

TO: IPC

Purpose: Submission on Additional Material

Date: 18 May 2021

SUBMITTER: OWNER OF 803/50 Murray Street Pyrmont



Extract of open space under the new proposal addressing accessibility and contiguous issues

Thank you for your request to provide a further submission on Additional Material

Background

As background my submission focused on the bulk and scale of the northern podium and its impact on public domain particularly the heritage listed Pyrmont Bridge and the public waterfront walkway; as well as the functionality of the proposed park and its accessibility.

NEW MATERIAL:

1. Letter from Commission to DPIE 23 April 2021

I refer to IPC request for analysis of options for:

- maximum podium height of RL 11.8 for some 130m to the tower
- reducing BEA of residential tower
- connectivity/contiguous public open space

Comment:

Cockle Bay Wharf Project is in the same precinct as Harbourside with the same planning controls, landowner and consent authority. Mirvac consultants have used this approval to justify elements of the Harbourside Redevelopment but ignores the consistency of an RL 12 level.

It is very pleasing that IPC has considered why the consent authority for Cockle Bay Wharf Redevelopment was approved a RL 12 for 95m from the Pyrmont Bridge and not endorsing a similar requirement on this proposed development given its similar relationship in the Precinct. Particularly as the consent authority, owner and controls are the same for both sites.

Particularly, interested to see the options that Mirvac are asked to consider for a 130 x 40 m open space (RL 1.8). A quality landscape architect could provide an iconic space of international quality.

2. Letter from DPIE to the Commission 5 May 2021

Ref Schedule 1 Item 2.

Comment:

I was particularly interested in noting that Place Management NSW, an agency of NSW Government, has a financial interest in 60ha of Darling Harbour that it owns and manages. Place Management NSW manages the lease arrangements for Harbourside. I assume the bigger

the area the bigger the cost of the lease. Another NSW government agency assessed that the floor space increase from 20,566 sqm to 87,000 sqm should be recommended to the IPC for approval.

Place Management NSW has a ‘Framework for Land Owner’s Consideration of State Significant Development’, which the redevelopment of Harbourside shopping centre is. This sets out principles like

“-renew ageing assets and develop land to its potential while expanding and enhancing the public domain and publically accessible space. Balance the scale of development with the Benefits it brings to the people of NSW”

It is challenging to see what the people of NSW receive in ‘expanding and enhancing the public domain and publically accessible space’ to balance Mirvac getting an **INCREASE OF 66,434 SQM of GFA** for their own benefit.

It is further challenging how a Re Development of Shopping Mall ends being a development where about 50% of GFA is allocated to high rise residential apartments in a tourism and entertainment precinct.

I could not find the Landowner’s Consent for the proposal to see how they addressed their Principles in signing off on the redevelopment.

3. Transcript of meeting with Applicant 6May 2021

Comment:

I was particularly interested in the CEO of Mirvac’s contribution:

‘we understand your concerns around access to public amenity, around sight lines and around overshadowing,-- we have taken those concerns on board’

The CEO went on to announce that IPC request is

‘NOT VIABLE’

and then went to tell the IPC what the development **SHOULD** be for the benefit of “Mirvac’s security holders”.

Although the applicant needed to address all relevant issues with substantial reports, there were no details on this assessment for “NOT VIABLE” other than the CEO saying it. I can offer the following insights that may help IPC to understand the viability issue:

1 It was reported that the Harbourside Sopping Centre was bought by Mirvac in 2013 for \$250m. AT the time the same CEO as above said “deliver attractive returns in excess of the Group’s stated targets”.

2 The existing FSR for Harbourside is **1:1**. Mirvac under this application is requesting a FSR **4.24**. Very significant increase.

3. Cockle Bay Wharf Project is in the same precinct as Harbourside with the same planning controls, landowner and consent authority. Cockle Bay development was approved at FSR 3.57 Mirvac is requesting FSR 4.24.

4. Mirvac’s’ GFA could be reduced by 13,815sqm (GFA difference between FSR of 4.24 and 3.57) and would be as viable as the Cockle Bay Development.

