

15 December 2021

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File No: 2021/530190
Your Ref: SSD-9978934 and SSD 7684 MOD 1

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Department of Planning, Industry and Environment

By Planning Portal

Dear David

Request for advice - Cockle Bay Park Redevelopment - Modification to Stage 1 (SSD 4684 MOD 1) and Stage 2 (SSD-9978934)

Thank you for your correspondence dated 4 November 2021, which invites the City of Sydney Council ("the City") to comment on the proposed modifications to the Stage 1 concept proposal and the Stage 2 detailed proposal for the Cockle Bay Park Redevelopment.

As a large, complex project, it is critical that the development positively responds to the surrounding public domain, public open space, and waterfront. It is also critical that the development fits and interprets its context, minimises negative impacts to surrounding development and enhances the public experience of Darling Harbour.

The City has reviewed the SSD applications and **generally supports** the proposal.

Overall, the proposed development has many positive elements that deal with humanising the scale of such a large complex development. The provision of substantial and secured public open spaces is also a key positive aspect of the proposal. However, the contribution to the public domain and the development's visual and physical connections to its immediate and surrounding context requires refinement. The following comments are made:

1. Urban Design

a. Land bridge – Physical and Visual Connections to Market Street

A key driver of the project is the land bridge. It sets an artificial ground level that is independent of the natural landform of the City to Darling Harbour. Sussex Street at the corner of Market Street has a height of approximately RL 9 and slopes down towards the south to RL 5.5 at the corner of Drutt Street. As such, the difference between Sussex Street and Market Street to the land bridge is 14 metres, which appears higher than the existing Market Street pedestrian bridge.

In order to make up the height difference between the existing Market Street pedestrian bridge and the proposed land bridge, a steeper and longer ramp is required. This extends 7 metres further along the Market Street footpath and at a 1:14 stepped gradient. The increased length and steepness of the ramp up to the

land bridge has a more significant impact upon the public footway in Market Street. It will have some impact upon accessibility due to its length and number of ramps at 1:14. A lift from Sussex Street is proposed to mitigate this issue. However, the lift is partly concealed by trees and other structures within Sussex Plaza and is not easily visible. The City recommends that the physical connection from Sussex Street and Market Street should strive to break up the large difference in height by progressively adjusting the ramp and climb height where possible. This aspect will require owners consent from the City prior to determination.

Additionally, the form of the land bridge consumes the Market Street pedestrian bridge into the new artificial ground level. As a result, it would not be perceived as a bridge element that is transparent and allows views to the City, but rather the northern edge of the park, with a walled or screened edge. The increased bulk of the land bridge has a negative visual impact. This is reinforced by the more solid nature of the northern edge of the land bridge comprising of the solid walls, planters, and seating. The solid expression of the northern edge of the land bridge visually competes with the solidity of the heritage listed Pymont Bridge. Together with the proposed pergola, the bulk of the development removes the openness and visual sight lines from the City to Darling Harbour and vice versa. It is the City's strong recommendation that these elements be removed to maintain as close as possible to the existing open and transparent visual connections from the City to the harbour. This would also address other issues relating to heritage that will be discussed below.

b. Public Domain Connections – Druitt Street

The Druitt Street connection misses an opportunity to upgrade and enhance the obvious southern connection back into the City. The 'Druitt Street Plaza' sits approximately 6 metres above the waterfront promenade, which reduces the visual appearance of a through-connection and relates more to the commercial spaces than Druitt Street. If the plaza was to be positioned, even in part, in the middle between the promenade and the current proposed level at approximately 3 metres above the promenade level, this would create a more inviting plaza space that gives welcome, and more easily accessible respite from the busy promenade. This could also lead pedestrians more gradually up the steep incline that eventually connects to the Druitt Street footbridge, aiding the wayfinding to this narrow, tricky street connection. Aspects of this recommendation may be outside the project area.

c. Podium

The northern part of the podium at RL13.5 is higher than the approved Concept Plan of RL 12. The approved concept plan with the proposed maximum height being commensurate with the balustrade of the Pymont Bridge was to ensure that the building did not affect an expansive view of Darling Harbour and the curtilage of the Pymont Bridge. The increased building bulk and height at this part of the site limits the field of vision and views towards Darling Harbour upon approach from the east and should be examined for reducing the height where possible.

d. Materiality

The Design Integrity Panel (DIP) accepted the use of GRC in the podium, with the condition that:

