



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

**RE: HARBOURSIDE SHOPPING CENTRE REDEVELOPMENT – PUBLIC
DOMAIN AND BRIDGES (SSD-49653211)**

APPLICANT MEETING

PANEL: ANDREW MILLS (CHAIR)
SHELLEY PENN
RICHARD PEARSON

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON

**APPLICANT
REPRESENTATIVES:** ALEXIS CELLA
ANDREW TOBIN
OLIVER MAXWELL
ANDREW COLANGELO
JON HAZELWOOD
SAM WESTLAKE
ALEX WASHER

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 12:15PM – 1:00PM
MONDAY, 5th MAY 2025

<THE MEETING COMMENCED

5 **MR ANDREW MILLS:** Well, good afternoon, everyone and welcome. Before I begin, I would like to acknowledge that I'm speaking to you from Gadigal land and acknowledge the traditional custodians of all the lands from which we virtually meet today. I pay my respects to their Elders past and present.

10 Welcome to the meeting today to discuss the Harbourside Shopping Centre Redevelopment – Public Domain and Bridges State Significant Development Application (SSD-49653211), which is currently before the Commission for determination.

15 The Applicant, Mirvac Retail Sub SPV Pty Ltd, is seeking approval for the construction and operation of the Harbourside Redevelopment – Public Domain spaces, including the Waterfront Promenade, Waterfront Steps, Waterfront Garden, Pyrmont Steps, North and South Walks, Bunn Street Bridge, North Bridge and Darling Drive Arrival.

20 My name is Andrew Mills. I am the Chair of the Independent Planning Commission and of this Commission Panel, and I am joined by my fellow Commissioners Shelley Penn and Richard Pearson.

25 We're also joined by Kendall Clydsdale and Tahlia Hutchinson from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of the information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

30 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we
35 will then put up on our website.

40 I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other, to ensure accuracy of the transcript. Thank you.

45 We will now begin. We have just received immediately before the meeting commenced, a slide pack presentation which I understand you would like to spend a little bit of time taking us through. In the interests of ensuring that Commissioners get to ask questions that they would like, we may do a combination of asking questions as we go through that, but also can I ask you leave sufficient time at the end to be able to ask any other questions that are not otherwise raised during the presentation.

MR ANDREW TOBIN: We'll share our screen, but we'll get underway immediately. Thank you for the opportunity to address the Commissioners. I won't introduce everyone from the Applicant's representatives because they're all noted on the agenda, but I will note them because other people may be in this room may need to respond to some of the questions that are asked.

I'd also like to make an acknowledgement of country, and that's one of the slides in our pack. I acknowledge the Gadigal people of the Eora nation, and their Elders past, present and emerging. Important that we do so, particularly on this project where we have an underlying commitment to engage with the ancestors and the general community now. And it's under a design principle that's underpinning everything that have been doing.

The agenda has been set up to respond – the contents of the presentation have been set up to respond to the agenda, and I think we cover all the things that have been requested. We'll start with the vision and background, talk about the consistency with the concept approval and design excellence, then go through the design and the environmental and amenity impacts.

Just on our vision, you will see that some of the key things that are part of our vision is all about being a living waterfront, an area that connects with country, has a principle of layered and tactile terrain, and a heightened sense of belonging. You'll see some of these themes coming through everything that we present as part of the design.

We do have an underlying theme for Harbourside, and that's about returning to Tumbalong, where all are welcomed. And you can see the cockleshells in the image there, which are a reference back to the original landscape that was here and the people who are custodians of the land before we came here.

We have three place commitments that we have strongly adhered to. We set these out in consultation with our stakeholders and partners right from the start of the development, including our State Government partners, Placemaking NSW. And that's about ensuring that this precinct is people centric, it's about precinct experience, and it's about partner engagement.

This next slide looks at the journey that we've been on to date and where we hope to end the next short to medium period. It starts at the top with the process with New South Wales Government and the unsolicited proposal that enabled us to come forward and put a proposal forward to develop this land. We've noted there the concept design approval that indeed go to the IPC for approval back in 2021, which enabled us to progress on the planning journey which included design excellence and in particular, the design competition that was undertaken to awarded to our successful architects.

