

Harbourside Shopping Centre (SSD 7874) – Response to Public Submissions

Number of times raised in Submissions	Item Raised	Proponent's Response
Overshadowing		
46	<p>Significant overshadowing impacts on Darling Harbour public spaces and the residential areas on the western side towards Pyrmont, having severe visual impacts on the area.</p> <p>Loss of sunlight and public open space will make it unpleasant for workers, visitors and residents.</p> <p>It will create overshadowing areas on the foreshore and public areas as well as areas to the west.</p> <p>The tower will reconfigure Darling Harbour into an overshadowed and uninviting environment.</p> <p>The development will encroach on Cockle Bay.</p> <p>Darling Harbour turns its back on Ultimo and another large development will block the views and overshadow.</p>	<ul style="list-style-type: none"> The reduction in height of the tower envelope by 12.6m to RL153.75 (making it closer in height to the ICC Hotel, with a height of RL133.55) will also serve to minimise overshadowing impacts to the public domain. As noted, the residential tower is more slender than a commercial option, therefore associated shadow will be fast moving and will not significantly increase the overshadowing of the public domain any more than existing surrounding development. Shadow diagrams are illustrated within the Supplementary Architectural Report at Appendix C. The amended shadow diagrams identify that mid-winter shadow impacts to the waterfront are limited to after 1.00pm and are considered acceptable given overall improvement to the public domain and overall precinct. Refer to Section 2.5 in the RTS report for further shadow assessment. The tower form has been adjusted such that the 'wing' to the lower levels has been removed, thus improved view sharing from the west. By moving the tower to the centre of the site, solar access is provided to the northern half of the site. This includes the public domain, including the waterfront promenade, event steps and Ribbon stairs. It also eliminates overshadowing to 50 Murray Street and the Ibis hotel The development will be built within the site area which is leased from Property NSW, and setback at the northern and southern ends to provide the widened waterfront promenade.
21	<p>Loss of morning sun and privacy to residents in One Darling Harbour. It will create an unacceptable shadow to the residence, impacting on natural light, privacy and views.</p> <p>One Darling Harbour residence will be overshadowed for 8hours per day where direct sunlight will be blocked, and all views lost.</p>	<ul style="list-style-type: none"> Due to the relocation of the tower, and reduction in height of the podium at the northern end, there is an improved shadow impact to 50 Murray Street, then from the existing situation. Refer to Section 2.5 in the RTS report for a shadow assessment and for shadow plans in the Supplementary Architectural Report at Appendix C.
6	Loss of sunlight across the entire Darling Harbour Precinct.	<ul style="list-style-type: none"> Mid-winter shadow impacts to the waterfront are limited to after 1.00pm and are limited to the southern part of Cockle Bay. A significant area of waterfront public domain is still within direct sunlight between 1:00pm and 3:00pm on the winter solstice to the eastern and part of the southern side of Darling Harbour. The proposal is considered acceptable given overall improvements to the public domain and overall precinct. Refer to Section 2.5 in the RTS report for a shadow assessment and for shadow plans in the Supplementary Architectural Report at Appendix C.
1	Availability of sunlight to east facing apartments and the public domain will be reduced substantially.	<ul style="list-style-type: none"> As part of the relocation of the tower and refinement of the podium, the stepped form of the lower tower element has now been removed. This design move has reduced shadow impacts to the east facing

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		apartments in 50 Murray Street, the remainder of the adjunct buildings to the Harbourside are hotels, therefore no permanent residents are located in these buildings.
1	Mid-winter and at the Equinoxes Cockle Bay will 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.	<ul style="list-style-type: none"> As discussed, the tower component has been reduced in height and is slender in form to allow for increased solar access to the public domain. A significant area of waterfront public domain is still within direct sunlight between 1:00pm and 3:00pm on the winter solstice to the eastern and part of the southern side of Darling Harbour.
1	The shadowing analysis appears to only assess the impact on 50 Murray Street and the Ibis Hotel, yet the diagrams appear to depict winter shadowing affecting apartments as far away as Pyrmont and Bunn Streets.	<ul style="list-style-type: none"> Shadow impacts beyond the immediate buildings are predominantly merged with the shadows from other buildings and would not materially alter the existing situation.
Views		
5	<p>Examples of views included only show views with minimal impact and do not show the worst-case aspects from the Pyrmont Side</p> <p>The visual impact assessment only references three apartments on level 2 of One Darling Harbour and removed studies on levels 2-13 excluding level 5.</p> <p>The VIA states from the Ibis Hotel RL 36.00 views will be severely impacted. The VIA states that most views from RL 47.959 could be retained, no analysis is provided between RL 47.959 and RL 36.00.</p> <p>The VIA does not include consideration of the ODH communal areas at level 17.</p>	<ul style="list-style-type: none"> In light of the major degree of change in the building location, height and orientation of the tower, and the height of the podium, the conclusions reached within the Visual and View Impact Analysis, refer to Appendix E, confirm that amended Concept Proposal comprehensively improves view sharing from 50 Murray Street and the Ibis Hotel and improves public views and vistas to and from Cockle Bay and Pyrmont Bridge, refer to Section 2.6 in the RTS report. The relocation of the tower will facilitate an improved building separation distance and will maintain view sharing opportunities from 50 Murray Street and the ICC.
16	<p>More consideration on the views and impact on the skylines.</p> <p>There is a threat posed on the city's skyline.</p> <p>This development will significantly impact and in some cases destroy iconic views of the Darling Harbour city skyline from private residences in 50 Murray Street to the west of the proposal.</p>	<ul style="list-style-type: none"> Comparative views between existing and proposed envelope and a revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E. In light of the major degree of change in the building location, height and orientation of the tower, and the height of the podium, the conclusions reached within the Visual and View Impact Analysis, refer to Appendix E, confirm that amended Concept Proposal comprehensively improves view sharing from 50 Murray Street and the Ibis Hotel and improves public views and vistas to and from Cockle Bay and Pyrmont Bridge, refer to Section 2.6 in the RTS report.
23	<p>Loss of views of Cockle Bay from residents at One Darling Harbour.</p> <p>The Departments view sharing principle (for One Darling Harbour) have not been upheld. The three proposed options will severely affect views, with the northern option having the greatest effect on One Darling Harbour</p>	<ul style="list-style-type: none"> In light of the major degree of change in the building location, height and orientation of the tower, and the height of the podium, the conclusions reached within the Visual and View Impact Analysis, refer to Appendix E, confirm that amended Concept Proposal comprehensively improves view sharing from 50 Murray Street and the Ibis Hotel and improves public views and vistas to and from Cockle Bay and Pyrmont Bridge, refer to Section 2.6 in the RTS report.

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	<p>in relation to heritage and overshadowing impacts. The podium must have a balustrade and any planting on roof decks will further affect the views.</p> <p>The removal of redundant monorail structures and modest stepped transition of the podium will not provide any view improvements for ODH.</p>	<ul style="list-style-type: none"> Due to the Tower relocation, the amended concept proposal incorporates the addition of landscaping opportunities on the northern rooftop extent of the retail/commercial podium (non-trafficable), further enhancing views and outlook from 50 Murray Street and an enhanced interface with the Pyrmont Bridge. Comparative views between existing and proposed envelope and a revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E.
9	It will block and dominate both immediate and long-distance views from all perspectives.	<ul style="list-style-type: none"> The relocation of the tower and reconfiguration of the podium will help minimise view impacts from 50 Murray Street. As well, the repositioning will provide a distance of 135m between the tower envelope and Pyrmont Bridge, effectively removing any visual relationship between the new tower and the heritage item. The relocation of the tower envelope places the tower out of the immediate view line along the west facing approach across Pyrmont Bridge, and therefore will not alter the aesthetic of the existing modern western backdrop to Pyrmont Bridge, nor detract from the reading of the bridge in its harbour setting, when viewed from key public spaces around the harbour.
3	New developments within the precinct will significantly alter the entire visual landscape. There must be an examination of these developments.	<ul style="list-style-type: none"> The reduction in the height will provide a more visually coherent relationship to the height of the ICC Hotel at RL 133.550 (originally lodged at RL 142.700 but subsequently reduced). It will also be aligned with other towers around the Cockle Bay foreshore, both under construction and as proposed, including the International Towers at Barangaroo (RL 168m), The Ribbon (RL 93.5m), and Cockle Bay Wharf (RL183).
1	The hotels differentiate themselves from other hotels in and around Sydney because of their current views. They charge a premium to visitors because of such views.	<ul style="list-style-type: none"> Whilst the proposal would result in some view impacts to the Novotel Hotel, given the substantial public domain improvements on offer and the comprehensive design changes to respond to submissions, the proposed development is, on balance, acceptable. The amended proposal provides: a slender tower, maintaining the majority of views, improved retail amenity for hotel guests and residents/local community more broadly. The views from the Novotel and Sofitel are considered less critical given these are hotel buildings and do not accommodate permanent residents.
1	Views from the hotels are accessed from the living rooms and bedrooms as well as the restaurants. The impact on views from the Ibis will be severe and the impact on the Novotel will be severe to moderate. The extent of the impact should be assessed qualitatively rather than quantitatively.	<ul style="list-style-type: none"> The repositioning of the tower provides for significantly improved view sharing for the residential apartments at 50 Murray Street and the adjoining Ibis Hotel. The form of the tower has also been adjusted such that the previous larger floorplates (referred to as 'wing' in the submissions) to the lower levels have been removed. The visual presence of the proposed tower is minimised by making it rectangular in plan and orienting it so that its short sides face east and west. The envelope has been shaped to allow for future articulation without adding to the visual impact on 50 Murray Street. Comparative views between existing and proposed envelope and a revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E.
1	Views from public and private domains should be retained and be given equal weight.	
1	The provisions of the City of Sydney DCP to <i>provide a pleasant outlook, as distinct from views from all apartments and views and outlooks from existing residential development should be considered</i> are irrelevant as the	<ul style="list-style-type: none"> The relocation of the tower, results in an opportunity to landscape the roof of the northern end of the retail/commercial podium with low level planting and shrubs. This is not designed to be trafficable (to avoid noise, security and privacy issues and height constraints with installing a balustrade). However, it

