



Attachment A

Response to Government and Agency Submissions

The following is a summary response to the submissions provided by State and local government agencies. The proponent's responses have been informed by input by the expert consultant team.

The relevant agencies can be found at the following page references:

1.	City of Sydney	3
2.	Heritage Council of NSW	14
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This response should be read in conjunction with the following appended documentation:

- Architectural RTS Response Letter prepared by FJMT (**Attachment C**);
- Transport RTS Response Letter prepared by Arcadis (**Attachment D**);
- Landscaping RTS Response Letter prepared by Aspect (**Attachment E**);
- Heritage RTS Response Letter prepared by Curio Projects (**Attachment F**);
- Harbourside Redevelopment Microbat Survey prepared by Eco Logical (**Attachment G**); and
- Updated Design Excellence Strategy prepared by Ethos Urban (**Attachment H**).

Issue	Response
<p>1. City of Sydney</p>	
<p><i>1. Draft Pyrmont Peninsula Place Strategy (Draft PPPS)</i></p> <p><u>a. Land Use – Residential Accommodation</u> Under the Draft PPPS, Tumbalong Park “will be an integral part of the globally recognised tourism and visitor destination, Darling Harbour, and a meeting place for innovators, entrepreneurs and businesses”. The nominated priorities of the sub precinct involve creating new space for jobs in tourism and entertainment and supporting services, such as shops, restaurants, cafes and bars and transport to create smaller activity areas and a dynamic and safe night-time economy. The sub-precinct is to provide limited residential development without compromising the tourism, entertainment, and commercial functions. The Draft PPPS further sets out the special considerations of Harbourside as a key site in prioritising the delivery of employment, entertainment, and tourism floor space.</p> <p>The amended building envelope redistributes the bulk from the northern portion of the podium to the height of the tower. This results in an increase to the proposed residential land use split, which would occupy approximately 48% of the proposed land uses.</p> <p>Effectively, residential floor space would occupy half of the floor space of the development. The proposal blatantly contradicts the strategic vision of this site and does not prioritise the delivery of employment, entertainment, and tourism floor space. Whilst the RTS makes loose assertions for the retail and commercial non-residential uses utilising the remaining 52% of the development floor space, the proposal would compromise the full potential of the site in exercising tourism, entertainment, and commercial functions that commensurate with the globally recognised identity of the Darling Harbour precinct.</p>	<p>Strongly disagree. The proposal is fully aligned with the Tumbalong Park place priorities, including through:</p> <ul style="list-style-type: none"> • The creation of a dynamic night-time economy; • The provision of new commercial space to cater for jobs in industries aligned with the Innovation Corridor; • Residential development that will not compromise the precincts tourism, entertainment and commercial functions; • Creation of additional affordable housing through a \$5.2 million monetary contribution; • A built form outcome that respects the site’s heritage and waterfront setting and also supports view sharing to existing surrounding buildings; • The creation of new green rooftop gardens; • The improvement of public spaces through public art; • A strong commitment to integrate and showcase the important history and heritage of the site; and • Significantly improving accessibility and connectivity along the waterfront (through a widened promenade) and between the foreshore and Pyrmont and the broader Bays Precinct beyond (through a new pedestrian bridge over the light rail that connects the site to Bunn Street). <p>The proposed development provides for significant retail and commercial uses that prioritises the delivery of employment, entertainment, and tourism floorspace. The proposed development maximises the delivery of employment-generating floorspace that is realistically possible at the site, through dedicating the entirety of the podium of the redevelopment to such uses. Locating these uses in the podium is beneficial as it would significantly improve street activation, amenity and vibrancy, and facilitate the delivery of large campus sized commercial floor plates that are favoured by multinational tech, finance and professional services companies.</p> <p>The proposal, through prioritising the podium for non-residential land uses ensures that the most visible and engaging parts of the development continue to support Darling Harbour as an entertainment, tourism and commercial precinct.</p> <p>The City’s assertion that the site needs to be dedicated 100% to non-residential land uses contradicts the aspirations of the Draft Pyrmont Peninsula Place Strategy for a truly mixed use and vibrant precinct.</p>
<p>The RTS omits reference to the Harbourside site forming part of the ‘cultural ribbon’ that is indicated in the Draft PPPS as ‘Big Move 2’ in realising a ‘vibrant 24-hour cultural and entertainment destination’. This cultural ribbon seeks to continue the existing cultural entities located along the foreshore, which include the Sydney Opera House, the Museum of</p>	<p>The proponent agrees with the characterisation of the development as a key opportunity to deliver vital cultural and entertainment assets in Darling Harbour. In this regard, the proposed development will contribute significant cultural and entertainment assets that contribute to a vibrant 24-hour economy, through the delivery of a suite of high quality public</p>

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<p>Contemporary Arts, The Rocks, Barangaroo Headlands, Walsh Bay, Powerhouse Museum, Australian National Maritime Museum, the ICC and the Lyric Theatre.</p> <p>The Harbourside site presents an opportunity to reinforce cultural and entertainment assets that contribute to a vibrant 24-hour economy and “provide new space for entertainment, events and cultural attractions as part of a catalyst site redevelopment, including diversifying night-time experiences”.</p> <p>The City strongly disagrees with the proponent’s assertion that the residential uses would not prejudice the 24-hour operation of the precinct as it is located a significant distance above ground. Tourism and entertainment land uses generate substantial noise and are at odds with the acoustic privacy requirements for residential development. The site is also located within close proximity to the Western Distributor. The existing noise environment is not compatible for residential use and would diminish the enjoyment of the foreshore and Darling Harbour precinct as a public asset for leisure, recreation, entertainment, culture, education, and commerce.</p>	<p>open cultural spaces that includes the widened waterfront promenade, The Event steps (which provides seating for larger events such as Chinese New Year, Tai Chi and Vivid), and Guardian Square. These amenities and facilities are significantly above and beyond what is possible under the current configuration of the Harbourside Shopping Centre, and will contribute towards the ‘cultural ribbon’ and integrates well with the other cultural entities along the foreshore as noted by Council.</p> <p>The residential component will guarantee that the redevelopment supports a truly mixed-use precinct, which is a key tenet of the Draft Central Sydney Planning Strategy. It will add vibrancy by injecting local residents into Darling Harbour and ensure that Darling Harbour supports Sydney as a 24-hour global city (i.e. residents of the new tower are expected to bring in additional patronage to nearby retail, tourist and entertainment premises), while also supporting the business case for a potential metro station at Pymont.</p> <p>It is reiterated that the residential component would not prejudice the 24-hour operation of Darling Harbour. Not only is it a permitted landuse under the relevant planning controls, but residential developments have also long been a common feature throughout Darling Harbour’s history (such as at 50 Murray Street, where the same planning controls apply). This is therefore evidence that residential development on the edge of Darling Harbour can co-exist with the diverse range of activities that occur across the precinct.</p> <p>Design measures will be implemented in the detailed development stage to ensure there would be no adverse impact from both the commercial/retail components of the proposal to future residents, along with consideration of the broader entertainment and tourism activities that take place across Darling Harbour. A number of these potential strategies are discussed in the Response to Submissions and Further Amended Concept Proposal report prepared by Ethos Urban dated 12 October 2020. The location of the new apartments would also be obvious to prospective buyers and thereby would only attract those who wish to live in close proximity to one of Australia’s premier entertainment districts, and the unique lifestyle and convenience it offers.</p>
<p>Reference must also be made to Direction 9 of the Draft PPPS, which is to provide great homes that can suit the needs of more people within the peninsula. The Place Strategy nominates housing growth to be focused primarily in residential areas, across the ridgeline village and along the western side of the peninsula at Pymont Village, Pirrama, Blackwattle Bay, Wentworth Park and Ultimo (northern) sub precincts. The Strategy also specifies that residential development should not undermine the vision of other areas as a job hub and economic driver of Sydney that does not compromise the delivery of new commercial and employment floor space in line with the Eastern Sydney District Plan priority E7 – growing a stronger and more competitive Harbour CBD.</p> <p>As expressed in previous correspondence and as Draft PPPS envisions, there are other suitable locations that can provide housing across the Pymont peninsula. It is emphasised that consideration must be made to the economic priorities of the Central Sydney, including</p>	<p>As aforementioned, residential uses have long been provided within Darling Harbour without prejudicing its economic viability or 24-hour operation. Enhancing Sydney’s global competitiveness requires attracting global talent, with the delivery of high-quality housing within the Harbour CBD a key factor. The proposed delivery of around 357 dwellings on the doorstep of the Harbour CBD and within the Innovation Corridor will be provide a significant boost to supply.</p> <p>It is reiterated that the provision of housing at the site is expected to improve housing diversity, increasing the variety and availability of housing in close proximity to public transport and a 10-minute walk away from the Sydney CBD. This boost to housing supply is just one of the many compelling reasons for why residential is considered to be appropriate.</p>

