

Proposed Modifications to Instrument of Approval

The proposed modifications to the Concept Plan require amendments to the Terms of Approval in Schedule 2 of the Instrument of Approval. The Instrument of Approval was last modified as part of MOD 11 on 22 October 2020.

A summary of the proposed changes is provided in **Table 1**.

TABLE 1 SUMMARY OF MODIFICATIONS TO THE CONCEPT PLAN INSTRUMENT

CONDITION	SUMMARY OF MODIFICATION AND REASON
A1 Development Description	Condition to be updated to reference the Concept Plan (MOD 9) application and modified GFAs.
A2 Development in Accordance with Plans and Documentation	Condition to be updated to reference the Concept Plan (MOD 9) Response to Submissions Report.
B3 Future Built Form and Public Domain	Amendments as follows: <i>Hickson Park</i> : Condition to be amended to reflect the redefined north boundary of Hickson Park. <i>Block 5</i> : Condition to be deleted to reflect the redefined Hickson Park.
B4 Future Built Form	Condition to be updated to reflect the modifications to the future built form (including GFA and building heights) set out in MOD 9.
B5. Revised Design Principles	Additional condition to be imposed to ensure future applications in Central Barangaroo demonstrate consistency with the Urban Design Guidelines within the Central Barangaroo Urban Design Report (November 2023) prepared by SJB Architects.
B7. Community Uses	Condition to be amended to increase the amount of community uses gross floor area required in Central Barangaroo and to allow the delivery of community uses throughout Central Barangaroo, not just Blocks 6 and 7. Additional condition to be imposed to ensure the delivery of community uses gross floor area within the Cutaway in Barangaroo Reserve.
B9. Envelope Amendments and Built Form Controls – Barangaroo Central	Condition to be deleted as it predates the Concept Plan (MOD 9) and is no longer required upon approval of the modification documentation.
C1 Future Building/s on Block 5	Condition to be amended to ensure any future development application within Block 5 addresses any impact on views, in accordance with the building envelopes in the Central Barangaroo Urban Design Report (prepared by SJB Architects dated November 2023).
C2 Design Excellence	Condition to be updated to reference the updated built form controls relating to Barangaroo South and Central Barangaroo (as listed in condition A2).



Concept Plan 06_0162 (MOD 9)

Barangaroo Consolidated Conditions of Consent

SCHEDULE 1 PART A - TABLE

		DESCRIPTION OF MODIFICATION AND REASON
Application made by:	Sydney Harbour Foreshore Authority (SHFA)	
Application made to:	Minister for Planning	
On land comprising:	Barangaroo, Hickson Road, Sydney Lots 1, 2, 4 and 7 DP 876514; Lot 7 DP 43776; Lot 100 DP 838323; Lots 6 and 7 DP 869022; part of Lot 110 DP 1061311; Lots 201-205 DP 1204948; Lot 208 DP 1211553; Lot 212 DP 1217691; Lot 101 DP 1204946; CP/SP91649 and Lots 1-159/SP91649; part of C.T V2,000 volume 5018 Folio 1	Replace property description with legal description at the time the modified consent is granted.
Local Government Area:	City of Sydney	
For the carrying out of:	A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2	
Capital Investment Value: (Original)	\$1.5 billion	
Capital Investment Value: (MOD 8)	\$6 billion	
Capital Investment Value: (MOD 9)	\$7.3 billion	Reflect the increased Capital Investment Value associated with MOD 9.
Type of development	Concept approval under Part 3A of the EP&A Act	
Determination made on:	9 February 2007	
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.	



DESCRIPTION OF MODIFICATION AND REASON

Date of commencement of approval:	This approval commences on the date of the Minister's approval.
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Date approval is liable to lapse:	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.
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PART B – DEFINITIONS

In this approval, the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Council means City of Sydney Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Future application means any State significant development proposal that has lodged an Environmental Impact Statement for the application after the determination of MP06_0162 MOD 8.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the Environmental Planning and Assessment Regulation, 2000 (as amended).

