



REDEVELOPMENT OF HARBOURSIDE SHOPPING CENTRE

SSD16_7874

Public Submission

Person making the submission:

Kerry Keogh

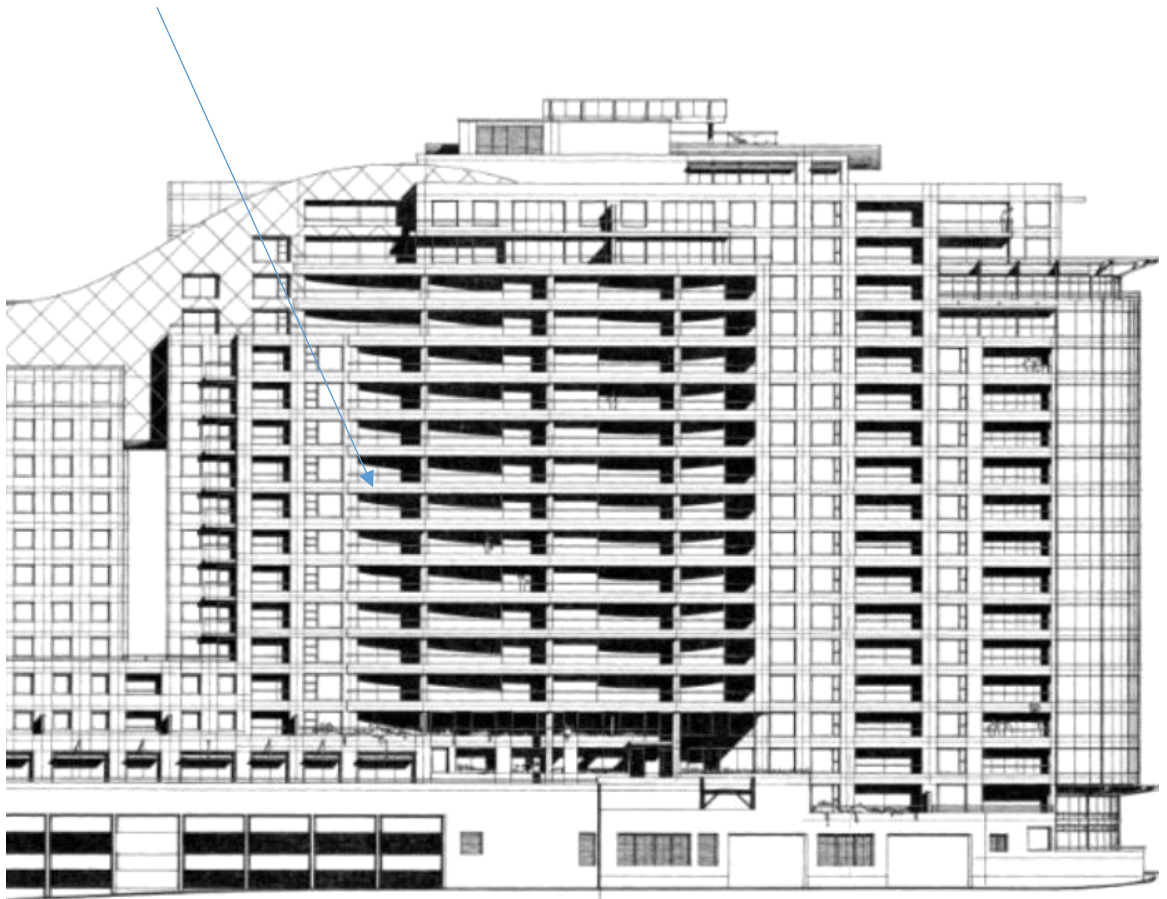
Owner of

803/50 Murray Street Pyrmont

known as One Darling Harbour

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Unit 803



EXECUTIVE SUMMARY:

I consider that the height, scale and bulk and form of the building is an inappropriate, unsympathetic and unacceptable response to this iconic site and to the heritage Pyrmont Bridge. I consider the proponent's "Central Tower Option" as acceptable subject to the matters set out below. In prioritizing my considerations, it would be its location and the large floor plates of the lower tower that are of greatest concern.

The site has few constraints, unlike IMAX, and the location of the tower is for many reason far more supportive if it was located as per the proponent's "Central Tower Option".

Overall I consider that the proposed development will not result in a high quality building of iconic and landmark qualities without an International Design Competition.

I find no justification for how the the proposal will strengthen the role of Darling Harbour as a tourist attraction with such a high and imposing residential tower so close to the the water.

