

14th February 2017

Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2000

Attention: Pilar Aberasturi

Dear Pilar

Application SSD 16_7684 - 241-249 Wheat Road, Cockle Bay Wharf Development

Introduction

We refer to the State Significant Development (SSD) application at the above site, which has been submitted by DPT and DPPT Operator Pty Ltd. The concept proposal includes building envelopes and land uses to facilitate the development of some 85,000sqm of commercial floor space and 25,000sqm of retail space, along with public domain and pedestrian linkages.

Investa Asset Management on behalf of Investa Nominees (2) Pty Ltd are the manager and owner of No.1 Market Street, located immediately to the east of the subject site. This is an "A grade" commercial tower, 30 storeys high with a significant aspect to the west.

On behalf of the owners, we submit that the proposal raises several significant issues which unreasonably impact on our asset and which will detrimentally impact the public domain and urban fabric of Sydney CBD and the Darling Harbour Precinct. These concerns are listed below and summarised in the following sections of this letter. The main matters of objection are:

- The overall height and scale of the development;
- The discordant form of development when compared to the existing built form scale;
- Overshadowing impacts;
- Ability to achieve design excellence; and
- Ensuring that the public interest is achieved as part of any major increase in floor space on the subject land.

Height and Scale

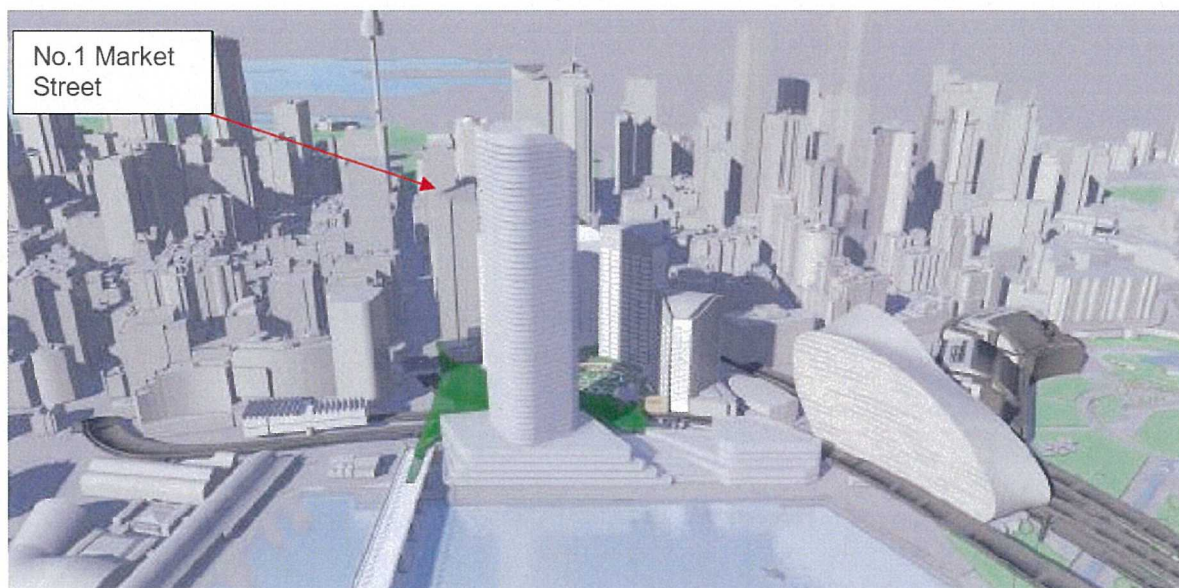
The proposed development is excessive in scale. The building envelope is identified as reaching a maximum height of RL 235m, whilst the existing towers at No.1 and No.2 Darling Park which are immediately adjacent to the site, have a maximum height of RL 127m. This means that the proposed new tower could potentially be some 100m higher than the existing development at Darling Park.

This form of development in the proposed location on Darling Harbour would create significant impacts in terms of infringing views of the Harbour and beyond from the existing buildings in the vicinity including No.1 Market Street.

