

Department of Planning, Housing and Infrastructure

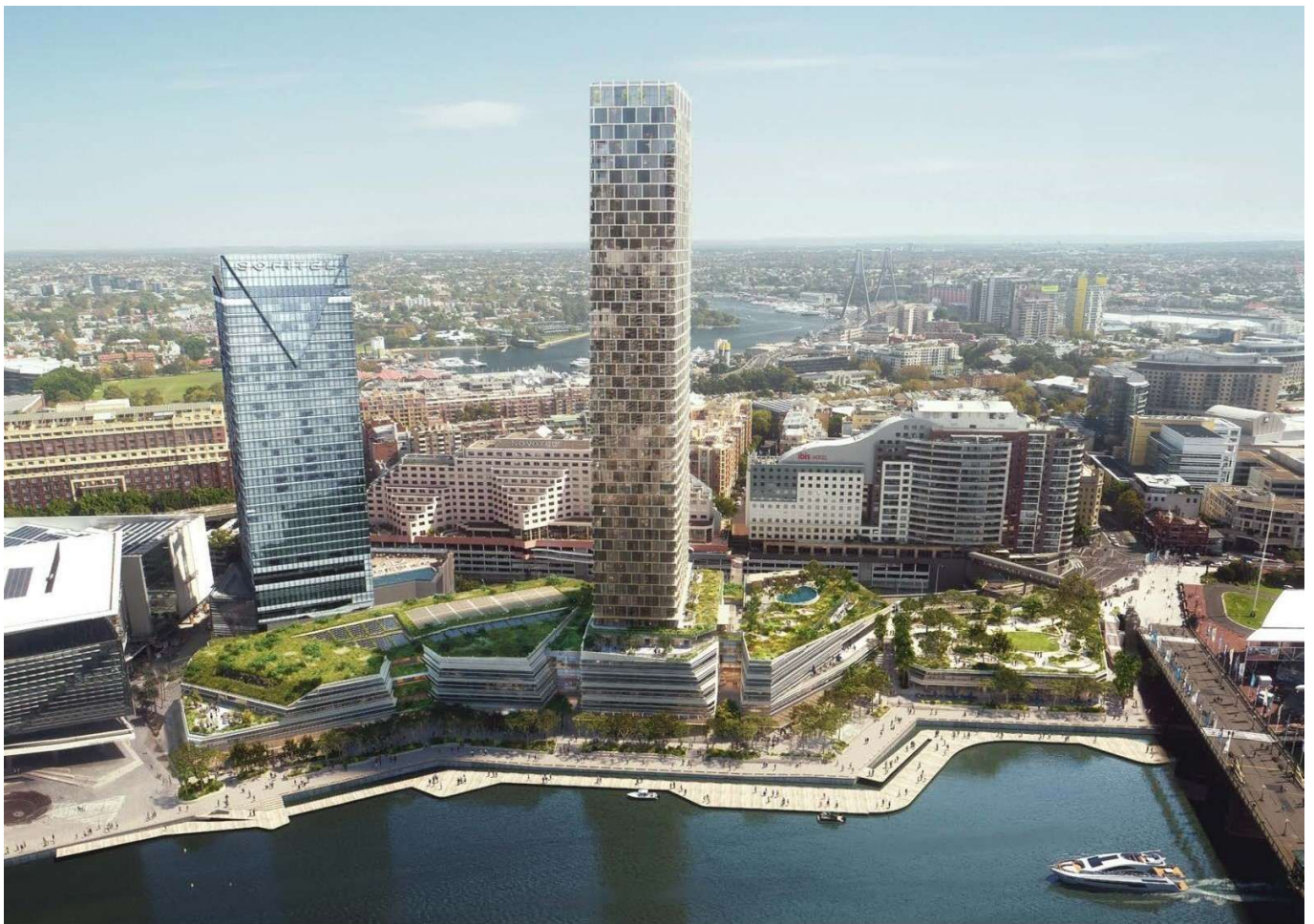
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Modifications to the Harbourside Shopping Centre Redevelopment

State Significant Development Modification Assessment Report (SSD-7874-MOD-6, SSD-49295711-MOD-8 & SSD-49653211-MOD-1)

May 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

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Assessment Report

Published: May 2026

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1 Introduction

1.1 The proposal

This report provides an assessment of modifications to the State significant development applications for the Harbourside Shopping centre redevelopment comprising the Concept Plan (SSD-7848-MOD-6), the Harbourside Tower and Podium (SSD-49295711-MOD-8) and the Public Domain and Bridges (SSD-49653211-MOD-1).

Mirvac Retail Sub SPV Pty Limited (the Applicant) seeks approval to demolish and not reinstate the northern pedestrian bridge (the North Bridge), associated amendments to the former bridge landing and lift at the Waterfront Garden and Waterfront Promenade, and changes to the Darling Drive/Murray Street intersection to address increased pedestrian usage.

Key aspects of the modification are provided in **Section 2**.

1.2 Project location

The subject site is located at 10 Darling Drive in the City of Sydney local government area (LGA) within the Darling Harbour precinct (**Figure 1**). The site formerly contained the Harbourside Shopping Centre. The site is bound by Darling Harbour to the east, Pyrmont Bridge to the north, Darling Drive to the west and the ICC Sydney and public domain to the south.

The site is owned by the State Government (managed by Placemaking NSW (PMNSW)), and the Applicant has a long-term lease over the site until 2087.

The former shopping centre has been demolished and construction is currently progressing as approved.



Figure 1 | Local context map

1.2.1 Applications to be modified

The approval of the Concept Plan, podium and tower, and public domain and bridges form separate approvals, as specified in **Table 1** below. All three applications are proposed to be modified as a result of the permanent removal of the North Bridge.

Previous modifications to these consents are summarised in **Appendix C**.

Table 1 | Overview of related approvals

Approval	Application Summary	Status
Harbourside Concept Approval and Stage 1 Works	SSD-7874 Concept approval for the redevelopment of the Harbourside Shopping Centre for a mix of land uses including retail, commercial, public recreation and residential and early works demolition to slab level.	Approved 25 June 2021

Approval	Application Summary	Status
Podium and Tower (SSDA2)	SSD-49295711 for Stage 2 works, including the construction of the commercial podium and residential tower.	Approved 14 December 2023
Public Domain and Bridges (SSDA3)	SSD-49653211 for Stage 3 works, including the design and use of the public domain associated with the Harbourside Redevelopment.	Approved 19 June 2025

2 Proposed modification

2.1 Modification overview

The key aspects of the modification and affected approvals are outlined in **Table 2** below.