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	only non-statutory DCP applying to the site is the Darling Harbour DCP No. 1	will embellish this northern end, providing an attractive outlook for residents in 50 Murray St, Ibis and buildings looking across from the eastern side of Cockle Bay.
1	There are inconsistency and inaccuracies in the labelling of RLs on photomontages and on the Location Map indicating Surveyed Private View positions e.g. apartment 1509 is at RL61.95 on the location map but 58.30 on the photomontage.	<ul style="list-style-type: none"> Due to the significant amendments to the scheme, the photomontages and plans have subsequently been updated, refer to Appendix C.
1	A large number of adjacent residents will suffer from significant to devastating view impacts from the proposed development, especially in ODH, the Oaks Goldsborough Apartments and the Gateway Apartments, as well as the Renaissance Apartments, Arena Apartments, The Phoenix Apartments, Harbour's Edge Apartments and 16-39 Bunn Street.	<ul style="list-style-type: none"> Comparative views between existing and proposed envelope and a revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E, for a comprehensive view analysis of surrounding development.
1	No additional public views or view corridor access will become available as a result of the development, other than a potential link from Bunn Street. The proposed envelope fills the entire footprint of the existing Harbourside Centre with no indication of a corridor to be provided.	<ul style="list-style-type: none"> Due to the Tower relocation, the amended concept proposal incorporates the addition of potential further landscaping opportunities on the northern rooftop extent of the retail podium (non-trafficable), further enhancing views and outlook from 50 Murray Street and an enhanced interface with the Pyrmont Bridge.
1	The VIA claims that the Central Sydney Planning Strategy (CSPS) has the objective of diminishing the importance placed on the value and protection of private domain views. This has no statutory force. Despite the proposed development providing more public domain space, it does not make a positive contribution to the composition of designated views.	<ul style="list-style-type: none"> Due to the Tower relocation, the amended concept proposal incorporates the addition of further landscaping opportunities on the northern rooftop extent of the retail podium (non-trafficable), further enhancing views and outlook from 50 Murray Street and an enhanced interface with the Pyrmont Bridge.
1	No photomontages were provided to show potential views along the east elevation of the building between level 2 and 13. The documentation does not provide adequate representation of existing views, potential visual effects and impacts for apartments located in mid-rise locations. The only photomontage provided for this group is from apartment 504, stated to be at RL 30.1m or SSL 29.1m as shown on as-built drawings, is at low level in this group and does not adequately represent existing or potential views from 'mid' levels.	<ul style="list-style-type: none"> Comparative views between existing and proposed envelope and a revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E, for a comprehensive view analysis of surrounding development.
1	The lowest parts of One Darling Harbour particularly those located on levels 1, 2, 3 and 4 will be subject to obvious and significant view loss. The SSL for level 2 is RL 20.55 well below the predominant podium height of 23.80 which is the closest part of the proposed envelope to One Darling Harbour. In this case, there is no utility in providing 3 montages from locations at level 2, particularly when montages from higher levels are under-represented, or absent.	<ul style="list-style-type: none"> In light of the major degree of change in the building location, height and orientation of the tower, and the height of the podium, the conclusions reached within the Visual and View Impact Analysis, refer to Appendix E, confirm that amended Concept Proposal comprehensively improves view sharing from 50 Murray Street and the Ibis Hotel and improves public views and vistas to and from Cockle Bay and Pyrmont Bridge, refer to Section 2.6 in the RTS report. In summary, there is a balanced approach to view sharing with all surrounding buildings, including ICC, Sofitel, and Novotel.

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1	<p>The methodology adopted for the preparation of photomontages appears to satisfy the practice direction for the preparation of photomontages provided by the Land and Environment Court of NSW. However, there are a number of errors included in the documentation which potentially affect the accuracy of the photomontages provided. Such errors create doubt as to whether the proposed views can be used as objective and reliable aids for assessment. Furthermore, in relation to private domain views in our opinion it is a reasonable expectation that images prepared should be accurate.</p>	<ul style="list-style-type: none"> • A revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E, for a comprehensive view analysis of surrounding development. • The methodology adopted for the preparation of photomontages is consistent with the practice direction for the preparation of photomontages provided by the Land and Environment Court of NSW. All images included in the view impact analysis are accurate.
1	<p>The following discrepancies were found in relation to Virtual Ideas' documentation:</p> <ul style="list-style-type: none"> • The assessment states that all photographs were taken from surveyed locations using a lens of 24mm focal length. However, images representing the equivalent of 50mm focal length photographs are included for both public and private domain views. The 50mm photograph is actually not a separate photograph taken with a 50mm lens, it is an image cropped from part of the 24mm photograph, which is observable by the inclusion of same details and features in the view e.g. the view from No.3 Market Street which includes the same car and people in the same location. • Private domain photographs are shown at 24mm but include a white square outline labelled 50mm. The part of the photo inside the white square is not shown elsewhere and its purpose is not explained. • A 50mm lens is not capable of encompassing all of the composition of a typical view and a wide angle lens is more appropriate. • The model of the City of Sydney appears to include some buildings which are not constructed and, in some cases, others appear to be missing. The proposed envelope appears smaller in the view against a larger background model compared to the view in P1B where the proposed envelope is larger. This alters the relationship of the size and scale of proposed envelope in relation to its surrounding visual setting and potentially misrepresents the accuracy of the proposed development. • There is a discrepancy in heights between levels shown on the One Darling Harbour 'as-built' drawings and the levels states on the CGIs. Based on the stated levels, the images appear to relate to potential views from Level 9 of the One Darling Harbour. Virtual Ideas state at Page 2 in the VIA Appendix A (Appendix A) Methodology that all photographs have been taken at 1.6m above ground to "replicate 	<ul style="list-style-type: none"> • A revised view impact analysis has been provided within this report, refer to Appendix C and Appendix E, for a comprehensive view analysis of surrounding development. • The methodology adopted for the preparation of photomontages is consistent with the practice direction for the preparation of photomontages provided by the Land and Environment Court of NSW. • All images photograph dimensions and lens descriptions included in the view impact analysis are accurate.

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	approximate eye height". The as-built drawing shows that Level 9 of One Darling Harbour is at SSL (Structural Slab Level) RL 40.500, which would give a camera level of RL42.100. The CGI is stated to be at RL 41.83, or a camera height of 1.33m above floor level.	
1	The EIS makes very generalised comments about the loss of views. Nowhere is it acknowledged that the existing residential views from One Darling Harbour are of icons with water views and are panoramic views. The EIS does not identify how many properties and to what extent views are affected or lost from One Darling Harbour, except from a few selected units. Nowhere are the principles of Tenacity Consulting Pty Ltd v Warringah Council (2004) discussed, even though the Land & Environment Court has specified that these principles should be addressed in the absence of specific view sharing standards.	<ul style="list-style-type: none"> The view impact analysis is thoroughly address in the revised view impact analysis has been provided within this report to Appendix E.
Traffic Generation and Parking		
21	<p>The development will become a burden to the local traffic network, with an underground carpark gridlocking the streets, specifically Darling Drive. Vehicles will divert to Harris Street, creating further congestion.</p> <p>Parking is unavailable and there is currently severe traffic on Pyrmont Street, Murray Street and Pyrmont Bridge Road.</p>	<ul style="list-style-type: none"> A revised Traffic and Transport Impact Report prepared by Arcadis is at Appendix F. There are several public car parks located within walking distance to the Harbourside development. The six car parks listed in the table have a total capacity of approximately 5,373 parking bays. The proposed development will provide approximately 306 car parking spaces in the basement, which will be provided for over three basement levels. Final car parking provision will be determined at the detailed design stage. The three levels of basement car parking are for residential parking only. The existing retail parking at the Novotel hotel will be retained for the proposed retail/commercial use of the development. The operational performances of the intersections relevant to the Harbourside development have been demonstrated to be satisfactory The results of modelling indicate that the impact of the Harbourside development does not impose conditions on the intersections worse than what would have otherwise occurred through existing traffic and modelled future traffic.
18	<p>The area cannot tolerate more traffic. Traffic is already heavily affected in the area, the residential development will exacerbate this.</p> <p>The removal of the monorail, which was used extensively by tourists has already put pressure on the transport in the area, a development of this size will exacerbate this.</p>	<ul style="list-style-type: none"> A revised Traffic and Transport Impact Report prepared by Arcadis is at Appendix F. The operational performances of the intersections relevant to the Harbourside development have been demonstrated to be satisfactory.
3	Research indicates that Harris Street, Pyrmont, is the second most congested road in Australia, the proposal will exacerbate this.	<ul style="list-style-type: none"> Refer to the revised Traffic and Transport Impact Report prepared by Arcadis is at Appendix F, to confirm trip generation potential and intersection performance.

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1	Any redevelopment of Harbourside needs to address the lack of access from Pymont at ground level – the proposed Bunn Street Bridge is an improvement on the current 'car-park bridge' but it is not a ground level access point to Darling Harbour.	<ul style="list-style-type: none"> Pedestrian linkages to the west of Harbourside will be significantly improved by the relocation of the pedestrian bridge connecting the now closed Convention Centre monorail station to the Novotel Hotel carpark to an improved connection from the Harbourside development with Bunn Street. Connectivity to the Sydney CBD to the east of Harbourside will be maintained via Pymont Bridge Road, the existing pedestrian overpasses and at-grade pedestrian crossings. The new pedestrian bridge at Bunn Street will consider all relevant limited in height stratum associated with the light rail catenary infrastructure.
4	<p>The provision of 295 residential parking spaces is excessive and contrary to sustainable land use and transport planning principles, with access to public transport, cycling and walking connections, it is recommended that residential parking be restricted to car sharing spaces.</p> <p>Onsite parking should be refused. Inner city apartments are being built without private parking and this has not affected demand for them.</p>	<ul style="list-style-type: none"> A limited number of indicative car parking spaces (306) are proposed, considering the sites proximity to the light rail and walking distance to the CBD.
2	Up to date traffic impact studies for all major intersections in Pymont and Ultimo as part of the integrated planning for the peninsula. All proponents of major developments need to work with the RMS to explore solutions to the pedestrian, cyclist, vehicle bottleneck at the Pymont Bridge Road, Murray Street and Darling Drive intersection.	<ul style="list-style-type: none"> The results of the modelling for the future network with the proposed development are presented in the revised Traffic and Transport Impact Report prepared by Arcadis is at Appendix F. The conclusions are based on survey and traffic counts completed in January 2020. Mirvac remains committed to continuing to engage with RMS as it progresses with the detailed design phase.
1	The submission does not address traffic increases, acoustic privacy, and olfactory impact.	<ul style="list-style-type: none"> The results of the modelling for the future network with the proposed development are presented in the revised Traffic and Transport Impact Report prepared by Arcadis is at Appendix F. Potential acoustic and other reverse amenity impacts will be considered during the detailed design phase.
1	The proposed redevelopment of parking stations under Ibis and Novotel Hotels should be incorporated within the proposed integrated plan for Pymont/Ultimeo.	<ul style="list-style-type: none"> The existing retail parking at the Novotel hotel will be retained for the proposed retail/commercial use of the development.
Pedestrian Access		
2	There is no improvement on pedestrian links and open places in what already exists.	<ul style="list-style-type: none"> The amended proposal maintains the new over bridge link aligning with Bunn Street. The new connection will negate the current cumbersome navigations through a carpark and will provide a direct and straight link to the waterfront. The waterfront setback has been increased to 20m at the southern and mid areas and to 14m at the northern end of the promenade. As well, the setback of the tower (32m from the waterfront) and built form will allow adequate solar access to the public domain.
2	The development should remain low to allow for as much area around the pedestrian promenade.	
1	A high-rise tower near the Pymont Bridge will reduce public access and forfeit the enjoyment for residents and tourists.	

