



Appendix C

Response to 50 Murray Street Submission

The following comprises a detailed response to each of the key items raised in the 50 Murray Street (ONE Darling Harbour) submission prepared by Beatty Legal and dated 11 May 2020 and supporting Visual Assessment prepared by RLA and dated 8 May 2020. The proponent's responses have been informed by input by the expert consultant team and should be read in conjunction with the Response to Submissions Report to which this document is appended.

Summary of key issues raised	Proponent's response
Beatty Legal Letter	
<p><i>All of the 104 apartments with views to the East (over Darling Harbour and Pyrmont Bridge) and/or to the South East over Darling Harbour will have those views adversely impacted by the proposed development envelope (the proposed tower and its podium and for the mid to lower levels the northern podium).</i></p>	<p>Ensuring that the view impacts of the proposed development on 50 Murray Street (One Darling Harbour) are minimised has been a key priority throughout the design process of the proposed development. Significantly, additional design refinements have been made that further reduce view impacts of the Harbourside redevelopment on 50 Murray Street. The northern part of the podium has now been reduced in height by 1 – 3 storeys. This is in addition to the relocation of the residential tower to the centre of the site as part of a suite of changes made under the previous RtS package (exhibited April 2020), with the tower having a slender floorplate that minimises view loss and promotes view sharing to 50 Murray Street and all surrounding buildings. In summary, the tower is located as far south as possible and the northern podium lowered as much as possible.</p> <p>It is acknowledged there will be impacts to private views at 50 Murray Street, including as a result of the podium envelope being marginally higher than the existing building on the site. One of the drivers for the podium height is accommodating floor to floor heights suited to modern retail and commercial office development. The change in view varies across the building and between apartments. The Visual and View Impact Analysis finds that only 4 apartments will experience severe view impacts (limited to level 2 apartments only). No apartments will experience any devastating view impacts. The remaining 100 apartments affected will have view impact ratings ranging from negligible to moderate. This level of impact is considered reasonable for the reasons detailed within the revised Visual and View Impact Analysis.</p>
<p><i>The assessment of view impacts for the residents of One Darling Harbour provided by the proponent is inadequate both in the coverage of the views and reliability of the images generated and in the quality of the analysis.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>
<p><i>We also note the uncertainty created by the proposal to include landscape planting on the rooftop of the northern podium. This would add extra height which would add to view loss impacts. This additional view loss has not been assessed.</i></p>	<p>The subject application seeks approval for a concept only (e.g.) building envelope, land use, GFA, along with stage 1 demolitions works. Details such as the nature and extent of landscaping will be progressed and developed through the future planning stages of the project. In any event, consideration of landscaping is not a factor in undertaking a view impact analysis, given they are features of a development that are not fixed like a permanent structure and can easily change (e.g. seasonally, such as a deciduous tree).</p>
<p><i>Accordingly, there is inadequate information for a decision maker to determine the view impact for the residents of One Darling Harbour and the limited information available makes it clear that the northern podium will cause significant, unreasonable and unjustified view loss contrary to the requirements of the Tenacity principle and those expressed by the Independent Urban Design Review.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p> <p>Further amendments have also been made to the northern podium to further minimise view loss while also enabling the provision of a significant new area of public open space (called Guardian Square). The proposal for the reasons detailed within the Visual and View Impact Analysis is considered to support view sharing and the change in private views from 50 Murray Street are considered to be reasonable.</p>

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<p><i>The proposal's height and proximity detracts from the values associated with the State heritage listed Pyrmont Bridge.</i></p>	<p>As confirmed in the updated Heritage Report prepared by Curio Projects and appended to this RtS submission, additional refinements to the concept proposal have significantly improved the relationship of the proposed development with the Pyrmont Bridge. The height and bulk of the northern part of the podium has been significantly reduced by one - three storeys, to be roughly the same height with that of the bridge. This ensures that the development does not in any way tower over the Bridge, or hinder the heritage interpretation or setting of the Bridge. Furthermore, the new Guardian Square open space atop the northern podium will enable additional viewing angles to Pyrmont Bridge, allowing for more comprehensive appreciation of the Heritage item. The Heritage Impact Statement also confirms that the proposed complementary public domain improvements, including the new paving to Pyrmont Bridge, will ensure a positive visual impact will be established between the new building envelope and the bridge. The proposed widened waterfront promenade also enables improved visual sight lines to and appreciation of Pyrmont Bridge.