In addition, the proposed building would impact upon views along the Market Street corridor which is an important public vista towards Cockle Bay. These views are relevant in the context of a new building which is clearly out of scale with the surrounding built form. We submit that the proposed building should be reduced in height and positioned further south on the site to protect views along Market Street towards Darling Harbour.

The proposed development would also have a specific impact on No.1 Market Street. The height of the building would significantly block westerly views from the upper floors across to Darling Harbour. The scale of the proposed development is illustrated on Figure 1 below. This indicates how the overall height and bulk of the proposal is evidently out of context and would block many views of Darling Harbour from existing surrounding developments.

Figure 1 – Potential Tower Form (Source: EIS)



Submission No.1

The proposed building should be reduced in height and positioned further south on the site to protect views along Market Street towards Darling Harbour.

Urban Form

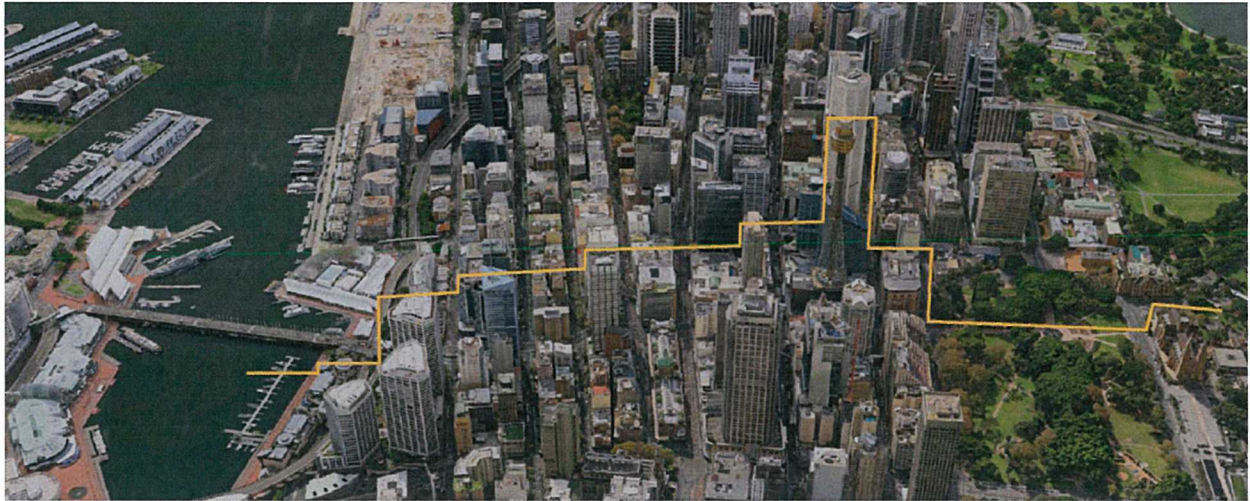
This proposal clearly represents a departure from the existing building typology that has shaped the built form character of Central Sydney. Building heights in Central Sydney typically step down from the ridge line of the city towards the western waterfront of Darling Harbour and Cockle Bay Wharf. This has been historically re-inforced through planning controls applying across Central Sydney.

The proposed development runs completely counter to this built form character by:

- Proposing to build over the Western Distributor and bring a more significant podium and tower form closer to the water front.
- Creating a tower that is completely out of scale with the surrounding built form.

As illustrated in Figure 2, the existing building heights step down from high rise in the CBD, to medium rise at Darling Park and then low rise on the waterfront. The proposed tower would therefore significantly alter this skyline and introduce a new large tower form which is taller than No.1 Market Street, adjacent to the Darling Harbour foreshore.

Figure 2 – Current Building Heights (source: EIS)



This proposed development is contrary to the original design intent for Darling Park and the Cockle Bay Wharf which has been maintained for some 20 years. The result being a development that is out of character with the surrounding built form.