In summary, I support the redevelopment as follows:

- Central Tower Option is acceptable;*
- foot print of the tower for the residential not to exceed 800GBA with a maximum width of 25 meters*
- maximum height for residential tower of RL100*
- the height of the development, within 50m of the heritage Pyrmont Bridge, not to exceed RL17.5*
- the height within 50-100m of the heritage Pyrmont Bridge not to exceed RL25.5*
- subject to above height of non-residential platform not to exceed RL25.5*
- GFA for residential set at 21,500 and GFA for no-residential set at 35,000*
- development to subject to an International Design Competition*

PROPOSED DEVELOPMENT

The proposal relates to a staged development of the Harbourside Site which is located within the north western side of the Darling Harbour precinct. The Harbourside Site is to be developed for a mix of non-residential and residential uses, including retail tenancies and restaurants, and residential apartments. The development as proposed under the State Significant Development Application involves:

- demolition of existing site improvements, including the Harbourside Shopping Centre, the southern pedestrian bridge link across Darling Drive, monorail infrastructure, and associated tree removal;
- a change of land uses across the Site to non-residential and residential uses;
- an increase in GFA from 20,000 sm of retail to 52,000m² of non-residential space and 35,000m² of residential floor space. A total GFA of 87,000sm or a 335% increase in GFA.
- associated basement parking;

Darling Harbour

Darling Harbour is dedicated public land adjacent to the central business district of Sydney. It is a popular lifestyle precinct and one of Sydney's great celebration space and a playground for all ages with 26 million visitors. It is characterized by its recreational, tourist and entertainment features for all to participate. Cockle Bay is the focus for many important national and local celebrations e.g. Australia Day, which is enjoyed tourists and local from all over Sydney.

The people of NSW could expect that any development within this area should serve to enhance the tourism and public purpose values of the area.



Recreation, tourist and entertainment features of Darling Harbour.

HARBOURSIDE SHOPPING CENTRE

Harbourside Shopping Centre was opened in 1988 by the Queen as part of the Bicentennial Program and has played a key role to the success of Darling Harbour as Australia's premier gathering and entertainment precinct. Harbourside is a large destination shopping centre with some 114 retailers providing food and beverage offerings/restaurants, entertainment and a general retail offering. The gross lettable area for the centre is approximately 20,000m² and approximately 12-13 million customers visit the centre annually. The Harbourside Shopping Centre is currently still operating.

There was a general acknowledgement and consensus that the Site requires redevelopment.

Ownership of the Proponent's Site

The site is leasehold. The NSW Government (Foreshores) owns the site and provided a lease from 5 March 1988 and terminating on 4 March 2087. Mirvac bought the lease from the Beville Group, who bought it in 2004 for \$127m, for \$253million settling on 26 March 2014.

The permitted use under the lease is 'used as a harbourside festival market (which shall include) retail, restaurant, tavern, entertainment, and refreshment complex..'. Either the founding forefathers of the lease forgot to include 400 apartments or maybe they thought it was not appropriate for the site.

Planning Context –

The Darling Harbour Development Plan No.1 is the environmental planning instrument which provides land use controls for land within the Darling Harbour precinct, including the entirety of the Harbourside Site.

The Development Plan does not set any maximum height controls or building envelope controls or provisions, and does not contain any specific provisions with respect to the consideration of visual or view impacts.

A key objective of the Development Plan is to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within the land to which it applies. Residential development is also nominated under the Development Plan as a permitted and expected form of development, as evidenced by existing buildings (e.g. Goldsbrough, The Peak Apartments, 50 Murray Street, Harbour Garden Towers), which one assumes the leases allow for residential use. But none have been approved for the 'Valley Floor'



Project Need and Justification

It is no doubt that the Department of Planning will rightly point out that the proposal fits with the aims of NSW 2021, Metropolitan Strategy for Sydney 2031 and Sydney City Subregional Strategy 2031 etc etc. Further it will be difficult to argue that the project does not meet this criteria of 'need' with the conclusion "The site is well connected to public transport, consistent with the goals of encouraging job growth in centres and increasing the share of commuter trips made by public transport. The improvements to the public domain and provision of bicycle parking and facilities within the development also support the target to increase walking and cycling. The proposal promotes the orderly and economic use and development of land.etc etc "

It is viewed that the current Centre of 20,000sqm GFA is struggling. So where is the analysis for justification of requesting 35,000sqm GFA. No doubt placing 400 apartments of top will create some extra demand.

Further, how do you **justify** the proponent buying a lease of a site owned by the Government and after two years requesting a uplift of some 335% in GFA. Just because there is no FSR or height control on the site, how can one justify giving Mirvac such a benefit with no well defined, properly costed public benefits. We are talking about massive profits on the uplift from current GFA. Councils expect some 50% share of such profits from uplift through VPAs. Is 'enhance public domain' good enough?

As pointed out above, Mirvac only leases the land. The NSW Government ultimately owns the land. In terms of the 'economic use and development of land' (an object of the EP&A Act that the decision maker is required to consider) would it not be more beneficial for the NSW community for the Government to buy back the lease and redevelop the land as it is did with the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP). What is the justification to offer such significant financial windfalls to a public company when the Government has the opportunity to capture those for the NSW public?

