

Apt 906, Highgate
127-153 Kent Street
MILLERS POINT
NSW 2000

January 27, 2024

Director - Key Sites Assessments,
Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir/Madam

Re: NEW PLANS (MOD 9) FOR BARANGAROO CENTRAL

Some time ago I wrote to you in connection with another set of preposterous plans for the Barangaroo Central site and was greatly encouraged when those plans were dropped. Now I have received your notification of another set of plans which are only marginally an improvement on those that were judged to be entirely inappropriate for the area. I am thus lodging my strong objection to the new plans and cite the following reasons:-

1. Height and Mass

The height of all three buildings in the new plans is far too great as is also the mass of all three buildings.

2. Views

The view-sharing that was a legal requirement under the Principles of the Concept Plan appear to have been ignored in this new version. The view/s that are blocked include:-

- a) That from Nawi Cove to Millers Point and the CBD.
- b) Local public and tourist views from Observatory Hill and tourist views from Darling Harbour to Observatory Hill and the surrounding Heritage Precinct.
- c) Residents of houses and all low to mid-level apartment towers in Millers Point and the CBD who currently have water views will lose these entirely. This brings a reduction in the existing amenity of the district and a loss of property values. This is a clear injury to the interests of these residents and yet I understand that the residents of apartments in the Crown building have been afforded special consideration with respect to their desire to protect their own views, amenity and property values. Is this not clearly discriminatory?

3. Traffic congestion

This is already critical even with Barangaroo South still incomplete. The congestion will worsen considerably after One Sydney Harbour is occupied. Considering the limited surrounding road infrastructure, the addition of the proposed Mod 9 development and its Gross Floor Area will create local traffic chaos, and affect the CBD.

4. The north-western corner of Hickson Park and the proposed North and South Plazas will be subject to wind speeds in excess of safety standards.

All in all, it would make for a more attractive precinct with greater local amenity and tourist potential if the Mod 9 development were abandoned altogether and the Barangaroo Reserve extended to encompass the whole of Barangaroo Central.

Yours faithfully,

(Dr) Edith Ziegler

1502/127 KENT STREET,
MILLERS POINT 2000

DIRECTOR - KEY SITES ASSESSMENTS,
DEVELOPMENT ASSESSMENTS AND SYSTEMS,
DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE.
LOCKED BAG 5022,
PARRAMATTA N.S.W. 2124.

DEAR SIR/MADAM, re, AMENDED PLANS FOR BARANGAROO.
SUBMISSION AGAINST NEW BUILDING FOR BARANGAROO CENTRAL.

BLOCKING OF VIEW FROM OBSERVATORY HILL
PEOPLE VISIT HERE WITH FAMILIES FOR PICNICS, DOG WALKING AND
EVERY AFTERNOON TO WATCH SUNSET.
WEDDING PHOTOGRAPHS ARE TAKEN HERE EVERY WEEK-END

THIS AREA IS THE LAST OPEN LAND LEFT OF SYDNEY HARBOUR.
VISITORS COME HERE EVERY DAY FOR NATURAL VIEWS NOT
TO SEE TALL BUILDINGS AND LUXURY APARTMENTS AND CASINO
WHY WAS CONSIDERATION GIVEN TO (TO) CROWN AND LEASE
TO BUILD THESE BUILDINGS. THIS DEMONSTRATES "DISCRIMINATION"
AGAINST PRIVATE CITIZENS BY "POWERFUL CORPORATIONS"

"TRAFFIC CONGESTION" WOULD BE A MAJOR PROBLEM.
IT IS ALREADY!

REDUCTION OF HEIGHT AND BULK OF THIS BUILDING MUST BE
PUT IN PLACE TO BRING IT MORE IN KEEPING TO THE HERITAGE
AND VIEW SHARING TO THE AREA.

"PLEASE - PLEASE" - DON'T DESTROY THIS BEAUTIFUL
PART OF SYDNEY HARBOUR"

I AM AN ELDERLY LADY AND PROBABLY WON'T BE HERE
WHEN THE REDEVELOPMENT IS COMPLETED.

PLEASE - PLEASE DON'T BUILD THESE ENORMOUS
BUILDINGS.

LEAVE IT SO PEOPLE IN THE FUTURE CAN
ENJOY THE BEAUTIFUL VIEWS AS I HAVE.

Yours sincerely,
Jane Knight.

6 February 2024

Mrs J.A Tuck
Unit 205/127-153 Kent Street
Millers Point 2000 NSW

**Director - Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124**

Barangaroo Concept Plan (Mod 9)

I totally object to the amended proposal.

Barangaroo has been ruined by the shocking overdevelopment and even though we were successful in lowering the tower, the mass is still too great.

The public have a right to enjoy, what is left of the harbour views and from Observatory Hill from the western side this will be impeded.

Another objection is the traffic problem when all these apartments are occupied which such little road infrastructure.

Yours faithfully



Judith Tuck

L4

9 February 2024

Mr Ken Moon
Apartment 2602
Highgate
127 Kent Street
Millers Point
NSW 2000

**Director - Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124**

Barangaroo Concept Plan (Mod 9)

I write to object to the exhibited plans for Barangaroo Concept Plan (Mod 9).

The density and mass of the proposed buildings are excessive and out of context with the Millers Point and The Rocks areas.

Public views from Observatory Hill and surrounding public streets are negatively affected

The additional traffic generated by the development will negatively affect the surrounding areas and the CBD as a whole on an ongoing basis.

This is unnecessary overdevelopment of what is public land.

Further reductions in the size of the proposed buildings is requested, allowing an increase in the size of allocated public parkland.

Yours faithfully,



Mr Ken Moon

Director
Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure,
Locked Bag 5022
Parramatta NSW 2124

1703/127 Kent St.
Millers Point.
NSW 2000

24th January, 2024

Dear Sir or Madam,

I am extremely concerned about the amended plans for Barangaroo Central.

My overall concern is that we have a flawed process whereby development concept plans are agreed based on best practice in terms of all the impacts of the development such as traffic, wind, sunlight, recreation areas, parklands etc.

Developers are able to promote proposals based on this agreed criteria and then we find that, once the developers have secured the project, the Developers immediately start the process of changing the plan to suit their own original commercial desires.

The ambit proposal of a 21 storey development at the Northern end of Barangaroo Central was duly rejected only to be replaced by another proposal which still does not recognise the original concept plan proposed by Government and agreed by the public.

In particular, I believe that the 3 buildings remain too high. The view sharing with Millers Point residents and CBD residents, as required by law, are totally ignored. The view from Nawi Cove to Millers Point and the CBD are blocked and public views from Observatory Hill are seriously impacted. The courts have already recognised the rights of Crown and Lend Lease in regard to view sharing but this latest proposal does not recognise the rights of the residents of Millers Point and the CBD. Clearly, this demonstrates preferential treatment for powerful corporations as compared with private citizens.

The early concept plans recognised the potential problem in relation to traffic and, for that reason, the area was planned to encourage low volumes of traffic by limits on parking availability. This seems to have been forgotten. Traffic in the area is already a problem and will be much worse when the latest buildings are completed and occupied.

Further to this, the original plans have already been altered without due concern for the effect of wind. The Southern Barangaroo precinct and Kent St are already wind tunnels and this problem will be exacerbated by the increased height proposed in the Central Barangaroo development. The Northwestern corner of Hickson Park and the proposed North and South Plazas will be subject to wind speeds in excess of safety standards.

Consideration should be given to abandoning the Mod 9 development and extending Barangaroo Reserve to encompass the whole of Barangaroo Central.

I strongly object to what is being planned.

Yours Sincerely,



Peter Coates AO

Submission From:

Millers Point
NSW 200.

PLEASE DELETE ALL PERSONAL INFORMATION BEFORE PUBLICATION

Application Name: Central Barangaroo

Application No: MP06_0162 MOD 9

SUBMISSION OF OBJECTION

Objection to: AMENDED MODIFICATION 9 PROPOSAL OF CENTRAL BARANGAROO DEVELOPMENT, MP 06_0162 MOD 9

Dear Sir/Madam,

This amended Modification 9 for the Central Barangaroo development still represents a gross over-development of the site that needs to be substantially reduced and scaled back to bear resemblance to the originally approved development and maintain some amenity for the general public, pre-existing local residents and adherence to heritage requirements and concerns.

While the entirely inappropriate 73 metre, 21 storey tower of the previous Modification 9 has been removed (it should never have been proposed), the balance of the proposed development is largely unchanged in scale magnitude and structure. Little modification to the inappropriate impact proposed by the original Modification 9 has occurred.

Further, the criteria by which the development is assessed should be on the basis of the original planning concept/approval rather than allowing development size creep by only basing the assessment on the previous Modification 9 proposal.

In fact, many of the criteria of the original planning requirements have been ignored or compromised. These include the following:

- The sightlines from the western shorelines (East Balmain etc) should maintain the visibility of the heritage aspects of the local area including the sandstone cutting (Hickson Road), heritage cottages (High St, Kent St etc) and Observatory Hill. These are not visible or barely visible respectively from ground level of the western shoreline.
- The public visibility of these same aspects is completely lost from anywhere on the local Barangaroo shoreline. This is confirmed by the proposal's own visualisations such as the AECOM image following:



The public, local residents and visitors will be using the space at ground level and so sightlines and impacts should be considered from this level.

- The overall height of the proposed buildings is RL 42.48 while the original concept was to be a maximum RL 35.00 with diminishing height as one moved in a northerly direction. Based on this, no building should be higher than RL 35.00 and those to the northern end substantially less than their current RL 35.00.

The proposal includes predominately for 150 high end, luxury residential apartments (75% of the development). This will result in a benefit predominantly to a relative few, wealthy, new residents at the expense of all current interests. The benefit from this public land should include in a substantial way for the general public, residents and tourist visitors. It should deliver something greater to the general public and broad civic nature of the area.

As seen in the proposal's own visualisation below, the proposed development is too high and the mass & density of the building group is far too great. This results from the focus to only maximise the developer's outcome and the few new residents.

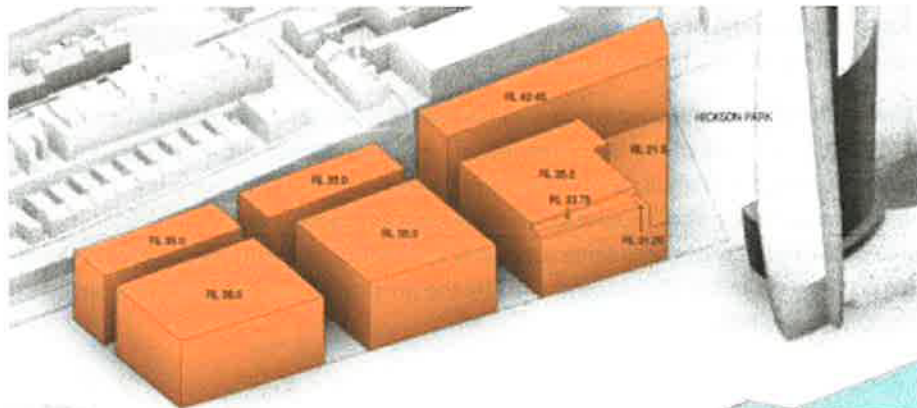


Figure 22 Axonometric of MOD 3 - R13 (Source: Submission diagrams October 2023)

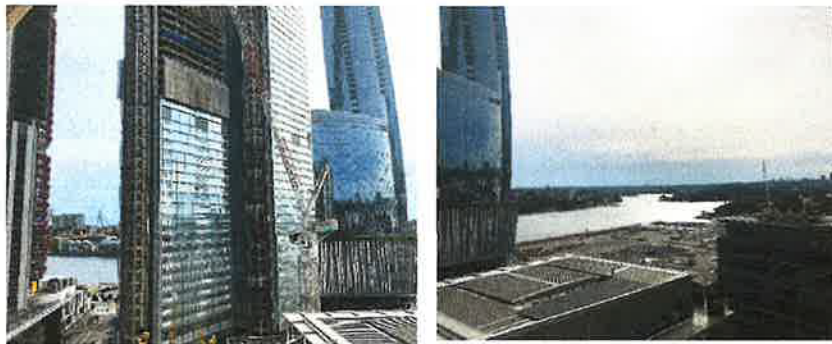
The proposal ignores the existing and previous views of Millers Point and nearby existing CBD residents, which was understood to be required by law in the Principles of the Concept Plan. The water views from houses, Langham Hotel and all low to mid-level residential towers is ignored and lost.

The proposal's self-assessment considers the impact on views only from levels 15 and above of CBD apartments. This is self-serving and arbitrary to allow the false declaration and appearance of a positive outcome. Existing residents on lower levels should have the same rights and considerations.

For instance, the proposed development will greatly impact our view. Originally, when purchased in 2006, we had unobstructed 180 degree views west as per the following 2012 photos:



The creation of the Crown Casino and adjacent three towering apartment blocks (now almost completed) at Barangaroo has arbitrarily taken half of this view as per the following photos:



The Proposed development of Central Barangaroo would then remove the balance of this view entirely due to its excessive height and density. This is unfair and inappropriate, particularly considering the increase in size of the development since the originally approved concept.

We are not alone in this situation and many Millers Point residents will be similarly damaged both in amenity of lifestyle and financially due to a reduction in the value of their property (due to loss of their view).

The establishment of significant foreshore parkland has also been forgotten or ignored. This was considered as an established compensation for the loss of foreshore due to the existing Crown and Lend lease development as Barangaroo. In fact, now the Hickson Park reductions of community space have occurred from 28 000 m² to 2 800 m². It should not be the case that there is any reduction let alone a tenfold reduction. This is an unjustifiable and cynical reduction to the public benefit at the expense of developer's gain and that of a few additional luxury apartments.

The green space associated with the Crown Barangaroo precinct is less than a token gesture with little functionality and benefit. This mistake should not be repeated again and a useful and useable substantial public space should remain as an essential and unreduced prerequisite.

Similarly, the greater than doubling increase in development area (GFA) from 45 000 m² to 104 000 m² is further driving the unacceptable height increase and density increase with little improvement in public benefit. This increase should not be allowed and the original limitations maintained. Only the developer can be seen to benefit from this which is not a sufficient reason to allow the abuse of the pre-existing approvals at the expense of the public benefit.

The overwhelming structure of the proposed development reduces public access to the foreshore to a few narrow access channels. Effectively the public access feels and becomes hidden behind the large block buildings of significantly increased height and bulk. This should be dramatically changed to a more open access and broader public foreshore to maintain actual and visible accessibility as originally envisioned and approved.

These narrow accessways will also create wind tunnel effects in their alleyway style structures while still blocking the visual access to foreshore and views to all except the few luxury residents.

I submit that we should reject the Amended Modification 9 Proposed Development due to its:

- Excessive ground floor area (GFA), increased to more than double
- Increased height beyond the approved levels.
- Reduction of parkland and open public space, reduced by tenfold.
- Loss of views of the historical and heritage areas of Millers Point far beyond those originally defined
- Fundamental loss of existing views of local residents and hence their property value and amenity.
- Massive visual and physical reduction in public view and access to the foreshore and shorelines. Hence, reducing this existing public area to a de-facto area for the few new residents pleasure and use.

12 February, 2024

6th February 2024

Mrs Rae Cottle
Apartment 2003
Highgate
127 Kent Street
Millers Point
NSW 2000

**Director - Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124**

Barangaroo Concept Plan (Mod 9)

I write to object to the exhibited plans for Barangaroo Concept Plan (Mod 9).

This is a continuation of unnecessary overdevelopment of public land.

The mass and density of the proposed buildings are excessive and out of context with the local area.

Public views from Observatory Hill are negatively affected

The additional traffic generated both in construction and ongoing will negatively affect the surrounding areas and the CBD as a whole.

An increase of public parkland and further reductions in size of the proposed buildings is requested.

Yours sincerely,



Mrs Rae Cottle

Barangaroo-concept-plan-mod-9-0

SCREWED AGAIN

WHEN WILL IT EVER END

- *-View sharing with Millers Point and CBD residents, **as required by law under the Principles of the Concept Plan, is ignored.** Water views from houses and all low to mid-level residential towers are totally eliminated. This brings loss of amenity and loss of property values. Yet consideration has been shown to Crown and Lend Lease regarding to loss of views. This demonstrates **indefensible discrimination against private citizens** and unpardonable preferential treatment for powerful corporations.*
- *Traffic congestion is already critical with Barangaroo South as yet incomplete. This will be exacerbated when One Sydney Harbour is populated. Considering the limited surrounding road infrastructure, the addition of the proposed Mod 9 development will create local traffic chaos, and affect the CBD. The proposed GFA of the development is excessive and must be reduced.*
- *The northwestern corner of Hickson Park and the proposed North and South Plazas will be subject to wind speeds in excess of safety standards.*
- *Consideration should be given to abandoning the Mod 9 development and extending Barangaroo Reserve to encompass the whole of Barangaroo Central.*

HIGHGATE APARTMENTS

SUSAN WRIGHT

29/01/2024-

Name: [REDACTED]

Address: [REDACTED] MILLERS POINT 2000]

PLEASE DELETE ALL PERSONAL INFORMATION BEFORE PUBLICATION

Application Name: Central Barangaroo

Application No: MP06_0162 MOD 9

SUBMISSION OF OBJECTION

MODIFICATION OF CENTRAL BARANGAROO [MOD 9 -ROUND 2]

The impact of gross overdevelopment of the Barangaroo site needs to be urgently reviewed.

The bulk & scope of this development has overshadowed the significance of the early history of Sydney, heritage sites & the idea of Central Barangaroo becoming the “cultural & civic heart of the Barangaroo precinct” is LOST.

THIS IS PUBLIC LAND.

MORE OPEN SPACE & LESS BULK & LESS HEIGHT.

OBJECTIONS to The Modification of Central Barangaroo[Mod 9] for the following reasons:

1. The modification proposed will greatly impact on our property's views of the Harbour foreshore. We originally had full views of the Harbour foreshore as indicated from the photo below. The building of Crown Casino & apartments in South Barangaroo have obstructed 50% of our views. We have already lost so much due to the construction of South Barangaroo.
There has already been a clear disregard to the existing residents of Millers Point. Our property was purchased in good faith with a stunning waterview.
The modification proposed will devalue the worth of our property significantly.

Our unobstructed view before development



Our current obstructed view



The new modification 9



The proposed modifications would result in us losing all our views. Which means we have gone from a 180 degree view to a 90 degree view to zero. This is so unjust & shows absolutely no respect or consideration of existing residents. The proposed modifications should consider the cumulative impact from what residents had before the introduction of the Barangaroo Development.

Enough is enough!

2. BARANGAROO IS ALL PUBLIC LAND. The increased density & encroachment of the public domain brings more grief & less connections to the residents of Millers Point & The Rocks. This historical area & heritage listed sites would be totally consumed by the bulk & scale of the modifications of development. This historical area should be enjoyed by all the public & not overshadowed by bulk & density of buildings. Public land is for the good of all, not just for adding more income to developers.
3. The original concept plans for Central Barangaroo was for low-rise buildings[3 floors] NOT mid-rise buildings. The view of Observatory Hill from all areas of the Harbour Foreshore should be retained.
4. The impact study for the residential Towers of:
 - Highgate
 - Georgia
 - Stamford Marque
 - Stamford on Kent, The Grand
 - 189 Kent Street

Are taken **from level 15** or above. No consideration is made for all the many residents that live below level 15 of these apartments. Their views are even more greatly impacted. View sharing with the Millers Point & CBD residents is required by law under The Principles of the Concept Plan.

The impact study is NOT a true representation of all the residents that live in the area apartments. Preferential treatment has been given to powerful corporations & not to existing residents. View impact is considered **from a lower level** from ONE Sydney Harbour & Crown.

5. The significance of views of heritage importance has clearly been documented
City Plan Heritage (2006)
Davies(2006)
Sydney Regional Environmental Plan (2005)
City of Sydney (2011)

The Observatory Hill where the public, including wedding parties locally & around the world are able to take in exceptional panoramic views of this historical area. These views have been enjoyed for many generations since early European settlement. Once oversized developments are built, the historical views are destroyed for all our future generations.

6. The proposed buildings along Hickson road are **too big & too high**. They need to be greatly reduced so both private & public viewing of the foreshore & heritage sites are retained. The developer seeks to double the approved concept plan from 45 000 to 104 000 sqm for no public benefit. This land is public land. The developer's proposal is bigger & higher than any approved concept plan.
7. **Hickson Park** has been reduced, impacting on the public use of open space. What amenities will be provided for all the proposed increase of residents? There should be more parkland & playgrounds. The community space has been hugely reduced from 28 000 to 2 800 sqm. There has been **no compensation for the loss of parkland** due to construction of Crown Casino.
8. There has been little respect shown to the significance of the historical nature of Millers Point & The Rocks and the gross impact of the residents in this area. The idea of Central Barangaroo becoming the **"cultural & civic heart" of the precinct is shattered**. No gain for the Public, but financial gain for the developer. The mass bulk of buildings will not attract tourists to the area nor showcase the heritage sights. The heritage sights will be HIDDEN amongst the proposed concrete jungle.
9. Consideration needs to include the **huge impact of traffic congestion** & the amount of resident population when the 3x One Sydney Harbour towers are complete. The chaos will add to the existing madness. We do not want the same lack of insight as displayed with the Rozelle interchange.
10. I absolutely object & reject any increase in gross floor area and height of any development in Central Barangaroo. Greed & a larger income for developers should not be a criteria in the use of Public land. **More greenspace & community area** is needed for the increasing population and the **use of Public Land**

15 February 2024

Mr Warren & Mrs Susie Firkin
Apartment 1505
Highgate
127 Kent Street
Millers Point NSW 2000

**Director - Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124**

Barangaroo Concept Plan (Mod 9)

Dear Sir/Madam,

We oppose the Amended MOD 9 Proposal.

We are concerned of the effect of this submission on the values of real estate of Millers Point area.

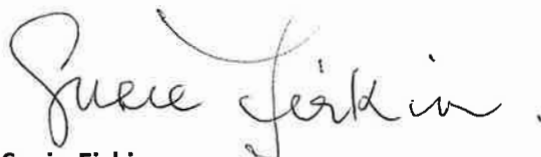
1. We are also concerned about the potential of a conflict of interest of the actions Infrastructure of NSW working in partnership with the Developer.
2. Approval of MOD 9 undermines public trust in NSW government's ability to plan and implement this huge Development.
3. Public Heritage views are completely blocked out from Millers Point, Kent Street and Observatory Hillside by the proposed three huge buildings.
4. The Langham Hotel is dramatically affected by this proposal.
5. Many cars are produced from "One Sydney Harbour" apartments released for sale and occupation this week, overloading the internal road system. Any traffic disruptions will soon show on Hickson Road, Napoleon Street, Anzac . U Bridge and Rozelle Interchange and other feeders.
6. The public owners of this site are looking for a large open free space area oriented towards the west with visitors encouraged to the public use of new train services allowing a welcoming pedestrian connection south towards Darling Harbour and inner western suburbs.

We wish to request that MOD 9 be abandoned altogether and a new MOD be developed.

Yours faithfully,



Mr Warren Firkin



Mrs Susie Firkin

HIGH GATE

Highgate Owners Corporation Strata Plan 49822 ABN 66 342 557 275

127 Kent Street Millers Point NSW 2000 Tel 02 9252 0001 Fax 02 9252 0121 secretary@highgate.com.au

21st February 2024

Director - Key Sites Assessments, Development Assessment and Systems
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124

Barangaroo Concept Plan (Mod 9)

The residents of Highgate strongly oppose the amended MOD 9 proposal. Our objections stem from the fact that the revised MOD 9 proposal is *not* in the public interest because it:

- **Removes established compensations imposed under MOD 8 for the loss of valuable public foreshore parkland with the incursion of the Crown and expanded One Sydney Harbour.**
- **Destroys heritage views, vistas, and panoramas, and their connections to the harbour, which hold special significance to Sydney, NSW, and Australia.**
- **Employs fraudulent imaging to reduce the impact of the proposal on heritage and residential views.**
- **Attempts, through deception, to overthrow the approved Concept Plan of MOD 8.**
- **Deprives residents, who invested in their properties in good faith, of valuable views and amenity.**
- **Creates traffic gridlock in the city and western suburbs.**
- **Introduces unsafe wind levels at three major connections to the harbour.**
- **Deliberately minimises the proposal's impacts through distortion and deceit.**

REMOVAL OF COMPENSATIONS FOR THE LOSS OF PUBLIC FORESHORE PARKLAND

- **The proposal is an assault on the public interest through the elimination of compensations for the loss of valuable publicly owned foreshore parkland due to the location of the Crown and increased number of buildings with significant uplift at One Sydney Harbour under MOD 8.**

This removal of compensatory measures has serious impacts on Australia's heritage views, vistas, and panoramas, and raises concerns about the negative impact on the community with the loss of valuable public space. It's crucial to highlight and address these issues to ensure that any proposed development aligns with the broader public interest and community well-being.

BLOCK 5

The compensations, established through MOD 8, include the reduced footprint of Block 5 to:

- Increase the size of Hickson Park and improve its connectivity to Harbour Park and the harbour itself;
- preserve the remaining slender connection to the harbour for Gas Lane; and
- increase the width of the vista from High Street at the Agar Steps.
- **The proposal's offering of 1,264m² of enclosed space (between and within Blocks 5, 6, and 7), where wind speeds surpass safety standards, is disproportionate to the loss of prized public foreshore parkland to the Crown and One Sydney Harbour.**

The substantial increases in heights of these massively uplifted buildings, lead to significant additional Gross Floor Area for development in Barangaroo South, and this is now proposed for Central Barangaroo. This raises serious concerns about the equitable trade-off between public park space and the enclosed areas that potentially pose safety risks. This imbalance needs careful consideration to ensure that the public interest is adequately safeguarded in the development process.

- ***HICKSON PARK***

An enlarged Hickson Park with strong connections to Harbour Park and the harbour was a significant component of the compensatory offsets to the MOD 8 development for the public. The amended MOD 9 proposes to reverse these compensations.

The connectivity of Hickson Park to the water is proposed to be at 32m at the Crown, little more than the 28m width refused under MOD 8. **The width of Hickson Park must extend to the fill the gap between Block 5 and the Crown to the 48m recommended by the Planning Assessment Commission under MOD 8.**

- **Wind speeds in Hickson Park would exceed safety standards under the proposal.** From the harbour, joining the turbulent winds currently circulating around the Crown and One Sydney Harbour, winds would increase in speed through the proposed 32-metre gap between the Crown and Block 5 and up onto the residential facades of the buildings on Kent Street. This is intolerable.

THE DESTRUCTION OF HERITAGE VIEWS, VISTAS, AND PANORAMAS THAT ARE OF SPECIAL SIGNIFICANCE TO SYDNEY.

The amended MOD 9 proposal sells Australia's cultural heritage, situated on prime harbour foreshore land, to a developer in return for luxury apartments. Such a strategy is not aligned with the welfare of Australia, NSW, or the public.

The Concept Plan, and the conditions outlined in MOD 8, entail explicit obligations to safeguard heritage views, vistas and panoramas, and their links to the harbour. These are obligatory for the Central Barangaroo development. For example:

58. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are:

- *views to significant tracts of the water,*
- *the junction of Darling Harbour and the Harbour proper,*
- *the opposite foreshores,*
- *panoramic qualities of existing views and,*
- *the most distinctive views to landmark structures.*

From all perspectives, the safeguarded heritage views, panoramas, and vistas are destroyed by the revised MOD 9 development.

VIEWS TO SIGNIFICANT TRACTS OF WATER

The Millers Point Conservation Area, that is delineated to the west by the High Street cutting, is a heritage-listed historic precinct that showcases our maritime history. It is described as ‘An integrated port town developed between the 1810s and the 1930s and little changed since then, it is remarkable for its completeness and intactness.’ It is intrinsically connected to the harbour.

The primary heritage view safeguarded by the Concept Plan encompasses the High Street cutting, adorned with the heritage terraces of High and Kent Streets, and crowned by the iconic Observatory within Observatory Park. Vistas from Gas Lane and High Street are also protected to provide connections to the water from within the Millers Point Conservation Area.

Under the proposed revised MOD 9, views to and from the harbour of the southern sweep of the High Street cutting and the terraces of High and Kent Streets are completely obstructed. The Observatory is diminished and from most perspectives disconnected from the water.

Connections to the Harbour from Gas Lane and High Street are either eliminated or extremely compromised by enclosure. This is unacceptable.

The compensatory realigned footprint of Block 5 allowed for the retention of the remaining sliver of water view from Gas Lane in the south and further opened the vista from High Street at the Agar Steps in the north. These compensations are removed in the amended MOD 9 proposal.

The proponent presents carefully created visual distortions through the selective use of lenses, in their photomontages to minimise the impact of the proposed Block 5. Views are flattened and broadened and moved into the distance. This is deceitful.

The impacts of Block 5 on Gas Lane are unacceptable and do not honour the compensation provided under MOD 8 for the incursions of MOD 8 development into this protected vista. The compensatory realignment of the southern boundary of Block 5 must be honoured.

The proposed uplift and extended footprint of Block 5, coupled with the elevation of Block 6, results in an undesirable and unacceptable restriction of the vista from High Street that was expanded in MOD 8 as part of the compensation for the excessive development approved by MOD 8 in Barangaroo South.

THE JUNCTION OF DARLING HARBOUR AND THE HARBOUR PROPER

From the north, the view of the High Street cutting, crowned by the heritage terraces of High and Kent Streets and topped by the jewel of the Observatory set in Observatory Park, is confined, and diminished by the imposing presence of Blocks 5, 6 and 7.

THE OPPOSITE FORESHORES

From the opposite foreshores, half of the Millers Point heritage view of the High Street cutting and terraces are obscured by the built form of the development. **The development eradicates the view of the southern ascending curve of the High Street cutting and its terraces, destroying the essence, context, and unity of the entire display.**

PANORAMIC QUALITIES OF EXISTING VIEWS

From Darling Harbour, Pirrama Park, and Pymont Park, the Millers Point and Observatory heritage view is again bisected, with southern half obscured and only the western dome of the Observatory barely visible atop the development. Protected panoramic views are ruined with the distinctive Observatory lost in all but its dome; detached from its Observatory Park setting above the High Street cutting.

THE MOST DISTINCTIVE VIEWS TO LANDMARK STRUCTURES

The revised MOD 9 proposal:

Ruins the integrity of the views to the High Street cutting, Observatory, and Observatory Park, while fragmenting their visual coherence.

Removes views from the south to the Observatory and Observatory Park, leaving only the Observatory's western dome remaining atop the development.

Significantly reduces the appreciation of the terrace roofscapes from Observatory Park by disconnecting from the harbour and/or overpowering them by built form.

The overall loss of wholeness, context, and unity in the High Street cutting, the heritage terraces, Observatory Park, and the Observatory, coupled with the separation of Observatory and Observatory Park from the harbour, profoundly diminishes the value of these distinctive heritage views of special significance.

The destruction is further exacerbated by the confinement of the views along Gas Lane and High Street at the Agar Steps that diminishes these vistas and their connections to the water.

DISTORTION OF VISUAL IMPACT ASSESSMENT

The proponent employs distorted imagery consistently throughout their reports, aiming to downplay the importance of heritage views and vistas along with the impact of the proposed development.

Through the manipulation of selected focal lengths they attempt to flatten the perspective of the proposed built forms, minimising the adverse impact of the proposal. Such actions can only be characterized as fraudulent.

THE PROPOSAL SEEKS TO OVERRIDE THE CONCEPT PLAN THAT PROTECTS THE INTERESTS OF THE PUBLIC AND RESIDENTS OF MILLERS POINT.

The significance of the Concept Plan and the conditions outlined in MOD 8 cannot be overstated. These guidelines play a crucial role in safeguarding the invaluable heritage views in the area and their association with the harbour. Additionally, they uphold the legal obligation of view sharing, ensuring the rights of residents in Millers Point are duly considered and protected.

The approval for MOD 8 imposes the following important conditions on future development at Central Barangaroo:

Condition 106 approves the '*Design Principles, Design Requirements, and Development Controls for Blocks 5, 6, and 7 of Central Barangaroo*' of the Concept Plan (2007), 'and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning'.

It is made clear in Conditions 105, 107, and 108 that the Barangaroo Modification Report prepared by MG Planning, dated June 2008 (MOD 2), applies only to Block 5 in Central Barangaroo:

Conditions 105 & 107 remove the Design Block Controls approved in MOD 2.

Condition 108 reinstates the Design Block Controls approved in MOD 2 for Block 5 only.

Conditions 124 and 125 (repeated) endorse the reduction in height of Block 7 to 4 storeys or RL20, as proposed by Conybeare Morrison in August 2009. This stands in stark contrast to the provision outlined in 4.B4 (2), permitting a height of RL 35m. The decision made by Conybeare Morrison in 2009 is distinctly more favourable, as it serves to optimally safeguard heritage views.

The Design Principles, Design Requirements, and Development Controls of the 2007 Concept Plan effectively safeguard heritage views, panoramas, and vistas. Integrating these provisions with the proposed reduction in height for Block 7 to 4 storeys would not only satisfy the interests of the public of New South Wales in preserving heritage views of significant importance, but also ensure adequate view sharing for residents of Millers Point.

Given that the applicant claims there is no approved Concept Plan, Highgate has employed GYDE Consulting to prepare an outline of the planning history and relevant circumstances of the approval and provided an interpretation of the current controls applicable to the site and the resultant built form. This is appended to this submission.

If the Concept Plan and the commitments of MOD 8 cannot be honoured, or their outcomes improved through development, Central Barangaroo must be returned to the public of NSW as parkland to provide commensurate compensation for the enormous loss to the public of prized harbour foreshore at Barangaroo South under MOD 8.

DEPRIVES RESIDENTS, WHO INVESTED IN THEIR PROPERTIES IN GOOD FAITH, OF VALUABLE VIEWS AND AMENITY

Millers Point residents purchased their properties in good faith, trusting that the Government's adherence to the conditions of MOD 8 would enable them to retain water views and open aspects. These conditions support the Principles of the Concept Plan for Barangaroo that impose view sharing on the Barangaroo development.

VIEW SHARING

The amended MOD 9 proposes to remove views entirely from multiple residents of Millers Point. This disregards not only the Principles of the Concept Plan, but also the principles for view sharing established under *Tenacity v Warringah Council [2004] NSWLEC 140*.

The proponent claims they are not bound by the *Tenacity v Warringah Council [2004] NSWLEC 140* ruling as the outdated Director General's Requirements (DGRs, 2014) for the development lacks a specific direction to adhere to this ruling. However, the DGRs **do** require adherence to the Land and Environment requirements, including focal lengths. The *Tenacity v Warringah Council [2004] NSWLEC 140* ruling was issued by the Land and Environment Court.

In order to adequately consider existing views afforded to residents in the implementation of view sharing, the *Tenacity v Warringah Council [2004] NSWLEC 140* ruling laid down a four-step assessment process that requires:

- a. *assessment of views to be affected (stating the value of water views and iconic views);*
- b. *consideration of the part of the property the views are obtained (living areas being more significant than other parts of a dwelling);*
- c. *the extent of the impact (again views from living rooms are more valuable); and*
- d. *the compliance of the development with planning controls ('Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable').*

The proponent failed to conduct a visual impact assessment in accordance with the principles established by the Land and Environment Court in *Tenacity v Warringah Council [2004] NSWLEC 140*, as mandated by the 2014 Director General's Requirements (DGRs).

Instead, the proponent intentionally misguides and distorts the facts. The most plausible explanations for this misinformation are incompetence or fraud, either of which reflect extremely negatively on Infrastructure NSW (INSW) as the applicant for the amended MOD 9 proposal.

Unfortunately, the residents of Kent and High Streets have already experienced substantial losses of their views to the southwest, due to the development of Barangaroo South under MOD 8, as can be seen in the photographs below:



The View Impact Analysis conducted by the proponent presents distorted views, focusing on areas external to residences and from positions least affected. For Highgate, views were assessed from

above the mid-point at levels 15 and 25, where impacts were deemed 'moderate', neglecting the more impacted low-mid levels.

In defiance of the Land and Environment Court principles, photographs were not taken from within residences; access to residences was not requested. According to Mr Tom Piovesan, Senior Planner Development Assessment & Infrastructure, Department of Planning, Housing and Infrastructure,

Photomontages / visualisations that show the existing view and the approved, proposed and previously proposed built form from viewpoints at private residences and locations (including residential and commercial towers to the east and south of Central Barangaroo) were created digitally.

Furthermore,

Arterra Interactive positioned the camera based on Aqualand's [the developer's] directive including the camera height and position of camera at each of these locations.

For the viewpoint in question (level 15 at Highgate residential towers), the camera height is set to RL70. The camera position is set to the centre of the floorplate (between North & South) within the façade line.

Furthermore, **The proponent again uses selected lenses to flatten, broaden and distance images.** This distorts the perspective to minimise the value of water views and reduce the impact of the proposed development.

Such distortion of imaging to benefit the developer at the expense of the reality for the public is fraudulent and contrary to best practice. Best practice, as is acknowledged by the proponent, as requiring a human perspective with a focal length of approximately 50mm.

Visual impact assessment taken high up the buildings, along with the use of selected lenses to distort the perspective, reduces the real impact of the proposed development on residents of the Kent Stret residential towers.

In response, Highgate and The Georgia have engaged GYDE to provide accurate visual impact assessments that reflect the human eye, specifically targeting the lower and mid-levels of the buildings. The need for such a step highlights the inadequacy of the proponent's application for the amended MOD 9.

It is concerning that private citizens must bear the cost of an accurate visual impact assessment on their properties to illustrate to the Government the true impact of a proposed development on their properties.

The following computer-generated photomontages of Central Barangaroo were prepared by Rock Hunter for GYDE Consulting using photographs taken from Highgate and The Georgia Apartments on 18 December 2023. For each photomontage, survey data was used to both establish accurate camera locations and RLs, and position virtual camera targets to align with existing building elements, in accordance with the Land and Environment Court photomontage policy detailed here: <https://lec.nsw.gov.au/documents/other/use%20of%20photomontages%20-%20final.doc>

The results of the GYDE assessment from Level 6 of Highgate speak for themselves:



Figure 1: Existing view from Highgate Apartments Level 6 (RL34.21).



Figure 2: Approved Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 3: Proposed Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 4: Existing view from Highgate Apartments Level 12 (RL54.14).



Figure 5: Existing view from Highgate Apartments Level 12 (RL54.14).



Figure 6: Approved Building Envelope, as viewed from Highgate Apartments Level 12 (RL54.14).



Figure 7: Existing view from The Georgia Apartments Level 7 (RL43.82).



Figure 8: Approved Building Envelope, as viewed from The Georgia Apartments Level 7 (RL43.82).



Figure 9: Proposed Building Envelope, as viewed from The Georgia Level 7 (RL43.82).

As is self-evident, the valuable water views from the lower and mid-levels of Highgate and The Georgia are either eliminated or significantly impaired by the amended MOD 9 proposal.

These detrimental effects also extend to residents of other residential towers and those inhabiting the terraces on the southern side of the High Street cutting. The owners of the High and Kent Street terraces bought their properties from the NSW Government that advertised their water views.

If the Government fails to uphold the MOD 8 conditions that endorse the Design Principles, Design Requirements, and Design Controls as provided in the Concept Plan, 2007 (Condition 106) for the Central Barangaroo development as the approved controls, it is imperative that all affected residents are duly compensated for any resultant loss of views that might lead to a decline in property value and overall amenity.

TRAFFIC GRIDLOCK AND ECHO CANYON

TRAFFIC GRIDLOCK

Napoleon Street, a vital link between the western suburbs and City North, currently experiences significant traffic gridlock for a substantial portion of the day, backing up along Hickson Road and Sussex Street.

The imminent occupation of One Sydney Harbour with 880 new apartments and 800 parking spaces is set to strain the existing traffic infrastructure, surpassing its capacity.

Currently, the Barangaroo South commercial precinct experiences underutilisation as major tenants have relocated, resulting in diminished traffic flow. However, this trend is expected to reverse over time, with increased occupancy putting even greater pressure on the road system.

The addition of more apartments at Central Barangaroo, accompanied by further parking spaces, will further exacerbate congestion, extending its impact into the western suburbs and throughout the city.

Motorists are already seeking alternative routes to circumvent the traffic on Hickson Road. The proposed two-laned Hickson Road is inadequately prepared to manage the heightened traffic flow from Barangaroo in coming years.

ECHO CANYON

The continuous line of buildings along Hickson Road, mirroring the heritage wall of the High Street cutting, would create an echo canyon effect that amplifies noise. This poses significant concerns for the occupants of Blocks 6 and 7 at all levels, as traffic noise reverberates off the walls and propagates upwards, leading to disturbing levels of noise pollution for the development and the terraces above.

CREATES UNSAFE WIND LEVELS THROUGH THREE MAJOR CONNECTIONS TO THE HARBOUR

The proposal for the amended MOD 9 creates unsafe wind speeds at major points in the development:

- Within Hickson Park, with particular impacts in the west.
- Through Gas Lane.
- Onto the western facades of the Kent Street residential towers.
- Through the east west connections between Blocks 5, 6, and 7.

These excessive winds joining the turbulent winds already swirling around the Crown and in its interface with One Sydney Harbour to make the western balconies of the residential towers of Kent Street uninhabitable.

THE PROPOSAL RELIES ON SPURIOUS ARGUMENTS AND DECEIT

In an effort to undermine the approved Concept Plan, the proponent presents numerous baseless claims, and spurious arguments, to impose the clustering of commercial blocks in Barangaroo South under MOD 2 onto the Central Barangaroo development, while dismissing the need for compliance with the built form design for Block 5 as approved in MOD 2. This is deceptive.

Moreover, the proponent consistently utilises manipulated imagery in their reports, seeking to diminish the significance of heritage views and panoramas. By manipulating the perspective through the selective use of lenses that do not reflect the view of the human eye, they aim to minimise the negative impact of the planned structures, and downplay their destructiveness. Such conduct can only be labelled as fraudulent.

Given the application for the amended MOD 9 is founded on misdirection, misrepresentation, distortion, and deceit, INSW (the Applicant), which was appointed to provide independent advice to the Government, must be excluded in future from all joint projects with developers. The public expects better than this.

The clear conflict of interest has led to corruption of the planning process and undermined the confidence of the public in the integrity of Government. The public has grown disgusted by such governmental and private interest exploitation of the public interest; efforts must be made to restore trust and faith in the system.

Yours sincerely,



Dr Judy Hyde
Highgate Submissions Officer
** on behalf of Owners Corporation Strata Plan 49822*

20 February 2024

Dr Judy Hyde
Submissions Officer
Highgate Owners Corporation SP49822
127 Kent Street
Millers Point NSW 2000
manager@highgate.com.au

Dear Judy,

This letter of advice relates to the concept plan approval *Concept Plan 06_0162 – Barangaroo* (the 'Concept Plan') and subsequent modifications, as they pertain to the site known as Central Barangaroo. This advice is prepared in the context of the current exhibition of the revised scheme of Modification 9 of the Concept Plan.

Gyde Consulting has prepared an outline of the planning history and relevant circumstances of the approval and provided an interpretation of the current controls applicable to the site and the resultant indicative built form. The site at Central Barangaroo refers to land at Lot 52 DP1213772, known as Blocks 5, 6 and 7.



Figure 1: Barangaroo Central, subject site outlined in red.

Our analysis concludes that the representation of the approved building envelope supplied by Modification 9 is erroneous and misleading. As detailed in our analysis, the built form at Central Barangaroo was always intended to feature a 'reduced form of development', where built form would transition in scale to the adjacent Headland Park and a design of varying building heights would deliver significant east-west view corridors to "protect and enhance the surrounding townscape and views".

Should you wish to clarify any information provided in this document, please do not hesitate to call us.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D Ryan', written in a cursive style.

David Ryan
Executive Director

1. PLANNING HISTORY

1.1 2.1. NSW Ports Growth Plan

In October 2003, the NSW Government released the state's *Ports Growth Plan*. This document identified a pattern of decline in parts of the Sydney Harbour ports, particularly at East Darling Harbour (EDH), now renamed 'Barangaroo', and set out a case for the renewal of the area.

1.2 Concept Plan 06_0162 - Barangaroo

The principles identified within the *Ports Growth Plan* formed the basis of the *Concept Plan 06_0162 - Barangaroo* (the 'Concept Plan'). Approved in 2007, the Concept Plan outlined the future development of Barangaroo within the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*. This assessment report detailed strategies, guidelines and development controls to provide for the creation of an innovative and iconic precinct on Sydney Harbour, featuring recreational and mixed-use development.

In the period between 2003 and 2007, development of the Concept Plan involved rigorous analysis and testing. The principles of the Concept Plan were subject to a comprehensive investigation including a two-staged international urban design competition, extensive stakeholder and industry consultation, two phases of public exhibition, and detailed testing and refinement of land use options. The result was a well-considered Concept Plan with complementary design principles reflecting international leading practice in urban design and place-making.

1.2.1 Concept Plan Strategies

The Concept Plan nominated the following key elements by which the competition winning urban design scheme supported the strategy for renewal at Barangaroo. These elements have underpinned the delivery of development at Barangaroo since its inception.

The Concept Plan Strategies comprise Section 8.0 of the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*, and address the site's economic, community, environment, and heritage significance. Key Concept Plan Strategies have underpinned the overall development at Barangaroo since its inception:

"Provide the ability to create large-floor-plate commercial buildings that are in high demand amongst major tenant organisations and difficult to achieve within the existing city footprints."

"Incorporate sufficient housing and community related infrastructure into the precinct to reinforce the knitting of EDH into the mainstream of Sydney life and commerce. This will require the provision for social infrastructure as well as an extensive array of recreational infrastructure."

"Equip EDH with good public transport links to the airport, to other key nodes in the CBD and to the metropolitan 'cities within the city'."

"A new 1.4 km foreshore promenade runs the full length of the site along the harbour edge completing the Harbour Foreshore Walk between Anzac Bridge and Woolloomooloo."

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

Of great relevance to this submission, several key strategies of the Concept Plan relate to the intended built form of the Barangaroo Central site, as well as the preservation of significant views in the area. These key strategies include:

"Higher density development is to be focused towards the southern end of the site, linking into existing higher density development at King Street Wharf and the western edge of the CBD. The scale of development will reduce towards the northern end of the site, where built form meets the Headland Park."

“The design of the public domain will allow visitors to appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points, including the sandstone cliffs and Observatory Hill.”

“The strategy for EDH is based on protecting and enhancing the surrounding townscape and views, and telling the history of EDH through the design of the public domain and public art.”

“The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.”

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

1.2.2 Concept Plan Design Principles, Design Requirements and Development Controls

Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines a range of design principles, design requirements and development controls that underpin the intended built form at Barangaroo. The principles ensure the Concept Plan Strategies may be achieved by setting out guidelines for future building envelopes. **Figure 2, Figure 3** and **Figure 4** outline the Section 13.0 diagrams indicating built form at Barangaroo Central.

Section 13.0 was given statutory force in a number of ways:

- Condition B4 required any developments to provide a comparison between the built forms proposed and explain any departure. While this did not mandate the built forms in Section 13.0, it clearly established those forms as the default forms, from which any departure would need to be expressly justified. This condition was replaced as part of MOD2 by requiring a reference to the MOD2 design guidelines. However, put in the context of the MOD 9 application, Condition B4 could not be used to assume, as the application documents do, that block forms blanketing the site with the maximum height limit would be approved; and
- Condition C2 requires future design excellence competitions to consider a comparison against Section 13.0. Condition C2 still exists, but the reference to Section 13.0 is proposed to be removed as part of the MOD 9 application. Presumably, this is because the MOD 9 application recognises that the proposal is entirely contrary to Section 13.0. However, that implicit recognition does not extend to carrying out a proper assessment against the true base case.
- Statement of Commitment 106 requires that the built form of development blocks 5, 6 and 7 inclusive will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.

Condition C2 and Statement of Commitment 106 require that the controls in Section 13.0 are used as a benchmark for comparison. In short, the MOD 9 application is not entitled to assume, as it does, that Section 13.0 can be ignored.

2. Indicative Built Form

As discussed above, Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines the indicative built form for Barangaroo.

Modifications to the Concept Plan have degraded the clarity of applicable controls, however, a comparison to Section 13.0 of the original Concept Plan is required of the proposed development at Central Barangaroo and cannot be ignored.

Our analysis of the indicative built form as established by the original Concept Plan and revised by subsequent modifications, and as they apply to the site at Central Barangaroo (Blocks 5, 6 and 7), is outlined below.

2.1.1 Concept Plan 06_0162 – Barangaroo

Concept Plan 06_0162 – Barangaroo was approved in February 2007. The Concept Plan outlined the future development of Barangaroo and divided the site into eight (8) development blocks. Blocks 5, 6 and 7 comprise the site at Central Barangaroo.

Block 5

- 29,200sqm maximum permitted gross floor area (GFA)
- 25m wide built form up to RL34 to Hickson Road
- 37m wide built form up to RL20 ('low valley')
- Built form to RL25 to remaining width to Globe Street, 20% of envelope up to RL29.

BLOCK 5 DEVELOPMENT CONTROLS



Figure 2: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 6

- 3,000sqm maximum permitted GFA
- Built form to RL22, 15% of envelope up to RL29
- 22m wide (Hickson Road) x 83m deep building footprint.

BLOCK 6 DEVELOPMENT CONTROLS

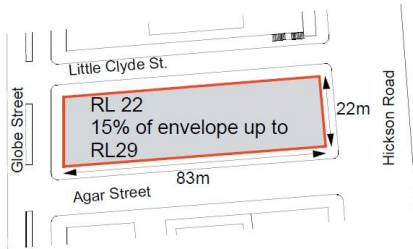


Figure 3: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 7

- 28,000sqm maximum permitted GFA
- 211m wide (Hickson Road) x 76m deep building footprint
- Variable RL9.7 - RL35 building height (refer **Figure 4**).

BLOCK 7 DEVELOPMENT CONTROLS

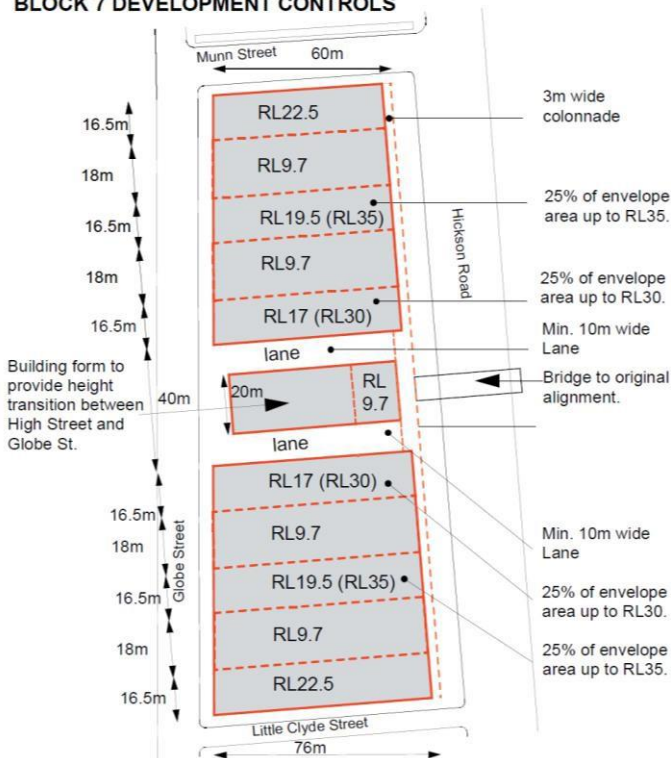


Figure 4: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Laneways

- Laneways between development blocks are a minimum of 10m wide (*EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0, p. 121).

Indicative Built Form under Concept Plan 06_0162 – Barangaroo

The indicative built form for Blocks 5, 6 and 7 under the Concept Plan is illustrated in **Figure 5** below. The following conservative assumptions about the applicable controls have been made:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road at Block 5 as overall built footprint dimensions are not provided.

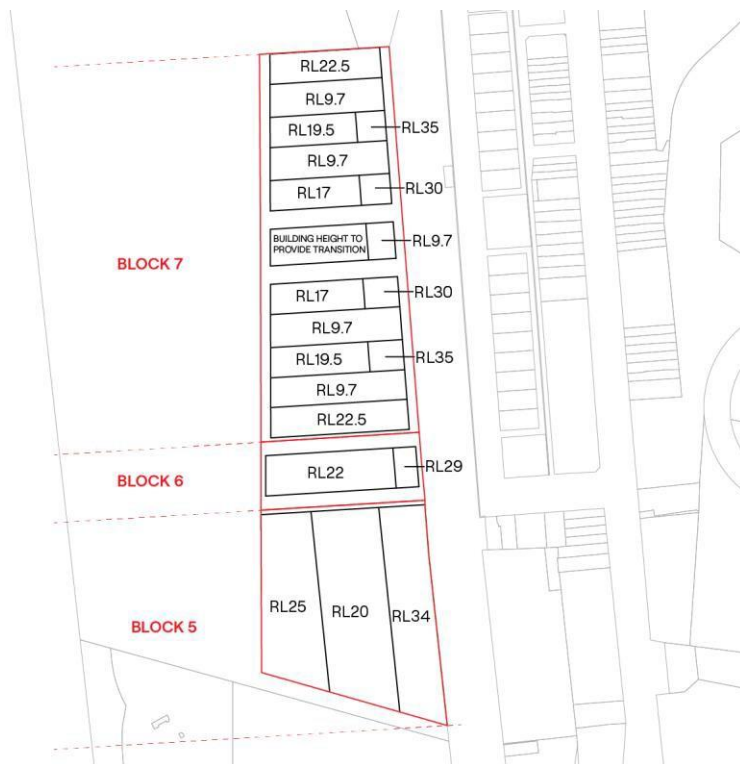


Figure 5: Indicative Built Form under the Concept Plan. (Source: Gyde Consulting).

2.1.2 Modification 1 - MP 06_0162 MOD 1

Modification 1 was determined in July 2007. The modification involved the correction of minor typographical errors in the Concept Plan Instrument of Approval and modification to design excellence requirements.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 1.

2.1.3 Modification 2 - MP 06-0162 MOD 2 (Commercial floorspace)

Modification 2 was determined in February 2009. The modification included some amendments to Block 5 as a part of additional built form controls associated with a proposed additional 120,000sqm of commercial floor space to be distributed across Blocks 2-5.

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2.

Block 5

- 41,225sqm revised maximum GFA
- RL29.6 podium or street wall to be constructed adjacent to Hickson Road
- RL18.8 podium or street wall to be constructed adjacent to Globe Street
- Above podium elements to have a minimum setback of 25m from the Hickson Road street wall or podium edge

- Street wall or podium to have a minimum setback of 5m from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses
- Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20m. (Refer MP 06-0162 MOD 2 (Commercial floorspace), Instrument of Approval).

Indicative Built Form under Modification 2

The indicative built form for Blocks 5, 6 and 7 under Modification 2 is illustrated in **Figure 6** below. The following conservative assumptions about the applicable controls have been made:

- Minimum 3m above podium setback (western boundary of Block 5) to represent a ‘worst case scenario’ of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a ‘worst case scenario’ of development.

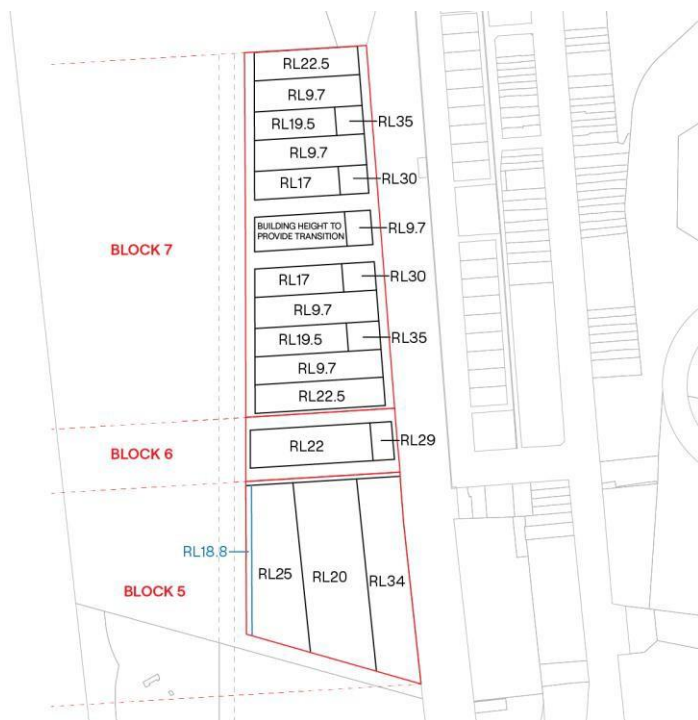


Figure 6: Indicative Built Form under Modification 2; podium to Globe Street is implemented. (Source: Gyde Consulting).

2.1.4 Modification 3 - MP 06-0162 MOD 3 (Headland Park and Northern Cove)

Modification 3 was determined in November 2009. The modification involved some amendments to Block 7 as a part of an amended design for the Headland Park and Northern Cove. The changes removed Block 8 and the northern portion of Block 7.

While the maximum GFA of Block 5 was proposed to be increased to 44,225sqm under Modification 3, this change was not approved.

Similarly, the maximum height of buildings (HOB) of Block 7 was proposed to be decreased to RL20 under Modification 3, and to a maximum height of four storeys under the *Barangaroo Headland Parklands Urban Design Report* prepared by Conybeare Morrison (August 2009). This amendment was not adopted within the Instrument of Approval, and the approved height of Block 7 remains inconsistent with the height of buildings envisioned under the application for Modification 3.

The indicative building envelope of Blocks 5 and 6 remained unchanged by Modification 3.

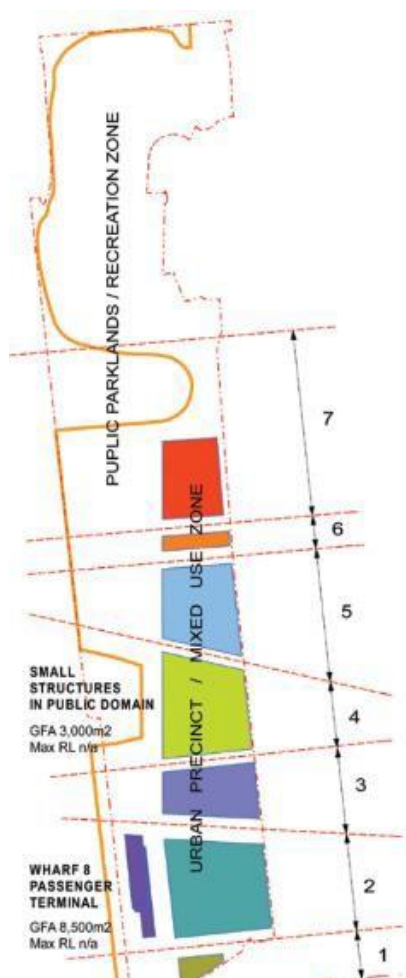


Figure 7: Revised Development Blocks under Modification 3; Block 8 and the northern portion of Block 7 are removed. (Source: *Barangaroo Part 3A Modification Report*).

Block 7

- Block 8 and the northern portion of Block 7 removed.
- 15,000sqm revised maximum GFA.

Laneways

- The 'street hierarchy' was documented in more detail in *Barangaroo Part 3A Modification Report*, p. 51, outlining:
 - 20m wide 'Agar Street'.
 - 10m wide 'Little Clyde Street'.

Indicative Built Form under Modification 3

The indicative built form for Blocks 5, 6 and 7 under Modification 3 is illustrated in **Figure 8** below.



Figure 8: Indicative Built Form under Modification 3; Block 8 and the northern portion of Block 7 are removed, laneway widths are clarified. (Source: Gyde Consulting).

2.1.5 Modification 4 - MP06_0162 MOD 4 (Hotel development, additional GFA and Height)

Modification 4 was determined in December 2010. The modification involved a substantial reconfiguration of the Concept Plan, with changes such as two new blocks (Block X and Block Y), increased GFA and HOB to Blocks 1-4 and changes to the public waterfront area, including the location of Block Y (hotel) into Darling Harbour.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 4 and it is noted that Modification 4 was described to “relate only to the southern portion of the site”, refer **Figure 9** below.

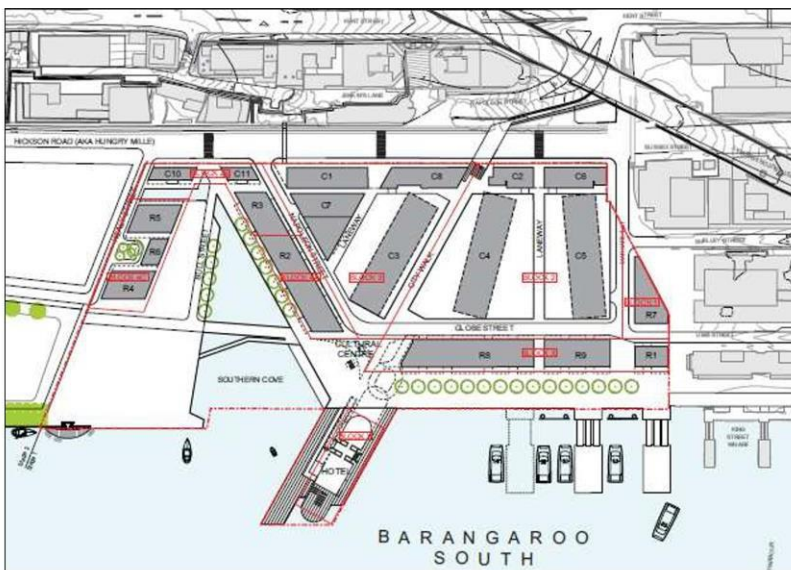


Figure 5: Land to which MOD 4 applies (surrounded by red dotted line)

Figure 9: Modification 4 was described as not applying to Blocks 5-7. (Source: Modification Request Barangaroo Concept Plan MOD 4, Director-General’s Environmental Assessment Report, p. 9).

2.1.6 Modification 5 - MP06_0162 MOD 5 Barangaroo Concept Plan

Modification 5 was withdrawn in March 2011.

2.1.7 Modification 6 - MP06_0162 (MOD 6) Barangaroo Concept Plan

Modification 6 was determined in March 2014. The modification involved amendments to Barangaroo South, including the realignment of the Block 3, 4A and 4B boundaries and associated new urban design controls, and amendments to conditions regarding community floorspace and car and bicycle parking.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 6 and it is noted that the *Modification Request Barangaroo Concept Plan MOD 4, Director-General's Environmental Assessment Report* specifies that "the Urban Design Controls for Blocks 1, 2, 4A, 5, 6, 7, X and Y remain as per the approved Concept Plan" (p. 6).

2.1.8 Modification 7 - MP06_0162-Mod-7 Modification to Concept Plan

Modification 7 was determined in April 2014. The modification involved approval for a temporary concrete batching plant for Barangaroo South.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 7.

2.1.9 Modification 8 - MP06_0162 MOD 8 - Modifications to Barangaroo Concept Plan

Modification 8 was determined in June 2016. The modification involved the relocation of Block Y (hotel) back to Barangaroo (away from the harbour) and associated reconfiguration of the Barangaroo site. As Modification 8 involved a reduction in land zoned RE1 Public Recreation to accommodate the relocated Block Y, the southern boundary of Block 5 was amended to ensure a strong and coherent relationship between Hickson Park and the Central Parklands, providing a clear view and safe public access, in accordance with advice from the Design Advisory Panel.

Included within the MOD 8 Instrument of Approval is Statement of Commitment 106, which requires that "the built form of development blocks 5, 6 and 7 inclusive will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy." The approved building envelope under Modification 8 is thus required to be informed by the Section 13.0 design guidelines, as outlined in this letter of advice.

We note further that the maximum height of buildings (HOB) of Block 7 was proposed to be decreased to RL20 and to a maximum height of four storeys under the *Barangaroo Headland Parklands Urban Design Report* prepared by Conybeare Morrison (August 2009). This amendment was not adopted within the Instrument of Approval, despite Statement of Commitment 124 and 125 requiring that, "Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the 'Barangaroo Headland Parklands Urban Design Report' prepared by Conybeare Morrison (August 2009)." The approved built form for Block 7 is thus inconsistent with the height of buildings committed to under Statement of Commitment 124 and 125 of the Instrument of Approval.

Block 5

- Chamfer design is adopted to the southern boundary of Block 5.
- 29,668sqm revised maximum GFA.

Indicative Built Form under Modification 8

The indicative built form for Blocks 5, 6 and 7 under Modification 8 is illustrated in Figure 10 below.



Figure 10: Indicative Built Form under Modification 8; southern boundary of Block 5 is chamfered. (Source: Gyde Consulting).

2.1.10 Modification 9 - MP06_0162-Mod-9

Modification 9 is not approved, it is currently on public exhibition.

Key changes proposed include:

- Extending the southern boundary of Block 5 further south to encroach into land zoned RE1 Public Recreation.
- Amending the maximum height of buildings within each development block as outlined in Table 1 below:

Table 1: Proposed amendments to Height of Buildings map

Development Block	Existing Height	Proposed Height
Block 5	RL 34	RL 21.5 RL 31.2 RL 33.75 RL35 RL 42.45
Block 6	RL 29	RL 35
Block 7	RL 35	RL 35

- Introducing a maximum GFA allocation for all of Central Barangaroo of 104,000sqm (11,908sqm of which is proposed to be below existing ground level).

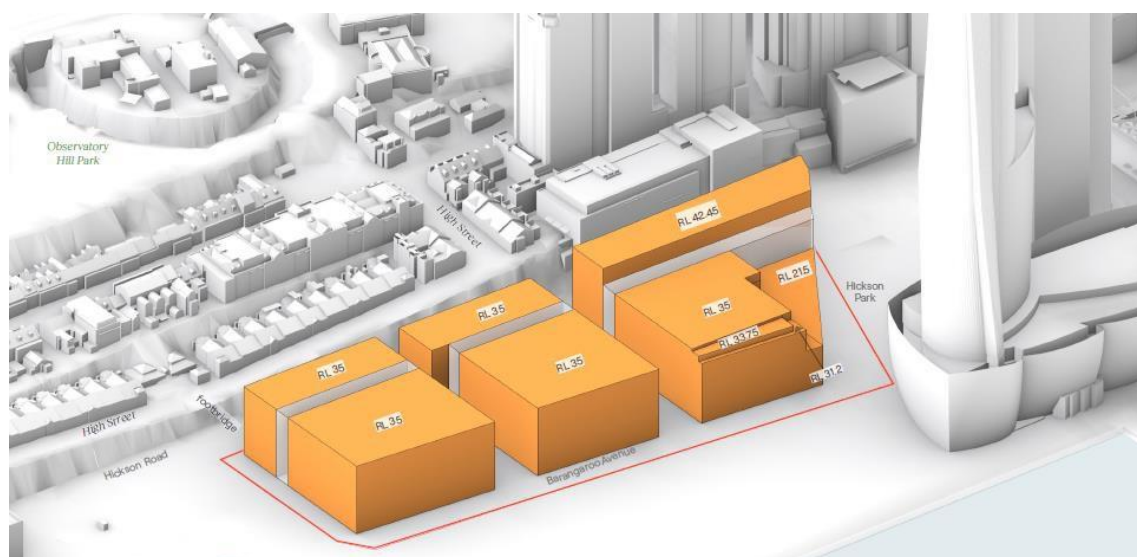


Figure 11: Mod 9 Proposed Building Envelope with RLs. (Source: *Central Barangaroo Urban Design Report and Design Guidelines*, prepared by SJB, 28 November 2023).

2.1.11 Modification 10 - MP 06_0162 MOD 10 - Modifications to Barangaroo Concept Plan and Amendment to State Environmental Planning Policy (State Significant Precincts) 2005

Modification 10 was approved in September 2020. The modification involved increases to the Barangaroo South residential GFA and building heights.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 10.

2.1.12 Modification 11 - MP 06_0162 MOD 11 - Modifications to Barangaroo Concept Plan

Modification 11 was approved in October 2020. The modification involved construction of a temporary construction road and amended staging of Hickson Park and construction exclusions zones.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 11.

2.1.13 Summary of Assumptions

This indicative built form analysis has been informed by a number of conservative assumptions where detailed guidance was not provided within the approval documentation. A summary of assumptions is outlined below for clarity:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road is provided at Block 5 as overall built footprint dimensions are not provided.
- Minimum 3m above podium setback is provided to the western boundary of Block 5 to represent a 'worst case scenario' of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a 'worst case scenario' of development.



Figure 1: Existing view from Highgate Apartments Level 6 (RL34.21).



Figure 2: Approved Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 3: Proposed Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 4: Existing view from The Georgia Apartments Level 7 (RL43.82).



Figure 5: Approved Building Envelope, as viewed from The Georgia Apartments Level 7 (RL43.82).



Figure 6: Proposed Building Envelope, as viewed from The Georgia Level 7 (RL43.82).



Figure 7: Existing view from Highgate Apartments Level 12 (RL54.14).



Figure 8: Approved Building Envelope, as viewed from Highgate Apartments Level 12 (RL54.14).



Figure 9: Proposed Building Envelope, as viewed from Highgate Apartments Level 12 (RL54.14).

20 February 2024

ROCKHUNTER

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Statement - Photomontages for Central Barangaroo

Computer generated photomontages of Central Barangaroo were prepared using photographs taken from Highgate Apartments on 18 December 2023. For each photomontage, I can confirm that survey data was used to both establish accurate camera locations and RLs, and position virtual camera targets to align with existing building elements, in accordance with the Land and Environment Court photomontage policy detailed here:

<https://lec.nsw.gov.au/documents/other/use%20of%20photomontages%20-%20final.doc>

Signed



David Murgatroyd
B. Ind Des (UNSW)

Noel J Robinson Comments and Objections, 05 February 2024.**MP06_0162 (MOD 9) 2024 Amended Application to modify Barangaroo Central (Blocks 5, 6 & 7) Concept Plan**

I have inspected the MP06_0162 (MOD 9) **Amended Application for Barangaroo Central (Blocks 5, 6 & 7)** which was uploaded for public exhibition on 11 January 2024 on the planningportal.nsw.gov.au/daex/barangaroo-concept-plan-mod-9-0 website.

I wish to make the following comments and objections concerning the 2024 amended MOD 9 Proposal. Though this latest 2024 Proposal reduces the overall scale of the 2022 MOD 9 Proposal, it also intends to increase unapproved uses and intends to significantly increase the overall scale of Barangaroo compared to the approved MOD 8 and MOD 10 schemes.

(A) BACKGROUND:

In 2007, the first Barangaroo Concept Plan was revealed. Just under 400,000sqm of Gross Floor Area (GFA) was proposed across the total site, with approx 60,000sqm GFA allocated to Central Barangaroo. Central Barangaroo was intended to be a mixed-use precinct and the project's "public heart" with a cultural, civic, education, and recreation focus.

Subsequent schemes for Central Barangaroo continued the broad distribution of public open space evident in earlier schemes along with the concept of 3 distinct blocks 5, 6 and 7, separated by lanes with central bridge links over Hickson Rd to Millers Point.

The form and scale of proposals for the overall site continued to evolve.

In 2016, approval was given to '**MOD 8**' (MP06_0162 MOD 8 Determination, June 2016), which proposed:

1. **A total GFA across the entire Barangaroo site of 594,354sqm.**
2. A maximum of 183,031sqm of **Residential** GFA was approved across the site with a maximum of 154,003sqm allocated to Barangaroo South.
3. A maximum of 76,000sqm GFA was approved for **Tourist Uses** across the site with a maximum of 59,000sqm allocated in Barangaroo South.
4. A maximum of 34,000sqm of **Retail** GFA was approved across the site with a maximum of 30,000sqm allocated to Barangaroo South.
5. A minimum of 12,000sqm GFA was to be provided across the site for **Community Uses** of which 3,000sqm was to be provided within Barangaroo South (already provided) and 2,000sqm was to be provided on a public pier; a minimum of 2,000sqm was to be provided within (future) Blocks 6 or 7 of Central Barangaroo.
6. **Hickson Park** was to be 'soft landscaped' to support large mature trees in a minimum of 2,000sqm of deep planting. The northern boundary of the Park was demarcated so that generous views from Hickson Rd to the harbour were maintained.
7. The (future) footprint and building envelope of **Block 5** was reduced so as to remain on B4 zoned land (SEPP 2005), to allow view-corridors (as above) and to minimise

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overshadowing of Hickson Park to no more than 2,500sqm between the hours of 12.00 and 14.00 on 21 June each year.

8. Barton Street was approved as a temporary road only until the future completion of Barangaroo Avenue. Thereafter Barton Street was to be soft landscaped and integrated into Hickson Park.
9. **Block 5** not to exceed 29,688sqm GFA, 15,000sqm as Residential GFA, max RL 34.
10. **Block 6** not to exceed 3,000sqm GFA, **no residential**, max RL 29.
11. **Block 7** not to exceed 15,000sqm GFA, 14,000sqm as Residential GFA, max RL 35.
12. Any future developments within **Block 5** were to demonstrate that views from Millers Point and Observatory Hill to the harbour, and those from Block Y to the Sydney Harbour Bridge and Opera House, would be retained.
13. 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.

In 2020, **approval for MOD 10 allowed** minor changes to building form, height, and an **increase of 8,000sqm residential GFA in Blocks 4A and 4B, giving a total of 602,354sqm GFA across the entire Barangaroo site.**

In 2020, approval for **MOD 11** allowed (among other things) the deferred completion of Hickson Park and for Barton Road to remain as an access road until Block 5 was developed.

(B) MODIFICATION 9:

THE 2022 'MOD 9' APPLICATION FOR CENTRAL BARANGAROO

A 2022 MOD 9 Application proposed to increase the total permissible GFA across the entire Barangaroo site by 17.5%, from 602,354sqm (MOD 10) to 708,041sqm.

The 2022 proposed built form generally exceeded the approved heights, approved plan envelopes and allowable uses and received widespread public criticism.

THIS 2024 REVISED 'MOD 9' APPLICATION FOR CENTRAL BARANGAROO

This 2024 MOD 9 Application proposes further modification of the Instrument of Approval:

1. A 10.84% increase in the total permissible GFA across the entire Barangaroo site, from 602,354sqm (MOD 10) to 667,686sqm GFA. (This increase is a minor reduction to the 17.5% increase in GFA proposed in the 2022 MOD 9 Application.)

This 667,686sqm GFA is to be distributed as follows:

- (a) a maximum of 237,031sqm of Residential GFA of which a maximum of 162,031 sqm will be in Barangaroo South;

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- (b) a maximum of 76,000sqm of GFA for Tourist Uses of which a maximum of 59,000sqm will be in Barangaroo South;
- (c) a maximum of 44,766sqm of GFA for Retail Use of which a maximum of 30,000sqm will be in Barangaroo South;
- (d) a maximum of 5,000sqm of GFA for Active Uses in the Public Recreation zone of which 3,500sqm will be in Barangaroo South; and
- (e) a minimum of 14,400sqm GFA for community use of which 2,800sqm will be within Blocks 5, 6 & 7.

2. **Compared to the 2022 MOD 9 Application**, the 2024 MOD 9 Application proposes the following KEY CHANGES to Barangaroo Central Blocks 5, 6 & 7.

(Refer 'Response & Submission Report' 6.1.1, Table 6, pg 56):

- (a) Reduces the maximum GFA above ground from 116,189sqm (2022 MOD 9) to 92,908sqm (2024 MOD 9), of which a maximum of 75,000sqm will be allocated to residential GFA.
- (b) Reduces the maximum GFA below ground from 28,166sqm (2022 MOD 9) to 11,092sqm (2024 MOD 9).
- (c) Reduces the height of Block 7 from RL 73.7 (2022 MOD 9) to the previously approved RL 35.
- (d) Reduces the height of Block 6 from RL 38.7 (2022 MOD 9) to RL 35 (2024 MOD 9). [The approved height is max RL 29.]
- (e) Reduces the height of Block 5 from RL 44.5 (2022 MOD 9) to RL 42.45, RL 35, RL 33.75, RL31.2, RL 21.5. [The approved height is max RL 34.]

3. The Applicant provides a GFA summary in 'Response & Submission Report' 6.3.3, Table 8, pg 69.

'Response & Submission Report' Table 8: GFA SUMMARY					
(An additional column comparing 2024 MOD 9 to MODs 8 & 10 is added)					
BLOCK REF:	APPROVED MODs 8 & 10	2022 MOD 9	2024 MOD 9 (current)	CHANGE 2022 to 2024	CHANGE Mods 8 & 10 to 2024 MOD 9
Blocks 5, 6 & 7	47,688sqm	144,355sqm	104,000sqm	Reduced by 40,355sqm	Increased by 96,667sqm
Max Residential 'Cap'	14,000sqm	28,000sqm	75,000sqm	Increased by 47,000swm	Increased by 61,000sqm

It is significant that the Applicant intends to exclude 'wintergardens' in calculating Residential GFA in Blocks 5, 6 & 7.

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Excluding these enclosed living areas from the calculation of GFA means the floor plates of Blocks 5, 6 & 7 will be larger than they would have been if 'wintergardens' were counted as GFA in the same way as other apartment living areas.

4. Compared to the 2022 MOD 9 Application, the 2024 MOD 9 Application widens the 2022 MOD 9 view-corridor across Hickson Park from Hickson Road. However, the view-corridor is still significantly narrower than the approved MOD 8 view-corridor.
5. The 2024 MOD 9 Application claims to provide 1,264sqm of 'additional' open space, distributed across an 8m-wide north-south pedestrian arcade running the full length (approx 250m) of Blocks 5, 6 & 7 of the Barangaroo Central site; a 20m wide northern plaza; a new 6m-wide east-west arcade, and 20m-wide east-west Central Plaza.

(C) OBJECTIONS:

1. It is significant that, despite reducing the GFA of Blocks 5, 6 & 7 compared to the 2022 MOD 9 Proposal, the 2024 MOD 9 Proposal still intends to increase the GFA by 96,667sqm compared to the approved MODs 8 & 10 schemes. (See 'Table 8'.)
2. It is significant that this 2024 MOD 9 Application seeks permission to amend to increase the total permissible GFA across the entire site by 10.84%, from 602,354sqm (MOD 10) to 667,686sqm GFA. (See amended 'Instrument of Approval')
3. A condition of MOD 8 was that **Block 6** was not to exceed 3,000sqm GFA and was to be **non-residential**. It is significant, therefore, that the 2024 MOD 9 Proposal increases the Residential GFA by 47,000sqm compared to the 2022 MOD 9 Proposal and by 61,000sqm compared to approved MODs 8 & 10 schemes. (See 'Table 8'.)
4. As previously noted, the 2024 MOD 9 Application continues to propose an increased building height above the MOD 8 previously approved heights:
 - (a) Block 6 is proposed to increase to RL 35.0 against the MOD 8 approved height of RL 29.0m;
 - (b) Block 5 is proposed to increase to RL 42.45 and RL 35, against the MOD 8 approved height of RL 34.0m.

Millers Point and Observatory Hill have ridgelines of RL 43, with topography falling towards Darling Harbour. Every Barangaroo proposal since the first design competition has indicated a descending height profile that respects the topography of Headland Park, Millers Point, and Observatory Hill. The lower building profile allowed panoramic views outward from those locations. In turn, those previous proposals allowed the landform and the historic buildings of the neighbourhood to be appreciated from various vantage points across the harbour.

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Submitted images in the 2024 MOD 9 Proposal clearly show the continued loss of significant water views westward from Millers Point and Observatory Hill.

Correspondingly, the profiles of Millers Point and Observatory Hill will be blocked when viewed from water level on Darling Harbour.

5. Any arrays of solar collectors, landscaping, or mechanical plant that might be installed on the rooftops of the 2024 MOD 9 Proposal will have the potential to further impact the views discussed above.
6. A 30 to 40 metre high, 250m-long, 8m-wide internal arcade will be confronting to pedestrians and will likely become an unpleasant wind tunnel – something already being experienced in Barangaroo South.
7. The 2022 MOD 9 Proposal never complied with the MOD 8 / MOD 11 approved view-corridor from Hickson Rd across Hickson Park to the harbour.
The 2024 MOD 9 Proposal continues to restrict the approved MOD 8 view-corridor to no more than a glimpse.
8. The uniform 'egg-crate' façades of the Blocs 5, 6 & 7 Residential Apartments shown in submission documents are misleading representations of what might eventually be built after 'Design Excellence' submissions and reviews. Images of deep open balconies are misleading when every square metre of GFA will be value-assessed.
9. Central Barangaroo was previously promoted as being Barangaroo's "public heart" and, under the SEPP 2005 B4 Mixed-Use Zoning, was expected to provide a range of cultural and entertainment facilities, leisure and recreation facilities, social, education and health services.

Against the approved MODs 8 & 10 schemes, the 2024 MOD 9 Proposal intends to increase the total GFA of Blocks 5, 6 & 7 by 96,667sqm, and increase the Residential GFA by 61,000sqm (see 'Table 8').

