

Modification of Minister's Approval

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

I, the Minister for Planning, approve the modification of the concept plan referred to in Schedule 1 in the manner set out in Schedule 2.

Tony Kelly 16/12/10.

Anthony (Tony) Kelly MLC
Minister for Planning

Sydney

2010

SCHEDULE 1

Major Project Number: MP06_0162

On Land Comprising: Lots 1 to 6 DP 876514; Lot 7 DP 43776; Lot 100 DP 838323; Lots 6 and 7 DP 869022; **part of Lot 110 DP 1061311; part of C.T. Volume 5018 Folio 1**

Concept Approval: granted by the Minister on 9 February 2007

For the following:

- a mixed use development involving a maximum of 388,300sqm 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 8,500sqm GFA for a passenger terminal and a maximum of 3,000sqm 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;
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking; and
- an underground car park beneath the northern headland, containing approximately 300 car parking spaces.

Modification Number: MP06_0162 MOD 4

Modification:

- Reconfiguration of built form blocks and establishment of two new Blocks (X & Y).
- Increase of 59,965sqm gross floor area (GFA) within approved Blocks 1-4.
- Removal of approved 8,500sqm of passenger terminal GFA and increase in GFA for active and community uses.
- Increase in building height (RL) from 62m to 80m for Block 1.
- Increase in building height (RL) from 112m to 209m for Block 3.
- Maximum increase in building height (RL) from 100m to 175m for Block 4.
- Establishment of a maximum building height of 41.5m for Block X and 170m for Block Y.
- Enlargement of Concept Plan area into Sydney Harbour to accommodate landmark building (hotel) and pier (Block Y).
- Redistribution of land use mix and reconfiguration of public promenade, resulting in a reduction in width of the promenade from a minimum of 60m to 27m.
- Revisions to built form controls and urban design principles.
- Provision of a cultural centre.

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), 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) including:

- (1) A mixed use development involving a maximum of **563,965sqm** gross floor area (GFA), comprised of:
 - (a) a maximum of 128,763sqm and a minimum of 84,595sqm residential GFA;
 - (b) a maximum of 50,000sqm GFA for tourist uses;
 - (c) a maximum of 39,000sqm GFA for retail uses;
 - (d) a maximum of 4,500sqm GFA for active uses in the Public Recreation zone (3,000sqm of which will be in Barangaroo South); and
 - (d) a minimum of 12,000sqm GFA for community uses (10,000sqm of which will be in Barangaroo South).
- (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.

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;
- (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.

- (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

- (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;
- (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); and
- (d) **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)**.
- (3) In the event of any inconsistencies,
- (a) the Statement of Commitments referenced in A2(2)(d) 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.

PART B – MODIFICATIONS TO CONCEPT PLAN

Delete B4 and replace with:

B4 Built Form

- (1) Approval is given to a mixed use development involving a maximum of **563,965sqm** gross floor area (GFA), comprised of:
- (a) a maximum of 128,763sqm and a minimum of 84,595sqm residential GFA;
- (b) a maximum of 50,000sqm GFA for tourist uses;
- (c) a maximum of 39,000sqm GFA for retail uses;
- (d) a maximum of 4,500sqm GFA for active uses in the Public Recreation zone (3,000sqm of which will be in Barangaroo South); and
- (d) a minimum of 12,000sqm GFA for community uses (10,000sqm of which will be in Barangaroo South).
- (2) Despite B4(1) above, future project applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below.

	GFA (sqm)	Residential GFA (Max) (sqm)	Height (Max AHD)	Height above existing ground level (m)
Block 1	9,400	9,000	RL 80	78
Block 2	209,213		RL 180	178
Block 3	142,669		RL 209	207
Block 4A	8,150	6,900	RL 41.5	39.5
Block 4B	29,900	28,900	RL 175	173
Block 4C	39,000	38,500	RL 160	158
Block X	18,908	16,463	RL 41.5	39.5
Block Y	33,000		RL 170	168
Block 5	41,225	15,000	RL 34	32
Block 6	3,000		RL 29	27
Block 7	15,000	14,000	RL 35	33
TOTAL	549,465	128,763		

- (3) Despite B4(2) above, future project applications for buildings within Blocks 2, 3, 4A, 4B, and 4C may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks) resulting from the Urban Design Controls identified in modification B9.

Delete B5 and replace with:

- (1) Future applications in Barangaroo South are to demonstrate consistency with the Built Form Principles and Urban Design Controls within the Supplementary Urban Design Statement by Rogers Stirk Harbour + Partners (12 November 2010), with required modifications as outlined in B9.

