



Planning

***MODIFICATION REQUEST:
Barangaroo Concept Plan
Hickson Road, Sydney
(MP 06_0162 MOD 6)***

Modification of the approved Concept Plan, including:

- Realignment of the development block boundaries for Blocks 3,4A and 4B.
- Revision to the approved Urban Design Controls to reflect the realigned block boundaries.
- Amendment to Modification B4(2) 'built form' to clarify the distribution of community uses floor space.
- Amendment to Modification B4 'built form' to allow architectural roof elements and building management units to be excluded from the maximum height limits.
- Amendment to Modification C4 'car parking' to specify the car parking rates for 'other uses'.

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

February 2014

© Crown copyright 2014
Published February 2014
NSW Department of Planning and Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

This is an assessment report of a section 75W modification application to the Barangaroo Concept Plan (MP06_0162 MOD 6) lodged by Lend Lease (Millers Point) Pty Limited (the 'proponent'). The proposed modifications to the Barangaroo Concept Plan relate to Barangaroo South. The remaining other two precincts at Barangaroo, known as the Headland Park and Barangaroo Central, are not affected by this modification application. The proposed modifications as publicly exhibited sought approval for the following:

- The realignment of the development block boundaries for Blocks 3, 4A and 4B;
- Revisions to the Urban Design Controls to reflect the changes to the Block boundaries for Blocks 3, 4A and 4B;
- Change the requirement for a 'minimum' of 12,000 sqm of community uses gross floor area (GFA) to be delivered to a 'maximum';
- Allow architectural roof elements and building management units to be excluded from the maximum height limit definition; and
- Specify the car parking rates for 'other' uses thus removing the requirement to comply with City of Sydney Council's current car parking rates.

The department exhibited the modification application between 24 June 2013 and 26 July 2013, and received a total of five (5) submissions, none of which were public submissions. The City of Sydney Council (council) objected to the proposed changes to community uses GFA and did not support the changes to the car parking rates. The council did not object to the proposed changes to the block boundaries, urban design controls or the maximum height definition.

Roads and Maritime Services (RMS) and Transport for NSW raised concerns with the future intersection works and traffic modelling. Sydney Water and the Environment Protection Authority (EPA) raised no objection to the application.

In response to the issues raised by the council and RMS, the proponent revised the proposed wording of Modification B4 of the Concept Plan to ensure a 'minimum' of 12,000 sqm of community uses GFA will still be delivered. However, as an alternative, the proponent is seeking to deliver 12,000 sqm of community uses GFA across the entire Barangaroo site, rather than 10,000 sqm specifically at Barangaroo South and 2,000 sqm elsewhere.

The proponent's Preferred Project Report (PPR) was referred to the council for comment. The council advised that it does not support the proposed changes to the distribution of community uses GFA on the basis that 90 per cent of the GFA for the site is located within Barangaroo South, and as such, this is where the majority of community uses GFA should be located. Despite council's objection, the department nonetheless is satisfied that the changes proposed by the proponent's PPR in conjunction with existing terms of the Concept Plan Approval and the Proponent's Statement of Commitments will ensure a suitable range and distribution of community GFA at Barangaroo to cater for the needs of the broader community.

The department, however, does not support the proposed modifications to the car parking rates or the modifications proposed to the definition of the maximum building height limit. The department considers that the changes to the car parking rates should be deferred to enable appropriate rates to be considered as part of a broader assessment of traffic impacts associated with the future casino/hotel development. The department is also of the opinion that a variation to the maximum building height limit definition is not warranted. The department considers that it remains appropriate for any departures from the development standard nominated in the *Major Development SEPP 2005* (MD SEPP) to be subject to a merit assessment pursuant to clause 20 'Exceptions to Development Standards' in Part 12 of MD SEPP.

As the council has objected to the application, the application is to be determined by the Planning Assessment Commission in accordance with the Minister's delegation.

1. BACKGROUND

1.1 The Site

Barangaroo is located on the north western edge of the Sydney CBD. The site is bounded by the Sydney Harbour foreshore to the west and north, Hickson Road and Millers Point to the east and King Street Wharf/Cockle Bay/Darling Harbour to the south (see **Figure 1**). Barangaroo has a site area of 22 hectares (ha) and a 1.4 kilometre (km) harbour foreshore frontage. It is a flat and long site, being a reclaimed concrete slab with man-made fill in parts of the site, over a base of Hawkesbury Sandstone.

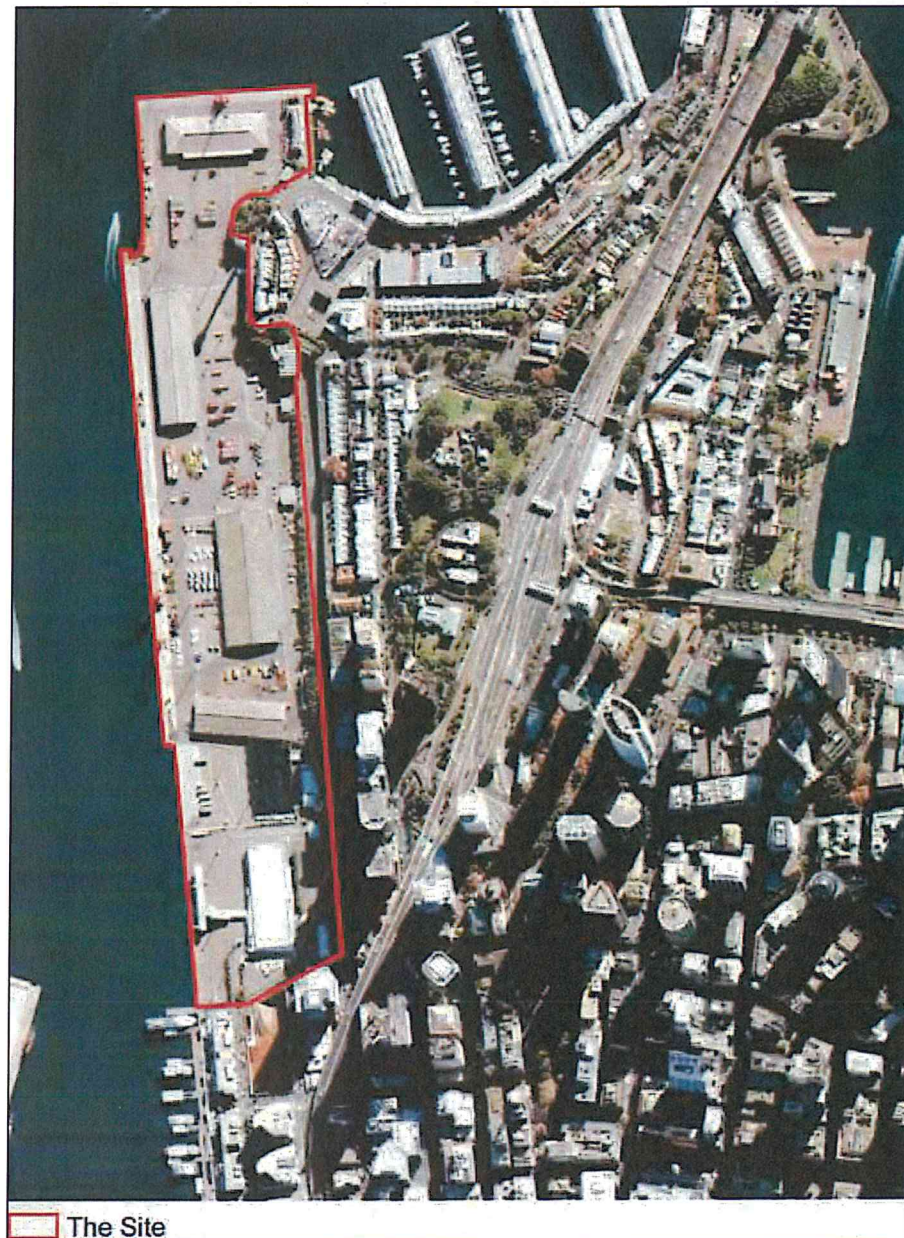


Figure 1: Site Location

There are a number of structures on the site, including a disused office building, gate house and substation in the southern portion of the site, the Sydney Ports Corporation Harbour Control Tower and a Port Authority workshop building in the north-east part of the site.

The site is approximately 2 metres (m) above mid-tide level (2 m AHD), and gently rises up by a further 1.5 m to Hickson Road to the east, to 3.5 m AHD.

Barangaroo has been divided into three distinct redevelopment areas (from north to south) – the Headland Park, Barangaroo Central and Barangaroo South. The proposed modification to the approved Concept Plan (MOD 6) relates only to Barangaroo South (see **Figure 2**).

Barangaroo South previously comprised an open concrete apron which is largely reclaimed over water and identified in the existing approved Concept Plan as Blocks 1-4, and the immediately adjacent public foreshore recreation area. Recent construction works associated with the basement car park and commercial buildings C3, C4 and C5 have however removed much of the former concrete apron.

The planning controls for the Barangaroo site are contained in Schedule 3 Part 12 of the *Major Development SEPP 2005* (MD SEPP). Maximum building heights and GFA restrictions are established for nominated development blocks within the 'B4 Mixed Use Zone', while there are no development standards applying to land within the 'RE1 Public Recreation Zone', other than an allowance for "active uses" complementary to the public domain.

