

Submission- Mirvac Harbourside Redevelopment Proposal

Introduction

I write to express some views on the proposed redevelopment of Harbourside Shopping Centre at Darling Harbour by Mirvac. My wife and I have been citizens of Australia for more than 60 years. We have lived continuously at our address 1602/50 Murray Street to the west of Cockle Bay for more than 20 years. We are retirees.

1. Concerns as Citizens

Our concerns are driven not merely by personal interests in our residence, but more so by some wider, deeper and more objective public-interest concerns as they relate to the use of Cockle Bay and its immediate foreshores.

2. Purpose and Character of Cockle Bay

As part of Darling Harbour, Cockle Bay is Australia's pre-eminent entertainment cultural and recreation precinct of international standing. Its venues abound with world-class cuisines and are the recurring sites for significant entertainment, recreational and convention events. Cockle Bay is a key location for Australia Day celebration.

To serve its functions and reputation, Cockle Bay's makeup is due to the presence of a body of water and to the composition of venues at its foreshores. In short, Cockle Bay is a water arena or stage and it has vast audience from its immediate foreshores and beyond.

Given the topographic features, the audience and participants are not confined to the "front stalls" to the water stage but extend to back stalls and dress circles in the sloping land that rise on three sides of the harbour.

3. Our Submission in Summary

The Mirvac's towering structures at the edge of the Bay and a proposed expanded board walk offend the very essence of Cockle Bay as a water arena and its foreshores' functions as entertainment, cultural and recreation precinct.

Long Bay That Has Already Become a Short Bay

4. Darling Harbour was previously known as Long Cove or Long Bay before it was renamed after Governor Darling around 1826. As nature's long body of water, the bay extended deep into the south and included the present day Tumbalong Park; high water mark used to reach the northern boundary of present-day Chinese Garden of Friendship. Long Bay then was also a much wider body of water than it is today.
5. A series of land reclamations rendered Long Bay into the much shorter bay that it is today. The southern edge of the water has shifted to the immediate north of the Western Distributor. With three exceptions, the reclaimed land in the south has continued to be used for tourism and entertainment. The exceptions being some commercial office spaces at Darling Quarter and some new residential floors in the emerging IMAX Ribbon; the unfiltered exhaust stack for Cross City Tunnel is an intrusion into an entertainment precinct which attracts large crowds of people. This southern land has also been transacted – and divided - by arms of the Western Distributor.

"Short Bay" that Has Become a Narrow Bay

6. Land reclamations and developments since 1820 have also reduced the width of Cockle Bay. Around 1875, a major reclamation at the Bay's south and western shores led to the formation

of the Darling Harbour Rail Yards. In the lead up to the Bicentennial Celebrations, the western strip of this land was further developed into Exhibition Centre and Convention Centre. The land was expanded to create Harbourside Shopping Centre and its promenade, and the Maritime Museum north of Pyrmont Bridge was born.

7. In the 1980s, water made way for a promenade walkway right around the Bay from Cockle Bay Wharf in the east to the foreshores in the south, and to Harbourside Shopping Centre in the west. A further strip of wooden board walk was added to the Bay's southern promenades from east to west for seatings around a water-based amphitheatre. A marina was established at Cockle Bay Wharf and a wharf was created on the Bay's western foreshore.
8. "Short Bay" has now become "Narrow Bay".

