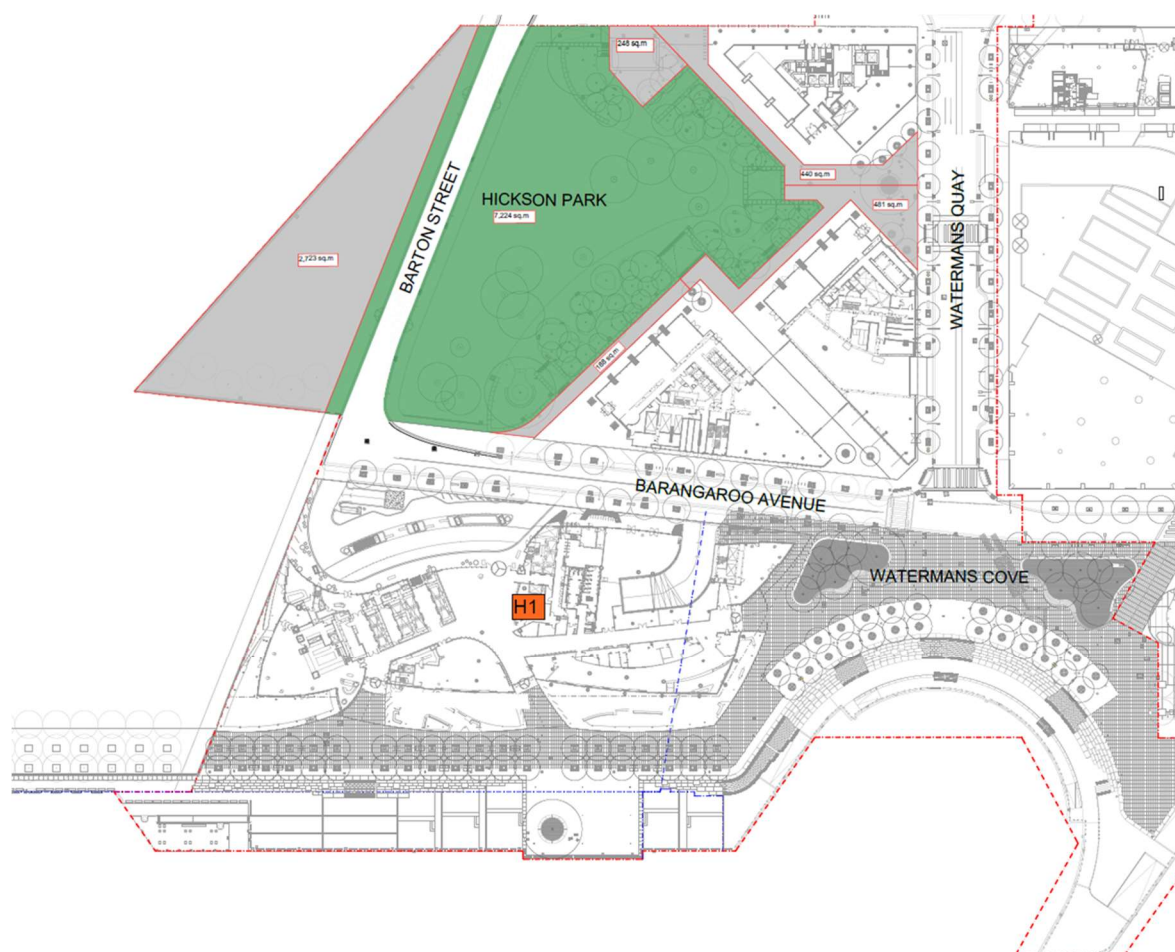


Barangaroo Concept Plan Modification 11

Section 75W Modification Assessment
MP 06_0162 MOD 11

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Cover image: Plan showing the northern extent of Barangaroo South, including Hickson Park (proposed Stage 1 construction of Hickson Park highlighted green), the ground level of Buildings R4A, R4B, R5 (Blocks 4A and 4B) and Crown Sydney Hotel Resort (Block Y).

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Glossary

Abbreviation	Definition
BFPUD	Barangaroo Built Form Principles and Urban Design
CBD	Sydney Central Business District
Concept Approval	Concept plan application (MP06_0162), approved 9 February 2007 (as modified)
Commission	Independent Planning Commission
Consent	Development Consent
Council	City of Sydney Council
CSHR	Crown Sydney Hotel Resort development
Department	Department of Planning, Industry and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FEAR	Future Environmental Assessment Requirement of the Concept Approval
GFA	Gross floor area
INSW	Infrastructure NSW (the Proponent)
LGA	Local government area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
Proponent	Infrastructure NSW
Proposal	Modification 11 to the Concept Approval (as summarised at Section 2)
RSA	Road Safety Audit
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRtS	Supplementary Response to Submissions
STOP Regulation	Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017
TfNSW	Transport for NSW

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Executive Summary

This report provides an assessment of a request to modify the concept approval for the mixed-use redevelopment of Barangaroo (MP 06_0162 MOD 11), in the City of Sydney (Council) local government area.

The modification request seeks approval to:

- allow an approved temporary construction road (Barton Street) to be used by all vehicles, not just construction vehicles
- amend the staging of the construction of Hickson Park and include construction exclusions zones

The application has been lodged by Infrastructure NSW (INSW) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (the Proponent).

The Department of Planning, Industry and Environment (the Department) made the application publicly available on its website on 22 July 2020 and referred the application to City of Sydney Council (Council) and Transport for NSW (TfNSW) for comment. The Department responses from Council and TfNSW, no submissions were received from the public.

Council confirmed it had no comments on the proposal. TfNSW recommended amendments to Barton Street and preparation of a road safety audit. The Proponent provided a response to the issues raised in submissions and additional information in support of the proposal.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in agency submissions and the Proponent's response. The Department's assessment concludes that the proposal is acceptable as:

- the construction of Hickson Park in stages is acceptable as:
 - the majority of the park (64%) would be provided at Stage 1, prior to the occupation of the Crown Sydney Hotel Resort development (CSHR)
 - it would ensure the park is built in line with neighbouring buildings and not damaged during construction works
- the use of Barton Street by all vehicles is acceptable as it would improve the operation of the road network and would not have adverse safety impacts
- no change is proposed to the physical design of Barton Street as a temporary road and it will be converted to parkland as part of the proposed staged construction of Hickson Park.

The Department's assessment therefore concludes the proposal is acceptable as it would not result in any adverse traffic impacts and provides for the appropriate staging of Hickson Park. The Department is satisfied the proposal is in the public interest and recommends the application be approved subject to conditions.

1 Introduction

1.1 Introduction

This report provides an assessment of a request to modify the concept approval for the mixed-use redevelopment of Barangaroo (MP 06_0162 MOD 11), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application has been lodged by Infrastructure NSW (INSW) (the Proponent) and seeks approval to modify the Concept Approval to:

- amend the restriction on Barton Street to allow this temporary road to operate as a public road accessible by all types of vehicles, not just construction vehicles
- amend the staging of the construction of Hickson Park and include construction exclusions zones.

1.2 Barangaroo

The Barangaroo redevelopment is a major urban renewal project located along the north-western edge of the Sydney Central Business District (CBD) within the City of Sydney (Council) local government area. The site is bounded by Sydney Harbour to the north and west, Hickson Road to the east and King Street Wharf / Darling Harbour to the south.