</p> <p>It should also be noted that previous amendments to the concept design relocated the residential tower to the centre of the site, removes any visual relationship between the new tower and the bridge through a generous 135 metre separation distance. It is reiterated that the proposed development would represent an improvement between the shopping centre and the bridge in terms of setbacks compared to that of the existing shopping centre, and although it is acknowledged that this by itself does not constitute planning merit, it does help demonstrate that the proposed development will not result in additional adverse environmental impacts on the bridge.</p>
<p><i>The setting of the bridge and the impact of the proposal on public domain views of and from the bridge is still not appropriately documented or assessed in the Harbourside Proposal.</i></p>	<p>Refer to the updated Heritage Report prepared by Curio for an assessment of the amended proposal in relation to the setting of Pyrmont Bridge. The updated Visual and View Impact Analysis also contains an assessment of public domain views, including in relation to Pyrmont Bridge. The updated analysis confirms improvements in relation to views experienced from Pyrmont Bridge associated with the reduced northern podium height.</p>
<p><i>In our opinion, the proposal (and particularly the proposed northern podium) is entirely inconsistent with the aims of the SREP (clause 2(1)), the principles of the SREP specifically applicable to the Foreshore and Waterways Area (clause 2(2)) and relevant planning principles in clauses 13, 14 and 15 and specific requirements of the SREP relating to foreshore and waterway scenic qualities (clause 25), maintenance, enhancement and protection of views (clause 26) and heritage Conservation (clauses 53 and 59).</i></p>	<p>Disagree. Due regard and assessment of the proposal against all relevant planning instruments has been undertaken within the original EIS and First RTS, including in relation to the Sydney Harbour REP. It is noted that there is no requirement under the Sydney Harbour REP for a development to achieve consistency. The consent authority only needs take into consideration the relevant matters before granting consent for development.</p>
<p><i>The proposal is not for the public good</i></p>	<p>The genesis of this principle is largely rooted in ensuring continuous and unobstructed foreshore access to the public. With a full appreciation of the proposal and the public benefits to be delivered it is clear that the proposal is for the public good. Of note:</p> <ul style="list-style-type: none"> • The redevelopment of the site will provide new and improved retail (e.g. food and beverage) offerings that will attract visitors and contribute to their positive experience and appreciation of Darling Harbour; • The proposal provides significantly improved and enlarged public domain at 8,200sqm (including the new Guardian Square), ensuring Sydney's most valued natural asset (its waterfront harbour) continues to be enjoyed and celebrated; • The proposal provides for both daily use by the public and also a canvas for events; • The proposal provides for the widening of the waterfront promenade (with a net increase in overall waterfront land for the public) and embellishments to provide much improved connectivity and waterfront experience for the public;

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	<ul style="list-style-type: none"> The proposal provides significantly improved pedestrian connectivity to the waterfront that will allow the broader community, city workers and tourists to more easily and directly enjoy the benefits of the site's waterfront location. <p>Further and when broadening the inference of the public good to also cover being in the public interest, the proposal is found to:</p> <ul style="list-style-type: none"> Support the creation of commercial floor space to support the media, arts and tech jobs desired for the Innovation Corridor; Deliver much needed jobs (EY estimate the redevelopment will deliver 2,100 construction job years and 4,400 additional long term jobs per annum); Contribute \$15 billion towards Central Sydney Gross Domestic Product over 20 years (EY estimate); Activate tourism (EY estimate the redevelopment will result in a 10% uplift in tourism); Support ongoing activation of the precinct via delivery of an Activation Fund for works such as, WIFI, public art, specialty lighting etc; Support the creation of additional affordable housing through provision of a monetary contribution; Supports the attraction of global talent through the delivery of high-quality housing on the doorstep of the Harbour CBD and within the Innovation Corridor; and Enable the orderly and economic development of the site, involving the replacement of a tired and no longer fit for purpose building with a modern development that will exhibit the highest standard of architecture, urban, and landscape design.
