

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Barangaroo Concept Plan referred to in Schedule 1, subject to the Modifications and Future Assessment Requirements in Schedule 2 and Statement of Commitments in Schedule 3.



Anthony Witherdin  
**Director**  
**Key Sites Assessments**

Sydney: 22 October 2020

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### SCHEDULE 1

<b>Concept Approval:</b>	<b>MP 06_0162</b> granted by the Minister for Planning 9 February 2007
<b>For the following:</b>	Concept Plan for the redevelopment of Barangaroo
<b>Applicant:</b>	Infrastructure NSW
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	Lots 201-204 DP1204948; Lot 208 DP1211553; Lot 101 DP1204946; Lots CP & 1-159/SP91649; Lot 211 DP1217691; Lot 213 DP 1221076; Lot 301-306 DP 1224221; Lot 401-404 DP 1244222; Lot 500-501 DP 1264241; part of C.T. Volume 5018 Folio 1.
<b>Modification:</b>	<b>MP 06_0162 MOD 11:</b> the modification includes: <ul style="list-style-type: none"><li>• the construction of Hickson Park in seven stages</li><li>• allow non-construction vehicles to also use the temporary road (Barton Street).</li></ul>

The Development Approval (MP 06\_0162) is modified as follows:

## SCHEDULE 2

- (a) Schedule 2 Part A – Terms of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

### 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 documents 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), amended by Barangaroo Part 3A Modification Report (Volume 1 & 2) prepared by MG Planning Pty Ltd & SHFA (dated June 2008), amended by Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009, and amended by Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants (dated August 2010), and amended by Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated May 2013), and amended by Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated October 2013) and as amended Barangaroo Concept Plan Section 75W Modification (MOD 8) prepared by JBA Urban Planning Consultants (dated March 2015), and amended by Section 75W Modification (MOD10) prepared by Ethos Urban (dated 7 April 2020), **and amended by Section 75W Modification (MOD11) submitted by INSW on 17 July 2020** including:

- (1) A mixed use development involving a maximum of 602,354 sqm gross floor area (GFA), comprised of:
  - (a) a maximum of 191,031 sqm of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;
  - (b) a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South;
  - (c) a maximum of 34,000sqm of GFA for retail uses of which a maximum of 30,000 sqm will be in Barangaroo South;
  - (d) a maximum of 5,000 sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and
  - (d) a minimum of 12,000sqm GFA for community uses.

Note: the GFA detailed above is amended by Modification B4(4) below.

- (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 an approximate 2.2km public foreshore promenade.
- (3) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- (4) Public domain landscape concept, including parks, streets and pedestrian connections.
- (5) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
- (6) Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.
- (7) No approval is granted or implied for the future use of a heliport and/or a helipad.

- (b) Schedule 2 Part A – Term of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

### 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.

Except as modified by

- (b) Barangaroo Part 3A Modification Report (Volume 1) and Appendices (Volume 2) prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated June 2008;
- (c) Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009; and
- (d) Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants and dated August 2010.
- (e) Section 75W Modification titled ‘Concept Plan Modification 6, Barangaroo South’ prepared by JBA Urban Planning Consultants and dated June 2013.
- (f) Section 75W Modification titled ‘Concept Plan Modification 7, Barangaroo South’ prepared by JBA Urban Planning Consultants and dated October 2013.
- (g) Section 75W Modification titled “Concept Plan Modification 8 and Major Development SEPP, State and Regional Development SEPP and Sydney Harbour SREP Amendments” prepared by JBA Urban Planning Consultants and dated March 2015.
- (h) State Environmental Planning Policy Amendment (Sydney Harbour) 2016 made on 28 June 2016
- (i) Section 75W Modification titled “Concept Plan MP06\_0162 Modification 10 and State Significant Precinct Amendment” prepared by Ethos Urban and dated 7 April 2020.
- (j) Section 75W Modification titled “Section 75W Modification Application - Environmental Assessment Report Barangaroo Concept Plan MP06\_0162 (MOD 11)” submitted by INSW on 17 July 2020.**

- (2) The following Preferred Project Report including a revised Statement of Commitments 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.

Except as modified by

- (a) Preferred Project Report Barangaroo Part 3A Modification – Commercial Floor Space and Revised Statement of Commitments and Preferred Project Report Addendum prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2008;
- (b) Preferred Project Report Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of the Barangaroo Development Authority and dated September 2009 and Preferred Project Report Addendum Map prepared by the Barangaroo Development Authority dated September 2009 (Revision F);
- (c) Preferred Project Report Concept Plan Modification 4 (MP 06\_0162 MOD 4) Barangaroo Stage 1 prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated November 2010 and revised Statement of Commitments (December 2010).
- (d) Preferred Project Report Concept Plan Modification 6 (MP06\_0162), Barangaroo South prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated 17 October 2013.
- (e) Response to Submissions and Preferred Project Report titled “Concept Plan Modification 8, Major Development SEPP and State and Regional Development SEPP and Sydney Harbour SREP Amendments, Barangaroo South” prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2015, as amended by drawings B10\_AMP\_08\_0093-01, B10\_AMP\_08\_0094-01 and B10\_AMP\_08\_0095-01 prepared by Lend Lease dated 25 November 2015 and the

SEPP Amendment made on 28 June 2016.

