

**From:** Anthony Witherdin <[REDACTED]>  
**Sent:** Thursday, 13 May 2021 10:33 AM  
**To:** Kate Moore <[REDACTED]>  
**Cc:** Amy Watson <[REDACTED]>; Anthea Sargeant  
<[REDACTED]>; David Glasgow <[REDACTED]>  
**Subject:** Harbourside Shopping Centre Redevelopment (SSD 7874)

Dear Kate,

Please find attached the Applicant's response to the Independent Planning Commission's request of 23 April 2021.

The Applicant's presentation to the Commission is available at the following link: [REDACTED]

As outlined in the Department's correspondence of 5 May 2021, we would be happy to provide any further information or analysis of the Applicant's revised proposal, if required by the Commission.

Please don't hesitate to contact me if you'd like to discuss

Regards,

**Anthony Witherdin**  
Director  
Key Sites Assessments  
Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150  
T 02 [REDACTED]



12 May 2021

Mr Anthony Witherdin  
Director - Key Sites  
Department of Planning, Industry, and Environment (Department)

Via email: [REDACTED]

Dear Anthony

## HARBOURSIDE REDEVELOPMENT (SSD 7874)

We refer to the letter received from the Independent Planning Commission (IPC) dated 23 April addressed to the Department seeking consideration of amenity impacts and requesting further options analysis for alternative building envelopes as part of its assessment of the above-mentioned Proposal.

Attached to this letter is the detailed analysis prepared by Ethos Urban and FJMT architects in response to the IPC letter, in addition to the presentation provided to the IPC on 6 May 2021.

In relation to the IPC's requested options analysis, it is noted that the built form massing adjustments would have a devastating impact on the project fundamentals and associated benefits, including:

- A loss of more than 16,000sqm (40%) of employment generating floor space (loss of more than 2,500 jobs);
- A loss of more than 30% of residential floor space (loss of more than 100 homes);
- Undermining the site's State significance and contribution to local, district and regional planning objectives;
- Rendering the project commercially unviable at a time when NSW's recovery from COVID-19 requires the support of important industries such as the construction and development industry – which drive a significant amount of economic activity in NSW;
- Removing the ability of the project to fund and deliver the significant public benefits as envisaged; and;
- Jeopardising the Unsolicited Proposal (USP) process that Mirvac has progressed with the NSW Government, and which is nearing completion of Stage 3.

However, recognising the IPC's desire to explore amenity enhancements, Mirvac has put forward an alternative built form massing option (**Alternative Option**) which largely achieves the amenity outcomes identified by the IPC, whilst simultaneously preserving the project fundamentals and associated benefits.

This Alternative Option aims to address the IPC's specific amenity concerns, in particular overshadowing to the public domain, access to public open space and view loss impacts, while also balancing Mirvac's requirements and ensuring alignment with strategic planning objectives for the site.

In our Alternative Option, Mirvac has identified a number of key moves that can satisfy the IPC's amenity objectives and enhance the urban outcomes beyond the Concept Proposal endorsed by the Department. The key moves and associated benefits are summarised as follows:

Action	Benefit
Reduction of the northern podium height by one level (over 2,000sqm) and removal of the podium cantilever over the northern end of the promenade	<ul style="list-style-type: none"> <li>• Improves visual and physical connections between Guardian Square and the upper-level open space areas.</li> <li>• Provides a direct connection to the upper-level open space from Bunn Street.</li> <li>• Further improves sunlight access to the northern section of the foreshore promenade with a 382sqm increase in direct solar access.</li> <li>• Further improves view sharing for 50 Murray Street apartments.</li> </ul>
Reduction in the tower envelope by 10.2% including re-shaping the envelope and an increased setback from the waterfront	<ul style="list-style-type: none"> <li>• Further improves sunlight access to the waterfront promenade at the winter solstice, with a 1,400sqm increase in direct solar access at 1:15pm.</li> <li>• Improves the relationship of tower to the foreshore promenade</li> <li>• Reduces the tower footprint to 950 sqm GFA</li> </ul>
Re-locate displaced building area to accommodate commercial floor space adjacent to tower + one additional level to tower	<ul style="list-style-type: none"> <li>• Minimises the loss of employment generating floor space which is supported by the Pyrmont Peninsula Place Strategy</li> <li>• Minimal impacts to adjacent properties or public domain</li> <li>• Built form remains within Pyrmont Strategy height designation and will have no appreciable off-site impacts</li> </ul>

The Alternative Option (outlined in the table above) ensures the extensive range of public benefits and upgraded public realm can be funded and delivered by this project. If we are unable to identify a viable scheme, the existing Harbourside asset will remain undeveloped and will continue to negatively impact Darling Harbour for the remaining 65 years of the current leasehold.

In summary, the Alternative Option prepared by Mirvac seeks to achieve an outcome that appropriately balances the considerations associated with developing a high quality, accessible and amenable public domain, the amenity of adjacent residential properties and the need to ensure that the development can be delivered and provide a new world-class mixed-use precinct which provides significant public benefits for all stakeholders.

Should you require any further information or have any queries, please do not hesitate to contact me via email: [REDACTED]

Yours sincerely,



David Hogendijk  
National Development Director – New Business

#### Attachments

1. Attachment 1: Planning Report, prepared by Ethos Urban, dated 12 May 2021
2. Attachment 2: Presentation made to the IPC, dated 6 May 2021

12 May 2021

Anthony Witherdin  
Director - Key Sites  
Department of Planning, Industry, and Environment

Dear Anthony,

## **RE: Harbourside Shopping Centre Redevelopment, SSD 7874 - Response to IPC**

We refer to the above matter and correspondence dated 23 April 2021 issued to the Department by the Independent Planning Commission (IPC) requesting further information.

More specifically, the IPC through its initial review of the project have raised concern around amenity impacts and have requested the Department consult with Mirvac to provide further options analysis for alternate building envelopes, including modelling of predicted impacts.

This response is supported by the presentation provided to the IPC on 6 May 2021 and included at **Attachment A**.

## **1.0 Executive Summary**

The amenity concerns noted by the IPC in relation to the Concept Proposal are acknowledged and Mirvac has carefully assessed the alternative built form massing options as requested.

In summary, the built form massing amendments requested to be examined by the IPC would have a devastating impact on the project fundamentals and its associated benefits, including:

- A loss of more than 40% of employment generating floor space (loss of more than 1,700 jobs);
- A loss of more than 30% of residential floor space (loss of more than 100 homes);
- Undermining the site's state significance and contribution to local, district and regional planning objectives;
- Putting the project's viability at stake at a time when NSW's recovery from COVID-19 requires the support of important industries such as the construction and development industry – which drive a significant amount of economic activity in NSW;
- Compromises the ability of the project to fund and deliver the significant public benefits as envisaged; and
- Potentially jeopardizing the USP process that Mirvac has progressed with the NSW Government and to date reached Stage 3.

Importantly, Mirvac has taken on board the feedback from the IPC and tested alternative built form outcomes that aim to address the concerns while also balancing Mirvac's requirements and ensuring alignment with strategic planning objectives for the site.

There are a number of key moves proposed within Mirvac's alternative option that are capable of achieving improved urban outcomes beyond that recommended in the Department's report to the IPC. The key moves and associated benefits are summarised in **Table 1**.

**Table 1 Mirvac Alternative Building Envelope Option Summary**

Key Move	Benefit
Reduction of the northern podium height by one level (3.65m) and removal of the podium cantilever over the northern portion of the foreshore promenade	<ul style="list-style-type: none"> <li>Improves visual and physical connections between Guardian Square and the upper-level open space areas, supporting a contiguous area of 3,500sqm of publicly accessible open space.</li> <li>Provides a direct connection to the upper-level open space from Bunn Street.</li> <li>Further improves sunlight access to the northern section of the foreshore promenade (382sqm improvement in direct solar access at 1pm June 21).</li> <li>Further improves view sharing for 50 Murray Street apartments.</li> <li>Creates a full 14m wide foreshore promenade open to the sky.</li> </ul>
Reduction in the tower envelope by 10.2% including an increased setback from the waterfront	<ul style="list-style-type: none"> <li>Further improves sunlight access to the foreshore promenade (1,400sqm improvement in direct solar access at 1.15pm June 21).</li> <li>Improves relationship of tower to the foreshore promenade.</li> <li>Reduces tower footprint to 950sqm (GFA) supporting a slender tower.</li> <li>Preserves adequate flexibility for design excellence.</li> </ul>
Re-locate displaced building area to accommodate commercial floor space adjacent to tower + one additional level to tower	<ul style="list-style-type: none"> <li>Minimises the loss of and prioritises non-residential/employment generating floor space which is supported by the Pyrmont Peninsula Place Strategy.</li> <li>Minimal impacts to adjacent properties or public domain</li> <li>Built form remains within Pyrmont Strategy height designation (RL170) and will have no appreciable off-site impacts</li> </ul>

In summary, the alternative proposal prepared by Mirvac seeks to achieve an outcome that appropriately balances the considerations associated with developing a high quality, accessible and amenable public domain, the amenity of adjacent residential properties that enjoy views across the site and the need to ensure that the development can be delivered and provide a new world-class mixed-use precinct with the resultant significant public benefits for all stakeholders.

## 2.0 Urban and Strategic Planning Context

It is important to clearly understand the planning context for the site when reviewing options for alternative built form outcomes. As emphasised in our previous discussions and presentations to the IPC, the strategic direction for Pyrmont (including Harbourside) has recently been established by the NSW Government with the adoption of the Pyrmont Peninsula Place Strategy (PPPS). Pyrmont's locational advantages in terms of its proximity to Central Sydney, context within the Innovation Corridor and recent announcement of a new metro station has been embraced as part of its next evolution as the Western Gateway to the CBD (**Figure 1**).