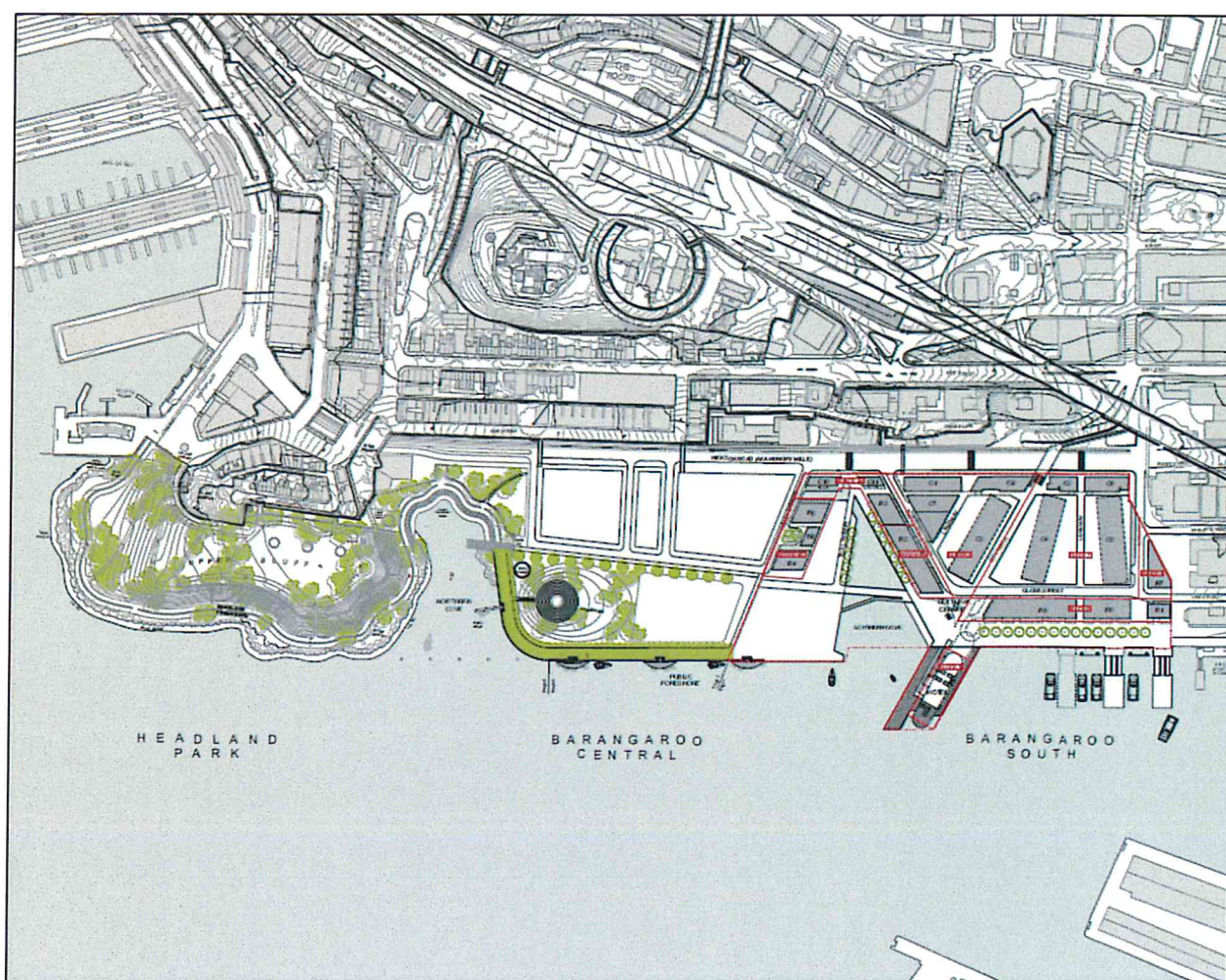


Figure 2: Barangaroo Precincts (Barangaroo South outlined in red)

1.2 Planning History

The planning history of modifications to the Concept Plan for Barangaroo is provided at **Appendix A**. In summary, four (4) modifications have been approved since the Concept Plan was originally approved in February 2007. The most recent modification, MP06_0162 MOD 4 was approved on 16 December 2010. It is noted that MP06_0162 MOD 5 was lodged with the department in February 2011, but was subsequently withdrawn by the proponent.

2. PROPOSED MODIFICATION

The section 75W modification application seeks approval for a number of modifications to the Concept Plan approval, although these modifications do not seek to change the following key components of the approved Concept Plan:

- The land uses and the mix of land uses;
- The built form principles, maximum GFA and maximum building heights for each development block;
- Provision of infrastructure and services;
- Sustainability principals and targets; and
- Site environmental strategies.

The proponent has advised that the modifications reflected in this application are a result of the on-going design and development of Barangaroo South and will result in improved urban design outcomes.

The proposed modifications to the approved Concept Plan (as publicly exhibited) are outlined below:

1. Block Boundaries

Realignment of the development block boundaries for blocks 3, 4A and 4B is proposed, as illustrated in **Figure 3** below. The proponent has advised that the modifications to the block boundaries, and the associated realignment of Globe Street and the buildings that front Globe Street and Hickson Road, are proposed to improve the relationship between the built form and the public domain.

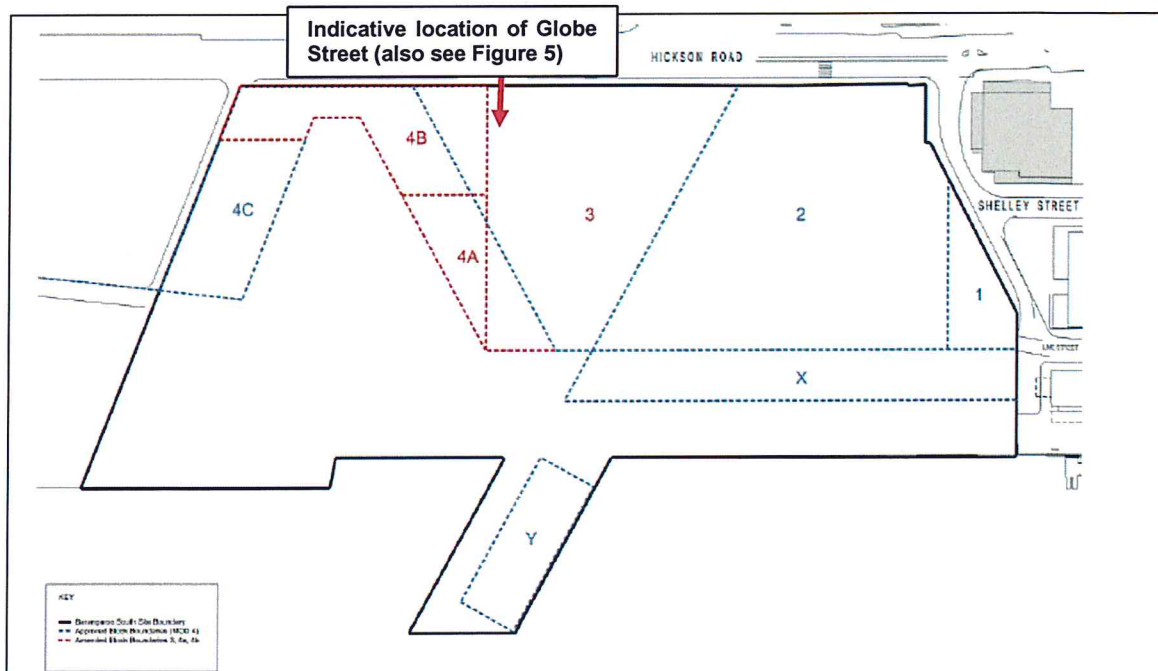


Figure 3: Proposed Changes to Concept Plan Development Block Boundaries (Approved Development Blocks are depicted in BLUE and the Proposed Development Block Boundaries are depicted in RED).

Indicative plans have been submitted as part of the application to demonstrate the design resolution of the modified block boundaries. For comparative purposes, the approved block layout (MOD 4) for Barangaroo South and proposed block layout (MOD 6) are illustrated in **Figures 4 and 5** overleaf.

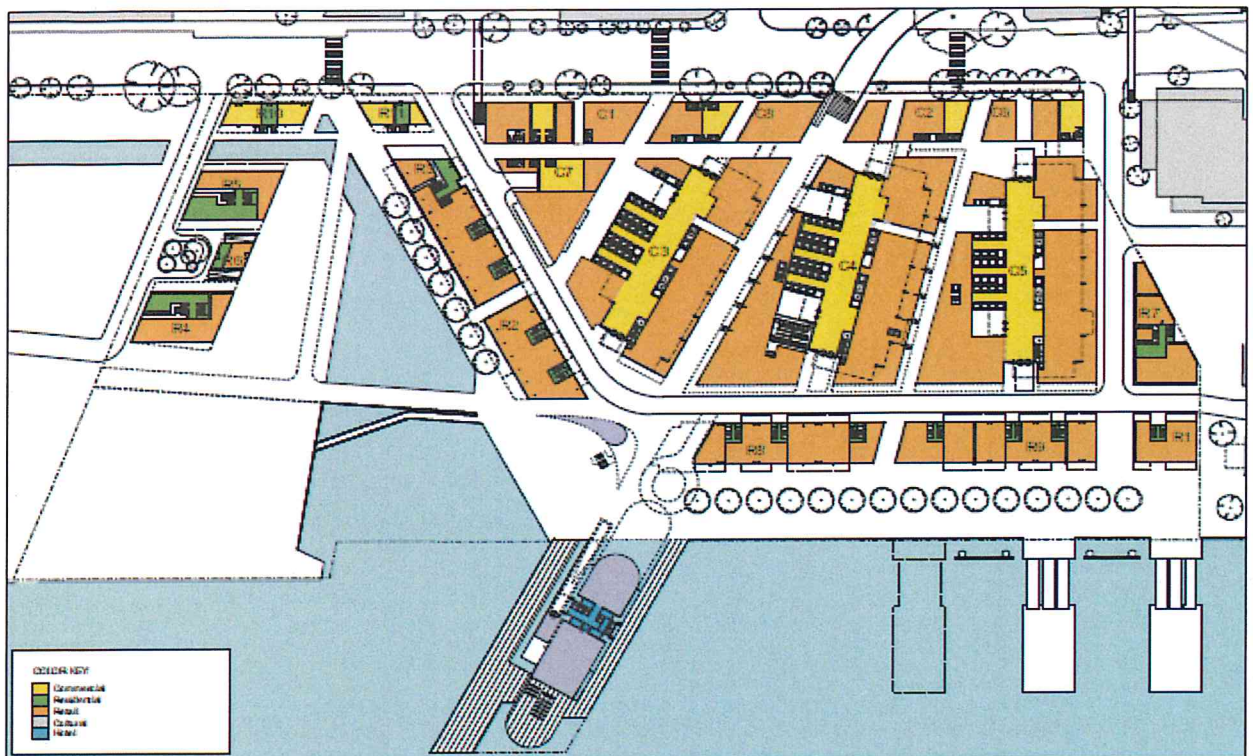


Figure 4: Ground floor layout of the approved blocks as approved under MOD 4
(Source: Lend Lease).

