

Explanation of Intended Effects

Proposed amendment to State
Environmental Planning Policy (Precincts
– Eastern Harbour City) 2021

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*This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 General Information

This Explanation of Intended Effect (**EIE**) has been prepared on behalf of Infrastructure NSW accompanies an application to modify the Concept Plan Approval MP06_0162 for Barangaroo, which was approved on 9 February 2007 under the then Part 3A of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

The EIE outlines proposed amendment to *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (PEHC SEPP)* required to align with a proposed modification of the Concept Plan Approval (**MP06_0162**) relating to Barangaroo Modification 9 (**MOD 9**).

The Environmental Assessment in relation to the proposed modification of the Concept Plan Approval is lodged with the Department of Planning and Environment (**DPE**).

The proposed amendment to PEHC SEPP seeks to amend the maps and written instrument provisions relating to:

- Land use zoning,
- Height of buildings, and
- Gross floor area.

The proposed amendments to PEHC SEPP relate to the public domain and three (3) development blocks referred to as Blocks 5, 6 and 7 within Barangaroo Central.

This EIE is structured as follows:

- **Chapter 2 – PEHC SEPP:** summary of the relevant provisions of PEHC SEPP,
- **Chapter 3 – Proposed Amendment:** explanation of the proposed amendments to PEHC SEPP,
- **Chapter 4 – Justification:** justification for the proposed amendments to PEHC SEPP, and
- **Chapter 5 – Key Outcomes:** summary of the key objectives and outcomes that the proposed PEHC SEPP amendment will facilitate

It is intended that the EIE will be exhibited in accordance with Clause 3.30 of the EP&A Act to allow the public to make submissions that will be considered in the assessment of the proposed planning controls.



2 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

PEHC SEPP aims to facilitate the development, redevelopment, or protection of major sites. Barangaroo is identified as a State Significant Precinct under Appendix 5 of the PEHC SEPP (refer **Figure 1**).

Appendix 5, Part 3 of the SEPP outlines provisions applying to development within Barangaroo site.

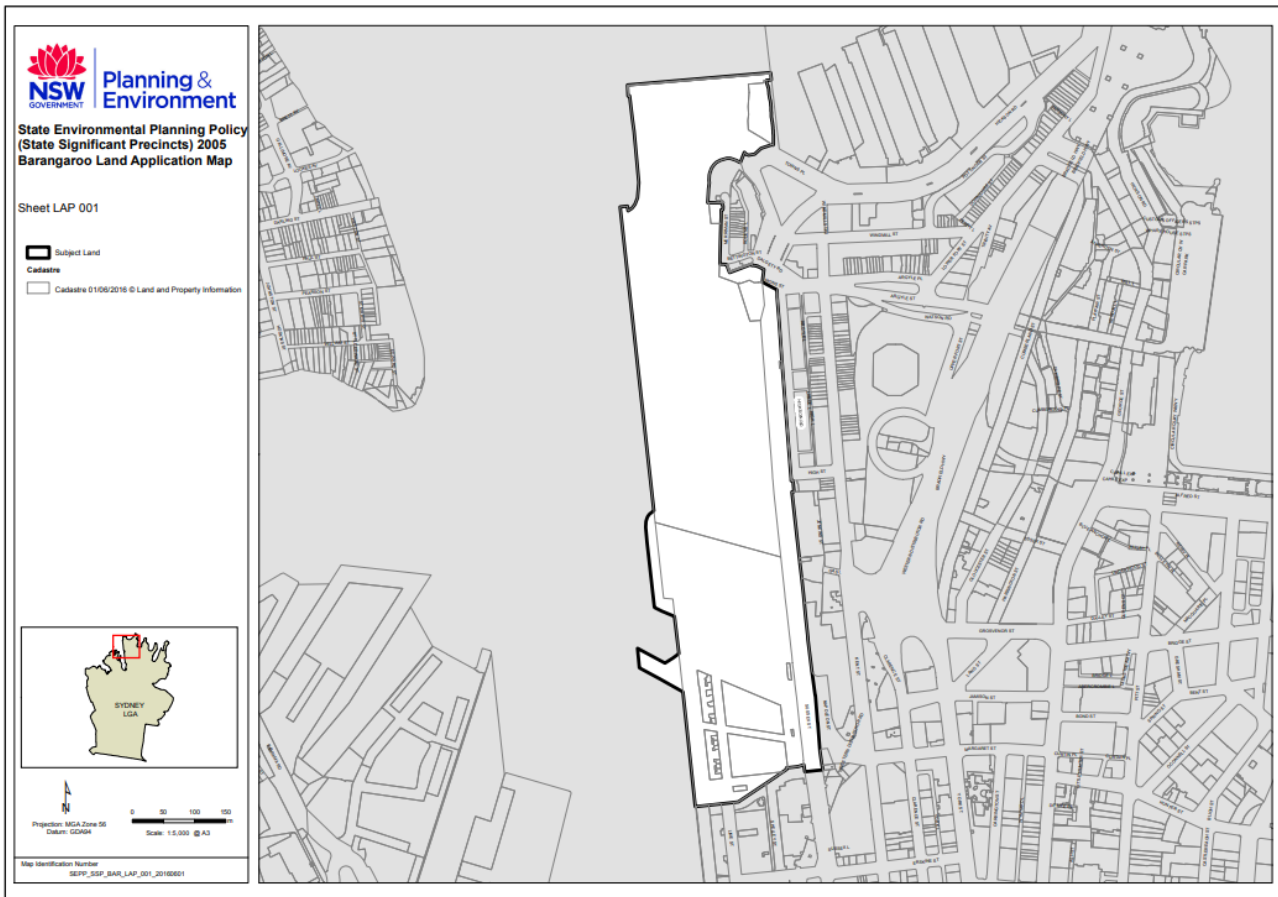


FIGURE 1 – BARANGAROO LAND APPLICATION MAP (LAP 001)

2.1 Land Use Zoning

Land within the Barangaroo site is zoned part B4 Mixed Use and part RE1 Public Recreation (refer to **Figure 2**).

2.1.1 Zone B4 Mixed Use

The objectives of Zone B4 Mixed Use are as follows:

- (a) To provide a mixture of compatible land uses,
- (b) To integrate suitable development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,



- (c) *To encourage a diverse and compatible range of activities through various means, including the following*
 - i. *Commercial and retail development,*
 - ii. *Cultural and entertainment facilities,*
 - iii. *Tourism, leisure and recreation facilities*
 - iv. *Social, education and health services,*
 - v. *Higher density residential development,*
- (d) *To incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain,*
- (e) *To implement the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process,*
- (f) *To facilitate the conservation of heritage items,*
- (g) *To ensure that the nuisance generated by non-residential development, such as that related to operating hours, noise, loss of privacy, vehicular and pedestrian traffic or other factors, is controlled so as to preserve the quality of life for residents in the area.*

Development for any purpose may be carried out with consent on land within Zone B4 Mixed Use unless expressly prohibited by PEHC SEPP.

Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:

bulky goods premises; caravan parks; dual occupancies; dwelling houses; extractive industries; hazardous industries; hazardous storage establishments; heavy industries; industries; light industries; materials recycling or recovery centres; mines; moveable dwellings; offensive industries; offensive storage establishments; restricted premises; sex services premises; truck depots; warehouse or distribution centres.

2.1.2 Zone RE1 Public Recreation

The objectives of Zone RE1 Public Reaction are as follows-

- (a) *To enable land to be used for public open space or recreational purposes,*
- (b) *to provide a range of recreational settings and activities and compatible land uses,*
- (c) *to protect and enhance the natural environment for recreational purposes,*
- (d) *to ensure the vitality and safety of the community and public domain,*
- (e) *to promote and maintain public access to and along the foreshore,*
- (f) *to allow land beneath the finished surface of the public domain to be used for car parking associated with development on land within Zone B4 Mixed Use if it can be demonstrated that any such use will not detract from the primary use of the land for public open space or recreational purposes,*
- (g) *to allow the public domain to be enhanced by a variety of compatible land uses in a manner that contributes positively to, and does not dominate, the primary use of the land for public open space or recreational purposes,*
- (h) *to allow land to be used in conjunction with the transportation of passengers by water.*

Development for any of the following purposes may be carried out with consent on land within Zone RE1 Public Recreation:

business identification signs; charter and tourism boating facilities; community facilities; earth works; entertainment facilities; environmental facilities; environmental protection works; filming; flood mitigation works; food and drink premises; function centres; information and education facilities; jetties; kiosks;



markets; moorings; passenger transport facilities; public entertainment; public halls; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; telecommunications facilities; telecommunications networks; temporary structures; transport depots; underground car parks; water recreation structures; waterbodies (artificial).

