

Response to Department of Planning and Revised Statement of Commitments

East Darling Harbour

Submitted to
NSW Department of Planning
On behalf of Sydney Harbour Foreshore Authority

January 2007 ■ 06016

Contents

1.0	INTRODUCTION	1
2.0	RESPONSE TO KEY ISSUES	3
2.1	Traffic & transport	3
2.2	Pedestrian connections & circulation	9
2.3	Views	11
2.4	Built Form	12
2.5	Heritage	13
2.6	Infrastructure Plan, contributions/developer agreements	14
2.7	Requirements of Sydney Ports & NSW Maritime	15
2.8	Statement of Commitments	21
3.0	MODIFICATIONS TO CONCEPT PLAN/EAR	22
4.0	FUTURE CONSENT AUTHORITY	25
4.1	Crown development and public utilities	25
5.0	DEVELOPMENT NEAR ZONE BOUNDARIES	26
6.0	GOVERNANCE ARRANGEMENTS	29
7.0	REVISED STATEMENT OF COMMITMENTS	31

APPENDICES

- A** Department of Planning report on key issues requiring further consideration in Concept Plan/Statement of Commitments
- B** Supplemental view impact analysis, prepared by JBA Urban Planning Consultants
- C** Revised Land Use Zoning Map, prepared by JBA Urban Planning Consultants
- D** Revised Statement of Commitments

1.0 Introduction

The Environmental Assessment Report (EAR) for a State Significant Site Proposal and Concept Plan for East Darling Harbour (EDH) was publicly exhibited for 31 days from 18 October to 17 November 2006 and a total of 91 submissions were received from members of the public, companies and public agencies.

The Director General of the Department of Planning (DoP) provided a report on the key issues requiring further consideration in the Concept Plan/Statement of Commitments (SoC) to the Sydney Harbour Foreshore Authority (The Foreshore Authority) on 11 December 2006 (included in **Appendix A**). The Foreshore Authority has reviewed and considered the report of the DG and the submissions and in accordance with clause 75H (6) of the *Environmental Planning and Assessment Act 1979*, has responded to the issues raised. This Report sets out the Foreshore Authority's response, additional information to support the State Significant Site Proposal and Concept Plan, minor revisions to the proposed land use zoning proposal for the site and modifications to the SoC.

Submissions were received from City of Sydney Council, State government agencies and authorities, and the general public, as identified below.

- Authorities and agencies
 - Sydney Ports;
 - NSW Maritime;
 - City of Sydney Council;
 - Department of Housing;
 - RailCorp;
 - RTA;
 - Ministry of Transport;
 - Sydney Water;
 - STA;
 - NSW Heritage Office; and
 - NSW Fire Brigades.
- Members of the public
 - 80 submissions received.

Generally the principle of redevelopment of EDH and the public benefit it will offer the City were supported, however, the majority of submissions raised issues about the proposal. The matters raised were similar in nature and revolved around the following key issues:

- Traffic generation and management, including impact on local intersections and the surrounding local and regional road network;
- The bulk and scale of development and associated impact on views to and from historic areas and surrounding residential development;
- Pedestrian connections to and physical integration with the neighbouring Millers Point community and pedestrian links to Wynyard Station;
- Heritage impact on neighbouring items and areas of heritage significance; and
- Detailed requirements for and implementation/delivery of infrastructure to support the proposed development.

The Foreshore Authority's response to the key issues raised in the report from the Director General is dealt with in Section 2, including additional view analysis information. Section 3 includes details on factual corrections to be made to the Concept Plan/EAR. Section 4 sets out the future consent authority arrangements. Section 5 details the proposed inclusion of an additional clause relating to development near zone boundaries in the SEPP Amendment. Section 6 sets out the proposed governance arrangements for the preparation and execution of Implementation Plans and Section 7 sets out the revised Statement of Commitments.

2.0 Response to key issues

The DoP highlighted a number of key issues requiring further consideration in relation to the EDH Concept Plan and SoC. The key issues and the Foreshore Authority's response to these issues are set out in detail below. Input into the response has been provided by Masson Wilson Twiney (MWT), in relation to traffic and transport issues, City Plan Heritage in relation to heritage and view issues, JBA Urban Planning Consultants and The Foreshore Authority.

2.1 Traffic & transport

Issue 1 – Traffic impact on local and regional road network

Concern is raised with regard to the cumulative effects of the EDH development on the surrounding local and regional road and public transport system. The RTA notes that the wider traffic implications of the EDH development are to be subject to a comprehensive TMAP (Transport Management and Access Plan), making use of the RTA's PARAMICS micro-simulation model of the CBD. The RTA will provide more detailed advice with respect to the development's cumulative impact of the surrounding regional road network upon receipt of the PARAMICS model traffic outputs.

Response: To be dealt with through the TMAP and Paramics traffic modelling process.

Comment: MWT recommend that the Paramics model be used in an iterative manner during the TMAP process to test:

- Impact on traffic operation of changes to pedestrian movement volumes with different configurations of the pedestrian movement network
- different bus access strategies impact on traffic generation estimates (that vary depending on the relative attractiveness of pedestrian, rail and bus access)

The SoC has been revised to ensure that the TMAP and Paramics traffic modelling effectively deal with the above issues. Refer to item 17 in the SoC.

Issue 2 – Requirements for Transport Management and Access Plan (TMAP)

The TMAP will need to build on the initial findings of the Traffic Study prepared by MWT, by investigating the following:

- a) ***A cohesive street network connecting land use components and local roads within and to external local and regional roads;***
- b) ***Calculation of traffic generation;***
- c) ***Identification of public transport service opportunities and constraints with a view to providing a high level mode of travel to public transport, walking and cycling;***
- d) ***Likely traffic impacts on local and regional intersections;***
- e) ***Identification of local and regional infrastructure improvements;***
- f) ***The timing of traffic and public transport infrastructure improvements in line with the staged development of the EDH site;***
- g) ***The likely cost of infrastructure improvements and the identification of a funding mechanism.***

Response: To be dealt with through the TMAP and Paramics traffic modelling process.

Comment:

- (a) MWT supports the provision of a cohesive street network that connects with the existing surrounding street network. An integral part of achieving cohesion between the site and the local street network are the proposed pedestrian and cycle links, including Hickson Road's pedestrian over-bridges and the pedestrian and bicycle links to the south along the foreshore.
- (b) MWT's Transport Report included calculations of traffic generation – refer to page 30 and 31 and to Table 4.2 of MWT's Transport Report, East Darling Harbour - Concept Plan (20 September 2006). The TMAP process may provide more recent research and data with which to justify modification of traffic generation rates and the conduct of sensitivity analyses based on a range of traffic generation outcomes may be prudent at that stage.
- (c) MWT's Transport Report canvasses a number of opportunities that seek to provide a high level of non-car mode use to and from the site. These include the mix of uses that comprise the proposal; pedestrian connections between the site and surrounding movement network, including to Wynyard Station; restrictive car parking; analysis of opportunities for bus services; and provision for facilities to support light rail on Hickson Road, should such a scheme eventuate. While the bus service strategy was discussed with MOT and STA, no firm commitment from either agency was forthcoming, partly due to the current bus service planning process requiring community consultation as part of the service review process. The use of the Paramics traffic model to test the effects of different bus service strategies offers an opportunity to collaborate with the relevant agencies to identify new bus service solutions.
- (d) The Paramics traffic model would indicate traffic impacts within the modelled network, including the surrounding street network.
- (e) The street network within the CBD is constrained and finding realistic opportunities for intersection upgrades are restricted. However, the use of the TMAP process and Paramics traffic model would permit various scenarios to be tested that would improve vehicle flow, pedestrian access to the rail station at Wynyard, reduce traffic generation and provide priority for buses.
- (f) TMAP. The TMAP will identify the timing for the traffic works based on a preferred development programme.
- (g) In conceptual terms, the TMAP would identify the likely street and transport infrastructure works.

The SoC has been revised to ensure that the TMAP will effectively deal with each of the matters identified. Refer to item 17 within the SoC.

Issue 3 – Timing of the preparation of TMAP

The Statement of Commitment specifies the preparation of a TMAP at the development application stage/project application. The RTA considers the preparation of a TMAP at this stage as inadequate. The TMAP has been used in previous developments as a strategic tool which outlines the cumulative impacts of the development on the road and public transport network as well as identifying the staging and costings of future infrastructure. To do this at the DA stage is considered too late in the planning process. The RTA considers it more appropriate to have a draft TMAP prepared at the Infrastructure Plan stage. This facilitates appropriate assessment and refinement of the traffic and transport requirements at one stage before the determination of the development application/project application

Response: Noted.

Comment: TMAP preparation during infrastructure plan stage would permit overall optimisation of transport arrangements, although, as specific development applications are prepared, there may be a requirement to review and amend some of the TMAP's assumptions and associated transport measures.

The SoC has been revised to include the preparation of a TMAP prior to redevelopment of the site commencing. Refer to item 17 in the SoC.

Issue 4 – Impact on operation of public transport services during peak hours

The Transport Concept Plan report outlines significant transport generation from the site but does not adequately assess the impact of this on existing peak passenger services both rail and bus.

Response: The TMAP will address this in detail. Refer to items 17 and 18 of the revised SoC.

Comment: When considering the CBD, some perspective is required. Whilst the quantum of person movement estimated to be generated by EDH may appear high, within the context of the CBD the increase in development represented by the proposal is modest.

The Concept Plan's major on-site generators would be (estimates only):

- 244,500 sq m (GFA) of commercial space
- 75,000 sq m (GFA) of residential

The proposed commercial space represents 2.6% of the commercial space within the old City of Sydney Council boundary (as at 2001), and equates to a single year's increase in commercial floorspace based on historical average increase in floor space that occurred between 1997 and 2001. The proposed residential floorspace represents just under 4% of the 2001 total residential floorspace within the old City of Sydney Council boundary, (also as at 2001) (sourced from 2001 Floor Space and Employment Survey, City of Sydney Local Government Area, Summary Report, City of Sydney 2003).

EDH will be developed over a number of years, gradually building to the ultimate quantum of development and its associated trip generation over a period of 5 to 10 years. Similarly, the gradual release of development space will result in displacement of some existing CBD activity to the site, and a lag before that freed-up space is taken-up again. This gradual loading of the transport and land use systems will permit adjustments to be made to the transport networks and operators, over an extended period.

The CBD's public transport system is considerable in comparison with any other place in Sydney, as evidenced by the existing situation:

- Train – 105,000 commuters exited from CBD rail stations in the morning peak (2 hours) in 2005 (NSW Government's Urban Transport Statement). Based on 2001 figures, the proportion of people accessing CBD stations during the morning peak was less than 20% of the volume exiting (CityRail Travel Statistics, 2003).
- Buses – during the morning peak in 2005, State Transit Buses carried approximately 48,500 people into and 11,500 people out of Central Sydney on approximately 1,186 buses in and 513 buses out, plus some 2,000 passengers were carried on 65 private buses (NSW Government's Urban Transport Statement).

These figures alone indicate:

- That for users of the site travelling in the counter-peak direction (e.g., residents travelling out of the city in the morning), there would be large amounts of available bus and rail capacity. This trip generation by EDH would better utilise existing spare transport capacity.
- For users of the site travelling in the peak direction (e.g., workers travelling into town during the morning peak), the scale of person movement generated by the site is small compared with use of the current system.

There are a number of incremental steps currently underway to improve system capacity in Central Sydney, including replacement of six-car train sets with eight-car train sets; implementation of uniform bus lane operating hours; off-bus ticketing for selected routes to improve bus system capacity and reduce bus journey times; and implementation of strategic bus corridors feeding into the CBD. It should be noted that at present, bus operators are required, under their contracts with the NSW Ministry of Transport, to provide capacity to meet demand. This can include the deployment of vehicles with higher capacity. The recently released Urban Transport Statement (November 2006) lists a number of State Government initiatives to further increase Central Sydney's transport system capacity.

At a regional level initiatives in the Metropolitan Strategy, the planning for which has been accelerated by the Urban Transport Statement, including a second north south rail alignment through the city, are expected to substantially boost system capacity to and through the CBD. EDH's development aligns with the Metropolitan Strategy, and would be expected to further the financial returns from such regional transport investments.

Ongoing changes in land use, of which EDH forms a part, will increase the resident population of the Inner City, increasing the pool of workers able to work in local jobs, thereby boosting the proportion of journey to work trips made on foot. Further, the land currently generates heavy vehicle transport impacts as a port that will cease following the renewal of the site.

Despite these substantive transport system improvements, it is considered likely that the TMAP will identify off-site works for which EDH would be reasonably expected to make a partial contribution. Illustrations of such measures include possible improvements to pedestrian access to Wynyard Station and works to Hickson Road.

These matters will be addressed more fully in the preparation of the TMAP, which may be able to draw on the Journey to Work data from the 2006 Census (due in April 2007) and which will strengthen the analysis of land use and trip generation, taking into account a further five years of CBD development.

Preparation of the TMAP forms part of the SoC. Refer to item 17 and 18 in the revised SoC.

Issue 5 – Ministry of Transport issues

Ministry of Transport priority issues:

- (1) Provision of off-road layover facilities within the development for up to 20 buses. This should preferably be an out-of-sight drive-through at-grade or basement arrangement, preferably integrated into a multi-deck car park.***

Response: The need for off road bus layover facilities and the appropriate location for these facilities will be investigated in the TMAP and will depend on the proposed bus servicing strategy for the site that emerges from further authority consultation.

Initial Comment:

- There is already a facility at King Street Wharf that might provide a similar layover function, but it is not anticipated to be used – understanding the circumstances surrounding this issue may assist in dealing effectively with this proposal.
 - It is not clear from the Concept Plan if there would be a multi-storey car park provided on the site of sufficient scale to accommodate such a layover facility.
 - Comments by STA during consultation in July 2006 indicated an unwillingness to contemplate extension of further buses in a similar fashion to those that were extended from QVB to King Street Wharf (rts 412 and 413) in the recent past.
 - Some certainty would be needed to ensure that useful in-service routes would be provided to the site and that such a layover facility would not simply become a remote off-street layover for buses from other parts of the CBD (e.g., Harrington Street, Circular Quay, Argyle Street, etc).
 - An off-street layover of 20 buses is a large impost for this site, given that there are no off-street bus layovers in use north of Railway Square and the redevelopment of the site would not generate the need for such capacity itself.
 - A number of practical considerations need to be addressed, including ventilation and associated running costs (if in structure), driver security at quiet times, noise and other impact. A one or two bus space layover on Hickson Road or at selected bus stops within the site might afford a more efficient solution from an operational perspective, and lessen impacts on the site.
- (2) *An east – west bus link (Erskine Street, Wynyard Street and Regimental Square is suggested). This should include traffic works to provide for bus movements e.g. left turn from Clarence into Margaret Street; and left turn from George into Margaret Street.*

Response:

- The TMAP process and the Paramics traffic model will be used to establish how bus servicing for East Darling Harbour will best operate.
- Implementation of an east-west bus link does not yet form part of the Government's recently released Urban Transport Statement. Consequently, how this proposal would integrate with the Government's recently released strategy for Central Sydney will need further investigation.
- Movement from Regimental Square into Wynyard Street and Carrington Street would conflict with current bus operations, and building servicing on the east side of Carrington Street
- The City of Sydney has recently released plans to upgrade the surrounds of Regimental Square (refer to <http://www.sydneymedia.com.au/html/3120-city-to-bring-life-back-into-forgotten-laneways.asp>)
- It would appear likely that such a proposal would necessitate the relocation of the Royal Australian Regiment's War Memorial. This would require the support of the relevant organisations, including the RSL, RARA, and City of Sydney, among others.

Comment: Providing efficient connections between East Darling Harbour and the existing transit network in the CBD is important if EDH is to achieve a low car mode share. The TMAP will consider how efficient connections can be delivered, and the Paramics model will be used to test different options. Consideration of possible measures to facilitate bus access to the site from the east should form part of these investigations. Refer to items 17 and 18 in the revised SoC which addresses these matters.

- (3) *Passenger wharf facilities. This includes at least one public ferry wharf, with appropriate landside facilities, maintenance of a cruise passenger terminal within the site, plus additional foreshore land retained for "future maritime needs". The developer is expected to fully fund these items*

Response:

- MWT's understanding is that a public ferry wharf is to be provided within the scheme, although its location is uncertain. The TMAP process will investigate an appropriate location for such a facility, and its likely market.
- MWT's understanding is that the passenger terminal facility is to be retained as part of the Concept Plan, although in a reconfigured arrangement.
- It is MWT's understanding that foreshore land is to be reserved as public space. This is not necessarily incompatible with 'future maritime needs'.

Comments: MOT's detailed comments indicate that at least one public ferry wharf (and possibly two) with appropriate landside facilities is required. MWT's transport analysis for the Concept Plan indicated that the likely main generators of ferry patronage (albeit small) would be the commercial floorspace, which is located at the southern end of the EDH site. As such it would probably be too close to either or both of the existing King Street Wharf and/or the Overseas Passenger Terminal; a location toward the north of the site is unlikely to generate meaningful loadings for a scheduled ferry service during weekday peaks; it would, however, provide a useful point of call for a leisure market. The TMAP would investigate this further.

The length of the suggested reservation of foreshore land for future maritime needs of 500 metres is very large within the scale of the proposed development. SHFA will seek confirmation from MOT as to whether the currently proposed open space meets this requirement.

The TMAP contained in the revised SoC (refer to items 17 and 18) addresses the provision of passenger wharf facilities. The role of this wharf and possible adjustments to ferry services is to be the subject of further consultation with Sydney Ports Corporation, Sydney Ferries, MOT and NSW Maritime.

Issue 6 – Impact on local intersections

Transport Report S4.6 - The assessment of the impact on local intersections does not include the key junctions for buses of Clarence and Margaret Streets and York and Margaret Streets. Given that Napoleon Street and Margaret Street are identified as one of the main access routes for the Development, it is highly likely that these intersections will experience an increased demand. These intersections are already at saturation point during the morning and afternoon peak.

Response: Traffic impacts of the proposal will be assessed in detail through the use of a Paramics traffic model and TMAP process. The SoC has been revised to reflect this. Refer to items 17 and 18 of the SoC.

Comments: The TMAP stage will permit refinement of traffic generation and distribution estimates for testing in the Paramics Model. Development of the traffic model in this part of the CBD should seek to capture current network performance in a representative manner, including causes of delay at specific intersections. Experience with similar models indicates that, on occasion, relatively small-scale adjustments to traffic management arrangements can substantially reduce delays at specific points in the road network. This can be a labour-intensive process, but can provide broader traffic benefits.

2.2 Pedestrian connections & circulation

Issue 1 – Integration with Millers Point

The pedestrian connections between the existing built fabric of Millers Point and the CBD is unresolved. It is important that circulation and integration between the existing and new fabric is resolved in detail before building envelopes are fixed.

Response: At grade pedestrian connections along Globe Street link the site to existing development at the north end of Millers Point and Walsh Bay and also to the south and King Street Wharf and onto the CBD and Darling Harbour. Five new proposed upper level connections between Munn and Merriman Street, Globe and High Street and Globe Street and Dalgety Road are identified as preferred locations of pedestrian connections. These will integrate and link the new urban precinct and public domain to Millers Point. The design of these upper level connections is subject to further resolution as part of the next stage of the development.