- (f) Response to Submissions titled “Barangaroo South Concept Plan MP06\_0162 Modification 10” prepared by Ethos Urban and dated 17 July 2020. Together with revised Statement of Commitments contained within Section 75W Modification titled “Concept Plan MP06\_0162 Modification 10 and State Significant Precinct Amendment” prepared by Ethos Urban and dated 7 April 2020 and revised ‘Appendix C Built Form and Urban Design Controls’ prepared by Ethos Urban and submitted on 18 August 2020.
  - (g) **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, as amended by Road Safety Audit ref JN21019 Report01 Rev02-JMT Barton, prepared by AMWC RSA and dated 22 September 2020**
- (3) In the event of any inconsistencies,
    - (a) the Statement of Commitments referenced in A2(2)(f) of this approval prevails to the extent of any inconsistency in the plans and documentation identified in A2(1)(a)-(i), and
    - (b) the modifications of the Concept Plan approval identified in Part B & C Schedule 2 prevail over the documentation listed in (1), (2) and (3)(a) above.
  - (c) Schedule 2 Part B – Modification B3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold struck out** words/numbers as follows:

### **B3. Future Built Form and Public Domain**

#### **Hickson Park**

- (1) Hickson Park is:
  - a) shown in the map at appendix 1 and generally defined by the boundaries of Block 4A and 4B, Block 5 (as amended in B3(2) below), Hickson Road, Globe Street and Barangaroo Avenue;
  - b) to provide view corridors from Hickson Road to the harbour;
  - c) to support large mature trees, including with the provision of at least 2,000 sqm of deep soil with a depth of at least 3 m;
  - d) not to be overshadowed by built form over more than an average area of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year; and
  - e) to be primarily comprised of soft landscaping, including extensive areas of grass.

#### **Block 5**

- (2) The footprint and building envelope of Block 5 is to be reduced to remain within the B4 zoned land. Future above ground buildings in Block 5:
  - a) are to minimise overshadowing of Hickson Park, ensuring no more than an average of 2,500 sqm of Hickson Park is overshadowed by built form between the hours of 12:00 and 14:00 on the 21 June each year.

#### **Block Y:**

- (3) In order to provide an appropriately dimensioned unobstructed public promenade on the northern edge of Watermans Cove, any future building to be located in Block Y is to comply with the following setback controls from the northern edge of Watermans Cove:
  - a) an average of approximately 27.5m to the ground floor façade (excluding any structures associated with any future ground floor licensed area); and
  - b) a minimum 18.5m to the outside edge of any vertical structure associated with any ground floor licensed area. This setback is to be unobstructed including by any ground level structures associated with any future ground floor licensed area.
- (4) In order to mitigate the visual perception of bulk, the façades of the podium of any future building in Block Y are to be broken down into separate discernible elements, such that:
  - a) the southern podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 32.5 metres;

- b) the western podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 45 metres. The two façade elements are to be broken up by an approximately 7 metre wide recess which extends vertically for the full height of the podium; and
- c) the eastern façade is to appear as 3 distinct, but visually related, elements.

**Barton Street:**

- (5) Barton Street is approved as a temporary road **only (for use by construction and non-construction vehicles)** and is subject to the future environmental assessment requirements in C8. Following the completion of the development on Block Y and the construction of Barangaroo Avenue **in Central Barangaroo**, Barton Street shall be redesigned and returned as parkland and integrated to form part of Hickson Park. Any future application in respect of Hickson Park shall ensure the design, construction and use of this area is public open space and parkland.

**Foreshore Promenade in the vicinity of Block Y:**

- (6) The foreshore promenade along the western side of Block Y shall be designed, constructed and landscaped:
  - a) to its western most extent, as mapped in the SEPP Amendment made on 28 June;
  - b) to read as public open space; and
  - c) to include mature tree plantings and other soft landscaping elements and places to stop and sit.
- (d) Schedule 2 Part B – Modification B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

**B12. Staging**

Prior to the issue of any occupation certificate within Block 4A, 4B or Y, the foreshore promenade (to the full extent mapped in the SEPP Amendment), pier, **and** Watermans Cove **and Hickson Park** **~~(other than the temporary construction road corridor on the alignment of the former Barton St)~~** shall be constructed, landscaped and publicly accessible.