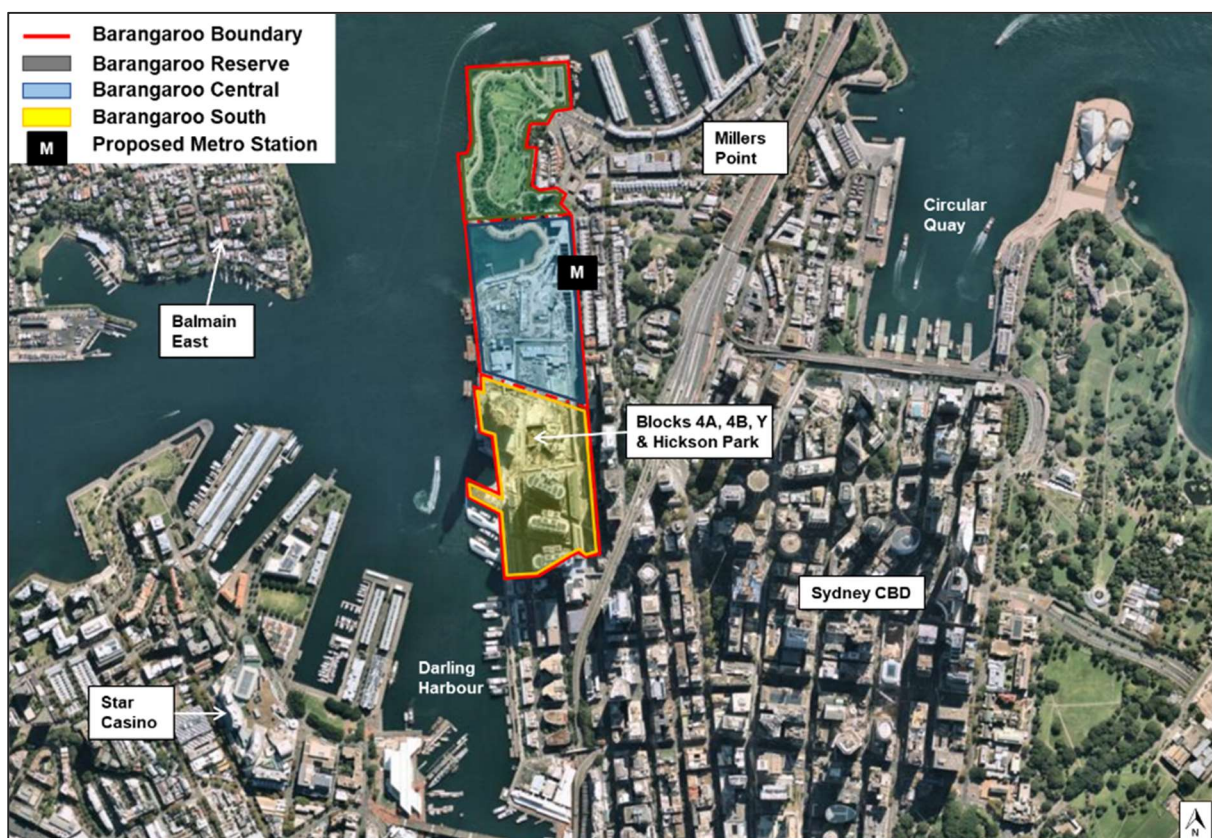


Figure 1 | The location of Barangaroo and the three Barangaroo development precincts (Source: Nearmap)

The Barangaroo site has a total area of approximately 22 hectares, fronts the harbour foreshore and has been divided into three distinct redevelopment precincts (from north to south) comprising Barangaroo Reserve, Barangaroo Central, and Barangaroo South (**Figure 1**).

The Barangaroo site is the subject of a concept plan and various development approvals for mixed-use redevelopment as summarised at **Section 1.4.1**.

This modification application relates to the northern part of Barangaroo South and the southern tip of Central Barangaroo.

1.3 Barangaroo South and Central Barangaroo

1.3.1 Barangaroo South

Barangaroo South is the southern-most precinct within Barangaroo and is bounded by Hickson Road to the east, King Street Wharf to the south, Sydney Harbour to the west and Barangaroo Central to the north.

The precinct is comprised of seven blocks together with public domain and open spaces. The precinct is divided into three construction stages comprising (**Figure 2**):

- Stage 1A (Blocks 1, 2, 3 and X), including a mixture of mid and high-rise (from RL 25 up to RL 209) building envelopes for commercial towers, residential and retail buildings
- Stage 1B (Blocks 4A and 4B), comprising three tower building envelopes (R4A, R4B and R5) for mixed / residential use (heights ranging from RL 107 up to RL 250), Hickson Park public open space and Stage 1B shared basement
- Stage 1C (Block Y) including the Crown Sydney Hotel Resort development (CSHR) with a maximum height of RL 275.

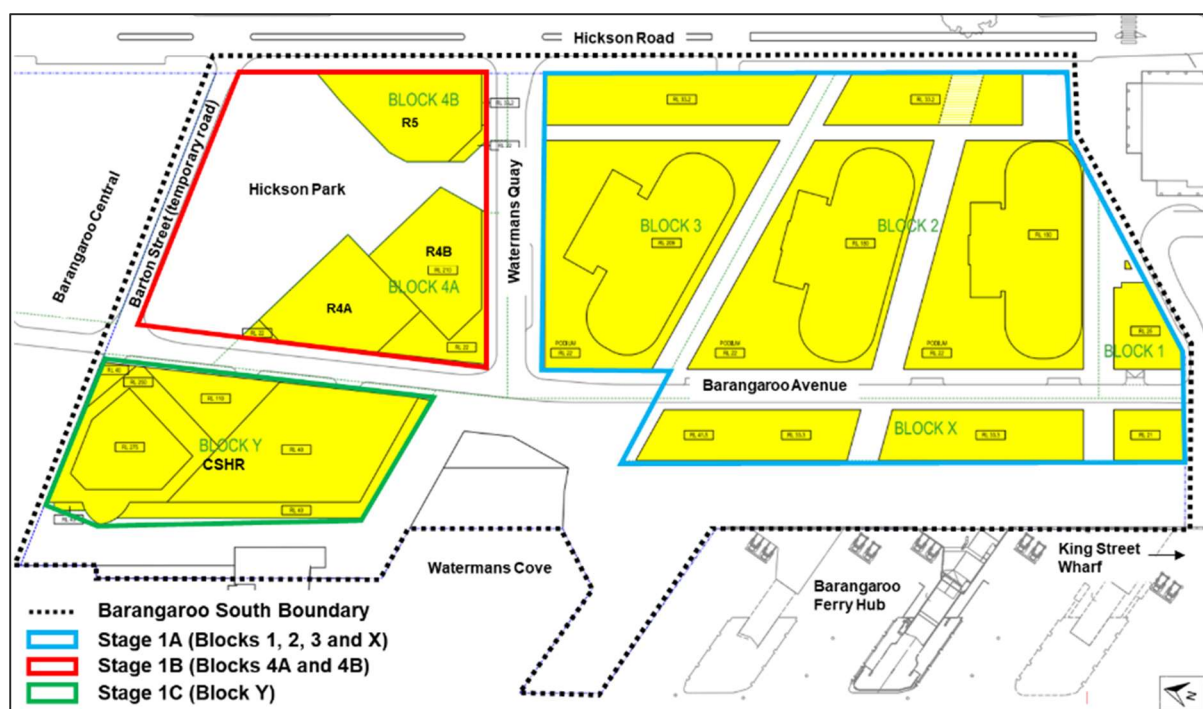


Figure 2 | Barangaroo South layout, block location and approximate stage boundaries (Source: MP06_0162 MOD8)

The construction of the Barangaroo South precinct is at an advanced stage, with the southern part of the precinct (Stage 1A) largely completed, CSHR (Stage 1C) almost complete and scheduled to open late 2020 and the shared basement (Stage 1B) under construction.

