were provided to the applicant on 1 August 2025.
24. Property and Development NSW provided their response on 7 and 8 August 2025 and requested amendments to conditions relating to tree retention, transplanting trees and references to approval bodies for public domain and road works. The requested amendments are acceptable. Some minor amendments were required to add reference to additional trees being retain and to note that some retained trees are to be transplanted. Further, reference to approval committees for road works were broadened to make note of delegation changes to traffic approval committees between Council committees and Transport for NSW.
25. Draft conditions of consent were resubmitted to the applicant on 11 August 2025 and were approved on 11 August 2025.

Environmental Protection and Biodiversity Conservation Act 1999

26. The site falls within the Governor's Domain and Civic Precinct National Heritage Listing under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). Under the EPBC Act, places listed on the National Heritage List are considered matters of national environmental significance. Matters of national environmental significance include world heritage properties and national heritage places.

27. The EPBC Act includes a process for assessment of proposed actions that have, or are likely to have, a significant impact on matters of national environmental significance. These actions require approval from the Australian Minister for the Environment as managed by the Department of Climate Change, Energy, the Environment and Water (DCCEEW).
28. An action that needs Commonwealth approval is known as a 'controlled action.' A significant impact is regarded as being:

... important, notable, or of consequence, having regard to its context or intensity and depends upon the sensitivity, value, and quality of the environment which is impacted and upon the duration, magnitude, and geographical extent of the impacts. A significant impact is likely when it is a real or not a remote chance or possibility.
29. The requirement for referral to the Minister under the EPBC Act is subject to self-assessment. The onus is on the proponent to make the application and not on the Council or other consent authorities to make any referral.
30. The Statement of Heritage Impact submitted with the application concluded that none of the nationally significant values of the precinct will be lost, degraded, or damaged. Some aspects of the National Heritage values will be modified in the location of the proposed public domain works to the immediate north of the State Library of NSW, Mitchell Building. Notable changes to the form, layout, and spatial arrangement of the public domain within the subject site, including landscaping, are proposed. However, it is noted that in this area of the precinct, significant values have been substantively altered, modified, and obscured due to the construction of the Cahill Expressway.
31. The assessment provided in the application against the matters for consideration under the EPBC Act are supported and a formal referral to the DCCEEW is not warranted.

Heritage Act 1977

32. The subject site involves works within the curtilage or above items listed on the State Heritage Register under the Heritage Act 1977 including the State Library of NSW (SHR 01071), the Royal Botanic Gardens and Domain (SHR 01070) and St James Railway Station Group (SHR 01248).
33. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 28 October 2024 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000. In correspondence dated 28 November 2024, the NSW Heritage Council was advised that the exhibition period had been completed, and 12 submissions were received.
34. On 10 December 2024, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

Roads Act 1993

35. The development involves major road realignment works to Shakespeare Place which is a Declared Freeway by notification of Government Gazette No. 69 of 2 May 1980 Folio 2. As the application proposed road works within a Declared Freeway with TfNSW being the relevant road authority, the application requires the agency's consent under Section 138 of the Roads Act 1993 and General Terms of Approval.

36. In correspondence dated 28 November 2024, TfNSW was advised that the exhibition period had been completed, and 12 submissions were received.
37. On 16 December 2024, TfNSW issued a request for further information and was included in Council's request sent to the applicant as detailed in the 'Amendments' section above. Discussions were held between the applicant and TfNSW to determine the most appropriate road design based on modelling prepared for future road use.
38. TfNSW provided comments to Council on 19 June 2025 noting that the agency was generally supportive of initiative that enhance the public domain and activation of the existing State Library. Comments also noted that TfNSW has worked collaboratively with the applicant to develop a preferred design that balances this objective with the movement function of Shakespeare Place. This includes key elements such as footway widening and the removal of slip lanes to and from the Classified Freeway at the Macquarie Street intersection, while maintaining the movement function of the Classified Freeway as part of the transport network.
39. As such, the preferred design consists of the following minor design amendments to the Public Domain Upgrade Project at the Bent Street / Macquarie Street / Shakespeare Place signalised intersection:
 - (a) Bent Street approach to consist of a shared through / left turn lane with one exclusive through lane and right turn movement out of Bent Street onto Macquarie Street is to be prohibited with associated removal of the existing right turn lane.
 - (b) The above amendments to the Bent Street approach to the signalised intersection is to include a reduction of the existing width of Bent Street between kerbs to reduce the walking distance at the pedestrian crossing.
 - (c) Introduction of a dedicated westbound left turn lane on Shakespeare Place into Macquarie Street to replace the removal of the left turn slip lane. The length of this dedicated left hand turn lane will be subject to detailed design assessment as part of the post consent Major Works Authorisation Deed (WAD) process.
40. TfNSW advises that the above minor design amendments can be addressed post-consent as part of the detailed design phase and associated WAD with TfNSW and provided General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.
41. See further details relating to the amended road design in the 'Discussion' section below.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

