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22-33 Bridge Street,  
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Attention: Sara Roach, Senior Planner  
[sara.roach@planning.nsw.gov.au](mailto:sara.roach@planning.nsw.gov.au)

Dear Sara,

**RE: Barangaroo Concept Plan Modification 8 – City of Sydney response to Applicant's Response to Submissions and Preferred Project Report**

I write in relation to the Department's letter dated 11 September 2015 inviting the City to review Lend Lease's Response to Submissions (RtS) and Preferred Project Report (PPR) for Barangaroo Concept Plan Modification 8 (MOD 8) and State Environmental Planning Policy Amendment (Barangaroo) 2015 (the SEPP).

This letter is to be read in conjunction with our earlier objection to the Concept Plan amendment application and SEPP.

As previously noted, the proposed extensive changes to building envelopes that manoeuvre and intensify the building block arrangements to facilitate a prominent hotel and casino tower result in development on land intended and zoned for waterfront parklands and world-class harbour cove.

The RtS and PPR fail to address the objection of the City.

The RtS and PPR are dismissive and ask the consent authority to determine the MOD and SEPP fundamentally as lodged. A change in the shape of the Southern Cove and insignificant updates to the Design Guidelines and Statement of Commitments are proponent driven. No changes to the MOD or SEPP arise from the public exhibition process. None of the City's grounds for objection are satisfied by the PPR.

Critical issues in determining whether MOD 8 and the SEPP are acceptable or not are sought to be deferred to later stages of development assessment.

The City sustains an objection to MOD 8 and the SEPP and calls for the proposed non-compliance and departure from the current approval framework to be considered by the Planning Assessment Commission to meet a public interest test and the considerations under the Planning Act and the SEARs.

The City's key grounds of objection remain (but are not limited to):

- (a) MOD 8 is not in the public interest and the reasonableness to rezone foreshore parkland is not well founded;
- (b) MOD 8 does not include public benefits commensurate with the uplift in development gain;
- (c) MOD 8 fails to justify how the revised development blocks, facilitating the Crown SSDA and cove reduction is a preferred land use to permanent foreshore parkland and water space for future generations;
- (d) MOD 8 should be refused as the proposal should be relocated east of Globe Street and retain the Southern Cove to reduce impacts generally including visual impacts, open space impacts, heritage impacts and wind impacts;
- (e) MOD 8 produces a reduction in quality and quantity of public open space (in addition to relocation) by reclassifying what is counted as public open space (causing green space to drop below 50%) and disrupting the approved continuity of the foreshore public parklands; and
- (f) MOD 8 floor space could have been reallocated to the proposed land use in an acceptable location within the Barangaroo South development zone. This would be through the reuse and redistribution of approved floor space into new building envelopes. On the contrary, the project exhibits development creep, making the original tender submission far removed from the current proposal.

The Applicant has summarised their opinion of the key issues as follows, together with the City's position on the response.

Applicant's Nominated Key Issue	Applicant's Response	City of Sydney Response
<p><b>Public Benefit</b></p> <p>There are insufficient public benefits arising from the additional development proposed at Barangaroo South.</p>	<p>The public benefits arising from the development of Barangaroo are both numerous and significant. [The RtS] outlines a selection of the public benefits resulting from the development.</p>	<p>The RtS and PPR fail to identify sufficient additional public benefits arising from MOD 8. The documents describe the broad outcomes of the Concept Plan as currently approved, not with the significant uplift in development now sought with the changes. Tourism and economic benefits from the facilitation of the Crown hotel and casino are not exclusive to MOD 8. These benefits would arise with alternative built forms. This is a major flaw in the application. MOD 8 has significant public dis-benefit through downgrading the social and environmental</p>

		benefits of a world-class parkland and cove setting for an economic commercial opportunity. MOD 8 fails to justify why a \$20-minimum bet casino, hotel and apartment complex has public benefit over the existing foreshore public open space currently approved.
<b>Key Worker Housing</b>  There is insufficient KWH provided.	The amount of KWH is consistent with the approved Concept Plan and will increase proportionately with the additional residential floorspace.	A proportional increase based on a low rate of 2.3% of residential GFA is insufficient for such an immense increase in residential development. There is no additional public benefit that can be claimed in relation to the application of an existing requirement. There is no need to be constrained by the Project Development Agreement (which is not a planning consideration) as the entire proposal is inconsistent with the Project Development Agreement.  Crown's SSD DA for Block Y tower has no key worker housing allocation despite the uplift in residential development.  The City continues to call for a minimum 10% affordable housing requirement, and preferably 20%, to be applied to Barangaroo South.
<b>Location of Hotel and Northern Park</b>  The hotel will replace open space on the foreshore and result in a poorly integrated park with low amenity.	The location of the hotel building was undertaken by master architects RHS+P in a holistic manner to ensure the changes achieved the optimum outcome for the public domain.	The outcome of MOD 8 and the SEPP on the public domain in Barangaroo South, if approved, is not optimal. Repositioning the hotel tower on land currently zoned for development maintains the existing, highly appropriate, arrangement for the waterfront public domain.
<b>Public / Open Space</b>	The area of accessible public open space has not been reduced.	Relocated public open space is being reduced in area and in quality. Select use of the

