

15 August 2022

2210627

Mr Michael Cassel
Secretary
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: David Glasgow - Principal Planning Officer, Key Sites Assessments

Dear Mr Cassel,

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
SCOPING REPORT – PUBLIC DOMAIN – REDEVELOPMENT OF HARBOURSIDE SHOPPING CENTRE**

This Scoping Report has been prepared by Ethos Urban on behalf of Mirvac Retail Sub SPV Pty Ltd as trustee for the Mirvac Harbourside Sub Trust (Mircac) to request the Secretary's Environmental Assessment Requirements (SEARs) to guide the preparation of an Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) with regards to the ongoing redevelopment of the Harbourside Shopping Centre.

Following consent being granted for the Concept Approval and Stage 1 demolition works (SSD 7874) on 25 June 2021, Mirvac is pursuing the next stage of planning approvals for the detailed design, construction, and operation of the Harbourside Shopping Centre redevelopment. To enable the efficient delivery of the project, Mirvac intends to divide the detailed design and construction works across four separate SSDAs, being:

- SSDA 1: Bulk excavation works and construction of retaining structures.
- SSDA 2: Detailed design, construction, and operation of the new podium and tower building.
- SSDA 3: Construction and operation of the surrounding public domain, and Guardian Square, including construction and use of the Murray Street and Bunn Street bridges.

This Scoping Report addresses the **third** detailed design application (SSDA 3), with a separate Scoping Report submitted in relation to SSDA 2. SSDA 1 has been lodged and is undergoing exhibition and assessment.

The proposed application will be made pursuant to section 4.24 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and will be consistent with the Harbourside Concept Approval under SSD 7874, as to be modified under a concurrent Modification Application.

The proposed development is State Significant Development (SSD) by virtue of Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* as site is located within Darling Harbour and has a value of more than \$10 million.

To support the request for SEARs, this letter provides an overview of the proposal, sets out the statutory context, and identifies the key environmental and planning issues likely to be associated with the proposal. It should be read in conjunction with the Scoping Summary Table provided at **Appendix A**.

1.0 Project background

1.1 Stage 1 Concept Approval

State Significant Development (SSD) Application 7874 (SSD 7874) was approved by the Independent Planning Commission (IPC) on 25 June 2021 for the Stage 1 Concept Approval of the redevelopment of the Harbourside Shopping Centre into a mixed-use development with a retail/commercial podium and residential tower.

The Concept Approval establishes the relevant planning parameters, including building envelopes, maximum GFA limits, Design Guidelines and a Design Excellence Strategy, and car parking rates to guide the future detailed design, construction, and operation of Harbourside under subsequent SSD applications. SSD 7874 also grants consent to the demolition of the existing shopping centre and associated structures, also known as the 'stage 1 demolition works'.

SSD 7874 is described within its development consent as:

Redevelopment of Harbourside Shopping Centre comprising:

Concept Proposal for:

- *a residential and commercial building envelope, comprising:*
 - *a maximum height of RL 166.95*
 - *a maximum GFA of 87,000m² including:*
 - *42,000m² residential GFA*
 - *45,000m² non-residential GFA*
 - *minimum publicly accessible open space of 3,500m² on the Northern Podium*
 - *sitewide concept landscaping including public domain upgrades and through site links*
 - *Bunn Street bridge*
 - *design guidelines and design excellence strategy*
 - *car parking rates*

Stage 1 works for the demolition of:

- *existing shopping centre and structures*
- *southern pedestrian link bridge*
- *monorail infrastructure*
- *tree removal.*

The redevelopment of Harbourside Shopping Centre is subject to a Voluntary Planning Agreement (VPA) for the provision of \$5,200,000 for the purposes of affordable housing in line with conditions A6 and A7 of the SSD 7874 consent along with public art and activation contribution valued at over \$7 million.

1.2 Design Competition

A competitive Architectural Design Competition was held for the redevelopment of Harbourside in accordance with conditions A21, A22, and the endorsed Design Excellence Strategy of the SSD 7874 consent. Six local and international architectural practices were invited to participate, with the Hassell + Snøhetta scheme being confirmed as the winning entry in December 2021. This winning scheme will be integrated into the SSD 7874 concept design through a concurrent Modification Application (**Section 7.2.1**).

The winning scheme will undergo further design refinement and inform all detailed design SSDAs for the redevelopment of Harbourside Shopping Centre, in accordance with the Architectural Design Competition Report dated 9 December 2021. A Design Integrity Panel (DIP) will be established to ensure the achievement of design excellence and written endorsement by the DIP will be provided prior to the submission of this SSDA.

