



**AUSCRIPT AUSTRALASIA PTY LIMITED**

ACN 110 028 825

**T:** 1800 AUSCRIPT (1800 287 274)

**E:** [clientservices@auscript.com.au](mailto:clientservices@auscript.com.au)

**W:** [www.auscript.com.au](http://www.auscript.com.au)

**TRANSCRIPT OF PROCEEDINGS**

---

TRANSCRIPT IN CONFIDENCE

---

O/N H-1455827

**INDEPENDENT PLANNING COMMISSION**

**PUBLIC MEETING**

**RE: HARBOURSIDE SHOPPING CENTRE REDEVELOPMENT (CONCEPT PROPOSAL)**

**PANEL:** **DIANNE LEESON**  
**WENDY LEWIN**

**ASSISTING PANEL:** **JOANNA DAVIDSON**

**LOCATION:** **VIA VIDEO CONFERENCE**

**DATE:** **9.59 AM, WEDNESDAY, 28 APRIL 2021**

MS D. LEESON: Good morning, and welcome to the Independent Planning Commission's electronic public meeting into the State's significant development application for the Harbourside Shopping Centre Redevelopment, Darling Harbour, SSD 7874. My name is Dianne Leeson. I am Chair of this Independent Planning  
5 Commission panel. Joining me is my fellow Commissioner, Wendy Lewin.

MS W. LEWIN: Hello.

MS LEESON: And we also have Joanna Davidson as counsel assisting the  
10 Commission at this public meeting. Before we begin I would like to acknowledge the traditional owners of the lands on which we variously meet and pay my respects to the elders past, present and emerging and to the elders from other communities who may be participating today. The Harbourside Shopping Centre is located towards the north western corner of the Darling Harbour precinct on the south  
15 western foreshore of Cockle Bay. Consent is sought for a concept proposal for a residential and commercial building envelope and stage 1 early works for the demolition of the existing Harbourside Shopping Centre buildings and structures.

I note that the Department of Planning, Industry and Environment in its assessment  
20 report has concluded that the application is approvable subject to conditions. In line with regulations introduced in response to the ongoing COVID-19 pandemic, we have moved this public meeting online with registered speakers provided the opportunity to present to the panel via telephone and video conference.

25 In the interests of openness and transparency, we are live streaming proceedings on the Commission's website. A full transcript of today's meeting will also be published on the Commission's website in the next few days.

The Commission was established by the New South Wales government on the 1<sup>st</sup> of  
30 March 2018 as a stand-alone statutory body operating independently of the Department of Planning, Industry and Environment and other agencies. The Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning in New South Wales. The key functions of the Commission include determining State  
35 significant development applications, conducting public hearings and public meetings and development applications and other matters, and providing independent expert advice on any other planning and development matter when requested by the Minister for Planning or the planning secretary.

40 The Commission is the consent authority for this State's significant development application due to an objection by the City of Sydney Council and because more than 50 or more unique objections were received. It's important to note that the Commission is not involved in the Department's assessment of SSD applications nor in the preparation of its assessment reports. Commissioners make an annual  
45 declaration of interest identifying potential conflicts with their appointed role. For the record, no conflicts of interest have been identified in relation to our

determination of this development application. You can find additional information on the way we manage potential conflicts on our website.

5 This public meeting forms one part of the Commission's process. We have also undertaken a site inspection and met with the Department, the Applicant, and the City of Sydney Council. Transcripts of all these meetings and the site inspection notes have been published on our website. After the public meeting, we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Following the public meeting, we will endeavour to  
10 determine the development application as soon as possible, noting that there may be a delay if we find that additional information is needed. Written submissions on this matter will be accepted by the Commission up to 5 pm Wednesday the 5<sup>th</sup> of May, that's 5 pm next Wednesday. You can make a submission using the Have your say portal on our website or by email or post. We invite interested individuals and  
15 groups to make any submission they consider appropriate during this meeting. However, the Commission is particularly assisted by submissions that are responsive to the Department of Planning, Industry and Environment's assessment report and recommended conditions of consent.

20 All submissions made to the Department during exhibition of the environmental impact statement had been made available to the Commission. As such, today's speakers are encouraged to avoid, repeating or re-stating submissions they've previously made on this application. The Commission must emphasise that there are certain matters that by law it is not permitted to take into account when making its  
25 determination and therefore submissions on such matters cannot be considered. These factors include the reputation of the Applicant and any past law, planning law breaches by the Applicant.

Before we get underway, I would like to outline how today's meeting will be run.  
30 We will hear from the Department of Planning, Industry and Environment on findings of its whole of government assessment of the application currently before the Commission. We will hear from the Applicants second, followed by the City of Sydney Council. We will then proceed to hear from our registered speakers. While we will endeavour to stick to our published schedule, this will be dependent on  
35 registered speakers being ready to present at their allotted time. Counsel assisting, Joanna Davidson, will introduce each speaker when it's their turn to present to the panel. Everyone has been advised in advance how long they have to speak. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired.

40 To ensure everyone receives their fair share of time, I will enforce time keeping rules and I reserve the right to allow additional time as required to hear new information. If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you could provide a copy to the Commission.  
45 Please note any information given to us may be made public. The Commission's privacy statement governs our approach to managing your information. Our privacy

statement is available on our website. Thank you. And it's now time to call our first speaker.

5 MS DAVIDSON: Our first speaker is Anthony Witherdin from the Department of Planning, Industry and Environment and he has 15 minutes to speak.

10 MR WITHERDIN: Good morning. My name is Anthony Witherdin and I'm the director of Key Sites of the Department of Planning, Industry and Environment. I'm here today with my colleagues, Amy Watson and David Glasgow. The Commission has invited me to present at today's public meeting and I will start with a high level description of the site and the proposal. I will then provide a summary of the Department's assessment and conclusions on the key issues associated with the proposal.

15 So the site is located in Darling Harbour on the south western foreshore of Cockle Bay, and it is currently occupied by the Harbourside Shopping Centre. The shopping centre was constructed in 1988 as a part of the bicentennial program and it consists of a three-storey retail building with cafes, restaurants and shops. The building is not listed as a State or local heritage item. The site is bound by Cockle Bay and the foreshore promenade to the east, the State heritage listed Pyrmont Bridge to the north, residential apartments and the Novotel, Ibis and Sofitel Hotels to the west and the Sydney International Convention Centre to the south.

20 Darling Harbour has experienced a significant urban renewal with a number of new buildings being constructed, including the International Convention Centre, the Sofitel Hotel and the ribbon development. A concept for a major redevelopment, sorry, known as Cockle Bay Park has also been approved.

25 Now, the proposal before the Commission today seeks concept approval for a building envelope comprising a residential tower and a non-residential podium. It includes demolition of the existing shopping centre, a tower with a maximum RL height of 166.95 metres, a maximum gross floor area of 87,000 square metres, 3,500 square metres of new publicly accessible open space above the northern podium, an upgraded foreshore promenade with 474 square metres of additional area and built form controls and design guidelines to guide future development within the proposed envelope.

30 If approved, a subsequent SSD application would need to be submitted to the Department for assessment and determination before any construction of buildings could commence. The Department publicly exhibited the initial proposal between December 2016 and February 2017. Following amendments to the proposal, it was re-exhibited in April and October 2020 and the Applicants' final response to submissions was placed on the Department's website in November 2020. Overall, the Department received over 200 public submissions on the proposal. Council objected to the proposal and 12 State agencies provided comments. The key issues raised in submissions included land use, building height, view loss, heritage impact, overshadowing and public benefits.

In response to the concerns raised about the proposal, the Applicant made a number of significant changes to the proposal including relocating the tower from the north of the site to the centre of the site, and reducing the height of the northern podium to improve the proposal's relationship with the Pyrmont Bridge, and reduce view loss impacts to adjoining properties. The Applicant also provided 3,500 square metres of new publicly accessible open space on the northern podium. So that provides a high level background on the site and the proposal. I will now move on to talk about the Department's assessment of the key issues associated with the proposal.

5  
10 The Department acknowledges the concerns raised about the provision of residential floor space on the site and its potential impact on the entertainment and tourism function of the precinct. The Department has carefully considered the advice provided by Council and the community on this issue as well as the recently released Pyrmont Peninsula Place Strategy. The Department notes 48 per cent of the  
15 proposed floor space is residential with the remaining 52 per cent being non-residential floor space. In summary, the Department is satisfied the proposal – can you hear me okay?

MS LEESON: Yes, we can, Anthony. Is there a problem at your end?

20

MR WITHERDIN: Okay. I just heard another voice coming through, that's all. I'll continue.

MS LEESON: Thank you.

25

MR WITHERDIN: In summary, the Department is satisfied the proposed land uses are acceptable as residential development is permitted with consent under the Darling Harbour development control – Development Plan. The proposal still prioritises employment generating floor space with over 50 per cent of the development  
30 dedicated to non-residential uses, and the proposal would support the entertainment and tourism function of the precinct and increase the public's enjoyment of the harbour through the provision of additional open space, upgraded public domain areas and new and improved ground floor retail uses. The Department has also recommended a condition to ensure the development is designed to provide  
35 acceptable noise attenuation for future residents given its location within Darling Harbour. The Department is therefore satisfied that the proposed land use mix is acceptable.

In terms of built form, the Department engaged an independent design expert to review the proposal throughout the assessment process. This advice and form  
40 changes to the location of the tower, the podium height and the provision of additional open space. The Department has carefully assessed the revised proposal and considers it is acceptable as the Department's independent design expert was satisfied the built form issues associated with the proposal have been resolved. The  
45 height of the tower complies with the maximum height identified in the Pyrmont Peninsula Place Strategy of RL170 metres. The proposed floor plate of the tower complies with Council's DCP. The width of the tower is comparable to the adjacent Sofitel Hotel. The podium height has been reduced at its northern end to be

consistent with the height of the Pymont Bridge deck. The upper levels of the northern podium have been redesigned to minimise view loss impacts to adjoining properties, and the podium will be appropriately articulated during the detailed design phase. The Applicant has also committed to undertake a design competition for the future building in accordance with the Government Architect's design competition guidelines.

The Department has also recommended a condition requiring the final building to occupy 80 per cent of the proposed building envelope. This would ensure there is sufficient flexibility for a range of schemes to be worked up through the design competition process and to ensure the visual bulk and amenity impacts of the proposal are minimised. In terms of the view loss impacts, the Department appreciates the community's concern about view loss impacts, particularly from properties located to the west of the site. As mentioned earlier, the Applicant has made a number of amendments to the proposal including relocating the tower to the south of the site and lowering and setting back the northern podium. These changes have been designed to minimise view loss impacts and allow for view sharing with many properties retaining some water or city skyline views towards the north and east. While the proposal would result in some view loss impacts, the Department is satisfied these impacts are reasonable given the site's inner city location, the design changes and minimising impacts and the level of retained views and outlook from the neighbouring properties.

In terms of heritage impacts, the Department is satisfied the proposal would not result in any unreasonable heritage impacts on the State heritage listed Pymont Bridge. The tower has been set back 135 metres from the bridge and the height of the podium has been reduced at its northern end to ensure that it provides an appropriate relationship to the bridge. The Department also notes Heritage New South Wales raised no concerns about the final proposal.

In terms of overshadowing, the Department notes the proposal would overshadow the public domain after 1 pm. However, the Department considers the overshadowing impacts are reasonable in the context of the site's location and orientation. Further, the Department considers the impacts would be, in part, offset by the provision of new and enhanced public domain and open space areas that would receive good levels of solar access year-round. The Department also notes the submitted shadow diagrams indicate the worst case extent of overshadowing caused by the concept envelope. However, the final detailed design would only be permitted to fill 80 per cent of the envelope and would include additional setbacks and articulation which would further reduce the overshadowing impacts of the proposal. The Department's assessment also found the proposal would not result in any unreasonable overshadowing impacts on adjoining residential properties.

