

Response to Submissions and Amended Concept Proposal

Redevelopment of Harbourside Shopping Centre,
Darling Harbour

Submitted to NSW Department of Planning,
Industry and Environment

On behalf of Mirvac Projects Pty Ltd

24 March 2020 | 14657



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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
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- C** Supplementary Architectural Design Report and Drawings
Francis-Jones Morehen Thorp Architects (FJMT)
- D** Supplementary Public Domain Design Report
Aspect Studios
- E** Visual and View Impact Analysis
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- F** Traffic and Transport Impact Report
Arcadis
- G** Acoustic Report
Renzo Tonin & Associates
- H** Wind Assessment
CPP
- I** Pedestrian Assessment
Urbis
- J** Heritage Impact Statement and Archaeological Assessment
Curio Projects
- K** Utilities Assessment
Arcadis
- L** Flooding, Stormwater and WSUD Report
Arcadis

- M** Construction and Environmental Management Plan
Mirvac
- N** Environmental Sustainable Development Report
Cundall
- O** Urban Design and Public Realm Guidelines
FJMT
- P** Public Benefit Offer
Mirvac
- Q** Preliminary Site Contamination Assessment
Coffey Services Australia Pty Ltd
- R** Preliminary Acid Sulphate Soil Management
Coffey Services Australia Pty Ltd
- S** Preliminary Remedial Action Plan
Coffey Services Australia Pty Ltd
- T** Design Excellence Strategy
Ethos Urban

1.0 Introduction

A State Significant Development Application (SSDA 7874) and accompanying Environmental Impact Statement (EIS) in support of a Concept Proposal for the redevelopment of Harbourside Shopping Centre in Darling Harbour (the site) was lodged in December 2016 with the Department of Planning, Industry and Environment (the Department).

The SSDA was publicly exhibited for a period of 62 days from 15 December 2016 until 14 February 2017. During this time, sixteen (16) submissions were received from government agencies, organisations and the City of Sydney Council and over 155 submissions were received from the public.

The key issues raised in the submissions can be broadly grouped into the following categories:

- Built form and urban design;
- Heritage;
- Overshadowing;
- Visual impact and view loss;
- Traffic generation;
- Land use; and
- Public domain.

Since exhibition of the proposal and given the nature and range of submissions made from agencies and the public, the proponent, Mirvac Projects Ltd Pty (Mircvac), reviewed the overall approach and elements of the original Concept Proposal. This has accordingly led to developing an amended Concept Proposal. The development of the amended Concept Proposal since early 2017 has been an iterative process with close engagement with key stakeholders. The length of time involved in developing this amended Concept Proposal is a reflection the importance Mirvac has placed in acknowledging and responding to the submissions.

The following key amendments have been made to the proposal:

- Relocation of the tower from the north of the site to the centre of the site;
- Moving the tower to the widest part of the site and setting back of the tower envelope from the waterfront by 32m;
- Reduction in height of the tower envelope from RL166.35 to RL153.75, by 12.6m;
- Reduction in height of the northern portion of the podium envelope from RL 30.5 to RL 25, by 5.5m;
- Removal of the tower tail element;
- Reduction in massing of envelope along the waterfront promenade in the centre of the site; and
- Public domain concepts have remained consistent, with the positive addition of a new central through-site link providing 24/7 pedestrian access from the waterfront through to Bunn Street pedestrian bridge and wider Pyrmont and Bays Precinct.

The Department also prepared a letter setting out additional information or clarification required, prior to final assessment of the project.

This report, prepared by Ethos Urban on behalf of the proponent, sets out the responses to the issues raised in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg), and details the key amendments, final concept design, updated environmental assessment of the amended Concept Proposal (as relevant) and final mitigation measures for which approval is now sought.

The final Concept Proposal includes amendments made by the proponent pursuant to Clause 55 of the EP&A Reg, including changes to address matters raised in the submissions. Where individual issues are not discussed in this report, a detailed response can be found in the response tables attached at **Appendix A** and **Appendix B**.

1.1 Amendments to Proposed Development

To reflect the design changes that have been made to the proposed development following public exhibition of the proposal and for which approval is now sought, and to address issues raised in the submissions, a range of updated plans and documentation have been prepared.

The revised plans include Architectural Drawings by FJMT. A drawing schedule outlining the new amended plans for approval is provided at **Section 3.0**, with the Drawings included at **Appendix C**.

A number of consultant reports and supporting information has been updated or further supplements the material originally submitted in support of the EIS, refer to Table of Contents.

The revised supporting documentation enables the Department to undertake an informed assessment of the amended proposal. The findings of the revised supporting consultant documentation are summarised at **Section 4.0** of this report as relevant. A final schedule of the mitigation measures proposed to mitigate the impacts associated with the proposed works is provided at **Section 5.0**. This report should be read in conjunction with the EIS prepared by JBA, dated November 2016, as relevant.

The final amended Concept Proposal seeks approval for the following key components and development parameters:

- Demolition of existing site improvements, including the Harbourside Shopping Centre, pedestrian bridge link across Darling Drive, obsolete monorail infrastructure, and associated tree removal;
- A network of open space areas and links generally as shown within the Public Domain Concept Proposal, to facilitate re-integration of the site into the wider urban context;
- Building envelopes;
- Land uses across the site, comprising non-residential and residential uses;
- A maximum total Gross Floor Area (GFA) across the Harbourside site of 87,000m² for mixed use development (non-residential and residential development);
- Basement car parking;
- Car parking rates to be utilised in subsequent detailed (Stage 2) Development Applications);
- Urban Design and Public Realm Guidelines to guide future development and the public domain; and
- Strategies for utilities and services provision, drainage and flooding, and ecological sustainable development.

Figure 1 depicts an illustration of the amended Concept Proposal for which approval is now sought as viewed from the south.



Figure 1 Artist impression of the Amended Concept Proposal including widened 20m wide waterfront promenade

Source: *Virtual Ideas*

1.2 Unsolicited Proposal

Lodgement of this Response to Submissions and Amended Concept Proposal follows the decision of the NSW Government in January 2020 to proceed to Stage 2 of Mirvac's Unsolicited Proposal (USP) bid to revitalise the Harbourside Shopping Centre. Mirvac is the long-term leaseholder of the Harbourside Shopping Centre and is therefore in the unique position to deliver a new and significantly enhanced mixed use precinct and public domain outcome that cannot be readily be delivered by competitors. The USP process is separate to the necessary planning approvals Mirvac is required to secure in order to realise its vision for the Harbourside precinct.

2.0 Key Issues and Proponents Response

This section of the report provides a response to the following key issues raised by the Department, other government agencies and organisations and by the public during the exhibition of the SSDA:

- Built form and urban design;
- Heritage;
- Overshadowing;
- Visual impact and view loss;
- Traffic generation;
- Land use; and
- Public domain.

A response to each of the individual issues raised by the Department and submitters is provided in the response tables at **Appendix A** and **Appendix B**. An overview of the parties who made submissions, and their key issues/matters for consideration, is provided below. Any supplementary environmental assessment that may be required is detailed in **Section 4**.

2.1 Government, Agencies and Organisations

The Department provided an overarching letter (as the assessment authority) summarising the key matters to be addressed and additional information to be provided. A detailed response to the Department's correspondence is provided below, in **Section 2** and attached at **Appendix A**.

Sixteen (16) submissions were received from other government agencies and organisations in response to the exhibition of the EIS. Specifically, responses were received from:

- Roads and Maritime Services, Parramatta, NSW (267513);
- Elizabeth Elenius of Pyrmont (on behalf of the Pyrmont Action Group), NSW (183473);
- Council of the City of Sydney, Sydney, NSW (267503);
- The National Trust of Australia (NSW), Sydney, NSW (183256);
- Ausgrid, Sydney, NSW (267499);
- Sydney Harbour Association, Watsons Bay, NSW (180986);
- Transport for NSW, Chippendale, NSW (192818);
- Environment Protection Authority, Parramatta, NSW (267505);
- Office of Environment and Heritage, Parramatta, NSW (267509);
- Sydney Water, Parramatta, NSW (267515, 267517);
- Jean Stuart of Pyrmont (on behalf of the Pyrmont Community Group), NSW (183940);
- Heritage Division of Office of Environment & Heritage, Parramatta, NSW (267507);
- Property NSW, Grosvenor Place, NSW (267511);
- Ultimo Village Voice, Ultimo (183959);
- Australian National Maritime Museum, Pyrmont, NSW (182718); and
- Sydney Airport.

A number of these submissions recommended conditions. These included the submissions from the Roads and Maritime Services, Office of Environment and Heritage, and Sydney Airport.

The remaining agencies and authorities made a variety of comments or sought further clarification and information on a number of detailed technical matters as detailed throughout this section, **Section 4** and further attached at **Appendix A**.

2.2 Members of the Public

Ethos Urban analysed the submissions received from the public in response to the exhibition. In summary, 155 submissions were received, including 148 objections, four letters of support and three general comments. One of the key stakeholders, One Darling Harbour known as 50 Murray Street, Pyrmont submitted an objection and raised key issues including relating to view loss, relationship of the podium and tower with Pyrmont Bridge and the waterfront, and overshadowing. A detailed response to the issues raised by the public and 50 Murray Street has been provided below and attached at **Appendix B**.

Table 1 provides a summary of the key issues raised by the public during the exhibition period and a reference to where the issues are discussed in the report.

Table 1 Submission Topic Summary Table

Topic Category	Times raised in submissions from Government, Agency and Organisation	Times Raised in Public Submission	Discussion Reference
Urban Design and Built Form	27	135	Section 2.3
Heritage/Historical Significance	15	85	Section 2.4
Overshadowing	5	76	Section 2.5
View Loss	8	69	Section 2.6
Consultation	-	14	Section 3.9
Social, Community and Health Impacts	3	57	Section 2.7
Traffic, Transport and Access	8	51	Section 2.8
Amenity Impacts	5	30	Section 4.9 + Appendix B
Pedestrian Access	14	18	Section 2.9
Statutory and Strategic Context	6	33	Section 4.1
Economic Impact	2	36	Section 2.7
Construction Impacts	2	4	Section 4.15/4.16
Public Transport	4	6	Section 2.8
Land Use/ ownership	5	3	Section 2.7

In responding to, and addressing, the range of matters raised by government authorities and agencies, and the public, the proponent engaged a range of experts to further refine the amendments that are now proposed to the Concept Proposal (outlined further at **Section 3.0**). A considered and detailed response to submissions has been provided in the accompanying documentation, with the key matters outlined above expanded on below or in **Section 4.0** and attached at **Appendix A** and **Appendix B**.

2.3 Built Form and Urban Design

2.3.1 Issue

The Department has provided comments on the height and siting of the proposed tower, stating that further consideration of the building location, height and form should be explored to ensure impact on views is minimised and a more coherent visual relationship with the ICC Hotel is delivered. The Department also suggested additional consideration of the design of the proposed podium should be considered with respect to how the podium form (height, scale and separation) relates to Pyrmont Bridge and the ICC Hotel.

The City of Sydney also provided comments on the built form and urban design of the proposal, concluding that the tower component will reduce pedestrian amenity and will result in adverse impacts on the public realm. Council's submission states that the podium should be further setback or equal to the existing setback.

A large number of submissions received from the general public and community groups raised concerns on the overall height of the development and siting of the tower in the norther portion of the site. These submissions identified concerns with articulation and aesthetics of the proposed development of the site.

2.3.2 Proponent's Response

As to be outlined further in **Section 3.5**, a number of significant changes to the Concept Proposal envelope and resulting built form are proposed. A detailed response to the concerns raised by the Department, government authorities and agencies, and the public are attached at **Appendix A** and **Appendix B**. An overview of the key changes that have been proposed to the Concept Envelope within this document and the corresponding improvement to the built form outcome is provided in **Table 8**.

As noted in the EIS, the Darling Harbour Development Plan No. 1 does not provide any development standards for building height, floor space ratio or setbacks within Darling Harbour. Accordingly, the amended Concept Proposal has been designed to respond to key issues raised from key stakeholders in the exhibition period and to respond to the current and desired future built form of Darling Harbour. The design progression from FJMT and Aspect Studios, has allowed for a well-considered and respectful approach to rejuvenating the site.

The design review process (discussed at **Section 3.1**) was undertaken by experienced experts that have informed the proposed amended height and scale of the proposal. Built form principles that have been adopted following the design review and that have informed the proposed envelope include but are not limited to:

- **Tower separation:** Locate the tower in the centre and widest part of the site. Ensure a good level of separation between the new tower, Pyrmont Bridge, the ICC hotel and 50 Murray Street to reduce the impact on the heritage significance of Pyrmont Bridge and to facilitate view sharing for 50 Murray Street and the ICC Hotel and for buildings in the streets beyond.
- **Setbacks:** For the tower on the eastern elevation, provide a 12m setback from the podium and 32 metres setback from the waterfront. For the podium provide a 10 metres podium setback from Pyrmont Bridge. The setbacks will reduce the visual dominance of the tower from the waterfront of Cockle Bay;
- **Height of Tower:** Reduce the height of the tower envelope from RL166.35 to RL153.75m to provide a more visually coherent relationship with ICC hotel and reduce overshadowing;
- **Podium:** Further refine the podium envelope – around event steps, splaying base of residential tower to further open up views from 50 Murray to facilitate improved view sharing;
- **Relationship to existing built form:** Consider the existing Darling Harbour tower forms including separation, height and breadth, so that the combined development reads as a cohesive whole; and
- **Public Domain:** refine height of the podium along the waterfront promenade to ensure a pedestrian scale is achieved.

Relocation of the Tower

The original Concept Proposal located the tower at the northern end of the podium which was a narrow portion of the site in terms of width. The amended Concept Proposal relocates the tower to the centre (widest part) of the site (refer to **Figure 2** and **3**). The amended Concept Proposal increases the setback of the tower to the Pyrmont Bridge from 50 metres to 135 metres. The relocation of the tower effectively removes any visual relationship between the new tower and the heritage listed Pyrmont Bridge, therefore maintaining the heritage significance of the bridge. The re-positioning of the tower envelope is set as far south as an existing commercial agreement between the landowner (SHFA) and the Sofitel will permit. This agreement limits redevelopment of the Harbourside to a maximum height of RL23.1, in the southern portion of the site. Therefore, the proposed setback from the ICC hotel is 77 metres which is considered an appropriate separation distance.

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. Furthermore, the view sharing opportunities are significantly improved from 50 Murray Street and maintained from the ICC hotel, Novotel and Ibis hotels compared to the original scheme.

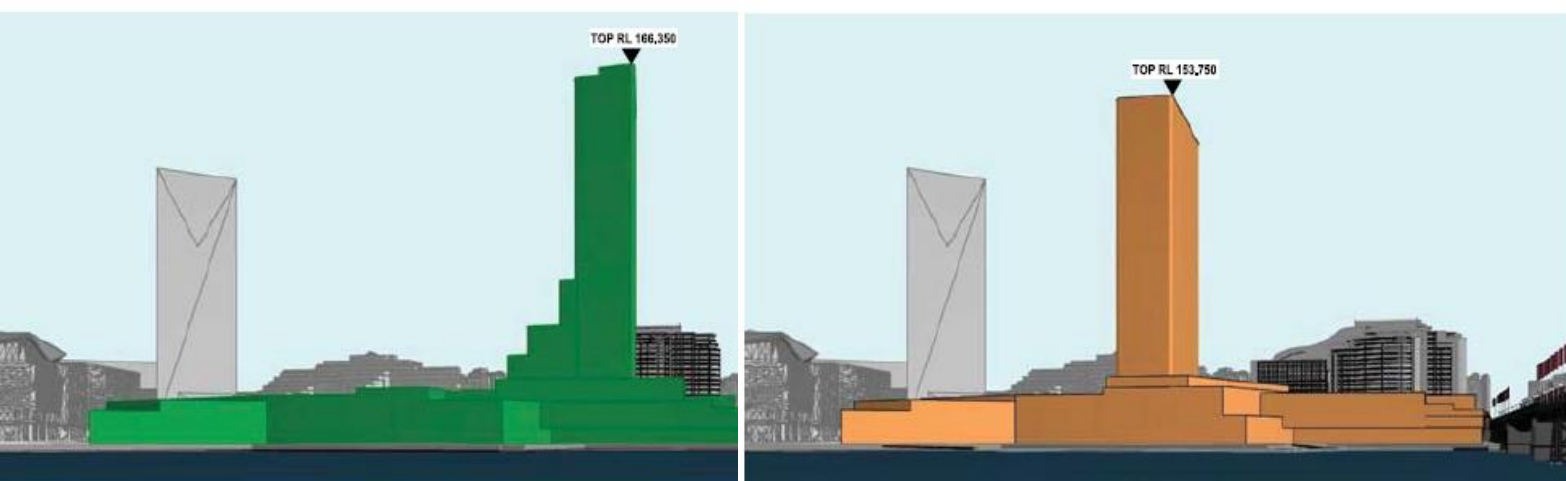


Figure 2 Original submitted Concept Proposal (green) and Amended Concept Proposal (orange)

Source: FJMT



Figure 3 Original submitted indicative design (left) and amended indicative design (right)

Source: Virtual Ideas

Figures 4 and 5 compare the different setback arrangements of the original Concept Proposal and the amended Concept Proposal.

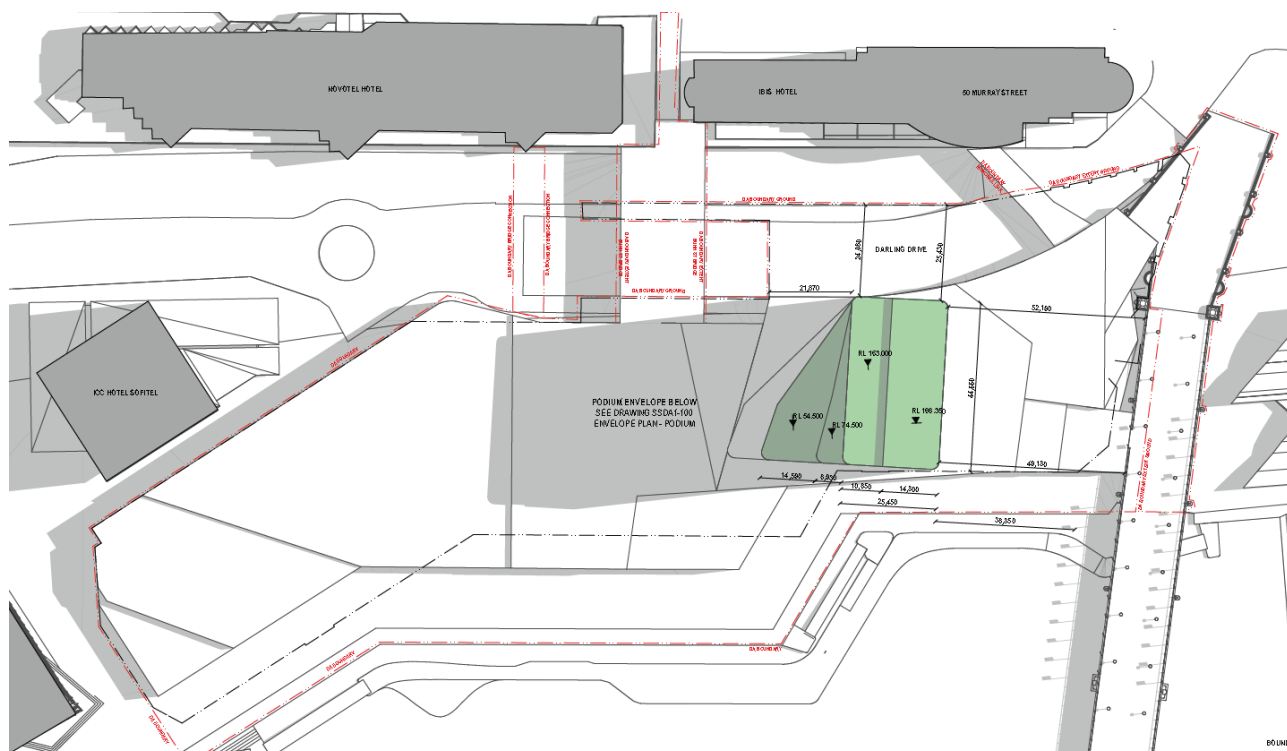


Figure 4 Original Concept Proposal Setbacks

Source: FJMT

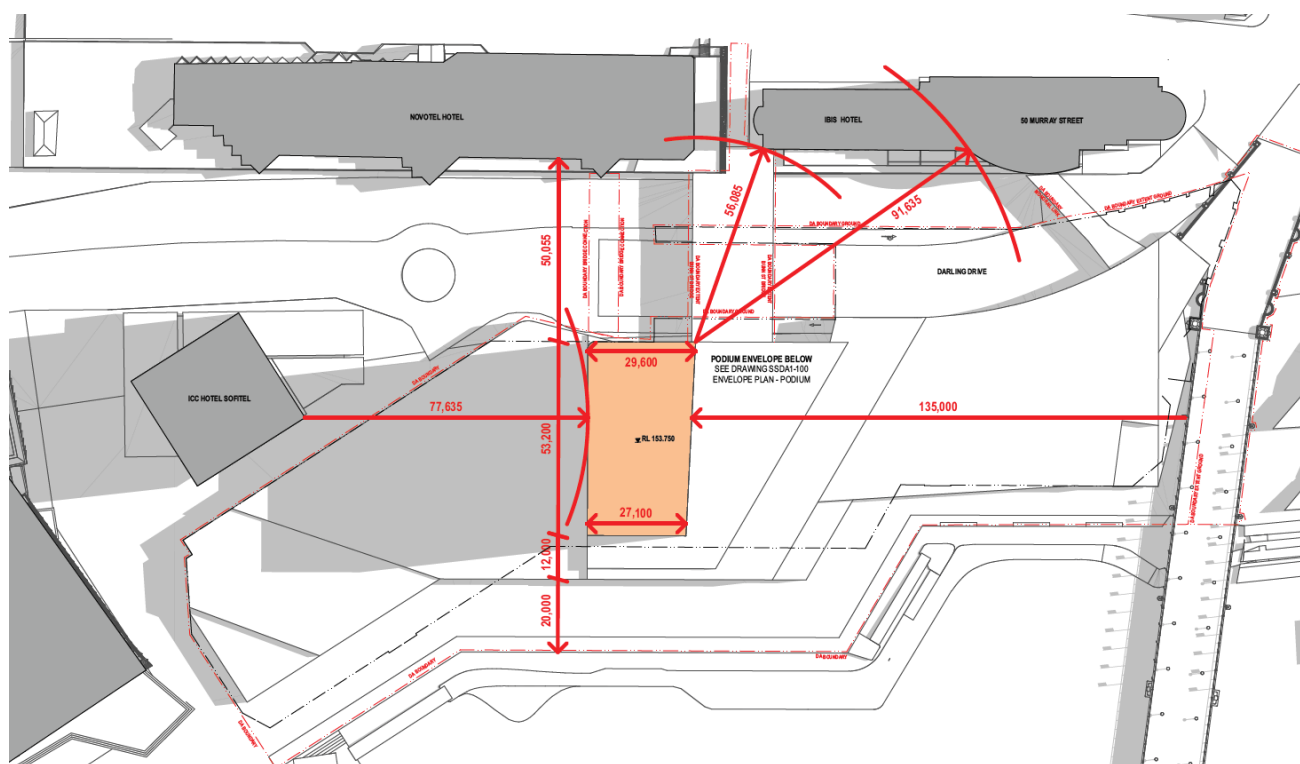


Figure 5 Amended Concept Proposal Setbacks

Source: FJMT

The new position of the tower in the central widest part of the site (in the east west direction) facilitates an increased setback of the tower from the waterfront from 12.5 metres in the original Concept Proposal to 32 metres in the amended Concept Proposal, and an increased setback of the tower from the eastern side of the podium to 12 metres (refer to **Figure 6** and **7**). This setback reduces the perceived bulk, scale and dominance of the tower as viewed from the public domain. The relocation of the tower to the centre of the site and substantial increased setback from the waterfront will provide for an improved relationship with both the waterfront and podium. It will allow for views from Cockle Bay to Pyrmont Bridge which may have been partially restricted from the original northern location of the tower.

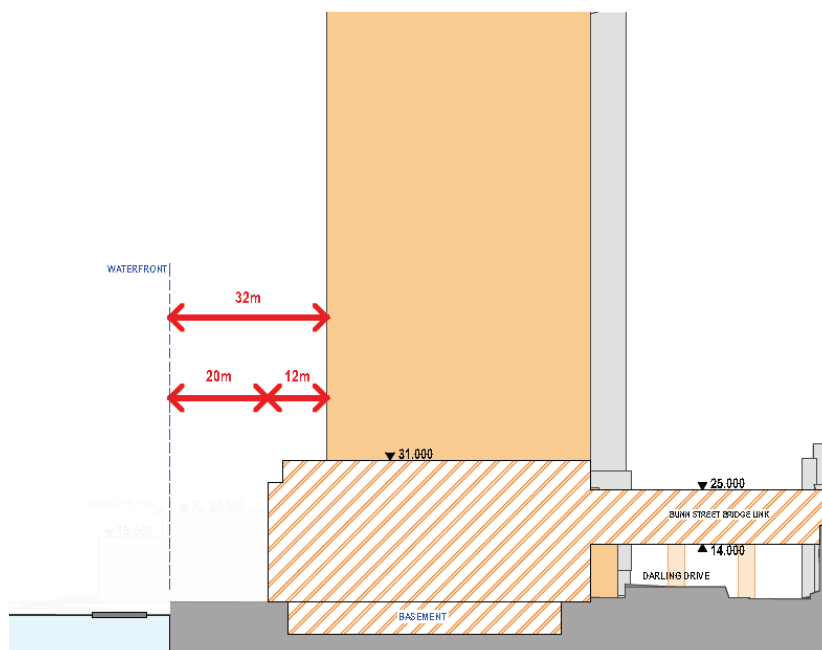


Figure 6 Waterfront Setback

Source: FJMT



Figure 7 Image of the widened waterfront promenade (20m width)

Source: FJMT

Reduction in height of the Tower

The height of the tower envelope has been reduced by 12.6 metres 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 133.55 (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/approved. A slim residential tower with a top RL of 153.75 is consistent with current and proposed towers around Cockle Bay. Tower 3 (C5) of the International Towers at Barangaroo adopts an RL of 168.00, with adjacent towers increasing in height to the north. A RL of 153.75 for Harbourside establishes a similar strategy for the western edge of Cockle Bay, with tower height increasing from the south. The reduced building height ensures the development responds to the desired future scale and character of Darling Harbour (refer to **Figure 8**).

