

SUBMISSION OF OWNERS CORPORATION ONE DARLING HARBOUR

Why the proposal should not be approved in
relation to:

View Sharing- Dr Richard Lamb

ISSUES

- The tower-podium form of the development has undergone many iterations
- The impact of the tower on views is significant but accepted by One Darling Harbour as a trade-off for controlled impacts of the podium on views
- The podium is too high to provide reasonable view sharing
 - It destroys the scenic quality of views from most apartments with an easterly aspect up to Level 6 and views to the south-east up to Level 8
 - The podium has been raised in the application in front of the IPC compared to earlier iterations
 - There is now a late proposal to further increase the height and add 2000m² of public open space to the top of the podium, with landscape and structures
 - The impacts of the proposed further effect on views have not been assessed

Why the podium is too high

Diagram shows how the northern podium causes increased view loss to One Darling Harbour

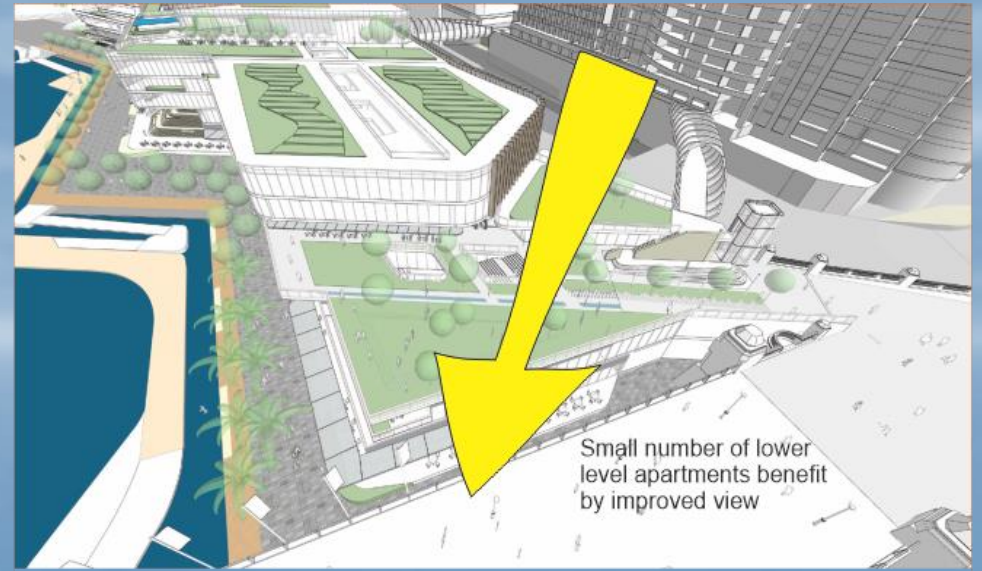


Image 31 Illustrative Scheme: Guardian Square

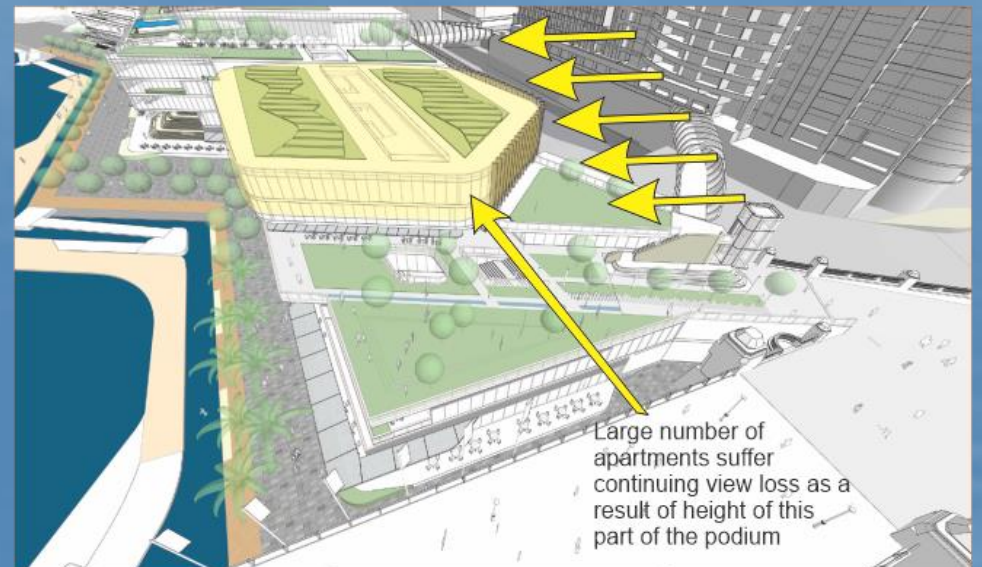


Image 31 Illustrative Scheme: Guardian Square

IMPACT OF RAISING THE PODIUM FURTHER

- Schedule 2 of the Draft Development Consent calls the new public open space on top of the podium the Northern Podium Articulation Zone.
- The higher podium and items to be permitted in future DAs will conflict with providing reasonable view sharing.
- Structures are to be permitted above the increased podium envelope such as balustrades, garden pavilions, shade structures, hard landscape and vegetation.
- Part C of the Future Environmental Assessment Requirements (EARs) at C15 provides that landscape design on the podium will provide:
 - New plantings to green roofs with a mix of trees and shrubs (indigenous vegetation)

EARS IN RELATION TO LANDSCAPE ON THE PODIUM

- C15(b) requires 'maximum urban tree canopy'
- C15(c) requires including of medium to large canopy trees
- C15(d) requires incorporation of taller trees and shrubs to 'enhance outlook from the west'
 - This terminology (outlook instead of view) is derived from a submission of the City of Sydney, where the podium was claimed to be a 'missed opportunity' for planting trees on the podium.
- C15(e), while requiring minimisation of impacts on surrounding buildings in views from the west, also requires maximising planting and activation opportunities
- There will be obvious conflicts with view sharing objectives, with unspecified proposals in future DAs resulting in structures and tall vegetation extending above podium height

WHY THE PROPOSAL SHOULD NOT BE APPROVED AS PROPOSED

- There has been a lack of acknowledgement of the impacts on view sharing and no supportable justification for the height of the podium
- The Visual and View Impact Analysis prepared by Ethos Urban systematically minimises the extent and significance of impacts.
- There would be twice as many apartments with moderate or severe impacts that stated
- The Department of Planning, Industry and Environment has accepted the three reasons given by Ethos Urban for the reasonableness of the impact on One Darling Harbour.