Finally, in terms of open space and connectivity, the Department notes the proposal would provide 3,500 square metres of new open space on the northern podium. This includes approximately 1500 square metres on the lower northern most section adjacent to the Pymont Bridge and a further 2,000 square metres on the upper

northern podium. Both areas would be landscaped and made publicly accessible to the community 24 hours a day, seven days per week.

5 The proposal will also – would also upgrade and increase the overall area of Darling Harbour foreshore promenade by 474 square metres and regularise its width, providing a minimum width of 20 metres for the majority of its length. It also includes an area in the centre of the site which can be used for formal and informal gatherings and events. The proposal would also provide new pedestrian links, including a new pedestrian bridge connecting the site to Bunn Street, improving permeability and connectivity through the site. The Department considers these elements would provide significant public benefits to the community and improve the public’s enjoyment of Darling Harbour. The Department has also recommended a suite of conditions to ensure the future open space and public domain upgrades are well designed and inviting for residents, workers and visitors to Darling Harbour.

15 The Department’s assessment therefore concludes the proposal is acceptable as the proposal would complete the revitalisation of Darling Harbour and help create a vibrant mixed use tourist and entertainment precinct. It has an appropriate height and scale and would not result in any unreasonable heritage, view loss or overshadowing impacts and it would provide significant public benefits including the creation of new public open space and upgraded pedestrian foreshore promenade with a larger area, new pedestrian links and an affordable housing contribution.

25 So that provides a high level summary of the Department’s assessment of the key issues associated with the proposal, the Department’s detailed consideration of these issues and all other issues associated with the proposal can be found in the Department’s assessment report which is available on our website. Thank you for your time this morning.

30 MS LEESON: Thank you, Anthony. We did have the benefit last week, I think it was, of stakeholder meetings with yourself, Council and the Applicants so we covered quite a bit of territory in that. The transcripts are available on the website as we’ve indicated. Commissioner Lewin, do have any questions for the Department on the back of the presentation this morning?

35 MS LEWIN: No. No new questions, Di.

40 MS LEESON: Okay. I – I do have a question, if I might, please, Anthony, and that’s you talked about the future noise attenuation in the residential building and the impacts of how that might be managed. In the assessment report and in the recommended draft conditions, you talk about the opportunity to make potential buyers aware of the development and its location and I think you suggest that there could even be notations made on strata plans and the like. Are there any precedent examples that you can give the Commission where this sort of caveat or condition, if you like, has worked, and the effectiveness of that?

MR WITHERDIN: I don't know of an exact example of this, but I know there is a similar example of this at Sydney Olympic Park and I'd be happy to provide some further details around that. As I said, I don't think it's an exact replication of what we've put forward in the current recommendation but I could give you – I'd be  
5 happy to give you some more details around that.

MS LEESON: That would – that would be helpful. Thank you. I think one of the things that we're looking at is the relationship between noise attenuation, the apartment design guidelines and the acoustic work that's been done by the  
10 Applicant's consultant. We're looking to see how these sorts of measures can still deliver on the Department – on the apartment design guidelines in terms of things like cross ventilation if buildings are going to need to be closed for noise attenuation purposes. So if there are other some other examples that show clearly how this is working in practice in terms of a condition or a – a control on strata, we'd be – we'd  
15 be interested to see that. Thank you.

MR WITHERDIN: Okay. No worries.

MS LEESON: Any questions?  
20

MS LEWIN: I don't think anything further.

MS LEESON: I – I think that's all we have from Commission this morning, so thank you for your time and thank you for the work that's been put into the  
25 assessment to-date. We'll – we'll call you to a close there. Thank you.

MR WITHERDIN: Thank you, Commissioners.

MS LEESON: Thank you.  
30

MS DAVIDSON: Our next speakers are from the Applicant and we have David Hogendijk, Richard Francis-Jones and Alexis Cella. They've been allocated 20 minutes.

MR HOGENDIJK: Thank you very much, Commissioners. I'd like to just try and share my screen ..... okay to present.  
35

MS LEESON: Thank you.

MR HOGENDIJK: Can you see a screen?  
40

MS LEESON: We can – I was about to ask could you put it to full screen but you've done that ahead of me. Thank you. Yes, we can.

MR HOGENDIJK: Okay. Terrific. Okay. Look, thank you for your time this morning. I think we've got 15 minutes. So speaking today will be myself, Alexis  
45

Cella from Ethos Urban, FJMT with Richard Francis-Jones. So, look, I'll – I'll start with the – just an overview of the project.

5 The – the redevelopment of Harbourside is a unique opportunity to replace an ageing inward focused building with a vibrant mixed use development which will deliver significant public domain and open space improvements. Importantly, it will ensure increased permeability, accessibility and activation at the ground plane and the podium levels. The proposal includes a complimentary mix of land uses, including retail, commercial office and residential which will add diversity and support after  
10 hours activation of the precinct and as noted earlier, all land uses are permissible under the Darling Harbour Development Plan.

15 Independently, the planning process, Mirvac's is in stage 3 of an unsolicited proposal with the New South Wales Department of Premier and Cabinet which seeks to provide the delivery framework for the project, specifically relating to Mirvac funding and delivering the public realm being expanded public foreshore promenade and new open space.

20 The existing leasehold arrangement currently in place will be retained with Mirvac's existing leasehold arrangements extended from 65 years to 99 years at completion of the project. And in addition to funding the public spaces, the proposal will deliver significant monetary contributions towards these public spaces to ensure future activation and amenity are achieved in this important location on Sydney Harbour.

25 As mentioned, the proposal will deliver and fund more than 10,000 square metres of public realm. This is more than doubling what's currently in place on the site which is around 4,300 square metres, taking it up to 10,000 square metres with five and a half thousand square metres located within the development boundary itself which ensures 24/7 activation and these public spaces will be accessible, you know, 24/7.  
30

The public foreshore promenade is increased by almost 500 square metres whilst at the same time providing a consistent 20 metre width to the majority of the promenade which improves circulation, reduces pinch points during these crowded periods.  
35

Over the last four and a half years we've worked with the New South Wales Government, including the landowner Place Management New South Wales and Department of Planning to develop public domain concepts for the immediate and wider precinct including the addition of three and a half thousand square metres of  
40 north facing public civic spaces such as the 1500 square metre plaza joining Pymont Bridge and level with Pymont Bridge, and the 2,000 square metres of public accessible roof top which is suited to a range of activities that can be enjoyed by office workers and the local community.

45 The planning of the podium and the tower has taken into careful consideration the many adjoining stakeholders, including the International Convention Centre, the Sofitel Hotel, the Novotel, Ibis, and 50 Murray Street. This is a necessitated

approach that strikes an appropriate balance between protecting existing public private views and the appropriate level of development.

5 Mirvac has demonstrated a willingness to listen and adapt the design response throughout this very extensive process as is evidenced by the many changes to the tower's location and adjustments to the northern and southern podiums. The redevelopment has sought to provide a mix of retail, office and residential land uses that are in keeping with the District Plan and the relevant strategic and statutory frameworks that align with the Pyrmont Peninsula Place Strategy. These land use  
10 mixes are vital in supporting productivity and sustainability in the longer term.

The proposal, as I mentioned earlier, will retain a predominance of retail, commercial and entertainment uses on the site with more than 50 per cent of the GFA being non-residential floor space, further supporting the Sydney Harbour Development Plan.  
15 The inclusion of the 45,000 square metres of employment generating floor space will enable the development to contribute significantly to economic growth and job creation with a circa hundred per cent increase in the employment of generating floor place on the site compared to what's there today.

20 The carefully balanced mix of uses that Mirvac has proposed ultimately provide 2100 construction jobs, additional four and a half thousand long-term jobs whilst fully funding the construction and delivery of 10,000 square metres of public realm and \$15 billion towards Sydney's economy over the next 20 years, whilst also providing support for the future West Metro station at Pyrmont. I'll now hand over  
25 to Alexis Cella.

MR CELLA: Thanks, David. So now I'm just going to do a little of a – a ..... round planning and touch on some of the key issues that stakeholders and the public made during the assessment process. There are a number of special precincts within the  
30 City of Sydney LGA afforded State significant status and this includes Darling Harbour. These precincts are in particular recognised for importance to the State for a range of reasons including for economic, social and environmental reasons. The image on the right illustrates the State significant boundary of Darling Harbour, with the Harbourside site and Cockle Bay redevelopment highlighted.  
35

There are a lot of similarities between the proposal and that contemplated and approved by the IPC in 2019 for the redevelopment of Cockle Bay which is a commercial tower reaching a height of in excess of 43 storeys. The same planning controls that apply to that project apply to the proposal under consideration.  
40 However, each project has responded differently in terms of its land use mix responding to its more immediate locational context.

As noted, the proposed application is fundamentally consistent with the planning framework and relevant policies that apply including the key principle planning  
45 instrument being the Darling Harbour Development Plan as well as regional district and place strategies.

So in terms of strategic alignment, clarity has really been established in Pymont recently by the New South Wales State government which followed ..... extensive State government community engagement so this is reflected by the Pymont Peninsula Place Strategy. So Pymont's locational advantages in terms of its  
5 proximity to central Sydney, context within the innovation corridor and recent announcement of the new Metro station has been embraced as part of its next evolution as the western gateway to the CBD.

The Harbourside site is identified as one of four key sites within the Pymont  
10 Peninsula Place Strategy so the image on the right there has those four key sites with Harbourside, UTS, Star Casino and Blackwattle Bay, comprising those four.

The key sites are critical to the vision for Pymont, these sites doing most of the heavy lifting in terms of achieving the jobs and residential growth forecast by the  
15 New South Wales government. This balanced approach to growth responds to community feedback around preserving the character of Pymont, so by focussing renewal and change to these four key sites, the rest of Pymont can be preserved.

The proposal achieves really strong alignment and consistency with the Pymont  
20 Peninsula Place Strategy, particularly in terms of jobs. David noted, you know, over 50 per cent of the proposal includes employment-generating floor space which is really going to be crucial in terms of supporting this media tech precinct. Housing very important and Mirvac's proposal also includes a significant for all the housing ..... contribution. Open space, Richard Francis-Jones is going to take us through all  
25 the key elements of the proposal shortly, along with the activation and improved connectivity. Thanks, David. Next slide.

So the site is very unique. It is located on government owned land and as David  
30 noted will remain government ownership and continue to be subject to a long-term leasing arrangement, so there's been considerable engagement and ultimate agreement for the landowner, property ..... New South Wales as custodians of Darling Harbour to the proposal and this includes the proposed land use mix and built form outcome.

To quote the City of Sydney, the best cities are mixed use cities and the proposal  
35 providing for a genuine mixed use outcome will positively contribute to the character and vibrancy of Darling Harbour and Pymont more broadly. There will be an injection of energy and life across the precinct at all hours and every day of the week.

The tower being residential, has a footprint of around less than 50 per cent of what it  
40 would have been if it was a commercial office tower, which is what Mirvac originally put forward, however, you know, by reducing the tower footprint and supporting a residential tower, it greatly improved view sharing, shadows and provided a better urban design response.

45 Types of land uses proposed, including residential, are prevalent – sorry, David, just back one slide – are really prevalent around Darling Harbour. This mixed use

outcome is part of an evolving character of development surrounding this part of Sydney Harbour. So this map clearly illustrates the site, its context and, you know, the really diverse mix of land uses, including residential, you know, very near and immediately adjoining Sydney Harbour. Next slide. Thanks.