Development is prohibited on land within Zone RE1 Public Recreation unless it is expressly permitted by PEHC SEPP (ie. listed above).

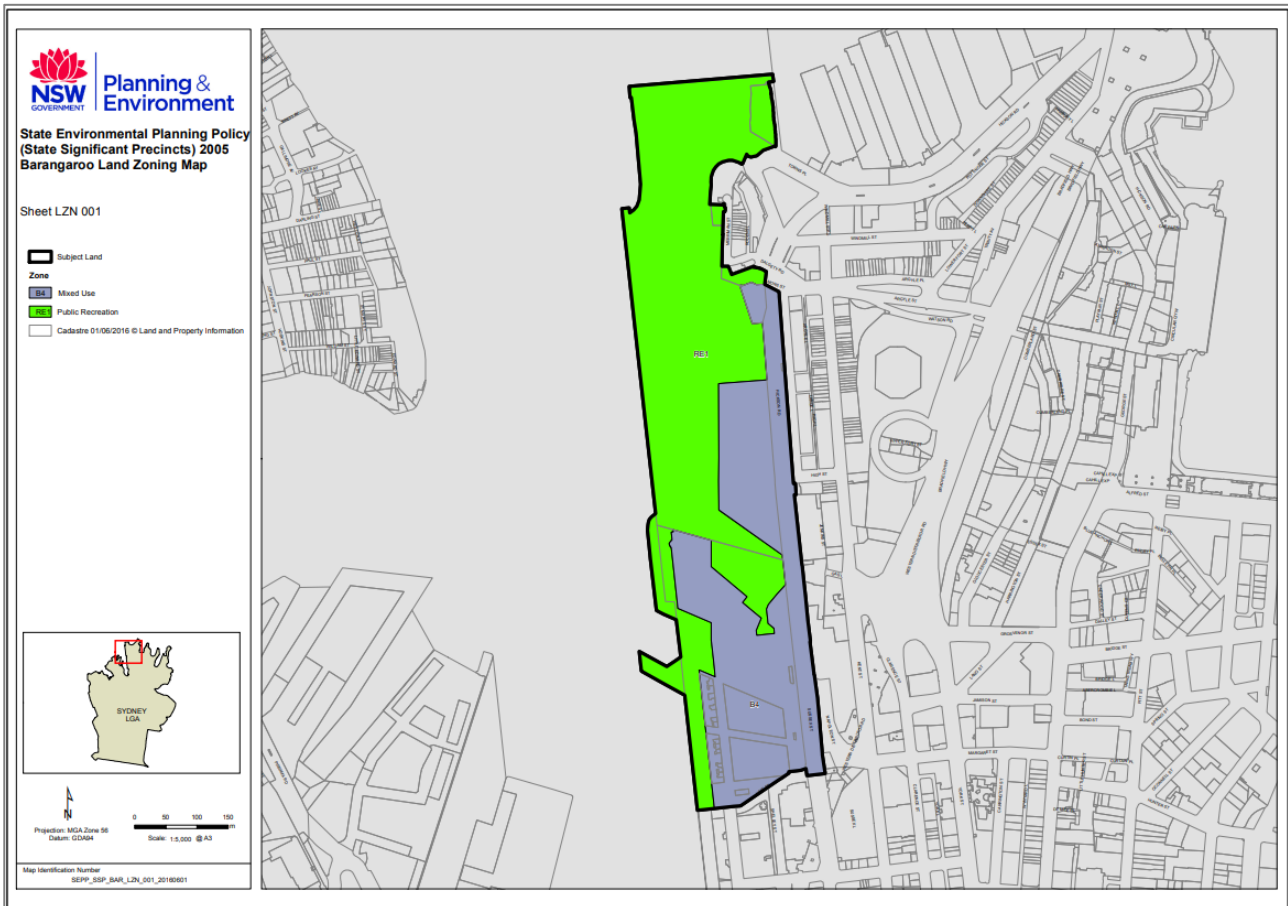


FIGURE 2 – BARRANGAROO LAND ZONING MAP (LZN 001)

2.2 Height of Buildings

The height of a building on any land within the Barangaroo site is not to exceed the height for development on the land, expressed as Reduced Level (RL), as shown on the Height of Buildings Map (refer to **Figure 3**).

The maximum height of buildings permitted within Central Barangaroo include:

- Block 5 – RL 34,
- Block 6 – RL 29, and
- Block 7 – RL 35.

There is no maximum height of building development standard mapped for the RE1 zoned portion of Central Barangaroo.



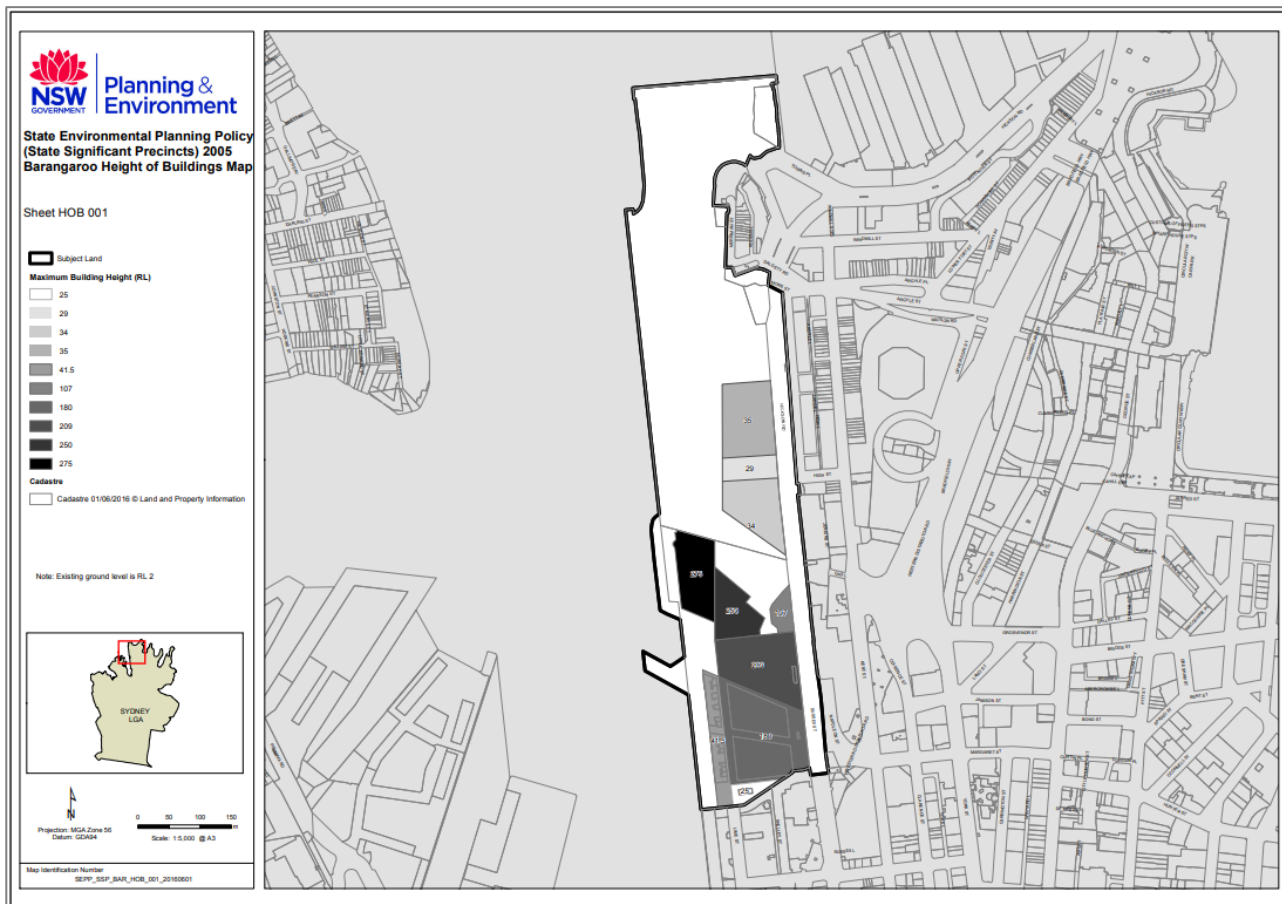


FIGURE 3 – BARANGAROO HEIGHT OF BUILDINGS MAP (HOB 001)

2.3 Gross Floor Area

The total gross floor area (**GFA**) of all buildings on any land within the Barangaroo site is not to exceed the GFA shown for the land shown on the GFA Map (refer **Figure 4**). The maximum gross floor area currently permitted within the development blocks of Central Barangaroo is:

- Block 5 – 29,668m²
- Block 6 – 3,000m²
- Block 7 – 15,000m²

Note: there is no GFA limit mapped on the remainder of Central Barangaroo (i.e. the RE1 zoned land) or within Barangaroo Reserve.