The proposed amendments to conditions reflect changes to demolition extent, the approved Concept envelope, built form, design guidelines and public domain works. The conditions proposed to be modified in Concept Plan and Stage 1 Works, SSDA2 and SSDA3 are set out in detail in **Appendix D**

Table 2 | Key aspects of the modification to SSD-7484, SSD-49295711 & SSD-49653211

Project element	Original project	Modified project
Harbourside Concept Proposal and Stage 1 Works – SSD-7874-MOD-6		
Building envelope	North Bridge included within the approved building envelope.	Removal of the North Bridge in its entirety and associated accessway and reductions to envelope.
Stage 1 demolition works	Stage 1 demolition works approved the retention of the North Bridge.	Increase the extent of demolition to permanently remove the North Bridge as part of the Stage 1 demolition works (Figure 2).
Harbourside Design Guidelines	The Harbourside Design Guidelines identify the retention of the North Bridge.	Update Harbourside Design Guideline to remove reference to the North Bridge and update Public Realm controls.
Tower and Podium – SSD-49295711-MOD-8		
Built form	Reinstate/rebuild the North Bridge following its demolition to allow construction of the podium.	Permanent removal of the North Bridge. Changes to the Murray Street / Darling Drive cycle lane alignment and installation of traffic warning signage.
Relocation of pedestrian lift	The pedestrian lift is co-located with the North Bridge to provide equitable access to the Waterfront Garden.	Re-location of the lift closer to the Pyrmont steps (Figure 3).

Project element	Original project	Modified project
Public Domain and Bridges - SSD-49653211-MOD-1		
Amendments to the public domain including waterfront promenade interface	The North Bridge and lift location was integrated into the design of the public domain.	Changes to the public domain and landscaping at the former North Bridge entry and alteration of landscaping near the Pymont Bridge steps to accommodate the relocation of the lift and removal of the North Bridge and align with SSD-7874-MOD-6 and SSD-49295711-MOD-8 (Figure 4).

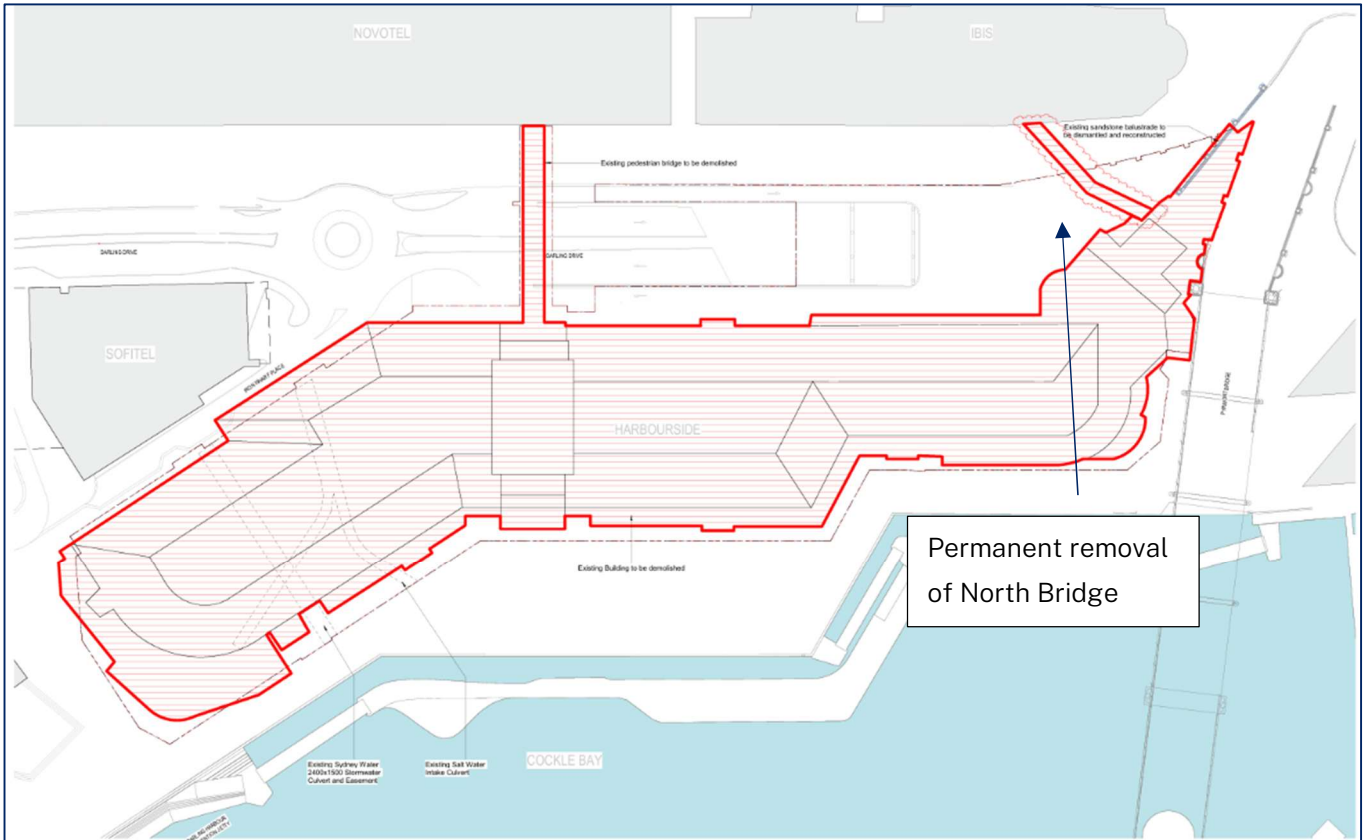


Figure 2 | Proposed demolition plans for SSD-7874-MOD-6 including the demolition of the North Bridge (Source: Applicant’s Demolition Plan)



Figure 3 | View looking north from the Waterford Garden - approved (left) and proposed (right) (Source: Applicant’s Modification Report)

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in **Table 3** below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
<p>Scope of modification</p>	<p>Modification involving minimal environmental impact</p> <p>The Department has reviewed the scope of the modification applications and considers that they can be characterised as modifications involving minimal environmental impact as the proposal, is substantially the same development as originally approved and will involve minor amendments to the concept envelope, built form, public domain and public access connections.</p> <p>The Department is satisfied the proposed modifications are within the scope of section 4.55(1A) of the EP&A Act and do not constitute new development applications. Accordingly, the Department considers that the applications should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring new development applications to be lodged.</p>
<p>Consent Authority</p>	<p>Minister for Planning and Public Spaces & the Independent Planning Commission</p> <p>The Minister continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify SSD-49295711.</p> <p>The Independent Planning Commission (IPC) continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify SSD-7874 and SSD-49653211.</p>
<p>Decision-maker</p>	<p>Team Leader, Key Sites Assessment</p> <p>Under the Minister’s delegation for SSD 49295711 and the IPC’s delegation for SSD-7874 & SSD-49653211, the Team Leader, Key Sites Assessment may determine the applications as:</p> <ul style="list-style-type: none"> • A political disclosure statement has not been made by the applicant • No public submissions were received during an exhibition • Council has not made a submission by way of objection.