Secretary means the Secretary of the Department of Planning & Environment.

SEPP Amendment means Statement Environmental Planning Policy Amendment (Sydney Harbour) 2016 made on 28 June 2016.

SHFA means the Sydney Harbour Foreshore Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Barangaroo has the same meaning as the land identified in Part A of this schedule.

Barangaroo Concept Plan means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

Community facility has the same meaning as its definition in the Standard Instrument -Principle Environmental Plan.



SCHEDULE 2 PART A – TERMS OF APPROVAL

CONDITION

DESCRIPTION OF MODIFICATION AND REASON

A1 Development Description

Concept approval is granted only to the carrying out of the development solely within the Concept Plan area as described in the documents titled “*East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment (Volume 1 & 2)*” prepared by JBA Urban Planning Consultants & SHFA (dated October 2006), amended by Barangaroo Part 3A Modification Report (Volume 1 & 2) prepared by MG Planning Pty Ltd & SHFA (dated June 2008), amended by Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009, and amended by Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants (dated August 2010), and amended by Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated June 2013) and amended by Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated October 2013) and as amended Barangaroo Concept Plan Section 75W Modification (MOD 8) prepared by JBA Urban Planning Consultants (dated March 2015), and amended by Section 75W Modification (MOD10) prepared by Ethos Urban (dated 7 April 2020), and amended by Section 75W Modification (MOD11) submitted by INSW on 17 July 2020, **and amended by ‘Response to Submissions Report Central Barangaroo: Concept Plan MP06_0162 Modification 9’ prepared by Mecone (dated November 2023)**

Condition to be updated to reference the Concept Plan (Mod 9) application as amended by the Response to Submissions report.

- (1) A mixed-use development involving a maximum of ~~602,354~~ **667,686** sqm gross floor area (GFA), comprised of:
 - a) a maximum of ~~491,031~~ **237,031** sqm of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;
 - b) a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South;
 - c) a maximum of ~~34,000~~ **44,766** sqm of GFA for retail use of which a maximum of 30,000 sqm will be in Barangaroo South;
 - d) a maximum of 5,000sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and
 - e) a minimum of ~~12,000~~ **14,400** sqm GFA for community use.

The development description, including maximum GFAs, has been updated for the entire Barangaroo site.

Separate allocations have been provided for GFA in Central Barangaroo and Barangaroo Reserve.

No change to tourist uses, or to active uses in the RE1 zone.

- (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.



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- (4) Public domain landscape concept, including parks, streets and pedestrian connections.
 - (5) Alteration of the existing seawalls and creation of a partial new shoreline to the harbour.
 - (6) Construction, operation and maintenance of a concrete batching plant to supply concrete for construction of future development under this Concept Plan at Barangaroo South.
 - (7) No approval is granted or implied for the future use of a heliport and/or a helipad.
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A2 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:

- a) East Darling Harbour State Significant Site Proposal Concept Plan and Environmental Assessment (Volume 1) and Appendices (Volume 2) prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2006.

Except as modified by

- b) Barangaroo Part 3A Modification Report (Volume 1) and Appendices (Volume 2) prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated June 2008;
 - c) Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009; and
 - d) Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants and dated August 2010.
 - e) Section 75W Modification titled ‘Concept Plan Modification 6, Barangaroo South’ prepared by JBA Urban Planning Consultants and dated June 2013.
 - f) Section 75W Modification titled ‘Concept Plan Modification 7, Barangaroo South’ prepared by JBA Urban Planning Consultants and dated October 2013.
 - g) Section 75W Modification titled “Concept Plan Modification 8 and Major Development SEPP, State and Regional Development SEPP and Sydney Harbour SREP Amendments” prepared by JBA Urban Planning Consultants and dated March 2015.
 - h) State Environmental Planning Policy Amendment (Sydney Harbour) 2016 made on 28 June 2016.
 - i) Section 75W Modification titled “Concept Plan MP06_0162 Modification 10 and State Significant Precinct Amendment” prepared by Ethos Urban and dated 7 April 2020.
 - j) Section 75W Modification titled “Section 75W Modification Application - Environmental Assessment Report Barangaroo
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Condition to be updated to reference the Concept Plan (MOD 9) Environmental Impact Statement, as well as any further response to submissions, preferred project report or the like.



