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Attention: Anson Tong, Student Para Planner, Key Sites Assessments

Response to Submissions Report – SSD 49295711 MOD 6 Harbourside Shopping Centre Redevelopment – Construction Hours

This Response to Submissions (RTS) Report, or Submissions Report, has been prepared by Colliers Urban Planning on behalf of Mirvac Retail Sub SPV Pty Ltd (Mircac; the Proponent) and is submitted to the Department of Planning, Housing and Infrastructure (DPHI) to address submissions and issues raised following the notification of SSD 49295711 MOD 6.

MOD 6 seeks consent for the following:

- extended construction hours to SSD 49295711 for certain works, subject to strict criteria and conditions of consent with the aim of expediting construction in the most time efficient manner and reducing the period of construction experienced by surrounding receivers, while mitigating any adverse impacts.
- a minor amendment to the ground floor retail back of house corridor.

MOD 6 was lodged in June 2025 and subsequently notified from 30 July to 21 August 2025, providing City of Sydney Council (Council), State agencies, and the community the opportunity to comment on the proposed amendments. A summary of MOD 6 as exhibited is provided in **Section 1.0**.

This report has been prepared in accordance with the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the DPHI's *State significant development guidelines – preparing a submissions report* (March 2024). This Submissions Report contains:

- A summary of submissions received (**Section 2.0**).
- Details of further actions undertaken by the Proponent (**Section 3.0**).
- The Proponent's response to submissions received (**Section 4.0**).
- Updated justification of the Project (**Section 5.0**).

This Submissions Report should be read in conjunction with the Modification Report for SSD 49295711 MOD 6, and the following appended documentation:

- Submissions Register prepared by Colliers Urban Planning (**Attachment A**);
- Traffic Statement prepared by PTC (**Attachment B**); and
- Construction Noise and Vibration Management Plan Addendum prepared by Acoustic Logic (**Attachment C**).

1.0 SSD 49295711 MOD 6 – As Exhibited

SSD 49295711 MOD 6 as exhibited seeks consent for the following:

- extended construction hours to SSD 49295711 for certain works, subject to strict criteria and conditions of consent with the aim of expediting construction in the most time efficient manner and reducing the period of construction experienced by surrounding receivers, while mitigating any adverse impacts.
- a minor amendment to the ground floor retail back of house corridor.

Specifically, consent is sought to permit the following specific works to be undertaken outside of the current standard hours of operation approved for SSD 49295711 (**Table 1**):

Table 1 Works proposed to be subject to extended construction hours

Type of work	Extended hours proposed
Works and activities where a relevant utility service operator has advised in writing that would result in a high risk to the operation and integrity of the utility network	May now occur at any time as needed, when required to minimise potential risks and safety implications.
Concrete pours or finishing works	May now occur between 6pm – 10pm on weekdays on no more than two occasions per calendar month. This is intended only for unexpected delays, such as weather or emergency situations, to allow the pouring to be completed in one day.
Hoist and crane climbing or dismantling works, where it can be demonstrated that the work cannot be undertaken during the standard construction hours	May now occur between 8am and 5pm on Sunday for a maximum of two Sundays over the duration of the project.
Internal fit-out and services installations/commissioning	May now occur 24 hours a day, excluding Sunday and public holidays, where the works occur behind a closed façade.

A minor adjustment is also proposed to the design of one ground floor back-of-house retail corridor. Specifically, there are minor adjustments proposed to several ramps, as well as the addition of a back-of-house door, to further optimise servicing to the tenancy at the southern end of the site.

Further detail on the SSD 49295711 MOD 6 scope is provided within Section 3 of the Modification Report prepared by Ethos Urban (now Colliers Urban Planning) for MOD 6.

2.0 Analysis of Submissions

The following section provides a summary of the submissions received during the notification period of SSD 49295711 MOD 6 from 30 July to 21 August 2025.

Consistent with the DPHI's *State significant development guidelines – preparing a submissions report*, a Submissions Register is provided at **Attachment A**. The Submissions Register identifies where each submission is addressed in the Submissions Report.

2.1 Overview

During the notification period for SSD 49295711 MOD 6, a total of eight (8) submissions were received and registered on the Planning Portal, including submissions made by government authorities and agencies, and the public. The submissions received can be classified as follows:

- Two (2) neutral submissions from government agencies and bodies.
- Six (6) objections from the community.

Following the notification of the Modification Application, the DPHI on 11 September 2025 requested the Proponent provide a response to the submissions received and issued a Request for Additional Information (RFI) based on the submissions raised.

Table 2 lists the agency, authority and public submissions.

