



Mr Stephen Barry
Planning Director
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2000

1 June 2021

Dear Mr Barry,

**Harbourside Shopping Centre redevelopment (SSD 7874)
Request for Comment – Recommended Conditions of Consent**

I refer to the Independent Planning Commission's (the Commission) letter of 28 May 2021, to the Department of Planning Industry and Environment (the Department), seeking the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed draft conditions currently being considered by the Independent Planning Commission.

The Department notes the recommended draft conditions would principally reduce the northern podium height to a maximum of RL 13.75, increase the tower setback to the waterfront by 10 metres and remove the maximum gross floor area and envelope utilisation controls.

The Department has reviewed the recommended draft conditions and does not raise any concerns with the enforceability of the conditions. However, the Department has identified some issues with workability and potential unintended consequences which are outlined below for the Commission's consideration:

Workability

- Schedule 3, Part B, Condition B13 – the requirement for a Community Communication Strategy is supported, however this condition should be specific to demolition works, noting no construction is currently proposed. The references to construction, design and requirements for on-going communication during the design, construction and 12 months following construction should be reconsidered.
- Schedule 3, Part C, Condition C6 – The hours in Condition C6 are consistent with the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992, which have been applied to other projects in Darling Harbour (refer to the assessment provided within Section 6.9 (pg 78) of the Department's assessment report.
- Attachment A – Amendments to Design Guidelines
 - 1.4 last dot point– replace promote with protect.

Potential unintended consequences

- The Department considers it is unnecessary to reduce the height of entire northern podium RL 13.75 m to protect the existing views and outlook to One Darling Harbour

residents as the proposed height is lower than the ridgeline of the existing shopping centre (RL 17.45 m).

- It is unclear if the area above the northern podium can accommodate the 3,500m² of open space as it does not include part of the central podium adjacent to the tower (which the Department understands was included in the open space calculations of the recommended proposal).
- The proposed changes to the podium envelope could result in an imbalance of height bulk and scale between the north and south podium which have not been tested from an urban design perspective.
- The removal of the Department's recommended maximum GFA and envelope utilisation controls may result in a development that is unable to achieve design excellence as:
 - it would allow the development to fill the envelope to its outer limit and potentially increase GFA beyond the 87,000m² assessed by the Department
 - it would limit the opportunity for varied design responses through the design competition
 - it would potentially limit appropriate articulation and modulation of the tower and podium envelopes
 - the Department's Independent design advisor was satisfied issues relating to the bulk of the tower were addressed by the reduction of the tower floor plate to a maximum of 1000m² in conjunction with a maximum volumetric fill of 80%.
- The removal of the Department's recommended maximum GFA and envelope utilisation controls is inconsistent with the approach taken for the nearby Cockle Bay Wharf Concept Approval.

Given the extent of the proposed changes, the Department also recommends that the Commission consult with the Applicant on the workability and any potential unintended consequences of the proposed draft conditions.

The Department is available to discuss the above issues in more detail and/or facilitate discussions with the Applicant. Please contact Anthony Witherdin Director Key Sites Assessment on [REDACTED] to arrange any meeting or further discussions.

Yours sincerely,



Anthony Witherdin
Director
Key Sites Assessment