



13 May 2019

**Cockle Bay Wharf, 241 – 249 Wheat Road, Darling Harbour:
Concept of a commercial building envelope and Stage 1 early works –
State Significant Development (SSD) 7684**

1. INTRODUCTION

1. On 16 January 2019, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning and Environment (**Department**) a State Significant Development (SSD) application from DPT Operator Pty Ltd and DPPT Operator Pty Ltd (**Applicant**) for the concept of a commercial building envelope and Stage 1 early works at Cockle Bay Wharf, 241 – 249 Wheat Road, Darling Harbour SSD 7684 (**Application**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
 - the Application constitutes State Significant Development under section 4.36 of the EP&A Act as the Application is identified as a State Significant Development site under clause 2 of Schedule 2 of the SEPP SRD; and
 - the Department received an objection from the relevant local council, received more than 25 submissions from the public objecting to the Application, and the Applicant made a reportable political donations disclosure.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated Mr Peter Duncan AM (Chair), Professor Alice Clark and Dr Peter Williams to constitute the Commission to determine this SSD application.

1.1 Site and locality

4. The Cockle Bay Wharf site (the site) is located towards the north-eastern corner of the Darling Harbour Precinct, on the south-eastern foreshore of Darling Harbour (see **Figure 1**).

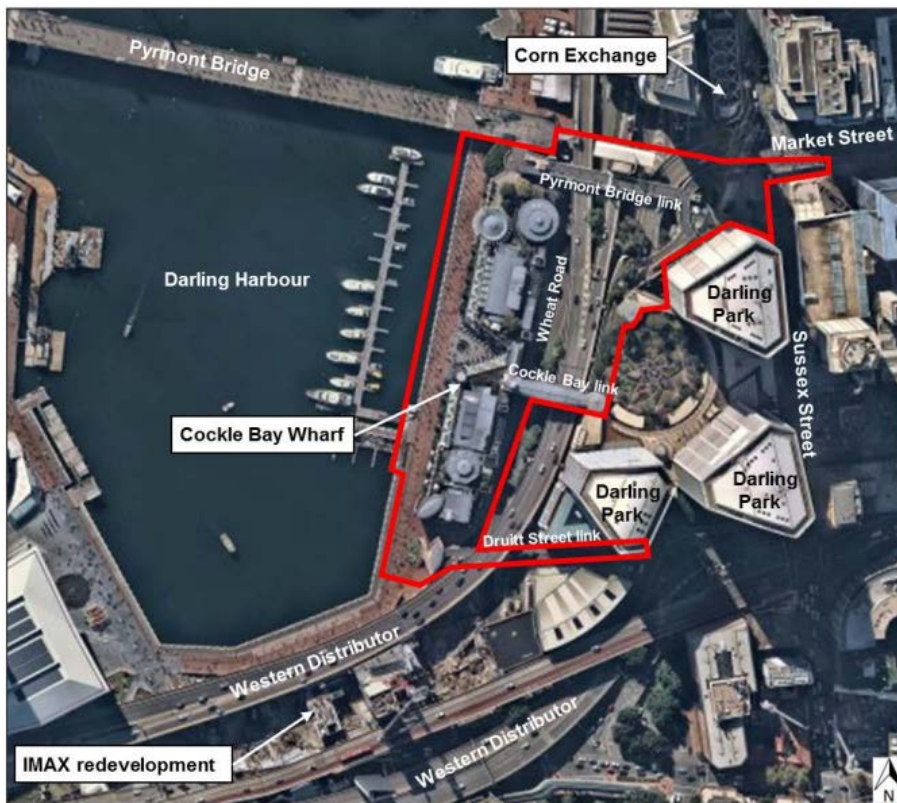
**Figure 1: Darling Harbour Precinct (outlined yellow).
Cockle Bay Wharf site indicated by red star.**



Source: Department Assessment Report (AR, 16 January 2019).

5. The Cockle Bay Wharf site is irregular in shape and has an area of approximately 2.5 hectares (ha) (24,900 square metres (m²)) (**Figure 2**).

Figure 2: Site map.



Source: Department Assessment Report (AR, 16 January 2019).

1.2 Background to Development Application

6. The site has been the subject of several applications relating to the existing tenancies within the Cockle Bay Wharf development. None of these are considered relevant to the Application.

1.3 Summary of Development Application

7. The Application before the Commission for determination proposes (**Table 1**):

Table 1: Main components of the proposal

Component	Description
Demolition	<ul style="list-style-type: none"> • Demolition of: <ul style="list-style-type: none"> - Cockle Bay Wharf buildings and structures; - Two pedestrian bridge links across the Western Distributor; and - Monorail station/infrastructure.
Building Envelope	<ul style="list-style-type: none"> • Building envelope including: <ul style="list-style-type: none"> - Maximum Tower height of RL 183; - Maximum Tower base and podium height RL 29; - Tower setbacks including: <ul style="list-style-type: none"> ▪ Minimum 8 metres (8m) from Darling Harbour promenade; ▪ Average 10m from Darling Harbour promenade; and - Maximum deck over the Western Distributor height RL 19. • 5m wide and 204m long extension to Darling Harbour boardwalk adjoining the promenade; and • Druiit Street Bridge.
Tower Built Form Controls	<ul style="list-style-type: none"> • Tower built form controls to limit the size of the Tower within the building envelope, including: <ul style="list-style-type: none"> - Maximum Tower facade length fronting Darling Harbour of 60m; - Maximum Tower footprint of 3,000m² (Gross Floor Area (GFA) and any internal void); - Average Tower floor plate size 2,350m² GFA; and - Maximum Tower volume 65% of the envelope.
Design Guidelines	<ul style="list-style-type: none"> • Design guidelines to inform the detailed design of the development, comprising: <ul style="list-style-type: none"> - Urban Design Principles; - Open Space Design Principles; - Built Form Design Principles.
Design Excellence	<ul style="list-style-type: none"> • Competitive Design Excellence Strategy, which includes a competition framework to select a design team that is capable of delivering design excellence across the entire precinct, implemented prior to any future applications.

Uses and Gross Floor Area (GFA)	<ul style="list-style-type: none"> Maximum GFA of 89,000m²: <ul style="list-style-type: none"> 75,000m² commercial GFA; and 14,000m² retail GFA. Publicly accessible open space, comprising: <ul style="list-style-type: none"> Minimum of 5,500m² open space located north of the Tower and south of Pyrmont Bridge; and Maximum of 12,000m² open space.
Road infrastructure upgrades and access	<ul style="list-style-type: none"> Re-alignment and reconfiguration of Wheat Road including: <ul style="list-style-type: none"> Part closure of Wheat Road through the site; Provision of new left-in, left-out connections between Harbour Street and Wheat Road at the northern end of the site; and Provision of a new left-out connection from Wheat Road to Harbour Street at the southern end of the site. Deck over the Western Distributor.
Car parking	<ul style="list-style-type: none"> Maximum of 150 employee car parking spaces.
Bicycle parking	<ul style="list-style-type: none"> Bicycle parking in accordance with: <ul style="list-style-type: none"> Commercial: 1 per 150m² (Employee Rate), 1 per 400m² (Visitor rate); Retail: 1 per 200m² (Employee Rate), 1 per 300m² (Visitor rate); and Open Space: 1 per 1,000m² (Employee Rate), 1 per 200m² (Visitor rate).
Capital Investment Value (CIV)	<ul style="list-style-type: none"> \$649,559,000
Jobs	<ul style="list-style-type: none"> 2,320 construction jobs; 10,000 operational jobs

1.4 Stated need for proposal

8. The Applicant's Environmental Impact Statement (**EIS**) states that the Application is needed for the following reasons:
- “significant public benefit will be provided by the Concept Proposal through the repair of severed access between Darling Harbour and the CBD, through the introduction of a new pedestrian link to Darling Harbour, and through the provision of expanded (up to 12,000m²) publicly accessible areas in the Darling Harbour precinct.*
 - the mixture of uses proposed will complement the current and future uses of Darling Harbour, contributing to the revitalisation of the precinct as a lively and world-class destination;*
 - world class high quality retail and entertainment catering for local and tourist markets will be delivered on the Site through the Concept Proposal, contributing to the entertainment and retailing experience of Darling Harbour;*
 - opportunities will be provided for more activated ground level public domain spaces and greater opportunities for event spaces in the public domain, contributing to the entertainment and tourism values of Darling Harbour;*

- a number of benefits will be delivered to the Pyrmont Bridge, including greater building separation, the removal of disused monorail infrastructure, make-good works and additional viewing opportunities from publicly accessible areas;
- address identified pedestrian flow bottle-necks, such as on New Year’s Eve;
- the proposal will provide for additional surveillance opportunities with the delivery of the future buildings and overall improvements to the Site, in turn increasing the perception of the area as a high quality and safe environment; and
- the provision of a vibrant retail and commercial precinct will further support and strengthen the vitality of Darling Harbour on the world stage.”

2. THE DEPARTMENT’S CONSIDERATION OF THE APPLICATION

2.1 Key steps in Department’s consideration of the Development Application

9. On 2 December 2016, the Applicant lodged an EIS for the redevelopment of Cockle Bay Wharf. The Application was revised twice by the Amended EIS (lodged 1 November 2017) and the Response to Submissions (**RtS**) (lodged 5 July 2018). The Department Assessment Report (**AR**) dated 16 January 2019 summarised the public exhibitions and number of submissions received (**Table 2**).