5

So as noted, Mirvac has really invested a significant amount of time consulting, collaborating with a range of State ..... to develop and inform the final concept proposal under consideration ..... This includes the landowner, the Department of Planning, the Greater Sydney Commission, City of Sydney, adjoining residents, including 50 Murray Street, which I know we're going to hear a lot from later on, as well as adjoining key landowners such as the ICC, Sofitel and the Maritime Museum.

So the project has really benefited from these three separate public exhibition processes, where Mirvac has really genuinely listened and responded to comments, of balancing its objectives and vision for the site. The example set by Mirvac in how to really listen and respond to community feedback sets a high bar for other developers to follow. So the final concept as known has really been developed balancing all considerations including, most importantly, community consultation, whilst also retaining enough flexibility in the envelope so as to leave the design excellence process unfettered. Next, David.

So as we know, we've been through a really extensive and thorough planning process to reach this point today but in all honesty, we're still really at the beginning of the plan process. The planning approval for the stage 1 establishing a framework, so concept for land use, GFA, built form as well as design principles, together with early works involving demolition. So future potential stages include a whole of precinct international design competition followed by a further development application for the detailed design which will be subject to further consultation exhibition with the community and key stakeholders.

30

So Mirvac, in terms of the Department's assessment and recommendation fully supports this position they've reached. Its assessment report provides a comprehensive overview of the key issues and justification for supporting the project. The draft conditions are acceptable to Mirvac and are considered appropriate to guide the future design and ensure potential impacts are suitably minimised.

35

So I'm just going to touch on some amenity considerations, and these were kind of some of the key aspects that stakeholders and the community raised in which Mirvac, you know, really responded to and have really shaped the proposal that you are assessing at the moment.

40

So just I thought worth noting that, you know, as known it's been three rounds of exhibition and you can see, you know, just genuinely in terms of the number of submissions, that at each point, you know, there has been that reduction and, you

45

know, we believe that's in response to the positive amendments Mirvac have been – have made along the way.

5 So now just touching on view sharing. Thanks, David. So comprehensive and unprecedented level of visual impact assessment has been undertaken by Mirvac and its expert consultant team, including applying Tenacity Principles.

10 So the focus of this assessment has been – has four key surrounding buildings to the west, so that includes the Ibis, Sofitel, Novotel and One Darling Harbour or 50 Murray Street. So out of those four, one of those is residential, so that was really, you know, the key focus in terms of ensuring those impacts are acceptable to that property. Next one.

15 So this diagram illustrates all the design moves that Mirvac had made along the journey and with the particular focus on what those moves have done in terms of improving the relationship and ultimately reducing impacts to 50 Murray Street.

20 So you can see on the left we've got the commercial proposal as originally put forward by Mirvac, and then the evolution from commercial to residential, obviously noting the significant reduction in envelope footprint size, and then the final resting place for that tower and the focus on reducing the height of that podium at the northern end.

25 That's – so again picking up this kind of identifies some of the key moves and responses that the envelope and the tower responded to. So acknowledging key moves made to respond to the ICC, views, Sofitel pool deck as well as, you know, key view important sight lines from 50 Murray as well.

30 So in terms of 50 Murray Street, this image on the right is an overview conclusion of, you know, the impacts that that building will receive and – and we do note, you know, there will be some impacts but, you know, those most affected apartments which through our assessment there's only a handful, they will continue to receive and retain expansive and dominant views towards the city's CBD skyline, including Centrepont Tower, continue to experience excellent outlook and expansive sky  
35 views, benefit from improved views to replacement of existing dominant roof scape of the tired Harbourside Shopping Centre with the new building of high design quality ..... greenery and open space, and continue to have access to roof top communal areas that enjoy some 180 degree uninterrupted views over Darling Harbour and the CBD.

40 So in summary, in terms of, you know, focussing just on views, the proposal as noted fully complies with the planning controls that kind of demonstrated that Mirvac has been acting as a good neighbour throughout the planning process. Existing centre, and Richard will take you through this a bit further, you know, is tired, it's out of  
45 character with the prevailing investment and renewal that's occurring across Darling Harbour, and all design measures and skill has been used to optimise ..... views, and when you weigh up those, you know, those private impacts need to be considered in

terms of the public benefits, the proposal is also delivering, that includes significant new open space, new opportunities for public use of the harbour, Pyrmont Bridge and CBD skyline that cannot be enjoyed by all, locals, residence, visitors, workers as well.

5

Increased commercial access and capacity along the foreshore, improved public domain experience and quality along the foreshore, increased connectivity to the foreshore and, lastly, improving the relationship and setting to Pyrmont Bridge. Thank you all. I hand over to Richard, now.

10

MR FRANCIS-JONES: Thank you. I'm Richard Francis-Jones. I'd also like to acknowledge that the ..... use of this site and this image taken some 30 years after landing shows the already significant transformation of Darling Harbour. Next.

15

Darling Harbour's predominantly been industrial infrastructure use until 200 years after that landing with the bicentennial public reuse of that land and this proposal is looking to make the last adjustment, in a sense, of this latest generation of changes that have taken place. Is that you, David, adjusting that? Yes. Maybe there's good.

20

So there's this gives a sense of this latest phase of redevelopment and indeed this site is one of the last missing pieces, as we heard from the Department. Next.

It is a podium and tower proposal, landscaped stepped podium in a tower form that's set back substantially from adjacent residential buildings and towers. Next.

25

But important has been the creation of not only public space but landscape space on this site. Next.

And improved connections both north through to the museum. Next.

30

And also, very importantly, east west connections through Bunn Street and also through to Pyrmont Union Square and Union Street, Pyrmont Bridge. Next.

35

Importantly, the public space has substantially increased over the 4,326 square metres that exists to a total of 10,000 square metres, an increase of about six and 5,600. This has occurred at the board walk and the new public space around Pyrmont and to the north. Next.

40

The board walk and promenade has had special attention drawn to it. There is very restricted zones in the current arrangement. That does produce difficult and potentially unsafe in event modes, compression of public space. Next.

And also this space is somewhat run down. Next.

45

So there's an adjustment to the spaces that you can see here, widening those narrow areas, broadening an area to the north to 30 metres and then also increasing the connection through to the ..... next.

There's an overall net increase of 447 – 44 square metres in the public promenade.  
Next.

5 And that includes this north facing space looking towards the bridge of extended via  
those steps and escalators to connect to Bunn Street. Next.

This is the Guardian Square extension, 1500 square metres at the level of Pymont  
Bridge. Next.

10 And gives you a sense of that landscape space. Next.

And then and very importantly the interface with Pymont Bridge. Next.

15 It's very constrained at the moment, difficult space, and that is going to be increased  
to minimum separation, next, of seven metres. Next.

And also improvements to Darling Drive anticipated. Next.

20 MS DAVIDSON: Mr Francis-Jones, I note your time has expired.

MS LEESON: We'll give another – another two minutes - - -

MR FRANCIS-JONES: Thank you, Chair. Next.

25 MS LEESON: - - - for the Applicant to close out the submission.

MR FRANCIS-JONES: Yes. Just run through these quickly, David. I simply noted  
by the Department there are some overshadowing effects, and these have been  
mitigated by the creation of new north facing public space. Next. Next.

30 And upper level increase in both place 2,000 square metres. Next.

And other quality improvements to the public domain. David. David, are you  
muted?

35 MS LEESON: David, I think we just - - -

MR HOGENDIJK: Thank you. So, look, thank you for the opportunity to present  
today, Commissioners. To conclude, and obviously a long process for us, over four  
40 and a half years of consultation. We think we've made significant amendments to  
our scheme but importantly, you know, providing and delivering over 10,000 square  
metres of public realm which is a significant open space to the public that –  
compared to what's there now and also the creation of long-term jobs, over 4,400  
45 long-term jobs, so appreciate the opportunity to present the scheme to you.

MS LEESON: Thank you. Is that the end of your presentation, David?

MR HOGENDIJK: Yes, it is.

MS LEESON: Okay. Thank you. Wendy, do you have any questions for the Applicant?

5

MS LEWIN: I have one. It follows from some of the conversations we had at the meeting at the IPC's office. All your images for the proposed project omit the existing Ferris wheel which is located and operating along the foreshore promenade, and we're all aware that there's an application before Council currently being  
10 determined for a larger Ferris wheel. Has your pedestrian modelling taken into account or how has it taken into account the continued use of the foreshore through this activity and with this installation and the likely or proposed larger Ferris wheel which would increase activity significantly?

15 MR HOGENDIJK: Yes. The answer to the question is we're in discussions with Place Management New South Wales at the present time. The – the Ferris wheel is meant to be a temporary measure and at this stage we're aware of the plans for the larger wheel but we – we're having to work through that with them now because obviously if it's brought back in later when the development's completed, we need  
20 to, you know, understand where it could be possibly located, how those pedestrian movements would work. So it's something that, as I understand it, hasn't been granted landowner's consent by the landowner, being Place Management and it's – and it needs to be, you know, appropriately reviewed in the – in the bigger picture, whether it's a temporary installation or a permanent installation. So there's – there's  
25 still a bit of work to be done on the Ferris wheel itself.

MS LEWIN: Thanks, David.

30 MS LEESON: David, if I might – to that point, do you think or can you explain if there's a sufficient flexibility in the concept approval because stage 2 applications would be a little way off. If the Ferris wheel should be approved, is there sufficient flexibility in your view to accommodate the Ferris wheel?

35 MR HOGENDIJK: At the moment we're just doing some preliminary work, Dianne, to see where – where it could possibly, like, be located. We haven't landed on a – on an answer just yet because it has grown in size and it was only recently been brought to our attention. So we have been down to site trying to understand how it could possibly work. Could it be removed during crowded peak periods, that sort of thing, because at the moment it's more of a temporary installation and I think  
40 if – if it can be still, you know, manufactured in such a way that it can be relocated during particular times, it may be possible. But we need some more time to resolve that with Place Management.

45 MS LEESON: Thanks, David. It is causing us some consideration because at that point you're looking to narrow the or reduce the width of the promenade from 29 metres to 20 and we discussed last week the notion of three to five metre setbacks or allowances for outdoor dining. If we then look at a 20-metre promenade, take off,

say, three to five metres for that use, and then if a Ferris wheel is reintroduced, we are mindful that you could inadvertently recreate a pinch point which is exactly what you've been trying to do – you know, do away with, at the northern and southern end. So it's exercising our mind, I think, to – to have a look at this Ferris wheel issue, as you'd understand.

MR HOGENDIJK: No, look, we completely agree and I think Place Management would hopefully also agree. The – the initial 20-metre width was worked up in detail with Place Management formerly to SHFA. As you – as been illustrated to-date, we have actually increased the promenade's area by just under 500 square metres, putting aside the Ferris wheel issue. So, look, it's one of these things we do need to work through and we're completely mindful of that fact that you just mentioned. We don't want to create another pinch point because, you know, in addition to the width that we provided, we've also got the event stairs that are beyond that area providing further amenity in that location.

But as I said, look, it's something we're – we're working through now and we just need to understand what the overall, you know, objective is with Place Management and also what we can or can't do given the constraints. But it's something that we'll have to come back to you on, if that's okay.

MS LEESON: Thank you, David. That's appreciated.

MS DAVIDSON: Just following up on that, is it correct, then, to understand that you haven't actually done any pedestrian modelling as a result of consideration of the location of the or the proposed location of the Ferris wheel?

MR HOGENDIJK: That's correct. In terms of that new wheel that's been presented recently, you know, there's – there's been discussions with Place Management. They recognise it needs to be addressed. It – it – as I understand it's been still – it's meant to be a temporary installation, but yes, we haven't done modelling based on that new wheel design that's currently before Council.

MS DAVIDSON: Nothing further.

MS LEESON: Thanks, David. Thank you for your time this morning. We – we'll now move on to our next speaker, so thank you for that presentation.

MR HOGENDIJK: No trouble. Thank you very much.

