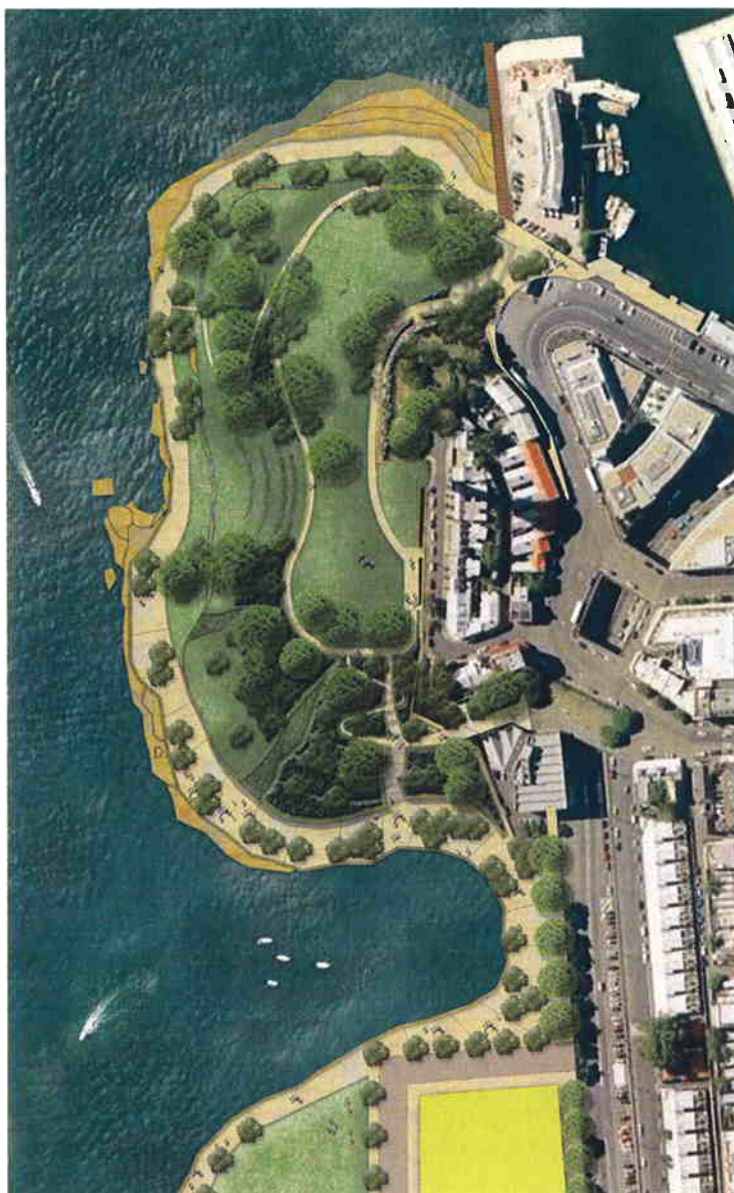




***Section 75W Application to Modify the
Minister's Approval for the Barangaroo
Concept Plan***

Major Project 06_0162 (MOD 3)



Director-General's
Environmental Assessment Report
Section 75W of the
*Environmental Planning and
Assessment Act 1979*

October 2009

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EXECUTIVE SUMMARY

This is a report on a modification application seeking approval to modify the approved Concept Plan for Barangaroo. The original Concept Plan (MP_06_0162) was approved by the Minister on 9 February 2007, and allowed for

- a mixed use development involving a maximum of 388,300m² of gross floor area (GFA) contained within 8 blocks on a total site area of 22 hectares;
- approximately 11 hectares of public open space/public domain;
- 1.4km public foreshore promenade; and
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone.

Proposed Modification Application (MP06_0162 MOD 3)

The proposed modification is a modification to the Ministers determination of the Barangaroo Concept Plan (MP No. 06_0162) made on 9th February 2007. The modification responds to the conditions of approval in the Concept Plan.

On 16 January 2009, MG Planning (on behalf of the Sydney Harbour Foreshore Authority (SHFA), (the proponent), submitted to the Director-General a request for a modification of the Barangaroo Concept Plan seeking approval to modify the configuration of the northern headland and northern cove. Specifically the modification proposes:

- A change in outline of the headland in order to reflect its original naturalised form and an enlarged northern cove;
- A realignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland. This also necessitates the removal of Block 8 and part of Block 7 which result in an approximate reduction of 18,800m² of GFA;
- Works to the following three heritage items:
 - The relocation and reuse of the Sandstone Seawall;
 - The removal of the Sydney Ports Harbour Control Tower; and
 - An investigation into either relocation or removal of the MWS & DB Sewage Pumping Station.

On 3 April 2009, The Barangaroo Delivery Authority (BDA) was formed to develop and manage the Barangaroo site. The BDA thereby replaced SHFA as the proponent for the subject modification.

The proposed modification has a Capital Investment Value of \$150 million.

Major Development SEPP

The area subject to the current modification is located within and consistent with the RE1 Public Recreation and B4 Mixed Use Zones as per the sites zoning in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). Should the modification be approved a consequential amendment to Schedule 3 of the MD SEPP will be required to delete block 8 and reconfigure block 7 and associated maximum GFA and building heights for block 7.

Public Exhibition and Consultation

The current modification was referred to public agencies and placed on public exhibition from 4 February to 6 March 2009. A total of 19 public submissions were received (including community groups) and 10 submissions from public agencies. Key issues raised in the submissions included:

- Concern over potential loss of public open space;
- Headland Park design and connection to south of the site;

- Park activation and safety;
- Traffic, Public Transport, access and the impacts that the proposed car park will have on the local road network;
- Heritage; and
- Public benefits.

Preferred Project Report (PPR)

On 7 September 2009, a PPR was submitted by the proponent to address issues raised by the Department and public authorities, and to provide a response to the public submissions.