3.2 Other approvals and authorisations

The modified project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD and SSI. This is because all relevant issues are considered during the assessment of the original project and subsequent modification requests.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD consent for the modified project.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Sections 4** and **5**). Suitable conditions have been included in the recommended conditions of consent (**Appendix D**).

3.3 Mandatory matters for consideration

3.3.1 Matters of consideration required by the EP&A Act

In determining the modifications, the consent authority must take into consideration such matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in **Table 4** below.

Table 4 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix E
EP&A Regulation	Appendix E
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 1.2- Project location, Section 5- Assessment

Matter for consideration	Department's assessment
Public submissions	Section 4 - Engagement and Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment and Section 6 - Evaluation

3.3.2 Objects of the EP&A Act

In determining whether or not to modify the consents, the consent authority should consider whether the modified projects are consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix E**.

The Department is satisfied that the developments are consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.3.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the applications is satisfied that the modifications will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied that the modifications will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification applications.

4 Engagement

4.1 Department’s engagement

The Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) does not require notification or exhibition for modification applications made under Section 4.55(1A) of the EP&A Act. In accordance with the EP&A Regulation the Department made the modification application publicly available on the Department’s website and notified adjoining occupiers in writing.

The Department also notified City of Sydney Council (Council) and relevant agencies including Place Making NSW (PMNSW), Transport for NSW (TfNSW) and Heritage NSW (HNSW).

4.1.1 Summary of advice received from government agencies

The Department received advice from PMNSW, TfNSW, Council and HNSW on the modification report and Response to Submissions (RtS). The agencies’ final positions, following receipt of the additional information, are summarised in **Table 5** below.

Table 5 | Summary of agency advice

Agency	Advice summary
PMNSW	PMNSW did not raise any objection to the proposed modifications, noting that they require consultation to address necessary road upgrades following the removal of the North Bridge. PMNSW recommended conditions requiring they be consulted on the final design and delivery of the intersection subsequent works at the intersection including provision of a bond and requirement for a works deed.
Council	Council supported the proposed modifications, noting that further design refinement of the Darling Drive / Murray Street intersection is required and should be undertaken in consultation with TfNSW, Council and PMNSW, with the cost borne by the Applicant.

Agency	Advice summary
TfNSW	<p>TfNSW reviewed the proposed modifications and Response to Submissions (RtS). TfNSW advised that:</p> <ul style="list-style-type: none"> • the concept design and further modelling of the Darling Drive / Murray Street intersection should be resolved prior to determination, having regard to: <ul style="list-style-type: none"> ○ existing pedestrian, cyclist and vehicular use of the intersection, and ○ the turning path of the largest vehicle likely to use the intersection at different times of the week • any modifications to the traffic control signals would require approval under section 87 of the Roads Act 1993. <p>TfNSW also recommended conditions relating to the protection of Sydney Light Rail infrastructure and operations.</p>
HNSW	<p>HNSW reviewed the proposed modifications and noted:</p> <ul style="list-style-type: none"> • the relocation of the rectifier room and refurbishment of the public toilets under Pyrmont Bridge are subject to a separate application • there will be no adverse heritage impact because of the proposed modifications.

4.1.2 Summary of public feedback

The Department received 76 responses as feedback during the assessment of the modification applications. Of the feedback received, 33 supported the modifications, 41 opposed them, and two provided comments.

The key issues raised in feedback relate to accessibility, pedestrian and cyclist safety, reduced amenity and increased anti-social behaviour. Further detail is provided in **Table 6** and a link to all public feedback is provided in **Appendix A**.

Table 6 | Key issues raised in public feedback

Key Issues	Proportion of total responses (76)
The removal of the North Bridge limits access to the Waterfront Garden and greater Pyrmont area.	46%
Support for the removal of the North Bridge.	45%

Key Issues	Proportion of total responses (76)
The Darling Drive and Murray Street intersection is not a safe alternative route for the North Bridge due to the existing sightlines and narrow walkway.	41%
Inconsistent with the Concept Proposal.	16%
Reduced amenity for the area.	9%
The modification fails the Section 4.55 Substantially the same test.	12%
Increased anti-social behaviour and security risks around residential premises from retaining the bridge	7%
Adverse heritage impacts from the removal of the North Bridge.	5%

4.2 Response to submissions and additional information

Following the notification period, the Department requested the Applicant respond to the issues raised in public feedback, agency and Council advice, and the Department’s preliminary assessment, including the findings of its independent transport review.

On 1 March 2026, the Applicant provided a Response to Submissions (RtS), including additional information addressing issues raised by agencies and in community feedback. In response to the Department’s independent transport review, the Applicant agreed to a condition requiring it to fund, design and deliver upgrades to the Darling Drive / Murray Street intersection, including, but not limited to, removal of the left-turn slip lane.

The Department published the Applicant’s RtS and additional information on the NSW Planning Portal and referred it to relevant government agencies and Council.

5 Assessment

In assessing the merits of the proposal, the Department has considered the:

- modification applications and associated documents
- assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies, and guidelines
- requirements of the EP&A Act and Regulation, and
- advice of Council and agencies.

The Department considers the key assessment issue arising from the proposed modifications is whether the removal of the North Bridge from the development would maintain acceptable connectivity, accessibility and pedestrian safety, and whether the revised proposal would continue to deliver an overall public benefit commensurate with the existing approval.

These matters are addressed in **Section 5.1** below. The Department's consideration of other issues is summarised in **Section 5.2**.

5.1 Removal of the North Bridge

The modification applications seek approval to demolish and not reinstate the North Bridge and upgrades to the Darling Drive / Murray Street intersection including realigning the cycle lane to mirror the existing pedestrian crossing and installation of traffic warning signage. to manage the increased pedestrian reliance on this route.

The Applicant contends that as the bridge was a pre-existing structure associated with the former monorail arrangement, access to it is indirect, constrained and ultimately not required. Alternative pedestrian access would remain available via the Bunn Street Bridge and the Darling Drive / Murray Street intersection. The Applicant also contends that demolishing the North Bridge would improve built form outcomes at the podium, reduce visual clutter in the public domain and improve views from nearby residential apartments.