However, other than ground floor retail and a subterranean wellness centre/gym, the 2024 MOD 9 Proposal promises little in the way of community space or cultural facilities within Blocks 5, 6 and 7.

The question that has to be asked, therefore, is what are the community and social benefits being offered by this latest proposal?

Without community and cultural activity, this latest 2024 Proposal for Central Barangaroo will be no more than an exclusive high-end apartment, shopping and restaurant precinct unlikely to provide the community with any sense of 'ownership' or 'belonging'.

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10. The Applicant claims it remains committed to delivering the same established quantum of public benefits that were put forward in its 2022 MOD Application. **However, that 2022 Application failed to objectively quantify what those benefits might be and this 2024 Application similarly fails to objectively quantify the benefits it claims to offer.**

11. The 'dis-benefits' of the 2024 MOD 9 Proposal – increased heights and overall scale, an imbalance of uses, loss of views, over-height internal arcades and streets – are numerous:

- **No additional community and social benefits have been gained** by the 10.84% increase in total GFA across the entire Barangaroo Site.
- **No additional community and social benefits have been gained** by increasing the 14,000sqm Residential GFA approved in MODs 8 & 10 to the 75,000sqm of Residential GFA now proposed in the 2024 MOD 9.
- **No additional community and social benefits have been gained** by increasing the building heights above approved limits for Blocks 5 & 6.
- **There is apparently no intention to include a wide bridge link from Millers Point** across Hickson Road to the development, which was indicated in earlier planning concepts of Central Barangaroo – including the 2022 MOD 9 Proposal.

In summary, against previously approved planning concepts for Barangaroo Central, this 2024 MOD 9 Application proposes an unwanted increase in building heights, an unwanted increase in overall scale, and an unsubstantiated change in use without any appreciable increase in community and cultural benefits.

This 2024 MOD 9 Application should not be approved in its current form.

Regards

Noel J Robinson



05 February 2024.

Submission in objection to the Central Barangaroo Response to Submissions (RtS) proposal MP06_0162 MOD9

I make the following comments in objection to the RtS to MOD 9 proposed concept plan.

MOD 9 was resoundingly rejected and was refused by the NSW government in response to the extensive objections that were raised in submissions, and expressed publicly, to the MOD 9 proposal in 2022.

Numerous organisations, Sydney City Council, members of the NSW Parliament, the National Trust, Heritage Council and thousands of residents of NSW expressed major concerns about its negative impacts and departure from the stated aims and desired outcomes for Central Barangaroo. Heritage regulations were breached and serious negative impacts imposed on the Heritage Precinct of Millers Point and its residents by the MOD 9 proposal.

This response to submissions, while addressing some of the objections and breaches, fails to address many serious issues raised in the objections to MOD 9.

It would be far more acceptable if the NSW Government were to totally reject MOD 9 and present a plan that fully addresses growing concerns and strong objections raised throughout the planning process for Central Barangaroo and recognise the benefit of prioritising attractive useable public open space at this harbourfront site.

1. The NSW Government has a wonderful opportunity to provide a truly visionary plan for this precious public west harbourfront site adjacent to a treasured Heritage precinct.

This latest plan by the caretakers of the site, the NSW government, does not represent expressed public wishes and does not allay many concerns raised in objections to MOD 9. It is a sad departure from the concept of Central Barangaroo as a low-rise, civic and cultural precinct.

2. It fails to preserve the significant Heritage of Millers Point, imposes serious negative impacts on the local community and depletes iconic public view-lines. It fails to deliver an acceptable outcome.

3. Where is the vision to produce a world-renowned waterfront public place that would be a valuable drawcard for Sydney? The harbour and its public waterfront sites are Sydney's greatest asset. The cost of lost opportunity has not been considered.

4. While it is pleasing that the proposed NW tower has been deleted from the plan and Barton St will be removed and replaced by an extension of public green space as part of Hickson Park, extensive negative impacts and loss of public and private views would still occur and further overshadowing of Hickson Park would result were this plan to proceed.

5. Where is the justification for increasing the heights of privately owned and commercial buildings beyond what is in the approved Concept plan? The proposed SE tower sets a new unwarranted height acceptance for the site. The buildings must be reduced in height so that they do not breach Heritage regulations or cause a loss of highly valued public and private harbour views. An approved plan for the Central Barangaroo site must ensure that views to the Heritage Precinct from the Harbour and harbourfront walkway and Balmain East, are not lost forever.

6. The extent of the building envelope is in addition to the imposing Barangaroo South development, which has already removed valuable public and private harbour views.

7. There has already been a significant loss of value and amenity and increased noise and traffic impacts upon existing residential and other buildings in the vicinity of Barangaroo due to the extent of development already built and being built at Barangaroo South. This proposal increases overshadowing, creates further wind tunnels, removes remaining sunlight

from residences, particularly 30 and 38 Hickson Rd, and increases noise and traffic. A dark tunnel will be created in Hickson Rd at numbers 30, 38. This plan proposes no setback of the higher levels of Block 5 from Hickson Rd, removing the earlier proposed podium, thereby bringing the structure closer Hickson Rd and Kent St residences. These serious impacts have been ignored in the Response to submissions. Ref the Plan for the building envelope on Page 67 of the RtS report by Mecone.

8. Impacts on residential apartments lower than Level 15 in Strata buildings along Kent St have been ignored, yet these are the levels most affected. Loss of remaining harbour views and loss of sunlight mean loss of value and loss of amenity for many residents. This is totally unacceptable as a result of a NSW Government proposed development of a public harbourfront site. In comparison, Crown level 13, and One Sydney Harbour level 9 have been considered in the visual impacts assessment.

9. Iconic views for Crown hotel and residences are protected. It is a development proposal by Government as caretakers of public land that is proposing to remove treasured valuable harbour views for existing residences in Kent St and Hickson Rd. Government must surely respond to a development proposal for Barangaroo without prioritising the interests of one group of residents or owners of a building while many others are affected.

10. This proposal reduces further the remaining public harbour views from Gas Lane (they would become a sliver) and the corner of Kent St and High St, High St south, Hickson Rd east side and Observatory Hill west side. Ref Fig 47, page 65, Fig 73 Page 91 and Fig 78 Page 99 of the View-lines impacts report Part 1 by AECOM. The structures blocking views are depicted in the latest version in pale pink, almost opaque, to make them appear less noticeable. This is deceptive.

11. This plan makes no allowance for widening of Hickson Rd – a single lane two-way relatively narrow road - to meet the increased traffic numbers that

will occur with the occupation of numerous new residences at Barangaroo South, those proposed for Central Barangaroo and Hotel occupancy and use, Metro station users drop off and pickup, tourist coaches and access to the parking station at Barangaroo North. Allowance must be made for kerbside stopping areas, bus stops, a taxi rank, ingress and egress for the residences and the hotel etc without impeding traffic flow on Hickson Rd. If the building line is set back sufficiently from Hickson Rd these traffic requirements can be catered for. A shared road as a one-way northern extension of Barangaroo Avenue cannot accommodate these provisions.

12. Overshadowing of Hickson Park will be greater than in the approved plan. Block 5 needs to be set back from the Southern boundary of the site and reduced in height to minimise this. Hickson Park, a small pocket park, provides some respite from the multiple high towers of offices and residences in Barangaroo South and surrounding areas. Overshadowing and creation of wind tunnels have become a notable unpleasant effect from development at Barangaroo South. Interestingly, shadow diagrams in the latest proposal related to Hickson Rd refer to time periods up to 2pm. Given that sunlight currently enters the affected buildings in Hickson Rd and Kent St mostly after 2pm, (the windows largely face West), I ask for a review of the overshadowing report based on the true effect on residential buildings to the East of the Central Barangaroo site.

13. Objections from East Balmain and Pyrmont in respect of blocking of their views of the Heritage Precinct have only been addressed in respect of the NW tower, but other Heritage views will still be blocked. These areas will also be impacted by noise from any large events staged on the harbour park, as currently proposed. Ref Fig 94 Page 119 of the View Impacts report Part 1 by AECOM. The still relatively narrow, likely wind-blown, pathways E-W between the blocks do not allow for an appreciation of the character and Heritage of Millers Point. Were all the buildings to be below the ridge line, this would improve the views to Millers point, though views of the heritage sandstone wall and steps still need consideration.

14. Buildings on Central Barangaroo must provide predominantly public amenity, as per the brief for this site when development of South Barangaroo was approved. Central Barangaroo was not intended to be a de facto sell-off of public harbourfront space for private luxury apartments and a hotel.

15. The proposed increase in GFA from 47,000sqm to 104,000sqm in Central Barangaroo to accommodate 6 luxury residential blocks and 1 hotel tower provides no additional beneficial amenity to the public and increases negative impacts. Such bulk and scale of the building envelope were not the stated intention for this public harbourfront land next to the highly developed Barangaroo South. Central Barangaroo was designated as a public cultural and recreation precinct to balance and support the extensive high-rise office, residential and commercial built environment at Barangaroo South, with provision of much-needed public open space and amenity for the well-being of residents and workers within Barangaroo South and the inner-city. The 47,000sqm GFA approved prior to the Mod 9 proposal would have limited the private ownership and building bulk to a more acceptable level. There is no justification for adding benefit to a developer while reducing public amenity.

16. A less impactful approved plan already exists. Potential developers of the Central Barangaroo site already know what the approved plan is and should have no expectations in excess of this.

The minimum public space GFA is miniscule compared with the extent of private commercial and residential building that is proposed, recently completed or under construction on this public harbourfront land at Barangaroo.

There needs to be a significant reduction in private commercial and residential GFA.

There is already a significant increase in the number of apartments approved or under construction in the CBD and Barangaroo South. The proposed luxury residential buildings and hotel have little merit and provide no benefit to the public who owns this land.

17. Advertising by Government of Heritage homes for private purchase attached significant value to the water and distant views and sunset vistas.

The Strata residential buildings and Langham Hotel along Kent St carry significant value directly related to the harbour vistas and local iconic public views. The Bond buildings at 30 and 38 Hickson Rd will be forced to exist in a 'dark tunnel'.

This State Government proposal for public harbourfront land knowingly will remove value and amenity for large numbers of existing residents and the Langham Hotel. This is a 'sell-off' of at least half of the remainder of the Barangaroo public site to private interests with no compensation for the loss of amenity, valuable iconic views and loss of sunlight for existing homes.

18. A tokenistic Harbour Park with criss-crossing concrete pathways, and a shared road, with commercial use as a priority for the greenspace at the Northern end, does not equate to a vision that warrants the description of 'world class'. Hickson Park will also contain a wide pedestrian thoroughfare cutting through it.

19. Large outdoor events on public greenspace restricts full public access to the most attractive part of the site as designed. Such events will create noise disturbance to residents in the vicinity and across the harbour to Balmain and Pyrmont. Any commercial events proposed for Central Barangaroo must be catered for within the building envelope to the East of the proposed park or in the renewed Cutaway. I object to this commercialisation of public greenspace, particularly the installation of structures that will block iconic views and reduce the publicly accessible green space citizens of a high-density city need. It is tantamount to degrading a precious public asset.

20. Please assure myself and other concerned citizens of NSW that the Stargazer lawn above the Cutaway will retain the extent of publicly accessible grassed area and green landscaping that currently exists, and that the site will not become a frequent commercial opportunity that would restrict play area for children and limit passive recreation use for residents and visitors.

21. The demographic centre of Sydney now lies west of Parramatta. Large events would be best concentrated at underutilised venues in Homebush and areas in and west of Parramatta. Harbourfront land is best optimised as attractive public open space for passive and active recreation. Large events are best held in suitable dedicated entertainment structures in locations where they are most needed.

22. The site is named Barangaroo after a significantly historical Aboriginal woman, yet this proposal shows little respect for the waterways and land that existed in her time. Were Central Barangaroo to become a space for all to enjoy, incorporating Aboriginal and more recent history, without privatising at least half of what is left with concrete structures for the wealthy few, it can become a special place for the enjoyment of all, and be recognised abroad for the wonderful assets Australians hold dear.

23. Health benefits have not been maximised. Noisy events and built form, and concrete swathes through the parks are not conducive to better mental health or local climate improvement.

24. Buying carbon credits to offset what the building environment will create is not the way forward, but a masking of further negative impacts on the local environment. Greening of our city's waterfront space is the better way to contribute to improving the local environment.

Submissions made in response to MOD 9 and earlier modifications provide enough guidance to help achieve an acceptable, optimum outcome for this public harbourfront site. I ask that this proposal be refused, and a new one be presented that truly addresses the objections and concerns raised and ensures an optimum outcome at Central Barangaroo for the citizens of NSW.

21 February, 2024

Attn: Minister Paul Scully
NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy St
Parramatta NSW 2150

Dear Mr Scully,

Re: Submission on Proposed Amendments to Concept Plan 06_0162, Central Barangaroo – Response to Submissions (2024 Exhibition)

Please find attached our submission on the revised Mod 9 proposal prepared in Response to Submissions. Our submission, whilst acknowledging that modifications to the previously exhibited concept have been made, outlines our continued concern regarding the bulk and scale of the proposed development and the adverse impacts it will impose upon the Langham and the wider Millers Point area.

Given the serious implications of the Mod 9 application we respectfully request that the impacts of the proposal are interrogated further and that the proposal is revised to reflect the scale and form anticipated by the original Concept Approval.

Best regards,
Shane



Shane Jolly
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GYDE

Barangaroo Central

Submission on Proposed Amendment to Concept Plan MP
06_0162 – Response to Submissions Proposal

**Submitted to NSW Department of Planning, Housing and Infrastructure
Prepared by Gyde Consulting on behalf of The Langham Hotel**

20 February 2024

Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

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Appendix A Indicative Built Form Principles Interpretation

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1. Introduction

GYDE Consulting has been engaged by The Langham Hotel to review and make a submission on the Response to Submissions (2024 Exhibition) of MP06_0162-Mod-9 (the '2024 MOD 9 Application').

The 2024 MOD 9 Application scheme proposes amendments to the 2022 Exhibition scheme. This includes removal of the large residential tower located within Block 7, reduction in overall permissible gross floor area, slight reductions to building heights and changes to the proposed urban design guidelines and design excellence strategy.

The 2024 MOD 9 Application still seeks to modify the existing Concept Plan Approval for Concept Plan 06_0162 - Barangaroo (the 'Concept Plan'), to provide for a mixed-use development at Barangaroo Central including a building envelope up to a height of RL 42.45. In addition, to align with the Concept Plan Approval modifications, the application involves proposed amendments to *State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021* (the 'Eastern Harbour SEPP').

This submission concludes that the 2024 MOD 9 Application proposal continues to introduce major and adverse development changes at Barangaroo Central and to the surrounding locality. These include significant impacts on the state heritage listed Millers Point area and its setting within the wider Sydney Harbour, catastrophic impacts on the Langham Hotel in terms of visual bulk and scale, and complete disregard for the overarching principles that have guided development of Barangaroo since the approval of the Concept Plan and throughout various modifications.

The supporting consultant reports and proposed urban design guidelines provide no certainty for the Department of Planning, Housing and Infrastructure (DPHI), stakeholders or the public as to the outcome of the proposed envelope changes or the actual impacts so as to enable an adequate assessment of the environmental and social impacts of the proposed amendments. At a minimum, a comparison against the first principles block forms established within the approved Concept Plan should have been provided to inform the future design strategy for the site, rather than seeking to delete all reference to these original built forms to instead require a comparison against a fully exploited box envelope with no articulation.

The 2024 MOD 9 Application proposal should be subject to further interrogation and reflection of previous decisions and outcomes within the Barangaroo development. This will ensure that any subsequent development that would be facilitated by the proposed changes to the Concept Plan and Eastern Harbour SEPP, and any subsequent SSDA, will reflect the intent of the original Concept Plan, provide certainty to surrounding landowners, stakeholders and the general public, and generally align with current public expectations of development on the site.

1.1 The Site

The 2024 MOD 9 Application refers to a portion of land at Lot 52 DP1213772, known as Blocks 5, 6 and 7 as defined by the Concept Plan and subsequent modifications.

Figure 1 below provides an aerial image of the Barangaroo Central site.



Figure 1: Barangaroo Central, subject site outlined in red.

1.2 Surrounding Context

The site is in Barangaroo, north-west of Sydney’s central business district.

To the immediate north of the site are the public parklands of Barangaroo Reserve and Nawi Cove; valuable green open spaces at the edge of the Sydney Harbour foreshore.

To the south of the site are the commercial towers of Barangaroo South, including the prominent Crown Towers.

To the east of the site is historic Millers Point and Observatory Hill, a locality of state heritage significance containing numerous items of state and local historical value.

To the west of the site is the Sydney Harbour.

Figure 2 below provides an aerial image of the Barangaroo Central site and surrounding context.



Figure 2: Surrounding context, subject site outlined in red.

2. Planning History

2.1 Concept Plan 06_0162 - Barangaroo

Approved in 2007, the Concept Plan outlined the future development of Barangaroo within the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*. This assessment report detailed strategies, guidelines and development controls to provide for the creation of an innovative and iconic precinct on Sydney Harbour, featuring recreational and mixed-use development.

In the period between 2003 and 2007, development of the Concept Plan involved rigorous analysis and testing. The principles of the Concept Plan were subject to a comprehensive investigation including a two-staged international urban design competition, extensive stakeholder and industry consultation, two phases of public exhibition, and detailed testing and refinement of land use options. The result was a well-considered Concept Plan with complementary development controls reflecting international leading practice in urban design and place-making.

2.1.1 Concept Plan Strategies

The Concept Plan nominated the following key elements by which the competition winning urban design scheme supported the strategy for renewal at Barangaroo. These elements have underpinned the delivery of development at Barangaroo since its inception.

Several key strategies of the Concept Plan relate to the intended built form of the Barangaroo Central site, as well as the preservation of significant views in the area. These key strategies include:

“Higher density development is to be focused towards the southern end of the site, linking into existing higher density development at King Street Wharf and the western edge of the CBD. The scale of development will reduce towards the northern end of the site, where built form meets the Headland Park.”

*“The design of the public domain will allow visitors to **appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points**, including the sandstone cliffs and Observatory Hill.”*

*“The strategy for EDH is based on **protecting and enhancing the surrounding townscape and views**, and telling the history of EDH through the design of the public domain and public art.”*

*“The **major views** over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be **improved** with the removal of the existing stevedoring sheds and their replacement by parkland or **low scale development**. **Views from Observatory Hill to the water are retained** by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.”*

(Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 8.0).

2.1.2 Concept Plan Design Principles, Design Requirements and Development Controls

Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines a range of design principles, design requirements and development controls that underpin the intended built form at Barangaroo. The principles ensure the Concept Plan Strategies may be achieved by setting out guidelines for future building envelopes. Figure 3 contains some of the Section 13.0 diagrams indicating built form at Barangaroo Central.

Section 13.0 was given statutory force in a number of ways:

- Condition B4 required any developments to provide a comparison between the built forms proposed and explain any departure. While this did not mandate the built forms in Section 13.0, it clearly established those forms as the default forms, from which any departure would need to be expressly justified. This requirement was replaced as part of MOD 2 by requiring a reference to the MOD 2 design guidelines which made no change to the block form controls outlined in the original concept approval, and introduced additional design principles. However, put in the context of the 2024 MOD 9 Application, Condition B4 could not be used to assume, as the application documents do, that a block of the maximum height limit would be approved; and
- Condition C2 required future design excellence competitions to consider a comparison against Section 13.0. Condition C2 still exists, but the reference to Section 13.0 is proposed to be amended as part of this application. Presumably, this is because the 2024 MOD 9 Application proposal recognises that it is entirely contrary to Section 13.0. However, that implicit recognition does not extend to carrying out a proper assessment against the true base case.

In short, the 2024 MOD 9 Application is not entitled to assume, as it does, that Section 13.0 and the proposed block forms can be ignored. Whilst we acknowledge that a detailed built form was not approved under the Concept Plan, the built form principles and block ‘controls’ provided a level of certainty regarding the utilisation of the building envelopes and provision of view corridors within each block. These principles and block ‘controls’ have not been replaced, revised or superceded by any of the subsequent modifications in relation to Central Barangaroo and therefore should form a base line for comparison of any future SSDA.

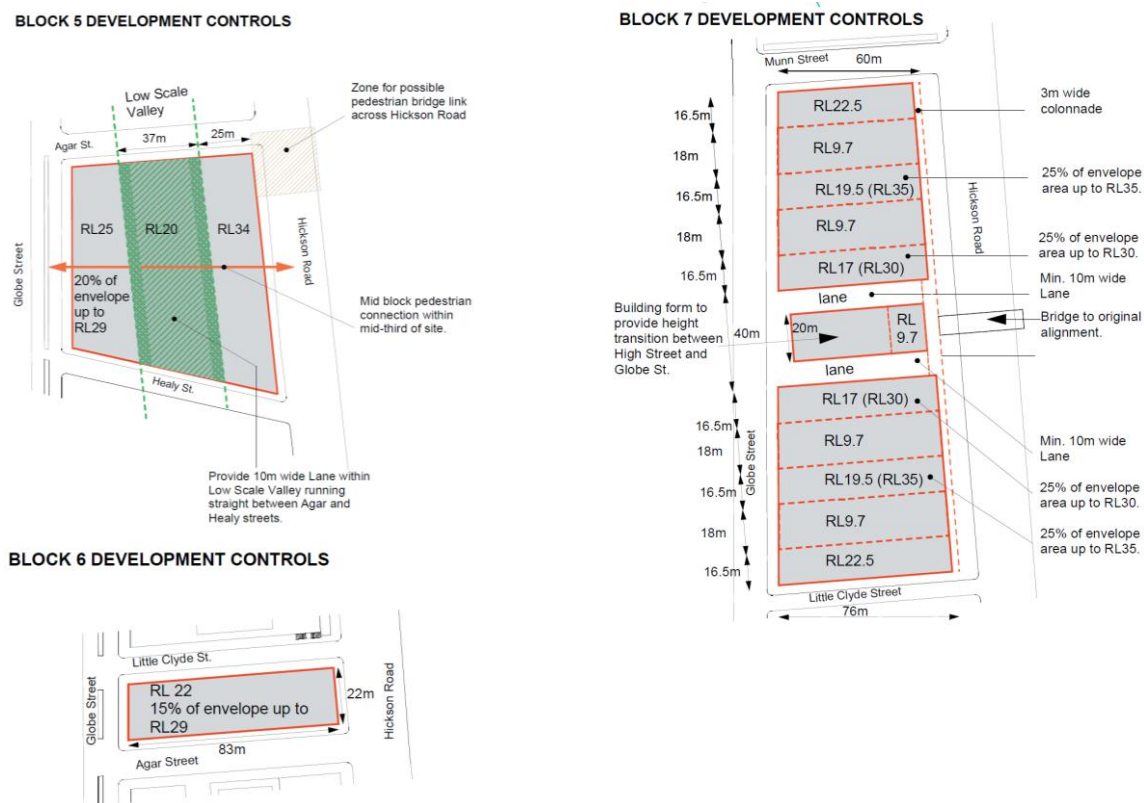


Figure 3: Section 13.0 Diagrams

Details of the Concept Plan design principles, design requirements and development controls as they relate to the indicative building envelope at Barangaroo Central have been provided as part of our original submission but for ease of reference may be found at Appendix 1 of this Submission.

2.1.3 Statement of Commitments

The Concept Plan was reinforced by a set of clear commitments, many of which relate directly to the future form of development at Barangaroo Central. Relevant commitments pertaining to the preservation of key views at Barangaroo Central include: “Views to Millers Point Conservation Area

38. The EDH proposal will **retain views to Observatory Hill Park from public spaces on opposite foreshores**; and retain a **panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park** as shown within the Concept Plan and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

39. The EDH proposal will provide adequate **view corridors over and between new built form to maintain the key attributes of views from Millers Point**. The key attributes to be retained are:

- 1) views to significant tracts of the water,
- 2) the junction of Darling Harbour and the Harbour proper,
- 3) the opposite foreshores,
- 4) panoramic qualities of existing views and,
- 5) the most distinctive views to landmark structures,

as shown within the Concept Plan and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

40. The EDH proposal will retain the ability to **appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point** when viewed from **public spaces on opposite foreshores**.”

98. The built form of development blocks 5, 6 and 7 inclusive will follow the **Design Principles, Design Requirements, and Development Controls as set out in Part B** and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.

As outlined in Section 3.3, the proposed amendments to the Statement of Commitments indicate a disregard for key themes and principles that have remained throughout the development and modification of the Concept Plan, including the significant changes sought and assessed by the Planning Commission (now IPC) as part of the Mod 8 approval.

2.2 Concept Plan Modifications

While there have been several subsequent modifications to the approved Concept Plan, these modifications largely involve detailed design amendments for specific sites and development proposals. Overall, the underlying principles and primary controls contained in the Concept Plan, including design principles relating to Central Barangaroo (being Block 6, 7 and 8) have been retained and consistently applied as development of the wider Barangaroo site has progressed.

Detailed design guidelines for Barangaroo Central have not been proposed within subsequent modifications, and the Concept Plan design principles, design requirements and development controls remain relevant.

The 2024 MOD 9 Application asserts that no design principles or built form controls apply to the Central Barangaroo site. This relies on the fact that the subsequent modifications have superseded the original Concept Plan and Environmental Assessment prepared by JBA Urban Planning (2006). In fact the subsequent modifications have focussed on other elements of the Barangaroo precinct, progressively detailing specific principles and built forms to other parts of the precinct as the development has evolved. There has at no point been a detailed analysis of the design principles and built form for Central Barangaroo until the 2024 MOD 9 Application. It is not that there are no principles, it is just that they have not been revised or updated since the original approval. Therefore, in our view, a comparison of the built form

envisaged by the 2006 Concept Plan against the principles and design guidelines proposed in the 2024 MOD 9 Application is required to adequately assess the environmental impacts of the proposed changes.

2.3 Indicative Building Envelope of the Concept Plan

The anticipated rise and fall of the approved building envelope is clearly shown in the view impact assessment undertaken as part of the Heritage Report prepared for the original concept approval and the Built Form Principles included within the Environmental Assessment for MOD 2.

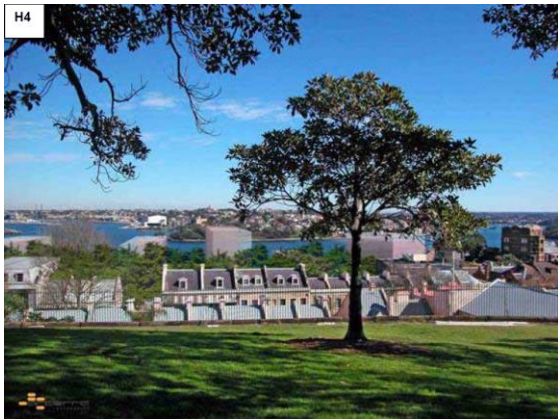


Figure 4: View from Observatory Hill of approved concept building envelope.

(Source: *City Plan Heritage Impact Assessment Attachment B* (September 2006), prepared by Arterra Interactive).

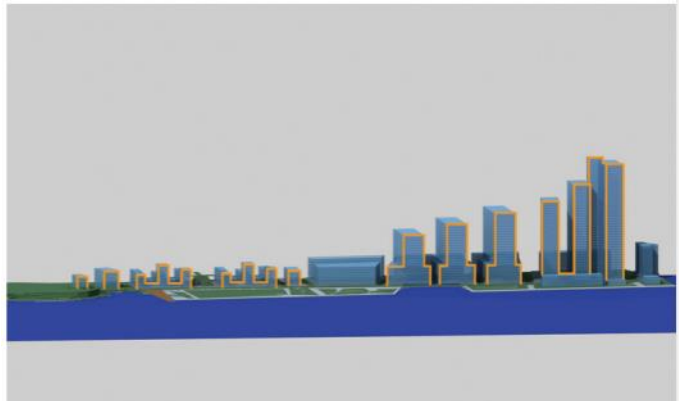


Figure 5: Extract from Mod 2 Built Form Principles

(Source: *Section 7.3.3 Part 3A Assessment* prepared by MG Planning, 2008).

3. Response to Submissions Amendments

3.1 Amendments to the Eastern Harbour SEPP and mapping

The 2024 MOD 9 Application continues to propose amendments to the Eastern Harbour SEPP. These are summarised below with our commentary.

3.1.1 Land Zoning

The 2024 MOD 9 Application seeks to amend the site’s Land Zoning map by:

- Extending the southern boundary of Block 5 further south to encroach into land zoned RE1 Public Recreation.
- Subsequently moving the B4 Mixed Use zone boundary to the south to align with the relocated Block 5 boundary.

A comparison of the existing and proposed Land Zoning maps is provided in Figure 6 and Figure 7 below.



Figure 6: Existing Land Zoning

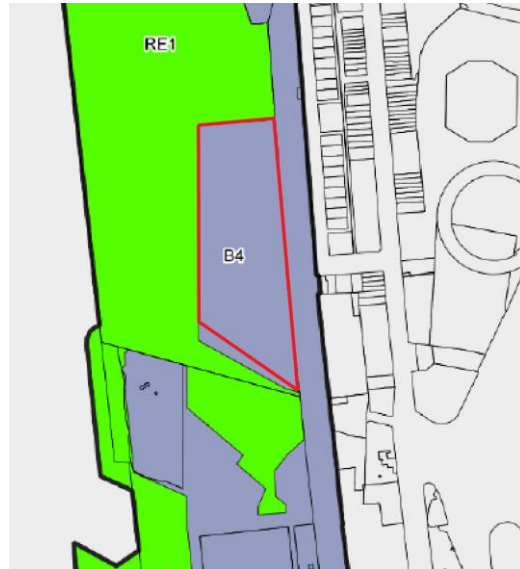


Figure 7: Proposed Land Zoning

3.1.2 Height of Buildings

The 2024 MOD 9 Application also seeks to amend the Height of Building map applicable to the site by:

- Revising the boundary lines delineating Blocks 5, 6 and 7 to reflect changes to the zoning maps outlined
- Amending the maximum height of buildings within each development block as outlined in Table 1 below:

Table 1: Proposed amendments to Height of Buildings map

Development Block	Existing Height	Exhibited Proposed Height	Proposed Height
Block 5	RL 34	RL 44.5	RL 21.5 RL 31.2 RL 33.75 RL35

			RL 42.45
Block 6	RL 29	RL 38.7	RL 35
Block 7	RL 35	RL 73.7	RL 35

A comparison of the existing and proposed Height of Buildings maps is provided in Figure 8 and Figure 9 below.

We note that there is no longer a proposed change to the height of Block 7, following the removal of the proposed residential tower. However, the disregard of the built form principles for each block, which set the base line for development within this area of Barangaroo, results in a form with significant adverse impacts for the site and its surrounds.

If the full building envelope is utilised, the additional impacts are catastrophic to the Langham as discussed in Section 4.3 and as shown in **Figure 15** - Figure 20. The increase in height to Block 6 and significant height increase to Block 5 result in adverse view impacts to and from the Millers Point area and the Sydney Harbour.

A notable feature of the proposed modification is that there are very detailed height limits proposed for Block 5 at different areas of the site. This contrasts with the existing Concept Plan which has only one height limit for each block. The developer is clearly seeking to lock in detailed height limits in the 2024 MOD 9 Application in a way that was not done for the original Concept Plan application. This raises concerns for Block 6 and 7 where this would indicate a desire by the applicant to exploit the entire envelope with articulation provided outside the sought building envelopes.



Figure 8: Existing Height of Buildings

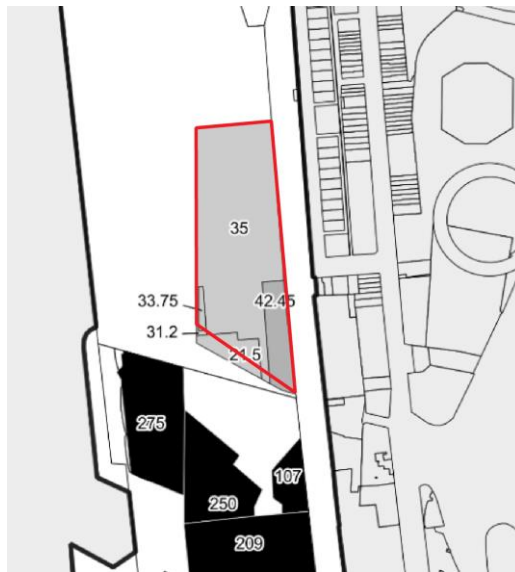


Figure 9: Proposed Heights of Buildings

3.1.3 Gross Floor Area

The 2024 MOD 9 Application proposal seeks to amend the site's Gross Floor Area map by:

- Extending the southern boundary of Block 5 further south.
- Removing the GFA allocation for each block in Central Barangaroo.
- Introducing a maximum GFA allocation for all of Central Barangaroo of 104,000sqm (11,908sqm of which is proposed to be below existing ground level). This is a reduction of 40,355sqm from the exhibited scheme.

A comparison of the approved and proposed Gross Floor Area maps is provided in and below.

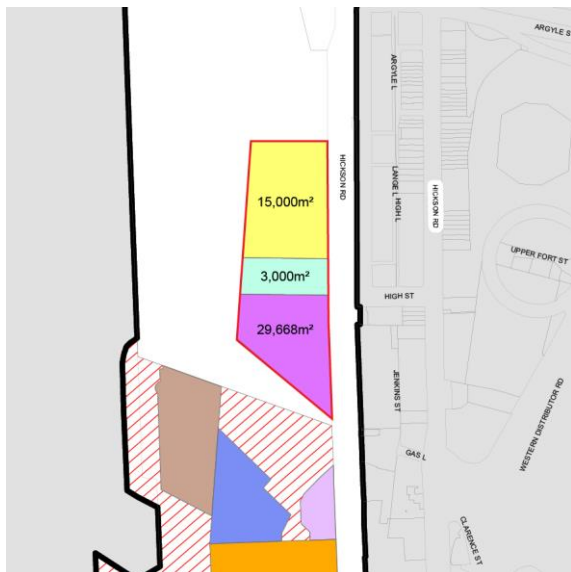


Figure 10: Existing Gross Floor Area.



Figure 11: Proposed Gross Floor Area. An amendment to the written instrument proposes that 11,092sqm of the overall GFA is to be below existing ground level.

The 2024 MOD 9 Application proposes a blanket GFA across the three blocks of Central Barangaroo. This creates further uncertainty regarding the bulk and scale of development and exploitation of the building envelopes.

3.2 Changes to the Instrument of Approval

The 2024 MOD 9 Application proposes changes to the Instrument of Approval, of note to this submission are:

- Inclusion of Condition B4

(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.

This proposed change effectively provides more uncertainty for the density of the proposed blocks and utilisation of the building envelopes. As discussed further below, the principles and built form guidelines provide no guidance on the application of bulk within the envelopes and in fact provide for additional bulk outside of the envelopes to provide articulation.

- Amendment to condition C1

C1 Future Building/s on Block 5

Any future development application/s within Block 5 is to satisfy the following:

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:

i. from Millers Point and Observatory Hill to the western part of Sydney Harbour; and

ii. from Block Y to the Sydney Harbour Bridge and the Opera House; and

b) be supported by shadow diagrams demonstrating compliance with the overshadowing limits specified in B3 (1) d) and B3(2).

The proposed amendment to this condition is unacceptable. It effectively enables further detailed development applications to be assessed against a benchmark of the proposed building envelopes at their full extent. Given the proposed heights for Block 5, and their impact on views from Millers Point, this amendment effectively frustrates future good design alternative and provides a discharge of one of the fundamental principles and commitments of the Barangaroo precinct to retain and protect these key views and connections.

- Amendment to condition C2 (D) Design Excellence

(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:

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;***

The proposed change to Condition C2 will result in any future Design Competition for Central Barangaroo to disregard the first principles of proposed development within the precinct. This is unacceptable and a fundamental change to the parameters of potential development within the Central Barangaroo site. This raises significant concerns for surrounding landowners and stakeholders as to the potential impacts and change to the current expectations set out by the Concept Plan.

3.3 Changes to the Statement of Commitments

The 2024 MOD 9 Application proposes changes to the Statement of Commitments, of note to this submission are the proposed changes for Commitment 98 as follows:

98. The built form of development blocks 5, 6 and 7 inclusive will follow the design guidance set out in the Central Barangaroo Urban Design Guidelines prepared by SJB (November 2023). Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.

~~*99. The built form of development Block 5 shall be consistent with the performance based urban design controls contained in Table 1 to Section 2.1.1 of the Barangaroo Part 3A Modification Report – Commercial Floor Space Preferred Project Report prepared by MG Planning dated October 2008. In cases where the design is not consistent with the control objectives, justification should be given as to why the control was not applicable and what attributes of the design have been provided in lieu to ensure that the Built Form Principles of the Consolidated Concept Plan or design excellence can be achieved.*~~

The deletion of Commitment 98 will result in future development at Central Barangaroo having no requirement to consider the fundamental and long-standing built-form principles for development within the Precinct. The Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning, together with the Concept Approval heights have set a standard and level of expectation for delivery of development with the Central Barangaroo precinct. To enable the proposed changes to the Commitments without a true comparison and assessment of impact from the deletion of these principles does not follow due process nor is it a reflection of good planning.

3.4 View Impact Assessment

A revised view impact assessment has been completed and accompanies the 2024 MOD 9 Application. As asserted in our previous submission, we believe that a comparison of the building envelopes as depicted in the *City Plan Heritage Impact Assessment 2008* and the *Design Principles, Design Requirements, and Development Controls* as set out in Part B and as amended by the *Barangaroo Modification Report dated June 2008* prepared by MG Planning should be part of the assessment of the proposed modification changes.



Figure 115 Visualisation showing the development envelope of MOD 9 - R1S (Arterra Interactive, July 2023)

The updated Visual Impact Assessment acknowledges that the increase in height of Blocks 5 and 6, together with the extension of the block form, eradicates any views of the water from the Langham Hotel. The Visual Impact Assessment suggests that the 2024 MOD 9 Application scheme will “*help break up the visual bulk of the development within the view*”.

It is our position that this not achievable without providing for a variety of height and articulation within the proposed building envelope, as envisaged by the original Concept Design Principles, principles which are not reflected in the Urban Design Guidelines proposed.

3.5 Design Principles and Urban Design Guidelines

The 2024 MOD 9 Application includes the newly revised urban design report, *Central Barangaroo Urban Design Report and Design Guidelines*, prepared by SJB and dated 28 November 2023 (the ‘2024 Urban Design Report’).

The 2024 MOD 9 Application proposes to amend the Instrument of Approval for the Concept Plan, requiring that development on Blocks 5, 6 and 7 comply with the 2024 Urban Design Report. This amendment is not

acceptable for the site at Barangaroo Central as it would introduce a new baseline for development that would adversely impact the quality of site's future development for the following reasons:

1. The 2024 Urban Design Report states that *"the proposed envelope amendments are developed from the approved Concept Plan envelope"*. This statement is particularly concerning as the 'approved' Concept Plan envelope is misrepresented by the 2024 Urban Design Report, ignoring the longstanding principles intended to guide development by the Concept Plan and contained within Section 13.0.
2. The proposed building envelope deletes almost all articulation of the building's façade and height, with the exception of a small area within the south west portion of Block 5. It is particularly concerning that this area of detail is so defined for Block 5, and suggests an intention to develop the remainder of the site to the height of the proposed RLs across the entire extent of the site's footprint.
3. The proposed height increase of Block 6 eliminates the important depression in height that was always intended to preserve significant view corridors to and from the terraces of Millers Point and the surrounding harbour foreshore. This aspect of the design had remained consistent in the Concept Plan. The design guidelines now propose to increase the height of Block 6 to RL 35, instead imposing significant bulk right across the harbour views of public areas of state heritage significant Millers Point.
4. The deletion of the existing block boundaries, the extension of Block 6 to the north and the extension of Block 5 to the south flouts the specific design intentions of Barangaroo's development blocks and the considered location of the approved east-west streets. The proposal would increase building bulk across the site and degrade visual amenity for the surrounding locality.
5. If approved, the 2024 Urban Design Report would enable the delivery of two narrow laneways flanked by street walls measuring up to RL35 (over 10 storeys). The same interface is proposed for the adjoining public spaces of Nawi Cove and Hickson Park. Such a proposal would deliver an extremely poor quality of space for the adjoining public domain and represents poor urban design generally.

3.6 Heritage Impacts

A revised Heritage Impact Assessment has been provided as part of the 2024 MOD 9 Application. This submission letter is accompanied by a response from GBA (at Appendix B) which outlines the negative impacts of the revised proposed on the Millers Point Historical Cultural Landscape.

The 2024 MOD 9 Application references the reduction in height of the proposal as mitigating heritage and visual impacts. We would note that the 2024 MOD 9 Application, whilst reducing the heights proposed by the original Mod 9 Application are increasing the heights across the Central Barangaroo site in comparison to those currently approved; significantly in respect of Block 5. A key recommendation is that the 2024 MOD 9 Application proposal should look to integrate the retention of broad view lines and not limit such views to and from Millers Point to isolated and narrow sight lines.

4. Key Concerns and Impacts of 2024 MOD 9 Application

4.1 Misrepresentation of the Approved Building Envelope

The 2024 Urban Design Report represents the 'envelope parameters' of the approved building envelope for Central Barangaroo as follows:

- “The approved concept plan envelope is for three blocks with two central east-west through-site links.
- The north and south blocks present significant length along Hickson Road at 110m and 111m.
- The building heights allowed are midrise with top RLs of 35, 34 and 29.”

Figure 12 and Figure 13 below illustrate the approved building envelope as depicted by the 2024 Urban Design Report.



Figure 12: Approved concept plan envelope with RLs according to the 2024 Urban Design Report. (Source: Central Barangaroo Urban Design Report and Design Guidelines, prepared by SJB, 28 November 2023).

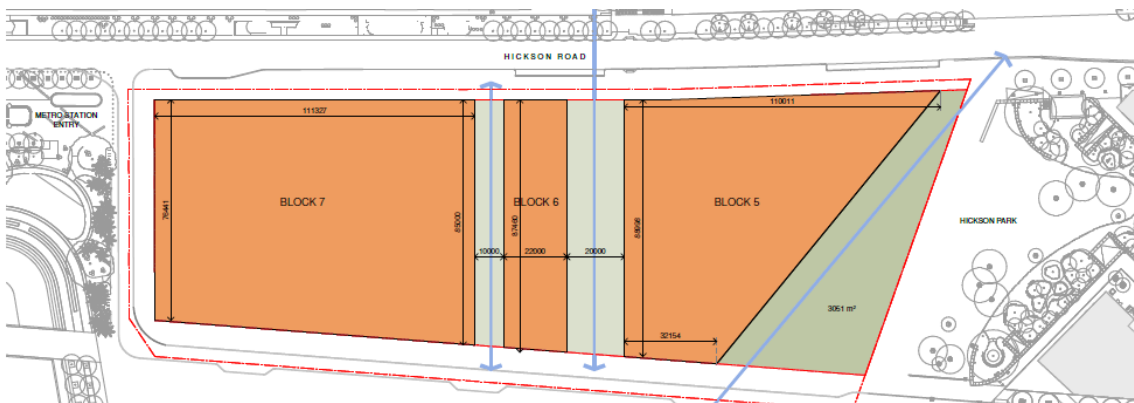


Figure 13: Plan of the approved concept plan envelope according to the 2024 Urban Design Report. (Source: Central Barangaroo Urban Design Report and Design Guidelines, prepared by SJB, 28 November 2023).

As detailed in Section 2.3 and Appendix 1 of this submission, the approved building envelope for Central Barangaroo features far more detailed articulation than is represented by the 2024 Urban Design Report.

The Concept Plan included guiding principles and development controls to articulate the building envelope of Blocks 5, 6 and 7, in conjunction with the overall maximum height of buildings mapped in the Eastern Harbour SEPP. These design principles and controls did not envisage that the building envelope would maximise the permissible heights across the entire development blocks. For example, the design controls envisaged that only 15% of the Block 6 envelope would be up to RL29 and only 20% of the Block 5 envelope would be up to RL29. The design controls for Block 7 envisaged a variable and articulated height to allow view corridors through the building rising from RL9.7 to a maximum of RL35.

The 2024 Urban Design Report’s representation of the approved building envelope is misleading and erroneous, exhibiting an overall disregard for the carefully considered built form controls that have been established to ensure development at Barangaroo Central provides urban design outcomes that are appropriate for the setting.

4.2 Unacceptable Proposed Building Envelope

The 2024 Urban Design Report proposes a building envelope that varies in height from RL 21.5 to RL 42.45, as illustrated in Figure 14 below.

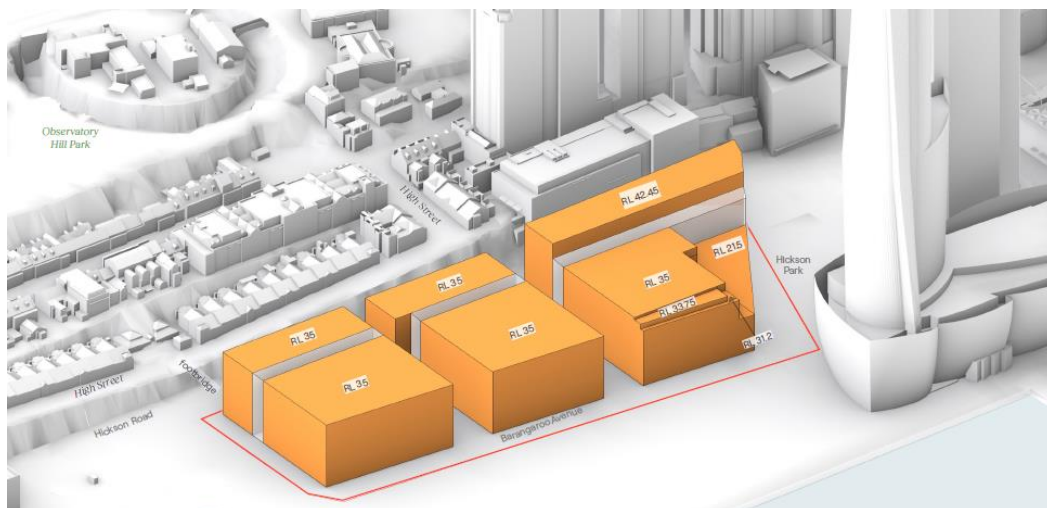


Figure 14: Proposed envelope with RLs. (Source: *Central Barangaroo Urban Design Report and Design Guidelines*, prepared by SJB, 28 November 2023).

The proposed building envelope is not an acceptable outcome for the Central Barangaroo site, demonstrating poor urban design outcomes and adversely impacting the surrounding context.

1. Misrepresentation of the approved building envelope

As detailed above, the 2024 MOD 9 Application inaccurately depicts the approved building envelope. This misrepresentation of the baseline building envelope is thus a mischaracterisation and an underexaggeration of the extent of impact of the ensuing proposed envelope.

2. Overdevelopment of the subject site

The proposed building envelope is an overdevelopment of the Central Barangaroo site, beyond that which was ever anticipated under the Concept Plan.

The built form at Central Barangaroo was always intended to provide a comfortable transition in scale to the adjacent Headland Park, with a design of varying building heights, including many 'low valleys' through each development block.

The proposed envelope instead seeks to maximise yield at the expense of numerous adverse impacts on the site and the surrounding context. The proposed envelope exceeds the approved building height and GFA, increases the footprint of each development block, adversely impacts significant views, reduces solar access, reduces public open space and degrades the amenity of the wider setting. Weak justification is provided to account for the excessive bulk and scale proposed.

A notable feature of the proposed modification is that there are very detailed height limits proposed at different areas of the site. This contrasts with the existing Concept Plan which has only one height limit for each block. The developer is clearly seeking to lock in detailed height limits in the MOD 9 application in a way that was not done for the original Concept Plan application.

3. Obstruction of significant public views

The proposed building envelope would unreasonably obstruct historically significant and valuable public views and degrade the visual amenity of the setting when viewed from surrounding vantage points.

The 'low valleys' envisaged in Section 13.0 of the Concept Plan provide for significant east-west view corridors, designed to *"protect and enhance the surrounding townscape and views"*.

The proposed building envelope would significantly alter the character of the surrounding area, imposing sizeable building bulk and scale upon a context that is currently characterised by views of historic terrace houses, wide open public spaces and harbour foreshore and valuable heritage views.

It is noted that the *Statement of Commitments* has, since inception, retained assurances that future development would be controlled to ensure preservation of certain key public view corridors to and from the locality, including that *"future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores"*. Despite this commitment, the unreasonable bulk and scale of the proposed building envelope would entirely obscure views of Millers Point's roofscape of terrace houses from some opposite foreshores.

4. Reduction of public open space

The proposed building envelope intends to extend the southern boundary of Block 5, proposing to replace land that is zoned for public recreation for private floorspace to maximise development yield.

This proposal disregards the important findings of the Barangaroo Design Advisory Panel (October 2015) that informed the current location of the southern boundary of Block 5. The design was adopted to *"ensure a strong and coherent relationship between Hickson Park and the Central Parklands, providing a clear view and safe public access."*

This proposal is further evidence of the proponent's clear intent to maximise private yield and disregard the well-considered and longstanding design strategies that in force to protect public assets.

4.3 View and Visual Impacts

The proposed building envelope that would be permissible under the 2024 MOD 9 Application would impose significant building bulk and scale on the Central Barangaroo site, adversely impacting the unique and highly valuable views to and from the surrounding heritage-listed Millers Point area of wide open harbour and important public foreshore. The proposed building envelope will severely diminish public access to characteristic harbour views for private profit.

Further, the proposed building envelope will have catastrophic impacts on views from the Langham Hotel. The 'rise and fall' of the approved Concept Plan preserved east-west view corridors through the site. The proposed envelope would instead remove all harbour views and severely degrade the amenity of the Langham Hotel and its tourism offering. An analysis comparing the visual impact of both the approved and proposed building envelopes for Central Barangaroo is outlined in Figure 15 - Figure 20.



Figure 15: Indicative Approved Building Envelope. Peacock Point, facing east (Source: Digital Line).



Figure 16: Proposed Building Envelope. Peacock Point, facing east (Source: Digital Line).



Figure 17: Indicative Approved Building Envelope. Level 2 of The Langham Hotel, facing west (Source: Digital Line).

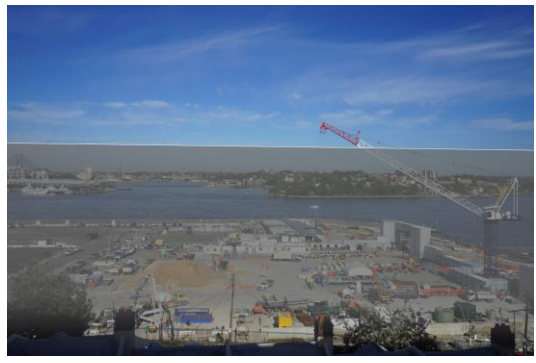


Figure 18: Proposed Building Envelope. Level 2 of The Langham Hotel, facing west (prepared by Digital Line).

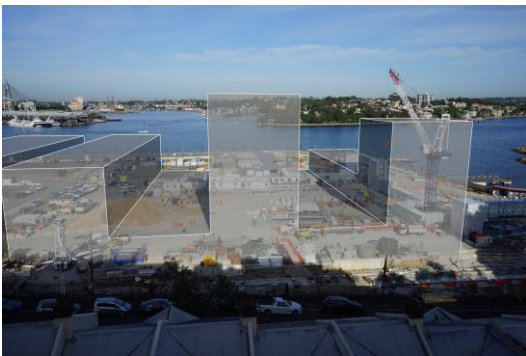


Figure 19: Indicative Approved Building Envelope. Level 3 of The Langham Hotel, facing west (Source: Digital Line).

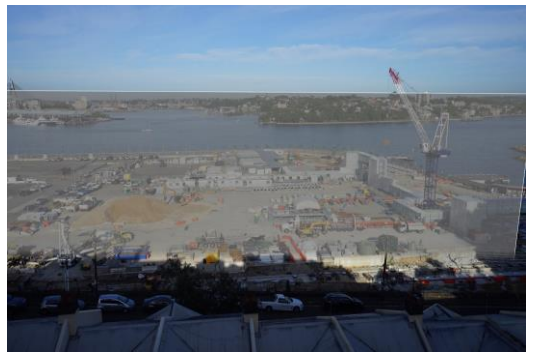


Figure 20: Proposed Building Envelope. Level 3 of The Langham Hotel, facing west (Source: Digital Line)

4.4 Validity and application of s75W of the Environmental Planning and Assessment Act 1979

The Applicant relies on the MOD 9 application submitted in March 2014 and the provisions of s75W in relation to the environmental assessment documentation submitted, which are the subject of the submission. In our previous submission and we note, other submissions received to the exhibited proposal the validity of the reliance on S75W has been raised.

The Response to Submissions proposal does not address these concerns and simply reiterates the sections of the Act, with no justification as how the requirements to rely on s75W have been met. As previously

submitted, the proposed changes sought by the current proposal do not constitute an amendment because of the substantial scale of the variation sought meaning that the correct approach would be preparation of a fresh modification application and revised DGRs (now referred to as SEARs).

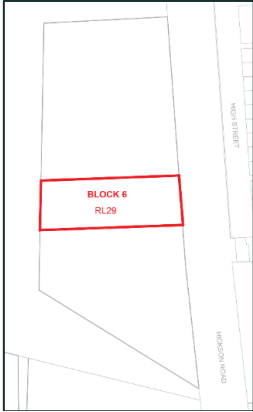
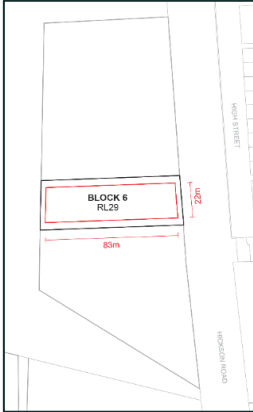
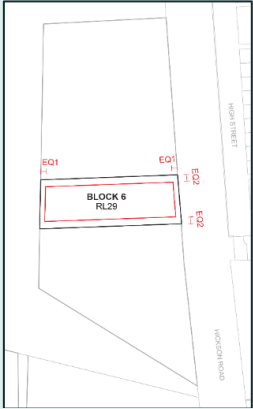
Appendix A

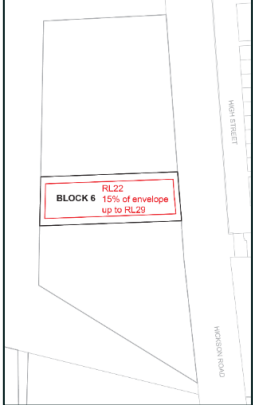
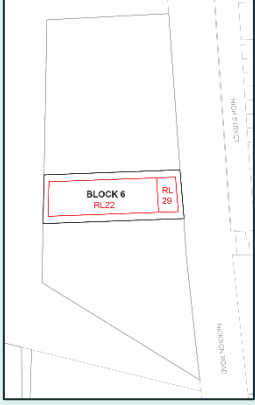
Indicative Building Envelope

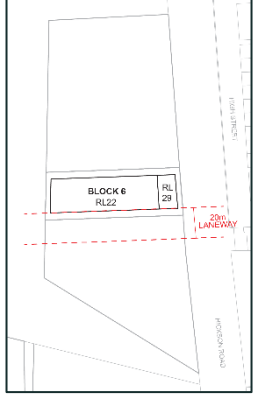
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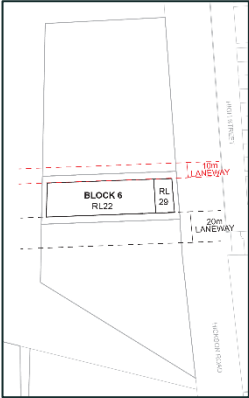
The following table provides an analysis of the design principles, design requirements and development controls influencing the indicative approved building envelope of Blocks 5, 6 and 7 at Barangaroo Central, as detailed in the Concept Plan and subsequent modifications.

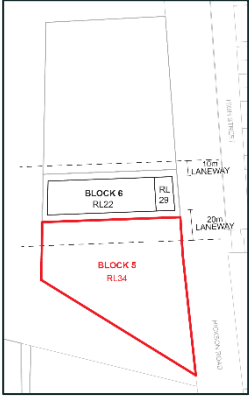
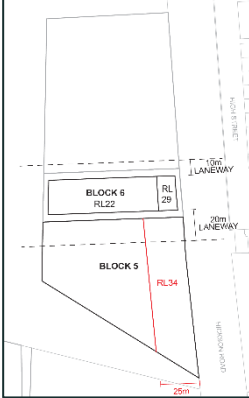
In certain situations, assumptions about the applicable controls have had to be made. These assumptions are highlighted in light blue.

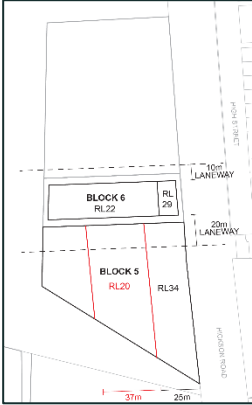
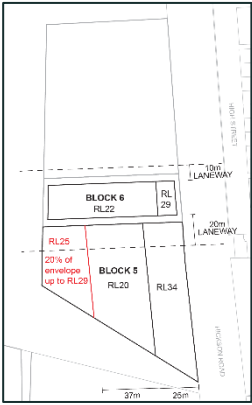
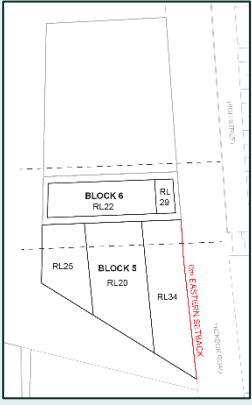
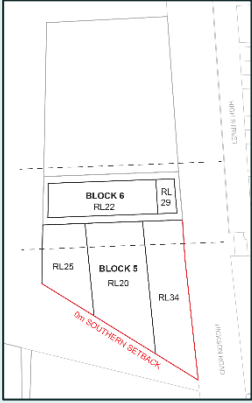
BLOCK 6	
CONTROL	INDICATIVE ENVELOPE
<p>RL29 Building Height <i>(State Significant Precincts SEPP, Height of Building Map)</i></p>	
<p>22m (W) x 83m (D) Building Footprint <i>(East Darling Harbour Concept Plan, p. 132)</i></p>	
<p>Assumption: Building Footprint centred over Block 6 site <i>(East Darling Harbour Concept Plan, p. 132)</i></p>	

BLOCK 6	
CONTROL	INDICATIVE ENVELOPE
<p>RL22 Building Height. 15% of envelope up to RL29 <i>(East Darling Harbour Concept Plan, p. 132)</i></p>	
<p>Assumption: RL29 building height located to the eastern portion of the building (worst case scenario) <i>(East Darling Harbour Concept Plan, p. 132)</i></p>	

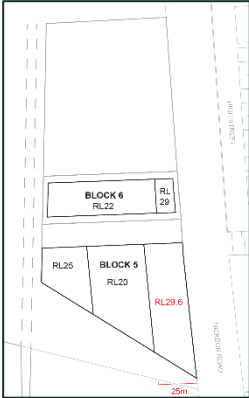
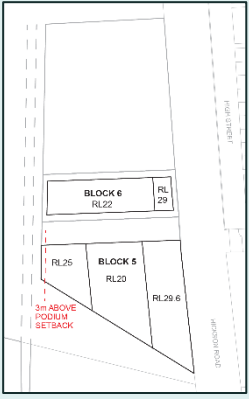
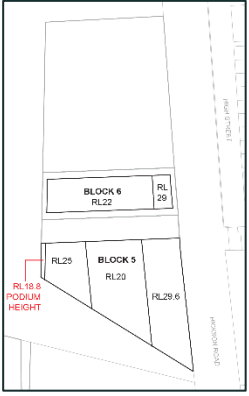
LANEWAYS	
CONTROL	INDICATIVE ENVELOPE
<p>20m wide Agar Street <i>(Barangaroo Part 3A Modification Report, p. 51)</i></p>	

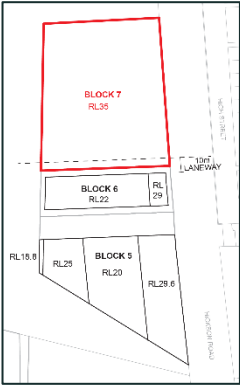
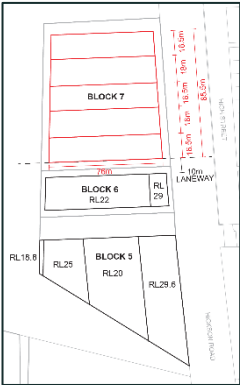
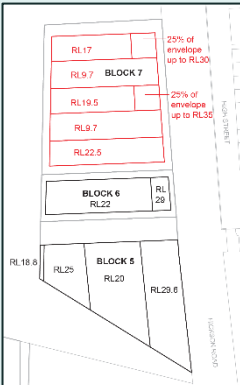
LANEWAYS	
CONTROL	INDICATIVE ENVELOPE
<p>10m wide Little Clyde Street <i>(Barangaroo Part 3A Modification Report, p. 51)</i></p>	

BLOCK 5	
CONTROL	INDICATIVE ENVELOPE
<p>RL34 Building Height <i>(State Significant Precincts SEPP, Height of Building Map)</i></p>	
<p>25m wide built form at RL34 to Hickson Road <i>(East Darling Harbour Concept Plan, p. 130)</i></p>	

BLOCK 5	
CONTROL	INDICATIVE ENVELOPE
<p>37m wide built form at RL20 ('low valley') <i>(East Darling Harbour Concept Plan, p. 130)</i></p>	
<p>RL25 to remaining width to Globe Street. 20% of envelope up to RL29 <i>(East Darling Harbour Concept Plan, p. 130)</i></p>	
<p>Assumption: 0m eastern podium setback (Hickson Road) <i>(0m podium setbacks to buildings in Barangaroo South)</i></p>	
<p>Assumption: 0m southern podium setback Adoption of the 20m wide Block 5 chamfer accounts for the southern building setback. The design was adopted as it: <i>“opens and assures views to the harbour, underpins the amenity of the park and provides greater pedestrian connectivity to the Central Barangaroo Foreshore Parklands”</i> <i>(Determination Report, NSW Government Planning Assessment Commission, 2016, p. 6)</i></p>	

BLOCK 5	
CONTROL	INDICATIVE ENVELOPE
<p>Assumption: 0m northern podium setback <i>(Barangaroo Part 3A Modification Report, p. 51)</i></p>	
<p>Western podium setback (Globe Street) <i>“Street wall or podium is to have a minimum setback of 5m from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses”</i> <i>(MP06_0162 MOD 10 Instrument of Approval, 2020, p. 7)</i></p>	
<p>Assumption: Globe Street Extension located along alignment of existing road as built in Barangaroo South</p>	
<p>Assumption: 0m western podium setback (Globe Street) Assumed location of Globe Street Extension with additional 5m minimum setback (see above) does not encroach into Block 5 site</p>	

BLOCK 5	
CONTROL	INDICATIVE ENVELOPE
<p>25m wide above podium setback to Hickson Road RL29.6 podium or street wall height to Hickson Road <i>“Above podium elements are to have a minimum setback of 25 metres from the Hickson Road street wall or podium edge”.</i> <i>“The podium or street wall to Hickson Road is to have a height of RL29.6 metres (Note: existing ground level = RL2.0)”.</i> <i>(MP06_0162 MOD 10 Instrument of Approval, 2020, p. 6)</i></p>	
<p>Western above podium setback (Globe Street) <i>“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”.</i> <i>(MP06_0162 MOD 10 Instrument of Approval, 2020, p. 7)</i></p>	
<p>Assumption: 3m western above podium setback (Globe Street) <i>3m minimum above podium setback to Globe Street of buildings in Barangaroo South</i></p>	
<p>RL18.8 podium or street wall height to Globe Street <i>“The podium or street wall to Globe Street is to have a height of RL18.8 metres (Note: existing ground level = RL2.0)”.</i> <i>(MP06_0162 MOD 10 Instrument of Approval, 2020, p. 6)</i></p>	

BLOCK 7	
CONTROL	INDICATIVE ENVELOPE
<p>RL35 Building Height <i>(State Significant Precincts SEPP, Height of Building Map)</i></p>	
<p>76m (D) x 85.5 (W) Building Footprint <i>(East Darling Harbour Concept Plan, p. 134)</i></p>	
<p>Assumption: Variable RL9.7 - RL35 Building Height <i>(East Darling Harbour Concept Plan, p. 134)</i></p>	

Appendix B

Heritage Submission by GBA Heritage dated
20 February 2024

GYDE

20 February 2024

Mr Paul Scully
Minister for Planning and Public Spaces
Department of Planning, Housing and Infrastructure



Dear Mr Scully

MP06_0162_MOD 9 OBJECTION TO PROPOSED DEVELOPMENT CENTRAL BARANGAROO

This Objection to the most recently exhibited version of MP06_0162_MOD 9 follows on from the 2022 Objection prepared by GBA Heritage for the version exhibited in 2022.

MOD 9 has undergone minor modifications since exhibition in 2022. Most notable of these is the removal of the residential tower at the northern end of the proposed development. The excessive height of this tower had a major negative impact on the historic functionality between the Sydney Observatory Time Ball and the myriad of shipping in Darling Harbour and Walsh Bay. This modification results in a positive outcome for this aspect of the MOD 9 application.

However, that modification is insufficient. The proposed development will generate major negative heritage impacts on the Millers Point Historic Cultural Landscape, in the immediate vicinity of the subject site. The western relationship between the Cultural Landscape (HCA) and Darling Harbour was formed in the early decades of the 20th Century when the Sydney Harbour Trust erected major new finger wharves and shore sheds along the northern section of Darling Harbour and in Walsh Bay. Integral to this port improvement project was the formation of Hickson Road below a massive new cliff face, and an elevated roadway to link the newly constructed High Street by a bridge to the upper cargo deck level of the new shore sheds. This model of major port upgrading is still evident in Walsh Bay.

The second component of the early 20th Century project was the erection of a row of port workers housing along High Street, replacing much of the plague infested 19th Century slum housing around Millers Point and The Rocks. This 20th Century component of the historic cultural landscape differs markedly from the 19th Century terraced housing along both sides of the Kent Street ridgeline.

The workers housing along High Street is a rare if not unique historic feature of Sydney Harbour. Unlike 19th Century housing, including most of Millers Point, this new institution provided workers with housing facing outwards to the Harbour. This contrasted the earlier housing constructed to face inwards to narrow streets, as had been the tradition elsewhere including Ultimo, Pyrmont and Balmain.

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Incorporated in NSW

ABN 56 073 802 730
ACN 073 802 730

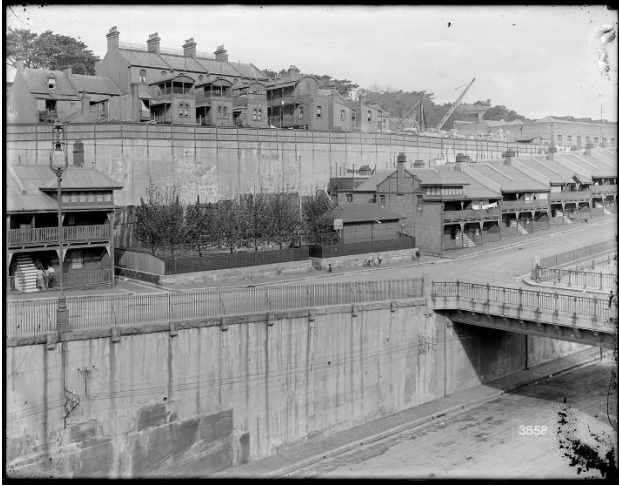
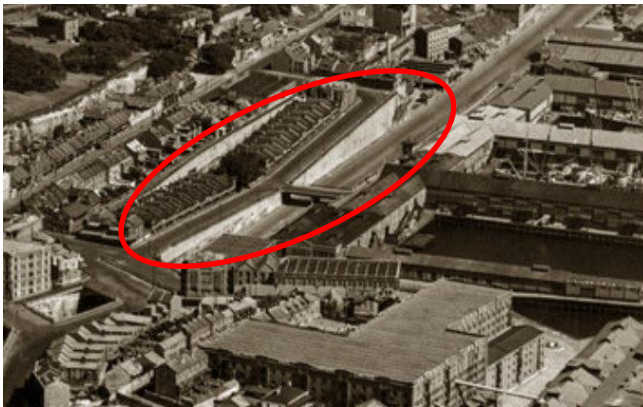


Figure 1
 Photograph of Millers Point, from Munn Street bridge, indicating the development of High Street. Date unknown, likely prior to 1913 due to the absence of the Kindergarten. Note the two-storey scale of the worker's dwellings, Hickson Road and a bridge providing access to the wharves.
 Source: NSW State Archives & Records, NRS-9856-2-6-3858.



Figure 2
 Photograph of Millers Point, from Munn Street bridge, indicating the development of High Street. Date unknown, likely c.1920s.
 Source: NSW State Archives & Records, NRS-9856-2-93-5866.



Figures 3 and 4
 Darling Harbour 1920s wharves and shore sheds with workers housing looking outwards.
 Source: Milton Kent Archives CSA088067 SRC22179.

Thus, one of the most important 20th Century remnant physical aspects of the cultural heritage significance of Millers Point is the outlook of the long row of High Street workers houses to Darling Harbour. The amended MOD 9 effectively blocks this outlook from the houses and streetscape character of the southern half of High Street, causing a major negative impact on the adjacent Millers Point Historic Cultural Landscape. It has removed the east - west slots in the upper levels of the cubist collection of proposed envelopes for Blocks 5, 6 and 7 that were a fundamental aspect of the original approval and the 2022 MOD 9 proposal.

These negative heritage impacts are unacceptable, and the entire development needs to be substantially revised in accordance with the design principles of the approved concept plan.

The GML Heritage 'Response to Submissions and Updated Heritage Impact Statement' continues to place little emphasis on this 20th Century aspect of significance. It largely limits its assessment to north - south linear views along High Street and to the narrow viewing slot from the southern end of High Street as it returns to Kent Street. It claims, without refining its information, that the western view from the High Street workers' housing would have been largely blocked by the upper level of the Hickson Road shore sheds.

The GML Heritage 'Impact Assessment' of the current Modification against the massing envelope controls of the approved 2007 Concept Plan remains redundant and tokenistic. It fails to acknowledge the built evolution that has occurred within the immediate context of Central Barangaroo in the 17 years since the concept plan approval. It clings to some subsequent amendments to claim that the envelope controls regarding E-W viewing slots through the massed volumes proposed for Blocks 5, 6 and 7 no longer apply. Such an attitude raises the question of why their analysis kept referring back to the City Plan Heritage Assessment for the 2007 Concept Plan.

Fundamentally the GML report does not demonstrate best practice heritage management and the modified design does not reflect the design principles included in the original concept plan.

The overall impact of the MOD 9 proposal will effectively destroy a large part of the ability of Millers Point, in all its historic and urban complexity, to present its long-evolved historical relationship with Darling Harbour and the Pyrmont basin, as the commercial shipping precinct for Sydney.

Key issues identified with the amendments made to MOD 9 include:

- Insufficient amendments. The volume being sought in MOD 9 will generate a detrimental impact upon the heritage significance of the Millers Point Historic Cultural Landscape by blocking important views from the High Street workers housing to Darling Harbour.
- The documentation, including the 'Response to Submissions and Updated Heritage Impact Statement' by GML Heritage, dated October 2023, is inadequate, flawed and wrongfully concentrates on the impact of the proposal against the approved concept plan. A more comprehensive impact assessment of proposed development should be undertaken in relation to the existing heritage context and the fundamental importance of the western views from High Street, in accordance with best practice heritage management.
- The Concept Plan was approved in 2007. The modifications do not reflect the design principles included within the original concept plan, which should be incorporated within the design to minimise potential heritage impacts. This includes the modulating of the overall bulk and scale of the building envelope within Central Barangaroo.
- The introduction of development well above the High Street RL, as shown in the MOD 9 plans with limited view corridors, would generate a detrimental impact on the Millers Point Historic Cultural Landscape. The proposal needs to integrate the built form principles detailed in the original approval, including the importance of modulating the buildings to maintain the key views and view corridors.
- The view analysis fails to comprehensively assess the potential impact of the development upon the broader HCA. This includes the significance of the connection between Sydney Observatory, High Street and the former wharves. Emphasis is placed on the retention of key view lines, streetscapes and individual heritage items, rather than respecting the significance of the broader cultural landscape. The analysis is flawed and fails to acknowledge the complexity of the cultural landscape, in addition to the significance of broader view corridors.

- The recommendations to mitigate the negative heritage impacts provided within the GML report are insufficient, particularly when the potential heritage impact is deemed to be majorly adverse. The MOD 9 design should reflect the design principles of the approved concept plan to further minimise the adverse impacts of the approved concept plan.

These issues are addressed further below, highlighting the inadequacy of the existing documentation concerning this significant development that will generate irreversible, detrimental impacts on the Millers Point Historic Cultural Landscape.

Insufficient amendments to dominant scale

The volume proposed within the amended proposal is still an increase of 118% from the volume included within the approved concept plan. Although it is a decrease from the previous modification application (2022), the volume identified within the approved concept plan is inappropriate as no consideration has been given to the built form design principles outlined in the approved concept plan. Eliminating the view corridors would generate a negative heritage impact on the Millers Point Historic Cultural Landscape. For the scale to be subsequently proposed to be increased by over 100%, the potential heritage impacts are substantial and will generate an irreversible and detrimental impact on the cultural landscape. The modifications should seek to further minimise adverse impacts by expanding the view corridors, rather than reducing them.

Although the volume proposed within MOD 9 is referred to by GML Heritage as being “the worst case scenario”, it is unlikely that this application would have been lodged if the Applicant was not confident the volume would be secured. It needs to be demonstrated that the impact of the volume as proposed can be appropriately mitigated by form and materiality. The current indicative building envelopes shown in MOD 9 will completely eradicate a majority of significant views and connections to and from the cultural landscape.

The approved Concept Plan was assessed by City Plan Heritage as likely to generate major and moderate adverse impacts on heritage. Recommendations were made by City Plan as to how these impacts could be mitigated. Greater emphasis needs to be placed on incorporating these mitigation measures within the overall proposal.

Conclusions

The views analysis and heritage impact assessment are flawed and do not consider the additional impacts of the development due to the site being located along the boundary of the HCA. The individual views included within the reports are indicative of so called “key views.” However, this approach indicates that the significance of the cultural landscape is limited to 19th Century streetscapes and a key view from Sydney Observatory. Due to the siting of the proposed development along the boundary of the HCA, the significance of the visual connection to the former wharves needs to be recognised. The proposed volume would eradicate the legibility of the broader cultural landscape and the impact cannot be considered in relation to isolated view points.

This is particularly evident in the analysis regarding the potential impacts upon Sydney Observatory and High Street which analyses the views to the north and south but disregards the views to the west, and the historic connection to the former wharves. Noting that the views have been obscured for periods of time due to the development of the wharves and associated warehouse buildings, only reinforces the importance of retaining the historic connection. The loss of the finger wharves and warehouse buildings have contributed to the diminished integrity of the broader cultural landscape. Retaining connections from the worker’s cottages to the former wharves is imperative in maintaining the legibility of the historic evolution of the cultural landscape.

The proposed modification is assessed against the approved concept plan which was approved in 2007. The surrounding context has undergone substantial changes since 2007, as detailed in the 'Response to Submissions' Report. However, over 17 years have passed since the initial approval, in addition to numerous modifications. As such, the documentation should not be limited to an assessment against the approved concept plans, but also against the immediate context which has evolved since then.

Recommendations

Key recommendations to address the heritage related concerns identified above include the following:

- Development proposed within Central Barangaroo needs to be revised and the design principles of the approved concept plan should be reflected in the modifications.
- The development should be designed to generate minimal heritage impact and major adverse heritage impacts should not be accepted.
- The design of any development within Central Barangaroo should integrate the retention of broad view lines and should not be limited to isolated and narrow sight lines.
- A new Heritage Impact Assessment should be undertaken, assessing the potential heritage impacts of proposed development within Central Barangaroo against the existing context.

Yours faithfully
GBA HERITAGE PTY LTD



Graham Brooks
Director
grahambrooks@gbaheritage.com



GRAHAM BROOKS

**Managing Director, GBA Heritage
Heritage Consultants, Sydney**

President Emeritus

ICOMOS International Cultural Tourism Committee

CAREER SUMMARY

Graham Brooks is widely respected, nationally and internationally, as a specialist in Cultural Heritage and Cultural Tourism Management.

Graham is an architect with over 50 years post graduate professional experience, gained from working in Australia, the United Kingdom and Asia. Much of his career has been centred on the conservation and heritage management of historic buildings, urban areas and cultural landscapes. He has been actively involved in conservation planning, heritage asset management and the re-use of historic buildings for sites throughout Australia. His work in cultural tourism has included extensive site investigations and policy formulation over many decades on the relationship of tourism with World Heritage Sites throughout Europe, South East Asia, the Pacific, the Americas and North Africa.

Graham has lectured widely to business, heritage, professional and student groups on heritage assessments, heritage management, conservation practice, preparing heritage sites for cultural tourism and the methodologies of heritage asset management.

Since the mid-1980s, he has participated in many appeals before the Land & Environment Court, acting on behalf of both Respondents and Applicants, including as a Court Appointed Heritage Expert. He has also completed a wide range of Peer Review assignments.