5. Mirvac’s Harbourside redevelopment has some 50% GFA for residential apartment. Mirvac are applying for a residential GFA of 43,050sqm. Applying an efficiency rate of 0.75 we get a net saleable area of 32,287sqm. The most recent development that has come to market in the city is 111 Castlereagh Street (Redevelopment of David Jones) and they are selling at \$40,000 to \$50,000 per sqm. Applying say \$45,000 to the Mirvac residential, the sales outcome would be \$1.45billion. This new option alone increases the residential GFA from 42,000 to 43,050 sqm an increase of 1,050 GFA representing extra sales of \$35.4million. Then there is commercial and retail of some 43,950sqm. The Capital Investment stated in the application is \$708mm.

5. Mirvac are not owners of the land and only lease the land which complicate evaluations. Maybe they are worried that purchasers will be concerned at purchasing an apartment which is on leased land. Maybe the NSW Government will change the lease from lease hold into free hold to help Mirvac with its viability. A massive benefit if it did.

6. Companies continually revalue their property assets to represent market value, which again produce various outcomes when determining viability of projects.

I request that IPC do not take the CEO’s “NOT VIABLE” on face value for not continuing considering options that will balance the need to renew aged assets with improved domain outcomes and not impacting on community highly valued views.

4. Email from DPIE with attachment letters from Applicant 12 May 2021

I refer to the Ethos Urban Report – Response to IPC.

A. At 3.1 Ethos Urban point out what is important in reviewing IPC option of the height of the northern podium.

- a. ‘As a principle an option that involves lower than the existing building that is significantly (over 5m) lower than the existing development is therefore considered unreasonable’

Comment: I wonder what the second principle says about the reasonableness of raising the existing building by over 150m. Is it not reasonable balance to offer someone an increase of over 150m for a reduction of over 5m?

- b. “a further factor that should be considered when reviewing this option is the broader context of buildings that adjoin and afront Cockle Bay”

Comment: The most relevant development to Harbourside Shopping Centre in the precinct is the Cockle Bay Redevelopment which both have the same relationship to the Heritage listed Pyrmont Bridge and both frame the east and west access to Darling Harbour.

The Darling Harbour Development Plan No.1 is the environmental planning instrument which provides land use controls for land within the Darling Harbour precinct which includes the Harbourside Shopping Centre. It points out that the development of the Daring Harbour and the Cockle Bay development should all have a similar strategy to ensure good urban design; consistency in building envelopes and setbacks in regard to the heritage Pyrmont Bridge and the water; as well as meeting the needs of all stakeholders.

The Cockle Bay Wharf development has the same planning controls, landowner and consent authority as the Harbourside Shopping Mall development. The Cockle Bay redevelopment was approved with a RL 12 for some 95m away from the Bridge. The IPC asked consideration of options relating to RL 11.8 for some 130 m away from the Bridge. It is considered that IPC request is reasonable.

- c. ‘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 RL 11.8 to accommodate the necessary floor to floor heights for a second level of retail/commercial -4m is required.

Comment: It is interesting that Ethos Urban is very clear you need at least 4m per floor for such a use. But when they reduce a floor you only take 3.65 m away. (RL reduction from RL 25.0 to RL 21.35 is only 3.65). If you use Ethos Urban figure of RL 3.65, you can calculate two floors at 12.05 ($3.5+3.65+3.65+1.25$).

RL 12 works for the Cockle Bay Development but RL11.8 clearly has problems. Could not have Ethos Urban point out to IPC that RL12.05 provides greater efficiency in that two floors could be accommodated.

- d. ‘it would result in the substantial loss of circa 16,000sqm of floor space”

Comment: If you call 7.8m one storey that is what you get. If Ethos Urban pointed out to the IPC that if you increased the RL to say 12.05 we would loose only circa 11,000sqm.

