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PYRMONT, NSW 2009

9 February 2017

Planning Services,  
Department of Planning and Environment  
GPO Box 39  
Sydney, NSW 2001

Attention Director- Key Sites Assessments

Dear Sirs/Madam,

**Re: Objection to Mirvac Projects Pty Ltd ("Mircac") State Significant Development Application SSD7874**

**Property: Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour, Sydney("Harbourside")**

**Council Area: City of Sydney**

**Consent Authority Minister of Planning**

I object to this application and development proposal.

I request you delete my personal information before publication of this letter.

I have not made any reportable donations in the last two years.

I set out below the reasons why I object to this application and development proposal.

## **How it would affect me and the residents of One Darling Harbour**

It is very difficult to analyse Mircac's proposal because there is little information in the Proposal that contrasts what it is presently entitled to against what it is seeking from the NSW Government. Nevertheless, I have done my best to understand how the Proposal would affect me and how it would affect Darling Harbour.

I am an owner of an east facing apartment on the 6<sup>th</sup> floor of the 17 storey One Darling Harbour, 50 Murray Street, Pyrmont ("**One Darling Harbour**") which currently enjoys magnificent, uninterrupted views over the historic Pyrmont Bridge, all of the waterways of Darling Harbour and across Darling Harbour to Cockle Bay and the City skyline. It also currently enjoys magnificent privacy, light, air, breezes and sunshine.

My wife and I bought this apartment many years ago as somewhere we could enjoy our retirement. One of our great joys is watching the movement of pleasure craft on the water (including the rowing sculls and dragon boat races), the weekday pedestrian movement to and from the CBD across the historic Pyrmont Bridge and the flood of domestic and local tourists who visit sunny Darling Harbour both on weekdays and weekends. And, of course, the weekly fireworks.

Notwithstanding all this activity, Darling Harbour remains a low key, relaxing oasis of calm, within walking distance of the CBD and our apartment is very private, calm and peaceful.

All this will change if Mirvac gets its way. I say this because:

1. Our prime (and much prized) views would be wiped out by the proposed bulky and too tall podium and the too tall and too wide tower. Even if we retain some partial, disjointed views either side of the tower it wouldn't be the same as the expansive vista of the entire harbour we currently enjoy.
2. Our morning sunshine would be taken away by the tower on top of the podium.
3. We would experience a lot more noise and loss of privacy particularly from the raised rooftop "Observation Deck" on Harbourside but also from the residential unit tower.
4. Our sense of openness and uninterrupted vista of the harbour and City Skyline would be taken away as we will be hemmed in by the tall, bulky podium and 40 storey residential tower smack bang in front of our view.
5. The cooling breezes we currently experience will be interrupted by the tower on top of the podium.
6. The whole feel of our local Darling Harbour neighbourhood will change as the harbour itself will be narrowed (by extending the harbour promenade and the new workstation areas and timber pontoon) and the previously sunny walkways by the harbour will be dominated and overshadowed by the tall, bulky podium and residential tower which are both proposed to be situated far too close to the harbour's edge.
7. The proposed development, particularly the tall, bulky podium, would detract from and block the views of and from the current centrepiece of Darling Harbour, being the iconic and historic Pyrmont Bridge.
8. The residential tower and shopping centre will attract a lot more people and cars to the area but inadequate provision is proposed to be made for parking and dealing with moving that traffic through and out of Pyrmont. It already can take 30 minutes to get out of Pyrmont onto the Anzac Bridge.
9. One Darling Harbour has on its top floors a gym, a pool and sunbathing area and an outdoor dining deck which is available for use by all occupants and these areas currently enjoy unsurpassed, uninterrupted views to the east to Pyrmont Bridge and the whole of the waterways of Darling Harbour across to Cockle Bay and the CBD skyline. Those views would be destroyed by the proposed tall, bulky podium with a 40 Storey tower on top. So it is not true to say most of the occupants of One Darling Harbour won't lose any views. Even those with west facing units will lose the views from the common areas.