The reduction in height of the tower envelope by 12.6 metres will also serve to minimise overshadowing impacts to the public domain and relate better to the height of the ICC Hotel, serving to soften the appearance of the new tower along the western Darling Harbour skyline, making it more consistent in appearance with the existing new development context of the western side of Darling Harbour.

The Cockle Bay Wharf proposal has since been approved with a height of RL183. The Ribbon development to the south of Cockle Bay adopts a maximum of RL 93.50 as noted in the EIS and is currently under construction. The amended envelope for Harbourside reaches a height that provides a proportional relationship to the existing buildings of Darling Harbour, particularly the ICC Hotel, in consideration of height, separation and breadth so the precinct can be read as a cohesive whole.

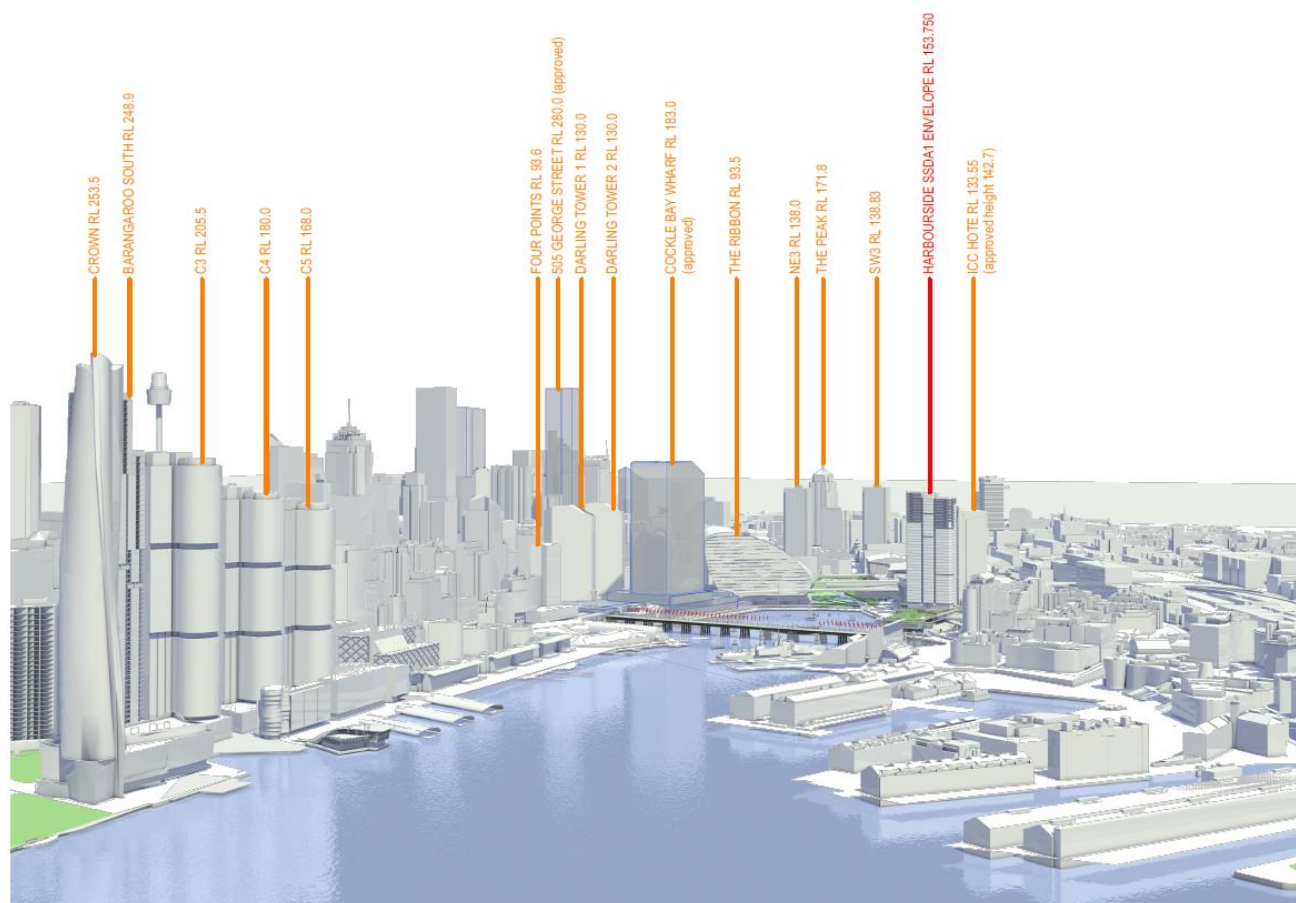


Figure 8 Height Analysis Cockle Bay and Surrounding Area

Source: FJMT

Modification of the Podium

The massing in the northern extent of the podium has been modulated and refined. The height has been partly reduced from RL30.5 to RL25, in response to the relocation of the tower and the improved opportunity for equitable view sharing from 50 Murray Street, and to enhance the visual relationship with Pyrmont Bridge (refer to **Figure 9-11** which illustrate the evolution of the podium envelope following the design workshops with the Department and Professor Peter Webber). The podium building envelope ranges in height from RL15.5 to RL31.

Additionally, at the northern end of the podium, the pedestrian bridge connection from the podium to Pyrmont Bridge as originally proposed has been deleted. The deletion of the proposed pedestrian connection to Pyrmont Bridge means the development will pose no physical impact to the heritage listed Pyrmont Bridge, nor any heritage fabric.

The existing Harbourside complex provides virtually no setback from the bridge and is unsympathetic to the bridge in its current form. Therefore, the replacement of the existing interface with an approximate 10 metre setback from the Bridge, will be a positive visual impact to the form and presentation of the heritage item in its setting and context along the western side of Darling Harbour.

Indicatively retail use is now limited to Ground plus three upper levels at the southern end of the podium, and commercial uses are now introduced into the northern section of the podium across four levels at these levels. The floor to floor levels of the podium will be 5m in height for retail and 3.8m for commercial, in order to meet the required heights for modern retail/commercial demands and to improve access to views.

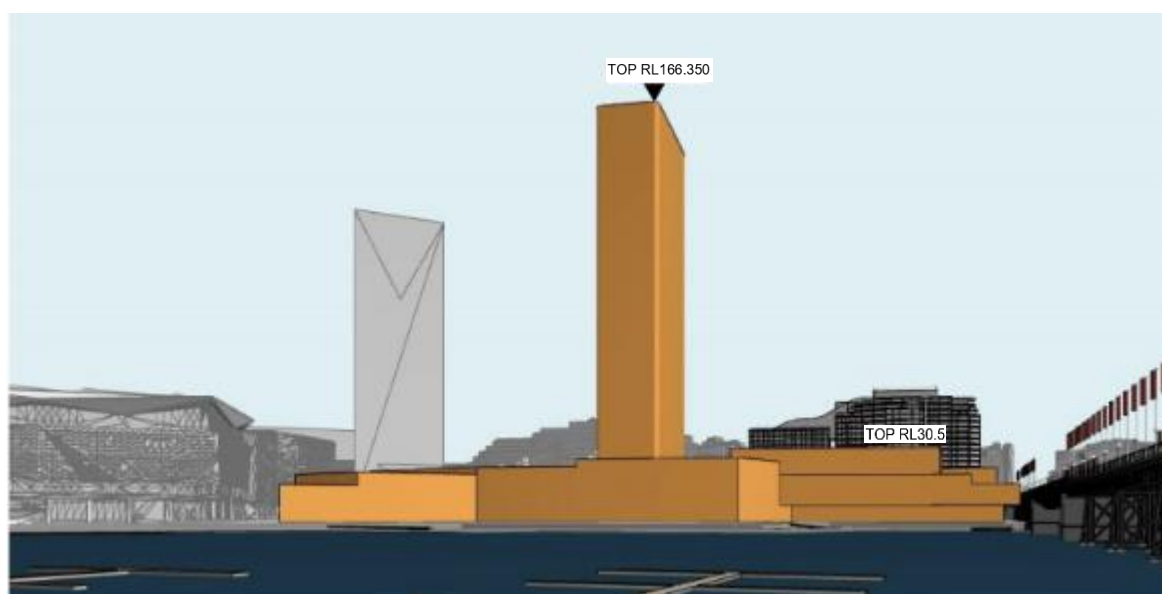


Figure 9 Envelope Evolution, Workshop 2

Source: FJMT

Details of Envelope - Workshop 2

- Tower Location: Centre
- Tower Top RL: 166.350
- Podium Top RL in front of 50 Murray Street: 30.5
- Tower Waterfront Setback: 39.9 m
- View Sharing: Greatly improved viewing sharing to 50 Murray Street, with equitable view sharing for Ibis, Novotel and Sofitel hotels and ICC.
- Overshadowing: Deleted 'tail', doesn't overshadow north and centre of boulevard/Tumbalong Park



Figure 10 Envelope Evolution, Workshop 3

Source: FJMT

Details of Envelope- Workshop 3

- Tower Location: Centre
- Tower Top RL: 153.750
- Podium Top RL in front of 50 Murray Street: 25
- Tower Waterfront Setback: 34.3m
- View Sharing: Greatly improved viewing sharing to 50 Murray Street, with equitable view sharing for Ibis, Novotel and Sofitel hotels and ICC.
- Overshadowing: Deleted 'tail', doesn't overshadow north and centre of boulevard / Tumbalong Park



Figure 11 Envelope Evolution, Workshop 4

Source: FJMT

Details of Envelope- Workshop 4

- Tower Location: Centre
- Tower Top RL: 153.750
- Podium Top RL in front of 50 Murray Street: 25
- Tower Waterfront Setback: 32m
- Chamfered edge introduced to podium to support further views from lower levels of 50 Murray Street (refer to **Figure 12**)
- Upper level of podium setback 4m and stepped form introduced to central podium corner in order to reduce bulk of podium when viewed from waterfront promenade (refer to **Figure 12**)
- View Sharing: Greatly improved viewing sharing to 50 Murray Street, with equitable view sharing for Ibis, Novotel and Sofitel hotels and ICC.
- Overshadowing: Deleted 'tail', doesn't overshadow north and centre of boulevard / Tumbalong Park

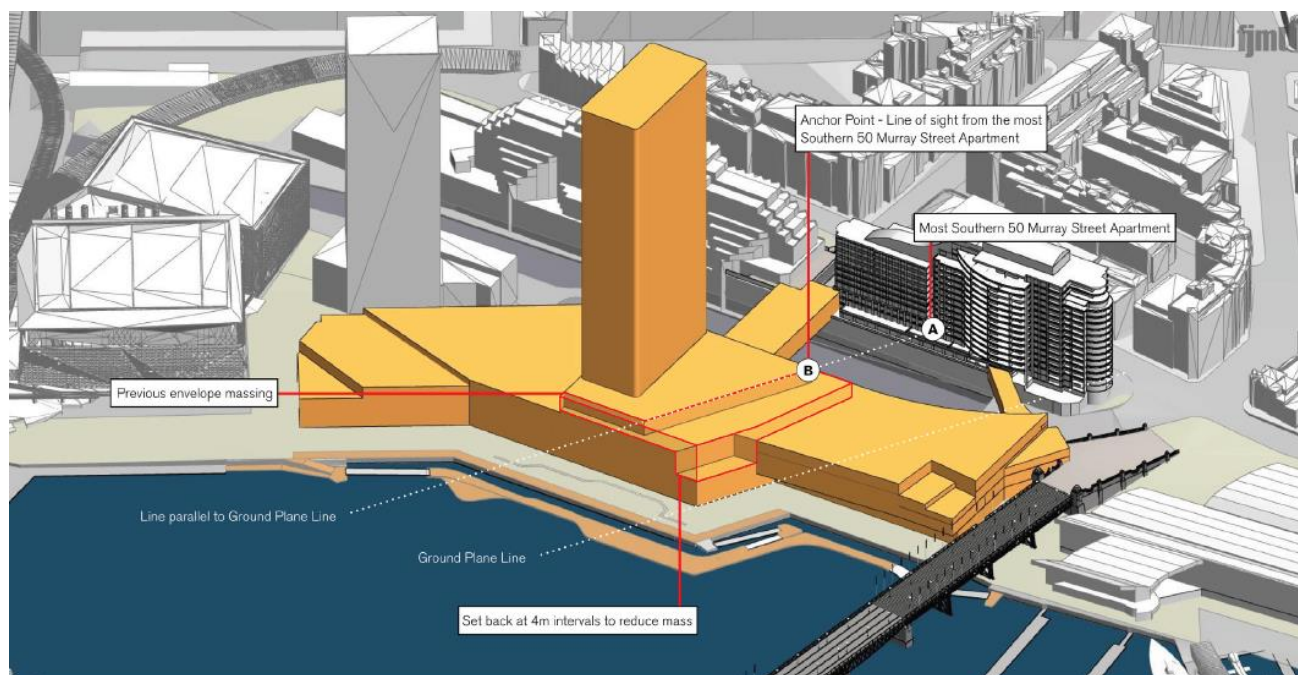


Figure 12 Key moves made during workshop 4 to further promote view sharing to 50 Murray Street and improve relationship to the waterfront promenade

Source: fjmt

The podium massing remains consistent with the original Concept Proposal, south of the tower. In terms of the relationship with the ICC Hotel, the podium steps down from RL23.1 (adjacent to the tower) to RL20.5 and to the most southern portion of the podium steps down to RL 15.5 (refer to **Figure 13**). The podium is modulated with the drop-in levels to ensure a positive built form relationship and facilitate equitable view sharing from the ICC Hotel, retaining views of Pyrmont Bridge, Darling Harbour, Barangaroo and the CBD from the view deck and restaurant of the ICC Hotel.

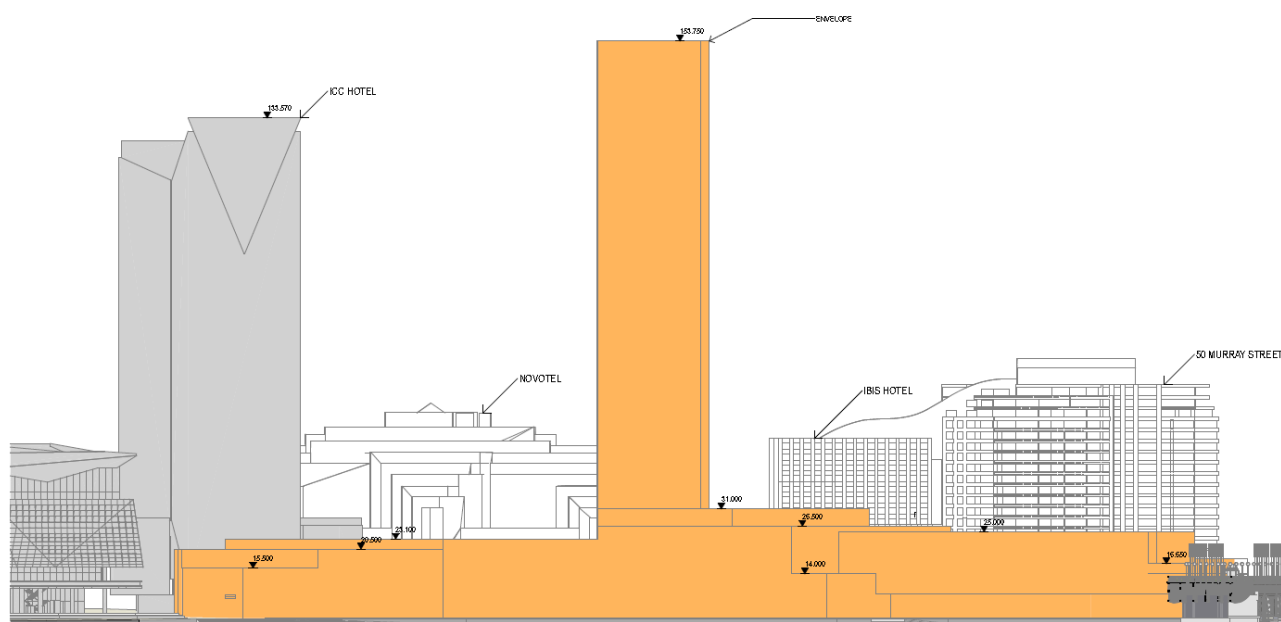


Figure 13 East Elevation

Source: FJMT

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 roof area is not designed to be trafficable (to avoid noise issues and height constraints with installing a balustrade, deep soil planting, shade structures and lift overruns). However, it 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 as well as supporting ESD objectives.

The principal advantages of the landscaping opportunities on the northern rooftop are as follows:

- it will facilitate the creation of a large and consolidated open space that is more amenable to the outlook of 50 Murray Street;
- it will allow for better solar access throughout the day;
- the co-location of the open space with the State heritage-listed Pyrmont Bridge allows for an enhanced interface with the heritage asset and allows for improved passive views to, and past, the bridge from new open space.

Figure 14 depicts the amended indicative design as viewed from the east including modifications to the podium and rooftop landscaping.



Figure 14 Artist's impression of Amended Concept Proposal as viewed from the east

Source: Virtual Ideas

Further justification for, and assessment of, the bulk and scale of the Concept Proposal (including as proposed to be amended) can be found in:

- the original Design Report, prepared by FJMT, attached at **Appendix A** of the EIS;
- the updated supplementary Architectural and Public Domain Design Reports, prepared by FJMT and Aspect Studio, attached at **Appendix C** and **D**; and
- the View and Visual Impact Assessment attached at **Appendix E**.

The amended Concept Proposal building envelope that is now proposed represents a significant reduction when compared to that which was submitted with the EIS. The tower and podium components have been substantially refined so as to comprehensively minimise the impacts on surrounding developments, while retaining adequate amenity in the public domain. The refined built form and scale that has been accommodated within the ongoing design review process associated with this application is included in the supplementary Design Report prepared by FJMT and appended at **Appendix C**.

The amended Concept Proposal will provide a built form that is responsive to the context and characteristics of the site, including the 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.

2.4 Heritage

2.4.1 Issue

In relation to heritage the Department raised concerns over the impact to Pyrmont Bridge, where the Level 2 pedestrian bridge link would interfere with the heritage structure in terms of visual and physical impacts.

The City of Sydney's submission raised concerns on the setback, bulk and scale having impacts on the setting and view of Pyrmont Bridge, noting that the development will have a negative impact on the aesthetic values of the Bridge.

In addition to the above, a number of public submissions raised concern over the potential physical and visual impacts to the heritage significance of Pyrmont Bridge in its setting of the Darling Harbour foreshore in relation to the proposed development.

Further, OEH raised a number of comments around maritime and historical archaeology, including recommending a number of detailed future Stage 2 DA conditions.

2.4.2 Proponent's Response

A supplementary Heritage Impact Statement has been prepared by Curio Projects and is attached at **Appendix J** to support this response.

The supplementary Heritage Impact Statement addresses the submissions and assesses the proposed amended Concept Proposal. The report should be read in conjunction with the original Heritage Impact State (2016) prepared by Curio Projects as well as the Harbourside Shopping Centre, Darling Harbour – Historical Archaeological Assessment (2016).

- In terms of visual impacts, the amended Concept Proposal 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 135 metres between the tower and Pyrmont Bridge, compared with 50 metres in the original Concept Proposal.
- 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 reduced distance between the new tower envelope and the new ICC Hotel tower, serves to further remove any visual relationship between Pyrmont Bridge and will ensure the existing setting of Pyrmont Bridge will be retained without adverse visual impact.
- 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.

- The slight increase in width of the tower envelope footprint will have no visual heritage impact, due to the relocation of the tower further away from Pyrmont Bridge.
- Curio Projects notes the amended location and form of the new tower envelope is considered to have a neutral visual impact to the heritage listed Pyrmont Bridge, within the context of the Darling Harbour foreshore (refer to **Figure 15**).

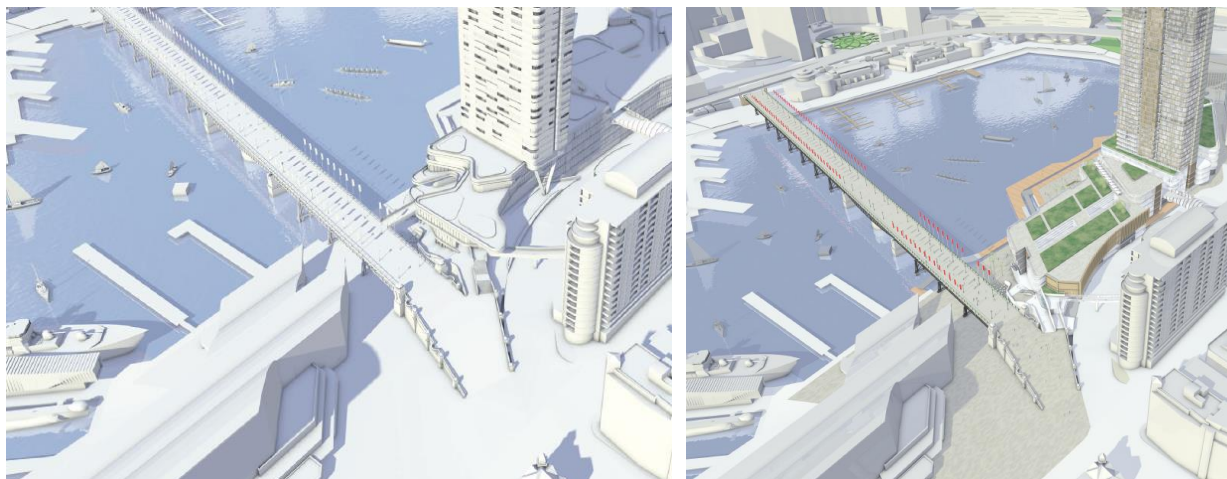


Figure 15 Original relationship to Pyrmont Bridge

Proposed relationship to Pyrmont Bridge

Source: FJMT

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 Darling Harbour Precinct.

The amended Concept Proposal reduces the height of the podium envelope adjacent to Pyrmont Bridge from RL30.5 to RL25 (by 4.5 metres) and the increase in setback of the podium to 10 metres, (as per the original Concept Proposal). However, Curio Projects outline that the complementary public domain improvements, including the new paving to Pyrmont Bridge, will ensure a positive visual impact on the relationship between the new building envelope and the bridge.

An image of Pyrmont Bridge from 1906 is shown in **Figure 16** and indicates that historically (Pyrmont Bridge was completed in 1902) there has always been a close relationship between buildings and the southern side of the bridge.

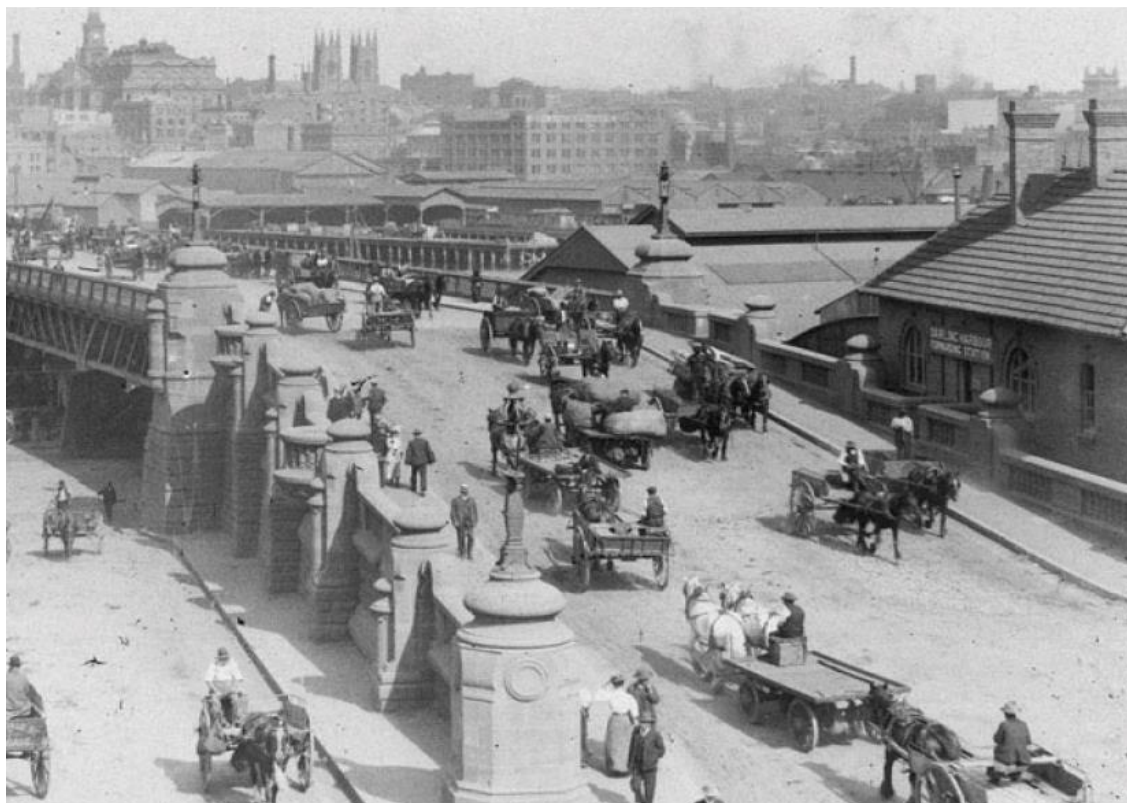


Figure 16 Pyrmont Bridge in circa 1906

Source: *FJMT Architectural Report*

The improvement of the podium and its relationship with the Pyrmont Bridge will allow site users to appreciate views and interact with the heritage form, which is currently obscured and greatly undervalued.