Public feedback on the proposed demolition was mixed. Feedback opposing the proposal raised concerns about the loss of direct pedestrian access from the west to the Waterfront, potential pedestrian safety issues at the Darling Drive / Murray Street intersection and the loss of an approved public access connection. Feedback supporting the proposal cited improved urban design outcomes and reduced visual and security impacts.

TfNSW noted the removal of the bridge would increase reliance on the Darling Drive / Murray Street intersection for pedestrian and cyclist movements. TfNSW did not support the Applicant's proposed

amendments to the intersection, including changes to the cycle lane alignment and the installation of traffic warning signs, and advised that further assessment was required to determine the impacts of the bridge removal on pedestrian and cyclist safety.

TfNSW identified removal of the left-turn slip lane as a potential mitigation measure and advised that concept-level design work should be undertaken prior to determination to confirm the scope and feasibility of any required upgrades.

The Department sought independent transport advice to assess whether the measures initially proposed by the Applicant adequately addressed pedestrian connectivity and safety impacts from the removal of the North Bridge. The independent advice found that the removal of the bridge would result in additional pedestrian demand to cross Murray Street, which has been identified as a safety risk. Accordingly, should approval be granted for the bridge's removal, an upgrade to the Murray Street crossing would be required to mitigate these impacts. The independent expert recommended an alternative configuration (**Figure 5**) involving:

- removal of the left-turn slip lane on Murray Street
- reconfiguration of the intersection with a larger grade separated space to improve pedestrian and cyclist safety

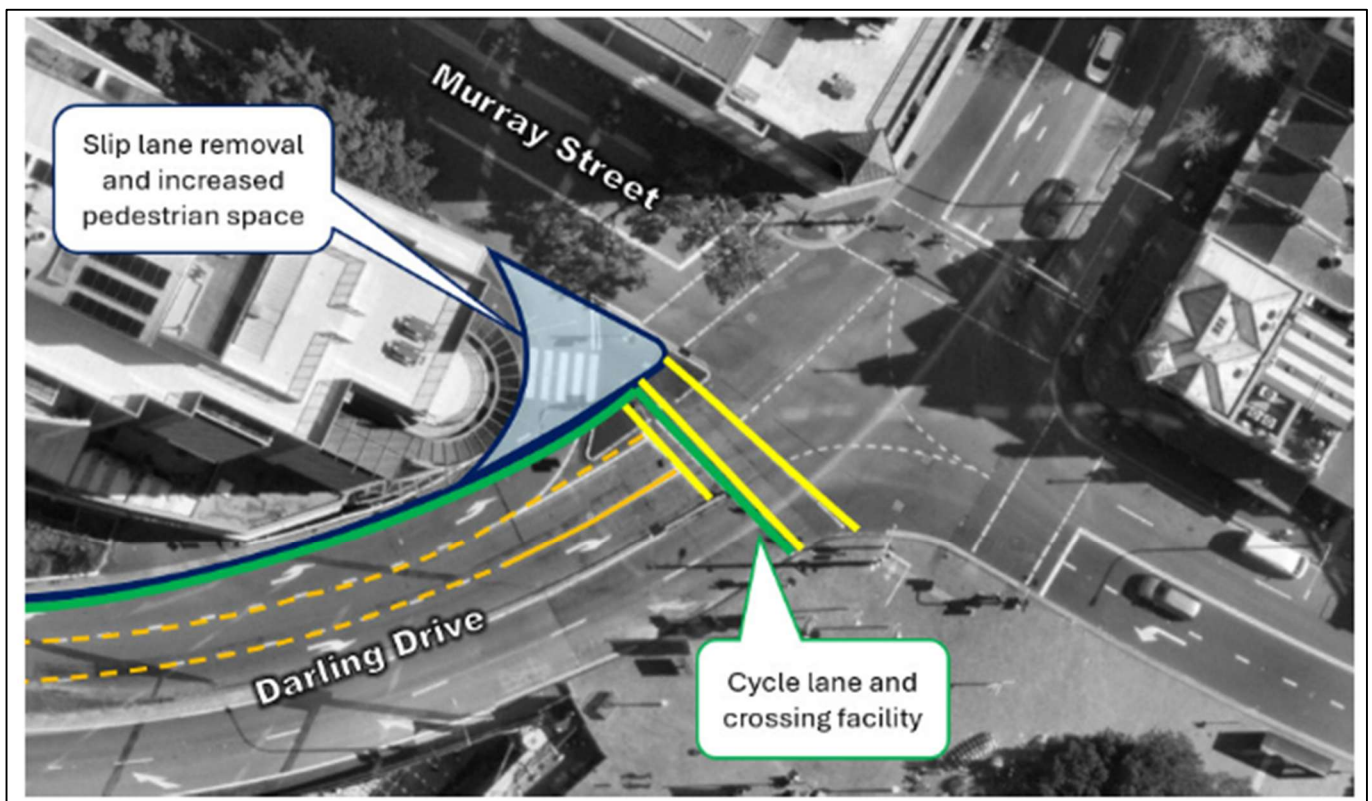


Figure 5 | Indicative intersection configuration. (Source: JMT Consulting).

In response, the Applicant agreed to a condition requiring it to design and deliver the recommended upgrades. Council and PMNSW supported this approach, subject to the detailed design being

developed through ongoing consultation with PMNSW, TfNSW and Council, and secured through a bond and deed arrangement.

The Department has considered TfNSW's advice that further design and modelling should be undertaken prior to determination. However, based on the Department's independent transport advice, which confirmed that these matters can be satisfactorily addressed following approval, the Department is satisfied that they can be managed through the recommended conditions requiring further design development and modelling, in consultation with TfNSW, PMNSW and Council.

The Department has carefully considered the proposed removal of the North Bridge, the concerns raised in public feedback, advice from Council, PMNSW, TfNSW and the independent transport review. On balance, the Department considers the modifications are acceptable as:

- the North Bridge was a pre-existing structure associated with the former monorail station and provided an indirect and constrained pedestrian connection
- while the modification would remove an approved direct pedestrian connection from the west to the Waterfront Garden podium, alternative pedestrian access would remain available via the new Bunn Street Bridge and the surrounding pedestrian network
- the Bunn Street Bridge can accommodate the increased pedestrian demand arising from the removal of the bridge
- the Darling Drive / Murray Street intersection would be upgraded to provide a safe and accessible alternative connection to accommodate additional demand, in line with the independent traffic expert's recommendations.
- the Design Integrity Panel considered that removal of the North Bridge would reduce visual clutter and improve the openness and legibility of the public domain (**Section 5.2**)
- when considered together with the improved public domain outcomes, the modified development would continue to provide an overall public benefit commensurate with the existing approval.