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1	Opening Murray St to the south of the current Novotel/Harbourside car park will allow pedestrians to cross the light rail tracks directly into Darling Harbour.	<ul style="list-style-type: none"> The pedestrian linkages to the west of Harbourside will be improved through the establishment of the Bunn Street pedestrian bridge and the retention of the northern link from 50 Murray Street.
2	Public access from Pyrmont to Darling Harbour is dangerous and unsafe – the Bunn Street Bridge will help but car park users will need to use this pedestrian access instead of the current bridge. This will increase pedestrian traffic and become a danger to traffic on Murray Street.	<ul style="list-style-type: none"> The pedestrian linkages to the west of Harbourside will be improved through the establishment of the Bunn Street pedestrian bridge and the retention of the northern link from 50 Murray Street. The new bridge will ensure a safer crossing over the light rail tracks.
3	Extend the walkway between Harris/Fig Street to provide pedestrian/cycle access to the CBD. Developer contributions must be imposed to provide direct pedestrian/cyclist access to the CBD.	<ul style="list-style-type: none"> Wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling will be developed during future design stages of the development. Mirvac's Public Benefit Offer is detailed in Appendix P.
3	The proposed scale and type will exacerbate the already significant clash of pedestrians and cyclists on Pyrmont Bridge, which acts as a vital link between the Sydney CBD and the Pyrmont peninsula.	<ul style="list-style-type: none"> Access to the development will be enhanced at key entry points for cyclists with facilities provided where necessary. No new cycle routes will be developed.
1	It will remove the benefit presently enjoyed by pedestrians and cyclists of an un-interrupted water front passage from Pyrmont to the Botanical Gardens.	
1	Efforts to improve wayfinding and pedestrian flow at bridge level and broader analysis of the bridge connection is required, including connectivity to the museum. Advice is requested on developer contributions and investments in the precinct.	<ul style="list-style-type: none"> Wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling will be developed during future design stages of the development. Mirvac's Public Benefit Offer is detailed in Appendix P.
1	The timing for removing the car park bridge and installing the new Bunn Street pedestrian bridge is unclear.	The project is still awaiting detailed design, as such the timing for demolition and constructions works will be detailed at the Stage 2 detailed design.
1	The proposed street level pedestrian bridge from Bunn Street is an improvement on existing access. However, the already poor access between Pyrmont and Darling Harbour and the city centre will be reduced during construction.	Construction will be undertaken to ensure minimal impact on surrounding areas. Further detail regarding construction staging will be detailed in the Stage 2 detailed design phase.
Built Form and Urban Design		
33	<p>The proposed tower development for Cockle Bay Wharf will exacerbate the impact of the proposed Harbourside tower, as both will dominate Darling Harbour being in such close proximity to the harbour's edge.</p> <p>The proposal should be near the harbour's edge, no higher than the existing complex. It is ruining the foreshore. The existing Harbourside Shopping Centre is in keeping with the surrounding buildings and any new development should stick to the existing footprint.</p>	<ul style="list-style-type: none"> The re-positioning of the tower envelope in the centre of the site, provides a generous distance of c.135m between the tower envelope and Pyrmont Bridge, effectively removing any visual relationship between the new tower and the heritage item, whilst maintaining a generous 77m separation to the ICC Hotel. The repositioning of the tower to a more central location in the site has allowed greater setbacks to be provided relative to the Waterfront (approximately 32m) and podium envelope (approximately 12m).

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	It will be an eyesore to all visitors – the tower will stand out from the current form of development. The tower should be located south, closer to the new Sofitel Hotel and setback from Cockle Bay.	<ul style="list-style-type: none"> The height of the tower has been reduced by 12.6metres from RL 166.35 to RL 153.75. The reduction in the height will minimise overshadowing impacts to the public domain as well as better relate to the height of the ICC Hotel.
6	A tall and narrow building looks out of proportion to the surrounding development, impacting on how people see Darling Harbour. It will serve as a huge visual obstacle.	<ul style="list-style-type: none"> The reduced tower height is considered sympathetic to the adjacent ICC Hotel and aligned with other towers around the Cockle Bay foreshore, both under construction and as proposed, refer to Appendix C. The tower form is considered consistent with the anticipated future character of Western Darling Harbour, i.e.: well proportioned, suitably spaced towers.
3	The State Government has already redeveloped Darling Harbour and Barangaroo to an extent that is sufficient, if not overdeveloped already.	<ul style="list-style-type: none"> Repositioning the tower to a more central location and the widest part of the site has accommodated a significant increase in tower / podium set back, i.e.: now 12m to the podium and 32m to the Waterfront.
1	The space below the Pyrmont Bridge should be integrated into the design of the Harbourside development to create a cohesive public domain.	<ul style="list-style-type: none"> The waterfront setback has been increased to 20m at the southern and mid areas and to 14m at the northern end of the promenade.
4	There is no justification of 35,000m ² GFA of residential.	<ul style="list-style-type: none"> The NSW Government's goal is to deliver the housing that Sydney needs. The Government is working to achieve its target of an additional 725,000 new dwellings by 2036. The residential land use will contribute to achieving this target by 2036 and will provide for the housing needs of the community. The proposal will be providing a variety and different types of housing which will also reduce the pressure on rising house prices. Refer to the Response to Submission report in Section 4.1 in relation to the additional planning framework. The residential component will also guarantee that the redevelopment supports a true mixed-use precinct. The proposal will enable other land uses that provide facilities or services to meet the day to day needs of residents. The residential use will not undermine the functionality or experience of Darling Harbour as a tourism and convention centre precinct. Inclusion of residential also enables a contribution towards affordable housing.
39	<p>The proposal is contrary to good planning principles that require building heights to recede as they approach the waterfront. It will rapidly deteriorate to a second class destination due to poor planning. It is grossly inconsistent with planning within the Darling Harbour precinct. The proposal should be assessed against clear planning controls. The site has no prescriptive planning controls but a Master Plan should be put in place before this proposal is further assessed. In this case, the proponents have made their own planning controls.</p> <p>The construction of a 40 plus storey residential tower is inconsistent with the purpose and intention of the precinct.</p> <p>Good planning promotes smaller scale development on the waterfront to optimise public amenity and sense of place.</p> <p>The proposal will create a crowded unplanned look on an area which is losing critical aspects of its original charm.</p>	<ul style="list-style-type: none"> The amended Concept Proposal will provide a built form that is responsive to the context and characteristics of the site, Darling Harbour, Pyrmont and the surrounds. Due to the relocation of the tower to the centre of the site and reduction in height, the amended proposal will improve its built form relationship with the ICC hotel and Pyrmont Bridge. The setback of the tower from the podium and waterfront will also substantially improve the relationship with the waterfront and reduce the dominance of the building as viewed from the public domain and waterfront promenade.

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	This development should not be considered in isolation but planned in the context of traffic and social infrastructure and other development proposals for the whole of Pyrmont/Ultimo area.	
3	Darling Harbour is a major Sydney landmark – do not destroy the public space by circling the foreshore with high rise developments. The area is already dwarfed by the new ICC hotel. The proposal fails to acknowledge that the ICC hotel is at the rear of the precinct and setback from Pyrmont Bridge/harbour foreshore.	<ul style="list-style-type: none"> The revised tower position allows for an increased setback from the heritage listed Pyrmont Bridge of 135m, an improved relationship to the waterfront with a 32m setback and will maintain a good relationship with the ICC Hotel with a 77m setback. The tower will be setback 12m from the podium which will also improve the relationship with the foreshore and the podium with the tower and allow for public views from the foreshore to Pyrmont Bridge.
5	The CBD provides a peak, and the surrounding buildings and structures follow a general downward gradient from the central CBD zone. The proposal seeks to introduce new structures of height and scale.	<ul style="list-style-type: none"> The height of the tower has been reduced by 12.6metres from RL166.35 (original Concept Proposal) to RL153.75 (amended Concept Proposal). The reduction in the height will provide a more visually coherent relationship to the height of the ICC Hotel at RL 133.550 (originally lodged at RL 142.700 but subsequently reduced). It will also be aligned with other towers around the Cockle Bay foreshore, both under construction and as proposed. Refer to Appendix C for further details and images of how the tower height relates to context.
3	The proposed tower is architecturally insignificant and will become a major eyesore for Pyrmont.	<ul style="list-style-type: none"> The relocation of the tower envelope will facilitate improved building separation whilst delivering a development that is consistent with the predominant built form in the locality. It will also be consistent with the anticipated future character of Western Darling Harbour, i.e.: well-proportioned and suitably spaced towers. The design of the future building will be the subject of a future design excellence process. The design shall be commensurate with a world class offering.
3	The new podium leaves less space between the building and the waterfront. Darling Harbour hosts many events, and this will cause congestion.	<ul style="list-style-type: none"> The waterfront setback has been revised to accommodate an increased to 20m at the southern and mid areas and to 14m at the northern end of the promenade. This is a substantial increase in size compared to the existing waterfront public domain, enabling adequate space for pedestrian movement and other activities.
4	The structure will create an impenetrable wall cutting off Pyrmont and Glebe from the CBD.	<ul style="list-style-type: none"> The pedestrian linkages to the west of Harbourside will be improved through the establishment of the Bunn Street pedestrian bridge and the retention of the northern link from 50 Murray Street. 50 Murray Street, the Ibis and Novotel Hotel, already provide significant built form between Darling Harbour, Pyrmont and Glebe. The proposal would be consistent with the established built form.
4	The building envelope for this tower should be reduced substantially and be no higher than the ICC hotel from water level. The development should be moved further south, not impacting the views from 50 Murray Street. It should be located next to the ICC Hotel for a more aesthetic skyline.	<ul style="list-style-type: none"> The podium envelope has been further adjusted to reduce the perceived bulk and mass when viewed from the Waterfront, notably adjacent to the proposed Event Steps, and further refinements have been made to enhance view sharing for 50 Murray, particularly views from the low-rise apartments at the south The proposed tower in the amended Concept proposal was relocated from the north of the site to the centre of the site (the widest part of the site).

