

25 March 2014

Mr Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad

**Barangaroo Concept Plan
MP06_0162 MOD 6**

I refer to the Executive Director's letter dated 14 February 2014 referring the above application to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation.

Ms Gabrielle Kibble AO, nominated me to constitute the Commission for the Project.

The modification application as shown in the Preferred Project Report (PPR) sought approval for: the realignment of roads and block boundaries; revision of the Urban Design Controls (for Barangaroo South and relating to Condition B9); amendments to the Built Form including the community Gross Floor Area (GFA) being excluded from the calculation of the building GFA and changes to the overall height; and parking rates.

While there were no submissions from the public when the application was exhibited five were received from public authorities including an objection from the City of Sydney Council.

The Commission notes the RMS, Transport for NSW and Council all raised traffic concerns with sight distances from two signalised intersections as a result of the proposed block boundary amendments. In the recommended condition C3A to address this matter the Commission notes while this condition requires a review of potential traffic impacts as a result of the proposed block boundary amendments, it does not require any temporary measures to address traffic issues associated with the modifications until the Hickson Road upgrades occur. The Commission considers the traffic impact assessment should also address any necessary temporary traffic mitigation measures that may be required to be implemented under future development applications until Hickson Road is upgraded. Accordingly, the Commission has modified this condition.

In its written submission, the Council also raised a number of other concerns including the reduction in community GFA, urban design, and applicable parking rates. The Council was also concerned that the modification was premature and should be considered with any future hotel proposal.

A teleconference with Council's representative was held by the Commission on Wednesday 19 March 2014 wherein Council's general concerns were reiterated as well as two primary concerns. That is: clarification on the specific uses within the community GFA (active/passive uses and who would be responsible for providing such uses and the location of same) and secondly, the modification should be deferred until the application for a future hotel is received.

The Commission discussed the Council's primary concerns with Planning & Infrastructure (P&I) on 19 March 2014 and was advised that the proponent has requested Director-General's Requirements for modification 8 that incorporates a future hotel. P&I advised the current modification will have no bearing on the proposed modification 8. P&I commented this modification 6 PPR did not seek to determine community uses, rather it sought to provide a maximum of 12,000 m² across the whole site (from a minimum 12,000 m² on the southern precinct). The Commission is of the opinion the quantum of 12,000 should remain as a minimum, to be provided, not the maximum as requested by the proponent. However Council's request to determine the specific community uses and location should be addressed in future detailed applications.

The Commission met with the proponent on 3 March 2014 and briefed the Commission on the history of the project. The proponent also requested the commission amend the parking calculations for the site to stipulate the rates and to exclude the community GFA from the maximum building GFA. The condition currently sets a maximum all inclusive GFA.

With regard to the proponent's request of 3 March 2014, the Commission notes parking rates were discussed in detail under Section 5.2 and distribution of GFA was discussed in detail under Section 5.4. In the circumstances of this matter, the Commission has concluded the parking rates should be considered on their merits at the time of further applications with nominated uses. The Commission therefore concurs with the Assessment Report's recommendations on the parking rates and similarly for the Built Form (GFA and height) for the project.

The Director-General's Assessment Report concluded that the modification would remain generally consistent with the approved Concept Plan, resulting in an acceptable design outcome and the project is recommended for approval, subject to conditions as modified.

The Commission considers the identified issues have been adequately addressed and concurs with P&I's recommendation to grant conditional approval for the reasons given in the Director-General's Assessment Report. This allows for the realignment of the road and consequential changes to the building forms while not allowing any increase to the approved building height and not allowing the 12,000 community GFA to be a maximum but remain the minimum provision, and further not allowing it to be excluded from the overall GFA calculation. The Commission also accepts P&I's recommendation that the parking rates not be allowed in this modification.

Accordingly, the Commission determines the recommendation to grant conditional approval to modification 6 be approved subject to the recommended conditions, as modified above.

The file and signed instrument of approval are returned.

Yours sincerely



Jan Murrell
Planning Assessment Commission

cc. Mr Brad Hazzard MP
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Minister Assisting the Premier on Infrastructure NSW
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