Above ground works on the towers in Stage 1B (Buildings R4A, R4B and R5) and Hickson Park have not yet commenced.

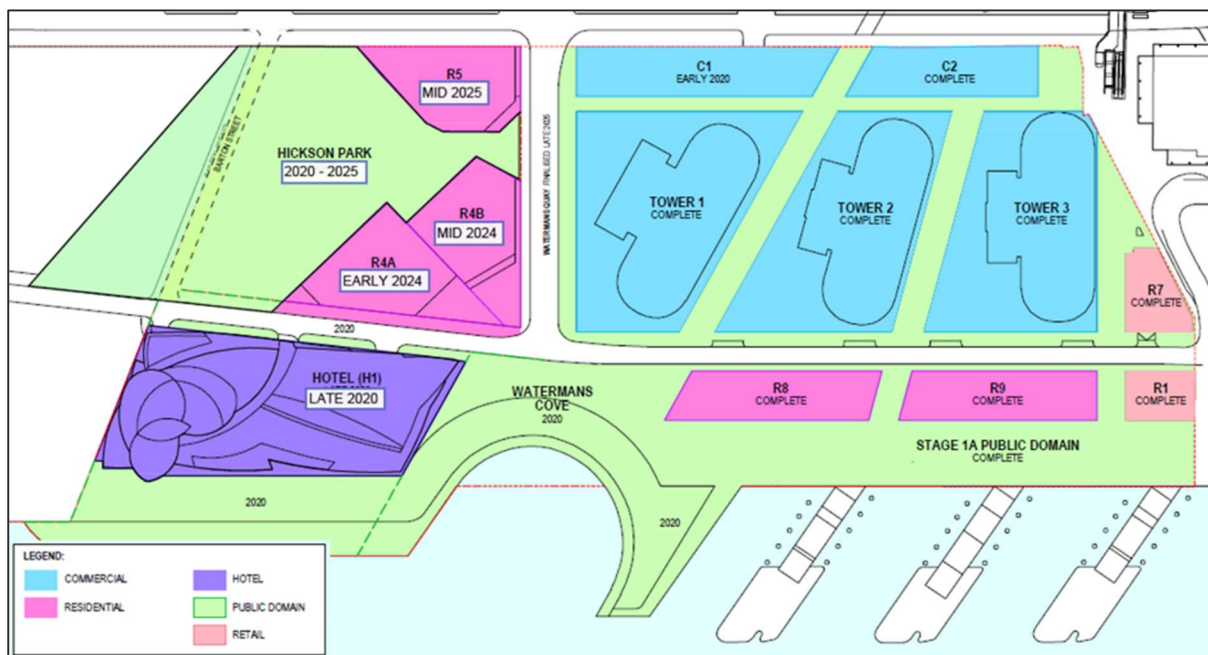


Figure 3 | Barangaroo South and predicted construction staging and completion dates (Source: Proponent's EA)

1.3.2 Central Barangaroo

Central Barangaroo is the middle precinct within Barangaroo and is bounded by Hickson Road to the east, Barangaroo South to the south, Sydney Harbour to the west and Barangaroo Reserve to the north.

The precinct is comprised of three blocks up to RL 35 m (approximately 10 storeys) providing for up to 47,688 m² of commercial and residential uses together with public domain and open spaces (**Figure 4**). No construction works have commenced on site, other than site preparation and remediation works.

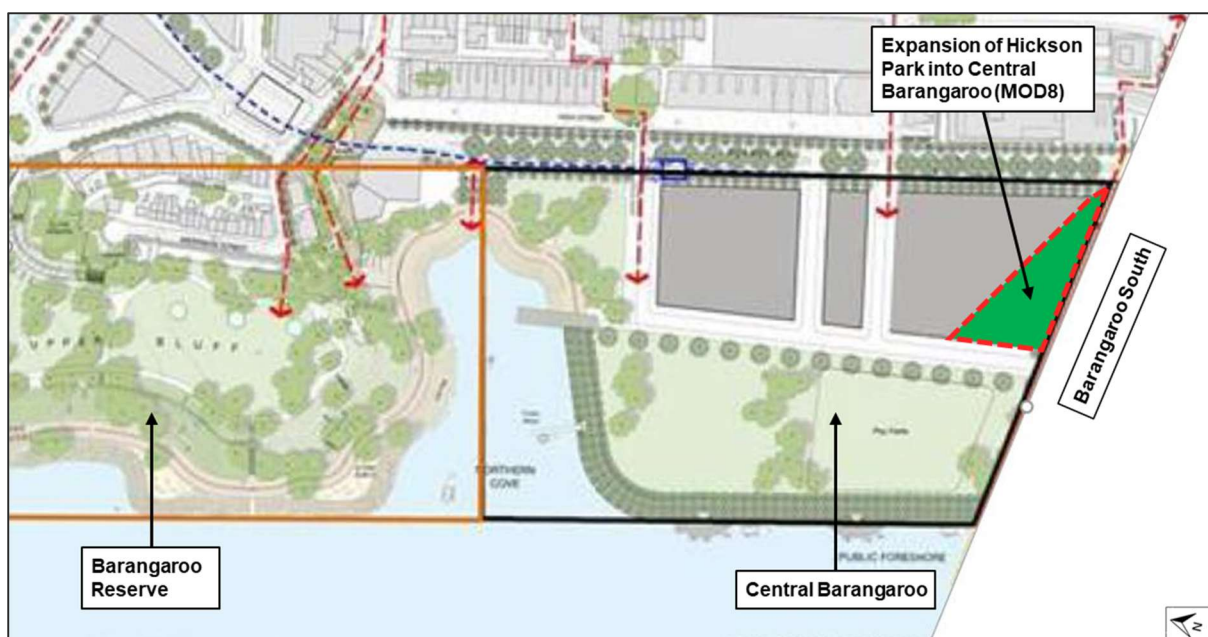


Figure 4 | Central Barangaroo layout, including location of expanded Hickson Park (MOD8) (Base source: MP09_0162 MOD 9 SEARs request)

The Department has issued Secretary's Environmental Assessment Requirements (SEARs) for the modification of Central Barangaroo (MP06_0162 MOD 9) to amend building envelope locations, heights, GFA and public domain areas.

1.4 Relevant planning history

1.4.1 Concept Approval

On 9 February 2007, the then Minister for Planning approved the Barangaroo concept plan (MP 06_0162) (the Concept Approval) for the redevelopment of the Barangaroo site.

Since its original approval, the Concept Approval has been modified on eight occasions as summarised in **Table 1**. The Concept Approval Barangaroo South layout is shown at **Figure 2**.

