

7 May 2020

Our Ref: R/2016/41/A
File No: 2020/180939
Your Ref: SSD-7874

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By Planning Portal

Dear David

Response to Submissions – Stage 1 Concept Proposal for the Harbourside Shopping Centre Redevelopment – SSD-7874

Thank you for your correspondence dated 1 April 2020 requesting City of Sydney Council's ("the City") comments on the Response to Submissions (RTS) for this State Significant Development (SSD) application. The proposal involves the staged development application and concept approval for a new retail shopping centre, residential apartment tower and public domain improvements.

It is acknowledged that since the last submission in 2017, the proposal has undergone several iterative design workshops with key stakeholders to change and improve certain aspects of the development. The changes reflected in the RTS include built form improvements to the tower, podium and public domain.

The City has reviewed the information submitted with the RTS and acknowledges that changes to the building envelope and relocation of the tower are an improvement to the previous scheme.

Notwithstanding this, the amended concept proposal does not address the City's key concerns of the effective privatisation of public land with cumulative environmental impacts not adequately considered. The amended proposal presents significant new issues in addition to those raised in previous correspondence, dated 10 February 2017.

In consideration of the above, the proposal as it stands is not in the public interest and accordingly, the City ***maintains objection*** to the application for the following reasons:

1. Land Use – Residential Accommodation

The RTS presents a minor reduction of residential apartments compared to the first iteration of the scheme. The proponent asserts that the residential component of the proposal will contribute towards the State's 20-year housing target of 725,000 additional homes by 2036. The residential apartments are also asserted to provide a variety of housing types that will help with affordability.

The City reiterates that Darling Harbour is a precinct for all of greater Sydney with a network of open spaces that encourage various leisure activities within the harbour

foreshore. The assertions made for the provision of residential accommodation are not meaningfully substantiated and do not warrant the conversion of public land for private use. As stated in our previous response, the development contradicts the principles of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* in recognising that Sydney Harbour is a public resource, owned by the public and is to be protected for the public good. Further, it is also stipulated in the SREP that the public good has precedence over the private good and whatever change is proposed for Sydney Harbour or its foreshores.

It is acknowledged that residential accommodation is permitted on the site under the *Darling Harbour Development Plan No. 1 1985*. Notwithstanding this, the permissibility cannot be solely relied upon to permit the use and development of the site for residential purposes. The concept proposal is inconsistent with the objectives of the Plan, which is “to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area”.

Irrespective of the above and as stated in our previous response, the City submits that the *Darling Harbour Development Plan No. 1 1985* fails the contemporary test by virtue of its age and lack of strategic alignment with the Greater Sydney Commission’s District Plan. Further, it fails to respond to and address the contemporary land use and planning issues of Central Sydney, notably strategic goals contained within the draft Central Sydney Planning Strategy and targets stipulated by Sustainable Sydney 2030.

The City emphasises that consideration of the development should be made against the priorities relevant to Central Sydney under the District Plan as well as other City related strategies. Particularly with respect to housing, housing targets and housing supply within the City of Sydney LGA, as envisioned under the Eastern City District Plan and Sustainable Sydney 2030, have targeted for at least 138,000 dwellings to be provided. In accordance with the City’s Housing Audit for the financial year of June 2019, there were 116,868 (private) dwellings audited in the City of Sydney local area, which equates to 84.7% of the dwelling target for 2030.

These figures demonstrate that 56.2% of target dwellings had been added, after 52.2% of the timeframe (12 of 23 years). The highest number of private dwellings is located in the Green Square and City South village (20,139). Overall, the figures verify that the City is well positioned to meet the NSW Government’s housing targets for residential dwellings without the provision of housing on this site.

In relation to the economic priorities of Central Sydney, the draft Central Sydney Planning Strategy and Sustainable Sydney 2030 recognise the role of Central Sydney, including Darling Harbour, in contributing towards Sydney being a global city with a commercial core to support and protect economic and employment growth opportunities. These priorities are also derived from the economic targets prescribed by the District Plan. Specifically, the Central Sydney Planning Strategy sets out visions and aims for the efficient use of land with floor space that is not committed to residential uses. This is to ensure that planning for job growth in Central Sydney is protected from the overwhelming residential demand to access jobs and services.

The Strategy also sets out key actions, which include limiting access to strategic floor space to key productive sites, to office premises, business premises, retail premises, hotel accommodation and community and cultural facilities. Other key actions include ensuring proposals that allow for additional height for employment related development does not result in additional overshadowing of protected places.

