

PCU50453



23 December 2013

NSW Department of Planning and Infrastructure
GPO BOX H 39
Sydney
NSW 2000
Attn: Executive Director,
Major Projects Assessment

Darling Park Management
Tower 3, Level 11, Darling Park
201 Sussex Street
Sydney NSW 2000
tel: 02 9269 9809 fax: 02 9264 5530

Dear Sir/ Madam,

IMAX REDEVELOPMENT – DEVELOPMENT NUMBER SSD 5397. 31 WHEAT ROAD, SYDNEY

I refer to my earlier letter dated 28 October 2013 on behalf of the AMP Capital, Brookfield and GPT being long term leaseholders (Owners) under registered leases Z979293R, 2871518U and 2871519S.

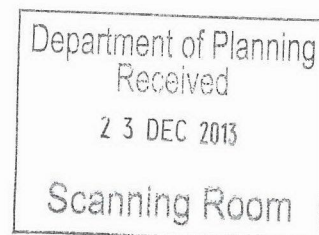
Please find attached a report we have had prepared outlining the impacts the proposed development will have on the Owners leasehold interest in land adjoining the Imax site. The report also includes some general observations and potential design improvements that we believe should be considered in evaluating this development.

Based on this report the Owners object to this development proceeding on the following basis;

1. Under the relevant Lease between the Owners and Sydney Harbour Foreshore Authority (Landlord) the Landlord needs to obtain the consent of the Owners in granting any access rights over Land the subject of the Lease where the granting of these rights will substantially and permanently derogate from the Owner's rights under this Lease.

Wheat Road is not a public road. It forms part of Lots 60 and 65 D.P. 1009964 and is part of the Owners leasehold interest in the Darling Park site. The proposed development referred to above will significantly increase traffic flows in Wheat Road during both the construction phase and once the development is completed. Wheat Road currently functions as a service road allowing for deliveries to Cockle Bay Wharf (CBW) and the Sydney Aquarium and related venues (SA). The road is also used by visitors to both CBW and SA with numerous busses and taxis using the road. Anecdotally the road is already at peak capacity at certain times and this does not appear to have been identified in the traffic study accompanying the application.

Increased congestion in Wheat Road is likely to have a significant and negative impact on deliveries to CBW as well as limit the ability of guests and dignitaries to get to the function venues at CBW. It should be noted that over 25% of the net lettable



area of CBW is used as corporate function space with functions commencing as early as 7:30 am.

We also understand the redevelopment of the Four Points Hotel site in Sussex Street involves the creation of a construction zone adjacent to the SA site and that Wheat Road will be used for the bulk of deliveries during construction. The Traffic plan for the subject application appears not to take this into account.

2. The applicant has not adequately consulted with the Owners. Whilst we have been advised of the proposed development by the applicant we do not consider the applicant has met their obligation to "Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines (October 2007)". This is particularly true in relation to the Wheat Road traffic issue.

The Owners are of the opinion that this traffic issue can be resolved by modifying the design so that access to and from the Imax site can be achieved directly onto Harbour Street rather than using Wheat Road. We believe this is essential in order to maintain the commercial viability of CBW and adequate access for emergency services vehicles to both CBW and SA.

The Owners look forward to your response and for a proper level of consultation regarding this development.

Yours sincerely,
JONES LANG LASALLE
Asset Management Services



Mark Leabeater
General Manager – Darling Park
T: +61 2 9269 9809
F: +61 2 9264 5530
E: mark.leabeater@ap.jll.com

Managed by:



Owned by:

Brookfield



GPT Wholesale Office Fund
Managed by GPT

**Assessment of proposed IMAX Redevelopment, Darling Harbour
The Ribbon, 31 Wheat Road, Sydney**

Application No. SSD- 5397

November 2013



Contents

Introduction	2
Key Issues.....	3
Methodology.....	3
North-south pedestrian connections.....	4
Reduction in available public space	10
City/Darling Harbour connectivity.....	12
Reflectivity and facade treatment.....	13
Traffic	15
Overshadowing of public space	22
Consultation	24
Conclusion	25

Introduction

fjmt have been requested by the owners of Darling Park and Cockle Bay Wharf to provide comment on the proposed IMAX redevelopment by Markham and Grocon with reference to the impact on Darling Park and Cockle Bay and on Darling Harbour as a whole.

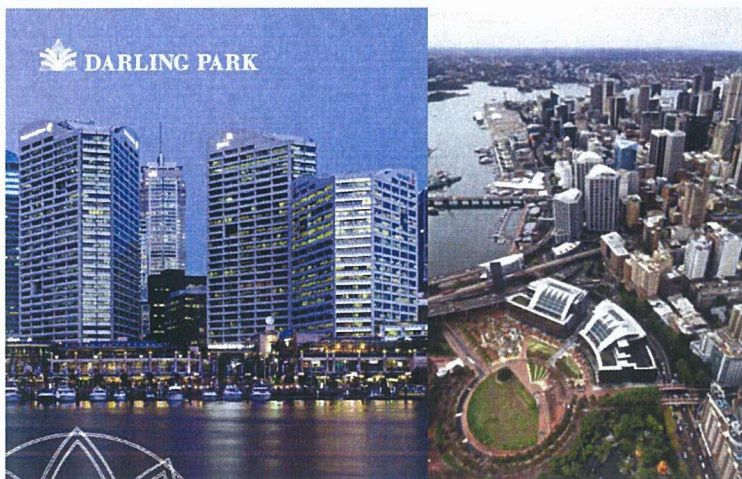
fjmt were the architects for Darling Quarter represented the first major stage of the revitalisation of Darling Harbour and has been internationally recognised for the successful way in which a commercial redevelopment has repaired and improved the public domain and urban fabric. Key measures leading to this success have been:

- The considerate scale of the building relative to the city edge and the park
- A significant increase in the available public open space
- The establishment and reinforcement of degraded north-south and east-west pedestrian links and promenades
- The activation of a significant edge of the parkland to draw people deep within Darling Harbour and;
- The focus on multiple user groups rather than the previous focus of tourism and the waterfront.

This report responds to key issues identified in the drawings, Statement of Environmental Effects, Urban Design Report, Visual Impact Assessment, Solar Access Report, Reflectivity Study, Transport Impact Assessment and Construction Traffic Management Plan accompanying the application.

The Ribbon proposal is generally a positive proposal which has the potential to reinvigorate a key location within Darling Harbour and contribute to the overall remaking of Darling Harbour, its buildings and public space currently underway. It is important new developments contribute positively to the public space and pedestrian amenity and the Ribbon development is an opportunity to resolve some compromised aspects of the site.

The proposal as submitted does not however address some key issues affecting the current and future character of Darling Harbour and the impacts of the development on Cockle Bay. This missed opportunity will be a compromise in the quality and connectivity of public space within Darling Harbour.



1. Views of Darling Park, Cockle bay Wharf and Darling Quarter

Key Issues

The IMAX redevelopment is an opportunity to provide a missing link between the Darling Quarter development and the Cockle Bay waterfront. It is also an opportunity to improve pedestrian connection both north-south within the precinct and east-west between the city and Darling Harbour. The IMAX redevelopment should have a positive impact on the public space of Darling Harbour

The proposed development should be improved in terms of pedestrian connectivity on the north-south and east-west pedestrian routes and the quality and quantity of public space at the Cockle Bay waterfront.