Further the lease states 'used as a harbourside festival market (which shall include retail, restaurant, tavern, entertainment, and refreshment complex..'. So what is the justification of 35,000GFA of residential (some 400 apartments).

The life of the lease will have maybe 66 Years remaining once the development has been completed. One wonders the commerciality of offering apartments to the market place with only 66 years to go, unless there is an intention of requesting a new 100 year lease and /or a conversion from leasehold to a freehold. No doubt other developers would pay significantly for such an opportunity if it came about.



Built form of the proposal

Key Submission Issues

The key environmental issues that I wish to address are :

- built form;
- amenity impacts to surrounding properties and open space;
- heritage; and

1.1 Built form

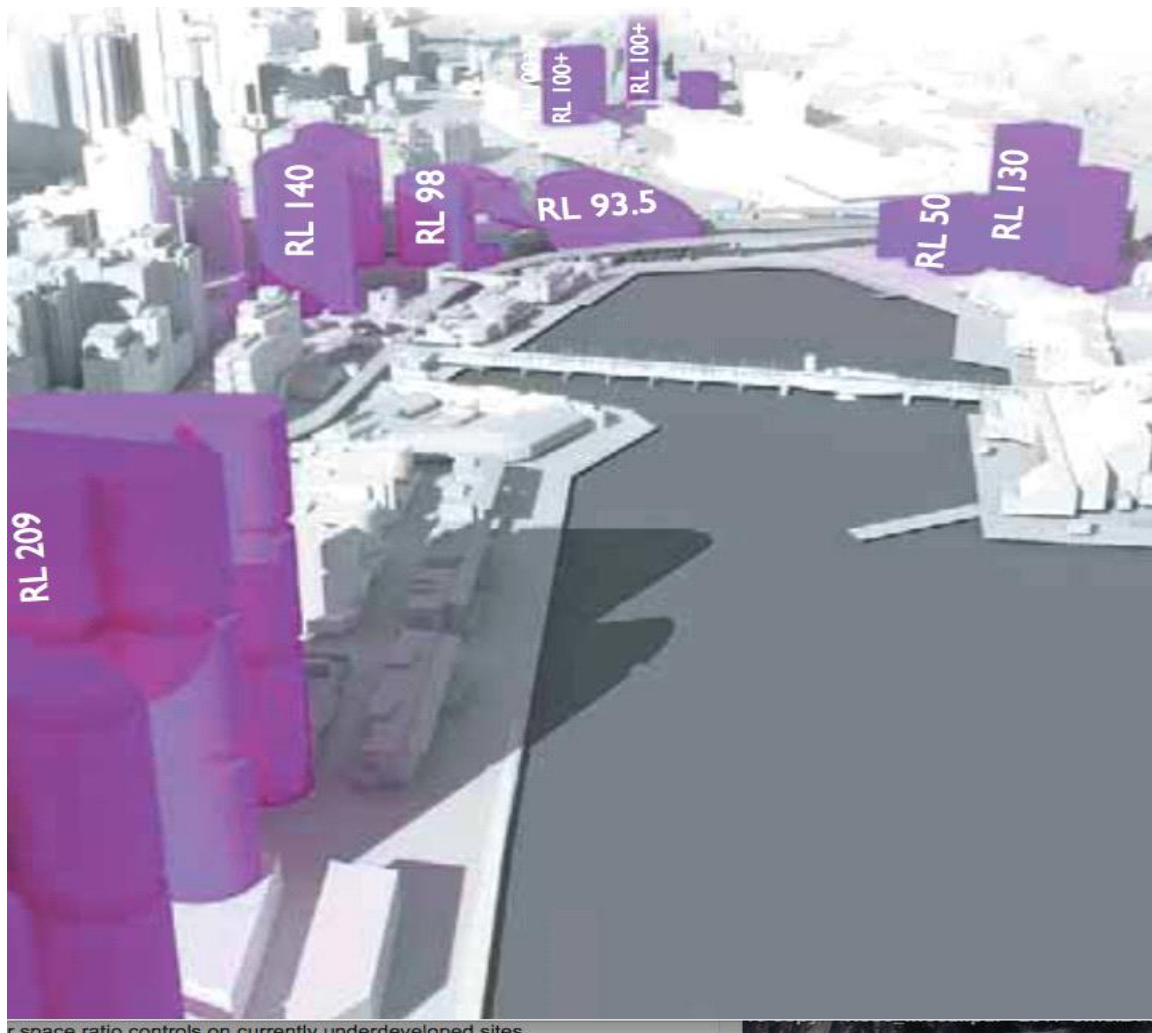
Height, scale and bulk

A critical consideration for the proposed built form relates to the height, scale and bulk of the development and its relationship to the immediate setting as well as wider context.

