



New South Wales Government  
Independent Planning Commission

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# Harbourside Redevelopment - Public Domain and Bridges SSD-49653211

## Statement of Reasons for Decision

Andrew Mills (Chair)  
Richard Pearson  
Shelley Penn AM

19 June 2025

## Executive Summary

Mirvac Retail Sub SPV Pty Ltd (**Applicant**) has sought consent for a development known as the Harbourside Shopping Centre Redevelopment – Public Domain and Bridges (SSD-49653211) (the **Project**). The Project relates to the concept approval for a residential and commercial tower/podium building envelope, public open space and landscaping (SSD-7874) (**Concept Approval**) determined by the NSW Independent Planning Commission (**Commission**) on 25 June 2021.

The Project is the third development application for physical works consistent with the Concept Approval. Previous development consents for physical works at the site were granted by the Department of Planning, Housing and Infrastructure (**Department**) and include:

- Harbourside Shopping Centre Redevelopment – Bulk Excavation Works (SSD-38881729) (**SSDA1**), determined on 2 March 2023; and
- Harbourside Shopping Centre Redevelopment – Podium and tower (SSD-49295711) (**SSDA2**), determined on 4 December 2023.

The Project entails the construction, fit-out, and operation of the Harbourside Redevelopment's public domain spaces. The site of the Project (the **Site**) is located within the Darling Harbour Precinct on the western edge of the Sydney Central Business District (CBD), within the City of Sydney local government area (**LGA**).

The Project represents approximately \$63,516,000 of investment and the broader Harbourside Shopping Centre Redevelopment proposal is anticipated to generate up to 219 construction-related jobs and up to 2130 operational jobs. The Commission is the consent authority for the Project as more than 50 public submissions by way of objection were made to the Department.

Commissioners Andrew Mills (Commission and Panel Chair), Richard Pearson and Shelley Penn AM were appointed to constitute the Commission Panel and determine the Application. As part of its determination, the Panel undertook a site inspection and met with representatives of the Applicant and the Department. The Commission conducted a community stakeholder meeting on 21 May 2025 and also received written submissions on the Application.

After consideration of the material and the views of the community, the Commission has determined that conditional development consent should be granted to the Application. Key issues raised by the community, considered by the Commission and addressed in this Statement of Reasons include the Project's consistency with the Concept Approval, reinstatement of the North Bridge (pedestrian bridge) and potential associated impacts, view loss, operational noise, events and security and lighting.

The Commission has imposed conditions which seek to prevent, minimise, mitigate and/or offset the adverse impacts of the Project and ensure appropriate ongoing monitoring and management of the residual impacts. The Applicant will be required to prepare a number of management plans and strategies and demonstrate compliance with performance criteria on an ongoing basis.

The conditions imposed by the Commission include changes to the Department's recommended conditions of consent to respond to concerns raised by the community and stakeholders during the Commission's consideration of the Project. This includes requiring the Events and Operational Management Plan to include details of the passive activities permitted in the Waterfront Garden and a requirement to verify that each relevant stage of the Project addresses the recommendations of the Applicant's Wind Impact Assessment.

The Commission finds that the Project is consistent with the Concept Approval for the Site (as modified) (SSD-7874) and relevant statutory requirements. The Commission has considered the public interest and is satisfied that the Project is in accordance with the objects of the EP&A Act.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons for Decision.

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## Defined Terms

ABBREVIATION	DEFINITION
<b>Applicant</b>	Mirvac Retail Sub SPV Pty Ltd
<b>Application</b>	Harbourside Redevelopment Stage 3 – Public Domain and Bridges (SSD-49653211)
<b>AR para</b>	Assessment Report paragraph
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CPHR</b>	The Conservation Preservation and Heritage Regulation (formerly known as the Biodiversity, Conservation and Science Group)
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>Commission</b>	NSW Independent Planning Commission
<b>Concept Approval</b>	Concept Approval for Harbourside Shopping Centre Redevelopment (SSD-7874)
<b>Council</b>	City of Sydney Council
<b>DCP</b>	Development Control Plan
<b>Design Guidelines</b>	Harbourside Public Domain and Urban Design Guidelines
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Department's AR</b>	Department's Assessment Report, dated April 2025
<b>DIP</b>	Design Integrity Panel
<b>EIS</b>	Applicant's Environmental Impact Assessment, dated April 2025
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material set out in Appendix C
<b>Minister</b>	Minister for Planning and Public Spaces
<b>ODH</b>	One Darling Harbour (50 Murray Street, Sydney)
<b>PMNSW</b>	Placemaking NSW
<b>Project</b>	Harbourside Shopping Centre Redevelopment – Public Domain and Bridges as described in section 2 of this Statement of Reasons
<b>RtS</b>	Response to Submissions
<b>SEPP Planning Systems</b>	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
<b>SEPP Precincts</b>	<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>
<b>SHFW DCP</b>	Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005
<b>Site</b>	Harbourside Shopping Centre Redevelopment – Public Domain and Bridges project site as described in section 2 of this Statement of Reasons
<b>SSD</b>	State significant development
<b>SSDA1</b>	Detailed approval of Harbourside Shopping Centre Redevelopment – Bulk Excavation Works (SSD-38881729)
<b>SSDA2</b>	Detailed approval of Harbourside Shopping Centre Redevelopment – Podium and Tower (SSD-49295711)

# 1. Introduction

1. On 24 April 2025, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-49653211 (the **Application**) from Mirvac Retail Sub SPV Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the public domain works associated with the Harbourside Redevelopment at Darling Harbour (the **Project**) located in the City of Sydney Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning and Assessment Act* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7(1)(c) of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the Commission is the consent authority as more than 50 public submissions have been made by way of objection.
4. Andrew Mills, Chair of the Commission, determined that himself as Chair, together with Richard Pearson and Shelley Penn AM would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department concluded in its Assessment Report (**AR**) that the Application is approvable, subject to its recommended conditions.
6. A summary of the community engagement which has been undertaken for the Project is set out in **Appendix A**. Material considered by the Commission in its determination is detailed at **Appendix C**, planning framework considerations are provided at **Appendix D**, and the Department's AR is provided at **Appendix E**.

# 2. The Application

7. The Application is part of the Harbourside Redevelopment, which comprises the following development applications:
  - SSD-7874 – Concept Approval for Harbourside Shopping Centre Redevelopment comprising a residential and commercial tower/podium building envelope, public open space and landscaping (**Concept Approval**);
  - SSD-38881729 – Physical works approval for Harbourside Shopping Centre Redevelopment – Bulk Excavation Works (**SSDA1**); and
  - SSD-49295711 – Physical works approval for Harbourside Shopping Centre Redevelopment – podium and tower (approval excludes public domain, bridges and associated landscaping) (**SSDA2**).
8. The Application seeks approval for works excluded from SSDA2, being 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, Burn Street Bridge, North Bridge and Darling Drive Arrival.
9. The Project Site (the **Site**) is located within the Darling Harbour Precinct (**Figure 1**) on the western edge of the Sydney CBD. The location of the Site is illustrated in **Figure 2** and **Figure 3**. The key aspects of the broader Harbourside Shopping Centre Redevelopment project are set out in **Table 1**, while the key aspects of the Application are set out in **Table 2**.