1.3 Project objectives

Project objectives for this SSDA are:

- To deliver a strong public domain outcome to the redeveloped Harbourside Shopping Centre, that integrates with the built form and provides a high level of amenity;
- Create an appropriate scale and relationship to new and existing surrounding development, in particular the ICC and ICC Hotel to the south and Pyrmont Bridge to the north;
- Improve public amenities and provide an engaging public domain with social, green infrastructure for human comfort; and
- To ensure construction proceeds as consistent with the Harbourside Concept Approval and winning Architectural Design Competition scheme.

Project objectives for the redevelopment of Harbourside Shopping Centre more broadly are as follows:

- To develop Harbourside and Darling Harbour into one of Sydney's most innovative tourism, retailing and entertainment districts.
- Provide the opportunity to create a quality visitor experience and establish Harbourside as a distinctive destination within the revitalised context of Darling Harbour.
- Supply quality retail floor space including food and beverage offerings and retail tenancies to ensure Darling Harbour continues to be Sydney's premier shopping, dining, tourist and entertainment location.
- Deliver residential floor space, contributing choice and variety of apartments in the locality, and on the fringe of the Sydney CBD.
- Provide a range of apartment types and sizes to cater to the changing population of Sydney and varying market demands.
- Enable opportunities to increase and improve connections across the site and between Pyrmont and the CBD, repairing the urban fabric and encouraging restoration of street grain and connectivity.
- Provide opportunities for public activity and enterprise within Darling Harbour to provide a catalyst for future growth and expansion in the locality.
- Deliver a large number of new homes in a location closer to employment opportunities.
- Providing a built form that achieves visual interest and design excellence.

2.0 The site

2.1 Darling Harbour

The Harbourside redevelopment site is located within the Darling Harbour Precinct inside the City of Sydney Local Government Area (LGA). Darling Harbour is a 60 hectare precinct on the southwestern edge of Sydney's CBD that is well known for being one of Sydney's premier tourist and entertainment precincts, accommodating a variety of recreation, tourism, entertainment, retail, residential apartments, and business land uses.

Darling Harbour is continuing to undergo significant redevelopment and change, supporting the realisation of the NSW State Government's vision for an expanded 'cultural ribbon' spanning from Barangaroo, around to Darling Harbour and Pyrmont. In addition to the redevelopment of the existing ageing Harbourside Shopping Centre, other prominent renewal projects include the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP), Darling Square, and the IMAX Ribbon development, amongst others.

2.2 Harbourside Shopping Centre

The Harbourside redevelopment site occupies an area of approximately 2.05 hectares within the north western portion of the Darling Harbour precinct, in between Cockle Bay and the Pyrmont Peninsula. It is irregularly shaped and comprises the existing shopping centre and the surrounding public domain in the immediate vicinity of the building. The site is legally described as Lots 1-10, 12-15 and 17 DP776815, Lot 2015 DP1234971 and Lot 300 DP836419.

The site is generally bound by Pyrmont Bridge (including associated walkway) and the Maritime Museum to the north, the SICEEP precinct to the south, Darling Drive and the Inner West Light Rail to the west and Cockle Bay to the east.

The site currently accommodates the existing Harbourside Shopping Centre building; areas of public domain and associated landscaping; obsolete Monorail infrastructure; and two pedestrian bridges linking to the Ibis and Novotel hotels respectively. Consent for the demolition of these existing structures has been approved under SSD 7874.

Figure 1 identifies the indicative boundaries of the Harbourside site.



Figure 1 Harbourside Shopping Centre redevelopment site

Source: Nearmap, edits by Ethos Urban

3.0 Description of the proposed development

The subject SSDA will seek consent for the following works:

- Construction and operation of the public domain surrounding the redeveloped Harbourside Shopping Centre building, including:
 - Widening and upgrades to the waterfront boulevard;
 - New paving to the entrance to the Pyrmont Bridge;
 - Opportunities for heritage interpretation and public art; and
- Construction and operation of public domain elements of the building, including the Event Steps, Ribbon Stairs, Guardian Square and new through-site link;
- Construction and embellishments to the new Bunn Street pedestrian bridge and the existing northern pedestrian bridge.

The subject SSDA will *not* involve demolition works (already approved under Stage 1 – **Section 1.1**) or excavation works (being sought under a separate SSDA).

4.0 Alternatives considered

Design alternatives for this SSDA are by nature limited, due to parameters imposed by the Harbourside Concept Approval (**Section 1**). Preliminary assessment of alternatives considered by the project team is provided below.