Cockle Bay as Entertainment Cultural and Tourism Centre

9. Despite all these developments and after the bicentenary developments, what *remains* of Cockle Bay and its foreshores have continued to serve the Bay's primary functions as entertainment, cultural and tourism precinct, and have done so *exclusive* to any other purpose. For convenience, this area is defined in this submission as "Cockle Bay and Foreshores Precinct" or simply as CBF Precinct- bounded by Pyrmont Bridge in the north, the Sydney Western Distributor (northern arm) in the east and in the south and the Light Rail in the west.
10. While entertainment, cultural and tourism venues line the whole foreshores of Darling Harbour and extend south to the land mass at China Town (the "greater tourism areas"), Cockle Bay is unique because of the existence of a body of water that serves as an arena or stage where the events and activities are of value to entertainment and tourism.
11. From south of the CBF Precinct, the many arms of the Western Distributor and the new Imax Ribbon (24 floors) effectively obstruct views to the Bay. CBF Precinct therefore deserves special consideration in this submission especially in relation to the proposed developments on the Bay's foreshores- these developments alter the landscape in the remaining Bay's foreshores but have relatively little impact outside the CBF Precinct.
12. To date, CBF Precinct has indeed been *exclusively* used to serve tourism and entertainment- *there is rightly no residential apartment or commercial office*. The only retail outlets in the Precinct are housed within the so-called Harbourside Shopping Centre and these outlets have served a supporting role to tourism and entertainment. Venues for food and beverage, entertainment and tourism dominate the Shopping Centre. Of the retail shops that exist, most are tourism oriented.
13. The Bay itself is no mere waterway. It is a water arena that is key to the use of CBF Precinct as a tourism and entertainment centre. Aquamagic and Cockle Bay Amphitheatre enhance its use as an arena. The arena hosts several notable recurring events. It is a key location for the month-long Sydney Festival. The arena also hosts the Dragon Boat race, Tall Ships Parade, laser lights display, fireworks and other water activities on many different occasions throughout the year but especially on New Year's Eve, Lunar New Year, Australia Day, Anzac Day and on Queen's Birthday. The Boat Show around August each year demands the use of the whole of Cockle Bay.
14. With an arena in its centre, the immediate foreshores of Cockle Bay assume the character of front stalls. Taller buildings beyond the boundaries of the CBF Precinct have the equivalent character of back stalls and dress circles in a theatre.
15. A special mention should be made to fireworks in Cockle Bay. Fireworks is a leading entertainment feature of the Bay. The largest crowd to Cockle Bay at any one time come

because of the fireworks. It is a recurring feature throughout the month of Sydney Festival and on other celebratory dates mentioned above. Two points should be made:

- Fireworks is for everyone far and wide around and beyond the Bay to see- and not just for the audience at the front stalls; audience on the slopes around the Bay have rights to this attraction;
- Safety for pyrotechnics demands a wide horizontal and vertical envelope of air space at a distance away from people and man-made structures.

Mirvac Proposal- the Structures

16. With two exceptions, all buildings at the CBF Precinct are no more than 3 storeys high. International Convention Centre Hotel tower (133 metres) and the new Convention Centre (less than 45 metres high) are tucked away in the south-western corner of the CBF Precinct against the Western Distributor backdrop. These buildings are some distance away from the water edge.
17. The Mirvac residential tower is **166-meter high** at the foreshore and a short distance from the current water edge and at the narrowest part of the western promenade. Situated at the front-stall area to the water arena, such a tower will serve as a huge visual obstacle. As common sense and universal practice dictate, frontal stalls fronting any entertainment arena should be at the lowest level.
18. Besides its height, the residential tower is surrounded by **a retail envelop** at 5 levels- the fifth level being 74.5 meters, the fourth is 54.5 meters and the third level is 49.5 meters tall. These three levels visually impact on the residential apartments to the west. While 50 Murray Street is 60 meters, its highest residential floor is around 50 meters. The heights of Mirvac retail floors and the north-south width of the tall podium pose unacceptable obstruction.
19. The Mirvac proposal includes the addition of **a further board walk** along the entire western promenade. While the new board walk may give width to the promenade and provide additional distance between the tower and the new water edge, it does so at the expense of the body of water in the Bay- it will physically reduce the width of the Bay even further.
20. Cockle Bay is already the narrowest it has ever been since nature's creation. Its reduced width also adversely impact on the Bay as a water arena, restricting the Bay's capacity to stage sporting, exhibition and entertainment events. In the last three years, the additional presence of the floating Pavilion at the southern part of the Bay physically impacted on such important events as Dragon Boat Race, the annual Boats Show, the Tall Ships Parade and other water events. The Pavilion has now been removed and the iconic South Steyne Ferry has also gone- the space they have left behind is a welcomed relief, and should not now be used by the creation of a boardwalk or any other structure detrimental to the Bay- however it may enhance commercial developments at the foreshores.
21. The Mirvac residential tower will also visually impact on the already narrow general **appearance** of the Bay. A physical isthmus already exists to the entrance Cockle Bay just north of Pyrmont Bridge due to the Maritime Museum wharves in the west and Sydney Aquarium and associated walkways in the east.
22. To the south of the Pyrmont Bridge, a tall Mirvac tower on the western foreshore and another tall tower as proposed in Cockle Bay Wharf on the eastern foreshore will visually create two monstrous-looking sentinel towers at the two ends of Pyrmont Bridge. The Bridge will now appear shorter to the human eyes.