MS LEESON: Thanks.

MR HOGENDIJK: Bye.

MS DAVIDSON: Our next speaker is Councillor Phillip Thalys from the City of Sydney.

CR P. THALIS: Thank you for the opportunity to address the IPC. My name is Phillip Thalys. I'm a Councillor and an architect.

5 No one will bemoan the demolition of the Festival Marketplace. It is a bland box, a deep box, it has very poor connections ..... to Pyrmont, a very poor relationship to Pyrmont Bridge, very poor relationship to the foreshore, horrible internalised spaces.

10 But why replace like with like with a building that still won't have good connections westward to Pyrmont, into Pyrmont, poor – too cramped in relation to the bridge, actually tightens in key locations, the foreshore promenade, has a green fudge roof masquerading as public space which is really commercial space, and then topped out by a 45 storey residential tower which will significantly overshadow the foreshore in – at lunch time and into the afternoon and in fact will overshadow the whole place and overshadow the fantastic Woodward fountain.

15 Really so much of it is commercialised space and not private space. That is really important to distinguish, and I think really quite confused in the previous presentations.

20 The residential component, the City of Sydney is strongly against the residential component. The original Darling Harbour Act, and I was one of the few people to actually see the exhibition of that Act in 1984, precluded residential. It did that with the intent of actually creating an event space just as Sydney Olympic Park did, and – that would be free of residential, able to be used 24/7, 365 days of the year, as in fact  
25 has happened at Darling Harbour because it was actually conceived as a public project.

30 Introducing residential right slap bang on the foreshore would completely preclude that and the City of Sydney's given extensive evidence of the complaints that we get at Circular Quay from The Toaster, for example, including events on the other side of the quay, so I think that that's extremely relevant here and no covenant will cover such complaints in the city's extensive experience of dealing with those things.

35 The tower is also pushed as close to the foreshore as it can be and it's far more concerned about preserving private views from the rear rather than its public setting which is on public land on the foreshore.

40 With one of your previous speakers, Richard Francis-Jones, I worked on Darling Harbour in 1985. Like Richard I left because we thought it was such a poor project. What I've come to appreciate since that time is at least Darling Harbour had as its intent, not necessarily its realisation, a generous public project, making a public place for Sydney. That has been tragically overturned in the recent decade where it has been the place now for gross overcommercialisation. It's small base and completely cramped by massive towers and a huge podium on which those towers sit. It's not a  
45 big body of water. The public promenade keeps getting commercialised and tightened. There's no opportunities for events such as Ferris wheels or anything else that may be conceived of.

Really, this is – continues the gross exploitation that we're seeing around particularly Barangaroo and Darling Harbour right down into Darling Harbour. It's about private interest and it's completely contrary to the public interest, in my view. That's all.

5 MS LEESON: Sorry. Thank you, Phillip. I wasn't sure whether that was the end of it.

CR THALIS: Yes.

10 MS LEESON: Thank you. Thank you very much for your presentation. Any questions?

MS LEWIN: Nothing from me.

15 MS DAVIDSON: Nothing.

MS LEESON: No. Thanks for your time. Thank you.

CR THALIS: Okay. Thank you.

20

MS LEESON: We'll introduce our next speaker.

MS DAVIDSON: Our next speaker is Ivan Chew from the Australian National Maritime Museum. He's been allocated five minutes.

25

MR CHEW: Thank you very much.

MS LEESON: Ivan, before you commence, can I just clarify the basis on which you're representing today? Are you actually representing the Maritime Museum? You are.

30

MR CHEW: I am.

MS LEESON: Okay. It was a little unclear on the document I've got here whether you were representing them formally or informally.

35

MR CHEW: Yes. Formally.

MS LEESON: Thank you.

40

MR CHEW: So I'm the – I'm the head of projects with the museum and just, I guess, to speak regarding the Mirvac redevelopment for Harbourside.

I guess based on the – on the current – on the current conceptual plans and what was presented here so far, our main concern probably is more coming up to – to stage – to stage 2 in the design competition, but only because as a museum we have objects that are quite sensitive to – to environmental conditions and also vibrations and so forth,

45

which a lot of our objects and artifacts are on loan as well. So there's a critical elements to that.

5 In relation to the conceptual design and building and construction, I – I know that  
Mirvac, from the presentation as well, they've done a fair – fair amount of number of  
amendments so I think that we don't really have that – any objection so far with the  
current conceptual plan. However, we have museum – we very much – we very  
much welcome and encourage more frequent engagement consultation and  
10 communication, particularly with – with us as well because we just need to  
understand what our impacts to us are more detail.

That's essentially – it's a very brief, very quick.

15 MS LEESON: Thank you, Ivan. So if I understand that, there's no objection from  
the museum to the proposal itself as the concept currently stands.

MR CHEW: Correct.

20 MS LEESON: Your – your concerns are primarily around construction impacts,  
demolition impacts and that noise and vibration, dust, et cetera, for your – the control  
of your artifacts.

25 MR CHEW: That's it, and also particularly also with traffic flow during the  
construction phase and after as well. Obviously depending – the immenseness of the  
– of the works that are also then greatly impacts our business numbers, too.

MS LEESON: Okay. Thank you.

30 MR CHEW: Thanks.

MS LEWIN: No, nothing.

35 MS LEESON: No? No. Thank you very much. That was very short and sweet.  
Thank you. Do we have our next speaker ready?

MS DAVIDSON: I understand so.

MS LEESON: Okay.

40 MS DAVIDSON: Our next speaker is Ballanda Sack on behalf of the owners of  
strata plan 49259, that is 50 Murray Street.

45 MS SACK: Morning, Commissioners. I just wanted to talk about three topics. One  
was the planning context for this development application and, secondly, the  
environmental impact of the proposed concept envelope and then finally, the public  
interest.

So in terms of the planning context, this application is essentially an ambit claim made by a major developer over land set aside for public use. This site is one of the few strategic foreshore sites subject to the Sydney Regional and Environmental Plan (Sydney Harbour Catchment).

5

While there are no detailed building controls for the site in the Darling Harbour Development Plan, the harbour sets out a very clear vision for this prime city foreshore land. Development must be for the public good. For example, the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores, and that's in clause 2.

10

And then secondly, that the area has aesthetic values of national significance which are to be protected and enhanced for the public and Sydney Harbour, and its islands and foreshore should be recognised and protected as places of exceptional heritage significance.

15

The unique and public nature of this site must be kept front of mind when assessing the suitability of the site for this proposal and whether its adverse impacts are acceptable.

20

The land is public land in New South Wales' premier tourist area held under a lease restricting its use to a harbourside festival market. So the harbourside festival market is to include retail, restaurant and entertainment.

25

The objective of the Darling Harbour Development Plan is to encourage the development of a wide variety of tourist, educational, recreational, entertainment, cultural and commercial facilities. But this proposal will replace 20,000 square metres of retail space, primarily cafes, waterfront dining and shops, with 42,000 square metres of residential, over 34,000 square metres of commercial and a mere – and replace a mere 8,000 of retail.

30

Putting it simply, it is a land grab, a fourfold increase in building density in the premier tourist precinct in Sydney for which the public will see a 50 per cent decrease in the public, ie the retail element. The recently released Pyrmont Place Strategy provides only three special considerations for master planning on this site: protection of solar access to the harbour foreshore public domain, prioritisation of the delivery of employment, entertainment and tourism floorspace, and a tower below 170 RL. This proposal achieves only one of these requirements. It will overshadow ..... Over half the existing retail entertainment area will be lost, including the jobs associated with that. But nevertheless the tower will sit below 170.

35

40

Now, the developer might say, "This is just a concept plan and we can sort this out later in the development DA." This is not the case. Just because it is an application for a concept envelope does not mean you need to be less rigorous in your assessment. The Planning Act and the courts have made it clear that an application for a concept plan is an application for development for which the consent authority must understand and assess all of its impacts; and secondly, that the subsequent

45

detail of the DA must be consistent with the concept envelope, ie, no more and no less. That is to say, if this concept plan were approved, a development application for a building which did not fill the envelope – for example, of a lesser height – would arguably not be authorised by the concept plan.

5

Now, looking at environmental impacts, you need to understand them and you need to assess them against the criteria – sorry, I’m just going to – assess them against the criteria. And absent detailed planning controls, you’re going to have to look elsewhere, for example, looking at the Harbour REP or some sort of criterion of what the most skilful development would be. Now, taking private view impacts, for example, unfortunately, in this instance on the material you have, you have a disagreement both on the extent, so the significance of the impact, and on its acceptability or reasonableness.

10

15

Accordingly, you’re going to have to look at this issue quite closely. We say that the evidence is very clear that the proposal will have a significant impact on existing private views for residents of One Darling Harbour. 104 apartments are affected. Each of these apartments will lose views and aspects to the south and southeast. Dr Lamb has further – has identified that around 49 of these will experience a severe or moderate to severe impact on their water and city views to the east, and that is the impact that we are most concerned about. The Department nevertheless manages to conclude that impacts range from negligible at lower levels to minor at upper levels – we’re not quite sure how that is done – or that existing views from lower floor apartments remain largely unaffected – again, we’re unclear how that conclusion has been reached.

20

25

The developer, on the other hand, concedes that 24 apartments will suffer severe or moderate to severe impacts. Dr Lamb will take you through them in more detail, but you will recall from the site view how the apartments and the internal living spaces are oriented around these existing views, and that the photo montages demonstrate a severe impacts on views for many apartments. We also say that the significance of the impacts may be underestimated. This is because the images used by the proponent in the assessment are views from the balcony. They’re not actual views from the living areas of the apartments, which will be more impacted by the proposal. And then also, you’re trying to assess the extent of the view impact of a concept envelope using a hypothetical building which is narrower than the envelope for which approval has been sought.

30

35

40

Now, this is important, because the Department has asserted that the oblique views that One Darling Harbour residents – some One Darling Harbour residents retain by looking over or around the proposed building somehow justify the loss of the iconic view. So that’s where those slivers become very important, because that’s all that’s going to be left. The Department – and thirdly, the Applicant has thrown into the ring a proposal for a public rooftop space on top of the fifth floor of the northern podium. A viable public space will necessarily require balustrades and landscaping to manage safety and solar and wind amenity. It would also require a retail or some bar offering or something to give it some sort of function or utility, and the developer has

45

requested a height increase on the building envelope to accommodate all of these additional structures. So the view impact is likely to be greater than what you've been provided.

5 Now, once you understand the significance of the impacts, the next issue is assessing the reasonableness of the proposal as against the severity of the view impacts. Now, these view impacts on the residents of One Darling Harbour are caused by the northern podium, an over-height, five-storey, 25 metre height commercial office block placed directly between the residents and their waterfront and city skyline  
10 views. This office block is taller and wider than the existing building. Now, there's a pitched roof which slopes down both towards the waterfront and towards Pymont Bridge. And while it takes a bit of looking around in the developer's materials, the existing building has a maximum height of 17 metres, but – that's at the ridgeline – but you will notice that if you're at One Darling Harbour, or a resident of One  
15 Darling Harbour looking down, you will see your views are greatly enhanced by the pitched slope of the existing roof.

Now, the developer says, well, that's reasonable because the development complies with the planning controls, forgetting to mention that there actually are no height  
20 limits in the planning controls, so this doesn't actually provide a meaningful contrast. Says that other developers have been permitted to build large buildings despite their potential view impacts. And we note that those other buildings are in different locations and in different contexts and have had different categories of view impact, so I don't think that's very helpful either in assessing reasonableness. And then  
25 thirdly, the developer says, well, this location is the last undeveloped site on Darling Harbour, so therefore any view loss must be reasonable.