The vision and aspiration for Pyrmont is evident in Premier Gladys Berejiklian's announcement of endorsed PPPS:

*"Today we are sending a clear message that Pyrmont is open for business and ready to be taken to the next level," Ms Berejiklian said.*

*"We are, for the first time, treating Pyrmont and the Western Harbour precinct as the gateway to the CBD.*

*"For our city and State to continue to be the jobs capital of the nation, we need this area to be revitalised. We have successfully transformed Barangaroo into a spectacular waterfront precinct and are in the midst of revitalising Central.*

*"Pyrmont is the next frontier."*



**Figure 1** Pyrmont and Western Harbour Precinct as the Gateway to the CBD

The NSW Government's recognition of the project's alignment with the aspirations for Darling Harbour and Pyrmont is recognised through the progression of Mirvac's Unsolicited Proposal to Stage 3.

The Harbourside site is identified as one of only 4 key sites within the PPPS (refer to **Figure 2**). These key sites are critical to the vision for Pyrmont, with these sites doing most of the heavy lifting in terms of achieving the jobs and residential growth forecast. The Harbourside key site for example is identified in the PPPS as supporting significant uplift with a tower of up to RL170 achievable. This balanced approach to growth (with the most intensity to be accommodated at key sites) responds to community feedback around preserving the broader character of Pyrmont.

The existing planning controls for the Harbourside site (Darling Harbour Development Plan No. 1) are already structured so as to fully realise and support the delivery of this identified key site and all of its associated public benefits.

Any impacts therefore resulting from the delivery of this key site and its contribution towards the new vision for Pyrmont need to be considered in this context.

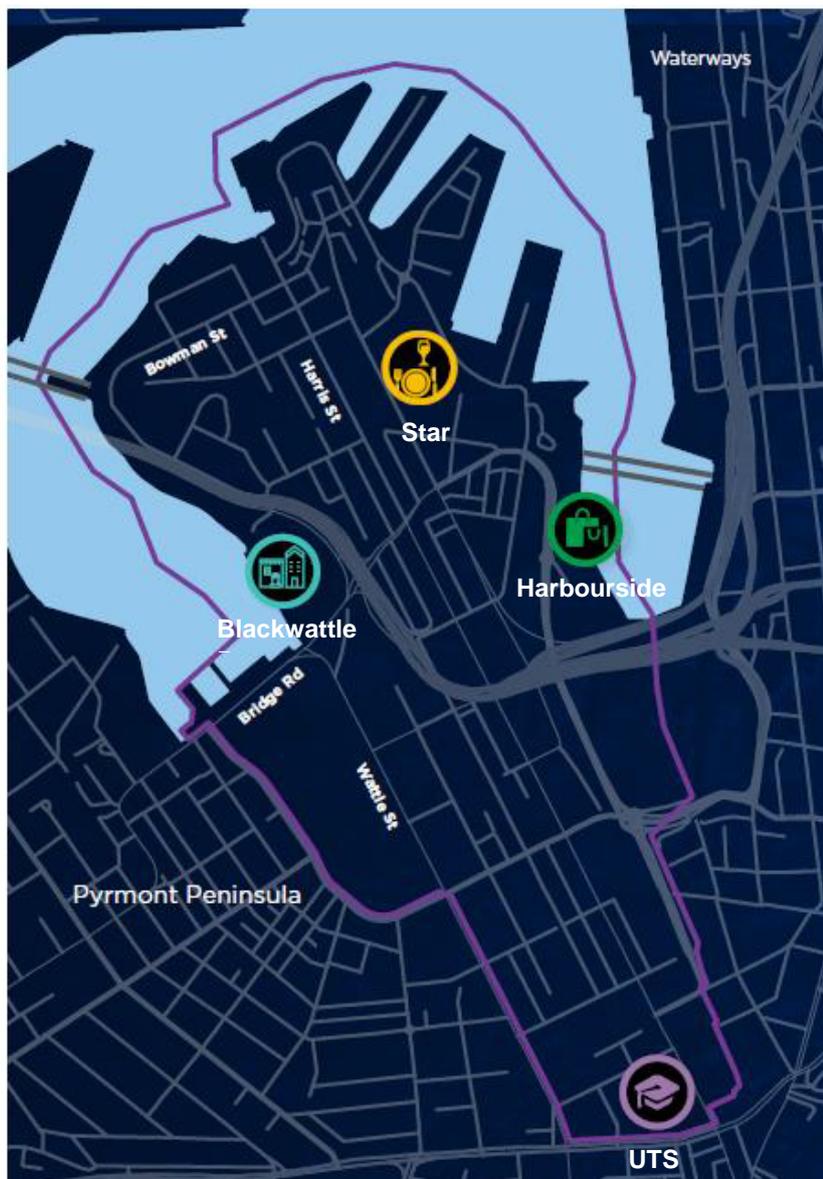


Figure 2 Pyrmont Key Sites

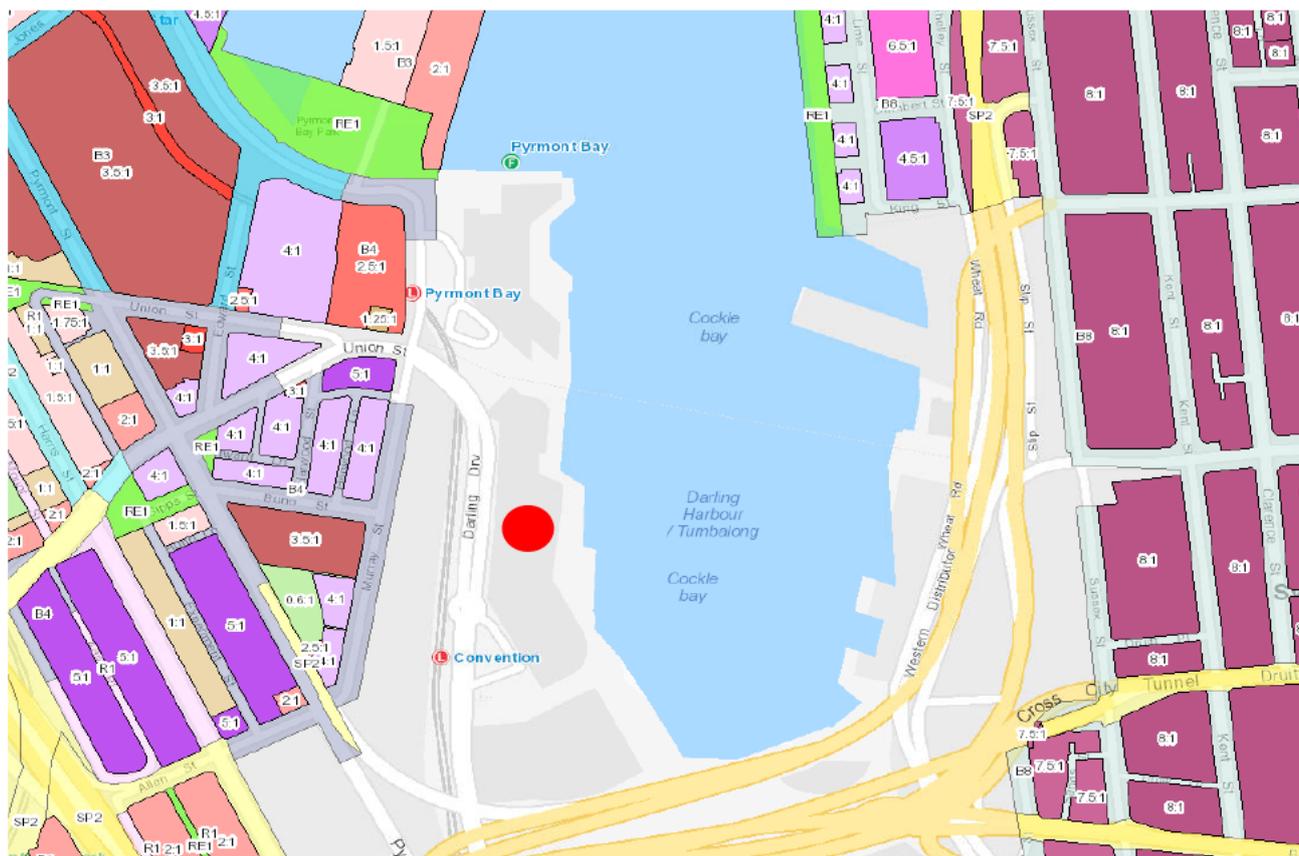
The reasonableness of the development from an existing and future character perspective is also worth emphasising.

Darling Harbour and Sydney for that matter has significantly evolved since it played host to the celebration of Australia’s Bicentennial in 1988. Purpose built for the celebration, the Harbourside Shopping Centre no longer supports and integrates with the substantial renewal and transformation that has occurred and continues across the Darling Harbour precinct.

With the existing development having a Floor Space Ratio (FSR) of around 1:1, it is substantially below and out of character with the area and is misaligned with site’s identified strategic significance.

The FSR controls that currently apply across the broader Pyrmont Peninsula range from 1:1 – 5:1, with the FSR applying to the eastern side of Cockle Bay and the broader CBD ranging from 4:1 – 12.1:1 (refer to Figure 3).

Acknowledging there are no FSR controls that apply, Mirvac’s proposal for the redevelopment of Harbourside is at a moderate 4.24:1 and therefore considered more than reasonable and consistent with the precedents approved and established within Darling Harbour and surrounds (refer to Table 2) as well as the planning controls that apply within the surrounding areas.