Number of times raised in Submissions	Item Raised	Proponent's Response
		<ul style="list-style-type: none"> The revised tower position allows for an increased setback from the heritage listed Pymont Bridge of 135m, an improved relationship to the waterfront with a 32m setback and will maintain a good relationship with the ICC Hotel with a 77m setback.
7	The building podium should be constructed within the existing building envelope, and if not, any stepping of height should be at the southern end of the podium. It is the same size as a 9-storey residential building, and such a large commercial space is not wanted in the area.	<ul style="list-style-type: none"> The proposal seeks to provide a revitalised shopping centre with 49,000sqm of non-residential floor area, which will be a catalyst for a high-quality retail/dining experience within Darling Harbour. The external appearance of the Harbourside Shopping Centre is dated and out of keeping with the remainder of Darling Harbour which is undergoing redevelopment. The height and built form of the envelope is larger than the existing building, however it is considered to be acceptable in terms of its relationship to the waterfront, supporting view sharing, and given it will enable the delivery of a world class retail/commercial precinct that will reinvigorate and complete the transformation of Darling Harbour.
3	This proposal highlights an ad hoc approach to the precinct and town planning principles.	<ul style="list-style-type: none"> Section 3 of the Response to Submissions report summarises the extensive design evolution of the proposal prior and post lodgement. The proponent held a number of design meetings with Professor Peter Weber (independent urban design advisor) and the Department to help shape the amendments that are now proposed to the Concept Proposal.
7	The significant GFA increase is not necessary, there is no reasonable justification for a development of this scale. The bulk and scale contrasts with the lower scale character of the Darling Harbour precinct. There is no planning substance and the proposed bulk and scale are contrary to good planning principles that support lighter, lower rise buildings on the waterfront.	<ul style="list-style-type: none"> The relocation of the tower envelope will facilitate improved building separation whilst delivering a development that is consistent with the predominant built form in the locality. It will also be consistent with the anticipated future character of Western Darling Harbour, i.e.: well-proportioned and suitably spaced towers. It should be noted that the surrounding area is undergoing significant change, with recent developments and proposals in the locality including the International Towers at Barangaroo, the ICC, The Ribbon and Cockle Bay Wharf. The new position of the tower in the central widest part of the site allows the tower to be setback 32m from the waterfront and 12m from the podium. This setback reduces the perceived bulk and scale and dominance of the tower as viewed from the public domain.
1	Barangaroo and the ICC hotel were designed in unison and should be referenced as comparable RL to service the proposal.	<ul style="list-style-type: none"> The height of the tower has been reduced by 12.6metres from RL166.35 (original Concept Proposal) to RL153.75 (amended Concept Proposal). The reduction in the height and relocation of the tower to the centre of the site will provide a more visually coherent relationship to the height of the ICC Hotel at RL 133.55.
1	The proposal does not address the Infrastructure SICEEP Urban Design and Public Realm guidelines. The proposal does not comply with NSW Planning and Environment Apartment Design Guide including context and neighbourhood character, built form and scale, density, landscape.	<ul style="list-style-type: none"> The amended Concept Proposal's consistency with the four principles of the Darling Harbour Framework is provided Table 11 in the RTS report. The Darling Harbour Framework for Landowners Consideration of State Significant Development provides the principals and criteria that Property NSW utilises to consider providing its landowners consent for SSDA's. As outlined in the Design Report attached at Appendix C, the illustrative scheme provides a potential development scenario within the proposed envelope that achieves the nine principles of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> (SEPP 65).

Number of times raised in Submissions	Item Raised	Proponent's Response
1	There is no acknowledgement of the activation of Darling Drive. Darling Drive acts as a barrier between Pyrmont and Darling Harbour with almost no street level connection.	<ul style="list-style-type: none"> The envelope allows for a high level of activation to the western façade / Darling Drive and improves visual connection between the waterfront promenade to the Convention Centre Light Rail Station / Darling Drive. This will form part of the Stage 2 Detailed Design.
2	The proposed very large floor plates on the tower will have a negative impact.	<ul style="list-style-type: none"> The repositioning the tower provides for significantly improved view sharing for the residential apartments at 50 Murray Street and the adjoining Ibis Hotel. The form of the tower has also been adjusted such that the previous larger floorplates (referred to as 'wing' in the submissions) to the lower levels have been removed. The GFA of each indicative floor is less than 1,000sqm, which translates to a relatively small floor plate. The visual presence of the proposed tower is minimised by making it rectangular in plan and orienting it so that its short sides face east and west. The envelope has been shaped to allow for future articulation without adding to the visual impact on 50 Murray Street.
1	The addition of a board walk will physically reduce the width of the Bay even further.	<ul style="list-style-type: none"> The boardwalk has been delivered by the Sydney Harbour Foreshore Authority (Place Management NSW). The built form will be setback from its current location to widen the current waterfront promenade. The promenade will be widened from 10.8m to 20m at the southern and mid areas adjacent to the site and the northern portion of the promenade will be widened from 11.2m to 14m. The proposal sees the waterfront public domain area increased from 4,326m² to 4,800m², whilst also offering significant improvements in materiality and functionality. This is considered a significant public benefit.
1	Open balconies on the eastern side of One Darling Harbour are likely to be impacted by channelled wind.	<ul style="list-style-type: none"> A revised Wind report has been prepared by CPP and is attached at Appendix H. The report notes that the amended proposal is expected to result in similar wind conditions to the originally submitted proposal, with slightly improved wind conditions around the waterfront area. A wind tunnel test is not considered essential for the building envelope subject to the Stage 1 DA but would be recommended during future design development to quantify the wind advice provided herein, and to develop local wind mitigation.
2	Any development must mirror the current harbour landscape to enhance the beauty of Darling Harbour.	<ul style="list-style-type: none"> Through the design refinement, the proposed concept will respond to the desired future scale and character of Darling Harbour. The addition of landscaping and an enhanced public domain, this will ensure the current harbour landscape is enhanced and recognised.
1	A tower of this height will detract from the line of the newly built and low-rise ICC. The new hotel already looks inappropriate in the context.	<ul style="list-style-type: none"> The height of the tower and building envelope has been further refined to complement the existing and future built form in the area. The siting of the tower in the centre of the site will allow for a generous separation distance of 77m between the ICC and the development.
1	SHFA Design and Development Panel, whose recommendations the proponent was required by the SEARS to address in its EIS, stated in their response to the earlier concept proposal that "The relocation of the tower further south was suggested". The applicant appears to consider that	<ul style="list-style-type: none"> As set out in Section 3.1 of the RTS report, significant amendments and improvements have been made to the proposed development, including relocation of the tower to the centre of the site, setting it back 135m from Pyrmont Bridge, a reduction in height of the tower and podium. The changes include those

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	moving a 166 metre high building 25 metres to the south is a satisfactory response to the SHFA Panel. In our submission it is a token movement and is not sufficient.	<p>made in response to the issues and comments raised by the Department and Council, along with adjustments made to strengthen and enhance the design of the proposal.</p> <ul style="list-style-type: none"> The tower envelope has been moved as far south as the existing Agreement permits and will allow view sharing from all adjacent properties to be achieved. The Agreement permits any redevelopment to RL 23.1m, south of the existing galleria.
1	A Darling Harbour South Masterplan of 2010, prepared by JPW, states that the overall height of built form steps up as it rises away from the valley floor towards the Ultimo Pyrmont Ridge and more significantly towards the city ridges of George Street and Hyde Park. The proposed tower building ignores this design principle.	<ul style="list-style-type: none"> The relocation of the tower envelope will facilitate improved building separation whilst delivering a development that is consistent with the predominant built form in the locality. It will also be consistent with the anticipated future character of Western Darling Harbour, i.e.: well-proportioned and suitably spaced towers. The new position of the tower in the central widest part of the site allows the tower to be setback 32m from the waterfront and 12m from the podium. This setback reduces the perceived bulk and scale and dominance of the tower as viewed from the public domain.
Heritage / Historical Significance		
60	<p>The development is too tall for an area that has height restrictions, it is overpowering the Pyrmont Bridge, a place of historical beauty. Pyrmont Bridge is the busiest bridge in the Southern Hemisphere, there is opportunity to celebrate it with a new development. The development will detract from the significant heritage values of the bridge.</p> <p>Any development must preserve and enhance the heritage values of the bridge. It will destruct the architectural and heritage history of Pyrmont Bridge.</p> <p>The massing across the site to the north is inconsistent with the proximity of the Bridge</p>	<ul style="list-style-type: none"> A supplementary Heritage Impact Statement was prepared by Curio Projects Pty Ltd and is attached at Appendix J to support this response. The height of the tower has been reduced by 12.6metres from RL166.35 (original Concept Proposal) to RL153.75 (amended Concept Proposal). The reduction in the height and relocation of the tower to the centre of the site will provide a more visually coherent relationship to the height of the ICC Hotel at RL 133.550. In terms of visual impacts, the amended concept plan addresses and responds to the majority of the concerns, by the relocation of the tower to the centre of the site. The relocation will provide a generous distance of 135m between the tower and Pyrmont Bridge. Curio Projects notes that the relocation of the tower will ultimately remove any potential negative visual impacts between the new tower and the heritage item. The amended Concept Proposal reduces the height of the podium envelope adjacent to Pyrmont Bridge from RL30.5 to RL25 (by 4.5m) and together with the increase in setback of the podium to 10m will showcase and open up more the of bridge. Curio Projects outline that the complementary public domain improvements will ensure a positive visual impact on the relationship between the new building envelope and the bridge. In a further positive design move the originally proposed pedestrian bridge connection between the podium and the bridge is now removed.
2	A high-rise development on the harbour's edge is not in line with Darling Harbour's maritime history.	<ul style="list-style-type: none"> The relocation of the tower envelope will facilitate improved building separation whilst delivering a development that is consistent with the predominant built form in the locality. It will also be consistent with the anticipated future character of Western Darling Harbour, i.e.: well-proportioned and suitably spaced towers.

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		<ul style="list-style-type: none"> It should be noted that the surrounding area is undergoing significant change, with recent developments and proposals in the locality including the International Towers at Barangaroo, the ICC, The Ribbon and Cockle Bay Wharf.
6	The building envelope appears to depict the podium as being much closer to the Pyrmont Bridge than the existing building. The proposal includes the removal of the heritage bridge railing which should be protected.	<ul style="list-style-type: none"> The proposal will increase the setback from the existing building and Pyrmont Bridge from the built form of 4.76m to 10m. The bridge link proposed in the original Concept Proposal has now been removed.
10	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 including retail, restaurant and entertainment complex. Residential usage is not included in the lease. The proposed development is contrary to the terms of the lease.	<ul style="list-style-type: none"> Under the Darling Harbour Development Control Plan No. 1 residential and retail/commercial land uses are permissible. The residential use will not undermine the functionality or experience of Darling Harbour as a tourism and convention centre precinct. The proposal will effectively double the amount of floor area with 49,000m² gross floor area of non-residential use, which will help to continue the growth of tourism in Sydney, considering the prime location and high visitation rate, which will only be expected to increase following the redevelopment of the site.
1	The City of Sydney stated that the proposal in its current form 'obliterates the heritage significance of the Pyrmont Bridge.'	<ul style="list-style-type: none"> Curio Projects notes that the relocation of the tower will ultimately remove any potential negative visual impacts between the new tower and the heritage item. In addition, the setback of the podium to the Pyrmont Bridge will be increased from 4.6m to 10m.
1	The Sydney Harbour REP has heritage provisions to conserve and protect those heritage items in the waterway and within the land-water interface that is not covered by councils planning instruments.	<ul style="list-style-type: none"> The Ribbon Stairs will allow for an increased building setback from Pyrmont Bridge for improved connectivity and views to the Pyrmont Bridge. A summary of consistency with the aims of SREP (Sydney Harbour Catchment) is provided at Table 9 in RTS report.
2	<p>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 (identified as the 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.</p> <p>It moves it further away from the heritage Pyrmont 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 Hotel to cause privacy concerns.</p>	<ul style="list-style-type: none"> The relocation of the tower envelope will facilitate improved building separation whilst delivering a development that is consistent with the predominant built form in the locality. It will also be consistent with the anticipated future character of Western Darling Harbour, i.e.: well-proportioned and suitably spaced towers. Curio Projects notes that the relocation of the tower will ultimately remove any potential negative visual impacts between the new tower and the heritage item.
1	The Heritage Impact Statement makes little reference to the impact of the podium on the Pyrmont Bridge and its setting.	<ul style="list-style-type: none"> The amended Concept Proposal reduces the height of the podium envelope adjacent to Pyrmont Bridge from RL30.5 to RL25 (by 4.5m) and the increase in setback of the podium to 10m. Curio Projects outline

