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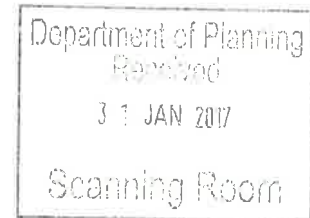
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1 February, 2017

Ms Michele Nettlefold,
Department of Planning & Environment,
Level 22, 320 Pitt Street,
SYDNEY NSW 2000

Dear Ms Nettlefold,

Concept Proposal – Harbourside Redevelopment



In formulating this submission, Pyrmont Action notes the following:

Historical Context – The Harbourside site is owned by the people of NSW and its usage, stipulated in its 100 year lease, signed in 1988, is as a Festival Market to operate in a similar way to that operating at Baltimore Harbour in the US. Uses to include retail, restaurant, tavern, entertainment and refreshment complex. Residential usage is not included in the lease (which has 71 years left to run). In the parliamentary debate leading up to the establishment of Darling Harbour, it was clearly stated that this, and the other Darling Harbour sites were to be gifted to the people of Sydney. Quite clearly, the construction of the 45-storey (or more) residential tower on this publicly owned waterfront site, is contrary to the terms of the lease. If allowed to proceed, it will not only have a huge negative impact on adjacent Pyrmont, but will take away this gift to the people of Sydney.

Recommendation: No development should be permitted which is contrary to the terms of the 1988 lease of the Harbourside site.

Planning Context – The Darling Harbour Development Plan No 1 (DHDP) is the principal planning instrument applying to the site. This instrument defines the type of development that may occur – almost anything goes. In addition, “there are no maximum building heights or Gross Floor Area (GFA) restrictions imposed by the DHDP, and no other detailed controls or provisions that guide or restrict the form of development on the Site.” Therefore, the Department (or PAC) can choose to evaluate the proposal on good planning and environmental impact grounds, or on economic impact grounds, in particular on the investment decisions taken by the developer and on the income to be generated for the NSW Government. The “anything goes” principle can apply equally to the developer and to the Department (PAC). Pyrmont Action expects the Department to



evaluate this proposal on planning and environmental impacts and public good outcomes. Siting a building of this height and magnitude so close to the harbour and to the heritage Pyrmont Bridge is inherently bad planning.

Recommendation: The Harbourside redevelopment proposal must be determined on planning and environmental impact grounds, and public good outcomes, not extraneous profit motives of the developer and government.

Integrated Planning – Pyrmont and Ultimo, effectively, have been shut off from both Darling Harbour and the CBD, by the construction of blank-walled edifices associated with the ICC development. Darling Drive has been reduced to two lanes, resulting in traffic jams associated with events at ICC. In addition to the proposed Harbourside redevelopment, we are now faced with a 50-storey hotel/residential complex associated with The Star, a huge office tower at Cockle Bay, and the Bays Precinct Urban Renewal project – all of which will have a significant cumulative impact on the amenity of Pyrmont and Ultimo residents through traffic congestion, overshadowing, view loss, and additional pressure on social infrastructure (schools, childcare, health facilities, sporting facilities, etc. etc.) We note the position of the Greater Sydney Commission's District Commissioner – Central District (letter to PA dated 22 December, 2016): "I agree with you that a coordinated approach to planning and working with relevant stakeholders are necessary for the future growth in Pyrmont." Yet the GSC has no jurisdiction over Sites of State Significance such as the Harbourside site and this Concept Proposal, and the others listed, will all be assessed in isolation of each other in a no-rules context. This proposal **MUST** not be assessed as an isolated development, but within an integrated plan for the whole of the Pyrmont Peninsula.

Recommendation: Consideration of this proposal should be deferred pending the development of an integrated plan for future development affecting Pyrmont and Ultimo. Such planning should be overseen by the Greater Sydney Commission and conducted in close consultation with the local community, as well as relevant local and state government agencies responsible for traffic, transport, health, education, sporting and community facilities.