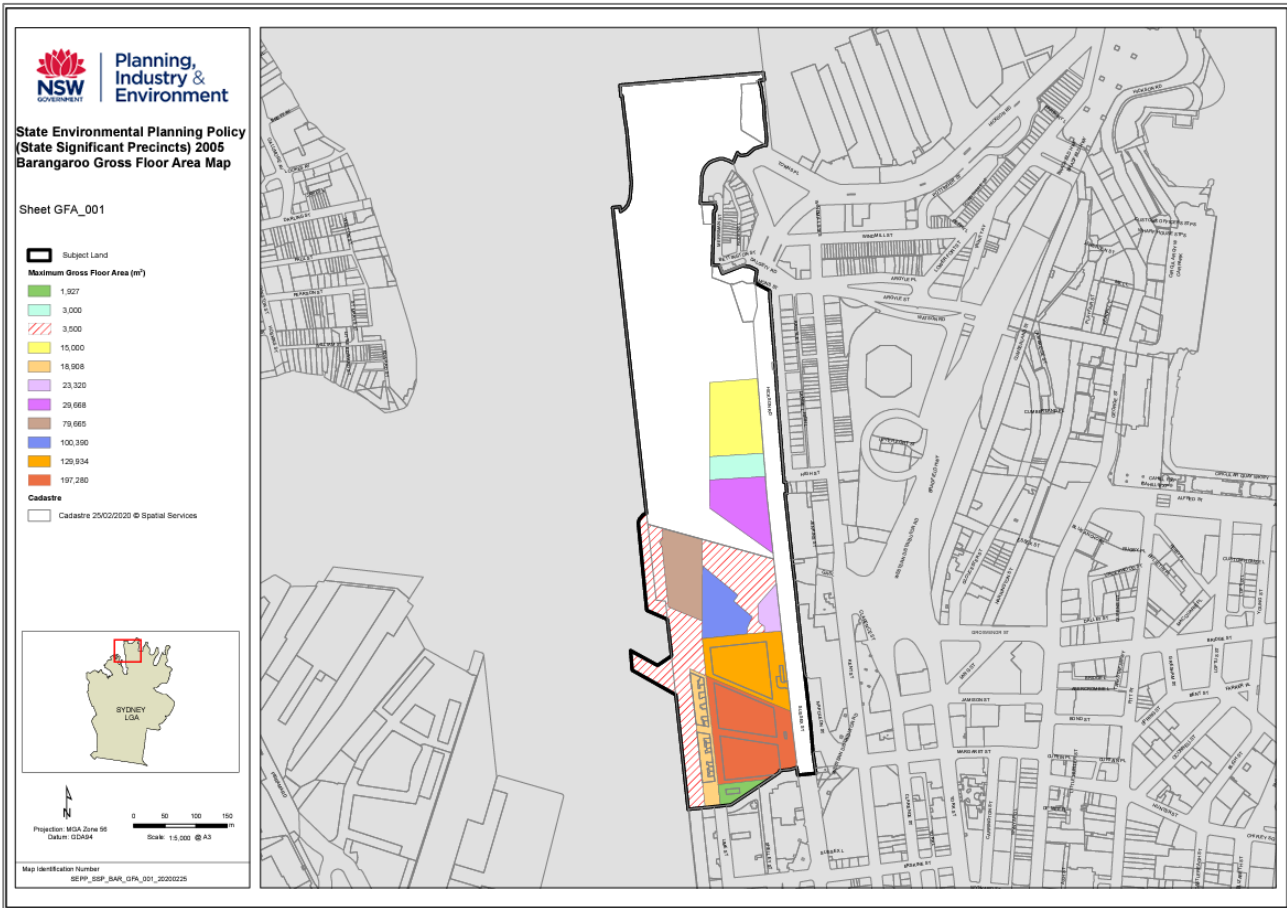


FIGURE 4 – BARANGAROO GROSS FLOOR AREA MAP (GFA_001)



3 Proposed Amendment

3.1 Overview

The proposed amendments are to the 'Land Zoning Map', 'Height of Buildings Map', 'Gross Floor Area Map' and associated written instrument provisions.

3.2 Land Use Zoning

It is proposed to amend the 'Land Zoning Map' to:

- Relocate the southern boundary of Block 5 to the south to more closely align with the Block 5 boundary that existed prior to the June 2016 amendment to the PEHC SEPP associated with MOD 8, and
- Move the B4 Mixed Use zone boundary to the south to align with the relocated Block 5 boundary.

The proposed Land Zoning Map is shown at **Figure 5**.