In order to thoroughly assess the appropriateness of the height, scale and bulk of the proposal, one must consider the surrounding built form context. The Darling Harbour precinct, which is informally characterised by a notional valley floor urban form, is currently undergoing a period of renewal and urban rejuvenation around it. As such the character of the Darling Harbour of the 'dress circle' of the valley floor has begun a period of transformation, which will include the provision of larger buildings closer to the central open space and Cockle Bay and these buildings have more strongly frame those spaces. However, the question remains: What form should the 'inner circle' – Cockle bay shop precinct and Harbourside shopping center precinct – take so that it will be sympathetic to its setting.

The Sydney CBD is located immediately to the east of the site and comprises a wide variety of buildings of varied heights, scales and designs. CBD buildings generally reduce in scale the closer they are to Darling Harbour. The transitional approach to building scale is reinforced in the immediate context of the 'dress circle' by the Darling Park Towers, which step down from RL140 to RL 98 with RL for IMAX at 93.5, with RL 130.0 for the element of the ICC Hotel. The 'inner circle' is characterized by the new ICC centre in Cockle Bay with an RL50

The proposal's is for a non-residential platform of varying RLs from 30.5 to 17.5. On top of this platform it is proposed to put several floor plates of residential at RL41.9, RL 54.5 and 74.5, before a further tower element to RL 166. In fact the proponent has a tower on a very large platform which a tower sits on; the tower is set back at RL30.5, again set back at RL41.9, again set back at RL54.5 and again set back at RL 74.5. To put this in context, the height at which the tower is set back at RL74.5 is well over the height of One Darling Harbour.

