

# ETHOS URBAN

## Cockle Bay Wharf – Response to Public Submissions

Table 1 below provides a summary of the matters raised within each public submission received. Table 2 provides a summary of each matter raised within the submissions and provides a response.

Table 1 – summary of matters raised within submissions

Submission	Urban design and built form	Statutory and Strategic	Visual impact	View loss	Overshadowing	Public domain	Traffic, transport, and access	Air Quality	Wind	Property Value	Public Interest
1. Anthony Farrell of Sydney NSW (233177)					✓		✓				
2. The Owners - Strata Plan 46581 Strawberry Hill NSW (236340)	✓			✓	✓					✓	
3. One Darling Harbour (Strata Plan 49259) Sydney NSW (233423)		✓									
4. Owner's Corporation SP 53413 PYRMONT NSW (236271)		✓	✓	✓	✓						✓
5. Tianlong Ribbon Pty Ltd SYDNEY NSW (235056)	✓				✓				✓		
6. Susanna Gorogh of CBD NSW (233742)			✓				✓				
7. Thuy Do of Sydney NSW (235226)				✓	✓						
8. Charles Husak of CBD NSW (233744)			✓				✓				
9. (Name withheld) of Sydney NSW (235523)			✓		✓						
10. (Name withheld) of Sydney NSW (235519)							✓	✓			
11. (Name withheld) of Sydney NSW (236076)				✓	✓			✓			

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12. (Name withheld) of Willoughby NSW (236112) (Petition)	✓			✓							
13. (Name withheld) of Rockdale NSW (233248)							✓				
14. (Name withheld) of Sydney NSW (235028)	✓										
15. (Name withheld) of Concord NSW (234584)	✓										
16. (Name withheld) of Pyrmont NSW (234412)	✓				✓		✓				
17. (Name withheld) of Pyrmont NSW (234374)	✓						✓				
18. Andrew Toth of Sydney NSW (242469)	✓		✓	✓	✓						✓
19. David Zaoui of Pyrmont NSW (237317)	✓										
20. Glenda Hamment of Sydney NSW (242471)	✓		✓	✓	✓						✓
21. Jill Mason of Sydney NSW (242473)	✓		✓	✓	✓						✓
22. Jo-Wing Wu of Sydney NSW (242475)	✓		✓	✓	✓						✓
23. API Leisure and Lifestyle Sydney NSW (242927)	✓			✓							
24. Marielle Bernie of Sydney NSW (237314)					✓	✓	✓				
25. Petition Astoria Apartments of Sydney NSW (237321)	✓			✓	✓						✓
26. Sukender Jain of Sydney NSW (242477)	✓		✓	✓	✓						✓
27. Susanna Colussi of Sydney NSW (242479)	✓		✓	✓	✓						✓
28. Zhu Huang of Sydney NSW (242481)	✓		✓	✓	✓						✓

Table 2 – Response matters raised within submissions

Item Raised	Proponent's Response
Urban Design and Built Form	
There should be a reduction to the building bulk to a scale that is compatible with adjoining buildings	The Site is subject to the provisions of the <i>Darling Harbour Development Plan Number 1</i> (DHDP), which does not provide maximum development standards for height of buildings or FSR.
The proposed urban design outcome is not consistent with the existing or desired character, amenity, scale and public importance of the Cockle Bay waterfront	In the absence of prescriptive development standards to inform an appropriate scale for buildings on the site, as outlined in Section 3.0 of the RTS, the development (as now proposed) has undergone an extensive design review process to ensure that the proposed scale is compatible with that of the surrounding buildings. Further discussion can be located in Section 3.0, Section 4.0, and Section 5.2 of the RTS.
The proposal is not consistent with the urban design principal of stepping down from the city to the water front	
The building should be setback further from the waterfront	Any building within the Concept Envelope would maintain the existing separation between the water and the building edge.
The extent of the ground level podium envelope at the southern end and it should not take up the entire lease area as it will create insufficient building separation to The Ribbon Hotel at the ground level	The Concept Envelope sets a maximum building area, the design of any building within this envelope will be subject to the competitive design process and a Stage 2 DA. Details, such as the separation distance of any future building to The Ribbon, can be managed through these later stages.
The proposed boardwalk over the harbour will have impacts on the working harbour function and reduced expanse of water will reduce the precincts amenity	<p>The potential to expand the boardwalk has been included in the Concept DA to acknowledge that expansion of pedestrian capacity in this area may be facilitated in the future . As noted above, the separation between a future building and the existing waterfront would not be affected by the proposed development.</p> <p>This aspect of the development has the potential (subject to design) to improve amenity in the area and support a working harbour, the definition of which, (as provided by the Draft</p>