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	There are a number of other heritage items in the vicinity where the tower would affect the placement of the tower (the view to the Goldsbrough Mort building in 243 Pyrmont Street and to and from the Harbour) which have not been considered.	<p>that the complementary public domain improvements will ensure a positive visual impact on the relationship between the new building envelope and the bridge.</p> <ul style="list-style-type: none"> Curio Projects state that the impact of the relocated proposed tower envelope on the Pyrmont Heritage Conservation Area and the twelve nearby local heritage items has been assessed to be only minor in nature. The relocation of the tower envelope will not further impact the views from the HCA and heritage items towards the Daring Harbour Precinct.
2	The VIA and HIS do not refer to the Sydney Harbour, including Darling Harbour and Cockle Bay foreshores as being places of exceptional heritage significance. There are few specific controls in the SREP that relate to aesthetic impacts on heritage items and landmarks. A planning principle concerning impacts on the aesthetic and landmark significance of a heritage item is in the judgement of Roseth SC and Brown, C in <i>Anglican Church Property Trust v Sydney City Council [2003] NSWLEC 352 (Anglican Church)</i> . This planning principle is relevant as there are few specific controls in the SREP that relate to aesthetic impacts on heritage items and landmarks.	<ul style="list-style-type: none"> A summary of consistency with the aims of SREP (Sydney Harbour Catchment) is provided at Table 9 in RTS report.
Social, Community and Health Impacts		
5	<p>A 166m high residential tower on public land is out of character with the local area and will result in negative impacts for the residents of Pyrmont and visitors.</p> <p>It will be against the interest for more than 14,000 existing residents.</p>	<ul style="list-style-type: none"> The amended concept proposal seeks to improve the built form relationship with the surrounding context by relocating the tower to the centre of the site, reducing the height of the tower and podium and setting it back further from the waterfront by 32m. Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution and will ensure the vitality of Darling Harbour as a key tourist destination is maintained. The public benefit and provision of public space includes the following: <ul style="list-style-type: none"> Retail/commercial Podium: An upgrade of the existing shopping centre, providing a wide range of shopping and dining experiences for visitors to Darling Harbour along with commercial office space to support the innovation and technology corridor. Waterfront promenade: Widening of the waterfront promenade and embellishments to provide much improved connectivity and waterfront experience Event Steps: Generous space for people to meet and greet and enjoy the northern sun Ribbon Stairs: An increased building setback from Pyrmont bridge for improved connectivity and showcasing of the heritage bridge Pyrmont Bridge: An upgrade of the paving at the western entry to the bridge Bunn Street bridge: A new pedestrian bridge providing a vital and direct link from Pyrmont through to the waterfront. Central through link: a new pedestrian connection linking the waterfront through Bunn Street bridge and tying the wider Pyrmont, Bays, and Fish Market precinct.

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		<ul style="list-style-type: none"> - 50 Murray St bridge: Retention and upgrade of the existing bridge - Green roofs: Landscaping of roofs to provide attractive and embellished spaces - Publicly accessible rooftops: new spaces provided for the local community and visitors alike to enjoy the harbourside setting. • A clear majority of these benefits are only possible through the provision of a tower on the site.
11	<p>The public has a right to more open spaces rather than greater congestion and overbuilding. There are no public needs for general retail outlets.</p> <p>Pymont is already known for its high density; the area is in need of more public open space and sunlight.</p>	<ul style="list-style-type: none"> • The widening of the waterfront promenade to 20m and embellishments will provide much improved connectivity and waterfront experience. • Due to the Tower relocation, the amended concept proposal incorporates the addition of further landscaping opportunities on the northern rooftop extent of the retail podium (non-trafficable), further enhancing views and outlook from 50 Murray Street and an enhanced interface with the Pymont Bridge.
5	Unregulated overdevelopment of this precinct is detrimental to its residents and visitors. It will fail to deliver enhanced economic outcomes and public/tourism values in the area.	<ul style="list-style-type: none"> • As identified in the EY Economic Contribution Analysis during construction and operation the proposed development will contribute to short term and long term employment opportunities and will drive the economy through: <ul style="list-style-type: none"> - 2,094 jobs years over the construction period, with a total \$343 million value add to Central Sydney. - 4,612 jobs on completion within Central Sydney, with a total \$749 million value add per year. - Additional tourism expenditure at Darling Harbour totalling \$394million per year.
3	Darling Harbour is a place for everyone to share, it is a designated tourist and convention, entertainment, exhibition precinct. Any development within this area must serve to enhance the tourism and public purpose values.	<ul style="list-style-type: none"> • Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution and will ensure the vitality of Darling Harbour as a key tourist destination is maintained and enhanced.
1	The exhaust stack for the Cross City Tunnel at the Southern end of Cockle Bay which was originally designed to vent toxic gases above the height of existing buildings is being exceeded in height by the redesigned Imax. Further redevelopment will impact the ventilation and dispersion of the vent stack.	<ul style="list-style-type: none"> • The proposed development is significantly setback from the exhaust stack and will therefore have no adverse impact.
1	A medium (20-30 year tenure) should be retained to allow iconic sites such as this to be redeveloped as required in line with changing community needs and expectations.	<ul style="list-style-type: none"> • The NSW Government will remain as the landowner of the site. Mirvac will only be a long-term leaseholder.
20	The proposed tower serves no tourism or public benefit.	<ul style="list-style-type: none"> • The proposal seeks to provide a brand new world class mixed use development, the residential component of the development will ensure the retail element is activated. • Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution and will ensure the vitality of Darling Harbour as a key tourist destination is maintained and enhanced and that it is a destination for the people. • The proposed tower redevelopment will offer a world class retail and significant public domain improvement.

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		<ul style="list-style-type: none"> There is also expected to be a significant boost in tourism numbers resulting from the proposal.
3	There is no provision in the EIS stating that the development will support social infrastructure.	<ul style="list-style-type: none"> The public benefit offer also includes a monetary contribution to provide affordable housing which will help low-income workers in the community, so they can live close to where they work in a sustainable, innovative, and respectful of existing neighbourhoods.
5	Replacing the low rise buildings with taller, denser, and more dramatic new buildings on the water's edge ignores the cumulative impacts these high rise development are having on the waterfront and the widespread community concern over the inappropriateness of this change in character.	<ul style="list-style-type: none"> The amended concept proposal seeks to improve the built form relationship with the surrounding context by relocating the tower to the centre of the site, reducing the height of the tower and podium and setting it back further from the waterfront by 32m.
1	The Pyrmont / Ultimo area are generally lacking adequate educational, childcare, health, sporting, aged care and community infrastructure. It is noted that the City of Sydney is redirecting developer contributions collected from ongoing development to other parts of the City e.g. Green Square. Virtually no Capital Works funding is allocated to the Pyrmont / Ultimo area over the next 10 years. Mirvac and other developers should be asked to consult with the local community to ensure that developer contributions are allocated to social infrastructure projects to address local community needs.	<ul style="list-style-type: none"> In terms of provision of social and community facilities to support the additional residents, it is considered that the creation of 357 apartments would not adversely impact on the current and future community facilities in the area, particularly as the new Ultimo Pyrmont Public School (SSD 16_7503) is close to opening. The approved development includes new and expanded community facilities and multi-purpose spaces for wider community use for after hours and weekend use by the community, a new 40 space child care centre and a public school for up to 800 students. This development anticipates the delivery of 2,041 dwelling sin the catchment of the Ultimo Public School. Mirvac's public benefit offer also includes an affordable housing contribution.
2	Space between water and building must be viewed as public land for all to enjoy and not just multinational companies.	<ul style="list-style-type: none"> The NSW Government will remain as the landowner of the site. Mirvac will only be a long-term leaseholder.
Economic Impacts		
1	There could be possibility for commercial offices in the lower 3-5 floors of the tower with residential floors above. This would provide needed commercial office space in the area.	<ul style="list-style-type: none"> Noted. Mirvac have reviewed the land use mix and benefits of adding further land uses to the podium, with both retail and commercial now anticipated. The resulting configuration of land uses represents a truly mixed use development outcome, complementing the wider precinct and further supporting increased activation.
25	Pyrmont does not need more apartments and tall buildings to satisfy commercial interests. It is a venture to maximise profits with little regard to the urban landscape and residents.	<ul style="list-style-type: none"> The proposal will contribute to achieving the NSW governments 20-year housing target of 725,000 additional homes by 2036 and will provide for the housing needs of the community. The proposal will be providing a variety and different types of housing which will also reduce the pressure on rising house prices.
1	Severe devaluation to the value of One Darling Harbour apartments.	<ul style="list-style-type: none"> Due to the relocation of the tower, and reduction in height of the podium at the northern end, there will be no adverse impact to 50 Murray Street.
1	The proposed retail component should incorporate elements needed by the local community and not be targeted only to tourists.	<ul style="list-style-type: none"> The proposal will incorporate non residential uses in the podium, which will include shops for local needs.

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1	The proposed tower will not attract more tourists and serves no apparent benefit to enhance the economy in the city.	<ul style="list-style-type: none"> The proposal seeks to provide a brand new world class mixed use development, the residential component of the development will ensure the retail element centre is activated and attract tourists to Darling Harbour. Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution and will ensure the vitality of Darling Harbour as a key tourist destination is maintained and enhanced.
2	This development will do nothing to help alleviate the housing shortage in Sydney. Residential apartments do not add any value to the area.	<ul style="list-style-type: none"> The additional housing will help with affordability and provide a variety of housing types within close proximity to public transport and 10minute walking commute to the CBD which will provide easy access to jobs;
1	The Ibis and Novotel hotels hosted 434,227 guests during 2016 and directly employ 341 people. The Novotel has also provided significant cultural contribution to Darling Harbour. The removal of views will ignore the Novotel's legacy that it has given the Darling Harbour Precinct.	<ul style="list-style-type: none"> The Novotel Hotel will continue to provide a significant cultural contribution to Darling Harbour. The revitalised harbourside development will provide active night options such as restaurants and bars for the hotel guests and public domain benefits. It is acknowledged there will be some view impact to the Novotel Hotel. Refer to the revised view impact analysis has been provided within this report, refer to Appendix E, for a comprehensive view analysis of surrounding development. An acceptable balancing of view sharing has been achieved with all surrounding buildings.
1	The proposal to include apparel stores including clothes, shoes and accessories is not appropriate unless it is for tourists. The retail uses should promote tourism.	<ul style="list-style-type: none"> The proposal seeks to provide a brand new world class mixed use development, the residential component of the development will ensure the retail element is activated and attract tourists to Darling Harbour.
1	The EIS identifies locals as potential customers of retail offerings. Two main factors will likely make this an attractive destination – accessibility, including affordable parking for shoppers and an affordable range of goods. A retail strategy should incorporate elements attractive to and accessible by the local community. Upmarket international brand shops such as The Star are not required.	<ul style="list-style-type: none"> The proposal seeks to provide a brand new world class mixed use development, the residential component of the development will ensure the retail element is activated and attract tourists to Darling Harbour. Parking for retail/commercial use will continue to be available in the Novotel Hotel carpark.
2	There is no justification for the proponent buying a lease of a site owned by the Government and after two years requesting an uplift of 335% GFA. There are no well defined, properly costed public benefits.	<ul style="list-style-type: none"> The NSW Government will remain as the landowner of the site. Mirvac will only be a long-term leaseholder.
Consultation		
4	If Sydneysiders were aware of Mirvac's proposal, they would be receiving more objections to a tower on the water's edge and on the Pyrmont Side of Darling Harbour.	<ul style="list-style-type: none"> The proponent undertook extensive consultation with community and stakeholders in preparation for the EIS and prior to submission of the amended concept proposal, including printed material, letterbox drops, newspaper advertisements and public drop in sessions. The proposal was also publicly exhibited for a period of 62 days, which is longer than the statutory 28 day notification period.