Table 2 Submissions received

Submission	Position / No. of submissions
Department of Planning, Housing and Infrastructure (DPHI) – Request for Additional Information	Comments for consideration
Government agencies and authorities	
City of Sydney Council (Council)	Comments for consideration
Transport for NSW (TfNSW)	Comments for consideration
Public submissions	
Comment	0
Support	0
Oppose	6

2.2 Summary of Issues

Table 3 summarises the issues raised in the submissions and identifies where they are addressed in this report. The issues are categorised in accordance with template provided in the DPHI's *State significant development guidelines – preparing a submissions report*.

Table 3 Summary of issues

Category	Issue	Stakeholders	Response
The Project	Further justification required for out-of-hours works, including impacts on construction timeframe	<ul style="list-style-type: none"> DPHI RFI 	Section 4.1
	Confirmation of utility services works to be undertaken	<ul style="list-style-type: none"> DPHI RFI 	Section 4.1
Procedural Matters	<i>No issues raised.</i>	<i>N/A</i>	<i>N/A</i>
Economic, Environmental, and Social Impacts	Cumulative impacts of multiple out of hours works occurring at the same time	<ul style="list-style-type: none"> DPHI RFI 	Section 4.1
	Addendum Construction Noise and Vibration Management Plan including mitigation measures for out-of-hours works	<ul style="list-style-type: none"> DPHI RFI 	Section 4.1
	24-hour internal construction not supported due to proximity to residential receivers	<ul style="list-style-type: none"> City of Sydney Council 	Section 4.2.1
	Construction traffic due to 24-hour internal construction inappropriate	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Adverse acoustic impacts due to 24-hour internal construction	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Adverse acoustic impacts due to extended concrete pours	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Clarification on extended concrete pour hours sought	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Impact of extended hours on neighbourhood amenity, quality of life, mental and physical health	<ul style="list-style-type: none"> Public submissions 	Section 4.3
Justification and Evaluation of the Project as a Whole	Evidence needed that the proposed hours are needed to meet project timelines or public interest outcomes	<ul style="list-style-type: none"> Public submissions 	Section 4.3
Issues Beyond the Scope of the Project	Previous breaches of construction hours	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Concerning precedent set for future projects	<ul style="list-style-type: none"> Public submissions 	Section 4.3
	Lack of real time monitoring of noise/vibration impacts	<ul style="list-style-type: none"> Public submissions 	Section 4.3

2.3 DPHI Request for Additional Information

The DPHI Request for Additional Information (RFI) for dated 11 September 2025 requested further information on issues raised in the submissions. The DPHI listed the issues under the following headings:

- General;
- Traffic and Deliveries; and
- Addendum Construction Noise and Vibration Management Plan.

A detailed response to each issue raised in the DPHI Key Issues letter is provided in **Section 4.1** below.

2.4 Government and Agency Submissions

A total of two (2) submissions were received from local, state, and federal government agencies, including:

- City of Sydney Council (Council); and
- Transport for NSW (TfNSW).

Each agency provided commentary on and did not explicitly state their support nor opposition to the application. A detailed response to each agency submission is provided in **Section 4.2** below.

2.5 Public Submissions

A total of six (6) submissions were received from members of the public during the notification of MOD 6. All public submissions received opposed the application.

A detailed response to each public submission is provided in **Section 4.3** below.

3.0 Actions Taken Since Exhibition

Since the notification period of SSD 49295711 MOD 6, the Proponent and the project team have undertaken the following actions:

- Correspondence dated 11 September 2025 was received from DPHI requesting a review of the submissions be undertaken and a response provided the issues raised in the submissions and the RFI. On receipt of this correspondence, a review of the submissions and RFI was undertaken.
- The Proponent has undertaken a detailed review of SSD 49295711 MOD 6 with regards to the submissions received and issues raised.
- Where relevant, project documentation has been amended to respond to DPHI feedback, addressing issues raised in submissions, and to provide additional environmental assessment as necessary. In particular, a Traffic Statement (**Attachment B**) and Construction Noise and Vibration Management Plan Addendum (**Attachment C**) have been prepared to respond to concerns raised in submissions.

4.0 Response to Submissions

This section provides the Proponent’s response to each issue raised in the DPHI Request for Additional Information, government and agency submissions, and public submissions. A line-by-line response to each is provided below.

Consistent with the DPHI’s *State significant development guidelines – preparing a submissions report*, a Submissions Register is provided at **Attachment A**. The Submissions Register identifies where each submission is addressed in the Submissions Report.

4.1 DPHI Request for Additional Information

A response to the DPHI Key Issues Letter is provided in **Table 4** below.