Table 1 | Modifications to approved Concept Plan MP06_0162

MOD	Summary of Modification	Approved
MOD 1	Administrative changes to the approval and re-wording design excellence terms.	25 Sep 2007
MOD 2	Increase of 120,000 m ² commercial GFA to Block 2, 3, 4 and 5 (Barangaroo total 509,800 m ²).	16 Feb 2009
MOD 3	Reduction of 18,800 m ² GFA (Barangaroo total 489,500 m ²). Reinstatement of a headland at the northern end of the site and enlargement of the northern cove. Removal of development Block 8 and part of Block 7 and redistribution and realignment of Globe Street.	11 Nov 2009
MOD 4	Expansion of concept plan into Sydney Harbour, redistribution of land use mix and increase of maximum GFA by 74,465 m ² (Barangaroo total 563,965 m ²), including revision of BFPUD controls, increase of building heights and establish Blocks X and Y building heights, removal of passenger terminal and increase in community uses and provision of a cultural centre.	16 Dec 2010
MOD 5	Administrative changes.	Withdrawn
MOD 6	Realignment of Blocks 3, 4A and 4B development boundaries, amendment of BFPUD controls, bicycle parking rates and design excellence provisions.	25 Mar 2014
MOD 7	Inclusion of concrete batching plants as a temporary permitted use.	11 Apr 2014
MOD 8	Increase of 41,946 m ² GFA, amended Barangaroo South site boundary, urban structure, layout, land-uses, maximum height, public domain, car parking and amend BFPUD controls.	28 Jun 2016
MOD 9	Modifications to Barangaroo Central, including increases in height and GFA, redistribution of GFA, land uses and public domain areas and modifications to block and building envelopes	(SEARs) 15 Apr 2014
MOD 10	Increase of 8,000 m ² GFA, increase the height of building envelope R4B by 25 m to RL 235 m, amend building R4B setbacks and amend the Built Form Principles and Urban Design controls.	2 Sep 2020

The Concept Approval, as modified, establishes:

- a mix of uses, including residential, retail, commercial and public recreation
- a maximum gross floor area (GFA) of 587,354 m², building envelopes, building height and public open space / public domain areas
- BFPUD controls to guide the design of development.

1.4.2 Barton Street temporary road

The Concept Approval allows for the construction of a temporary road (Barton Street) for the sole use of construction vehicles during the development of Barangaroo South and Central Barangaroo. The

temporary road has an east-west orientation, is located within Hickson Park and is to be removed following completion of CSHR and Barangaroo Avenue.

The construction, use and removal of Barton Street is subject to the following Concept Approval requirements:

- **Condition B5(5)** requires Barton Street to be removed and converted into parkland as part of Hickson Park following the construction of the Crown Sydney Hotel Resort development (CSHR) and Barangaroo Avenue
- **Condition B12** requires Hickson Park to be constructed/landscaped and made publicly accessible prior to the issue of the first Occupation Certificate for CSHR and Buildings R4A, R4B and R5
- **Condition C3C(c)** requires the Proponent to undertake consultation with TfNSW on the construction of Barton Street as a temporary access road
- **Condition C8** confirms the Hickson Road intersection with Barton Street shall only be used for temporary construction purposes
- **Appendix 1** comprises a layout plan showing the extent and location of Hickson Park (following the removal of Barton Street and conversion of that land to Hickson Park parkland).

The construction of Barton Street is 'development without consent' under clause 94 of the State Environmental Planning Policy (Infrastructure) 2007 and has been the subject of a Part 5 Review of Environmental Factors, which was determined by Infrastructure NSW in June 2020. The construction of Barton Street as shown at **Figure 5** has now commenced.



Figure 5 | The location and design of Barton Street (highlighted blue) (Base source: Proponent's EA)

1.4.3 Relevant development approvals

There have been numerous previous approvals relating to the redevelopment of Barangaroo South, including commercial, residential, retail buildings, CSHR, public domain and remediation works.

The Department considers the development approvals most relevant to this application are for Stage 1B Public Domain Works, Buildings R4A, R4B and R5 within Stage 1B and CSHR within Stage 1C, which area summarised as follows.

Stage 1B Public Domain Works

On 11 September 2018, the Independent Planning Commission (the Commission) approved an SSD application (SSD 7944) for public domain and associated works for Barangaroo South and Central Barangaroo including Hickson Park, Waterman's Quay, Wulugul Walk and part of Barangaroo Avenue.

The majority of Hickson Park is located within Barangaroo South, however, a triangular portion extends into Central Barangaroo (**Figure 6**). When completed, the park will cover an area equal to 11,304 m². No work has commenced on the construction of Hickson Park.

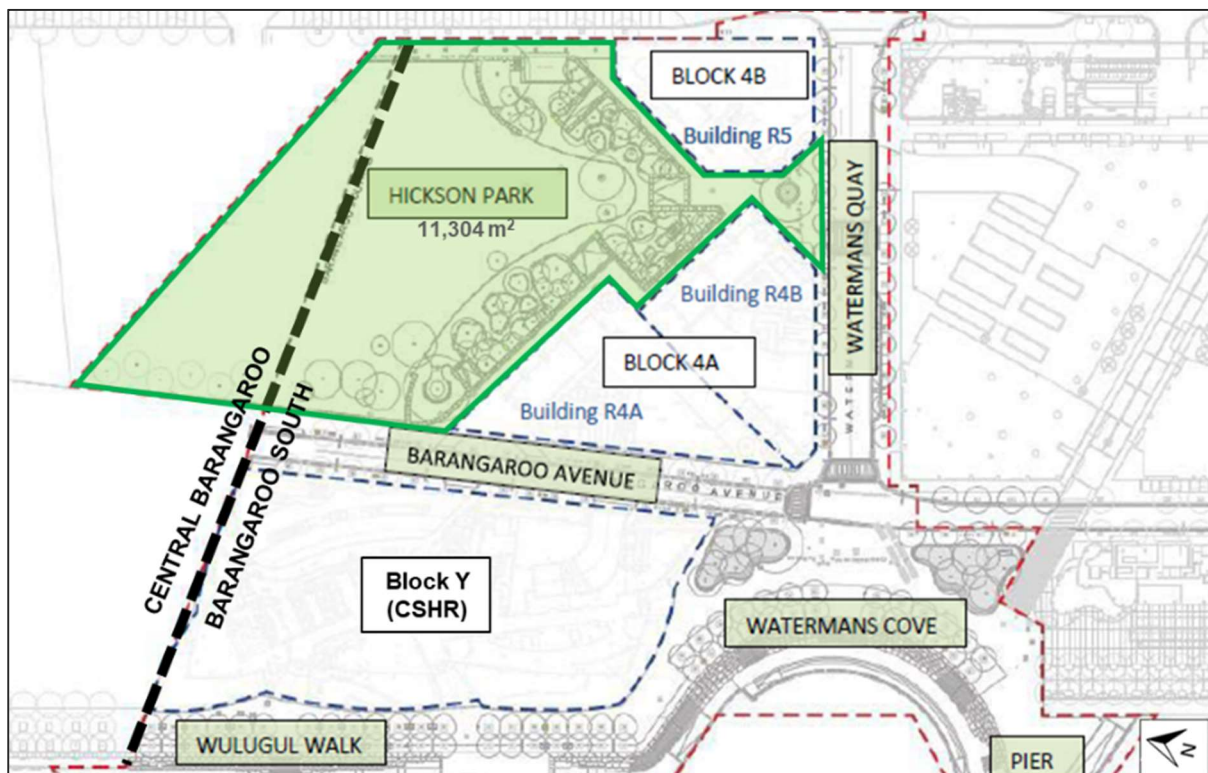


Figure 6 | Public domain works overview (showing completed Hickson Park / Barton Street removed) and Barangaroo South / Central Barangaroo boundary shown as black-dashed line (Base source: SSD 7944)

Building R4A, R4B and R5

On 7 September 2017, the Commission approved an SSD application (SSD 6964) relating to Building R4A within Barangaroo South Block 4A for the construction and fitout of a 72 storey mixed-use residential tower including 327 apartments and public domain works.