There are also unresolved traffic issues on Wheat Rd.

The key issues identified with the proposed IMAX Redevelopment, Darling Harbour are as follows and are described in the subsequent pages.:

1. **North south pedestrian connections**
2. **Reduction in available public space**
3. **City/Darling Harbour connectivity**
4. **Reflectivity and facade treatment**
5. **Traffic**
6. **Visual barrier**
7. **Overshadowing of public space**
8. **Consultation**

Methodology

This report identifies and analyses key impacts of the proposed development as they affect Darling Quarter, Darling Harbour as a whole and as they relate to the Woods Bagot Urban Design and Public Realm Guidelines April 2012.

The Woods Bagot Urban Design and Public Realm Guidelines April 2012 in turn identify a number of reference documents to support and provide a more detailed insight the guidelines. In terms of the key issues identified the most relevant of these reference documents is the Darling Harbour South Master Plan, prepared by Johnson Pilton Walker in 2010. Accordingly this assessment also identifies how key issues relate to this Master Plan.

North-south pedestrian connections

Pedestrian connections within Darling Harbour and between Darling Harbour and surrounding precincts are key to the success of Darling Harbour as an urban space.

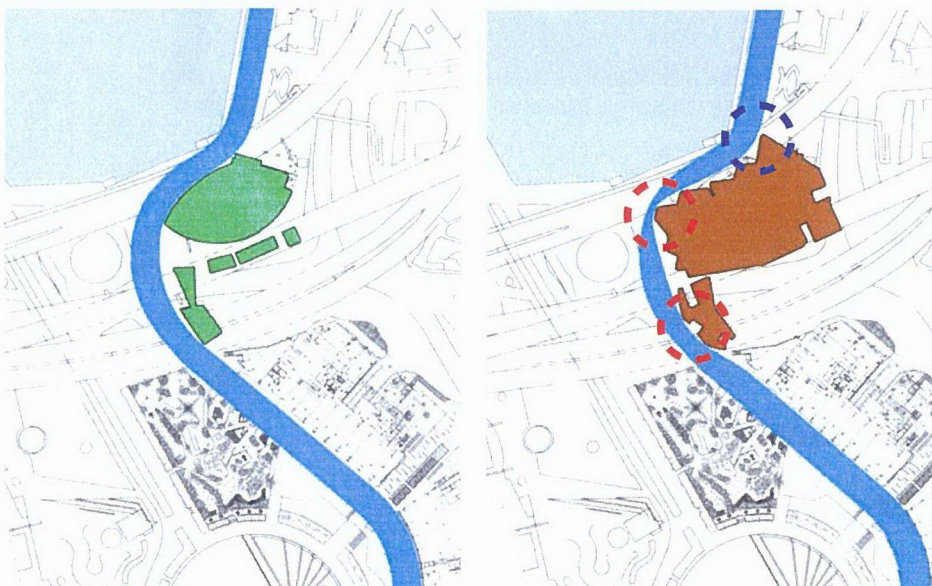
Key pedestrian connections include north-south connections between Haymarket, Darling Harbour and Barangaroo and east-west connections between the city, Darling Harbour and Ultimo.

Darling Quarter focused heavily on these pedestrian connections to reconnect Darling Harbour in the north-south direction between Chinatown and Cockle Bay as part of a promenade which extends from Haymarket through to Barangaroo. Darling Quarter also significantly introduced a new east-west on-grade connection with the city in addition to upgrading the two existing pedestrian connections at Liverpool Street and Bathurst Street

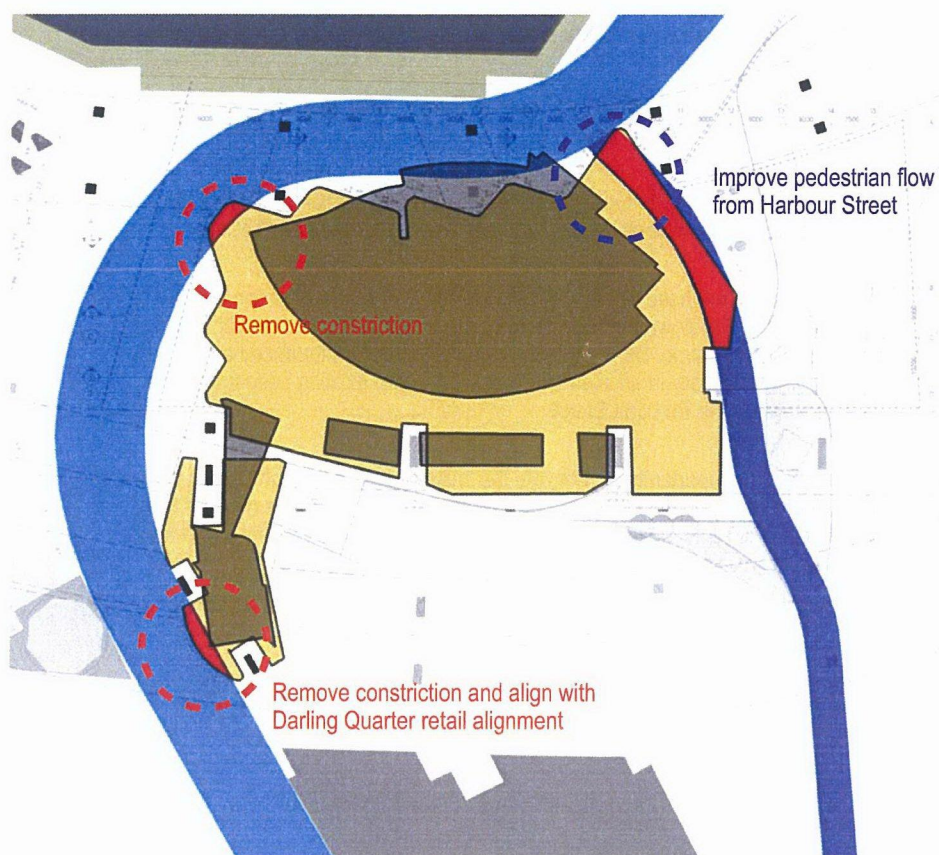
The IMAX redevelopment is an opportunity to complete the 'missing link' in the north-south pedestrian promenade from Haymarket to Barangaroo. The proposed development maintains much of this pedestrian circulation space but does appear to constrict north-south pedestrian flow in two areas.

There is also the question of continuous weather protection as described in the Urban Design Guidelines.

It appears however that modifications to the lower levels of the proposal would be relatively straightforward to address these issues.