- Option 1: Do nothing;
- Option 2: Construction of an alternative public domain design; or
- Option 3: Construction and operation of the Harbourside public domain and Guardian Square in accordance with the Harbourside Concept Approval, Architectural Design Competition and detailed design work undertaken to date.

Doing nothing would result in the project failing to meet the project objectives outlined in **Section 1.3** and the substantive public domain benefits envisioned for Harbourside Shopping Centre under the Concept Approval. It would result in the provision of an incomplete project that does not activate the surrounding area, and for this reason would not be in the public interest.

Construction of an alternative public domain design would also be contrary to the substantive planning and urban design work undertaken and approved as part of the Concept Approval to date. The approval (SSD 7874) sets out key parameters around public domain design, including an upgraded waterfront boulevard, and Guardian Square. The project team has already committed to providing these outcomes and not delivering them would represent a significant missed opportunity to upgrade Darling Harbour that would not be in the public interest.

Therefore, the provision of public domain in line with the Harbourside Concept Approval represents the only feasible and appropriate option. Further justification will be provided as part of the EIS. The EIS will also provide an assessment against the Concept Approval to demonstrate compliance.

5.0 Planning context

5.1 Strategic planning documentation

The following strategic planning documents are relevant to the proposal, and will be addressed within the EIS:

- NSW Premier's Priorities;
- Greater Sydney Region Plan;
- Eastern City District Plan;
- City of Sydney Local Strategic Planning Statement;
- Future Transport 2056; and
- Pyrmont Peninsula Place Strategy.

5.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) establishes the assessment framework for SSD. Section 4.12(8) requires that Development Applications for SSD be accompanied by an EIS that meets the requirements of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). This Scoping Report is seeking SEARs to guide the preparation of an EIS for the project.

5.3 State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 (the Planning Systems SEPP) identifies development which is declared to be State Significant. As the Harbourside site is located within Darling Harbour (within the meaning of the State Significant Development Sites Map) and the proposed development has a Capital Investment Value (CIV) of more than \$10 million, it is also SSD by virtue of clause 2 of Schedule 2 of the Planning Systems SEPP.

5.4 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 includes the provisions of the now repealed *Darling Harbour Development Plan No 1* (DHDP) and is the principal environmental planning instrument that applies to the site. The SEPP sets out land uses that are permissible with consent or prohibited in Darling Harbour.

The proposed public domain outcomes, as being ancillary to the delivery of the broader mixed-use redevelopment which will retail premises, commercial premises, and residential buildings, is permissible with consent under the DHDP.

5.5 Other planning policies

Other environmental planning instruments and policies that will need to be considered as part of the proposed SSDA include:

- *Biodiversity Conservation Act 2016*;
- *Heritage Act 1977*;
- *State Environmental Planning Policy (Transport Infrastructure) 2021*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*;
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *Better Placed - an integrated design policy for the built environment of NSW*; and
- *Draft Connecting with Country Framework*.

5.6 Summary

Relevant statutory requirements for the SSDA are provided in **Table 1** below in accordance with the Department of Planning, Industry and Environment (DPIE)'s *State significant development guidelines – preparing a scoping report*.

Table 1 Relevant statutory requirements

Matter	Guidance
Power to grant consent	State Significant Development (SSD) under the EP&A Act – refer to Section 5.2 . Minister of Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&A Act, with likely delegation to an assessment officer of DPIE.
Permissibility	The proposed public domain works as being ancillary to the broader Harbourside development is permissible with consent under the DHDP. Refer to Section 5.4 .
Other approvals	<i>Biodiversity Conservation Act 2016</i> – due to the highly urbanised nature of the site, a Biodiversity Development Assessment Report (BDAR) waiver is expected to be sought. Approvals not applicable: - an approval under Part 4, or an excavation permit under section 139, of the <i>Heritage Act 1977</i>. - an Aboriginal heritage impact permit under section 90 of the <i>National Parks and Wildlife Act 1974</i> (to be confirmed). Consistent approvals: - A consent under section 138 of the <i>Roads Act 1993</i> (to be confirmed).
Pre-conditions to exercising power to grant consent	<i>State Environmental Planning Policy (Precincts-Eastern Harbour City) 2021</i>
Mandatory matters for consideration	- Consistency with SSD 7874 (Harbourside Concept Approval) conditions of consent; <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>; <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>; and - Environmental assessment matters discussed in Section 7.

6.0 Engagement

An extensive program of communication and engagement with relevant stakeholders occurred as part of the approvals process of the Harbourside Concept Approval (SSD 7874). This program of consultation and engagement with the community will continue as the site's redevelopment progresses towards detailed design and construction.