Needless to say we paid a premium to buy our apartment and when purchasing it we placed much reliance on the fact title for both One Darling Harbour and Harbourside were 99 Year strata leaseholds controlled by the Sydney Harbour Foreshore Authority ("SHFA"). On that basis we felt confident SHFA would maintain good town planning principles for any future development around Sydney Harbour and particularly around Darling Harbour so it was likely our views and amenity of our unit (and hence values) would be maintained for the life of those leases.

You can understand how aghast we were to discover:

1. SHFA has been disbanded;
2. Development control has not been handed back to Sydney City Council;
3. There is currently no government imposed legislation, regulation, Local Environmental Plan or Development Control Plan for the area (or indeed for the entire Bays Precinct). It is a "free-for-all" for developers;
4. Mirvac, the relatively new lessee of the Harbourside, is free to make, and indeed has made, a State Significant Development Application for the redevelopment of the entire Harbourside site, the airspace above it and part of the public foreshore which application if approved would permit a gross overdevelopment and change of uses to

uses not currently permitted by its 99 year lease including not only a new shopping centre but also a high rise residential tower with insufficient parking.

Some may see my objection as selfish because the amenity and value of my own unit will be destroyed but the problem is much greater than that.

If approved, this gross overdevelopment will have adverse ramifications for Sydney Harbour and in particular for the whole Pyrmont/Darling Harbour, King Street Wharf, Cockle Bay, the CBD, the Bays precinct areas, the population of greater Sydney and tourism, one of NSW's greatest assets.

Amongst other thing it will break the time honoured town planning principle of stepping back buildings from the water's edge and create a precedent for tall buildings crowding in on the harbour's edge.

Now is the time, in the interest of the community and good town planning principles, to "knock on the head" Mirvac's grandiose overdevelopment for the Harbourside site.

### **Need for integrated Planning Controls**

I submit a comprehensive Local Environmental Plan or similar legislation must be carefully devised and enacted incorporating accepted best practice, thoughtful town planning principles for developments around harbours and waterways before any development at Darling Harbour (or indeed anywhere around Sydney Harbour or the Bays Precinct) is contemplated.

I'm confident if that happens neither the monstrous podium nor the wide, high rise tower (which would be taller than the ICC Hotel) Mirvac proposes would be approved.

## **Mirvac has not addressed View Loss or Sought to Protect Iconic Views**

The Secretary's Environmental Assessment Requirements ("**SEARS**") specifically required Mirvac to address view loss and view sharing of neighbouring properties.

Mirvac has supplied a View Impact Analysis by JBA but has not "addressed" the issue of views lost by neighbours other than to identify that One Darling Harbour will be the neighbour most impacted by the proposed tall, bulky podium (twice the size of the current shopping centre) and 40 storey residential tower.

No attempt has really been made to accommodate reasonable view sharing. The tower is proposed to be simply plonked in front of One Darling Harbour thereby stealing its major views.

Admittedly Mirvac did the usual developers' trick of initially making an ambit claim for a double width commercial tower. Mirvac now suggests it has done the right thing by scaling back to a single tower which is allegedly "slim" (but isn't).

Firstly, there should be no tower so close to the harbour.

Secondly, "slim" is a very relative adjective, particularly if this tower bisects a neighbour's view and blocks the main central part of that view, as it would mine.

Mirvac's photographs in Appendix C which purport show the effect of the podium and tower on Apartment 1302 is indicative of how the proposed "slim" tower would obliterate my current 108 degree views to the East.

**No attempt to Protect Views or follow Tenacity Principles.**

So Mirvac is aware of the problem, yet nowhere in the huge application by Mirvac can I see where it or its consultants have assessed how to deal with or minimise the loss of our views and vistas and those of our fellow owners at One Darling Harbour in accordance with the principles for view sharing laid down in the Tenacity Decision.