There will be a loss of public / open space on the site.		words <i>public space</i> and <i>public domain</i> to conceal the loss of <i>public open space</i> features throughout the RtS and is disingenuous to all.
<b>Impact on Sydney Observatory</b>  MOD 8 will result in heritage and observational impacts on the Sydney Observatory.	The proposed Modification does not have any adverse heritage impacts on the Observatory. Additional assessment has been undertaken in relation to the observational impacts.	The MOD and SEPP result in adverse impacts on both heritage and observational attributes of the Observatory. These impacts are not well founded and the building envelope should be relocated to the zoned development boundaries to reduce those impacts.
<b>Wind</b>  The revised building heights and location will increase wind tunnels along the Waterfront Promenade and in public streets.	The results of the Wind Assessment indicate no locations exceeded the nominated pedestrian wind comfort criteria. All locations south of Waterman's Cove are suitable for, at a minimum, pedestrian walking with many locations suitable for pedestrian standing and sitting. Generally, wind conditions along the foreshore are classified as suitable for pedestrian sitting or standing. Where not classified as suitable, landscaping or other similar measures will mitigate wind impacts to be acceptable. The provision of these measures, as required, will be detailed in future separate applications for the development of Barangaroo South.	<p>The conclusions are not credible. When a wind assessment flags that pedestrians will be in distress when standing or sitting normally, or when disabled pedestrian will be in distress when standing, sitting or walking, the merit of the block envelopes should be in question.</p> <p>It is not appropriate to relegate significant induced wind impacts of modified building envelopes to later stages in the development. Measures to produce acceptable wind conditions, the superior of which is to shift the Block Y envelopes to the zoned development area, are necessary for the MOD assessment. It is not evident at this stage whether wind mitigation measures are achievable or whether block parameters must change.</p>
<b>Overshadowing</b>  MOD 8 would result in significant overshadowing of the Barangaroo South foreshore including Globe Harbour, as well as Darling Harbour and Jones Bay Wharf.	The shadow diagrams demonstrate an appropriate level of solar access in the Barangaroo South site, commensurate with the CBD location, and that the shadow impact on the foreshore south and at King Street Wharf has reduced	This was not an issue raised within the City's submission.

	compared to Concept Plan MOD 7.	
<b>Heritage</b>  MOD 8 is a stark departure from the nearby Millers Point Heritage Conservation Area and negatively impacts on the character of the area.	The approved Concept Plan provided for a new high density urban precinct within Barangaroo South. MOD 8 does not seek to change the approved future character of Barangaroo South and therefore will still relate to the Conservation Area in the same manner. The heritage assessment found there would be minimal to no impact on these items due to the distance between the items and Barangaroo South and the character of the existing setting of particular items. Any impacts are likely to be ameliorated by the topography and built form of the locality.	MOD 8 has additional adverse heritage impacts over and above the approved Concept Plan that can be mitigated by shifting the Block Y envelope to the zoned development area. It is absurd to suggest that there is little to no heritage impact on the setting of the Millers Point Conservation Area. The topography and built form cannot overcome such significant scale and location shifts.
<b>Planning Process</b>	MOD 8 is being progressed through an established assessment process under the EP&A Act. This process is transparent, inclusive and independent, with additional rigour achieved through determination of the MOD by the PAC.	MOD 8 would be a radical transformation from the original Concept Plan were it to be supported.  The PAC should refuse the MOD, else direct the Applicant to revise the Concept Plan layout to relocate Block Y within the established development line.
<b>Scale of the Development</b>  The scale of the buildings is too large and should be low scale adjacent to the harbour.	The proposed scale of the towers continue a built form dialogue with the adjoining CBD, with the highest form at the northern end of the precinct to complete the city frame and book-end the city's north-western edge.  The envelope for the hotel building is reflective of the requirement to have a hotel building which achieves landmark status, rather than a smaller tower located over the water.	It is not a public interest "requirement" for the hotel tower to achieve landmark status when negative impacts arise.  Comparisons continue to be made to the hotel envelope over the water which was not acceptable to the independent Barangaroo Review.  Landmark status is achieved by the sheer height and form of the Block Y tower, regardless of its position. As the position on the zoned

		open space is not considered appropriate, the building should be relocated to the established development zone.
<b>Public and Private View Loss</b>  MOD 8 will result in view loss from the residential buildings along Kent Street and obstruct views from significant locations such as Dawes Point, Pyrmont Park and Observatory Hill.	The EAR lodged concluded that MOD 8 achieves a reasonable balance between the protection of private views and the protection of public domain views in the delivery of a new urban precinct on the foreshore of Sydney Harbour.	Private view loss was not an issue raised within the City's submission to MOD 8.  However, public view loss from Dawes Point, Pyrmont Park and Observatory Hill is not mitigated by MOD 8 in terms of delivering a new urban precinct on the foreshore. The Concept Plan will deliver a new urban precinct without MOD 8 and its associated view impacts. The approved Concept Plan outcomes would be maintained by shifting Block Y into the zoned development area.
<b>Adequacy of the social and economic impact of the gaming facility.</b>	A social and economic impact assessment was submitted with the Crown Hotel and Resort SSD.	This was not an issue raised within the City's submission to MOD 8.

In closing, the City recommends that the Planning Assessment Commission refuse MOD 8 and disallow the SEPP amendments and direct the Applicant to reallocate the Concept Plan layout in an acceptable manner with less relative degree of change. This would be through the reuse and redistribution of approved floor space into new building envelopes within the boundaries of the existing development zone.

Should you wish to speak with a Council officer about the above, please contact Christopher Corradi, Area Planning Manager – Major Projects, on 9265 9333 or at [ccorradi@cityofsydney.nsw.gov.au](mailto:ccorradi@cityofsydney.nsw.gov.au).

Yours sincerely,



**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport