



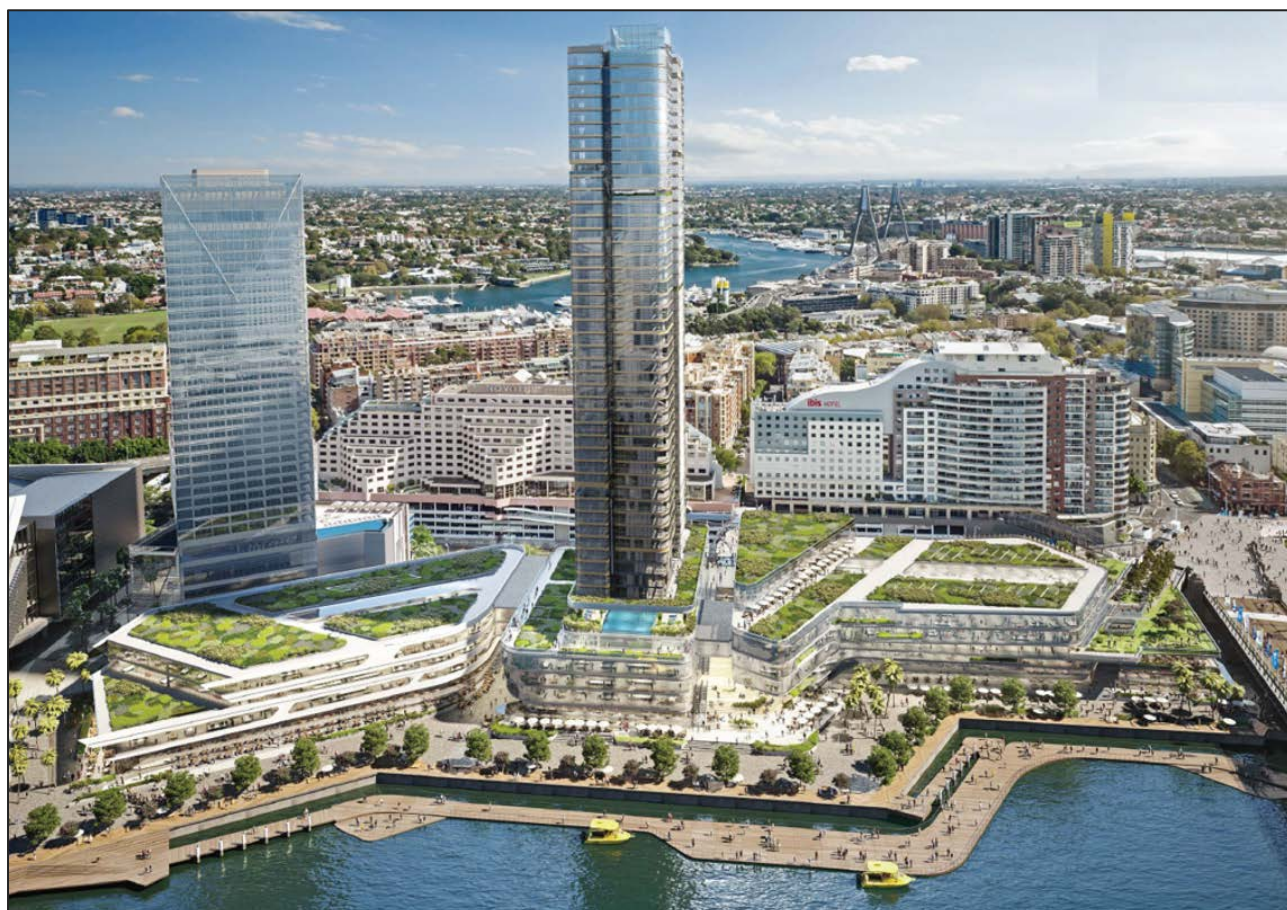
# Harbourside Redevelopment

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State Significant Development

SSD 7874

March 2021



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Title: Harbourside Redevelopment

Cover image: Perspective view east, across Darling Harbour, towards an indicative future Harbourside development (Source: Applicant's FRtS)

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# Glossary

Abbreviation	Definition
<b>ADG</b>	Apartment Design Guide
<b>Applicant</b>	Mirvac Projects Pty Ltd
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Code of Practice</b>	City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992
<b>Concept proposal</b>	Concept proposal for the redevelopment of the site (SSD 7874)
<b>Consent</b>	Development Consent
<b>Commission</b>	Independent Planning Commission
<b>CPTMP</b>	Construction Pedestrian and Traffic Management Plan
<b>Council</b>	City of Sydney Council
<b>DAWE</b>	Department of Agriculture, Water and the Environment (formerly DoEE)
<b>Department</b>	Department of Planning, Industry and Environment
<b>DIP</b>	Design Integrity Panel
<b>DPI</b>	Department of Primary Industries
<b>EES</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FEAR</b>	Future Environmental Assessment Requirement
<b>FRtS</b>	Further Response to Submissions
<b>FFRtS</b>	Final Further Response to Submissions

<b>GA NSW</b>	Government Architect NSW
<b>GFA</b>	Gross Floor Area
<b>ICNG</b>	Interim Construction Noise Guideline 2009
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>OLS</b>	Obstacle Limitation Surface
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SDCP 2012</b>	City of Sydney Development Control Plan 2012
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

## Introduction

This report provides an assessment of a concept State significant development (SSD) application for a residential and commercial building envelope at Harbourside Shopping Centre, 2-10 Darling Drive, Darling Harbour. The redevelopment of the site includes the provision of new and improved public domain areas, through site links and open spaces which will see the completion of the Darling Harbour precinct as a vibrant mixed use, tourist, entertainment and commercial precinct.

The concept proposal seeks approval for:

- demolition of existing buildings, structures and site improvements
- a building envelope providing a podium and tower form with a maximum height of RL 166.95
- maximum gross floor area (GFA) of 87,000 square metres (m<sup>2</sup>), comprising 42,000 m<sup>2</sup> residential and 45,000 m<sup>2</sup> non-residential floor space
- a minimum of 3,500m<sup>2</sup> of new publicly accessible open space, through site links, event spaces and sitewide concept landscaping
- design guidelines and a design excellence strategy to guide the future development within the building envelope.

No building or construction works (other than demolition) are proposed to be undertaken as part of the concept proposal. All future development would be subject to separate applications.

The Applicant is Mirvac Projects Pty Ltd. The proposal is located within the Sydney local government area and has a Capital Investment Value of \$708,150,000. The proposal is predicted to create approximately 2,094 construction jobs (comprising 916 direct jobs and 1,178 indirect jobs) and 4,468 operational jobs (comprising 2,130 direct jobs and 2,338 indirect jobs).

## Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) for an extended period between 15 December 2016 and 14 February 2017 (61 days). The Department received 148 unique submissions, comprising 7 from Government agencies, one from City of Sydney Council (Council) and 140 from the public (including 10 from special interest groups) comprising 134 objections, 10 comments and four in support.

The application was subsequently amended by the Response to Submissions (RtS), Further RtS (FRtS) and Final FRtS (FFRtS). The RtS and FRtS were publicly notified in April and October 2020 and the FFRtS was received and published on the Department's website in November 2020. Cumulatively (including the EIS), the Department received a total of 263 submissions in response to the public exhibitions, comprising 26 submissions from Government agencies and Council and 233 unique submissions from the public (192 objecting, 34 providing comments and 7 in support).

Council objects to the proposal. In particular, it objects to residential land use and raised concerns regarding the tower and podium envelope height and form, heritage, open space and connectivity, parking, traffic and landscaping.

The key concerns raised in public submissions include the height and scale of the tower and podium, land use, heritage impacts, overshadowing of the foreshore, view loss, public benefits, pedestrian connectivity and public transport.

## Key amendments to the proposal

In response to concerns raised in submissions and by the Department the Applicant made significant changes to the original proposal, which result in notable built form, heritage and amenity improvements.

The key changes include:

- relocating the tower from the north to the centre of the site and increasing setbacks to the waterfront to improve the relationship with the State heritage listed Pyrmont Bridge and reduce view impacts to residential properties within One Darling Harbour, immediately to the west
- reduction of the northern podium envelope height to reduce its visual dominance and align with the level of the Pyrmont Bridge at its northern most extent, while also improving view sharing to One Darling Harbour
- provision of 3,500 m<sup>2</sup> of new publicly accessible open space on the northern podium roof top, including approximately 1,500 m<sup>2</sup> on the lower northern most section adjacent to Pyrmont Bridge and a further 2,000 m<sup>2</sup> on the upper northern podium.

## Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan's vision for a stronger and more competitive Harbour CBD and supports the renewal and reinvigoration of Darling Harbour
- it is consistent with the Pyrmont Peninsula Place Strategy (PPPS) vision to transform the Pyrmont Peninsula, as it would contribute to economic growth and job creation and deliver new and improved public domain areas, improved activation, accessibility, connectivity, and public open space
- while the Department appreciates Council and community concerns about the inclusion of private residential uses, the proposal supports the revitalisation of an underperforming shopping centre with a vibrant mixed-use development, which would deliver significant public domain and open space improvements together with increased permeability, accessibility and activation at podium levels. These benefits would support the entertainment and tourism function of the precinct and substantially increase public enjoyment of the harbour
- it provides a height, scale and density that is compatible with the existing and emerging character of Darling Harbour and provides appropriate setbacks from the heritage listed Pyrmont Bridge and the waterfront. It also complies with the maximum height of RL 170 m height identified in the PPPS
- the Department engaged an independent design advisor to review the proposal throughout the assessment process which led to changes to the tower location, podium form and height and improved public domain outcomes including substantial new publicly accessible open space on the northern podium roof
- the scale and setback of the podium is sympathetic to the Pyrmont Bridge and can deliver a development which is appropriately articulated, activated and permeable to enhance the quality of the public domain
- the Applicant has committed to a design excellence strategy (DES) which includes a competitive design process that will ensure the development achieves design excellence



- while the proposal will interrupt views from neighbouring residential buildings and hotels, the impacts have been mitigated by relocating the tower to the centre of the site and redesigning and lowering the northern podium. The Department also considers that the overall view loss impacts are reasonable given the site's location on the CBD fringe and neighbouring properties would retain an acceptable level of outlook, over the proposed landscaped podium roof with the majority of affected apartments retaining some water and/or city skyline views
- overshadowing impacts to the public domain are acceptable having regard to the location and orientation of the site. The impacts to the waterfront promenade and Woodward Fountain are limited to after 1 pm and are in part offset by the significant new and enhanced public domain along the waterfront and podium roof. Neighbouring residential properties will also continue to achieve solar access consistent with the Apartment Design Guide
- the proposal would result in significant public benefits including contributions to affordable housing, a minimum of 3,500 m<sup>2</sup> of new publicly accessible open space, enlarged and enhanced waterfront boulevard and public domain, a new 24 hour accessible through site link and bridge to Bunn Street, upgrades to an existing pedestrian bridge, public art and heritage interpretation and approximately 916 direct construction jobs and 2,130 direct operational jobs.

The Department has also recommended a suite of conditions to ensure:

- a design excellence competition is held in accordance with a brief endorsed by the Government Architect (GA) NSW and approved by the Secretary and a Design Integrity Panel established to review and ensure the future development achieves design excellence
- the tower and podium are sympathetic to the Pyrmont Bridge, it achieves a high degree of articulation and modulation, and utilises a maximum of 80% of the building envelope to ensure flexibility through the design competition
- the public domain achieves a high-quality outcome, including improved east west connections, activation, deep soils zones to achieve canopy planting and civic quality transitions between the various levels of public domain
- demolition works do not give rise to adverse environmental impacts
- management and mitigation of impacts in relation to heritage and archaeology, overshadowing, view impacts, noise and vibration, wind, contamination, hydrology and construction.

## Conclusion

Overall, the Department's assessment concludes the proposal is acceptable as it is consistent with the strategic planning framework adopted for the site, is of an appropriate height, density and scale and would not result in adverse amenity, heritage or traffic impacts.

The redevelopment of the site and the creation of significant new and improved public domain will complement the neighbouring developments in Cockle Bay, including the ICC, Sofitel hotel, The Ribbon and Cockle Bay Park. It would also see the completion the Darling Harbour precinct as a mixed use tourist, entertainment and commercial precinct.

The issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

The Department's assessment therefore concludes the proposal would result in benefits to the local community and the State of NSW and is therefore in the public interest, subject to appropriate conditions.

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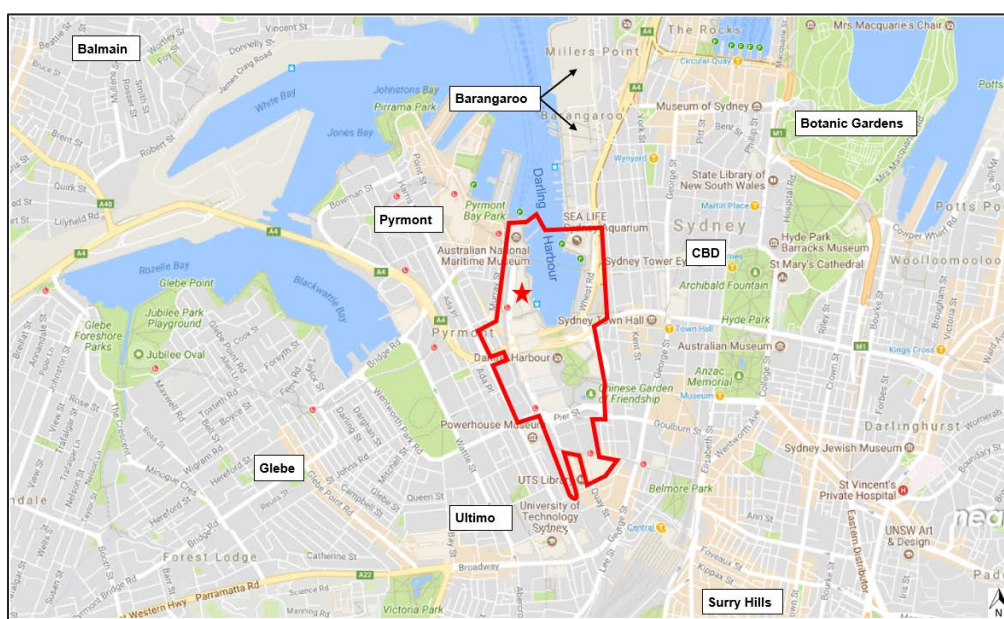
# 1 Introduction

## 1.1 Introduction

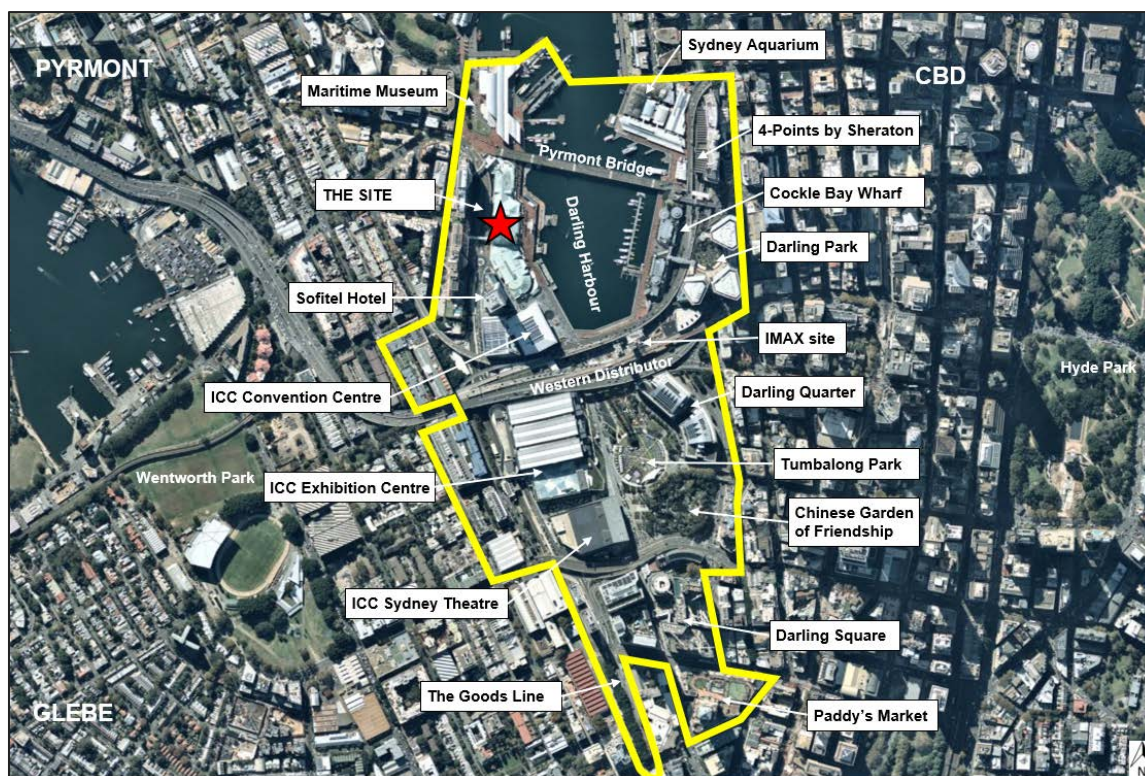
- 1.1.1 This report provides an assessment of a State significant development (SSD) application seeking concept approval for a residential and commercial building envelope at 2-10 Darling Drive and Stage 1 early works for demolition of existing Harbourside Shopping Centre buildings and structures (SSD 7684) (the Proposal).
- 1.1.2 The proposal seeks approval for:
- demolition of existing buildings, structures and site improvements
  - a building envelope providing a podium and tower form with a maximum height of RL 166.95
  - maximum gross floor area (GFA) of 87,000 square metres (m<sup>2</sup>) floorspace, comprising 42,000 m<sup>2</sup> residential and 45,000 m<sup>2</sup> non-residential GFA
  - a minimum of 3,500m<sup>2</sup> of new publicly accessible open space, through site links event spaces and sitewide concept landscaping
  - design guidelines and a design excellence strategy to guide the future development within the building envelope.
- 1.1.3 The Applicant is Mirvac Projects Pty Ltd. The proposal is located within the Sydney local government area and has a Capital Investment Value of \$708,150,000. The proposal is predicted to create approximately 2,094 construction jobs (comprising 916 direct jobs and 1,178 indirect jobs) and 4,468 operational jobs (comprising 2,130 direct jobs and 2,338 indirect jobs).

## 1.2 Darling Harbour Precinct

- 1.2.1 The Darling Harbour Precinct covers an area of 60 hectares on the western edge of the Sydney Central Business District (CBD). The Precinct extends from Paddy's Markets in the south to the Sydney Aquarium and the Maritime Museum in the north (**Figure 1** and **Figure 2**).



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



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

- 1.2.2 The development of Darling Harbour began in the mid-1800s with the establishment of industry, railway lines, yards and depots. Up until its decline in the 1960s the immediate area around Darling Harbour supported intensive industrial uses and associated port functions, rail freight yards, and heavy manufacturing industries (mills, works, and coal handling facilities).
- 1.2.3 Opening around 1972, the Western Distributor (**Figure 2**) had a significant physical impact on Darling Harbour and changed traffic and pedestrian movements on immediate surrounding streets, including the closure of Pyrmont Bridge to vehicles. By the start of the 1980s Darling Harbour comprised a series of empty warehouses and rarely used wharfs and rail infrastructure.
- 1.2.4 The NSW State Government announced the redevelopment of Darling Harbour Precinct in 1984 for the 1988 Australian Bicentennial celebrations, which included the construction of the original convention, exhibition and entertainment centres, the monorail and other cultural facilities. This established Darling Harbour as a premier waterfront destination, characterised by a mix of recreational, tourist, entertainment and business functions.
- 1.2.5 Recently Darling Harbour has undergone further significant urban renewal, including the development of ICC Sydney (Sydney international convention, exhibition and entertainment facilities including Tumbalong Park) and major redevelopment at Darling Square, The Ribbon (IMAX), the Four Points by Sheraton and the Goods Line pedestrian link / public open space (**Figure 2**).
- 1.2.6 The 2019 Concept Approval for the redevelopment of Cockle Bay wharf (SSD 7684) including a tower up to RL 183 further reinforces the evolving future-built form character of Darling Harbour.

### 1.3 The site

- 1.3.1 The site is located towards the north-western corner of the Darling Harbour Precinct on the south-western foreshore of Darling Harbour / Cockle Bay. The site is irregular in shape and has an area of approximately 2.05 hectares (20,500 m<sup>2</sup>) (**Figure 3** and **Figure 4**).
- 1.3.2 The site is bound by Darling Harbour and the foreshore promenade to the east, Pyrmont Bridge to the north, Darling Drive to the west and the Sydney International Convention, Exhibition and Entertainment Centre Precinct (SICEEP) and public domain to the south.
- 1.3.3 While the site is owned by the State Government (managed by Property NSW (PNSW)), the Applicant has a long-term lease over the site until 2087.
- 1.3.4 The existing Harbourside shopping centre, constructed in 1988 as part of the Bicentennial Program, occupies most of the site and consists of a three-storey retail building (approximately 20,000 m<sup>2</sup> GLA) comprising café/restaurants and retail uses. The building is linear in form with a galvanised steel roof and glazed central atrium and reflects the maritime architectural character of buildings built during the Bicentennial program. The building is not listed as a State or local heritage item.
- 1.3.5 To the east fronting Cockle Bay is a paved waterfront promenade / public domain along the Darling Harbour foreshore. The waterfront public domain in front of the site has an area of 4,326m<sup>2</sup> including a 25-29m wide forecourt area currently accommodating a Ferris wheel and narrower circulation areas of approximately 11-15m in width, connecting to the underside of Pyrmont Bridge to the north and the ICC forecourt to the south.
- 1.3.6 A former monorail station is located above the northern end of the site adjoining a pedestrian footbridge linking the site to One Darling Harbour residential apartment building to the west. A second pedestrian footbridge also connects the site to the carparks below the Novotel Hotel to the west.
- 1.3.7 The western elevation of the existing building fronts onto Darling Drive, an elevated roadway connecting Union Street from the north to the underside of the Western Distributor. There is currently no onsite car parking. Servicing and loading access as well as a taxi zone is provided from Darling Drive.





**Figure 3 | Aerial view of the site (Base source: Nearmap)**

- 1.3.8 Pedestrian access to the site is predominantly via the public domain located directly to the east of the site which is the main pedestrian connection point between the site and the remainder of the Darling Harbour precinct. A bridge connects the public walkway along the east side of the Novotel and Ibis hotels to the former monorail station and the Pymont bridge approach to the north. At the centre of the site an additional pedestrian bridge provides direct access from the Novotel car park to the site from the west.
- 1.3.9 The site is accessible to cyclists via several cycle routes including the Sydney Harbour Bridge to Anzac Bridge route and the Anzac Bridge to Prince of Wales Hospital route. There is a designated cycleway along Darling Drive between Pymont Bridge to the north and the University of Technology to the south. The cycleway forms part of the City of Sydney's cycle network and allows for connections to Pymont and ANZAC bridge to the north and west, Central Station (and beyond) to the south and Chinatown and Sydney CBD to the east.
- 1.3.10 The site is well served by public transport and is within walking distance to key connections including:
- local bus services along Harris Street approximately 500 m to the west of the site
  - Convention Centre light rail stop 70 m to the west, Pymont Bay light rail stop 160 m to the north-west and George Street CBD light rail stop 600 m to the east.

- Town Hall Station 1.4 km and Central Station 1.7 km to the south east
- Pyrmont Bay Ferry Wharf 250 m to the north and Casino Ferry Wharf 400m to the north west

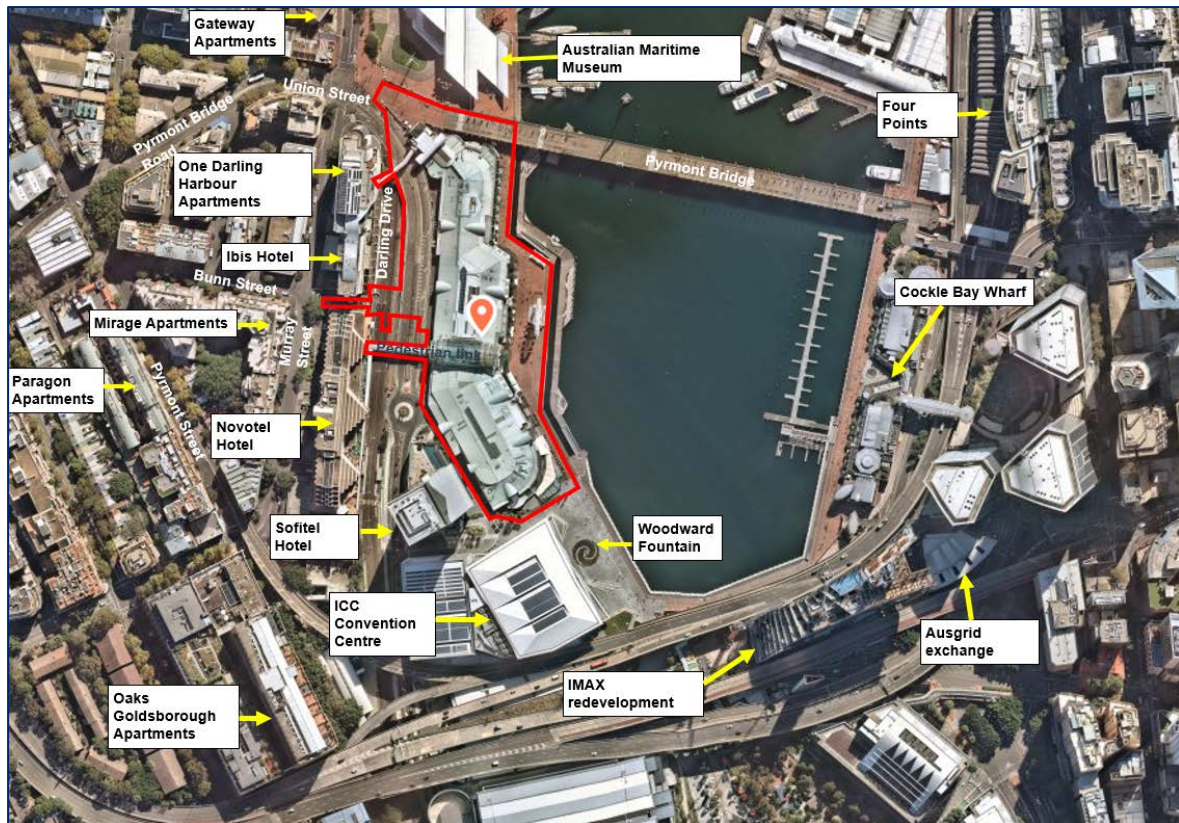
1.3.11 In 2016, the Government announced the Sydney Metro West project, which aims to connect the Sydney CBD to Paramatta with a high-frequency metro rail service. Along with the Sydney CBD and The Bays Precinct, on 11 December 2020 the Government confirmed Pyrmont as the location of a new metro station. Although the precise location has yet to be confirmed the Pyrmont metro investigation area is within 200m of the site. The Metro West line is forecast to open by 2030.

## 1.4 Surrounding Context

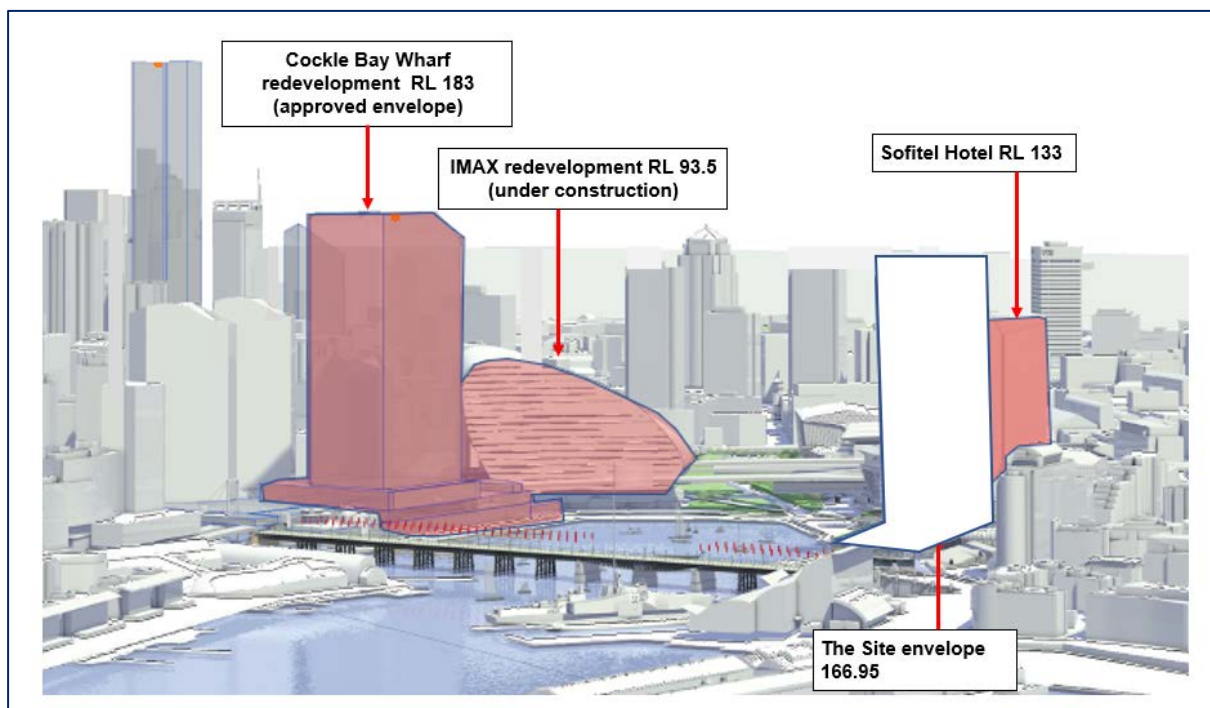
1.4.1 The surrounding development comprises (**Figure 4**):

- the State heritage listed Pyrmont Bridge, the Australian Maritime Museum, and the low/medium rise residential/mixed use suburb of Pyrmont to the north
- Cockle Bay wharf, which is currently 3 storeys but has Concept Approval for a commercial tower with a maximum height of RL 183 (**Figure 5**) and Four Points by Sheraton at 25 Storeys (RL93.6) to the east across Cockle Bay
- the 35 Storey (RL 133.55) Sofitel hotel building (**Figure 5**), ICC Convention centre and public domain to the south, including the State heritage listed Woodward Fountain
- the Western Distributor and the 25-storey (RL 93.5) Ribbon building including hotel, serviced apartments and an IMAX theatre (currently under construction) to the south east (**Figure 5**)
- a 17-storey residential apartment building at 50 Murray Street (known as One Darling Harbour) and the Novotel and Ibis Hotels to the west, across Darling Drive
- medium rise residential and mixed use further to the west and south west across Murray Street.





**Figure 4** | Aerial view of the site and surrounding context (Base source: Nearmap)



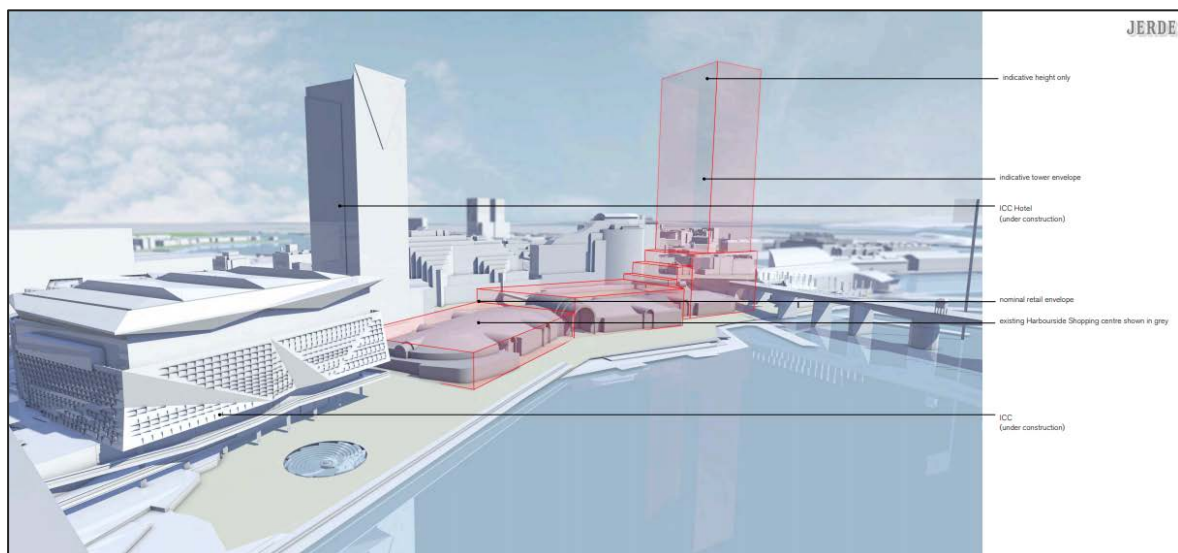
**Figure 5** | CGI view of existing and approved tall buildings adjacent to the water around Cockle Bay/Darling Harbour (Base source: Applicant's RtS)

## 1.5 Other relevant approvals

- 1.5.1 On 13 May 2019, the Independent Planning Commission (Commission) approved an SSD application (SSD 7684) for the redevelopment of Cockle Bay Wharf comprising:
- a commercial building envelope comprising:
    - a maximum height of RL 183 and maximum GFA of 89,000 m<sup>2</sup> comprising:
      - 75,000 m<sup>2</sup> commercial office GFA and
      - 14,000 m<sup>2</sup> retail GFA
      - Minimum publicly accessible open space of 6,500 m<sup>2</sup>
      - building controls and design guidelines
  - Stage 1 works for the demolition of:
    - existing Cockle Bay wharf buildings and structures
    - the Crescent Garden to Cockle Bay Wharf enclosed pedestrian bridge and associated structure
    - the former monorail station and associated structures

## 1.6 Harbourside commercial proposal

- 1.6.1 On 6 November 2015 the Applicant requested Secretary's Environmental Assessment Requirements (SEARs) for the staged redevelopment of Harbourside shopping centre including a commercial tower envelope (SSD 7375) (**Figure 6**). The Department issued SEARs on 9 December 2015.
- 1.6.2 The Applicant decided not to pursue the commercial tower proposal as the larger floorplate required for commercial use would have adverse visual and view impacts. The Applicant considered that a residential tower with a smaller floorplate was a more appropriate built form outcome for the site (**Section 2**).



**Figure 6** | Initial Concept Proposal for a commercial tower adjacent to the Pyrmont Bridge (Base source: Applicant's Request for SEARs for SSD 7375)

## 2 Project

### 2.1 Description of proposal

- 2.1.1 This concept SSD application seeks approval for a building envelope comprising a residential tower and non-residential podium.
- 2.1.2 The proposal has been amended three times by the Applicant's Response to Submissions (RtS), Further Response to Submissions (FRtS) and Final Further Response to Submission FFRtS) (refer to **Section 5**).
- 2.1.3 Key components of the amended proposal are summarised at **Table 1**. **Appendix B** contains a link to the Applicant's SSD application, RtS, FRtS and FFRtS.

**Table 1 | Main Components of the Amended Concept Proposal**

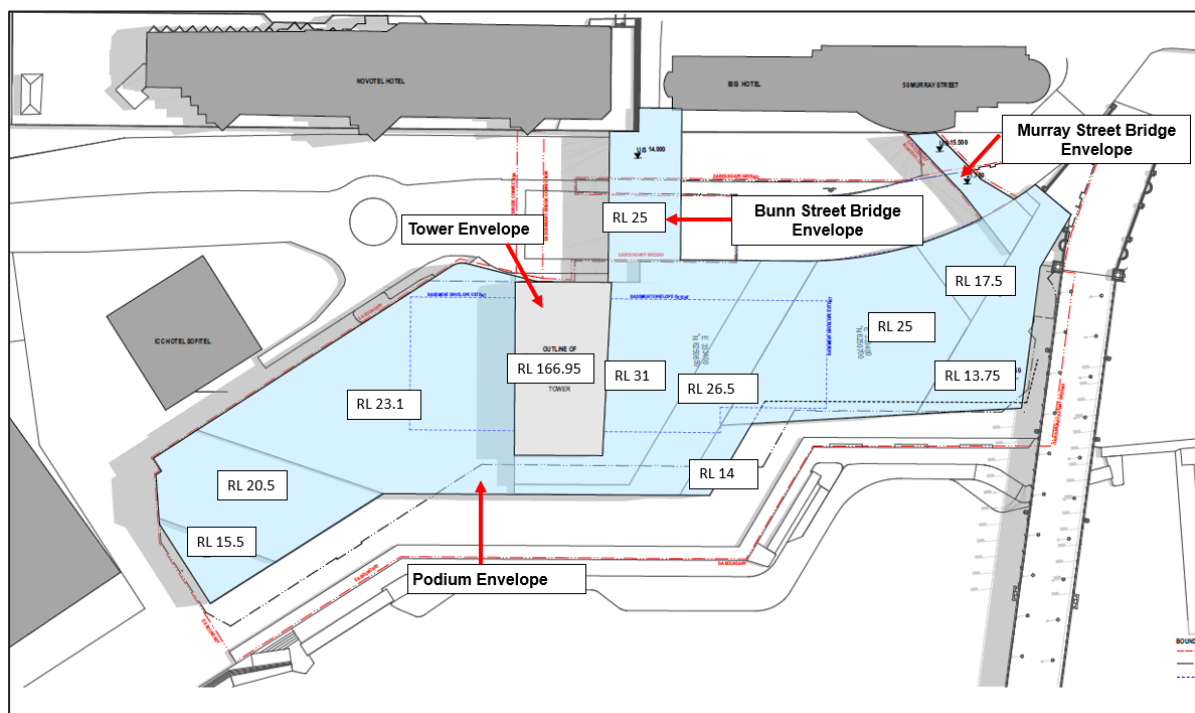
Aspect	Description
<b>Proposal Summary</b>	<b>A concept proposal for a new residential tower and non-residential podium envelope, with a maximum GFA of 87,000 m<sup>2</sup> and maximum height of RL 166.95</b>
<b>Demolition</b>	<ul style="list-style-type: none"> <li>Demolition of: <ul style="list-style-type: none"> <li>existing site Harbourside Shopping Centre</li> <li>pedestrian bridge link across Darling Drive</li> <li>obsolete monorail infrastructure</li> <li>tree removal</li> </ul> </li> </ul>
<b>Building envelope</b>	<ul style="list-style-type: none"> <li>Building envelope including: <ul style="list-style-type: none"> <li>maximum tower height of RL 166.95</li> <li>maximum podium heights of RL 25 (north), RL31 (central), RL 23.1 (south) and RL 13.75 adjacent to Pyrmont Bridge</li> <li>tower setbacks including: <ul style="list-style-type: none"> <li>minimum 32 m from Darling Harbour waterfront</li> <li>minimum 12 m from the eastern edge of the podium</li> </ul> </li> <li>podium setbacks including: <ul style="list-style-type: none"> <li>minimum 14 m to Darling Harbour waterfront</li> <li>typical 20 m to Darling Harbour waterfront</li> </ul> </li> </ul> </li> <li>Three level basements extending to RL 13.2</li> <li>A tower-built form control restricting: <ul style="list-style-type: none"> <li>the maximum tower volume to 80% Gross Building Area (GBA) of the envelope</li> <li>the size of the tower floorplate to a maximum of 1,000m<sup>2</sup> GFA</li> </ul> </li> </ul>
<b>Uses and Gross floor area (GFA)</b>	<ul style="list-style-type: none"> <li>Maximum GFA of 87,000 m<sup>2</sup> comprising: <ul style="list-style-type: none"> <li>42,000 m<sup>2</sup> residential</li> <li>45,000 m<sup>2</sup> non-residential</li> </ul> </li> </ul>

<b>Open Space</b>	<ul style="list-style-type: none"> <li>• 1,500 m<sup>2</sup> public open space at the northern end of the podium adjacent to Pyrmont Bridge at RL 13.75 and RL 17.5</li> <li>• 2,000 m<sup>2</sup> publicly accessible space on the northern podium roof at RL 25</li> <li>• public open space area for events and gatherings within the site adjacent to the waterfront</li> <li>• increased the foreshore promenade area by 474m<sup>2</sup></li> </ul>
<b>Public domain</b>	<ul style="list-style-type: none"> <li>• Waterfront public domain upgrades and sitewide concept landscaping and through site links to Bunn Street and Pyrmont Bridge approach</li> </ul>
<b>Infrastructure upgrades and access</b>	<ul style="list-style-type: none"> <li>• New pedestrian bridge linking the site to Bunn Street including 24/7 access link to waterfront promenade</li> <li>• Upgrade to paving at western entry to Pyrmont Bridge</li> <li>• Upgrade of existing pedestrian bridge to One Darling Harbour</li> <li>• Upgrade/landscaping of waterfront promenade</li> </ul>
<b>Car parking</b>	<ul style="list-style-type: none"> <li>• Residential car parking in accordance with the following rates: Resident: <ul style="list-style-type: none"> <li>○ for each studio dwelling—0.2 spaces</li> <li>○ for each one-bedroom dwelling—0.4 spaces</li> <li>○ for each two-bedroom dwelling—0.8 spaces</li> <li>○ for each three or more-bedroom dwelling—1.1 spaces</li> </ul> Visitor: <ul style="list-style-type: none"> <li>○ for each dwelling up to 30 dwellings—0.167 spaces;</li> <li>○ for each dwelling more than 30 and up to 70 dwellings—0.1 spaces</li> <li>○ for each dwelling more than 70 dwellings—0.05 spaces</li> </ul> </li> </ul>
<b>Design guidelines</b>	<ul style="list-style-type: none"> <li>• Design guidelines to inform the detailed design of the development, comprising objectives and controls relating to: <ul style="list-style-type: none"> <li>○ urban structure</li> <li>○ form and massing</li> <li>○ public realm</li> <li>○ materials</li> <li>○ residential amenity</li> <li>○ carparking</li> <li>○ sustainability</li> </ul> </li> </ul>

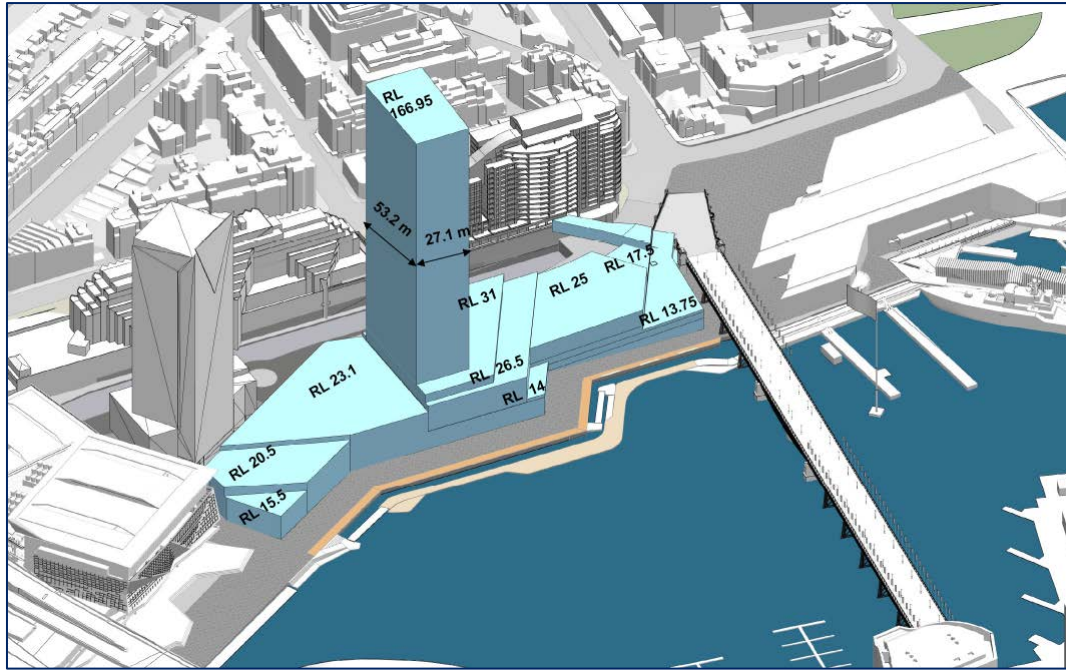


<b>Design Excellence</b>	Competitive Design Excellence Strategy, which includes a competition framework to select a design that delivers design excellence prior to any future development applications
<b>Contributions</b>	<ul style="list-style-type: none"> <li>\$5,200,000 contribution to affordable housing</li> </ul>
<b>Capital Investment Value</b>	<ul style="list-style-type: none"> <li>\$708,150,000</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>2,094 construction jobs comprising: <ul style="list-style-type: none"> <li>916 direct jobs</li> <li>1,178 indirect jobs</li> </ul> </li> <li>4,468 operational jobs comprising: <ul style="list-style-type: none"> <li>2,130 direct jobs</li> <li>2,338 indirect jobs</li> </ul> </li> </ul>

The proposed development is illustrated in **Figure 7** and **Figure 8**.



**Figure 7 | Building envelope (Base source: Applicant's Amended Design Report)**



**Figure 8 |** South east axonometric view of maximum building envelope (Base source: Applicant's Amended Design Report)

## 2.2 Applicant's indicative scheme

2.2.1 The Applicant has provided an indicative scheme that demonstrates how the future development may respond to the building envelope parameters and Design Guidelines (**Figure 9** and **Figure 10**). The indicative proposal comprises:

- 42,000 m<sup>2</sup> residential GFA comprising 357 dwellings, comprising 64 x 1 bed, 210 x 2 bed, 83 x 3 bed apartments
- 45,000 m<sup>2</sup> non-residential GFA comprising 8,000 m<sup>2</sup> retail and 34,000 m<sup>2</sup> office
- 306 car parking spaces.
- 1500 m<sup>2</sup> publicly accessible open space adjacent to Pymont bridge
- Bunn Street bridge
- open sky though site link
- Events steps
- Ribbon steps.





