

1.0 Barangaroo Concept Plan Consolidated Instrument of Approval

1.1 Part A – Terms of Approval

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 Foreshore Authority and dated January 2009 including:

- (1) A mixed use development involving a maximum of 489,500m² gross floor area (GFA), comprised of:
 - (a) a maximum 97,075m² and a minimum of 58,245m² residential GFA;
 - (b) a maximum of 50,000m² GFA for tourist uses.
 - (c) a maximum of 39,000m² for retail uses; and
 - (d) a minimum of 2,000 m² 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 8,500m² 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.
- (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 creating of a partial new shoreline to the harbour.

A2. Development in Accordance with Plans and Documentation

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.

A3. Lapsing of Approval

Approval of the Barangaroo Concept Plan shall lapse 10 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

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.

1.2 Part B – Modification to Concept Plan

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 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.

B2. Public Domain Northern Cove

- (1) Noting the jury report recommendations on the competition winning design scheme, further detailed design plans for the Northern Cove located opposite Munn Street 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) an enlargement of the water intrusion
 - (b) a greater naturalised shape, form and edges including treatment surrounding the cove.

B3. Public Domain – Southern Cove

- (1) Noting the jury report recommendations on the competition winning design scheme, further detailed design plans for the Southern Cove (north of Napoleon Street and Opposite proposed "Bull Street") 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) are to address the following objectives:
- (a) an enlarged water intrusion including a component east of the proposed "Globe Street";
 - (b) active edged around the enlarged waterbody, including appropriate ground floor uses in buildings to activate the foreshore area;
 - (c) achieving appropriate pedestrian linkages along the foreshore and connections to Hickson Road; and
 - (d) a theme which celebrates the water as an important part of the landscape element.

B4. Built Form

- (1) Approval is given to a mixed use development involving a maximum of 489,500m² gross floor area (GFA comprised of:
- (a) a maximum of 97,075 m² and a minimum of 58,245m² residential GFA;
 - (b) a maximum of 50,000m² GFA tourist uses;
 - (c) a maximum of 39,000 m² GFA for retail uses;
 - (d) a minimum of 2,000m² 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
GFA	11,800m ²	211,907 m ²	85,568 m ²	121,000 m ²	41,225 m ²	3,000 m ²	15,000 m ²
Residential GFA (Max)	–	20,000 m ²	9,575 m ²	25,000 m ²	15,000 m ²	–	14,000 m ²
Height (Max AHD)	RL 62	RL 180	RL 112	RL 100	RL 34	RL 29	RL 35
Height above existing ground level	60m	178m	110m	98m	32m	27m	33m

- (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.

B5. Revised Design Principles

- (1) Design Principle 2 in *Section 13.0 – Built Form* of the EA is amended to state “Buildings are to provide a consistent street wall and form to Hickson Road and “Globe Street” and use a palette of consistent and natural materials that are complementary to the sandstone nature of the headland.”
- (2) Built Form Principle 4 in Section 7.3.3 of the Barangaroo Part 3A Modification report is to be amended to provide for greater pedestrian permeability thorough the blocks (north-south and east-west) which relate to pedestrian desire lines.

B6. Tourist Uses

- (1) The ‘tourist uses’ shall be modified to a maximum of 50,000m² and shall not include serviced apartments, unless they are in single ownership and title (no strata titling). If they do meet these criteria they shall be considered residential uses. In any event serviced apartments shall not exceed 12,500m².
- (2) Future applications for serviced apartments are to have equivalent amenity standards to residential buildings, in accordance with State Environmental Planning Policy No 65.

B7. Community Uses

The minimum of 2000m² allocated for community uses are to be provided for in Block 6 or 7 (or other block approved by the Director General) and be of a type acceptable to the Director General.

B8. Pedestrian Bridges

Concept plan approval is not provided for any of the proposed pedestrian bridges that cross Hickson Road, with the exception of the pedestrian access referred to in B1(2)(a). East-west connections shall be considered with the public domain works. Connections should not compromise creation of a boulevard down Hickson Road.

B9. Built Form Controls

In addition to the approved controls in the Concept Plan, the following controls apply.

(1) Block 2

- (a) The maximum horizontal dimension of any tower form fronting Globe Street and Hickson Road is not to exceed 25 metres.
- (b) Any tower forms are to be separated from the tower forms on Block 3 by a minimum 30 metres.

(2) Blocks 3 – 4

- (a) The maximum horizontal dimension of any tower form fronting Globe Street and Hickson Road is not to exceed 20 metres.
- (b) The maximum horizontal dimension of any tower form fronting Napoleon Street, Bull Street and Healy Street is not to exceed 60 metres.
- (c) Tower elements are to be setback a minimum of 25 metres from the Hickson Road street wall or podium edge.
- (d) Tower elements are to be separated from each other by a sufficient width so that they appear as separate structures, and may be connected by a differentiated link structure (which may contain services/circulation/staff amenity space but is not to contain net lettable office space).
- (e) The podium or street wall to Hickson Road is to have a height of RL 33.2 metres (Note: existing ground level = RL 2.0).
- (f) The podium or street wall to Globe Street is to have a height of RL 18.8 metres (Note: existing ground level = RL 2.0).
- (g) Appropriate street walls heights to Napoleon Street, Bull Street and Healy Street need to mediate between podium heights fronting Hickson Road and Globe Street.
- (h) The street wall or podium is to have a minimum setback of 5 metres from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses.
- (i) Any tower forms on Block 3 are to be separated from tower forms on Block 4 by a minimum of 20 metres.