Delete B6 and replace with:

B6. Tourist Uses

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

Delete B7 and replace with:

B7. Community Uses

- (1) At least 3,000sqm of approved community uses shall preferably be located within one building in Barangaroo South in a central position that engages with the public domain, and shall be constructed prior to the final occupation of 250,000sqm of commercial floorspace, or the 3 commercial buildings (C3, C4 and C5) in Blocks 2 and 3, whichever occurs first.
- (2) The proponent shall consult the City of Sydney and consider the report titled *Asset Assessment and Development Plan for Community Facilities in Harbour Village Centre* (June 2010) in considering and determining the appropriate mix and provision of community uses within Barangaroo South and outline the outcome of such consideration and consultation with the relevant Project/development application.
- (3) Despite any other modification of this approval, a minimum of 2,000sqm of community uses GFA must be provided within Block 6 or 7 (or other block approved by the Director General) and be of a type acceptable to the Director General.

Delete B8

Delete B9 and replace with:

B9. Envelope Amendments and Built Form Controls

Barangaroo South

- (1) The Built Form Principles and Urban Design Controls within the Supplementary Urban Design Statement by Rogers Stirk Harbour + Partners (12 November 2010) for Barangaroo South are adopted, with required modifications as outlined below. A consolidated Urban Design Statement shall be provided to the Director General incorporating all of the required modifications set out in B9 (2) to (4).

Envelope Amendments

- (2) The proposed building envelopes for Blocks Y and X are to be modified as follows:
- (a) Block Y - The envelope shall be amended so that the width is a maximum of 20m, and the length is a maximum of 60m, above RL 20; and
 - (b) Block X - The envelope shall be amended so that for the southern end of Block X (all of Building R1), the height is a maximum of RL 27, with a maximum of 6 habitable levels above ground.

Urban Design Controls

- (2) The following control shall be added to the Set of Controls and all Urban Design Controls for all Blocks within Barangaroo South:

Control 11: Sustainable Building Design

The design of buildings and the public domain shall incorporate, utilise and integrate leading sustainability practices in design, massing, materials and detailing. Buildings should be a model for sustainable building design and construction, and where accepted sustainability measures exist for the type of building being proposed, an industry-leading rating should be achieved. Sustainability measures should preferably be legible and discernable in the building design.

- (4) The following changes shall be incorporated into the Urban Design Controls for each Block:

Block 1

Control 7 Objectives: Add "The width of driveways shall be minimised".

Control 8 Objectives: Add "Signage shall be integrated into the building design".

Block 2

Control 1 Objectives: Add "Interesting building shapes are encouraged".

Control 1 Standards: Delete "maximum of 29m setback from Hickson Road".

Control 1 Standards: Change minimum of 1 storey podium height to "minimum predominant podium height of 3 storeys".

Control 2 Objectives: Add "Podium height shall be determined having regard to compatibility of streetscape form with the surrounding area, and appropriate engagement and framing of the public domain, together with environmental considerations on the public domain and surrounding buildings".

Control 2 Objectives: Add "The streetwall height on Hickson Road shall be robust and complement the eastern side of Hickson Road, seeking a 'boulevard effect' along Hickson Road".

Control 3 Objectives: Add "Methods to capture and reuse rainwater that strikes the southern elevation of Building C5 are encouraged".

Control 7 Standards: Add "There shall be no single plane in the façade having dimensions greater than 60m in length and 60m in height (or equivalent area) without articulation, and change in plane from adjoining building elements, unless otherwise determined by the Barangaroo Design Excellence Review Panel", to the satisfaction of the Director-General in consultation with the Barangaroo Delivery Authority.

Control 8 Standards: Add "The width of driveways shall be minimised".

Control 9 Standards: Add "Signage shall not be greater than 1 building storey high (between floor slabs)".

Block 3

Control 1 Objectives: Add "The northern half of the Block (Building C7) shall contain comparatively lower buildings (when compared to the tower forms) as generally indicated in the indicative design".

Control 1 Standards: Delete "maximum of 29m setback from Hickson Road".

Control 1 Standards and Control 2 Objectives: Change minimum of 1 storey podium height to "minimum predominant podium height of 3 storeys".

Control 2 Objectives: Add "Podium height shall be determined having regard to compatibility of streetscape form with the surrounding area, and appropriate engagement and framing of the public domain, together with environmental considerations on the public domain and surrounding buildings".

Control 2 Standards: Add "The width and height of the colonnade along Hickson Road shall be appropriate to encourage its use, and be integrated into the proportions of the buildings of which it is part".