Now, no one is suggesting that this site shouldn't be redeveloped, but it could be done in a way that promotes the public good and could be done in a way that does  
30 not cause significant view loss for the residents of One Darling Harbour. The Department then adds in its Tenacity assessment, well, the view enjoyed by the residents of One Darling Harbour are characteristically good and therefore view loss is inevitable. I fail to see why having a good view means that you are justified in losing it and that it is an improvement on what was previously proposed by the  
35 developer. And this goes - - -

MS LEESON: Ballanda – can I interrupt, Ballanda? I'm sorry. In case you didn't hear it, that was the one minute bell, just to let you know that - - -

40 MS SACK: Okay.

MS LEESON: - - - you're approaching the end of your time. Thank you.

45 MS SACK: Okay. So what I might do is just skip to dealing with just some public domain issues, because one of the things that are important is that the images you've got are not very – are not very helpful. You're looking at a concept proposal. You're looking at a building which is narrower and lower than the envelope. You've

been provided with glossy images of a hypothetical building from the viewpoint of a low-flying aircraft, not from where the public are actually going to enjoy it. Some of the images are oddly cropped. And then the site tour brochure you were given provides a wholly different design, with a second ramp connecting to Pymont Bridge. Now, previous urban planning had talked about the idea of the space being a bowl opening out into the waterfront so that the public could enjoy that. That seems to have been lost in the current proposal.

MS LEESON: Ballanda, are you at the end of your presentation now? That was the final bell.

MS SACK: All right. So I'm not at the end of my presentation. I just wanted to mention two things in relation to the actual volume of public space. I know the developer has mentioned that it's providing 10,000 square metres. I just wanted to reiterate that at the waterfront level, it is taking as well as giving. It is providing no net increase at the waterfront level. And secondly, that it's providing – Guardian Square, which is necessary for a transition down to the waterfront, but then this further 2000 square metres of rooftop podium is very much of questionable utility and permissibility, just because, for amenity reasons, I think it would be very unlikely that it could be approved, just because of the impacts on existing residents as well as the thousand or so extra residents that will be coming in with the tower. Development also has substantial overshadowing impacts on the public domain, which is contrary to the Pymont Place Strategy, which clearly states there shall be no overshadowing impacts on behalf of foreshore domain.

MS LEESON: Ballanda, I am going to need to ask you to wrap up now, unfortunately. You've exceeded your time. We gave you a little bit extra. Please feel free to make a submission on behalf of the 50 Murray Street people next week, as I've outlined in our opening statement. So we will call your presentation to a close there. Thank you.

MS SACK: Thank you.

MS DAVIDSON: We're now going to take a break until 11.35, when we will resume.

**RECORDING SUSPENDED** [11.09 am]

**RECORDING RESUMED** [11.36 am]

MS DAVIDSON: Our next speaker is Richard Lamb on behalf of the owners of 50 Murray Street.

DR R. LAMB: Thank you, Commissioners. I'm going to read my submission, but there's a PowerPoint presentation there which I think I'm – I hope I'm sharing with you.

5 MS LEESON: Yes, you are. Thank you.

DR LAMB: Since the original application was made, I've prepared reports on view sharing and made submissions on various iterations of this proposal. The tower podium form has undergone various changes and the location of the tower towards the south of the site is considered to be a more skilful solution to compare the impacts on view sharing. That isn't the same, because it doesn't have a significant impact on views to the southeast towards Cockle Bay and beyond. The northern section that has been part of the rolling series of claims in favour of the proposal is still too high to provide reasonable view sharing of One Darling Harbour. It's the equivalent of three storeys higher than the existing shopping centre at RL26.5. It destroys views up to level 6, and up to level 8 in the southeast direction from One Darling Harbour.

My submission in 2020 November concerned the further amended proposal, and it's largely the same as what's in front of the IPC now for approval. So largely they're the same because there's now a further and subsequent proposal for change to it that would potentially exacerbate view loss by not only raising the height of the podium further, but also by permitting various structures and landscape to be constructed above the height of the podium envelope in future DAs. I note that the Department supports approval of the proposal subject to conditions in the draft development consent. It also accepts the claims by Ethos Urban that view loss to One Darling Harbour is inevitable and therefore reasonable. I don't agree with either of those claims; I will come back to that in a moment.

The draft development consent also supports a later proposal that hasn't been subject to exhibition or public comment to add 2000 square metres more of open space to the top of the northern section of the podium, which doubles the public open space contribution, and it places most of the public open space directly in front of One Darling Harbour. The extra public open space is described in schedule 2 of the draft consent at A15 as the northern podium articulation zone. Changes to the level of the podium and the visible height of items on it are likely to conflict, if approved as proposed, with view sharing with One Darling Harbour. Subject to future DAs, this zone is permitted to have structures that extend above RL24 envelope.

It seems as though the RL24 is now being superseded by an RL26.5, such as balustrades, garden pavilion and shade structures, hard landscaping and vegetation. Other structures, such as shelters, public toilets and so on, would probably be necessary, given the isolation of the area from any such facilities and its pretty poor accessibility. Part C in the future environmental assessment requirements at C15(a) in relation to the landscaping provides that landscape design for the podium will provide new plantings to green roofs with a mixture of trees and shrubs from

indigenous or local species. There are several other requirements. C15(b), it requires maximum urban tree canopy.

5 15(c), inclusion of medium to large canopy trees. 15(d), incorporation of taller trees and shrubs to enhance outlook from the west. That's a term derived from the submission by the City of Sydney, in which the absence of trees on the podium is claimed to be a missed opportunity. Taking that opportunity will, of course, increase view loss for One Darling Harbour. And 15(e) requires minimising the impacts on surrounding buildings when viewed from the west, but also requires maximum  
10 planting and activation opportunities. Part C of the future EARs at 25 concerns public and private views, requiring future DAs to minimise visual impacts where feasible.

15 Plantings, trees and structures above the podium should be considered, it says, to minimise impacts to view and maximise planting and activation opportunities. I simply wonder how any of that is possible, given the proposal for a 26.5 RL surface on which all this will happen. There will be obvious inherent conflicts with view-sharing objectives. I've noticed on many occasions in relation to this application that the podium as already excessive. While appropriate landscape in the public domain  
20 is applauded, it will be totally unacceptable if this leads to still further degradation of views for One Darling Harbour. It seems inevitable, given the EARs in part C of the draft development consent. I think we will go on to my next page at this stage. So those are the EARs and why I think there's inevitable conflicts that implementing those will cause further problems with view sharing.

25 Why the proposal shouldn't be approved as it's proposed. The three reasons that are accepted by the Department for increased view loss to One Darling Harbour are that impact on view sharing caused by the proposal is inevitable; that view losses are reasonable, because they're in compliance with Mirvac's key objectives; and that  
30 view losses are acceptable because similar losses would occur with any complying development on the site. I'm going to comment on each of those separately. First, the impacts are inevitable. Some view loss would occur, and a significant view loss has already been accepted by One Darling Harbour, of course, by the tower and the higher sections of the podium.

35 View loss is already a feature of the proposal. Further loss isn't inevitable, given the massive opportunity value of the tower to the proponent. A reasonable principle for view sharing is provided by Professor Webber, the independent urban design expert for the Department, who said that view loss shouldn't be any greater than that caused  
40 by the existing shopping centre. That's a reasonable principle. But the podium has actually been raised. Nothing inevitable about that.

45 Second premise: the impacts are reasonable because they comply with Mirvac's key objectives. That's just self-serving. Mirvac's objectives obviously and appropriately include its own interest in profit yield and other parameters, including public benefits, but some of those objectives may be antithetical to providing view sharing. An appropriate objective was provided by Professor Webber. We've provided a

genuine – if a genuine key objective was providing equitable view sharing, the northern section of the podium wouldn't be as high as what's proposed in this application.

5 Third, the impacts are reasonable because similar view losses would occur with a complying development. That's not only illogical, but it's also wrong. There are no development controls in Darling Harbour. We all know that. There are therefore no external parameters for determining a reasonable environmental impact. What's  
10 reasonable must arise from the proper assessment of environmental impacts. That is the only valid pathway. The assessment made, therefore, is flawed. Even Ethos Urban's own assessment shows that view sharing is significantly worse in the application than in the existing environment. The cause of it is the height and the mass of the northern podium. It's still too high.

15 Now, what amendment should be made if there's something approvable? The shape of the area that's ..... potential Guardian Square is of a limited benefit to ..... is an improvement to views for a small number of units, and that's appreciated. However, the benefit should be extended by moving the south boundary of the lowered section of the podium further south on an alignment more directly easterly, for example, the  
20 next step in the height of the podium proposed further to the south.

If the proposed green roof as envisioned in the draft development consent is approved, it's imperative to avoid conflict with the future environmental assessment requirements at part C of the draft consent but the podium is lowered to comply with  
25 the principles of Professor Webber. Such an appropriate landscape can be added to the additional open space, which will be of public benefit but won't be in conflict with reasonable view sharing. So to summarise, reconsideration of the height of this part of the podium could provide a satisfactory outcome for One Darling Harbour in terms of view sharing.

30 MS DAVIDSON: Mr Lamb, I note your time is expired.

DR LAMB: I'm finished.

35 MS LEESON: Is there anything further, Dr Lamb, you wish to say?

DR LAMB: No.

40 MS LEESON: No. Okay. No, thank you very much for that. And we will have a close look at your presentation when it's uploaded and submitted. So thank you for that. Any questions?

MS LEWIN: No, none from me.

45 MS LEESON: Questions? No. Thank you. We don't have any questions for you, Dr Lamb. Thank you. That was quite comprehensive.

DR LAMB: Thank you.

MS LEESON: Thank you.

5 MS DAVIDSON: Next speaker is Bruce Campbell. Mr Campbell has been allocated 10 minutes.

MR B. CAMPBELL: Hello. Can you hear me?

10 MS LEESON: We can. Thank you, Mr Campbell.

MR CAMPBELL: Okay. Thank you. As you say, my name is Bruce Campbell. I am an owner in One Darling Harbour and have been involved in tourism for 45 years. In formulating this submission, I would like to note the following: the  
15 Harbourside site is owned by the people of New South Wales, and its use is stipulated in a hundred-year lease signed in 1988. Residential usage is not included in the lease. That lease has 67 years left to run. In a Parliamentary debate leading up to the establishment of Darling Harbour, it was clearly stated that this and the other Darling Harbour sites were gifted to the people of Sydney. Quite clearly,  
20 construction of a 45-storey or more residential tower on this publicly owned waterfront site is contrary to the terms of the lease. If allowed to proceed, it will not only have a huge negative impact on adjacent Pymont, but will take away the gift to the people of Sydney, changing the tourism precinct forever.

25 In 1992, I was given the honour by the New South Wales Government to serve the State of New South Wales as tourism commissioner. I served the Government from '92 to '96, and during that period I became a big believer in the design and purpose of Darling Harbour being an icon and a tourism precinct for all to enjoy. New South Wales had many tourism attractions in the state, and Darling Harbour not only was a  
30 tourism attraction but an icon Sydney could be proud of. Darling Harbour transformed in the 1980s from a derelict dockyard into one of the world's greatest waterfront destinations.

Darling Harbour is a must-see for visitors and a favourite playground for  
35 Sydneysiders and their guests. It offers a host of excellent attractions, world-class museums, exceptional shopping, modern restaurants and cafés, superb accommodation, park with children's playground, a year-round calendar of free outdoor events, and magnificent views of the harbour and city skyline. Property New South Wales owns and manages a 60-hectare Darling Harbour site, which  
40 includes 28 hectares of water known as Cockle Bay. The oldest surviving electronically operated swing span bridge in the world, Pymont has connected the eastern and western sides of Cockle Bay since 1902.

