

APPENDIX 3.

MINISTER’S TERMS OF APPROVAL (9 FEBRUARY 2007)

SCHEDULE 1

PART A — TABLE

Application made by:	Sydney Harbour Foreshore Authority (SHFA)
Application made to:	Minister for Planning
On land comprising:	Barangaroo, Sydney Lots 1 to 6 DP 876514; Lot 7 DP 43776; Lot 100 DP 838323; Lots 6 & 7 DP 869022
Local Government Area:	City of Sydney
For the carrying out of:	A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2
Capital Investment Value:	\$1.5 Billion
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	9 February 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse:	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means City of Sydney Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

SHFA means the Sydney Harbour Foreshore Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Barangaroo has the same meaning as the land identified in Part A of this schedule.

Barangaroo Concept Plan means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

SCHEDULE 2

TERMS OF APPROVAL AND MODIFICATIONS – BARANGAROO CONCEPT PLAN No. 06_0162

PART A – TERMS OF APPROVAL

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 document 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) including:

- (1) A mixed use development involving a maximum of 388,300m² gross floor area (GFA), comprised of:
 - (a) a maximum of 97,075m² (or 25%) and a minimum of 58,245m² (or 15%) residential GFA;
 - (b) a maximum of 50,000m² GFA for tourist uses;
 - (c) a maximum of 39,000m² GFA for retail uses; and
 - (d) a minimum of 2,000m² 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 a 1.4km public foreshore promenade.
- (3) A maximum of 8,500m² GFA for a passenger terminal and a maximum of 3,000m² GFA for active uses that support the public domain within the public recreation zone.
- (4) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- (5) Public domain landscape concept, including parks, streets and pedestrian connections.
- (6) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
- (7) Retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking.

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.
- (2) The following Preferred Project Report including a revised Statements of Commitment 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.
- (3) In the event of any inconsistencies,
 - (a) the revised Statement of Commitments in (2) 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) and (2) above.

A3. Lapsing of Approval

Approval of the Barangaroo Concept Plan shall lapse 10 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

A4. Determination of Future Applications

The determination of future applications for development is to be generally consistent with the terms of

approval of Concept Plan No. 06_0162 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A, B & C of Schedule 2.

PART B – MODIFICATIONS TO CONCEPT PLAN

B1. Public Domain – Northern Headland

- (1) Noting the jury report recommendations on the competition winning design scheme, further detailed design plans for the northern headland are to be provided to the Department prior to or concurrently with the lodgement of the first project application for major public domain works. These are to be to the written satisfaction of the Director General.
- (2) The plans identified in (1) above are to address the following requirements and objectives:
 - (a) 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 generous landscaped connection to physically link Clyne Reserve, to allow direct pedestrian access from Argyle Place and appreciation of the landform of the former headland;
 - (b) encourage pedestrian permeability along the foreshore, with links to Hickson Road, Argyle Place, Towns Place and “Globe Street”;
 - (c) ensure adequate viewing of the park from “Globe Street” to enhance security while limiting vehicular access into and through the park;
 - (d) a welcoming aspect when approaching the northern headland from the south along “Globe Street” and Hickson Road, in landform, materials, accessibility and view lines;
 - (e) public safety through the day and night considering surveillance, lighting, planting and materials; and
 - (f) the impact on and the treatment of the Sewage Pumping Station.
- (3) The above redesign may include provision of a public car park within the headland.

B2. Public Domain – Northern Cove

- (1) Noting the jury report recommendations on the competition winning design scheme, further detailed design plans for the Northern Cove located opposite Munn Street are to be provided to the Department prior to or concurrently with the lodgement of the first project application for major public domain works. These are to be to the written satisfaction of the Director General.
- (2) The plans identified in (1) above are to address the following requirements and objectives:
 - (a) an enlargement of the water intrusion; and
 - (b) a greater naturalised shape, form and edges including treatment surrounding the cove.

B3. Public Domain – Southern Cove

- (1) Noting the jury report recommendations on the competition winning design scheme, further detailed design plans for the Southern Cove (north of Napoleon Street and opposite proposed “Bull Street”) are to be provided to the Department prior to or concurrently with the lodgement of the first project application for major public domain works. These are to be to the written satisfaction of the Director General.
- (2) The plans identified in (1) are to address the following objectives:
 - (a) an enlarged water intrusion including a component east of the proposed “Globe Street”;
 - (b) active edges around the enlarged waterbody, including appropriate ground floor uses in buildings to activate the foreshore area;
 - (c) achieving appropriate pedestrian linkages along the foreshore and connections to Hickson Road; and
 - (d) a theme which celebrates the water as an important part of the landscape element.

B4. Built Form

- (1) Approval is given to a mixed use development involving a maximum of 388,300m² gross floor area (GFA), comprised of:
 - (a) a maximum of 97,075m² (or 25%) and a minimum of 58,245m² (or 15%) residential GFA;

- (b) a maximum of 50,000m² GFA for tourist uses;
 - (c) a maximum of 39,000m² GFA for retail uses; and
 - (d) a minimum of 2,000m² GFA for community uses.
- (2) Despite (1) above future project applications are not to exceed the GFA, maximum residential GFA and building heights identified in *Figure 12.1 – Development Blocks* of the EA, specifically in table (2)(a) below, except as provided for in C1(1).