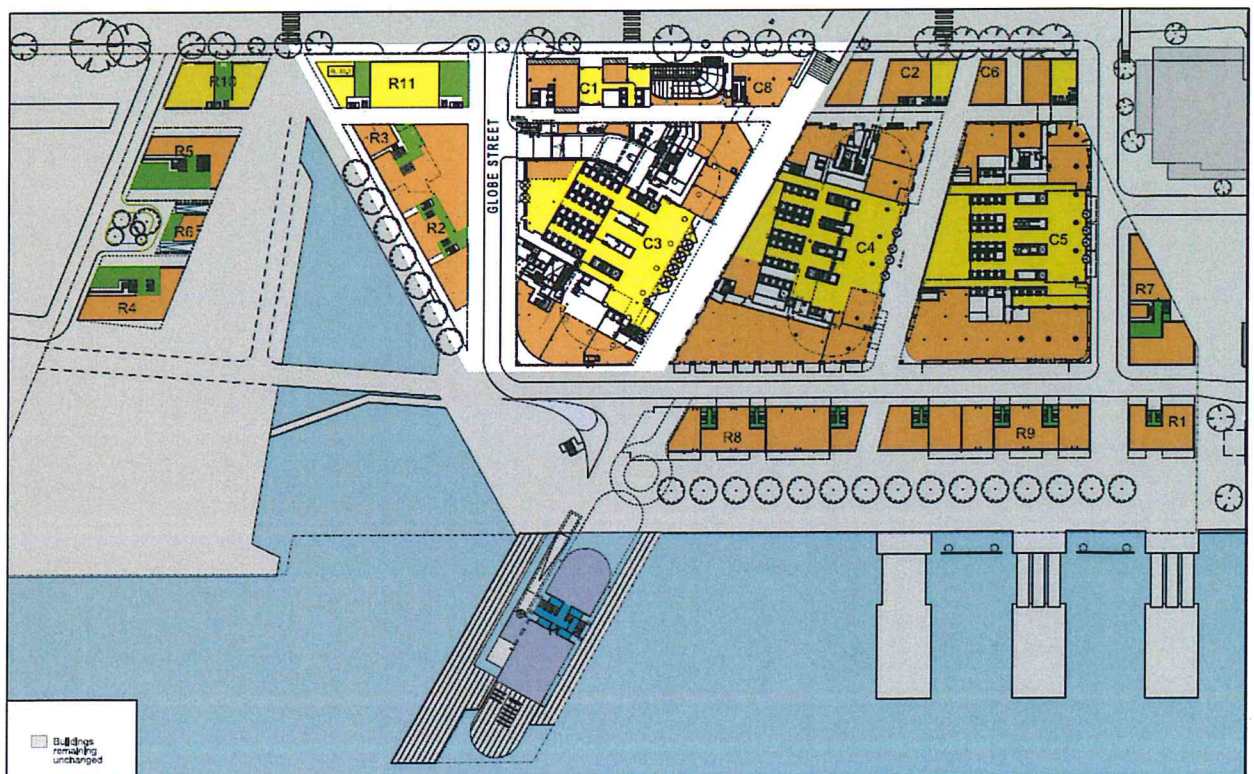


Figure 5: Ground floor layout of the blocks as proposed under MOD 6 (Source: Lend Lease).

Note¹: The modifications are limited to the area not shown in grey shading.

2. Revisions to the approved Urban Design Controls for Barangaroo South

Minor revisions are proposed to the *Built Form Principles and Urban Design Controls* (Urban Design Controls) to reflect the changes to the block boundaries for blocks 3, 4A and 4B. The Urban Design Controls for Blocks 1, 2, 4A, 5, 6, 7, X and Y remain as per the approved Concept Plan. The amended Urban Design Controls are provided at **Appendix B**.

The proposed modifications to the Urban Design Controls for Block 3 and Block 4 are outlined in **Table 1** below.

Table 1: Summary of Proposed Modifications to the Urban Design Controls

Control	Approved Wording	Proposed Wording
Block 3		
Control 1 Objective 3	<ul style="list-style-type: none"> "The northern half of the block (Building C7) shall contain comparatively lower buildings (when compared to the tower forms) as generally indicated in the indicative designs". 	<ul style="list-style-type: none"> "The northern half part of the block (Building C7) shall contain built form of a comparatively lower scale buildings (when compared to the tower forms) as generally indicated in the indicative designs".
Control 2 Objective 3	<ul style="list-style-type: none"> Street Wall to define Globe Street and East-West laneways." 	<ul style="list-style-type: none"> Street Wall to define Globe Street and East-West laneways."
Control 5 Standard 2	<ul style="list-style-type: none"> "Provide two north to south primary connections, including the Hickson Road colonnade, and two east west connections through the block". 	<ul style="list-style-type: none"> "Provide two north south primary connections, including the Hickson Road colonnade and two east west primary connections (City Walk and Globe Street)".
Control 5 Standard 3	<ul style="list-style-type: none"> "Provide one east to west and one north to south secondary public access routes through the block". 	<ul style="list-style-type: none"> "Provide one north south secondary public access route through the block".
Control 7 Standard 6	<ul style="list-style-type: none"> "There shall be no single plane in the façade having dimensions greater than 60m in length and 60m in height (or equivalent area) without articulation, and change in plane from adjoining building elements, unless as otherwise instructed by the "Barangaroo Design Excellence Review Panel", to the satisfaction of the Director-General in consultation with the Barangaroo Delivery Authority". 	<ul style="list-style-type: none"> "There shall be no single plane in the façade having dimensions greater than 60m in length and 60m in height (or equivalent area) without articulation, and change in plane from adjoining building elements, unless as otherwise instructed by the Barangaroo Design Excellence Review Panel determined by the Director-General, in consultation with the Barangaroo Delivery Authority."
Block 4B and 4C		
Control 2 Standard 3	<ul style="list-style-type: none"> "All Street Walls to define Globe Street, Healy Street, Napoleon Street and Hickson Road". 	<ul style="list-style-type: none"> "All Street Walls to define Globe Street, Healy Street, Napoleon Street and Hickson Road".

3. Amendments to Modification B4 (Built Form)

The application originally sought approval to re-word Modification B4 to:

- Require a maximum of 12,000 sqm of community uses GFA in-lieu of a minimum of 12,000 sqm; and
- Add a new provision (provision B4(4)) to exclude communication devices, antennae, satellite dishes, masts, flag poles, chimneys, flues, building management units etc. from the maximum building height calculation.

The proposed amendments to Modification B4 are highlighted in **bold and italics** below:

Modification B4 Built Form

- (1) *Approval is given to a mixed use development involving a maximum of 563,965 sqm gross floor area (GFA), comprised of:*
- a maximum of 128,763 sqm and a minimum of 84,595 sqm residential GFA;*
 - a maximum of 50,000 sqm GFA for tourist uses;*

- (c) a maximum of 39,000 sqm GFA for retail uses;
 - (d) a maximum of 4,500 sqm GFA for active uses in the Public Recreation zone (3,000 sqm of which will be in Barangaroo South); and
 - (d) a **maximum** of 12,000 sqm GFA for community uses (10,000 sqm of which will be in Barangaroo South).
- (2) Despite B4(1) above future project applications **for development within the B4 Mixed Use Zone** are not to exceed:
- (a) the GFA, **other than to accommodate up to a total of 10,000 sqm of community uses GFA which will be located in Barangaroo South and which is additional to the maximum GFA set out below;**
 - (b) the maximum residential GFA; and
 - (c) building heights, specifically identified in table (2)(a) below.

	GFA (sqm)	Residential GFA (Max) (sqm)	Height (Max AHD)	Height above existing ground level (m)
Block 1	9,400	9,000	RL80	78
Block 2	209,213		RL 180	178
Block 3	142,669		RL209	207
Block 4A	8,150	6,900	RL41.5	39.5
Block 4B	29,900	28,900	RL 175	173
Block 4C	39,000	38,500	RL 160	158
Block X	18,908	16,463	RL 41.5	39.5
Block Y	33,000		RL 170	168
Block 5	41,225	15,000	RL 34	32
Block 6	3,000		RL 29	27
Block 7	15,000	14,000	RL 35	33
Total	549,465	128,763		

- (3) Despite B4(2) above, future project applications for buildings within Blocks 2, 3, 4A, 4B and 4C may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in modification B9.
- (4) Despite B4(2) above, future applications for buildings may exceed the maximum approved height but only if the part of the building which protrudes above the maximum approved height comprises communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues, building management units and the like”.

The proponent's PPR altered the proposed wording outlined above. Further consideration of this issue is provided in Section 4.4 and Section 5.2.

4. Amendments to Modification C4 - Car Parking

The proponent seeks to amend Modification C4 (car parking) to stipulate the parking rate which applies to 'other uses'. Modification C4 currently specifies that the maximum car parking rates for 'other uses' should be in accordance with the City of Sydney Council rates.

The proponent proposes to amend Modification C4 to reflect the car parking rates for Barangaroo which were applicable at the time the Concept Plan was approved (i.e. the requirements of the *Sydney Local Environmental Plan 2005*, which applied to the site in February 2007). In this regard, Modification C4 is proposed as follows (changes are shown in **bold and italics**):

C4. Car Parking

(1) The following maximum car parking rates shall apply to future development within the site:

- (a) Commercial: 1 space/600m² GFA
- (b) Residential: 1 bedroom/bedsitter unit – 1 space/2 units
 - 2 bedroom unit – 1.2 spaces/unit
 - 3+ bedroom unit – 2 spaces/unit

(c) **Other Uses: City of Sydney Council rates**

$$\begin{array}{rcccl} \text{Maximum} & = & \frac{\text{Total other FSA}}{\text{Total FSA}} & \times & \frac{\text{Site Area}}{50} \\ \text{Number} & & \text{within} & & \\ & & \text{development} & & \end{array}$$

- (d) **Hotels and Clubs: 1 space per 5 bedrooms and 4 spaces per 100 square metres of function room area.**
- (e) **Cinemas, theatres and Recital Halls: 1 space per 7 seats**
- (f) **Serviced Apartments:**
 - 1 space per 4 studio apartments/bedsitters**
 - 1 space per 2 one-bedroom apartments**
 - 1.2 spaces per two or more bedroom apartments.**

5. Amendments to Modification B9

The application seeks approval to amend Modification B9 to reference the revised version of the Urban Design Controls provided with the proposed modification, and delete the requirement for the proponent to provide a consolidated urban design statement which incorporates the requirements outlined in Modification B9(2) to (4) on the basis the proponent has already satisfied these requirements.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The proposal is a modification request under section 75W of the EP&A Act to modify the Concept Plan approval for Barangaroo.

The department is of the view that the application to modify the Concept Plan approval may be considered and approved as an application to modify under section 75W of the EP&A Act. The department considers the Minister could reasonably form the view that the modification request is within the scope of section 75W of the EP&A Act and is capable of being approved as a modification under section 75W of the EP&A Act.

3.2 Environmental Assessment Requirements

In accordance with section 75W(3) of the EP&A Act, the Director-General notified the proponent of environmental assessment requirements with respect to the proposed modification. The department is satisfied that these requirements have been complied with.

3.3 Major Development SEPP

The relevant development controls and land uses for the Barangaroo site are established under the Barangaroo State Significant Site (SSS) listing in Part 12 of Schedule 3 of the MD SEPP. While the proposed changes to the block boundaries are inconsistent with the configuration of the development blocks in the MD SEPP, the department intends to review the MD SEPP in the near future with a view to reflecting these changes.

3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- "(a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water,

- cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment”.*

The department has considered the objects of the EP&A Act and considers that the application is consistent with the relevant objects. The assessment of the application in relation to these relevant objects is provided throughout this report.

3.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

A detailed assessment of the environmental issues associated with the proposed modification is provided in **Section 5** of this report. On the basis of this assessment, the department is satisfied that the application is in accordance with the objects of the EP&A Act.