PROFESSIONAL QUALIFICATIONS

- Bachelor of Architecture (Hons), Sydney, 1972
- Master of Built Environment (B Cons), UNSW, 1983
- Associate, Australian Institute of Architects (AIA), 1975
- Associate, Royal Institute of British Architects, 1975
- Member, ICOMOS, International Council on Monuments and Sites, (1980)

EMPLOYMENT

- Managing Director, GBA Heritage Pty Ltd, 2015 -
- Managing Director, Graham Brooks & Associates Pty Ltd, 1996 – 2015
- Director, Schwager Brooks and Associates Pty Ltd, 1984 – 1996
- Associate Director, Travis Partners, 1977 – 1984
- Architect for the conservation of 40 Georgian terraced houses, Pollard Thomas & Edwards, London, 1975 – 1977
- Architect, Commonwealth Department of Works, 1972 – 1975

HERITAGE POSITIONS HELD – AUSTRALIA

- Foundation Board Member (1995), Deputy Chairman (1996-1999) and Chairman (1999-2001) of *AusHeritage Ltd*, Australia's International Network for Cultural Heritage Services
- Chairman, National Trust of Australia (NSW) Historic Buildings Committee, 1996-1999
- Former Heritage Adviser, Liverpool City Council c1995-2005
- Executive Committee Member, Australia ICOMOS, 1990-1992
- Former Member Heritage Council Technical Advisory Committee on Materials Conservation, RAI Heritage Committee and RAHS Historic Buildings Committee

HERITAGE POSITIONS HELD - INTERNATIONAL

- President of ICOMOS International Cultural Tourism Committee, 2001 - 2011
- Member, Senior Advisory Board, Global Heritage Fund, 2009 -
- Member, UNESCO *World Heritage Sustainable Tourism Initiative 2008 – 2010*
- Member of International Panel of Experts for Ajanta Ellora World Heritage Sites Conservation and Tourism Development Project, Maharashtra, India, 2004-2010.
- Contributor, UN Foundation *Global Sustainable Tourism Criteria Project*, 2008
- Member UNESCO/ICOMOS Monitoring Missions to Borobudur, 2003, 2006, 2009.
- Member, External Advisory Board, PICTURE Project, Sustainable Tourism Management in small - medium sized European Cities. LEMA - University of Liege, Belgium, 2005
- International Advisory Panel to UNESCO Bangkok for *LEAP* cultural tourism project in relation to 10 World Heritage listed urban centres in the Asia Pacific Region, 1999-2001
- Visiting Professor, Graduate Building Conservation Program, University of Santo Tomas, Manila, 1998
- Former Member Culture Advisory Network Australian National Commission for UNESCO
- Former Member Asia and West Pacific Network for Urban Conservation (AWPNUC)
- Former Chairman, Historic Buildings Committee, National Trust of Australia (NSW)

SELECTED HERITAGE PROJECTS – AUSTRALIA

- North Head Quarantine Station;
- The conservation and continuing use of the shipyard on Goat Island;
- Army facilities at Chowder Bay,
- Re-use and rejuvenation of the finger wharves and shore sheds along Walsh Bay
- The heritage values and adaptive re-use of the former Royal Australian Navy Armaments Depot (RANAD) at Homebush to a publicly accessible heritage site (1996 – 2023);
- Adaptive re-use 1920s Substation and Warehouse to commercial offices;
- Heritage Impact management for large housing complex in the vicinity of three State Listed early 19th century historic houses in Harris Park, Parramatta;
- Heritage Impact management for medium rise commercial building in close proximity to an historic cottage, Parramatta;
- Conservation works for Dawn Fraser Harbour Swimming Pool, Balmain;
- Commercial adaptive re-use of the former Royal Edward Victualling Yard complex, Pyrmont;
- Residential adaptive re-use of several major historic warehouses in central Sydney;
- Restaurant adaptive re-use of the historic warehouses at Campbells Cove, Sydney;
- Adaptive re-use of the former Sydney Water Headquarters to an Inner Sydney Hotel;
- Adaptive re-use of the 1920s Dymocks Store to an Inner Sydney Hotel;
- Adaptive Re-use CMP of NSW Major redundant Light Houses
- Refurbishment of 1960s former Qantas House, Chifley Square
- Residential redevelopment of the former Lever and Kitchen industrial site at Balmain;
- New public housing on the site of the former Mort's Dock at Balmain;
- Heritage Impact management for hundreds of private residential projects across Sydney;
- Heritage Inventory Garden Island Dockyard;
- Heritage management North Head Coastal Artillery Fortress;
- Upgrade of 1960s Perth Council House;
- Conservation Management Plan for 1930s Westpac Bank, Adelaide;
- Conservation Management Plan for former 19th century Priory, Hunters Hill
- NSW Historic Lighthouses, Conservation and Cultural Tourism Plan, 1998
- Master Plan for Goat Island Historic Site, 1996 – 1998

GRAHAM BROOKS' CULTURAL TOURISM ENGAGEMENT

INTERNATIONAL PROJECTS

- Personal visits and inspections of more than 320 World Heritage Sites since 1975
- Contributing author **2015 Siem Reap Declaration, first joint UNESCO/UNWTO World Conference on Tourism and Culture – Building a New Partnership, 2015**
- Author, **Handbook, Communicating Heritage for the Tourism Sector**, UNWTO, 2011
- Principal Author for **Handbook on Tourism Congestion Management at Natural and Cultural Heritage Sites**, for the UNWTO, 2005
- Author and Co-ordinator **ICOMOS International Cultural Tourism Charter**, 1999
- Key Note Presentation: **Protecting the Quality of Life of Residents in Historic Cities with Excessive Tourism**, Organisation of World Heritage Cities, Cusco, 2005
- Key Note Presentation: **Cultural Tourism in Asia and the Pacific, Opportunities and Challenges**, US/ICOMOS Cultural Tourism Conference, San Francisco, April 2007
- Key Note Presentation: **Practical Strategies for Cultural Tourism Management**, Korean Ministry of Cultural Affairs, Seoul, Korea, May 2007
- Presentation: **Tourism Congestion Management at Cultural Sites**, ICOMOS Xian, 2005
- Presentation: **The Role of the ICOMOS International Cultural Tourism Charter in Conservation Practice**, Lima Peru and Siem Reap Cambodia, 2005
- Presentation: **The Indigenous Tourism Experience of Tourism in Australia**, ICOMOS France and Reseau des Grand Sites, Baie de Somme, France, June 2004
- Presentation: **Cultural Tourism Plan for Borobudur**, International Experts' Meeting, 2003.
- **ICOMOS Site Managers Handbook for Cultural Tourism at World Heritage Sites**, 1993
- Chair of ICOMOS Workshop Canterbury World Heritage Site Management Plan, UK, 2007
- Chair of ICOMOS Workshop: Tourism Impact on Small Historic Towns, Korea, 2006
- Participation in Mid Term Review meeting of PICTURE Project, Brussels, July 2005
- Review of European Heritage Days Festivals, Hungary and Czech Republic, 2004
- Review of cultural tourism management in WH listed City of Rhodes, Greece, 2003
- Liaison with local Heritage Authorities for waterfront redevelopment, New Zealand, 1998
- Preparation of a Conservation Plan for an historic villa in Hanoi, 1996
- Research into the urban history and development of historic Dutch City precinct of Batavia (Jakarta) as a basis for planning and cultural tourism guidelines, 1997-2001
- Conservation Plan for historic Army Navy Club building, Manila, 1998
- Contributing organiser and author **2015 Siem Reap Declaration, first UNESCO/UNWTO World Conference on Tourism and Culture – Building a New Partnership, 2015**
- **UNWTO Regional Conferences on Tourism and World Heritage**, Izmir, Bahrain and Siem Reap, 2013, Presentations and final Conference Reports preparation
- **UNESCO Principles for Tourism Management at World Heritage Sites 2008 – 2010**
- **UNESCO World Heritage Tourism Conference**, Magao, China, 2009
- **UNWTO Sustainable Tourism Management at WH Sites**, Huangshan China 2008
- **UNESCO Post Earthquake Experts Meeting for Prambanan Monuments, Indonesia**, 2007
- **UNESCO/UNWTO Tourism Training Workshop for the Managers of China's 31 World Heritage Sites, Lushan, China** 2006
- **UNESCO Post Earthquake Cultural Tourism Assessment Project, Nias, Indonesia**, 2006
- UNWTO Visiting Lecturer, Cultural Tourism Summer School, IFT, Macao 2006
- UNESCO - ICOMOS Monitoring Missions to Borobudur WH Site, Indonesia, 2003, 2006
- Cultural Tourism Strategy Workshop with the Indian Minister for Tourism, February 2005
- Keynote Speaker at Organisation of World Heritage Cities Conference, Cuzco, Peru, 2005
- ICOMOS General Assemblies, Lausanne (1990), Colombo (1993), Sofia (1996), Mexico (1999), Madrid (2002), Xi'an (2005), Quebec (2008), Paris (2011), Florence (2014).
- Liaison meetings with Heritage Authorities, St Petersburg, Moscow and Prague, 1997
- International Review Panel for project applications to the Getty Grant Program, 1994-96
- Presentations to Cultural Tourism symposia, Basel (1985), Colombo (1993), Hanoi (1993, 1994) Sofia (1996), Yogyakarta (1996), Evora, Manila (1997, 1998) Roros (1998), Penang (1992, 1999) Nepal, Bali (2000), Lijiang (2001), Madrid (2002), Rhodes (2003), Prague, Louvain, Budapest (2004), Angkor Wat, Lima (2005), Korea (2006), San Francisco (2007), Canterbury, UK (2007), Quebec (2008), Paris (2011), Izmir, Bahrain (2013), Luxor (2016)

20 February 2024

Dr Judy Hyde
Submissions Officer
Highgate Owners Corporation SP49822
127 Kent Street
Millers Point NSW 2000
manager@highgate.com.au

Dear Judy,

This letter of advice relates to the concept plan approval *Concept Plan 06_0162 – Barangaroo* (the 'Concept Plan') and subsequent modifications, as they pertain to the site known as Central Barangaroo. This advice is prepared in the context of the current exhibition of the revised scheme of Modification 9 of the Concept Plan.

Gyde Consulting has prepared an outline of the planning history and relevant circumstances of the approval and provided an interpretation of the current controls applicable to the site and the resultant indicative built form. The site at Central Barangaroo refers to land at Lot 52 DP1213772, known as Blocks 5, 6 and 7.



Figure 1: Barangaroo Central, subject site outlined in red.

Our analysis concludes that the representation of the approved building envelope supplied by Modification 9 is erroneous and misleading. As detailed in our analysis, the built form at Central Barangaroo was always intended to feature a 'reduced form of development', where built form would transition in scale to the adjacent Headland Park and a design of varying building heights would deliver significant east-west view corridors to "protect and enhance the surrounding townscape and views".

Should you wish to clarify any information provided in this document, please do not hesitate to call us.

Yours sincerely,

David Ryan
Executive Director

1. PLANNING HISTORY

1.1 2.1. NSW Ports Growth Plan

In October 2003, the NSW Government released the state's *Ports Growth Plan*. This document identified a pattern of decline in parts of the Sydney Harbour ports, particularly at East Darling Harbour (EDH), now renamed 'Barangaroo', and set out a case for the renewal of the area.

1.2 Concept Plan 06_0162 - Barangaroo

The principles identified within the *Ports Growth Plan* formed the basis of the *Concept Plan 06_0162 - Barangaroo* (the 'Concept Plan'). Approved in 2007, the Concept Plan outlined the future development of Barangaroo within the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*. This assessment report detailed strategies, guidelines and development controls to provide for the creation of an innovative and iconic precinct on Sydney Harbour, featuring recreational and mixed-use development.

In the period between 2003 and 2007, development of the Concept Plan involved rigorous analysis and testing. The principles of the Concept Plan were subject to a comprehensive investigation including a two-staged international urban design competition, extensive stakeholder and industry consultation, two phases of public exhibition, and detailed testing and refinement of land use options. The result was a well-considered Concept Plan with complementary design principles reflecting international leading practice in urban design and place-making.

1.2.1 Concept Plan Strategies

The Concept Plan nominated the following key elements by which the competition winning urban design scheme supported the strategy for renewal at Barangaroo. These elements have underpinned the delivery of development at Barangaroo since its inception.

The Concept Plan Strategies comprise Section 8.0 of the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*, and address the site's economic, community, environment, and heritage significance. Key Concept Plan Strategies have underpinned the overall development at Barangaroo since its inception:

"Provide the ability to create large-floor-plate commercial buildings that are in high demand amongst major tenant organisations and difficult to achieve within the existing city footprints."

"Incorporate sufficient housing and community related infrastructure into the precinct to reinforce the knitting of EDH into the mainstream of Sydney life and commerce. This will require the provision for social infrastructure as well as an extensive array of recreational infrastructure."

"Equip EDH with good public transport links to the airport, to other key nodes in the CBD and to the metropolitan 'cities within the city'."

"A new 1.4 km foreshore promenade runs the full length of the site along the harbour edge completing the Harbour Foreshore Walk between Anzac Bridge and Woolloomooloo."

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

Of great relevance to this submission, several key strategies of the Concept Plan relate to the intended built form of the Barangaroo Central site, as well as the preservation of significant views in the area. These key strategies include:

"Higher density development is to be focused towards the southern end of the site, linking into existing higher density development at King Street Wharf and the western edge of the CBD. The scale of development will reduce towards the northern end of the site, where built form meets the Headland Park."

“The design of the public domain will allow visitors to appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points, including the sandstone cliffs and Observatory Hill.”

“The strategy for EDH is based on protecting and enhancing the surrounding townscape and views, and telling the history of EDH through the design of the public domain and public art.”

“The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.”

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

1.2.2 Concept Plan Design Principles, Design Requirements and Development Controls

Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines a range of design principles, design requirements and development controls that underpin the intended built form at Barangaroo. The principles ensure the Concept Plan Strategies may be achieved by setting out guidelines for future building envelopes. **Figure 2**, **Figure 3** and **Figure 4** outline the Section 13.0 diagrams indicating built form at Barangaroo Central.

Section 13.0 was given statutory force in a number of ways:

- Condition B4 required any developments to provide a comparison between the built forms proposed and explain any departure. While this did not mandate the built forms in Section 13.0, it clearly established those forms as the default forms, from which any departure would need to be expressly justified. This condition was replaced as part of MOD2 by requiring a reference to the MOD2 design guidelines. However, put in the context of the MOD 9 application, Condition B4 could not be used to assume, as the application documents do, that block forms blanketing the site with the maximum height limit would be approved; and
- Condition C2 requires future design excellence competitions to consider a comparison against Section 13.0. Condition C2 still exists, but the reference to Section 13.0 is proposed to be removed as part of the MOD 9 application. Presumably, this is because the MOD 9 application recognises that the proposal is entirely contrary to Section 13.0. However, that implicit recognition does not extend to carrying out a proper assessment against the true base case.
- Statement of Commitment 106 requires that the built form of development blocks 5, 6 and 7 inclusive will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.

Condition C2 and Statement of Commitment 106 require that the controls in Section 13.0 are used as a benchmark for comparison. In short, the MOD 9 application is not entitled to assume, as it does, that Section 13.0 can be ignored.

2. Indicative Built Form

As discussed above, Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines the indicative built form for Barangaroo.

Modifications to the Concept Plan have degraded the clarity of applicable controls, however, a comparison to Section 13.0 of the original Concept Plan is required of the proposed development at Central Barangaroo and cannot be ignored.

Our analysis of the indicative built form as established by the original Concept Plan and revised by subsequent modifications, and as they apply to the site at Central Barangaroo (Blocks 5, 6 and 7), is outlined below.

2.1.1 Concept Plan 06_0162 – Barangaroo

Concept Plan 06_0162 – Barangaroo was approved in February 2007. The Concept Plan outlined the future development of Barangaroo and divided the site into eight (8) development blocks. Blocks 5, 6 and 7 comprise the site at Central Barangaroo.

Block 5

- 29,200sqm maximum permitted gross floor area (GFA)
- 25m wide built form up to RL34 to Hickson Road
- 37m wide built form up to RL20 ('low valley')
- Built form to RL25 to remaining width to Globe Street, 20% of envelope up to RL29.

BLOCK 5 DEVELOPMENT CONTROLS



Figure 2: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 6

- 3,000sqm maximum permitted GFA
- Built form to RL22, 15% of envelope up to RL29
- 22m wide (Hickson Road) x 83m deep building footprint.

BLOCK 6 DEVELOPMENT CONTROLS

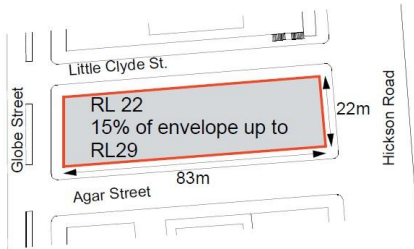


Figure 3: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 7

- 28,000sqm maximum permitted GFA
- 211m wide (Hickson Road) x 76m deep building footprint
- Variable RL9.7 - RL35 building height (refer **Figure 4**).

BLOCK 7 DEVELOPMENT CONTROLS

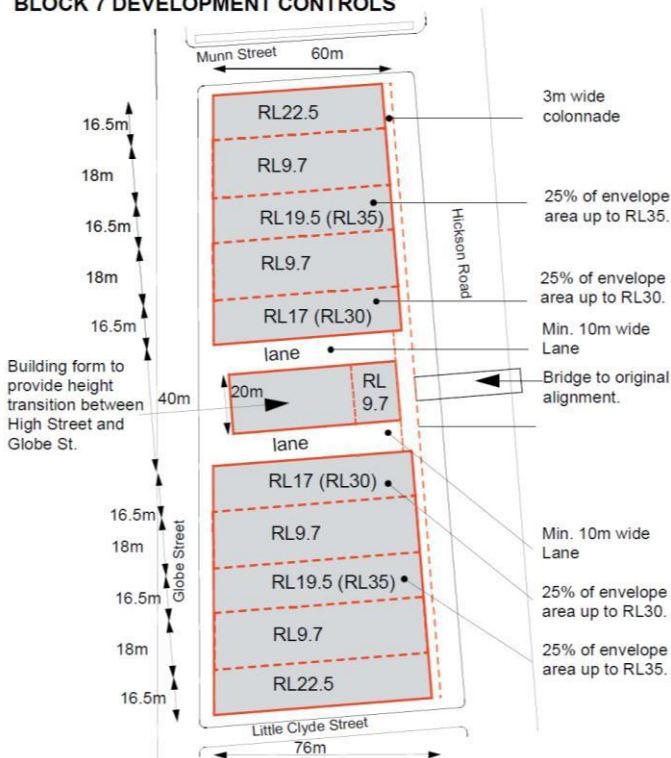


Figure 4: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Laneways

- Laneways between development blocks are a minimum of 10m wide (*EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0, p. 121).

Indicative Built Form under Concept Plan 06_0162 – Barangaroo

The indicative built form for Blocks 5, 6 and 7 under the Concept Plan is illustrated in **Figure 5** below. The following conservative assumptions about the applicable controls have been made:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road at Block 5 as overall built footprint dimensions are not provided.

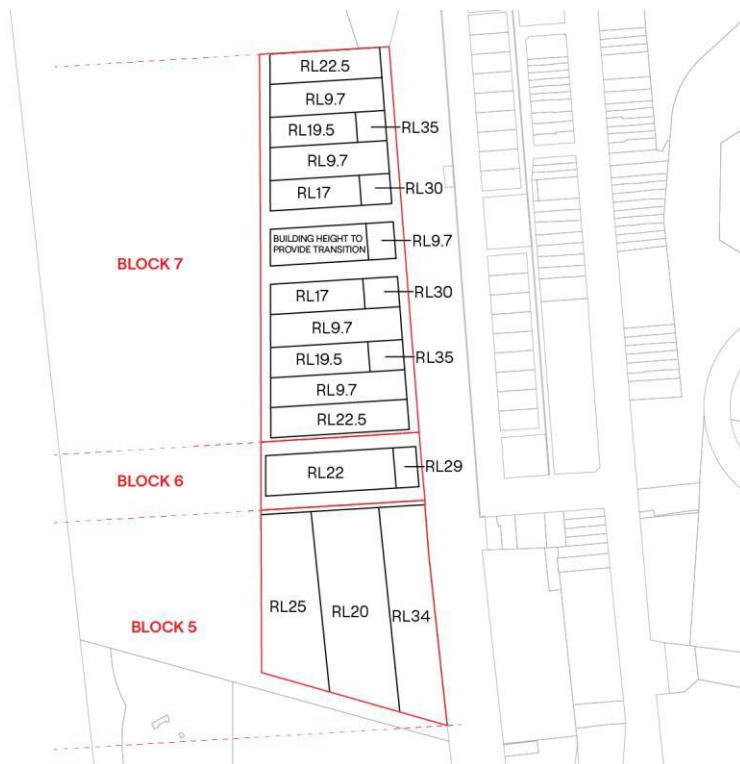


Figure 5: Indicative Built Form under the Concept Plan. (Source: Gyde Consulting).

2.1.2 Modification 1 - MP 06_0162 MOD 1

Modification 1 was determined in July 2007. The modification involved the correction of minor typographical errors in the Concept Plan Instrument of Approval and modification to design excellence requirements.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 1.

2.1.3 Modification 2 - MP 06-0162 MOD 2 (Commercial floorspace)

Modification 2 was determined in February 2009. The modification included some amendments to Block 5 as a part of additional built form controls associated with a proposed additional 120,000sqm of commercial floor space to be distributed across Blocks 2-5.

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2.

Block 5

- 41,225sqm revised maximum GFA
- RL29.6 podium or street wall to be constructed adjacent to Hickson Road
- RL18.8 podium or street wall to be constructed adjacent to Globe Street
- Above podium elements to have a minimum setback of 25m from the Hickson Road street wall or podium edge

- Street wall or podium to have a minimum setback of 5m from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses
- Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20m. (Refer MP 06-0162 MOD 2 (Commercial floorspace), Instrument of Approval).

Indicative Built Form under Modification 2

The indicative built form for Blocks 5, 6 and 7 under Modification 2 is illustrated in **Figure 6** below. The following conservative assumptions about the applicable controls have been made:

- Minimum 3m above podium setback (western boundary of Block 5) to represent a ‘worst case scenario’ of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a ‘worst case scenario’ of development.

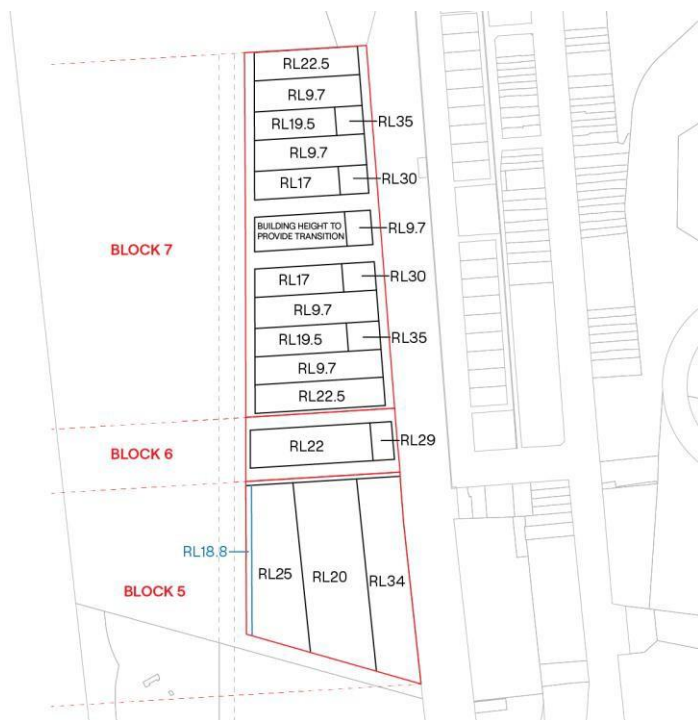


Figure 6: Indicative Built Form under Modification 2; podium to Globe Street is implemented. (Source: Gyde Consulting).

2.1.4 Modification 3 - MP 06-0162 MOD 3 (Headland Park and Northern Cove)

Modification 3 was determined in November 2009. The modification involved some amendments to Block 7 as a part of an amended design for the Headland Park and Northern Cove. The changes removed Block 8 and the northern portion of Block 7.

While the maximum GFA of Block 5 was proposed to be increased to 44,225sqm under Modification 3, this change was not approved.

Similarly, the maximum height of buildings (HOB) of Block 7 was proposed to be decreased to RL20 under Modification 3, and to a maximum height of four storeys under the *Barangaroo Headland Parklands Urban Design Report* prepared by Conybeare Morrison (August 2009). This amendment was not adopted within the Instrument of Approval, and the approved height of Block 7 remains inconsistent with the height of buildings envisioned under the application for Modification 3.

The indicative building envelope of Blocks 5 and 6 remained unchanged by Modification 3.

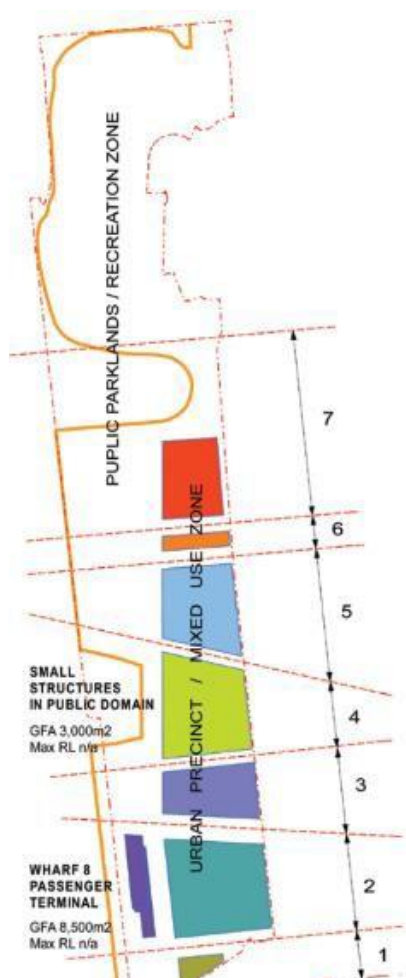


Figure 7: Revised Development Blocks under Modification 3; Block 8 and the northern portion of Block 7 are removed. (Source: *Barangaroo Part 3A Modification Report*).

Block 7

- Block 8 and the northern portion of Block 7 removed.
- 15,000sqm revised maximum GFA.

Laneways

- The 'street hierarchy' was documented in more detail in *Barangaroo Part 3A Modification Report*, p. 51, outlining:
 - 20m wide 'Agar Street'.
 - 10m wide 'Little Clyde Street'.

Indicative Built Form under Modification 3

The indicative built form for Blocks 5, 6 and 7 under Modification 3 is illustrated in **Figure 8** below.

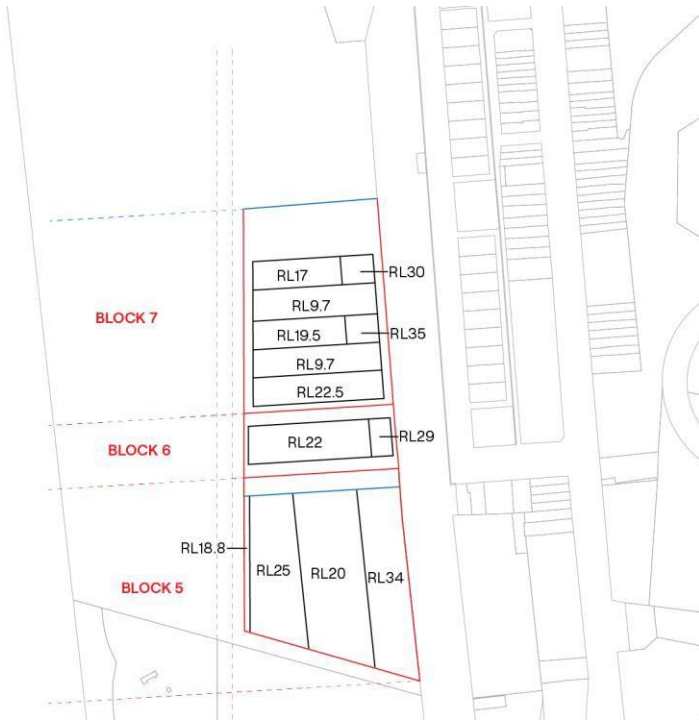


Figure 8: Indicative Built Form under Modification 3; Block 8 and the northern portion of Block 7 are removed, laneway widths are clarified. (Source: Gyde Consulting).

2.1.5 Modification 4 - MP06_0162 MOD 4 (Hotel development, additional GFA and Height)

Modification 4 was determined in December 2010. The modification involved a substantial reconfiguration of the Concept Plan, with changes such as two new blocks (Block X and Block Y), increased GFA and HOB to Blocks 1-4 and changes to the public waterfront area, including the location of Block Y (hotel) into Darling Harbour.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 4 and it is noted that Modification 4 was described to “relate only to the southern portion of the site”, refer **Figure 9** below.

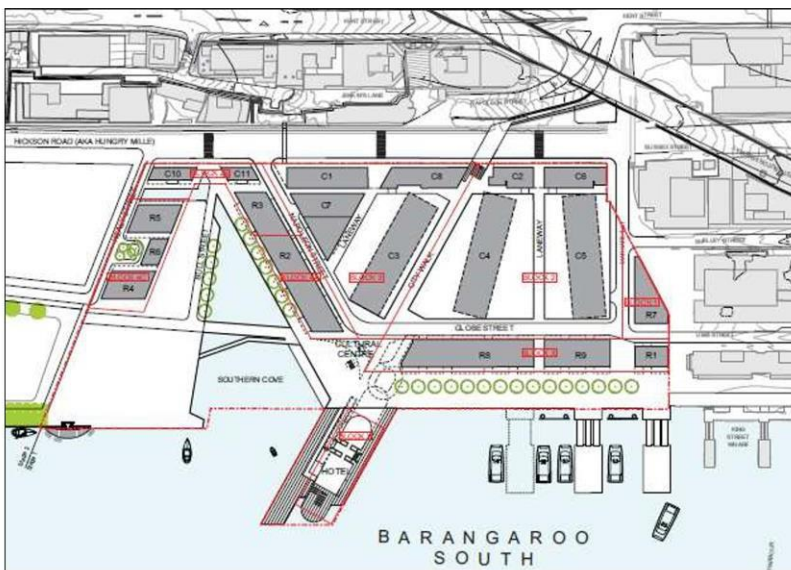


Figure 5: Land to which MOD 4 applies (surrounded by red dotted line)

Figure 9: Modification 4 was described as not applying to Blocks 5-7. (Source: Modification Request Barangaroo Concept Plan MOD 4, Director-General’s Environmental Assessment Report, p. 9).

2.1.6 Modification 5 - MP06_0162 MOD 5 Barangaroo Concept Plan

Modification 5 was withdrawn in March 2011.

2.1.7 Modification 6 - MP06_0162 (MOD 6) Barangaroo Concept Plan

Modification 6 was determined in March 2014. The modification involved amendments to Barangaroo South, including the realignment of the Block 3, 4A and 4B boundaries and associated new urban design controls, and amendments to conditions regarding community floorspace and car and bicycle parking.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 6 and it is noted that the *Modification Request Barangaroo Concept Plan MOD 4, Director-General's Environmental Assessment Report* specifies that "the Urban Design Controls for Blocks 1, 2, 4A, 5, 6, 7, X and Y remain as per the approved Concept Plan" (p. 6).

2.1.8 Modification 7 - MP06_0162-Mod-7 Modification to Concept Plan

Modification 7 was determined in April 2014. The modification involved approval for a temporary concrete batching plant for Barangaroo South.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 7.

2.1.9 Modification 8 - MP06_0162 MOD 8 - Modifications to Barangaroo Concept Plan

Modification 8 was determined in June 2016. The modification involved the relocation of Block Y (hotel) back to Barangaroo (away from the harbour) and associated reconfiguration of the Barangaroo site. As Modification 8 involved a reduction in land zoned RE1 Public Recreation to accommodate the relocated Block Y, the southern boundary of Block 5 was amended to ensure a strong and coherent relationship between Hickson Park and the Central Parklands, providing a clear view and safe public access, in accordance with advice from the Design Advisory Panel.

Included within the MOD 8 Instrument of Approval is Statement of Commitment 106, which requires that "the built form of development blocks 5, 6 and 7 inclusive will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy." The approved building envelope under Modification 8 is thus required to be informed by the Section 13.0 design guidelines, as outlined in this letter of advice.

We note further that the maximum height of buildings (HOB) of Block 7 was proposed to be decreased to RL20 and to a maximum height of four storeys under the *Barangaroo Headland Parklands Urban Design Report* prepared by Conybeare Morrison (August 2009). This amendment was not adopted within the Instrument of Approval, despite Statement of Commitment 124 and 125 requiring that, "Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the 'Barangaroo Headland Parklands Urban Design Report' prepared by Conybeare Morrison (August 2009)." The approved built form for Block 7 is thus inconsistent with the height of buildings committed to under Statement of Commitment 124 and 125 of the Instrument of Approval.

Block 5

- Chamfer design is adopted to the southern boundary of Block 5.
- 29,668sqm revised maximum GFA.

Indicative Built Form under Modification 8

The indicative built form for Blocks 5, 6 and 7 under Modification 8 is illustrated in Figure 10 below.



Figure 10: Indicative Built Form under Modification 8; southern boundary of Block 5 is chamfered. (Source: Gyde Consulting).

2.1.10 Modification 9 - MP06_0162-Mod-9

Modification 9 is not approved, it is currently on public exhibition.

Key changes proposed include:

- Extending the southern boundary of Block 5 further south to encroach into land zoned RE1 Public Recreation.
- Amending the maximum height of buildings within each development block as outlined in Table 1 below:

Table 1: Proposed amendments to Height of Buildings map

Development Block	Existing Height	Proposed Height
Block 5	RL 34	RL 21.5 RL 31.2 RL 33.75 RL35 RL 42.45
Block 6	RL 29	RL 35
Block 7	RL 35	RL 35

- Introducing a maximum GFA allocation for all of Central Barangaroo of 104,000sqm (11,908sqm of which is proposed to be below existing ground level).

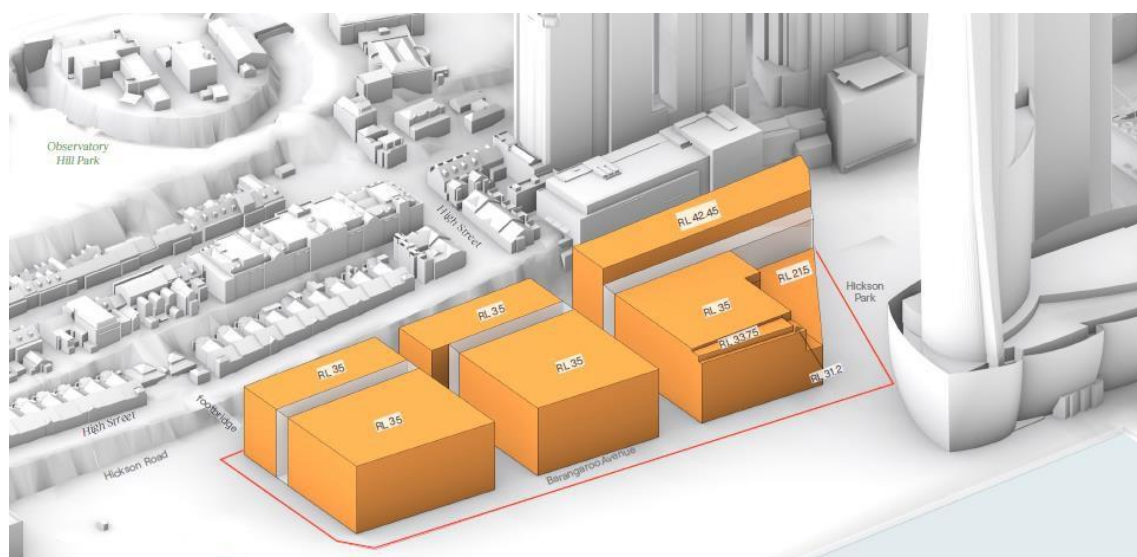


Figure 11: Mod 9 Proposed Building Envelope with RLs. (Source: *Central Barangaroo Urban Design Report and Design Guidelines*, prepared by SJB, 28 November 2023).

2.1.11 Modification 10 - MP 06_0162 MOD 10 - Modifications to Barangaroo Concept Plan and Amendment to State Environmental Planning Policy (State Significant Precincts) 2005

Modification 10 was approved in September 2020. The modification involved increases to the Barangaroo South residential GFA and building heights.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 10.

2.1.12 Modification 11 - MP 06_0162 MOD 11 - Modifications to Barangaroo Concept Plan

Modification 11 was approved in October 2020. The modification involved construction of a temporary construction road and amended staging of Hickson Park and construction exclusions zones.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 11.

2.1.13 Summary of Assumptions

This indicative built form analysis has been informed by a number of conservative assumptions where detailed guidance was not provided within the approval documentation. A summary of assumptions is outlined below for clarity:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road is provided at Block 5 as overall built footprint dimensions are not provided.
- Minimum 3m above podium setback is provided to the western boundary of Block 5 to represent a 'worst case scenario' of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a 'worst case scenario' of development.

GYDE



Figure 1: Existing view from Highgate Apartments Level 6 (RL34.21).



Figure 2: Approved Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 3: Proposed Building Envelope as viewed from Highgate Apartments Level 6 (RL34.21).



Figure 4: Existing view from The Georgia Apartments Level 7 (RL43.82).



Figure 5: Approved Building Envelope, as viewed from The Georgia Apartments Level 7 (RL43.82).



Figure 6: Proposed Building Envelope, as viewed from The Georgia Level 7 (RL43.82).



Figure 7: Existing view from Highgate Apartments Level 12 (RL54.14).



Figure 8: Approved Building Envelope, as viewed from Highgate Apartments Level 12 (RL54.14).



Figure 9: Proposed Building Envelope, as viewed from Highgate Apartments Level 12 (RL54.14).

20 February 2024

ROCKHUNTER

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Statement - Photomontages for Central Barangaroo

Computer generated photomontages of Central Barangaroo were prepared using photographs taken from Highgate Apartments on 18 December 2023. For each photomontage, I can confirm that survey data was used to both establish accurate camera locations and RLs, and position virtual camera targets to align with existing building elements, in accordance with the Land and Environment Court photomontage policy detailed here:

<https://lec.nsw.gov.au/documents/other/use%20of%20photomontages%20-%20final.doc>

Signed



David Murgatroyd
B. Ind Des (UNSW)

Submission on Barangaroo Concept Plan, Amended Mod 9

18.02.24

From John McInerney, AM LFPIA FRAIA

johnmcinerney@inet.net.au

0414 421 906

I am an Architect, Town Planner, ex City Planner and Councillor of the City of Sydney and a resident of Highgate apartment building, Millers Point. I have had the benefit of several pre-lodgement briefings from the Applicant and can support the reduction in height of the northern building and the relocation of the pedestrian bridge. During the briefings I indicated my concern with a number of matters which have not been resolved in the current proposed amended modification as follows :

— **Non-compliance with the Approved Concept Plan**

Section 13.0 of the East Darling Harbour State Significant Site Proposal, Concept Plan and Environmental Assessment, approved in 2007, outlines a range of design principles, requirements and controls which are proposed to be removed as part of this application. This is at the very least bad planning practice and would likely be found invalid by a Court appeal. To further investigate this proposal, Highgate Corporation sought an independent opinion from Gyde Consultants, which is attached.

The opinion concludes that “ the representation of the approved building envelope supplied by Mod 9 is erroneous and misleading.....and a design of varying building heights would deliver significant east-west view corridors to protect and enhance the surrounding townscape and views “

It is noted that the original Concept plan was based on studies by the renowned firm of Skidmore, Owings and Merrill, as in the diagram shown below. Unfortunately, the increased building envelope heights of the current Amendment create a monoculture of buildings relieved only by the extra height on Block 5, which then excessively overshadows Hickson Park. All of this results from the desperate attempt to gain more floor space, increasing from 48,000 m² to a proposed 104,000 m².

— **Need for Referral to the Independent Planning Commission**

Apart from non-compliance with height and bulk controls of the Concept Plan, the proposed Amendment dramatically changes the land use mix from predominately retail to predominately residential. A 500 % increase in residential space is proposed. Among other issues, surely this must raise the question of an appropriate Affordable Housing Contribution.

Additionally, it also includes the extension of the southern boundary of Block 5 into Hickson Park which goes against the core principle of Mod 8

Resolution of these questions alone would require referral to the Independent Planning Commission, for a detailed and public assessment.

— **Barangaroo Sight Lines**

A recommendation of the recent Select Committee on Barangaroo Sight Lines was that a View Management Strategy must be developed in consultation with Heritage NSW and the City of Sydney

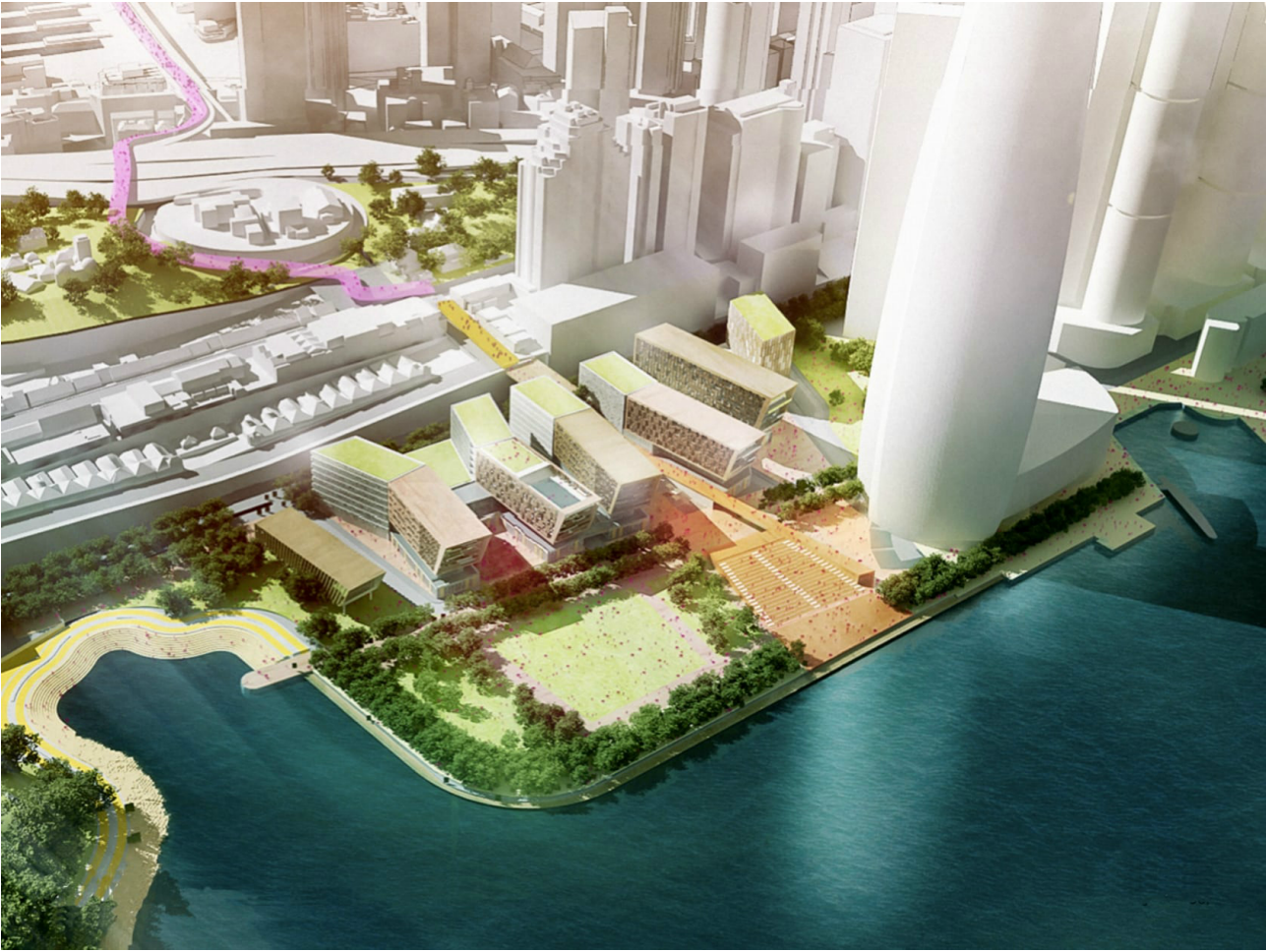
— **Public Views**

The submitted View and Visual Impact Assessment covers only a few vantage points. Given the clear direction of the Strategy Plan, there needs to be more and wider view corridors from Observatory Park / High St and reciprocally, from Harbour Park to High St / Observatory park.

— **Private Views**

With regard to private views, the impact on Level 6 of Highgate is shown below.

CONCEPT PLAN MODEL BASED ON STUDIES BY SKIDMORE, OWINGS AND MERRILL (SOM)



CURRENT VIEW FROM LEVEL 6, HIGHGATE MILLERS POINT



IMPACT OF PROPOSAL ON VIEW FROM LEVEL 6, HIGHGATE MILLERS POINT



8 February 2023

Secretary
Highgate Body Corporate
127 Kent Street
Millers Point NSW, 2000
johnmcinerney@iinet.net.au

Dear John,

This letter of advice relates to the concept plan approval *Concept Plan 06_0162 – Barangaroo* (the 'Concept Plan') and subsequent modifications, as they pertain to the site known as Central Barangaroo. This advice is prepared in the context of the current exhibition of the revised scheme of Modification 9 of the Concept Plan.

Gyde Consulting has prepared an outline of the planning history and relevant circumstances of the approval and provided an interpretation of the current controls applicable to the site and the resultant indicative built form. The site at Central Barangaroo refers to land at Lot 52 DP1213772, known as Blocks 5, 6 and 7.



Figure 1: Barangaroo Central, subject site outlined in red.

Our analysis concludes that the representation of the approved building envelope supplied by Modification 9 is erroneous and misleading. As detailed in our analysis, the built form at Central Barangaroo was always intended to feature a 'reduced form of development', where built form would transition in scale to the adjacent Headland Park and a design of varying building heights would deliver significant east-west view corridors to "protect and enhance the surrounding townscape and views".

Should you wish to clarify any information provided in this document, please do not hesitate to call us.

Yours sincerely,

David Ryan
Executive Director

1. PLANNING HISTORY

1.1 2.1. NSW Ports Growth Plan

In October 2003, the NSW Government released the state's *Ports Growth Plan*. This document identified a pattern of decline in parts of the Sydney Harbour ports, particularly at East Darling Harbour (EDH), now renamed 'Barangaroo', and set out a case for the renewal of the area.

1.2 Concept Plan 06_0162 - Barangaroo

The principles identified within the *Ports Growth Plan* formed the basis of the *Concept Plan 06_0162 - Barangaroo* (the 'Concept Plan'). Approved in 2007, the Concept Plan outlined the future development of Barangaroo within the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*. This assessment report detailed strategies, guidelines and development controls to provide for the creation of an innovative and iconic precinct on Sydney Harbour, featuring recreational and mixed-use development.

In the period between 2003 and 2007, development of the Concept Plan involved rigorous analysis and testing. The principles of the Concept Plan were subject to a comprehensive investigation including a two-staged international urban design competition, extensive stakeholder and industry consultation, two phases of public exhibition, and detailed testing and refinement of land use options. The result was a well-considered Concept Plan with complementary design principles reflecting international leading practice in urban design and place-making.

1.2.1 Concept Plan Strategies

The Concept Plan nominated the following key elements by which the competition winning urban design scheme supported the strategy for renewal at Barangaroo. These elements have underpinned the delivery of development at Barangaroo since its inception.

The Concept Plan Strategies comprise Section 8.0 of the *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*, and address the site's economic, community, environment, and heritage significance. Key Concept Plan Strategies have underpinned the overall development at Barangaroo since its inception:

"Provide the ability to create large-floor-plate commercial buildings that are in high demand amongst major tenant organisations and difficult to achieve within the existing city footprints."

"Incorporate sufficient housing and community related infrastructure into the precinct to reinforce the knitting of EDH into the mainstream of Sydney life and commerce. This will require the provision for social infrastructure as well as an extensive array of recreational infrastructure."

"Equip EDH with good public transport links to the airport, to other key nodes in the CBD and to the metropolitan 'cities within the city'."

"A new 1.4 km foreshore promenade runs the full length of the site along the harbour edge completing the Harbour Foreshore Walk between Anzac Bridge and Woolloomooloo."

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

Of great relevance to this submission, several key strategies of the Concept Plan relate to the intended built form of the Barangaroo Central site, as well as the preservation of significant views in the area. These key strategies include:

"Higher density development is to be focused towards the southern end of the site, linking into existing higher density development at King Street Wharf and the western edge of the CBD. The scale of development will reduce towards the northern end of the site, where built form meets the Headland Park."

“The design of the public domain will allow visitors to appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points, including the sandstone cliffs and Observatory Hill.”

“The strategy for EDH is based on protecting and enhancing the surrounding townscape and views, and telling the history of EDH through the design of the public domain and public art.”

“The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.”

(Source: EDH State Significant Site Proposal, Concept Plan & Environmental Assessment, Section 8.0).

1.2.2 Concept Plan Design Principles, Design Requirements and Development Controls

Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines a range of design principles, design requirements and development controls that underpin the intended built form at Barangaroo. The principles ensure the Concept Plan Strategies may be achieved by setting out guidelines for future building envelopes. **Figure 2**, **Figure 3** and **Figure 4** outline the Section 13.0 diagrams indicating built form at Barangaroo Central.

Section 13.0 was given statutory force in a number of ways:

- Condition B4 required any developments to provide a comparison between the built forms proposed and explain any departure. While this did not mandate the built forms in Section 13.0, it clearly established those forms as the default forms, from which any departure would need to be expressly justified. This condition was replaced as part of MOD2 by requiring a reference to the MOD2 design guidelines. However, put in the context of the MOD 9 application, Condition B4 could not be used to assume, as the application documents do, that block forms blanketing the site with the maximum height limit would be approved; and
- Condition C2 required future design excellence competitions to consider a comparison against Section 13.0. Condition C2 still exists, but the reference to Section 13.0 is proposed to be removed as part of the MOD 9 application. Presumably, this is because the MOD 9 application recognises that the proposal is entirely contrary to Section 13.0. However, that implicit recognition does not extend to carrying out a proper assessment against the true base case.

Condition C2 requires that the controls in Section 13.0 are used as a benchmark for comparison. In short, the MOD 9 application is not entitled to assume, as it does, that Section 13.0 can be ignored.

2. Indicative Built Form

As discussed above, Section 13.0 of the *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment* outlines the indicative built form for Barangaroo.

Modifications to the Concept Plan have degraded the clarity of applicable controls, however, a comparison to Section 13.0 of the original Concept Plan is required of the proposed development at Central Barangaroo and cannot be ignored.

Our analysis of the indicative built form as established by the original Concept Plan and revised by subsequent modifications, and as they apply to the site at Central Barangaroo (Blocks 5, 6 and 7), is outlined below.

2.1.1 Concept Plan 06_0162 – Barangaroo

Concept Plan 06_0162 – Barangaroo was approved in February 2007. The Concept Plan outlined the future development of Barangaroo and divided the site into eight (8) development blocks. Blocks 5, 6 and 7 comprise the site at Central Barangaroo.

Block 5

- 29,200sqm maximum permitted gross floor area (GFA)
- 25m wide built form up to RL34 to Hickson Road
- 37m wide built form up to RL20 ('low valley')
- Built form to RL25 to remaining width to Globe Street, 20% of envelope up to RL29.

BLOCK 5 DEVELOPMENT CONTROLS



Figure 2: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 6

- 3,000sqm maximum permitted GFA
- Built form to RL22, 15% of envelope up to RL29
- 22m wide (Hickson Road) x 83m deep building footprint.

BLOCK 6 DEVELOPMENT CONTROLS

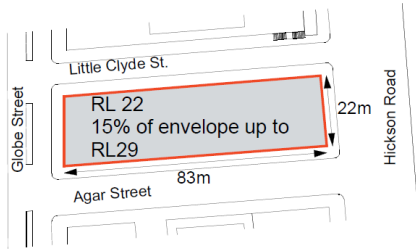


Figure 3: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Block 7

- 28,000sqm maximum permitted GFA
- 211m wide (Hickson Road) x 76m deep building footprint
- Variable RL9.7 - RL35 building height (refer **Figure 4**).

BLOCK 7 DEVELOPMENT CONTROLS

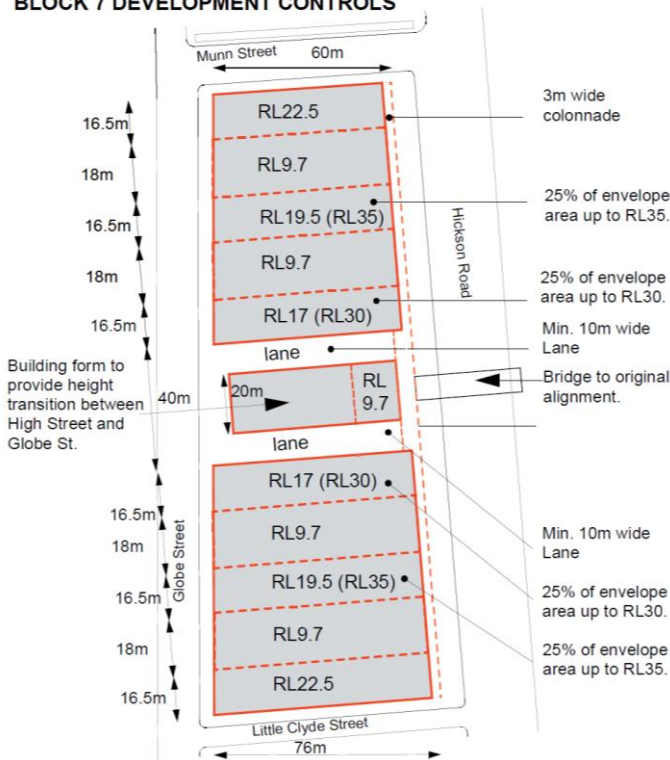


Figure 4: Block 5 Development Controls. (Source: *EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0).

Laneways

- Laneways between development blocks are a minimum of 10m wide (*EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0, p. 121).

Indicative Built Form under Concept Plan 06 0162 – Barangaroo

The indicative built form for Blocks 5, 6 and 7 under the Concept Plan is illustrated in **Figure 5** below. The following conservative assumptions about the applicable controls have been made:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road at Block 5 as overall built footprint dimensions are not provided.

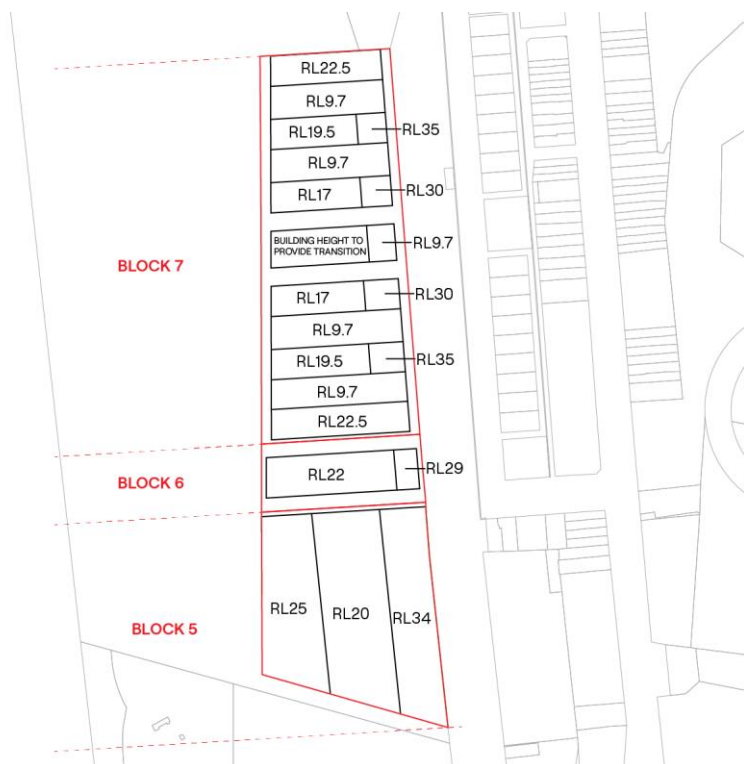


Figure 5: Indicative Built Form under the Concept Plan. (Source: Gyde Consulting).

2.1.2 Modification 1 - MP 06_0162 MOD 1

Modification 1 was determined in July 2007. The modification involved the correction of minor typographical errors in the Concept Plan Instrument of Approval and modification to design excellence requirements.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 1.

2.1.3 Modification 2 - MP 06-0162 MOD 2 (Commercial floorspace)

Modification 2 was determined in February 2009. The modification included some amendments to Block 5 as a part of additional built form controls associated with a proposed additional 120,000sqm of commercial floor space to be distributed across Blocks 2-5.

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2.

Block 5

- 41,225sqm revised maximum GFA
- RL29.6 podium or street wall to be constructed adjacent to Hickson Road
- RL18.8 podium or street wall to be constructed adjacent to Globe Street
- Above podium elements to have a minimum setback of 25m from the Hickson Road street wall or podium edge

- Street wall or podium to have a minimum setback of 5m from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses
- Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20m. (Refer MP 06-0162 MOD 2 (Commercial floorspace), Instrument of Approval).

Indicative Built Form under Modification 2

The indicative built form for Blocks 5, 6 and 7 under Modification 2 is illustrated in **Figure 6** below. The following conservative assumptions about the applicable controls have been made:

- Minimum 3m above podium setback (western boundary of Block 5) to represent a ‘worst case scenario’ of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a ‘worst case scenario’ of development.

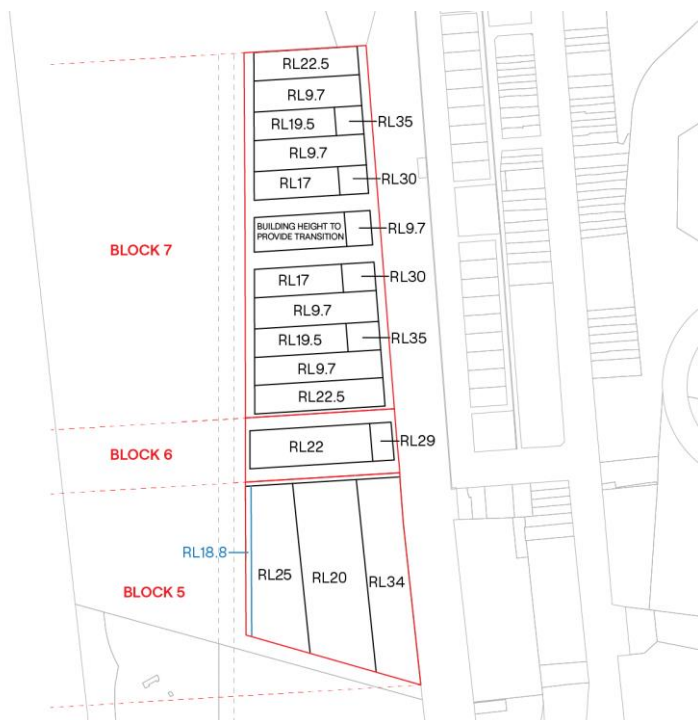


Figure 6: Indicative Built Form under Modification 2; podium to Globe Street is implemented. (Source: Gyde Consulting).

2.1.4 Modification 3 - MP 06-0162 MOD 3 (Headland Park and Northern Cove)

Modification 3 was determined in November 2009. The modification involved some amendments to Block 7 as a part of an amended design for the Headland Park and Northern Cove. The changes removed Block 8 and the northern portion of Block 7.

While the maximum GFA of Block 5 was proposed to be increased to 44,225sqm under Modification 3, this change was not approved. Similarly, the maximum height of buildings (HOB) of Block 7 was proposed to be decreased to RL20, however this amendment was similarly not adopted within the Instrument of Approval.

The indicative building envelope of Blocks 5 and 6 remained unchanged by Modification 3.

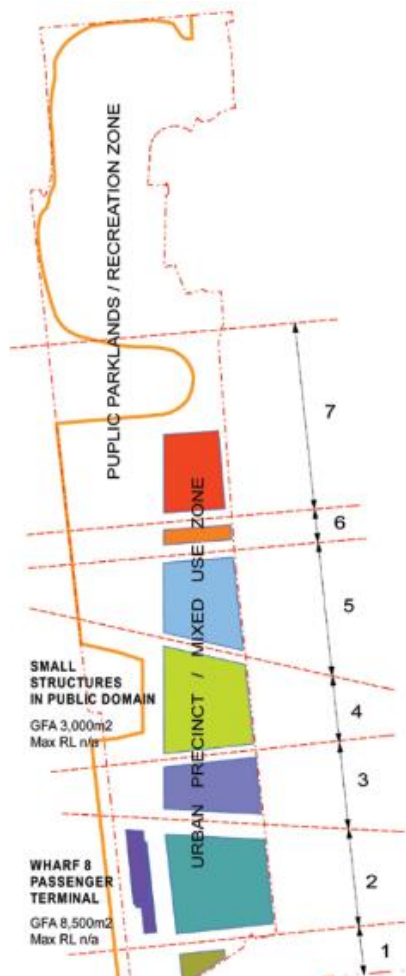


Figure 7: Revised Development Blocks under Modification 3; Block 8 and the northern portion of Block 7 are removed. (Source: *Barangaroo Part 3A Modification Report*).

Block 7

- Block 8 and the northern portion of Block 7 removed.
- 15,000sqm revised maximum GFA.

Laneways

- The 'street hierarchy' was documented in more detail in *Barangaroo Part 3A Modification Report*, p. 51, outlining:
 - 20m wide 'Agar Street'.
 - 10m wide 'Little Clyde Street'.

Indicative Built Form under Modification 3

The indicative built form for Blocks 5, 6 and 7 under Modification 3 is illustrated in **Figure 8** below.

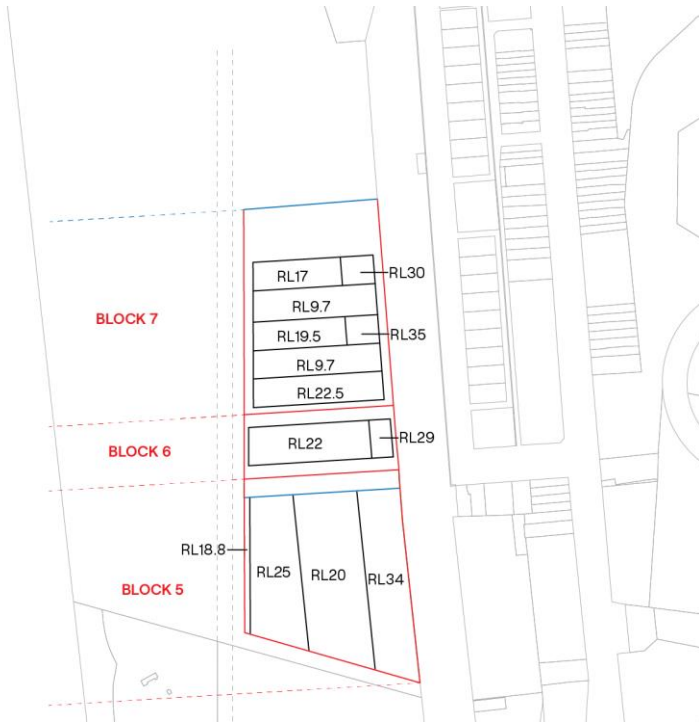


Figure 8: Indicative Built Form under Modification 3; Block 8 and the northern portion of Block 7 are removed, laneway widths are clarified. (Source: Gyde Consulting).

2.1.5 Modification 4 - MP06_0162 MOD 4 (Hotel development, additional GFA and Height)

Modification 4 was determined in December 2010. The modification involved a substantial reconfiguration of the Concept Plan, with changes such as two new blocks (Block X and Block Y), increased GFA and HOB to Blocks 1-4 and changes to the public waterfront area, including the location of Block Y (hotel) into Darling Harbour.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 4 and it is noted that Modification 4 was described to “relate only to the southern portion of the site”, refer **Figure 9** below.

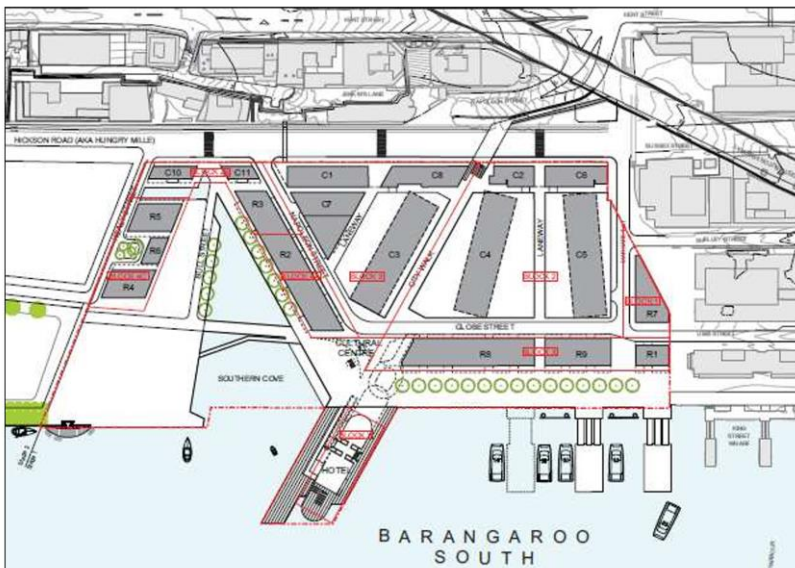


Figure 5: Land to which MOD 4 applies (surrounded by red dotted line)

Figure 9: Modification 4 was described as not applying to Blocks 5-7. (Source: Modification Request Barangaroo Concept Plan MOD 4, Director-General’s Environmental Assessment Report, p. 9).

2.1.6 Modification 5 - MP06_0162 MOD 5 Barangaroo Concept Plan

Modification 5 was withdrawn in March 2011.

2.1.7 Modification 6 - MP06_0162 (MOD 6) Barangaroo Concept Plan

Modification 6 was determined in March 2014. The modification involved amendments to Barangaroo South, including the realignment of the Block 3, 4A and 4B boundaries and associated new urban design controls, and amendments to conditions regarding community floorspace and car and bicycle parking.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 6 and it is noted that the *Modification Request Barangaroo Concept Plan MOD 4, Director-General's Environmental Assessment Report* specifies that "the Urban Design Controls for Blocks 1, 2, 4A, 5, 6, 7, X and Y remain as per the approved Concept Plan" (p. 6).

2.1.8 Modification 7 - MP06_0162-Mod-7 Modification to Concept Plan

Modification 7 was determined in April 2014. The modification involved approval for a temporary concrete batching plant for Barangaroo South.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 7.

2.1.9 Modification 8 - MP06_0162 MOD 8 - Modifications to Barangaroo Concept Plan

Modification 8 was determined in June 2016. The modification involved the relocation of Block Y (hotel) back to Barangaroo (away from the harbour) and associated reconfiguration of the Barangaroo site. As Modification 8 involved a reduction in land zoned RE1 Public Recreation to accommodate the relocated Block Y, the southern boundary of Block 5 was amended to ensure a strong and coherent relationship between Hickson Park and the Central Parklands, providing a clear view and safe public access, in accordance with advice from the Design Advisory Panel.

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2.

Block 5

- Chamfer design is adopted to the southern boundary of Block 5.
- 29,668sqm revised maximum GFA.

Indicative Built Form under Modification 8

The indicative built form for Blocks 5, 6 and 7 under Modification 8 is illustrated in Figure 10 below.



Figure 10: Indicative Built Form under Modification 8; southern boundary of Block 5 is chamfered. (Source: Gyde Consulting).

2.1.10 Modification 9 - MP06_0162-Mod-9

Modification 9 is not approved, it is currently on public exhibition.

Key changes proposed include:

- Extending the southern boundary of Block 5 further south to encroach into land zoned RE1 Public Recreation.
- Amending the maximum height of buildings within each development block as outlined in Table 1 below:

Table 1: Proposed amendments to Height of Buildings map

Development Block	Existing Height	Proposed Height
Block 5	RL 34	RL 21.5 RL 31.2 RL 33.75 RL35 RL 42.45
Block 6	RL 29	RL 35
Block 7	RL 35	RL 35

- Introducing a maximum GFA allocation for all of Central Barangaroo of 104,000sqm (11,908sqm of which is proposed to be below existing ground level).

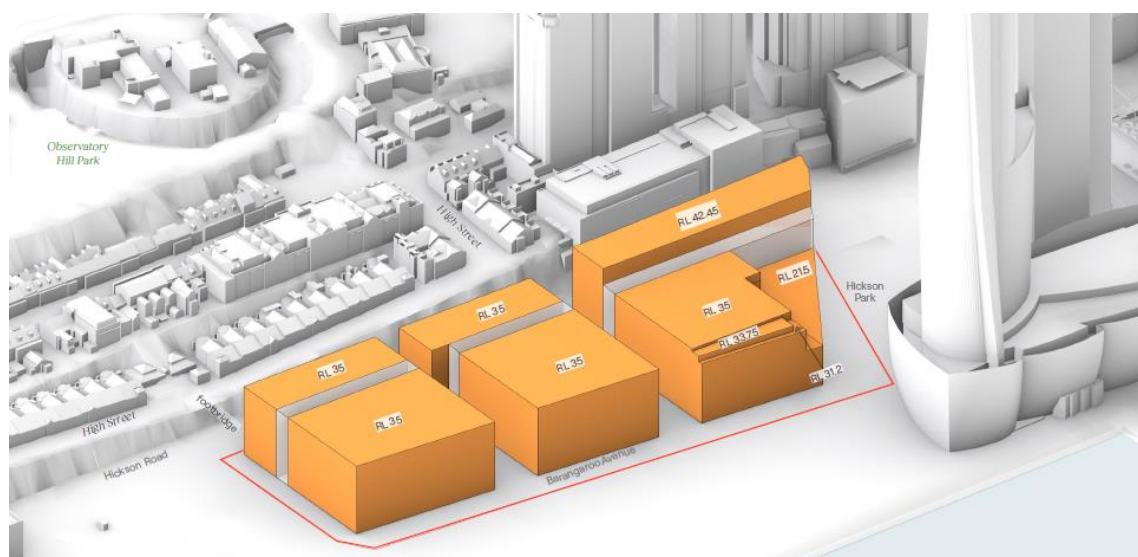


Figure 11: Mod 9 Proposed Building Envelope with RLs. (Source: *Central Barangaroo Urban Design Report and Design Guidelines*, prepared by SJB, 28 November 2023).

2.1.11 Modification 10 - MP 06_0162 MOD 10 - Modifications to Barangaroo Concept Plan and Amendment to State Environmental Planning Policy (State Significant Precincts) 2005

Modification 10 was approved in September 2020. The modification involved increases to the Barangaroo South residential GFA and building heights.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 10.

2.1.12 Modification 11 - MP 06_0162 MOD 11 - Modifications to Barangaroo Concept Plan

Modification 11 was approved in October 2020. The modification involved construction of a temporary construction road and amended staging of Hickson Park and construction exclusions zones.

The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 11.

2.1.13 Summary of Assumptions

This indicative built form analysis has been informed by a number of conservative assumptions where detailed guidance was not provided within the approval documentation. A summary of assumptions is outlined below for clarity:

- The Block 6 built form is centred over the Block 6 site.
- Taller building heights (RLs), where nominated as a percentage of the built form, are positioned to the east of the Central Barangaroo site to represent a 'worst case scenario' of development.
- No setback to Hickson Road is provided at Block 5 as overall built footprint dimensions are not provided.
- Minimum 3m above podium setback is provided to the western boundary of Block 5 to represent a 'worst case scenario' of development.
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a 'worst case scenario' of development.

21 February 2024

The Hon. Paul Scully, MP
Minister for Planning and Public Spaces
52 Martin Place
SYDNEY NSW 2000

Dear Minister

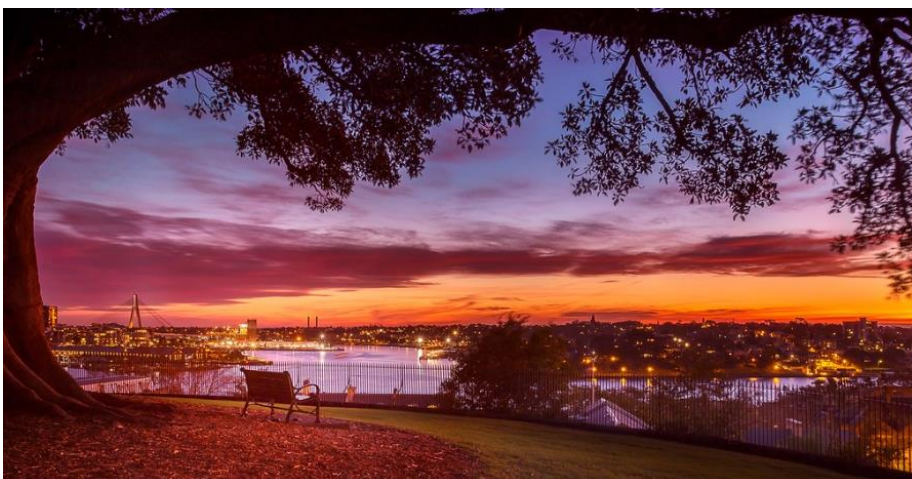
National Trust submission relating to Barangaroo Concept Plan (Modification 9)

The National Trust, as both the State's leading voice for heritage protection and a close neighbour to Barangaroo, has long advocated to ensure Barangaroo respects and is sympathetic to the immense heritage values of Millers Point, Observatory Hill and Sydney's world famous harbour. While we understand that the current Modification 9 proposal on exhibition has been amended in response to extensive community feedback, the National Trust still does not believe it to be an adequate heritage outcome.

We note that the current proposal has been revised not to include the 73m high tower and that further amendments have been made to the overall bulk and scale of Central Barangaroo and that these are positive outcomes. The National Trust, however, remains extremely concerned that the proposed bulk and scale are far from adequate in achieving an appropriate relationship between the new development and the existing context of Sydney Harbour and the State Heritage Register listed *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*.

Observatory Hill contains a multitude of heritage values, including Aboriginal cultural significance, historical astronomical use, and heritage landscape values. New development must not compromise this important place in our city.

There is only one chance to get this significant development for Sydney right. The National Trust urge the proponent to further reduce the bulk and scale of the development in order to preserve the important connections between Millers Point and the harbour.



Sunset on the Hill (Image source: <https://www.flickr.com/photos/ishihab/18984557336/in/photostream/>)



Heritage significance of the area

Located adjacent to Millers Point and Dawes Point, within the viewshed of Observatory Hill, the Sydney Harbour Bridge and suburbs located to the west, north west and south west, the single greatest asset that Barangaroo Central has above the earlier components of the entire Barangaroo development is the heritage nature of this location, and the ability to integrate in a meaningful way with the existing community of Millers Point and its residents, businesses, churches, schools, pubs and restaurants.

The heritage significance of this place is well established through its listing on the State Heritage Register as the *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*.

Heritage Item or Place	Register	Date of Listing
Sydney Observatory	National Trust Register	1974
	State Heritage Register	2000
	Sydney City LEP	2012
Observatory Park	National Trust Register	1974
Observatory Precinct	National Trust Register	1974
	Sydney City LEP	2012
Sydney Harbour Bridge	National Trust Register	1974
	Sydney City LEP	2005
	National Heritage List	2007
The Rocks Conservation Area (including Millers Point)	National Trust Register	1978
Sydney Harbour Landscape Conservation Area	National Trust Register	1983
Millers Point Conservation Area	State Heritage Register	1999
	Sydney City LEP	2000

The SHI listing for the *Millers Point Conservation Area* notes:

Millers Point & Dawes Point Village Precinct is of state significance for its ability to demonstrate, in its physical forms, historical layering, documentary and archaeological records and social composition, the development of colonial and post-colonial settlement in Sydney and New South Wales.

The natural rocky terrain, despite much alteration, remains the dominant physical element in this significant urban cultural landscape in which land and water, nature and culture are intimately connected historically, socially, visually and functionally... The whole place remains a living cultural landscape greatly valued by both its local residents and the people of New South Wales.

Aboriginal Heritage

The *Building Barranagroo* website states:

“People have been an integral part of the Barangaroo landscape for thousands of years. The Traditional Custodians, the Gadigal, used the land for hunting, the harbour for fishing and the foreshore as a place of congregation. Large shell middens and numerous rock engravings close to the site indicate Aboriginal occupation dating back some 6,000 years, while radio carbon dates from other parts of Sydney indicate that the wider area was occupied for at least 14,500 years prior to European colonisation.”¹

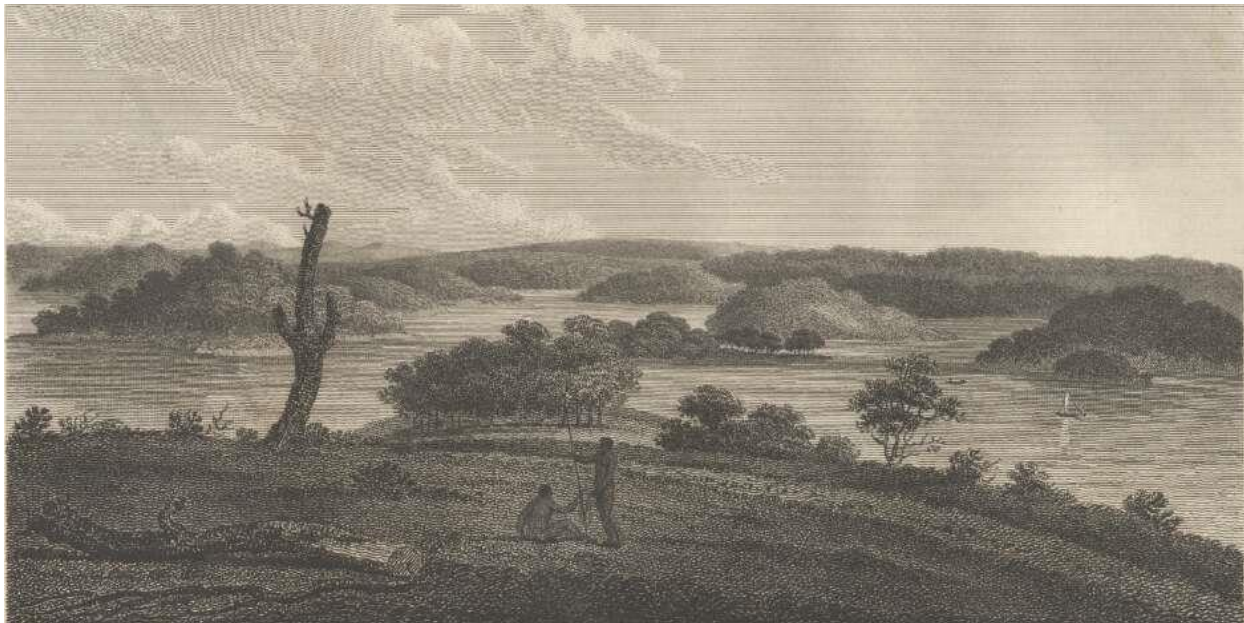
¹ Barangaroo. Website accessed 19 August 2022. <https://www.barangaroo.com/about/the-place/history/aboriginal-culture>



Observatory Hill is a crest of a rocky ridge overlooking Sydney Harbour, at the western end of the former catchment area for the Tank Stream, as well as in close proximity to Sydney Harbour. This the location would have allowed easy access to both fresh and salt water (and all the resources afforded by both), and its elevation and geographical location would have afforded advantageous views of the harbour and surrounding landscape in every direction.

The Millers Point area was known to the Cadigal as Coodye, and Dawes Point as Tar-ra/Tarra, and the Eora people called Darling Harbour ‘Tumbalong’, meaning a place where seafood is found. The shores were littered with the remnants of oyster shells and other shellfish remains accumulated over thousands of years, and it is this that led the Europeans to call the area Cockle Bay. Observatory Hill had direct views to Mel-Mel (Goat Island) and other key areas of the landscape.

Early European paintings depict Aboriginal people on and around Observatory Hill, as shown in the following illustration.



By water to Parramatta with a distant view of the western mountains, taken from the Wind mill hill at Sydney c.1789.
(Source: NLA. <http://nla.gov.au/nla.obj-135681388>)

Hills, promontories, mountains and prominent geographical features are well understood to be used by Aboriginal people as landmarks on traditional travel routes and as interconnected sites in a broader cultural landscape, as prominent landscape features associated with dreaming stories, and as viewing points. **For the local Aboriginal people, Observatory Hill was probably a popular lookout spot because it was the highest point in Sydney.**²

It is difficult to see how this proposal, which will forever remove these key views of Sydney Harbour from Observatory Hill, relates to such understandings and proposed ambitions. The Aboriginal cultural values of Observatory Hill must be considered.

Current proposal

The National Trust has argued tirelessly that Millers Point is valuable, amongst many other reasons, for its unique urban landscape and relationship with the harbour. The current proposal continues to threaten a number of the elements that contribute to this unique character. The National Trust notes the following outcomes that will negatively impact the heritage from both Millers Point and Observatory Hill:

² Observatory Hill, Barani (Sydney’s Aboriginal History), <https://www.sydneybarani.com.au/sites/observatory-hill/>



View loss to and from High Street & Observatory Hill

The National Trust notes that while the tower has been removed, the overall form and scale of the buildings proposed at Central Barangaroo still significantly block the views and connection from High Street (including the Agar Steps) and Observatory Hill to the water. The visualisation rendered from Observatory Hill shows that there will no longer be a direct view west of the water. Furthermore, the view from terraces along High Street will be all but entirely lost to the new design.

Loss of 'rocky topography' and distinctive hill

All assessments of significance in the area refer to the interesting topography surrounding Observatory Hill. The need for access and materials has created a precinct with a number of hidden stairs, buildings clustered onto the hillside, and a general zig-zagging down towards the water. The response to the landscape has allowed for special moments throughout both The Rocks and Millers Point, such as the Agar Steps, Argyle Cut or the street view along the stepping of terrace houses down the slope.

The proposed buildings reach almost as high as Observatory Hill itself, blocking an authentic view of the Hill from the west and erasing the image of the cutting form of High Street.

Views analysis

The National Trust are of the opinion that the project does not adequately respond to the need to preserve real and important views from the heritage areas of Millers Point generally, and Observatory Hill in particular, and remain concerned about the way the impact of the proposal has been illustrated in the documentation provided.

We disagree with the conclusion in the *View and Visual Assessment* (p.281) that a mitigating measure to “consider creating sufficient visual contrast between Central Barangaroo built form and the heritage backdrop of the Millers Point Conservation Area, to provide clear delineation between the two, thereby highlighting the historic landscape and architectural qualities of the Conservation Area, e.g. as seen from Balmain East” is in any way sufficient to mitigate the heritage impacts of the proposal – which relate solely to scale and bulk.

While we welcome the fact that a view analysis from High Street (south) has finally been included in the documentation, the Trust is also – once again – greatly concerned that the *View and Visual Assessment* (Aecom, October 2023) for the project represents the proposed project in transparent forms, with colours that are deliberately chosen to appear similar to the sky and/or water, does not reflect the true impact of the proposal. In some instances the views that have been analysed are not even views at all. For example, the National Trust question the usefulness of the “proposed view” (below) from the National Trust carpark which is obviously not a realistic representation of such a major project at all.