The PPR sought to make the following amendments:

- refinement of the headland park and northern cove design;
- consideration of an alternate access to the car park from Hickson Road;
- implementation of urban design objectives to guide future development;
- additional measures to ensure the appropriate assessment and treatment of the Heritage Items that are impacted by the proposal.

As part of the PPR, the proponent submitted a revised Statement of Commitments.

Assessment Outcomes

The proposed modification will ensure the proposal complies with the requirements of Condition B1 and B2 of the Concept Plan Approval.

The Department has assessed the merits of the project and is satisfied that the impacts of the modification have been addressed via the Statement of Commitments and modifications to the application. Key issues raised during the assessment, including public domain, traffic and heritage, have been adequately addressed.

The modification is in the public interest as it will provide a naturalised headland and implements the physical link suggested in the Concept Plan by reinstating the historic topography of Millers Point. The proposal strengthens the pedestrian connection between the Headland Park and the adjacent elevated plateau around Argyle Place and The Rocks and the creation of the Northern Cove will achieve an enlarged water cove and a more naturalised shape, form and edge treatment. The modification results in improved pedestrian access to the Headland Park, Northern Cove and foreshore area through the provision of a pedestrian promenade and footpath network.

On these grounds, the Department is satisfied that the current modification is acceptable and therefore recommends approval of the modification, subject to conditions.

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The Harbour control tower, located in the northern section of the site, and the port safety operations, located within the Moores Wharf building and wharf facility, are both still being operated by the Sydney Ports Corporation.

The majority of the site is owned by the Barangaroo Delivery Authority (BDA), with small areas owned by the Sydney Ports Corporation, Maritime Services Board of NSW and the Crown.

Given the application has been made by a public authority, pursuant to Clause 8F of the *Environmental Planning and Assessment Regulation 2000*, land owner's consent is not required.

2 BACKGROUND

2.1 Concept Plan Application MP 06_0162

The Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) on 9 February 2007. The Concept approval allowed for:

- a mixed use development involving a maximum of 388,300m² of gross floor area (GFA) contained within 8 blocks on a total site area of 22 hectares;
- approximately 11 hectares of new public open space/public domain, including a 1.4km public foreshore promenade;
- 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;
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone;
- Alteration of the existing seawalls and creation of a partial new shoreline to the harbour; and
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking.
- An underground car park beneath the northern headland, containing approximately 300 car parking spaces.

The Capital Investment Value of the Approved Concept Plan was \$1.5 Billion with up to 16,000 operational jobs. **Figure 1** (overleaf) illustrates the headland park as part of the Concept Plan approval.

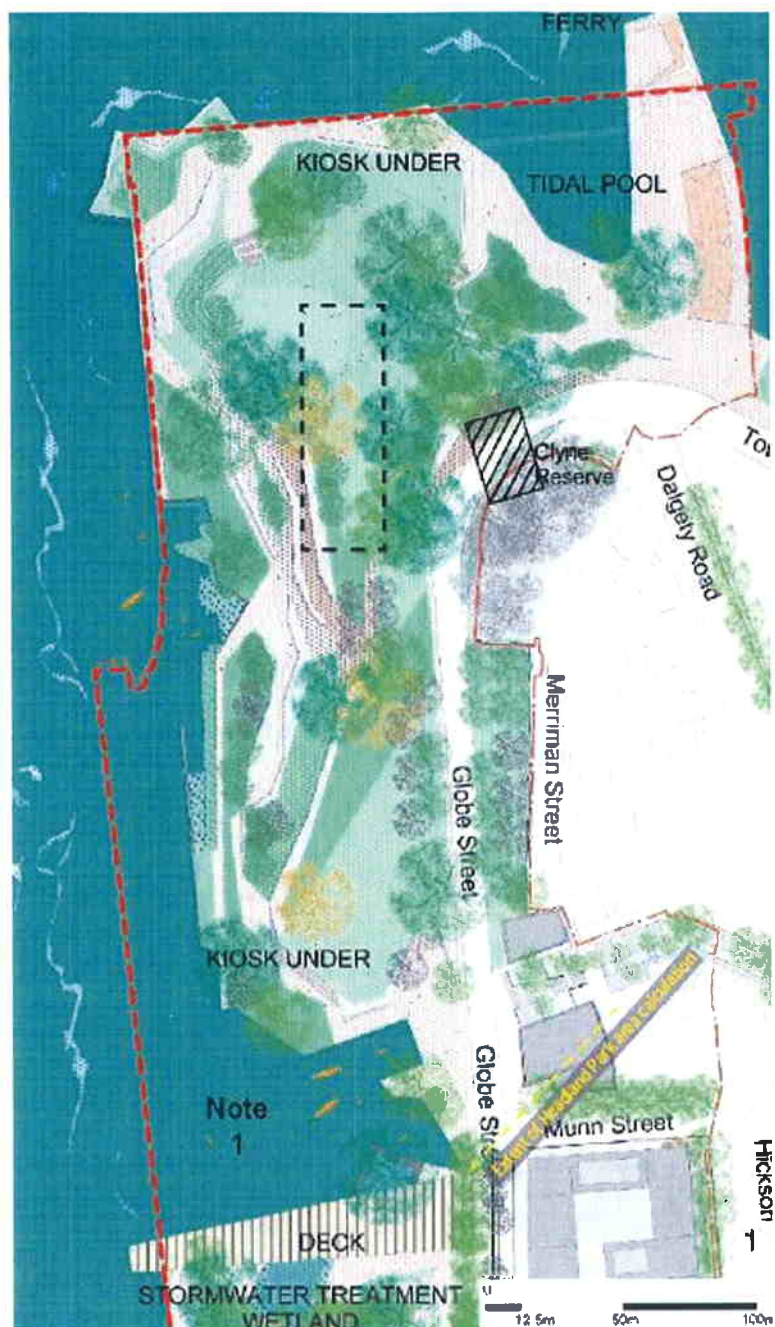


Figure 2: Approved Concept Plan headland design

2.2 Modification 1 MP 06_0162 MOD 1

On 9 August 2007, JBA Urban Planning Consultants (on behalf of SHFA - the Proponent) submitted to the Director-General a request for modification to the Barangaroo approved Concept Plan seeking approval for the following modifications:

- A modification to correct minor typographical errors
- A modification to condition C2 of the Concept Approval to reflect the amendments that have occurred to the SEPP since approval of the Concept Plan

On 25 September 2007 the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved MP 06_0162 MOD 1.