(a) Development Blocks:

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Block 8
GFA	11,800m ²	180,000m ²	56,000m ²	74,500m ²	29,200m ²	3,000m ²	28,000m ²	5,800m ²
Residential GFA (Max)	-	20,000m ²	9,575m ²	25,000m ²	15,000m ²	-	27,500m ²	-
Height (Max)	RL 62	RL 180	RL 112	RL 100	RL 34	RL 29	RL 35	RL 32
Height above existing ground level	60 m	178 m	110 m	98 m	32 m	27 m	33 m	30 m

- (3) The specific forms contained in *Section 13.0 - Built Form* of the EA are not approved as part of this approval. This is due to concern that appropriate street edges and forms are not provided to Hickson Road and "Globe Street" (see revised design principle below). Not approving indicative building forms also allows evolution of design excellence.
- (4) Despite (3) above future project applications are to provide a comparison, and outline any variations from, the block controls outlined in *Section 13.0 - Built Form* of the EA.

B5. Revised Design Principle

Design Principle 2 in *Section 13.0 - Built Form* of the EA is amended to state "Buildings are to provide a consistent street wall and form to Hickson Road and "Globe Street" and use a palette of consistent and natural materials that are complementary to the sandstone nature of the headland".

B6. Tourist Uses

- (1) The 'tourist uses' shall be modified to a maximum of 50,000m² and shall not include serviced apartments, unless they are in single ownership and title (no strata titling). If they do meet these criteria they will be considered residential uses. In any event serviced apartments shall not exceed 12,500m².
- (2) Future applications for serviced apartments are to have equivalent amenity standards to residential buildings, in accordance with State Environmental Planning Policy No 65.

B7. Community Uses

The minimum of 2000m² allocated for community uses are to be provided for in Block 6 or 7 (or other block approved by the Director General) and be of a type acceptable to the Director General.

B8. Pedestrian Bridges

Concept Plan approval is not provided for any of the proposed pedestrian bridges that cross Hickson Road, with the exception of the pedestrian access referred to in B1(2)(a). East-west connections shall be considered with the public domain works. Connections should not compromise creation of a boulevard down Hickson Road.

PART C – FUTURE APPLICATIONS

C1. Built Form – Blocks 2, 3 and 4

Future project applications for buildings within Blocks 2, 3 and 4 may accommodate a redistribution of the GFA (but not in excess of the total area) that is displaced by any encroachment of the enlarged southern cove identified in modification B3. If significant changes are involved, this would require modification to the Concept Plan.

C2. Design Excellence

- (1) This provision applies to the following development:
 - (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.
- (2) The Proponent shall hold a design excellence competition for all development identified at (1) above.
- (3) The design competition brief shall be approved by the Director General or his delegate.
- (4) The Director General shall establish a design review panel for the design excellence competition(s) that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain;
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency;
 - (d) a comparison of the proposed development against the indicative building controls identified in *Section 13.0 - Built Form* of the EA; and
 - (e) whether the new development detrimentally impacts on view corridors, particularly from public spaces and streets.
- (5) The design review panel shall also be utilised for any significant changes to the Concept Plan, as determined by the Director General.
- (6) For the purposes of this modification, a **design review panel** means a 3 to 5 member panel comprised of appropriately qualified design professionals, chaired by a registered architect.
- (7) Notwithstanding (2) above, the requirement for a design excellence competition may be waived if the Director General:
 - (a) certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and
 - (b) is satisfied that:
 - (i) the architect responsible for the proposed design has an outstanding reputation in architecture, and
 - (ii) necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.

C3. Transport and Pedestrian Management

The Transport Management and Access Plan, in relation to public transport, traffic and pedestrian access between the Barangaroo site and Wynyard, shall be provided prior to or concurrently with the lodgement of the first major project application that includes new floorspace.

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.
 - (d) Passenger Terminal - subject to a future traffic report based on demand estimates.

C5. Consolidated Concept Plan

- (1) A consolidated Concept Plan containing the administrative modifications outlined below is to be provided to the Department as soon as possible and before lodgement of the first application.
 - (a) Legal description and ownership.
 - (b) Reference to Stamford on Kent as a commercial not residential building.

- (c) Proposed 300 car parking station in Headland park not shown on plans.
- (d) HIS and Heritage Items Plan do not include the MSB Stores at 34 Hickson Road.
- (e) Inclusion of the correct version of the Heritage Impact Statement (HIS) (*East Darling Harbour History*, by Sydney Harbour Foreshore Authority, unpublished document, July 2006) is the incorrect version of this report.
- (f) Inclusion of the heritage listed former gasworks AGL building.
- (g) Inclusion of a list of changes from the winning scheme.

C6. Rail

- (1) The Proponent shall request service searches from Railcorp, to establish the existence and location of any Railcorp services and structures. Where Railcorp services are identified the Proponent must discuss and agree with Railcorp how these services are to be accommodated in the development.
- (2) The Proponent may be required to enter into an agreement with Railcorp defining controls to be implemented in managing the access required and/or the potential impacts of the development on Railcorp, and the involvement of Railcorp staff in ensuring appropriate safety and technical standards are complied with throughout the development.