Visualisation showing the development envelope of MOD 9 - RtS from the National Trust carpark (AECOM, July 2023, p.235)



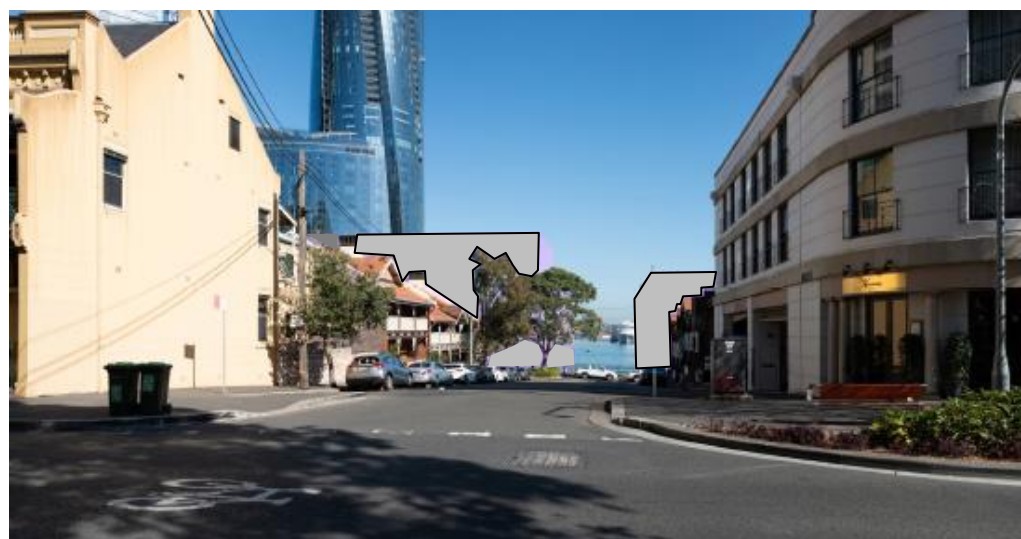
Once again, the Trust has considered it necessary to actually make amendments to the documentation provided to show new buildings as a solid mass, not as transparent blue boxes.



Existing view west down High Street (Aecom report, p.52)



Proposed view west down High Street of new proposal (Aecom report, p.53)



Proposed view west down High Street of new proposal (Aecom report, p.53) with actual new buildings not shown as transparent (overlay by National Trust)



Existing view from Observatory Hill Park (Aecom report, p.38)



Proposed view of new proposal from Observatory Hill Park (Aecom report, p.39)



Proposed view of new proposal from Observatory Hill Park (Aecom report, p.39) with actual new buildings not shown as transparent (overlay by National Trust)



Existing view from High Street South (Aecom report, p.244)



Proposed view from High Street South (Aecom report, p.245)



Proposed view from High Street South (Aecom report, p.245) with actual new buildings not shown as transparent (overlay by National Trust)



Conclusion

The National Trust urges for a better planning outcome – in particular one which will not entirely change the nature and relationship of Observatory Hill to Sydney Harbour. The best possible outcome is one that fits in with the unique topography of the adjacent landscape and the historic qualities of the Millers Point Conservation Area. It is this response to the landscape that has created Millers Point as we know it today - now a precious and historic precinct – and using it as a precedent would result in a far better outcome for this place.

By responding to place, Barangaroo Central will be of benefit to all citizens and visitors to Sydney, not just those privileged enough to live or work within the new buildings.

- **The approved envelope is not itself an appropriate response to this important site.**
- **Some relatively minor modifications to building heights would preserve the views of the water from Observatory Hill Park which have Aboriginal, historic, and ongoing social significance.**
- **A more generous new street between the new buildings would help to preserve the view of the water as people descend the historic Agar Steps on their way to the new Barangaroo Central.**

If it is done well, Barangaroo Central has the potential to be one of the great success stories of modern Sydney's growth and development. The National Trust urges the Department and the Minister to remember the cultural significance of this area, to consider its future for generations to come, and to encourage the proponent to respond to this appropriately in their proposal by reducing the scale and the bulk of the buildings where this is needed.

Yours sincerely,

David Burdon
Director, Conservation

OBJECTION SUBMISSION to Department of Planning and Environment on behalf of the Owners
SP72797

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Executive Summary This submission outlines the significant concerns of the residents of The Bond Apartments, 38 Hickson Road, regarding the proposed Barangaroo Central development by Aqualand, specifically Building 5 at the southern corner of the proposal. Our primary concern is the total erasure of our water views, a vital aspect of our residential amenity, with no adequate assessment of this impact provided in the development proposal. This objection is grounded in the principles set out in the matter of Tenacity Consulting v Warringah Municipal Council, which underscores the importance of view sharing and the reasonable assessment of view impact in development proposals.</p> <hr/> <p>1. Introduction</p> <ul style="list-style-type: none"> The Bond Apartments are the closest residential neighbour to Building 5 of the proposed development with 50 lots, 49 residential and 1 commercial. Whereas in Part 5 of the “Barangaroo Modification 9: View and Visual Impact Assessment” covers 41 “Observer Locations” there is NOT ONE assessment of the View Impact of the proposed development from its NEAREST residential neighbour, The Bond Apartments at 38 Hickson Road. The lack of this KEY ASSESSMENT is sinister at best and a deliberate omission at worst and in our submission invalidates the View and Visual Impact Assessment. How can the principles of assessing the reasonableness of view loss be valid when the assessment doesn’t even mention the nearest residential neighbour with the greatest immediate view loss. At present only 6 apartments out of 49 will not experience TOTAL LOSS OF WATER VIEWS due to the Modification 9 put forward. <hr/> <p>2. Legal and Planning Context</p> <ul style="list-style-type: none"> Outline of the planning principle developed in the case of Tenacity Consulting v Warringah Municipal Council, emphasizing the importance of view sharing and the specific considerations for assessing the reasonableness of view loss. The Principles developed in Tenacity Consulting v Warringah Municipal Council can be summarised as follows: <p>Identification of Views</p>

	<ul style="list-style-type: none"> • Nature of Views: The view loss of the residents of The Bond Apartments are all WATER VIEWS to the North West • Value of Views: These views carry significant value to all the affected properties, including both economic value and amenity. <p>From Where the Views Are Enjoyed</p> <ul style="list-style-type: none"> • Location of Views: The views lost are from living areas and balconies. • Frequency of Use: Due to the location of the current views, the view loss would be experienced daily by the residents of The Bond Apartments <p>Extent of the Impact</p> <ul style="list-style-type: none"> • Assessment of View Loss: The proposed development will totally erase the water views from each of the affected dwellings. • Comparison of Pre and Post-Development Views: After the development (if approved) the comparison is simple, there will be no water views remaining. <p>Reasonableness of the Proposal</p> <ul style="list-style-type: none"> • Design Considerations: Therefore the development has NOT been designed with any consideration of minimising the impact on views to the residents of The Bond Apartments. Overall as the local community in particular states this development “STILL BLOCKS THE ROCKS” however the impact on the residents of The Bond Apartments goes beyond this. • Alternative Designs: Building 5 should be removed totally from the design proposal and the entire area it sits upon should be made parkland. • Balancing Interests: The development’s benefits in proposing this Modification take absolutely no consideration of the detrimental impact on neighbors' views, and therefore we submit that the view loss is totally unreasonable in the context of broader planning objectives and the public interest. • No efforts to mitigate view loss: There has been NO reasonable effort to mitigate view loss for The Bond Apartments residents, and NO suggestion of alternative designs or modifications. • A Comprehensive Re-evaluation is required: A comprehensive re-evaluation of the proposal to include a detailed assessment of the view loss impact on The Bond Apartments is required with design alterations to mitigate this impact. <p>The key reasons this proposal is unacceptable:</p> <ol style="list-style-type: none"> 1. In our submission to the original Mod 9 proposal, we made clear objections due to the lack of ANY consultation with the development’s NEAREST RESIDENTIAL STRATA. The View Impact statement in the revised proposal made no accommodation to our objection as outlined. 2. Zero consideration of the nearest residential building to the proposal in the revised Mod 9: In making this objection, we, the Strata Committee representing the owners of SP72797 consisting of 50 lots in The Bond Apartments, 38 Hickson Road Millers Point. This objection is made for each and every owner of SP72797 by the Strata Committee. We strongly object to the TOTAL lack of consultation and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod9, revision 11 dated 10/12/2021, the View and
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Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.

3. Loss of quiet enjoyment due to Mod 9

The owners and occupants health and safety, our quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. We note that SSD-39587022 is at “prepare EIS” stage. The Bond has had ZERO consultation.

The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety and quiet enjoyment of SP72797’s residents will suffer throughout the entire build process.

4. Barton Street was NEVER proposed as permanent – it is satisfying to see that it has been removed from the proposal.

However, the motivation behind this change appears to be solely to allow the northern boundary of Block 5 to be moved further south. The Applicant will argue that this change simply restores the Hickson Park boundary to where it was in MOD8. This is irrelevant to us. Hickson Park was developed and opened to the public early as part of a negotiation with Crown and the then Barangaroo Delivery Authority in order to give some amenity back to local residents who had endured almost 10 years of constant construction activity. Since then we’ve witnessed the park reduced in size with every modification.

The Applicant now seeks to further reduce the size of the park by 1625 sqm. Other comments on Hickson Park relate:

- The applicant wishes us to compare this park to Bryant Park (a 9.6 acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

In the Barangaroo Concept Plan MOD 8 Determination Report dated 28 June 2016 (MP06_0162 MOD 8) The Commission was presented with a building height of RL22.5 for Block 5. The Commission on page 20 states: “the footprint and building envelope of Block 5 is to be reduced . Future above ground buildings in Block 5:

- (a) Are to minimise overshadowing of Hickson Park .. no more than 2,500sqm of Hickson Park is overshadowed ..
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Against this background the applicant has completely ignored the Commission’s determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL42.5. Outrageous!

We Request:

Out of courtesy, the Developer and Infrastructure NSW should explain separately why the nearest residential strata to the proposed development has now twice been completely ignored relating the View impact.

SP72797’s objections:

1. We object to ANY increase in the maximum GFA above the approved 47,000m2
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	<ol style="list-style-type: none"> 3. We object to any modification to the approved block boundaries 4. We object to the reduction of Hickson Park and the movement of the Buildings further South as a result of the changes to Barton Street proposed. 5. We object to proposed amendments to the State Significant Precincts SEPP 6. We object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. 7. This proposal STILL BLOCKS THE ROCKS 8. We note from planning guidance "Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores." <p>These principles have NOT been adopted in the amended Mod 9 application. I OBJECT to the applicant's "Summary" which (erroneously) states (inter-alia) "Mod 9 often only marginally increases the extent of view loss". This statement made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9 as are ALL the water views from The Bond apartments.</p> <p style="text-align: center;"><i>Max Deutscher</i></p>
Date	19 February 2024
Name, Address and contact details	38 Hickson Road Barangaroo : <i>Max Deutscher and Phyllis Perlestone</i> <i>APT 604</i>

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

L18

OBJECTION SUBMISSION to Department of Planning and Environment on behalf [REDACTED]
Strata NO SP72797

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
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Extent of the Impact

- **Assessment of View Loss:** The proposed development will totally erase the water views from each of the affected dwellings.
- **Comparison of Pre and Post-Development Views:** After the development (if approved) the comparison is simple, there will be no water views remaining.

Reasonableness of the Proposal

- **Design Considerations:** Therefore the development has NOT been designed with any consideration of minimising the impact on views to the residents of The Bond Apartments. Overall as the local community in particular states this development “STILL BLOCKS THE ROCKS” however the impact on the residents of The Bond Apartments goes beyond this.
- **Alternative Designs:** Building 5 should be removed totally from the design proposal and the entire area it sits upon should be made parkland.
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Date	19 February 2024
Name, Address and contact details	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 250px; height: 25px;"></div>

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

Director,
Key Sites Assessment
Department of Planning & Environment
Locked Bag 5022
Parramatta NSW 2124

Submission of Objection to MP06 0162 MOD 9 - Central Barangaroo Development

Dear Director

I wish to strongly object to this MOD 9 which has not taken into consideration the significant previous objections /except the tower.

Almost all previous objections as stated in your documents was concerned about height , bulk , location as impacting the foreshore and heritage and history regarding the harbour and the surrounding land marks (particularly Harbour Bridge) and visual impacts from most vantage points.

These objections and concerns have been ignored and remain – and I am very disappointed the NSW Government and developer are ignoring these objections.

My concerns on this MOD are

Accountability

As one of the last areas to be developed around our harbour, this development does not recognise the need to forgo commercial dollars and create a development that will be seen into the future as blending into the current topography, current locations and will enhance not detract from existing neighbours.

Rather this development ignores all and will impact forever. This cannot happen please and the development should be stopped.

Height, bulk and density

Stating the obvious the height is wrong and should not be as tall, nor should there be these box like structures and finally the development proposes a significant increase in residential and car spaces. Barangaroo does not have the capacity to handle thousands of cars as well does not have the capacity for schools – Where is the nearest public high school?

Pymont has sought a high school for years and still is being ignored!

It's quite damning that not even a stepped down building style has been offered – just large boxes that ruin all surrounding areas and suburbs.

My suggestion if the development is not cancelled is to remove all northern end buildings in totality and reduce the height and bulk of the remaining southern end and accept less scale.

The lack of respect of the Sydney Harbour Bridge

The current MOD is too close to the bridge and will create a significant impact into the future. The bridge is a Sydney land mark and icon and no developments should fight against the Bridge. The northern buildings are too close to the southern pylons. And from various montages all that will be seen going forward will be only the top of the curve. Again please do not allow this to happen.

My suggestion, that all northern end buildings should be removed to allow the Bridge to be seen and recognised and from all locations - not just the east, but the western harbour and all western neighbours and communities. Your locations information should be revisited to assist in the redesign.

Disrespect of our the Harbour

No thought appears to have been given how to enhance and respect the location and the harbour, albeit a promenade but these buildings alongside the Crown are too close to our harbour.

The material impact on many vantage points that enjoy the vistas of the Harbour Bridge

Many communities, marinas, boats and parks across the Western Harbour and particularly in Barangaroo , Millers Point, Pyrmont, Balmain enjoy the ability to view the Bridge and not just on NYE!

Almost all are proud of our Bridge and its quite concerning how this development will change people's engagement with the Bridge and the impact particularly mentally.

All of these suburbs are also destinations meaning many domestic visitors and international tourists will picnic or sit or boat and enjoy the Bridge view.

This development will significantly impact these vistas of the Bridge and it is an affront to only label your locations information as only being of moderate impact. They are high and significant and I doubt no other major City would be allowing this abuse of visual impact on so many residents, businesses, visitors and tourists!

Disrespect for heritage and history particularly the Rocks, Millers Point

I think the lack of respect for these areas goes to the heart of all that is wrong with this Mod.

This development should be scrapped and a large public parkland should be actioned to complement that of Barangaroo Headland and Nawi Cove.

Significant impact on Barangaroo Headland

As stated above the Headland is a wonderful public asset and this development will degrade and impact this topography forever.

Lack of long term planning regarding community needs

This MOD appears to amend commercial into residential space with a significant amount of car spaces. Stating the obvious residents will use their cars and not just use the Metro meaning a massive strain on the very limited roads around this area. Barangaroo Ave and Hickson Road cannot currently cope now so what will transpire if this is not scaled back or cancelled. Also – where are the schools to service these thousands of new residents?

This again highlights the land grab and commercial dollar grab rather than being accountable to enhance our great city and this last great location and opportunity called Central Barangaroo.

Conclusion

I think this is one of the worst proposed developments (even worse than Blackwattle Bay) I have had to review and as such I strongly object and oppose all aspects and locations of its proposal.

I ask that my concerns above are not ignored and are seriously considered and that this MOD 9 is either withdrawn or significant changes sought by the Minister.

[REDACTED]

[REDACTED]

[REDACTED]

15 January 2024.

391461

25.01.2024

Director - Key Sites Assessments, Development Assessment and Systems,
Department of Planning, Housing and Infrastructure,
Locked Bag 5022,
Parramatta NSW 2124

Dear Sir/Madam,

BARANGAROO CENTRAL PLAN (MOD 9) – SUBMISSION

While the removal of the tall building in Block 7 is commendable, **I strongly object to the rearrangements of Block 5, specifically its increased height and expanded geographic extent to the south.** If anything, the height of the buildings should be further reduced.

I refer to "Attachment F - View and Visual Impact Assessment Barangaroo Concept Plan (06_0162) Modification 9 - RtS Scheme | October 2023 Final," from the source: https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Exhibitions/Appendix+F_View+and+Visual+Impact+Assessment.pdf

This document will be referred to as the "**VIA.**"

Firstly, Table A of the VIA undermines the Magnitude and Significance of Visual Impact, which should be ranked as "HIGH," especially for items QL1&2 (Observatory Hill) and QL16 through QL25 (The Langham Hotel, Highgate, The Georgia, Stamford, 189 Kent St), as per earlier group submissions.

Secondly, the VIA undermines and ignores the fundamental negative impact of the proposed Block 5 height increases on the heritage hill appearance and character of the historical Sydney Observatory with its famous yellow Time Ball.

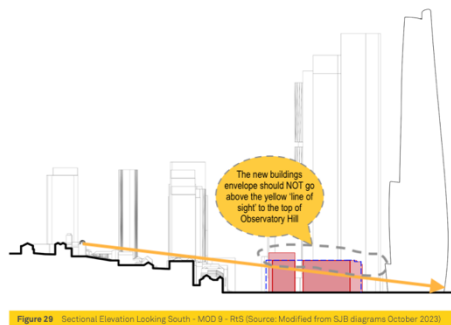
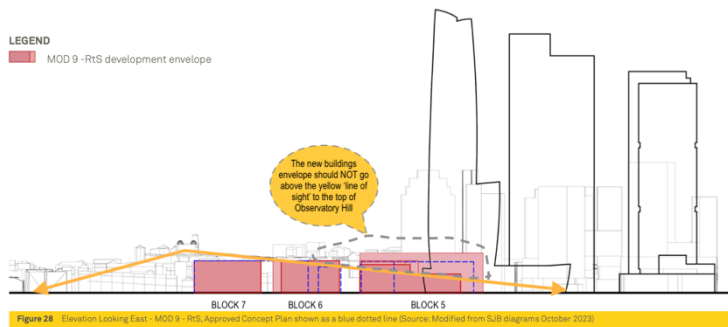
The VIA entirely **overlooks the viewpoint of millions of observers looking at the hill** from the Barangaroo foreshore and countless boats circling Barangaroo and Observatory Hill on Sydney Harbour.

The marked-up Figure 28 from the VIA, presented below, clearly indicates that to preserve the "line of sight" to the Observatory Hill, the height of the Block 5 buildings must be reduced below the Observatory Hill's slope line.

The historical significance of the Observatory Hill is summarized below.

I look forward to your positive consideration and the reduction of the height of Block 5 in the proposed redevelopment. Such a decision would undoubtedly be well-received.

Yours sincerely
Highgate Owner



Historical Significance of Observatory Hill

The Sydney Observatory, situated on the highest point of Observatory Hill, was visible to all inhabitants and played vital roles in early Sydney for over a hundred years. It controlled harbor traffic, measured time, and provided weather forecasts, becoming an iconic symbol for Sydney and Australia, akin to today's Sydney Opera House and Harbour Bridge.

The Observatory's primary function was to calculate accurate time based on stellar movements. The yellow Time Ball signaled 1 pm daily to ships and the Martin Place post office, accompanied by a cannon blast for both audio and visual notification (source: <https://www.maas.museum/event/flag-staff-and-time-ball/>).

Its inaugural 'weather forecast' was issued in 1858 by the first Government Astronomer, William Scott (source: <https://www.maas.museum/event/flag-staff-and-time-ball/>).

The Sydney Observatory building, perched atop Observatory Hill, has always held a distinctive crown position with clearly visible north and south hill slopes, setting it apart from the bustling port below. The attached early 1900s picture of Sydney port illustrates this narrative.

Sydney must preserve the iconic historical Observatory Hill, ensuring it maintains its characteristic hill appearance with clear slopes and a distinguished summit.

It would be inappropriate to 'bury' the historically significant Observatory Hill—integral to Sydney's identity—by surrounding it with excessively tall buildings in close proximity.

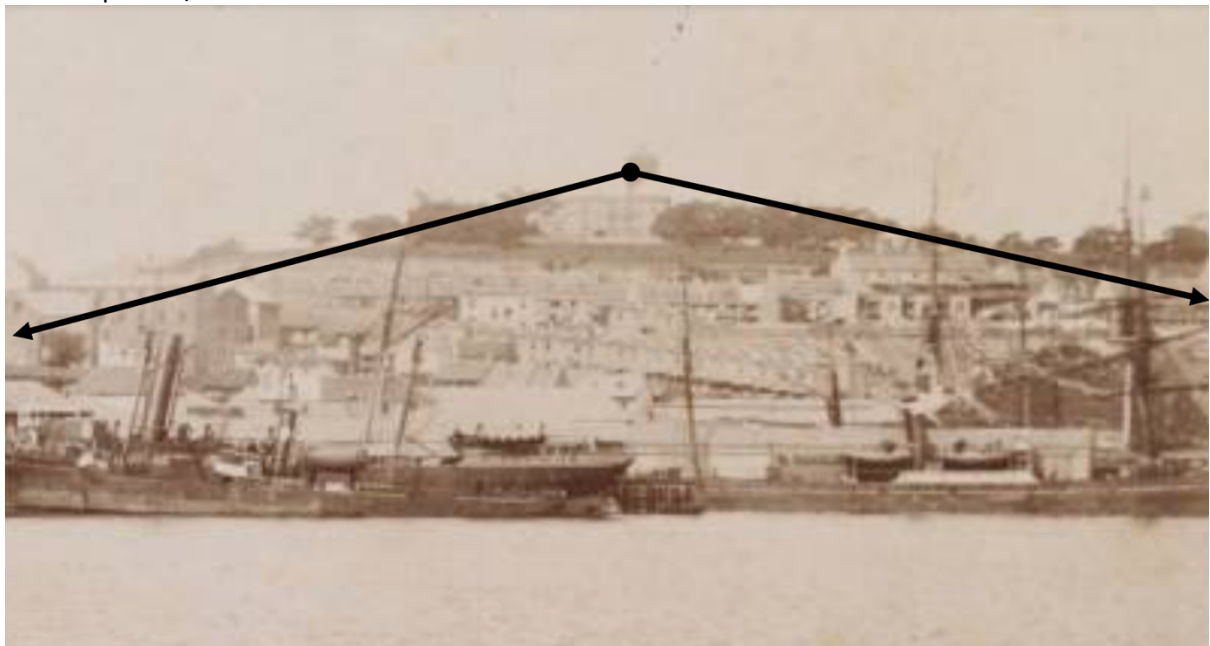
While Sydney lost its working port to the Barangaroo development, the hill can still be safeguarded for future generations.

Reflecting on ancient and medieval practices where pyramids and mounds commemorated national heroes, we have the unique Observatory Hill intricately linked to early Australian history and the Sydney psyche. It is our responsibility to preserve it.

The Time Ball should remain the highest point of the historical hill, with slope lines extending above nearby buildings. The redevelopment presents an opportunity to emphasize the hill's slope lines by reducing the height of proposed new buildings that currently exceed the historical slope line—similar to the successful restoration of the Barangaroo park coastline, a concept warmly embraced by Sydney-siders.



Early 1900 – source: <https://gerardcole.com.au/2018/02/200-years-of-sydney-a-collection-of-historic-photos/>



2021

391946

25 January 2024

████ Kent Street
Millers Point NSW 2000
Mob: ██████████

Mr P Scully
Minister for Planning and Public Spaces
Parliament House
Sydney NSW

Attn: Mr A Witherdin
Director, Key Sites Assessments
Development Assessment
Department of Planning, Housing & Infrastructure

Dear Minister

Re: Objection to Proposed Development Central Barangaroo Concept Plan (MP06_0162 Mod 9) (the "Proposal")

I am writing to strongly object to the Proposal submitted by Infrastructure NSW to modify the Barangaroo Concept Plan (MP 06_0162). I am objecting to the Proposal on two bases, firstly on how it affects me personally and secondly on how it affects the local community and greater population of Sydney.

Our Objection

In 2009 we purchased a 99-year lease from the Department of Housing for 115 Kent Street which is located on the corner of Kent Street and High Street Millers Point. We were aware of the 2007 Approved Concept Plan based on approved RLs for Blocks 5, 6 and 7 of 35m, 29m and 35m respectively. Importantly there was a wide pedestrian throughfare of 20-25m (?) between Blocks 5 and 6 linked to the "Spanish Steps" to High Street which reduced the volume of the buildings and gave us a unencumbered sea view. As this was a Government approved plan, we took considerable comfort that the undertakings in the Plan would be honoured.

One of the principal reasons for purchasing this house (and for paying over the then current market value) was the view and the relatively quiet ambience of Millers Point. Millers Point at the time was a dormitory suburb with little industry apart from the docks (which at that time had been principally depreciated to a timber handling facility). Traffic, except for local traffic used the 4 lane Hickson Road.

In 2020 we exercised our option to purchase the Lease from the Department of Housing. The purchase price was based on 2 independent Valuations both of which noted the harbour view in the valuation.

At the time of our initial purchase, we had no knowledge that the original Approved Plan would not be supported and adhered to by the Department of Planning.

This belief was supported by numerous Government announcements/publications and Ministerial Statements that the Barangaroo Concept Plan would be adhered to and that the maximum height of Barangaroo Central would not exceed 8 storeys (RL35) and a 20 metre laneway (the “Spanish Steps”) would be constructed at the end of High Street, hence preserving our views.

The proposal submitted by Infrastructure NSW (MP06_0162 Mod 9) seeks to significantly increase the existing height limits to in excess of 42.5 metres so that High Street will be obscured and our views will be eliminated. The GFA will also more than double to in-excess of 104,000 sqm.

NB The revised Concept Plan has increased the height of Block 5 by 8 metres to RL42.5 consequently eliminating our harbour views.

The proposal presented by the Department of Planning will block our view to the West and Northwest which will have a significant effect on our amenity and wellbeing. We now have a home which is open to sunlight and harbour views, if this Concept Plan is approved, we will be surrounded by large buildings with no outlook and little direct sunlight.

When we decided to convert our ownership from Leasehold to Freehold in 2020, had this current proposal been mooted, we would not have paid the Conversion Premium and perhaps sought compensation from the Government.

General Objection

I am surprised that the Department of Planning, Housing and Infrastructure should seek to amend the 2007 Approved Concept Plan. Nowhere in the Proposal is there any reason / justification for the Amendment.

People make investment decisions based on Government Policy and decisions at the time and whilst I recognise that policies can change it should only be in the case of a genuine change in circumstances. (I note the Labor Party was the Government when the 2007 Concept Plan was adopted). I cannot see any reasonable or justifiable change in circumstances that warrant this Proposal.

The Modification to the Concept plan allows the Developer an additional 56,312 GFA which is about 2.18x the original Plan. This is an enormous increase which will result in over-development of Barangaroo Central. **This development will have a serious effect on the City of Sydney as it is far too large and oppressive in design to achieve this GFA within the proposed RLs.**

The people of NSW were promised that the land associated with the reclamation of the wharves forming Barangaroo Central was Crown Land and belonged to the people of NSW. The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 postulates the following principals;

- Sydney Harbour is to be recognised as a public resource, owned by the public to be protected for the public good.
- The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.
- Protection of the natural assets of Sydney Harbour has precedence over all other interests.

It would also be unconscionable of the Minister to disregard this Condition determined by an independent body of highly qualified experts which was established by the Minister for Planning and Public Spaces in 2018. I would find it very difficult to think of one legitimate reason for the Minister to agree to this Proposal.

Sydney is situated around the most beautiful harbour in the world and whilst it has been damaged with the Cahill Expressway and the “Toaster” buildings this development would destroy any remnants of its beauty by encasing the Observatory Hill with a large monolith. One just has to look at Barangaroo South to get a glimpse of the over-development of the site.

It also destroys the designated Public Space originally proposed for Central Barangaroo and offers only a nominal public area (which will probably be incorporated into the landscaping of the buildings as has been done in with the Crown Casino).

It would appear that this Proposal is in response to the previous Aqualand 2022 proposal to construct buildings with an GFA of approximately 150,000 sqm. I would view this proposal as an ambit claim and the Developer would be well satisfied with a FSA of 104,000sqm. I am disappointed that the Department is naive enough to fall for this strategy.

The Proposal suggested that there is little residential accommodation in Barangaroo. This premise is false as it has already been used to justify One and Two Barangaroo and the Crown Residences. Regardless the original Concept Plan envisaged some accommodation and commercial on a much smaller scale.

Conclusion

The NSW Government under the auspices of the Department of Planning, Industry and Environment, in its 2020 publication Barangaroo Realising the Vision stated;

“Central Barangaroo will be the cultural and civic focal point of Barangaroo – a place for people to visit, explore, enjoy and learn. The site will feature unique buildings for cultural spaces, educational activities and a diversity of housing types that will encourage vibrant neighbourhoods made up of all ages, vocations and walks of life.

More than half of the site will be given over to public space for recreation, public entertainment and events, creating a spectacular new destination for Sydney”.

Nothing in the Proposal to Modify the Barangaroo Concept Plan apart from some nominal unrelated open spaces and the proposed questionable “Harbour Park” meet these objectives.

Consequently, I strongly request the Minister for Planning and Public Spaces reject this proposal to Modify Barangaroo Concept Plan (MP06_0162 Mod 9) so that any future development of Barangaroo Central comply with current approved height and GFA limits of;

Block 5 = Max GFA 29,668 sqm, Max Height 34 metres, Block Area 8,690 sqm – average 3.42 storeys

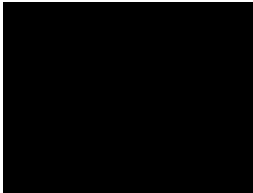
Block 6 = Max GFA 3,000 sqm, Max Height 29 metres, Block Area 1,855 sqm – average 1.62 storeys

Block 7 = Max GFA 15,000 sqm, Max Height 35 metres, Block Area 5,960 sqm – average 2.52 storeys

TOTAL = Max GFA 47,688 sqm, Max Height 35 metres, Block Area 16,505 sqm – average 2.89 storeys

In conclusion I am concerned and disappointed at the manner in which the Department of Planning and Public Spaces, under your name, has handled this matter. As previously mentioned, there is no reason or justification given for the proposed Modification to the Central Barangaroo Concept Plan and to submit it for comment during the Christmas / New Year holiday period only smells of deception and under-handed dealings.

Yours sincerely



Attachment 1

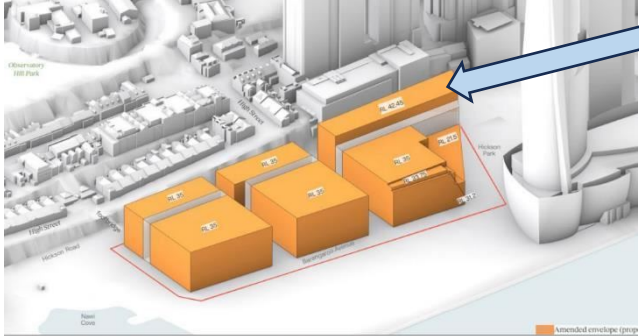
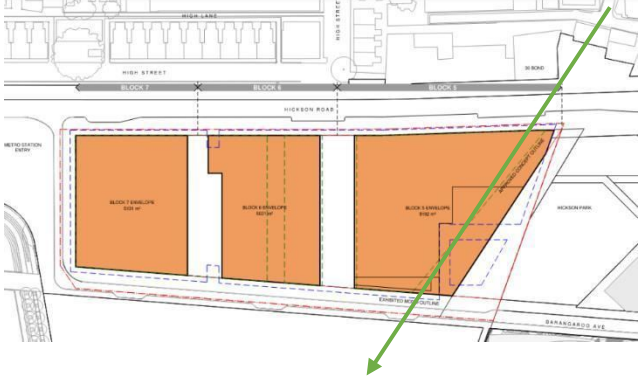
The below are examples of our current views which we believe will be destroyed by proposed Modification to the Concept Plan.

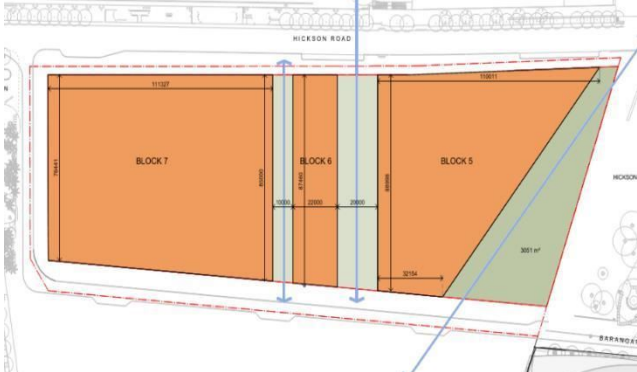
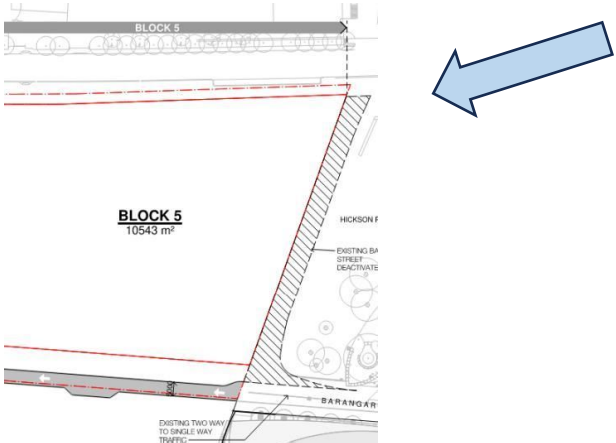




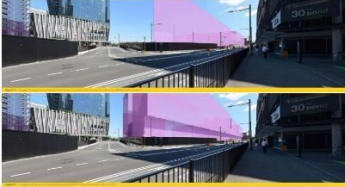


CONCERNS WITH BARANGAROO CENTRAL PLANS

Our home is our largest financial investment for our future.
 Aqualand have discounted our home because we are not 15 floors above ground.
 We will object as we have in the past to preserve the views from Gas Lane to the water.


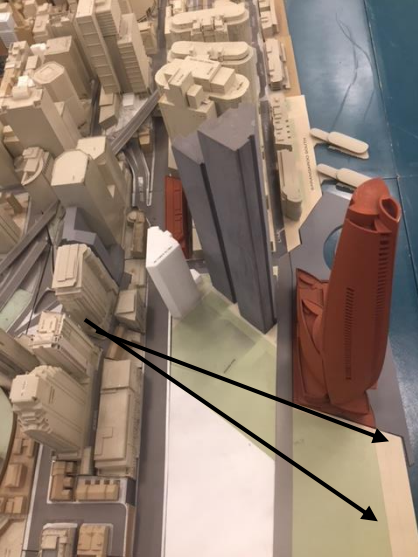
Item	Where item is in planning documents	Copy of concern from planning documents	Comment
1	Response to Submissions Page 16	 <p>URE 4 – AMENDED CONCEPT BUILDING ENVELOPE AXONOMETRIC (SJB)</p>	<p>Block 5 highest building is 42.45M. Please consider different shape and height for this building. It over hangs the view lines from Gas Lane and is taller than the current Bond Building.</p> <p>Consider using the Bond Building as the maximum height and work downwards towards the harbour from there.</p>
2	Response to Submissions Page 16		<p>You have kept the views from High Street. This should have been a priority regarding Gas Lane. More people access Gas Lane and it is such a heritage site. There is a green dotted line that says “Approved Concept Line”. Is this the new building line? If so,</p> <ol style="list-style-type: none"> 1. then views from Gas Lane will be preserved.....Green Line. 2. Start of building is further to the north of edge of Bond Building so less bulk of building and maintains solar to Hickson Park. <p>Please clarify</p>


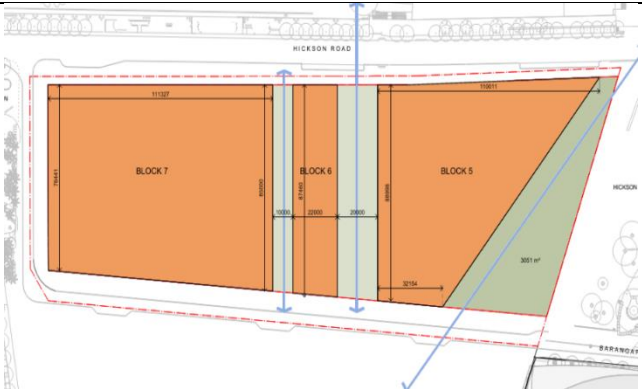
3	Response to Submissions Page 33	<ul style="list-style-type: none"> • Maximum heights for blocks including: <ul style="list-style-type: none"> ○ Block 5 – RL 34, ○ Block 6 – RL 29, and ○ Block 7 – RL 35. 	This is incorrect, using your plan above the maximum height of Block 5 is 42.45 (see no 1 above)
4	Response to submissions Page 43		This plan again seems to indicate Block 5 starts back from Hickson Park boundary (that is, not level with edge of Bond Building across the road) and views from Gas Lane will be maintained.
5	Response to Submissions Page 66		This is not enough to maintain the view from Gas Lane. The Building needs to start at least 5M towards the North. Different pan to above concept. Page 67 has another plan!

6	Response to Submissions page 148		<p>Shadow shown between 11 and 12 midwinter Can you consider lower height at southern end of the building. Setting back from southern boundary will also help.</p> <p>Hickson Park is small and is well used by locals. It does not get any sun in the afternoon so morning and midday is important.</p>
7	Appendix D Part 1: 5.3.2.1	Stamford Marque Level 15 (RL 59); Level 25 (RL 90)	Stamford Marque documents indicate Level 18 is RL70
8	Appendix D Part 2: 6.21.1	Stamford Marque Level 15 (RL70.5); Level 25 (RL 97)	Level 26 is RL95 Your digital views are therefore misleading.
9	Appendix D part 2 6.19	Georgia level 25	There is no level 25 at the Georgia, it is only 19 floors
10	Appendix D P 185	 <p><small>Figure 100 Visualisation showing the conceptual form of the proposed building at the site of the proposed building, October 2023</small></p>	<p>Hard to gauge exactly where southern edge of building will be in relation to edge of Bond Building. Could you consider the building on Hickson Road to be stepped down as well?</p> <p>Such a large mass of building, will impact on Hickson Park sun...remember there is no westerly sun because of Crown Building.</p>
11	Appendix F P 94		<p>Top photo is Feb 21 seems just pointy. Bottom photo is March 21 and shows massive bulk . Where is the photo for Jan 24?</p>


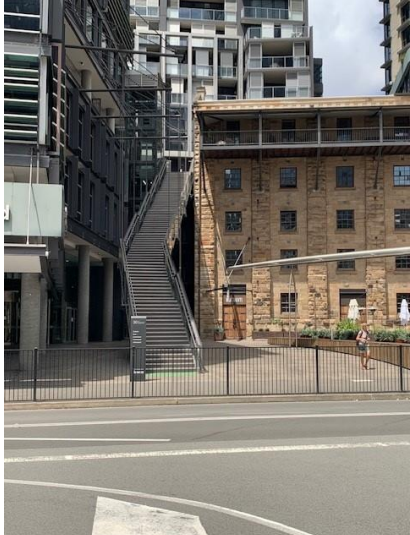
12	Appendix F Page 100		Top photo is July 18 Bottom photo is March 21 Both ruin the vista from Gas Lane which is an important historical Lane and a visual asset to Sydney. Tourists have been stopping here for years to take in the view. Where is photo for Jan 24?
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We wish to object to the Barangaroo Central “Response to Submissions”.
 There are incorrect facts, inconsistencies in plans, photos and dates.... to the point where one is unsure of which plan is the latest.
 Carlene Smith AM
 2d/161 Kent St Millers Point 2000

IMAGE	FACT	COMMENT
	<p>Barangaroo Fact Sheet June 2016 This shows the design of Hickson Park meets the Harbour Park with common boundary, with a street in between.</p>	<p>The current plan seems to show that Hickson Park has been stolen. There is no common boundary now..... just a point of contact.</p>
	<p>2019 image indicates there would be views from Gas Lane to the waterfront. Hickson Park shown without Barton St, again it has an actual boundary to Harbour Park as above.</p>	<p>Hickson Park smaller in this plan but acceptable as vistas from Gas Lane are maintained. Building alignment starts to the north of the Bond Building alignment which allows vista from Gas Lane. Shadowing of the Hickson Park is still an issue with Building Heights over 42m.</p>

 <p>A site plan showing three blocks (Block 5, Block 6, and Block 7) outlined in orange. A green line is drawn across the blocks, indicating a building alignment. The plan includes street names like High Lane, Hickson Road, and Gas Lane. A green arrow points from the top right towards the alignment line.</p>	<p>Page 16 in Response to Submissions. This appears to show the building alignment on the same line as the Bond Commercial Building.</p>	<p>This means that the vista from Gas Lane will be reduced to the point of being non-existent. The additional green line shows that how the building will impact the view from Gas Lane.</p> <p>You have kept the vista from High St where there are fewer visitors and hardly any residential. This seems to be a deliberate attempt to reduce views from high rise in Kent St.</p> <p>In Appendix D part 1 you have some digital images from Stamford Marque. Our documents indicate that</p> <ul style="list-style-type: none"> • RL70 is actually Level 18 and RL 95 is level 26, So your images are misleading. • You seem to be saying those people who live above RL 70 will be “sort of OK” and the people whom live below those levels do not matter.
 <p>A site plan showing three blocks (Block 5, Block 6, and Block 7) outlined in orange. Hickson Road is shown at the top. Dimensions are provided for the blocks: Block 7 (11282' x 11281'), Block 6 (11282' x 11281'), and Block 5 (11282' x 11281'). A blue line indicates a building alignment. A green arrow points from the top right towards the alignment line.</p>	<p>Response to Submissions page 43</p>	<p>This plan again seems to indicate Block 5 building alignment starts to the north of the Bond Building from Hickson Park boundary. Is this the plan or the one above?</p>

	<p>Response to Submissions Page 66 Is this the plan? It's again different to the one on Page 67</p>	<p>This plan will remove any vista from Gas Lane. Much of Hickson Parks has been “stolen”. Noted that Hickson Park only touches Harbour Park, no actual boundary. The Block 5 Building needs to start at least 5m towards the North to maintain views from Gas Lane.</p>
	<p>Appendix F page 100</p>	<p>Top photo is July 18 Bottom photo is March 21 Both ruin the vista from Gas Lane which is an important historical Lane and a visual asset to Sydney. Tourists have been stopping here for years to take photos of the view to the harbour. Where is photo for Jan 24? You are saying that you have stepped down towards the Harbour Park. Please consider using the height of the Bond Building as the maximum height and the step down towards Hickson Park.</p>
	<p>Response to submission Page 148 This shows potential shadowing</p>	<p>Hickson Park is well used by locals. There will be many more locals in the new massive high-rise buildings. This is Sydney and the sun comes from the north, do not build a tall building to the north of the park. It will reduce the time the park has sunshine and remember there is no afternoon sun due to Crown Resort building.</p>

	<p>The building in the middle is Stamford Marque.</p> <p>We don't have level 4 or level 14 so your so called RL70 is actually level 18 of our building. Stamford Marque is built about 7 floors above Hickson Rd, level with Kent St.</p> <p>So, in fact your building will impact everything below 25 levels above Hickson Rd.</p>	<p>Your argument seems to be that at this level (Level 18) the views will be ok, so you have anyone who lives below level 18 do not count.</p> <p>We do count and we object.</p>
	<p>To-days shadow.... Photo of Bond Forecourt at 2pm on Sunday 18th January 2024. This is the middle of summer, imagine what will happen in the middle of winter.</p>	<p>The shadow of the Bond Building indicates that if a building is built id built across the road as intended, the shadow will reach as far as the centre of current Barton St, hence a building 7m higher will reach further to the south and cover quite a bit of the new intended park and walkway.</p> <p>Block 5 needs to be built further to the north of Bond corner and it should not be higher than the current Bond Building. If anything, there should be a step down to the park.</p>

	<p>Appendix F page 94 Your proposal for the building opposite Hickson Park... Check out your own photo with road shadows of the Bond Building.</p>	<p>Hickson Park will be over shadowed and even your Harbour Park will be over overshadowed much of the time. You must reconsider.</p>
	<p>Vista from Gas Lane 2024</p>	<p>Let's keep this</p>
<p>Summary</p> <ol style="list-style-type: none"> 1. Reduce the height of Block 5. 2. Reduce the bulk of Block 5. 3. Move the building line to 5 m north of current fence line. 		

Barangaroo Central Modification 9

Principles of the Concept Plan have been ignored.

The principles of the Concept Plan legally required the sharing of views by the existing residents of the CBD and Millers Point and any new developments at Central Barangaroo. This legal requirement has been strangely ignored in Modification 9. Water views from existing historical houses and low and mid-level residential towers will be eliminated in this plan, which will result in a considerable loss of amenity and the resulting loss of property values. Existing residents, all ratepayers will suffer as a result of this unfair plan.

Modification 9 seeks to take value away from existing residents and give it to the developer Aqualand.

The changes in Modification 9 do not address the concerns of local residents, and further encroach on the amenity and views of existing residents and visitors. Consideration should be given to abandoning the Modification 9 Plan and extending the Barangaroo Reserve at the headland to encompass Barangaroo Central.

Differential Treatment of local residents and large corporations is inherent in the Plan.

The loss of views and amenity resultant from this egregious Plan is predominantly borne by individual residents of the existing houses and residential towers. The views and aspects of the properties of Lend Lease and Crown have all been afforded consideration in the Plan, however no such consideration has been given to private citizens in existing housing. This discrimination against private citizens is only to the benefit of the developer Aqualand.

Removal of the Northern Tower (21 storeys) is a positive in this Plan, however that Tower was beyond the scope of the original remit, and may have inflated the floor space metrics.

Historic precinct ruined by overshadowing and loss of aspects

The increased height and bulk of the buildings in Blocks 5, 6 & 7 result in a loss of, and from, the historical heritage precinct of the Rocks and Millers Point, as well as infringing on the views of Observatory Hill. Views from Observatory Hill are significantly impacted.

Tourists, especially those on vessels to and from Darling Harbour etc, will have a diminished view of the Historical Precinct. Tourists do not come to Sydney to see lines of modern structures.

Envelopes for Blocks 5, 6 & 7 have been expanded to too great a height, and too great a mass.

The Plan has incrementally increased the mass and height of these blocks of buildings. Height increases further diminish the views of existing residents. Mass increases remove the views through the buildings to the water.

Block 5 envelope has been increased significantly in both mass and height. The height is not consistent with the other Blocks, which is even more discriminatory to the amenity of residents behind it. In addition the Northern end of Block 5 has had a significant increase in bulk, removing the step back at the end of Block 5, and then adding several metres in height. This contributes in a very negative way on the open space adjacent. These changes to Block 5 are indefensible and disproportionately impact the residential towers behind it. The envelope of Block 5 should be reduced in both bulk and height.

Traffic Congestion already intolerable.

Introducing oversized developments in Central Barangaroo will have a significantly detrimental impact on traffic flows and the ability of the existing road infrastructure to cope with it. The Lend Lease buildings are not yet populated, and when they are the impact will be great (in a negative way). The GFA of the Plan is excessive and must be reduced.

Exposure to high, gusty winds. A Safety Issue

Central Barangaroo is subject to very high winds, with severe gusts being commonplace. The proposed North and South Plazas will be subject to these winds, as is the northwestern corner of Hickson Road.



Barangaroo

The latest proposal for Barangaroo Concept Plan (Mod 9) Central is not in keeping with the hopes and expectations of surrounding residents. The scale of the buildings is much too immense for the area they sit upon. Barangaroo is meant to be for the ordinary people, not the developers, and the Minns government has lost sight of what a beautiful site this could become. A site that offers opportunity to the public, not just those with enough money to buy up property there. The new towers currently being built behind the Crown Tower will bring in thousands of new residents which will cause much congestion of the Hickson Road area. Why add even further to the number of residents living in the same area. Why compound the mistake that has already been made with these ugly towers!

The plans obliterate any desire to maintain the views and integrity of this historic area of Sydney. And what of the right of the long-term residents of Millers Point whose views will be severely compromised. What constitutes a loss of property values for residents is replaced with money in the pockets of the government and developers who have little concern for the welfare of residents currently living in this area and its cultural heritage. The developer has sought to double the size of the previously approved plan! When are they going to be told that this does nothing for the people of Sydney. Government approval cannot be given to such a blatant ruse from the developer.

Hickson Park should be for all the people and would be welcome open space to residents living in this area, particularly those with young children, and for the many visitors to Barangaroo. Barangaroo Reserve is a wonderful area and the concepts for that should flow further into Central Barangaroo to make it an area that Sydney can be proud of. The foreshore is so beautiful and an amazing park here would rival the best in the world. Any further buildings should be minimal and serve the public, e.g. a low level supermarket. The metro station is the one good thing there however it looks terrible on the outside. Surely more thought regarding its aesthetics could have been incorporated.

I urgently request that the minister of lands and Property, Steve Kamper, listen to the outcry from the people of Sydney and review this proposal with more care and concern. I certainly cannot abide a government that would destroy the opportunity to develop this land in such a way as shown in the current Mod 9 concept plan.

Dr Trevor Mudge
0413 733 701

Dr Jane Mudge
0413 733 701

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127 Kent Street
MILLERS POINT NSW 2000

drmudge@me.com

Director Key Sites Assessments, Development Assessment and
Systems, Department of Planning, Housing and Infrastructure
Locked Bag 5022 Parramatta NSW

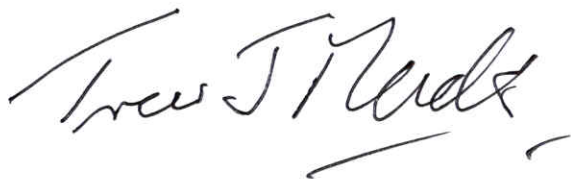
6 February 2024

Dear Sir/Madam

Private Submission Regarding Proposed Barangaroo Central Plan

Milson Point residents welcome the revised proposal for development of Barangaroo Central. But by no means does it go far enough. The concept of a huge retail development in the heart of Barangaroo is ipso facto severely misplaced. The proposed heights of the buildings will still impact enormously upon the amenity not only of longstanding apartment blocks but also of more recent smaller residences. For the government to compulsorily acquire public housing, sell it to the private sector and then ruin the views that private purchasers relied upon is scandalous to say the least. For the owners of the then Observatory and now the Langham it must be particularly irksome. I understand they were restricted to three floors and now lose what view they had.

Yours most sincerely



Dr Trevor Mudge 0413 733 701

We purchased our home in Kent Street Millers Point in 2015 when the NSW Department of Housing sold the public housing. During this process we enquired with McGraths regarding potential future build out of views. We were told 79 Kent Street would NEVER be built out as a precedence for a Heritage line of site view from the Sydney Observatory to the water line from its westerly view. They quoted the court case of the Observatory Hotel wanting to add floors which was rejected based upon this heritage requirement. We therefore purchased our property based on information that we would NEVER lose our views. All of the brochures and marketing showed and quoted Harbour Views and Water Views. We then proceed to spend \$2.2 million dollars on a top to toe renovation, respecting the Heritage guidelines for Millers Point. Brining one of the original homes of Sydney back to its original glory. This includes the widows walk which has 360 degree views of Sydney including to the waterline in the west. So we invested \$5.5 million dollars on our property with the belief based on information for the representatives of NSW Department Of Housing that those views would NEVER be under question. If these views are removed and blocked we will be taking our case to the Land & Environment Court and seeking damages and compensation for the lies we were told upon the sale of our property. The submission by Aqualand is a gross abuse of the previously approved scheme for Barangaroo Central. The increase in floor space and height and bulk and scale is not only illegal as this is not what has been approved, it smells of an underhand deal that has been done between Aqualand and Infrastructure NSW. Aside from our own personal loss, this proposal will have serious negative effects on the Millers Point suburb. No longer will visitors and Sydney siders see the views of the beautiful Heritage suburb of Millers Point from Sydney Harbour. These will be hidden behind a large wall of modern office buildings. The houses on High Street will have a complete removal of privacy and sunlight at various times of the day. The oldest Kindergarten in Sydney will have virtually no sunlight from overshadowing in the afternoons. Traffic which is already choking in Millers Point due to the number of residents vs car spaces will be untenable. The proposal includes very few car spaces for office worker, supermarket shoppers and residents. City residents and workers who flock to Observatory Hill to watch the sunset will no longer be able to experience this vista. they will be met with a residential tower block of apartments as the view. When the Barangaroo precinct was presented to the citizens of NSW. This was never the vision. It was low rise at the northern end with public outdoor event spaces and parks that tied in with the headland. Creating a beautiful connection with nature for all to enjoy. This vision has been decimated with this proposal. Sydney has an oversupply of offices including at Barangaroo South. Do we need this scale of offices and housing at Barangaroo Central? Low lying buildings that maintain the vistas from Observatory Hill , the site of the beautiful Heritage houses from Sydney Harbour and privacy to the existing residents is paramount. This scheme takes away all of these. The great wall of Aqualand should not be approved. It is not in ANY WAY consistent with the approved concept.

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.

- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

Apart from our previous substantive grounds for objection to the last Mod 9 proposal in 2022 detailed above, there are a number of other significant changes of concern:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.
- The applicant has ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”.
- The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the “civic and cultural heart” of Barangaroo and failing to capitalise on the amenity of the metro station.
- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don't form part of the proposal.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.
- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

It appears one Minister (a member of the Cabinet) has adopted a narrow commercial “just get it done” view of this development (jobs, economy, previous delays, bias to action and

progress, less concern about heritage attitude, etc) rather than important consideration of the unique nature of this place (unlike any other Metro Station): Harbour side setting (the last remaining harbour setting able to be developed from scratch) and its adjacency to the Millers Point Heritage Conservation Area, and the unreplacable public vistas that would be seriously compromised.

It was astonishing to read in the Sydney Morning Herald on 12 January (a day after the modified proposal was lodged) quoting Lands and Property Minister Steve Kamper (who is responsible for the Barangaroo precinct):

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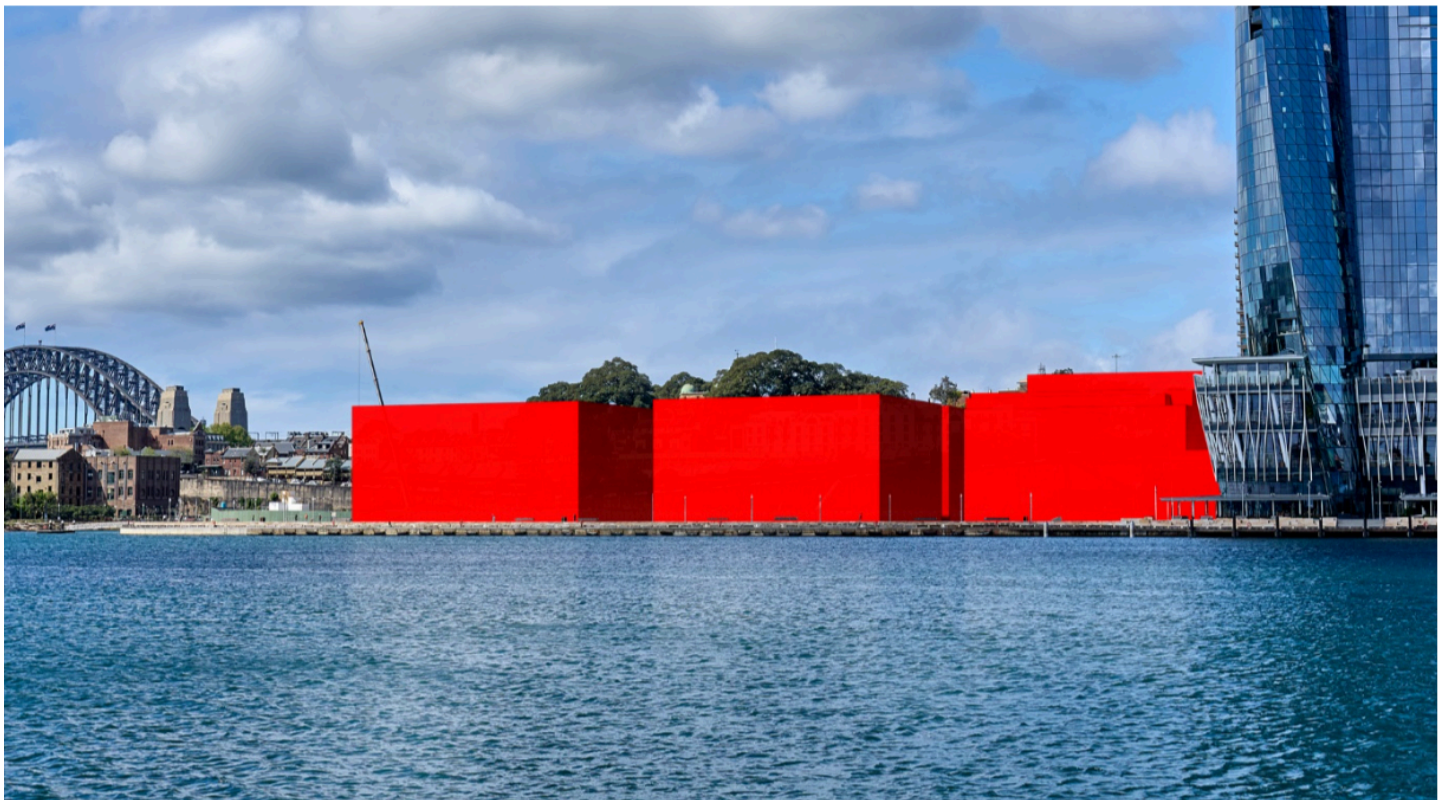
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Dear Sir/Madam,

I write to voice my objection to the latest submission of the Barangaroo Concept Plan (Mod 9).

My objections to the revised Mod 9 include:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
 - The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
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In addition, I believe this proposed modification again completely moves beyond what was originally approved, and shows complete disregard in maintaining the beauty and amenity of the area as a whole. In my view, this is evidenced through the following points:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.
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I also object to the possibility that the somewhat pre-emptive statements in apparent support of this latest submission made recently by the elected Lands and Property Minister, Steve Kamper, should influence any final decision-making around this matter, and ask that full and proper consideration of all viewpoints be ensured. It is certainly not my view that this submission "*presents a mixed-use development that showcases residential, community, tourism and retail uses for the community.*" as his comments reported on Aqualand's site suggest.

I ask that Modification 9 is rejected.

Level 30, Quay Quarter Tower
50 Bridge St Street
Sydney NSW 2000

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f +61 2 9017 1101
dexus.com



7 February 2024

The Hon. Paul Scully MP
Minister for Planning and Public Spaces
NSW Government
52 Martin Place
SYDNEY NSW 2000

Attention: Director – Key Sites Assessment, Department of Planning, Housing and Infrastructure.

Submission to MP06_0162 MOD 9, Barangaroo Central RTS

This submission has been prepared by Dexus Property Services on behalf of the **Dexus Office Trust and Hickson Road Sub-trust**, the owners of the commercial buildings 30 The Bond (30-34 Hickson Road) and 36 Hickson Road (herein the Bond Precinct), which are located directly east of the current Modification (MP06_0162 MOD 9) under assessment by the Department of Planning, Housing and Infrastructure (DPHI). The purpose of this submission is to raise a number of concerns regarding the proposed modification (known as MOD 9).

30 The Bond is a contemporary A-grade office building built in 2004 which includes a full height atrium, providing an abundance of natural light. The 10 level building features glass lifts, suspended meeting rooms and open breakout spaces. The building also provides underground car parking. The building is currently predominantly tenanted by the international pharmacy group – Roche.

36 Hickson Road comprises part five level (Building 1) and two level (Building 2) commercial buildings constructed in 1845 and 1899 respectively. The buildings were refurbished in 2004 and again in 2014-2015 and adjoin the building at 30-34 Hickson Road. The site contains two heritage listed buildings listed on the State Heritage Register.

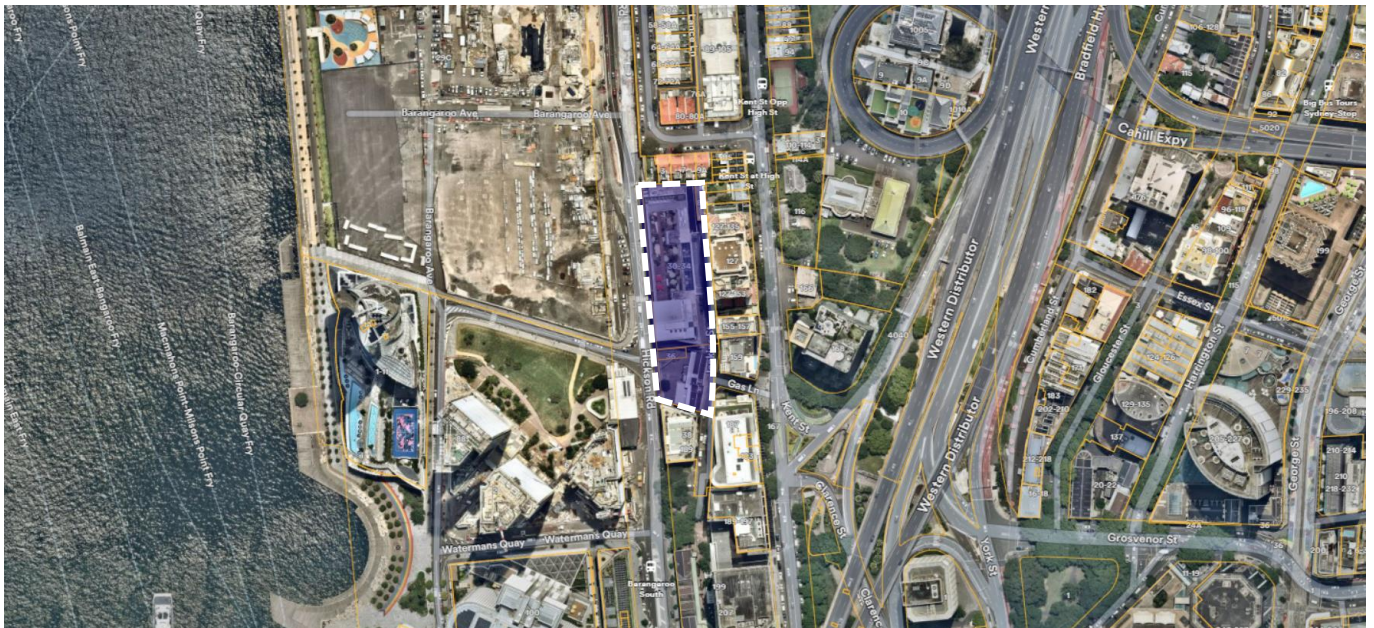


Figure 1 – Submission author's site outline

The revised proposal under MOD 9 includes the following amendments:

- **GFA amendments**
 - Reduced total GFA permissible within Blocks 5, 6 and 7 from 144,355m² to 104,000m²,
 - Reduced below ground GFA from 28,166m² to 11,092m², and
 - Increased maximum residential component cap from 28,000m² to 75,000m²,
 - No change to the Cutaway GFA for community uses of up to 24,000m²
- **Building envelope amendments**
 - Removal of the tower element at Block 7 at RL 73.7,
 - Reduced building height with the tallest element located on Block 5 at RL 42.45,
 - Amendments to the overall dimension and footprint of Blocks 5, 6 and 7 including new pedestrian connections open to the sky,
 - Deletion of building cantilever elements into public domain,
 - Refinements to the interface of Block 5 and Hickson Park, and
 - Simplified building height and massing across the entire site with only three heights proposed to minimise visual impacts from Observatory Hill and Millers Point.
- **Open space and public domain amendments**
 - Increased provision of publicly accessible open space when compared to the approved Concept Plan,
 - New north-south pedestrian link with a minimum width of 8m and open to the sky to facilitate visual links from Hickson Park to Nawi Cove,
 - Two east-west pedestrian connections, known as Plaza North and Plaza South up to 20m wide and open to the sky,
 - New east-west arcade within Blocks 5 and 6 with a minimum width of 6m, and
 - Additional allowance for deep soil zones across the site.
- **Block amendments**
 - Amendments to the overall size and configuration of Blocks 5, 6 and 7 to reflect proposed building envelopes.
- **Traffic and access amendments**
 - Retain Barangaroo Avenue as a one-way shared street, and
 - Deletion of Barton Street as a permanent two way street.
- **Statutory and development control amendments**
 - Amendments to the SEPP mapping and provisions to align with amended building envelope GFA, building heights and land uses,
 - Deletion of proposed SEPP amendment to allow GFA to extend 25m into the RE1 Public Recreation zone below ground level,
 - Deletion of proposed SEPP amendment to allow building facades to extend by an additional 3m above ground and the 650mm façade articulation zone,
 - Amended Design Excellence Strategy to be largely consistent with the PEHC SEPP, and
 - Amended Urban Design Guidelines to reflect amended building envelope outcomes.

As a major land owner within the City of Sydney CBD, Dexu supports the regeneration of underutilised sites and the realisation of the Barangaroo master plan. Therefore, Dexu in principle supports the progression of development at Barangaroo Central to continue the realisation of a complete Barangaroo precinct. The proposed revisions represent a substantial improvement on the scheme exhibited 2022, to which Dexu also lodged a formal submission. The substantial work that has gone into addressing many issues is acknowledged. In particular, Dexu support:

- The removal of cantilevers and excessive bulk from most of the building envelopes.
- The increase in residential floorspace to facilitate a true mixed use precinct at Central Barangaroo.
- The realignment of Hickson Park when compared to the 2022 exhibited proposal.

However, Dexu still has a number of serious concerns regarding the revised MOD 9 and requests the Department's consideration of the suggested amendments in this submission required to address these concerns, which pertain particularly to visual impact and height deviation from approved scheme.

This submission is premised on the protection of worker amenity to the highly successful and well tenanted building of 30 The Bond. Dexu objects to the MOD 9 in its current form.

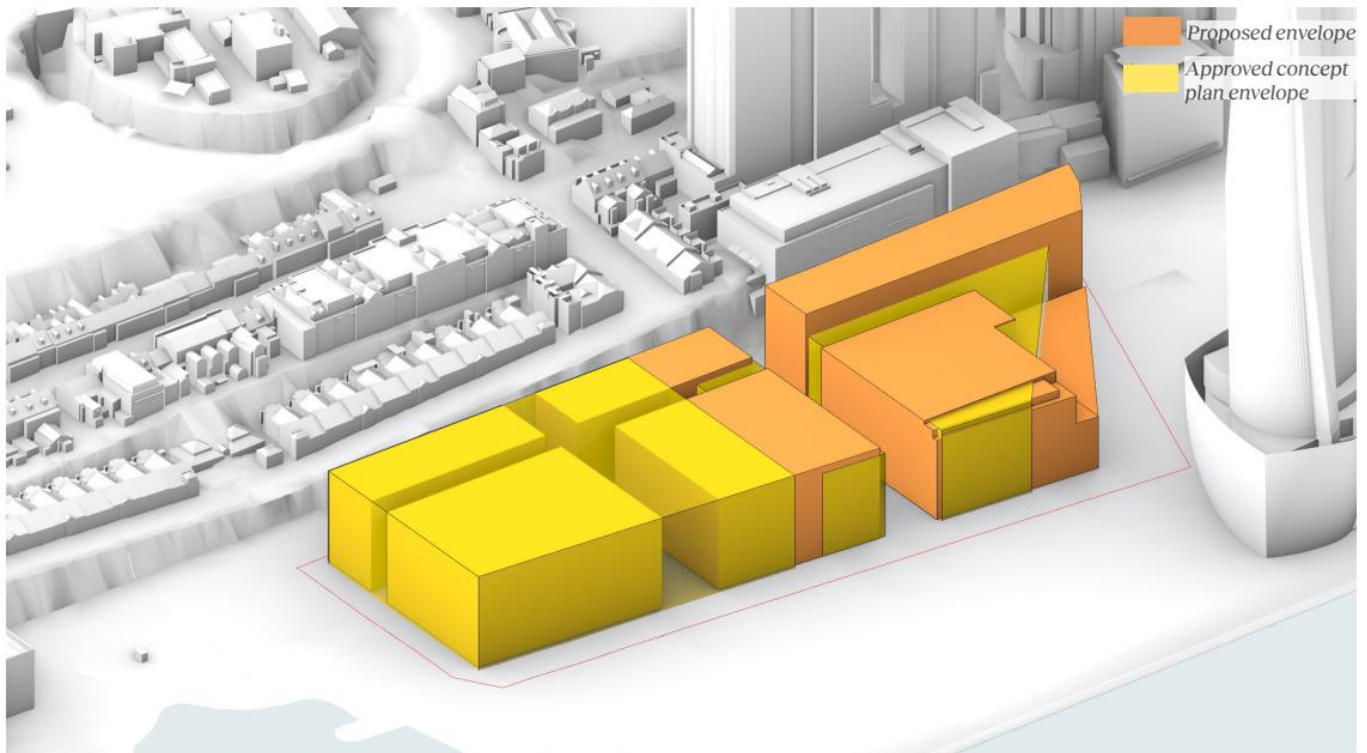
Visual impact and tenant amenity

Despite heights being revised across the scheme to those much closer to the approved scheme, the development opposite 30 The Bond has maintained an elevated height profile affecting views, outlook and amenity from the Bond Precinct. Specifically, MOD 9 seeks to exceed the previously approved height by 7.5m. The accessible rooftop of 30 The Bond is at RL 34.4m. As such, the approved RL 34m height of the concept scheme allows the retention of standing panoramic views to the west, overlooking Darling Harbour and beyond. The proposed Mod 9 building envelope instead tops out at RL 42.5, completely obliterating all existing views.

Dexus objects in the strongest terms to this change on the basis of protecting worker amenity post-COVID and the planning principle established in *Tenacity Consulting v Waringah*.

Protecting worker amenity post-COVID

In the present paradigm, it is a strategic priority of the NSW Government and City of Sydney Council to encourage the return of workers to the office. This has included statements directly from the Premier. Without a strong return to work, essential services such as transport are not properly utilised, increasing costs per unit and reducing productivity. Further, local businesses suffer as a result of lower patronage. This context is driven by macro factors but will be amplified by MOD 9's drastic reduction in commercial floorspace. As such, a fully tenanted 30 The Bond represents a critical element in the success of the retail, food and beverage offerings at Central Barangaroo. Without substantial numbers of office workers, these businesses will struggle to operate outside of weekend and evening periods. The accessible rooftop and the views it enjoys underpin a major contributor to the worker amenity of 30 The Bond.



Proposed envelope overlaid with Mod 8 (approved concept plan) envelope

Figure 2 – Approved vs proposed envelope, demonstrating a significant height increase opposite 30 The Bond

Tenacity Consulting v Waringah

30 The Bond currently enjoys district and Harbour water views. While it is acknowledged that the concept plan as approved partly obscures this view, importantly and fundamentally views were maintained from upper floors and particularly from the accessible rooftop of the building. In our submission against the package exhibited in 2022 we requested for the Visual Impact Assessment to be updated to include an assessment of impacts to 30 The Bond. Unfortunately, this was not specifically addressed in the RTS package, however, the eventual approval and maximum RL approved retained important views from the Bond Precinct.

The proposed increase in height obliterates views of the Harbour from the upper floors of 30 The Bond, reducing the amenity of these spaces. Of particular note, the accessible rooftop which provides meaningful amenity to tenants also has its view completely obscured. This is not adequately addressed by the Visual Impact Analysis nor the RTS Report. As the Department are aware, to encourage a consistent approach to the address of the impact on private views through development, in 2004 the NSW Land and Environment Court established a planning principle in *Tenacity Consulting v Waringah* [2004] NSWLEC 140. While this principle was formulated in particular response to a clause in

the relevant LEP (the Warringah Local Environmental Plan 2000) requiring reasonable sharing of views, this principle has been widely adopted by consent authorities even in the absence of such statements due to the public interest test of the EP&A Act.

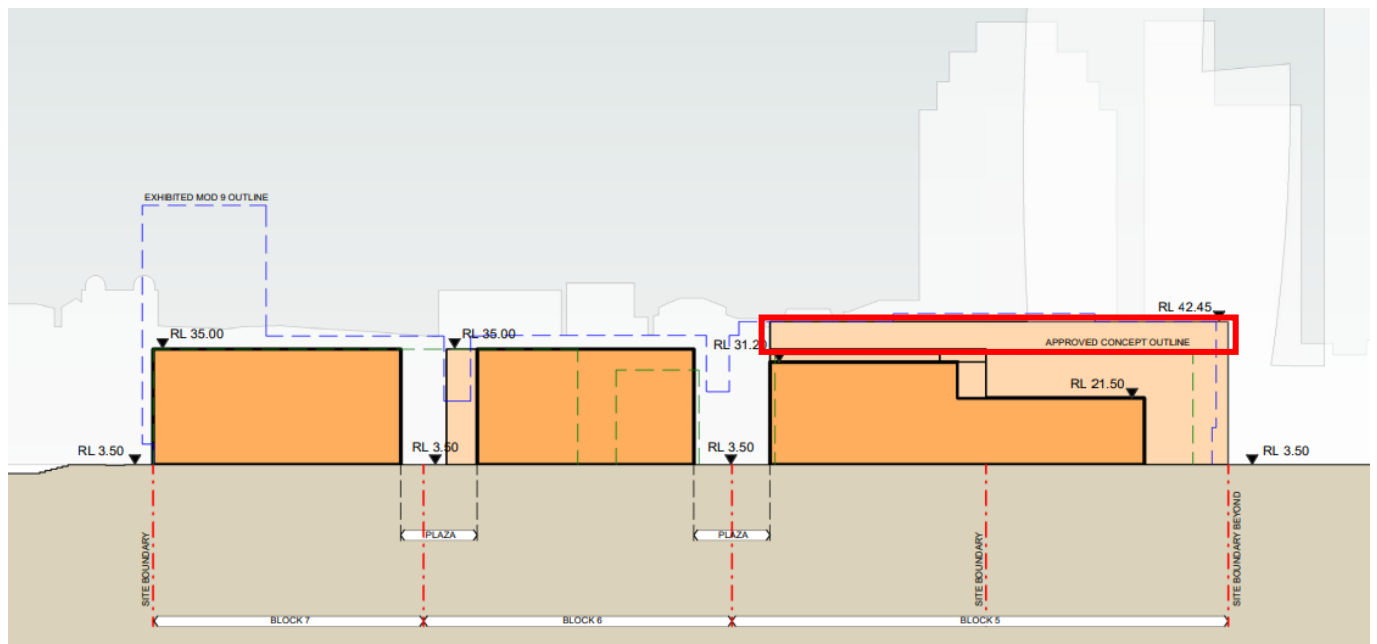


Figure 3 – Amended elevations overlaid with Mod 8 (approved concept plan) envelope and Mod 9 envelopes. 30 The Bond sits immediately to the rear of Block 5. The height exceedance objected to is outlined in red.

The amended package fails to consider the Tenacity view loss principles adequately to the Dexu sites, particularly as the interface of water and land is one of the most highly rated views when considering Step 1 of Tenacity case – being the assessment of views to be affected. It is requested that this assessment is undertaken before the modification proceeds in the assessment process.

The Visual Impact Assessment identifies the impact of view from Hickson Road (the closest to the site) as “low given users would be travelling through the space.” This assessment is inadequate as it fails to take into account the views enjoyed from the Dexu buildings. It is acknowledged that the loss of views from a commercial property are not weighted as importantly as those from a residential property, however a complete lack of assessment is considered unreasonable and unrepresentative.

Roseth SC stated that “The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.” The Tenacity principle also asserts that water views are valued more highly than land views and that whole views are valued more highly than partial views, both of which apply to 30 The Bond.

We call particular attention to the fourth step of the Tenacity methodology – to assess the reasonableness of the proposal that is causing the impact. The principle states that a development that complies with all planning controls would be considered more reasonable than one that breaches them. In this instance, the concept proposal as approved represents the primary and approved development controls governing the future development of the site. As such, a 7.5m height exceedance of the controls contained within the concept plan that results in a complete loss of views for the rooftop of 30 The Bond is considered to be unreasonable.

Removal of certainty

The Barangaroo Concept Plan was approved in 2007, and has subsequently undergone several major modifications. While not ideal, this process of radical changes to the Concept Plan were largely settled with the approval of MOD 8 in 2016. This approval has been in place for 8 years and provided certainty of outcomes at a particular RL, which allowed the life of the asset, tenancing and the use of rooftop terraces to proceed with known plans. A resumption of this incremental increase in height across successive modifications undermines the certainty for the public and surrounding landowners enshrined in the concept plan approved controls. The development should not be able to move the goal posts in this manner. The amenity of one occupant or tenant (The Bond complex) should not be traded off against another (Central Barangaroo) when clear expectations about balancing the proponent’s needs with neighbours was considered in the granting of the Concept Plan approval.

Conclusion

30 The Bond has not been consulted outside of public exhibition windows. This stands in contrast to ongoing consultation with many other neighbours. We ask that for future applications the management of 30 The Bond is consulted at all appropriate opportunities. We would appreciate any further consultation with the proponent regarding this MOD or any other modifications/applications they are considering.

Dexu maintains a strong objection to MOD 9 on the basis of:

- Lack of visual assessment from 30 The Bond

- An unjustified and devastating impact on views from the 30 The Bond rooftop
- The removal of certainty on a scheme that has been settled for some 8 years

We thank DPFI for considering this submission as part of the exhibition process and we request due regard is had to the concerns raised in this submission and that we are kept updated and informed on the progress of our submission and this application.

Should you have any queries regarding this submission letter, please do not hesitate to contact the undersigned.

Yours faithfully,



Nathaniel Barbagallo

Senior Property Manager

Mob: 0490192835

Email: nathaniel.bargallo@dexus.com

APPLICATION FOR MODIFICATION OF MP 06_0162 AMENDED MOD 9 FOR CENTRAL BARANGAROO

SUBMISSION FROM CAROLINE PIDCOCK, RESIDENT

9 February 2024

caroline@pidcock.com.au

0418 248 010

I acknowledge and pay my respects to the traditional custodians of the lands and waters of Barangaroo, the Cadigal people of the Eora nation, and all Aboriginal elders, past, present and emerging.

The Government of NSW is elected to look after the concerns of the people of NSW. There is such potential to do good for the people and planet, both today and into the future. This requires great care in enabling good things to happen, and stopping things that threaten this.

While the current design comes from a very skilled architect and is better in a few aspects than the previous scheme, no amount of good design can make gross overdevelopment work. The brief needs to be rewritten and a new design developed to effectively realise the potential of this place.

I strongly oppose the amended MOD 9 proposal for the development of Central Barangaroo.

The primary concerns with the amended MOD 9 proposal remain consistent with those raised during the exhibition of MOD 9. These include:

1. **Excessive building heights, massing, and bulk resulting in substantial increases in Gross Floor Area (GFA):**
 - a. **adversely impacting or eliminating protected heritage views and sightlines,**
 - b. **negatively affecting Hickson Park through reducing its size, connection to the water, and overshadowing.**
 - c. **Depriving multiple residents and the Langham Hotel, of view sharing requirements.**
2. **Creation of extensive gridlocked traffic problems.**
3. **Establishment of new known wind effects that exceed safety standards.**
4. **Insufficient discernible benefits accrued to the public to offset the loss of cherished public foreshore parkland under MOD 8.**
5. **Inadequate provision of affordable housing and smaller apartments so needed at the moment.**
6. **Insufficient deep soil planting – a minimum of 15% must be achieved.**
7. **Failure to adhere to the conditions stipulated in the approved Concept Plan of MOD 8.**
8. **Disregard for the directions of the Planning Assessment Commission (PAC) that formed the basis for MOD 8's determination.**
9. **Submission of an application founded on misrepresentation, distortion, and deceit.**
10. **Inadequate response to issues raised in submissions following the MOD 9 exhibition proposal, including those of the Department.**

The development does not comply with the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.

• **The presented and revised MOD 9 proposal fails to adhere to the guidelines outlined in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.** There is a lack of public advantage resulting from the development that would compensate for the deprivation of the public of their valued harbour foreshore parkland and the proposed ruin of substantial, valuable heritage views and sightlines.

The approved Concept Plan of MOD 8 was determined by the Planning Assessment Commission (PAC) that advised, '*...it is important to ensure that each stage of change brings an appropriate balance between the public interest/benefit and development interests so that community confidence is retained in the outcomes.*'; and citing the Barangaroo Design Advisory Panel (BDAP) for direction, '*Any assessment of built form and public domain must place at its centre the notion of public benefit – that for a development to be viable it must provide a net improvement in the lives of the people it affects*'.

- **Furthermore, the Applicant's use of misrepresentation, distortions, and convoluted false arguments to negate and undermine the approved Concept Plan raises concerns about the integrity and competency of the applicant, Infrastructure NSW (INSW), the Government and the NSW planning process.**

Objection to Barangaroo Development Plan - Mod 9

Lodged via <https://www.planningportal.nsw.gov.au/daex/barangaroo-concept-plan-mod-9-0>

As a long term resident and property owner living in Kent Street and The Rocks Heritage area I **strongly object** to the proposed plans for further development of Barangaroo.

A. The height and bulk of all of the proposed buildings in Barangaroo must be reduced.

The height of the proposed buildings remains too high and the mass is too bulky for the location, creating serious environmental issues and further degradation of the amenity for the existing community. Some of the adverse impacts are:

1. Wind

Due to the placement of high rise buildings in Barangaroo, wind has been funnelled into narrow spaces. This has strengthened the force of the wind especially when blowing from the south and west. Objects have been blown off balconies. We are now required to remove all loose items and to chain or rope balcony furniture to the main structure of our building. Driving rain has caused leaks. The proposed development will add to the force, speed and focus of the winds from the south and west.