● The Site

Figure 3 Existing FSR Map

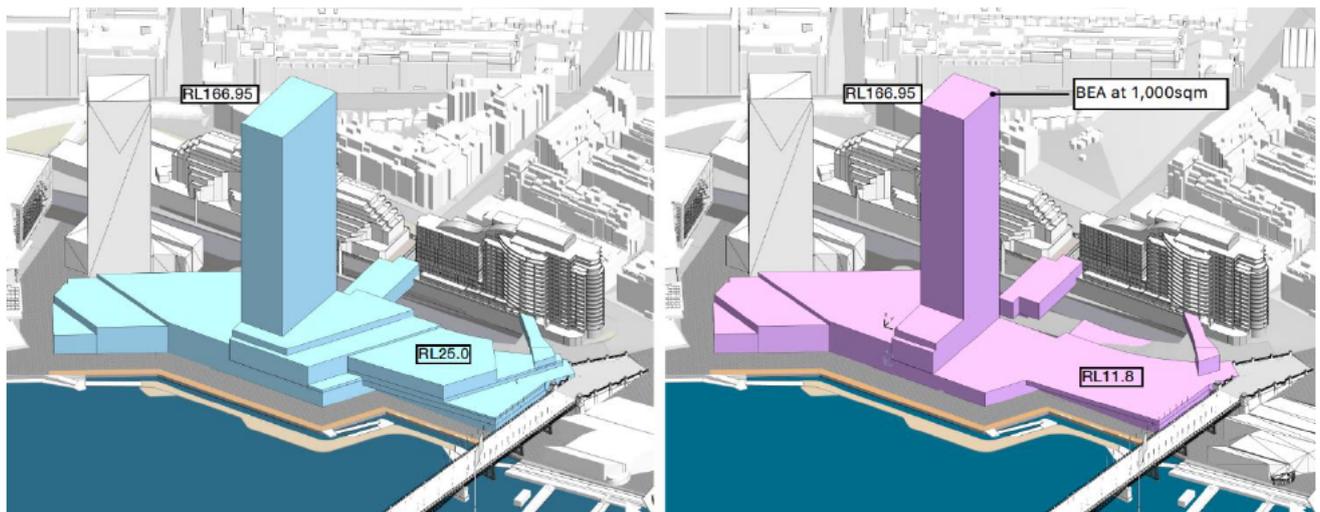
**Table 2 Density Comparison Study**

Site / Project	Site Area (sqm)	Max Height	Floor Space (sqm)	FSR
<b>Harbourside</b>	<b>20,500</b>	<b>RL167</b>	<b>87,000</b>	<b>4.24:1</b>
The Ribbon	10,855	RL93.5	54,877	5.05:1
Cockle Bay Wharf Redevelopment	24,900	RL183	89,000	3.57:1
Daring Square	43,880	RL138	197,236	5.2:1
Sofitel	3,700	RL133	37,090	10:1
187 Thomas Street	2,351	RL226	47,000	22:1
Western Gateway:				
<ul style="list-style-type: none"> <li>• Atlassian</li> <li>• Dexux / Frasers</li> <li>• Toga</li> </ul>	<ul style="list-style-type: none"> <li>• 3,486</li> <li>• 9,362</li> <li>• 5,450</li> </ul>	<ul style="list-style-type: none"> <li>RL200</li> <li>RL205</li> <li>RL211</li> </ul>	<ul style="list-style-type: none"> <li>77,000</li> <li>155,000</li> <li>43,000</li> </ul>	<ul style="list-style-type: none"> <li>22.08:1</li> <li>16.5:1</li> <li>7.88:1</li> </ul>

### 3.0 IPC Options Analysis

In its correspondence the IPC requested analysis of an alternative building envelope option that involves significant reductions to the northern podium height and tower envelope.

Figure 4 below illustrates the building envelope as recommended by the Department for approval together with the building envelope option requested by the IPC to be analysed.



**Figure 4 Building Envelope Comparison (left: recommended for approval and right: IPC option)**

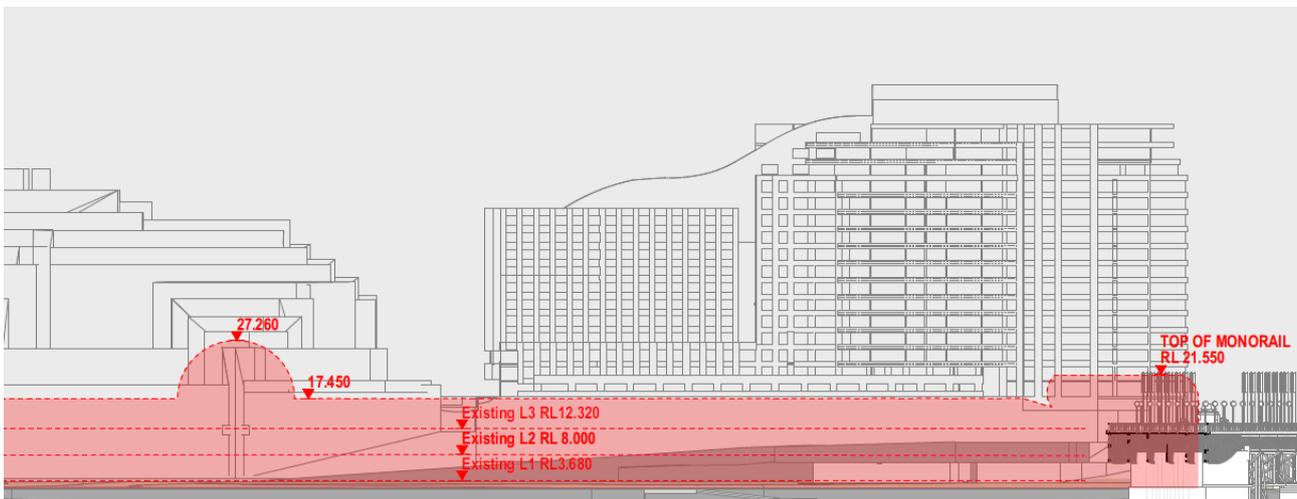
### 3.1 Northern Podium

The option requested to be analysed includes reducing the height of the northern podium to a maximum height of RL11.8 (refer to **Figure 5**).



**Figure 5** IPC option – reduction to northern podium height

In reviewing this option it is important to appreciate that the existing Harbourside Shopping Centre has a predominant maximum height of RL17.45 (refer to **Figure 6**). So an option to reduce the proposed northern podium envelope to a height of RL11.8 would be significantly lower than the existing development on the site (over 5m lower). As a principle an option that involves reinstating a building that is significantly lower than the existing development is therefore considered unreasonable.



**Figure 6** Existing Harbourside Shopping Centre

A further factor that should be considered when reviewing this option is the broader context of buildings that adjoin and front Cockle Bay. As illustrated in **Figure 7** below, there is a predominant podium height that ranges from RL17 (existing Harbourside Shopping Centre) to RL30. More locally, it is noted that the Maritime Museum to the north of the site has a height of RL37.13 and the ICC to the south has a height of RL48.2.

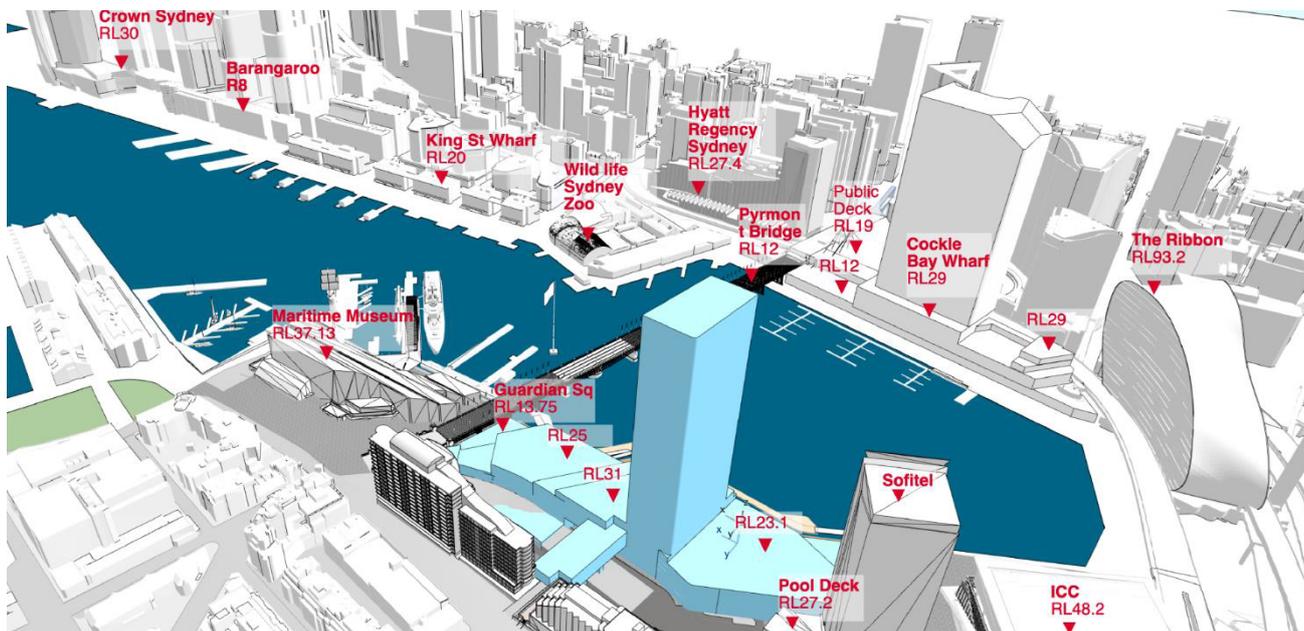


Figure 7 Podium Height Study (current envelope illustrated in blue)

Fjmt have undertaken a study as to the implications of the design in order to accommodate a maximum northern podium of RL11.8 (refer to Figures 8 and 9). This study reveals that the reduced envelope would have the effect of only supporting a single level of retail at ground level, as there would not be enough height below RL11.8 to accommodate the necessary floor to floor heights for a second level of retail/commercial (provision for only 2.05m where 4m is required).