33. Site investigations have identified:
- (a) is unlikely that activities at the site will have contaminated the land to a degree that would prevent the redevelopment of the site for a recreational land use; and
 - (b) In the event that contamination is identified at the site, it is anticipated that the site can be made suitable for the proposed land use with standard site contamination management activities.
34. A targeted intrusive investigation is required to characterise the site contamination conditions and provide further information on potential risks and requirements for management of contamination during/following construction. It is proposed to undertake this investigation subsequent to obtaining approvals with regard to heritage and traffic.
35. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure appropriate targeted investigations take place prior to the commencement of works.
36. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

37. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

38. The application is subject to Clause 2.48 of the SEPP as the development may involve or require the placement of power lines underground.
39. As such, the application was referred to Ausgrid for a period of 21 days and no response was received.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 – Excavation in, above, below or adjacent to rail corridors

40. The application is adjacent to the City Circle rail corridor and was subsequently referred to Transport for NSW (TfNSW) for comment. TfNSW recommend conditions which are included in the Notice of Determination.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.119 – Development with frontage to classified road

41. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Shakespeare Place which is a classified road. As discussed above under the heading 'Roads Act 1993', TfNSW has considered the proposed development is capable of delivering a road design that can meet an appropriate safety, efficiency, and ongoing operation standard, and is supported, subject to conditions.

Clause 2.120 – Impact of road noise or vibration on non-road development

42. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to Shakespeare Place which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
43. The application satisfies Clause 2.120 subject to conditions of consent.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021**Chapter 2 (Vegetation in Non Rural Areas)**

44. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
45. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
46. Whilst the application proposes the removal of vegetation along the site frontages, the proposed landscape design seeks to significantly increase canopy cover with additional tree planting and landscaping that improves greening in the area. The application was discussed with Council's Tree Management unit who raised no objection to the proposal, subject to conditions.

Chapter 6 Water Catchments

47. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
48. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

State Environmental Planning Policy (Industry and Employment) 2021

49. The aim of State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3, Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
50. The application seeks consent for the installation of wayfinding and business identification signage within the precinct. Whilst details on signage have not been included, conditions of consent are recommended requiring the submission of a detailed signage strategy and signage details to ensure all signs are designed in accordance with the aims and objectives of the SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

51. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located over the following zones:</p> <ul style="list-style-type: none"> • SP5 Metropolitan Centre • SP2 Infrastructure (Classified Road) • RE1 Public Recreation <p>The application comprises the upgrade of the public domain and road realignment and is permissible with consent within the above zones. The application also proposes events to occur within the SP5 Metropolitan Centre zone which is permissible with consent.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 6.17 Sun access planes	N/A	<p>The site is impacted by The Domain sun access plane.</p> <p>The application comprises predominantly landscaping works that will not include any additional height within the site. As discussed above, the proposed kiosk located within the western forecourt is not approved and does not form part of the consent.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The development site contains several items of local, state and national heritage significance including the State Library of NSW, Shakespeare Place and

Provision	Compliance	Comment
		<p>The Royal Botanic Gardens and Domain.</p> <p>Whilst the proposed landscape works seek to enhance the visual setting of the State Library, the road realignment significantly impacts Shakespeare Place as a heritage item.</p> <p>See further details under the heading 'Discussion'.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.</p> <p>The proposal has comprehensively analysed the existing and desired future use of the public domain areas and roadways, the heritage qualities of the precinct, the importance of civic uses within the public domain, views to, from and across the site, pre-colonial landscapes, and site safety in informing its design.</p> <p>The proposed landscape design has also been informed by an analysis of the geometry of the Mitchell Library building in determining the location of gathering spaces, open grassed and paved areas, and landscaping.</p> <p>The application has also carefully considered the relationship of incorporating aboriginal design principles in the landscape design and the location of existing colonial statues</p>

Provision	Compliance	Comment
		<p>to ensure all aspects of the precinct's cultural history is respected.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Other land uses	Yes	The proposed development includes 4 car parking spaces and space for loading vehicles located within the existing loading area. This is considered appropriate for the use and is consistent with the requirements of this provision.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans