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<p>the Darling Harbour precinct, in contributing towards Sydney being a global city with a commercial core to support and protect economic and employment growth opportunities. The Eastern Sydney District Plan, Sustainable Sydney 2030 and the draft Central Sydney Planning Strategy set out economic targets, visions and aims for the efficient use of land with floor space that is not committed to residential uses. This is to ensure that planning for job growth in Central Sydney is protected.</p>	<p>The proposed development will continue to deliver significant key retail and commercial floorspace at the site, comprising 52% of all GFA.</p>
<p>It is evident that providing new space for entertainment, events and cultural attractions is not the catalyst driving the redevelopment of the Harbourside site. The proposal does not achieve the strategic vision of the Tumbalong Park sub-precinct and special considerations for Harbourside as a global tourist and visitor destination that prioritises the delivery of employment, entertainment, and tourism floor space under the Draft PPPS.</p> <p>The strategic vision of the Draft PPPS is aligned with the aims of the Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005) in maintaining the Darling Harbour precinct as a public asset of national and heritage significance that encourages leisure activities within the harbour foreshore. Additionally, the Draft PPPS is aligned with the objectives of the Darling Harbour Development Plan No. 1 in encouraging the development of a variety of tourist, educational, recreational entertainment and commercial facilities.</p> <p>The conversion of public land for private use fails to recognise the principles and contradicts the spirit of the SREP of Sydney Harbour being a public resource that is owned by the public and is to be protected for the public good. The proposal does not satisfy the objects of the Darling Harbour Development Plan No. 1 and is not in the public interest.</p>	<p>Strongly disagree. The proposal is considered to support the achievement of the Tumbalong Park sub-precinct priorities</p> <p>As noted in previous RtS responses, the site will remain as public land owned by the NSW Government. The proposed renewal of the site, which Mirvac has a long term lease interest in, aligns with other transformative projects led by the private sector that have occurred across Darling Harbour. Contrary to the City's views, the proposal is in full accordance with the Sydney Harbour REP, Darling Harbour Development Plan and is in the public interest.</p>
<p>b. Public Benefits</p> <p><i>i. Publicly Accessible Open Space</i></p> <p>A minimum total area of 8,200sqm of publicly accessible open space is proposed to be provided and upgraded across and adjoining the site. Within this area, the following commitments are made:</p> <ul style="list-style-type: none"> • Guardian Square (1,500sqm) • A widened and upgraded waterfront promenade (4,800sqm) • Bunn Street Bridge • Event Stairs • Ribbon Stairs • Central through-site link • Upgrade of existing northern pedestrian bridge • New paving to Pyrmont Bridge • Activation works <p>Such improvements are supported in principle and are considered essential to support the increased and anticipated development intensity of the site. Many are basic requirements that should be delivered as part of any redevelopment.</p>	<p>The proponent is fully committed to delivering the public benefits as envisioned under the concept plan, including Guardian Square, the widened promenade, Bunn Street Bridge, Event Stairs, Ribbon Stairs, Central through-site link, upgrading of the northern pedestrian bridge and new paving to Pyrmont Bridge. There will be a legally binding agreement in place to ensure these public benefits are delivered.</p> <p>The proponent disputes the characterisation of these benefits as being tokenistic or unintegrated. They are fundamental elements of the proposal and crucial to realising Mirvac's vision for this strategically important site.</p> <p>As the city would appreciate being leaders in the area of design excellence, there is a need to ensure creative freedom during the future competitive design process. The building envelope therefore purposefully provides flexibility for architects to provide innovative and creative responses for each of these required public benefits.</p>

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<p>However, as proposed some public benefits appear tokenistic as they do not sufficiently integrate and correlate with the existing public domain levels and appear as stand-alone elements made to serve the development. Of greatest concern is that none of the abovementioned public domain elements intended for public benefit are embedded in the building envelope drawings. As such, there is no certainty that these will be delivered and secured.</p> <p>In addition to the above, the genuine offering of these spaces for public benefit are challenged with respect to the accessibility, viability, and usability as public open space with landscaping and tree planting. This is discussed in detail later in this submission.</p>	
<p><i>ii. Monetary Contribution towards Affordable Housing</i> The RTS reiterates that a monetary contribution of \$5.2 million is proposed to be provided towards affordable housing. It is acknowledged that the submission by City West Housing on the Draft PPPS states the preference to receive monetary contributions from developers to deliver standalone affordable housing development. Any monetary contribution for affordable housing must be appropriately levied and secured in any future development.</p>	<p>Noted.</p>
<p><u>c. Height</u> The increased height of the building envelope is established from the Draft PPPS. There are three special considerations envisioned for the Harbourside site, which include protecting solar access to the harbour foreshore public domain, prioritise the delivery of employment, entertainment and tourism floor space and towers below RL170.</p> <p>Of the three abovementioned special considerations, the tower below the height of RL170 is solely delivered as part of this proposal. As previously mentioned, the proposal does not prioritise the provision of employment and tourism floor space. The proposal does not protect solar access to the harbour foreshore public domain (as discussed in the Overshadowing discussion below).</p> <p>The optimisation of height is to go hand in hand with the delivery of the other special considerations for the Harbourside and must not be considered in isolation. The Draft PPPS is preliminary and no testing or rationale has been provided in the document that justifies the maximum height of RL170. Accordingly, establishing the height of the development in consideration of the draft PPPS is premature. The application must establish an appropriate height of the tower through first principles with community and stakeholder consultation.</p>	<p>Disagree. The proposed development exhibits a high level of consistency with all three special considerations for the Harbourside site. With regards to the first special consideration (overshadowing), it is reiterated that the proposed building envelope will not result in adverse impacts on overshadowing, and solar access to the harbour foreshore will continue to be protected.</p> <p>The public domain located to the east and south of the site and more broadly within Darling Harbour will continue to be provided with direct sunlight under the proposed development throughout the morning period on June 21 (the winter solstice) before shadow resulting from the proposed envelope occurs after midday. There are still vast areas of accessible sunlight available in the Darling Harbour public domain notwithstanding the proposed development, including during the key lunchtime period of 12:00pm to 1:00pm when the general public is most likely to use and appreciate the space.</p> <p>It is reiterated that overshadowing of the waterfront promenade during the afternoon period on the winter solstice would be expected with any reasonable built form outcome on the site, given the proximity of the promenade on the eastern side of the building form. The overshadowing expected to result from the tower envelope is restricted to a small proportion of the overall Darling Harbour public domain and is limited to the western and southern side of the public domain. Due to the slender design of the building floorplate, any additional overshadowing will not be significant owing to the slender and fast-moving nature of any shadows and would generally be consistent with the development as originally exhibited.</p> <p>With regards to the second consideration (prioritisation of employment, entertainment, and tourism floorspace), the proponent contends that this consideration is met by the proposed development due to the rationale given above.</p>

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	<p>The third consideration (height) is met by virtue of the proposed tower being below RL170 in height. The proponent refutes the claim that the Draft PPPS is not appropriate or premature in justifying the height of the tower. The Draft PPPS is strongly appropriate as a justification for height in the absence of specific height limits for the site under the Darling Harbour Development Plan, making the Draft PPPS the most relevant strategic document.</p> <p>It is also reiterated that the proposed built form outcome is supportable on a first principles basis, as documented extensively in the original EIS and subsequent RTSs. The tower forms a coherent relationship with its immediate context, i.e. the ICC Hotel. The stronger urban design position is one where the towers relate but are not the same. It establishes a similar strategy as the eastern edge of Cockle Bay, with tower height increasing from the south. The desirable distinction in character between the eastern and western skyline of Cockle Bay can be maintained if the development of the western side of Cockle Bay is based upon on a reduced number of well proportioned, slender towers which are well spaced apart. A slender residential tower will best ensure the intent of well proportioned, well-spaced towers can be achieved, with the opportunity for an iconic tower design. The recent \$15 billion wave of investment and renewal that has occurred across Darling Harbour also establishes an existing character of both low-medium scale podium buildings along with taller towers of heights commensurate with that proposed (Cockle Bay: RL183, the Ribbon: RL93.5, Darling Square: RL138.83, and Four Points/Hyatt Regency: RL93.6).</p>
<p>2. <i>Urban Design and Design Excellence</i></p>	
<p><u>a. Wind Impacts</u> Concern is raised regard the unaccepted wind impacts to some aspects of the development. The submitted Wind Assessment Report describes the wind conditions as exceeding the Lawson distress criterion with an able-bodied rating for both the building envelope and indicative designs. This is not suitable for pedestrians that have mobility impairments, the elderly, or children.</p> <p>The Report also highlights that the envelope creates issues in several instances that must be rectified through detailed architectural and landscape design. For example, the only outdoor communal open space on Level 4 is deemed suitable for 'business walking' only and fails the 'distress criteria'. This is unacceptable, even at this stage. The building envelope and allocation of accessible outdoor space must respond to this. Landscape design and vegetation can be employed to mitigate adverse wind conditions, but the architectural section drawing submitted with the application indicates soil depths are suitable for groundcovers only, if at all. This should be amended to again allow for both trees and shrubs at soil depths ranging between 450mm-1000mm.</p>	<p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The submitted Wind Assessment Report 'Wind Tunnel Assessment (Appendix L)' recommended potential mitigation measures which will be developed during detailed design relative to the identified locations.</i></p> <p><i>The proposed building envelope has been developed to allow these measures to be addressed during detailed design in Stage 2 DA as suitable for the outcome of the future design excellence process.</i></p>
<p><u>b. Design Excellence</u> The submitted Design Excellence Strategy confirms that a competitive design process will integrate the tower, podium, and the public domain. This is supported to ensure that the</p>	<p>The proponent intends to undertake an invited single-stage design excellence competition with a minimum of 3 competitors (refer Type A of the Draft GANSW Design Excellence Competition Guidelines).</p>

Issue	Response
<p>competitive process is set up to select the highest quality architectural, public domain and urban design solution for the site.</p> <p>It is unclear if the competitive design process chosen is an Architectural Design Competition or a Competitive Design Alternatives Process. Having regard to the scale of the development and prominence of the building's location within the context of the Darling Harbour waterfront, the City strongly recommends that the development be subject to an architectural design competition, involving would involve a minimum of five competitors.</p> <p>The City recommends that the Strategy be amended to include a new section on Observers. The City will nominate at least one independent person as observer of the Competition and Design Integrity Process. The observer must be invited to attend all meetings involved with the Competition and Design Integrity Process and provided a minimum 2 weeks' notice. This is in line with the Draft Government Architect's Design Excellence Competition Guidelines.</p>	<p>Detailed matters such as Council observers can be addressed within the competition brief.</p>
<p><u>c. Public Domain Interface</u> Insufficient and inconsistent information is provided for existing ground levels including the foreshore promenade and surrounding streets to adequately understand the relationship of the development and immediate context. Refer to Public Domain discussion below.</p>	<p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>A survey drawing is included as part of the submission. Ground levels as indicated on the illustrative design plans have been developed with consideration of this together with technical requirements as related to flooding (as noted elsewhere within the accompanying technical reports).</i></p> <p><i>Detail resolution of levels and ground level interfaces will be subject to a future design excellence process and subsequent DA submission. The current application is for a SSSA Stage 1 approval.</i></p>
<p><u>d. Building Envelope</u> There is insufficient information submitted for the building envelope. As previously mentioned, the drawings do not show any of the abovementioned public domain elements including Guardian Square, Event Stairs and Ribbon Stairs. These are to be included in the building envelope plans, elevations, and sections to ensure delivery.</p> <p>The tower to the west does not have an upper level setback from the podium. The wind report indicates that the building envelope has a poor comfort rating at the base of the tower along Darling Drive and the indicative scheme shows that it is only suitable for walking near the base of the tower along Darling Drive.</p> <p>Overall, the building envelope is excessive and extends closer to both the Pyrmont Bridge and the edge of the promenade. The podium needs to be pushed back to the existing lot boundary of Harbourside and the tower setback from both the eastern and western ends above the podium. A greater setback is also required from the Pyrmont Bridge to provide some curtilage from the heritage item. The height of the podium especially adjacent to the Pyrmont Bridge is to be lowered to ensure views to the water from the Bridge.</p>	<p>The characterisation that the public domain elements are not included in the plans, or that they may potentially be not delivered, is strongly disputed by the proponent. This issue is addressed in the response to Council's 'public benefits' comments above. The proponent is fully committed to delivering these vital public domain improvements at the site.</p> <p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The envelope has been refined following the completion of a number of workshops between the Department and Mirvac. The envelope has been developed to ensure that it has capacity to incorporate appropriate wind mitigation measures as appropriate for a future detailed design proposal.</i></p> <p><i>Refer to 'Architectural Design Report (Appendix D)' prepared by fjmt and 'Response to Submissions and Further Amended Concept Proposal' prepared by Ethos Urban for more information.</i></p>