In light above, it is reiterated from the City's previous response that the District Plan and the Central Sydney Planning Strategy suggest that the site should be reserved for employment related land uses that consider the long term public benefit and longevity of Sydney as a global city with a strong economic core. Introducing residential development results in short-term financial gain that is contrary to the priorities the Strategy and Plan More importantly, permitting residential accommodation in public land of Darling Harbour is a direct contravention to the objects of the *Environmental Planning and Assessment Act (EPA Act) 1979*, in that:

- The proposal does not promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources. The residential use is significantly incompatible with the historic and ongoing uses of Darling Harbour. The enjoyment of the foreshore and Darling Harbour as a precinct and public asset for leisure, recreation, entertainment, culture, education, commerce would be completely hindered by the development.
- The proposal does not facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision making about environmental planning and assessment. Allowing residential uses in a public environment is poor decision making and jeopardises a highly used public asset that encourages enjoyment of the harbour foreshore. The proposal does not consider the social and environmental repercussions of residential uses in the Darling Harbour precinct that is frequently noisy and hosts major city and State significant events. There are other areas within the City of Sydney LGA that are better suited for residential uses, such as Green Square and Ashmore Precinct, with new and existing infrastructure and services that can accommodate any uplift and density for the provision of additional housing that do not need to compete with amenity concerns.
- In light of the above, the proposal does not constitute and promote the orderly and economic use and development of land in Darling Harbour.
- The proposal does not adequately demonstrated how it is to provide, deliver and maintain affordable housing. This is detailed later in this response.
- The proposal does not protect the environment and promote the sustainable management of built and cultural heritage. The amenity of the built environmental is compromised as a result of the cumulative environmental impacts resulting from the development. This is also detailed later in this response.

Accordingly, the City rejects the proponent's overarching supposition and reliance on the State's housing targets to justify the residential use. Whilst an imperative priority to achieve the strategic objectives for the State, it should not be at the detriment of public land. As previously stated, there are other and more suitable locations in the Sydney LGA that can provide additional housing without compromising the housing targets envisioned by the NSW Government.

A balance must be struck in ensuring that commercial core areas, particularly within the City Centre and moreover in Darling Harbour, be maintained and realise other strategic priorities of the State. Darling Harbour has long been a precinct for the public and should remain so. The proposed residential use would diminish the enjoyment of the foreshore

and Darling Harbour as a public asset and precinct for leisure, recreation, entertainment, culture, education and commerce, which is not in the public interest.

2. Affordable Housing and Public Benefit Offer

Noting that the City does not support the provision of residential accommodation on the site, this submission will address the proponent's public benefit offer and the issue of affordable housing, respectively.

The RTS outlines that the residential component of the development will provide affordable housing as well as a public benefit offer for a monetary contribution of \$5,200,000 towards affordable rental housing.

Providing for affordable housing is a positive aspect, the RTS provides no reference to the percentage of the 357 apartments to be dedicated for affordable housing. It is stated that the 357 apartments and their residents will not have an adverse impact on community facilities and infrastructure. The RTS highlights that the new Ultimo Public School and associated facilities including childcare are the main reasons for this. However, the RTS is not accompanied with a Social Impact Assessment or social infrastructure analysis to demonstrate and support this claim.

There is no explanation or justification for the affordable housing contribution amount, particularly with reference to whether the affordable housing is adequate in the context of the City's resolution on housing on Government land under the Local Strategic Planning Statement (LSPS). The City's GSC and City endorsed LSPS indicates that 25% of housing on state owned sites should be affordable. This is because state own land needs to do the heavy lifting to address the chronic shortage of affordable housing. For the case of this proposal, approximately 9,500sqm or 111 apartments at 85sqm each, are to be dedicated for affordable housing.

Further, it should be noted that the City has adopted a planning proposal that extends the affordable housing levy across the LGA that requires a contribution of up to 12% of new floor space achieved through a change to the planning controls. These controls are currently being drafted for the Sydney LEP. It is acknowledged that this application would not be subject to these planning controls. However, it is reasonable to provide an estimate in accordance with the City's rates, which would require a contribution rate of 1.5% to residential floor space and 0.5% to non-residential floor space from June 2020. These rates will increase to 3% and 1% respectively from June 2022.