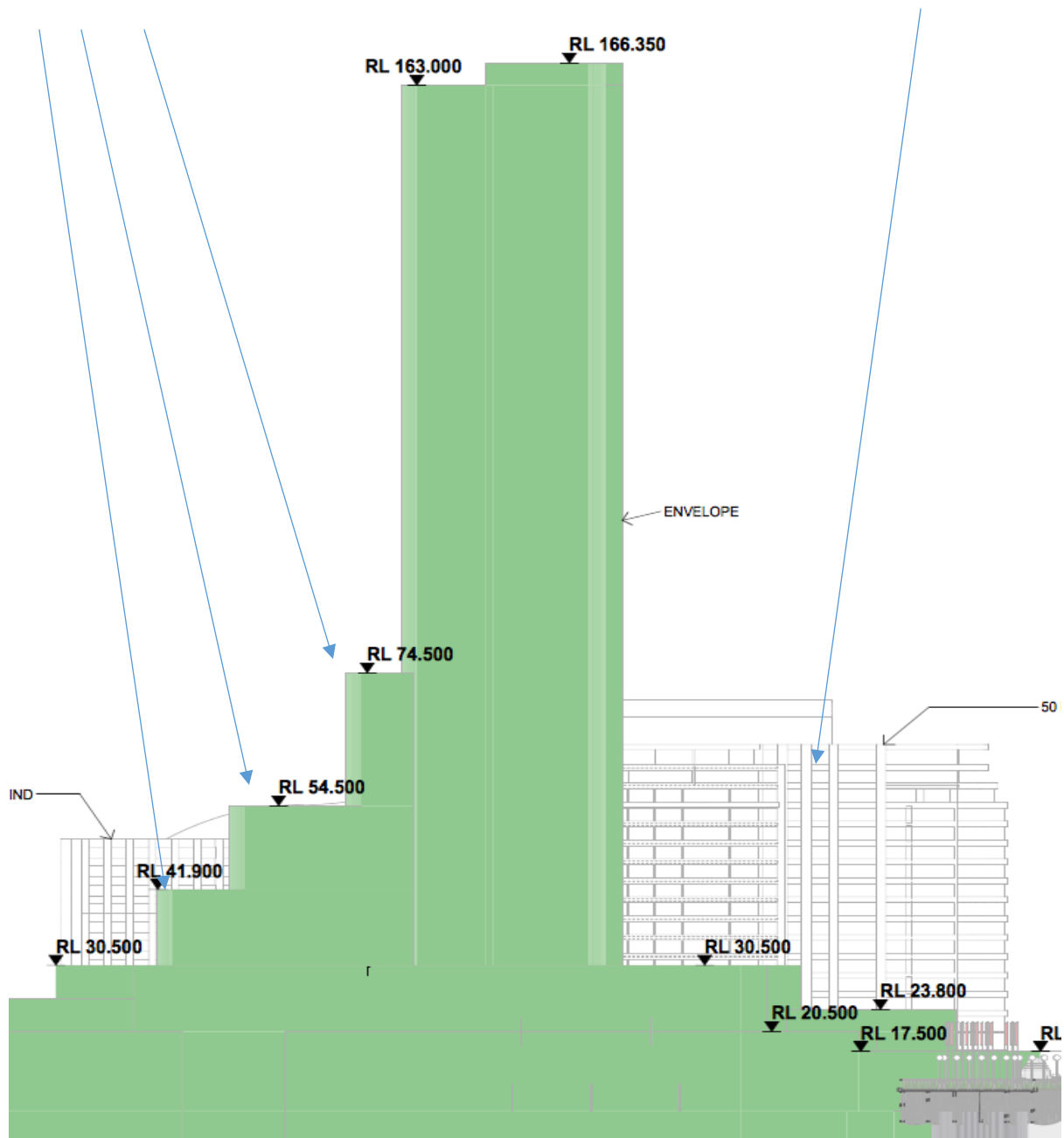


The bulk and scale of the tower in particular contrasts with the lower scale character of the Darling Harbour precinct and therefore is visually quite dominant and compromises and unsympathetic to the established valley floor character. The massive floor plates are totally unacceptable. The proponent states the floor plates are some 1,000sqm but this is at the top of the tower. They are massive floor plates lower down as the set backs take effect. This is a residential development and not a commercial commercial as before where floor plates of up to 1,200sqm are acceptable. The Department often quotes that residential towers should not exceed a floor plate of 600-800GBA and this should certainly be the limit in this sensitive area of Sydney.

I consider for these reasons The 'wings' of the tower element are not acceptable and should not be supported and the Tower floor plate above the shopping centre platform not exceed 800GBA with a maximum width of 25 meters.

Very large floor plates at
RL41.9, RL54.5, RL 74.5

One Darling Harbour



Further, the massing across the site to the north is inconsistent with the proximity of the Heritage listed Pyrmont Bridge. The IMAX (RL50) defines the termination to the south of Cockle Bay and Pyrmont Bridge defines the termination of Cockle Bay to the north and the massing of the proposal towards the Bridge is inappropriate,

unsympathetic and overpowering – this is addressed further below. It is noted that the tower element of the proposal has been moved north tens of meters from the original 'commercial building proposal' but the mass has increased and is now residential rather than commercial. Moving it a tens of meters may make a few objectors less unhappy but it does not address the fundamental planning principles as they relate to significant listed heritage items. Unlike the IMAX site, this site has significant flexibility to deal with many of the issues and it has failed to do so. The 'Central Tower' option (moving the tower element in the gap between Novotel and IBIS)– see later for details - as outlined by the proponent would provide a much more sympathetic approach in dealing with the proximity to the Bridge.

I consider that the massing towards the Bridge is not acceptable and that it is far more acceptable under the "central Tower" option. Further the RL to the north of the site fronting Pyrmont Bridge should not exceed RL 17.5 for 50m and not exceed RL25.5 for a further 50meters ie 100m from the bridge.

In terms of the height of the tower one considers the new IIC convention center at RL 50 and the new ICC Hotel as markers.

I consider an RL100 is acceptable for the maximum height of the Tower

In considering the design and form of the lower level shopping centre platform, there is merit in much of the treatment of this non- residential element of the proposal and I could argue that it has some iconic and landmark qualities. Again it it at what scale.

I consider that the the shopping centre platform, subject to the consideration above, not exceed RL25.5

In terms of GFA,I consider based on the above the residential GFA be 21,500 and the non-residential GFA be 35,000.



Proponent's Central Tower Option more sympathetic to the heritage Pyrmont Bridge

1.2 Architectural design quality

The site is in a visually sensitive location. The architectural design quality of the proposed building is considered to be a critical element of the built form. The existing Harbourside Shopping Centre is to be demolished and replaced with a building façade has been divided into two distinct parts.

The IMAX has set a new standard of iconic and landmark qualities for which the people of NSW could expect to be at least maintained.

The 'shopping centre' element could well provide for a strong visual and architectural identity, of landmark quality in an area characterised by buildings of quality and distinct character such as ICC and IMAX.

There is little on can say about the design excellence of a large foot plate, rectangular tower. Darling Harbour is an iconic place and requires iconic and a landmark treatment for this setting. The Barangaroo development searched the best of the best in undertaking a Design Competition. Darling Harbour deserves no less. A Design Competition opened to the world's best should be undertaken for this iconic site.

I consider an international Design Competition is required to ensure we produce an iconic and landmark development consistent with a world standard tourist destination like Darling Harbour.

1.3 Visual and scenic impacts

The lower shopping centre element of the proposal will mainly be visible within Cockle Bay area and likely to be positive and form important part of the urban regeneration of the precinct.

The Tower and wings will be highly visible from surrounding roads, open spaces, pedestrian thoroughfares, particularly the heritage Pyrmont Bridge (covered in more detail below), Darling Harbour foreshore, and Tumberlong Park, Pyrmont, Glebe Balmain etc.

The IMAX will provide an interesting marker within the view corridor. **I consider the proposed very large floor plates of the proposed tower will have a negative impact and consider it to be unacceptable in its current form.**

2. Amenity impacts to surrounding properties and open space

My considerations are limited to the impact on my own property – Unit 803, 50 Murray Street Pyrmont.

