

# Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we approve the modification of the Concept Plan referred to in Schedule 1, subject to the Future Assessment Requirements in Schedule 2, and Statement of Commitments in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2014

## SCHEDULE 1

**Major Project Number:** MP06\_0162

**On Land Comprising:** Lots 1 to 6 DP 876514; Lot 7 DP 43776; Lot 100 DP 838323; Lots 6 and 7 DP 869022; part of Lot 110 DP 1061311; part of C.T. Volume 5018 Folio 1

**Concept Approval:** Granted by the Minister on 9 February 2007

**For the following:**

- a mixed use development involving a maximum of 388,300sqm of gross floor area (GFA) contained within 8 blocks on a total site area of 22 hectares;
- approximately 11 hectares of new public open space/public domain, including a 1.4km public foreshore promenade;
- a maximum of 8,500sqm GFA for a passenger terminal and a maximum of 3,000sqm 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, containing approximately 300 car parking spaces.

**Modification Number:** MP06\_0162 MOD 6

**Modification:**

- 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 bicycle parking rates; and
- Amendment to design excellence provisions in Condition C2(1) to align with the State Environmental Planning Policy (Major Development) 2005.

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

**Modify A1 by inserting the following additional words (shown in bold):**

#### **A1 Development Description**

Concept approval is granted only to the carrying out of the development solely within the Concept Plan area as described in the documents titled "*East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment (Volume 1 & 2)*" prepared by JBA Urban Planning Consultants & SHFA (dated October 2006), amended by *Barangaroo Part 3A Modification Report (Volume 1 & 2)* prepared by MG Planning Pty Ltd & SHFA (dated June 2008), amended by *Barangaroo Part 3A Modification Report – Headland Park and Northern Cove* prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009, and amended by *Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report* prepared by JBA Urban Planning Consultants (dated August 2010), and amended by **Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated May 2013)** including:

- (1) A mixed use development involving a maximum of 563,965sqm gross floor area (GFA), comprised of:
  - (a) a maximum of 128,763sqm and a minimum of 84,595sqm residential GFA;
  - (b) a maximum of 50,000sqm GFA for tourist uses;
  - (c) a maximum of 39,000sqm GFA for retail uses;
  - (d) a maximum of 4,500sqm GFA for active uses in the Public Recreation zone (3,000sqm of which will be in Barangaroo South); and
  - (d) a minimum of 12,000sqm GFA for community uses
- (2) Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including an approximate 2.2km public foreshore promenade.
- (3) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- (4) Public domain landscape concept, including parks, streets and pedestrian connections.
- (5) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.

**Modify A2 by inserting the following additional words (shown in bold):**

#### **A2 Development in Accordance with Plans and Documentation**

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
  - (a) *East Darling Harbour State Significant Site Proposal Concept Plan and Environmental Assessment (Volume 1) and Appendices (Volume 2)* prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2006.

*Except as modified by*

  - (b) *Barangaroo Part 3A Modification Report (Volume 1) and Appendices (Volume 2)* prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated June 2008;
  - (c) *Barangaroo Part 3A Modification Report – Headland Park and Northern Cove* prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009; and
  - (d) *Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report* prepared by JBA Urban Planning Consultants and dated August 2010.
  - (e) **Section 75W Modification titled 'Concept Plan Modification 6, Barangaroo South' prepared by JBA Urban Planning Consultants and dated May 2013.**
- (2) The following Preferred Project Report including a revised Statement of Commitments are approved:



- (a) *Response to Department of Planning and Revised Statement of Commitments* prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2007.

*Except as modified by*

- (b) *Preferred Project Report Barangaroo Part 3A Modification – Commercial Floor Space and Revised Statement of Commitments and Preferred Project Report Addendum* prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2008;
- (c) *Preferred Project Report Barangaroo Part 3A Modification Report – Headland Park and Northern Cove* prepared by MG Planning Pty Ltd on behalf of the Barangaroo Development Authority and dated September 2009 *and Preferred Project Report Addendum Map* prepared by the Barangaroo Development Authority dated September 2009 (Revision F); and
- (d) *Preferred Project Report Concept Plan Modification 4 (MP 06\_0162 MOD 4) Barangaroo Stage 1* prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated November 2010 and revised *Statement of Commitments (December 2010)*.
- (e) **Preferred Project Report Concept Plan Modification 6 (MP06\_0162), Barangaroo South prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated 17 October 2013.**
- (3) In the event of any inconsistencies,
- (a) the Statement of Commitments referenced in A2(2)(d) of this approval prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
- (b) the modifications of the Concept Plan approval identified in Part B & C Schedule 2 prevail over the documentation listed in (1), (2) and (3)(a) above.