In preparing the EIS for the detailed design of the redeveloped Harbourside building, it is expected that additional consultation will also be undertaken with:

- City of Sydney Council;
- Transport for NSW;
- Heritage NSW;
- Environment, Energy and Science Group; and
- Existing surrounding residents, Registered Aboriginal Parties, landowners, and business owners.

The SSDA process will provide further opportunities for community input and for the proponent to respond to any issues raised. The project team remains committed to continuing dialogue with the relevant stakeholders and agencies throughout the development assessment process.

7.0 Overview of likely environmental impacts

Based on a preliminary environmental assessment, the following are the key environmental assessment and planning issues that will need to be considered as part of the bulk earthworks SSDA.

A Scoping Summary Table is provided at **Appendix A**.

7.1 Consistency with strategic and statutory plans

The EIS will outline the proposed development and analyse how the proposal is consistent with the strategic planning framework and statutory context as outlined in **Section 4** above.

7.2 Consistency with the Harbourside Concept Approval

Pursuant to section 4.24 of the EP&A Act, *"while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site"*.

Accordingly, the EIS will demonstrate that the proposed development is consistent with the Harbourside Concept Approval (SSD 7874) – as proposed to be amended (refer 7.2.1). The EIS will also demonstrate how the proposal integrates with other detailed design SSDAs being progressed for Harbourside, including that for the public domain and pedestrian bridges.

7.2.1 Concurrent Modification Application

It is Mirvac's intention to submit a concurrent Section 4.55 Modification Application (MOD) to SSD 7874 which will be progressed alongside the SSDA. The MOD is necessitated by the need to integrate elements of the winning Design Competition scheme (**Section 1.2**) into the concept design, as well as further design refinements which have been made to the scheme as part of ongoing design development. This SSDA will be designed to be consistent with this Modification Application

7.3 Construction management

A Preliminary Construction Environmental Management Plan (Prelim CEMP) will be submitted as part of the SSDA, which will detail construction methodology and how environmental impacts will be minimised and mitigated during the construction of the proposed works.

The Preliminary CEMP will be accompanied by a Preliminary Construction Traffic & Pedestrian Management Plan to detail impact and mitigation measures with regards to pedestrian pathways, construction vehicle ingress and egress and the surrounding road network.

7.4 Noise and vibration

The SSDA will assess the acoustic impact of the proposed works, including main noise and vibration sources and measures to minimise and mitigate noise impacts to surrounding sensitive receivers, as consistent with the terms of the Harbourside Concept Approval.

7.5 Heritage

A Heritage Impact Statement (HIS) will be submitted with the SSDA. The HIS will quantify any impacts on surrounding items of heritage significance, including the Pyrmont Bridge, and how these are to be managed and mitigated.

7.6 Visual impact

The SSDA will include a Visual and View Impact Assessment, that will assess the proposal's impact on public and private view impacts and demonstrates how consideration has been given to minimising this impact where possible. Hard and soft landscaping above the podium will be considered in accordance with the SSD 7874 conditions of consent.

7.7 Social and economic impacts

The EIS will make an assessment against the potential positive and negative social and economic impacts (and the significance of these impacts) arising from the proposal, considering potentially affected stakeholders and communities.

7.8 Waste management

The SSDA will quantify expected waste generation rates during construction, and how the waste is to be stored, managed, and disposed.

7.9 Stormwater and flooding

The SSDA will be accompanied by a Stormwater Management Plan (SWP) that will provide assessment of any flood risk on site and consideration of any relevant guidelines and provisions with regards to stormwater and drainage infrastructure and design.

7.10 Accessibility

The EIS will include an Accessibility Statement to determine the proposed development's capability of achieving compliance with relevant accessibility guidelines and standards, including that of the *Disability (Access to Premises Buildings) Standards 2010 (Premises Standards)* under the *Disability Discrimination Act 1992*.

7.11 Crime and public safety

The EIS will be accompanied by a Crime Prevention Through Environmental Design (CPTED) Assessment demonstrating that the proposal is safe and secure, and that opportunities for crime have been minimised in accordance with CPTED principles.

7.12 Public art

In line with the SSD 7874 consent, the proposal will include a Public Art Strategy (PAS) that delineates opportunities to include public art within the public domain aspects of the development. The PAS will be prepared in consultation with City of Sydney Council and Place Management NSW.

7.13 Events management

In accordance with the SSD 7874 consent, the SSDA will include an Events Management Plan (EMP) that will detail site access, management, and mitigation measures for major events held within the Darling Harbour precinct and how this is to be managed at the site.