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	Environment SEPP) includes a range of recreational, transport, tourism and commercial uses such as is proposed on this harbour-front site within the Concept Proposal.
<b>Statutory and Strategic Planning</b>	
The proposal does not address the aims and principals of the SREP (Sydney Harbour Catchment) 2005	<p>The assessment against the aims of the SREP has been provided at Section 5.1 of the RTS 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 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;</li> <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>
<b>Visual Impact</b>	
The tower would significantly impact on views within Darling Harbour, and from Pyrmont Bridge and Pyrmont	A supplementary View-loss and Visual Impact Assessment (VIA) has been prepared and is provided as <b>Appendix D</b> . The supplementary VIA is summarised in Section 5.4 of the RTS, please refer to this section.
There are very limited view angles provided in the View Impact Analysis looking towards the southern end of the bay to assess the impact	A supplementary View-loss and Visual Impact Assessment (VIA) has been prepared and is provided as <b>Appendix D</b> . The supplementary VIA is summarised in Section 5.4 of the RTS, please refer to this section.

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<p>of the proposed envelope</p> <p>The view impact analysis relied upon by the applicant indicates a narrow view of the site and it is noted that a broader panoramic view indicates greater context of the site</p>	<p>The number and location of assessed views within the VIA was determined in consultation with the DP&amp;E.</p>
<h3>View Loss</h3>	
<p>The proposed tower will block a large portion of views from apartments at 222-228 Sussex Street and does not promote principals of view sharing.</p>	<p>A supplementary View-loss and Visual Impact Assessment (VIA) has been prepared and is provided as <b>Appendix D</b>. The supplementary VIA is summarised in Section 5.4 of the RTS, please refer to this section.</p>
<p>The proposed tower will have a significant impact on harbour views for the residents of 447 Kent Street. The potential total loss of harbour views could impact the value of the property and rental income</p>	<p>447 Kent Street is a commercial property, views from this location to the west will be unaffected by the proposed development as the approved Meriton development at 230 Sussex Street will obscure this vista.</p>
<h3>Overshadowing</h3>	
<p>The proposed tower will heavily overshadow a number of buildings in the areas bounded by Sussex Street, Druitt Street, and Kent Street</p>	<p>The proposed development is for a Concept Envelope, within which a tower can be proposed in the future. A future tower on the site would overshadow a number of buildings within the Sydney CBD. In designing the Concept Envelope priority has been given to avoiding overshadowing impacts to publicly accessible open spaces. Publicly accessible open spaces which have been prioritised include Tumblong Park, Town Hall Steps, Sydney Square, The Cockle Bay Foreshore Promenade, and the Future Town Hall Square.</p>
<p>The proposal will prevent the continuation of installing solar panels on the rooftop as an energy-saving initiative (447 Kent Street)</p>	<p>The proposed development is for a Concept Envelope, within which a tower can be proposed in the future. The overshadowing of the Concept DA has been determined as acceptable at the Concept level as described at Section 5.3 of the RTS. A further overshadowing study will be</p>