Figure 1 – The Darling Harbour Precinct outlined in yellow showing the Site and key developments within the precinct. (Source: Departments AR, Figure 2)

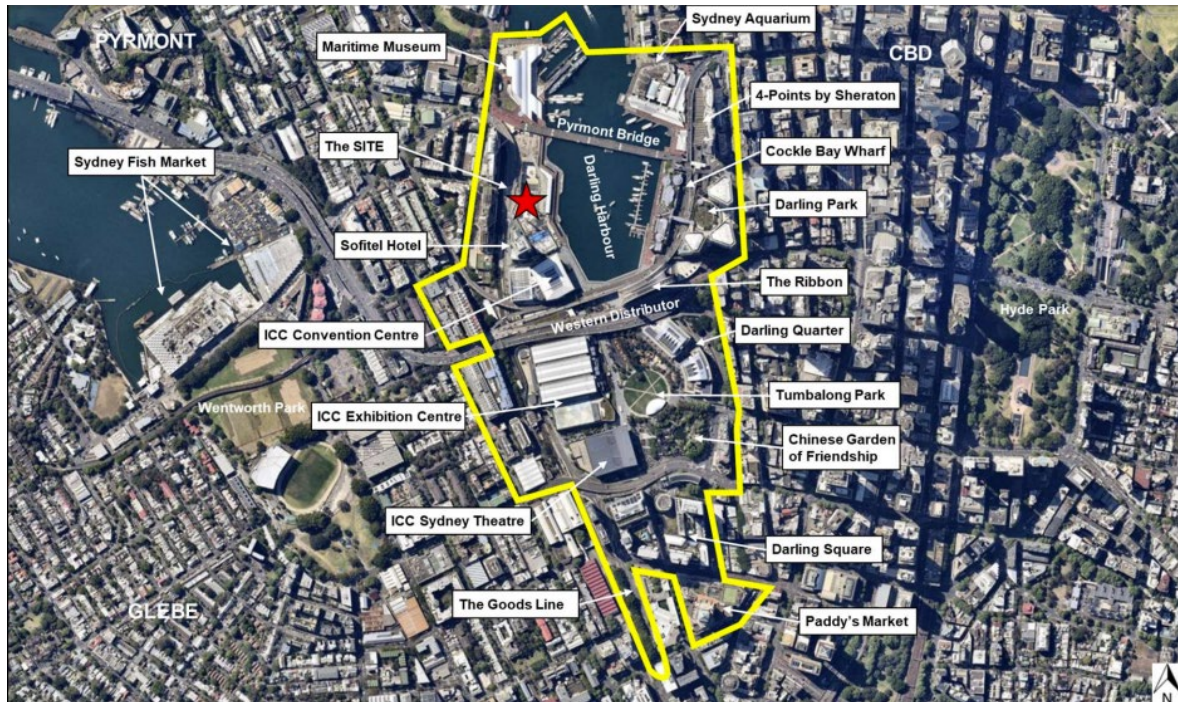


Figure 2 – Aerial view of the Site, Concept Approval and SSDA2 boundaries (Source: Departments AR, Figure 3)





Figure 3 - Relevant components of the Harbourside Development applicable to the Project  
(Source: Department's AR, Figure 4)

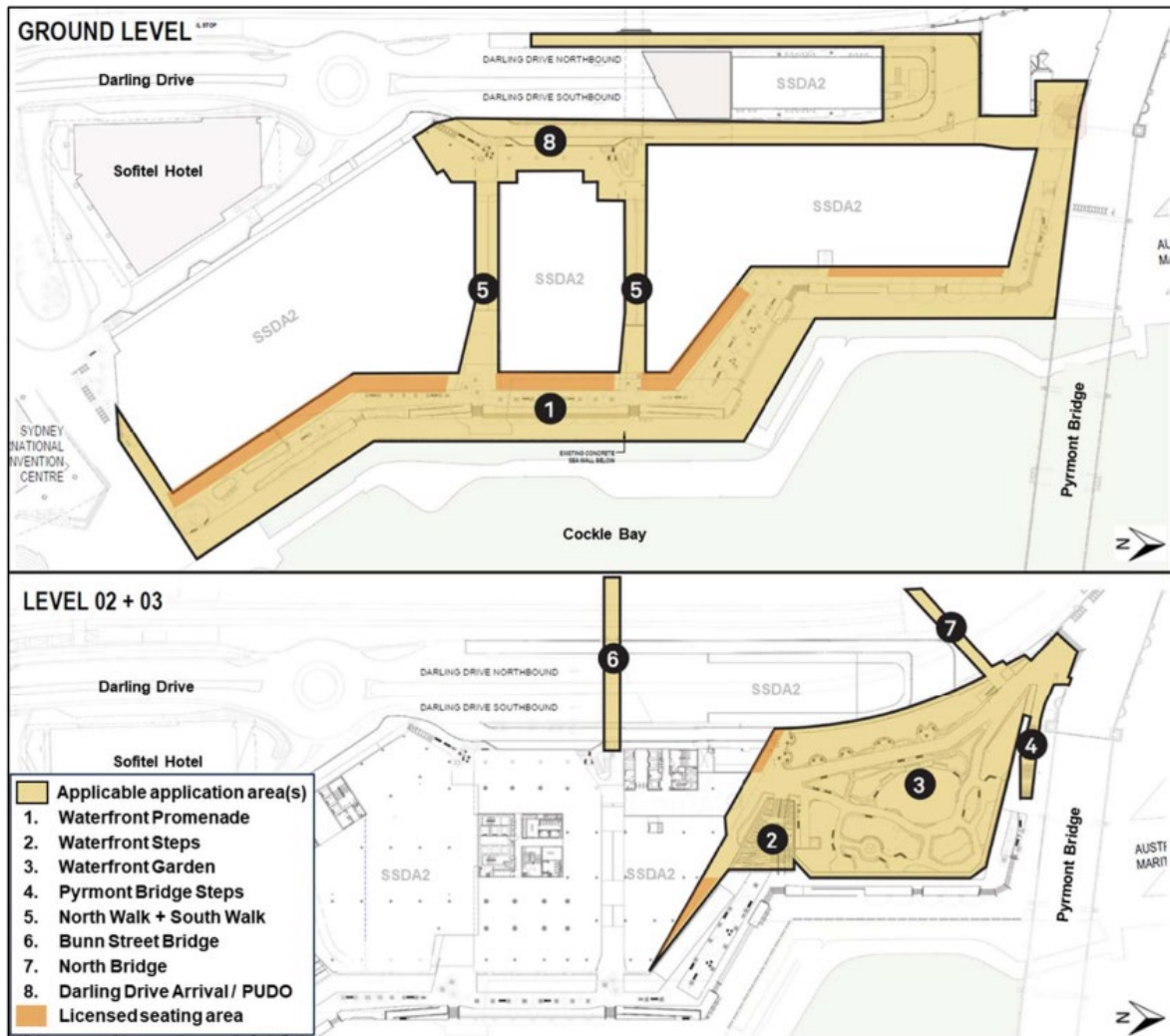


Table 1 - Key aspects of the Site (Source: Department's AR)

Aspect	Description
<b>Address</b>	<ul style="list-style-type: none"> <li>2-10 Darling Drive, Darling Harbour.</li> </ul>
<b>Legal description</b>	<ul style="list-style-type: none"> <li>Lots 1-10, 12-15, 17 DP 776815, part Lot 2015 DP 1234971, and part Lot 300 DP 836419.</li> </ul>
<b>Site area and boundaries</b>	<ul style="list-style-type: none"> <li>The Site has an area of approximately 20,500 m<sup>2</sup>.</li> <li>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.</li> </ul>
<b>Existing development</b>	<ul style="list-style-type: none"> <li>The Site formerly contained the Harbourside Shopping Centre and a disused elevated monorail station (both demolished in 2023).</li> <li>The eastern half of a pedestrian bridge (North Bridge) connecting One Darling Harbour (ODH) (50 Murray Street, Darling Harbour) to the Site was demolished in 2023.</li> </ul>

