

# ETHOS URBAN

## Cockle Bay Park – Response to Public Submissions

Number of times raised in Submissions	Item Raised	Proponent's Response
Overshadowing		
12	<ul style="list-style-type: none"> <li>Sunlight will be lost throughout the year as the excessive structures affect the character of the area by overshadowing, obscuring views and dominating the landscape.</li> <li>The proposed buildings are poorly designed and will block the sunlight across the whole of Darling Harbour Foreshore.</li> <li>Parts of Darling Harbour will be cast in a shadow from 9am-11am.</li> <li>There should be no net reduction in the amount of sunlight to the public promenade and waters of Cockle Bay.</li> </ul>	<p>The exhibited EIS did cause some limited overshadowing of the foreshore promenade and Cockle Bay water. A full assessment of that overshadowing was included within the EIS. It is noted that the assessment was conducted based upon the building envelope, this is therefore a conservative assessment as any future building within the envelope will only occupy up to 60% of the envelope.</p> <p>The amended Concept Proposal has relocated the tower to the south and reduced its height by 40 metres from RL235m to RL195m. The potential commercial GFA has also been reduced by 10,000m<sup>2</sup> which in-turn has reduced the amount of overshadowing to surrounding areas.</p> <p>A small area of foreshore promenade, largely restricted to the area of the southern foreshore and adjacent to the Western Distributor, will experience some overshadowing in the early morning between 9am and 11am on June 21. The small duration and limited area of anticipated overshadowing impacts to the foreshore promenade are offset by the significant increase in publicly accessible open space area associated with the amended Concept Proposal (and the quality of solar access enjoyed within that area) and will offer significant amounts of sunlight across the day and throughout the year. It is noted that solar access across lunchtime hours are maintained.</p> <p>The new publicly accessible open space, facilitated by the proposal, will achieve good levels of solar access from mid-morning until late in the day, throughout the year. The Solar Access Study prepared by FJMT (<b>Appendix C</b>) shows the new publicly accessible open space receives high levels of solar access throughout the Autumn, Winter and Spring periods. The amended Concept Proposal will therefore result in an increase in the choice of available open spaces locally, and in an increase of solar access across publicly accessible areas in the Darling Harbour</p>

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		<p>precinct more broadly.</p> <p>The design of the future buildings will be the subject of a competitive design process and Stage 2 detailed DA, which will be publicly exhibited separately. The impact of the buildings on overshadowing will be thoroughly assessed within that application when a design is available.</p>
10	<p>The structures will cause significant overshadowing and dominate the public domain, it will belittle the pedestrian.</p>	<p>As noted above, development facilitated by the Concept Proposal will significantly increase the amount of publicly accessible open space that benefits from solar access. Although a small area of the foreshore promenade will be subject to additional overshadowing in the morning, the large area of open space that will be facilitated by the Concept Proposal will more than offset this.</p> <p>Following the exhibition of the EIS, the amended Concept Proposal envelope has been reduced which has resulted in a consequential reduction to the degree of potential overshadowing on open spaces. Updated shadow diagrams are provided at <b>Appendix C</b>.</p> <p>The diagrams demonstrate that minor overshadowing of the promenade will be balanced by the high levels of solar access throughout the year to the new large publicly accessible open space created by the proposal. Further, there would be no impact to Tumbalong Park and only minor additional shadowing to Town Hall Square (refer to <b>Section 7.7</b> of the amended Environmental Impact Statement (amended EIS)).</p> <p>Creating a ground plane that is of a human scale, so as not to 'belittle the pedestrian' will be a key consideration in the detailed design of the buildings facilitated by the Concept Proposal. It is noted that the height to the existing Cockle Bay Wharf building is approximately RL19m, which is equal to the proposed height of the podium deck envelope. Accordingly, the proposed podium at Level 3 will be of a similar scale to the existing development on Site. The amended Concept Proposal includes setbacks for the tower and southern pavilion to ensure pedestrians are not dominated by built form at ground level.</p>

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		<p>The amended Concept Proposal has revised the bulk and massing of the podium envelope to strengthen its relationship to the public domain and Pyrmont Bridge. This has been achieved through the following amendments:</p> <ul style="list-style-type: none"> <li>• reduce the volume of the Southern pavilion by reducing the height from RL31m to RL29m with the introduction of a minimum setback of between 8.5m and 9.5m from the lease boundary;</li> <li>• increase the setback to the southern side of Pyrmont Bridge from 2m to 65m at Level 2 of the Podium;</li> <li>• provide a new 44m (east-west) separation between the northern podium envelope (above Level 1) and the waterfront;</li> <li>• reduce the length of the podium articulation zone along the foreshore from 209 metres to 144 metres, reducing the overall podium volume;</li> <li>• include provision to extend the boardwalk (5m wide) which would further increase the spatial relationship between the podium and waterfront; and</li> <li>• consolidate publicly accessible open space adjacent to Pyrmont Bridge.</li> </ul> <p>The amended Concept Proposal will create a pedestrian friendly ground plane and podium, which will be complemented by a significant area of publicly accessible open space that will enjoy solar access throughout the day at all times of the year.</p> <p>The amended Concept Proposal is subject to a design excellence strategy as outlined at <b>Section 7.5</b> of the amended EIS. A series of Design Principles have been developed by FJMT that will form the basis of the competitive design process. Details are provided at the Architectural Design Report at <b>Appendix C</b>.</p>

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3	It will overshadow Cockle Bay and create a wind tunnel.	<p>The amended Concept Proposal has been amended to reduce overshadowing impacts. Shadowing to Cockle Bay will largely be restricted to 9am-11am which is before the critical lunch time period; however, will be balanced by the increased provision of open space that will enjoy sunshine for throughout the day all year. Further environmental assessment of overshadowing is provided at <b>Section 7.7</b> of the amended EIS.</p> <p>A Wind Impact Assessment of the amended Concept Proposal has been prepared by Cermak Peterka Petersen (CPP) and is included as <b>Appendix N</b>. Wind impact is addressed at <b>Section 7.14</b> of the amended EIS. In summary, the assessment concludes that any potential wind impacts to pedestrian comfort in the public domain can be mitigated through the implementation of design features which will be further explored in the competitive design process and Stage 2 DA.</p>
4	Downwash wind from the tower would undermine enjoyment of the Cockle Bay Wharf promenade. It will no longer be used for passive activities such as eating lunch and socialising.	<p>A Wind Impact Assessment of the amended Concept Proposal has been prepared by Cermak Peterka Petersen (CPP) and is included as <b>Appendix N</b>. The assessment demonstrates that the pedestrian environment of Cockle Bay promenade is not likely to be adversely impacted by the future building and passive activities will be unaffected. It is noted that, as this development is a Concept Proposal for building envelopes, a full assessment of wind impacts would be premature given that these impacts are fundamentally affected by the design of the building within the envelope. Once the design of the building is resolved a full assessment, including wind tunnel testing, will be carried out as part of the Stage 2 DA.</p> <p>Wind impact is addressed at <b>Section 7.14</b> of the amended EIS. In summary, the assessment concludes that any potential wind impacts to pedestrian comfort can be mitigated through the implementation of design features which will be further explored in the competitive design process and Stage 2 DA.</p>

