



Mr Anthony Witherdin
Director, Key Sites & TOD Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

28 May 2025

Via email: [REDACTED]

Harbourside Shopping Centre Redevelopment – Public Domain and Bridges (SSD-49653211)
Request for Comment – Recommended Conditions of Consent

Dear Anthony,

I refer to the State significant development application for the Harbourside Shopping Centre Redevelopment – Public Domain and Bridges (SSD-49653211) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination.

The Commission is considering the imposition of the attached conditions of consent for the Application (**Attachment A**) should it determine to approve the Application. The Commission seeks the Department's advice on the workability, enforceability and any potential unintended consequences of the proposed conditions.

Could you please provide the Department's response by **5pm Wednesday, 4 June 2025**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Kendall Clydsdale at [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]
Stephen Barry

Planning Director

Harbourside Shopping Centre Redevelopment – Public Domain and Bridges (SSD-49653211)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.
3. Minor grammatical, typographical and condition cross-reference corrections to conditions are not included in the table below.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
DESIGN EXCELLENCE AND INTEGRITY A7	Seeking to ensure the project's Landscape Architect remains involved in the design documentation, contract documentation and construction stages of the project.	The architectural and landscape design team comprising Snøhetta and Hassell is to have direct involvement in the design documentation, contract documentation and construction stages of the project, and: (a) the architectural and landscape design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project; (b) evidence of the architectural and landscape design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate; and (c) the architectural and landscape design team is not to be changed without prior written notice and approval of the Planning Secretary.	
COMPLIANCE REPORTING A23	Addition of 'within' to ensure the reports are publicly available within a suitable timeframe.	The Applicant must make each Compliance Report publicly available within 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.	
INDEPENDENT ENVIRONMENTAL AUDIT A28(c)		(c) make each Independent Audit Report, and response to it, publicly available within 60 days after submission to the Planning Secretary.	
WIND IMPACT ASSESSMENT AND MITIGATION B18	<p>The Commission Panel considers it prudent to ensure development displays a suitable level of wind safety and walking comfort, particularly considering public nature of the development.</p> <p>The amendments include capturing all matters from the applicants 2023 wind impact assessment/letter and the requirement for a professional engineer to confirm detail design documentation for development includes all relevant mitigation measures which have been recommended.</p> <p>This also provides great certainty for the applicant and certifier on what is needed to demonstrate compliance with the condition.</p>	<p>Prior to the issue of the first Construction Certificate for Stage 1 and Stage 2 public domain works the Applicant must submit evidence to the satisfaction of the Certifier which demonstrates that a design verification from a suitably qualified and practicing professional engineer that the construction certificate detailed design documentation of each relevant stage includes the mitigation measures in the Harbourside Wind Impact Assessment (#2105658) prepared by RWDI (version D, dated 4 November 2022), and the Harbourside Redevelopment SSDA3 Wind Impact Assessment, RWDI Project #2105658, dated 20 June 2023 have been included in the detailed design of the relevant stage.</p>	
WORK DEED/AGREEMENTS B36	To correct what appears to be a formatting error to subpoint (h).	h) interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface; e i) Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:....	
SURVEY CERTIFICATE C4	Minor amendment to adopt 'development' in lieu of building and removal what is	Prior to the commencement of works, the Applicant must cause the building development must to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved	

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
	considered to be redundant text in the condition.	alignment levels and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.	
CONSTRUCTION NOISE AND VIBRATION C21(j)	Amended to provide certainty in the development of any 'other' outcomes and provide oversight to the process.	(j) where objectives cannot be met, additional measures including, but not necessarily limited to, reducing hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes <u>which have been developed in consultation</u> with the affected community, <u>evidence of such consultation must be retained by the Applicant and be provided to the Planning Secretary upon request;</u>	
EVENTS AND OPERATIONAL MANAGEMENT E6(c) and (e)	To make clear that only passive activities are permitted in the Applicant-managed Waterfront Garden.	Prior to the occupation or commencement of the use (whichever occurs first) of the public domain, an Events and Operational Management Plan (EOMP) must be prepared in consultation with PMNSW and be submitted and approved by the Planning Secretary. The EOMP must include, but not be limited to, the following: (a) evidence of endorsement from PMNSW; (b) the hours of operation; (c) details of management of the site during events and in the broader Darling Harbour precinct, incorporating the report titled 'Harbourside Redevelopment Final Events Management Plan SSDA3 SSDA-49653211' prepared by Urbis, dated November 2024, while prohibiting any events within the Applicant-managed public open spaces, <u>consistent with condition E6(e)</u> ; (d) crowd control mechanisms during events for both the broader precinct and the Waterfront Garden to ensure the patron capacity of the Waterfront Garden remains below 1,000; (e) details on any restrictions on use in the public domain, including no amplified music or alcohol in the <u>Applicant-managed Waterfront Garden</u> , <u>details of the passive activities permitted in the Applicant-managed Waterfront Garden</u> , management of the outdoor licences seating areas and enforcement measures; (f) details of arrangements to ensure all areas of the public domain are accessible to the public 24/7; (g) details of the management responsibilities of PMNSW and the Applicant; (h) a description of arrangements made for security and maintenance staff; (i) processes for enabling emergency vehicle and agency vehicle access; (j) detailed maintenance procedures for the public domain; and (k) a requirement to assist police during investigations involving the locations and for the identification and preservation of crime scenes. Any footage captured by CCTV should be made available to police on request.	