2.3 Modification 2 MP 06_0162 MOD 2

On 25 June 2008, MG Planning Urban Planners on behalf of the Sydney Harbour Foreshore Authority (SHFA) (the Proponent) submitted to the Director-General a request for a modification to the Barangaroo Concept Plan seeking approval to increase the GFA of commercial uses by 50,000m² to 120,000m² in blocks 2, 3, 4 and 5 distributed as follows:

- Block 2: an increase by up to 26,250m²
- Block 3: an increase by up to 32,250m²
- Block 4: an increase by up to 46,500m²
- Block 5: an increase by up to 15,000m²

The modification proposed to increase the total maximum GFA to 508,300m². This includes changes to the terms of approval and an amendment to the Major Projects SEPP to accommodate the increase in GFA. The Minister for Planning approved Modification 2 on 16 January 2009.

2.4 Current Modification (MP 06_0162 MOD 3)

- On 26 August 2008, MG Planning Urban Planners on behalf of the Sydney Harbour Foreshore Authority (SHFA) submitted to the Director-General a request to modify the Barangaroo Concept Plan project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).
- On 4 September 2008, the Department advised the proponent that the DGRs for the Concept Plan do not require any amendments for Modification 3 and are still applicable.
- On 13 November 2008, the modification request was withdrawn by the Sydney Harbour Foreshore Authority.
- On 16 January 2009, the SHFA, re-submitted a request for a modification to the Barangaroo approved Concept Plan MP 06_0162.
- On 4 February to 6 March 2009, the current modification was referred to public agencies and placed on public exhibition.
- On 10 March 2009, the Department forwarded submissions received in response to the exhibition to the SHFA.
- On 27 March 2009, the Department requested additional information from SHFA including scaled plans; 3D imaging; additional information on car park location/dimensions and traffic assessment.
- On 3 April 2009, the Barangaroo Delivery Authority (BDA) was formed to develop and manage the Barangaroo site. The BDA thereby replaced SHFA as the proponent for the requested modification.
- On 7 September 2009, a PPR was submitted by the proponent to address issues raised by the Department and public authorities, and to provide a response to the public submissions.
- On 30 September 2009, BDA forwarded revised plans for the headland and northern cove including revised area calculation plans.
- 16 October 2009, BDA forwarded to the Department final Statement of Commitments for the proposal which included additional minor housekeeping amendments.

3 DESCRIPTION OF PROPOSED MODIFICATIONS (MP 06_0162 MOD 3)

3.1 Proposed Modifications

The current modification seeks the approval for the following:

- 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 landscaped connection to physically link Clyne Reserve to allow direct pedestrian access from Argyle Place (see Figure 3 and 4).
- b) An enlargement of the northern cove to achieve a greater naturalised shape, form and edges.
- c) The re-alignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland.
- d) The removal of Block 8 and part of Block 7 and redistribution of the associated land use mix.
- e) The demolition of three heritage items being the Sandstone Seawall; the Sydney Ports Harbour Control Tower; and the MWS & DB Sewage Pumping Station.
- f) Amendments to the Concept Plan Instrument of Approval.
- g) Amendments to the Statement of Commitments relating to the preparation of relevant plans and strategies so that work can commence in stages.



Figure 3: Proposed Headland Park and Northern Cove (as part of EA)

As a result of the modification there will be a reduction in Gross Floor Area (GFA). The approved GFA under the Concept Plan is a maximum of 508,300m² (as amended via Modification 2 – commercial floor space) with a maximum of 33,800m² of GFA distributed within block 7 and block 8. This is detailed in Table 1 overleaf.

Block	Block Area m ²	Max GFA	Min /Max	Business	Residential	Retail	Tourist	Community
7	11922	28000	Min	-	22500	-	0	-
			Max	-	27500	500	0	1500
8	1335	5800	Min	-	-	-	5800	-
			Max	-	0	0	5800	0
TOTAL	13257	33800						

Table 1: Distribution of GFA for Blocks 7 & 8

The modification proposes the removal of block 8 and the reduction in the size of block 7 which results in a loss of a minimum 7,500m² GFA in residential, maximum 750m² GFA in community, maximum 250m² GFA in retail and a net loss of 5,800m² GFA in tourist uses (refer to Table 2).

Block	Block Area m ²	Max GFA	Min /Max	Business	Residential	Retail	Tourist	Community
7	5960	15000		0	14000	250	0	750

Table 2: Proposed reduction in GFA for block 7

Therefore the total net reduction in GFA as a result of deleting block 8 and reducing the size of block 7 is 18,800m² (33,800m² – 15,000m²), resulting in a maximum GFA for the entire Barangaroo site of **489,500m²** (508,300m² – 18,800m²).

3.2 The proponent's justification for the proposed modification application

The Proponent provides the following justification for the current modification:

- Conditions B1 and B2 of the Minister's Terms of Approval for the Approved Concept Plan detail that both the Headland Park and the Northern Cove are to be subject to further detailed design plans.
- The proposal for the northern headland aims to raise the terrain in a naturalistic form from the seawall up to Clyne Reserve and Merriman Street.
- The proposal also further develops the physical link suggested in the Approved Concept Plan by reinstating the historic topography of Millers Point.
- By realigning Globe Street the proposal strengthens the pedestrian connection between the Headland Park and the adjacent elevated plateau around Argyle Place and The Rocks.
- To achieve the enlargement of the water intrusion and a more naturalised shape, form and edge treatment, a Northern Cove is required to the south of Headland Park which will extend closer to Hickson Road. This facilitates the requirement to delete block 8 and amend block 7.