Control 7 Standards: Add "There shall be no single plane in the façade having dimensions greater than 60m in length and 60m in height (or equivalent area) without articulation, and change in plane from adjoining building elements, unless otherwise determined by the Barangaroo Design Excellence Review Panel", to the satisfaction of the Director-General in consultation with the Barangaroo Delivery Authority.

Control 8 Standards: Add "The width of driveways shall be minimised".

Control 9 Standards: Add "Signage shall not be greater than 1 building storey high (between floor slabs)".

Block 4, B and 4C

Control 1 Objectives: Add "If two buildings are proposed within 4C they shall be separated by at least 18m and the podium shall be low to allow sunlight penetration through the buildings to the southern water cove and adjoining promenade on the southern side of the water cove".

Control 1 Standards "varified" be corrected to "varied".

Control 8 Standards: Add "The width of driveways shall be minimised".

Control 9 Standards: Add "Signage shall not be greater than 1 building storey high (between floor slabs)".

Block X and 4A

Control 1 Objectives: Add "The predominant height of the building mass fronting the foreshore promenade shall be 6 or 7 storeys above ground level, with over 70% of the building frontages having a consistent height. Any "pop ups" shall not result in more than 9 storeys above ground level and the overall massing shall be such to create an homogenous yet interesting streetwall".

Control 8 Objectives: Add "At least 70% of the ground floor frontages to the pedestrian waterfront promenade shall comprise retail or entertainment uses, open to the public to activate the adjoining foreshore pedestrian promenade".

Control 8 Standards: Add "The width of driveways shall be minimised".

Block Y

Control 1 standards be amended to reflect the changes in the envelope in modification B9(2)(a) above.

Control 1 Objectives: Add "The design of the building shall appear open/ transparent at lower levels, particularly as viewed from the south and north along the foreshore promenade, to encourage views through the building at lower levels and greater appreciation of water and the surrounding public domain".

Control 1 Objectives: Add "The building massing at the lower levels (to RL 20) shall give primacy to the use, enjoyment, accessibility and activation of the public domain and walkways around the pier".

Control 1 Standards: Add "Any overhang of the building on western edge, above the public pedestrian promenade on the pier, shall be a minimum of 10m in height, so that the walkway is inviting and feels public".

Control 2 Objectives: Add "Canopies and awnings shall not dominate or unreasonably impact on views and vistas towards the water or past the building, along public promenades".

Control 5 Standards: Add "An average width of 10m, at ground, closest to the harbour waterfront, is to be provided around the perimeter of the pier, with a minimum width of 6m".

Control 5 Standards: Add "The taxi drop-off zone shall not extend into a 15m promenade zone measured from the harbour edge (excluding the pier), so that vehicles do not interrupt the use and enjoyment of the waterfront promenade by pedestrians".

Control 9 Standards: Add "Signage shall not be greater than 1 building storey high (between floor slabs)".

- (5) Connections between tower elements and above podium elements are not permitted over primary public connections including Globe Street, Margaret Street West and City Walk, and shall be minimised in other laneways.
- (6) Globe Street is to be activated by ground floor retail uses.

Barangaroo Central

(7) 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 Street 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.

PART C – FUTURE APPLICATIONS

Delete C1

Delete C3 (2) and replace with:

- (3) Details of the proposed improved pedestrian linkages between the Barangaroo site and Wynyard train station shall be provided with the relevant Project Applications for built form above ground level within Blocks 2, 3, 4A, 4B, 4C, 5 or X and works shall commence prior to any occupation of Blocks 2, 3, 4A, 4B, 4C, 5, or X.

Delete C3 (3) and replace with:

- (3) The Transport Management and Access Plan shall be reviewed and updated at key transport milestones in the year 2014 and year 2018, or timing as otherwise directed by the Director General, to enable the development of Barangaroo to align with key planned public transport improvements.

Add new Part C3 (4):

- (4) Notwithstanding C3(3) above, the Transport Management and Access Plan is required to be reviewed at the following milestones:
 - (a) no later than 6 months following the occupation of the first building within Block 2;
 - (b) no later than 6 months following the occupation of the first building within Block 3; and
 - (c) completion of works on each development block.

Delete C4 (d)

Delete C5 and replace with:

C5. Marine Ecology

- (1) Any future Project Application for the construction of the public pier and ferry wharves in Barangaroo South, formation of the Southern Cove and formation of the new shoreline in Barangaroo Central and the Headland Park/Northern Cove will be required to address in detail any impacts on the existing marine ecology.