The current equivalent monetary contribution is \$11,340.92. Accordingly, the monetary contribution towards affordable housing based on the above is approximately **\$18.5 million** when applying the rates as detailed below:

$$(3\% \times 38,000\text{sqm} \times \$11,340.92) + (1\% \times 49,000 \times \$11,340.92)$$

This figure assumes that the proposal does not exceed the FSR controls. The monetary contribution will be half if the June 2020 rate is applied.

Overall, the RTS makes an unsubstantiated claim to provide affordable housing that does not address relevant strategic documents. Based on the insufficient details provided, the City has no confidence that affordable housing will be provided for this development.

3. Urban Design

3.1. Wind Impacts

The submitted Wind Assessment Report, prepared by CPP, is an opinion-based report that assesses the wind impacts by benchmarking against the original, rather than against the delivery of quantified wind speeds to ensure comfort levels for different activities. The Report concludes that wind tunnel testing is not considered essential for the building envelope but for the future design development to establish local wind and mitigation areas intended for outdoor seating.

As stated in previous correspondence, wind tunnel testing is critical and necessary for this development. The wind impacts to the public domain, notably the through-site links as a public benefit must be identified and fit for purpose as part of any concept plan and not left to be solved at a later stage. Assertions regarding the suitability of wind speeds along the waterfront need to be quantified.

Consideration of the wind impacts must not be limited to outdoor seating associated with retail, but also include impacts to residential balconies, include measures to minimise downwash from the tower to pedestrian comfort on Darling Drive as well as impacts within the through-site link, courtyards and green roofs.

The Report deems wind speeds along the waterfront to be suitable as a public accessway and for short term stationary activities. However, the claim is not quantified.

3.2. Design Excellence

The RTS outlines that the proponent has elected to carry out an invited single stage competitive design process with a minimum of three invited competitors/design teams.

The City recommends that a full competition be carried out to commensurate with the scale, value and impacts of the development.

3.3. Public Domain Interface

Insufficient and inconsistent information is provided for existing ground levels including the foreshore promenade and surrounding streets to adequately understand the relationship of the development and immediate context. Specifically, the anomalies include the kiss-and-ride on Level 1 associated with a commercial lobby located on Level 2. This lobby appears to be at the same level as the top of the existing stairs located south of the Pyrmont Bridge.

The levels of the southern through-site link and Bunn Street are also missing and there is no indication of levels the Pyrmont Bridge stairs. Clarity is sought as to what is the driver of the southern through-site link, which is not indicated in the concept building envelopes as a deliverable public domain element. The plans also indicate that the proposed Ribbon Stairs are within the development boundaries and privatised with access via the southern podium. It should be public and connect the foreshore promenade to the corner of Darling Drive and Murray Street.

Whilst the proposal includes a consistent width of 20m along the foreshore, the 519sqm increase to the existing 4,470sqm is not a substantive increase to the foreshore promenade. The existing foreshore provides an area with a width of up to 25m which enables different spaces to be created to accommodate different programs.

3.4. Building Envelope

Additional information is required regarding the setbacks to Darling Drive. The existing building is setback from the western boundary to allow for vehicular access. However, the proposed building envelope is almost the full length of Darling Drive from the Bunn Street connection going northwards. The building envelope implies that this area can be built from ground level to RL 26.5, 25 and 17.5. It is recommended that the podium height be lowered with an increased setback at this location to give a clear sightline to the existing stairs adjacent to the Pyrmont Bridge.

The building envelope tower footprint is excessive for a residential tower. The dimensions are approximately 53m in length with a varied width between 27m and 29m. There appears to be no rationale as to why the depth tapers and overall, the dimensions imply non-compliances with the required building depths under the Apartment Design Guide (ADG).

The location of the tower in the centre of the site is an improvement. However, the view analysis should be expanded and include the view corridors from streets in the CBD as well as Pyrmont.

No tower setback is provided along Darling Drive. Effectively, this brings the tower to the ground and result in severe wind impacts to pedestrian safety along Darling Drive and the future through-site links.

3.5. Overshadowing

The revised shadow diagrams illustrate that the overshadowing of the foreshore is significant between 12-2pm. Whilst relocating the tower to the centre of site reduces the overshadowing to the foreshore, The City requires updated shadow diagrams at 15-minute intervals to be submitted to determine the degree and percentage of the foreshore promenade affected by the development. This is to ensure that the public realm receives solar access at the highly sought lunchtime hours.

3.6. Indicative Podium and Tower Design

The concept podium design is dissected by the southern through-site link. However, this link is not indicated as a deliverable in the concept building envelope. The southern podium is almost exclusively retail. At ground level, there is a retail street connecting the foreshore promenade to the southern through site link and either back to the foreshore or to the northern podium. The retail street is not open to the sky.