3.3 Preferred Project Report and response to submissions

The proponent was provided with a copy of all the submissions (see **Appendix E**) and requested to respond to the submissions in accordance with Section 75H of the Act. On 7 September 2009, the proponent submitted a Preferred Project Report including a response to submissions and a revised Statement of Commitments (See **Schedule 3**).

In response to the issues raised during public exhibition as well as the issues raised by the Department, the PPR has made the following amendments to the initial EA:

Headland Park/Northern Cove

- Inclusion of natural shoreline treatment that provides an interpretation of the original landform (refer to **Figure 4**);

- An amended design to address the sandstone cut at its southern end, with the full height of the cut integrated into the design of the car park;
- Further design refinement regarding accessible path locations and circulations;
- A path and steps has been provided that leads to the water in the Northern Cove;
- The inclusion of greater shrub planting areas at the southern end of the Headland Park; and
- The caissons have been retained as part of the terraced shoreline.

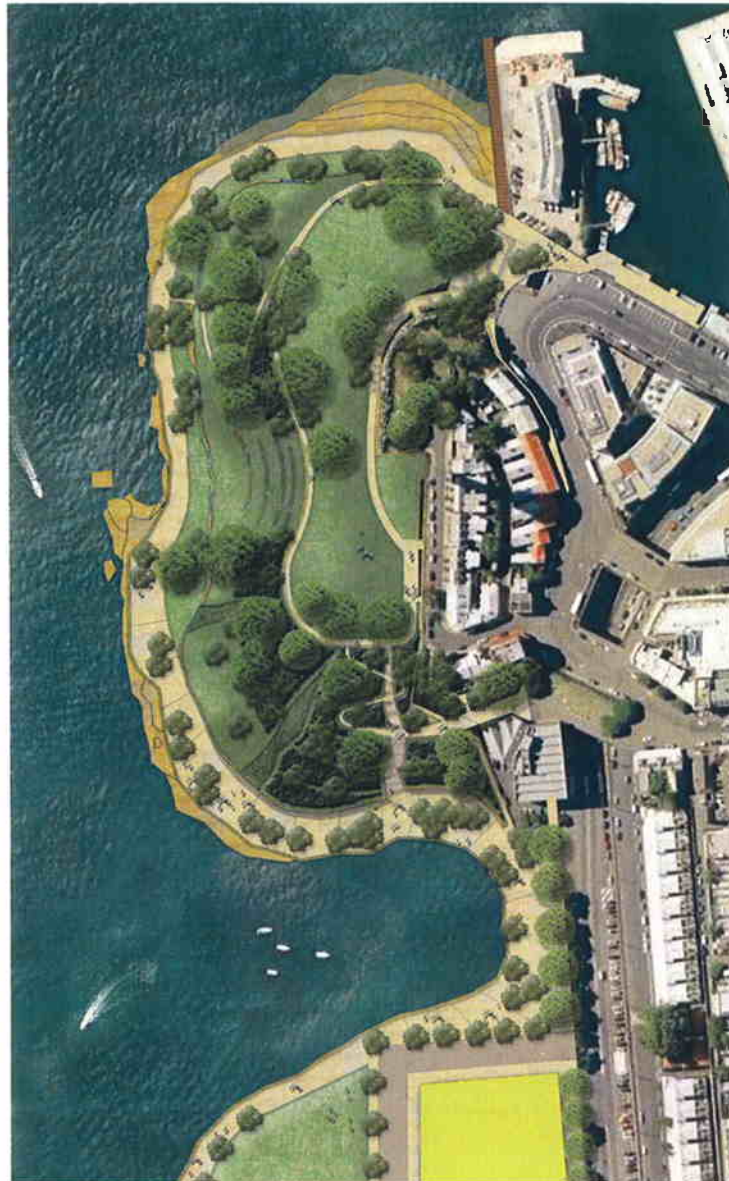


Figure 4: Revised Headland Park and Northern Cove design (as part of PPR)

Alternative Car Park Access

During the public exhibition of the EA, public concerns were raised regarding potential traffic impacts along Dalgety Road and Towns Place resulting from the proposed car park at the northern end of the site, as per the approved Concept Plan. This issue was addressed in the PPR by the proponent indicating they will investigate an alternative vehicular access to the car park via the existing driveway located at Gate D4 on Hickson Road (circled red in **Figure 5**). This will be considered as part of the detailed design of the Headland Park and Northern Cove.