Issue	Response
<p><u>e. Overshadowing</u> The RTS has provided more fine-grained intervals (15 minutes) for overshadowing, the previous submission showed hourly intervals. This demonstrates that overshadowing of the Promenade starts at 12.30pm and continues until 3pm.</p> <p>For at least half of lunch time at mid-winter the Promenade is in full shade. The proponent is proposing a 'regularised waterfront setback'. However, if the existing lot boundary of 29m from the water's edge is maintained, the overshadowing caused by the building envelope will be negligible at 12.30pm and only occupy half the width of the promenade at 12.45pm, three-quarters at 1pm and so on, thus optimising the lunch time sun at midwinter. Additionally, if the tower was setback 37m from the (29m from the water's edge plus 8m upper level setback), this would further reduce the overshadowing of the promenade at mid-winter at lunch time as the tower building envelope begins to cause overshadowing of the promenade from 1.00pm.</p> <p>No new lot boundaries have been shown, however, the development area has increased and with it the overshadowing of the promenade appears to have increased. There is insufficient information provided regarding overshadowing of neighbouring buildings. This is to be demonstrated by filling in the City of Sydney 'Solar Access Tally at 15-minute Intervals' spreadsheet.</p>	<p><i>The proposed envelope was subject to a workshop process and subsequent meetings as facilitated by the Department from June 2019 to September 2019. During this process the envelope was reviewed and adjusted with consideration of urban design, environmental impacts (including wind and solar access), view sharing and public realm opportunities.</i></p> <p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The proposed tower position and associated envelope has been developed with an holistic consideration of urban design, environmental impacts (including wind and solar access), view sharing and public realm opportunities.</i></p> <p><i>The envelope has been documented to allow an appropriate level of flexibility for a future design excellence process. As demonstrated within the RTS documentation, a variety of tower forms may be accommodated with the envelope. This offers opportunity for further refinement and reduction of overshadowing relative to the SSDA1 envelope.</i></p> <p><i>The City of Sydney 'Solar Access Tally at 15-minute Intervals' spreadsheet or an equivalent would form part of a future DA submission once the outcome of a future design excellence process is known.</i></p>
<p>3. <i>Heritage</i></p>	
<p>It is acknowledged that the amended building envelope responds to the City's recommendation for a lowered podium height to the north of the development. It is also noted that the lowered podium follows a 30-degree angle sightline and separation from the Pyrmont Bridge.</p> <p>However, the amended envelope demonstrates a tiered podium to the north with varying levels of RL 25 and RL13.25. The RL 13.25 lower tier is still considered excessive and blocks sightlines from the Bridge. To enable clear site lines and uninterrupted views from the west, the lower tier is recommended to be further reduced to be no higher than the Bridge surface, at approximately RL 11.5.</p> <p>Further, the improve the relationship of the development with surrounding buildings, the north-east corner of the podium should replicate the slanted building alignment of the Maritime Museum so as to increase the openness of the underbridge public open space.</p>	<p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The proposed built form has been developed following the completion of a number of workshops between the Department of Planning and Mirvac. The outcome of which included proposed further refinements to the built form of the podium and tower, with the refinements considered to be positive.</i></p> <p><i>One of the key refinements following the workshops with the Department is the reduction of height and bulk of the northern part of the podium. It has been reduced by 1 to 3 storeys, from RL 25m to part RL 17.6m and part RL 13.75m. The rooftop of this section of the podium will instead comprise a new public space; 'Guardian Square'.</i></p> <p><i>The height of the envelope adjacent to the Pyrmont Bridge at RL 13.75 seeks to allow for balustrades and varying soil depths to support a diversity of planting while maintaining clear sight lines from the west and the adjacent Pyrmont Bridge.</i></p>

Issue	Response
	<p>Refer to 'Architectural Design Report (Appendix D)' prepared by fjmt and 'Response to Submissions and Further Amended Concept Proposal' prepared by Ethos Urban for more information.</p>
<p>4. <i>Transport and Access</i></p>	
<p>The RTS does not alleviate the City's previous concerns raised regarding transport and access of the development. The application proposes to lease 255 spaces for the commercial and retail parking from a neighbouring site. Further, no change is made to the initially proposed number of 306 car parking spaces.</p> <p>The City reiterates that given the highly accessible location of the site, car parking must be constrained and be aligned with the sustainable transport objectives of Sustainable Sydney 2030 and Transport for NSW's Movement and Place framework.</p> <p>No improvements to cycleway connections are being proposed. Additionally, the proposal still falls short on loading provisions. All loading and servicing should be accommodated onsite and the site should not rely on kerbside loading.</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Parking provision for the residential development is in accordance with the Sydney LEP 2012 parking rates for land use classification and transport integration Type B, which is outlined further in Section 4.10. of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20.</i></p> <p><i>Parking is included for car share spaces and accessible spaces in accordance with the City of Sydney Development Control Plan 2012. Further justification of the proposed parking provision strategy is outlined in Section 4.10.1.1. of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, which outlines a review of existing and current publicly available census data from 2016, with respect to car ownership.</i></p> <p><i>It is proposed that the retail and commercial uses will utilise the existing 255 car parking spaces located below the Novotel Hotel. A Green Travel Plan will be developed during the Stage 2 development application to promote sustainable travel measures. End of trips facilities, bicycle parking and new pedestrian connections are proposed to promote the use of sustainable transport measures.</i></p> <p><i>Please refer to Section 4.14 of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, for further details on the Green Travel Plan. The redevelopment will promote and improve pedestrian and cycle ways. The final design will be developed during detailed design and contained in the future Stage 2 development application.</i></p> <p><i>The proposed development will contain two separate loading docks, which are to be shared across all components of the proposed development. The current loading dock provides 15 bays, and it is anticipated that 17 will be provided in the future loading docks. There will be a reduction of GFA of the retail element of the development, from the current situation, which will reduce the loading requirements for the retail element, allowing the remaining loading bays to service the residential and commercial elements, which require less loading than the retail.</i></p> <p><i>A loading dock management plan will be implemented to aid the operation of the loading docks. All loading is provided on-site in two loading docks. The existing loading dock will be retained, and a second loading dock provided within the development basement. As such, the development does not rely on kerbside loading. Please refer to Section 4.13.3 of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, for further details on the proposed loading docks.</i></p>

Issue	Response
	<p><i>The Kiss & Ride facility is the only kerbside servicing the development. This facility has been relocated to a more suitable on-site location and it is located off and separate to the main public road network. Please refer to Section 4.13.1 of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, for further details on the proposed Kiss & Ride facility. The redevelopment proposal does not propose any bus loading.</i></p>
<p>5. Landscape and Biodiversity</p>	
<p>The accompanying Public Domain Report, prepared by Aspects Studio, states that the inaccessible roof areas must remain so because of the strict building envelope constraints. It is also indicated that no trees are proposed on the green roofs as they would interrupt the sight lines and harbour views from the apartments behind. The City has significant canopy cover targets, and the proposed green roofs are extensive in area. To not plant trees in this space, even in select, scattered groups, is a missed opportunity.</p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>Refer to SSSA Landscape Design Report dated 8th October 2020 page 56 - the current design maximises the opportunity within the strict building envelope constraints. The envelope cannot accommodate items such as lift overrun, additional balustrade or shelter/structure in this area, therefore the space cannot be publicly accessible. However, this does create an opportunity for an extensive area of low level planting and shrubs to improve biodiversity and habitat offering, while also providing a green outlook to the neighbouring buildings.</i></p> <p><i>In addition to the previous response regarding building envelope restrictions please also refer to FJMT Architects SK201125 01 RTS - Podium L5 Detailed Section through inaccessible green roof areas.</i></p>
<p>The City reiterates that soil depths should vary between 450mm-1000mm across these roofs to support a diversity of planting and realise a valuable urban ecology within the CBD environment. Whilst it is acknowledged that providing accessible green roofs would have knock-on implications for shade structures and balustrades, it is reiterated that some of the inaccessible green roof should be made accessible and at the very least, to the northern roof. Should these roofs remain inaccessible, it should facilitate substantial biodiversity and habitat creation and should be developed in consultation with an ecologist. This should result in a much more biodiverse plant list as well as physical habitat features where appropriate.</p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>As shown in the section (refer to FJMT Architects SK201125 01 RTS - Podium L5 Detailed Section) through inaccessible green roof areas, soil depths of 450-1000mm are not achievable due to structural slab levels or to have trees on the roof due to strict level restrictions associated with the building envelope. Please see blue line indicated in FJMT Architects section.</i></p> <p><i>It is recommended that this roof is developed as a biodiversity habitat space with inputs from a qualified Ecologist on the habitat potential of the inaccessible green roofs and where features such as log piles, insect hotels and small rocks could be incorporated. (Subject to no impact on building envelope restrictions.)</i></p>
<p>a. Tree Management The RTS confirms that trees are proposed along the foreshore promenade in an area designated as 'The Boulevard'. The planting palette for this avenue has only included palms as its potential mature trees. The planting palette must be updated to include medium to large canopy trees with a minimum 10 metre height and with canopy spreads of at least eight metres, in order to provide for adequate canopy coverage in these areas. Palms are not considered as effective canopy trees and these public domain areas should provide a minimum of 50% canopy coverage.</p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>Noted. An alternative tree species will be explored during the Stage 2 DA and selected to provide increased canopy coverage and shade to the public along the boulevard.</i></p> <p><i>Noted. This species of palm tree will be removed from the future Stage 2 DA and an alternative species selected.</i></p>