<p><i>The proposal also includes an appropriation of existing public land east of the current structure that is not assessed in the EIS. The proposed building envelope will encroach approximately 10m into Crown land not subject to the Harbourside lease and the concept plan seeks approval for the placement of retail terraces involving planters, roof canopies, decking, tables and chairs on the waterfront promenade.</i></p>	<p>While not a relevant planning matter, the redevelopment of the site will involve agreement to a new ground lease between Mirvac and the NSW Government.</p> <p>In relation to the specific issue raised around the potential loss of waterfront land, there will in fact be an overall increase in waterfront land as a result of the proposed development. Mirvac proposes to relinquish some 474sqm of its existing leasehold for the public good in terms of delivering a widened waterfront promenade that will provide improved connectivity and integration and an overall superior waterfront experience. Mirvac will not only enable the widening of the waterfront promenade but will also fund and deliver a full upgrade and embellishment of this important space.</p> <p>Mirvac, drawing on its significant experience in delivering and curating successful and vibrant spaces and guided by its design team, propose for the waterfront promenade to support pedestrian movement while at the same time support activation that makes the most of the site's waterfront location.</p>
<p><i>The public domain impacts of this proposal are generally assessed by the proponent relative to the original (unmeritorious) proposal. This proposal must be considered not in the context of whether it is better than a previous (abandoned and plainly unsupported) proposal but whether this proposal (in all its aspects) makes a positive contribution to the public domain.</i></p>	<p>Noted. The VVIA has been amended to focus its assessment on the impacts generated by the proposal itself. It is however considered important to recognise the significant changes and amendments made by Mirvac to the scheme along the assessment process.</p>
<p><i>There is substantial overshadowing (and reduced solar amenity) of the public domain</i></p>	<p>The shadow diagrams prepared in support of the amended proposal and included within the Supplementary Design Report confirm there will be no overshadowing of the public domain (waterfront promenade) by the proposal in mid-winter for the entire morning period. Whilst some overshadowing will occur during the afternoon, this level of overshadowing would be expected with any reasonable built form outcome on the site.</p> <p>The proposal offsets additional overshadowing to the public domain, including through the creation of a new northern Guardian Square that will have solar access across the entire day for all periods of the year.</p> <p>Overall, the amended Concept Proposal ensures that there are still vast areas of sunlight available for the enjoyment of the public throughout the year.</p>

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	<p>Further, Concept Proposal represents a maximum building envelope for the future podium and tower development. The detailed designs of the building will be contained within the proposed maximum envelope, with opportunities to further minimise overshadowing impacts to be considered during the next detailed design phase.</p> <p>Finally, with the release of the Draft Pyrmont Place Strategy identifying Harbourside as a Key Site (with a nominated maximum height of RL 170, there is clearly an understanding that there will be some additional overshadowing impacts, but these impacts will be balanced against the significant public benefits to be delivered by the project.</p>
<p><i>There is significant and largely unassessed impacts on public domain views</i></p>	<p>Disagree. The Visual and View Impact Analysis includes a comprehensive assessment of 18 key public domain views. The view locations were also determined in consultation with the Department of Planning, Industry and Environment. The impact on key public domain views as a result of the proposal was found to be acceptable and still acceptable in this RTS.</p>
<p><i>Cumulative Impacts not assessed.</i></p>	<p>Consideration of cumulative impacts under the Sydney REP is only a relevant matter for consideration in relation to biodiversity, ecology, environment protection, and views. Notwithstanding, it is noted that the SEARs issued for the project do more broadly require the consideration of potential cumulative impacts due to other development in the vicinity.</p> <p>The Visual and View Impact Assessment includes an assessment of existing, under construction and approved development within the Darling Harbour Area. In doing so it does consider what the cumulative impact would be if the proposal is developed.</p> <p>A comprehensive assessment of the traffic and transport impacts has been undertaken by Arcadis. The assessment is based on the concept proposal, with further detailed assessment to be undertaken during the detailed design phase once the final mix of land uses, GFA and parking numbers are known.</p> <p>In terms of parking, there is always a balancing of needs and requirements, with local residents more often than not wanting more parking provided within developments while consent authorities want less parking provided. The right balance of parking is considered to be achieved in this instance, noting there are no statutory controls in place in terms of setting minimum or maximum numbers. In the absence of controls, guidance has been taken from what controls apply in Pyrmont.