Sydney Development Control Plan 2012

52. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

53. The site is located within the Macquarie Street Special Character Area locality. The proposed development is in keeping with the unique character and the design principles of the locality. The proposed public domain works seek to enhance the significance of the public buildings and existing open spaces it adjoins and proposes landscaping works that are sympathetic to the local, state and national heritage listed places in the precinct.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The application proposes significant public domain upgrade works that seek to prioritise pedestrian movement in and around the State Library and surrounding area. The proposed road realignment works also result in a calmer traffic environment, improved and safer pedestrian and cyclist crossings, larger footpaths and more accessible footpaths.</p> <p>The proposed public open space also improves opportunities for indigenous landscaping, increased tree canopy and greater biodiversity in Central Sydney. The larger space is also designed in a way that is able to provide diverse uses with gathering spaces for passive recreation and activated event space.</p> <p>Public art is proposed to be incorporated into the landscaped areas while being sympathetic to existing colonial artworks and overall is generally in accordance with the objectives of the DCP.</p>
3.2. Defining the Public Domain	Yes	<p>The application improves the public domain by increasing pedestrian movement areas, improving existing footpaths and intersection crossings, incorporating forecourt and façade lighting that improves nighttime safety and enhances views to heritage buildings.</p> <p>The application does not impact views to or from significant viewpoints within Central Sydney, will not create any additional overshadowing to open space and is generally in accordance with the requirements of this provision.</p>
3.5 Urban Ecology	Yes	<p>Whilst the application seeks consent for tree removal, the proposed landscape design and public domain improvement works significant increase tree plantings within the site, increases canopy cover and improves biodiversity within the precinct.</p>

Provision	Compliance	Comment
		The application was accompanied by an arborist report outlining tree removal and protection methodologies. The application has been discussed with Council's Tree Management Unit who raises no objection to the proposal, subject to conditions.
3.6 Ecologically Sustainable Development	Yes	The application seeks to incorporate ESD initiatives into the design primarily through water-sensitive landscape design and is generally supported.
3.9 Heritage	Yes	<p>The application seeks to carry out public domain works within several sites recognised as local, state and national heritage items.</p> <p>See further details under the heading 'Discussion'.</p>
3.11 Transport and Parking	Yes	<p>The application proposes upgrade works to the existing loading area adjacent to the State Library adjoining Hospital Road.</p> <p>The proposed design of the parking and loading spaces is supported, subject to conditions.</p>
3.12 Accessible Design	Yes	<p>The development has been designed to ensure minimum accessibility requirements are met and enhanced to provide equitable access to the public domain. For example, the landscape design has considered:</p> <ul style="list-style-type: none"> • Providing rest seating opportunities along walkways and stair landings • Lighting design that minimises glare • Surface treatments to reduce slipping • Reduction of obstacles e.g. placement of bike racks, bins

Provision	Compliance	Comment
		<ul style="list-style-type: none"> Provision of accessible wayfinding signage
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	<p>As the proposal is for a range of temporary events rather than permanent trading hours for a premises, the provisions of Section 3.15 of DCP for late night trading are not strictly applicable.</p> <p>However, consideration has been given to the classification of the site and adjacent land under the provisions of the DCP to ensure hours of proposed events are appropriate and the amenity of nearby residents is protected.</p> <p>The site is not located within a designated late night trading area under the provisions of the DCP, however, the properties directly to the west of the site along Macquarie Street are designated as being within the Late Night Management area. It is noted that under the DCP, outdoor extended operation may be approved up until 1.00am.</p> <p>The proposed hours for standard events are between 7.00am and 10.00pm with special events sought to operate until 12.00midnight. These are acceptable given the nature and frequency of the events.</p> <p>See further discussion on the amenity below under 'Discussion' heading.</p>
3.16 Signs and Advertisements	Yes	The application proposes wayfinding signage and information signage associated with the State Library. A

Provision	Compliance	Comment
		<p>condition of consent is recommended requiring a detailed signage strategy showing the location of all signage in the precinct and the design of all signs to ensure signage does not increase visual clutter, is compatible with the heritage qualities of the area and is appropriately illuminated.</p> <p>Conditions of consent also recommend specific requirements for dynamic content signage including hours of operation and dwell times.</p>

Section 5 – Specific Areas

5.1 Central Sydney

Provision	Compliance	Comment
5.1.3 Heritage items, warehouses and special character areas	Yes	The proposed works falls within the curtilage of several heritage items of local, state and national significance. See further details under the section 'Discussion' below.
5.1.4 Building exteriors	Yes	The application includes façade lighting to the Mitchell Library. The proposed lighting enhances the architectural qualities of the heritage item and is generally in accordance with the objectives of this provision.
5.1.8 Views from public places	Yes	The proposed forecourt works around the State Library enhance views to the library.

