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Team Leader, Key Sites Assessments
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

Attention: Marcus Jennejohn
By email: marcus.jennejohn@planning.nsw.gov.au

Dear Marcus,

City of Sydney Response - Modification to Barangaroo Concept Plan (MP06_0162 MOD 10) and Amendment to State Environmental Planning Policy (State Significant Precincts) 2005

Thank you for your correspondence dated 29 April 2020.

The subject application proposes modifying the concept approval for Barangaroo and State Environmental Planning Policy (State Significant Precincts) as follows:

- increasing the gross floor area (GFA) of blocks 4A and 4B by 8,000sqm
- increasing the height of building R4B from RL 210 to RL 235 and introducing a 3 metre setback to the southwest corner above RL 209
- deferring the delivery of the Key Worker housing to the later of the practical completion of Building R5 or the last occupation certificate of Building R5

It is noted that the detailed designs of the buildings, approved under SSDs 6966, 6995 and 6996, will be amended under future applications.

In line with the City's assessment of previous modifications to intensify development at Barangaroo, the subject application should not be supported.

Planning Pathway / Substantially the same development

The development history of Barangaroo South has been a constant enlargement of building density, height and bulk, with the current and proposed quantum and form of development unrecognisable from the initial concept approval. The original approval in 2007 accommodated 388,300sqm of GFA, whereas this modification will result in 602,354sqm of GFA, a 55% increase across all the modifications to date.

The fundamental fault in Section 3BA(5) of the Savings and Transitional Regulation is the assessment need only to consider the most recent Concept Plan (Mod 8), not the original concept plan. Notwithstanding the small increase in GFA relative to the overall GFA of Barangaroo, it is unacceptable that this modification increases height and bulk, when the overwhelming public submissions to the original proposal was that it presented excessive bulk.

As such, the proposed modifications fail “to promote the orderly and sustainable development of Barangaroo balancing social, economic and environmental outcomes” contrary to Section 3 of the Barangaroo Act 2009. Approval of the project would arguably represent a failure of Infrastructure NSW’s responsibility under Clause 14(1)(a) of the Barangaroo Act “to manage the orderly and economic development of *Barangaroo*”, the effect being an erosion of trust, confidence and certainty in the NSW planning system in general and the Barangaroo site in particular.

Further changes are flagged under Modification 9 which relates to the Central portion of Barangaroo and is yet to be progressed. Approval of the subject application raises serious concerns about the extent of changes that are likely to be approved via modification 9 and the resultant impacts, particularly regarding traffic generation, demand on open space and view / visual massing impacts for residents living to the east of the site as well as Sydney Observatory.

Private residential apartments and key worker housing

The proposed amendments to the SEPP and intensification of development provide for a significant increase in private residential apartments with limited public benefit or consideration of impacts on the public domain. Public space and the public domain should not be secondary to yet more development.

The application proposes to allocate a totally inadequate 184sqm of the proposed 8,000sqm increase in GFA to key worker housing in accordance with condition B11. Furthermore, it is likely that these key worker apartments will have sub-optimal amenity similar to those approved under the detailed design consent (predominantly south facing, limited natural cross ventilation and a less desirable outlook. The City recommends that 1,600sqm of the 8,000sqm (20%) be provided as permanent additional affordable housing managed on-site by a Community Housing Provider.

The inner city continues to experience a significant shortage of key worker affordable housing in the nation’s most unaffordable housing market. The role of these workers, particularly those in healthcare and other emergency service providers and their ability to live close to their places of work, have been made more crucial during the current pandemic. Delaying the delivery of CHP key worker affordable housing to the end of the project as proposed creates real risk of delay and/or that it will not be delivered in a timely and reasonable manner. This once again prioritises the delivery of private market housing over affordable housing. This amendment should not be supported.

Residential amenity and reliance on public open space

It is unclear if the provision of additional floor space will be accompanied by additional communal open space. It is noted that the detailed consents for each building provided insufficient communal open space, justified by residents using the new open space provided at Barangaroo.

