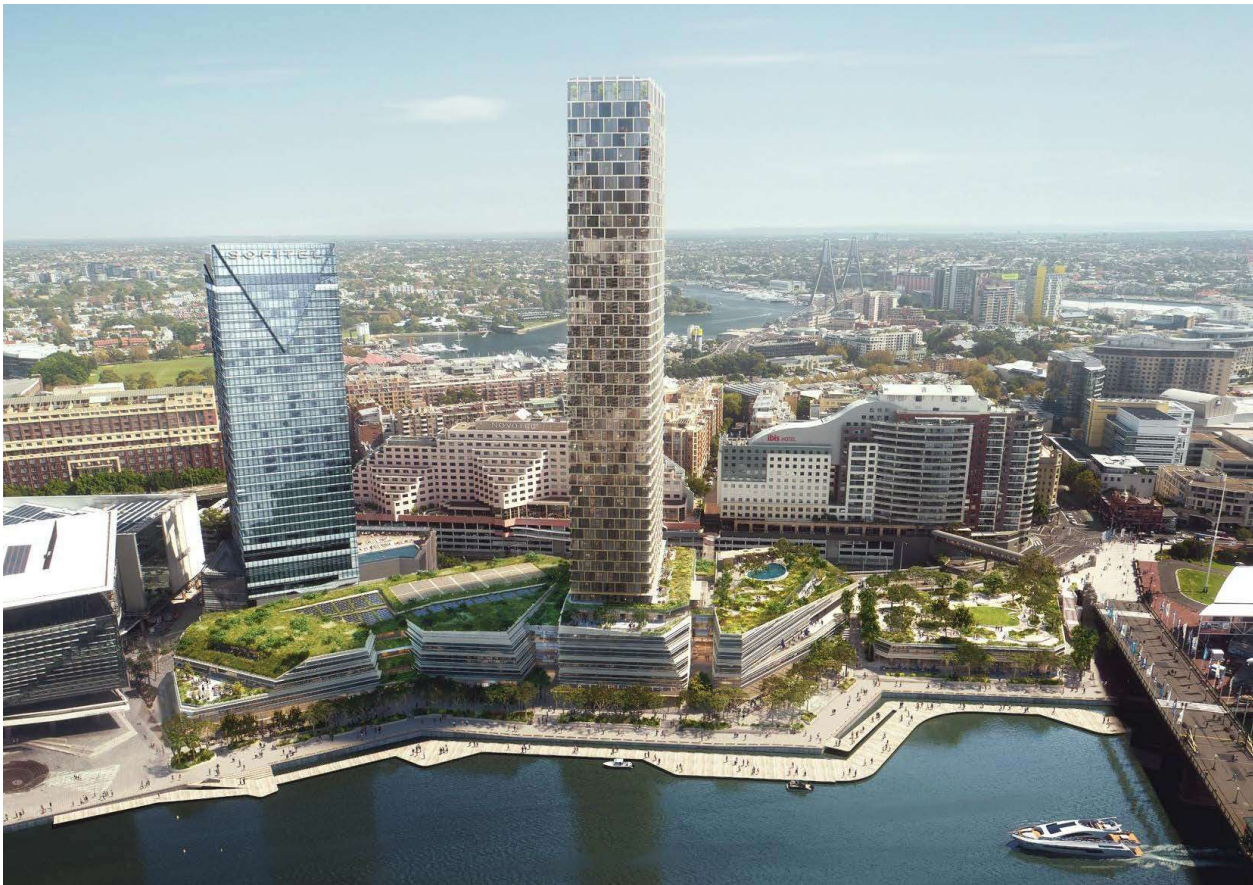


Harbourside Redevelopment Stage 3 - Public Domain and Bridges

State Significant Development Assessment (SSD-49653211)

April 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Harbourside Public Domain and Bridges (SSD-49653211) Assessment Report

Published: April 2025

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Executive Summary

This report provides an assessment of an SSD application (SSD-49653211) for the public domain and associated works within and around the Harbourside Redevelopment located at 2-10 Darling Drive, Darling Harbour (the site).

The application seeks approval for the construction, fit-out, and operation of the Harbourside Redevelopment's public domain spaces, including the Waterfront Promenade, Waterfront Steps, Waterfront Garden, Pyrmont Steps, North and South Walks, Bunn Street Bridge, North Bridge, and Darling Drive Arrival.

The project has an estimated development cost (EDC) of \$63,516,000. The broader Harbourside Redevelopment proposal is expected to generate 916 construction jobs and 2,130 operational jobs.

The Applicant is Mirvac Retail Sub SPV Pty Ltd, and the site is located within the City of Sydney local government area (LGA). The proposal is SSD because it involves development in Darling Harbour with an EDC exceeding \$10 million. The Independent Planning Commission (IPC) is the consent authority for the application.

The application was exhibited for a period of 35 days. In response, the Department received 76 submissions from the public (71 objections, 2 in support and 3 comments), a submission from the City of Sydney Council (Council) commenting on the project and advice from 13 government agencies.

Key issues raised in submissions primarily related to operational noise, amenity, security, view loss, construction impacts, reduction and privatisation of the Waterfront Promenade, trees and landscaping, pedestrian access and the proposal's consistency with the Concept Approval.

The Applicant submitted a Response to Submissions (RtS) and additional information in response to the submissions received, which included:

- amendments to the Waterfront Promenade and Waterfront Garden landscaping
- exclusion of events from the Waterfront Garden
- removal of the Darling Drive Arrival awning from the application
- updates to the public domain area and licensed seating area calculations.

The Department has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in submissions. The Department considers the proposal is acceptable as:

- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it supports the ongoing revitalisation of Darling Harbour and will foster a lively and engaging city
- it is consistent with Concept Approval and Design Guidelines, and importantly, it provides more than the minimum required public domain area

- it was the subject of an architectural design competition, exhibits design excellence and includes high-quality landscaped public spaces and improved pedestrian connectivity
- tree planting within the Waterfront Garden would provide appropriate amenity while minimising view impacts from neighbouring properties to Pyrmont Bridge and the harbour
- the Waterfront Promenade features an appropriate design and spatial layout and has sufficient pedestrian circulation capacity to meet demand
- the proposal would not result in any unacceptable noise impacts, as events are not approved in the Waterfront Garden, noise generated from the park would remain below background noise levels, and the site is situated in the established entertainment area of Darling Harbour
- the through site links and Bunn Street and North Bridges are of a high-quality design and improve site permeability and connectivity with the wider precinct
- the public domain includes appropriate landscaping, tree canopy coverage and soil depths/volumes
- it would provide substantial public benefits, including an enhanced public domain experience through the addition of a significant new passive recreation area, improved site links, pedestrian bridges for better connectivity across Darling Drive, upgrades to the Darling Drive cycleway, and a widened Waterfront Promenade.

Based on the reasons above, the Department considers the proposal to be in the public interest and recommends the application be approved, subject to conditions.

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1 Introduction

1.1 The proposal summary

1. This report provides an assessment of an SSD application for the public domain works associated with the Harbourside Redevelopment at Darling Harbour (SSD-49653211). The application has been lodged by Mirvac Retail Sub SPV Pty Ltd (the Applicant). A detailed overview of the proposal is provided in **Section 2**.
2. The application site is part of the Harbourside Redevelopment, which comprises (**Section 1.5**):
 - Concept Approval (SSD-7874) for a residential and commercial tower/podium building envelope, public open space and landscaping (Concept Approval)
 - detailed approval (SSD-49295711) of the tower and podium built form (approval excludes public domain, bridges and associated landscaping) (SSDA2).
3. The current application specifically relates to the final stage of the Harbourside Redevelopment, being the public domain, bridges, and associated landscaping works.

1.2 Darling Harbour Precinct

4. The Darling Harbour Precinct covers an area of 60 hectares (ha) on the western edge of the Sydney CBD. The Precinct extends from Paddy's Markets in the south to the Sydney Aquarium and the Maritime Museum in the north (**Figure 1**).

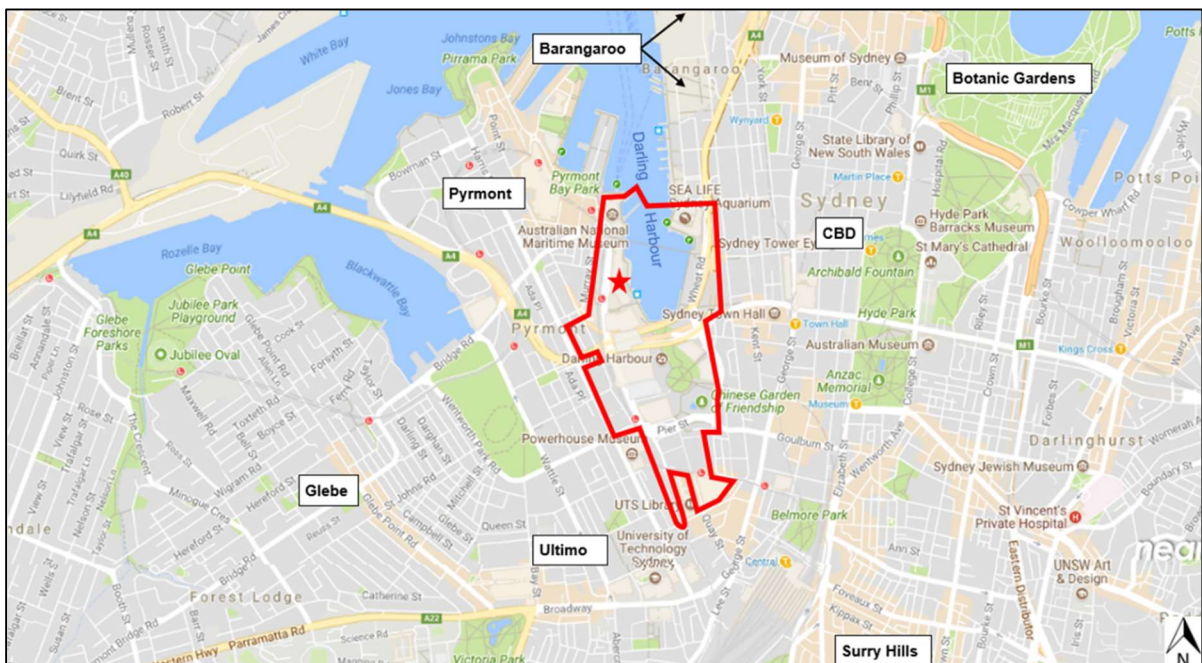


Figure 1 | Darling Harbour Precinct (outlined red) and the site (red star) (Base source: Nearmap)

5. The Darling Harbour Precinct was redeveloped in 1988 for the Australian Bicentennial celebrations, establishing a premier waterfront destination characterised by a mix of recreational, tourist, entertainment, and business functions. Over the past decade, Darling Harbour has undergone further significant urban renewal, including numerous key developments such as: convention, exhibition, and entertainment facilities; Tumbalong Park; Darling Square; the Ribbon/IMAX; and the Goods Line pedestrian link along with public open spaces. (Figure 2).

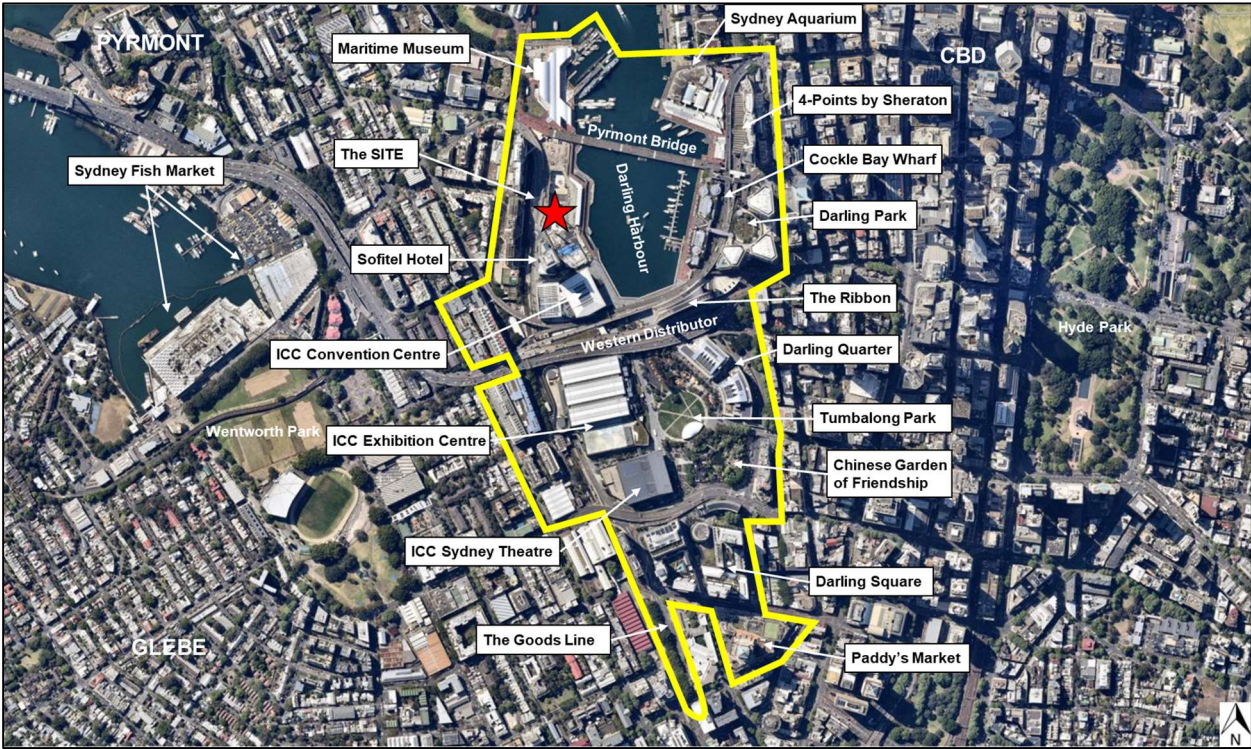


Figure 2 | The Darling Harbour Precinct (outlined yellow) including key developments within the precinct (Base source: Nearmap)

1.3 The site

6. The key characteristics of the site are summarised in **Table 1** and shown at **Figure 2** to **Figure 5**.

Table 1 | Key characteristics of the site and surrounding areas

Aspect	Description
Address	<ul style="list-style-type: none">2-10 Darling Drive, Darling Harbour.
Legal description	<ul style="list-style-type: none">Lots 1-10, 12-15, 17 DP 776815 and part Lot 2015 DP 1234971, Lot 300 DP 836419.

Aspect	Description
Site area and boundaries	<ul style="list-style-type: none"> The site is irregular in shape and has an area of approximately 20,500 m². The site is bound by Darling Harbour and the foreshore promenade to the east, Pyrmont Bridge to the north, Darling Drive and the Sofitel Hotel to the west and the Sydney International Convention Centre (ICC) to the south.
Existing development	<ul style="list-style-type: none"> The site formerly contained the Harbourside Shopping Centre and a disused elevated monorail station, which were demolished in 2023. The eastern half of the pedestrian bridge (North Bridge) connecting One Darling Harbour 50 Murray Street (ODH) to the site was demolished in 2023. Within the site, and east of the former shopping centre, is a paved waterfront promenade / public domain comprising approximately 4,326 m² of waterfront public domain, a 25-29 m wide forecourt area and narrower 11-15 m circulation areas. The approved components of the Harbourside Redevelopment (SSDA1 and SSDA2, Section 1.5) are currently under construction.
Ownership	<ul style="list-style-type: none"> The site is owned by the NSW State Government and is managed by Placemaking NSW (PMNSW). The Applicant has a long-term lease over the site until 2087.
Access and parking	<ul style="list-style-type: none"> The previous approvals for the site have provided for the following access and parking arrangements: <ul style="list-style-type: none"> vehicle access to the basement at ground floor level at the northern end of the site off the eastern Darling Drive slip lane (south bound) 273 car parking spaces, 31 motorcycle spaces, three car share spaces and 20 service vehicle spaces in the basement taxi and pick-up/drop-off (PUDO) zone provided at the surface level building arrival area in front of the western elevation off the Darling Drive slip lane pedestrian access to the site via the Darling Harbour foreshore promenade, Iron Wharf Lane, Darling Drive slip lane (east) / building arrival area and through site links. Cycle access via routes including the Sydney Harbour Bridge to Anzac Bridge route and the Anzac Bridge to Prince of Wales Hospital route.
Public transport	<ul style="list-style-type: none"> The site is within walking distance of existing public transport services, including: <ul style="list-style-type: none"> Harris Street bus and Convention light rail stops, 70 m and 500 m to the west Town Hall and Central Stations, 1.4km and 1.7km to the southeast

Aspect	Description
	<ul style="list-style-type: none"> ○ Pyrmont Bay and Casino Ferry Wharfs, 250 m and 400 m to the north. • The site is also 200 m south of the Sydney Metro West project (future Pyrmont metro station), which is expected to connect the CBD to Parramatta by 2032.
Heritage	<ul style="list-style-type: none"> • The site does not contain any State or local heritage listed items • The site is above and adjacent to archaeology relating to the former industrial / railway use of the site, wharves, retaining walls and associated items.
Topography	<ul style="list-style-type: none"> • The site topography is generally flat.
Easements	<ul style="list-style-type: none"> • Existing easements and rights of way apply to the site, including easements for stormwater drainage, saltwater conduits and electricity.
Flooding	<ul style="list-style-type: none"> • The public domain is subject to inundation of up to 1.0 m during the 1 in 100 annual exceedance probability (1% AEP) and greater than 1.5 m depth during the probable maximum flood (PMF) events.

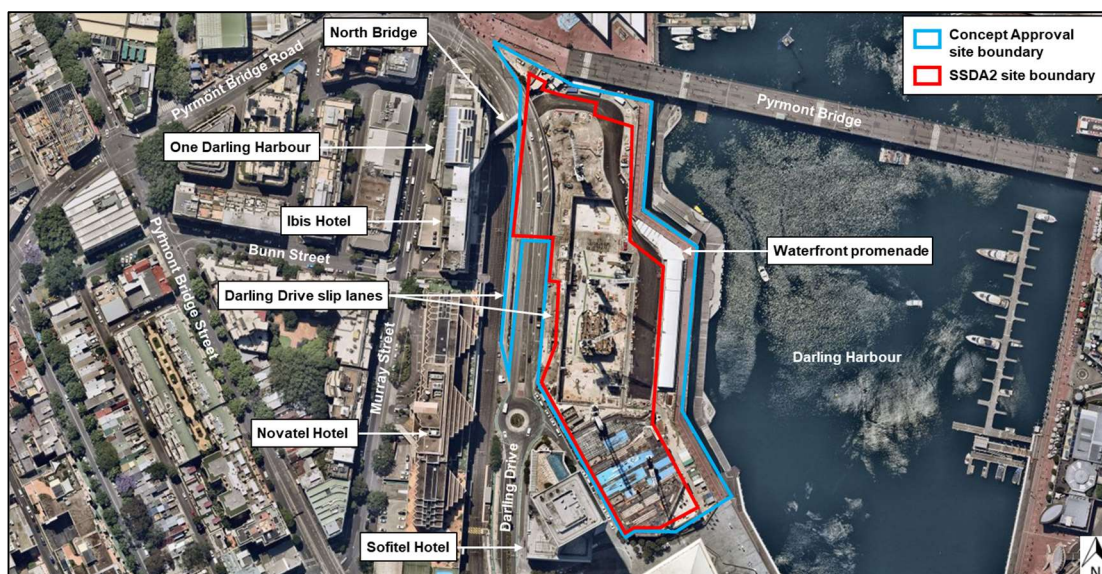


Figure 3 | Aerial view of the site, surrounds and Concept and SSDA2 boundaries (Base Source: Nearmap)

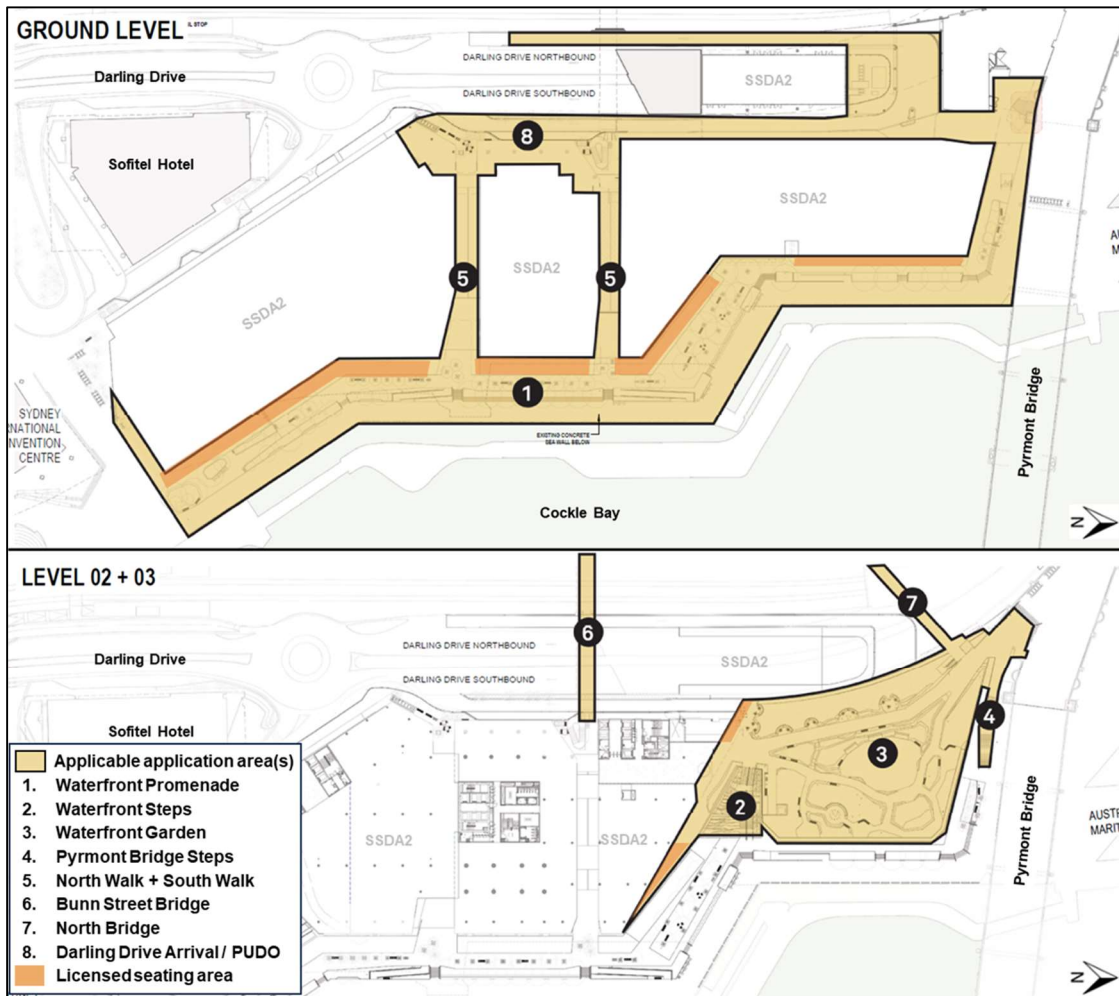


Figure 4 | The site, comprising the location of public domain / relevant parts of the Harbourside Redevelopment that are applicable to the current application (Base Source: Applicant's RtS)

1.4 Surrounding development

7. The surrounding context is summarised in Table 2 and shown at Figure 2 and Figure 3.

Table 2 | Key characteristics of the surrounding area

Aspect	Description of characteristics
To the north	<ul style="list-style-type: none"> The SHR listed Pyrmont Bridge, the Australian Maritime Museum, and the low / medium rise residential / mixed use suburb of Pyrmont
To the east (opposite Darling Harbour)	<ul style="list-style-type: none"> The three-storey Cockle Bay wharf commercial development (which has Concept Approval for a commercial tower with a maximum height of RL 183) and Four Points by Sheraton at 25 storeys (RL 93.6)
To the south	<ul style="list-style-type: none"> The 35 storey (RL 133.55) Sofitel hotel building, ICC Convention centre and public domain, including the SHR listed Woodward Fountain.