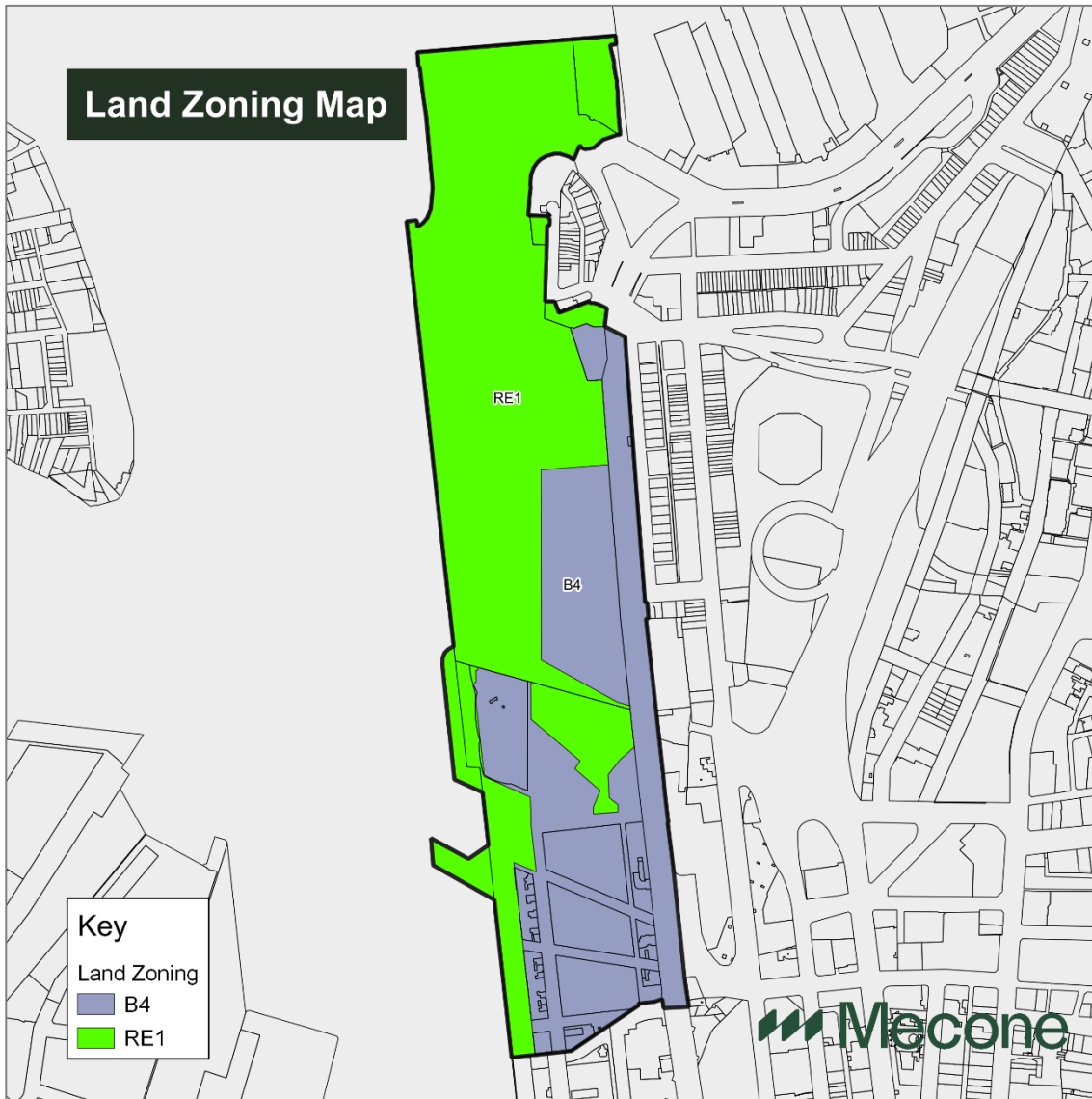


FIGURE 5 – PROPOSED LAND USE ZONING MAP

3.3 Height of Buildings

It is proposed to amend the 'Height of Buildings Map' to:

- Relocate the southern boundary of Block 5 to the south to more closely align with the Block 5 boundary that existed prior to the June 2016 amendment to the PEHC SEPP associated with MOD 8
- Delete boundary lines delineating Blocks 5, 6 and 7, and replace with amended height mapping that responds to the site context; and
- Amend the maximum height of buildings within each development block for Central Barangaroo (refer to **Table 1**), to align with the Central Barangaroo Envelope Plan (prepared by SJB, dated 9 August 2023), as follows:



TABLE 1 PROPOSED MODIFICATIONS TO HEIGHT OF BUILDINGS MAP

DEVELOPMENT BLOCK	APPROVED HEIGHT	PROPOSED HEIGHT
Block 5	RL 34	RL 21.5
		RL 31.2
		RL 33.75
		RL 35
		RL 42.45
Block 6	RL 29	RL 35
Block 7	RL 35	RL 35 (no change)

The proposed Height of Buildings Map is shown at **Figure 6**.



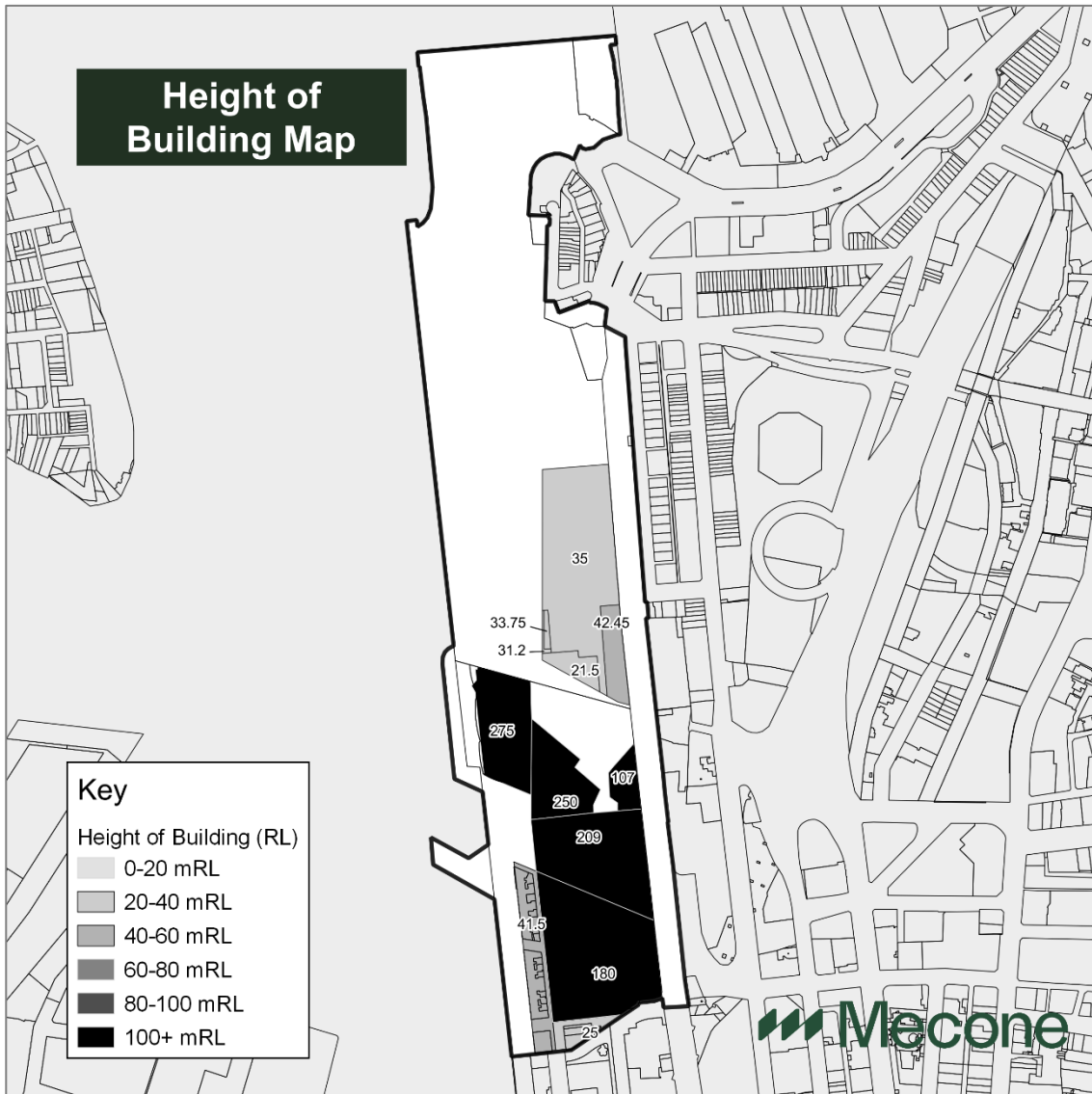


FIGURE 6 – PROPOSED HEIGHT OF BUILDINGS MAP

3.4 Gross Floor Area

It is proposed to amend the 'Gross Floor Area Map' to:

- Relocate the southern boundary of Block 5 to the south to more closely align with the Block 5 boundary that existed prior to the June 2016 amendment to the PEHC SEPP associated with MOD 8,
- Removing the GFA allocation for each block in Central Barangaroo, and replacement with a maximum GFA allocation for all of Central Barangaroo,
- Allocate a maximum 'above ground GFA' of 92,908m² within Block 5,6 and 7 (being a combined maximum above ground GFA figure across the blocks) (refer **Table 2**), and
- Allocate a maximum 'below ground GFA' of 11,092m² within Block 5,6 and 7 (refer **Table 2**),

A comparison of the existing and proposed GFA Map is shown at **Figure 7**.