In addition to the pedestrian connections identified in the Concept Plan, the SoC has been revised to ensure that the Transport and Access Plan addresses the need for off site improvements to facilitate pedestrian and cycle access between the site and neighbouring precincts, including Millers Point. In particular, this will include consideration of connections to meet pedestrian desire lines and provide physical linkages to Millers Point to facilitate easy access to and regular use of services, facilities and public environments of EDH by existing local communities including the residents of Millers Point. Refer to items 13, 17 and 18 of the SoC.

Issue 2 – Pedestrian connection to Wynyard Station

The route from Wynyard to the site is not clear or direct. It passes under freeways, through pedestrian tunnels and down circuitous stairs. A detailed analysis of pedestrian access from Wynyard and upgrades of that access both in the public and private domain must be included as part of the project.

Access between Wynyard and East Darling Harbour by footpath and the Kent St tunnel may well be insufficient for the expected weekday pedestrian volumes associated with the development, and is very unlikely to be adequate for special events. There needs to be a high capacity grade separated pedestrian connection between Wynyard St and Hickson Road to supplement the existing low capacity link from Wynyard Station to Kent Street.

There is a need to investigate a new pedestrian tunnel from Wynyard Station concourse, under Margaret St through to East Darling Harbour. On street access & existing tunnel connections to Wynyard station appears to be quite inadequate.

Response: The SoC includes the preparation of a TMAP which will specifically consider and address the need for off-site improvements to facilitate pedestrian and cycle access to Wynyard Station. This will include consideration of pedestrian links to existing bus and rail services and potential for grade separated connections between the site, Hickson Road and Wynyard Station to meet pedestrian desire lines. Refer to item 18 of the SoC.

Issue 3 – Pedestrian connections on upper levels of proposed buildings

Several of the proposed pedestrian connections access the site on upper levels of the proposed buildings. They are an unacceptable route for pedestrians because they remove pedestrians from the street, therefore removing life and activation from the street and reducing safety, they are also inconsistent with the City's controls as overpasses are discouraged having a negative impact on streetscape quality and views and vistas along streets.

Response: One of the objectives for pedestrian connections at EDH is to connect the site to the city and to Millers Point not only at grade, but also at a higher level, thereby minimising the physical barrier created by the dramatic cliff topography on the eastern side of Hickson Road at the edge of the site. Removing the proposed high level connections would reduce the potential for integration between the site, the city and Millers Point.

The proposed higher level connections will, however, be subject to future building and design guidelines to ensure public safety and access issues are considered. Some of the high level connections also feed into public domain rather than directly into buildings. The revised SoC includes further consideration of the safety and convenience of walking routes and facilities as part of the Public Domain Plan to ensure successful integration of the site into the city context. Refer to item 14 in the SoC.

Issue 4 – Pedestrian connections incorporating “private” footpaths

The design also forces pedestrians into privately owned buildings where the owner potentially controls their path of travel. Without provisions managing the detail of these “private” paths they often result in circuitous routes which are closed after business hours (rendering the footway as an unsafe dead-end). The footways should be reconfigured to descend to the eastern side of Hickson Road or to descend to the ground level in the public domain.

Response: The Concept Plan includes mid-block connections to facilitate north-south and east-west pedestrian movement. As defined in the development controls in the Concept Plan, mid block connections may be enclosed or partly enclosed, within a development that has a public character, provides a public right of way open and accessible at each end.

The SoC includes the preparation of a Public Domain Plan which will provide further detail with respect to safe and convenient walking routes. This will include consideration of the management of mid-block connections through development sites. Safe and convenient pedestrian access will be a key consideration in the future detailed building design and assessment process.

2.3 Views

An additional view impact analysis has been prepared to respond to issues raised by the Department of Planning following the public exhibition of the proposed listing of EDH as a State Significant Site under State Environmental Planning Policy (Major Projects) 2005 and of the site Concept Plan. This is included in **Appendix B**.

In addition responses to the specific heritage related view issues raised by the DoP are provided below. These responses have been prepared by City Plan Heritage.

Issue 1 – Views from Pymont Bridge

The proposed development will have a detrimental impact on views from Pymont Bridge by obscuring views of Millers Point, Observatory Hill and the Harbour Bridge.

Response: Views from Pymont Bridge were not specifically addressed in the Heritage Impact Statement (HIS) as this is not considered to be a defining view of Millers Point. A view from Pymont Bridge to Millers Point is only available from the western extremity of the Bridge due to existing development. The Millers Point Conservation Area is only perceptible through the difference in scale compared to development immediately to the south and not through the ability to appreciate the detail of its physical fabric. This quality will be maintained through tapering of the scale of the proposed development to the north. Due to the alignment of the view, Observatory Hill and the significant roofscape are not prominent from the bridge. Specific elements such as Millers Point Headland proper, Dalgety Bond Store and the Palisades Hotel are visible from the bridge and due to their location and the scale of proposed development in the immediate vicinity, adverse impact upon the ability to appreciate the significance of the items is unlikely to occur.

Issue 2 – Views to and from Millers Point

The view impact analysis takes insufficient account of views to and from anywhere within Millers Point except Observatory Hill (the highest point). Note important views and vistas (apart from those from Observatory Hill) identified on page 103 of the Millers Point & Walsh Bay Heritage Review include panoramic views from Hickson Road and Merriman Street, as well as views down Argyle Street/Argyle Place.

Response: The HIS takes account of views along Hickson Road and various locations along High Street. The views considered are those significant views associated with Millers Point that have the potential to be affected by the proposal.

The views identified in the Millers Point & Walsh Bay Heritage Review (Exhibition began at the approximate time the HIS was being completed) were appropriately considered:

1. Panoramic views from Hickson Road: This is incorrect; such views do not exist due to existing wharf development and are not identified in the Heritage Review. The actual view identified in the Heritage Review is the panoramic view from High Street which was appropriately considered under the discussion of impact upon the Millers Point Conservation Area.
2. Panoramic views from Merriman Street: This view was not specifically discussed in the Concept Plan as the parkland below will quite obviously result in no adverse impact to this view.

3. Views down Argyle Street: This view will not be affected and was therefore not discussed. This is an internal view partially obscured by the natural ridge line and that terminates at the Palisades Hotel to the west.

It should be noted that on page 102 the Heritage Review states *“The potential re-development of the wharves to the west will have an impact on views to and from the area and design solutions should consider retaining views in this area within the context that historically wharf buildings occupied the area with views only available to the buildings on Kent Street and Observatory Hill.”*

Views considered are recorded in Attachment B of the HIS and are discussed in detail in section 6.0 of the HIS as they relate to places of identified heritage significance, particularly to the Millers Point Conservation Area

2.4 Built Form

Issue 1 – Graphic representation of car park

The proposed 300 car parking station in the Headland Park Area is not shown on the plans or in the development block controls.

Response: The Concept Plan will be updated to show the proposed car park. This point is addressed in Section 3.0 of this report and is intended to be dealt with via imposition of a condition on the Concept Plan approval.

Issue 2 – Identification of natural ground level RL (AHD)

The ground RL must be quoted on the diagrams. It is very difficult to ascertain how many storeys or height in metres of the proposed blocks without this information.

Response: The ground RL in the mixed use zone is approximately 1.5m to 2.0m above AHD.

Issue 3 – Colonnades along Hickson Road

Central Sydney Development Control Plan 1996 (DCP 1996) discourages colonnades. The current requirement for colonnades along Hickson Road should either be removed and replaced with a requirement for awnings, or the plan should be amended to include detailed provisions controlling, the depth, height, location of columns and junction between colonnades and awnings (as required on the side streets).

Response: The provision of a colonnade or awning can best be detailed at subsequent stages of development.

Issue 4 – Street wall height control

Central Sydney DCP 1996 sets a street frontage height, with a setback of 8 metres for buildings higher than the street wall. The street wall creates a buffer between high rise towers and a pedestrian's perception of the built form when walking along the street. The setback control also sets an acceptable street-width-to-height ratio. Areas with tall towers (as shown in Blocks 2, 3 and 4 of the concept plan) without this provision often create an uncomfortable environment for the pedestrian, as they are confronted with very tall buildings and canyon-like street proportions. Thus the development block controls for blocks 2, 3 and 4 should be revised to include a street wall with towers setback from it.

Response: The final design solution for these blocks may or may not include setbacks and can be assessed at subsequent stages of development.

2.5 Heritage

Issue 1 – Pedestrian bridge through Moretons Hotel

The proposed pedestrian bridge through Moreton's Hotel (a heritage item) is not supported. This would impact very adversely on the heritage significance of this State Heritage Register listed hotel. Possibly historical research could be undertaken, to examine the concept of re-introducing pedestrian bridges over Hickson Road (where they existed in the past), however any reintroduction would need to consider the effect of removal of pedestrians from the street network and the negative impact on streetscape quality.

Response: This issue is considered to be sufficiently addressed having regard to the level of detail contained within a 'Concept Plan'. It is addressed in section 6.4 of the HIS appended to the EAR (Appendix A) within the table for Moreton's Hotel on pages 56-59. Re-introducing historic pedestrian bridges has been considered in the Concept Plan and associated heritage issues have been adequately addressed in the HIS.

This recommendation of the HIS in relation to the potential for pedestrian walkway through Moreton's Hotel states the following:

"A Conservation Management Strategy (CMS) should be prepared to provide specific guidelines and conservation policies for the implementation and construction of any pedestrian walkway running through or alongside the Hotel. The CMS is not required to address the whole Moreton's Hotel site".

The revised SoC (item 55) commits to the preparation of a CMS to provide specific guidelines and conservation policies for the implementation and construction of any pedestrian walkway running through (with owners consent) or alongside the Hotel.

Issue 2 – Millers Point and Walsh Bay Heritage Review

The Heritage Impact Statement prepared for the concept plan does not take into account the Millers Point & Walsh Bay Heritage Review undertaken by Paul Davies Pty Ltd for the City and recently on public exhibition. This Review included the preparation of a new Heritage Inventory sheet for the Millers Point/Walsh Bay Heritage Conservation Area, which should be referred to as part of any preparation of the East Darling Harbour Site.

Response: The exhibited *Heritage Review* was not considered as the HIS submitted with the Concept Plan had not been completed at the time the exhibition began.

Nonetheless, the significance of Millers Point, and the impact of the proposed development upon it, has been adequately considered in the HIS. A number of other heritage assessments of Millers Point were considered including SHR listings, Sydney LEP 2005 Special Character Area Statement and Department of Housing Millers Point Conservation Area Guidelines. These assessments generally identified Millers Point as significant for reasons similar to those expressed in the Heritage Review. Therefore the significance of Millers Point and the impact of the proposed development have been adequately considered in the HIS.

An earlier draft version of the *Heritage Review* was reviewed by City Plan Heritage on behalf of The Foreshore Authority as part of the HIS.

An initial appraisal of the exhibited *Heritage Review* indicates that potential issues relating to the significance of Millers Point, particularly views, have already been adequately considered within the HIS. Further detailed consideration of heritage view is provided at Section 2.3 of this submission and **Appendix B**.

2.6 Infrastructure Plan, contributions/developer agreements

Issue 1 – Future Consultation Strategy

A more formal and effective consultation mechanism is needed to ensure that all the relevant units of Council and relevant agencies are able to contribute to the formulation of the Infrastructure Plan. As previously suggested, this could comprise a stakeholder committee comprised of staff representatives of Council and relevant Government agencies.

Response: The SoC has been revised to address in further detail the preparation of Implementation Plans relating to Public Domain, Transport & Access, Community and Social and Utilities Infrastructure (refer to items 7-26 in the SoC), including the governance arrangements to be put in place to ensure that the appropriate involvement of Government agencies and infrastructure providers. The revised SoC sets out the parameters of the Implementation Plans and commits to the establishment of Technical Working Groups for them.. The membership of the Working Groups is to be determined by the proponent team and the Barangaroo Taskforce and may include representatives from the Sydney Harbour Foreshore Authority, Department of Planning, City of Sydney Council, State Transit Authority, Sydney Ferries Corporation, Railcorp, Sydney Ports, NSW Maritime, Department of Housing, NSW Roads and Traffic Authority, Sydney Water and/or other infrastructure providers as determined appropriate. Refer to items 7-12 of the revised SoC and Section 6.0 of this Report for further detail.

Issue 2 – Off Site Infrastructure

Of particular concern is that the Infrastructure Plan is only intended to address infrastructure within the site and there is no commitment to considering the provision and financing of off-site infrastructure required as a result of the redevelopment of East Darling Harbour. Amongst other things, it is imperative that consideration be given to the major public domain improvements that are necessary to improve access between East Darling Harbour, Wynyard and surrounding areas.

Response: The SoC has been revised to incorporate the preparation of Implementation Plans (refer above). The need for off site infrastructure improvements relating to vehicular and pedestrian movement will be considered (where relevant) as part of the Transport Management and Access Implementation Plan and Utility Services Infrastructure Plan (refer to item 18 and 21-22 of the SoC). Consideration of the need for public domain improvements and incorporation into the Transport and Access Implementation Plan is specifically identified as a requirement in the SoC. It is, however, noted that consideration and delivery of off site improvements is only required in so far as the need for those improvements can be demonstrated to relate directly to the functioning and amenity of the proposed development and its relationship to surrounding development. Consideration and funding of more general public domain improvements for the benefit of the wider CBD is not required to be borne by the proposed development on the EDH site

2.7 Requirements of Sydney Ports & NSW Maritime

Sydney Ports

In response to the requirement for Sydney Ports to be consulted and involved in providing input into the EDH redevelopment proposals, the SoC ensures full and comprehensive consultation with the Ports Corporation.

The revised SoC specifically ensures that the Sydney Ports Corporation will be consulted on the following aspects of the EDH development:

- All aspects of the EDH redevelopment that affect the operation of the Wharf 8 Passenger Terminal, any additional passenger terminal harbour control tower and the harbour safety function in the Moore's Wharf building;
- The detailed exclusion zone requirements for the Passenger Terminal at future project application stages of development;
- Ongoing consultation during the EDH redevelopment process in accordance with established planning and development approval procedures.

Refer to items 94-100 of the revised SoC.

In addition, Sydney Ports Corporation may be represented (as necessary) on Technical Working Groups which will be established to prepare the Implementation Plans for various aspects of the development. Refer to Section 6.0 of this Report for further detail.

The following responses are provided to specific issues raised by the Ports Corporation.

Issue 1 - Property Description

Page 7, Volume 1 provides a legal description (Lot and DP) for the various allotments included in the EDH site. Some of the DP numbers identified appear to be incorrect.

Response: The Concept Plan will be amended to include the correct property descriptions (Lot and DP numbers) for all land within the EDH site. This will form a Condition of the Concept Plan Approval, as discussed in Section 3.0 of this Report.

Issue 2 - Parking and Servicing of the Passenger Terminal

Sydney Ports requires that the future facility provide as a minimum, the existing number of spaces on site.

Response: The SoC has been revised to ensure that future car parking provided for the Passenger Terminal will be consistent with the current car parking provisions for the facility (refer to item 99 of the revised SoC).

Issue 3 – Temporary Facility

It is understood that the existing Passenger Terminal will be demolished at an early stage of the project, therefore two temporary berths will need to be provided to service the current and future passenger shipping schedules. As these berths will need to be provided for up to 10-15 years, they should not be viewed as “temporary”.

Response: The berths and structure(s) used for the purpose of a passenger terminal during the construction phase of the new Passenger Terminal facility will be described as “Interim” passenger terminal facilities. The Concept Plan will be revised to reflect this via the imposition of a Condition on the Concept Plan Approval. Refer to Section 3.0 of this Report.

Issue 4 – Potential Wharf Structure

It is unclear why the new wharf structure for the Passenger Terminal is delineated as a ‘potential maritime structure’ and not included in the site boundary of the EDH site. It would seem logical to include the structure within the Major Projects SEPP boundary.

Response: The new wharf structure for the Passenger Terminal falls outside the City of Sydney Council administrative area and hence development of the land is not controlled by the Sydney Local Environmental Plan 2005. The new wharf structure is controlled under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is located in the Maritime Waters, zoned W1 under the REP. Public water transport facilities are currently permissible with consent in the W1 zone. There is therefore no requirement to re-zone this part of the waterway under the proposed SEPP amendment for EDH or consequently amend the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. Instead, the proposed development can be carried out with the consent of the relevant authority under the existing zoning arrangements.

Furthermore, the Environment Planning and Assessment Act Model Provisions 1980 states that:

“nothing in the local environmental plan shall be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:

(a) the carrying out of development of any description specified in Schedule 1...”

Schedule 1 of the provisions includes:

- (3) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:*
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or*
 - (b) the formation or alteration of any means of access to a road.*

- (4) *The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:*
- (a) *the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof, or*
 - (b) *the formation or alteration of any means of access to a road.*

Public utility undertakings being wharf undertakings cannot therefore be restricted or prohibited by the consent authority. Accordingly, there is no requirement to re-zone the land to permit the new wharf structure and hence include it within the SEPP Amendment boundary.

Issue 5 - Section 18.5.3 – Special Provisions Relating to Sydney Ports

The comment in point 2 to noise sensitive development should include a reference to port services facility, as well as commercial port facility.

Response: It is requested that DoP amend the SEPP provision identified in Section 18.5.3 “Special provisions relating to Sydney Ports Corporation” of the SEPP Amendment Proposal (October 2006) as follows

To facilitate continued operations by Sydney Ports Corporation it is proposed that:

1. A special provision be included that allows for all works less than \$5 million in capital investment value undertaken by Sydney Ports Corporation on land owned by Sydney Ports Corporation to be subject to Part 5 of the EP&A Act.
2. The following special provision be included to ensure that development that may be sensitive to noise and vibration impacts associated with the operation of any future commercial port facility/**port services facility** (i.e. the new passenger terminal) is not adversely affected:

“Development in proximity to any commercial port facility / port services facility

Development consent must not be granted to development to which this clause applies that the consent authority considers is, or is likely to be, adversely affected by noise or vibration from the operation of any commercial port / port services facility unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures to address amenity impacts.”

Note: ‘**Port services facility**’ and ‘**commercial port facility**’ are as defined above.

4. Additional objectives be included in relation to the RE1 Public Recreation Zone to recognise the continued operation of the passenger terminal and port operations (refer to **Table 3**).

Issue 6 – Section 18.5.7 Exempt and Complying Development

Sydney Ports Corporation would like to be consulted with respect to the exempt and complying development list being prepared.

Response: The revised SoC ensures that the Sydney Ports Corporation will be consulted with throughout the development and implementation of the Concept Plan. This will include consultation with Sydney Ports Corporation in relation to the list of exempt and complying development as it relates to ongoing Sydney Ports Corporation functions on the EDH site. Any exempt and complying development provisions will be publicly exhibited in accordance with the EP&A Act.

Issue 7 – Section 18.5.5 Crown Development and Public Utility Undertakings

This section of the Concept Plan states on page 173 that public utility undertakings will not require development consent under Part 4 of the EP&A Act. Therefore the zoning table on page 168 should be amended to reflect this, and public utility undertakings should be placed in the 'development without consent' column. This provision for public utility undertakings to be considered under Part 5 of the EP&A Act, would be consistent with the Draft Infrastructure SEPP, currently on exhibition.