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1	<p>The EIS does not make clear the extent of overshadowing at the future Town Hall Square. It refers to a brief period after 3:45pm. This area will be vital to the revitalisation of the city and should not be overshadowed at all.</p>	<p>It is acknowledged that the amended Concept Proposal results in the potential for minimal overshadowing of the future Town Hall Square. Notwithstanding, the potential minimal overshadowing is considered reasonable in the circumstances for the following reasons:</p> <ul style="list-style-type: none"> <li>• The draft Central Sydney Planning Strategy proposes to introduce additional “no additional overshadowing” control to the future Town Hall Square between 12pm and sunset (year-round). The draft CSPS has not yet been publicly exhibited and is therefore not a matter for consideration under S79C of the EP&amp;A Act.</li> <li>• The period of impact is limited to approximately 3 weeks just after the autumn equinox and just before the spring equinox, for a period of 15 minutes (reduced from 20 minutes) with the maximum overshadowing impact (increase of overshadowing to the square) on the most affected days being 1.5 % (reduces from 2.9%), reducing to zero on other affected days. Accordingly the impact of the proposal is negligible and more than offset by the provision of new open space (associated with the Concept Proposal) within 15 minutes’ walk of Town Hall Square.</li> <li>• Overshadowing is restricted to a 15 minute period near sunset between 4:00pm and 4:30pm on the most affected day. Impacts are reduced to zero over a two week period on either side of that day.</li> <li>• The amendments to the design will create a significant new open space that will enjoy solar access throughout the majority of the day.</li> <li>• The Concept Proposal provides a significant waterfront open space bathed in sunlight for the majority of the day and providing a multi-use CBD ‘playground. The form of the tower frees up this space for public use. This major piece of new open space should be viewed against the minor (and reduced) impacts on Town Hall Square and which have been reduced since the initial exhibition.</li> </ul>

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		<p>The proposed degree of potential overshadowing of the Square is balanced by the minor nature of the impact, the time of affectation, the overall impact throughout the year and the area of the Square affected, as well as the impact being balanced against the provision of a significant new publicly accessible open space that will cater to the needs of the local community, city workers and visitors.</p> <p>The reduction to the building envelope has reduced the potential for overshadowing to the future Town Hall Square from 21 hours <b>annually</b> to 11 hours (refer to <b>Section 7.7</b> of the amended EIS). FJMT have undertaken a detailed analysis of the potential overshadowing of the Square (<b>Appendix C</b>).</p>
1	<p>The proposal sits directly in a solar and view access corridor for Meriton's approved development at 230-238 Sussex Street. This has not been considered in the proponent's submission.</p>	<p>The amended Concept Proposal will have no impact on 230-238 Sussex Street on 21 June. An additional assessment of the impact of the Proposal on Meriton's approved development at 230-238 Sussex Street has been included within the amended EIS at <b>Section 7.8</b>. and <b>Appendix G</b>.</p>
Views		
7	<ul style="list-style-type: none"> <li>The development does not consider the impacts on the visual landscape of the area.</li> </ul>	<p>A Visual Impact and View Analysis (VIA) of the Concept Proposal was provided with the exhibited EIS (refer to Appendix I of that document). The VIA undertaken at that time considered the visual impact of the Concept Proposal on views from identified public areas. Following the amendments to the amended Concept Proposal now proposed, the VIA has been updated to</p>

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	<ul style="list-style-type: none"> <li>The skyline will be blocked. It will devastate city views from Pier 26 and dominate them from the Harbourside promenade. Skyline views from Tumbalong Park (vital to its amenity) would be impacted.</li> <li>There will be view impacts from Pymont Bridge where most city skyline views will be blocked.</li> <li>The northern tower is inconsistent with the CBD skyline and creates an unacceptable visual impact, that is not properly addressed in the VIA.</li> </ul>	<p>consider the impacts of the amended Concept Proposal on public views, including views to the Sydney skyline. The updated VIA is provided in <b>Appendix G</b>.</p>
2	<p>Buildings of this size are impacting views in and out of the city.</p>	<p>This amended Concept Proposal sets a building envelope, within which a smaller building will be developed following a competitive design excellence process and a second (detailed) development application. The building that is eventually proposed in this location will be subject to a more detailed VIA process when more detail is available within the detailed DA.</p> <p>Following the amendments to the amended Concept Proposal now proposed, the VIA has been updated to consider the impacts of the amended Concept Proposal on public views (refer to <b>Section 7.8</b>) including views in and out of the Sydney skyline and includes a comparison of the overall envelope impact and the impact of an indicative scheme, as it is proposed that only a maximum of 60% of the envelope be occupied. The updated VIA is provided in <b>Appendix G</b>.</p>
2	<p>The proposed tower will block a large</p>	<p>The exhibited EIS assessed a Concept Proposal that did not block any views from apartments at</p>

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	<p>portion of views from apartments at 222-228 Sussex Street.</p>	<p>222 – 228 Sussex Street. Following feedback received during the exhibition of this EIS the tower element of the Concept Proposal has been relocated to the south, and in its new location it does have an impact on the views from 222 – 228 Sussex Street. This increased impact is justified as the location of the amended Concept Proposal has prioritised the public views from the open space at the north of the site over the private views from the apartments on Sussex Street, which is in accordance with the Aims of the <i>SREP (Sydney Harbour Catchments) 2005</i>.</p> <p>Notwithstanding this, the impact of the Concept Proposal on views from the apartments on Sussex Street has been assessed, with the principles of view sharing in mind. As assessment of this impact can be found at <b>Section 7.8</b> of the report. An updated VIA is provided as <b>Appendix G</b>, which provides an assessment of the impact on the views from the apartments at 222 – 228 Sussex Street and analyses the impact in the context of public and private views impacts.</p>
2	<p>The proposed will impact views along Market Street corridor which is an important public vista towards Cockle Bay.</p>	<p>The amended Concept Proposal has opened up the east-west views along Market Street as the tower has been relocated to the south and away from Market Street. This is further discussed at <b>Section 7.8</b> of the amended EIS. An updated VIA is provided as <b>Appendix G</b>.</p>
1	<p>The tower will block a significant amount of views for residents on the southern end of 222-228 Sussex Street and views from Pymont Bridge, Pymont and Ultimo.</p>	<p>The exhibited EIS assessed a Concept Proposal that did not block any views from apartments at the southern end of 222 – 228 Sussex Street. Compared to the exhibited Concept Proposal, the amended Concept Proposal has a more significant view impact on the apartments in this building; this is caused by the relocation of the tower element to the south of the site in order to relocate the larger publicly accessible open space north of the tower in response to government agency submissions. This is further discussed at <b>Section 7.8</b> of the report. An updated VIA is provided as <b>Appendix G</b>, which provides an assessment of the impact on the views from the apartments at 222 – 228 Sussex Street and analyses the impact in the context of public and</p>