The Tenacity Decision laid down a 4 step approach:

“26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

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

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Instead of applying these principles Mirvac seeks to play down the impact of the podium and tower by saying the west facing units of One Darling Harbour don't have views of the harbour. But the occupants of those units would still lose their very important views from the common areas.

Our building's main, million dollar views are those due East over the entirety of the Darling Harbour waterways, the iconic Pyrmont Bridge, Cockle Bay and the vista of the CBD skyline

from the common areas and the east facing apartments. Mirvac has made no attempt to protect those views.

### **The View Impact Analysis is misleading.**

Somewhat self-servingly the JBA report suggests on page 29 the effect on Easterly and South Easterly views of the mid-rise and upper-level apartments of One Darling Harbour would be "minimal". I cannot agree. As someone who has paid a premium for my views, the effect would be devastating. The podium and tower would block the central portion of my current "whole" view of the waterways of Darling Harbour. Imagine for a moment

- watching the fireworks and only seeing the extreme edges.
- watching a dragon boat race and only seeing the last 30 metres where once you could watch the whole race.
- watching a flotilla of brightly lit boats during Vivid approaching Darling Harbour only to disappear behind the tower and possibly seeing them emerge from behind the tower towards the southern end of the harbour where once you could see the whole parade around Darling Harbour.

Believe you me, I would not call that a "**minimal**" impact.

JBA are more forthright when analysing the effect on apartments on the lower level and mid to low rise levels of One Darling Harbour as they admit the proposal would have a "**high impact**" on views. They could hardly say anything else as those apartment's views would be replaced by views of the back of the podium and tower!

### **Mirvac has not used skilful architecture or design to protect views.**

JBA conclude some view loss is reasonable and there is "*no more skilful alternative architectural/urban design approach*" to preserve views. Well, I'm not an architect or urban designer but how about this for starters –

- a) remove the tower entirely and reduce the bulk, height and scale of the podium and move it away from the water's edge and from Pyrmont Bridge; or
- b) shift the podium and tower to the far southern end of Harbourside (next to ICC Hotel) and again set it back from the water's edge as far as the ICC Hotel has; or
- c) keep within the current envelope of Harbourside and build the tower somewhere else behind Darling Drive (maybe on the Powerhouse Museum site?).

At least if the Podium and Tower were shifted to the southern end of Harbourside:

- it would be less of an eyesore when viewed from the Pyrmont Bridge and the CBD. (The current proposal plonks a 40 storey, stand-alone tower up in the midst of low rise structures which makes it look like Mirvac is sticking its middle finger up at the whole of Sydney).
- It would be adjacent to another tall tower which would open up the possibility of Mirvac adopting a gradual stepped drop in height so in front of One Darling Harbour and beside Pyrmont Bridge Mirvac could retain Harbourside's current heights and not blackout views.

### **Darling Harbour is not part of the CBD**

There is a recurring theme in the JBA report to the effect that in a "global CBD" it is appropriate Mirvac only need to be concerned about "outlook" rather than "views". But the last time I looked the CBD started on the other side of Pyrmont Bridge.

My view is Darling Harbour, Cockle Bay and King Street Wharf are shining examples of how thoughtful, respectful development should be done around Sydney Harbour. Darling Harbour, Cockle Bay and King Street Wharf should fiercely defend their point of difference in that they are close to, but not part of the "global CBD" rat race, and remain a harbourside

oasis and important part of the Sydney's most popular harbourside gathering place and playground for people of all ages.

### **Public Views Do not Trump Private Views**

I realise Mirvac prefers to think public views always trump private views but, in my opinion, Mirvac should comply with the principles for view sharing set out in the Tenacity Decision. I am sure Mirvac and JBA are well aware of them but have chosen to ignore them.

### **Public Resources Demand Good Town Planning**

One must always remember Sydney Harbour is a public resource and thoughtful town planning principles demand construction around the harbour be set well back from the water's edge and only gradually rise in height the further away they are from the harbour so that there is reasonable public and private view sharing. Mirvac's proposal does not do that. The podium and tower are way too tall to be permitted this close to the harbour.