Table 2: Summary of exhibition period and submissions

Consultation Stage	Exhibition / Notification Period (website, physical meeting/display and letters)	Public Exhibition (newspaper publication)	Submissions
EIS	15 Dec 2016 until 14 Feb 2017	14 Dec 2016 until 11 Jan 2017	52 submissions comprising: <ul style="list-style-type: none"> • 8 Government agencies • City of Sydney Council • 43 Public/ Special Interest Groups
Amended EIS	16 Nov 2017 until 15 Dec 2017	15 Nov 2017	41 submissions comprising: <ul style="list-style-type: none"> • 8 Government agencies • City of Sydney Council • 32 Public/ Special Interest Groups
RtS	11 Jul 2018 until 8 Aug 2018	No publication	42 submissions comprising: <ul style="list-style-type: none"> • 8 Government agencies • City of Sydney Council • 33 Public/ Special Interest Groups

(Source: Department AR)

10. The Department’s AR identified that the Amended EIS and RtS included additional information and justification in response to the issues raised during the public exhibition and notification of the Application. The Amended EIS and RtS also included amendments to the components of the Application (**Table 3**) and the Tower envelope built-form controls (**Table 4**). The Department’s AR summarises the components of the

changes as follows:

Table 3: Summary and comparison of key amendments to the application

Component	EIS	Amended EIS	RtS	Difference between EIS/RtS
Site area	21,900m ²	24,900m ²	No change	+ 3,000m ²
Tower envelope height (max)	RL 235	RL 195	RL 183	- 52m
Podium envelope height (max)	RL 31	RL 29	No change	- 2m
Tower envelope width fronting Darling Harbour (max)	88m	72m	78.6m	- 9.4m
Tower base envelope width fronting Darling Harbour (max)	104m	71.8m	86.5m	-17.5m
Tower envelope setback (min)	3m	6m	8m	+ 5m
Tower envelope setback (avg)	8m	No change	10m	+ 2m
Distance from Pyrmont bridge:				
• Tower Envelope	30m	65m	72.9m	+42.9m
• Tower base envelope	10m	65m	No change	+55m
Total Gross Floor Area (GFA) (max):	110,000m ²	89,000m ²	No change	- 21,000m ²
• Commercial GFA	85,000m ²	75,000m ²		- 10,000m ²
• Retail GFA	25,000m ²	14,000m ²		- 11,000m ²
Open Space (max)	12,000m ²	15,000m ²	12,000m ²	No change
Open Space (min)	0	0	5,500m ²	+5,500m ²
Car Parking	200 spaces	150 spaces	No change	- 50 spaces
Overshadowing of Town Hall Square:				
• Avg annual additional overshadowing (hours) (max)	12	5.4	2.46	- 9.54 hours
• Duration of overshadowing (days) (max)	70	62	48	- 22 days
• Peak day overshadowing % change (max)	2.9%	1.5%	0.8%	- 2.10%

(Source: Department AR)

Table 4: Summary and comparison of amendments to Tower envelope built form controls

Tower Built Form Controls	EIS	Amended EIS	RtS	Difference between EIS/RtS
Width of Tower envelope fronting Darling Harbour (max)	65m	50 to 60m	60m	- 5m
Tower footprint (max)	-	3,575m ²	3,000m ²	- 575m ²
Volumetric envelope utilization (max)	-	60%	65%	+5%

(Source: Department AR)

2.2 The Department's Assessment Report

11. The Department's AR identified density, design excellence, building envelope, open

space and connectivity, heritage, parking, traffic and access, contributions and public benefits, and early works (demolition) as the key impacts associated with this Application.

12. The Department concluded that the *“proposed maximum building envelope height (RL 183, approximately 42 storeys) and tower envelope location are acceptable.”* In addition, the Department concluded that the *“tower would make a positive built form contribution to the skyline, is compatible with the character of Darling Harbour and the tower envelope, which is located centrally within the site, is in the most appropriate location in terms of visual heritage and amenity impacts.”*
13. The Department’s AR considered the potential impacts on Town Hall Square and Astoria Tower, stating *“the proposal does not overshadow any part of the future Town Hall Square before 4:00pm on any day throughout the year, which is consistent with Council’s existing solar protection controls for other similar public open spaces within Central Sydney”* and *“the Department concluded the impacts on Astoria Tower is, on balance acceptable.”*
14. The Department’s AR assessed the additional public open space and *“supports the provision of significant publicly accessible open space on the site and improved site permeability.”*
15. The Department stated in its AR that it was satisfied the Application *“demonstrated it would generate significant economic and employment opportunities during and post construction and includes significant public benefits including publicly accessible open space, new pedestrian links, public art and heritage interpretation.”*
16. The Department concluded that the Application *“is approvable, subject to the conditions of consent outlined within the [AR]”*.

3. THE COMMISSION’S MEETINGS AND SITE INSPECTION

17. As part of its the determination process, the Commission met with various persons as set out below and undertook a site inspection and locality tour. All meeting notes were made available on the Commission’s website.

3.1 Meeting with the Department

18. On 4 March 2019, the Department met with the Commission and was informed on the background of the Application, context of the site, specifics of the Application, consultation, the Government Architect’s involvements, refinements to the building envelope over time, changes to open space and a summary of key environmental issues, including density, overshadowing and view impacts. A transcript of the meeting was made available on the Commission’s website on 5 March 2019. The Department agreed to provide the Commission with additional information, following the meeting (refer to **section 4**).

3.2 Meeting with the Applicant

19. On 4 March 2019, the Commission met with the Applicant to discuss the Application’s planning and process, urban context, concept evolution, bridging the freeway, height, bulk and scale, waterfront setback, public domain, private view sharing, sun and

shadows, and placemaking and public realm. A copy of the Applicant's presentation was made available on the Commission's website on 3 April 2019. A transcript of the meeting was made available on the Commission's website on 5 March 2019. The Applicant also agreed to provide the Commission with additional information following the meeting (refer to **section 4**).

3.3 Meeting with City of Sydney Council

20. On 4 March 2019, the Commission met with City of Sydney Council (**Council**). Council briefed the Commission on the Application's inconsistency with the draft Central Sydney Planning Strategy (**draft CSPS**), the strategic importance of Town Hall Square, the overshadowing impacts of the Application, possible alterations to the Application to reduce the impacts on Town Hall Square, wind impacts of the Application, siting of the building and the bulk of the podium. A transcript of the meeting was made available on the Commission's website on 5 March 2019.

3.4 Site Inspection and Locality Tour

21. On 5 March 2019, the Commission conducted a site inspection and locality tour which included viewing the proposed site from the Pyrmont Bridge, understanding the proposed locations of public realm over the Western Distributor to Crescent Garden, observing the site from the wharf/waterfront and viewing the location of the proposed upgrades to the active rooftop and Druitt Street Bridge.

3.5 Meeting with NSW Government Architect

22. The Commission met with the NSW Government Architect on 20 March 2019. Following the Commission's meeting, the Acting NSW Government Architect wrote to the Commission requesting that the comments offered at the meeting be disregarded due to a lack of familiarity with the details of the Application and advising that any questions the Commission might have can be put to the Acting NSW Government Architect in writing. The Commission's questions were provided in writing to the NSW Government Architect on 29 March 2019 and both the questions and the NSW Government Architect's letter of response was published on the Commission's website on 4 April 2019. The Commission disregarded the meeting and did not take it into consideration.

3.6 Public meeting

23. The Commission held a public meeting at the International Convention Centre Sydney, Darling Harbour, on 5 March 2019. A list of the five speakers that presented to the Commission was provided on the Commission's website. A transcript of the public meeting was made available on the Commission's website on 5 March 2019. A copy of the material tendered at the public meeting was also made available on the Commission's website. An opportunity to lodge any written submissions or comments was afforded until seven days after the public meeting. A summary of issues raised in oral and written submissions to the Commission is provided below.
24. In summary, the main issues of concern included:
 - Lack of planning controls (e.g. master plan, local environmental plan, development control plan) providing planning parameters guiding development of the site;
 - Excessive building height;

- View loss and overshadowing of Astoria Tower;
- Impacts of the Application on the heritage significance of Pyrmont Bridge;
- No consideration of the heritage significance of Sydney Harbour as identified within the Sydney Regional Environmental Plan Sydney Harbour Catchment 2005;
- Inconsistency with the “*Darling Harbour Urban Form Strategy*”;
- Inadequate assessment of Millennium Tower within the Department’s AR;
- Overdevelopment of Darling Harbour; and
- The Application creating a precedent for development of a similar nature within the area.

4. ADDITIONAL INFORMATION

25. Following the Applicant’s meeting with the Commission on 4 March 2019, the Applicant provided the Commission additional information on 15 March 2019 regarding:

- Maintenance of public access to proposed open space;
- Darling Harbour promenade and setbacks to the podium and Tower envelope;
- Tower envelope setbacks and wind assessment;
- Tower envelope width control;
- Relevant environmental planning instruments;
- View impact analysis;
- Event operations;
- Movement and circulation;
- Podium activation; and,
- Public Space.

26. On 29 March 2019, the Commission requested additional information on the Application from the NSW Government Architect. The NSW Government Architect responded to the Commission on 4 April 2019 with the following information:

- The NSW Government Architect supports Professor Peter Webber’s advice on the Application;
- Regarding the bulk and scale of the Application and the impact of the Application on Town Hall Square, the NSW Government Architect “*does not have the resources to undertake the detailed analysis of the issues required to form a balanced view in a reasonable timeframe*”; and,
- The NSW Government Architect is supportive of the Applicant’s Design Excellence Strategy and Design Excellence process (referenced in *Table 1*).

27. On 11 March 2019, the Commission requested additional information from the Department regarding its assessment of the Application’s impacts on the Astoria and Millennium Towers, located 100m to the east and 200m to the southeast respectively. This response was provided to the Commission on 3 May 2019 and was published on the Commission’s website on 7 May 2019.