**Figure 9 |** Indicative tower and podium development (Source: Applicant's FFRtS)



**Figure 10 |** Indicative design of the central and northern podium adjacent to the Darling Harbour waterfront (Source: Applicant's FFRtS)

## 3 Strategic context

### 3.1 Greater Sydney Region Plan and Eastern City District Plan

- 3.1.1 The Greater Sydney Commission (GSC) released A Metropolis of Three Cities - Greater Sydney Region Plan (Region Plan) in March 2018.
- 3.1.2 The Region Plan sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan outlines how Greater Sydney will be transformed into a metropolis of three cities. The site is located within the Eastern City District.
- 3.1.3 The proposal is consistent with the directions of the Region Plan as it:
- fosters productivity through a growth in jobs and housing within the Harbour CBD, and in doing so, supports integrating land use and transport contributing to a walkable and '30-minute city', through an increase in employment and residential floorspace in a highly accessible part of the Harbour City (Objectives 14 and 18)
  - increases the amount of new publicly accessible open space, supporting the creation of approximately 3,500 m<sup>2</sup> of new open space in addition to a widened and upgraded waterfront promenade which will bring people together improving accessibility and enhancing the environment (Objectives 12 and 31).
  - will be appropriately sited to protect the heritage significance of Pyrmont Bridge (Objective 13)
  - facilitates planting and landscaping on roof top areas of the podium and along the waterfront promenade increasing urban tree canopy cover (Objective 30)
- 3.1.4 The site is located within the Eastern City District. The proposal is consistent with the objectives of the Eastern City District Plan, as it will:
- increase housing supply and choice with access to jobs, services and transport (Planning Priority E5)
  - support the renewal and reinvigoration of Darling Harbour while protecting the District's Heritage and provide new publicly accessible open space (Planning Priority E6)
  - include non-residential floor space capable of contributing to a stronger and more competitive Harbour CBD (Planning Priority E7), supporting the innovation corridor (Planning Priority E8) and help grow investment, business opportunities and jobs within the Harbour CBD (Planning Priority E11)
  - foster creation of the 30-minute city by locating residential and employment generating floorspace close to services and public transport (Planning Priority E10)
  - improve the enjoyment of Darling Harbour by improving access to the foreshore and an enhanced public domain providing opportunities for recreation, tourism and cultural events (Planning Priority E14)
  - increase the urban tree cover and deliver high quality open space (Planning Priority E17 and E18).



### **3.2 Sustainable Sydney 2030**

- 3.2.1 Sustainable Sydney 2030 sets out the City of Sydney's vision to make Sydney a more Global, Green and Connected metropolis by 2030.
- 3.2.2 The proposal will contribute to several strategic directions in Sustainable Sydney 2030, as it will:
- provide 45,000 m<sup>2</sup> of employment generating floorspace, to contribute to a globally competitive and innovative city (Strategic Direction 1)
  - provide a new bridge connection to Bunn Street over Darling Drive and the light rail corridor, through site links and enhanced site permeability to improve pedestrian connectivity between Darling Harbour and Pyrmont (Strategic Direction 4)
  - provide a mixed-use development, incorporating active uses and on-site public open space areas interfacing with the wider public domain, helping to foster a lively and engaging city centre for city centre worker and visitor communities (Strategic Direction 5)
  - create new publicly accessible open space on- site and enlarged and upgraded public domain along the waterfront (Strategic Direction 5)
  - provide 42,000 m<sup>2</sup> of residential floorspace, increasing housing supply (Strategic Direction 8)
  - provide sustainable development (Strategic Direction 9)

### **3.3 City Plan 2036**

- 3.3.1 City Plan 2036 is City of Sydney Council's Local Strategic Planning Statement which sets out a 20-year vision for land use planning and Council's future directions on infrastructure, liveability, productivity and sustainability. The plan builds on the strategic directions and objectives of the District Plan with respect to the innovation corridor in which the site is located.
- 3.3.2 The proposal is consistent with the Planning priorities of City Plan 2036 as it will:
- increase employment and residential floorspace in a highly accessible part of the city contributing to the creation of walkable neighbourhoods and a connected city (L1)
  - increase the area of accessible public domain and provide 3,500 m<sup>2</sup> of onsite publicly accessible open space supporting community wellbeing with social infrastructure (L3) and cultural and activity spaces (L1)
  - utilise an appropriate building envelope appropriate to its urban context, with future DAs subject to a competitive design process to ensure design excellence and a high amenity-built environment (L2)
  - include a contribution of \$5,200,000 for the provision of affordable housing to support a range of housing types and tenures (L3)
  - provide 45,000m<sup>2</sup> of non-residential floorspace capable of accommodating business and enterprise activities within the Harbour CBD to support the innovation corridor (P1 and P2)
  - provide sustainable development (S1, S2 and S3)

### 3.4 Future Transport 2056

- 3.4.1 The Future Transport Strategy 2056 is an update to the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.
- 3.4.2 The proposal is consistent with the six key outcomes of the Plan as the site is located within walking distance to a number of public transport services, it will encourage active transport travel options by providing bicycle parking spaces and end of trip facilities (subject to future assessment), on-site car parking spaces will be provided in accordance with Council's maximum car parking rates to encourage the use of public transport.

### 3.5 Pyrmont Peninsula Place Strategy

- 3.5.1 The State Government's Pyrmont Peninsula Place Strategy (the PPPS) was adopted in December 2020 and creates a 20-year vision and planning framework to support the NSW Government's vision to transform the Pyrmont Peninsula while meeting the aspirations of business, industry, visitors and residents. The PPPS presents the preferred future vision, based on the provision of a Metro Station in the Peninsula to accelerate the public and private benefits of the next wave of investment.
- 3.5.2 The site is located within the Tumbalong Park sub-precinct and is identified as a key site within the precinct and peninsula (Harbourside).
- 3.5.3 The proposal will support delivery of the Tumbalong Park place priorities by:
- creating space for new jobs in supporting services such as shops, restaurants cafes and bars (subject to future DA(s))
  - providing new commercial space for jobs in industries aligning with the innovation corridor (subject to future DA(s))
  - providing residential development without compromising the precinct's tourist, commercial and entertainment functions
  - providing roof top open space above podium level
  - improving the activation of Darling Drive
  - improving east west connections through new through site links, a pedestrian bridge and increased site permeability.
- 3.5.4 The proposal will also support the Harbourside site-specific framework as summarised in **Appendix I**.

## 4 Statutory context

### 4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$10 million (\$708,150,000) and is located within the 'Darling Harbour Site', which is identified as an SSD site under clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 Consent Authority

- 4.2.1 In accordance with Clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (Commission) is the consent authority as:
- Council has made an objection
  - a political disclosure statement has been made
  - there are more than 50 unique public submissions in the nature of an objection.
- 4.2.2 The Application is therefore referred to the Commission for determination.

### 4.3 Permissibility

- 4.3.1 The Darling Harbour Development Plan No.1 (DHDP) is the principal environmental planning instrument (EPI) that applies to the site. Clause 6 of the DHDP states that development specified in Schedule 1 including residential buildings, commercial facilities and demolition of existing works may be carried out with consent.
- 4.3.2 The proposal is therefore permissible under Clause 6 of the DHDP.

### 4.4 Secretary's Environment Assessment Requirements

- 4.4.1 On 30 August 2016, the Department notified the Applicant of the SEARs for the proposal.
- 4.4.2 On 8 May 2020, the Department notified the Applicant of the amended SEARs for the proposal following a request to include Stage 1 demolition works.
- 4.4.3 The Department is satisfied that the revised EIS adequately addresses the requirements of the SEARs to enable the assessment and determination of the application.

### 4.5 Mandatory Matters for Consideration

- 4.5.1 Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development (ESD).

4.5.2 The Department considered all these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments (EPIs) in its EIS as summarised in **Section 6**. The Department also considered the relevant provisions of the EPIs in **Appendix C**.

## 4.6 Other Approvals

4.6.1 The Department has recommended Terms of Approval (ToA) in accordance with the following requirements:

- section 4.22 of the EP&A Act, all physical works and subsequent stages of the concept proposal are to be subject to future DA(s)
- section 4.24 of the EP&A Act, the determination of future DA(s) cannot be inconsistent with the terms of the concept approval
- section 4.37 of the EP&A Act, any subsequent part of the development that is not SSD pursuant to the SRD SEPP is to be determined by the relevant consent authority.
- the concept approval lapses five years after the date of the consent unless works the subject of future DA(s) has physically commenced on the site (section 4.53 of the EP&A Act).



## 5 Engagement

### 5.1 Department's engagement

- 5.1.1 On 9 December 2016, the Applicant lodged the EIS for the redevelopment of Harbourside Shopping Centre. The proposal has been amended three times by the:
- Response to Submissions and attachments (RtS) dated 24 March 2020
  - Further Response to Submissions and attachments (FRtS) dated 12 October 2020
  - Final Further Response to Submissions and attachments (FFRtS) dated 27 November 2020.
- 5.1.2 In accordance with Schedule 1 of the EP&A Act and Part 6, Division 6 of the EP&A Regulation, the Department publicly exhibited the EIS, RtS and FRtS. The FFRtS was made publicly available on the Department's website. A summary of the exhibitions is provided at **Table 2**.
- 5.1.3 Of the 291 public submissions received, 28 were either duplicate or pro forma submissions. The Department therefore considers the number of unique public submissions to be 263.
- 5.1.4 During the public exhibition periods (**Table 2**), the application was displayed on the Department's website. The Department also notified adjoining landholders, Council, relevant Government agencies and all submitters received in response to each exhibition in writing.

**Table 2 |** Summary of Exhibition and Submissions

Stage	Exhibition period	Submissions
EIS	15 December 2016 until 14 February 2017 (61 days)	148 unique submissions (171 total) comprising: <ul style="list-style-type: none"><li>• 7 Government Agencies</li><li>• Council</li><li>• 140 public/special interest groups.</li></ul>
RtS	2 April 2020 to 29 April 2020 (28 Days)	62 unique submissions (64 total) comprising: <ul style="list-style-type: none"><li>• 6 Government Agencies</li><li>• Council</li><li>• 55 public/special interest groups.</li></ul>
FRtS	22 October to 4 November (14 days)	47 unique submissions (50 total) comprising: <ul style="list-style-type: none"><li>• 8 Government Agencies</li><li>• Council</li><li>• 38 public/special interest groups.</li></ul>
FFRtS	30 November to 13 December (Placed on the Department's website)	6 unique submissions comprising <ul style="list-style-type: none"><li>• 5 Government Agencies</li><li>• Council</li></ul>

- 5.1.5 The public and Government agency submissions are summarised at **Section 5.2 to 5.4** and at **Appendix D**. The Department has considered the comments raised in all submissions at **Section 6**.

## 5.2 Summary of submissions

- 5.2.1 A total of 263 submissions were received in response to the exhibition of the EIS, RtS, FRtS and FFRtS comprising 26 from government agencies, 4 from Council and 233 from the public (including special interest groups). A summary of the submissions is provided at **Table 3** and a summary of the issues raised in submission is provide in **Sections 5.3** and **5.4**. Copies of the submissions can be viewed at **Appendix B**.

**Table 3 | Summary of Submissions**

Submitters	Submissions					Position
	EIS	RtS	FRtS	FFRtS	Total	
<b>Government Agencies</b>					<b>26</b>	
Roads and Martine Services (TfNSW (RMS))	✓	✓	✓	✓		Comment
Sydney Trains		✓				
Heritage Council of NSW	✓	✓	✓	✓		
Aboriginal Cultural Heritage (ACH)			✓	✓		
Property NSW		✓	✓	✓		
NSW Environment Protection Agency (EPA)	✓	✓				
Ausgrid	✓					
Sydney Water	✓	✓				
Sydney Airport Corporation	✓		✓			
Civil Aviation Authority	✓		✓			
Department's Environment, Energy and Science Group (EES)			✓	✓		Object
Department's Natural Resources Access Regulator			✓			
<b>City of Sydney Council (Council)</b>	✓	✓	✓	✓	<b>4</b>	
<b>Special Interest Groups</b>					<b>26</b>	
Alex Greenwich MP	✓	✓				Object
AAPC Limited (Novotel and Ibis)	✓	✓				
Australian National Maritime Museum	✓	✓	✓			
Colliers International (Sofitel)		✓	✓			
National Trust of Australia	✓	✓				
Mirage Apartments Owners Corporation	✓					
Oaks Goldsbrough Committee			✓			
Pymont Action	✓	✓	✓			
Pymont Community Group	✓					
Sydney Harbour Association	✓	✓				
Strata Plan (One Darling Harbour)	✓	✓	✓			
Ultimo Village Voice	✓					
Mirage Apartment owners Corporation	✓					
Accommodation Association			✓			Comment

The Vintage (283 Sussex Street)			✓		
<b>Community</b>					<b>207</b>
	122	43	24		189
	4	0	3		7
	3	4	4		11
					Object
					Support
					Comment

### 5.3 Key issues Government agencies

5.3.1 The key issues raised by Government agencies are summarised in **Table 4**.

**Table 4 |** Government agency submission to the EIS, RtS, FRtS and FFRtS of the proposal

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)	
EIS	<p>TfNSW does not object to proposal and provided the following comments:</p> <ul style="list-style-type: none"> <li>ongoing consultation is required with TfNSW, light rail operator and Sydney Trains during design and construction to manage impacts on trains and cumulative construction impacts with other projects</li> <li>further information should be provided on the cumulative construction impacts</li> <li>a detailed queuing analysis for vehicle entry/exit and drop off points should be undertaken</li> <li>future demand for coach parking should be identified</li> <li>a pedestrian network analysis should be undertaken to ensure sufficient pedestrian capacity is provided</li> <li>the design of the vehicular drop off on Darling Drive should take into consideration the future use of Darling Drive with the cycleway</li> <li>wayfinding strategies and travel access guide should be developed to assist with increasing the mode share of walking and cycling</li> </ul> <p>RMS does not object to proposal and recommended preparation of a draft Construction Pedestrian and Traffic Management Plan prior to the issue of a Construction Certificate.</p>
RtS	<p>TfNSW does not object to the revised proposal and recommended conditions securing the following as part of any Stage 2 detailed design application:</p> <ul style="list-style-type: none"> <li>consultation with TfNSW Sydney Light Rail Operator and Sydney Trains and demonstrate compliance with ASA standard- external developments and development near Rail corridors and Busy Road's</li> <li>a draft Construction and Pedestrian Traffic Management Plan</li> <li>queuing analysis to demonstrate adequate capacity within the drop off area on Darling Drive to avoid vehicle queuing and drop off zone management plan</li> <li>assessment of future demand for coach parking for the SICEEP and Harbourside development</li> <li>road safety audit for the cycle way drop off area on Darling Drive and implementation of safety management measure as required</li> <li>wayfinding strategies.</li> </ul>
FRtS	<p>TfNSW does not object to the revised proposal and recommended revised and additional conditions securing the following as part of any Stage 2 detailed design application:</p> <ul style="list-style-type: none"> <li>Protection of Sydney Trains assets</li> <li>Construction and Pedestrian Traffic management plan</li> <li>Queuing analysis and traffic management plan</li> <li>Assessment of coach parking impacts</li> <li>Road safety audit of Darling Drive cycleway</li> </ul>

	<ul style="list-style-type: none"> <li>Wayfinding strategy</li> <li>Demolition management plan.</li> </ul>
FFRtS	TfNSW does not object to the revised proposal and reiterated its recommended conditions.
<b>Sydney Trains</b>	
RtS	Sydney Trains does not object to the revised proposal and noted that that ongoing consultation is required between the Applicant and Sydney Trains to ensure the continued protection of the 33kV High Voltage cable located west of the subject site at each stage of the development.
<b>Heritage NSW</b>	
EIS	<p>Heritage NSW does not object to the proposal recommended conditions securing:</p> <ul style="list-style-type: none"> <li>deletion of the direct link pedestrian bridge from the proposal to Pyrmont Bridge</li> <li>additional setback of all projecting building elements above Pyrmont Bridge to minimise visual impacts</li> <li>a Heritage Interpretation Plan</li> <li>identification, retention and mitigation of impacts to state significant archaeological items</li> <li>preparation of an archaeological interpretation plan in consultation with Heritage NSW</li> <li>a revised Statement of Heritage Impact, Aboriginal Due Diligence Assessment and Mitigation measures</li> </ul>
RtS	<p>Heritage NSW does not object to the revised proposal and noted the revised Heritage Impact Statement responded to previous Heritage NSW comments, and recommended conditions securing:</p> <ul style="list-style-type: none"> <li>resolution and improvements to the interface between the proposal and Pyrmont Bridge</li> <li>a Heritage Interpretation Strategy</li> <li>archaeological testing</li> <li>a Maritime Archaeological Assessment.</li> </ul>
FRtS	Heritage NSW reiterated its recommended conditions and noted that the revised northern podium is an improvement compared to EIS and RtS schemes.
FFRtS	Heritage NSW noted the revised northern podium envelope improved the relationship with Pyrmont Bridge and reiterated its recommended conditions
<b>Aboriginal Cultural Heritage (ACH)</b>	
FRtS	ACH did not object to the proposal and recommended conditions securing related to archaeological research design, unexpected finds and heritage interpretation.
FFRtS	ACH reiterated its recommended conditions.
<b>Place Management NSW (PMNSW)</b>	
EIS	<p>PMNSW does not object to the application and provided the following comments:</p> <ul style="list-style-type: none"> <li>Provide further consideration and elaboration regarding the proposed: <ul style="list-style-type: none"> <li>height and position of tower envelope</li> <li>scale of podium</li> <li>public benefits including site linkages, podium level open space and connectivity between Pyrmont and Darling Harbour</li> <li>introduction of residential use and how this relates to the objects of the DHDP</li> </ul> </li> </ul>
RtS	<p>PMNSW does object to the revised proposal and provided a copy of its landowner's consent conditions relating to the Stage 2 detailed design requiring:</p> <ul style="list-style-type: none"> <li>further consideration be given to: <ul style="list-style-type: none"> <li>increasing the amount of publicly accessible podium rooftop open space</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ creating generous east west links to open the western end of Darling Drive to Pyrmont and introduction of retail/commercial activities</li> <li>○ management and maintenance of events space to ensure safe use of the promenade during event mode</li> <li>○ water edge treatment including barriers and steps</li> <li>○ options to retain or relocate the existing Ferris Wheel within Darling Harbour</li> <li>● activation of the waterfront in addition to events, including an activated retail edge and interface with the public domain/waterfront parade</li> <li>● resolution of public and private access arrangements to connections and open space and the need for 24-hour access</li> <li>● minimise solar impacts to the foreshore</li> <li>● a Design Excellence process</li> <li>● provision of power and lighting and services for events</li> <li>● Bunn Street link to read as visually open and inviting</li> <li>● retention of access from Harbourside shopping centre to the Property NSW owned car park</li> <li>● adequate provision for safe movement of cycle users</li> <li>● provision of public amenity's for parent rooms and changing rooms</li> <li>● public art and lighting strategy</li> <li>● covenants on future residential titles regarding expectation of noise, light, vibration and temporary changes to access arrangements.</li> </ul>
FRTS	<p>PMNSW did not object to the proposal and recommended conditions as the landowner requiring future DA(s) explore opportunities to:</p> <ul style="list-style-type: none"> <li>● provide additional open space above northern podium</li> <li>● provide planting to soften commercial level facades</li> <li>● create more generous and activated east west links</li> <li>● demonstrate how ground and podium level will respond to various events</li> <li>● activate promenade for everyday use</li> <li>● consider water's edge treatment</li> <li>● provide 24-hour access for through site links</li> <li>● minimise solar impact to foreshore</li> <li>● ensure PMNSW represented on the design review panel</li> <li>● provide design of retail edge and retail strategy</li> <li>● provide details of power, utilities and facilities for events</li> <li>● improve landing of Bunn Street Bridge</li> <li>● retain pedestrian access from site to PMNSW car park</li> <li>● demonstrate alignment with PMNSW Bicycle strategy for Darling Harbour including safe movement and parking infrastructure</li> <li>● explore retention of Ferris Wheel</li> <li>● provide parent's rooms and changing facilities</li> <li>● provide public art and lighting strategy</li> <li>● a covenant/restriction on title to make future occupiers aware of noise, vibration and temporary access impacts within the precinct</li> <li>● retain existing cabbage tree palms</li> <li>● reduce glazed facades in detailed design</li> <li>● provide a signage and wayfinding strategy</li> <li>● provide public domain plan</li> <li>● provide details of future paving treatments</li> <li>● provide an outdoor seating plan and activation plans</li> <li>● demonstrate the protection of Pyrmont Bridge</li> <li>● consultation requirements through subsequent design stages</li> <li>● activation to waterfront and Harbourside Place</li> </ul>

FFRtS	PMNSW did not object to the proposal and reiterated its previous recommended conditions
<b>Environmental Protection Authority (EPA)</b>	
EIS	EPA does not object to proposal and confirmed the proposal is not an activity listed in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Council is therefore the appropriate regulatory authority for matters under the POEO Act.
RtS	EPA reiterated its comments provided in the response to the EIS.
FRtS	EPA reiterated its comments provided in the response to the RtS.
<b>Ausgrid</b>	
EIS	Ausgrid does not object to the proposal and recommended conditions relating to substation ventilation and separation, underground cables and the design of the building adjacent to easements and existing substations.
<b>Sydney Water</b>	
EIS	Sydney Water does not object to the proposal and provided information on water and wastewater infrastructure, stormwater assets, protection measures during demolition and construction and confirmed a separate Section 73 Compliance Certificate is required in accordance with the <i>Sydney Water Act 1994</i> .
RtS	Sydney Water reiterated comments provided in response to the EIS exhibition.
<b>Sydney Airport Corporation and CASA</b>	
EIS	<p>Sydney Airport does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <li>the proposed development will penetrate the OLS by 10.35m. The development should consider conditions for the safety, efficiency and regularity of air transport operations.</li> <li>a maximum height of the proposed development of 166.35m AHD inclusive of lift overruns, vents, chimneys, aerials, TV antennae, construction cranes;</li> <li>at the completion a certified surveyor is to notify the airfield design manager of the finished height</li> <li>separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the development.</li> </ul> <p>CASA does not object to the proposal and confirmed the proposal requires controlled activity approval from the Department of Infrastructure &amp; Regional Development (DIRD)</p>
RtS	No comments provided
FRtS	<p>Sydney Airport does not object to the proposal and provided the following comments</p> <ul style="list-style-type: none"> <li>Sydney Airport's Protected Airspace over the site is 156m AHD</li> <li>any proposed structures taller than 156m AHD would be subject to a determination under the Federal Airports (Protection of Airspace) Regulations 1996</li> </ul> <p>CASA did not object to the amended height of 166.95 and reiterated that an approval from the DIRD will be required.</p>
<b>The Department's Environment, Energy and Science (EES) Group</b>	
FRtS	EES did not object to the proposal and requested a survey for microbats due to potential impacts from early works demolition.
FFRtS	EES were satisfied that there is no potential for microbat habitat on site and recommended conditions securing native species and deep soil planting in future DA(s).



## Department's Natural Resources Access Regulator (NRAR)

FRtS	<p>The Department's NRAR did not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <li>any take of water from groundwater and/or surface water sources must be appropriately licenced under a water access licence (WAL) prior to the take of water commencing</li> <li>a Water supply works approval may also be required to authorise the water extraction works if an exemption does not apply.</li> </ul>
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## 5.4 Key issues City of Sydney Council

5.4.1 Council objects to the proposal, as summarised in **Table 5**.

**Table 5 |** Summary of objections and key issues raised in Council's submissions to the EIS, RtS, FRtS and FFRtS

Council	
EIS	<p>Council objected to the proposal on the following grounds</p> <ul style="list-style-type: none"> <li>the proposal is inconsistent with the SHC SREP as it puts private use before public good and will have a long-term negative impact on the public domain</li> <li>residential use should not be permitted on the site as: <ul style="list-style-type: none"> <li>it is inconsistent with the objectives of the DHDP</li> <li>the DHDP is an outdated EPI</li> <li>it is inconsistent with the Greater Sydney Commission's Draft Central District Plan and the draft Central Sydney Planning Strategy</li> <li>it is incompatible with events in Darling Harbour</li> <li>permanent ownership of public land through strata-titled apartments is inconsistent with the intent and purposes of Darling Harbour</li> </ul> </li> <li>overshadowing impacts to the public realm are excessive including overshadowing of the Woodward Fountain heritage landmark</li> <li>insufficient publicly accessible foreshore width</li> <li>it will have adverse heritage impacts on the setting and views of Pyrmont Bridge, the Goldsbrough Mort Woolstores and Woodward Fountain</li> </ul> <p>Council also provided comments in relation to:</p> <ul style="list-style-type: none"> <li>the development should be subject to a competitive design excellence process</li> <li>wind tunnel testing to demonstrate acceptable wind conditions</li> <li>heritage interpretation, non-Indigenous archaeology and Aboriginal heritage</li> <li>safety impacts for cyclists and pedestrians on Darling Drive</li> <li>upgraded bicycle lanes should be provided on both sides of Darling Drive</li> <li>a detailed Site Investigation (DESI) is required to assess contamination</li> <li>an Acid Sulphate Soil Management plan is required</li> <li>ESD performance is insufficient.</li> </ul>
RtS	<p>Council acknowledged the changes to the building envelope and relocation of the tower are an improvement to the previous scheme. Notwithstanding, Council maintained its objection on the following grounds:</p> <ul style="list-style-type: none"> <li>Residential land use – Council reiterated its previous objections and in addition considers: <ul style="list-style-type: none"> <li>the proposal is contrary to the objects of the Environmental Planning and Assessment Act (EPA Act) 1979 as it:</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ does not promote the social and economic welfare of the community</li> <li>▪ does not consider the social and environmental repercussions of residential uses in Darling Harbour</li> <li>▪ does not constitute and promote the orderly and economic use and development of land in Darling Harbour</li> <li>○ the site should be reserved for tourist, educational, recreational, entertainment, cultural and commercial land uses</li> <li>○ Council can meet NSW government housing targets without the provision of housing on this site.</li> </ul> <ul style="list-style-type: none"> <li>• the impact on community facilities and infrastructure has not been justified</li> <li>• the proposed affordable housing contribution is not qualified or based on relevant strategic documents</li> <li>• further resolution and additional information required in relation to wind, design excellence, public domain interface, building envelope, overshadowing, indicative design, pedestrian amenity and view impacts</li> <li>• the proposal still has unacceptable visual impacts and curtilage to the Pyrmont Bridge</li> <li>• access and servicing arrangements are unclear and the proposed loading capacity is insufficient</li> <li>• car parking should be reduced</li> <li>• traffic generation assessment and consideration of sustainable transport is inadequate</li> <li>• pedestrian modelling is required, and cycle lanes, pedestrian and cycle access points should be upgraded</li> <li>• public access to roof areas, even in part, would be supported</li> <li>• soil depths on roof areas should allow a diversity of plant species and forms</li> <li>• the existing Cabbage tree palms should be relocated in the final design</li> <li>• a noise masterplan should be prepared and recommendations to mitigate noise should be incorporated into the design competition brief</li> <li>• ESD strategies for the whole development should be considered and targets should be mandated for Stage 2</li> <li>• the preliminary Remedial Action Plan (RAP) cannot be relied upon</li> <li>• a public art strategy should form part of the future design excellence process</li> <li>• a detailed waste strategy will need to accompany future DA(s).</li> </ul>
FRtS	<p>Council maintained its objection and provided the following additional comments:</p> <ul style="list-style-type: none"> <li>• the proposal does not achieve the strategic vision of the Tumbalong Park sub-precinct and special considerations for the Harbourside site</li> <li>• residential land use contradicts the strategic vision of the site in the Pyrmont Place Strategy</li> <li>• the proposal would diminish the enjoyment of the foreshore and Darling Harbour precinct as a public asset.</li> <li>• public benefits are supported in principle but are minimum requirements to be delivered as part of any redevelopment</li> <li>• public domain elements are not secured in the envelope drawings</li> <li>• the affordable housing contribution must be levied and secured in future development</li> <li>• the Draft PPPS is preliminary and no testing or rationale has been provided in the document that justifies the maximum height of RL170</li> <li>• unacceptable wind impacts to parts of the development including outdoor communal space on level 4 and soil depth does not allow for vegetation-based mitigation</li> <li>• design competition should involve a minimum of five competitors</li> <li>• design Excellence Strategy should be amended to include a requirement for observers</li> <li>• building envelope does not secure onsite public domain</li> <li>• tower should be setback from the eastern and western ends of the podium</li> </ul>

	<ul style="list-style-type: none"> <li>podium envelope should be further setback from Pyrmont Bridge and lowered to ensure views to the water from the bridge</li> <li>the podium should be further setback to reduce impacts during the lunch period</li> <li>insufficient information is provided regarding overshadowing of neighbouring buildings</li> <li>the northern podium is too high and should be reduced to bridge level of RL 11.5</li> <li>the north east corner of the podium should replicate the building alignment of the Maritime Museum to increase openness of underbridge podium open space</li> <li>car parking must be constrained and align with the sustainable transport objectives of Sustainable Sydney 2030 and Transport for NSW's Movement and Place framework</li> <li>deep soil zones should be provided across podium roofs</li> <li>more of the green roof should be made accessible</li> <li>tree planting is recommended on green roofs</li> <li>appropriate soil volumes and depth for small trees, at a minimum of five metres in height, must be specified for the inaccessible rooftops and enough trees to provide 30% canopy coverage.</li> <li>the planting palette must be updated to include medium to large canopy trees with a minimum 10 metre height and canopy spreads of at least 8 metres</li> <li>the boulevard should not be reduced in width to encourage gathering</li> <li>existing stairs should be retained in addition to the Ribbon Stairs and have a civic grade</li> <li>Guardian Square extends over multiple levels not related to the public realm and does not provide equitable access</li> <li>Bunn Street Connection is not visually or physically direct and does not optimise views through the site and the through site link should be open to the sky as possible</li> <li>the development must showcase best practice sustainable building principles and demonstrate environmental performance.</li> <li>NABERS Energy Commitment Agreements for Office and Retail components should be formalised with the NSW Office of Environment and Heritage and demonstrate an on-site renewable energy commitment reflecting the NSW Government's Net Zero Emissions by 2050 Target</li> </ul>
FFRtS	Council maintained their objection and reiterated their previous comments.

## 5.5 Key issues Community and special interest groups

- 5.5.1** A total of 233 unique public submissions (including special interest groups) were received in response to the public exhibitions of the EIS, RtS and FFRtS. Submissions comprised 214 objections, 12 comments and seven in support. The key issues are summarised in **Table 6**.
- 5.5.2** A detailed breakdown of the issues raised in submissions in response to each of the three consultation stages is provided at **Appendix D**.

**Table 6** | Summary of public and special interest group submissions as a proportion of the total submissions made.

Public Submission	Percentage of total Submissions (233)
Excessive height, bulk and scale of the tower/podium	73%
Tower is too close to and dominates the Darling Harbour foreshore	56%

Out of character (residential land use)	46%
Heritage impacts on Darling Harbour and Pyrmont Bridge	46%
Overshadowing of the foreshore	40%
Private view loss	31%
Overdevelopment/density	28%
Traffic and parking impacts	28%
Visual Impacts on skyline from public domain	17%
Overshadowing of private residences	12%
Lack of planning controls for the site and non- compliance with Council controls	10%
Loss of privacy	10%
Insufficient public benefit/contributions	10%
Insufficient community infrastructure	9%
Lack of pedestrian connectivity from Pyrmont	9%
Inadequate public transport	5%
Noise impacts	5%

#### 5.5.3 Other issues raised in public submissions (less than 5%) included:

##### Objections and comments

- wind impacts
- loss of views from hotels (economic impact)
- ownership/use of apartments including foreign investment and short-term rental accommodation
- insufficient public open space
- insufficient community consultation
- waste management
- air quality
- approval should preclude a future second tower
- demolition hours should be limited
- insufficient affordable housing
- negative impact on property values
- reflectivity

##### Support

- support for the redevelopment of the existing shopping centre
- support for investment in the area

## 5.6 Response to submissions

- 5.6.1 Following exhibition of the EIS, RtS, FRtS and FFRtS, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.

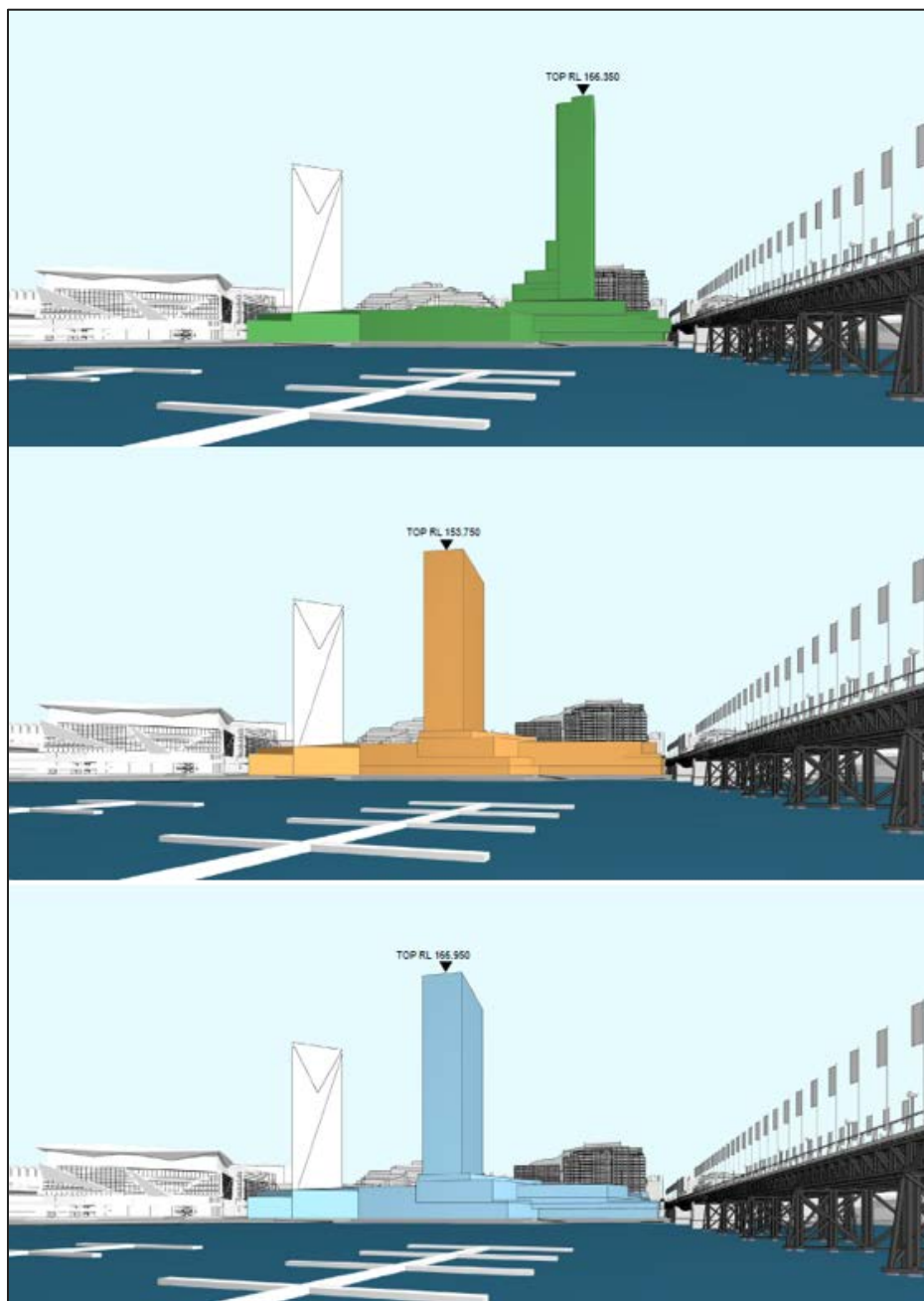


5.6.2 The RtS (submitted on 25 March 2020) FRtS (submitted on 12 October 2020) and FFRtS (submitted on 27 November 2020) amended the proposal and provided additional information and justification in response to the issues raised by the Department and in submissions.

5.6.3 A summary and comparison the key amendments are provided at **Table 7** and **Figure 11**.

**Table 7** | Summary and comparison of key amendments to the proposal

Component	EIS	RtS	FRtS	FFRtS	Difference between EIS and FFRtS
<b>Tower envelope height (max)</b>	RL 166.35	RL 153.75	RL 166.95	No change	+0.6 m
<b>Tower setbacks</b> <ul style="list-style-type: none"> <li>• waterfront</li> <li>• podium edge</li> <li>• Pyrmont Bridge</li> <li>• nearest residential use (One Darling Harbour)</li> </ul>	12 m 0 m 50 m 30 m	32 m 12 m 135 m 91 m	No change	No change	+20 m +12 m +85 m +61 m
<b>Northern Podium Height (max)</b>	RL 30.5 m	RL 25	No change	No change	-5.5m
<b>Northern Podium adjacent to Pyrmont Bridge</b>	RL 25.5	RL 25	RL 13.75	No change	- 11.75m
<b>Central Podium Height (max)</b>	RL 25.5	RL 31	No change	No change	+5.5m
<b>Southern Podium Height (Max)</b>	RL 23.1	No change	No change	No change	No change
<b>Total GFA (max) comprising</b> <ul style="list-style-type: none"> <li>• Residential</li> <li>• Non residential</li> </ul>	87,000 m <sup>2</sup> • 35,000 m <sup>2</sup> • 52,000m <sup>2</sup>	87,000 m <sup>2</sup> • 38,000 m <sup>2</sup> • 49,000 m <sup>2</sup>	87,000m <sup>2</sup> • 42,000 m <sup>2</sup> • 45,000 m <sup>2</sup>	No change	87,000 m <sup>2</sup> • +7,000 m <sup>2</sup> • -7,000 m <sup>2</sup>
<b>Indicative Apartments</b>	364	357	No change	No change	- 7
<b>Public Open Space</b>	<ul style="list-style-type: none"> <li>• 352 m<sup>2</sup> promenade extension</li> </ul>	<ul style="list-style-type: none"> <li>• Event Steps</li> <li>• 474 m<sup>2</sup> promenade extension</li> </ul>	<ul style="list-style-type: none"> <li>• Event steps</li> <li>• 474 m<sup>2</sup> promenade extension</li> <li>• 1,500 m<sup>2</sup> above northern podium</li> </ul>	<ul style="list-style-type: none"> <li>• Events steps</li> <li>• 474 m<sup>2</sup> promenade extension</li> <li>• 3,500 m<sup>2</sup> above northern podium (+ 2000m<sup>2</sup>)</li> </ul>	+3,622 m <sup>2</sup>
<b>Car Parking (indicative)</b>	295 spaces	306 spaces	No change	No change	+ 11 spaces
<b>Demolition</b>	-	-	Early works demolition of existing structures	No change	Early works demolition of existing structures



**Figure 11 | Comparison between the EIS, RtS and FRtS amended envelope (Base Source: Applicant's Amended Design Report)**

## 5.7 Independent design advice

- 5.7.1 Following exhibition of the EIS and consideration of submissions received, the Department raised concerns about the height, form and location of the tower envelope and its impact on amenity in terms of potential overshadowing and private view loss.
- 5.7.2 The Department also noted that the DHDP does not include planning controls to inform an appropriate development on the site.

- 5.7.3 In light of these concerns, the complexity of the proposal and the absence of built form planning controls for the site, the Department engaged Professor Peter Webber (the independent design advisor) to provide independent expert design advice to assist the Department's assessment of the application.
- 5.7.4 In order to address concerns raised in submissions and to mitigate the impacts of the proposal, the Department convened design workshops between the Applicant and the independent design advisor to allow the Applicant to explore alternative design options for the site and for the independent design advisor to review the proposal on an iterative basis.
- 5.7.5 The key outcomes from the design workshops were reflected in the FFRtS scheme which resulted in:
- the relocation of the tower to the central portion of the site resulting in reduced view impacts to private residences at One Darling Harbour, and increased setbacks from the foreshore and Pyrmont Bridge
  - maximum tower volumetric control of 80% and maximum tower floor plate of 1,000 m<sup>2</sup>
  - reduction to the northern podium envelope to provide a 1,500 m<sup>2</sup> of roof top public open space, adjacent to and level with the Pyrmont Bridge
  - an option for an additional 2,000 m<sup>2</sup> of publicly accessible open space on the upper northern podium roof level.
- 5.7.6 Following consideration of the FFRtS, the independent design advisor provided a final report (**Appendix G**). The report concluded that the critical issues including the building heights, forms and view impacts were resolved in the FFRtS in conjunction with the Department's recommended conditions.
- 5.7.7 The independent design advisor also considered the additional 2,000 m<sup>2</sup> of publicly accessible open space has the potential to provide a valuable public space and provided the following specific recommendations:
- a generous external stair should be included connecting level 5 with public open spaces on levels 2 and 3
  - an internal stair/escalator, as well as an elevator, should be provided from the commercial/retail levels for access by disabled people
  - sensitive landscape design should include seating, shaded areas and extensive planting having regard to exposure to strong winds and hot summer conditions
  - restriction of protrusions above RL 25 above the northern podium should be limited to moveable items, such retractable umbrellas and taller trees with see through canopies.
- 5.7.8 The Department has considered the findings and recommendations of the independent design advisor in **Section 6**.

## 6 Assessment

### 6.1 Key assessment issues

6.1.1 The Department has considered the proposal as amended in the FFRTS and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- land use
- density
- design excellence
- building envelope
- open space and connectivity
- parking, traffic and access
- public benefits.

6.1.2 These issues are discussed in the following sections of this report. Other issues considered during the assessment of the application are addressed in **Section 6.9** of this report.

### 6.2 Land use

6.2.1 The DHDP seeks to encourage the development of a variety of tourist, recreational, entertainment, cultural and commercial facilities. As outlined in **Section 4.3** the proposed residential, and commercial land uses are permitted with consent under the DHDP.

6.2.2 Concerns were raised in public submissions that the proposed residential land is out of character and incompatible with the 24-hour entertainment and tourism function of Darling Harbour. Concerns were also raised that there was too much or too little retail and office floorspace in the indicative scheme.

6.2.3 Council considers the proposed residential use is contrary to the DHDP and strategic policy applicable to the site including the PPPS, which prioritises employment, tourism and entertainment floorspace and will hinder the achievement of job targets. Council also consider that residential use would diminish the enjoyment of the foreshore and Darling Harbour as a public asset and precinct for leisure, recreation, entertainment, culture, education and commerce, which is not in the public interest.

6.2.4 PMNSW did not object to the residential land use and recommended a covenant and/or restriction as to user on the title/s of the development to ensure that any purchasers and occupiers of the residential apartments are made 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.

6.2.5 The Applicant contends that the inclusion of residential land use is appropriate as it:

- will not compromise active uses and events in the precinct as:

- residential uses will be located above the podium and set back from noise generating uses and the public domain
- noise mitigation measures including acoustic façade design and site-specific noise criteria can be implemented in future DA(s) to protect residential amenity
- is supported by recent and planned infrastructure investment including light rail, ferry and public-school upgrades, and contributes to achieving the NSW government's 20-year housing target
- will contribute to the vitality, vibrancy and 24-hour activation of the precinct delivering integrated mixed-use development.

6.2.6 The Department has carefully considered the concerns raised by Council and in public submissions and the advice provided by PMNSW. The Department supports residential development on the site as:

- the proposed residential use is permissible and will not compromise the objects of the DHDP in terms of impacts on existing or future employment, entertainment and tourism function of the wider precinct or events within the Darling Harbour precinct as:
  - the residential use would be confined to the tower, and is located 24 m above and setback 14 m from the podium, providing physical separation from noise generating sources within the waterfront public domain
  - future DA(s) will incorporate noise attenuation including acoustic glazing, semi enclosed balconies, landscape buffers zones and alternative noise criteria tailored to the 24-hour operation of the precinct
  - it will contribute to the creation of a mixed-use precinct, which is considered a desirable land use outcome taking precedence from Darling Square and Barangaroo South where residential uses co-exist with commercial, cultural, entertainment and recreational uses in the precinct.
- while the DHDP is not a contemporary EPI, the proposal, including residential uses, aligns with current strategic planning policies (including the Region Plan, District Plan and the PPS). In particular:
  - it prioritises employment generating floor space in line with the productivity priorities of the District Plan as more than 50% of the proposed GFA is non-residential floor space
  - it will support the Innovation Corridor and the employment, entertainment and tourism, function of the precinct as it will provide a mix of employment floorspace including shops, cafes, restaurants, bars and office floorspace (to be determined in future DA(s))
  - it will deliver significant public benefits including an additional 3,500 m<sup>2</sup> of publicly accessible open space, enhanced public domain and new through site links between Pyrmont and Darling Harbour (**Section 6.8**)
- the residential use would not diminish the enjoyment of the foreshore and Darling Harbour as a public asset, as the proposal will deliver significant public benefits, including enlarged and



enhanced public domain and improved site activation, accessibility and connectivity which will increase public use and enjoyment of the site and harbour

- the proposed residential tower results in acceptable built form, amenity and heritage impacts and traffic impacts (**Section 6.5** and **6.7**).

- 6.2.7 The Department recommends FEARs requiring future DA(s) address noise attenuation and demonstrate acceptable amenity to apartments to ensure the residential use does not compromise the tourism and entertainment function of the precinct. The Department also recommends FEARs for future DA(s) to demonstrate the non-residential land use mix aligns with the PPPS and explore opportunities for affordable workspace to support the innovation corridor.
- 6.2.8 The Department notes PMNSW's request for a covenant/restriction advising purchasers and occupiers on the potential amenity impacts of the precinct. While these measures would not provide a restriction on the land, the Department supports their inclusion as a practical way of managing future residents' expectations and notes they can be secured by PMNSW as a condition of landowner's consent for future DA(s).
- 6.2.9 Overall, the Department considers the proposed land uses strike an appropriate balance between supporting the productivity, liveability and sustainability priorities of the District Plan and align with the Tumbalong Park place priorities and site-specific opportunities identified in the PPPS.
- 6.2.10 While the Department appreciates Council and community concerns about the inclusion of private residential uses, it supports the revitalisation of the existing underperforming shopping centre with a vibrant mixed-use development, which would deliver significant public domain and open space improvements along with increased permeability, accessibility and activation at podium levels. These benefits would support the entertainment and tourism function of the precinct and substantially increase public enjoyment of the harbour.
- 6.2.11 The Department concludes the proposed residential and non-residential land use is consistent with the relevant strategic and statutory framework and the final non-residential land use mix will be subject to future DA(s) informed by the recommended FEARs. Further, future residential amenity can be adequately protected whilst safeguarding the entertainment function of the precinct.

### 6.3 Density

- 6.3.1 The proposal includes a maximum GFA of 87,000 m<sup>2</sup>, comprising 45,000 m<sup>2</sup> non-residential and 42,000 m<sup>2</sup> residential GFA. The proposed maximum GFA is approximately 67,000 m<sup>2</sup> greater than the GFA of the existing Harbourside Shopping centre development (approximately 20,000 m<sup>2</sup>).
- 6.3.2 Public submissions raised concern about the density of the development and that it represents an overdevelopment of the site.
- 6.3.3 The Department notes the DHDP does not provide any development controls in relation to floor space or density. The PPPS envisages a tower up to a height of RL 170 m on the site but does not provide any objectives or directions in relation to density.
- 6.3.4 The Department has therefore considered the proposed density on its merits, having regard to the appropriateness of the built form as well as the potential traffic generation, amenity impacts and demand on existing/future infrastructure associated with the proposal.