Additionally, the RTS is unclear as to which level the residential use commences. More importantly, the tower envelope indicates non-compliances with the ADG with respect to the building depth and natural ventilation of lower floor apartments (indicated to be 57%). The indicative typical apartment floor plans suggest that there is a strategy to locate larger and fewer apartments on

the three lower levels and up to 12 apartments on upper levels. This is contrary to the ADG design requirement of a maximum of 8 apartments off a circulation core. Solar access to the apartments must be confirmed through a sun's eye analysis.

3.7. Pedestrian Amenity

The RTS stresses the need for the through-site links. If this is to be the case, they must be fit for purpose. As such, safe and comfortable wind conditions are paramount. Further, it appears that the southern through-site link is to connect to a porte cochere drop off to the foreshore. These drop offs are often used by people who are not as mobile including the elderly and children.

3.8. View Impacts

The view impacts of the development must be expanded to include view catchment of the proposed building at Cockle Bay. It is also recommended that the vista along Market Street is clear for its width and not encroached by the development.

4. Heritage

The heritage concerns initially raised by the City include insufficient setbacks of the tower and podium to the heritage listed Pyrmont Bridge, the pedestrian footbridge connection from the Pyrmont Bridge and proposed podium, visual impact on the former Goldsborough Mort Woolstore and lack of detail on the conservation works to the Bridge. The City also suggested a 30-degree angle sightline/separation of the podium from the southern side of the Bridge be cast to establish the setbacks and that should be no more than a 5m setback of the proposed stairs.

Notwithstanding the general improvement to the building envelope, the concern of the podium envelope remains from a heritage perspective. Whilst the amended design provides increased setbacks to the Bridge and a rationalised northern edge/sightline, the modifications to the podium and underbridge stairs are tokenistic and does nothing to ameliorate the unacceptable visual impact and curtilage to the Pyrmont Bridge.

It is noted that the previous Goods Line Workshop Shed located at the southern side of the Bridge was only slightly higher than the Bridge surface. The extant Harbourside Shopping Centre height of RL 17.4 largely reflects the former Shed's height. The visual prominence of the Bridge as viewed from the west are not significantly affected. The proposed podium has a height of RL 24, which is 7.5m taller than the extent structure and approximately 13-14m taller than the Bridge surface at RL 11.5. The significant increase of the new structure's height warrants a larger setback from the Bridge to reduce its imposing impact.

Following a 30 degree vertical visual angle, a RL25 structure needs to have a 25m setback from the southern edge of the Bridge. The portions of the northern end of the podium whose RL is lower than RL 25 may have a reduced setback less than 25m. A tiered form of the podium has the benefit to make the green roofs of the lowered podium visible from the Bridge. If a universal 25m setback is not made to the RL25 podium, the setbacks and a 30 degree slant sightline should be adopted as previously recommended.

The amended proposal provides an opportunity to improve the setting of the Bridge, particularly its presentation at its western end. The podium design should make reference to the northern side of the Maritime Museum with respect to its separation, height and lightweight form. The southwest edge of the Bridge could be better defined than the existing from the top of the Bridge and the promenade under the Bridge.

The introduction of the monorail stop and Harbourside centre in the 1980s were intrusive to the Bridge. The integrity of the Bridge was unduly affected. This occurred at the junction of the Bridge and the centre at the south-west corner of the Bridge. The work resulted in a location of a portion of the Bridge balustrades at the south-west to the edge of Darling Drive and obscuring the south-west pylon.

The development and design of the north podium should consider reinstating the relocated south-west balustrades. Consideration should also be made to improving and enhancing the south-west edge of the Bridge as being viewed from the harbour promenade from the Bridge top. Whilst a large separation of the new podium from the Bridge is to be introduced the connection of the podium to the Bridge should be light and rigorous. The south-west pylon should be fully exposed.

Overall, the updated proposal makes some improvements in terms of its heritage impact to the Pyrmont Bridge. However, the podium envelope and the northern end is remains unsatisfactory and unaddressed.

5. Transport and Access

Significant concern is raised regarding the little detail provided in the RTS regarding transport and access as follows:

5.1. Access

The RTS provides no ability for the City to assess the number of driveway locations, distance of driveways from main street thoroughfares to confirm risks of queuing, driveway widths and impacts on pedestrian amenity and safety. It appears that access to the loading dock of the development is via truck hoist only, which is not supported.