2. Loss of Sunshine and Excess Shadowing

The heights and positions of the proposed buildings will cause additional loss of sun and daylight to existing apartments.

3. Light Pollution

It is already hard to prevent the strong night lights from the existing development from shining into bedroom windows. This hinders and interrupts sleep. The need to close "block-out" curtains to alleviate light pollution makes it impossible to open bedroom windows at night to utilise cooling sea breezes and allow ventilation. This ventilation is important, especially in summer.

4. Noise

Despite closed, double glazed doors and windows the noise from Barangaroo and Hickson Road is already loud and intrusive.

a. We are often disturbed by high noise levels from Barangaroo. This includes music, shouting and other noise created by people leaving entertainment, venues and events late at night.

b. We suffer extremely loud, raucous, penetrating noise from groups of motorcyclists and motorists "hooning" along Hickson Road at night and often after midnight. The exhausts of some of these vehicles appear to have been modified to attract attention. Some of these drivers deliberately rev the already noisy engines of their "high-powered" cars and motorbikes.

Additional solid structures beside the road will prevent any noise dissipating. The sound will reverberate off the proposed buildings and be pushed upwards into residences.

5. Road Traffic and Pollution

The proposed position of the buildings will funnel even more road pollution from cars, buses and trucks upwards into the buildings above Hickson Road.

The additional residents moving into Barangaroo, plus the increasing visitors attracted by the new bus station, are expected to exacerbate road traffic.

6. Loss of Privacy

Because the proposed buildings are located even closer than those already existing, residents on the west side of Kent Street will lose all of the little remaining privacy they retain.

7. Loss of View

When I bought my home, I paid for and enjoyed 180 degree views. This proposal means I will look directly into the residence opposite. The value of my property will drop significantly.

8. Loss of Open Space and Amenity

More residents and visitors need more open space. Successful high density living requires access to parks and other outdoor areas.

B. Overcrowding in this popular local and tourist destination must be reduced and the area of parkland increased

1. There is a need to reduce the Gross Floor Area within blocks 5, 6 and 7. The large number of residents and occupants using these buildings will further exacerbate overcrowding in this popular area.
2. The heritage and tourism value of The Rocks, harbour foreshore and its unique history, as well as the enhancements resulting from the restoration of the Barangaroo headland, will be damaged by the proposed development.
3. The water walkway is already cluttered by pedestrians (as individuals and in groups), dog walkers and runners. Cyclists and electric scooter riders use the same paths, and many speed and/or fail to give pedestrians right of way, which poses a safety issue for children and people who are elderly and/or less mobile. More parkland and shaded areas with seating is already required.
4. There will soon be a large increase in residents and traffic due to the newly completed high-rise apartments. Any additional development will intensify congestion. The new rail line (when it opens) and bus stations will significantly increase the number of visitors to the area. Overcrowding creates social and safety issues.

C. Community and residential amenity and Australian heritage must be prioritised

As a resident and owner on the west side of Kent Street, I have been severely and adversely affected by the over-development at Barangaroo. The new high-rise buildings and especially the over-sized Crown development have ruined the historic character of this important rehabilitated harbour foreshore. The interests of developers appear to have prevailed over the need to preserve Australian heritage and persistent, strong objection from residents and community groups as well as from citizens living outside of The Rocks area. It is time the concerns and needs of existing and future residents, the community and Australian citizens are addressed and prioritised.

I strongly object to this Barangaroo Development Plan – Mod 9.

I submit that:

- **either this Plan be amended to significantly lower the height and reduce the bulk of all buildings and to provide additional parkland**
- **or this Plan be declined.**

Submitted by [REDACTED], 6 February 2024

Thank you for the opportunity to review and comment on the amendments to Mod 9 for Central Barangaroo (MP06_0162 MOD 9). The proposal appears much improved in many areas, but regresses in some minor aspects. Specifically:

- There remains significant, and excessive shadowing on Hickson Park. Whilst part of the Block 5 Buildings have been reduced in height, the south-eastern-most building still overshadows both Hickson park and Solera Br court yard.:
 - The maximum height for all buildings along Hickson Park must be reduced to minimise/eliminate shading of the park.
- Hickson Park remains substantially smaller than the 2016 plan, even allowing for the closure of Barton St. The retention of the 2016 boundary should be maintained.
- The location of the proposed pedestrian bridge to High Street should be placed closer to the ends of High Street. This would facilitate greater disabled access: a bridge to the low point as proposed requires an uphill climb in any direction to access Kent street/Millers point.
- There remains a lack of clarity regarding traffic management. Specifically, the original submission referenced 2018 traffic data, and the amendment does not seem to provide updated traffic. There has been a significant increase in traffic in the Barangaroo area following the opening of Crown and the impending opening of One Sydney Harbour. This has created significant stoppages along Barangaroo Ave from Uber services (stopping in the street) and vehicles accessing Crown.
 - Hickson Road and the extension of Barangaroo Ave in Central Barangaroo, must allow extensive set down/alighting zones.
 - Barangaroo Ave in Central Barangaroo should be adjusted to flow Southbound. This would:
 - allow the setdown/alighting areas to be located on the left/east side of Barangaroo Ave, closer to the residential, retail and Metro facilities generating the foot traffic. This is both safer and more convenient.
 - Reduce congestion on Barangaroo Ave Northbound at Crown Porte Cochere entrance. This is a known choke point, with extensive traffic backlog along Barangaroo Ave.
 - Facilitate greater through traffic use of main roads (Hickson/Sussex) rather than along the narrow, pedestrian-busy Barangaroo Avenue.
- The Mod 9 Submission specifically referenced under cover access from South Barangaroo to the Metro station (ostensibly underground through the retail area). This appears to have been reduced/lost.
- There remains a need for improved undercover access from South Barangaroo to both Wynyard Rail and Barangaroo Metro stations
- Hickson Road area should be considered for greater setback to facilitate:
 - greater Uber/Taxi setdown/pick-up. Barangaroo Ave currently suffers from extensive stoppages due to this traffic stopping in the traffic lane to set down/collect passengers (contrary to signage).
 - future light rail construction to Barangaroo Metro station.
- Plazas and Pedestrian Malls:
 - The Plazas and pedestrian lanes should be 20 metre wide between Hickson Road and Harbour Park, and cover/roof should be glass/clear to enable natural light - similar to the plaza at the eastern end of Exchange Place, Barangaroo.
 - The North South Corridor is proposed at 8m wide, with sides circa 32-40m high This will create a long, narrow, and dark, corridor. This should be widened to 20 m,

similar to the proposed east-west plaza. This width is more significant for the north-south pathway as a consequence of its longer length. This would also create large open plazas at the intersections with the east-west pathways.

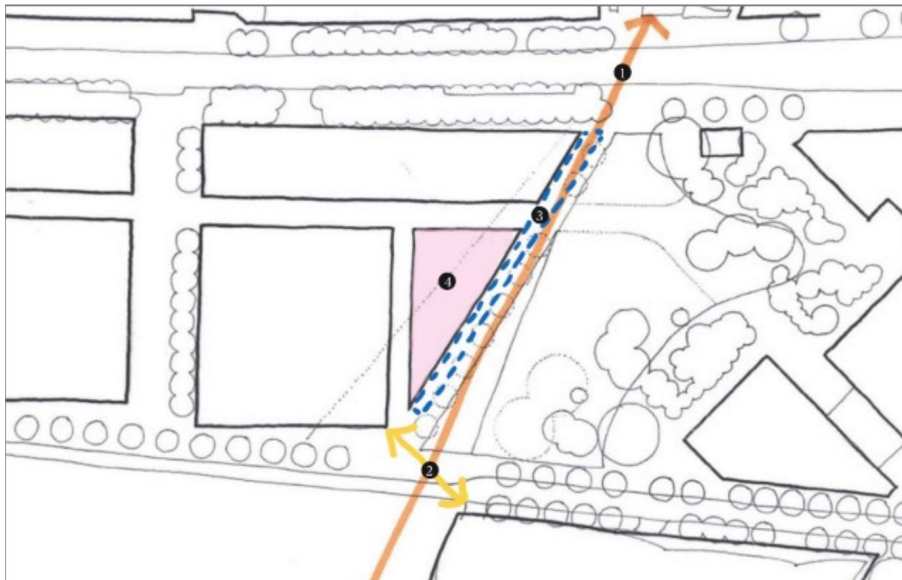
- Note the difference in Figure 38, and the vertically cropped Figure 39 for the cross sectional 'narrowness' of the (key) north-south pathway from Barangaroo South through Central to the Metro/Nawari Cove.
- See also Figure 46 and 47 for the visual narrowness of this corridor.

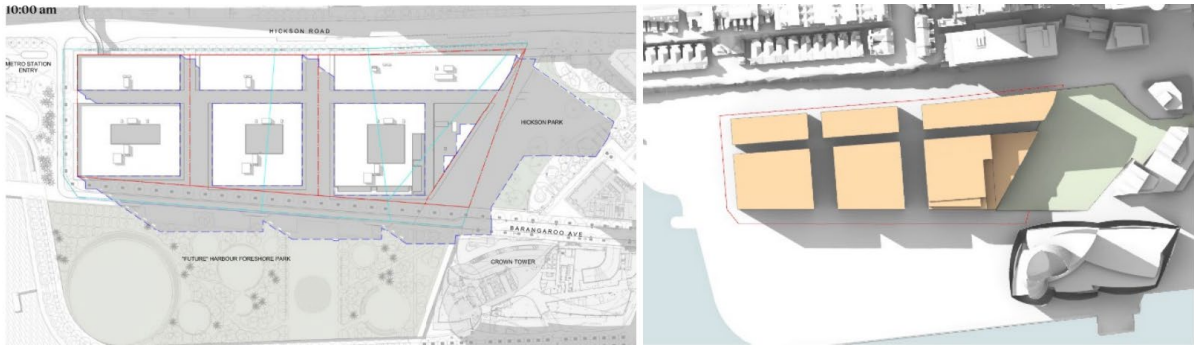
Shadowing on Hickson Park

- The amendment does not do enough to recover shadow coverage of Hickson Park. The proposal states that

“While the proposed realignment of the boundary between Hickson Park and Block 5 will alter solar access to Hickson Park, such alteration is mitigated by the lowering of the southern building envelope to RL 21.5.” (Sub para 3, page 79, S6.11.3 page 93).

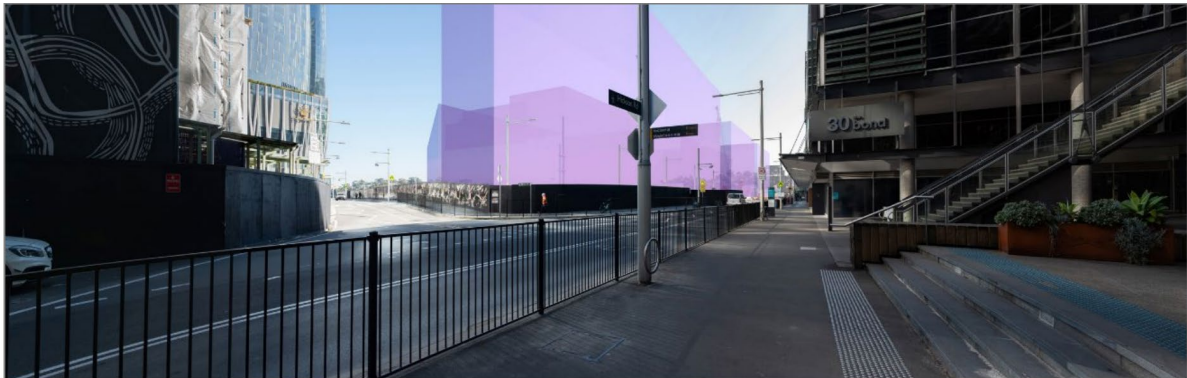
- It is easy to infer that this is all buildings on the southern edge of Block 5. However, only one building (Building 1B of Figure 46) is illustrated as changed (see Figure 41 reproduced below). This creates the extensive shadow seen in Table 23 10am assessment (reproduced in part below, note that at 9am the entire park is in shadow).





- Note also the visual obstruction from Hickson road toward Barangaroo central showing:
 - Clear visual obstruction of the harbour
 - Extensive actual and proposed shadowing
 - 'canyon effect' of the tall buildings of Block 5.

This shows the requirement for the southern boundary of Central Barangaroo to remain as per the 2016 (current) location, and for the need for the southern most buildings of Central Barangaroo to be stepped/terraced so as to eliminate shadowing of the parkland.



Amended MOD 9 Concept Plan building envelope (current proposal)

Barangaroo Concept Plan (Modification 9)

Objections to the Revised Modification 9

There are many reasons why I object to the Revised Modification 9.

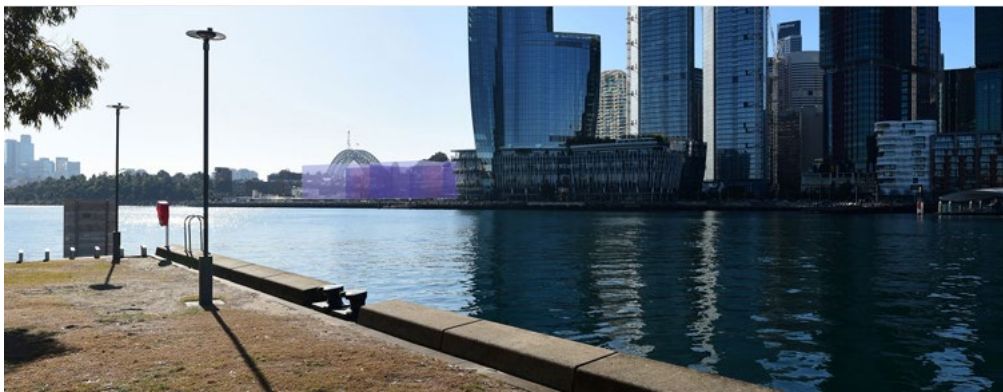
Many are the same as my objections to the initial Modification 9 which I have appended to these objections. This is because little has changed!

Sydney Harbour views from Observatory Hill are still blocked.

Historic Millers Point views from Balmain, Pyrmont and Darling Island are still blocked.

Heritage link with Millers Point and Sydney Harbour are still blocked.

The proposal is still too big and still too high.



This is well demonstrated by Figure 83 from Appendix D View and Visual Impact Assessment (Part 1) to the Response to Submissions Report. The picture shows the impact of the new proposal from Ballarat Park on Darling Island. And this is without the proposed landscaping on top of the buildings! The views from Balmain, Pyrmont and Darling Island to the heritage listed Millers Point and Dawes Point precinct are blocked, and to the Harbour Bridge are mostly obscured.

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little. Of course, the developer **misleadingly** says that it has reduced the total increase in GFA from 144,355 m² to 104,000 m² because it defines approved concept plan, not as the original approved concept plan from 2006 but as the so-called approved concept plan after MOD 11 (October 2020). The developer has ignored requests to represent the original approved concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”.

The “approved concept plan” promulgated by the developer is based on legal technicalities rather than the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High Street sandstone wall cutting and terraces above).

The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal. The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**. Central Barangaroo must not be allowed to become an eyesore like South Barangaroo.

The modified proposal reduces the size of Hickson Park and reduces the amount of community space **from 28,000 m² to 2,800 m²**.

The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.

I express my opposition to the Revised Modification 9 in the strongest possible terms.

David Ford

12 February 2024

Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9. I list some of them here.

Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset, and**
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

- (a) Sydney Harbour is to be recognised as **a public resource, owned by the public, to be protected for the public good,**
- (b) **the public good has precedence over the private good** whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) **protection of the natural assets of Sydney Harbour has precedence over all other interests.**

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified."

Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the “Approved Concept Plan” which it says is the most recently approved plan: MOD 11. It is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pymont foreshore where I live.

Modification 9 obliterates the views from Pymont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pymont and surrounds.



Bulk/Scale

The buildings along Hickson Rd are too big, with insufficient articulation, setback, and separation. They are an urban planning disaster.

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

David Ford

8 August 2022

Barangaroo Concept Plan (Modification 9)

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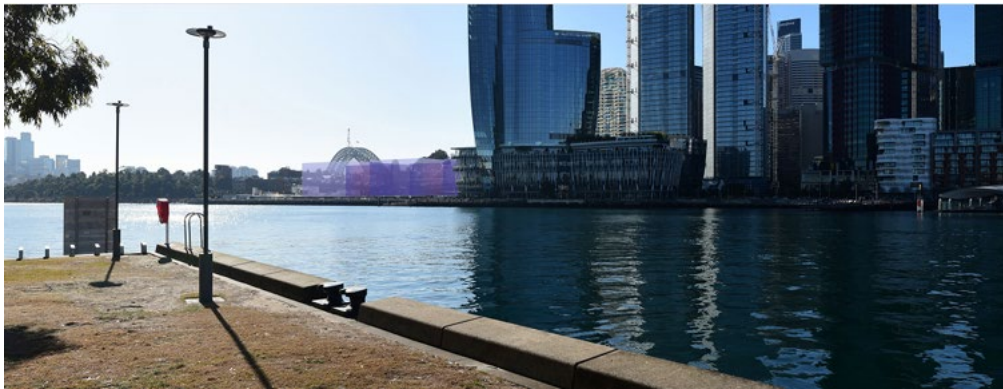
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I express my opposition to the Revised Modification 9 in the strongest possible terms.

Heather Gattone

14/02/2024

Barangaroo Concept Plan (Modification 9)

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It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

David Ford

8 August 2022

Barangaroo Concept Plan (Modification 9)

Objections to the Revised Modification 9

There are many reasons why I object to the Revised Modification 9.

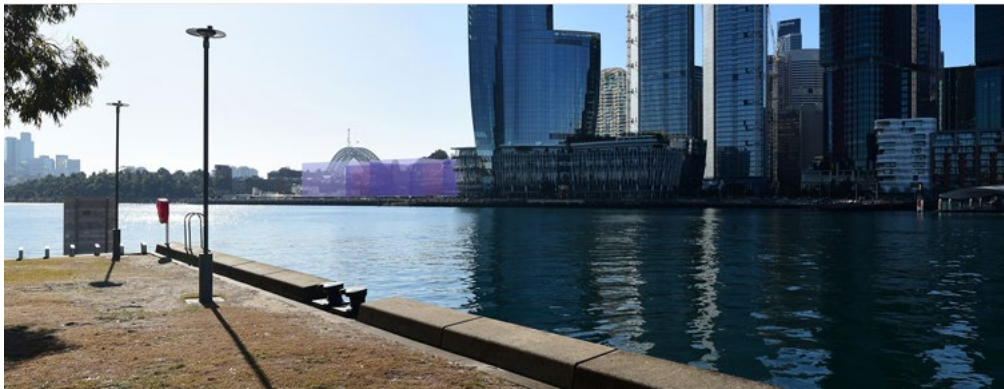
Many are the same as my objections to the initial Modification 9 which I have appended to these objections. This is because little has changed!

Sydney Harbour views from Observatory Hill are still blocked.

Historic Millers Point views from Balmain, Pyrmont and Darling Island are still blocked.

Heritage link with Millers Point and Sydney Harbour are still blocked.

The proposal is still too big and still too high.



This is well demonstrated by Figure 83 from Appendix D View and Visual Impact Assessment (Part 1) to the Response to Submissions Report. The picture shows the impact of the new proposal from Ballarat Park on Darling Island. And this is without the proposed landscaping on top of the buildings! The views from Balmain, Pyrmont and Darling Island to the heritage listed Millers Point and Dawes Point precinct are blocked, and to the Harbour Bridge are mostly obscured.

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little. Of course, the developer **misleadingly** says that it has reduced the total increase in GFA from 144,355 m² to 104,000 m² because it defines approved concept plan, not as the original approved concept plan from 2006 but as the so-called approved concept plan after MOD 11 (October 2020). The developer has ignored requests to represent the original approved concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”.

The “approved concept plan” promulgated by the developer is based on legal technicalities rather than the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High Street sandstone wall cutting and terraces above).

The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal. The Millers Point Precinct is part of Sydney and Australian history and must

be protected **for its unique heritage**. Central Barangaroo must not be allowed to become an eyesore like South Barangaroo.

The modified proposal reduces the size of Hickson Park and reduces the amount of community space **from 28,000 m² to 2,800 m²**.

The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.

I express my opposition to the Revised Modification 9 in the strongest possible terms.

Gianna Swadling

14/02/2024

Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9. I list some of them here.

Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset, and**
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

- (a) Sydney Harbour is to be recognised as **a public resource, owned by the public, to be protected for the public good,**
- (b) **the public good has precedence over the private good** whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) **protection of the natural assets of Sydney Harbour has precedence over all other interests.**

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified."

Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the “Approved Concept Plan” which it says is the most recently approved plan: MOD 11. It is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pymont foreshore where I live.

Modification 9 obliterates the views from Pymont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pymont and surrounds.



Bulk/Scale

The buildings along Hickson Rd are too big, with insufficient articulation, setback, and separation. They are an urban planning disaster.

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

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I express my opposition to Modification 9 in the strongest possible terms.

David Ford

8 August 2022

418201

AMENDED APPLICATION FOR MODIFICATION OF MP 06_0162 MOD 9



FOR CENTRAL BARANGAROO

SUBMISSION OF THE MILLERS POINT COMMUNITY RESIDENTS
ACTION GROUP, INC (MPCRAG)

21st February, 2024.

Contact: Mr Bernard Kelly: bkelly@bkp.com.au

We acknowledge and pay our respects to the traditional custodians of the lands and waters of Barangaroo, the Cadigal people of the Eora nation, and all Aboriginal elders, past, present and emerging.

Millers Point Community Resident Action Group

The MPCRAG strongly opposes, and formally objects to, the amended MOD 9 proposal for the development of Central Barangaroo.

The primary concerns with the amended MOD 9 proposal have not been adequately addressed and remain consistent with those raised during the exhibition of MOD 9. These include:

1. Excessive building heights, massing, and bulk resulting in substantial increases in Gross Floor Area (GFA):
 - a. adversely impacting or eliminating protected heritage views and sightlines,
 - b. negatively affecting Hickson Park through reducing its size, connection to the water, and overshadowing.
 - c. Depriving multiple residents and the Langham Hotel, of view sharing requirements.
2. Creation of extensive gridlocked traffic problems.
3. Establishment of new known wind effects that exceed safety standards.
4. Insufficient discernible benefits accrued to the public to offset the loss of cherished public foreshore parkland under MOD 8.
5. Failure to adhere to the conditions stipulated in the approved Concept Plan of MOD 8.
6. Disregard for the directions of the Planning Assessment Commission (PAC) that formed the basis for MOD 8's determination.
7. Submission of an application founded on misrepresentation, distortion, and deceit.
8. Inadequate response to issues raised in submissions following the MOD 9 exhibition proposal, including those of the Department.

The development does not comply with the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,
 - (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,
 - (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.
- **The presented and revised MOD 9 proposal fails to adhere to these guidelines.** There is a lack of public advantage resulting from the development that would compensate for the deprivation of the public of their valued harbour foreshore parkland and the proposed ruin of substantial, valuable heritage views and sightlines.

The approved Concept Plan of MOD 8 was determined by the Planning Assessment Commission (PAC) that advised, '*...it is important to ensure that each stage of change brings an appropriate balance between the public interest/benefit and development interests so that community*

confidence is retained in the outcomes.'; and citing the Barangaroo Design Advisory Panel (BDAP) for direction, 'Any assessment of built form and public domain must place at its centre the notion of public benefit – that for a development to be viable it must provide a net improvement in the lives of the people it affects'.

- **Furthermore, the Applicant's use of misrepresentation, distortions, and convoluted false arguments to negate and undermine the approved Concept Plan raises concerns about the integrity and competency of the applicant, Infrastructure NSW (INSW), the Government and the NSW planning process.**

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While engagement with the MPCRAG occurred during the amendment process for MOD 9, the submitted proposal strongly indicates that this was merely a superficial compliance exercise, lacking substantial value for either party. Concerns expressed in MPCRAG’s earlier submission and during the engagement process for the amended MOD 9 have been met with either neglect or indifference.

To date, the interests of developers and influential lobbies have eroded public confidence in the Government and its planning processes with each escalation in height, bulk, GFA, and number of buildings at South Barangaroo. Such practices cannot be permitted to persist at Central Barangaroo, where the stakes for heritage preservation are higher.

It appears evident that the Applicant has not conducted a thorough review of the Planning Assessment Commission (PAC) advice and guidance that underpins the approved Concept Plan for Central Barangaroo. Therefore, advice from the PAC is quoted here in its entirety where relevant.

Central Barangaroo comprises three Blocks slated for development, Blocks 5, 6, and 7, to the south of which lies Hickson Park:



The Approved Concept Plan

The applicant attempts to argue that from a statutory perspective, there are no block controls that apply to blocks 5, 6 or 7 which is clearly disingenuous. Since approval in 2007, the Concept Plan has been subject to multiple modifications, the most recent involving built form being Modification 8 (MOD 8). MOD 8 is the approved Concept Plan for Central Barangaroo on which future development rests and clearly lays out the approved Principles and Block Controls for the Central Barangaroo development.

The Conditions of MOD 8 approve the Design Principles, Design Requirements, and Development Controls as set out in the Concept Plan (2007); continues the built form of MOD 2 for Block 5; reduces the footprint of Block 5; and reduces Block 7 to 4 storeys.

GYDE provided a photomontage of the Principles, Design Requirements, and Development Controls of the Concept Plan (2007), in the submission of the Langham Hotel, 2023. Clearly, GYDE's analysis, albeit not including a reduced Block 7 height to four storeys, was contrasting and superior to that of the Applicant.

Condition 106 of MOD 8 states:

The built form of development blocks 5, 6 and 7 inclusive will follow the Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning [emphasis added]. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.

Under Condition 106, MOD 8 approved the previously indicative Built Form controls of the Concept Plan (2007) for Blocks 6 and 7, and the Block controls of Block 5 approved under MOD 2, but with a smaller footprint and reduction in GFA (see the Appendix).

- **The 'indicative' controls of the original Concept Plan became the *approved* controls under condition 106 for Blocks 6 and 7, while those of MOD 2 apply to Block 5, with further reductions imposed under MOD 8:**

Conditions 105 & 107 remove the built forms of MOD 2 for all future blocks.

Condition 108 reinstates the built form of MOD 2 for Block 5 only:

108. The built form of development Block 5 shall be consistent with the performance based urban design controls contained in Table 1 to Section 2.1.1 of the Barangaroo Part 3A Modification Report – Commercial Floor Space Preferred Project Report prepared by MG Planning dated October 2008. In cases where the design is not consistent with the control objectives, justification should be given as to why the control was not applicable and what attributes of the design have been provided in lieu to ensure that the Built Form Principles of the Consolidated Concept Plan or design excellence can be achieved.

The Concept Plan (2007, shown above) establishes the northern building of Block 7 at RL 30m and the southern building of Block 7 at RL 35m. Conditions 124/125 reduce these heights to 4 storeys.

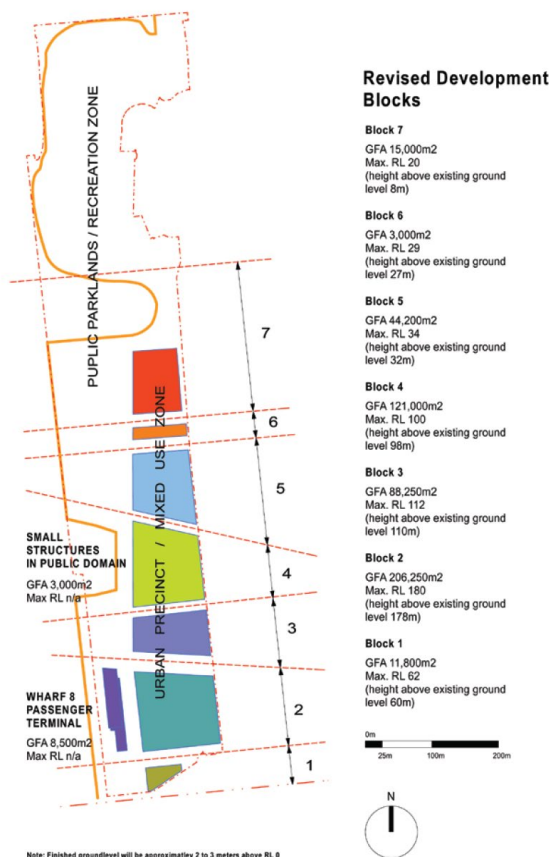
Conditions 124/125 approves a reduction in the height of Block 7 to 4 storeys in accordance with the Objectives detailed in the Conybeare Morrison Report of 2009 for MOD 3:

To be demonstrated as part of any project application which relates to the Headland Park and surrounds:

The future detailed design of the Headland Park including the northern cove, Globe Street and adjacent Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the “Barangaroo Headland Parklands Urban Design Report” prepared by Conybeare Morrison (August 2009).

The report prepared by Conybeare and Morrison (August 2009) reduces the maximum height of Block 7 to RL 20 (p.27), as seen in the Figure 12 of the report:

Figure 12. Revised Development Blocks



The RL 20 for Block 7 building height above ground level of 8m may not be sufficient to accommodate the 4 storeys permitted for Block 7 under MOD 3.

The Conybeare Morrison Report states,

The review also notes that with height restrictions [sic] of 4 storeys imposed on Block 7 and its new identity as a ‘front door’ to the site, it is important that the street walls of Block 7 are virtually continuous around the site. Some articulation allowing views into interior areas of the block, capitalising on the site’s [sic] unique position, and providing a further definition of building mass will need to be provided in the design.

Identity of Block 7

- With the enlargement of the Northern Cove toward the east, Block 7 will become a significant parkland space as it will be seen as a ‘front door’ to the site from the water. It will also become a waterfront area, any buildings within this area will have to consider an appropriate massing related carefully to the space. Refer to Figure 9.

Massing Configuration of Block 7

- *The reconfiguration of Block 7 requires that it addresses Northern Cove and Headland Park with a street wall. Block 7 height restrictions of 4 storeys and its new identity as a 'facing façade' require a virtually continuous street wall building addressing parklands, the cove and Hickson Road. Some building articulation, allowing views into interior areas of the block, would capitalise the building's unique position. Definition and articulation of building mass should be included in the design resolution as this building will dominate the cove precinct.*

- **Conditions 124/125 of MOD 8 reduce Block 7 to a maximum of 4 storeys.**

However, the approval for MOD 8 is contradictory in that the body of the document allows Block 7 a maximum RL 35. Responses to submissions to MOD 3 stated this discrepancy required resolution.

Block 7 at RL 35m does not meet the requirements under Conditions 124/125 in providing a 4 storey 'front door' to the site from the water'. It offers a blocked wall fortress of built form that cuts off the development and bears ***no relationship whatsoever*** to the parklands, the cove, or Hickson Road:



The delivered impacts of the proposed development would be much worse than shown here. The photomontage is taken from the Visual Impact Assessment provided by the Applicant and is unable to be adequately corrected to approximate the vision of the human eye. The view remains distanced, flattened, and elongated.

- **Given the enormous uplift and increased GFA of buildings in Barangaroo South, with significant compensations due to the public for this expansion, and the impact of RL 35m Block 7 on prized heritage views, Conditions 124/125 should prevail.**
- **Because the amended proposal for MOD 9 does not comply with the approved Concept Plan under MOD 8, and is in opposition to its objectives, it cannot be considered a 'modification' of the Concept Plan.**

The Applicant's Misrepresentation of the Approved Concept Plan

Throughout the Response to Submissions, including its reports within the accompanying appendices, the Applicant misrepresents the approved Concept Plan of MOD 8 as a blocked design without reflection of the built form Principles and Controls, explaining,

*The Applicant has generated a building envelope, which reflects the approved maximum height and development footprint. These provide an accurate representation of the approved Concept Plan for Blocks 5, 6 and 7. **This approved Concept Plan building envelope has***

informed the basis of environmental assessment that underpins the amended MOD 9 proposal. These are reflected in addendum and updated technical reports [emphasis added].



Axonometric of the approved Concept Plan building envelopes

In generating this axonometric, the Applicant explains,

We note the current Concept Plan contains a larger volume than would normally be expected from the approved GFA. The amended MOD 9 proposal intends to increase the GFA to more accurately reflect the approved envelope, while retaining a 20-30% buffer for design excellence and articulation as demonstrated in the reference scheme.

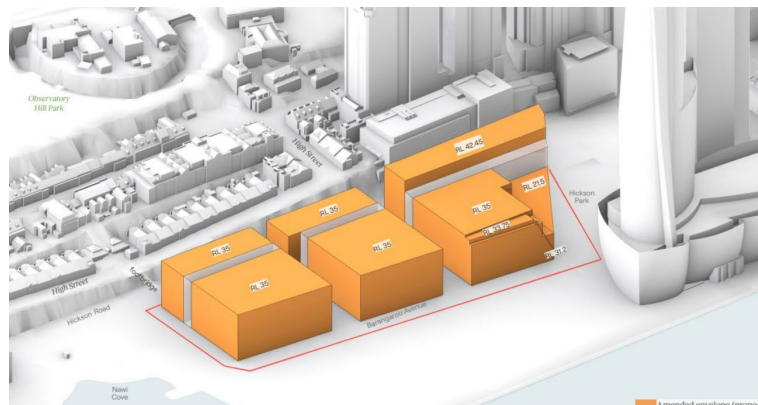
- **This is most egregious. The approved GFA was founded on the approved Design Principles, Design Requirements, and Development Controls of the 2007 Concept Plan (Condition 106) that ensure the building envelopes do not reach the maximum possible GFA of inflated building blocks. This false representation of the Concept Plan is used for all comparisons with the approved Concept Plan, thereby reducing the relative impact of the amended MOD 9 proposed development.**

The Principles of the Concept Plan require strongly articulated blocks, slender buildings oriented to the water, open spaces within blocks, and wide view corridors. The proper application of the design elements of the Concept Plan can only be achieved with a GFA that allows for the application of these Design Principles and Development Controls. **Hence, ‘the increase in GFA to more accurately reflect the approved envelope’ is simply a dishonest manoeuvre to increase the GFA and disregard the approved Concept Plan.**

- **The consequences of this deceit are substantial. All comparisons of the amended MOD 9 proposal made with ‘the approved Concept Plan’ are invalid.**

The Applicant makes a multitude of spurious, deceitful, and distorted claims throughout the reports in an attempt to overthrow the approved Concept Plan. These will be addressed further later in this submission.

The Amended MOD 9 Proposal



The amended MOD 9 development removes compensations to the public for the loss of valuable public foreshore parkland under MOD 8, rebuts the approved Concept Plan, and has devastating impacts on Hickson Park and heritage views, vistas and panoramas preserved under the Concept Plan.

Hickson Park

Hickson Park is currently a virtually land-locked park that acts as a forecourt for the Crown and is subject to tumultuous wind swirling around the Crown and One Sydney Harbour, and up from the harbour. This wind is channelled into Hickson Park and onto the residential towers of Kent Street, making both uninhabitable for much of the time.

INSW (The Applicant) asserts that the most significant change resulting from the PAC determination was the reduced development footprint of Block 5, in moving the alignment of Hickson Park. They claim this issue was not resolved at the time of the MOD 8 determination which had significant implications for the development outcomes of Central Barangaroo.

- **In compensation for the MOD 8 incursion of the Crown and the expansions of One Sydney Harbour onto coveted public foreshore parkland, with their accompanying massive increases in height and GFA, the proposed amended MOD 9 reduces Hickson Park by 1,625m², increases its shadowing, and provides a mere 1,264m² of 'open space' in pedestrian connections between buildings at Central Barangaroo as compensation.**
- **The realignment of Block 5 under the amended MOD 9 proposal offers and completely unsatisfactory compensation for the public for losses incurred in Barangaroo South under MOD 8.**

This is despite the PAC's advice:

*Development of Barangaroo Central must reinforce, not jeopardise, the improved outcomes for Hickson Park. **Development height limits on Block 5 should not be increased in any way that creates any additional impact on the park space beyond that created by current approved height limits [emphasis added] (as modified by the Block 5 footprint change outlined above).** This requirement will assure the success of the park and maintain an appropriate balance of public benefit within the precinct.*

Furthermore, The PAC 'examined what it considers are the most critical components in making Hickson Park a desirable open space that would compensate to a significant degree for the change from the foreshore parkland location and perhaps even improve the public domain outcome for the site.' It concluded, 'The Commission considers that for Hickson Park to be a successful space it must have clear connectivity through to the foreshore, and associated parkland and promenade.'

A proposal for a 28 m wide connection to Harbour Park was considered and rejected by the PAC,

...it is not sufficient to address the legibility and connectivity of public space, view corridors to and from the foreshore or to protect future park amenity. The public benefit is not sufficient to offset the significant loss of foreshore open space and private GFA gains. The Commission recommends increasing the parkland and access corridor to a width of 48 metres in a configuration that opens and assures views to the harbour; invites easy pedestrian access to the foreshore; underpins the amenity of Hickson Park; and 'gives back' to the community...

- **The proposed 32m wide gap between the Crown and Block 5 is entirely inadequate for ensuring proper connectivity of Hickson Park to Harbour Park and the harbour foreshores, as mandated by MOD 8.**
- **We endorse the Department's view (Response to Submissions) that maintaining the approved park boundary alignment is crucial to securing public benefits to offset and compensate for the impacts of MOD 8.**

The MOD 8 determination explicitly specifies that future development applications for Block 5 should not surpass a Gross Floor Area (GFA) of 29,688m² and a building height of RL 34m. These conditions are significantly breached in the amended MOD 9 application.

- **The revised MOD 9 proposal substantially exceeds the clearly defined limits on the heights and GFA of Block 5 imposed by MOD 8, while offering no discernible benefits to the public.**

The PAC was well-aware of the repercussions of the decision to reduce Block 5 on future development at Central Barangaroo and clarified this determination repeatedly,

The Commission recognises that this approach would have some consequences for the development potential of Block 5 and for any future modification applications to the development of the block. Nonetheless, the Commission deems that this is a necessary consequence of the movement of the hotel off the water and the legislated location of the restricted gaming facility onto the foreshore. The proposed change is critical to secure the quality public domain expected by the community, positive connections and view corridors and improved solar access for Hickson Park, and will maintain the 50% public space commitment. The Commission is also confident that the landscape and urban designers for the development can achieve all of the diversity of open space to which they aspire within this context...

The Commission appreciates that the changes to Block 5 will put some pressure on the gross floor area potential of Barangaroo Central, however the Commission strongly believes the changes represent significant enhancements to the public domain that will rebalance the public and private benefits to be derived from the proposal, as espoused by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, principle 2(b) which specifies that '... the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshore'. In this regard, the

Commission noted a number of submissions raised concern that Hickson Park was an inferior compromise; a result of the relocation of Block Y to a prime foreshore location and was a planning afterthought. The Commission is now satisfied its modifications to the Concept Plan will mitigate these concerns and protect the quality and green space; connectivity to the foreshore and CBD; and use of Hickson Park as a valuable urban park.

The Commission has always acknowledged that to reduce the size of Block 5 would have implications at the margin for the potential development revenue returned to Government. The Commission does not demur from this ... in our view, the financial return to the Government is only one component of the public benefit, and public interest considerations that must be weighed when planning for the development of the site. In this regard, the principles espoused by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, particularly Principle 2(b), specify that '... the public good has precedence over the private good and whatever change is proposed for Sydney Harbour or its foreshores ...'

- **Block 5 must comply with the conditions of MOD 8. Any additional height and GFA to blocks beyond these conditions will remove public compensations promised under MOD 8, and will have grave impacts on the confidence of the public's view of the integrity of the Government's planning processes.**

The Proposed Hotel for Block 5

It is paradoxical that the Applicant proposes to inflict substantial economic impacts on the Langham Hotel, an established luxury hotel on Kent Street, by obstructing its view, while introducing a new luxury hotel at Central Barangaroo.

- **Substantial compensation would be due to the Langham Hotel should the amended MOD 9 proposal come to fruition.**
- **The compensation would need to be sizable and ongoing, which would markedly erode financial returns to the Government, while further degrading any benefit of the Central Barangaroo development to the public.**
- **Heightened hotel activity will contribute to the ongoing traffic challenges in the Barangaroo area which are already at gridlock for much of the day.**

Similar compensation would be necessary for owners of residences in Kent and High Streets who have lost their views under the development, as will be addressed below.

Blocks 6 & 7

The large uplift of Block 6 (from RL 29m to RL 35m) and its expanded footprint, volume, along with a bulky oversized Block 7, all designed to massively increase residential GFA, represent, arguably, the most objectionable aspects of the proposed amended MOD 9 development for the public because:

- **The reduction in the maximum heights of Blocks 6 and 7 from the exhibited form of MOD 9 does not alleviate their profoundly detrimental effects on heritage views, sightlines, and their connections to the harbour.**
- **The expanded building envelopes of Blocks 6 and 7 defy the fundamental Principles of the built form for the Barangaroo precinct, which promotes strong building articulation,**

slender buildings with their narrow end facing the water, wide view corridors, and a gradual reduction in building heights as the development progresses towards the Headland Park.

Any assessment of the amended MOD 9 proposal must not only consider the proposed built form designs, but must also consider the sought after GFA and its allocation. Expanded GFA is the sole purpose of the proposal, as this benefits the developers.

Residential Development GFA Dominates the Community and Civic Hub

The approved Concept Plan limits residential GFA *for a reason!* Central Barangaroo is identified as the civic and community hub of the Barangaroo precinct, as emphasised by Lands and Property Minister, the Hon. Steve Kamper. It comprises parkland to the north and west; commercial and residential space to the south.

The authors of the Concept Plan (2007) were deliberate in calibrating the allocation of GFA to specific uses. This was to ensure the development objectives for Barangaroo can be met without being disrupted.

The limits on overall GFA and residential GFA were established to ensure that the outcome is a balanced one in the context of the whole of Barangaroo. Whilst there is a poor historical record of Barangaroo adhering to its GFA limits, the stakes are higher in Central Barangaroo, due to the heritage impacts of inflated built forms required to accommodate excess residential GFA, and its designation as a cultural and civic hub.

Blocks 6 and 7 are integral to this vision, mandating a minimum of 2,000m² of community space within Block 6 or 7 (or another block approved by the Secretary and acceptable to the Secretary). Their heights were limited, and the blocks created were strongly articulated to deliver this vision, whilst protecting our historic views.

Block 6 has an allowance of 3,000m² of community or civic GFA; none is permitted to be residential. Block 7 is permitted 14,000m² of its total 15,000m² GFA to be residential, with the remainder allocated to community and civic GFA.

Explosion in Residential Capacity

The Applicant seeks an increase in the *'maximum residential component cap from 28,000m² [of the exhibited MOD 9] to 75,000m²'* for the amended proposal. This is in comparison to the exhibited MOD 9 proposal, not the approved GFA of the Concept Plan. **This is a 159% increase over the approved Concept Plan.**

Again, the Applicant's spurious argument that Mod 8 removed all development block controls, therefore implying that they can add as much GFA as they desire to fill the entirety of the building envelopes, is used to justify the upsurge in residential GFA. This is a self-serving argument that is not founded on the 15 years of planning evidence regarding this site and its purpose in the broader development.

The Applicant claims, 'a comparison of the approved Concept Plan GFA, the exhibited GFA and amended GFA for Blocks 5, 6 and 7 is provided in TABLE 8' of the Response to Submissions. **Their**

data is incorrect.

TABLE 8 SUMMARY OF APPROVED, EXHIBITED AND AMENDED GFA (ABOVE AND BELOW GROUND)

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 approved (MOD 8) residential cap is **not** 14,000m², but 29,000m²; 15,000m² in Block 5 and 14,000m² in Block 7, none in Block 6! While mistakes are easily made, the report is replete with errors.

- **A fundamental error in the approved residential cap demonstrates a carelessness that reflects poorly on the competence of the Applicant and generates concerns over their capacity to undertake the work of Government, particularly in planning and development.**

The amended MOD 9 proposal is deplorable as:

- **The revised MOD 9 proposal moves residential GFA from Block 5, allocating it instead to the hotel, and then redistributes the residential GFA to displace the community and civic space of the excessively inflated Blocks 6 and 7. These allocations are intolerable.**
- **Block 6 is permitted *no* residential GFA under MOD 8 or the Concept Plan (2007); its allowable 3,000m² of GFA is assigned to community and civic uses only. For the proposed cap of 75,000m² of residential GFA to be allocated across Central Barangaroo, the massively expanded Block 6 (that bears no resemblance to the Concept Plan) of the proposal would need to carry a massive amount of residential GFA.**
- **Block 7 is permitted only 14,000m² of residential GFA under the approved Concept Plan, with the remaining 1,000m² of GFA allocated to community and civic space. Instead, Block 7 is inflated to fill its expanded envelope to also enable it to deliver excessive residential GFA.**

The impacts of such a proposal on the community and civic nature of Central Barangaroo would be devastating:

- **In both exhibited and amended versions of MOD 9, the proposed community space is situated in the Cutaway, which lies outside the Central Barangaroo development, and within the RE1 parkland area. This relocation of required GFA for community space outside the Central Barangaroo development further privatises the project with excessive residential development, without satisfying the mandated community and civic uses within the blocks of Central Barangaroo.**
- **Hosting events in the RE1 zone of Harbour Park not only denies public access to the waterfront but also introduces additional noise disturbances to nearby residences.**
- **Limiting indoor events to the cavernous Cutaway space is unsatisfactory for accommodating smaller, more intimate community events.**

- **There is no allocation for civic space!**

Furthermore,

- **The proposed 159% increase in residential GFA (from 29,000m² to 75,000m²) cannot be accommodated in Central Barangaroo. As demonstrated by the amended MOD 9 proposal, it would:**
 - **Lead to buildings of excessive heights that would obscure or destroy protected heritage views, sightlines, and their connections to the harbour.**
 - **Result in a huge, privatised build on public land slated for community and civic development, with only modest residential development intended.**
 - **Contribute significantly to traffic chaos and gridlock in an expanded area around Barangaroo.**

The approved GFA, which is not contested and is a statutory control, does not allow the Applicant to build what they propose. By adding GFA they are going to break the heritage protections and view sharing requirements built into the approved Concept Plan. The applicant **fails** to make a sufficient argument about how they are going to offset this loss of public good other than making a few financial contributions that were established prior to any development proposal being considered. **No equivalent offsets for the destruction caused by the proposal have been added.**

The Impacts of the Revised MOD 9 on Protected Heritage Views and Sightlines

Heritage is **enshrined** in the approved Concept Plan. A key objective of the Concept Plan is to enhance the display of valuable heritage views, panoramas, and vistas of Millers Point, the Observatory, and Observatory Park. For example,

The strategy for EDH is based on protecting and enhancing the surrounding townscape and views.

The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.

The heritage conditions for Central Barangaroo are specified in MOD 8 and have been reiterated in the conditions for **every** approved modification. They are provided here in the Appendix.

The protected historic views are significantly obscured under both submitted versions of MOD 9 and are not alleviated by the small reductions in height between the MOD 9 and amended MOD 9 proposals.

The protected historic views are significantly obscured under both submitted versions of MOD 9 and are not alleviated by the small reductions in height between the MOD 9 and amended MOD 9 proposals.

- **The revised MOD 9 proposal significantly and adversely impacts all protected heritage sightlines, views, vistas and panoramas protected under the Concept Plan.**

The V-shaped High Street cutting, adorned by the terraces of Kent Street and terraced duplexes of High Street, with the Observatory nestled within Observatory Park as a focal point, constitutes an integral part of the Millers Point historic fabric. Under the amended MOD 9 proposal, this view is halved when seen from the west and completely erased when viewed from Darling Harbour and Pyrmont Park, as the southern upward sweep of the cutting is entirely obstructed by built form.

- **In their Response to Submissions, the Applicant claims that the amended MOD 9 proposal would have ‘moderate’ impacts on the key heritage views and sightlines safeguarded by the approved Concept Plan. This contradicts their own Heritage Impact Assessment, which characterises the impacts as far more severe.**

The Applicant acknowledges this discrepancy, stating, ‘When compared to the original Concept Plan approval in 2007, GML considers the heritage impacts arising from the amended MOD 9 proposal to be greater than moderately adverse.’ The Applicant responds to this finding with, ‘However, the amended MOD 9 proposal is more consistent with the topography and skyline of Millers Point and represents an improvement from the exhibited scheme.’

- **This is unequivocally false. The amended MOD 9 proposal obstructs and spoils the ‘topography and skyline of Millers Point’. Its improvement over the exhibited scheme is negligible.**

The Applicant’s *own* Heritage Impact Statement (GML) recommends strong mitigations for of the impacts of the amended MOD 9 proposal:

- *Future development should be designed to reduce impacts to and from the Millers Point and Dawes Point Village Precinct, the heritage conservation area and heritage items in Millers Point, Observatory Hill and elsewhere [emphasis added]. The proposed built form in key locations could be reduced to optimise historical visual connections, and views to and from the harbour from Millers Point and Observatory Hill items in Millers Point, Observatory Hill and elsewhere. **The proposed built form in key locations could be reduced to optimise historical visual connections, and views to and from the harbour from Millers Point and Observatory Hill [emphasis added].***
- *Detailed design development should explore options to optimise the retention of views, respecting the heritage significance of the setting, heritage listed areas and listed heritage items.*
- *Heritage impacts could be minimised/mitigated at the design development phase, through innovative design guided in consultation with heritage advice.*
- *Future development should specify building forms, landscaping and materials that are visually recessive and sympathetic to the character of Millers Point so that the foreground built form does not visually compete with, and overwhelm views, to and from listed conservation areas and heritage items. The height of Blocks 5 and 6 exceed the approved concept plan by 8.45m and 6m respectively, and careful articulation of the height in these blocks to conserve visual connections could potentially be a mitigation measure from a heritage perspective.*

- Compared to the exhibited MOD 9 proposal, and despite the removal of the 73m tower and a small reduction in proposed heights for each block, the revised MOD 9 proposal does little to alleviate the extremely negative heritage impacts of the development.
- Adherence to, or further improvement of, the approved Concept Plan remains the most effective way to mitigate the impacts on preserved heritage views, vistas, and panoramas for any development at Central Barangaroo.

Distorted Visual Imaging to Support the Revised MOD 9 Proposal

Misrepresentations of visual forms underscore the deceptiveness of the Applicant throughout the amended MOD 9 proposal. The choice of perspectives is biased toward supporting the developer's argument that there is limited incremental view loss above their previously egregiously overbuilt proposal rather than a true comparison of public and private views against the current view and the modulating building form of the approved Concept Plan.

- **The Applicant fails to adhere to best practice methodology for visual assessments.**

Despite stating that *'the best practice methodology for a visual impact assessment is to assess the impact on the view as seen by the human eye,'* the Applicant uses selected lenses to manipulate the images. This has the effect of distancing, widening, and flattening the perspective to diminish the value of heritage views and downplay the impacts of the proposed development. This is a deliberate distortion of the human perspective and underpins a fraudulent visual assessment.

- **The Applicant consciously and deliberately misrepresents the visual impacts to prioritise private interests over public interests.**

The Applicant justifies the use of distortions in images by stating that *'focused views [reflecting the human perspective of a 50mm focal length] provide a worst-case scenario.'* **This distortion is the worst case for the developer, not for the public.**

- **The Applicant attributes the impacts of the proposed development on heritage sightlines to the mechanics of human vision rather than to its reality,** stating, *'The key driver of the High to Moderate overall visual impact ratings is the sensitivity of visual receptors to the proposed change, rather than the magnitude of change.'* This conflicts with the admission of the Applicant that it is the human perspective that is relevant in the appreciation of heritage views.

The MPCRAG has commissioned new more accurate photomontages (the proposed development is shown in red) for assessment of the amended MOD 9 proposal. Images were developed are 3D modelled using geolocated photographs. **It should not be necessary for the public to expend limited financial resources to offset the distorted imaging of development applications.**

Where the amended MOD 9 images are shown for comparison, they are approximately corrected to a 50mm focal length where possible, to best estimate the perspective of the human eye. The widening and flattening effects of the Applicant's selected lenses on the images cannot be accurately corrected and remain distorted.

- **It should not be incumbent upon the public to expend their limited resources to provide more accurate photomontage comparisons for modification applications.**

The Revised MOD 9 from the Protected Heritage Vantage Points

Views from the opposite harbour foreshores

The Applicant claims:

The majority of views west to Darling Harbour and beyond from Millers Point and east from Pyrmont and Balmain East looking back towards Millers Point, have already been lost to the approved Concept Plan, with amended MOD 9 proposal marginally increasing height at the southern end of Central Barangaroo adjacent to the much taller South Barangaroo and Sydney CBD high-rise buildings.

This is erroneous. The Applicant's own Heritage Impact Assessment (GML) acknowledges that with 'City Plan's 2006 assessment assumed Section 13 controls applied, which mitigated some of the visual impacts arising from the proposal through built form modulation of bulk, height and mass.'

- **Section 13 Controls for Central Barangaroo were approved under Condition 106 of MOD 8 for the development at Central Barangaroo. Furthermore,**
- **The Applicant has not considered the recommendation of their own Heritage Impact Assessment (GML) that 'The proposed built form in key locations could be reduced to optimise historical visual connections, and views to and from the harbour from Millers Point and Observatory Hill.'**

An opportunity to do just this is provided under Conditions 124/125 of the approval for MOD 8:

- **The Applicant fails to address the reduction in height of Block 7 to 4 storeys or RL 20, as determined under MOD 8 Conditions 124/125 of the approved Conybeare Morrison report (August 2009). Such a reduction in height would significantly reduce the impacts of any development at Central Barangaroo on our prized heritage views.**
- **The development of Block 7 under the Conditions 124/125 of MOD 8 provides a coherent and holistic view of the heritage of Millers Point and the Observatory, situated within Observatory Park. It is clearly in the best interests of the public, NSW, and the nation.**
- **Any development at Central Barangaroo must deliver the compensations for the MOD 8 development in Barangaroo South, as determined under the MOD 8 approval, including the reduction in height of Block 7.**

Views of Millers Point and the Observatory

The GML report claims the amended MOD 9 proposal would have '*major adverse*' impacts on the heritage view of the Millers Point High Street cutting, topped by the terraces of Kent and High Streets, and crowned by the Observatory situated within Observatory Park.

A *major adverse* impact means:

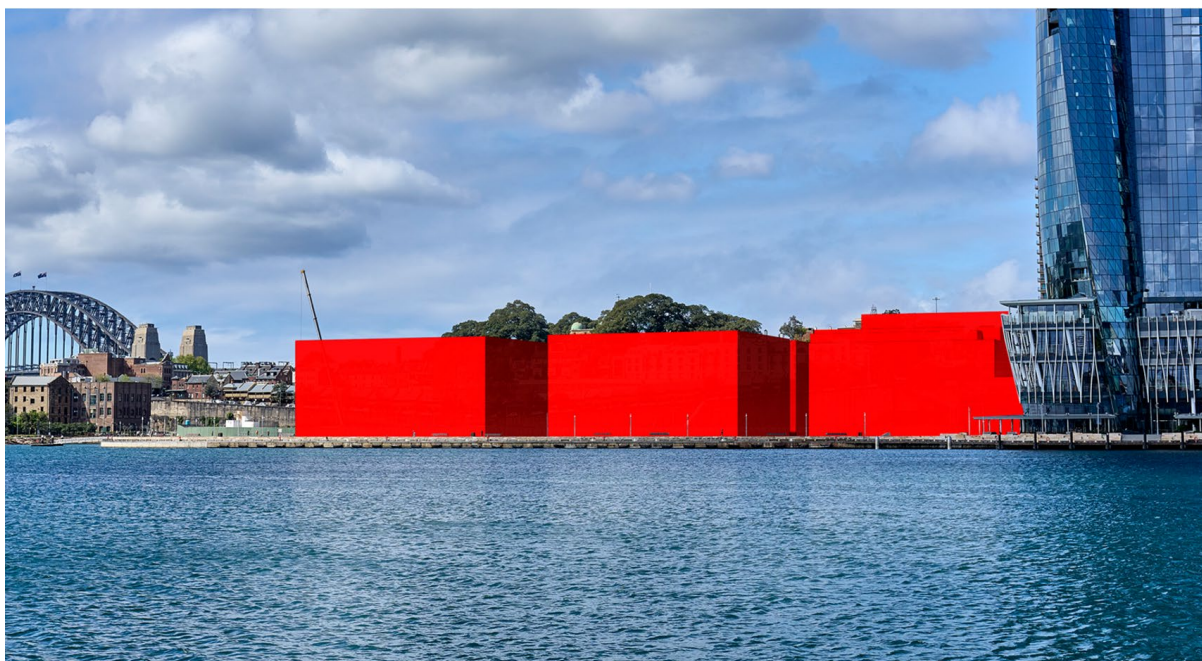
Actions which will have a severe, long-term and possibly irreversible impact on the heritage item.

Actions in this category would include partial or complete demolition of a heritage item or addition of a new structure in its vicinity that destroys the visual setting of the item. These actions cannot be fully mitigated.

The amended MOD 9 proposes to wall off half of the High Street cutting and its terraces. When seen from Peacock Point, Balmain East the view is highly compromised:



From the foreshores further south, only the western dome of the Observatory is seen above the built form, disconnecting it from the context of Observatory Park, the terraces and High Street cutting, and from the water:



Further south from preserved viewpoints at Darling Harbour and Pirrama Park, GML finds:

- *Existing views to the harbour from the southwest will be obscured by the proposed building envelopes. Darling Harbour and parts of Pyrmont will no longer be visible.*

- *The loss of the harbour view to the southwest and screening of Millers Point historical maritime precinct roofline will impact the setting, and the ability to read and appreciate aspects of the modified landform and the historical maritime, industrial and Victorian features that characterise the area.*

The High Street duplex terraces According to GML,

The amended proposal will have a major adverse visual impact on the listed High Street duplex terraces due to the height of the proposed envelopes. At RL35 to RL42 and RL45, Blocks 5, 6 and 7 will overshadow the terrace group and impede the visual connection to the harbour. This will have a significant impact on the setting of the terrace duplexes south of Lance Kindergarten—numbers 3–9, 38–72 and 74–80. The terrace duplexes north of Lance Kindergarten will be impacted to a lesser degree.



- **The inflated building envelopes of Blocks 6 and 7 form an imposing wall that obstructs the southern end of the V shape of the High Street cutting. This hinders the intended connection of terraces at the southern end of High and Kent Streets to the water; while the compromising the connectivity of the Observatory and Observatory Park to the harbour.**

GML states that the Concept Plan (2007) was able to mitigate the visual impacts to the views to and from the High Street Terraces through the ‘*design assumptions that emerged from the Section 13 controls, namely:*

- *the building heights are lower in this section of the site, retaining visual access to the Millers Point roofscape;*
- *the heights of the towers interpret the V-shape profile of High Street;*
- *the separate towers are articulated, providing filtered and framed views to the area; and*
- *a specific view corridor is provided from the proposed walkway at the lowest point in High Street*

These design ‘assumptions’ and controls from Section 13 of the Concept Plan have been approved for future development at Central Barangaroo under Condition 106 of MOD 8.

The increased impact of the amended MOD 9 proposal over the ‘Concept Plan’ is attributed by GML to:

Block 5 exceeds the approved concept plan RL34 by 8.45m. Block 6 exceeds RL29 in the 2007 approved concept plan by 6m, at RL35, as part of the amended proposal. The addition of 8.45m and 6m respectively will give rise to a greater degree of heritage impact on the historic setting of the HCAs and a higher degree of visual impact than the approved concept plan.

- **Conditions 124/125 of MOD 8 permitting only a 4 storied Block 7 would strongly mitigate the major adverse impacts of the development of Central Barangaroo.**

GML points out that, *'Both the approved concept plan [in the bulked-up version presented by the Applicant] and building plan envelopes are in excess of the height of historical former maritime buildings, and will therefore impact views and setting.'*

GML concludes that the visual impact on the duplex terraces of High Street and terraces of Kent Street:

This is assessed to be major adverse as it will permanently impact heritage significance of the Village Precinct and Conservation Area's physical waterside setting, within a modified terraced landform compromised of industrial and residential development with associated public infrastructure.

Views to the Observatory and Observatory Park

While GML finds the Concept Plan impacts the view to the Observatory and Observatory Hill Park, they conclude, *The amended proposal will fill more of the building envelopes if approved, increasing the level of impact to Observatory Hill Park and Sydney Observatory.*

The Applicant concedes the significantly adverse impact on views from the Observatory and Observatory Park, stating that views to the harbour from Sydney Observatory and Observatory Hill Park are largely obscured by the development.

- **The inflated building envelopes of the amended MOD 9 proposal cannot be permitted to further obscure historic views of heritage listed items of special significance, such as the Observatory and Observatory Park.**

Appreciation of the roofscape of the terrace houses

In conflict with Condition 60 of MOD 8 that requires development at Central Barangaroo *'to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point.'*

GML acknowledges,

The building envelopes will also affect some of the visual appreciation and legibility of the historical roofline of built form within the Millers Point heritage conservation area facing west.

This will affect glimpse views to the water and the appreciation of the area as an intact Victorian period residential and maritime precinct. Any built form within the envelopes has the potential to affect the low-rise, village-like character of the area. Taking the amended proposal envelope as a worst-case scenario, this would have a moderate adverse impact when viewed from this location.

and,

The height of the blocks will impact the visual appreciation of the roofline of the terraces being read against the sky and harbour's waterscape from certain viewpoints within Millers Point. It represents a major adverse impact to the heritage item that cannot be fully mitigated [emphasis added].

The application of the Concept Plan (2007), with its approved Design Principles, Design Requirements, and Development Controls, provide the following depiction that strongly preserves the links between Observatory Park and the water:



The view from the same vantage point is not provided for the amended MOD 9, but two alternate viewpoints were chosen, angled, and distorted to minimise the impact of the blocked design of the revised MOD 9 development (N.B. This visualisation is distorted to minimise the impact of the proposed development):

1.



2.



In reality, half of the terraces are completely enclosed and severed from the water by built form. The perspective below provided by the Applicant, shows a clearer view of the level of obstruction of the crucial visual connections between the terraces and the water, which are essential for preserving their context and value. This spoils the appreciation of the terraces in the context of their historic harbour connections development (N.B. This visualisation is distorted to minimise the impact of the proposed development):



The Applicant describes "glimpses" of the water, but the reality is that many viewpoints from the Millers Point Heritage precinct have panoramic views to the west. These panoramas will be decimated.

- **Only a narrow sliver of water is visible from Observatory Hill Park from this perspective.**

Preserved vistas

Two vistas connecting Millers Point to the water are designated for preservation under the Concept Plan and improved under MOD 8 by the reduction in the footprint of Block 5: Gas Lane and High Street from the Agar steps in compensation for the overdevelopment of MOD 8.

The Gas Lane Vista

The view from Gas Lane has already suffered significant impairment due to the Crown's incursion onto the foreshore. Any additional encroachment into the remaining fragment of the vista is deemed unacceptable.

The depiction of the vista under the amended MOD 9 proposal from Gas Lane is:



Given the distortion of this photomontage, the real impacts of Block 5 cannot be accurately understood from the visual assessment of the amended MOD 9 proposal. The perspective of this photomontage locates an elongated and flattened Block 5 in the distance. It does not realistically illustrate vista itself, nor the impacts of the proposal for Block 5 on the vista.

A more accurate portrayal of this vista prior to development to reflect what is seen by the human eye is provided below:



The GML assessment is deeply concerning:

Yet, the amended proposal building envelope heights for block 5 at the southern end of Central Barangaroo exceed the 2007 approved concept plan by 8.45m. The proposed building envelope is visible between existing buildings in views towards the harbour, which include the gas lamps silhouettes and sandstone walls. The proposed building envelope will impede a greater proportion of the existing view from Gas Lane. The proposal retains a narrow vertical

strip of the harbour and landform beyond in westerly views along Gas Lane. On the southern side the view is currently impeded by the northern façade of the Crown Casino. Currently the gas lamps that are extant on the northern side of Gas Lane are visible against the skyline and the water. The built form of the amended proposal will impede this view.

The degree of change in heritage impact between the amended proposal and the approved concept plan Gas Lane has increased and is assessed to be major adverse.

The Vista from High Street at the Agar Steps

The vista from High Street at the Agar Steps has been enhanced under MOD 8, which relocated the boundary of Block 5 south of 'Agar Street' to stay within the B4 zone. In the Concept Plan (2007), 'Agar Street' divides Blocks 5 and 6, with its southern boundary now aligning with the southern boundary of High Street. The amended MOD 9 proposes 'Plaza South' in this position.

The realignment of Block 5 to the south was approved to preserve an improved vista from the Agar Steps to the water as part of the compensation for the MOD 8 development. The current view from the Agar Steps to the water is:



It is clear that from the proponent's portrayal, that Block 5 encroaches significantly into the vista and has a substantial uplift from the limits established in MOD 8 development (N.B. This visualisation is distorted to minimise the impact of the proposed development):



- **The substantial increase in the proposed heights of Blocks 5 and 6, coupled with Block 5 encroaching into the vista connecting the Agar Steps to the harbour creates an unacceptable loss of compensation for the incursion of the Crown and additional buildings of One Sydney Harbour into public foreshore parkland established under MOD 8.**

GML estimates the impact of the proposed development under the amended MOD 9 to be 'moderate adverse'. This is deplorable.

Despite evidence to the contrary provided by their own Heritage Impact Assessment, the Applicant claims that,

In relation to the amended MOD 9 proposal and its impact on built heritage and views, the HIS notes that notwithstanding the increases in height for Blocks 5 and 6, the proposal is assessed in heritage terms to be more or less consistent with the approved Concept Plan.

- **This is readily shown to be demonstrably false. The amended MOD 9 proposal continues to vandalise heritage sightlines at the Agar Steps in direct opposition to the conditions of MOD 8, as assessed in the Heritage Impact Study prepared by GML in Appendix M of the revised application.**

The impacts on heritage views, panoramas, vistas, and sightlines are deemed unacceptable.

A proposal of this nature should not ever have been submitted.

View Sharing

The Concept Plan and all subsequent modifications have stipulated low form development (illustrated by the design elements of the Concept Plan, 2007) at Central Barangaroo capable of retaining views to/from Millers Point, and view sharing with private residences to the east of the development. Furthermore,

The PAC states,

The Commission sympathises with residents of the nearby residential blocks and understands that each change in the Barangaroo Concept Plan has a potential impact on their views that they have little or no control over, having bought their homes in good faith. The Commission considers that the Barangaroo development has now reached the point where further impacts on views beyond MOD8 (sic) need to be minimised.... and as a consequence Barangaroo Central must maintain a building height that is consistent with the built form of the Concept Plan and sympathetic to the height of development and views at Millers Point and Observatory Hill, (28th June 2016).

The Land and Environment Court provides principles for view sharing ‘when a private property ... enjoys an existing view’ under *Tenacity v Warringah Council [2004] NSWLEC 140*.

The Applicant states, however,

*The DGRs (now SEARs) do not stipulate that an assessment of view sharing principles against *Tenacity v Warringah Council [2004] NSWLEC 140* is required.*

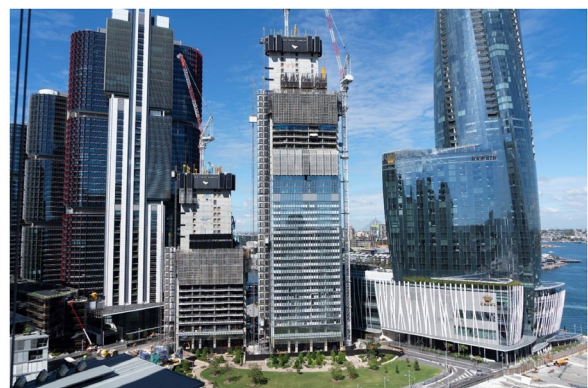
This is false. The Plans and Documents section of the Director General’s Requirements (DGRs) explicitly states:

Visual Assessment

The visual impact assessment, including focal lengths, must be done in accordance with Land and Environment Court requirements.

- **The Applicant is obligated to adhere to the Land and Environment Court principles for view sharing as the DGRs *explicitly* state that the application must conform to the requirements of the Land and Environment Court.**
- **In Appendix D, there is a reference to utilising the view-sharing criteria of the ruling, but it negates the fact that views are entirely eradicated for numerous residents of the High and Kent Street terraces, the low and mid-levels of the residential towers on Kent Street, and the Langham Hotel.**
- **Already, throughout the South Barangaroo development, private interests of the Crown and Lendlease have consistently received preferential treatment over heritage views, while public and private views, belonging to the landowners themselves, have been disregarded.**

The west-facing residences in Millers Point have already experienced a significant reduction in their expansive water views to the southwest. Comparative views captured before and after the Barangaroo South development are presented below:



The revised MOD 9 application further eliminates the westward water views entirely for many residents.

Views to and from the terraces

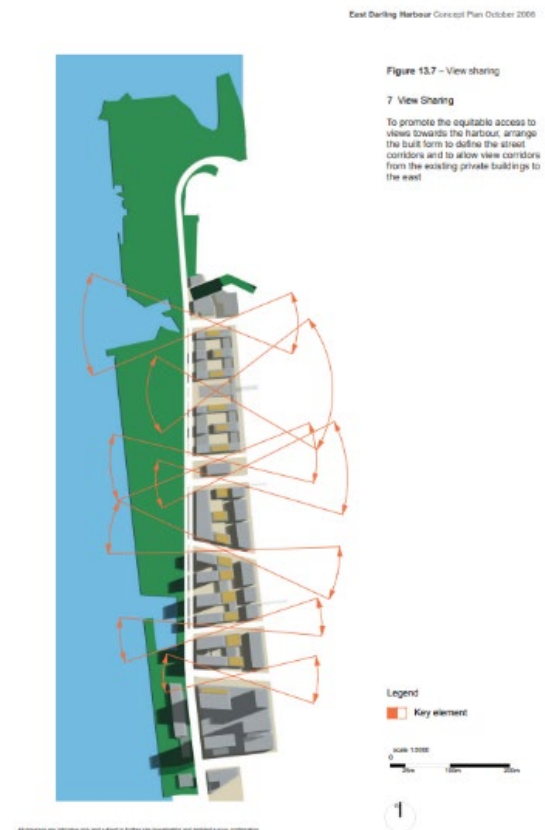
The Applicant acknowledges,

Blocks will screen views to the terraces on High Street and Kent Street from the west, southwest and potentially northwest. The historical landform modification between the waterside and the ridgeline of Victorian-era workers housing and parkland will also be obscured.

However, Principle 7 of the Concept Plan states:

View Sharing

To promote the equitable access to views towards the harbour, arrange the built form to define the street corridors and to allow view corridors from the existing private buildings to the east.



- **It is imperative that the views to and from the terraces of High and Kent Street, are retained at least as filtered views through view corridors, as stipulated under the Concept Plan (2007) and MOD 8 conditions.**

Residents of the heritage terraces along Kent and High Streets on the southern side of the High Street cutting face the complete removal of their views and the enclosure of their perspective under the proposed MOD 9 development (N.B. This visualisation is distorted to minimise the impact of the proposed development):



The deprivation of water views has significant adverse effects on private owners of High and Kent Streets. The loss of water views significantly diminishes amenity for residents and negatively impacts property values.

Similarly, impacts on the Langham are devastating development (N.B. This visualisation is distorted to minimise the impact of the proposed development):



Amended MOD 9 Envelope (current proposal)

The impact is especially egregious for the Langham Hotel, given its previous development limitation of three stories, aimed at harmonizing with the Kent Street terraces.

Impact on the residents of the high-rise buildings of Kent Street

The impacts on residents of Highgate, The Georgia, Stamford Marque, Stamford on Kent, and 189 Kent Street, as described in the amended MOD 9 development proposal, are labelled as '*moderate*.' However, this assessment only considers higher-level perspectives, completely disregarding numerous residents at low to mid-levels where residents will experience complete annihilation of their views.

- **No assessment was conducted regarding views from the low and mid-levels of Highgate, The Georgia, Stamford Marque, Stamford on Kent, or 189 Kent Street, where views are entirely eliminated.**
- **There is no provision for 'view sharing' for a significant number of Millers Point residents, resulting in the complete removal of their views.**
- **The Applicant neglects to properly consider the implications of the removal of views and the substantial resultant impacts on the operations of the Langham Hotel.**
- **Substantial, and continuing compensation would be necessary for the residents of High and Kent Streets whose views have been removed. Again, such compensations would markedly erode financial returns to the Government, while further degrading any benefit of the Central Barangaroo development to the public**

Distorted imaging

Like the heritage views, the visual representations illustrating the impact of the amended MOD 9 proposal on the views of residents were distorted. **These were captured from an aerial perspective**, which fails to accurately convey the actual impact of loss of views, as it minimises the wall of built form directly in front of the terraces and the impacts inside. Such an aerial perspective is one not seen by humans.

- **For accurate visualizations, adherence to the human perspective *from within residences* is essential, as directed by *Tenacity v Warringah Council [2004] NSWLEC***

140. This entails using a realistic lens choice for an accurate assessment of impact from the human perspective.

The visual assessments presented are further distorted by the use of selected lens to broaden and flatten the images, minimising the impacts. This is unconscionable.

- **The Concept Plan (2007) Principles preserve filtered views to the water for residents of High Street, Kent Street, and the Langham Hotel. They are further immensely improved by the reduction in height of Block 7 under Conditions 124/125 of MOD 8.**

Public Housing

The Applicant claims that the required 3% of key worker housing is provided at Barangaroo South. However, the PAC has made clear that additional affordable housing should be provided at Central Barangaroo:

*Such significant uplift [of Barangaroo South] justifies a commensurate response in public benefits across a range of matters not only to be realised through off site measures and economic contributions. The Barangaroo project is delivering economic benefits and making some social contributions—although most of these are static in nature and were put in place in the early stages of the project. The Commission has found it necessary and appropriate to increase the public benefit through changes to the footprint of **Block 5** in Barangaroo Central. **Equally the Commission considers that additional affordable housing should be provided [emphasis added].***

- **MOD 9 sacrifices heritage sightlines for a relatively small number of large luxury apartments on valuable public foreshore land, without incorporating any affordable housing. This utilization of public land is not aligned with the public's best interests.**

Traffic

Napoleon Street currently experiences gridlock outside of holiday periods, blocking the primary connection between Western Sydney/Barangaroo and Millers Point and the City North (Level of Service E).

- **Traffic Modelling Plans (TMPs) for Barangaroo appear to inaccurately represent the current traffic conditions, making their predictions unreliable. The TMP of the amended MOD 9 proposal does not take account of multiple factors that will impact traffic conditions in the near future, regardless of the Central Barangaroo development.**

MOD 8 has not yet reached full implementation, and the occupancy of the 880 apartments at One Sydney Harbour is expected to further intensify traffic congestion, leading to further chaos and gridlock.

- **The considerable expansion of residential development at Central Barangaroo, along with its associated parking spaces, would further strain the already overloaded traffic infrastructure.**
- **The addition of another luxury hotel at Central Barangaroo would worsen existing traffic problems.**

Furthermore, Barangaroo has had, according to the Financial Review (24th July & 3rd August 2023) a significant contraction of office demand, with major tenants relocating.

- **When office tenancy at Barangaroo recovers, additional strain will be exerted on the road system.**
- **The projected surge in traffic from these combined increases is anticipated to be severe and to result in extensive gridlock.**
- **Hickson Road, consisting of only two lanes, cannot adequately handle the additional traffic from imminent increased residential occupancy, the hotel, and future commercial occupation.**
- **The cumulative increase in traffic is anticipated to be catastrophic, causing congestion through back up onto the freeway and into the Western suburbs With redirection of City North bound traffic onto alternate routes throughout the city and the Rocks, widespread gridlock will result.**

Reflected Traffic Noise Along Hickson Road

The uninterrupted row of buildings lining Hickson Road, opposite the historic wall of the High Street cutting, forms a canyon-like structure that accentuates sound reverberation. This architectural configuration would pose significant concerns for residents of Blocks 6 and 7 across all floors, as the canyon effect amplifies traffic noise, reflecting it off the walls and projecting it upwards to higher levels.

Hoons on Barangaroo Avenue and Hickson Road

Presently, residents experience disturbances at night when streets have lower traffic levels due to hoons racing north along Barangaroo Avenue and east along Barton Street, and then south along Hickson Road. The proposed extension of Barangaroo Avenue is likely to enhance the appeal of this raceway to hoons unless it is consistently monitored and policed.

- **The northward extension of Barangaroo Avenue is expected to make the circuit more appealing to hoons during nighttime, necessitating regular policing.**

Pedestrian Wind

Areas closer to the waterfront are acknowledged by the Applicant to experience high wind speeds, with safety thresholds exceeded along Wulugul Walk near the Crown Tower base, within Barangaroo Harbour Park, and Hickson Park (Response to Submissions, p.193).

Cermak Peterka Petersen (CPP) undertook the wind analysis for the MOD 8 proposal and concluded, *'No locations exceeded the nominated pedestrian wind comfort criteria.'* Their report expressed greatest concern over wind effects of balconies for the MOD 8 towers and, on the basis that these would be unusable, wintergardens were not included in the GFA for MOD 8.

- **Wind analysis reports cannot be relied upon to accurately predict the wind speeds that are delivered with a development, particularly where adverse wind effects might reduce the viability of a development.** This is clearly observed with the unsafe wind speeds in Hickson

Park and around the Crown tower base, despite wind reports for MOD 8 explicitly excluding these effects.

Wind impacts on Hickson Park

Block 5 is poised to generate Venturi wind effects as wind from the harbour is forced between Block 5 and the Crown should the gap be only 32m. This effect is expected to worsen existing unsafe wind levels caused by high-speed turbulent winds already circulating around the Crown and affecting the western facades of the residential towers of Kent Street. The wind speeds of west-facing balconies in these residential towers are currently barely inhabitable.

The Applicant acknowledges, *'High wind areas around Crown Tower and northwestern Hickson Park still persist and will likely be uncomfortable.'*

These excessive winds will not merely persist, they will intensify and continue to exceed safety standards across a greater area:

- **The proposed narrow aperture between the Crown and an uplifted Block 5 will channel winds from the harbour to join those circulating around the Crown, sweep into Hickson Park, over the old gasworks administrative centre, up Gas Lane, and also onto the residential towers of Kent Street.**
- **Wind excesses resulting from the Crown building already render the use of west-facing balconies for residents of the Kent Street residential towers untenable for most of the time. Increased wind speeds will make them dangerous.**
- **Winds at increasing speed will also be channelled from the harbour between Blocks 5 and 6 through Plaza South, up High Street, and into Kent Street. It is already known and acknowledged that these winds will reach unsafe speeds.**
- **Widening the aperture to the 48m between the Crown and Block 5, as recommended by the PAC, while maintaining the RL 35 (MOD 8) and built design of MOD 2 for Block 5, would mitigate the Venturi effect of wind channelled at unsafe speeds into Hickson Park.**
- **The Applicant deliberately presents a design that will render most of Hickson Park unusable due to wind speeds, and creates two new channels with wind speeds surpassing safety standards at the Plazas North and South of Central Barangaroo.**

Wind impacts in Central Barangaroo

While both Plazas are impacted, Plaza North will experience a further heightened Venturi effect due to the increased channelling of wind into an progressively narrow space.

As an additional note, the MOD 9 proposal falsely claims in brackets, *'(note that this [wind effect] is generally unchanged from the concept approval)'*. This is **inaccurate**.

The Block Controls of the Concept Plan (2007) portray lower heights for Block 5, a very low and narrow Block 6, with slender east-west facing towers and wide separations within Block 7. These features help mitigate the Venturi effect.

- **The Applicant consistently claims that Blocks 5, 6, and 7 are inflated to fill the expanded Block envelopes of the proposal creating serious wind impacts in both Plaza North and Plaza South.**
- **The approved Block Controls of the Concept Plan (200&) require lower heights for all three Blocks; a very low and narrow Block 6, and slender east-west facing towers with wide separations for Block 7. These designs must be applied to any development of Central Barangaroo, to alleviate the Venturi effect, preventing unsafe wind speeds in the spaces between the Blocks.**

To address the impact of winds exceeding safety standards in Plazas North and South, the MOD 9 proposal provides inadequate measures and vague language: *'It is recommended to incorporate awnings and corner articulation for Buildings 3B, 4B, and 2B to mitigate the gusty winds. Additional elements such as artwork/screening might also be required to mitigate the winds'* (p.193).

- **Awnings and corner articulation are wholly inadequate to mitigate gusts of unsafe wind speeds. The suggestion that artwork/screening 'might' mitigate these natural forces is nonsensical.**

Lack of Increased Public Benefit from Excess Development

- **The proposed increase in heights, density, bulk, and GFA over the approved Concept Plan lacks an equivalent and sufficient public benefit.** The public benefits for Central Barangaroo were originally negotiated between the Central Barangaroo Developer (Aqualand) and INSW (the Applicant) during the bid process, and the approved development limits were established by the conditions of MOD 8.
- **The suggested increases provide minimal compensation in the form of an additional 1,264m² of 'open space' for the public that falls short of public expectations for 'open space'.** The majority of the additional 'open space' (1,264m²) is concentrated within three openings between the buildings: Plaza North (20m wide), where, along with Plaza South, predicted wind speeds can exceed safety standards; a proposed east-west arcade (6m wide); and the proposed 8m wide north-south connection.
- **The meagre offering of 1,264m² of 'open space' fails to begin to adequately offset the negative impacts of the development, especially the loss of heritage views.**

The sole viable path for the Central Barangaroo development is to adhere to the approved, or an enhanced Concept Plan. If achieving this is unattainable, the land should be preserved as parkland for the people of NSW.