The precinct is a family-orientated playground for all ages, alongside a fine array of  
45 waterside dining, fashionable nightspots and spectacular fireworks displays, the area also boasts some of Sydney's most compelling attractions, including Madam Tussauds, SEA LIFE Sydney Aquarium, WILD LIFE Sydney Zoo, Australian

National Maritime Museum, the Chinese Garden of Friendship, and the Museum of Applied Arts and Sciences, the Powerhouse. Darling Harbour is a place for everyone to share. It is a designated tourism precinct. It is described as Sydney's great celebration space and a playground for all ages. Any development in this area must  
5 serve to enhance the tourism and public purpose values of the area.

The current proposal will fundamentally change the character of Darling Harbour. There are no other tall towers this close to the water in Darling Harbour. This is for a reason. It creates a sense of openness and maximises the sun and light into the public  
10 areas around Darling Harbour and allows the harbour and the Pyrmont Bridge to dominate and define the area. The moving of the proposed tower to the southern end of Darling Harbour is certainly a step in the right direction if a tower must be part of the redevelopment. The existing shopping complex is 20,000 square metres of retail. The proposed development is 8000 square metres of retail, 42,500 residential, and  
15 37,000 of commercial.

The proposed retail podium is excessive and inconsistent with the values of the site. The podium is an equivalent height of a seven-storey residential building. Such a large residential and commercial space is inappropriate and unwanted in this area,  
20 particularly given the close proximity of similar retail, residential and commercial spaces throughout the CBD and Broadway shopping centre. Good planning is not about maximising the footprint of an area for commercial gain, but rather aesthetic design to improve the existing tourism precinct development. Pyrmont Bridge is listed on the State Heritage Register as a key feature of the Darling Harbour area.  
25 Any development must preserve and enhance the heritage values of the bridge. The proposal will dominate Darling Harbour and significantly change and diminish the heritage context of the bridge.

I purchased my apartment in One Darling Harbour off the plan in 1994 whilst I was  
30 New South Wales tourism commissioner. My apartment is on the 12<sup>th</sup> floor overlooking Darling Harbour with a 180-degree view of the harbour and the city. It was the views that made my decision to make such an expensive purchase. If this development was to proceed, it would remove at least 30 per cent or more of my view of the water that I have enjoyed for 26 years. In summary, the whole of Darling  
35 Harbour precinct, including Cockle Bay, is a tourism precinct with an excess of 100 restaurants and cafés, with numerous shopping outlets, 1000-plus accommodation rooms, and including a few residential buildings at the rear of the precinct. It provides 52 short-term berths for visiting boats 15 metres or less, and many cruise boats for visitors wanting the cruise experience.  
40

The Darling Harbour tourism precinct is the playground for international, interstate, intrastate and Sydneysiders, and has been since it was given back to the people in 1988. The whole tier design of the harbour foreshore has aesthetically blended in with tourism open-space concept for all visitors. The Darling Harbour precinct is  
45 without doubt one of the most iconic and desirable tourism attractions in New South Wales, and certainly Sydney. Any planning decision to allow such a density on the waterfront over the footprint of Darling Harbour Shopping Centre would be a serious

planning error. People of Sydney and New South Wales require of planning to keep high-rise in the CBD and not expand it into their tourism playground.

5 The Mirvac proposal is severe overdevelopment of a precinct with such a density that the precinct does not need. The whole precinct requires a master plan with building restraints that relate to the original tier design before it is terminally damaged by bad development approvals. The magnificent existing development of Darling Harbour has been a credit to the New South Wales Government, and the billions of dollars being spent on its redevelopment should not be jeopardised by one major planning error to suit a single developer for the purpose of profit at the expense of the people.  
10 Thank you.

MS LEESON: Thank you, Bruce. Thank you for your time, and coming in under time. That's most welcome. Thank you.  
15

MS DAVIDSON: Our next speaker is Helen Jones.

MS H. JONES: Hello, can you hear me?

20 MS LEESON: We can, thank you, Helen.

MS JONES: I apologise. I'm not well prepared for this. But when the email arrived, I wanted to make sure that you had sufficient feedback from residents so as not to form the impression that there weren't any concerns about the development. I  
25 have been living in Pyrmont since 2005, and I've seen a lot of development in the area. By way of background, I actually have spent many years in Hong Kong, and I've seen what overdevelopment of the waterfront did there. And I've watched over the last 15 years the changes and development in Darling Harbour.

30 And I haven't studied the SEPs, and I should have done it in preparation for today, but my understanding is, as the gentleman before me was saying, is that the original intention of the development of Darling Harbour was to create an open space that was inviting to tourism and was enhancing the water that it was built around. And what I am observing now is this encroachment by high-rise, and sadly, if you ask me,  
35 a lot of it, high-rise over the Darling Harbour space, in complete contravention of the original intention of that space. And this is one thing I don't understand, is how people make decisions to invest in the area and move into the area in reliance on plans that were put in place by a government originally, but which seem to be changed with great ease over time. And people can no longer rely on these  
40 documents to make investment and lifestyle decisions.

I am also concerned about the climate effect it will have on that space, making it hotter in summer and colder in winter, and any possible wind tunnel effects that the development may have. And certainly to my mind, the space is fast becoming far  
45 less attractive and completely different to the original intentions of its usage. I cross Pyrmont Bridge very frequently, and I have observed the buildings that have been going up and are still being built as we speak, and I hadn't realised before that they

were going up – because I was aware of those developments but I had no idea of what their visual impact would be on that space. And already I feel that it’s compromised, and I don’t – I’m not as unfortunate to have an apartment on the waterfront, and so I’m not directly affected, but I do think that residents should be speaking out in the interests of anyone who uses that space. That’s basically all I have to say. Thank you.

MS LEESON: Thank you very much, Helen. Thank you.

10 MS DAVIDSON: Our next speaker is David Palmer, and he has been allocated five minutes.

MR D. PALMER: Commissioners, thank you for the opportunity to participate in this meeting. My name is David Palmer, and I have been a resident in One Darling Harbour since its opening. I have an apartment on the fourth floor facing east. At the time I bought my apartment, albeit off the plan, I was under no illusion that Harbourside would be redeveloped at some stage. However, I had no idea at that time the redevelopment would be on the scale proposed by Mirvac. My naivete was dispelled as the Darling Harbour precinct has been slowly transformed, from the King Street Wharf to the extensive development in the south. In every case, there has been a steady erosion of the public good to the benefit of private capital.

Mirvac’s proposal is no exception. The latest reiteration of their plan, October 2020, is touted to be a vast improvement on their original scheme. The office tower originally on the northern end has been replaced by a residential tower, which has moved south. However, this much vaunted concession by Mirvac doesn’t alter the fact that the development is nearly four times greater than the existing Harbourside. One of the many reasons I bought this apartment was an expansive view to the city, with Cockle Bay in the foreground, providing a natural relief from the built environment.

The passive roof of the present Harbourside could be conveniently ignored. Indeed, the roof is pitched, which lessens its impact on the view as it slopes to the water. If flat and raised as proposed, the view of Cockle Bay is obliterated by the northern podium, consisting of one over height retail floor and four levels of extra height offices on top of it, a far cry from the two floors of Harbourside at this end of the building adjacent to One Darling Harbour. For all of us living on the lower floors, this development will not only impact our views but the value of our apartments. That this proposal could even advance to this stage is a travesty.

In the absence of any planning controls, Mirvac exploited this situation to make an ambit claim to maximise their commercial gain. The consultants engaged by One Darling Harbour have raised many concerns in submissions relating to the process adopted by the Department of Planning, Industry and Environment. To my knowledge, there has been no satisfactory response that the matters raised have been addressed. In its response submissions to – in its response submissions and further amended concept proposal of October 2020, Mirvac states, “The position and

premise that a benchmark for redeveloping the site is to put back in its place a building of the same height is considered unreasonable.”

5 This begs the question, why? It is disingenuous on Mirvac’s part to say, “A  
reasonable benchmark is we can have a development with this height and mass  
because others in the vicinity have had like developments approved.” Let’s be clear  
about this. They have acquired a prime piece of harbour foreshore to be developed  
primarily as commercial office space and sought-after residential apartments. A sop  
is thrown to Cerberus in the form of much-reduced retail and entertainment  
10 experience for visitors to Darling Harbour, a rooftop public area on the northern end  
of the podium, landscaping, paving, trees, etcetera, adjacent to their lease.

Turning to that rooftop area, dubbed Guardian Square by Mirvac, this is a belated  
attempt to appease concerns raised that there was insufficient public space in  
15 previous proposals. Rather than sacrificing any of their GFA to provide such a  
public amenity, a part of the flat roof on the northern podium that was once going to  
be what looked like a grassy rooftop is now a public space directly to the east of One  
Darling Harbour and only 40-odd metres away, open to the public 24/7. As this  
change occurred recently, there has been little detailed discussion with residents here  
20 about what impact this will have for those apartments on that level and above.

Changing the area from being passive to active will require balustrades, landscaping  
in the form of trees, shade structures will be required to ameliorate the effects of  
sunny northerly aspect. As there is some retail shown adjacent to this space, it can  
25 be assumed that outdoor dining will be high on the list of activities apart from taking  
in the view. Our present residents on the east of the building only have to contend  
with a bit of traffic noise, but as those who live on the northern end can attest, the  
noise from the 24-hour pub across the road can be quite intrusive, especially at night.  
Privacy of these lower floors apartments will also be affected. As well as the rooftop  
30 public space, the uppermost floors of the offices will look directly into our  
apartments. As of now, privacy is protected by distance, the nearest line of sight  
being well over 150 metres away. In closing, I object to this development in its  
current form. The impacts on 1 Darling Harbour have been downplayed by Mirvac  
and, in the case of Guardian Square, have not been addressed at all. This, together  
35 with the size and nature of the development, flouts any pretence that this is anything  
but a cynical appropriation of public land. Thank you very much.

MS LEESON: Thank you, David. Thank you.

40 MS DAVIDSON: Our next speaker is Jacqueline Lee, and Jacqueline has been  
allocated five minutes.

MS LEE: Hi. My name is Jacqueline, and I will be sharing a presentation. Thank  
you for the opportunity to speak. I am a midlevel resident. What if – I am a  
45 midlevel water-facing resident of 1 Darling Harbour, and I believe the current  
Harbourside proposal has unreasonable adverse impacts on the amenity and heritage  
of the area due to the bulk and scale of the northern podium envelope. I will offer

four points for the panel's consideration. Firstly, the northern podium of the Harbourside proposal is not commensurate in bulk and scale with the neighbouring Cockle Bay redevelopment, particularly adjacent to the Pymont Bridge.

5 This creates inconsistency in the character of the Cockle Bay basin and a lack of coherence in the developments at the start and end of the heritage Pymont Bridge. The Cockle Bay redevelopment has a podium envelope with an approved RL of 12 at the Harbour's edge, and RL of 19 over the road, and provides a large, one level park  
10 away from the Pymont Bridge before increasing to RL 29 for a mere 7.9 metres.

MS LEESON: Jacqueline – Jacqueline, can I interrupt you just for a second.

MS LEE: Yes. Sure.

15

MS LEESON: Are you able to put that on full screen?

MS LEE: Let me – sorry. Is that better?

20 MS LEESON: That's much better. Thank you.

MS LEE: Okay.

MS LEESON: I'm glad you didn't ask me how to do it because I couldn't have told  
25 you. Thank you.

MS LEE: I'm glad I – sorry. So that was – it was 12 metres along the waterfront before rising to 29 metres for 7.9 metres, just this little bit here. Now, in contrast, the Harbourside proposal plans for a three level park – one, two, and three – starting at  
30 RL of 13.75 for a mere 30 metres before rising to RL 26.5 for about 60 metres right along the water's edge. The bulk and scale reduces the amenity of the public walkway, and unreasonably obstructs views of the bridge and water from surrounding buildings, and is inconsistent with the Cockle Bay redevelopment. Also, the proposed three level park is not family friendly and will be a deterrent for those  
35 who require disabled access and for the many families that visit the Harbour with prams, including myself.