5. THE COMMISSION’S CONSIDERATION

5.1 Material considered by the Commission

28. In this determination, the Commission has carefully considered the following material

(Material):

- the Applicant's Environmental Impact Statement dated 2 December 2016, prepared by JBA Urban, and its accompanying appendices;
- the Applicant's Amended EIS dated 1 November 2017, prepared by Ethos Urban, and its accompanying appendices;
- the Applicant's Response to Submissions dated 5 July 2018, prepared by Ethos Urban, and its accompanying appendices;
- Supplementary and additional information to the Department:
 - Amended Concept Proposal Drawings 14_12_2018
 - Astoria Overshadowing Report_rev B_8 October
 - Cockle Bay Wharf - Further Information (FI)
 - Cockle Bay Wharf FI Appendix A_Item 13 and 15_ Amended Plans (SUPERSEDED)
 - Cockle Bay Wharf FI Appendix A_Item 4_ Indicative Storey Levels
 - Cockle Bay Wharf FI Appendix A_Item 5_Solar Access Study
 - Cockle Bay Wharf FI Appendix A_Item 6_ Crescent Garden Sun Access Analysis
 - Cockle Bay Wharf FI Appendix B_Surveyed locations in Astoria
 - Cockle Bay Wharf FI Appendix C_ Road Works and Swept Paths
 - Design Excellence Strategy_12 November
 - Design Principles_rev B _ 24 September
 - Northern open space size and definition
 - Revised maximum site-wide open space area
 - Southern public open space - 1,000sqm
 - THS Shadow Studies_TowerNorth_ 9th Sep_SK_181129_1
 - THS Shadow Studies_TowerSouth_14th Sep_SK_181129_2
- the Department's Assessment Report and proposed Development Consent dated 16 January 2019;
- all submissions made to the Department in respect of the proposed modification applications and SSD during the public exhibition of the EIS and up to the publication of the Department's Assessment Report;
- information provided to the Commission at its meetings with the Department, Council and the Applicant on 4 March 2019;
- the visual observations made by the Commission at the site inspection and locality tour on 5 March 2019;
- oral submissions made by the five speakers at the public meeting on 5 March 2019 and the 17 written comments received after the public meeting; and
- additional information provided by the Department and the Applicant, outlined in section 4 above.

5.2 Mandatory / Relevant considerations

29. The following are the mandatory / relevant matters for consideration:
- relevant environmental planning instruments (EPIs), development control plans (DCPs) and planning agreements as listed in section 4.15(1) of the EP&A Act;
 - other matters contained in section 4.15(1) of the EP&A Act; and
 - objects of the EP&A Act.

30. While the Commission has considered all matters raised by the public, the Applicant, Council and the Department as outlined in paragraphs 18, 19, 20, 23, 25, 26 and 27, the key matters considered by the Commission in this Statement of Reasons are:
- relevant EPIs, DCPs and strategic plans (outlined in section 5.3 below);
 - bulk and scale;
 - impacts on the Astoria Tower;
 - impacts on the Millennium Tower;
 - overshadowing of the proposed Town Hall Square*;
 - connectivity and open space;
 - wind impacts;
 - heritage impacts;
 - social and economic impacts; and
 - the objects of the EP&A Act and the public interest.

**Proposed Town Hall Square – this is a civic square opposite Town Hall proposed by Council in its draft Central Sydney Planning Strategy (2016-2036).*

5.3 Relevant Environmental Planning Instruments

Sydney Local Environmental Plan 2005 and Sydney Local Environmental Plan 2012

31. The site does not fall within the Sydney LEP 2005 or Sydney LEP 2012; however, the site interacts with controls within the Sydney LEPs (overshadowing of Town Hall Square). The Commission finds that the Application is not inconsistent with the controls of either Sydney LEP because it complies with the overshadowing provisions of both instruments.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

32. The Sydney Regional Environmental Plan (Sydney Harbour Catchment) (**SREP**) 2005 applies as the site is located within the Sydney Harbour Catchment area.
33. During the public meeting, a speaker raised a concern that the Application *“has ignored and not bothered to mention or discuss the exceptional heritage significance that Sydney and its foreshores as set out in the Sydney [Regional Environmental Plan] (Sydney Harbour Catchment) 2005”*.
34. Appendix C of the Department’s AR stated that the Application was consistent with the planning principles outlined within the SREP as it would:
- *“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; and*
 - *Provide a masterplan for the site and establish the planning framework to guide the future detailed development applications for the site.”*
35. The Commission agrees with the Department and finds that the Application would be consistent with the principles of the SREP for the reasons set out in paragraph 34.

5.4 Relevant Development Control Plans

Darling Harbour Development Plan No 1 (29 March 1996 to date)

36. The Darling Harbour Development Plan No 1 applies as the site is located within the Development Area as identified within the plan.
37. The Department's AR assessed the Application against the relevant sections of the Darling Harbour Development Plan No 1. The Department concluded that the Application was compliant with:
 - (3) objects of plan, as the Application *"provides a mixed-use development"* which is permissible with consent;
 - (6) permit required for certain development, as the proposed uses under the Application are permissible consent; and
 - (8) permit required for renovation and demolition, as the demolition works are permissible with consent.
38. The Commission agrees with the Department and finds that the Application would be compliant with the relevant sections of the Darling Harbour Development Plan No 1 for the reasons set out in paragraph 37.

5.5 Relevant Strategic Plans

Greater Sydney Region Plan

39. The Greater Sydney Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented through District Plans. The site is located within the Eastern City District Plan.
40. The Department assessed the Application's consistency with the Greater Sydney Region Plan, stating the Application is consistent as:
 - *"it fosters productivity through a growth in jobs 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 floor space in a highly accessible part of the Harbour City (Objective 14 and 18)*
 - *It provides new publicly accessible open space, supporting the creation of new places that bring people together and enhance the environment (Objective 12 and 13)*
 - *It facilitates tree planting and landscaping on a new deck over the Western Distributor and the podium, contributing to increasing the urban tree canopy and the creation of accessible and enhanced open space (Objectives 30 and 31)"*
41. The Commission agrees with the Department and finds that the Application would be consistent with the objectives of the Greater Sydney Region Plan for the reasons set out in paragraph 40.

Eastern City District Plan

42. The site is located within land to which the Eastern City District Plan applies.
43. The Department assessed the Application's consistency with the Eastern City District

Plan. The Department stated that the Application is, *“consistent with the objectives of the Eastern City District Plan, as it will create new publicly accessible open space (Planning Priority E6), contribute to a stronger and more competitive Harbour CBD (Planning Priority E7), foster the creation of the ‘30 minute city’ (Planning Priority E10), grow investment, business opportunities and jobs within the Harbour CBD (Planning Priority E11), improve the enjoyment of Darling Harbour (Planning Priority E14), increase the urban tree cover and deliver high quality open space (Planning policies E17 and E18)”*.

44. The Commission agrees with the Department and finds that the Application would be consistent with the objectives of the Eastern City District Plan for the reasons set out in paragraph 43.

Draft Central Sydney Planning Strategy

45. The site is located on land which is subject to the draft Central Sydney Planning Strategy. The draft Central Sydney Planning Strategy was prepared by the City of Sydney Council and is a *“20-year growth strategy that revises previous planning controls and delivers on the City of Sydney’s Sustainable Sydney 2030 program for a green, global and connected city”*.
46. The Department’s AR stated that the draft Central Sydney Planning Strategy *“proposes to include new sun access planes in the [Sydney Local Environmental Plan 2012] limiting building heights in the CBD / surrounding areas to prevent overshadowing of the future Town Hall Square”*.
47. During the meeting between the Commission and City of Sydney Council, Council emphasised the importance of the draft Central Sydney Planning Strategy and proposed overshadowing controls for the future Town Hall Square.
48. The Department’s AR stated that: *“the draft Central Sydney Planning Strategy has not been exhibited and therefore does not have statutory planning weight”*.
49. The Commission accepts the Department’s consideration that the strategy does not have statutory weight; however, further consideration of overshadowing of Town Hall Square is considered in section 5.9 of this statement of reasons.

5.6 Bulk and Scale

Public Comments

50. The Commission heard concerns at the public meeting regarding the bulk and scale of the Application’s proposed Tower and building envelope, including that:
- there is no masterplan or regulations for building height and scale to provide certainty to members of the community;
 - the large scale of the Tower envelope being so close to Darling Harbour;
 - the building is extremely dense and block-like with no real shape to it or colour and encroaches on the waterfront in an imposing manner;

- approval of the Tower envelope would create a precedent for numerous other high-rise redevelopment schemes adjacent to Darling Harbour; and
- a longstanding principle that any building close Darling Harbour and Cockle Bay should be low rise.

Council Comments

51. At its meeting with the Commission, Council suggested that any forthcoming development consent should impose a minimum Tower envelope setback of 10m from the promenade. The Commission wrote to the Applicant on 5 March and requested clarification of the width of the promenade and Tower envelope setbacks to it subject to the Application. In its response to the Commission on 15 March 2019, the Applicant stated that:

“The application proposes an average weighted setback to the tower above the podium of 10 metres, with a minimum setback of 8 metres. We understand that Council has asked for a single 10m tower setback. The weighted average and minimum setback approach affords important flexibility to allow for a range of diverse architectural design and building articulation responses through the competitive design process.

It is noted that the minimum 8m and weighted-average 10m setbacks proposed are 2 metres greater than the setbacks required for towers located elsewhere in Central Sydney under the Sydney DCP 2012 (however, noting they do not apply to Cockle Bay or this project).”

Applicant’s Consideration

52. The Applicant’s EIS outlined a maximum Tower envelope height of RL 235, with a minimum setback of 3m from Darling Harbour.

53. The Applicant notes in its EIS that the Darling Harbour Development Plan No 1 (DHDP), which applies to the site, does not specify an appropriate building bulk or scale, and that:

“Accordingly, the Concept Proposal has been designed to respond to the Site’s opportunities and constraints”.

54. The Applicant also notes that:

“the centre of Darling Harbour has previously accommodated low-scale development to create a “valley floor” feel. It is noted that recent development consents in the area (notably the Ribbon development, adjacent to the Site and the SICEEP precinct) indicates that this Valley Floor principle has been vastly adapted to accommodate incremental changes in the local built form”.

55. The Applicant’s EIS states that:

“The Concept Proposal will provide a built form that is responsive to the context and characteristics of the Site, including existing built form, the relationship to Darling Harbour, surrounding views and vistas, maintenance of sunlight to key open spaces and the location of the Site at the edge of the CBD”.