The deletion of the proposed pedestrian footbridge connection from the podium to Pyrmont Bridge means the development will pose no physical impact to the Pyrmont Bridge heritage item, nor any heritage fabric refer to **Figure 17**.

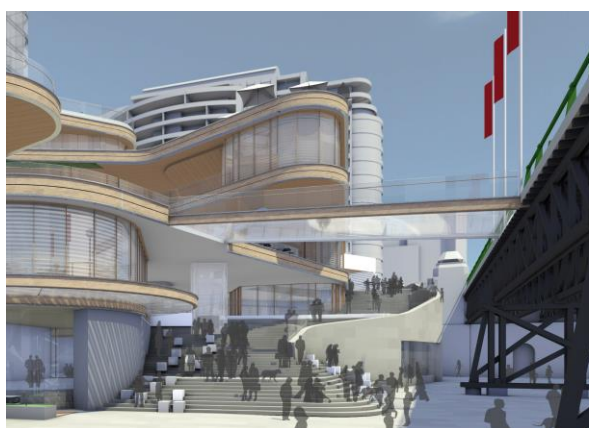


Figure 17 Original indicative design with footbridge

Source: *FJMT*



Amended indicative design without footbridge

The views to and from the Goldsbrough Mort Woolstores have already been interrupted in the context of Darling Harbour and Pyrmont, the amended Concept Proposal will not further adversely impact on these already impaired view lines.

The HIS report includes commentary on the potential of Aboriginal archaeological objects to be present within the study area. The report recommends that as part of the Stage 2 Detailed Design Application, an Unexpected Finds Protocol for Aboriginal Objects should be conducted during construction works. This would ensure that any unexpected finds would be managed appropriately and in accordance with the provisions of the NSW National Parks and Wildlife Act, as required.

The majority of the submission comments regarding historical archaeology will be fulfilled through the Stage 2 DA process. Some of the works will include a Historical Archaeological Research Design and Excavation Methodology, the reassessment of the historical archaeological potential and potential historical archaeological impacts and the preparation of Heritage Induction document for all on-site contractors and personnel for example.

Furthermore, a Heritage Interpretation Plan for the site will be prepared in accordance with the relevant heritage guidelines issued by the NSW Heritage Division and is proposed to be undertaken as part of the Stage 2 DA, once the specific design and impacts of the development have been confirmed.

2.5 Overshadowing

2.5.1 Issue

The City of Sydney states the overshadowing impacts to the public realm are excessive and the proposed residential tower will reduce the pedestrian amenity of these areas.

A range of public submissions also questioned the overshadowing impacts of the proposal. A number of these submissions were concerned with the overshadowing impact on existing apartments, whilst others questioned the overshadowing impact on public spaces within Darling Harbour and Pyrmont.

2.5.2 Proponent Response

The importance of surrounding public spaces and the amenity of surrounding buildings is noted as a critical consideration in the determination of the proposal. The development of the amended Concept Proposal has undergone a thorough design process, from the original commercial tower setback 25 metres from Pyrmont Bridge, to a slimmer residential tower, with the short sides orientated east to west, to a reduction in height by 12.6 metres to RL153.75 and a relocated tower to the centre of the site setback 135 metres from Pyrmont Bridge, plus a reduction in height of the podium by 4.5 metres.

The amended shadow diagrams provided attached at **Appendix C** indicate that when compared to the existing situation, the proposal will result in some additional overshadowing of the public domain of Darling Harbour and water of Cockle Bay. This overshadowing over Cockle Bay is limited in part to a fast-moving slender shadow reflecting the form of the proposed tower envelope.

Following the relocation of the tower, the public domain located to the east and south of the site and more broadly within Darling Harbour will continue to be provided with direct sunlight throughout the morning period on June 21 (the winter solstice) before shadow resulting from the proposed tower occurs after midday. Shadow from the amended envelope is then expected to fall on the waterfront promenade during the afternoon period.

The relocation and reduction in height of the tower and podium has reduced the extent and length of shadow on the western side of the public domain, particularly within the key lunchtime period of 12 noon to 1:00pm. At 12:30pm the area of waterfront promenade in shadow from the original concept proposal was 1,574m² whereas in the amended Concept Proposal, the area of the waterfront promenade in shadow is 989m². This is an increase of 585m² of the waterfront promenade receiving sunlight during the peak activity time at lunch. At 1:00pm the area of waterfront promenade in shadow from the original concept proposal was 5,819m² whereas in the amended Concept Proposal, the area of the waterfront promenade in shadow is 3,834m². This is an increase of 1,985m² of the waterfront promenade receiving solar access during the peak activity time. This is an improved outcome in shadow impacts over the key lunch time period, which is when the public is most likely to use and appreciate the space.

From 2:00pm onwards the shadow impact of the amended proposal falls onto the water, and onto the southern portion of the Darling Harbour waterfront, similar to the original proposal. It should be noted that due to the revised envelope, the shadow would not fall on the eastern side of Darling Harbour, unlike the shadow impact from the original proposal. A comparison of the original and amended Concept Proposal is provided in **Table 2**. It should be noted that only shadows cast by the proposal outside of the site have been included as part of the assessment of the Amended Concept Proposal.

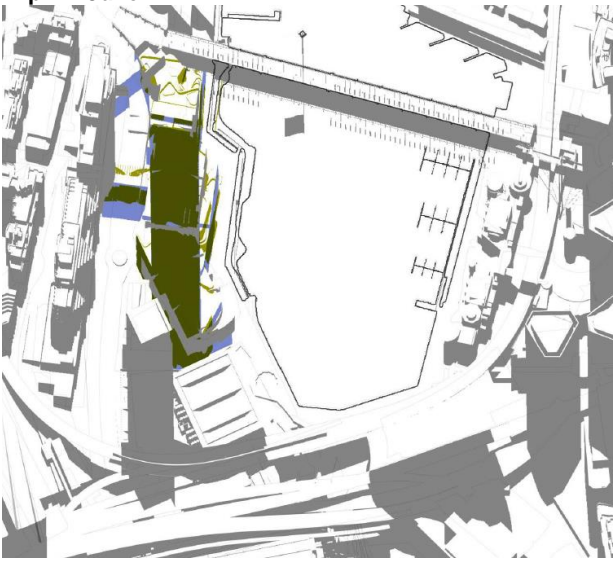
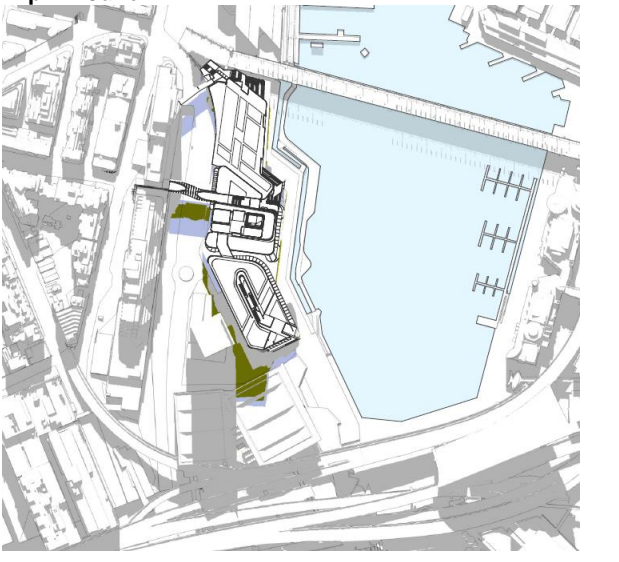
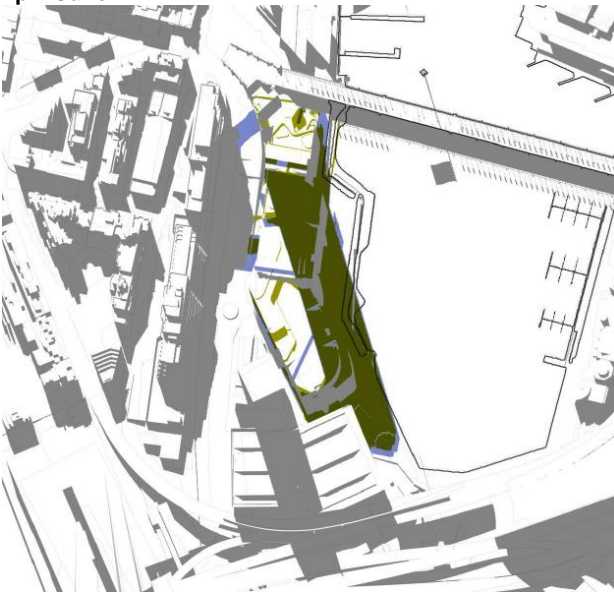
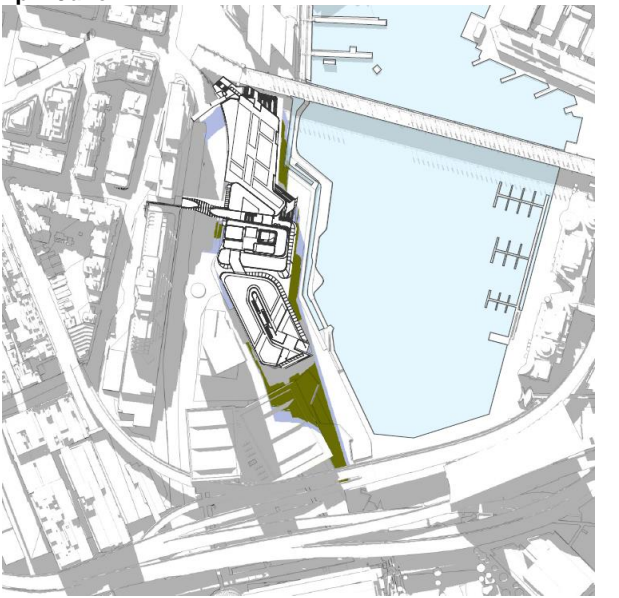
Overshadowing of this waterfront promenade during the afternoon period on the winter solstice would be expected with any reasonable built form outcome on the site, given the proximity of the promenade on the eastern side of the building form. The overshadowing expected to result from the tower envelope is restricted to a small proportion of the overall Darling Harbour public domain and is limited to the western and southern side of 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 on the eastern and part of the southern side.

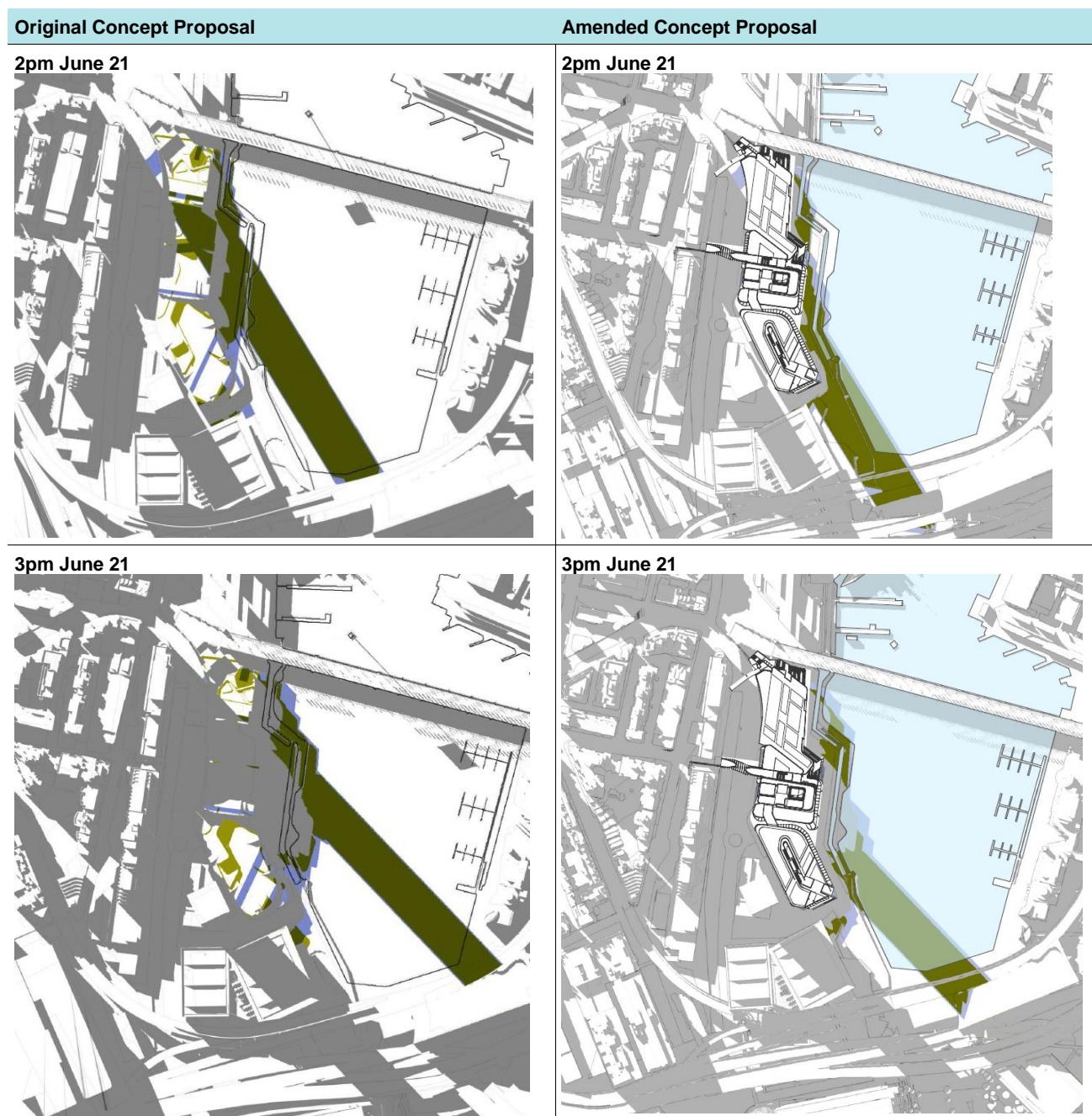
The amended Concept Proposal represents a maximum building envelope for the future podium and tower development. The detailed designs of the building will be contained within the proposed maximum envelope, ensuring that any potential overshadowing impacts are minimised from those being considered within this assessment.

On balance, the amended proposal represents a significant improvement from the originally submitted proposal and is considered to be acceptable as generally unimpeded solar access is available within the immediately surrounding Darling Harbour precinct for a reasonable amount of time, being the entire morning period, on the winter solstice. Whilst some overshadowing will occur, this level of overshadowing would be expected with any reasonable built form outcome on the site and any shadow over the waters of Cockle Bay is fact moving and slender. Overall, the amended Concept Proposal ensures that there are still vast areas of sunlight available for the enjoyment of the public throughout the year, with the key move to site the tower within the centre of the site ensuring that existing and renewed areas of public domain provided as part of the proposal receive an appropriate level of solar access.

The closest residential apartment building is 50 Murray Street, opposite the site on Darling Drive. An assessment of the potential overshadowing impacts of the original Concept Proposal on 50 Murray Street confirmed that there would be nil to minimal impact in the level of solar access received to existing apartments on the winter solstice and summer solstice. The relocation of the tower south to within the centre of the site and away from 50 Murray Street and the reduction in the height of the podium will only result in further improvements in terms of solar access.

Table 2 Overshadowing Analysis of Public Domain

Original Concept Proposal	Amended Concept Proposal
<p>12pm – June 21</p> 	<p>12pm – June 21</p> 
<p>1pm June 21</p> 	<p>1pm June 21</p> 



2.6 Visual Impact and View Loss

2.6.1 Issue

The Department requested the proponent to reconsider the location of the tower to mitigate view impacts.

The City of Sydney noted that the proposed setbacks and bulk and scale of the built form will have impacts on the setting and views of Pyrmont Bridge.

A substantial number of submissions from the general public and community groups addressed the proposal's loss of views including the visual impact from surrounding areas and the city's skyline. The submissions noted severe loss of private views from 50 Murray Street, where the proposal will dominate immediate to long-distance views, including iconic views.

2.6.2 Proponent's Response

A supplementary Visual and View Impact Analysis of the amended Concept Proposal has been undertaken and is attached at **Appendix E**. This report notes that the modifications made to the Concept Proposal since the preparation of the EIS have acknowledged the protection of key views and vistas from surrounding buildings and generally from or within the public domain.

As discussed previously, the relocated position of the tower and the reduction and modifications in height of the tower and podium will allow for significantly improved 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 equitable view sharing to be achieved.

With respect to the street level public domain:

- The revised central tower location will provide visual connectivity between the new ICC Hotel, ensuring the proposal is consistent with the context of the western side of Darling Harbour.
- The relocation of the tower to the centre of the site will provide a generous distance of 135 metres between the tower and Pyrmont Bridge. The central location of the tower will ultimately remove any potential negative visual impacts to Pyrmont Bridge and will significantly improve the reading of the bridge in its harbour setting when viewed from key public spaces in and around the harbour and Cockle Bay.
- The addition of landscaping opportunities on the northern end on the roof of the podium will further facilitate access and appreciation of numerous views and vistas across Darling Harbour and Pyrmont Bridge.
- Continuous and unobstructed public sightlines to the foreshore are maintained and improved from Pyrmont Bridge.
- Views to, through and over the site are predominantly retained such that the public / pedestrians will continue to enjoy the visual qualities of the harbour and its foreshores, and to and from Pyrmont Bridge.
- Existing views from the CBD along Market Street, plus Barangaroo will be enhanced as the tower element will be visually connected to the ICC Hotel.
- The proposed development will not adversely impact on any significant views and vistas to and from Tumbalong Park or Pyrmont Bay Park.
- The predominant experience of a driver and pedestrian travelling along Darling Drive will remain of a low-medium scale-built form character, interspersed with tall towers.
- The key design principles adopted for the future tower will create a strong identifiable form when viewed within the city skyline and at the local pedestrian level.
- Visual connectivity to other heritage items in the vicinity will not be adversely affected by the amended Concept Proposal.
- The amended Concept Proposal continues with the evolution and change to the character of Darling Harbour, providing the opportunity to deliver an iconic building form that marks the site's location by redefining the density and height of development on the western side of Darling Harbour.

With respect to private views:

- The tower has been relocated from the north of the site to the centre of the site (the widest part of the site) to minimise view impacts from 50 Murray Street. Furthermore, a portion of the podium height at its northern extent has been partly reduced from 30.5 RL to RL 25. The relocation of the tower and the reduction in height of the tower and podium provides for significantly improved view sharing from 50 Murray Street and the Ibis Hotel.

Figure 18 demonstrates that the relocation of the tower results in a highly significant reduction in view impact to 50 Murray Street.

The views from the Novotel, ICC Hotel and Ibis are considered less critical given these are hotel buildings and do not accommodate permanent residents, only transient residents. As outlined above refer to the visual and view analysis attached at **Appendix E** for further detailed assessment.

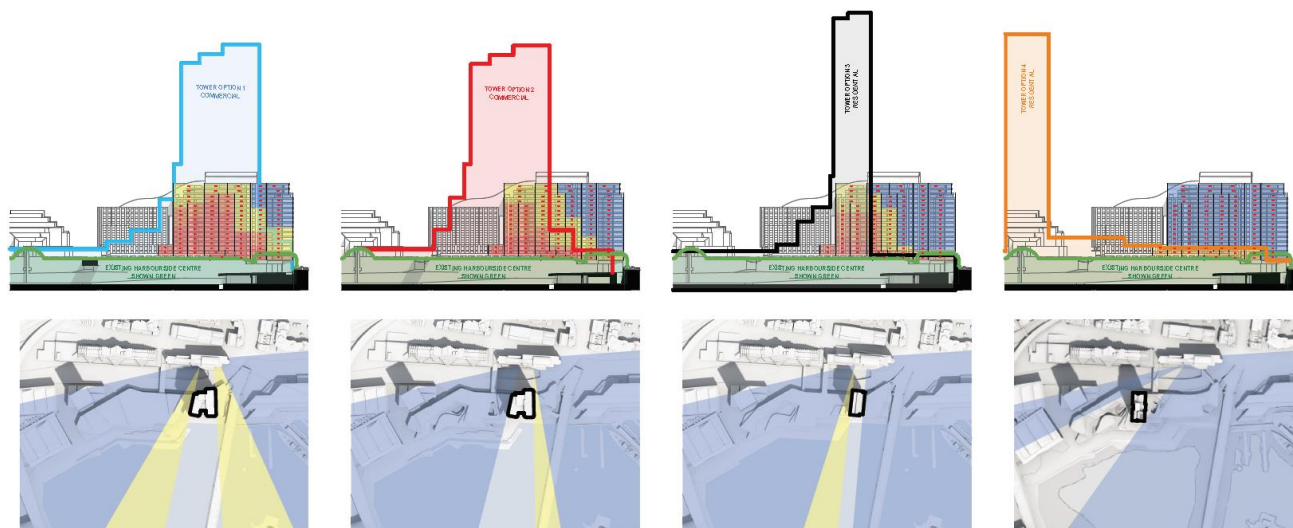


Figure 18 Evolution of view sharing to Murray Street

Source: FJMT

In summary, the Visual and View Impact Analysis has determined that the amended Concept Proposal is a significant improvement and has achieved a well-considered and good balance between the protection of private views and the protection of public domain views in the delivery of a new high quality mixed use development on the foreshore of Darling Harbour. Furthermore, it has confirmed that the significant design refinements that have occurred since the original Concept Proposal including relocation of the tower, reduction in height of the tower and podium have strongly promoted equitable view sharing and significantly reduced view impacts.

2.7 Land Use

2.7.1 Issue

The Department and the City of Sydney have commented on the justification and need for residential uses to be accommodated on the site, with respect to meeting the objectives of the relevant planning framework including the Darling Harbour Development Plan No. 1, Sydney Harbour Catchment 2005 SREP, Eastern City District Plan and the City of Sydney's proposed Central Sydney Planning Strategy. Council have further stated that despite the District Plan noting priorities for housing and liveability, the City are in a position to meet the NSW Government housing targets for residential dwellings without the provision of housing on the site.

Further to this, submissions received from the general public and community groups provided comments on the requirement for residential apartments in the area and further emphasised the need for social infrastructure including schools, playing fields, child care, health and community facilities. The public submissions raised concern over the proposed size of the retail podium being more than double the existing floor space.

2.7.2 Proponent's Response

Under the Darling Harbour Development Plan No. 1 commercial (including retail) and residential uses are both permitted uses.

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.

The provision of 357 apartments will also contribute to the City of Sydney's 5-year housing supply of an additional 18,300 houses. The City noted that they already have enough housing supply to meet their targets, however the additional housing will help with affordability and as outlined above provide a variety of housing types within close proximity to public transport and 10-minute walking commute to the CBD which will provide easy access to jobs.

The residential tower option ultimately adopts a smaller floor plate when compared to a commercial tower ~ 50% reduction in floor plate size. This minimises view impacts upon properties to the west with the narrow face of the tower being oriented to the east and west. The first residential apartment level is over 25 metres above ground level and set back approximately 12 metres from the podium. Appropriate amenity measures such as façade and acoustic treatments will be integrated during design development as part of the State Significant Stage 2 Development Application process.

The residential component will also guarantee that the redevelopment supports a truly mixed-use precinct. The proposed residential use in a tower located above a shopping centre and commercial office space in Darling Harbour provides both functionality and connectivity as it is in close proximity to services, transport nodes, employment and optimises the distribution of people and goods in and out of space. The residential component will add vibrancy by injecting local residents into Darling Harbour and ensure that Darling Harbour supports Sydney as a 24-hour global city. The mix of land uses also complements the \$15 billion of surrounding investment and development, further contributing to a whole of precinct and place-based approach, while also supporting the business case for a potential metro station at Pyrmont.

The residential use will not undermine the functionality or experience of Darling Harbour as a tourism and convention centre precinct. The proposal will also reinvigorate/expand the retail uses currently on the site, with the indicative design providing approximately 15,000m² of net lettable area for retail uses, as well as 23,000m² of net lettable area for commercial office space, which will only help to continue the economic growth of Sydney. Tourism in the region is also expected to be enhanced considering the prime location and high visitation rate of Darling Harbour, which is only be expected to increase following the successful redevelopment of the site.

The provision of commercial office space in the podium will also allow for an additional dimension to be provided in the project, resulting in greater diversity of uses and ultimately users of the site and boosting job numbers by more than 2,313. The commercial office space in the podium will contribute to the overall supply of high-quality office space in proximity of the Sydney CBD. Given the location of the site, this commercial floor space will allow for a more unique offering (larger campus style floor plates) compared to space in the heart of Sydney's CBD.

It is also important to note that 50 Murray Street, Pyrmont is located within Darling Harbour, and this residential use supports the range of tourist attractions, shopping facilities, bars and restaurants of Darling Harbour, rather than undermining the intent as a tourist destination.

The Harbourside development will attract additional expenditure to Darling Harbour Precinct which also reiterates that the Harbourside retail component will continue to be a key attractor of Darling Harbour as a tourist destination. The expected additional expenditure is due to both an increase in retail revenue from the improved quality of the new development, as well as an increase in the amount of retail space. An economic analysis report by EY estimated the potential value of each component below:

- Enhanced food, beverage and retail experience at Harbourside: \$79m per year;
- Additional tourism expenditure at Harbourside from new visitors: \$27m per year;
- Additional tourism expenditure at Darling Harbour from new visitors: \$170m per year; and
- Total additional expenditure at Darling Harbour: \$394m per year.

A revised public benefit offer prepared by Mirvac is attached at **Appendix P**. This report outlines the public benefits proposed and describes the works and benefits. The public benefit offer also includes a 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 existing neighbourhood.

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), approved in July 2018, and due to be completed in 2020. 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 dwellings in the catchment of the Ultimo Public School.

The proposed improvements to the public and pedestrian connectivity to the waterfront and the provision of a significant widened waterfront promenade open space will allow the broader community, city workers and tourists to enjoy the benefits of the site's waterfront location, this needs to be balanced against the residential tower. The residential tower will cover the costs of the significant public benefit and upgrade of the public domain. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good take precedence over private good where change is proposed on the harbour or within its foreshores.