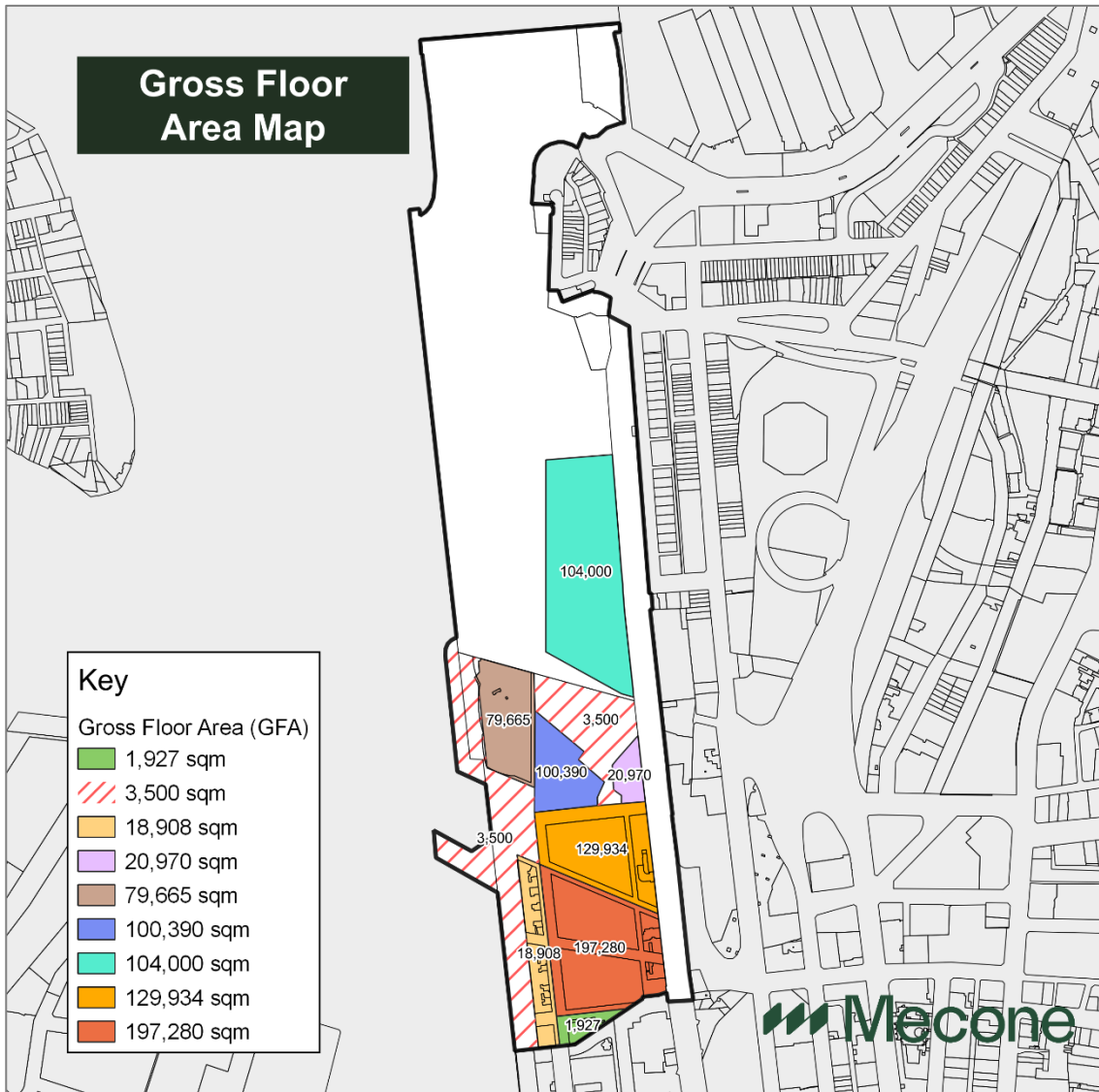


FIGURE 7 – PROPOSED GFA MAP

TABLE 2 EXISTING (LEFT) AND PROPOSED (RIGHT) MAXIMUM GROSS FLOOR AREA

DEVELOPMENT BLOCK	APPROVED GFA (M ²) ABOVE GROUND	PROPOSED GFA (M ²) ABOVE GROUND
Block 5	29,668	
Block 6	3,000	92,908
Block 7	15,000	
	APPROVED GFA (m ²) BELOW GROUND	PROPOSED GFA (m ²) BELOW GROUND
Block 5, 6, 7 and Harbour Park	N/A	11,092

It is also proposed to amend the written instruments to insert Clause 18A, Appendix 9 as follows:



18A Gross floor area restrictions – Below Ground

Despite clause 18, 11,092m² of the total gross floor area within Central Barangaroo shall be allocated to development which is entirely below ground level (existing).



4 Justification

4.1 Overview

The proposed PEHC SEPP amendment is required to:

1. Relocate the southern boundary of Block 5 to the south to more closely align with the Block 5 boundary that existed prior to the June 2016 amendment to the PEHC SEPP associated with MOD 8.
2. Increase the maximum GFA allocated to Central Barangaroo.
3. Differentiate between above ground and below ground GFA associated with Blocks 5, 6 and 7, to enable appropriate controls to be applied to the basement associated with Central Barangaroo.
4. Amend the height control to Block 6, and provide varied height controls across Block 5, to respond to Hickson Park and reflect the proposed Central Barangaroo Building Envelope Plan.

4.2 Land Use Zoning

It is proposed to relocate the southern B4 Mixed Use zone boundary further south to more closely align with the Central Barangaroo Block 5 development boundary that existed prior to the June 2016 amendment to the SSP SEPP (now PEHC SEPP) associated with MOD 8.

The June 2016 amendment to the PEHC SEPP (associated with MOD 8) changed the northern boundary of Hickson Park to widen the aperture of the park along Barangaroo Avenue. This decision encroached upon the built form of Block 5 and severed the relationship between the built form of Barangaroo Central and Barangaroo South.

The proposed reconfiguration of the southern boundary of Block 5 and northern boundary of Hickson Park has demonstrable benefits to the overall form and function of Barangaroo, which includes:

- Providing a connection between Hickson Park and Harbour Park:
 - The proposed amendment will improve the balance between the alignment of the public open space and built form in this part of Barangaroo.
 - It will provide visual connection from Hickson Road through to the harbour, whilst being better-activated, and framed by a more consistent and cohesive built form (Refer to **Figure 8**).
- Creating a pedestrian oriented Precinct:
 - Barton Street will be permanently removed, resulting in a tree lined pedestrian thoroughfare which frames the north edge of Hickson Park.
- Integrating the Precincts:
 - Establish a stronger, more connected relationship between the Barangaroo South and Central Barangaroo precincts via an appropriately dimensioned aperture,
 - Create a network of connected parks with distinct character, and



- Enable a finer grain network of additional publicly accessible spaces, connecting through Blocks 5, 6 and 7 of Central Barangaroo.
- Improved amenity of Hickson Park:
 - Improved micro-climate, wind management and thermal comfort for occupants of Hickson Park. As a direct result of reducing the aperture between Crown and Block 5, Hickson Park will be more protected from the strong westerly winds.
 - Improved solar access to Hickson Park as a result of the reduced height to the southern portion of Block 5



FIGURE 8 – PROPOSED APERTURE BETWEEN BLOCK 5 AND BLOCK Y (SJB)

Notwithstanding the proposed amendments, the objectives set out by the Planning Assessment Commission (**PAC**) in their advice to the Minister regarding the June 2016 amendment to the SSP SEPP (associated with MOD 8) are still met.

Specifically:

- **Maintain 50% of Barangaroo as public open space.** The proposed amendment to the PEHC SEPP will not impact the provision of over 50% of Barangaroo as public open space/public domain, which is generally concentrated along the foreshore and headland.
- **Retain the quality and amenity of Hickson Park.** The quality and amenity of Hickson Park will be retained whilst also providing a better planning outcome for the broader Barangaroo precinct (refer **Figure 9**).



- The proposed amendment will complete the north edge of Hickson Park with an activated pedestrian thoroughfare between Hickson Road and Harbour Park.
- The landscape area of Hickson Park will increase as originally proposed, with the removal of Barton Street.
- The changed alignment of the northern boundary of Hickson Park maintains legibility of access from the City through Gas Lane to Barton Street, Harbour Park and the harbour beyond. It also provides pedestrian connectivity between Hickson Road and Harbour Park.
- The minimum separation distance between Block Y (Crown Sydney Hotel Resort) and Block 5 is 32 metres. This ensures Hickson Park will continue to be physically and visually connected to Harbour Park and the foreshore, whilst establishing a closer, and more cohesive built-form relationship between Barangaroo South and Central Barangaroo precincts.
- Views from Hickson Road to Harbour Park and Sydney Harbour are maintained from various vantage points. In addition, new view corridors are established throughout Central Barangaroo providing unique views of Harbour Park and Sydney Harbour from the east (Hickson Road and High Street).
- Solar access to Hickson Park: Overshadowing analysis demonstrates reduced overshadowing to Hickson Park (2,981m²) between the hours of 12pm and 2pm mid-winter, when compared to the approved Concept Plan.