56. Furthermore, the EIS states that:
“In order to demonstrate design excellence for this development a Competitive Design Alternatives Process will be established in line with the City of Sydney Competitive Design Policy”.
57. Following receipt of submissions made during the public exhibition of the EIS, the Applicant states in its RtS that it convened a design committee to help shape the amendments that are now proposed to the Application. Revisions to the Application included moving the Tower further south from Pymont Bridge, increasing Tower envelope setbacks, reducing the bulk of the Tower envelope, reducing the Tower height and reducing the envelope size. The Applicant notes that it has reduced the height of the Tower envelope to RL 183, with a minimum setback of 8m and an average weighted setback to the Tower envelope above the podium of 10m.
58. The Applicant states in its RtS that:
“the amended envelope reaches a height that provides a proportional relationship to the existing buildings of Darling Park in consideration of height, separation and breadth so the precinct can be read as a cohesive whole” and
“The amended Concept Proposal will facilitate a building approximately 50m-60m wide providing a tower that is consistent with the predominant built form in the locality”.
59. The Applicant concludes that:
“The proposed built form will contribute to the creation of a revitalised cultural, entertainment and recreational hub, and is appropriate for the following reasons:
- *The proposed building height would deliver a landmark building that will revitalise Cockle Bay as a gateway destination to the City and Darling Harbour;*
 - *The proposed podium and tower built form, close to the CBD would complement other proposed tall buildings within and adjacent to the Darling Harbour precinct; and*
 - *The proposed bulk and scale is proportional to the existing Darling Park precinct”.*

Department’s Consideration

60. The Department states in its AR that:
“due to the location of the tower in relation to Darling Harbour and the bulk and scale of the building envelope the proposal could potentially result in a visually dominant building with adverse amenity impacts. Consequently, the Department sought the advice of an independent expert design advisor to assist in its assessment of the application”.
61. The Department sought the advice of an independent expert design advisor, Professor Peter Webber, to assist in its assessment of the Application. In response to the concerns raised in public submissions to the Department and consistent with the independent design advisor, the Department required the Applicant amend the building envelope, as outlined in *Table 3*.
62. With regards to the revised Tower envelope height and location, the Department notes that the independent design advisor supports these revisions stating:
- *“with skilful design a satisfactory scale of development along the foreshore could*

- be achieved*
 - *the tower envelope location is the result of a detailed analysis of all available options*
 - *the existing Cockle Bay Wharf buildings are unremarkable and there is a good case of their removal*
 - *the podium height ensures a ‘human scale’ is achievable along the waterfront*
 - *other sites in the immediate area include towers adjacent to Darling Harbour.”*
63. The Department also comments in its AR that it:
“considers the prevailing character of Darling Harbour is no longer primarily defined by buildings gradually stepping down to a valley floor, instead the Department considers the area is now characterised by a variety of building heights, scales and designs some very tall and close to the harbour and others more diminutive and recessed from the harbour”.
64. The Department concludes that the Tower envelope height and location are acceptable as:
- *“amendments negotiated by the Department substantially reduce the height of the tower and provide a tower envelope that responds more appropriately to its context.*
 - *the independent design advisor supports the height and the location of the tower and considers a satisfactory scale of development along the foreshore could be achieved in the detailed design.*
 - *the proposed tower height and location is consistent with the character and contributes to the visual experience and vibrancy of Darling Harbour, which is now characterised by a variety of building heights and scales, including tall buildings adjacent to the foreshore.*
 - *the tower height would not be overbearing or overly dominant when viewed from key vantage points within the surrounding public domain”.*
65. The Department notes that the Applicant has committed to a design excellence strategy, including a competitive design process to select an architect/design team and to ensure the development achieves design excellence, which is supported by the NSW Government Architect.

Commission’s Consideration

66. The Commission acknowledges the public comments in paragraph 50 regarding the bulk and scale of the proposed Tower envelope.
67. The Commission notes that the site is subject to the Darling Harbour Development Plan No 1. The Darling Harbour Development Plan No 1 does not specify an appropriate building bulk or scale. The Darling Harbour Development Plan No 1 outlines principles for appropriate development. Furthermore, the draft Central Sydney Planning Strategy, which provides guidance on appropriate bulk and scale for the Sydney CBD has not been exhibited and therefore does not have statutory planning weight. Therefore, the Commission notes that there are no qualitative planning controls for the site to guide appropriate bulk and scale.

68. To help clarify the appropriateness of the bulk and scale of the Application given the limited statutory and strategic controls, the Commission wrote and sought an additional opinion from the Acting NSW Government Architect.
69. The NSW Government Architect responded to the Commission's request for expert advice on 4 April 2019 stating:
"Government Architect NSW does not have the resources to undertake the detailed analysis of the issue required to form a balanced view in a reasonable time frame". Furthermore, the Government Architect NSW was aware of the previous advice provided by Professor Peter Webber and *"supports the advice provided by Professor Peter Webber"*.
70. The Commission acknowledges that the Applicant has amended the Tower envelope in response to concerns from the public, Council, the Department and its independent design advisor – including by reducing the height, size and bulk of the Tower envelope and increasing Tower envelope setbacks from Darling Harbour. The Commission notes that the Department's independent design advisor has supported these amendments, as stated in paragraph 64.
71. The Commission accepts the Applicant's finding in paragraph 59 that the proposed bulk and scale of the Tower envelope is proportional to the existing Darling Park Precinct and the Department's findings in paragraph 64 that the Tower envelope would not be overbearing or overly dominant and would be consistent with the character of Darling Harbour.
72. The Commission acknowledges the Applicant's statement in paragraph 56 and Department's statement in paragraph 65 that the design excellence strategy will incorporate a competitive design process. The Commission notes that the Application is for a Concept proposal and acknowledges the design of development on the site and any impacts, such as from overshadowing, will be subject to future development applications (DAs). The Commission accepts the Applicant's approach as an appropriate framework to ensure future development on the site achieves design excellence.
73. The Commission notes that the Department states in its AR that the Government Architect NSW endorsed the Design Excellence Strategy (DES) subject to it establishing a Design Integrity Panel to provide advice on the proposal prior to the lodgement of the DA(s) and review of the project by the State Design Review Panel (SDRP). The Commission accepts that this approach is also an appropriate framework to ensure future development on the site achieves design excellence.
74. Based on the Material, the Commission finds that the bulk and scale of the Application is acceptable for the reasons set out in paragraphs 70-73.

5.7 Impacts on the Astoria Tower

Public Comments

75. The Commission heard concerns at the public meeting regarding the Application's visual amenity and overshadowing impacts on the Astoria Tower, located directly east of

the site. The concerns stated:

- Darling Park was designed as “*three towers and is not a single large development*” as “*it provides a view corridor. It provides for solar access. It provides for residential amenity*”,
- the foundation of these design decisions was to accommodate Astoria Tower’s “*predominantly... western façade*”,
- residents of the Astoria Tower should maintain their residential amenity and not incur view loss or significant overshadowing,
- There are elements of the Department’s assessment “*that are fundamentally flawed, including, but not limited to, a statement that the department has carefully assessed the overshadowing impacts of Astoria Tower*”, and
- “*We reject that the Department has carefully considered the amenity impacts on the Astoria Tower*”.

Applicant’s Consideration

76. The Applicant undertook a Visual and View Impact Analysis (VVIA), prepared by Ethos Urban, as part of its EIS. The VVIA states that the Application’s building envelope will have an impact on existing private views from a number of the Astoria Tower apartments.
77. However, the Applicant states that:
“Although there is an impact on private views from apartments at the high, mid and upper low rise levels within the Astoria Tower, it is considered that these impacts are reasonable on balance given the significant contribution the amended Concept Proposal will make to the improvement of the urban realm”.
78. The Applicant’s VVIA further stresses the importance of balancing the retention of private views against the proposed improvements to waterfront connectivity and open space for the broader community. The Applicant states that:
“This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss”.
79. With regards to any potential overshadowing impacts on the Astoria Tower from the proposed Tower envelope, the Applicant states that:
“the Tower location will not reduce existing sunlight to Astoria Tower. . . between 9am and 3pm on 21 June consistent with the design objectives of the NSW Apartment Design Guide”.
80. The Applicant concludes that:
“The impacts associated with the amended Concept Proposal are considered to continue to provide for a reasonable outlook from the Astoria Tower. In this regard, the outlook from the majority of the affected apartments will still capture daylight, partial views of the water, buildings and the sky”.

Department's Consideration

81. The Department notes in its AR that due to the orientation of the Astoria Tower, only apartments with a westerly aspect have views toward the site, being 52 apartments in total.
82. With regards to the potential overshadowing impact on the Astoria Tower, the Department considers that *“on balance, the proposal to be acceptable for the following reasons:*
- *the western elevation of the Astoria Tower already has no access to sunlight after midday in mid-winter and, due to the location of the proposed building envelope west of the Astoria Tower, the proposal would not result in additional overshadowing at mid-winter*
 - *west facing apartments on the northern side of the building (being half of all apartments assessed, and those with the least existing access to direct western sunlight) have unobstructed north facing windows providing direct sunlight to living rooms throughout the year (minimum of 3 hours at mid-winter)*
 - *on the most affected day (28 January) the building envelope would maintain direct sunlight to the western façade of the Astoria Tower between 11:40am and 2:40pm (3 hours)*
 - *the future development would be located within the building envelope and subject to the built form controls and design guidelines that limit the overall size of the development. Therefore, the future development would result in less overshadowing than what is shown at Figure 33.*
 - *the location of the tower building envelope provides the following wider public benefits:*
 - *the creation of a significant north facing publicly accessible open space*
 - *upgrade / improvement of pedestrian connectivity between Darling Harbour and the CBD*
 - *separation from, and protection of, the heritage significance of Pyrmont Bridge”.*
83. In addition, the Department has recommended a Future Environmental Assessment Requirement (FEAR) requiring future DA(s) demonstrate how solar access to Astoria Tower can be improved.