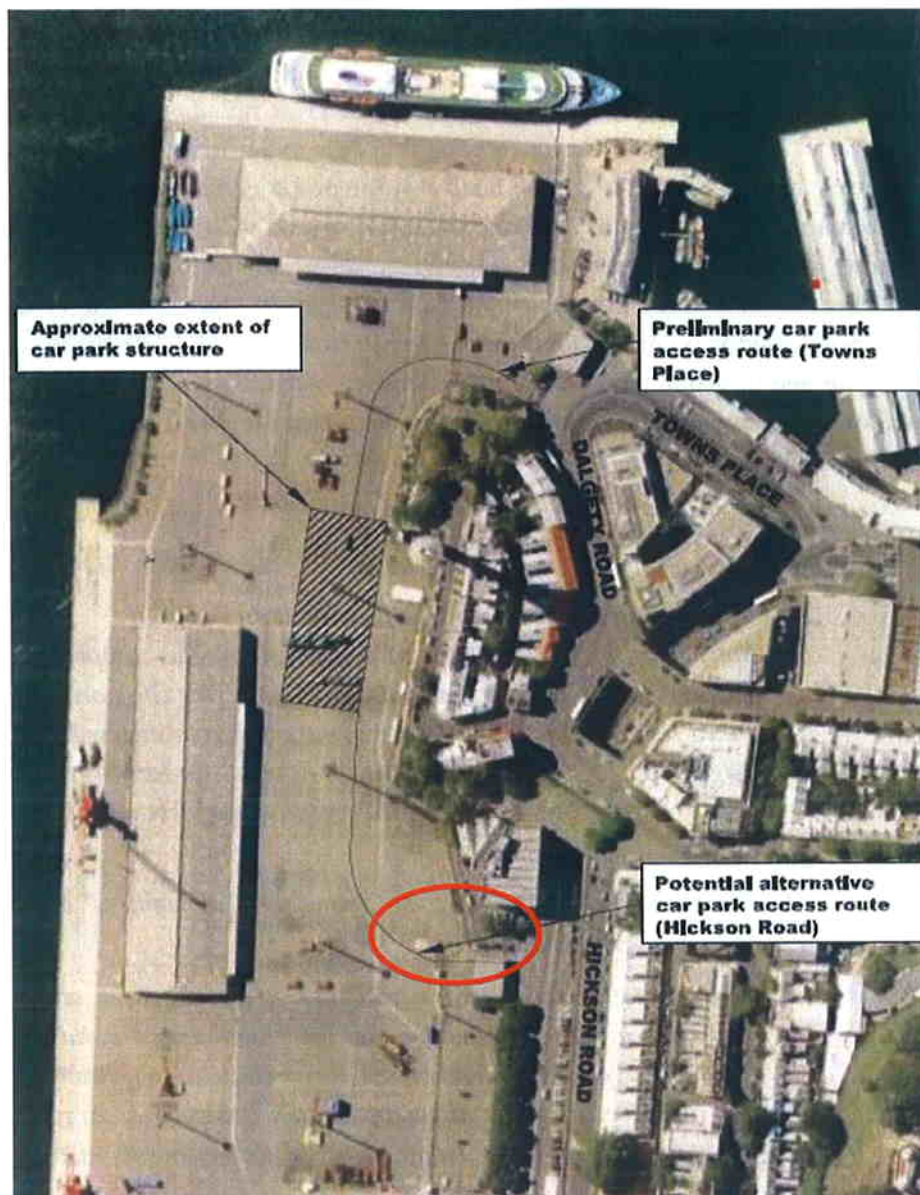


Figure 5: Indicative location of alternative car park access (circled red)

Heritage

The PPR amended the proposed works to the heritage items by including the requirement for:

- a Heritage impact Statement to be prepared prior to the relocation and reuse of the Sandstone Seawall;
- a Heritage impact Statement to be prepared prior to the removal of the Sydney Ports Harbour Control Tower; and
- a Heritage impact Statement be prepared to consider the relocation or removal of the MWS & DB Sewage Pumping Station.

These amendments have been included in the proponent's revised Statement of Commitments.

Urban Design Objectives

A series of urban design objectives have been proposed to guide the future development:

Objective 1 Excellence: create a memorable Headland Park that captures the community's imagination and pride through design excellence.

Objective 2 Stimulate patronage: establish attractive parklands that encourage public use

Objective 3 Connected: Ensure the parkland spaces are very well connected to the surroundings; physically, visually and socially

Objective 4 Cultural experiences: Include significant cultural experiences in the parklands

Objective 5 Diverse and sensitive: provide parklands that have a range of diverse uses that are sensitive to local communities

Objective 6 Enhance safety: enhance safety through design and management

Objective 7 Respect heritage: respect the history of the place through interpretation of the natural and cultural landscape

Objective 8 Sustainability: Improve the sustainability of the parklands and surrounding area of influence through social equity, management and innovation

Statement of Commitments

The Statement of Commitments has been amended to include the urban design objectives, preparation of heritage impact statements, heritage branch recommendations and some minor procedural amendments which were included in the Statement of Commitments as part of the Modification Environmental Assessment. The Statement of Commitments is contained in Schedule 3 of Appendix A.

4 STATUTORY CONTEXT

4.1 Minister's Authority to Approve

The modification application has been lodged with the Director General pursuant to section 75W of the Act. Section 75W(2) of the Act provides that a proponent may request the Minister to modify the approval of a project.

Section 75W(4) of the Act gives the Minister the authority to modify the approval or disapprove the modification. Following consideration of the proposed modification (see Section 6), the Department recommends the modification be approved.

4.2 Proposed Modification to Minister's Approval

Specifically the proposed modification involves modifying:

- Condition A1 which relates to the development description;
- Replacing condition A2 which relates to approved documentation;
- Replacing condition A4 which relates to the determination of future applications;
- Replacing condition B2 which relates to the public domain – Northern Headland;
- Replacing condition B4 which relates to the built form and gross floor areas; and
- Inserting condition B10 in relation to investigating the possibility of a lightweight bridge

The amendments are consistent with the original Concept Plan Approval.

4.3 Director-General's Environmental Assessment Requirements (DGRs)

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister. On 30 June 2006 the Director General issued environmental assessment requirements for the Concept Plan (DGRs) pursuant to Section 75F of the Act.

The Department concluded in September 2008 that the DGRs issued on 30 June 2006 for the approved Concept Plan do not require an amendment for the current modification as the key issues of environmental assessment are substantially the same. The Department indicated to the proponent that the Environmental Assessment for the modification should address the DGRs and in particular the following issues:

- Urban design, development controls and land uses;

- Transport and access;
- Streetscape and public domain;
- Heritage; and
- Social and community issues.

The DGRs are contained in **Appendix C**.

An assessment under additional statutory controls is contained in **Appendix B**.

4.4 Exhibition and Consultation

Under section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However the Department formed the opinion that there would be sufficient public interest in the proposed modification and therefore in accordance with section 75H(3) of the Act, the Department exhibited the Environmental Assessment (EA) for 30 days from 4 February 2009 to 6 March 2009.

The modification application was referred to public agencies and was also placed on the Department's website in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Environment Planning and Assessment Regulation, 2000*.

The project was made available to the public in the Department's information centre and at City of Sydney Council. The Department received 10 submissions from Public Authorities and 19 public submissions (including community groups).