## PART B – MODIFICATIONS TO CONCEPT PLAN

**Modify B4 by deleting the following words (shown struck-through):**

### **B4 Built Form**

- (1) Approval is given to a mixed use development involving a maximum of 563,965sqm gross floor area (GFA), comprised of:
- (a) a maximum of 128,763sqm and a minimum of 84,595sqm residential GFA;
- (b) a maximum of 50,000sqm GFA for tourist uses;
- (c) a maximum of 39,000sqm GFA for retail uses;
- (d) a maximum of 4,500sqm GFA for active uses in the Public Recreation zone (3,000sqm of which will be in Barangaroo South); and
- (d) a minimum of 12,000sqm GFA for community uses (~~10,000 of which will be in Barangaroo South~~).
- (2) Despite B4(1) above, future project applications are not to exceed the GFA, maximum residential GFA and 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	RL 80	78
Block 2	209,213		RL 180	178
Block 3	142,669		RL 209	207
Block 4A	8,150	6,900	RL 41.5	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.

**Modify B5 by inserting the following additional words (shown in bold):**

**B5. Revised Design Principles**

- (1) Future applications in Barangaroo South are to demonstrate consistency with the Built Form Principles and Urban Design Controls within the Supplementary Urban Design Statement by Rogers Stirk Harbour + Partners (12 November 2010) **as amended by the Urban Design Controls dated April 2013 titled "Block 3, 4B+ 4C, and X+ 4A Revised Urban Design Controls"**, with required modifications as outlined in B9.

**Delete B9(1) in its entirety and replace with the following:**

**B9. Envelope Amendments and Built Form Controls**

**Barangaroo South**

- (1) The Built Form Principles and Urban Design Controls within the Supplementary Urban Design Statement by Rogers Stirk Harbour + Partners (12 November 2010) for Barangaroo South are adopted, with required modifications as outlined below and as amended by the Urban Design Controls dated April 2013 titled "Block 3, 4B+ 4C, and X+ 4A Revised Urban Design Controls". A final consolidated Urban Design Statement shall be provided to the Director-General within one (1) month of the determination of this application (Mod 6), incorporating all of the required modifications set out in B9 (2) to (6) and the amended Urban Design Controls dated April 2013.

**PART C – FUTURE APPLICATIONS**

**Delete C2(1) in its entirety and replace with the following:**

**C2 Design Excellence**

- (1) This provision applies to the following 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.

**Add new Modification C3(A) as follows:**

**C3A Traffic Impact Assessment**

Within three (3) months of the determination of this Modification 6 and prior the submission of future application for Blocks 3, 4A and 4B, the proponent is to submit the following to the satisfaction of the Director General:

- (1) An updated Transport Management and Access Plan in accordance with the requirements of Condition C3
- (2) A Traffic Impact Assessment which comprehensively assesses the traffic impacts of the amendments to the Block Boundaries to Blocks 3, 4A and 4B detailed in Modification 6 to the concept plan. The report is to include, but not be limited to:
  - a) Revised intersection modelling;
  - b) Detailed review of the traffic operations (existing and proposed) along Sussex Street, Hickson Road Erskine Street, Lime Street, Shelley Street and Globe Street;
  - c) Details of any changes to network intersection designs and lane configurations as a result of the modifications; and
  - d) Updated cumulative traffic and transport changes including the announced CBD and South East Light Rail Project, changes to buses in the City Centre and other associated changes related to these projects.

### SCHEDULE 3

**Delete Statement of Commitment No.47 in its entirety and replace with the following:**

47. Off-street bicycle parking and shower facilities are to be provided within buildings in line with the following minimum rates:

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

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

**END OF MODIFICATIONS FOR MP06 0162 MOD 6**