</p> <p>In terms of taking a precinct approach to parking for the commercial/retail uses, this accords with the Draft Pyrmont Place Strategy, which proposes for multi-utility hubs to be established in strategic locations to serve a broader precinct.</p> <p>It is also noted that the site is highly accessible by public transport, and with the slated new Sydney Metro West station at Pyrmont, there will be a significant boost in additional capacity, which is expected to further reduce the reliance on private vehicles as the primary mode of transport.</p> <p>In terms of pedestrian pathways, the proposal not only improves capacity but also delivers new connections that will provide local residents, workers and visitors greater access between the waterfront and the Bays Precinct.</p>
<p><i>It is also unclear whether the cumulative urban heat impacts of the recently constructed and/or approved glass tower blocks (for example, the Sofitel, the Ribbon development under construction and the approved Cockle Bay tower) have been considered or will be considered in respect of any development planned within the proposed concept envelope.</i></p>	<p>Urban Heat impacts have not specifically been considered as part of the proposal. There is the potential for an improvement as a result of the redevelopment of the existing site, which currently consists of an existing building with a large and expansive metal roof area. The proposal anticipates extensive landscaped green rooftops and the ability to utilise less absorbent materials.</p> <p>Mirvac is also a strong advocate and leader in sustainability, with an ambitious target to be net positive carbon by 2030.</p> <p>Mirvac's sustainability strategy 'This Changes Everything' (2014) and more recently 'Planet Positive: Waste & Materials' (2020) sets the agenda and commitment to sustainability.</p>

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	<p>A recent example of Mirvac's commitment to sustainability is evident in its development at 200 George Street, being a 5.5 Star NABERS Energy and 6 Star Green Star Performance building and Australia's first Gold WELL rated tenancy. In 2017, the Dow Jones Sustainability Index named Mirvac the world's most sustainable real estate company.</p> <p>Mirvac is also committed to high sustainability levels for the proposal, including 5 Star Greenstar for retail/commercial, and 5 star Greenstar for residential, along with 5.5 Star NABERS energy and 3.5 Star NABERS Water for commercial and 4.5-Star NABERS Energy and 20% water reduction for retail .</p>
<p><i>The lack of cumulative impact assessment is especially critical because there is no overarching master plan for the area which allows for its orderly development in accordance with specific, consistent and community accepted guidelines.</i></p>	<p>Darling Harbour has since the 1980s been carved out and afforded special planning provisions (Darling Harbour Development Plan) to ensure its critical tourist, entertainment and commercial contribution to NSW and Australia is protected and that its continued evolution and success assured. This state significant planning framework does not require the preparation or adoption of any overarching master plan in which to inform or assess development against.</p> <p>Notwithstanding, the NSW Government, as custodian and landowner of Darling Harbour, has continually undertaken strategic reviews of Darling Harbour in order to provide guidance on protecting and enhancing the natural, cultural heritage and recreational offerings as well as enabling the economic development of land. These reviews, studies, masterplans and frameworks include:</p> <ul style="list-style-type: none"> • Darling Harbour South Masterplan, 2010; • SICEEP Urban Design and Public Realm Guidelines, 2012; • The Western Harbour Precinct Design Guidelines, 2014; and • Darling Harbour – Framework for Land Owner's Consideration of State Significant Development, 2017. <p>There has been and there is in place significant guidance around the NSW Government's vision, aspirations and objectives for Darling Harbour and which have been used to guide the renewal of Darling Harbour.</p> <p>More recently the NSW Government has identified the need to establish a new vision and strategic placed based plan for the Pymont Peninsula, including parts of Darling Harbour (such as the Harbourside Site). Follow extensive community consultation and a strong evidence base, a <i>Draft Pymont Peninsula Place Strategy</i> has been released. Of significance is the plan's overarching objective to revitalise and transform this key inner-city precinct into a jobs hub and economic driver of Sydney. The premise for this vision is the recognition that Pymont and the Western Harbour precinct is a gateway to the CBD. Key to the realisation of this vision and objective is the redevelopment of key strategic sites, with the Harbourside Site identified as one of 4 key sites. The proposal is well aligned with this strategy, providing:</p> <ul style="list-style-type: none"> • Truly mixed use development – retail, commercial and residential; • Significant public domain improvements • A tower height less than RL170 • Significantly improved connectivity and accessibility.