Aspect	Description of characteristics
	<ul style="list-style-type: none"> The Western Distributor (opposite side of Darling Harbour) and the 25-storey (RL 93.5) Ribbon building including hotel, serviced apartments and an IMAX theatre
To the west	<ul style="list-style-type: none"> The 17-storey ODH apartment building, the Novotel and Ibis hotels, medium rise residential and mixed-use developments.
Sensitive receivers	<ul style="list-style-type: none"> The closest sensitive receiver is residential properties at ODH, being approximately 40 m west of the northern end of the site. Other nearby receivers include the Ibis and Novotel hotels, approximately 40 m west and the Sofitel hotel, approximately 10 m south-west of the site.

1.5 Relevant planning history

1.5.1 Harbourside Redevelopment Concept Approval

8. On 25 June 2021, the Independent Planning Commission (IPC) approved an SSD Concept proposal and stage 1 early works (SSD-7874) for the redevelopment of the Harbourside shopping centre site. The Concept Approval has been modified four times as summarised in detail at **Appendix D**).
9. The concept, as modified (the Concept Approval), allows for (**Figure 5**):
 - maximum building height of RL 170, maximum residential / non-residential GFA of 87,000 m²
 - minimum 3,500 m² publicly accessible open space, through site links and Bunn Street bridge
 - design excellence strategy, design guidelines and car parking rates.
10. The stage 1 early works includes the demolition of the existing shopping centre, southern pedestrian bridge, former monorail station and removal of trees.

1.5.2 Harbourside Redevelopment SSD approvals

11. On 2 March 2023, the Department approved an SSD application (SSD-38881729) for site preparation and bulk earthworks, including remediation and dewatering. (SSDA1)
12. On 4 December 2023, the Department approved an SSD application (SSD-49295711) for the construction and operation of a 50-storey mixed-use building. The approval has been modified twice, as summarised in detail in **Appendix D**. The development (as modified) (SSDA2) comprises (**Figure 6** and **Figure 7**):
 - up to 5-storey non-residential podium, 45-storey residential tower and four basement

levels

- 84,517 m² residential, retail / office GFA, 265 apartments, 273 parking spaces and loading dock
- 1,961 m² communal residential open space and hard and soft landscaping on the structure

13. SSDA2 approval included the location but not the detailed construction, fit-out or operation of public domain spaces within/around the podium and tower. These excluded public domain elements were instead deferred to future separate application(s).

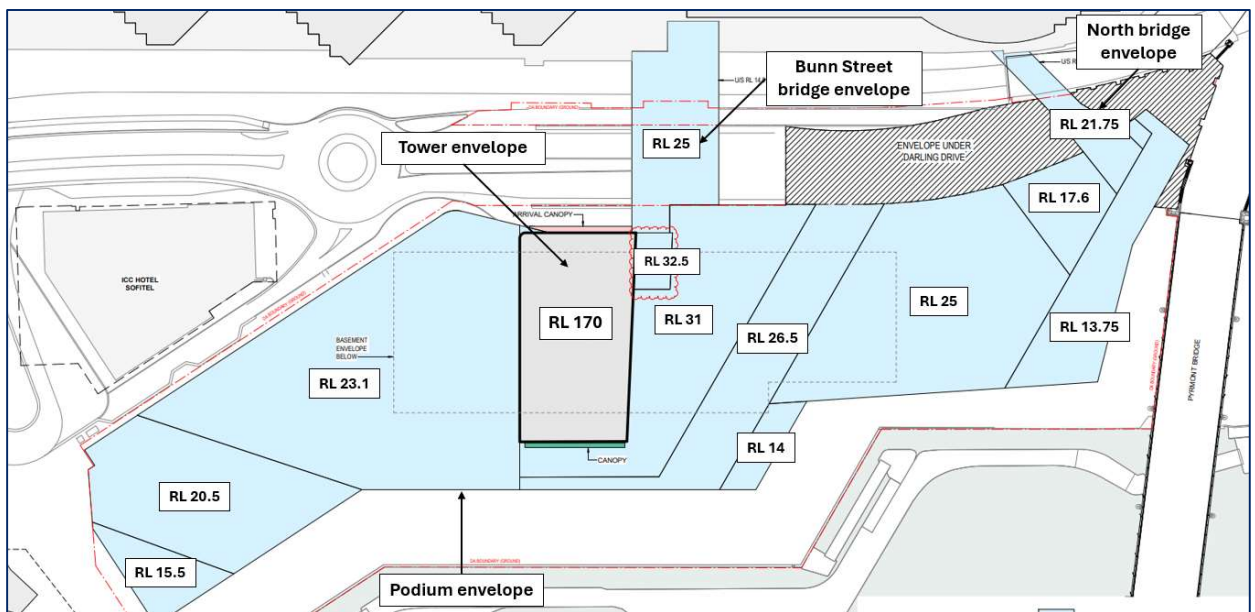


Figure 5 | Harbourside Concept Approval building envelope layout (Base source: SSD 7874 MOD 4)



Figure 6 | Photomontage of Harbourside redevelopment - front (eastern) elevation (Source: SSDA2)

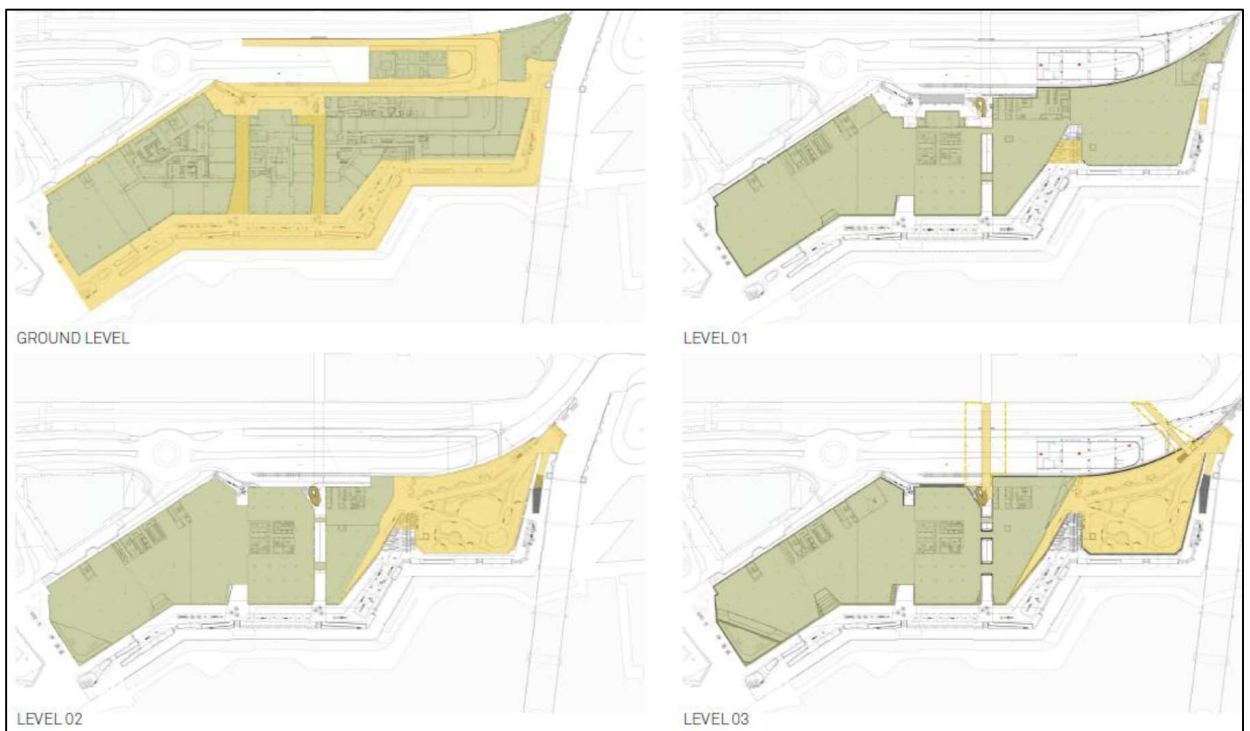


Figure 7 | Development podium layout showing the aspects of the development that form part of SSDA2 (green) and the current application (yellow) (Base source: Applicant's RRFI)

2 Project

2.1 Project overview

14. This application seeks approval for the final stage of the Harbourside Redevelopment that is envisaged under the Concept Plan. This comprises construction, fit-out, and operation of the public domain spaces excluded from SSDA2, which include the Waterfront Promenade, Steps and Garden, Pyrmont Steps, North and South Walks, Bunn Street Bridge, North Bridge, and the Darling Drive Arrival (**Figure 4**).
15. The key aspects of the proposal as provided in the EIS and refined by the additional information are outlined in **Table 3** and shown at **Figure 8** to **Figure 10**.

Table 3 | Key aspects of the project

Aspect	Description
Overall public domain	<ul style="list-style-type: none">• Provision of a total of 11,186 m² of public domain works, consisting of:<ul style="list-style-type: none">◦ 4,868 m² foreshore promenade and interface (the Waterfront Promenade)◦ 3,500 m² northern podium rooftop park (the Waterfront Garden)◦ connecting stairs (the Waterfront Steps and Pyrmont Bridge Steps)◦ two ground-level through-site links (the North and South Walks)◦ elevated pedestrian bridges (the Bunn Street Bridge and North Bridge)◦ pick-up/drop-off (PUDO), access and landscaping (Darling Drive Arrival)◦ hard and soft landscaping of the public domain areas identified at Figure 4.• Licensed seating areas fronting the Waterfront Promenade and Waterfront Garden (licensed areas are in addition to the 11,186 m² public domain works).
Waterfront Garden	<ul style="list-style-type: none">• Hard and soft landscaping and embellishment of the 3,500 m² northern podium public open space, including paths, ramps, tree planting, grassed areas and seating.• Licensed seating areas adjoining the podium retail units and Waterfront Garden.
Waterfront Promenade	<ul style="list-style-type: none">• Hard and soft landscaping and embellishment of the Waterfront Promenade, including paths, ramps, tree planting, awnings, and seating in the following zones:<ul style="list-style-type: none">◦ a covered licensed seating area ranging from 3m to 5m in width◦ an upper walkway and landscaping of 4.2 m to 8.2 m in width◦ a lower walkway and primary circulation zone of a minimum of 6 m in width◦ a waterfront plaza adjacent to the foot of the Waterfront Steps.• Transplant of 20 existing Cabbage Tree Palms into the public domain.

Aspect	Description
Through-site links: North and South Walks	<ul style="list-style-type: none"> Granite paving and embellishments within the ground level, east-west through site links. Licensed seating area within the North Walk.
Waterfront and Pyrmont Bridge Steps	<ul style="list-style-type: none"> Hard and soft landscaping and embellishment of the Waterfront Steps, including tree planting, seating and access to the Waterfront Garden and upper levels. Construction of the Pyrmont Bridge Steps connecting Pyrmont Bridge to the Waterfront Promenade.
Bunn Street and North Bridges	<ul style="list-style-type: none"> Construction of the Bunn Street pedestrian bridge over Darling Drive connecting the development to Bunn Street. Rebuild the partially demolished section of the northern pedestrian bridge to retain the connection between the development, Pyrmont Bridge and ODH
Darling Drive Arrival	<ul style="list-style-type: none"> Upgrade and hard and soft landscaping of the Darling Drive interface, including the provision of four PUDO spaces, tree planting and seating (Darling Drive Arrival).
Bicycle Parking	<ul style="list-style-type: none"> 66 visitor bicycle parking spaces located within the public domain.
Site strategies	<ul style="list-style-type: none"> Site strategies, including event management, public art, heritage interpretation, retail design and activation, signage and lighting.
Operational hours	<ul style="list-style-type: none"> Public domain areas would be publicly accessible 24 hours a day, 7 days a week.
Public domain ownership and operation	<ul style="list-style-type: none"> Public domain ownership and operation is divided between PMNSW and Mirvac: <ul style="list-style-type: none"> PMNSW – Waterfront Promenade, Pyrmont Bridge approach and North bridge Mirvac – Waterfront Garden, Waterfront Steps, North and South Walks, Pyrmont Bridge Steps, Bunn Street bridge and Darling Drive Arrival / PUDO.
EDC	<ul style="list-style-type: none"> \$63,516,000.

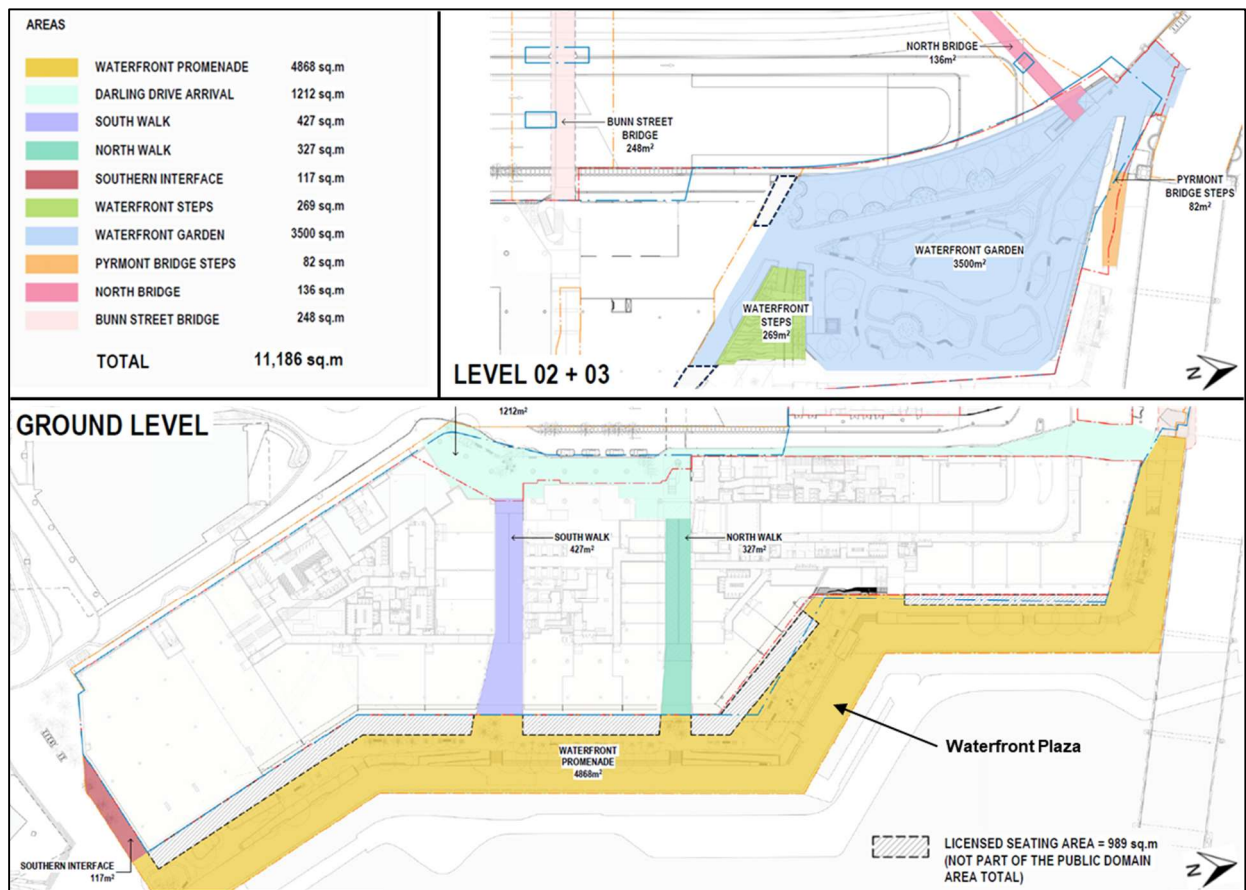


Figure 8 | Location and spatial sizes of public domain areas (Base source: Applicant's additional information)

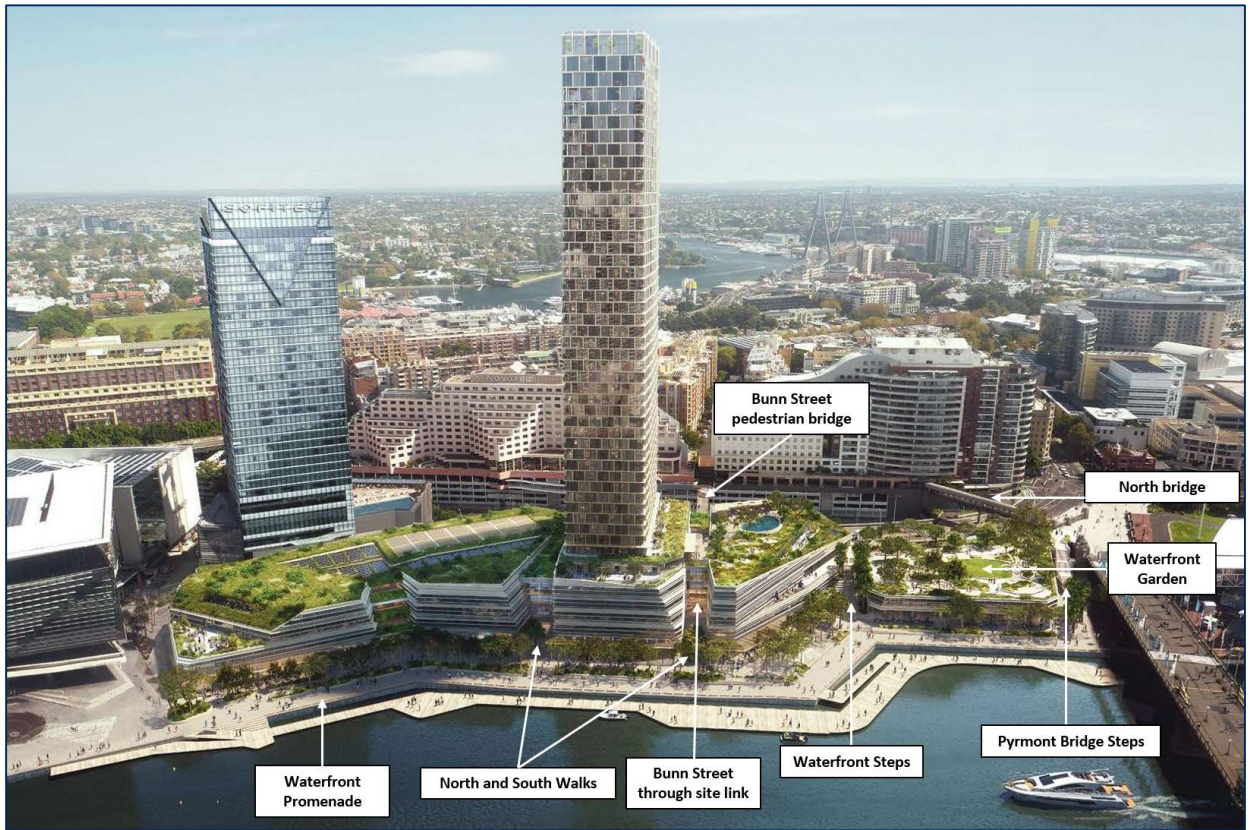


Figure 9 | Artist impression of the public domain areas (Base Source: EIS)



Figure 10 | Spatial layout of the Waterfront Garden and Waterfront Steps (Source: Applicant's RtS)

3 Strategic and statutory context

3.1 Strategic context

16. The Department has carefully considered the proposal against all relevant strategic planning documents, including the Greater Sydney Region Plan, Eastern City District Plan, Pyrmont Peninsula Place Strategy, Local Strategic Planning Statement – City Plan 2036, Future Transport 2056, Sustainable Sydney 2030-50 and Better Placed.
17. The Department is satisfied the proposal is consistent with the overarching objectives of the above strategies, plans and policies, as it would:
 - expand and improve on the existing Darling Harbour cultural infrastructure and public domain
 - provide a more accessible, defined and engaging public realm that can be used for a range of programs and events that activate the city
 - improve walkability within and around the site and better activating the foreshore
 - integrate best practice sustainability measures and encourage sustainable modes of transport

3.2 Permissibility and assessment pathway

18. Details of the legal pathway under which consent is sought and the permissibility of the project are provided in **Table 4**.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The proposal is declared SSD under section 4.36 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as it satisfies the criteria under section 2.6(1) of the State and Environmental Planning Policy (Planning Systems) 2021 (Systems SEPP), being development within the Darling Harbour site with an EDC of more than \$10 million.
Consent authority	The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Systems SEPP as there are more than 50 unique objections from public submitters.
Permissibility	Section 3.5 and Schedule 1 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (Precincts SEPP) state that development including residential buildings, commercial premises, parks and gardens, shops, restaurants

Consideration	Description
	and utility installations may be carried out with consent. The proposal is therefore permissible under section 3.5 and Schedule 1 of the Precincts SEPP.
	The Department has considered the consistency of the proposal against the requirements of the Concept Approval at Section 5.1 and in detail at Appendix C .

3.3 Other approvals and authorisations

19. The project will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.
20. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
21. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD (e.g. approval for any works under the Roads Act 1993). These authorisations must be substantially consistent with any SSD development consent for the project.
22. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (**Sections 4 and 5**). Suitable conditions have been included in the recommended conditions of consent (**Appendix F**).

3.4 Planning Secretary's environmental assessment requirements

23. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 6 December 2022 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

3.5.1 Matters of consideration required by the EP&A Act

24. Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in **Table 5** below.

Table 5 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B
EP&A Regulation	Appendix B
Likely impacts	Section 5 - Assessment
Suitability of the site	Section 1 - Introduction, Section 3 - Strategic statutory context and Section 5 - Assessment
Public submissions	Section 4 - Engagement and Section 5 - Assessment
Public interest	Section 4 - Engagement, Section 5 - Assessment and Section 6 - Evaluation

3.5.2 Objects of the EP&A Act

25. In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development (ESD). Consideration of these factors is described in **Appendix B**.
26. As a result of the analyses in **Appendix B**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.5.3 Biodiversity development assessment report

27. Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).
28. The EIS included a BDAR. The BDAR and the overall impact of the project on biodiversity values are assessed in **Section 5.5**. The Department concludes that biodiversity impacts can be appropriately managed and mitigated subject to conditions.

4 Engagement

4.1 Public exhibition

29. The Department publicly exhibited the application on the NSW Planning Portal from 31 August 2023 to 4 October 2023 (35 days) and notified surrounding occupiers and landowners in writing. The application was also referred to Council and relevant public authorities for comment.
30. The Department also published the Applicant’s Response to Submissions (RtS) and additional information on the NSW Planning Portal and notified Council and relevant public authorities.
31. During the exhibition period, the Department received 76 public submissions (71 objections, three comments and two in support), comments from 13 government agencies and comments from Council. The Department received three additional instances of public feedback outside of the exhibition period, comprising one comment, one objection, and one of support.

4.2 Summary of advice received from government agencies and Council

4.2.1 Summary of agency advice

32. A summary of the agency advice received is provided in **Table 6**. This summary outlines the final position and any outstanding comments raised by each agency in response to the SSD application (EIS and RtS). A link to the full copy of the advice is provided in **Appendix A**.
33. In addition to those listed in **Table 6**, responses were also received from Sydney Trains, Fire and Rescue NSW, the Environmental Protection Authority, Water Group, Heritage NSW and NSW Aboriginal Cultural Heritage branch of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE). However, these submissions confirmed that either the initial comments had been addressed by the RtS, or the agency had no comments in response to the proposal.