It is noted that the City of Sydney made comment on the proponent's request for SEARs that:

"the height of the proposed building is not specified; however, it appears to be far in excess of the existing buildings in the immediate context, and far in excess of the maximum permissible height of the adjoining sites, which is predominantly 80m. The City questions the appropriateness of a very tall tower on the foreshore."

We support the views of the City of Sydney in this regard, and agree that the presence of an additional tower of this scale on the foreshore at Darling Harbour would be an inappropriate development. This is further represented by the photomontages which have been included within the applicant's submission. These images serve to illustrate how the proposal would appear as a form of development that is simply 'parachuted' into the site and is completely out of context with the surroundings.

Submission No.2

The existing built form character of Central Sydney which provides for built form to step down in height towards the western waterfront should be respected. Therefore, the height of the proposed development should be more consistent with the existing built form in the immediate surrounds.

Overshadowing

The proponent has included a set of shadow diagrams with the submission to outline the potential effect of the new building on the surrounding area from overshadowing. Given the height of the potential tower, this forms a critical element of the design.

The shadow cast from the building envelope on 21st June (winter solstice) illustrates that parts of Darling Harbour will be cast in a shadow from 9am – 11am, whilst Darling Park and other parts of the CBD to the south will fall under the shadow later in the day.

The proposed tower would set an undesirable precedent for overshadowing of key public spaces within Darling Harbour, which is a direct consequence of the scale and siting of the proposed building. Loss of

access to direct sunlight in Darling Harbour during mid-winter would significantly impact on the enjoyment of the public domain, which should be a priority for protection.

Submission No.3

That greater consideration should be given to the protection of solar access to Darling Harbour and the concept design be amended accordingly.

Design Excellence

The concept proposal establishes a very substantial building envelope that is designed to allow flexibility for future stages including any competitive design process and subsequent Stage 2 development application.

Given the highly sensitive location of this site and the potential for significant impacts, we submit that the proposed building envelope is excessive and cannot be considered to be capable of achieving design excellence given the overall bulk and building mass that could result.

We submit that far greater attention should be given at this concept stage that seeks to refine the building envelope having regard to considerations such as key public views, relationship of built form scale and overall building bulk and massing.

Submission No.4

That the concept building envelope should be refined at the current application stage to address all relevant environmental impacts identified above.

Public Benefits

The proponent has a long-term leasehold agreement with the Sydney Harbour Foreshore Authority (SHFA) extending to 2088. While we are not privy to the terms of the leasehold, we would expect that the terms of the lease would have been considered based on the likely potential floor space achieved at the time of the original development masterplan.

The proposal encompasses a very significant increase in floor space, never previously envisaged under the plans for the site. We submit that any substantial uplift in floor space granted on the site should be accompanied by a commensurate public benefit offer. This is consistent with what currently occurs in Central Sydney and now proposed under the draft Central Sydney Strategy, where increased FSR's are to be facilitated on suitable sites subject to an agreed value capture arrangement.

Accordingly, if this proposal is to progress, it is our expectation that an amendment to the commercial terms should be executed which would oblige a level of compensation to the State Government to reflect the proposed development gain.

Submission No.5

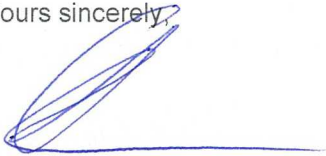
Therefore, given the material uplift in floor space, the proposal should be accompanied by a significant public benefit offer or amendments to the value of the lease payments to the State Government.

Summary

We submit that the proposed development should not be approved as submitted due to the overall mass and scale of the development, its impact on the surrounding area including No.1 Market Street, overshadowing impacts and its imposing scale on the public domain

We trust that these issues will be appropriately considered and request that we are advised of any amendments to the development proposal that may arise.

Yours sincerely,



Clifford Leeson

General Manager, Sydney CBD Portfolio

Investa Office

Deutsche Bank Place, Level 6, 126 Phillip Street, Sydney NSW 2000

T +61 2 8226 9318

E CLeeson@investa.com.au | investa.com.au

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