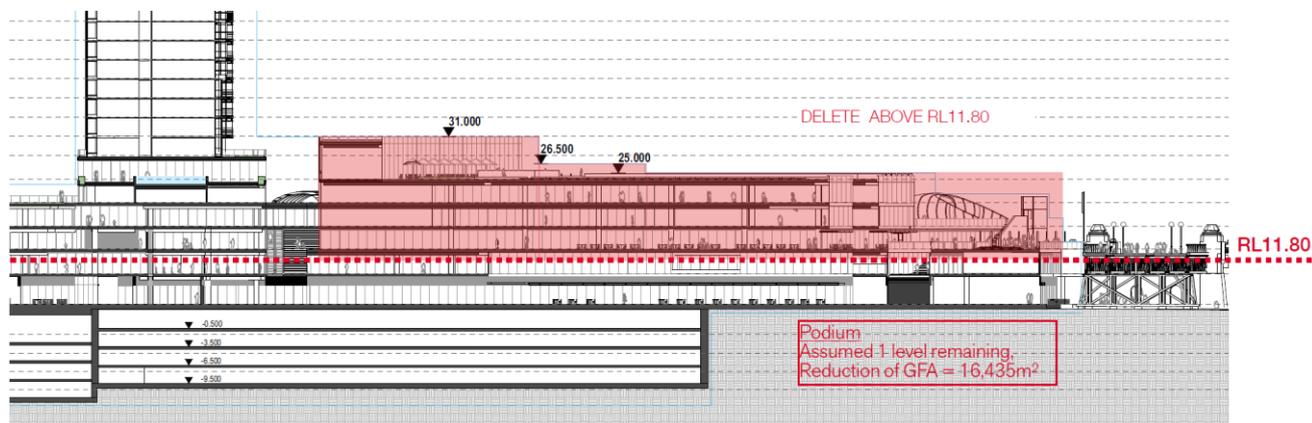
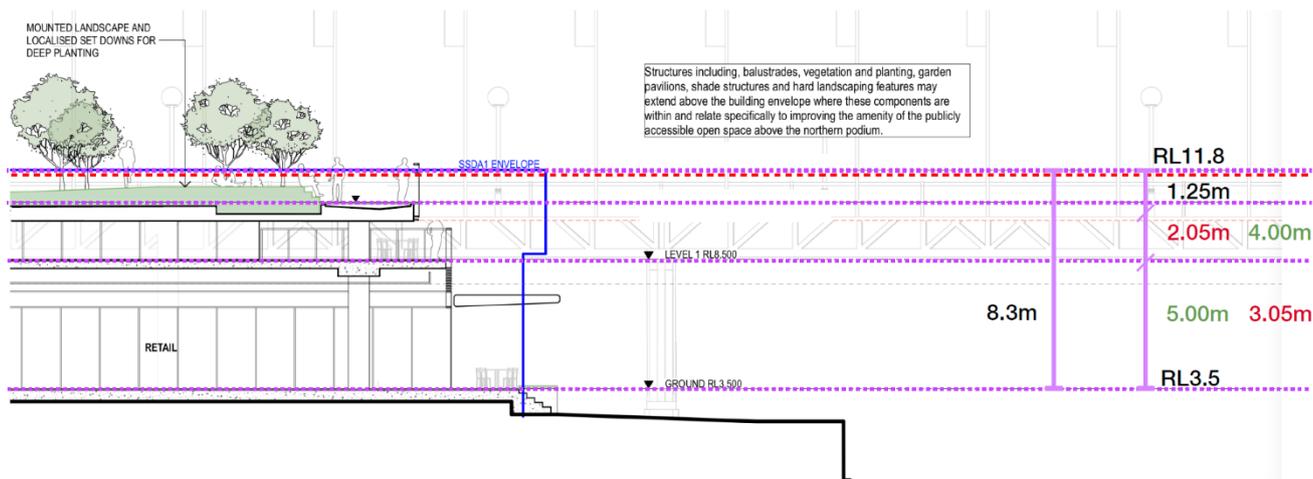


Figure 8 Overlay of design impact to northern podium



**Figure 9 Design impact to lowered northern podium**

### Implications

An option that imposes a maximum height limit of RL11.8 on the northern podium would have the following implications and outcomes:

- It would result in the substantial loss of circa 16,000sqm (approx. 44%) of employment (commercial) generating floor space, equating to a reduction of over 1,700 jobs;
- Undermine the proposal's alignment with the strategic planning objectives for Pyrmont and the broader Innovation Corridor established within the Regional Plan, District Plan and Pyrmont Peninsula Place Strategy;
- Compromises the ability of the project to fund and deliver the public benefits as envisaged;
- Conflicts with the objects of the EP&A Act – that seek to promote the orderly and economic development of land;
- Reduces the built form to less than the existing centre height (RL 17.45);
- Results in a built form that is inconsistent with the prevailing character of podium buildings fronting Cockle Bay;
- Displaces built form and floor space that is not able to be accommodated or redistributed elsewhere across the site;
- Creates an unbalanced massing outcome, focussed on the centre and southern end of the site; and
- Erodes the northern end of the site to only one level of retail that is disconnected from the balance of the site.

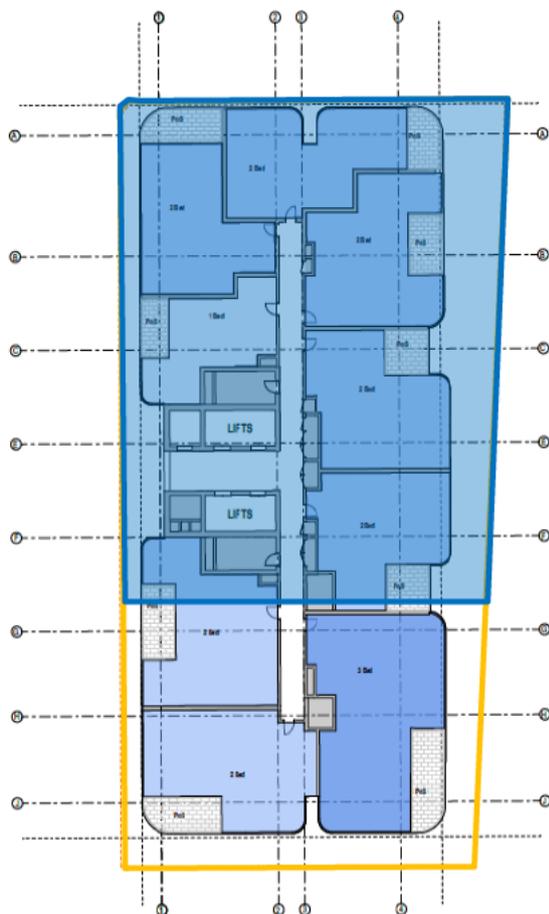
The premise of the PPPS is to support key sites such as Harbourside to unlock significant growth with a trade-off that this growth is supported by the provision of significant public benefits, via improved public domain outcomes. The Harbourside project in terms of its current overall proposition (uplift and public benefits) is finely balanced, however the imposition of the alternative building envelope identified by the IPC for assessment and consideration would cause the project to no longer be viable.

### Tower Envelope

The IPC seeks to test an option that involves reducing the tower envelope from its current size of 1,507sqm down to 1,000sqm. Table 3 and Figure 10 illustrate the impact such a reduction would have in terms of the size and floor area able to be accommodated within a typical tower level.

**Table 3 Tower Floor Plate Analysis**

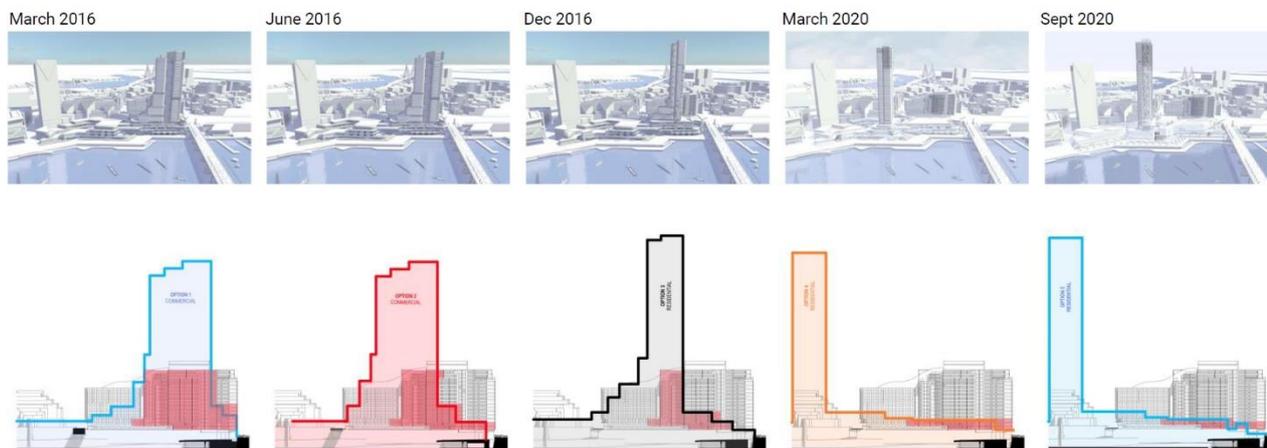
	Tower Building Envelope Area (BEA)	Volumetric utilisation control	Gross Building Area (GBA)	Gross Floor Area (GFA)
Current	1,507sqm	76% (actual) 80% (condition)	1,150	948sqm
IPC Option	1,000sqm	80%	800	659sqm
<b>Reduction</b>	<b>33%</b>	-	<b>30%</b>	<b>30%</b>



**Figure 10 Tower Floor Plate Analysis (current envelope in yellow and IPC option in blue)**

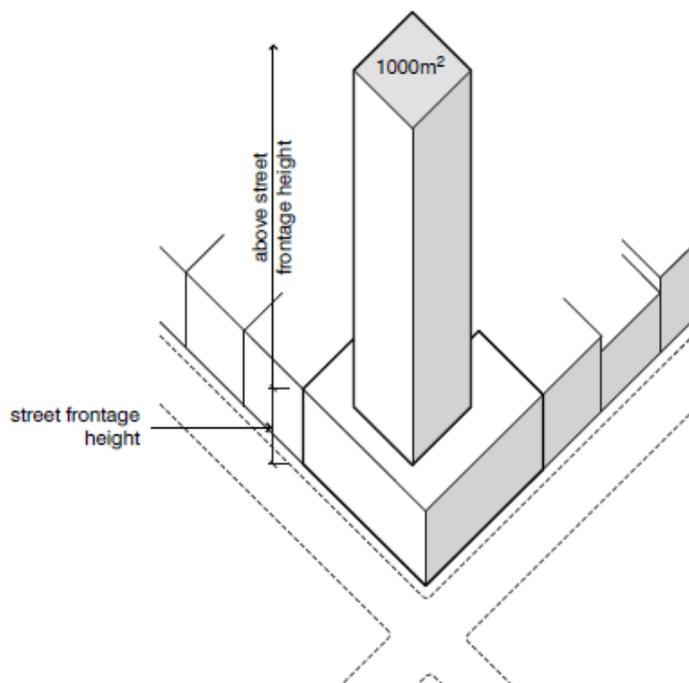
It is understood the request to investigate a reduced tower floor plate is in part an attempt to align with the Explanation of Intended Effect (EIE) for a new Design and Place SEPP released for public consultation in April 2021. Referring to our previous response on the status of this document (dated 4 May 2021), it is clear that this slated new SEPP is in its infancy, subject to change and not yet State government policy. Little to no weight should therefore be placed on this EIE, including in terms of influencing a specific development/numeric outcome for the project.