Table 6 | Summary of the final position and any outstanding comments raised in agency advice

Agency	Advice summary
Placemaking NSW (PMNSW)	<p>PMNSW provided the following comments:</p> <ul style="list-style-type: none">• clarify paths adjacent to licensed seating areas• design paving to mitigate the heat island effect and maximise permeability• resolve wind issues at the Bunn Street bridge• ensure equitable access to the Waterfront Garden from Pyrmont Bridge

Agency	Advice summary
	<ul style="list-style-type: none"> include tactile materials and handrails to improve the inclusivity and accessibility of the public domain review the extent of weather protection at lifts, particularly for queueing collaborate with PMNSW on the detailed design of the furniture, paving, lighting, event infrastructure, CPTED measures and the licensed seating area specify bicycle parking numbers, locations, and the integration of proposed bicycle routes with the surrounding Sydney bicycle network.
Biodiversity, Conservation and Science Group of (BCS)	BCS recommended conditions of consent requiring the implementation of an unexpected finds protocol relating to microbat fauna.
State Emergency Services (SES)	SES recommended the Flood Emergency Management Plan (FEMP) and flood mitigation measures approved under SSDA2 are updated to reflect any project amendments that may impact flood behaviour, including the additional access ramps in the Waterfront Promenade and approved Bunn through site link.
Sydney Water	Sydney Water requested the Applicant provide sufficient details to ensure that Sydney Water has vehicular access from Darling Drive to the stormwater access chamber in the public domain.
NSW Police	<p>NSW Police recommended the Applicant:</p> <ul style="list-style-type: none"> update the Operational Management Plan to assist police with crime investigations notify police of road closures and ensure the site is lit at night during construction allow police to undertake a security assessment post-construction.
Transport for NSW (TfNSW)	TfNSW recommended conditions relating to structural integrity, operation and safety of the light rail, preparation of a Construction and Pedestrian Traffic Management Plan and wayfinding signage.
Ausgrid	Ausgrid recommended the Applicant consider Ausgrid's standards when working near underground cables in the vicinity of the site.

4.2.2 Summary of Council's submission

34. City of Sydney Council provided comments on the project. A summary of the issues raised by Council is provided in **Table 7** and a link to all submissions in full is provided in **Appendix A**.

Table 7 | Summary of outstanding comments raised by Council

Council	Outstanding issues summary
City of Sydney	<p><u>Public domain, trees and landscaping</u></p> <ul style="list-style-type: none">• address discrepancies in the calculation of the Waterfront promenade public domain area• implement the Tree Transplant Method Statement and include those mitigation measures in the Landscape Plan• clarify soil volumes and increase soil depths within the Waterfront Promenade• clarify the scope of works planned to Pyrmont Bridge• prepare a detailed (rather than conceptual) Heritage Interpretation Strategy <p><u>Transport and access</u></p> <ul style="list-style-type: none">• provide a 2 m wide, weather protected publicly accessible pedestrian route beneath the retail awnings and between the licensed seating area and retail facades• clarify predicted future pedestrian capacity, counts, distribution and movement• clarify management of removal of licensed seating areas tables/chairs during events• reduce the width of the proposed in-bound lane off Darling Drive to minimise pedestrian crossing distances• visitor bicycle parking spaces must be in addition to the approved residential visitor spaces• revise the design of the cycleway on Darling Drive to address safety concerns <p><u>Other</u></p> <ul style="list-style-type: none">• implement the Applicant's Public Art Strategy• restrict the use of high noise generating construction work to maximum of six hours per day• limit construction between 5pm - 6pm on Saturdays to quieter (background +3dB(A)) works.

4.3 Summary of public submissions

35. The Department received 76 submissions¹ during the public exhibition period of the EIS, including 71 objections, three comments and two submissions providing support for the project. The key issues raised in submissions is summarised in **Table 8** and a link to all submissions is provided in **Appendix A**.

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP.

Table 8 | Key issues raised in submissions on the EIS

Key issues	Proportion of total submissions (76)
View loss to ODH due to soil mounding/trees in the Waterfront Garden	61%
Amenity/security impacts resulting from 24-hour Waterfront Garden operation	59%
Construction impacts, including noise and dust	46%
Reduction of the width/privatisation of the Waterfront Promenade	46%
Operational noise impacts to ODH (especially from the Waterfront Garden)	43%
Excessive changes to the Concept Approval and inconsistency with IPC approval	42%
Adverse amenity impact from the use of the North Bridge	37%
Requests for glazing/acoustic measures at ODH to mitigate noise impacts	26%
Adverse operational impacts to ODH (security, privacy, lighting)	22%
Request for the removal of the North Bridge	18%
Concerns relating to previous SSDA2 approval (tower height and overshadowing)	18%
Loss of public open space/decrease in public benefits	13%
Issues raised equalling less than 10% of the proportion of total submissions: adverse heritage impact to Pyrmont Bridge, loss of property values, development is out of character in surrounding context, support for retention of the North Bridge, overshadowing of public space, inadequate public domain accessibility and the Noise Impact Assessment is inaccurate.	<10%

4.4 Response to submissions and additional information

36. Following the public exhibition period, the Department requested the Applicant respond to the issues raised in submissions and the advice received from Council and government agencies. The Department placed the Applicant's RtS and additional information on the NSW Planning Portal and referred the RtS and information to relevant government agencies and Council.

4.4.1 Response to submissions

37. On 10 October 2024, the Applicant provided its RtS, which included additional information and justification in response to the issues raised during the public exhibition of the proposal (**Appendix A**). The RtS included the following key amendments to the proposal:
- minor amendments to the design of the Waterfront Promenade, including an additional ramp, handrails, seating and tree canopy cover
 - removal of drop-down blinds for outdoor seating areas
 - amendments to tree species and canopy coverage in the Waterfront Garden to minimise view impacts to surrounding residents
 - clarifications relating to the operation and use of the Waterfront Garden.

4.4.2 Additional information

38. On 17 December 2024, the Applicant submitted a response to the Department's request for additional information and provided justification relating to events, licensed seating areas, North Bridge, pedestrian movement, landscaping and deep soil, PUDO area, bicycle facilities and public domain area calculations. The additional information included the following key amendments to the proposal:
- revised Event Management Plan, including the exclusion of events (other than 'low impact' events) within the Waterfront Garden
 - limit the maximum capacity of the Waterfront Garden to 1,000 persons
 - clarification that the total public domain area is 11,186 m²
 - clarification that the Waterfront Promenade public domain area is 4,868 m² (excluding the 989 m² licensed seating area, which is additional to the 4,868 m² area)
 - confirmation that the eastern half of the existing North Bridge was demolished in 2023, and the proposal includes the retention of the western half and the reconstruction of eastern half of the bridge
 - confirmation that 20 Cabbage Tree Palms will be transplanted
 - removal of the Darling Drive Arrival PUDO awning/canopy from the proposal (now part of the separate SSDA2 modification application (SSD-49295711 MOD2))
 - updated retail awning design plans.
39. On 24 February 2025, the Applicant submitted requested additional information providing additional assessment and justification of predicted noise impact relating to the use and operation of the Waterfront Garden and Promenade.

5 Assessment

41. The Department has considered the Applicant's SSD application, including the EIS, RtS, additional information and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:
- Concept Approval consistency and design excellence
 - public domain design and layout
 - landscaping and soil depth
 - operational noise

5.1 Concept Approval consistency and design excellence

5.1.1 Consistency with the Concept Approval

42. The Concept Approval and associated Design Guidelines establish specific requirements and parameters for the development of the public domain.
43. Public submissions raised concerns that the proposal was inconsistent with the Concept Approval and would result in a decrease in public benefits. Council raised concern that the proposed inclusion of private licenced seating fronting the Waterfront Promenade would reduce the promenade public domain area below the Design Guidelines recommended minimum of 4,800 m².
44. In response, the Applicant stated the proposal aligns with the Concept Approval and provided updated calculations clarifying the Waterfront Promenade covers a total area of 5,857 m², comprising 4,868 m² public domain and 989 m² licensed seating areas and therefore exceeds the Design Guidelines recommended minimum public domain area by 68 m² (**Figure 8**).
45. The Department has considered the development against all Concept Approval requirements and the Design Guideline recommendations in detail in **Appendix B**. The Department concludes the proposal is consistent with the Concept Approval (**Table 9**) and the Design Guidelines requirements (**Table 10**).

Table 9 | Consistency of the proposal with key Concept Approval public domain controls

Component	Control	Proposal	Complies
Waterfront Garden <ul style="list-style-type: none"> • Min. area • deck height • soil mounding • lift and planting • Publicly accessibility • Deep soil 	<ul style="list-style-type: none"> • Min. 3,500 m² • Max. RL 12.5 • Max. RL 13.3 • Meet design requirements • Publicly accessible 24/7 • On and within podium structure 	<ul style="list-style-type: none"> • 3,500 m² • RL 12.5 • RL 13.3 • Design requirements met (Table 10) • Publicly accessible 24/7 • Deep soil areas included 	Yes
Building height <ul style="list-style-type: none"> • Bunn St bridge • North Bridge • North podium deck 	<ul style="list-style-type: none"> • Max. RL 25 • Max. 21.75 • Max. RL 12.5 	<ul style="list-style-type: none"> • RL 20.362 • RL 20.77 • RL 12.5 	Yes
Events	<ul style="list-style-type: none"> • Provide a gatherings/events area • Publicly accessible 24/7 	<ul style="list-style-type: none"> • Waterfront Promenade • Publicly accessible 24/7 	Yes
Design Excellence	<ul style="list-style-type: none"> • Design excellence competition required 	<ul style="list-style-type: none"> • A design excellence competition was held 	Yes

Table 10 | Consistency of the proposal with key Design Guidelines spatial guidelines

Guideline	Proposal	Complies
Minimum 10,200 m² public domain works in kind: <ul style="list-style-type: none"> • 4,800 m² Waterfront Boulevard • 3,500 m² above the Northern Podium • Event steps (or equivalent) • Central through site link • Bunn Street pedestrian bridge • Upgrade of northern pedestrian bridge, or improved connection • Stairs linking foreshore/Pymont bridge 	11,186 m ² of public domain works consisting of: <ul style="list-style-type: none"> • 4,868 m² Waterfront Boulevard • 3,500 m² Waterfront Garden • Waterfront Steps • Two through-site links • Bunn Street pedestrian bridge • Upgraded northern pedestrian bridge (North Bridge) • Pymont Bridge Steps 	Yes
<ul style="list-style-type: none"> • New paving to Pymont bridge 	<ul style="list-style-type: none"> • Outside of site. Undertaken separately in consultation with PMNSW (planning 	N/A

Guideline	Proposal	Complies
	process either: Part 5 REF or DA to Council)	

46. The Department is satisfied that the public domain areas are consistent with Concept Approval requirements and Design Guideline recommendations and would provide high-quality public spaces and landscaping, improved pedestrian connectivity and provide equivalent public benefits as envisioned by the Concept Approval. Furthermore, the upgrade results in a considerably larger public domain area compared to the former Harbourside shopping centre, adding 3500 m² of new open space on the podium (Waterfront Garden) and an additional 550 m² along the widened Waterfront promenade.

5.1.2 Design excellence

47. Clauses 6.21C and 6.21D of the SLEP, along with Conditions A21 to A25 of the Concept Approval, outline the design excellence requirements for the redevelopment of the site, including:
- undertaking an architectural design competition in accordance with the Concept Approval Design Excellence Strategy and the Government Architect NSW (GANSW) design excellence competition guidelines
 - establishing a Design Integrity Panel (DIP) to ensure design integrity in the detailed building design
 - DIP review of the application prior to lodgement, with the DIP retained to oversee the project throughout the assessment and post-approval processes.
48. The DIP reviewed the proposal prior to the lodgement of the application. The DIP provided its endorsement of the proposal, confirming design excellence would be achieved subject to further design refinement of the following aspects of the development:
- provide a Heritage Interpretation Strategy and Public Art Strategy collaborative response
 - provide consistent furniture palette, lighting and materials within the public domain.
49. The Applicant stated that it would address the DIP's recommended design refinements and confirmed that the DIP would remain engaged throughout the design and construction of the development.
50. PMNSW requested the Applicant explore opportunities to break up the expanses of dark-paved areas and finalise furniture and pavement selections in consultation with PMNSW.
51. The Department has assessed the proposal against the matters set out in clauses 6.21C and 6.21D of the SLEP in detail at **Appendix B** and concludes that the proposal meets the

objectives of those clauses, as a design competition was held and the proposal achieves a high standard of architectural, urban, and landscape design.

52. The Department considers, subject to the ongoing involvement of the DIP, the development will achieve design excellence and maintain design integrity. The Department recommends conditions requiring the:

- DIP to be maintained throughout the design/construction of the development and review the development at critical stages (prior to construction, any modifications and occupation)
- final design details of the furniture and pavement selections be determined by PMNSW
- architectural design team cannot be changed without the approval of the Planning Secretary.

5.2 Public domain design and layout

53. The proposal includes 11,186 m² of public domain works as summarised at **Section 2** and shown at **Figure 8**.

54. Concerns were raised in public submissions and agency advice regarding the design, layout, and impacts associated with the Waterfront Garden, Waterfront Promenade, pedestrian bridges, and through-site links. The Department has considered these issues in the following sections.

5.2.1 Waterfront Garden

Waterfront Garden design and layout

55. The Waterfront Garden has been designed to function as a local park, providing a space for respite and passive recreation (**Figure 11**). It comprises a total of 3,500 m² of publicly accessible open space in accordance with Condition A16 of the Concept Approval and includes:

- tree/shrub planting, turfed central lawn, seating areas and interpretive water feature
- pathways and stair connections to Pyrmont Bridge and the waterfront
- viewing platform in the northeast corner providing views of Darling Harbour and Cockle Bay
- sandstone slabs forming edges, steps and seating and glass lift to access the promenade
- a separate 126 m² of retail/dining seating areas adjacent to the podium façade to activate the space.



Figure 11 | Proposed layout of the Waterfront Garden (Source: Applicant's RTS Design Report)

56. The DIP reviewed the Waterfront Garden design and endorsed its overall layout, movement pathways, and retail activation. However, the DIP recommended amendments, including refining the seating design and furniture palette to align with the Waterfront Promenade.
57. Both Council and PMNSW requested confirmation that the design provides equitable access between the Waterfront Garden and Pyrmont Bridge for pedestrians and cyclists. In response, the Applicant improved the stair entry, wayfinding and extent of the walkway at the Pyrmont Bridge interface.
58. The Department has carefully considered the design of the Waterfront Garden and is satisfied that it provides a high-quality public space by:
 - offering a variety of seating types and configurations to encourage social interaction and views of Darling Harbour / Cockle Bay, activated by nearby retail tenancies
 - providing a high-quality civic transition to the waterfront, with wide pathways for pedestrians, including those with mobility impairments, and a lift for alternative access
 - including deep soil zones to support the growth of taller trees for shade, enhancing the outlook from the west and allowing views through the canopy
 - avoiding adverse view loss impacts, as discussed in the following section of this report
 - ensuring more than four hours of direct solar access in mid-winter while providing adequate shaded seating in mid-summer.
59. The Department recommends that conditions requiring the final selection of the seating and furniture palette be reviewed by the DIP and endorsed by PMNSW and that an Operational Management Plan (OMP) be prepared to ensure the space is appropriately managed and publicly accessible at all times.

60. With the implementation of these conditions, the Department is satisfied that the design and layout of the Waterfront Garden would support a vibrant, functional public space that aligns with the vision set out in the Concept Approval.

Waterfront Garden view impacts

61. Condition A16 of the Concept Approval allows for planting and trees to extend above the building envelope at the Waterfront Garden, where it would improve amenity, subject to demonstration that the landscaping would have a minimal impact on views from neighbouring properties towards Pyrmont Bridge and the harbour.
62. The proposal seeks approval for landscaping in the Waterfront Garden, which includes soil mounding (provided for under Mod 3 to the concept approval) and the planting of trees that can reach mature heights of up to 15 m along the western edge.
63. The Application includes a Visual and View Impact Assessment (VVIA), which provides perspectives of the Waterfront Garden landscaping and soil mounding when viewed from adjoining residential properties and considers the view impact on adjoining properties using the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The Applicant's VVIA concludes that:
- the impact to views resulting from the minor extent of soil mounding extending above the main deck level of RL12.5 is insignificant/negligible.
 - the proposed Waterfront Garden landscaping would alter views from the lowest levels of neighbouring properties at ODH and the Ibis hotel (**Figure 12**). The mid and upper levels of these properties would continue to maintain views over and through the tree canopy towards the CBD skyline, Pyrmont Bridge and the harbour. Additionally, all affected apartments would retain sky views and outlook.
 - the proposal aligns with the concept approval, which was assessed and determined to result in an acceptable level of view impacts.

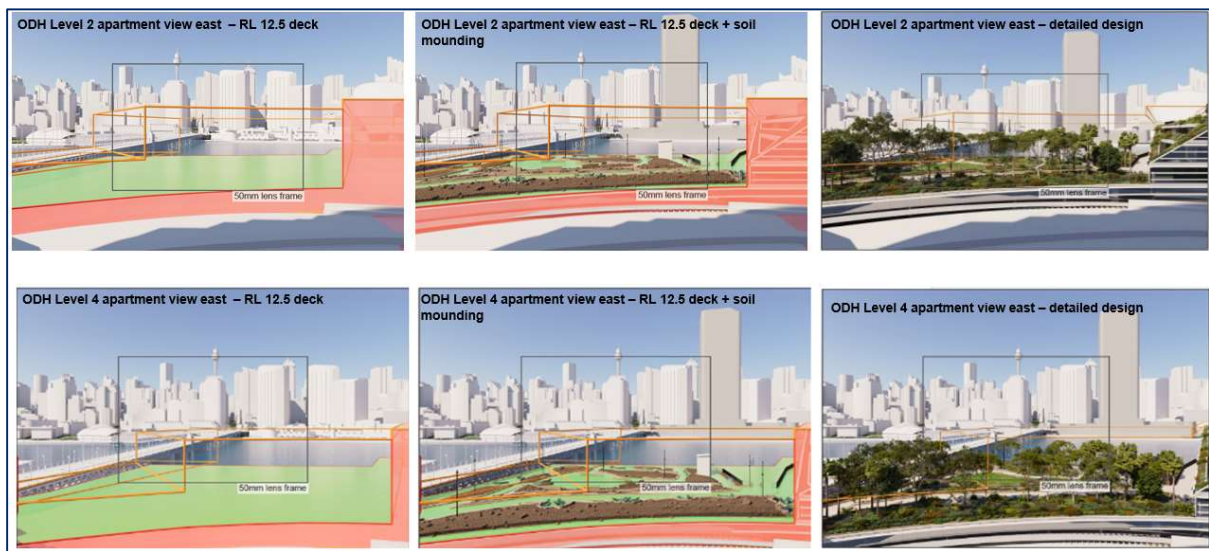


Figure 12 | Sample of proposed views showing the approved RL12.5 podium (left) proposed soil mounding in isolation (middle) and proposed landscape planting (right) from lower-level apartments within ODH facing east (Base source: Applicant's VVIA)

64. Public submissions raised concerns that the soil mounding and trees in the Waterfront Garden would impact private views from ODH and adjoining residential properties and that VVIA is misleading/inaccurate.
65. In response, the Applicant reiterated that the VVIA demonstrates that the soil mounding does not compromise sight lines or impede views due to its positioning and low height. The applicant also amended the proposed landscaping, including:
 - replaced the palm trees with smooth-barked apple and spotted gum to reduce mature tree height by 3 m (from 18 to 15 m) and improve filtered views through the tree canopy
 - refined the location and spacing of the proposed planting to maximise views to the harbour and Pyrmont Bridge
 - clarified the VVIA visual modelling represents trees at their mature height of 8-15 m and therefore provides an accurate representation of the proposed landscaping at full height.
66. The Department notes the concerns raised by the public in relation to the visual impacts of the soil mounding and planting. The Department has carefully considered the Applicant's VVIA and is satisfied it demonstrates that the mounding itself would not have any noticeable impact on views from adjoining residential properties to Darling Harbour or Pyrmont Bridge due to its positioning and limited height.
67. While the Department accepts that the proposed landscape planting would result in minor view impacts for some apartments by partially obscuring views of the water or Pyrmont Bridge, depending on the viewer's location, these impacts are considered reasonable.

Filtered views of the water and Pyrmont Bridge are preserved, and the views of the city skyline remain largely unobstructed.

68. The Department is therefore satisfied that the view impacts from the Waterfront Garden landscaping are acceptable and the amended landscaping design and tree planting is appropriate and meets the requirements of Condition A16 as:
- it has been designed to maximise natural shade, tree canopy cover and screening from Darling Drive while minimising view impacts
 - while some minor reduction in water views would occur to residential properties at ODH, this would be limited to the northeast view from the lowest levels (one to six) and elements of existing views would be otherwise maintained through or to the side of the canopy
 - the proposed tree planting would enhance the amenity of the Waterfront Garden for the local community and visitors to enjoy, providing significant public benefit as envisioned in the Concept Approval.
69. The Department, therefore, concludes that the proposed landscaping at the Waterfront Garden would increase the amenity of the publicly accessible open space while ensuring minimal impact on existing views across the site from adjoining properties.

5.2.2 Waterfront Promenade

70. The Concept Approval amended and rationalised the previous waterfront promenade width (the distance between the building line and the water) and approved a new promenade with widths ranging from 14 m to 20 m.
71. The proposed Waterfront Promenade covers a total area of 5,857 m², which includes 4,868 m² of public space and 989 m² of licensed seating areas, while also meeting the recommended design requirements outlined in the approved Design Guidelines.
72. The detailed design is wholly contained within the 14-20 m Waterfront Promenade width and consists of three sections to manage the level changes across the site, including (**Figure 13**):
- 3 m and 5 m wide licensed seating area extending from the promenade building façade, covered by a timber awning with glazed roof
 - 4.2 m and 8.2 m deep upper walkway and vegetative zone
 - 6 m deep lower walkway.
73. The Waterfront Promenade also includes a wider section with an upper walkway width of 11.7m, referred to as the Waterfront Plaza, which could accommodate larger crowds during major events (**Figure 8**).