<p><i>In circumstances where there are not yet detailed planning controls in place but the government is in the process of preparing a masterplan for the area, assessment of this development proposal is obviously premature.</i></p>	<p>Disagree. Darling Harbour has since the 1980s been carved out and afforded special planning provisions (Darling Harbour Development Plan) to ensure its critical tourist, entertainment and commercial contribution to NSW and Australia is protected and that its continued evolution and success assured. This state significant planning framework does not establish any detailed planning controls nor require the preparation or adoption of any overarching master plan in which to inform or assess development against.</p> <p>There has been and there is in place significant guidance around the NSW Government's vision, aspirations and objectives for Darling Harbour and which have been used to guide the renewal of Darling Harbour to date. Further, there is clear alignment between the proposal and that envisaged by the NSW Government for the site under the Draft Pymont Place Strategy.</p> <p>The proposed development has a high level of consistency with the draft Strategy, including its identified ten overarching directions, especially that of the following:</p>

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	<ul style="list-style-type: none"> • 'Development that complements or enhances the area'; • 'Jobs and industries of the future'; • 'Centres for residents, workers and visitors'; • 'A tapestry of greener public spaces and experiences'; • 'Making it easier to move around'; and • 'Great homes that can suit the needs of more people'. <p>The concept design exhibits a high level of consistency with the "additional public benefit opportunities" identified explicitly for Harbourside on page 79 of the draft Strategy, including:</p> <ul style="list-style-type: none"> • A tower below the identified maximum of RL 170m in height; • Prioritising commercial/retail land uses, with the some 52% of the total amount of GFA allocated to these land uses; • Excellence in open space outcomes through the delivery of additional accessible public open space; • Improved east-west connections from Harris Street to the waterfront through new through-site links; • A safe, activated and inviting streetscape interface at all boundaries of the site; and • An appropriate built form outcome to Pyrmont Bridge, including a reduction in height to the northern podium under the further amended concept design.
<p><i>A proposal of this size and scale at such a strategically important site which is likely to create a precedent for other developments in the area can only be fairly assessed by reference to a clear planning framework developed and implemented in response to community expectations.</i></p>	<p>Disagree. There has been and there is in place significant guidance around the NSW Government's vision, aspirations and objectives for Darling Harbour and which have been used to inform the renewal of Darling Harbour to date. Further, there is clear alignment between the proposal and that envisaged by the NSW Government for the site under the Draft Pyrmont Place Strategy.</p>
<p><i>The consent authority has inadequate information on which to make a decision and information provided by the applicant is consistent and has the capacity to mislead.</i></p>	<p>Disagree.</p> <p>Mirvac and its expert consultant team have prepared a comprehensive and accurate assessment of the proposal in full accordance with the SEARs issued for the project.</p> <p>Comments regarding perceived deficiencies in the private view analysis have been addressed as part of the updated Visual and View Impact Analysis. In summary, all apartments facing east/north in 50 Murray street have now been assessed.</p> <p>Likewise, anomalies between envelope plans and artist impressions have been resolved as part of this amended submission.</p>
<p>RLA Visual Assessment</p>	
<p><i>The location of the tower improves the average level of impact on views from One Darling Harbour in relation to the tower element.</i></p>	<p>Noted. Mirvac has consulted extensively over a significant period of time and made substantial concessions/amendments to achieve this outcome. There are few projects and proponents who have been so receptive to reducing impacts than in the current case. While acknowledging surrounding sites such as 50 Murray street do not benefit from being located adjoining the waterfront and therefore are not afforded/guaranteed any permanent protection of views, the proponent has shared its strategic site advantage on the water through a considered and skilful approach.</p>
<p><i>Views have been underestimated due to there being no articulation of the podium. Views have been undervalued.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p>

Summary of key issues raised	Proponent's response
	<p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p> <p>The outcome from this additional analysis reinforce the previous conclusions reached in the First Response to Submissions (dated February 2020) Visual and View Impact Analysis.</p>
<p><i>There is reliance on irrelevant environmental planning instruments, policies and guidelines to reach a claim that impacts on private views should be ignored or minimised.</i></p>	<p>Disagree.</p> <p>The reference to those EPIs, policies and guidelines provide important context and are informative in terms of applying the test of reasonableness to the consideration of view impacts.</p>
<p><i>The VVIA does not adopt an analysis or an assessment based on any of the relevant view principles and uses a subjective scale of the severity of impact that is unexplained, in assessing impacts on views from One Darling Harbour and other residential properties.</i></p>	<p>Disagree.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p>