(3) Block 5

- (a) The podium or street wall to Hickson Road is to have a height of RL 29.6 metres (Note: existing ground level = RL 2.0)
- (b) The podium or street wall to Globe is to have a height of RL 18.8 metres (Note: existing ground level = RL 2.0)
- (c) Appropriate street wall heights to Agar Street and Healy Street need to mediate between podium heights fronting Hickson Road and Globe Street.

- (d) Above podium elements are to have a minimum setback of 25 metres from the Hickson Road street wall or podium edge.
 - (e) Above podium elements are to have an appropriate setback from the Globe Street, Agar Street and Healy Street street wall or podium edge to ensure an appropriate scale to these streets.
 - (f) The street wall or podium is to have a minimum setback of 5 metres from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses.
 - (g) Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20 metres.
- (4) Connections between tower elements and above podiums are not permitted over public streets.
- (5) Globe Street
 - (a) Globe Street is to be activated by ground floor retail uses
 - (6) Podium roofs are to be green and accessible.
 - (7) Variation of up to 10% to the numerical controls relating to the towers (identified in modifications B9(1)(a), B9(2)(a) and B9(2)(b)) with a signature building arising out of international best practice will be considered on merit subject to compliance with the design excellence provisions of the State Environmental Planning Policy (major Projects) 2005.

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.

1.3 Part C – Future Applications

C1. Built Form – Blocks 2,3,4 and 5.

- (1) Future project applications for buildings within Blocks 2,3 4 and 5 may accommodate a redistribution of the GFA (but not in excess of the total area) that is displaced by an encroachment of the enlarged southern cove identified in modification B3 or built form controls identified in modification B9.

C2. Design Excellence

- (1) This provision applies to the following development:
 - (a) any development comprising the erection of a building exceeding 55 metres in height;
 - (b) any development of land exceeding 1,5000 square metres in area, and
 - (c) each block where this is not covered by (a) or (b) above.
- (2) The Proponent shall hold a design excellence competition for all development identified at (1) above.
- (3) The design competition shall be approved by the Director General or his delegate.
- (4) The Director General shall establish a design review panel for the design excellence competition(s) that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - 1. Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
 - 2. Whether the form and external appearance of the building will improve the quality and amenity of the public domain;

3. Whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency;
 4. A comparison of the proposed development against the indicative building controls identified in *Section 13.0 – Built Form* of the EA;
 5. Whether the new development detrimentally impacts on view corridors, particularly from public spaces and streets.
- (5) The design review panel shall also be utilised for any significant changes to the concept plan, as determined by the Director General.
- (6) For the purposes of this modification, a design review panel means a 3 to 5 member panel comprised of appropriately qualified design professionals, chaired by a registered architect.

C3. Transport and Pedestrian Management

- (1) The Transport Management and Access Plan, in relation to public transport, traffic and pedestrian access between the Barangaroo site and Wynyard, shall be provided prior to or concurrently with the lodgement of the first major project application that includes new floorspace.
- (2) Details of the proposed improved pedestrian linkages between the Barangaroo site and Wynyard shall be provided with the first Project Application for Blocks 2, 3, 4 or 5 and shall be completed prior to any occupation of Blocks 2, 3, 4 or 5.
- (3) The Transport Management and Access Plan is required to be reviewed at the completion of works on each development block.

C4. Car Parking

- (1) The following maximum car parking rates shall apply to future development within the site:

(a) Commercial:	– 1 Space/600m ² GFA	
(b) Residential:	<ul style="list-style-type: none"> – 1 bedroom/bedsitter unit – 2 bedroom unit – 3 + bedroom unit 	<ul style="list-style-type: none"> – 1 space/2 units – 1.2 spaces/unit – 2 spaces/unit
(c) Other uses:	– City of Sydney Council rates	
(d) Passenger Terminal	– subject to a future traffic report based on demand estimates	

C5. Consolidated Concept Plan

- (1) A consolidated concept plan containing the administrative modifications outlined below is to be provided to the Department as soon as possible and before lodgement of the first application.
 - (a) Legal description and ownership.
 - (b) Reference to Stamford on Kent as a commercial not residential building.
 - (c) Proposed 300 car parking station in Headland Park not shown on plans.
 - (d) HIS and Heritage Items Plan do not include the MSB Stores at 34 Hickson Road.
 - (e) Inclusion of the correct version of the Heritage Impact Statement (HIS) (East Darling Harbour History, by Sydney Harbour Foreshore Authority, unpublished document, July 2006) is the incorrect version of this report.
 - (f) Inclusion of the heritage listed former gasworks AGL building.

- (g) Inclusion of a list of changes from the winning scheme.

C6. Rail

- (1) The Proponent shall request service searches from Railcorp, to establish the existence and location of any Railcorp services and structures. Where Railcorp services are identified the Proponent must discuss and agree with Railcorp how these services are to be accommodated in the development.
- (2) The Proponent may be required to enter into an agreement with Railcorp defining controls to be implemented in managing the access required and/or the potential impacts of the development on Railcorp, and the involvement of Railcorp staff in ensuring appropriate safety and technical standards are complied with throughout the development.

C7. Pedestrian Linkages, Activation of Streets and Public Domain

- (1) In developing detailed plans for the development blocks, "internal" or "through-site" links and internal public domain activity should not occur at the expense of achieving primacy in pedestrian activity and use, as well as the built form objectives for Hickson Road and Globe Street, and public streets.