3.6 Delegations

As the council has objected to the application, the Executive Director, Development Assessment Systems and Approvals is unable to exercise the delegations granted by the Minister for Planning and Infrastructure on 4 April 2013.

Consequently, the Planning Assessment Commission (the PAC) will be the determining authority for this modification application under the Instrument of Delegation effective 1 October 2011.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The department:

- Publicly exhibited it from 24 June 2013 until 26 July 2013 (30 days):
 - on the department's website, and
 - at the department's Information Centre and the City of Sydney Council's offices;
- Advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 26 June 2013; and
- Notified relevant State and local government authorities in writing.

The department received five submissions from public authorities, including the City of Sydney Council, Roads and Maritime Services, Transport for NSW, Sydney Water and the Environmental Protection Authority. No public submissions were received.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

The City of Sydney Council (Council)

Council advised that it objects to any change to the Concept Plan that reduces the proponent's responsibility to deliver 12,000 sqm of community use GFA within the Barangaroo development (10,000 sqm of which must be provided at Barangaroo South).

Council also advised that it considers the determination of this application to be premature given that holistic and well considered planning outcomes on the site can only be properly considered in conjunction with the impending hotel/casino modification.

The other issues raised in the council's submission are outlined below:

- No in principle objection is raised to the proposed realignment of the development block boundaries. However, the following concerns are noted:
 - the urban design analysis undertaken is irrelevant as it has not taken into account the hotel/casino modification;
 - the realignment of Globe Street brings the intersections of Napoleon Street and Sussex Street, and Globe Street and Hickson Road below the spacing for two sets of signalised intersections under that required by the RMS. In principal support should be obtained from the RMS prior to the determination of the application; and
 - if any block boundary amendments are to be considered, the MD SEPP and the Indicative Building Maximum Building Height, Locations and Dimensions Map approved under MP06_0162 MOD 4 should also be amended in order to provide certainty.
- The modifications proposed to update the Urban Design Controls to reflect the requirements of Modification B9 of the Concept Plan approval are supported, however, the following concerns are raised in relation to the proposed modifications to "Control 7 – Facades for Block 3" of the Urban Design Controls:
 - deleting the reference to the "Barangaroo Design Review Panel" and replacing it with "the Director-General, in consultation with the Barangaroo Delivery Authority" undermines the intent of Control 7 on the basis that design excellence and innovation would be determined by the consent authority and the land owner, rather than an independent panel; and
 - the proposed changes to the design excellence protocols may set an undesirable precedent for achieving design excellence and independent design review for future developments within the broader Barangaroo precinct.
- Objection is raised to the proposed amendment to the community uses requirements on the basis that it places at risk the delivery of 12,000 sqm of community uses GFA committed to by the proponent, and will exclude the opportunity for additional community uses GFA; and
- The proposal to set specific car parking rates for 'other uses' within the site without knowing the scale of the 'other uses' is not supported. Any future hotel/casino will need to be assessed on its merits and the scale of the impact the traffic will have on the surrounding road network.

Roads and Maritime Services (RMS)

The RMS has requested that the following matters be addressed in the assessment of the application:

- The proposed intersection of Globe Street/Hickson Road will be closer to the intersection of Hickson Road/Napoleon Street/Sussex Street/the Barangaroo South basement exit.

The shorter distance proposed between intersections, and the additional demands that the car park exit will generate on the intersection requires detailed review of traffic operations along Sussex Street, Hickson Road, Erskine Street, Lime Street, Shelley Street and Globe Street. Amended network intersection designs and lane configurations may be required as a result of this change;

- Traffic analysis should be undertaken in accordance with the RMS *Traffic Modelling Guidelines*;
- The road design should be undertaken in accordance with *Austroads* and *RMS Supplements* to them;
- Numerous Appendix B drawings show marked pedestrian crossings along Sussex Street/Hickson Road adjacent to the Barangaroo South site. Marked pedestrian crossings will not be appropriate future measures and as such it is suggested that they be removed from the drawings;
- The Traffic Impact Assessment should consider updated cumulative traffic and transport changes, including the announced CBD & South East Light Rail Project, changes to buses in the City Centre, and other associated changes related to these projects. Liaison with Transport for NSW will be necessary to holistically capture these changes;
- All plans submitted with the application should be amended to show the design of the proposed Barangaroo Ferry Interchange which was amended in 2012. Ferry wharves were originally designed to be perpendicular to the sea wall. It is understood that Transport for NSW and the Barangaroo Delivery Authority agreed to an amended design where the ferry wharves would be offset at an angle of 30 degrees from perpendicular to improve navigation safety;
- The reduction in the width of driveways is supported for amenity and safety reasons. The driveway design will also need to ensure that it caters for turning movements of the largest expected vehicle (large rigid vehicle, fire truck, etc.) without obstructing other concurrent movements at the driveways;
- Proposed landscaping should include appropriate plant/tree size, location and species that provide sight distance for safe intersection and road operations;
- Approval will be required from RMS for the proposed traffic lights. Consultation with RMS to achieve suitable traffic light designs is welcomed;
- RMS and Transport Management Centre approval should be sought for any required road or lane closures; and
- Access to inspect and maintain any RMS assets must be established and maintained at all times during the development and operation of Barangaroo.

Transport for NSW

Transport for NSW's submission reiterated a number of the issues raised by the RMS with respect to traffic impacts. The following additional matters are raised:

- The City of Sydney Parking rates should apply. The parking rates included in the *City of Sydney LEP 2012* for entertainment land uses, serviced apartments and hotels apply to the entire LGA and are not dependent on the Land Use and Transport Integration (LUTI) rating; and
- It is noted that the Wind Assessment Report submitted with the application indicates that the amendments (i.e. changes to the block boundaries) will be beneficial to the wind environment. The wind environment in the localised public domain and in the vicinity of Wynyard Walk and the proposed Transport Place should be further assessed at the detailed application stage. It is critical that the environment of these areas is not compromised by wind impacts resulting from development in Barangaroo South.

Sydney Water

Sydney Water has advised that the modifications to the Concept Plan will not impact on its services or assets.

Environmental Protection Authority (EPA)

The EPA has advised that it has no objection to the modification application on environmental grounds.

The department has fully considered the issues raised in submissions in its assessment of the proposed modification, as outlined in **Section 5** of this report.

4.4 Proponent's Preferred Project Report

The proponent provided a Preferred Project Report (PPR) on 18 October 2013 (see **Appendix C**). The PPR was uploaded onto the department's website for public information on 21 October 2013, and detailed the following key changes to the proposal:

Statement of Commitment (SOC) 47:

The PPR proposes to modify SOC 47 to refer to the TMAP bicycle parking rates adopted for the site instead of the council's rates, as follows:

"47. Off street bicycle parking and shower facilities to be provided within buildings in line with the following minimum rates: ~~City of Sydney Council's rates~~.

- ***Commercial: the number of bicycle spaces shall be 4% of the Commercial GFA/20 sqm; the minimum number of showers shall be 1 for every 10 bicycle spaces;***
- ***Residential: 1 space per dwelling; and***
- ***Other uses: 6 bicycle spaces for every 100 'Other Uses' car parking spaces***

Note: residential spaces can be provided within the dwelling's basement storage area.

The department notes that this change was not part of the original application as exhibited.

Modifications A1 and B4(1):

The PPR seeks approval to amend the wording of the proposed modifications (as exhibited) to reflect the original intention of the distribution for community uses GFA. In this regard, it is proposed that a 'minimum' of 12,000 sqm of community GFA be provided across the whole of the Barangaroo site and that it be located where it best serves the needs of the local community.

The PPR is also supported by a response to traffic and transport issues raised by the department, council and the RMS.

The PPR was referred to the council and the RMS for consideration. In this regard the council reiterated its objection to the following aspects of the proposal:

- The consideration of the modification until such time as the hotel/casino and associated Concept Plan modification is submitted for assessment;
- The proposed flexibility in relation to siting of community floor space anywhere within Barangaroo; and
- The proposed 'cherry picking' from the current and past planning controls in relation to overall parking and bike parking rates. The current controls should be adopted.

At the time of preparing this report, no submission in response to the PPR had been received from the RMS.

5. ASSESSMENT

The key issues for the proposed modifications are outlined and addressed below.

5.1 Block Boundary Amendments

Urban Design and Built Form

The modifications proposed to the block boundaries are best understood with reference to the indicative Maximum Building Height, Location and Dimensions Map as currently approved and proposed by MOD 6, which are provided at **Figures 6 and 7**.

With reference to **Figures 6 and 7**, despite the changes to the block boundaries, the built form of development and the applicable building heights remain generally consistent with those approved in MOD 4. Despite the minor increase in the width of the tower configuration for Block 3 (i.e. an increase from 25 m to 30 m in width) the consequential impact on views from neighbouring sites on Kent Street including the Highgate, The Georgia and Stamford Marque located to the north-east of the site and the public domain are largely inconsequential. Refer to view analysis provided at **Appendix C**.

Overall, the department considers the changes proposed will continue to provide an acceptable urban design outcome. The amendments to the Urban Design Controls are considered to relevantly reflect the changes to the block boundaries and are supported.