- 6.3.5 The Department considers the increase in floorspace has strategic merit, as it will provide a significant increase to employment generating floorspace, provide residential apartments which will enhance the vibrancy and vitality of Darling Harbour and has excellent access to existing and future public transport.
- 6.3.6 The Department considers the site can accommodate a greater density than what has been established by the existing Harbourside shopping centre development. The existing development has a floor space ratio (FSR) of approximately 1:1 which is significantly below neighbouring sites such as the ICC Hotel (10:1), The Ribbon (2.9:1) and Cockle Bay Wharf (3.6:1). The proposed development would have an FSR of 4.2:1 which is comparable to surrounding sites and considered appropriate as:
- the building height and scale is appropriate in this context (**Section 6.5**) as it aligns with the desired future character as established by the PPPS and surrounding developments including the Sofitel hotel, the Ribbon and the Concept approval for Cockle Bay Park
  - the proposal has acceptable amenity impacts (**Section 6.5**) as overshadowing to the public domain along the foreshore is minimised as much as feasible and offset by additional public open space, overshadowing to surrounding residential properties is minor and within acceptable limits and the proposal strikes a balance between protection of public/private views and the appropriate redevelopment of the site
  - the proposal provides significant public benefits including 3,500 m<sup>2</sup> of new publicly accessible open space on the northern podium rooftop in addition to new and upgraded public domain areas along the foreshore, new through site connections and event spaces (**Section 6.6**)
  - the DES will ensure design excellence in the detailed design and the creation of a well-designed development that is integrated into its immediate context (**Section 6.4**)
  - traffic generation is acceptable and would have limited impact on the road network (**Section 6.7**).
- 6.3.7 The Department concludes the proposal does not unreasonably impact on the surrounding area and is commensurate in scale and density with neighbouring developments in Cockle Bay. The proposal will provide significant public benefits for Darling Harbour, the CBD and Pyrmont, including new and activated public domain which will see the completion of the Darling Harbour precinct as a vibrant mixed use tourist, entertainment and commercial precinct.
- 6.3.8 To ensure the density of the development is not exceeded, the Department recommends a Term of Approval (ToA), which sets a maximum GFA of 87,000 m<sup>2</sup>, comprised of 42,000 m<sup>2</sup> residential GFA and 45,000 m<sup>2</sup> non-residential GFA. The Department notes that the maximum GFA is an upper limit and recommends the ToA provide clarify that the maximum GFA can only be achieved subject to demonstration of compliance with the conditions of approval, design excellence, consistency with the Design Guidelines (as amended) and being wholly contained within the approved building envelope.

## 6.4 Design Excellence

- 6.4.1 The Department considers the design excellence of the proposal is a key issue having regard to the proposed scale and density of the development and highly prominent location on the western foreshore of Cockle Bay.

- 6.4.2 The Applicant acknowledges the significance of the site in Darling Harbour and aims to provide a new development that creates a world class mixed use development, integrates with and builds upon ICC Sydney, achieves good design and amenity and improves the quality and amenity of the public domain.
- 6.4.3 The Applicant has provided a Design Excellence Strategy (DES) which outlines the proposed framework to ensure the future development exhibits design excellence.
- 6.4.4 The DES proposes a single invited design competition process to identify a winning architectural design as follows:
- select a minimum of six architectural/urban design teams in consultation with the Department and the Government Architect NSW (GANSW)
  - select a competition jury (Jury) comprising six members (three selected by the Applicant and three by the Department/GANSW)
  - prepare a competitive design process brief (Brief) to be endorsed by the Department and GANSW
  - engage technical advisors to input into the competition brief, provide advice to the competitors and technical assessment of submissions
  - Jury to consider a minimum of six submissions and recommend a preferred design based on criteria contained within the Brief
  - the competitive process will be run in a single stage with mid-point review over a period of 8 weeks
  - to retain design integrity, a Design Integrity Panel (DIP) comprised of members of the Jury will be convened prior to lodgement of the DA(s) and a design integrity report will be submitted as part of the Development Application.
- 6.4.5 Council supports the inclusion of a DES and considered the competition should involve a minimum of five competitors and include an independent observer in line with the Draft Government Architects Design Excellence Competition Guidelines. Council also considered noise mitigation recommendations associated with the residential use should be incorporated into the design brief.
- 6.4.6 In response, the Applicant has committed to including Council's requirements for consideration of noise and observers within the Competition Brief.
- 6.4.7 GANSW has considered the DES against its draft Design Excellence Competition Guidelines and endorsed the DES. GANSW advised it will review and endorse the Brief prior to the competition and oversee the competition and design integrity process.
- 6.4.8 The Department has considered the Applicant's DES and considers the proposed design competition process is appropriate given the prominent location of the site on the western waterfront of Darling Harbour, the significant areas and opportunities to enhance the public domain, activation and connectivity and the scale of the podium and tower. A competition with six competitors will ensure a diversity of architectural approaches are considered to achieve the best design outcome at the site.

- 6.4.9 As discussed in **Section 5.1**, the Department engaged Professor Peter Webber to provide independent design advice. Through this review process, the proposal has been refined and evolved to provide:
- a centrally located tower envelope which is setback from the Pymont Bridge, the waterfront and neighbouring residential properties, with a maximum floor plate of 1,000 m<sup>2</sup> of utilisation of 80% to control future building bulk
  - a two to five storey varied height podium with green landscaped roofs and substantial new areas of publicly accessible open space on the northern roof top adjacent to Pymont Bridge
  - commitments for new through site links to substantially improve access from Pymont to the waterfront.
- 6.4.10 The independent design advisor has reviewed the final proposal (as outlined in the FFRtS) and is satisfied that the proposed building envelope appropriately resolves concerns around building height, form and view impacts, and supports the proposal proceeding to a design competition.
- 6.4.11 The Department is satisfied that the evolution of the proposal has addressed the earlier concerns raised by the Department and its independent design advisor and provides a sound basis for future development to achieve design excellence.
- 6.4.12 The Department also considers the recommended built form parameters including the maximum volumetric fill of the tower and podium (**Section 6.5**) will provide sufficient flexibility within the building envelope for competitors to explore a range of design approaches to the development in the competition.
- 6.4.13 The Department recommends FEARs requiring:
- future DA(s) be subject to a competition in accordance with the DES as endorsed by the GANSW
  - a Competitive Design Brief be prepared in consultation with GANSW and endorsed by the Secretary and in accordance with the Government Architect's Design Excellence Competition Guidelines
  - establishment of a site-specific DIP to ensure design integrity in the detailed building design prior to the lodgement of the first DA
  - the scope (or terms of reference) of the DIP is to be finalised in consultation with the GANSW and approved by the Planning Secretary before the DIP is established
  - the DIP is to remain engaged to oversee the project through the assessment process and post approval stages
  - prior to lodgement of a DA, or during the exhibition period, the proposal should be presented to the DIP.
- 6.4.14 The Department concludes the DES, together with the building envelope parameters, Design Guidelines and recommended FEARs, provide a sound framework for the design competition and will ensure the future detailed design can achieve design excellence and maintain design integrity.

## Design Guidelines

- 6.4.15 The application is a concept proposal and therefore does not seek approval for the detailed design of buildings, which will be assessed as part of the future DA(s).
- 6.4.16 The proposal includes Design Guidelines which set out high level guidance and parameters to inform the detailed design of building within the envelope and ensure it achieves design excellence. The Design Guidelines provide specific guidance relating to urban structure, form and massing, public realm, materials, residential amenity, car parking and sustainability.
- 6.4.17 The Department supports the establishment of design guidelines for the development. The Department notes, although the Design Guidelines are high-level in nature, they generally provide an appropriate starting point for the design of future buildings and spaces.
- 6.4.18 The Department recommends several amendments to the Design Guidelines (**Appendix H**) to:
- provide flexibility for future DA(s) to resolve:
    - the final non-residential land uses and mix within the 45,000 m<sup>2</sup> maximum (**Section 6.2**)
    - pedestrian connections and public gathering/event space (**Section 6.6**)
  - require a minimum of 10,200 m<sup>2</sup> of public domain works including 2,000 m<sup>2</sup> above the northern podium as included as an option in the FFRtS (**Section 6.6**)
  - not pre-empt variations to the ADG (**Section 6.9**)
  - remove car parking rates, which are recommended as a Term of Approval (**Section 6.7**)
  - increase the ESD Green-star and NABERs targets in line with the Applicant's commitments (**Appendix C**).
- 6.4.19 The Department recommends modified Guidelines are submitted to and approved by the Planning Secretary prior to the lodgement of the first future DA. In addition, a FEAR is recommended to ensure future applications are consistent with the Guidelines, as modified.

## 6.5 Building Envelope

- 6.5.1 The proposal seeks concept approval for a residential and commercial building envelope comprising a tower, podium and bridge link from the site to Bunn Street to the west. The key building envelope parameters are summarised at **Table 1** and shown in **Figure 7** and **Figure 8**.
- 6.5.2 While the proposal does not seek approval for the detailed building design, the Applicant has provided details of an indicative scheme to demonstrate how the development may be delivered within the building envelope (**Figure 9** and **Figure 10**).
- 6.5.3 Concerns were raised in submissions about height, bulk and scale, view loss, overshadowing and wind impacts.
- 6.5.4 The Department acknowledges the concerns raised in submissions in the context of the existing low scale development on the site and its highly prominent location on the western edge of Darling Harbour. The Department notes the DHDP does not include planning controls for the site and while the PPPS envisages a tower on the site, with a maximum height of RL 170 and seeks to protect solar access to the harbour foreshore public domain, it does not provide any further guidance relating to building scale, setbacks or floor space.



6.5.5 Given the absence of planning controls to inform the proposal, the Department sought the advice of an independent expert to assist in its assessment of the application. The independent design advisor has given conditional support for the building envelope as summarised at **Section 5.7** and quoted at **Appendix G**.

6.5.6 In response to the concerns raised during the assessment process, the Applicant has amended the building envelope (**Table 7**), including the following key changes:

- relocate the tower a further 85 m south of Pyrmont Bridge (increasing the setback from 50 m to 135 m)
- increase the setback of the tower from nearest residential uses by 61 m (from 30 m to 90 m)
- increase the minimum tower setback from the waterfront by 20 m (from 12 m to 32 m)
- reduce northern podium envelope height by 5.5 m (from RL 30.5 to RL 25.5)
- reduce the height of the northern podium adjacent to Pyrmont Bridge by 3.75 m (from RL 17.5 to RL 13.75)

The Department considers the key assessment issues in relation to the building envelope are:

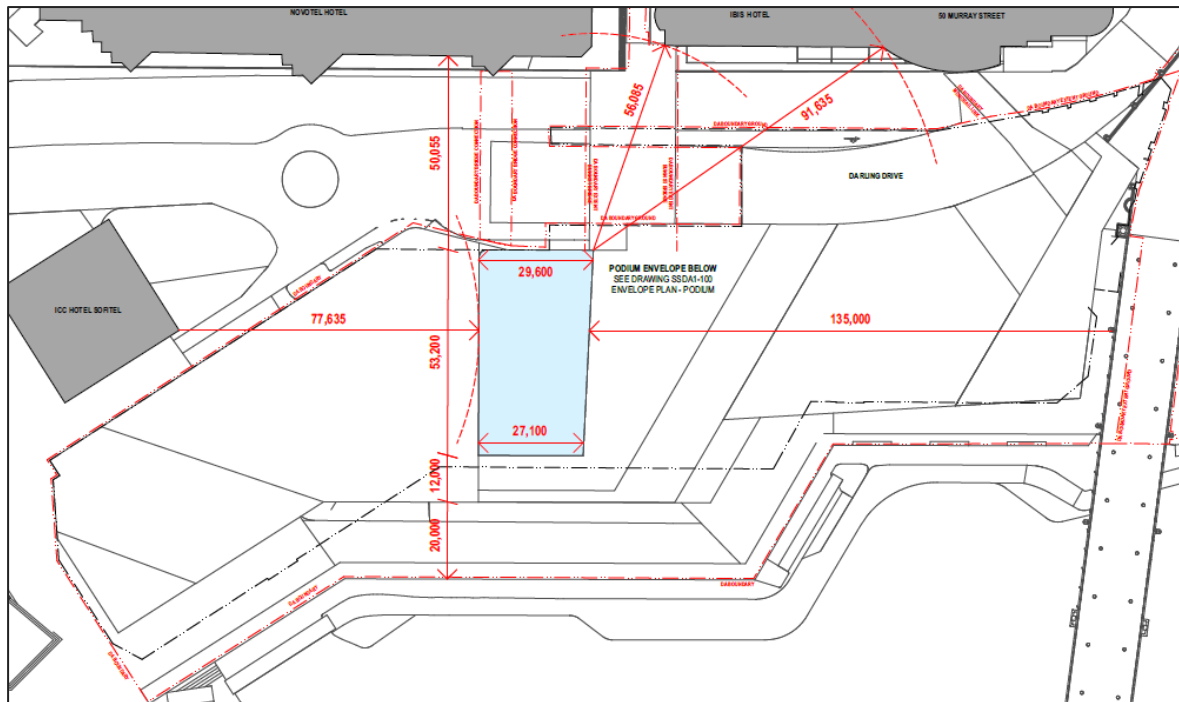
- height, bulk and scale
- overshadowing
- view impacts
- heritage
- wind impacts.

## Height, bulk and scale

### Tower

6.5.7 The proposal seeks approval for a residential tower building envelope with a height of RL 166.95 m (approximately 49 storeys, including podium) with maximum dimensions of 29.6 m wide and 53.2 m deep.

6.5.8 The tower is setback 32 m from the waterfront, 91 m from One Darling Harbour, 50 m from the Novotel and Ibis hotels, 135 m from Pyrmont Bridge and 77 m from the Sofitel hotel. It is setback 12 m from the eastern (waterfront) extent of the podium (**Figure 12**).



**Figure 12 | Tower setbacks (Source: Applicant's FRtS)**

6.5.9 The Applicant submitted a Visual and View Loss Impact Assessment (VVIA) in support of the application and provided perspectives of the building envelope as seen from key vantage points as shown at **Figure 13** to **Figure 17**.



**Figure 13 | Existing (left) proposed (right) view west from the Pyrmont Bridge (Source: Applicant's FRtS)**



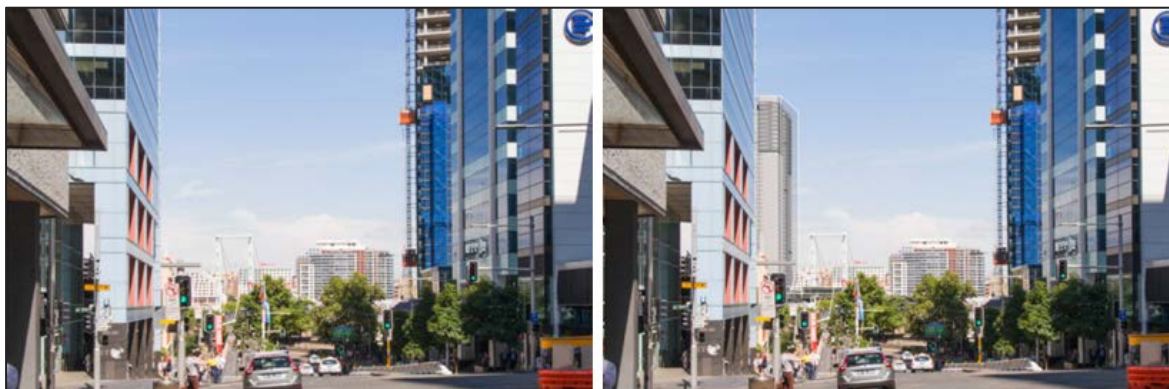
**Figure 14 | Existing (left) proposed (right) view west from the Cockle Bay foreshore (Source: Applicant's FRtS)**



**Figure 15** | Existing (left) proposed (right) view south from the King Street Wharf (Source: Applicant's FRtS)



**Figure 16** | Existing (left) proposed (right) view north from the Tumbalong Park (Source: Applicant's FRtS)

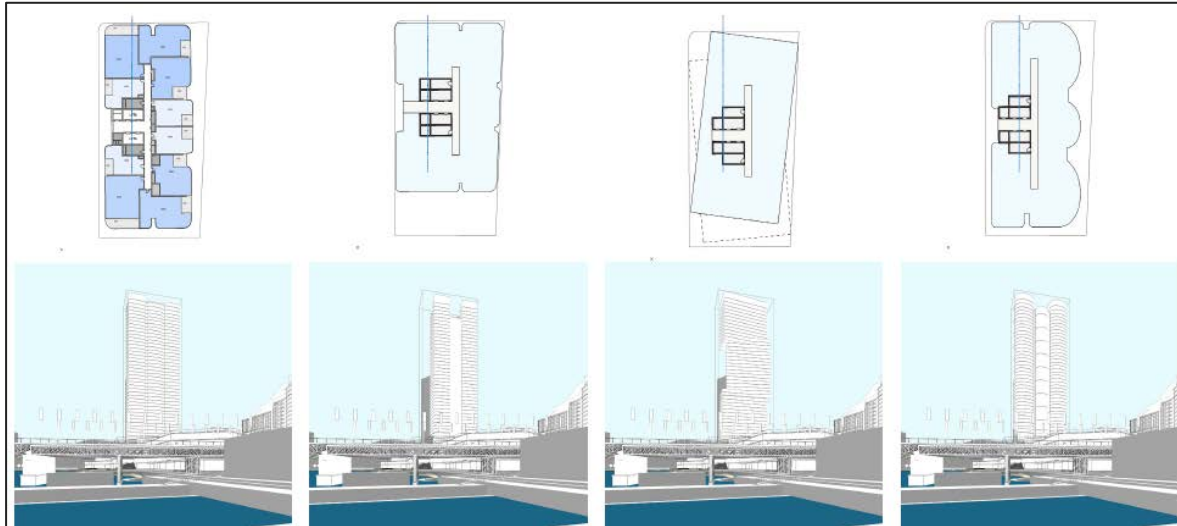


**Figure 17** | Existing (left) proposed (right) west from Market Street (Source: Applicant's FRtS)

6.5.10 Concern was raised in public submissions about the height, bulk and scale of development, the visual impact of the tower and its impact on the character of Darling Harbour and Pyrmont to the west.

6.5.11 Council notes the PPPS provides no testing or rationale for the maximum height of RL 170. Council considers that the optimisation of height should go hand in hand with protection of solar access to the harbour foreshore public domain and the delivery of employment, entertainment and tourism floor space. Council also raised concern that the depth of the tower on its north/south axis was excessive for a residential tower and recommended the proposal not encroach into the vista along Market Street (**Figure 17**).

6.5.12 In response to concerns raised in submissions and by the independent design advisor, the Applicant proposed built form controls for the tower restricting the maximum floorplate to 1,000 m<sup>2</sup> as per Sydney DCP requirements and maximum building volume of 80% of the envelope. The Applicant provided indicative examples of how the controls could work to reduce the appearance of building bulk (**Figure 18**).



**Figure 18** | Examples of alternative massing within the proposed envelope (Source Applicant's FRtS)

6.5.13 The Applicant contends the proposed height, bulk and scale of the tower building envelope is appropriate as:

- alternative locations, heights and massing options have been tested which has led to the evolution of the proposal as described in Section 5.6 and Figure 18.
- it responds to the current and future built form character of Darling Harbour, is setback from Pyrmont Bridge, the waterfront and maximises view sharing, solar access and outlook
- the tower is oriented to ensure maximum solar access and outlook and reduce visual bulk when viewed from the east (CBD) and west (Pyrmont)
- the proposed design guidelines, floor plate and volumetric fill controls and the design competition will ensure the detailed design will minimise the perceived visual bulk and ensure an elegant tower which achieves design excellence.

6.5.14 The independent design advisor considers that the proposed tower height and scale is acceptable having regard to the PPPS and the overall public benefits of the proposal including excellence in public open space.

6.5.15 In order to thoroughly assess the appropriateness of the tower-built form, the Department has carefully considered the consistency with the surrounding character, the tower location, bulk and scale and visual impacts.

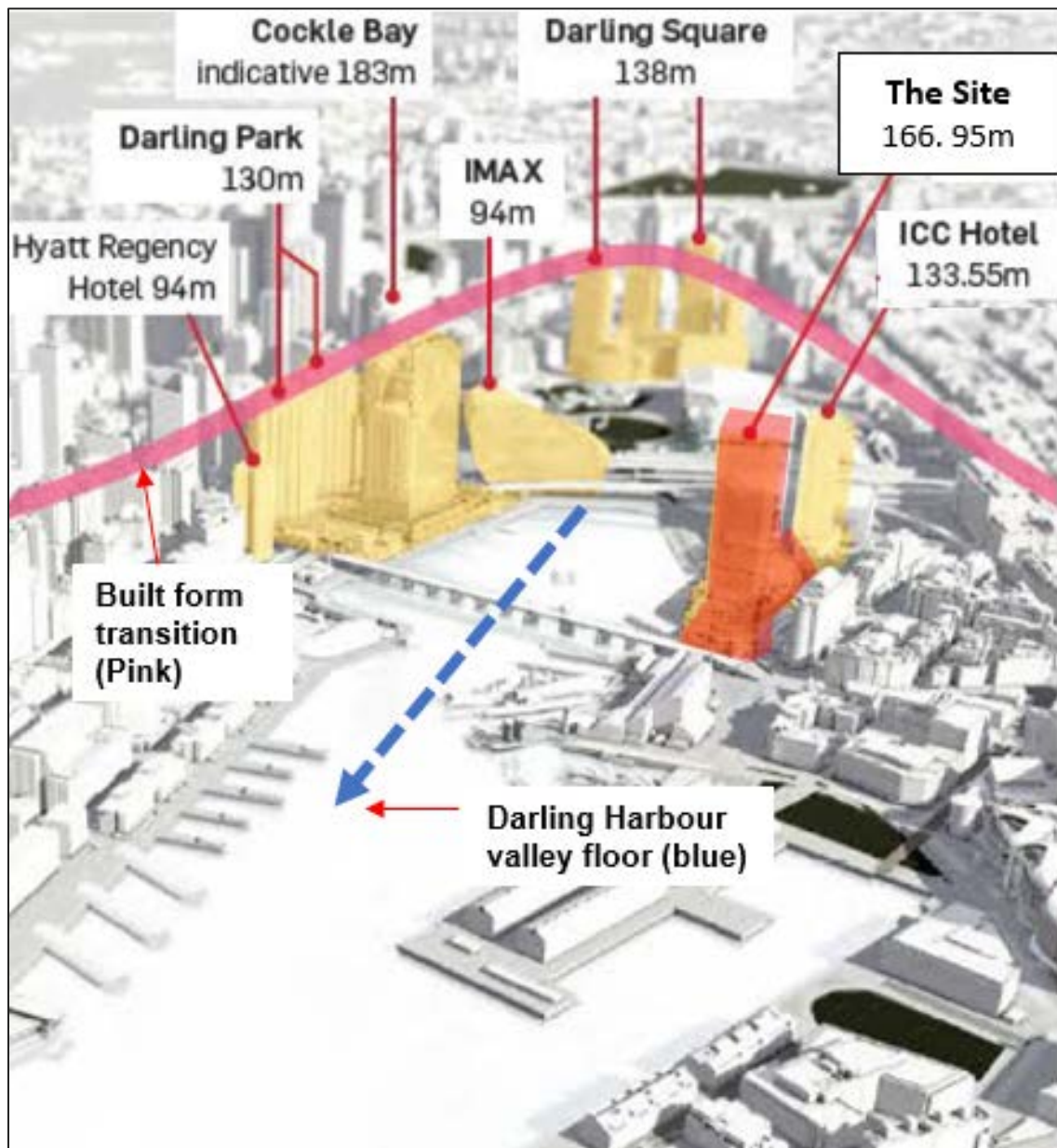
#### Character

6.5.16 Over the past 10 years Darling Harbour has undergone a period of renewal and regeneration and the recent development of the ICC facilities, Sofitel and Darling Square and the approval of The Ribbon (currently under construction) and Cockle Bay Park (approved concept plan) have transformed its character.



6.5.17 The Department considers the introduction of a tower on this site is consistent with the prevailing and emerging character within this part of Darling Harbour as:

- it provides a tower close to the foreshore, framing the public realm along the edge of Cockle Bay consistent with the Cockle Bay Park, the Ribbon and Sofitel hotel developments (Figure 19)
- it provides the opportunity for a significant upgrade and renewal of the existing public domain and new areas of open space contributing to the growth of the precinct as a vibrant and diverse tourist and entertainment precinct
- it aligns with the desired future character as established by the PPPS which envisages a tower of up to RL 170 on this site.



**Figure 19** | Surrounding existing and approved building heights within Darling Harbour

[Tower location](#)



6.5.18 The proposal has been amended in consultation with the Department and its Independent Design Advisor (**Table 7**) to relocate the tower from the north adjacent to Pyrmont Bridge to the centre of the site. Through this process, the Department is satisfied the central location is appropriate as:

- it is a result of an iterative review process and supported by the independent design advisor
- it has reduced visual impacts, compared to the northern location, when viewed from Cockle Bay, Pyrmont Bridge and other more distant viewpoints, where it would be perceived in conjunction with the existing Sofitel hotel tower, rather than in isolation
- it has acceptable heritage impacts on the Pyrmont Bridge, being setback 135 m ensuring adequate separation and protection of the heritage significance of the Bridge
- it results in significantly reduced view impacts to residential properties at One Darling Harbour compared to the northern location, and maximises view sharing by establishing a view corridor between the Sofitel tower which ensures neighbouring hotels to the west retain some views through to Darling Harbour
- facilitates the creation of a significant area of publicly accessible open space above the northern podium maximising the solar access of this space (**Section 6.6**), which is a significant public benefit.

6.5.19 The Department notes the tower has been located as far south and away from the Pyrmont Bridge as possible noting an existing legal agreement with the ICC hotel restricting building height at the southern part of the site. The tower envelope location is the result of a comprehensive review process by the Department's Independent Design Advisor and is considered on balance, to represent the best outcome for the site in terms of overshadowing, view loss, and heritage impact (**Section 6.5**).

#### Bulk and scale

6.5.20 The Department considers the orientation of the tower presenting its narrowest 27.1 m wide elevation to Darling Harbour is appropriate as it will read as a slender form in key views from the east and west. The tower envelope is setback from the podium edge and waterfront promenade, which ensures the tower is suitably recessive and does not have an overly dominant impact on the public domain.

6.5.21 The Department acknowledges Council's concern about the 53.2 m depth of the northern and southern elevations of tower, however, considers the bulk of the building envelope is appropriate as:

- it is viewed in conjunction with the Sofitel hotel from the north and south and will be read as a cohesive element of the skyline on the western foreshore from key viewpoints
- the indicative scheme incorporates varied modulation and articulation, demonstrating how a future detailed design could mitigate perceived bulk
- the envelope provides for opportunities for additional east west setbacks above the podium to be explored and the detailed design of the tower would be subject to:
  - a design competition to ensure it achieves design excellence (**Section 6.4**)
  - built form controls and design guidelines (as amended by the Department at **Appendix H**) have been proposed in consultation with the Department's independent design

advisor to ensure the tower fills a maximum of 80% of the building envelope, has a maximum floor plate area of 1000 m<sup>2</sup> and is slender.

#### Visual impacts

6.5.22 The Department has considered the visual impact of the proposal within the key vantage points (**Figure 13 to Figure 17**). The Department acknowledges that the proposal would have a noticeable visual presence from close and distant vantage points, however, considers the overall visual impact would be acceptable as:

- it would be viewed in conjunction with the existing Sofitel hotel, reducing the visual isolation of this tower and reflect the wider emergent character of tall buildings adjacent to the waterfront in Cockle Bay
- the VVIA has demonstrated that the proposal would not have an unacceptable visual impact when viewed from key vantage points on the opposite side of Darling Harbour, from Pyrmont Bridge or from more distant perspectives. The proposal will frame the existing view along Market Street (**Figure 17**) without detracting from the quality of the vista towards Pyrmont
- the tower and podium form will ensure that the future building has an appropriate scale and enhances the character of Darling Harbour, aligning with the desired future character as established by the PPPS, which envisages a tower of up to RL 170 on this site.

#### Conclusion

6.5.23 In conclusion, having carefully considered the proposal within the context of Cockle Bay and Darling Harbour and the expert design advice, the Department considers the proposed location, height and scale of the tower envelope is acceptable as:

- a tower on the site is consistent with the prevailing and emerging character within this part of Darling Harbour, and the desired future character as established by the PPPS which envisages a tower of up to RL 170 on this site
- the central tower envelope location represents the best outcome for the site in terms of visual impacts, view loss, and heritage impacts and facilitates the creation of a significant area of publicly accessible open space above the northern podium, which is a key public benefit of the proposal
- built form controls and design guidelines will ensure the tower fills a maximum of 80% of the building envelope, has a maximum floor plate area of 1,000 m<sup>2</sup> and is slender, and the detailed design would be subject to a competitive design process to ensure it achieves design excellence
- the VVIA has demonstrated that the proposal would not have an unacceptable visual impact when viewed from key vantage points on the opposite side of Darling Harbour, from Pyrmont Bridge or from more distant perspectives.

### **Podium**

6.5.24 The proposal seeks approval for a commercial podium building envelope (**Figure 7, Figure 8 and Figure 20**) with a maximum height of:

- northern podium: RL 26.5 to 25 (approximately 5 storeys) stepping down to RL 13.75 (approximately 2 storeys) adjacent to the Pyrmont Bridge
- central podium RL 31 (approximately 6 storeys)
- southern podium RL 23.1 (approximately 4 storeys).

6.5.25 The podium is setback between 14 and 20 m from the waterfront, and 4 m to 7 m from Pyrmont Bridge.



**Figure 20** | CGI of the proposed podium envelope and indicative proposal from the south (Base Source (Applicant's VVIA))

6.5.26 Concern was raised in public submissions about the height, bulk and scale of podium. Several submissions considered the podium should be no higher than the existing building.

6.5.27 Council raised concerns in relation to the podium and considered:

- it be should be setback from the waterfront in line with the existing Harbourside building and further setback from Pyrmont Bridge
- the height of the podium adjacent to Pyrmont Bridge should be lowered so it is no higher than the bridge surface to ensure views to the water from the bridge
- the Bunn Street through site link, "Event Steps" and "Ribbon Steps" should be secured through modifications to the envelope volume.

6.5.28 The Applicant contends the podium height and scale responds to surrounding context and is appropriate as:

- the southern podium height allows view sharing from the ICC pool deck and foyer spaces

- the northern podium height is consistent with the Maritime Museum and is sympathetic to Pyrmont Bridge
- the regularised waterfront setback results in an increase of 474 m<sup>2</sup> of additional public domain along the waterfront
- design guidelines secure the delivery of through site links and events stairs
- the podium envelope volume allows for flexibility to allow for innovative solutions through the design competition process.

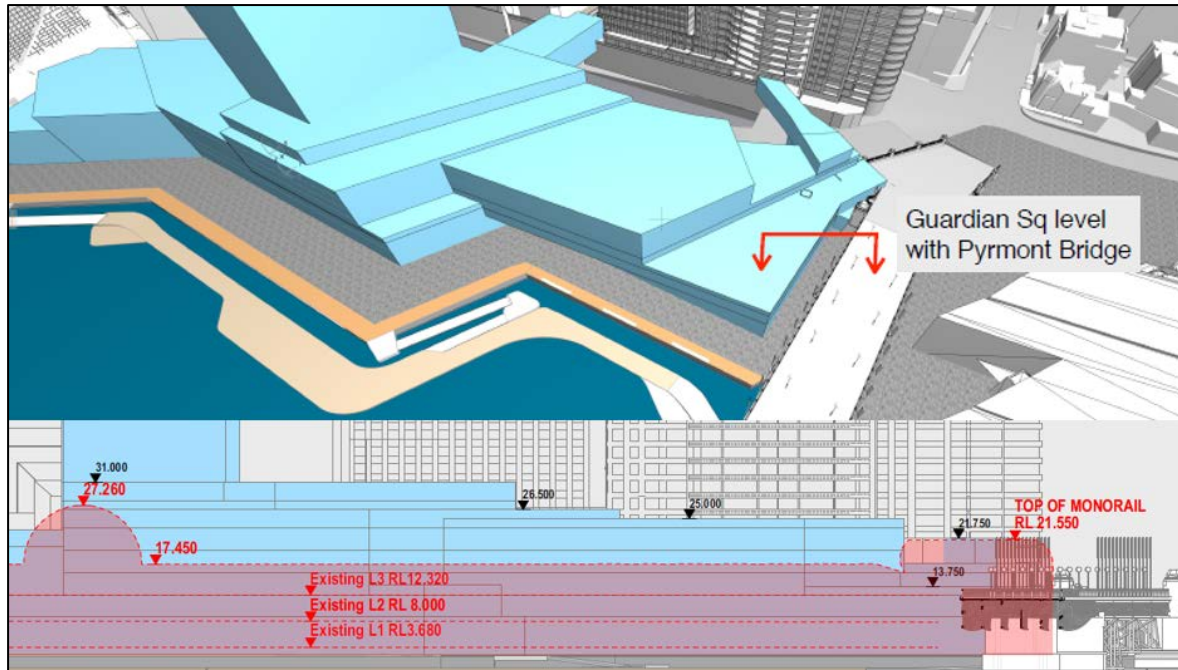
6.5.29 The Department's Independent Design Advisor considered the podium through the review process and concluded that the amendments to the podium result in improved access from Pyrmont Bridge and an appropriate scale along the waterfront.

6.5.30 The Department has carefully considered the height, setbacks and bulk/scale of the podium envelope below.

#### Podium height

6.5.31 The podium has been amended in consultation with the Department and its Independent Design Advisor (**Table 7**) significantly reducing its height at the northern end. The Department is satisfied the revised podium height is appropriate as:

- the varied heights provided within the northern, central and southern section respond appropriately to the site's varied context and are lower than the Sofitel Hotel to the south west and Maritime Museum to the north
- it will ensure view loss impacts are minimised for the adjacent hotels and residential properties at One Darling Harbour to the west (**Section 6.5**). In particular, the height of the northern most extent of the podium envelope has been reduced (RL 13.75) and the higher portion of the podium envelope (RL 25) includes a chamfered edge along its north-western facade (**Figure 24 and Figure 25**) which would allow some views to be retained towards Pyrmont Bridge and the water from the One Darling Harbour apartments
- the height of the northern most extent of the podium envelope (RL 13.75) would respect the heritage significance of Pyrmont Bridge (**Section 6.5**). In addition, it will be lower and have a more sensitive relationship with the Pyrmont Bridge than the existing structures on site, as both the existing monorail structures (RL 21.55) and the existing ridge line of the Harbourside shopping centre (RL 17.45) currently exceed the height of the Pyrmont Bridge (**Figure 21**)
- the lowered northern podium height, would provide level access to the public open space from the Pyrmont Bridge approach (**Section 6.6**)
- the Department recommends FEARs requiring future DA(s)
  - restrict the height of the northern podium adjacent to Pyrmont Bridge so as not to exceed Pyrmont Bridge deck level
  - demonstrate how view impacts to affected properties are minimised (**Section 6.5**).



**Figure 21 |** Podium envelope (above) and comparison of the podium envelope and the existing Harbourside Shopping Centre (below) (Source: Applicant's FFRtS)

#### Podium setbacks

6.5.32 The Department is satisfied with the podium setbacks to the waterfront and Pyrmont Bridge as:

- the podium setback along the waterfront of between 14 m and 20 m provides adequate space for events and public gatherings, regularises the existing varied setback, widens existing pedestrian pinch points and results in an overall increase of 474m<sup>2</sup> of waterfront public domain (**Section 6.6**)
- the setback to Pyrmont Bridge of between 4 m and 7 m combined with the lowered height of the podium, level with Pyrmont Bridge deck height, would allow adequate separation so as not to affect appreciation of the bridge
- any further setback to the Pyrmont Bridge would compromise the proposed open space and vision for Guardian Square to provide a transition between the bridge and the waterfront (**Section 6.5**)

#### Podium bulk and scale

6.5.33 The podium building envelope has a length of approximately 260 m from north to south along the length of the western edge of Cockle Bay and ranges in height from RL 31 to RL 13.75. The Department considers the bulk and scale and detailed design of the podium within the envelope is critical in achieving an appropriate scale along the waterfront and ensuring acceptable visual impacts.

6.5.34 The Applicant's indicative proposal occupies 78% of the total building envelope volume and demonstrates how a future detailed design may sit within the envelope. The indicative proposal breaks up the length of the podium into three distinct components, includes through site links and 'event steps' along the waterfront.



- 6.5.35 The Department is satisfied that the indicative design demonstrates that the proposed GFA can be delivered with sufficient void space to provide for generous through site links, visual permeability and varied massing to break up the bulk and scale of the podium along the waterfront. The Department considers the indicative proposal, filling 78% of the envelope, generally represents the maximum external bulk of the podium.
- 6.5.36 In order to ensure that detailed design of the podium has an acceptable bulk and scale, the Department recommends a built form control requiring a maximum 80% volumetric fill of the podium envelope.
- 6.5.37 The Applicant has raised concern that the 80% limit is too restrictive and proposed an alternative limit of 88% to allow for flexibility in the detailed design. The Applicant raised concern that an 80% control will limit the ability to achieve design excellence and deliver the public domain improvements including the podium rooftop open space and central through site link.
- 6.5.38 The Department has carefully considered the Applicant's concerns however does not agree that an 80% volumetric fill of the podium will hinder the achievement of design excellence or delivery of public benefits. The Department maintains its view that a maximum 80% volumetric control should apply to the podium for the following reasons:
- it will ensure the external bulk of the podium is broken down and articulated which is critical given the height and length of the podium envelope and its highly prominent location occupying most of the western foreshore of Darling Harbour
  - it will ensure flexibility through the design competition by having a higher portion of the building envelope which cannot be occupied
  - it would not compromise the achievement of the podium rooftop open space which sits on top of the envelope
  - the indicative scheme, at 78% of the envelope, generally represents the maximum acceptable external bulk of the podium.
- 6.5.39 The Department considers a volume greater than 80% would be likely to appear excessively bulky and result in less generous through site links, reduced podium separation, articulation and site permeability.
- 6.5.40 The Department concludes the bulk and scale of the podium is acceptable as:
- the indicative proposal demonstrates an acceptable bulk and scale utilising 78% of the envelope volume
  - design guidelines and recommended FEARs require future detailed DA(s) incorporate permeable design, including new east west through site links to the proposed Bunn Street bridge and between the foreshore and Pyrmont Bridge approach (**Section 6.6**)
  - the detailed design of the podium would be subject to:
    - a design competition to ensure it achieves design excellence (**Section 6.3**)
    - a built form control restricting the volumetric fill of the podium to 80%
    - FEARs requiring future DA(s):
      - demonstrate break up of massing and a high level of site permeability, including through site links and stair access from the foreshore to onsite public open space

- provide a safe and activated streetscape interface on all boundaries
- provide a retail design and activation strategy to ensure retail frontages provide appropriate interface with the foreshore public domain
- demonstrate how view impacts to affected properties are minimised (**Section 6.5**)
- ensure the northern podium has a suitable relationship with and protects the heritage values of Pyrmont Bridge (**Section 6.5**).

### Conclusion

6.5.41 The Department concludes that the height, form and scale of the proposed podium envelope responds appropriately to its immediate context within Darling Harbour and is acceptable as:

- the varied heights provided within in the northern, central and southern section's respond appropriately to the site's varied context, enable an appropriate scale to be achieved along the waterfront and provide a balanced response to view sharing to neighbouring residential and hotel uses
- the podium setback along the waterfront results in an overall increase of 474 m<sup>2</sup> of waterfront public domain, removes existing pedestrian pinch points and provides improved space for events and public gatherings
- the scale and setback of the podium is sympathetic to Pyrmont Bridge and provides an opportunity for a high quality and civic scale space on the northern podium roof which seamlessly aligns with the bridge and provides a high amenity transition down to the waterfront
- the external bulk of the podium will be restricted to 80% of the envelope to ensure the building form achieves a high amount of articulation, consistent with the indicative scheme
- the design guidelines and recommended FEARs will ensure that the podium bulk and scale is limited while providing flexibility for innovative design solutions to deliver appropriate permeability, connectivity and open space in future DA(s).

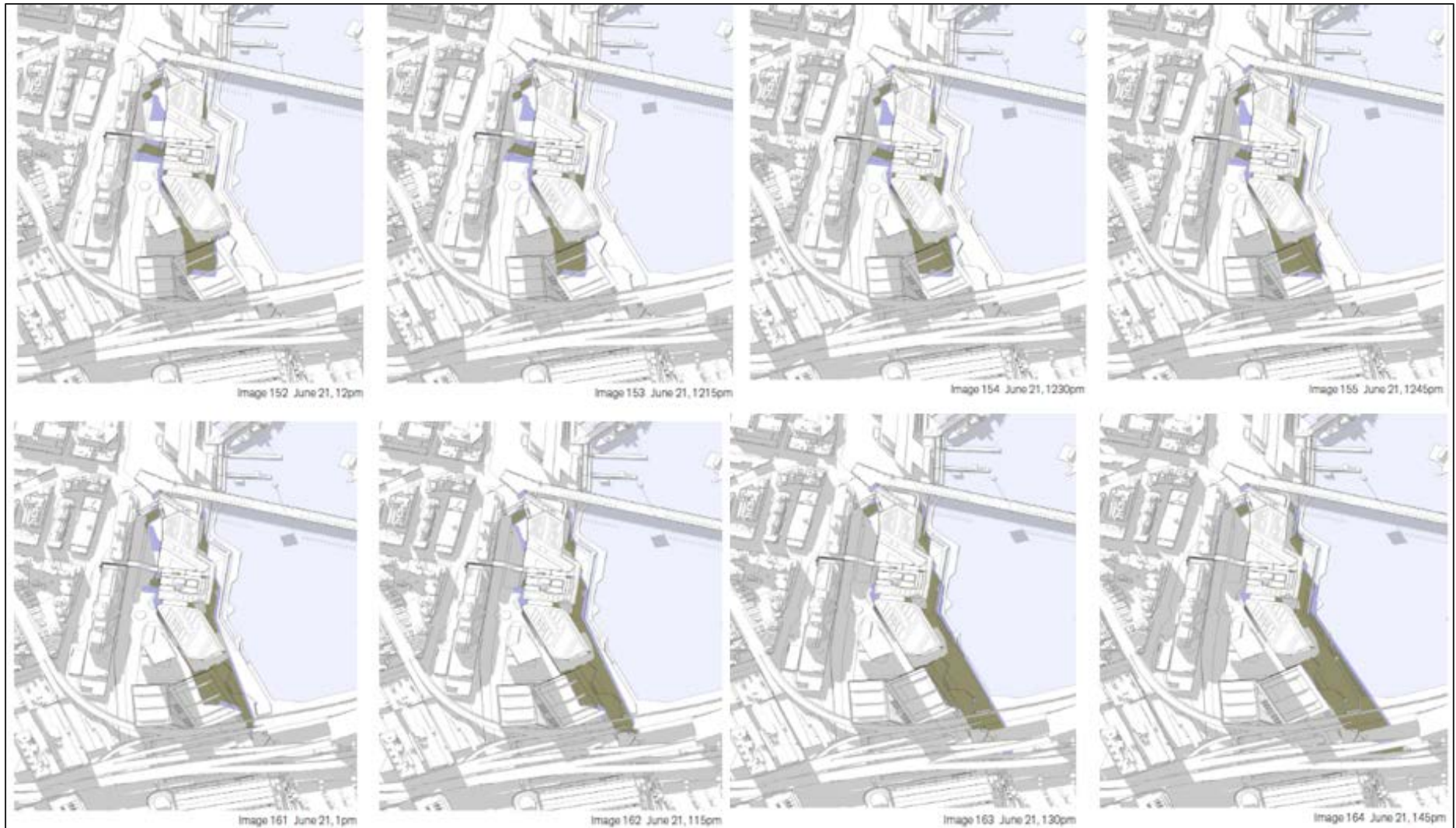
## **Overshadowing**

### **Public domain**

- 6.5.42 The PPPS seeks to protect solar access to the harbour foreshore public domain. The Urban Design Strategic Framework which informed the PPPS suggests that the western foreshore of Darling Harbour should be protected from further overshadowing between 10 am and 2 pm, mid-winter.
- 6.5.43 Concerns were raised in public submissions about overshadowing impacts on the Darling Harbour foreshore and the Sofitel Hotel pool deck. Council raised concerns regarding overshadowing of the promenade during the lunch period and the Woodward Fountain.
- 6.5.44 The Applicant provided shadow diagrams (**Figure 22**) which demonstrate that the proposal would overshadow the foreshore promenade from 1pm in mid-winter.
- 6.5.45 The Applicant contends the overshadowing of the foreshore is acceptable, noting that it is generally confined to outside the lunch period, for a limited period throughout the year. The Applicant also

considered that the impacts are mitigated by the significant public benefits to be delivered by the project including upgrading of the waterfront public domain and the provision of new open space above the northern podium, that will have solar access across the entire day for all periods of the year.

- 6.5.46 The Department has carefully considered the Applicant's overshadowing analysis and concerns raised in submissions and acknowledges the proposal will overshadow the waterfront promenade after 1 pm and Woodward fountain for 75 mins (between 1pm and 2:15pm) in mid-winter.
- 6.5.47 Although overshadowing of the waterfront promenade is undesirable, particularly during lunch time hours, the Department notes that, given the location and orientation of the site, any tower which seeks to maximise the tower height as envisaged within the PPPS would likely have some overshadowing impacts on the public domain before 2 pm mid-winter.
- 6.5.48 Further the overshadowing impacts of the proposal are in part offset by the significant new and enhanced public domain (**Section 6.7**) which will be provided including:
- an enlarged and renewed waterfront promenade (**Section 6.7**) including an increase of 474m<sup>2</sup> on the foreshore
  - 3,500 m<sup>2</sup> of new publicly accessible open space above the northern podium that will benefit from full solar access year-round.
- 6.5.49 The Department also notes the submitted shadow diagrams indicate the maximum worst case extent of overshadowing caused by the concept envelope. However, the final detailed design may only fill 80% of the envelope and will include further setbacks and articulation which will further reduce impacts to the waterfront promenade in mid-winter. The Department recommends a FEAR requiring future DA(s) include overshadowing analysis and demonstrate that the overshadowing impact on the neighbouring public open spaces has been minimised.



**Figure 22 |** Overshadowing impact on adjoining public open spaces during the winter solstice (Base source: Applicant's FRtS)

6.5.50 For the reasons above, the Department considers that the overshadowing impact on neighbouring public open spaces is acceptable in the context of the substantial new and enhanced public domain areas which will be delivered.