We then strategically had three detailed planning applications for the Stage 2 planning application process. The first one was a DA enabling the excavation and civil works, and that was approved at the end of 2022 and works got underway

shortly thereafter. We then had the main building works approved at the end of 2023, and that's indeed the work that's being undertaken at the moment. And in blue there, the third and final detailed DA is for the public domain components in and around the development that's already approved.

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We have had significant engagement with the Design Integrity Panel as part of our design excellence process. We work very closely and hand-in-glove with Placemaking NSW, who are the landowner, and we work collectively with them to develop the design of this public domain. They provide their input, then we consult with them, they provide their endorsement through landowners' consent as we move forward for each DA and in these construction certificates.

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The next slide goes into a little bit more detail. The four columns there start with the concept DA which was approved, the first and second detailed DA which have been approved, and lists on the right-hand side, this third and final public domain DA. And I won't go through it all, but this is what has been referred to the IPC by the Department.

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This next slide here is an image of the site as it exists today, or on Friday, indeed. And you can see that construction related to the second DA is well advanced. The middle part of the screen you can see the emergence of the tower starting to come up. And on the left-hand side you can see the podium has been built up to level 5, which is the roof of the podium level. And on the far right you can see a small bit of structure which is being built up to level 2, which is the roof level of that side of the podium.

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There's a couple of missing gaps in there, and that's because there's some basement works that need to catch up to be infilled there. But shortly there will be a consistent structure across that extent of podium area.

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And if we just toggle now, you can see some of the key public domain areas that are up for approval, and where they sit in the context of the site. First and foremost in the blue down the bottom is the public promenade, the Waterfront Promenade which extends right across the front of it. And if we toggle back, you'll see that that has not commenced yet. That's sits outside of a hoarding line currently.

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There then, number 2 in the green on the right is where the public park, Waterfront Garden, exists. And that's where I mentioned we're up to level 2. So, where that park is going to be situated, there is a structure that has been created. And then there's some further components which are probably best looked at in CGIs because they are not quite built yet.

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So, coming to the CGI which is looking at the base area and the waterfront area. You can see by numbers that the various different elements of the public domain that's being presented in the context of the overall development. There's one other purpose for this slide as well, and this is to distinguish what's going to be remaining and developed and delivered for Placemaking NSW and be handed over to government, and that's Waterfront Promenade (number 1) and also the bridge

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(which is number 6 on the top right).

All the other areas which are highlighting public domain, whether it be number 2, the public park, 3 and 4, the stairs up to the public park, 7 and 8 which is a through-site link, 7, 8, 9, which are through-site links, and 5 which is a new bridge – they're all going to be developed and then retained in the ownership and operation by the developer or Mirvac as an ongoing entity involved in the project.

It is a flagship project for us. We not only have acquired the land back historically, but we intend to be a partner and involved in this development beyond completion and into operation.

These next two slides just highlight in plan the curtilage for the public domain areas. The first one, the one's that up on screen at the moment, is level 2 – no, sorry, up on level 2 is number 2 which is the public park, and number 3 and 4 which is the stairs, and levels 5 and 6 which are the two bridges. Number 5 is the bridge, the new bridge yet to be built. And number 6 is an existing bridge which will be retained but has needed to be in the short term modified as part of the redevelopment, but it will be a bridge that is retained.

Then just the other floor plan is at ground level, so the waterfront level. And that shows number 1 which is the waterfront area. The through-site links at ground level, it's items 7 and 8. The arrival experience at number 9 and the U-shaped Darling River just adjacent to the Darling Drive northbound and southbound lanes, the vehicular access into the project.

Again, just a representation of what the development consists of. The big circle on the left represents the approval of the Concept Stage 1 DA, where the GFA and the envelope and demolition were approved. And then we have what is represented in the smaller circles, which is the other components of the DA which has come through. And just through these tags that will come up on the screen in a moment, looks at what components were approved through the previous DAs. The retail, the office, the residential apartments, and the basement areas have all been approved through the other DAs. And it's the top right, the large component of public domain space which is the content of this application.