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		<p>private views impacts.</p> <p>The amended VIA also provides an assessment of the amended Concept Proposal from Pymont Bridge, Pymont, and Ultimo. The position of the podium has been further setback from Pymont Bridge by 65 metres and no longer proposes to connect to the heritage item. The concept envelope for the future tower has relocated further south and away from Pymont Bridge and now presents as part of the cluster of buildings at Darling Park. The building when viewed from Pymont and Ultimo will present as part of the Western edge of the CBD and its many tall buildings. Please refer to <b>Appendix C</b> for a summary of this assessment.</p>
1	<p>Negative visual impacts on Darling Harbour and communities to the west are not compensated by the benefits it claims.</p>	<p>The amended Concept Proposal has been designed to allow for views to be retained, although not unaffected, from the majority of public and private locations, including those to the west of the site. The provision of quality publicly accessible open spaces, which will be facilitated by the amended Concept Proposal, will benefit both local communities and visitors to the area. In general, the benefits provided by the amended Concept Proposal in terms of open space provision and renewed access to the foreshore are considered to outweigh the impact of the amended Concept Proposal on private views. Assessment of visual impacts is provided at <b>Section 7.8</b> of the amended EIS. An updated VIA is provided as <b>Appendix G</b>.</p>
1	<p>The building will visually block the city from Darling Harbour.</p>	<p>The arrangement of Concept Proposal that was assessed within the exhibited EIS had been designed to protect as far as possible the east-west views between the city and Darling Harbour. Compared to the exhibited Concept Proposal, the amended Concept Proposal has a less significant view impact on east-west views along Market Street as the tower has been relocated to the south and away from Market Street; further, the introduction of a significant area of open space adjacent to Pymont Bridge will create a strong link between the Sydney CBD and Darling Harbour and act as an interface between the two areas, encouraging pedestrian movement and activating the public domain. Views from the CBD to Darling Harbour</p>

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		that identify the reduction in visual impact are presented in the updated VIA at <b>Appendix G</b> .
1	The ICC hotel has become the benchmark for more high-rises in the precinct that will have a considerable negative impact on the views from Pymont and Cockle Bay.	The amended Concept Proposal has not considered the height of the ICC hotel during the design process. The height and scale of the amended Concept Proposal has been developed in consideration of the constraints and opportunities present on the site its context. Due to the location of the amended Concept Proposal, on the western edge of the Sydney CBD, it has minimal impact on views between Pymont and Cockle Bay with the proposal reading as part of the CBD skyline.
1	The proposed would have a specific impact on views from No. 1 Market Street. The height of the building will significantly block westerly views from the upper floors across to Darling Harbor.	<p>The arrangement of Concept Proposal that was assessed within the exhibited EIS had been designed to protect as far as possible the east-west views through the city along Market Street from public areas. Compared to the exhibited Concept Proposal, the amended Concept Proposal has a less significant view impact on east-west views along Market Street as the tower has been relocated to the south and away from Market Street. Further, the introduction of a significant area of open space adjacent to Pymont Bridge will create a strong link between the Sydney CBD and Darling Harbour and act as an interface between the two areas, encouraging pedestrian movement and activating the public domain</p> <p>An updated VIA is provided as <b>Appendix G</b>, although the private views from this commercial building have not been considered within the VIA (and should not be a consideration within the assessment of the development application), the submission author should note that the impact of the amended Concept Proposal in views from 1 Market Street is reduced when compared to the scheme that was assessed within the exhibited EIS.</p>

## Traffic Generation and Parking

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8	The 200 car spaces should not be approved as it will lead to more cars on the already congested roads. This is excessive and unacceptable given the proximity to public transport.	Development of the Site will provide fewer car parking than permitted the <i>Sydney Local Environmental Plan 2012</i> . Using the formula provided by the LEP the proposed development could provide a maximum of 498 parking spaces (420 commercial and 78 retail spaces). The exhibited Concept Proposal provided only 40 percent of the number of spaces allowed by the LEP. The Concept Proposal therefore complies with the LEP if it were to apply to the Site. Notwithstanding the above, the amended Concept Proposal has further reduced car spaces by 25 percent to 150 spaces, which is significantly fewer than would be permitted by the LEP and the previous 200 spaces requested.
1	Westconnex directing traffic into the city will have a dramatic impact on traffic and parking in Pymont/Ultimo and the CBD.	An updated Traffic and Parking Assessment is provided as <b>Appendix I1</b> . In summary the local street network will continue to operate at a good level of service with minimal change to traffic flows on Wheat Road north and south of the Site.  An assessment of the amended Concept Proposal's impact on local street operation is further addressed at <b>Section 7.11</b> of the amended EIS.
Pedestrian Access		
4	Walking along Pymont Bridge has become less pleasurable, the plan to add more towers at Harbourside and Cockle Bay will decrease the aesthetic quality of the area.	The amended Concept Proposal has relocated the tower further south which has enabled the creation of a consolidated northern landscaped open space area that will provide greater connection between Darling Harbour, Pymont Bridge and the CBD, improving the connection between Pymont Bridge and Market Street and introducing a direct connection to the waterfront.  The tower element of the amended Concept Proposal is now further south which will further separate the commercial building from the pedestrian links to Pymont Bridge and the Harbour, retaining the view corridor. Pedestrians will not be required to pass through the tower to cross

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		<p>the Site or access the waterfront.</p> <p>In addition, terraced green spaces will be introduced to the northern end of the site, adjacent to Pymont Bridge, to provide an appropriate interface to the waterfront which will significantly improve the amenity of the precinct.</p>
3	<p>There is no detail on what pedestrian connection would be retained on ground level to Wheat Road and protection of sight-lines both at ground level and along the Druitt Street pedestrian overbridge.</p>	<p>Wheat Road is currently a service road that connects the Western Distributor in the south to Shelly Street in the north. Vehicular access is currently provided to the existing buildings that front Cockle Bay from Wheat Road and as such no continuous footpath is provided and pedestrian access to Wheat Road at ground level is currently limited and compromised. Future treatments to Wheat Road will be addressed in the Stage 2 (detailed) DA.</p> <p>The amended Concept Proposal provides additional detail to define and improve the connection between Darling Harbour and the CBD via the Druitt Street pedestrian bridge. Please refer to the Architectural Design Report provided at <b>Appendix C</b> for more information.</p>
1	<p>Impacts on pedestrian access are unclear. Pymont residents have few options to get to Darling Harbour and the city. The demolition of the Western Distributor pedestrian bridge will impact them. This concern needs to be addressed as their access options should not be reduced in any way.</p>	<p>Once constructed, the development facilitated by the amended Concept Proposal will vastly improve the pedestrian experience between Pymont and the city by providing a more direct link between Pymont Bridge and Market Street which will feature landscaping and vegetation that will greatly improve the pedestrian experience. The amended Concept Proposal provides additional detail to define and improve the connection between south Darling Harbour and the CBD via the Druitt Street pedestrian bridge (refer to <b>Appendix C</b>).</p> <p>The amended Concept Proposal greatly improves public access through the Site with more permeable and direct travel paths that reflect desire lines of travel that would make the journey more direct including travel time savings of 1.34 min between the CBD and the waterfront and 0.47 min between the CBD and Pymont. The experience will also be improved with pedestrians able to traverse the open space area proposed north of the tower and with wayfinding through</p>

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		<p>the tower (refer to the Pedestrian Assessment at <b>Appendix O</b>).</p> <p>The Preliminary Construction Management Plan, prepared by Multiplex (<b>Appendix Y</b>) outlines that during construction the provision of a temporary pedestrian bridge connecting Pymont Bridge to Sussex Street / Market Street will maintain appropriate pedestrian access between Pymont and the CBD</p>
1	Delete the pedestrian walkway intersection with the heritage listed Pymont Bridge. The bridge should be restored directly to Market Street	The amended Concept Proposal proposes a direct pedestrian connection from Pymont Bridge to Market Street. This connection would not be possible without the development envisaged by the amended Concept Proposal because a significant change in level is required between Pymont Bridge and Market Street to allow for the Western Distributor Motorway to be avoided.
1	The concept proposal presents a significant opportunity to improve wayfinding at the street level throughout the area. It will increase the connectivity of the Darling Harbour Precinct; to build over the Western Distributor will create a space that better links Cockle Bay/Darling Harbour to the CBD.	Noted and agreed. The amended Concept Proposal builds upon this opportunity and allows for additional benefits to be realised through the co-location of the future open space and Pymont Bridge, and also through relocating the open space to the north of the site, thereby maximising solar access. Specific wayfinding measures will be included within Stage 2 of the development.