#### **Private overshadowing**

6.5.51 Concern was raised in public submissions that the proposal would overshadow private residences to the south and west. Council requested further analysis of overshadowing impacts to neighbouring buildings at 15-minute intervals.

6.5.52 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) recommends controls for new residential developments including their impact on existing residential buildings.

6.5.53 The ADG recommends at least 70% of apartments in urban areas receive at least 2 hours of solar access between 9am and 3pm in mid-winter and recommends further, that where an adjoining property does not currently receive 2 hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.

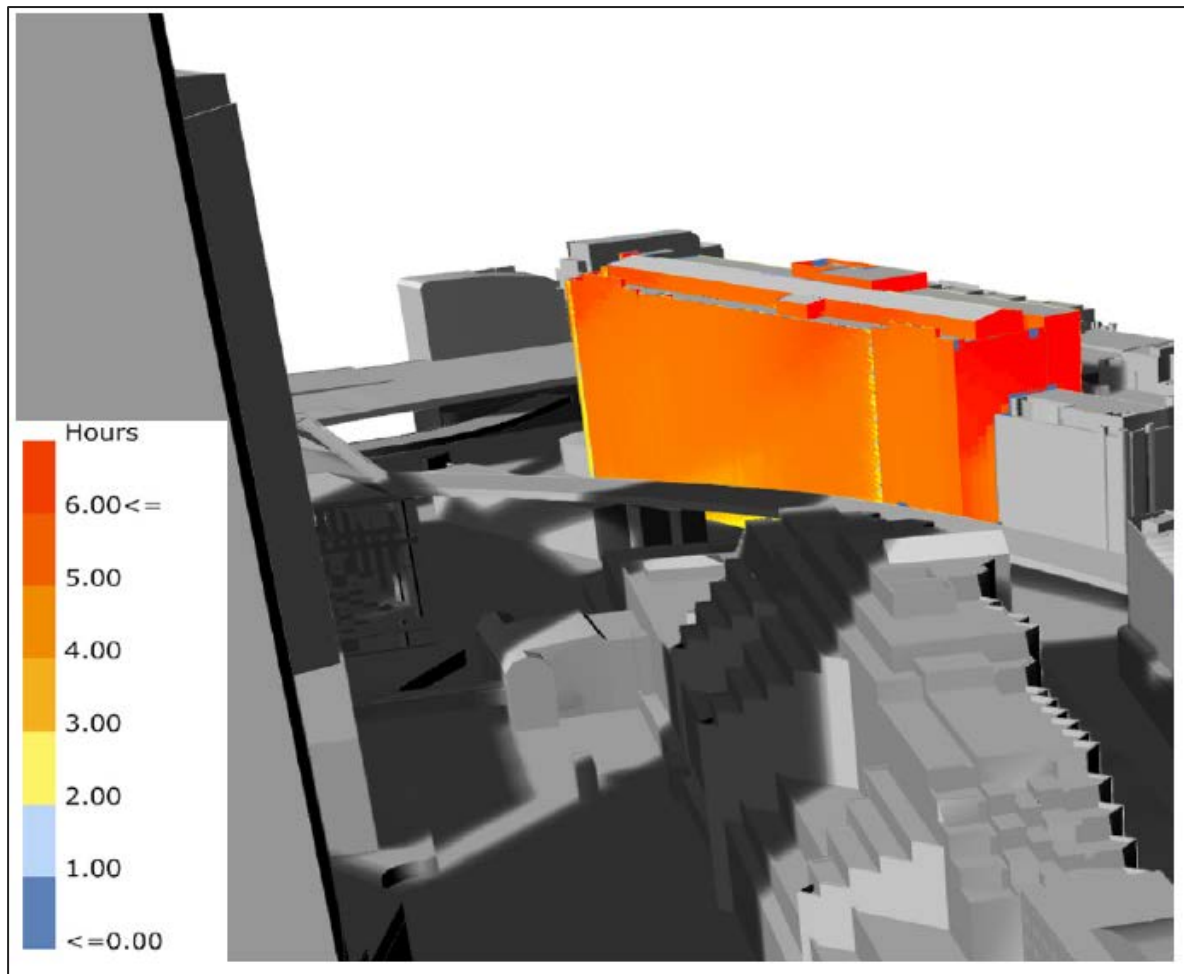
6.5.54 The Applicant provided a sun access impact analysis, which considered the overshadowing impact of the building to residential properties between 9:00am and 3:00pm in mid-winter. The analysis identified that the Oaks Goldsbrough apartment building to the south west would experience overshadowing from the proposal, but that due to the fast-moving shadow of the tower the impacts are negligible and meet the ADG recommendations (**Figure 23**).

6.5.55 The Department considers that the level of analysis provided by the Applicant sufficiently demonstrates the overshadowing impacts on neighbouring properties and considers these impacts to be acceptable, as all properties retain more than the 2 hours sunlight during mid-winter as recommended by the ADG.

6.5.56 The Department is satisfied that overshadowing impacts are confined to short periods due to the fast-moving shadow of the proposed tower and all apartments in the Oaks Goldsbrough building retain high levels of solar access. In addition, as the final detailed design may only fill 80% of the envelope, it is likely that overshadowing impacts to the Oaks Goldsbrough apartments will be further reduced.

6.5.57 The Department recommends a FEAR requiring future DA(s) include a detailed solar analysis to demonstrate acceptable solar access to surrounding residential properties.





**Figure 23** | Solar Analysis of the Oaks Goldsbrough apartment building. (Base source: Applicant's FRtS)

### Private view impacts

- 6.5.58 Several buildings benefit from a range of views of Cockle Bay, Pyrmont Bridge, and the CBD over the site, including One Darling Harbour, the Ibis, Novotel and Sofitel hotels, Oaks Goldsbrough Apartments (243 Pyrmont Street) and Gateway Apartments (1 Murray Street) (**Figure 4**).
- 6.5.59 The Applicant's VVIA, which was updated in its RtS and FRtS, provides a comprehensive assessment of the impacts of the revised proposal and characterises the view loss at the most affected premises.
- 6.5.60 Public submissions from residents of One Darling Harbour, Oaks Goldsbrough Apartments, Gateway Apartments, Mirage Apartments and Paragon Apartments and by the proprietors of the Novotel, Ibis and Sofitel Hotels raised concern that the proposal would block views of Darling Harbour from residential apartments, hotel rooms and function areas. The submission on behalf of residents of One Darling Harbour includes a view loss assessment undertaken by Dr Richard Lamb which was critical of the methodology and conclusions of the Applicant's VVIA (and the conclusions of the amended VVIA).
- 6.5.61 In response to concerns raised in public submissions the Applicant significantly amended the proposal by relocating the tower to the centre of the site and reducing the podium height to reduce view impacts. The revised VVIA identified the properties most affected by the revised tower

location (**Table 8**) and included additional views from all apartments within One Darling Harbour and from the Novotel hotel.

- 6.5.62 The VVIA indicates the most affected neighbouring properties would generally experience view loss ranging from negligible to severe including in some circumstances a reduction or loss of existing land water interface, water views, views of Pyrmont Bridge and the city skyline, but that overall the impacts are acceptable.

**Table 8** | Summary of view impacts identified in the VVIA

Location	Applicant's VVIA assessed impact
One Darling Harbour	minor to severe
Ibis Hotel	negligible to moderate
Novotel Hotel	minor to severe
Sofitel Hotel	minor to severe
Oaks Goldsbrough Apartments	negligible

- 6.5.63 The Department has carefully considered the VVIA and public submissions and considered the view impacts of the proposed building envelope on the above properties using the four-step assessment in accordance with the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The steps / principles adopted in the decision are:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating').
4. Assess the reasonableness of the proposal that is causing the impact.

### Tenacity steps 1 to 3

- 6.5.64 A detailed assessment of potential view impacts to the above identified properties in accordance with Tenacity steps 1-3 is provided in **Appendix F**.

- 6.5.65 In summary, the Department assessed the impact to views of Cockle Bay, Pyrmont Bridge and the CBD skyline available from east facing apartments within One Darling Harbour, Oaks Goldsbrough Apartments and hotel rooms within the Ibis, Novel and Sofitel Hotels and found impacts to:

- One Darling Harbour would range from minor to severe depending on the apartment location and level. The Department notes that the loss of east and south east water views from apartments below level 6 in the central and southern portion of the building would generally result in moderate to severe impacts, however at lower levels the quality of the existing view is also lower reducing the overall impact. In addition, views of the city skyline are retained and oblique water views to the north east above level 3 are also available.
- the Oaks Goldsbrough Apartments would range from negligible for apartments in the southern section of the building to minor in the northern section. Although the existing view is heavily restricted and the building is a significant distance from the site and key view elements, the

proposed tower will result in the loss of existing glimpses of water and Pyrmont Bridge from some upper level apartments.

- the Ibis hotel would range from minor to severe. Although water views would be reduced or obscured for rooms below level 6, views of the city skyline are retained. At upper levels, although the tower would feature prominently in views to the south east and the expanse of existing water views would be reduced, key features including land water interface, views of Pyrmont Bridge and the city skyline are retained and oblique north easterly district views would be unaffected.
- the Novotel Hotel would range from:
  - minor to severe (depending on the room location and the level on which it is situated). Although water views would be reduced or obscured for rooms at lower levels, views of the city skyline are retained. At upper levels, although the tower would feature prominently in some views and the expanse of existing water views would be reduced, key features including land water interface, views of Pyrmont Bridge and city skyline views are retained and oblique north easterly district views would be unaffected.
  - negligible from the pool deck, noting the existing ICC and Sofitel hotel tower and podium restrict north easterly, easterly and south-easterly views from this location.
  - moderate from the reception deck, however, north-easterly views of the CBD skyline will be preserved.
- the Sofitel Hotel would range from severe within the podium to minor at upper levels. Although the tower will be prominent in views to the north east, all rooms above podium level retain alternative panoramic views including water views, and expansive district views. The most significant impacts would be experienced by a small number of rooms on the northerly corner of the building, whose primary view angle is either to the north east or north west.

In addition, in response to concerns raised in public submissions the Department considers impacts to views from Gateway, Paragon and Mirage Apartments would be negligible-minor as:

- views from the Gateway Apartments would be largely unaffected by the proposal following the relocation of the tower to the centre of the site
- Paragon Apartments are located over 200m from the site and views of the site are completely obstructed by the Novotel Hotel. No scenic or highly valued views of the water or Pyrmont Bridge would be affected by the proposal.
- view impacts to Mirage Apartments are confined to a view from the communal roof terrace through a gap between the Ibis and Novotel hotels. The view impacted is across intervening developments, valued elements including views of the water would be retained and expansive alternative views to the north of Darling Harbour and Barangaroo are unaffected.

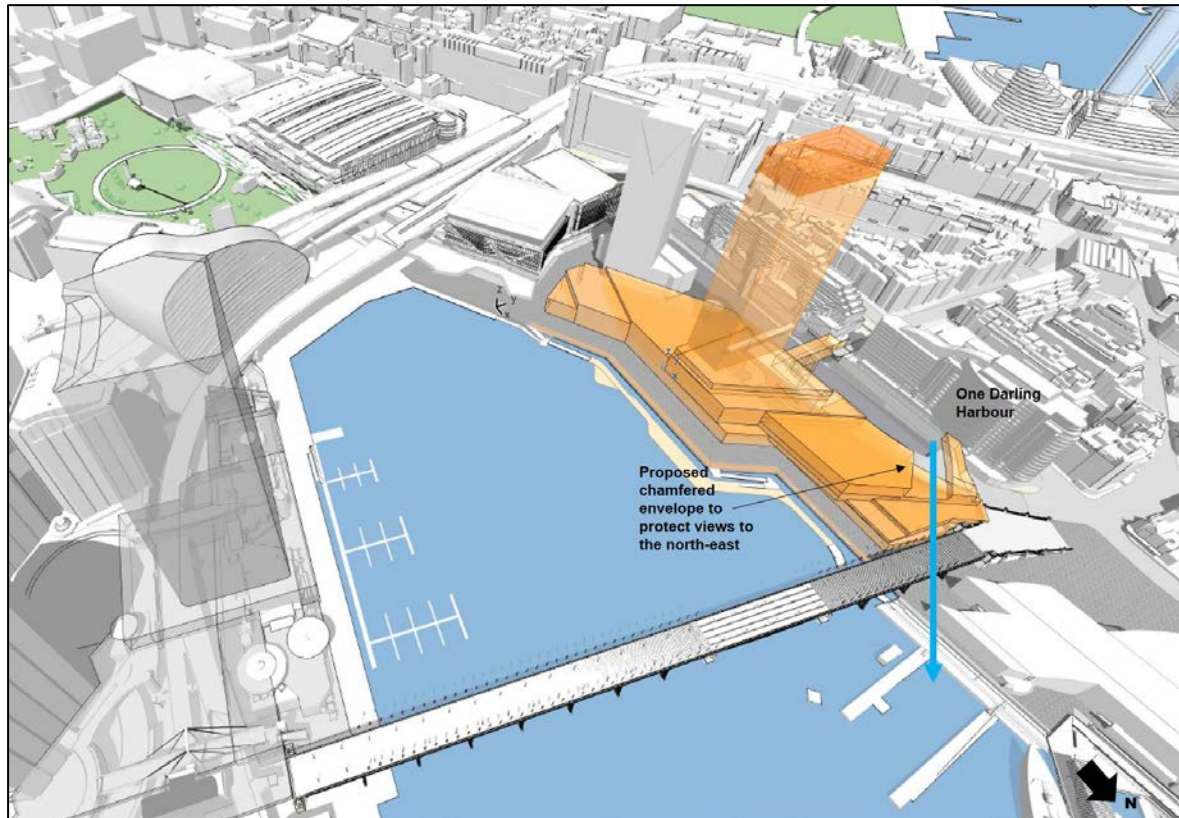
#### **Reasonableness of the proposal (Tenacity step 4)**

- 6.5.66 The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal that is causing the impact. The Department notes that there are no planning controls that regulate built form, such as massing and height, under the DHDP. The PPPS envisages a tower with a maximum height of RL 170 however no further controls have been prepared to guide the

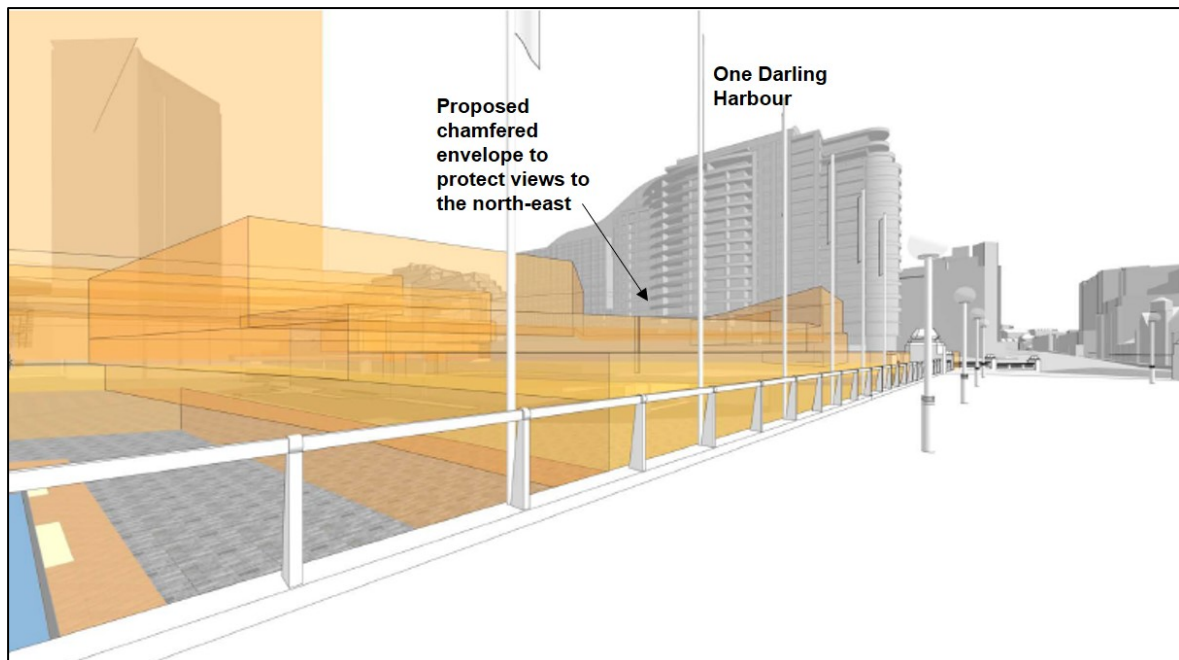
development of the site to date. In the absence of planning controls the Department has considered the height and location of buildings in the surrounding area and the state significance of the site.

- 6.5.67 Although not a mandatory consideration for this proposal, the SDCP 2012 controls provide a reference with respect to the consideration of view impacts. The controls recognise that outlook as opposed to private views, is the appropriate measure of residential amenity and that there is no guarantee that views or outlook from existing development will be maintained. The Department also notes that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 acknowledges that public good has precedence over the private good when changes are proposed to Sydney Harbour or its foreshores.
- 6.5.68 Even when a proposal complies with all relevant planning controls, the Tenacity planning principles require the question be asked whether a more skilful design could provide the Applicant with the same development potential and amenity and reduce the impact on the views from neighbours.
- 6.5.69 The submission by Dr Richard Lamb on behalf of residents of One Darling Harbour considers that the northern podium height should be further reduced to improve view impacts to middle and lower floor apartments at One Darling Harbour. Similarly, objections from the Novotel and Ibis hotels consider the podium should be reduced in height to match the roof height of the existing building.
- 6.5.70 The Applicant contends that the proposed building form has sought to respond to view sharing principles and view impacts are acceptable as:
- the protection and preservation of views has been prioritised for residential buildings, over more transient short-term accommodation buildings
  - acceptable outlook is retained from all affected apartments and hotel rooms and appropriate amenity is maintained
  - the reduction in private views and change in outlook is considered reasonable given the site's highly urbanised location, the proximity of the developments to each other and existing site constraints.
- 6.5.71 With regard to outlook, as opposed to views, the Department considers that an acceptable level of outlook is maintained from affected apartments and hotel rooms. The Department notes the key aspects of private views are retained in most circumstances. Whilst the severe view impacts to lower floor, and some mid floor apartments within the central and southern sections of One Darling Harbour is acknowledged, the Department notes that the majority of affected apartments retain some water views, oblique views to the northeast and city skyline views.
- 6.5.72 The Department acknowledges that view losses as a result of the development would range from minor to severe. However, the Department notes that the views currently enjoyed by One Darling Harbour, the Ibis, Novotel Hotel and Sofitel hotels are a result of the uncharacteristic low-rise nature of the existing site given its central location. The Department considers that given the site's location, the interruption of existing views that are currently unimpeded by any development is inevitable and reasonable in this context.
- The Department notes that in response to concerns raised about visual impact, overshadowing and view loss, the proposal has been significantly amended, including relocating the tower to the centre of the site (**Figure 11**) and lowering the northern podium. In particular, the proposed envelope incorporates a chamfered edge to the upper levels of the podium to retain some views

towards the water and Pyrmont Bridge from One Darling Harbour apartments (**Figure 24** and **Figure 25**) .



**Figure 24** | Proposed podium envelope showing the chamfered edge to the upper levels to protect views from One Darling Harbour apartments (Base source: FJMT)



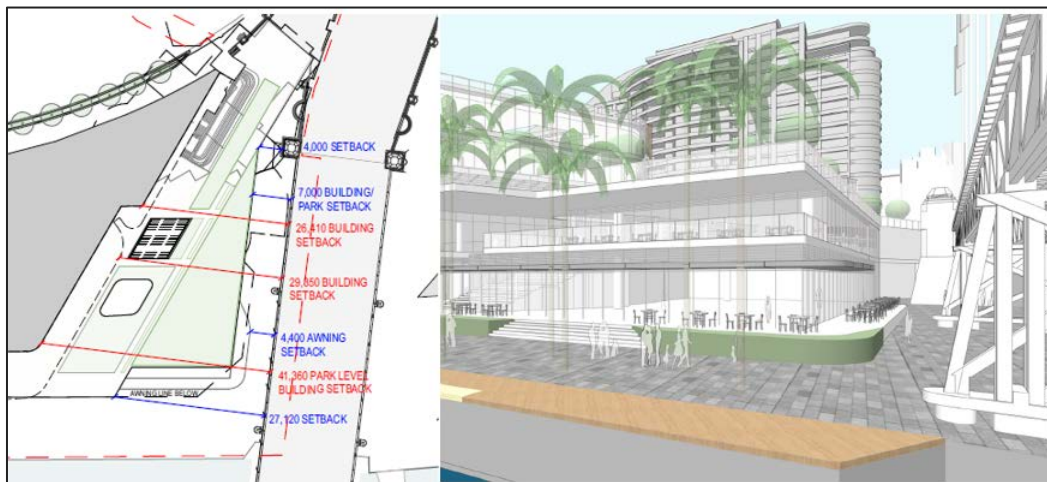
**Figure 25** | Proposed podium envelope viewed from Pyrmont Bridge showing the chamfered edge to the upper levels to protect views from One Darling Harbour apartments (Base source: FJM)



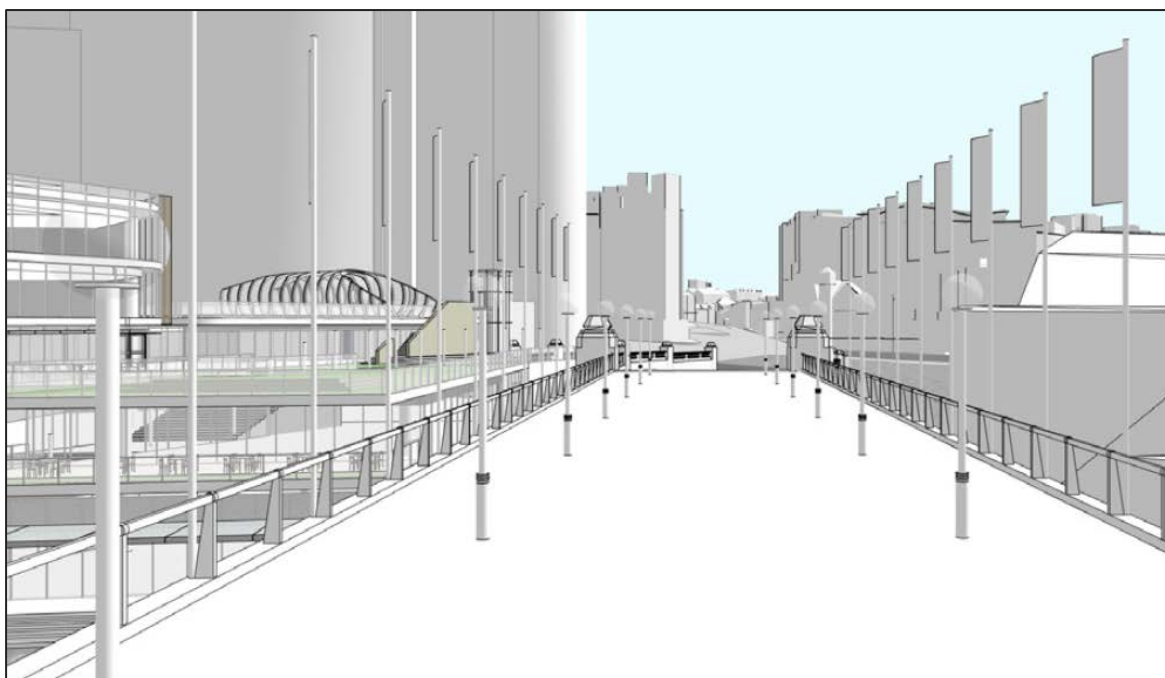
- 6.5.73 These changes have enabled the provision of an extensive area of public accessible open space above the northern podium which is a key public benefit of the proposal and will significantly increase opportunities for public views of Darling Harbour and Pyrmont Bridge. In addition, the landscaping of the podium roof (**Section 6.7**) including taller trees, allowing views through the canopy, will enhance views from many of the affected properties providing a green outlook in place of the galvanised metal roof of the existing shopping centre.
- 6.5.74 The Department does not consider an alternative design would necessarily achieve a better overall outcome. Further reductions in the height of the podium to the height of the existing Harbourside Shopping Centre is not warranted in the context of the site's location on the CBD fringe as it would compromise the delivery of employment generating floorspace required under the District Plan and the major growth and strategic change expected of this key site in the PPPS. Such an outcome would be contrary to the strategic importance of the site and its ability to contribute significantly to economic growth, job creation and support the delivery of the wider Darling Harbour and Pyrmont Peninsula renewal.
- 6.5.75 The Department considers that the revised scheme has struck an appropriate balance between safeguarding existing public/private views and the appropriate re-development of this significant site.
- 6.5.76 The Department also notes the assessed view impacts indicate the maximum worst case impact caused by the concept envelope. However, the final detailed design may only fill 80% of the envelope and will include further setbacks and articulation which will further reduce impacts. The Department recommends a FEAR requiring future DA(s) consider view loss impacts and opportunities to increase view sharing.
- 6.5.77 Subject to the recommended FEARs, the Department is satisfied the changes to existing views from neighbouring residential properties and adjacent hotels would be reasonable and acceptable.

## Heritage

- 6.5.78 The site does not contain any heritage items but is located adjacent to the State Heritage Listed Pyrmont Bridge to the north (**Figure 26** and **Figure 27**).



**Figure 26** | Podium setbacks to Pyrmont Bridge (left) and CGI of relationship of the podium and bridge (right)  
(Base source: Applicants FRtS)



**Figure 27** | CGI of indicative northern podium eastern view from Pyrmont Bridge (Source: Applicants FRtS)

6.5.79 Concerns were raised in public submissions that the proposal would have a negative impact on the heritage values of Pyrmont Bridge and Darling Harbour due to the scale and location of the tower and proximity of the podium to Pyrmont Bridge.

6.5.80 In response to concerns raised in submissions the Applicant has amended the proposal by:

- relocating the tower envelope an additional 85 m south of Pyrmont Bridge (50m to 135 m)
- reducing the height of the podium envelope adjacent to the bridge from RL 25 to RL 13.75
- confirming future DA(s) will include heritage interpretation.

6.5.81 Council recommended the podium envelope be set further away and lowered further to ensure views to the water from the Bridge. Heritage NSW considered the revised envelope was acceptable and recommended that future DA(s) ensure the podium design demonstrate a sympathetic relationship to the bridge and retain the visual link of the bridge in its context with Darling Harbour when viewed from the west.

6.5.82 PMNSW recommended a condition requiring any works to the Pyrmont Bridge or its curtilage should be in accordance with the Pyrmont Bridge Conservation Management Plan 2006.

6.5.83 The Applicant accepted Heritage NSW and PMNSW recommended conditions and confirmed that the proposed maximum envelope height of RL 13.75 adjacent to the Pyrmont Bridge will allow for balustrades and varying soil depths to support a diversity of planting and that the podium deck will not be higher than the bridge to maintaining clear sight lines from the west.

6.5.84 The Department is satisfied the amendments to the building envelope appropriately respond to the heritage significance of the bridge and allow sufficient flexibility to ensure the heritage values of the bridge are protected in future DA(s). The Department also notes that the new open space on the northern podium roof (**Section 6.7**) will increase opportunities for public views and appreciation of

the Pyrmont Bridge and provide the opportunity for an enhanced landscape setting in the vicinity of the bridge.

- 6.5.85 The Department recommends FEARs ensuring requiring future DA(s) ensure the podium design demonstrates a sympathetic relationship to the bridge and retains the visual link of the bridge in its context with Darling Harbour when viewed from the west as recommended by Heritage NSW.
- 6.5.86 Subject to FEARs addressing Heritage NSW requirements for the finished podium height to not exceed Pyrmont Bridge deck level and the inclusion of heritage interpretation the Department considers the heritage impacts of the proposal are acceptable.

## **Wind Impacts**

- 6.5.87 Concerns were raised in public submissions about the potential wind impacts on the promenade and other spaces around the site.
- 6.5.88 Council considered that the building envelope and proposed accessible outdoor space should be amended to respond to wind impacts.
- 6.5.89 The Applicant provided a Pedestrian Wind Environment Wind Tunnel Assessment (Wind Report), which tested pedestrian level wind environments at 38 locations within and around the development. The Wind Report identifies the most frequent high winds are from north-east, south and west quadrants.
- 6.5.90 The Wind Report predicted wind conditions around the site, including the promenade, would remain comparable to existing conditions in most locations and from a comfort perspective would be variably suitable for pedestrians sitting, standing and walking. When compared to the existing situation, of the 15 ground level locations tested, three locations would become slightly windier and two locations would become slightly calmer.
- 6.5.91 Within the site, the Wind Report indicated the proposed open space north of the tower and podium terraces would be generally suitable for pedestrians standing. However, within communal open space above the green roof to the immediate south of the tower and balconies to the north, occupants may experience difficulties during windy conditions. The Wind Report concluded that these negative wind conditions can be suitably mitigated during the detailed design stage through the provision of appropriate planting and architectural treatments.
- 6.5.92 Overall, the Department considers the proposal is likely to have acceptable wind impacts for pedestrians within and around the development. However, it considers that the wind impacts within the public and private open space, pedestrian bridge and future areas designated for outdoor seating should be designed with appropriate wind mitigation measures to ensure these spaces have a comfortable and safe wind environment for their intended use.
- 6.5.93 The Department recommends a FEAR requiring the preparation of a Wind Assessment, including wind tunnel testing and mitigation measures to ensure spaces within and around the site are suitable for their intended purposes. The Department also recommends a FEAR requiring Future DA(s) must demonstrate that the wind impacts on all accessible areas on site and the Darling Harbour promenade be reduced to be comfortable for their intended use.

## Conclusion

6.5.94 The Department has considered the proposed building envelope, concerns raised in submissions and independent design advice and concludes the proposed building envelope is appropriate as:

- maximum tower envelope height (RL 166.95) and location is acceptable and is consistent with the emerging and desired future character of the area with a variety of building heights and scales, typified by tall buildings above podiums framing the Harbour
- the proposal and will not have an unacceptable visual impact when viewed from key vantage points on the opposite side of Darling Harbour, from Pyrmont Bridge or from more distant perspective
- the bulk and scale of the tower and podium respond appropriately to the surrounding built form context, subject to FEARs limiting the tower floor plate and volumetric fill of the podium and tower to ensure a suitably articulated and elegant final building form which can achieve design excellence
- it results in acceptable overshadowing, view loss, heritage impacts and wind impacts, which on balance are reasonable having regard to the context of the site, the amendments made to the proposal to reduce impacts and the substantial open space and other public benefits which will be delivered by the proposal.

## 6.6 Open space and connectivity

- 6.6.1 The proposal seeks to create new open space and new pedestrian links through the site and upgrade and widen the existing waterfront boulevard.
- 6.6.2 The Applicant provided a landscape design report which outlines the proposed public domain improvements, design principles and objectives for the public domain. The indicative scheme (**Figure 28**) also demonstrates how the future landscaping, public domain and open space could be provided on the site, with detailed design being subject to assessment under future DA(s).

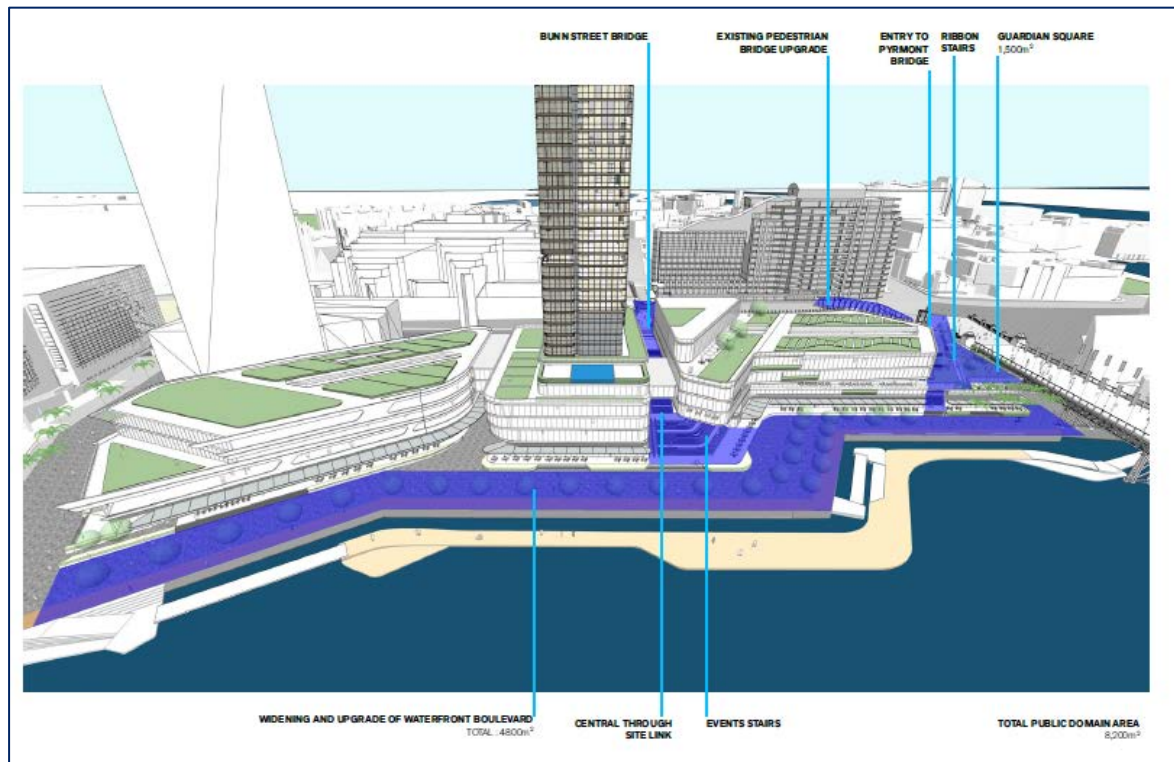


**Figure 28** | Indicative site wide landscaping treatment (Source: Applicant's FFRtS)

- 6.6.3 The key elements of the concept public domain strategy are provided for in the design guidelines and include a total of 8,200m<sup>2</sup> of public domain (**Figure 29**) including:



- creation of 24/7 accessible public open space above the northern podium adjacent to Pyrmont bridge referred to as Guardian Square (1,500m<sup>2</sup>) including new “Ribbon stairs” providing access from Pyrmont Bridge to the waterfront
- a new pedestrian bridge over Darling Drive linking to Bunn Street, connecting to a new 24/7 publicly accessible through site link to the waterfront
- events steps adjacent the waterfront linking the foreshore to the Bunn Street through site link
- renewal and widening of the waterfront boulevard (4,800m<sup>2</sup> total area) and new paving to Pyrmont Bridge approach
- upgrade of the northern pedestrian Bridge to One Darling Harbour
- residential communal open space above the central podium at the base of the tower
- inaccessible green roof above the southern podium and southern side of the central podium



**Figure 29 | Indicative waterfront boulevard treatment (Source: Applicant's FFRtS)**

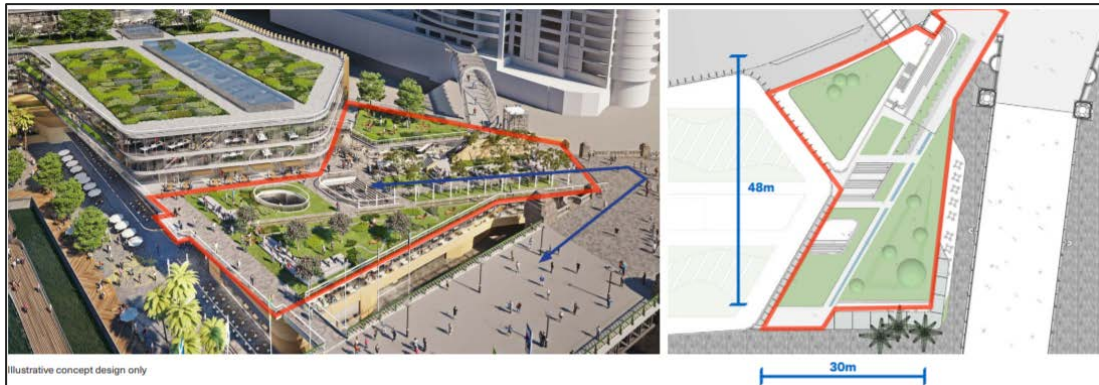
6.6.4 The Department considers the key assessment issues to be:

- open space provision
- open space design and function
- pedestrian connectivity
- landscaping.



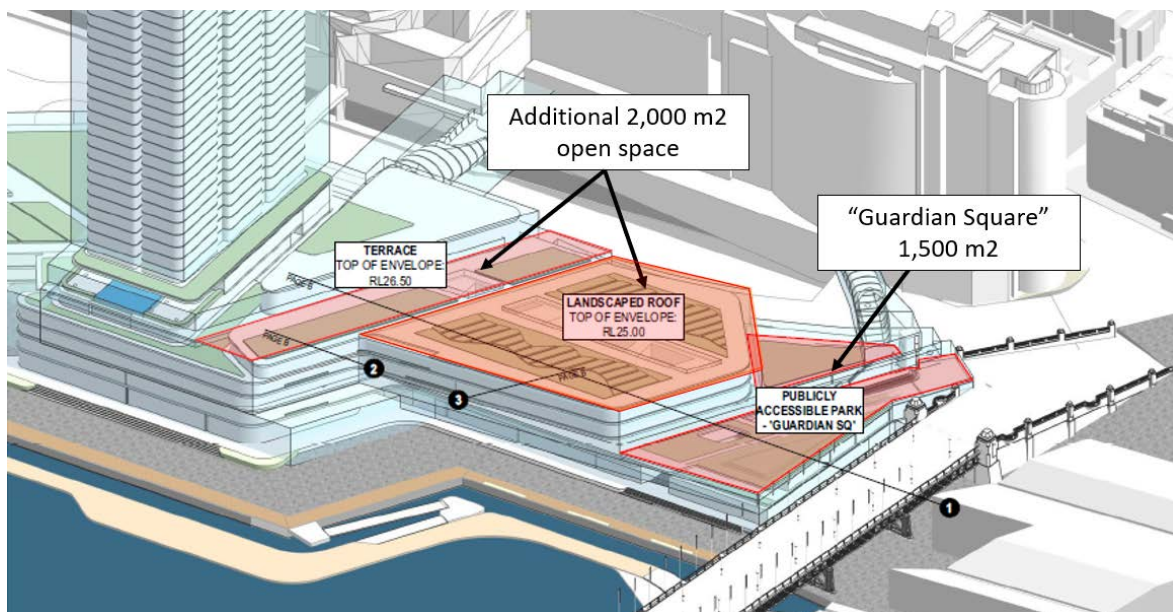
## Open Space Provision

- 6.6.5 The proposal involves the creation of 1,500m<sup>2</sup> publicly accessible open space referred to by the Applicant as ‘Guardian Square’. The 24 hour publicly accessible open space is intended to provide a new area of public domain for pedestrians to move between the harbour foreshore and Pyrmont Bridge. The area is proposed to be retained and managed by the Applicant (**Figure 30**)



**Figure 30** | indicative CGI of Guardian Square (Source: Applicants FRtS)

- 6.6.6 Concern was raised in public submissions that the amount of open space was insufficient and tokenistic.
- 6.6.7 PMNSW recommended the Applicant explore further opportunities to provide additional roof top open space to the south of Guardian Square.
- 6.6.8 The Department and its independent design advisor also requested the Applicant explore options to increase open space above the northern podium in addition to Guardian Square. In response, the Applicant provided an option to provide an additional 2,000 m<sup>2</sup> of publicly accessible space above the northern podium (**Figure 31**) resulting in a total of 3,500m<sup>2</sup> of new 24 hour publicly accessible on-site open space.



**Figure 31** | Proposed on site public open space area (Source: Applicants FFRtS)

- 6.6.9 The Department considers the additional 2,000 m<sup>2</sup> of open space on the northern podium is a positive response to the concerns raised by Council and the community. Combined with Guardian Square, it would result in a substantial new open space suited to a range of recreation opportunities, providing a significant public benefit for existing and future residents, workers and visitors to the precinct.
- 6.6.10 The Department therefore supports the creation of publicly accessible open space occupying the entire northern podium. This space would make a valuable contribution to the area and substantially enhance the site and experience of the Darling Harbour foreshore.

### **Open Space design and function**

- 6.6.11 The proposed open space is indicatively arranged across three levels. Guardian Square is arranged above levels 1 and 2, with the lower level aligned with the deck height of Pyrmont Bridge, allowing for level access from Pyrmont Bridge approach. The remainder of the open space is to be located adjacent to Guardian Square above level 5 of the northern podium.
- 6.6.12 The Landscape Design Report includes an indicative landscape plan for Guardian Square, including lawn areas, stairs, planting and informal seating (**Figure 27**). The northern podium is shown as an inaccessible green roof. However, as discussed above, the Applicant's FFRtS provided an option for the entire northern podium to be provided as usable open space.
- 6.6.13 Public submissions raised concerns the proposed Guardian Square was not functional as a cohesive space due to its varied levels. Council raised concern about accessibility and the alignment of Guardian Square with the surrounding public domain and Pyrmont Bridge.
- 6.6.14 The Applicant has demonstrated that the surface level of Guardian Square will align with the Pyrmont Bridge and the top of the envelope allows sufficient space for the inclusion of balustrades and landscape furnishings to enhance the usability and amenity of the space.
- 6.6.15 Although no landscape concept has been prepared for the 2,000m<sup>2</sup> of additional open space on the upper northern podium, the Department considers the space is capable of providing an attractive and highly functional open space in conjunction with Guardian Square.
- 6.6.16 The Department considers the design and treatment of the open space including layout, accessibility and the transition between Guardian Square, the 2,000 m<sup>2</sup> of open space on the upper northern podium and adjoining public domain is crucial to the success of the space.
- 6.6.17 The independent design advisor recommended that generous external stairs should be provided to connect the upper and lower open spaces as well as internal escalator and lift access from the commercial/retail levels of the podium. He also acknowledged that landscape and other elements will be required to provide an attractive and high amenity open space, however recommended that these elements be limited to moveable elements and taller trees to minimise view loss impacts from neighbouring properties.
- 6.6.18 The Department supports the intent of the independent design advisor's recommendations, however, considers their prescriptive nature may prevent consideration of more innovative and /or effective design solutions to provide high levels of amenity for future users of the space. In order to ensure the open space is well designed, accessible and integrated with the wider public domain the Department recommends FEARs requiring future DA(s) demonstrate:

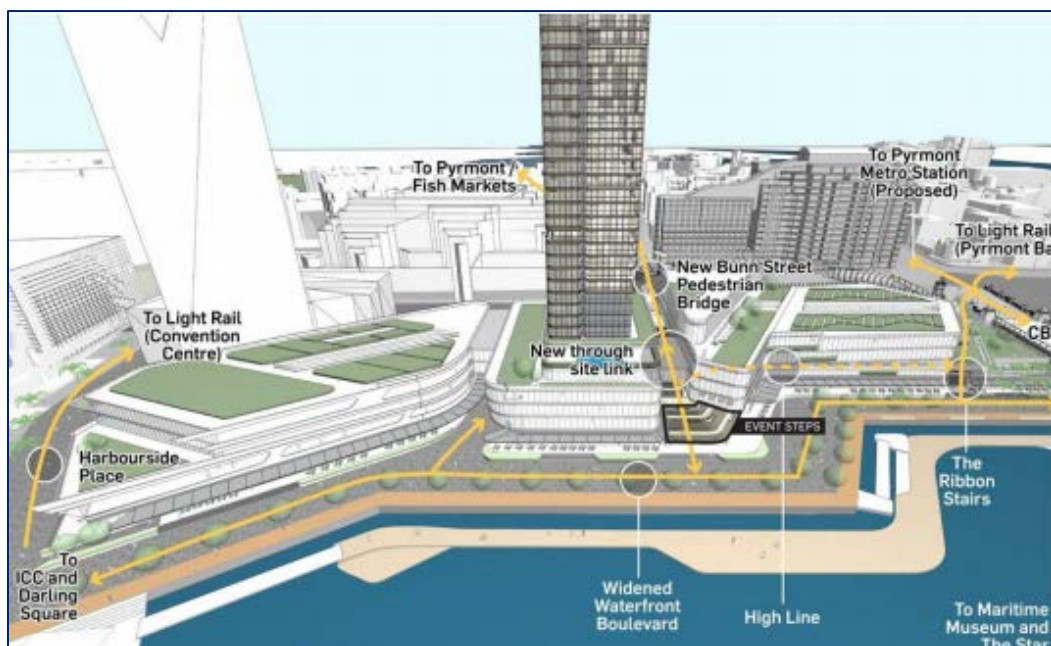
- a civic quality transition between levels including direct external access, access from Pyrmont Bridge, the Harbour foreshore and from within the central podium
- transitions between these areas encourage connection and continuity from the Pyrmont Bridge approach up to the upper northern podium terrace
- comprehensive activation of the space including co-location of retail, community or other active uses, seating, shade and planting and other attractors
- deep soil zones and pot sizes for the provision of taller trees to provide shade, enhance outlook from the west and allow views through canopy
- that proposed structures, including balustrades, vegetation and planting have minimal detrimental impact on views from neighbouring properties to Pyrmont Bridge or the harbour.

6.6.19 The Department is satisfied that the recommended FEARs align with the independent design expert's advice while allowing flexibility in the future design by providing performance based, rather than prescriptive, requirements. The Department concludes that the proposal, subject to the recommended FEARs, will ensure Guardian Square and the upper northern podium are connected, activated, and designed as high quality landscaped and functional areas of open space to benefit the wider community and allow for creative solutions to achieve design excellence.

### Pedestrian Connectivity

6.6.20 The proposal seeks to improve pedestrian movement around and through the site by:

- increasing the boulevard width to 14 to 20 m
- providing a through site link from the waterfront to a new pedestrian bridge over Darling Drive and the light rail corridor to Bunn Street
- providing a new stair ('Ribbon Stairs') from Pyrmont Bridge down to the waterfront within Guardian Square.