Further Efforts of the Applicant to Defeat the Approved Concept Plan

The Applicant claims, *'The Department have acknowledged there is no set of approved plans showing the Concept Plan building envelopes for Central Barangaroo and acknowledges the Design Guidelines apply to future applications'*.

However, in response to the exhibited MOD 9 proposal, the Department requested that, *'The existing Concept Approval is accurately depicted, and it considers the approved GFA, design guidelines, conditions of approval and statement of commitments relating to the site'*.

The Department also requires the Applicant to, *'Provide a detailed reference design demonstrating how the proposed GFA fits into the envelopes, noting generous building articulation should be provided.'*

The Department also states,

It is recommended that the proposed height and massing of the proposal be reconsidered, and further options be explored to:

- *Better respect the urban form established by the Concept Plan of continuous low scale within Central Barangaroo allowing the headland to have visual prominence, rather than built form.*

Reduce visual and heritage impacts to Sydney Observatory, Observatory Park and Millers Point and Dawes Point village through better consideration of:

- *Key views to and from the Conservation area;*
- *Views to the Harbour from Observatory Hill and western shores of Darling Harbour and Anzac Bridge;*
- *Iconic views of the Harbour Bridge and Pyrmont and Darling Harbour and other viewpoints, and*

The application has not sufficiently justified the proposed building height and massing (and associated impacts) and does not address the former Planning Assessment Commission findings and reasons for supporting increased height/density in Barangaroo South (MOD 8), in particular that:

- *Block Y (Crown) should book end the high-rise development in Barangaroo*
- *Central Barangaroo must be sympathetic to the height that is consistent with the **built form** [emphasis added] within the approved Concept Plan*
- *Future development within Block 5 must ensure views are retained from Millers Point and Observatory Hill to the Western Part of Sydney Harbour (imposed under Condition C1).*

These statements indicate that the Department has correctly interpreted the conditions of MOD 8, encompassing Conditions 106 and 124/125, as well as the conditions safeguarding heritage views, as integral parts of the approved Concept Plan. Notably, the Department explicitly acknowledges 'the built form within the approved Concept Plan,' recognizing the significance of Condition 106 and the existence of an approved built form within the Concept Plan.

It appears that the guidance provided by the Department regarding the approved Concept Plan has been misinterpreted or misrepresented by the Applicant. As a result,

- **the Applicant has disregarded the advice of the Department and has not complied with the approved plan in the revised application for MOD 9. The amended proposal remains in breach of the conditions of MOD 8 and continues the proposed destruction of heritage views, panoramas, and vistas.**

The Applicant employs questionable reasoning to manipulate the portrayal of the approved Concept Plan, crafting a set of arguments to justify their proposed increases in block heights and volumes, ultimately aiming to benefit developers at the expense of the people, NSW and Australia. This endeavour seeks to undermine the approved Concept Plan, its Principles, and established Built Forms Controls, detrimentally impacting public interests and the preservation of significant heritage sightlines.

- **Such actions run counter to the core advice of the PAC, emphasising that any assessment of built form and public domain must prioritise the notion of public benefit, and ensuring that a development contributes positively to the lives of the affected people. This stance underscores the need for developments to bring about a net improvement in the community's well-being.**
- **The building envelopes continue to represent the most contentious issues and these rest on the false interpretation of the Concept Plan and misrepresentation of the facts of the MOD 8 determination.**

False and Distorted Claims of the Applicant

Each false or distorted claim of the Applicant is numbered. These claims do not encompass all misleading, distorted, or false statements within the documents.

1. *The implications on Central Barangaroo included the deletion of Block 8 (to accommodate the northern cove) and a significant reduction in the size of Block 7. Overall, the MOD 3 saw a compression of the Concept Plan development footprint and resulted in a loss of 18,000m² of GFA.*
 - **The alleged loss of 18,000m² of GFA is false; rather, it was transferred to Barangaroo South (see MOD 3).**
2. *The changes introduced by MOD 8 compounded with the amendments made by MOD 3 further compressed, and placed additional pressure, on the future development outcomes of Central Barangaroo to align with increased infrastructure investment and the elevated importance of Barangaroo.*
 - **The modifications to MOD 3 affecting Central Barangaroo were counterbalanced by significant rises in the number of structures, accompanied by substantial increases in building heights and GFA, at Barangaroo South.**
3. *The announcement of the Central Barangaroo bid process in 2015 indicated tenderers would be capable of achieving up to 150,000m² of GFA. This was seen to align with the completion of the station and renewed objectives for the site. It has always been contemplated, through this process, that Central Barangaroo should achieve a level of density that is commensurate and responsive to the new station.*
 - **A 150,000m² GFA was not 'seen to align with the completion of the station and renewed objectives for the site' by anyone other than procuring entity, the Barangaroo Delivery Authority.**

The tender for 150,000m² of GFA was issued by the Authority in 2015, prior to the determination of MOD 8 that was in process. This tender and associated claim were addressed by the PAC directly:

It is important to recognise that under the approved Concept Plan for Barangaroo Central the gross floor area allowance is just 59,225m². ... The Commission is aware that certain of the elements used by the Authority to justify the gross floor area increase, such as the proposed Metro station, have actually been foreshadowed for the wider Barangaroo precinct since as early as 2009.

The PAC criticised the Authority for issuing the tender before the determination of MOD 8, deeming it a planning risk. MOD 8 took into account the planned Metro Station.

- **The PAC dismissed arguments that the Metro station should affect the GFA at Central Barangaroo, the PAC set an approved limit of 47,288m².**

The Applicant presents a series of false, contradictory, and at times bizarre statements regarding the Principles and Built Form Controls of the Concept Plan. This appears to be **a deliberate effort to undermine their legitimacy and replace the Built Form Controls of the Concept Plan (2007) with the Design Requirements and Development Controls of MOD 2... except for Block 5, where these do actually apply.**

4. *MOD 8 marked a major shift from the original Urban Design Principles established in the Concept Plan relating to the natural transition of height from the southern end to lower scale built forms to the north. The new hotel resulted in a completely new skyline form to Barangaroo South.*
- **MOD 8 did not remove the Design Principle relating to ‘relating to the natural transition of height from the southern end to lower scale built forms to the north’ for Central Barangaroo; in fact, it reinforced it through the imposed conditions.** This Principle remains in force. The amended MOD 9 proposal does not comply with this Principle.
5. *Condition B4(3) was explicit that the built forms contained in the Environmental Assessment (EA) were not approved as part of the Concept Plan in order to facilitate evolution of design excellence and address built form outcomes on Hickson Road and Globe Street.*

This statement is true; however,

- **Condition 106 for MOD 8 approved the Design Principles, Design Requirements, and Development Controls of the 2007 Concept Plan for Blocks 6 and 7, and the built form for Block 5 of the Barangaroo Modification Report dated June 2008 (MOD 2).**

It is crucial to note that MOD 2 applied exclusively to commercial Blocks 2, 3, 4, and 5, with only Block 5 situated in Central Barangaroo and undergoing further modification in MOD 8. Blocks 6 and 7 were entirely unaffected by MOD 2. Further examples of the misleading, convoluted, and at times contradictory arguments and statements include:

- a. *Section 13.0 – Built Form of the original Concept Plan included ‘Block Controls’ for the various blocks within Barangaroo. Under MOD 2, these Block Controls were replaced with eight Built Form Principles and associated massing diagrams.*

- b. *As noted above, Condition B4(4) required future applications provide a comparison against the block controls in Section 13.0 Built Form EA. MOD 2 amended this condition to replace the reference to Section 13.0 with the following:*
- *Section 7.3.3 of the Barangaroo Part 3A Modification Report dated June 2008, which amended and replaced the design principles contained in Section 13.1 of the original EA, and*
 - *The objectives of the Performance Based Urban Design Controls set out in the Preferred Project Report Barangaroo Part 3A Modification Report dated October 2008.*
- c. *The determination of MOD 2 modified this Condition B4(4) to instead require future project applications to consider the 'Built Form Principles' and associated diagrams in Section 7.3.3 of the MOD 2 Modification Report of June 2008. MOD 8 entirely reframed the Built Form Principles in accordance with the approval of a significantly revised built form massing concept.*
- d. *Furthermore, Condition B9(1) specifies podium, street wall heights, minimum setbacks and tower separations for Block 5. However, this condition applies as part of detailed built form controls applicable for future applications lodged for Block 5, and not a Concept Approval envelope control. It is proposed to maintain deletion of Condition B9(1) of the Instrument of Approval.*
- e. *However these revised principles only related to the massing of Barangaroo South and provide no guidance as to the appropriate massing in Central Barangaroo. There are therefore no currently applicable Built Form Principles relevant to Central Barangaroo.*
- f. *However, subsequent modifications resulted in neither of these having any statutory function under the current Concept Plan, other than as a matter to be considered in future design competitions (Condition C2(4)(d)). Furthermore, the various modifications to the Concept Plan have altered the original massing that these early massing controls bear little resemblance to either the actual built form of Barangaroo South or the spatial extent of Central Barangaroo.*
- g. *The overall comparison demonstrates Barangaroo has evolved significantly from the original Block Controls, and therefore, any further assessment against the Block Controls would be a meaningless exercise. Furthermore, the amended Concept Plan and potential reference scheme for Central Barangaroo maintains a strong alignment with the principles established under MOD 2.*
- h. *The amended MOD 9 building envelope pulls the development envelope back to the approved Concept Plan extent along the Hickson Road, more appropriately mirroring the flat face of the Hickson Road cutting.*

These statements represent a convoluted attempt to negate the Design Principles and Block Controls of the Concept Plan. They are at best misdirection, at worst poorly developed falsehoods.

- **The Block Controls were *not* replaced with the eight Built Form Principles and associated massing of MOD 2.** The eight Built Form Principles of the Concept Plan (2007) are cited in Section 7.3.3 of the Barangaroo Part 3A Modification Report dated June 2008, in comparison with the proposed block designs for MOD 2.

The original eight Built Form Principles are subsequently claimed by the Applicant to be the ‘amended and replaced design principles.’ **This is completely bizarre.**

This entire argument is inexplicable, contradictory, convoluted, and based on fiction.

- **MOD 2 only applied to the commercial floorspace of Blocks 2, 3, 4 and 5.** The Block Controls of MOD 2 did not alter, nor have any impact on, Blocks 6 and 7 of Central Barangaroo.
- **Despite the claim that, ‘There are therefore no currently applicable Built Form Principles relevant to Central Barangaroo’, the relevant Built Form Principles for Blocks 6 and 7 remain those of the Concept Plan (2007), and Condition 106 of MOD 8.**
- **Condition 106 of the Concept Plan establishes the Block Design Controls for Blocks 6 and 7 of Central Barangaroo and impose on them the massing controls (Block Controls) of the Concept Plan (2007).**
- **The Block Controls of MOD 2 (Condition 105) for Block 5 were established with further amendments under MOD 8 (see the Appendix). The amended MOD 9 proposal is not compliant with these controls.**
- **Having argued that the Block Controls of MOD 2 had replaced those of the Concept Plan for Central Barangaroo, and that this opened the door to further massing of blocks in Blocks 5, 6 and 7, the Applicant then attempts to remove the application of MOD 2 to Block 5.** As the Applicant did not intend to comply with the Built Form Controls imposed on Block 5, they falsely claim that the Block Controls of MOD 2 were ‘not a Concept Approval envelope control’. These Controls are stipulated in Condition 108 of the MOD 8 approval.
- **Any doubt about the current statutory function of the Principles and Block Controls of the Concept Plan (2007) is dispelled by Condition 106 of the MOD 8 approval in relation to Blocks 6 and 7, and Condition 108 in relation to Block 5.**
- **Regardless of their spurious arguments, the standing Urban Design Controls of MOD 2 (Conditions 105 and 107) were explicitly *removed* for all three blocks of Central Barangaroo in the approval for MOD 8, but the MOD 2 conditions were reinstated for Block 5 only under Condition 108.**

The associated claim that ‘*the amended Concept Plan [the amended MOD 9 application] and potential reference scheme for Central Barangaroo maintains a strong alignment with the principles established under MOD 2*’ is irrelevant.

- **The amended MOD 9 proposal bears little resemblance to the Principles and Design Requirements, and Development Controls of the approved Concept Plan.**
- **The amended MOD 9 must be assessed as a new development.**

The Applicant appears to argue that the Principles of the Barangaroo development have been abandoned; the development of Barangaroo South have 'replaced' the Concept Plan; and therefore, the Applicant should be able to continue to develop Central Barangaroo without restrictions other than height limits (that they are entitled to exceed), regardless of the impacts on Australia's unique heritage sightlines and the interests of the public.

6. *DPE's Key Issues Letter (see Section 7.1) requested comparison of the currently proposed massing with the Block Controls and the Eight Built Form Principles outlined in Section 13 of the EA with the original Concept Plan in 2007. Such comparison is problematic, as the Block Controls were expressed as separate envelope diagrams for each Block, while the Built Form Principles were expressed conceptually for the entirety of Barangaroo, with each supported by a written statement (which were subsequently modified) ...*

While Condition C2(4)(d) still requires the briefs for future design competitions to provide a comparison of the proposed development against the Block Controls, the subsequent modifications to the Built Form Principles, the actual project approvals for development now constructed within Barangaroo South and the modified footprint of Central Barangaroo will render any such comparison impracticable and somewhat meaningless...

It is just such a comparison with the Eight Built Form Principles of Section 13 and the Block Controls of the Concept Plan (2007), that the Applicant falsely refers to as being '*subsequently modified*' under MOD 2, that all applications, including and following MOD 2, accurately provide.

- **The competency of the Applicant is seriously called into question by claims that they find it problematic to adequately produce a comparison with the Principles and Block Controls of the Concept Plan.**
- **The claim that the Principles of the Concept Plan have been '*subsequently modified*' is false.**
- **The Applicant provides an inexcusable and invalid comparison with the Eight Built Form Principles accompanied by spurious statements that are not worth addressing here, but which further undermine the integrity of the Applicant.**
- **No reliable analysis of the comparison with the Eight Built Form Principles for Blocks 5, 6, and 7 is provided.**
- **The Applicant does not accept nor conform to the approved Eight Built Form Principles and Block Controls Concept Plan, and seeks to negate them.**
- **Throughout the application, the portrayal of the approved Concept Plan building envelope is false as it fills the block envelopes. It is based on a misrepresentation of the facts and attempts to negate the Principles of the Concept Plan (2007) and the Built Form Controls required under Condition 106 of MOD 8 that approve those of the original Concept Plan (2007).**

The Applicant ignores the Department's requests that are put forward in the public interest

Just as the Applicant misrepresents the approved Concept Plan and does not respond adequately to the issues raised in submissions from the public, they do not respond satisfactorily to the comments of the Department. A few examples are:

- **The application has not sufficiently justified the proposed building height and massing (and associated impacts), and does not address the former Planning Assessment Commission findings.**

The Applicant does not provide a detailed reference design demonstrating how the proposed GFA fits into the envelopes, with the required GFA for each block as requested.

- **The Applicant does not provide the requested GFA for each block (rather than an amalgamated figure).**
- **No 'generous articulation' is provided for any of the blocks. This was also a request in consultation with the MPCRAG, and has been ignored.**

In response to the Department explicitly informing the Applicant that, 'the omission of wintergardens from GFA is not supported', the Applicant states, 'It is also proposed to maintain the exclusion of wintergardens from GFA similar to the approach adopted for Barangaroo South under Condition B4(4).'

- **The Applicant ignores the direction of the Department, and has applied to 'Maintain the exclusion of the calculation of 'wintergardens' from the total residential and commercial floorspace, consistent with the approach for residential and tourist GFA in Barangaroo South.'**
- **Furthermore, The Applicant does not provide a clear response to the question of whether the proposal intends to realign the 'northern boundary', i.e. between Block 7 and Harbour Park/Headland Park.** The Applicant states that a realignment of the northern boundary is sought and refers to Appendix T. Appendix T only refers to the northern boundary of Block 5.

Improvements in Design

There are some definite improvements in design for the amended MOD 9 over the Exhibited proposal. These include the removal of the Block 7 tower and the siting of the connecting bridge between Millers Point and Central Barangaroo at the low point of High Street at the centre of the V shaped cutting, the deletion of cantilevers into public domain, the removal of excessive retail space, the removal of Barton Street, as required under MOD 8. These elements of the design should never have been proposed.

The significance of this prime Sydney Harbour foreshore land, the last available piece for development, cannot be overstated. Owned by the people of NSW, it deserves a development that enhances rather than diminishes its value. Unfortunately, the amended MOD 9 application proposes a potential disaster for Millers Point, Sydney, and the state of NSW.

- **The exhibited proposal for MOD 9, considering its negative impacts, should never have been submitted. Its submission undermines public confidence in the planning process in**

NSW. The people of NSW deserve a development that aligns with the significance of this iconic waterfront location.

Ineligibility Under Section 75W and Outdated DGRs

The Applicant asserts that the modification proposal falls under the obsolete Section 75W of the *EP&A Act 1979*. However, this claim is invalid, as:

- **The proposal not only violates the approved Concept Plan but also aims to nullify it.**
- **The initial modification request was submitted before the transitional Section 75W cut-off on March 1, 2018, was withdrawn, rendering the application void as per MOD 5.**
- **The proposal is in breach of MOD 8 conditions, including the defining Design Principles, Design Requirements, and Development Controls, building heights, massing, and footprints, and GFA restrictions of the approved Concept Plan for Central Barangaroo, and can therefore not be submitted under Section 75W of the *EP&A Act* as a ‘modification’.**
- **This is a completely different development from the approved Concept Plan and requires a new application.**

The new regulations of Section 4.33 have been in force for six years and need to be considered, regardless of the pathway. The amended MOD 9 application does not comply with:

2) the modification is of minimal environmental impact; and

3) the modification results in a development that is substantially the same as the Concept Plan (including any modifications previously made under S75W).

The Applicant acknowledges a ‘moderate’ impact on the preserved heritage views and contests the application of the Concept Plan to the development.

Outdated DGRs

The DGRs (2014) under which the Applicant operates for assessment under 75W of the *EP&A Act 1979* are outdated at 10 years old. They do not consider changes in the law enacted in that time. Of particular significance, the DGRs were developed prior to the approval of MOD 8, with its conditions that applied specifically to Central Barangaroo. As seen from the application, the outdated DGRs can be misrepresented by an applicant in an attempt to avoid legal requirements and principles that now apply to all development in NSW.

- **It is not in the public interest to consider the amended MOD 9 proposal as a modification under Section 75W or the outdated DGRs of 2014.**
- **The issue of eligibility and public interest of the assessment of MOD 9 under Section 75W of the *EP&A Act 1979* and the 2014 DGRs must be independently assessed.**
- **We recommend the Application be referred to the IPC for determination.**

The Questionable Competence of INSW and Aqualand

The quality of the Application raises serious concerns about the competence of the proponents.

The revised MOD 9 proposal inadequately addresses the issues raised in previous submissions;

- it lacks fair, honest, and open responses to Department comments;
- it disregards PAC advice; and
- it undermines MOD 8 conditions of the approved the Concept Plan for Central Barangaroo.

If accepted, this proposal would cast serious doubt on the integrity of the NSW planning system, irreparably damage heritage views, demolish view-sharing principles, contribute to gridlocked traffic, and deliver a design with predicted unsafe wind speeds.

The Application's foundation on deception, distortion, and dishonesty, coupled with a questionable eligibility under Section 75W of the *EP&A Act 1979*, raises grave concerns.

Additionally, the illogical, convoluted, and inconsistent arguments used to dismiss the approved Concept Plan call into question INSW and Aqualand's competence to manage a large-scale development, especially one as complex and significant as Central Barangaroo.

- **There is a lack of evidence demonstrating AQL or INSW's capability for such a crucial development. The basement excavation works, estimated to be two-thirds of the project cost, particularly in reclaimed harbour fill, pose significant challenges.**
- **The amended MOD 9 fails to address the inherent issues in the exhibited version, further eroding confidence in the planning processes. Proposals should not proceed for exhibition unless they align with the approved Concept Plan in good faith. The application makes multiple spurious statements requiring adjudication.**
- **A serious conflict of interest exists, as the Applicant (INSW) is part of the Government established to provide 'rigorous and independent advice,' to the Government about planning and development. This makes it problematic to provide impartial advice on a project in which they have a substantial stake.**

The establishment of an independent INSW aimed to restore public confidence in the Barangaroo project. However, the fact that INSW has proposed this development in partnership with the developer, underscores its lack of genuine independence in the ongoing Barangaroo planning debacle. It seems that the challenges faced throughout the project's development persist, with the ultimate losers being the public of NSW, who are the land's rightful owners. The decision-making regarding this problematic proposal places the public's confidence in the Government itself at a critical juncture.

- **The management of the MOD 9 application diminishes public confidence in the NSW planning process.**
- **The management of the MOD 9 application to date further corrodes public confidence in the planning process for NSW.**
- **The Application needs to be referred to the Independent Planning Commission for an independent assessment and determination.**
- **The amended MOD 9 proposal is grounded in attempts to dismiss the approved Concept Plan through misrepresentation, distortion, and deceit, aimed at overturning both the**

established development framework for Barangaroo and the approved Concept Plan for Central Barangaroo wherever it suits their purpose to do so.

- **The quality of the application for the amended MOD 9 is substandard. It is replete with errors, misrepresentations, deceit, distortions, and convoluted contradictory arguments that is a poor reflection of the capabilities of INSW.**
- **Such an application seriously undermines the confidence of the public in the planning process for NSW.**

Deceptive practices in development applications, particularly when concerning public land, should be acknowledged as corrupt. Legislation is essential to address this issue in the best interests of both the Government and the public. If the Department were to act in good faith and recommend the Minister's approval of an application without addressing misrepresentations and distortions, it would call into question the Minister's integrity, and seriously undermine public confidence in the Government's planning processes.

Appendix: Consolidated Commitments for the Central Barangaroo Development approved under MOD 8

The following conditions of consent for the Central Barangaroo development have been extracted from the reports and the Instruments of Approval for each Modification made to the Concept Plan:

Commitments for each Modification to the Concept Plan are carried forward unless further modified in subsequent modifications. The major impacts on the Central Development came from MOD 3, that removed Block 8 and reduced Block 7 in Central Barangaroo to make way for Nawi Cove, and MOD 8, which is the

Foreshore walkway

To be retained at 30 metres between Nawi Cove and Hickson Road (Modification 3).

Globe Street

- a) Globe Street needs to terminate at a significant point along Hickson Road
- b) Globe Street to turn 90 degrees towards Hickson Road at the location of the 'Observatory Hill axial connection', running northwest in line with the Observatory dome (Modification 3).

Hickson Park

Hickson Park is not to be overshadowed by built form over more than an average area of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year (Modification 8).

PROPONENT:

As set out in Condition B3, the amount of overshadowing to Hickson Park from Block 5 is limited to a maximum of 2,500m² between 12pm and 2pm mid-winter. Future SSDAs specifying the detailed built form at Block 5 would be required to meet this control. Based on solar insolation testing, the approved Concept Plan building envelope results in a shadowed area of 3,863m² to Hickson Park between the hours of 12pm and 2pm on 21 June mid-winter. This represents 1,363m² of additional overshadowing to Hickson Park.

To ensure detailed building designs are aligned with the overshadowing levels identified in the amended Concept Plan building envelope, it is proposed to amend Condition B3 to increase the area allowed to be overshadowed from 2,500m² to 3,000m².

Built Form

- a) Future project applications are to provide a comparison, and outline any variations from, the block controls outlined in Section 13.0 - Built Form of the EA. B5 Principle in Section 13.0 of the Concept Plan (Modification 1).
- b) Buildings are to provide a consistent street wall and form to Hickson Road and Globe Street (Modification 1).

Maximum GFA use across site:

Residential use: 19,000m² (15,000m² in Block 5 and 14,000m² in Block 7).

Community use: 2,000m² within Block 6 or 7.

Tourist and retail use: 20,688m².

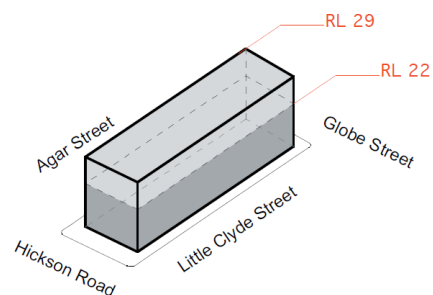
Block 5

- a) Height is RL 34 (Concept Plan; Modification 8).
- b) Maximum GFA is 29,688m² (Modification 8).
- c) 15,000m² is permitted for residential use (Modification 8).
- d) Footprint is reduced from 8,690m² (Modification 2) to stay within the mixed zone (Modification 8).
- e) Views from Millers Point and Observatory Hill are to be retained (Modification 2).
- f) A portion of the Block is to have a maximum of RL 34m (Modification 2).
- g) The podium or street wall to Hickson Road is to have a height of RL 29.6 metres (Modification 2).
- h) The podium or street wall to Globe Street is to have a height of RL 18.8 metres (Modification 2).
- i) Appropriate street wall heights to Agar Street and Healy Street need to mediate between podium heights fronting Hickson Road and Globe Street (Modification 2).
- j) Above podium elements are to have a minimum setback of 25 metres from the Hickson Road Street wall or podium edge (Modification 2).
- k) Above podium elements are to have an appropriate setback from the Globe Street, Agar Street and Healy Street wall or podium edge to ensure an appropriate scale to these streets (Modification 2).
- l) 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 (Modification 2).
- m) Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20 metres (Modification 2).
- n) A 37m wide ground level pedestrian walkway is to transverse Block 5 parallel to Hickson Road, replacing the articulated low scale valley in the built form of the Concept Plan (Modification 2).

Block 6

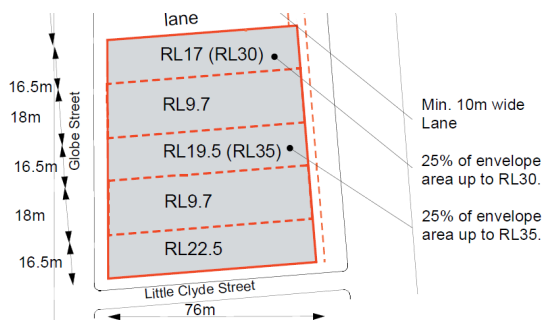
- a) Height is RL 29 (Concept Plan; Modification 8).
- b) Maximum GFA is 3,000m² (Concept Plan; Modification 8).
- c) No residential development is permitted in Block (Concept Plan; Modification 8).
- d) Footprint is 1,855m² (Modification 2).

Height of RL 22m with 15% permitted to reach a maximum of 29m at the southern side.



Block 7

- a) Block 7 The Block is to be reduced to 4 storeys (Condition 124 MOD 8).
- b) The maximum GFA is 15,000m² (Modification 3).
- c) 14,000m² is permitted for residential use (Modification 8).
- d) The footprint is reduced from 11,922m² to 5,960m² (Modification 3).
- e) Detailed design of Block 7 and Globe Street to be prepared in accordance with the Objectives detailed in the 'Barangaroo Headland Parklands Urban Design Report' prepared by Conybeare Morrison (August 2009).



Heights vary from maximum heights of RL 35m for 25% of the Block, and 30m for 25%, with the remainder as per the design to the left. The Block decreases in height to the water and to the north.

Heritage conditions

Throughout the various modifications to the Concept Plan heritage conditions have been repeatedly re-stated. The heritage conditions of consent for Modification 8 are cited in full here as the most recent description:

56. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pyrmont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained.

57. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as that document applies these documents apply to Barangaroo South.

58. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are:

- views to significant tracts of the water,
- the junction of Darling Harbour and the Harbour proper,
- the opposite foreshores,
- panoramic qualities of existing views and,
- the most distinctive views to landmark structures,

59. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

60. Future development within the Barangaroo site is to retain the ability to appreciate the Millers

Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage

(NSW Government, Department of Planning and Environment, 2016).

These are the statutory commitments under which the development of the Central Barangaroo must be undertaken. Along with the Concept Plan, it is against these commitments that the MOD 9.

[REDACTED]

16 February 2024

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Objection to: Barangaroo Concept Plan (Mod 9)

Portal reference number: MP06_0162-Mod-9

Property Address: Barangaroo Central And Headland Park

Type of development: Part 3A Mod

Dear Minister,

I am writing to formally object to the current planning application.

My objections are as follows:

1. The proposed development is too high! The heritage sight lines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
2. The developer of Central Barangaroo seeks to double the size of the approved concept plan.
3. One of the main, if not the most important historic areas of Sydney will be overshadowed by this proposed development.
4. The historic view from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct will be blocked.
5. The modified proposal reduces the size of Hickson Park and reduces the amount of community space drastically.
6. The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic heart' of Barangaroo.
7. There is no consideration to affordable housing in this proposal.

Summary: Whilst I do not oppose sensible planning for this area, this application will impact for all times, a most important heritage area of Sydney. **The proposed development should not block the view of the historical area that sits behind it!**

I kindly request that you thoroughly review my objections and take them into account when evaluating the planning proposal. I hope that a more suitable and harmonious solution for the development of this area can be found and one that respects the historic significance of the adjacent areas.

Thank you for your attention to this matter.

Yours faithfully,

[REDACTED]

[REDACTED]

My objection to the Re-exhibition – Modification to Barangaroo Concept Plan (MP06_0162 MOD9) is as follows;

Over development of Central Barangaroo. The modification is still an enormous increase of total permissible gross floor area to the original approved plan, increasing from 45,000 to 104,000 m². The bulk and overdevelopment of the area is significant. Again, I fear that there will be little architectural merit when there is an attempt to cram in so much floor space into the building site parameters.

Blight on our harbour landscape. Central Barangaroo is a premier waterfront location on Sydney's beautiful harbour. This area is viewed from many areas of the Sydney landscape – from the lower north shore suburbs, Balmain, Pyrmont, Darling Harbour and many other harbourfront and Parramatta River front suburbs. There is also the huge amount of regular ferry traffic and tourist boat traffic in and out of Darling Harbour (now a major point for disembarking and embarking water traffic). All of this traffic will view closely the development of this site.

Significant impact on the community enjoyment of the Rocks and harbour views. The much visited and historic area of The Rocks will be significantly impacted. Many views and community areas in The Rocks will be impacted by partial or complete blocking of views of the Harbour. Many suburbs including Balmain and Pyrmont will have its views of the heritage listed Millers Point and Dawes Point precinct blocked. The original planning principle for the Barangaroo that heights gradually reduce as the development moves norths towards the Headland Park, have been completely ignored. There is no modulation of building heights which was also in the original block development controls for Barangaroo. Now we have a boxed uniform envelope of development.

Loss of community space. The reduction of the community space from 28,000 m² to 2,800 m² from that originally approved is a great lose to the community. This is against one of the key principals of the development that it be at the civic and cultural heart of Barangaroo.

Again, is this the NSW government's grab for money over the public interests? One wonders when the Applicant and the Consenting Authority are basically the same. Where is the independence, will this be another matter for ICAC?

Subject: Notice of Re-exhibition - Modification to Barangaroo Concept Plan (MP06_0162 MOD 9).

Portal reference number MP06_0162-Mod-9

Property Address Barangaroo Central And Headland Park

Type of development Part 3A Mod

Exhibition start - end date 11/01/2024

Exhibition End Date 07/02/2024

Determining authority Minister for Planning and Public Spaces

10 February 2024

Thank you for the opportunity to provide genuine comments, remaining strong concerns, and considered feedback for this important site's modification 9.

We understand the Applicant has lodged a Response to Submissions report, amending the modification request for Barangaroo Central (Block 5,6 & 7). In summary, the key changes from the exhibited 2022 proposal include:

1. amendments to the size and configuration of the proposed building envelopes, including deleting the previously proposed tower form at Block 7, reducing its height from RL73.7 to RL 35 (-38.7m)
2. reducing the total increase in GFA from 144,355sq.m to 104,000sq.m (- 40,355sq.m)
3. increasing the maximum residential GFA from 28,000 sqm to 75,000 sqm
4. revising the alignment of the proposed building envelopes to Hickson Park
5. modifying the road network to retain Barangaroo Avenue as a one-way shared street and deletion of Barton Street as a permanent two-way street
6. providing a new north/south laneway open to the sky and amend two east/west pedestrian links
7. amendments to the Design Guidelines to reflect the above changes
8. amendments to the Precincts - Eastern Harbour City SEPP to support the above changes.

Sydney is The City and has The Harbour that many international people grow up thinking is Australia's Capital.

Our tapestry of heritage buildings and public land on waterfront (parkland with native canopy trees), and public water front access is what brings ships, and planes of tourists to Australia. And loads of people already here to Sydney Harbour, by all other economic/access driven means. As such We (collectively) have One Sydney Harbour.

So, Get it Right, Maintain the Views:

- The Harbour from Observatory Hill
- Historic views from Pyrmont to Heritage Listed Millers Point and Dawes Point Precinct
- Historic Millers Point views from Balmain
- Heritage Link with Millers Point and Sydney Harbour

By Keeping 28,000 m² of public waterfront land - Headland Park, for community, visitors, the Public.

Anything less 28,000 m² of public waterfront land and community space is the defiance of public interest for Australia's Sydney.

Short changing Sydney Harbour, Headland Park is like saying:

G'Day now you are here, please buy a ticket to move through this turnstile (like cattle) and go two by two, in one direction, around our Harbour waterfront park, slow for photos of our harbour, do not stop, there is no room to stop.

- Disabled access is Tuesdays and Thursdays 9am till 11am for Sydney Harbour waterfront (single file only).
- Prams access is Mondays and Wednesdays from 9am till 11am for Sydney Harbour waterfront (single file only).

Thanks for visiting, come back soon.

Disclaimer: The reason there is no room to stop is the narrow path is flanked by Harbour on one side and on the other side of the path is private commercial, residential, hotels, casino high-rise towers. For cultural spaces please catch a train, bus or ferry to Parramatta. For Heritage buildings please catch a train or bus to Newcastle. For access to waterfront please catch a ferry to Manly/ Bondi or a train or bus to Wollongong. For parkland with native trees and views please catch a train or bus to the Blue Mountains.

Lastly, buildings with large amounts of glazing or mirrored facades are understood to be responsible for huge numbers of bird deaths each year globally, with [one billion killed in the US](#) and an estimated [100 million bird collisions in the UK](#). In 2019 the US House of Representatives [passed a bill to reduce the amount of glass](#) used for federal buildings in a bid to protect birds from death by collision, while earlier this year [a bill was filed in Washington DC](#) calling for the city's new buildings to use bird-friendly glass. Architects can easily prevent billions of bird deaths a year caused by collisions with glazed glazing windows.

People are becoming increasingly aware of this issue, and as architects learn, so to can the NSW Government learn that it's important to the public, more and more buildings need to be constructed with design elements that help keep birds safe. As such we strongly request setting a positive and educational Barangaroo Mod 9, National exemplar by:

- All Architects specify All Barangaroo Mod 9's buildings include regulating bird-safe glass to mitigate buildings' danger to birds
- We ask that the Barangaroo Mod 9's Architects must take into account and attempt to reduce the impact of their designs on the sentient beings around us. "Architects can easily have films, ultraviolet patterns, and other innovative designs added to glass windows."

New York City passed a bird-friendly law requiring all new buildings and building alterations (at least under 23 metres tall, where most fly) be designed so birds can recognise glass. Windows must be "fitted" using applied labels, dots, stripes and so on. A Zen curtain developed in Brisbane has worked at the University of Queensland. This approach uses an open curtain of ropes strung on the side of buildings. These flutter in the breeze, making patterns and shadows on glass, which birds don't like.

NSW Govt and the Architects can make the sites building glazing safer for birds by including architectural elements like awnings, screens, grilles, shutters or reinstate the external louvers, to deter birds from hitting buildings and dying/being injured. Opaque glass also provides a warning. Birds see ultraviolet light, which humans cannot. Some manufacturers are now developing glass with patterns using a mixed UV wavelength range that alerts birds but has no effect on human sight.

Birds cannot recognise daylight reflections and glass does not appear to them to be solid. If it is clear they see it as the image beyond the glass. They can also be caught in building cul-de-sac courtyards – open spaces with closed ends are traps. At night, the problem is light from buildings, it may disorientate birds. Birds are drawn to lights at night. Glass walls then simply act as targets.

The impact that glazed buildings have on birds made headlines September 2021 when Melissa Breyer from New York City wildlife charity NYC Audobon [collected the corpses of 226 birds](#) killed at the World Trade Center in a single day.

Birds make cities friendlier as part of the shared environment. We have a responsibility to provide safe flying and security from the effects of human habitation and construction.

Your consideration and response are appreciated.
Local and Proud Sydney Resident

References:

- US House of Representatives passes bill for bird-friendly public buildings
<https://www.dezeen.com/2020/07/20/us-house-of-representatives-passes-bill-for-bird-friendly-public-buildings/>
- Bill for bird-friendly glass buildings proposed for Washington DC
<https://www.dezeen.com/2022/04/21/bird-friendly-building-design-bill-washington-dc/>
- Eight ways to prevent birds flying into buildings with glass facades
<https://www.dezeen.com/2022/03/10/bird-friendly-building-techniques/>
- Glass facades are "the main culprit" for billions of annual bird deaths
<https://www.dezeen.com/2022/03/09/glass-collisions-bird-deaths/>
- Billions of bird deaths due to the "simple indifference" of architects says PETA
<https://www.dezeen.com/2022/08/22/building-collision-bird-deaths-peta/>
- Mass bird deaths in New York City caused by skyscraper collisions
<https://www.dezeen.com/2021/09/17/mass-bird-death-new-york-city-skyscraper-collisions/>
- Windows 'fatal trap for UK birds'
<http://news.bbc.co.uk/2/hi/science/nature/3505256.stm>



friendsofucc@gmail.com

To
Infrastructure NSW

Ultimo, February 17, 2024

SUBMISSION

BARANGAROO CONCEPT PLAN (MOD 9) CENTRAL (BLOCK 5, 6 & 7)

We write to strongly **OBJECT** to the proposed Barangaroo Concept Plan (Mod 9) - Central (Block 5, 6 & 7) currently on exhibition at

https://www.planningportal.nsw.gov.au/daex/exhibition/barangaroo-concept-plan-mod-9?fbclid=IwAR1fRXAqc3tIOf-k9m0S_iSVYclINXOdfxVqxa-qNdIBUC4EiAXb881OI

Friends of Ultimo (FoU) is a community action group, founded over ten years ago to address local Ultimo issues. We communicate with our 300 members through regular emails friendsofucc@gmail.com and a Facebook page <https://www.facebook.com/ultimofriends>.

We object to the revised proposal because -

- It proposes to build 150 luxury apartments and a new hotel on the Sydney Harbour foreshore previously destined to be the 'civic heart' of Barangaroo.
- It doubles the floor space of the approved concept plan (from 45,000 to 104,000 m²).

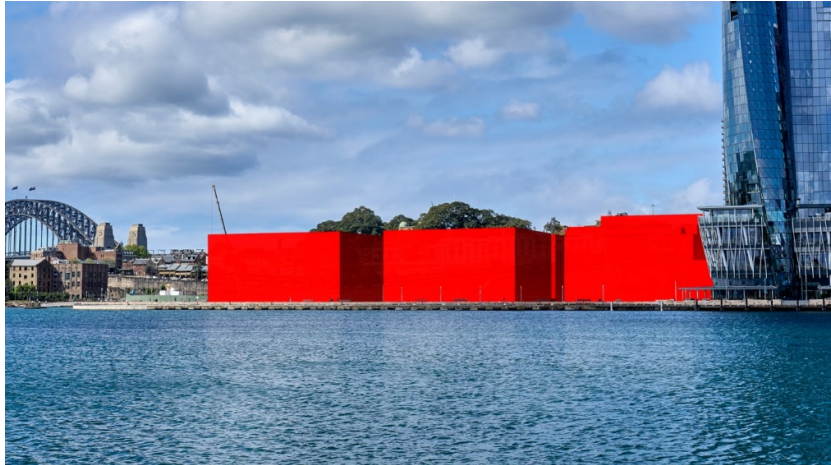


The proposed development dwarfs historical Millers Point

- It reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m² (ie divided by a factor of 10 !)

- The heritage sightlines from public open spaces to the opposite foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precincts would be lost and

- Importantly for Ultimo/Pymont Peninsula residents, it blocks the historic views from Pymont to the heritage-listed Millers Point and Dawes Point precincts.



View from Pymont

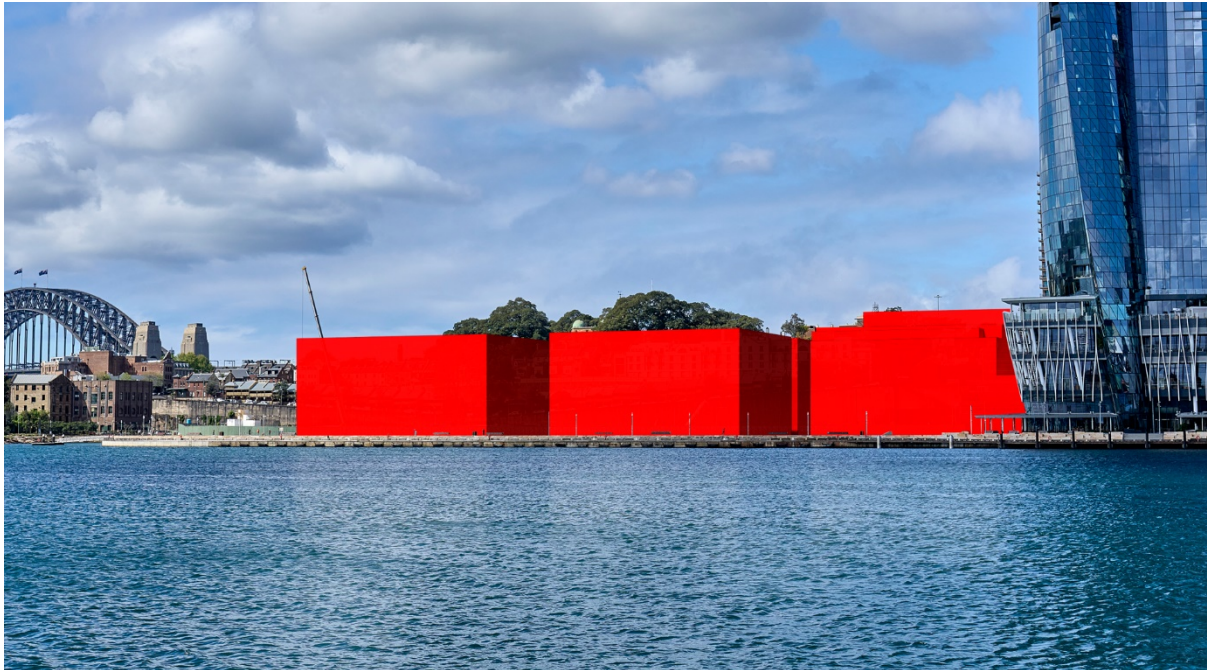
For these reasons we **OPPOSE** the proposal which is still a gross real estate overdevelopment on a piece of land which was promised to become the '**civic heart**' of **Barangaroo**.

Patricia JOHNSON & Jean-Pierre ALEXANDRE
Co-Convenors

Friends of Ultimo
 [FriendsofUltimo@ultimofriends](https://www.facebook.com/FriendsofUltimo@ultimofriends)

NOTHING HAS CHANGED. IT STILL BLOCKS THE ROCKS.

The image below is an accurate reflection of the current revised proposal.



Principal objections to the revised Mod 9 include:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo. Losing this cultural significance is a broken promise to the people of NSW. As the previous Minister pointed out 'NSW doesn't need more luxury apartment that Sydneysiders cannot afford.' This does nothing for affordable housing, social housing or our growing homeless problem.
- It still **blocks the historical views from Balmain and Pyrmont** to the heritage listed Millers Point and Dawes Point precinct.

Apart from our previous substantive grounds for objection to the last Mod 9 proposal in 2022 detailed above, there are a number of other significant changes of concern:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – *completely at odds with the Conditions of Consent that these views must be retained.*
- The applicant has *ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect*, suggesting such analysis would be “meaningless”.
- *The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the “civic and cultural heart” of Barangaroo and failing to capitalise on the amenity of the metro station.*
- *The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don’t form part of the proposal.*
- *A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.*
- *The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).*
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

It appears one Minister (a member of the Cabinet) has adopted a narrow commercial “just get it done” view of this development (jobs, economy, previous delays, bias to action and progress, less concern about heritage attitude, etc) rather than important consideration of the unique nature of this place (unlike any other Metro Station): Harbour side setting (the last remaining harbour setting able to be developed from scratch) and its adjacency to the Millers Point Heritage Conservation Area, and the unreplaceable public vistas that would be seriously compromised.

It was astonishing to read in the Sydney Morning Herald on 12 January (a day after the modified proposal was lodged) quoting Lands and Property Minister Steve Kamper (who is responsible for the Barangaroo precinct):

“Central Barangaroo will become the cultural and civic heart of the Barangaroo precinct. Central Barangaroo will also be the major stepping off point for the new Barangaroo Metro station, transporting thousands of workers, visitors and residents in and out of the precinct every day. The revised proposal prepared by Aqualand presents a mixed-use development that showcases residential, community, tourism and retail uses for the community.”

On the Aqualand website: *The design has been backed by Minister for Lands and Property Steve Kamper, who said “the refined design prepared by Aqualand delivers a world class mixed-use development of residential, commercial, community and cultural uses, while balancing the views of the local community”.*

71 Kent Street,
Millers Point,
NSW, 2000.

17 February, 2024

The Honourable Paul Scully,
Minister for Planning and Public Spaces.

Dear Sir,

Amended Barangaroo Concept Plan (Mod 9)

I object in the strongest possible terms to the proposed amendments to the Barangaroo Concept Plan as proposed by the Department of Planning, Housing and Infrastructure/Aqualand (the Developer).

- The Developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.
- To justify its proposal, the developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – a spurious assertion completely at odds with the Conditions of Consent that these views must be retained.
- The applicant has ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be "meaningless". Such an intellectually weak and dishonest dismissal of the request clearly indicates that the proponent is attempting to hide from the public the true extent of the negative impact of its proposed modifications upon public amenity.
- The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the "civic and cultural heart" of Barangaroo and failing to capitalise on the amenity of the metro station.
- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don't form part of the proposal.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.

- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

Aqualand has posted the following on its website:

The design has been backed by Minister for Lands and Property Steve Kamper, who said “the refined design prepared by Aqualand delivers a world class mixed-use development of residential, commercial, community and cultural uses, while balancing the views of the local community”.

The assertion that the proposal ‘balances the views of the local community’ is a misleading, self-serving misrepresentation. From discussion I have had with those in the local community (of which I am part) this proposal does not come anywhere near meeting the views of the local community.

It is also a misdirection and misrepresentation as to the issues of concern – the sightlines that will be lost are not simply the concerns of the local community – those heritage sightlines belong to the public of Australia, and the amended proposal forever appropriates those irreplaceable public vistas, simply to provide profit for the Developer.

The Sydney Morning Herald on 12 January quoted the following from Lands and Property Minister Steve Kamper (who is responsible for the Barangaroo precinct):

“Central Barangaroo will become the cultural and civic heart of the Barangaroo precinct. Central Barangaroo will also be the major stepping off point for the new Barangaroo Metro station, transporting thousands of workers, visitors and residents in and out of the precinct every day. The revised proposal prepared by Aqualand presents a mixed-use development that showcases residential, community, tourism and retail uses for the community.”

The Minister has clearly adopted a narrow commercial “just get it done” view of this development (jobs, economy, previous delays, bias to action and progress) and apparently cares not about the significance of Sydney and Australia’s heritage and history, and the need to preserve what little is left.

I urge you as Minister for both Planning and Public Spaces, to exercise your prerogative to reject this proposal, to prevent what is clearly a proposal that will grossly over-develop the site, and destroy irreplaceable public heritage.

Yours sincerely



Rodger Muir

- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
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Yours sincerely



Rodger Muir

Barangaroo Concept Plan (Modification 9)

Objections to the Revised Modification 9

There are many reasons why I object to the Revised Modification 9.

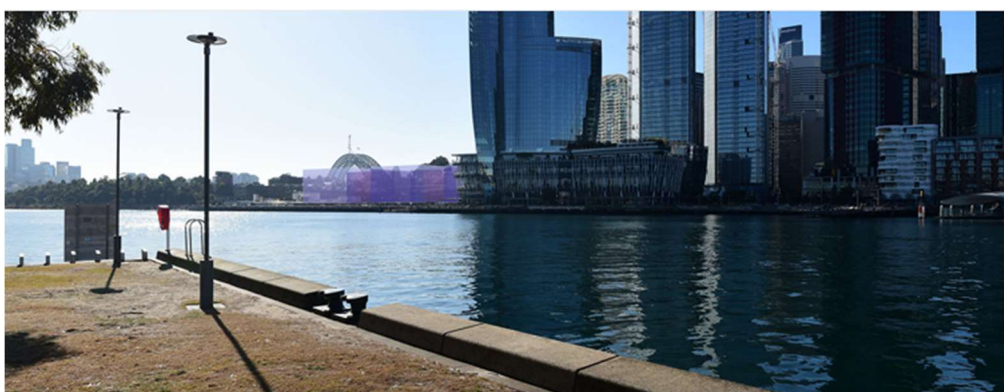
Many are the same as my objections to the initial Modification 9 which I have appended to these objections. This is because little has changed!

Sydney Harbour views from Observatory Hill are still blocked.

Historic Millers Point views from Balmain, Pyrmont and Darling Island are still blocked.

Heritage link with Millers Point and Sydney Harbour is still blocked.

The proposal is still too big and still too high.



This is well demonstrated by Figure 83 from Appendix D View and Visual Impact Assessment (Part 1) to the Response to Submissions Report. The picture shows the impact of the new proposal from Ballarat Park on Darling Island. And this is without the proposed landscaping on top of the buildings! The views from Balmain, Pyrmont and Darling Island to the heritage listed Millers Point and Dawes Point precinct are blocked, and to the Harbour Bridge are mostly obscured.

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering **a negligible improvement in public benefit**. It takes much and delivers little. Of course, the developer **misleadingly** says that it has reduced the total increase in GFA from 144,355 m² to 104,000 m² because it defines approved concept plan, not as the original approved concept plan from 2006, but as the so-called approved concept plan after MOD 11 (October 2020). The developer has ignored requests to represent the original approved concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”.

The “approved concept plan” promulgated by the developer is based on legal technicalities rather than the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High Street sandstone wall cutting and terraces above).

The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal. The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**. Central Barangaroo must not be allowed to become an eyesore like South Barangaroo.

The modified proposal reduces the size of Hickson Park and reduces the amount of community space **from 28,000 m² to 2,800 m²**.

The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.

I express my opposition to the Revised Modification 9 in the strongest possible terms.

David Ford

18 February 2024

Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9. I list some of them here.

Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset, and**
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

- (a) Sydney Harbour is to be recognised as **a public resource, owned by the public, to be protected for the public good,**
- (b) **the public good has precedence over the private good** whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) **protection of the natural assets of Sydney Harbour has precedence over all other interests.**

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified."

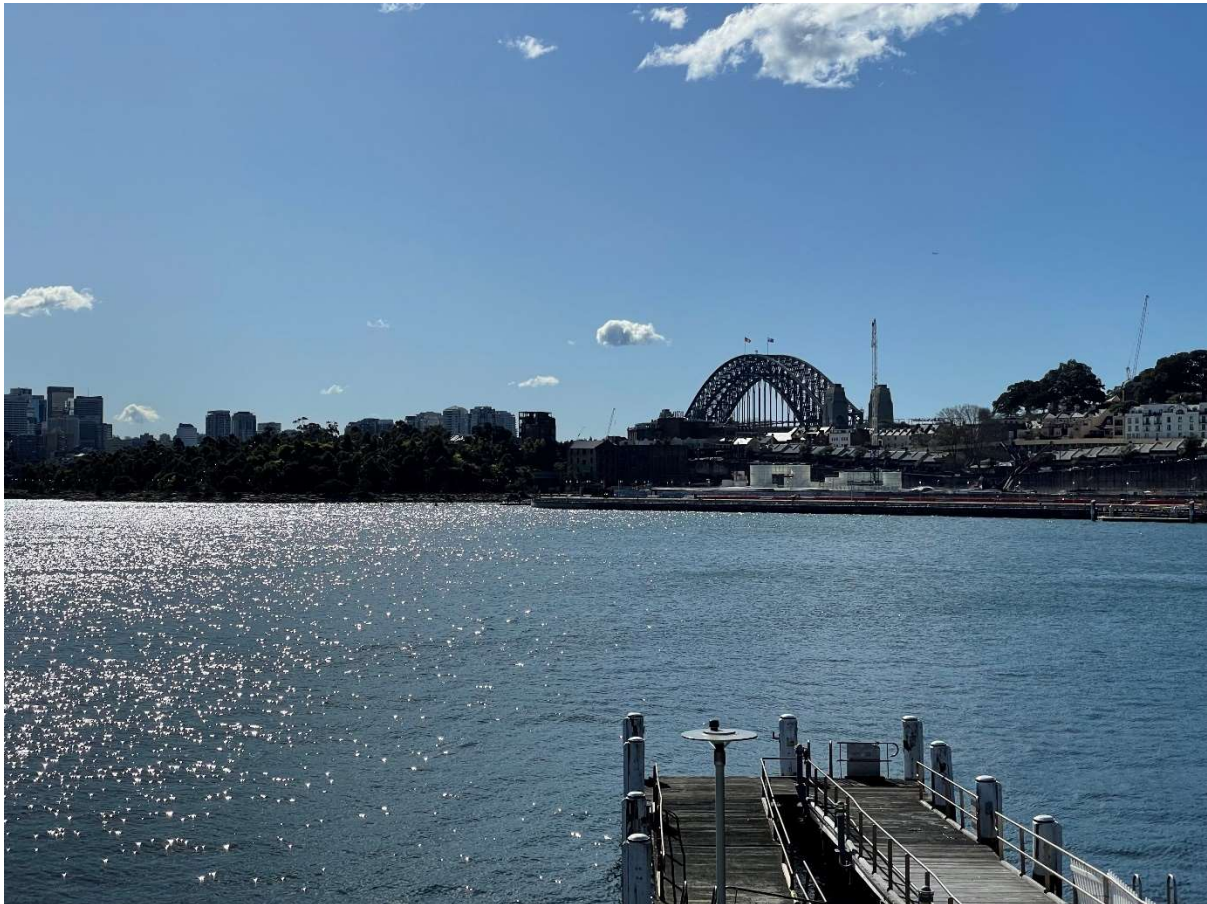
Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the “Approved Concept Plan” which it says is the most recently approved plan: MOD 11. It is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pymont foreshore where I live.

Modification 9 obliterates the views from Pymont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pymont and surrounds.



Bulk/Scale

The buildings along Hickson Rd are too big, with insufficient articulation, setback, and separation. They are an urban planning disaster.

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

David Ford

8 August 2022

NOTHING HAS CHANGED. IT STILL BLOCKS THE ROCKS.



My principal objections to the revised Mod 9 include:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal, destroying a defining characteristic of Sydney Harbour.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It critically still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

Despite of the Government Architect's request, the developer has not represented the original concept in the visual assessments of their design. Doing so will clearly illustrate why this proposal is wholly inappropriate.

I believe the design is being rushed through with a focus on short term financial gain, forever depriving Sydneysiders and visitors alike, the opportunity to enjoy the beauty, historical and cultural significance of this unique location.

Summary:

The developer Infrastructure NSW acting for Aqualand the Chinese Mainland developer has done very little change to what they tried to push through with the last government. The 24 storey tower next to the Station has been removed but I NSW had already given away those 24 stories to Lend Lease as so called compensation for losing views, we know that Aqualdan already have permission from INSW to develop the old wool store next to the Palisade Hotel after extracting it from the Millers point Heritage controls and putting under INSW. Aqualand office had released the plans in Nov 2022 accidentally calling for EOI for purchasing apartments on the 8 storey tower above the old wool stores which let the cat out of the bag.

The removal of this building really sticks in the craw. We bought in 2016 in Kenty Street and we lost 2.5 years dealing with Heritage NSW finally moving into our little terrace after 4 years of grief. We spent three times our budget and had to find temporary accommodation whilst we tried to cope with the Heritage controls with absolutely no help from government. We knew it might be tough but it was so hard but we believed that we were able to contribute a little to ensuring Jack Mundies dream of the Rocks being retained for the future as we saw ourselves as a caretakers of our little house, the same way our friends Aunt and Uncle had been tenants in the same house for over 40 years and whose forebears had grown up there.

We have very poor services and utilities in the area. All of us have had to install water pumps to suck the water out of the old water mains to ensure enough water pressure just to open the gas valve on the instantaneous hot water heater, we have installed stormwater and ground water pumps under the house to try to eliminate the damp and we cant paint our front door a colour without permission from the same bureaucrats at Heritage.

Yet INSW gives a Chinese developer the right to take thi special place, to take the water supplies without metering or recycling, the NSW Grid power which is short in supply without installing Tri gen or solar power generating glass films, (Lend Lease wasn't required either to do any of those things despite being given another 24 stories to add to their lego block towers) then take the views which have been there for 60,000 years to do what they like 200m away from us. Vancouver stopped this sort of exploitation by the Chinese and so has Toronto whilst Auckland has also instituted controls over allowing foreign nationals to exploit their cites yet on the last remaining special water front block this government thinks that allowing Aqualand to build something like Lithgow prison without even the same space between the buildings higher than the ridge line between Kent and High Street is OK whilst removing forever the views from Observatory Park and filling it with foreign buyers .

You have got to be joking! Joe Cahill NSW Labour Premier in the 50s had the vision to take an old tram depot and convert it into the Opera House. Where today are the visionaries in the Public Service and Government to make something like that happen this century instead they want to sell our birthright to foreigners.

INSW needs to be removed from any further involvement and the site put aside for a something really special, an Australian Guggenheim, a large cultural space which might include an amphitheater cascading down from High Street where the Opera on the Harbour can be performed; where it can be made and changed into smaller performance spaces or displays where our First People have permanent displays and theatres.

The developer does not even want to go below ground (oh it is too hard to build some local facilities such as a large supermarket and shops medical centre etc adjacent to the station) too expensive it will cost too much of their profits.

The connection from High Street down to the station via bridge and escalators, stairs and lifts to the station has been removed. This is a major problem especially now that the Cavern under Star gazer lawn is going to be redeveloped and the lifts closed off for locals and visitors alike to go direct from the station into the area. It is beyond a joke; you spend billions of dollars building a new metro and you cant use it months from when it is due to open. The left hand and right hand don't know what is happening except that this city is going to lose something very special. I know I least I can say I tried to save Barangaroo when talking to my grand children how many others can say the same. There is no morality, principles or putting a greater good above some individual companies such as Aqualand in this development. INSW looks corrupt it both actions and words and has not looked after the NSW community at all.

The Formal Objections are below as have been repeated again and again with INSW trying to use repetition to waers down the Sydney community. We see no change form 14 months ago . Nothing has changed; the 5 ha parks is now a pocket handkerchief. It was agreed to build this park to bookend the Botanical Gardens on the east side of the city whilst over development was allowed on the southern end of Barangaroo. A straight trade off the government gets the revenue but gives back public space. But now the goal posts are moved again. Aqualand and INSW now include the already developed Northern Headland as part of their development. It has never been part of the Central Barangaroo as some form of trade off.

Our principal objections to the revised Mod 9 include again:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
 - The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
 - The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².

- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the ‘civic and cultural heart’ of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

Apart from our previous substantive grounds for objection to the last Mod 9 proposal in 2022 detailed above, there are a number of other significant changes of concern:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.
- The applicant has ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”.
- The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the “civic and cultural heart” of Barangaroo and failing to capitalise on the amenity of the metro station.
- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don’t form part of the proposal.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.
- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

It appears one Minister (a member of the Cabinet) has adopted a narrow commercial “just get it done” view of this development (jobs, economy, previous delays, bias to action and progress, less concern about heritage attitude, etc) rather than important consideration of the unique nature of this place (unlike any other Metro Station): Harbour side setting (the last remaining harbour setting able to be developed from scratch) and its adjacency to the Millers Point Heritage Conservation Area, and the unreplaceable public vistas that would be seriously compromised.

It was astonishing to read in the Sydney Morning Herald on 12 January (a day after the modified proposal was lodged) quoting Lands and Property Minister Steve Kamper (who is responsible for the Barangaroo precinct):

“Central Barangaroo will become the cultural and civic heart of the Barangaroo precinct. Central Barangaroo will also be the major stepping off point for the new Barangaroo Metro station, transporting thousands of workers, visitors and residents in and out of the precinct every day. The revised proposal prepared by Aqualand presents a mixed-use development that showcases residential, community, tourism and retail uses for the community.”

On the Aqualand website: *The design has been backed by Minister for Lands and Property Steve Kamper, who said “the refined design prepared by Aqualand delivers a world class mixed-use development of residential, commercial, community and cultural uses, while balancing the views of the local community”.*

The Minister needs to get out more and stop acting for the developer and start acting for the community he was elected by. This Aqualand development will not do anything to solve the housing crisis as the foreign owners will rarely be there but will clog the adjacent streets with more cars no views and continue the existing lack of ambience at Barangaroo.

This site needs to be removed from INSW , and the government to then develop a special cultural space that represents our First People and the many of other nationalities and communities that have built this country whilst retaining the views from Observatory Park and which compliments the major effort and funds 250 private individuals have put into retaining and enhancing the whole peninsular of Millers Point and Barangaroo and not treat our efforts as something to be ignored and trodden on but to be complimented by something really special at Barangaroo which we can all feel very proud of.

OBJECTION SUBMISSION to Department of Planning and Environment on behalf of Lot 47 SP72797

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Executive Summary</p> <p>This submission outlines the significant concerns of me as a resident of The Bond Apartments, 38 Hickson Road, regarding the proposed Barangaroo Central development by Aqualand, specifically Building 5 at the southern corner of the proposal. Our primary concern is the total erasure of our water views, a vital aspect of our residential amenity, with no adequate assessment of this impact provided in the development proposal. This objection is grounded in the principles set out in the matter of Tenacity Consulting v Warringah Municipal Council, which underscores the importance of view sharing and the reasonable assessment of view impact in development proposals.</p> <hr/> <p>1. Introduction</p> <ul style="list-style-type: none"> • The Bond Apartments are the closest residential neighbour to Building 5 of the proposed development with 50 lots, 49 residential and 1 commercial. • Whereas in Part 5 of the “Barangaroo Modification 9: View and Visual Impact Assessment” covers 41 “Observer Locations” there is NOT ONE assessment of the View Impact of the proposed development from its NEAREST residential neighbour, The Bond Apartments at 38 Hickson Road. The lack of this KEY ASSESSMENT is sinister at best and a deliberate omission at worst and in our submission invalidates the View and Visual Impact Assessment. How can the principles of assessing the reasonableness of view loss be valid when the assessment doesn’t even mention the nearest residential neighbour with the greatest immediate view loss. At present only 6 apartments out of 49 will not experience TOTAL LOSS OF WATER VIEWS due to the Modification 9 put forward. <hr/> <p>2. Legal and Planning Context</p> <ul style="list-style-type: none"> • Outline of the planning principle developed in the case of Tenacity Consulting v Warringah Municipal Council, emphasizing the importance of view sharing and the specific considerations for assessing the reasonableness of view loss. • The Principles developed in Tenacity Consulting v Warringah Municipal Council can be summarised as follows: <p>Identification of Views</p> <ul style="list-style-type: none"> • Nature of Views: The view loss of the residents of The Bond Apartments are all WATER VIEWS to the North West

- Value of Views: These views carry significant value to all the affected properties, including both economic value and amenity.

From Where the Views Are Enjoyed

- Location of Views: The views lost are from living areas and balconies.
- Frequency of Use: Due to the location of the current views, the view loss would be experienced daily by the residents of The Bond Apartments

Extent of the Impact

- Assessment of View Loss: The proposed development will totally erase the water views from each of the affected dwellings.
- Comparison of Pre and Post-Development Views: After the development (if approved) the comparison is simple, there will be no water views remaining.

Reasonableness of the Proposal

- Design Considerations: Therefore the development has NOT been designed with any consideration of minimising the impact on views to the residents of The Bond Apartments. Overall as the local community in particular states this development “STILL BLOCKS THE ROCKS” however the impact on the residents of The Bond Apartments goes beyond this.
- Alternative Designs: Building 5 should be removed totally from the design proposal and the entire area it sits upon should be made parkland.
- Balancing Interests: The development’s benefits in proposing this Modification take absolutely no consideration of the detrimental impact on neighbors' views, and therefore we submit that the view loss is totally unreasonable in the context of broader planning objectives and the public interest.
- No efforts to mitigate view loss: There has been NO reasonable effort to mitigate view loss for The Bond Apartments residents, and NO suggestion of alternative designs or modifications.
- A Comprehensive Re-evaluation is required: A comprehensive re-evaluation of the proposal to include a detailed assessment of the view loss impact on The Bond Apartments is required with design alterations to mitigate this impact.

The key reasons this proposal is unacceptable:

1. In our submission to the original Mod 9 proposal, we made clear objections due to the lack of ANY consultation with the development’s NEAREST RESIDENTIAL STRATA. The View Impact statement in the revised proposal made no accommodation to our objection as outlined.
2. **Zero consideration of the nearest residential building to the proposal in the revised Mod 9:**

In making this objection, we, the Strata Committee representing the owners of SP72797 consisting of 50 lots in The Bond Apartments, 38 Hickson Road Millers Point. This objection is made for each and every owner of SP72797 by the Strata Committee. We strongly object to the TOTAL lack of consultation and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod9, revision 11 dated 10/12/2021, the View and Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.

3. Loss of quiet enjoyment due to Mod 9

The owners and occupants health and safety, our quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. We note that SSD-39587022 is at “prepare EIS” stage. The Bond has had ZERO consultation.

The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety and quiet enjoyment of SP72797’s residents will suffer throughout the entire build process.

4. Barton Street was NEVER proposed as permanent – it is satisfying to see that it has been removed from the proposal.

However, the motivation behind this change appears to be solely to allow the northern boundary of Block 5 to be moved further south. The Applicant will argue that this change simply restores the Hickson Park boundary to where it was in MOD8. This is irrelevant to us. Hickson Park was developed and opened to the public early as part of a negotiation with Crown and the then Barangaroo Delivery Authority in order to give some amenity back to local residents who had endured almost 10 years of constant construction activity. Since then we’ve witnessed the park reduced in size with every modification.

The Applicant now seeks to further reduce the size of the park by 1625 sqm. Other comments on Hickson Park relate:

- The applicant wishes us to compare this park to Bryant Park (a 9.6 acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

In the Barangaroo Concept Plan MOD 8 Determination Report dated 28 June 2016 (MP06_0162 MOD 8) The Commission was presented with a building height of RL22.5 for Block 5. The Commission on page 20 states: “the footprint and building envelope of Block 5 is to be reduced . Future above ground buildings in Block 5:

- (a) Are to minimise overshadowing of Hickson Park .. no more than 2,500sqm of Hickson Park is overshadowed ..
- (b) On page 21 of the Determination report it is stated “the Commission recommended a reduction in the footprint of Block 5 .. to limit overshadowing.”

Against this background the applicant has completely ignored the Commission’s determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL42.5. Outrageous!

We Request:

Out of courtesy, the Developer and Infrastructure NSW should explain separately why the nearest residential strata to the proposed development has now twice been completely ignored relating the View impact.

SP72797’s objections:

1. We object to ANY increase in the maximum GFA above the approved 47,000m2
2. We object to ANY increase in height above 22.5 RL
3. We object to any modification to the approved block boundaries

	<ol style="list-style-type: none"> 4. We object to the reduction of Hickson Park and the movement of the Buldings further South as a result of the changes to Barton Street proposed. 5. We object to proposed amendments to the State Significant Precincts SEPP 6. We object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. 7. This proposal STILL BLOCKS THE ROCKS 8. We note from planning guidance “Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores.” <p>These principles have NOT been adopted in the amended Mod 9 application. I OBJECT to the applicant’s “Summary” which (erroneously) states (inter-alia) “Mod 9 often only marginally increases the extent of view loss”. This statement made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9 as are ALL the water views from The Bond apartments.</p>
Date	18 February 2024
Name, Address and contact details	John Houston Lot 47 Strata Plan 72797 38 Hickson Road Barangaroo john.houston@ypbsystems.com

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

OBJECTION SUBMISSION to Department of Planning and Environment on behalf of the Owners
SP72797

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Executive Summary</p> <p>This submission outlines the significant concerns of the residents of The Bond Apartments, 38 Hickson Road, regarding the proposed Barangaroo Central development by Aqualand, specifically Building 5 at the southern corner of the proposal. Our primary concern is the total erasure of our water views, a vital aspect of our residential amenity, with no adequate assessment of this impact provided in the development proposal. This objection is grounded in the principles set out in the matter of Tenacity Consulting v Warringah Municipal Council, which underscores the importance of view sharing and the reasonable assessment of view impact in development proposals.</p> <hr/> <p>1. Introduction</p> <ul style="list-style-type: none"> The Bond Apartments are the closest residential neighbour to Building 5 of the proposed development with 50 lots, 49 residential and 1 commercial. Whereas in Part 5 of the “Barangaroo Modification 9: View and Visual Impact Assessment” covers 41 “Observer Locations” there is NOT ONE assessment of the View Impact of the proposed development from its NEAREST residential neighbour, The Bond Apartments at 38 Hickson Road. The lack of this KEY ASSESSMENT is sinister at best and a deliberate omission at worst and in our submission invalidates the View and Visual Impact Assessment. How can the principles of assessing the reasonableness of view loss be valid when the assessment doesn’t even mention the nearest residential neighbour with the greatest immediate view loss. At present only 6 apartments out of 49 will not experience TOTAL LOSS OF WATER VIEWS due to the Modification 9 put forward. <hr/> <p>2. Legal and Planning Context</p> <ul style="list-style-type: none"> Outline of the planning principle developed in the case of Tenacity Consulting v Warringah Municipal Council, emphasizing the importance of view sharing and the specific considerations for assessing the reasonableness of view loss. The Principles developed in Tenacity Consulting v Warringah Municipal Council can be summarised as follows: <p>Identification of Views</p>

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- Alternative Designs: Building 5 should be removed totally from the design proposal and the entire area it sits upon should be made parkland.
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2. Zero consideration of the nearest residential building to the proposal in the revised Mod 9:

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Date	12 February 2024
Name, Address and contact details	The Chairman - The Strata Committee of Strata Plan 72797 38 Hickson Road Barangaroo thehoustons@gmail.com

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

OBJECTION SUBMISSION to Department of Planning and Environment on behalf of Frances Houston

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Executive Summary</p> <p>This submission outlines the significant concerns of me as a resident of The Bond Apartments, 38 Hickson Road, regarding the proposed Barangaroo Central development by Aqualand, specifically Building 5 at the southern corner of the proposal. Our primary concern is the total erasure of our water views, a vital aspect of our residential amenity, with no adequate assessment of this impact provided in the development proposal. This objection is grounded in the principles set out in the matter of Tenacity Consulting v Warringah Municipal Council, which underscores the importance of view sharing and the reasonable assessment of view impact in development proposals.</p> <hr/> <p>1. Introduction</p> <ul style="list-style-type: none"> • The Bond Apartments are the closest residential neighbour to Building 5 of the proposed development with 50 lots, 49 residential and 1 commercial. • Whereas in Part 5 of the “Barangaroo Modification 9: View and Visual Impact Assessment” covers 41 “Observer Locations” there is NOT ONE assessment of the View Impact of the proposed development from its NEAREST residential neighbour, The Bond Apartments at 38 Hickson Road. The lack of this KEY ASSESSMENT is sinister at best and a deliberate omission at worst and in our submission invalidates the View and Visual Impact Assessment. How can the principles of assessing the reasonableness of view loss be valid when the assessment doesn’t even mention the nearest residential neighbour with the greatest immediate view loss. At present only 6 apartments out of 49 will not experience TOTAL LOSS OF WATER VIEWS due to the Modification 9 put forward. <hr/> <p>2. Legal and Planning Context</p> <ul style="list-style-type: none"> • Outline of the planning principle developed in the case of Tenacity Consulting v Warringah Municipal Council, emphasizing the importance of view sharing and the specific considerations for assessing the reasonableness of view loss. • The Principles developed in Tenacity Consulting v Warringah Municipal Council can be summarised as follows: <p>Identification of Views</p> <ul style="list-style-type: none"> • Nature of Views: The view loss of the residents of The Bond Apartments are all WATER VIEWS to the North West

- Value of Views: These views carry significant value to all the affected properties, including both economic value and amenity.

From Where the Views Are Enjoyed

- Location of Views: The views lost are from living areas and balconies.
- Frequency of Use: Due to the location of the current views, the view loss would be experienced daily by the residents of The Bond Apartments

Extent of the Impact

- Assessment of View Loss: The proposed development will totally erase the water views from each of the affected dwellings.
- Comparison of Pre and Post-Development Views: After the development (if approved) the comparison is simple, there will be no water views remaining.

Reasonableness of the Proposal

- Design Considerations: Therefore the development has NOT been designed with any consideration of minimising the impact on views to the residents of The Bond Apartments. Overall as the local community in particular states this development “STILL BLOCKS THE ROCKS” however the impact on the residents of The Bond Apartments goes beyond this.
- Alternative Designs: Building 5 should be removed totally from the design proposal and the entire area it sits upon should be made parkland.
- Balancing Interests: The development’s benefits in proposing this Modification take absolutely no consideration of the detrimental impact on neighbors' views, and therefore we submit that the view loss is totally unreasonable in the context of broader planning objectives and the public interest.
- No efforts to mitigate view loss: There has been NO reasonable effort to mitigate view loss for The Bond Apartments residents, and NO suggestion of alternative designs or modifications.
- A Comprehensive Re-evaluation is required: A comprehensive re-evaluation of the proposal to include a detailed assessment of the view loss impact on The Bond Apartments is required with design alterations to mitigate this impact.

The key reasons this proposal is unacceptable:

1. In our submission to the original Mod 9 proposal, we made clear objections due to the lack of ANY consultation with the development’s NEAREST RESIDENTIAL STRATA. The View Impact statement in the revised proposal made no accommodation to our objection as outlined.
2. **Zero consideration of the nearest residential building to the proposal in the revised Mod 9:**

In making this objection, we, the Strata Committee representing the owners of SP72797 consisting of 50 lots in The Bond Apartments, 38 Hickson Road Millers Point. This objection is made for each and every owner of SP72797 by the Strata Committee. We strongly object to the TOTAL lack of consultation and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod9, revision 11 dated 10/12/2021, the View and Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.

3. Loss of quiet enjoyment due to Mod 9

The owners and occupants health and safety, our quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. We note that SSD-39587022 is at “prepare EIS” stage. The Bond has had ZERO consultation.

The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety and quiet enjoyment of SP72797’s residents will suffer throughout the entire build process.

4. Barton Street was NEVER proposed as permanent – it is satisfying to see that it has been removed from the proposal.

However, the motivation behind this change appears to be solely to allow the northern boundary of Block 5 to be moved further south. The Applicant will argue that this change simply restores the Hickson Park boundary to where it was in MOD8. This is irrelevant to us. Hickson Park was developed and opened to the public early as part of a negotiation with Crown and the then Barangaroo Delivery Authority in order to give some amenity back to local residents who had endured almost 10 years of constant construction activity. Since then we’ve witnessed the park reduced in size with every modification.

The Applicant now seeks to further reduce the size of the park by 1625 sqm. Other comments on Hickson Park relate:

- The applicant wishes us to compare this park to Bryant Park (a 9.6 acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

In the Barangaroo Concept Plan MOD 8 Determination Report dated 28 June 2016 (MP06_0162 MOD 8) The Commission was presented with a building height of RL22.5 for Block 5. The Commission on page 20 states: “the footprint and building envelope of Block 5 is to be reduced . Future above ground buildings in Block 5:

- (a) Are to minimise overshadowing of Hickson Park .. no more than 2,500sqm of Hickson Park is overshadowed ..
- (b) On page 21 of the Determination report it is stated “the Commission recommended a reduction in the footprint of Block 5 .. to limit overshadowing.”

Against this background the applicant has completely ignored the Commission’s determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL42.5. Outrageous!

We Request:

Out of courtesy, the Developer and Infrastructure NSW should explain separately why the nearest residential strata to the proposed development has now twice been completely ignored relating the View impact.

SP72797’s objections:

1. We object to ANY increase in the maximum GFA above the approved 47,000m2
2. We object to ANY increase in height above 22.5 RL
3. We object to any modification to the approved block boundaries

	<ol style="list-style-type: none"> 4. We object to the reduction of Hickson Park and the movement of the Buildings further South as a result of the changes to Barton Street proposed. 5. We object to proposed amendments to the State Significant Precincts SEPP 6. We object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. 7. This proposal STILL BLOCKS THE ROCKS 8. We note from planning guidance “Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores.” <p>These principles have NOT been adopted in the amended Mod 9 application. I OBJECT to the applicant’s “Summary” which (erroneously) states (inter-alia) “Mod 9 often only marginally increases the extent of view loss”. This statement made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9 as are ALL the water views from The Bond apartments.</p>
Date	18 February 2024
Name, Address and contact details	Frances Houston 1003/38 Hickson Road Barangaroo frances.houston@gmail.com

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

APPLICATION FOR MODIFICATION OF MP 06_0162 AMENDED MOD 9

Objection to the Proposed Development at Central Barangaroo

Martin Crabb

83 Kent Street, Millers Point, NSW, 2000

18th February 2024

I strongly oppose and object to the Modification of 06_0162 Amended Mod 9 proposal for the development of Central Barangaroo.

Summary Points

- The “public good” test has not been met.
- Conversion of public good to private good, without compensating benefits, cannot be supported.
- The consent authority should insist that assessment using development block controls from the Approved Concept Plan be undertaken as was requested, regardless of whether it considers it is meaningless or not.
- The applicant is to be required to illustrate how the approved maximum GFA can be accommodated in the maximum building envelope.
- Insignificant view sharing is provided in the proposed development which is a breach of the requirements and cannot be supported.
- Details of the pedestrian connection between High Street and Central Barangaroo must be provided.
- Visual impact assessment must consider impacts on all impacted heritage properties in Millers Point.
- Building heights and the articulation of building forms should be moderated to restore east-west view lines.
- It is possible that if the advice that sightlines were “lost” in 2008 is correct and the government sold a number of properties to private interests without disclosing this, it could be culpable of providing misleading information. This must be investigated.
- Crown and Lend Lease’s sight lines are not the only ones that are important!

It is not good enough just to drop the tower.

The “Public Good” Test Has Not Been Met

The Minister for Planning dismissed the previous Modification 9 development application before it even got to assessment phase. The Minister was quoted in the Sydney Morning Herald on October 8, 2022:

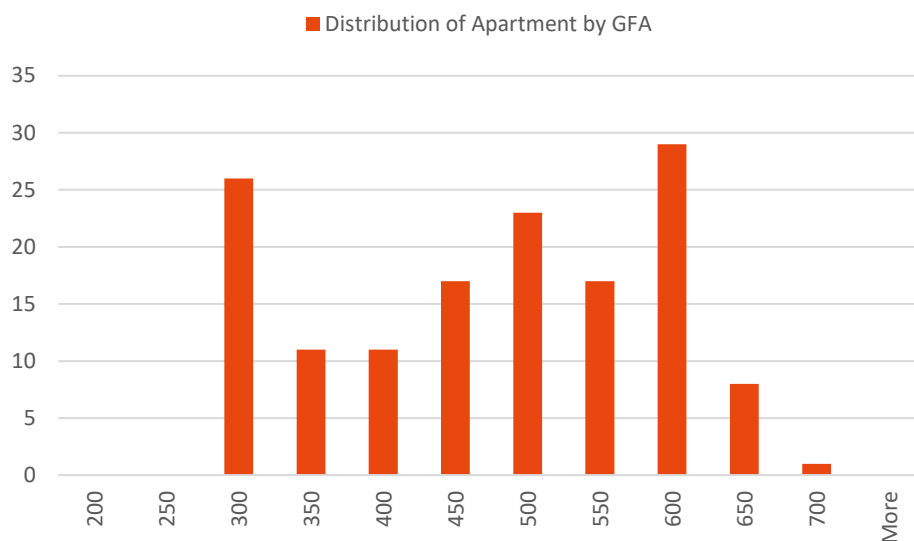
“I would expect any proposal on a scale such as this, potentially impacting public space, to provide substantial social, economic and environmental benefits to offset the loss to the community,” he said.