Rationale for the Proposal – We note that the rationales for this Concept are that the site is "isolated" (p7, EIA) and "Harbourside is not up to modern standards as a key retail shopping centre for Darling Harbour". This site is NOT isolated. It is adjacent a residential precinct which is still



the area of greatest urban density in Australia! Yes, Harbourside has been allowed to run down and we agree that the "Do Nothing" option may not be appropriate. But, the "Shopping Centre Refurbishment" option, dismissed by the proponent in half a page (p9 EIA) as unacceptable, is entirely appropriate to serve both visitors to Darling Harbour, and the local community. It is the only part of the proposal which will create additional long-term jobs. However, the increase in height of the Shopping Centre, and the construction of the huge tower above it is totally opposed by Pyrmont Action Inc.

Recommendation: Support the Shopping Centre Refurbishment Option within the existing building envelope.

Pyrmont Action Inc representatives have met with agents of Mirvac on two occasions. We provided written feedback to Mirvac on 6 May, 2016 (copy to Department of Planning), following a "consultation" session conducted by the developer. We opposed the development. We received a second briefing on a further SEARS which was submitted to the Department of Planning and made a submission dated 22 August, 2016, again, opposing the development as presented. As virtually none of our concerns have been addressed, we again write to oppose this Concept Proposal, on the following grounds:

Scale of Project – The building envelope, as presented, enables the construction of flanges to a height of 74.5M which will ensure that the tower will obscure light and views of, and create a wind tunnel affecting many of the east facing apartments in 50 Murray Street and the Ibis Hotel. (See photos below, for views currently enjoyed by residents of 50 Murray Street) Concept drawings depict the residential component as comprising two adjoining towers, resulting in a building of considerable bulk. In addition, the envelope allows heights of up to 30.5M on the retail podium section of the building which will be 6-storeys in height, effectively resulting in a 48-52 storey retail/residential tower block (noting the proponent remains hazy about the eventual height), ten storeys higher than the ICC hotel. We note that stepped forms of both the podium and the flanges result in the highest points being directly in front of 50 Murray Street and the Ibis Hotel.





The shadowing analysis appears only to assess the impact on the residences at 50 Murray Street, yet the diagrams appear to depict winter shadowing affecting apartments as far away as Pymont Street and Bunn Street. What is clear is that in mid-winter and at the Equinoxes, the waters of Cockle Bay will, effectively, be in shade for much of the day, given that a commercial tower of similar scale is proposed to be constructed on the Eastern side of Cockle Bay. Visitors, and those residents lucky enough to retain a view of the water, will no longer see it sparkle in winter sunshine. Again, no account is taken of the cumulative impact of the Harbourside redevelopment on what is happening around it.

The building envelope also appears to depict the podium as being much closer to the Pymont Bridge than the existing building, with the stepped platforms being substantially higher than the bridge itself (17.5M to 23.8M) (p55 EIA), unlike the current situation. Pp 55 and 58 of the Architectural design report and drawings appear to depict the podium built OVER the Pymont Bridge. We also note and oppose plans to remove a section of the heritage bridge railing.

Recommendation: The proposed building envelope should be rejected on the grounds that the tower and podium are too high, too close to the waterfront and Pymont Bridge, obscure light and views of nearby residents, overshadow residential buildings in Pymont and the waters of Cockle Bay, and create higher wind velocity. Retain existing heritage bridge railing.

Access – We have noted that the direct pedestrian access link from 50 Murray Street has been reinstated – the only positive outcome of our



"consultations". Two overpasses were removed when the ICC was built, forcing pedestrians down to traffic lights at Darling Drive. All attempts to have the reinstatement, as part of the ICC development, of a direct link from Harris/Fig Street to the CBD (removed when the extra bus lane was added to the Western Distributor) have failed and we urge the assessors to support our pleas for the extension of this walkway to the CBD, thus saving pedestrians from having to go down by lift to Darling Harbour then find their way to exits into the City. Developer contributions must be imposed on the Harbourside, Cockle Bay and the Ribbon developments to help fund this direct accessway.