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	<p>prepared once a building is proposed on the site in Stage 2 of the DA process which may minimise and refine the impact of the Concept Envelope.</p>
<p>The structures will cause significant overshadowing and dominate the public domain</p>	<p>The exhibited proposal demonstrated limited overshadowing of the foreshore promenade and Cockle Bay water. A full assessment of that overshadowing was included within the 2017 EIS.</p> <p>Following refinements to the design of the Concept Proposal additional overshadowing studies have been undertaken and are provided in <b>Appendix C</b> and in Section 5.3 of the RTS.</p>
<p>The future Town Hall Square opposite Sydney Town Hall will have reduced sun access as a result of the proposed tower</p>	<p>It is acknowledged that the amended Concept Proposal results in the potential for minimal overshadowing of the future Town Hall Square for a short period of time during the year and after 4pm. 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 formal matter for consideration under S79C of the EP&amp;A Act.</li> <li>• Notwithstanding, overshadowing is restricted to a 25 – 30 minute period near sunset between 4:00pm and 4:30pm (AEST) on the most affected day (9 September / 1 April if a tower is located in the north of the Concept Envelope and 14 September / 27 March if a building is located in the south of the Concept Envelope) Impacts are reduced to zero over a twelve day period on either side of that day.</li> <li>• The Concept Proposal provides a significant waterfront open space with ample solar access for the majority of the day located on the northern side of the proposed tower. The form of the proposed podium and 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> <li>• Further information in relation to this can be located in in <b>Appendix C</b> and in Section 5.3 of the RTS.</li> </ul>
<p>Insufficient information (in the form of lack</p>	<p>A further overshadowing study will be prepared once a specific building is proposed on the site</p>

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<p>of comprehensive shadow diagrams) has been submitted to accurately assess the extent of the overshadowing impacts</p>	<p>in Stage 2 of the DA process. However, the Concept DA massing forms have been assessed at <b>Appendix C</b> and in Section 5.3 of the RTS. Sufficient detail for the Concept DA level detail has been provided to determine the suitability of impacts.</p> <p>Further shadow studies will be undertaken, and shadow diagrams provided, as part of the competitive design process and subsequent Stage 2 DA for the detailed building form which will never fill the full Concept Envelope as approved.</p>
<p><b>Public Domain</b></p>	
<p>Don't destroy this public space by circling the foreshore with so many tall high-rises, making the harbour appear like nothing more than a garden pond surrounded by concrete towers.</p> <p>You must consider why Darling Harbour was created; the purpose of this area was for recreation, an open space waterfront area for every citizen to enjoy.</p>	<p>The Concept Proposal will create a significant area of new public space on the Cockle Bay waterfront in an area that is currently occupied by a commercial building and the Western Distributor freeway. By creating a tower and podium form, open up the opportunity for open space at the lower levels, rather than providing a monolithic lower scale built form as exemplified by the current 'tired' Cockle Bay Wharf buildings.</p> <p>An assessment of the application against the provisions of relevant EPs, including the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> has been provided within the 2017 EIS and this RTS document.</p>
<p><b>Traffic Generation and Parking</b></p>	
<p>The proposed car parking number remains excessive given the buildings proximity to transport options including buses trains and ferries</p>	<p>Development of the Site will provide fewer car parking than permitted the <i>Sydney Local Environmental Plan 2012</i>, which is not technically applicable but provides a 'guide' for parking rates in inner city CBD locations.</p> <p>Using the formula provided by the LEP the proposed development could provide a maximum of 498 parking spaces (420 commercial and 78 retail spaces).</p> <p>The exhibited Concept Proposal provided only 40 percent of the number of spaces allowed by the comparable Sydney LEP commercial parking rate. The Concept Proposal therefore complies with or is lower than the recommended LEP maximums (if it were to apply to the Site).</p>