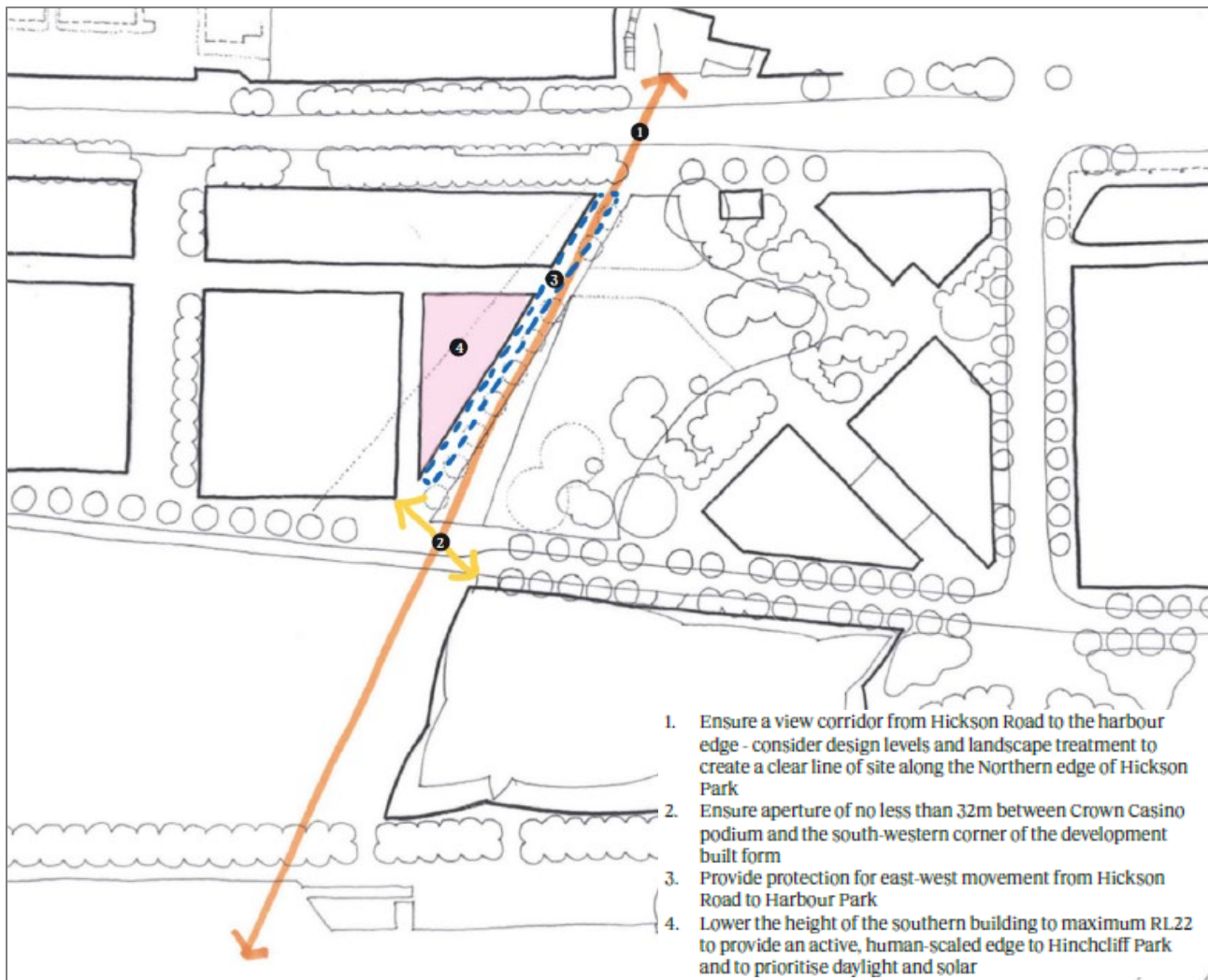


FIGURE 9 – PEDESTRIAN CONNECTIVITY & APERTURE BETWEEN NETWORK OF PARKS (SJB)

The refinements improve the quantum of public domain and open space across the site compared to the current approved Concept Plan for Blocks 5, 6 and 7. As shown in **Figure 10**, it provides 5,674m² of open space and publicly accessible areas (hatched yellow). These are defined by the two east-west connections from Hickson Park to Harbour Park (10m and 20m wide) and the realigned Hickson Park boundary to the south.

The amended Concept Plan maintains the principles of the originally conceived east-west connections under the approved Concept Plan and expands one of these to be largely 20m wide (Plaza North). In addition, the north-south pedestrian link provides enhanced visual connectivity through the site and facilitates a breakup of the massing and building envelopes.

These additional spaces, combined with the adjustments to the Hickson Park boundary, results in a net increase of 1,264m² of open space across Central Barangaroo (6,939m² total). Furthermore, the interface of Block 5 to Hickson Park has been refined to minimise overshadowing. This is achieved due to the reduced building envelope heights at the southern edge (RL 21.5 and RL 31.2).



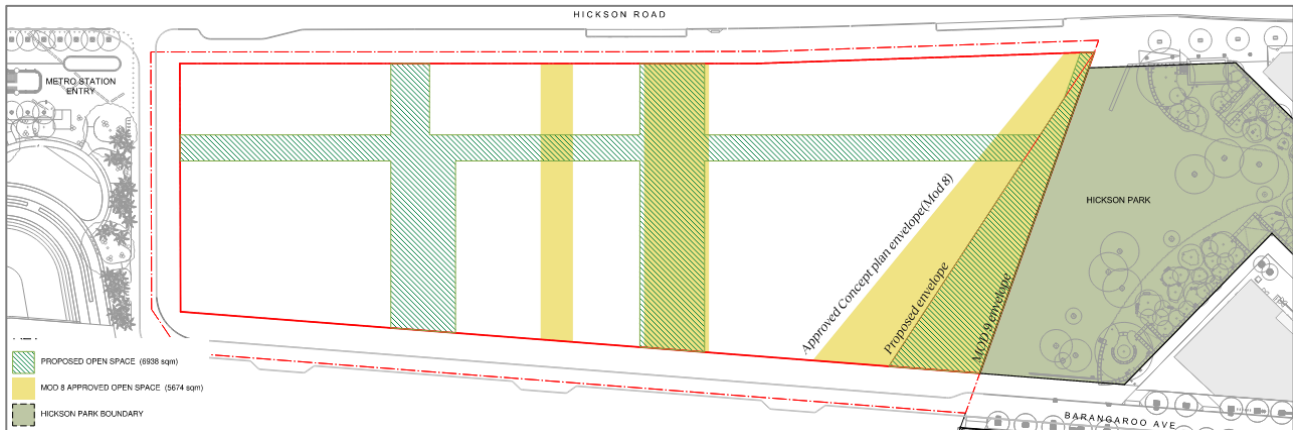


FIGURE 10 – OPEN SPACE AND PUBLIC DOMAIN DIAGRAM (SJB)

4.3 Height of Buildings

The approved Height of Buildings Map specifies one maximum building height RL for each of the three development blocks as follows:

- Block 5 – RL 34m,
- Block 6 – RL 29m, and
- Block 7 – RL 35m.

As demonstrated in **Figure 11**, this presents as a solid, uniform mass which features little to no articulation in built form. The approved concept building envelopes are governed by the following approved Concept Plan elements.

Condition B4(2) sets out the maximum GFA and height for Blocks 5, 6 and 7. These controls are also reflected in the PEHC SEPP ‘Gross Floor Area’ and ‘Height of Buildings’ mapping.

Condition A2(1)(c) approves the *Barangaroo Part 3A Modification Report – Headland Park and Northern Cove* prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority dated January 2009 (MOD 3), which included:

- Development block layout as illustrated in Figure 12 ‘Revised Development Blocks’, and
- Street network as provided in Figure 18 ‘Revised Street Hierarchy’.

The consolidation of the two key parameters produces a building envelope that depicts an accurate and appropriate representation of the approved Concept Plan, which includes the following:

- A 20m wide east-west pedestrian link between Block 5 and 6, and
- A 10m wide east-west pedestrian link between Block 6 and 7.