Response: It is requested that the Land Use Zoning table on page 168 of the Concept Plan is amended to include "public utility undertakings" in the "development without consent" column.

Issue 8 – Section 11.2 – Secure Zone

Figures throughout the Concept Plan should be updated to reflect the 30 metre secure zone and restricted areas at the Passenger Terminal and the second berth.

Response: The SoC ensures that Sydney Ports Corporation will be consulted on the detailed exclusion zone requirements for the operation of the Passenger Terminal and port related facilities.

The 30m exclusion zone is indicated on p.130 of the Concept Plan. This zone is enforceable during ship berthing days and at all other time is accessible public open space. Detailed design of the public domain within the exclusion zone, including operational issues for the activation of the secure zone on ship days, will be the subject of future consultation with relevant authorities including Sydney Ports Corporation. A commitment to consultation with Sydney Ports forms part of the revised SoC (refer to items 94-99).

The second ship berth is indicated in the Concept Plan documentation and is subject to further detail investigations by a Working Group formed between the proponent and Sydney Ports Corporation.

Issue 9 – Section 11.7 New Wharf Structures

(a) Clarification is required regarding the exclusion of the new wharf structure for the Passenger Terminal from the subject approvals process under Part 3A of the EP&A Act.

(b) Sydney Ports also request that more detail be provided on all the proposed new structures that protrude beyond the current wharf line, particularly at the Darling Harbour 3 knuckle, the Darling Harbour 3 eastern and at Darling Harbour 5, to allow their assessment by the Harbour Master.

Response: Item (a) refer to issue 4 above. Item (b) – the SoC has been revised to include consultation with the Sydney Ports Corporation as part of the preparation of the TMAP in relation to the provision of passenger wharf facilities (refer to item 18 in the revised SoC). Refer to Item 12 below for a response to the issue of other protrusions beyond the wharf line.

Issue 10 – Harbour Water – New Coves and Inlets

Sydney Ports objects to the new inlet at the southern end of the site being used for small, non-motorised recreation craft such as kayaks. This inlet should not be permitted to be used for any type of recreational activities for security and safety reasons.

Response: The revised SoC (Commitment 94) ensures that the Sydney Ports Corporation is consulted on all aspects of EDH redevelopment that affect the operation of the Wharf 8 Passenger Terminal, any additional passenger terminal, harbour control tower and the harbour safety function in the Moore's Wharf building. This commitment ensures that Sydney Ports will be further consulted prior to permitting any small non-motorised recreation craft to utilise the proposed new harbour inlet. Use of the harbour water for recreational activities will not be permitted to the detriment of the safety and security of the use of the harbour by Sydney Ports Corporation.

Issue 11 – Sea walls

There are constraints on overhangs or cantilevered structures alongside wharves where ships may berth...Any structures proposed to be erected in close proximity to the berthing or mooring of passenger vessels will need to be designed to sustain berthing and mooring forces applied by these large ships.

Response: This is a matter relevant to the detailed design and will be addressed at the subsequent detailed application stage. In addition, this issue will be addressed as part of the future consultation strategy with Sydney Ports as provided by the revised SoC (Commitment 98).

Issue 12 – Statement of Commitments - Commitment 30 – New Ferry Wharf

An additional commitment should be incorporated in this section which states that Sydney Ports Corporation will be consulted on any proposed ferry wharves or any protrusions proposed beyond the existing wharf lines.

Response: The SoC has been revised to ensure that Sydney Ports and NSW Maritime are consulted regarding any proposals associated with Port Operational Requirements that result in the extension of structures alongside or over water into Sydney Harbour (refer to item 98 in the revised SoC).

Issue 13 – Statement of Commitments – Requirement for a Conservation Management Plan

Sydney Ports objects to the requirement for the preparation of a Conservation Management Plan (CMP) prior to any development taking place at Moore's Wharf.

Response: The requirement for a CMS was contained in the Heritage Section of the originally exhibited SoC (Commitment No. 36). Revised Commitment 57 requires the preparation of a conservation Management Strategy, as distinct from a CMP in circumstances only where a change of use or activity requires substantial alteration to the place.

NSW Maritime

Issue 1 – Development applications for moorings, navigation aids and other public utility undertakings

NSW Maritime object to the proposed requirement for development consent for moorings and any other public utility undertakings, including the installation of navigation aids at EDH.

Response: Noted. Addressed in issue 7 above.

Issue 2 – Vessel traffic management issues

NSW Maritime considers there is a potential to compromise navigation safety as a result of small vessels launching from an area which is in close proximity to the movement and berthing of passenger ships. Once the proposal has been developed in greater detail NSW Maritime will need to be consulted to fully determine the potential for use conflict and to develop appropriate solutions.

Response: The SoC has been revised to ensure that NSW Maritime is consulted regarding any proposal that has the potential to impact upon navigational safety (refer to item 100 in the revised SoC).

Issue 3 – Adjoining land uses and sites

NSW Maritime will need to be consulted, in detail about the following types of uses:

- ***The potential to expand ferry and charter boat operations within the redevelopment site;***
- ***On-going maintenance of seawalls, launching and berthing facilities;***
- ***Proposed encroachments into NSW Maritime's land at Darling Harbour;***
- ***The development of the proposed coves and inlets which will become part of the navigable waters of Sydney Harbour;***
- ***Other issues which will inevitably arise from the interface with NSW Maritime's land;***
- ***Port security matters.***

Response: The SoC has been revised to include an additional commitment to engage in consultation with NSW Maritime regarding the above matters (refer to item 101 in the revised SoC).

2.8 Statement of Commitments

Issue 1 – Terms of Reference for working groups

The SoC needs to go further to address those issues that SHFA and JBA are proposing to be deferred until after the approval has been issued. In order to ensure that the commitments reflect the ongoing process for the delivery of these items they need to address the timing, the terms of reference and the relevant agencies that will be consulted with or form part of a working group to address these issues as the project progresses. This comment relates specifically to:

- *Road/rail/pedestrian infrastructure;*
- *Public transport issues;*
- *Pedestrian connections;*
- *Carparking;*
- *Utilities and infrastructure;*
- *Social facilities;*
- *Affordable housing;*
- *Future development/management of the ports facility; and*
- *Affordable housing.*

Response: The SoC has been revised to incorporate the establishment of Technical Working Groups to prepare Implementation Plans for Public Domain Transport & Access, Community and Social and Utilities Infrastructure. The requirement for the preparation of the Implementation Plans is set out in the revised SoC. The Terms of Reference are to be made publicly available in a manner to be determined by the Barangaroo Taskforce. The governance arrangements for the establishment and operation of the working groups are set out in further detail in Section 6.0 of this report.

3.0 Modifications to Concept Plan/EAR

The following matters have been identified in submissions received from public agencies and the general public in response to the exhibition of the Concept Plan and EAR as requiring correction, modification or clarification. The Foreshore Authority's response to these matters and the manner in which it is proposed to address any required factual corrections is identified in **Table 1** below.

Table 1 – Factual errors/omissions in Concept Plan/EAR

Factual Corrections in Concept Plan/EAR	Action
Incorrect legal description and ownership. Lot 2 DP 876514, Lot 3 DP 876514 and Lot 4 DP 876514 were incorrect.	Legal description to be altered to reflect correct Lot and DP numbers via imposition of Condition on Concept Plan Approval.
Concept Plan refers to Stamford on Kent as a commercial not residential building.	Relevant plan to be updated via imposition of Condition on Concept Plan Approval.
Concept Plan indicates 750 dwellings at page 51 and 600-900 dwellings at page 181 (Dept of Housing)	Noted. 750 dwellings reference at p.51 fits within 600-900 dwg range identified at p.181. No action required.
Fundamental buildings inaccurately portrayed. For example Figure 10 (p. 59), Fig 12.2 on page 109 and Fig 13.9 (p118) – plans are multilayered, with some of the layers offset, impossible to accurately read.	The layering of plans is offset on electronic version only. Refer to hard copy of EAR. No action required.
Shadow diagrams are not accurate.	The shadow diagrams have been prepared at an appropriate scale for the purposes of the Concept Plan.
Conflict between traffic levels projected by Concept Plan and earlier projection by DoP. Concept Plan suggests that peak period Hickson Road traffic will be increased by between 470 and 540 movements per hour. DoP estimate (Option 3 (20% residential) was <i>“increased traffic with approximately 13,000 vehicle trips per day, the majority of which would be in peak hour traffic flows”</i> .	<p>MWT confirm the estimated traffic generated by the East Darling Harbour development of approximately 470 to 540 movements, as described in Concept Plan Traffic Report of 20 September 2006.</p> <p>An industry standard used to estimate daily traffic is to factor peak hour traffic by ten. Given the CBD location, with very high public transport mode share for the journey to work, this factor may be somewhat more than ten, perhaps twelve.</p> <p>Differences in peak hour traffic generation between Concept Plan scheme and DOP Option 3 scheme are likely to be explained by:</p> <ul style="list-style-type: none"> ▪ Landuse quantum and mix ▪ Distribution of landuse within the site ▪ Parking provision and allocation <p>If details of Option 3 are provided, along with traffic estimates, MWT would provide a reconciliation of the two estimates, with an</p>

Factual Corrections in Concept Plan/EAR	Action
	<p>explanation of the sources of difference. It should be noted that the parking provision in East Darling Harbour, especially for commercial uses is stringent, even by CBD standards.</p> <p>Furthermore, preparation of the TMAP and Paramics modelling will:</p> <ul style="list-style-type: none"> ▪ Analyse likely trip making in further detail ▪ Flesh-out measures to reduce traffic generation (e.g., details of pedestrian links, etc) ▪ More extensively test East Darling Harbour's impact on road system operation. <p>The preparation of the TMAP and Paramics model forms part of the revised SoC (refer to item 17 and 18).</p>
Site description fails to consider neighbouring areas.	Neighbouring areas have been fully considered through the site analysis documented in the Concept Plan / EAR. No action required.
Three dimensional models not to scale.	3D Model is appropriately scaled. No action required.
Project documentation does not fairly and accurately show the true impact of the proposed waterfront development – building envelopes are large compared with the indicative building forms. Too much flexibility. Building envelopes that are 20% larger than allowable GFA should be prepared.	Noted. Flexibility to allow design development within maximum envelope is an intentional approach. Note: proposed envelopes and development controls are designed to allow for resolution of more than one building design, and will allow for final building massing and configuration to be resolved in a manner that minimises impact on adjoining development. No action required.
Question about the legal status of the Concept Plan in view of failure to consider statutory items required by cl 79 of the EP&A Act	Section 79 of EP&A Act is not relevant to an environmental assessment under Part 3A. No action required.
City Council note that given that concept plans cannot be approved for prohibited uses, the proposed changes to the planning controls must be made before any concept plan can be approved.	Noted. This is not the case. The Minister may approve partly permissible / partly prohibited development, or since recent legislative change, wholly prohibited development. No action required.
<p>As the concept plan differs from the winning scheme of the international design competition, a list of changes from the winning scheme should be concluded and be made available for comment prior to the approval of the concept plan.</p> <p>A copy of the winning competition entry should be included as an Appendix.</p>	<p>The competition winning scheme provided an urban design configuration for the site and was not intended to be a comprehensive renewal strategy. The urban form in the Concept Plan is derived from the competition winning design. The Concept Plan includes a range of additional detailed information in the areas of infrastructure, marketing, heritage, transport, community, social and cultural agendas which are elements that outline a renewal programme</p>

Factual Corrections in Concept Plan/EAR	Action
<p>Concept Plan fails to achieve the objectives articulated in the EDH Report and falls short of implementing the Jury's recommendations.</p>	<p>for the site. Therefore comparing changes from the winning scheme from the urban design competition to the Concept Plan does not provide meaningful information for the project moving forward. The winning team from the competition prepared the built form and public domain information in the Concept Plan.</p> <p>Provided in Part D, Appendix 5.</p>
<p>Proposed 300 car parking station in Headland park not shown on plans.</p>	<p>Car parking plan to be altered to include 300 car parking station in the Headland Park via imposition of Condition on Concept Plan Approval.</p>
<p>Figures in Concept plan are misleading as they provide no contextual information. Recommended that they should be revised.</p>	<p>Contextual information is shown. No action required.</p>
<p>HIS and Heritage Items Plan do not include the MSB Stores at 34 Hickson Road.</p>	<p>HIS and Heritage Items Plan to be altered to include MSB Stores at 34 Hickson Road via imposition of Condition on Concept Plan Approval.</p>
<p>As the "Temporary Passenger Terminals" will need to be provided for up to 10-15 years, they should not be viewed as "temporary".</p>	<p>Reference to "temporary" passenger terminal to be altered to "interim" passenger terminal via imposition of Condition on Concept Plan Approval.</p>

4.0 Future Consent Authority

The Foreshore Authority has been directed to further consider the appropriate future consent authority regime for the EDH development. Accordingly, it is proposed that the future consent authority for development proposals within EDH will be as follows:

Early works/site preparatory works development application(s)

- Subject to Part 4 of the EP&A Act with the Minister as the consent authority. The Minister would be able to delegate this category of development for assessment and determination to the Sydney Harbour Foreshore Authority.

Development with a capital investment value of not more than \$5 million

- Subject to Part 4 of the EP&A Act with the Minister as the consent authority. The Minister would be able to delegate this category of development for assessment and determination to the Sydney Harbour Foreshore Authority.

Development with a capital investment value of more than \$5 million

- Subject to Part 4 of the EP&A Act with the Minister as the consent authority.

Retaining the Minister as the consent authority will assist in the efficiency and consistency of decision making. The Minister will, however, have the option to delegate minor approval matters (as appropriate) to The Foreshore Authority for determination.

4.1 Crown development and public utilities

As referred to in the State Significant Site proposal (Section 8.5.5 of the EAR), it is proposed to apply Clause 36 from the Standard Template relating to Crown development and public utilities, to the effect that certain specified railway undertakings, and public utility undertakings relating to water sewerage, drainage, electricity or gas undertakings, water transport undertakings, wharf or river undertakings, road transport undertakings etc will not require development consent under Part 4 of the EP&A Act. These undertakings will require assessment under Part 5 of the EP&A Act, as relevant.

5.0 Development Near Zone Boundaries

The State Significant Site Proposal seeks to rezone the EDH site to part RE1 Public Recreation Zone and part B4 Mixed Use Zone in accordance with the Standard LEP Template provisions. The proposed land use zoning arrangements effectively divide the site into two interlocking land use zones, with the RE1 Public Recreation Zone adjacent to the water and the B4 Mixed Use Zone covering the eastern portion of the site, adjacent to existing built form on Hickson Road.

A number of submissions made in response to the exhibition of the State Significant Site Proposal and the Concept Plan raised concern regarding the potential inflexibility of the proposed land use zoning of EDH, to accommodate and foster innovative design responses for the future built form and public domain of the site

One submission raises the possibility of including a “flexible zone boundaries” clause, such as Clause 26 of the Standard Instrument (Local Environmental Plans) Order 2006) “Development Near Zone Boundaries”.

The objective of a flexible zone boundary clause is to provide flexibility over the future development of a site to enable a use allowed in one zone to also be allowed within the adjoining zone, where it would enable a more or equally logical and appropriate development of the site, and is otherwise compatible with the planning objectives and land uses for the adjoining zone.

The EDH Concept Plan is intended to establish the broad parameters for the future redevelopment of EDH based on the outcome of an international design competition. It is not, however, appropriate in the context of this site and the nature of the development that is to take place to be unnecessarily prescriptive and to therefore inadvertently restrict innovation and preclude alternative design solutions in the detailed design of the built form and immediately adjoining public domain from being achieved on the site over the long term.

Therefore, it is proposed to incorporate a “Development Near Zone Boundaries” Clause in the SEPP Amendment to support future flexibility of land use zones. The objectives, proposed wording and justification for the inclusion of this Clause are set out in detail below.

Objective for development near zone boundaries clause

The objective of this clause is to provide flexibility over the future development of the site to enable a use allowed in the B4 Mixed Use Zone to also be allowed on the adjoining RE1 Public Recreation Zone. It is intended to apply this clause only to that area of the RE1 Public Recreation Zone that is immediately to the west of development blocks 2, 3 and 4 and extending no closer than 30 metres from the harbour's edge. The limited applicability of this clause will ensure that future development does not detract from the main urban form principles of the Concept Plan.

In such circumstances, where consent is granted for a use allowed in the B4 Mixed Use Zone on the adjoining RE1 Public Recreation Zone, an area of land equal in size to that on which development is proposed, is to be made available within the B4 Mixed Use Zone for development only for the purposes otherwise permissible in the RE1 zone. This offset in area will ensure that use of the flexible zone boundaries clause does not detract from intent of the Concept Plan to provide approximately 50% of the site area as public recreation space.

Proposed additional clause

The proposed wording for the Development near zone boundaries clause is set out below.

Development near zone boundaries

1. The objective of this clause is to provide flexibility to facilitate development of the southern portion of the site compatible with the planning objectives for its urban renewal.
2. This clause applies to the land that is within the RE1 Public Recreation Zone shown hatched on the map (refer to revised Land Use Zoning Plan (Figure 18.2) in **Appendix C**).
3. Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining B4 Mixed Use Zone, but only if the consent authority is satisfied that:
 - (a) the development will facilitate the achievement of the following overall objectives for development on the site:
 - (i) to focus higher density development towards the southern end of the site, linking into existing higher density development at the western edge of the CBD;
 - (ii) to create major new parklands on the harbour edge, defined principally by a clear public domain edge that defines an eastern 'wedge' that is the mixed use or urban development precinct;
 - (iii) to create a significant new foreshore promenade forming part of the 14 km foreshore walk that reaches from Anzac Bridge in the west to Woolloomooloo in the east;
 - (iv) to establish a new street layout that connects to the existing city street system in a clear and legible way;
 - (v) to provide a range of recreational settings and activities and compatible land uses;
 - (vi) to protect and enhance the natural environment for recreational purposes;
 - (vii) to activate the public domain to be activated by a variety of compatible land uses;
 - (viii) to facilitate the continued operation of port safety and control operations required to support the carrying of goods or persons by water.

Justification

The inclusion of the above Clause in the SEPP Amendment to support the redevelopment of EDH can be justified and supported on the following grounds:

- It allows for flexibility in the Concept Plan, without undermining the design integrity of the southern end of the EDH Precinct;
- It allows for flexibility in building footprint thereby fostering design innovation and design excellence;
- It allows opportunities for alternative design resolution of the manner in which the built form interacts with the public recreation areas;

- It enhances the economic viability of EDH redevelopment opportunities by allowing, in certain specified and outcome controlled circumstances, for a redistribution of built form, whilst still developing within the overall urban design parameters of the Concept Plan ;
- It would allow the redistribution of floor space within the southern portion of the site which has the potential to enhance view sharing from existing development in the surrounding area and improve connectivity within the public domain and back to the CBD.
- It creates the potential opportunity to link the RE1 Public Recreation Zone to Hickson Road and create stronger connections to the City street network, all of which has the potential to address specific issues raised in submissions responding to the State Significant Site and Concept Plan proposal.