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		<ul style="list-style-type: none"> The amended Concept Proposal will be re-exhibited providing the public and agencies an opportunity to provide valued feedback.
3	There has been no independent study made available to the public that supports such intense development. There must be an assessment on the cumulative impact of all these towers on the waterfront. There should be an assessment of the widespread community concerns with the change in character, environment, access and liveability of the harbour.	<ul style="list-style-type: none"> The original proposal provided an independent review of the application by Architectus refer to Attachment C of the EIS, who confirmed that the proposal could be supported and considers that it achieves a high-quality urban design outcome for the site and its context.
2	Mirvac failed to satisfactorily comply with pre-submission consultation.	<ul style="list-style-type: none"> The proponent undertook extensive consultation with community and stakeholders in preparation for the EIS. The findings of the engagement activities were summarised in the Community Consultation Summary Report (attached at Appendix J of the EIS) prepared by KJA. The report provided commentary with respect to: <ul style="list-style-type: none"> the relevant stakeholders and current community context; the range of engagement/consultation programs held and the outcomes of these programs; and summarises design mitigation in response to issues raised. Mirvac's commitment to consulting has continued throughout the planning process. Significant amendments have been made following the feedback received from the consultation process to date.
3	In the Visual Impact and View Analysis Mirvac observed that 50 Murray Street and One Darling Harbour have the closest relationship with the site and in the Urban Design Review Mirvac acknowledged the apartments are the closest to the subject site and the most affected. Mirvac allowed discussion for these residents after the DA was submitted. This gives a false impression that key stakeholders have agreed to the application. The proposal should be refused or modified to reflect the concerns of ODH residents. There is fabrication and embellishment in Appendix J of the JBA consultation document.	<ul style="list-style-type: none"> The proponent undertook extensive consultation with community and stakeholders in preparation for the EIS. The findings of the engagement activities were summarised in the Community Consultation Summary Report (attached at Appendix J of the EIS) prepared by KJA. The report provided commentary with respect to: <ul style="list-style-type: none"> the relevant stakeholders and current community context; the range of engagement/consultation programs held and the outcomes of these programs; and summarises design mitigation in response to issues raised. Mirvac's commitment to consulting has continued throughout the planning process. Significant amendments have been made following the feedback received from the consultation process to date.
1	The applicant has not included Mirage Apartments complex as a property that is impacted.	<ul style="list-style-type: none"> Due to the relocation of the tower, the amended concept proposal would not adversely impact on the Mirage Apartments
1	With no LEP standards or DCP controls, proponents have the opportunity to lodge applications with the community not involved in the consultation process.	<ul style="list-style-type: none"> The proponent undertook extensive consultation with community and stakeholders in preparation for the EIS. The findings of the engagement activities were summarised in the Community Consultation Summary Report (attached at Appendix J of the EIS) prepared by KJA. The report provided commentary with respect to: <ul style="list-style-type: none"> the relevant stakeholders and current community context; the range of engagement/consultation programs held and the outcomes of these programs; and

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		<ul style="list-style-type: none"> – summarises design mitigation in response to issues raised.
Land Use		
1	If the reason for development is the need for more hotel accommodation - the construction of the 35 storey Sofitel Hotel and the Hyatt Regency are sufficient enough.	<ul style="list-style-type: none"> • The proposal seeks to develop a mixed use building, with residential and non residential uses, not hotel use.
17	Land must be set aside for public uses such as schools, playing fields, child care, health and community facilities. The development will bring 300 additional residents and their needs must be addressed. There will be increased pressure on local open spaces including parks, sporting facilities and recreational areas. The vast number of apartments in the proposed tower, should be supported by infrastructure. The local primary school is at capacity, and the new proposed school will not be able to cater for the larger number of families residing in local developments such as Bays Precinct, Darling Harbour and Haymarket redevelopment.	<ul style="list-style-type: none"> • In terms of provision of social and community facilities to support the additional residents, it is considered that the creation of 357 apartments would not adversely impact on the current and future community facilities in the local area, particularly as the new Ultimo Pyrmont Public School (SSD 16_7503) is close to being delivered. The development includes new and expanded community facilities and multi-purpose spaces for wider community use for after hours and weekend use by the community, a new 40 space child care centre and a public school for up to 800 students. This development anticipates the delivery of 2,041 dwelling sin the catchment of the Ultimo Public School.
13	It is taking up valuable public space that should be used for walking or outdoor dining. The proposed size of the retail podium is excessive and will make this another suburban shopping centre rather than a public space to be enjoyed by everyone. 52,000m ² of retail and associated space more than doubles the existing.	<ul style="list-style-type: none"> • Through the provision of the 20m wide waterfront promenade, the amended concept proposal ensures views to Sydney Harbour are enhanced and maintained which is a public benefit for existing and future generations. • The proposed retail podium is consistent with the use and built form of the existing building. • The proposed retail/commercial podium has a total GFA of 49,000m². The existing centre is c. 21,000m² GLA. It should be noted that this figure is the gross leasable area of the existing shopping centre and therefore refers only to the space designed for tenant occupancy and not the total GFA.
3	The development will undermine the purpose of Darling Harbour which was created as an open space and recreational area.	<ul style="list-style-type: none"> • The upgrade to the waterfront promenade will ensure visitors enjoy a healthy environment on land in Sydney Harbour and other significant public domain benefits.
12	The development will set a precedent with more developments to follow.	<ul style="list-style-type: none"> • The proposed development is a unique opportunity to deliver a high-quality mixed-use development on the waterfront of Darling Harbour. The retail component of the site will ensure Darling Harbour remains an important tourist destination in Sydney.
6	Support the Shopping Centre Refurbishment Option with the existing building envelope.	<ul style="list-style-type: none"> • The proposal will provide new retail interfaces, new retail shops, including new food and beverage destinations. The new retail component of the site will ensure Darling Harbour remains an important tourist destination in Sydney. • The refurbishment of the existing centre is not possible, with a need for increased floor to floor heights and more accessible and porous retail to suit modern retail requirements.

Number of times raised in Submissions	Item Raised	Proponent's Response
1	The retail strategy should incorporate elements accessible to the local community including free parking for shoppers, affordable and local designed goods, childcare centre, outdoor food outlets, activated street frontages.	<ul style="list-style-type: none"> The proposal will incorporate non residential uses in the podium, which will including shops for local needs.
1	City of Sydney should expand the city zone (commercial uses) further to the south area including Ultimo, Glebe and along Paramatta Road.	<ul style="list-style-type: none"> The proposal will incorporate non residential uses in the podium, which will be a mixture of retail and commercial uses.
2	The pre-development application stage was for a commercial office tower with retail but now the tower purpose has been changed to residential.	<ul style="list-style-type: none"> The proposal will provide an additional 357 apartments (indicative number) which will contribute to achieving the NSW governments 20-year housing target of 725,000 additional homes by 2036 and will provide for the housing needs of the community. The proposal will increase levels of housing supply of various sized apartments in a highly accessible and sustainable location. The provision of 357 apartments with different types of housing will also help to reduce the pressure on rising house prices.
1	Harbour foreshore land is limited in availability and should be utilised only for public purposes that clearly relate to the Harbour. The proposal does not envisage this pattern of use. Its public space provision is minor in comparison with the space allocated for private purposes.	<ul style="list-style-type: none"> The NSW Government will remain as the landowner of the site. Mirvac will only be a long-term leaseholder Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution and will ensure the vitality of Darling Harbour as a key tourist destination is maintained and enhanced and that it is a destination for the people.
1	The residential use in a precinct that is regularly activated at night, may impose possible night time restrictions on museum operations.	<ul style="list-style-type: none"> The first residential level is over 25m above ground level and set back approximately 12m from the podium and 32m from the waterfront. Appropriate amenity at a detail level for instance facade treatments and acoustics will be integrated during design development as part of the State Significant Stage 2 Development Application process.
Amenity Impacts		
1	More residential accommodation would encourage greater presence of people throughout the week to boost the CBD's vibrancy and activity.	<ul style="list-style-type: none"> Agreed
6	Apartments nearby will be impacted by noise and food smells from the rooftop terrace on the podium. Sound has already increased dramatically in apartments in Pyrmont due to the new ICC tower and surrounding buildings.	<ul style="list-style-type: none"> The first residential level is over 25m above ground level and set back approximately 12m from the podium. Appropriate amenity at a detail level for instance facade treatments and acoustics will be integrated during design development as part of the State Significant Stage 2 Development Application process.
9	The proposed new shopping centre will add no amenity to the residents of Pyrmont and will reduce visibility and impose on views from Pyrmont.	<ul style="list-style-type: none"> Mirvac's Public Benefit Offer is detailed in Appendix P and will provide a significant contribution to Pyrmont residents and will ensure the vitality of Darling Harbour as a key tourist destination is maintained. The public benefit and provision of public space includes the following: <ul style="list-style-type: none"> Waterfront promenade: Widening of the waterfront promenade and embellishments to provide much improved connectivity and waterfront experience Event Steps: Generous space for people to meet and greet and enjoy the northern sun

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		<ul style="list-style-type: none"> - Ribbon Stairs: An increased building setback from Pyrmont bridge for improved connectivity and showcasing of the heritage bridge - Pyrmont Bridge: An upgrade of the paving at the western entry to the bridge - Bunn Street bridge: A new pedestrian bridge providing a vital and direct link from Pyrmont through to the waterfront - 50 Murray St bridge: Retention of the existing bridge - Central through link: a new pedestrian connection linking the waterfront through Bunn Street bridge and tying the wider Pyrmont, Bays, and Fish Market precinct. - Green roofs: Landscaping of roofs to provide attractive and embellished spaces - Publicly accessible rooftops: new spaces provided for the local community and visitors alike to enjoy the harbourside setting.
9	There will be no privacy for apartments nearby with living rooms and bedrooms all facing east.	<ul style="list-style-type: none"> • The revised siting of the tower to the centre will allow for increased privacy to nearby apartments, specifically 50 Murray Street. This location ensures a good level of separation between the new tower, the ICC Hotel and 50 Murray Street.
2	The bulk and scale of the proposal should have a primary objective of optimising the public amenity.	<ul style="list-style-type: none"> • The new location of the tower will help minimise view impacts, together with reducing overshadowing impacts on the public domain and improved solar amenity to the northern end of the retail centre. During the detailed design phase appropriate façade treatments and acoustics will be integrated into the development to ensure amenity at a detailed level.
1	<p>The loading dock should be internal and activities be carried out behind roller doors. The Waste Management Plan is unsatisfactory as noise is excessive day and night. The development should go ahead provided these provisions are met.</p> <p>No secondary processing of waste should be included.</p>	<ul style="list-style-type: none"> • Further detailed design (and future Stage 2 DA) will establish the specific operation of the loading dock and how internal activities will be carried out.
2	Losing at least 2 hours solar access for 7 months a year is unacceptable.	<ul style="list-style-type: none"> • The proposed siting of the tower to the centre of the site results in a positive environmental impact in that it reduces the extent of overshadowing cast upon the public realm and surrounding buildings (i.e. the Ibis Hotel and 50 Murray Street).
Construction Impacts		
4	Increase in noise and pollution levels for residents in One Darling Harbour.	<ul style="list-style-type: none"> • A supplementary acoustic report has been prepared by Renzo Tonin & Associates and is attached at Appendix G. The report suggests that the Stage 2 DA include physical design measures and management measures to reduce any noise impacts to surrounding developments. The report also notes that the noise to the internal areas of the tower can be mitigated through appropriate design in offer to meet the relevant Australian Standards.

