

28 April 2020

Mr David Glasgow  
NSW Department of Planning & Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

Dear Mr Glasgow,

**RE: SSD7-874 Harbourside Shopping Centre Redevelopment  
(2 – 10 Darling Drive, Darling Harbour)**

I am writing in relation to the submission of comments of the State Significant Development (SSD) exhibition of the Staged Development Application (Concept Proposal) for a new retail shopping centre, residential apartment tower and public domain improvements (Application Number SSD-7874) located at 2 – 10 Darling Drive, Darling Harbour.

As noted in the Australian National Maritime Museum's (ANMM's) submission for SSD 16\_7874 dated 17 February 2017, the ANMM welcomes the investment by Mirvac in the precinct. The Museum also commends the redesign work that has occurred since its previous submission; however, several issues remain with the current proposal that adversely affect Darling Harbour and the Museum.

The ANMM was conceived as the leading cultural offer in Darling Harbour and, as the only national cultural institution headquartered out of Canberra, we have a vital cultural impact at the national, state and local levels. The issues we have outlined below have the potential to impact both our mission and financial viability.

Specifically, the ANMM objects to SSD7-874 for the following reasons:

## 1. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SSD7-874 does not align with Sydney Harbour Catchment SREP 2005 (SREP) Part 1 that states that Sydney Harbour is owned by and for the public, which '...has precedence over private good whenever and whatever change is proposed', nor SREP Part 2, which states that 'development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour' and 'the number of publicly accessible vantage points for viewing Sydney Harbour should be increased'.

The redevelopment proposal currently prioritises private good over public benefit through the inclusion of a substantial residential component that has the potential to restrict the activities that can take place in the area, and inadequately provides for community and family-focused facilities.

## 2. Darling Harbour Development Plan No.1 1985

The regional environmental planning instrument (EPI) pertaining to the SSD7-874 site is the Darling Harbour Development Plan No.1, which was published in 1985. This EPI aims to:

*‘(b) encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area, and*

*(c) to make provision with respect to controlling development within that area.’*

The proposed Harbourside redevelopment does not satisfy the aims of the EPI as it does not ‘encourage a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities’, but rather impedes the meeting of those aims by developments in the area that support the EPI, including the ANMM, through the sheer size and positioning of the redevelopment – i.e. close to Pyrmont Bridge and the waters of Darling Harbour, with minimal additional space provided for pedestrian flow. The SSD7-874 design also includes a substantial residential development, which is fundamentally not suited to a night-time tourism and entertainment precinct and may lead to restrictions on business operations including those of the Museum.

Whilst the proposed redevelopment provides for integration with the Sydney International Convention, Entertainment and Exhibition Centre and Sofitel Sydney Darling Harbour, it does not facilitate improved connectivity or support Disability Discrimination Act (DDA) access to the ANMM. The design at the redevelopment’s southern end does not improve the existing constriction in the foreshore promenade, and hence does not improve connectivity beneath the bridge into the northern end of Darling Harbour, which is an issue we also raised in our letter dated 17 February 2017. There has been no engagement with the Museum on this issue.

## 3. Public Access

The foreshore setback between the public accessible open space and the redevelopment hinders and congests pedestrian flow. This poses a risk to public safety, particularly along the water and during large events (e.g. Vivid Sydney, New Year’s Eve).

The Construction and Environmental Management Plan (CEMP) included in the submission does not adequately detail how pedestrian flow to surrounding businesses, residents and community will be impacted during construction. The CEMP also doesn’t provide sufficient detail regarding where hoarding will be placed during construction, how pedestrian flow will be impacted, or whether directional signage to businesses impacted by changes to pedestrian thoroughfares will be provided on hoarding. Approximately 40 per cent of the ANMM’s visitors are pedestrians arrive via Darling Harbour; therefore, it is critical that the CEMP addresses these issues and provides for clear directional signage.

Traffic associated with the construction works will impact traffic movement in the area, including access to the ANMM. A detailed Traffic Management Plan (TMP) is not provided in the CEMP; therefore, inadequate information is currently provided regarding how traffic flows will be managed. Any traffic redirections or delays associated with the redevelopment will directly impact Museum visitors, particularly school groups and organised tours who arrive by private bus and parties who hire our venues for events.