It is worth revisiting the evolution of the size of the tower plate for the project also, with the original proposal by Mirvac involving a commercial office tower with an envelope size of 2,500sqm (some 40% larger than a residential tower). This decision by Mirvac to pursue a residential tower delivered significant benefits in terms of improving view sharing, reducing overshadowing, and providing a better urban design response (refer **Figure 11**).



**Figure 11** Tower envelope evolution and improvement to view sharing

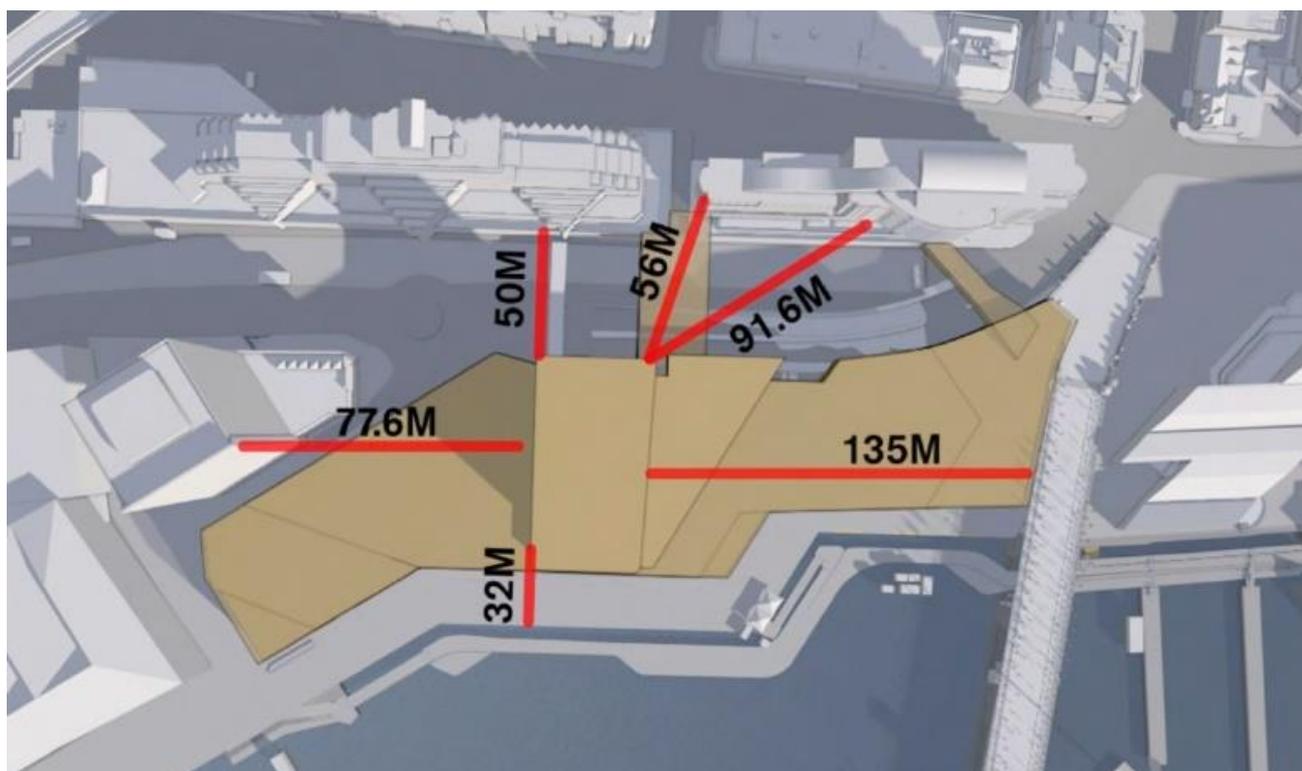
The option analysis to explore reducing the building envelope (BEA) to 1,000sqm would also deliver a tower floor plate that would be significantly below that considered by the City of Sydney as suitable within Central Sydney for residential development. Referring to Sydney DCP 2012, a maximum floor plate size of 1,000sqm (GFA) is established for residential buildings (refer to **Figure 12**). The objective for this control is to ensure visual and daylight impacts on the public domain are reduced. This benchmark is considered the most appropriate for the project, and hence why it has been proposed to be adopted.



**Figure 12** Sydney DCP 2012 – Residential tower floor plate size

There is also precedent within the Darling Harbour State Significant Precinct where the Minister for Planning (as consent authority) considered floor plates similar in size to the proposal as acceptable, this includes at Darling Square (tower floor plate at 951sqm GFA) and the Sofitel Hotel (tower floor plate at 950sqm GFA).

A final factor to consider when reviewing the suitability of tower floor plates is its context and relationship to surrounding buildings. Higher density areas such as centres (where there is predominance of tower buildings) often require adoption of setbacks/reduced tower floor plates in order to ensure an adequate level of amenity is achieved at the ground plane. As illustrated in **Figure 13**, the proposal achieves significant separation and space (min 50m) between the tower and surrounding buildings. The tower envelope also only represents 7.5% of the total site area.



**Figure 13** Tower separation

### Implications

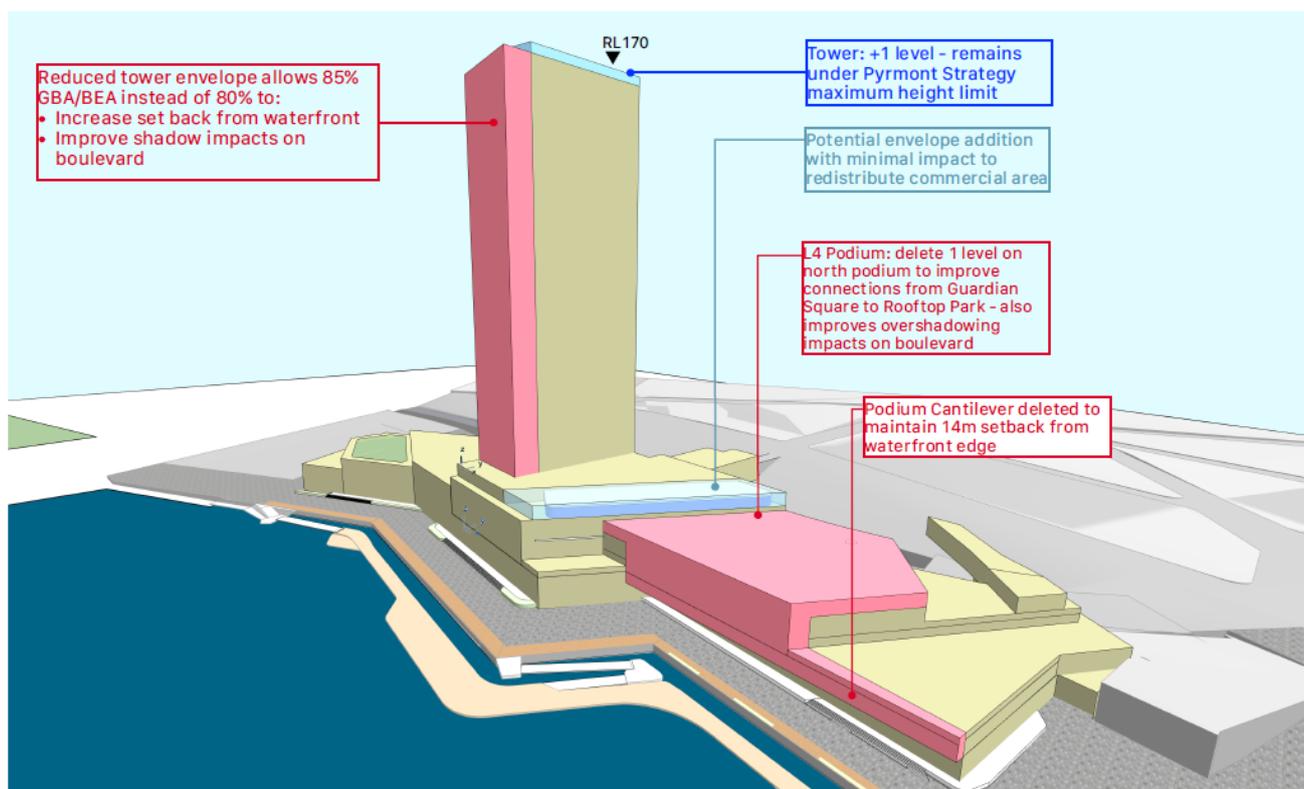
An option that reduces the tower floor plate to 1,000sqm (BEA) and a GFA of around 659sqm would have the following implications and outcomes:

- It would result in a significant loss of residential floor space (over 30%);
- Undermine the proposal's alignment with strategic planning objectives, including providing housing close to jobs and near public transport (loss of more than 100 homes);
- Undermines the ability to realise housing forecasts/targets set by the NSW Government for Pyrmont, as outlined within the Pyrmont Peninsula Place Strategy;
- Will place additional pressure on other sites across Pyrmont to deliver additional housing to offset the reduced capacity of the subject site;
- Conflicts with the objects of the EP&A Act – that seek to promote the orderly and economic development of land;
- Compromises the ability of the project to fund and deliver the public benefits as envisaged, including affecting affordable housing contributions; and
- Results in a built form that is inconsistent with City of Sydney planning controls.