“Right now, I believe this proposal cannot achieve those benefits.

"I can see no community benefit in reducing public access to Barangaroo simply to replace it with a residential tower few Sydneysiders could afford to live in."

The Response to Submissions to Modification 9 new proposal increases the amount of residential space that "few Sydneysiders could afford to live in." The modification increases residential space up to 75,000 square metres. The 143 residential apartments illustrated in Appendix U to the response to submissions range in size from 266 square metres to 655 square metres, with an average of 450 square metres.

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Appendix+U+-+Reference+Scheme.pdf



Additionally, there is a total of 5,232 square metres of "winter gardens", averaging 36 square metres per apartment, taking the average apartment size to 486 square metres.

The basement plans show provision of 414 car parking spaces.



Detail....



Some parking will be for retail, but we can assume that each of these very large floor size luxury apartments will provide 2 car parking spaces. Whilst the smaller ones may not require 2, we can roughly assume that $143 * 2 = 286$ car parking spaces are for the luxury apartments and the rest will be for the hotel and retail. There is limited provision for commercial office space in the development.

BELOW GROUND TOTAL AREA

RETAIL GFA:	4342m ²
COMMUNITY GFA:	2372m ²
RESIDENTIAL GFA:	2578m ²
HOTEL GFA:	1058m ²
COMMERCIAL GFA:	742m ²
TOTAL GFA =	11,092m²

ABOVE GROUND TOTAL AREA

RESIDENTIAL GFA:	67109 m ²
RETAIL GFA:	9225 m ²
HOTEL GFA:	14728m ²
COMMUNITY GFA:	428 m ²
RETAIL COURTYARD GFA:	1418 m ²
TOTAL GFA =	92,908m²

TOTAL BELOW GROUND AND ABOVE GROUND AREA

TOTAL INTERNAL GFA =	102,582m²
TOTAL GFA =	104,000 m²

https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Appendix+U+-+Reference+Scheme.pdf, page 49

Public Good converted to Private Good

One of the key changes between the original Mod 9 and the current proposal is the shift in emphasis from commercial and retail, with some residential – to a predominantly residential development. The new proposal seeks to increase residential GFA from 28,000 square metres to 75,000 square metres. The economics of residential development in this part of Sydney is a ultra-high-net-worth proposition. With an average apartment size of nearly 500 square metres, it is likely that 143 of richest citizens of New South Wales, or other investors, will capture the “good” that currently belongs to the public.

Conversion of public good to private good, without compensating benefits, cannot be supported.

“Meaningless” or “misleading”

In a particularly unfortunate turn of phrase, the proponent argues that a comparison of the proposal using the original block controls (as was requested by the consent authority) would be a “meaningless exercise”.

*“The overall comparison demonstrates Barangaroo has evolved significantly from the original Block Controls, and therefore, any further assessment against the Block Controls would be **a meaningless exercise**. Furthermore, the amended Concept Plan and potential reference scheme for Central Barangaroo maintains a strong alignment with the principles established under MOD 2.”* – Mecone Response to Submissions Report Central Barangaroo p27 (emphasis added).

*“While Condition C2(4)(d) still requires the briefs for future design competitions to provide a comparison of the proposed development against the Block Controls, the subsequent modifications to the Built Form Principles, the actual project approvals for development now constructed within Barangaroo South and the modified footprint of Central Barangaroo will render any such comparison impracticable and somewhat **meaningless**, as detailed below.”* – Mecone Response to Submissions Report Central Barangaroo p166 (emphasis added).

Barangaroo Part 3A Modification Report June 2008 (Mod 2)

Looking at the changes from Mod 2, we show the “old” and “new” conditions relating to showing the comparison of the Section 13.0.

Old (Mod 2)

- (3) The specific forms contained in Section 13.0 – Built Form of the EA are not approved as part of this approval. This is due to concern that appropriate street edges and forms are not provided to Hickson Road and “Globe Street” (see revised design principle below). Not approving indicative building forms also allows evolution of design excellence.
- (4) Despite (3) above future project applications are to provide a comparison, and outline any variations from, the block controls outlined in Section 13.0 – Built Form of the EA.

New (Mod 2)

- (3) The specific forms contained in Section 13.0 – Built Form of the EA are not approved as part of this approval. This is due to concern that appropriate street edges and forms are not provided to Hickson Road and “Globe Street” (see revised design principle below). Not approving indicative building forms also allows evolution of design excellence.
- (4) Despite (3) above future project applications are to provide a comparison, and outline any variations from, the ~~block controls outlined in Section 13.0 – Built Form of the EA~~: **urban design principles described in Section 7.3 and 7.4 of the Barangaroo Modification Report dated June 2008.**

Note that the specific forms were not approved in the ACP, as the intention was to allow some flexibility to use the approved GFA within the block, but the Approved Concept Plan did state that it was not permitted to fill the building envelope.

That same report states: (Barangaroo Part 3A Modification Report June 2008 P67).

7.5 Views

7.5.1 Existing Concept Plan

The Approved Concept Plan for Barangaroo protects the important public domain views within the local area (local views) through the urban structure and street corridors. This is particularly through the provision of east-west streets which allow for views from the CBD and Millers Point through to the harbour beyond.

While **localised views in the northern parts of the site will not be affected by the proposed modifications**, the additional GFA to be accommodated on Blocks 2, 3, 4 and 5 will result in a change to the conceptual built form on these blocks and hence has been assessed in terms of view impacts from significant public vantage points.

In this regard it is important to note that **the Barangaroo urban structure which is illustrated in the Approved Concept Plan will not change as a result of the proposed modifications**. The urban structure through the establishment of street locations and widths, development blocks, etc. provides for the **protection of views through the site from the east** by way of framed street views to the foreshore and water beyond. (Emphasis added).

This suggests that the changes were not intending to impact Central Barangaroo apart from the increased GFA at Block 5.

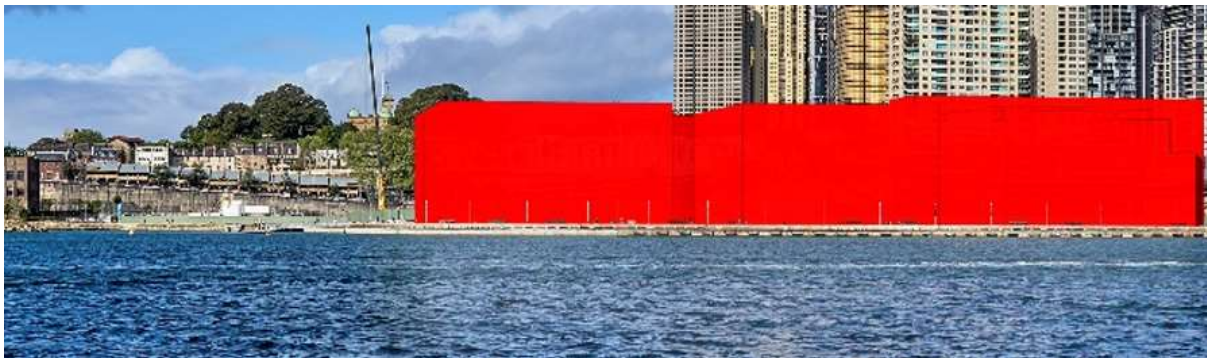
This is key to several of the responses to submissions. The argument that Mod 2 – which was clearly a Barangaroo South modification which sought to increase commercial space including an increase in GFA at Block 5 as a commercial addition and no other change to Central Barangaroo was discussed – was a conscious decision on behalf of the State to remove the block controls at Central Barangaroo is an interpretation designed to facilitate a **misleading** assessment of “what is already approved”.

The consent authority should insist that assessment using development block controls from the Approved Concept Plan be undertaken as was requested, regardless of whether it considers it is meaningless or not.

One objector (Langham Hotel) to the previous proposal illustrated what these block controls would mean for the site:



Compare this with models commissioned by the Millers Point Community Residents Action Group, Inc:



One can see why the proponent **does not want to show** the development block controls from the original concept plan: They show how 47,688 square metres of GFA can be delivered on blocks 5,6 and 7, upholding all the heritage controls, providing connection to the neighbourhood and connecting the commercial south with the headland park to the north.

The illustrated original ACP building form is what SHOULD be developed at Central Barangaroo.

Overstating what is “approved” by 173%

By stating that a maximum building envelope up to the full height, width and length of the approved block sizes is “approved”, the applicant is inferring that 130,185m² of above ground GFA is approved. This inferred GFA is calculated as such:

Block	Size	Max RL	Floors	Max GFA	Approved GFA	Overstatement
5	8,690	34	8	69,520	29,688	134%
6	1,855	29	7	12,985	3,000	333%
7	5,960	35	8	47,680	15,000	218%
				130,185	47,688	173%

Here I have used 7m as the height of the ground floor and 3.7 metres as the height of the subsequent floors to calculate the number of floors and multiplied this by the block size. We note that the request for increased height at Block 5 is not uniformly distributed across the block.

The applicant takes this a step further by seeking to remove the Block Controls and to redistribute the space across three new blocks with new areas.

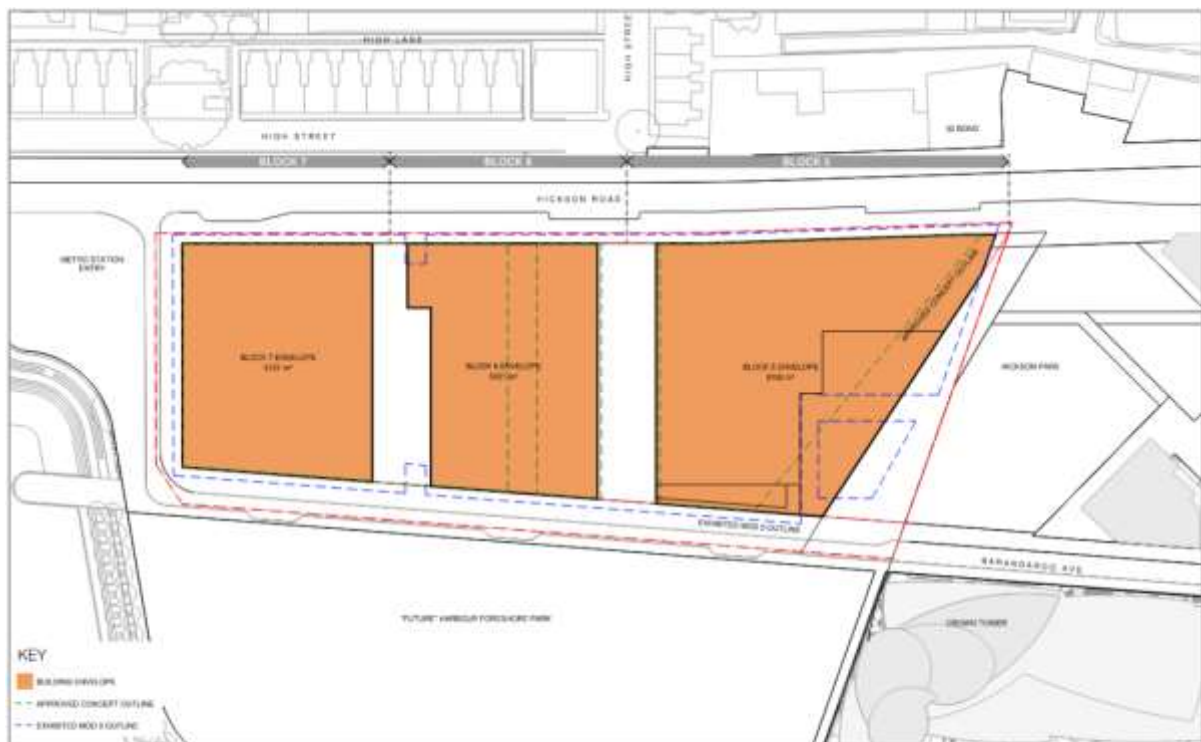


FIGURE 5 – AMENDED CONCEPT BUILDING ENVELOPE (SJB)

If we input these block sizes into our table, this implied 163,216m² of GFA is “approved”.

Block	Size	Max RL	Floors	Max GFA	Approved GFA	Overstatement
5	8,192	42.5	10	81,920	29,688	176%
6	5,031	35.0	8	40,248	3,000	1242%
7	5,131	35.0	8	41,048	15,000	174%
				163,216	47,688	242%

Taking this one step further and using the development blocks from the Heritage Impact Statement **Central Barangaroo—Updated HIS and Response to Submissions, October 2023 Page 16,**

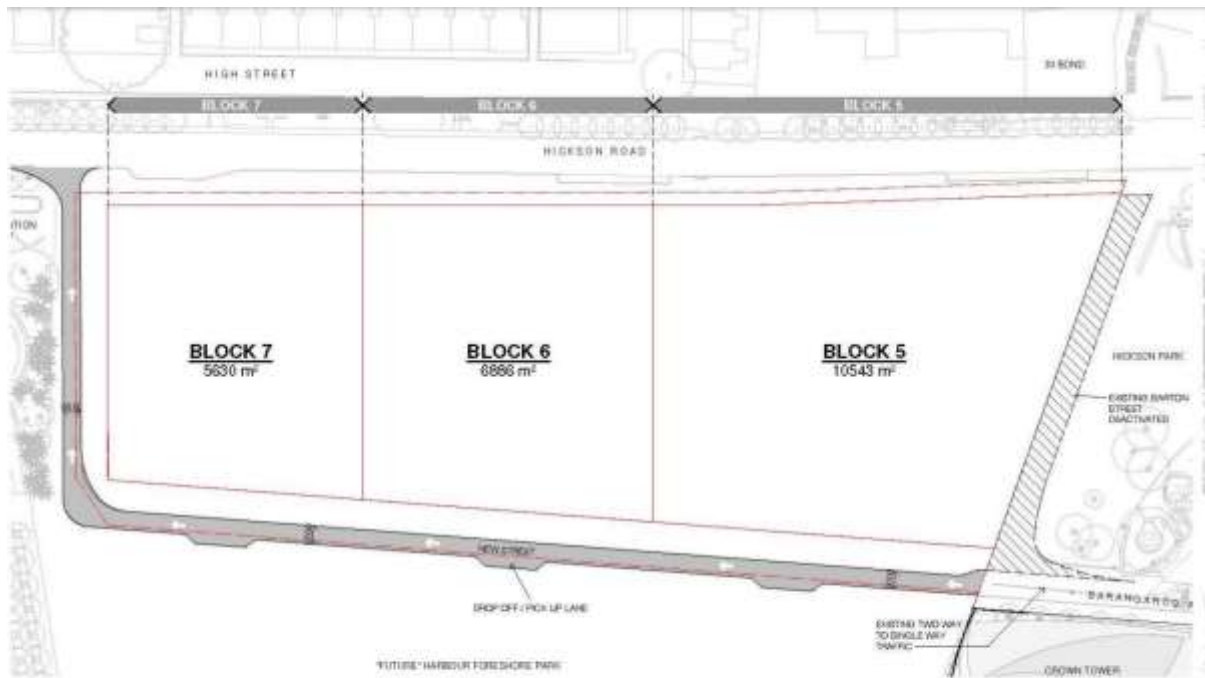


Figure 3.2 The proposed development blocks for Central Barangaroo under the amended proposal. (Source: SJB 2023)

If we use these block sizes in our table, the applicant is effectively overstating the “approved” GFA by 331%!

Block	Size	Max RL	Floors	Max GFA	Approved GFA	Overstatement
5	10,543	42.5	10	105,430	29,688	255%
6	6,886	35.0	8	55,088	3,000	1736%
7	5,630	35.0	8	45,040	15,000	200%
				205,558	47,688	331%

Yet another way to illustrate this point is deriving a floor space ratio (FSR) for each block based on approved GFA and the 7-metre ground floor and 3.7 metre subsequent floor analysis.

Block	Implied FSR	Max GFA FSR	Implied Height	Max GFA Height	Overstatement
5	8.00	3.42	32.90	15.94	106%
6	7.00	1.62	29.20	9.28	215%
7	8.00	2.52	32.90	12.61	161%

Whilst this might seem excessive, I am doing this to show what the applicant is inferring by showing the full size of the building envelope. By overstating the approved envelope, the applicant is attempting to argue that many of the views “have already been lost” in the Approved Concept Plan.

“9.1.2 Summary of Approved and Amended Proposal

The majority of views west to Darling Harbour and beyond from Millers Point and east from Pyrmont and Balmain East looking back towards Millers Point, have already been lost to the approved Concept Plan, with amended MOD 9 proposal marginally increasing height at the southern end of Central Barangaroo adjacent to the much taller South Barangaroo and Sydney CBD high-rise buildings.” Mecone Response to Submissions Report Central Barangaroo p27 (emphasis added).

Illustrate how 47,688 sqm can fill the maximum building envelope?

Given we have shown above that the proponent is overstating what has been approved by over 100%,

the proponent should be required to show how 47,688 square metres – the currently approved maximum GFA – can be accommodated in the building envelope.

The development application has “no sense of place”.

The authors of the original concept plan for Barangaroo (or East Darling Harbour as it was originally imagined) understood the sense of place of Millers Point as a doorway into the maritime, industrial and trade union history of New South Wales. One of the very few intact residential neighbourhoods that has survived relatively untouched for 150 years, the Millers Point and Dawes Point Conservation Area is afforded the highest level of heritage protection capable under NSW Law.

Because they understood this history, they were able to design a concept plan that upheld these elements.

- Historically, it was harbour and ship building (Cuthberts, Munns slipway). Then it was finger wharves, then it was a container terminal.
- The place is connected to and part of Millers Point – which along with Dawes Point has been given the highest level of heritage protection available under State Heritage controls.
- It is meant to be a connecting link between the headland park to the north and the commercial and residential precinct of Barangaroo South. It was always meant to be “low level” (“low level” as a term has been used in the Approved Concept Plan, Mods 2, 3, 8 etc)
- Being able to appreciate the terrace form of Millers Point requires visibility from opposing foreshores.

Historical views looking west across the Central Barangaroo site:









Views looking east from opposing foreshores across the Central Barangaroo development site.





A view looking south along High Street.



From the Approved Concept Plan:

“The strategy for EDH is based on protecting and enhancing the surrounding townscape and views.

The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.”

Compare this to the block articulation as shown here by the City of Sydney in their Town Hall city model:



Building heights and the articulation of building forms should be moderated to restore east-west view lines.

Applicant admits views will be lost.

*“When looking to the west the proposed building envelopes of both the approved concept plan and the amended proposal will limit the visual appreciation of the form and pattern of the historical rooflines of the Victorian terraces which evidences the character of the Millers Point heritage conservation area. The terrace form is currently read against the harbour and this will be impeded by a line of new built form in the immediate background. **Dynamic views and glimpses of terrace facades between significant plantings along the western boundary of Sydney Observatory Park, as well as the appreciation of Millers Point as an historical residential precinct in relation to a maritime setting will be lost.** Both the approved concept plan and the amended proposal potentially impact the low-rise village character of the southwest area of Millers Point.”* (Emphasis added) GML Central Barangaroo—Updated HIS and Response to Submissions, October 2023. Page 34

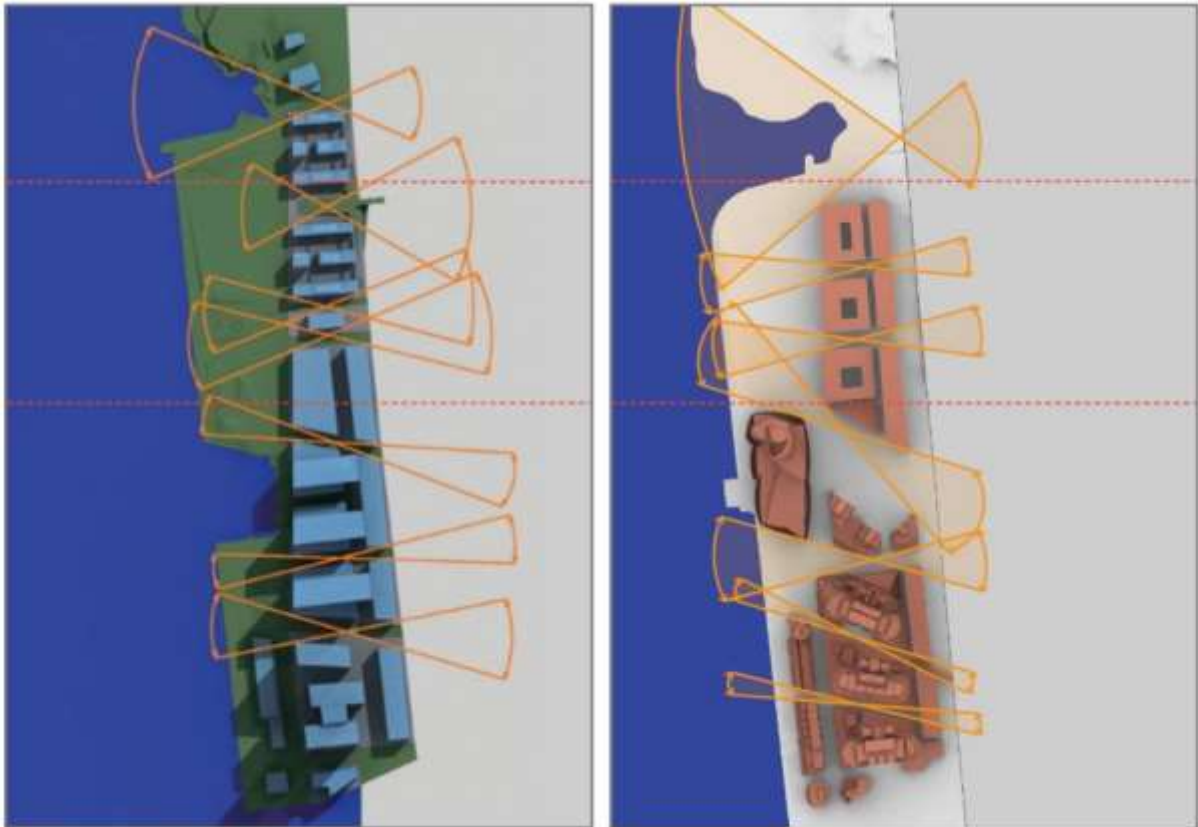
*“Additional height to Blocks 5 and 6 will also result in some loss of distant horizon views. **The stepped roof profile of the terraces along High Street, which demonstrate the area’s historic character and frame this view, will be lost.**”* (Emphasis added) GML Central Barangaroo—Updated HIS and Response to Submissions, October 2023. Page 57

Principle of view sharing enshrined in the ACP.

From the Approved Concept Plan.

*“The East Darling Harbour Concept Plan has been developed with a number of principles in mind and the **protection of key views from the historic precincts** is one of these principles.*

Densities have been determined in accordance with development factors whilst maintaining the principle of lowering heights towards the north, providing interpretation of the landform features and allowing key vistas to and from Millers Point and Observatory Hill. **The overall concept is aimed to ensure that the historic precinct of Millers Point can be viewed from key vantage points across the harbour and that the harbour form and the relationship to suburbs within the view shed can be viewed and understood from Millers point.** The Concept Plan does not maintain the status quo as it accepts that there is opportunity for development on the northern end of EDH whilst still maintaining many of the views gained in more recent times. The concept of view change over time is complex but it has never been static in the history of the EDH area.” - GML - Central Barangaroo—Updated HIS and Response to Submissions, October 2023, p27 (emphasis added).

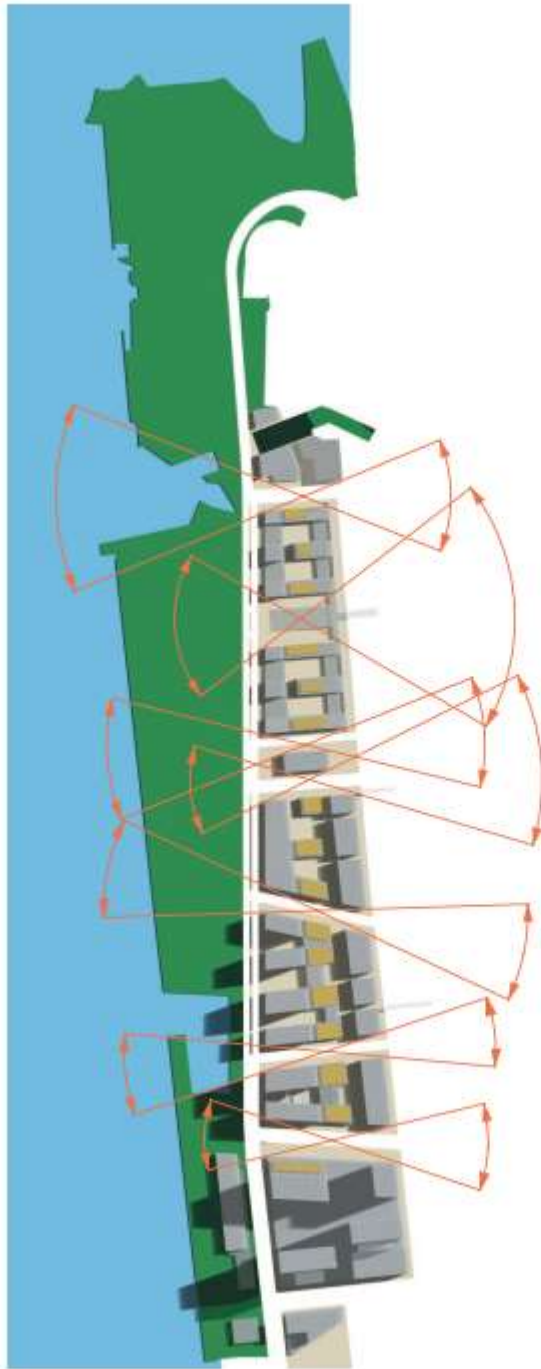


This image takes from the Approved Concept Plan

Figure 13.7 – View sharing

7 View Sharing

To promote the equitable access to views towards the harbour, arrange the built form to define the street corridors and to allow view corridors from the existing private buildings to the east



All drawings are indicative only and subject to further site investigation and detailed survey confirmation.

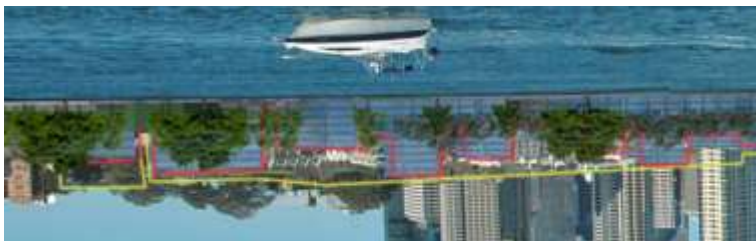
It is clear from these images that:

Insignificant view sharing is provided in the proposed development which is a breach of the requirements and cannot be supported.

Public Understanding of What is Approved (impact on investment decisions).

Barangaroo Images in Public Domain between Mod 2 and Mod 8 illustrate and reinforce the low-level buildings anticipated at Central Barangaroo with clear articulation of buildings and setback to allow “view sharing”.

It is evident in several depictions of Central Barangaroo that constitute the public perception of the Approved Concept Plan development profile. The images on the following pages have been published in official planning documents - such as Mod8 – or provided to the public as part of illustrating what is likely to be built at Central Barangaroo. Property purchase decisions have been based on these images and common perceptions.



This is from the Mod 2 photomontage report.



So is this. Note the articulation of buildings along Hickson Road.



View of CCP from North.

(3D model by Arterra)

This is from the GFA, Urban Design and Visual Analysis Review Conybeare Morrison Mod 2



View of Option 2 from North.

(3D model by Arterra)



Have these sightlines been sold three times?

When the government re-tendered for Central Barangaroo post the decision to build a metro station at the northern end of the site, it mistakenly mentioned 150,000 m² as the potential GFA of the site. This was widely criticized at the time as there was no development consent to do so. This view was purported by the Independent Planning Commission in its report on Mod8. (mon-editable pdf screen shot presented here).

The tender process

The Commission is aware of the public tender process underway for development of up to 150,000m² of gross floor area on Barangaroo Central and that this process may be close to being finalised. The Authority has suggested that, whilst the gross floor area figures have been publically disclosed, they are not a requirement or even a target of the tender. It is important to recognise that under the approved Concept Plan for Barangaroo Central the gross floor area allowance is just 59,225m². Paradoxically, the Authority suggests its Master Plan process resulted in a recommendation that the gross floor area for Central Barangaroo should be increased to a maximum of 120,000m² (ie be doubled), yet it goes on to confirm tenders have been invited to explore up to a maximum of 150,000m² (i.e. 2½ times the original area proposed for development).

The Commission is aware that certain of the elements used by the Authority to justify the gross floor area increase, such as the proposed Metro station, have actually been foreshadowed for the wider Barangaroo precinct since as early as 2009.

Ideally a public tender process for Barangaroo Central would not have been commenced while the development outcomes on the immediately adjoining sites remained uncertain and unapproved. Calling for tenders on Barangaroo Central, while the development proposed on adjoining sites was being assessed, is a risk the Authority presumably weighed when it decided to proceed.

Commencing a tender process without Concept Plan approval for the various modifications sought was the Authority's decision. Such a decision itself came with significant planning risk which is, in effect, acknowledged by the Authority's response. There is no more or less possible risk now (both in planning terms or economically), compared to when the latest tender process was opened in late 2015.

To suggest the Commission's recommended changes now create a potential material risk or impact is improper. Those potential risks of impacts have existed since the tender process commenced and perhaps even from the time that deviations from the approved Concept Plan were initially contemplated. Furthermore, the Commission is of the view these possible impacts on potential gross floor area (impacts yet to be publically disclosed) are not currently a relevant consideration to the subject of this advice.

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/determination/commissionsupplementary-barangarooadvicepdf.pdf>, page 4

This, and representations allegedly made to potential developers, ultimately led to the "sight lines" case where Crown and Lendlease successfully brought legal action against the NSW Government to protect the "sight lines" that they had purchased as part of their development at South Barangaroo.

The "method" of compensation was ultimately in the form of increased building height at the Lendlease development, as per the testimony given at the NSW Legislative Council Sight Lines Committee.

2.16 *The Deed of Sightlines Resolutions included a number of commitments from both Lendlease and Infrastructure NSW. This included the granting of an additional 8,000 square metres of development floor space to Lendlease. Mr Tom Mackellar, Managing Director, Development Australia, Lendlease, told the committee that this was in part compensation for the development delays and subsequent losses to Lendlease.*

Evidence, Mr Tom Mackellar, Managing Director, Development Australia, Lendlease Group, 11 November 2022, p 3.

<https://www.parliament.nsw.gov.au/tp/files/84007/Report%20No%201%20-%20Select%20Committee%20on%20Barangaroo%20sight%20lines.pdf>

Just as the commercial interests of Crown and Lend Lease have been upheld by the legal system, a similar case can be brought to bear by parties who acquired properties in High Street, Kent Street and other locations with a view that is impacted by the proposal.

“Proceeds from the Millers Point sales program have delivered over \$603 million for investment in social housing developments in NSW.” SMH Aug 28, 2018. <https://www.afr.com/property/three-more-sell-in-millionaires-millers-point-20180828-h14mcx>

The government advertised these properties for sale with harbour views: Here is but one example.

Advertisement for sale of 77 Kent Street in 2010. <https://www.realestate.com.au/sold/property-house-nsw-millers+point-106856600>

Grand 1870s Victorian Italianate Terrace

77 KENT STREET, MILLERS POINT

Built in 1875, this grand Victorian Italianate terrace is set on the fringe of the CBD in the middle of the landmark Winsbury Terrace row. Entrenched in Sydney's early maritime history, it features a wealth of refined features from its elaborate stucco work, unusual curved cast iron balustrades and original tessellated tile entry hall. Partially restored, it's presented in good condition and captures views over Observatory Hill to the east and views over the harbour to the west. Offered for the first time in more than a hundred years with a 99 year lease, it offers an exceptional opportunity in a prime city fringe harbour enclave.

Features include:

- Of immense social, historical & architectural significance
- Flexible layout, formerly configured as two separate apartments
- Elegant entry, traditional living & dining rooms with fireplaces
- Double beds, fireplaces, modern bathrooms plus extra W.C.
- Superb barrel vaulted roof deck with leafy harbour views
- Kitchen with fireplace, private courtyard, rear lane access
- Stroll to The Rocks, theatres, historic pubs & city attractions
- Two on-street resident parking permits and one visitor permit available

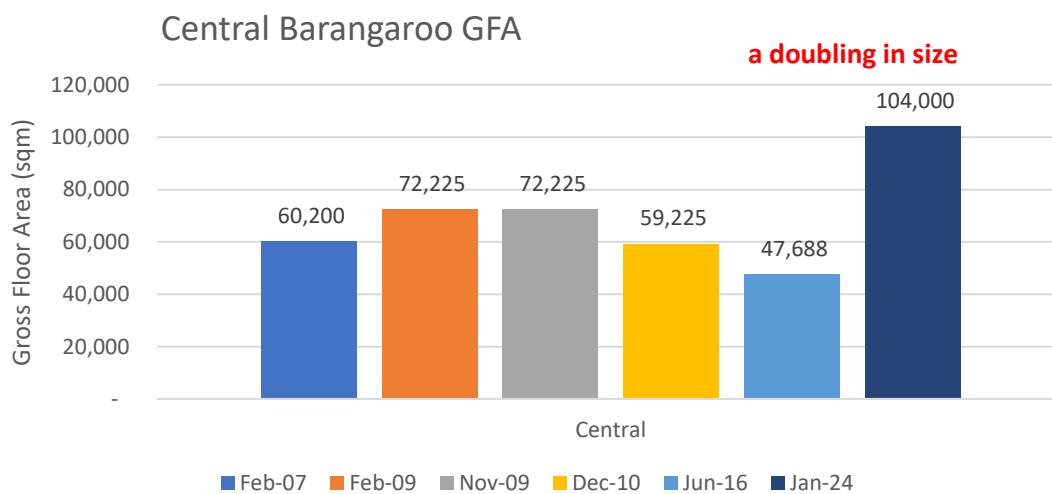
The Government have reaped \$600m for the sale of these mostly State heritage listed properties in Millers Point and Dawes Point, almost all of which have the highest level of heritage protection available under State legislation. The owners have spent an additional estimated \$600m in renovation and refurbishment expenses to return the Millers Point and Dawes Point Conservation Area to its former glory. Oft derided as “rich NIMBYs” who benefited from the eviction of former social housing tenants, the residents of Millers Point and Dawes Point have built a new community

who love the area, cherish its history and work tirelessly with limited resources to fight for the protection and improvement of the area.

These citizens – of which I am one – deserve to have their sight lines protected as much as Crown Resorts and residents at One Sydney Harbour so.

It is possible that if the advice that sightlines were “lost” in 2008 is correct and the government sold a number of properties to private interests without disclosing this, it could be culpable of providing misleading information. This must be investigated.

Note: When the IPC made its recommendations re Mod 2, the maximum GFA was 59,225 for Central Barangaroo. This table shows how the GFA has been reduced over time and how the current proposal sits against the history of the site and how out of character it is with how planning has considered this site.



Consideration of views

Private residents with limited resources developed the following images to give an alternative view of the proposal and its impact on Sydney.







Choice of Visual Impact Assessment Locations.

- Why use the car park at the National Trust and NOT use the Peacock Park location?
- Why look at Level 15 of apartment buildings and not at levels 1-14?
- Why not look from the rear of properties in Kent Street?
- Why not look from the front of properties in High Street?

Visual impact assessment must consider impacts on all impacted heritage properties in Millers Point.

Why isn't the physical connection from Millers Point at the southern end of High Street – a continuation of the Agar Steps – via the "Sydney Steps".

Why isn't the physical connection at the low point of High Street detailed in the plans?



Figure 12 Aerial view showing the approximate study area (red) in c1930 after the demolition of Clyde Street and the creation of High Street and Hickson Road. The former bridge connection over Hickson Road to High Street is shown circled in blue. (Source: GML amended NLA, PIC 1561114257 LOC 21)

Details of the pedestrian connection between High Street and Central Barangaroo must be provided.

Yours sincerely,

Martin Crabb

February 2024

Barangaroo Concept Plan (Modification 9)

Objections to the Revised Modification 9

There are many reasons why I object to the Revised Modification 9.

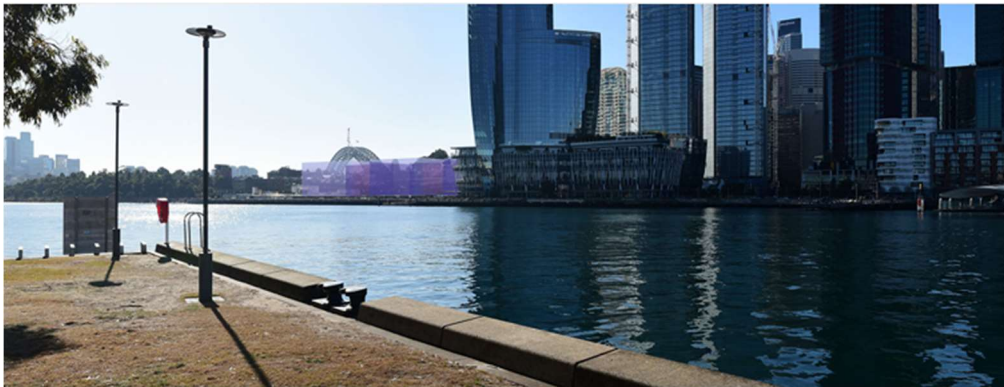
Many are the same as my objections to the initial Modification 9 which I have appended to these objections. This is because little has changed!

Sydney Harbour views from Observatory Hill are still blocked.

Historic Millers Point views from Balmain, Pyrmont and Darling Island are still blocked.

Heritage link with Millers Point and Sydney Harbour is still blocked.

The proposal is still too big and still too high.



This is well demonstrated by Figure 83 from Appendix D View and Visual Impact Assessment (Part 1) to the Response to Submissions Report. The picture shows the impact of the new proposal from Ballarat Park on Darling Island. And this is without the proposed landscaping on top of the buildings! Of course, adding landscaping to the top of buildings here in an attempt to justify blocking the landscape is laughable and tragic. The views from Balmain, Pyrmont and Darling Island to the heritage listed Millers Point and Dawes Point precinct are blocked, and to the Harbour Bridge are obscured.

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering **a negligible improvement in public benefit**. It takes much and delivers little. Of course, the developer **misleadingly** says that it has reduced the total increase in GFA from 144,355 m² to 104,000 m² because it defines approved concept plan, not as the original approved concept plan from 2006, but as the so-called approved concept plan after MOD 11 (October 2020). The developer has ignored requests to represent the original approved concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be “meaningless”. This is an insult to me and others concerned by the overdevelopment of this site and the importance of maintaining this historic part of Sydney and the sight lines from and to it.

The “approved concept plan” promulgated by the developer is based on legal technicalities rather than the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High Street sandstone wall cutting and terraces above).

The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal. The

Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**. Central Barangaroo must not be allowed to become an eyesore like South Barangaroo.

The modified proposal reduces the size of Hickson Park and reduces the amount of community space **from 28,000 m² to 2,800 m²**.

The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo with minimal structures and lots of open space.

I express my opposition to the Revised Modification 9 in the strongest possible terms.



18 February 2024

Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9, including the following.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset**, and
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

- (a) Sydney Harbour is to be recognised as **a public resource, owned by the public, to be protected for the public good,**
- (b) **the public good has precedence over the private good** whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) **protection of the natural assets of Sydney Harbour has precedence over all other interests.**

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, **some of which may not have been verified.**"

Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the "Approved Concept Plan" which it says is the most recently approved plan: MOD 11. This is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pyrmont foreshore where I live.

Modification 9 obliterates the views from Pyrmont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pyrmont and surrounds.



Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower and the Crown Casino tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Bulk/Scale

The buildings along Hickson Rd are too big, with insufficient articulation, setback, and separation. They are an urban planning disaster.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

██████████

8 August 2022

Peter Messenger objection to the Re-exhibition – Modification to Barangaroo Concept Plan (MP06_0162 MOD9) is as follows;

Over development of Central Barangaroo. The modification is still an enormous increase of total permissible gross floor area to the original approved plan, increasing from 45,000 to 104,000 m². The bulk and overdevelopment of the area is significant. I fear that there will be little architectural merit when there is an attempt to cram in so much floor space into the building site parameters.

Blight on our harbour landscape. Central Barangaroo is a premier waterfront location on Sydney's beautiful harbour. This area is viewed from many areas of the Sydney landscape – from the lower north shore suburbs, Balmain, Pyrmont, Darling Harbour and many other harbourfront and Parramatta River front suburbs. There is also the huge amount of regular ferry traffic and tourist boat traffic in and out of Darling Harbour (now a major point for disembarking and embarking water traffic). All of this traffic will view closely the development of this site.

Significant impact on the community enjoyment of the Rocks and harbour views. The much visited and historic area of The Rocks will be significantly impacted. Many views and community areas in The Rocks will be impacted by partial or complete blocking of views of the Harbour. Many suburbs including Balmain and Pyrmont will have its views of the heritage listed Millers Point and Dawes Point precinct blocked. The original planning principle for the Barangaroo that heights gradually reduce as the development moves norths towards the Headland Park, have been completely ignored. There is no modulation of building heights which was also in the original block development controls for Barangaroo. Now we have a boxed uniform envelope of development.

Loss of community space. The reduction of the community space from 28,000 m² to 2,800 m² from that originally approved is a great lose to the community. This is against one of the key principals of the development that it be at the civic and cultural heart of Barangaroo.

The developers acquired the interests in the site knowing the approved FSR, and they continue to try to multiply it for their own benefit with no regard for the “forever” nature of the proposed improvements. This site is meant to be the transition from major development to the beautiful headland park. The developer is only interested in cramming as much floor space into the approved envelope with scant regard to the approved FSR.

One wonders when the Applicant and the Consenting Authority are basically the same. Where is the independence, will this be another matter for ICAC?

Objection to Modification of Barangaroo Concept Plan (MP 06_016 MOD 9 Amended)

I am a resident of Millers Point. I strongly oppose the proposed modification (Mod9) as amended of the Central Barangaroo Concept Plan in its entirety as a gross overdevelopment and a betrayal of good planning. The 2024 amendment to Mod9 proposal is referred to here as Mod9A

1. Loss of Public Domain Views

- *Views from Observatory Hill:* Mod9A still obstructs heritage-significant views to the west, particularly the opposite shoreline and the harbour, diminishing the original concept plan's acknowledgment of their significance.
- *Views from Kent St at High St and The Agar Steps:* Mod9A still blocks wide and significant view corridors of the harbour and the west.
- *Views to Observatory Hill and Millers Point from Darling Harbour, Pyrmont and Balmain:* Mod9A still damages iconic views of Kent St terraces, Sydney Observatory, Observatory Hill, and the Harbour Bridge.
- *Disregard for Planning Principles:* The proposal ignores the original principles of maintaining views over and between built forms, falsely claiming that views are already lost and using this to justify the increases in height, bulk, and scale.
- *Non-Compliance with Conditions:* Mod9A still ignores the Independent Planning Commission's Condition C1, impacting key views from Millers Point and Observatory Hill, going against the public interest and causing severe heritage impact.

2. Impact on Amenity and Heritage

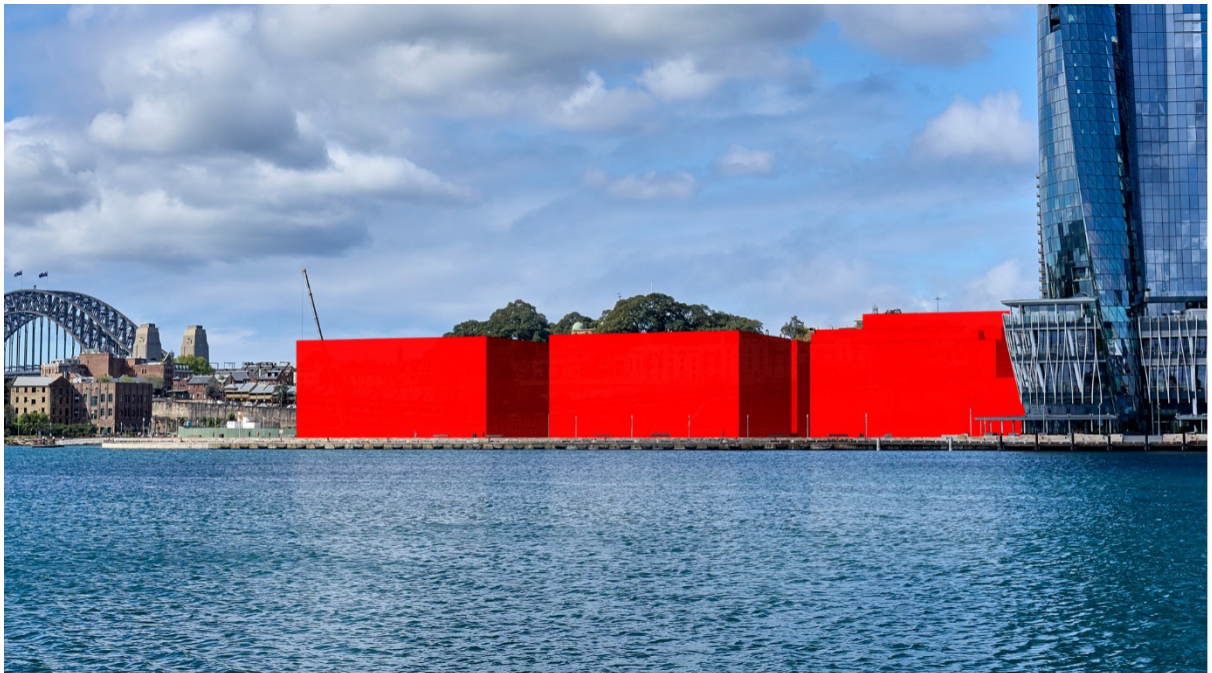
- *Compromised Amenity:* The bulk and scale of Mod9A still compromises the amenity of residents and visitors. The proposed height and sparsely penetrated canyon-wall of buildings along Hickson road severs Millers Point from its founding relationship to the harbour. High St and Kent St houses face privacy issues, loss of views and will be walled in by the Mod9A proposal. Height increases overshadow Hickson park.
- *Excessive Bulk and Scale:* Mod9A's building massing along Hickson Rd is too high with too few penetrations, ignoring previously approved design principles, resulting in excessive bulk and scale detrimental to the original low-rise campus and community-use vision.
- *Violation of Agreed Controls:* Mod9A fundamentally violates design principles attached to the agreed block controls. Block 5 has been unacceptably increased in height above previous controls to RL42.45.
- *Adverse Impact on High Street:* The height and scale of blocks 5,6 and 7 is still too high and penetrations between the blocks are too narrow.
- *Negative Development Impact:* The proposed Mod9A GFA of 104,000sq.m should be rejected and should not exceed the Central Barangaroo GFA of 47,688 approved for Mod 8. The modification and current amendment still squeezes the Barangaroo vision too hard, leaving an eyesore for years and severely diminishing Millers Point's state-listed heritage.

- *Adverse Heritage impact:* Millers Point is a state-listed heritage area where the combined effect of our streetscape, building stock, landscape and connection to the harbour serves to preserve our state heritage. Mod9A severs heritage significant views and ignores the scale of heritage streetscapes and landscape.

Reject Mod9A and return to the original vision in the concept plan

Reject Mod9A to preserve shared heritage and public amenity, safeguarding the original vision for Barangaroo and preventing a negative impact on the people of NSW, Sydney, and Millers Point.

421691



19 Feb 2024

PYRMONT NSW 2009

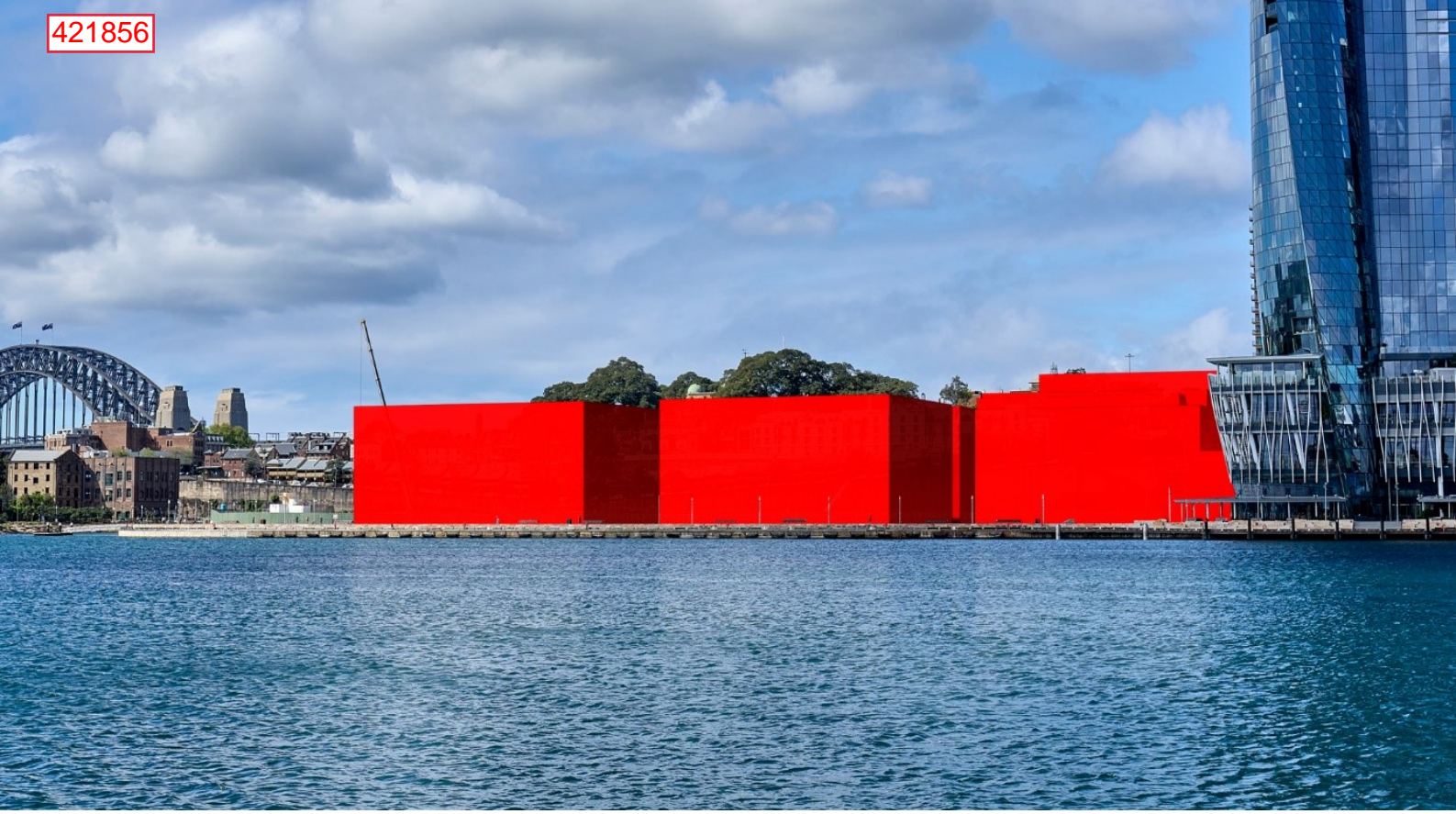
Objection to the Barangaroo Concept Plan (Mod 9)

I am writing to object to the Barangaroo Concept Plan (Mod 9) proposal for the following reasons:

1. The concept plan as proposed is contrary to the original concept plan. I quote the original concept plan which states ‘potential for detrimental impact upon significant values of the areas arises from the visual impact to and from the area. The ability to appreciate the area and its relationship to the harbor is considered important for the conservation of the area’s significance’
2. Sydney Harbour and its foreshore is a public asset which should be available for public open space not limited to residential and commercial buildings. There are already a plethora of restaurants, hotels and commercial buildings in this area. It should be preserved as open, public space for families to enjoy. We do not need more high-end hotels and restaurants on the Sydney foreshore.
3. It will significantly impact views towards Observatory Hill and the Sydney Harbour Bridge from Balmain, Pyrmont and Darling Harbour.
4. The development is excessive in bulk and scale and does not fit in with the area which is characterised with the use of sandstone and traditional building materials mixed with 2-3 storey residential terraces with pitched roofs.
5. This development is not in the public interest as it limits access to the Sydney foreshore and destroys the heritage feel of the area.

I strongly object to the proposed concept plan. The area should remain as parkland and public open space for use by all of the community and visitors to our beautiful city.

421856



CENTRAL BARANGAROO REVISED MOD 9

OBJECTION

I have lived on Darling Island for 16 years and have observed the development of Barangaroo on a daily basis. A significant feature of living on Darling Island is the unobstructed outlook towards the Barangaroo Headland, the historical area of Millers Point and the Harbour Bridge. Should the development of Central Barangaroo proceed as proposed, much of that outlook would be forever lost, not only to the residents and workers on Darling Island, but also to the thousands of locals and visitors who daily use the waterfront promenade and Ballarat Park on the northern end of Darling Island. A similar situation of loss would also apply to all other north facing precincts in Pymont.

The Approval Process. With full awareness of the original approved Concept Plan by Hills Thalys, over the years I have observed that Lend Lease has proposed an initial plan and then, once approved, has sought additional modifications, which seem to be approved by the Government of the day without due consideration of the negative impacts or of balancing the public interest with the other competing factors. Hence Barangaroo South approved and built GFA has ended up a significant multiple greater than the original concept plan, which was presented to the public and embraced as the basis on which development would proceed.

The process is now repeating itself with Barangaroo Central. It is abundantly clear that Aqualand as the developer is once again pressuring Government officials and Government ministers to support and approve a plan which grossly over-develops the site without appropriate consideration of the many benefits which could be achieved with a plan more sympathetic to the broader public concerns and without the many negatives it incorporates.

Government Complicity. There are strong grounds to believe that Government, in all its forms, is complicit in an exercise that is designed to mislead the public into believing that the concessions by Aqualand in the latest proposal are a generous good thing and should be supported. They are only a good thing when compared to the outrageous proposal which was previously submitted as Mod 9. Aqualand is following the model used by Lend Lease – bid high then review with modest concessions to conceal the real extent of increases. That Government officers are party to this deception is disappointing in the extreme.

GFA. One major area of obfuscation is GFA. The original concept plan allowed for 60,000 sqm which was later amended by Mod 3 to 62,000 sqm. Subsequent modifications up to Mod 11 saw the approved GFA reduced to 48,000 sqm, which seemed ideal given the environmental factors including usage and public spaces.

While the Revised Mod 9 trumpets the reduction of some 40,000 sqm, in reality, the latest proposal doubles the GFA allowance recommended up to Mod 11.

Residential GFA. While it is not clear exactly how the proposed 104,000 sqm of GFA would be used, what is clear that the residential component is increasing by a factor close to three to 75,000 sqm. Under the original concept plan and subsequent mods, the intent was that Barangaroo Central was intended to be a balanced, mixed use area with a community focus that would be the civic and cultural heart of the precinct. This precept has clearly been ignored when over 70% of the GFA is applied to residential housing. The residential element of the Barangaroo site is already over-compensated by the One Sydney Harbour elements which, in my view, are an ugly, oversized impost on the cityscape, totally lacking in architectural merit. Central Barangaroo should have limited residential elements of about 28,000 sqm as initially proposed.

Building Mass and Height. The current Revised Mod 9 proposal does little to address community concerns in respect of building mass and height, other than to reduce the height of the 75 metre tower on Block 7. The building mass will still block or impact sightlines to and from High St and to some degree to and from Observatory Hill. Mod 3 provided the ideal basis for planning of Central Barangaroo but that has largely been ignored as developer pressure on government has been applied. Mod 3 progressively reduced the heights across the blocks to ensure that Sydney's historic areas would not be impacted, going from RL34 for Block 5 to RL29 for Block 6 and RL20 for Block 7, thereby retaining sightlines while allowing for REASONABLE development. This Revised Mod 9 fails to observe a cornerstone planning principle for the Barangaroo precinct – that heights gradually reduce as the development moves north towards the Headland Park

Report Accuracy. The Government and Aqualand have expended very significant effort in producing and amending the various reports required to progress. Each of these reports is clearly tainted by the selected baselines against which build, environmental, heritage and visual impacts are compared. It is deceptive to be comparing Revised Mod 9 with Mod 9 when in reality all comparisons should be demonstrated against the original concept plan or the progression of Mods since the original. I understand that the Government Architect has requested that this should be done but that others in Government consider this meaningless. Be assured it does have meaning for those of us who have followed the project closely and wish to see the Barangaroo precinct as a shining example of respectful development in our beautiful city.

Conclusion. My objection is not purely about the very significant impact on my view-lines and the property value attributable to that outlook. Equally important is the high density commercial and residential space proposed, which would totally

overwhelm the site. Barangaroo South is now accepted as a high density commercial and residential precinct. To impose similar densities on the Central area, which was initially planned for much greater public and community usage, should not be supported. While the developer and Government clearly want to maximise returns from the development, those returns are not balanced against the public interest.

In conclusion, the credibility of Government and its servants can clearly be questioned. This proposed Revised Mod 9 is not being independently considered and has been subject to undue influence by Aqualand. To retain some credibility, it should be considered against the original Concept Plan by the Independent Planning Commission.

I object strongly to the Revised Mod 9 proposal in its entirety and I continue to want a much better balance between Government and Developer needs and the reasonable requirements of the public.

Rick Bayley

Apartment 333, 3 Darling Island Road, Darling Island, NSW 2009

rickbayley@outlook.com

)412 464 967

422401

19 February 2024

115 Kent Street
Millers Point NSW 2000
Mob: 0413 447 754

Mr P Scully
Minister for Planning and Public Spaces
Parliament House
Sydney NSW

Attn: Mr A Witherdin
Director, Key Sites Assessments
Development Assessment
Department of Planning, Housing & Infrastructure

Dear Minister

Re: Objection to Proposed Development Central Barangaroo Concept Plan (MP06_0162 Mod 9) (the "Proposal")

I am writing to strongly object to the Proposal submitted by Infrastructure NSW to modify the Barangaroo Concept Plan (MP 06_0162). I am objecting to the Proposal on two bases, firstly on how it affects me personally and secondly on how it affects the local community and greater population of Sydney.

The bulk and volume of the planned development compared to the site and surrounding environment is outrageous and I am amazed and disappointed the Department of Planning, Housing & Infrastructure, which I assume has expertise in planning and architectural matters, should support this proposal.

Our Objection

In 2009 we purchased a 99-year lease from the Department of Housing for 115 Kent Street which is located on the corner of Kent Street and High Street Millers Point. We were aware of the 2007 Approved Concept Plan based on approved RLs for Blocks 5, 6 and 7 of 35m, 29m and 35m respectively. Importantly there was a wide pedestrian throughfare of 20-25m (?) between Blocks 5 and 6 linked to the "Spanish Steps" to High Street which reduced the volume of the buildings and gave us a unencumbered sea view. As this was a Government approved plan, we took considerable comfort that the undertakings in the Plan would be honoured.

One of the principal reasons for purchasing this house (and for paying over the then current market value) was the view and the relatively quiet ambience of Millers Point. Millers Point at the time was a dormitory suburb with little industry apart from the docks (which at that time had been principally depreciated to a timber handling facility). Traffic, except for local traffic used the 4 lane Hickson Road.

In 2020 we exercised our option to purchase the Lease from the Department of Housing. The purchase price was based on 2 independent Valuations both of which noted the harbour view in the valuation.

At the time of our initial purchase, we had no knowledge that the original Approved Plan would not be supported and adhered to by the Department of Planning.

This belief was supported by numerous Government announcements/publications and Ministerial Statements that the Barangaroo Concept Plan would be adhered to and that the maximum height of Barangaroo Central would not exceed 8 storeys (RL35) and a 20 metre laneway (the "Spanish Steps") would be constructed at the end of High Street, hence preserving our views.

The proposal submitted by Infrastructure NSW (MP06_0162 Mod 9) seeks to significantly increase the existing height limits to in excess of 42.5 metres so that High Street will be obscured and our views will be eliminated. The GFA will also more than double to in-excess of 104,000 sqm.

NB The revised Concept Plan has increased the height of Block 5 by 8 metres to RL42.5 consequently eliminating our harbour views.

The proposal presented by the Department of Planning will block our view to the West and Northwest which will have a significant effect on our amenity and wellbeing. We now have a home which is open to sunlight and harbour views, if this Concept Plan is approved, we will be surrounded by large buildings with no outlook and little direct sunlight.

When we decided to convert our ownership from Leasehold to Freehold in 2020, had this current proposal been mooted, we would not have paid the Conversion Premium and perhaps sought compensation from the Government.

General Objection

I am surprised that the Department of Planning, Housing and Infrastructure should seek to amend the 2007 Approved Concept Plan. Nowhere in the Proposal is there any reason / justification for the Amendment.

People make investment decisions based on Government Policy and decisions at the time and whilst I recognise that policies can change it should only be in the case of a genuine change in circumstances. (I note the Labor Party was the Government when the 2007 Concept Plan was adopted). I cannot see any reasonable or justifiable change in circumstances that warrant this Proposal.

The Modification to the Concept plan allows the Developer an additional 56,312 GFA which is about 2.18x the original Plan. This is an enormous increase which will result in over-development of Barangaroo Central. **This development will have a serious effect on the City of Sydney as it is far too large and oppressive in design to achieve this GFA within the proposed RLs.**

The people of NSW were promised that the land associated with the reclamation of the wharves forming Barangaroo Central was Crown Land and belonged to the people of NSW. The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 postulates the following principals;

- Sydney Harbour is to be recognised as a public resource, owned by the public to be protected for the public good.
- The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.
- Protection of the natural assets of Sydney Harbour has precedence over all other interests.

It would also be unconscionable of the Minister to disregard this Condition determined by an independent body of highly qualified experts which was established by the Minister for Planning and Public Spaces in 2018. I would find it very difficult to think of one legitimate reason for the Minister to agree to this Proposal.

Sydney is situated around the most beautiful harbour in the world and whilst it has been damaged with the Cahill Expressway and the “Toaster” buildings this development would destroy any remnants of its beauty by encasing the Observatory Hill with a large monolith. One just has to look at Barangaroo South to get a glimpse of the over-development of the site.

It also destroys the designated Public Space originally proposed for Central Barangaroo and offers only a nominal public area (which will probably be incorporated into the landscaping of the buildings as has been done in with the Crown Casino).

It would appear that this Proposal is in response to the previous Aqualand 2022 proposal to construct buildings with an GFA of approximately 150,000 sqm. I would view this proposal as an ambit claim and the Developer would be well satisfied with a FSA of 104,000sqm. I am disappointed that the Department is naive enough to fall for this strategy.

The Proposal suggested that there is little residential accommodation in Barangaroo. This premise is false as it has already been used to justify One and Two Barangaroo and the Crown Residences. Regardless the original Concept Plan envisaged some accommodation and commercial on a much smaller scale.

Conclusion

The NSW Government under the auspices of the Department of Planning, Industry and Environment, in its 2020 publication Barangaroo Realising the Vision stated;

“Central Barangaroo will be the cultural and civic focal point of Barangaroo – a place for people to visit, explore, enjoy and learn. The site will feature unique buildings for cultural spaces, educational activities and a diversity of housing types that will encourage vibrant neighbourhoods made up of all ages, vocations and walks of life.

More than half of the site will be given over to public space for recreation, public entertainment and events, creating a spectacular new destination for Sydney”.

Nothing in the Proposal to Modify the Barangaroo Concept Plan apart from some nominal unrelated open spaces and the proposed questionable “Harbour Park” meet these objectives. The Public Space is actually reduced.

Consequently, I strongly request the Minister for Planning and Public Spaces reject this proposal to Modify Barangaroo Concept Plan (MP06_0162 Mod 9) so that any future development of Barangaroo Central comply with current approved height and GFA limits of;

Block 5 = Max GFA 29,668 sqm, Max Height 34 metres, Block Area 8,690 sqm – average 3.42 storeys

Block 6 = Max GFA 3,000 sqm, Max Height 29 metres, Block Area 1,855 sqm – average 1.62 storeys

Block 7 = Max GFA 15,000 sqm, Max Height 35 metres, Block Area 5,960 sqm – average 2.52 storeys

TOTAL = Max GFA 47,688 sqm, Max Height 35 metres, Block Area 16,505 sqm – average 2.89 storeys

In conclusion I am concerned and disappointed at the manner in which the Department of Planning and Public Spaces, under your name, has handled this matter. As previously mentioned, there is no reason or justification given for the proposed Modification to the Central Barangaroo Concept Plan and to submit it for comment during the Christmas / New Year holiday period only smells of deception and under-handed dealings.

Yours sincerely

Karen Knight

Karen Knight

Attachment 1

The below are examples of our current views which we believe will be destroyed by proposed Modification to the Concept Plan.





Objection to the Modification of 06_0162 Amended Mod 9 proposal for the development of Central Barangaroo.

19^h February 2024

I wish to object to the Modification of 06_0162 Amended Mod 9 proposal for the development of Central Barangaroo. My issues of concern are listed below.

John Brown

11 25A Hickson Road, Millers Point. NSW 2000

I live in Towns Place Millers Point. I am of the opinion the development will destroy heritage aspects of the area currently enshrined in law. The residential buildings alongside Hickson Road are too high, will obstruct views and further impact traffic in the area.

Observatory Hill and Views

- Vistas to and from Observatory Hill are sacrosanct and must be protected. This includes views of both the water and horizon to the west and the roofscape of Millers Point (High St and Kent St) to the east and views of the hill and historical area from Central Barangaroo itself.
- These views will still be obstructed by the proposed Hickson Road buildings.

Bulk and Scale

- The buildings along Hickson Rd are too big, with insufficient articulation, setback, separation, etc. They are an urban planning disaster sealing off the visual link between Central Barangaroo and the historical townscape of High Street buildings and the Observatory Hill and Rocks precincts.
- The Block 6 and 7 buildings are bulky and destroy the visual link to the low-rise residential setting. The significant heritage Millers Point streetscape will be blocked from the western harbour and neighbouring suburbs of Darling Island, Pyrmont, Balmain, etc.
- Important vistas from the above suburbs of iconic Sydney Harbour Bridge views will also be blocked.
- Adding garden areas will not reduce their impact on the area.

Millers Point Heritage Precinct

- The proposal completely ignores consideration of the impact on the Heritage Precinct of Millers Point, Sydney's Old Town.
- Other major cities around the world respect their Old Towns by maintaining sightlines – not the NSW Government it seems.
- The views from the west of the Millers Point streetscape have been seen ever since they were built in the 1800's to 1910's. They will be and continue to be completely obscured by the Government's new buildings.

Visual Impact

- The proponent's visual impact is completely inadequate. It is highly selective of the visual impact images in its Visual Impact Report. It does not include, for example, visual impact images from High St or Kent St, whether as a streetscape or as individual

properties. The NSW Government sold these properties to private owners and used these views as part of their marketing material.

Traffic from Blocks 5,6,7 theatres, the Metro and the proposed new Barangaroo Cutaway

- No adequate assessment of how increased traffic from the residential blocks 5,6 and 7, theatre traffic and event traffic from proposed Cutaway event site has been tabled.
- It will spill out from Central Barangaroo and the Metro station into Millers Point and Walsh Bay, dominating these residential areas with excess traffic and parking issues.
- Any proposed retail precinct will only provide minimal shopper parking necessitating out-of-area shoppers to park in Millers Point and Walsh Bay.

The public's access and enjoyment of the Central Barangaroo area

The small foreshore park will now be further compromised by:

- The foot traffic to and from the Block 5, 6 and 7 buildings.
- The events planned for the proposed redevelopment of the Cutaway.
- Traffic to and from the Walsh Bay theatre area.
- The existing educational and outdoor events held at Barangaroo Park.
- The intermodal traffic flows and dwell-time at the entrance and area surrounding the Barangaroo Metro Station.
- The Block 6 and 7 buildings are bulky and will obstruct views to Observatory Hill and historic High St. and Millers Point areas.

We the undersigned married couple, are the owners of 63 Kent Street, Millers Point. We have experienced and value very highly, the historic and heritage values that have accrued over many centuries in that locality, now under severe further threat of utterly inappropriate overdevelopment.

Millers Point is too valuable an area, culturally and historically, and must not be destroyed by even more high-rise buildings in Barangaroo, which block historical views to and from Millers Point. The planning principle for the Barangaroo precinct to gradually reduce the height as the development moves north toward the Headland Park are being ignored.

We have had the knowledge, ONLY AFTER we purchased our heritage terrace house, that Central Barangaroo was to be excessively developed contrary to the initial Concept Plan. The approved concept plan was for 45,000 square metres but the developer is seeking to double the size to 104,000 square metres.

This has resulted in a gross loss of our, AND THE GENERAL PUBLIC'S amenity, enjoyment, and heritage values (not only in material and monetary values).

We are fully in support of the submissions made by the Millers Point Community Resident Action Group (MPCRAG)

1. We oppose the new proposal which seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore, which was previously allocated to be the "civic and cultural heart" of Barangaroo.
2. We believe it would be wrong to reduce the size of Hickson Park, and the amount of community spaces from 28,000 to 2,800 square metres.
3. The new proposals still block the historical views from Balmain and Pyrmont to the heritage-listed Millers Point and Dawes Point precinct.
4. The heritage sightlines from public open spaces, Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are still lost under the new proposal.

We object and oppose the revised Mod 9 proposal for Central Barangaroo.

Andrew Coroneo and Nicoula Coroneo

Owners of 63 Kent Street, Millers Point, NSW 2000

Dear Madam/ Sir,

Bruce & Nicole Powell
Blackwall NSW 2256

Monday 19/02/24

My wife and I last wrote as concerned residents at Highgate, and now as residents of Blackwall NSW, however still as frequent Sydney siders who love our city and wish to preserve and protect its beauty and amenity for the generations to come. Miller's Point remains our favourite place for business and recreation in Sydney.

We are saddened, angry and alarmed that the burgeoning Barangaroo development adjacent remains a sustained threat to the visual amenity and openness that is Sydney's celebrated Millers Point.

We offer that the Roche building below High St, stands as a testament to once good planning practice. That building fits suitably into the natural and built landscape, with its cascading relief toward the water's edge – but is now crowded out and overshadowed by the tall giants at the foreshore that represent Central Barangaroo. Yes, we would suggest that the Crown building has some majesty about it, clothed in glass – but the adjacent ugly sisters who failed to get the glass slipper – somehow still plan to attend the ball arrogantly, by the water's edge, on what was once prime public land. That juxtaposed assembly of beauty with beasts remains a warning to us all that energetic commercial interests can rapidly overshadow the (arguably less agile) public interest. The Barangaroo precinct already tells the story of domination of the many by the wealthy few. Please – do not support yet another chapter of the same story.

In terms of the threat of ugliness, please consider the following image. The local community group had to develop this image themselves, since again, just as in late 2022, the developer cannot be relied upon to wholly represent the depth of the loss of visual amenity represented by their proposal.

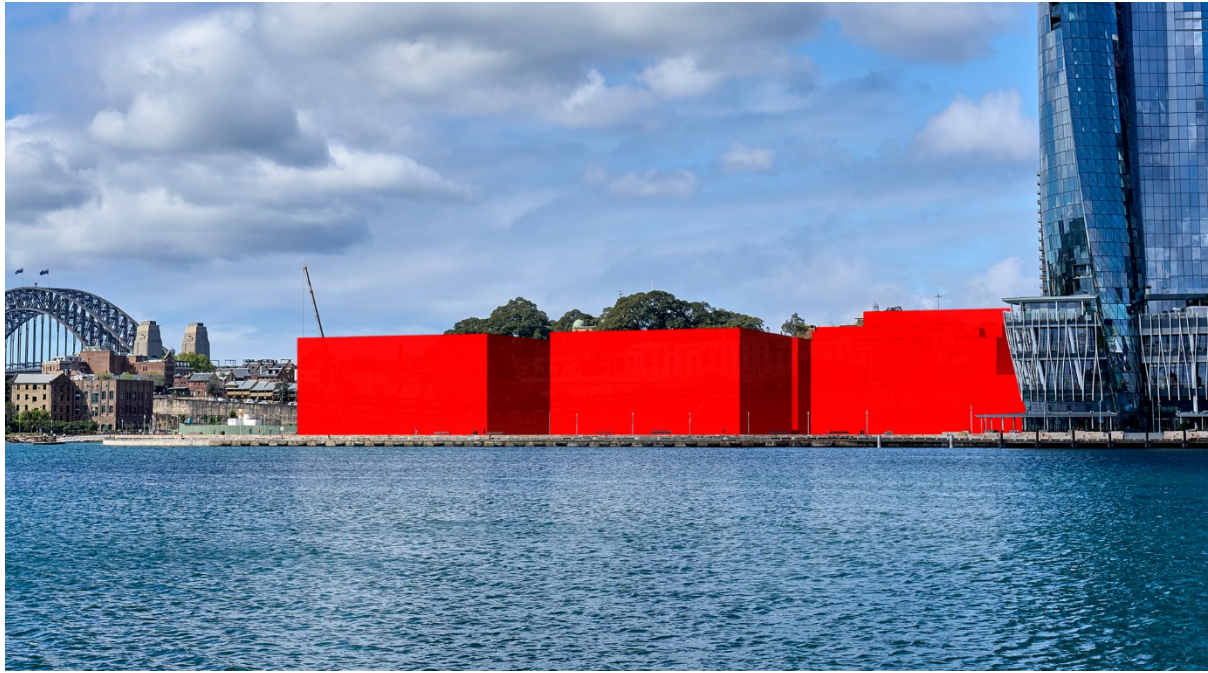


Figure 1 : Rendered image showing dramatic loss of historic Millers Point and Observatory Hill areas, when viewed from Sydney Harbour and the foreshore areas to the west of Millers Point.

In consideration of Figure 1 - as a modern, developed society, we are better than this. Look at the dominance that these new structures have on our foreshore. Large geometric blocks which fence out the soft undulations that is High St and the humble little terrace cottages that line that street.

It is a joy to walk along High St with your family or visitors to Sydney. The views of the water in the evening as one walks from say Observatory Hill to where our car might be parked along High St, are just stunning - and calming also. The orange afternoon light reflects from the old heritage glass in the front windows of those terraces.

Is all of that to be lost? Those terraces in winter will need all of the sunshine they can get. Are we to block out the warm afternoon sunlight to these properties, due to the desire of the few to build large modern monoliths to their West, with their associated new energy burdens?

Please consider again the sense of place and mental health benefits that are offered through the unadulterated views that are depicted in Figure 2.



Figure 2 : Myself and others enjoying the sunset looking West from Observatory Hill, 5:04pm, Saturday August 6th 2022.

In Conclusion

As stated by ourselves previously, one of the five key objects of the Acts governing Barangaroo that Proponents claim have remained consistent throughout includes :

(e) to create in Barangaroo an opportunity for design excellence outcomes in architecture and public domain design.

The arguments in this submission consider that proponents for the development are failing both the wider Australian public and those residents local to Millers Point, Observatory Hill and Kent St North. They are also failing the key objects (objectives) of the Acts governing the development.

What continues to be presented under Mod 9 is neither architectural excellence or excellence in Public Domain design. It fails to consider and assess the development's proposed impact on public wellbeing public and private amenity. Consequently, certainly Mod 9 should continue to be rejected outright and for the sake of the this and future generations, with planning for Central Barangaroo wholly reviewed.

We sincerely request the minister take into consideration these arguments as revised Mod 9 is again reviewed, and reject this Proposal.

Barangaroo Concept Plan (Mod 9)

Submission

Please consider my following submission to the amended Barangaroo Concept Plan (Mod 9).

Please note that I strongly object to the proposed development.

In the amended proposal, nothing seems to have changed!

The proposal is still too big, and still too high.

- Sydney Harbour views from Observatory Hill would still be blocked.
- Historic Millers Point views from Balmain would still be blocked.
- Heritage link with Millers Point and Sydney Harbour would still be blocked.

The application has changed from a mixed-use retail, office and residential proposal to a predominantly residential development. This is incongruent with the key principle of being the “civic and cultural heart” of Barangaroo

I understand that the cornerstone planning principle for the Barangaroo precinct was that heights gradually reduce as the development moves north towards the Headland Park. The proposal does not follow that principle.

The important pedestrian links between Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don't form part of this proposal.

The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities (the bureaucratic advice as seen in ‘Yes Prime Minister’). Please apply the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).

Aqualand concepts indicate that they have run out of world class ideas like the Sydney Opera House, and left with mediocracy!

I have been living in Millers Point since 2011, after we conserved the terrace home that we bought from New South Wales Land and Housing Corporation. We engaged a heritage architect and sympathetically conserved our dwelling which was otherwise unliveable.

Over the past years we have observed that the NSW Government has repeatedly intervened in the Barangaroo precinct impacting on our enjoyment of the environment that we live in, starting with the overdevelopment of the area where the Crown tower currently stands. In the name of public open spaces, there is only a small area west of the Crown. At times, the wind tunnel makes it unwalkable from Hickson road to Barangaroo Avenue and further west.

The proposed development is the worst. It will block forever the beautiful vistas from High Street, Argyle Place, Kent Street, and even from the Barangaroo Reserve. And what happens to the views from the coveted Observatory Hill – they will be gone forever!

The Nawi Cove is a beautiful area as is and must not be surrounded by tall structures. Any construction around the Nawi Cove will spoil the vista, no matter how beautiful the structures are developed. That area should not be built around at all.

The proposal does not add any value to public good. It will spoil my view by obstructing the sky views from my home by being very close. It will also impact on visual privacy for me.

And what happened to the skate-boarding facility for young children that was promised initially?

Please give due consideration to the unique nature of this place. It is perhaps the last remaining harbour setting able to be developed from scratch. Please do not compromise the unreplaceable public vistas.

It is a joy to walk along High Street and Observatory Hill and enjoy the water views looking west. The proposed development will deny that forever because all the proposed structures are still very large.

It is unfortunate that the NSW Government has a demonstrated history of handing over public land to private developers, the Toaster Building next to the Sydney Opera House, and South Barangaroo to Lendlease are just a few examples.

The entire State Heritage listed precinct of Millers Point/ Dawes Point is now already surrounded by tall buildings. Please do not add further structures so close to this area in the name of development. Let this area and the panoramic views be available for the future generations and visitors to marvel and appreciate. Plant more trees and have greenery.

This is public property and should remain so. Originally, no construction was proposed there and that's how it was 'sold' to us at that time. As elected representatives, the Ministers should not hand over this land to private developers.

I vehemently oppose this development.

Kind regards.

██████████

CENTRAL BARANGAROO REVISED MOD 9

OBJECTION

I have lived on Darling Island for 16 years and have observed the development of Barangaroo on a daily basis. A significant feature of living on Darling Island is the unobstructed outlook towards the Barangaroo Headland, the historical area of Millers Point and the Harbour Bridge. Should the development of Central Barangaroo proceed as proposed, much of that outlook would be forever lost, not only to the residents and workers on Darling Island, but also to the thousands of locals and visitors who daily use the waterfront promenade and Ballarat Park on the northern end of Darling Island. A similar situation of loss would also apply to all other north facing precincts in Pyrmont.

The Approval Process. With full awareness of the original approved Concept Plan by Hills Thalys, over the years I have observed that Lend Lease has proposed an initial plan and then, once approved, has sought additional modifications, which seem to be approved by the Government of the day without due consideration of the negative impacts or of balancing the public interest with the other competing factors. Hence Barangaroo South approved and built GFA has ended up a significant multiple greater than the original concept plan, which was presented to the public and embraced as the basis on which development would proceed.

The process is now repeating itself with Barangaroo Central. It is abundantly clear that Aqualand as the developer is once again pressuring Government officials and Government ministers to support and approve a plan which grossly over-develops the site without appropriate consideration of the many benefits which could be achieved with a plan more sympathetic to the broader public concerns and without the many negatives it incorporates.

Government Complicity. There are strong grounds to believe that Government, in all its forms, is complicit in an exercise that is designed to mislead the public into believing that the concessions by Aqualand in the latest proposal are a generous good thing and should be supported. They are only a good thing when compared to the outrageous proposal which was previously submitted as Mod 9. Aqualand is following the model used by Lend Lease – bid high then review with modest concessions to conceal the real extent of increases. That Government officers are party to this deception is disappointing in the extreme.

GFA. One major area of obfuscation is GFA. The original concept plan allowed for 60,000 sqm which was later amended by Mod 3 to 62,000 sqm. Subsequent modifications up to Mod 11 saw the approved GFA reduced to 48,000 sqm, which seemed ideal given the environmental factors including usage and public spaces.

While the Revised Mod 9 trumpets the reduction of some 40,000 sqm, in reality, the latest proposal doubles the GFA allowance recommended up to Mod 11.