The location of the proposed publicly accessible open space is a key urban design principle for the amended Concept Proposal which has been developed specifically in order to improve the function of the public domain and to better integrate the site to Pyrmont Bridge and the waterfront.

2.8 Traffic Generation, Parking

2.8.1 Issue

In regard to traffic, the Department have requested a revised transport and access report incorporating additional information requested from Transport for NSW, to be prepared in conjunction with the CBD Coordination Office and the RMS. Transport for NSW have stated that ongoing consultation is required given the changes to pedestrian and traffic movements in the area as well as the Sydney Light Rail. As well as a detailed queuing analysis to identify the risks associated with the queuing on public roads and mitigation measures required.

The City of Sydney did not raise concerns with regard to the traffic generation of the proposed development but noted that the cycle network should be physically separated from cars travelling on both sides of Darling Drive.

Traffic and access were referred to a number of times in the submissions received from the general public and community organisations. These submissions noted that an up to date traffic impact study should be conducted for all major intersections as part of the integrated planning for the area. Further noting that the provision of 295 car parking spaces is excessive and the redevelopment of parking stations under the Ibis and Novotel Hotels should be incorporated within the integrated plan for the Pyrmont / Ultimo area.

2.8.2 Proponent's Response

A revised Traffic and Transport Impact Assessment has been prepared by Arcadis attached at **Appendix F**. The report provides a response to the submissions made during the public exhibition period along with reporting on traffic impacts following a more recent traffic survey completed in January 2020 and more broadly should be read in conjunction with the original assessment prepared by Arcadis and dated November 2016. It should be noted that a meeting was held with the Transport for NSW CBD Coordination Office and the RMS on the 3rd August 2018 to discuss the amended proposal and further consultation will occur throughout the planning, design and construction stages as required.

Parking and Queuing

Under the amended Concept Proposal, there is an adjustment to the basement design with three levels now proposed (increasing from two levels) along with a reduction in footprint size. There is also a corresponding minor increase in the number of car parking spaces from 295 spaces to 306 spaces. The addition of 11 parking spaces is considered a negligible impact. The three levels of basement car parking will be for residential parking only, with the existing spaces below the Novotel Hotel car park retained for retail/commercial car parking.

The entrance and exit from the proposed basement car park are not directly located on Darling Drive, where vehicles will enter and exit via the existing access roads that service the Harbourside loading dock. The length of the entry road to the basement car park is approximately 150 metres from the entry to the interface with Darling

Drive. As discussed in the Traffic and Transport Impact Study attached at **Appendix F**, queue lengths as detailed in Table 3.3 of AS: 2890.1 Off Street Car Parking have been used to estimate the peak hourly in-flow of traffic and queue areas required for car parks. The assessment concludes that the development would require a vehicle queue storage allocation of 19 vehicles. This equates to a queue length of 114 metres which is less than the 150 metres provided on the entry access road. As such, the traffic queue length entering the basement car park is unlikely to impact on the operation of traffic on Darling Drive.

Ongoing consultation will be undertaken between the applicant, TfNSW, the light rail operator, and if required, Sydney Trains during the design and construction of the proposed development, with regard to all design elements of the proposed development that interface with the light rail corridor.

Pedestrian modelling will be undertaken during future design stages to ensure that adequate capacity for pedestrian movements is provided at critical locations within the proposed development footprint and surroundings.

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.

The cycle network will be consistent with the existing network together with integrated improvements as a result of surrounding developments. The proposed cycle access for the Harbourside development will include the Darling Drive cycle network and the internal cycle route within the Darling Harbour Precinct via Tumbalong Park. No new cycle routes are proposed as part of the development.

Public Transport

The revised report has addressed changes to the pedestrian and public transport networks in the area, with specific reference to the Sydney Light Rail – Inner West Line and ferry operations from Pyrmont Bay. Service frequency of the Light Rail has been improved to approximately 8 minutes for the whole day. The increased frequency is expected to accommodate additional capacity.

Further to this, the report notes that ferry services have been upgraded and improved, with Pyrmont Bay Wharf now linking with the eastern suburbs (Rose Bay / Watsons Bay route) as part of a cross harbour service to Pyrmont. It is expected that this service will be able to accommodate additional capacity and an increase in patronage use at the wharf.

In accordance with the upgrades to these public transport services, the proposed development and public domain has been designed to integrate pedestrian linkages between transport nodes and the development, in turn resulting in more direct pedestrian access.

Traffic

To ensure accuracy of results, Arcadis undertook further traffic surveys during January 2020 with the results included with the revised report at **Appendix F**. Arcadis concludes:

- There has been minimal changes to intersections analysed between 2016 and 2020;
- The proposed development would not produce major traffic impacts on most intersections; and
- The proposed adjustment in indicative land uses has no affect on overall traffic impacts.

2.9 Public Domain and Pedestrian and Cycle Network

2.9.1 Issue

The Department have requested further clarification on how the proposal will integrate and improve the existing pedestrian/ cycling network between Pyrmont, Darling Harbour and the CBD. Also to outline the proposed changes to the waterfront promenade including details of capacity and illustration on how the width of the publicly accessible area will integrate with the forecourt of the ICC. As well, details on the delineation of the public and/or private access and open spaces, across the podium level and access to the residential towers is required.

The City of Sydney have noted the width of the publicly accessible foreshore setback needs to be greater to address the original planning framework for Darling Harbour being a precinct for the people with open space and highly accessible and varied leisure activities.

The submissions from the general public and community organisations note that the space below the Pyrmont Bridge should be integrated into the design of the Harbourside development to create a cohesive public domain and further refinement of the built form is required to ensure the public domain receives adequate solar access.

2.9.2 Proponent's Response

The amended Concept Proposal includes the following components of public space:



- 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 and through-site link: A new pedestrian bridge providing a vital and 24/7 direct link from Pyrmont through to the waterfront.
- 50 Murray Street bridge: Retention and upgrade of the existing bridge.
- Green roofs: Opportunity for landscaping of roofs to provide attractive and embellished spaces (non-trafficable).
- Publicly accessible rooftops.

The waterfront promenade has been increased from 10.8 metres to 20 metres at the southern and mid areas adjacent to the site, and the amended Concept Proposal also increases the northern portion of the promenade from 11.2 metres to 14 metres (refer to **Table 3**). The proposal sees the waterfront public domain area increased from 4,326m² to 4,800m² while also offering significant improvements in materiality and functionality.

A secondary path along the water's edge has also been recently delivered at part of the SICCEP development, and the increased width of the waterfront promenade will be supplemented by the Event Steps which is a generous space for people to meet and greet and enjoy the northern sun. The Ribbon Stairs will also provide an increased building setback from Pyrmont bridge for improved connectivity and showcasing of the heritage bridge.

These key components of the public domain contribution will provide a more generous and inviting public experience along the waterfront. It will ensure Darling Harbour is retained as a precinct for the people with open space and highly accessible and varied leisure activities. Also due to the increased setback of the tower to 32 metres from the waterfront and 12 metres from the podium, there will be an improved relationship between the built form and the public domain, which will ensure people can congregate without feeling an adverse sense of enclosure.

Table 3 Widened Waterfront Promenade

Public Domain Area	Existing and Proposed
<p>Existing Public Domain Area:</p> <p>4,326m²</p>	
<p>Proposed Public Domain Area:</p> <p>4,800m²</p> <p>Increase of 474 m²</p>	

Pedestrian and Cycle Network

A supplementary pedestrian report has been prepared by Urbis and is attached at **Appendix I**. The report notes that the 20 metre wide waterfront promenade will form the main spine for circulation of the public domain. The promenade will connect to the public domain area in the south in front of SICEEP. The waterfront promenade will also link with the widened event stairs in the middle of the site which connects with the Bunn Street pedestrian bridge at upper podium level, providing another pedestrian access point through to Pyrmont (refer to **Figures 19-21**). The waterfront promenade will join up with the ribbon stairs in the north of the site which links to Pyrmont Bridge and connects pedestrians to Pyrmont in the west and the Sydney CBD in the east.

The proposed pedestrian linkages have been included as an integrated component of the amended Concept Proposal and will connect the development to the surrounding public transport nodes such as the light rail to the west and ferry stops within Cockle Bay. The new links will support improved ease of movement, strengthening east-west and north-south conditions from Pyrmont and Ultimo to and from the City and Barangaroo.

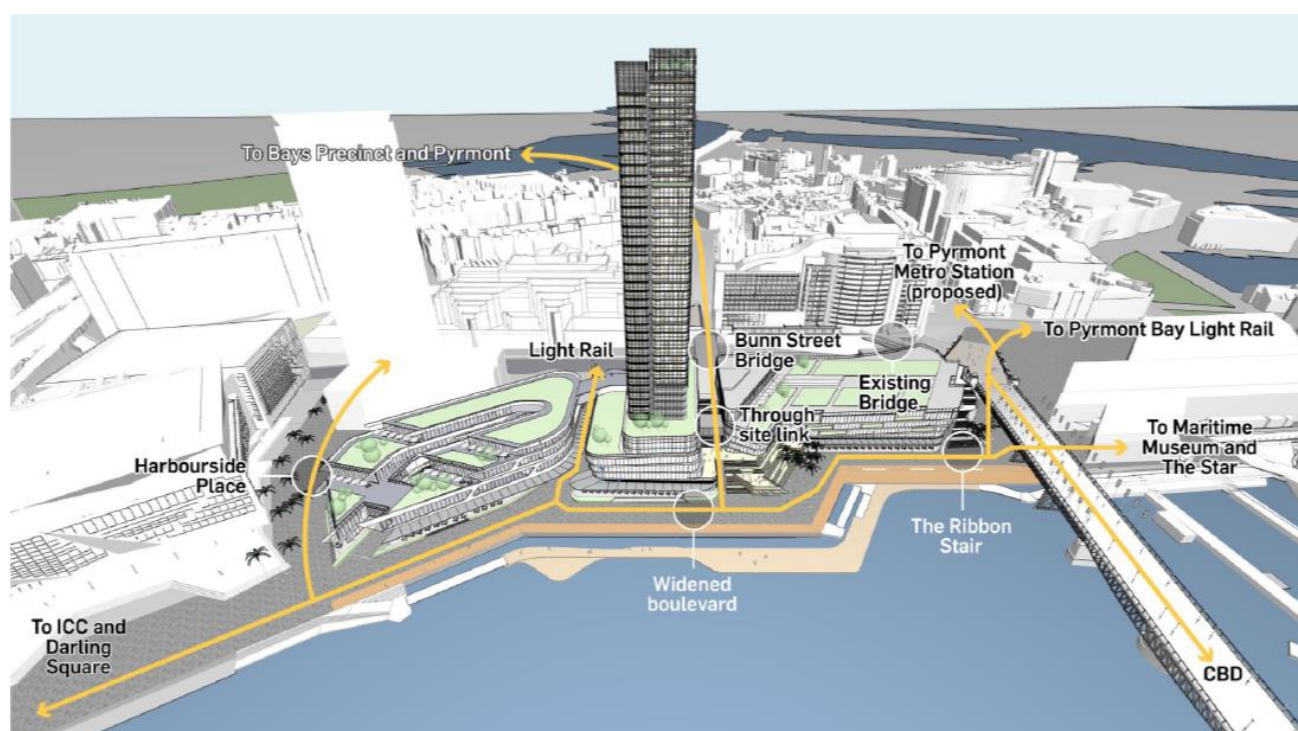
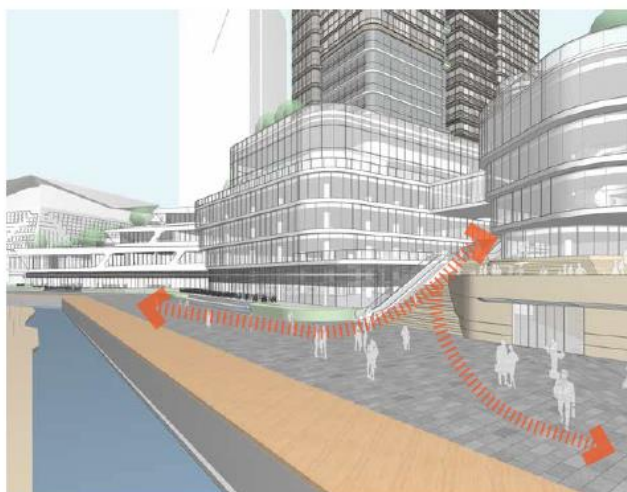


Figure 19 Indicative Illustration of Linkages Radiating from Broader District

Source: Urbis

① The Events Steps



② Pedestrian Bridge Entrance/Exit



③ Bunn St. Bridge



*Indicative design only



Figure 20 Indicative Illustration of Pedestrian Links and Porosity through the Precinct

Source: *fjmt*

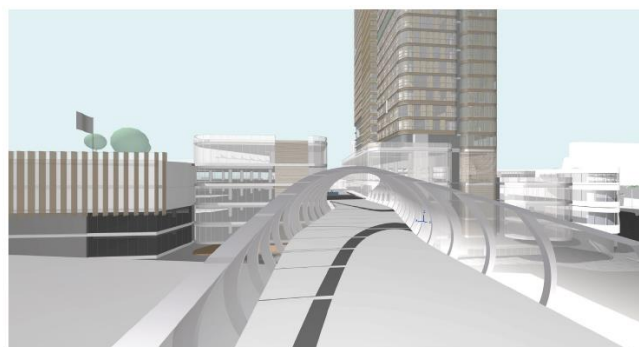


Figure 21 Illustrative views from the west approaching the proposed Bunn Street Bridge

Source: *FJMT*

Rooftop Open Spaces

Due to the tower relocation, the amended Concept Proposal incorporates the opportunities for the addition of further landscaping on the northern rooftop extent of the retail/commercial podium (non-trafficable), further enhancing views and outlook from 50 Murray Street. **Figure 22** demonstrates the improved connectivity at the waterfront and opportunities for landscaping on the site.



Figure 22 Artist's impression of potential amended concept proposal, including widened 20m waterfront promenade and landscaped podium roof

Source: Virtual Ideas

Figure 23 identifies the proposed approach to the delineation and greening of the rooftops, with final details and access arrangements to be identified in the Stage 2 detailed design. The landscaped areas on the roof will ensure an improved outlook for surrounding buildings, with the northern rooftop to be non-trafficable to limit acoustic and visual impacts to surrounding buildings.



Figure 23 Rooftop Open Spaces

Source: Aspect Studios

3.0 Proposed Amended Concept Proposal



Since public exhibition of the proposal, significant amendments have been made to the proposed development, to comprehensively respond to the issues and comments raised by agencies and the public, along with adjustments made to strengthen and enhance the design of the proposal. The following section outlines the design evolution of the amended Concept Proposal. It also presents an updated description (where relevant) of the modified development for which approval is sought. The proposed changes are shown on the revised Architectural Drawings prepared by FJMT attached at **Appendix C** and the Public Domain Drawings prepared by Aspect Studios attached at **Appendix D**.

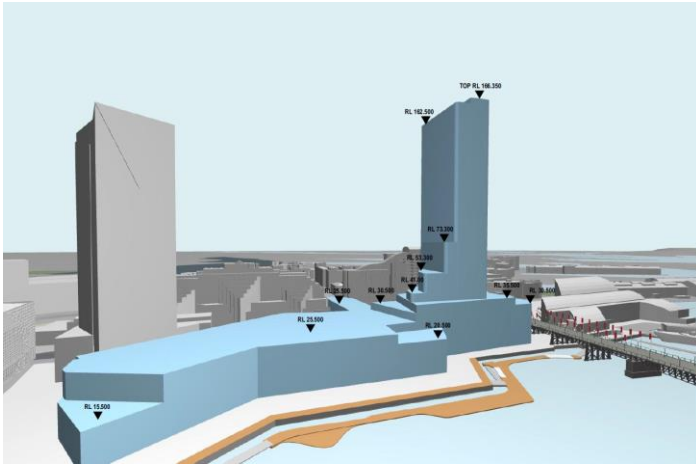
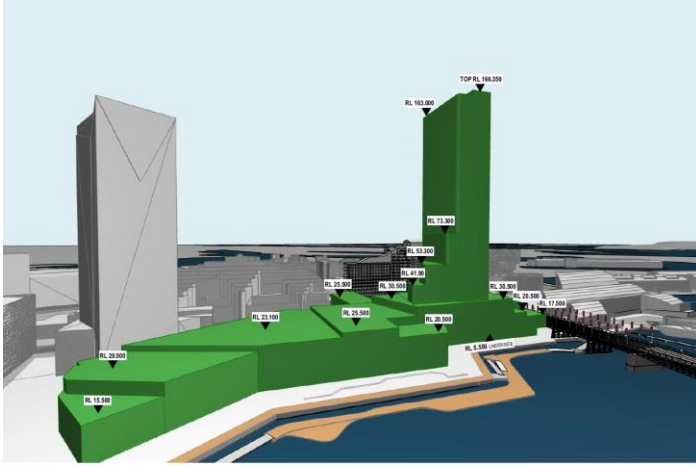
3.1 Design Review Process

3.1.1 Envelope Evolution Prior to Lodgement

Table 4 outlines the design history of the proposed Concept Development Application prior to lodgement to illustrate the extensive initial design review that informed the original Concept Proposal.

Table 4 Envelope Evolution Prior to Lodgement

Time	Concept Proposal
March 2016 Commercial Tower - 25m from Pyrmont Bridge <ul style="list-style-type: none"> The initial Concept Proposal was an envelope for a retail podium and a commercial tower setback 25m from Pyrmont Bridge. 	
April 2016 Commercial Tower - 50m from Pyrmont Bridge <ul style="list-style-type: none"> The setback of the commercial envelope was increased to 50m from Pyrmont Bridge. 	

Time	Concept Proposal
<p>June 2016</p> <p>Residential Tower - 50m from Pyrmont Bridge</p> <ul style="list-style-type: none"> A residential tower was considered a more appropriate use, to provide a slimmer, taller tower relative to a commercial tower option. Residential floor plates provided would be more slender, reducing the shadow and view impact caused by the commercial building. 	
<p>December 2016 - Original SSDA Concept Proposal</p> <p>Following consultation with 50 Murray Street a refined SSDA Envelope was lodged</p> <ul style="list-style-type: none"> The residential tower had a height of RL166.35 and was setback 50m from Pyrmont Bridge Modifying the podium ranging the height from RL 15.5 in the south to RL 30.5 in the north Lowering the podium in the north by 4m Reinstate the northern bridge link over Darling Drive 	

3.1.2 Envelope Evolution Post Lodgement

Following receipt of the submissions made during the public exhibition of the EIS, the proponent held a number of design meetings with Professor Peter Webber (independent urban design advisor) and the Department to help shape the amendments that are now proposed to the Concept Proposal.

The workshop meetings were held on the following dates:

- 19 January 2018.
- 6 April 2018.
- 7 May 2018.
- 4 June 2018.

The team tested the amended Concept Proposal, with refinements and revisions made to the development envelope to address the opportunities and constraints of the site and respond to public and agency submissions. The envelope has been interrogated and refined with detailed consideration of the following:

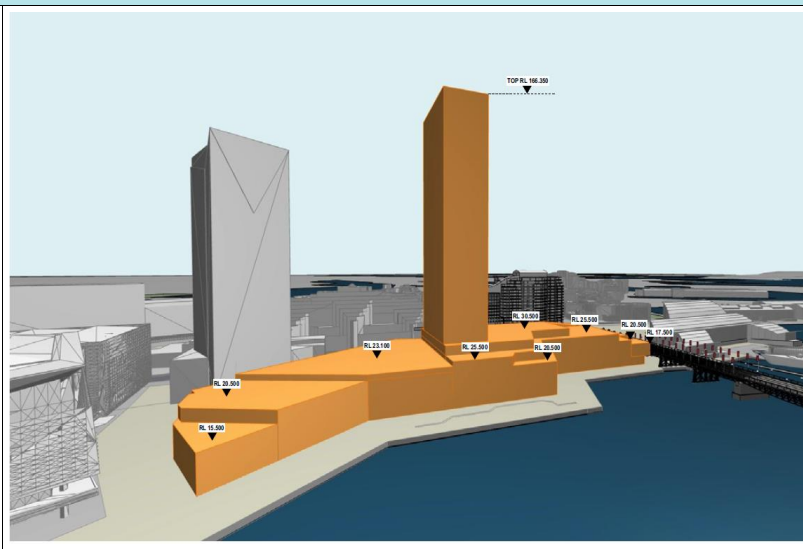
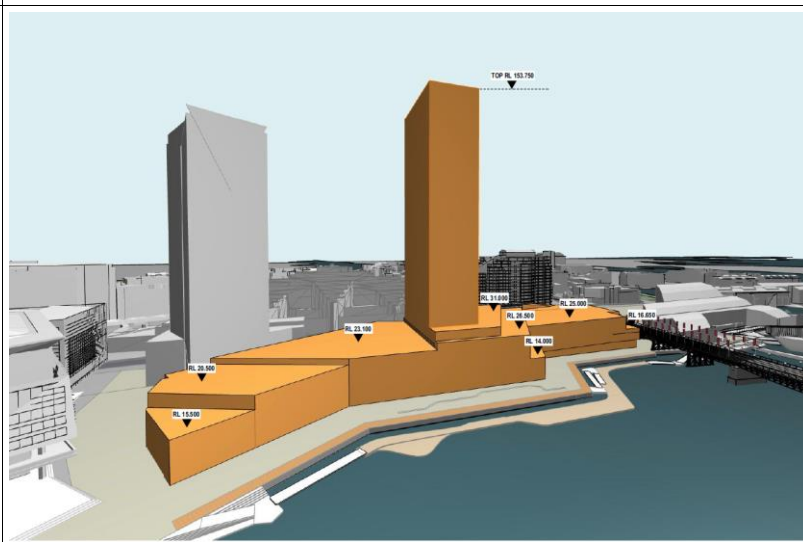
- relationship to surrounding development and foreshore;
- view sharing with adjacent development;
- overshadowing impacts; and
- visual impact from the public domain.

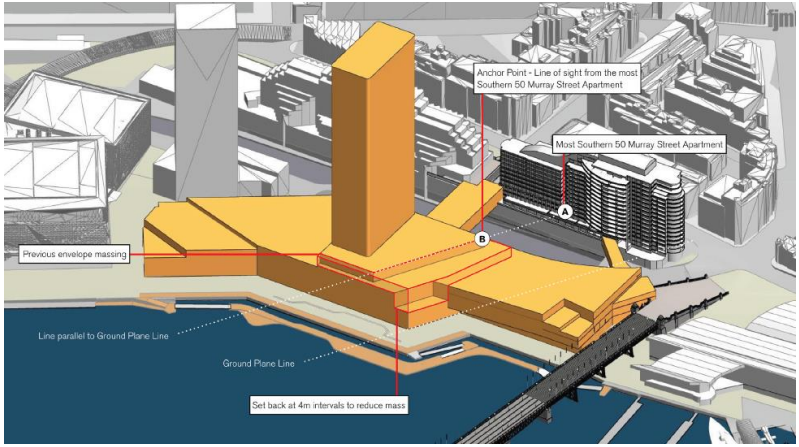

In summary, the following was discussed and agreed:

- move the residential tower to the centre of site, to the widest and out of the way of 50 Murray Street;
- drop the height of the tower envelope from RL166.35 to RL153.75m to improve the relationship with ICC hotel and reduce overshadowing;
- further refinement of the podium envelope – particularly around the event steps;
- splay the base of residential tower to further open up views from 50 Murray Street;
- set the tower back further from the waterfront; and
- in relation to the public domain, open up the northern end of the site.

Table 5 outlines the iterations of the concept envelope post-lodgement.

Table 5 Envelope Evolution Post Lodgement

Timeline and Comments	Diagrams of the amendments
<p>April 2018 Relocate the tower to the centre of the site</p> <ul style="list-style-type: none"> • The tower element of the Concept Proposal was relocated from the north of the site to the centre of the site (the widest part of the site). • The new location provided an increased setback from the heritage listed Pyrmont Bridge, improved relationship to the waterfront and ICC Hotel, helped to minimise view impacts from 50 Murray Street, together with reducing overshadowing impacts on the public domain and improved solar amenity to the northern end of the retail centre. 	
<p>May 2018 Reduce the height</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 again improve views from adjacent buildings from the west. 	

Timeline and Comments	Diagrams of the amendments
<p>June 2018 Refine the podium envelope</p> <ul style="list-style-type: none"> Following feedback from the Department, the podium envelope was further refined to reduce its bulk when viewed from the Waterfront. The podium was trimmed with consideration of views from 50 Murray Street. Further refinements were made to the envelope to further reduce its bulk in response to subsequent advice from the Department. The portion of envelope to the north of line AB was removed to improve the views from the southernmost apartment at 50 Murray Street 	
<p>February 2020 – Amended Concept Proposal</p> <ul style="list-style-type: none"> Adjustment to indicative land use mix, retail, commercial, and residential. 	

As demonstrated in **Table 5**, since public exhibition of the proposal, significant amendments and improvements have been made to the proposed development. The changes include those 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. The proposed changes are clearly shown in the revised Architectural Drawings prepared by FJMT attached at **Appendix C**.

3.2 Design Principles

Since the exhibition, and in consideration of the submissions received, the design review process utilised the original design principles as follows:

- establish a more regularised setback to the waterfront to enable an enhanced public domain which stitches together with the revitalised public domain to the south;
- enhance opportunities for views and vistas of the harbour and Pyrmont Bridge;
- create an appropriate scale and relationship to new and existing surrounding development, in particular the ICC and ICC Hotel to the south and Pyrmont Bridge to the north;
- create new and enhanced east-west linkages to improve access from Darling Harbour to Pyrmont and improved access from the Harbourside site to the Pyrmont Bridge, integrating the site into the existing local street and pedestrian networks;
- provide opportunities for activation, particularly at the ground level along the waterfront public domain to interact with the harbour edge;
- facilitate the development of a new residential tower above a revitalised retail/commercial podium, allowing for a mixture of compatible uses which complement the wider uses within Darling Harbour and which integrate with existing and new linkages and connections;
- enable a new residential tower to be developed which responds to the surrounding context of tall buildings and appropriately manages building separation, view sharing and overshadowing considerations;

- allow for an integrated solution on the Harbourside site through the development of a podium and tower form which presents as a single coherent development;
- improve public amenities and provide a public domain with social, green infrastructure for human comfort; and
- retain and celebrate the heritage of the Pyrmont bridge.