## 4.0 Alternative Option Analysis

We have demonstrated above that the option identified by the IPC to investigate will have a range of implications, including undermining the site’s contribution to the strategic planning objectives for Darling Harbour and Pyrmont more broadly, together with making the project no longer viable.

Mirvac have accordingly developed an alternative option that importantly addresses the underlying concerns of the IPC in terms of further increasing solar access to the public domain, improving access to public open space, and further reducing private view impacts while balancing Mirvac’s vision and the project’s viability (summarised in **Figure 14**).



**Figure 14 Mirvac Alternative Built Form Envelope Option**

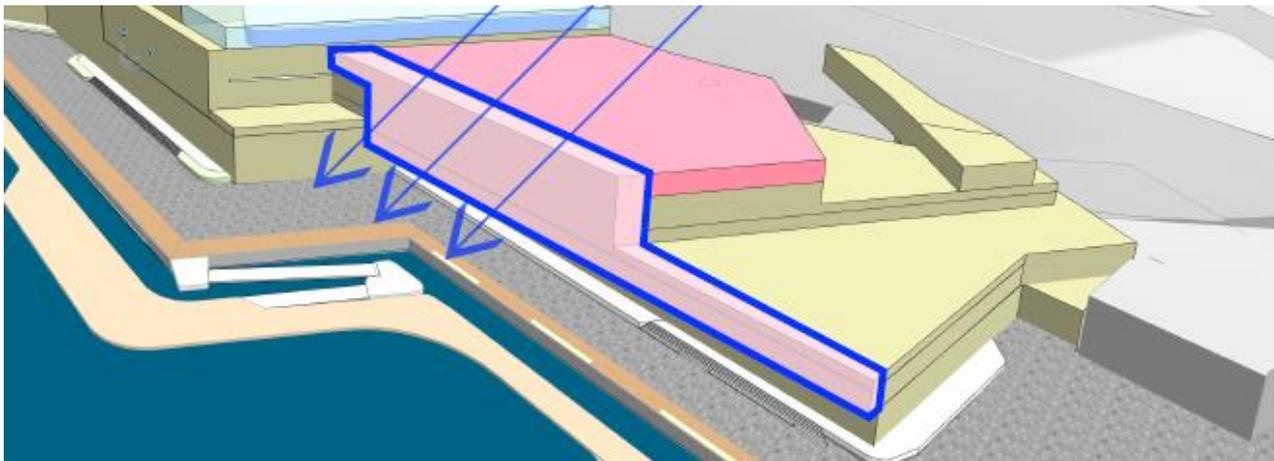
The alternative built form option is further described below under each of the amenity areas of concern raised by the IPC.

#### 4.1 Overshadowing to public domain

##### Podium

Two key moves are proposed to the northern podium in order to improve solar access to the public domain:

1. Removal of podium overhang to foreshore – achieving a consistent 14m setback to the foreshore (refer area in pink in **Figure 15**).
2. Removal of an entire level of the podium (from RL25 to RL21.35) – refer to area in red in **Figure 15**.



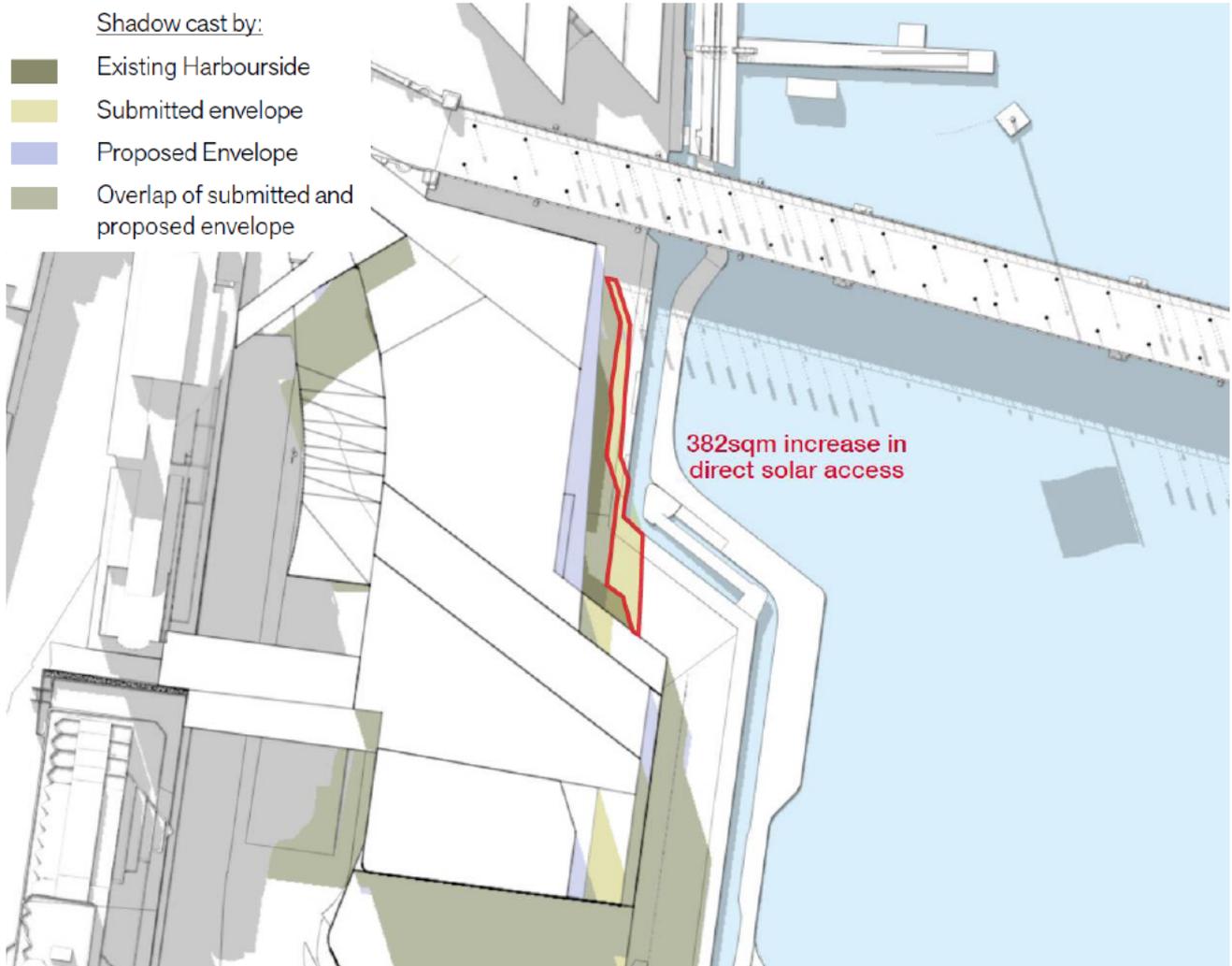
**Figure 15 Podium – Alternative Building Envelope Option**

A view from the western end of Pyrmont Bridge of the alternative building envelope option (indicative design) is provided within **Figure 16** as requested by the IPC.



**Figure 16 View from western end of Pyrmont Bridge of Mirvac's alternative building envelope**

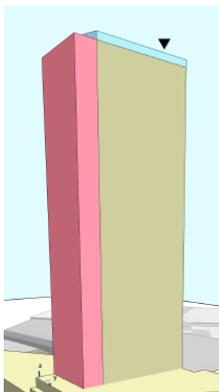
Detailed shadow diagrams are included within **Attachment A**, with an extract from June 21 at 1pm provided in **Figure 17** below. The area highlighted in red illustrates the additional solar access able to be provided to the foreshore promenade as a result of adopting the alternative building envelope option. In other words, this area in red is overshadowed under the current submitted envelope, and when adopting Mirvac's proposed alternative building envelope it would receive direct solar access.



**Figure 17** Shadow Diagram – 21 June, 1pm (area highlighted in red represents reduced overshadowing)

### Tower

The tower Building Envelope Area (BEA) is also proposed to be reduced in order to further enhance solar access in the public domain. This is to be achieved through increasing the setback of the tower from the foreshore from 32m to 36m (refer to area in red in **Figure 18**).



**Figure 18 Tower – Alternative Building Envelope Option**

It is also proposed to adjust the tower volumetric utilisation control from 80% to 85%. Guidance is again being taken from proposed City of Sydney planning controls in terms of ensuring an acceptable amount of design flexibility and architectural articulation is able to be accommodated within Mirvac’s alternative building envelope. In this regard, Council’s *Guideline for Site Specific Planning Proposals in Central Sydney* (refer **Figure 19**) identifies that for a building of around 160m that there is acceptance for adopting a tower volumetric utilisation control of 90%. So Mirvac’s alternative building envelope option to adopt 85% is considered supportable.

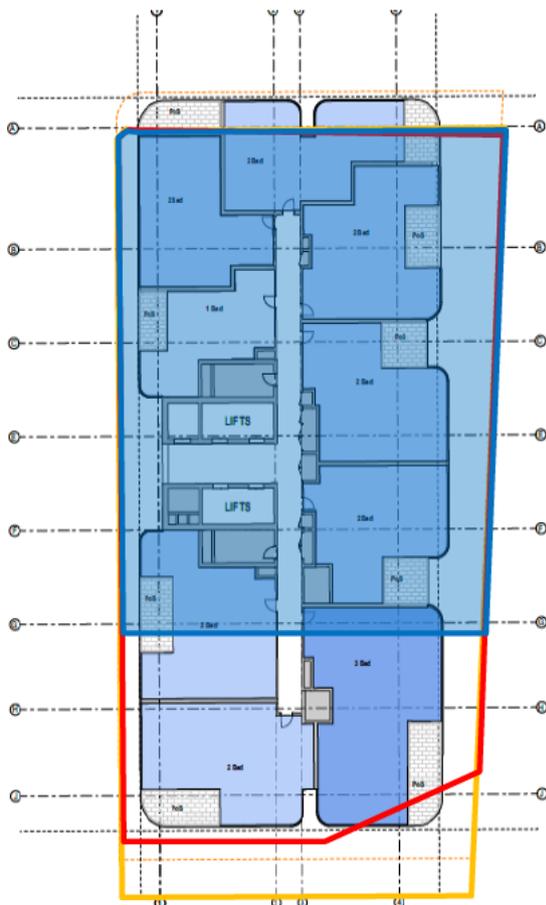
<b>Architectural articulation</b>	<p>A minimum proportion of the entire design envelope for architectural articulation and external façade depth and external sun shading (not occupied by floor space) of 8.0% plus 0.5% for each 10metres in height above 120m up to a maximum value to 16% articulation.</p> <p>Note: the proportion (percentage) is established according to the maximum building height, this proportion is then applied to the whole envelope.</p> <p>120 metres – 8%</p> <p>160 metres – 10%</p> <p>200 metres – 12%</p> <p>240 metres – 14%</p> <p>280 metres – 16%</p>
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**Figure 19 Extract from City of Sydney Guidance for Tower Envelope Utilisation**

A comparison between the current tower floor plate and Mirvac’s alternative option is provided in **Table 4** and **Figure 20**. Crucially, the building envelope is reduced in size and ensures a future tower is setback further from the promenade and foreshore (increasing from 32m to 36m), while also continuing to achieve a viable floor plate for Mirvac (assuming 85% utilisation is applied) and aligns with the City of Sydney’s controls in terms of floor plate size and envelope utilisation.