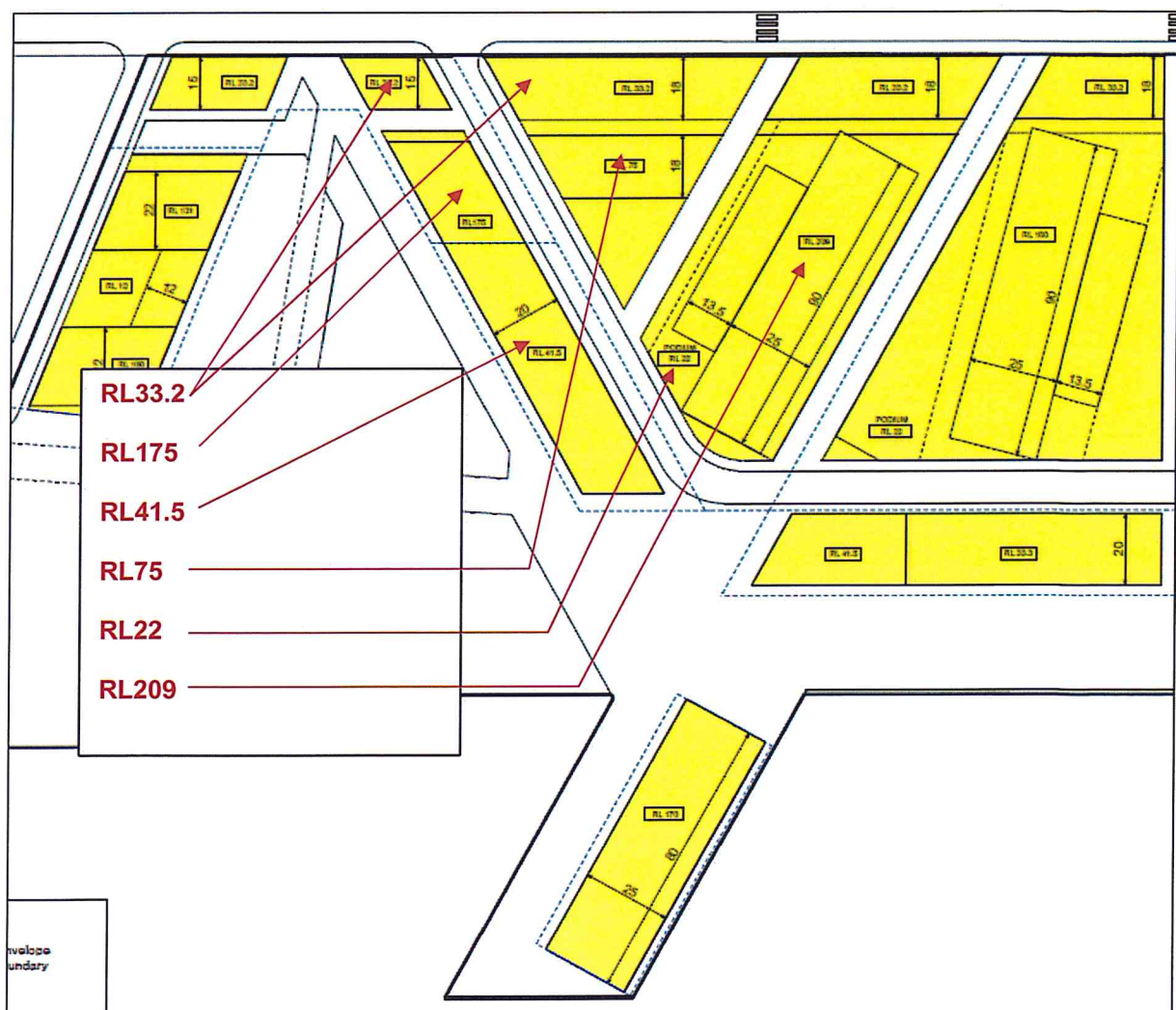


Figure 6: Approved Maximum Building Height, Location and Dimensions Map (MOD 4)

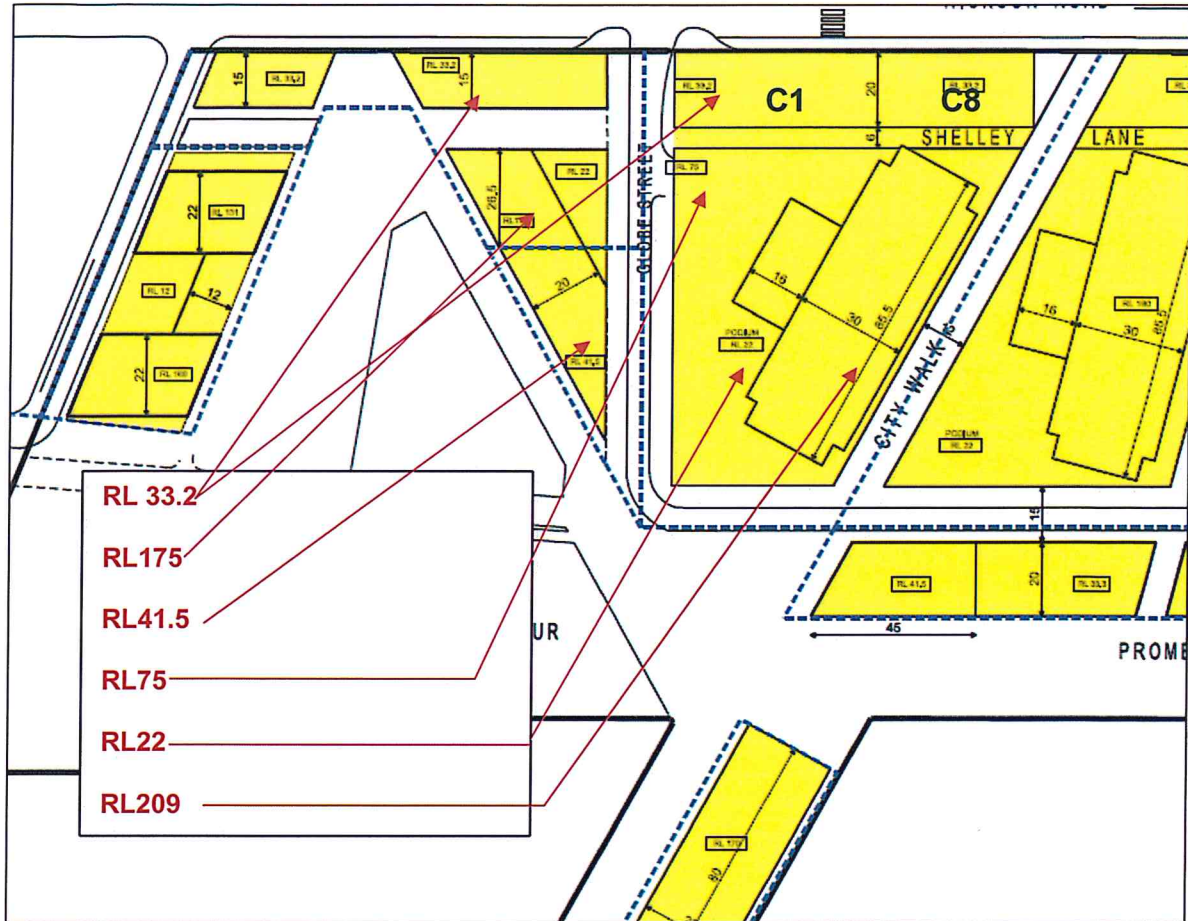


Figure 7: Proposed Indicative Maximum Building Height, Location and Dimensions Map (MOD 6)

Secondary Access Links

The Urban Design Controls for Block 3 currently require the provision of an east-west secondary access route through Block 3, in addition to a north-south secondary access route. The modification application seeks approval to delete the east-west secondary access route through Block 3. The approved and proposed access routes are illustrated in **Figures 8** and **9** below.

The department notes that the project applications for commercial buildings C3 and C5 (MP11_0044 and MP10_0227) permitted a variation to Urban Design Controls which resulted in the deletion of the secondary north-south and east-west pedestrian connections through blocks 2 and 3. The approved pedestrian connections are illustrated in **Figure 10** below. Furthermore, as a result of these approvals the department requested that the proponent lodge a modification to the Concept Plan to update the Urban Design Controls to reflect the pedestrian connections approved under the project approvals for commercial buildings C3, C4 and C5.

Whilst the department notes that the proposed changes to Block 3 will increase the block dimensions at ground floor level, the department does not consider that these modifications will have an adverse impact on permeability or activation of the ground floor plane for the following reasons:

- The primary orientation of the buildings were changed from east-west to north-south in order to provide improved ground floor activation. This departure from the design envisaged under the current Urban Design Controls was undertaken at the request of the BDA's design advisors and is reflected in the existing project approvals for the site;
- Workers accessing the commercial buildings from the main public transport node east of the site (Wynyard Station) will do so predominantly via City Walk. As such, pedestrians will be afforded direct access to the lobbies of commercial buildings C3 and C4 at this

location. In addition, pedestrians seeking to access commercial building C5 from City Walk can utilise the north-south pedestrian connection through commercial building C4; and

- The proposed street network will still provide greater east-west pedestrian permeability in comparison to a typical CBD block.

In separate advice provided to the department by the Government Architect's Office during its consideration of modification application MP 11_004 MOD 2 for commercial building C3, it has been suggested that the permeability and amenity of the original concept plan has been lost by the proposed amendment to the concept plan to delete the through-site link which aligns with the angled alignment of Globe Street between C3 and the adjacent street network (refer **Figures 8** and **9** below). Whilst support is provided for the realignment of the Globe Street, the Government Architect's Office has recommended that the original alignment of the through-site link connecting into Napoleon Street be preserved (refer **Figure 9**).

The department has carefully considered the comments provided by the Government Architect's Office and considers that the preservation of the through-site link is not warranted for the following reasons:

- Commercial Building C3 is predominantly commercial office space with some retail opportunities at ground floor level. The retail tenancies are located along the Globe Street frontage of the site in order to activate the street frontage and maximise the safety of the public realm. In this regard, there is considered to be limited public benefit in introducing a through-site link through the ground floor level of commercial building C3 given the predominantly commercial nature of the floor plate.
- The north-eastern corner of the ground floor level of the Commercial Building C3 is predominantly occupied by the commercial lobby and vehicular access to the basement car park. The introduction of a through-site link would have a considerable impact on the design of the commercial lobby and would necessitate the relocation of the partially constructed driveway access. Furthermore, public access through the commercial lobby of the building 24 hours-a-day is not considered to be ideal from a commercial perspective and is likely to raise considerable security concerns for the building's tenants.
- There are 4 primary access connections to the City within a distance of approximately 200 metres from Block 3 to the southern end of Barangaroo South. These comprise Globe Street, City Walk, Union Walk and Margaret Street (refer **Figure 10** below). These east-west links provide a high level of pedestrian movement and permeability which exceeds that typically established within City blocks. Whilst Block 3 is approximately 100 metres in length, the provision of an additional through-site link connecting to Napoleon Street is not considered to be warranted given Block 3 is conveniently located and accessible from other east-west connections.
- Council has not objected to the proposed modifications to Block 3 and the level of permeability proposed.

The department also notes that approvals have been issued for the basement car park construction (MP10_0023) and Commercial Building C3 (MP11_004). Construction is well advanced for these projects and subsequently, the location of the lift cores, services and access to the basement car park are locked-in. Therefore, it is considered unreasonable to require the reconfiguration the ground floor level and access arrangements to accommodate these changes. As outlined above, the department does not consider that these changes are warranted on urban design grounds and therefore, the considerable demolition and cost required to deliver these changes is not justified.

Further to the above, the Government Architect's Office has suggested that the built form of Buildings C1 and C8, which front Hickson Road and Shelley Street, should be separated above the podium level. As illustrated in **Figure 7**, the approved height for these buildings is RL33.2 (ie podium buildings). The indicative design submitted in support of the modifications to the concept plan, illustrates that Buildings C1 and C8 will be separated above Level 3. Therefore, the indicative design is not inconsistent with the built form recommended. The

department notes that the final design will be subject to detailed design consideration as part of a future application.

Given the above, the department supports the changes proposed to the secondary links.