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Concept Plan MP06_0162 (MOD 11)" submitted by INSW on 17 July 2020.

- k) **Section 75W Modification titled 'Response to Submissions Report, Central Barangaroo: Concept Plan MP06_0162 Modification 9' prepared by Mecone and dated November 2023.**

(2) The following Preferred Project Report including a revised Statement of Commitments are approved:

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

Except as modified by

- a) Preferred Project Report Barangaroo Part 3A Modification – Commercial Floor Space and Revised Statement of Commitments and Preferred Project Report Addendum prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2008;
- b) Preferred Project Report Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of the Barangaroo Development Authority and dated September 2009 and Preferred Project Report Addendum Map prepared by the Barangaroo Development Authority dated September 2009 (Revision F); and
- c) Preferred Project Report Concept Plan Modification 4 (MP 06_0162 MOD 4) Barangaroo Stage 1 prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated November 2010 and revised Statement of Commitments (December 2010).
- d) Preferred Project Report Concept Plan Modification 6 (MP06_0162), Barangaroo South prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated 17 October 2013.
- e) Response to Submissions and Preferred Project Report titled "Concept Plan Modification 8, Major Development SEPP and State and Regional Development SEPP and Sydney Harbour SREP Amendments, Barangaroo South" prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2015, as amended by drawing B10_AMP_08_0093-01, B10_AMP_08_0094-01 and B10_AMP_08_0095-01 prepared by Lend Lease dated 25 November 2015 and the SEPP Amendment made on 28 June 2016.
- f) Response to Submissions titled "Barangaroo South Concept Plan MP06_0162 Modification 10" prepared by Ethos Urban and dated 17 July 2020. Together with revised Statement of Commitments contained within Section 75W Modification titled "Concept Plan MP06_0162 Modification 10 and State Significant Precinct Amendment" prepared by Ethos Urban and dated 7 April 2020 and revised 'Appendix C Built Form and Urban Design Controls' prepared by Ethos Urban and submitted on 18 August 2020.
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<p>g) Response to Submissions titled "Response to Submissions – S75W Modification Application to Barangaroo Concept Plan MP06_0162 (MOD 11)" prepared by MG Planning and dated 8 September 2020, as amended by Road Safety Audit ref JN21019_Report01 Rev02-JMT Barton, prepared by AMWC RSA and dated 22 September 2020</p> <p>h) <i>Response to Submissions Report, and revised Statement of Commitments for Central Barangaroo: Concept Plan MP06_0162 Modification 9' prepared by November and dated August 2023</i></p> <p>(3) In the event of any inconsistencies,</p> <p>a) the Statement of Commitments referenced in A2(2)(f) of this approval prevails to the extent of any inconsistency in the plans and documentation identified in A2(1)(a)-(i), and</p> <p>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.</p>	
<p>A3. Lapsing of Approval</p> <p>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.</p>	<p>No change proposed.</p>
<p>A4. Determination of Future Applications</p> <p>(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.</p>	<p>No change proposed.</p>