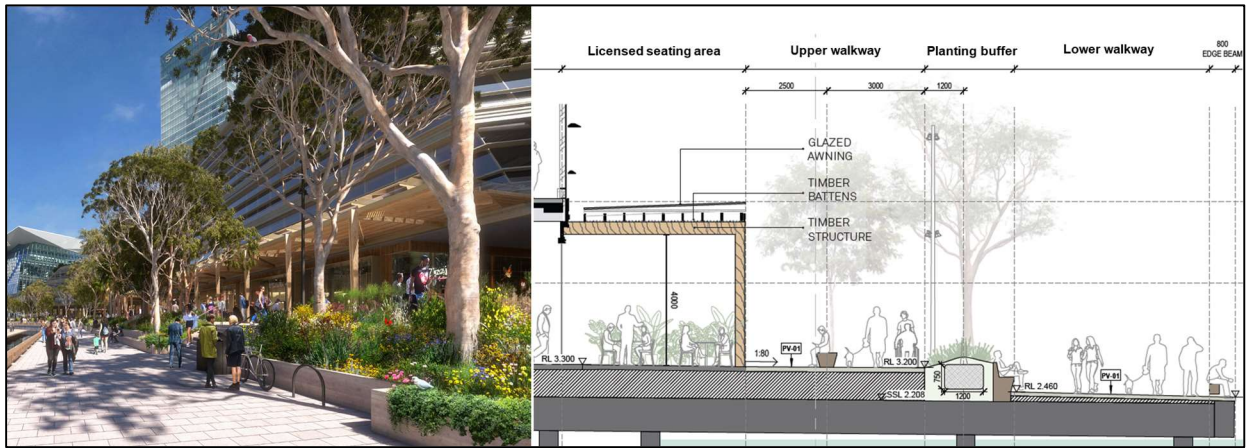


Figure 13 | Waterfront Promenade design and layout (Source: Applicant's Updated Design Report)

Waterfront Promenade design and layout

74. Concerns were raised in public submissions and by Council about the potential privatising effect of licenced seating on the upper walkway.
75. Council recommended providing a publicly accessible pedestrian route beneath the retail awnings and between the licensed seating area and retail facades. PMNSNW suggested removing the drop-down blinds enclosing the licensed seating areas and adding tactile material and handrails to enhance inclusivity and accessibility.
76. The DIP supported the design of the Waterfront Promenade, including the location and widths of the lower and upper walkways, public seating, and awnings. However, it expressed concerns about the proposal to enclose the licensed seating areas with vertical blinds.
77. In response, the Applicant amended the Waterfront Promenade design to include an additional ramp for better access between levels, integrated seating, tactile materials, and handrails and removed drop-down blinds from the awnings. The Applicant also clarified that the design, circulation, and configuration have been endorsed by the DIP and:
 - the 4,868 m² Waterfront Promenade area exceeds the Design Guidelines minimum by 68 m² and is 550 m² larger than the original Harbourside promenade.
 - the 989 m² licensed seating areas are separate from the required public domain areas
 - the licenced areas will activate the interface with the public domain, enhance the foreshore experience and generate revenue for PMNSW to manage the Sydney Harbour foreshore.
 - the promenade offers a clear pedestrian hierarchy (**Figure 13**), is highly permeable, eliminates pedestrian-table conflicts, and ensures universal access.
78. The Department considers the design and layout of the Waterfront Promenade is acceptable as:
 - it has been endorsed by the DIP, and the design facilitates a high-quality pedestrian

experience adjacent to the foreshore, includes landscaping, areas of natural shade, formal/informal seating and retail activation

- the licensed seating areas would not encroach on the approved 4,800m² public domain area and would contribute to the activation of the foreshore
- the proposal establishes a clear hierarchy of various routes to manage and direct pedestrian movement across the site and therefore, an additional pedestrian route between the retail façade and licensed seating area is not necessary
- the promenade provides sufficient space and circulation capacity to accommodate the anticipated pedestrian movements, as discussed in the following section
- the design has resolved level differences across the site whilst ensuring equitable access through the provision of ramps and stairs.

79. The Department has recommended conditions requiring the licensed seating areas not to be enclosed and the preparation of an OMP to ensure the public domain is appropriately managed.

Waterfront Promenade pedestrian capacity

80. Condition C39 of the Concept Approval requires future DAs to include pedestrian modelling to demonstrate that the public domain has adequate capacity to accommodate pedestrian movements.
81. The application includes a Pedestrian Capacity Assessment (PCA), which includes a capacity review and concludes that all public domain areas can adequately accommodate anticipated pedestrian movement. In regard to the Waterfront Promenade, the PCA concludes the promenade:
- has a pedestrian holding capacity of 10,012 persons at any one time
 - includes pedestrian exit points, allowing for an exit capacity of 15,900 across all routes under emergency evacuation conditions, which exceeds the holding capacity
 - should be appropriately managed during events based on crowd management principles.
82. The PCA confirmed that its assessment comprises a capacity-driven review, given that Covid-19 and construction disruptions to the surrounding area and demolition of the former shopping centre have prevented reasonable pedestrian counts.
83. Concerns were raised in public submissions about the Waterfront Promenade's capacity to accommodate pedestrian circulation, particularly during events. Council expressed concern that the PCA does not take into account the TfNSW Walking Spaces Guide (TWSG) or the Sydney Streets Code (SSC). Furthermore, the PCA has not conducted pedestrian counts or assessed non-event modes, and it remains unclear whether pedestrians generated by the development (in addition to those for events) have been considered.

84. The DIP requested the Applicant to consider pedestrian modelling to verify the adequacy of the lower walkway's width.
85. In response, the Applicant updated the PCA and stated:
- the TWSG and SSC only apply to footpaths as part of the road network, and therefore, these documents are not applicable to the public domain paths along the Waterfront Promenade
 - assessment against event mode provides the maximum capacity scenario and therefore also confirms that pedestrian flows during non-event mode can be accommodated
 - the PCA assessment was derived from New Sydney Waterfront Monthly footfall report (March 2023), which presents the proportion of footfall at different times of the day and week. No other pedestrian count information was available for the assessment.
86. The Department has considered the concerns raised and the Applicant's response. Based on the PCA, the Department concludes that the proposed Waterfront Promenade can provide sufficient capacity for future pedestrians during event and non-event modes. In particular, the Department notes:
- the maximum dimensions and depths of the promenade were established by the Concept Approval building envelope requirements and associated conditions
 - the Waterfront Promenade is larger than the former promenade, which successfully functioned as an event space
 - the promenade is owned and operated by PMNSW, who support the design, and would therefore be managed in accordance with existing regulations, including PMNSW's Outdoor Events Manual 2023 (POEM) and the Exempt and Complying Development Codes SEPP (Codes SEPP), which govern operational hours, event frequencies and consent requirements
 - the PCA has demonstrated the promenade is capable of evacuation in an emergency.

5.2.3 North Bridge and Bunn Street pedestrian bridges

87. The proposal seeks approval for the following two pedestrian bridges:
- Bunn Street bridge - a new pedestrian bridge connecting the Bunn Street link / North Walk to the intersection of Bunn Street and Murray Street in Pyrmont
 - North Bridge – the refurbishment of the western half, and reinstatement of eastern half, of the northern pedestrian bridge connecting ODH / Ibis Hotel to the Waterfront Garden / Pyrmont Bridge.
88. As discussed at **Section 1.3**, the eastern half of the North Bridge was demolished in 2023.

89. Concern was raised in some public submissions about the visual and heritage impact of the North Bridge and its amenity impacts. Other public submissions supported the retention of the North Bridge due to the pedestrian connectivity it provides over Darling Drive.
90. In response, the Applicant engaged in further consultation with ODH residents. However, recognising the retention and reinstatement of the North Bridge as a public benefit of the Concept Approval, the Applicant has proposed to keep the North Bridge. Adjustments have been made to straighten and realign the eastern end of the bridge to better integrate with the Harbourside Redevelopment and enhance the pedestrian environment.
91. The Department considers the retention/reinstatement of the North Bridge is acceptable as:
- it is consistent with the Concept Approval and reinstates a bridge that formerly existed in that location prior to its recent partial demolition
 - it would not materially alter existing views from apartments at ODH or from key public vantage points
 - it provides connectivity across Darling Drive to the Waterfront Garden and the foreshore and an alternative east-west route to the Bunn Street pedestrian bridge
 - the design respects the historical context and would not interfere with the structural integrity of the Pyrmont Bridge
 - the DIP reviewed and supported the proposed design of the bridges.
 - the operational impacts can be effectively managed, as discussed at **Sections 5.4 and 5.5**
92. The Department regards the Bunn Street bridge as a high-quality design that integrates with the architectural character of the redeveloped site and has undergone extensive refinement through the DIP review process. Additionally, the Department finds the design of the pedestrian bridges appropriate and considers it would enhance connectivity to the site across Darling Drive, as envisioned under the Concept Approval.

5.2.4 Through-site links

93. The proposal seeks approval for the embellishment of the two east-west through site links at the ground floor of the Harbourside podium (North and South Walk). The detailed design of the through-site links include:
- granite paving, consistent with the ground floor areas across the precinct
 - 1.8 m licensed seating area and lift/stair connection to the Bunn Street bridge (North Walk)
 - Cabbage Tree Palms on the western end of the through-site links, adjacent to the Darling Drive slip lane and residential and commercial lobbies.

94. The through-site links would be privately owned and managed by the Applicant but would provide 24/7 public access between the Waterfront Promenade and Darling Drive, Bunn Street, and Harbourside commercial and residential lobbies. The through-site links would be activated through ground-level retail tenancies.
95. The PCA submitted with the application confirms that the proposed width of the through-site links is capable of accommodating predicted pedestrian circulation and movements.
96. The DIP endorsed the designs of both site links and the provision of licensed seating within the North Walk. The DIP recommended that the design of the Bunn Street site link incorporate understory foliage at the base of the palms, especially at the western end near the stairs, to create a focal point and draw pedestrians through the link.
97. The Department considers that the proposed embellishment works and operation of the through site links are acceptable as:
- the DIP has endorsed the design subject to minor amendment
 - the proposed paving and landscaping works would integrate the through-site links with the ground-level public domain across the remainder of the site.
98. The Department has recommended conditions requiring the design to address the DIP's design amendments, the links to be publicly accessible 24/7 and preparation of an OMP to ensure the public domain is appropriately managed.

5.3 Landscaping and soil depth

99. The Concept Approval included extensive landscaping across the site at the Waterfront Promenade, Waterfront Garden, Waterfront Steps, and Darling Drive Arrival. Additionally, Condition C15 requires future DAs to consider transplanting 20 existing Cabbage Tree Palms from the site into the future public domain, and an ecologist must be involved in informing the landscape design.
100. The proposal included an Open Space, Public Domain and Landscape Report, which detailed the proposed landscaping works in the public domain across the site, including (**Figure 14**):
- planting of 122 trees (87.5% indigenous), including medium and large canopy cover trees
 - concrete, granite and asphalt paving, timber decking and sandstone rocks in the Waterfront Garden, drains, fences and balustrades
 - provision of varying soil depths, including deep soil zones within the Waterfront Garden, Steps and Promenade and at the Darling Drive Arrival
 - the transplant of 20 Cabbage Tree Palms within the Waterfront Promenade

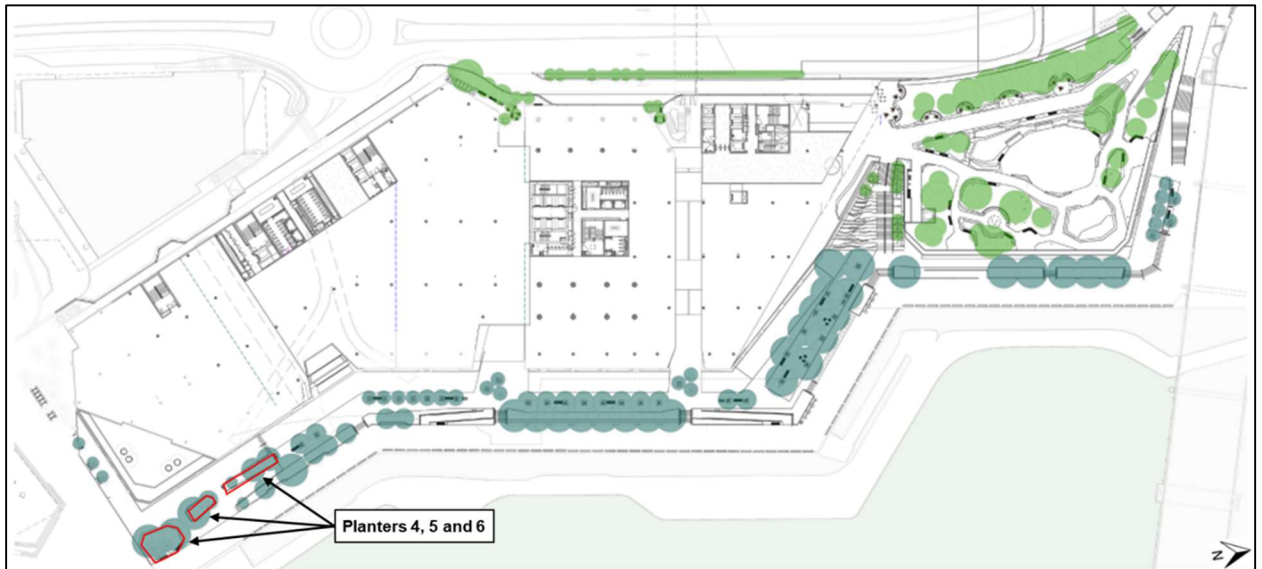


Figure 14 | Proposed tree planting on the site (Source: Applicant's RtS)

101. Other landscaping works to the southern and central podium roof levels and residential tower have been assessed as part of SSDA2.
102. The DIP reviewed the proposal before lodgement and supported the proposed landscaping throughout the site, particularly the greening and landscaping at Darling Drive, as well as the increase in soft landscaping at the Waterfront Steps.
103. PMNSW requested that the tree canopy cover along the Waterfront Promenade be increased to 40% and that appropriate weather protection be provided at the entrances to the lifts within the public domain. Council recommended that soil volumes meet the Sydney Landscape Code (SLC) to support the proposed tree planting. It also requested clarification on maintenance access for planting beyond the Waterfront Garden balustrade edge and an update to the Landscape Plan to include the transplant method for the Cabbage Tree Palms.
104. In response, the Applicant amended the landscape design to increase the Waterfront Promenade's tree canopy cover from 33% to 36%. The Applicant stated that weight loading restrictions prevent the inclusion of additional tree planting and noted that the Council sets a tree target of 27%, which the proposal exceeds. Additionally, the Applicant confirmed that all lifts are equipped with adequate weather protection.
105. The Applicant engaged a soil scientist and arborist (the Consultants) to review the proposed soil volumes. The Consultants:
 - reviewed proposed landscape locations, soil volumes and tree species and concluded, in many locations, soil volumes less than the SLC would be sufficient
 - outlined alternative acceptable soil volumes for each location based on site-specific conditions and concluded the proposal generally met or exceeded their recommended soil volumes

- acknowledged the building structural integrity (as assessed by the project structure engineer) sets the maximum soil depths and number of trees.

106. The Department has carefully considered the proposed soil volumes, the Consultant's review and recommendations and Council's request for compliance with the SLC. The Department concludes the proposed soil volumes are acceptable, noting:

- the SLC does not apply to development within the Precincts SEPP (Darling Harbour site)
- the Consultant's review adequately justifies the adoption of location-specific alternative soil volumes to the SLC, and the SLC supports the engagement of soil scientists to inform designs
- the alternative soil volumes are not significantly different to the SLC recommended minimums, and the proposal in many locations exceeds the SLC minimums
- while planters 4, 5 and 6 at the southern end of the Waterfront Promenade do not meet the Consultant's alternative soil volumes, the Department recommends a condition requiring the landscaping plan be amended to provide for planters that meet the recommended minimums.

107. The Department considers that the proposed site-wide public domain landscaping is acceptable as it has been endorsed by the DIP, achieves an adequate tree canopy cover within the public domain, prioritises native species, includes appropriate soil volumes (subject to amendment), and provides sufficient shade without adverse visual impacts.

108. In addition, the Department recommends conditions requiring:

- the finalisation of a detailed Landscaping Plan, to be endorsed by the DIP and PMNSW
- the landscape maintenance plan be updated to include details of maintenance access to planting beyond the Waterfront Garden balustrading
- the Cabbage Tree Palms be transplanted in the locations proposed and subject to the Tree Transplant Method Statement.

5.4 Operational noise and events

109. The site is located in Darling Harbour, which is a prominent events and entertainment hub that regularly hosts major events such as New Year's Eve and the Vivid Festival.

110. Concerns were raised in public submissions regarding the noise impacts from proposed events, the 24/7 use of the Waterfront Garden and adjacent outdoor dining areas, the Waterfront Steps, and North Bridge, as well as cumulative noise impacts. Public submissions also suggested mitigation measures for noise impacts, such as restricting the use of the

Waterfront Garden and adjacent licensed seating areas after midnight and installing acoustic glazing in ODH apartments.

111. PMNSW requested that the Applicant consult with PMNSW regarding the details of event infrastructure to ensure minimal clutter and ease of access during events. Council sought clarification on how the licensed seating areas on the Waterfront Promenade would be managed during events, particularly concerning the removal and storage of tables and chairs.
112. In response, the Applicant amended its proposed Event Management Plan (EMP) and confirmed that no events would occur within the Applicant-managed public domain at the Waterfront Garden, Waterfront Steps, and the North Walk, except for 'low impact' gatherings/events (e.g., yoga classes and similar activities) within the Waterfront Garden. Additionally, the Applicant clarified that the Waterfront Garden would serve as a local park, be limited to a maximum of 1000 persons, remain alcohol-free, include no amplified music, and be monitored by 24/7 security.
113. The Applicant also clarified that, as PMNSW owns and operates the Waterfront Promenade, it would be managed in accordance with the POEM and Codes SEPP and patron capacity would be determined by the promenade's structural loading limits. Licensed seating areas would remain in use during events. Therefore, there would be no need to remove and store tables and chairs.
114. To further address concerns raised in public submissions, the Applicant:
 - updated the Operational Acoustic Assessment (OAA) to consider cumulative operational noise impacts based on the above amendments, demonstrating:
 - the combined noise generated by outdoor dining and public areas is expected to reach 53 dB(A). This level is below the background noise level (BNL) from 7am to 10pm, and only 1 dB(A) higher than the BNL between 10pm and midnight, remaining comfortably below the L&GNSW threshold of BNL + 5 dB(A)
 - noise generated from the Waterfront Garden alone is not expected to exceed the BNL
 - noted that noise from adjacent retail tenancies and outdoor dining areas will be subject to separate approval
 - agreed to prepare an OMP to manage the 24/7 operation of the Waterfront Garden, in consultation with PMNSW
 - confirmed that events within PMNSW-managed public domain areas (e.g. the Waterfront Promenade) or major events in Darling Harbour would be jointly managed by PMNSW and the Applicant in accordance with established policies.

115. The Department has carefully considered the concerns raised in public submissions regarding noise and events, as well as the Applicant's response. The Department is satisfied that operational noise would not adversely impact nearby sensitive receivers and can be effectively managed and/or mitigated, noting:
- events will not be permitted within the Waterfront Garden (or any other public open spaces managed by the Applicant), which will function as a local park that is compatible with residential uses
 - the OAA demonstrates that using various public spaces at maximum capacity, with adjacent retail and outdoor dining in operation, would not lead to adverse noise impacts at sensitive receivers
 - although there are no specific noise criteria for public parks, the use of the Waterfront Garden, even at full capacity, would not exceed the existing BNL at any time, including between midnight and 7 am
 - further detailed applications will address the fit-out and operation of the retail and outdoor dining areas to ensure any noise impacts are mitigated and remain within established criteria, particularly where post-midnight trading is to be proposed
 - the reinstated North Bridge is unlikely to increase noise disturbance since it replaces an existing bridge in the same location, and the overall east-west pedestrian demand would be shared with the new Bunn Street bridge/through-site link
 - the site is located within Darling Harbour, a well-established entertainment and mixed-use precinct where extended hours of operation and high levels of activation are supported in alignment with NSW Government Vibrancy Reforms.
116. The Department has also recommended conditions to manage operational noise, including:
- no approval for events within the Applicant-managed public domain areas (including the Waterfront Garden)
 - limiting the maximum capacity of the Waterfront Garden to 1,000 people
 - requiring an OMP in consultation with PMNSW, to manage public domain areas during events within the broader Darling Harbour precinct.
117. With the implementation of the recommended conditions, the Department is satisfied that noise and event impacts will be appropriately managed, and the proposal would not have an adverse impact on amenity while also supporting the vibrancy and 24-hour activation of Darling Harbour.

5.5 Other issues

118. The Department's consideration of other issues is summarised in below.

Table 11 | Assessment of other issues

Issue	Findings and conclusions	Recommendation
Pick Up Drop Off area (PUDO) / Darling Drive Arrival	<ul style="list-style-type: none"> Condition C37 of the Concept Approval requires future applications to demonstrate that the PUDO area/Darling Drive Arrival has adequate capacity to prevent vehicle queuing on Darling Drive. The proposal includes a four-bay PUDO area as part of the Darling Drive Arrival located on the western side of the development and accessed off the Darling Drive slip lane. The application includes a Transport Impact Assessment (TIA), which concludes that the PUDO area has sufficient capacity to accommodate vehicle trips, allows for a queue length of 51 cars, and includes signage limiting parking time to 2-5 minutes to regulate vehicle use. Additionally, the TIA confirmed that the proposal would not result in an increase in traffic activity beyond the maximums approved under SSSA2. Council raised concern that the Darling Drive slip lane crossover was overly large and should be minimised to reduce potential pedestrian conflicts. In response, the Applicant stated the width of the proposed crossover is addressed by Condition C32 of SSDA2, which requires the Applicant to investigate reducing the width of the crossover. The Department has carefully considered TIA as well as Council's comments and considers the PUDO area and associated work is acceptable as: <ul style="list-style-type: none"> the proposal would not generate additional vehicle trips or impact the broader road network beyond what was considered acceptable under SSDA2 the Darling Drive slip lane crossover was considered under SSDA2, and Condition C32 of that consent requires the Applicant to investigate reducing the width of the crossover. 	The Department has recommended a condition requiring the PUDO spaces be provided as proposed.