When it comes to loosing a level it is only 1.50 (removal of RL25.0 level)

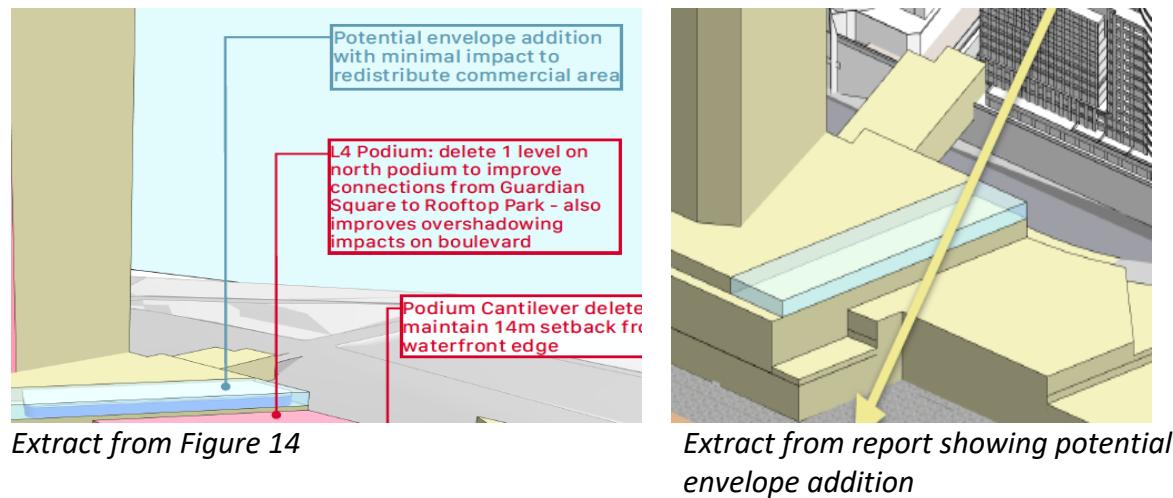
Ethos Urban have raised several financial impacts rather than planning grounds for not considering IPC options seriously.

I do not believe Ethos Urban has provide planning grounds for IPC not continuing considering options that will balance the need to renew aged assets with improved domain outcomes and not impacting on community highly valued views.

B Consideration of the Alternative Option set out at 4.0 in the Report

There is question mark as to what exactly is the option as it relates to the RLs of the northern podium.

Figure 14 of the Ethos Urban Report has a reference box stating “Potential envelope addition with minimal impact to redistribute commercial area”. This would mean increasing RL 26.5 to RL 31.0. This is not mentioned anywhere else in the report although it is shaded in light blue in other Figures.



At 4.1 the two key elements stated as it relates to the northern podium are

- Removal of overhang
- Change floor RL 25 to RL 21.35.

No mention of increasing the northern podium from RL 26.5 to RL 31.0.

At 5.0 the only adjustment to the northern podium referenced is the lowering of RL 25 to RL31.0. The diagram below does not mention any redistribution to increase the RL265. To RL31.0.

PROPOSED REDISTRIBUTION OF GFA

Current:

Non Residential	45,000
Residential	42,000
total	87,000

Proposed:

Non Residential	43,950
Residential	43,050
total	87,000



Extract from Report showing no redistribution to RL26.5 to RL31.0

Notwithstanding the clarity around the exact proposal, we would object if it was intended that the RL26.5 would be increased as it would add to the bulk and scale around the tower, further overshadow the public domain and further add to the loss of views of One Darling Harbour.