On 7 September 2017, the Commission approved an SSD application (SSD 6965) relating to Building R4B within Barangaroo South Block 4A for the construction and fitout of a 60 storey mixed-use residential tower including 297 apartments and public domain works.

On 3 October 2019, the Commission approved an SSD application (SSD 6966) relating to Building R5 within Barangaroo South Block 4B for the construction and fitout of a 30 storey mixed-use residential tower including 210 apartments and public domain works.

Buildings R4A, R4B and R5 are shown at **Figure 7**.

Crown Sydney Hotel Resort

On 28 June 2016, the Commission approved an SSD application (SSD 6957) within Barangaroo South Block Y for the construction of the CSHR comprising a 71 storey mixed-use tower including apartments, hotel rooms, retail, restricted gaming facility, car parking and public domain works (**Figure 8**).

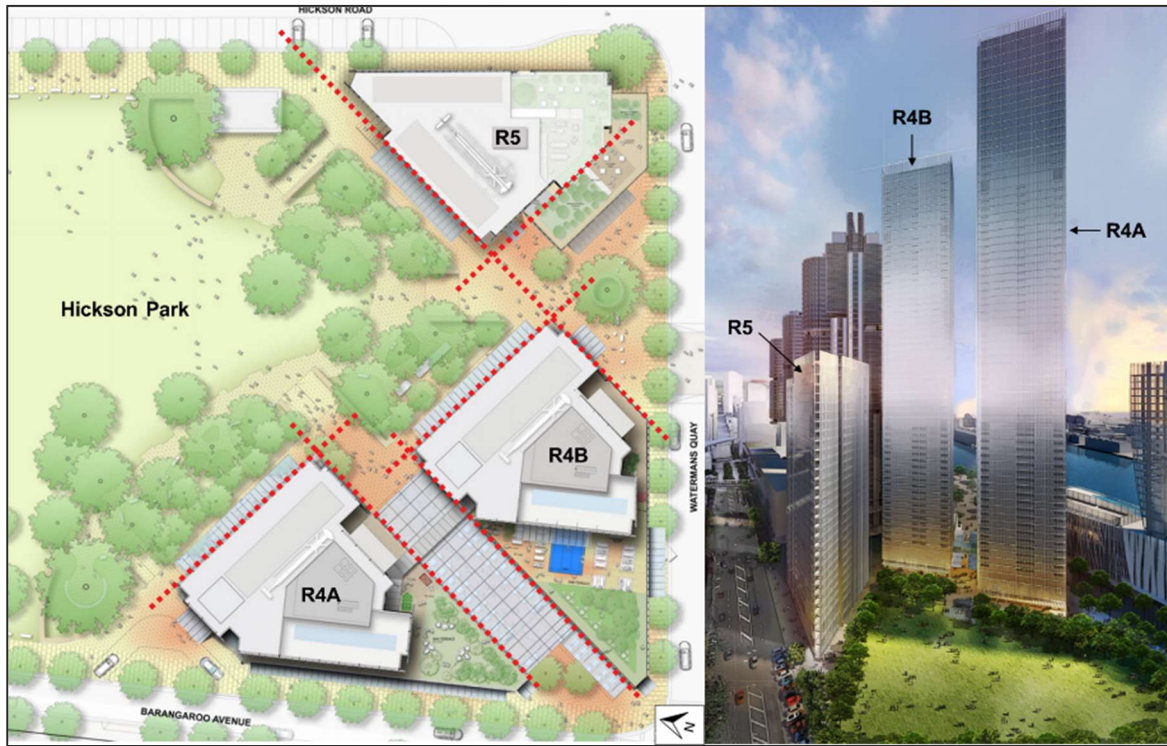


Figure 7 | The layout of approved buildings R4A, R4B and R5 and Hickson Park within Block 4 Barangaroo South (Base source: SSD 6966)

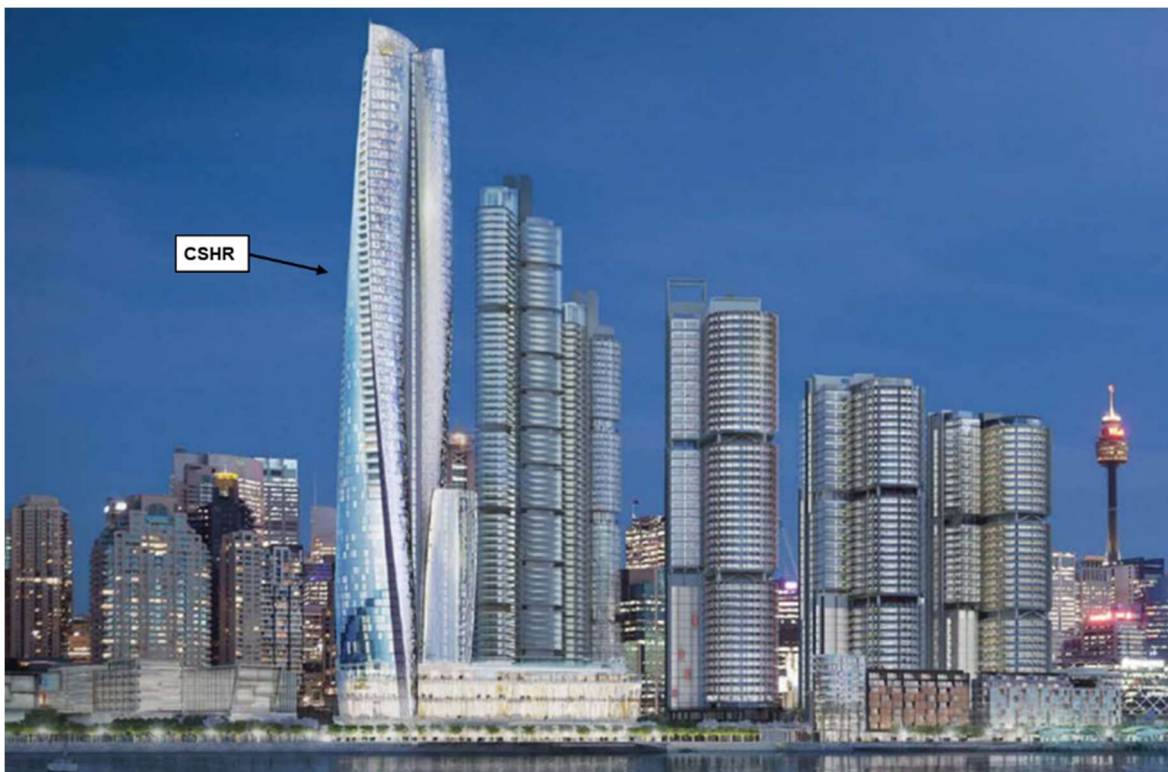


Figure 8 | Perspective looking east towards the CSHR tower (Source: SSD 6957)

2 Proposal

2.1 Modification to the Concept Approval

The key components and features of the proposal are summarised at **Table 2**. A link to the application is provided at **Appendix A**.

Table 2 | Main components of the modification

Component	Modification Description
Hickson Park construction	<ul style="list-style-type: none">Amend condition B12 to allow the construction of Hickson Park in seven stages (Figure 9 to Figure 12) that:<ul style="list-style-type: none">align with the timing of the construction of adjoining developments within Barangaroo, including CSHR, Buildings R4A, R4B and R5, Central Barangaroo and the amenities building and Barton Street within Hickson Parkincorporate staged construction exclusion zones located within Hickson Park and opposite the Hickson Park frontages of Buildings R4A, R4B and R5.Replace the Hickson Park plan at Appendix 1 of the Concept Approval Figure 12.
Barton Street temporary road	<ul style="list-style-type: none">Amend conditions B3(5), B12, C3C and C8 to remove the restriction on the use of Barton Street so it can operate as a temporary public road, accessible by all types of vehicles, not just construction vehicles.