The City can only make assumptions with the information provided in the RTS. For instance, an indication on the loading and drop off/pick up arrangements is contained in the submitted 'Harbourside Pedestrian Study' as well as the 'Traffic and Transport Impact Assessment', which indicate two loading areas with the southern one accessed via a hoist, as previously mentioned. The lack of information for a development of this scale is unacceptable and is poor planning practice. There is no clear indication about how this proposal will be accessed and serviced. The site's constrained nature and the reliance on Darling Drive to provide access, means it is critical that careful consideration of the transport and access related impacts are made to reduce the cumulative impacts and traffic generation that the proposal would have to the local road network.

5.2. Car Parking

The submitted Traffic and Transport Impact Assessment', prepared by Arcadis, outlines that the current Harbourside Shopping Centre operator leases car parking for the existing retail patrons from the Novotel Hotel car parking. It is proposed that this existing retail parking arrangement will continue in which

patrons will park and access the new Harbourside Shopping Centre via the new Bunn Street bridge. The Report also describes the connectedness of the site to public and active transport and the large availability of car parking at adjacent sites. Collectively, there is an existing number of 5,373 spaces available within walking distance to the site.

The proposal seeks to provide 306 car parking spaces within 3 basement levels. The number of car parking spaces proposed is unsupportable. There is no justification provided for the significant increase in parking from the existing parking provisions. Further, no justification is provided on how this level of parking can promote sustainable transport over a car-orientated development.

A realistic consideration of the impact of parking and the traffic generation from the site on the Central Sydney is not made. The provision of additional car parking spaces is at odds to the contents of the Traffic Report, which highlight the locality's existing parking and transport arrangements. A zero increase in private parking should be mandated with appropriate parking for servicing and drop off/pick up.

Overall, the parking supply for the development must be constrained to encourage sustainable transport such as public transport and active transport, including cycling and walking. Moreover, the development should seek to encourage sustainable and active transport in a manner that aligns with the targets and objectives set out under Sustainable Sydney 2030.

5.3. Traffic Generation

The concept proposal provides excessive parking numbers with a cumulative impact to the traffic generation of the site and local road network. It is anticipated that more than 1,035 vehicles will be generated in the PM peak with the existing design. This would have a considerable consequence on amenity across Central Sydney and surrounding precincts.

Consideration to the traffic generation impacts of the development is unsatisfactory. Some limited modelling has been undertaken and detailed in the Traffic Report. The modelling relates to a few intersections with concerning results, that overall, do not consider the impact on road space as well as impacts on pedestrian safety and amenity. This is not consistent with the TfNSW movement and place principles. Further, no information is provided on the impact of the development on the public domain and road network during peak event periods of adjacent facilities such as Darling Harbour and ICC.

5.4. Sustainable Transport

As previously stated, the development should seek to encourage sustainable and active transport in a manner which aligns with the targets and objectives set out in Sustainable Sydney 2030. Further, the development should also align with other strategies including the City's *Cycling Strategy and Action Plan 2007-2017*, *Walking Strategy and Action Plan 2014-2030*, *Connecting our City Transport Strategies and Actions (2012)* and the *Sydney City Centre Access Strategy (TfNSW 2013)*.

The development does not support the TfNSW goals of balancing movement and placement. Instead, the development provides excess parking at the expense of place making as well as pedestrian safety and amenity with

considerably negative impacts on the public domain and urban environment throughout the City centre. No Green Travel Plan (GTP) has been submitted for the development, which at a minimum, demonstrates to a degree that consideration to sustainable transport has been made. The high trip generation of the development challenges the modal targets for the site with an emphasis on car orientated development. The 666 retail trips at the PM peak hour is clearly unacceptable.

5.5. Bicycle Lanes and Connections

The City's comments regarding bicycle lanes in the previous submission has not been adequately addressed in the RTS, nor is there an indication provided in with respect to the overall commitment to cycling. No cycleway connection improvements are proposed as part of the application and reliance is made on the improvements already made by other developments along Darling Drive.

The City would expect an upgraded and separated cycleway connection from Murray Street/Union Street intersection (major cycleway) to the roundabout adjacent the site that is consistent with the design of the cycleway built south of the roundabout. Access is strongly preferred through an arrangement, which provides a dedicated bicycle entry/exit arrangement without stair access.