Comment on lowering the RL 25.0 to RL21.35

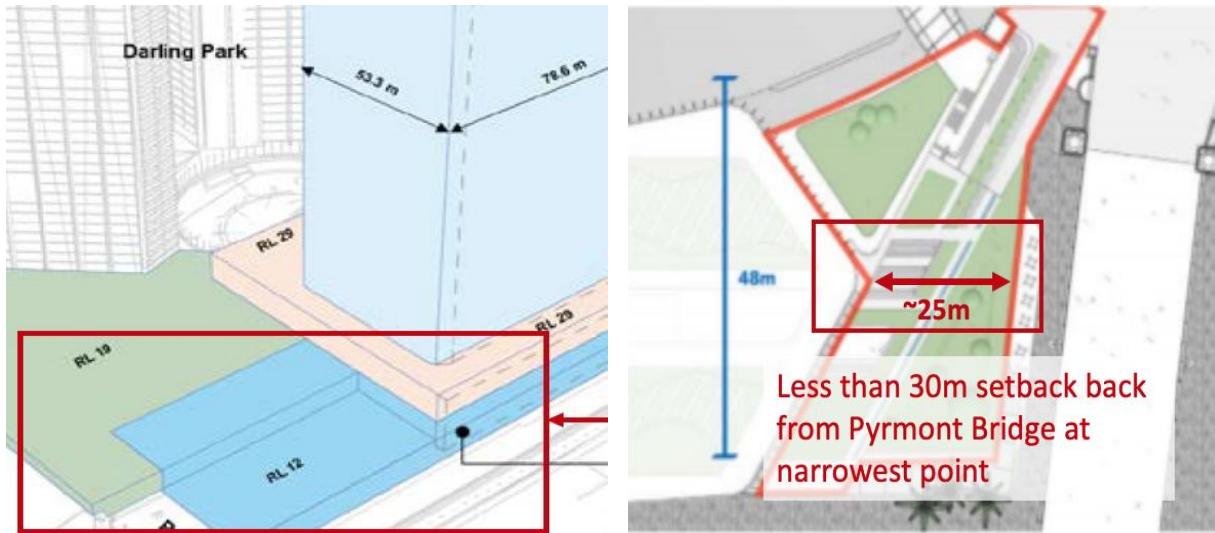
The RL 25 to RL 21.35 is the only change to the height of the northern podium. I welcome the recognition that the height of the northern podium is far too high.

Notwithstanding the removal of the overhang to foreshore, the new proposal for the northern podium still unreasonably impacts on the surrounding area, particularly the public domain at the foreshore and the heritage Pyrmont Bridge, and is not commensurate in bulk and scale with neighbouring Cockle Bay redevelopment providing two inconsistent character of addressing the Cockle Bay basin.

The Darling Harbour Development Plan No.1 is the environmental planning instrument which provides land use controls for land within the Darling Harbour precinct which includes the Harbourside Shopping Centre. The development of the Daring Harbour and the Cockle Bay development should all have a similar strategy to ensure good urban design; consistency in building envelopes and setbacks in regard to the heritage Pyrmont Bridge and the water; as well as meeting the needs of all stakeholders.

The **Cockle Bay redevelopment** has a podium with an approval of RL12.0 from Pyrmont Bridge for 65m to within 7.9m of the to where it rises to RL29.

In contrast, the Harbourside Shopping Centre Redevelopment new proposal has a podium starting at RL of 13.75 and extends only some **30m** from Pyrmont Bridge before, under the new proposal, proposing to rise to **RL 21.35**, which is still close to **twice** the height of the Bridge **RL11.8**.



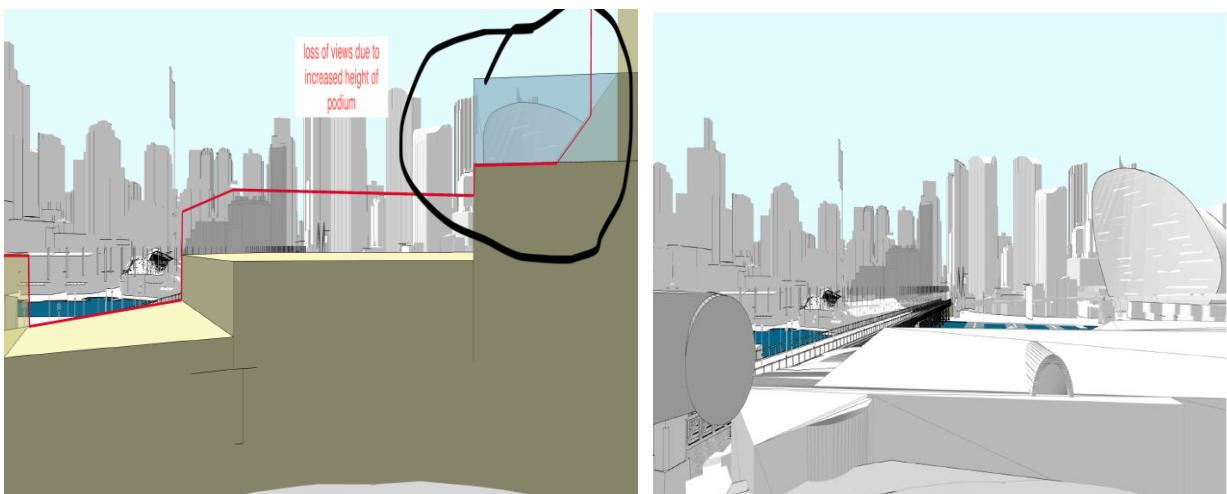
Further the proposed envelope does not include lift overrun (which Councils insist on) nor the height of landscaping or amenities which will further add to the bulk and scale of the northern podium. The envelope should include all landscaping and lift overruns.