## Built Form and Urban Design

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16	<ul style="list-style-type: none"> <li>The proposal of a 235m tower is out of character with Darling Harbour, it is broader in its aerial footprint and podium spread.</li> <li>There should be a reduction to the building bulk to a scale that is compatible with adjoining buildings and situated away from the Pymont Bridge and waterfront. The podium level should be reduced to a height that is consistent with the existing development.</li> </ul>	<p>The amended Concept Proposal provides a proportional relationship to the existing buildings of Darling Park in consideration of height, separation and breadth so the precinct can be read as a cohesive whole. Building height and scale is further discussed at <b>Section 7.6</b>.</p> <p>The Concept Proposal has been amended since the exhibition of the EIS with an overall reduction in scale, including:</p> <ul style="list-style-type: none"> <li>– a 40 metre (17 percent) reduction in the height of the tower from RL235m to RL195m;</li> <li>– reduction in commercial GFA by 10,000m<sup>2</sup> (12 percent);</li> <li>– a reduction in retail GFA from 25,000m<sup>2</sup> to 14,000m<sup>2</sup> (44 percent);</li> <li>– reduction in the tower envelope footprint from 3,890m<sup>2</sup> to 3575m<sup>2</sup> (8 percent); and</li> <li>– the overall volume of the envelope has reduced by 153,000m<sup>3</sup> (15.65 percent).</li> </ul> <p>In addition to the reduction in height and GFA, any building facilitated by the amended Concept Proposal is subject to a maximum occupation of 60 percent of the tower envelope and further assessment as part of the Stage 2 DA. Resolution of detailed building design including articulation will be provided as part of the Stage 2 DA.</p> <p>The height to the existing Cockle Bay Wharf building is approximately RL19m, which is the proposed height of the podium deck envelope. Accordingly the proposed podium at Level 3 will be of a similar scale to the existing development on Site which is considered acceptable.</p>
	<p>The podium envelope has a western frontage/waterfront length of 220m and up to 3-5 storeys in height. There is no information on how this podium envelope will be broken down and</p>	<p>The amended Concept Proposal provides building envelopes, within which a detailed building design can be delivered following a competitive design excellence process. Accordingly no specific detail is provided for articulation or breaking down of massing in the podium, as this will be addressed as part of a future Stage 2 (detailed) DA.</p>

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	articulated into discrete elements with visual breaks to break up the massing.	The height to the existing Cockle Bay Wharf building is approximately RL19m, which is the proposed height of the podium deck envelope. Accordingly the proposed podium at Level 3 will be of a similar scale to the existing development on Site which is considered acceptable.
	JBA suggests the proposal will be approximately 40 storeys but this may not count the podium and the height of the envelope could permit up to 58-64 storeys.	<p>The amended Concept Proposal envelope does provide a maximum height in metres of RL195m (measured from the existing ground level, or water level where the development is to occur over water). The number of storeys provided within this height limit will depend on the design of the building, which is subject to the design excellence process and Stage 2 application.</p> <p>The podium below the tower is expected to contain three storeys.</p>
10	This must not be assessed as an isolated development but within an integrated plan for the whole of Darling Harbour and surrounding precincts. The developments will set a precedent.	<p>An assessment of the amended Concept Proposal against the relevant provisions of the applicable Environmental Planning Instrument (the Darling Harbour Development Plan No. 1 (the DHDP) is provided within the exhibited EIS and amended EIS. The amended Concept Proposal is consistent with the provisions of the DHDP and the Sydney Harbour Regional Environmental Plan.</p> <p>Further, the proponent has engaged with landowners PNSW during the preparation of the amended Concept Proposal. Engagement and discussion with PNSW will continue throughout the design development phase. In preparation of the amended Concept Proposal the proponent convened an extensive and experienced design review process and charrette workshops to help shape the amendments that are now proposed to the amended Concept Proposal. The design review process led to the adoption of design principles as outlined at <b>Appendix C</b>.</p> <p>These principles define the design objectives for the Site and are the basis of the amended Concept Proposal. The built form envelope (described at <b>Section 4.6</b> of the amended EIS) has been developed based on these principles.</p>

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8	<ul style="list-style-type: none"> <li>The size of the towers will significantly encroach on the waterfront accessibility.</li> <li>The tower is too large to be so close to the water's edge.</li> </ul>	<p>The extent of the amended Concept Proposal does not extend beyond the existing lease boundary of the current Cockle Bay Wharf; accordingly waterfront access will be maintained and not reduced. The proposal includes provision to upgrade the foreshore waterfront including consideration for widening of the boardwalk by 5m.</p> <p>The amended Concept Proposal has revised the bulk and massing of the podium and tower envelope to strengthen its relationship to the waterfront. This has been achieved through the following amendments:</p> <ul style="list-style-type: none"> <li>a 40 metre (17 percent) reduction in the height of the tower from RL235m to RL195m;</li> <li>reduction in commercial GFA by 10,000m<sup>2</sup> (12 percent);</li> <li>a reduction in retail GFA from 25,000m<sup>2</sup> to 14,000m<sup>2</sup> (44 percent);</li> <li>reduction in the tower envelope footprint from 3,890m<sup>2</sup> to 3575m<sup>2</sup> (8 percent);</li> <li>reduction in the overall volume of the envelope by 153,000m<sup>3</sup> (15.65 percent);</li> <li>reduce the volume of the Southern pavilion by reducing the height from RL31m to RL29m and with the introduction of a minimum setback of between 8.5m and 9.5m from the lease boundary;</li> <li>increase the setback to the southern side of Pyrmont Bridge from 2m to 65m at Level 2 of the Podium;</li> <li>provide a new 44m (east-west) separation between the northern podium envelope (above Level 1) and the waterfront;</li> <li>reduce the length of the podium articulation zone along the foreshore from 209 metres to 144 metres, reducing the overall podium volume;</li> </ul>