Public Authority Submissions

Public authorities included: City of Sydney Council; the Roads and Traffic Authority (RTA); Ministry of Transport (MoT); Sydney Regional Development Advisory Committee (SRDAC); Sydney Ports; Heritage Branch; State Transit Authority (STA); Department of Environment and Climate Change (DECC); NSW Maritime and Sydney Water (Heritage). A summary and consideration of agency submissions is provided in **Appendix F**.

Issues raised in public authority submissions include:

- Consistency with concept plan terms of approval;
- Activation / Safety and security of the public domain;
- Transport, access and parking;
- Streetscape and public domain;
- Land use mix;
- Heritage; and
- Public benefits.

Public Submissions

A total of 19 public submissions were received. 3 submissions were in support of the modification whilst 16 submissions objected. Concerns raised in public submissions included: car parking; traffic; consistency with winning design; views; public consultation; design of the headland park; park activation. A summary and consideration of public submissions is contained in **Appendix G**.

The proponent responded to submissions via a Preferred Project Report (PPR) with revised project design and Statement of Commitments. The Department's assessment of the PPR and keys issues is contained in Section 5 of this report.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 Consistency with Concept Plan Approval

The Concept Plan Approval includes conditions requiring amendments to the Headland Park and Northern Cove that reflect the findings of the Competition Jury report from the International Urban Design Competition on the Barangaroo Project. Therefore maintaining consistency with the Concept Plan Approval is a key assessment issue.

The approved Concept Plan establishes the future objectives for the public domain and the three parklands, being the headland park (inclusive of the northern cove), the play fields and the urban water front. Specifically Conditions B1 and B2 of the Concept Plan stipulated further requirements and objectives for the design of the Northern headland. An assessment of the current modification in response to requirements and objects Condition B1 and B2 is provided:

B1. Public Domain – Northern Headland

2(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;

The proposed headland has been redesigned to form a more naturalised shape, and the levels of the park have been raised to physically link with Clyne Reserve and Merriman Street to allow direct pedestrian access to/from Argyle place. The naturalised shape has been further accentuated in the PPR when compared to the EA (refer to Figures 3 and 4).

(b) encourage pedestrian permeability along the foreshore, with links to Hickson Road, Argyle Place, Towns Place and "Globe Street";

A pedestrian promenade adjoins the perimeter of the Public Domain which will encourage pedestrian permeability along the foreshore. The promenade will be a minimum of 8m wide (becoming wider in areas of higher activity), and will be accessible for both pedestrians and cyclists.

Globe Street is proposed to be removed from the northern headland and deviate east at the junction with the northern cove. However with the build up of the headland park there will be direct pedestrian access to Merriman Street and Argyle Place as well as Clyne Reserve and Munn Reserve. This results in overall accessibility improvements for pedestrians. Further design has also been undertaken in the PPR such as the provision of accessible path locations and circulations including a path and steps that lead to the water in the Northern Cove via an additional pedestrian link to Mons Street.

(c) ensure adequate viewing of the park from "Globe Street" to enhance security while limiting vehicular access into and through the park;

Globe Street is proposed to be removed from the headland park, which will remove the ability for vehicular access, hence limiting vehicular access into and through the park.

The build up of the park will provide surveillance from the adjoining residences in Merriman street, while the safety and security of the park will be demonstrated through the implementation of Crime Prevention through Environmental Design Principles (CPTED) as detailed in the proponent's Statement of Commitments. These include implementing measures to provide for diverse activation of the parklands, landscaping treatments, connectivity of the parkland, cultural needs, operation times and management and overall improved access.

(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;

The headland has been redesigned to form a more naturalised shape and will also be designed to reflect the "sandstone topography of Sydney Harbour and include plantings of Moreton Bay and Port Jackson Figs".

The more naturalised shape and elevated grassy slopes will also provide for a "welcoming aspect" for pedestrians and vehicles when travelling north from the commercial precinct and public domain areas.

(e) public safety through the day and night considering surveillance, lighting, planting and materials;

The northern headland has been designed to include principles of Crime Prevention Through Environmental Design (CPTED). In this respect the Headland Park Sub-Plan (to be prepared within the framework of the Public Domain Plan) will address CPED safety strategies, as detailed in the statement of commitments.

The elevation of the park to meet Clyne Reserve allows for surveillance of the park from the adjoining residential properties of Merriman Street, and the pedestrian activity that will result from the connection to Observatory Park and Argyle Street.

Surveillance of the park will also be delivered through the wide foreshore pathway and open views of the park that will be provided, as well as the collection of pathways between the promenade and Clyne Reserve.

Effective lighting of the pathways and open space areas, and minimising shrub planting will also work towards deterring potential offenders and delivering a safe park for both day and night use.

(f) the impact on and the treatment of the Sewage Pumping Station.

As a result of the increase in height for the parkland to adjoin Clyne Reserve, the sewage pumping station may be required to be removed or re-located. This could occur elsewhere within the headland, with the provision of interpretative signage to detail its historical significance.

The proponent did not indicate any investigation measures within the Environmental Assessment for the station, and as such the Heritage Branch recommends the following course of action be investigated:

- retaining the pumping station, albeit buried, as a future archaeological resource,
- the relocation and adaptive re-use of the station within the site, and
- the relocation to another relevant location.

The PPR amends the statement of commitments to adopt the recommendations of the Heritage Branch, with a Heritage Impact Statement to be prepared for the sewage pumping station to guide its future treatment with consideration to the options recommended by the Heritage Branch.

(3) The above redesign may include provision of a public car park within the headland.

The proposal includes the provision of a concealed car park under the headland park containing 300 spaces. The primary vehicular access route into the car park will be from Towns Place and Dalgety Road, with pedestrian access from both Merriman Street and Dalgety Road. During the public exhibition, concerns were raised by local residents regarding traffic impacts along Towns Place and Dalgety Road due to the car park. In response, the proponent's PPR has included the option of providing an alternate access route into the car park via Hickson Road. This will be investigated as part of the detailed design of the Headland Park and Northern Cove.