Impact on view sharing with 50 Murray Street Pyrmont

I set out below the relief that the new proposal has on loss of view sharing on those apartments that IPC visited and reference in the report.

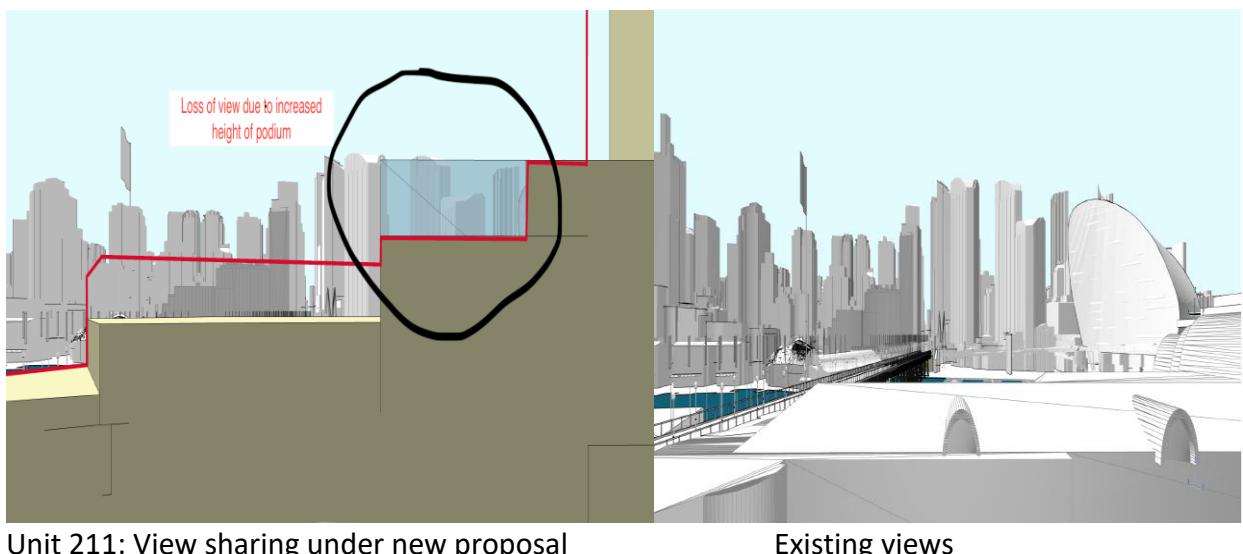
First let me point out again that the ‘Potential envelop addition’ has been included in the diagram and shows clearly that there would be **further significant loss** of views (almost total in some case) of the CBD and highly valued water view sin the case of Unit 504 and removes the relief offered by reducing the RL from 25.0 to 21.35.

If the ‘Potential envelop addition’ is not to be included the units on level get some relief of seeing the less valued view of the CBD but unto 504 still gets on relief of the highly valued water views