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		<ul style="list-style-type: none"> <li>include provision to extend the boardwalk (5m wide) which would further increase the spatial relationship between the podium and waterfront; and</li> <li>consolidation of publicly accessible open space adjacent to Pyrmont Bridge.</li> </ul> <p>The amended Concept Proposal is subject to a competitive design process as outlined at <b>Section 7.5</b> of the amended EIS. A series of Design Principles have been developed by FJMT that will form the basis of the design excellence strategy. Details are provided at the Design Report at <b>Appendix C</b>.</p>
8	<p>Zoned height maps have been part of the LEP for Sydney and NSW Planning should be bound by these limits. The development lacks good planning principles which require buildings to recede as they approach the waterfront.</p>	<p>The area of land to which the provisions of the Sydney LEP apply is established within the 'Land Application Map', which can be viewed on the NSW legislation website (<a href="https://www.legislation.nsw.gov.au/maps/068101c3-f32d-4e2f-928c-440b8754ce74/7200_COM_LAP_001_040_20150710.pdf">https://www.legislation.nsw.gov.au/maps/068101c3-f32d-4e2f-928c-440b8754ce74/7200_COM_LAP_001_040_20150710.pdf</a>). The site area is excluded from the application of the Sydney LEP and therefore any development standard provided by that instrument does not apply to development at the site. Figure 1.1 within the <i>Sydney Development Control Plan 2012</i> (which can be viewed here: <a href="http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0018/128016/Section1_DCP2012_120615.pdf">http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0018/128016/Section1_DCP2012_120615.pdf</a>) illustrates that the Sydney DCP does apply to the site.</p> <p>Part 2, clause 11 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> confirms that development control plans do not apply to State Significant Development Applications. The Sydney DCP therefore does not apply to the proposed development.</p> <p>An assessment of the Concept Proposal against the relevant provisions of the applicable Environmental Planning Instruments was provided within the exhibited EIS. Updates to that assessment have been made (where required) within the amended EIS. The amended Concept Proposal is consistent with the provisions of the DHDP and the Sydney Harbour Regional</p>

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		<p>Environmental Plan.</p> <p>Scale and built form is discussed at <b>Section 7.6</b> of the amended EIS and the Design Report at <b>Appendix C</b>.</p>
3	<ul style="list-style-type: none"> <li>The towers will not add any architectural qualities or aesthetics, or provide any additional services that are currently missing.</li> <li>The tower should be restrained and unpretentious and subordinate to the landmark ICC Sydney buildings.</li> </ul>	<p>The amended Concept Proposal is for a building envelope only. As such no contemplation or assessment of the tower aesthetics has been undertaken at this point. Subject to the approval of the amended Concept Proposal, a detailed development application will follow the conclusion of a competitive design excellence process, and at this point a detailed assessment of the development, including any towers proposed, will be undertaken. Any tower on the Site will be limited to occupation of a maximum of 60% of the approved envelope.</p>
2	<p>Given the lack of prescriptive controls that apply to the site, consideration should be given to the broader impact of the proposal and adjustments made (including an increase in height if necessary) to mitigate the impacts on the Meriton site.</p> <p>The proposal presents a departure from existing building typology.</p>	<p>The amended Concept Proposal has been designed with regard to the Site's constraints and opportunities, agency feedback, supporting technical studies and against relevant statutory requirements. It has been concluded that, on balance, it has a positive impact on its surrounds. An increase in height in the amended location would have a negative impact on key areas of public open space.</p>
2	<p>The lower section of the tower is suitable for the area. However, Cockle Bay is attractive because of the open</p>	<p>The amended Concept Proposal has revised the bulk and massing of the podium envelope to strengthen its relationship to the public domain and Pyrmont Bridge. This has been achieved through the following amendments:</p>

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	<p>environment; the proposed high rise tower will close in the bay. The tower will darken the environment.</p>	<ul style="list-style-type: none"> <li>• reduce the volume of the Southern pavilion by reducing the height from RL31m to RL29m with the introduction of a minimum setback of between 8.5m and 9.5m from the lease boundary;</li> <li>• increase the setback to the southern side of Pymont Bridge from 2m to 65m at Level 2 of the Podium;</li> <li>• provide a new 44m (east-west) separation between the northern podium envelope (above Level 1) and the waterfront;</li> <li>• reduce the length of the podium articulation zone along the foreshore from 209 metres to 144 metres, reducing the overall podium volume;</li> <li>• include provision to extend the boardwalk (5m wide) which would further increase the spatial relationship between the podium and waterfront; and</li> <li>• consolidate publicly accessible open space adjacent to Pymont Bridge.</li> </ul> <p>A small area of foreshore promenade, largely restricted to the area of the southern foreshore and adjacent to the Western Distributor, will experience some overshadowing in the early morning between 9am and 11am mid-winter; however, the small duration and area of anticipated overshadowing impacts to the foreshore promenade are outweighed by the significant increase in publicly accessible open area created by the amended Concept Proposal and this overshadowing does not occur during the critical lunch time hours.</p> <p>The new northern open space, which will be provided by the future development of the Site, receives high levels of solar access throughout the year and will therefore result in an increase in the choice of available open spaces locally, and in increase solar access across publicly accessible areas in the Darling Harbour precinct, more broadly.</p>
1	<p>The tower should be no higher than the existing towers in Kent Street and</p>	<p>The Site is subject to the DHDP, which does not provide a maximum height of buildings development standard. The towers in Kent and Sussex streets are subject to the Sydney LEP,</p>

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	Sussex Street.	<p>which includes specific development standards relating to the maximum height of buildings.</p> <p>Notwithstanding, a landmark tower of the height proposed by the amended Concept Proposal is appropriate in this location to identify and punctuate the western gateway to the Sydney CBD.</p> <p>Further, locating higher towers along the Sydney CBD waterfront is consistent with recent planning decisions, as demonstrated by the built form at Barangaroo and Circular Quay.</p>
1	The podium envelope extends over vital public open space to the south of the existing Druitt Street pedestrian overbridge. This will impact on the connectivity and views Druitt Street/Wheat Road through to Cockle Bay and the Ribbon Hotel. It is an overdevelopment of public land in this location.	The amended Concept Proposal built form no longer extends over the public open space south of the Druitt Street pedestrian bridge. A separation of 30-60 meters is now provided between the podium and the Ribbon hotel. The amended Concept Proposal now includes the proposed upgrade of the Druitt Street pedestrian bridge which will improve links between Darling Harbour, the Ribbon Hotel and Town Hall. Further details of the proposed design is provided at <b>Appendix C</b> .
1	The EIS states that up to 16 lots/titles are potentially affected by the proposal. However, it is unclear how the proposal's site boundaries align with existing leases, the public domain or legal titles.	A description of the site is provided at <b>Section 4.0</b> of the amended EIS.
1	<ul style="list-style-type: none"> <li>The proposed envelope's southern setback would appear to be</li> </ul>	The amended Concept Proposal has been amended and the extent of the potential future building to the south has been reduced and is now more in line with the existing position of the Cockle Bay Wharf building and will not interrupt the sight line from Druitt Street overbridge. The