2. Comparison of current IMAX vs IMAX proposal showing constriction of pedestrian flow



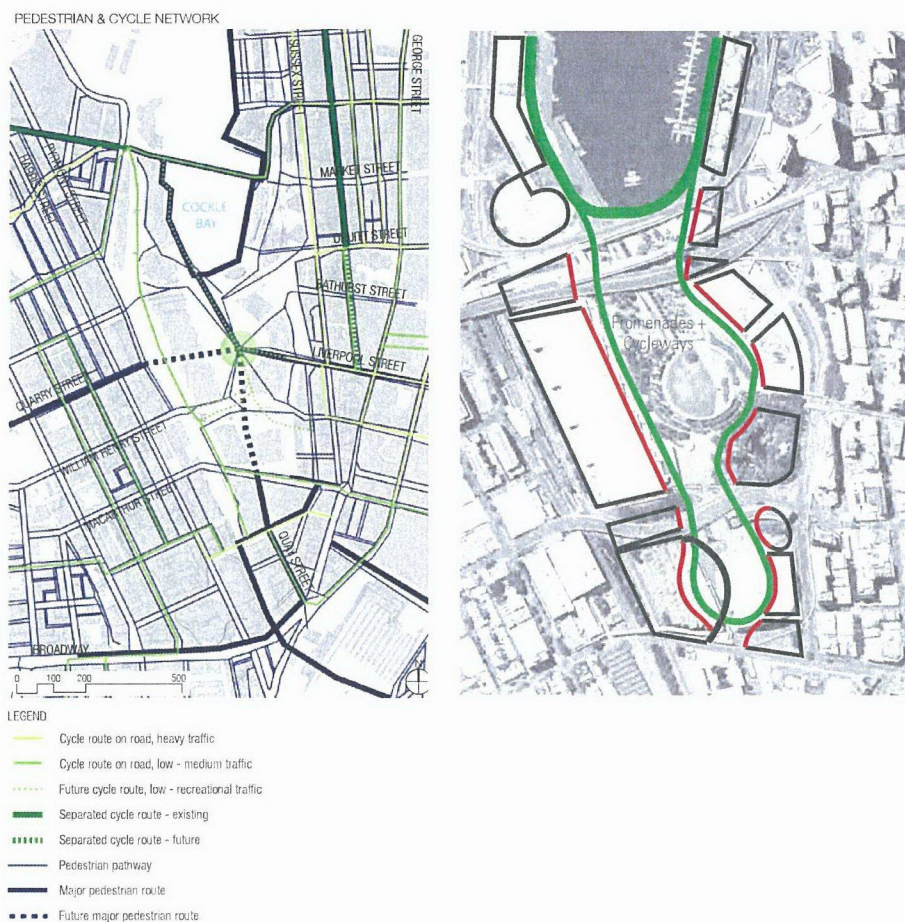
3. Diagram showing areas for improvement in pedestrian flow in the proposed development

The importance of the pedestrian connection between the park and water is referenced in the Urban Design Guidelines and the Urban Design Guidelines reference document the Darling Harbour South Masterplan. Key references include:

- **Urban Structure**
- **Facade and Interface**
- **Promenades**

Urban Structure

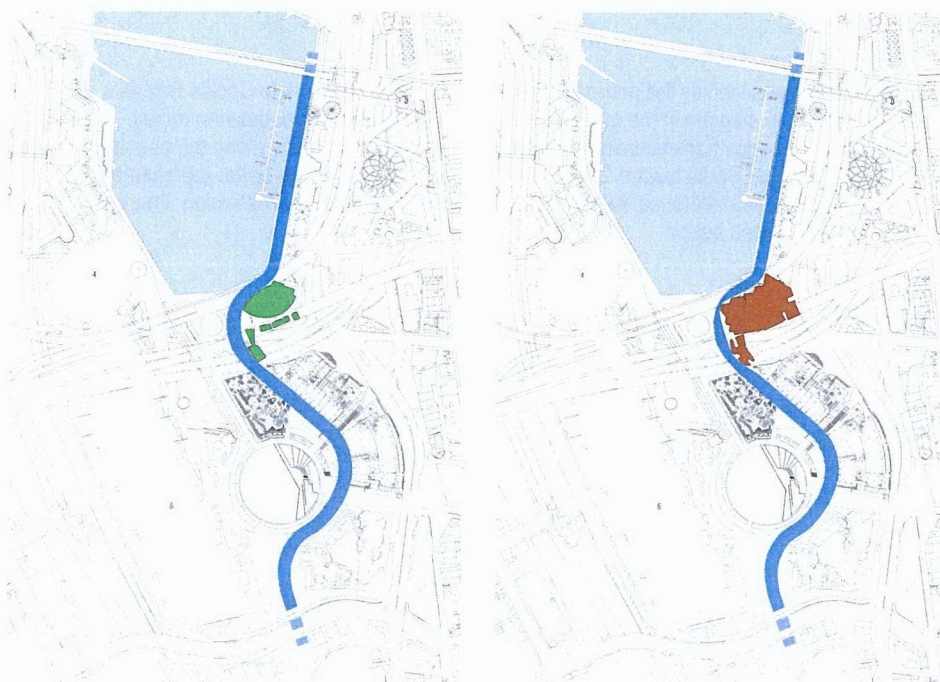
The Urban Design guidelines identify the pedestrian route from Tumbalong Park to Cockle Bay as a major pedestrian route. The diagram in the guidelines somewhat simplifies the pedestrian routes within Darling Harbour as pedestrians actually move around Tumbalong Park and along the east and west sides of Darling Harbour South toward Cockle Bay. These actual routes are better represented in the Urban Design Guidelines reference document the Darling Harbour South Masterplan. Images of the diagrams are reproduced below.



4. Pedestrian network diagrams from the Urban Design guidelines and Urban Design Guidelines reference document the Darling Harbour South Masterplan

A key pedestrian connection is the Haymarket to Headland park route which connects the Haymarket area through Darling Harbour, Cockle Bay, King Street Wharf and Barangaroo to the new Headland Park

The proposal is located on a key site on this route and unnecessarily restricts pedestrian movement at this key point. Minor amendments to the footprint of the building would alleviate interruptions which disrupt the flow and legibility of this important pedestrian promenade and connection.

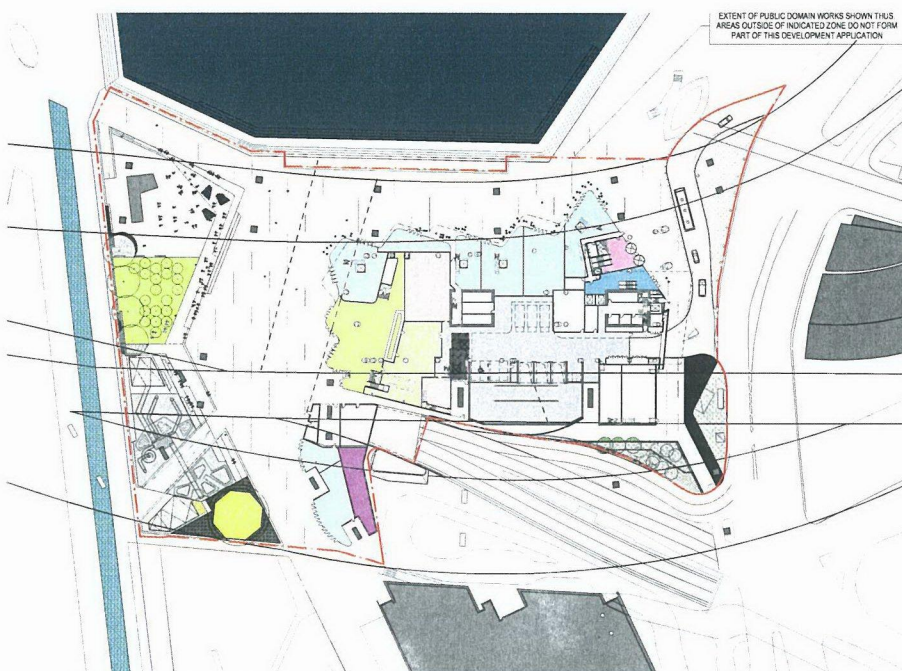


5. Haymarket to Barangaroo promenade diagram showing constriction at proposed IMAX redevelopment

Facade and Interface

The Urban Design guidelines recommend continuous weather protection along all primary routes. This site is a logical extension of the covered promenade at Darling Quarter and a key link in the Haymarket to Barangaroo pedestrian connection.