Key issues are:

- private view loss; and
- loss of daylight/overshadowing

2.1 Impact on private views

One Darling Harbour faces east and is located immediately to the west of the Harbourside Shopping Centre on the western side of Darling Drive (some 25m away at its closest northern point and increasing to over 40m away at its southern end). It adjoins the Ibis Hotel to the north and is in close proximity to the western end of Pyrmont Bridge.

Constructed in the early 1990's, the building has been a prominent feature on the western edge of Darling Harbour for some time.

The building is designed with a central north-south corridor that provides access to some 14 apartments on a typical level. The building accommodates some 213 two and three bedroom apartments in total.

Unit 803 is on the eastern side of the building and enjoys whole water views of Cockle Bay from its lounge/kitchen, balcony, bedroom 1 and bedroom 2.

Cockle Bay is not just 'water' it is the focus for many important national and local celebrations e.g. Australia Day, which is enjoyed by tourists and locals from all over Sydney. There are numerous celebrations performed in the Bay which the residents of One Darling Harbour enjoy because of their views.



e

Amenity from apartment before development

Showing 14 storeys only of 39
storey tower

wings



Amenity from apartment after proposed development assessed as 'devastating', however proponent says they are satisfactory due to maintaining CBD skyline outlook.

Unit 808 50 Murray
Street



Impact of views on One Darling Harbour



In assessing the reasonable sharing of views it has been acceptable by the Department of Planning to follow the four-step assessment in accordance with the principles established by the Land and Environment NSW Court Planning Principle of *Tenacity Consulting v Waringah* (2004).

According to the principle “.. the notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment”. I contend that this is the case in regard to Unit 803 and indeed all western facing apartments in 50 Murray Street.

Step 1: “the first step is the assessment of views to be effected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views e.g a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”

Assessment: It is considered the views are **highly valued** as they are whole views of water with iconic elements such as Pyrmont Bridge and Cockle Bay, places where celebrations with fireworks and activities are undertaken.

Step 2: “The second step is to consider from what part of the property the views are obtained.”

The apartment is bounded by a curved balcony and a full floor to ceiling window of the lounge/kitchen. Every aspect of the apartment has a full (not side) view of the water. Both bedrooms also front onto the balcony and enjoy water views.

Assessment: Full frontal views from all rooms/balcony western frontage of the apartment.

Step 3 “the third step is to assess the extent of the impact.”

As can be seen from the picture provided by the Proponent **the views of Cockle Bay will be totally lost**. The proposed tower would be only 40 meters from our boundary.

Assessment: From the qualitative scale provided under the Principle, the view loss is assessed as ‘devastating’.

Step 4: “the fourth step is to assess the reasonableness of the proposal that is causing the impact.”

The guiding issue is “the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.”

Based on this assessment, I consider that view sharing principles have not been upheld.

In the current location it is the lower large floor plates of the tower at heights of RL74.5, RL54.5 and RL41.9 that causes the severe loss of views and their removal, consistent with a slim tower, would enhance the outcome for all concerned.

The proposal can significantly mitigate the view impacts without compromising the development potential or amenity as there are few site constraints for the location of the Tower. The proponent's "Central Tower" option has the tower in a gap between the Novotel and IBIS Hotels resulting in far less loss of amenity. This option would meet most of the amenity concerns of all western facing apartments of 50 Murray Street.

I acknowledge that it cannot be reasonably be expected that private views within Darling Harbour environment will be maintained in perpetuity. However when other development comes along it is fair and reasonable to think that views can be shared In a way we can all enjoy the benefits of Cockle Bay and its surroundings.

Conclusion:

Based on this assessment I consider that view sharing principles have not been and as such the preferred option would be unreasonable and unacceptable while the impact of views on the Central Tower option is assessed as reasonable and acceptable.

The proponent's conclusion below is total inconsistent with the view put forward by myself:

"although a view impact to the apartments at One Darling Harbour will arise, the impact is considered to be satisfactory. View sharing principles are upheld, in so far as the One Darling Harbour development will nonetheless maintain CBD skyline outlook and a balanced retention of views across the One Darling Harbour development is provided"

Overshadowing/loss of daylight.

My apartment at 50 Murray Street faces due east. The proponent points out that at June 21 when the sun is at its lowest there will be no impact on 50 Murray Street as they get little or no solar access during this time. This is true. However we do get very good morning solar as the sun rises from September to about April. So for about eight months we enjoy at least 2 hours of solar access. This solar access will be totally lost if the tower and its wings was placed directly west of 50 Murray Street as proposed. As a marker, today 12 February at 9.30am the sun shadow is at the foot of my kitchen i.e. 10 m into my apartment and will slowly reduce until about 12.00am and will be totally lost under the current proposal.

I consider loosing at least 2 hours' solar access from 7 months a year as unacceptable.

As stated above the proponent's Central Tower option will allow all east facing apartments in 50 Murray Street to have at least 2 hours of solar access from September to April and as add weight to support the Central Tower option.