## **Duty owed by NSW Government to current owners of Darling Harbour properties**

As you would be well aware, most of the land around Darling Harbour was owned and controlled by the Sydney Harbour Foreshore Authority on behalf of the NSW Government which then granted 99 year leases to occupants on certain strict conditions. This includes Harbourside.

I submit there is something fundamentally wrong if the NSW Government can "sell" properties like One Darling Harbour with pleasant water, bridge and CBD views on 99 year leases (obviously at a premium) and then within the term of those leases, with a stroke of the pen, permit Mirvac to overdevelop Harbourside in front of One Darling Harbour thereby wiping out those views and the values of those properties and depriving the occupants of privacy, light, air, amenity and water views.

If the NSW State Government were to co-operate with Mirvac doing so they would show no better ethics than shonky developers who sell at a premium apartments with water views only to build more units a year later that block those same water views.

I submit you should restrict the development of Harbourside to the current height and footprint of the Harbourside until such time as proper Town Planning legislation is enacted to control development around Sydney Harbour. I also submit the local residents should have a say in those planning controls (preferably by handing the area back to the elected Sydney City Council and allowing residents to vote in local government elections).

## **Mirvac's Unreasonable Expectations**

### **Use of SSD System is Inappropriate**

Mirvac knew when it bought Harbourside what it was buying. A Market Place Shopping Centre. The lease did not give it any right to double the size of the shopping centre nor to build a high rise residential tower nor to annex part of the harbour and public promenade.



If Mirvac was restricted to building within its current envelope (as it should be) it would not qualify for making a SSD application.

Mirvac should not be allowed to abuse the SSD system to build something fundamentally different from what is a permissible use under its lease and make a huge profit at the expense of NSW and all those others currently residing, working and visiting the Pyrmont/Darling Harbour precinct.

#### **It is a Festival Market Place**

Harbourside was designed to be a Festival Market Place Shopping Centre to cater to the international and local tourists and families who visit Darling Harbour. A residential tower is totally inconsistent with the values of a Festival Marketplace and the Darling Harbour foreshore as it serves no tourism or public benefit.

In fact, the Tower is contrary to what Darling Harbour is all about. It and the proposed 9 storey podium would detract from the amenity of the Darling Harbour foreshore by overshadowing it and the harbour itself (particularly in the afternoon) and dominating the skyline and detracting from the iconic historic Pyrmont Bridge and thus, very likely, reduce tourism.

#### **Mirvac is seeking to rely on its own default under the lease as justification for Proposal**

The current Harbourside lease contains provisions that require the lessee (Mircvac) to maintain Harbourside to certain high standards as a "festival marketplace". If Mirvac maintains it is run down and out-dated then Mirvac and its pre-decessors have failed to put in the investment necessary to do so.

It is not in the public interest for Mirvac to be permitted to now use the alleged run down state of Harbourside as an argument for it to build itself a huge shopping centre twice the size of its current shopping centre by making profits from developing a public resource (the airspace, harbourside promenade and harbour) to fund construction.

#### **Mirvac's Proposal is too big, poorly sited and will block views**

Harbourside is essentially a 3 storey building and the latest Mirvac proposal is for a retail podium with a height equivalent to a 9 storey residential building (which will more than double the current retail space) plus a high-rise (approximately 40 storeys high) residential tower plonked on top of the Podium right beside the historic Pyrmont Bridge, almost on the edge of the harbour and directly in front of the views from, amongst others, One Darling Harbour.

#### **Disaster for residents, retailers and hoteliers**

If the Mirvac Application were to be approved that would be a disaster for the residents whose views, property values and amenity would be significantly affected and also for the retailers and the hotel operators and all others who currently rely upon their pleasant views of Darling Harbour and Cockle Bay to attract tourists and the taxpayers of New South Wales.

## **Public Resources**

#### **Lack of economic benefit to community**

The airspace above the existing Harbourside and the forecourt area between Harbourside and the harbour's edge are public resources. Mirvac should not be permitted to annex and exploit those public resources for its own profits.