Discussion

Road Design

54. As discussed above under the heading 'Roads Act 1993', the application involves major road realignment of Shakespeare Place and other road works to Hospital Road and the intersection of Macquarie Street, Bent Street and Shakespeare Place.

55. To ensure the development can deliver a roadway able to support existing and future roadways demands, advice issued by TfNSW requires design modifications including:
- (a) Bent Street approach to consist of a shared through / left turn lane with one exclusive through lane and right turn movement out of Bent Street onto Macquarie Street is to be prohibited with associated removal of the existing right turn lane.
 - (b) The above amendments to the Bent Street approach to the signalised intersection is to include a reduction of the existing width of Bent Street between kerbs to reduce the walking distance at the pedestrian crossing.
 - (c) Introduction of a dedicated westbound left turn lane on Shakespeare Place into Macquarie Street to replace the removal of the left turn slip lane. The length of this dedicated left hand turn lane will be subject to detailed design assessment as part of the post consent Major Works Authorisation Deed (WAD) process.
56. Generally, this results in the reintroduction of a laneway on Shakespeare Place to allow a left turn onto Macquarie Street in place of the existing slip lane as shown in Figure 13 below.

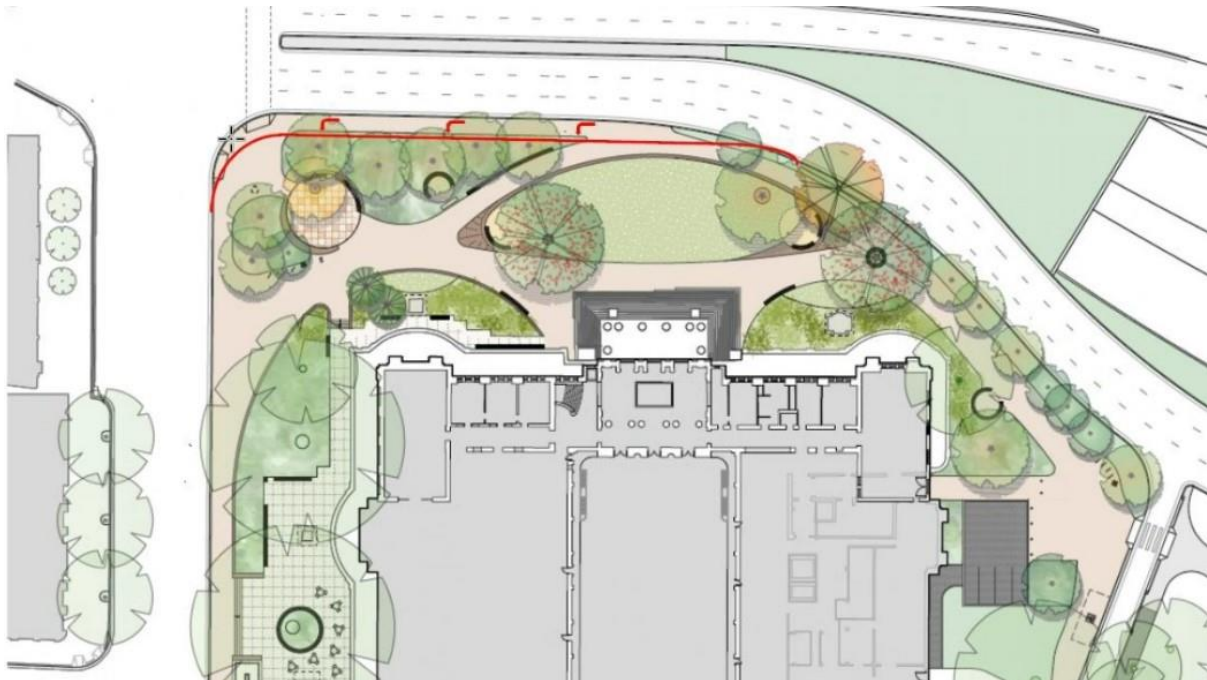


Figure 13: Indicative amendments shown in red to reintroduce additional turning lane to Shakespeare Place

57. As a result of this design change, other amendments are required to the road design including traffic flow changes to Bent Street and the increase in width of the footpath adjoining the road.
58. The above design changes were discussed with Council's Transport and Access Unit and Public Domain Unit who confirmed the traffic flow changes to Bent Street will not adversely impact the local road network and will generally improve pedestrian amenity by increasing footpath widths. Conditions of consent are recommended requiring updated drawings to be submitted prior to the commencement of Stage 2 to show

exact details of the road design. Further, conditions of consent recommend detailed public domain plans to be prepared and approved by Council's Public Domain Unit to ensure all new public domain elements including pedestrian crossings and footways are designed in accordance with Council standards.