Table 4 Response to DPHI RFI

Category	Item	Response
General	Provide further justification for the out of hours works including the effect that extended construction hours will have on the construction programme and the anticipated practicable completion date with and without the proposed construction hours.	<p>As noted within the MOD 6 Modification Report, out of hours works are only limited to the following situations:</p> <ul style="list-style-type: none"> • When required to comply with the requirements of utility service operators. It is not appropriate for these works to be undertaken during standard hours as such would constitute a safety risk. • To complete a limited number of concrete pours per month (no more than twice per month), and only in the event of unexpected delays such as weather or emergency situations to ensure that the pours are completed in one day, as required to comply with the relevant standards. • To allow a limited number of days (two per month) where crane dismantling works can be undertaken to reduce impacts on construction programme and the surrounding road network. • Internal fit-out and finishing behind a closed façade, which is consistent with City of Sydney precedents to accelerate the completion of minimal impact works. <p>These works are necessary to minimise disruption to residents, businesses, and traffic during standard working hours, and are essential for activities requiring uninterrupted access or road closures, such as crane operations and utility connections.</p> <p>Without the extended hours, critical activities would be limited to standard hours increasing risks and conflicts with other site activities. This is anticipated to result in a two-month delay to the practical completion date.</p> <p>The proposed extended hours are therefore critical to achieve the targeted practical completion date of late 2027 and have been designed to be minimally impactful and/or are required for safety.</p>

Category	Item	Response
	<p>Confirm the utility service works being undertaken and detail any necessary approvals required from the relevant service providers to undertake these works.</p>	<p>The remaining utility service works to be undertaken include:</p> <ul style="list-style-type: none"> • Ausgrid connections that may be required to be undertaken out of hours, as determined by Ausgrid. • Final connection to Sydney Water mains. <p>All necessary permits and approvals will be obtained from the relevant service providers, including:</p> <ul style="list-style-type: none"> • Ausgrid; • Sydney Water; and • Place Management NSW (PMNSW) and TfNSW for road closures if required. <p>The Proponent continues to co-ordinate closely with all service providers to ensure compliance and minimise service interruptions.</p>
	<p>Assess the potential for and the cumulative impacts of out of hours works occurring at the same time. For example, crane dismantling and utilities servicing occurring at the same time.</p>	<p>There are no plans for multiple out-of-hours works (such as service connections and crane dismantling) to occur at the same time.</p>
<p>Traffic and Deliveries</p>	<p>Assess the impact that extended construction hours will have on traffic congestion, particularly during the evening period.</p>	<p>The Traffic Statement prepared by PTC at Attachment B confirms that there will not be adverse impacts to road network conditions due to the proposed extended hours.</p> <p>The relevant intersections will operate at a suitable Level of Service (LoS) during 19:00-20:00, which is considered to have the highest background network traffic volumes and thus be the most volatile to introduced construction traffic, when compared to later hours of the evening.</p>
	<p>Confirm that no vehicles for the delivery of materials or equipment to and from the site will occur outside of standard construction hours, except for concrete pours or finishing works under the proposed Condition E5(b), as proposed in the amended Condition E9.</p>	<p>There will not be any construction vehicles (such as forklifts, mobile cranes, bulldozers, etc.) arriving on site outside of the hours approved under Condition E3, except when permitted under Condition E5(b), which is proposed to be after 6pm and no later than 10pm Monday to Friday on a maximum of two occasions per calendar month.</p> <p>It is intended for deliveries to be undertaken by non-construction vehicles (e.g., standard delivery trucks or vans) and would involve direct transfer of fitout materials into the building's below ground internal loading dock between 7pm and no later than 11pm Mondays to Saturdays for activities related to Condition E5(d).</p> <p>This process is consistent with standard retail and commercial loading dock operations that occur after hours in similar mixed-use environments, and would not involve construction activities or generate construction-related noise outside of the approved construction hours.</p>