This is inadequate given the limited public benefit provided by the proposed modification and the existing demand for open space within the inner city. In accordance with Objective 3D-1 of the Apartment Design Guide, the development should provide sufficient private and communal space within the development to meet the anticipated needs of residents before relying on public open space.

Additional car parking and traffic

The Transport Management and Accessibility Plan identifies the new Sydney Metro station, reduction in bus frequency and forecast reduction in traffic along Hickson Road to justify the additional GFA and 80-100 car spaces (and subsequent trips) anticipated.

The development benefits from significant investment in public and active transport in and around Barangaroo and should not be granted the requested increase in car spaces. The City remains concerned that the unnecessary provision of car parking will encourage private vehicle use, contrary to the Planning Priority E10 of the Eastern City District Plan and contributing to existing traffic congestion.

As such, no additional car parking should be provided. However, if provided a restriction is to be placed on the title such that they are not used by anyone other than residents of the buildings to discourage informal commuter parking.

Visual Impact

The City notes the visual assessment undertaken by the Renzo Piano Building Workshop which argues the added height accords with a hierarchical ascendancy of tower heights that rise from Hickson Road in the east to the zenith at Block Y (the Casino). This is a ridiculous justification.

The City of Sydney contends that the development as viewed from the surrounding area is visually overbearing, particularly when viewed from the new over car parking space deemed to be Hickson Park. The towers will appear as shear walls of glass with no relief or wind management. The City notes that the separation between these towers is significantly non-compliant with the 24 metre separation for buildings over 25 metres in height under the Apartment Design Guideline. The documentation supporting this modification is silent on this inadequacy.

The process of maximising GFA within the approved building envelopes undermines the ability of all other buildings to achieve the desired urban design and amenity outcomes. The City has previously raised concerns regarding the lack of a defined podium on Building R5 fronting Hickson Road, with the proposed additions compounding its already overbearing bulk and failing to pick up on cues from development opposite on Watermans Quay. There also appears to be insufficient information to comprehend the impacts of the additional bulk on the surrounding streets and clear view line.

Loss of night sky for Sydney Observatory

Sydney Observatory provides an historic role in local tourism and science education for Sydney. The remainder of the buildings in Barangaroo have adversely impacted the Sydney Observatory, with the proposed modifications causing further restrictions on views of the Jewel Box Cluster (NGC 475) within the constellation Crux (Southern Cross) as well as the Pointers of Centaurus and the globular cluster Omega Centauri in the late winter / early spring months when visibility is best, that is, lower average nights with cloud cover. The assessment also makes no mention of view loss of other celestial objects prior to 8.24pm as shown in Figure 5 of the Sky View Impacts document prepared by UNSW Unisearch, including the Gem Cluster (NGC 3293) and Eta Carina Nebula within the constellation Carina.

Views of these celestial objects are the envy of astronomers of the northern hemisphere, which due to their declination are not as visible. As such views of this part of the celestial sphere should be preserved for this historically important observatory.

Moreover, the assessment fails to consider the cumulative light spill impacts which would result from the 100 additional apartments, creating more difficulty for the observatory to look at other parts of the night sky that are unaffected by the construction of tall towers in the surrounding area.

The applicant should be required to undertake a thorough assessment against the principles of protecting views outlined in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046.

Private interest versus public interest

While approval of the modification seems inevitable based on past track record, the City has outlined clear reasons why the proposal should not be supported. Support for the application reinforces the primacy of private over public interests at Barangaroo as seen in the previous modifications granted and resulting in the significant increase of the private realm to the detriment of public land and amenity. Nowhere is this better expressed than in the modification's design to maintain views of the City skyline from Crown casino, whilst obscuring views from the Sydney Observatory.

Should you wish to speak with a Council officer about the above, please contact David Zabell, Senior Planner, on 9265 9333 or at dzabell1@cityofsydney.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'GJahn', with a stylized, flowing script.

Graham Jahn AM
Director
City Planning | Development | Transport