 - The impacts are inevitable
 - The view loss is reasonable because it complies with Mirvac's Key Objectives
 - The view loss is acceptable because it is no worse than any complying development on the site

WHY THE REASONS FOR ACCEPTING THE IMPACTS ARE FLAWED

- PREMISE 1: The impacts are inevitable
 - Response: Some view loss would occur and a significant level of loss of view has been accepted by One Darling Harbour, caused by the tower and higher section of the podium
 - Significant view loss is already a feature of the proposal. Further loss of the most significant views is not inevitable, given the massive opportunity value of the tower.
 - A reasonable principle for view sharing was provided by Emeritus Professor Webber, the independent urban design expert for the Department. View loss should not be any greater than that caused by the existing shopping centre.
 - Rather than adopting this reasonable principle, the podium has been raised and causes increase view loss.

WHY THE REASONS FOR ACCEPTING THE IMPACTS ARE FLAWED

- PREMISE 2:

The impacts are reasonable because they comply with Mirvac's Key Objectives for the site

- This is self-serving.
- Mirvac's Key Objectives include, appropriately, its own interests in profit, yield and other parameters including abstract public benefits.
- The Key Objectives may be antithetical to providing view sharing.
- If a genuine Key Objective was providing equitable view sharing across the whole site, the northern section of the podium would not be proposed to be higher than the existing shopping centre.
- An appropriate key objective had been provided by Professor Webber which has been rejected.

WHY THE REASONS FOR ACCEPTING THE IMPACTS ARE FLAWED

- PREMISE 3:
The impacts are reasonable because similar losses would occur with a complying development
 - The premise is not only illogical but is also wrong
 - There are no development controls in Darling Harbour
 - There are therefore no external parameters for determining a reasonable envelope
 - What is reasonable must arise from a proper assessment of the environmental impacts. This is the only valid pathway.
 - The assessment made is flawed. Even Ethos Urban's own assessment shows that view sharing is significantly worse in the application than the existing environment.
 - The cause is the height and massing of the northern podium.

WHAT AMENDMENTS SHOULD BE MADE

- The lower podium in the proposed Guardian Square area is a guide to an appropriate height for the podium
- The benefits should be extended by continuing the lower podium further south as far, at least, as the next proposed step up in the podium to the south
- If the proposed green roof envisaged in the Draft Development Consent is to be approved, it is imperative, to avoid conflicts with the EARs in Part C, that the podium is lowered.
- In this way, landscape can be added to the additional public open space that will be of public benefit without being in conflict with reasonable view sharing.
- Reconsideration of the height of this part of the podium could provide a satisfactory outcome for One Darling Harbour in terms of view sharing