The proposal relies on the freeways over and the elevated building over for the majority of weather protection. Continuous protection at a height which will protect pedestrians is not provided.



6. Public Domain level plan of proposed IMAX redevelopment showing non-continuous weather protection dotted over

Modification of the design to provide continuous weather protection and reinforce the continuation of the Darling Quarter precinct would be relatively straightforward.

Darling Harbour - The Vision

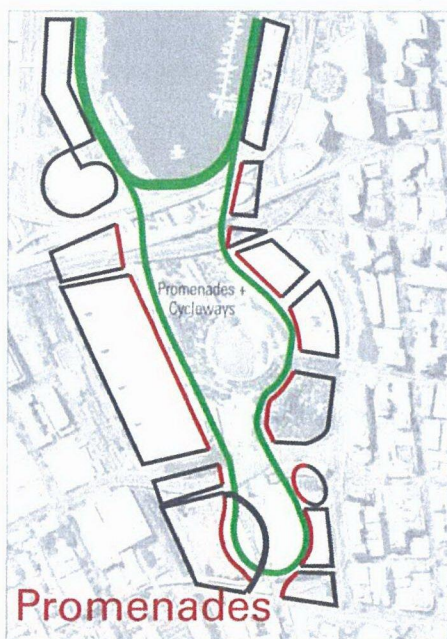
The Urban Design Guidelines reference document the Darling Harbour South Masterplan sets out a number of objectives in the vision for Darling Harbour which informs the guidelines including the following:

- Complements Barangaroo with the expansion of new business meeting facilities and a public open space network that is linked to the foreshore walk;

The Darling Harbour South Masterplan goes on to set out a series of principles including the principle of Promenades which reinforce the vision.

Promenades

- Strengthen links between Darling Harbour South and the waterfront by extending the waterfront promenade into the precinct;
- Promenades follow edges of overall space to avoid dissecting recreational space;



7. Promenades diagram with the proposed IMAX redevelopment plotted.

The proposed development interrupts the flow of promenades between Darling Harbour South and the waterfront

Reduction in available public space

Publicly accessible space is a key component in the character and success of Darling Harbour. The Darling Quarter development created a significant increase in available public open space and this space is well connected and activated.

The IMAX site is a pivotal location within the Darling Harbour precinct and needs to accommodate large numbers of people. The development proposal :

1. Reduces the amount of available open space by approximately 830m²
2. Increases the population at this location by approximately 3,500 - 4,000 people
3. Constricts major pedestrian routes at key points

The importance of the public open space is referenced a number of times in the Urban Design Guidelines and the Urban Design Guidelines reference document the Darling Harbour South Masterplan. Key references include:

- **Public Realm**
- **Enhance Open Space**
- **Multiple Gathering Spaces**

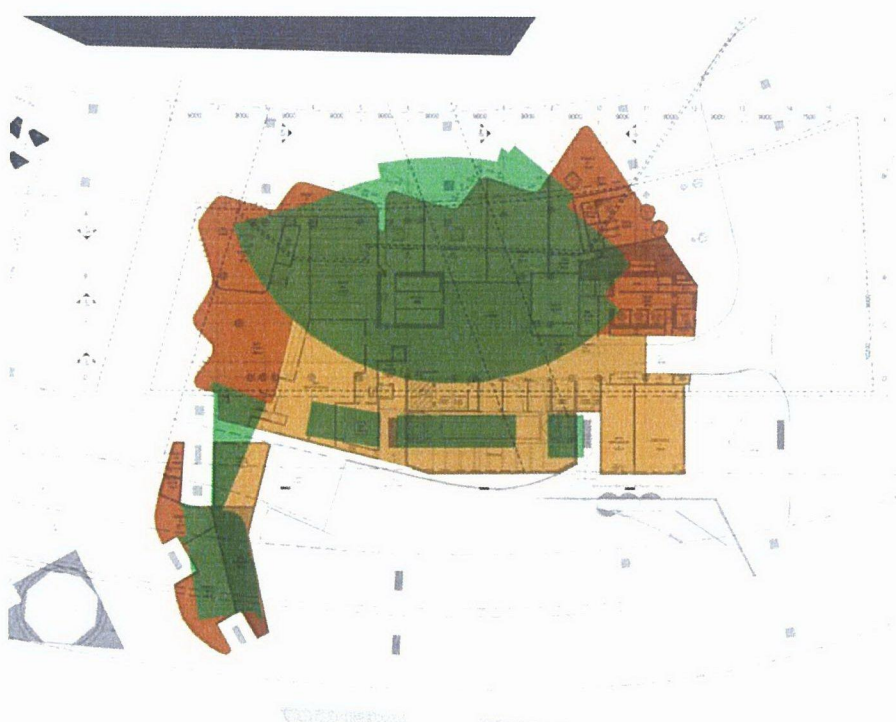
Public Realm

The Urban Design Guidelines state that

'There should be no reduction in the available open space from what is available on the site today, ideally it should be increased'

Accessible public open space in the vicinity of the IMAX redevelopment is proposed to be reduced by approximately 830m². This reduction in open space will not only reduce the pedestrian capacity of this key part of Darling Harbour, but constricts the pedestrian connectivity both in the north-south promenade direction and the east-west city link direction.

Modifications to the lower levels of the proposal would be relatively straightforward to address these issues as outlined in the north-south pedestrian connections and City/Darling Harbour connectivity sections of this report.



8. Diagram showing existing and proposed accessible public open space

The Urban Design Guidelines reference document the Darling Harbour South Masterplan sets out a series of principles including the principles of increasing and enhancing open space.

Enhance Open Space

- Increase amount of open space to better serve growing demands of surrounding precincts and greater Sydney;

Multiple Gathering Spaces

- Link spaces physically and visually so they can operate together or separately;

City/Darling Harbour connectivity

Pedestrian connections within Darling Harbour and between Darling Harbour and surrounding precincts are key to the success of Darling Harbour as an urban space.

Key pedestrian connections include north-south connections between Haymarket, Darling Harbour and Barangaroo and east-west connections between the city, Darling Harbour and Ultimo.