Recommendation: As part of our proposed integrated plan for Pyrmont/Ultimo, extend the Harris/Fig Street walkway to provide direct pedestrian/cycle access to the CBD through developer contributions.

Traffic and Transport – We note that new traffic data for key intersections and road corridors in the vicinity of the site were collected on the second week of February, 2016 (Appendix R pxiii EIA). This was during the peak phase of construction of the ICC and associated buildings at the Haymarket end of Darling Drive, thus providing a totally uncharacteristic set of data, therefore no conclusions can be drawn from this data. The assessments conducted for the SICEEP developments considered intersections only in the immediate vicinity and did not look at the traffic impacts in Harris Street and Pyrmont Bridge Road and the Pyrmont Interchange (associated with the Anzac Bridge approach). With the opening of the ICC facilities in late 2016, it is fast becoming apparent that congestion in Darling Drive is increasing substantially, especially when events are held, when traffic is almost at a standstill (see photos taken at 11.50pm on 23 December, 2016)





Thus, vehicles divert to Harris Street, causing increased congestion further afield. Recent research reveals that Harris Street, Pyrmont, is the second most congested road in Australia (SMH report 5/1/17) and any increase in traffic in the vicinity will only make this situation worse.

Recommendation: Conduct up-to-date traffic impact studies for all major intersections in Pyrmont and Ultimo as part of the integrated planning for the peninsula.

Pyrmont Bridge is probably the busiest pedestrian/cycle route in Sydney, and the current long delays with light changes, result in both cyclists and pedestrians “running” red lights, in frustration. In our letter to Ms McNally (22 August, 2016), we raised the need for improved arrangements at the Pyrmont Bridge/Pyrmont Bridge Road/Murray Street intersection with Darling Drive and proposed installation of a scramble crossing at the intersection. With the reality of the impact on traffic of the ICC developments becoming apparent, we now seek a coordinated approach of all the developers in the vicinity, including the operators of ICC, Mirvac, The Star, Urban Growth (in the context of the proposed Bays Precinct Urban Renewal projects), and RMS, to fund and construct a vehicular underpass linking Darling Drive with Murray Street/Pirrama Road, retaining limited connections to and from Pyrmont Bridge Road and Murray St South, with Darling Drive, primarily for local traffic. A zone giving priority to pedestrians/cyclists could be instituted at this intersection.

Recommendation: All proponents of major new developments to work together, and with RMS to explore solutions to the



pedestrian/cyclist/vehicle bottleneck at the Pyrmont Bridge Road/Murray Street/Darling Drive intersection.

We also note, with some bemusement, a proposal to redevelop the carpark underneath the Novotel/Ibis Hotels and 50 Murray Street, yet no reference is made to this development in the EIA, and we have no details of what is proposed, or how many additional spaces may be involved, creating even more traffic congestion in the area. This will be assessed separately, despite its *raison d'être* being to provide parking for Harbourside, in particular. Any traffic analysis must take account of traffic associated with this development, that of the hotel residential tower at The Star, and the proposed Bays Precinct developments, as well as data from an updated traffic survey to take account of the ICC and Darling Walk developments.

Recommendation: Incorporate the proposed redevelopment of parking stations under the Novotel and Ibis Hotels within the proposed integrated plan for Pyrmont/Ultimo – and as part of the evaluation of the Harbourside redevelopment concept proposal.

The Pyrmont Peninsula is poorly served by public transport. The light rail currently only travels to Central, but passengers will be able to change to the George Street service to access the central and northern CBD, when it is completed. However, it is generally quicker to walk across the Pyrmont Bridge. The light rail provides access to the Inner Western suburbs and will also run to the University of NSW. The current 389 bus service is extremely unreliable and often involves waits of up to 45 minutes and/or comes to a complete standstill in Harris Street for long periods when traffic banks up at the Pyrmont Bridge Road intersection.