Issue	Findings and conclusions	Recommendation
Bicycle facilities	<ul style="list-style-type: none"> • Condition C40 of the Concept Approval requires bicycle facilities to be provided in accordance with the Sydney Development Control Plan 2012 (SDCP), and Condition C41 requires the preparation of a Bicycle Strategy that considers the safety and design of facilities and aligns with PMNSW's bicycle strategy for Darling Harbour. • The SDCP requires 116 bicycle parking spaces to be provided in the public domain for retail and office visitors. • The application includes a Bicycle Parking Demand Assessment (BPDA), which concludes that the existing visitor bicycle parking in the Darling Harbour precinct is underutilised, with a demand of only 8.8%. Based on this and further consultation with PMNSW, the Applicant has proposed 66 visitor bicycle parking spaces to meet the anticipated demand while minimising clutter in the public domain. • Council recommended that a minimum of 66 bicycle parking spaces be provided in addition to the residential visitor spaces approved under SSDA2. The final number of spaces must be endorsed by Council and PMNSW, and the spaces should be clearly indicated on the plans. • In response, the Applicant confirmed that the minimum of 66 spaces is in addition to the 27 residential visitor spaces approved under SSDA2. The architectural plans have been updated to include all spaces, and the Applicant requested a condition be imposed requiring the final bicycle space numbers be agreed upon with PMNSW. • The Department considers the proposed bicycle spaces are acceptable as: <ul style="list-style-type: none"> ◦ although less than the SDCP requirement of 116 spaces, the parking numbers have been determined based on identified demand and in consultation with PMNSW and are accepted by Council as the minimum requirement. ◦ PMNSW's Darling Harbour Cycling Strategy stipulates that the number of bicycle parking spaces in the publicly accessible areas surrounding the building should be limited and coordinated with the parking facilities available throughout the broader precinct 	<p>The Department has recommended a condition requiring the final visitor bicycle parking be endorsed by PMNSW and align with PMNSW's Darling Harbour Cycling Strategy.</p>

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> the spaces are appropriately located and would enhance the overall visitor bicycle parking options within the precinct. The Department recommends a condition requiring the final visitor bicycle parking numbers and locations to be endorsed by PMNSW and aligned with PMNSW's Darling Harbour Cycling Strategy. 	
Darling Drive cycleway upgrades	<ul style="list-style-type: none"> Conditions C42 and C43 of the Concept Approval require consideration of improvements to cycleway connections and the Darling Drive cycleway. The proposal includes upgrade works to the Darling Drive cycleway, which involve re-routing and widening of cycle lanes, replacing existing signage, and adding new line markings. Council raised concerns that the proposed upgraded cycleway results in poor safety outcomes for cyclists and recommended a condition of consent requiring the design to be further revised in consultation with Council and the relevant road authority. PMNSW requested additional details on how the proposed new bicycle routes around Harbourside integrate with the surrounding City of Sydney bicycle network. In response, the Applicant stated that the upgrade works have been prepared to address safety issues identified in the Road Safety Audit conducted in accordance with Conditions C42 and C43. Any additional cycleway upgrade works beyond the project's scope will undergo further review and coordination with the relevant responsible roads authorities (both PMNSW and Council). The Department considers that the remaining safety concerns regarding the cycleway design can be effectively addressed in consultation with Council and PMNSW and has recommended a condition accordingly. Once resolved, the Department considers the proposal would improve cycling facilities along Darling Drive compared to the current situation. 	The Department has recommended conditions requiring the final design of the cycleway be prepared in consultation with TfNSW, PMNSW and Council and meet the relevant Australian standards.
Wind	<ul style="list-style-type: none"> The application includes a Pedestrian Wind Environment Assessment (PWEA), which comprises a desktop study and a 	The Department has

Issue	Findings and conclusions	Recommendation
	<p>wind tunnel assessment. The PWEA concludes that wind comfort and safety levels are met and deemed acceptable, with the following exceptions:</p> <ul style="list-style-type: none"> ○ uncomfortable wind conditions at the Bunn Street bridge ○ wind safety exceedances at the Bunn Street bridge and along the Waterfront Promenade. • The PWEA recommends mitigation measures to address wind impacts, including localised canopies, planters, and screening along the Waterfront Promenade, as well as balustrades along the Bunn Street pedestrian bridge. • PMNSW recommended further consideration of wind impacts to the Bunn Street bridge. • In response, the Applicant confirmed that the Bunn Street bridge design has included 1.8 m high impermeable balustrades, which would effectively reduce exposure to southerly winds. • The Department considers the PWEA has demonstrated that wind impacts can be appropriately managed and mitigated, subject to the installation of the mitigation measures. 	<p>recommended a condition requiring the installation of the PWEA wind mitigation measures.</p>
<p>Security and lighting</p>	<ul style="list-style-type: none"> • Condition C45 requires future DAs include a CPTED report and security mitigation measures where necessary. The Design Guidelines require the lighting strategy to be agreed with PMNSW. • The public domain areas of the site (including during events) would be managed by PMNSW or the Applicant (Table 3), and all public domain spaces would remain publicly accessible 24/7 to support the entertainment and tourist focus of Darling Harbour. • The Application includes: <ul style="list-style-type: none"> ○ CPTED report including security measures, such as CCTV network, bollards to prevent unauthorised vehicle access and the employment of security/management personnel ○ Lighting Strategy, which detailed that lighting in the public domain has been designed to meet the relevant Australian Standards, PMNSW's Public Domain Manual, and Council's Sydney Streets Code. • Concern was raised in public submissions about lighting and 	<p>The Department has recommended conditions requiring the finalisation of the lighting and CPTED strategies in consultation with PMNSW.</p>

Issue	Findings and conclusions	Recommendation
	<p>security impacts relating to the use of the Waterfront Garden and the North Bridge.</p> <ul style="list-style-type: none"> PMNSW requested that the lighting strategy be further developed and that the Applicant consult with PMNSW about the incorporation of measures in the CPTED report. In response, the Applicant: <ul style="list-style-type: none"> stated the realignment of the North Bridge enhances sightlines and reduces security risks has updated the lighting strategy to include controls to minimise light spill and introduce pre-programmed brightness levels for the Waterfront Garden confirmed 24-hour precinct-wide security monitoring and CCTV coverage would be provided, and updated the CPTED report to include further surveillance, lighting and access controls. The Department considers the security and lighting impacts can appropriately be managed and mitigated, subject to the implementation of the CPTED and Lighting Strategy in consultation with PMNSW. 	
Biodiversity	<ul style="list-style-type: none"> A BDAR was submitted with the application, which included surveys detecting microbats <i>Myotis Macropus</i> at the site, which are threatened species in the Vulnerable category under the BC Act. However, the BDAR concludes that it is unlikely the microbats roost on the site (under the promenade/wharf). Therefore, the proposal is not required to retire any ecosystems or species credits under the Biodiversity Offset Scheme. BCS supported the BDAR conclusion. However, BCS recommended a condition requiring the preparation of a protocol for unexpected microbat finds. The Department considers that subject to the implementation of the microbat unexpected finds protocol, biodiversity impacts can be appropriately managed. 	The Department has recommended a condition requiring the preparation of a microbat unexpected finds protocol.
Pymont Bridge	<ul style="list-style-type: none"> Condition C26 requires future DAs to consider heritage impacts and provide necessary mitigation for any visual impacts on the State heritage-listed Pymont Bridge. 	No conditions or amendments are recommended.

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> • The application includes a Heritage Impact Statement (HIS), which concludes that the proposal would not have any adverse heritage impacts and would create new opportunities for Pyrmont Bridge and Darling Harbour to be viewed, appreciated, and interpreted. • Concern was raised in public submissions about the potential heritage impact to Pyrmont Bridge of the Waterfront Garden landscaping and North Bridge built form. • In response, the Applicant stated that the visual impacts to and from the Pyrmont Bridge were taken into account during the design and layout of the landscaping at the Waterfront Garden, and that the proposal would not have an adverse heritage impact. • The Department considers the proposal is acceptable as: <ul style="list-style-type: none"> ◦ the design of the landscaping at the Waterfront Garden appropriately acknowledges the heritage significance of the bridge and protects significant views to and from the bridge ◦ the North Bridge replaces an existing bridge and would therefore have no additional impacts to the Pyrmont Bridge. 	
Heritage interpretation	<ul style="list-style-type: none"> • Condition C27 requires future DAs to prepare a Heritage Interpretation Strategy. • The Application includes a Stage 1 Heritage Interpretation Strategy (the Strategy), which outlines the aims, framework, design principles, and main themes of the heritage interpretation and serves as the precursor to the future Heritage Interpretation Plan (HIP). • The Strategy also identifies indicative locations for heritage interpretation in the public domain, outlines Connecting with Country and the non-Aboriginal historical context, and specifies potential interpretation mechanisms and installations. • Council raised concern that the Strategy is conceptual in nature and insufficiently developed. PMNSW stated that the Strategy represents best practice work and integrates First Nations principles and narratives. 	<p>The Department has recommended a condition requiring the final HIP be prepared and implemented in consultation with PMNSW and coordinated with SSDA2.</p>

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> • The Department notes that PMNSW is the relevant heritage authority for the site, that the Strategy is in draft form and is not a final HIP, and that the design of the public domain has been informed by a strong Connecting with Country narrative to interpret the history of the site. • Given the above context, the Department considers that the Strategy provides a strong basis for developing a HIP. The Department also notes that Condition C45 of the SSDA2 approval requires that the final HIP be coordinated with future public domain applications. • To ensure consistency across the various stages of the project, the Department has recommended conditions requiring a final HIP to be prepared and implemented in consultation with PMNSW and coordinated with SSDA2. 	
Stormwater and flooding	<ul style="list-style-type: none"> • The application includes a Stormwater Management Report (SMR), which details drainage layout and erosion control measures. The SMR confirms that on-site detention is unnecessary, and the project meets the Council's pollution reduction targets while minimising impervious areas and peak stormwater discharge. • The Applicant also provided a Flood Emergency Management Plan (FEMP) and flood mitigation measures, which were prepared in consultation with BCS and SES. • Sydney Water requested that the Applicant provide an access chamber (manhole) to reach the stormwater channel in the public domain area for its repair, maintenance, and replacement. • SES recommended updating the FEMP and flood mitigation measures approved under SSDA2 to reflect any project amendments from the current application that may impact flood behaviour (e.g., access ramps in the Waterfront Promenade and through site link). • The Department considers stormwater and flooding can be appropriately managed and mitigated subject to the: <ul style="list-style-type: none"> ◦ SSDA2 FEMP and flood mitigation measures being updated to take account of the current proposal design and layout 	<p>The Department has recommended conditions requiring the</p> <ul style="list-style-type: none"> • provision of an access chamber • preparation of a SMP for PMNSW's approval as recommended by Council • update of the SSDA2 FEMP and flood mitigation measures to take account of the current design and layout.

Issue	Findings and conclusions	Recommendation																
	<ul style="list-style-type: none">provision of an access chamber to the stormwater channel and preparation of a detailed Stormwater Management Plan (SMP) for PMNSW’s approval.																	
Construction noise	<ul style="list-style-type: none">The closest sensitive receivers to the site include the ODH and Novotel, Sofitel and Ibis hotels, Maritime Museum (Error! Reference source not found.).The City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992 (the Code) applies to the site and recommends:<ul style="list-style-type: none">construction hours of 7 am-7 pm on Mondays- Fridays, 7 am-5 pm on Saturdays and no work on Sundays or public holidaysconstruction noise management levels (NML) be limited during construction hours to be background:<ul style="list-style-type: none">+5dB(A) 7 am to 8 am, Monday to Saturday+10dB(A) 8 am to 7 pm, Monday to Friday+10dB(A) 8 am to 5 pm, Saturday.The Interim Construction Noise Guideline 2009 (ICNG) indicates impacts above 75 dB(A) represent a point where sensitive receivers may be ‘highly noise affected’ and additional mitigation may be warranted.Condition C53(b) of the Concept Approval requires future DAs include a Construction Noise and Vibration Impact Assessment (CNVIA).The application was accompanied by a CNVIA, which confirmed an approximate construction phase of three years and requested an extension to the Code construction hours by one hour on Saturday (7am to 6pm).The CNVIA predicts the construction of the proposal has the potential to exceed the NMLs as follows:<table><tr><th>Receiver</th><th>NML</th><th>Predicted</th><th>Exceedance</th></tr><tr><td>ODH</td><td>53-63 dB(A)</td><td>35-74 dB(A)</td><td>9-16 dB(A)</td></tr><tr><td>Novotel/ Sofitel/ Ibis</td><td>60-67 dB(A)</td><td>31-62 dB(A)</td><td>1-13 dB(A)</td></tr><tr><td>Maritime Museum</td><td>58-63 dB(A)</td><td>33-67 dB(A)</td><td>4-9 dB(A)</td></tr></table>The CNVIA recommends the following mitigation measures to address the predicted exceedances:	Receiver	NML	Predicted	Exceedance	ODH	53-63 dB(A)	35-74 dB(A)	9-16 dB(A)	Novotel/ Sofitel/ Ibis	60-67 dB(A)	31-62 dB(A)	1-13 dB(A)	Maritime Museum	58-63 dB(A)	33-67 dB(A)	4-9 dB(A)	The Department has recommended conditions requiring the implementation of the Applicant’s and Department’s construction noise mitigation measures, preparation of a CNVMP.
Receiver	NML	Predicted	Exceedance															
ODH	53-63 dB(A)	35-74 dB(A)	9-16 dB(A)															
Novotel/ Sofitel/ Ibis	60-67 dB(A)	31-62 dB(A)	1-13 dB(A)															
Maritime Museum	58-63 dB(A)	33-67 dB(A)	4-9 dB(A)															

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> ○ monthly notification to neighbours of noise-generating works ○ high-noise work respite periods ○ no vehicle or plant idling and select low-noise equipment ○ vehicles to arrive/depart during construction hours ○ use non-tonal reversing alarms and building shell as barrier ○ avoid compounding noisy activities near receivers ○ implement worker induction and noise reduction procedures. <ul style="list-style-type: none"> ● Public submissions raised concerns about the impacts of construction noise. Council recommended limiting high noise-generating works and equipment to six hours per day. Council did not oppose extending Saturday construction hours by one hour, provided that only quieter works are undertaken and that the Code +3dB(A) criteria are not exceeded. ● The Department has considered the findings of the CNVIA and considers some noise exceedances to surrounding properties during construction would be unavoidable, given the dense urban nature of the immediate surrounding area. ● The Department notes that the most significant noise impact (up to 74 dB(A)) would be temporary, and the CNVIA does not predict that the works would exceed the ICNG 75 dB(A) highly noise-affected level for the closest sensitive receivers. Notwithstanding, the Department acknowledges that the works would likely exceed the NMLs and therefore considers the following noise mitigation measures, in addition to the CNVIA measures, necessary to mitigate impacts: <ul style="list-style-type: none"> ○ prepare and implement a Construction Noise and Vibration Management Plan (CNVMP), including details of mitigation as necessary to minimise noise impacts on sensitive receivers. ○ carry out work in accordance with the Code ○ amend respite periods to align with the approved respite periods of SSDA2 	

Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> ○ limit work to quieter activities between 5 pm and 6 pm on Saturdays ○ ensure no noise is classified as ‘offensive noise’ as defined by the POEO Act. ● The extension of construction hours is considered acceptable, given Council’s acceptance and the proposed extended hours align with the SSDA2 approval. ● Based on the above assessment, the Department is satisfied construction works can be appropriately managed to minimise disruption to nearby residents. 	

6 Evaluation

119. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development, advice from government agencies, Council and public submissions, and strategic government policies and plans.
120. The Department's assessment concludes that the proposal is acceptable as:
- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it supports the ongoing revitalisation of Darling Harbour and will foster a lively and engaging city
 - it is consistent with Concept Approval and Design Guidelines, and importantly, it provides more than the minimum required public domain area
 - it was the subject of an architectural design competition, exhibits design excellence and includes high-quality landscaped public spaces and improved pedestrian connectivity
 - tree planting within the Waterfront Garden would provide appropriate amenity while minimising view impacts from neighbouring properties to Pyrmont Bridge and the harbour
 - the Waterfront Promenade features an appropriate design and spatial layout and has sufficient pedestrian circulation capacity to meet demand
 - the proposal would not result in any unacceptable noise impacts, as events are not approved in the Waterfront Garden, noise generated from the park would remain below background noise levels and the site is situated in the established entertainment area of Darling Harbour
 - the through site links and Bunn Street and North Bridges are of a high-quality design and improve site permeability and connectivity with the wider precinct
 - the public domain includes appropriate landscaping, tree canopy coverage and soil depths/volumes
 - it would provide substantial public benefits, including an enhanced public domain experience through the addition of a significant new passive recreation area, improved site links, pedestrian bridges for better connectivity across Darling Drive, upgrades to the Darling Drive cycleway, and a widened Waterfront Promenade.
121. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended

conditions of consent. Consequently, the Department considers the proposal to be in the public interest and is approvable, subject to conditions.

122. This assessment report is hereby presented to the IPC for determination.

Glossary

Abbreviation	Definition
Applicant	Mirvac Retail Sub SPV Pty Ltd
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
Biodiversity SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021
CBD	Sydney Central Business District
CNVMP	Construction Noise and Vibration Management Plan
Code	City of Sydney Construction Hours / Noise within the Central Business District Code of Practice 1992
Concept Proposal / Concept Approval	State significant development concept proposal application (SSD 7874) for the redevelopment of the site, approved 25 June 2021
Consent	Development consent
Council	City of Sydney Council
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
EDC	Estimated development cost
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021

Abbreviation	Definition
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
FEMP	Flood Emergency Management Plan
GANSW	Government Architect of NSW
GFA	Gross floor area
ICNG	Interim Construction Noise Guidelines
IPC	Independent Planning Commission
LEP	Local environmental plan
LGA	Local government area
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code
ODH	One Darling Harbour, 50 Murray Street, Darling Harbour
PCA	Pedestrian Capacity Assessment
PMNSW	Placemaking NSW
POEM	PMNSW's Outdoor Events Manual 2023
PUDO	Pick-up/drop-off
SDCP	Sydney Development Control Plan 2012
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
TfNSW	Transport for NSW
TIA	Transport Impact Assessment

Appendices

Appendix A – List of referenced documents

Supporting documents and information to this assessment report can be found on the NSW Planning Portal at the links below (**Table 12**), including:

1. the EIS, RtS, additional information, public submissions and agency advice,
2. other relevant application including the Concept Approval, SSDA1 and SSDA2 applications.

Table 12 | Supporting documents and information to the assessment report

Reference	Supporting documents	Status
SSD Application (SSD 49653211)	https://www.planningportal.nsw.gov.au/major-projects/projects/harbourside-shopping-centre-redevelopment-public-domain-and-bridges	Current application
Concept Approval (SSD 7874)	https://www.planningportal.nsw.gov.au/major-projects/projects/harbourside-shopping-centre-redevelopment	Approved 26 Oct 2022
SSDA 1 (SSD 38881729)	https://www.planningportal.nsw.gov.au/major-projects/projects/harbourside-bulk-excavation-works	Approved 2 Mar 2023
SSDA 2 (SSD 49295711)	https://www.planningportal.nsw.gov.au/major-projects/projects/harbourside-shopping-centre-redevelopment-podium-and-tower	Approved 4 Dec 2023

Appendix B – Statutory considerations

B1 - Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 13** below.

Table 13 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none">• The proposal would promote the social welfare of the community through the creation of new public open space, connection to the waterfront, public art and improved pedestrian connectivity between Darling Harbour and Pyrmont.• The broader Harbourside redevelopment would promote economic welfare including the creation of construction and operational jobs within a highly accessible site for transport and urban services.• The proposal would not result in any adverse impacts on the State's natural or other resources and includes extensive landscaping and native tree planting.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none">• The proposal has integrated ESD principles as discussed in Appendix B (B2).
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none">• The proposed works constitute the final stage of the Harbourside redevelopment and would complete the orderly and economic use of the land as envisioned under the Concept Approval.• The proposed land uses are permissible and the form of the development has regard to the planning controls that apply to the site. The merits of the proposal are considered in Section 5.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none">• A Planning Agreement relating to the Concept Approval was executed on the 12 July 2022 for the provision of affordable housing (\$5,200,000).
(e) to protect the environment, including the conservation of threatened and other	<ul style="list-style-type: none">• The proposal is located on an existing developed urban site and would have negligible impacts on the

Object	Consideration
species of native animals and plants, ecological communities and their habitats,	<p>conservation of threatened and other species of native animals and plants, ecological communities and their habitats.</p> <ul style="list-style-type: none"> The application was accompanied by a BDAR. The Department has determined that the development would not have any significant impact on biodiversity values, subject to the recommended conditions as discussed in Section 5.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> The proposal has been appropriately designed to respect the heritage significance of nearby and adjoining heritage items. The Department concludes the development's heritage impact is acceptable, subject to conditions (Section 5.5).
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The Department concludes the proposal exhibits design excellence and a high standard of design and amenity, subject to conditions, as discussed at Section 5.1.2.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> The application was accompanied by Building Code of Australia, Access and Structural Integrity reports that conclude the development has been designed to be accessible and inclusive and is capable of complying with the building requirements of the relevant sections of the Act.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<ul style="list-style-type: none"> The Department publicly exhibited the proposed development as outlined in Section 4, which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> The Department publicly exhibited the proposal as outlined in Section 4, which included notifying adjoining landowners and displaying the proposal on the NSW Planning Portal. The Department has considered all issues raised in submissions as part of its assessment.

B2 - Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department required the Applicant to demonstrate how the principles of ESD have been incorporated into the project, including how it addresses national best practice sustainable building principles to improve environmental performance, reduce ecological impact and projected climate change impacts

The development includes the following key ESD initiatives and sustainability measures:

- use of 100% renewable electricity sources for energy used in the (Applicant operated) public domain
- use of construction materials that have reduced upfront carbon
- divert 95% of construction and development waste from landfill
- reuse captured rainwater in either commercial / retail cooling towers or landscape irrigation
- stormwater quality and flow management to all areas within the development footprint.

The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The conservation principle has been applied through the provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of significant new employment opportunities.

The proposed development is consistent with ESD principles as described in the Applicant's EIS, which has been prepared in accordance with the requirements of Division 5 of the EP&A Regulation. The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles and the Department is satisfied the development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

B3 - EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- Social Impact Assessment Guideline for State Significant Projects
- Undertaking Engagement Guidelines for State Significant Projects
- Cumulative Impact Assessment Guidelines for State Significant Projects.

The Department considers the requirements in the guidelines have been complied with.

B4 - Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021 (Systems SEPP)
- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (Precincts SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)
- other relevant plans, policies or guidance.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 of the Systems SEPP aims to identify SSD, State significant infrastructure and regionally significant development and is relevant to the proposal.

The proposal is SSD under section 2.6(1) and Schedule 2 section 2(b) of the Systems SEPP, being a development located within the Darling Harbour Site with an EDC in excess of \$10 million.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

Chapter 3 of the Precincts SEPP relates specifically to Darling Harbour and is the principal EPI which applies to the site. The requirements of Chapter 3 of the Precincts SEPP are considered in **Table 14**.

Table 14 | Consideration of the relevant provisions of Chapter 3 of the Precincts SEPP

Provision	Department's consideration	Complies
3.2 Objects (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area (c) to make provision with respect to controlling development within that area.	The proposed development provides a mixed-use development. The proposed development is permissible with consent.	Yes
3.5 Permit required for certain development Development: (a) for the purposes of tourist, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending) (c) for the purpose of beautifying the landscape (d) for any purpose specified in Schedule 1 Schedule 1 includes: <i>...commercial premises, parks and gardens, residential buildings, restaurants, shops, utility installations...</i>	The proposed development uses are permissible with consent.	Yes
3.7 Permits required for renovation and demolition (1) the renovation or demolition of a building or work may not be carried out except with a permit being obtained therefore.	The proposal does not seek consent for demolition works (approved under the Concept Approval Stage 1 works) or bulk excavation works (approved under SSDA1). The proposed renovation works are permissible with consent.	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the Transport SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development does not front a classified road and is not considered to be a traffic generating development as defined in Chapter 2 of the Transport SEPP. The Department considers the proposed development has appropriately considered traffic impacts. The site is located in

proximity to the CBD light rail corridor. Clause 2.98 requires the consent authority to notify the rail authority about the proposal.

The Department consulted TfNSW (**Section 4**) and TfNSW recommended conditions relating to the protection of the CBD light rail have been applied.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the Hazards SEPP is relevant to the proposal and aims to provide a State-wide planning approach to the remediation of contaminated land, reduce risk of harm to human health and the environment and ensure that potential contamination issues are considered in the determination of development applications.

The Department considered site contamination and necessary remediation and validation of the site as part of its assessment of the SSDA1 application for site preparation and bulk earthworks and SSDA2 for the detailed design, construction and operation of the new podium and tower. In determining SSDA1 and SSDA2, the Department concluded the site would be able to be remediated and made suitable for its intended use.

The Department is satisfied the findings and outcomes of the Remediation Action Plan (RAP) prepared for SSDA1 and SSDA2 remain relevant for the construction of the public domain. The Department has recommended a condition requiring the implementation of the RAP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainability SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets increased sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The Sustainability SEPP commenced on 1 October 2023 and includes savings and transitional provisions which confirm that the Sustainability SEPP does not apply to applications lodged before the commencement date. As the application was lodged prior to 1 October 2023 the Sustainability SEPP does not apply.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the Biodiversity SEPP is relevant to the proposal and provides provisions for development within water catchment areas, including the Sydney Harbour Catchment.

The site is located within the Sydney Harbour Catchment area and identified as being within the 'Foreshores and Waterways Area' and 'Sydney Harbour Strategic Foreshore'. The site is not identified as Biodiversity SEPP zoned land under the Biodiversity SEPP.

Division 5 Strategic Foreshore Sites of Chapter 6 states that development consent must not be granted for the carrying out of development on a strategic foreshore site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. The application site was subject to the Harbourside Redevelopment Concept Approval, which is considered to provide a masterplan for the site (**Section 1.5**).

The Department has considered the relevant matters of the Biodiversity SEPP in **Table 15**.