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		<ul style="list-style-type: none"> The revised submission retains the new drop off area to the northern end of Darling Drive for non-residential (commercial) use. This forms a 'lid' to the retail loading area under, thus helping to contain noise and pollution. In addition, a detailed Construction Management Plan will be prepared as part of, or following, a Stage 2 DA. This report will outline actions and the staging of construction to mitigate concerns to surrounding stakeholders.
Public Transport		
4	Pymont peninsula is poorly serviced by public transport. On completion, the light rail will service Central and the northern CBD, although it is quicker to walk across the Pymont Bridge. The 389 bus service is unreliable and comes to a complete standstill on Pymont Bridge Road intersection. The proposed integrated plan for Pymont/Ultimo should explore options for improving public transport to serve these areas.	<ul style="list-style-type: none"> The site is considered to be well serviced by public transport, light rail, ferry, bus, cycle networks and more broadly heavy rail. A future metro station at Pymont is also under consideration. New pedestrian linkages have been included as an integrated component of the Concept Proposal, connecting the development to the surrounding public transport nodes.
1	There is minimal access to public transport in the area, although the CBD is within walking distance, the overburdened routes cannot cope with an increase in residents.	<ul style="list-style-type: none"> The site is considered to be well serviced by public transport, light rail, ferry, bus, cycle networks and more broadly heavy rail. A future metro station at Pymont is also under consideration. The establishment of the Bunn Street pedestrian bridge and the retention of the northern link from 50 Murray Street will allow for pedestrian flow and increased access. The waterfront promenade will also be expanded and widened to support improved ease of movement and strengthen the east-west and north-south connections.
1	Public transport options should be part of an overall integrated plan. The ferry service to Circular Quay only runs at 30minute intervals but not late at night. There is no direct transport to the nearest shopping centre – Broadway.	<ul style="list-style-type: none"> The proposal recognises upgrades to the surrounding public transport services and networks and supports these through improved pedestrian linkages to these nodes. As such, the waterfront upgrades and improved activation of the building edges will ensure integrated pedestrian access and connections at the foreshore.
Statutory Requirements		
3	The proposed residential tower is inconsistent with the Plan's objectives. Mirvac's assertion in the request for SEAR's stated that "there are no height, FSR, or other development controls contained within the DHPD". However the object of the Plan is "to make provision with respect to controlling development" within Darling Harbour area. The consent authority has inadequate information to make an assessment. The EIS is incomplete and inaccurate and fails to address the Department's SEARs. The EIS fails to address the requirements of the SEARs including:	<ul style="list-style-type: none"> The statutory and strategic assessment has evolved since the SEARs were issued for the Concept Proposal in August 2016. However, the amended concept proposal remains consistent with the SEARs by way of the following: <ul style="list-style-type: none"> A supplementary Visual and View Impact Analysis has been undertaken and is provided at Appendix E. The report acknowledges the protection of key views and vistas from surrounding buildings and generally from or within the public domain. Since the exhibition of the proposal and a review of the submissions made from agencies and the public, the proponent has consulted and engaged with the key stakeholders since early 2017. This has accordingly led to an amended Concept Proposal. The Supplementary Architectural Design Report (Appendix C) provides further justification of the selected option.

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	<p>a. provide a detailed visual and view impact analysis, which considers the impact of the proposal when viewed from the public domain and key vantage points surrounding the site, including Pyrmont, Darling Harbour, Pyrmont Bridge and adjacent buildings (item 2)</p> <p>b. provide a comprehensive options analysis for the built form, exploring a range of heights, tower locations and built forms, with justification of the selected option based on a thorough consideration of the benefits and potential impacts of each option (item 3)</p> <p>c. address and respond to comments and recommendations from SHFA's Design and Development Advisory Panel (item 3);</p> <p>d. provide a detailed heritage impact statement (HIS) that identifies and addresses the impacts of the proposal: on the heritage significance of the site and adjacent area, including any built and landscape heritage items, conservation areas, views or settings, and in particular the impact on the State heritage listed Pyrmont Bridge (item 5);</p> <p>e. address ... visual privacy, view loss and view sharing, ... impacts to the surrounding area, including neighbouring properties and the public domain (item 7).</p>	<ul style="list-style-type: none"> - A supplementary Heritage Impact Statement has been prepared by Curio Projects Pty Ltd (Appendix J). This report addresses the submissions and assesses the proposed amended Concept Proposal. The report states that the impact of the relocated tower envelope on the Pyrmont Heritage Conservation Area and the twelve nearby local heritage items have been assessed to be only minor in nature. - The relocated position of the tower and the reduction and modifications in height of the tower and podium will allow for significantly improved views for views from Pyrmont Bridge and the public domain and for buildings to the west of the development, specifically 50 Murray Street. The extensive adjustments thoroughly respond to the matters raised in the submissions and deliver an outcome that will allow for view sharing to be achieved.
6	<p>Mirvac has not satisfactorily complied with the requirements of the SEARs. Including:</p> <ul style="list-style-type: none"> • The Conservation Plan for Pyrmont Bridge • A complete Heritage Impact Statement – there is no discussion of the water way and foreshore of Darling Harbour being of national and heritage significance. • Demonstration of public benefit • The original SEARs referred to an office tower 	<ul style="list-style-type: none"> • The proposal remains consistent with the SEARs, importantly: <ul style="list-style-type: none"> - The amended proposal still proposes the conservation of the Pyrmont approaches and surfaces of the Pyrmont Bridge, in accordance with the Pyrmont Bridge CMP policies. - An amended Heritage Impact Statement is provided at Appendix J. The relocation of the tower and provision of low lying landscaping opportunities on the roof of the podium will enhance views to Cockle Bay from Pyrmont Bridge. The provision of a 20m wide promenade will also ensure views to Sydney Harbour are enhanced and maintained. This will contribute to the public benefit for existing and future generations. - A revised public benefit offering prepared by Mirvac is provided at Appendix P. This report outlines the significant amount of public benefits proposed including works towards Pyrmont Bridge. - The proposal has been revised to provide a mixed use development, comprising a retail/commercial podium and 357 apartments. This option ultimately adopted a smaller floor plate when compared to a commercial tower (~50% less). This option will also support and guarantee a mixed use precinct.
1	Development control has not been handed back to the City of Sydney.	<ul style="list-style-type: none"> • Development control is governed by the Darling Harbour Development Plan No.1. The development is a state significant development therefore development assessment is undertaken by the Department of Planning, Industry and Environment.

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		<ul style="list-style-type: none"> Council has been consulted throughout the process and the scheme positively responds to initial feedback received during public exhibition.
3	<p>The proposal does not satisfy the SREP 2005 matters for consideration. The views towards the Pymont Bridge would be obstructed from the Ibis and Novotel. The overall height of the podium and the stepped building envelope does not minimise impacts on views. Public domain views to and from the bridge will not be enhanced by the location of the podium or tower form.</p> <p>The proposal is inconsistent with the aims relevant to a building in this location Clause 2 (2), all of the relevant planning principles Clause 13, 14, 15 and numerous other requirements in Clause 25, 26 and Clauses 53 and 59.</p>	<ul style="list-style-type: none"> The EIS addressed Part 3, Division 2 within the SREP 2005 which includes matters which are to be taken into consideration by consent authorities before granting consent for development. Assessment of the amended Concept Proposal against the SREP aims and principles is included in the RTS and Amended Concept Proposal Report. Importantly, the reduced height and relocation of the tower component to the centre of the site allows for reduced impacts on surrounding properties including minimised overshadowing and reduced impacts on views and vistas.
1	<p>SLEP 2012 controls to promote sharing of views should be acknowledged. The site is outside of Central Sydney; therefore the objective of view sharing would apply. The proposal should adopt greater design sensitivity to achieve reasonable view sharing.</p>	<ul style="list-style-type: none"> The extensive adjustments will deliver an outcome that will allow for view sharing to be achieved. The relocation of the tower and the reduction in height will significantly improve view sharing from 50 Murray Street and the Ibis Hotel. Further analysis is provided in the Visual and View Impact Analysis included at Appendix E.
3	<p>The Darling Harbour Development Plan No 1 (DHPD) would be the principal planning instrument. The plan seems to define that virtually anything can be done. Evaluation should have emphasis on planning and environmental impacts and good public outcomes.</p>	<ul style="list-style-type: none"> As noted in the EIS, the DHPD No. 1 does not provide any development standards for building height, floor space ratio or setbacks within Darling Harbour. Notwithstanding this, the amended Concept Proposal has been designed to respond to the key issues raised in from the stakeholders in the exhibition period and to respond to the current and desired future built form of Darling Harbour. The Concept Proposal has given careful consideration to the potential environmental impacts and seeks to deliver a significant upgrade whilst carefully mitigating view, shadow, wind and other environmental impacts. Further, Mirvac have worked collaboratively with the Department and its independent design expert to refine and deliver an improved outcome from a social, economic and environmental perspective.
2	<p>A key objective of the DHPD 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'.</p>	<ul style="list-style-type: none"> The proposed development will guarantee a mixed use precinct, through the introduction of retail/commercial and residential components and the addition of landscaping and open space. The revised tower position allows for an improved relationship with the waterfront and the podium envelope has been reduced to accommodate on less level of retail to reduce the perceived bulk and mass when viewed from the waterfront.
1	<p>The proposal described in the EIS fails to comply with the guidelines in the Draft Darling Harbour Urban Form Strategy. The report outlines guidelines for built form, bulk, scale, proximity to the foreshore, pedestrian access and views, heritage, activation with street frontages and view sharing.</p>	<ul style="list-style-type: none"> The Darling Harbour Urban Form Strategy was released in 2017 in draft format. Following this, the Darling Harbour Framework for Landowners Consideration of State Significant was released by Property NSW in 2018. This Framework provides the relevant principles for Concept Proposal's with specific focus on natural and cultural heritage, orderly economic development, appropriate land uses and improvements to the public domain.

