

## Modification of Major Project Approval

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

I, the Minister for Planning, modify under S.75W of the *Environmental Planning and Assessment Act 1979*, the Concept approval referred to in Schedule 1 in the manner set out in Schedule 2 and the Statement of Commitments set out in Schedule 3.



The Hon. Kristina Keneally MP  
Minister for Planning

Date:

11 Nov. 2009.

MP06\_0162 MOD 3

### SCHEDULE 1

Concept approval for Barangaroo, East Darling Harbour (MP06\_0162) granted by the Minister for Planning on 9 February 2007 comprising:

- A mixed use development involving a maximum of 388,300m<sup>2</sup> gross floor area (GFA), comprised of:
  - (a) a maximum of 97,075m<sup>2</sup> (or 25%) and a minimum of 58,245m<sup>2</sup> (or 15%) residential GFA;
  - (b) a maximum of 50,000m<sup>2</sup> GFA for tourist uses;
  - (c) a maximum of 39,000m<sup>2</sup> GFA for retail uses; and
  - (d) a minimum of 2,000m<sup>2</sup> GFA for community uses.
- Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including a 1.4km public foreshore promenade.
- A maximum of 8,500m<sup>2</sup> GFA for a passenger terminal and a maximum of 3,000m<sup>2</sup> GFA for active uses that support the public domain within the public recreation zone.
- Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- Public domain landscape concept, including parks, streets and pedestrian connections.
- Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
- Retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking.

## **SCHEDULE 2**

### **Part A – TERMS OF APPROVAL**

#### **Delete A1 and replace with:**

##### **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) and 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 including:

- (1) A mixed use development involving a maximum of **489,500m<sup>2</sup>** gross floor area (GFA), comprised of:
  - (a) a maximum of 97,075m<sup>2</sup> and a minimum of 58,245m<sup>2</sup> residential GFA;
  - (b) a maximum of 50,000m<sup>2</sup> GFA for tourist uses;
  - (c) a maximum of 39,000m<sup>2</sup> GFA for retail uses; and
  - (d) a minimum of 2,000m<sup>2</sup> GFA for community uses.
- (2) Approximately 11 hectares of new public open space/public domain, with a range of formal and informal open spaces serving separate recreational functions and including a 1.4km public foreshore promenade.
- (3) A maximum of 8,500m<sup>2</sup> GFA for a passenger terminal and a maximum of 3,000m<sup>2</sup> GFA for active uses that support the public domain within the public recreation zone.
- (4) Built form design principles, maximum building heights and GFA for each development block within the mixed use zone.
- (5) Public domain landscape concept, including parks, streets and pedestrian connections.
- (6) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
- ~~(7) Retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking until Sydney Ports confirms operations have been relocated.~~

#### **Delete A2 and replace with:**

##### **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, and
- (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.

- (2) The following Preferred Project Report including a revised Statements of Commitment are approved:

- (a) ***Response to Department of Planning and Revised Statement of Commitments*** prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2007.

Except as modified by

- (b) ***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, and
- (c) ***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).*

- (3) In the event of any inconsistencies,
- (a) the revised Statement of Commitments in Schedule 3 of this approval prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
  - (b) the modifications of the Concept Plan approval identified in Part B & C Schedule 2 prevail over the documentation listed in (1), (2) and (3) (a) above.

**Delete A4 and replace with:**

**A4 Determination of Future Applications**

- (1) The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 06\_0162 as described in Part A of Schedule 1, and subject to the modifications of approval set out in Parts A, B & C of Schedule 2, except as provided in (2) below.

**Part B – MODIFICATIONS TO CONCEPT PLAN**

**Delete B1 and replace with:**

**B1. Public Domain – Northern Headland**

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

**Delete B4 and replace with:**

**B4 Built Form**

- (1) Approval is given to a mixed use development involving a maximum of **489,500m<sup>2</sup>** gross floor area (GFA), comprised of:
- (a) a maximum of 97,075m<sup>2</sup> and a minimum of 58,245m<sup>2</sup> residential GFA;
  - (b) a maximum of 50,000m<sup>2</sup> GFA for tourist uses;
  - (c) a maximum of 39,000m<sup>2</sup> GFA for retail uses; and
  - (d) a minimum of 2,000m<sup>2</sup> GFA for community uses.
- (2) Despite (1) above future project applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below, except as provided for in C1(1).
- (a) Development Blocks:

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7
<b>GFA</b>	11,800m <sup>2</sup>	211,907m <sup>2</sup>	85,568m <sup>2</sup>	121,000m <sup>2</sup>	41,225m <sup>2</sup>	3,000m <sup>2</sup>	15,000m <sup>2</sup>
<b>Residential GFA (Max)</b>	-	20,000m <sup>2</sup>	9,575m <sup>2</sup>	25,000m <sup>2</sup>	15,000m <sup>2</sup>	-	14,000m <sup>2</sup>
<b>Height (Max AHD)</b>	RL 62	RL 180	RL 112	RL 100	RL 34	RL 29	RL 35
<b>Height above existing ground level</b>	60 m	178 m	110 m	98 m	32 m	27 m	33 m

- (3) The specific forms contained in *Section 13.0 - Built Form* of the EA are not approved as part of this approval. This is due to concern that appropriate street edges and forms are not provided to Hickson Road and "Globe Street" (see additional design principle below). Not approving indicative building forms also allows evolution of design excellence.
- (4) Despite (3) above future project applications are to provide a comparison, and outline any variations from, the urban design principles outlined in Section 7.3.3 of the Barangaroo Part 3A Modification Report dated June 2008 and the objectives of the Performance Based Urban Design Controls set out in the Preferred Project Report Barangaroo Part 3A Modification dated October 2008.
- (5) Despite (4) above future project applications are to demonstrate consistency with the Built Form Controls identified by modification B9.
- (6) Future project applications for buildings within Blocks 2, 3, 4 and 5 may accommodate a redistribution of GFA (but not in excess of the total area for those blocks) resulting from the Built Form Controls identified in modification B9.

**Add Modification B10 – Lightweight Bridge, floating Dock or Pontoon as follows**

**B10. Lightweight Bridge, Floating Dock or Pontoon**

The construction of a lightweight bridge, floating dock or pontoon to facilitate pedestrian movement over the Northern Cove to continue the axis of Globe Street is to be investigated during the preparation of the further detailed design plans for the Northern Cove and these plans are to be provided to the Department prior to or concurrently with the lodgement of the first project application for major public domain works in the vicinity of the Northern Cove.