- *The overall use of GRC and the range of materials and finishes is supported, subject to review and confirmation during the detailed design phase.*
- *The Panel requests that where possible the GRC be embellished to bring a greater sense of richness and possibly used in conjunction with other materials to make sense of the language (which is overall supported).*
- *The colour and tone of the GRC is a fundamental consideration. The Panel is concerned by the suggestions of either stark white or grey tones presented in some of the precedent images. The Panel supports the subtle colour tones similar to those of the Design Team's precedents as shown below.*

The colour and texture of the GRC has not been provided. The DIP also noted that the Wheat Road elevations had not been resolved. It is unclear if this has been addressed given that the submitted elevations show an expansive of blank wall, albeit in a textured or patterned GRC. This should be clarified before any approval is given.

e. Wind

It is noted that the Environmental Wind Assessment Report, prepared by Arup, identifies 3 points, being numbered 2, 5 and 11, that fail the comfort criteria for pedestrian standing and walking. These points all have a result of >24m/s which can be described as dangerous conditions for abled bodied people, not considering the elderly and children. The wind assessment identifies these impacts as a function of the isolated tower massing. The singular tower form is a product of the approved concept plan and as such the wind impacts would have been considered at the concept DA stage.

The wind assessment recommends the inclusion of more canopies. The City notes that there is a balance to be struck in providing wind protection that does not result in more visual clutter and bulk caused by additional canopies.

f. Level 2 Internal Retail Street

The Level 2 retail street is located at approximately the same level as the Pyrmont Bridge and does not have a clear line of sight from north to south. This is contrary to the design competition winning scheme that provided a clear and unobstructed north-south line of site from end to end.

This north-south through-site link is important, both to the idea of a human scale but also its role this street plays as a connector to the Pyrmont Bridge with the Druitt Street bridge at the same level. There is a tension between 'skinning' the retail street with retail on both sites and the clarity of the street being part of a larger pedestrian circulation system. Continuing a clear line of sight from end to end would reinforce its contribution to the larger pedestrian movement and circulation system.

2. Heritage

a. Curtilage of Pyrmont Bridge – Market Street

The prime significance of the Pyrmont Bridge is its historic role linking the CBD with Pyrmont Peninsula. The State Heritage Register describes the Bridge as *an essential link between the city and the inner western suburbs* and a significant

landmark. The bridge is an important part of the street network of both CBD and Pyrmont. To maintain this role, the bridge, like a street, should run by buildings rather than run into buildings and structures.

The land bridge to Market Street is superimposed on the eastern end of Pyrmont Bridge. The proposed pergola structure, along with the proposed elevated garden to the south, is perceived to intercept the Bridge. When viewed from the west, the Bridge appears to run under or into the proposed podium. As a result, the Bridge's role as a link of two districts is compromised. The historic relationship of the Bridge and Market Street, and the vista along the Bridge towards and with the CBD building clusters should be maintained and not obstructed by the proposed elevated linking bridge and garden at the northern end of the development site. The Bridge should read as an independent structure – this requires reconsideration with more openness and respect to the heritage bridge.

To reduce impacts to the Pyrmont Bridge, the City recommends that sight lines from the bridge towards the west and south-west be retained, be free from building elements or be no higher than 11.55 metres. To also improve the heritage curtilage of the development, it is recommended that the walled edge of the land bridge and the podium be softened. These vertical 'cliffs' can be replaced by landscaped terraces. The distance between the pylons and the northern podium at RL19.6 should also be increased to maintain an adequate visual curtilage for the two pylons. The proposed escalators, stairs and the cover canopies affect the sightlines between the two stone pylon and are intrusive to the Bridge. They should be shifted to the eastern side of the pylons. Refer to **Figure 1** below.

Consider how to retain the routine of the existing foot bridge connecting Pyrmont Bridge with Market Street as the northern edge of the land bridge and elevated open space at RL19.6.

b. Curtilage of the Pyrmont Bridge – Promenade

Similarly, the proposal should provide a curtilage to the Pyrmont Bridge at the promenade level. As proposed, the development removes the existing landscaped buffer and reduces the setback from the Pyrmont Bridge. The proximity of the proposed building and retail at the north-west corner of the podium impacts the visibility of Bridge, notably its truss and stone pylon.