59. While the road design amendments are generally accepted, the reintroduction of an additional lane will result in a slightly reduced northern forecourt area and will require minor design amendments to respond to the modified space. It is unlikely that the design amendments to this forecourt area will significantly change the general layout or design intent, rather provide a forecourt area at a slightly reduced scale.
60. The reduced forecourt area is supported. The area is still of a scale to provide a significantly increased public domain area for flexible uses including passive recreation and activities and can still accommodate increased tree planting and landscaped areas.
61. As the original design of the forecourt went through significant consultation processes, particularly with the NSW State Design Review Panel, a condition of consent is recommended that design amendments to the forecourt area must be presented to the panel prior to being submitted to Council for final approval.

Heritage

62. As noted above, the development consists of works within the curtilage of several items of local, state and national heritage significance. The heritage items affected by the subject application are as follows:
 - (a) The State Library of NSW (SLEP item no. I1950 and SHR 01071) - state significance
 - (b) The Royal Botanic Gardens and Domain (SLEP item no. I1653 and SHR 01070) - state significance
 - (c) St James Railway Station Group (SHR 01248) - state significance
 - (d) Shakespeare Place (SLEP item no. I1949) - local significance
 - (e) Governor's Domain and Civic Precinct - national significance
63. It is acknowledged that the proposed works give rise to varying degrees of both positive and negative impacts on the curtilages, setting, landscape, views and vistas, potential archaeology and the historic fabric and spatial configuration of the precinct, state, and local heritage items.
64. The key impacts are identified as follows:
 - (a) The proposed works include changes to the configuration of the road carriageway, with the reduction in two lanes of traffic. Consequently, the public domain and landscape setting, especially to the northern forecourt of the Mitchell Building, will be extended and enhanced. The works will also recover some of the former historic landscape relationships between the Royal Botanic Gardens, the Domain, and the State Library of NSW. This will have an overall positive impact on the items' assessed significance.
 - (b) The works will have an adverse impact on some aspects of the existing locally listed landscape plantings in which mitigation measures are proposed.

- (c) The works have some potential to impact archaeology of state significance.
 - (d) The works will result in an adverse impact to the local heritage significance of Shakespeare Place, noting the current location dates from the construction of the Cahill Expressway and is not considered to have heritage significance. This impact is mitigated by the relocation of the Shakespeare Memorial to an improved setting that will enhance public appreciation of its historic and aesthetic heritage values, and its historic relationship to the State Library of NSW.
 - (e) The proposed works are variably assessed as having either a neutral or positive impact on heritage items in the vicinity of the site.
65. As discussed above under headings 'Environmental Protection and Biodiversity Conservation Act 1999' and 'Heritage Act 1977', the proposed works affecting state and national heritage items have been considered acceptable and are generally seen to enhance the setting of these items.
66. The most significant impact of the development on a heritage item is the impacts on Shakespeare Place. Shakespeare Place was originally a local road that acted as a separation of the Royal Botanic Gardens from civic buildings along Macquarie Street. The Shakespeare monument sat on a small, landscaped island which gained aesthetic significance. With the construction of the Cahill Expressway from 1959, the purpose of Shakespeare Place altered significantly from a local road to a major access road to Central Sydney and the character and aesthetic qualities of the street changed with the relocation of the monument from the original landscaped island to its isolation between eastbound and westbound traffic lanes.
67. Viewing and interacting with the monument at a close distance is no longer possible as the large median separating traffic lanes is not safely accessible. The application proposes the relocation of the monument to forecourt area at the northern frontage of the library. Whilst the proposed relocation adversely impacts the aesthetic quality of the heritage item, it is acknowledged that the relocation improves public appreciation of the monument and allows for much safer interaction.
68. On balance, the loss of Shakespeare Place is supportable if the new location of the Shakespeare Memorial provides an enhancement of its setting and retains its relationship with the main façade of the Mitchell Library and its relationship with both the Bourke statue. The proposed location recessed into the proposed planting landscape north of the eastern wing of the Mitchell Library, however, does not provide sufficient visual prominence to an item of exceptional significance, nor does it provide adequate space to enable a visitor to experience all the major three sides of the memorial, a significant feature being the figures of the Shakespearean dramas that are represented, being amongst plantings.
69. Although being symmetrically placed outside the Shakespeare Room, the proposed location is asymmetrical to the Mitchell Library and to the Governor Bourke statue. As such, the following recommendations are made and are proposed to be included as conditions of consent:
- (a) Modify the location of the Shakespeare monument further north into the lawn space to provide a more substantive curtilage and to enable visual appreciation of the three major sides of the monument. The location should respond to the symmetry of one of the porticos of the Mitchell Library, as does the Bourke statue.