The ferry service to Circular Quay runs at 30 minute intervals, but not late at night.

Recommendation: Explore options for improving public transport to serve Pyrmont/Ultimo/Darling Harbour, as part of the proposed integrated plan for Pyrmont/Ultimo.

Retail Strategy – The EIA is correct in identifying locals as potential customers of retail offerings presented at a refurbished Harbourside. Two factors will make this an attractive local destination – accessibility, including affordable parking (perhaps limited free parking on production of endorsed tokens) for shoppers, and an affordable range of goods, not just



restricted to groceries (p13, Appendix W EIA). The nearest urban shopping centre (apart from the CBD) is Broadway but there is no public transport from Pyrmont/Ultimo. Coles and IGA address most grocery needs but there is a place for a Harris Farm Market (or equivalent) outlet to provide affordable delicatessen goods and fresh fruit and meat for local families.

We do not need a repeat of the high-end international brand shops such as in The Darling Arcade at The Star (virtually empty most of the time) as proposed on p28, Appendix W EIA, but would benefit from clothing and gift stores which stock locally designed and manufactured goods which would also appeal to tourists and visitors. In fact, Harbourside could become an Australian design destination.

The project should avoid indoor food courts, as proposed in Appendix W, and ensure that diners can enjoy the open air and views.

We strongly support the inclusion of a cinema.

Given that the development, if it proceeds as planned, will bring more than 300 additional residents, and, together with ICC and other developments on the drawing board, many more workers, to Darling Harbour and Pyrmont, there is an urgent need for more childcare spaces, additional to those provided at Darling Walk.

Above all, the new Harbourside should not turn its back on Pyrmont as did the old Harbourside. The W street frontage should be activated and attractive, not yet another blank wall.

Recommendation: The proposed retail strategy should incorporate elements attractive to and accessible by the local community, including free parking for shoppers; affordable and locally designed and produced goods; a childcare centre; a cinema; outdoor, not indoor food outlets; specialty grocery store eg Harris Farm Markets; activated street and boulevard frontages.

Community Benefit – Interestingly, there is no reference in the EIA to provision of social infrastructure to support the development's new residents and workers, and the existing Pyrmont community. Affordable housing is at crisis point in Sydney, and Pyrmont/Ultimo is 150 such units short of the 600 Affordable Housing Units mandated under the original agreements underpinning P/U's urban renewal. Given the value of real



estate in and around Pyrmont, it is highly unlikely that the proposed residential tower will address the demand for either Affordable Housing managed by City West Housing, or even affordable housing for first home buyers, yet an Affordable Housing levy could provide homes for key workers and those less well off, in other parts of the inner city.

Pyrmont/Ultimo, and, indeed, much of the inner city area, lacks adequate educational, childcare, health, sporting, aged care and community infrastructure. It should be noted that, despite this unmet need, the City of Sydney is now redirecting all developer contributions collected from ongoing developments in Pyrmont/Ultimo, to other parts of the City, primarily Green Square, with virtually no Capital Works funding allocated to P/U over the next 10 years.

Recommendation: Mirvac and other developers must be required to provide contributions (either cash or in kind) and consult with local community groups to ensure that social infrastructure projects are initiated that address unmet Pyrmont/Ultimo community needs.

Residential Tower – Whilst Pyrmont Action supports refurbishment of the Harbourside shopping complex, within its existing building envelope, we can see no rationale or benefit (other than to the developer's and the government's bottom line) in the construction of the residential tower and oppose its construction. It will NOT deliver affordable homes for Australian residents. It will be sold off-the-plan primarily to overseas investors, and, under the new strata laws, will likely be used for short-stay rentals, and not integrate with the local community. This development will do nothing to help the alleged housing shortage in Sydney.