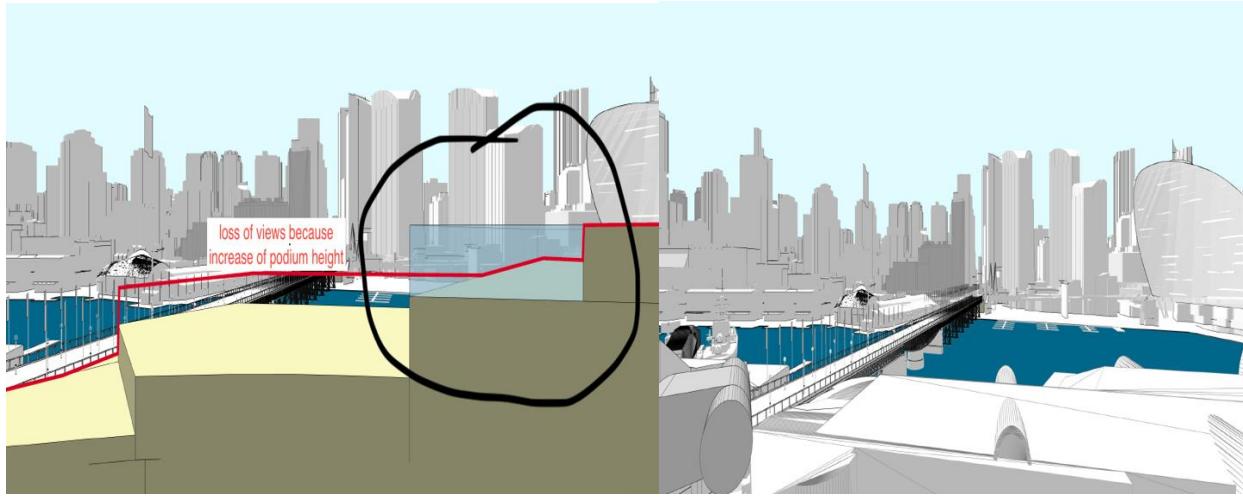
Unit 201: View sharing under new proposal

Existing views



Unit 211: View sharing under new proposal

Existing views



Unit 504: View sharing under new proposal

Existing views

Notwithstanding some relief it should be pointed out that the views from Units 201 and 204 and to lesser extent unit 504, will be replaced by what looks more like a car park façade rather than high quality design claimed both by the applicant.



Extract from applicant's report

Impact of new proposal on connectivity and contiguous upper open space.

When people enter the Pyrmont Bridge entrance to the new development they will be faced with the same number of non contiguous levels RL13.75, RL17.6, RL 21.35, RL26.5 and RL31.0.

Darling Harbour, in normal times receives 26m for a year. They come to look at events, entertainment, dine and walk with their families as they enjoy the public domain.

These families will use the new Metro just announced for Pyrmont and the light rail; they will walk across the Pyrmont Bridge from the north, families from the suburbs will park under Novotel and they all channel through the Pyrmont Bridge entrance to the new development.

All these families and people will now be confronted by a sea of steps, circa 90, under the new design.

Far from an accessible place.

Far from creating a spectacular and inviting place for leisure and celebration.



The IPC must consider how families with prams, people with disability or senior going to access this irregular network of paths climbing some 90 metres requiring some 90 stairs. Clearly there is no park element other than in name. This is not a high quality park as claimed allowing people to linger and dwell or allow children with their parents to sit and watch the many public events and celebrate great days like Australia Day or New Year's Eve in Darling Harbour. The IPC vision was for an open space of some 160 x 40 m whereby you could have open cinema, a play area for children, an exercise place, a place to view events and celebrate occasions in Darling Harbour. Something that might have been truly iconic has turned out to be but a dream because it is not VIABLE according to the Mirvac security holders and the CEO of Mirvac. Have we forgotten what Darling Harbour was meant to be or do we turn it over for high rise development.??

Recommendation:

I encourage IPC to find a solution that allows for the development of Harbourside to achieve its potential while expanding and enhancing and improving the public domain and publically accessible areas while ensuring that view sharing is equitable.

The claim that 11.8 is efficient for building levels. The Cockle Bay development of RL12 must be efficient otherwise it would not have been approved. The next level up is RL 13.75 (3.5+5.0+4.0+1.5), clearly this is efficient as it is Mirvac's calculation.

If IPC applied a contiguous level up to the tower some 160 it would provide for the opportunity to design a world class open space for all people of New South Wales through the creation of a truly spectacular, accessible and inviting place for leisure and celebration.

The lowering of the northern podium further would enhance a contemporary high quality domain which is not over shadowed and provide for improved waters edge experience.