- (b) Develop methodologies for the careful dismantling, storage, and reinstatement of the monument.
70. Overall, the proposed State Library Public Domain works seek to improve the setting of the State Library of NSW and heritage items in the vicinity. The works will give rise to varying degrees of impacts on some heritage values; however, it is noted that previous changes to the subject site have given rise to cumulative impacts which have modified, altered and obscured historic and aesthetic heritage values to much of the location of the proposed works.
71. The proposed works are not assessed as giving rise to any cumulative loss of historic visual connections and views to and from the State Library of NSW, or items in the vicinity. Rather, the proposal will enhance some aspects of significance associated with the heritage items including the visual appreciation of the setting, its character and aesthetic distinctiveness.
72. Given the cumulative change that has been enacted around the northern frontage of the State Library since its initial construction, the proposed works are, through the augmentation and enhancement of the public domain, assessed to partially reinstate important heritage values that have been lost due to the construction of the Cahill Expressway.

Events

73. The application includes the proposal to hold various events associated with the function of the library and other cultural uses including:
- (a) Outdoor exhibitions
 - (b) Music
 - (c) Outdoor bars
 - (d) Books events/talks/author talks
 - (e) First Nations stories and performance
 - (f) City-wide programs (e.g. Vivid)
 - (g) Art fairs
 - (h) Community markets
 - (i) Interactive children's programs
 - (j) Street art
74. It is proposed such events and activations within the public domain would operate between 7.00am and 10.00pm and would be limited to a maximum of 1,500 people and held a maximum of 52 occasions per year.
75. To support larger events and city-wide activations, development consent is also sought to the holding of events until 12.00am (midnight) on 6 occasions per year.

76. The application has been supported by an Event Plan of Management in which it provides the operational management framework for activities and events held within the public domain, setting out the following:
- (a) The key management activities, vision, and activation goals of the Macquarie Street East Precinct.
 - (b) The project background and proposed development.
 - (c) An overview of the likely future events and approach to their implementation including indicative capacities, hours of operation, safety measures and emergency procedures.
 - (d) The approach to delivery of events and preparation of detailed event management plans, including an undertaking by the NSW Government to review and endorse individual event plans of management prior to the commencement of these events.
 - (e) Required consultation with stakeholders, including the Royal Botanic Gardens and Domain Trust.
 - (f) Outlining key operational considerations including compliance with the acoustic report recommendations for noise mitigation, bump-in and bump-out requirements and the location of key infrastructure components to support larger crowds including temporary sanitary facilities.
77. The proposed activation and event space is generally supported. The application has demonstrated through the submitted acoustic report, Event Plan of Management, and waste management plan that events and activation activities for larger crowds can be adequately supported in the forecourt areas.
78. The proposed hours of operation and in keeping with the recommended hours in the DCP and it is acknowledged that all bump-in and bump-out activities will occur within suitable times (i.e. between 7.00am and 10.00pm and no later than 12.00 midnight for special events). The submitted acoustic report was also reviewed by Council's Environmental Health Unit who found the assessment of noise levels and recommendations for noise mitigation measures to be acceptable.
79. To protect the interest and amenity of surrounding developments and the public, it is recommended that a time-limited consent for events be granted for 5 years. This allows the events aspect of the development to be able to be reviewed in the future in relation to the management of events, the nature of the use of the public domain and any impacts on heritage fabric. This recommendation is consistent with other large-format event consents in the immediate precinct, including the consent for events within the Royal Botanic Gardens and The Domain (D/2018/700).
80. Conditions of consent are recommended to ensure all events are managed appropriately including compliance with the recommendations in the acoustic report, compliance with the event plan of management, hours of operation, maximum capacity, and general site requirements for temporary structures. A condition of consent is also recommended to ensure an appropriate clearance is provided around the site during events to ensure pedestrians are able to move around the site safely.

Consultation

Internal Referrals

81. The application was discussed with Council's:
- (a) City Access and Transport Unit;
 - (b) City Design Unit;
 - (c) Cleaning and Waste Unit;
 - (d) Environmental Health Unit;
 - (e) Heritage and Urban Design Unit;
 - (f) Public Art Unit;
 - (g) Public Domain Unit;
 - (h) Safe City Unit;
 - (i) Specialist Surveyor; and
 - (j) Tree Management Unit.
82. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

Ausgrid

83. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
84. No response was received.

NSW Heritage Council

85. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council on 28 October 2024 for concurrence.
86. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 28 November 2024.
87. General Terms of Approval were issued by NSW Heritage Council on 10 December 2024 and have been included in the schedules within the recommended conditions of consent.