In the event that the Department (or PAC) panders to the government's "development at all costs" agenda, the building envelope for this tower should be reduced substantially, and be no higher than ICC hotel from water level (and preferably reducing it to a height consistent with the buildings behind it), with the flanges removed, and slimming the building such that it does not blight the residential buildings behind it. A reduced height tower should be moved further south, away from the Pyrmont Bridge, and 50 Murray Street.

Retail Podium – The podium should be constructed within the current building envelope (no more than 20,000 sq.m). If our case is rejected, any stepping of height should occur at the southern end of the podium, and not impinge on the views from 50 Murray Street. If it proceeds as currently



planned, the upper levels should be grassed and vegetated to reduce the negative visual impact of large expanses of concrete on residents having to overlook the area.

In summary:


- *No development should be permitted which is contrary to the terms of the 1988 lease of the Harbourside site*
- *The Harbourside redevelopment proposal must be determined on planning and environmental impact grounds, and public good outcomes, not extraneous profit motives of the developer and government.*
- *Consideration of this proposal should be deferred pending the development of an integrated plan for future development affecting Pymont and Ultimo. Such planning should be overseen by the Greater Sydney Commission and conducted in close consultation with the local community, as well as relevant local and state government agencies responsible for traffic, transport, health, education, sporting and community facilities.*
- *We support refurbishment of the Harbourside shopping centre within the existing building envelope*
- *The proposed building envelope should be rejected on the grounds that the tower and podium are too high, too close to the waterfront and Pymont Bridge, obscure light and views of nearby residents, overshadow residential buildings in Pymont and the waters of Cockle Bay, and create higher wind velocity. Retain existing heritage bridge railing.*
- *We oppose the construction of the residential tower*
- *As part of our proposed integrated plan for Pymont/Ultimo, extend the Harris/Fig Street walkway to provide direct pedestrian/cycle access to the CBD.*
- *Conduct up-to-date traffic impact studies for all major intersections in Pymont and Ultimo and take account of impacts associated with other announced major developments, as part of the integrated planning for the peninsula.*
- *All proponents of major new developments be required to work together, and with RMS to explore solutions to the pedestrian/cyclist/vehicle bottleneck at the Pymont Bridge Road/Murray Street/Darling Drive intersection.*
- *Incorporate the proposed redevelopment of parking stations under the Novotel and Ibis Hotels within the proposed integrated plan for Pymont/Ultimo – and as part of the evaluation of the Harbourside redevelopment concept proposal.*



- *Explore options for improving public transport to serve Pyrmont/Ultimo/Darling Harbour, as part of the proposed integrated plan for Pyrmont/Ultimo.*
- *The proposed retail strategy should incorporate elements attractive to and accessible by the local community, including free parking for shoppers; affordable and locally designed and produced goods; a childcare centre; a cinema; outdoor, not indoor food outlets; specialty grocery store eg Harris Farm Markets; activated street and boulevard frontages.*
- *Mirvac and other developers must be required to provide contributions (either cash or in kind) and consult with local community groups to ensure that social infrastructure projects are initiated that address unmet Pyrmont/Ultimo community needs.*

Pyrmont Action opposes this Concept Proposal in its current form. We reject the residential tower component on planning and environmental grounds and whilst supporting refurbishment of the retail component, we reject the scale of the podium as presented. We see opportunities from a refurbished retail Harbourside for both the local community and visitors to Darling Harbour, if our recommendations are heeded. If they are disregarded, Harbourside will be just another tacky tourist shopping centre, offering little to the locals, and nothing different to visitors.

Yours sincerely,



Elizabeth Elenius, Convenor

cc the Hon Rob Stokes, Minister for Planning and Environment, the Hon Gladys Berejiklian, Premier, Alex Greenwich MP, Clr Clover Moore, Maria Atkinson AM, GSC