PART B – MODIFICATIONS TO CONCEPT PLAN

CONDITION	DESCRIPTION OF MODIFICATION AND REASON
B1. Public Domain – Northern Headland	No change proposed.
<p>(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.</p> <p>(2) The plans identified in (1) above are to address the following requirements and objectives:</p> <ul style="list-style-type: none">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; andf) the impact on and the treatment of the Sewage Pumping Station. <p>(3) The above redesign may include provision of a public car park within the headland.</p>	
B2. Public Domain – Northern Cove	No change proposed.
<p>(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.</p> <p>(2) The plans identified in (1) above are to address the following requirements and objectives:</p> <ul style="list-style-type: none">a) an enlargement of the water intrusion; andb) a greater naturalised shape, form and edges including treatment surrounding the cove.	
B3 Future Built Form and Public Domain Hickson Park:	Amendments to condition required to reflect the redefined north boundary of Hickson Park realignment of Block 5 southern boundary. Specifically:
Hickson Park is:	
<p>(1) Hickson Park is:</p> <ul style="list-style-type: none">a) shown in the map at appendix 1 and generally defined by the boundaries of Block 4A and 4B, Block 5 (as amended in B3(2) below), Hickson Road, Globe Street and Barangaroo Avenue;	<ul style="list-style-type: none">• Delete (1)(a) and Appendix 1 as MOD 9 will redefine the



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<p>b) to provide view corridors from Hickson Road-to the harbour;</p> <p>c) to support large mature trees, including with the provision of at least 2,000 sqm of deep soil with a depth of at least 3m;</p> <p>d) not to be overshadowed by built form over more than an average area of 3,000 sqm between the hours of 12:00 and 14:00 on the 21 June each year; and</p> <p>e) to be primarily comprised of soft landscaping, including extensive areas of grass.</p>	<p>boundaries of Hickson Park and Block 5.</p> <ul style="list-style-type: none">Amend 1(d) to reflect revised approach to Hickson Park and redefined boundaries, whilst ensuring adequate solar access is retained.
<p>Block 5:</p> <p>(2) The footprint and building envelope of Block 5 is to be reduced to remain within the B4 zoned land. Future above ground buildings in Block 5:</p> <p>a) are to minimise overshadowing of Hickson Park, ensuring no more than an average of 2,500 sqm of Hickson Park is overshadowed by built form between the hours of 12:00 and 14:00 on the 21 June each year.</p>	<p>Delete (2) because Block 5 will be within the revised boundary of the B4 Mixed Use zoned land facilitated by the proposed SSP SEPP amendment.</p> <p>Delete (2)(a) as it repeats B3(1)(d).</p>
<p>Block Y:</p> <p>(3) In order to provide an appropriately dimensioned unobstructed public promenade on the northern edge of Watermans Cove, any future building to be located in Block Y is to comply with the following setback controls from the northern edge of Watermans Cove:</p> <p>a) an average of approximately 27.5m to the ground floor façade (excluding any structures associated with any future ground floor licensed area); and</p> <p>b) a minimum 18.5m to the outside edge of any vertical structure associated with any ground floor licensed area. This setback is to be unobstructed including by any ground level structures associated with any future ground floor licensed area.</p> <p>(4) In order to mitigate the visual perception of bulk, the façades of the podium of any future building in Block Y are to be broken down into separate discernible elements, such that:</p> <p>a) the southern podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 32.5 metres;</p> <p>b) the western podium façade is comprised of two major elements with an unbroken horizontal dimension of approximately 45 metres. The two façade elements are to be broken up by an approximately 7 metre wide recess which extends vertically for the full height of the podium; and</p> <p>c) the eastern façade is to appear as 3 distinct, but visually related, elements.</p>	<p>No change proposed.</p>
<p>Barton Street:</p> <p>(5) Barton Street is approved as a temporary road (for use by construction and non-construction vehicles) and is subject to the future environmental assessment requirements in C8. Following the completion of the development on Block Y and the construction of Barangaroo Avenue in Central Barangaroo, Barton Street shall be redesigned and returned as parkland and integrated to form part of Hickson Park. Any future</p>	<p>No change proposed.</p>



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application in respect of Hickson Park shall ensure the design, construction and use of this area is public open space and parkland.

Foreshore Promenade in the vicinity of Block Y:

No change proposed.