The Department therefore considers the removal of the North Bridge to be acceptable, subject to conditions requiring the Applicant to:

- design and deliver the Darling Drive / Murray Street intersection upgrade in consultation with PMNSW, TfNSW and Council
- coordinate the design with the Darling Drive cycleway upgrade required under Condition B22 of SSD-49653211
- secure delivery of the works through a bond and deed arrangement with PMNSW

- complete the upgrade within 12 months of the issue of the first Occupation Certificate for the tower, unless otherwise agreed by the Planning Secretary.

The Department considers this timeframe appropriate, having regard to the design development required, the need for multiple agency approvals and the current completion forecast of October 2027, while still providing a clear deadline for delivery of the upgrade works.

5.2 Other issues

Table 7 | Assessment of other issues

Issue	Findings and conclusions	Recommendation
<p>Relocation of the lift</p>	<p>Because of the removal of the North Bridge, the Applicant proposes to relocate the northern lift to better integrate with the new Pymont Bridge Steps and improve the layout of the Waterfront Garden.</p> <p>Council noted that relocation of the lift is generally positive and recommended updated wayfinding to improve the lift's visibility at ground floor level.</p> <p>The Design Integrity Panel reviewed the modifications and supported the removal of the North Bridge and relocation of the lift on the basis that it would reduce visual clutter and the extent of visual impacts on the public domain. In relation to the lift relocation, the DIP suggested that the Applicant either adjust the northern façade line of the ground floor retail space or move the Pymont Bridge Steps further north to improve the legibility of the lift at Waterfront Promenade level.</p> <p>In response, the Applicant reduced the width of the Pymont Bridge Steps landing at its mid-point from 4.5 metres to 3.65 metres, while maintaining its approved location in relation to the Pymont Bridge.</p> <p>The Department has considered the relocation of the lift, DIP advice and public feedback and considers the revised location acceptable as:</p> <ul style="list-style-type: none"> • it would reduce visual clutter and improve the legibility and layout of the Waterfront Garden podium • the amendments to the Pymont Bridge stair landing would improve visibility and legibility of the relocated lift entrance from the foreshore 	<p>Conditions are recommended to SSDA3 to:</p> <ul style="list-style-type: none"> • incorporate updated plans in Condition A1 • insert Condition to require an update to the approved Wayfinding Plan to address the relocated lift.

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> the relocated lift would maintain equitable access and integrate more positively with the surrounding public domain 	
Heritage	<p>Public feedback raised concerns that removal of the North Bridge would diminish heritage value by removing an element that reflected earlier infrastructure in Sydney.</p> <p>The Department notes that the North Bridge is not a listed heritage item.</p> <p>Heritage NSW reviewed the modifications and advised that removal of the North Bridge would result no heritage impact to the Pyrmont Bridge. The Department has considered Heritage NSW's advice and public feedback and is satisfied that:</p> <ul style="list-style-type: none"> full demolition of the North Bridge is not expected to result in an adverse heritage impact the relocated lift would not adversely affect the heritage significance of the Pyrmont Bridge the amended stair design would maintain the same separation from the Pyrmont Bridge 	No conditions or amendments are recommended.
Reflectivity	<p>The Department notes that the relocated lift is not covered by the existing reflectivity assessment.</p> <p>The Department considers any potential glare impacts can be appropriately addressed by updating the approved reflectivity assessment for SSDA2 to confirm the final materials and demonstrate no adverse impacts to motorists or pedestrians.</p>	<p>Conditions recommended to SSDA2 to:</p> <p>Insert new Condition to require a revised Reflectivity Assessment.</p>
Bridge landing at 50 Murray Street	<p>To ensure the former bridge landing is made safe, the Department recommends a condition requiring the Applicant to make good that interface, including reinstatement of the railing, in consultation with the relevant landowner.</p>	<p>Conditions are recommended to the Concept Approval and Stage 1 works to insert new Condition requiring the reinstatement of the railing at 50 Murray Street.</p>

Issue	Findings and conclusions	Recommendation
<p>Safety and security</p>	<p>Public feedback raised concerns regarding ongoing public access to the area leading to the former bridge access point in front of 50 Murray Street and the ibis Hotel, following the removal of the North Bridge. The Department notes:</p> <ul style="list-style-type: none"> • the walkway remains publicly accessible and forms part of the existing ground lease area associated with the adjoining hotel • the area is activated by the hotel use and subject to passive surveillance by the hotel and apartments at upper floor levels, and access to 50 Murray street apartments is already controlled via secure door • PMNSW has not identified any reports of anti-social behaviour arising since the bridge ceased functioning as a through pedestrian connection • any future access management of the walkway is more appropriately addressed by the relevant landholder/leaseholder. <p>Accordingly, the Department does not consider any further access control measures are necessary and the removal of the bridge is not expected to result in any safety or security issues in this area.</p>	<p>N/A</p>
<p>Not substantially the same development under section 4.55 of the EP&A Act.</p>	<p>Public feedback raised concerns that removal of the North Bridge means the proposal is no longer substantially the same development as originally approved, as the bridge formed part of the approved public benefit outcome.</p> <p>The Department has considered whether the proposal is appropriately characterised as a modification in Section 3.1 above and is satisfied that it is, as:</p> <ul style="list-style-type: none"> • while the proposal would remove the North Bridge and amend associated public domain and access arrangements, it would not alter the approved building height, gross floor area, overall built form outcome or broader nature of the development • alternative pedestrian access would remain available via the Bunn Street Bridge and the surrounding pedestrian 	<p>N/A</p>

Issue	Findings and conclusions	Recommendation
	<p>network and conditions are recommended to secure the required intersection upgrade arising from the removal of the North Bridge</p> <ul style="list-style-type: none"> • taken as a whole the modified proposal is considered to provide an overall public benefit commensurate with the existing approval. <p>The modified development would therefore remain substantially the same development as originally approved.</p>	
<p>TFNSW recommended conditions</p>	<p>The matters raised by TfNSW are already addressed by existing conditions relating to demolition methodology, insurance, interface agreements, protection of light rail infrastructure during demolition, and post-demolition dilapidation surveys. No additional or amended conditions are required.</p>	<p>No changes of existing conditions recommended</p>

6 Evaluation

The Department's assessment has considered the relevant matters under the EP&A Act including the objects of the Act (**Appendix B** and **Section 3**) and advice from government agencies and local Council (**Section 4**).