Commission's Consideration

84. The Commission acknowledges the public's comments in paragraph 75 with regards to private view loss and overshadowing impacts of the Application on the Astoria Tower.
85. The Commission notes that the Applicant acknowledges the Application will impact on existing private views from apartments at the high, mid and upper low-rise levels within the Astoria Tower. In paragraphs 77 and 78, the Applicant has justified the loss of these views based on the Application's improvements to the area's urban realm and public domain, consistent with the SREP.
86. The Commission accepts the Applicant's finding in paragraph 79 that the Application will not reduce existing sunlight to the Astoria Tower between 9.00am and 3.00pm,

consistent with the design objectives of the Department's Apartment Design Guide.

87. The Commission accepts the Department's finding in paragraph 82 that the most affected apartments would retain approximately 3 hours of sunlight on the most affected day (28 January).
88. The Commission accepts the Department's remaining findings in paragraph 82 and finds that through the Applicant's design guidelines and the relevant built form controls, the final development would result in less overshadowing than what has been assessed.
89. Based on the Material, the Commission finds that the impacts of view loss and overshadowing on the Astoria Tower are reasonable and acceptable, for the reasons set out in paragraphs 85-88 above.

5.8 Impacts on the Millennium Tower

Public Comments

90. The Commission heard concerns at the public meeting regarding impact of the Application on the Millennium Tower located to the south east of the site, including overshadowing and view loss, and the Department's assessment of the impacts on the Millennium Tower. These concerns included:
 - the height, density and lack of imagination in the design of the building,
 - the building encroaches on the waterfront in an imposing manner, and
 - the building creates a precedent for its size and placement.
91. A speaker identified that the Department's AR stated:
"the VIA originally considered impacts on Millennium Tower (currently under construction). However, as that project has since been modified to remove residential use, it no longer forms part of this assessment". The speaker noted that,
"This building, when viewed, clearly is not under construction and houses many residents, including myself, and has housed residents for about 20 years".

Applicant's Consideration

92. In relation to the Application's impact on view loss to residents of the Millennium Tower, the Applicant's VVIA states that:
"The impact of the proposed development would be to introduce an additional tower to the middle distance, replacing the existing low-rise Cockle Bay Wharf building with an additional tower with a maximum height of 183m and a maximum façade length of 60m. The introduced tower form would be partially obscured behind the existing Darling Park Three tower".
93. In addition, the Applicant states that:
"The Concept Envelope will deliver a podium form at the south of the Site that is of a similar scale to the existing building, as such, any existing views at these levels of the building would be expected to be unaffected".

94. The Applicant concludes that:
“Although the introduction of an additional tower element may affect some existing views of the Cockle Bay water or Pyrmont Bridge, these impacts would be reasonable in the context of the existing urban character of the vistas and minor in the context of other recently approved developments that would have also affected views to the Cockle Bay water and Pyrmont Bridge from this location such as ‘The Ribbon’, which is approved and currently under construction”.

Department’s Consideration

95. As stated in paragraph 91 above, the Department notes in its AR that the Applicant’s *“VVIA originally considered impacts on Millennium Towers (currently under construction). However, as that project has since been modified to remove residential use it no longer forms part of this assessment”.*
96. Further to the concerns raised at the public meeting regarding this matter, the Commission sought additional information from the Department on their assessment of impacts on the Millennium Tower.
97. The Department states that in relation to apartments with windows on the northwest corner of the Millennium Tower:
- *“in these views, the proposed tower would be read in the existing urban context of Darling Park Towers and the IMAX redevelopment (under construction) and would be in keeping with this prevailing character.*
 - *Whilst the tower envelope would encroach upon existing northwest views of the water and Pyrmont Bridge from middle and upper levels of Millennium Towers, partial views of these elements would be retained.”*
98. The Department considers the view impacts to Millennium Towers to range from minor at upper levels to moderate at middle and lower floor levels. The Department notes that affected apartments at upper and middle floor levels retain partial views of the water and Pyrmont Bridge, and all apartments retain expansive sky views and excellent outlook.
99. The Department concludes that while the Application would change the view from apartments in Millennium Towers, it is located a significant distance from the site where there is a lower expectation of view retention, and views are seen in the wider urban context across other developments including Darling Park Towers and the IMAX redevelopment. The Department also concludes that,
“The view impacts identified at Millennium Towers do not alter the Department’s conclusions with respect to the reasonableness of the proposal”.

Commission’s Consideration

100. The Commission acknowledges the public’s comments in paragraph 90 regarding the Application’s impacts of overshadowing and view loss on the Millennium Tower.
101. The Commission accepts the Applicant’s finding in paragraph 94 and Department’s finding in paragraph 97 and considers that the introduction of an additional tower may affect some existing views of residents of the Millennium Tower but finds that the

impact of these views would be reasonable and acceptable as they would be partially obscured behind the existing Darling Park Three tower and should be taken within the context of the area's existing urban character.

5.9 Overshadowing of the proposed Town Hall Square

Council Comments

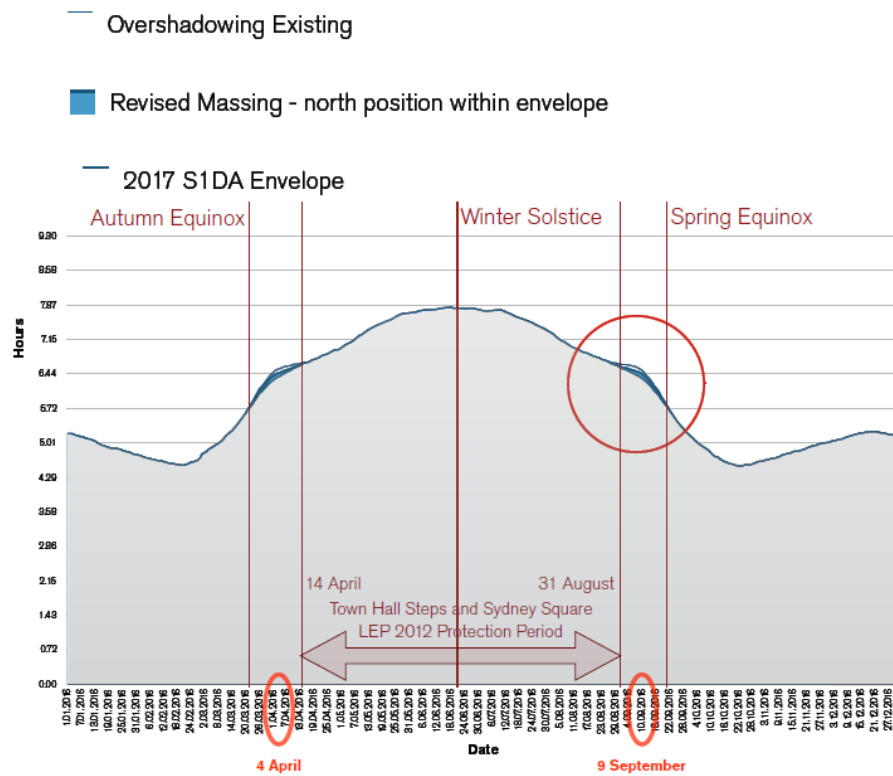
102. At its meeting with the Commission on 4 March 2019, Council outlined its concerns regarding potential overshadowing impact of the Application on the future proposal for Town Hall Square and the Department's assessment of this impact.
103. Council provided the Commission with a background to the protection of the proposed Town Hall Square from overshadowing by stating that the *"draft Central Sydney Planning Strategy, together with a planning proposal to amend the LEP, sought to introduce a solar access protection in the afternoon by restricting any further overshadowing of the future square until sunset. It wasn't a plan; it was a rule"*.
104. Council noted that introducing a protection on solar access would ensure that *"further overshadowing of the square would not cut across any existing development rights on any site within the LEP"* and *"would protect solar access to the future square throughout the year from midday"*. In addition, Council noted that any overshadowing will fall on part of the proposed outdoor dining area along Park Street.
105. Council raised concerns with the Department's assessment of overshadowing of Town Hall Square for the following reasons:
 - the provision of open space by the Application for the public benefit has been used as a trade-off to justify overshadowing of this square;
 - by allowing the incremental overshadowing to occur it becomes a weakening of the objective of retaining solar access year around which the City of Sydney seeks and believes it should uphold in the public good;
 - despite the Department's claim that Council's draft control for the protection of solar access has no statutory weight, the Sydney Regional Environmental Plan still enshrines the principle that public good has precedence over private good, and that principle has not been addressed in the Department's AR; and
 - the Department doesn't consider the approval of the building envelope would set a precedent for overshadowing of the square for any other development applications being assessed on their merits.
106. Council subsequently recommended:

"A reduction of the height of the tower so that it does not overshadow the civic space of Town Hall Square and setting back the tower by another two metres would significantly assist with the wind impacts and the overshadowing of the Darling Harbour public domain and the Town Hall Square".
107. In addition, Council stated that in relation to their recommendation to reduce the height of the Tower envelope it does *"not accept the Department's argument that to reduce it sufficiently to avoid overshadowing Town Hall Square makes an inelegant tower"*.