### **Mirvac Annexing promenade and harbour is wrong**

Mirvac's planned construction is obviously too close to the water's edge. Its solution appears to be to annex part of the harbour and push the water's edge further away from its buildings to maintain a pedestrian promenade. How obscene is that? When James Packer tried to step his Barrangaroo hotel into the harbour there was a justifiable outcry. Mirvac should not be permitted to narrow the Darling Harbour waterway.

If the NSW Government were to unwisely decide to develop those public resources then it should only do so by open tender and with appropriate town planning controls first in place.

## **Historic Pyrmont Bridge**

Most importantly, Pyrmont Bridge is of iconic historical significance to Darling Harbour and Sydney generally. It is listed on the State Heritage Register. It is one of the last remaining opening pedestrian bridges. It has become a major tourist attraction in its own right.

At present the roof of Harbourside is largely below the level of the Pyrmont Bridge handrail and is not an eyesore to pedestrians who so enjoy walking across that bridge and tourists who come to watch it open.

The idea of having a 9 storey bulky retail podium with a 40 storey high-rise residential tower on top of that podium jammed up against, overshadowing and dominating Pyrmont Bridge must be abhorrent to anyone with any common sense and appreciation of aesthetics. It would be completely inappropriate to the precinct and adversely affect the vista of Darling Harbour when viewed from the City.

And Mirvac is so insensitive to its historic and tourism value that it intends demolishing part of the bridge's historic hand railings to facilitate access to the proposed retail Podium.

## **Is there any need for another Residential Tower**

It is inappropriate for there to be a residential tower as part of any renewal of Harbourside by Mirvac.

There are no other high rise towers so close to the foreshore around Darling Harbour. A residential tower will not complement or contribute anything to a tourist precinct or a Festival Marketplace.

There is an abundance of vacant or underutilised commercial space in the Pyrmont, Ultimo and Haymarket areas just crying out for redevelopment. Why doesn't Mirvac buy one of those to build its residential tower. The answer is simple. It would have to pay for that site. Whereas it clearly hopes, having paid for a small festival marketplace shopping centre, to obtain the right to build this residential tower in the airspace over Harbourside and to double the size of the shopping centre without paying the NSW taxpayer fair value for the site, all under the guise of helping the NSW Government with the "renewal" of the Darling Harbour area.



The proposed tower is to be located in a terrible position. It is too high, too close to the water's edge and too close to Pyrmont Bridge.

We don't need an ugly, high rise tower plonked on top of a bulky retail podium so close to the water's edge and casting shadows over and dominating the whole harbour and harbour side pedestrian walkways and detracting from the historic Pyrmont Bridge and the vista from the city to the Darling Harbour foreshore.

## **Is there any need for the Podium and more retail space**

The proposed Podium is approx. the same height as a 9 storey residential building! It would be inappropriately bulky and more than double the existing retail space in Harbourside.

I question whether there is any need to increase the size of Harbourside.

The Harbourside operators have long battled to fill its existing shops and restaurants with quality retail tenants, probably because of competition from the abundance of other retail and dining precincts in the area (e.g. Darling Quarter, Darling Square, Broadway, Barrangaroo, King Street Wharf, Cockle Bay, Coles, IGA, Harris street, China Town, the Tramsheds and the CBD. Harbourside's upper and lowest levels have often been partially vacant or occupied by lesser quality tenants.

Mirvac is proposing an open space area on top of the new shopping centre which I venture to suggest will be a white elephant as its own consultants concede it will usually be too windy to be comfortable. But if they can overcome that then it will impact on noise levels and privacy of neighbours, including One Darling Harbour.

The proposed podium is to be located in a terrible position. It is too high, too bulky, too close to the water's edge and too close to Pyrmont Bridge.

The bulky podium is inconsistent with the needs of the area and the doubling of retail space is neither wanted nor warranted in Harbourside. We don't need another white elephant.