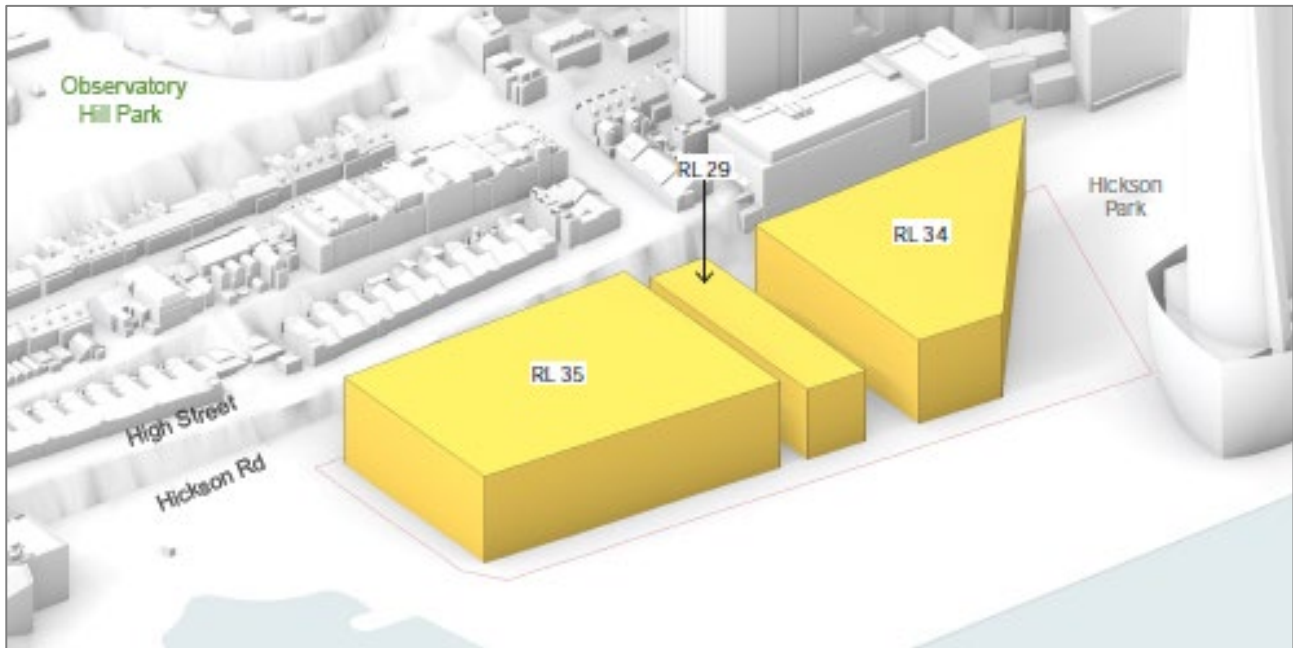


FIGURE 11 – APPROVED CONCEPT PLAN BUILDING ENVELOPE (SJB)

The proposed building heights for MOD 9 have been amended following exhibition to further consider public and private views to the harbour, City and surrounding heritage setting. The changes introduced following exhibition provide an improved contextual response to Millers Point, Observatory Hill and the interface with Barangaroo South.

A comparison of the existing and proposed maximum building heights and a summary of the change is outlined in **Table 3**.

TABLE 3 PROPOSED MODIFICATION TO HEIGHT OF BUILDINGS

BLOCK REFERENCE	APPROVED	EXHIBITED	AMENDED*	CHANGE**
Block 5	RL 34	RL 44.5	RL 21.5, RL 31.2, RL 33.75, RL 35 and 42.45	Reduced by 2.05 metres
Block 6	RL 29	RL 38.7	RL 35	Reduced by 3.7 metres
Block 7	RL 35	RL 73.7	RL 35	Reduced by 38.7 metres

*Amendments compared against the current Concept Approval (Approval column)

**Changes compared between the exhibited project (Exhibited column) and the amended project (Amended column)

The Central Barangaroo Envelope Plan (**Figure 12**) will sit within the parameters of the proposed amendments to the Height of Buildings Map.



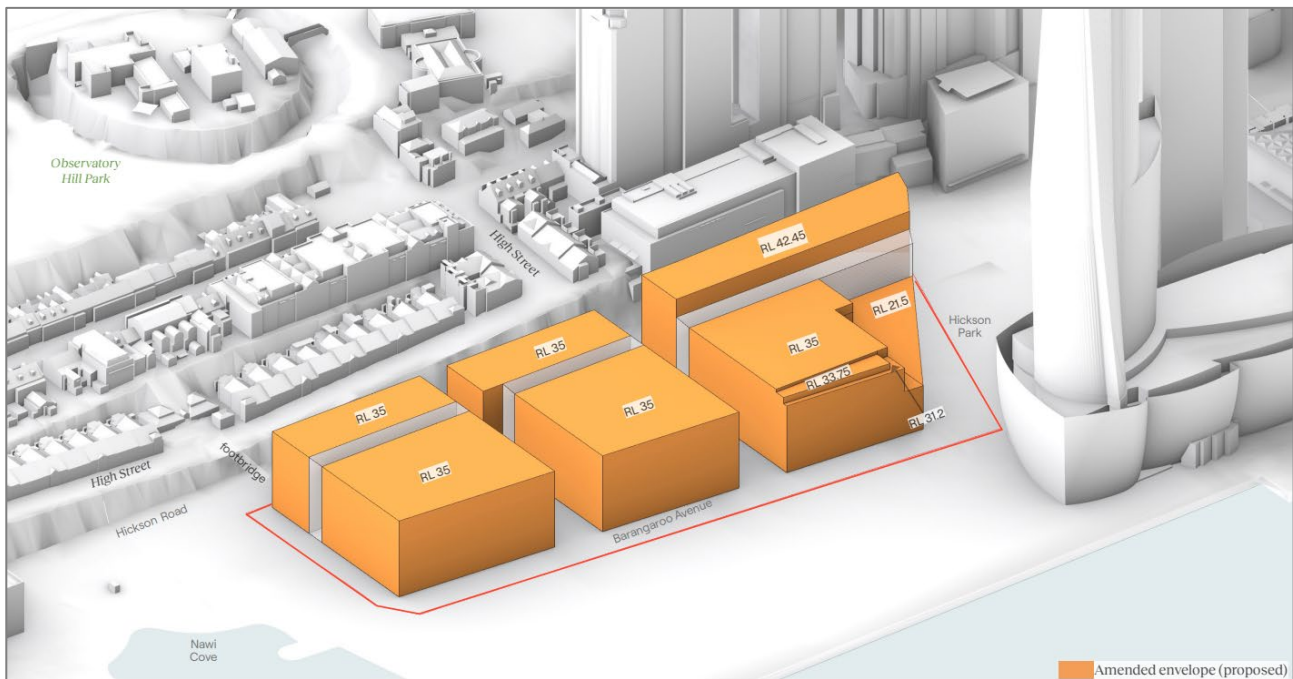


FIGURE 12 – PROPOSED CENTRAL BARANGAROO BUILDING ENVELOPE (SJB)

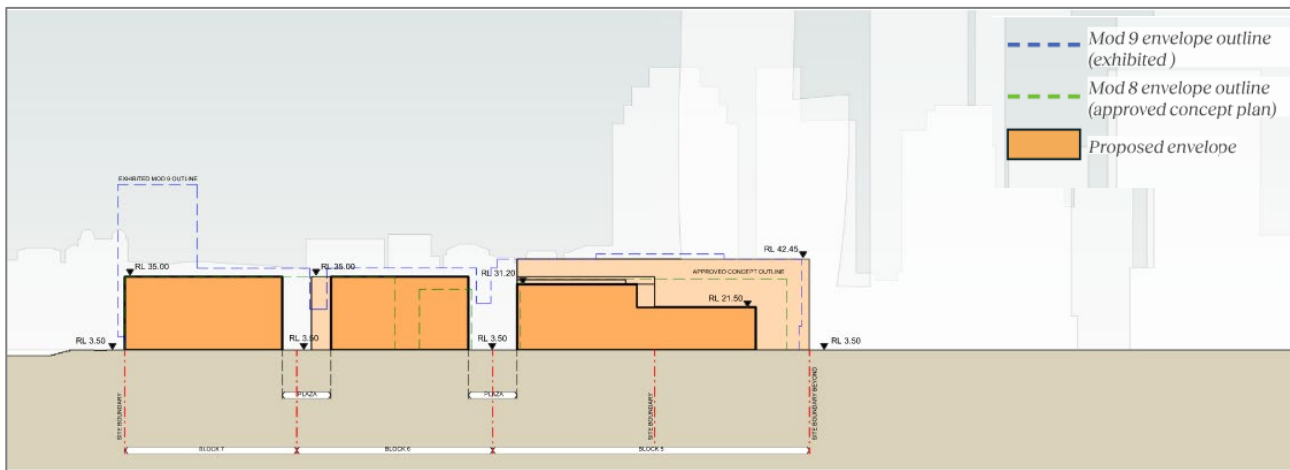
Overall, all building heights across Blocks 5, 6 and 7 have been reduced since exhibition, with the greatest reduction relating to the previously proposed tower form located at Block 7 at RL 73.7.