6.0 Governance Arrangements

The Foreshore Authority has been directed to further consider the governance arrangements for the Implementation Plans relating to the provision and financing of physical and social infrastructure for the development and how these will be prepared for the site as a whole and/or for specific components or stages of the project.

Accordingly, the SoC has been revised to further detail the preparation and execution of Implementation Plans relating to:

- Public Domain;
- Transport & Access;
- Community & Social Plan;
- Utility Services Infrastructure Plan;

As noted in the revised SoC, the Implementation Plans are to:

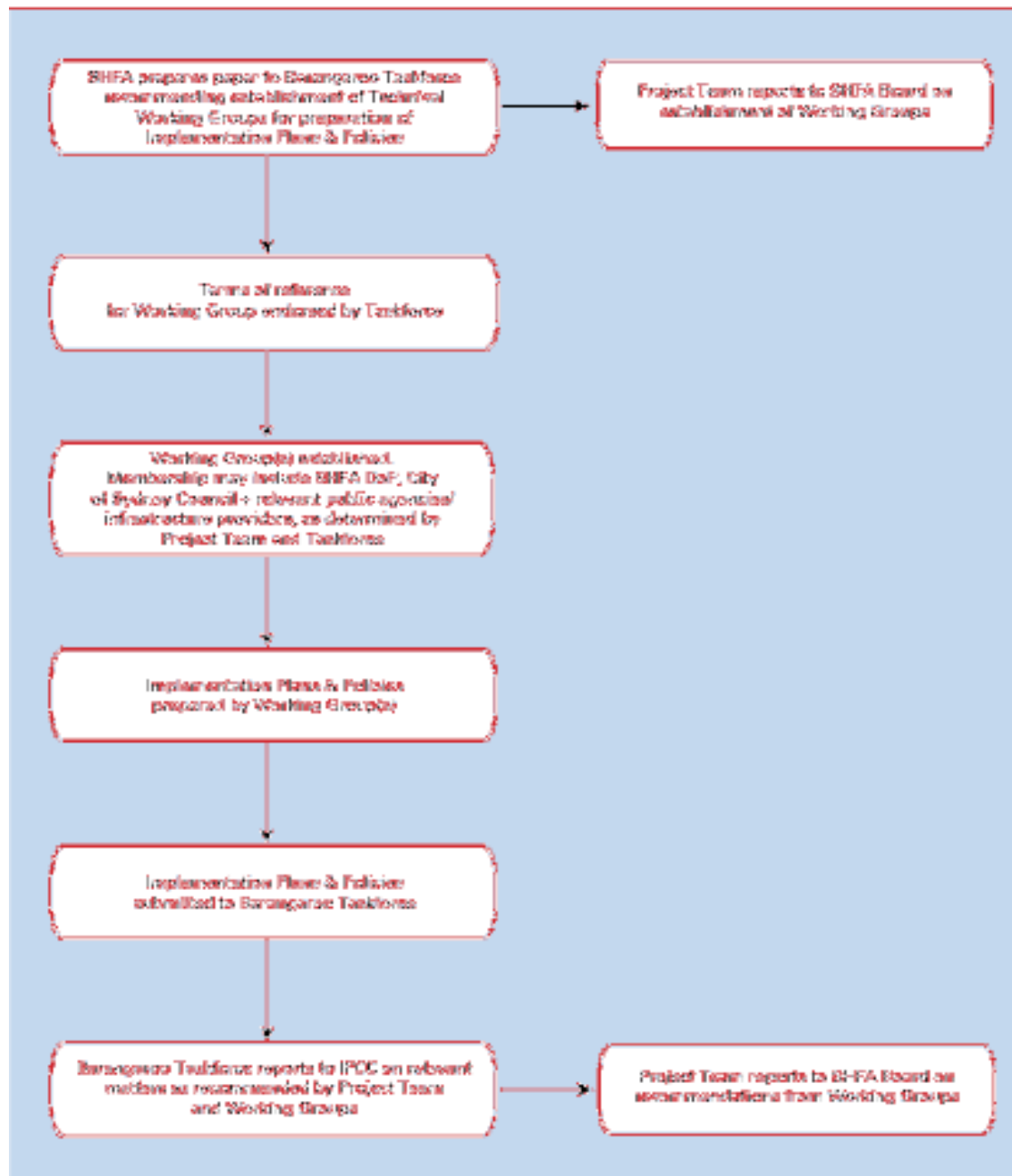
- Verify the scope and accurately cost all of the social and physical infrastructure needed to support the proposed development ,
- Identify the relevant requirements for timing / staging of provision of that social and physical infrastructure,
- Identify any relevant Government agency policy initiatives that will be required to be in place to deliver specific outcomes,
- Provide details with respect to the funding mechanism(s) for delivery of the identified infrastructure; and
- Provide sufficient detail to enable the Sydney Harbour Foreshore Authority to enter into planning agreements with developers, relevant Government agencies, the City of Sydney and the Minister for Planning if required, to obtain contributions towards the provision of infrastructure either through a cash contribution or works-in-kind or both.

In addition, the SoC has been revised to provide further detail on Implementation Policies relating to the following:

- Remediation;
- Design Excellence Strategy;
- Integrated Water Management Plan/WSUD Guidelines;
- Housing Strategy;
- Marketing & Promotions Strategy; and
- Retail Management Plan.

The following flow chart sets out the proposed governance arrangement for each of the above Implementation Plans and Policies.

Governance Arrangement for Implementation Plans & Policies



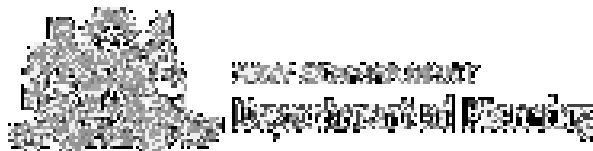
²²Implementation Plans & Policies include: Infrastructure Plan, Public Domain Plan, Transport & Access Plan, Community & Social Plan, Facilitation/Active Plan, Design Excellence Strategy, Integrated Water Management Plan/WSUD Guidelines, Housing Strategy, Marketing & Promotion Strategy, Retail Management Plan

East Darling Harbour 2006 V1

7.0 Revised Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the table included in **Appendix D** sets out the revised commitments made by the Foreshore Authority to manage and minimise potential impacts arising from the redevelopment of EDH.

Department of Planning report on key issues requiring further consideration in Concept Plan/ Statement of Commitments



Attachment A: East Darling Harbour – Key issues requiring further consideration in Concept Plan/Statement of Commitments

The Department has undertaken an analysis of the submitted plans and documentation and identified the following key issues in relation to the state significant site and concept plan proposal that need to be addressed in tandem with all other submissions received.

1) Traffic & transport

- Concern is raised with regard to the cumulative effects of the EDH development on the surrounding local and regional road and public transport system. The RTA notes that the wider traffic implications of the EDH development are to be subject to a comprehensive TMAP, making use of the RTA's PARAMICS micro-simulation model of the CBD. The RTA will provide more detailed advice with respect to the development's cumulative impact of the surrounding regional road network upon receipt of the PARAMICS model traffic outputs.
 - The TMAP will need to build on the initial findings of the Traffic Study prepared by MWT, by investigating the following:
 - a) A cohesive street network connecting land use components and local roads within and to external local and regional roads;
 - b) Calculation of traffic generation;
 - c) Identification of public transport service opportunities and constraints with a view to providing a high level mode of travel to public transport, walking and cycling;
 - d) Likely traffic impacts on local and regional intersections;
 - e) Identification of local and regional infrastructure improvements;
 - f) The timing of traffic and public transport infrastructure improvements in line with the staged development of the EDH site;
 - g) The likely cost of infrastructure improvements and the identification of a funding mechanism.
 - The Statement of Commitment specifies the preparation of a TMAP at the development application stage/project application. The RTA considers the preparation of a TMAP at this stage as inadequate. The TMAP has been used in previous developments as a strategic tool which outlines the cumulative impacts of the development on the road and public transport network as well as identifying the staging and costings of future infrastructure. To do this at the DA stage is considered too late in the planning process. The RTA considers it more appropriate to have a draft TMAP prepared at the Infrastructure Plan stage. This facilitates appropriate assessment and refinement of the traffic and transport requirements at one stage before the determination of the development application/project application.
 - The Transport Concept Plan report outlines significant transport generation from the site but does not adequately assess the impact of this on existing peak passenger services both rail and bus.
 - Ministry of Transport priority issues:
 - Provision of off-road layover facilities within the development for up to 20 buses. This should preferably be an out-of-sight drive-through at-grade or basement arrangement, preferably integrated into a multi-deck car park.
 - An east – west bus link (Erskine Street, Wynyard Street and Regimental Square is suggested). This should include traffic works to provide for bus movements eg. left turn from Clarence into Margaret Street; and left turn from George into Margaret Street.
 - Passenger wharf facilities. This includes at least one public ferry wharf, with appropriate landside facilities, maintenance of a cruise passenger terminal within the
-

- site, plus additional foreshore land retained for "future maritime needs". The developer is expected to fully fund these items.
- Transport Report S4.6 - The assessment of the impact on local intersections does not include the key junctions for buses of Clarence and Margaret Streets and York and Margaret Streets. Given that Napoleon Street and Margaret Street are identified as one of the main access routes for the Development, it is highly likely that these intersections will experience an increased demand. These intersections are already at saturation point during the morning and afternoon peak.

2) Pedestrian connections & circulation

- The pedestrian connections between the existing built fabric of Millers Point and the CBD is unresolved. It is important that circulation and integration between the existing and new fabric is resolved in detail before building envelopes are fixed.
- The route from Wynyard to the site is not clear or direct. It passes under freeways, through pedestrian tunnels and down circuitous stairs. A detailed analysis of pedestrian access from Wynyard and upgrades of that access both in the public and private domain must be included as part of the project.
- Access between Wynyard and East Darling Harbour by footpath and the Kent St tunnel may well be insufficient for the expected weekday pedestrian volumes associated with the development, and is very unlikely to be adequate for special events. There needs to be a high capacity grade separated pedestrian connection between Wynyard St and Hickson Road to supplement the existing low capacity link from Wynyard Station to Kent Street.
- There is a need to investigate a new pedestrian tunnel from Wynyard Station concourse, under Margaret St through to East Darling Harbour. On street access & existing tunnel connections to Wynyard station appears to be quite inadequate.
- Several of the proposed pedestrian connections access the site on upper levels of the proposed buildings. They are an unacceptable route for pedestrians because they remove pedestrians from the street, therefore removing life and activation from the street and reducing safety, they are also inconsistent with the City's controls as overpasses are discouraged having a negative impact on streetscape quality and views and vistas along streets.
- The design also forces pedestrians into privately owned buildings where the owner potentially controls their path of travel. Without provisions managing the detail of these "private" paths they often result in circuitous routes which are closed after business hours (rendering the footway as an unsafe dead-end). The footways should be reconfigured to descend to the eastern side of Hickson Road or to descend to the ground level in the public domain.

3) Views

- The proposed development will have a detrimental impact on views from Pyrmont Bridge by obscuring views of Millers Point, Observatory Hill and the Harbour Bridge.
 - The view impact analysis takes insufficient account of views to and from anywhere within Millers Point except Observatory Hill (the highest point). Note important views and vistas (apart from those from Observatory Hill) identified on page 103 of the *Millers Point & Walsh Bay Heritage Review* include panoramic views from Hickson Road and Merriman Street, as well as views down Argyle Street/Argyle Place.
 - Views from residential units in Kent Street (Stamford on Kent) will be lost. View corridors are primarily north-south at the southern end of the site. Further consideration should also be given to the preservation of east-west view corridors between buildings.
-

4) Built Form

- The proposed 300 car parking station in the Headland Park Area is not shown on the plans or in the development block controls.
- The ground RL must be quoted on the diagrams. It is very difficult to ascertain how many storeys or height in metres of the proposed blocks without this information.
- *Central Sydney Development Control Plan 1996* (DCP 1996) discourages colonnades. The current requirement for colonnades along Hickson Road should either be removed and replaced with a requirement for awnings, or the plan should be amended to include detailed provisions controlling, the depth, height, location of columns and junction between colonnades and awnings (as required on the side streets).
- Central Sydney DCP 1996 sets a street frontage height, with a setback of 8 metres for buildings higher than the street wall. The street wall creates a buffer between high rise towers and a pedestrian's perception of the built form when walking along the street. The setback control also sets an acceptable street-width-to-height ratio. Areas with tall towers (as shown in Blocks 2, 3 and 4 of the concept plan) without this provision often create an uncomfortable environment for the pedestrian, as they are confronted with very tall buildings and canyon-like street proportions. Thus the development block controls for blocks 2, 3 and 4 should be revised to include a street wall with towers setback from it.

5) Heritage

- The proposed pedestrian bridge through Moreton's Hotel (a heritage item) is not supported. This would impact very adversely on the heritage significance of this State Heritage Register listed hotel. Possibly historical research could be undertaken, to examine the concept of re-introducing pedestrian bridges over Hickson Road (where they existed in the past), however any reintroduction would need to consider the effect of removal of pedestrians from the street network and the negative impact on streetscape quality.
- The Heritage Impact Statement prepared for the concept plan does not take into account the *Millers Point & Walsh Bay Heritage Review* undertaken by Paul Davies Pty Ltd for the City and recently on public exhibition. This *Review* included the preparation of a new Heritage Inventory sheet for the Millers Point/Walsh Bay Heritage Conservation Area, which should be referred to as part of any preparation of the East Darling Harbour Site.

6) Infrastructure Plan, contributions/developer agreements

- A more formal and effective consultation mechanism is needed to ensure that all the relevant units of Council and relevant agencies are able to contribute to the formulation of the Infrastructure Plan. As previously suggested, this could comprise a stakeholder committee comprised of staff representatives of Council and relevant Government agencies.
- Of particular concern is that the Infrastructure Plan is only intended to address infrastructure within the site and there is no commitment to considering the provision and financing of off-site infrastructure required as a result of the redevelopment of East Darling Harbour. Amongst other things, it is imperative that consideration be given to the major public domain improvements that are necessary to improve access between East Darling Harbour, Wynyard and surrounding areas.

7) Requirements of Sydney Ports & NSW Maritime

8) Statement of Commitments

The Statement of Commitments needs to go further to address those issues that SHFA and JBA are proposing to be deferred until after the approval has been issued. In order to ensure that the commitments reflect the ongoing process for the delivery of these items they need to

address the timing, the terms of reference and the relevant agencies that will be consulted with or form part of a working group to address these issues as the project progresses. This comment relates specifically to:

- Road/rail/pedestrian infrastructure;
 - Public transport issues;
 - Pedestrian connections;
 - Carparking;
 - Utilities and infrastructure;
 - Social facilities;
 - Affordable housing;
 - Future development/management of the ports facility; and
 - Affordable housing.
-

Supplemenatry view impact analysis

JBA Urban Planning Consultants

VIEW IMPACT ANALYSIS EDH CONCEPT PLAN

1.0 INTRODUCTION

The following view impact analysis has been prepared to respond to issues raised by the Department of Planning following the public exhibition of the proposed listing of EDH as a State Significant Site under State Environmental Planning Policy (Major Projects) 2005 and of the site Concept Plan.

The Department of Planning has identified the following issues raised in public submissions relating to views as being key issues to be addressed by the proponent:

- The proposed development will have a detrimental impact on views from Pyrmont Bridge by obscuring views of Millers Point, Observatory Hill and the Harbour Bridge.
- The view impact analysis takes insufficient account of views to other issues raised in public submissions with respect to and from anywhere within Millers Point except Observatory Hill (the highest point). Note important views and vistas (apart from those from Observatory Hill) identified on page 103 of the *Millers Point & Walsh Bay Heritage Review* include panoramic views from Hickson Road and Merriman Street, as well as views down Argyle Street / Argyle Place.
- Views from residential units in Kent Street (Stamford on Kent) will be lost. View corridors are primarily north-south at the southern end of the site. Further consideration should also be given to the preservation of east-west view corridors between buildings.

In addition to the key issues identified by the Department of Planning, the following material also provides additional information and analysis in relation to the view impact from / to:

- Darling Harbour and Pyrmont to the CBD, including through Gas Lane;
- Waters around Glebe Island, White Bay and Anzac Bridge;
- Water and communities west of Darling Harbour towards the city skyline and waterfront;
- Hickson Road;
- Observatory Tower and Highgate residential towers on Kent Street;
- 23-25 Shelley Street (King Street Wharf);
- 10 Shelley Street (King Street Wharf); and
- Westpac Place (Kent Street).

2.0 PLANNING PRINCIPLES FOR VIEWS, VIEW SHARING AND OUTLOOK

It has been a long standing strategic position of the City of Sydney Council that views, and view sharing, is a matter of specific and particular importance with respect to the potential impact of development on key views and vistas that are available at the street level and generally from / within the public domain.

Central Sydney Development Control Plan 1996 (DCP 1996) acknowledges (refer Section 2.8) that:

- It is important that views to Sydney Harbour and parks be maintained from as many points as possible **at street level**.
- In the redevelopment of some sites consideration should be given to opening up new significant views.
- Vistas are views **along streets** that are terminated by buildings, and can be enhanced with sensitive design of the visually prominent buildings that terminate them.
- The siting and design of new buildings should maintain existing vistas **along streets** to places of architectural, landscape, or cultural significance.

The DCP objectives and provisions identify significant views in the Sydney CBD that are to be protected from encroachment and / or enhanced by building design. The provisions of the DCP also encourage the siting and design of new buildings that open up significant views **from the public domain**. It is noted that the EDH site has not been identified as a contributory element to existing or desirable future significant public domain views (refer **Figure 2-40** from the DCP reproduced at **Figure 1** below).

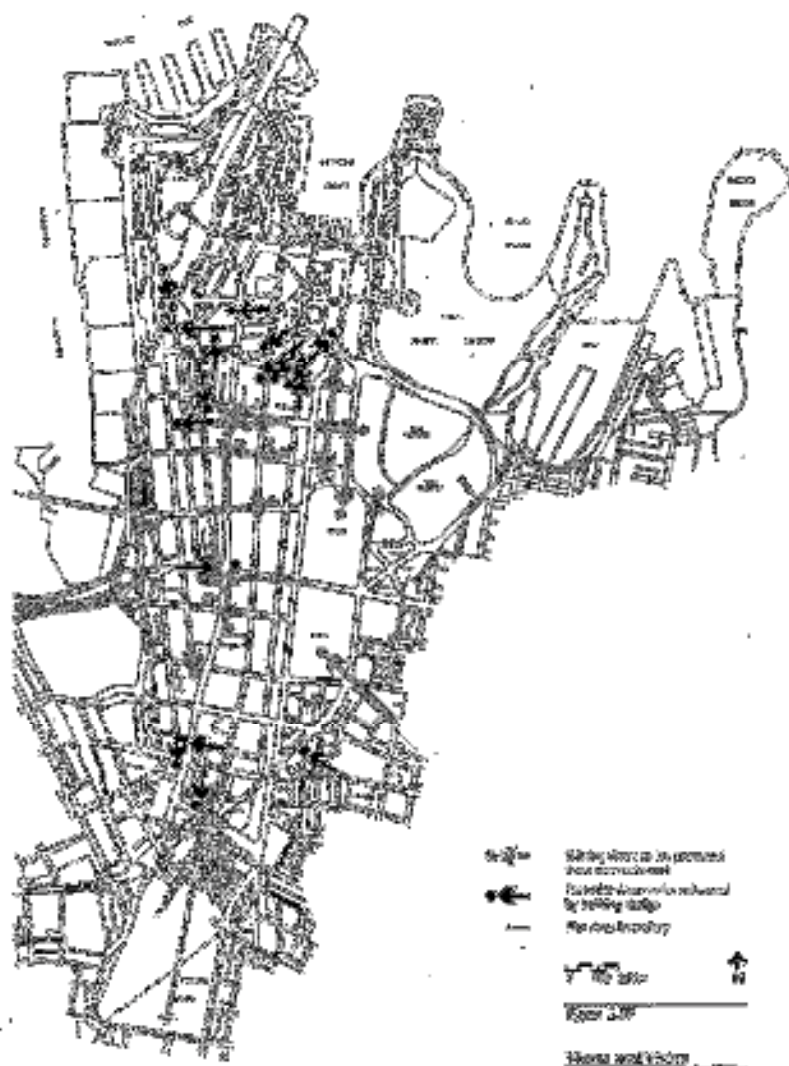


Figure 1 – Central Sydney DCP 1996 – Figure 2-40

The current planning objectives, strategies, principles and development controls for the Sydney CBD have also long recognised that ‘outlook’, as distinct from ‘views’ is the appropriate measure of residential amenity within a global CBD context.

