



SUBMISSION RELATING TO DEVELOPMENT APPLICATION FOR 241-249 WHEAT ROAD, COCKLE BAY AS AMENDED BY THE RESPONSE TO SUBMISSIONS REPORT DATED 5 JULY 2018

INTRODUCTION

1. This constitutes an objection to the development proposed at 241-249 Wheat Road, Cockle Bay. It is made on behalf of the residents of One Darling Harbour, Pyrmont, who directly face this site.

The proposal includes:

- 24,900 sq.m site area
- 183 m tall tower
- 15,000 sq.m of publicly accessible open space
- 14,000 sq.m of retail space
- 75,000 sq.m of commercial space

The objection concludes:

- i. that the tower building is much too high and is unreasonably close to Cockle Bay
- ii. that the proposal is totally inconsistent with views of The Sydney Harbour Foreshore Authority (as it then existed in 2016) which produced a document setting down "Urban Form Principles" for the Cockle Bay Wharf
- iii. Darling Harbour (Cockle Bay) forms part of a place of "exceptional heritage significance" in the SREP for the whole Sydney Harbour Catchment. This heritage significance has been ignored by the applicant.
- iv. the proposed tower is much too close to Pyrmont Bridge with its height and bulk being inconsistent with the low horizontal form of the Bridge
- v. the tower building ignores the long-held principle that all development should reinforce the valley form between Pyrmont ridge and George Street by ensuring buildings increase in height as the distance is increased from Darling Harbour (Cockle Bay)
- vi. the proposal tower building creates overshadowing of the public promenade adjoining Cockle Bay and of the waters of Cockle Bay. The established principle is that there be no reduction in the existing sunlight.



GROUNDS OF OBJECTION

2. It is recognized that as part of the proposed development there are some improvements to the public domain. However, these improvements or ones similar to them can be made without the need for 89,000 sq.m of floor space.

- The proposed tower is much too close to the waters of Darling Harbour (Cockle Bay)
- The proposed tower is much too close to the heritage Pyrmont Bridge
- The location and height of the tower is inappropriate from an urban design perspective

The Proposed Tower is Much Too Close To The Waters of Darling Harbour (Cockle Bay)

3. The SREP (Sydney Harbour Catchment) 2005 includes the site within the area covered by the SREP. The SREP has as its first aim the following.

“(1) This plan has the following aims with respect to the Sydney Harbour Catchment:

- (a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour area recognized, protected, enhanced and maintained:
 - vii. as an outstanding natural asset, and
 - viii. as a public asset of national and heritage significance,

for existing and future generations.”

4. The SREP identifies the whole Sydney Harbour Catchment, including its foreshores and waterways, as “a public asset of national and heritage significance.” Nowhere in the Heritage Impact Statement is there any discussion of the waterway and foreshore of Darling Harbour being of “national and heritage significance.” It is submitted that as stated by the SREP the location of the foreshore of Cockle Bay is such a location and that the tower building proposed would significantly impact on the “national and heritage significance” of Cockle Bay because of its height and its proximity to the waters of Darling Harbour. It would introduce a jarring element into the locality which would destroy the principles which have applied at Darling Harbour for at least 28 years. Nowhere within the revised DA is it acknowledged that Cockle Bay, adjoining the proposed development, is a heritage item.

5. The SREP goes on to reinforce the inclusion of Darling Harbour (Cockle Bay) as a heritage item. Under the heading of Heritage Conservation it states the following.

“The planning principles for heritage conservation are as follows:

- (a) Sydney Harbour and its islands and foreshores should be recognized and protected as places of exceptional heritage significance.”

If the foreshore of Sydney Harbour is mandated to be protected as a place of



‘exceptional heritage significance,” it is difficult to understand why it has not been mentioned or discussed in the Heritage report and why there is no mention of its “exceptional heritage significance” in the EIS.

6. In 2006 a Darling Harbour Building Heights study by Tony Caro included a diagram which showed building heights increasing as buildings moved away from the Harbour. While the Study did not discuss the heritage of Pyrmont Bridge, it did indicate that where the proposed tower is now located, that a height limit of 0 to 5 metres (adjacent to Cockle Bay) and 5 to 30 metres (to the Western Distributor) should apply.
7. It is stated on page 9 of the revised EIS that a Design Committee was established to consider the public and agency submissions which had been received during the first public exhibition. The Design Committee included the architects (FJMT) for the proposal as well as Tony Caro of Tony Caro Architecture, who in 2006 in a Darling Harbour Building Heights study had indicated that where the proposed tower is now located the height limit should be 5 metres (adjacent to Cockle Bay) and 5 to 30 metres (to the Western Distributor). The EIS does not indicate whether there was any dissenting voice on the Design Committee as it appears the Committee consisted, predominantly, of people working for the applicant, which ensures its lack of independence.
8. There are no grounds upon which ignoring these standards is justified in the EIS.
9. In a Darling Harbour South Masterplan of 2010, prepared by JPW, states that the overall height of built form steps up as it rises away from the valley floor towards the Ultimo Pyrmont Ridge and more significantly towards the city ridges of George Street and Hyde Park.
10. The proposed tower building ignores this design principle.
11. In 2014 a study titled “The Western Harbour Precinct Design Guidelines” by Woods Bagot referred to building height adjacent to the waters of Darling Harbour. It said that low lying buildings were to front the water and to embrace the public realm and provide an important human scale to the waterfront. This occurs elsewhere along the Darling Harbour waterfront.
12. The proposed tower building ignores the stepping principle established by the three studies mentioned.