<p><i>The same views from the same unrepresentative levels in One Darling Harbour are analysed as was the case for the original application, ensuring that some of the deficiencies in coverage and lack of acknowledgement of the extent to which views would be impacted in One Darling Harbour by both the podium and the tower element are perpetuated in the current proposal.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>
<p><i>Claims of improvements to 50 Murray Street as a result of amendments are theoretical. The quantum of improvement has not been justified.</i></p>	<p>Noted. The VVIA has been amended to focus its assessment on the impacts generated by the proposal itself. It is however considered important to recognise the significant changes and amendments made by Mirvac to the scheme along the assessment process. There are few projects and proponents who have been so receptive to reducing impacts than in the current case. While acknowledging surrounding sites do not benefit from being located adjoining the waterfront and therefore are not afforded/guaranteed any permanent protection of views, the proponent has shared its strategic site advantage on the water with surrounding buildings through a considered and skilful approach.</p>
<p><i>The proposal causes significant view loss in excess of what is caused by the existing shopping centre and is unnecessary and unreasonable.</i></p>	<p>There will be impacts to private views at 50 Murray Street, including as a result of the podium envelope being higher than the existing building on the site. The change in view varies across the building and between apartments. The Visual and View Impact Analysis finds that only 4 apartments will experience severe view impacts (limited to Level 2 apartments only). The remaining 100 apartments potentially affected will have view impacts rated as negligible to moderate. This level of impact is considered reasonable.</p> <p>50 Murray Street has benefited and borrowed a significant amount of its amenity (i.e. solar access and views) from the fact that the existing Harbourside Shopping Centre is of a relatively low scale. The time has come though where the existing building has reached the end of its life and requires renewal in order to meet modern standards and respond to the wave of significant investment and renewal that has and continues to occur across Darling Harbour.</p>

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	<p>The interruption of existing private views that are currently unimpeded by any development is inevitable in the context of an urban renewal project and is not unreasonable having regard to the highly urbanised global CBD environment of Sydney within which the land is situated and the evolving future character of the Pyrmont Peninsula. Notwithstanding, the proposed development has accommodated view sharing between and above buildings, and has sought to retain a reasonable level of water, Pyrmont Bridge, and CBD skyline views by the positioning of the building footprints and configuration of the public domain connections through the site.</p>
<p><i>It is difficult to understand how the likely impacts on views from One Darling Harbour would be affected and also how the proposed building envelopes fit into the existing context, because of the distortion of images provided by Virtual Ideas</i></p>	<p>The “hero” renders included within the VVIA were not used as a basis for undertaking any visual assessment. For absolute clarity, the Visual and View Impact Analysis was based on the Concept Proposal Envelope only, which is all that is sought for approval at this stage.</p>
<p><i>Why were no apartments, for example at Levels 3, 4 or 6 on the east side of One Darling Harbour not assessed, if the express intention of the proposal is to significantly reduce impacts on the building?</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p>
<p><i>The applicant doesn't consider a significant view loss, including view loss rated as severe in extent of impact on some of the apartments and on levels above those affected by views of the Harbourside building, to be of concern.</i></p>	<p>Disagree.</p> <p>The VVIA identifies and acknowledges there will be changes in private views experienced from 50 Murray Street and concludes that the impacts are reasonable and acceptable. Refer to the revised Visual and View Impact Analysis for further detail.</p>
<p><i>There are no clear public benefits in there being a residential tower in the proposal and there is no justification for the additional impact on views caused by the height or massing of the podium.</i></p>	<p>An understanding the proposal in its totality will enable a clear appreciation of the significant public benefits to be delivered. These are detailed within the Response to Submissions.</p> <p>To enhance Sydney's global competitiveness requires attracting global talent, with the delivery of high quality housing within the Harbour CBD a key factor. The proposed delivery of around 357 dwellings on the doorstep of the Harbour CBD and within the Innovation Corridor will provide a significant boost to supply. There are a limited number of sites which have such locational advantages at the Harbourside site and therefore it provides an ideal opportunity to further diversify the city fabric.