	<ul style="list-style-type: none"> <li>• Within the Site, and east of the former shopping centre, is a paved area comprising approximately 4,326 m<sup>2</sup> of waterfront public domain, a 25-29 m wide forecourt area and narrower 11-15 m circulation areas.</li> <li>• Approved components of the Harbourside Redevelopment (SSDA1 and SSDA2) are currently under construction.</li> </ul>
<b>Ownership</b>	<ul style="list-style-type: none"> <li>• The Site is owned by the NSW State Government and is managed by Placemaking NSW (<b>PMNSW</b>).</li> <li>• The Applicant has a long-term lease over the Site until 2087.</li> </ul>
<b>Access and parking</b>	<ul style="list-style-type: none"> <li>• The previous approvals for the Site have provided for the following access and parking arrangements: <ul style="list-style-type: none"> <li>○ 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);</li> <li>○ 273 car parking spaces, 31 motorcycle spaces, three car share spaces and 20 service vehicle spaces in the basement;</li> <li>○ 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; and</li> <li>○ 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.</li> </ul> </li> <li>• Cycle access via routes including the Sydney Harbour Bridge to Anzac Bridge route and the Anzac Bridge to Prince of Wales Hospital route.</li> </ul>
<b>Public transport</b>	<ul style="list-style-type: none"> <li>• The Site is within walking distance of existing public transport services, including: <ul style="list-style-type: none"> <li>○ Harris Street bus and Convention light rail stops, 70 m and 500 m to the west;</li> <li>○ Town Hall and Central Stations, 1.4 km and 1.7 km to the southeast; and</li> <li>○ Pyrmont Bay and Casino Ferry Wharfs, 250 m and 400 m to the north.</li> </ul> </li> <li>• 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.</li> </ul>
<b>Heritage</b>	<ul style="list-style-type: none"> <li>• The Site does not contain any State or local heritage listed items.</li> <li>• The Site is above and adjacent to archaeology relating to the former industrial / railway use of the Site, wharves, retaining walls and associated items. Aboriginal and historic heritage matters for the Site were considered in detail via SSDA1.</li> </ul>
<b>Easements</b>	<ul style="list-style-type: none"> <li>• Existing easements and rights of way apply to the Site, including easements for stormwater drainage, saltwater conduits and electricity.</li> </ul>
<b>Flooding</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>



Table 2 - Key aspects of the Project (Source: Department's AR)

Aspect	Description
<b>Overall public domain</b>	<ul style="list-style-type: none"> <li>Provision of a total of 11,186m<sup>2</sup> of public domain works, consisting of:               <ul style="list-style-type: none"> <li>4,868 m<sup>2</sup> foreshore promenade and interface (the Waterfront Promenade);</li> <li>3,500 m<sup>2</sup> northern podium rooftop park (the Waterfront Garden);</li> <li>connecting stairs (the Waterfront Steps and Pyrmont Bridge Steps);</li> <li>two ground-level through-site links (the North and South Walks);</li> <li>elevated pedestrian bridges (the Bunn Street Bridge and North Bridge);</li> <li>pick-up/drop-off (PUDO), access and landscaping (Darling Drive Arrival); and</li> <li>hard and soft landscaping of the public domain areas.</li> </ul> </li> <li>Licensed seating areas fronting the Waterfront Promenade and Waterfront Garden (licensed areas are in addition to the 11,186 m<sup>2</sup> public domain works).</li> </ul>
<b>Waterfront Garden</b>	<ul style="list-style-type: none"> <li>Hard and soft landscaping and embellishment of the 3,500 m<sup>2</sup> northern podium public open space, including paths, ramps, tree planting, grassed areas and seating.</li> <li>Licensed seating areas adjoining the podium retail units and Waterfront Garden.</li> </ul>
<b>Waterfront Promenade</b>	<ul style="list-style-type: none"> <li>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"> <li>a covered licensed seating area ranging from 3 m to 5 m in width;</li> <li>an upper walkway and landscaping of 4.2 m to 8.2 m in width;</li> <li>a lower walkway and primary circulation zone of a minimum of 6 m in width; and</li> <li>a waterfront plaza adjacent to the foot of the Waterfront Steps.</li> </ul> </li> <li>Transplant of 20 existing Cabbage Tree Palms into the public domain.</li> </ul>
<b>Through-site links: North and South Walks</b>	<ul style="list-style-type: none"> <li>Granite paving and embellishments within the ground level, east-west through site links.</li> <li>Licensed seating area within the North Walk.</li> </ul>
<b>Waterfront and Pyrmont Bridge Steps</b>	<ul style="list-style-type: none"> <li>Hard and soft landscaping and embellishment of the Waterfront Steps, including tree planting, seating and access to the Waterfront Garden and upper levels.</li> <li>Construction of the Pyrmont Bridge Steps connecting Pyrmont Bridge to the Waterfront Promenade.</li> </ul>
<b>Bunn Street and North Bridges</b>	<ul style="list-style-type: none"> <li>Construction of the Bunn Street pedestrian bridge over Darling Drive connecting the development to Bunn Street.</li> <li>Rebuild the partially demolished section of the northern pedestrian bridge to retain the connection between the development, Pyrmont Bridge and ODH.</li> </ul>
<b>Darling Drive Arrival</b>	<ul style="list-style-type: none"> <li>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).</li> </ul>

<b>Bicycle Parking</b>	<ul style="list-style-type: none"> <li>66 visitor bicycle parking spaces located within the public domain.</li> </ul>
<b>Site strategies</b>	<ul style="list-style-type: none"> <li>Site strategies, including event management, public art, heritage interpretation, retail design and activation, signage and lighting.</li> </ul>
<b>Operational hours</b>	<ul style="list-style-type: none"> <li>Public domain areas would be publicly accessible 24 hours a day, 7 days a week.</li> </ul>
<b>Public domain ownership and operation</b>	<ul style="list-style-type: none"> <li>Public domain ownership and operation is divided between PMNSW and the Applicant: <ul style="list-style-type: none"> <li>PMNSW – Waterfront Promenade, Pyrmont Bridge approach and North bridge</li> <li>Applicant – Waterfront Garden, Waterfront Steps, North and South Walks, Pyrmont Bridge Steps, Bunn Street bridge and Darling Drive Arrival / PUDO</li> </ul> </li> </ul>
<b>Estimated development cost</b>	<ul style="list-style-type: none"> <li>\$63,516,000</li> </ul>

### 3. Community Participation and Public Submissions

10. The Commission has given careful consideration to the matters raised by the community at the Community Stakeholder Meeting and in the written submissions made to the Commission. These considerations are outlined in the Community Consultation Report (**Appendix A**) and have informed the Commission's decision-making process.

## 4. Reasons for the Commission's Decision

### 4.1 Consistency with the Concept Approval

11. The Concept Approval and associated 'Harbourside Public Domain and Urban Design Guidelines' (**Design Guidelines**) establish specific requirements and parameters for the development of the public domain (AR, para 42). A detailed assessment of the Project against the requirements of the Concept Approval and Design Guidelines are provided at Appendix C of the Department's AR - the Department is satisfied that the public domain areas are consistent with the requirements of the Concept Approval and Design Guidelines (AR, para 45).
12. The Commission received a submission raising concern that the Waterfront Garden would exceed the height limits set by the Concept Approval.
13. The concern derives from Figure 5 of the Department's AR (taken from the Concept Approval plans) which shows height limits of the different envelopes on the Site, including height limits up to RL 25 on the northern podium where the Waterfront Garden is proposed. The Commission notes Figure 5 is not an accurate representation of the applicable height limit of RL 12.5 for the finished deck level of the Northern Podium's public open space, which was imposed as a condition of consent of the Concept Approval (condition A13). Additionally, conditions of the Concept Approval (as modified) impose a limit on any soil mounding to a maximum height of 800 mm (RL 13.3) above the deck level.

14. The Project proposes the finished deck level of the northern podium to be RL 12.5, with the proposed soil mounding being a maximum height of 800mm above the deck, being RL 13.3.

### *Commission's findings*

15. The Commission is satisfied that the Project is consistent with the height limit of RL 12.5 with soil mounding up to RL 13.3 as required by the Concept Approval and agrees with the Department's assessment that the Project is consistent with the Concept Approval requirements and Design Guideline recommendations.