Very worthy of noting and trying to summarise many years of work done in three graphical categories. Some work that's been done by the project team and passionately as well. And when I refer to the 'project team', it's both the broader team associated with Mirvac but also with Placemaking NSW who we partnered with for the development in the public domains area, but a really strong focus on connecting with country. And then just five examples of how we've developed that component for the various components of the project in line with the connecting with country principles that were set up at the start. With the right cultural advisors involved, the right community engagement, and a lot of education as well for us and for our broader partners as well on that front, that we're really proud of and really have associated ourselves with and to undertake.

The design for dignity component is another strong part of it. This comes back to our underlying theme that Tumbalong and Harbourside is a place for everyone, and we want to ensure that the accessibility of Harbourside is there for all people of all ages and people with various disabilities, and the amenity is there for people who are less fortunate or not as able bodied as everyone.

Then a third stream which is just around community engagement. And we go into a little bit more detail and specifics on that. But we've tried to have consistency across the full development of the project and indeed as part of this application, specific engagement with the various stakeholders and the community.

That's articulated in a little bit more detail on this page here. Specifically for this DA where we had, we started with a pre-lodgement online survey which helped inform our design in our application. In 2023, we undertook a number of face-to-face focus groups around activation and events, public art, around the universal access and design with various community and industry representatives. We had a significant number of in-person information sessions as part of the consultation, together with a number of face-to-face meetings. So, there's been a significant amount of consultation over that period of time leading up to now.

Then the final slide there is really just at the tail end of some of – sorry, not the tail end, but it's part of the progress through and the response to submissions. A couple of examples of how the design has been amended to respond to those submissions that were made as part of the application process. So, I won't call them out here because I think they will be called out as we go through the design, they will become evident.

So, we'll move to section 2, and I will hand over to Alexis Cella who will talk about the consistency with concept approval and design excellence.

MR ALEXIS CELLA: Great, thanks Andrew. So, yes, Alexis Cella, Director of Ethos Urban. Before I kick off, do we want to just pause there – are there any questions from the Commissioners, or are you happy for me to continue?

MR RICHARD PEARSON: Not yet, I'm fine.

MR MILLS: Continue on, thanks.

MR CELLA: Great. Thank you. So, as Andrew mentioned, he's given us an overview of the planning process to date that's been going over many years. Part of that process, post approval of the proposal, was a design competition, an international competition with six highly esteemed competitors. Where we were fortunate with Snohetta and Hassell being the designers.

So, post that competition there was a design integrity process requirement under the concept proposal that Mivac had to go through, to ensure the original design idea that the winning team put forward would be held up through the detailed design and ensure there was that continuity and integrity in the ultimate design.

And so you can see here, Mirvac has fully committed itself, the project team, and a lot of resources have gone into a number of meetings. We're up to DIP meeting 19. You will see here, before each application was lodged, there was a requirement to seek endorsement from the DIP to support the design.

So, our first DIP endorsement was at DIP 10, so that supported the lodgement of SSDA 2, the base building approval which is now under construction. And importantly, DIP 13 is where we secured endorsement to lodge SSDA 3 through the public domain DA that's under your consideration today.

Thanks. Next slide. So, as noted, our first key approval was for the concept approval, SSDA 7874 where your former Commissioners had a key role in that, so determined by the IPC, importantly improved envelope land uses, GFA, along with physical works involving demolition. And as part of that approval, there were a number of conditions which required to be addressed as well as complied with in that future detailed DA that we're looking at today.

It is worth noting that there have been, as is typical for any kind of major project of this size, a number of modifications that have happened post approvals. There have been four key modifications done where an idea was taken from concept to detailed design, so we needed to respond and ensure that that concept proposal remains consistent with the detailed design. So, there have been four modifications that have been progressed so far.

So, next we've got a few slides that just take us through the consistency with the concept DA. I'm conscious of time, so I might just briefly touch on these, but I also refer to the Department's Assessment Report, Appendix C, they've also done a comprehensive assessment of our proposal and its consistency with the conditions as well.

But I might just quickly touch on ... So, A13 is a requirement for Mirvac to provide this new amazing public space. So, there was a requirement around its size, the RL level, that it had to be delivered at. And other design features such as ensuring single level, highly accessible, and ensure a relationship that is positive and supportive with the State-listed Pyrmont Bridge.