Issue	Response
<p>It is recommended that Phoenix canariensis is deleted from the proposed palm groves as it is susceptible to fungal attack and not sustainable. It is noted that the design has included the existing palm trees for transplantation and use onsite to be specified in the detailed design.</p>	
<p>6. <i>Public Domain</i></p>	
<p>The comments raised in the City's previous response regarding the public domain remain unchanged. It is reiterated that the selection of external finishes to the public domain must be coordinated with those existing and proposed under the current Darling Harbour upgrade works. The use of Austral Verde for paving is not recommended due to the limits of supply of the stone. The City prefers Austral Black as a paving material in the CBD area as per the City of Sydney Streets Design Code.</p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>Noted. The design intent is to maintain a continuous surface material around the harbour that creates a legible and connected public domain around the precinct. Final materials selection will be decided upon during Stage 2 DA process and will be coordinated with Place Management NSW.</i></p>
<p><u>a. The Boulevard</u> The existing harbour foreshore contains a variety of spaces of differing widths and characters along the harbour foreshore that reads as part of Darling Harbour and not part of Harbourside. The proposed upgrades to this space, referred to as 'The Boulevard', will remove this by creating a consistent width walkway that lays the current spaces, particularly the widened multifunctional space that faces east. This existing space addresses the need for hosting gatherings of people and events while providing key views that take in all of Darling Harbour.</p>	<p>The proposed concept is considered to not only continue the provision for a variety of different spaces and uses but also provide improved connectivity and accessibility. The importance of the various layers of the public domain can be further explored during the detailed design phase to ensure the best outcome is achieved and which balances all the varied needs and users of the space.</p>
<p><u>b. The Stairs</u> There are two east-west stairs proposed: The Ribbon Stairs, located at the northern end of the site, and the Event Stairs. The existing stairs located between the Pymont Bridge and Harbourside appear to be demolished as part of this proposal.</p> <p>The Ribbon Stairs appear to be a substitute for the existing stairs that run alongside the Pymont Bridge. These existing stairs offer independent access from the development and should be retained in addition to any new stairs incorporated as part of the development. The existing stairs also provide a purpose to the area between the bridge and the development. It is imperative that these stairs have a civic grade.</p> <p>The indicative design illustrates that the path to the 'Ribbon Stairs', and therefore down to the harbour from Pymont Bridge, is not directly aligned. This may result in difficult wayfinding and may make the connection less public in nature. A clear, direct path and line of sight should be formed between Pymont Bridge, the Ribbon Stairs, and the harbour. This may require a realignment of the steps.</p>	<p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The proposed envelope allows for flexibility in design as part of the Design Excellence process. This will be addressed as part of a Stage 2 DA.</i></p> <p><i>The requirement for these connections is embedded into the 'Public Domain and Urban Design Guidelines (Appendix I)' as prepared by fjmt and the 'Public Domain and Landscape Design Report (Appendix H)' prepared by Aspect Studios as part of the Response to Submission in October 2020. These elements will form part of the brief for the future design excellence process.</i></p> <p><i>The final alignment of the stairs form part of the brief for the future design excellence process and will be subject to a future DA approval. The current application is for a SSDA Stage 1 approval.</i></p>
<p><u>c. Guardian Square</u> The introduction of Guardian Square is a positive element. However, it is located over 2 levels, which do not relate to the surrounding existing public domain levels. One level (+17.6) appears to be aligned with the Murray Street bridge and the lower level (+13.75) with the existing levels at the western end of the Pymont Bridge.</p>	<p>This item is directly addressed in the Architectural RTS Response Letter prepared by FJMT at Attachment C. For convenience, the response in the letter is provided below:</p> <p><i>The proposed envelope has been developed to allow for an appropriate transition between Pymont Bridge, the adjacent Guardian Square and the proposed built form. The envelope</i></p>

Issue	Response
<p>The levels of the upper and lower levels of Guardian Square appear to be determined by the retail levels in the podium, connecting with the retail rather than seamlessly connecting with the adjacent public domain. A photomontage from the western end of the Pyrmont Bridge would be helpful in describing the relationship of Guardian Square with the Pyrmont and Murray Street Bridges as well as the levels relative to the existing structures. It may also inform if the alignment of the building is appropriate to the context, especially in relation to the heritage elements of the Pyrmont Bridge. The existing arrangement tries to fit the built form between the two alignments of the Bridge's balustrade.</p> <p>However, more information is required for the levels and gradients as this is not clearly documented. The levels provided for the Murray Street bridge includes only the RL for the underside (+15.5) and for the top of the structure (+21.75). Assuming that the existing top of slab of the bridge is approximately 450-500mm above the underside, this results in a level for the existing bridge of approximately +16.0 and is 1.6m lower than the proposed upper level of Guardian Square.</p> <p>The area between Murray Street and the Pyrmont Bridge is graded, It is not clear if at the interface of the Pyrmont Bridge and the site, if the RL is +13.75 at the lower level of Guardian Square. However, the photomontages show that the lower part of Guardian Square is approximately one storey higher than the Pyrmont Bridge with a ramp up to this level of +13.75. There is a lack of equitable access demonstrated.</p> <p>There appears to be a lift at the end of the Murray Street Bridge in the photomontages and the indicative plan, but this is not shown in the building envelope drawings and it is not clear if this is a new or the existing lift. Stair access only will be limiting for those that are movement impaired or with prams and requires them to enter the shopping centre to access escalators and other lifts.</p>	<p><i>allows for balustrades and varying soil depths to support a diversity of planting while maintaining flexibility for a future design excellence process.</i></p> <p><i>The lower level of Guardian Square is level to Pyrmont Bridge at RL11 and it ramps up to RL12.50 on the eastern waterfront edge, while the upper level relates directly to the Murray St Bridge and L2 at RL16.3. A multilevel approach to Guardian Square is required if a connection to Murray Street is to be provided across Darling Drive. A footbridge has been retained in response to community and adjacent resident feedback.</i></p> <p><i>Within the illustrative scheme, a lift providing equitable access is provided at the end of the Murray Street Bridge and embedded in the proposed envelope drawings. See 'Appendix D - Architectural Drawings.' The final design proposal relative to equitable access will be subject to a future design excellence process and will be subject to the normal statutory requirements.</i></p> <p><i>The building envelope drawings do not describe detailed elements as these are subject to a future design excellence process.</i></p>
<p><u>d. Bunn Street Connection</u> A connection is provided across the Western Distributor from Bunn Street in Pyrmont. However, this is not a physically nor visually direct connection and does not optimise the opportunities to create views through the site.</p> <p>This connection becomes the Event Stairs which measures approximately 9m in the indicative scheme. This stair is not an open void for its entire length in the indicative scheme as it covered at Level 3 to connect the podiums. In contrast, the Bunn Street connection through the site measures approximately 20m. At Level 3, this area connecting the podiums should be as bridge-like as possible over the Event Stairs to ensure legibility of the Bunn Street connection and spatial priority over the podium. A photomontage from the Bunn Street connection is required to understand its legibility from both Pyrmont and through to Cockle Bay.</p>	<p>Noted and to be resolved through the next detailed phase of the project. Mirvac acknowledge the importance for a clear and legible connection between Bunn Street and the waterfront.</p>

Issue	Response
<p>7. <i>Environmentally Sustainable Design (ESD)</i></p>	
<p>The recent ESD Report, prepared by Cundall, states that the development would target higher NABERS and Green Star Ratings for the various parts of the development. Whilst this is positive, it is reiterated that the development must showcase best practice sustainable building principles and demonstrate environmental performance. The requirement for NABERS Energy Commitment Agreements for Office and Retail components should be formalised with the NSW Office of Environment and Heritage and demonstrate an on-site renewable energy commitment reflecting the NSW Government’s Net Zero Emissions by 2050 Target.</p>	<p>Noted. The development will achieve best practice sustainable building principles and this will be further detailed as part of a future Stage 2 detailed design DA.</p>
<p>2. Heritage Council of NSW</p>	
<p><u>1. Final Harbourside Redevelopment Detailed Design to be sympathetic to the SHR listed values of the Pyrmont Bridge:</u> The proponent shall work on the final design detailed of the proposed Tower and its associated elements (including the northern podium), to be sympathetic in its aspect and final form (including colours and materiality) to the Pyrmont Bridge. This shall act to further reduce the visual impact of the new development to the item. The detailed design for the north podium should aim to retain the visual link of Pyrmont Bridge in its context within Darling Harbour when viewed from the west. The final design shall resolve and improve the interface between the Pyrmont Bridge and the new Harbourside shopping complex, including sensitively managing the relationship between the new development and the extant bridge approach, based on the SHR listed heritage values</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below: <i>Agreed. Mirvac and Curio Projects confirm that the detailed design of the proposed tower and its associated elements shall be further reviewed and adapted through final design stage, to preserve and enhance the visual links established by Pyrmont Bridge and broader Darling Harbour precinct. It is paramount that the chosen materiality is sympathetic with the overall Darling Harbour aesthetic, to preserve the heritage values and character of the place and ensure maintenance of significant view lines, in order to minimise the potential visual impact of the development, particularly in relation to the tower and northern podium.</i></p>
<p><u>2. Heritage Interpretation Strategy:</u> A Heritage Interpretation strategy shall be prepared by the Proponent for the redevelopment and submitted within 6 months of the approval of the SSDA. The HIS shall include an outline of public domain artworks, interior as well as exterior design elements/features and approaches to interpret the site’s history. The Strategy shall include details of on-site secure storage for relics recovered during the project, public display of archaeological objects, active incorporation of archaeological and historical information, images and stories on the site’s history and evolution shall be provided in Stage 2 works. These shall include appropriate use of multi-media, digital resources, landscape works, and materials (e.g., railway tracks).</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below: <i>A two-stage Heritage Interpretation Strategy shall be prepared addressing the Heritage NSW recommendations. Stage 1 of the Heritage Interpretation Strategy will: identify possible locations within the site appropriate for integration and installation of heritage interpretation products; explore the potential products to be developed (multimedia screens, signage, artefact display, videos, etc); and will present initial concept designs for the overall heritage interpretation of the site including on-site secure storage. Stage 2 of the Heritage Interpretation Strategy will present final design, location, and development of the Stage 1 products.</i></p>
<p><u>3. Management of State Significant Archaeological Resources (Historical, Maritime and Aboriginal):</u> The project shall ensure that archaeological testing is used to inform the Stage 2 SSDA detailed design. The project shall use this information to minimize impacts to State significant archaeological resources (historical, maritime and Aboriginal) within the project area. Subsequent development application/s must demonstrate how the design has been informed by the results of the archaeological testing. The results of the archaeological testing must be documented in a report which outlines opportunities for conservation in situ (as a preference), development and interpretation.</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below: <i>An Archaeological Research Design and Excavation Methodology (ARD + EM) report will be prepared for the development, to develop and outline a program of archaeological test excavation (including both historical and maritime archaeology, with provision for Aboriginal archaeology as required- noted that Aboriginal archaeological potential for the site is low) to be undertaken across the site to investigate the presence and likelihood of State significant archaeological resources against areas of proposed impacts in order to assist with the future</i></p>