**Table 4 Tower Floor Plate Comparison**

	Tower Building Envelope Area (BEA)	Volumetric utilisation control	Gross Building Area (GBA)	Gross Floor Area (GFA)
Current	1,507sqm	76% (actual) 80% (condition)	1,150	948sqm
Alternative Option	1,353sqm	85%	1,150	948sqm
<b>Reduction</b>	<b>10.2%</b>	-	-	-
IPC Option	1,000sqm	80%	800	659sqm



**Figure 20 Tower Floor Plate Comparison (current envelope in yellow, alternative option in red, and IPC option in blue)**

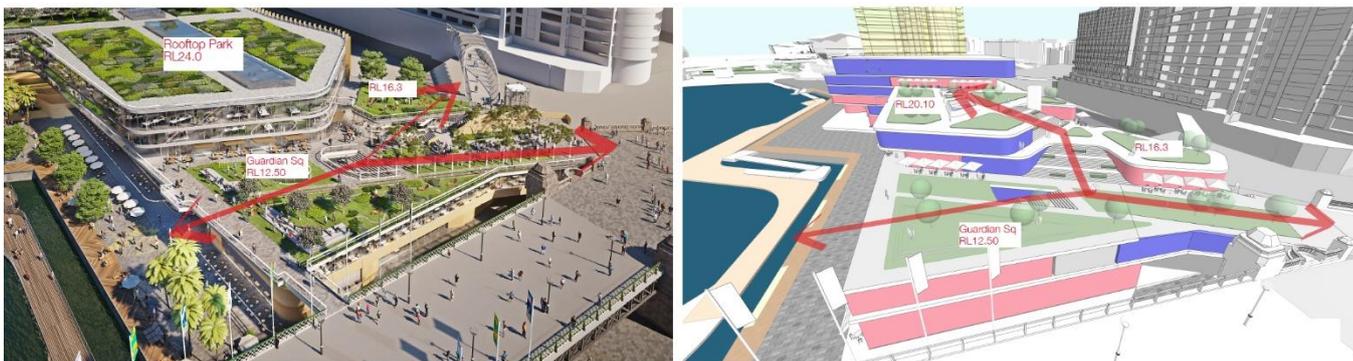
As noted, detailed shadow diagrams are included within **Attachment A**, with an extract from June 21 at 1.15pm provided in **Figure 21** below. The area highlighted in blue illustrates the additional area of the public foreshore promenade that will receive direct solar access as a result of adopting the alternative building envelope option. In other words, this area in blue is overshadowed under the current submitted envelope, and when adopting Mirvac's proposed alternative building envelope it would receive direct solar access.



**Figure 21** Shadow Diagram – 21 June, 1.15pm (area highlighted in blue represents reduced overshadowing)

## 4.2 Access to Public Open Space

Through reducing the upper-level podium height by a level it enables the committed 2,000sqm of public open space to be lowered in height which has the added significant benefit of improving direct and convenient access to this space from Guardian Square and Pyrmont Bridge (refer to **Figure 22**). Fjmt have developed an indicative design that now illustrates clear and visible connections across the various levels of the 3,500sqm of public open space (refer to **Figures 23 – 24**). It has always been Mirvac’s intent to ensure the 3,500sqm of public open space is accessible and contiguous, with this option now assuring this outcome is more readily and easily achievable.



**Figure 22 Northern podium current proposal and alternative option**

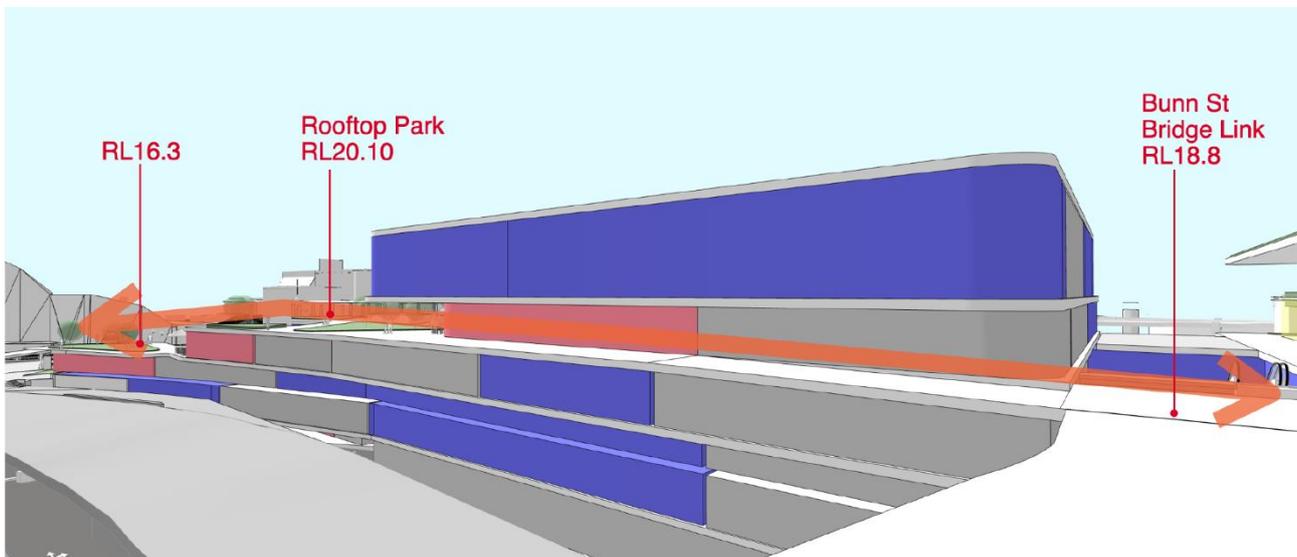


**Figure 23 Aerial view of improved connectivity and access across public open space**



**Figure 24** View of alternative option from entry to Guardian Square

This alternative option also supports level access and connectivity from the new Bunn Street Bridge to this rooftop public open space (as illustrated in **Figure 25**) and down through to Guardian Square and Pymont Bridge etc.



**Figure 25** Opportunity to link new Bunn Street Bridge to northern public open space

### 4.3 View Loss

A further key improvement to reducing the height of the podium is the further reduction in private view impacts experienced from apartments within 50 Murray Street. Noting the current proposal has already been deemed acceptable and reasonable in terms of view impacts by both the proponent and its experts along with the Department, this alternative building envelope option would further strengthen the justification for supporting the proposal (refer to **Figures 26 and 27** below and **Table 5**). Fjmt have prepared images from a select number of apartments within the low-rise of the building (being that portion most affected), including Apartment 201 (refer to **Figures 25 and 26** below and **Table 6**) and 501 (refer to **Figures 28 and 29** below and **Table 5**) which were both visited during the IPC Site Inspection.

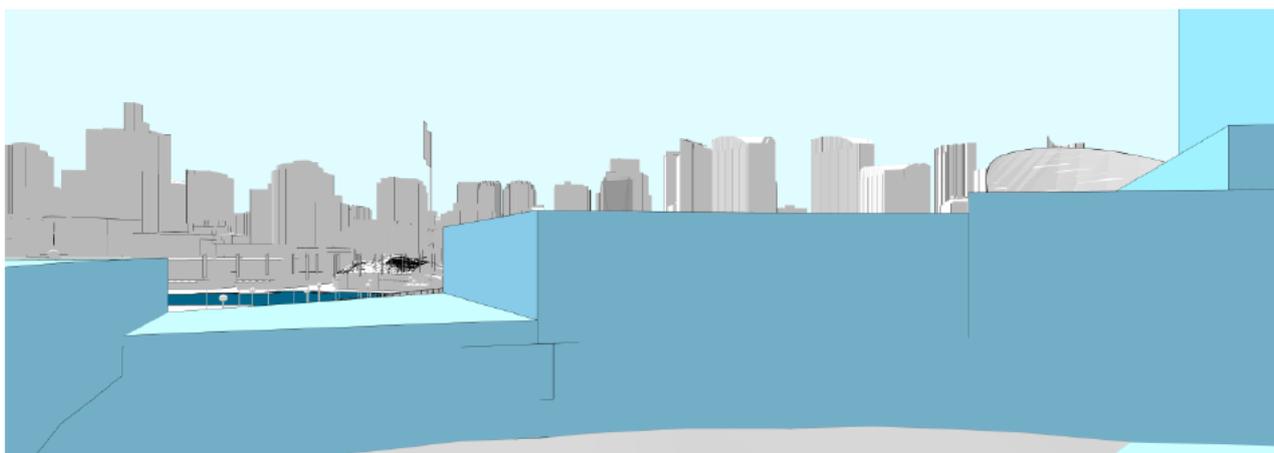


Figure 26 View from 50 Murray St - Apartment 201 (Current Proposal)