These principles define the design objectives for the site and have informed the amended Concept Proposal. The amended built form envelope (described at **Section 3.5**) has been developed from these principles and forms the basis of the amended Concept Proposal. The design principles are outlined in more detail by FJMT attached at **Appendix O**.

3.3 Overview of Proposal (as amended)

The proposal seeks approval for the following key development:

- demolition of existing site improvements, including the Harbourside Shopping Centre, pedestrian bridge link across Darling Drive, obsolete monorail infrastructure, and associated tree removal;
- a network of open space areas and links generally as shown within the Public Domain Concept Proposal, to facilitate re-integration of the site into the wider urban context;
- building envelopes;
- land uses across the site, non-residential and residential uses;
- a maximum total Gross Floor Area (GFA) across the Harbourside site of 87,000m² for mixed use development (non-residential and residential development);
- basement car parking;
- car parking rates to be utilised in subsequent detailed (Stage 2) Development Applications);
- Urban Design and Public Realm Guidelines to guide future development and the public domain; and
- strategies for utilities and services provision, drainage and flooding, and ecological sustainable development.

3.4 Numerical Overview as Amended

Table 6 below provides a summary of numerical information relating to the original Concept Proposal (as exhibited), and the amended Concept Proposal for which approval is now sought.

Table 6 Numerical Overview

Component	Original Concept Proposal as Submitted	Current Amended Concept Proposal
Site Area	<ul style="list-style-type: none"> • 2.05 hectares 	<ul style="list-style-type: none"> • 2.05 hectares
Total Area	<ul style="list-style-type: none"> • 87,000m² 	<ul style="list-style-type: none"> • 87,000m²
Non-Residential (GFA)	<ul style="list-style-type: none"> • 52,000m² 	<ul style="list-style-type: none"> • 49,000m²
Residential (GFA)	<ul style="list-style-type: none"> • 35,000m² 	<ul style="list-style-type: none"> • 38,000m²
Maximum Height		
Tower	<ul style="list-style-type: none"> • RL166.35 	<ul style="list-style-type: none"> • RL153.75
Podium	<ul style="list-style-type: none"> • Northern location RL 30.5 	<ul style="list-style-type: none"> • Northern location RL 25
Setbacks of the tower	<ul style="list-style-type: none"> • Pyrmont Bridge: 50m • ICC Hotel: 160m • 50 Murray Street: 30m • Ibis Hotel: 44m • Novotel Hotel: 98m • Tower to Podium: 0m to the eastern edge of the podium • Tower to Waterfront: 12m 	<ul style="list-style-type: none"> • Pyrmont Bridge: 135m • ICC Hotel: 77m • 50 Murray Street: 91m • Ibis Hotel: 56m • Novotel Hotel: 50m • Tower to Podium: 12m to the eastern edge of the podium • Waterfront: 32m
Indicative Apartments	<ul style="list-style-type: none"> • 364 	<ul style="list-style-type: none"> • 357
Indicative Car Spaces	<ul style="list-style-type: none"> • 295 	<ul style="list-style-type: none"> • 306

3.5 Overview of key amendments

3.5.1 Relocation of Tower

The tower element has been relocated 85 metres from the north of the site to the centre of the site (the widest part of the site). The central location of the tower increased setbacks to Pyrmont Bridge from 50 metres to 135 metres while maintaining a generous 77 metre separation to the ICC Hotel to the south. The tower has been setback 32 metres from the waterfront and 12 metres from the eastern edge of the podium. **Figure 24** depicts the original SSDA building envelope in green and the amended Concept Proposal in orange.

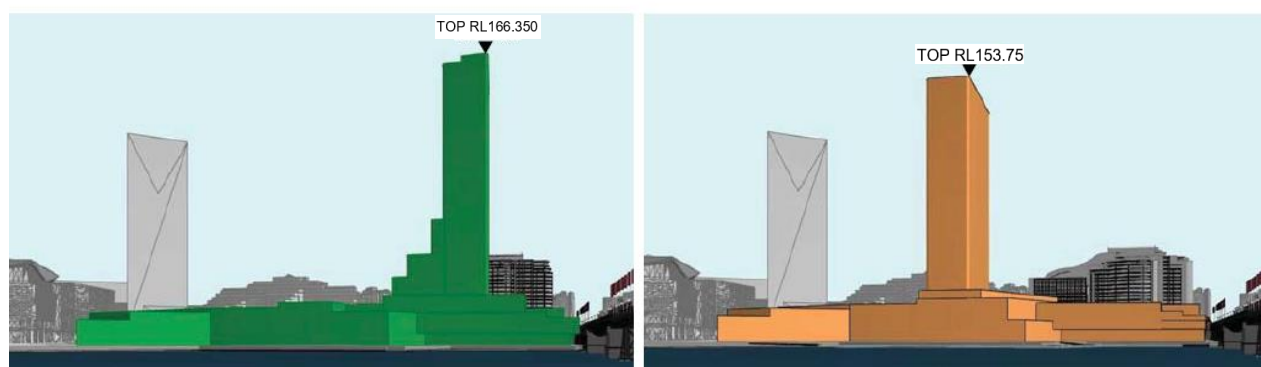


Figure 24 Original Concept Proposal (green) and Amended Concept Proposal (orange)

Source: FJMT

3.5.2 Tower Reduction in height

The height of the tower has been reduced from RL 166.35 to RL 153.75, resulting in a reduction of 12.6 metres. 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. The reduction in height also facilitates improved view sharing from 50 Murray Street.

3.5.3 Reduction in Height of the Podium

A portion of the podium height at its northern extent has been partly reduced from RL30.5 to RL 25, resulting in a reduction of 5.5 metres. The reduction in height provides for improved view sharing from 50 Murray Street. The podium envelope ranges in height from RL15.5 to RL31.

3.5.4 Removal of Tower 'Tail' element

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 been made to again improve views from adjacent buildings from the west.

3.5.5 Building Footprint of Tower

The building footprint of the tower has increased in width, to accommodate the floorspace from the reduction in height of the tower and removal of the 'tail'. The increased footprint will also accommodate opportunities for greater articulation and provide greater design freedom during the competitive design process. 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.

3.5.6 Gross Floor Area / Land Use Mix

The amended proposal retains the same overall 87,000sqm of GFA, however there is a minor adjustment in the split between non-residential and residential:

- Non-residential uses floor space – 49,000sqm; and
- Residential uses floor space – 38,000sqm

In response to market demand and the focus of local and regional strategic planning policies, it is proposed for the podium to include both retail and commercial land uses. Indicatively, comprising ~23,000,000sqm net lettable area of commercial and ~15,000sqm gross lettable area of retail.

The podium enables large campus sized commercial floor plates that are favoured by large multinational tech, finance and professional services companies.

The revised indicative land uses for the podium:

- Support a true mixed use precinct;
- Provides increased activation;
- Achieves a more holistic place based approach; and
- Delivers additional employment opportunities.

3.5.7 Relocation and Refinement of Open Space

All of the key concepts and public benefits as originally proposed are retained under the amended Concept Proposal.

However, as a result of the tower relocation, the amended Concept Proposal incorporates the addition of further landscaping opportunities on the northern rooftop extent of the retail/commercial podium (non-trafficable), further enhancing views and outlook from 50 Murray Street.

The amended Concept Proposal will provide highly utilised, connected, permeable and activated space that is well connected with city streets, Pyrmont Bridge and the waterfront through direct pedestrian connections. The final design is subject to the outcome of the competitive design process. **Figure 25** depicts an illustrative perspective of the amended Concept Proposal.

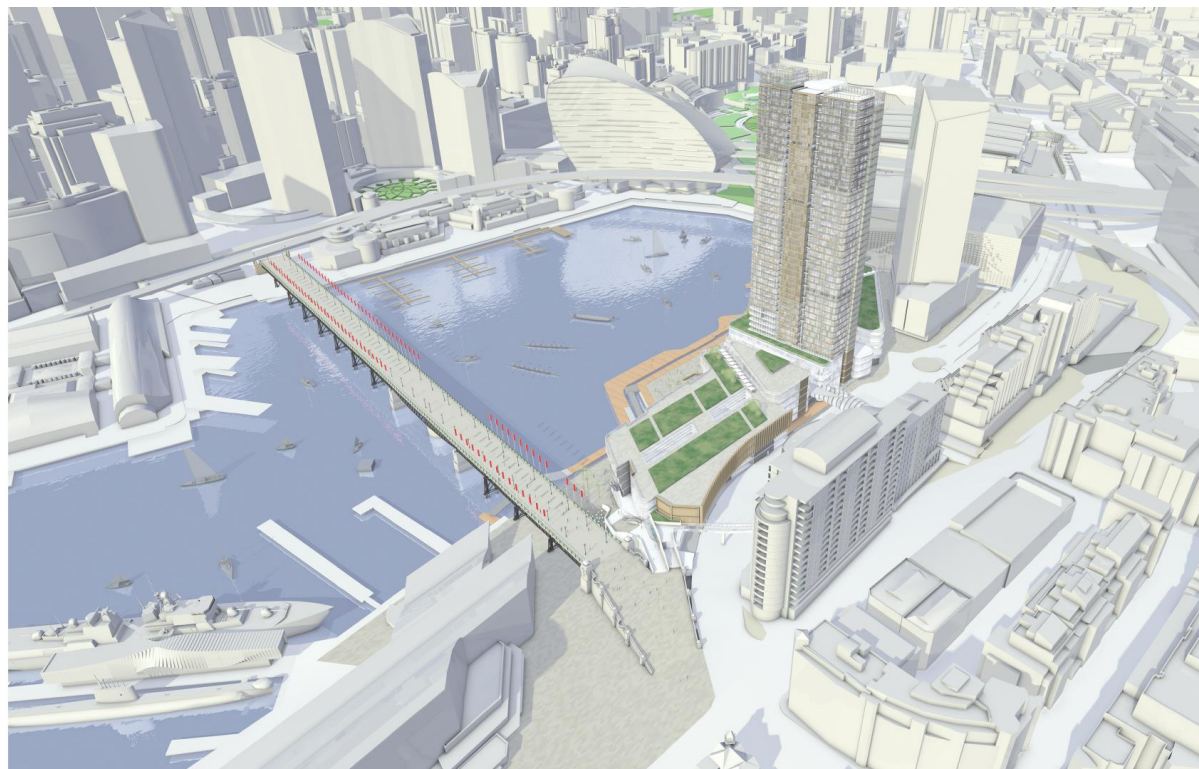


Figure 25 Amended Concept Proposal Illustrative Scheme Perspective

Source: FJMT

3.5.8 Indicative Apartment numbers

As a result of the minor increase in the footprint of the tower (to accommodate opportunities for greater articulation and to provide greater design freedom during the competitive design process) and a refinement of the apartment mix, there is a slight decrease in the indicative number of apartments, from 364 to 357. This number is indicative only and will be confirmed following the competitive design process and as part of the future Stage 2 DA.

3.5.9 Indicative Car Parking Spaces

As a result of further design development and site testing the basement is now proposed to be 3 levels (with 2 levels originally proposed), while the overall footprint has reduced. The additional excavation has been reviewed from a heritage, archaeology, contamination etc perspective where no material impacts have been identified. Further, there has been a minor increase of 11 car parking spaces from 295 spaces to 306 paces. As above, final car parking numbers will be determined and confirmed as part of the future Stage 2 DA, with parking rates proposed to be adopted as outlined within the original EIS:

- for each studio dwelling—0.2 spaces;
- for each one-bedroom dwelling—0.4 spaces;
- for each two-bedroom dwelling—0.8 spaces;
- for each three or more bedroom dwelling—1.1 spaces;
- for each dwelling up to 30 dwellings—0.167 spaces;
- for each dwelling more than 30 and up to 70 dwellings—0.1 spaces; and
- for each dwelling more than 70 dwellings—0.05 spaces.

3.6 Drawing Schedule for Approval

Table 7 identifies the Drawings that are proposed for Approval.

Table 7 Final Drawings Reference Schedule

Drawing Number	Title	Date
SSDA1-100	Envelope Plan-Podium	11/2/20
SSDA1-101	Envelope Plan-Tower	11/2/20
SSDA1-102	Envelope Plan-Basement	11/2/20
SSDA1-103	Envelope Plan-East Elevation	11/2/20
SSDA1-104	Envelope Plan-West Elevation	11/2/20
SSDA1-105	Envelope Cross Sections	11/2/20
SSDA1-200	Demolition Plan-Existing Harbourside and Monorail Station	11/2/20

3.7 Schedule of Design Changes

Table 8 identifies the schedule of design changes that are proposed for Approval.

Table 8 Schedule of Design Changes

Key Changes	Driver for Change
Relocation of the Tower Relocation of the tower from the north of the site to the centre and widest part of the site.	<ul style="list-style-type: none"> • The proposed siting of the tower will allow for a better relationship with the ICC Hotel, reduced impact on the heritage significance of Pyrmont Bridge, reduced view impacts from 50 Murray Street, will minimise overshadowing impacts on the public domain and improve solar amenity.
Setbacks <ul style="list-style-type: none"> • Increase the setback from the ICC Hotel and Pyrmont Bridge from the built form of 4.76 metres to 10.0 metres. • Regularised waterfront setback of 20 metres for the southern and central portion of the site, and 14 metres for the northern end of the ground floor. 	<ul style="list-style-type: none"> • An increased setback from the built form to the ICC Hotel and Pyrmont Bridge will result in new views and vistas of the Harbour and Pyrmont Bridge. This will also assist in reducing the overshadowing of the public domain. • The regularised waterfront setback will result in an overall increase in waterfront public domain.

Key Changes	Driver for Change
<ul style="list-style-type: none"> Reduce setback to the ICC Hotel: 77 metres Increase setback from 50 Murray Street: 91 metres Increase the setback of the tower from the eastern edge of the Podium: 12 metres Increase the tower setback from the Waterfront: 32 metres 	<ul style="list-style-type: none"> Ensure the tower provides an improved relationship between the waterfront and surrounding built form.
Height of the Tower envelope <ul style="list-style-type: none"> Reduction in the height of tower from RL 166.35 to RL 153.75. 	<ul style="list-style-type: none"> The reduction in height will minimise overshadowing impacts to the public domain, while better relating to the height of the ICC Hotel. The visual presence of the tower will be minimised by orienting it so that the narrower façade faces east and west and the wider façade faces north and south.
Height of the Podium envelope <ul style="list-style-type: none"> Reduction in the height of the podium in part from RL 30.5 to RL 25 in the northern end of the podium. Reduction in height of the podium along the waterfront promenade in the centre of the site. 	<ul style="list-style-type: none"> Reducing the podium height will improve view sharing from 50 Murray Street and relationship to Pyrmont Bridge. Reducing and stepping the envelope within middle of the site adjoining the waterfront promenade will provide an improved relationship and pedestrian scale.
Removal of the Tower 'Tail' element <ul style="list-style-type: none"> The relocation of the tower to the centre and refinement of the podium has resulted in the removal of the stepped elements of the tower. 	<ul style="list-style-type: none"> This will improve views for buildings to west of the development.
Building Footprint of Tower <ul style="list-style-type: none"> Larger floorplates to the lower levels of the tower have been removed. Orienting the tower so that its short sides face east and west. 	<ul style="list-style-type: none"> Minimise the visual presence of the proposed tower. The increased building envelope has been shaped to allow for future articulation without adding to the visual impact on 50 Murray Street.
Additional mix of land uses <ul style="list-style-type: none"> The diversity of land uses has been expanded, with additional commercial floor space being provided in the podium element of the project. 	<ul style="list-style-type: none"> In response to market conditions and a strategic objective at the local and State level, commercial floor space is now provided in the podium to not only increase commercial office space in Sydney, but also provide a complementary use on the site and within the precinct.
GFA <ul style="list-style-type: none"> Minor adjustment to the GFA split between residential and non-residential. Non-residential reducing by 3,000m² and residential correspondingly increasing by 3,000m². 	<ul style="list-style-type: none"> Further testing of the amended envelope and indicative design has revealed a more optimum allocation of floor space between the podium and tower components. While residential floor space is increasing, the indicative apartment numbers is reducing, reflecting a desire by Mirvac to provide a greater mix of apartments, with a focus on larger 2 and 3+ bedroom products.
Public Domain <ul style="list-style-type: none"> Public domain concepts have remained consistent, with the positive addition of a new central through-site link. 	<ul style="list-style-type: none"> Providing a more obvious and 24/7 pedestrian access from the waterfront through to Bunn Street pedestrian bridge and wider Pyrmont and Bays Precinct.

3.8 Land Owners' Consent

The site is currently owned by Sydney Harbour Foreshore Authority (SHFA), with Property NSW undertaking these landowner functions for SHFA. The *Darling Harbour Framework for Landowners Consideration of State Significant Development* (01/2018) provides the principals and criteria that Property NSW utilises to consider providing its landowners consent for SSDA's. The proposal's consistency with Property NSW's principals and criteria is detailed in **Table 10**. The concept as now proposed affects the same land and is consistent with that proposed within the EIS. Mirvac has continued to engage closely with Property NSW, culminating in Land Owners' consent being issued to support the submission of this Amended Concept Proposal (provided under separate cover).

3.9 Consultation

The proponent undertook extensive consultation with community and stakeholders in preparation for the EIS (refer to **Figure 26**). 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:

- 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.

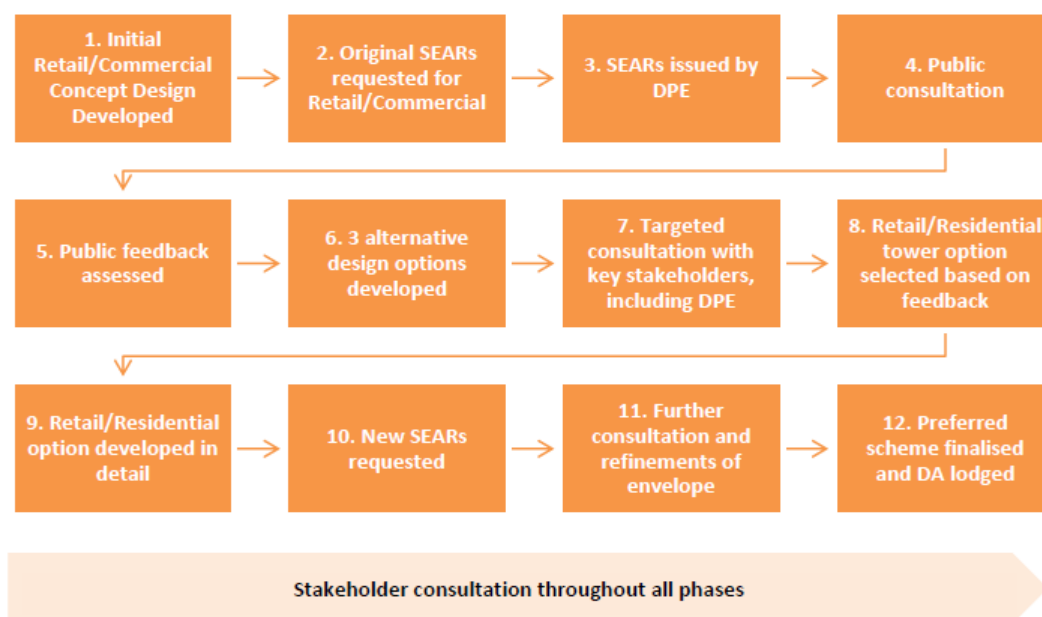


Figure 26 Consultation, planning and design development process

Source: KJA

Following exhibition of the EIS and review of the submissions received, the proponent met and or consulted with the following agencies:

- NSW Road and Maritime Services;
- The Department of Planning, Industry and Environment;
- Transport for NSW, CBD Coordination team;
- Property NSW;
- Government Architect NSW; and
- City of Sydney Council

Given the number of submissions received from One Darling Harbour – 50 Murray Street, and the previous level of consultation undertaken with them prior to lodgement of the original Concept Proposal, two meetings were held (August 2018 and February 2020) prior to submission of this Amended Concept Proposal with the Executive Committee of One Darling Harbour.

As a result of the items raised during the exhibition period the proponent elected to address concerns raised by amending the Concept Proposal (refer to **Section 3.0**). The substantial amendments to the original Concept Proposal aim to comprehensively address the key issues raised by the government agencies and the public. As a result, the amended Concept Proposal is considered to be a significant improvement from the original Concept Proposal. The amended Concept Proposal will be re-exhibited providing the public and agencies an opportunity to provide any further valued feedback.

4.0 Environmental Assessment

This section contains an assessment of the environmental effects of the amended Concept Proposal as described in the preceding chapters of this report and within the EIS for SSD 7874, which was exhibited between December 2016 and February 2017.

Under Section 4.15 of the EP&A Act, in determining a development application 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 assessed the potential impacts of the overall development against a range of matters relevant to the development. Except where addressed in this report, the conclusions of the original assessment remain consistent.

4.1 Strategic Planning Policies and Statutory Context

The strategic and statutory context of the proposed development has somewhat evolved since the Secretary's Environmental Assessment Requirements (SEARs) were issued for the Concept Proposal in August 2016. Notwithstanding this, the SEARs remain valid for the project. An overview of the amended Concept Proposal's consistency with existing and more recent State and Regional strategic policies, along with relevant planning instruments, is set out below.

4.1.1 Directions for Greater Sydney

Directions for a Greater Sydney was released by the Greater Sydney Commission (GSC) in July 2017 to better integrate land use and infrastructure to deliver a new vision for Greater Sydney to 2056. The Directions seek to deliver a vision for Greater Sydney as a metropolis of three 30-minute cities including the Western Parkland City, the Central River City and the Eastern Harbour City. To align land use, transport and infrastructure outcomes for three cities vision, the Directions have been implemented in the:

- Greater Sydney Region Plan;
- NSW Future Transport 2056; and
- NSW State Infrastructure Strategy 2018 -2036

As the *Directions for Greater Sydney* underpin each draft strategy, the proposal's consistency with the directions is set out under the strategies below.

4.1.2 Greater Sydney Region Plan

In March 2018 the GSC adopted the Greater Sydney Regional Plan (Region Plan) which is a revision to A Plan for Growing Sydney. The Region Plan identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. The Region Plan also outlines that as Greater Sydney's population grows over the next 20 years, there will be a need for over 5 million square metres of additional retail floor space. Key objectives most relevant to the proposal include:

Objective 10 - Greater Housing Supply

Objective 11 - Housing is more diverse and affordable

Objective 12 – Great places that bring people together

Objective 15 - The Eastern, GPOP and Western Economic Corridors are better connected and more competitive

Objective 18 - Harbour CBD is stronger and more competitive

Objective 22 - Investment and business activity in centres

Objective 31 - Public open space is accessible, protected and enhanced

The *Greater Sydney Region Plan* is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The plan was adopted in March 2018, and seeks to reposition Sydney as a metropolis of three cities – the western parkland city, central river city, and the eastern harbour city. In the same vein as the former *A Plan for Growing Sydney*, the Plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and Planning Proposals which follow in the planning hierarchy.

The proposal is consistent with the policy directions and objectives under the Plan, which govern growth and development in Sydney. This is demonstrated in **Table 9** below, and an assessment of the proposal against the specific vision for the Eastern District is provided below.

Table 9 Consistency with the Greater Sydney Region Plan

A city supported by infrastructure



- The proposal involves the better and more intensive use of an existing asset which is located within a highly accessible location and with access to an extensive amount of amenities and infrastructure.
- The proposal also supports higher capacity development in-hand with recent and planned significant infrastructure investment (light rail, ferry, metro, public schools). It supports growth and infrastructure being provided 'at the right time'.

A collaborative city



- Whilst the Site is not identified as being within a 'collaboration area', it is located on the edge and area of influence of the Camperdown-Ultimo Collaboration area.
- Further the site is located within the Western Harbour Precinct and Pyrmont Peninsula, which has been nominated by the Greater Sydney Commission as an area that can benefit from collaboration and a place-based planning outcome.
- Mirvac is supportive of a place-based approach for Pyrmont as it aligns with the approach undertaken for the redevelopment of Harbourside.
- The proposal represents a significant opportunity identified by Mirvac and to be delivered through a USP process, which will deliver the final piece in the transformation of Darling Harbour.
- The proposal has also been the subject of the extensive consultation with government agencies, the local community, and other key stakeholders to ensure that an acceptable local outcome is achieved.
- The proposal will deliver precinct wide benefits particularly in terms of accessibility and improved pedestrian connections and significant additional and upgraded public domain areas.

A city for people



- The proposal has been designed with consideration of intergenerational equity and promotes sustainability, universal design and accessibility, and community integration within the Precinct.
- It prioritises opportunities for people to walk, cycle, and use public transport given the site's locational advantage within the Harbour CBD.

Housing the city



- The proposal through providing indicatively 357 new dwelling will directly 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.
- The housing to be delivered is in the 'right location', aligned with recent and future infrastructure investment, close to jobs, within walking distance to essential services and with easy access to an extensive network of public open space.
- The proposal will also directly support the provision of affordable housing, with a monetary contribution of \$5.2 million to be provided for this express purpose.

A city of great places



- The existing Harbourside Shopping Centre has served Sydney admirably. It is time to transform the site into not just a great but an exceptional place for locals, visitors, workers and residents.
- The proposal by Mirvac has all the ingredients of a great place, including:
 - upgrading and improving open space and public domain;
 - opening up and improving east-west connections, providing greater opportunities and permeability to the waterfront and CBD;
 - active and vibrant ground plane with a human scale;
 - a range and mix of uses to support a safe and active 24 hour precinct;
 - protecting and celebrating the rich heritage and cultural values of the precinct; and
 - a commitment to deliver the highest standard of architectural, urban and landscape design.