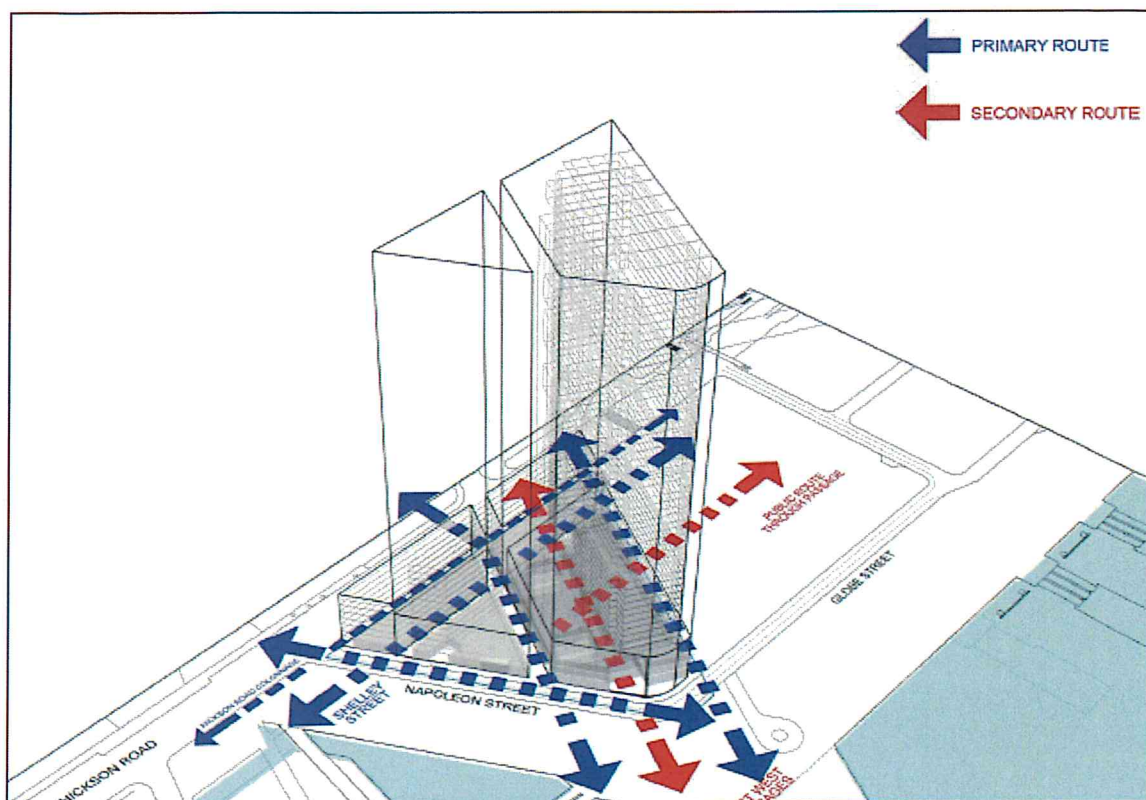


Figure 8: Approved Access Routes

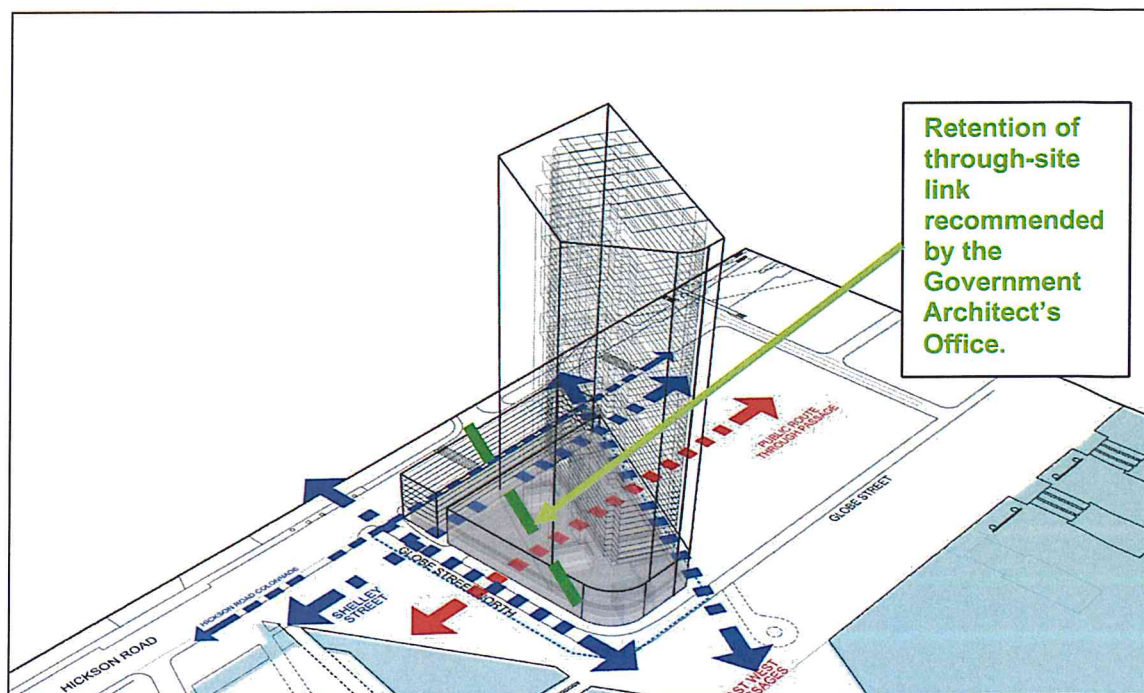


Figure 9: Proposed Access Routes (MOD 6- with exception of green text)

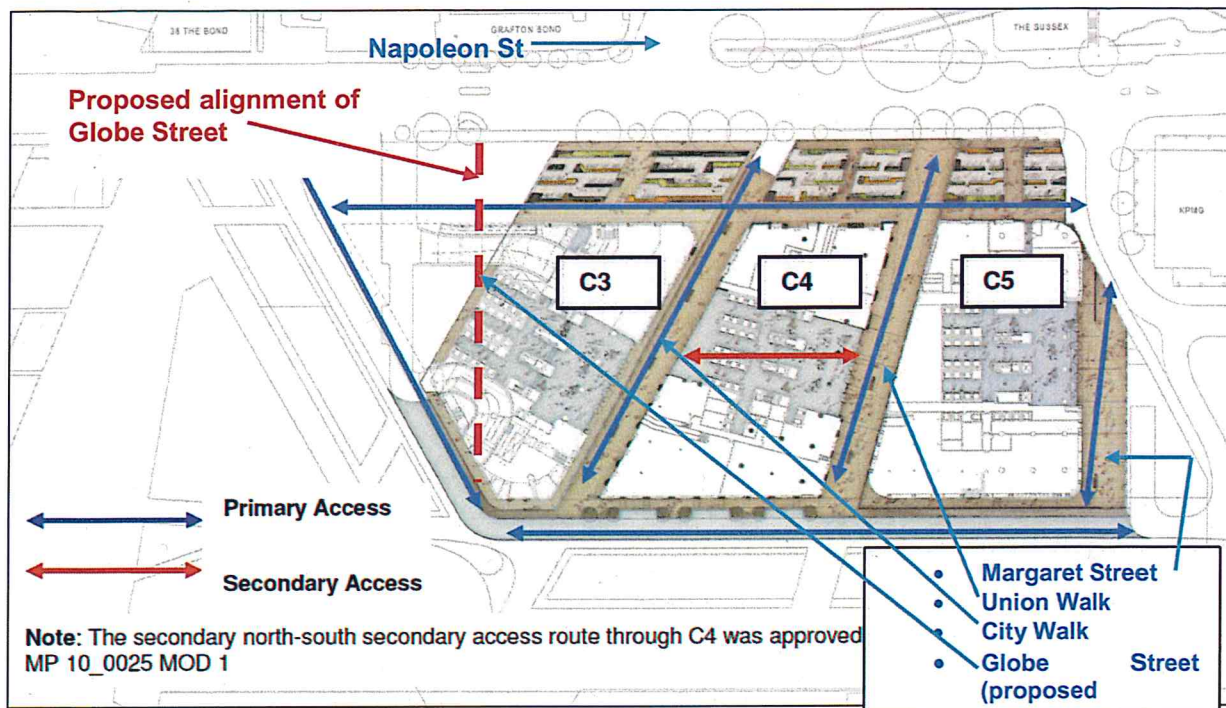


Figure 10: Access Routes as Approved under MP10_0044, MP10_0025 MOD 1 and MP10_0227

Traffic Impacts

The modifications proposed to the block boundaries will result in changes to the both traffic and pedestrian management on the site and the surrounding CBD road network. The City of Sydney and the RMS have raised concerns with the changes to the block boundaries, as outlined in Section 4.0 of this report. It has been identified that the changes to Block 3 will result in the intersection of Globe Street moving closer to the Hickson Road/Napoleon Street/Sussex Street/the Barangaroo South basement exit and subsequently, the separation distance between the intersections being below that typically required by the RMS. The RMS and Transport for NSW have identified that this may have a significant impact on the intersection performance, the efficiency of the road network, and that it has the potential to result in changed traffic conditions at the southern end of the site extending into Lime Street and Shelley Street.

The department understands that the proponent consults with the RMS and Transport for NSW on an ongoing basis regarding future changes to the road network and potential impacts to Barangaroo and the broader CBD road network. Whilst the department supports the changes to the block boundaries from an urban design perspective, the department considers that further detailed consideration needs to be given to traffic impacts resulting from these changes. It is also considered pertinent that any changes to the car parking rates (as also proposed in this application) be fully considered with reference to, and assessment of, the traffic impacts resulting from the planned casino/hotel development. The need for a comprehensive traffic impact assessment is considered important prior to any future development applications being prepared for Block 3 and Blocks 4A and 4B. Accordingly, the department has recommended new Modification C3A to require the completion of a detailed Traffic Impact Assessment and an update of the Transport Management Plan and Access Plan (as detailed in Modification C3) within three months of the determination of this modification. In addition to the above, the department considers that any issues relating to the design and operation of the intersections can be dealt with when the Project Application for the redevelopment of Hickson Road is lodged. It is at this time that a design-based solution which is tailored to respond to the outcomes of the Traffic Impact Assessment and which appropriately addresses the requirements of the RMS and Council can be finalised. In the interim, it is considered that new Modification C3A is sufficient to deal with the issues raised by Council and the RMS.

5.2 Amendments to Car Parking

The application proposes to amend Modification C4 (parking rates) by nominating specific parking rates for 'other uses', hotels and clubs, cinemas, theatres and recital halls, and serviced apartments. Currently Modification C4 only nominates car parking rates for commercial and residential land uses and stipulates that the car parking rate for all 'other uses' are to comply with the 'City of Sydney rates'.

In order to provide greater certainty with respect to on-site parking, the proponent proposes that the car parking rates applicable to the Concept Plan at the time of its determination should be the rate which applies. Accordingly, it is proposed to amend Modification C4 to reflect the parking rates specified in the now superseded *City of Sydney LEP 2005* (SLEP 2005). These proposed parking rates are those which were relevant in February 2007 when the Concept Approval was originally approved. It is proposed to apply these to 'other uses', and specifically, to nominate the applicable rates for hotels and clubs, cinemas, theatres and recital halls, and serviced apartments.