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	<p>approximately 4-5m from the Western Distributor and 8m up to 20m to the Ribbon Hotel. The proposal extends beyond the existing building line. The proposal should not extend beyond the sight-line from Druitt Street or south of the existing overbridge.</p> <ul style="list-style-type: none"> <li>The envelope floorplate is insufficiently resolved and overly generous in size.</li> </ul>	<p>proposal now includes the upgrade of the Druitt Street pedestrian bridge including a new connection to Darling Harbour promenade.</p> <p>The podium of the amended Concept Proposal is now 30-60m from the Ribbon and approximately 4m to the Western Distributor. The envelope has reduced overall with the following amendments:</p> <ul style="list-style-type: none"> <li>a 40 metre (17 percent) reduction in the height of the tower from RL235m to RL195m;</li> <li>reduction in commercial GFA by 10,000m<sup>2</sup> (12 percent);</li> <li>a reduction in retail GFA from 25,000m<sup>2</sup> to 14,000m<sup>2</sup> (44 percent);</li> <li>reduction in the tower envelope footprint from 3,890m<sup>2</sup> to 3575m<sup>2</sup> (8 percent); and</li> <li>the overall volume of the envelope has reduced by 153,000m<sup>3</sup> (15.65 percent).</li> </ul>
1	<p>There is insufficient information provided to assess the impacts of a storey tower immediately adjacent to the waterfront, a key pedestrian connection and in close proximity to the Ribbon Hotel.</p>	<p>The amended Concept Proposal sets a building envelope, within which a smaller building will be developed following a competitive design excellence process and a second (detailed) DA. The amended Concept Proposal sets an envelope to allow an accurate assessment of proposed bulk and scale.</p> <p>The envelope would allow for a three level podium to a maximum height of RL19m to the podium deck; this is similar in height to the existing Cockle Bay Wharf building. The southern pavilion has reduced the height from RL31m to RL29m and now introduces a setback between 8.5m and 9.5m from the edge of the podium at the waterfront (increased from 0m), reducing its visibility from the ground plane. The tower would be setback a further minimum 6 metres (increased from 3m) with an average setback of at least 8 metres from the lease boundary.</p> <p>The Design Report at <b>Appendix C</b> provides detailed analysis of the amended Concept Proposal.</p>

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		A visual impact analysis is provided at <b>Section 7.8</b> of the amended EIS and <b>Appendix G</b> .
1	The approval of the Ribbon Hotel includes a public domain Plan that extends over to and under the Druitt Street pedestrian overbridge with road connections and landscape. The proposed development and the realignment of Wheat Road will be entirely inconsistent with the public domain plan.	The proposal will not change the vehicle access arrangements to the Ribbon development and any amendment to Wheat Road would be within the subject Site as outlined at <b>Section 7.11</b> of the amended EIS. Any works proposed by the future DA would be the responsibility of the proponent, including any works to the public domain.
1	The proposed development presents a much larger building envelope than the current building; however it will complement the towers at Barangaroo and is consistent in terms of scale with recent developments on the harbour edge.	Noted.
Heritage / Historical Significance		
23	<ul style="list-style-type: none"> <li>The tower does not respect the heritage values of the Pymont Bridge and will dominate the landscape and detract from the</li> </ul>	The amended Concept Proposal has increased the setback to Pymont Bridge, including a 65m setback at Level 2. An updated Heritage Impact Statement has been prepared by Weir Philips and is provided as <b>Appendix S</b> which found the proposal would not have an adverse impact on the heritage value of Pymont Bridge.

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	<p>heritage values and views.</p> <ul style="list-style-type: none"> <li>• Pymont Bridge is listed on the State Heritage Register and is a key feature of the precinct.</li> <li>• Modifications to the eastern access to Pymont Bridge are not sympathetic to the heritage values.</li> </ul>	<p>In summary, the amended Concept Proposal will not block existing view corridors towards Pymont Bridge. The amended Concept Proposal will facilitate the development of a new open space located adjacent to Pymont Bridge, from which views of the bridge can be attained. In addition, the improved connection between Market Street and the Bridge will have a profoundly positive impact on the significance of the bridge as it will restore its original approach path and allow the bridge to re-establish its role as a direct link between the City and Pymont.</p>
3	<p>Any development must serve to retain the history of the location.</p>	<p>An assessment of Heritage is provided at <b>Section 7.16</b> of the amended EIS. A Historical Archaeological Assessment has been prepared by GML Heritage and is included at <b>Appendix Q</b>. A Maritime Archaeology Assessment has been prepared by Cosmos Archaeology and is available at <b>Appendix R</b>. A Heritage Impact Assessment (HIA) has been prepared by Weir Phillips Heritage to assess the impact of the amended Concept Proposal on items listed on the State Heritage Register, including Pymont Bridge; this is included at <b>Appendix S</b>. An Aboriginal Heritage Due Diligence Report has been prepared by GML Heritage and is included at <b>Appendix T</b>.</p>
Social and Public Benefits		
6	<p>It will prevent Darling Harbour from continuing to serve as a meeting point for cultural and tourist events.</p>	<p>The amended Concept Proposal will directly contribute to the enhancement of Darling Harbour and Cockle Bay as a meeting point for cultural and tourist events. Its future development will provide up to 15,000m<sup>2</sup> of new publicly accessible open space, including substantial landscaping and improved pedestrian connections between the CBD and the Darling Harbour precinct. The new open space will serve as a key location for events in Darling Harbour and will feature flexible and programmable spaces that can change and adapt to suite events as required. An updated Vision Statement is provided as <b>Appendix D</b>, which provides more details on the future role of</p>

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		the Site as a cultural and entertainment precinct.
2	The development should be accompanied by a significant public benefit offer or amendments to the value of the lease payments to the State Government.	<p>The amended Concept Proposal will facilitate a future development that will have several and significant tangible public benefits. Amongst these:</p> <ul style="list-style-type: none"> <li>• Reconnection of the Sydney CBD and the Darling Harbour waterfront;</li> <li>• Provision of a significant new publicly accessible open space within the CBD and adjacent to the Darling Harbour waterfront and the State Heritage-listed Pyrmont Bridge;</li> <li>• The opportunity to provide a new cultural meeting point and programmable publicly accessible open areas;</li> <li>• Reinstatement of the link between Pyrmont Bridge and Market Street;</li> <li>• Significant investment in a strategic site that will result in social attractors and improved connectivity, generating significant economic and social returns and contributing to the vitality of 'global' Sydney;</li> <li>• Will enhance the Druitt Street bridge providing improved pedestrian connections to southern Cockle Bay.</li> <li>• Increased wellness and productivity through active and passive spaces;</li> <li>• Provide more incentive and better wayfinding for visitors and tourist to go to Cockle Bay and the CBD, with increased potential for local spending, resulting in job growth; and</li> <li>• It will have a positive impact on reducing the urban heat island effects in the CBD through significant greening and landscaping and exploration of green initiatives in the competitive design process and the Stage 2 DA.</li> </ul>

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2	There is no provision of social infrastructure to support the developments new workers.	Presently the amended Concept Proposal will only enable a Concept envelope. At this stage no detailed design is proposed, however social infrastructure may be provided as part of a future detailed DA. Details of the design and use of the buildings that will occupy the amended Concept Proposal will be the subject of future development application(s).
1	Visitors enjoy the many attractions of Cockle Bay, but these will be affected by the intrusion of the development, also affecting Pyrmont Bridge and the significant numbers of residents, visitors and workers who cross the bridge daily.	<p>Once constructed, the development facilitated by the amended Concept Proposal will vastly improve the pedestrian experience between Pyrmont and the city. A Pedestrian Assessment is provided at <b>Appendix O</b> to demonstrate this. The amended Concept Proposal will improve the poor connection between Darling Harbour and the CBD by providing more direct pedestrian paths which includes traversing up to 15,000m<sup>2</sup> publicly accessible open spaces and a new landscaped land bridge that will provide a significant improvement to the existing situation.</p> <p>The impact of any future development facilitated by the amended Concept Proposal on pedestrian movements during the construction phase is considered within the Preliminary Construction Management Plan (CMP) (<b>Appendix Y</b>). The CMP includes provision of a temporary pedestrian bridge to maintain pedestrian access through the site throughout the construction period.</p>
1	Workers and residents will be severely impacted by the development.	<p>The amended Concept Proposal will make a positive contribution to the experience of residents, visitors and workers who cross the bridge daily by providing up to 15,000m<sup>2</sup> of publicly accessible open space as well as improved pedestrian connections along the Pyrmont Bridge and Druitt Street footbridge.</p> <p>The impact of any future development facilitated by the amended Concept Proposal on pedestrian movements during the construction phase is considered within the CMP (<b>Appendix Y</b>). A temporary pedestrian bridge will maintain pedestrian access through the site throughout the construction period.</p>