So, I'll be handing over to Sam shortly, from Hassell, who will take us through the detail and how exactly –

MR PEARSON: Can I just – sorry, Andrew, can I just ask one question regarding the soil mounding which was approved through modification. So, is that a maximum 800 millimetres high, is that what you're saying there?

MR CELLA: Correct. So, we've got a maximum RL set at RL 13.3, which is what we're abiding by. So, we've got soil mounding in isolated locations up to that as a maximum to support the greater project.

MR PEARSON: Okay. And the reason for that is to enable root growth for mature trees; is that the point of the soil mounding?

MR CELLA: That's correct.

MR SAM WESTLAKE: Yes. It's to achieve sufficient depth but also volume for the trees.

MR PEARSON: Okay. Thank you.

MR CELLA: So, yes, I suppose we just touched on A13A there which, Richard, as you picked up, so that was a new condition that was approved as part of modification 3, which allowed for that soil mounding to occur.

A14, again, just provides a bit more specifics around how we designed the Waterfront Garden, the 3,500 square metres of public open space, what we're allowed to put in it and what we can count towards that 3,500.

Next slide. So, this was post approval, this was a condition, I believe, I think I recall the IPC imposed, ensuring suitable separation between our new development and Pyrmont Bridge. So, the need to ensure there's sufficient separation, so there was a requirement to provide a 15-metre offset set back off Pyrmont Bridge, which our design has adopted.

The next two conditions talk about permeability, accessibility, connections to Pyrmont. The key attribute of our proposal is previously the existing shopping centre presented quite a barrier from an east-west perspective to Pyrmont Bridge. So, these conditions were imposed to ensure the site was opened up and able to be accessible to all the community, to enhance pedestrian accessibility, not just to Pyrmont, but also down to the water edge as well. So, we've definitely been able to tick all those boxes.

C4A is a condition imposed through a modification which specifically related to the design of Bunn Street. So, a lot of detail and effort went into the design of Bunn Street which we're really happy with, where we've arrived at with that new connection through the site. Sorry.

C12 is a condition around how we use and operate these future spaces. Conscious of, obviously the community is located around our site – we put a lot of effort and energy into ensuring that what we put forward respects that context whilst also providing an amazing new amenity for Sydney.

C13, again, more operational aspects related to the public open space, you know, ensuring it is 24 hours accessible 7 days a week, a high-quality design, highly activated as well.

C15, getting to specifics around the types of planting which I'll be passing to Sam shortly, he can take us through how design has incorporated all of these

requirements. That there's been quite an extensive design team involved in tree selection, responding to climate, Indigenous factors as well. So, the final design is responsive to those elements.

5 And then C25 as well, and we'll touch on this a little bit later. But the key factor in our design has been to really consider and balance the need to provide amenity in these new public open spaces but also ensuring impacts both to public and private use are minimised as well. We've managed to do that through the proposal.

10 So, that's it from there, and I'm just going to hand over to Sam now to take us through the design in more detail. Thank you.

MR WESTLAKE: Hi all, my name's Sam Westlake, Senior Associate and Landscape Architect from Hassell representing the design team. I'll just take you
15 through the public domain design.

Important to note that the concept of Harbourside is as a singular landscape surface which sweeps across the podium, otherwise known as the base, which creates a unifying form reconnecting the site to its context. Driven by the qualities
20 of water and sandstone, this ecologically diverse landscape transitions down from Pymont over the ridges and slopes of the base to the escarpment of the Waterfront Garden before reaching the waters of Tumbalong on the Waterfront Promenade.

Next slide. Here we have the ground floor plan. The team have already described the areas. I guess a key note here would be with respect to the Waterfront
25 Promenade, we have both an upper and a lower walkway and we'll show some of that in a visualisation shortly. But key to note that the stairs and walkway ramps which provide universal access across the length of the promenade as well as connection through the North and South Walks to the Darling Drive Arrival.
30 There's also an additional through-site link to the north of Darling Drive Arrival, which provides further connection through to Pymont Bridge and the northern side of Darling Harbour.

Next slide. On level 2, we have the Waterfront Garden. So, the public path which provides a direct connection off Pymont Bridge to Harbourside. There are
35 additional connections provided through the Pymont Bridge Steps, which are in between the bridge and the north side of the Waterfront Garden.