The Proponent has stated the modification is necessary as the CSHR will be constructed and ready for occupation at the end of 2020, which is several years before the completion of Buildings R4A, B4B and R5 and Central Barangaroo (**Figure 3**). The Proponent therefore considers:

- it necessary to to stage the construction of Hickson Park as:
 - requiring the full construction of Hickson Park before occupation of CSHR and the construction of adjoining sites is likely to result in damage to the completed park during subsequent construction activities and works
 - the construction of Central Barangaroo has been significantly delayed and is dependent on using the area north of the temporary Barton Street for construction purposes
 - there are public safety risks associated with having park space immediately adjoining and between intensive construction sites.
- removing restrictions on the use of Barton Street would address the bottlenecks and traffic impacts resulting from the imminent opening of CSHR and delayed construction of other surrounding buildings/spaces on the operation of Barangaroo Avenue and Watermans Quay.

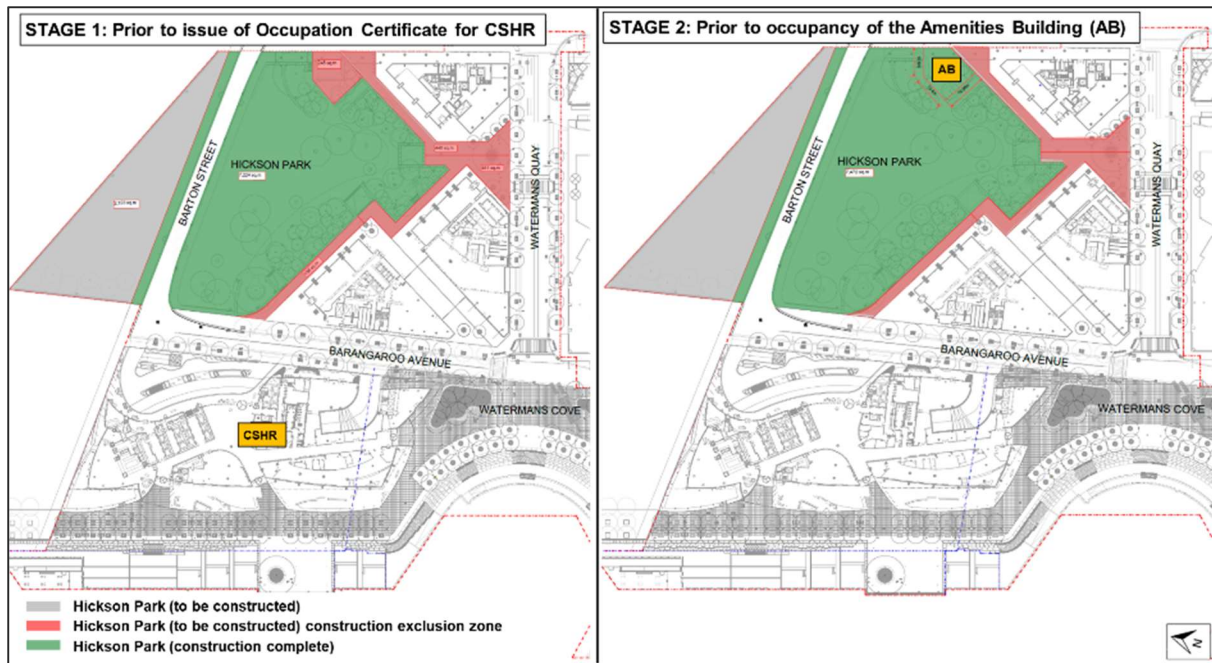


Figure 9 | Proposed Hickson Park construction Stages 1 and 2 (Base source: Proponent's EA)

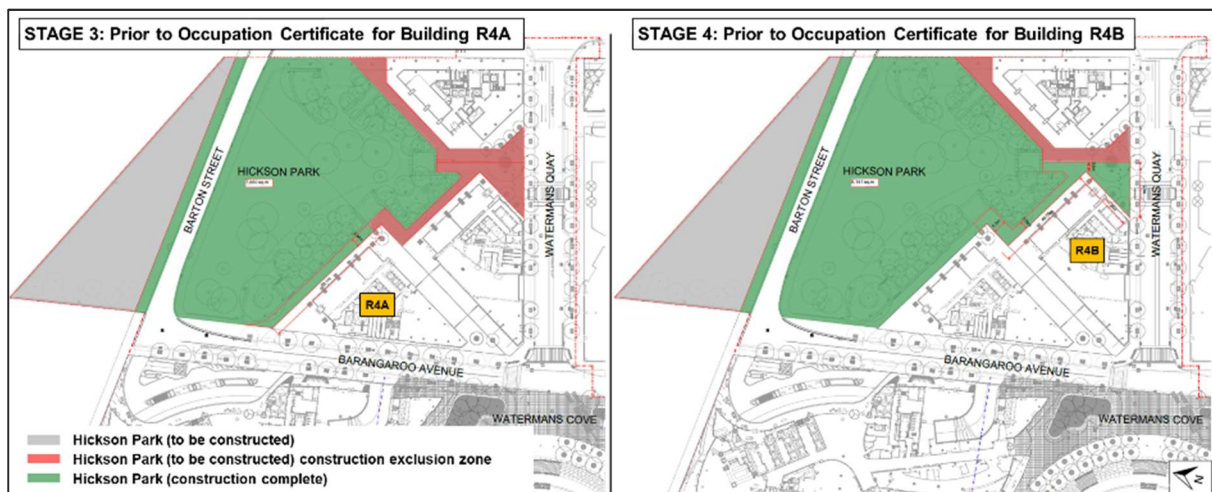


Figure 10 | Proposed Hickson Park construction Stages 3 and 4 (Base source: Proponent's EA)

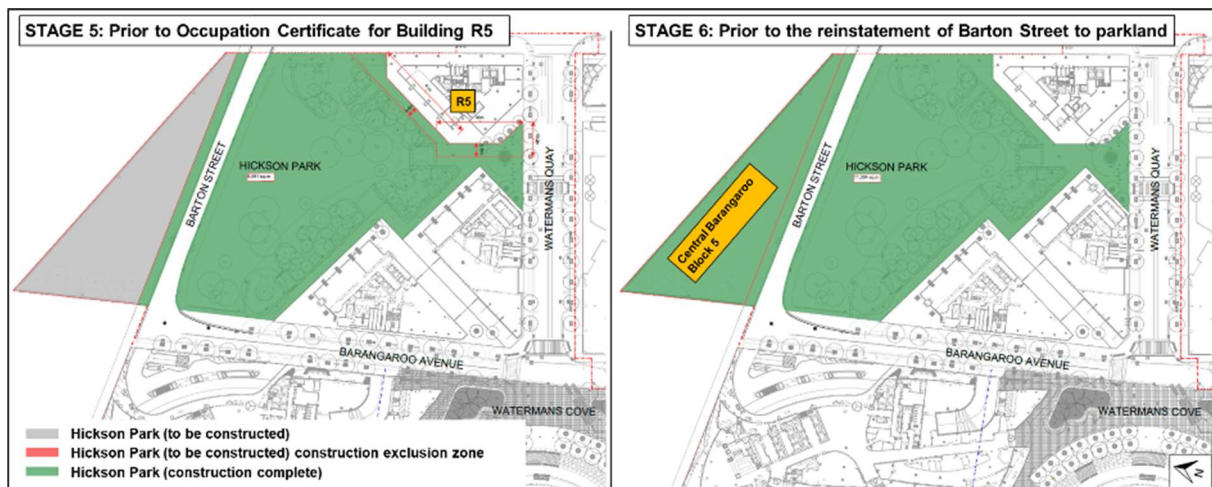


Figure 11 | Proposed Hickson Park construction Stages 5 and 6 (Base source: Proponent's EA)