In support of the proposed amendment, the proponent has advised that the car parking rates currently contained in the *City of Sydney LEP 2012* (SLEP 2012) are based on Land Use and Transport Integration (LUTI) classifications. As the Barangaroo site has not been given a LUTI classification, the proponent is of the opinion that the car parking rates in SLEP 2012 should not apply. The proponent has advised that the rates proposed are consistent with the Transport Management and Accessibility Plan (TMAP), which support a lower car mode share for journey to work trips.

As outlined in Section 4, council has objected to the application of the car parking rates in SLEP 2005, stating that the current rates in SLEP 2012 should apply, and furthermore, that locking-in rates is premature when there is no understanding of the scale and traffic generation of the 'other' land uses and, in particular, the impending application for the hotel/casino.

Council has suggested that a more appropriate response to car parking rates for Barangaroo would be to utilise the rates in SLEP 2012 which now apply to the area immediately to the east of Barangaroo (i.e. CBD rates). It is understood that these rates were carefully reviewed as part of the preparation of the SLEP 2012, and respond to a policy direction for this part of the city that reflects a reduced reliance and dependency of motor vehicle travel and subsequently, reduced car parking rates. The department notes that this approach is also consistent with the City Centre Access Strategy which aims to deliver a fully integrated transport network for the city centre and which promotes the use public transport to access the city centre in order to relieve traffic congestion.

A comparison of the various car parking rates is provided in **Table 2** below.

Table 2: Comparison of Maximum Car Parking Rates

Type of Proposed Use	Sydney LEP 2005 (maximum number of spaces)	Sydney LEP 2012 (as applicable to Category 'A') (maximum No. of spaces)
Hotels and clubs	<ul style="list-style-type: none"> 1 space per 5 bedrooms 4 spaces per 100 sqm of function room area 	<p>Hotel Accommodation:</p> <p>(a) 1 space for every 4 bedrooms up to 100 bedrooms, and</p> <p>(b) 1 space for every 5 bedrooms more than 100 bedrooms.</p> <p>(Note: this rate also applies to motels)</p> <p>Registered Clubs: No rates specified in LEP. Schedule 7.5 DCP 2012 requires the preparation of a 'parking and access report'</p>

Cinemas, theatres and recital halls	<ul style="list-style-type: none"> 1 space per 7 seats 	Rate applicable to a place of public worship or an entertainment facility is whichever of the following provides the greater number of spaces: (a) 1 space for every 10 seats; or (b) 1 space for every 30 square metres of GFA used for those purposes.
Serviced apartments	<ul style="list-style-type: none"> 1 space per 4 studio apartments/bedsitters; 1 space per 2 one-bedroom apartments; and 1.2 spaces per two or more bedroom apartment. 	Hotel Accommodation: (a) 1 space for every 4 bedrooms up to 100 bedrooms, and (b) 1 space for every 5 bedrooms more than 100 bedrooms.
Other uses	$\text{Maximum number} = \frac{\text{Total other FSA}}{\text{Total FSA within development}} \times \frac{\text{Site area}}{50}$	See rates specified as above.

Having considered the various car parking rates, it is evident that the rates now contained in SLEP 2012 present a significant reduction to those which applied at the time the Concept Plan was approved. Whilst the department considers that there may be some merit in applying the SLEP 2012 rates to the development (i.e. as these rates would more appropriately reflect community expectations), it is also relevant that any decision with respect to car parking rates be considered in light of a broader and more comprehensive assessment of traffic impacts, including consideration of the future hotel/casino development.

In line with the above, the department recommends that the parking rate for 'other uses' in Modification C4 be retained in its current form (ie. to comply with the current City of Sydney rates relevant at the time of approval) and furthermore, that any future amendment to the parking rate be informed by a comprehensive traffic impact assessment.

5.3 Amendments to Bicycle Parking Rates

As outlined in Section 4.4, the proponent's PPR includes an additional modification to Statement of Commitment 47 to nominate bicycle parking rates based on land use. Specifically, it is proposed to amend the rates to refer to the TMAP bicycle parking rates adopted for the site rather than the rates which applied at the time the Concept Plan was approved (ie. Sydney DCP 1996) or the current rates contained in Sydney DCP 2012.

Council has objected to this aspect of the proposal on the basis that the current applicable rates for bicycle parking which apply to the broader city should be adopted.

For comparison purposes, the bicycle parking rates contained in the TMAP, Central Sydney DCP and Sydney DCP 2012 are summarised in **Table 3**, below. This table does not include the requirements stipulated for shower facilities, lockers etc.

Table 3: Comparison of Bicycle Parking Rates

Land Use	TMAP	Central Sydney DCP 1996	Sydney DCP 2012
Commercial	4% of commercial GFA/20 sqm	1 space/100 car spaces	1 space/ 150 sqm of GFA and 1 visitor space/ 400 sqm of GFA
Residential	1 space/dwelling	1 space/100 car spaces	1 space/ dwelling and 1 visitor space/10 dwellings
Other Uses	6 spaces/100 'Other Use' car parking spaces	1 space/100 car spaces	Various rates are nominated. As an example: <ul style="list-style-type: none"> <u>Shop, Restaurant or Café</u>: 1 space/ 25 sqm and 2 visitor/customer plus 1 per 100 sqm over 100 sqm of GFA; <u>Entertainment Facility</u>: Greater of 1 space/ 15 seats or 1 space/ 40 sqm of GFA

The department has had regard to the above rates and agrees with the proponent that it is appropriate for the bicycle parking provision to reflect the controls in the TMAP. The department also noted that this rate is consistent with the Barangaroo Integrated Transport Plan which has been endorsed by the Barangaroo Transport Taskforce. This Plan adopts a target mode share for bicycle commuters in Barangaroo of 4% and aligns with the TMAP. This plan also recognises that this target mode share can only be exceeded if safe bike lanes are provided, connecting to regional bike routes. On this basis, it is recommended that Statement of Commitment 47 be amended in-line with the proponent's request.

5.4 Community Uses GFA Distribution

As detailed in the proponent's PPR, its position with respect to the modification to the distribution of community uses GFA has been amended. It is now proposed to retain the requirement to provide a 'minimum' of 12,000 sqm of community uses GFA across the whole of the Barangaroo site. In this regard, it is proposed that Modification A1 (development description) and Modification B4 (built form) be amended to retain the requirement to provide a minimum of 12,000 sqm of community uses GFA in Barangaroo, but to remove the requirement to provide 10,000 sqm of this community GFA specifically in Barangaroo South. Instead, it is proposed to locate the community uses GFA where it best serves the needs of the local community.

The council contends that the majority of community floor space should be required to be provided in Barangaroo South as this is where 90 per cent of the Barangaroo development is located. The council also contends that the cultural centre under the Headland Park should be excluded from the calculation of community uses GFA.

In relation to the provision of community facilities at Barangaroo, the department notes that in addition to Modifications A1 and B4, the following terms in the Concept Plan approval are also relevant to community facilities provision:

- Modification B7 (Community Uses) which states the following:
 - "B7. Community Uses**
 - (1) *At least 3,000sqm of approved community uses shall preferably be located within one building in Barangaroo South in a central position that engages with the public domain, and shall be constructed prior to the final occupation of 250,000 sqm of commercial floor space, or the 3 commercial buildings (C3, C4 and C5) in Blocks 2 and 3, whichever occurs first.*
 - (2) *The proponent shall consult the City of Sydney and consider the report titled Asset Assessment and Development Plan for Community Facilities in Harbour Village Centre (June 2010) in considering and determining the appropriate mix and provision of community uses within Barangaroo South and outline the outcome of such consideration and consultation with the relevant Project/development application.*
 - (3) *Despite any other modification of this approval, a minimum of 2,000 sqm of community uses GFA must be provided within Block 6 or 7 (or other block approved by the Director General) and be of a type acceptable to the Director General".*
- SOC 7 & 18 in Schedule 3 of the Concept Plan approval, wherein the proponent committed to the preparation of a Community & Social Plan and the provision of nominated social, health, cultural and recreation facilities including:
 - Social: a multi-purpose facility, a minimum of two long day care and early learning centres;
 - Health: a range of outdoor spaces;
 - Cultural: a cultural industries development, a flexible outdoor venue for city scale cultural events; and
 - Recreational Facilities: various recreational spaces and facilities including a harbour foreshore walk/cycle path, active sports areas and associated facilities, a regional play space, public open space and well designed pedestrian linkages.

The requirement to provide community facilities has always been a key component of the approved land use mix at Barangaroo. Modification 4 to the Concept Plan approved an increase in the amount of the community uses GFA from 2,000 sqm to 12,000 sqm. This was considered to be a positive social outcome for the site. The department also imposed a requirement for the proponent to liaise with the City of Sydney to ensure the appropriate composition of community uses GFA. Modification B7 currently reflects this requirement and the proponent's intention to deliver this GFA is reinforced through Statement of Commitments 7 & 18, as outlined above.

Having considered the concerns raised by council, the department is satisfied that the above detailed requirements as a whole are sufficiently binding and will ensure that a range and diversity of community facilities will be provided across the entire Barangaroo site. As per existing Modification B7(2), the proponent is required to consult with the council in order to 'determine the appropriate mix and provision of community facilities within Barangaroo South'. Therefore, there will be further opportunities for the council to have input into the range of community facilities ultimately provided.

Further to the above, the department notes that the provision of community uses GFA is likely to exceed 12,000 sqm. In this regard, the department is satisfied that the planned public domain improvements, in conjunction with the cultural facility, the foreshore promenade and the Headland Park, will deliver the range and distribution of community uses GFA anticipated by Modifications A1 and B7. Furthermore, the department is satisfied that these facilities will be well integrated with the public domain network and will be sufficiently diverse to cater for the needs of the broader community. The amendment proposed to modifications A1 and B7 to remove the reference to the requirements to relocate all community uses GFA in Barangaroo South is therefore supported and reflected in the Instrument of Modification provided at **Appendix C**.

5.5 Building Height Amendments

The application proposes to re-word Modification B4 to introduce a new provision to permit certain building elements to exceed the otherwise allowed maximum building heights. The building elements proposed to exceed the maximum building height include: communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and building management units. These amendments have been outlined in Section 2 of this report.

The definition of 'building height' relevant to Barangaroo is that defined in the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument), which is reproduced below:

"building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

It is noted that the proposed provision would be consistent with the Standard Instrument with the exception of the inclusion of building management units.

The proponent has submitted documentation with its application to demonstrate that building management units, which are typically located on the rooftop of buildings, have minimal environmental impact with respect to their visual appearance. In this regard, it is suggested the building management units do not result in adverse bulk and scale impacts.