Instead, a publicly traffic ..... RL 13.75 or 17.5, one level tier extending for 75 metres along the waterfront, will provide a significant family and disabled friendly  
40 flat, open space similar to the Cockle Bay redevelopment. Secondly, the podium envelope set back from the Pymont Bridge is only some 25 metres before the RL rises from 13.75 to 26.5, which still significantly overpowers the heritage Pymont Bridge, being twice the height ..... platform. In contrast, the Cockle Bay side of the Pymont Bridge has an RL of 12 for 65 metres, and this scale was recognised by the  
45 Department of Planning to provide a relatable scale of development adjacent to the foreshore, and the podium height would not challenge the visual dominance and heritage significance of Pymont Bridge.

In contrast, I contend that the current height and bulk of the northern podium of the Harbourside proposal – again, being twice the height of the platform of the bridge – inappropriately and unacceptably challenges the visual dominance and heritage significance of Pyrmont Bridge. To ensure coherence at both ends of the bridge, the podium should be of a similar height and a similar length along the harbour. Thirdly, my valuable whole water views from 1 Darling Harbour over Cockle Bay will be entirely taken away from me by the Harbourside proposal for its own enjoyment. This is true of many of my neighbours in 1 Darling Harbour, who will also suffer the loss of all or the majority of the existing whole water views.

The visual assessment impact was not based on balcony views. However, I, like most residents, have much more time inside the apartment, and my views are enjoyed from the living room and bedrooms, which was not taken into account. So when it comes to my highly valued water views, it will not be view sharing but a devastating total loss of water views. And, in addition, the provision of a northern corridor in the Harbourside proposal does not facilitate view sharing, given the curved nature of the 1 Darling Harbour building. It does not, in any way, benefit the many apartments who will experience a total or majority loss of valuable whole water Cockle Bay views, which is devastating in impact to the amenity of the pre-existing residential apartments. Fourthly - - -

MS DAVIDSON: Ms Lee, I note that your time has expired. Chair?

MS LEE: Pardon me.

MS LEESON: Well, we did interrupt you to go to full screen. Are you just about to wrap up? I can see you've got a recommendation slide.

MS LEE: Yes. That's just the last part.

MS LEESON: Terrific.

MS LEE: So my recommendation would be if the tier became one tier, either 13.75 or 17.5, and that the landscaping remained within this tier. Thank you so much.

MS LEESON: Thank you. Thank you very much.

MS DAVIDSON: Our next speaker is James Price. Mr Price has been allocated five minutes.

MR PRICE: Good afternoon, Commissioners. I would like to address what is effectively the politicisation of the public service to do the Government bidding rather than unbiased advice without fear or favour, and I'm particularly referring to the Department of Planning in this particular instance, where they are suggesting that the proposal is acceptable as it meets Mirvac's needs. The IPC is the last bastion of independence, and we are relying on your independence. The locally elected Council, as you heard earlier, is not in favour of this proposal of turning public space

into private space. The idea to refurbish or renovate an existing three storey shopping centre certainly has merit.

5 To improve connectivity between Pyrmont and Ultimo also has merit. Supporting a demonstration of corporate greed has no merit, and we've heard this is a blatant land grab. Mirvac bought the site a few years ago, and it championed to anyone who would listen at the time that it was purchased as a viable going concern. They are now saying it isn't viable to refurbishment. A bit like the Harbour Bridge, really. It's interesting that no one from Mirvac has been sacked for poor performance of this purchase. The public space, which has also been mentioned as an addition at the last minute, almost as a panic – Mirvac trumpeted about the consultation with neighbours and how they were a perfect corporate citizen.

15 They changed the rooftop that they consulted with us about in – from – it was going to be locked up green space. Their idea that they sold us was that it would be a beautiful view from the residential tower and it would be ensuring the privacy and amenability of the views from 1 Darling Harbour. Now, they're saying they are going to open it to the public and, beyond that, it's going to be part of the entertainment and events precinct. They also championed that it's going to be an employment generator, this 52 per cent of corporate and retail space. There doesn't appear to be any evidence to back that up. If we look at other reinvigoration – and I cite Barangaroo as a prime example – all that did was shift the deck chairs on the Titanic, and you had corporations that were already in the CBD move to Barangaroo.

25 It didn't generate any more employment that has been noted. The use of the precedent set by the Cockle Bay development for height and setback is something that should be considered. It has been pointed out that there is a vast difference and that has a roll on effect, from overshadowing to view sharing to the openness of the area. So, in my respectful submission, the proposal should be rejected. Thank you.

30 MS LEESON: Thank you very much. Thank you.

MS DAVIDSON: Our next speaker is Barbara MacGregor, and Ms MacGregor has been allocated five minutes. Barbara, your microphone is on mute. You need to turn your microphone on.

MR .....: Okay, mum ..... you know.

40 MS DAVIDSON: There you go. Thank you.

MS MacGREGOR: I'm deaf, so I'm at my son's place so that he can help me if necessary. I bought my apartment 14 years ago, appreciating the amenity of the area, and ..... the view, the large balcony, and the big raised garden, all perfect for outdoor entertaining of our large family. The view over the roof of Harbourside, consisting of Pyrmont Bridge, the Marina, the Waterside Promenade, and ..... the city lights was the main reason I chose my small flat, and I paid a premium for these views. You can imagine my dismay when Mirvac first proposed a huge development right in

front of my building that would rob me of my view, the amenity and, indeed, much of my enjoyment of life.

5 With the current amendment, the effect on me at level 2 gets even worse. Over the years of proposals and amendments, the podium has continued to grow in height, and now my viewless balcony would be overlooked by the public strolling on the podium roof. If this is approved, I will even lose my privacy, and all I will get to see is the back side of a shopping centre. Additionally, I will have to endure months or years of the noise and grit of a major construction site. This is Mirvac's representation of my future view. You see it outlined by the rectangle. Added to the loss of amenity, I'm ..... substantial economic loss on my purchase as the view I paid for when I bought the apartment is destroyed.

15 This apartment constitutes my sole asset and, at the age of 88, I have to look ahead to the eventual funding of a place in a nursing home. Although Mirvac have acknowledged that my loss of view is severe, they have never acknowledged – let alone sought to compensate me – for the detrimental effect their proposal would have on my finances and my mental health. I ask the panel members to consider how they would feel in my position and to consider very carefully their response to Mirvac's proposal. Their latest submission states that changes have been made in response to community comment and concerns. My concerns have not been met. They have been ignored.

25 For Mirvac to complain otherwise is an affront to me and many of my neighbours who have been similarly ignored. If Mirvac's claims were true, then the changes could only have resulted from a community clamouring for an oversized shopping centre to be made even larger. I ask: where has Mirvac found such a community? Not in Pymont. Any development of the western shore of Cockle Bay beyond the present height of Harbourside is unprecedented and would have a deleterious effect on Cockle Bay, hemming in the small expanse of water and obliterating the boulevard atmosphere of our present walkways. Were the proposal to be approved in its present form, it would set precedent that high rise shopping centres and towers close to Cockle Bay are fine for one and all.

35 It would also negate the previously held values of people friendly planning. In these troubled times, when people are shunning cities for a better life elsewhere, it seems to make no economic sense as well. For these reasons, I strongly urge you to reject this proposal as inappropriate, oversized, and damaging to the amenity of the community. Thank you.

40

MS LEESON: Thank you very much, Barbara. Thank you.

MS DAVIDSON: Our next speaker is Ken Loudon, and Ken has been allocated five minutes.

45

MR LOUDON: Thank you. Thank you very much for allowing me the opportunity to talk on behalf of this development. By way of introduction, I'm a new resident to

the Pyrmont Peninsula, having purchased an ..... plan apartment. What attracted my wife and I to the Pyrmont Peninsula was the wonderful mix of residential, commercial and tourism community, the history of the area ..... the heritage walks, trees, parks, the harbour access, its heritage buildings, and the enjoyment of walking  
5 from the CBD to a non-CBD location by way of the Pyrmont Bridge. What this translates to is an attractive look and feel and overall general ambience which is close to the CBD, but it isn't in the CBD.

10 My point here is that Darling Harbour and Pyrmont's past developments have taken into consideration their location, its mixed community and their needs, the existing residents and, in particular, the ..... I'm not sure that the current Harbourside development will preserve this environment. I certainly recognise the developer has amended their plans originally submitted, but I think further changes should be considered by the Commission. When I look at the current plans, I think there are  
15 some clashes with the existing location. Within this location, the ICC built form as well as the ..... tower appear to be set back and not overly bulky or appear a large, interconnected form. As a comparison, I understand, and it has been mentioned by many people, the envisaged Cockle Bay tower, I'm told, will not encroach towards the waterfront.

20 It's in keeping with its location of the CBD and towers and will be set back. I've effectively got three general observations to pass on to the Commission. The tower is too small – too tall, not small – too tall and will impact significantly into the future. The built form is too bulky and interconnected. The podium part called  
25 Guardian Square should be reduced in size as it's too close and too high in comparison to our great heritage structure of Pyrmont Bridge, and the developer should ensure, if approved by the Commission, that the podium parks must be safe for all. Briefly, I'm not against refreshing the shopping centre.

30 Far from it. But I do find the residential tower of some 300 odd apartments and parking spaces and very high commercial and retail podiums quite excessive. My sense is the apartment number and the height of it is very much a means of the development to pay for the development. Stating the obvious, an increased  
35 population of 300 new apartments, large commercial retail spaces, will obviously increase traffic, noise, and place pressures on social infrastructure, health, education, and probably policing. It's an obvious legacy of any large development, but it has always left the community. I ask the Commission to ..... The location on the western side of Darling Harbour and Pyrmont is already very busy, dense, and congested.

40 That's stating the obvious. What I don't understand very much is that the RL, though supported by Pyrmont Place Strategy – I can't reconcile why one single tall finger tower needs to not respect the shorter forms which are actually already in place. By that, I mean if you look at the Sofitel, the ICC, the Ribbon Building  
45 surrounding it, they seem to step down and are more balanced. A shorter tower would be far more attractive and in keeping with the location. Built form is bulky and too close to Pyrmont Bridge. The overall built form of having interconnected

podiums joining a tower on a narrower promenade would appear to block off or close off the western side of Darling Harbour.

5 I also think the podiums appear too tall, and that has been mentioned many times by most of those local residents. I think a mixture of smaller podiums would be more attractive. They also appear, the podiums, to continue all the way across to the Sofitel, so it will look very bulky if completed. My understanding the podiums at the northern end, very close to the Pyrmont Bridge, it's assessed to be pretty much the same height, or close to the height, of the walkway of Pyrmont Bridge. I recognise  
10 this podium is lower than the others, but it's only seven metres, in my understanding, away from the bridge. The Guardian Square will reside, then, on top of this northern podium.

15 The Guardian Square should be reduced in size and to allow the heritage bridge to have more air space and more distance. Total ..... to be respected and viewed somewhat independently from very large, bulky, modern ..... This ..... also counterbalance, on the other side of the bridge, which has air space and distance, which has been for the Maritime Museum. I'm mindful the reduction in park size runs counter to public space, but I think the preservation of such a significant  
20 landmark should be considered. As an alternative perhaps a pocket park could be located on the bottom level. Also, the current plan of Guardian Square height and proximity will distract when you're walking to and from the CBD.