Table 15 | Planning Principles in Part 6 of the saved Biodiversity SEPP

Provision	Department's consideration	Complies
Part 6.2 Development in regulated catchments		
6.6 Water quality and quantity	<p>The proposed would have a neutral impact on water quality entering Darling Harbour as it would:</p> <ul style="list-style-type: none"> • not increase stormwater run-off from the site • incorporate stormwater infrastructure • not require dewatering (addressed under SSDA1) • not have an adverse cumulative impact on Darling Harbour. 	Yes
6.7 Aquatic ecology	<p>The proposal does not include the clearing of riparian vegetation, would not have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation and would minimise erosion and sedimentation.</p> <p>The proposal is not a controlled activity, does not have an impact on wetlands and does not require additional mitigation to ensure the protection of Darling Harbour.</p>	Yes
6.8 Flooding	The site does not constitute an ecosystem that benefits from periodic flooding. Flooding impact, management and mitigation has been considered at Section 5.5 .	Yes
6.9 Recreational and public areas	The proposal would have positive impact on the recreational use of the land. In addition, it would maintain and improve public access to the foreshore.	Yes
6.10 Total catchment management	The proposal is not expected to have an adverse environmental impact on Darling Harbour or in LGAs adjacent to the site.	Yes
Part 6.3 Foreshores and Waterways Area		
6.28 General		
(1) In deciding whether to grant development consent to development in the Foreshores and Waterways		

Part 6.3 Foreshores and Waterways Area

Area, the consent authority must consider the following —

(a) whether the development is consistent with — (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good, (ii) the public good has precedence over the private good, (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,	The proposed development is in the public interest as it will deliver new publicly accessible public domain works as part of the ongoing revitalisation and redevelopment of Darling Harbour.	Yes
(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,	The proposed development improves public access to the waterfront foreshore.	Yes
(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,	The proposed development will not have an adverse impact on the Foreshores and Waterways Area, including any commercial or recreational uses within the area.	Yes
(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,	The proposed development does not promote nor detract from water-dependent land uses.	Yes
(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,	The proposal would not result in adverse flood impacts as discussed at Section 5.5 .	Yes
(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,	The site is not a natural intertidal foreshore, natural landform or native vegetation site and would not adversely impact terrestrial or aquatic species.	Yes
(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.	There is no watercourse, wetland, riparian land, or remnant vegetation in need of protection or rehabilitation at the site.	Yes

Part 6.3 Foreshores and Waterways Area

(2) Development consent must not be granted to development in the Foreshores and Waterways Area unless the consent authority is satisfied of the following —

(a) having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,	The site is not ‘working waterfront’ land and the proposal would not result in the loss of any ‘working harbour’ uses.	Yes
(d) if the development site is on the foreshore — excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,	The proposal would not result in adverse traffic impact as discussed at Section 5.5 .	Yes
(e) the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and tributaries will be enhanced, protected or maintained, including views and vistas to and from — (i) the Foreshores and Waterways Area, (ii) public places, landmarks and heritage items.	The proposal would include public access to the site and create a new public open space overlooking Darling Harbour.	Yes

Part 6.4 Heritage conservation in Sydney Harbour

6.52 Heritage development	The proposal would not have an adverse impact on heritage items or archaeology, as discussed at Section 5.5 .	Yes
6.53 Requirement for heritage development		Yes
6.54 Aboriginal places of heritage significance		Yes
6.55 Archaeological sites		Yes
6.57 Conservation incentives	The application includes a Heritage Interpretation Strategy, as discussed at Section 5.5 .	Yes

Other Policies

In accordance with clause 2.10 of the Systems SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, the following DCP provides appropriate guidance for the redevelopment of the site and is considered below.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SHFW DCP) applies to sites within the Foreshores and Waterways Area as identified in the Biodiversity SEPP.

The SHFW DCP outlines guidelines to protect and enhance the ecological and landscape values of the harbour foreshore, and provides specific guidelines for water based, land-based and land/water interface developments. The relevant guidelines of the SHFW DCP are considered at **Table 16**.

Table 16 | SHFW DCP Compliance Table

Guidelines	Department's consideration	Complies
Foreshore access <ul style="list-style-type: none"> Foreshore access is to be encouraged and wherever possible, public access to and along the foreshore including the intertidal zone should be secured or improved Most desirable are foreshore links joining public open spaces or access points 	The proposal maintains and improves public access to the Waterfront through upgrades to the Waterfront Promenade and through site links.	Yes
Siting of buildings and structures <ul style="list-style-type: none"> where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it buildings should address the waterway; buildings should not obstruct views and vistas from public places to the waterway buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP where there are cliffs or steep slopes, buildings should be sited on the top of the cliff or rise rather than on the flat land at the foreshore 	Not applicable (relevant to SSDA2).	N/A
Built form <ul style="list-style-type: none"> where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is preferable to break up facades and roof lines into smaller elements and to use pitched roofs walls and fences should be kept low enough to allow views of private gardens from the waterway bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should 	<p>The proposal will complement and support the revitalisation and modernisation of Darling Harbour.</p> <p>Built form and land-use requirements are relevant to SSDA2.</p> <p>The proposal is not considered to have an adverse impact on the heritage listed Pyrmont Bridge. The separation between the site and the</p>	Yes

Guidelines	Department's consideration	Complies
<p>be avoided. External lights should be directed downward, away from the water. Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed</p> <ul style="list-style-type: none"> • use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied • colours should be sympathetic with their surrounds and consistent with the colour criteria where specified, for particular landscape character types in Part 3 of this DCP • the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements • the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items, 	<p>Bridge allows for the immediate setting of the Bridge to be protected.</p>	
<p>Planting</p> <ul style="list-style-type: none"> • appropriate species from those found in the surrounding landscape should be incorporated • endemic native species should be used in areas where native vegetation is present or has the potential to be regenerated • exotic species that have the potential to spread into surrounding bushland should be avoided • existing mature trees should be retained where possible and incorporated into the design of new developments • vegetation along ridgelines and on hillsides should be retained and supplemented with additional planting to provide a backdrop to the waterway • a landscape plan is to be submitted with any land-based development proposal showing existing and proposed changes in contours, surface and sub-surface drainage, existing trees to be retained and removed, measures to protect vegetation during construction, and proposed planting including species and common names. 	<p>The proposal includes appropriate and extensive landscaping in various locations in the public domain including the Waterfront Garden, Waterfront Promenade and Darling Drive Arrival area.</p> <p>The plant species chosen for the public domain comprise predominately native species. The existing 20 Cabbage Tree Palms would be transplanted into the proposed public domain.</p>	<p>Yes</p>
<p>Redevelopment sites</p> <p>Redevelopment proposals should:</p>	<p>The proposal will maintain and improve public access</p>	<p>Yes</p>

Guidelines	Department's consideration	Complies
<ul style="list-style-type: none"> • ensure continuous and inviting public access to the foreshore; • allow for a mix of uses to further improve the public utility and amenity of the waterfront; • provide public jetties and wharves for access to vessels where there is a demonstrated demand; • identify suitable areas that can be conserved and made available to the public; • provide public road access to the foreshore park where a park is being provided; and • be designed considering the site in the broader context of the River and the Harbour. Redevelopment sites have the potential to provide a gateway and become a waterside destination for the hinterland. 	<p>to the foreshore and pedestrian circulation and connectivity around the waterfront through the widening of the Waterfront Promenade and introduction of through-site links and pedestrian bridges.</p>	

Appendix C – Concept Approval, Design Guidelines and the PPPS

C1 – Concept Approval

An assessment of the proposal against the relevant Concept Approval requirements is provided in Table 17.

Table 17 | Department's consideration of the relevant Concept Approval requirements

Condition	Department's consideration	Complies
Schedule 2 – Part A – Terms of Approval		
Planning Agreement Affordable Housing A6. Prior to the determination of the first Future Development Application, the Applicant or its successor must enter into a Planning Agreement and / or other legally binding agreement to the satisfaction of the Planning Secretary securing the provision of \$5,200,000.00 to a Registered Community Housing provider for affordable housing. A7. Any Planning agreement must be prepared in accordance with Division 7.1 of Part 7 of the EP&A Act.	A State Planning Agreement between the Minister, Mirvac Retail Sub SPV Pty Limited and Mirvac Projects Pty Ltd was executed on 12 August 2022.	Yes
Gross Floor Area Control A10. The maximum achievable gross floor area (GFA) for the development is 87,000 m², comprising: (a) 42,000 m ² residential GFA (b) 45,000 m ² non-residential GFA. The maximum GFA can only be achieved subject to demonstration of: (i) compliance with the conditions of this Concept Approval (ii) design excellence (iii) consistency with the Design Guidelines (as amended by Condition B1) (iv) being wholly contained within the approved building envelope.	Not applicable. GFA was considered as part of SSDA2,	N/A

Condition	Department's consideration	Complies
Building Envelope Control A11. The maximum building envelope for the development must not exceed the building envelope shown on the concept proposal envelope drawings listed in Condition A2.	The development is wholly contained within the building envelope.	Yes
Building Height Control A12. The maximum building heights for the development must not exceed those shown on the envelope drawings listed in Condition A2.	The maximum height of the Bunn Street bridge and north bridge does not exceed the building envelope height.	Yes
Open Space Control A13. A minimum 3,500m of contiguous public open space must be provided above the Northern Podium: <ul style="list-style-type: none"> (i) with a finished deck level no higher than RL 12.5 to ensure the height of the Northern Podium finished deck level does not obstruct the sight line from the Pyrmont Bridge western approach to the eastern Cockle Bay foreshore and protects the heritage features of Pyrmont Bridge (ii) must be provided in one single accessible level providing for equitable access and to optimise public utilisation and activation of the public open space; and (iii) directly accessible from the western approach to the heritage listed Pyrmont Bridge to afford equitable access and improved public amenity. 	The proposal includes 3,500 m ² of contiguous public open space on the Northern Podium, known as the Waterfront Garden. The space will: <ul style="list-style-type: none"> (i) have a finished deck level of RL 12.5 (ii) comprise a single accessible level (iii) includes a footpath and stair to provide direct access from the western approach of Pyrmont Bridge. 	Yes
A13A. Notwithstanding Condition A13, soil mounding and a lift providing equitable access may project above the finished deck level (RL 12.5), provided: <ul style="list-style-type: none"> (a) any soil mounding does not exceed a maximum height of 800mm (RL 13.3) above deck level; and (b) the lift enclosure above deck level is demonstrated to be of an appropriate 	Landscape soil mounding and a lift is proposed to project above the finished deck level (RL 12.5) as set out below: <ul style="list-style-type: none"> (a) the soil mounding would not exceed a maximum height of 800mm (RL13.3) above the deck level (b) the lift enclosure above deck level height has been designed as a 	Yes

Condition	Department's consideration	Complies
height, bulk and scale, architectural integration and is designed to be light weight and transparent in appearance.	lightweight and transparent structure and is of an appropriate height, bulk and scale for its location.	
<p>A14. The calculation of the 3,500 m² publicly accessible open space:</p> <p>(a) may include terraces, hard and soft landscaping and any lift associated with publicly accessible open space</p> <p>(b) must exclude retail tenancies and associated outdoor seating / dining areas.</p>	The proposed 3,500 m ² public open space includes various landscaped elements. The calculation of the area of the space does not include retail tenancies or outdoor seating / dining areas.	Yes
A15. In addition to the publicly accessible open space referred to in Condition A13 and A14, an additional area of onsite open space must be provided for gatherings / events to the foreshore. This space must be accessible 24 hours-a-day, 7 days-a-week, provide equitable access (including to people with disabilities and similar requirements) and be suited to both casual public use and more structured gatherings and performance events (e.g. pop-up cinema, theatre, music).	<p>The Waterfront Promenade would provide a flexible 24 hour publicly accessible space for gathering and event viewing.</p> <p>The Waterfront Promenade includes ramps which would provide accessible to people with mobility impairments.</p>	Yes
<p>Podium Soft Landscaping</p> <p>A16. Soft landscaping (including planting and trees) may extend above the building envelope where these components are within and relate specifically to improving the amenity of the open space above the Podium (Attachment B). Future Development Application(s) must demonstrate that any projection within this area above the building envelope will have a minimal detrimental impact on views from neighbouring properties to the Pyrmont Bridge and Harbour.</p>	<p>The Application includes a VVIA, which considers the visual or view impacts of the indicative public open space landscape design.</p> <p>The Department has considered visual and view impacts at Section 5.2.1 and concludes that the soft landscaping at the Waterfront Garden has been designed to improve the amenity of the public open space whilst minimising visual impacts to adjacent residences.</p>	Yes
<p>Design Excellence</p> <p>A21. Prior to the lodgement of any Future Development Application(s), the detailed design of the development must be subject to a Design</p>	An architectural design competition has been undertaken, as discussed at Section 5.1 .	Yes

Condition	Department's consideration	Complies
Excellence Competition (Competition) carried out in accordance with the Design Excellence Strategy prepare by Ethos Urban, dated 8 February 2021.		
A22. Prior to the commencement of any Competition (Condition A21), a Competitive Design Brief (CDB) prepared in consultation with the Government Architect NSW, must be submitted to and approved by the Secretary. The CDB must be generally in accordance with the Government Architect's Design Excellence Competition Guidelines and include the membership of the jury, specific assessment criteria against which submissions will be judged, complying with the requirements of this consent, built form control and design guidelines. At least two members of the jury, excluding the GANSW representative, should be selected from the NSW SDRP panel pool.	A Competitive Design Brief was prepared in consultation with the GANSW and approved by the Secretary prior to the commencement of the Design Competition.	Yes
A23. A Design Integrity Panel (DIP) must be established by the Applicant prior to the lodgement of any Future Development Application(s). The DIP must comprise at least three of the members of the Competition jury selected in consultation with the Government Architect NSW and in accordance with the Government Architect's Design Excellence Competition Guidelines (being one nominee from each of the Applicant, Government Architect and local authority).	A DIP was established for the project in accordance with the requirements of this condition.	Yes
A24. Prior to the establishment of the DIP (Condition A23) a detailed DIP Terms of Reference must be prepared in consultation with the Government Architect NSW and submitted for approval to the Planning Secretary, clearly outlining: (a) the role of the DIP to review and advise on the detailed building design to ensure the	The DIP Terms of Reference were approved on 18 March 2022 in accordance with the requirements of this condition.	Yes

Condition	Department's consideration	Complies
<p>achievement of design excellence, complying with the requirements of this consent, built form controls and design guidelines (as endorsed by the Planning Secretary)</p> <p>(b) that the DIP will review and provide advice prior to the lodgement of any Future Development Application(s) and be retained during the assessment and post approval stages</p> <p>(c) governance arrangements, including meeting frequency, secretariat functions, dispute resolution and deliverables.</p>		
A25. The detailed design must be presented to the DIP prior to the lodgement of a Future Development Application(s).	The detailed design of the proposal was presented to the DIP prior to lodgement.	Yes

Schedule 2 – Part C – Future Environmental Assessment Requirements

Building Design														
C1. Future Development Application(s) shall demonstrate consistency with: (a) the revised Harbourside Urban Design and Public Domain Guidelines, as endorsed by the Planning Secretary (Condition B1) (b) the advice of the Design Integrity Panel (Condition A23) (c) the following built form controls	<table><tr><th>Built Form Control</th><th>Control</th></tr><tr><td colspan="2">The Tower</td></tr><tr><td>Max. tower floor plate</td><td>1000m² GFA*</td></tr><tr><td>Max. volumetric tower envelope utilisation</td><td>80%</td></tr><tr><td colspan="2">The Podium</td></tr><tr><td>Max. volumetric podium envelope utilisation</td><td>80%</td></tr></table>	Built Form Control	Control	The Tower		Max. tower floor plate	1000m ² GFA*	Max. volumetric tower envelope utilisation	80%	The Podium		Max. volumetric podium envelope utilisation	80%	<p>The application has demonstrated consistency with:</p> <p>(a) the Design guidelines, as summarised in Appendix C (C2).</p> <p>(b) the advice of the DIP, as considered at Section 5.1.</p> <p>(c) Not applicable. Consistency with the built form controls was considered as part of SSDA2.</p>
Built Form Control	Control													
The Tower														
Max. tower floor plate	1000m ² GFA*													
Max. volumetric tower envelope utilisation	80%													
The Podium														
Max. volumetric podium envelope utilisation	80%													
		Yes												

Condition	Department's consideration	Complies
* Excluding balconies and/or wind-affected balconies per Clause 4.5A of Sydney LEP 2012		
C2. Future development applications must demonstrate that the buildings are wholly contained within the building envelopes consistent with the plans listed in Condition A2, as modified by the conditions of this consent.	The proposed built form is wholly contained within the building envelope, as summarised at Section 5.1 .	Yes
C3. Building height and gross floor area (including the exclusion from GFA of wind-affected balconies) is to be measured in accordance with the definitions contained within the Sydney Local Environmental Plan 2012.	Not applicable. Building height and GFA have been considered as part of SSDA2.	N/A
C4. Future Development Application(s) must demonstrate that the design of the podium: (a) provides improved east west connections and permeability between the foreshore and Pyrmont (b) delivers a safe and activated streetscape interface on all boundaries (c) provides for a direct through-site open to the sky pedestrian connection(s) between the foreshore and the new Bunn Street bridge (d) provides direct civic-quality open to the sky pedestrian connection(s) from the foreshore adjacent to Pyrmont Bridge to the Pyrmont Bridge approach (e) is articulated and modulated to break down massing and bulk (f) provides for equitable access to all publicly accessible through site links, terraces and podiums.	The proposed pedestrian bridges, through site links and promenade would improve east west connections and permeability between the foreshore and Pyrmont and activate the streetscape. The proposal is supported by an Accessibility Statement which confirms the public domain would provide for equitable access.	Yes
C4A Notwithstanding condition C4(c), a Bunn Street through site link design that is partially covered / not entirely open to sky could be considered, subject to future development application(s) demonstrating such a link achieves a high	Not applicable. The design of the Bunn Street through site link has been assessed and approved as part of the conditions of consent under SSDA2.	N/A

Condition	Department's consideration	Complies
standard of design, layout and appearance in relation to key design requirements including location, legibility, civic scale (height, width and design quality), openness, access, public art, activation, safety / security and finishes).		
C5. Future Development Application(s) must demonstrate that the design of the proposed podium is sympathetic in aspect and final form to Pyrmont Bridge including colours and materiality.	Not applicable. The design of the podium was considered as part of SSDA2.	N/A
C6. Future Developmental Application(s) must demonstrate the detailed design of the Northern Podium retains the visual link of Pyrmont Bridge in its context with Darling Harbour when viewed from the west. The final design must resolve and improve the interface between Pyrmont Bridge and the site and sensitively manage the relationship between the new development and the extant bridge approach based on the SHR listed values.	The landscaping and detailed design of Waterfront Garden on the Northern Podium retains the visual link of Pyrmont Bridge in its context with Darling Harbour when viewed from the West, as discussed at Section 5.2 .	Yes
C7. Future Development Application(s) must include a Reflectivity Analysis demonstrating that the external treatments, materials and finishes of the development do not cause adverse or excessive glare.	Not applicable. Reflectivity of the development was considered as part of SSDA2.	N/A
C8. Future Development Application(s) must include an Access Report demonstrating that the development achieves an appropriate degree of accessibility.	The application is supported by an Accessibility Report which demonstrates the development achieves an appropriate degree of accessibility.	Yes
C9. Future Development Application(s) must include specifications and details of all external facing materials, demonstrating the proposed colour, texture, jointing and method of fixing.	The Design Report includes specifications and details of external facing materials. The Department has recommended a condition requiring the final materials be endorsed by the DIP and PMNSW.	Yes
C10. Future Development Application(s) must include a retail design and activation strategy	The proposal includes a Retail Design and Activation Strategy. The design and	Yes

Condition	Department's consideration	Complies
addressing the interface between retail tenancies and the foreshore public domain, Darling Drive and Iron Wharf Place. The strategy must include objectives, design parameters and/or other measures to ensure future retail spaces make a positive contribution to the character of the building, the Darling Harbour foreshore, Darling Drive and Iron Wharf Place.	layout of the development ensures that activation of surrounding streets and spaces has been maximised.	
Open Space and Public Domain C11. Future Development Application(s) must include an Open Space, Public Domain and Landscape Report including the design and treatment of all areas of open space, public domain and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures and connections and Darling Harbour.	The proposal includes an Open Space, Public Domain and Landscape Report which fulfils the requirements of the condition. The Department concludes the open space, public domain and landscaping would achieve a high standard of design, subject to conditions, as discussed at Section 5.2 .	Yes
C12. Future Development Application(s) must demonstrate how the proposal improves and enhances the events and gathering capacity of the public domain.	The public domain has been designed to accommodate events and gathering, as discussed at Section 5.2 and 5.4 . The Department has recommended conditions to address operation and amenity impacts.	Yes
C13. Future Development Application(s) must confirm method(s) / arrangement(s) to ensure open space (Condition A13) is publicly accessible 24 hours-a-day 7 days-a-week and demonstrate: (a) an appropriately designed, civic quality transition above the Northern Podium including direct external access from Pyrmont Bridge and the Harbour foreshore; (b) comprehensive activation of the space including locating potential complementary uses, such as retail, community or other active uses within the podium, near to the	The open space on the site would be publicly accessible 24/7 and includes: (a) an appropriate and accessible transition from the Waterfront Garden to Pyrmont Bridge (b) retail spaces fronting Waterfront Garden and Promenade to activate the space (c) the provision of deep soil planting zones in the Waterfront Garden and Waterfront Promenade to support landscaping (d) a design informed by community	Yes

Condition	Department's consideration	Complies
<p>public open space supported by the Competitive Design Brief</p> <p>(c) the provision of deep soil planting zones incorporated within and above the structure of the podium deck; and</p> <p>(d) how community consultation has informed the design and operation of the publicly accessible open space.</p>	<p>consultation.</p> <p>The Department recommends a condition requiring the implementation of an OMP to ensure the appropriate management of the spaces.</p>	
<p>C14. Future Development Application(s) must demonstrate that the Northern Podium publicly accessible open space has a sympathetic and complementary built form relationship to the interface with Pymont Bridge</p>	<p>The design and landscaping of the Waterfront Garden has a sympathetic and complementary built form relationship to the interface with Pymont Bridge as discussed in Section 5.2.</p>	<p>Yes</p>
<p>C15. Future Development Application(s) must ensure the landscaping design is informed by an ecologist and:</p> <p>(a) provides new plantings (including plantings on, above or within podiums) consisting of a mix of local native provenance trees, shrubs and groundcover species from the vegetation community that once occurred in this locality (rather than plant exotic species or non-local natives).</p> <p>(b) seeks to maximise urban tree canopy cover and incorporates advanced and established trees.</p> <p>(c) includes medium to large canopy trees within the foreshore public domain area</p> <p>(d) incorporates minimum appropriate soil volumes and depth within and above the structure of the podiums for taller trees and shrubs to improve biodiversity and habitat creation, enhance outlook from the west and allow views through canopy</p> <p>(e) seeks to minimise impacts to surrounding building views from the west while</p>	<p>The Application includes a Design Report which demonstrates that the design of the landscaping has been informed by an ecologist and provides native planting, maximises tree canopy cover, incorporates appropriate soil volumes, minimises visual impacts, proposes transplanting of the existing Cabbage Tree Palms and includes details of landscape maintenance.</p> <p>The Department has recommended conditions relating to the above as discussed at Section 5.2.</p>	<p>Yes</p>

Condition	Department's consideration	Complies
<p>maximising planting and activation opportunities above the podium</p> <p>(f) explores opportunities to incorporate the existing 20 Cabbage Tree Palms in the detailed landscaping design.</p> <p>(g) includes details of landscape maintenance.</p>		
<p>C16. Future development application(s) must demonstrate consideration of the GANSW's draft Connecting with Country Framework.</p>	<p>The design of the public domain has considered the GANSW's draft Connecting with Country framework and represents a strong Connecting with Country approach to the design.</p>	<p>Yes</p>
<p>Future Residential Amenity</p> <p>C17. Future development application(s) relating to residential use must demonstrate a high level of residential amenity in accordance with the relevant requirements of the State Environmental Planning Policy 65 – Residential Apartment Development and the residential guidelines within the associated Apartment Design Guide.</p>	<p>Not applicable. Residential amenity was considered as part of SSDA2.</p>	<p>N/A</p>
<p>Entertainment Precinct Protection</p> <p>C18. Future Development Application(s) must demonstrate that apartments within the proposal are adequately separated from lower floor active uses and events within the public domain to minimise the likelihood of noise disturbance.</p>	<p>Not applicable. The design of apartments was considered as part of SSDA2.</p>	<p>N/A</p>
<p>C19. Future Development Application(s) must be accompanied by a Noise and Vibration Impact Assessment (NVIA) that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. The NVIA must include:</p> <p>(a) an alternative noise criterion for future apartments within the development utilising internal noise measurements with windows closed and designed to maximise the usage</p>	<p>This application includes an OAA which provides a quantitative assessment of noise during operation.</p> <p>The Department has considered operational noise impacts in detail at Section 5.4 and concludes that noise impacts are acceptable, subject to the implementation of management and mitigation measures.</p>	<p>Yes</p>