## **4.2 Reinstatement of the North Bridge**

16. The Application includes rebuilding the partially demolished section of the North Bridge, thereby reinstating the connection between the Site, Pyrmont Bridge and ODH (AR, Table 3). The North Bridge is proposed to be owned and operated by PMNSW (AR, Table 3). The Commission received submissions both in support of, and in opposition to, the retention of the North Bridge.
17. The Concept Approval included the upgrade of the North Bridge. The Concept Approval's Design Guidelines (used to inform the detailed design of the development) required the Applicant to commit and fund the required public domain works including the Bunn St pedestrian bridge and the upgrade of the North Bridge (or improved equivalent connection).
18. The Department noted that public submissions made during the Department's exhibition period raised concerns with the visual, heritage and amenity impacts of the North Bridge. However, recognising that the retention and reinstatement of the North Bridge was a public benefit of the Concept Approval, the Applicant retained the North Bridge works as part of the Project (AR, para 90). The Applicant also made adjustments to straighten and realign the eastern end of the bridge to better integrate with the development and enhance the pedestrian environment (AR, para 90).
19. Submissions in support of the retention of the North Bridge noted that the bridge was an accessible route for residents of ODH, especially for those with limited mobility, and also reduced the need for pedestrians to cross at the intersection of Murray Street and Darling Drive.
20. The key concerns raised by submissions in opposition to the retention of the bridge were view loss, security, visual amenity and light pollution.
21. One public submission raised concerns regarding the realignment of the North Bridge, proposing it be kept at its original alignment to avoid pedestrians being required to walk through the Waterfront Garden to reach the Pyrmont Bridge. The Department outlined that the realignment of the North Bridge resulted from further consultation by the Applicant with ODH residents to ensure better integration with the Harbourside Redevelopment and enhance the pedestrian environment (AR, para 90). The Commission notes that the Applicant's Response to Submissions (**RtS**) Report prepared after the above consultation with ODH residents clarifies that *"the North Bridge was to be retained and straightened, consistent with the exhibited EIS and the scope of the Harbourside Concept Approval"*.
22. The Department considers the reinstatement of the North Bridge to be an acceptable element of the Project as it is consistent with the Concept Approval, would not materially alter existing views from ODH or key public vantage points, provides connectivity, its design respects the historical context and would not interfere with the structural integrity of the Pyrmont Bridge, was supported by the Design Integrity Panel (**DIP**) and the operational impacts can be effectively managed (AR, para 91).



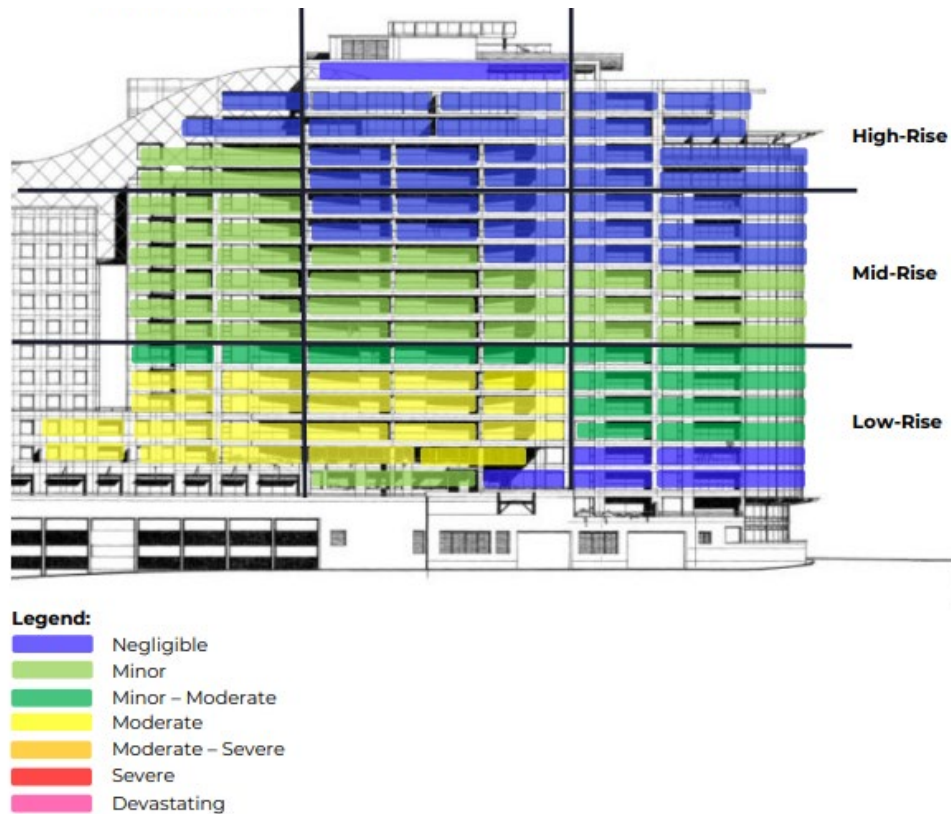
### *Commission's findings*

23. The Commission is of the view that the retention of the North Bridge is appropriate as:
- it is consistent with the Concept Approval's requirement for the Applicant to fund the required public domain works including the upgrade of the North Bridge (or improved equivalent connection);
  - the straightening and realignment of the North Bridge is minor and will better integrate the bridge into the wider Harbourside Redevelopment, improve sight lines to support other safety measures, and the realignment will connect to the Waterfront Garden in its most north-east corner;
  - it will provide an additional and improved means of access for people with disabilities and mobility impairments, including residents of ODH and pedestrian traffic generally from the area;
  - security measures will be in place as discussed in **section 4.5**;
  - its retention will not significantly impact views from ODH, or key public vantage points as discussed in **section 4.3**;
  - light pollution impacts will be mitigated through the imposition of conditions of consent requiring:
    - all outdoor lighting to be designed to comply with the Applicant's Lighting Strategy and *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*, and to be mounted, screened and directed as to not create a nuisance to surrounding properties (condition E17); and
    - the Applicant to provide mitigation measures in consultation with affected landowners to reduce any residual light impacts to an acceptable level (condition F11); and
  - its retention will not interfere with the structural integrity of the Pyrmont Bridge.

## **4.3 View loss**

24. Public submissions raised concerns with the potential view loss from ODH residences due to the Waterfront Garden, the landscaping within the garden (including soil mounding), and the retention of the North Bridge.
25. The Project proposes the finished deck level of the northern podium (Waterfront Garden) to be RL 12.5, with the proposed soil mounding being a maximum height of 800mm above the deck (RL 13.3). As discussed above in **section 4.1**, this is consistent with the Concept Approval.
26. The Project proposes landscape elements within the Waterfront Garden including the planting of 122 trees (87.5% indigenous), including medium and large canopy cover trees, concrete, granite and asphalt paving, timber decking and sandstone rocks and provision of varying soil depths, including deep soil zones (AR, para 100).
27. The Application included a Visual and View Impact Assessment (VVIA) which included perspectives of the Waterfront Garden landscaping and soil mounding from adjoining residential properties. The VVIA concluded that the proposed Waterfront Garden landscaping would alter views from the lowest levels of ODH and the Ibis Hotel, with the middle and upper levels maintaining views over and through the tree canopy (AR, para 63). The VVIA also concluded that the proposal aligned with the Concept Approval which assessed the view impacts to be acceptable (AR, para 63). The VVIA included an assessment of apartments within ODH and concluded that 51% of apartments had no view impact, 18% had negligible impacts, 15% had minor impacts, 16% had moderate impacts and 0% of apartments had devastating or severe impacts as demonstrated below in **Figure 4** (Applicant's VVIA, page 108).

Figure 4 - Summary of view impacts to ODH of the proposed design as exhibited in the EIS (Source: Applicant's VVIA, page 108)



28. In response to public submissions with remaining concerns about the impact of trees on view loss, the Applicant's RtS Report amended the tree species proposed in the Waterfront Garden and reduced the proposed canopy coverage to minimise view impacts to the surrounding residents (Applicant's RtS Report, page 28). The Applicant removed palm trees from the design and clarified the tree species proposed, including *Angophora costata* and *Corymbia maculata*, with the trees within the Waterfront Garden projected to have a mature tree height of 8-15 m (Applicant's RtS Report, page 27).
29. The Applicant also reduced the amount of canopy cover in the Waterfront Garden from 28% to 27%. The trees within the Waterfront Garden are proposed to be evenly distributed *"to provide equitable balance between the minimisation of view impacts from surrounding residents with NSW and Local Government tree canopy targets"* (Applicant's RtS Report, page 27).
30. The Department concluded that the soil mounding itself would not have any noticeable view impacts on adjoining properties to Darling Harbour or Pyrmont Bridge due to the positioning and limited height of the mounding (AR, para 27).
31. The Department considered the potential view impacts from proposed landscaping and acknowledged that it would result in minor view impacts for some apartments by partially obscuring views of the water or Pyrmont Bridge. However, the Department determined the impacts were acceptable and that filtered views of the water and Pyrmont Bridge would be preserved, with views of the city skyline to remain largely unobstructed (AR, para 67). The Department concluded the proposed landscaping in the Waterfront Garden would *"increase the amenity of the publicly accessible open space, whilst ensuring minimal impact on existing views across the site from adjoining properties"* (AR, para 69).