25 The interconnectedness of the podiums and the others connected in this northern podium walk around a large block. My sense is your sightline should not carry off the bridge to what ultimately is just a large block. I would encourage a change so, when you were walking across the bridge, you have a feeling that you're on a bridge. You're sensing its purpose, its location, and where you are above the water. On all sides, it shouldn't feel like that you're closed in. It definitely doesn't feel that when  
30 you look towards the Maritime Museum, and I think that should be preserved. Finally, my final observation is the overall podium parks that appear to be a bit of a compromise – I'm familiar with a lot of the iterations previously – they do seem to encroach into the promenade by nine metres, so I wonder why they're higher.

35 I think it's because of that compromise. These parks, if they are approved, most definitely should have adequate access for the elderly and the incapacitated. They must have adequate lighting. They must have security or have closure at night, and I think the developer should turn their minds to safety requirements for that area, because most definitely there will be an increase in antisocial behaviour. So, to  
40 conclude, I'm not against developments in general. Rather, I am in favour of good developments that enhance location, respects existing residents and community, and invest in new social infrastructure as part of a developer or development obligation. This is the first of many assessments of developments as part of Pyrmont Place strategy, and I would be very grateful if the Commission considers my observations  
45 in their deliberations. Thank you for your time.

MS LEESON: Thank you very much, Ken. Thank you.

MS DAVIDSON: Our next speaker on the telephone is Helen, the Strata Committee Chair for 50 Murray Street.

HELEN: Hello, and thank you.

5

MS LEESON: Hello, Helen.

HELEN: I'm going to start with myself. When I first looked at buying my apartment here, it was the view that set it apart from dozens of other really suitable apartments in similar great locations. But the views from within the apartments here are iconic and, if Mirvac's plan goes ahead, the view will become one of an office block, a wall. It was the understanding that Darling Harbour was created for the people and, as a major tourism draw card, that reassured me that it would remain an ideal environment for the people it was intended for; unimposing with its low rise construction, shops and restaurants for people to enjoy, and easy access to the waterfront.

That is also the feeling of the many, many ordinary people who have actually bought into this building over time. Mirvac's proposed redevelopment is as far off as possible from Darling Harbour's true and intended purpose. The proposal for 87,000 square metre complex – and I have to say that the figures aren't necessarily 100 per cent accurate from what I've been able to find, along with the diagrams and the photos of what the impact will be in our building and Darling Harbour. But that is more than four times its current size. That is four times what it is now. As part of that, Mirvac wants to reduce the current 20,000 square metres of retail and eateries down to less than half, just 8000 square metres.

It wants to include at least 34,000 square metres of commercial space – that is, office space. So it will end up, if it's approved, workers will have what is going to be taken away from the people and the residents if the development, again, is approved. The balance, a residential tower with about 350 odd apartments, tucked away in the southern part of the development. Mirvac has also, at the very last minute, realised it hasn't provided enough public space amenity at the last minute, because it was not part of its proposal as submitted late last year. That clearly and, I think, obviously makes it an afterthought and proves the priority here is the land grab, nothing more.

If this latest plan by Mirvac is approved, it will mean the end of Darling Harbour as we all know it, as it was intended to be. The vast majority, dedicated to office and residential space, turning it into a mostly private amenity for commercial activities and profits, as you've heard other speakers say. Ultimately, the proposed redevelopment becomes an extension of Sydney CBD. What that means is the people of Sydney and the tourists who visit Darling Harbour will miss out forever. It will be gone. It will never be returned to the form that reflects its original purpose. It will lose its spirit in which it was created. And I've got some figures from Destination New South Wales.

45

The number of international and domestic visitors to Darling Harbour – 4.8 million in just a year to March 2019. And that is just the people who also stayed a night in Sydney. It doesn't include daytrippers. Those statistics also show visitors to Darling Harbour account for almost a third of total overnight visitors to Sydney's tourism  
5 region. Can we really see these numbers being maintained and the people enjoying Darling Harbour to that extent when it becomes pretty much an office block?  
Almost 5 million visitors to Darling Harbour in a single year who have used the open space and sought the freedom and enjoyment that comes absolutely with not being  
10 hemmed in or overshadowed by a big development.

If Mirvac's proposal is approved in its current form, what's left of the visitors will be herded up to the development's rooftop – again, the only real public space Mirvac has conceded and, again – and disappointingly, an afterthought just to comply with requirements. I think people and human enjoyment now appear to be the least of the  
15 considerations of so many developments. Profits are sought by the developers, plans approved by authorities. It's a cycle driven by money making and corporate greed while lacking any verified benefit to the human condition, and that is where I ask: where does it stop?

20 What is it all for? What are the actual benefits of this development? Residential tower aside, tucked around the southern end. The only benefit that can't be disputed is the profit making for the Applicant. That's the only given if this development is approved. Sure, there will be shops and restaurants but, under the developer's  
25 proposal, there will be 60 per cent fewer than what actually exists at Darling Harbour as we speak. Almost 5 million visitors a year who will see mostly office space, and only 40 per cent of the shopping, dining, and other amenities at Darling Harbour now. Build it Mirvac's way and they won't come.

30 The effects of fewer visitors could also extend to the critical tourism attractions at Darling Harbour. In terms of our building, an independent architect required to be commissioned by the New South Wales Government officially stated the impact of the proposed northern podium on views from our building was unacceptable, and the impact should not exceed those at this time due to the existing building. Mirvac has since made changes to the northern podium, but they don't meet the requirement that  
35 podiums view impact doesn't exceed that of the current Harbourside building. When you buy into and commit to our building, the current view from inside the apartments are unrestricted. They're an intricate part of the purchase and lifestyle. There's also ..... and what should be non-negotiable respect and consideration for the Pyrmont Bridge and its heritage status. It would be a huge public loss and, in many opinions,  
40 a disgrace to have something - - -

MS LEESON: Helen, can I - - -

45 HELEN: - - - of such historical value and beauty obscured.

MS LEESON: Helen, could I .....

HELEN: I've only got a couple more. I can go or not.

MS LEESON: Okay. I think, unless you have something new to offer that we've perhaps not heard this morning, and I apologise if you've not been online all  
5 morning, but I think unless there's something really salient that you want to add at this point, we will ask you to close.

HELEN: No. I was actually just going to finish up with the Cockle Bay development, but you've heard from a few people in detail the difference between  
10 that and Mirvac's proposal. And all I want to finish off with is the people demand their interests are first and foremost in the minds of decision makers, unlike the developers. Thank you so much.

MS LEESON: Thank you very much, Helen. Thank you.  
15

MS DAVIDSON: Our final speaker for today is Elizabeth Elenius, and she has been allocated five minutes. Elizabeth.

MS ELENIOUS: Thank you very much. I speak on behalf of Pymont Action  
20 members, but also reflect the views of other members of the Pymont community, who have expressed concerns about the scale and impact, not only of this proposal, but all the other recent and approved developments at Darling Harbour, which have not only walled off the Pymont Peninsula but also enclosed and overshadowed Cockle Bay, reducing views of the water from Darling Harbour itself from Pymont  
25 and the CBD. These buildings have been developed under the State Significant Development regime, which effectively allows developers almost free rein in a rules free planning environment, and I will try to restrict my remarks to those elements of the design which may yet be improved.

30 I was going to say I don't intend to tilt at the windmill of the tower height, but I really speak also in support of all the speakers who have opposed that element. The height of the building was sanctioned by the Pymont Peninsula Place Strategy through Harbourside's identification as a key site. However, it's hard to reconcile a tower of RL 166 metre with the objectives of Direction 2 of the strategy,  
35 development that complements or enhances the area. The proponent ..... consistency of this excessive tower height with the existing and future context, citing building heights in Barangaroo, the CBD, and the Haymarket, totally ignoring the local context of buildings in Pymont and Ultimo, but we have been disappointed that the statements of environmental effects only talks about its impact on the CBD and  
40 Darling Harbour.

It's as though Pymont and Ultimo simply don't exist. Some improvements have been made with the repositioning of the structure away from the heritage Pymont Bridge, and the tower has been slimmed and moved further south, reducing view  
45 impacts on some residents of 50 Murray Street but, of course, as we've just heard, perpetuating and increasing the impacts on others. We note the provision of a 1500 square metre public park, Guardian Square. We note that this square will be publicly

accessible 24/7. This will likely generate even more noise and antisocial behaviour than is currently experienced by nearby residents.

5 At least, currently, Harbourside provides a buffer from such disturbance occurring at ground level. We ask that the IPCN make it a condition of approval that the park be closed after 10 pm, seven days per week. The rest of the public open space is made up of steps and stairs, concrete pathways linking spaces, and the claimed widening of the boulevard. Whilst there might be a net increase in the total area of the boulevard, the area of the current public plaza outside Harbourside has been reduced by about  
10 50 per cent. This plaza is a gathering place and the site of the popular ferris wheel, as has been observed.

The proposed boulevard is just a pathway of around 20 metres within its entirety and the proposed podium encroaches ever closer to the water, requiring installation of an  
15 over water boardwalk – that, of course, reducing the area of Cockle Bay. We urge the Commission to require retention of the existing plaza as any approval of this project. In view of the huge waiting list for social and affordable housing – currently, over 50,000 people – we ask that a two per cent developer levy be imposed on the development. I better get on with this. Sorry.

20

MS LEESON: You're right, Elizabeth. Do you have much longer to go? That was the one minute bell.

MS ELENIOUS: Probably another two minutes, probably. Is that okay?

25

MS LEESON: That's fine. Thank you.

MS ELENIOUS: The current and proposed Harbourside development, as with all new developments on the western boundary of Darling Harbour, turns its back on  
30 Pyrmont and, currently, there is no pedestrian access along its western street frontage leading to the intersection of Pyrmont Bridge with Murray Street. Pedestrians are forced to walk to the eastern side of the building to gain access to this intersection. Similarly, the bike path along Darling Drive peters out. We've long advocated for the construction of a vehicular tunnel under this intersection, enabling traffic to travel  
35 seamlessly from Darling Drive to Murray Street, and thence to The Star and beyond.

That would give some public benefit from this development. We also note that at least 300 parking spaces will be allocated for residents and visitors, and urge  
40 provision of public electric vehicle charging stations associated with the development, and we would also welcome street activation at ground level on all sides and the – of the retail section of the podium with easy access to shops and venues for residents and workers from Pyrmont. Such activation, assisted by good exterior lighting and CCTV cameras, will enhance safety and public amenity, as would an increase in police presence. In summary, in our submissions, we have  
45 opposed the excessive height and scale of both the podium and the tower, but understand that, with government adoption of the Pyrmont Peninsula Place Strategy, we are powerless, probably, to prevent their approval.

Though, of course, we exhort the Commission to consider these very substantial complaints that you've received today. We would welcome serious consideration being given to these proposed improvements, which will not only enhance what's proposed but gives something back to the people whose public domain is being  
5 handed over for the private, residential, and commercial development. Thank you.

MS LEESON: Thank you, Elizabeth. Thank you very much. That brings us to the end of this public meeting for the Harbourside Shopping Centre Redevelopment Darling Harbour project. Thank you, everyone who has participated in this  
10 important process. We've heard some very interesting observations and recommendations this morning. Wendy Lewin and I have appreciated your input. Just a reminder that it's not too late to have your say on this application. Simply click on to the Have Your Say portal on our website or send us a submission via email or post. The deadline for written comments is 5 o'clock, Wednesday, 5 May.  
15 That's 5 o'clock next Wednesday.

In the interests of openness and transparency, a full transcript of today's public meeting will be made available on the Commission website in the next few days. At the time of determination, the Commission will publish its statement of reasons for  
20 decision, which will outline how the Panel took the community's views into consideration as part of its decision-making process. Finally, thank you to my fellow Commissioner, Wendy Lewin, and also to counsel assisting, Joanna Davidson. From all of us here at the Commission, thank you very much and enjoy the rest of your day. Good afternoon.  
25

**RECORDING CONCLUDED**

**[12.42 pm]**