Issue	Response
	<p><i>detailed design of development impacts with potential to impact archaeology (including impacts for both structural elements and services).</i></p> <p><i>The results of the archaeological testing would be provided to HNSW in an excavation report.</i></p>
<p>4. Maritime Archaeological Assessment: The proponent shall engage a suitably qualified and experienced maritime archaeologist, with understanding of the effects of dredging and reclamation processes on former submerged maritime infrastructure sites, to prepare a maritime archaeological assessment for the project within 6 months of the approval of the SSDA. The Assessment shall be used to inform the testing and detailed design of the Stage 2 SSDA. This should include the following: a) Remote sensing and/or diver surveys of the seabed under any piled areas that currently form waterfront or paved areas of the proposed development. b) Any geotechnical and borelog information should be considered in this assessment and the maritime assessment should be used to better inform the testing program.</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below:</p> <p><i>Agreed. A suitably qualified maritime archaeologist will be engaged in developing a maritime archaeological assessment of the area, including remote sensing and/or diver surveys and geotechnical/borelog information. This assessment shall be included in the overall Archaeological Research for the precinct Design (see response to HNSW Point 3 above), including identified areas of maritime archaeological potential, testing methodologies and the likelihood of archaeological material to be present on site. The maritime assessment shall include a specific historical background and context that considers the broader geomorphological information of the area, as well as the archaeological potential, background research and assessment of proposed impacts to submerged archaeological elements.</i></p> <p><i>The ARD + EM will outline guide a program of archaeological test excavation to be undertaken on site prior to Stage 2 detailed design. The archaeological testing would aim to identify the location and extent of any archaeological deposit present within the site, to inform and incorporate into Stage 2 design, with the aim of avoidance and/or minimisation of impact to State significant archaeology wherever possible.</i></p>
<p>3. Heritage Council of NSW – Aboriginal Cultural Heritage</p>	
<p>While the proposed development appears to have low potential to impact on Aboriginal cultural heritage, we provide the following recommendations:</p> <p>We note the mitigation measures in Table 12 of the RTS states the benefit of undertaking historical archaeological test excavation prior to the finalisation of the Stage 2 DA in order to inform potential design outcomes. We recommend that any proposed historical testing include consideration of Aboriginal cultural heritage values to address whether the project area does have potential for Aboriginal objects.</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below:</p> <p><i>Noted. While the development area has low potential for Aboriginal archaeology to be present, this will be confirmed via revised assessment of specific development impacts, with provisions for Unexpected Aboriginal Finds to be considered/built within the historical Archaeological Research Design as appropriate.</i></p>
<p>We support the preparation of an Unexpected Finds Protocol for Aboriginal objects as part of any Construction Management Plan for the site during all development works.</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below:</p> <p><i>Noted. An Unexpected Finds Protocol will be developed as part of the construction phase of the project, to be integrated within the Construction Management Plan for the site.</i></p>
<p>We support the preparation of a Heritage Interpretation Plan to address all heritage elements and values of the site, including built heritage items, historical archaeology and Aboriginal cultural heritage.</p>	<p>This item is directly addressed in the Heritage RTS Response Letter prepared by Curio Projects at Attachment F. For convenience, the response in the letter is provided below:</p>

Issue	Response
<p>We support detailed design and interpretation across the project area to acknowledge and celebrate Aboriginal cultural heritage consistent with the draft Pymont Peninsula Place Strategy.</p>	<p><i>Noted. The heritage interpretation strategy to be implemented at the site shall include Aboriginal cultural heritage values, art and design that shall be discussed and developed in conjunction with designated Aboriginal artists/designers, members of the Aboriginal community and the Local Aboriginal Land Councils, to be consistent with the draft Pymont Peninsula Place Strategy.</i></p>
<p>Heritage NSW also recommends that the Aboriginal Participation in Construction Policy (APIC) is considered for this development.</p>	<p>Noted and to be further explored during the next phases of the project.</p>
<p>4. Transport for NSW (RMS)</p>	
<p><u>Sydney Light Rail – Inner West Line</u></p> <p>Comment The Response to Submissions prepared to support the development application states the following:</p> <p><i>"Meetings with Transport for NSW South Wales (TfNSW) and TransDev have already occurred to discuss the development proposal. It was noted in meetings held to date that the development project was supported in principle.</i></p> <p><i>Further consultation will be undertaken with the relevant stakeholders as detailed design progresses."</i></p> <p>Recommendation It is requested that the applicant be conditioned to:</p> <ul style="list-style-type: none"> • Consult with TfNSW and the Sydney Light Rail Operator during the preparation of the Stage 2 development application; and • Protect Inner West Light Rail operation and assets during demolition of the existing building. 	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>Further consultation will take place with TfNSW and the Sydney Light Rail Operator during the preparation of the Stage 2 development application.</i></p> <p><i>The future detailed design and demolition/construction methodology will consider and ensure that the Inner West Light Rail operation and assets will be protected during demolition of the existing building.</i></p>
<p><u>Sydney Trains Assets</u></p> <p>Comment The Response to Submissions states the following in relation to the existing 'in service' 33kV High Voltage cable (HV):</p> <p><i>"Meetings have been held with TfNSW and TransDev to discuss the development proposal. It is assumed that the existing HV is located within the light rail property boundary. As such, any proposed works adjacent to the light rail corridor should not impact on this HV. Nonetheless, the location of this HV will be considered in detailed designs to ensure no damage is done and to comply with Safety in Design requirements."</i></p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>Sydney Trains will be consulted with, to understand the exact location of the 33KV High Voltage cables, and ensure no damage is done to the 33kV High Voltage cable and to comply with safety and design requirement during the preparation of the Stage 2 development application.</i></p>

Issue	Response
<p>Recommendation It is requested that the applicant be conditioned to consult with Sydney Trains to ensure no damage is done for 33kV High Voltage cable and to comply with safety and design requirement during the preparation of the Stage 2 development application.</p>	
<p><u>Construction Pedestrian and Traffic Management</u></p> <p>Comment The Response to Submissions states the following:</p> <p><i>"It is noted that the Concept Proposal now seeks approval for Stage '1 demolition works also. Accordingly, a Traffic Management Plan has accordingly been prepared in relation to these stage 1 works and appended to the RTS."</i></p> <p><i>"A draft Construction Pedestrian and Traffic Management Plan will also be prepared as part of the Stage 2 application in relation to the main site works."</i></p> <p>Recommendation It is requested that the applicant be conditioned to:</p> <ul style="list-style-type: none"> • Consult with TfNSW and the Sydney Light Rail Operator to prepare a final Construction Pedestrian and Traffic Management plan (CPTMP) by updating the draft Traffic Management Plan prepared for Stage 1 works and submit a copy of the final CPTMP via scotransport.nsw.gov.au for TfNSW endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier; and • Prepare a draft CPTMP in consultation TfNSW and the Sydney Light Rail Operator as part of preparation of any Stage 2 development application. 	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>A draft Construction Pedestrian and Traffic Management Plan (CPTMP) will be prepared as part of the Stage 2 application.</i></p> <p><i>TfNSW and the Sydney Light Rail Operator will be consulted with, during the preparation of that draft CPTMP.</i></p> <p><i>A final CPTMP will be prepared prior to any demolition or construction works occurring.</i></p>
<p><u>Vehicular Management</u></p> <p>Comment The Response to Submission states the following:</p> <p><i>"In response to submissions the proposed vehicular drop-off has been reviewed and revised. The concept now involves a drop-off facility with an entry at the bottom of the down ramp and egress from the existing roadway adjacent to the Sofitel hotel. Arcadis have completed a swept path analysis, capacity testing and traffic modelling to prove up this concept. Further detailed design modelling will be completed during the next phases of the project."</i></p> <p>It is advised that the vehicles queuing to access this drop off zone, the car park and loading and servicing would have potential to cause delays to vehicles travelling on Darling Drive.</p> <p>Recommendation It is requested that the applicant be conditioned to undertake the following for any Stage 2</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>Further analysis and/or traffic modelling will be undertaken during the Stage 2 development application. Draft management plans for the Drop-off and Pick-up Zone, Carpark and Loading Dock to manage vehicles accessing the site, will be prepared during the Stage 2 development application:</i></p> <p><i>Access to the loading docks and basement car park is via the existing entry and exit roads that service the existing loading dock, which is located off the existing Darling Drive roundabout. This access road services the Harbourside development only and is not considered part of the wider public road network.</i></p> <p><i>The length of the proposed access road that links Darling Drive to the loading dock and</i></p>