The Departments assessment concludes that the modifications are acceptable as:

- the development, as proposed to be modified, would be substantially the same development as originally approved, noting that changes relate to the extent of the approved building envelope, demolition and relocation of the lift, with no changes to the approved building height or floorspace
- while the removal of the North Bridge would remove an approved pedestrian connection from the west, alternative pedestrian access would continue to be available via the new Bunn Street Bridge and the surrounding pedestrian network
- the Darling Drive / Murray Street intersection would be upgraded to provide a safe and accessible alternative connection to accommodate additional demand, in line with the independent traffic expert's recommendations.
- the relocation of the lift would maintain equitable access and improve pedestrian legibility within the Waterfront Garden and Waterfront Promenade
- the Design Integrity Panel supported the removal of the North Bridge, noting the improved public domain outcomes, reduced visual clutter and better integration of the podium with the Pymont Bridge Steps
- the removal of the North Bridge would not adversely affect the heritage significance of the Pymont Bridge
- the proposed modifications would continue to provide an overall public benefit commensurate with the existing approval

For these reasons, the Department considers the modifications are in the public interest and should be approved, subject to the recommended and modified conditions of consent.

7 Recommendation

It is recommended that the **Team Leader, Key Sites & TOD Assessments**, as delegate of the Minister for Planning and Public Spaces and the Independent Planning Commission:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modifications
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consents** for the Harbourside Shopping Centre Redevelopment (SSD-7874-MOD-6, SSD-49295711-MOD-8 and SSD-49653211-MOD-1), subject to the conditions in the attached instruments of modification
- signs the attached instruments of modification (**Appendix E**)

Recommended by:

Tara Mendoza-Kehlet

Planning Officer

Key Sites and TOD Assessment

8 Determination

The recommendation is **adopted** by:

A handwritten signature in blue ink, appearing to read 'D Glasgow', is positioned above the name and title.

David Glasgow

Team Leader

Key Sites and TOD Assessments

Glossary

Abbreviation	Definition
Council	City of Sydney
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
ESD	Ecologically sustainable development
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
IPC	Independent Planning Commission
LGA	Local government area
LEP	Local environmental plan
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
PMNSW	Place Making NSW
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

The Applicant’s modification applications, Council and government agency advice and additional information can be found on the Department’s website:

- [Harbourside Concept MOD 6 - Removal of North Bridge | Planning Portal - Department of Planning and Environment](#)
- [Harbourside Podium and Tower MOD 8 - Removal of North Bridge | Planning Portal - Department of Planning and Environment](#)
- [Harbourside Public Domain and Bridges MOD 1 - North Bridge | Planning Portal - Department of Planning and Environment](#)

Appendix B – Statutory Considerations

Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) is provided in **Table 8** below.

Table 8 | Objects of the EP&A Act and how they have been considered

Object	Consideration
<p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</p>	<ul style="list-style-type: none"> • The development, as proposed to be modified, does not adversely impact upon the social or economic welfare of the community and the management of the built environment.
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<ul style="list-style-type: none"> • The original assessment of SSD-7874, SSD-49295711 and SSD-49653211 determined that the development was generally consistent with ESD principles, and the nominated sustainability initiatives would encourage ESD. The modification applications do not seek to change these measures or conditions.

Object	Consideration
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> The modified proposals continue to represent an efficient and economic use of land consistent with environmental planning instruments and policies under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> The State Planning Agreement between the Application and the Minister includes an affordable housing contribution of \$5.2 million. The development, as proposed to be modified, does not propose any changes to the affordable housing contribution.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> The Department is satisfied there will be no additional biodiversity impacts beyond those previously assessed and considered under the original approvals.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> The Department is satisfied that there will be no additional heritage impacts beyond those previously assessed and considered under the original approvals.
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The modifications will result in the removal of the North Bridge and amend the public domain interface and stairs at the Waterfront Garde. These changes are expected to decrease visual clutter throughout the Public Domain and improved legibility. The modifications will result enhanced pedestrian and cyclist safety through the upgrade of the Darling Drive/Murray Street intersection.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> The existing, amended and proposed new conditions would ensure all proposed works are undertaken in compliance with all relevant building codes and health and safety requirements.

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	<ul style="list-style-type: none"> A condition of consent will require the Applicant to consult with Council, PMNSW and TfNSW as the relevant stakeholders for the final design of the Darling Drive / Murray Street intersection upgrades.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> The modifications were made publicly available on the NSW Planning Portal (Section 4).

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification applications against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 9**.

Table 9 | Consideration of section 4.55 of the EP&A Act

Section 4.55 Evaluation (1A)	The Department's assessment
(a) the proposed modification is of minimal environmental impact	<p>Section 5 of this report provides an assessment of the impacts associated with the developments, as proposed to be modified.</p> <p>The Department is satisfied that the proposed modifications are each of minimal environmental impact as:</p> <ul style="list-style-type: none"> the changes relate to the extent of the approved building envelope, demolition and public domain design, with no changes to the approved building height or floorspace the overall use and future operation of the site remains unchanged by the applications, and a high-quality design outcome would continue to be achieved that provides an equivalent level of connectivity and public benefit.
(b) the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that	The proposal would not alter the approved building height, gross floor area, or significantly alter the approved building height, gross floor area, overall built form outcome or broader nature of the development

Section 4.55 Evaluation (1A)	The Department's assessment
consent as originally granted was modified	The modification applications are considered to result in development that is substantially the same development as that originally approved.
(c) the application has been notified in accordance with the regulations	The applications were made publicly available on the NSW Planning Portal in accordance with the EP&A Regulation.
(d) any submission made concerning the proposed modification has been considered	No submissions were received, however public feedback on the application is addressed in Sections 4 and 5 of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development and the reasons given by the consent authority for granting consent to the original application. **Table 10** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification and considers the reasons for granting consent.

Table 10 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Evaluation	The Department's assessment
(a)(i) any environmental planning instrument	The modified development is consistent with the relevant EPIs, as addressed within the following section of this Appendix.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	No changes are proposed to the existing agreements specified in previous consents.
(a)(iv) the regulations	The applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to applications, notification, and fees.

Section 4.15(1) Evaluation	The Department's assessment
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed modifications are acceptable and have been appropriately addressed at Section 5 .
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	No duly made submissions were received. Feedback is addressed in Section 4 of this report.
(e) the public interest	The Department considers the proposed modification to be in the public interest.

EP&A Regulation

The Department considers that all matters held in the EP&A Regulation have been sufficiently met in the original application and the issued conditions of each development consent proposed to be modified. The Department is satisfied that the modifications do not result in any inconsistency with the EP&A Regulation.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment of each development proposed to be modified. The Department is satisfied the proposed modification would not result in any inconsistency with these EPIs.