## **Departure from Accepted Town Planning Principles around the Harbour**

There has been a long established precedent of developments around the Harbour being gradually stepping up in height as they move away from the water's edge. This is good Town Planning.

Responsible, forward thinking town planning also demands that all development around the Harbour should maintain significant open space between the water and buildings

This has been adhered to at Darling Harbour, Cockle Bay, King Street Wharf, Barrangaroo, Darling Quarter, Darling Square and Walsh Bay resulting in reasonable view sharing and ensuring the foreshores are pleasant, open, sunny places for Sydneysiders and tourists alike to congregate.

It is no accident there are no high rise towers close to the water at King Street Wharf, Cockle Bay or Darling Harbour. That is as it should be. It is good town planning.

Darling Harbour is a pedestrian precinct but Mirvac's proposed bulky podium and 40 storey tower lacks human scale and would not only dominate the area, they will block out the sky.

I commend to you the areas of Cockle Bay and King Street Wharf as being superior examples of how development should be carried out around Sydney's iconic water ways. It is sympathetic to the environment, allows for wide open, sunlit spaces for the public and tourists to enjoy and provides for low-level buildings along the open space beside the water with stepped developments gradually stepping up in height behind that. **AND NO 40 storey towers plonked on top of 9 storey bulky podiums.**

Now is the time to put a stop to development being designed by and for the profits of developers and bring back an era of responsible town planning, particularly for areas set aside for use by the community such as Darling Harbour.

If the NSW Government approves this proposal it will be criticised for generations to come in a similar way to those who approved Blues Point Tower, which has often been criticised as being one of the ugliest and most incongruously positioned tall towers ever built in Sydney, albeit designed by a famous architect.

The last thing our wonderful City needs is developers deciding what is acceptable town planning around Sydney Harbour.

## **Likely Negative Impact on Tourism**

The Darling Harbour Precinct is currently a very pleasant spot for Sydneysiders and tourists to congregate and enjoy our magnificent harbour. Any overdevelopment by Mirvac will detract from Darling Harbour remaining a magnet for tourists and significantly hurt the trade of hotels and the other retail businesses that depend for their livelihood on tourists coming to the Darling Harbour area.

I submit there should be no 40 storey tower and no bulky 9 storey podium. Amongst other things, the shadowing from such a development would have serious adverse impacts on the entire retail, tourist and residential precinct.

## **Negative Impact on Sydney's Playground**

Darling Harbour, like Cockle Bay and King Street Wharf is the place Sydneysiders and tourists alike gather with their families and friends to celebrate and enjoy the open air, sunshine, activities and eateries.

It is a designated tourist precinct and Harbourside was designed as a Festival Marketplace shopping centre to service and complement the tourist precinct.

No development should be permitted that detracts from Darling Harbour remaining the premier destination for families and friends to congregate and celebrate beside our magnificent Harbour. But Mirvac's bulky overdevelopment would do just that.

It would fundamentally change the focus and character of Darling Harbour, robbing the area of waterways, views and sunshine with its bulky Podium and high rise tower blocking out the sun and views of the iconic Pyrmont Bridge and casting shadows over the promenade and harbour.

At present Harbourside promotes the connection of its visitors to the Harbour. But Mirvac intends to endeavour to shift visitors from the promenade to the proposed open space on the roof of Harbourside. The proposed new Harbourside would lose that connection if its visitors are on the roof.

## **Maintaining Open Space for the Community**

I submit the NSW Government should not give in to the demands of developers to site high rise towers right along the water's edge, dominating and overshadowing the previously sunlit pedestrian plazas.

I submit that the open space between the water and the current Harbourside should always remain in public ownership as open space for the public to enjoy and not something that developers are able to exploit and dominate for their own profit.

## **Mirvac's Spin**

### **Lack of Information in Application**

Mirvac's no doubt high-priced consultants have put together a very professional looking package. However, there is little within the package that assists its neighbours to compare what is proposed with what currently exists or what Mirvac is currently permitted to occupy and use. I respectfully suggest the Governments needs to drill down and check their allegations and spin.