Condition	Department's consideration	Complies
<p>of the retail tenancies and events in the public domain without resulting in excessive impact on new and existing residents.</p> <p>(b) details of any mitigation measures to ensure the amenity of sensitive land uses, and the function and 24-hour operation of noise generating uses are protected during the operation of the development.</p> <p>(c) noise management and mitigation strategies for commercial uses which restricts hours of operation as a last resort.</p>		
<p>C20. Future Development Application(s) must demonstrate that the proposed apartments include sufficient acoustic attenuation to enable compliance with alternative noise criteria.</p>	<p>Not applicable. Impacts addressed as part of SSDA2.</p>	<p>N/A</p>
<p>Land Use</p> <p>C21. Future Development Application(s) must demonstrate how the proposed non-residential land use mix aligns with the Tumbalong Park Place Priorities and Harbourside Key Site Framework within the Pymont Peninsula Place Strategy.</p>	<p>The Pymont Peninsular Place Strategy has been considered at Appendix C (C3).</p>	<p>Yes</p>
<p>C22. Future Development Application(s) must explore opportunities to provide affordable workspace for creative industries including performance and rehearsal spaces, cultural uses, start-ups and researchers, maker and producer spaces to support the innovation corridor.</p>	<p>Not applicable. Affordable housing was considered as part of SSDA2.</p>	<p>N/A</p>
<p>Social Impacts and Infrastructure Requirements</p> <p>C23. Future Development Applications must include a Social Impact Assessment (SIA) that considers social impacts of the proposal, including cumulative impacts of the development in context with existing / approved large developments within Darling</p>	<p>The application includes a SIA, which concludes the long-term impact would be positive and the proposal includes significant public benefits including public art, public open space and public domain.</p>	<p>Yes</p>

Condition	Department's consideration	Complies
<p>Harbour and Pyrmont. The SIA must investigate any potential need for additional community or social services or other infrastructure arising from the development.</p>		
<p>Solar Access</p> <p>C24. Future development application(s) must include a Solar Access Impact Assessment (SAIA), including shadow studies and diagrams showing the likely overshadowing impact of the development on the public domain, surrounding existing open spaces and neighbouring developments. This assessment must include the cumulative impacts of all existing and approved development surrounding the site. The SAIA must demonstrate that:</p> <ul style="list-style-type: none"> (a) the tower and podium have been designed to minimise the impact of overshadowing on the public domain, surrounding open spaces and neighbouring developments; and (b) the tower and podium siting and profile have been designed to optimise solar access to the public domain foreshore and Woodward Fountain during the winter lunch time period between 12.00pm and 2.00pm. 	<p>Not applicable. Overshadowing impacts of the podium and tower were considered as part of SSDA2.</p>	<p>Yes</p>
<p>Public and Private Views</p> <p>C25. Future Development Application(s) must include a Visual and View Loss Assessment which assesses public and private view impacts and demonstrates how consideration has been given to minimising such impacts. Any proposed hard and soft landscaping, including trees, above the podium should be considered in the view assessment to minimise impacts to surrounding buildings views and maximise planting and activation opportunities in areas of lower impact.</p>	<p>The Application includes a VVIA. The Department concluded that the soft landscaping at the Waterfront Garden has been designed to improve the amenity of the public open space whilst minimising visual impacts to adjacent residences, as discussed at Section 5.2.1.</p>	<p>Yes</p>

Condition	Department's consideration	Complies
<p>Heritage</p> <p>C26. Future Development Application(s) must include a detailed Heritage Impact Assessment, which considers and seeks to mitigate the heritage impact of the development including any visual impacts on Pymont Bridge.</p>	<p>The application includes a HIA. The Department and concluded the proposed development would not have an adverse heritage impact on the significance of relevant heritage items, including the Pymont Bridge and Woodward Fountain, as discussed at Section 5.5.</p>	<p>Yes</p>
<p>C27. Future Development Application(s) must include a Heritage Interpretation Strategy informed by results of the archaeological fieldwork / investigations (Condition C28)</p>	<p>The application includes a Heritage Interpretation Strategy. The Department concluded the strategy appropriately identifies opportunities for the development of interpretation experiences that will protect, enhance and interpret Darling Harbour's natural and cultural heritage, as discussed at Section 5.5.</p>	<p>Yes</p>
<p>Archaeology</p> <p>C28. Future Development Application(s) must be informed by a Historical, Maritime and Aboriginal Archaeology testing and demonstrate how the results of such testing have been used to minimise impacts to State Significant archaeology resources. The results of the archaeological testing must be documented in a report which outlines opportunities for conservation in situ as a preference, development and interpretation. The testing is to be undertaken in accordance with the following:</p> <p>(a) The Applicant must nominate a suitably qualified and experienced historical archaeologist to manage the historical archaeology program for test excavation in accordance with its conditions. This person must fulfil the Heritage Council's Excavation Director Criteria 2019 for test excavation of State significant archaeological relics. Details of the nominated person and their</p>	<p>The application includes an Archaeology Assessment, Marine Archaeological Assessment and ACHAR. The Department concluded the potential for archaeological impacts are negligible noting consent for all earthworks have previously been approved.</p>	<p>Yes</p>

Condition	Department's consideration	Complies
<p>ability to demonstrate against the Criteria must be supplied to the Heritage Council (or its delegate) for comment and to the Planning Secretary prior to the commencement of the testing program.</p> <p>(b) An Archaeological Research Design and Excavation Methodology must be prepared in accordance with Heritage NSW guidelines and in consultation with Heritage NSW and submitted to the Planning Secretary for approval prior to the commencement of the testing program</p> <p>(c) A final excavation report must be prepared within 12 months of the completion of the archaeological test excavation. It should include details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the landowner.</p> <p>(d) The Excavation report must respond to any research questions and reassess the significance of the site and its archaeological potential for State significant archaeology with recommendations of future design of SSD Stage 2. Copies of the final excavation report must be provided to Heritage NSW, Council's locals studies unit and the Planning Secretary.</p> <p>(e) The Applicant must engage a suitably qualified and experience maritime archaeologist, with understanding of the effects of dredging and reclamation processes on former submerged maritime infrastructure sites, to prepare a maritime archaeological assessment for the project within 6 months of the date of consent. The assessment must be used to inform the testing and detailed design of the Stage 2 SSDA and must include the following:</p>		

Condition	Department's consideration	Complies
<p>(i) remote sensing and/or driver surveys of the seabed under any piled areas that currently form waterfront or paved areas of the proposed development.</p> <p>(ii) any geotechnical and borelog information should be considered in this assessment and the maritime assessment should be used to better inform the testing program.</p>		
<p>Public Art</p> <p>C29. Future Development Application(s) must include a Public Art Strategy (PAS) for the inclusion of public art within the development. The PAS must be prepared in consultation with Council and PMNSW.</p>	<p>The application includes a PAS, which has been supported by Council and PMNSW.</p> <p>The Department has recommended a condition of consent requiring the PAS be implemented, as discussed at Section 5.5.</p>	Yes
<p>Events in the Darling Harbour Precinct</p> <p>C30. Future Development Application(s) must include an Events Management Plan (EMP) prepared in consultation with PMNSW which considers site access, management and mitigation measures during major events held within the broader Darling Harbour precinct.</p>	<p>The proposal is accompanied by an EMP, which has been prepared in consultation with PMNSW. The Department has recommended a condition requiring an OMP to include details of event management.</p>	Yes
<p>C31. Future Development Application(s) must include details of strategies and/or mechanisms which can be secured through the development consent or other legal agreement to make purchasers and occupiers of future residential apartments and non-residential tenancies aware that the development is in a vibrant entertainment and recreation precinct that is subject to many cultural and community events that may result in significant noise, light emissions, vibration and temporary changes to access arrangements over multiple 24 hour cycles throughout the year.</p>	<p>Not applicable. The SSDA2 consent includes relevant conditions.</p>	N/A

Condition	Department's consideration	Complies
Environmental Performance C32. Future Development Application(s) must demonstrate the incorporation of Ecological Sustainable Development principles in the design, construction and ongoing operation phases of the development, including the following minimum environmental standards: (a) 5-Star Green Star Design & As Built v1.3 for retail; (b) 6-Star Green Star Design & As Built v1.3 for commercial; (c) 5-Star Green Star Design & As Built v1.3 for the residential tower; (d) 5.5-Star NABERS Energy for Offices; (e) 3.5-Star NABERS Water for Offices; and (f) 20% water reduction per sqm for retail.	Not applicable. ESD targets were considered as part of SSDA2. Notwithstanding this, the proposal includes ESD initiatives and sustainability measures as discussed at Appendix B (B2) .	Yes
C33. Future Development Application(s) must consider improvements to the minimum environmental standards (Condition C30) and endeavour to achieve the following stretch environmental standards: (a) 6-Star Green Star Design & As Built v1.3 for retail (b) 6-Star Green Star Design & As Built v1.3 for the residential tower.	Not applicable. ESD targets were considered as part of SSDA2. Notwithstanding this, the proposal includes ESD initiatives and sustainability measures as discussed at Appendix B (B2) .	Yes
Traffic and Transport C34. Future Development Application(s) must be accompanied by a Traffic Impact Assessment (TIA) that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity. The TIA must also address: (a) traffic generation impacts and any necessary road infrastructure upgrades to adjoining and nearby roads and intersections	The application includes a TIA. The Department has considered traffic impacts at Section 5.5 and concludes the proposal would not result in adverse traffic or transport impacts.	Yes

Condition	Department's consideration	Complies
<ul style="list-style-type: none"> (b) vehicle and pedestrian safety within and around the site (c) loading / unloading, servicing, coach, pick-up / drop-off arrangements (d) on-site car parking provision consistent with Condition A17, location, access and operation (e) the impact of the removal of any existing on-street car parking spaces (f) pedestrian and bicycle infrastructure and facilities and any necessary upgrades. 		
C35. Future Development Application(s) must include a green travel plan, wayfinding strategies and travel access guides to assist with increasing the mode share of walking and cycling.	Not applicable. Sustainable travel was considered as part of SSDA2.	N/A
C36. Future Development Application(s) must include a Road Safety Audit for the cycleway / drop off area on Darling Drive, in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits prepared by an independent TfNSW accredited road safety auditor. Based on the results of the road safety audit, the Applicant must review the design drawings and implement safety measures if required, in consultation with TfNSW.	The Applicant's TIA includes a Road Safety Audit. The proposal included civil drawings detailing upgrade works to cycleway on Darling Drive to resolve safety issues identified in the RSA, as discussed at Section 5.5 .	Yes
C37. Future Development Application(s) must include queuing analysis and / or traffic modelling to demonstrate the drop off area has adequate capacity and propose mitigation measures to ensure queuing on Darling Drive does not occur, to the satisfaction of TfNSW.	The TIA has demonstrated sufficient space is provided for vehicle queuing, as discussed at Section 5.5 .	N/A
C38. Future Development Application(s) must include draft management plans for Drop-off and Pick-up Zone and Carpark and Loading Dock to manage vehicles accessing the site.	Not applicable. The management plans were considered as part of SSDA2.	N/A

Condition	Department's consideration	Complies
C39. Future Development Application(s) must include pedestrian modelling of the pedestrian network immediately surrounding the development, including all approved permanent and temporary structures, in consultation with TfNSW and PMNSW, to demonstrate adequate capacity for pedestrian movements is provided with the proposed development.	The application includes a PCA. The Department concluded the public domain can accommodate predicted pedestrian movements, as discussed at Section 5.2.2 .	Yes
Bicycle Parking and Facilities C40. Future Development Application(s) must include bicycle parking for employees / visitors and end of trip facilities (toilets, change / locker rooms and showers) in accordance with the Sydney Development Control Plan 2012 bicycle parking rates and end of trip facilities design requirements.	<p>The SDCP requires 116 spaces. The Bicycle Parking Demand Assessment (BPDA) indicates that visitor bicycle parking in Darling Harbour is underused, with a demand of only 8.8%. After consulting with PMNSW, the Applicant proposed 66 visitor bicycle parking spaces to address anticipated demand while reducing clutter.</p> <p>Council did not object to this number, and the final number of bicycle parking spaces will be confirmed in consultation with PMNSW as outlined in Section 5.5.</p>	No - see section 5.5
C41. Future development Application(s) must include a Bicycle Strategy demonstrating: <ul style="list-style-type: none"> (a) how the safe and efficient movement of cyclists is managed around the site (b) the design and location of any proposed bicycle parking infrastructure (c) alignment with PMNSW's bicycle strategy for Darling Harbour 	The TIA includes a Bicycle Strategy which responds to the requirements of this condition, as discussed at Section 5.5 .	Yes
C42. Future Development Application(s) must, in consultation with Council, PMNSW and TfNSW, explore opportunities to improve cycleway connections within and around the development.	The TIA recommends potential upgrades to cycleway connections within and around the development. The Department supports the upgrades subject to conditions relating to consultation and design standards, as discussed at Section 5.5 .	Yes

Condition	Department's consideration	Complies
C43. Future Development Application(s) must, in consultation with Council, PMNSW and TfNSW, explore and implement feasible opportunities to upgrade the Darling Drive Cycleway within the constraints of the existing carriageway, between Murray Street / Union Street intersection (major cycleway) to the roundabout adjacent to the site.	As above	Yes
Wind Assessment C44. Future Development Application(s) must include a Wind Impact Assessment, including wind tunnel testing, which assesses the existing and proposed wind environment, demonstrates spaces within and around the site are suitable for their intended purpose and includes mitigation measures to address adverse wind conditions, where necessary.	The application includes a PWEA. The Department concluded impacts can be managed and mitigated subject to conditions, as discussed at Section 5.5 .	Yes
Crime Prevention through Environmental Design C45. Future Development Application(s) must include a Crime Prevention Through Environmental Design Report (CPTED) including method(s) / treatment(s) to ensure that all spaces and places within and around the development are safe and secure and the opportunity for crime has been minimised in accordance with CPTED principles.	The application includes a CPTED Report. The Department concluded the development has been designed in accordance with CPTED principles subject to implementation of the CPTED Report mitigation measures, as discussed at Section 5.5 .	Yes
Servicing Requirements C46. Future Development Application(s) must provide a detailed analysis of the servicing requirements for the residential and non-residential floorspace to ensure adequate servicing provision for the development.	Not applicable. Servicing management plans were considered as part of SSDA2.	N/A
Waste C47. Future Development Application(s) must include a Waste Management Plan to address storage, collection and management of waste and recycling within the development.	The application includes an Operational Waste Management Plan, which sets out the physical and operational waste management strategy for the development.	Yes

Condition	Department's consideration	Complies
Utilities C48. Future Development Application(s) must include a Utility Services Infrastructure Assessment (USIA) which addresses the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure. The USIA must be prepared in consultation with relevant agencies and service providers.	Not applicable. Utility connections and augmentation was considered as part of SSDA2.	N/A
Hydrology C49. Future Development Application(s) must consider potential flooding, stormwater, climate change / sea level rise and water quality impacts and management.	The application includes a Flood Statement and Stormwater Management Report which conclude that the development would not result in any unacceptable flood or stormwater impacts, as discussed at Section 5.5 .	Yes
Contamination C50. Future Development Application(s) must include a Detailed Environmental Site Investigation (DESI) and, as necessary, a Remedial Action Plan reviewed and approved by a site auditor accredited under the Contaminated Land Management Act 1997.	Site preparation works, including excavation and remediation formed part of SSDA1. The Application includes Interim Site Auditors advice confirming that the SSDA1 RAP remains relevant to the proposal and subject to the implementation of its recommendations, the site would be suitable for the proposed development.	Yes
Construction C51. Future Development Application(s) must include a draft Construction Pedestrian and Traffic Management Plan in consultation with the Sydney Light Rail Operator.	The Application includes a Draft Construction Pedestrian and Traffic Management Plan, which has been prepared in consultation with TfNSW and Sydney Trains.	Yes
C52. The Applicant must consult with Sydney Trains to ensure no damage is done to the 33kV High Voltage cable and to comply with safety and design requirement during the preparation of the Stage 2 development application.	The Application includes a Construction Environmental Management Plan which confirms that the proposed works would be monitored to ensure no damage to the 33Kv High Voltage cable.	Yes

Condition	Department's consideration	Complies
<p>C53. All future development application(s) must provide an analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"> (a) Construction Pedestrian and Traffic Management Plan (CPTMP) prepared in consultation with Transport for NSW and the Sydney Light Rail Operator. The CPTMP must detail vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control measures and cumulative construction impacts (i.e. arising from concurrent construction activity) (b) Construction Noise and Vibration Impact Assessments that identifies and provides a quantitative assessment of the main noise generating sources and activities during construction. Details are to be provided outlining any mitigation measures to ensure the amenity of adjoining sensitive land uses, including but not limited to the National Maritime Museum, is protected throughout the construction period(s) (c) Community Consultation and Engagement Plans (d) Construction Waste Management Plan (e) Air Quality Management Plan (f) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge and dewatering considerations) (g) Geotechnical and Structural Investigation Report (h) Acid Sulphate Soil Assessment and Management Plan (i) Sediment and Erosion Management Plan. 	<p>The application includes all the construction management plans required by Condition C53.</p>	<p>Yes</p>

C2 – Concept Approval Design Guidelines

On 25 January 2022, the Department approved amended Design Guidelines titled ‘Harbourside Public Domain and Urban Design Guidelines, Rev 04’, prepared by FJMT and dated 1 August 2021, which were submitted by the Applicant in accordance with the requirements of Concept Approval condition B1.

The Design Guidelines are intended to inform the detailed design of development within the Concept Approval site. The Design Guidelines provide guidance on a range of matters including urban design and built form, architecture, open space and public domain, amenity, car parking and sustainability.

Condition C1(a) of the Concept Approval requires future development applications demonstrate consistency with the requirements of the Design Guidelines. The Department has considered the proposal against the Design Guidelines at **Table 18**.

Table 18 | Consideration of the proposal against the Design Guidelines

Design Guideline Principle	Department’s consideration	Complies
1.4 Context and Design Excellence The design shall: <ul style="list-style-type: none"> • Integrate with the surrounding context by providing a mix of uses to compliment the surrounding uses and reinforce the role of Darling Harbour as a major public entertainment, tourism and leisure precinct • Use appropriate building height, alignment, form, massing • Respect the heritage significance of the Pyrmont Bridge • Promote view sharing • Provide a new landmark at Darling Harbour, and enriching the ground plane and skyline • Engage with people at the ground plane • Create strong public pedestrian connections • Provide public domain spaces that can accommodate activation through temporary events and programme activities • Protect solar access to Darling Harbour foreshore public domain 	Built form and land-use requirements are relevant to SSDA2. The development is wholly within the Concept Approval building envelope, integrates appropriately with its surroundings and would not result in adverse heritage, view or solar impacts. The development achieves design excellence and provides for improved site permeability, activation, interaction and public domain areas where events and activities may occur.	Yes
1.5 Public Realm and Place Making Create a place for people that:	The proposed design / layout of the public domain would foster the night-time	Yes

Design Guideline Principle	Department's consideration	Complies
<ul style="list-style-type: none"> Provides an activated space that functions during day and nighttime economies. Provides public domain spaces that can accommodate activation through temporary events and programme activities. Provide mixed uses that allow for a variety of retail visitors, commercial tenants and residents 	<p>economy. The public domain would be accessible 24/7.</p> <p>The development includes public open spaces capable of supporting events in Darling Harbour.</p> <p>Land-use requirements are relevant to SSDA2.</p>	
<p>2.1 Urban Structure – Appreciating the Context</p> <p>Provide:</p> <ul style="list-style-type: none"> A mix of uses that support the surrounding uses and reinforce the role of Darling Harbour as a major public entertainment, tourism and leisure precinct. Architecture commensurate with the revitalised transformation of Darling Harbour. A safe pedestrian friendly environment that taps into the existing surrounding road, pedestrian and cycle pathways. 	<p>The design of the development achieves design excellence.</p> <p>The development has been designed in accordance with CPTED principles and provides an accessible and pedestrian friendly public domain environment. The proposal also includes upgrades to the Darling Drive cycleway.</p> <p>Built form and land-use requirements are relevant to SSDA2.</p>	Yes
<p>2.2 Urban Structure – Connections</p> <ul style="list-style-type: none"> Maintain the pedestrian dominance of Darling Harbour Provide a widened promenade along the waterfront and a widened set of stairs adjacent to the Pyrmont bridge Provide east/west connections that link Darling Harbour to Pyrmont, including a new pedestrian bridge from Bunn Street Pyrmont Maintain the existing bridge at the northern end of the site from ODH Provide an environment with clear separation between Front of House areas from Back of House areas Provide a public connection and a direct link from the Bunn Street bridge to the waterfront promenade 	<p>The development has been designed to prioritise the pedestrian experience through the provision of the Waterfront Promenade, the fit out, embellishment and accessibility of public domain, through-site links, pedestrian bridges and stairs.</p>	Yes

Design Guideline Principle	Department's consideration	Complies
<ul style="list-style-type: none"> Provide equitable access provisions for changes in levels 		
<p>2.3 Urban Structure – Transport</p> <p>Provide connections and easy access to:</p> <ul style="list-style-type: none"> Harbourside Light Right Station Buses in Pyrmont. Future Pyrmont Metro Station. Ferries in Darling Harbour (proposed new ferry wharf at Cockle Bay Wharf). Nearby cycle ways and walking paths. Provide wayfinding to direct and encourage public transport usage. 	<p>The site has connections with easy access to nearby public and active transport options.</p>	<p>Yes</p>
<p>3.1 and 3.2 Form and Massing – Overview and setbacks</p> <p>Provide:</p> <ul style="list-style-type: none"> Future built form shall only be contained within the approved Stage 1 DA envelope as shown below The tower should be appropriately distanced from the ICC Hotel Consideration shall be given to the integration between the retail/commercial podium and the residential tower to ensure a seamless transition The Gross floor area (GFA) shall not exceed that approved in the Stage 1 DA Consideration shall be given to achieving variety in the shape of the built form by implementing articulations and fenestrations The retail shall provide a variety of enclosed and unenclosed spaces Ensure appropriate distances are maintained between towers to create a skyline of well-spaced towers for the west side of Cockle Bay 	<p>The development is wholly contained within the Concept Approval building envelope.</p> <p>Built form and land-use requirements are relevant to SSDA2.</p>	<p>Yes</p>