Appendix C – Previous modifications to the consents

SSD-7874 has been modified four times, as summarised in **Table 10**.

Table 10 | Summary of modifications to SSD-7874

Ref	Summary of Modifications	Determined by	Type	Status
MOD 2	Amend conditions relating to commercial car parking, post-demolition dilapidation surveying and respite periods.	Department	4.55(1A)	Approved 26 October 2022
MOD 3	Increase the height of the tower envelope, allow for awnings, planting and soil volumes to protrude outside the building envelope, amend the Bunn Street through site link, event stairs, site boundaries and update the Podium Identification Plan.	Department	4.55(1A)	Approved 4 December 2023
MOD 4	Amend the Central Podium building envelope by 1.5m (from RL 31 to RL 32.5) to accommodate a raised roof for the communal indoor pool.	Department	4.55(1A)	27 September 2024
MOD 5	Allow awnings at the ground level facing the Waterfront Promenade to extend beyond the building envelope by 2.2 to 5 metres.	Department	4.55(1A)	12 February 2025

SSD-49295711 has been modified nine times, as summarised in **Table 11**.

Table 11 | Summary of modifications to SSD-49295711

Ref	Summary of Modifications	Determined by	Type	Status
MOD 1	Amend the internal layout of apartments on levels 9 to 45, amend the mix of three and four bed apartments, make minor external façade changes.	Department	4.55(1A)	Approved 3 July 2024
MOD 3	Stage construction certificate timings and minor amendment to the extent of Level 4 podium plant area.	Department	4.55(1A)	Approved 12 March 2025
MOD 2	Allow new event/conference land use within the existing office space, amendments to the basement, podium and residential tower layout and design, and changes to the façade and podium rooftop landscaping and layout.	Department	4.55(1A)	Approved 11 April 2025
MOD 4	Amendment to conditions to facilitate staged occupation.	Department	4.55(1A)	Approved 14 July 2025

Ref	Summary of Modifications	Determined by	Type	Status
MOD 5	Staged occupation certificate timings and minor amendment to conditions to facilitate occupation feasibility.	Department	4.55(1A)	Approved 8 September 2025
MOD 7	Amendments to the internal layout of the level 2 podium, ground floor and façade.	Department	4.55(1A)	Approved 25 November 2025
MOD 9	Amendment to conditions to identify relevant authority for public access and easement arrangements.	Department	4.55(1A)	Approved 9 December 2025
MOD 6	Extension of construction hours.	Department	4.55(1A)	Approved 3 March 2026
MOD 10	Amendments to existing operational noise requirements.	Department	4.55(1A)	Approved 13 March 2026

SSD-49653211 was approved on 19 June 2025 and has been modified once on 9 April 2026, as summarised in **Table 12**.

Table 12 | Summary of modifications to SSD-49653211

Ref	Summary of Modifications	Determined by	Type	Status
MOD 2	Modification to construction hours to facilitate the construction of the Bunn Street Bridge.	Director	4.55(1A)	Approved 9 April 2026

Appendix D – Departments consideration of consequential condition changes

Table 13 below details the proposed amendments to existing conditions, Applicant’s justification and the Department’s consideration. **Table 14** details conditions to be inserted and the Departments consideration of conditions.

Table 13 | Summary of the proposed modifications to current conditions and the Applicant’s justification

Condition proposed to be amended	Proposed modification	Applicant’s justification and amended references	Department’s consideration
Harbourside Concept Proposal and Stage 1 Works – SSD-7874-MOD-6			
Schedule 1 – Development description	Include the demolition of the Northern pedestrian bridge as part of the Stage 1 demolition works.	To reflect the removal of the North Bridge as part of the demolition scope.	The Department recommends development description contained within Schedule 1 be amended to incorporate the removal of the North Bridge as part of the works.
Schedule 2, Condition A2 – Documents applying to the development	Include the modification report and revised building envelope plans.	To reflect the removal of the North Bridge as shown within the Amended Building Envelope Plans.	The Department recommends Condition A2 be amended to incorporate the plans and documents into the development consent.
Schedule 2, Condition A10 – Gross Floor Area control	Update the Design Guidelines referenced within the condition.	To reference the amended Design Guidelines that are submitted as part of this modification application.	The Department recommends that Condition A10 be amended to reference the Design Guidelines, Rev EU2, dated February 2026.
Schedule 2, Condition A13A – Soil mounding and lift design	Amend the wording of the condition to mention both lifts along the relevant RL.	To accommodate the relocated lift further to the north within the Waterfront Garden.	The Department recommends that Condition A13A be amended to capture both lifts.

Condition proposed to be amended	Proposed modification	Applicant's justification and amended references	Department's consideration
Schedule 2, Condition C1 – Building Design	Amend the condition to reference updated Design Guidelines provided alongside the modification.	To reference the amended Design Guidelines that are submitted as part of this modification application.	The Department recommends that Condition C1 be amended to reference the updated Design Guidelines.
Schedule 3, Condition A3 – Terms of consent	Amend the condition to reference the revised demolition drawings referenced under point (d).	To reflect the demolition of the North Bridge as shown within the Amended Demolition Plans.	The Department recommends that Condition A3 be amended to reflect the updated demolition drawings.
Tower and Podium – SSD-49295711-MOD-8			
Condition A2 – Terms of Consent	Include the modification report and revised plans.	To reflect the proposed amendments, as shown within the amended architectural plans.	The Department recommends Condition A2 be amended to incorporate the plans and documents into the development consent.
Condition A6 – Limits on Consent	Amend part (e) to specify the lift adjoining the Waterfront steps as the lift structure not approved under this consent.	To allow the new relocated lift to be approved in SSDA2. The amended wording of the condition allows this to happen, while deferring the second lift overrun near the Waterfront Steps to the SSDA3 consent.	The Department recommends Condition A6 be amended to specify the northern podium lift (located adjoining Waterfront Steps).