The department is cognisant of the fact that the standard definitions incorporated into the Standard Instrument are mandated for the purpose of providing consistency and certainty with respect to the interpretation of 'building height' and development outcomes across the state of NSW. The department is not of the opinion that a variation to the Standard Instrument definition is warranted in the circumstances and therefore, this element of the

modification is not supported. In any event, departures from the development standards, including building heights, are already permitted, subject to a merit assessment, on a case by case basis, pursuant to clause 20 'Exceptions to Development Standards' in Part 12 of the MD SEPP. The department considers that this provides an appropriate mechanism to consider any proposed height variations.

5.6 Other Matters

Design Competition

Although the subject modification application does not seek to amend Modification C2(1) – Design Excellence of the Barangaroo Concept Plan, in its assessment of the current application, the department has identified that the trigger for a design competition in the Barangaroo Concept Plan is dissimilar to the trigger for a design competition in the MD SEPP.

Modification C2(1) currently nominates the following development as the cause for a design excellence competition to be held:

- "(a) Any development comprising the erection of a building exceeding 55 metres in height;*
- (b) Any development of land exceeding 1,500 square metres in area; and*
- (c) Each 'block' where this is not covered by (a) or (b) above".*

However, the current provisions in Part 12, clause 19 of Schedule 3 of the MD SEPP state that:

- "(3) Consent must not be granted to the following development unless a design competition has been held in relation to the proposed development:*
 - (a) the erection of a new building that will be greater than Reduced Level (RL) 57;*
 - (b) the erection of a new building on a site of greater than 1,500 square metres".*

The key difference between the requirements of the Concept Plan and MD SEPP is that the MD SEPP only requires design competitions to be held in relation to new buildings of a certain height or size. Whilst the Concept Plan requires design competitions for 'any development' on land exceeding 1,500 sqm, as well as, new buildings that exceed 55 m height.

The department notes that section 75W(7) of the EP&A Act makes provision for the Minister to modify an approved concept plan to include matters which are not limited by the scope of the proponent's application. Hence, the current modification application provides the department with a timely opportunity to address this anomaly in the Concept Plan to ensure consistency with the MD SEPP.

6. CONCLUSION

The department has assessed the merits of the proposed modification and is satisfied that the impacts of the proposed modification to the development blocks, the Urban Design Controls and the provision of community GFA will remain generally consistent with the approved Concept Plan and will result in an acceptable urban design outcome.

Notwithstanding the department's general support for these amendments, the proposal to modify the definition of building height to permit building management units to be excluded from the calculable height of buildings is not supported. As detailed in the report, it remains relevant and appropriate for height variations to be considered on merit and under the current legislative framework established in the MD SEPP and the Standard Instrument LEP.

The department also does not support the changes to the current car parking rates and considers that any changes should be deferred to enable potential traffic impacts to be comprehensively considered in conjunction with the impending amendments to the Concept

Plan to accommodate a casino/hotel development. The approach is consistent with the concerns raised by council in relation to the application.

Conversely, the department does support the proponent's request for changes to the bicycle parking rates in line with the TMAP. Given the targeted commuter mode share for bicycles in the TMAP is 4%, which is also consistent with the Barangaroo Integrated Transport Plan, the department considers that this rate is appropriate and is therefore supported.

As detailed in the report, this modification application also provides an appropriate and timely opportunity to amend the design competition provisions in the Concept Approval to align with the MD SEPP.

Subject to the above findings, the department recommends that the section 75W application be approved, subject to the recommended modifications set out in the attached Instrument of Modification.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- a) **consider** the findings and recommendations of this report;
- b) **determine** that the proposed modification falls within the scope of section 75W of the EP&A Act;
- c) **approve** the modification under section 75W of the EP&A Act; and
- d) **sign** the attached Instrument of Modification in **Appendix E**.


Daniel Keary
Director
Industry, Key Sites & Social Projects

13/2/14


Chris Wilson
Executive Director
Development Assessment Systems & Approvals

14.2.14

APPENDIX A

Planning History

Barangaroo Concept Plan MP 06_0162

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) on 9 February 2007. The Concept Plan approval allowed for:

- A mixed use development involving a maximum of 388,300 sqm of gross floor area (GFA) contained within eight blocks on a total site area of 22 hectares (ha);
- Approximately 11 ha of new public open space/public domain, including a 1.4 kilometre (km) public foreshore promenade;
- A maximum of 8,500 sqm GFA for a passenger terminal and a maximum of 3,000 sqm GFA for active uses that support the public domain within the public recreation zone;
- Built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone;
- Alteration of the existing seawalls and creation of a partial new shoreline to the Harbour;
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking; and
- An underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

The capital investment value (CIV) of the approved Concept Plan was \$1.5 billion with up to 16,000 operational jobs. The approved layout is shown in **Figure 1** below.

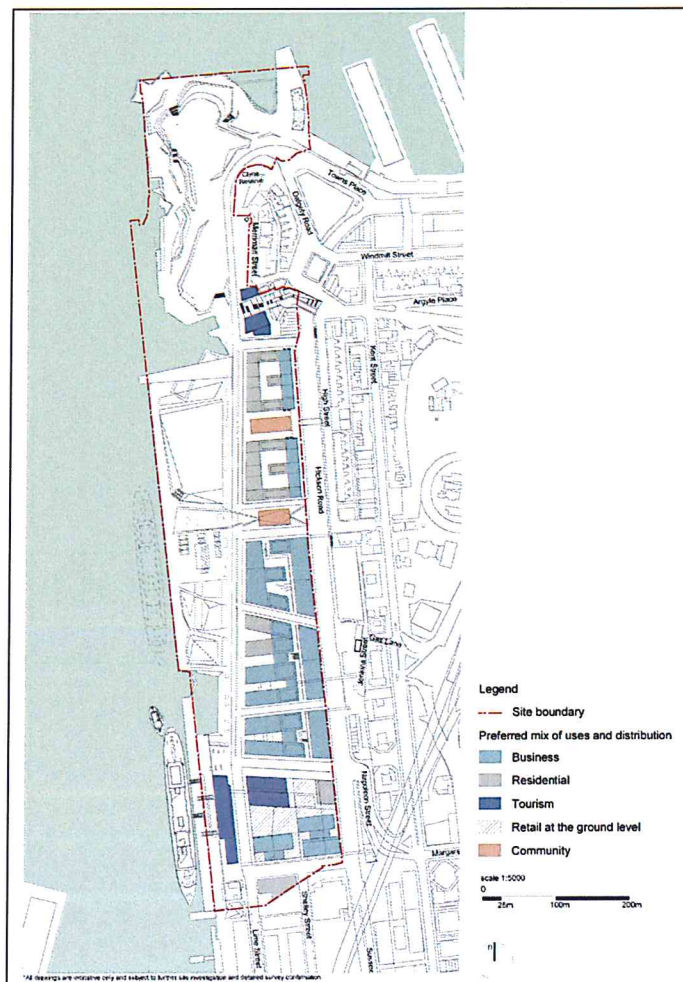


Figure 1: Original Concept Plan Layout and Land Use Matrix

It is important to note that Modifications B1 to B3 and C1 of the Concept Plan approval required design amendments to the approved scheme, including provision of a “naturalised” northern cove and

headland, and enlargement of the Southern Cove. In terms of the Southern Cove, this included recognition of the need for consequential reconfiguration of the development blocks and redistribution of the gross floor area (GFA) within the site (Modification C1 of the approval).

The subject modification responds to the requirements in the Concept Plan approval relating to the Southern Cove, while proposing additional built form and public domain changes beyond reconfiguration of the approved floor space.

The following outlines the subsequent 3 modification approvals to the Concept Plan:

MP 06_0162 MOD 1

On 25 September 2007, the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved a minor modification to the approved Concept Plan to correct minor typographical errors and re-wording of the design excellence terms. This modification did not alter the maximum GFA or mix of uses.

MP 06_0162 MOD 2

On 16 February 2009, the then Minister for Planning approved a second modification to the Concept Plan to increase the GFA of commercial uses by 120,000 sqm in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 sqm. The modification increased the total maximum GFA for Barangaroo to 508,300 m² (an increase of 120,000 sqm or 31 per cent over the whole site).

MP 06_0162 MOD 3

On 11 November 2009, the then Minister for Planning approved a third modification to the Concept Plan, generally meeting the requirements of the Concept Plan approval relating to the northern headland and northern cove, with other changes as follows:

- the reinstatement of a headland at the northern end of the site with a naturalised shape and form including a build up of height and a landscaped connection to physically link Clyde Reserve to allow direct pedestrian access from Argyle Place;
- an enlargement of the northern cove to achieve a greater naturalised shape, form and edges (note this modification and the one above were required modifications in the terms of the original Concept Plan, contained in Modification B1 and B2, and following recommendations made in the jury report regarding the original winning competition scheme);
- the consequential re-alignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland;
- the consequential removal of development Block 8 and part of Block 7 and redistribution of the associated land use mix;
- the demolition of three heritage items being the Sandstone Seawall; the Sydney Ports Harbour Control Tower; and the MWS & DB Sewage Pumping Station; and
- amendments to the Statement of Commitments relating to the preparation of relevant plans and strategies so that work can commence in stages.

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 m² (comprising 489,500 m² of mixed uses and 11,500 m² for the passenger terminal and active uses in the open space zone).

MP 06_0162 MOD 4

On 16 December 2010, the then Minister for Planning approved a fourth modification to the Concept Plan. The modified Concept Plan provides for the following:

- A maximum of 563,965 sqm mixed uses GFA, including residential, commercial and retail uses which includes:
 - a maximum of 128,763 sqm of residential uses
 - a maximum of 50,000 sqm of tourist uses GFA; and
 - a maximum of 39,000 sqm of retail GFA.
- A maximum of 4,500 sqm of active uses GFA (3,000 sqm of which will be in Barangaroo South); and
- A minimum of 12,000 sqm of community uses GFA (10,000 sqm of which will be in Barangaroo South);

- Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open space serving separate recreational functions and includes a 2.2 km public foreshore promenade;
- Built form principles, maximum building heights and GFA for each development block within the mixed use zone;
- Public domain landscape concept including parks, streets and pedestrian connections; and
- Alteration of the existing seawalls and creation of a portion of the new shoreline to the Harbour.

In order to accommodate the changes made to the Concept Plan, Schedule 3 of Part 12 of the Major Development SEPP was concurrently amended. The amendment rezoned parts of the Barangaroo site and the adjoining areas from 'RE1 Public Recreation' and 'W1 Maritime Waters and Transport' to 'B4 Mixed Use' and 'RE1 Public Recreation'. Modifications to the distribution of GFA and building heights were also included in the amendment.

MP 06_0162 MOD 5

This modification was lodged in February 2011, and proposed modifications to clarify the outcomes with respect to the distribution of community uses GFA across the Barangaroo site, and to correct a number of minor typographical errors. This application was subsequently withdrawn on 22 March 2011.