Sections 6.1.11 and 6.1.12 of DCP 1996 clearly articulate the following with respect to outlook and views in relation to the impact of development on existing and future residential amenity:

*“6.1.11 The design of residential buildings and serviced apartments should ensure the **provision of outlook, as distinct from views**, from all dwelling units. **Outlook is considered to be a short range prospect**, such as building to building, while views are more extensive or long range to particular objects or geographic features.*

*6.1.12 **There is no guarantee that views or outlooks from existing development will be maintained.**” (our emphasis)*

It is considered entirely appropriate that the EDH site be treated consistently with other development sites within the Sydney CBD in relation to this issue.

In addition to Central Sydney DCP 1996, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 adopts the following principles for the purpose of achieving its aims:

- “(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
- (b) The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,***
- (c) Protection of the natural assets of Sydney Harbour has precedence over all other interests.”*

The principles of view sharing established by the NSW Land and Environment Court (Tenacity Consulting v Warringa (2004) NSWLEC 140) can be summarised as follows:

- The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.
- Taking a view away in its entirety cannot be called view sharing, although it may, in some circumstances, be quite reasonable.
- To decide whether or not view sharing is reasonable involves a 4 step assessment:
 - 1) An assessment of the view that is to be affected.
 - 2) Consideration from what part of the property the views are obtained.
 - 3) An assessment of the extent of the impact.
 - 4) An assessment of the reasonableness of the proposal that is causing the impact.

It is important to note that the NSW Land and Environment Court principle relating to view sharing was one derived from the consideration of an environmental planning instrument that required development to allow for the reasonable sharing of views.

These principles must be read in acknowledgement of the:

- Clear statements contained within the existing planning controls that apply to the subject site and to all immediately adjoining land as to how private domain views within Central Sydney are to be treated in any environmental impact assessment (ie with minimal, if any weighting applied as a measure of existing or future amenity), as distinct from the value placed on protection and enhancement of public domain views; and
- State Government's strategic policy context for the urban renewal of EDH as a new mixed use precinct with a significant public waterfront park on the western harbour's edge of the Sydney CBD; and
- Outcomes of the Stage 1 and Stage 2 international urban design competition for the site; and
- Planning and urban design principles for redevelopment of the site that have been endorsed as part of that process.

3.0 EXISTING IMPORTANT VIEWS & PLANNING PRINCIPLES FOR THE EDH SITE

In 2005, the Council of the City of Sydney engaged Hill Thalys Architecture + Urban Projects Pty Ltd to undertake a contextual analysis of the EDH site, and to work with the Council to develop principles to guide its future redevelopment.

The *Darling Harbour Wharves Site Study* prepared by Hill Thalys Architecture + Urban Projects Pty Ltd on behalf of the Council identified significant local views to, within and across the EDH site.

This analysis was undertaken independently of the involvement of Hill Thalys Architecture in the EDH Competition process. The analysis culminated in the derivation of a set of planning principles for redevelopment of the site, which were endorsed by the Council on 27 July 2005.

Copies of the Hill Thalys Architecture + Urban Projects contextual analysis relating to views, and of the Council endorsed Site Potential and Principles diagram are reproduced at **Figures 2 and 3** below.

Of key importance to the consideration of appropriate planning and urban design principles for the site, the Study identifies that the **important views** are those local views available from the **public domain spaces** around the EDH site, including from areas within Millers Point, Towns Place, Dalgety Road, Hickson Road, High Street, Munn Street, Argyle Street, Bettington Street and Napoleon Street.

The Study articulates the following planning principles relating to views and view sharing as being appropriate to guide the future redevelopment opportunities for the EDH site:

- Retain significant views across the site to the waterfront.
- Allow for public views across the Harbour from Millers Point (the northernmost part of the site) and Observatory Hill.
- Consider the high visibility of the site from public places including the waterway, harbour edge parks, Sydney Harbour Bridge and Anzac Bridge.
- Protect local views to the site and adjoining waterway from public domain areas in Millers Point and the western side of the city.
- Place highest importance on axial views along streets to the waterfront.
- Allow views from the site and adjoining waterway to natural features including the High Street / Hickson cliff faces and retaining walls.

The Concept Plan proposal, which was prepared by Hill Thalys Architecture + Urban Projects Pty Ltd in conjunction with others fundamentally reflects this analysis and delivers an urban form outcome for the site that translates the above planning principles into a specific urban design outcome.

The recognition of significant views is illustrated on the site characteristics diagram prepared by the Hill Thalys Architecture + Urban Projects, Paul Berkemeir Architect and Jane Irwin Landscape Architecture winning team (IBT) reproduced at **Figure 4** below, and is dealt with in further detail in the following sections of this submission.



Figure 2 - Site Potential & Principles Diagram: Darling Harbour Wharves Site Study



THE DARLING HARBOUR WHARVES SITE STUDY

4.6 Views

Retain significant views across the site to the waterfront.

Allow for public views across the Harbour from Miles Point (the northernmost part of the site) and Observatory Hill.

Consider the high visibility of the site from public places including the waterway, harbour edge parks, Sydney Harbour Bridge and Anzac Bridge.

Protect local views to the site and adjoining waterway from public domain areas in Miles Point and the western side of the city.

Place highest importance on local views along streets to the waterfront.

Allow views from the site and adjoining waterway to natural features including the High St / Hicksondill foreshore and retaining walls.

Local Views



Figure 3 - View Analysis Diagram: Darling Harbour Wharves Site Study

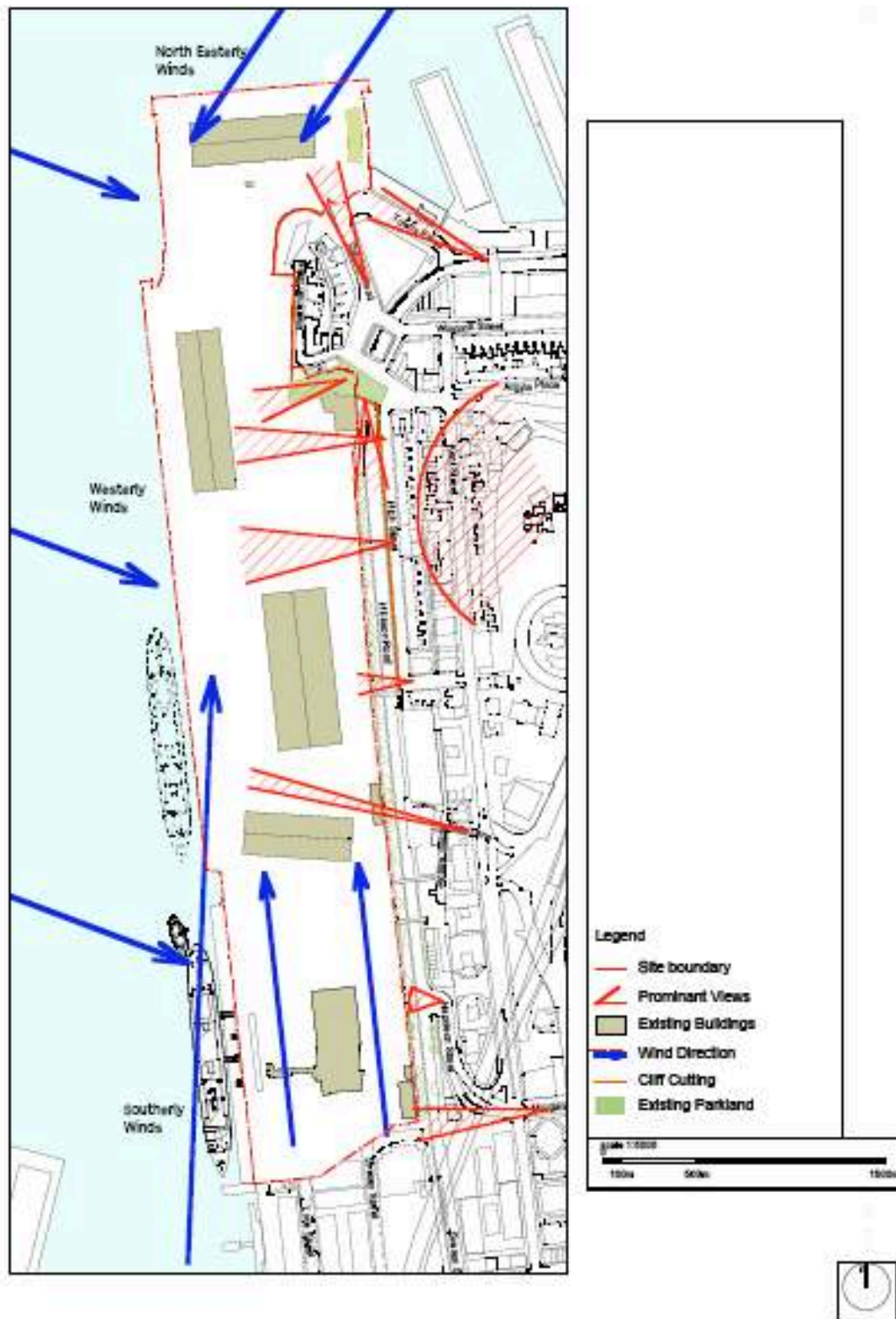


Figure 4 - Site characteristics diagram (prepared by IBT)

4.0 VIEW IMPACT ANALYSIS

4.1 FUNDAMENTAL URBAN DESIGN PRINCIPLES OF COMPETITION WINNING ENTRY

The EDH project is a significant urban renewal project for Sydney. It is the Government's intention that the renewal will leverage and strengthen the Sydney CBD, and hence the State's economy, well into the 21st Century.

The urban form principles of the Concept Plan for the site is based on the winning design of Hill Thalys Architecture + Urban Projects P/L, Paul Berkemeier Architect and Jane Irwin Landscape Architecture (IBT). It is the outcome of the 2005/2006 Government staged international urban design competition, which examined multiple urban form options and urban design / architectural ideas and solutions to help underpin the Government's vision for the renewal of the site.

The urban pattern of the winning competition scheme, and specifically the built form and massing of development within the site, were unanimously endorsed by the Competition Jury.

There are a number of fundamental principles embodied within the winning competition scheme which direct the location, height, scale, bulk, massing and general configuration of the future floor space within the site towards its southern end, and predominantly within proposed development blocks 1 – 4.

These fundamental urban design principles are:

- The urban design structure, which creates major new parklands on the harbour edge, and defines an eastern 'wedge' that is the mixed use or urban development precinct. The public domain is the clear unifying structure that acts as the framework for the development form and integrates the site into the fabric of the surrounding city.
- Higher density development is to be focussed towards the southern end of the site, linking into existing higher density development at King Street Wharf and the western edge of the CBD. To continue a built form dialogue with the adjoining city, building heights across the site generally taper towards the north, with the highest forms concentrated in the block in front of Napoleon Street.
- The street layout for the EDH site is integral to the physical ordering principles of the site as a whole, integrating with existing streets within Walsh Bay, Millers Point, King Street Wharf and the western grid of the city. It is this street layout that provides a framework for the built form, and determines the configuration and massing of the future development.
- To promote equitable access to views towards the harbour, built forms have been arranged to define the street corridors, and to allow view corridors from the existing private buildings to the east.

The redevelopment of EDH in accordance with the above principles and in the manner proposed by the Concept Plan will significantly alter existing views that are available to the west, north west and south west from surrounding development, including from Westpac Place, King Street Wharf, Stamford on Kent, Highgate, and Observatory Tower. Currently, these existing residential and commercial developments experience largely unobstructed views to the Harbour and beyond due to the absence of built form within the EDH site.

The planning and urban design approach for the urban renewal of EDH has been one that seeks, first and foremost, to ensure that future development retains, enhances and / or creates significant views to and from the site **from the public domain**. This includes the protection, enhancement and establishment of views, view corridors and vistas along streets

and pedestrian connections, and from other existing public open spaces. This approach is sound in terms of planning and urban design within a global CBD context.

Outlook from the private domain (eg from surrounding residential and commercial development) has been taken into consideration in the formulation of the public domain framework and built form controls for the future development blocks within the site. Consideration of maximising opportunities for view sharing from adjoining development will continue to be an influence as the detailed design phase of the project progresses, within the planning and urban design context established by the Concept Plan. This is addressed in further detail below.

However, the creation of a public domain that is of significant amenity, is functional and integrates positively with the existing CBD; and the establishment of a vibrant new mixed use precinct with a critical mass that is capable of providing significant economic impetus to Sydney as Australia's trade gateway, is a planning principle that must take primary importance beyond the projection of local private domain views.

4.2 PUBLIC DOMAIN VIEWS & VIEW SHARING

The Concept Plan proposal addresses public domain views and view sharing as follows:

4.2.1 Views from and to Observatory Hill & Millers Point

- The design of the public domain allows visitors to appreciate the history of the site, and new views to the surrounding heritage precinct of Millers Point, including the sandstone cliffs and Observatory Hill.
- Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape. Refer to **View Montages H4** inclusive included in the Heritage Impact Statement submitted as part of the Concept Plan, and reproduced at **Figures 5 - 7** below.



Figure 5 - View Montage H4 – View from Observatory Hill



Figure 6 - View Montage H4 – View from Observatory Hill



Figure 7 - View Montage H4 – View from Observatory Hill

- The Department of Planning has identified the need to take into account important views and vistas identified on p.103 of the Millers Point & Walsh Bay Heritage Review, including panoramic views from Hickson Road and Merriman Street, as well as views down Argyle Street / Argyle Place. The views identified in the *Millers Point & Walsh Bay Heritage Review* (which was publicly exhibited just prior to completion of the Heritage Impact Statement for the subject proposal) have been considered in the formulation of the Concept Plan proposal and are addressed in the Heritage Impact Statement that was submitted with the application as follows:
 1. Panoramic views from Hickson Road: This is incorrect, such views do not exist due to existing wharf development that have not been identified in the Heritage Review. The actual view identified in the Heritage Review is the panoramic view from High Street which has been considered under the discussion of impact upon the Millers Point Conservation Area.
 2. Panoramic views from Merriman Street: The proposed parkland below Merriman Street will ensure that there is no adverse impact to this existing view.
 3. Views down Argyle Street: This view will not be affected by the proposed development. This is an internal view partially obscured by the natural ridge line and that terminates at the Palisades Hotel to the west.

It is noted that p.102 of the Heritage Review states *“The potential re-development of the wharves to the west will have an impact on views to and from the area and design solutions should consider retaining views in this area within the context that historically wharf buildings occupied the area with views only available to the buildings on Kent Street and Observatory Hill.”*

Views identified as important with respect to Millers Point and Observatory Hill are recorded in Attachment B and are discussed in detail in Section 6.0 of the Heritage Impact Statement submitted with the Concept Plan proposal as they relate to places of identified heritage significance, particularly to the Millers Point Conservation Area.

- Major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill will be retained, and in some places improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Refer to **Concept Plan Figure 11.5 –Harbour Context** and **View Montages H6 – H7** inclusive included in the Heritage Impact Statement submitted as part of the Concept Plan and reproduced at **Figures 8 – 10** below.

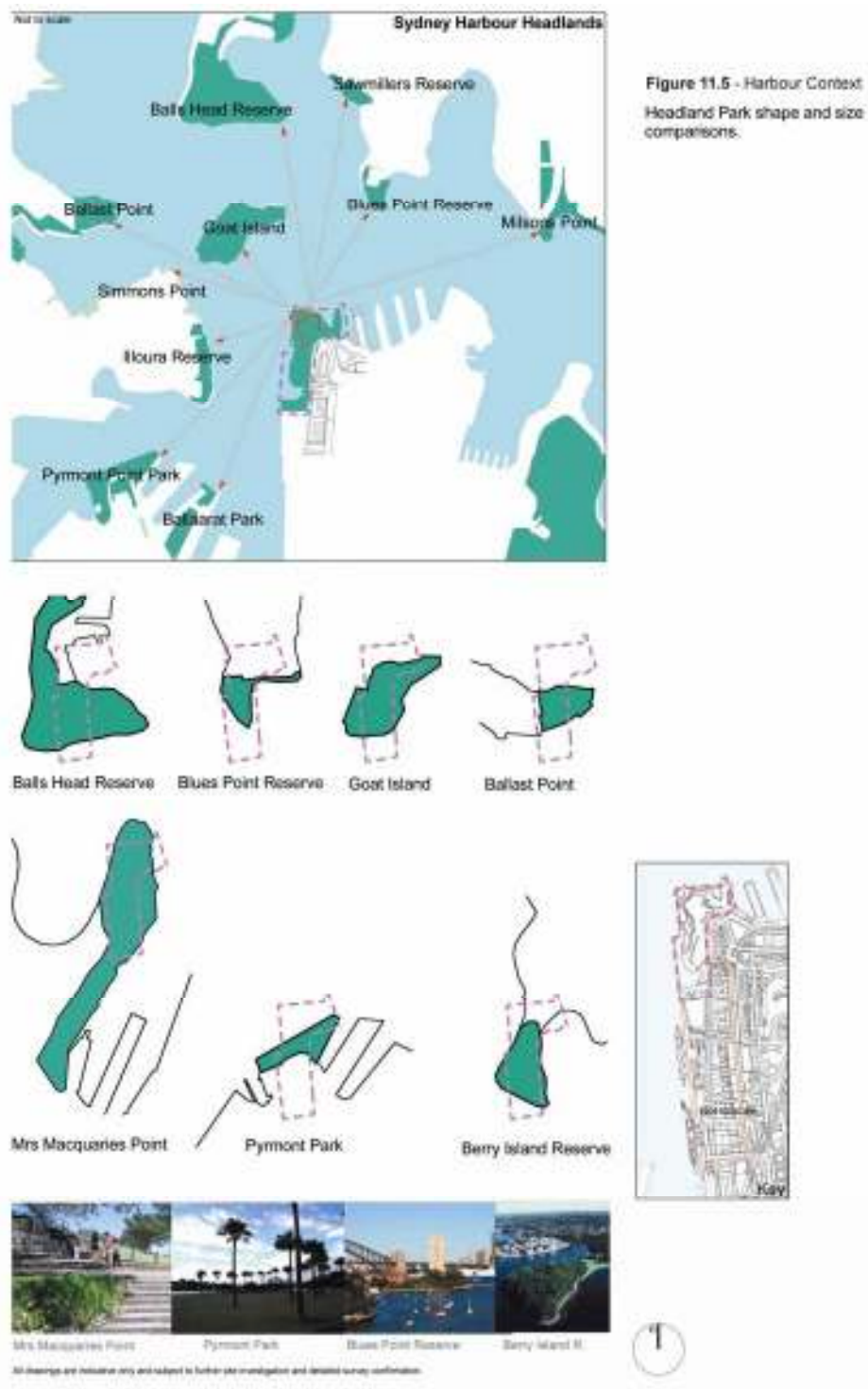


Figure 8 - Concept Plan Figure 11.5 – Visibility of site, and views and vistas to new headland park from surrounding key vantage points on Sydney Harbour



Figure 9 - View Montage H6 – View to headland, Millers Point & Observatory Hill from Balls Head Reserve



Figure 10 - View Montage H7 – View to headland, Millers Point & Observatory Hill from Balmain

4.2.2 Public domain views across and within EDH

- The Headland Park will have a high point opposite Clyne Reserve which will emphasise the green backdrop when viewed across the Harbour. Gathering spaces in this elevated area will allow distant vistas to other harbour foreshores and facilitate viewing of harbour events such as the New Year's fireworks. The design principles for the Headland Park establish elevated panorama views to the water from the park, and framed street views to the park and water as illustrated on **Concept Plan Figure 11.6 – Design Principles – Headland Park**, reproduced at **Figure 11** below.