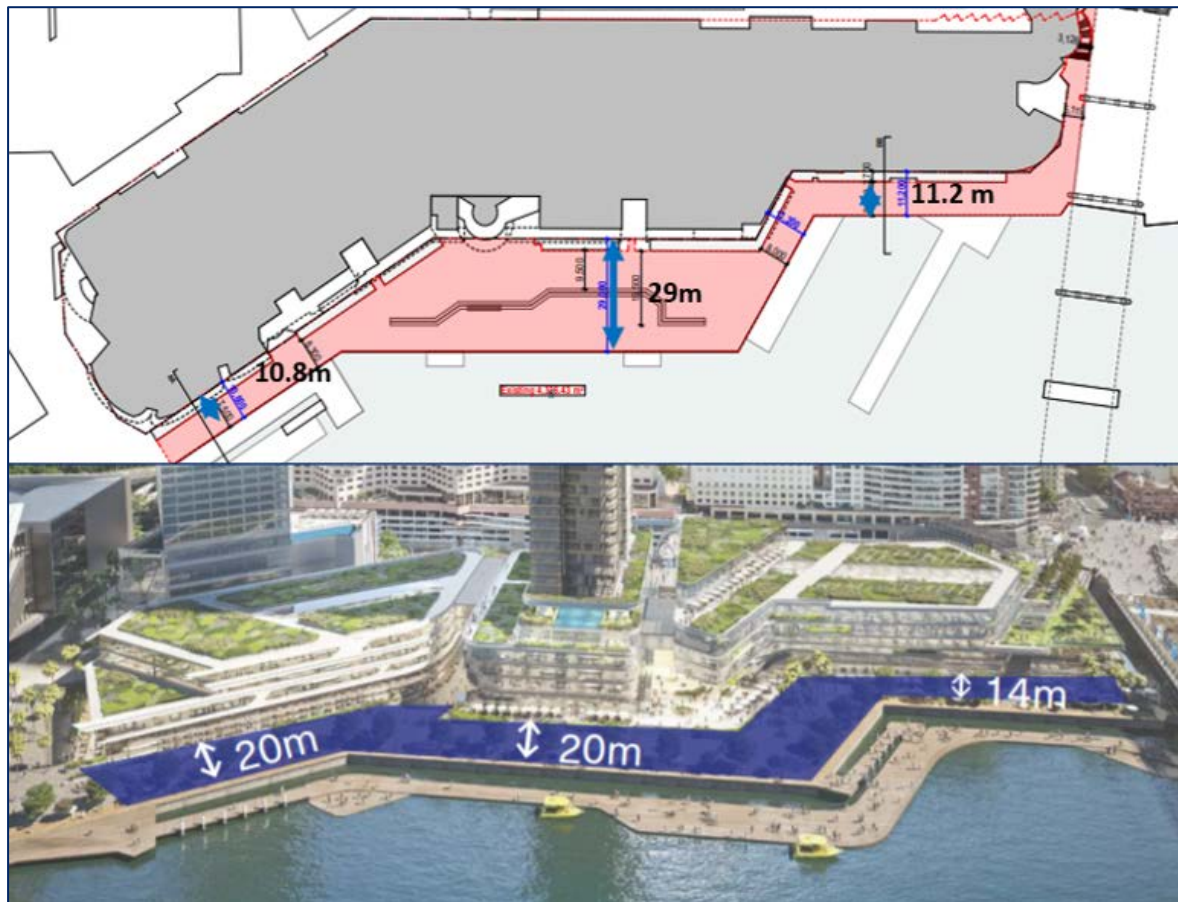


**Figure 32** | Proposed through sight connections (Source: Applicants FFRtS)



### Waterfront boulevard

- 6.6.21 The existing harbour foreshore in front of the site varies in width from 10.8 m in the south, 29 m in the centre and 11.2 m at the north (**Figure 33**).
- 6.6.22 The proposal seeks to regularise the waterfront boulevard resulting in an overall increase of 474 m<sup>2</sup> of public domain and revised maximum widths of 20 m (+9.2 m) in the south, 20m (-9 m) in the centre) and 14 m (+8.8 m) in the north (**Figure 33**).



**Figure 33** | Existing (above) and proposed (below) promenaded widths (Source: Base Applicants FRtS)

- 6.6.23 Concerns were raised in submissions that the narrowing of the boulevard in the centre of the site reduced capacity for events and public enjoyment of the waterfront. Council noted the existing varied widths of the foreshore provide space for events and people to gather and considered the building should be set back to the existing building line of 29 m in the centre of the site to enable utilisation this larger area for events.
- 6.6.24 In response, the Applicant stated that the revised waterfront promenade significantly improves the existing arrangement as it results in an increase of 474m<sup>2</sup> of public domain along the waterfront. Further the design guidelines, landscape design report and indicative scheme provides 'event stairs' which allow for a generous on-site gathering and events space which links seamlessly to the waterfront boulevard.
- 6.6.25 The Department has carefully considered the concerns raised in submissions and the Applicant's response and supports the proposed waterfront promenade as:

- the widening of the northern and southern sections will reduce pinch points and improve north south permeability and the legibility of the promenade as a route to and through the site
- the reduction of the central portion of the boulevard from 29 m to 20 m is appropriately justified as:
  - it will result in an overall increase in the usable area of public domain along the waterfront
  - the 'event stairs' adjacent to the through site link to Bunn Street will function as an extension to the public domain, providing space for both informal use and events (subject to relevant approvals).

6.6.26 To ensure that the detailed design delivers on the vision for the foreshore public domain as outlined in the landscape design report and indicative scheme and includes sufficient area for a range of events, the Department recommends FEARs requiring future DA(s) demonstrate:

- that the Event steps area be provided as open space for gathering/events adjacent to the foreshore and directly connect the waterfront boulevard and the Bunn Street through site link
- how the proposal enhances the events and gathering capacity of the public domain.

### Through-site links

6.6.27 The proposal includes new through site links between the foreshore and Bunn Street (including a new pedestrian bridge over Darling Drive and the light rail corridor) and from the waterfront through Guardian Square to Pyrmont Bridge via the new "Ribbon Stairs" (**Figure 32**).

6.6.28 Council did not object to the proposed through site links but recommended:

- the Bunn Street link should be open to the sky
- further details of the Bunn Street connection to ensure it is legible from Pyrmont and through to Cockle Bay
- the existing stairs from Pyrmont Bridge down to the water should be retained, in addition to proposed Ribbon Stairs
- the Ribbon Stairs should have a civic grade and form and a clear, direct path and line of sight should be formed between Pyrmont Bridge, the Ribbon Stairs and the harbour.

6.6.29 PMNSW recommended that pedestrian through site connections be publicly accessible and activated 24 hours a day and the Bunn Street bridge landing and accessibility to the existing PMNSW car park be resolved in the future DA.

6.6.30 The Applicant stated that the design of the Bunn Street connection and the Ribbon Stairs are indicative only and that visual connectivity and permeability will be resolved through the competitive design process and future DA(s). The Applicant also confirmed that the through site links would be 24/7 accessible and would be activated to enhance the pedestrian experience.

6.6.31 The Department supports the Applicant's commitments to providing 24/7 public access to the through-site links and the inclusions of active frontages to enliven the Bunn Street connection. The Department notes the concerns of Council and PMNSW and agrees that the Bunn Street connection should read as a direct visual link and maximise views through the site from Bunn Street to the water to enhance legibility of the route.



6.6.32 Noting the Applicants commitment to allow 24/7 access through the Ribbon Stairs, the Department does not consider it necessary to require the retention of the existing stairs adjacent to Pymont Bridge. The Department considers the indicative design of the Ribbon Stairs, being integrated into the northern podium open space, demonstrates an acceptable outcome in terms of improved legibility and increased connectivity to the waterfront. However, noting that the detailed design will be subject to a competitive design process, the Department considers that flexibility should be retained to allow for innovative and potentially improved outcomes over that shown in the indicative proposal. The Department therefore recommends the basic parameters of the through site connections are secured through FEARs requiring future DA(s) demonstrate:

- direct civic quality stair access linking the foreshore to the northern podium open space and Pymont Bridge Approach
- an open to the sky through site link between Bunn Street and the foreshore which reads as a direct visual link and seeks to maximise views through the site to the water to enhance legibility and amenity of the route.

6.6.33 Subject to future detailed assessment, and consideration as part of the competitive design process the Department considers the proposed through site links are capable of significantly improving east west connectivity, site permeability way finding and the overall pedestrian experience and represent a significant public benefit of the proposal.

### **Landscaping**

6.6.34 The Landscape Design Report includes concept details of potential treatments for the waterfront promenade, through-site links, open spaces, hard and soft landscaping and green roofs.

6.6.35 Council raised concerns regarding proposed soil depths on podium roof areas and the extent of canopy cover along the waterfront boulevard and recommended:

- appropriate soil volumes and depth for small trees, at a minimum of five metres in height, must be specified for the inaccessible rooftops and enough trees to provide 30% canopy coverage
- planting on the waterfront boulevard must include medium to large canopy trees with a minimum 10 metre height and with canopy spreads of at least eight metres.

6.6.36 EES raised concerns that exotic tree species are proposed in the concept landscaping plan and recommended conditions securing provision of native tree, shrub and groundcover species.

6.6.37 PMNSW recommended the retention of the of 20 Cabbage Tree Palms adjacent to the eastern facade of the building.

6.6.38 In response to Council, EES and PMNSW concerns the Applicant confirmed the planting pallet is indicative only and will be refined during the next phase of design to ensure the right balance of native species is achieved and that roof terraces enhance biodiversity and habitat.

6.6.39 The Department considers the concept landscape design provides adequate detail of the future approach to landscaping and demonstrates that a high-quality landscape design can be delivered. The Department is satisfied that the detailed nature of the landscaping, including tree species selection and associate soil depths, can be considered at future DA stage. The Department therefore recommends FEARs requiring future DA(s):

- 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, connections and Darling Harbour
- ensure the landscape design:
  - consists of native species planting
  - seeks to maximise urban tree cover and includes advanced and established trees
  - includes medium and large canopy trees within the foreshore public domain area
  - include deep soil zones above podium roof areas to allow for taller trees
  - explores opportunities to reuse the existing cabbage tree palms.

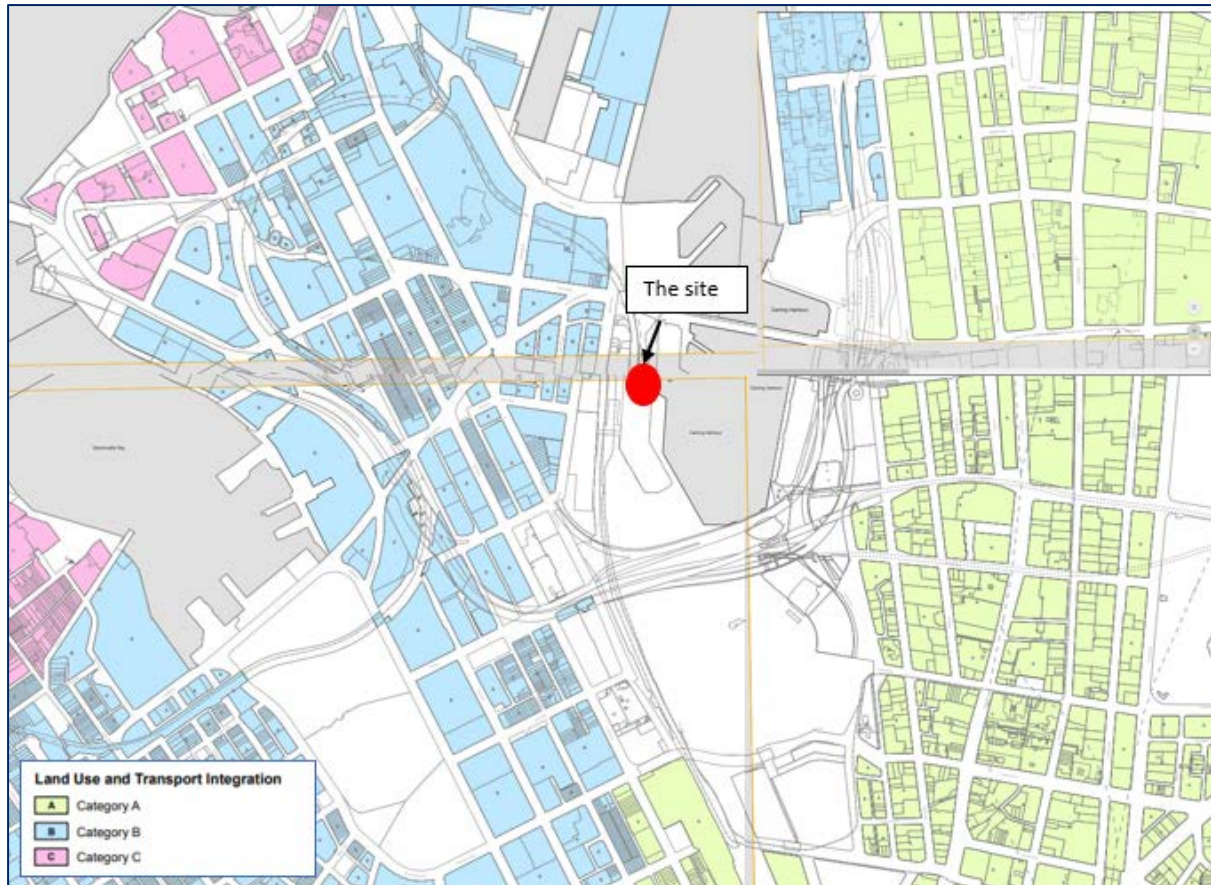
## 6.7 Parking Traffic and Access

### Car Parking

- 6.7.1 The proposal seeks approval for car parking rates in accordance with Sydney LEP 2012 parking rates for Category B land, based on the categorisation of surrounding land in Pyrmont (**Figure 34**) which would result in maximum car parking for the indicative proposal of 308 spaces as shown at **Table 9**.

**Table 9** | Indicative car parking based on SLEP 2012 Category B parking rates

Dwelling Type	Quantity	Parking Rate	Number of spaces
Studio	0	0.2	0
1 Bed	64	0.4	25.5
2 Bed	210	0.8	168
3 or more bed	83	1.1	91.3
Up to 30 Dwellings (visitor)	30	0.167	5.01
30 to 70 Dwellings (visitor)	40	0.1	4
More than 70 Dwellings (visitor)	287	0.05	14.35
<b>Total</b>			<b>308</b>



**Figure 34 |** Sydney SLEP 2012 Land use and Transportation Integration categorisation of nearby land (Base Source: SLEP 2012)

- 6.7.2 It is proposed that the future non-residential uses will utilise the existing leased 255 car parking spaces for the Harbourside Shopping Centre located below the Novotel Hotel. No additional onsite car parking spaces for non-residential uses is proposed. In addition, the Applicant commits to prepare a green travel plan and travel access guides as part of future DA(s) to encourage travel modes other than private vehicles.
- 6.7.3 While some public submissions suggested that the proposal should be car-free, others suggested that insufficient car parking spaces are provided. Council considered onsite car parking should be constrained but did not specify a recommended parking rate for the development.
- 6.7.4 The Department notes that the Sydney LEP 2012 does not apply to the site but provides a guideline for the assessment of car parking provision given it applies to adjacent and surrounding sites. The Department also considers, given the site's city fringe location public transport accessibility (including bus, light rail and ferry) that there is strong justification to limit car parking on the site. In particular, the site is within walking distance of:
- Town Hall station (15-minute walk)
  - light rail (Convention Centre stop, 3-minute walk)
  - bus services (Maritime Museum stop, 5-minute walk)
  - ferry services (Pyrmont Bay stop 10-minute walk).

- 6.7.5 In December 2020, the NSW Government announced the Sydney Metro west project would include a station at Pyrmont. Once completed, this would significantly increase the level of public transport accessibility at the site and potentially justify further reducing on site car parking capacity.
- 6.7.6 Notwithstanding, as the exact location and timeframe for delivery of the station has not been confirmed, the Department considers the proposed Category B car parking rates which apply to Pyrmont under the SLEP 2012 are appropriate. The Department notes that this rate would provide an indicative average of 0.79 car parking spaces per apartment which is considered appropriate noting the sites accessibility to public transport and the Sydney CBD.
- 6.7.7 The Department has therefore recommended FEARs requiring future DA(s):
- provide residential car parking at a rate no higher than permitted under SLEP 2012 (Category B)
  - provide no onsite parking for non-residential uses
  - include the preparation and implementation of a Green Travel Plan (GTP) to encourage a shift away and reliance on private vehicle use.

## Traffic Generation

- 6.7.8 Concerns were raised in public submissions and from Council regarding increased congestion within the surrounding road network resulting from the proposal.
- 6.7.9 The TIA included a comparison of the traffic generated by the existing shopping centre and by the indicative proposal which is summarised in **Table 10**. The analysis notes a reduction in peak hour vehicle trips of 374 trips (two way), due to the reduction of retail floorspace within the indicative proposal compared to the existing (21,000m<sup>2</sup> to 8,000 m<sup>2</sup> GFA).

**Table 10** | Peak hour additional vehicle trip movements (Source: Applicants FRtS)

Travel Mode	Vehicle movements per hour (vph)		
	Existing	Proposed	Difference (+/-)
AM Peak	465	428	-37
PM Peak	923	586	-337

- 6.7.10 The TIA also demonstrated that nearby intersections will continue to operate at the same level of service as existing conditions in the AM and PM peak (**Table 11**).

**Table 11** | Intersection performance LoS (Source Applicants FRtS)

Intersection	Control	Base (2020) delay and LOS				Base with Proposal delay and LOS			
		AM		PM		AM		PM	
Murray Street/Darling Drive	Traffic Lights	51	D	50	D	49	D	48	D
Darling Drive/Pier Street	Roundabout	11	A	10	A	13	A	12	A
Harbour Street/Pier Street/Goulburn Street	Traffic lights	38	C	37	C	37	C	36	C
Darling Drive/Ultimo Road	Traffic lights	22	B	24	B	21	B	25	B

6.7.11 The Department notes that the proposal will result in reduced vehicle trips and will not have any material impact on the operation of key intersections and therefore considers that the demonstrated traffic impacts of the proposal are acceptable. However, as the TIA was based on the indicative land use mix which will form part of future DA(s) the Department recommends a FEAR requiring future DA(s) include a detailed Traffic and Transport Impact Assessment, which considers the traffic generation and operational traffic impacts resulting from the detailed design of the development.

### **Access and Servicing**

6.7.12 The Applicant proposes the following indicative servicing arrangements for the development

- vehicle access and servicing would be via the existing access roads from Darling Drive
- a kiss and ride facility providing car and taxi drop off adjacent to the Darling Drive roundabout
- ground floor loading dock accommodating 2 x heavy rigid vehicle (HRV) bays, 7 x medium rigid vehicle (MRV) bays and 3 x small vehicle bays at the north west corner of the site in the location of the existing loading bay
- basement Level 1 loading dock accommodating 2 x HGV bays and 3 x MRV bays.

6.7.13 Council raised concerns reading the lack of detail of proposed servicing and considered servicing capacity should be provided in accordance with Sydney DCP 2012 rates and accommodated entirely within the site.

6.7.14 TfNSW recommend conditions requiring the inclusion of queuing analysis, a road safety audit and vehicle access management plans as part of future DA(s).

6.7.15 While the Sydney DCP 2012 does not apply to the site it provides a guide for servicing requirements for the development. Under Sydney DCP 2012 rates the proposed development would be required to provide 27 servicing bays for the indicative proposal. The Applicant is proposing a total of 17 loading bays and considers the provision is sufficient, based on their experienced of managing similar developments.

6.7.16 The Department has considered Council's concerns and the Applicant's response with respect to servicing capacity and notes that the proposed servicing is indicative only and servicing requirements will be dependent on the detailed design/final land use mix and assessment under future DA(s). On this basis, the Department considers the level of detail provided for servicing is adequate for a concept application as:

- access to the loading docks and basement car park is via service roads below Darling Drive which exclusively services the Harbourside development and therefore is considered acceptably self-contained
- the Applicant has provided swept path analysis demonstrating vehicles can safely enter and exit the site and queuing analysis which demonstrates that queuing of vehicles is unlikely to impact on Darling Drive.
- servicing requirements will be based on the final land use mix and considered in the assessment of future DA(s).



- 6.7.17 The Department recommends FEARs addressing TfNSW requirements and requiring submission of a servicing analysis with future DA(s) to ensure adequate servicing and loading provision.
- 6.7.18 The Department concludes that subject to the recommend FEARs the proposed access arrangements can operate to acceptable standards and safety requirements, and the detailed loading and serving provisions of the development will be considered further as part of future DA(s).

### **Bicycle Parking and Facilities**

- 6.7.19 The Application proposes cycle parking and end of trip facilities within the level 1 Basement area. The Applicant has not specified a cycle parking rate for the development and proposed that cycle parking facilities are confirmed in future DA(s).
- 6.7.20 Council recommends cycle parking and end of trip facilities should be provided in line with SDCP 2012 cycling rates.
- 6.7.21 TfNSW recommend future DA(s) be supported by a wayfinding strategy and travel access guide to assist with increasing the mode share of walking and cycling.
- 6.7.22 PMNSW recommended that future DA(s) should:
- include details of how the safe movement of cyclists will be provide around the site
  - include the design and location of any proposed bicycle parking infrastructure to be provided on site
  - demonstrate alignment with PMNSW's cycling strategy for Darling Harbour.
- 6.7.23 The Department notes the SDCP 2012 does not apply to the site. However, in the absence of guidance on bicycle parking for the site, the Department considers it appropriate to recommend a FEAR requiring bicycle parking and end of trip facilities be provided in accordance with the SDCP 2012 rates.
- 6.7.24 The Department also considers that TfNSW and PMNSW recommendations are important to ensure that the future DA considers how cyclists will move around and through the site and delivers safe and well-designed bicycle facilities. It therefore recommends FEARs requiring future DA(s) address the requirements of PMNSW and TfNSW.

## **6.8 Public Benefits**

- 6.8.1 The proposal provides a range of public benefits including:
- a minimum of 3,500 m<sup>2</sup> new on site publicly open space
  - a minimum of 10,200m<sup>2</sup> of upgraded public domain area
  - on-site space for events and gatherings adjacent to the waterfront
  - increased size of the waterfront promenade (474m<sup>2</sup>)
  - public domain upgrades and site wide landscaping

- new pedestrian bridge from Bunn Street and new through site link
  - upgrade of the existing pedestrian bridge between the site and One Darling Harbour
  - affordable housing contribution of \$5,200,000 (via legal agreement with a housing provider)
  - public art and heritage interpretation.
- 6.8.2 Concerns were raised in public submissions that the public benefits, including the provision of affordable housing within the proposal were insufficient.
- 6.8.3 Council supported the proposed public benefits in principle but raised concerns that they were not sufficiently integrated to the existing public domain or embedded in the envelope drawings. Council also considered that the impacts of the development in terms of social infrastructure had not been adequately considered.
- 6.8.4 In response to issues raised in submissions the Applicant stated that:
- there is no statutory requirement to provide affordable housing on the site, the contribution is in excess of what would be required under the City West Housing Strategy and is the preferred method of the housing association to support affordable housing in the local area
  - the proposed number of apartments will not generate the need for new community facilities in the local area and that the recently approved Ultimo Public School includes new and expanded community facilities and multi-purpose spaces for wider community use for after hours and weekend use by the community
  - the building envelope has been designed to provide opportunity for flexible innovative and creative responses to deliver the above public benefits through the competitive design process
  - the built form public benefits will be secured through conditions on the approval and design guidelines.
- 6.8.5 The Department notes that while there is no adopted site-specific planning policy mandating the provision of affordable housing, the delivery of affordable housing is promoted as an object of the EP&A Act (clause 1.3(d)). It is also supported by the District Plan (Action 26 e) and listed as a Priority for the Tumbalong Park precinct within the PPPS (Priority 4).
- 6.8.6 The City West affordable housing program applies to the Ultimo/Pymont area directly adjacent to the site and in the absence of any other adopted policy provides a useful guide for appropriate level of contributions. The Department therefore supports the proposed affordable housing contribution, noting it is \$1,797,400 in excess of what would be required under the City West Housing program and recommends a FEAR requiring the applicant enter into an appropriate agreement with a housing provider prior to submission of future DA(s).
- 6.8.7 Given the significant uplift in residential floorspace, the Department considers it reasonable to require future DA(s) to consider the impacts development on community infrastructure and recommends a FEAR requiring future DA(s) to include an Social Impact Assessment to determine any need for additional community uses or facilities, services and infrastructure resulting from the development.
- 6.8.8 The Department notes that in addition to the direct public benefits identified above the development of the site is expected to:

- generate significant economic and employment opportunities during and post construction
- provide significant new commercial floor space within the Innovation Corridor aligning with the State Government's strategic policies as detailed in **Section 3** of this report.
- significantly increase public use and enjoyment of the site and Darling Harbour through the delivery of a vibrant and activated mixed use precinct with significantly improved open space, though site connections and revitalised public realm.

6.8.9 The Department notes (as discussed in **Section 3**) that subject to recommended FEARs and design guidelines the proposal is capable of delivering appropriate precinct wide and site-specific public benefit opportunities as envisaged by the PPPS.

6.8.10 The Department concludes subject to the appropriate provision of community facilities should a need be identified, together with the proposed public open space, through-site links, affordable housing contributions and enlargement and improvements to the public domain, that future DA(s) will deliver appropriate public benefit proportionate to the scale of the development.

## 6.9 Other issues

6.9.1 The Department's consideration of other issues is presented at **Table 12**

**Table 12** | Departments assessment of other issues

Issue	Findings	Recommend Condition
Future Residential Amenity	<ul style="list-style-type: none"> <li>• The Applicant has stated the building envelope parameters ensure future detailed developments are capable of complying with the requirements of SEPP 65 and the ADG.</li> <li>• The Department has considered the proposal against the aims and objectives of SEPP 65 at <b>Appendix C</b>. In summary, the Department is satisfied the indicative scheme is consistent with the key amenity criteria within the ADG and will: <ul style="list-style-type: none"> <li>○ meet or exceed the various ADG minimum apartment sizes</li> <li>○ provide over 70% of apartments achieving 2 hours of solar access in mid-winter, exceeding the ADG requirement</li> <li>○ provide over 60% of apartments achieving natural ventilation, exceeding the ADG 60% requirement</li> <li>○ be located over 90m south west of the closest neighbouring residential property (One Darling Harbour) and therefore exceeds the ADG minimum 25m building separation requirement (privacy) to neighbouring properties</li> <li>○ provide deep soil planting on the podium rooftop spaces to accommodate landscaping (subject to FEARs).</li> </ul> </li> <li>• The Department concludes future developments can achieve an appropriate standard of residential amenity subject to recommended FEARs and assessment of the detailed design in future DA(s).</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include an assessment of the residential components of the development against the ADG recommended amenity standards.

Privacy	<ul style="list-style-type: none"> <li>Concerns were raised in public submissions that the proposal would impact privacy of residential dwellings at One Darling Harbour to the west.</li> <li>The Department notes that the proposed residential tower is located over 90 m away from the nearest residential uses at One Darling Harbour, well in excess of the 24 m minimum separation distance recommended in the ADG.</li> <li>The non-residential podium and rooftop open spaces are also setback 50 m from One Darling Harbour separated by both Darling Drive and the light rail corridor. The Department considers the separation between neighbouring properties and the proposal is sufficient to prevent unreasonable overlooking of neighbouring residential properties. The Department also notes that privacy impacts will be considered in detail in future DA(s).</li> </ul>	No additional conditions necessary
Reflectivity	<ul style="list-style-type: none"> <li>Concerns were raised in a public submission regarding reflectivity from the proposed tower.</li> <li>The Department notes that the future DA for the residential tower will include further details on the proposed materials and finishes and the amount and type of glazing which will affect the reflectivity of the development.</li> <li>The Department considers it important that future DA(s) consider potential reflectivity impacts and recommends a FEAR accordingly.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a Reflectivity Assessment.
Views of Goldborough Mort building	<ul style="list-style-type: none"> <li>A submission was received objecting to the proposal obstructing views of the Goldborough Mort Building (Oaks Goldsbrough Apartments).</li> <li>The proposal would obstruct view of the Goldborough Mort building from King Street wharf south, however the Department considers the impact is acceptable as: <ul style="list-style-type: none"> <li>the Goldsbrough Mort is not a heritage item and there are no controls or provisions which protect views towards it</li> <li>there are other locations around Darling Harbour (pedestrian thoroughfares, roads and open spaces) where views and glimpses of the façade of the building are possible</li> </ul> </li> <li>The Department considers that it is inevitable that westwards views across Darling Harbour towards the Goldsbrough Mort building would be impacted given the ongoing urban regeneration of the Darling Harbour area and the distance of the building from the Harbour foreshore. The Department therefore concludes this impact is reasonable.</li> </ul>	No additional conditions necessary
Public transport	<ul style="list-style-type: none"> <li>Concerns were raised in public submissions regarding the impact of the proposal on public transport including the capacity of the light rail.</li> <li>The Department notes the site has access to a range of public transport options. This includes light rail, bus, ferry and heavy rail with Town Hall station being approximately 15 minutes' walk from the site.</li> </ul>	No additional conditions necessary

- Furthermore, the planned Pyrmont metro station will significantly boost public transport capacity upon its forecast completion in 2030.
- The Department is satisfied, as the site is so highly connected to the public transport network and the broad variety of public transport options available, future residents' employees and visitors are unlikely to have an appreciable impact on the capacity of the public transport network.

#### Bicycle connections

- Council considered the development should provide for upgrades to cycling infrastructure and connections including:
  - upgrade the Darling Drive cycleway by providing separated connection from the Murray Street/Union Street intersection to the existing separated cycleway opposite the ICC to the south of the site.
  - improve cycle access points to the site from the following routes:
    - CBD to Pyrmont Bridge
    - CBD to Cockle Bay Wharf (north bridge)
    - CBD to Cockle Bay Wharf (central bridge)
    - Druiitt Street Bridge.
- In response to concerns raised by Council the Applicant analysed the feasibility of upgrading the Darling Drive Cycleway. Noting the constraints of the width and elevation of the roadway, the Applicant committed to explore potential upgrades within the existing carriage way in consultation with Council, TfNSW and PMNSW.
- The Applicant also committed to explore improvements to site access from the CBD to Pyrmont Cycle route from the intersection of Murray Street and Union Street in conjunction with the repaving of the Pyrmont Bridge approach.
- The Applicant noted that the CBD to Cockle Bay Wharf and Druiitt Street Bridge cycle routes are located on the opposite site of the harbour and do not provide direct access to the site.
- The Department supports the Applicant's commitment to improve cycling connections adjacent to the site and recommends FEARS requiring future DA(s) explore and implement feasible opportunities to upgrade Darling Drive cycle way and cycle connections within and around the site in consultation with Council, TfNSW and PMNSW.

The Department has recommended a FEAR requiring future DA(s):

- explore opportunities to improve cycleway connections within and around the development
- explore feasible opportunities to upgrade the Darling Drive Cycleway

#### East west access to Pyrmont via Pyrmont Street across PMNSW storage yard and the light rail corridor

- One public submission raised concern about east west connectivity between Pyrmont and Darling Harbour suggesting the proposal should provide for a new pedestrian access via the area to the south of the Novotel Carpark across the light rail line and Darling Drive.
- The Department notes the suggested pedestrian zone is outside of the site boundaries to the west of the ICC and not directly linked to the site.
- The Department is satisfied that the proposal improves east west connectivity in line with the objectives of the PPPS as discussed in **Section 5** and **6.7**

No additional conditions necessary



- While outside the scope of this proposal, the Department notes future land use and infrastructure planning for Pyrmont will explore broader improvement to pedestrian access between Pyrmont and Darling Harbour consistent with the PPPS.

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Demolition  
hours and noise

- The proposal also seeks development consent for early works comprising the demolition of existing structures on the site, including the existing Harbourside shopping centre, the decommissioned monorail station and associated structure, the pedestrian bridge between the Novotel carpark and the existing shopping centre. Demolition works are predicted to take approximately eight months.
  - Concerns were raised in public submissions about demolition noise and vibration impacts and hours of work.
  - The proposed hours of demolition works are from 7am to 6pm, Monday to Friday and 7 am to 6pm, Saturdays which is consistent with the recommended hours of work within the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992 (Code of Practice).
  - The Code of Practice and the Interim Construction Noise Guideline (ICNG) recommends construction noise management level (NML) be limited to 5 to 10 decibels (dB) above the background noise level, depending on the time of day. The ICNG notes that impacts above 75 dB represent a point where sensitive receivers may be 'highly noise affected'.
  - The application was accompanied by a Demolition Acoustic Report (DAR), which confirms that some aspects of the demolition works (including works involving the pulveriser and hydraulic hammers) will result in exceedances above 75 dB at One Darling Harbour, the Ibis, Novotel and Sofitel hotels and the ICC. Therefore, the DAR recommends the following potential mitigation measures:
    - maintain building shell during strip out works and maximise internal demolition prior to roof removal
    - staging of works and restricting use of noisy equipment near boundaries in early stages
    - respite periods and restriction on use for noisy machinery/activities
    - equipment attenuation, engine silencing and equipment substitution
    - temporary noise barriers, enclosures, site building, stockpiles or other structures to shield construction work from receivers
    - effective monitoring, scheduling, notification and complaints handling protocols.
  - The Department has considered the findings of the NVIA and public submissions. The Department considers, given the dense urban nature of the immediate surrounding area, some noise exceedances during demolition would be unavoidable however notes that the identified impacts represent the worst-case scenario and would be temporary in nature.
- 

The Department recommends conditions securing hours of work, respite periods and submission of a Demolition Environmental Management Plan (DEMP) to manage noise impacts and notification and complaints handling processes.

- The Department is satisfied that noise impacts can be effectively mitigated through restricting hours, respite periods and other management measures identified in the NVIA.
- On this basis, and subject to the Applicant's compliance and commitment to implement all reasonable and feasible mitigation measures, the Department is satisfied demolition work can be appropriately managed within the proposed hours to minimise disruption to the amenity of neighbouring properties.

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Other demolition impacts

- In addition to noise, the proposed demolition works have the potential to result in traffic, waste, vibration, air and water quality and dilapidation impacts.
- The Australian National Maritime Museum (ANMM) objected to the vibration impacts of the demolition and the potential impact on storage and display of historic artefacts within the museum. The ANMM also raised concern about increased vermin following demolition of the existing building and accessibility to the ANMM site during demolition.
- The Applicant has proposed vibration mitigation strategies to ensure vibration impacts from demolition works will be managed in a way that avoids potential building damage and mitigates impacts and land users in a reasonable and feasible manner.
- In order to ensure the demolition works do not have an adverse impact on the surrounding area or the environment the Department recommends conditions including:
  - preparation of a Demolition Environmental Management Plan together with other environmental management sub-plans (including a vibration and noise management plan,) addressing, air quality, vermin, erosion and stormwater to ensure the demolition works do not have an adverse impact on the surrounding area or the environment
  - preparation of a Demolition Traffic and Pedestrian Management Plan (DTPMP) to mitigate any traffic and pedestrian access impacts
  - a community involvement plan detailing notification and complaints management
  - an unexpected finds protocol to manage unexpected contamination or archaeological disturbance.
- Subject to the recommended conditions, the Department is satisfied that other demolition impacts can be effectively mitigated.

The Department recommends conditions requiring preparation and implementation of a DEMP, DTPMP and other environmental management and mitigation measures.

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Tree removal

- The proposal seeks to remove 20 Cabbage Tree Palms adjacent to the eastern facade of the building.
- PMNSW recommended that the Cabbage tree palms should be retained for use in future landscaping.
- In response to concerns raised by PMNSW, the Applicant agreed to explore the possibility of transplanting and reusing exiting Cabbage Tree palms as part of future detailed landscaping.
- Council and EES did not object to the transplanting of the exiting trees however noted that palms are not effective canopy trees and any new planting should use large canopy trees.
- In response to concerns raised by PMNSW EES and Council, The Department has recommended FEAR(s) requiring future DA(s):

The Department has recommended a FEAR requiring the Applicant explore opportunities to reuse the existing Cabbage Tree Palms and a Condition requiring submission of a Transplant Methodology Report prior to the commencement of demolition works.

- explore opportunities to reuse the existing Cabbage Tree Palms
- incorporate medium to large canopy trees within the foreshore public domain
- The Department also recommends a condition requiring the Applicant demonstrate how the trees can be feasibly transplanted prior to the commencement of demolition works.

#### Aboriginal Cultural Heritage and Aboriginal and non-Aboriginal Archaeology

- The site is immediately adjacent to the State heritage registered Pyrmont Bridge, encompasses a part of the early Sydney Harbour Foreshore and contains potential for maritime Historical Archaeological deposits and relics of local and state significance.
- Heritage NSW recommended the Applicant undertake archaeological investigations to assess the archaeological potential of the site, its heritage values and the management of the discovery of State significant heritage fabric to inform future DA(s).
- Aboriginal Culture Heritage Regulation (ACHR) noted the low potential for aboriginal archaeology at the site, and recommend FEARs requiring:
  - archaeological research design to include consideration of Aboriginal cultural heritage
  - inclusion of aboriginal cultural heritage within the heritage interpretation plan
  - inclusion of an unexpected find protocol
  - consideration of Aboriginal Participation in Construction Policy (APIC)
- The Applicant agreed to HNSW and ACHR conditions and committed to undertake archaeological test excavation, prepare archaeological research design and excavation methodology and archaeological impact statement and include an unexpected finds protocol.
- The Department is satisfied the potential for Aboriginal and non-Aboriginal archaeology at the site is low given past levels of site disturbance and has recommend FEARs to address HNSW and ACHR requirements, including additional site investigations and an unexpected finds protocol during demolition.
- Subject to the recommend conditions and FEARs, the Department considers that aboriginal cultural heritage will be appropriately considered during the detailed design process and Aboriginal and non-Aboriginal archaeological impacts of the development can be effectively managed during demolition and in future DA(s).

The Department has recommended FEARs requiring future DA(s) include:

- Heritage interpretation addressing, built heritage, historical archaeology and Aboriginal cultural heritage
- Historical, Maritime and Aboriginal Archaeological testing and assessment
- An unexpected find protocols
- An archaeological impact statement

#### Connecting with Country

- The GANSW's draft Connecting with Country Framework seeks to develop connections with Country that can inform the planning, design, and delivery of built environment projects in NSW.'
- The Department considers the redevelopment of the site provides a unique opportunity to reinforce the sites connection with its indigenous history in accordance with the GA NSW's draft Connecting with Country framework.

The Department has recommended a FEAR requiring future DA(s) explore and implement opportunities to connect with Country, in

	<ul style="list-style-type: none"> <li>The Department therefore recommends a FEAR requiring future DA(s) consider the draft Connecting with Country Framework and explore and implement opportunities to connect with Country in the design and planning of the development, in consultation with Aboriginal communities.</li> </ul>	consultation with Aboriginal communities.
Construction	<ul style="list-style-type: none"> <li>Concern was raised in public submissions about noise, air quality and traffic impacts during construction.</li> <li>The Application includes a preliminary Construction Environmental Management Plan (CEMP) relating to erosion and excavation, dust control, noise, materials handling, waste and utilities.</li> <li>TfNSW and Council recommended future DA(s) address likely construction impacts.</li> <li>The Applicant has agreed to submit CEMPs with future DA(s). In addition, the Applicant has confirmed future DA(s) would include a Construction and Pedestrian Traffic Management Plan (CPTMP) to address impacts associated with construction vehicles.</li> <li>The Department has considered the Applicant's preliminary CEMP and TfNSW and Council comments and considers construction impacts of the proposal can be appropriately managed and addressed at future DA stage.</li> <li>The Department recommends FEARs in accordance with TfNSW and Council's recommendations, requiring future DA(s) include a detailed CEMP and management sub-plans including a CTPMP to manage and mitigate potential environmental impacts.</li> </ul>	The Department has recommended and FEAR requiring future DA(s) include a CEMP and a CPTMP prior to any works commencing
Contamination	<ul style="list-style-type: none"> <li>The RtS was accompanied with a Preliminary Site Contamination Assessment (PSCA) and a preliminary Remedial Action Plan (RAP).</li> <li>The PSCA identifies potential soil and ground contamination from fill materials remaining and historical contamination activities including the use as a railway and goods yard and concludes that detailed soil investigations are required to characterise contamination status through a Detailed Site Investigation (DSI), which should assess the suitability for the proposed land uses and inform any requirements for remediation.</li> <li>Based on the findings of the PSCA, the preliminary RAP concludes that the site can be made suitable for the proposed development and identifies a preferred remedial action strategy.</li> <li>The preliminary RAP recommends that the Detailed Site Investigation (DSI) be prepared to inform a site specific RAP to direct effective mitigation of contamination risks.</li> <li>Council considered that a DSI should accompany the proposal at concept stage to inform the Remedial Action Plan.</li> <li>The Department notes that the constraints of a built up site has restricted the consideration of contamination to a desk top analysis, however, the Department notes that the analysis draws its conclusions from previous experiences on</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a DSI and RAP and acid sulphate soil management plan

comparable projects at nearby sites including the ICC hotel development directly to the south of the western foreshore.

- The Department has considered land contamination in detail at **Appendix C**. The Department is satisfied that the level of assessment in the PSCA is sufficient at concept stage and based on its findings accepts that the site can be made suitable for its intended use.
- The Department notes that a Detailed Site Analysis (DSI) is required to confirm the site can be made suitable for its intended use and considers future DA(s) should consider land contamination and any necessary remediation.

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#### Sydney Airports

- The application was referred to SAC and CASA as the site is located in an area identified under the Federal Airports (Protection of Airspace) Regulations 1996 that restricts the height of new structures to below the recommended OLS.
- the SAC has confirmed, as the tower building envelope penetrates the OLS (166.95 m AHD), separate approval will be required by the DIRDC for the building height and for any cranes / associated structures required to construct the building.

The Department has included an Advisory noting the requirement to obtain DIRDC approval for building height and cranes that penetrate the OLS prior to submission of any future DA(s)

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#### Utilities

- Ausgrid recommended consideration be given to the compatibility of proposed development with its infrastructure and recommended conditions relating to substation ventilation and separation, underground cables and the design of the building adjacent to easements and existing substations.
- Sydney Water provided information on water and wastewater infrastructure, stormwater assets, protection measures during demolition and construction and confirmed a separate Section 73 Compliance Certificate is required in accordance with the Sydney Water Act 1994.
- The Applicant has submitted a Preliminary Utility Services Infrastructure Assessment (Utilities Assessment), which confirms there is a suitable level of supply to the site, subject to any required augmentation.
- The Department is satisfied the site is capable of being appropriately serviced by necessary utilities and the detailed design matters relating to utilities, including connection and augmentation, can be addressed as part of the future assessment of detailed DA(s).

The Department has recommended a FEAR requiring future DA(s) include a Utility Services Infrastructure Assessment

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Waste management	<ul style="list-style-type: none"> <li>Concerns were raised in submissions regarding waste management, citing the waste management practices of the existing shopping centre as a source of nuisance.</li> <li>The application is concept only and is satisfied that the detailed design of the building can provide appropriate facilities and management measures in relation to waste. This will be assessed in detail as part of future DA(s)</li> <li>The Department has recommended a FEAR requiring Future DA(s) include a waste manage plan to address storage, collection, and management of waste and recycling within the development.</li> </ul>	The Department has recommended a FEAR requiring Future DA(s) include a waste manage plan.
Community Consultation	<ul style="list-style-type: none"> <li>Concern was raised in public submissions about the extent of community consultation undertaken.</li> <li>The Applicant has confirmed it consulted with key stakeholders and community groups through various channels prior and following lodgement of the application, including: <ul style="list-style-type: none"> <li>meetings, briefings and presentations with various government agencies and key stakeholders</li> <li>public drop in and community information sessions</li> <li>letter box drops</li> <li>newspaper advertisements</li> <li>a public email and contact phone number</li> </ul> </li> <li>The Department also exhibited the EIS, RtS and FRtS and notified surrounding properties in writing, as outlined in <b>Section 5</b>.</li> <li>The Department has considered all submissions received in its assessment (<b>Section 6</b>).</li> <li>The Department is therefore satisfied that the community has had sufficient opportunity to comment on the proposal.</li> </ul>	No additional conditions necessary
Development precedent	<ul style="list-style-type: none"> <li>Concern was raised in public submissions that the proposed increase in building height may set a precedent for the development of other tall buildings within the locality.</li> <li>The Department notes any development of surrounding land would be the subject of separate development applications assed on their merits.</li> <li>The Department has assessed the merits and impacts of the proposal and does not consider the proposal would set a development precedent.</li> </ul>	No additional conditions necessary
Short-term accommodation	<ul style="list-style-type: none"> <li>Concerns were raised in submissions that the proposed apartments would be use as short-term accommodation for tourists rather than permanent residents devaluing the hotel experience in Daring Harbour by providing a lower standard of accommodation.</li> <li>A submission from the Accommodation Association recommended the use of apartments for short stay accommodation should be prevented where the apartment is not the primary residence of the host.</li> </ul>	No additional conditions necessary

	<ul style="list-style-type: none"> <li>• The Department notes that use of a residential apartments for short-term accommodation, such as Air BnB, is regulated by the NSW Fair Trading.</li> <li>• The Department is satisfied the proposed residential land use is appropriate and has acceptable impacts as outlined in <b>Section 5.4</b> and the regulation of short-term accommodation is appropriately managed by NSW Fair Trading.</li> </ul>	
Property Values	<ul style="list-style-type: none"> <li>• Concern was raised in public submissions the proposal would have an adverse impact on property values.</li> <li>• The Department has assessed the merits of the proposal in detail at <b>Section 6</b> 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.</li> </ul>	No additional conditions necessary
Privatisation of public land	<ul style="list-style-type: none"> <li>• Concerns were raised in public submissions that the proposed residential use results in the privatisation of public land.</li> <li>• The site is currently owned by the NSW government and leased to the Applicant on a 99-year lease and will remain publicly owned land by the NSW government.</li> <li>• The Department considers that the proposed mixed-use development will increase public use and enjoyment of the site and is acceptable noting: <ul style="list-style-type: none"> <li>○ the proposal results in a significant increase in public domain and on site publicly accessible open space (<b>Section 5.6</b>) and subject to future DA(s) will provide for active accessible uses at ground and within podium levels.</li> <li>○ the proposal provides for significant public benefits (<b>Section 5.8</b>) and is in the Public Interest (<b>Section 6.10</b>).</li> <li>○ the private sale of land on a 99-year lease is an established practice on PMNSW and other government owned sites such as the residential towers at Darling Square.</li> <li>○ residential land use is permissible and compatible with the Darling Harbour precinct and aligns with the relevant strategic planning framework applying to the site (<b>Section 3</b> and <b>5.4</b>).</li> </ul> </li> </ul>	No additional conditions necessary

## 6.10 Public interest

- 6.10.1 Council consider that residential use would diminish the enjoyment of the foreshore and Darling Harbour as a public asset and precinct for leisure, recreation, entertainment, culture, education and commerce, which is not in the public interest. Public submissions considered the proposal resulted in overdevelopment, privatisation of public land and put private profit ahead of the public good.
- 6.10.2 The Department has carefully considered these concerns, however on balance is satisfied that the proposal would be in the public interest. The proposal will deliver a mixed-use building which contains a substantial non-residential component which will contribute to economic growth, job creation and support the delivery of the wider Darling Harbour and Pyrmont Peninsula renewal.