Therefore, the City recommends that the north-west corner of the podium be redesigned so that its western edge allows the Bridge and its elements to be more legible. This can be achieved by aligning the western edge of the podium with the edge of retail tenancies or by providing a setback and separation to the Bridge that emulates the existing building. This would also retain the movement of pedestrians at this key point along the water promenade. Refer to **Figure 2** below.

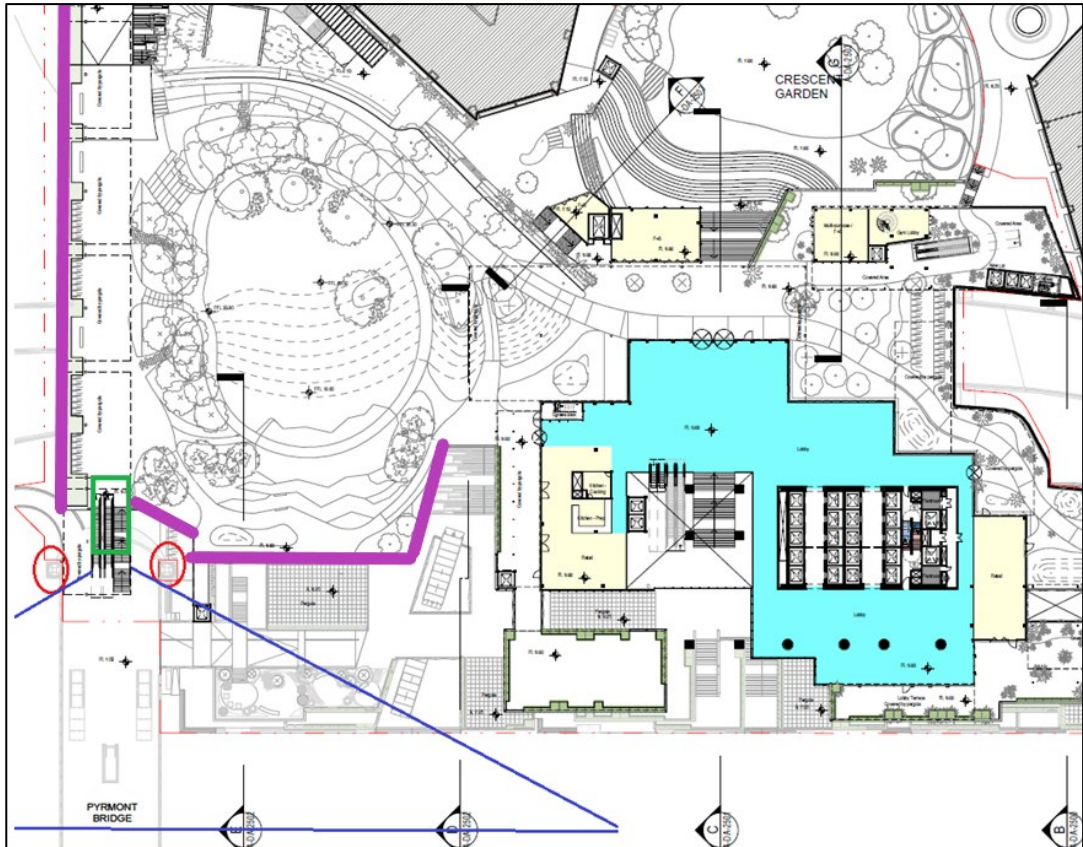


Figure 1: Recommendations to improve curtilage from Market Street and podium.
 Green line – location of new escalators and stairs to be shifted towards behind the two pylons (red circles) of the bridge.
 Blue line – the sight lines from top of the bridge towards the west and southwest be retained.
 Pink line – consider softening deep drops and hard edges.