Figure 11 - Concept Plan Figure 11.6 – Elevated public domain and framed street views to the water

- As a new precinct of the city, there will be pedestrian connections back to the city including 5 new proposed elevated pedestrian bridges over Hickson Road to Millers Point and beyond – significant new public domain views to the Harbour, and foreshore, will become available.
- Many of the new streets and pedestrian bridges within the development have been aligned to provide water vistas, bringing the surrounding network of city streets and the harbour together. The principles relating to visual connectivity between existing areas to the east and the Harbour are illustrated on **Concept Plan Figure 9.2 – Connectivity**, which is reproduced at **Figure 12** below.



Figure 12 - Concept Plan Figure 9.2 – Retention, enhancement and creation of significant views and vistas along streets

- Views and vistas are provided from Hickson Road and High Street, and from the elevated pedestrian bridges along Munn Street, Little Clyde Street, Agar Street, Healy Street, Bull Street, Napoleon Street and Margaret Street West. Refer to Concept Plan Figures 11.8 & 11.11, reproduced at **Figures 13** and **14** below. Key views along those public domain axis are illustrated on View Montages H2, H3 & H5 reproduced at **Figures 15 – 18** below.
- The Heritage Impact Statement submitted with the Concept Plan proposal takes into account views along Hickson Road and various locations along High Street. The views

considered are those significant views associated with Millers Point that have the potential to be affected by the proposal.



Figure 13 - Concept Plan Figure 11.8 – Retention, enhancement and creation of significant views and vistas along Munn Street, Little Clyde Street and Agar Street, and through building separation zones

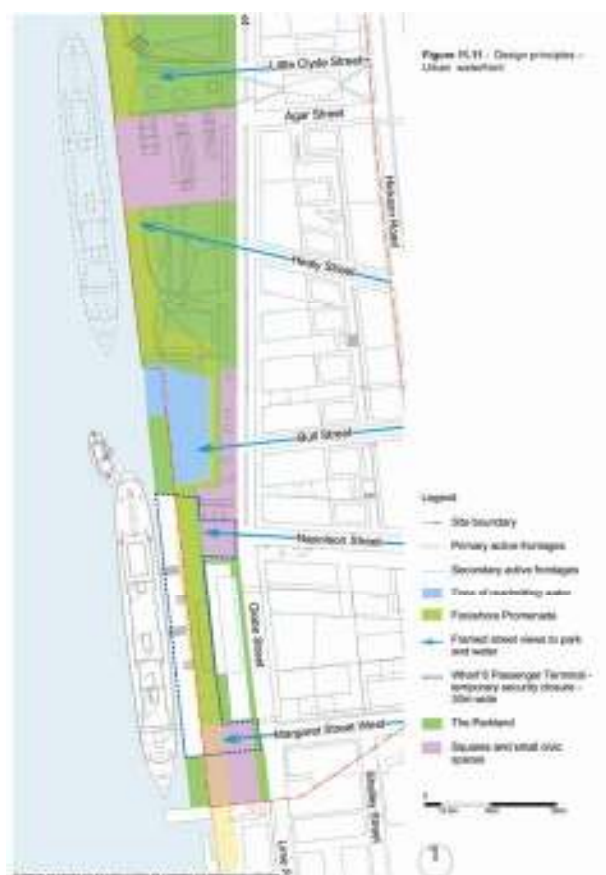


Figure 14 - Concept Plan Figure 11.11 – Retention, enhancement and creation of significant views and vistas along Healy Street, Bull Street, Napoleon Street and Margaret Street West



Figure 15 - View Montage H2 – View from High Street towards water along Munn Street



Figure 16 - View Montage H3 – View from High Street towards the water along Agar Street



Figure 17 - View Montage H5 – View from Hickson Road / High Street to water through new public domain



Figure 18 - View Montage H1 – Hickson Road

- Existing views down Gas Lane are preserved by the proposed development, which incorporates a new street (Healy Street), which aligns with Gas Lane providing an uninterrupted public domain view to the water.
- Currently, a view from Pymont Bridge to Millers Point is only available from the western extremity of the Bridge due to existing development. The Millers Point Conservation Area is only perceptible through the difference in scale compared to development immediately to the south and not through the ability to appreciate the physical fabric. This quality will

be maintained through tapering of the scale of the proposed development. Due to the alignment of the view Observatory Hill and the significant roof scape are not prominent. Specific elements such as Millers Point Headland proper, Dalgety Bond Store and the Palisade Hotel are visible. Due to their location and the scale of proposed development in the immediate vicinity adverse impact upon the ability to appreciate the significance of the items is unlikely to occur.

- The issue of loss of views from the water and communities to the west of Darling Harbour to the CBD and city skyline has been raised. It is considered that no adverse impact to the city skyline or CBD views will result from the proposal. To the contrary, the proposed development will contribute to and make a bold statement with respect to the skyline along the western edge of the CBD. The building form integrates with the existing high density development to the west and south.

4.3 PRIVATE DOMAIN VIEWS, VIEW SHARING AND OUTLOOK

The key private domain views that will be impacted upon by the proposed development are those relating to:

- Observatory residential tower (Kent Street);
- The Stamford on Kent residential tower;
- Highgate residential tower (Kent Street);
- Westpac Place (Kent Street); and
- King Street Wharf, 10 and 23-35 Shelley Street.

The main view impacts arising as a consequence of the proposed development are those related to the proposed built form within development blocks 1 – 4, and particularly within development blocks 2 – 4. These view impacts can be summarised as follows:

Observatory Tower

- The zone of potential view impact from Observatory Tower at 168 Kent Street is restricted to the north-west and south-west facing elevations of that building only, and to views from those elevations to the west and south west only. Views to the north-west, north, east and south will be unaffected by the proposal.
- With respect to the north-west facing elevations, views north of the alignment of Gas Lane will remain largely unaffected by the proposed development given that the proposed development on blocks 5 – 6 is to be restricted to a maximum of between RL 29 and RL 34. The elevated position of Observatory Tower means that views from the mid and upper levels will remain substantially unaffected across the top of the new buildings. This is clearly illustrated by the photomontage sections included in the Heritage Impact Statement submitted with the Concept Plan proposal.
- Views from the south-western elevation of Observatory Tower across proposed development blocks 1, 2 and 3 towards Darling Harbour will be interrupted by the proposed development. These views are, however, already interrupted by the existing development along Kent Street and Jenkins Street, including Highgate and the Stamford on Kent. Further to the south these views are interrupted by the Maritime buildings, and the high rise development along the western edge of the CBD.
- A minimum 12 metre view corridor (above RL 34) will be available from the north-western and south-western elevations of Observatory Tower to the west through proposed development block 4. The development controls for block 4 (refer below) are such that this corridor may in fact be wider following the determination of final building footprints as part of the detailed design phase of the development.

Stamford on Kent

- The zone of potential view impact from Stamford on Kent at 183 Kent Street affects the north, south and west facing elevations of that building, with the principal impact being to the western façade. Views to the north, east and south will be unaffected by the proposal.
- With respect to north-westerly views, as with Observatory Tower, significant views north of the alignment of Gas Lane will be largely retained given the restriction of maximum building height on proposed development blocks 5 – 6 to a maximum of between RL 29 and RL 34. The Stamford is understood to have a maximum height of RL 102. Although views will be interrupted in part, and some direct views to the harbour's edge effected, the elevated position of Stamford on Kent means that views from the mid and upper levels in this direction will remain substantially unaffected across the top of the new buildings.
- Direct westerly views from the western elevation of Stamford on Kent across proposed development block 4 towards Darling Harbour will be those most significantly effected by the proposed development. It is acknowledged that these views will be substantially interrupted from all levels of the Stamford on Kent above RL 38 (the height of the Bond at 30 Hickson Road).
- The Concept Plan proposal, and the development block controls contained at Section 13.3 have sought to achieve a view sharing outcome for apartments with a western outlook from Stamford on Kent by allowing for:
 - Potential gaps to be established between tower elements where possible for building articulation, and to give vista through block. This may include a minimum 12 metre view corridor (above RL 34) to the west through proposed development block 4.
 - A minimum separation distance of 12 metres is required between building forms above RL 34.
 - Building heights are staggered to allow for an opening out of views to the north-west and south-west.
 - The north south building length of above podium elements is limited to 24 metres.

In combination, the establishment of corridors (of a minimum of 12 metres in width) across development block 4, may permit glimpses through to Darling Harbour and beyond from the Stamford on Kent.

- The Department's attention is drawn to the submission made on behalf of the owners of Stamford on Kent by Architectus. This submission includes a view cone illustration and sections / photographs illustrating the zone of view impact associated with the proposed development.

Highgate

- The zone of potential view impact from Highgate at 127 Kent Street principally affects the west facing elevation of that building only, relating to views to the north-west, west and south-west. Views to the north, east and south from Highgate will be unaffected by the proposal.
- Highgate is located north of the alignment of Gas Lane, and therefore north of proposed development block 4. With the development on block 5 restricted to a maximum height of RL 34, and development further to the north on block 5 restricted to a maximum height of RL 29, significant northerly, north westerly and westerly views will be retained by the proposed development from the medium and upper levels of this building. The Highgate tower is understood to have a maximum height of RL 125. Although views in these directions from the lowest level of the building may be interrupted in part, and some direct views to the harbour's edge effected, the elevated position of Highgate means that a high degree of view sharing is nevertheless achieved.

- Directly westerly and south westerly views from the western elevation of Highgate across proposed development blocks 4 and 5 towards Darling Harbour will be those most significantly effected by the proposed development. It is acknowledged that views back towards the south west will be substantially interrupted from all levels of Highgate.

Westpac place

- The zone of potential view impact from Westpac Place principally affects the north facing elevations of that building only, relating to views to the north-west. Views to the north, east, west and south from Westpac Place will be unaffected by the proposal.
- Westpac Place is located south of the alignment of the Western Distributor. The development on blocks 2 - 4 will substantially interrupt north-westerly views from this building. Nevertheless, given that Westpac Place will continue to enjoy significant westerly views across Darling Harbour, this impact is not considered to be such that a significant loss in amenity to this commercial development will result.

King Street Wharf

- The zone of potential view impact from existing buildings within the King Street Wharf precinct principally affect the north facing elevations of those buildings only, relating to views to the north and partially to the north-west. Views to the east, west and south from King Street Wharf will be unaffected by the proposal.
- King Street Wharf is located to the immediate south of the EDH site. The development of the site to achieve significant urban renewal consistent with its global CBD context would result in a loss of direct northerly views from King Street Wharf regardless of the manner in which it was determined to distribute the floor space across the site. Whilst the impact on existing views from King Street Wharf is acknowledged, this impact is not considered to be unreasonable in the context of redevelopment of the subject site.

Notwithstanding that the overall approach to views, vistas and view sharing embodied within the Concept Plan is to preserve, enhance and create significant public domain view corridors to, from and within the site, as identified above, the proposed development controls for blocks 2 – 4 (being those blocks of key potential impact with respect to private domain views) have sought to address private domain view sharing (refer to Section 13.3 of the Concept Plan):

Block 2

- Provide view opportunities from within and through the block.
- Create a gap in built form above podium level to give clear view of the sky from Shelley Street.
- A minimum separation distance of 10 metres is required between above podium building elements.
- The north south building length of above podium elements is limited to between 24 – 36 metres.

Block 3

- Provide opportunity for vista through block.
- The maximum building heights adjacent to the water are staggered to allow for an opening out of views to the south-west.
- The north south building length of above podium elements is limited to 24 metres.

Block 4

- Retain vista between buildings above RL 34.
- Provide gaps between towers where possible for building articulation, and to give vista through block.
- A minimum separation distance of 12 metres is required between building forms above RL 34.

- Building heights are staggered to allow for an opening out of views to the north-west and south-west.
- The north south building length of above podium elements is limited to 24 metres.

During the detailed design phase of the proposed development, these principles and development controls would potentially allow for further opportunities to be explored with respect to view sharing from existing development to the west to the water. It is, however, important that any such opportunities are considered within a clear understanding of the maximum extent of impact that arises from the maximum building envelopes proposed in the Concept Plan.

5.0 CONCLUSION

The Concept Plan has been developed with a number of principles in mind and the protection of key views from the historic precincts is one of these principles. The concept, as detailed elsewhere, is to provide for full public access along EDH and to provide commercial uses and residential accommodation to complement the City, and to enliven this new urban precinct.

Densities have been determined in accordance with development factors whilst maintaining the principal of lowering heights towards the north, providing interpretation of the landform features, and allowing key vistas to and from Millers Point and Observatory Hill. The overall concept is aimed at ensuring the historic precinct of Millers Point can be viewed from key vantage points across the harbour; and that the harbour form and the relationship to suburbs within the view shed can be viewed and understood from Millers Point. Specifically, the Concept Plan provides:

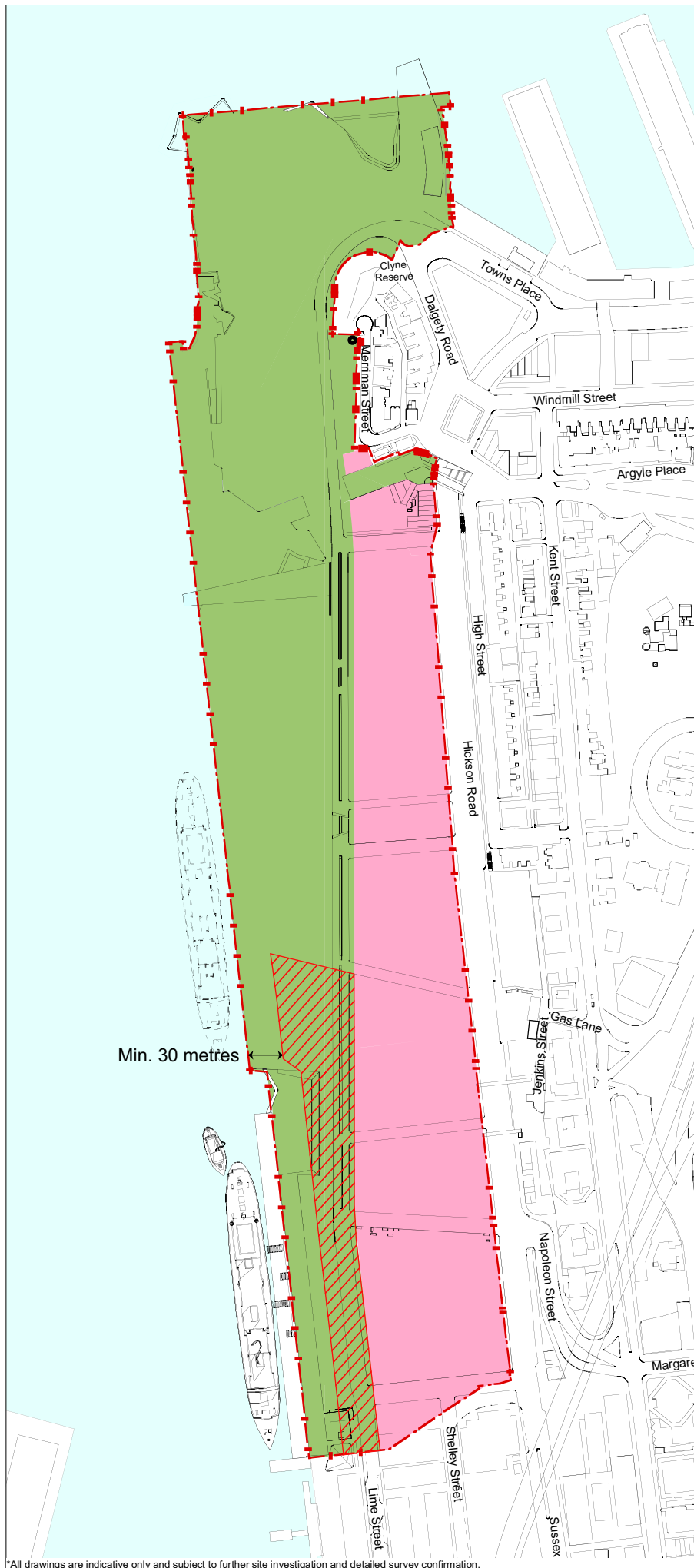
- Public access for the first time on a major section of city harbour foreshore, which will create many new views from the site thereby providing a new appreciation of the harbour and Millers Point.
- Improved views to the site by the removal of the existing warehouse structures, and the appreciation of the Millers Point headland cutting will be increased by establishing immediate views from the proposed parklands.
- Views across the site from the harbour to Millers Point or Observatory Hill Park, or from Observatory Hill Park and Millers Point to the opposite harbour foreshores, by the removal of the existing sheds and the location of new buildings to the south of the site or buildings of a low scale towards the northern end.
- A new road and pedestrian path network, which connects into the existing street pattern extending and interpreting the planned and lost street alignments. Access into the site via historic paths such as Munn Street and the High Street pedestrian bridge. Views and vistas will be retained, enhanced and established throughout this public domain network.

The Concept Plan will deliver a built form that is appropriate to the site's context and to the desired urban form and scale for the western part of the Sydney CBD and is of an appropriate density to capitalise on the site's attributes. The development provides a transition in building height across the site, limiting the height of buildings on the northern portion of the site and ensuring that taller buildings are directed towards the southern part of the site, where they are compatible with the higher density city scale development to the south and west.