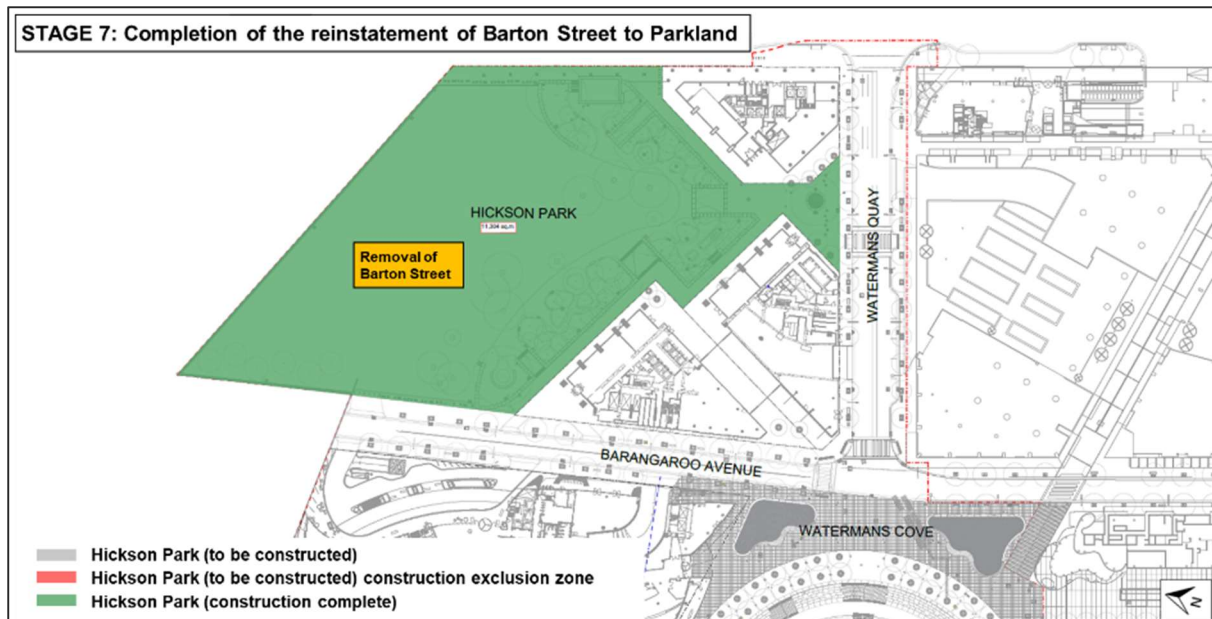


Figure 12 | Proposed Hickson park construction Stage 7 (final stage) (Base source: Proponent's EA)

3 Statutory Context

3.1 Modification of the Minister's Approval

The concept plan was originally approved under Part 3A of the EP&A Act. The modification is a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Under clause 3BA of Schedule 2 of the ST&OP Regulation a concept approval may continue to be modified under section 75W after March 2018 where the Minister is satisfied that:

- the proposed modification is to correct a minor error, misdirection or miscalculation; or
- the proposed modification is of minimal environmental impact; or
- the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

The Department considers the Minister (or delegate) can reasonably form the view that the modification request is substantially the same as the approved concept plan as it relates only to the staging of Hickson Park and temporary use of Barton Street.

The modification is therefore within the scope of section 75W of the EP&A Act and is capable of being determined pursuant to the transitional provisions under clause 3BA of Schedule 2 of the ST&OP regulation. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) can be satisfied that the concept plan may be modified under section 75W of the EP&A Act.

Section 75W of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval for a project.

3.2 Approval authority

The Minister for Planning and Public Spaces (the Minister) is the approval authority for the modification request. However, the Director, Key Sites Assessments, may determine the request, under delegation dated 9 March 2020, as:

- no public submissions in the nature of objection were received
- a political disclosure statement has not been made.

3.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Department is satisfied the proposed modification does not result in significant changes that would alter the conclusions made as part of the original assessment of the Concept Plan in relation to EPIs or any subsequent replacement EPIs. The Department is also satisfied the proposed modification does not result in any changes that would require any additional assessment under the EPIs that apply to the proposed development.

3.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 22 July 2020 and was referred to Council and TfNSW for comment.

The Department received submissions from Council and TfNSW, which are summarised below and may be viewed at **Appendix A**. No submissions were received from the public.

Council does not object to the proposal and recommended all necessary road demolition and landscape works be completed by the time of the scheduled completion of Hickson Park in 2025.

TfNSW does not object to the proposal and recommended the proposal be updated to include:

- an assessment of traffic impacts during morning and evening peak periods
- a concept plan showing existing and proposed Hickson Road lane arrangements
- an assessment of the type of intersection priority control required at Hickson Road intersection with Barton Street
- a Road Safety Audit (RSA) and incorporation of any required safety measures for the Hickson Road intersections with Barton Road and Watermans Quay.

4.2 Response to submissions

Following the notification of the proposal, the Department placed copies of the submissions received from Council and TfNSW on its website and requested the Proponent provide a response to the issues raised in the submissions.

On 8 September 2020, the Proponent submitted its Response to Submissions (RtS) (**Appendix A**). The RtS includes updated traffic modelling, concept plan of Hickson Road lane arrangements, intersection priority and includes an RSA and updated drawings.

The RtS was made publicly available on the Department website and was referred to TfNSW for comment. No submissions were received from the public.

TfNSW reviewed the RtS and recommended a condition requiring:

- prior to the operation of Barton Street, the Hickson Road intersections with Barton Street and Watermans Quay be updated to include a priority control.
- the Proponent review and amend the design drawings to include the RSA safety measures.

On 27 and 29 September 2020, the Proponent provided a Supplementary RtS (SRtS) including amendments to intersection design and an updated RSA in response to TfNSW's recommended condition. The SRtS was made publicly available on the Department website and was referred to TfNSW for comment.