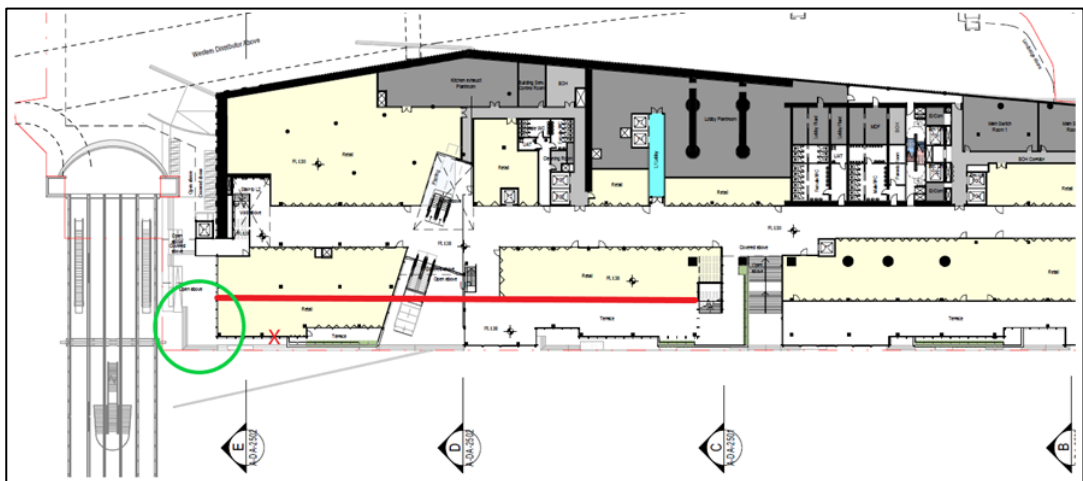


Figure 2: Recommendations to improve curtilage from the promenade.
 Red line – recommended building setback
 Green line – retain existing footpath and landscaping within this area.

c. Heritage Interpretation Strategy

The City has reviewed the Heritage Interpretation Report, prepared by Wier Phillips. It is understood that the heritage interpretation strategy is preliminary at this stage and requires further development to provide meaningful guidance for specifying interpretation plans. Place Management NSW has rightfully pointed out that an analysis of nearby developments is needed to examine the key themes, stories and histories that have been interpreted. In addition, to develop and underpin the proposed interpretation themes and concepts, the City recommends a survey and audit of any historical and heritage interpretation elements within the existing development be included in the strategy. This includes the interpretations embodied in the design concept, building form, landscaping and public arts and selection of building materials. Additionally, an investigation of findings of past archaeological and heritage studies associated with the development site should be included in the strategy.

The strategy should develop a reference interpretation plan demonstrating how the strategy can be properly incorporated into the development. This reference plan should specify the works and devices to interpret the history and significance of the development site. It can set up a minimal interpretation requirement and provide references on the construction budget and coordination needed for design teams.

3. Landscape, Tree Management and Biodiversity

a. Waratah Gardens

The existing Waratah Gardens are proposed to be demolished and replaced with the open lawn and edge planting of the Crescent Garden. This garden, in its current form, provides a landscaped oasis space for workers from the surrounding towers, and is an exemplar green roof within the City in terms of biodiversity, maintenance and longevity. It also provides a unique space within the CBD, and welcome respite in a dense, urbanised area. To remove this in its entirety seems heavy-handed and a significant loss, particularly if a space with such obviously successful function is to be replaced with one that does the opposite that provides little public seating, few small, intimate spaces, and greatly reduced biodiversity.

It is recommended that the applicant reconsider the retention of this garden in part, or alternatively, better integrate the design principles embodied in this successful roof garden. This should, at the least, represent increased diversity of planting and the inclusion of several seating spaces of various scales, in particular the smaller, more intimate scale that is otherwise missing in the proposed landscape proposal. The City considers that the proposed south-facing bleachers does not adequately replace the quality of the existing garden.

b. Pergolas

Four different types of pergolas have been included in the scheme, with varying levels of cover. Whilst these are likely to manage the major wind impacts of downwash from the proposed towers, the pergolas are not designed or located in conjunction with the landscape design. Rectilinear forms are imposed over an organic landscape design, with often little relation to the function of the space or the need for shelter. Notably, the pergola located within Park Plaza at the centre of the site is out of place. The sections provided in the landscape package illustrate the pergola has a height more than double the heights of other pergola structures

within the development. This does not appear to provide any purpose with regards to weather protection. Accordingly, the City recommends that this be deleted so that the public space can be open to the sky.

Additionally, the pergolas incorporate PV cells to service the development. The impact of the shade created by PVs on these pergolas should be interrogated against the planting design.

c. Planting and Soil Volumes

Reference is made in several cases to mounding providing soil volume for trees. Some sections have been provided, which give assurance that soil volume has been considered. However, these sections are not comprehensive. Mounding should be minimised, particularly around tree planting, and soil volumes should meet or exceed those outlined in the Sydney Landscape Code to ensure the canopy trees have the greatest chance of success and longevity.