The City considers that upgrades to all pedestrian access points should include the provision for bicycle users also. This includes but it not limited to the following:

- Route 1 – CBD to Pyrmont Bridge
- Route 2 – CBD to Cockle Bay Wharf (north bridge)
- Route 3 – CBD to Cockle Bay Wharf (central bridge)
- Route 4 – Druitt Street Bridge

The City encourages the provision of innovative bicycle parking solutions in new development and recommends that the development provide a breakthrough in first class visitor/public bicycle facilities. These include providing a range of Class 2 and Class 3 visitor facilities with some showers and lockers to be located within the building face rather than the public domain with wayfinding signage to support these.

Overall, it is disappointing that so little effort is made to encourage and provide bicycle facilities for a development of this scale.

5.6. Bicycle Parking and End of Trip Facilities

No commitment to bicycle parking and end of trip facilities or design is made, which is a disappointing and unacceptable. The rates in accordance with Sydney DCP 2012 should be used, which would require at least 532 x Class 2 bicycle parking as well as 88 x Class 3 bicycle parking to be provided.

Lockers and showers should also meet the City's Sydney DCP 2012 requirements, estimating a minimum of 175 lockers and 20 showers. However, this is up to the proponent to be clarified and justified.

5.7. Pedestrian Connections

The pedestrian through-site links are not detailed sufficiently in order to assess appropriate design or capacity to provide pedestrian amenity between the site and Pyrmont Bridge, Darling Harbour and Pyrmont.

Pedestrian modelling is required for the site to improve pedestrian access given the significant constraints and barriers to access the site, such as the light rail. Pedestrian links along the foreshore are not detailed to assess the capacity and amenity to cater for the proposed development. Width along the foreshore should be increased even more to accommodate additional pedestrian attraction as well as accommodating for cycling. This is consistent with the requirements of the Darling Harbour precinct under the *Sydney Regional Environmental Plan No. 26 – City West*.

Pedestrian access must meet the requirements of the *Disability Discrimination Act 1992* and avoid lift and stair access wherever possible.

5.8. Servicing and Coach parking

The burden of loading should not be left to the public domain. 15 spaces are proposed in the loading dock, which is an underestimation based on the rates of Sydney DCP 2012. In this light, it is estimated that a total of approximately 34 spaces is required as follows:

- Residential – 5 bays
- Retail – 22 bays
- Commercial – 7 bays

Significant concern is raised regarding the queuing impact and impacts on pedestrian amenity, notably if a hoist is involved to access the loading dock. It is noted that coach parking will not be provided on-site but will co-utilise the coach parking of the ICC if required. There is no confirmation provided if this would be acceptable to the ICC.

5.9. Construction Pedestrian Traffic Management Plan (CPTMP)

The preparation of a CPTMP in consultation with the City and the CBD Coordination Office with TfNSW will be crucial to addressing efficient functioning of business in the area surrounding the site, particularly due to the proximity of the site to existing motorways, pedestrian and cycling routes and adjacent to the ICC and other Darling Harbour sites.

6. Landscape

The amended proposal involves the provision of a substantial green roof coverage. Whilst a positive gesture, it represents a missed opportunity. The green roofs are described as being accessible in part, and the remainder is accessible for maintenance only. The latter forms most of the large flat roof to the north of the podium. While this is purported to be for biodiversity purposes, there is no information provided on the intended soil depth of the green roof. The indicative plant list includes 5 shallow-rooting species only. This will provide negligible ecological benefit and is likely to rely on a shallow soil profile that will allow limited variation in planting structure. The result will be an aesthetically 'green' roof that has limited value to the urban ecology of the city.

It is strongly recommended that the large extensive northern green roof be designed to allow for soil depths varying between 450mm to 1000mm with soil volumes in accordance with the Sydney Landscape Code Volume 2. It should also incorporate a diversity of plant species, forms, type and structure. The green roof should be designed by a landscape architect in conjunction with an ecologist. It should focus on understanding and achieving genuine ecological targets and seek to accommodate the canopy cover targets detailed below.

Overall, the City would support making this roof area publicly accessible, even in part. Whilst it may hinder the ability to achieve extensive ecological targets, it may help to justify greater soil depths and allow the public to enjoy the benefit of canopy trees and an urban park in the Darling Harbour precinct.

6.1. Tree Management

In addition to the green roof, the amended proposal includes the proposed planting of trees within the public domain, between the building and foreshore. The Darling Harbour foreshore currently contributes almost no canopy cover to the area. This proposal has the opportunity to contribute substantially to the NSW Government and City of Sydney canopy targets while providing increased amenity and usability to the harbour foreshore.