</p> <p>While the final mix of uses is still yet to be finalised in relation to the podium, the proposed envelope provides flexibility in order to potentially deliver some 28,000sqm of commercial NLA and 8,500sqm of retail GLA. This quantum of floor space is crucial and responds to a number of key strategic drivers. The nature of the site and indicative location for the proposed office space enables large campus sized commercial floor plates that are favoured by large multinational tech, finance and professional services companies. This offering will be able to take advantage of the site's location and context within the Innovation Corridor and more broadly the core Harbour CBD. The strength of the Harbour CBD relies heavily on the concentration of financial services industries and associated knowledge intensive industries and the proposal is therefore in full alignment with strategic planning objectives to make the Harbour CBD stronger and more competitive. This proposed employment generating floorspace to be accommodated within the podium also responds to the need to increase and maximise economic activity associated with the planned new Sydney Metro West station slated for Pyrmont. This investment in rapid public transport will have a catalytic effect on the Pyrmont Peninsula and challenges any premise that strategic sites like Harbourside should remain and not evolve. The reasonableness of private view impacts resulting from the proposed podium, which while larger than the existing Harbourside building is still at a low scale, therefore need to be considered in this context.</p>

Summary of key issues raised	Proponent's response
<p><i>It is impossible to make the statement validly that any reasonable development would have the same effects, as there is no benchmark against which to judge this. Professor Webber suggests a benchmark, which is that no additional impact on the views from One Darling Harbour in excess of what is caused by the existing Harbourside building is a standard which the podium north of the proposed tower in the proposal should achieve. I agree with that benchmark and that it is a reasonable one to achieve.</i></p>	<p>Disagree.</p> <p>Cities by their nature evolve, the site where 50 Murray Street is located was once for example a low scale goods shed associated with the former Darling Harbour Railway Goods Yard prior to its eventual renewal and redevelopment into a large 17+ storey residential apartment building. 50 Murray Street has benefited and borrowed a significant amount of its amenity (i.e. solar access and views) from the fact that the existing Harbourside Shopping Centre is of a relatively low scale. The time has come though where the existing building has reached the end of its life and requires renewal in order to meet modern standards and respond to the \$15 billion wave of investment and renewal that has and continues to occur across Darling Harbour. The position and premise that a benchmark for redeveloping the site is to put back in its place a building of the same height is considered fanciful and unreasonable. A more reasonable benchmark to consider is the height of more recent adjacent podium buildings that have a similar relationship to the waterfront, e.g. ICC and Sofitel. While of a similar vintage to the existing Harbourside Shopping Centre, the Maritime Museum also provides some additional insight and relevance in establishing an appropriate height for the podium.</p> <p>The Draft Pyrmont Place Strategy also acknowledges sites like Harbourside are strategically positioned for redevelopment and provide a significant opportunity to unlock the next wave of jobs and investment.</p>
<p><i>In my opinion the height and the east-west depth of the northern section of the podium causes significant view loss that has not been acknowledged and should be reconsidered, if the overall strategy for redevelopment, with a podium-tower building is accepted. These features of the proposal do not achieve a reasonable view sharing outcome.</i></p>	<p>Disagree.</p> <p>The interruption of existing private views that are currently unimpeded by any development is inevitable in the context of an urban renewal project and is not unreasonable having regard to the highly urbanised global CBD environment of Sydney within which the land is situated and the evolving future character of the Pyrmont Peninsula. Notwithstanding, the proposed development has accommodated view sharing between and above buildings, and has sought to retain a reasonable level of water, Pyrmont Bridge, and CBD skyline views by the positioning of the building footprints and configuration of the public domain spaces and connections through the site.</p> <p>This conclusion fails to recognise that the proposal provides for the establishment of significant new spaces and areas for the broader public/community to enjoy and experience the waterfront location of Darling Harbour and that it needs to be balanced against the retention of views from the private domain. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good (public views) take precedence over private good (private views) where change is proposed on the harbour or within its foreshores.</p>
<p><i>The methodology for photomontage preparation is accepted but the coverage provided of levels and apartments in different parts of one Darling Harbour that would experience view loss is inadequate and unrepresentative of the likely location and extent of impacts.</i></p>	<p>Noted</p> <p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>
<p><i>The photomontage report under-represents view locations that would be affected, under-represents the extent of view to be lost as a result and is of minimal value to determining an appropriate height and massing for the podium in relation to view sharing.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>

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<p><i>The height of the podium will have severe to devastating impacts on views from One Darling Harbour from Level 2 and six levels above that have been ignored.</i></p>	<p>The findings from the VVIA confirm that the greatest extent of impacts are limited to the low-rise of 50 Murray Street, with the rating of view impacts experienced ranging from negligible to severe.</p>