The Waterfront Steps which are to the south, provide that connection down to the Waterfront Promenade. What you also get a glimpse of here is the Bunn Street
40 Bridge which goes over Darling Drive, and of course the North Bridge.

Next slide please. This artist impression illustrates the concept of the base as a unifying landscape. Green sweeps across the southern podium in front of the
45 central podium in front of the tower and beyond to the Waterfront Garden. The concept is supported and enhanced by the generous tree canopy along the Waterfront Promenade. And the promenade considers Harbourside within the broader context and experience of Darling Harbour and builds on the recent

upgrade of adjacent precincts while setting a benchmark for the ongoing revitalisation of the Cockle Bay Waterfront.

5 Next slide. The Waterfront Promenade offers a continuous yet varied pedestrian experience that provides clear and accessible connections overlaid with landscape. An elevated tree-lined walkway surrounded by understorey planting immerses pedestrians in landscape while strolling under the shade of canopy trees.

10 The upper walkway provides access to the licensed seating area and supports the generous lower walkway that you can see here, which is the primary pathway connected to the broader Sydney Harbour Foreshore Walk (Yananurala). Furniture and fixtures are set back from the path to achieve a continuous and unobstructed 6-metre-wide lower walkway to accommodate large volumes of people.

15 Next slide. Retail frontages activate and passively monitor the public domain, balancing functional and aesthetic requirements to create flexible, comfortable and active licensed seating areas. The positioning of the upper walkway provides pedestrian access along the retail frontages while unlocking depth for soil above the original promenade structure for trees to provide shade, cooling and an
20 essential increase to less than 5% canopy cover on Cockle Bay's western side.

25 Next slide. The Waterfront Garden now. The Waterfront Garden is inspired by country – the colours, textures, flora, water, geology and stories of Tumbalong. Waterfront Garden is a place of sandstone, shaped by water, surrounded by landscape, and with elevated views of the Cockle Bay. Unique in its offering as a local park set on a global stage, the Waterfront Garden provides an accessible and inclusive meeting place for the community, offering shade, amenity, respite and passive recreation for locals and visitors to Darling Harbour and Pyrmont.

30 Next slide please. In line with open space control condition A13, the Waterfront Garden provides a minimum of 35,000 square metres of continuous and accessible public open space above the northern podium. Soft landscaping is integral to the Waterfront Garden and its public amenity provision.

35 Due consideration is given to condition A16, which enables planting and trees to extend above the building envelope, where soft landscaping will enhance the amenity of the public open space. The trees are positioned to minimise detrimental impacts on views from neighbouring properties of the Pyrmont Bridge and the harbour, while maintaining an appropriate level of tree canopy cover to provide
40 shade, cooling and amenity to this public park.

45 The table below outlines key metrics related to the public domain. Key items include an increase to the Waterfront Promenade area between concept and SSDA 3 RtS. Exceeding the 10,200 square metre minimum requirement for public domain area. Achieving the 3,500 square metres for the Waterfront Garden.

In response to a submission received as part of SSDA No. 3, there is a slight reduction in tree canopy cover in the Waterfront Garden from 28% to 27%.

However, the 27% meets the City of Sydney's "Greening Sydney Strategy" for 27% tree canopy cover for the LGA by 2050. Tree canopy cover for the Waterfront Promenade has increased in response to consultation with Placemaking NSW.

MR ALEX WASHER: Hi. Alex Washer from Acoustic Logic. We put together the noise impact assessment to support the application. As part of the response to submissions, there were two key elements relating to acoustics. One being construction noise, and the other being operational noise.

So, for construction noise, the key thing to note is that the activities which are going to be conducted on site are generally significantly less noise intensive than what has occurred in the past in relation to demolition, excavation, structural works, etc. So, the majority of noise impacts will be in relation to landscaping.

The concept consent conditions refer back to the same guidelines as was assessed in the report, being EPA and City of Sydney guidelines. And both of these provide methods to control noise and vibration impacts to all surrounding land uses. Based on these assessments, all of the receivers around the site are below the highly noise affected management level.