Darling Quarter focused heavily on these pedestrian connections to reconnect Darling Harbour in the north-south direction between Chinatown and Cockle Bay as part of a promenade which extends from Haymarket through to Barangaroo. Darling Quarter also significantly introduced a new east-west on-grade connection with the city in addition to upgrading the two existing pedestrian connections at Liverpool Street and Bathurst Street

The IMAX redevelopment introduces a significant new pedestrian load between the city and Darling Harbour and is an opportunity to improve the pedestrian connections with the city.

Instead the proposal relies on existing pedestrian connections without weighting or regard for their desirability or amenity and hence likelihood of use.

There are no proposed upgrades to pedestrian access to Darling Harbour as a result of the proposed development.

Key issues which need to be addressed as part of the development include:

- (a) The Transport Impact Assessment identifies existing routes via Harbour Street and the Druiitt Street footbridge as having capacity to support pedestrian traffic from the city. There is no weighting on these routes reflecting their likely use as primary routes from Town Hall station given the location of the building entrance.
- (b) The development will attract an additional 260-310 pedestrians within a 5 minute interval during the morning peak.
- (c) The pedestrian analysis needs to take into account these two routes as more direct than the other routes identified as well as the difficulty of the Harbour Street route requiring 3 on-grade crossings including Harbour Street and the City South exit of the Western Distributor.
- (d) Improve and strengthen physical and visual permeability to all surrounding precincts and within Darling Harbour;



9. Image of upgraded Bathurst St footbridge - part of the Darling Quarter redevelopment

Reflectivity and facade treatment

A key feature of the proposed Ribbon development is the north facing facade and this facade is prominent in many of the visualisations provided.

The facade is proposed as a triple glazed facade system with integrated white venetian blinds. This a very high performance facade system which we expect will be able to deal with the thermal requirements of a fully glazed north facing facade.

The reflectivity report requires the north glazing to have a maximum visible light reflectivity of 8% achieved via a glazing reflectivity of 15% and the application of vertical shading/baffle elements. The effect of this treatment is however not illustrated in the perspectives and plans submitted. In our opinion these devices will form a significant feature on the facade.

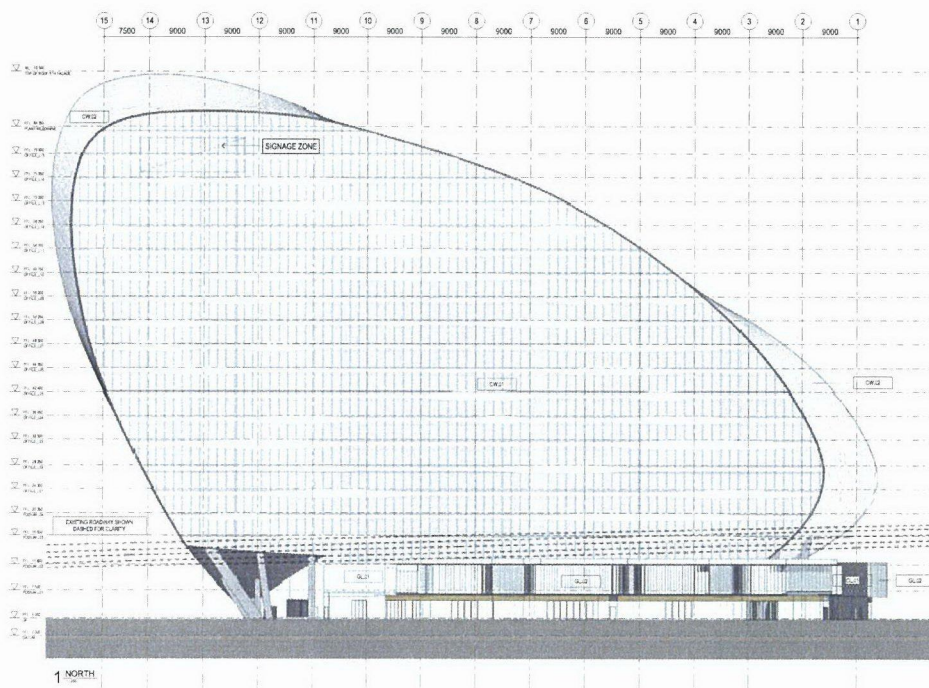
The appearance of the north facade is highly significant given the argument that the north face of the building is intended as an iconic addition to Darling Harbour and will be highly visible from Darling Park and Cockle Bay Wharf.

The maximum recommended specular reflectivity requirement for each facade is detailed in the table below:

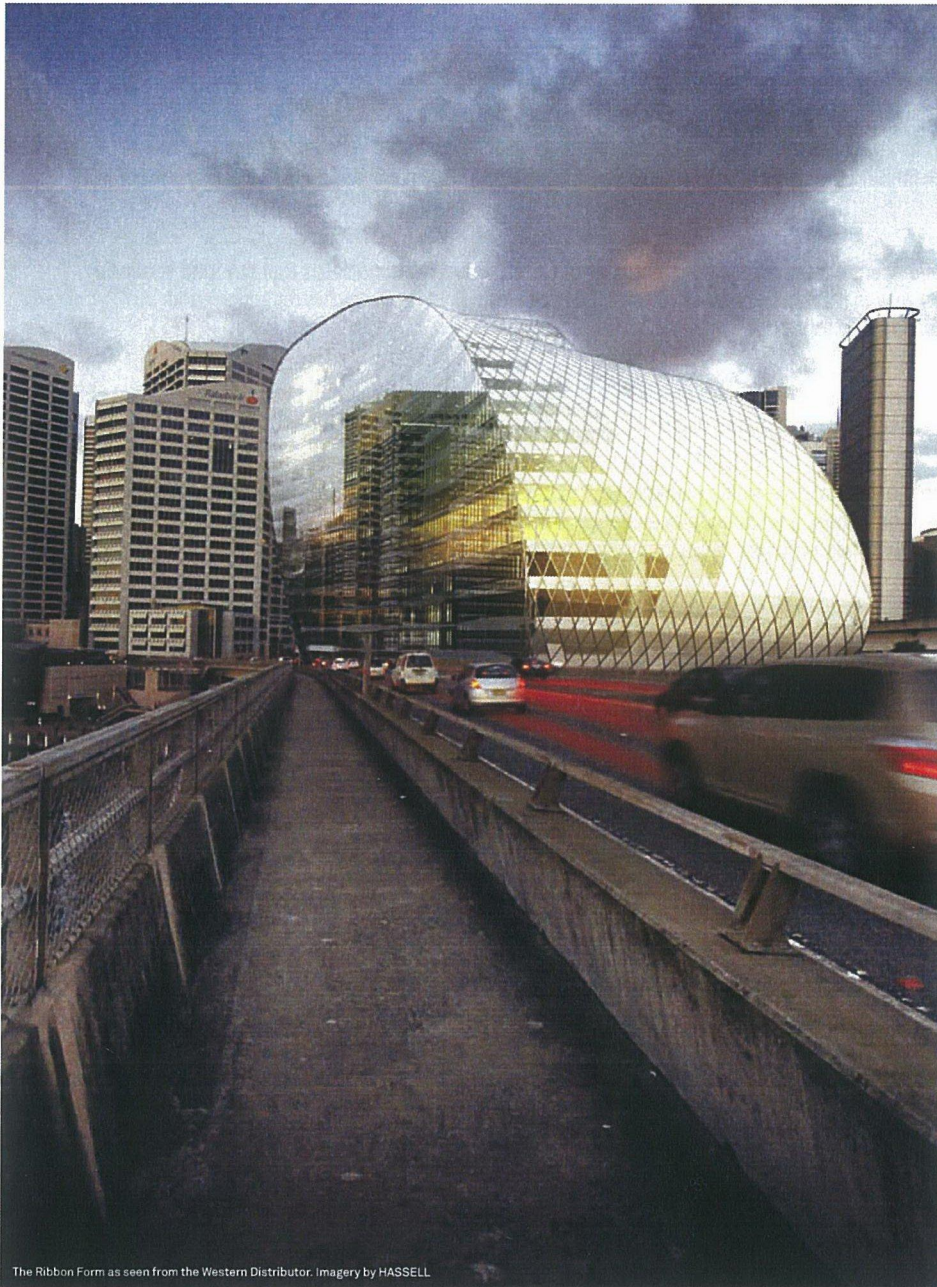
Facade orientation	Maximum Visible Light Reflectivity
North Glazing	8%*
South Glazing	15%
West Ribbon	15%
East Ribbon	15%