B2. Public Domain — Northern Cove

2(a) an enlargement of the water intrusion; and

The northern cove is proposed to be enlarged, which has been facilitated via the removal of Globe Street through the headland park, allowing the water intrusion to extend further east towards Hickson Road.

(b) a greater naturalised shape, form and edges including treatment surrounding the cove.

The northern headland has been reconfigured to favour a more “*naturalised shape inspired by the historic 1836 shoreline*”. The elevated headland will also seek to integrate the headland with the form of the surrounding Harbour headland parks such as Balls Head and the Royal Botanical Gardens.

Summary

The modification responds directly to the design requirements as stipulated in Condition B1 and B2 of the Concept Plan approval and the Department is satisfied that the modification is consistent with the Concept Plan conditions.

5.2 Public Domain

The proposed headland and northern cove design will result in approximately 10.9 hectares of public open space which remains consistent with the level of public open space approved under the Concept Plan.

The modification realigns the orientation of Globe Street to turn right and meet Hickson Road. This allows for the park area to be developed into a naturalised headland park that will be built up to meet Clyne Reserve and Merriman Street. This will provide direct access to the Headland Park from The Rocks and Observatory Park via Argyle Place.

Pedestrian access to the northern section of the park will also be provided via Towns Place. The foreshore promenade will encourage pedestrian movement from the south of Barangaroo and the rest of the Sydney CBD. The foreshore promenade has been designed to be of sufficient width to cater for both cyclists and pedestrians, which will also help facilitate the movement of a variety of park users around the entire perimeter of the park and southern commercial precinct.

The headland park aims to provide an area for increased pedestrian activity and public use of the parklands. This increase in pedestrian activity will significantly activate the parkland area, thereby improving safety and security. Pedestrian movement will be encouraged in an east/west direction and will allow for the central portion of the park to be regularly activated via pedestrian usage. The elevation of the park to meet Clyne Reserve will provide additional surveillance of the park from the adjoining residential properties of Merriman Street as well as the pedestrian activity that will result from the connection to Observatory Park and Argyle Street. Surveillance of the park will also be delivered through the wide foreshore pathway and open views of the park from the promenade and Clyne Reserve.

The northern headland has been designed to take into account the principles of Crime Prevention Through Environmental Design (CPTED). In this respect the Headland Park Sub-Plan (to be prepared within the framework of the Public Domain Plan) will address CPTED safety strategies, as detailed in the proponent's Statement of Commitments.

Effective lighting of the pathways and open space areas, and minimising shrub planting will also work towards delivering a safe park for both day and night use. The proponent has indicated they will investigate providing a lightweight bridge to facilitate movement between the Northern Cove and Globe Street during the detailed design plans for the Northern Cove. A condition of approval has been included to this effect.

The PPR includes an additional pedestrian access point via Mons Street and the provision of a pedestrian staircase to encourage movement from the northern cove to Clyne Reserve. In addition the revised Statement of Commitments state that all future development is to be in accordance with CPTED principles.

The PPR has amended the sandstone seawall design to allow for the sandstone cut to be visible at the southern end and for the full height to be integrated into the design of the car park. This will allow for the cut to be used as a design feature and viewed from certain spaces within the park.

Summary

The proposal will retain a consistent level of public open space, being 10.9 ha, with the level approved under the Concept Plan. The Park is accessible from the north, east and southern directions via the provision of pedestrian promenades and links to the surrounding road network. These measures will ensure the activation of the Headland Park and Northern Cove and the implementation of CPTED principles during the detailed design phase have been committed to in the proponent's Statement of Commitments.

5.3 Traffic, transport, access and parking

Traffic

The Concept Plan approval requires the proponent to prepare a Transport Management and Access Plan (TMAP). The TMAP will be developed to incorporate the changes to the street pattern of Barangaroo as a result of the proposed northern headland and northern cove.

The transport report prepared by Masson Wilson Twiney (MWT) for the EA indicates that the traffic generation of the site would be reduced as a result of the proposed reduction in GFA. The report also indicates that the performance of the modelled intersections would either improve or remain the same when compared to the approved Concept Plan, and the loss of connection between Barangaroo south and the headland park and its car park is unlikely to materially alter the distribution of traffic accessing the site.

The PPR proposes an alternative access to the car park in order to reduce resident concerns about additional traffic impacts on Towns Place and Dalgety Road. The alternative access is supported by a preferred Traffic Report, prepared by Halcrow MWT, which considers the traffic impacts as a result of the additional access to the car park. The PPR Traffic Report concludes that the alternative access responds to resident concerns about traffic generation around Towns Place and Dalgety Road and will improve connectivity between the car park and the wider Barangaroo site. The report also states that the proposed alternative access will not have significant impacts on local amenity and any increase in traffic volumes would be moderate and not to a level that will cause environmental traffic targets to be exceeded.

Parking

The site's modified road network will result in a reduction of approximately 10% of on-street car spaces, which will be further investigated as part of the TMAP and the on-site parking regime.

The car park will be located beneath the northern headland and will include 300 car parking spaces over 5 levels with primary access via Towns Place and Dalgety Road and with pedestrian access from both Merriman Street and Dalgety Road. The Car Park was approved via the Consolidated Concept Plan and the subject modification proposes to include the opportunity of investigating an additional entry via Hickson Road. The additional entry to the car park was included as a direct response to concerns raised by residents regarding the potential traffic impact of the car park on Towns Place and Dalgety Road.

Concerns were raised in public authority and public submissions that the car park may promote the use of private cars and undermine the future provision of public transport. The proponent has indicated that there is a need for the car park as the Northern area of the site is most distant from existing public transport services and having the car park will assist to encourage usage of the park outside of periods when public transport services are reduced. This will assist in passive surveillance. The car park will provide parking for visitors to Barangaroo residents, commercial uses and retailing and to visitors to the park areas. In addition the proponent indicates that residents and employees would be discouraged from using this car park by appropriate charging rates.