**Hickson Park (other than the road corridor for Barton Street) shall be completed in accordance with the Staging Plan Nos 1-7 (BAR418-SIN-SK-063) prepared by Grant Associates and dated 04.06.2020.**

The timing for the replacement of Barton St, in accordance with B3(5), is to be agreed with the Secretary.

- (e) Schedule 2 Part C – Future Applications C3C is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

**C3C. Traffic and Transport related matters- Consultation with Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)**

The Proponent is to undertake further consultation with the RMS and TfNSW regarding the following:

- a) any proposed traffic signals at the Hickson Road/Shelley Street and Barton Street/Hickson Road intersections;
- b) coach set-down provisions within the Barangaroo Precinct, ensuring there are no laybys on Barangaroo Avenue;
- c) the construction of Barton Street as **~~temporary access road only for the construction of Block Y and the implications for the road network in Barangaroo a temporary road~~**; and
- d) the conversion of Barangaroo Avenue from the northern exit of the porte cochere on Block Y to the north-western corner of Block 5 to a shared zone.

The results/ recommendations arising from the above consultation is to be included in the updated TMAP and is to inform the relevant future development application/s for the public domain works.

- (f) Schedule 2 Part C – Future Applications C8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

#### **C8. Road design in vicinity of Block Y**

The future design of Barangaroo Avenue shall:

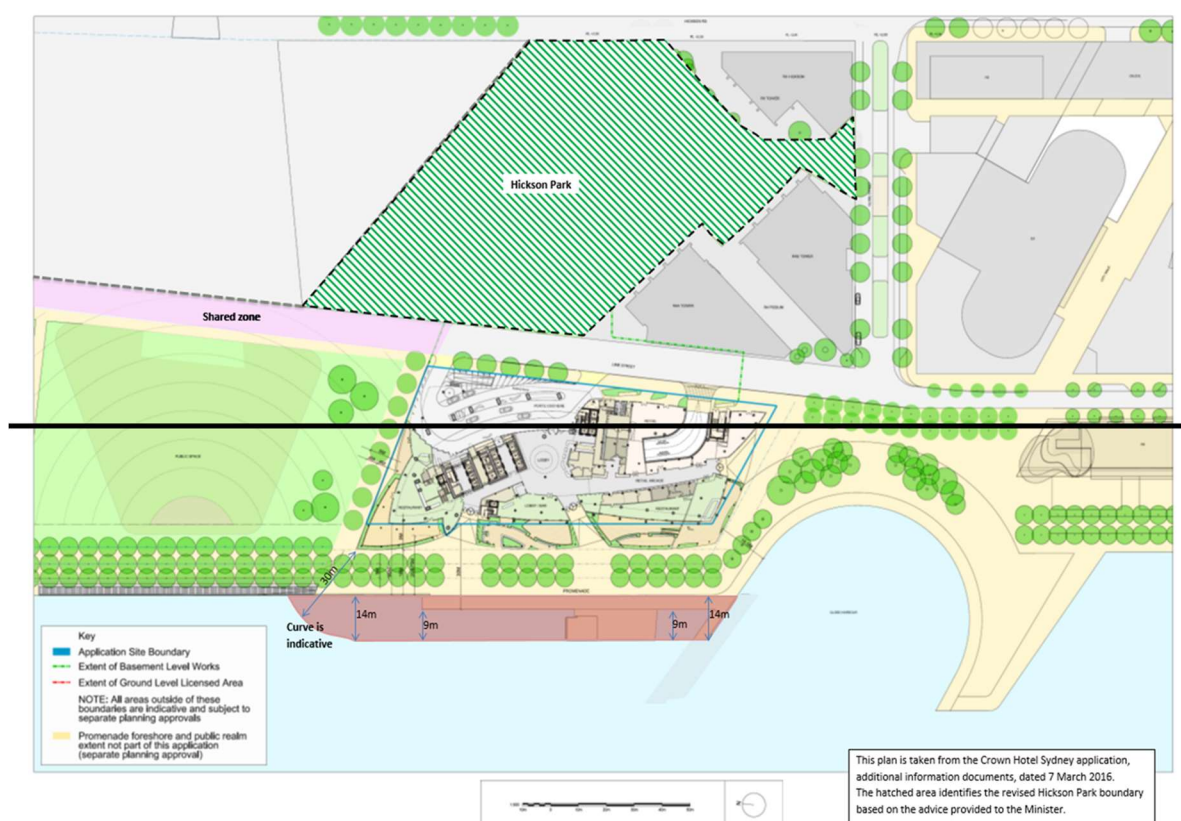
- provide for a shared zone between the northern exit of the Porte Cochere on Block Y to the north-western corner of Block 5;
- minimise the road surface area, to promote pedestrian access and safety; and
- shall comply with Transport for NSW guidelines on shared zones and RMS specifications to minimise the potential for vehicular and pedestrian conflict and improve the amenity and quality of the streetscape.