Issue	Response
<p>development application:</p> <ul style="list-style-type: none"> • Queuing analysis and/ or traffic modelling to demonstrate the drop off area has adequate capacity and propose mitigation measures to ensure queuing on Darling Drive does not occur, to the satisfaction of TfNSW; and • Prepare draft management plans for Drop-off and Pick-up Zone and Carpark and Loading Dock to manage vehicles accessing the site. 	<p>basement car park is approximately 100m. As such, this access road can accommodate up to seven queued 12.5m HGV on entry to the loading dock. As such, it is unlikely that queued vehicles entering the loading dock will impact on the operation of Darling Drive.</p> <p>The length of the entry access road to the basement car park is approximately 150m from the car park entry to the interface with Darling Drive.</p> <p>Table 3.3 of AS:2890.1 Off-Street Car Parking outlines peak hourly in-flow of traffic and queue areas required for car parks with boom gates and ticket issuing devices at entry points. Applying the criteria outlined in that table would require a vehicle queue storage allocation of 19 vehicles. Applying 6m for a vehicle footprint would equate to a queue storage length of 114m, which is less than the 150m provided. This assessment is a robust assessment and detailed modelling would likely reduce this number.</p> <p>As such, traffic queued entering the basement car park is unlikely to impact the operation of traffic on Darling Drive. Please refer to Sections 4.10.3, 4.13.3 & Appendix E of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, for further details on the basement carpark and loading dock access layout.</p> <p>The Drop-off and Pick-up zone will operate as a Kiss & Ride facility and will include a travel through lane. As such, vehicles will not occupy vehicle bays for a long time, and in the event that all bays are occupied on vehicle approach, vehicles can bypass the zone without blocking traffic on Darling Drive. Please refer to Section 4.13.1 of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, for further details on the Drop-off and Pick-up zone.</p>
<p><u>Coach Parking</u></p> <p>Comment</p> <p>The Response to Submission states the following:</p> <p><i>"It is not anticipated that coach parking will be required for the proposed retail element of the development, with the majority of the non-residential component of the indicative design being commercial office space. Opportunities also exist to utilise coach parking within Harbourside Place as required."</i></p> <p>It is advised that the applicant should not rely on kerbside restrictions as these are set to suit the wider community and are subject to change.</p> <p>Recommendation</p> <p>It is requested that the applicant be conditioned to assess the likely cumulative future coach parking demand for the SICEEP development and the Harbourside development and identify alternative locations for coach parking if required, in consultation with TfNSW, as part of any Stage 2 development application.</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>An assessment of the likely cumulative future coach parking demand for the SICEEP development and the Harbourside development and identify alternative locations for coach parking if required, in consultation with TfNSW, as part of any Stage 2 development application.</i></p> <p><i>As noted in Section 4.13.2 of the Arcadis Traffic & Transport Stage 1 DA Report, dated 28/09/20, it is not anticipated that there will be a requirement for bus parking for the retail use of the development, particularly as the current proposal results in a significantly smaller retail area.</i></p>

Issue	Response
<p><u>Pedestrian Network</u></p> <p>Comment The Response to Submission states the following:</p> <p><i>"A pedestrian report has been prepared by Urbis and appended to the RTS. Overall, the proposal will result in significant improvements to the pedestrian network across and linking with the site."</i></p> <p>However, it is noted that this modelling has only been completed for the concept proposal which may change during further stages of the development.</p> <p>Recommendation It is requested that the applicant be conditioned to undertake pedestrian modelling of the pedestrian network surrounding the proposed development, in consultation with TfNSW, to demonstrate adequate capacity for pedestrian movements is provided with the proposed development, as part of any stage 2 development application.</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>Pedestrian modelling of the pedestrian network surrounding the proposed development will be undertaken, in consultation with TfNSW, to demonstrate adequate capacity for pedestrian movements is provided with the proposed development, as part of any stage 2 development application.</i></p>
<p><u>Darling Drive Cycleway</u></p> <p>Comment The Response to Submission states the following:</p> <p><i>"Noted and agreed, a road safety audit will be undertaken during the Stage 2 DA regarding the interface with existing cycleways to ensure safety of cyclists is assessed and maintained."</i></p> <p>Recommendation It is requested that the applicant be conditioned to undertake a Road Safety Audit for the concept proposal to the cycleway / drop off area, in accordance with the relevant Austroads Based on the results of the road safety audit, the applicant shall review the design drawings and implement safety measures if required, in consultation with TfNSW.</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>A Road Safety Audit for the concept proposal to the cycleway / drop off area will be undertaken, in accordance with the relevant Austroads standards and guidelines. Based on the results of the road safety audit, the design drawings will be reviewed and safety measures, if required implemented, in consultation with TfNSW.</i></p>
<p><u>Wayfinding Strategies</u></p> <p>Comment The Response to Submission states the following:</p> <p><i>"Noted, wayfinding will be incorporated within the development. A wayfinding strategy and Travel Access Guide will be developed and submitted as part of the Stage 2 DA."</i></p> <p>Recommendation It is requested that the applicant be conditioned to develop a wayfinding strategy and travel access guide to assist with increasing the mode share of walking and cycling as part of any Stage 2 development application.</p>	<p>This item is directly addressed in the Transport RTS Response Letter prepared by Arcadis at Attachment D. For convenience, the response in the letter is provided below:</p> <p><i>Noted.</i></p> <p><i>A wayfinding strategy and travel access guide to assist with increasing the mode share of walking and cycling, will be developed as part of the Stage 2 development application.</i></p>

Issue	Response
<p>5. Environment Protection Authority (EPA)</p> <p>Based on the information provided, the proposal does not appear to require an environment protection licence (EPL) under the Protection of the Environment Operations Act 1997. Furthermore, the EPA understands that the proposal is not being undertaken by or on behalf of a NSW Public Authority nor are the proposed activities other activities for which the EPA is the appropriate regulatory authority.</p> <p>The EPA does not require any follow-up consultation where the project is not being undertaken by or on behalf of a NSW Public Authority, and the City of Sydney Council should be consulted as the appropriate regulatory authority for the Protection of the Environment Operations Act 1997 in relation to the proposal.</p>	<p>Noted.</p>
<p>6. Environment, Energy and Science (EES)</p> <p>Microbats EES notes previously, no physical works were proposed as part of the concept DA and demolition was to be subject to a future Demolition DA following the approval of the concept application. However, approval is now sought for Stage 1 demolition works (physical works) involving the demolition of existing site improvements, inclusive of the Harbourside Shopping Centre, existing Monorail station, and existing pedestrian bridge over Darling Drive and associated tree removal down to ground slab level (no ground disturbance) as part of the concept DA approval process (sections 3.5.8 and 4.2 of 61 of RtS).</p> <p>The amended Concept Plan has not considered the presence and possible value of habitats afforded by the existing artificial/built structures, for example the existing building and pedestrian bridge. Several microchiropteran bat species, some threatened, are capable of roosting in a variety of natural and constructed sites, so it is possible that they might utilise the existing built features on this site.</p> <p>Information is required to confirm the absence of roosting habitat for threatened microbats within the existing buildings. A search for evidence of microbat roosts should be undertaken using appropriate methods, such as those described on page 9 of the 'Species credit' threatened bats and their habitats NSW survey guide for the Biodiversity Assessment Method (OEH 2018).</p> <p>Attention should be given to inspecting cracks or seams in the roofs and a handheld bat detector of ultrasonic calls can assist in alerting the searcher to the presence of bats. Searches must be undertaken by someone with appropriate experience, as described on page 5 of that guide. If bats or signs of bats are observed, the bats may need to be captured to identify species and breeding status using traps, nets or other methods. The information provided should include photographs of any holes, cracks or crevices that were searched; any</p>	<p>This item is directly addressed in the Harbourside Redevelopment Microbat Survey prepared by Eco Logical at Attachment G. For convenience, the response in the letter is provided below:</p> <p><i>Eco Logical Australia Pty Ltd (ELA) was engaged by Mirvac to undertake a diurnal microbat survey across the development footprint of the Stage 1 Redevelopment of Harbourside Shopping Centre at Darling Harbour. This survey was conducted to fulfil the requirements for an assessment of microbat habitat outlined by the Department of Planning, Industry and Environment (DPIE) Environment, Energy and Science group (EES) in their response to the Stage 1 Development Application. The assessment of microbat habitat was undertaken in a manner in adherence to the methodology outlined on page nine of the 'Species credit' threatened bats and their habitats, NSW survey guide for the Biodiversity Assessment Method (OEH 2019).</i></p> <p><i>A diurnal visual and auditory survey of all existing buildings was undertaken on 23 November 2020 by ELA ecologist Julia Ryeland over a period of 4.5 hours. The entire building (internal and external) was visually inspected for cracks, gaps, holes, crevices, expansion joints or seams in the roof and walls that may provide potential microbat roosting habitat using binoculars and a spotlight. Additionally, a handheld bat detector was used to capture any calls being made during the survey period. Photos of all potential microbat roosting habitat were taken and any signs of bats (calls, guano or roosting individuals) were noted.</i></p> <p><i>No bats were heard or observed during the survey and no signs of bat activity (i.e. guano) were observed. No ultrasonic bat calls were recorded on the ultrasonic detector. Most areas within the building were unsuitable for microbats, with high levels of light, noise, or pedestrian disturbance. Most areas on the exterior of the building were also unsuitable as microbat roosting habitat because they were exposed to high levels of light, noise,</i></p>

Issue	Response
<p>associated observations about bats and/or signs of bats; and any results from a bat call detector.</p> <p>Pre-clearing surveys should apply to any buildings or structures with potential roosting habitat that are to be demolished and such surveys should be carried out by a suitably qualified and experienced microbat specialist and if microbats are present, then works should not be carried out when they are likely to be in torpor.</p>	<p><i>pedestrian and vehicular disturbance or contained only shallow depressions that could not provide optimal roosting habitat for large numbers of microbats.</i></p> <p><i>The main shopping region had a highly exposed open panel roof across most of the centre, unsuitable as roosting habitat for microbats. Two electrical and water service areas had several small crevices present that could be used as microbat roosting habitat with low levels of both light and noise disturbance. Several work plant facilities were noted to have potential microbat roosting habitat, with many gaps and holes between roofing panels. These areas were dark, with low levels of human disturbance. However, these areas are unlikely to be suitable for microbats due to the high noise disturbance (from machinery and electronic equipment). Due to safety reasons, visual and auditory survey was restricted to board walks in these rooms and all cracks and crevices were not able to be inspected closely.</i></p> <p><i>Two overpass pedestrian walkways and one disused monorail platform were also inspected. Both overpass walkways (above Darling Avenue) were highly exposed to light, noise, vehicular and wind disturbance. The expansion joints between concrete slabs comprising the deck of the walkways and between the headstocks and walkway deck appeared to be mostly superficial on both walkway structures, extending only a short way into the concrete (~ 20 mm). The disused monorail station contained potential microbat roosting habitat, with gaps in the roofing panels which may provide shelter for microbats; although no guano was observed beneath these panels. The area underneath the security office in the loading dock had an open hatch which may provide an entrance point to potential microbat roosting habitat below. A full inspection underneath this building was not possible. The Transgrid work space near the dock area was not accessible to Harbourside staff, and was therefore not inspected.</i></p> <p><i>Based on the diurnal visual inspection made of Harbourside Shopping Centre, all aforementioned localities within the Harbourside Shopping Centre Redevelopment footprint are unlikely to contain significant microbat roosts, primarily due to:</i></p> <ol style="list-style-type: none"> <i>1. A lack of suitable entry / exit points to potential roosting locations</i> <i>2. High levels of light, noise, pedestrian or vehicular disturbance; and</i> <i>3. The lack of any signs of usage by bats (cobwebs over most of the roof and gaps/cracks, no guano and no calls recorded).</i> <p>Refer to Attachment G for appended observations made at each locality throughout the survey, and photo examples.</p>
<p><u>Tree removal</u></p> <p>The RTS indicates trees are proposed to be removed as part of this SSD. It is unclear how many trees are proposed to be removed from the site. Details need to be provided on the number of trees to be removed, their location and species.</p> <p><i>Relocation of native fauna impacted by tree removal</i></p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>The development proposal requires the removal of the existing 20 no. <i>Livistona australis</i> along the eastern edge of the Harbourside Shopping complex. During the Stage 2 DA process the landscape architectural response should explore opportunities to transplant</i></p>