Proposed Development will block all solar access from September to April.

3. Heritage

Pymont Bridge, located on the southern border of the site, is a heritage item on the State Heritage Register and the Sydney Harbour Foreshore Authority (SHFA) Section 170 Register. The heritage significance of the Pymont Bridge is based on historical, associational, aesthetic and technology values including:

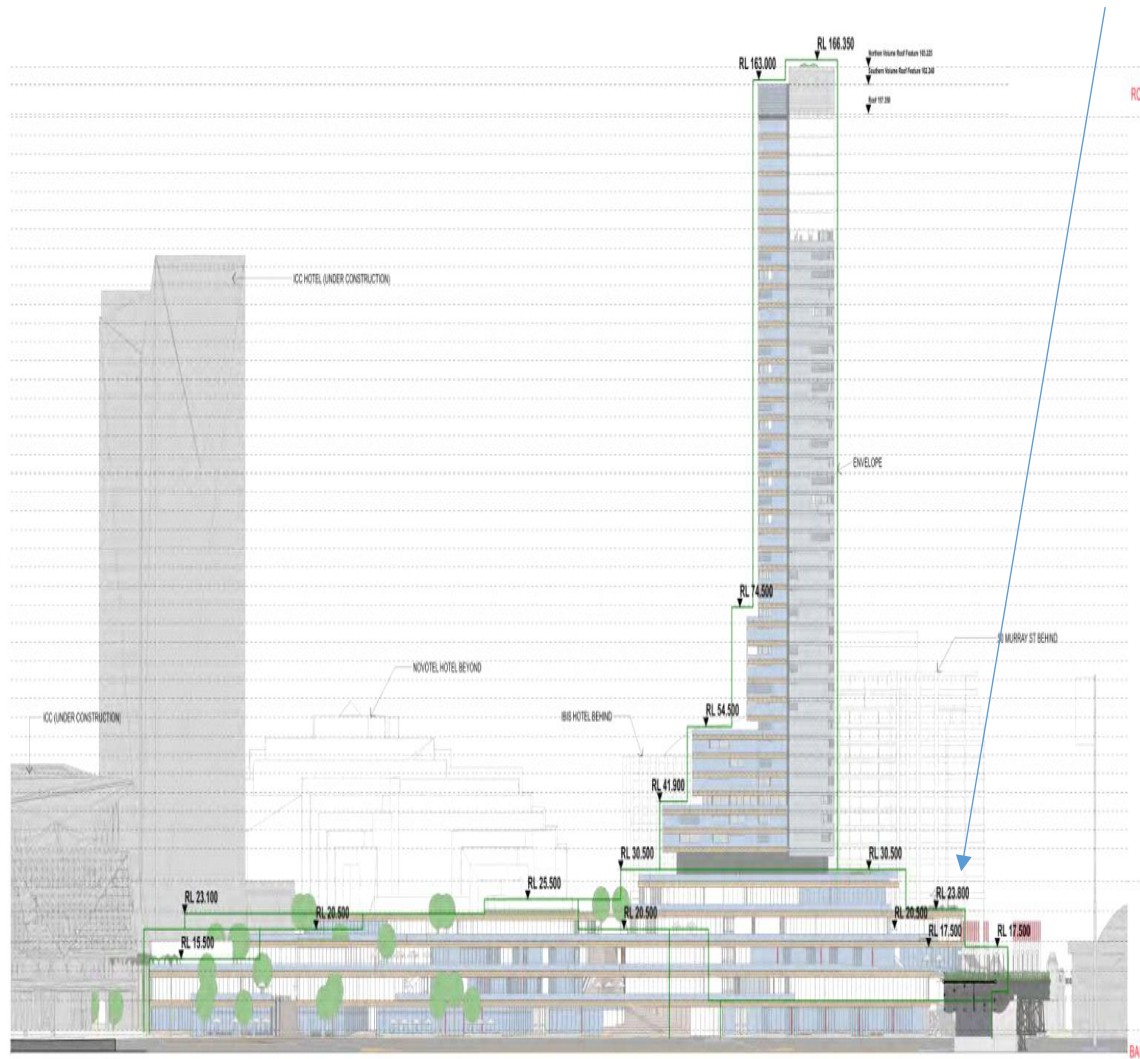
- -association with the economic and social development of Sydney at the end of the 19th century providing a key link between the CBD and inner western suburbs;
- -association with Percy Allen, who introduced the concept of American timber bridge practice in NSW;
- -technological innovation – it was one of the first electric powered swing bridges and at the time of construction, the swing span was one of the largest in the world; and
- -the carved stonework of the piers and portals adds to the aesthetic appeal of the bridge.

The height of southern section of the proposal is at RL 25. At the northern edge the RL climbs to RL 166 and declines with platforms at RL30.5 and RL23.8 some 10 meters from the heritage bridge.