- (6) The foreshore promenade along the western side of Block Y shall be designed, constructed and landscaped:
 - a) to its western most extent, as mapped in the SEPP Amendment made on 28 June;
 - b) to read as public open space; and
 - c) to include mature tree plantings and other soft landscaping elements and places to stop and sit

B4 Future Built Form

- (1) A mixed-use development involving a maximum of ~~602,354~~ **667,686** sqm gross floor area (GFA), comprised of:
 - a) a maximum of ~~491,031~~ **237,031 sqm** of residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;
 - b) a maximum of 76,000 sqm of GFA for tourist uses of which a maximum of 59,000 sqm will be in Barangaroo South;
 - c) a maximum of ~~34,000~~ **44,766** sqm of GFA for retail use of which a maximum of 30,000 sqm will be in Barangaroo South;
 - d) a maximum of 5,000sqm of GFA for active uses in the Public Recreation zone of which 3,500 will be in Barangaroo South; and
 - e) a minimum of ~~12,000~~ **14,400** sqm GFA for community use.
- (2) Despite A1 (1) and B4(1) above, future development applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below.

Update Condition B4(1) to reflect amended development description in amended A1(1).

The development description, including maximum GFAs, has been updated for the entire Barangaroo site. Separate allocations have been provided for GFA in Central Barangaroo and Barangaroo Reserve.

Amend the Block 5, 6 and 7 GFA and building heights in Condition B4(2) table to reflect MOD 9.

Add paragraph B4(5): The ability to redistribute the allocation of GFA between blocks (but not to exceed the combined GFA total allowed for those blocks) is desirable to enable flexibility during the detailed design development. Further, this paragraph reflects that part of the below ground GFA will be constructed outside the block boundary as the basement extends below the RE1 zone.

Add paragraph B4(6): Wintergardens are partially enclosed balconies which have benefits for acoustic and wind protection. They are defined as GFA in the SSP SEPP. Despite this, B4(6) will specify that wintergardens may be excluded from the maximum residential and commercial GFA stipulated for Blocks 5, 6 and 7 provided compliance with the wintergarden objectives and standards are achieved.

	GFA (m ²)	Residential GFA (Max)(m ²)	Height Max (AHD)	Height above existing ground level (m)
Block 1	1,927	-	RL 25	23
Block 2	197,280	-	RL 180	178
Block 3	129,934	10,515	RL 209	207
Block 4A	92,629	91,816	RL 250	248
Block 4B	21,508	20,637	RL 107	173
Block X	18,908	16,463	RL 41.5	39.5
Block Y	77,500	22,600	RL 275	273



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Block 5	29,688 92,908	15,000 75,000	RL 34 RL 42.45	32 40.45
Block 6	Above ground	Above Ground	RL 35	33
Block 7			RL 35	33
Block 6	3,000	-	RL 29	27
Block 7	15,000	14,000	RL 35	33
Block 5, 6, & 7 Below Ground	11,092	-	-	-

- (3) Notwithstanding B4(2) above, future development applications for buildings within Blocks 2, 3, 4A and 4B and Y, 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.
- (4) Wintergardens may be excluded from the maximum residential and tourist GFA stipulated for Blocks 4A, 4B and Block Y in the Table above, subject to compliance with the wintergarden objectives and standards contained within the Built Form Principles and Urban Design Controls (Modification B5).
- (5) ***Notwithstanding B4(2) above, future development applications for buildings within Blocks 5, 6 and 7 (whether above or below ground), may accommodate a redistribution of GFA (but not in excess of the total GFA for those blocks), subject to general compliance with the principles and built form guidelines within the Urban Design Report for Central Barangaroo (November 2023) prepared by SJB.***
- (6) ***Notwithstanding B4(2) above, wintergardens may be excluded from the maximum residential and commercial GFA stipulated for Blocks 5, 6 and 7, subject to general compliance with the Urban Design Report for Central Barangaroo (November 2023) prepared by SJB.***

B5. Revised Design Principles

- (1) Future applications in Barangaroo South are to demonstrate consistency with the Built Form Principles and Urban Design Controls contained within the document titled “Built Form and Urban Design Controls Ethos Urban in Conjunction with Rogers Stirk Harbour + Partners” submitted with Section 75W modification 10 (Appendix C).
- (2) ***Future applications in Central Barangaroo are to demonstrate consistency with the Urban Design Guidelines for Central Barangaroo (November 2023) prepared by SJB.***

Insert reference to the SJB Urban Design Guidelines relevant to the future applications in Central Barangaroo.