Table 1 – Recommended Surface reflectivity * 15% with some vertical elements as required

10. Facade reflectivity table from the Cundall reflectivity study



11. North elevation of the proposed development



The Ribbon Form as seen from the Western Distributor. Imagery by HASSELL

12. View of the north elevation of the proposed development from the Western Distributor. Traffic related glare issues are a key requirement for reflectivity treatment to the north facade.

Traffic

Additional traffic generated by the development, both during Construction and operationally, is intended to utilise Wheat Rd. This is on land the subject of a long term lease from SHFA to private owners who have not been consulted with over this proposal.

According to the Transport Impact Assessment an 170 -180 additional vehicles per hour on Wheat Rd during the am and pm peak hours are expected. The current Road peak utilisation is 130 vehicles per hour

Anecdotal evidence from the building manager of Cockle Bay Wharf indicates that the road is already at capacity due to it's narrowness, vehicle movements for deliveries (vehicles reversing) and constrictions due to tour buses.

The Transport Impact Assessment needs to address the impact of the existing condition on Wheat Rd including the current movements of delivery vehicles and tour buses.

In addition the construction traffic management plan states that all traffic leaving the site will be via Wheat Rd. Again, based on anecdotal evidence, the management of Cockle Bay Wharf do not believe this road has sufficient capacity for this traffic.



13. Wheat Rd looking north

Visual barrier

The proposed height, form and massing will create a visual barrier between Cockle Bay and the parkland portion of the Darling Harbour precinct

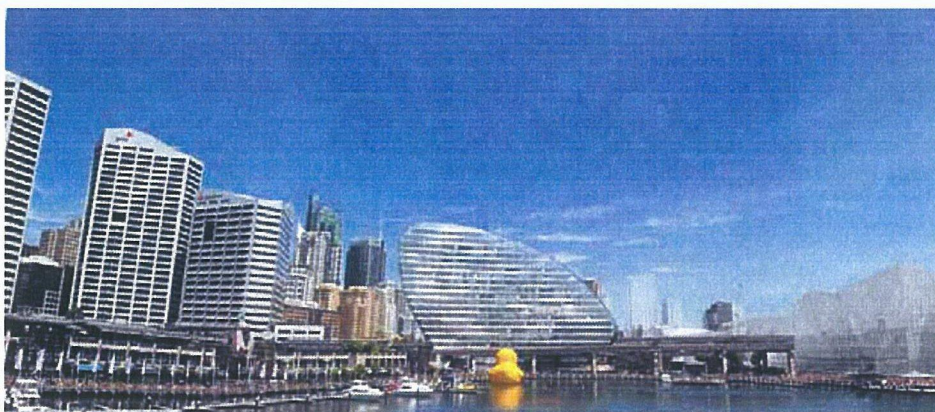
The proposed building is taller than the existing IMAX building and extends further west. This creates a visual barrier between the Cockle Bay/Waterfront and Parkland portions of the Darling Harbour precinct.

This assessment is reinforced by the Visual Impact Assessment submitted as part of the application admits that

“The proposal’s impact is to extend a higher city scale across the end of the waterway aligning with the motorways. This contributes to a sense of two separate precincts - water and park.”

“The moderate and higher impacts are generally caused by the proposal’s increased height and width in comparison to the existing IMAX building.”

This visual separation between the precincts is contrary to the Urban Design Guidelines and is contrary to the revitalisation of Darling Harbour.



14. View of proposed development from Pyrmont Bridge

The importance of the visual connection between the park and water is referenced in the Urban Design Guidelines and the Urban Design Guidelines reference document the Darling Harbour South Masterplan. Key references include:

- **Key Views**
- **Height and Massing**
- **Reinforce Topography**
- **Multiple Gathering Spaces**
- **Legible Space**
- **Vistas**