7.14 Biodiversity impact

A Biodiversity Development Assessment Report (BDAR) waiver will be sought separately prior to the lodgement of the SSDA. The waiver will demonstrate that the proposal will not result in significant environmental impacts with regards to the *Biodiversity Conservation Act 2016*.

8.0 Expected deliverables

To assist in the preparation of the SEARs, the following are the expected deliverables by specialist consultants that will support the EIS:

- Environmental Impact Statement
- Landscape Plans
- Design Report
- Site Survey
- Preliminary Construction Environmental Management Plan, including Preliminary Construction Traffic & Pedestrian Management Plan
- Visual and View Impact Assessment
- Construction Noise and Vibration Assessment
- Construction Waste Management Plan
- Stormwater, Erosion and Sediment Control Plan
- Social Impact Assessment
- Flooding Statement
- Heritage Impact Statement
- CPTED Statement
- Accessibility Statement
- Public Art Strategy
- Events Management Plan
- BDAR Waiver
- Quantity Surveyor's Statement

9.0 Conclusion

This Scoping Report provides information to assist in the preparation of the Secretary's Environmental Assessment Requirements (SEARs) for the following works with regards to the detailed design and construction stage of the redevelopment of Harbourside Shopping Centre:

- Construction and operation of the public domain surrounding the redeveloped Harbourside Shopping Centre building, including:
 - Widening and upgrades to the waterfront boulevard;
 - New paving to the entrance to the Pyrmont Bridge;
 - Opportunities for heritage interpretation and public art; and
- Construction and operation of public domain elements of the building, including the Event Steps, Ribbon Stairs, Guardian Square and new through-site link;
- Constriction and embellishments to the new Bunn Street pedestrian bridge and the existing northern pedestrian bridge.

We trust that the information provided is sufficient to enable the Secretary to issue SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



Yousheng Li
Urbanist
yli@ethosurban.com



Brendan Hoskins
Director
bhoskins@ethosurban.com

Appendix A – Scoping Summary Table

Level of Assessment	Matter	CIA	Engagement	Relevant Government Plans, Policies and Guidelines	Scoping Report Reference
Detailed	Construction traffic and access	N	Standard	• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Guide to Traffic Management – Part 3 Traffic Studies and Analysis</i> (Austroads, 2013) • <i>NSW Bicycle Guidelines</i> (RTA, 2003) • <i>Guide to Traffic Generating Developments Version 2.2</i> (RTA, 2002) • <i>Austroads Guide to Road Safety</i> • <i>City of Sydney Development Control Plan 2012</i> • <i>AS2890-series Australian Standards</i> • <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines</i> (Department of Planning, 2008)	Section 7.3
Detailed	Construction noise and vibration	N	Standard	• <i>Construction Noise Strategy</i> (Transport for NSW, 2012) • <i>Interim Construction Noise Guideline</i> (Department of Environment, Climate Change and Water, 2009) <i>NSW Industrial Noise Policy</i> (Environment Protection Authority, 2000) • <i>NSW Road Noise Policy</i> (Environment Protection Authority, 2011) • <i>Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006) • <i>German Standard DIN 4150-3: Structural Vibration – Effects of Vibration on Structures</i> • <i>Environmental Noise Management Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006)	Section 7.4
Detailed	Heritage	N	Standard	• <i>Heritage Act 1977</i> • <i>State Heritage Register</i> • <i>Australia ICOMOS Charter for the Conservation of Places of Significance</i>, Burra Charter 2013	Section 7.5

Level of Assessment	Matter	CIA	Engagement	Relevant Government Plans, Policies and Guidelines	Scoping Report Reference
Detailed	Visual and view impact assessment	N	Standard	Refer to scoping report for assessment approach.	Section 7.6
Standard	Social impact	Y	Standard	Social Impact Assessment Guidelines for State Significant Projects (Department of Planning Industry and Environment, 2021)	Section 7.7
Standard	Accessibility	N	Standard	<i>Disability (Access to Premises Buildings) Standards 2010 (Premises Standards)</i> <i>Disability Discrimination Act 1992</i>	Section 7.10
Standard	Waste management	N	Standard	- Waste Classification Guidelines (DECCW, 2009) - Guidelines for Waste Management in New Developments (City of Sydney, 2018)	Section 7.8
Standard	Stormwater management and flooding	N	Standard	Relevant flood studies, as applicable	Section 7.9
Standard	CPTED	N	Standard	Refer to scoping report for assessment approach	Section 7.11
Standard	Ecological and biodiversity	N	Standard	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> <i>Biodiversity Conservation Act 2016</i>	Section 7.12