Issue	Response
<p>EES recommends any resident fauna potentially impacted by the removal of the trees should be relocated in a sensitive manner under the supervision of a qualified ecologist/licensed wildlife handler prior to any clearing commencing and this is included as a condition of consent.</p>	<p><i>these existing trees to other parts of the site (subject to confirmation of basement extent, building envelope, potential structural impacts to the existing sea wall.) Technical advice from an Arborist will be required to validate the possibility of transplanting. New tree planting is proposed along the boulevard to increase shade.</i></p>
<p><u>Landscaping</u> Details should be provided on the number of trees proposed to be planted, their location and the plant species.</p> <p>The Planting Palette in the LDR does not indicate the trees and other plants to be planted in the public open spaces comprise local native species. While the Planting Palette notes Phoenix canariensis is native, it is not native to Australia but rather it is native to the Canary Islands. The proposed use of exotic species such as Cycas revoluta which is native the southern Japan and Philodendron Xanadu which is native to Brazil should be replaced by local native species.</p> <p>EES recommends the planting palette is amended and it only uses local native plant species. The proponent should obtain advice from a qualified bush regenerator on local native tree, shrub and groundcover species that would be suitable to plant at this location.</p> <p>The SSD should demonstrate that the plant species to be used in the public open spaces and green roof planting consist of local native provenance species that once have occurred in this locality.</p> <p>EES recommends that to assist mitigate the urban heat island effect, improve the urban tree canopy and local biodiversity the following conditions are included in the consent:</p> <ul style="list-style-type: none"> • replace any removed trees at a ratio greater than 1:1 • the trees, shrubs and groundcover species to be planted consist of local native species from the vegetation community that once occurred in this locality rather than plant exotic species or non-local natives • use advanced and established local native trees, preferably with a minimum plant container pot size of 100 litres, or greater to increase urban tree canopy cover • enough area/space is provided to allow the trees to grow to maturity • a landscape plan is prepared and includes details on: <ol style="list-style-type: none"> a) the native vegetation community that once occurred in this locality b) a list of local provenance tree, shrub and groundcovers to be used in the landscaping c) the quantity and location of plantings d) the pot size of the trees to be planted e) the area/space required to allow the planted trees to grow to maturity f) plant maintenance regime. The planted vegetation should be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species. 	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p> <p><i>The plant palette on page 69 of SSDA Landscape Design Report dated 8th October 2020 is indicative and will be refined during the next phase of design to ensure the right balance of native and exotic species is achieved.</i></p>
<p><u>Green Roofs</u></p>	<p>This item is directly addressed in the Landscaping RTS Response Letter prepared by Aspect at Attachment E. For convenience, the response in the letter is provided below:</p>

Issue	Response
<p>The RtS indicates the current design maximises the green roof opportunity and the proposal has been revised to provide a more extensive and diverse mix of local native plant species for improving biodiversity and habitat value of the green roof (page 26). EES supports the provision of the green roofs but recommends the planting consists of a diversity of local native provenance species that once occurred in this locality.</p>	<p><i>The plant palette on page 70 of SSDA Landscape Design Report dated 8th October 2020 is indicative and will be refined during the next phase of design to ensure the roof terrace achieves biodiversity and habitat goals.</i></p>
<p>7. Place Management NSW</p>	
<p>Over 29 conditions are recommended to be imposed.</p>	<p>It is acknowledged and supported that PMNSW consider the concept proposal be approved, subject to imposition of conditions.</p> <p>The majority of the conditions however recommended by PMNSW relate to very detailed matters that are more appropriately addressed and resolved through the competitive design and future stage 2 detailed design process. There is not considered to be a need to burden a Concept Proposal with such conditions. It is noted that PMNSW will also have the ability to ensure its requirements are addressed through its role landowner, with owners consent required to be provided with the future Stage 2 DA prior to determination. Pre-condition requirements (i.e. to the satisfaction of PMNSW) embedded within conditions are therefore not considered necessary and in any event would be more appropriate within conditions imposed as part of the future Stage 2 Da.</p>
<p>1 Recommended Condition: That the proponent further explores opportunities on site for providing additional open space as part of the detailed Stage 2 design process in particular roof terrace to the south of Guardian Square/Park</p>	<p>Noted. Mirvac has identified a potential opportunity to provide additional publicly accessible rooftop open space through an option to raise a portion of the northern envelope (south of the Guardian Square Park) from the current height of RL 25.0 to RL26.5. Refer to cover letter for further details.</p>
<p>1a Recommended Condition: With the configuration changing from retail to commercial and level 1 balconies deleted, the introduction of further planting/ planter boxes to soften the fully glazed facade along the promenade shall be incorporated into the design , including the introduction of further greenery to these lower levels</p>	<p>The proposed condition is not supported and considered too prescriptive a design outcome at this stage of the planning process. The reference scheme contained in the Stage 1 Concept Proposal is indicative only and subject to a design competition and Stage 2 DA. The Design Brief for the Design Competition will specify the participating architects must deliver a façade that demonstrates design excellence. This could be achieved via articulation and use of materials to ensure the bulk, mass and scale is minimised.</p>
<p>2 Recommended Condition: The proponent shall explore opportunities for creating more generous east-west links to open up Darling Drive and the ground plane through the introduction of retail/ commercial activities that enliven the surrounding area to the satisfaction of PMNSW.</p>	<p>Condition considered too detailed and prescriptive.</p> <p>If a condition is to be imposed, a suggested alternative is:</p> <p>The Proponent is to fund and deliver two east-west pedestrian connections as part of the redevelopment.</p> <p>The first connection is the 'ribbon stairs' at the northern end of the site that connects Guardian Square with the waterfront. This space will be committed as 24/7 accessible.</p>

Issue	Response
	<p>The second connection is the 'central through site link' that links the waterfront boulevard with the new Bunn Street bridge. The space will be committed as 24/7 accessible.</p> <p>Opportunities for potential additional links to activate Darling Drive and the ground plane may be explored during the design excellence process on the basis they do not impact the approved Concept Proposal envelope or reduce the minimum areas required for the project feasibility.</p> <p>The final design will be included within the Stage 2 DA.</p>
<p>3 Recommended Condition: The proponent shall undertake further analysis as part of Stage 2, as to how the ground and podium levels will be used for activation with particular attention being given to the following:</p> <ul style="list-style-type: none"> • Event mode capacity (no of people, location of toilets etc) • Possible event types (location of stages, screen etc) • Size of event spaces and capacity of each • Promenade circulation during event mode • Shade options • Required Services • ensuring that there is everyday activation as well as events 	<p>No objection in principle to the imposition of such a condition.</p>
<p>4 Recommended Condition: The promenade/water's edge is to be designed and activated for everyday use rather than just relying on events. Consideration shall be given to longer stay seating with different choices of seating, weather protection, shade devices, art elements, landscaping, and other elements developed in consultation and agreed with PMNSW.</p>	<p>No objection in principle to the imposition of such a condition.</p>
<p>5 Recommended Condition: The proponent as part of the detailed Stage 2 design shall detail what provisions/ alternatives can be provided beyond the timber sleeper along the water's edge for the various scenarios of operation e.g. if markets are proposed along the edge what type of barrier is required vs everyday vs fireworks mode. The final design of the water's edge treatment shall complement the rest of Darling Harbour and is to be developed to PMNSW's satisfaction.</p>	<p>Condition considered too detailed and prescriptive.</p> <p>If a condition is to be imposed, a suggested alternative is:</p> <p>The edge treatment is proposed as a timber edge or similar that does not impede views, can potentially act as seating, and does not require temporary installations.</p> <p>The final edge treatment for the waterfront promenade will complement the rest of Darling Harbour, and will be subject to a future design competition and Stage 2 DA.</p>
<p>6 Recommended Condition: All proposed pedestrian connections between the site and neighbouring Pymont i.e main through-site link, Guardian Square/Park, Bunn St Bridge, and other publicly accessible areas will need to resolve public and private access arrangements and the need for 24-hour activation. The continuity of public access and the separation of the public and private interest must be detailed and agreed with PMNSW during the detailed Stage 2 design development.</p>	<p>No objection in principle to the imposition of such a condition. An amended condition is proposed however that is considered more appropriate:</p> <p>All 8,000sqm of public domain will be committed as 24/7 publicly accessible. The public domain spaces within the Proponent's boundary including Guardian Square, central through site link, ribbon stairs and event steps will be managed by the Proponent.</p>