Category	Item	Response
Addendum Construction Noise and Vibration Management Plan	<p>Provide an addendum Construction Noise and Vibration Management Plan for the proposed out of hours works confirming the verification processes for whether the works are necessary or appropriate, and identifying the mitigation measures that would be employed for these works including, for example:</p> <ul style="list-style-type: none"> any additional restrictions on the types of equipment being used, for example not undertaking angle grinding, saw-cutting, hydraulic hammers, or pavement demolition after 12 am (midnight) any additional respite periods, for example undertaking out of hours works in different areas of the site so that the same receivers are not impacted for multiple nights in a row enclosing or shielding stationary noise sources undertaking verification monitoring of the equipment that would be undertaking the works for a short period (during Standard Construction Hours, where possible) prior to the full commencement of the works, to verify that construction noise and vibration from the project are consistent with the predictions in the noise assessment, and to ensure that mitigation and management of construction noise and vibration are appropriate for the receivers affected by the works, and any real-time monitoring system and stop-work procedures for works that exceed the specified noise management levels. <p>The addendum CNVMP should make clear commitments throughout for the proposed mitigation strategies.</p>	<p>A Construction Noise and Vibration Management Plan Addendum has been prepared by Acoustic Logic at Attachment C.</p> <p>The Addendum sets out the verification process for determining whether the proposed works are necessary and appropriate, and the mitigation and management measures to minimise noise and vibration impacts. The Addendum only applies to the specific extended construction hours sought under this modification.</p> <p>The Addendum confirms that:</p> <p><i>Prior to any extended hours works proceeding, the following verification process will be implemented:</i></p> <ul style="list-style-type: none"> <i>Identification of necessity – The construction manager identifies the proposed extended hours works and provides justification / necessity for the works to be undertaken (i.e. safety, utility coordination, concrete pours etc.)</i> <i>Acoustic Review – [Acoustic Logic] to review where relevant predicted noise levels are anticipated to be above the project Noise Management Levels – note this assessment has been completed within the CNVMP submitted in support of [MOD 4].</i> <i>Community notification – Where activities are predicted to be above NMLs, and notification is possible, advanced notification of minimum 24 hours is to be provided to noise affected receivers.</i> <i>Unattended Monitoring – Unattended noise monitoring to continue to the scope currently being undertaken as has been conducted throughout the construction period. This unattended noise monitoring will be used for validation of the resultant noise levels are in line with the predicted noise levels presented within the [Addendum]. Fortnightly reporting of monitoring results to be provided to the head contractor for review</i> <p>Section 6 of the Addendum also sets out the detailed mitigation and management measures to be implemented for the proposed extended construction hours.</p>

4.2 Response to Government Agency Submissions

This section responds to submissions received from the following Government bodies and agencies:

- City of Sydney Council (Council); and
- Transport for NSW (TfNSW).

4.2.1 City of Sydney Council

A response to comments raised by City of Sydney Council is provided in **Table 5** below.

Table 5 *Response to City of Sydney Council*

Category	Item	Response
Noise Impacts	<p>There are a high number of residential units located 100 metres away from this building, namely 129 Bunn Street, Pyrmont (221 residential units) and 117 Murray Street, Pyrmont (58 residential units). The proposed 24-hour internal construction is not recommended in this location as it will cause sleep disturbance to surrounding residents.</p> <p>The acoustic report has predicted that some of these works may exceed the 'Noise Management Level' at the nearest receivers in this location.</p> <p>It is therefore recommended that internal fit-out works be restricted to between 7am and 10pm to ensure City of Sydney Code of Practice for Construction Hours/Noise can be adhered to.</p>	<p>Refer to Section 8 of the Construction Noise and Vibration Management Plan Addendum prepared by Acoustic Logic at Attachment C.</p> <p>There appears to have been a misunderstanding as there are no projected exceedances to the Noise Management Levels for the nearest receiver for the internal fit-out works.</p> <p>The Addendum confirms that:</p> <ul style="list-style-type: none"> • Table 9-1 of the exhibited Construction Noise and Vibration Management Plan (CNVMP) provides the results of the predictive noise modelling for the proposed extended hours of construction. • Based on the results of this modelling, the exhibited CNVMP confirms that the predicted noise emissions from internal fit out works are anticipated to be below relative Noise Management Levels at all periods of the day.

4.2.2 Transport for NSW

A response to comments raised by Transport for NSW is provided in **Table 6** below.

Table 6 *Response to Transport for NSW*

Item	Response
The subject modification application has been reviewed and no comments are provided at this stage for the above development application.	Noted.

4.3 Response to Public Submissions

Six (6) submissions were received from members of the public. All submissions were provided in redacted form to the Proponent and are therefore not personally identifiable.

Table 7 below provides for where each issue has been raised in each submission.

Table 7 Public submissions matrix

Issue	Redacted submission no.					
	1	2	3	4	5	6
Construction traffic due to 24-hour internal construction inappropriate	☑					
Adverse acoustic impacts due to 24-hour internal construction	☑	☑	☑	☑	☑	☑
Adverse acoustic impacts due to extended concrete pours			☑			☑
Clarification on extended concrete pour hours sought				☑		
Impact of extended hours on neighbourhood amenity, quality of life, mental and physical health		☑	☑		☑	
Evidence needed that the proposed hours are needed to meet project timelines or public interest outcomes					☑	
Previous breaches of construction hours		☑				☑
Concerning precedent set for future projects			☑		☑	
Lack of real time monitoring of noise/vibration impacts						☑

Table 8 provides a response to each issue raised in the public submissions.