Applicant's Consideration

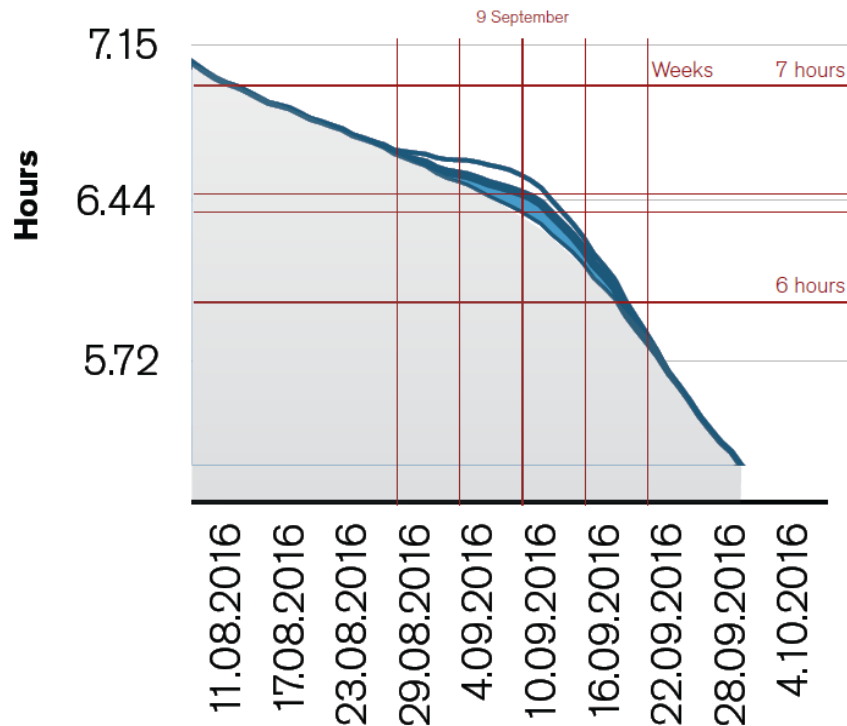
108. In relation to local planning controls regarding the protection of solar access, the Applicant notes in its RtS that *"There is currently no statutory control regarding overshadowing impacts to the Future Town Hall Square area"*.
109. Further, the Applicant states in its Amended EIS that *"The draft Central Sydney Planning Strategy proposes to introduce additional "no additional overshadowing" control to the future Town Hall Square between 12pm and sunset (year-round)"*. However, the Applicant states that *"it has not yet been publicly exhibited and is therefore not a matter for consideration under S79C of the EP&A Act"*.
110. In its RtS, the Applicant provides a background to existing overshadowing of the proposed Town Hall Square by stating that this area of the CBD is *"already overshadowed by a number of buildings located to the west of the Future Town Hall Square site and to the East of the Cockle Bay Park Site"*. The Applicant notes that: *"In order to eliminate any overshadowing impacts to this area of the city, a building within the Concept Envelope would have to be constrained so that any overshadowing impact falls within an existing building shadow."*
111. At its meeting with the Commission on 4 March 2019, the Applicant stated that one of the key changes in their Application is *"the lowering of the building and reconfiguration of the envelope to reduce any overshadowing impacts onto the future Town Hall Square"*.
112. The Applicant's Amended EIS states that, *"Solar impacts of the amended Concept Proposal on the future Town Hall Square have been reduced when compared to the exhibited EIS and are now limited to a brief window after 4:00pm for a period in late March to mid-April and mid-August to late-September"*. At its meeting the Commission on 4 March 2019, the Applicant provided the following diagrams in *Figures 3 and 4* to outline this position:

Figure 3: Average hours of overshadowing of proposed Town Hall Square



Source: Applicant's Presentation to the Commission, 4 March 2019

Figure 4: Average hours of overshadowing of proposed Town Hall Square



Source: Applicant's Presentation to the Commission, 4 March 2019

113. The Applicant also states that:
“The amended Concept Proposal has also reduced the duration of overshadowing from 70 days to 62 days in which minor overshadowing would occur. During this time the most affected day for the amended concept is 4 April and 5 September. The maximum overshadowing impact on these days is 1.5% (reduced from 2.9%) (increase of overshadowing to the square) reducing to zero on other affected days...”
114. The Applicant states that their assessment is a worst-case assessment and that for 317 days of the year there would be no impact at all on solar access to the proposed Town Hall Square. In addition, the Applicant notes that:
“On days where an impact is anticipated, the impact would be limited to a maximum of 30 minutes between 4pm and 4:30pm (AEST), which is outside of the times that open spaces are likely to experience peak utilisation such as lunch time hours.”
115. The Applicant states in its RtS that:
“Each of the assessed building mass studies (northern and southern tower) are able to demonstrate an improved shadow impact on this area of future open space, when compared to the previously proposed (EIS 2016 and EIS 2017) Concept Envelope.”
116. The Applicant concludes in its Amended EIS that:
“The proposed built form is appropriate as the proposed height and location minimises impacts on the future Town Hall Square.” and “Any minor reduction of sunlight to Town Hall Square is considered by the proponent on balance acceptable on its own merits, but is also acceptable considering the new publicly accessible open space directly next to the Harbour, which would be created because of the amended Concept Proposal.”
117. The Applicant further notes that:
“The actual overshadowing impact of a future building within the Concept Envelope would be determined by the Competitive Design Process. Controls would be included within the Competitive Design Process Brief to require competing architect teams to consider, and limit as far as possible, overshadowing impacts to Future Town Hall Square.”

Department’s Consideration

118. In relation to local planning controls regarding the protection of solar access, the Department notes in its AR that *“the draft CSPA has not been exhibited and therefore does not have statutory planning weight and there is no certainty that the sun access controls will come into force as proposed”*.
119. Further, the Department notes that *“In the absence of any specific control for the future THS the Department notes that existing controls protecting solar access to other similar public open spaces (at Clause 6.19 within the SLEP 2012) in the CBD do not protect solar access after 4:00 pm at any time throughout the year”*.
120. In order to address concerns raised in submissions and to mitigate the impacts of the Application, 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 peer review the Application on an iterative basis.

121. As a result of the design workshops, the Department states in its AR that there were changes to the Application which included a reduction in the maximum height of the building envelope and relocation of the Tower to the south. The Department notes that these changes ensure there is no additional overshadowing of any part of the proposed Town Hall Square on any day before 4:00 pm, which is consistent with Council's existing solar protection controls to similar public open spaces within the CBD.
122. The Department notes that:
"given its inner-city location surrounded by tall buildings, the future THS is likely to be overshadowed by existing buildings at various times throughout the day. On the most affected day (9 September), however, it would continue to receive significant direct sunlight between 12:30 pm and 4:00 pm and is therefore capable of providing a high quality open space during this time, when it is expected to be used most for active/passive recreation."
123. In its AR, the Department considers the impact of a Tower in a northern location of the current building envelope (being the tower location with the greatest impact) on solar access to the proposed Town Hall Square is acceptable for the following reasons:
- *"the proposal does not affect solar access to the future THS before 4:00 pm at any day throughout the year"*
 - *the future THS would not experience any additional overshadowing after 4:00 pm for 317 days a year*
 - *there is no existing precedent to protect solar access to similar public open spaces in the CBD after 4:00 pm in the SLEP 2012."*
124. Further, the Department states that the approval of the building envelope would not set a precedent for additional overshadowing of the proposed Town Hall Square as any development of surrounding land would be the subject of separate development applications and assessed on their merits.
125. The Department states in its AR that to ensure that the future development within the envelope does not create any additional overshadowing of the proposed Town Hall Square, beyond that assessed and supported, and endeavours to minimise overshadowing impact in its detailed design, the Department recommends a FEAR and design guidelines establishing the maximum overshadowing controls consistent with the maximum overshadowing assessed and supported.

Commission's Consideration

126. The Commission acknowledges Council's concerns outlined in paragraphs 102-107 regarding the Application's potential overshadowing impacts of the proposed Town Hall Square development. Council noted that the introduction of the draft Central Sydney Planning Strategy seeks to introduce a solar access protection in the afternoon by restricting any further overshadowing of the proposed square until sunset.
127. The Commission notes that the Applicant and Department both state that the draft Central Sydney Planning Strategy has not been exhibited and does not have any statutory planning weight in the consideration of overshadowing of the proposed

square. Council noted this in paragraph 105 but states that the SREP relates to the site and enshrines the principle that public good has precedence over private good.

128. The Commission acknowledges that since its original EIS the Applicant has reduced the building height and reconfigured the building envelope to reduce any overshadowing impacts on the proposed Town Hall Square. A result of these amendments has been the reduction of overshadowing days and on days where an impact is anticipated, this would be limited to a maximum of 30 minutes on two days of the year, between 4-4.30pm. The Commission finds that this would be outside of the time that the space will experience peak utilisation, such as lunch time hours.
129. The Commission finds that the Applicant's amendments to the building envelope would ensure there is no additional overshadowing of any part of the proposed Town Hall Square on any day before 4.00pm.
130. The Commission acknowledges the Department's statement in paragraph 119 that existing solar protection controls in Council's LEP to similar public open spaces do not protect solar access after 4.00pm at any time throughout the year. The Commission accepts this statement and finds that the Application is consistent with Council's existing solar protection controls for similar public open spaces in the CBD.
131. The Commission acknowledges Council's statement in paragraph 105 in relation to a principle of the SREP but finds that the Application would be consistent with this principle as the Application would ensure no additional overshadowing of the proposed Town Hall Square within the time of peak utilisation and an acceptable level outside of this time, which the Commission considers would be for the public good.
132. Based on the Material, the Commission finds that the Application would ensure no additional overshadowing of the proposed Town Hall Square within the time of peak utilisation and an acceptable level outside of this time, for the reasons set out in paragraphs 128-131 above.

5.10 Connectivity and Open Space

Public Comments

133. The Commission heard concerns at the public meeting regarding the provision of open space, which stated:
"The argument that the provision of the large public open space area between the tower and the bridge is not a justification for a tower building. The open space could still be provided with a low scale building or a lower scale building."
134. However, the Commission also heard that,
 - *"There's no objection to the reconnection of Pyrmont Bridge with Market Street or to the use of part of the site as open space."* and
 - *"...there should be no further alienation of the harbour by an overwater boardwalk."*

Applicant's Consideration

135. The Applicant's Amended EIS outlines a Design Principle to *"increase access to open space"*. The Applicant's RtS outlines that the Application for which approval is now sought proposes *"Up to 15,000 m² including at least 6,000m² on the northern side of the site between the tower and Pyrmont bridge"*.
136. The Applicant states in its RtS that:
"The location of the proposed publicly accessible open space is a key urban design principle for the amended Concept Proposal which has been developed specifically in order to improve the function of the public domain and to better integrate the Site to Market Street, Pyrmont Bridge and the waterfront".
137. The Applicant also outlines the benefits of the Application's open space provision by stating that it *"has enabled the consolidation of a large open space that is more useable being located adjacent to the key pedestrian paths between the CBD and harbour..."* and *"will provide the broader community with an expansive location to view and enjoy the waterfront"*.
138. The Applicant states that the Application is consistent with the aim of the SREP *"to ensure accessibility to and along Sydney Harbour and its foreshores"* as it will *"enhance pedestrian and cyclist accessibility through the provision of a more permeable, connected and direct linkage between Darling Harbour and the CBD"*.
139. The Applicant states that the Application is also consistent with the following principle of the SREP: *"the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores"*. The Applicant states that the Application *"recognises this by facilitating a future development that will have several tangible public benefits. These include reconnection of the CBD to Darling Harbour, a provision of a significant amount of open space, a new place to result in social attractors and improved connectivity, generating significant social and economic returns"*.
140. An urban principle of the Applicant's design guidelines is to facilitate major public events and states that the new public domain should provide opportunities to enhance the enjoyment of major public events on Cockle Bay and support pedestrian access during event mode.
141. The Applicant notes in its Amended EIS that the detailed design and provision of future open space will form part of the subsequent Stage 2 detailed development application and will be guided by its urban design principles and the design excellence process *"to ensure that the future open space exhibits design excellence and meets the needs of future users of the opens space"*.
142. The Applicant concludes that the Application *"will facilitate the reconnection of the city centre and Darling Harbour through the creation of significant new publicly accessible open space..."* and that *"the landscaped publicly accessible open spaces will bridge the Western Distributor, providing a seamless connection from the city to the water with improved pedestrian connections and wayfinding"*.