The extensive green roof indicated in the submitted public domain plans create a substantial area in which tree planting may occur. The detailed design must provide for small to medium trees on the green roof areas which will provide 35% canopy coverage of the building envelope area within 10 years from completion of the development. In order to ensure that these trees remain viable and provide the necessary canopy cover, they will require a detailed soil specification which must be included in the detailed green roof design. This design should also provide for species that will tolerate the site conditions whilst promoting biodiversity.

The indicative design within the interface with the ICC Plaza includes a row of trees along the public thoroughfare, however these trees are not included in the ground floor public domain plan. As these are high profile and well used public domain areas, it is required that a detailed public domain design provides for a minimum of 50% canopy cover within 10 years from completion of the development, using appropriate plantings of medium to large canopy trees.

The eastern side of the existing complex has a visually prominent row of *Livistona australis* (cabbage tree palm) that extends from the glass pavilion to the northern top of the building. The proposed removal of these trees in order to facilitate the development is not supported. Instead, the trees must be transplanted and included within the "Palm Grove" shown on the Public Domain Plan. A Transplanting Methodology Report prepared by a AQF5 Arborist with 10 years' experience transplant must be submitted.

6.2. Ecology and Biodiversity

As previously mentioned, the concept proposal suggests the green roof is expected to have ecological benefits and native planting mixes. However, the design is not reflective of this assertion. The aim of the green roof is to increase biodiversity. The suggested 5 species are completely inadequate to cover the roof of such as scale and should have a higher number of species and feature

indigenous vegetation to the local area. It must incorporate different vegetation layers and habitat features to increase opportunities for wildlife to feed and shelter. Habitat features include hollow logs, twig/stick bundles, rocks, areas of sand and rubble, roof tiles and nesting boxes or plants that have the capacity to support nests for shelter depending on what species the design is specific to. At a minimum, it is important to consider the provision of water and shelter if the green roof is to have ecological and habitat benefits. A minimum of 20-25 locally native species should be included.

Designing for biodiversity needs consideration of plant species, food sources as well as variable heights and layers. Plant species persistence can also be considered and improved through plants such as grasses and herbs that readily seed and self-sow or produce underground storage organs, such as bulbs or tuberous roots. The landscape design is unclear as to whether it is designed for a particular species of invertebrate, bird or plant. The design also omits any indication of access for maintenance.

In consideration of the scale of the development, it is recommended that the treatment of the future glazed facades of the building be highly considered in preventing bird strike for the protection of endangered and priority bird species as well as the general bird population.

7. Public Domain

The amended proposal comprises of several modifications. Generally, the modifications are improvements to the public domain as initially proposed, notably the increased width of the foreshore 'Boulevard' to 20m as well as the inclusion of a new central through-site link that would provide pedestrian access from the waterfront through to the Bunn Street pedestrian bridge and wider Pyrmont and Bays Precinct.

The site is surrounded by a mix of heritage features such as the Pyrmont Bridge and a wider context that include red brick paving. It is crucial to the overall success of this proposal that all external finishes to the public domain are coordinated with those existing and proposed under the current Darling Harbour upgrade works.

The Public Domain Design Report, prepared by Aspect Studios, lists a range of materials proposed for the public domain. The use of Austral Verde and Sesame Grey granite for paving is not recommended due to the limits of supply of the stone. The City prefers Austral Black as a paving material in the CBD area as per the City of Sydney Streets Design Code. It should be noted that the recent upgrade works in Darling Harbour utilise Austral Black and Bluestone paving.

It is an important transition zone between areas and as such, the material selection should not seek to introduce new materials without careful consideration of the existing precinct. The introduction of timber at the same level as the proposed stone paving for a widened pathway is discouraged as a novel introduction of materials. It is not consistent with the material language of the Darling Harbour precinct.

Additionally, the Report provides a range of furnishings. Concern is raised for the climbable nature of furnishings located in areas adjacent the foreshore and its potential to encourage improper use of public spaces as well as safety concerns.

Whilst the scale of the public domain spaces appears appropriate, its usage may be over programmed. Special consideration should be made to the programming of the

public domain in ensuring that the areas are sufficient in accommodating the public and arrangement of public domain elements and planting are fit for purpose.

Connections from Darling Harbour will be apparent for most. However, the western side has more difficult connections that will require clarity for the public. Therefore, wayfinding signage should be incorporated that is consistent with the City's signage strategy for easy-to-follow routes for the public and visitors.