32. The Department considered the retention of the North Bridge, as set out above in **section 4.2**, to be acceptable and that it would not materially alter existing views from apartments at ODH or from key public vantage points (AR, para 91).

### *Commission's findings*

33. The Project will not result in unjustified view loss impacts as a result of the Waterfront Garden as:
- the finished deck level and proposed soil mounding is consistent with the Concept Approval;
  - the retention of the North Bridge is consistent with the Concept Approval and will not significantly impact existing views from adjoining properties;
  - the proposed landscaping and soil mounding in the Waterfront Garden will not result in unreasonable view impacts from adjoining properties across the Site to the water or Pyrmont Bridge. Noting the Applicant reduced the amount of canopy cover in the Waterfront Garden filtered views of the city skyline will be maintained;
  - the Project's landscape design has been endorsed by the DIP, and the Commission finds the Project's landscaping achieves a well-balanced design outcome, balancing view impacts on adjoining properties with the desired tree canopy requirements and amenity of the Waterfront Garden for public use; and
  - the proposed landscaping is consistent with the requirements of the Concept Approval (specifically Condition A16) as it is designed improve the amenity of the Waterfront Garden area whilst minimising view impacts from neighbouring properties to Pyrmont Bridge and the harbour.

## **4.4 Operational noise and events**

34. The Commission notes submissions received raise concerns with potential noise impacts arising from the use of the public domain areas, particularly in consideration of the proposed 24 hours, 7 days a week use of the Waterfront Garden and adjacent outdoor dining areas, the Waterfront Steps, and North Bridge.
35. During its assessment of the Application, the Department received comments from PMNSW requesting the Applicant consult with PMNSW on event infrastructure details to ensure minimal clutter and ease of access during events. City of Sydney Council (**Council**) sought clarification on how the licensed seating areas on the Waterfront Promenade would be managed during events (AR, para 111).
36. 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) within the Waterfront Garden. The Applicant further clarified that the Waterfront Garden is to be used as a local park, will be limited to a maximum of 1000 persons, be alcohol-free, have no amplified music, and be monitored 24 hours a day, 7 days a week by security (AR, para 112).
37. An updated Operational Acoustic Assessment (OAA) was prepared and submitted to the Department by the Applicant. The OAA considered cumulative operational noise impacts in light of the amended EMP. The Applicant also agreed to prepare an Operational Management Plan (OMP) in consultation with PMNSW to manage the 24 hours, 7 days a week use of the Waterfront Garden.
38. The Department's AR (para 115) states it is satisfied that operational noise would not adversely impact nearby sensitive receivers and can be effectively managed and/or mitigated, providing:



- events will not be permitted within the Waterfront Garden (or any other public open spaces managed by the Applicant);
- the OAA demonstrates that cumulative adverse noise impacts will not be experienced at sensitive receivers;
- use of the Waterfront Garden, even at full capacity, would not exceed the existing background noise levels at any time, including between midnight and 7 am;
- separate applications will address the fit-out and operation of retail and outdoor dining areas; and
- the North Bridge is unlikely to increase noise disturbance since it replaces an existing bridge in a very similar location, and the overall east-west pedestrian demand would be shared with the new Bunn Street bridge/through-site link.

### *Commission's findings*

39. The Site is located within the Darling Harbour Precinct, a prominent events and entertainment hub that regularly hosts major events such as New Year's Eve and the Vivid Festival (AR, para 109). Accordingly, it is a reasonable expectation that the Project (in the context of the broader Harbourside Redevelopment), would result in some degree of noise being generated.
40. The Commission is satisfied the Project operational noise impacts will be appropriately controlled given the nature of the Site and the Project, with any residual impacts able to be mitigated via conditions of development consent, further noting that the:
- future fit-out and use of retail and commercial uses within the Harbourside Redevelopment will be subject to separate noise impact considerations;
  - the OAA confirms cumulative noise impacts will not significantly impact sensitive receivers;
  - use of public domain areas will be appropriately managed via an OMP and a final Events and Operational Management Plan (EOMP) which must incorporate the EMP; and
  - the Commission has amended the Department's recommended condition E6 to ensure passive activities to be permitted in the Waterfront Garden are detailed within the EOMP.

## **4.5 Security and lighting**

41. The public domain areas of the Site (including during events) would be managed by PMNSW or the Applicant, with all public domain spaces publicly accessible 24 hours a day, 7 days a week. The Applicant prepared a Crime Prevention Through Environmental Design (**CPTED**) report as part of the Environmental Impact Statement (**EIS**) which outlines the Project's security measures, including closed circuit television monitoring, bollards to prevent unauthorised vehicle access and security/management personnel. The Lighting Strategy submitted to the Department by the Applicant provides 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. PMNSW provided comments on the Project, requesting the lighting strategy be further developed and that the Applicant consult with PMNSW about the incorporation of these measures in the CPTED report (AR, Table 11).

42. As stated in **section 4.4** of this report, the Applicant also confirmed that no events would occur within the Applicant-managed public domain except for 'low impact' gatherings/events. The Waterfront Garden is intended to function as a local park, is limited to a maximum of 1000 persons, will be alcohol-free, have no amplified music, and be monitored 24 hours a day, 7 days a week by security (AR, para 112).
43. In its AR (Table 11), the Department considers security and lighting impacts can appropriately be managed and mitigated, subject to the implementation of the CPTED and Lighting Strategy in consultation with PMNSW.

### *Commission's findings*

44. The Application demonstrates that an acceptable level of security measures and lighting will be implemented at the Site. The Applicant has confirmed that the areas under its management will be subject to continuous security surveillance and security monitoring. Events at Applicant-managed spaces are also low-impact and the Commission considers these measures to be sufficient in mitigating any potential anti-social behaviour and activities.
45. The conditions of development consent imposed by the Commission require the Applicant to mitigate potential security and lighting impacts by:
- preparing and implementing an EOMP in consultation with PMNSW, which must also be approved by the Planning Secretary. The EOMP must include (but is not limited to) crowd control mechanisms, details of any restrictions on the use of the public domain (including no amplified music or alcohol in Applicant-managed areas) and a description of arrangements made for security and maintenance staff;
  - prior to occupation of the Site, ensuring NSW Police have been invited to survey the location, and if required by NSW Police, the Applicant will review the area and complete a security assessment;
  - reviewing and updating where necessary the CPTED report in consultation with PMNSW. Any updated report must also be endorsed by PMNSW with management and mitigation measures identified in the endorsed report incorporated into the development;
  - ensuring lighting installed is consistent with the Project's lighting strategy (which must be approved by PMNSW), and relevant Australian Standards to prevent nuisance glare; and
  - ensuring that throughout the ongoing use of the development:
    - no events or amplified music are permitted within any Applicant-managed public domain areas unless permitted under a separate approval.
  - the Waterfront Garden remains alcohol-free and is monitored by 24/7 security; and
    - the maximum capacity of the Waterfront Garden is limited to 1,000 people at any time.