A well-connected city



- The proposal will seek to deliver additional residential and retail/commercial floor space within a location with access to a high level of sustainable means of transport (active and passive). This includes light rail, busses, ferry, walking, cycling, and future metro. In doing so will it support the achievement of a '30-minute city'.
- Through significant enhancements to pedestrian access across the site, the proposal will also support walkability, improving connectivity within the Harbour CBD.

Jobs and skills for the city



- The site is located within the Harbour CBD, and more specifically the emerging Innovation Corridor along the western edge of the Harbour CBD.
- The Plan recognises that the Harbour CBD in line with worldwide trends is as much about living as it is about jobs. The proposed transformation of the Harbourside Shopping Centre site into a true mixed use precinct is fully aligned with this global trend and will support a 24/7 economy and night-time economy through its retail/commercial podium and residential tower above.
- The podium through providing up to 49,000m² of retail/commercial space is forecast to create additional employment of 2,245 direct jobs and 2,367 indirect jobs for the life of the project. This activity equates to adding \$749 million in value each year (both direct and indirect) to Sydney's domestic and global competitiveness.
- The proposal is also positively responding to the site's context within a key visitor and tourist precinct, providing much improved retail and food and beverage opportunities – complementing the broader offerings across the Darling Harbor precinct. The significant improvements to the public domain, in particular increasing the area and width along the waterfront will also boost the experience and attraction to the area.
- Refer to Table 10 for further details in terms of the proposal's alignment with this key objective.

A city in its landscape



- The proposal does not affect any protected biodiversity or remnant or significant vegetation. Opportunities for extensive landscaped rooftops (both accessible and non-accessible) have been identified and will be further considered as part of the detailed design of the project. These spaces will provide a range of benefits, from increased amenity/recreation to improved ecological/biodiversity to reducing the urban heat island effect.
- The project looks to give back to the Harbour City through providing additional area (474m²) along the waterfront in which to appreciate one of Sydney's most valued and celebrated natural resources (Sydney Harbour).

An efficient city



- A key initiative of the Concept Proposal was to deliver a more sustainable development than is presently provided, and as such best practice sustainability targets have been established. This application will achieve the relevant targets and is aligned with world's best practice for ESD.

A resilient city



- The proposal has sought to minimise exposure to natural hazards by ensuring that future development is not affected by flooding.
- The environmental initiatives implemented through the development will contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change.

Table 10 Consistency with Regional Plan Productivity Direction

Provision	Proposal
Directions for Productivity	
Jobs and Skills for the city	<p>The existing shopping centre already provides for a number of jobs focussed around the retail sector, with shops and food and beverage outlets servicing the millions of visitors and tourists that visit the Darling Harbour precinct each year.</p> <p>Mirvac has identified an opportunity to reinvigorate this existing asset and deliver a world class mixed use precinct that continues to provide retail and food and beverage offerings for visitors and locals as well as commercial office space and residential dwellings.</p> <p>Not only will there be a boost in jobs resulting from the proposal (estimated at over 2,445), but more importantly there will be higher order jobs associated with the commercial office component. The nature of the site and indicative location for the office space enables large campus sized commercial floor plates that are favoured by large multinational tech, finance and professional services companies. This offering will be able to take strategic advantage of the site's location and context within the Innovation Corridor and more broadly the core Harbour CBD.</p> <p>To enhance Sydney's global competitiveness requires attracting global talent, with the delivery of high quality housing within the Harbour CBD a key factor. The proposed delivery of around 357 dwellings on the doorstep of the Harbour CBD and within the Innovation Corridor will be provide a significant boost to supply. There are a limited number of sites which have such locational advantages at the Harbourside site and therefore it provides an ideal opportunity to further diversify the city fabric.</p>
Objective 18 - Harbour CBD is stronger and more competitive	
Global financial capital	<p>The strength of the Harbour CBD relies heavily on the concentration of financial services industries and associated knowledge intensive industries.</p> <p>In full alignment with the Regional Plan objective to make the Harbour CBD stronger and more competitive, the proposal includes as a component the provision of commercial office floor space. The proposal is unique in this Harbour CBD context in being able to deliver large campus sized floor plates that tech, finance and professional services companies favour in such an ideal location and with such high levels of amenity.</p>
A diversity of activities	<p>A global Sydney like Sydney has a number of ingredients that contribute towards its success. The proposal not only supports the foundation element of success in terms of providing high valued jobs focussed around financial, tech and other related industries, but also supports a mix of other diverse and essential activities related to tourism (retail) and high amenity, high density residential development.</p> <p>The mix of uses will support a precinct with a 24/7 profile, with the careful management of reverse amenity impacts on the new residential dwellings to be addressed as part of the future detailed design phase.</p>
Well connected	<p>The NSW Government have invested significantly (and continues to do so) in public transport within the Harbour CBD and the site accordingly benefits from this investment.</p> <p>Leveraging off this locational advantage, the proposal involves a significant enhancement in walking links, providing not only an enlarged promenade along the waterfront but also creating a new east-west pedestrian link connecting the broader Innovation Corridor to the waterfront and Harbour CBD beyond. It is envisaged this significant investment in improved pedestrian links will greatly enhance the amenity of the precinct and broader Innovation corridor and assist with attracting more businesses and greater pedestrian interaction and exchange of ideas.</p>

Provision	Proposal
Strategies	
<p>18.1</p> <p>Prioritise:</p> <ul style="list-style-type: none"> public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD. 	<p>While this strategy is not directly relevant to the proposal, a significant investment is being proposed in terms of improving active transport infrastructure within the precinct. Improving walkability and accessibility is considered to be fundamental to the success of the Innovation Corridor.</p>
<p>18.2</p> <p>Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:</p> <ul style="list-style-type: none"> further growing an internationally competitive commercial sector to support an innovation economy providing residential development without compromising commercial development providing a wide range of cultural, entertainment, arts and leisure activities providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts. 	<p>The nature of the proposal as a true mixed use outcome is able to deliver all aspects sought to strengthen competitiveness and grow vibrancy.</p> <p>The proposal will:</p> <ul style="list-style-type: none"> Grow the commercial sector with the delivery of new large campus style floor plates that will support companies that will contribute towards an innovative economy; Deliver high quality, high density residential development that will complement the commercial development and broader mix of uses within the Innovation Corridor; Support leisure and entertainment activities through enhanced retail and food and beverage offerings as well as new areas of public domain in which to enjoy and experience the harbour. Provide a diverse and vibrant mix of uses that will ensure the precinct is activated 24/7.

4.1.3 Future Transport Strategy 2056

The Future Transport 2056 Strategy (Future Transport Strategy) was adopted in March 2018 and represents a revision to the NSW Long Term Transport Master Plan. The proposal can contribute to the Future Transport Strategy outcomes by:

- encouraging walking and cycling usage through the provision of a more permeable, connected and direct linkage between Darling Harbour and the CBD;
- encouraging public transport use by providing services and facilities close to light rail, rail, bus and ferry services;
- facilitating a large employment generating development close to areas of public transport and high residential densities; and
- supporting the usage of significant transport investments such as the future Sydney Metro (in particular a potential new station at Pyrmont, under consideration by NSW Government) and Sydney CBD Light Rail.

4.1.4 Greater Sydney Services and Infrastructure Plan

The Greater Sydney Services and Infrastructure Plan (Services and Infrastructure Plan) (March 2018) sets a 40-year vision for transport in the Greater Sydney Region. The amended Concept Proposal is consistent with the Services and Infrastructure Plan as it will:

- attract jobs and services in a location that is well serviced and in proximity to a variety of public transport options including light rail, bus and ferry services;
- encourage more sustainable travel behaviours based on the above;
- support patronage of existing and planned transport investments within the CBD; and
- upgrade pedestrian links to encourage walking or cycling, particularly by enhancing connectivity from Darling Harbour to the CBD.

4.1.5 Eastern City District Plan

In March 2018, the GSC adopted the Eastern City District Plan (Eastern City District Plan). Whilst the Greater Sydney Region Plan sets the overarching vision for Greater Sydney, the District plans are designed to guide this vision into local planning outcomes. With the Eastern City District's population growing from almost one million to approximately 1.34 million by 2036, it is essential to plan for jobs, housing and services such as health and education. The District Plan also identifies that the Eastern District containing the Harbour CBD is Australia's global gateway and will contribute to the Sydney three cities vision by driving opportunities for investment and jobs growth and supporting economic diversity. The key features of the Eastern City are illustrated within **Figure 27**.

The Eastern District is expected to grow significantly, and the District Plan recognises the need for an additional 157,500 homes between 2016 and 2036 and the need for up to 235,100 jobs within the Harbour CBD to 2036, which is the highest amount of growth in the Eastern District. In order to achieve this, the District Plan sets out key planning priorities. The key planning priorities most relevant to the proposal includes:

Planning Priority E5 - Providing housing supply, choice and affordability with access to jobs, services and transport

Planning Priority E6 - A City of Great Places

Planning Priority E7 - Growing a stronger and more competitive Harbour CBD

Planning Priority E8 - Growing and investing in health and education precincts and the Innovation Corridor [refer to Table 11]

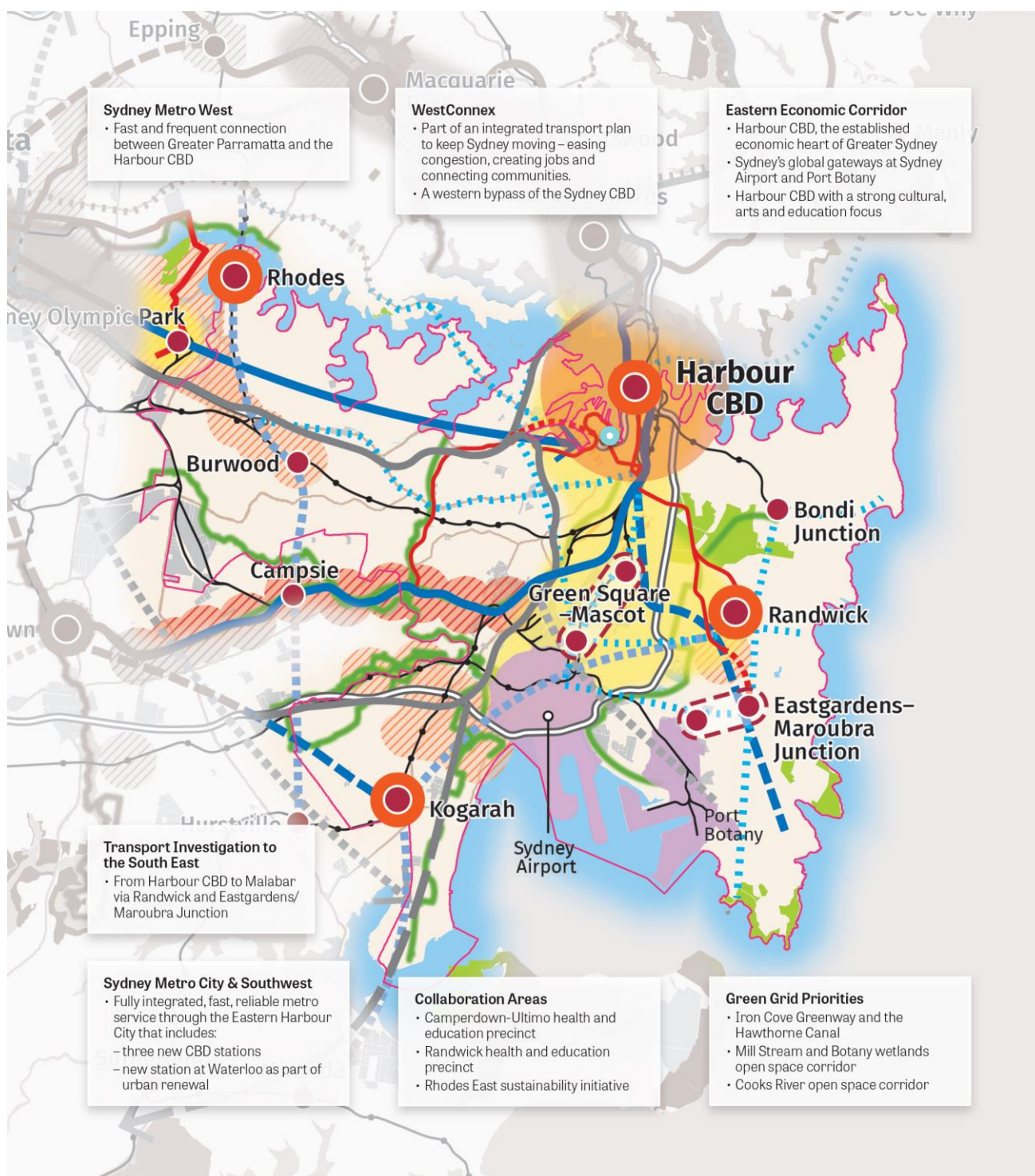
Planning Priority E10 - Delivering integrated land use and transport planning and a 30-minute city

Planning Priority E11 - Growing investment, business opportunities and jobs in strategic centres

Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently

The Concept Proposal is consistent with the directions and objectives for the Eastern District and Harbour City by:

- Providing an additional 357 apartments which will contribute to the City of Sydney's 5-year housing supply of an additional 18,300 houses. The City noted that they already have enough housing supply to meet their targets, however 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;
- The proposed development will deliver additional office space within the Pyrmont innovation and technology corridor (refer to **Figure 28**). This proposed increase in commercial floor space also recognises the potential to increase economic activity, driven by the catalytic effect of enhanced rapid transit network being delivered (with a new Metro station at Pyrmont under consideration). This is consistent with the Planning Priority that seeks to safeguard the competitiveness of Sydney in both a domestic and international context.
- Supporting new and revitalised retail services within the Harbour City which will provide a wide range of shopping experiences for visitors to Darling Harbour; the dining and nightlife options within the new shopping centre will also provide a wide variety of cultural entertainment activities which will strengthen the international competitiveness of the Harbour CBD. The residential component of the tower will support this by providing activation of the site.
- Minimising energy consumption and carbon emissions by targeting a 5 Star Green Star Design and As-Built v1.3 rating for the retail component, 5 Star Green Star Design and As-Built V1.3 for the commercial component, and 4 Star Green Star Design and As-Built v1.3 rating for the residential component and BASIX 40 for Energy and Basix 50 for Water for the residential apartments.



The Site

Figure 27 Features of the Eastern City

Source: Eastern District Plan

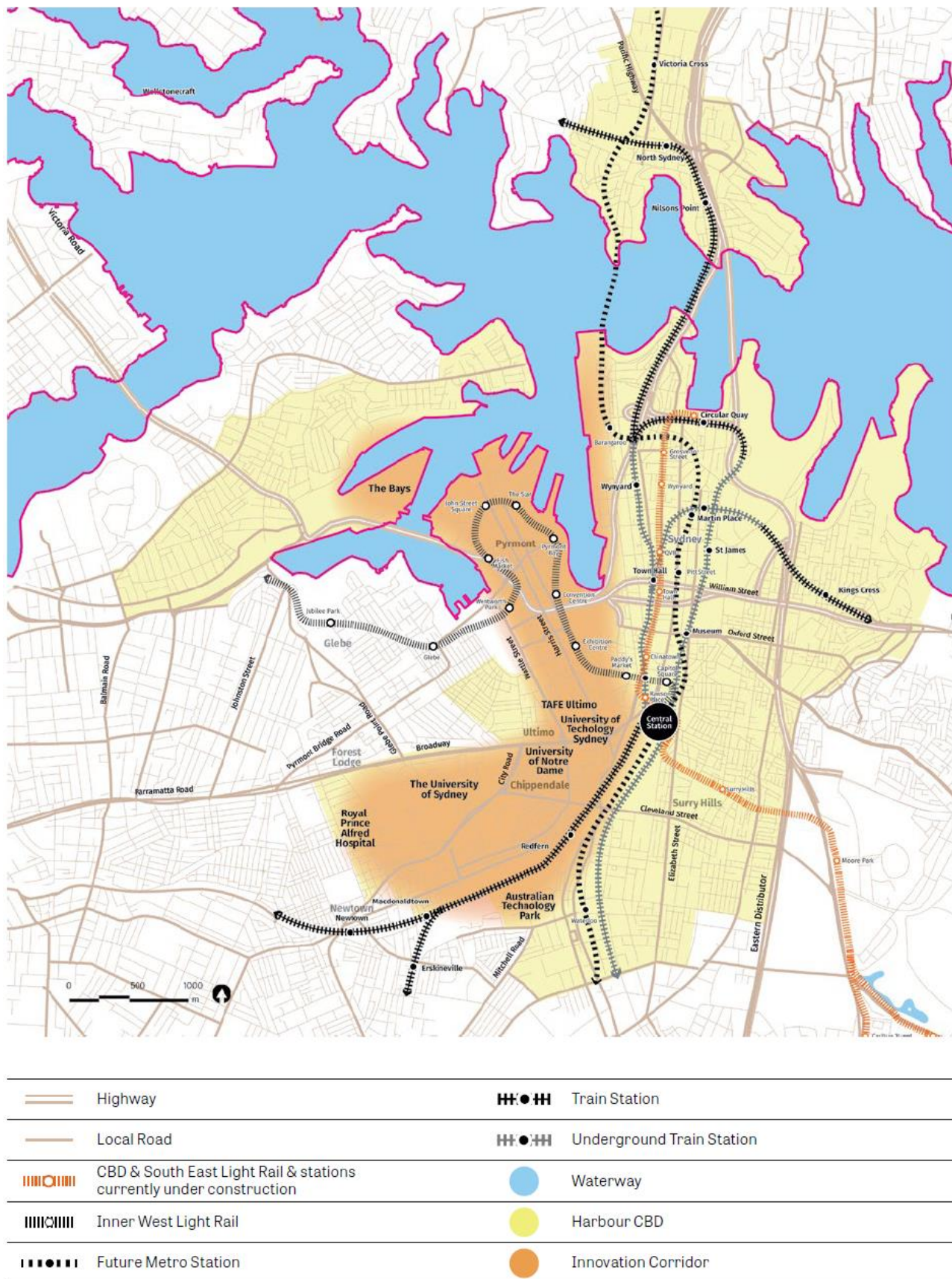


Figure 28 Key features of Harbour CBD

Source: Eastern District Plan

Table 11 Consistency with Planning Priority E8

Provision	Proposal
Growing and investing in health and education precincts and the Innovation Corridor	
Objective 21 Internationally competitive health, education, research and innovation precincts.	<p>The site is located within the Darling Harbour Precinct of the Innovation Corridor (refer to Figure 29).</p> <p>Notable attributes of this precinct include the Powerhouse Museum, ICC Sydney, and Australian Maritime Museum.</p> <p>The existing shopping centre has been an established feature within the precinct for more than 30 years, providing essential retail services to the millions of visitors and tourists that visit the Darling Harbour precinct each year.</p> <p>This fundamental role is not proposed to be changed, but rather the proposal involves delivering an enhanced precinct for a diverse range of uses that respond to the site's locational context.</p> <p>As noted Mirvac has identified an opportunity to reinvigorate the existing asset and deliver a world class mixed use precinct that continues to provide retail and food and beverage offerings for visitors and locals as well as commercial office space and residential dwellings.</p> <p>Not only will there be a boost in jobs resulting from the proposal (estimated at over 2,445), but more importantly there will be higher order jobs associated with the commercial office component. The nature of the site and indicative location for the office space enables large campus sized commercial floor plates that are favoured by large multinational tech, finance and professional services companies. While the ultimate tenant/s is not yet known, there is inherent flexibility in the size and scale of the commercial offering to attract a company that can positively contribute to the Innovation Corridor ecosystem.</p> <p>To enhance Sydney's global competitiveness requires attracting global talent, with the delivery of high quality housing within the Harbour CBD a key factor. The proposed delivery of around 357 dwellings on the doorstep of the Harbour CBD and within the Innovation Corridor will be provide a significant boost to supply. There are a limited number of sites which have such locational advantages at the Harbourside site and therefore it provides an ideal opportunity to further intensify and diversify the city's fabric.</p> <p>It is recognised that competitive innovation precincts depend on high levels of amenity and walkability, with good transport connections spurring the rapid exchange of ideas and the establishment of networks. The proposal in this regard involves a significant enhancement in walking links, providing not only an enlarged promenade along the waterfront but also creating a new east-west pedestrian link connecting the broader Innovation Corridor to the waterfront and Harbour CBD beyond. It is envisaged this significant investment in improved pedestrian links will greatly enhance the amenity of the precinct and broader Innovation corridor and assist with attracting more businesses and greater pedestrian interaction and exchange of ideas.</p>

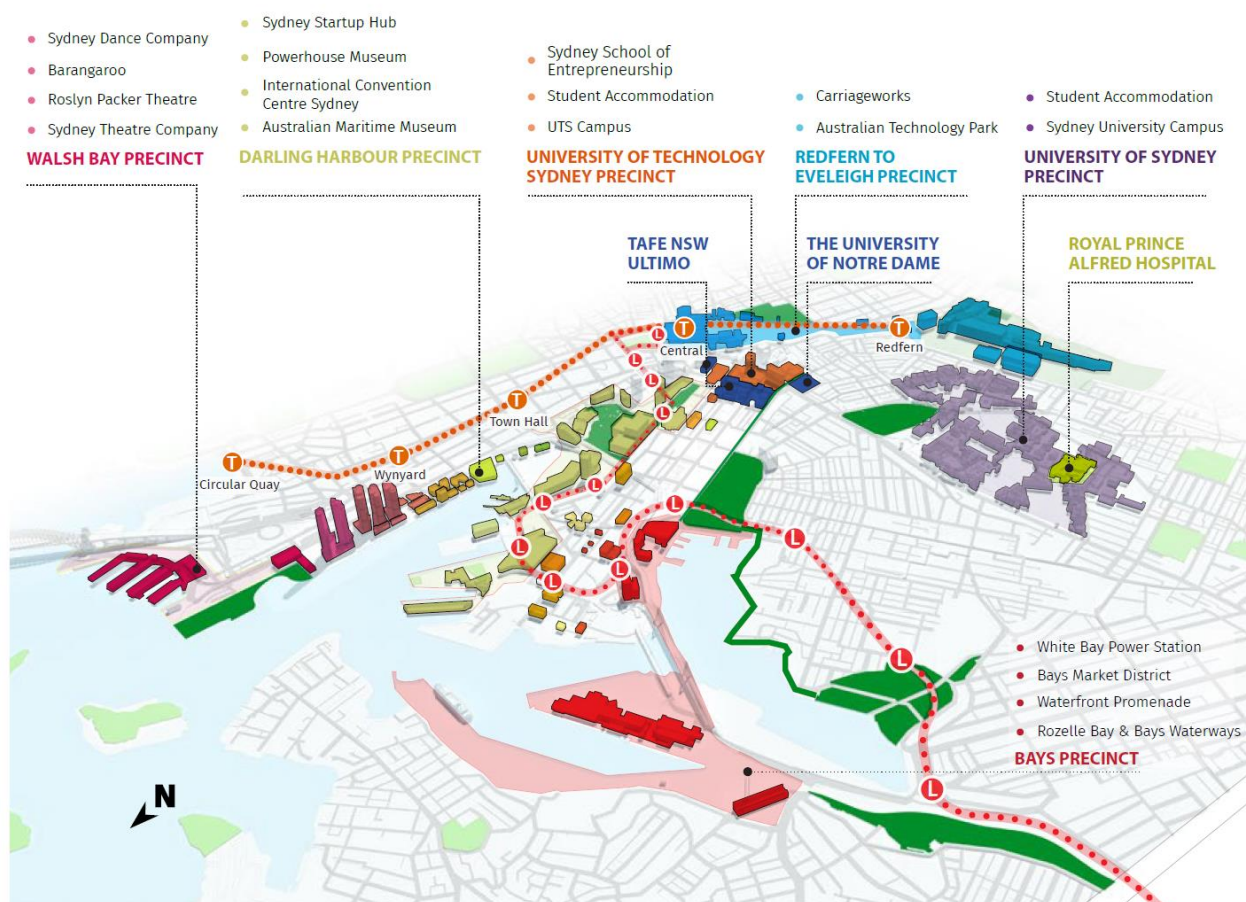


Figure 29 Harbour CBD Innovation Corridor

Source: Eastern District Plan

4.1.6 City of Sydney Draft Central Sydney Planning Strategy

In July 2016, the City of Sydney Council released the Draft Central Sydney Planning Strategy (Draft Strategy) and an associated Draft Planning Proposal. The Draft Strategy sets out the high-level strategic justification for amendments to Central Sydney planning controls. The draft Strategy applies to land where the current Sydney LEP 2012 applies and proposes to extend planning jurisdiction to the Darling Harbour area. However, currently the site remains outside the Sydney LEP 2012 jurisdiction, though consideration of relevant aspects of the draft Strategy are highlighted below. For absolute clarity the Draft Strategy at the time of writing has no statutory planning weight. It is noted a similar position was taken by the Department and Independent Planning Commission when assessing and approving the Cockle Bay proposal (SSD 7684).

Notwithstanding the above, the proposal is consistent with the high level aims of the Draft Strategy as it seeks to:

- deliver a sustainable building demonstrating design excellence;
- support additional employment and jobs growth on site, aligned with the innovation and technology industries;
- provide increased and improved public amenity by the provision of a 20m wide waterfront promenade and associated public domain components including event stairs, ribbon stairs and publicly accessible rooftops;
- sympathise with heritage items in the vicinity of the site, specifically the Pyrmont Bridge by setting the tower back 135m from the bridge and landscaping opportunities immediately on top of the podium adjacent to the bridge;
- enhance the resilience and diversity of the economy by facilitating a mix of retail uses to attract a variety of businesses;
- provide employment generating uses close to existing and planned transport nodes;
- make efficient use of a tired and underutilised site;

- support improved streetscapes, particularly by enhancing the pedestrian experience with greater connectivity from Pyrmont, Darling Harbour to the CBD with the 20m wide waterfront promenade and new Bunn Street bridge; and
- provides housing for a diverse population and provides affordable housing contributions.