- 6.10.3 The residential tower will provide significant residential floorspace in a central location close to public transport and services, contribute to meeting NSW government housing targets and is positioned on the site to maximise view sharing and minimise overshadowing and heritage impacts.
- 6.10.4 The proposal would benefit the community as it would provide for new open spaces, public domain upgrades, improved site permeability including new through site links, a new bridge to Pyrmont and upgrade of the existing bridge, public art and heritage interpretation and a contribution to affordable housing. It would also result in direct investment in the area of \$708,510,000 and is predicted to generate approximately 2,094 construction jobs (comprising 916 direct jobs and 1,178 indirect jobs) and 4,468 operational jobs (comprising 2,130 direct jobs and 2,338 indirect jobs).
- 6.10.5 Overall, the Department considers the proposal is in the public interest, having regard to the substantial public benefits to be delivered for Darling Harbour and Pyrmont. It will result in acceptable environmental impacts, which have been mitigated subject to the recommended conditions of consent.

## 7 Evaluation

- 7.1.1 The Department has reviewed the EIS, RtS, FRTS and FFRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities and comments made by Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly assessed.
- 7.1.2 The Department considers the proposal is acceptable as:
- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan's vision for a stronger and more competitive Harbour CBD and supports the renewal and reinvigoration of Darling Harbour
  - it is consistent with the Pyrmont Peninsula Place Strategy (PPPS) vision to transform the Pyrmont Peninsula, as it would contribute to economic growth and job creation and deliver new and improved public domain areas, improved activation, accessibility, connectivity, and public open space
  - while the Department appreciates Council and community concerns about the inclusion of private residential uses, the proposal supports the revitalisation of an underperforming shopping centre with a vibrant mixed-use development, which would deliver significant public domain and open space improvements together with increased permeability, accessibility and activation at podium levels. These benefits would support the entertainment and tourism function of the precinct and substantially increase public enjoyment of the harbour
  - it provides a height, scale and density that is compatible with the existing and emerging character of Darling Harbour and provides appropriate setbacks from the heritage listed Pyrmont Bridge and the waterfront. It also complies with the maximum height of RL 170 m height identified in the PPPS
  - the Department engaged an independent design advisor to review the proposal throughout the assessment process which lead to changes to the tower location, podium form and height and public domain outcomes including substantial new publicly accessible open space on the northern podium roof
  - the scale and setback of the podium is sympathetic to the Pyrmont Bridge and can deliver a development which is appropriately articulated, activated and permeable to enhance the quality of the public domain
  - the Applicant has committed to a design excellence strategy (DES) which includes a competitive design process that will ensure the development achieves design excellence
  - while the proposal will interrupt views from neighbouring residential buildings and hotels, the impacts have been mitigated by lowering the northern podium and relocating the tower to the centre of the site. The Department also considers that the overall view loss impacts are reasonable given the site's location on the CBD fringe and neighbouring properties would retain an acceptable level of outlook, over the proposed landscaped podium roof with the majority of affected apartments retaining some water views or city skyline views

- overshadowing impacts to the public domain are acceptable having regard to the location and orientation of the site. The impacts to the waterfront promenade and Woodward Fountain are limited to after 1 pm and are in part offset by the significant new and enhanced public domain along the waterfront and podium roof. Neighbouring residential properties will also continue to achieve solar access consistent with the Apartment Design Guide
- the proposal would result in significant public benefits including contributions to affordable housing, a minimum of 3,500 m<sup>2</sup> of new publicly accessible open space, enlarged and enhanced waterfront boulevard and public domain, a new 24 hour accessible through site link and bridge to Bunn Street, upgrades to an existing pedestrian bridge, public art and heritage interpretation and approximately 916 direct construction jobs and 2,130 direct operational jobs.

7.1.3 The impacts of the proposal have been addressed in the EIS / RtS /FRtS/FFRtS. Terms of Approval, FEARs and Conditions are recommended to ensure:

- a design excellence competition is held in accordance with a brief endorsed by GANSW and approved by the Secretary and a Design Integrity Panel established to review and ensure the future development achieves design excellence
- the tower and podium are sympathetic with the Pyrmont Bridge, achieve a high degree of articulation and modulation, and utilise a maximum of 80% of the building envelope to ensure flexibility through the design competition
- excellence in public domain, including improved east west connections, activation, deep soils zones to achieve canopy planting and civic quality transitions between the various levels of public domain
- demolition works do not give rise to unacceptable and adverse environmental impacts
- management and mitigation of impacts through future environmental assessment requirements in relation to heritage and archaeology, overshadowing, view impacts, noise and vibration, wind, contamination, hydrology and construction.

7.1.4 The Department's assessment concludes the proposal is in the public interest and is approvable subject to conditions (**Appendix J**).

7.1.5 This assessment report is hereby presented to the Independent Planning Commission to determine the application.



**Anthony Witherdin**  
Director  
Key Sites Assessments



**Anthea Sargeant**  
Executive Director  
Key Sites and Regional Assessments



# Appendices

Appendix A - List of Documents

Appendix B - Relevant Supporting Information

Appendix C - Environmental Planning Instruments

Appendix D – Summary of Submissions to the EIS, RtS, FRtS and FFRtS

Appendix E – Consideration of Issues Raised in Submissions

Appendix F – The Department’s Visual Impact Assessment (Tenacity Steps 1-3)

Appendix G – Independent Design Advice

Appendix H – Recommended Amendments to the Applicant’s Design Guidelines

Appendix I - Consideration against the PPPS - Harbourside site specific framework

Appendix J - Recommended Conditions of Consent

## Appendix A – List of referenced documents

List of key documents relied on by the Department in its assessment:

- Environmental Impact Statement and attachments, prepared by JBA Urban Planning Consultants Pty Ltd dated 15 November 2016
- Response to Submissions and Amended Concept Proposal report and attachments, prepared by Ethos Urban Pty Ltd and dated 24 March 2020
- Response to Submissions and Further Amended Concept Proposal report and attachments prepared by Ethos Urban dated 12 October 2020
- Response to Submissions report and attachments prepared by Ethos Urban and dated 27 November 2020; As amended by documents dated 17 and 18 December 2020

## **Appendix B – Relevant supporting information**

The following supporting documents and information can be found on the Department's website  
<https://www.planningportal.nsw.gov.au/major-projects/project/11411>

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions and Amended Concept Proposal
4. Applicant's Response to Submissions and Further Amended Concept Proposal
5. Applicant's Response to Submissions

## Appendix C – Mandatory Matters for Consideration

### C1 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 13**

**Table 13 | Section 4.15 (1) Matters for consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The proposal is consistent with the relevant EPIs as addressed in <b>Appendix C3</b> .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the proposed development are acceptable and/or have been appropriately managed or mitigated by recommended conditions of consent ( <b>Section 6</b> and <b>Appendix J</b> ).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Section 6</b> of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal ( <b>Sections 4</b> and <b>6</b> and <b>Appendix E</b> of this report).
(e) the public interest	The proposal is in the public interest ( <b>Section 6</b> ).

### C2 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 14**.

**Table 14** | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Department's 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	<p>The proposal will promote social and economic welfare by increasing employment opportunities and dwellings, and through the creation of 3,500 m<sup>2</sup> of new publicly accessible open space and facilitating improved pedestrian connectivity between Pyrmont and Darling Harbour via Bunn Street. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The development proposes ESD initiatives and proposed to target the following:</p> <ul style="list-style-type: none"> <li>• 5-Star Green Star Design &amp; As Built v1.3 for retail, with a stretch target of 6-star;</li> <li>• 6-Star Green Star Design &amp; As Built v1.3 for commercial;</li> <li>• 5-Star Green Star Design &amp; As Built v1.3 for the residential tower, with a stretch target of 6 Star;</li> <li>• 5.5-Star NABERS Energy for Offices;</li> <li>• 3.5-Star NABERS Water for Offices; and</li> <li>• 20% water reduction per sqm for retail.</li> </ul> <p>In addition to the above targets the applicant has stated that best practice sustainable building principles will be established through future DA(s).</p> <p>The Department has considered the proposal in relation to ESD principles. The Precautionary and Intergeneration Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the proposal. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&amp;A Act.</p> <p>The Department recommends FEARs requiring future DA(s) demonstrate how ESD principles, including best practice sustainable building principles have been incorporated into the proposal and seek to improve on the stated targets where possible and include a BASIX assessment.</p>



<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site that is in close proximity to existing services and public transport. The proposal will facilitate redevelopment of the site for residential and commercial purposes, prioritising non-residential floorspace in accordance with applicable strategic policy (<b>Section 3</b>), the merits of which are considered in <b>Section 6</b>.</p> <p>The development of the site will also provide economic benefits through job creation and infrastructure investment during construction stage</p>
<p>(d) to promote the delivery and maintenance of affordable housing,</p>	<p>The Applicant intends to enter in a VPA with the to secure an affordable housing contribution of \$5,200,000.00 as part of the Stage 2 application. A TOA is recommended to ensure the agreement is undertaken prior to the Stage 2 application.</p>
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>The project involves redevelopment of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.</p>
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The proposal does not have an adverse impact on nearby heritage items and the Department has also recommended the future applications include a Heritage Interpretation Strategy (<b>Section 6</b>).</p> <p>Heritage NSW recommend that early physical archaeological investigation should be undertaken to inform the stage 2 detailed design.</p> <p>The Department also recommends FEARs requiring future DA(s) include detailed Aboriginal (and non-Aboriginal) archaeological assessments including consultation with the Aboriginal community be undertaken prior to submission of the future DA(s).</p>
<p>(g) to promote good design and amenity of the built environment,</p>	<p>The proposed building envelope, subject to conditions, has acceptable impacts as discussed at <b>Section 6</b>. The Design guidelines and Design Excellence Strategy, which includes a design competition, ensure a high standard of design for any future development.</p>

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Future development applications will include detailed report(s) confirming the development is capable of meeting relevant construction standards
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in <b>Section 5</b> , 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.	The Department publicly exhibited the proposed development as outlined in <b>Section 5</b> , which included consultation with surrounding residents.

### C3 Environmental Planning Instruments (EPIs)

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

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Darling Harbour Development Plan No 1 (DHDP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, including the Apartment Design Guide (ADG)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- Draft State Environmental Planning Policy (Remediation of Land) (draft SEPP 55)
- Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SHFW DCP).

#### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 15**.

**Table 15 | SRD SEPP compliance table**

Relevant Sections	Department's consideration	Compliance
<b>3 Aims of Policy</b> The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
<b>8 Declaration of State significant development: section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes
<b>Schedule 2 State significant development —identified sites (Clause 8 (2))</b> <b>2 Development on specified sites</b> Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map a) Darling Harbour Site	The proposed development is within the identified Darling Harbour Site and has a CIV in excess of \$10 million	Yes

### State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying 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 development provides for a commercial building with a GFA greater than 15,000 m<sup>2</sup> and therefore is a development to which the ISEPP applies. The ISEPP requires the development be referred to TfNSW. The Department has considered TfNSW's submissions on the proposal (**Sections 5 and 6**). The Department has recommended conditions to manage and/or mitigate the impacts of the development.

The Department recommends a FEAR requiring future DA(s) consider construction and operational noise impacts.

### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX

requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

The Department has recommended a FEAR requiring future DA(s) for the residential components of the development include a BASIX assessment.

## Darling Harbour Development Plan No.1

The DHDP is the principal EPI which applies to the site. The requirements of the DHDP are considered in **Table 16**.

**Table 16 | Requirements of the DHDP**

Relevant Sections	Department's consideration	Compliance
<p>3 Objects</p> <p>(a) to promote the development of the Darling Harbour area as part of the State's Bicentennial Program,</p> <p>(b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area, and</p> <p>(c) to make provision with respect to controlling development within that area.</p> <p>The means whereby this plan aims to achieve its objects are:</p> <p>(a) by providing that certain kinds of development may not be carried out in the Darling Harbour area otherwise than in accordance with the terms of a permit,</p> <p>(b) by prohibiting all other kinds of development within that area, and</p> <p>(c) by ensuring that the controls that apply in that area in relation to the carrying out of development apply also in relation to the demolition and renovation of buildings and works.</p>	<p>The proposed development provides a mixed-use commercial and residential development and 3,500 m<sup>2</sup> of new publicly accessible open space which encourages and supports the tourist, educational, recreation, cultural and commercial facilities in Darling Harbour. The proposed development is permissible with consent (a permit – as outlined in Schedule 1 of the DHDP).</p>	<p>Yes</p>

<p>6 Permit required for certain development</p> <p>Development:</p> <p>(a) for the purposes of tourist, recreational, entertainment, cultural or commercial facilities (other than facilities used for pawnbroking or other forms of moneylending).</p> <p>(b) for the purpose of beautifying the landscape</p> <p>(d) for any purpose specified in Schedule 1 may not be carried out except with a permit being obtained therefore.</p> <p>Schedule 1 includes:</p> <p><i>... commercial premises, shops, residential buildings, serviced apartments recreational facilities, markets, parks and gardens...</i></p>	<p>The proposed development uses are permissible with consent.</p>	<p>Yes</p>
<p>8 Permits required for renovation and demolition</p> <p>(1) The renovation or demolition of a building or work may not be carried out except with a permit being obtained therefore.</p>	<p>The proposed demolition works are permissible with consent.</p>	<p>Yes</p>

## State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS includes a Preliminary Site Contamination Assessment (PSCA), and preliminary Remedial Action Plan (RAP) which assesses the suitability of the site for the proposed uses. The PSCA identified the following potential areas of environment concern (AEC) at the site:

- fill of unknown origin and quality (low to moderate likelihood)
- waste cooking oil above ground storage situated within the northern portion of the site (low to moderate likelihood)
- former Darling Harbour goods yard and associated Iron Wharf (moderate likelihood)

As the site is currently occupied by the existing shopping centre, the PSCA did not undertake soil and ground water testing and a conclusive assessment of land contamination status, cannot therefore be made at this stage. The PSCA concluded that a Detailed Environment Site Investigation (DESI) is required to characterise the nature and extent of contamination, and the findings should be used to assess the suitability of the site for the proposed land uses and inform the requirement for remedial and/or management measures to be incorporated into the future development.



The remedial RAP concluded that the site can be made suitable for the proposed commercial and residential development based on:

- the findings of the PSCA
- the identified remedial strategy which consists of conventional measures with a proven track record to mitigate the identified risks
- the experience from other recent developments along the western foreshore of Darling Harbour which showed that the former Darling Harbour Goods Yard has not resulted in significant contamination issues
- the experience of integrating remedial action plans with complex construction programs in Darling Harbour (including the Sofitel hotel and ICC convention centre).

The PSRI and preliminary RAP recommends:

- a programme of investigation to characterise ground contamination conditions within the site and assess the need for remediation to manage contamination in the context of the proposed development concept
- preparation of a site-specific RAP to outline the procedures to manage surplus soils and mitigate contamination risks
- development of a CEMP which outlines the controls required to mitigate potential health and safety, and environmental risks associated with the remediation works
- a contamination assessment be undertaken to assess acid sulphate soil conditions and to develop appropriate management options to be implemented during construction.

The Department considers the findings and recommendations of the PSCA and preliminary RAP are acceptable in this instance due to existing site constraints and the availability of relevant data from detailed site investigations of similar nearby development sites. The Department recommends a FEAR requiring future DA(s) include a Detailed Site Investigation (DESI) contamination assessment and RAP in accordance with the recommendations of the PSCA and preliminary RAP to demonstrate that site can be made suitable for its intended use.

### **Draft Remediation of Land State Environmental Planning Policy**

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

### State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site is located within the Coastal Environment Area and Coastal Use Area.

Clause 13(2) and 14(2) confirm the Coastal SEPP assessment criteria for identified coastal areas do not apply to sites that are also located within a Foreshore and Waterways Area as defined by the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SHC SREP).

Darling Harbour is identified as a Foreshore and Waterways Area and therefore the Coastal SEPP assessment criteria do not apply. The Department has assessed the proposal against the SHC SREP below.

### State Environmental Planning Policy No. 65 – Residential Apartment Development (incl. Apartment Design Guide)

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

The Department has assessed the residential component of the proposal against the SEPP 65 principles in **Table 17**.

**Table 17** | Department's consideration of SEPP 65 principles

SEPP 65 Principle	Department's Consideration
1. Context	The Department considers that the proposed tower responds appropriately to the desirable elements of Darling Harbour's existing and future planned context as discussed in <b>Section 6</b> and is therefore consistent with Principle 1.
2. Built Form & scale	<p>The Department considers the scale, bulk and height of the proposed tower and podium (Subject to recommend FEARs and BFCs) is appropriate to the existing and desired future character of Darling Harbour as discussed in <b>Section 6</b>.</p> <p>Future development applications are required to achieve design excellence as discussed in <b>Section 6</b>.</p>

3. Density	<p>The Department has assessed the density having regard to the built form and potential impact of the floorspace such as traffic generation, amenity impacts and demand on existing/future infrastructure in <b>Section 6</b>.</p> <p>The Department is satisfied the proposal has strategic merit would not have adverse built form, traffic, amenity or heritage impacts (<b>Section 6</b>). The Department has recommended FEARs to ensure the detailed design of the buildings respond to the context of the site and surrounding area.</p> <p>The proposal would regenerate the existing rundown and underutilised shopping centre and includes significant public domain improvements (10,200 m<sup>2</sup>) and an affordable housing contribution, which are considered to be substantial public benefits of the proposal</p> <p>The Department concludes the proposal is consistent with Principle 3.</p>
4. Sustainability	<p>The proposal incorporates minimum and stretch ESD targets. Department has recommended FEARs requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved or exceeded.</p>
5. Landscape	<p>The indicative proposal includes a landscaped podium roof and public domain improvements including through site links.</p> <p>The Department has recommended FEARs requiring future DA(s) include details of landscaping and incorporate variable soil depths, diversity of plant species, forms types and structure and improved ecology.</p>
6. Amenity	<p>The proposal generally complies with the requirements of SEPP 65 has demonstrated that future residential units would be capable of achieving satisfactory residential amenity, including satisfactory levels of solar access, natural ventilation and privacy (<b>Section 6</b>). The Department has recommended a FEAR requiring future DA(s) consider the ADG.</p>
7. Safety	<p>The application is supported by a CPTED report which includes recommendation for the future detailed design of the building.</p> <p>The proposed design guidelines also include controls to build in safety, natural surveillance, CCTV and follow secure by design principles.</p> <p>The Department is satisfied that the proposal provides an appropriate framework to ensure the site and public domain is safe and has recommended a FEAR requiring future DA(s) include a CPTED assessment.</p>
8. Housing diversity and social interaction	<p>The development will improve housing supply and has the ability to provide for a mix of apartment types. Although no affordable housing is proposed on site, the Applicant intends to enter in a VPA with the Department to secure an affordable housing contribution of \$5,200,000.00 as part of the Stage 2 application. A ToA is recommended to ensure the agreement is undertaken as part of the Stage 2 application.</p> <p>Subject to the securing an appropriate affordable housing contribution as part of the Stage 2 detailed application, the proposal is considered capable of satisfying Principle 8.</p>

9. Aesthetics	<p>The proposal has been subject to independent design review, to ensure the podium, tower and public domain is capable of delivering design excellence. A design competition will be held prior to lodgement of the Stage 2 DA.</p> <p>The Department recommends a ToA to secure the DES and ensure the design excellence competition jury is retained throughout the design development of the project.</p> <p>The Department therefore considers the proposal is capable of satisfying Principle 9.</p>
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The ADG sets out a number of guidelines for residential flat development to ensure apartments are provided with an appropriate level of residential amenity.

The application only seeks approval for a concept building envelope at this stage. Detailed floor plans layouts and façade design will be the subject of future DA(s). Indicative floor plans have been provided to demonstrate how the buildings envelope may achieve the ADG guidelines.

The Department has considered the indicative proposal against the key ADG amenity criteria (**Section 6.9**) and concludes it is acceptable in terms of apartment sizes, communal open space, solar access, natural ventilation and privacy. The indicative proposal results in minor inconsistencies (number of apartments per lift core). However, the Department concludes this is acceptable and can be further resolved in future DA(s).

The Department considers that the proposal is generally consistent with the aims and provisions of the ADG and the development is capable of addressing the ADG guidelines at future DA stages.

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area, and the relevant provisions of the SHC SREP have been considered in **Table 18**.

The proposal is consistent with the planning principles outlined in the SHC SREP as it will:

- not affect the natural assets and unique environmental qualities of the harbour
- maintain public access to and along the foreshore
- provide a landmark building form that contributes to the unique visual qualities of the harbour
- provide a masterplan for the site and establish the planning framework to guide the future detailed DA(s) for the site.

**Table 18** | Consideration of the relevant provisions of the SREP (Sydney Harbour Catchment) 2005

Assessment criteria		Department's consideration	Compliance
<b>Part 1 Preliminary</b>			
Clause 2	This clause sets out the aims with respect to the Sydney Harbour Catchment and establishes	The proposal is consistent with the aims of the Plan for the following reasons:	Yes
Aims of the Plan			

	the principles for the purpose of enabling these aims to be achieved.	<ul style="list-style-type: none"> <li>The catchment, foreshores and waterways will not be adversely affected by the proposal.</li> <li>The proposed development will sufficiently manage its impact on the natural environment subject to conditions of consent.</li> <li>The proposed commercial podium levels, on-site open space and improved public domain will contribute to the culture and vibrancy of the area.</li> </ul>	
Clause 3  Land to which plan applies	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Foreshores and Waterways Area.	The site is located within the Foreshores and Waterways Area as identified in the zoning map.	Yes

## Part 2 Planning Principles

Clause 13  Sydney Harbour Catchment	Provides a set of planning principles for land within the Sydney Harbour Catchment.	<p>The proposal is consistent with the planning principles for the Sydney Harbour Catchment for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposal is confined to previously developed land and therefore would have negligible impact on the natural environment and assets including, hydrological, ecological and geomorphological processes and water quality.</li> <li>future DA(s) will ensure the development sufficiently manages its impact on the environment during construction.</li> <li>it is appropriate within its context and would not have an adverse visual impact on the surrounding area / Darling Harbour, as discussed at <b>Section 6</b>. Future DA(s) will need to demonstrate design excellence.</li> </ul>	Yes
Clause 14  Foreshores and Waterways Area	Provides a set of planning principles for land within the Foreshores and Waterways Area.	<p>The site is located within the Foreshores and Waterways Area and is consistent with the planning principles for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposal will not have an adverse impact of the natural assets and visual qualities of the Sydney Harbour,</li> <li>the proposal includes pedestrian links that will facilitate public access to and along the foreshore.</li> </ul>	Yes
Clause 15  Heritage conservation	Provides a set of planning principles for heritage conservation	The proposal will not detract from the heritage significance of surrounding heritage items as addressed in <b>Section 6</b> .	Yes

## Part 3 Foreshores and Waterways Area

### Division 1 Development Control



Clause 16  Zones indicated on Zoning Map	Land is zoned in accordance with the zoning map.	The site is on land adjacent to the waterway zoned W1 – Maritime Waters.	N/A
Clause 17  Zoning objectives	The objectives of the W1 – Maritime Waters Zone should be met	The site is located adjacent to the W1 Maritime Waters Zone. However, the site is located wholly on land and has no associated uses that directly rely on the waterway. The proposal will not affect the movement of commercial shipping, public water transport and maritime industry operations.	N/A
Division 2 Matters for consideration			
Clause 20  General	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.	Yes
Clause 21  Biodiversity, ecology & environmental protection	The consent authority must take into consideration the matters listed in the clause in relation to biodiversity, ecology and environmental protection.	The proposal will not have any adverse impacts on the biodiversity, ecology or the general environment. Stormwater quality and quantity, and detailed environmental considerations and control measures will be considered as part of the assessment of future DA(s).	Yes
Clause 22  Public access to, and use of, foreshores and waterways	The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	The proposal provides for improved public access between Pyrmont and the foreshore without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation.	Yes
Clause 23  Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour.	The proposal will not reduce the capacity of the Sydney Harbour to function as a working harbour.	Yes
Clause 24  Interrelationship of waterway and foreshore uses	The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The proposal tower is set back from the foreshore and future DA(s) will ensure the development improves foreshore public access.	Yes
Clause 25	The consent authority must take into consideration the matters listed in relation to the maintenance,	The Department has recommended a FEAR securing a DES, including a design competition, and DIP to ensure future	Yes

Foreshore and waterways scenic quality	protection and enhancement of the scenic quality of foreshores and waterways.	development achieves design excellence ( <b>Section 6.4</b> ) Furthermore, the proposal will have acceptable visual impacts, and is consistent with the emerging character of Darling Harbour as discussed in <b>Section 6.5</b> . It is therefore considered to have an adverse impact on the scenic qualities of Sydney Harbour.	
Clause 26  Maintenance, protection and enhancement of views	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	The location, height and bulk of the development is considered acceptable, subject to the design of future buildings complying with the building envelope parameters and design guidelines.	Yes
Division 3 Foreshores and Waterways Planning and Development Advisory Committee			
Clause 29  Consultation required for certain development applications	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	The proposal was referred to the Advisory Committee and no response was received.	Yes
Division 4 Miscellaneous			
Clause 59 Development in vicinity of heritage items	The consent authority must assess the impact of the proposed development on the heritage significance of heritage items within the vicinity of the development.	The proposed development is located south of Pyrmont Bridge, which is a State listed heritage item. The proposal is not considered to have an adverse impact on the heritage significance or setting of the bridge, as discussed at <b>Section 6.5</b> .	<b>Yes</b>

## Draft State Environmental Planning Policy (Environment) (Draft Environmental SEPP)

The Department has been working towards developing a new policy for the protection and management of our natural environment and has published the draft Environment State Environmental Planning Policy (Environment SEPP), which was exhibited until January 2018.

Once adopted, the Environment SEPP will consolidate seven existing SEPPs (including the SHC SEPP) to simplify the planning rules for a number of water catchments, waterways, urban bushland, and the Willandra Lakes World Heritage Property. The Environment SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the SHC SEPP, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

## Other Policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD. Notwithstanding, the following DCP(s) provide appropriate guidance for the redevelopment of the site and are 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 SHC 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 19**.

**Table 19** | Consideration of relevant SHFW DCP guidelines

Issue	Guidelines	Department consideration
Foreshore access	<ul style="list-style-type: none"> <li>Foreshore access is to be encouraged and wherever possible, public access to and along the foreshore including the inter-tidal zone should be secured or improved</li> <li>most desirable are foreshore links joining public open spaces or access points</li> </ul>	The proposal maintains and improves public access along the waterfront.
Siting of buildings and structures	<ul style="list-style-type: none"> <li>where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it</li> <li>buildings should address the waterway;</li> <li>buildings should not obstruct views and vistas from public places to the waterway</li> <li>buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP</li> <li>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</li> </ul>	The proposed building addresses the waterway and is sited to maintain similar public views from the surrounding area. The proposal includes new publicly accessible open space on the northern podium which will provide additional public views of the waterway.
Built form	<ul style="list-style-type: none"> <li>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</li> <li>where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees</li> <li>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</li> <li>walls and fences should be kept low enough to allow views of private gardens from the waterway</li> </ul>	<p>The scale of the building envelope is similar to the Sofitel hotel and would be read in conjunction with the hotel from most distant viewpoints.</p> <p>The building is also similar in scale to other existing and approved developments adjacent to the Darling Harbour foreshore including the Cockle Bay Wharf redevelopment to the east.</p> <p>The proposal will complement and support the Sydney ICC and further contribute to the</p>

	<ul style="list-style-type: none"> <li>• bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should 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</li> <li>• use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied</li> <li>• 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</li> <li>• 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;</li> <li>• the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items</li> </ul>	<p>revitalisation and modernisation of Darling Harbour and the planned revitalisation of the Pyrmont Peninsula. Further discussion on built form and visual impacts is within <b>Section 6.5</b>.</p> <p>The proposal is considered to have an acceptable impact on the heritage listed Pyrmont Bridge. The separation between the site and the Bridge allows for the immediate setting of the Bridge to be protected. Further discussion on visual impacts on the Pyrmont Bridge is within <b>Section 6.5</b>.</p>
Planting	<ul style="list-style-type: none"> <li>• appropriate species from those found in the surrounding landscape should be incorporated</li> <li>• endemic native species should be used in areas where native vegetation is present or has the potential to be regenerated</li> <li>• exotic species that have the potential to spread into surrounding bushland should be avoided</li> <li>• existing mature trees should be retained where possible and incorporated into the design of new developments</li> <li>• vegetation along ridgelines and on hillsides should be retained and supplemented with additional planting to provide a backdrop to the waterway</li> <li>• 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.</li> </ul>	<p>The proposal includes the provision of new publicly accessible open space and sitewide concept landscaping. Future DA(s) will include detail of appropriate landscaping of these spaces including requirement provide native tree species and Further discussion on open space is within <b>Section 6.6</b>.</p>

Redevelopment sites	<p>Redevelopment proposals should:</p> <ul style="list-style-type: none"> <li>• ensure continuous and inviting public access to the foreshore;</li> <li>• allow for a mix of uses to further improve the public utility and amenity of the waterfront;</li> <li>• provide public jetties and wharves for access to vessels where there is a demonstrated demand;</li> <li>• identify suitable areas that can be conserved and made available to the public;</li> <li>• provide public road access to the foreshore park where a park is being provided; and</li> <li>• 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.</li> </ul>	<p>The proposal will maintain and improve public access to the foreshore through renewal and regularising the promenade removing existing pinch points, creating new publicly accessible open space and providing through site links which will improve public access and amenity of the waterfront. Future detailed DA(s) will include detail of how pedestrian access and public domain upgrades will integrate with the foreshore and improve pedestrian circulation and connectivity around the waterfront. Further discussion is provided within <b>Section 6</b>.</p>
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## Appendix D –Summary of Public Submissions to the EIS, FRtS and FFRtS

A summary of the key issues raised in public / special interest group submissions as a proportion of the total submissions made at each stage of the Department's engagement with the community is provided in **Table 20**.

**Table 20** | Summary of the public submissions as a proportion of the total submissions made at each exhibition stage

Issue	Proportion of Submissions		
	EIS (140)	RtS (55)	FRtS (38)
<b>Objections/comments</b>			
Excessive height, bulk and scale the tower/podium	76%	88%	52%
Tower is too close to and dominates the Darling Harbours foreshore	71%	54%	11%
Out of character (residential land use)	57%	40%	18%
Overshadowing of the foreshore	51%	30%	16%
Heritage impacts on Darling Harbour Pyrmont Bridge	49%	59%	18%
Overdevelopment/density	38%	19%	8%
Visual Impacts on skyline from public domain	35%	9%	-
Traffic and parking impacts	31%	30%	18%
Private view loss	31%	31%	34%
Lack of planning controls for the site and non-compliance with Council controls	16%	4%	-
Overshadowing of private residences	14%	13%	5%
Loss of privacy	12%	9%	5%
Insufficient community infrastructure	10%	7%	5%
Insufficient public benefit/contributions	10%	7%	11%
Lack of pedestrian connectivity form Pyrmont	10%	9%	5%
Inadequate public transport	7%	4%	8%
Noise impacts	6%	13%	3%
Land use contrary to lease	5%	4%	3%
Narrowing of the foreshore/Insufficient public open space	5%	13%	3%
Privatisation of public land	4%	6%	3%
Strata title on government land (private ownership)	4%	2%	-



Inadequate community consultation	4%	7%	2%
Will set a precedent	4%	4%	2%
Wind Impacts	3%	4%	2%
Air quality impacts	3%	4%	-
Flats will not serve workers or local market	3%	2%	-
Loss of hotel views (economic impact)	2%	4%	2%
Waste management impacts	2%	-	-
Excessive retail floorspace	2%	9%	2%
Contrary to Strategic planning instruments (SREP)	2%	2%	-
Should wait for Pymont Masterplan release	-	15%	2%
The proposal puts private good before public good	-	9%	2%
Insufficient affordable housing	2%	5%	2%
Inaccurate application material	2%	2%	-
Flats will be used for Airbnb accommodation	-	2%	2%
Increased Vermin	-	2%	2%
Support redevelopment of shopping centre	5%	-	8%

## Appendix E – Summary of the Department’s consideration of submissions

**Table 21 |** Summary of the Department’s consideration of key issues raised in submissions

Issue raised	Consideration
Tower location, bulk and scale	<ul style="list-style-type: none"> <li>• The Department considers a tower on the site is consistent with the prevailing and emerging character within this part of Darling Harbour, and the desired future character as established by the PPPS which envisages a tower of up to RL 170 on this site.</li> <li>• The central tower envelope location represents the best outcome for the site in terms of visual impacts, view loss, and heritage impacts and facilitates the creation of a significant area of publicly accessible open space above a northern podium, which is a key public benefit of the proposal.</li> <li>• the VVIA has demonstrated that the proposal would not have an unacceptable visual impact when viewed from key vantage points on the opposite side of Darling Harbour, from Pyrmont Bridge or from more distant perspectives.</li> <li>• Built form controls and design guidelines will ensure the tower fills a maximum of 80% of the building envelope, has a maximum floor plate area of 1,000 m<sup>2</sup> and is slender, and the detailed design would be subject to a competitive design process to ensure it achieves design excellence</li> </ul>
Podium bulk and scale	<ul style="list-style-type: none"> <li>• The Department considers the varied heights provided within the northern, central and southern sections of the podium respond appropriately to the site’s varied context, enable an appropriate scale to be achieved along the waterfront and provide a balanced response to view sharing to neighbouring residential and hotel uses.</li> <li>• The Department considers the podium setback to the waterfront is appropriate noting it results in an overall increase of 474 m<sup>2</sup> of waterfront public domain, removes existing pedestrian pinch points and provides improved space for events and public gatherings. The Department also considers the scale and setback of the podium is sympathetic to the Pyrmont Bridge and notes it provides an opportunity for a high-quality civic grade space on the northern podium roof which seamlessly aligns with the bridge and provides a high amenity transition down to the waterfront</li> <li>• Built form controls, FEARs and design guidelines will restrict podium volume to 80% of the envelope to ensure it the building form achieves a high amount of articulation, consistent with the indicative scheme</li> </ul>
Land use	<ul style="list-style-type: none"> <li>• The Department considers the proposed land uses strike an appropriate balance between supporting the productivity, liveability and sustainability priorities of the District Plan and aligns with the Tumbalong Park place priorities and site-specific opportunities identified in the PPPS.</li> <li>• The Department has recommended FEARs requiring future DA(s)</li> </ul>

	<ul style="list-style-type: none"> <li>○ address noise attenuation and demonstrate acceptable amenity to apartments to ensure the residential use does not compromise the tourism and entertainment function of the precinct</li> <li>○ demonstrate the non-residential land use mix aligns with the PPPS and explore opportunities for affordable workspace to support the innovation corridor.</li> </ul>
Heritage impact	<ul style="list-style-type: none"> <li>• The proposed envelope has been amended through the assessment process in consultation with the Department and its independent design advisor, including relocation of the tower an additional 85m south of Pyrmont Bridge and lowering of the northern podium adjacent to the bridge.</li> <li>• Future DA(s) will ensure the podium design demonstrates a sympathetic relationship to the bridge and retains the visual link of the bridge in its context with Darling Harbour when viewed from the west as recommended by Heritage NSW</li> <li>• The Department recommends future DA(s) include heritage interpretation, detailed Aboriginal and non-Aboriginal archaeological assessments and consider of the GA NSW draft Connecting with Country Framework</li> </ul>
Overshadowing of the foreshore	<ul style="list-style-type: none"> <li>• The Department acknowledges the proposal will overshadow the waterfront promenade after 1 pm and Woodward fountain for 75 mins (between 1pm and 2:15pm) in mid-winter. However, given the location and orientation of the site, any tower which seeks to maximise the tower height as envisaged within the PPPS would likely have some overshadowing impacts on the public domain before 2 pm mid-winter.</li> <li>• Overshadowing impacts of the proposal are in part offset by the significant new and enhanced public domain including an increase of 474 m<sup>2</sup> on the foreshore and provision of 3,500 m<sup>2</sup> of new publicly accessible open space above the northern podium that will benefit from full solar access year-round.</li> <li>• The Department considers that the overshadowing impact on neighbouring public open spaces is acceptable in the context of the substantial new and enhanced public domain areas which will be delivered.</li> <li>• Recommended FEARs require future DA(s) to include overshadowing analysis and demonstrate that the overshadowing impact on the neighbouring public open spaces has been minimised.</li> </ul>
Private Overshadowing	<ul style="list-style-type: none"> <li>• Private overshadowing impacts are confined to short periods due to the fast-moving shadow of the proposed tower and all affected properties would retain more than the 2 hours sunlight during mid-winter as recommended by the ADG</li> <li>• As the final detailed design may only fill 80% of the envelope, it is likely that overshadowing impacts will be further reduced</li> <li>• Recommended FEARs require future DA(s) to include a detailed solar analysis to demonstrate acceptable solar access to surrounding residential properties.</li> </ul>
View loss	<ul style="list-style-type: none"> <li>• The Department acknowledges that view losses as a result of the development would range from minor to severe, however notes that the views currently enjoyed by One Darling Harbour, the Ibis, Novotel Hotel and Sofitel hotels are a</li> </ul>

	<p>result of the uncharacteristic low-rise nature of the existing site given its central location.</p> <ul style="list-style-type: none"> <li>• The Department considers that given the site's location, the interruption of existing views that are currently unimpeded by any development is inevitable and reasonable in this context.</li> <li>• the assessed view impacts indicate the maximum worst case impact caused by the concept envelope. Recommended FEARs require future DA(s) to consider view loss impacts and opportunities to increase view sharing.</li> </ul>
Density	<ul style="list-style-type: none"> <li>• The Department considers the increase in density has strategic merit as it will provide a significant increase in employment generating floorspace consistent with the Region Plan and Eastern District Plan.</li> <li>• The Department considers this increase would have acceptable amenity and traffic impacts and includes appropriate public benefits.</li> </ul>
Traffic and car parking	<ul style="list-style-type: none"> <li>• The Department considers the proposed Category B car parking rates which apply to Pyrmont under the SLEP 2012 are appropriate for the proposal. The Department notes that this rate would provide an indicative average of 0.79 car parking spaces per apartment which is considered appropriate noting the sites accessibility to public transport and the Sydney CBD</li> <li>• The proposal will result in reduced vehicle trips and will not have any material impact on the operation of key intersections. However, as the TIA was based on the indicative land use mix which will form part of future DA(s) the Department recommends a FEAR requiring future DA(s) include a detailed Traffic and Transport Impact Assessment, which considers the traffic generation and operational traffic impacts resulting from the detailed design of the development.</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>• The proposed residential tower is located over 90 m away from the nearest residential uses at One Darling Harbour, well in excess of the 24 m minimum separation distance recommended in the ADG.</li> <li>• The non-residential podium and rooftop open spaces are also setback 50 m from One Darling Harbour separated by both Darling Drive and the light rail corridor.</li> <li>• The Department considers the separation between neighbouring properties and the proposal is sufficient to prevent unreasonable overlooking of neighbouring residential properties. The Department also notes that privacy impacts will be considered in detail in future DA(s).</li> </ul>
Community infrastructure	<ul style="list-style-type: none"> <li>• The Department has recommended a FEAR requiring future DA(s) include a Social Impact Assessment to determine any need for additional community uses or facilities, services and infrastructure resulting from the development.</li> </ul>
Pedestrian connectivity	<ul style="list-style-type: none"> <li>• Subject to future detailed assessment, and consideration as part of the competitive design process the Department considers the proposed through site links and pedestrian Bridge are capable of significantly improving east west connectivity, site permeability way finding and the overall pedestrian experience and represent a significant public benefit of the proposal.</li> </ul>

Community consultation	<ul style="list-style-type: none"> <li>• The Applicant has confirmed it consulted with community and stakeholder engagement prior to and following lodgement of the application.</li> <li>• The Department exhibited the EIS, RtS and FRtS and notified surrounding properties in writing and is satisfied the community has had sufficient opportunity to comment on the proposal.</li> </ul>
Public benefits	<ul style="list-style-type: none"> <li>• The Department considers that future DA(s) will deliver appropriate public benefit proportionate to the scale of the development, through the proposed public open space, through-site links, affordable housing contributions and enlargement and improvements to the public domain.</li> <li>• Subject to recommended FEARS and design guidelines the Department considers the proposal is capable of delivering appropriate precinct wide and site-specific public benefit opportunities as envisaged by the PPPS.</li> </ul>
Wind Impacts	<ul style="list-style-type: none"> <li>• the Department considers the proposal is likely to have acceptable wind impacts for pedestrians within and around the development and recommends a FEAR requiring Future DA(s) demonstrate that the wind impacts on all accessible areas on site and the Darling Harbour promenade be reduced to be comfortable for their intended use.</li> </ul>
Reuse of the monorail station item	<ul style="list-style-type: none"> <li>• One public submission requested that the disused monorail station infrastructure at the north east corner of the site be salvaged during demolition and reused off site.</li> <li>• The application is supported by a preliminary Construction and Environmental Management Plan (CEMP), which commits to divert at least 95% of waste from landfill by recycling, reuse, design or other methods.</li> <li>• The Department supports the Applicant's commitment to recycling, re-use and waste management during demolition and is satisfied the proposed targets will ensure appropriate reuse and recycling of existing buildings and materials during demolition.</li> <li>• The Department has recommended conditions requiring the preparation and implementation of a Demolition Environmental Management Plan (DEMP) which considers the Applicant's preliminary CEMP and waste targets.</li> </ul>

## Appendix F - Department's Visual Impact Assessment (Tenacity steps 1-3)

The Department has carefully considered the VVIA and public submissions and considered the view impacts of the proposed building envelope on affected properties (**Section 6.5**) using the four-step assessment in accordance with the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The steps / principles adopted in the decision are:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating').
4. Assess the reasonableness of the proposal that is causing the impact.

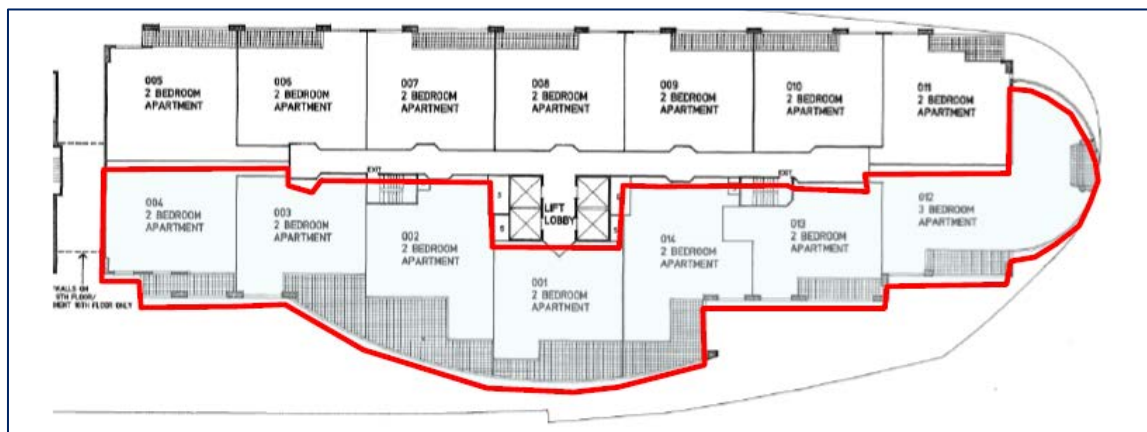
A detailed assessment of potential view impacts to the above identified properties in accordance with Tenacity steps 1-3 is provided below. The Department's assessment of the reasonableness of the proposal (step 4) is provided in **Section 6.5**.

### Tenacity steps 1-3

#### One Darling Harbour

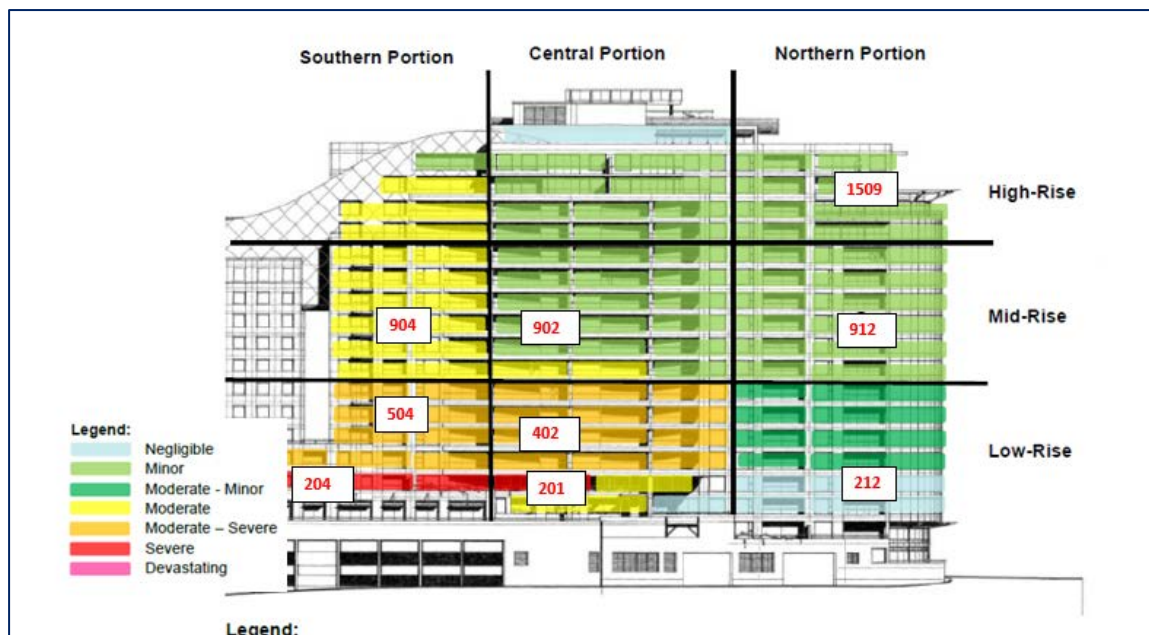
One Darling Harbour is a 15-storey residential building, comprising 213 apartments, located approximately 25 m to 40 m to the west of the site (**Figure 35**). Approximately 50% of apartments have an eastern aspect with views over the light rail corridor, Darling Drive and the existing shopping centre towards Cockle Bay and the CBD.

The Department has considered the impact on views from One Darling Harbour having regard to a sample of nine apartments at lower, mid and upper levels in the central, southern and northern portions of the building (**Figure 36**).