## **4.6 Other issues**

46. The Commission's findings on other issues are summarised in **Table 3**.

*Table 3 - Commission's findings on other issues*

<b>Issues</b>	<b>Findings</b>
<b>Design Excellence</b>	<p>The Project's design has been developed via design excellence requirements set out in the Concept Approval. Requirements included a design competition being held and the establishment of a Design Integrity Panel (<b>DIP</b>) to ensure design integrity in the Project's detailed design. The Department's assessment provides that subject to the ongoing involvement of the DIP, the development will achieve design excellence and maintain design integrity (AR, para 47-52). The Commission finds the Project demonstrates a high degree of design excellence and has imposed conditions to maintain the DIP's involvement in the Project and ensure the Project's architectural team (including the Landscape Architect), cannot be changed without the Planning Secretary's approval.</p>
<b>Waterfront Garden design and layout</b>	<p>The DIP reviewed and endorsed the Waterfront Garden design, however recommended amendments, including refining the seating design and furniture palette to align with the Waterfront Promenade. In response to a request from Council and PMNSW, the Applicant improved the stair entry, wayfinding and extent of the walkway at the Pyrmont Bridge interface to ensure the design provides equitable access between the Waterfront Garden and Pyrmont Bridge for pedestrians and cyclists (AR, para 55-57).</p> <p>The Commission finds the Waterfront Garden design and layout will provide for a high-quality, publicly accessible, green respite space in an otherwise dense urban environment. Shade trees, accessible paths and suitable seating areas to enjoy city vistas will complement the broader Harbourside development and enhance the Darling Harbour Precinct. Via the Commission's conditions of development consent, the final selection of the seating and furniture palette must be reviewed by the DIP and endorsed by PMNSW. An Operational Management Plan must also be prepared to ensure the space is always appropriately managed and publicly accessible.</p>
<b>Other public domain spaces, design and layout</b>	<p>The Waterfront Promenade design was supported by the DIP, however, the DIP conveyed concerns with the enclosure of the licensed seating areas. 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 awnings. The Applicant also clarified that the design, circulation, and configuration have been endorsed by the DIP (AR, para 70-79).</p> <p>The Department's AR (para 92) notes the Project's Bunn Street bridge element as a high-quality design that integrates with the architectural character of the Site, advising it has undergone extensive refinement through the DIP review process. Additionally, the Department finds the design of the pedestrian bridge to be appropriate and considers it would enhance connectivity to the Site across Darling Drive, as per the Concept Approval.</p> <p>Other public domain spaces include the detailed design of two east-west through-site links at the ground floor of the Harbourside podium (known as North and South Walk). Whilst intended to be privately owned and managed by the Applicant, the links would provide 24/7 public access between the Waterfront Promenade and Darling Drive, Bunn Street, and Harbourside commercial and residential lobbies (AR, para 94). The DIP has endorsed the detailed designs (with a minor amendment), and the proposed works will integrate with ground-level public domain areas across the Site.</p>



	<p>The Commission is satisfied that the Project's public domain spaces have been well designed to provide a high degree of amenity and permeability throughout the Harbourside Redevelopment and Darling Harbour Precinct generally. The Commission's conditions of development consent require the Applicant to prepare an OMP which must ensure spaces are suitably managed and publicly accessible at all times.</p>
<b>Landscaping and soil depth</b>	<p>The Project proposes the following landscape elements (AR, para 100):</p> <ul style="list-style-type: none"> <li>• planting of 122 trees (87.5% indigenous), including medium and large canopy cover trees;</li> <li>• concrete, granite and asphalt paving, timber decking and sandstone rocks (Waterfront Garden area), drains, fences and balustrades;</li> <li>• varying soil depths, including deep soil zones within the Waterfront Garden, Steps and Promenade and at the Darling Drive Arrival; and</li> <li>• transplanting 20 previously existing Cabbage Tree Palms within the Waterfront Promenade.</li> </ul> <p>Following comments from PMNSW and Council requesting increased tree canopy cover and soil volumes respectively, the Applicant increased the Waterfront Promenade's tree canopy cover from 33% to 36% (noting the Waterfront Garden was reduced to address view impact concerns). Weight loading restrictions prevent further additional tree planting, with the Applicant noting Council sets a tree target of 27% (AR, para 104). A soil scientist and arborist (consultants) reviewed the Project's proposed soil volumes, finding these are acceptable in the context of the proposed plantings and structural capacity limitations. Notwithstanding, three planters at the southern end of the Waterfront Promenade do not meet the consultant's recommended alternative soil volumes. The Department recommends a condition requiring the landscaping plan be amended to provide for planters that meet the recommended minimums (AR, para 105-106).</p> <p>Noting the Project's landscape design has been endorsed by the DIP, the Commission finds the Project's landscaping achieves a well-balanced design outcome which complements the surrounding urban context and provides adequate canopy coverage to create high-level amenity.</p>
<b>Traffic and Parking</b>	<p>The proposal includes a four-bay pick-up and drop-off (PUDO) area as part of the Darling Drive Arrival, accessed off the Darling Drive slip lane. The Applicant's Transport Impact Assessment (TIA) confirms the Project's traffic and parking arrangements to be acceptable, noting it would not result in an increase in traffic activity beyond the maximums approved under SSDA2. Council raised concern that the Darling Drive slip lane crossover size should be minimised to reduce potential pedestrian conflicts. The Applicant responded to the Department advising the crossover width is addressed by Condition C32 of SSDA2, requiring the Applicant to investigate reducing the width of the crossover (AR, Table 11).</p> <p>Noting the Department is satisfied that the Project's traffic and parking arrangements are adequate, the Commission is also satisfied that the Project will not create any adverse traffic impacts.</p>

<b>Wind (pedestrian comfort and safety)</b>	<p>To ensure pedestrian comfort and safety, the Commission has imposed condition B18 which requires the Applicant to provide a design verification from a suitably qualified and practicing engineer that confirms construction certificate detailed design documentation for each relevant stage of the Project addresses the recommendations of the Applicant's Wind Impact Assessment (AR, Table 11).</p>
<b>Biodiversity</b>	<p>A Biodiversity Development Assessment Report (BDAR) submitted with the Application included surveys detecting microbats (<i>Myotis Macropus</i>) at the Site, a threatened species in the Vulnerable category under the <i>Biodiversity Conservation Act 2016 (BC Act)</i>. The BDAR concludes that it is unlikely the microbats roost on the Site (under the promenade/wharf), as such there is no requirement for the retirement of any biodiversity credits pursuant to the NSW Biodiversity Offset Scheme (BOM). The Biodiversity, Conservation and Science Group (BCS) (now known as Conservation Preservation and Heritage Regulation (CPHR) supported the conclusions of the BDAR and recommended a condition requiring the preparation of a protocol for unexpected microbat finds (AR, Table 11).</p> <p>Subject to the implementation of the microbat unexpected finds protocol, the Department considers biodiversity impacts can be appropriately managed. The Commission agrees with the Department's findings and recommendations on biodiversity.</p>
<b>Heritage</b>	<p>Pymont Bridge is located adjacent to the north of the Site and is an item of environmental heritage with State significance. A Heritage Impact Statement (HIS) submitted with the EIS concludes the Project will not adversely impact the heritage significance of Pymont Bridge, noting new opportunities will be created to view, appreciate and interpret the bridge and Darling Harbour (AR, Table 11). A Stage 1 Heritage Interpretation Strategy was submitted with the EIS. The Strategy provides indicative locations for heritage interpretation, outlines Connecting with Country and non-Aboriginal historical context, and identifies potential interpretation mechanisms and installations. The Department has recommended conditions requiring a final Heritage Interpretation Plan to be prepared and implemented in consultation with PMNSW (as the relevant heritage authority for the Site) and coordinated with SSDA2 requirements (AR, Table 11).</p> <p>As per Condition C28 of the Concept Approval, an Archaeology Assessment, Marine Archaeological Assessment and Aboriginal Cultural Heritage Assessment Report formed part of the EIS for the Project. Noting all earthworks have previously been approved via SSDA1, the Department found potential archaeological impacts to be negligible (AR, Table 17).</p> <p>The Commission finds the Project will complement the Darling Harbour Precinct and will not create any negative impacts on the heritage significance of the Pymont Bridge, or any other elements of historic and/or cultural heritage within the locality. To ensure this, and to manage any potential heritage impacts that may emerge during construction, the Commission has imposed conditions of consent including the preparation and implementation of a final Heritage Interpretation Plan, the inclusion of an unexpected finds protocol for Aboriginal and non-Aboriginal heritage, and the requirement cease works if a relic or Aboriginal object is unexpectedly discovered until either the Heritage Council of NSW, their delegate or the Secretary of the Department has confirmed works can recommence.</p>

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**Stormwater and flooding**

The Commission notes a Stormwater Management Report (SMR) (detailing drainage layouts and erosion control measures) submitted with the Application confirms on-site stormwater detention is not required for the Project and meets Council's pollution reduction targets. The Commission notes a cover letter from the Applicant's engineer which advises the re-submission of the Flooding Assessment (prepared by Stantec, dated 29 June 2023) which was submitted with SSDA2, is also relevant to the Project.