Transport for NSW

88. Pursuant to the Roads Act 1993 and Sections 2.98 and 2.119 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment and concurrence.

89. Copies of public submissions made to the City of Sydney during the notification period were forwarded to TfNSW on 28 November 2024.
90. General Terms of Approval were issued by TfNSW on 19 June 2025 and have been included in the schedules within the recommended conditions of consent. Other recommendations issued by TfNSW in accordance with Section 2.98 of the SEPP (Transport and Infrastructure) are also included as conditions of consent.

Advertising and Notification

91. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was placed on public exhibition between 29 October 2024 and 27 November 2024. A total of 2,378 properties were notified and 12 submissions were received.
92. The submissions raised the following issues:

Submission	Response
Construction noise and detours will impact the operation of the existing public domain and will cause detours for pedestrians.	It is acknowledged that construction noise and detours will be inevitable to facilitate the works. Conditions of consent are recommended, such as a construction traffic and pedestrian management plan, to ensure the construction works are managed appropriately and surrounding developments and pedestrian movements are impacted as little as possible.
How long will construction be for?	The length of construction is not a matter for consideration. Conditions of consent, however, require the impacts of construction on surrounding developments and the use of the public domain to be appropriately addressed and impacts minimised as much as possible.
Construction noise will impact surrounding residential uses at night.	The development must comply with the City's Code of Practice for Construction Hours and Noise. The Code of practice prohibits night-time construction.
The proposed construction cost is too high. Government funding should be spent on roads, footpaths, traffic management or public housing.	A cost summary report prepared by a registered quantity surveyor has been submitted with the application. The proposed cost accurately reflects the works that form part of the application.

Submission	Response
	The allocation of funds for state government-led projects is not a matter for consideration.
Additional public space is not needed when the site is already adjacent to the Botanic Gardens and The Domain.	Whilst it is acknowledged that large open spaces for public use adjoin the site to the north and east, the improved public space directly adjoining the Mitchell Library to the north and west improves the heritage setting, allows for varied civic uses, and improves canopy cover and biodiversity. The improvement of the public domain and reduction of the significant presence of a large state-road is consistent with the objectives of public domain improvement programs in Central Sydney.
The modified road should be moved underground or pushed back further.	Significant consideration of the function of Shakespeare Place connecting Central Sydney to major arterial roads has been undertaken by the applicant. The need for the road to support the local and greater road network is still warranted. Network analysis and forecasting has been undertaken to understand the required size and location of the road to support existing and future capacities and is supported, subject to amendments.
Events for 1,500 people will create adverse acoustic impacts on surrounding developments and will block significant through-site links and public thoroughfares.	The use of the space to carry out events on an occasional basis is supported. The application has been accompanied by a comprehensive acoustic report and Plan of Management and subject to compliance with the recommendations in each of these documents, acoustic impacts resulting from events are considered acceptable. Other conditions of consent are recommended that require a clear path of travel for pedestrians around the site when events are occurring.
Reducing the existing road from 4 to 2 lanes will create traffic chaos.	Further analysis has been undertaken in consultation with Transport for NSW to determine the required road capacity to support existing and future vehicle movements to and from Central Sydney

Submission	Response
	via Shakespeare Place. Transport for NSW requires amendments to the road design to appropriately reflect road use requirements and is reflected in the conditions of consent.
Local businesses will be impacted by the development.	The proposed works are predominantly for improving the public domain within the existing State Library curtilage. Whilst local business may be impacted during works, conditions of consent are recommended to ensure impacts are reduced as much as possible and appropriately managed. Local businesses are not likely to be negatively impacted as a result of the development.
Sanitary facilities are not available for events for 1,500 people.	The proposed public domain areas are capable of accommodating temporary sanitary facilities to support large gatherings. Conditions of consent are recommended to require the Plan of Management to be updated to include the number of temporary sanitary facilities for large events and the location of these facilities.
Designing a space for 1,500 people will not allow for the design of adequate canopy cover.	The proposal seeks to introduce a significant increase in canopy cover which is considered acceptable. The design of the space with a mix of soft and hardstand spaces is appropriate is likely to accommodate a larger group of people within the northern and western forecourts.
How will large events be managed/policed?	Conditions of consent require compliance with the approved Plan of Management and conditions relating to the provision of security personnel where appropriate.
The development will make the area an unpleasant place to live.	The proposal seeks to increase the area of publicly accessible space with a significant increase in greening, canopy cover and gathering spaces. These aspects of the development are considered to positively contribute to the public domain.