And there's also a number of mitigation measures which have been proposed to further reduce the noise impacts to these receivers. There will be a further detailed management plan that's prepared as part of construction certificate works, which in response to the actual construction methodology which is further developed, will further refine all of those mitigation measures just to ensure that any impacts are minimised as much as feasible.

In terms of works to date, so it's been mentioned there's been other approvals in terms of SSDA 1 and 2. All of those have had similar noise conditions imposed on them, and in terms of the management of noise and vibration from the site, that's all been undertaken very effectively to date. There's been no issues in terms of compliance metrics, noise and vibration monitoring has been ongoing, and has demonstrated compliant for all of those conditions.

Operational noise from the Waterfront Garden was another key item in terms of response to submissions, and more specifically in terms of Murray Street residents. The image that you've got on the screen shows the noise propagation from the site – that's not just from the Waterfront Garden, that's from Waterfront Promenade retail uses that have been approved under previous applications also.

The important part of that is that the design of the building has been such that the noise generally has been directed towards the waterfront areas in the Darling Harbour area which is a highly activated entertainment zone, and then in use of the building forms, a selection of activities which are currently undertaken, has ensured that the noise impacts to the residential elements to the west of the site are minimised as far as possible. So, for the Waterfront Garden, passive activities are generally proposed, the consumption of alcohol other than in licensed areas is

prohibited.

We have done an assessment of the noise that would be generated from the Waterfront Garden both with and without the contribution from other sources on the site. Both of those show that the cumulative noise is reasonable and of low impact to surrounding residents, and noise from the Waterfront Garden itself is either at or below the existing background noise levels for the area.

MR PEARSON: Can I just ask a question on that, please. Richard Pearson. So, there have been fairly significant changes proposed to how the Waterfront Park or Garden is going to be used going forward, I believe. Can you confirm like what actually will be occurring in the Waterfront Garden in terms of activity?

MR ANDREW COLANGELO: I might pick up that question, Richard. So, Andrew Colangelo from Mirvac. So, we first embarked on having much more active uses in that garden, there was much more facilitation of having larger events. Through the community consultation process, what we have heard is that there was a real desire for a place of respite, a green respite not only for those living – sorry, for those who were visiting in Darling Harbour, but also in Pyrmont.

So, we effectively pivoted to the [unintelligible 00:36:10] design to essentially make it a passive use space. It's got the limitations of populations in that space as well. I think that the design demonstrates that there are varied levels of assembly to the space, it sets for a small portion of the lawn that's at the centre of the garden. And that's obviously had the benefits of the noise breakouts from that space as well.

So, yes, there has been a pivot to a local, in the character of a local park for the community with passive uses.

MR PEARSON: Thank you.

MR CELLA: Okay. I might just quickly touch on the security and lighting. So, the design complies with all Australian Standards in terms of lighting. And the application's also been through a comprehensive CPTED study and analysis. This CPTED study built on earlier CPTED reviews as well.

We just thought worthwhile calling out specific conditions which the Department have imposed which are pretty standard and typical, which we support and will carry through in the detailed designs, and that just ensures the lighting is designed and ultimately installed to ensure it's an appropriately lit safe space and doesn't cause nuisance either.

It's importantly its worth noting that it's a requirement for Place Management to be ultimately involved in that sign off and approval of as well, given their role more broadly across the precinct. And then lastly, that condition, B16 as well, around ensuring we implement all the recommendations of the CPTED review

again in consultation with Place Management NSW.

We thought it worth highlighting as well on the next slide – pardon the pun – but Mirvac has engaged specialist lighting designers, Spiers Major, to help inform the lighting design, so it will be a key feature of the proposal but done in a really careful and considerate way to ensure uniformity and are respectful that the activities that are going to be occurring.

And then lastly, well not lastly, a couple more points just to talk about in terms of views. As Sam’s mentioned before, we’ve really tried to balance achieving an appropriate canopy cover that supports a whole range of different objectives and have really improved the amenity of the space. Whilst also cognisant of the need to protect views as well. So, noting that 40% canopy cover objective of New South Wales Government, we’re kind of hitting that City of Sydney objective at 27%. We feel that’s the right outcome, the right balanced outcome for this garden, you know, ensures views are provided for.