Table 8 Response to public submissions

Item	Response
Construction traffic due to 24-hour internal construction inappropriate	<p>24-hour deliveries are not sought for the project.</p> <p>Vehicular deliveries associated with the 24-hour internal fit-out and services installations/commissioning works sought will be restricted to be between 7:00 – 23:00 Mondays to Saturdays.</p> <p>These deliveries will be undertaken by non-construction vehicles (e.g., standard delivery trucks or vans) and would involve direct transfer of fitout materials into the building's below ground internal loading dock between 7:00 – 23:00 Mondays to Saturdays.</p> <p>This process is consistent with standard retail and commercial loading dock operations that occur after hours in similar mixed-use environments and would not generate construction-related noise outside of the approved construction hours.</p>
Adverse acoustic impacts due to 24-hour internal construction	The Construction Noise and Vibration Management Plan Addendum prepared by Acoustic Logic at Attachment C confirms that the proposed extended construction hours sought will not result in adverse acoustic impacts onto surrounding receivers.
Adverse acoustic impacts due to extended concrete pours	
Clarification on extended concrete pour hours sought	Extended hour concrete pours are proposed to now occur between <u>6pm – 10pm on weekdays</u> on no more than two occasions per calendar month. This will not occur on weekends.
Impact of extended hours on neighbourhood amenity, quality of life, mental and physical health	The Construction Noise and Vibration Management Plan Addendum prepared by Acoustic Logic at Attachment C confirms the proposal will not result in adverse acoustic impacts.

Item	Response
Evidence needed that the proposed hours are needed to meet project timelines or public interest outcomes	<p>Refer to Section 4.1. These works are necessary to minimise disruption to residents, businesses, and traffic during standard working hours. These works are essential for activities requiring uninterrupted access or road closures, such as crane operations and utility connections.</p> <p>Without the extended hours, critical activities would be limited to standard hours increasing risks and conflicts with other site activities. This restriction will result in a two-month delay to the project's practical completion date.</p> <p>The proposed extended hours are vital to maintaining construction efficiency and achieving the targeted practical completion of the Harbourside redevelopment by late 2027. The proposal has been carefully designed to ensure that works remain low-impact and are undertaken with appropriate management measures to safeguard amenity and safety.</p>
Previous breaches of construction hours	Approved construction impacts to date are not subject to this Modification Application. The Proponent will continue to comply with all existing consent conditions, ensuring residents have clarity and confidence regarding the management of acoustic impacts.
Concerning precedent set for future projects	This Modification Application seeks consent for project-specific extended hours of construction due to the specific circumstances of the Harbourside project. No changes are sought to standard hours of construction in the City of Sydney LGA.
Lack of real time monitoring of noise/vibration impacts	Noise monitoring will be continuing to be undertaken in accordance with the relevant conditions of consent and adopted Construction Environmental Management Plan.

5.0 Updated Project Justification

Following notification of SSD 49295711 MOD 6 from 30 July to 21 August 2025, the Proponent has comprehensively reviewed each submission made by Government bodies and agencies, Council, and the community. This Submissions Report demonstrates these have been considered and addressed.

The proposed extended hours are critical to achieve the targeted practical completion date of late 2027 for the Harbourside project and have been designed to be minimally impactful and/or are required for safety, while ensuring that the new shopping centre and mixed-use precinct is delivered in Darling Harbour on time.

It has been demonstrated that the proposed amendments will not give rise to unacceptable environmental impacts and is supportable from a planning perspective. Therefore, it is recommended that MOD 6 be approved subject to standard conditions of consent, given that it:

- is consistent with the relevant strategic planning framework and guidelines;
- is consistent with the relevant statutory legislation and requirements;
- will not generate unreasonable environmental impacts; and
- is suitable for the site, and in the public interest.

Sincerely,



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Attachment A – Submissions Register

Category	Name	Section where addressed in report
Consent Authority	Department of Planning, Housing and Infrastructure	Section 4.1
Councils	City of Sydney Council	Section 4.2.1
Public Authorities	Transport for NSW	Section 4.2.2
Individuals	Redacted 1	Section 4.3
	Redacted 2	Section 4.3
	Redacted 3	Section 4.3
	Redacted 4	Section 4.3
	Redacted 5	Section 4.3
	Redacted 6	Section 4.3