23. The incongruousness of this picture is rendered acutely conspicuous when viewed from any point at the southern shore of Cockle Bay. From here and looking north, we see a backdrop of the three yonder towering and wide buildings at Barangaroo, whereby the entrance to Darling Harbour is rendered visually narrow despite even at a distance. The two sentinel towers bracing Pyrmont Bridge now make our Long Bay look like a narrow and short harbour. The largest of foreshores crowds are invariably positioned at the southern shores where the damaging visual perspective is most noticeable.
24. The Mirvac tower will influence **fireworks** displays from the centre of the Bay. Over the years, these displays have continued to be improved and expanded with even more attractive innovations and with increasing number of barges as its base for launch.
25. In regards to safety and noise associated with fireworks:
 - Narrowing of the Bay, a closing-in of the foreshores and the proximity and height of Mirvac residential tower are likely to impact on the fireworks engineers' concern for **safety**, and are likely to limit the current and future scopes of the displays- to the obvious detriment to the Bay's purpose and function as a premier entertainment centre;
 - Occupants of the residential tower are most likely to be concerned about the **noise** associated with fireworks, especially explosive rocket fire displays- these are extremely loud and would be intolerably so at close distance; they seem even louder at heights probably because of the free space in between. Any future protests by the affected occupants and audience are likely to adversely influence the types of pyrotechnic displays permitted in the Bay.

Mirvac Proposal- Functions

26. Mirvac formerly proposed an office tower, now amended to an even taller **residential tower**. Residential apartments - and office accommodation - are alien to the use of the CBF Precinct land.
27. The site for the Mirvac proposal is leasehold reclaimed land, leased from the Crown. We have not sighted the lease document, but believe that residential use is not supported in the lease. If that belief is correct, then before development application could be considered, the consent of the Landlord should have been first obtained and the lease formally amended.
28. The reclaimed land is owned by the State on behalf of the People. Strata residential development and sales are contrary to public expectation, inconsistent with the entertainment and tourism purpose of the CBF Precinct and unique in the Precinct's history.
29. Residential apartments do not add any value to the area. Its creation in the CBF Precinct is of no public benefit. Residential accommodation already exists in great abundance in the CBD to the east, Darling Square and China Town in the south, and the whole Pyrmont peninsula to the west. They line the entire length of Darling Harbour and extend south beyond China Town across a wide band of southern CBD.
30. The **retail envelope** around the residential tower begs critical consideration. General retail shops exist in abundance in the adjacent CBD and in China Town. Arguably, there are no public needs or benefits for *general* retail outlets, unrelated to tourism, of the proportion that will inevitably occupy the proposed development.
31. We submit that after land reclamations and the reduction of Cockle Bay as a body of water, and after the construction of Western Distributor that limits the foreshores, every square inch

of the remaining CBF Precinct is a precious premier entertainment cultural and tourism site that must be preserved for this overriding purpose.