**Figure 35** | Typical floor layout of One Darling Harbour showing affected east facing apartments (Base source: Applicant's FRtS)





**Figure 36** | Summary of the Applicant's view impact analysis of One Darling Harbour and example apartment locations used in the Departments analysis (Base source: Applicant's FRtS)

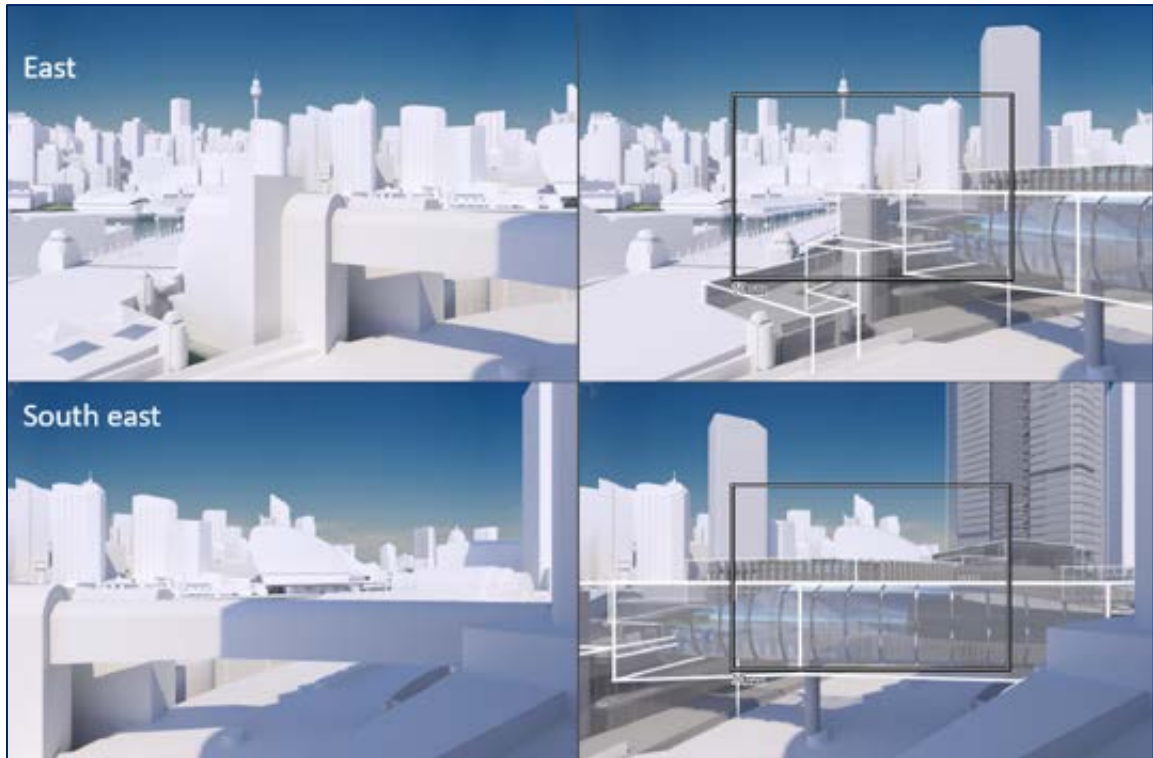
Apartments within the northern portion of the building at One Darling Harbour (sample apartments 212, 912 and 1509)

The Department notes (refer to **Figures 37 to 39**):

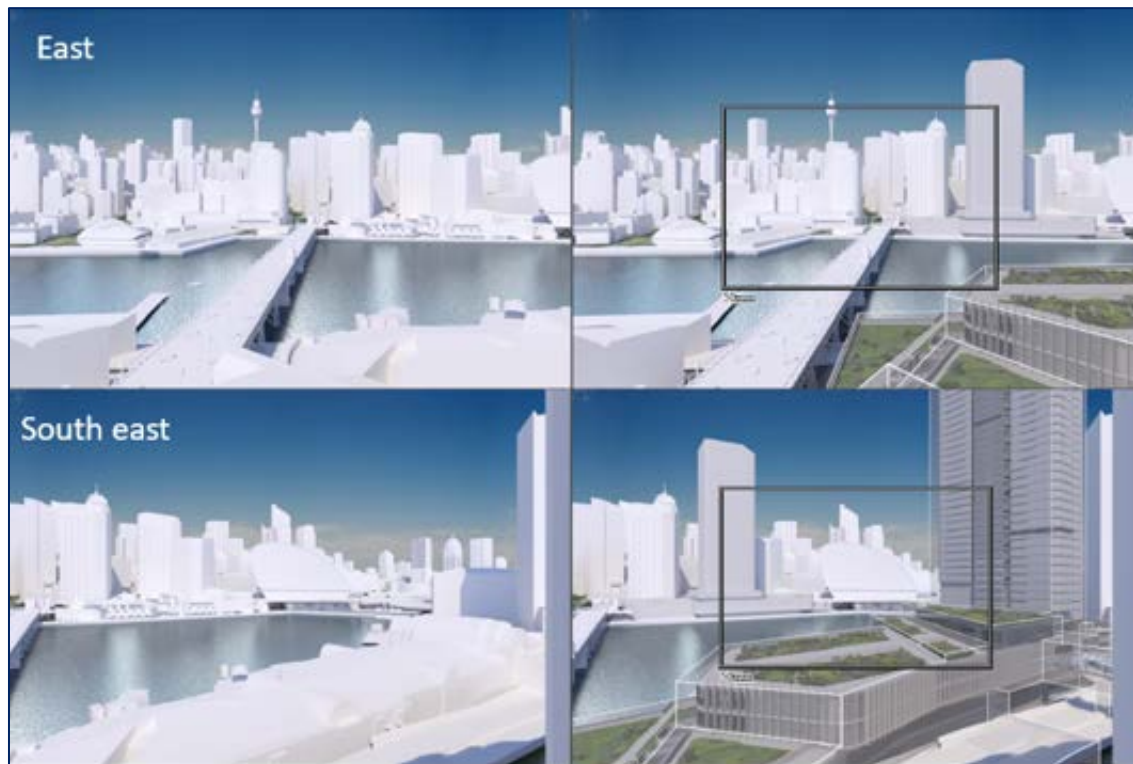
- these apartments are dual aspect and have panoramic views of significant scenic value to the north and north east, as well as across the site to the east and southeast. Apartments have views towards Sydney Tower in the distance and mid distance water views including the land water interface of the eastern Cockle Bay foreshore and Pyrmont Bridge
- at lower levels water views are partially restricted by the existing shopping centre and monorail infrastructure and the proposal would not result in further impacts at these levels
- at mid-levels the podium and tower would partially restrict water views to the east and south east and result in a minor reduction of city skyline views to the south east
- at upper levels the proposed podium would partially obscure water views to the east and south east and the proposed tower would alter oblique south east views, restricting distant views of the southern city skyline but would not affect water or land water interface views
- existing water and district views to the north and north east would be unaffected by the proposal at all levels.

The Applicant's VVIA suggests the impacts range from negligible at lower levels to minor at upper levels.

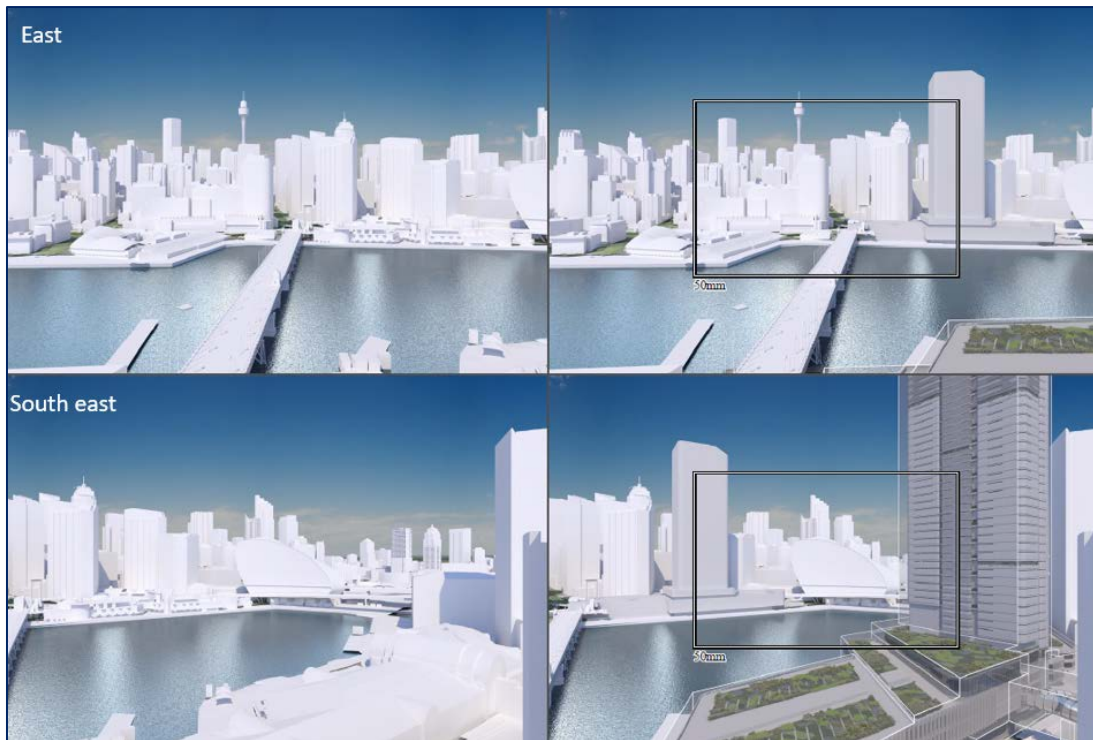
The Department agrees with this assessment, noting that existing views from lower floor apartments remain largely unaffected and the retention of the majority of water and city skyline views from middle and upper level apartments.



**Figure 37** | Existing views (left) and proposed views (right) from apartment 212 (Base source: Applicant's FRTS)



**Figure 38** | Existing views (left) and proposed views (right) from apartment 912 (Base source: Applicant's FRTS)



**Figure 39** | Existing views (left) and proposed views (right) from apartment 1509 (Base source: Applicant's FRTS)

Apartments within the central portion of the building at One Darling Harbour (sample apartments 201, 402, and 902)

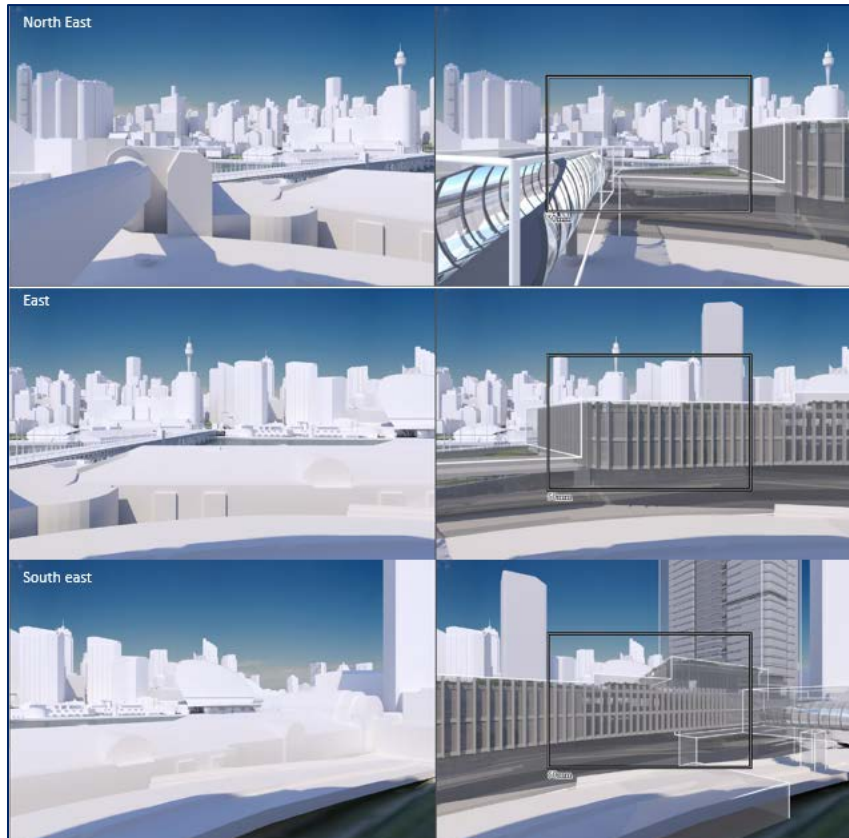
The Department notes (refer to **Figures 40 to 42**):

- at the middle-distance, glimpses of water are possible at lower levels and become more expansive at the higher levels. The city skyline is visible in the distance and forms the defining backdrop of the view
- the proposal would result in the loss of existing water glimpses and views of Pyrmont Bridge at lower levels and apartments at mid-level would lose the majority of easterly water views as a result of the podium, although water views to the north east and views of Pyrmont Bridge would be partially retained
- more expansive water views to the east and southeast from mid-levels apartments would be obstructed by the podium and tower, though oblique views of the water and Pyrmont Bridge to the northeast would be retained
- at upper levels the majority of water and land water terrace views, and views of Pyrmont Bridge would be retained and city skyline views to the north and north east would be unaffected by the proposal.

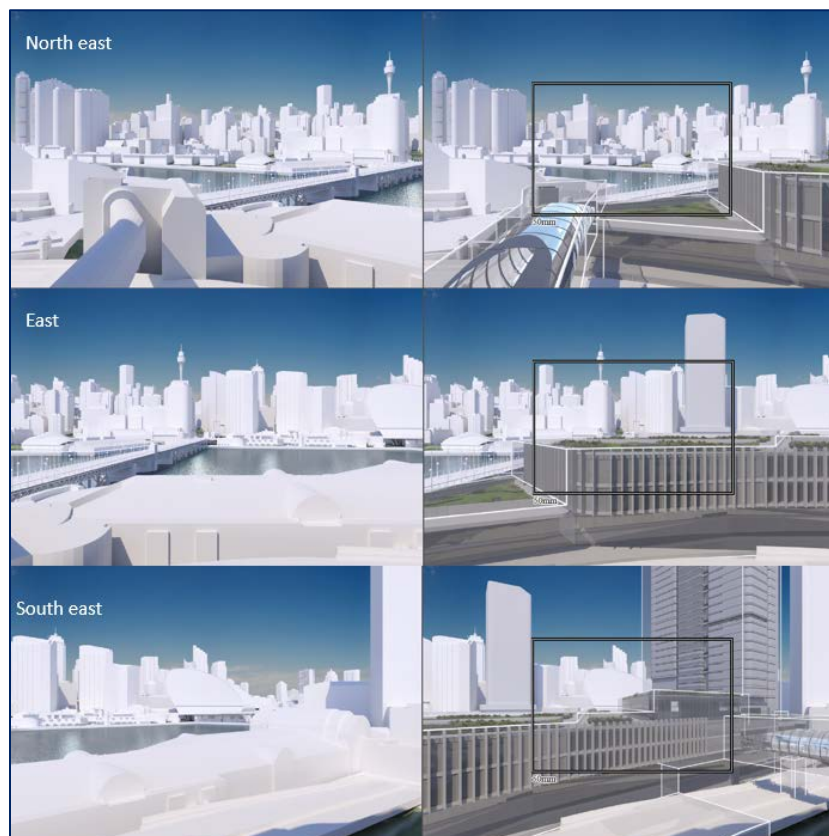
The Applicant's VVIA suggests the impacts in this section of the building range from severe at lower levels, moderate at mid-levels and minor at upper levels.

The Department considers the view impact to mid-level apartments to be severe not moderate, noting the loss of the majority of significant water views to the east and south east.

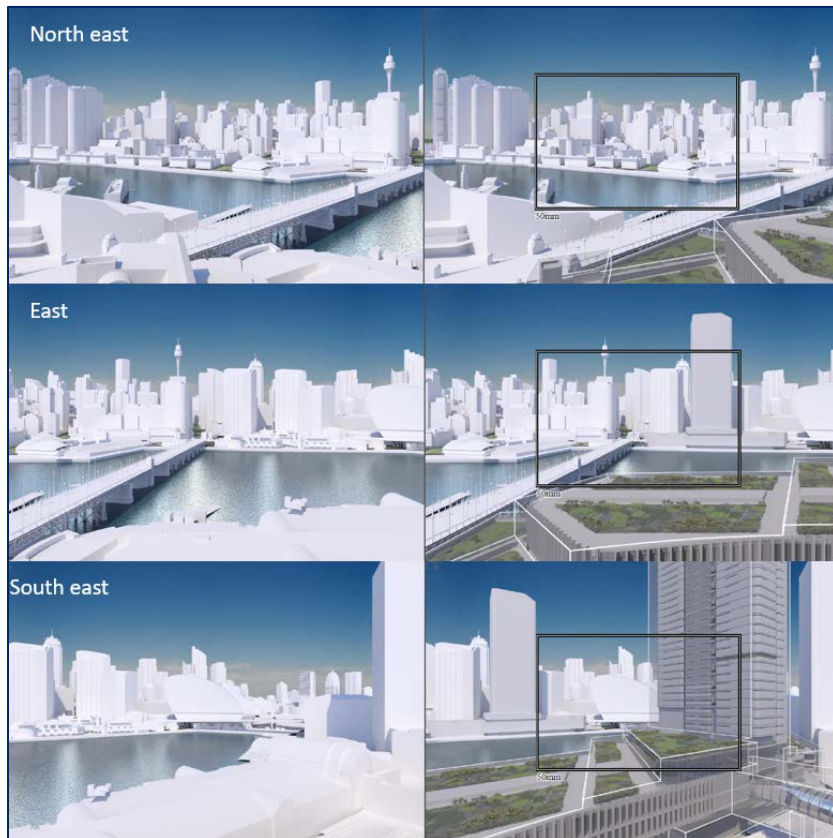




**Figure 40** | Existing views (left) and proposed views (right) from apartment 201 (Base source: Applicant's FRtS)



**Figure 41** | Existing views (left) and proposed views (right) from apartment 402 (Base source: Applicant's FRtS)



**Figure 42** | Existing views (left) and proposed views (right) from apartment 902 (Base source: Applicant's FRTS)

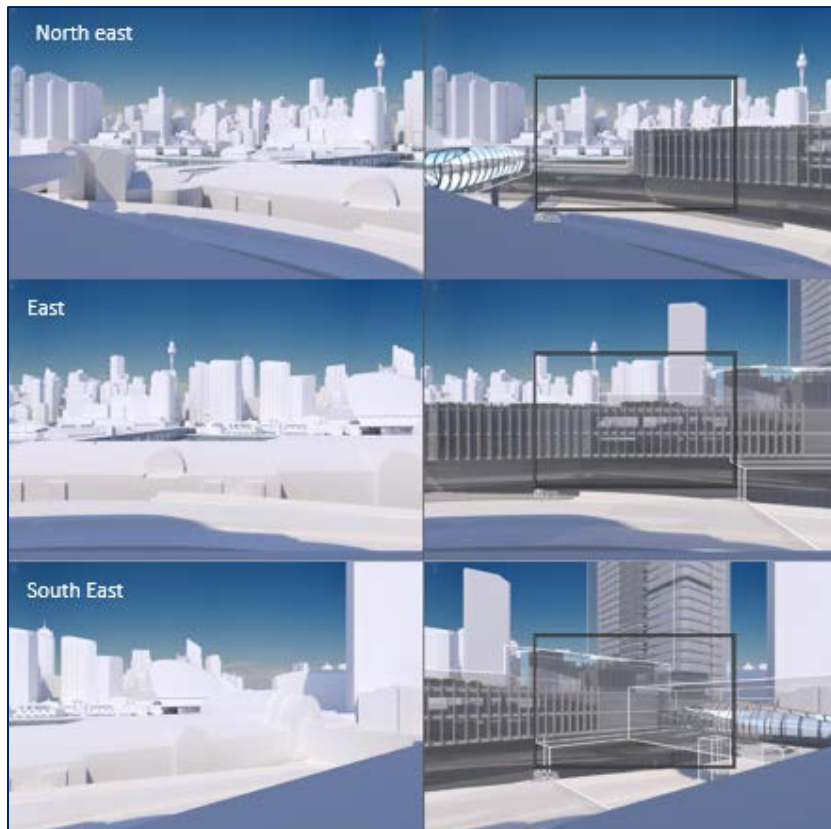
Apartments within the southern section of the building at One Darling Harbour (sample apartments 204, 504, and 904)

The Department notes (refer to **Figures 43 to 45**):

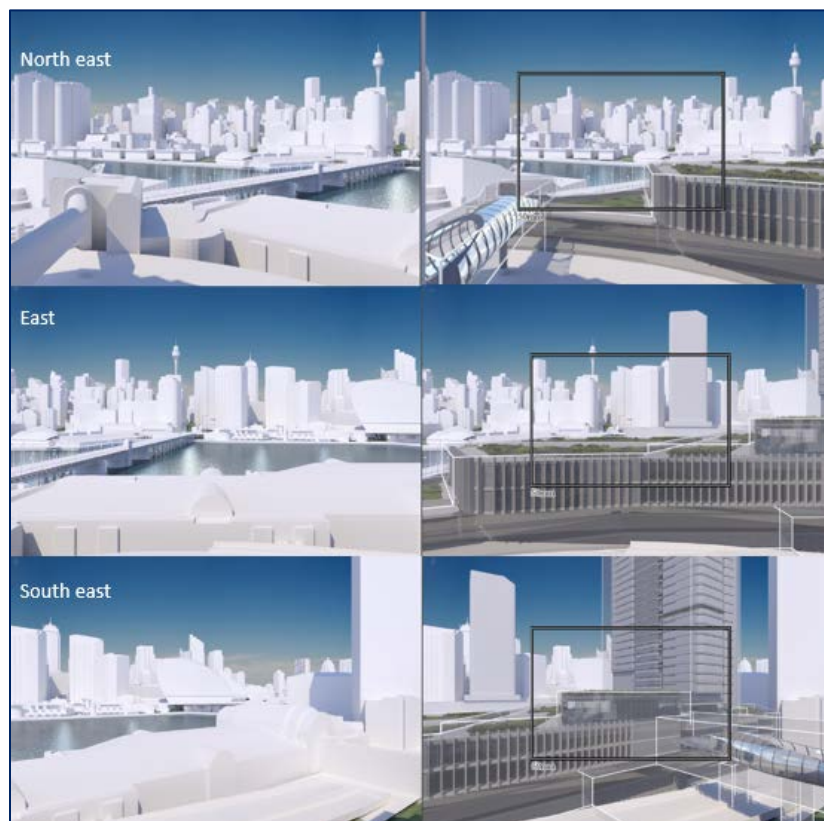
- apartments at mid and upper levels benefit from views across the site including water views and unobstructed views of Pyrmont Bridge against the backdrop of the CBD. Restricted glimpses of water are possible at lower levels in the middle distance
- the proposed podium would obstruct existing water glimpses at lower levels. At mid-levels the podium would obstruct the majority of water views to the east and south east and the tower would partially restrict city skyline views to the south east
- at upper levels the tower would restrict a portion of the CBD skyline view to the south east however, the majority of existing water views and views of Pyrmont Bridge would be retained.

The Applicant's VVIA suggests the impacts range from severe at low levels, moderate-severe at mid-levels and moderate at upper levels.

The Department considers the view impact to mid-level apartments to be severe, notwithstanding views to the northeast across the podium would be retained, as these apartments would experience the almost complete loss of water views to the east and south east.

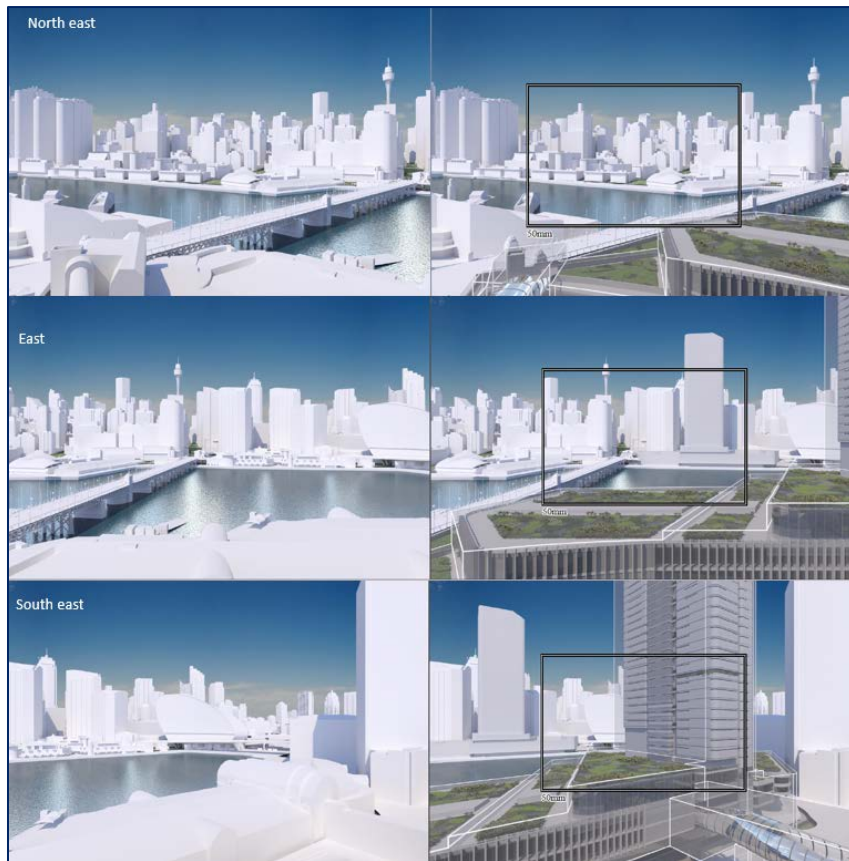


**Figure 43** | Existing view (above) and proposed view (right) from apartment 204 (Base source: Applicant's FRTS)



**Figure 44** | Existing view (above) and proposed view (below) from apartment 504 (Base source: Applicant's FRTS)





**Figure 45 |** Existing view (above) and proposed 3d modelled view (below) from apartment 904 at northern part of building (Base source: Applicant's FRTS)

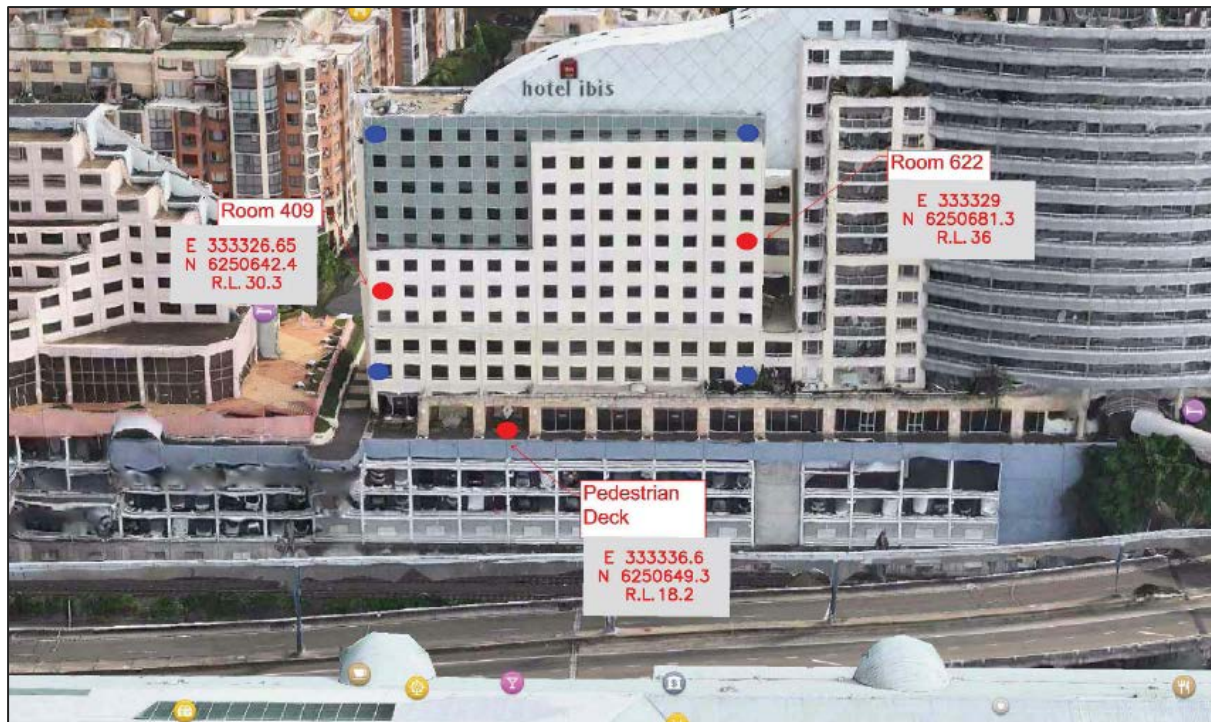
### Summary

The Department considers view impacts to One Darling Harbour would range from minor to severe depending on the apartment location and level. The Department notes that the loss of east and south east water views from apartments below level 6 in the central and southern portion of the building would generally result in moderate to severe impacts, however notes views of the city skyline are retained and oblique water views to the north east above level 3 are also available. At upper levels the impacts are significantly reduced with all apartments retaining partial views of the water, Pyrmont Bridge and the city skyline.

### **Ibis hotel**

The Ibis hotel is a 23-storey building located approximately 40 metres west of the site. The building comprises a 19 storey, 256 room hotel over a four-storey podium containing car parking.

Hotel rooms have an easterly aspect which provides views across the site. Lower level rooms benefit from water glimpses and views of the city skyline, including Sydney Tower. Upper level rooms have more expansive water views and views of Pyrmont Bridge and the city skyline in the distance. The impact on the views from the Ibis is discussed within the following section with reference to two 3d modelled locations and one photomontage at upper levels of the building and two photo montages and two 3d modelled locations at lower levels (**Figure 46**).



**Figure 46** | Tested view locations at the Ibis hotel (Source: Applicant's FRTS)

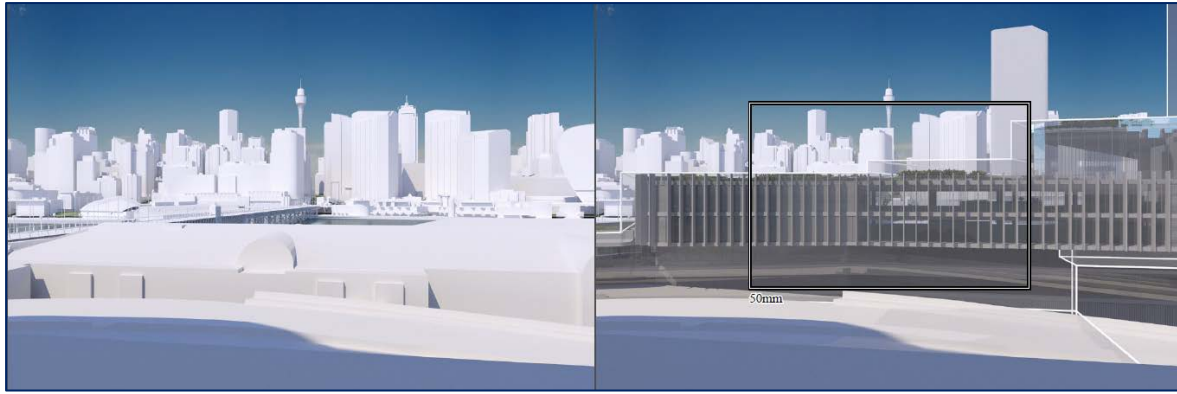
Low level rooms at the Ibis hotel (two 3d modelled locations at level 1)

The Department notes (refer **Figures 47** and **48**)

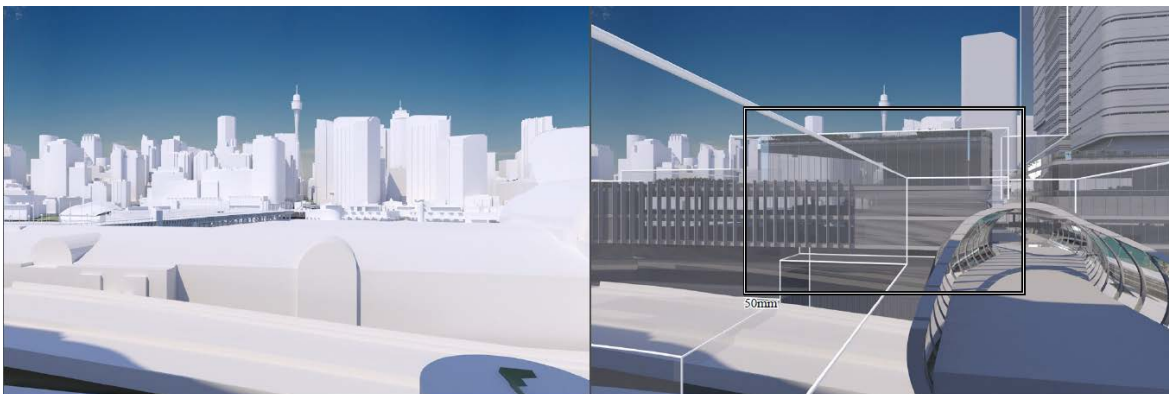
- rooms at the northern and southern end of the building at lower levels benefit from views across the site toward the CBD, including views of Sydney Tower and partial views of Pyrmont Bridge. Water glimpses of Darling Harbour are available to the north east from rooms within the northern portion of the building
- the proposed northern podium would be prominent in eastern views obscuring existing water glimpses and views of Pyrmont Bridge; however, views of the CBD skyline would be retained
- the proposed tower and central podium would appear prominently in eastern and oblique southern views, however views of the CBD skyline and Sydney tower would be retained.

The VVIA categorises the view loss from these locations as minor as CBD skyline views are retained.

The Department disagrees with this assessment and considers the impacts to be moderate, as notwithstanding the availability of alternative oblique water views to the north east from rooms in the north section of the building, the proposal results in the complete loss of existing glimpses of the water and Pyrmont Bridge.



**Figure 47** | Existing (left) and proposed (right) view from the northern section of level one (Source: Applicant's FRTS)



**Figure 48** | Existing (left) and proposed (right) view from the southern section of level one (Source: Applicant's FRTS)

#### Mid- level rooms at the Ibis hotel (room 409 and 622)

The Department notes (refer **Figures 49 and 50**):

- rooms at this level benefit from views across the site and include water views in the middle distance, and views of Pyrmont Bridge against the background of the CBD skyline
- the northern podium would obscure water views and views of Pyrmont Bridge from rooms at the southern end of the building although water glimpses and partial views of Pyrmont Bridge would be retained from rooms at the northern end of the building. The tower would also partly obscure oblique southern district views from most apartments at mid-levels.

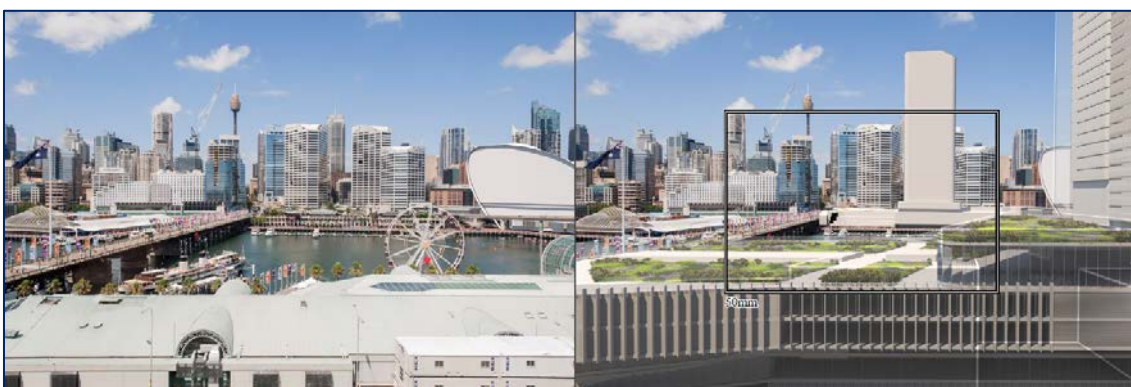
The Applicant's VVIA considers the overall impact on these views to be moderate.

The Department considers the view impacts to be moderate - severe, noting the complete loss of water views and views of Pyrmont Bridge from the southern section of the building at this level.





**Figure 49** | Existing (left) and proposed (right) view from room 409 (Source: Applicant's FRTS)



**Figure 50** | Existing (left) and proposed (right) view from room 622 (Source: Applicant's FRTS)

Upper-level rooms at the Ibis hotel (two 3d modelled locations at level 10)

The Department notes (refer **Figures 51** and **52**)

- views from this level are similar to those at mid-levels however they are more expansive and include a greater proportion of water views in the middle distance, and unobstructed views of Pyrmont Bridge
- the proposed northern podium would partially obscure existing views of the water and Pyrmont Bridge from rooms at the northern end of the building, although water views including the land water interface of the eastern Darling Harbour foreshore would be retained
- rooms within the southern portion of the building at this level would experience a greater reduction in water views due to the height of the central podium. The tower would also appear prominent in this view, partially restricting a portion of water and city skyline and views to the southeast.

The Applicant's VVIA considers the overall impact on these views to be minor.

The Department agrees with this assessment noting the retention of key elements and that views to the north east would be unaffected by the proposal.



**Figure 51** | Existing (left) and proposed (right) view from the northern section of level 10 (Source: Applicant's FRTS)



**Figure 52** | Existing (left) and proposed (right) view from the southern section of level 10 (Source: Applicant's FRTS)

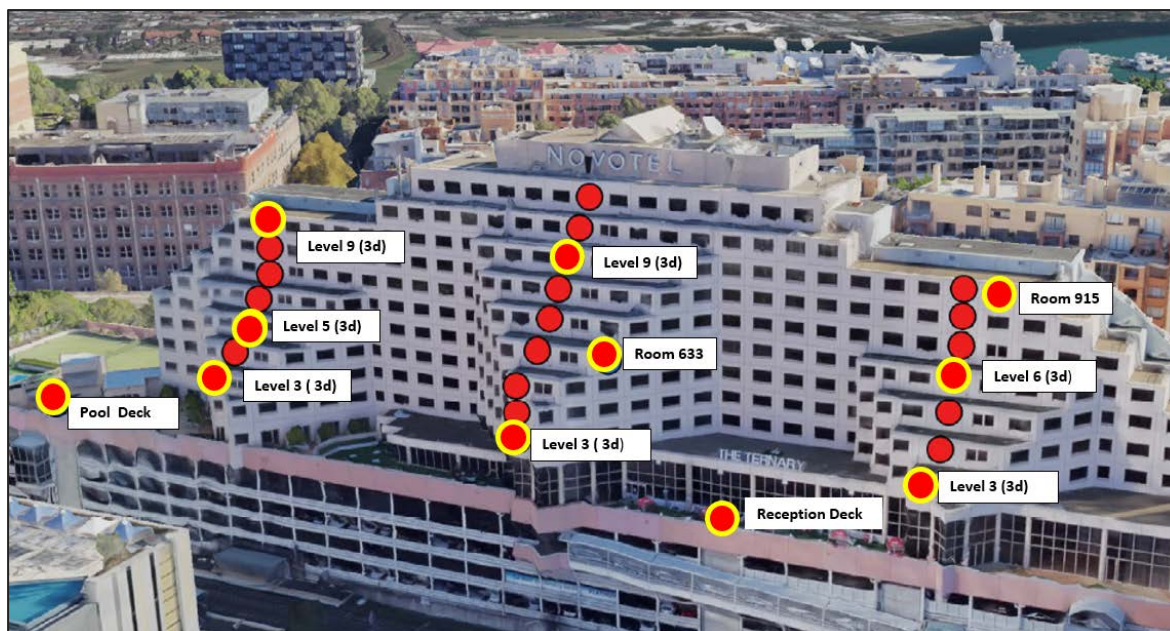
### Summary

The Department notes with respect to view impacts on the Ibis hotel that view losses to rooms would range from minor to severe. The Department notes that although water views would be reduced or obscured for rooms below level 6, views of the city skyline are retained. At upper levels, although the tower would feature prominently in views to the south east and the expanse of existing water views would be reduced, key features including land water interface, views of Pyrmont Bridge and the city skyline are retained and oblique north easterly district views would be unaffected.

### **Novotel Hotel**

The Novotel Hotel is a 17-storey building located approximately 40 metres west of the site. The building comprises a 13-storey hotel building (including rooftop plant) over a four-storey podium containing car-parking. The Novotel has raised concerns in relation to view impacts in its submission.

Hotel rooms have either an easterly or north easterly aspect which provide views across the site. Upper level rooms have the most expansive existing water views, with north easterly aspect rooms including views of Pyrmont Bridge and Barangaroo skyline in the distance. The impact on the views from the Novotel is discussed within the following section with reference to a sample of two rooms in the northern and central sections of the building, seven 3d modelled locations at the northern, central and southern sections of building and photo montages from the pool deck and reception deck as indicated in **Figure 53**.



**Figure 53** | Tested views at the Novotel hotel in the Applicant's VVIA (red) and example locations used in the Departments analysis (red and yellow) (Base source: Applicant's FRTS)

Northern portion of Novotel façade (room 915 and 3d modelling locations a Level 3 and 6)

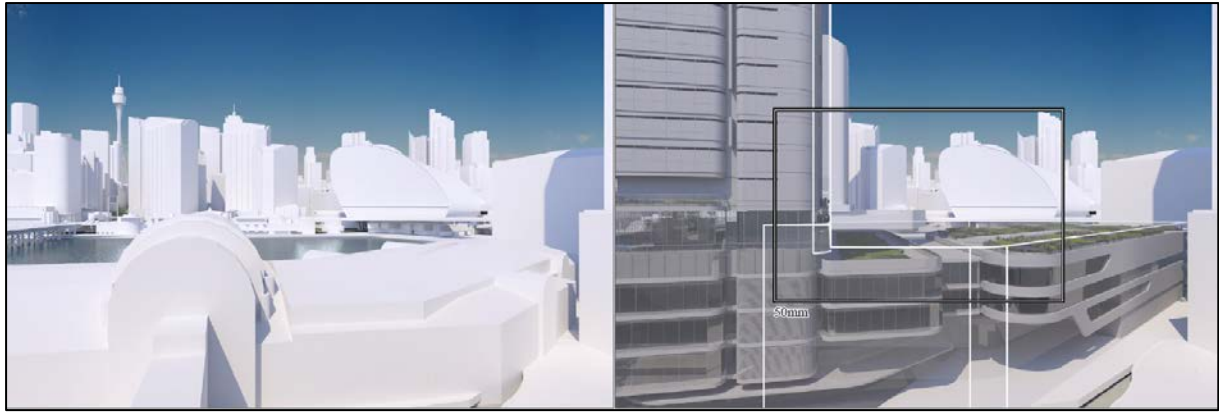
The Department notes (refer **Figures 54 - 56**):

- at middle distance water glimpses are possible from lower levels and become more expansive at higher levels. The city skyline is visible in the distance including views of Sydney Tower
- water views would be completely obscured by the proposed podium at lower levels and views of the water and Cockle Bay foreshore would be partially obscured at middle and upper levels. The tower would partially obscure views of the city skyline including views of Sydney Tower at all levels, although oblique views to the north east towards Sydney Harbour, Barangaroo and North Sydney would be retained
- the podium would obstruct views of Cockle Bay and Pyrmont Bridge from north east facing rooms (up to level 5), though water glimpses north of Pyrmont Bridge and views of the Barangaroo skyline would be retained.

The Applicant's VVIA considers view impacts to this section of the building range from severe at lower levels to minor at upper levels.

The Department considers the impact to upper levels to be moderate, noting the prominence of the tower, and the expanse of water and city skyline views affected.





**Figure 54** | Existing (left) and proposed (right) view from 3d modelled room location at level 3  
(Source: Applicant's FRtS)



**Figure 55** | Existing (left) and proposed (right) view from 3d modelled room location at level 6  
(Source: Applicant's FRtS)



**Figure 56** | Existing (left) and proposed (right) view from room 915 (Source: Applicant's FRtS)

Central portion of Novotel façade (room 633 and 3d modelled locations on level 3 and 9)

The Department notes (**refer Figures 57- 60**)

- at the middle-distance glimpses of water are possible at lower levels and become more expansive at the higher levels. The city skyline is visible in the distance and forms the defining backdrop of the view

- the proposed podium and tower would completely obscure existing water views at lower levels. At upper levels views of the water and Cockle Bay foreshore would be partially obscured although oblique view towards Sydney Harbour and Barangaroo would be retained
- views from north east facing rooms (up to level 6) include water glimpses above the existing shopping centre and the water north of Pyrmont Bridge and the Barangaroo skyline beyond. The tower and podium would obstruct views of the Cockle Bay water and Pyrmont Bridge and partially restrict city skyline views from north east facing rooms. Limited water glimpses north of Pyrmont Bridge and views of the Barangaroo skyline would be retained.

The Applicants VVIA considers view impacts to this section of the building range from severe at lower levels, moderate at mid-levels and minor at upper levels.

The Department considers the impact to upper levels to be moderate, noting the prominence of the tower and reduction of water views at this level.



**Figure 57** | Existing (left) and proposed (right) view from 3d modelled room location at level 3  
(Source: Applicant's FRTS)



**Figure 58** | Existing (left) and proposed (right) view from 3d modelled room location at level 6  
(Source: Applicant's FRTS)



**Figure 59** | Existing (left) and proposed (right) view from north east facing apartment 633 (Source: Applicant's FRTS)



**Figure 60** | Existing (left) and proposed (right) view from 3d modelled room location at level 9 (Source: Applicant's FRTS)

Southern portion of Novotel façade (3d modelled locations on Levels 3, 6 and 9)

The Department notes (refer **Figures 61- 64**)

- existing views across the site are obstructed by the Sofitel hotel tower and podium. Water glimpses are possible at mid and upper levels and the city skyline forms the defining backdrop at all levels. Oblique views to the north east are also available across the site and include the city skyline at lower levels and water glimpses and Barangaroo Skyline at mid and upper levels
- the proposal would obstruct easterly water views at lower and middle levels, including the extent of land water interface with the impact lessening at upper levels. The tower would also partially restrict east and north east views of the city skyline
- north east facing rooms in this section have expansive water and Barangaroo skyline views at upper levels. The tower and podium would similarly restrict water and skyline views from these apartments.

The Applicant's VVIA considers view impacts to this section of the building range from moderate to minor.