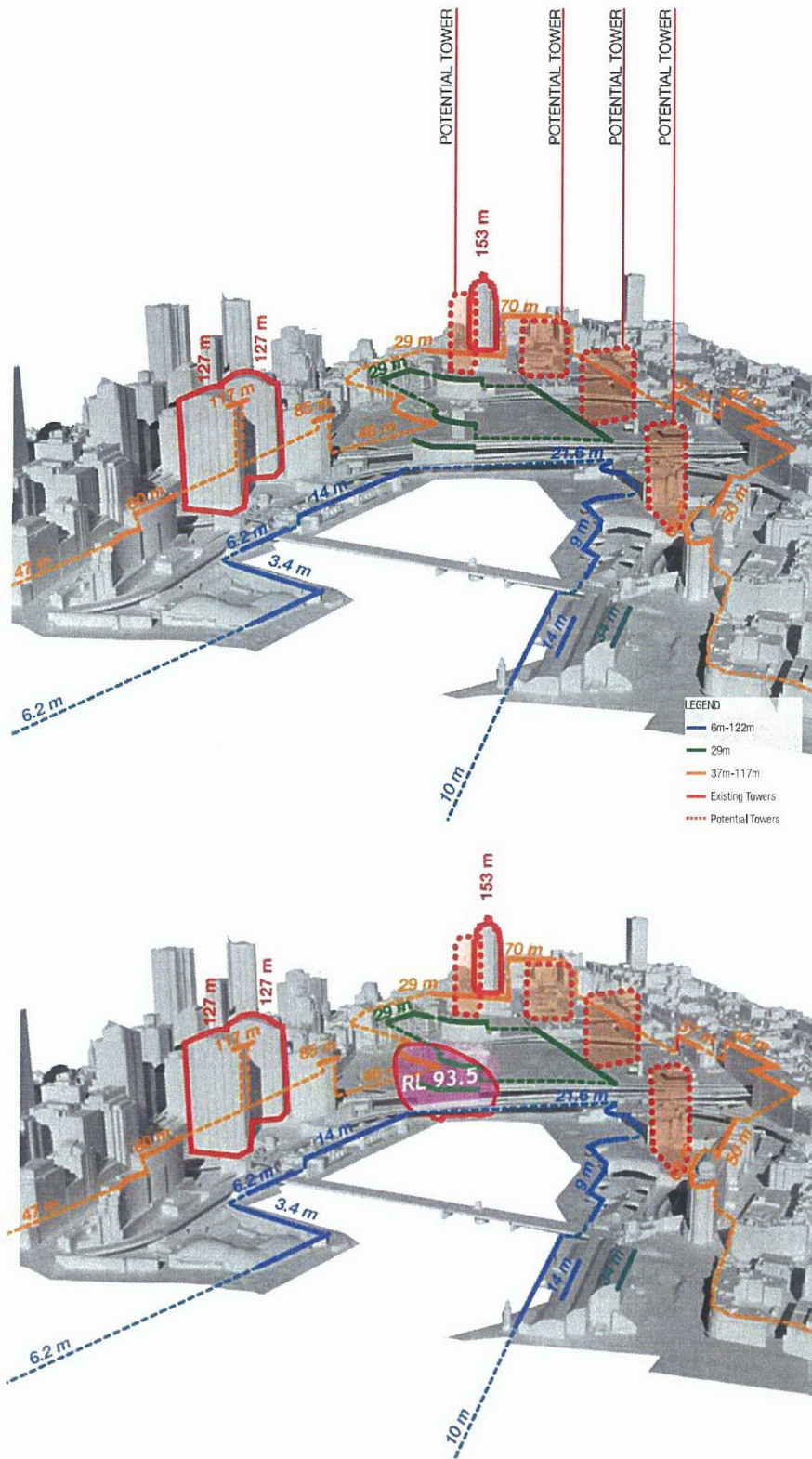
Height and Massing

The Urban Design Guidelines state that:

“The Valley floor of Darling Harbour provides a pivotal datum that relates to the sea level of Cockle Bay”

The proposed development breaks down the ‘valley floor’ concept to create a projection into the centre of Darling Harbour which visually divides the park from the harbour within the Darling harbour Precinct

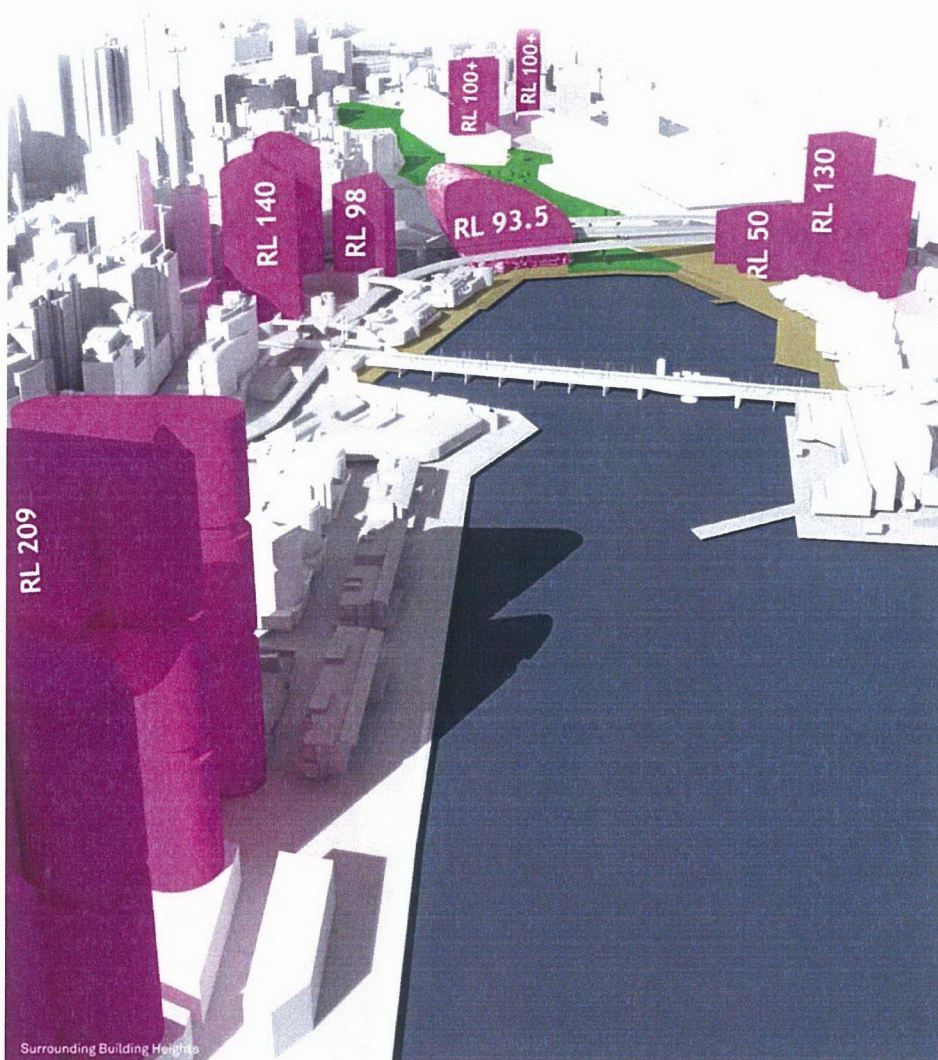
EXAMPLE OF TALLER BUILDING LOCATIONS AND OPPORTUNITIES AT COCKLE BAY AND SOUTH DARLING HARBOUR
RESPECT VIEW CORRIDORS AND THE HEIGHT DATUMS AROUND VALLEY FLOOR



15. Comparative height and massing diagrams showing the proposed IMAX redevelopment

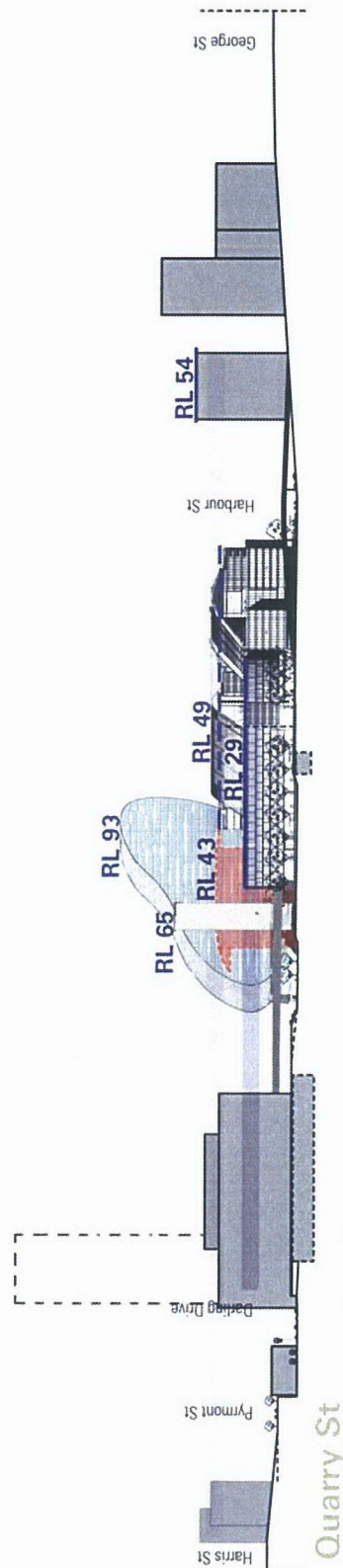
The Urban Design Report forming part of the submission provides an alternative height and massing diagram which we find the rendering of misleading. We have amended the rendering to remove the highlighting from Darling Quarter and highlight the full volume of the proposed IMAX development. We have also highlighted the foreshore and the park portions of Darling Harbour.