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1	The public good has precedence over the private good and the protection of natural assets has precedence over all other interests.	<p>Noted and agreed. The amended Concept Proposal will facilitate a future development that will have several tangible public benefits, including:</p> <ul style="list-style-type: none"> <li>• Reconnecting the Sydney CBD and the Darling Harbour waterfront;</li> <li>• Providing a significant new publically accessible open space within the CBD and adjacent to the Darling Harbour waterfront and the State Heritage Pyrmont Bridge;</li> <li>• The opportunity to provide a new cultural meeting point and programmable publicly accessible open areas;</li> <li>• Reinstating the direct link between Pyrmont Bridge and Market Street;</li> <li>• Significant investment in a strategic site that will result in social attractors and improved connectivity, generating significant economic and social returns;</li> <li>• Attracting the local community, workers and visitors to Cockle Bay, with increased potential for local spending, resulting in job growth; and</li> <li>• Providing new green spaces in the CBD to contribute to the reduction of the urban heat island effect through significant greening and landscaping and exploration of green initiatives in the competitive design process and the Stage 2 DA.</li> </ul>
1	The inclusion of open space will provide benefits to both the visitors as well as workers in the adjoining office towers.	Noted and agreed.
8	Any development should enhance the tourism and public purpose values of the area. The development will	The amended Concept Proposal will facilitate a building that will deliver up to 15,000m <sup>2</sup> of publicly accessible open space, reconnect the Sydney CBD to the Darling Harbour Waterfront, revitalise the retail offering and provide a landmark building to revitalise Cockle Bay as a

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	undermine Darling Harbour which was created as a place for recreation and open space.	gateway destination to the City and Darling Harbour. These factors combine to ensure that the amended Concept Proposal continues to be a place for recreation and open space and will enhance tourism values of the area.
Economic Impacts		
3	<ul style="list-style-type: none"> <li>The towers are a money-making venture, to satisfy commercial interests.</li> <li>The development must be determined on planning and environmental impact grounds not profit motives of the developer and government.</li> </ul>	<p>The Concept Proposal will facilitate a future development that will have many economic benefits, beyond those of the developer, including:</p> <ul style="list-style-type: none"> <li>Significant investment in a strategic site that will result in social attractors and improved connectivity, generating significant economic and social returns and contributing to the vitality of 'global' Sydney;</li> <li>Encourage retention of business tenants who want to be located within a key cultural destination in the CBD as an attractor to their employees;</li> <li>Improved connectivity will assist in growing economic activity east of the Western Distributor;</li> <li>Improve public access will increase the pedestrian catchment from 400m radius to 800m radius, effectively quadrupling the catchment of people visiting the area and improving social and business connections that can be made by the precinct;</li> <li>Provide more incentive for visitors and tourist to go to Cockle Bay and the CBD, with increased potential for local spending, resulting in job growth;</li> <li>Amenity provided by the new publicly accessible open space will have a positive impact on surrounding property values and returns; and</li> <li>Publicly accessible open space will provide health and wellness benefits to high value workers</li> </ul>

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		<p>in Sydney CBD, reducing sickness and absenteeism, lowering stress and in turn reducing overall cost to the NSW health system.</p> <p>The amended Concept Proposal is supported by a comprehensive assessment of the potential environmental impacts. A suite of technical reports and assessment has been submitted with the amended EIS and all are available to view. The amended Concept Proposal has been considered with regard to the relevant EPI.</p>
1	<p>The development makes good sense to the developer and State revenue but it ignores social needs and the social infrastructure deficit.</p>	<p>The amended Concept Proposal is seeking to revitalise an underutilised and outdated development at Cockle Bay Wharf. This will include significant works that will have tangible social and public benefits including:</p> <ul style="list-style-type: none"> <li>• Providing engaging reasons for the vast numbers of workers and visitors in Darling Harbour and the CBD to come to Cockle Bay Wharf, spend time there and return;</li> <li>• Further diversify Cockle Bay Wharf as a destination that offers more than just retail;</li> <li>• Put Cockle Bay Park firmly on Sydney's cultural map through partnerships and brand association;</li> <li>• Contribute to Darling Harbour's legacy of popular culture, thus strengthening the entire precinct value;</li> <li>• Provide a key, new destination as part of the Nature and Culture Walk from Pyrmont, Darling Harbour, Barangaroo to Walsh Bay and Circular Quay;</li> <li>• The opportunity to become a new cultural meeting point;</li> <li>• Increased wellness and productivity through provision of active and passive spaces;</li> <li>• Increased waterfront activation;</li> <li>• Opportunities for the inclusion of public art;</li> <li>• Opportunities for cultural activation; and</li> </ul>

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		<ul style="list-style-type: none"> <li>• Connection of public transport links to the waterfront.</li> </ul> <p>These improvements will have a positive impact on the community's ability to move through and enjoy the western CBD, Darling Harbour and Pyrmont Bridge.</p>
1	The proposal is estimated to generate 500 jobs in construction and 10,000 jobs across retail, hospital and commercial sectors. The development will be a key economic driver for the precinct.	Noted and agreed.
Consultation		
1	The developers should consult the local community to ensure developer contributions are allocated to social infrastructure that is currently unmet.	The allocation of any monetary contributions that are required as a condition of any future approval will be determined by the State Government. It is noted that the amended Concept Proposal includes the provision of up to 15,000m <sup>2</sup> publicly accessible open space and improved through site links. These elements will make a significant contribution to civic and social infrastructure in the CBD and Darling Harbour.
1	Until a master planning process with legitimate opportunities for public consultation and with the clear objective of ensuring that development is in the public interest is undertaken, no consent authority could be satisfied that the aims of the SREP have been	<p>The DHDP is the principal planning instrument applicable to the Darling Harbour area, and more specifically the Cockle Bay Wharf site. It provides a broad framework for development, principally through identifying permissible uses.</p> <p>The objectives of the DHDP are to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities, and to set out those uses which are deemed permissible. The amended Concept Proposal is consistent with these</p>

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	met.	<p>objectives.</p> <p>The DHDP does not provide controls for building height, floor space ratio or setbacks within Darling Harbour. Accordingly, the amended Concept Proposal has been designed to respond to the site's opportunities and constraints as outlined by FJMT at the Design Report at <b>Appendix C</b>.</p> <p>The public and government agencies have been consulted as part of the State Significant Development Application process. Feedback from submissions raised during the exhibition of the proposal have informed amendments to the amended Concept Proposal including reducing and relocating the building envelope volume and increasing and consolidating publicly accessible open space in the northern part of the site which will result in a significant new space directly connecting the harbour and CBD.</p> <p>An assessment of the amended Concept Proposal against the aims of the SREP was provided within the exhibited EIS. An updated assessment of the amended Concept Proposal against these aims is also provided within the report. The amended Concept Proposal will facilitate a future development that will have several tangible public benefits. Amongst these:</p> <ul style="list-style-type: none"> <li>• Reconnection of the Sydney CBD and the Darling Harbour waterfront;</li> <li>• Provision of a significant new publically accessible open space within the CBD and adjacent to the Darling Harbour waterfront and the State Heritage-listed Pyrmont Bridge;</li> <li>• The opportunity to provide a new cultural meeting point and programmable publicly accessible open areas;</li> <li>• Reinstatement of the link between Pyrmont Bridge and Market Street;</li> <li>• Significant investment in a strategic site that will result in social attractors and improved</li> </ul>