Section 3.2 - Podium of the Architectural Design Statement outlines a planter strategy and provides a series of sections. Three of these sections show planters with a minimal soil depth of around 200mm. Balustrade planters are shown with planting that will be inaccessible for maintenance. The City strongly encourages that all planters be increased to a minimum soil depth of 450mm, and the arrangement of balustrade and planter be reconfigured so that planting can grow through a balustrade to spill over the edge but is still directly accessible for maintenance.

Maintenance must be considered and clarified for all hard-to-access planters, including green walls. No detail has been provided on the system or structure of the proposed green walls, and this is required to clarify the viability of this element.

d. Tree Management

The proposal involves the removal for 95 trees to facilitate the proposed development. This includes one *Plantanus x acerifolia* (Plane) street tree located on the Western Distributor and the corner of Sussex Street and is the only City owned tree asset that will be removed.

Overall, the proposed trees to be removed are not nominated with a high retention value or landscape significance rating. Trees are generally of a height under 10 metres and are compensated by extensive replacement tree planting of approximately 162 trees.

The City recommends that all tree removal be undertaken in accordance with Australian Standard 4373 2007 – Pruning of Amenity Trees by an AQF Level 3 Arborist. All new trees must have adequate soil volumes to reach their genetic potential and are suitably positioned to grow without restriction, must meet Australian Standard 2303 – Tree Stock for Landscape Use (2015) and are planted by a minimum AQF level 3 Arborist or equivalent.

Plan and details must be provided on the percentage of proposed canopy cover within 10 years of development completion. Details must also be provided regarding planting procedure and maintenance as well as details on drainage, waterproofing and watering systems.

e. Biodiversity

The current site has limited biodiversity value as the area is currently mostly hardstand, with fragment patches of landscaped natives and exotic species with limited connectivity between the patches. As such, the City considers it acceptable to waive the Biodiversity Development Assessment Report (BDAR) considering the limited biodiversity value of the area. However, the impact of the development on marine biodiversity and habitat of Darling Harbour is lacking, especially considering that the development is in such close proximity to the water.

4. Transport and Access

a. Bicycle Parking

As part of the Stage 1 modification, it is proposed to delete reference to the required bicycle parking rates of Sydney DCP 2012 and instead, provide a “bespoke” rate which is slightly less than rates in Sydney DCP 2012. The proposed rate is acceptable to the City. It is expected that the layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities.

b. Loading and Servicing

The development proposes 9 loading and service vehicle parking spaces, which is substantially less than the required 40 spaces under Sydney DCP 20212. To justify this, the applicant has submitted comparable site rates. However, the proposed rate of 1 space per 9,890 square metres for this development is even less than the lowest rate of 1 space per 9,300 square metres of comparable sites.

The Traffic Impact Assessment, prepared by Aurecon, has estimated approximately 488 service and delivery trips per day and the loading dock will be operating for 14 hours a day between 6.00am to 8.00pm. Their assessment shows that with the Loading Management Plan, the proposed dock can handle about 504 to 680 trips. However, the swept path movements in the traffic assessment shows that long track manoeuvring requires half of the loading dock to be kept empty. The assessment has not specified how many daily long truck deliveries are to be expected. This matter would heavily impact the loading and servicing capacity of the development. Accordingly, the City recommends that additional loading and service spaces to be provided and the above impacts to be considered in the analysis.

c. Queue Analysis

Additionally, the traffic report does not address or assess the traffic impacts resulted from the to the adjacent traffic network. A traffic network model with current traffic data is must be provided to demonstrate that the proposed loading dock access and porte-cochere arrangements do not negatively impact on Harbour Street and the adjacent road network. The traffic report indicates that six car waiting bays in front of loading dock access and six car bays in the Porte Cochere. However, this should be tested and verified by a traffic network model prior to the determination of the application.

5. Public Domain

a. Public Owned Land

The proposed development has numerous frontages and is built over several key roads. As such, its relationship with public land owned by the City as well as Crown land including the Western Distributor and Cockle Bay, is complex and layered. In many cases pedestrian links and public spaces have been created that have footings anchored in land owned by the City but bridges over Crown land. The ownership and permissions for construction in these areas must be detailed clearly to ensure the development obtains all owner's consents required as follows:

Key frontages owned by the City include:

- Market Street
- Druitt Street
- Sussex Street

Crown Land includes:

- Wheat Road (Place Management NSW)
- Cockle Bay Waterfront (Place Management NSW)
- Pyrmont Bridge (Place Management NSW)
- Western Distributor (TNSW)

b. Public Domain Elements

The affected parts of the public domain controlled by the City consist of Austral Verde granite paving and kerbs within Market and Sussex Streets. The granite paving is in average condition, does not match the rest of the City's paving palette and could benefit from a public domain upgrade associated with the land bridge works. Additionally, other developments fronting the bay area including granite paving. The proposed clay paving is not included in any upgrade proposal and inconsistent with the finish of surrounding developments.