The built form reinforces the landmark significance of the site, maintains significant view corridors within the site and from the public domain surrounding the site towards Sydney Harbour, and achieves view sharing principles from existing surrounding development. The urban structure of the site, including the street layout and urban form, has been designed to reflect the surrounding street pattern and 'urban grain', and to preserve existing view corridors to the water from Towns Place, Munn Street, High Street, Gas Lane, and Napoleon Street.

Revised Land Use Zoning Map

JBA Urban Planning Consultants



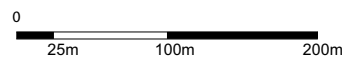
Min. 30 metres

Legend

- Site boundary
- Zone B4 Mixed Use
- Zone RE1 Public Recreation
- Land on which "Development Near Zone Boundaries" Clause is applicable



scale 1:5000



*All drawings are indicative only and subject to further site investigation and detailed survey confirmation.

Revised Statement of Commitments

Subject	Commitments	Timing
Design Excellence Strategy	<ol style="list-style-type: none"> 1. A Design Excellence Strategy that clearly articulates a process to achieve quality in both the private built form and the detailed design of the public domain (streets, pedestrian connections, parks and squares) is to be prepared. 2. The Design Excellence Strategy may include the preparation of site specific design guidelines, articulate a process(es) for the conduct of design competitions for major developments and the design of public open spaces, and / or establish a competitive tender process for individual development site(s). 3. A Technical Working Group is to be established to prepare the Design Excellence Strategy. The membership of the Working Group is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006). 4. The Terms of Reference for the Technical Working Group is to be consistent with the requirements for preparation of the Design Excellence Strategy specified in this Statement of Commitments and are to be endorsed by the Barangaroo Taskforce. 5. The Design Excellence Strategy is to be submitted by the Working Group to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the proponent team and Working Group. The proponent will report to the Sydney Harbour Foreshore Authority (SHFA) Board on recommendations from the Working Group. 6. Following endorsement, the Design Excellence Strategy is to be made publicly available in a manner to be determined by the Barangaroo Taskforce. 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application relating to buildings or to the establishment of the public domain, other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Provision and Financing of Social and Physical Infrastructure	<p>7. The following Implementation Plans will be prepared for the site as a whole and / or for specific components or stages of the project:</p> <ul style="list-style-type: none"> ▪ Public Domain Plan; ▪ Transport Management Plan & Access Plan; ▪ Community & Social Plan; and ▪ Utility Services Infrastructure Plan. <p>8. The Implementation Plans are to:</p> <ul style="list-style-type: none"> ▪ Verify the scope and accurately cost all of the social and physical infrastructure needed to support the proposed development . ▪ Identify the relevant requirements for timing and staging of provision of that facility, service or physical infrastructure. ▪ Identify any relevant Government agency policy initiatives that will need to be in place to deliver specific outcomes. ▪ Provide details with respect to the funding mechanism(s) for delivery of the identified infrastructure. ▪ Provide sufficient detail to enable the proponent to enter into planning agreements with developers, relevant Government agencies, the City of Sydney Council and / or the Minister for Planning if and as required, to collect contributions for the provision of infrastructure either through a cash contribution or works-in-kind or both. 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application relating to buildings or to the establishment of the public domain, other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Provision and Financing of Social and Physical Infrastructure cont...	<p>9. Technical Working Groups are to be established to prepare the Implementation Plans. The membership of the Working Groups is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006), and may include or consult with representatives from the Sydney Harbour Foreshore Authority, Department of Planning, City of Sydney Council, State Transit Authority, Sydney Ferries Corporation, Railcorp, Sydney Ports, NSW Maritime, Department of Housing, NSW Roads and Traffic Authority, Sydney Water and / or other infrastructure providers as is determined appropriate.</p> <p>10. Terms of Reference for the Technical Working Groups are to be consistent with the requirements for preparation of the Implementation Plans specified elsewhere in this Statement of Commitments and are to be endorsed by the Barangaroo Taskforce.</p> <p>11. The Implementation Plans are to be submitted by the Working Groups to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the proponent team and Working Groups. The proponent will report to the SHFA Board on recommendations from the Working Groups.</p> <p>12. The Implementation Plans may be updated throughout the development of the project. Following endorsement, the Implementation Plans are to be made publicly available in a manner to be determined by the Barangaroo Taskforce.</p>	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Public Domain Plan	<p>13. The Public Domain Plan referred to at Commitment 7 above is to include the following as generally described in the Concept Plan:</p> <ul style="list-style-type: none"> ▪ An introductory explanation for the types, hierarchy, inter-relationships of spaces, and the appropriateness of these spaces to the end users of the public domain. ▪ A new Headland Park. ▪ Waterfront parks and squares. ▪ A foreshore promenade. ▪ An informal sports playfield. ▪ A north south pedestrian promenade street. ▪ An internal street system that 1) defines development blocks, 2) provides for the easy flow of people and vehicles, 3) acts as a comfortable stage for activity and human interaction, 4) creates a distinctive address for each new development building; and 5) creates a connection between Hickson Road and the harbour edge. ▪ On-street bicycle lanes to create a route utilising Napoleon Street, the Napoleon Street extension, and the proposed Globe Street. ▪ An off-street cycle route within the Headland Park to link between proposed Globe Street and Hickson Road (north). ▪ Shared use of the pedestrian promenade street by bicycles. <p>14. The Public Domain Plan is to provide design details with respect to the following:</p> <ul style="list-style-type: none"> ▪ Indicative levels in the parks, edge conditions of parks and pedestrian connections through parks. ▪ Materials and planting. ▪ Safe and convenient walking routes and facilities. ▪ Street furniture. 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Public Domain Plan <i>cont...</i>	<ul style="list-style-type: none"> ▪ Design standards for the road network (dimensions, materials, drainage), kerb parking and loading spaces, crossings, cycling and taxi facilities, including bicycle parking facilities). All extensions to the existing road network within the EDH site are to comply with the geometric requirements of the RTA road design guide. ▪ The mix of parking/loading/other kerb controls. ▪ Design requirements / guidelines for integrated water management / water sensitive urban design consistent with the Integrated Water Management Plan referred to at Commitment 23. ▪ Design requirements and details relating to the recreation facilities as referred to at Commitment 19. ▪ Requirements for a public parking structure of up to 300 car spaces in the Headland Park area. <p>15. The Public Domain Plan is to incorporate a Public Art Strategy.</p> <p>16. In addition to the general matters specified at Commitment 8, the Public Domain Plan is to address:</p> <ul style="list-style-type: none"> ▪ The future ownership and maintenance of parks. ▪ The feasibility, both conceptually and financially, of establishing the elevated Headland topography. 	
Transport Management & Access Plan	<p>17. The Transport Management & Access Plan (TMAP) referred to at Commitment 7 above is to be prepared following:</p> <ul style="list-style-type: none"> ▪ An assessment of the area wide traffic impacts of the development on the Sydney CBD road network using the RTA's PARAMICS traffic model (including the effects of changes to the bus service network). ▪ The preparation of the TMAP or equivalent to investigate the following: <ul style="list-style-type: none"> (a) a cohesive street network connecting land use components and local roads within and to CBD streets and regional roads; (b) the method by which traffic estimation figures are generated; (c) identification of public transport service opportunities and constraints with a view to encouraging a high level of travel by public transport, walking and cycling; 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Transport Management & Access Plan <i>cont...</i>	<p>(d) likely traffic impacts on local and regional intersections – including the key junctions for buses on Clarence at Market Street, York at Market Street, and Napoleon at Margret Street;</p> <p>(e) identification of local and regional infrastructure improvements;</p> <p>(f) the timing of traffic and public transport infrastructure improvements so they are in line with the staged development of the EDH site.</p> <p>The PARAMICS model is to be used in an iterative manner during the preparation of a TMAP or equivalent to test:</p> <p>(b) impact on traffic operation of changes to pedestrian movements and volume configurations;</p> <p>(c) different bus access strategies; and</p> <p>(d) variations in traffic generation estimates (depending on the relative attractiveness of pedestrian, rail, and bus access).</p> <p>The outcomes of the area wide traffic impact modelling are to form part of the consideration of the physical road transport infrastructure to be addressed in the preparation of the TMAP.</p> <p>18. The Transport Management & Access Plan is to consider and address the following matters:</p> <ul style="list-style-type: none"> ▪ Design and construction of a traffic signal controlled intersection at Sussex Street / Napoleon Street, to facilitate the main point of vehicular entry into the development site intersection (to RTA requirements). ▪ The feasibility of future specialist transport services to the site (including light rail, boutique tourist bus services, river metro route) and the need to protect possible future alignments for these services. This is to include a possible future light rail system with appropriate reservation of road space, on Hickson Road. ▪ Off site improvements that will facilitate pedestrian and cycle access between the site, Wynyard Railway Station, Millers Point, the Rocks, Circular Quay and Dawes Point. This is to include consideration of pedestrian links to existing bus services; the potential for grade separated connections between the site / Hickson Road and Wynyard Station, which will meet pedestrian desire lines and to provide physical linkages to the adjoining residential area of Millers Point, which will facilitate easy access to and regular use of services, facilities and public spaces at EDH 	

Subject	Commitments	Timing
Transport Management & Access Plan <i>cont...</i>	<p>by existing local communities. Consideration of offsite pedestrian improvements is only required in so far as those improvements can be demonstrated to positively improve the amenity of the proposed development and its connections to surrounding developments. Consideration of more general public domain improvements for the benefit of the wider CBD is not required.</p> <ul style="list-style-type: none"> ▪ Options for the extension / amendment of bus services. Initial options include extensions to services from QVB, and east-west bus link (Erskine Street, Wynyard Street and Regimental Square) and services which currently terminate at Wynyard. This is to include consideration of the need for any off site traffic works to provide for improved east –west bus movements relating to servicing of the site. Any options for extended bus services to the site will be subject to endorsement by the Ministry of Transport (MOT), State Transit Authority (STA), and services progressively provided in line with the staged development of EDH. ▪ Bus stops and access, including the location of bus stops along Hickson Road, and any relocation of existing stops. ▪ Provision of off road layover facilities for buses and for coach drop off and parking, including the need for on-street tourist coach parking facilities at the northern end of the site (in Hickson Road and Munn Street). ▪ Provision of passenger wharf facilities, including at least one public ferry wharf with appropriate landside facilities adjacent to the site. The role of this commuter/tourist/recreational wharf, and possible adjustments to ferry services is to be the subject of consultation with Sydney Ferries/MOT/NSW Maritime/ Sydney Ports Corporation. ▪ Feasibility of creating a westward extension of Grosvenor Street to Kent Street and provision of two way vehicular access on Kent Street. ▪ Re-alignment and / or retention of Margaret Street along the southern boundary of the site and land use implications of such changes. ▪ Desirability of replacing existing all day (10 hour) on-street parking in Hickson Road by parallel shorter term parking supply. 	

Subject	Commitments	Timing
Community & Social Plan	<p>19. The Community & Social Plan referred to at Commitment 7 above is to include the provision of the following facilities within the EDH site:</p> <p>Social</p> <ul style="list-style-type: none"> ▪ A multipurpose facility designed to accommodate a range of community programs. The facility will have the capacity to accommodate an innovative mix of functions and tenancies, including complimentary commercial concessions, and with the potential to respond to changing social needs. ▪ A minimum of two long day care and early learning centres. <p>Health</p> <ul style="list-style-type: none"> ▪ A range of outdoor spaces, linkages and facilities designed to enable active recreation including walking/jogging, informal team sports, outdoor exercise, court games, and non-motorised sports using the water. ▪ A range of outdoor spaces, structures and / or buildings for relaxation, social interaction and passive recreation. <p>Cultural</p> <ul style="list-style-type: none"> ▪ Consideration of floor space for cultural industries and or cultural industries development. This may be achieved in conjunction with the development of community infrastructure. ▪ A flexible outdoor venue for city scale cultural events. <p>Recreation</p> <ul style="list-style-type: none"> ▪ A harbour foreshore walk/cycle path linking King Street Wharf with Millers Point. ▪ Active sports areas and associated toilet, change and shower facilities. ▪ A regional play space with an innovative, engaging mix of facilities and environmental features to function as a major destination for families. ▪ Public open spaces immediately adjacent to residential areas designed to allow a range of passive recreation activities attractive to residents and regional visitors. 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Community & Social Plan <i>cont...</i>	<ul style="list-style-type: none"> ▪ Well-designed pedestrian linkages allowing easy and safe access to recreational spaces and facilities from commercial and residential areas within East Darling Harbour and from Millers Point, Walsh Bay, Kent Street, and King St Wharf. <p>20. Design requirements and details relating to the above facilities, and in particular to the health and recreation facilities is to be incorporated into the Public Domain Plan, as relevant.</p>	
Utility Services Infrastructure Plan	<p>21. The Utility Services Infrastructure Plan referred to at Commitment 7 is to include and provide details in relation to the following within the Barangaroo site:</p> <ul style="list-style-type: none"> ▪ Infrastructure requirements for integrated water management, including stormwater treatment, as determined through the preparation of the Integrated Water Management Plan referred to at Commitment 23; ▪ Type, extent and location of utility services (power, gas, water, sewer, stormwater, communications) consistent with the ESD principles and other commitments incorporated within this Statement of Commitments; ▪ Coordinated response to infrastructure design and delivery on the site and consideration of infrastructure benefits to the adjoining precincts. <p>22. As part of the preparation of the Utility Services Infrastructure Plan:</p> <ul style="list-style-type: none"> ▪ further investigations are to be undertaken with respect to the existence of any services (such as pipes and cables) and structures within the Barangaroo site. Consultation with Railcorp is to be undertaken on this issue. ▪ Locations for electricity sub-stations and transformers are to be examined. No sub-stations or transformers are to be placed in above ground public domain areas, but instead installed underground or in-buildings. ▪ Appropriate investigations are to be undertaken to ensure that the impact on safety, integrity and operation of NSW rail network through the developments effect on traction (electrical) power supply on the operation of current City underground rail network is appropriate. 	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
<p>Integrated Water Management Plan & Guidelines</p> <p>Potable Water Demand Management</p> <p>Wastewater Minimisation</p> <p>Stormwater Management</p>	<p>23. An Integrated Water Management Plan is to be prepared for future development. The Integrated Water Management Plan is to incorporate a Water Demand Management Plan, Wastewater Management Plan and Stormwater Management Plan. The public domain and infrastructure provision requirements identified in the Integrated Water Management Plan are to be incorporated into the Public Domain Plan and / or Utility Services Infrastructure Plan as relevant.</p> <p>24. The Water Demand Management Plan is to include an investigation of possible schemes to reduce potable water demand through source substitution. A “fit-for-purpose” approach to alternative sources of water for substitution of potable mains water for non-potable use will be used to scope the Plan. In line with BASIX (and extending to commercial properties), water efficient appliances and fixtures are to be used for potable water demand management throughout the development.</p> <p>25. The Wastewater Management Plan is to include an investigation of schemes to manage wastewater from the residential and commercial buildings as a resource, with wastewater treated and recycled as an alternate source of non-potable water, especially public open space irrigation.</p> <p>26. The Stormwater Management Plan is to include an investigation of the feasibility of on-site treatment of stormwater from external catchments at Millers Point, to national best practice standards. Where feasible harvested stormwater is to be used to meet non-potable demand. Stormwater leaving the EDH site will be treated to national best practice standards as a minimum, specifically reducing average annual loads of total suspended solids by 80% and nutrients by 45%. In addition litter and gross pollutants is to be removed from stormwater running into the harbour. Opportunities to integrate the design of Water Sensitive Urban Design (WSUD) elements (such as detention ponds) into the public domain, parks and built are to be explored.</p>	<p><i>To be prepared prior to / concurrently with the preparation of the Public Domain Plan and Utility Services Infrastructure Plan, and submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Housing Strategy	<p>27. A Housing Strategy is to be prepared that:</p> <ul style="list-style-type: none"> ▪ Identifies the preferred mix of housing opportunities defined by price, dwelling type and dwelling size. ▪ Incorporates intermediate housing tenure options. ▪ Sets a suitable intermediate housing component as a proportion of total housing provision. ▪ Includes a range of mechanisms to subsidise the development of the intermediate housing component. ▪ Retains land provided for intermediate housing in Government ownership with leases up to 99 years. <p>28. A Technical Working Group is to be established to prepare the Housing Strategy. The membership of the Working Group is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006).</p> <p>29. The Terms of Reference of the Technical Working Group is to be consistent with the requirements for preparation of the Housing Strategy specified in this Statement of Commitments and endorsed by the Barangaroo Taskforce.</p> <p>30. The Housing Strategy is to be submitted by the Working Group to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the proponent team and Working Group. The proponent team will report to the SHFA Board on recommendations from the Working Group.</p> <p>31. Following endorsement, the Housing Strategy is to be made publicly available in a manner to be determined by the Barangaroo Taskforce.</p>	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application / project application for development within the Mixed Use Zone other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Marketing and Promotion Strategy	<p>32. A Marketing and Promotion Strategy is to be prepared to promote Barangaroo's and the broader Sydney region's development opportunities to international companies, investors and property brokers. The Strategy will cover the lifespan of the redevelopment and focus on attracting investment from outside the Sydney region and State. The Strategy will emphasise the unique attributes of the site such as the lifestyle and workforce skills available in this urban waterfront precinct.</p> <p>33. A Technical Working Group is to be established to prepare the Marketing and Promotion Strategy. The membership of the Working Group is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006).</p> <p>34. The Terms of Reference of the Technical Working Group is to be consistent with the requirements for preparation of the Retail Marketing and Promotion Strategy specified in this Statement of Commitments and endorsed by the Barangaroo Taskforce.</p> <p>35. The Marketing & Promotion Strategy is to be submitted by the Working Group to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the proponent team and Working Group. The proponent team will report to the SHFA Board on recommendations from the Working Group.</p> <p>36. Following endorsement, the Marketing & Promotion Strategy is to be made publicly available in a manner to be determined by the Barangaroo Taskforce.</p>	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application/project application for development within the Mixed Use Zone other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Retail Management Plan	<p>37. A Retail Management Plan is to be developed to guide and encourage the right mix of retail that will establish EDH as a distinctive retail precinct. The Plan will outline innovation management strategies, foster design leadership, and encourage originality and differentiation.</p> <p>38. The Retail Management Plan is to be drafted to adapt to retail trends and changes over time by having in place a set of coordinated retail management guidelines for the site that will refresh the offerings yet ensure consistency of vision, connection between the office and residential blocks and maintain an appropriate mix and market positioning of the Barangaroo retail precinct.</p> <p>39. The Retail Management Plan is to include the opportunity for ephemeral retailing events, such as markets and festivals, and which are consistent with the overall retail image or brand of the precinct.</p> <p>40. A Technical Working Group is to be established to prepare the Retail Management Plan. The membership of the Working Group is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006).</p> <p>41. The Terms of Reference of the Technical Working Group is to be consistent with the requirements for preparation of the Retail Management Plan specified elsewhere in this Statement of Commitments and endorsed by the Barangaroo Taskforce.</p> <p>42. The Retail Management Plan is to be submitted by the Working Group to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the proponent team and Working Group. The proponent team will report to the SHFA Board on recommendations from the Working Group.</p> <p>43. Following endorsement, the Retail Management Plan is to be made publicly available in a manner to be determined by the Barangaroo Taskforce.</p>	<p><i>To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application/project application for development within the Mixed Use Zone other than for demolition or early / site preparation works</i></p>