We have been really strategic around where trees are being placed. The types of trees that we’re incorporating as well, provide for those filtered views through the site, through to the water, through to Pyrmont Bridge as well.

And then next –

MR MILLS: Sorry, can I just jump in and weigh in on tree types. Are they deciduous or evergreen?

MR WESTLAKE: They’re locally native evergreen trees.

MR MILLS: Thank you. Shelley, you may need to get closer to the microphone.

MR KENDALL CLYDSDALE: Yes, feel free to type it in as chat if you wish, Shelley, and we can ...

MR PEARSON: You’re on mute, Shelley.

MS SHELLEY PENN: Yes, not the problem. Just please continue.

[All say, “We can hear you now”.]

MS PENN: You can hear me now?

MR PEARSON: Yes.

MS PENN: I don’t know what was the problem. So, while I’ve got you, the computer doesn’t like it when there’s a lot going, but anyway. I just wanted to ask more on trees, I tried earlier as well, noting that the volume height [unintelligible 00:41:00].

MR MILLS: Sorry, Shelley, we're not catching what you ... I'm not quite sure whether Mirvac is catching it in their bigger room.

MR CELLA: No, unfortunately.

MS PENN: I'll just type it in.

UNKNOWN SPEAKER: Thank you, Shelley.

MR CELLA: So, just more on views. Obviously, this goes to the point around soil management. Obviously, tree size is influenced by the amount of soil that a tree is placed in. Obviously, this is an aboveground structure local park, so the fact that these trees – there are concerns around the community, are these trees going to be 20 or 30 metres high. Obviously, there's a natural limitation to how big these trees will be, just given the nature of the trees being located on a structure as well.

We might move on. We can come back to trees, Shelley, once your queries come through.

And then, sorry, yes, lastly, heritage. So, there aren't any heritage items specifically located on our site but we do acknowledge there are local and state heritage items that adjoin our site, including Pymont Bridge. Importantly, some of the key considerations are ensuring the protection of the setting of Pymont Bridge were established under that concept proposal approval. So, the nature of the SSD 3 landscaping will continue to ensure the protection of Pymont Bridge and help enhance its setting. It provides a new amazing park and space for people to come and visit and actually experience a view of Pymont Bridge that's never been available before, so it's quite an exciting opportunity.

And then just also acknowledging the importance of archaeology, both European and also Indigenous archaeology importance on this site, which Mirvac will fully embrace, and that'll come through in terms of a whole range of interpretation and public art to come as well. So, just on that, there are two key conditions, B27 and B8 that the Department's recommended which require the preparation of a Heritage Interpretation Plan and its implementation as well. So, that will also be done in consultation with Place Management NSW as well.

And we can see your questions now, Shelley. I might pass that to Sam.

MR WESTLAKE: Yes. So, in relation to the depth, so the 800 is specific to the distance between the RL 12.5, which is the finished paving level. And the RL 13.3 which is the approved maximum mounting height. We do have the benefit of an additional couple hundred of mil below the finished deck level before it meets the structural slab level, and that provides the metre we need for the larger trees, particularly some of those *Angophora* and *Corymbia*'s which you saw noted in the presentation which have that open canopy.

Otherwise, due to the extensive work we've done through our planting collective,

which is a group of consultants consisting of an arborist, an Indigenous planting specialist, soil scientist, and ecologist, we have worked with them to ensure that the species we have selected as well as the soil that is being specified is appropriate and sufficient for what we have.

MR MILLS: And on the lighting questions?

MR OLIVER MAXWELL: Just on the specialist lighting. Oliver Maxwell, Development Manager at Mirvac. So, specialist lighting was one of the items identified as requiring further resolution in DIP 13, which was the endorsement DIP for the public domain. So, under recommended condition B1 by the Department, we are required to seek further DIP review of the specialist lighting, yes, and also from Place Management NSW.

MR PEARSON: Can I ask a question, Andrew? Were you surprised by the level of opposition to this proposal when it was exhibited? And do you think the objections have at all eased, given the changes that you've made through the response to submissions? I don't know what sort of contact you're having with One Darling Harbour or other objectors, but yes, those ...