B6. Tourist Uses

No change required.

- (1) The ‘tourist uses’ shall be a maximum of 76,000 sqm 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



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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.

B7. Community Uses

- (1) At least 3,000 sqm of approved community uses shall be located within Barangaroo South, of which up to a maximum of 2,000 sqm of community facilities GFA may be located on a public pier in a central location that engages with the public domain subject to compliance with the future environmental assessment requirement C10 below. All community uses GFA is to be constructed prior to the final occupation of any building in Stage 1B.
- (2) The proponent shall consult the City of Sydney 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 ~~2,000~~ **2,800 sqm** of community uses GFA must be provided within ~~Block 6 or 7 (or other block approved by the Secretary and be of a type acceptable to the Secretary)~~ **Central Barangaroo**.
- (4) **Despite any other modification of this approval, a minimum of 6,000sqm and up to 18,000sqm of community uses GFA shall be provided within the Cutaway in Barangaroo Reserve.**

Increase the amount of community uses provided in Central Barangaroo to 2,800 sqm.

Allocate a range of community uses GFA to be provided in the Cutaway in Barangaroo Reserve.

Some of the required 2,000 sqm of community uses may be located outside Block 6 or 7.

The intent to locate these uses within Central Barangaroo is retained.

~~B9. Barangaroo Central Envelope Amendments~~ **Barangaroo Central**

~~(1) 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.~~

B9(7) predates the Concept Plan MOD 9 and is no longer required upon approval of the modification documentation.

B10. Lightweight Bridge, Floating Dock or Pontoon

No change required.

The construction of a lightweight bridge, floating dock or pontoon to facilitate pedestrian movement over the Northern Cove to continue the axis of Globe



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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.

B11. Key Worker Housing

No change required.

Key worker housing for Barangaroo South shall be provided generally in accordance with Statement of Commitment 34 and comprise at least:

- a) 2.3% of residential GFA on site, within Barangaroo South; and
- b) at least an additional 0.7% of the residential GFA on Barangaroo South, or its equivalent development value (but comprising at least a minimum of 1,740sqm of residential GFA), to be provided:
 - I. offsite, but within 5 km of the site, or elsewhere within the City of Sydney LGA;
 - II. as a mix of unit sizes, including at least 40% of the GFA allocated to dwellings comprising 2 or more bedrooms;
 - III. prior to the issue of the first Occupation Certificate for the residential component of Building R5.

B12. Staging

No change required.

Prior to the issue of any occupation certificate within Block 4A, 4B or Y, the foreshore promenade (to the full extent mapped in the SEPP Amendment), pier, and Watermans Cove shall be constructed, landscaped and publicly accessible.

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

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



PART C – FUTURE APPLICATIONS

CONDITION	DESCRIPTION OF MODIFICATION AND REASON
<p>C1 Future Building/s on Block 5</p> <p>Any future development application/s within Block 5 is to satisfy the following:</p> <ul style="list-style-type: none">a) demonstrate that views will be retained address any impact on views, in accordance with the building envelopes in the Urban Design Report prepared by SJB (dated November 2023), in particular:<ul style="list-style-type: none">i. from Millers Point and Observatory Hill to the western part of Sydney Harbour; andii. from Block Y to the Sydney Harbour Bridge and the Opera House; andb) be supported by shadow diagrams demonstrating compliance with the overshadowing limits specified in B3 (1) d) and B3(2).	<p>The word “retain” is unreasonably open to interpretation and should be limited to require consideration of views in accordance with the MOD 9 documentation.</p>
<p>C2 Design Excellence</p> <ul style="list-style-type: none">(1) This provision applies to the following development:<ul style="list-style-type: none">a) The erection of a new building that will be greater than Reduced Level (RL) 57,b) The erection of a new building on a site greater than 1,500 square metres; andc) any new structure/s on the public pier proposed in accordance with environmental assessment requirement C10.(2) The Proponent shall hold a design excellence competition for all development identified at (1) above.(3) The design competition brief 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:<ul style="list-style-type: none">a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;b) whether the form and external appearance of the building will improve the quality and amenity of the public domain;c) 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;d) a comparison of the proposed development against the indicative building controls identified in Section 13.0 - Built Form of the EA, notwithstanding this, for Central Barangaroo the comparison should be made to the approved building envelopes under Condition A2;e) whether the new development detrimentally impacts on view corridors, particularly from public spaces and streets.	<p>The built form controls referenced in C2(4)(d) have been superseded by updated built form controls relating to Barangaroo South and Central Barangaroo.</p>