Fundamentally, the Draft CSPA seeks to prioritise employment growth and limit residential development. This was originally planned to be achieved through supporting true mixed-use outcomes and limiting residential development to a maximum of 50%. The proposal is in full alignment with this foundation principle, with the residential floor space component comprising a maximum of 43% of the overall development with the remaining 56% representing employment generating floor space. In this regard it is estimated that the proposal will directly deliver over 2,445 additional jobs.

4.1.7 Western Harbour Precinct – Planning Framework Review

In August 2019, the Minister for Planning and Public Spaces requested the Greater Sydney Commission (GSC) to review the effectiveness of the planning framework to deliver the Government's vision for the Western Harbour Precinct and Pyrmont Peninsula, as the western gateway of Sydney's CBD. The review area included land covered under the Darling Harbour Development Plan No.1, including the Harbourside Shopping Centre site.

During this review process the GSC sought feedback from stakeholders, with Mirvac making representations in relation to Harbourside. Key points raised by Mirvac include:

- Darling Harbour is a continually evolving precinct that has adapted to meet the diverse entertainment, cultural, tourist, and recreation needs of Sydney. It has since the 1980's been Australia's premier gathering and entertainment precinct.
- The NSW Government has been responsible for managing and co-ordinating the orderly and economic development and use of the Darling Harbour precinct. This includes its recent transformation and repositioning on the world stage as a key destination for events, entertainment and tourism. Key projects underway or delivered over the last 10 years include the Ribbon, ICC Sydney, ICC Hotel (Sofitel), Four Points by Sheraton (Hyatt Regency), Darling Quarter, and Darling Square. The renewal of Harbourside will effectively complete the revitalisation of Darling Harbour.
- Mirvac considers that the existing planning framework and controls applying exclusively to Darling Harbour are appropriate and effective in achieving the NSW Government's strategic vision and objectives for this precinct.
- Mirvac's concept proposal is fully compliant with the planning controls that apply to this State Significant Precinct and consistent with the strategic direction established by the NSW Government within its most recent strategic framework document.

The outcome from the GSC's review process included three (3) recommendations to the Minister:

1. Actively support the consistent delivery of strategic planning objectives, actions and priorities of the Greater Sydney Region Plan and Eastern City District Plan, so that cumulative benefits can be realised for the Harbour CBD;
2. Develop a Place Strategy for the Western Harbour Precinct; and
3. Implement the Place Strategy.

It is understood that the Department of Planning have established Pyrmont Peninsula Place Strategy team in order to action the GSC's recommendations, with the team commencing work in early 2020.

Off the back of the GSC's review and recommendations, the Committee for Sydney along with the Western Harbour Alliance developed a vision for the Western Harbour, culminating in a Summit held in December 2019 where the NSW Treasurer, The Hon. Dominic Perrottet MP, Minister for Planning and Public Spaces, The Hon. Rob Stokes MP and Lord Mayor Clover Moore attended. The Alliance (whose members includes Mirvac as lessee of Harbourside) marks a new way of business collaborating to improve Sydney's productivity, liveability and sustainability with a focus on creating a 'world class' waterfront people love (refer to **Figure 30**).



Figure 30 A coherent vision for the Western Harbour Precinct that includes world class destinations and a distinct character

Source: Committee for Sydney

Mirvac remains committed to taking a holistic and place-based approach to the revitalisation of Harbourside.

In terms of the assessment and consideration of the Amended Concept Proposal for Harbourside, it is noted that the existing statutory planning framework will apply.

4.1.8 Draft State Environmental Planning Policy (Environment)

In October 2017, the Department released an Explanation of Intended Effects for the Draft *State Environmental Planning Policy (Environment)* (Draft SEPP). The Draft SEPP consolidates seven (7) current SEPPs into one policy document to remove unnecessary or out-dated policy. The Draft SEPP includes a revision to the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour SREP).

Although the Draft Environment SEPP will largely adopt the provisions of the current Sydney Harbour SREP, it is understood that the Draft SEPP will include an update to the definition of a 'working harbour' to clarify that the 'working harbour' includes a range of recreational, transport, tourism and commercial uses. This is consistent with the uses proposed on this harbour-front site within this amended Concept Proposal.

4.1.9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is identified within the following areas under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP):

- the Sydney Harbour Catchment Area;
- the Foreshores and Waterways Area Boundary; and
- the City Strategic Foreshores Area.

The EIS addressed Part 3, Division 2 within the SREP which includes matters which are to be taken into consideration by consent authorities before granting consent for development. **Table 12** below provides further assessment of the amended Concept Envelope against the SREP aims and principles as set out within Part 1, Clause 2.

Table 12 Summary of consistency with the aims of SREP (Sydney Harbour Catchment)

SREP	Response
Aims	
(a) To ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained: (i) as an outstanding natural asset, and (ii) as a public asset of national and heritage significance, for existing and future generations	The amended Concept Proposal relocated the tower 135 metres to the south of Pyrmont Bridge to a central position. The relocation of the tower and provision of low lying landscaping opportunities on the roof of the podium will enhance the views to the Cockle Bay from Pyrmont Bridge. Through the provision of the 20 metre wide promenade, the amended Concept Proposal ensures views to Sydney Harbour are enhanced and maintained which is a public benefit for existing and future generations.
(b) to ensure a healthy, sustainable environment on land and water	The upgrade to the waterfront promenade will ensure visitors enjoy a healthy environment on land whilst enjoying Sydney Harbour. The proposal will also include environmentally sustainable measures such see below in (c).
(c) to achieve a high quality and ecologically sustainable urban environment	Through the Design Excellence process, the amended Concept Proposal will facilitate a building that will feature elements to lift the profile of Darling Harbour and complement and enhance current and proposed Darling Harbour uses. The proposal will achieve high sustainability standards, including 5 Star Greenstar for retail/commercial, and 4 star Greenstar for residential, along with 5.5 Star NABERS energy and 3.5 Star NABERS Water for commercial and 4.5-Star NABERS Energy and 4 Star NABERS Water for retail. These commitments will be carried through the project's duration.
(d) to ensure a prosperous working harbour and an effective transport corridor	As outlined in Section 4.1.7 , the State Government intends to update the definition of a 'Working Harbour' to clarify that the 'working harbour' includes a range of recreational, transport, tourism and commercial uses. This is consistent with the uses proposed on this harbour-front site within this Concept Proposal.
(e) to encourage a culturally rich and vibrant place for people	The amended Concept Proposal will encourage a culturally rich and vibrant place for people through some of the following key elements: <ul style="list-style-type: none"> • widening of the waterfront promenade and embellishments to provide much improved connectivity and waterfront experience; • new event steps which will allow for a generous space for people to meet and greet and enjoy the northern sun; • new "Ribbon Stairs" in the north of the site will promote connectivity and showcasing of the heritage bridge; • publicly accessible rooftops will allow for views of Darling Harbour or to enjoy an event; and • new retail interfaces, new retail outlets, including new food and beverage destinations.
(f) to ensure accessibility to and along Sydney Harbour and its foreshores	The waterfront promenade will be widened to 20 metres for the majority of the promenade and increasing from 11m to 14m in the north to provide improved connectivity, integration with the surrounding precinct and waterfront experience. Increasing the promenade width from 4,326m ² to a total area of 4,800m ² ensuring accessibility to and along Sydney Harbour and its foreshores.
(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity	A future Stage 2 Development Application will ensure specific measures are implemented to manage and protect the Harbour, including stormwater runoff and water quality management. Increases in the quantity and quality of vegetation within the site will be facilitated by the proposed development, resulting in a net improvement on the site.
(h) to provide a consolidated, simplified and updated legislative framework for future planning	The site is not zoned under the SREP, however is located within the City Foreshores Area Strategic Foreshore site and is also within the Foreshores and Waterways area. The EIS outlined the proposal's consistency with the matters which are to be taken into consideration by consent authorities before granting consent for development as set out within Part 3, Division 2 of the SREP.

SREP	Response
Principles	
(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good	The site will remain as public land owned by SHFA. The proposal will provide an improved 20 metre wide open space including transitional space such as access and circulation spaces, stairs, terraces, hard and soft landscaping, and retail interfaces, located on the water front, for both surrounding residents and visitors to utilise.
(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores	The amended Concept Proposal recognises this by facilitating a future development that will have several tangible public benefits. These include a provision of a new Bunn Street crossing connecting people from Pyrmont to Darling Harbour, a widened promenade to 20 metres for people to enjoy, a new retail shopping centre which will result in social attractors and improved connectivity, generating significant social and economic returns.
(c) protection of the natural assets of Sydney Harbour has precedence over all other interests	In providing a waterfront promenade on the shore of Cockle Bay the amended Concept Application will support the protection of Sydney Harbour as a natural asset. A future Stage 2 Development Application will ensure specific measures are implemented to manage and protect the Harbour, including stormwater runoff and water quality management.

4.1.10 State Environmental Planning Policy No. 55 Remediation of Land

Clause 7 of SEPP 55 specifies that a consent authority must not consent to the carrying out of any development on land unless it has considered whether land is contaminated and if the land is contaminated, it is satisfied that the land is/can be suitable for the proposed development.

A comprehensive review of the originally submitted contamination reporting has been undertaken by Coffey, including in light of the comments received from the Department and Council during exhibition of the application. This review has resulted in Coffey preparing an updated Preliminary Site Contamination Assessment (**Appendix Q**), along with a Preliminary Acid Sulphate Soil Management Plan (**Appendix R**) and Preliminary Remedial Action Plan (**Appendix S**). Refer to **Section 4.11** for further details. In summary, the reporting and preliminary plans confirm that the site can be made suitable for the proposed development and future uses and outlines a strategy to ensure that the requirements of SEPP 55 are appropriately addressed.

4.1.11 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The residential element of the Concept Proposal is consistent with the provisions of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) and the objectives of the Apartment Design Guide (ADG). Refer to **Appendix C** for a full assessment of the indicative design against the principles of SEPP 65 and the provisions of the ADG.

4.1.12 City of Sydney Draft Local Strategic Planning Statement

The City of Sydney Council released its draft Local Strategic Planning Statement (LSPS) in August 2019, representing Council's 20-year vision and strategy for the LGA's future direction on infrastructure, liveability, productivity and sustainability.

The LSPS implements the planning priorities and actions identified in the Greater Sydney Regional Plan and Eastern City District Plan at the local level. It is also informed by Council's platform policy Sustainable Sydney 2030, Central Sydney Planning Strategy (CSPS) and Employment Lands Strategy. Importantly, it will underpin any future changes to Council's Local Environmental Plan and Development Control Plan.

In terms of jobs Council has identified a growth target of 200,000, with Central Sydney planned to accommodate the lion's share with 101,800 additional jobs, of which implementation of the CSPS is expected to deliver additional floor space for about half of this growth— 47,000 jobs.

The amended Concept Proposal is in alignment with the Draft LSPS and jobs target, delivering an additional 2,245 jobs.

Council has with its LSPS outlined its strategic and site-specific 'principles for growth' that it will use as a guide in considering planning proposals for additional development capacity. While noting the Concept Proposal is not a planning proposal and does not seek to amend the existing planning controls that apply to the Harbourside site, the principles are still considered useful in terms of understanding alignment of the Concept Proposal with Council's growth aspirations more broadly.

In terms of the site-specific principles for growth, the amended Concept Proposal is consistent given:

- The site is located in close walking distance of existing and future public transport that has capacity and is frequent and reliable.
- The proposal will achieve high sustainability standards, including 5 Star Greenstar for retail/commercial, and 4 star Greenstar for residential, along with 5.5 Star NABERS energy and 3.5 Star NABERS Water for commercial and 4.5-Star NABERS Energy and 4 Star NABERS Water for retail.
- Any negative external impacts have been minimised and/or will be appropriately mitigated.
- The proposal supports a true mixed use outcome with land uses reflective of the diverse context and setting of the precinct on the city's fringe and within a residential and innovation corridor;
- The proposal will create and deliver significant public benefit, including monetary contributions towards affordable housing, increased provision of public open space, public domain embellishments, provision of public art, new and activated pedestrian links, improved pedestrian connections and accessibility, and achievement of environmental excellence.
- There is a strong commitment to achieve the highest standard in architecture, urban and landscape design, realised through undertaking a competitive design process for the design of the precinct.

4.2 Darling Harbour Framework for Landowners Consideration of State Significant Development

The Darling Harbour Framework for Landowners Consideration of State Significant Development (the Framework) provides the principles and criteria that NSW utilises to consider providing its landowners consent for SSDA's. The amended Concept Proposal's consistency with the four principles of the Framework is provided **Table 13** below.

Table 13 Consistency with Darling Harbour NSW Framework

Principle/Criteria	Comment
4.1 Natural and Cultural Heritage	
Protect, enhance and interpret Darling Harbour's natural and cultural heritage.	
1. Identify, protect and enhance European and Aboriginal heritage including the working harbour, past industrial land use and aboriginal heritage	The proposal embraces the heritage aspect of the site, with a considered response to Pyrmont Bridge and the Waterfront. The tower is setback 135 metres from the bridge, ensuring there is no adverse visual impact on the heritage significance of the bridge. The increased width of the waterfront promenade to 20 metres and large extent of publicly accessible space provides excellent opportunities for heritage interpretation and cultural integration.
2. Safely enhance and improve harbour interaction and leverage the unique setting on cockle bay	The proposal delivers a significant upgrade to the Waterfront by increasing the width of the promenade to 20 metres in the south and midpoint and removes previous pinch points at the northern end increasing from 11 metres to 14 metres.
3. Protect the generous and open character of the foreshore and public spaces in and around Darling Harbour	Improved linkages to the west, through the Bunn Street bridge connection and retention of the northern pedestrian bridge over Darling Drive, plus the increased waterfront promenade will facilitate greater levels of public access and activation, through and around the site.
4. Promote a coordinated foreshore experience to Darling Harbour and beyond	The waterfront upgrades and improved activation of the building edges will see the Boulevard (as formed part of the SICEEP works) extended north to Pyrmont Bridge. The proposal will ensure integrated pedestrian access and connections at the foreshore.
4.2 Orderly and Economic Development	
Unlock opportunities to intensify activity and renew ageing infrastructure and underutilised sites with a balanced approach that protects the legacy of Darling Harbour for future generations.	

Principle/Criteria	Comment
1. Renew ageing assets and develop land to its potential, while expanding and enhancing the public domain and publicly accessible space	The proposal seeks to provide a brand-new world-class mixed-use development. The proposal will provide 49,000m ² of commercial and retail floor space, which will only help to continue the economic growth of Sydney and tourism to the region. Considering the prime location and high visitation rate of the area, growth in tourism is expected to increase following the redevelopment of the site. The commercial office space will add a dynamic use in the area, supporting greater diversity of uses. The proposal will also contribute public works and benefits including the upgrade of the waterfront promenade and new Bunn Street bridge connection.
2. Balance the scale of development with the benefits it brings to the people of NSW	Through careful consideration of environmental impacts, the proposal delivers a significant upgrade whilst carefully mitigating view, shadow, wind and other environmental impacts.
3. Provide facilities to service and support the international convention and exhibition centre and darling harbour's international competitiveness as a preferred destination for conferences and events	A significantly improved retail centre, with a high percentage of food and beverage offerings, coupled with well-considered, extensive areas of public domain will greatly enhance and support the adjacent SICEEP precinct.
4. Create a comfortable, distinctive urban precinct with engaging edges, interfaces and places to dwell and occupy	The proposal will facilitate for highly activated, porous edges with particular consideration of the Waterfront and Harbourside. Additionally, the proposals will deliver greatly improved interface to Pyrmont Bridge and Darling Drive.
5. Increase pedestrian and visual permeability through the precinct	The porous nature of the podium will greatly improve pedestrian movement through the site. The new east / west connection and Bunn Street bridge will enhance connectivity between adjacent residential areas and the Waterfront.
6. Create improved access and visibility to the precinct to draw attraction from surrounding districts and the CBD	The Waterfront edges of the proposal will be highly activated and clearly visible from across Cockle bay. The new tower element has the opportunity to become a landmark element assisting with precinct wide way finding.
7. Promote high quality design for buildings, infrastructure and the public domain	The proposals will deliver high quality outcomes via a genuine embracing of Design Excellence. A future design competition will be conducted post determination of the Stage 1 DA.
8. Promote sustainable building design and place making outcomes	Sustainability and placemaking objectives are central to the scheme and will form key brief and design objectives as the scheme progresses through the Design Excellence process.

4.3 Land Use, Activities and Identity

Foster a mix of uses that broadens the appeal of darling harbour and capitalises on its natural and built assets, reinforcing its role as a destination for cultural experiences and events, and as a place for the day-to-day life of the local community.

1. Support land use and activities that activate and drive the success of the precinct, and provide for the diverse needs and experiences of the people of NSW	The improved retail offering and increased activation to all edges of the site will support and encourage visitors to the precinct. The provision of commercial office space will ensure a diverse offering of uses is provided and the site is truly an activity hub throughout the daytime hours.
2. Provide an inspiring meeting place that fosters innovation and creativity	Key public domain improvements include the Bunn Street bridge connection, new east-west through site link connecting the waterfront to Bunn Street, publicly accessible rooftops, Ribbon Stairs and the Event Stairs each of which will assist with informal meeting and gathering for the public and visitors.
3. Increase the intensity and mix of complementary uses	The proposal sees a renewal in retail offerings, the introduction of commercial office space, and the addition of a carefully positioned, well integrated residential tower. These uses are all complementary to one another, as well as to the wider Darling Harbour precinct.
4. Reinforce and extend the provision of short stay accommodation to service and support the ICC	The upgrades to the centre will support and contribute to the adjacent hotel precinct. The new Bunn Street bridge connection will provide opportunity for significantly improved connections between the Novotel and Ibis sites and the SICEEP precinct.

Principle/Criteria	Comment
5. Promote greater levels of activity that cater for the needs and preferences of the local residential, office worker and visitor catchment	A contemporary retail centre with porous edges and a high level of edge activation will provide improved support to local residents, office workers and visitors, including the new office workers on the site.
6. Support and encourage social participation in culture, events and festivals	A reinvigorated Harbourside will support the adjacent facilities of the SICEEP precinct, whilst drawing visitors to Darling Harbour south, thus improving connections to the Australian National Maritime Museum precinct.
7. Ensure future development does not impact the ongoing role of Darling Harbour as a forum for major events, entertainment and the night time economy	The significant improvements to the public domain will assist with the hosting of major events within Darling Harbour. The residential tower sits above the retail/commercial podium and is set back from the Waterfront to ensure an appropriate level of separation.
8. Improve accessibility to existing and proposed public transport	The public domain improvements include well designed pedestrian links that will drive improved site wide legibility.
9. Promote connectivity and pedestrian linkages to, and through, the precinct	Improved connectivity and through site linkages are key components of the proposal.

4.3 Public Domain and Urban Structure

Create a compelling, comfortable and distinctive public realm that is integrated with the surrounding urban areas, and maximises the function, attractiveness and utilisation of the waterfront and public space in the precinct.

1. Create a spectacular and inviting place for leisure and celebration	The promenade width has been increased to 20 metres to provide a more generous and inviting public experience along the waterfront at its southern and mid areas. The width has been increased from 11 metres to 14 metres at the northern end of the promenade.
2. Provide a secure, smart, safe and universally accessible place	The proposal allows for significant access and security improvements through wider areas of public domain.
3. Increase the amount of green, publicly accessible public domain	While the Waterfront is largely finished with hard surfaces to facilitate public gathering and events, the proposals allow for significant areas of green landscaping opportunities to be incorporated into the upper levels of the podium.
4. Provide contemporary, high quality public domain, and an improved water's edge experience	The proposal sees the Waterfront completely upgraded as outlined in Aspect Studio's SSDA Design Report at Appendix D .
5. Provide a diversity of public domain experiences, including sanctuary spaces, that encourage people to linger and dwell	The 'Event Steps', 'Ribbon Steps' and 'Publicly Accessible Rooftops' all encourage informal seating and gathering. The retail component is conceived as highly porous with a blending of inside and outside to facilitate shady, green spaces.
6. Provide a green, shady experience that offers respite from summer heat	
7. Improve the quality, capacity and convenience of public domain connections to the surrounding urban areas, and reduce the isolating effect of infrastructure around Darling Harbour	The proposal sees the Waterfront Public domain increased from to 4,326m ² to 4,800m ² , whilst also offering significant improvements in materiality and functionality.

4.3 Design Excellence

A revised Design Excellence Strategy has been prepared and is attached at **Appendix T**. The Strategy has been prepared having regard to both the Government Architects Design Excellence Guidelines (Draft, May 2018) and City of Sydney Competitive Design Policy 2012 and following feedback provided by GANSW. The proponent has elected to carry out an invited single stage competitive design process as the design excellence process associated with the development, with a minimum of three (3) invited competitors/design teams. The design excellence competition will integrate both the tower and the podium and public domain.

4.4 Built Form

A supplementary Architectural Report was prepared by FJMT and is attached at **Appendix C**. Refer to **Section 2.3** for a detailed response to the submissions.

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 (refer to **Figure 31**). Due to the relocation of the tower to the centre of the site and reduction in height of the tower and podium, 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. The amended Concept Proposal will also comprehensively improve view sharing from 50 Murray Street and the Ibis Hotel.

As outlined in **Section 2.3** and **3.1**, the built form of the proposal has been rigorously analysed over an extensive period of time with the input of surrounding community and stakeholders. The amended Concept Proposal will provide a more coherent relationship with the surrounding built form, considering the location of the site is within a transitional zone on the CBD fringe. The proposal will result in a world class-built form response and will significantly upgrade the western side of Darling Harbour.



Figure 31 Illustration of Harbourside proposal and its key place-based approach to revitalising the western edge of Darling Harbour

Source: Virtual Ideas

4.5 Heritage

A supplementary Heritage Impact Statement was prepared by Curio Projects and is attached at **Appendix J**. Refer to **Section 2.4** for a detailed response to the submissions.

Curio Projects note that due to the relocation of the tower to the centre of the site, the reduction in the height of the tower and the podium, the deletion of the footbridge from the podium to Pyrmont Bridge and the opportunity for new landscaping on top of the podium, the amended Concept Proposal has been assessed to have no adverse physical or visual impact to any nearby local or state heritage listed items.

The proposal has undergone substantial change to comprehensively respond to the concerns raised in submissions made from the government, agencies and general public. As such, the amended Concept Design has resulted in a substantially improved outcome for the site, Pyrmont and Darling Harbour Precinct.

4.6 Visual and View Impact Analysis

A revised visual and view impact analysis prepared by Ethos Urban is attached at **Appendix E** and a response to the submissions is included in **Section 2.6** and attached at **Appendix A** and **B**. 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 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.

4.7 Public Domain and Connectivity

A supplementary Architectural Report prepared by FJMT, Urban Design Report prepared by Aspect Studios and Pedestrian Report prepared by Urbis is attached at **Appendix C, D** and **I** also refer to **Section 2.9** for a detailed response to the submissions.

The amended Concept Proposal reconfirms Mirvac's commitment to improving connectivity to, through and around the site, in a wholistic approach linking up with the SICEEP public domain improvements. The increase in the width of the waterfront promenade particularly in the northern portion of the site removing an existing pinch point is a vital contribution and asset to the public domain. The proposal sees the waterfront public domain area increased from 4,326m² to 4,800m² while also offering significant improvements in materiality and functionality. The proposal will provide a contemporary, high quality public domain, and an improved water's edge experience, through components such as publicly accessible rooftops, ribbon stairs and event stairs. The waterfront promenade will also provide an inspiring meeting place that fosters innovation and creativity and will promote connectivity and pedestrian linkages to, and through, the precinct, particularly with the support of the Bunn Street bridge connection ensuring the residents of Pyrmont and Ultimo enjoy an upgraded access and connectivity to Darling Harbour.

4.8 Solar Access and Overshadowing

The refinement to the height of the tower and podium plus the relocation of the tower to the centre of the site results in a positive environmental impact in that it reduces the extent of overshadowing cast by the Harbourside tower upon the public realm (i.e. the waterfront promenade) and surrounding buildings (i.e. the Ibis Hotel and 50 Murray Street). This is highlighted in the revised shadow analysis prepared by FJMT attached at **Appendix C**. A comparison of the original Concept Proposal and the amended Concept Proposal and its shadow cast at 1.00pm on the winter solstice across the waterfront promenade, the amended Concept Proposal results in a positive outcome in terms of reduced overshadowing impacts. Note that the northern end of the site and the waterfront promenade including the event stairs have opened up and are generally free of overshadowing from the proposal.

4.9 Internal Residential Amenity

The amended Concept Proposal has been designed to provide a building envelope which will facilitate future dwellings that achieve a high level of internal amenity and outlook.

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 SEPP 65 and is consistent with the apartment design guide.

4.10 Wind

A supplementary wind effects report has been prepared by CPP and is attached at **Appendix H**. This report outlines that the modifications proposed to the Concept Envelope do not fundamentally affect the original conclusions of the assessment undertaken to support the EIS.

It notes the amended Concept Proposal is expected to result in similar wind conditions to the originally submitted proposal, with slightly improved wind conditions around the waterfront area. The wind conditions around the proposed development resulting from the amended Concept Proposal is expected to be similar to or marginally stronger than the existing wind conditions.

CPP state that 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 and to develop local wind mitigation for areas intended for outdoor seating.

4.11 Contamination

A revised Preliminary Site Contamination Assessment Report has been prepared by Coffey and is attached at **Appendix Q**. This revised Report includes updates to reflect the amended Concept Proposal.

The results of the Preliminary Site Contamination Assessment indicate that the site historically comprised a tidal mudflat in 1860 prior to a period of land reclamation and development as part of a substantial rail and maritime freight facility. The Darling Harbour Goods Yard and associated Iron Wharf occupied the site until c.1980 when it was demolished as part of the wider regeneration of the Darling Harbour area. It is understood the Harbourside Shopping Centre opened in mid-1980s and has remained substantially unchanged since that time.