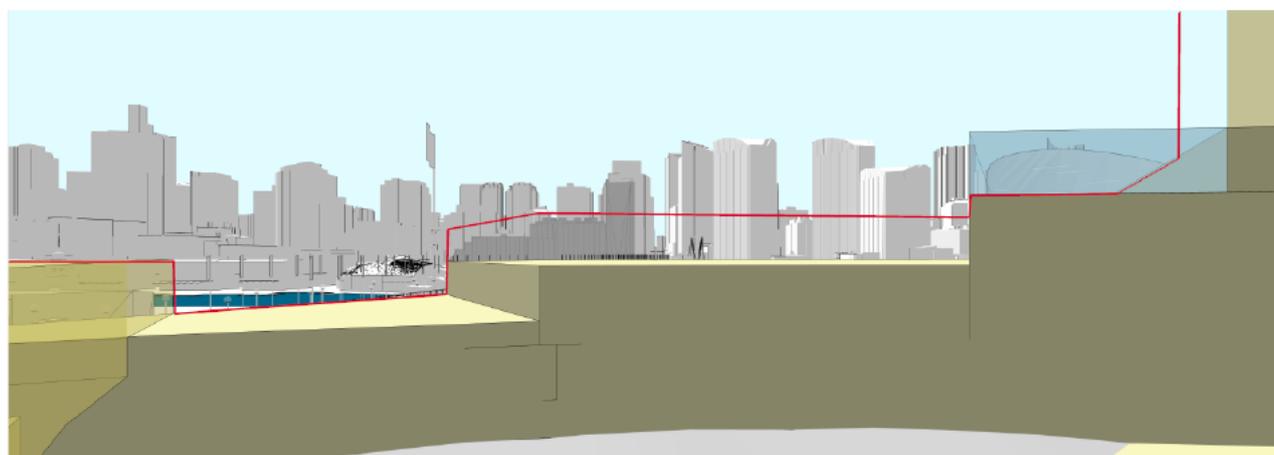


Figure 27 View from 50 Murray St - Apartment 201 (Alternative Building Envelope Option)

Table 5 Visual Impact Analysis (Apartment 201)

Existing Views	Extent of impact (current proposal)	Extent of impact (alternative building envelope)
<ul style="list-style-type: none"> <li>• Foreground views of pedestrian bridge, redundant monorail structure, Darling Drive and Harbourside Shopping Centre.</li> <li>• Middle-distance views of Pymont Bridge and partial/restricted water views of Cockle Bay (including land-water interface).</li> <li>• Expansive distant views of CBD Skyline (including Centrepoint Tower).</li> </ul>	<ul style="list-style-type: none"> <li>• Pymont Bridge obscured.</li> <li>• Reduction in water views, including land-water interface views.</li> <li>• Minor/partial enclosure of distant sky views towards south-east.</li> </ul> <p>The visual impact is summarised as <b>severe</b>.</p>	<ul style="list-style-type: none"> <li>• Pymont Bridge obscured.</li> <li>• Reduction in water views, including land-water interface views.</li> <li>• Minor/partial enclosure of distant sky views towards south-east.</li> <li>• Expansive CBD skyline views retained.</li> </ul> <p>The visual impact is summarised as <b>moderate - severe</b>.</p>

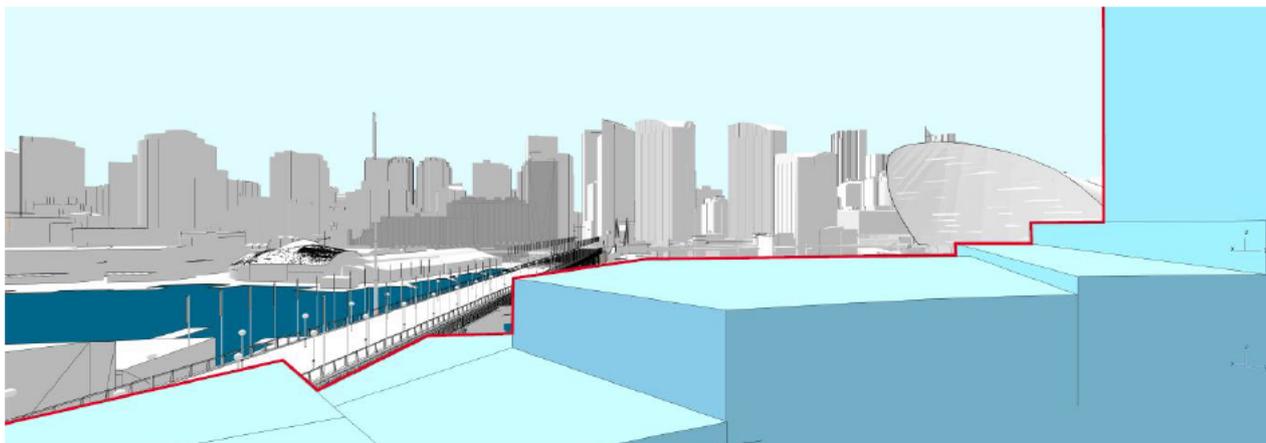


Figure 28 View from 50 Murray St - Apartment 501 (Current Proposal)

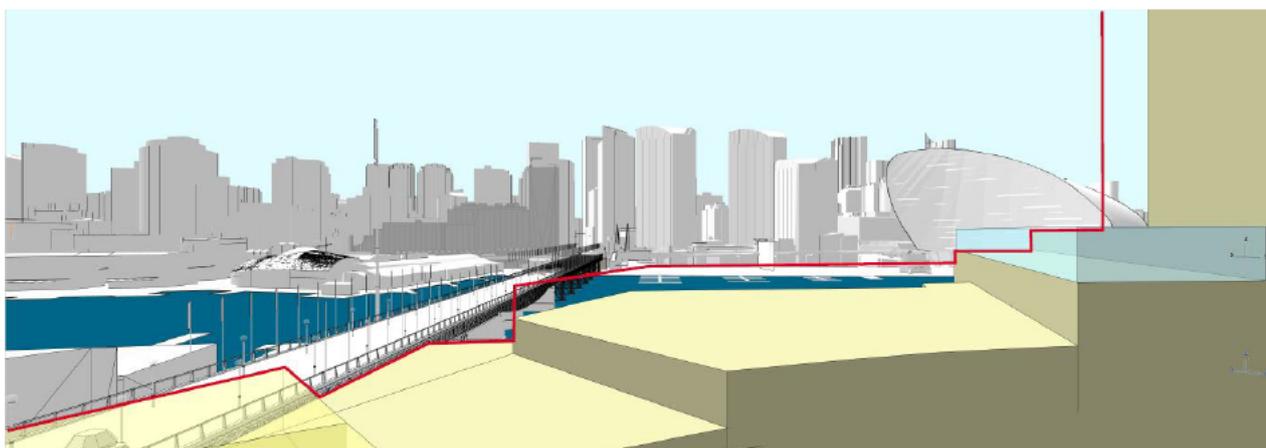


Figure 29 View from 50 Murray St - Apartment 501 (Alternative Building Envelope Option)

Table 6 Visual Impact Analysis (Apartment 501)

Existing Views	Extent of impact (current proposal)	Extent of impact (alternative building envelope)
<ul style="list-style-type: none"> <li>• Foreground views of Darling Drive, Maritime Museum, Pyrmont Bridge approach, pedestrian bridge, redundant monorail structure, and Harbourside Shopping Centre.</li> <li>• Middle-distance views of Pyrmont Bridge and water views of Cockle Bay (including land-water interface).</li> <li>• Expansive distant views of CBD Skyline (including Centrepoint Tower).</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in views of Pyrmont Bridge.</li> <li>• Reduction in water views, including land-water interface views.</li> <li>• Minor/partial enclosure of distant sky views towards south-east.</li> </ul> <p>The visual impact is summarised as <b>moderate - severe</b>.</p>	<ul style="list-style-type: none"> <li>• Reduction in water views</li> <li>• Majority land-water interface views preserved</li> <li>• Minor enclosure of distant sky views towards south-east.</li> </ul> <p>The visual impact is summarised as <b>moderate</b>.</p>

## 5.0 Next Steps

Subject to feedback from the Department and the IPC in relation to Mirvac's alternative building envelope option, a formal package of amended plans and documentation will be issued.

There would also be limited amendments required to the draft conditions proposed by the Department in order to facilitate Mirvac's proposed alternative building envelope option, namely:

- Schedule 1 – adjustment to max height and GFA land use split;
- Schedule 2:
  - Condition A2 – updated envelope plans
  - A10 – adjustment to GFA land use split:
    - From 45,000sqm for non-residential to 43,950sqm;
    - From 42,000sqm for residential to 43,050sqm
  - A11 – adjustment to tower height (from RL166.95 to RL170)
  - A15 – update to podium height (from RL25 to RL21.35) and allowance for Lift overrun protrusion required for DDA access
  - C1 – reduce tower floor plate control (from 1,000sqm to 950sqm GFA)
  - C1 – adjust tower utilisation (from 80% to 85%)
  - C1 – adjust podium utilisation (from 80% to 90%)

## 6.0 Conclusion

Mirvac has invested 4.5 years to collaboratively and sensitively develop its Concept Proposal and remains entirely committed to the development of Harbourside to ensure completion of the transformation of the Darling Harbour.

The envelope modifications requested to be tested by the IPC, would actually go well beyond fully resolving amenity concerns and if implemented would mean Mirvac's plans would no longer be viable.

The fundamentals of the project, being growth (jobs and homes) supported by infrastructure and public benefits goes to the heart of what good planning and development represents (as enshrined within all levels of strategic planning).

Despite all amenity impacts being found by the Department's independent and thorough assessment of the proposal to be acceptable in the circumstances and as has been demonstrated throughout the 4.5 year assessment process, Mirvac is willing to make further amendments that seek to address and reduce amenity impacts provided it can be done in a way which ensures all benefits and outcomes can continue to be delivered.

We trust this response assists the Department in responding to the IPC and should you have any further questions please don't hesitate to contact the undersigned.

Yours sincerely,



**Alexis Cella**  
Director