Submission	Response
Lighting will have a negative impact on surrounding residential uses.	Conditions of consent require compliance with the relevant Australian Standards relating to the release of light into the environment. Additionally, a lighting strategy is required to be submitted that addresses light spill from façade lighting and managing potential impacts on surrounding residential uses and the Botanic Gardens.
The ongoing maintenance of the landscaping incurs ongoing costs.	A condition of consent is recommended requiring the submission of a landscape maintenance plan. The cost of carrying out of landscape maintenance is borne by the developer.
The submitted documentation does not provide a detailed enough analysis to support the reduction of the roadway and is likely to have a negative impact on traffic flows.	As discussed above, further analysis was carried out to the satisfaction of Transport for NSW and determined an updated road design is required to cater for existing and future road demands. Conditions of consent are recommended that reflect these requirements.
There is an opportunity for landscaping works to integrate public art that balances the retention of colonial statues with counter-monuments or other forms of truth-telling.	As described in supporting documentation, the design of the outdoor space has carefully integrated aboriginal design to sympathetically interact with existing colonial monuments. There is also an opportunity for interpretation information within the forecourt areas that will incorporate information on aboriginal history.
The proposed kiosk needs to be further detailed.	As discussed in this report, the proposed kiosk is not supported at this stage as it has not been detailed enough to adequately consider the impacts of the structure on the adjacent heritage item and its generally setting.
The car park at the eastern frontage of the library should be suitably screened from the street by plantings to enhance pedestrian experience.	To ensure appropriate access and clearance for larger vehicles is provided, the opening of the parking and loading space is acceptable. The final landscape plans may include additional plantings along Hospital Road to provide additional screening.

Submission	Response
Civil, landscape contractors and horticultural maintenance firms must take a proactive approach to ensuring best practice processes with regards to the construction and maintenance of the landscape and ensure the best chance of success for the landscape.	Recommended conditions require minimum qualification levels for all landscape design and tree protection to ensure landscaping is constructed appropriately.
PDNSW should develop a Horticultural Maintenance Plan for Shakespeare Place incorporating a plant hygiene and biosecurity process.	A condition of consent is recommended requiring the submission of a landscape maintenance plan which considers the location of landscaping, and any special requirements planting may have.
Any contractor working in the vicinity of the existing olive trees along Hospital Road needs to be aware of the cultural and heritage significance of these plantings when undertaking road realignment works.	Recommended conditions include the provision of tree protection measures to all retained trees within the development site and within proximity to any works.
Construction materials should not be stored on land located in The Domain.	A condition of consent is recommended requiring all loading and unloading to occur within the library site.
Precinct coordination should be undertaken to manage sound complaints when both the Domain and the library host outdoor events.	The plan of management includes requirements to consult and coordinate with stakeholders in the Macquarie Street East Precinct, including the Domain, to ensure events occurring do not result in any additional amenity impacts on surrounding developments.
Proposed boundary changes raise issues with heritage and management between the State Library operators and PDNSW	The proposed subdivision and ownership changes no longer form part of the proposed development. It is recommended that the management arrangements of the open space areas be discussed separately between all stakeholders involved.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

93. The Central Sydney Development Contributions Plan 2020 applies to the site. However, the development is for public space upgrade works to the City Centre and North which is a type of development listed in the table in Section 2.2(b) of the Plan and is excluded from the need to pay a contribution.

Housing and Productivity Contribution

94. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
95. While the site is located with the Greater Sydney region, the development is not a type of residential, commercial, or industrial development to which the Housing and Productivity Contribution applies.

Relevant Legislation

96. Environmental Planning and Assessment Act 1979.
97. Roads Act 1993.
98. Heritage Act 1977.

Conclusion

99. The proposed development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2021.
100. The application has been considered to have an acceptable heritage impact on the significance of all heritage items located within the development site and satisfies the relevant provisions of the Heritage Act 1977. The application is supported by Heritage NSW and has been granted General Terms of Approval by the NSW Heritage Council.
101. The application is also considered to have an acceptable impact on the local and greater road network in providing a road design able to support the existing and future capacity of the transport network and satisfies the provisions of the Roads Act 1993 and the State Environmental Planning Policy (Transport and Infrastructure) 2021. The application is supported by Transport for NSW and has been granted General Terms of Approval, subject to minor amendments.
102. The proposed development is considered to exhibit design excellence in accordance with section 6.21C of the Sydney Local Environmental Plan by way of enhancing the public setting of significant civic spaces within the Macquarie Street East Precinct and significantly improving public gathering spaces, canopy cover and city greening while being sympathetic in design to surrounding heritage items.

103. Further, the flexibility of the proposed open spaces provides opportunities for events and activation activities which are unlikely to have an adverse impact on surrounding developments.
104. Subject to the recommendations in this report, and the imposition of the recommended conditions, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of Central Sydney.

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