Issue	Response
	<p>The public domain spaces outside of the Proponent's boundary including the waterfront promenade, Bunn St pedestrian bridge, northern pedestrian bridge will be owned and managed by Place Management NSW, in consultation with Mirvac.</p>
<p>7 Recommended Condition: The Stage 2 design development shall ensure that impacts on existing levels of solar access along the foreshore promenade/public domain are minimised to the greatest extent possible.</p>	<p>No objection in principle to the imposition of such a condition.</p>
<p>8 Recommended Condition: That the Stage 2 design development, including the tower, podium and public domain area shall be subject to a competitive design process. This process will comprise the invitation of a minimum of three (3) architects, with a competition brief developed in consultation with the Department of Planning, Industry and Environment. Note: DPIE is advised that PMNSW's approval/support of stage 2 is on the explicit basis that PMNSW has a seat on any review panel established.</p>	<p>No objection in principle to the imposition of such a condition.</p> <p>As detailed within the Design Excellence Strategy, it is proposed that the Jury is comprised of 6 jurors including 3 appointed by Mirvac and 3 appointed by DPIE. Mirvac raises no objection for 1 of the 3 DPIE appointed jurors to be a representative of Place Management NSW who has suitable design, urban design, public domain, place making experience and qualifications.</p>
<p>9 Recommended Condition: As part of the Stage 2 design phase, further consideration shall be given to how the retail/commercial edge is designed. In this regard, tenancy seating areas will need to be identified and designed so as not to act as a barrier or alienate the public domain. Where there are no seating areas, the shopfronts must be activated (with people visible and openable windows). Large solid sections and back of house functions are to be avoided.</p> <p>9a Recommended Condition: A retail strategy is to be developed to PMNSW satisfaction, as part of the Stage 2 design process.</p>	<p>No objection in principle to the imposition of such a condition.</p> <p>While a high-level retail strategy is able to be developed and submitted with the Stage 2 DA, such a requirement would typically be conditioned and developed post approval of the Stage 2 DA.</p>
<p>10 Recommended Condition: Details of power provision, lighting and water for events including bump in/out storage/change room locations and additional toilets as well as other elements shall be developed and agreed to with PMNSW as part of the Stage 2 design phase.</p>	<p>No objection in principle to the imposition of such a condition, however the condition is considered too detailed and prescriptive.</p>
<p>11 Recommended Condition: The proposed 'landing' of Bunn Street bridge on the Western side is not acceptable to PMNSW as currently designed due to cost, accessibility and access from carpark to DH. Any design of the Bunn St bridge, including its Western 'landing' must be to PMNSW's approval.</p>	<p>The landing details for the Bunn Street bridge are as expected at this stage of the process not fully resolved.</p> <p>If a condition is to be imposed, a suggested alternative is:</p>
<p>12 Recommended Condition: The proposed access from Harbourside to the PMNSW owned carpark (at rear) is not acceptable to PMNSW as currently designed. Any design of the proposed access including its western 'landing' must be to PMNSW's approval.</p>	<p>The western side landing of the new Bunn Street bridge must connect on the axis between the Novotel and Ibis hotels to ensure a direct visual and pedestrian public link from the redeveloped Harbourside through to Bunn Street Pyrmont. The landing must also ensure accessibility and access is maintained to the carpark below the Novotel.</p>
<p>13 Recommended Condition: A bicycle strategy showing:</p> <ul style="list-style-type: none"> • Details of how the safe movement of cyclists is to be managed around the site; and 	<p>It is considered more appropriate for any condition concerning bicycles be imposed by TfNSW as lead agency.</p>

Issue	Response
<ul style="list-style-type: none"> the design and location of any proposed bicycle parking infrastructure to be provided on site; and Alignment with PMNSW's Bicycle Strategy for Darling Harbour. <p>Shall be developed and submitted to PMNSW's satisfaction as part of the Stage 2 design.</p>	
<p>14 Recommended Condition: The proponent shall consult with PMNSW as part of Stage 2 design phase to determine if the Ferris Wheel can continue to be accommodated on site or identify other opportunities in the general vicinity for accommodating the Ferris Wheel.</p>	<p>This condition is not considered to be relevant to the concept proposal and is a matter that can be dealt with separately outside of the planning process between Mirvac and PMNSW.</p>
<p>15 Recommended Condition: Public amenities including a parents' rooms and changing place facilities for both event and non-event periods shall be provided on site in accordance with the interim PMNSW guidelines (dated 2020) to PMNSW's satisfaction as part of the Stage 2 design.</p>	<p>The condition is considered too detailed and prescriptive.</p> <p>Mirvac's key obligations will be to deliver amenities within its development to meet the needs and demands it generates.</p>
<p>16 Recommended Condition: A public art strategy outlining opportunities for the introduction of public art and interpretation elements shall be developed in consultation with and endorsed by PMNSW as part of the stage 2 design development process.</p>	<p>No objection in principle to the imposition of such a condition, while noting provision for art and interpretation will be funded through Mirvac's future activation fund.</p>
<p>17 Recommended Condition: A detailed lighting strategy that aligns with PMNSW' Interim Lighting Master Plan for Cockle Bay shall be developed as part of the Stage 2 design to PMNSW's satisfaction. The strategy shall detail how the development is to be illuminated for ambient and show lighting, including how the public domain and surrounding locality shall be treated during event and non-event modes.</p>	<p>No objection in principle to the imposition of such a condition, while noting provision for art and interpretation will be funded through Mirvac's future activation fund.</p>
<p>18 Recommended Condition: A covenant and/or restriction as to user on the title/s of the development shall be created to ensure that any purchasers and occupiers of the residential apartments and commercial tenancies are made aware that the development is in a vibrant entertainment and recreation precinct that is subject to many cultural and community events that may result in significant noise, light emissions, vibration and temporary changes to access arrangements. The wording of the covenant/restriction is to be agreed with PMNSW.</p>	<p>No objection in principle to the imposition of such a condition.</p>
<p>19 Recommended Condition: Options for the reuse of the existing Cabbage Palm Trees on site shall be developed as part of the Stage 2 design process.</p>	<p>No objection in principle to the imposition of such a condition. An amended condition is proposed however that is considered more appropriate:</p> <p>Options for the reuse of the existing Cabbage Palm Trees on site shall be developed as part of the Stage 2 design process, on the basis it does not erode the minimum retail and commercial areas, impact the basement envelope, require any structural modifications to the existing sea-wall, or impact in ground infrastructure including the saltwater intakes and Sydney Water culvert.</p>
<p>20 Recommended Condition:</p>	<p>No objection in principle to the imposition of such a condition.</p>

Issue	Response
A detailed landscape plan, setting out the proposed landscaping and planting strategy for the site, including proposals to increase the urban tree canopy, proposals for native vegetation communities and plant species and justification for any trees and vegetation to be removed shall be prepared and submitted to PMNSW's satisfaction. The plan shall also consider how the proposed plant selection contributes to enhancing the natural heritage of Darling Harbour.	
20a Recommended Condition: Review the existing design guidelines related to landscape planting controls to reduce the glazed façade areas (now that balconies removed).	Condition considered too detailed and prescriptive.
21 Recommended Condition: A detailed Signage and Wayfinding plan is to be prepared for the site to PMNSW's satisfaction as part of the Stage 2 design phase.	No objection in principle to the imposition of such a condition.
22 Recommended Condition: A detailed public domain plan showing the type and location of bins, bollards, seating, lighting, digital infrastructure and the like to be installed across the site shall be developed to PMNSW's satisfaction. The plan shall aim to create a consistent public domain across Darling Harbour	No objection in principle to the imposition of such a condition, however such a plan is typically provided post Stage 2 approval as part of the detailed design phase.
23 Recommended Condition: Details of future paving treatment across the site shall be developed to PMNSW's satisfaction, with attention being paid to the following: <ul style="list-style-type: none"> • The use of paving sizes (modules) from City of Sydney palette to better reflect the large-scale proportions of Darling Harbour • Details of specific materials to be used in all public domain areas. • Details of paving treatment proposed for all transition zones. 	No objection in principle to the imposition of such a condition.
24 Recommended Condition: An outdoor seating plan shall be developed to PMNSW's satisfaction detailing the design and location of all new seating across the site including Guardian Square and Promenade. <ul style="list-style-type: none"> • The outdoor seating plan shall address heritage, retail frontage location and pedestrian circulation considerations. • Details of any proposed seating associated within external licensed seating areas in the public domain shall also be detailed on the outdoor seating plan. 	No objection in principle to the imposition of such a condition.
25 Recommended Condition: An activations plan shall be developed by the proponent during the stage 2 design development to PMNSW's satisfaction. The Activation Plan must illustrate the site in passive mode and identify the everyday people activation opportunities e.g. seating/meeting places, permanent art etc	Such a plan would typically be provided as part of a Stage 2 DA submission, more specifically within the public domain and landscape design report.
26 Recommended Condition: Design development of any works to the Pyrmont Bridge or curtilage will be required to be in accordance with the with the polices set out in the Pyrmont Bridge Conservation Management Plan 2006 (as revised from time to time), including but not limited to:	No objection in principle to the imposition of such a condition, however such a condition is considered to be more appropriately imposed as part of the Stage 2 DA.

Issue	Response
<ul style="list-style-type: none"> • Policy 6.2: Additional connections to the bridge should connect into the modern fabric of the approaches. Further alterations or relocation of the historic should not be undertaken as it detracts from the simplicity and elegance of the original design. • Policy 10: Ensure that new works to the Pyrmont Bridge do not: detract visually from the bridge or its harbour setting; hasten the deterioration of the surviving fabric; or result in irreversible alteration to the significant fabric • Any physical changes to the Bridge must be reversible • Any physical elements (fabric) required to be removed from the Bridge to provide access to Guardian Square shall be handed over to PMNSW for safe storage. 	
<p>27 Recommended Condition: Place Management NSW (PMNSW) as landowner is to be consulted during subsequent SSD phases, including the following:</p> <ul style="list-style-type: none"> • Finalisation of Stage 1 Conditions • Issue of Stage 2 SEARS • Public exhibition of Stage 2 design • Stage 2 Response to Submissions Report. • Finalisation of Stage 2 Conditions 	<p>No objection in principle to this request, but it is not considered to be a relevant condition.</p>
<p>27a Recommended Condition: Adjoining owners and tenants are to be consulted and notified by the proponent through the demolition and construction phase.</p>	<p>No objection in principle to the imposition of such a condition, noting it would be a standard expectation.</p>
<p>28 Recommended Condition: PMNSW notes that the current scheme indicates a fully glazed commercial facade on level 1 instead of the porous retail frontages promoted in the design guidelines. As part of the detailed Stage 2 design phase, further design development shall take place to ensure that the facade / building enclosure is designed in a manner that creates a highly activated facade irrespective of whether the mix is commercial or retail.</p>	<p>No objection in principle to the imposition of such a condition, however the most appropriate place to include such a desired outcome is considered to be the design competition brief.</p>
<p>29 Recommended Condition: The stage 2 design development shall detail anticipated pedestrian movements along Harbour Street.</p> <p>29a Recommended Condition: The stage 2 design development shall detail anticipated vehicular movements on/off Harbour St into Harbourside and change in levels of local roadway.</p>	<p>No objection in principle to the imposition of such a condition, noting that 'Harbour St' should be corrected to 'Darling Drive'.</p>
GANSW	
<p>The establishment of a design integrity panel post competition is recommended in order to endure the future submitted Stage 2 DA has achieved design excellence and is consistent with or better than the competition winning scheme.</p>	<p>Noted, the Design Excellence Strategy has been updated accordingly (refer to Attachment H).</p>