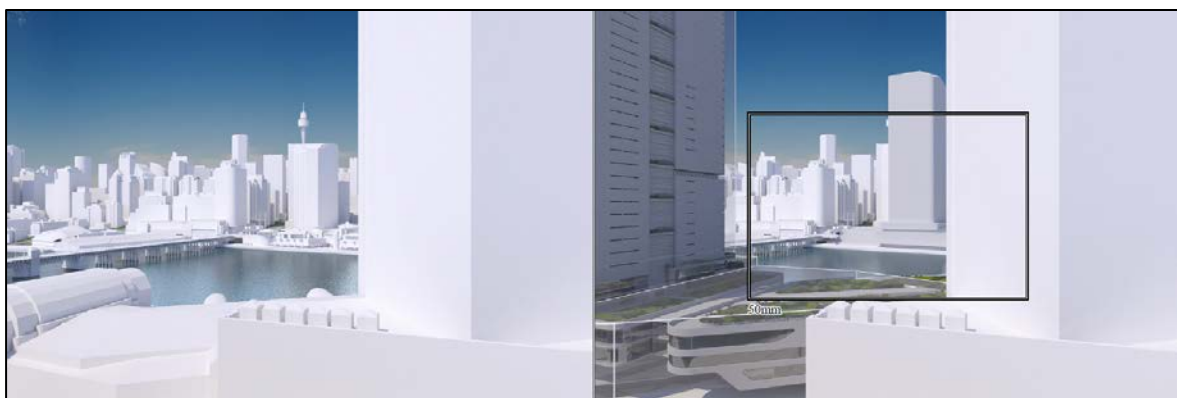
The Department considers the impact to upper levels to be also be moderate, noting the prominence of the tower and reduction of water views at this level.



**Figure 61** | Existing (left) and proposed (right) east view from 3d modelled room location at level 3  
(Source: Applicant's FRtS)

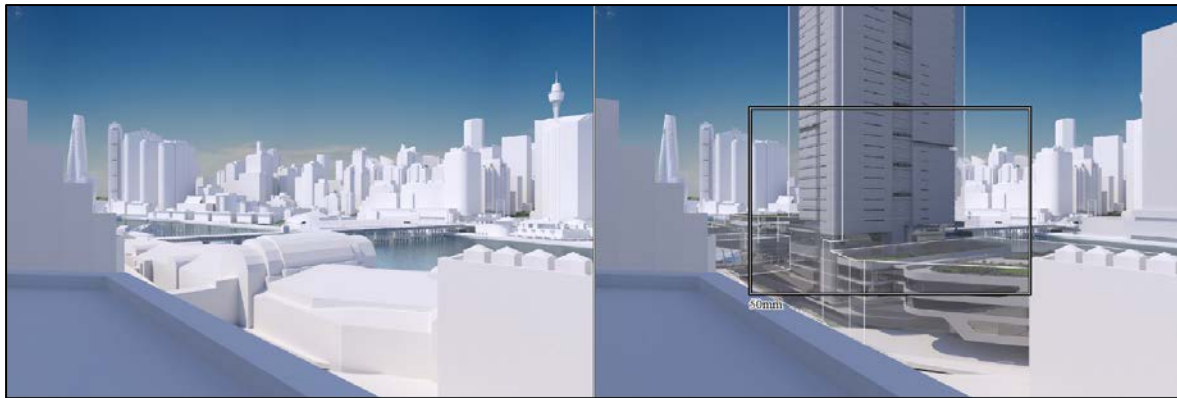


**Figure 62** | Existing (left) and proposed (right) east view from 3d modelled room location at level 6  
(Source: Applicant's FRtS)



**Figure 63** | Existing (left) and proposed (right) east view from 3d modelled room location at level 9  
(Source: Applicant's FRtS)





**Figure 64** | Existing (left) and proposed (right) oblique north east view from 3d modelled room location at level 6 (Source: Applicant's FRTS)

#### Pool deck and Reception deck

The Novotel features a reception deck area outside the hotel restaurant at the northern/central part of the building and a pool deck area to the south. With respect to view impacts from these areas the Department notes (**Figures 65 and 66**).

- the middle terrace (reception deck) enjoys panoramic views across the site towards the CBD, however water views are obscured by the Sofitel hotel podium and tower and the existing shopping centre. Easterly views would be altered by the podium and prominent tower form, however partial views of the CBD to the east and Barangaroo skyline to the north would be retained.
- views across the site from the southern pool deck are restricted to the north and north east and include views across the existing shopping centre toward the CBD and Barangaroo. Views from the southern pool deck would be further restricted by the proposed tower and podium, although partial views of the CBD and Barangaroo skyline would be retained.

The Applicants VVIA considers the view impacts to be negligible to the Novotel pool deck and moderate to the reception deck. The Department agrees with this assessment.



**Figure 65** | Existing (left) and proposed (right) north east view from Novotel reception Deck (Source: Applicant's FRTS)





**Figure 66** | Existing (left) and proposed (right) north east view from Novotel Pool deck (Source: Applicant's FRTS)

### Summary

The Department considers the impact on the Novotel hotel would range from minor to severe (depending on the room location and the level on which it is situated). The Department notes that although water views would be reduced or obscured for rooms below level 6, views of the city skyline are retained. At upper levels, although the tower would feature prominently in some views and the expanse of existing water views would be reduced, key features including land water interface, views of Pyrmont Bridge and the city skyline are retained and oblique north easterly district views would be unaffected.

The Department considers the change in view from the pool deck to be negligible, noting the existing ICC and Sofitel hotel tower and podium restrict north easterly, easterly and south-easterly views from this location. Easterly views from the reception deck would be moderately affected however north-easterly views of the CBD skyline will be preserved.

### **Sofitel Hotel**

The Sofitel hotel is a 35-storey building (including a five-storey podium) which sits directly behind the site to the south east. The tower is oriented to the north east and contains hotel rooms on all elevations. The Sofitel features a bar and restaurant on level 3 and pool deck on the eastern podium roof. A submission of behalf of the Sofitel hotel raised concerns in relation to view impacts.

Due to the height, location and orientation of the hotel, expansive panoramic views are available from rooms on all sides above podium levels. Only rooms with a north and north east aspect have views across the site. These include views of Pyrmont Bridge, Barangaroo and the city skyline, Sydney Harbour and lower north shore in the distance. The podium contains the hotel bar and restaurant which benefits from views across the site, including views of the water, Pyrmont Bridge, CBD skyline and district views to Barangaroo to the northeast.

The impact on the views from the Sofitel hotel is discussed within the following section with reference to a sample of 4 north east facing locations at mid-level, upper level, podium deck and third floor podium restaurant (**Figure 67**).



**Figure 67** | Tested view locations at the Sofitel hotel (Base source: Applicant's RTS)

#### Level 3 podium bar and level 4 pool deck

The Department notes (**Figures 68 and 69**):

- the Sofitel bar at level 3 benefits from north east views over the site including water glimpses, views of Pyrmont Bridge, the city skyline across Cockle Bay and longer views to Barangaroo to the north east. Views from the pool deck are expansive and include panoramic views of Darling Harbour, the city skyline and district views to the north east
- the proposed podium would obscure all existing water views, views of Pyrmont Bridge and most of the city skyline from all levels within the podium
- from the level 4 pool deck north east views of Barangaroo would be obstructed by the proposed tower. The proposed podium would obstruct north easterly water views of Darling Harbour and views of Pyrmont Bridge.

The Applicants VVIA considers the view impacts to lower levels of the Sofitel hotel to be moderate to severe.

The Department considers the view impacts at lower levels within the podium to be severe, noting the complete obstruction of all water views, views of Pyrmont Bridge and district views by the proposed podium.



**Figure 68** | Existing (left) and proposed (right) north view from room level 3 (Source: Applicant's FRTS)



**Figure 69** | Existing (left) and proposed (right) north view from level 4 pool deck (Source: Applicant's FRTS)

#### Sofitel hotel mid-level and high level north east facing rooms

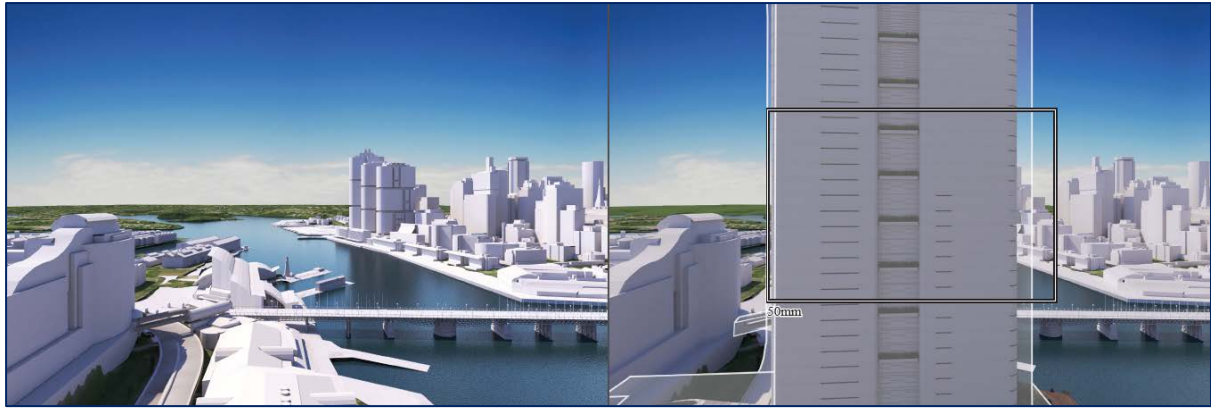
The Department notes (**Figures 70 to 71**):

- north east facing rooms look over the southern end of the site and benefit from panoramic views of Darling Harbour, the city skyline, and district views to Barangaroo, Sydney Harbour and the north shore.
- the proposal would impact on the eastern edge of the view obstructing district views towards Barangaroo and North Sydney. The predominate north east aspect would be unaffected by the proposal and significant water views and expansive district views from the north east to the south east would be retained.

The VVIA considers the view impacts to Sofitel hotel to be minor- moderate at middle and minor at upper levels.

The Department agrees with this assessment with respect to the specific views, however considers the overall impact to these rooms to be minor due to the availability of expansive alternative views.





**Figure 70** | Existing (left) and proposed (right) north view from mid-level north east facing room  
(Source: Applicant's FRTS)



**Figure 71** | Existing (left) and proposed (right) north view from upper level north east facing room  
level 4 pool (Source: Applicant's FRTS)

### Summary

The Department considers the view impacts at lower levels within the podium to be severe, noting the complete obstruction of all water views, views of Pymont Bridge and district views by the proposed podium.

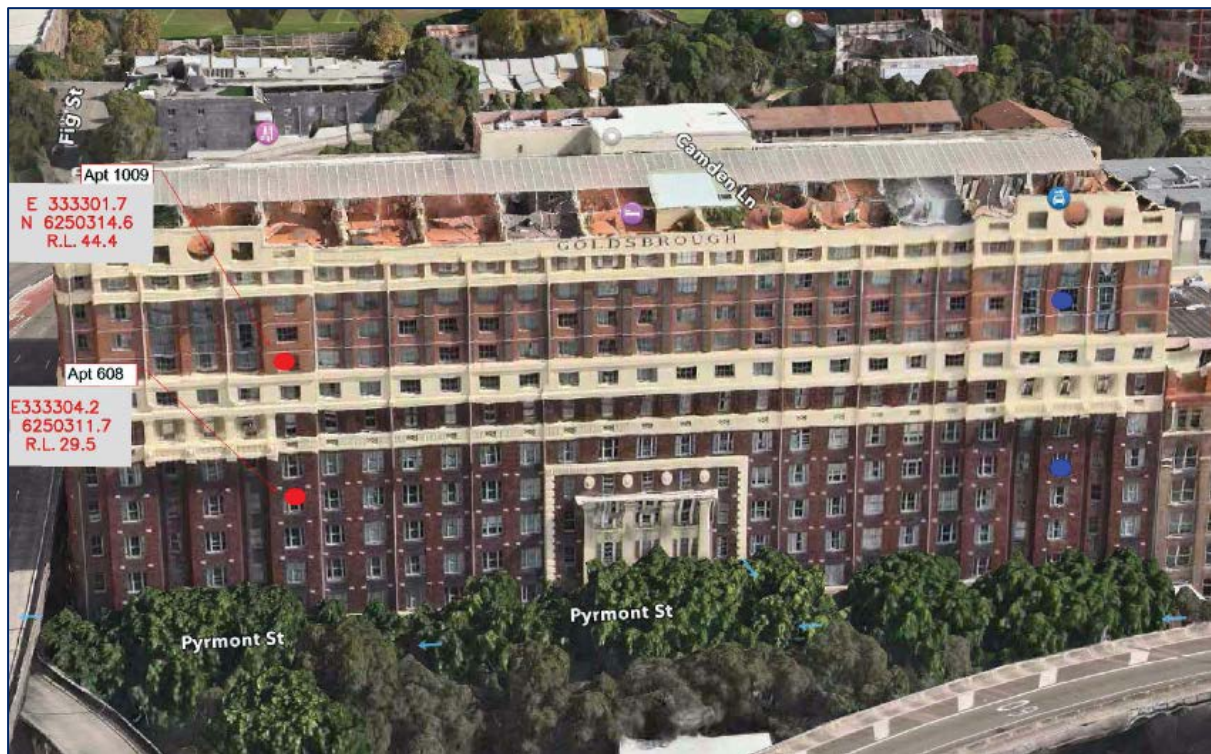
The Department considers that view impacts to upper levels overall would be minor. Although the tower will be prominent in views to the north east, all rooms above podium level retain alternative panoramic views including water views, and expansive district views. The Department notes that the most pronounced impacts would be experienced by a small number of rooms on the northerly corner of the building, whose primary view angle is either to the north east or north west rather than directly north towards the site, therefore, when considering impacts to the hotel overall the impact is much less significant.

### **Oaks Goldsbrough Apartments**

The Oaks Goldsbrough Apartments is a 15-storey building (including plant/roof structures) located approximately 180 m from the site and contains residential and serviced apartments. Apartments located on the eastern façade are potentially affected by the proposal. The apartments are generally two story and benefit from multiple aspect views.

Due to the orientation of the building, apartments with an eastern aspect have a north eastern view across the subject site. The impact on the views from the building is discussed with reference to a

sample of two apartments at level 6 and level 9 at the southern end of the building and two 3d model location at levels 6 and 9 at the northern end of the building (**Figure 72**).



**Figure 72** | Existing (left) and proposed (right) north view from upper level north east facing room level 4 pool (Source: Applicant's RTS)

#### Northern end of Oaks Goldsbrough Apartments (3d modelled location on level 6 and 11)

The Department notes (**Figure 73 and 74**):

- these apartments have a north eastern view over the southern end of the Novotel podium in the foreground and the ICC, Sofitel hotel and existing shopping centre in the middle distance
- due to existing obstructions lower levels do not have water views, however, water views, including views of Pymont Bridge are possible and become more expansive for apartments higher up the façade. The city skyline is visible in the distance.
- the development would obscure water views and Pymont Bridge for middle and upper level apartments. The city skyline would also be partially restricted by the tower.

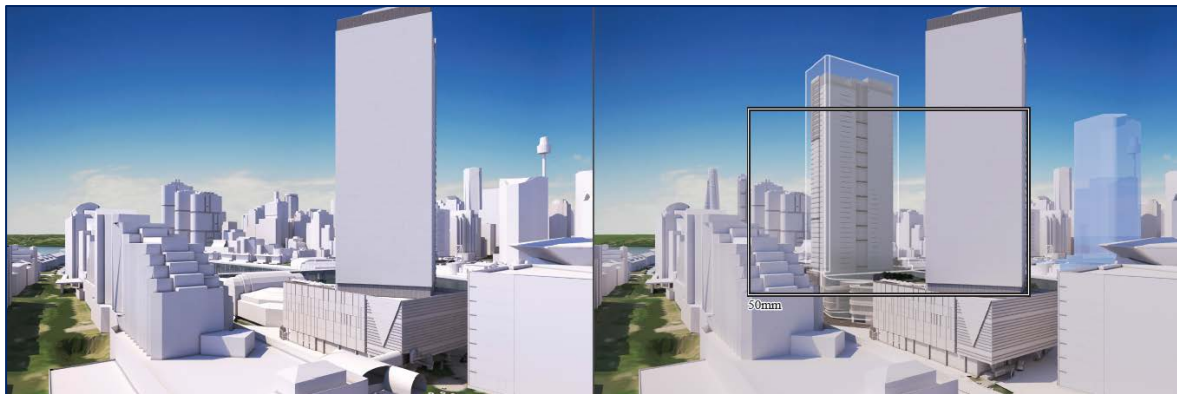
The Applicants VVIA considered the view impact to Oaks Goldborough Apartment's would be negligible.

The Department considers the impacts would be minor, noting that although the existing view is heavily restricted and the building is a significant distance from the site and key view elements, the proposed tower will result in the loss of existing glimpses of water and Pymont Bridge from some upper level apartments.





**Figure 73** | Existing (left) and proposed (right) view from 6th floor in the northern section of Oaks Goldsbrough apartments (Source: Applicant's RTS)



**Figure 74** | Existing (left) and proposed (right) view from 11th floor in the northern section of Oaks Goldsbrough apartments (Source: Applicant's RTS)

#### Southern end of Oaks Goldsbrough Apartment building (apartment 1009 and 608)

The Department notes (**Figure 75 and 76**):

- these apartments have a north eastern view over Darling Drive, the ICC in the foreground and the site at the middle-distance. Water views, including views of Pyrmont Bridge, are possible at mid to upper levels and become more expansive the higher they are within the building. The city skyline and the northern end of Darling Harbour is visible in the distance
- the proposal would obscure a small section of the Barangaroo skyline, however, distant water views to the north east would be unaffected. The eastern view of the city skyline (including Centrepont Tower) to the right of the Sofitel hotel tower would be unaffected.

The Applicants VVIA considered the view impact to Oaks Goldsbrough Apartment's would be negligible.

The Department considers the impacts would be negligible to apartments at the southern end of the building and minor at the northern end.



**Figure 75** | Existing (left) and proposed (right) view from apartment 608 (Source: Applicant's RTS)



**Figure 76** | Existing (left) and proposed (right) view from apartment 1009 (Source: Applicant's RTS)

### Summary

The Department considers the impacts would range from negligible, for apartments in the southern section of the building to minor in the northern section. Although the existing view is heavily restricted and the building is a significant distance from the site and key view elements, the proposed tower will result in the loss of existing glimpses of water and Pyrmont Bridge from some upper level apartments.

### **Gateway Apartments**

Gateway Apartments (1 Murray Street) are located approximately 150 m to the north west of the site and benefit from oblique views to the south east across the site which include the western entry to Pyrmont Bridge, Maritime Museum, 50 Murray Street, and the existing Harbourside Shopping Centre in the foreground. Partial water views are available.

Following the relocation of the tower to the centre of the site and significant reduction in the northern podium height, views of the water and Pyrmont Bridge from apartments within this building would be largely unaffected by the proposal and the view impact is considered negligible.

### **Paragon Apartments**

Paragon Apartments (149-197 Pyrmont Street) are located over 200 m to the south west of site. Views of the site are obstructed by the Novotel hotel. The tower form would be visible in views from some upper level apartments above the roof line of the Novotel hotel resulting in a compositional

change to the view, however no scenic and highly valued views of the water or Pyrmont Bridge would be affected. City skyline glimpses would be retained, and the overall impact is considered negligible.

### **Mirage Apartments**

Mirage apartments are located over 100 m to the west of the site and include a communal roof terrace which benefits from a north east angled view across the site of Darling Harbour and Cockle bay foreshore through the gap between the Ibis and Novotel hotel. Following the relocation of the tower to the centre of the site, view impacts to Mirage Apartments would be significantly improved. The Department notes that the existing view is achieved across intervening developments. Given the distance from the site, retention of elements of the existing view, and that majority of views from within the building would be uninfected by the proposal, the Department considers that the impact to Mirage apartments is minor.

## Appendix G – Independent Design Advice

### HARBOURSIDE RE-DEVELOPMENT -- SSD 7874

#### Final overview of proposed compliance requirements for competition stage

The application for redevelopment of this site has been subject to a series of reviews since the preliminary designs were submitted in early 2020. During this period concerns were focused particularly on the height and form of the tower component, impact on views from existing residential properties to the west, and ensuring that the interface with Pymont Bridge was resolved in relation to both pedestrian traffic and visual character. It was considered that the substantial floor space and height of the development could in principle be supported subject to the provision of attractive additional public space and convenient pedestrian access for the many visitors and tourists who enjoy the Darling Harbour area.

The maximum desirable height of the tower was a key issue, given that no statutory controls apply in this area, and in the context of other nearby development a maximum height to approximately RL 154 was then appropriate: however with release of the 'Draft Pymont Place Strategy' in August 2020 which recommended increase in permissible heights on a range of nearby large 'key sites' it was considered that with a view to the future of the area, development to a maximum of RL 170 would be acceptable on the subject 'Harbourside' site.

This decision was subject to the low-scale podium component providing welcoming stairway access from Pymont Bridge to the waterfront, attractive landscaping, and a design which would result in "excellence in public open space". Subsequent reviews have concentrated on this issue.

The proposed envelope of the north podium adjacent to Pymont Bridge required amendment to achieve this objective: revised drawings by FJMT exploring opportunities were submitted in December 2020. These included relatively minor but significant and essential detailed changes to this part of the podium. They provided for well-considered access from the Bridge and for people approaching from the west, and a podium form of sensitive scale and articulation addressing the waterfront. Additional public space was also indicated at the rooftop of level 5, in accordance with recommendations of the review. Axonometric views were included in the submitted drawings, which were very helpful in clarifying which detailed issues remained to be addressed.

In particular three matters will need resolution in relation to level 5 as the design progresses through the competition and DA stages:-

- On the eastern side a generous external stair should be included connecting level 5 with public open spaces on levels 2 and 3
- On the western side there should be an internal stair/escalator, as well as an elevator from the commercial/retail levels for access by disabled people.
- Sensitive landscape design should include seating, shaded areas and extensive planting in this potentially valuable public space, having in mind also its exposure to strong winds and hot summer conditions

The Department proposed to address these and other detailed issues by way of including 'Conditions' covering open space, the public domain, and the northern podium roof profile which must be satisfied for any design to be supported. The last of these include clauses which restrict

the height of the building envelope to RL25, require excellent amenity for the open space, and ensure that landscape and other elements will minimize any impacts on views from neighbouring properties. I am supportive of the draft Conditions subject only to ensuring that protrusions above RL25 are restricted to moveable items such as retractable umbrellas and possibly a few taller trees with see-through canopies, such as some eucalypt species.

## CONCLUSION

Following this lengthy and incremental review process, I consider that the critical issues identified, including the building heights, forms and view impacts would be resolved by designs complying with both the constraints described in the final FJMT documentation, and, -subject only to the comments above, -the Conditions proposed by the Department. Within these constraints I support the application proceeding to the competition stage.

Professor Peter Webber

25<sup>th</sup> February 2021



## Appendix H – Design Guidelines

The proposal includes design guidelines (Development Design Guidelines - Rev 03, prepared by fjmt, dated 24 September 2020), which are intended to inform the competitive design excellence process and the detailed design of the development. The design guidelines provide guidance on a range of matters including urban design, open space and built form considerations.

The Department notes, although the Design Guidelines are high-level in nature, they generally provide an appropriate starting point for the design of future buildings and spaces and has considered the proposed guidance within the design guidelines at **Section 6** of this report. However, the Department recommends several amendments to ensure the detailed design of the development achieves the desired objectives for the development and incorporates the various changes recommended throughout this report.

The Department's recommended amendments to the design guidelines are provided at **Table 22**.

**Table 22 | The Department's recommended amendments to the design guidelines**

Design Guideline to be amended	Department's Recommended Amendment
<p>1.3 Project Vision</p> <ul style="list-style-type: none"> <li>The urban design of the Harbourside development must achieve the project vision to: <ul style="list-style-type: none"> <li>Deliver a world class retail, commercial and residential mixed use precinct that incorporates significant public domain.</li> <li>Reaffirm Darling Harbour as Australia's premier gathering place by creating an exciting, connected, active and vibrant precinct that brings delight to visitors and Sydney siders alike.</li> </ul> </li> <li>The following principles support realisation of the Project Vision <ul style="list-style-type: none"> <li>Place-making – integrate the built forms, landscaping and public realm to a holistic and integrated development offering</li> <li>Permeability – serve as an attraction to visitors and tourists</li> <li>Identity – create a development that is world class</li> <li>Flexibility and adaptability – provide public domain spaces that are flexible for curation and activation opportunities</li> <li>Connectivity – provide clear and generous public connections</li> <li>Linkage – provide a retail, commercial and residential mixed use offering that complements the surrounding precinct and context</li> </ul> </li> </ul>	<p>1.3 Project Vision</p> <ul style="list-style-type: none"> <li>The urban design of the Harbourside development must achieve the project vision to: <ul style="list-style-type: none"> <li>Deliver a world class <del>retail, commercial and residential mixed use</del> precinct that incorporates significant public domain.</li> <li>Reaffirm Darling Harbour as Australia's premier gathering place by creating an exciting, connected, active and vibrant precinct that brings delight to visitors and Sydney siders alike.</li> </ul> </li> <li>The following principles support realisation of the Project Vision <ul style="list-style-type: none"> <li>Place-making – integrate the built forms, landscaping and public realm to a holistic and integrated development offering</li> <li>Permeability – serve as an attraction to visitors and tourists</li> <li>Identity – create a development that is world class</li> <li>Flexibility and adaptability – provide public domain spaces that are flexible for curation and activation opportunities</li> <li>Connectivity – provide clear and generous public connections</li> <li>Linkage – provide a <del>retail, commercial and residential mixed use</del> offering that complements the surrounding precinct and context</li> </ul> </li> </ul>
1.4 Context and Design Excellence	1.4 Context and Design Excellence

<p>The design shall:</p> <ul style="list-style-type: none"> <li>• Integrate with the surrounding context by providing retail, commercial, and residential use, to compliment the surrounding uses</li> <li>• including convention and exhibition space (ICC), hotel (ICC Hotel and The Ribbon), and residential (Darling Square)</li> <li>• Use appropriate building height, alignment, form, massing</li> <li>• Respect the heritage significance of the Pyrmont Bridge</li> <li>• Promote view sharing</li> <li>• Provide a new landmark at Darling Harbour, and enriching the ground plane and skyline</li> <li>• Engage with people at the ground plane</li> <li>• Create strong public pedestrian connections</li> <li>• Provide public domain spaces that can accommodate activation through temporary events and program activities</li> </ul>	<p>The design shall:</p> <ul style="list-style-type: none"> <li>• Integrate with the surrounding context by providing <del>retail, commercial, and residential use</del> <b>a mix of uses</b>, to compliment the surrounding uses</li> <li>• including convention and exhibition space (ICC), hotel (ICC Hotel and The Ribbon), and residential (Darling Square)</li> <li>• Use appropriate building height, alignment, form, massing</li> <li>• Respect the heritage significance of the Pyrmont Bridge</li> <li>• Promote view sharing</li> <li>• Provide a new landmark at Darling Harbour, and enriching the ground plane and skyline</li> <li>• Engage with people at the ground plane</li> <li>• Create strong public pedestrian connections</li> <li>• Provide public domain spaces that can accommodate activation through temporary events and program activities</li> </ul>
<p>2.1 Appreciating the Context</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Integrate with the surrounding Darling Harbour context</li> <li>• Respect the site heritage</li> <li>• Create a place that protects, conserves and interprets Sydney's natural and cultural heritage</li> <li>• Appreciate and respond to the unique waterfront location</li> <li>• Acknowledge that traditional owners were the Cadigal, who are part of the Dharug Nation or language group</li> </ul> <p>Control</p> <p>Provide:</p> <ul style="list-style-type: none"> <li>• Retail, commercial, and residential a mix of uses that complement the surrounding uses including convention use (ICC), hotel (The Ribbon and ICC Hotel) and leisure</li> <li>• Provide architecture commensurate with the revitalised transformation of Darling Harbour</li> <li>• A safe pedestrian friendly environment that taps into the existing surrounding road and pedestrian pathways</li> </ul>	<p>2.1 Appreciating the Context</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Integrate with the surrounding Darling Harbour context</li> <li>• Respect the site heritage</li> <li>• Create a place that protects, conserves and interprets Sydney's natural and cultural heritage</li> <li>• Appreciate and respond to the unique waterfront location</li> <li>• Acknowledge that traditional owners were the Cadigal, who are part of the Dharug Nation or language group</li> </ul> <p>Control</p> <p>Provide:</p> <ul style="list-style-type: none"> <li>• <del>Retail, commercial, and residential</del> <b>a mix of uses</b> that complement the surrounding uses including convention use (ICC), hotel (The Ribbon and ICC Hotel) and leisure</li> <li>• Provide architecture commensurate with the revitalised transformation of Darling Harbour</li> <li>• A safe pedestrian friendly environment that taps into the existing surrounding road, <del>and</del> pedestrian <b>and cycle</b> pathways</li> </ul>

<p>3.2 Setbacks</p> <p>Objective</p> <ul style="list-style-type: none"> <li>Ensure appropriate distances are maintained between towers to create a skyline of well spaced towers for the west side of Cockle Bay</li> </ul> <p>Control</p> <p>Provide:</p> <ul style="list-style-type: none"> <li>Retail, commercial, and residential a mix of uses that complement the surrounding uses including convention use (ICC), hotel (The Ribbon and ICC Hotel) and leisure</li> <li>Provide architecture commensurate with the revitalised transformation of Darling Harbour</li> <li>Provide waterfront setbacks per below, measured to Stage 1 DA Envelope</li> <li>Building separations to respond to SEPP65 requirements</li> </ul>	<p>3.2 Setbacks</p> <p>Objective</p> <ul style="list-style-type: none"> <li>Ensure appropriate distances are maintained between towers to create a skyline of well spaced towers for the west side of Cockle Bay</li> </ul> <p>Control</p> <p>Provide:</p> <ul style="list-style-type: none"> <li><del>Retail, commercial, and residential</del> A <u>mix of</u> uses that complement the surrounding uses including convention use (ICC), hotel (The Ribbon and ICC Hotel) and leisure</li> <li>Provide architecture commensurate with the revitalised transformation of Darling Harbour</li> <li>Provide waterfront setbacks per below, measured to Stage 1 DA Envelope</li> <li>Building separations to respond to SEPP65 requirements</li> </ul>
<p>4.1 Thriving Public Realm</p> <p>Objective</p> <ul style="list-style-type: none"> <li>Make places not spaces</li> <li>Provide an attraction for visitors</li> <li>Create clear and unobstructed pedestrian connections</li> <li>Link the development to its surrounding context</li> <li>Provide diversity and flexibility to support a broad programme of events and activities</li> <li>Give consideration to both 'event mode' and 'day to day' mode</li> <li>Create a distinctly local Sydney identity</li> <li>Integrate art within built and landscape forms</li> <li>Build in versatility and flexibility</li> </ul> <p>Control</p> <p>The following established planning controls and strategies shall apply:</p> <ul style="list-style-type: none"> <li>Sustainable Sydney 2030</li> <li>Sydney Streets Design Code and Sydney Street Technical Specification</li> <li>SHFA'S Darling Harbour Public Domain Manual 2015</li> <li>NSW Planning Guidelines for Walking &amp; Cycling</li> <li>No reduction in the existing area of public realm</li> <li>Public Domain concepts documented in the Aspect Studios Stage 1</li> </ul>	<p>4.1 Thriving Public Realm</p> <p>Objective</p> <ul style="list-style-type: none"> <li>Make places not spaces</li> <li>Provide an attraction for visitors</li> <li>Create clear and unobstructed pedestrian connections</li> <li>Link the development to its surrounding context</li> <li>Provide diversity and flexibility to support a broad programme of events and activities</li> <li>Give consideration to both 'event mode' and 'day to day' mode</li> <li>Create a distinctly local Sydney identity</li> <li>Integrate art within built and landscape forms</li> <li>Build in versatility and flexibility</li> </ul> <p>Control</p> <p>The following established planning controls and strategies shall apply:</p> <ul style="list-style-type: none"> <li>Sustainable Sydney 2030</li> <li>Sydney Streets Design Code and Sydney Street Technical Specification</li> <li>SHFA'S Darling Harbour Public Domain Manual 2015</li> <li>NSW Planning Guidelines for Walking &amp; Cycling</li> <li>No reduction in the existing area of public realm</li> <li>Public Domain concepts documented in the Aspect Studios Stage 1</li> </ul>

<ul style="list-style-type: none"> <li>SSDA report.</li> </ul> <p>This report sets out the proposed public domain concepts and connections for the site:</p> <ul style="list-style-type: none"> <li>Mirvac to commit and fund a total area of 8,200m<sup>2</sup> of public domain works in kind, including: <ul style="list-style-type: none"> <li>4,800m<sup>2</sup> of Waterfront Boulevard</li> <li>1,500m<sup>2</sup> Guardian Square</li> <li>Event steps</li> <li>Central through site link</li> <li>Bunn St pedestrian bridge</li> <li>New paving to Pyrmont bridge</li> <li>Upgrade of northern pedestrian bridge</li> <li>Ribbon Stairs</li> </ul> </li> </ul> <p>The Design Brief to inform the design excellence process will specify all participating firms are required to incorporate a total of 8,200m<sup>2</sup> within their respective schemes including the specified areas for the waterfront boulevard and Guardian Square. How these concepts are incorporated within the design be subject to detailed design and future Stage 2 DA.</p>	<ul style="list-style-type: none"> <li>SSDA report.</li> </ul> <p><del>This report sets out the proposed public domain concepts and connections for the site:</del></p> <ul style="list-style-type: none"> <li>Mirvac to commit and fund a total <u>minimum</u> area of <del>8,200m<sup>2</sup></del> <u>10,200 m<sup>2</sup></u> of public domain works in kind, including: <ul style="list-style-type: none"> <li>4,800m<sup>2</sup> of Waterfront Boulevard</li> <li><u>3,500m<sup>2</sup> above the northern podium including</u> Guardian Square</li> <li>Event steps <u>(or equivalent onsite public domain gathering and events area adjacent to the foreshore)</u></li> <li>Central through site link</li> <li>Bunn St pedestrian bridge</li> <li>New paving to Pyrmont bridge</li> <li>Upgrade of northern pedestrian bridge <u>(or improved equivalent connection)</u></li> <li>Ribbon Stairs <u>or equivalent stair connection from the foreshore at the northern end of the site linking the foreshore to the Pyrmont Bridge approach</u></li> </ul> </li> </ul> <p>The Design Brief to inform the design excellence process will specify all participating firms are required to incorporate a total <u>minimum</u> of <del>8,200m<sup>2</sup></del> <u>10,200 m<sup>2</sup></u> within their respective schemes including the specified areas for the waterfront boulevard and Guardian Square, <u>open space above the northern podium and through site links</u>. How these concepts are incorporated within the design be subject to detailed design and future Stage 2 DA.</p>
<p>6.1 Residential Amenity and Planning Objective</p> <ul style="list-style-type: none"> <li>Tower is to be slender in form</li> <li>Building floorplates should maximise daylight and sunlight into dwellings</li> <li>Capitalise on the views</li> <li>Maintain generous private amenity to all dwellings in the development</li> <li>Provide appropriate acoustic treatment and separation from the retail</li> <li>Provide sufficient storage</li> <li>Provide a clear and definable street address</li> <li>Residential facades to allow for appropriate shading and privacy</li> </ul> <p>Control</p> <ul style="list-style-type: none"> <li>The maximum building height, and volume is controlled by the <ul style="list-style-type: none"> <li>envelope approved in the Stage 1 SSDA</li> <li>Consider SEPP 65 – Apartment Design Guidelines</li> </ul> </li> </ul>	<p>6.1 Residential Amenity and Planning Objective</p> <ul style="list-style-type: none"> <li>Tower is to be slender in form</li> <li>Building floorplates should maximise daylight and sunlight into dwellings</li> <li>Capitalise on the views</li> <li>Maintain generous private amenity to all dwellings in the development</li> <li>Provide appropriate acoustic treatment and separation from the retail</li> <li>Provide sufficient storage</li> <li>Provide a clear and definable street address</li> <li>Residential facades to allow for appropriate shading and privacy</li> </ul> <p>Control</p> <ul style="list-style-type: none"> <li>The maximum building height, and volume is controlled by the <ul style="list-style-type: none"> <li>envelope approved in the Stage 1 SSDA</li> <li>Consider SEPP 65 – Apartment Design Guidelines</li> <li>Provide an appropriate mix of apartment sizes</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>○ Provide an appropriate mix of apartment sizes</li> <li>○ Incorporate screening where appropriate to address solar or privacy impacts</li> <li>○ Incorporating appropriate glazing to assist with limiting reflectivity</li> <li>○ Acknowledge the orientation of the site</li> <li>○ Where more than 8 apartments are located off a circulation core, additional attention shall be placed on ensuring the amenity of the circulation spaces is of a high quality with access to daylight and natural ventilation.</li> <li>○ Consider the need to balance acoustic privacy and natural ventilation</li> </ul>	<ul style="list-style-type: none"> <li>○ Incorporate screening where appropriate to address solar or privacy impacts</li> <li>○ Incorporating appropriate glazing to assist with limiting reflectivity</li> <li>○ Acknowledge the orientation of the site</li> <li>○ <del>Where more than 8 apartments are located off a circulation core, additional attention shall be placed on ensuring the amenity of the circulation spaces is of a high quality with access to daylight and natural ventilation.</del></li> <li>○ Consider the need to balance acoustic privacy and natural ventilation</li> </ul>
<p>7.1 Carparking</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Respect in ground archaeology, existing infrastructure, potentially</li> <li>• contaminated land</li> <li>• Consider overland flood risk</li> <li>• Provide a quick and direct access into the basement</li> <li>• Provide safe and secure parking</li> <li>• Consider graphics to assist wayfinding</li> </ul> <p>Control</p> <ul style="list-style-type: none"> <li>• Carparking on site to be provided for residential use only</li> <li>• The loading dock is to be clearly separated from the carpark for safety</li> <li>• Adequate minimum clearances are to be provided</li> <li>• Car parking rates to be in accordance with /City of Sydney LEP 2012 'Category B'</li> </ul>	<p>7.1 Carparking</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Respect in ground archaeology, existing infrastructure, potentially</li> <li>• contaminated land</li> <li>• Consider overland flood risk</li> <li>• Provide a quick and direct access into the basement</li> <li>• Provide safe and secure parking</li> <li>• Consider graphics to assist wayfinding</li> </ul> <p>Control</p> <ul style="list-style-type: none"> <li>• Carparking on site to be provided for residential use only</li> <li>• The loading dock is to be clearly separated from the carpark for safety</li> <li>• Adequate minimum clearances are to be provided</li> <li>• <del>Car parking rates to be in accordance with City of Sydney LEP 2012 'Category B'</del></li> </ul>
<p>8.1 Sustainability</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Limit the development impact on the environment</li> <li>• Maximise daylight and reduce the need for artificial lighting</li> <li>• Prioritise Precinct wide solutions</li> </ul>	<p>8.1 Sustainability</p> <p>Objective</p> <ul style="list-style-type: none"> <li>• Limit the development impact on the environment</li> <li>• Maximise daylight and reduce the need for artificial lighting</li> <li>• Prioritise Precinct wide solutions</li> </ul> <p>Control</p>



<p>Control</p> <ul style="list-style-type: none"> <li>Development is to be designed to achieve the following ESD targets: <ul style="list-style-type: none"> <li>5-Star Green Star Design &amp; As Built v1.3 for retail;</li> <li>5-Star Green Star Design &amp; As Built v1.3 for commercial;</li> <li>5-Star Green Star Design &amp; As Built v1.3 for the residential tower;</li> <li>4.5-Star NABERS Energy for Shopping Centres;</li> <li>5.5-Star NABERS Energy for Offices;</li> <li>3.5-Star NABERS Water for Offices; and</li> <li>20% water reduction per sqm for retail.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Development is to be designed to achieve the following ESD targets: <ul style="list-style-type: none"> <li>5-Star Green Star Design &amp; As Built v1.3 for retail;</li> <li><del>5.5</del> 5-Star Green Star Design &amp; As Built v1.3 for commercial;</li> <li>5-Star Green Star Design &amp; As Built v1.3 for the residential tower;</li> <li><del>4.5-Star NABERS Energy for Shopping Centres;</del></li> <li>5.5-Star NABERS Energy for Offices;</li> <li>3.5-Star NABERS Water for Offices; and</li> <li>20% water reduction per sqm for retail.</li> </ul> </li> <li><b><u>Development is to explore and implement measures to strive to achieve the following stretch ESD standards:</u></b> <ul style="list-style-type: none"> <li><b><u>6-Star Green Star Design &amp; As Built v1.3 for retail</u></b></li> <li><b><u>6-Star Green Star Design &amp; As Built v1.3 for the residential tower</u></b></li> </ul> </li> </ul>
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## Appendix I – Consideration against the Harbourside Site Specific Framework within the PPPS

**Table 23** | Summary of the proposal's consistency with site specific opportunities identified in the Draft Pyrmont Strategy

Opportunities	Proposal's consistency
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.	<ul style="list-style-type: none"> <li>Design guidelines and FEARs requiring: <ul style="list-style-type: none"> <li>1500 m<sup>2</sup> of open space above the northern podium adjacent to Pyrmont Bridge</li> <li>additional 2000 m<sup>2</sup> of publicly accessible open space above the remainder of the northern podium</li> <li>space for events and gatherings within the site adjacent the waterfront promenade.</li> </ul> </li> </ul>
Improve and enhance east-west connections from Harris Street to the waterfront through large sites.	<ul style="list-style-type: none"> <li>Design guidelines and FEARs requiring: <ul style="list-style-type: none"> <li>provision of a central through site link to the new Bunn Street Bridge</li> <li>increase site permeability.</li> </ul> </li> </ul>
Improve and enhance the events and gathering capacity of the public domain in the Tumbalong Park sub-precinct as a global tourism destination.	<ul style="list-style-type: none"> <li>Widening of the waterfront promenade providing an additional 474m<sup>2</sup> of waterfront space.</li> <li>FEAR requiring provision of an area for events and gatherings within the site adjacent the waterfront promenade.</li> </ul>
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.	<ul style="list-style-type: none"> <li>Design guidelines requiring residential, commercial and retail access from Darling Drive.</li> <li>FEARs requiring activation of all frontages as part of Future DA(s).</li> </ul>
Deliver an appropriate built form outcome to Pyrmont Bridge.	<ul style="list-style-type: none"> <li>Lowered northern podium appropriately set back from Pyrmont Bridge.</li> <li>FEARs requiring the northern podium height not exceed Pyrmont Bridge deck level and detailed design ensures an acceptable built form relationship with the bridge.</li> </ul>
Special Considerations	
Protect solar access to the harbour foreshore public domain.	<ul style="list-style-type: none"> <li>The revised tower location protects solar access to the harbour foreshore public domain throughout the morning period of the winter solstice and restricts significant overshadowing to after 1pm.</li> <li>The proposal also results in a significant area of new onsite publicly accessible open space benefiting for year-round solar access</li> <li>FEAR requiring future DA(s) include an overshadowing impact assessment and demonstrate buildings have been designed to minimise overshadowing.</li> </ul>
Prioritisation of the delivery of employment, entertainment and tourism floorspace.	<ul style="list-style-type: none"> <li>The proposal prioritises non-residential floorspace capable of supporting employment, entertainment and tourism uses (subject to future DA(s)) which makes up over 50% of the proposed GFA.</li> </ul>

	<ul style="list-style-type: none"> <li>FEAR requiring future DA(s) demonstrate how the proposed non-residential land use mix aligns with the Harbourside Key Site Framework within the Pyrmont Peninsula Place Strategy.</li> </ul>
Tower below RL 170	Maximum tower envelope height of RL 166.95.
<b>Peninsula wide additional public benefit opportunities expected from all Key Sites</b>	
Deliver in whole or in part one or more of the big moves.	<p>Big Move 1 – <i>A world class harbour foreshore walk</i></p> <ul style="list-style-type: none"> <li>The proposal will celebrate the cultural heritage of the foreshore through provision of a widened and improved promenade and permeable building envelope and FEARs requiring heritage interpretation (Actions 2 and 3)</li> </ul> <p>Big Move 2 - <i>A vibrant 24 hour cultural and entertainment destination</i></p> <ul style="list-style-type: none"> <li>The proposal provides a widened foreshore and onsite space for events and non-residential floorspace providing opportunities for entertainment, event and cultural space and a diversity of night-time experiences (Actions 5 and 6)</li> </ul> <p>Big Move 4 - <i>Low carbon, high performance precinct</i></p> <ul style="list-style-type: none"> <li>The proposal makes no provision for onsite car parking for non-residential uses, provides appropriately restrained residential parking and FEARs require cycle parking and end of trip facilities contributing to a low carbon high performance precinct.</li> <li>FEAR requiring future DA(s) achieve the proposed ESD initiatives and sustainability measures and targets, as well as exploring the potential to achieve increased stretch targets.</li> </ul> <p>Big Move 5 - <i>More, and better activated public space</i></p> <ul style="list-style-type: none"> <li>Design guidelines and FEARs requiring: <ul style="list-style-type: none"> <li>1,500 m<sup>2</sup> of open space above the northern podium adjacent to Pyrmont Bridge</li> <li>additional 2,000 m<sup>2</sup> of publicly accessible open space above the remainder of the northern podium</li> <li>appropriate activation and a civic transition between spaces and the wider public domain</li> <li>space for events and gatherings within the site adjacent to the waterfront promenade</li> </ul> </li> </ul>
Bring forward unfunded, or precinct scale, infrastructure beyond the growth infrastructure requirements necessary to support the development of the particular key site.	<ul style="list-style-type: none"> <li>Provides a new bridge connection from Pyrmont to the waterfront via Bunn Street bridge.</li> <li>Provides an enlarged and improved waterfront promenade benefiting the entire precinct.</li> <li>Provides and/or upgrades over 10,000 m<sup>2</sup> of 24/7 accessible public domain including over 3,500m<sup>2</sup> of new on-site public open space</li> </ul>
Connect and activate the public domain through new active transport connections through large sites (ie. site permeability and wayfinding), reinstate views to the harbour and deliver superior street and place	<ul style="list-style-type: none"> <li>FEARs and Design Guidelines requiring: <ul style="list-style-type: none"> <li>new through site pedestrian links to Pyrmont (Bunn Street) and Darling Drive and improved foreshore access from the western approach of Pyrmont Bridge</li> </ul> </li> </ul>

<p>activation beyond the standard requirement for all development to activate the street</p>	<ul style="list-style-type: none"> <li>○ improvements to cycle and pedestrian connections</li> <li>○ on-site cycle parking</li> <li>○ provision of 3,500m<sup>2</sup> of on-site public open space adjacent to the public domain which offer public views to the harbour and accommodate events and activation.</li> </ul>
<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>	<ul style="list-style-type: none"> <li>• Non-residential floorspace provides opportunities within future DA(s) to provide for a variety of uses and to support the innovation corridor.</li> <li>• FEAR requiring future DA(s) consider floorspace provision in accordance with this requirement</li> </ul>

## **Appendix J – Recommended Instrument of Consent**

<https://www.planningportal.nsw.gov.au/major-projects/project/11411>