Public Transport

The transport report submitted with the Concept Plan identified the measures required to meet the public transport demands of the Barangaroo development. These include pedestrian linkages, bus services, ferry facilities and cycleways.

The TMAP will further investigate these measures, whilst detailing any future public transport service opportunities and constraints for the site. This includes the preparation of the Barangaroo bus service strategy, which will incorporate the modified road network as proposed in the current application.

5.4 Heritage

The site contains one heritage item as listed in Schedule 3 of the Major Development SEPP, being the Dalgety Bond Store. The modification does not involve any works to this item.

Other items of heritage significance are proposed to be removed or re-located as a result of the proposed Concept Plan conditions of approval and the subject Modification, which includes the proposed removal of the Ports Operation and Communications Centre (Harbour Control Tower), relocation and reuse of the sandstone seawall along the north-western edge and retention or relocation of the MWS & DB Substation (sewage pumping station).

The Heritage Branch have raised no objection to the removal of the Harbour Control Tower. However they have expressed some concerns regarding the course of action for the retention or relocation of the sewage pumping station as a future archaeological resource. As such, the Heritage Branch have advised that an investigation should be undertaken regarding the future of the station, as follows:

- retention or relocation within the site of the sewage pumping station; or
- the relocation of the pumping station to an alternative location.

The proponent has taken on board the comments from the Heritage Branch and has included investigation options in their PPR and revised Statement of Commitment which state that a Heritage Impact Statement will be prepared to guide the future treatment of the Sewage Pumping Station. In addition, Sydney Water, as landowner, has raised no objection to the removal and relocation of the Sewage Pumping Station.

In relation to the seawall the Heritage Branch state they have previously advised that the demolition of the seawall should be avoided. If the seawall is to be demolished, however, then any such work should be undertaken by appropriately qualified archaeologists and appropriate recordings and assessments made in the event of maritime infrastructure or relics being found. In this respect, the proponent's Heritage Impact Statement recommends that removal of the seawall be allowed following archival recording, and *"the stones be retained for use as part of the on-site landscaping"*. The Department considers that the removal of the seawall is, on balance, acceptable and that the sandstone blocks be re-used elsewhere within Barangaroo.

The Department accepts that the removal of the Harbour Control Tower, sandstone seawall and possible relocation of the MWS & DB Substation is required to achieve a more naturalised form of the northern headland in response to the Concept Plan terms of approval. The re-use of the sandstone blocks, and potential relocation of the MWS & DB Substation (pending investigation into feasibility / practicality) will also provide for some interpretative measures to be implemented towards integrating the headland park with the history of the site.

Summary

The proponent has addressed the issues raised by the Heritage Branch via their PPR and revised Statement of Commitments. Specifically, the proponent's Heritage Impact Statement supports the removal of the sandstone wall and Harbour Control Tower and includes Statement of Commitments to prepare a Heritage Impact Statement to determine the future of the sewage pumping station. The Department is satisfied that appropriate measures will be implemented to support the removal and relocation of the three heritage items.

5.5 Loss of Developable Gross Floor Area

The modification deletes Block 8 and reduces the size of Block 7, which results in a loss of 18,800 m² of GFA. Concerns were raised in agency and public submissions, including the City of Sydney Council, that the loss in developable area will result in a loss of activation for the parkland. The loss of developable floor area represents a reduction of 3.7% of the total developable area as approved by Modification 2 (508,300 m²). This is a relatively minor reduction and the retention of 489,500 m² of developable floor area will continue to generate sufficient levels of activity on the site. The provision of the car park at the northern end of the site improves pedestrian accessibility and the CPTED and activation principles discussed in Section 5.2 will contribute to provide adequate activation of the parkland.

As detailed in Section 5.3, the loss of developable floor area will result in reduced traffic generation. The reduction in developable area does not alter the level of public open space given the modification retains the same level of public open space as approved under the Concept Plan being 10.9 ha. This is addressed in Section 5.2.

6 CONCLUSION

The Department has reviewed the modification documentation and duly considered advice from public authorities as well as issues raised in public submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

The proposed modification works will ensure that the redevelopment of Barangaroo remains consistent with the Concept Plan terms of approval and results in no net loss of public open space. The refinement of the Headland Park and Northern Cove will provide a naturalised park area and thereby will facilitate the objectives of the Concept Plan. The modification will provide greater pedestrian permeability via increased access to the harbour foreshore as well as a landscaped connection to and from Clyne Reserve, Merriman Street, Munn Reserve and Argyle Street. This improved public access to the park is of significant public benefit given the park's scenic location within the Sydney Harbour precinct.

The Department is of the view that the proponent has satisfactorily addressed any environmental impacts associated with the proposal, including public domain, heritage, traffic and pedestrian accessibility.

The recommended Instrument of Approval (at **Appendix A**) and implementation of the measures detailed in the proponent's Environmental Assessment report, PPR and Statement of Commitments seek to maintain consistency with the Concept Plan as well as adequately mitigating any environmental impacts associated with the proposal.

On these grounds, the Department considers that the proposed modification is acceptable and is in the public interest. Consequently, the Department recommends that the modification be approved.

7 RECOMMENDATION

It is recommended that the Minister for Planning:

- A). **Consider** all relevant matters prescribed under Section 75O(2) of the *Environmental Planning and Assessment Act, 1979*, including those relevant matters prescribed by Section 75N and 75I(2) as contained in the findings and recommendations of this report;
- B). **Approve** the application, subject to modifications, under section 75W Environmental Planning and Assessment Act, 1979 having considered all relevant matters in accordance with (A) above; and
- C). **Sign** the attached instrument of modification

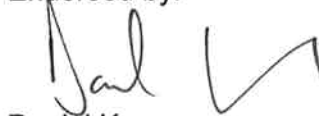
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