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- (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.
- (7) Notwithstanding (2) above, the requirement for a design excellence competition may be waived if the Director General:
- a) certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and
 - b) is satisfied that:
 - i. the architect responsible for the proposed design has an outstanding reputation in architecture, and
 - ii. necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.

C3 Transport and Pedestrian Management

No change required.

- (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 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.
- (3) The Transport Management and Access Plan shall be reviewed and updated at key transport milestones in the year 2018 and year 2024, or timing as otherwise directed by the Secretary, to enable the development of Barangaroo to align with key planned public transport improvements.
- (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.

C3A Traffic Impact Assessment

No change required.

Within three (3) months of the determination of this Modification 6 and prior the submission of future application for Blocks 3, 4A and 4B, the proponent is to submit the following to the satisfaction of the Director General:



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- (1) An updated Transport Management and Access Plan in accordance with the requirements of Condition C3.
 - (2) A Traffic Impact Assessment which comprehensively assesses the traffic impacts of the amendments to the Block Boundaries to Blocks 3, 4A and 4B detailed in Modification 6 to the concept plan. The report is to include, but not be limited to:
 - a) Revised intersection modelling;
 - b) Detailed review of the traffic operations (existing and proposed) along Sussex Street, Hickson Road Erskine Street, Lime Street, Shelley Street and Globe Street;
 - c) Details of any changes to network intersection designs and lane configurations as a result of the modifications; and
 - d) Updated cumulative traffic and transport changes including the announced CBD and South East Light Rail Project, changes to buses in the City Centre and other associated changes related to these projects.
 - e) Recommend temporary traffic control measures required to address traffic impacts identified in a-d above until the design based solution for the redevelopment of Hickson Road is implemented.

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

No change required.

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

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

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

C4 Car Parking

No change required.

- (1) The following maximum car parking rates shall apply to future development within the site:
 - a) Commercial: 1 space/600m² GFA
 - b) Residential:
 - I. 1 bedroom/bedsitter unit – 1 space/2 units
 - II. 2-bedroom unit – 1.2 spaces/unit
 - III. 3+ bedroom unit – 2 spaces/unit
 - c) Other Uses: - City of Sydney Council rates



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- d) Hotel: City of Sydney Council rates or as otherwise approved by the relevant delegate of the Minister.
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C5 Marine Ecology

No change proposed.

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

C6. Rail

No change proposed.

- (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.
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C7 Pedestrian Linkages, Activation of Streets and Public Domain

No change proposed.

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 public streets.

In addition, future applications shall comply with the following:

- a) the detailed design of the promenade, in particular, the licensed areas are to promote visual and physical connectivity and legibility as a generous and inclusive public space;
 - b) generous through-site links and activation to promote visual and physical permeability through the podium of the Residential 4A and 4B Buildings within Block 4A, connecting Hickson Park to Watermans Cove; and
 - c) future applications shall maximise active interfaces of buildings to streets, through site connections and public open space, to encourage diversity and public access.
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C8 Road design in vicinity of Block Y

No change required.

The future design of Barangaroo Avenue shall:

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

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

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

C9 Public Access to Upper Levels of Block Y

No change required.

Any future development on Block Y is to comprehensively consider opportunities for public access to the upper levels of the tower in order to allow the general public to access views afforded by the building's height and location.