The proposed massing across the site to the north is inconsistent with the proximity of the Heritage listed Pymont Bridge. The IMAX (RL50) defines the termination to the south of Cockle Bay and Pymont Bridge defines the termination of Cockle Bay to the north and the massing of the proposal towards the Bridge is inappropriate,

unsympathetic and overpowering. Particularly when the proponent offers the Central Tower option which will have far less impact on the heritage bridge allow the immediate setting of the bridge to be retained.

Massing towards
Pymont Bridge



The proposed building will be one of the most visually dominant buildings surrounding Darling Harbour and will adversely impact on the current visual setting of the Pymont Bridge and will alter the setting of the Pymont Bridge, reducing the heritage significance of the bridge.

The Central Tower Option

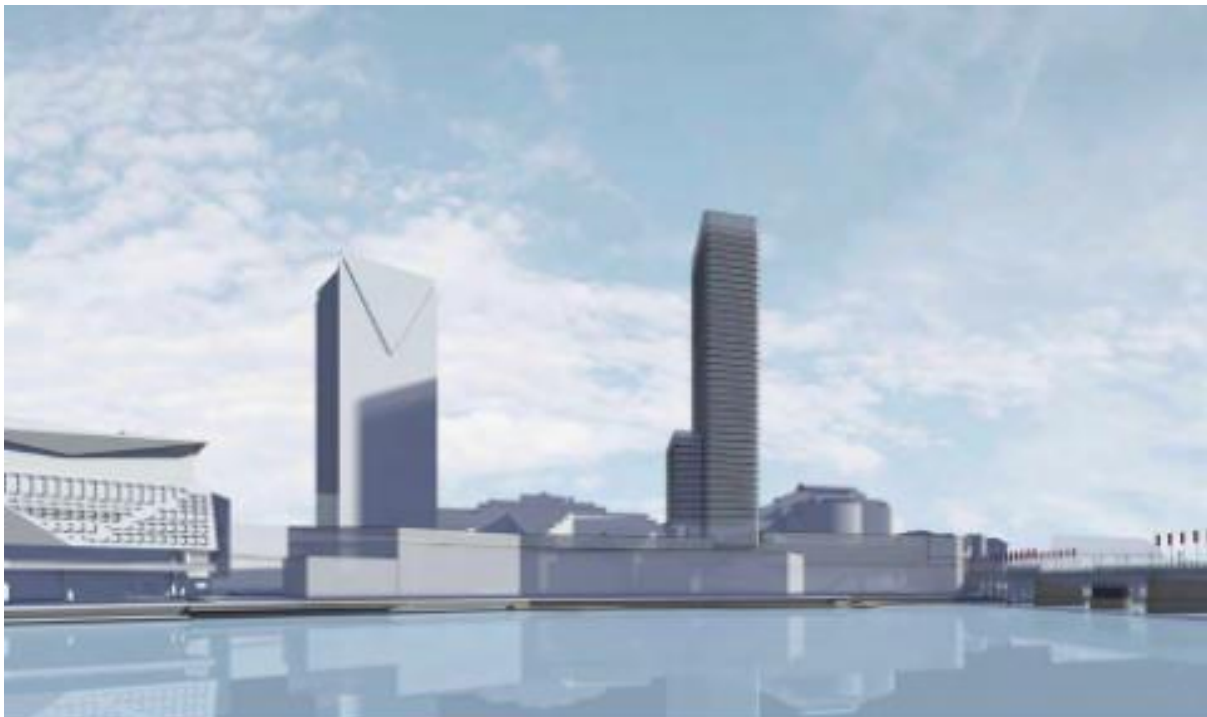
There is a significant gap between IBIS and Novotel hotels which aligns with east – west Bunn Street across from Murray Street. Placing the tower in this location which the proponent has identified as Central Tower addresses many of the environmental issues without reducing the development potential and amenity. This location allows view corridors for the Novotel Hotel, IBIS Hotel and One Darling Harbour. Second, it moves it further away from the heritage Pymont Bridge. By reducing the height it will

have no further impact on the public domain than the proposed option. It is a significant distance away from the IIC Hotel to cause privacy concerns.

Central Tower Option



Central Tower Option



Central Tower

CONCLUSION

I have assessed the merits of the proposal taking into consideration the key environmental issues that I have outlined above. I acknowledge there are more issues to consider and others are far better than me to do that assessment.

The proposal will have a number of significant positive economic, social and environmental impacts. However, it is difficult to see how the the proposal will strengthen the role of Darling Harbour as a tourist attraction with such a high and imposing residential tower so close to the the water.

The site is very large with few constraints. It is considered that the proposal has not responded to the key environmental issues that I have looked at in any unique or potentially iconic way.

Proponent's Central Tower Option which would be reasonable and acceptable

The moving the Tower element to the 'Central Tower Option' is the preferred option and will go a long way to addressing these issues as will an International Design Competition.