Condition proposed to be amended	Proposed modification	Applicant's justification and amended references	Department's consideration
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Public Domain and Bridges – SSD-49653211-MOD-1

Condition A1 – Terms of Consent	Include the modification report and revised plans.	To reflect the proposed amendments, as shown within the amended architectural plans.	The Department recommends Condition A1 be amended to incorporate the plans and documents into the development consent.
Condition B8 - Wayfinding	Recommended pedestrian movement and wayfinding is to include the updated Wayfinding Strategy required by Condition B7A.		The Department suggests a modification to Condition B8 to include the inserted Condition B7A.
Condition B22 – Cycling Lanes to Darling Dr / Slip Lane	Scope of works to be consistent with approved design required under Condition B29A, Schedule 3 of SSD-7874.		The Department has recommended the modification to the condition to ensure that any changes to the cycle lane along Darling Drive are consistent with the approved plans for the Darling Dr / Murray Street intersection upgrade, as required in Condition B29A of SSD-7874

Table 1411 | Summary of conditions to be inserted into consents

Condition proposed to be inserted	Department's consideration
Concept and Stage 1 Works – SSD-7874	
<p>Insert Condition B30 in Schedule 3:</p> <p>Design of Murray St / Darling Dr intersection</p> <p>B30. Prior to the demolition of the North Bridge, the Applicant must finalise the design of upgrades to the Darling Drive / Murray Street to improve pedestrian, cyclist and vehicular safety. The design must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with Transport for NSW, Placemaking NSW and the City of Sydney (b) address pedestrian, cyclist and vehicular safety (c) include removal of the Murray Street left turn slip lane, unless otherwise agreed by the Planning Secretary (d) be prepared having regard to a feature and level survey, pedestrian, cyclist and traffic data, turning path analysis and SIDRA modelling (e) be prepared to enable all necessary approvals to be obtained, including any approval required under section 87(4) of the Roads Act 1993 and endorsement of any required updated traffic control signal plan, prior to construction of the upgrade works, and (f) be coordinated and integrated with the Darling Drive cycleway upgrade required under Condition B22 of SSD-49653211. 	<p>The introduction of Condition B30 will ensure that the final design of the intersection will be completed in consultation with the relevant government agencies prior to the demolition of the North Bridge.</p> <p>The delivery of the intersection upgrades will be subject to a separate condition (Condition F2A) under SSD-49295711.</p>

Condition proposed to be inserted	Department's consideration
<p>Prior to the issue of the first Occupation Certificate for the tower approved under SSD-49295711, evidence demonstrating that the design has been endorsed by Transport for NSW, Placemaking NSW and Council, and that satisfactory arrangements are in place for delivery of the upgrade must be submitted to the Planning Secretary.</p> <p>The approved intersection upgrade works must be completed prior to the issue of the first Occupation Certificate for the final five apartments within the Tower approved under SSD-49295711, unless otherwise agreed by the Planning Secretary.</p>	
<p>Insert condition B31:</p> <p>Security for the Murray Street and Darling Drive intersection upgrade</p> <p>B31. Prior to the issue of the first Occupation Certificate for the Tower approved under SSD-49295711, the Applicant must:</p> <ul style="list-style-type: none"> (a) provide security in favour of Placemaking NSW, in an amount agreed by Placemaking NSW and enter into a Deed of Agreement with Placemaking NSW, to secure delivery of the intersection upgrade required by Condition B29A (b) submit evidence to the Planning Secretary that the Security and Deed has been executed (c) the Security shall be held until such time as Placemaking NSW are satisfied that the works have been completed to its satisfaction and in accordance with the requirements of Condition B29A. 	<p>The introduction of Condition B31 will ensure that an appropriate security is provided to PMNSW to ensure that the intersection works are delivered in a timely manner.</p>

Condition proposed to be inserted	Department's consideration
<p>Insert Condition B32 in Schedule 3:</p> <p>Reinstatement of Railing</p> <p>B29B. Prior to the demolition of the North Bridge, plans and details to make good the former landing of the bridge at 50 Murray Street, must be finalised in consultation with the relevant landowner and be submitted to the Planning Secretary for approval.</p> <p>The works must be completed immediately following demolition of the North Bridge. The Applicant must also install temporary fencing to safely secure the railing void until the reinstatement works are implemented.</p>	<p>The introduction of B32 will ensure that impacts to the neighbouring property will be adequately addressed prior to demolition.</p>

Condition proposed to be inserted**Department's consideration****Tower and Podium – SSD-49295711-MOD-8****Insertion of Condition C18A****Revised Reflectivity Report**

C18A. Prior to the issue of the first Construction Certificate for external finishes, a revised Reflectivity Report must be submitted to an approved by the Planning Secretary. The Reflectivity Report must assess any impacts of the relocated lift at the Waterfront Garden level.

The Reflectivity Report must:

- (a) be prepared by a suitably qualified professional;
- (b) consider the report titled '*Reflectivity Analysis*' by RWDI Australia Pty Ltd dated 26 February 2025;
- (c) demonstrate the visible light reflectivity from building materials used for the lift does not exceed 20% in accordance with the Sydney Development Control Plan 2012; and
- (d) amend the design, cladding and/or include appropriate physical mitigation measures to prevent adverse glare to drivers on Darling Drive

A revised reflectivity report will assess the impacts of the relocated lift and provide suitable mitigation measures to ensure that glare impacts are minimised.

Public Domain and Bridges – SSD-49653211-MOD-1

Condition proposed to be inserted	Department's consideration
<p>Insert Condition B7A:</p> <p>Prior to the issue of the first construction certificate for any public works associated with Waterfront Garden lift, the Wayfinding Plan approved under Condition B7 must be updated to reflect the removal of the North Bridge and relocation of the lift. The updated Wayfinding Plan must be submitted to PMNSW and TfNSW for review and comment and be endorsed by PMNSW.</p>	<p>An updated wayfinding plan is required to accommodate the removal of the North bridge.</p> <p>As a result of this condition, Condition B8 is recommended to be amended to include Condition B7A.</p>
<p>Insert Condition B22A</p> <p>Security for the cycleway upgrade</p> <p>Prior to the issue of the first Occupation Certificate for the Tower approved under SSD 4965321, the Applicant must:</p> <ul style="list-style-type: none"> (a) provide security in favour of Placemaking NSW, in an amount agreed by Placemaking NSW and enter into a Deed of Agreement with Placemaking NSW, to secure delivery of the Darling Drive cycleway upgrade required by Condition B22 of this consent (b) submit evidence to the Planning Secretary that the security and deed has been executed (c) the Security shall be held until such time as Placemaking NSW are satisfied that the works have been completed to its satisfaction and in accordance with the requirements Condition B22. 	<p>As the cycle way upgrade is interlinked with the intersection upgrade and will therefore need to be delivered post occupation, Condition B22A will ensure that an appropriate security is provided to PMNSW to ensure that the intersection works are delivered in a timely manner.</p>

Appendix E – Recommended instruments of modification

The recommended instruments of modification for the modification applications can be found here:

- [Harbourside Concept MOD 6 - Removal of North Bridge | Planning Portal - Department of Planning and Environment](#)
- [Harbourside Podium and Tower MOD 8 - Removal of North Bridge | Planning Portal - Department of Planning and Environment](#)
- [Harbourside Public Domain and Bridges MOD 1 - North Bridge | Planning Portal - Department of Planning and Environment](#)