### **Will drive tourists away**

They say the proposal is designed to be attractive to tourists, neighbours and the broader community with welcoming public spaces. In my opinion, nothing could be further from the truth. The proposed buildings will not be welcoming. They will be intimidating, dominating and lack human scale in an area designed for pedestrian traffic.

### **Not consistent or adjacent with ICC Hotel**

I understand Mirvac has argued its proposed residential tower is consistent with and adjacent to the ICC hotel being erected behind Harbourside. Well, I strongly disagree. The ICC hotel is nowhere near the water's edge or Pyrmont Bridge. It is behind the Shopping Centre on Darling Drive towards the new Convention Centre. And the proposed Mirvac Tower would be some 10 storeys taller than the ICC Hotel.

This proposed Mirvac residential tower is by no means adjacent to the ICC Hotel. It is proposed to be as far away from that hotel, at the far northern end of Harbourside, as possible and should not be allowed.

### **Not Open Consultation**

Mirvac's executive summary in Part 1 refers to it as being committed to open, accessible and genuine consultation. I take issue with that. As someone directly affected, my impression is its consultation was cursory, manipulative and designed to provide us with as little hard information as possible. The owners and occupants of One Darling Harbour were not even invited to all the briefing sessions. Mirvac has also been selective in quoting the feedback it received from affected parties.

For instance, Mirvac suggests in Part 5 the feedback received was that a commercial tower was inappropriate so it has changed it to a residential tower. From what I heard at the public consultation the overwhelming feedback Mirvac received was that **no tower was appropriate** on top of the shopping centre and certainly nowhere near Pymont Bridge.

### **Illogical reasoning for siting podium and Tower next to Pymont Bridge**

Further, the reasons Mirvac gives for siting the tower at the north end of Harbourside next to Pymont Bridge are not logical.

In Part 5.4.1 Mirvac says locating the tower to the north of the site is most appropriate because:

- *"It allows improved connections between Pymont and Darling Harbour.....Direct Access onto Pymont Bridge is retained and improved."*  
[My comment: This may have been relevant when Mirvac was planning a commercial tower but it makes little or no sense for a residential tower. Residents don't particularly need easy access to Pymont Bridge and Harbourside. I suggest they might prefer to be in a quieter area somewhat removed from Pymont Bridge and Harbourside]
- *"The location aims to minimise view impacts and balance the view sharing for all stakeholders."*  
[My comment; Again this makes little or no sense. On Mirvac's own analysis the only stakeholder whose views are significantly affected is One Darling Harbour. There is no attempt at balancing view sharing, protecting views or minimising the view loss. If Mirvac sought to choose a location to minimise view impacts the tower would be located at the southern end of Harbourside as close as possible to The ICC Hotel]
- *"Reduce overshadowing to the public domain to the south".*  
[My comment; this is illogical. Positioning the tower to the north ensures the afternoon shadow will fall over most of the harbour and harbour side pedestrian walkways. The way to reduce overshadowing must be to site the tower as far south as possible, next to the ICC Hotel]
- *"Architectural considerations and proximity to ICC Hotel".*  
[My comment: this is mumbo jumbo and explains nothing except Mirvac doesn't really want to do reasonable view sharing - it just doesn't want to impact on ICC's views for some unexplained reason]

### **Mirvac's Ambit Claim**

Mirvac also seeks to present itself as having listened to the feedback and moved the tower a further 25 metres from Pymont Bridge. I suggest Mirvac always knew it wouldn't be allowed to build a tower 25 metres from Pymont Bridge. This is the old developers' trick of making an ambit claim (i.e. asking for something you know you won't get so it looks like a concession when you agree to give it up). I trust you won't be naive enough to fall for this

trick. In any event, Mirvac hasn't shifted the bulky 9 storey high podium away from Pymont Bridge at all.