Design Guideline Principle	Department's consideration	Complies						
<div>3.3 Form and Massing – Tower Form and Design</div> <div>Development shall demonstrate consistency with the following built form controls:</div> <table><tr><th>Built Form Control</th><th>Max. control</th></tr><tr><td>Maximum volumetric tower envelope utilisation</td><td>80%</td></tr><tr><td>Maximum volumetric podium envelop utilisation</td><td>80%</td></tr></table> <div>The design of the podium and tower shall:</div> <ul style="list-style-type: none">• Provide an architectural solution that achieves design excellence and elevates the quality of built form and urban design within the immediate and broader precinct.• Adopt measures, in particular for the podium design, that articulate its northern, eastern and southern tower elevations, reducing its visual bulk and minimising view impacts on surrounding private development and the public domain• Ensure that maximising GFA within the envelope is balanced with the imperative to develop and realise a building form that is proportionally elegant, and incorporates highly considered facade articulation and modulation• The size of the tower floor plate above podium level shall not exceed 1,000m2 Gross Floor Area.	Built Form Control	Max. control	Maximum volumetric tower envelope utilisation	80%	Maximum volumetric podium envelop utilisation	80%	<div>Built form and land-use requirements are relevant to SSDA2.</div>	<div>N/A</div>
Built Form Control	Max. control							
Maximum volumetric tower envelope utilisation	80%							
Maximum volumetric podium envelop utilisation	80%							
<div>4.1 Public Realm – Thriving Public Realm</div> <div>The following established planning controls and strategies shall apply:</div> <ul style="list-style-type: none">• Sustainable Sydney 2030• Sydney Streets Design Code and Sydney Street Technical Specification• SHFA'S Darling Harbour Public Domain Manual 2015	<div>The relevant planning controls have been considered.</div> <div>The public open space is consistent with the space standards and design standards of this principle.</div> <div>The proposal delivers the public domain benefits committed to in the Concept Approval including 10,200 m² of public domain works comprising, 3,500 m² of open</div>	<div>Yes</div>						

Design Guideline Principle	Department's consideration	Complies
<ul style="list-style-type: none"> • NSW Planning Guidelines for Walking & Cycling • No reduction in the existing area of public realm • Public Domain concepts documented in the Aspect Studios Stage 1 SSDA report. <p>Mirvac to commit and fund a minimum area of 10,200 m² of public domain works in kind, including:</p> <ul style="list-style-type: none"> • 4,800m² of Waterfront Boulevard • 3,500m² above the Northern Podium • Event steps (or equivalent onsite public domain gathering and events area adjacent to the foreshore) • Central through site link • Bunn St pedestrian bridge • New paving to Pyrmont bridge • Upgrade of northern pedestrian bridge (or improved equivalent connection) • Ribbon Stairs or equivalent connection from the foreshore at the northern end of the site linking the foreshore to the Pyrmont Bridge approach. 	<p>space on the northern podium, 4,868m² on the Waterfront Promenade, through-site links, pedestrian bridges and steps.</p> <p>The Applicant has stated that as Pyrmont Bridge is located outside the site boundary, repaving of the bridge is outside the scope of this application.</p>	
<p>4.2 Public Realm – Activation</p> <ul style="list-style-type: none"> • Ensure there are rich day and night experiences • Allow for a diverse range of events and overlays • Provide large gathering spaces and intimate areas for diversity • Balance the event spaces with recreational spaces and circulation spaces • Ensure high-quality activation along the western edge including new drop-offs for Commercial, Retail, and Residential components along existing Darling Drive 	<p>The public domain design provides for a rich variety of experiences. The Waterfront Garden provides a passive recreation space while the Waterfront Promenade provides a potential event hosting space. Retail licensed seating areas would assist in activating the public domain.</p> <p>Open spaces are designed for 24/7 access and will be maintained with 24/7 security.</p>	Yes

Design Guideline Principle	Department's consideration	Complies
<ul style="list-style-type: none"> Spaces are to be designed for 24/7 access 		
4.3 Public Realm – Safety and Security <ul style="list-style-type: none"> Build in safety Focus on natural surveillance Follow secure by design principles CCTV 	The application includes a CPTED assessment which informed the design of the public domain. CCTV networks and various other natural surveillance principles have been considered with recommendations made for incorporation into the design.	Yes
4.4 Public Realm – Accessibility <ul style="list-style-type: none"> AS1428 Disability Discrimination Act Equitable access for change in levels 	Equitable access has been provided across all changes in levels and the proposal is considered capable of achieving compliance with the DDA.	Yes
4.5 Public Realm – Landscaping <ul style="list-style-type: none"> Use native plants where possible Implement sustainable landscaping practices Provide areas of shade and areas with access to sun Provide a variety of open space types 	<p>The landscape design prioritises native planting and sustainable landscape practices.</p> <p>A variety of spaces are created with access to sun and shade and for active / passive play and enjoyment.</p>	Yes
4.6 Public Realm – Wayfinding <ul style="list-style-type: none"> Signage Clear access paths and pedestrian routes Material treatment 	The signage strategy has been developed with PMNSW with clear pedestrian routes identified and materials considered.	Yes
4.7 and 4.8 Public Realm – Street Furniture, Art and Lighting and Waterfront Edge Treatment <ul style="list-style-type: none"> AS1428 Disability Discrimination Act Provide a consistent palette of quality street furniture both within the Harbourside development, and with consideration of existing adjacent developments Provide a variety of seating types and locations Final street furniture, art, and lighting subject to detailed design and agreement between the proponent and Place Management NSW 	<p>A consistent high-quality palette of street furniture has been provided in line with PMNSW's public domain guidelines.</p> <p>A variety of seating types have been provided across the development with consideration of some lighting elements that act both as seating and barriers.</p> <p>Final street furniture, art and light would be determined in consultation with PMNSW.</p>	Yes

Design Guideline Principle	Department's consideration	Complies
<ul style="list-style-type: none"> Lighting, timber elements that can double as seating and a barrier. 		
4.9 Public Realm – Material Selection <ul style="list-style-type: none"> Longevity, durability and flexibility shall be considered in the choice of materials Provide generous feelings of light and air throughout the development Use materials that connect the building to its surrounds Provide diversity in the elevations through articulation of the façade Ensure material diversity between tower and podium. 	<p>Material selection has been made considering longevity, durability and flexibility whilst also connecting the building to its surround through the usage of sandstone found typically in the Sydney Peninsula.</p> <p>Built form requirements are relevant to SSDA2.</p>	Yes
8.1 Sustainability <p>Development is to be designed to achieve the following ESD targets:</p> <ul style="list-style-type: none"> 5-Star Green Star Design & As Built v1.3 for retail; 6-Star Green Star Design & As Built v1.3 for commercial; 5-Star Green Star Design & As Built v1.3 for the residential tower; 5.5-Star NABERS Energy for Offices; 3.5-Star NABERS Water for Offices; and 20% water reduction per sqm for retail. <p>Development is to explore and implement measures to strive to achieve the following stretch ESD standards:</p> <ul style="list-style-type: none"> 6-Star Green Star Design & As Built v1.3 for retail 6-Star Green Star Design & As Built v1.3 for the residential tower. 	<p>Built form and land-use requirements are relevant to SSDA2.</p>	N/A

C3 – Pyrmont Peninsula Place Strategy

Condition C21 of the Concept Approval requires future DAs demonstrate how proposed non-residential land use aligns with the Tumbalong Park Place Priorities and Harbourside Key Sites Framework of the PPPS. The Department has considered the proposal against the PPPS at **Table 19**.

Table 19 | Summary of the proposal's consistency with site specific requirements of the PPPS

PPPS Requirement	Department's Consideration
Tumbalong Park Place Priorities	
1. Create new space for jobs in tourism and entertainment and supporting services, such as shops, restaurants, cafes and bars and transport, to create smaller activity areas.	The public domain would support the tourist and entertainment focus of the site and would be further activated through licensed seating areas.
2. Address potential impacts of 24-hour economy activities on amenity, including noise, safety, traffic and transport, amongst others.	Appropriate management and mitigation will ensure the 24-hour economy is protected and would also not have an adverse impact on amenity. The Department has recommended a condition requiring the preparation of an OMP.
3. Provide new commercial space to cater for jobs in industries aligning with the Innovation Corridor.	Not applicable. Commercial spaces were considered as part of SSDA2.
4. Providing residential development, including affordable housing, without compromising the attractiveness of Tumbalong Park for tourism, visitor and 24-hour economy uses, cultural, creative, entertainment and some commercial uses.	Not applicable. Residential accommodation was considered as part of SSDA2. The proposed public domain supports the SSDA2 land-uses and the attractiveness of the site for tourism, economic, cultural and entertainment uses.
5. Transition building heights from higher areas to the waterfront and open space so taller buildings are located to respect privacy, public space, such as the waterfront promenade, Pyrmont Bridge and Tumbalong Park, views, heritage items and existing buildings.	The development is contained wholly within the Concept Approval building envelopes.
6. Encourage green building facades and rooftop gardens in new development.	The proposal includes the creation of a 3,500 m ² rooftop garden (Waterfront Garden) above the

PPPS Requirement	Department's Consideration
7. Create publicly accessible, privately-owned space, such as multi-purpose courts on rooftops or in podiums or viewing platforms that showcase Sydney Harbour.	northern podium, which includes areas allowing public views across Darling Harbour.
8. Investigate the provision of social infrastructure, such as communal meeting rooms and spaces, work-based child care services, ground level creative and cultural spaces for participation, production and exhibition and improve the experience of public spaces with public art installations.	Social infrastructure was considered as part of SSDA2. The proposal includes a PAS, which details how public art would improve the experience of the public domain.
9. Investigate a multi-utility hub that provides integrated car parking, energy production, water recycling and/or waste collection.	Not applicable to the development site.
10. Create attractive, safe and easy-to-use streets based on Movement and Place principles, particularly in the area behind the ICC.	Not applicable to the development site.
11. Showcase the history and heritage of Darling Harbour and foreshore, including Aboriginal, and working and maritime history, in any new development.	The development has been designed in accordance with the Connecting with Country principles. In addition, the application includes a Heritage Interpretation Strategy which identifies opportunities to interpret the Aboriginal and maritime history of the site in the public domain.
12. Improve walking and cycling connections, permeability, and wayfinding throughout the Peninsula and to public spaces.	The proposed development will improve pedestrian legibility, walkability, and permeability across the site through the fit out and embellishment of the site links, bridges and stairs.
13. Improve east-west active transport connections from Tumbalong Park into the Peninsula and up to Harris Street by addressing the barriers of light rail and back-of-house areas on Darling Drive.	The proposal includes the fit out and embellishment of the two through-site links connecting the foreshore to Bunn Street and Darling Drive and significantly improve pedestrian connectivity.

PPPS Requirement	Department's Consideration
14. Extend the Goods Line north from Pymont Street and Murray Street to connect with the Union Street cycleway and facilitate an active transport loop around the Peninsula.	Not applicable to the development site.
15. Use space to foster and encourage collaboration between companies, start-ups, researchers, creative and knowledge workers.	Not applicable. Collaboration spaces were considered as part of SSDA2.
16. Create informal outdoor recreational facilities for young people, students, workers and culturally diverse residents, such as skate-friendly public domain treatments and seating and tables with access to power and Wi-Fi for study.	The proposal includes significant public domain works including public open space and foreshore public domain improvements that provide recreational opportunities.
17. Investigate a new urban plaza connecting Allen Street to the Light Rail and Convention Centre.	Not applicable to the development site.
18. Provide a new inclusive play space for children near the Murray Street active transport route, which may include climbing elements, playful public art and pavement treatments to encourage jumping.	Not applicable to the development site.
Harbourside Site-Specific Opportunities and Considerations	
Opportunities for additional public benefit	
Deliver excellence in public open space outcomes by providing publicly accessible open space on rooftop areas and indoor space in podiums that could include indoor recreation infrastructure, viewing platforms, meeting rooms, or other space to support the Innovation Corridor.	The DIP has reviewed the public open space design and confirmed the proposal is capable of achieving design excellence. The new Waterfront Garden provides a significant public open space and includes public areas providing views over Darling Harbour.
Improve and enhance east-west connections from Harris Street to the waterfront through large sites.	The proposal includes the fit out and embellishment of two through-site links connecting the foreshore to Bunn Street and Darling Drive and significantly improve pedestrian connectivity.

PPPS Requirement	Department's Consideration
<p>Improve and enhance the events and gathering capacity of the public domain in the Tumbalong Park sub-precinct as a global tourism destination.</p>	<p>The development includes the Waterfront Promenade, and landscaping of Waterfront Steps, Waterfront Garden and Pyrmont bridge Steps to improve public amenity and increase the site's gathering capacity.</p> <p>Area is provided for events and gatherings adjacent the Waterfront Promenade.</p>
<p>Deliver safe, activated and inviting streetscape interface on all boundaries, including proposed 'back of house' or service areas on Darling Drive that promote east-west connectivity from Harris Street to the waterfront.</p>	<p>The proposal includes significant improvements to the ground plane including paving, landscaping and formal and informal seating to improve the pedestrian experience.</p>
<p>Deliver an appropriate built form outcome to Pyrmont Bridge.</p>	<p>The Waterfront Garden landscaping ensure acceptable amenity and visual impacts to Pyrmont Bridge.</p>
<p>Special Consideration for master planning</p>	
<p>Protect solar access to the harbour foreshore public domain.</p>	<p>Not applicable. Solar access was considered as part of SSDA2.</p>
<p>Prioritisation of the delivery of employment, entertainment and tourism floorspace.</p>	<p>Not applicable. Employment was considered as part of SSDA2.</p>
<p>Maximum tower height RL 170</p>	<p>Not applicable. Tower height was considered as part of SSDA2.</p>
<p>Peninsula wide additional public benefit opportunities expected from all Key Sites</p>	
<p>Deliver in whole or in part one or more of the big moves.</p> <ul style="list-style-type: none"> • Big Move 1 – <i>A world class harbour foreshore walk</i> • Big Move 2 – <i>A vibrant 24 hour cultural and entertainment destination</i> • Big Move 4 – <i>Low carbon, high performance precinct</i> • Big Move 5 – <i>More, and better activated public space</i> 	<ul style="list-style-type: none"> • Big Move 1 – The proposal will celebrate the cultural heritage of the foreshore through provision of an improved promenade, fit out and embellishment of through site links, pedestrian bridges and heritage interpretation (Actions 2 and 3) • Big Move 2 – The improved public domain would support the broader Darling Harbour precinct and its night-time experiences (Actions 5 and 6) • Big Move 4 – The proposal includes visitor bicycle parking to contribute to a low carbon high

PPPS Requirement	Department's Consideration
	<p>performance precinct. The development has been designed in accordance with ESD principles and includes appropriate sustainability initiatives, measures.</p> <ul style="list-style-type: none"> • Big Move 5 – The proposal includes the provision of public open space and extensive on-structure landscaping. The proposal appropriately activates and provides a civic transition between spaces and the wider public domain. Space is provided for events and gatherings on the Waterfront Promenade.
<p>Bring forward unfunded, or precinct scale, infrastructure beyond the growth infrastructure requirements necessary to support the development of the particular key site.</p>	<p>11,186 m² of public domain works will be provided by the Applicant. All public domain and open space will be accessible 24/7.</p>
<p>Connect and activate the public domain through new active transport connections through large sites (i.e. site permeability and wayfinding), reinstate views to the harbour and deliver superior street and place activation beyond the standard requirement for all development to activate the street</p>	<p>The proposal includes new through site pedestrian links and improved foreshore access from the western approach of Pyrmont Bridge, on-site bicycle facilities and provision of on-site public open space that offer public views to the harbour.</p>
<p>Provide opportunities for affordable workspace for creative industries including performance and rehearsal spaces, cultural uses, start-ups and researchers, maker and producer spaces to support the Innovation Corridor.</p>	<p>Not applicable. Affordable workspace was considered as part of SSDA2.</p>

Appendix D – Harbourside Redevelopment relevant planning history

D1 – Harbourside Redevelopment Concept Approval and associated modifications

The Concept Approval and associated modifications are summarised at **Table 20**.

Table 20 | Harbourside Redevelopment SSD approvals

Reference	Description	Decider	Date
Concept Approval (SSD 7874)	Harbourside Redevelopment Concept Approval and Stage 1 early works, comprising: <ul style="list-style-type: none"> a maximum building height of RL 170 a maximum GFA of 87,000 m² (42,000 m² residential and 45,000 m² non-residential) GFA a minimum 3,500 m² publicly accessible open space, through site links and Bunn Street bridge design excellence strategy, design guidelines and car parking rates Stage 1 early works included demolition of the existing shopping centre, southern pedestrian link, former monorail station and removal of trees. 	IPC	25 Jun 2021
MOD 1 (SSD 7874 MOD1)	Amend conditions relating to post-demolition dilapidation reporting and respite period requirements.	-	Withdrawn
MOD 2 (SSD 7874 MOD2)	Amend conditions to allow up to 30 commercial car parking spaces and amend post-demolition dilapidation reporting and respite period requirements.	Department	26 Oct 2022
MOD 3 (SSD 7874 MOD3)	Increase tower building envelope height by 3.05 m to RL 170 and amend Terms of Approval including changes to awnings, landscaping, soil mounding, events, Bunn Street bridge, site boundaries and Podium Identification Plan.	Department	4 Dec 2023
MOD 4 (SSD 7874 MOD4)	Increase the Central Podium height by 1.5 m (from RL 31 to RL 32.5)	Department	27 Sep 2024
MOD 5 (SSD 7874 MOD5)	Extension of awnings beyond the building envelope to provide weather protection for outdoor seating areas and the arrival area	Department	12 February 2025

D2 – Harbourside Redevelopment SSD applications and associated modifications

The previous Harbourside Redevelopment SSD applications and associated modifications are summarised at **Table 21**.

Table 21 | Summary of modifications to the Harbourside Redevelopment Concept Plan

Reference	Description	Decider	Date
SSDA1 (SSD 38881729)	Site preparation, bulk earthworks, including remediation and dewatering.	Department	Approved 2 Mar 2023
SSDA2 (SSD 49295711)	Construction and operation of a 50-storey mixed-use building comprising: <ul style="list-style-type: none"> • up to 5 storey non-residential podium, 45 storey residential tower and four basement levels • 84,517 m² GFA (41,992 m² residential and 42,525 m² retail and office GFA) and 265 apartments • 273 car parking spaces and a loading dock • 1,961 m² communal residential open space and hard and soft landscaping on the structure. 	Department	Approved 4 Dec 2023
SSDA2 MOD 1 (SSD 49295711 MOD1)	Adjustments to apartment layouts	Department	03 Jul 2024
SSDA2 MOD 2 (SSD 49295711 MOD2)	Amendments to podium, tower and basement layout and design and incorporation of event and conference uses.	Department	11 April 2025
SSDA2 MOD 3 (SSD 49295711 MOD3)	Amendments to the timing of conditions	Department	12 March 2025

Appendix E – Department’s consideration of community views

A summary of the Department’s consideration of the issues raised in submissions is provided at Table 22.

Table 22 | Department’s consideration of key issues raised in public submissions

Issue raised	Department’s consideration
<p>View loss impacts</p> <ul style="list-style-type: none"> • Soil mounding / trees in the Waterfront Garden would result in view loss impacts to ODH • Applicant’s VVIA is misleading / inaccurate 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The VVIA submitted with the application concludes soil mounding and landscaping in the Waterfront Garden would not result in any adverse view loss impacts. • The application has been amended including changes to tree species and location of planting at the Waterfront Garden to maximise views to the harbour and Pyrmont Bridge. The Applicant also clarified the VVIA modelled trees at their mature height (8-15 m) and therefore provides an accurate representation of the proposed landscaping. • The Department concluded that the soil mounding and tree planting has been designed to maximise natural shade, tree canopy cover while minimising view impacts from neighbouring properties to Pyrmont Bridge and the harbour.
<p>Operational impacts</p> <ul style="list-style-type: none"> • Concerns with operational impacts of the proposal including noise, amenity, security, privacy and lighting, especially due to the 24/7 operation of the Waterfront Garden and north bridge • The Applicant’s noise impact assessment is inaccurate • Requests for glazing / other acoustic attenuation measures at ODH to mitigate noise impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • In response to public submissions, the Applicant: <ul style="list-style-type: none"> ◦ clarified the Waterfront Garden would function as a local park and no events would occur in the space. ◦ updated the OAA to assess noise from the Waterfront Garden and outdoor dining, and concluded there would not be adverse impacts ◦ stated the installation of acoustic attenuation measures at ODH is not necessary. • The Department considers the operational impacts from events, the Waterfront Garden, North Bridge and adjoining licensed seating areas would not have an unreasonable impact on surrounding sensitive receivers and can be sufficiently managed and / or mitigated with the recommended conditions of consent. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department recommends a condition requiring the preparation of an OMP to manage the public domain areas. • Restrict the use of Waterfront Garden to a maximum of 1,000 persons.

Issue raised	Department's consideration
	<ul style="list-style-type: none"> Require the implementation of the updated lighting strategy and CPTED report.
Public domain <ul style="list-style-type: none"> Reduction of width of the Waterfront Promenade Privatisation of the Waterfront Promenade 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Concept Approval rationalised the promenade width to between 14m and 20m and the proposed Waterfront Promenade is contained within this space. The Waterfront Promenade public domain area equals 4,868 m² (68 m²) more than the Design Guidelines minimum requirement (4,800 m²). Licensed seating areas are in addition to public domain areas and therefore would not have a privatising impact on the public domain. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department recommends a condition requiring the preparation of an OMP to manage the public domain areas.
Consistency with the Concept Approval <ul style="list-style-type: none"> Inconsistency with the IPC determination Loss of public open space / reduction in public benefit 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied the proposal is consistent with Concept Approval requirements, provides appropriate public domain benefits, delivers high quality public spaces and landscaping, improved pedestrian connectivity.
Built form <ul style="list-style-type: none"> Remove / retain the North Bridge SSDA2 matters (height of the tower, overshadowing and built form visual impact) 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant stated partial retention and reinstatement of the North Bridge was a public benefit of the Concept Approval and it integrates with the Harbourside Redevelopment and benefits the pedestrian environment. The Department concluded the North Bridge is acceptable as it would not materially alter existing amenity of ODH, retains connectivity with Darling Drive, ensures the Waterfront Garden is easily accessible from the west and would not interfere with the heritage values of the Pyrmont bridge. The Department notes that concerns relating to built form of the tower and podium are beyond the scope of the current application and were assessed as part of SSDA2.
Heritage impact to Pyrmont Bridge	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The HIS and VVIA submitted with the application conclude the proposal would not have an adverse heritage impact on Pyrmont

Issue raised	Department's consideration
	<p>Bridge, creates new opportunities to view and appreciate the bridge and maximises views to Darling Harbour.</p> <ul style="list-style-type: none"> The Department considers that the proposal would not have an adverse heritage impact to Pyrmont bridge, the design respects the historical context and does not interfere with the structural integrity of the bridge.
<p>Construction Impacts</p> <ul style="list-style-type: none"> Noise and dust 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application includes a CNVIA, which concludes construction noise can be managed and mitigated and works would exceed the ICNG high noise impact level of 75 dB(A). The CNVIA includes mitigation measures to address predicted noise impacts including respite periods, low noise equipment, construction hours and use of non-tonal reversing alarms. The application also includes Construction Environmental Management Plan (CEMP) and an Air Quality Management Plan (AQMP), which detail air quality control measures to manage dust, such as vehicle wash down facilities, covering of loads and site hoardings. Subject to the proposed mitigation measures, the Department is satisfied construction works can be appropriately managed to minimise disruption to nearby amenity. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Implementation of the Applicant's noise and air quality mitigation measures Additional noise mitigation measures including the implementation of a CNVMP, respite periods, limiting to quieter works between 5pm and 6pm on Saturdays and no noise to be 'offensive noise'. Implementation of a CEMP and AQMP during construction.
<p>Equitable access</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal was amended to include an additional ramp between the Waterfront Promenade upper and lower walkways and the public domain includes lifts as alternatives to stairs to provide access. The application includes an Accessibility Statement confirming the proposal meets DDA requirements and universal design principles. The Department considers that the public domain has been adequately designed to accommodate equitable access.

Issue raised	Department's consideration
Property value	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has assessed the merits of the proposal in detail at Section 5 of this report and concludes, subject to conditions, the development has acceptable impacts. Therefore, the Department is satisfied the proposal is unlikely to result in any significant adverse impacts on property prices.

Appendix F – Recommended instrument of consent

The recommended instrument of consent can be found on the NSW Planning Portal at the link below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/harbourside-shopping-centre-redevelopment-public-domain-and-bridges>