Market Street contains several street trees as well as some hedge or climbers on the side of the existing pedestrian bridge that soften the existing appearance. Removal of existing trees and vegetation is not covered in the submitted proposal, however, it would appear these will be intended to be removed. This must be clarified and reflected in any revised documentation.

c. Public Domain Levels and Gradients

Public domain levels and gradients must be submitted for review and approval with this SSD application. The submission is to include cross sections through driveways and building entrances from inside the building to the centreline of the road carriageway. Existing and proposed boundary levels, top of kerb levels and invert of gutter levels are also to be clearly shown.

The submission is to demonstrate that public domain levels and gradients on all site frontages are in accordance with the City's Public Domain Manual or will be reconstructed and that proposed floor levels, particularly at building entrances and

driveways have taken into consideration finished public domain levels. Any level changes required to satisfy DDA and flood planning requirements are to be resolved within the property boundary.

The City recommends that the development consider the City's Inclusive and Accessible Public Domain Policy and Guidelines, having regard to best practice guidance around the use of bollards and balancing accessibility requirements.

d. MUSIC Link

The SEARs for this development required the submission of a MUSIC Link Report, produced in accordance with the City's policies and guidelines as part of the stormwater and drainage management plan. The MUSIC Link Report did not form part of the management plan and must be provided.

6. Contamination

The Contamination Investigation, prepared by Douglas Partners, details that an intrusive site investigation was carried out and has concluded that the site can be made suitable for the proposed open space and commercial development subject to implementation of several recommendations of the Report.

Whilst the City generally concurs with the conclusions on the likely contaminants beneath the footprint of the site as important fill materials including asbestos, the site has not been fully delineated for the extent and of contamination to support a comprehensive Remedial Action Plan (RAP).

As such, it is recommended that additional site investigation works be carried out prior to this SSD application being determined. A RAP should be produced and written based upon its findings and recommendations and for all such documentation to be reviewed by a NSW EPA accredited Site Auditor. A letter of Interim Advice or a Part B Site Audit Statement must be provided to endorse the remedial strategy as appropriate so ensure that the land is suitable for the proposed use before this application is determined.

7. Sustainability

The ESD Report, prepared by Arup, generally provides an acceptable level of ambition for sustainability. As a sole commercial development, the NABERS rating tool is particularly pertinent where a 5.5 Star Office Energy Rating via a Commitment Agreement is an absolute minimum expectation.

It is recommended that the development seek to commit to meet the City's Net Zero standard for office buildings and commit to off-site renewables to achieve net zero in operation. The proposal should stretch the NABERS Office Energy target and exceed 5.5 stars. The City recommends that the future development provide recycled water supply via a dual plumbing supply with lines to toilets through the tower and to irrigation points for lower level landscape areas.

Specific attention must also be made to the western facade of the tower with respect to heat load and urban heat mitigation. The ESD Report makes reference to 'sweet spot' in relation to solar control glazing to balance transmitting visible light into office spaces with potential glare and blocking heat radiation. However, little information has been provided to confirm the shading and the materiality of

the tower to address the issues pertaining to the significantly exposed western facade.

8. Waste

The Operational and Construction Waste Management Plan, prepared by Waste Audit & Consultancy Services, nominates acceptable provisions and information relating to waste management for the development, including source separation, waste storage areas, estimates of waste streams, servicing and loading facilities and provision of large and appropriately located central storage area. However, these matters are not reflected in the architectural plans.

The City recommends that revised architectural plans be submitted that identifies bulky storage areas within the development. The plans should also clearly outline the number of bins to be stored permanently in the central waste room. These bins are to be correctly scaled, distinguished between sizes, for example 240L, 660L, 1100L, and the proposed layout of bins within storages areas should be shown. This will help demonstrate that there is adequate room for the required number of bins, access, manoeuvrability, and any additional equipment used such as compactors and bin lifts, which are to be stored within the central waste storage room.

Further, a site plan should be provided that shows truck access and waste refuse storage areas away from public access for reusable materials and recyclables during demolition and construction.

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,



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