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	<p>Notwithstanding the above, the amended Concept Proposal has further reduced car spaces by 25 percent from the November 2017 EIS to 150 spaces, which is significantly fewer than would be permitted by the LEP and the previous 200 spaces requested.</p> <p>By providing less parking than could be achieved under the LEP the proposal has accounted for the high level of public transport close to the site.</p>
<p>The EIA still relies on traffic surveys conducted in 2016 well before the ICC facilities began operating, which take no account of the Darling Walk developments, nor the future impact of the Ribbon development or the planned casino</p>	<p>The quantity of car parking proposed within the Concept Envelope is acceptable because it has been demonstrated to have no significant impact on the surrounding road network, and is consistent with the objectives and controls relating to car parking provided within the adjacent applying Sydney Local Environmental Plan 2012, which, although not directly relevant to the site, does provide a useful guide to inform the acceptable levels of car parking for a commercial building such as is proposed.</p>
<p>The report makes no reference to the impact of additional traffic generated by WestConnex which will channel (unspecified) additional traffic on to the Western Distributor which will result in further impacts in and around all exits, including those close to Cockle Bay</p>	<p>The quantity of car parking proposed within the Concept Envelope is acceptable because it has been demonstrated to have no significant impact on the surrounding road network and is consistent with the objectives and controls relating to car parking provided within the Sydney Local Environmental Plan 2012, which, although not directly relevant to the site, does provide a useful guide to inform the acceptable levels of car parking for a commercial building such as is proposed. The proposed development is for a Concept Envelope, further traffic studies will be submitted in a Transport Study, which will be undertaken as part of the Stage 2 DA.</p>
<p>New and improved public transport services should be implemented to serve Pymont/Ultimo/Darling Harbour, as part of an integrated plan for Pymont/Ultimo and the CBD, both involving meaningful consultation with community and business representatives</p>	<p>Noted and agreed. Additional public transport services would be supported by the proponent if they were suggested by the State Government.</p>
<p><b>Air Quality</b></p>	

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<p>This redevelopment has been done without consideration to ... (of the) reduced lights and airflow to Sussex Street</p>	<p>The proposed tower element within the Concept Envelope is separated from Sussex Street by over 100m and as such it is unlikely to affect airflow onto Sussex Street. A wind report was prepared as part of the 2017 EIS (refer to Appendix N of the 2017 EIS). This report was supported by a statement appended to this RTS (<b>Appendix I</b>) to confirm that airflows (wind impacts) are suitable for the Concept DA approval and can be suitably managed through the competitive design process and subsequent Stage 2 DA.</p>
<h3>Wind Impacts</h3>	
<p>Downwash wind from the tower would undermine enjoyment of the Cockle Bay Wharf promenade, particularly at the corner of buildings</p> <p>The amended tower form will still result in wind impacts near the base of the tower and continues to rely on later design treatments to minimise or mitigate impacts</p>	<p>A Wind Impact Assessment of the amended Concept Proposal has been prepared by Cermak Peterka Petersen (CPP) and was exhibited as Appendix N of the 2017 EIS. 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. From here amelioration and wind mitigation measures can be proposed in the detailed design though based on the Concept DAs proposed, this would be readily achieved as per standard wind mitigation measures proposed from Concept DA to detailed DA.</p> <p>Wind impacts associated with the amended Concept Envelope have been addressed in Section 5.9 of the RTS and within the updated Wind Statement provided at <b>Appendix I</b>. 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>
<h3>Property Value</h3>	
<p>The potential total loss of harbour views could impact the value of the property and rental income in our strata scheme and surrounding</p>	<p>The loss of views from applicable residential buildings has been assessed in Section 5.4 of the RTS and in <b>Appendix D</b> against relevant Planning Principles. The impact of a particular environmental effect on the perceived property value of another site is not a matter for</p>

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properties.	consideration under Section 4.15 of the EP&A Act 1979 (as amended).
<b>Public Interest</b>	
<p>The large scale intensification of retail and office development on the site including the proposed 195m tower (and token 1.5ha of podium landscaping and parks, much of which is above the eastern distributor) cannot be supported as being in the public interest while surrounding development (including our client's property at No. 222 Sussex Street) incurs significant unreasonable amenity impacts in the form of excessive visual bulk, significant loss of views, reduced amenity and potential loss of solar access.</p>	<p>The significant public benefit afforded by the proposed development is outlined in Section 5.8 of the RTS. The amended concept proposal prioritises the public good over the private good of individual apartment occupiers, by facilitating a future development that will:</p> <ul style="list-style-type: none"> <li>• reconnect the CBD to Darling Harbour;</li> <li>• provide a significant amount of open space in a location that delivers amenity to locals and visitors;</li> <li>• delivers new social attractors and improved connectivity; and</li> <li>• generates significant social and economic returns.</li> </ul> <p>Although impacts to private residences are anticipated, and these have been assessed within this RTS and within the 2017 EIS as on balance acceptable, the significance of these private impacts is outweighed by the significant public good facilitated by the proposed development.</p>