The proposed Tower is Much Too Close To The Heritage Pyrmont Bridge

13. Pyrmont Bridge is a heritage item which has suffered much abuse throughout its history. The cutting of the direct link of the Bridge with Market Street and the construction of the monorail to mention only two.



14. What is now proposed will have even more disastrous consequences. It will destroy the planning and development principles which have seen Darling Harbour evolve and emerge to where it is today.
15. Historically, all of the recent studies embrace the principle of buildings stepping up as their distance increases from the waterfront. The proposed development ignores them all.
16. The comments made concerning previous recent studies of Darling Harbour are also relevant here in considering the relationship of the tower building with the Bridge.
17. The problem which arises is that the proximity of the proposed tower building will dominate Pyrmont Bridge and diminish the heritage significance of the Bridge. The argument that the provision of a large public open space area between the tower and the bridge is not a justification for a tower building. The open space could still be provided with a low scale building.
18. The EIS argues that the verticality of the tower will complement the horizontality of the Bridge. But it will stand as a very fat goal post, which must damage the significance of the Bridge. It will be seen as a very large vertical element compared with the more graceful receding horizontal form of the Bridge.
19. If a tower is to be built at all, it needs to be set back to at least as far as the western edge of the Western Distributor. Because it is located in the context of Darling Park it needs to be a smaller tower than is now proposed and located further from Cockle Bay.
20. Attached as Appendix I are images included in the E.I.S. illustrating the impact of the proposed tower on the context of Pyrmont Bridge. How it can be said that the tower will complement the heritage of the Bridge is difficult to understand. The reduction in height proposed in the revised DA does not, to any degree, overcome the height problem.
21. Attached as Appendix II are images included in the amended E.I.S. illustrating the relationship between the tower building and Pyrmont Bridge, together with the relationship with the existing Darling Park buildings and the proximity to the “exceptional heritage significance” of Darling Harbour. The images illustrate the uncharacteristic height and bulk of the proposal to Cockle Bay.

The location and height of the tower is inappropriate from an urban design perspective

22. In 2016 the Sydney Harbour Foreshore Authority produced a document titled “Darling Harbour Urban Form Strategy.” This document set out “Urban Form Principles” for Darling Harbour and specifically for any redevelopment of Cockle Bay Wharf. The principles established are set out below.



COCKLE BAY WHARF

“The Cockle Bay Wharf is a food, beverage and entertainment complex on the eastern side of Cockle Bay.

Landowner guidelines:

- Maintain a balance between built form of foreshore buildings on the eastern and western side of Cockle Bay. (Not satisfied)
- Ensure no net reduction in the amount of sunlight to the public promenade and waters of Cockle Bay. (Not satisfied)
- Set back buildings and outdoor eating areas at least 20 metres from Cockle Bay to provide adequate public access and gathering opportunities. (Not satisfied)
- Present an attractive and active frontage to the public foreshore promenade to enhance the visitor experience.
- Respect the heritage significance of the Pyrmont Bridge, including its visual setting and approaches. (Not satisfied)
- Design buildings which are restrained and unpretentious and subordinate to the landmark ICC Sydney buildings on the south western side of the Bay. (Not satisfied)
- Any upgrade or redevelopment should address a preferred 18 metre foreshore building height; any additional height should be setback and designed to read as a separate element. (Not satisfied)
- Allow shared views to the water with neighbouring properties.
- Improve back-of-house arrangements and appearance; consider a more active building interface with the street achieved by consolidating service access.”

23. It is clear that the proposed development does not comply with the principles specifically established for the site.

- It is not development subordinate to the landmark ICC Sydney buildings.
- It does not provide an 18m foreshore building height. The proposed tower is not setback and designed to read as a separate element. It dominates the scene.
- The proposed development does not ensure that there is no net reduction in the amount of sunlight to the public promenade and waters of Cockle Bay. It does, in fact, add considerably to overshadowing.
- The proposed development does not set buildings and outdoor eating areas at least 20m from Cockle Bay.
- The proposed development does not respect the heritage of Pyrmont Bridge.

24. This lack of satisfying the Urban Form Strategy for the site set by SHFA, amongst other matters, should ensure refusal of the current application.



Conclusion

25. Without considering the detail of this development proposal, it is clear that this is an ambit claim made with a complete disregard to the long held and established principles for Darling Harbour.
26. It does not satisfy the principles established for the site and is totally inappropriate in the context of Darling Harbour and Pyrmont Bridge. It does not produce a valley floor extending buildings in height up to the ridges of the City or Pyrmont.
27. For the reasons set out in this submission, the development proposal should be refused with advice that it will need to be dramatically modified and be consistent with the SHFA principles before further consideration can be given to redevelopment of the site.
28. While the proposal may produce some positive elements, such as the restoration of the connection of Market St with Pyrmont Bridge and the provision of an open space public area north of the tower building, these do not outweigh the negative aspects of the proposal. To suggest that providing floor space for several thousand workers is a positive element of the proposal is an argument that any site in Sydney's CBD could raise. It is not a justification for allowing it.

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APPENDIX I

**PHOTOMONTAGES FROM THE EIS ILLUSTRATING
THE DOMINANCE OF THE TOWER BUILDING
OVER THE BRIDGE**



APPENDIX II

PHOTOMONTAGES FROM THE EIS ILLUSTRATING
THE RELATIONSHIP OF THE TOWER BUILDING
WITH PYRMONT BRIDGE,
THE WATERS OF DARLING HARBOUR AND THE
EXISTING DARLING PARK BUILDINGS