MR COLANGELO: Richard, I'll pick that question up. So, we actively engage on a regular basis with the One Darling Harbour residents in particular, and the owner's committee, but also individuals who live in that building. I think it's fair to say that as it went through the original concept design, it was a very vexed issue. I think that the level of concern, I think, has sort of waned over the last couple of years. We've got a really positive engagement with them, we have lots of great conversations.

I think that there is still an underlying concern, particularly around some of the residents of the lower levels of the apartment building around the potential of their view loss, that is very evident in our conversations. However, I think that it is difficult to demonstrate view enhancement and view loss in the submissions, and taking the residents on the journey, I think, is really important.

I think just one other point is that as we have started to build the project and as we have topped out the northern portion of the garden area, that there has been comments of surprise that it's not as high as what they thought that it would be. And I think that that sentiment is going to continue on as we build more and more.

MR TOBIN: I'll make one further point. Andrew Tobin here. That there were submissions for retaining the northern bridge, and some submissions in favour of removing the northern bridge. Our proposition in this application is to retain it. So, there was a duplication of submissions – not, when I say duplication, there was submissions for and against, which meant even some who were, I guess, effectively supporting the fact that it was being retained, albeit there was a submission made in that regards. So, I think there's been some clarity provided now on that particular aspect.

MR CELLA: And just lastly, it's worth pointing out that the exhibition occurred in August 2023, so I would be hopeful, you know, if this application was to go on re-exhibition today, that there would be a drop. I think people are more comfortable with the idea of the project happening. I think they appreciate Mirvac doesn't have any sneaky plans to do anything other than what they've committed to do, so.

MR MILLS: This is a follow up to that, might I ask. You've spoken about taking residents on the journey, and there obviously have been changes and so on along the way. Have you been able to go back to residents after making those changes, the impacted ones, those who objected and so on, and had discussions with them?

MR COLANGELO: We have. We give, particularly the residents of One Darling Harbour, we give them design updates regularly. I guess that the engagement, the early engagement for the public domain DA was quite intense and we've dulled some of the conversations around that over the last couple of months. But I think that this process will re-invigorate those conversations with the One Darling Harbour residents.

MR MILLS: I guess that, just as an observation, we often find that those who have made submissions earlier on in the piece haven't necessarily kept up with the changes that may have been put in place to respond to those submissions. And I just wanted to see whether we're going to get that emerging again or whether or not you've been able to address some of that along the way.

All right. Commissioners, are there other questions that you'd like to ask at this stage? No?

MR PEARSON: I think we've covered the key issues, review of the operational noise and the design of the promenade, were the things I had. Yes, there was, I noticed, a few submissions wanting the northern bridges deleted. What's behind that? Whereas others seemed to be passionately in support of it. Can you just unpack that issue a bit more?

MR COLANGELO: Yes, we can. So, as part of our engagement and particularly on the back of the public submissions, we've thought that we would dig a little bit deeper with the residents, particularly of One Darling Harbour. We undertook three face-to-face on-site tours and discussions with the residents. Approximately – and please don't quote me – but we can certainly come back, I think that there were 40 or to 50 attendees.

There was essentially a 50:50 split in terms of those who saw the benefits of the bridge to remain as the current application states. There was – and principally on the back of the convenience of getting across the road and also the safety for those who were elderly or maybe those with children. And then the other 50% were supportive of the removal of the bridge, principally around the safety concerns of having publicly accessible space directly in front of the apartments. At the lower levels, there's been a number of break-ins and antisocial behaviour. So, it was –

there was a 50:50 split in the community consultation that we did mid last year.

MR CELLA: And just the background. Its original purpose was to provide access to the monorail station on Harbourside. Obviously, that function is no longer required. So, there are mixed views around its importance and benefit.

MR TOBIN: There is arguably an improved public domain outcome for the Waterfront Garden with its removal, so that's another factor in differing views for retention or removal of the bridge.

MR PEARSON: Mm-hm. Okay. Thank you.

MR MILLS: All right. If there's nothing else from the Commissioners here and there's nothing else you would like to add at this stage, thank you very much for the presentation and the time that you've given us, and your answers to the questions. We appreciate that.

MR TOBIN: Thank you, Commissioners.

[All say thank you]

>THE MEETING CONCLUDED