SES recommended updating the Flood Emergency Management Plan (FEMP) and flood mitigation measures approved under SSDA2 to reflect any amendments from the Project that may impact flood behaviour (e.g. access ramps in the Waterfront Promenade and the through site link) (AR, Table 11). In their response-to-submissions report to the Department, the Applicant advised the following:

*"Flood assessment for the Harbourside project was comprehensively assessed under the Flood Emergency Management Plan (FEMP) approved under SSD 49295711<sup>1</sup>. The FEMP was prepared in consultation with the EHG<sup>2</sup> and SES including in response to their comments raised in this RTS and has since been approved in accordance with Condition C38 of SSD 49295711. EHG have confirmed that they have no further comments on the FEMP and through the approval of the FEMP, anticipated flood impacts of the project have been deemed acceptable."*

The Department considers stormwater and flooding can be appropriately managed and mitigated subject to conditions which are imposed by the Commission requiring:

- installation of an access chamber to the stormwater channel in the public domain area (as recommended by Sydney Water), and preparation of a detailed Stormwater Management Plan (SMP) for PMNSW's approval; and
- the SSDA2 FEMP and flood mitigation measures being updated to take account of the Project's design and layout (as may be required).

The Commission is satisfied that potential stormwater and flooding impacts associated with the Project are suitably addressed.

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**Socio-economic**

The broader Harbourside Redevelopment proposal is expected to generate 916 construction jobs and 2,130 operational jobs. The Project will ultimately facilitate the delivery of the Harbourside Redevelopment, contributing much needed housing (including affordable housing) and employment floor space in a well serviced locality, close to the Sydney CBD.

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<sup>1</sup> SSDA2

<sup>2</sup> Now CPHR



<b>Construction noise</b>	<p>The Department has considered the findings of the Applicant's Construction Noise and Vibration Impact Assessment (CNVIA), noting that some noise exceedances to surrounding receivers during construction would be unavoidable, given the residential density of the locality (AR, Table 11). The Applicant's preliminary construction environmental management plan states the Projects works are anticipated to be completed in the first quarter of 2027.</p> <p>The Department recommended conditions imposed by the Commission requiring the implementation of the Applicant's and Department's additional construction noise mitigation measures, including the preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP). The Commission has also imposed a condition requiring the Applicant to develop additional noise mitigation measures in consultation with affected community members, when noise mitigation objectives of the EPA Interim Construction Noise Guideline cannot be met. The Commission is satisfied that these conditions can adequately mitigate and manage potential construction noise and vibration impacts.</p>
<b>All other issues identified by the Department</b>	<p>After consideration of all other issues identified by the Department in its AR, the Commission is satisfied that any potential land use planning impacts arising have been adequately addressed, and/or can be mitigated and managed to acceptable levels through conditions of development consent.</p>

## 5. The Commission's Determination

47. For the reasons set out in this Statement of Reasons, the Commission finds that the Project is in the public interest and should be approved subject to conditions of consent found at **Appendix B**.



Andrew Mills  
Chair of the Commission



Richard Pearson  
Member of the Commission



Shelley Penn AM  
Member of the Commission

## Appendix A – Community Consultation

### Public engagement overview

A summary of the Project timeline and key engagement milestones is provided in the below table.

*Appendix A – Table 1: Project and engagement timeline*

Project stage	Date	Number of submissions
Application submitted	23 August 2023	N/A
Application exhibited by Department	31 August 2023 – 4 October 2023	76
Response to Submissions	10 October 2024	N/A
Additional information	17 December 2024	N/A
Application referred to the Commission	23 April 2025	N/A
Written submissions to the Commission	24 April 2025 to 26 May 2025	16

### Department's engagement for the Project

The Department consulted with Council, government agencies and members of the community during its assessment of the Project. The Department received advice from 13 government agencies and comment from Council. Of the 76 public submissions received, 71 were objections, two were in support, and three provided comment. The Department has also noted 3 additional instances of public feedback received outside of their exhibition period (1 comment, 1 objection and one of support (AR, para 31). Further consideration of these submissions by the Department is provided at section 4 of the Department's AR.

### Response to Submissions and additional information

The Applicant made minor amendments to the Project in response to the submissions received and request for additional information from the Department. Key features of these amendments include (but are not limited to):

- minor amendments to the design of the Waterfront Promenade to improve accessibility;
- removal of drop-down blinds for outdoor seating;
- amendments to tree species and canopy coverage in the Waterfront Garden to minimise impacts to views; and
- limiting the capacity of the Waterfront Gardens to 1,000 persons.

### The Commission's public consultation

#### The Commission's meetings

As part of the determination process, the Commission met with various persons as set out in the table below. All meeting transcripts and site inspection notes were made available on the Commission's website.

Appendix A – Table 2: The Commission's meetings

Meeting	Date	Transcript/notes published
Applicant	5 May 2025	8 May 2025
Department	14 May 2025	19 May 2025
Site inspection	21 May 2025	26 May 2025
Community stakeholder meeting	21 May 2025	22 May 2025

### Site inspection and locality tour

On 21 May 2025 the Commission undertook a site inspection and locality tour. Five of the Applicant's representatives also attended.

### Community stakeholder meeting

A public meeting was scheduled for 21 May 2025 however the Commission did not receive any registrations. Accordingly, the scheduled public meeting did not proceed. Following the closure of speaker registrations, a community member contacted the Commission and made a request to speak to the Commission Panel with two additional attendees. This request was facilitated in the form of a virtual community stakeholder meeting held on 21 May 2025.

Key concerns raised in the community stakeholder meeting related to the hours of operation and the pedestrian bridge. Appendix A – Table 3 below provides a snapshot of what the Commission heard from the community during the meeting.

Appendix A – Table 3: Snapshot of what the Commission heard from the community

Key issue	Representative quote
Hours of operation	<i>"To have a 24-hour access to this public site, it could make the lives of the people in 50 Murray Street and in the hotels even, really untenable. And we would like to have it mandated that the hours of operation there are reasonable."</i>
Pedestrian bridge	<i>"That bridge is our backdoor. Our building, it was built with that bridge connected to it... For us, it's very important that bridge, because we find that the intersection of Murray and Darling Drive, it's extremely dangerous and it's very busy."</i>

### Written submissions

The community were offered the opportunity to make written submissions to the Commission from 24 April 2025 to 26 May 2025. The Commission received a total of 16 written submissions. Nine of these objected to the Project, one indicated support, and six provided comment.

### Consideration of submissions

Key matters raised by the public and the Commission's consideration of these matters is undertaken in the table overpage in addition to any issues also considered in the body of this report. This is not an exhaustive report of the submissions considered by the Commission, but is reflective and illustrative of key matters that emerge from the submissions.

Appendix A - Table 4: Commission's consideration of key matters raised in submissions

Issue	Concerns raised in submissions	Panel considerations	References and links
<i>North Bridge</i>	<ul style="list-style-type: none"> <li>Request for the removal of the North Bridge as it is an eyesore and has seen better days</li> <li>The North Bridge provides amenity for residents and should be restored. It would provide safe and easy access to Pyrmont Bridge</li> <li>Retention of the North Bridge would assist elderly residents to provide safe and accessible access to Pyrmont Bridge</li> <li>Objects to the reinstatement of the North Bridge as it will impact on the historic features of the Pyrmont Bridge</li> <li>Antisocial behaviour occurs on the North Bridge</li> </ul>	<ul style="list-style-type: none"> <li>The Commission finds the Project's proposed reinstatement of the North Bridge to be a suitable built form outcome for the Site because it is consistent with the Concept Approval, would not significantly impact views, provides safe pedestrian permeability within the locality and will not be obtrusive or out of place within the urban environment</li> <li>The heritage significance of the Pyrmont Bridge will not be impacted by the Project</li> <li>All Applicant-managed areas of the Site will be subject to surveillance and monitored by security 24 hours a day, 7 days a week</li> </ul>	See section 4.2 of the Statement of Reasons
<i>Noise</i>	<ul style="list-style-type: none"> <li>Concerned regarding the noise impacts of the 24-hour Waterfront Garden</li> <li>Noise impacts generated by uninterrupted foot traffic along North Bridge</li> <li>The urban setting will mean that noise will carry and reverberate, increasing the impact to residents</li> <li>Noise generated from constant activity will impact resident's sleep</li> <li>The acoustic readings undertaken by the Applicant are not recent</li> <li>Licensed venues will be trading very late</li> </ul>	<ul style="list-style-type: none"> <li>Events will not be permitted within the Waterfront Garden</li> <li>An operational acoustic assessment demonstrates that cumulative adverse noise impacts will not be experienced at nearby dwellings</li> <li>At full capacity the Waterfront Garden would not exceed the existing background noise levels at any time, including midnight – 7 am</li> <li>Acoustic readings from 2024 are considered suitable for the purposes of determining the Project's acoustic impacts</li> <li>Potential noise impacts from the fit-out and operation of retail and outdoor dining areas will be addressed via separate approvals</li> </ul>	<p>See section 4.4 of the Statement of Reasons</p> <p>See conditions of consent C19, C21, D4-D17 and F2</p>