Another important amendment has been the rationalisation/simplification of the proposed building heights. The exhibited building heights adopted several heights across each block reflecting definitive built form outcomes. The amended building heights revert back to a similar level of detail that was conceived under the approved Concept Plan. This permits greater built form flexibility and the ability to achieve design excellence at detailed SSDA stages.

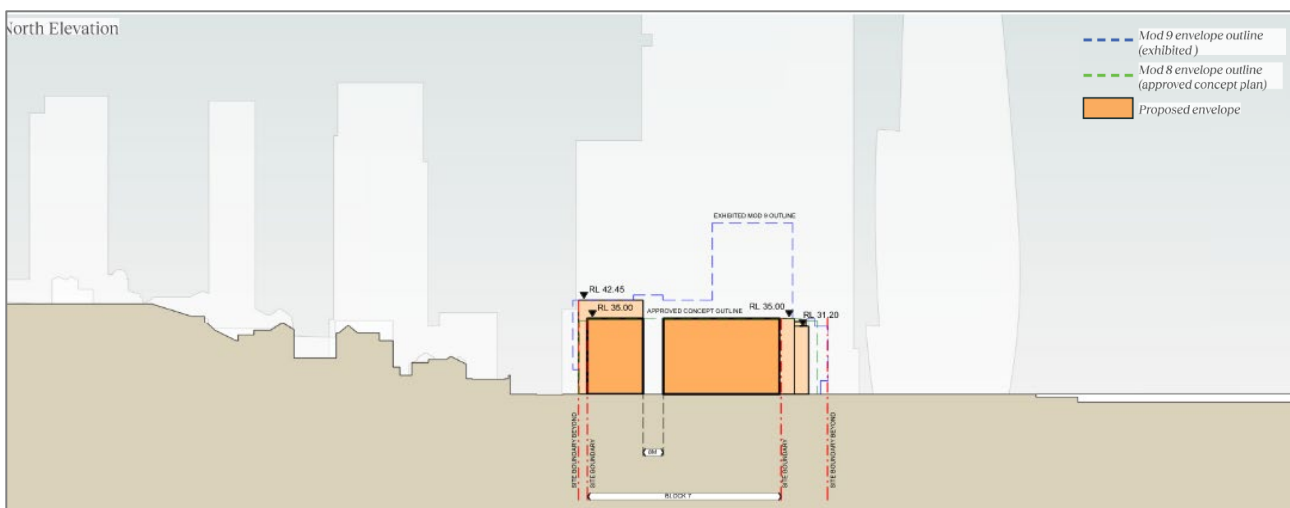
When compared to the approved Concept Plan, the amended building heights remain largely the same. This is evident for Block 7, where the height remains at RL 35. Nonetheless, the amended building heights continue to necessitate an amendment to the PEHC SEPP Height of Buildings Map.

Figure 13 depicts the proposed heights for Central Barangaroo. It demonstrates that the amended building envelopes and heights are modest when compared to the surrounding scale of development in Barangaroo South and sit below Observatory Hill.





Western elevation



Northern elevation

FIGURE 13 – COMPARISON OF APPROVED, EXHIBITED AND PROPOSED BUILDING ENVELOPE (SJB)

4.4 Gross Floor Area

4.4.1 Floor Space Increase

It is proposed to amend PEHC SEPP to increase the total GFA permitted within Central Barangaroo from 47,688m² to 104,000m² (net increase of 56,312m²), of which 92,908m² is above ground and 11,092m² is below ground.

A comparison of the approved Concept Plan GFA, the exhibited GFA and amended GFA for Blocks 5, 6 and 7 is provided in **Table 4**.

TABLE 4 PROPOSED MODIFICATIONS TO GFA



BLOCK REFERENCE	APPROVED	EXHIBITED	AMENDED*	CHANGE**
Block 5, 6 and 7	47,688m ²	144,355m ²	104,000m ²	Reduced by 40,355m ²
Maximum Residential Cap	14,000m ²	28,000m ²	75,000m ²	Increased by 47,000m ²

*Amendments compared against the current Concept Approval (Approval column)

**Changes compared between the exhibited project (Exhibited column) and the amended project (Amended column)

The amended GFA maintains a strong strategic line of sight with State government investment and providing a range of residential and non-residential uses within immediate proximity of Barangaroo Station and existing public transport in Barangaroo South. The additional density is strategically justified in this location in accordance with the following considerations:

- It will optimise the significant government investment in transport infrastructure with the new Barangaroo Metro Station and deliver upon strategic priorities at a State and Regional level to provide increased employment generating floor space and associated jobs near homes, align land use and infrastructure planning.
- It will support a greater mix of land uses to support additional activity in Barangaroo throughout both day and night, which will drive higher levels of patronage on the new Metro rail.
- The additional floor space will assist with the provision of diversity in the market and support a variety of residential and employment opportunities in Barangaroo that will stimulate the local economy and capitalise upon movement of commuters and visitors through to Barangaroo Station.
- The proposed mix of public realm (RE1 zone) and built form (B4 zone) community uses will reinforce Central Barangaroo's aspiration as a city destination and the 'civic heart' of the Barangaroo precinct and support uses that encourage visitors, residents and employees to visit and remain in Central Barangaroo through to the evening and night-time, facilitating the late-night economy along the western harbour foreshore.
- The appropriateness of the resultant built form has been carefully considered, having regard to potential impact of the floorspace such as, traffic generation, amenity impact and demand on existing/future infrastructure. The amendments to building envelope (to accommodate increased height and GFA) would not have significant adverse visual or amenity impacts. The resulting development is of an acceptable overall design and would not have adverse amenity impacts in terms of visual, solar or wind impacts. The proposal is unlikely to cause traffic impacts and has excellent access to existing and planned public transport including the new Barangaroo Station.
- The proposal provides for additional commercial, retail and community/cultural floor space within an established precinct and would not detract from the character of the area.
- The additional GFA will not give rise to excessive bulk or scale and will continue to achieve design excellence. The bulk and scale will be commensurate with surrounding development within the Barangaroo site, as well as development adjacent to the site. Notably, a component of the increased overall density (11,092m²) will be located wholly below ground and as such will not contribute to a perceived or actual increase in bulk and scale of building envelopes at Central Barangaroo.



- The proposal appropriately balances the social, economic, and environmental outcomes on the site.
- The additional GFA can suitably be accommodated within an appropriate building envelope that is contextually responsive, enhances the amenity through the provision of increased publicly accessible spaces and delivers a more considered ground plane and public domain layout.

4.4.2 Above and Below Ground GFA

It is proposed to amend PEHC SEPP to allow for a GFA below ground level (existing) within Central Barangaroo.

Despite the change in the retail strategy for Central Barangaroo, it is still anticipated there could be some capacity for retail below ground, such as a supermarket. This has been accounted for in the amended below ground GFA, which has been reduced from 28,166m² to 11,092m².

This reduced quantum of below ground GFA also contemplates areas that would typically be defined as GFA including back of house and supporting facilities to complement and support uses above ground.

5 Key Outcomes

The proposed amendment to PEHC SEPP will:

- Amend the southern boundary of Block 5 and rezone part of Block 5 from RE1 Public Recreation to B4 Mixed Use, improving the transition, identity and character of Hickson Park to Harbour Park.
- Increase and limit the maximum total gross floor area that currently applies to Central Barangaroo.
- Amend the maximum total gross floor area permitted below ground within the Central Barangaroo basement.
- Impose varied maximum height limits across Block 5, 6 and 7 to generally reflect the proposed Central Barangaroo Building Envelope Plan, resulting in improved modulation of the built form and providing the opportunity to create a more interest and variety.
- Align the PEHC SEPP with the Barangaroo project to which the proposed modification to the Concept Plan Approval relates.