8. Noise

The submitted Stage 1 DA Acoustic Report, prepared by Renzo Tonin and Associates, suggests that an 'alternative noise criteria' is to apply for the hours of operation of the future food and drink premises as well as for the residential uses. These details are not provided, and the applicant has not demonstrated the alternative noise criteria. This is unacceptable and is poor planning practice. As residential accommodation is proposed a similar approach should be taken to other State Significant Development sites such as Darling Square and Young and Loftus Precincts where a noise masterplan outlining acceptable noise levels was developed.

The RTS also advises that the noise and vibration assessment methodology and preliminary design considerations are to be outlined in the Stage 2 application. A detailed Demolition, Excavation Construction and Vibration Noise Management Plan is to be prepared to identify any construction activities likely to result in noise exceedances and provide mitigation strategies to minimise noise and vibration impacts.

Overall, the Acoustic Report does not quantify the external noise impacts and the amount of amelioration required to address the relevant noise standards for residential apartments. Recommendations to mitigate noise should be incorporated into the design competition brief. It is difficult and costlier to retrofit design solutions if apartments have already been designed.

9. Contamination

The RTS was accompanied with a Preliminary Site Contamination Assessment (PSI), prepared by Coffey. The assessment is a desktop review, which identifies potential soil and ground contamination from fill materials remaining and historical contamination activities including the use as a railway and goods yard. The PSI concludes that detailed soil investigations are required to characterise contamination status through a Detailed Environmental Site Investigation (DESI), which should assess the suitability for the proposed land uses and inform any requirements for remediation. The requirement of a DESI was also specified in the City's previous response.

The RTS was not accompanied with a DESI. Instead, a preliminary Remedial Action Plan (RAP) was submitted. Given the absence of a DESI that is required to determine the extent of contamination prior to providing site-specific remedial options, the relevance of the preliminary RAP is questionable. The City is unable to rely on the preliminary RAP to confirm the suitability of site for development and there is no certainty that contamination of the site has been or can be adequately addressed.

10. Environmentally Sustainable Design (ESD)

Whilst the RTS has addressed some ESD concerns previously raised, the development must demonstrate best practice sustainable building principles showcase environmental performance, including energy and water efficient design and technology, use of renewable energy and best practice waste management. The ESD Statement, prepared by Cundall, sets different Green Star Targets for different parts of the development. The ESD strategies used for the entire building are to be considered as a whole and not in isolation to ensure ESD targets are achieved for the entire building. Overall, the proposed development is an significant opportunity to maximise efficiency, reduce waste and display innovative ways of ESD. This should be mandated in the any future design competition for the Stage 2 detailed proposal.

11. Public Art

The public domain concept design makes reference to the inclusion of temporary public art to activate the site during construction and to enliven the public domain once finalised as part of the ongoing programming of the completed development.

The RTS outlines that the proposal is consistent with the City's LSPS in creating and delivering significant public benefit including public art amongst other aspects. To realise this, a high-level Public Art Strategy is to be prepared to accompany the future design excellence process and ensure a cohesive approach commensurate to a development on this large scale. The Strategy should address:

- Precinct analysis, planning requirements and studies pertinent to the public art objectives.
- Temporary and permanent public art opportunities, and consider the relationship of any proposed works with existing artworks in the precinct.
- selection and commissioning method of artists and articulate how this aligns with the competitive design process as well as contain an indicative public art budget.

12. Waste

Having regard to the access and servicing issues raised above, the amended proposal does not demonstrate appropriate servicing arrangements for waste management.

Noting that the RTS relates to the concept proposal, it is recommended that the detailed application is to include detailed strategies and supporting facilities that support waste reduction measures, including for food scraps and or composting strategies. Sufficient waste and recycling management facilities and storage holding areas for servicing must also be demonstrated. The principles of the NSW EPA Better Practice Guide for Resource Recovery in New Developments as well as the City of Sydney Guidelines for Waste Management in New Developments 2018 are to be considered and incorporated.

Overall, the RTS presents significant unresolved issues and does not warrant the approval of the concept proposal. Fundamentally, the proposed residential land use is a manifest contravention to the objects of the *Environmental Planning and Assessment Act 1979* and is contrary to the spirit of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* in maintaining the Darling Harbour precinct as an uninterrupted public asset. The City implores that the land be maintained for the

purposes of tourist, educational, recreational, entertainment, cultural and commercial land uses.

Should you wish to speak with a Council officer about the above, please contact Reinah Urqueza, Specialist Planner, on 9265 9333 or at rurqueza@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

Graham Jahn AM
Director
City Planning | Development | Transport