## 4. Environmental Impacts

### 5.1. Wind

Westerly winds create problematic conditions in the Darling Harbour Precinct and the size and massing of the redevelopment's design has the potential to exacerbate these conditions, increasing risks to pedestrians and surrounding buildings. The EIS wind report submitted as part of SSD7-874 provides insufficient data and testing in relation to distress, pedestrians walking (west and north of the redevelopment), pedestrians standing within 20m of the NE and SE corners of the redevelopment and pedestrians sitting elsewhere. Increased wind velocities directly impact visitor enjoyment of the ANMM, particularly the outdoor vessel offer that is a key element of the museum experience.

### 5.2. Diminished Natural Light

Currently, the publicly accessible area of waterfront within the surroundings of Harbourside enjoys almost uninterrupted sunlight. The shadow analysis included in Appendix C to Mirvac's submission shows significant shadowing over the Darling Harbour Precinct from the proposed redevelopment, which will impact existing residential and commercial buildings and public domain areas.

The level of shadowing will reduce the attractiveness of the Darling Harbour area to visitors and has the potential to substantially reduce visitor and dwell time. The reduction of natural light within the precinct will also diminish the ability for plants in the public domain space to survive, thus further reducing the attractiveness of the precinct to visitors. These impacts have the potential to critically reduce demand for local goods and services, including those provided by the Museum.

### 5.3. Air and Water Pollution

The CEMP provides insufficient information regarding how construction-related pollution will impact neighbouring buildings, residents and businesses. The documents referenced in the CEMP that are still to be created or submitted do not include a professional pollution study. It is critical that the CEMP includes a pollution study and detailed mitigation strategies.

Aside from obvious environmental issues, the management and clean-up of construction-related pollution will place an increased burden on neighbouring buildings, residents and businesses (including the ANMM) in terms of resources and equipment servicing and maintenance required to filter out increased pollution.

### 5.4. Noise and Vibrational Impact

A detailed Construction Noise and Vibration Management Plan (NVMP) is not currently provided in the CEMP. The Acoustic Report included in the submission is inadequate as it makes no reference to any study or testing (hypothetical or otherwise) to assess the impact of noise and vibrations on surrounding buildings.

The ANMM holds a number of delicate artefacts, including numerous items held on loan from other governments and private collectors. These objects require a controlled environment to be maintained, including the management of vibrational impacts. Therefore, a clear and detailed NVMP needs to be included in the CEMP.

In addition, the hours of work noted in the CEMP are very long and have the potential to negatively impact neighbouring residents, businesses and visitors to Darling Harbour and its attractions (including the ANMM), particularly the hours listed for Saturday when residents are typically at home and there are a high number of visitors to the area. The hours provided in the CEMP require further community consultation and review.

#### 5.5. Increase to Vermin Population

The CEMP does not include a vermin management plan for the high number of vermin in the area. Upon the demolition of the existing Harbourside building, it is expected that the number of vermin around the redevelopment site will increase significantly. A rise in vermin numbers not only poses a risk to public health, but also has the potential to cause damage to neighbouring buildings and the Museum's historic ships and historical artefacts, which are part of the Australian national collection.

Further planning and consideration is required in relation to vermin management and control.

#### 5.6. Public Benefit Offer

Mirvac's Public Benefit Offer (PBO) dated 24 March 2020 states that the developer will contribute \$5.2M towards affordable housing; however, as outlined in Part 2 of this document, the Darling Harbour Development Plan No. 1 1985 states that it is to *'encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area'*.

Whilst the Museum appreciates the Mirvac's PBO, the contribution of monies to affordable housing does not encourage the developments outlined in the Darling Harbour Development Plan, other than commercial facilities. The ANMM suggests consideration be given to an investment in family-focused facilities.

On the basis of the issues outline above, the ANMM objects to the Mirvac's SSD7-874 submission due to its lack of detail, contravention of government planning principles and inadequate consideration of, and contribution to, public benefit and the Darling Harbour community.

The Museum trusts that the NSW Department of Planning and Mirvac will address these issues and requests to be involved in future community consultation undertaken in relation to the Harbourside redevelopment.

Yours faithfully,



**Kevin Sumption PSM**  
Director and CEO