Number of times raised in Submissions	Item Raised	Proponent's Response
		<p>connectivity, generating significant economic and social returns;</p> <ul style="list-style-type: none"> <li>• Increased wellness and productivity through active and passive open spaces;</li> <li>• Provide more incentive for visitors and tourist to go to Cockle Bay and the CBD, with increased potential for local spending, resulting in job growth; and</li> <li>• It will have a positive impact on reducing the urban heat island effects in the CBD.</li> </ul>
1	There is no sign that community views have any impact. The sessions held have been 'information sessions.'	The amended Concept Proposal has been amended significantly in response to community feedback. This includes a significantly amended building envelope and tower location, as well as the relocation, refinement and increased provision of open space. Consultation findings are summarised at the Supplementary Consultation Report prepared by Newgate at <b>Appendix E</b> .
Land Use		
1	There is no strategic planning on behalf of NSW Planning and Environment that guides development on the foreshore and heights of buildings, but rather the ad-hoc granting of permission.	<p>The DHDP is the principal planning instrument applicable to the Darling Harbour area, and more specifically the Cockle Bay Wharf site. It provides a broad framework for development, principally through identifying permissible uses.</p> <p>The objectives of the DHDP are to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities, and to set out those uses which are deemed permissible. The amended Concept Proposal is consistent with these objectives.</p> <p>The DHDP does not provide controls for building height, floor space ratio or setbacks within Darling Harbour. Accordingly, the amended Concept Proposal has been designed to respond to the site's opportunities and constraints as outlined by FJMT at the Design Report at <b>Appendix C</b>.</p>

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1	<p>Project cannot be assessed until proper planning controls are established The Darling Harbour area is of State and Regional significance and is a designated tourism and entertainment precinct. Development in this location and of this scale requires assessment against planning controls (LEP/Master Plan) which have been developed in consultation with the local community. Uniquely for an area of such significance to the State, the site is positioned within a development control vacuum. It has no prescriptive planning controls.</p>	<p>There is no LEP or Masterplan that applies to the site and accordingly, there cannot be any such assessment. The DHDP is the principal planning instrument applicable to the Darling Harbour area, and more specifically the Cockle Bay Wharf site. It provides a broad framework for development, principally through identifying permissible uses.</p> <p>The objectives of the DHDP are to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities, and to set out those uses which are deemed permissible. The amended Concept Proposal is consistent with these objectives.</p> <p>The DHDP does not provide controls for building height, floor space ratio or setbacks within Darling Harbour. Accordingly, the amended Concept Proposal has been designed to respond to the site's opportunities and constraints as outlined by FJMT at the Design Report at <b>Appendix C</b>.</p>
1	<p>Any development proposal on publicly owned land and relies on strata ownership should be avoided – public land is important as it can be subject to redevelopment on a more frequent basis than most strata development.</p>	<p>The site of the amended Concept Proposal will remain under government ownership and will continue to be subject to a leasing arrangement. No strata subdivision is proposed.</p>
Amenity Impacts		
1	<p>Sound from Darling Harbour has</p>	<p>A Noise Impact Assessment has been undertaken by Acoustic Logic at <b>Appendix L</b> and is</p>

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	<p>already increased dramatically in Pyrmont apartments – music from Cockle Bay and Tumbalong Park channels through the towers and is reflected off the concrete surfaces of the ICC tower. Sound pollution will continue to increase with more towers developed</p>	<p>discussed at <b>Section 7.12</b> of the amended EIS. The assessment concludes that overall, construction noise levels are accepted to be below noise criteria. Where exceedances do occur they are expected to be able to be managed through construction conditions and through the construction management plan.</p> <p>Acoustic Logic have undertaken a worst case scenario assessment for predicted noise generated by retail venues that indicates that noise levels at the closest residential receiver would be below the noise emission criteria due to the shielding inherent from the built form on the Site to these receivers.</p>
1	<p>The park should be at the front of the development with the building component stepping up from the waterfront behind it. The park situated behind the development will not be utilised.</p>	<p>The amended Concept Proposal is largely consistent with this suggestion.</p>
1	<p>Impacts on the environment and air quality.</p>	<p>The amended Concept Proposal is supported by a suite of technical reports that have assessed the proposals impacts on the environment and are appended to the amended EIS. An Air Quality Assessment has been prepared by Pacific Environment and is available at <b>Appendix Z</b>.</p>
1	<p>The concept plan detracts from the natural amenity of Cockle Bay.</p>	<p>Cockle Bay is currently severed from the CBD by the Western Distributor with the foreshore of Cockle Bay hemmed in by the Cockle Wharf Building.</p> <p>The amended Concept Proposal will facilitate a building that will deliver up to 15,000m<sup>2</sup> of publicly accessible open space that will physically connect to the Darling Harbour waterfront. This will be a significant improvement to the amenity of Cockle Bay.</p>

Number of times raised in Submissions	Item Raised	Proponent's Response
Strategic Planning Framework		
2	The Draft Central Sydney Planning Strategy 2016 has 10 key principles – ensure development responds to context, provide employment growth in new tower clusters and protect, enhance and expand Central Sydney's heritage, public spaces. We query whether the proposal is consistent with these principles.	<p>The Draft Central Sydney Planning Strategy is a draft strategic planning document that has not been formally exhibited and which largely applies to land identified within the Sydney LEP, within Central Sydney. While the subject Site is outside this area, the Concept Proposal has considered the Strategy as part of the original EIS. It is largely consistent with the Strategy in that:</p> <ul style="list-style-type: none"> <li>• it will promote employment growth and capacity in the CBD with the delivery of up to 75,000m<sup>2</sup> of employment generating floor space;</li> <li>• the design positively responds to the context of the Site;</li> <li>• it will improve pedestrian connectivity between the CBD and Darling Harbour;</li> <li>• it will expand on the network of public spaces in central Sydney;</li> <li>• it will enable greater appreciation of heritage listed Pyrmont Bridge;</li> <li>• it will renew and revitalise the Cockle Bay Wharf precinct;</li> <li>• it will not materially impact solar access and overall amenity of Town Hall Square and Tumbalong Park; and</li> <li>• it will provide up to 15,000m<sup>2</sup> of new open space in the Sydney CBD.</li> </ul>
2	The <i>Darling Harbour Development Plan No.1</i> applies to the site. No specific development standards apply – there are no height limits or GFA requirements.	Noted. Notwithstanding, the amended Concept Proposal has been designed to respond sensitively to the context and characteristics of the site and its surrounds.
1	The plan is entirely at odds with the EP&A Act.	An assessment of the amended Concept Proposal against the objects of the EP&A Act was provided within the exhibited EIS which found the proposal is consistent with the objects of the

# ETHOS URBAN

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		EP&A Act.
1	The northern tower height exceeds the 156m Obstacle Limitation Surface for Sydney Airport.	A separate approval from the Sydney Airport Corporation will be requested at the appropriate time.