Department's Consideration

143. The Department notes in its AR that:
“The proposal includes the demolition of two of the existing east-west pedestrian bridges (Market Street/Pyrmont Bridge and Crescent Garden/Cockle Bay) and provision of a deck and publicly accessible open space over the Western Distributor to accommodate new pedestrian links between Darling Harbour and the CBD. The proposal also facilitates upgrades the Druitt Street pedestrian link bridge.”
144. The Department states in its AR that it:
“supports the provision of significant publicly accessible open space on the site and considers this component of the proposal represents a significant public benefit that would make a valuable contribution to the area through the provision of active and passive open spaces, landscaping and the substantial enhancement of the Darling Harbour foreshore.”
145. The Department agrees with a previous comment received from Council at exhibition that the publicly accessible open space should be accessible by the public at all times and has subsequently recommended a FEAR requiring future DA(s) demonstrate how public access to publicly accessible open space will be maintained at all times.
146. With regards to the proposed deck over the Western Distributor, the Department states that this will *“address the existing physical separation between Darling Harbour and the CBD and compromised east-west pedestrian connectivity”*. The Department notes that the Applicant's indicative scheme demonstrates the Application is capable of significantly improving access, site permeability, way-finding, design and appearance and overall pedestrian experience and states that *“these improvements represent a significant public benefit”*.
147. The Department states that it is *“satisfied the building envelope can accommodate the provision of appropriate pedestrian and cycle links and the detailed design of these links is best considered as part of the assessment of future DA(s)”*.
148. With regards to the Application's proposed boardwalk extension, the Department states that it is not yet convinced of its merits and considers it should be deleted as:
- *“the Applicant has not provided sufficient justification for constructing over Darling Harbour*
 - *the proposed pedestrian connectivity improvements through the site would alleviate pedestrian demands on existing foreshore promenade and the boardwalk extension is therefore unlikely to be required to address pedestrian capacity requirements*
 - *granting concept approval for the principle of the boardwalk expansion may create a sense of entitlement at future DA stage*
 - *alternative planning pathways are available to the Applicant to pursue the expansion.”*

Commission's Consideration

149. The Commission notes the Application's proposal to demolish two of the existing

pedestrian bridges (*Market Street/Pyrmont Bridge and Crescent Garden/Cockle Bay*) to provide a deck and publicly accessible open space over the Western Distributor, and to facilitate an upgrade of an existing pedestrian link bridge at Druitt Street.

150. The Commission accepts the Applicant's statements in paragraph 137 that the Application will provide a large open space where the broader community can view and enjoy the waterfront and accepts the Applicant's urban design principle in paragraph 140 to facilitate major public events. The Commission also accepts the Department's statement in paragraph 144 that the provision of open space on the site represents a public benefit because it will make a valuable contribution to the area through creating active and passive open spaces, landscaping, enhancement of the Darling Harbour foreshore and improvements to east-west pedestrian connectivity.
151. The Commission finds that the Application would overcome the existing physical barrier of the Western Distributor and improve connectivity between Darling Harbour and the CBD through its proposed linkages, including a deck and publicly open space.
152. The Commission accepts the Applicant's statement in paragraph 138 that the Application will be consistent with an aim of the SREP to enhance pedestrian and cyclist accessibility and linkages between Darling Harbour and the CBD.
153. The Commission accepts the comment from the public in paragraph 134 and the Department's finding in paragraph 148 regarding the proposed construction of a boardwalk over the harbour. The Commission finds that the Applicant has not provided sufficient justification for constructing over Darling Harbour to provide a boardwalk and is therefore unable to support this part of the Application at this time.
154. Based on the Material, the Commission finds that the Application will provide a public benefit as it will create additional open space and improve connectivity between Darling Harbour and the CBD.

5.11 Wind Impacts

Council Comments

155. At its meeting with the Commission, Council noted that the proposed building envelope under the Application was the subject to a wind assessment by Council, which concluded that *"there will be wind-related issues – not surprisingly – generated by a building mass on the waterfront. We've got plenty of experiences about that, particularly the frontage to the water to the winds coming from the south and the southwest"*.
156. In relation to wind mitigation measures, Council notes that these are to *"be dealt with in the detailed design stage...but we have got plenty of experience to know what that means. This will mean that the foreshore promenade or areas of the proposed private publicly accessible open space will have to incorporate windshields or other protective measures for public safety..."*

157. Council recommended to the Commission *“setting back the tower by another two metres would significantly assist with the wind impacts”* and that these impacts *“are real, they can be anticipated, and more needs to be said in the conditions that it has got to be resolved as part of the design”*.

Applicant’s Consideration

158. In its Amended EIS, the Applicant refers to a Wind Tunnel Assessment (WTA) of the Application, carried out by Cermak Peterka Peterson (CPP), which found that, *“The general pedestrian wind conditions surrounding the development site have been assessed under the Lawson comfort and distress/safety criteria. It was found that the impacts of the addition of the proposed development on the pre-existing wind conditions along the boardwalk, in Crescent Garden, and at the corner of Market and Sussex Streets were insignificant, and these areas would be expected to remain suitable for continued use as public accessways from a wind perspective.”*
159. The WTA indicates that while some locations could experience windy conditions, these can be mitigated through design measures to ensure these locations can pass relevant criterion and the Applicant notes in its RtS that *“Such measures, where required, can be detailed within future Stage 2 DAs”*.
160. The Applicant’s RtS also notes that:
“A further assessment of the wind effects caused by the eventual built-form proposed on the Site as part of a Stage 2 DA would be the subject to detailed wind tunnel assessment.”

Department’s Consideration

161. The Department notes in its AR that the Applicant’s proposed design guidelines require future buildings to be designed to ensure wind conditions are safe and appropriate for the proposed activities in all internal and external areas of the development.
162. The Department notes that the independent design advisor recommended future DA(s) ensure wind impacts are minimised.
163. The Department states in its AR that it considers the Application is likely to have acceptable wind impacts for pedestrians within and around the development. However, the Department considers that *“the wind impacts within the public open space and future areas designated for outdoor seating would benefit from improvement to ensure these spaces have a comfortable and safe wind environment for their intended use.”*
164. The Department has subsequently recommended a FEAR requiring the preparation of a Wind Assessment and an amendment to the design guidelines requiring the wind impacts on Crescent Garden and the Darling Harbour promenade be reduced to be comfortable for their intended use.

Commission's Consideration

165. The Commission acknowledges Council's concerns regarding wind impacts in paragraphs 155-157 and their recommendation to set back the Tower envelope by another two metres (to 10 metres) to assist with the wind impacts. The Commission notes in paragraph 51 that the Application proposes an average weighted setback to the Tower envelope above the podium of 10 metres, with a minimum setback of 8 metres.
166. The Commission notes the Applicant's finding in paragraph 158 from its WTA that wind impacts would be marginal and conditions along the boardwalk, in Crescent Garden, and at the corner of Market and Sussex Streets would be expected to remain suitable for continued use as public accessways.
167. The Commission notes that both the Applicant and the Department, with an additional recommendation from its independent design advisor, outline that the potential wind impacts of the Application will be subject to further assessment. The Commission acknowledges the Applicant's design guidelines and the Department's recommended FEAR to ensure this.
168. Based on the Material, the Commission finds that although the Application will have wind impacts on the area, these would be marginal for the reason set out in paragraph 166 and can be mitigated after further future assessment.

5.12 Heritage Impacts

Public Comments

169. The Commission heard concerns at the public meeting regarding the Application's impact on the State Heritage-listed Pyrmont Bridge, which is adjacent to the site. These concerns included:
 - *"the proposed tower is much too close to Pyrmont Bridge, a significant heritage item, and is inconsistent with the low, horizontal form of the bridge and with other long held principles relating to Cockle Bay";*
 - *"previous studies have all required buildings of substantial height to be set back from the Cockle Bay and ensure protection of the heritage significance of Pyrmont Bridge";*
 - *"The proposed tower building will dominate Pyrmont Bridge and diminish the heritage significance of the bridge";*
 - *"The heritage significance of Pyrmont Bridge and the significance of the valley form would be destroyed by the proposal".*

Applicant's Consideration

170. The Applicant's Amended EIS states that one of its urban design principles is to *"Preserve the heritage value of Pyrmont Bridge"*.
171. The Applicant notes that the Application has increased the podium setback to Pyrmont Bridge, including a minimum 65m north – south setback above Level 1.

Further, the Applicant states that the Application “will not block existing view corridors towards Pymont Bridge” and “will facilitate the development of a new open space located adjacent to Pymont Bridge, from which views from Pymont Bridge can be enjoyed”.