On the one hand, Mirvac's proposal notes Darling Harbour is the premier gathering and entertainment precinct with 26 million visitors between 2014 and 2015 and 13 million visitors a year. Not bad for a facility Mirvac claims is out-dated and in decline. But if there is an element of it being out-dated it is Mirvac's lease obligation to not allow it to become out-dated. It is duplicitous to use this argument to justify a SSD application.

### **Fallacious Renewal Argument**

Much is made in the proposal of the need to "renew" Harbourside. And also that there is a business case for Mirvac to build the tower to fund the renewal. But what Mirvac doesn't deal with is that it knew when it bought the lease that it would have the obligation as lessee to maintain and upgrade Harbourside as necessary to keep the shopping centre as a vibrant, up to date, festival marketplace modelled on the Downtown Baltimore, Inner Harbour Festival Marketplace. It is not up to the people of NSW to allow Mirvac to exploit public resources so it can fund a grandiose shopping centre for its own profit.

Interestingly, a little internet surfing reveals that the Baltimore Festival Market place which opened in 1980, today remains composed of the original 2 two storey pavilions (very much like the current Harbourside) and is still going strong and continues to rank number 1 in the Baltimore Business Journal as Baltimore's most popular tourist attractions. Perhaps we should question whether Harbourside need to be renewed or whether the lessee should fulfil its maintenance obligations.

### **Darling Harbour is Not Part of CBD**

Much is also made in the proposal of the supposed need to draw Darling Harbour into the wider CBD but Mirvac seems to miss the point it was never intended and no-one wants Darling Harbour to be part of the CBD. It is not a place of offices and Department stores. It is somewhere for locals and tourists to escape from the CBD for some relaxation by the harbour, in broad open spaces under the sun.

Mirvac's analysis concentrates on a number of town planning controls Mirvac admits do not apply to Darling Harbour most of which were designed to control office and retail developments in the CBD. Presumably this is so it can justify the proposed development whilst ignoring principles like view sharing. Controls that require developers to maintain and protect views to and from Sydney Harbour are not mentioned or brushed aside.

### **It will not be a visually Interesting Built Form**

At Part 3.4 Mirvac admits the proposal will change the "scale and height of the development", and claims it will create "a visually interesting built form" That is a very subjective opinion, and one with which I doubt many fair minded observers would agree. Personally I feel the bulk and scale of the Podium and Tower lack human scale and are overbearing and insulting to the fine old heritage item being the Pymont Bridge and our wonderful Sydney Harbour.

### **Towers should be far removed from Harbour's Edge**

Other residential towers in the local area, including at Barrangaroo, Pymont, Haymarket and Ultimo, are well set back from the water's edge and I submit if Mirvac feels the need to develop a residential tower it too should acquire a development site well removed from the water's edge perhaps on the other side of Darling Drive.

## Where To From Here

I call on you to implement planning and development controls for the Darling Harbour and Bays Precinct so that any re-development of Harbourside:

1. replicates the current stepped developments on Darling Harbour, Cockle Bay and King Street Wharf and Barrangaroo;
2. is limited to the current height and footprint of the existing shopping centre;
3. does not encroach on the existing open space between the shopping centre and the water;
4. does not encroach on the harbour
5. does not include a 9 storey podium
6. does not include any tower;
7. must be sympathetic to the vista of Darling Harbour from the City;
8. does not impact on the historic Pyrmont Bridge; and
9. does not impact on the views, values, amenity, privacy, sunlight and sense of openness of the adjoining buildings and does not dominate or overshadow Darling Harbour and the adjoining buildings.

I stress that the State and Local Governments owe the current owners, residents and occupants of Darling Harbour and the residents of greater Sydney a duty not to detract from the views, values, amenity, sunlight, privacy and air available to those premises by permitting the erection of a totally unnecessarily bulky podium and residential tower on Harbourside.

I look forward to receiving your reply to this letter and, hopefully, your confirmation that you will knock this proposal on the head and keep Harbourside to its current height and footprint and maintain the open space pedestrian promenade between the current water's edge and Harbourside.

Yours sincerely,

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