TfNSW reviewed the SRtS and confirmed the updated RSA and intersection design addresses its previous comments and no further conditions are required.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application (as modified)
- all submissions received on the proposal and the Proponent's RtS and SRtS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department's assessment of the proposal is provided in **Table 3**

Table 3 | Assessment of issues

Issue	Consideration	Recommended Condition
Staging of the construction of Hickson Park	<ul style="list-style-type: none"> • Hickson Park is a significant public open space component of the Barangaroo redevelopment. In determining past applications the (then) Planning Assessment Commission (Commission) concluded: <ul style="list-style-type: none"> ◦ (MOD8) Hickson Park should be increased in size and provide a physical / visual link to the harbour (resulting in the expansion of Hickson Park into Central Barangaroo(Figure 4)) ◦ (SSD 7944) construction exclusion zones within Hickson Park could only be considered as part of a modification of the Concept Approval and significant delay to the provision of landscaping would be undesirable. • Condition B12 of the Concept Approval requires the completion of Hickson Park prior to the issue of an Occupation Certificate for CSHR and Buildings R4A, R4B and R5. The Proponent seeks to amend this condition to allow for the staged construction of Hickson Park (in seven stages) as shown at Figure 3 and Figure 9 to Figure 12. • As outlined in Section 2, the Proponent notes the CSHR will be completed at the end of 2020, which is several years before the completion of Buildings R4A, B4B and R5 and Central Barangaroo (Figure 3). The Proponent therefore seeks to stage construction to align with the timing of the construction CSHR, Buildings R4A, R4B and R5 and future development at Central Barangaroo to manage safety impacts during construction and avoid damage to Hickson Park. • Council does not object to the proposed staging of Hickson Park. • The Department considers the staging of Hickson Park is acceptable as: <ul style="list-style-type: none"> ◦ the majority of Hickson Park (7,224 m² / 64%) is to be completed and publicly accessible at stage 1 prior to the occupation of CSHR, which is consistent with the overall intent and purpose of condition B12 ◦ providing exclusion zones outside Buildings R4A, R4B and R4 and the Amenities Building within Hickson Park reduces the risk of damage to the completed park during construction and provides a buffer between construction sites for public safety ◦ it is appropriate to coordinate the staging of this section of Hickson Park with Central Barangaroo as this area is required by the Proponent for construction purposes ◦ the modification does not propose to delay the completion of the 	The Department has recommended condition B12 be amended to allow for the staging of the construction of Hickson Park.

	<p>other key areas of public domain (Wulugul Walk, Waterman's Cove and the Pier).</p> <ul style="list-style-type: none"> The Department is also satisfied the current proposal addresses the Commission's previous concerns about exclusion zones as: <ul style="list-style-type: none"> the zones are appropriately half the size of those originally proposed under SSD 7944 and have a lesser impact on landscaped areas the zones are proposed to be linked to, and staged with, the construction of each adjoining building and therefore reduce the delay to the construction of the park. The Department concludes the staging of the construction of Hickson Park is appropriate noting the timing of surrounding developments and the potential for the completed park to be damaged by construction activities. The exclusion zones will also ensure an appropriate buffer is provided between the building sites and open space to ensure public safety during construction. 	
Barton Street operation	<ul style="list-style-type: none"> MOD 8 allowed for the construction of Barton Street as a temporary road to reduce construction traffic on surrounding streets during the construction of Barangaroo South and Central Barangaroo. The requirements of conditions B3(5), B12, C3C and C8 of the Concept Approval state Barton Street shall be constructed as a temporary road and used for construction purposes / vehicles only. As outlined in Section 2, the proposal seeks to amend the above conditions so that Barton Street can operate as a public road, accessible by all vehicles, not just construction vehicles. The Proponent considers this will improve traffic circulation following the completion of CSHR while other Blocks in Barangaroo are still under construction. No change is proposed to the temporary nature of Barton Street. The Proponent has stated CSHR will be ready for occupation by at the end of 2020, several years before the (delayed) completion of other Barangaroo South developments (Figure 3). Removing restrictions on the use of Barton Street would address traffic impacts resulting from the 2020 opening of CSHR. Council confirmed it raised no objection to the proposal on the basis that Barton Street would remain a temporary road and as Hickson Park is scheduled for completion in 2025. TfNSW initially provided comments about the design of Barton Street and intersections and requested an RSA be carried out. Following consideration of the Proponent's SRtS, TfNSW confirmed the proposal has adequately addressed its comments. The Department supports the use of Barton Street by all vehicles as: <ul style="list-style-type: none"> the traffic modelling undertaken demonstrates that the modification would improve the operation of the road network during AM/PM peak periods the Proponent's RSA has demonstrated non-construction vehicles can use Barton Street and associated intersections without adverse safety impacts and the Proponent has updated the road design drawings to incorporate all recommendations of the RSA the use is temporary and would not prevent Barton Street being converted to parkland as part of the construction of Hickson Park. The Department concludes the restriction on the use of Barton Street can be modified. 	The Department has recommended conditions B3(5), B12, C3C and C8 be amended to allow the use of Barton Street as a public road, accessible by all types of vehicles, not just construction vehicles.
Future applications for Hickson Park	<ul style="list-style-type: none"> Condition B3(5) requires any future application for Hickson Park ensures the design and construction of the space is for public open space and parkland. The Proponent considers this condition is no longer required as public domain application SSD 7499, which includes details of Hickson Park, 	The Department does not recommend that Condition B3(5) be amended to delete the requirement relating to future

	<p>has been determined. It therefore seeks to delete this requirement.</p> <ul style="list-style-type: none"> • The Department notes that while the design of Hickson Park has been approved in SSD 7499, the Concept Plan conditions set out the framework for the redevelopment of Barangaroo including the broader public open space network. • The Department therefore considers that Condition B3(5) remains relevant and it should be retained. 	Hickson Park application(s).
Concept Approval Appendix 1	<ul style="list-style-type: none"> • Condition B3(1)(a) defines Hickson Park by reference to an indicative park plan at Appendix 1 of the Concept Approval. • The Proponent seeks to replace the indicative Hickson Park plan at Appendix 1 with the approved Hickson Park plan pursuant to SSD 7944 (Figure 12). • The Department notes the indicative Hickson Park plan at Appendix 1 was inserted as part of the determination of MOD 8 and has since been superseded by the approved park design under SSD 7944. • The Department supports the proposed amendment as it will ensure the Concept Plan incorporates the approved park design. 	The Department has recommended the Hickson Park plan at Appendix 1 be replaced with the updated Hickson Park plan.

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the issues raised in the submissions and the response to those issues provided by the Proponent and concludes that the proposal is acceptable as:

- the use of Barton Street by all vehicles is acceptable as this would improve the operation of the road network, would not have adverse safety impacts or prevent Barton Street being converted to parkland as part of the construction of Hickson Park
- the construction of Hickson Park over seven stages is acceptable, noting the majority of Hickson Park (7,224 m² / 64%) will be completed and publicly accessible at stage 1 prior to the occupation of CSHR and as it is appropriate to coordinate staging of the park with adjoining developments to prevent the risk of damage to the park
- the inclusion of construction exclusion zones is acceptable as part of the staged construction of Hickson Park and address the previous concerns of the Commission.

The Department's assessment concludes the modification request is approvable, subject to the recommended amendments to conditions (**Appendix C**).

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the modification to the Barangaroo Concept Plan (MP 06_0162 MOD 11) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the concept approval MP 06_0162
- **signs** the attached notice of modification (**Appendix C**).

Recommended by:



Matthew Rosel
Senior Planning Officer
Key Sites Assessments

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:



22 October 2020

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Environmental Assessment titled '*Section 75W Modification Application – Environmental Assessment Report Barangaroo Concept Plan MP06_0162 (MOD 11)*' and attachments, undated
- Response to submissions titled '*Response to Submissions – S75W Modification Application to Barangaroo Concept Plan MP06_0162 (MOD 11)*' prepared by MG Planning and dated 8 September 2020
- Supplementary Response to Submissions including Road Safety Audit ref JN21019_Report01 Rev02-JMT Barton, prepared by AMWC RSA and dated 22 September 2020 and email from Shannon Lyle of INSW dated 27 September 2020.

Appendix B – Relevant Supporting Information

The following supporting documents and information can be found on the Department's website:

1. Environmental Assessment

<https://www.planningportal.nsw.gov.au/major-projects/project/10601>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10601>

3. Report and Response to Submissions and Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10601>

Appendix C – Notice of Modification

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10601>