<p><i>The view sharing analysis report is simply a series of images, not an analysis, and it is of no value with regard to the determination of impacts on view sharing.</i></p> <p><i>The view sharing analysis report does not provide an assessment against Tenacity or any other instrument, provision or guideline.</i></p>	<p>Noted. The purpose of this report was to provide media images only and not to undertake any analysis. Clarification on the purpose of this report has now been made. The view analysis is contained wholly within the Ethos Urban Report, which relies upon the media prepared by Virtual Ideas.</p>
<p><i>A full analysis and assessment of view loss is required that addresses the levels of One Darling Harbour that are affected, rather than the selective and largely irrelevant locations chosen for photomontages and CGIs in the current documentation.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>
<p><i>Both the overall height of the podium and its modelling, in particular the east-west width, which determines the location in the views of the trailing edge of the podium, should be assessed and the height and massing of the podium, if it is to be approved, justified and amended, so as to minimise view loss.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p> <p>Further amendments have been made to the northern podium to further minimise view loss while also enabling the provision of a significant new area of public open space. The proposal for the reasons detailed within the Visual and View Impact Analysis is considered to support view sharing and the change in private views to 50 Murray Street are considered to be reasonable.</p>
<p><i>The proposed modified application which locates the tower element of the proposal further south, sandwiched between the Bunn Street axis and the ICC Hotel, provides a significantly better outcome in terms of view sharing with upper level units in One Darling Harbour. However, the tower will impact on views from apartments at all levels with views to the south-east.</i></p>	<p>Noted. Higher quality views are however focussed towards the east and north-east, as evident from the comprehensive analysis included within the updated Visual and View Impact Analysis. When appreciating the full composition of views available it is clear that the tower has an overall minor impact on views.</p>
<p><i>The documentation with the application (photomontages and view sharing analysis</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p>

Summary of key issues raised	Proponent's response
<p><i>reports) is inadequate in relation to view sharing with One Darling Harbour. It adopts similar scope and coverage to the original application, which was inadequate. At many levels in One Darling Harbour, there is no information in the photomontages or view sharing analysis reports that shows the likely effects of the proposed envelopes on views.</i></p>	<p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>
<p><i>The podium that is proposed is six storeys in height, with a super-height ground level commercial floor to ceiling height and greater floor to ceiling heights at every level than the existing Harbourside building. It will be significantly taller than that building even if it was confined to the same number of commercial levels.</i></p> <p><i>As stated in the urban design review by Emeritus Professor Webber, the height of the northern section of the podium is critical and should not cause view loss in excess of what is caused by the existing building.</i></p>	<p>The premise that the height of the proposed podium should remain consistent with the existing 1980s building is not supported. The proposed podium will remain a low scale feature along the waterfront (marginally higher than the existing building) and sit comfortably with the surrounding built form character. One of the drivers for the podium height is accommodating floor to floor heights suited to modern retail and commercial office development.</p> <p>Further amendments have been made to the podium through reducing its height at the northern end by 1-3 storeys, which will provide for further improvements to view from 50 Murray Street, while more importantly enable the creation of Guardian Square (a new over 1,500sqm public open space at the same level and directly accessible from Pymont Bridge).</p> <p>Foreground views from 50 Murray Street will also be immeasurably improved as a result of the proposal. The existing Harbourside Shopping Centre presents as a dominant, bland, tired and unattractive building. Mirvac plan to undertake an international design competition for the project which will deliver a future building of the highest standard of architectural, urban and landscape design. Landscaping is expected to be a key feature used across the podium rooftop, providing a soft and green outlook.</p>
<p><i>The height, depth from east to west, massing and height of the podium adjacent to the north edge of the tower needs to be properly justified, based on accurate, comprehensive and representative photomontages or CGIs, based on surveyed view locations. Only when adequate information is provided, can a full assessment of view sharing be undertaken. Currently there is no adequate assessment of view sharing provided in the documentation assessed in this report.</i></p>	<p>All potentially impacted apartments within 50 Murray Street have now been assessed within the revised Visual and View Impact Analysis.</p> <p>The analysis is based on a comparison of existing and proposed views experienced from each apartment with an easterly orientation.</p> <p>The principles of <i>Tenacity</i> have been applied in reaching an overall impact category/classification for each apartment.</p> <p>The views analysed are considered to have been appropriately described, valued and the level of impact reached applying the principles of <i>Tenacity</i>.</p>