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		<ul style="list-style-type: none"> The amended Concept Proposal's consistency with the four principles of the Darling Harbour Framework is provided Table 10 in the RTS report. The Framework provides the principals and criteria that Property NSW utilises to consider providing its landowners consent for SSDA's.
1	Despite being within a strategic foreshore area, it is not required to have a Masterplan under the SREP (Sydney Harbour Catchment) 2005 unless the Minister directs. We request that a Masterplan be put in place before this proposal is further assessed.	<ul style="list-style-type: none"> The proposal forms a concept proposal, a Stage 1 DA. Detailed development will be provided at stage 2 following a design competition. The Darling Harbour Strategic Framework has been completed. The development is consistent with the Framework objectives.
1	<p>It is entirely at odds with the objectives of the EP&A Act that a development of this scale and in its significant location by a private proponent, solely for commercial gain, be proposed and considered by the consent authority.</p> <p>Government cannot delegate responsibility for identifying and developing a strategic vision for this area to a private proponent.</p>	<ul style="list-style-type: none"> Under Section 4.15 of the EP&A Act, the consent authority should take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development. The exhibited EIS and the amended Concept Proposal assesses the proposal against these matters as relevant to the development.
2	The SREP mandates that this strategic site (owned by the State) be developed for the benefit of the public, unless and until a master planning process with opportunities for public consultation is undertaken, no consent authority should be satisfied that the aims of the SREP have been met.	<ul style="list-style-type: none"> The EIS addressed Part 3, Division 2 within the SREP. Further assessment of the amended Concept Envelope against the SREP aims and principles within Part 1 of Clause 2 have been provided in the RTS and Amended Concept Proposal.
2	<p>The proposal fails to comply with the planning principles for the area established by the SREP and other relevant policies. The proposal is inconsistent with:</p> <ul style="list-style-type: none"> a) The aims of the SREP relevant to a building in this location (clause 2(1)); b) The principles of the SREP specifically applicable to the Foreshore and Waterways Area (clause (2) a), b), and c); and c) All of its relevant planning principles including: <ul style="list-style-type: none"> - Clause 13 (c) - Clause 13 (f) - Clause 13 (g) - Clause 14 (d) - Clause 15 (a) - Clause 15 (b) - Clause 15 (d) - Clause 15 (e) d) Numerous other specific requirements of the SREP, including: <ul style="list-style-type: none"> - Foreshore and waterway scenic qualities (clause 25) 	<ul style="list-style-type: none"> The EIS addressed Part 3, Division 2 within the SREP. Further assessment of the amended Concept Envelope against the SREP aims and principles within Part 1 of Clause 2 have been provided in the RTS and Amended Concept Proposal. The amended proposal introduces increased setbacks from the waterfront to ensure views and vistas to and from the development are maintained, protected and enhanced. As well the refined design ensures that the development reduces any environmental impacts on the public domain and waterfront. An amended Heritage Impact Statement is provided at Appendix J. The amended proposal recognises the surrounding heritage items through the provision of increased setbacks in order to ensure these items are conserved and enhance the views associated with these items. In accordance with clause 25 and 26, the scale, form, design and siting of the building has been refined to ensure that the surrounding natural and built environment is protected and maintained. The revised design will enhance the amenity in the public domain, while ensuring view sharing principles are achieved and the surrounding waterways and heritage items are maintained and protected. As discussed in the Heritage Impact Statement (Appendix J) the conservation of the surrounding heritage items and significance will be protected and maintained through appropriate setbacks and the siting of the tower component in the centre of the site. This relocation has removed any significant visual relationship between the tower and Pyrmont Bridge.

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	<ul style="list-style-type: none"> - Maintenance, enhancement and protection of views (clause 26); and - Heritage conservation (clause 53 and 59). 	
1	<p>The VIA includes a review of statutory and non-statutory planning issues that relate to view loss and view sharing and concludes that in this context the consideration, maintenance and protection of private views is less important than public views. This is based on the review of SREP Sydney Harbour Catchment 2005, Sydney DCP 2012 and the Darling Harbour DCP No. 1. However, regulatory protection as determined under the SREP does not provide any specific direction in relation to the relative importance or weighting to be given to private views as opposed to public views. It is a requirements of the SEARs that private domain visual privacy, view loss and view sharing is examined.</p> <p>The SREP makes no distinction between public or private views and therefore this objective applies equally to both provisions of Division 2 i.e. views from both the public and private domains should be given equal weight.</p>	<ul style="list-style-type: none"> • The proposal will deliver a world class retail offering that includes many publicly accessible spaces that open up views to the harbour, Pyrmont Bridge, the city and its surrounds. The relocation of the tower envelope has removed any significant visual relationship between the tower and Pyrmont Bridge. This refinement has acknowledged the importance of public views and amenity within the public domain. • The impact on private views has been further reduced by the relocation of the tower and reduced podium height. This amendment will ensure the proposal meets the view sharing principles with regard to the private views from the Ibis Hotel and 50 Murray Street.
1	<p>The VIA relies on the City of Sydney Council strategy policy to expand the CBD to the west side of Darling Harbour. As the development of the area is not subject to the City of Sydney's controls and as the policy has no statutory force, there is little merit in the VIA's reliance on the strategy, while ignoring the overarching statutory force of the SREP.</p>	<ul style="list-style-type: none"> • The amended Concept Proposal will provide a built form that is responsive to the context and characteristics of the site, including existing built form, the relationship to Pyrmont Bridge, Darling Harbour, surrounding views and vistas, maintenance of sunlight to key open spaces, location of new open spaces and the location of the site at the edge of the CBD.
Strategic Planning		
2	<p>The bulk and scale of the proposed concept is justified by being in line with the changing taller and dense character of the Darling Harbour waterfront. Good planning promotes smaller scale development on the waterfront to optimise public amenity and sense of place.</p> <p>There is no strategic assessment in support of towers on the waterfront.</p> <p>A strategic plan for the whole Darling Harbour Precinct should be developed so that the cumulative environmental and social impacts of this concept proposal and other proposals can be adequately assessed. This should facilitate an integrated approach to the provision of infrastructure.</p>	<ul style="list-style-type: none"> • The height of the tower was reduced from RL166.35 to RL153.75. The reduction in the height will minimise overshadowing impacts to the public domain as well better relate to the height of the ICC Hotel. • A portion of the podium height at its northern extent has been partly reduced from 30.5 RL to RL 25. The reduction in height provides for improved view sharing from 50 Murray Street. • As part of the relocation of the tower and refinement of the podium, the stepped form of the lower tower element has now been removed to improve views from adjacent buildings to the west. • Social and environmental impacts have been assessed in the EIS and further discussed in the RTS and Amended Concept Proposal report. The proposal includes substantial public benefits and an improved public realm to ensure the it is consistent with the changing character of Darling Harbour and Pyrmont. • Public domain amendments have been designed as an integrated component of the wider area, while recognising the upgrades to the surrounding public transport network.
1	<p>The consideration of this proposal underlines a lack of a clear strategic vision for planning in Darling Harbour.</p>	<ul style="list-style-type: none"> • The amended Concept Proposal's consistent with the State and Regional strategic planning frameworks is discussed in the RTS and Amended Concept Plan Report. Importantly, the proposal seeks to introduce a development consistent with the aims of the Greater Sydney Region Plan, Eastern City District Plan,

Number of times raised in Submissions	Item Raised	Proponent's Response
		<p>Draft City of Sydney Local Strategic Planning Statement and the City of Sydney Draft Central Sydney Planning Strategy, by way of the following:</p> <ul style="list-style-type: none"> – Providing additional apartments which will contribute to the City of Sydney's 5 year housing supply of an additional 18,300 houses, within close proximity to public transport the CBD and employment opportunities. – Support targeted growth of retail services within the Harbour City and contribute to the growth of retail space, providing an attractive opportunity to retail businesses, while increasing both domestic and global competitiveness. – Deliver additional office space within the Pyrmont innovation and technology corridor, increasing economic activity and supporting additional high value jobs. – Revitalise and improve the amenity of Darling Harbour by providing increased public amenity and improved streetscapes with greater connectivity.
1	The change of the tower from a commercial office with retail, to residential highlights that it is not a part of a strategic plan for the region but is an ad hoc approach that will deliver value uplift and profit to the landowner at the cost of local economic impacts.	<ul style="list-style-type: none"> • Under the Darling Harbour Development Plan No. 1 commercial and residential uses are both permitted uses. • The residential tower option has a smaller floor plate when compared to a commercial tower. This reduces view impacts upon properties to the west with the narrow face of the tower being oriented to the east and west. The residential development also guarantees a mixed-use precinct, while adding vibrancy into Darling Harbour. • The amended Concept Proposal includes provision for an indicative retail and commercial podium.
1	There is a need for integrated planning in the area with oversight from the Greater Sydney Commission. This should involve working with government agencies responsible for all infrastructure and community activities as well as proper consultation with the local community.	<ul style="list-style-type: none"> • The concept proposal has been amended in response to the submissions received from government agencies and the public. The proponent has engaged with a range of experts to further refine the proposal. • A response to the issues raised is included at Appendix A and Appendix B. • It is noted that the planning framework for Pyrmont is being updated and refined, following the recommendations by the Greater Sydney Commission following its review of existing planning controls in late 2019. While it is expected that any potential changes to the planning controls for the area are likely to come into effect following determination of the Harbourside proposal, fundamentally Mirvac's proposal aligns with the key foundations of any future changes – i.e alignment with strategic planning objectives within the regional and district plans and supporting a place based outcome.
Ownership		
1	Permanent ownership of land through strata title apartments is not consistent with the intent and purpose of the area.	<ul style="list-style-type: none"> • The NSW Government will remain as the landowner of the site. Mirvac and residential owners will only be long-term leaseholders.
2	It may be more beneficial for the community for the Government to buy back the lease and redevelop the land as it did with the SICEEP.	<ul style="list-style-type: none"> • The NSW Government will remain as the landowner of the site. Mirvac will only be a long-term leaseholder.

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Support		
1	In favour of the development.	<ul style="list-style-type: none"> Noted.
2	<p>In support of the redevelopment as follows:</p> <ul style="list-style-type: none"> 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 Pymont Bridge, not to exceed RL17.5 The height within 50-100m of the heritage Pymont 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 non-residential set at 35,000. Development to subject to an International Design Competition 	<ul style="list-style-type: none"> Noted. The Concept Proposal includes a refined built form to minimise any associated impacts on surrounding residents and the public domain. Details and justification of the proposed building envelope is provided in the Supplementary Architectural Design Report and Drawings at Appendix C.
1	Subject to some changes to the public domain, the redevelopment of Harbourside and the basis of a primarily residential tower above the retail podium is supported.	<ul style="list-style-type: none"> Agreed
1	This project will be extremely attractive to tourists and will support future growth.	<ul style="list-style-type: none"> Agreed