Mirvac Harbourside Proposal- Other Issues

32. The proposal will increase human and vehicular **traffic**. The proposed addition of 300-odd car parks bespeaks of a significant increase in local vehicular population, which will add further pressure on traffic in Darling Drive- which already face the additional traffic volume that comes with Sydney Convention Centre Hotel and the new Convention Centre, the Exhibition Centre and the Entertainment Centres when they are fully operational. It is questionable if the limited lanes of Darling Drive will be able to cope with the traffics from these centres even before cars from Mirvac residents are added to the volume.
33. The existing shopping centre already emits significant **noise** and **air pollution** from its exhausts and air treatment units. The new and enlarged shopping centre has the potential of producing even more noise and more pollution before counting the additional residential apartments and pollutants from increased road traffic.
34. The adverse impact of the Mirvac tower to its western neighbours would already been well documented in other submissions but especially from the Owners Corporation of 50 Murray Street. The address of the Habourside Shopping Centre is 2-10 Darling Drive, while 50 Murray Street is located at number 1 Darling Harbour; for that reason, it adopted the name “**One Darling Harbour**” from its very inception in 1995. One Darling Harbour is separated from 2-10 Darling Drive only by the narrow width of Darling Drive and the Light Rail.
35. The proposed Mirvac residential tower and retail envelop sit directly to the east of our apartment at the 16th Floor. The obstacle posed by the Mirvac tower is portrayed in the montages in Volume 3 of the Mirvac Submission as viewed from an apartment two floors down from us. The tower and its envelop take away our view of a large part of Cockle Bay. Its impact on our rightful enjoyment of our home cannot be overstated.
36. The 16th Floor is the highest residential floor which sits about 50 meters above MSL. The Mirvac tower at 166 meters is three times the height of our floor. It is not only visually imposing but also repressive. And the tower sits mere meters away. The proximity of such a towering sight will create a level of widespread claustrophobia among the residents whose apartments face east.
37. The tower is also in direct line to our access of **the sun** in the morning. In midsummer, significant parts of our apartment will be in the shadow of the tower for around 4 hours before the sun reaches overhead (at noon). That equates to 4/6 hours or 66.67% of our rights to morning sun in midsummer.
38. The **wind effect** of a 166-meter tower should be re-considered. A lay person’s common sense understanding says that mitigation and dissipation of wind from adjoining structures occur only because of the proximity of related buildings- especially when they are, indeed, adjoining. In this instance, there is a wide space between the ICC Hotel tower and the Mirvac tower.
39. The ICC Hotel tower does not mitigate or dissipate a southerly wind, the Hotel accelerates and aggravates the wind. Our understanding is that a southerly wind will be split by the Hotel tower, and the two split streams will re-join north of the Hotel; in the process and before the wind arrives at the Mirvac tower, the re-formed stream will most likely have gathered more speed because of the aerodynamic effect of the Hotel tower as a vertical obstructive column.

40. Having passed the ICC tower, the re-formed stream of wind will in turn be split once more on hitting Mirvac tower, aggravated by the tower's wider south facing facade. The one resulting stream to the west of the Mirvac tower is likely to form a channel with the 60-meter tall One Darling Harbour building which constitutes the west wall of that channel.
41. The open balconies on the eastern side of One Darling Harbour are likely to cop the channelled wind. The worst affected areas in One Darling Harbour are the open balconies in the east- and most of the apartments have open balconies.

Conclusion

The proposal from Mirvac has significant elements adverse to the Cockle Bay physical and functional environment. Cockle Bay and Foreshores Precinct needs low level buildings committed to serve and enhance the Bay's commanding function as Sydney's entertainment, recreation and tourism centre of international excellence. Already much restricted in area, the Bay's precinct is no place for more residential apartments, office units, or non-tourism related retail shops. Structures at the foreshores should be both of limited heights and sympathetic to the whole foreshores. The Bay as a body of water should not be further diminished by the addition of man-made structures on the water. Cockle Bay and Foreshores, if not the whole of Darling Harbour, should be considered for heritage protection.

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