C10 Public Pier and future building and other building works over the water

No change required.

- a) The public pier is to be located wholly within the site boundary and is to clearly define the southern edge of Watermans Cove without impeding the key view corridors between the water and CBD and along the foreshore.
- b) Any future building on the pier is to be low-scale, provide appropriate public access around the full perimeter of the pier and maximise visual permeability.
- c) The dominant use of the pier and any future structure on the pier is to be for community facility/ies in accordance with Modification B7. Any other uses proposed on the pier must demonstrate that they are complementary and ancillary to community facilities.
- d) Prior to the submission of any future application for the pier and/or future building and any other building works over the water, the Proponent is to consult with Transport for NSW and the Ferry Operator in relation to the following:
 - I. The clearance between the northern face of the northern-most public ferry wharf and the public pier to ensure that the width proposed supports the entering and exiting of a ferry vessel without any impediment;
 - II. Practical measures to be implemented to ensure adequate clearance is maintained between the pier and the northern-most public ferry wharf during construction and operation;
 - III. The design of the future building on the public pier (location and orientation), including in relation to sight lines for ferry vessel masters, the proposed installation of southern fender piles and the scope of construction works to ensure that they do not impact

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on the construction and operation of the Barangaroo Ferry Hub and associated ferry navigation; and	
IV. The design of any building works over the water.	
e) Any future development application/s for the public pier and/or future building and any other building works over the water is to include a:	
I. Navigation Impact Assessment. The assessment is to demonstrate that adequate clearance is maintained at all times during construction and operation and that the proposal will not adversely impact on ferry navigation and safety; and	
II. Demonstrate general compliance with the recommendations in the Royal Haskoning DHV Navigation Impact Assessment dated 19 September 2014 (MOD 8) and Navigation Report Addendum dated 2 September 2015 (MOD 8).	

C11 Landscaped Areas	No change proposed.
Where landscaped areas involving the planting of trees are proposed above basement car parking, the Proponent must ensure that there is adequate soil depth to support long-term viable stands of mature medium and large scale trees (to a height of at least 15 m, with well-formed canopies). Trees selected for landscaping shall not include species that are declared a noxious weed under the Noxious Weeds Act 1993.	

C12 Wind Assessment Report	No change proposed.
A wind assessment report is to accompany all future development application/s (for above-ground works) and is to incorporate specific mitigation measures into the design of the building and public domain.	
<u>Note:</u> any structure required in the public domain to mitigate wind should not adversely impact view corridors.	

C13 Lighting Strategy	No change proposed.
A Preliminary Lighting Strategy is to be submitted for all future development applications for above ground works. The Strategy is to:	
a) be prepared in consultation with the Sydney Observatory; b) include, but not be limited to, an assessment of the potential impact on the Sydney Observatory; and c) is to recommend relevant mitigation measures to be adopted, to minimise any adverse lighting impacts to neighbouring properties.	

C14 Intersection Design	No change proposed.
The Proponent is to consult with TfNSW and the RMS in relation the design for the intersections on Hickson Road, prior to the lodgement of the relevant future public domain development application/s.	

C15 Metro access points and transport interchanges	No change proposed.
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The proponent shall ensure that any future development applications involving the installation of access points for the metro station, or any other subterranean pedestrian routes, shall ensure these access points (and any associated transport interchanges) are positioned to avoid safety conflicts with shared zones and to minimise high pedestrian traffic volumes in areas designated for soft landscaping.

C16 Airspace

No change proposed.

The Proponent shall ensure that for all future development applications involving the erection of a building, all necessary approvals are obtained under the Airports (Protection of Airspace) Regulations 1996, where required.

C17 Statement of Commitments

No change proposed.

Any updates to the Statement of Commitments are to be submitted for the approval of the Secretary.



SCHEDULE 3 STATEMENT OF COMMITMENTS

Delete the Statement of Commitments in its entirety and replace with the MOD 9 Statement of Commitments provided at Appendix B.