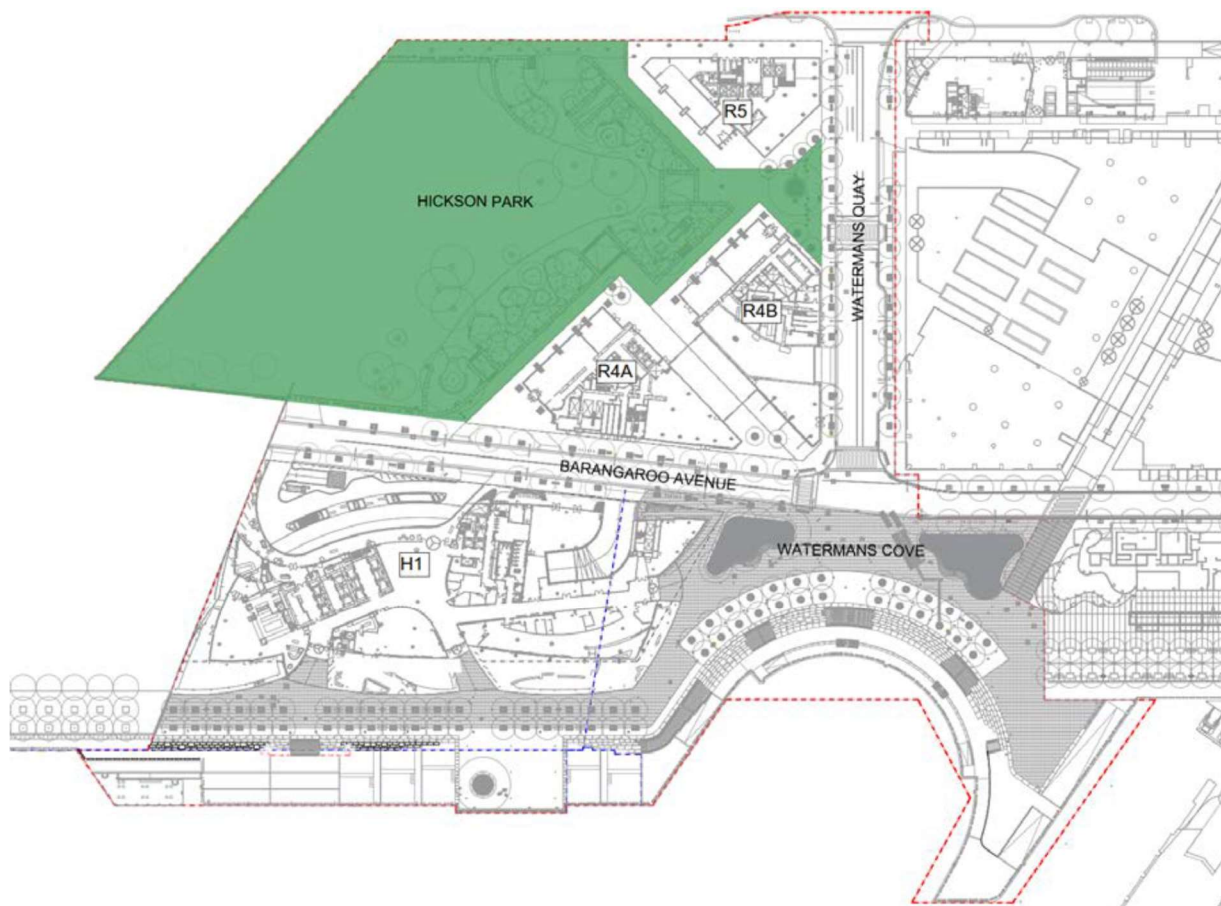
Any future application for the shared zone section of Barangaroo Avenue shall also be accompanied by a Road Safety Audit.

The provision of any future intersection with Hickson Road in the vicinity of the boundary between Block 4 and 5 shall be for ~~temporary construction purposes only~~ **the temporary road (Barton Street)** and is to ensure that pedestrian access between Hickson Park and the waterfront in the vicinity of Block Y is prioritised. In this regard, any relevant future public domain application shall be designed to minimise the potential for vehicular and pedestrian conflict and shall be designed and appropriately treated to improve road and pedestrian safety. Any such future application shall also be accompanied by a Road Safety Audit.

- (g) Appendix 1 is amended by the deletion of the existing plan and insertion of a new plan as follows:

#### **Appendix 1**





**End of Modification  
(MP 06\_0162 MOD 11)**