This amended rendering shows the visual division of Darling harbour resulting from the proposed development.



16. Amended rendering of IMAX Redevelopment height and massing diagram

The cross sections of Darling Harbour on the following page illustrate the increase in height and scale of the proposed IMAX redevelopment and disjuncture with the scale of other buildings surrounding the precinct.



17. Cross section of Darling Harbour showing the increase in height and scale of the proposed IMAX redevelopment

Darling Harbour - The Vision

The Urban Design Guidelines reference document the Darling Harbour South Masterplan sets out a number of objectives in the vision for Darling Harbour which inform the guidelines including the following:

- Reconnects Darling Harbour with the city and harbour from Cockle Bay to Chinatown, delivering a large connected and continuous green space for gatherings and recreation via the removal of the Pier Street Bridge.
- Strengthen Darling Harbour's role as a key public space connector and resource for all surrounding precincts, from Barangaroo to the north to the education precinct in the south;
- Bring the diverse characters, populations and functions of these precincts together at Darling Harbour as a new place of cultural, social, civic and economic exchange;

The Darling Harbour South Masterplan goes on to set out a series of principles including a number which reinforce the vision.

Reinforce Topography

- Reinforce the valley floor with consistent, coherent and appropriate built form.
- Improve the legibility of Darling Harbour as a place and destination in its own right » through consistent built edges;

Multiple Gathering Spaces

- Link spaces physically and visually so they can operate together or separately;

Legible Space

- Appropriate, consistent and coherent built edges define open space, and massing steps up to surrounding city scale to reinforce topography;

Vistas

- Create vistas to and from Cockle Bay;
- Link major public spaces within the precinct with clear vistas.
- Future development to enhance vistas between open space and water

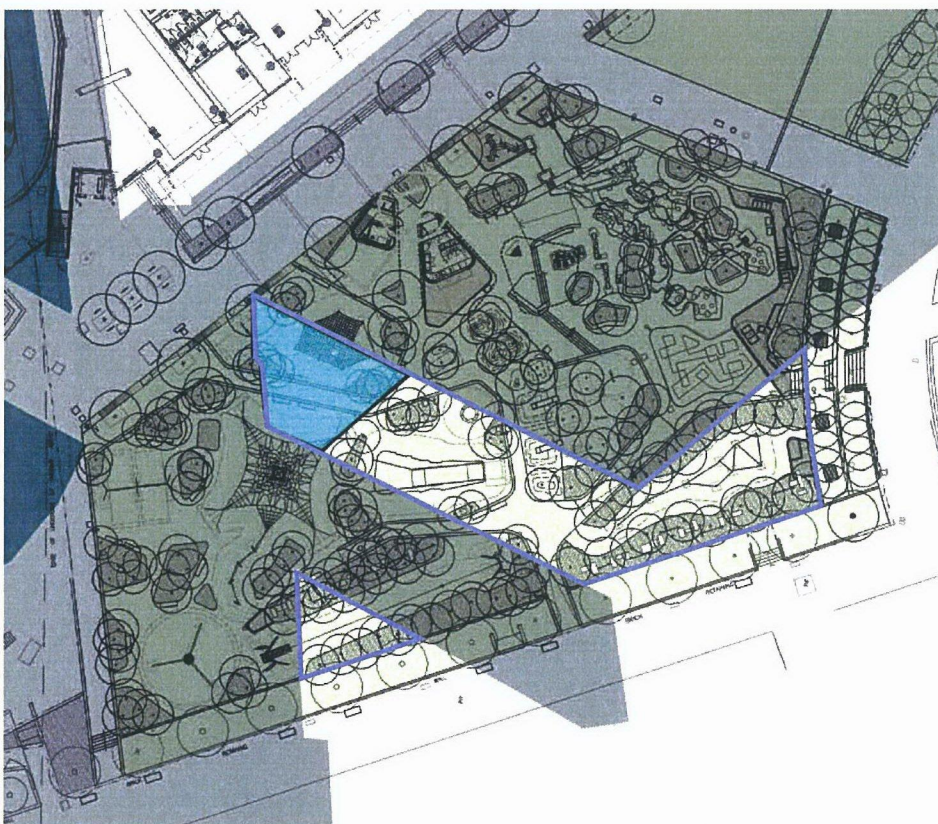
Overshadowing of public space

The children's playground at Darling Quarter has become a highly popular family oriented location for visitors and residents around Darling Harbour. It is a key component of the successful rejuvenation of the Darling Quarter precinct which is enjoyed from early morning until late in the evening all year around.

The proposed IMAX redevelopment creates additional overshadowing on the children's playground on winter mornings, a key time when sunlight is important for children's play. Key concerns regarding the overshadowing of the playground are:

- (a) There is an approximately 19% reduction in sunlit area of the playground in mid winter at 11:00am.
- (b) Shadow diagrams illustrating the reduction in sunlit space in the playground for the full morning period in winter and between winter and the Spring and Autumn periods have not been provided

Any additional overshadowing of the children's playground in winter is a highly undesirable outcome for Darling Harbour and the community and is not in the public interest.



18. Diagram showing the extent of additional overshadowing of the children's playground at 11am at mid-winter (approximately 19% reduction in sunlit area)

The Urban Design Guidelines reference document the Darling Harbour South Master Plan sets out a series of principles including the principle of Enhancement of open space.

Enhance Open Space

- Enhance the quality of open space;
- Increase sun access, and complement with shaded space;

Overshadowing of the children's playground neither enhances the quality of open space nor increases sun access to open space.

Consultation

The Director General's required the proponents of the IMAX redevelopment to

"Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines (October 2007)"

The to our knowledge the owners of Darling Park and Cockle Bay Wharf have not been consulted in accordance with these requirements.

Consultation with the owners and representatives of Darling Park/Cockle Bay wharf would have highlighted concerns with pedestrian and vehicular traffic in the Wheat Rd area and reliance on Wheat Rd for all operational and construction traffic.

Conclusion

The proposed IMAX development should not be approved without addressing the issues of quality of public space and pedestrian connectivity. There is also room for improvement in terms of public space contribution and visual connectivity.

The development is an opportunity to significantly enhance the precinct and public domain and 'give back' to the community including the completion of the missing link in the north-south pedestrian promenade and upgraded pedestrian connections with the city.

The promenade from Haymarket through to Barangaroo should be strengthened following clear pedestrian desire lines, activation along its length and continuous cover.

There should be no additional overshadowing of the public domain, particularly the children's playground.

Details of the proposed northern facade reflectivity treatment need to be provided

Traffic issues on Wheat Rd need to be addressed.

The visual connection between the harbour and park within the Darling Harbour should be strengthened consistent with the overall vision for Darling Harbour.