172. The Applicant states that while the site is located outside of the area to which the draft Central Sydney Planning Strategy applies, “the Concept Proposal has considered the Strategy as part of the original EIS” and the Applicant finds that “It is largely consistent with key elements of the Strategy in that it will enable greater appreciation of heritage listed Pymont Bridge”.
173. The Applicant’s VVIA concluded that:
“Existing public domain views to key heritage buildings and places are retained, including Pymont Bridge.”
174. The Applicant notes that a Heritage Impact Statement (HIS) was prepared by Weir Phillips Heritage which found that:
- “appreciation of the technical significance of the bridge would not be impacted by the proposal as these values are largely independent of its setting;
 - the proposed bulk and scale of the podium is considered reasonable in relation to the bridge; and
 - the proposal would have a positive impact on the setting of the bridge, and any impacts are considered acceptable.”

Department’s Consideration

175. In its AR, the Department notes that it received concerns from the public, Council and the Heritage Council in relation to the Application’s impact on the heritage significance of Pymont Bridge and the proposed interventions into its historic fabric.
176. The Department notes that the Applicant amended the Application in response to the concerns raised, by:
- “relocating the tower envelope an additional 42.9m further south of the Pymont Bridge;
 - setting the podium/deck building envelope back from the historic elements of Pymont Bridge; and
 - confirming future DA(s) will include public art and heritage interpretation.”
177. The Department states that it is “satisfied the amendments to the building envelope appropriately address the concerns raised and the proposed envelope ensures the detailed design of future buildings will be sensitive to the heritage significance of the Pymont Bridge...”.
178. The Department has also recommended a FEAR requiring future DA(s) consider the potential heritage impact on Pymont Bridge.

Commission’s Consideration

179. The Commission acknowledges concerns from the public regarding the potential

impact of the Application on the heritage significance of the Pyrmont Bridge due its proximity to the site.

180. The Commission also acknowledges the Applicant's amendments to the location of the building envelope to address potential impacts to the heritage significance of the Pyrmont Bridge and notes that the Tower envelope is now proposed to be setback 72.9m and Tower base envelope is now proposed to be setback 65m. The Commission accepts the Department's finding in paragraph 177 that the Applicant's proposed envelope will be sensitive to the heritage significance of Pyrmont Bridge because of these amendments to the building envelope.
181. The Commission accepts the Applicant's findings in paragraphs 171 and 173 relating to the Application's impact on current views of the Pyrmont Bridge and its bulk and scale of the podium in relation to the bridge.
182. Based on the Material, the Commission finds that the Application will not have any adverse heritage impacts as its bulk, scale and location would not impact the heritage significance of the Pyrmont Bridge for the reasons set out in paragraphs 180-181 above.

5.13 Social and Economic Impacts

Applicant's Consideration

183. With regards to the social impacts of the Application, the Applicant states in its Amended EIS that it *"will facilitate a future development that will have tangible social and public benefits"*. These include:
 - *"Further diversifying Cockle Bay Wharf as a destination that offers more than just retail;*
 - *Contributing to Darling Harbour's legacy of popular culture, thus strengthening the entire precinct value;*
 - *Providing a key, new destination as part of the Nature and Culture Walk from Pyrmont, Darling Harbour, Barangaroo to Walsh Bay and Circular Quay;*
 - *The opportunity to become a new cultural meeting point;*
 - *Increased wellness and productivity through provision of active and passive spaces;*
 - *Opportunities for the inclusion of public art; and*
 - *Opportunities for cultural activation"*.
184. The Applicant also states in its Amended EIS that the Application will facilitate a future development that will have economic benefits, including:
 - *"Significant investment in a strategic site that will result in social attractors and improved connectivity, generating significant economic and social returns and contributing to the vitality of "global" Sydney;*
 - *Improved connectivity will assist in growing economic activity east of the Western Distributor;*
 - *Improved public access will increase the pedestrian catchment from 400m radius to 800m radius, effectively quadrupling the catchment of people visiting the area*

and improving social and business connections that can be made by the precinct;

- *Providing more incentive for visitors and tourists to go to Cockle Bay and the CBD, with increased potential for local spending, resulting in job growth;*
- *Strengthening the role that Darling Harbour plays as a meeting point for cultural and tourist events, indeed it will provide increased opportunities for people to meet and attend events.*
- *The generation of 500 jobs per annum in construction and 10,000 operational jobs across retail and commercial sectors”.*

Department’s Consideration

185. The Department states in its AR that it is “*satisfied that the development would have a positive public and economic impact on Sydney and NSW*”. It states that this would be through the,
- *“creation of new significant areas of publicly accessible open space (minimum of 6,500 m²)*
 - *screening the Western Distributor through the creation of a landscaped elevated deck*
 - *new and upgraded pedestrian linkages through the site providing for greatly improved pedestrian connectivity between the CBD and Darling Harbour*
 - *public art and heritage interpretation*
 - *predicted creation of 2,320 construction jobs and 10,000 operational jobs”.*
186. The Department also states that the Application “*will provide significant new retail and commercial floor space in the western part of the CBD aligning with the State Government’s strategic policies*”.

Commission’s Consideration

187. Based on the Material, the Commission finds that the Application will deliver social and economic benefits as it will:
- create sizeable areas of publicly accessible open space, as set out in paragraph 150;
 - improve pedestrian connectivity between the CBD and Darling Harbour, as set out in paragraph 151;
 - provide a meeting point for cultural and tourist events, as set out in paragraph 184;
 - create construction and operational jobs, as set out in paragraph 185; and
 - provide additional commercial and retail floorspace, as set out in paragraph 186.

5.14 The Public Interest

188. In determining the public interest merits of the Application, the Commission has had regard to the objects of the EP&A Act.
189. A relevant object of the EP&A Act to the Application is the facilitation of ecologically

sustainable development (ESD). The Commission notes that section 6(2) of the *Protection of the Environment Administration Act 1991* states that ESD requires the effective integration of social, economic and environmental considerations in its decision-making, and that ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and
- (d) improved valuation, pricing and incentive mechanisms.

Applicant's Consideration

190. The Applicant has outlined its consideration against the objects of the EP&A Act in Table 6 of its EIS. The Applicant has not outlined any inconsistencies with the objects of the EP&A Act.
191. The Applicant states in its RtS that the ESD measures outlined in its Ecologically Sustainable Design report, prepared by Arup, are to be explored in the Stage 2 detailed design of the building design to maximise the environmental performance and energy efficiency of the building.
192. The report notes key sustainability initiatives regarding energy, indoor environmental quality, water, materials and transport may be considered further.

Department's Consideration

193. The Department has outlined its considerations against the objects of the EP&A Act in Table 7 of its AR. The Department has not outlined any inconsistencies with the objects of the EP&A Act.
194. The Department states in its AR that the EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*.
195. The Department notes that the Application proposes ESD initiatives and sustainability measures, including targeting:
 - a 6-star Green Star Design and As Built rating
 - a 5-stars NABERS Energy Commitment Agreement
 - a 4-stars NABERS Water Commitment Agreement for the commercial office component.
196. The Department's also states that it *"has considered the project in relation to the ESD principles and finds that the Application is consistent with ESD principles and is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act"*.

Commission's Consideration

197. Under section 1.3 of the EP&A Act, the Commission considers the objects relevant to the Application are:
 - 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;
- b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
 - c) to promote the orderly and economic use and development of land;
 - e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;
 - f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);
 - g) to promote good design and amenity of the built environment;
 - h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;
 - i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and
 - j) to provide increased opportunity for community participation in environmental planning and assessment.
198. In relation to the consideration of the Application's impacts against the relevant objects of the EP&A Act, the Commission finds that the Application demonstrates consistency with the objects of the EP&A Act as it:
- Will promote the social and economic welfare of the local and wider community and will be consistent with the principles of ESD outlined in paragraph 189;
 - Will support the provision of publicly accessible open space as set out in paragraph 150;
 - Will not adversely impact the State-Heritage listed Pyrmont Bridge as set out in paragraph 182;
 - has an appropriate framework to achieve design excellence as set out in paragraph 73.
199. The Commission is satisfied with the Department's considerations that there are no inconsistencies with the objects of the EP&A Act, as discussed in paragraph 196 above.
200. The Commission finds that the Application is generally consistent with the ESD principles because it achieves a balance between the relevant economic, environmental and social considerations that form part of the decision-making process.
201. The Commission finds that the Application is in the public interest because:
- it demonstrates consistency with the objects of the EP&A Act for the reasons set out in paragraph 198; and
 - is generally consistent with the ESD principles under the *Protection of the Environment Administration Act 1991* for the reason set out in paragraph 200.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION

202. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process) and from members of the public who spoke at the public meeting as discussed and summarised in paragraphs 24, 50, 75, 90, 133 and 169.
203. The Commission carefully considered all of these views as part of making its decision.

The way in which these concerns were taken into account by the Commission is set out in **section 5** above.

7. CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

204. The Commission has carefully considered the Material before it.
205. Based on the Material, the Commission finds that the Application,
- would be consistent with the principles of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
 - would be consistent with the applicable Region and District Plans;
 - would have reasonable and acceptable impacts on view loss and overshadowing on the Astoria Tower;
 - would have reasonable and acceptable impacts on view loss and overshadowing on the Millennium Tower;
 - would ensure no additional overshadowing of the proposed Town Hall Square within the time of peak utilisation and complies with Council's existing overshadowing controls;
 - would have marginal wind impacts on the area, which can be mitigated after further future assessment;
 - would create social and economic benefits;
 - would create a public benefit by providing additional open space and improving connectivity between Darling Harbour and the CBD;
 - would not have any adverse heritage impacts;
 - is consistent with the objects of the EP&A Act; and
 - is in the public interest.
206. For the reasons outlined in paragraph 205 above, the Commission determines to approve the Application, subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - to ensure the design of the development meets the requirements intended to lift design quality and make provisions such as to consider urban design themes and develop a competitive design process;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
207. The reasons for the Decision are given in this Statement of Reasons for Decision dated 13 May 2019.



Mr Peter Duncan AM (Chair)
Member of the Commission



Professor Alice Clark
Member of the Commission



Dr Peter Williams
Member of the Commission