Subject	Commitments	Timing
Parking & servicing	<p>44. Off-street bicycle parking and shower facilities are to be provided within buildings in line with City of Sydney Council Code rates.</p> <p>45. All on-site parking areas should conform to the requirements of AS2890.1:2004.</p> <p>46. The following maximum car parking rates shall apply to future development within the site:</p> <p>Commercial Uses - 1 space/600m² GFA</p> <p>Residential - 1 bedroom unit – 1 space/2 units - 2 bedroom unit – 1.2 spaces/unit - 3 bedroom unit – 2 spaces/unit</p> <p>Other Uses - City of Sydney Council rates</p> <p>Passenger Terminal - subject to a future traffic report based on demand estimates</p> <p>47. All building servicing and loading facilities will be in line with City of Sydney Council code rates.</p> <p>48. All service/delivery areas will conform to the requirements of AS2890.2: 2002 subject to driveways complying with the City of Sydney requirements.</p>	<i>At the stage of any relevant development or project application</i>
<p>Heritage</p> <p>Sewer Pump Station</p> <p>Dalgety's Bond Store</p>	<p>49. A further study is to be undertaken to examine the potential for relocation and adaptation of the sewer pump station structure on the EDH site. The structure will be archival recorded prior to any possible demolition or relocation. The archival recording will be prepared in accordance with the NSW Heritage Office Guidelines.</p> <p>50. A Conservation Management Plan (CMP) will be prepared by an appropriately experienced and qualified heritage practitioner for the Dalgety's Bond Store in accordance with the NSW Heritage Office guidelines and in consultation with the NSW Heritage Office. Any proposal for major alterations and additions to the building site will be guided by the CMP.</p>	<p><i>At the stage of any relevant development or project application relating to the sewer pump station structure</i></p> <p><i>At the stage of any development or project application relating to the Dalgety's Bond Store</i></p>

Subject	Commitments	Timing
Views to Millers Point Conservation Area	<p>51. Future development within the EDH site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the Concept Plan by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.</p> <p>52. Future development within the EDH site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are:</p> <ol style="list-style-type: none"> 1) views to significant tracts of the water, 2) the junction of Darling Harbour and the Harbour proper, 3) the opposite foreshores, 4) panoramic qualities of existing views and, 5) the most distinctive views to landmark structures, <p>All as shown within the Concept Plan and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.</p>	<p><i>To be demonstrated / assessed as part of any relevant development / project application</i></p> <p><i>To be demonstrated / assessed as part of any development application/project application</i></p>
Grafton Bond Store (Sandstone Wall)	<p>53. Future development within the EDH site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within EDH should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.</p> <p>54. An appropriately experienced and qualified heritage practitioner will be engaged to prepare Advice and a Schedule of Conservation Works that will guide the conservation of the sandstone wall on the eastern side of Hickson Road as part of the construction of any proposed pedestrian bridge across Hickson Road. The Advice and Schedule of Conservation Works will inform the design of the proposed</p>	<p><i>To be demonstrated / assessed as part of any relevant development application / project application</i></p> <p><i>At the stage of any development or project application relating to the construction of the proposed pedestrian bridge across Hickson Road</i></p>

Subject	Commitments	Timing
Moreton's Hotel	<p>Hickson Road bridge and, in particular, how it meets the wall, and shall include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing High Street steps (southern end), in-filled steps (northern end), and the substation at the southern end. Any new fence elements shall be sympathetic to the existing significant fence fabric</p> <p>55. A Conservation Management Strategy (CMS) will be prepared by an appropriately experienced and qualified heritage practitioner for the Moreton's Hotel in accordance with the NSW Heritage Office guidelines and in consultation with the NSW Heritage Office. The CMS will provide specific guidelines and conservation policies for the implementation and construction of any pedestrian walkway running through (with owner's consent) or alongside the Hotel, but will not address the whole Moreton's Hotel site.</p>	<i>At the stage of any development or project application relating to Moreton's Hotel</i>
Munn Street Terraces	<p>56. A Heritage Impact Statement (HIS) will accompany any application for works to Munn Street or in the vicinity of the Munn Street terraces. That HIS will include an assessment of how the development proposed satisfies the following Principles:</p> <ul style="list-style-type: none"> · The design of the building proposed adjacent to the west of the Terraces will be sympathetic in bulk and scale and retain a reasonable level of amenity for the occupants of the Terraces. · Works to Munn Street will retain and conserve the front verandas, other building elements of significance along the southern frontage and the remnant cross walls and floors from the demolished terraces attached to the western elevation. · Works to Munn Street will retain and conserve significant landscape elements associated with the former street and the Terraces, such as the sandstone retaining walls and fences. 	<i>At the stage of any development application/project application relating works to Munn Street or in the vicinity of the Munn Street Terraces</i>
Moores Wharf building	<p>57. A Conservation Management Strategy (CMS) should be prepared for the Moores Wharf Building in accordance with the NSW Heritage Office guidelines if a change of use or activity is proposed that requires substantial alteration to the place. The CMS will provide guidelines for the adaptive reuse of the building, which will be implemented in association with any development application for the building. The CMS will also suggest other appropriate uses in addition to the current use as Ports Security administration, particularly uses related to harbour activities.</p>	<i>At the stage of any development application / project application relating to the Moores Wharf building</i>

Subject	Commitments	Timing
Sandstone Seawall	58. An appropriately experienced and qualified heritage practitioner will be engaged to prepare Advice and a Schedule of Conservation Works that will guide the conservation of the majority section of the sandstone seawall that will be retained, subject to its condition, at the north western end of the wharves.	<i>At the stage of any development application / project application relating to the sandstone seawall</i>
Palisade Fence and High Steps (High Street)	59. The proposed pedestrian bridges over Hickson Road will include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing steps (southern end), in-filled steps (northern end), and the substation at the southern end. The conservation works will be implemented through preparation and adoption of a Schedule of Conservation Works. Any new fence elements will be sympathetic to the existing significant fence fabric. An appropriately experienced and qualified heritage practitioner will be engaged to provide advice on the construction of the pedestrian bridge, how it meets the wall, and the conservation of the wall.	<i>At the stage of any development application/project application relating to the proposed bridges over Hickson Road</i>
Port Operations and Communications Centre (Harbour Control Tower)	60. Any proposal for change to the Harbour Control Tower itself will be guided by the thorough assessment of the structure's significance. Any required conservation policies will be formalised in a Conservation Management Strategy format. Heritage buildings will be provided with a curtilage deemed appropriate in any CMP prepared for that heritage item. CMPs for relevant heritage items should include the whole of the site and reference and acknowledge heritage items outside that site which may be impacted by any proposal.	<i>To be assessed at the stage of any development application / project application relating to the Harbour Control Tower</i>
Archaeology	61. An appropriately experienced and qualified heritage practitioner or archeologist will be engaged to prepare an Archaeological Assessment and Management Plan (AAMP) in consultation with relevant stakeholders and statutory authorities, including the NSW Heritage Office. The AAMP will identify areas of archaeological potential and provide guidelines and strategies for the management of the archaeological resource. If significant seawalls and former wharf structures are identified through the archaeological assessment and excavation processes then their conservation and interpretation within the site will be investigated. Having regard to the condition and significance of any archaeological remains uncovered, any highly significant remains will be incorporated into further stages of development with an appropriate level of interpretation. Depending upon the recommendations of the AAMP significant archaeological deposits may be 1) uncovered and displayed in situ, 2) recorded and	<i>Prior to the lodgement of the first development application/ project application involving surface disturbance</i>

Subject	Commitments	Timing
	<p>removed with possible display or use for interpretation/public art, 3) recorded and re-buried with above surface interpretation. If any identified archaeological relics are found, work will be stopped and the Heritage Council of NSW will be notified immediately.</p>	
Interpretation	<p>62. An appropriately experienced and qualified heritage practitioner will be engaged to prepare an Interpretation Plan for the whole EDH site in accordance with the NSW Heritage Office Heritage Interpretation Policy. The Plan will explore various cultural, social and environmental themes related to the site including, but not limited to:</p> <ul style="list-style-type: none"> · The natural landscape · Aboriginal history · Manipulation of the landscape · Maritime industry, trade and commerce · Labour, workers and social movements · Archaeology <p>The plan will make recommendations for:</p> <ul style="list-style-type: none"> · Public Art · Naming · Interpretive Signage and Installations · Display of Archaeological Deposits · Built Form Strategies <p>The plan will also include strategies for:</p> <ul style="list-style-type: none"> · Staged Implementation · Ownership · Identification of Responsible Stakeholders · Future Maintenance 	<p><i>Prior to commencement of any works on the site including any demolition or excavation works</i></p>

Subject	Commitments	Timing
Archival Recording	63. The proponent will undertake an Archival Recording of the whole EDH site prior to works being undertaken. The archival recording is to be prepared in accordance with NSW Heritage Office Guidelines.	<i>Prior to commencement of any works on the site including any demolition or excavation works</i>
Supervision and Advice	64. An appropriately qualified and experienced heritage professional is to be engaged to provide advice in the preparation of any proposal and to supervise in the undertaking of approved works to places or structures of heritage significance.	<i>Prior to lodgement of any future applications and throughout works</i>
ESD	65. There is to be an environmental focus on the Water, Energy, Micro-Climate, Environmental Quality/Amenity, Landscape, Transport, Waste and Materials strategies for the development. Each building on site will achieve the primary benchmark of a "5 star" standard of Commercial: Green Star 5 star, and Residential: Green Star Residential score >60, and each development will be required to demonstrate how it satisfies each of the following Key Performance Indicators for each of the ESD focus areas referred to below.	<i>ESD report to be lodged with each development application / project application</i>
Water	66. A 35% reduction in Potable Water Consumption compared to a standard practice development. A 40% reduction in flow to sewer compared to a standard practice development.	<i>To be demonstrated / assessed as part of each relevant development / project application</i>
Energy	67. A 35% reduction in Greenhouse Gas Emissions compared to a standard practice development. A 20% of power purchased from low impact, renewable sources or 20% reduction in GHG emissions through carbon offsets. The purchase of renewable energy should be at World Best Practice level.	<i>To be demonstrated / assessed as part of each relevant development / project application</i>
Micro Climate	68. Key public open spaces (parks and squares) are to receive direct sunlight in mid-winter.	<i>To be demonstrated / assessed as part of each relevant development / project application</i>
Landscape	69. Primarily non-invasive species are to be used on the site.	<i>As above</i>
Transport	70. Ensure that there is sufficient public transport to achieve points under the public transport credit for Green Star Rating Tools for commercial buildings and a future Green Star tool for residential buildings.	<i>As above</i>

Subject	Commitments	Timing
Waste	71. Centralised recycling areas are to be provided in all buildings and 100% of waste bins for public use are to allow for waste separation.	As above
Wind	72. Wind tunnel modelling and verification of proposed treatments will be carried out at the building design application stage due to the significant exposure of the site to the southerly and westerly winds. Any development proposal for the southern portion of the site should be subjected to a wind tunnel study, carried out in accordance with the procedures outlined in industry recognised guidelines such as the Australasian Wind Engineering Society Quality Assurance Manual	Wind report to be lodged with each development application / project application
Geotechnical and Environmental Site Remediation	<p>73. Further site investigations and assessments will be undertaken prior to a Remedial Action Plan (RAP) being prepared. The RAP may be prepared in stages that follow the progressive redevelopment of the site and development blocks. The RAP will address a range of known existing site conditions.</p> <p>74. A Technical Working Group is to be established to oversee the preparation of the RAP. The membership of the Working Group is to be determined by the proponent team and the Barangaroo Taskforce (under its terms of reference dated 26 November 2006). The Terms of Reference of the Technical Working Group are to be consistent with this Statement of Commitments and endorsed by the Barangaroo Taskforce.</p> <p>75. The RAP is to be submitted by the Working Group to the Barangaroo Taskforce. The Barangaroo Taskforce will report to the IPCC on relevant matters as recommended by the Working Group. The Project Team will report to the SHFA Board on recommendations from the Working Group.</p> <p>76. Following endorsement, the RAP is to be made publicly available in a manner to be determined by the Barangaroo Taskforce.</p>	To be submitted to the Barangaroo Taskforce prior to the lodgement of any development application/project application involving surface disturbance

Subject	Commitments	Timing
Residential amenity	<p>77. Building Types: In terms of the classifications under the Residential Flat Design Code (RFDC) , generally the residential buildings on the EDH site are to consist of Row Apartment, Courtyard Apartment, Slab (Block), Tower and Hybrid building types.</p> <p>78. Building Heights, Floor Space Ratios and Setbacks: All building heights and setbacks are to comply with the development block envelope controls contained within the Concept Plan.</p> <p>79. Building Depth: The maximum building depth, as measured from glass to glass excluding balconies, limited to 18 metres. In Row Apartment, Courtyard Apartment, Slab (Block) types, 15 metres glass to glass is preferred.</p> <p>80. Building Separation: Building separations should have regard to separation distances set out in the RFDC. Where smaller separation distances are provided consistent with the Concept Plan urban design envelopes, the amenity, privacy and solar access to existing and proposed dwellings and the public domain need to be adequately considered.</p> <p>81. Landscape Design: generally, landscape spaces for future residents of the EDH will be in the form of roof terraces and balconies. All private landscape design should be consistent with the design principles set out on pp46-47 of the RFDC. Due to the frontage to the extensive new harbour-side park, the proposed street tree planting and the adjacency to the city centre, there is no requirement for deep soil planting within blocks.</p> <p>82. Apartment Mix: Housing across the EDH site should provide a variety of types, sizes and configurations. Flexible live / work housing types are highly appropriate for the city centre fringe location.</p> <p>83. Solar Access: Living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of 3 hours direct sunlight between 9 a.m. and 3 p.m. in mid winter. For up to 30% of dwellings, 2 hours is required (excluding south-facing units).</p>	<i>To be demonstrated/assessed in any relevant development application/project applications for residential development</i>

Subject	Commitments	Timing
Residential amenity cont...	84. Single Orientation Apartments: Apartment buildings should aim to maximize cross ventilation. The number of single-aspect apartments with a southerly aspect (SW-SE) should be limited to a maximum of 10 % of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.	
Acoustic	<p>85. All future development application/project applications will be required to include a Noise Impact Assessment & Mitigation Measures report. All noise emissions from buildings' plant and equipment to be at levels complying with the recommendations of the NSW EPA Industrial Noise Policy. When setting noise emission limits for each site, the cumulative impact of noise emissions from all the sites in the fully developed precinct shall be taken into account.</p> <p>86. Any future traffic management plans will incorporate strategies that minimise transportation noise levels associated with vehicle movements</p> <p>87. To prevent negative impacts resulting from the ordinary operation of the passenger terminal and other community facilities, the envelope of buildings constructed within EDH should be designed to limit sound intrusion from these noise sources. Typical noise levels in occupied spaces adjacent to these noise sources during peak usage periods should comply with the recommended noise levels in AS2107.</p> <p>88. Plans of management developed for noise generating community facilities shall contain measures that seek to balance the use of these facilities with the amenity of nearby potentially sensitive land uses.</p> <p>89. Where deemed appropriate, the facades of new residential and commercial buildings along Hickson Road should be designed to reduce traffic noise levels in occupied spaces in accordance with the levels recommended in AS 2107.</p> <p>90. Noise emissions from patrons within proposed licensed premises will be assessed during development approval against Liquor Administration Board Guidelines and appropriate plans for managing patrons' arrival/departure developed.</p> <p>91. All future development application/project applications will be required to include a Construction Management Plan incorporating measures for managing construction noise and vibration emissions including time limits on audible construction activities.</p>	Noise Impact Assessment and Mitigation Measures report to be submitted with all relevant development application / project applications

Subject	Commitments	Timing
Built Form	92. The built form of each development block will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.	<i>To be demonstrated / assessed as part of any development application / project application for commercial uses</i>
Commercial Uses	93. All future development applications for commercial uses will be required to address how the proposal: <ul style="list-style-type: none"> ▪ Compliments, connects with and extends the commercial activity of the existing Sydney CBD ▪ Contributes to the character of EDH as a unique business address ▪ Offers opportunities for major corporate tenants ▪ Where appropriate includes a mix of support related commercial and retail offerings such as convenience retail, personal services, cafes, bars and health and recreation facilities; ▪ Enhances and encourages walking and cycling and connectivity to public transport services; ▪ Provides a clear interface to the public domain and includes publicly accessible open space or pedestrian connections and arcades within the private development. 	<i>To be demonstrated/assessed as part of any development application/project application for commercial uses</i>
Sydney Ports Consultation	94. Sydney Ports Corporation shall be consulted on all aspects of the EDH redevelopment that affect the operation of the Wharf 8 Passenger Terminal, any additional passenger terminal, the harbour control tower and the harbour safety function in the Moore's Wharf building, including potential use of the new harbour inlet by non-motorised recreation craft. 95. Sydney Ports Corporation shall be consulted on the detailed exclusion zone requirements for Wharf 8 Passenger terminal at future project application stages of development. 96. The operation of the Wharf 8 Passenger Terminal will continue uninterrupted during its temporary relocation while the final new building is constructed and during the relocation back to the existing location in the new facilities.	<i>Subject to consultation with Sydney Ports</i>

Subject	Commitments	Timing
Sydney Ports Consultation <i>cont...</i>	<p>97. Moores Wharf and the Harbour Control Tower will be fenced off for security purposes prior to future public access on site.</p> <p>98. Sydney Ports and NSW Maritime shall be consulted regarding any proposals associated with Port Operational Requirements that result in the extension of structures alongside or over water into Sydney Harbour.</p> <p>99. Future car parking for Wharf 8 Passenger Terminal will be provided consistent with the current car parking provisions for the facility, and subject to the needs of the future terminal.</p>	
Ongoing Consultation and Information	<p>100. Ongoing consultation with Government agencies including City of Sydney Council (Strategic Planning Department, Community Services and Programs Unit and Recreation and Community Services Unit), Department of Housing, NSW, NSW Maritime, Railcorp, Sydney Ports, NCOSS, private landowners, and community stakeholders will take place according to established planning and development approval procedures.</p> <p>101. NSW Maritime will be consulted in relation to the following:</p> <ul style="list-style-type: none"> ▪ Any proposal that has the potential to impact upon navigational safety. ▪ The potential to expand ferry and charter boat operations within the redevelopment site. ▪ On-going maintenance of seawalls, launching and berthing facilities. ▪ Proposed encroachments into NSW Maritime's land at Darling Harbour. ▪ The development of the proposed coves and inlets which will become part of the navigable waters of Sydney Harbour. ▪ Other issues which will inevitably arise from the interface with NSW Maritime's land. ▪ Port security matters. <p>102. Further consultation and information sessions will be held as necessary to communicate the redevelopment process and to ensure all stakeholders have the opportunity to keep up to date on the progress of the redevelopment.</p>	Ongoing

Subject	Commitments	Timing
CPTED	103. All future development is to be designed in accordance with the principles Crime Prevention Through Environmental Design	<i>To be demonstrated / assessed as part of any relevant development / project application</i>
Construction	104. An Environmental and Construction Management Plan will be required as part of any future development on the site.	<i>To be provided with any relevant development / project application</i>