The Preliminary Site Contamination Assessment identified the following areas of environmental concern (AEC) at the site:

- fill of unknown origin and quality;
- waste cooking oil AST situated within the north-western portion of the site; and
- former Darling Harbour Goods Yard & associated Iron Wharf.

The assessment undertaken by Coffey determines that the site can be made suitable for the proposed uses in accordance with Clause 7 of SEPP 55. However, Coffey recommends that further characterisation of the site is carried out involving an intrusive field sampling programme and laboratory testing to identify the nature and extent of potential contamination associates with the AECs. Coffey also recommend that additional investigation include an assessment for Acid Sulphate Soil (ASS) in order to develop an appropriate ASS management plan for implementation during future basement excavation.

4.11.1 Remedial Action Plan

As noted above, Coffey recommends investigation of the nature and extent of potential contamination present on site. This would comprise a programme of intrusive investigation and laboratory testing of soil and groundwater. Data from this investigation would be used to refine the assessment of contamination risks and need for remediation.

In the absence of such data (given the constraints in completing intrusive investigations) and the detailed design of the proposed development, Coffey has developed a preliminary remedial strategy to mitigate potential risks from the sources of contamination identified within the Preliminary Site Contamination Assessment report.

Coffey have accordingly prepared a Preliminary Remedial Action Plan (RAP) in support of the Amended Concept Proposal, refer to **Appendix S**.

The preferred remedial strategy identified by Coffey is detailed in **Table 14**.

Table 14 Preferred Remediation Strategy

Potential Risk	Preferred Remediation Method
Ingress and accumulation of vapours in indoor air derived from unsaturated soil and groundwater may pose a risk to future commercial and residential site users via the inhalation pathway	<ul style="list-style-type: none"> • Utilise low permeability soil retention system and slab to restrict gas ingress into basement. All service penetrations within basement floor and walls shall be fully lapped and sealed. • Utilise the plenum proposed within basement to sufficiently ventilate buoyant gases/vapours to surface. • Basement car park will require mechanical ventilation to ensure vehicle exhaust gases are effectively removed from basement, which will also remove non-buoyant VOC (if present). • Passive gas protection measures comprising an appropriate membrane and gas ventilation layer integrated in ground

Potential Risk	Preferred Remediation Method
	floor slab design could be provided in areas of the proposed shopping centre not above the basement.
Groundwater seepage into the basement may pose a risk to future commercial and residential site occupants who access the basement via possible dermal contact.	<ul style="list-style-type: none"> • Utilise low permeability soil retention system and slab to restrict groundwater seepage into basement. • Install perimeter drains within basement to collect groundwater seepage and channel towards sump. • Groundwater seepage collected would be pumped to sewer/stormwater discharge point under consent. • Treatment of groundwater may be required to ensure compliance with consent conditions.
Soil leaching and migration of potential contaminants in groundwater and/or along preferential flow paths may pose a risk to aquatic receptors within the Cockle Bay.	<ul style="list-style-type: none"> • Excavation to remove soil materials that pose potential risks to groundwater quality and aquatic receptors in Cockle Bay and disposal of these materials offsite to an appropriately licensed landfill licensed. • At this stage, excavation of soil would include the basement excavation and other areas where localised contamination impacts are identified (e.g. Waste Oil AST). • Groundwater encountered during excavation can be treated ex-situ and discharged to sewer/stormwater under consent • The development would, to the extent practicable, retain hard pavements and appropriate stormwater drainage that would restrict infiltration.
Surface water runoff from the site during development may pose a risk to aquatic receptors within the Cockle Bay.	<ul style="list-style-type: none"> • Installation of effective sediment controls during site development to restrict the migration of sediment-laden runoff entering Cockle Bay.
Contact with soil and groundwater may pose a risk to construction workers involved in excavation during site development, or during future subsurface maintenance activities.	<ul style="list-style-type: none"> • Undertake effective health and safety planning prior to the commencement of construction works to reduce risk of exposure to workers involved in excavation. • This includes worker inductions, training for response to unexpected contamination, provision of appropriate Personnel Protective Equipment (PPE) and monitoring, where appropriate.

Coffey outline that proposed remediation strategy aims to utilise the form of the development concept to mitigate risks. Impacted soils would be excavated for removal where unacceptable contamination is identified outside of the proposed basement footprint. Effective site management will also be required to mitigate risks to workers and aquatic receptors in Cockle Bay during site development.

Coffey confirmed that experience from other recent developments along the western foreshore of Darling Harbour has showed that the former Darling Harbour Goods Yard and associated port facility that occupied the site and surrounding land has not resulted in significant contamination issues. Measures required to properly manage contamination issues that may be present can be effectively implemented during construction, and it is considered that a similar approach at this site is feasible.

Coffey considers that sufficient information has been presented to conclude that the site can be made suitable for the proposed retail and residential development but noted that the preliminary remediation strategy is refined as the detailed design of the proposed development is prepared, and a programme of investigation within the site is completed.

4.11.2 Acid Sulphate Soils

Available information for the site indicates that the natural alluvial soils are likely to comprise Potential Acid Sulphate Soils (PASS). Coffey have accordingly prepared a preliminary Acid Sulfate Soil Management Plan (ASSMP), refer to **Appendix R**, which provides further detail on how PASS encountered during development would be managed for disposal off-site if required and to mitigate risks to the surrounding environment

The ASSMP presents a framework for the approach and methodology of Acid Sulphate Soils (ASS) management at the site during the construction phase to be followed by the contractor and its subcontractors. It provides a basis for specifications for ASS management in the understanding that a site specific ASSMP will be prepared for construction.

Coffey has assessed the development scheme in the context of the potential to encounter acid sulfate soils on the site and have concluded that where such soils are encountered through the undertaking of the proposed development works, that they can be adequately managed utilising industry standard design and construction techniques and practices to prevent unacceptable environmental impacts and render the site suitable for its intended use.

Coffey notes that as site-specific investigations are completed, and detailed design information becomes available, it is envisaged that this preliminary ASSMP is reviewed and revised to account for site specific information.

4.12 Traffic

Arcadis has prepared a revised Transport and Traffic Impact Assessment Report attached at **Appendix F**. Further details regarding the response to the submissions is outlined in **Section 2.8** and attached at **Appendix A** and **B**. The Assessment has been prepared to respond to the submissions, fulfil the requirements of the SEARs and is in accordance with the NSW Long Term Transport Master Plan and the RMS Guide to Traffic Generating Developments.

The report concludes that the key elements of the proposal include following:

- Public Transport
 - The location of the Harbourside site is accessible by public transport (particularly the light rail) via the pedestrian linkages between the public transport nodes and the development.
 - The design generally provides enhanced access to the public transport services through the creation of more direct pedestrian access walkways.
- Parking Provision
 - Parking provision for residential use within Harbourside will be provided within a three-level basement carpark. The existing parking below the Novotel hotel will be retained for the proposed retail/commercial use of the development.
- Road Network/Intersection Operational Performance
 - The operational performances of the intersections relevant to the Harbourside development have been demonstrated to be satisfactory.
 - The results of modelling indicate that minor adjustments to signal timing for the worst affected signal would improve the overall operation.
- Pedestrian
 - The development will provide improved pedestrian linkages within the Public Realm linking the development to the Darling Harbour Live precinct to the south, Sydney CBD to the east and Pyrmont and broader Bays precinct to the west.
 - The improved pedestrian linkages via the shared zone and the signalised pedestrian crossing on Darling Drive cater for pedestrian desire lines from the west of Darling Drive.
- Cycleway
 - Cycle connections are available to Harbourside via the existing cycleways on Darling Drive, the improved new cycleway on the west side of Darling Drive, new east-west linkages and completion of the new boulevard running north-south through the precinct, developed as part of the SICEEP.
- SEARs
 - The requirements of the SEARs have been adequately assessed in the overall Transport and Traffic Impact Assessments for the Harbourside development.

4.13 Infrastructure and Utilities

Arcadis have undertaken consultation wherever possible with the relevant authorities and utility providers in order to determine the existing utilities and arrangements, forecast demand, and any required upgrade works to accommodate the amended Concept Proposal. The findings of these consultations are detailed in the Utilities Report prepared by Arcadis and attached at **Appendix K**.

4.14 Stormwater

A supplementary Flood, Stormwater and Water Sensitive Urban Design Report has been prepared by Arcadis Consulting and is attached at **Appendix L**. This report responds to submissions and is consistent with the original report in that it provides a drainage concept for the site which addresses the flooding and sea level rise risks on the site, identifies initial water sensitive urban design analysis and discusses initiatives proposed to be adopted to achieve pollutant reduction targets. Further details regarding the response to the submissions is outlined in report and attached at **Appendix A** and **B**.

4.15 Construction Management

A detailed Construction Management Plan will be prepared as part of, or following, a Stage 2 DA. An outline Construction Management Plan is attached at **Appendix M**. The report addresses the construction items related to the Concept Proposal and outlines the actions and staging of construction to mitigate concerns of surrounding stakeholders.

4.16 Acoustic

A supplementary acoustic report prepared by Renzo Tonin & Associates is attached at **Appendix G**. The report identifies strategies for noise control and management which may include physical design measures and management measures such as permissible hours of operation for various uses. These measures will all be detailed in the Stage 2 DA.

It also notes that noise to the internal areas of the residential tower can be readily mitigated through appropriate design of the detailed building in order to meet relevant Australian Standards.

4.17 Environmental Sustainability Design

A supplementary Environmentally Sustainable Design (ESD) Report has been prepared by Cundall attached at **Appendix N**. Although details relating to ESD initiatives provided by the future development will only be available during the detailed design process, the assessment outlines a wide variety of sustainability initiatives, which may be proposed within the Stage 2 detailed design development application.

The development facilitated by the Concept Proposal will be a premium grade residential tower above a mixed use (retail/commercial) podium. As such, premium level sustainability initiatives will be required within any future Stage 2 DA(s).

The revised ESD report demonstrates sustainable building principles and targets, including:

- 5-Star Green Star Design & As Built v1.3 for retail;
- 5-Star Green Star Design & As Built v1.3 for commercial;
- 4-Star Green Star Design & As Built v1.3 for the residential tower;
- 4.5-Star NABERS Energy for Shopping Centres;
- 4-Star NABERS Water for Shopping Centres;
- 5.5-Star NABERS Energy for Offices; and
- 3.5-Star NABERS Water for Offices.

4.18 Airspace

With the amended Concept Proposal now having a reduced height of RL153.75, the future building is therefore not expected to protrude above the Obstacle Limitation Surface (OLS) – being 156m. Approval for a controlled activity as part of the future construction stage (by virtue of cranes protruding above the OLS) may however still be required from the Federal Department of Infrastructure and Regional Development.

4.19 Public Benefits

An overview of the significant public benefits to be delivered as part of the project is provided below.

- **Public Domain – Works in Kind:**

- Waterfront Promenade: Widening of the waterfront promenade and embellishments to provide much improved connectivity and waterfront experience (approx. area 4,800m²).
- Event Steps and east-west through-site link: Generous space for people to meet and greet and enjoy the northern sun as well as providing a direct link through to the new Bunn Street bridge (approx. area 1,075m²).
- Ribbon Stairs: An increased building setback from Pyrmont bridge for improved connectivity and showcasing of the heritage bridge (approx. area 545m²).
- Pyrmont Bridge: An upgrade of the paving at the western entry to the bridge and enlarged entry to bridge (approx. area 490m²).
- Bunn Street bridge: A new pedestrian bridge providing a vital and direct link from Pyrmont through to the waterfront (approx. area 380m²).
- 50 Murray St bridge: Retention of the existing bridge (approx. area 275m²).
- Green roofs: Opportunities for Landscaping of roofs to provide attractive and embellished spaces (non-trafficable).
- Publicly accessible rooftops (approx. area 614m²).

In total there will be approximately 3,379m² of public domain to be provided within the proposed envelope, with additional surrounding areas of public domain to be upgraded (e.g. Waterfront Promenade).

- **Public Domain – Area increase of waterfront promenade:**

- The waterfront promenade will be widened to provide improved connectivity, integration with the surrounding precinct and waterfront experience.
- To provide this improved amenity, Mirvac's existing leasehold will be reduced by 474m².

- **Public Domain Activation – Works in Kind:**

- To ensure the activation of the public realm directly around Harbourside, and may include public domain works such as, activation under Pyrmont Bridge undercroft; Architectural lighting, art installations & wayfinding; furniture, WI-FI, AV & PA, lasers & CCTV etc.

- **Affordable Housing – monetary contribution:**

- Voluntary Planning Agreement to be entered into with the NSW Department of Planning, Industry, and Environment with a cash contribution (\$5.2 Million) to be provided for affordable housing. Refer to Public Benefit Offer included at **Appendix P**.

Further details in relation to the public domain works in kind are included within the Public Domain report prepared by Aspect Studios (refer to **Appendix D**).

4.20 Public Interest

The amended Concept Proposal continues to be in the public interest, including as it will:

- develop Harbourside into one of Sydney's most innovative retail, restaurant, entertainment, tourist, commercial and residential districts;
- upgrade existing shopping and food and beverage offerings to facilitate the renewal of the site and attract visitors to Darling Harbour;
- improve pedestrian connectivity and accessibility between Pyrmont and the future Bays precinct and Darling Harbour and more broadly the Sydney CBD;
- provide significantly improved and enlarged public domain, ensuring Sydney's most valued natural asset (its waterfront harbour) continues to be enjoyed and celebrated;
- contribute significant economic benefits during both the construction and ongoing operational phase of the project (refer to **Figure 32**);
- minimise urban sprawl and the costs to society associated with this inefficient form of growth;
- support Sydney's development as a compact and well-connected city; and
- encourage sustainable travel behaviour by providing residential apartments close to existing and future public transport.

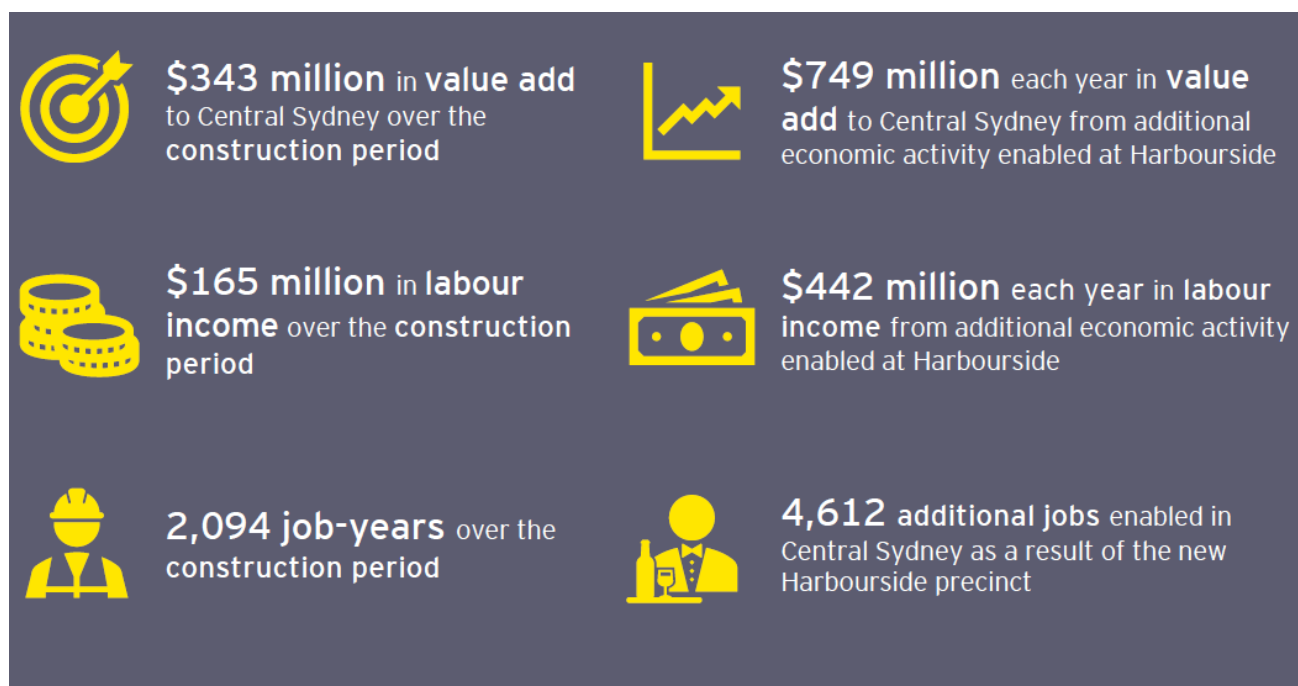


Figure 32 Economic Contribution Analysis

Source: EY

5.0 Final Mitigation Measures

The collective measures required to mitigate the impacts associated with the amended Concept Proposal are detailed in **Table 15** below.

Table 15 Mitigation Measures

Mitigation Measures
<p>Built Form Design</p> <p>The future building will reflect the Urban Design Principles outlined in the Architectural Design Report and Drawings (including envelope drawings) prepared by FJMT.</p> <p>The future detailed design will be the subject of a competitive design process in accordance with the Design Excellence Strategy.</p>
<p>Heritage</p> <p>The recommendations by Curio Projects are revised from the 2016 HIS report, to address the amended Concept Proposal, and the response to submissions relating to heritage.</p> <p>Built Heritage</p> <p>The proposal to design the new shopping centre with many public domain spaces that open up views to the harbour, Pyrmont Bridge, the city and its surrounds, should continue to form the basis of future detailed design.</p> <p>The relocation of the tower envelope has removed any significant visual relationship between the tower and Pyrmont Bridge, and therefore should be supported on heritage grounds. While the development will present no physical or visual impact to the State heritage listed Pyrmont Bridge, the final tower design should still seek to provide sensitive design solutions in consideration of the final form and materiality of the tower, in order to ensure that the tower does not detract from views from the east towards, and along the eastern approach to the Pyrmont Bridge.</p> <p>The proposal to improve the spaces in and around the Pyrmont Bridge approach, and possible bridge surface works (i.e. conservation of Pyrmont Bridge) is to be further developed and encouraged as part of more detailed designs. In particular, the proposal to improve the intrusive interface between the existing Harbourside Shopping Complex and Pyrmont Bridge, should be supported on heritage grounds, improving the readability of the bridge from the western foreshore below the bridge, as well as along the eastern approach.</p> <p>Aboriginal Archaeology</p> <p>While it is assessed that there is low to nil potential for Aboriginal objects to be present within the study area, nor impacted through the proposed redevelopment, the potential for unexpected relics and/or Aboriginal objects to be discovered will be managed through the instigation of an Unexpected Finds Protocol for Aboriginal Objects for the site during development works (to be developed through the Stage 2 SSDA). This would be managed via the appointment of an overseeing project archaeologist for the site who will ensure that any unexpected finds are managed appropriately in accordance with the Unexpected Finds Protocol, and reported to the statutory authorities in accordance with the provisions of the NSW National Parks and Wildlife Act, as required.</p> <p>Historical Archaeology</p> <p>The following recommendations are made for the Harbourside Redevelopment project, with reference to historical archaeology:</p> <ul style="list-style-type: none"> - Any future historical archaeological works should be undertaken and supervised by an appropriately qualified archaeological consultant. - A Heritage Induction, specific to archaeological potential and context for the site, should be developed and presented to all on-site contractors and personnel during the course of the development. - A historical Archaeological Research Design (ARD) and Excavation Methodology, prepared in accordance with Heritage Council Guidelines, should be developed for the site as part of the Stage 2 DA. - Following any archaeological works undertaken at the site (as guided by the ARD), a final excavation report should be prepared, to a suitable standard for submission to the NSW Heritage Division, and providing details such as (but not limited to), identification of all recovered relics, resources and artefacts, including nomination of long term storage solutions. <p>Heritage Interpretation</p> <p>A Heritage Interpretation Plan for the subject site should be prepared as part of the Stage 2 DA, in accordance with the relevant heritage guidelines issued by the NSW Heritage Division, to address all heritage elements and values of the site, including built heritage items, historical archaeology and Aboriginal cultural heritage.</p>

Mitigation Measures

Wind

The recommendations of the Wind Report prepared by Cermak Peterka Petersen (CPP,2016) and the supplementary Wind Report (**CPP, 2020**) are to be considered during the detailed design and included with the Stage 2 DA.

Traffic

The recommendations outlined in the Traffic and Transport Impact Assessment prepared by Arcadis (**2016**) and the revised traffic report (Arcadis, 2020) are to be employed including a Travel Management Plan developed based upon the Principles outlined in the EIS.

Geotechnical

The recommendations outlined in the Geotechnical Assessment prepared by Coffey Environments Australasia Pty Ltd (**2016**) are to be implemented including the following:

Carry out site specific investigations for the future structures and submitted with the future detailed application(s) for approval. These investigations and subsequent mitigation measures should adequately manage any potential geotechnical risk.

Contamination

The recommendations outlined in the Preliminary Site Contamination Assessment prepared by Coffey 2016 and supplementary reports (**2020**) confirm that a detailed investigation of contamination conditions at the site to provide information for development of a site-specific RAP which will direct effective mitigation of contamination risks during construction is required.

The key components are:

- Implement a programme of investigation to characterise ground contamination conditions within the site and assess the need for remediation to manage contamination in the context of the proposed development concept;
- If required, prepare a site-specific RAP to outline the procedures to manage surplus soils and mitigate contamination risks; and
- Develop a CEMP which outlines the controls required to mitigate potential health and safety, and environmental risks associated with the remediation works.

Ecologically Sustainable Development

The ESD measures outlined in the Ecologically Sustainable Design Statement (2016) and supplementary ESD report prepared by Cundall (2020) are to be explored in the Stage 2 detailed design of the building design to maximise the environmental performance and energy efficiency of the building.

Access

The recommendations of the Accessibility Report prepared by MGAC (2016) and supplementary report (2020) are to be incorporated into the detailed design.

To ensure equal access is provided throughout the proposed development, the detailed design of the proposal will need to ensure compliance with the relevant accessibility provisions of the BCA.

Construction Management

A Construction Management Plan (CMP) will be finalised and agreed to with the RMS prior to the release of the Construction Certificate following the Stage 2 DA.

Acoustic

Renzo Tonin & Associates suggest that the future Stage 2 DA report should seek to identify strategies for noise control and management which may include physical design measures and management measures such as permissible hours of operation for various uses.

Noise to the internal areas of the residential tower can be readily mitigated through appropriate design of the detailed building in order to meet relevant Australian Standards.

6.0 Conclusion

In responding to and addressing the range of matters raised by government agencies and authorities, independent bodies and the public, the proponent has amended the Concept Proposal. In addition, and to the benefit of the overall project, the significant changes to the design are considered to reduce the environmental impacts and to on balance deliver a project that results in an overall improvement to the scheme that was previously exhibited.

In summary, the amended Concept Proposal will facilitate the reconnection of Pyrmont and Darling Harbour through the creation of significant new publicly accessible pedestrian connections through the increased width of the waterfront promenade and the Bunn Street bridge connection. It will re-energise Darling Harbour, by providing a world-class mixed-use development and will become a dynamic and inclusive place for residents, the wider community and visitors to enjoy. The proposal is considered acceptable for the following reasons:

- the amended Concept Proposal is permissible with consent and meets the requirements of the relevant statutory planning controls;
- the proposal is consistent with the principles of ecological sustainable development as defined by Schedule 2(7)(4) of the *Environmental Planning and Assessment Regulation 2000*;
- the area and shape of the site allows for the provision of the proposed amended Concept Proposal while not resulting in any unacceptable adverse impacts on surrounding buildings and uses;
- the relocation of the tower to the centre of the site and the reduction in height of the tower and podium has resulted in a balanced built form outcome, visually coherent scheme connecting with the ICC Hotel, with the proposal fitting with the current and future built form framework of Darling Harbour, significantly contributing to the changing skyline of Sydney;
- the amended Concept Proposal has significantly improved view sharing to 50 Murray Street and the Ibis hotel due to the relocation of the tower and reduction in height of both the tower and the podium while maintaining equitable view sharing to other surrounding buildings;
- the relocation of the tower has resulted in the enhancement of the visual connection to and from Pyrmont Bridge and Cockle Bay celebrating the heritage significance of the bridge and harbourside location;
- the mixture of uses proposed will complement the current and future uses of Darling Harbour, contributing to the revitalisation of the precinct as a lively and world-class destination;
- world-class high-quality retail and entertainment offering catering for local and tourist markets will be delivered on the Site through the proposal, contributing to the entertainment and retailing experience of Darling Harbour;
- new high-quality commercial floor space will be offered in the podium, contributing to the availability of commercial floor space in Sydney's CBD, and providing a diverse use to the Darling Harbour precinct which is complementary and supportive to the vibrancy of the precinct;
- quality residential apartments with high levels of amenity will be delivered through the proposal, contributing to the provision of housing close to employment opportunities, facilities and services;
- the proposed development will deliver significant public benefits including providing a regularised waterfront experience which stitches in with recent enhancements to the public domain located to the south of the site; and an additional 474m² of public domain to be delivered along the waterfront of Darling Harbour;
- a new east-west pedestrian connection will be delivered through the Concept Proposal which better links Pyrmont and Darling Harbour;
- opportunities will be provided for more activated ground level public domain spaces and greater opportunities for event spaces in the public domain, contributing to the entertainment and tourism values of Darling harbour;
- the project has been informed by extensive pre-lodgement community consultation, with feedback from this consultation shaping the end outcome of the Concept Proposal; and
- the provision of a vibrant retail and residential mixed use precinct will further support and strengthen the vitality of Darling Harbour on the world stage.

The proponent has considered the concerns raised during the exhibition process and the amended Concept Proposal will facilitate a development that offers extensive public benefit, is suitable in the location, is an appropriate scale with improved local effects. It is considered that the solutions available in the design excellence process will deliver a development that offers strong overall benefit to the precinct and city.

Given the merits described above, and the significant public benefits that will result from the amended Concept Proposal, it is recommended that this application be approved.