Issue	Concerns raised in submissions	Panel considerations	References and links
		<ul style="list-style-type: none"> <li>the North Bridge is unlikely to increase noise disturbance as it replaces an existing bridge, the additional Bunn Street bridge provides for greater distribution of east-west pedestrian movements (i.e. not all pedestrians will use the North Bridge)</li> </ul>	
<i>View loss and necessity of bridges</i>	<ul style="list-style-type: none"> <li>Two bridges are not needed, major loss of views</li> </ul>	<ul style="list-style-type: none"> <li>The North Bridge replaces an existing bridge in a very similar location and does not create an adverse visual impact</li> <li>The Visual and View Impact Assessment finds the Project aligns with the Concept Approval which assessed view impacts to be acceptable</li> <li>The Visual and View Impact Assessment included an assessment of apartments within ODH and concluded that 51% of apartments had no view impact, 18% had negligible impacts, 15% had minor impacts, 16% had moderate impacts and 0% of apartments had devastating or severe impacts</li> </ul>	See section 4.3 of the Statement of Reasons
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>The trees to be planted on the northern podium should be no higher than the height of the existing flag poles aligning each side of the Pyrmont Bridge as it will look out of place</li> </ul>	<ul style="list-style-type: none"> <li>The Applicant amended the tree species proposed in the Waterfront Garden (projected to have a mature tree height of 8-15m) and reduced the proposed canopy coverage to minimise view impacts to the surrounding residents. Palm trees were also removed from the design to further improve any perceived view loss.</li> </ul>	<p>See section 4.6 of the Statement of Reasons</p> <p>See conditions of consent A5-A7 B1 and E28</p>
<i>Security</i>	<ul style="list-style-type: none"> <li>The development will create security risks within the locality</li> </ul>	<ul style="list-style-type: none"> <li>Only 'low-impact' events would occur within the Applicant-managed public domain</li> <li>The Waterfront Garden is intended to function as a local park, is limited to a maximum of 1000 persons, will be alcohol-free, have no amplified music, and be monitored 24 hours a day, 7 days a week by security</li> </ul>	<p>See section 4.5 of the Statement of Reasons</p> <p>See conditions of consent E6 and F6-F8</p>

Issue	Concerns raised in submissions	Panel considerations	References and links
		<ul style="list-style-type: none"><li>An EOMP must be prepared and implemented, it must include (but is not limited to) crowd control mechanisms, details of any restrictions on the use of the public domain (including no amplified music or alcohol in Applicant-managed areas) and a description of arrangements made for security and maintenance staff</li></ul>	

## Appendix B – Development Consent

[Link to Development Consent](#)

## Appendix C – Material considered by the Commission

Document	Date
The Planning Secretary's Environmental Assessment Requirements (SEARs)	6 December 2022
Applicant's EIS and its accompanying appendices	23 August 2023
Government agency advice to the Department	Various
Public submissions made to the Department during exhibition	Various
Applicant's Response to Submissions Report	10 October 2024
Applicant's response to request for further information	12 December 2024
Applicant's response to request for further information	24 February 2024
Department's AR and recommended conditions of consent	April 2025
Comments and presentation material from meetings with: <ul style="list-style-type: none"> <li>• Department</li> <li>• Applicant</li> </ul>	14 May 2025 5 May 2025
Observations made at the Site Inspection	21 May 2025
Material presented at Community Stakeholder Meeting	21 May 2025
All written submissions made to the Commission during the public submissions period, and those accepted late by the Commission	26 May 2025
Department's advice to the Commission regarding the imposition of conditions	30 May 2025
Department's response to the Commission's Request for Information	11 June 2025 and 12 June 2025



## Appendix D – Planning Framework

<b>Strategic context</b>	
<b>Relevant strategic documents</b>	The Department 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 (AR para 16). The Commission agrees with the Department's assessment that the proposal is consistent with the overarching objectives of the relevant strategies, plans and policies.
<b>Statutory context</b>	
<b>Assessment pathway</b>	The Application is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of <i>State Environmental Planning Policy (Planning Systems) 2021 (SEPP Planning Systems)</i> , being development within the Darling Harbour site with an estimated development cost of more than \$10 million.
<b>Consent authority</b>	The Commission is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP as there are more than 50 unique objections from public submitters.
<b>Objects of the EP&amp;A Act and Ecologically Sustainable Development (ESD)</b>	The Commission has considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects. The Commission finds that the Application is consistent with ESD principles and would achieve an acceptable balance between environment, economic and social considerations.
<b>Permissibility</b>	Section 3.5 and Schedule 1 of <i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (SEPP Precincts)</i> state that development including residential buildings, commercial premises, parks and gardens, shops, restaurants and utility installations may be carried out with consent. The development is therefore permissible with consent.
<b>Integrated development and other approvals</b>	Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD process and therefore are not required to be separately obtained for the Application. Pursuant to section 4.42 of the EP&A Act, further approvals are required but must be substantially consistent with any development consent for the Project.
<b>Mandatory considerations</b>	
<b>Relevant environmental planning instruments (EPIs)</b>	<p>Appendix B of the Department's AR identifies the relevant EPIs for consideration. The Commission has considered the following EPIs as part of its determination:</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>;</li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>; and</li> <li>• Sydney Local Environmental Plan 2012 (SLEP).</li> </ul>

<b><i>Relevant development control plans (DCPs)</i></b>	In accordance with section 2.10 of the Systems SEPP, DCPs do not apply to SSD. Notwithstanding this, the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 ( <b>SHFW DCP</b> ) applies to sites within the Foreshores and Waterways Area as identified in <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> and provides appropriate guidance for the redevelopment of the Site. This Commission has given consideration to the SHFW DCP as set out in Table 16 of the Department's AR. The Application complies with all applicable guidelines.
<b><i>Any planning agreement or draft planning agreement</i></b>	A State Planning Agreement relating to the Concept Approval between the Minister, Mirvac Retail Sub SPV Pty Limited and Mirvac Projects Pty Ltd was executed on 12 August 2022.
<b><i>Likely impacts of the development</i></b>	The likely impacts of the Application have been considered in <b>section 4</b> of this Statement of Reasons.
<b><i>Suitability of the site for development</i></b>	<p>The Commission has considered the suitability of the Site for the Project and finds it to be suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Site can physically cater for the Project without detrimental impacts arising on the natural and/or built environment;</li> <li>• potential impacts from natural hazards can be adequately mitigated and managed;</li> <li>• the Project will facilitate the completion of the broader Harbourside Redevelopment, which will provide housing in a well serviced locality and activate the western side of the Darling Harbour Precinct;</li> <li>• the Project has been designed to ensure it will contribute to the established urban form and character of the locality whilst also being complementary to the heritage significance of area; and</li> <li>• the high-quality design of the Project will result in an aesthetically pleasing urban design outcome that is accessible to the local community and creates permeability within the locality, supporting pedestrian movement.</li> </ul>
<b><i>The public interest</i></b>	The Commission has considered the public interest in deciding to grant conditional development consent to the Application. In doing so, the Commission has evaluated the likely impacts of the Application and considered the relevant ESD principles. The Project will facilitate the completion of the Harbourside Redevelopment in a manner which is an orderly and economic use of the land.

## Appendix E – Department's Assessment Report

[Link to Department's Assessment Report](#)



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