Residential GFA. While it is not clear exactly how the proposed 104,000 sqm of GFA would be used, what is clear that the residential component is increasing by a factor close to three to 75,000 sqm. Under the original concept plan and subsequent mods, the intent was that Barangaroo Central was intended to be a balanced, mixed use area with a community focus that would be the civic and cultural heart of the precinct. This precept has clearly been ignored when over 70% of the GFA is applied to residential housing. The residential element of the Barangaroo site is already over-compensated by the One Sydney Harbour elements which, in my view, are an ugly, oversized impost on the cityscape, totally lacking in architectural merit. Central Barangaroo should have limited residential elements of about 28,000 sqm as initially proposed.

Building Mass and Height. The current Revised Mod 9 proposal does little to address community concerns in respect of building mass and height, other than to reduce the height of the 75 metre tower on Block 7. The building mass will still block or impact sightlines to and from High St and to some degree to and from Observatory Hill. Mod 3 provided the ideal basis for planning of Central Barangaroo but that has largely been ignored as developer pressure on government has been applied. Mod 3 progressively reduced the heights across the blocks to ensure that Sydney's historic areas would not be impacted, going from RL34 for Block 5 to RL29 for Block 6 and RL20 for Block 7, thereby retaining sightlines while allowing for REASONABLE development. This Revised Mod 9 fails to observe a cornerstone planning principle for the Barangaroo precinct – that heights gradually reduce as the development moves north towards the Headland Park

Report Accuracy. The Government and Aqualand have expended very significant effort in producing and amending the various reports required to progress. Each of these reports is clearly tainted by the selected baselines against which build, environmental, heritage and visual impacts are compared. It is deceptive to be comparing Revised Mod 9 with Mod 9 when in reality all comparisons should be demonstrated against the original concept plan or the progression of Mods since the original. I understand that the Government Architect has requested that this should be done but that others in Government consider this meaningless. Be assured it does have meaning for those of us who have followed the project closely and wish to see the Barangaroo precinct as a shining example of respectful development in our beautiful city.

Conclusion. My objection is not purely about the very significant impact on my view-lines and the property value attributable to that outlook. Equally important is the high density commercial and residential space proposed, which would totally

overwhelm the site. Barangaroo South is now accepted as a high density commercial and residential precinct. To impose similar densities on the Central area, which was initially planned for much greater public and community usage, should not be supported. While the developer and Government clearly want to maximise returns from the development, those returns are not balanced against the public interest.

In conclusion, the credibility of Government and its servants can clearly be questioned. This proposed Revised Mod 9 is not being independently considered and has been subject to undue influence by Aqualand. To retain some credibility, it should be considered against the original Concept Plan by the Independent Planning Commission.

I object strongly to the Revised Mod 9 proposal in its entirety and I continue to want a much better balance between Government and Developer needs and the reasonable requirements of the public.

Beverly Bayley

Apartment 333, 3 Darling Island Road, Darling Island, NSW 2009

beverlybayley@gmail.com

0412 116 221

19 February 2024

The Hon. Paul Scully MP
Minister for Planning & Public Spaces
52 Martin Place
Sydney NSW 2000

Dear Minister

Objections to Barangaroo Central Modification 9

This request for Modification 9 is the 10th modification & is a significant departure from the original concept plan for Barangaroo Central & overturns the requirements set by the Independent Planning Commission's approval of Modification 8 in 2016 with changes that include increases to total gross floor areas, building mass & heights, which in the past for similar increases has resulted in the refusal of the previous 9 requested modifications.

I ask that you formally refuse modification 9 for Central Barangaroo in response to the following objections.

This request for Modification 9 should be withdrawn & resubmitted to the public for a longer exhibition time as the current exhibition time coincides to when most people are away on holidays, & the recent 2 weeks extension of time is insufficient. Also only people who have responded to the previous submission were notified which now excludes the arrival of recent Owners, & Owners who were not able to respond previously which is totally unacceptable due to the new impact issues raised by Mod. 9 on Stamford Marquee, other buildings, heritage areas & views.

The increased building height, scale, mass, & gross floor space from 47,688 m² to 104,000 m², results in the over development of the site, & presents as a below acceptable design standard as a wall of buildings when viewed from Hickson Rd. & the Harbour.

The change of use from the key principle of being the Civic Heart of Barangaroo for everyone, to instead proposing 150 upmarket residential apartments for the few very wealthy is unacceptable & ignores the reason for the metro Station.

There should be no "tower" buildings which may be the subject of further height increases on Barangaroo Central as the approved concept was for low to medium rise buildings, predominantly for public use.

Over shadowing of Hickson Park is already impacted by the Crown Casino/Hotel, blocking the afternoon sun & should not be further overshadowed by increased building heights further blocking morning & midday sun.

Increased off-street parking spaces, will result in increased private vehicle use, which is unnecessary given the site's proximity to the new Metro Station.

Unacceptable significant reduced views to & from Millers Point & Observatory Hill Heritage sites in breach of Heritage Regulations, & to public views to the harbour from Gas Lane (which is an important busy pedestrian access way to Barangaroo) & High Street

All current & significant views of the Harbour from the Langham Hotel & the Residential Buildings in High Street will be blocked, which will lead to a considerable loss of value to this valuable assets, with all proposed building heights not be above the level of High Street.

There is no visual or shadow impact assessment for The Bond Apartment Building at 30 Hickson Rd

The increase size of Hickson Park must be a priority & brought forward to cater for the recreational needs of the large increase in the number of Residents in the adjoining Harbour Side apartments.

Apart from the exiting path way accessing the public toilets there should be no further pathways, roads, or encroachments built over Hickson Park

Any sight line benefits granted to the Barangaroo Crown Casino/Hotel & Lend Lease Sydney Harbour Residences should apply to all other existing buildings in the vicinity.

The completion of the Harbour Park must be brought forward & free of any commercial/entertainment use to cater for the recreational use of the large increase in residential numbers & to the public arriving via the new Metro station to enjoy the harbour front destination. What is proposed prioritises commercial benefits & diminishes the value of public open public space

The Stamford on Kent residential building has already been greatly impacted on, by the increase in height of Sydney Harbour residential tower R5 from 10 stories to 30 stories. & should not be further impacted on by the increase height of Block 5 from approved Mod.8 RL 34 to proposed RL 42.45

The proposed increase height of the eastern portion of block 5 to RL 42.45 will directly block all views & afternoon sunlight to lower apartments in Stamford Marque which currently have views & afternoon sunlight over the Bond Office Building (existing roof height RL 38.00) in Hickson Rd. directly in front of Stamford Marque. The proposed RL 42.45 should be reduced to below RL 38.00.

Views from Nawi Cove to Millers Point & the CBD are blocked.

The adjoining Metro Station has been built on former parkland with no compensation of this loss in Mod 9.

Photographs & depictions of the impact of Mod. 9 request are distorted by the use of wide angled lens & long focal lengths to minimise the impact of the over development.

Views & view sharing has been determined only at the mid to higher floors of Kent Street residential tower buildings, with residents of the lower tower levels & houses in High Street to lose views, & view sharing as required in accordance with the Principles of the Concept Plan.

The digital view diagrams are misleading & designed to show a lessor impact on buildings & areas.

The digital views from Stamford Marque Mod.9 are particularly misleading & inaccurate as Mod 9 describes views from level 15 are at RL 70.50 & level 25 are at RL 97.00

Stamford Marques construction documents shows

Level 15 to be RL61.75 & level 18 to be at RL 70.50

Level 25 to be RL 88.30 & level 25 to be at RL 97

The RL's therefore show an increase in the number of levels to lose current views.

In conclusion I have objected too many of the modifications in Mod.9, but the real loss is the potential of the entire Barangaroo Central Site to become the equivalent of a Centennial Park on our magnificent Harbour. There is no other site that has a Metro Station located on the harbour foreshore which would allow people from all over Sydney & outer suburbs easy access to enjoy a magnificent harbour side **PEOPLES FORESHORE PARK**.

The State Government should consider that with the rapid population increase there is a need for more open parkland space & not a change of use to allow the development of 150 high end luxury apartments to be enjoyed by a very wealthy few.

136 years ago Sir Henry Parkes & the Government had the foresight to give the expanding population of Sydney Centennial Park (& the National Park). The present government appear mainly concerned with obtaining profits from this priceless site, & that it is apathetic in providing for all present & future population needs, & lack the foresight of our past Governments.

The State Government therefore should resume the Barangaroo Central Site from Aqualand by way of compensation, & give the present & future population a truly magnificent **PEOPLES FORESHORE PARK**.

Yours Sincerely

Paul Franks

0417 692 686

10/A Stamford Marque 161 Kent Street Millers Point NSW 2000

19 February 2024

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52 Martin Place
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The RL's therefore show an increase in the number of levels to lose current views.

In conclusion I have objected too many of the modifications in Mod.9, but the real loss is the potential of the entire Barangaroo Central Site to become the equivalent of a Centennial Park on our magnificent Harbour. There is no other site that has a Metro Station located on the harbour foreshore which would allow people from all over Sydney & outer suburbs easy access to enjoy a magnificent harbour side **PEOPLES FORESHORE PARK**.

The State Government should consider that with the rapid population increase there is a need for more open parkland space & not a change of use to allow the development of 150 high end luxury apartments to be enjoyed by a very wealthy few.

136 years ago Sir Henry Parkes & the Government had the foresight to give the expanding population of Sydney Centennial Park (& the National Park). The present government appear mainly concerned with obtaining profits from this priceless site, & that it is apathetic in providing for all present & future population needs, & lack the foresight of our past Governments.

The State Government therefore should resume the Barangaroo Central Site from Aqualand by way of compensation, & give the present & future population a truly magnificent **PEOPLES FORESHORE PARK**.

Yours Sincerely

Redacted

20th February 2024

To whom it may concern

RE: MP06 0162-Mod-9

My principal objections to the revised Mod 9 include:

- The heritage sight-lines from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct to & from the opposing foreshore are still lost under the new proposal.
- The modified proposal has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the “civic and cultural heart” of Barangaroo. This change of use could perhaps be justified if it was addressing lack of ‘affordable housing’ however these properties, based on their proposed size and location, are targeted to high-net-worth individuals and investors.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m²
- This reduction in community space will negatively impact both the proposed residents, which under this plan will be increased, and both workers and visitors to Barangaroo.
- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don’t form part of the proposal.
- Cornerstone planning principles for the Barangaroo precinct have been ignored including that heights gradually reduce as the development moves north towards the Headland Park and that Central Barangaroo was to be the cultural and civic heart of Barangaroo.

As one of the last remaining significant Harbourside sites, Sydneysiders, Australia and international visitors deserve to have a development of design excellence, akin to the Opera House, that integrates with the surrounding historic precinct, protects the public views of the harbour and becomes an internationally recognised benchmark. I strongly object to this proposal as I do not believe it meets any of these criteria.



Jane Heynes
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Millers Point, NSW 2000
Janeheynes@me.com

Baranagroo Concept Plan (Mod 9) Submission

This submission is prepared by Nigel Dickson, Managing Director, Dickson Rothschild Grafton Bond Building Suite 501 and 502 Grafton Bond Building 210 Kent Street, Sydney NSW 2000.

I am a registered architect, an urban designer who has taught the NSW Urban Design Program for 20 years and registered planner in NSW and Managing Director of Dickson Rothschild located at 201 Kent Street Sydney.

This submission acknowledges the Refinements Post Exhibition and the amended Concept Building Envelope shown at Figures 4 and 5 in the Response to Submissions Report prepared by Mecone November 2023.

The Concept Plan (Mod 9) is for staged works associated with mixed use building and a reference scheme is shown.

The proposed uses are for mixed use development including retail, tourist, community, commercial and shop to housing with a maximum of 92,908 sq. m of above ground GFA.

Submitted Concerns

1. Lack of Consideration of Best Practice Urban Design Controls relevant in NSW

The Concept Plan and the attendant Urban Design Report make almost no reference to SEPP 65 and the Apartment Design Guide, which are industry benchmark documents for the design of mixed-use buildings and shop top housing.

This is far being best practice Urban Design. and is inconsistent with established and relevant orthodoxy in NSW.

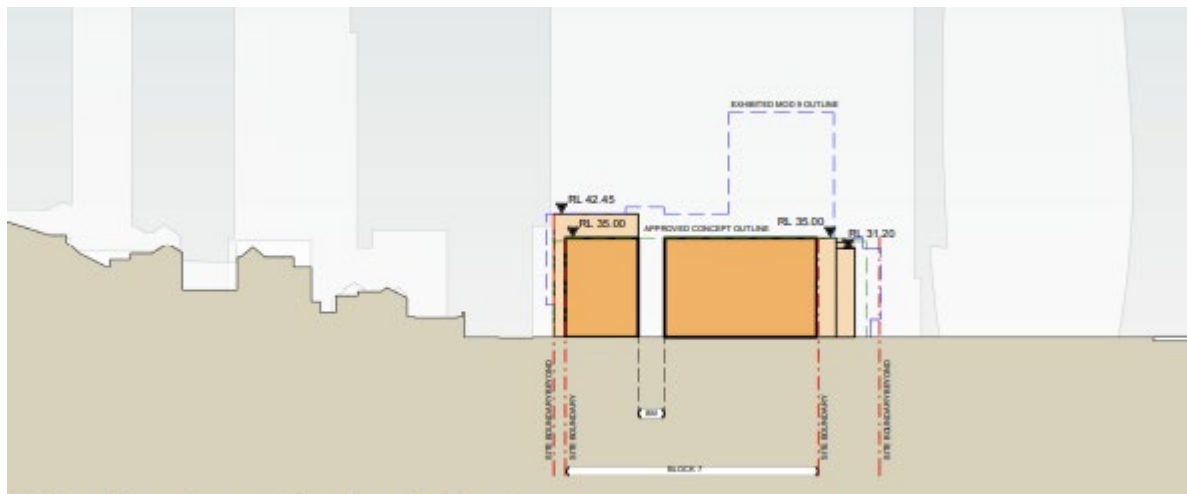
Part 3 of the ADG and section 3A Site Analysis is relevant and not shown in the Urban Design one of the greatest concentrations of major heritage items in New South Wales and Australia.

The consequence of this lack of urban design analysis is the highly inappropriate juxtaposition of buildings in relation to the adjoining heritage fabric of Millers Point.

The lack of rigorous urban design analysis in accordance with the Apartment Design Guide Part 3A underpins the poorly prepared foreshadowed proposal on exhibition and leads to the attendant concerns about:

- the bulk of the application,
- the way open spaces are diminished, and
- the extremely poor outcomes for the Millers Pint Conservation Area.

The following section drawings shows the excessive building height nominated across from the heritage buildings in Millers Point.



id with Mod 8 (approved concept plan) envelope and Mod 9 envelopes

2. Bulk and Scale

While gross floor area has been reduced since the modification was exhibited, the proposal would still more than double the approved floor space ratio, from 47,688 square metres to 104,000 square metres. One third of this reduction has come from loss of the below ground shopping centre, leaving much of the proposed height of the exhibited plans intact, thereby failing to deliver public benefit. The results are serious impacts on public open space and heritage through massive encroachment onto Hickson Park and a wall effect along the Millers Point Conservation Area.

This is a very poor public potential outcome.

3 Diminished sizes of Hickson Park

Hickson Park Hickson Park is proposed to be reduced from 11,414 to 9,789 square metres; existing limits on midwinter shadowing between 12noon and 2pm to 2,500 square metres of the park is proposed to be increased to 3,000 square metres of the park. 2

Modification 8 added new land to Hickson Park and secured direct sunlight throughout the day to compensate for the insensitive and inappropriate placement of the Crown tower on the public foreshore. The Independent Planning Commission (IPC) and the department made it clear in the Modification assessment and determination that the expanded boundary of Hickson Park was a crucial part of compensation for the significant uplift from the Crown tower and its occupation of harbour foreshore land dedicated for public recreation, with any further impacts unacceptable. A reverse of this commitment is a betrayal of public trust.

Claims that these losses are offset by new and expanded public space between buildings ignore the significant difference in purpose and outcomes between public green open space and paved urban space in outdoor malls and courts between buildings that are likely to be used in future for outdoor dining. Green open space supports recreation and respite in ways that malls and courts never can. Hickson Park boundaries must retain the solar access and green open space delivered through Modification

4. The effect of the proposal on the Millers Point Conservation Area

Central Barangaroo should enhance the significant heritage values of the Millers Point Conservation Area, Sydney Observatory and Observatory Hill Park. But Modification 9 would result in a massive loss of heritage outcomes.

Building heights along Millers Point severely impact on the heritage values of this important conservation precinct particularly Block 6 which is proposed at six metres above approved limits.

Important to Millers Point's heritage values are longstanding views and sightlines to the water to and from Observatory Hill Park, key vantage points and homes. Millers Point's connection to the water should not be blocked by a wall of development. The continuous heritage links to the water from Millers Point should be treated as an asset to Central Barangaroo through sensitive integration that is mutually beneficial to both precincts.

The proposed massing on the boundary of Hickson Road will severely interrupt visual connections between Millers Point and the water, and sky views. Proponents appear to have made little attempt to preserve views, instead seeking opportunities to privatise them.

Public views from High Street (south) and Gas Lane, and from heritage listed homes will suffer.

The vista to the water from Gas Lane has already suffered from incursion from the Crown tower; any further incursion is unacceptable. Modification 8 improved vistas from High Street at the Agar Steps as compensation for impacts from the Crown tower but additional bulk and height at Block 5 would undermine these improvements encroaching further on views.

Notably views from the Langham Sydney Hotel will be blocked, undermining the viability of this boutique hotel which was sympathetically designed to be an asset to The Rocks. Revised plans need to improve connections to heritage Millers Point and prevent the wall effect from development.

The IPC made it clear in its decision on Modification 8 that no further impacts on private homes should be permitted in recognition of continual development expansions across Barangaroo over many years that ended with a mega tower on the waterfront.

The determination set a line in the sand for incursions that the community took in good faith.

Modification 9 ignores this determination and disregards views from existing homes for private benefit. The increased bulk would completely disconnect historic terraces from the water.

5 Lack of rigor of the Visual Assessment

The visual assessment exhibited fails to meet the Land and Environment Photomontage policy and is in my opinion unreliable.

Claims in the proposal that that only minimal impacts would be suffered from adjacent apartments are inaccurate, with no assessment done of impacts on lower floors.

Homes on lower floors in the Highgate, The Georgia, Stamford Marque, Stamford on Kent and 189 Kent Street would have their views obliterated. View sharing with existing homes must be promoted.

6 Effect on the Observatory Sky Views

While development envelopes sit below the horizon when viewing from Observatory Hill, the horizon is only just protected, leaving no margin of error against interference to astronomy views.

Roof lighting, objects and vertical exhaust on roofs have the potential to block or obscure astronomy views even if the roof is below the horizon. The revised development has not contemplated the risks the development would pose to astronomy views from roof activities.

Lighting on roofs or hot or fast air filtering out of air conditioning ducts or other industrial equipment could significantly reduce clarity of views. In addition, although trees and vegetation can reduce heat from roofs providing clearer views, if they grow above the horizon line, they will completely block it.

Conserving astronomy views from Observatory Hill is a community priority identified during the Parliamentary inquiry and the recent Department of Planning and Environment assessment of the exhibited Modification 9.

Continuous horizon sightlines must be protected from light, protruding objects and exhaust on roofs through reduced building heights to ensure trees and vegetation can be accommodated as well as conditions of consent that limit and regulate roof activities.

Building heights must be lowered to ensure the necessary building activities can occur on roofs without interference with astronomy views between Observatory Hill and the horizon. Pymont and Darling Harbour Development would eliminate iconic views of the Sydney Harbour Bridge, Observatory Hill and Millers Point from Darling Harbour and the Pymont Peninsula, including from iconic public parks.

Darling Harbour is a major tourist attraction and along with Pymont, is a destination for visitor accommodation. Obliterating views in this region to the bridge would erode their place as tourist destinations. This represents a poor outcome for Sydney. Revised plans need to preserve view lines between Darling Harbour and Pymont, and Sydney Harbour Bridge, Observatory Hill and Millers Point.

7 Land uses Proposed

The revised proposals for Modification 9 seek to change the use of the precinct from mixed commercial, cultural and residential to one of predominantly residential with commercial limited to ground floor retail. The approved maximum residential floor space would rise from 28,000 to 75,000 square metres because the applicant claims demand for central business district office space has reduced and vacancy rates have increased at South Barangaroo.

Central Barangaroo's success relies on it becoming a visitor attraction, particularly at Harbour Park and the Cutaway. The government has made its intention to activate these precincts clear and if residential development becomes concentrated at Central Barangaroo, it could create conflict between residential and commercial needs that would undermine community and public activation. The drop in demand for office

space is a result of a 'once in a hundred years' pandemic with many of the impacts temporary. Return to work is growing plus Central Barangaroo buildings would not be tenanted for at least another three years.

Any reduction in commercial space should be driven by a long-term strategic planning process rather than short term private profit. Affordable and Key Worker Housing It is unacceptable that the significant increase in housing mix will not result in any new social, key worker, and affordable housing. Sydney and New South Wales is experiencing an affordable housing crisis with low-income earners struggling to secure a home.

Key workers that ensure the city can function like teachers, nurses, police officers and cleaners are priced out and choosing jobs closer to where they live. Despite the massive uplift in residential floor space, it appears that only 140 apartments will be delivered with plans opting for fewer larger homes. Providing luxury apartments will not contribute to housing affordability solutions, and risks providing only temporary residences for those who own multiple properties.

Affordable housing provisions for Barangaroo which are being delivered through Barangaroo South were set when Central Barangaroo was planned as a commercial and cultural hub.

Provisions need to be reassessed under the proposed increase in residential floor space. The harbour is a significant public asset that is for everyone and Central Barangaroo should contribute to new affordable housing in the city given it is a state government priority. As government owned land, a minimum of 30 percent floor space should be delivered.

Central Barangaroo development and should deliver at least 30 percent of new homes for social and affordable housing.

8. Traffic

The CBD King Street wharf precinct and Millers Point suffers from significant ongoing traffic congestion that will only get worse when the 880 homes approved at One Sydney Harbour are occupied and office tenancy at Barangaroo South recovers.

Sussex Street, Hickson Road and Napoleon Street have existing traffic demand and will the increased traffic proposed by the nominated land use is uncertain.

This Modification 9 would provide excessive parking provisions that will cause traffic gridlock and undermine the success of the metro. The revised modification provides an opportunity to reduce car parking.

The proposed rate that would undermine the viability of the metro station, create significant local traffic congestion by encouraging car ownership and use and is

unnecessary given the proximity to good public transport including metro, rail, ferries and buses.

City of Sydney data shows that people are willing to move into inner city homes without car spaces when there are fast and reliable public transport options – which the metro will soon provide. Car parking provisions should be significantly reduced.

Central Barangaroo should be viewed as a precinct offering a legacy that maximises public outcomes.

12 February 2024

NSW Minister for Planning and Public Spaces
The Hon. Paul Scully

Objections to Project: MP06-0162 Mod 9
Barangaroo Central and Headland Park (Part 3a Mod)

I am writing on behalf of the constituents of Sydney City and Greater Sydney. Barangaroo was intended to be a significant cultural and civic hub for the people of Sydney. There is no cultural or civic design in the new proposal.

The Mod 9 proposal shows planning uncertainty, Barangaroo Central is one of the last opportunities for design excellence; to build a world class foreshore and first class marina. It's an opportunity to provide a living breathing space for everyone not an exclusive harbourside enclave for private residences built by short sighted commercial developers. Sydney Harbour and the City of Sydney has much more to offer its people and for those visiting our city. Sydney city leads the world in sustainable urban city living. What sets Sydney is its magnificent Harbour foreshore; its open and flowing spaces, and large swaths of green parks filled with life giving trees. Let's make this city more beautiful and memorable by ensuring that Barangaroo Central is not let down by insufficient and poor planning.

What is proposed in Mod 9 needs to be stopped. Can we as policy makers and decision makers support the current changes and design failure? Central Barangaroo is for future generations, let's get it right now and reap the rewards for a magnificent cultural and civic splendour.



Principal objections to the revised Mod 9 include:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

Apart from previous substantive grounds for objection to the last Mod 9 proposal in 2022 detailed above, there are a number of other significant changes of concern:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.
- The applicant has ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be "meaningless".
- The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the "civic and cultural heart" of Barangaroo and failing to capitalise on the amenity of the metro station.

- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don't form part of the proposal.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.
- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'Emelda Davis', written in a cursive style.

Cr (Waskam) Emelda Davis

Dear Sir/Madam,

I am writing this personal submission against the new modifications to the previously proposed development at Barangaroo.

I guess my issues come from the fact that since I was a child we have lost so much of our historical built environment. Why?

There are a plethora of reasons for this, structural failures, the building of transport infrastructure, need and greed, just to mention a few.

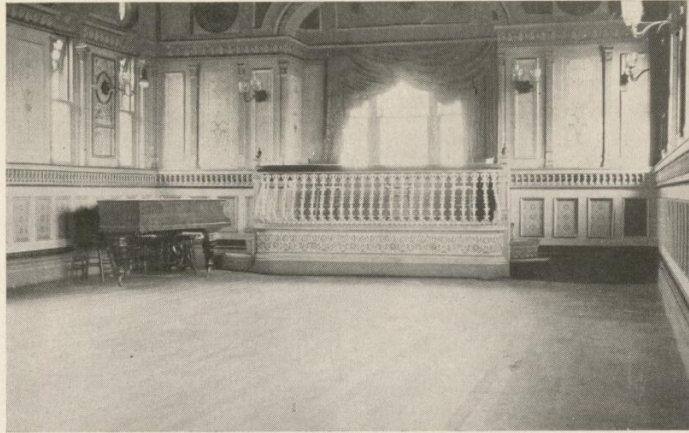
When I was seven years old I attended a girls boarding school at Waverley, St Gabriels. (below)



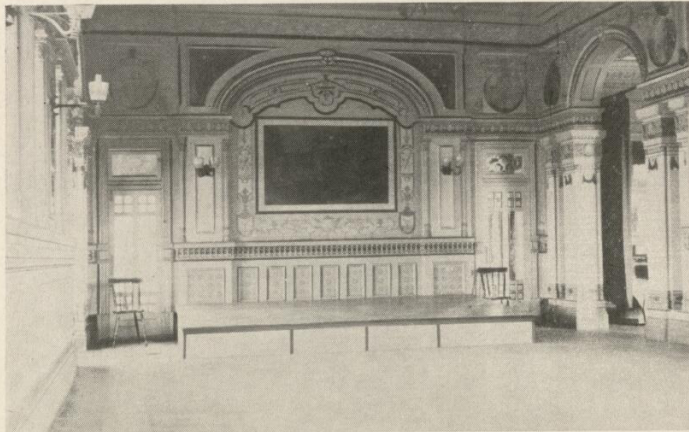
The Nuns bought the historic home called "Preston" to establish a school. It was a Victorian Mansion in Birrell Street Waverley opposite Waverley Park.

My dormitory was the ballroom, with a bandstand at the end. The ceiling was covered with beautiful ornate painting and in August the original owners son walked annually across the room to the site of his death. (Apparently)

In 1967 the school and its historical buildings and its brand new buildings were sold to the Waverley Bowling Club. Every building was demolished except for the school hall (photo on next page).



The Ballroom, St. Gabriel's (east end), February, 1918.



The Ballroom, St. Gabriel's (west end), February, 1918.

8

At the age of nine I spoke to my Mother about my sorrow at the loss of these beautiful building, and she agreed with me. I still do not understand why they were allowed to destroy our history.

My Mother was a single parent at this time living in Larkin Street Waverton, in an Edwardian house that had been divided into two flats. The owners the Gillespie's lived downstairs and my Mother rented the upstairs flat. Fortunately someone saw the potential in this beautiful house and restored it, Also the petrol depot and the speeding petrol tankers were removed. It is a better place today than when I was a child. A child who roamed around exploring the built history of this amazing suburb and North Sydney (I must say that North Sydney was destroyed by the destruction of so many worthy historical building).

My Mother got a job with IBM, firstly in the MLC building in North Sydney, a piece of architecture I have always hated, along with numerous Harry Seidler buildings like

Australia Square and the flats on Milsons Point. I accept that many see these buildings as gems and many want them preserved for the future.

IBM and my Mother moved to Kent Street Millers Point, and this move allowed me to observe and experience of Millers Point. A thriving community of working families.

The Government decided to evict the residence of Millers Point and sell off their assets. I have always seen this as a mistake however it has been done.

Barangaroo was developed, and for some unexplainable reason a casino was allowed to be built. I personally believe that a casino and the whole gambling industry seems to me a blend with tragedy and criminality.

I have also in more recent times have the privilege to stayed at Millers Point on a few occasions and visited businesses in the area.

It is today still a unique spot that physically and spiritual retains our history of Indigenous and Europeans settlement. It is one of the most important built historical sites. It is adjacent to The Rocks the site of the first settlement of Europeans.



The indigenous and European who visited and settled at Millers Point came here to observe the sea.

The tourists who visit this suburb come here to see the historic buildings and see the sea.

This modifications to this development still will block out the view of the sea and the light from many areas of Millers Point.

This blockage will change this area forever. The new vista will not be of the sea but a wall a bit like the Berlin Wall.

I just cannot understand why anyone would except this Development. To me it makes no sense at all.

This is again an inappropriate development in the oldest part of our city. It is our history this inappropriate development will destroy if it is pasted.



Barangaroo Concept Plan (Mod 9) submission

Southern entrance/ exit to the Barangaroo Metro Station

The southern entrance/ exit to the Barangaroo Metro Station in the far north-east corner of 'Block 7' of Central Barangaroo directly across the road and a mere 10-15m from the northern entrance/ exit to the Barangaroo Metro Station is pointless and tokenistic. The significance of the southern entrance/ exit to the Barangaroo Metro Station, where it should be located, and how it connects through Central Barangaroo cannot be understated.

Central Barangaroo will be the 'artery' that delivers commuters to/ from the southern entrance/ exit of the metro station and the South Barangaroo Precinct. The southern entrance/ exit of the metro station has been designed so that this 'artery' can be expansive, integrated and streamlined. The current proposal does not include this 'artery' nor is it expansive, integrated or streamlined. The current plan expects commuters to enter/ exit the metro station through a small/ confined space in the far north-east corner of Block 7 and use Hickson Rd which no longer has an expansive promenade, has at least two obstructive vehicle entry/ exits points and limited retail, the tiny/ narrow north-south laneway full of obstacles through the middle of Central Barangaroo or Barangaroo Ave which has the same/ similar issues as well as shade and weather proofing that prioritises diners over commuters. In fact, after the hundreds of millions of dollars spent on the metro station and no basement level interface or integration the current proposal is embarrassing.

The previously proposed 'artery' was the underground pedestrian link through Central Barangaroo from the southern entrance/ exit of the metro station to Hickson Park/ Barton Plaza and should be reinstated, preferably with the previously proposed underground larger centre based retailing which included multiple levels and multiple entrances/ exits. This type of larger centre based retailing is also desperately required to help anchor Central Barangaroo and integrate it into the surrounding precincts. Without this type of larger centre based retailing vast areas of Central Barangaroo will be a dead zone.

King St Wharf is an excellent example of what is currently being proposed for Central Barangaroo with low rise apartments comprising of limited ground floor retail and little else of interest. I suggest looking at how poorly patronised King St Wharf is beyond the promenade and the poor mixed use/ confused retail offerings that accompany it as a result. Larger centre based retailing as an anchor will ensure that any surrounding ground floor retail will have the correct hierarchy, no confusion, and be of a better/ higher offering.

Work from home since the COVID-19 pandemic has subsided is now declining and will continue to do so during 2024. By 2029 demand for larger centre based retailing in the Sydney CBD will be high. Data from Transport for NSW confirms month on month commuter growth back into the Sydney CBD for work, leisure and recreation (*Source 1*). Moving Annual Turnover (Revenue) for the financial year 2022/23 for high quality larger centre based retailing in the Sydney CBD shows a near return to pre Covid-19 (2019) levels for most. In fact, some have even higher levels of Moving Annual Turnover (Revenue) (*Source 2 and 3*). Removing the expansive larger centre based retailing and

streamlined 'artery' that connects Central Barangaroo to the South Barangaroo Precinct is very short sighted. Where is the grand vision that was previously mooted for Central Barangaroo?

Barangaroo Steps

Where is the Barangaroo Steps? As well as providing a pedestrian link to/ from High St on a better east-west axis than the currently proposed small pedestrian bridge this was one of the key anchors/ cultural features. The Barangaroo Steps would be a meeting place, a social and recreational space, a casual resting space, attracting and keeping people in this part of Central Barangaroo. Again, where is the grand vision that was previously mooted for Central Barangaroo?

Sources

1. <https://www.transport.nsw.gov.au/data-and-research/data-and-insights/public-transport-trips-all-modes>
2. <https://www.vicinity.com.au/assets/sb/f/129601/x/f9ae05b27e/fy23-direct-portfolio-property-book.pdf>
3. <https://www.vicinity.com.au/assets/sb/f/129601/x/d164e6bed2/200219-fy20-interim-results-property-book-lr.pdf>

Submission of Objection in Response to (RtS) for MP06_0162 MOD9

Stamford Marque Apartment Building SP77663

161 Kent Street, Millers Point NSW 2000

Stamford Marque Strata Committee Submission

We object to the revised MOD 9 proposal for Central Barangaroo that is currently on exhibition (January 2024) and wish to make the following comments in respect of the proposed plan.

MOD 9 was resoundingly rejected, and eventually refused by the NSW government.

Many notable organisations such as Sydney City Council, members of the NSW Parliament, the National Trust, Heritage Council as well as thousands of residents of NSW expressed major concerns about the unacceptable impacts of MOD 9. Mod 9 was a departure from the stated aims and desired outcomes for Central Barangaroo. Heritage regulations would be breached and serious negative impacts imposed on the Heritage Precinct of Millers Point and its residents. There were strong valid objections to MOD 9. Unfortunately, the revised plan has failed to address many of the expressed concerns and objections to MOD 9, even though the proposed NW tower has been removed.

1.

Height and Alignment of Block 5: Particularly disturbing to our residents is the proposed street alignment and height of Block 5, is such that the proposed buildings will severely negatively impact existing residential buildings in Hickson Rd and Kent St and increase overshadowing of Hickson Park. As one of a row of residential Strata buildings, Stamford Marque at 161 Kent St, will be impacted by loss of significant harbour views and sunlight should this proposal proceed. Considerable loss of value and amenity would ensue.

2.

Block 5 and View Lines: The view-lines diagrams for our building in the proposal don't accurately depict the loss of views. Only levels 15 and 25 have been considered and the RL's stated are at variance with those provided in the plan of our building and imply lesser impact than the actual. Most residences below level 15 will suffer considerable loss, in addition to what they have already lost from the impact of the Crown building and One Sydney Harbour. The height of Block 5 must be reduced to below the 30 Hickson Rd, Bond, building, set back from Hickson Rd, and its southern boundary moved further north, to avoid the devastating impacts on residents of our building and others in the vicinity of the development.

30 and 38 Hickson Rd will be effectively in a dark wind tunnel with the lack of setback on Hickson Rd and the height and solid mass of the Hotel building rising immediately next to the relatively narrow 2 lane road. See Attachment 1, Page 67 of the Response to Submissions (RtS) report by Mecone.

3.

Shadow Diagrams: Shadow diagrams do not include the most affected times for buildings in Hickson Rd and Kent St after 2pm. See Attachment 2, Page 157 of the Response to Submissions by Mecone. Morning sunlight does not reach occupants of apartments and business premises

with only west-facing windows, even in Summer. The afternoon sunlight is essential for health and well-being. Existing sunset views are treasured by residents and visitors to the area.

These concerns were raised in submissions to MOD 9 but have not been addressed.

External structures on the roof of the proposed Hotel building will add to the interruption of views and create opportunity for noise impacts.

A reduction in RL of 2.05m for Block 5 provides little or no benefit. A substantial reduction in heights of buildings on Central Barangaroo is absolutely needed.

4.

Street Level Harbour Views Lost: This proposal reduces further the public harbour views from Gas Lane and the corner of Kent St and High St, and Observatory Hill west side. Gas Lane's harbour and sunset views are admired and treasured by locals and visitors alike. They will be reduced to a sliver should this proposal be approved in its current form. The pale pink depiction of obstructing buildings, as presented in the proposal, does not truly represent the blocking impact of Block 5 on these views. Views lost at Hickson Rd with major imposing hotel building can be seen in Fig 73. See Attachment 3, Fig 47 page 65, Fig 73 Page 91 and Fig 78 Page 99 of the Visual impact Assessment Part 1 report by AECOM.

5.

Increases to the Already Crowded Density of Barangaroo: The extent of the building envelope is in addition to the imposing Barangaroo South development, which has already removed valuable public and private harbour views. There has already been a significant loss of value and amenity and increased noise and traffic impacts upon existing residential and other buildings in the vicinity of Barangaroo due to the extent of development already built and being built at Barangaroo. This proposal increases overshadowing, creates additional wind tunnels, removes remaining sunlight from residences and increases noise and traffic.

6.

Unjustified Increase in GFAs: We see no justification for increasing the GFA to 104,000sqm, particularly the heights of the proposed buildings. This is well beyond what is allowed in the approved Concept plan.

The buildings must be reduced in height so that they do not breach Heritage regulations, and all remain wholly below the level of High St for the full length so that treasured existing public and private harbour views, and views to the Heritage Precinct from the Harbour and harbourfront walkway and Balmain East are not taken away forever. No building on this public harbourfront site should interrupt valuable harbour views from the public or existing residences. We challenge the statement in the RtS proposal 'The amended MOD 9 proposal is of a scale that ensures views to the harbour from key vantage points are respected' – Ref page 144 of the RtS report by Mecone. Much of these views will be obstructed. (see also Point 11 on Page 3 of submission).

7.

Commercialisation of Public Open Space: Large outdoor events on the public greenspace, as proposed in this plan, restrict full public access to arguably the most attractive and publicly usable harbourfront part of the site. It will create noise for residents in the vicinity and create traffic flow problems. One would reasonably expect that any commercial events proposed for Central Barangaroo would be catered for within buildings to the East of the proposed park or elsewhere. The renewed Cutaway is designed to cater for such events. Central Barangaroo was intended to provide public amenity for the large number of workers and residents of Barangaroo South, as well as visitors to the CBD. This proposal by our government is a de facto sell-off of public harbourfront space for private luxury apartments and a hotel, and commercialisation of remaining public open space.

8.

Protected Views for Some: Iconic views from Crown Hotel and residences are protected. This proposal for Central Barangaroo is by our NSW Government, the caretakers of our public land. Why therefore are permanent Millers Point residents totally ignored when all they ask is that their amenity be respected in a similar vein to Crown? The visiting public to Millers Point are the other losers.

9.

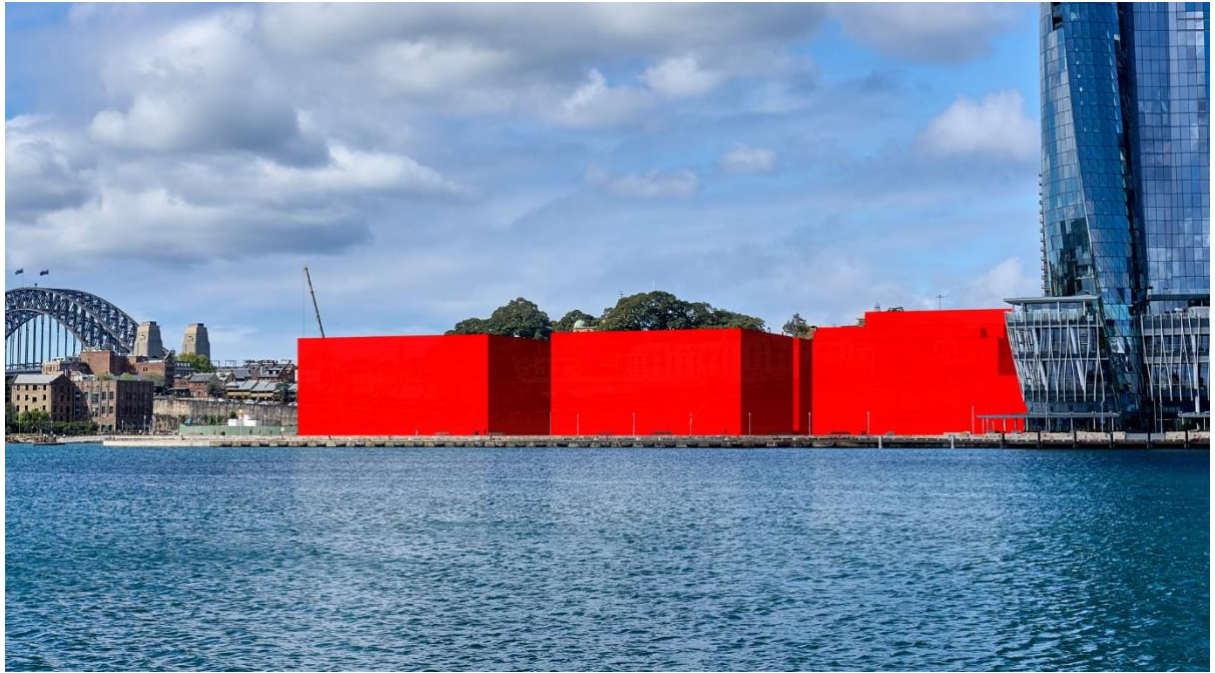
Traffic Gridlock for Barangaroo and Millers Point: This plan makes no allowance for widening of Hickson Rd to meet increased traffic numbers. The occupation of numerous new residences in the almost completed One Sydney Harbour and then adding proposed hotel guests plus more proposed residential will create a traffic grid nightmare for Hickson Road. This Hickson Road gridlock will affect all the surrounding entry and exit streets in the Barangaroo and Millers Point precinct as well as the Sydney CBD. How will the provision of public transport, service vehicles, taxi drop-off and pick-up points, metro station drop-offs and pick-ups, tourist coaches, and access to public parking areas in and around Barangaroo and Millers Point be catered for with a narrow and busy Hickson Road? A shared road as a one-way northern extension of Barangaroo Avenue cannot accommodate these provisions.

10.

Apartment Overload in Precinct: There is already a significant increase in the number of apartments approved or under construction in the CBD and Barangaroo South. The new luxury residential buildings and hotel have little merit and provide no benefit to the public who owns this land. The NSW Government has been charged with the responsibility of protecting the public's interest. It is the last chance that any NSW Government will have to create a legacy of public amenity in this unique piece of harbourside land.

11.

Blocked Views of Heritage Precinct: Objections from East Balmain and Pyrmont in respect of blocking of their views of the Heritage Precinct have only been addressed in respect of the NW tower, but the other issues of blocking of views remain. See Attachment 4 Ref Fig. 94, Page 119 in the Visual assessment by AECOM Part 1. These areas will also be impacted by noise from any large events staged on the harbour park, as currently proposed. Image below clearly shows the blocked-out views of iconic Millers Point.



Scaled impression of the residential and hotel blocks in the revised Mod 9 submission

12.

Last Available Public Harbour Foreshore: Finally, and most importantly, enhancement of our last available public harbour foreshore area with extensive usable and attractive public spaces would provide significant value for the State of NSW. Along with the magnificent Barangaroo Headland, Barangaroo Central designed as a public amenity, would create one of the tourist destinations of the world which would boost the already attractiveness of Sydney as a tourist destination. It would ensure a legacy of open foreshore recreational space for future generations of Australians to enjoy and would complement our other iconic harbourside venues of Botanical Gardens and Barangaroo Headland.

Submission Date: February 20, 2024

Submitted by John Cusack (Chair), Stamford Marque Strata Committee
On behalf of the Strata Committee and concerned residents of Stamford Marque SP77663

OBJECTION SUBMISSION

to Department of Planning and Environment

by the Owner of Apartment at The BOND, 38 Hickson Road, Barangaroo NSW 2000

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Executive Summary</p> <p>This submission outlines the significant concerns of the residents of The Bond Apartments, 38 Hickson Road, regarding the proposed Barangaroo Central development by Aqualand, specifically Building 5 at the southern corner of the proposal. Our primary concern is the total erasure of our water views, a vital aspect of our residential amenity, with no adequate assessment of this impact provided in the development proposal. This objection is grounded in the principles set out in the matter of Tenacity Consulting v Warringah Municipal Council, which underscores the importance of view sharing and the reasonable assessment of view impact in development proposals.</p> <hr/> <p>1. Introduction</p> <ul style="list-style-type: none"> The Bond Apartments are the closest residential neighbour to Building 5 of the proposed development with fifty lots, forty-nine residential and one commercial. Whereas in Part 5 of the “Barangaroo Modification 9: View and Visual Impact Assessment” covers forty-one “Observer Locations” there is NOT ONE assessment of the View Impact of the proposed development from its NEAREST residential neighbour, The Bond Apartments at 38 Hickson Road. The lack of this KEY ASSESSMENT is sinister at best and a deliberate omission at worst and in our submission invalidates the View and Visual Impact Assessment. How can the principles of assessing the reasonableness of view loss be valid when the assessment does not even mention the nearest residential neighbour with the greatest immediate view loss. At present only six apartments out of forty-nine will not experience TOTAL LOSS OF WATER VIEWS due to the Modification 9 put forward. <hr/> <p>2. Legal and Planning Context</p> <ul style="list-style-type: none"> Outline of the planning principle developed in the case of Tenacity Consulting v Warringah Municipal Council, emphasizing the importance of view sharing and the specific considerations for assessing the reasonableness of view loss.

- The Principles developed in Tenacity Consulting v Warringah Municipal Council can be summarised as follows:

Identification of Views

- Nature of Views: The view loss of the residents of The Bond Apartments are all WATER VIEWS to the Northwest
- Value of Views: These views carry significant value to all the affected properties, including both economic value and amenity.

From Where the Views Are Enjoyed

- Location of Views: The views lost are from living areas and balconies.
- Frequency of Use: Due to the location of the current views, the view loss would be experienced daily by the residents of The Bond Apartments

Extent of the Impact

- Assessment of View Loss: The proposed development will totally erase the water views from each of the affected dwellings.
- Comparison of Pre- and Post-Development Views: After the development (if approved) the comparison is simple, there will be no water views remaining.

Reasonableness of the Proposal

- Design Considerations: Therefore, the development has NOT been designed with any consideration of minimising the impact on views to the residents of The Bond Apartments. Overall, as the local community in particular states this development “STILL BLOCKS THE ROCKS” however the impact on the residents of The Bond Apartments goes beyond this.
- Alternative Designs: Building five should be removed totally from the design proposal and the entire area it sits upon should be made parkland.
- Balancing Interests: The development’s benefits in proposing this Modification take absolutely no consideration of the detrimental impact on neighbour’s views, and therefore we submit that the view loss is totally unreasonable in the context of broader planning objectives and the public interest.
- No efforts to mitigate view loss: There has been NO reasonable effort to mitigate view loss for The Bond Apartments residents, and NO suggestion of alternative designs or modifications.
- A Comprehensive Re-evaluation is required: A comprehensive re-evaluation of the proposal to include a detailed assessment of the view loss impact on The Bond Apartments is required with design alterations to mitigate this impact.

The key reasons this proposal is unacceptable:

1. In our submission to the original Mod 9 proposal, we made clear objections due to the lack of ANY consultation with the development’s NEAREST RESIDENTIAL STRATA. The View Impact statement in the revised proposal made no accommodation to our objection as outlined.
2. **Zero consideration of the nearest residential building to the proposal in the revised Mod 9:**

In making this objection, we, the Strata Committee representing the owners of SP72797 consisting of fifty lots in The Bond Apartments, 38 Hickson Road Millers Point. This objection is made for each owner of SP72797 by the Strata Committee. We strongly object to the TOTAL lack

of consultation and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod9, revision eleven dated 10/12/2021, the View and Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.

3. Loss of quiet enjoyment due to Mod 9

The owners and occupants' health and safety, our quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. We note that SSD-39587022 is at "prepare EIS" stage. The Bond has had ZERO consultation.

The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety, and quiet enjoyment of SP72797's residents will suffer throughout the entire build process.

4. Barton Street was NEVER proposed as permanent – it is satisfying to see that it has been removed from the proposal.

However, the motivation behind this change appears to be solely to allow the northern boundary of Block 5 to be moved further south. The Applicant will argue that this change simply restores the Hickson Park boundary to where it was in MOD8. This is irrelevant to us. Hickson Park was developed and opened to the public early as part of a negotiation with Crown and the then Barangaroo Delivery Authority to give some amenity back to local residents who had endured almost 10 years of constant construction activity. Since then, we have witnessed the park reduced in size with every modification.

The Applicant now seeks to further reduce the size of the park by 1625 sqm. Other comments on Hickson Park relate:

- The applicant wishes us to compare this park to Bryant Park (a 9.6-acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

In the Barangaroo Concept Plan MOD 8 Determination Report dated 28 June 2016 (MP06_0162 MOD 8) The Commission was presented with a building height of RL22.5 for Block 5. The Commission on page 20 states: "the footprint and building envelope of Block 5 is to be reduced. Future above ground buildings in Block 5:

- (a) Are to minimise overshadowing of Hickson Park. no more than 2,500sqm of Hickson Park is overshadowed.
- (b) On page 21 of the Determination report it is stated "the Commission recommended a reduction in the footprint of Block 5. to limit overshadowing."

Against this background the applicant has completely ignored the Commission's determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL42.5. Outrageous!

We Request:

Out of courtesy, the Developer and Infrastructure NSW should explain separately why the nearest residential strata to the proposed development has now twice been completely ignored relating the View impact.

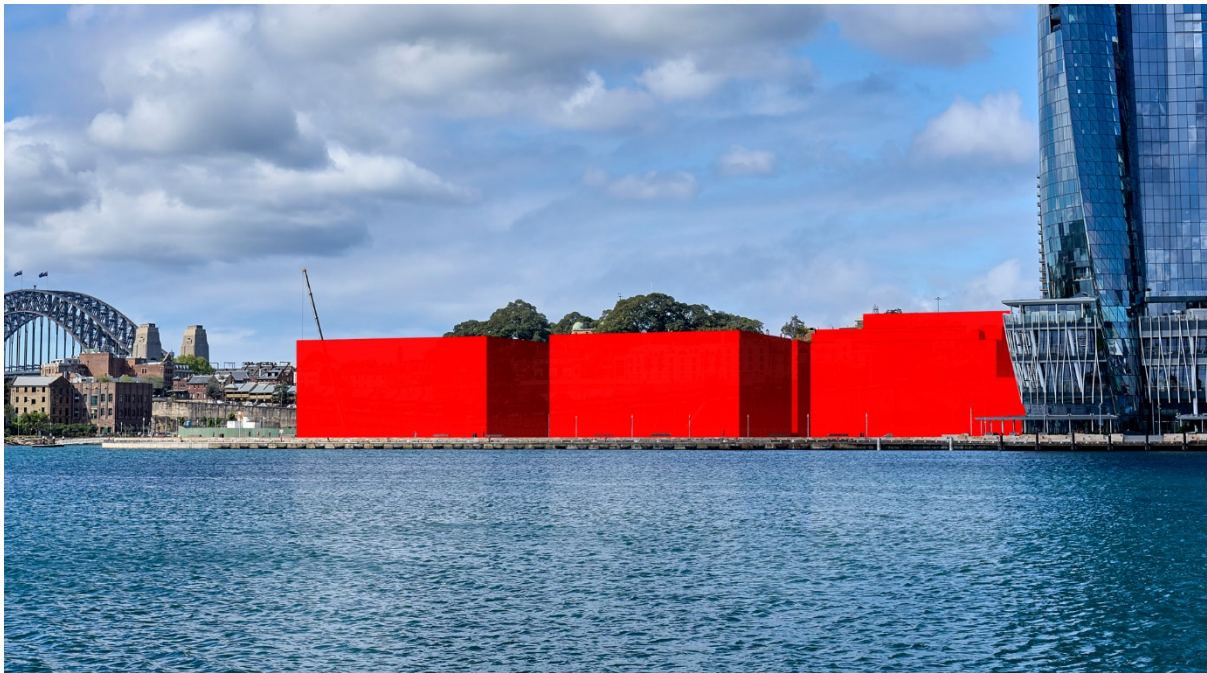
	<p>SP72797's objections:</p> <ol style="list-style-type: none"> 1. We object to ANY increase in the maximum GFA above the approved 47,000m2. 2. We object to ANY increase in height above 22.5 RL. 3. We object to any modification to the approved block boundaries. 4. We object to the reduction of Hickson Park and the movement of the buildings further South as a result of the changes to Barton Street proposed. 5. We object to proposed amendments to the State Significant Precincts SEPP 6. We object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. 7. This proposal STILL BLOCKS THE ROCKS 8. We note from planning guidance "Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores." <p>These principles have NOT been adopted in the amended Mod 9 application. I OBJECT to the applicant's "Summary" which (erroneously) states (inter-alia) "Mod 9 often only marginally increases the extent of view loss". This statement made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9 as are ALL the water views from The Bond apartments.</p>
Date	19 February 2024
Name, Address, and contact details	Redacted

APPLICATION FOR MODIFICATION OF MP 06_0162 AMENDED MOD 9

Objection to the Proposed Development at Central Barangaroo

Bernard Kelly
40 Argyle Place, Millers Point, NSW, 2000
20 February 2024

I strongly oppose and object to the Modification of 06_0162 Amended Mod 9 proposal for the development of Central Barangaroo.



The Proponents – Aqualand and Infrastructure NSW

The proponents have misled, obfuscated and omitted through the entirety of their proposals - now and in 2022. Their disingenuous is palpable. They are not worthy to access this last remaining piece of undeveloped Sydney Harbour foreshore. They have not shown the necessary respect and courtesy to a place that has been enjoyed by humans for tens of thousands of years.

If anything has shown us through the debauched development of Barangaroo South, with its political meddling and cozying up to developers on the pretence of economic development, we must avoid at all costs making the same mistakes at Central Barangaroo.

The process must start from scratch with the absence of both Aqualand and INSW.

The Approved Concept Plan

The elephant in the room – the primacy of the approved concept plan and its application to development of Central Barangaroo – has been discarded by the proponents (through a torturous form of legal wrangling and misinterpretation).

- That the maximums of the block RLs are to be considered minimums and can even be increased beyond the approved concept plan heights.
- That the modulation in heights of the buildings is no longer paramount as a planning principle. Thus, it has been ignored.
- That building heights are to be lower in height as they progress towards the Headland Park. This has also been ignored.

The former Executive Director, Development of Aqualand, Rod McCoy*, said at a MPCRAG presentation in June 2021, that building modulation would apply and to a degree it did in the original Mod 9 (albeit still far too high). He used the phrase “there would be no pancake effect”. This is precisely what the proponents have now delivered in this revised Mod 9. Zero modulation. Maximum pancake.

* Mr McCoy left Aqualand in the last quarter of 2023...

The Quandary

Which of course leads to the potential “quandary” for the NSW Government.

The proponents say the approved concept plan was considerably modified (rendered null and void?) by Mod 2 back in 2008. They believe this has allowed them to put forward this Mod 9 proposal with the confidence they have – supersized with fries.

I have some questions:

Would the actions of the NSW Government during the sale program of the Millers Point terraces up to 2018, in High St and Kent St particularly, relying upon images and words describing the westerly harbour outlook, now be considered misleading, deceptive and false? Does this put the NSW Government in an awkward legal position?

How could multiple NSW Government agencies under multiple Ministries have got it so wrong during the lead up to the sale program? Not to have known about the impact of Mod 2 and the westerly harbour views they were about to sell twice.

That considering the sale program commenced in circa 2010, and with many sales continuing for over eight plus years, no one in Government twigged they might be selling the same views twice (or is it three times)?

That not one of the hundreds of people in the relevant NSW Government agencies (FACS, Property NSW, etc) thought to mention the possibility that Mod 2 might have an impact?

That amongst the myriad of lawyers involved (including private firms advising the government), not one lawyer thought to mention the impact that Mod 2 may have on their real estate promotional material that would influence private buyers to purchase expensive real estate?

Of course, merely saying this “quandary” out loud shows the nonsense of the above scenario.

The “legal origami” undertaken by the proponents to propose what they have proposed is a nonsense.

Their version of Barangaroo history is a nonsense.

The whole premise of their proposal – RL 35 and up - is a nonsense.

The proponents have led the NSW public through a complete waste of time, resources and money.

Not to mention the anxiety created for people who just wanted to live their life in their new community in their newly renovated and restored heritage home – people who bought with confidence from the government. This cannot be overstated.

Mod 9 should be formally rejected.

Both proponents should be dismissed from subsequent involvement in any and all Central Barangaroo activities.

INSW's charter should be re-written so as not to be the patsy of developers.

And the process to develop Central Barangaroo should start from scratch.

We have one chance to get this right.

Massive Bulk and Scale (Still)

The bulk and scale of the proposal is still excessive, with the above ground component not materially different to the original Mod 9 proposal of 2022.

The proponents should not derive any “kudos” for the removal of the 20-story tower (now 8 stories) from Block 7 as it should never have been proposed in the first place. It flagrantly contravened the spirit and letter of the Baranagoo Planning principles.

The assertion that over 40,000 sqm of GFA has been removed is also misleading as it mostly relates to the elimination of the 12 stories from Block 7 and the substantial reduction in underground retail GFA.

“Civil and Cultural” becomes Residential

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.

They propose 75% of above ground development become residential (previously circa 20% in 2022) – some 140+ apartments.

This does two things:

- It privatises public land to an excessive level without providing any commensurate public benefit.
- It ignores the SOM master plan intent of Central Barangaroo being the “civil and cultural heart” of the Barangaroo precinct.

Sightlines – Heritage and Harbour

The existing sightlines are **still** substantially compromised. In fact, there is no difference to the 2022 proposal. **Nothing has changed.**

The proponents have made no attempt to reduce the negative impact on public vistas from their 2022 proposal (the removal of the 20-storey tower does not count) - natural vistas which have existed for millennia, man-made for up to 200 years.

- From Observatory Hill to the waters of Darling Harbour.
- From Balmain, Darling Island and Pyrmont to Observatory Hill and Sydney Harbour Bridge.
- From Millers Point to the waters of Darling Harbour.
- From Balmain, Darling Island and Pyrmont to Millers Point, specifically to:
 - The High St sandstone cliff cutting.
 - The High St terrace row
 - The western side of Kent St and their terraces.
- From Wulgul Walk on the western foreshore, the obliteration of views to the east of High St, Kent St terraces and Observatory Hill, including the Observatory.
- At the southern end of the Wulgul Walk near the Crown building, under the current (and previous) proposal, the Sydney Harbour Bridge will not be able to be seen. The Sydney Harbour Bridge.
- The lack of any pretence for view sharing for High St and Kent St residents, including the complete obliteration of westerly water views for the Langham Hotel. The gaps between the blocks in the original Mod 9 and this slightly improved revised proposal are still wholly inadequate. Any prospect of “view sharing” is rendered null and void when one considers the substantial east-west length of the Block 6 and 7 buildings.
- The obliteration of views for many residents in the Kent St apartment buildings including the Highgate, Georgia and Stamfords, due to the monolithic enormity of Block 5. The Highgate line has been tossed on to the rubbish heap – not even one reference by the proponents to justify the discarding of this long held planning principle.
- The (adverse) human scale impact of the wall of buildings on Hickson Rd when one is standing on High St is indescribable. This wouldn't happen in the CBD – why should this be allowed to happen directly opposite such a significant part of Sydney, the Millers Point Conservation Area. Residents on their verandas in High St will literally be looking into the living rooms of Central Barangaroo apartments, some 50 metres away. Unacceptable.

The original East Darling Harbour 2007 plan contemplated Millers Point being front and centre in the development of Central Barangaroo. The proponents have closed the curtain instead.

Hickson Park

The barest of green space within all these buildings (current and proposed) – Hickson Park.

Reduced to backyard dimensions by the greed of Crown and Lendlease, now with further diminution of public benefit via Mod 9 – size, solar access, harbour context.

It should be reversed. It should be larger. It is not the plaything of any developer. It is public land.

The Connection with Millers Point

The creation of a connection between Central Barangaroo and Millers Point barely gets a mention – a squiggly line on a plan at the dip in High St.

The proposal makes no commentary lauding the good urban planning that such a connection would be let alone any reference to the Planning principles for the Barangaroo precinct that such a connection should exist.

With all the other games the proponents have played in this debacle, the existence of a Sydney Steps or Hickson Rd Bridge from High St can't be assumed. It must be mandated and designed by the Government Architect.

Other Submissions

I have had the benefit to read the submissions of other stakeholders in this contest – The Langham Hotel, the City of Sydney, our local member, Alex Greenwich.

And of course, many of my neighbours who have a much better grasp of the planning rules that apply.

I have benefited from reading the advice of one of the pre-eminent planning firms in NSW, GYDE. Empathic and precise in its condemnation.

It is gobsmacking that this proposal has got this far. That INSW (and its predecessor BDA) allowed this debacle to happen on their watch. Even Roget couldn't come up with enough words to describe the incompetence.

That Aqualand are so supremely tone deaf to any advice as to how to materially improve their proposal. Their arrogance and their desire to make money obviously trumps all else, including the public good and public benefit.

This proposal is abhorrent in its treatment of some of Sydney's iconic gems – the Harbour, the Bridge, Observatory Hill, the Observatory and Millers Point.

This proposal should not have seen the light of day. But here we are. Let's use this sorry excuse of a development proposal for some good – it should be dismembered by the Planning Minister, so developers that come after this wannabe are forewarned.

Mod 9 should be rejected in its entirety.

Sincerely,
Bernard Kelly

The Stamford Residences and The Reynell Terraces
Strata Plan 85568
171-183 Gloucester Street, The Rocks NSW 2000

20 February 2024

To whom it may concern:

Central Barangaroo Concept Plan (Mod 9)

The Owners Corporation of Strata Plan 85568, The Stamford Residences and The Reynell Terraces, has resolved to submit this objection to the Central Barangaroo Concept Plan (Mod 9).

The Stamford Residences and The Reynell Terraces is a residential building in The Rocks. Its occupants have a strong connection with and affinity for the neighbourhood in which we live. The building also enjoys city views as well as those across Central Barangaroo and the headland park.

We are pleased that the tower building in the initial Central Barangaroo proposal has been eliminated from consideration in this proposal, and that the heights of other proposed blocks have been lowered. This may go some way to reduce the detrimental impact on sightlines for the precinct. However, we consider that the revised plan is still problematic. It requires further revision to ensure that Central Barangaroo flourishes as a civic and cultural centre for the precinct, rather than becoming a soul-less maze of buildings, depriving their residents of access to appropriate levels of necessary community infrastructure.

Our concerns are as follows:

- Although the planned buildings are now lowered in height, they are larger in bulk. The overall size of the concept plan has in fact been doubled to accommodate apartments and a hotel. But we cannot see the public benefit.
- Heritage sightlines from Observatory Hill, Millers Point and Dawes Point will still be lost. These are exceptionally important given the historic value of the area, and the fact that it is one of the last remaining historic precincts in Sydney which has not been “built out”. While development and adaption of the precinct to modern standards is laudable, there must be more acknowledgment of and consideration given to the historic nature of the surrounding environment. This is a planning opportunity given the right mindset and creative thinking.
- The initial planned mix of retail, office and residential uses for the site has been changed to involve up to 75% residential use. There appears to be limited potential for neighbourhood facilities, such as a community retail area for household

requirements, local cafes and the like, not just “boutique” retail focussed on say the tourist market. The proposal does not make the most of the capital expenditure already made by the NSW Government in developing a local Metro station, around which in other locations the Government seeks to have an appropriate combination of residential as well as mixed use to make for a satisfying lifestyle for potential residents as well as capitalising on the station’s amenity.

- The amount of community and parkland space is considerably reduced. This is a significant oversight. The Headland Park is a valued and much used green space in the city. Additional and better planned passive and active recreational space is required in Central Barangaroo on sustainability, environmental and liveability grounds. Where it exists the open space in the concept plan appears to consist mainly of narrow strips between large buildings, with a minimal coastal reserve. These would, like similar spaces in the commercial area of Barangaroo, become shaded wind-tunnels that do not encourage any vibrant street life nor facilitate the creation of cultural spaces that were previously envisaged.
- Transport infrastructure issues have not been adequately addressed. These are critical and would be an oversight if left unattended. First, pedestrian links to Millers Point are ignored. This is extraordinary given the opportunity to ensure both areas are accessible to each other and the CBD and easily linked by pedestrian traffic. Instead, Central Barangaroo becomes an isolated island. Second, there is already extremely limited road access to the area, which at present causes considerable traffic gridlock at various times of the day. The congestion will be increased once the many units in the high-rise One Sydney Harbour are occupied. It would be a pity to repeat many other accessibility and useability mistakes that have been made in other road development projects.

Robert Marriott
Chair
Strata Plan 85568

APPLICATION FOR MODIFICATION OF MP 06_0162 AMENDED MOD 9

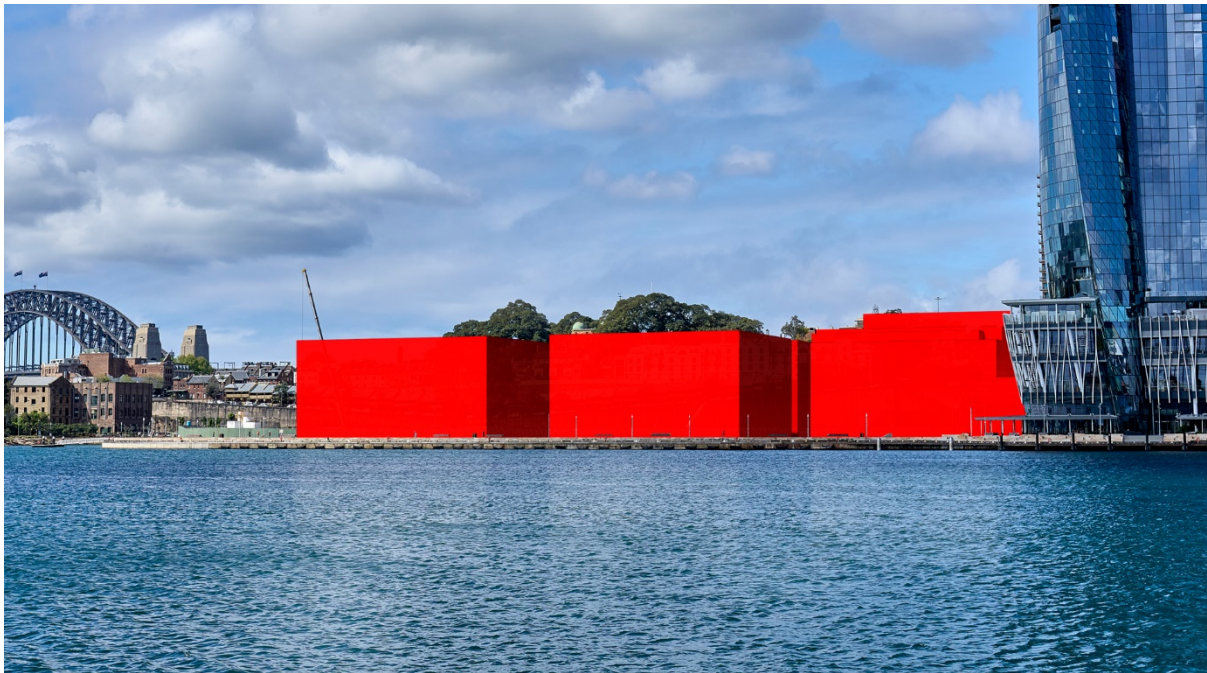
Objection to the Proposed Development at Central Barangaroo

Charley Kelly

40 Argyle Place, Millers Point, NSW, 2000

20 February 2024

I strongly oppose and object to the Modification of 06_0162 Amended Mod 9 proposal for the development of Central Barangaroo.



- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the ‘civic and cultural heart’ of Barangaroo. This fails the key principal of being the “civic and cultural heart” of Barangaroo and failing to capitalise on the amenity of the metro station.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.

- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established Barangaroo and Sydney Harbour planning principles or the original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).

NOTHING HAS CHANGED!

Sydney Harbour views from Observatory Hill still blocked.

Historic Millers Point views from Balmain and Pymont still blocked.

Heritage link with Millers Point and Sydney Harbour still blocked.

Still too big. Still too high.

Submission objecting to the Barangaroo Concept- Mod 9

I object to the amended Barangaroo Central Mod 9 on the following bases:

The revised Mod 9 proposal does not address any of the major concerns that I objected to in my earlier proposal and has caused me to raise others.

1. It still blocks critical views of the water from both Observatory Hill and High Street, looking west. These are views that tourists stop to view. Indeed for the former view, they camp on Observatory Hill waiting for the sunset on the water.
2. The proposal to build 150 luxury apartments is likely to add little effective housing for permanent residents in the area. In particular there are no plans for affordable housing – a number of residents in the vicinity have been evicted for STR. There is a high risk most of these apartments will go to the STR market as has happened in High Street (over 60%) or be sold to overseas investors.
3. This change has reduced both the amenity of the former mixed-use plan and the key principle of being the ‘central heart of Barangaroo.
4. The community space has been reduced from 28,000 m² to 2,800 m² -effectively only 10% of the originally planned space.

I and others had always been hopeful that the area would stand out and be a place for visitors and locals to spend time walking alongside and enjoying the harbour and surrounds, perhaps with one or two important buildings. With these plans, the beauty of Sydney Harbour is further diminished by commercial interests.



Margaret Wright
1805/168 Kent Street, Millers Point

Objection to Mod9 at Central Barangaroo

February 2024

I am the owner of a State Listed Heritage Terrace SHR 00879, Plan 2818, a heritage item as two adjoining terraces at 83 & 85 Kent Street Miller Point. When we purchased our historic home, built in 1875, we had to sign a significant restrictive Conservation Management Plan (CMP) relating to what could and could not be done to the house both on the outside and inside given its heritage significance. We have followed this CMP which includes not putting any things such as A/C, vents, etc. on our roof as our terrace can be viewed from the Harbour. We have lovingly restored our terrace including reinstating the flagstone from the original Quarryman's cottage built in the 1830's.

We brought these houses from the Government, which were in a disgraceful state with their maintenance being neglected by the Government for years. We as the 'custodians', as we were told we are by the Government, have spent the time and money to restore them, retaining Sydney's/Australia's oldest colonial history for all. When we purchased these heritage from the Government their real estate flyers touted 'sweeping Harbour views to the west'.

This proposed development totally ignores all of the Government's heritage controls which we have to adhere to. Why/How?

I object to the 'land' creep, with the proposal decrease in the size of Hickson Park at the south end of the proposed development and the increased overshadowing of it.

The proposed development will create significant overshadowing on High Street and the oldest kindergarten in Sydney, the KU Lance. Not only are the kids who attend the KU being overshadowed they are likely to be blown away by the wind tunnel this proposed development will create (if Built).

I formally request that all the State Listed Heritage clusters be individually assessed for the impact on heritage and views.

How many times can a government sell the peoples' views? Sold to residents in Millers Point, Sold to Crown, Sold to LendLease, Sold to Grocon and now the people's views are being sold to Aqualand as is the public land without any public good.

View sharing:

We dispute the notion that the views to and from the harbour to the heritage homes are already lost and should the development at Central Barangaroo be based on design excellence, the views can be shared for all of Sydney.

In *Tenacity Consulting v Warringah Council (Tenacity Consulting)* the Court provided a four step assessment process to guide whether or not view sharing is reasonable. In doing so, the Court also gave some helpful guidance as to what should be considered as part of each step of an assessment.

The four steps and the guidance provided by the Court in *Tenacity Consulting* is as follows:

Step One – Assessment of the views to be affected. *“Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water*

view in which the interface between land and water is visible is more valuable than one in which it is obscured.”

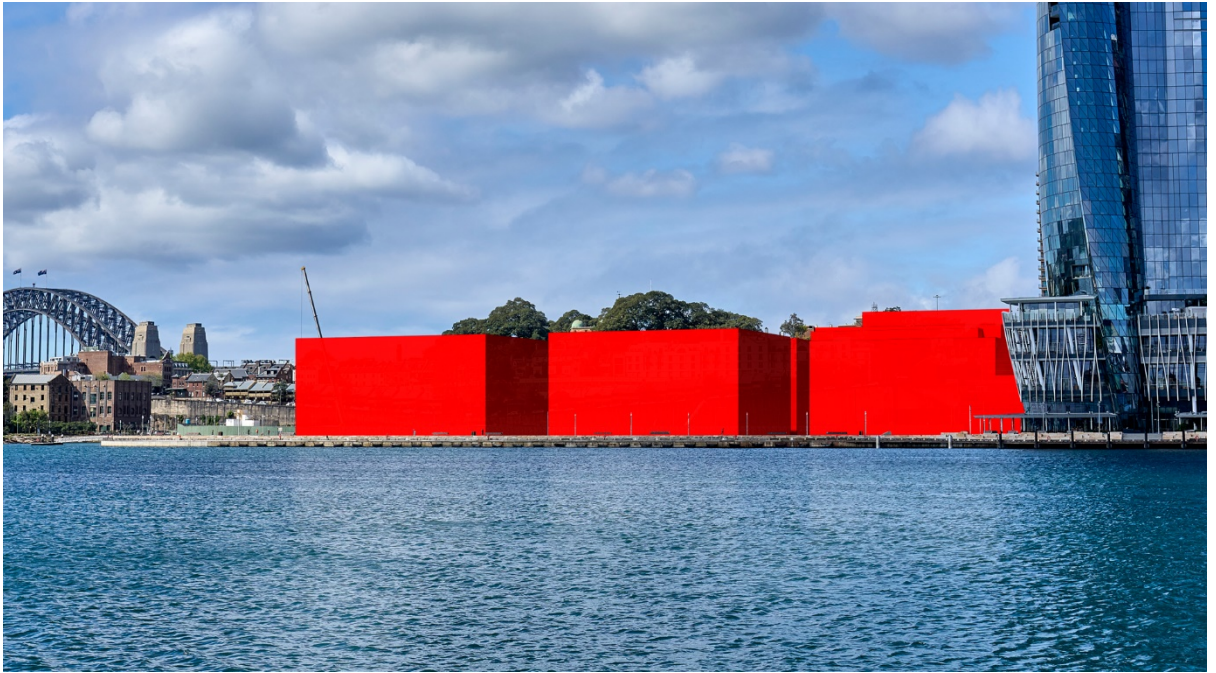
Step Two – Consideration from what part of the property the views are obtained. *“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”*

Step Three – Assessment of the extent of the impact. *“This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”*

Step Four – Assessment of the reasonableness of the proposal that is causing the impact. *“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”*

Given this court case, I suggest that views to and from the Harbour should be retained.

Lastly, I am outraged that this proposed development, being built on public land, is being determined by the Minister. This proposal should be referred to the Independent Planning Commission for assessment publicly in an open forum.



I wish to register my strong objection to the latest revised Mod 9 proposal for Central Barangaroo.

The image above is an accurate reflection of the current revised proposal which if approved will seriously negatively impact the amenity of a most beautiful heritage area of Sydney.

My principal objections to the revised Mod 9 include:

- The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much and delivers little.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m².
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

In addition to the issues detailed above, there are a number of other significant changes of concern:

- The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.
- The applicant has ignored requests to represent the original concept plan in visual assessments despite requests from the Government Architect, suggesting such analysis would be "meaningless".

- The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principal of being the “civic and cultural heart” of Barangaroo and failing to capitalise on the amenity of the metro station.
- The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterised by the Sydney Steps in previous proposals) don’t form part of the proposal.
- A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.
- The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities not the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High St sandstone wall cutting and terraces above).
- The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is.

In summary the revised proposal does not address the objections which caused the previous application to be refused:

- Sydney Harbour views from Observatory Hill will be blocked
- Historic Millers Point views from Balmain will be blocked
- Heritage link with Millers Point and Sydney Harbour will be blocked

Based upon the above facts I urge NSW Government to reject this development proposal and to commence a new process to determine the best outcome for Central Barangaroo, a highly valued and valuable piece of publicly owned land.



20 February 2024

The Director,
Key Sites Assessments, Development and Systems,
Department of Planning, Housing and Infrastructure.

Submission of Opposition to Barrangaroo Concept Plan, Mod 9

Dear Sir,

In grief and despair, I have to submit this opposition letter to strongly object your plans to reinstate the Mod 9 Development Plan in spite of all the public's disagreement and petition in our last appeal.

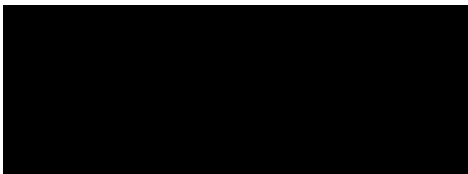
I earnestly request that you will reconsider to abandon the unacceptable Plan for the benefit of all the people who live, work and travel in the Barrangaroo Central District and the compass areas.

These consequences caused by the Plan are the major concerns in my objection:

- 1. Views of Darling Harbour, sea and vessels, the Heritage Precinct and Millers Point and more that currently enjoyed by the public will be blocked by the excessive buildings height; massive areas are in shade and foreshore parkland lost.*
- 2. Residents whose right to share the views as required by law under the Principles of Concept Plan are ignored.*
- 3. The Plan will worsen the present traffic congestion to an over-limit level, affecting people and traffic chaos in the CBD.*

I anticipate that you will kindly reconsider abandoning the Mod 9 Development Plan and reserving to the public with the nature views and facilities of today's Barangaroo Central.

Yours sincerely,



Resident in the Barangaroo area.

21 February 2024

The Hon. Paul Scully, MP
Minister for Planning and Public Spaces
52 Martin Place
SYDNEY NSW 2000

Dear Minister

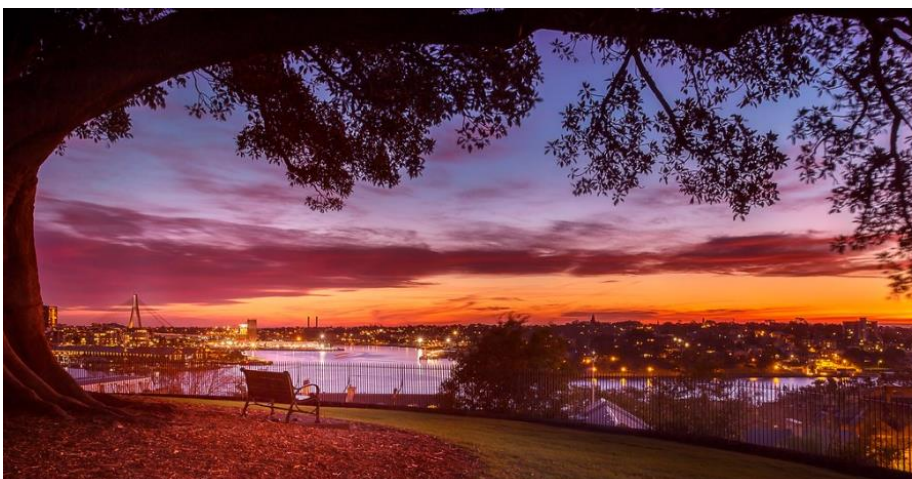
National Trust submission relating to Barangaroo Concept Plan (Modification 9)

The National Trust, as both the State's leading voice for heritage protection and a close neighbour to Barangaroo, has long advocated to ensure Barangaroo respects and is sympathetic to the immense heritage values of Millers Point, Observatory Hill and Sydney's world famous harbour. While we understand that the current Modification 9 proposal on exhibition has been amended in response to extensive community feedback, the National Trust still does not believe it to be an adequate heritage outcome.

We note that the current proposal has been revised not to include the 73m high tower and that further amendments have been made to the overall bulk and scale of Central Barangaroo and that these are positive outcomes. The National Trust, however, remains extremely concerned that the proposed bulk and scale are far from adequate in achieving an appropriate relationship between the new development and the existing context of Sydney Harbour and the State Heritage Register listed *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*.

Observatory Hill contains a multitude of heritage values, including Aboriginal cultural significance, historical astronomical use, and heritage landscape values. New development must not compromise this important place in our city.

There is only one chance to get this significant development for Sydney right. The National Trust urge the proponent to further reduce the bulk and scale of the development in order to preserve the important connections between Millers Point and the harbour.



Sunset on the Hill (Image source: <https://www.flickr.com/photos/ishihab/18984557336/in/photostream/>)



Heritage significance of the area

Located adjacent to Millers Point and Dawes Point, within the viewshed of Observatory Hill, the Sydney Harbour Bridge and suburbs located to the west, north west and south west, the single greatest asset that Barangaroo Central has above the earlier components of the entire Barangaroo development is the heritage nature of this location, and the ability to integrate in a meaningful way with the existing community of Millers Point and its residents, businesses, churches, schools, pubs and restaurants.

The heritage significance of this place is well established through its listing on the State Heritage Register as the *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*.

Heritage Item or Place	Register	Date of Listing
Sydney Observatory	National Trust Register	1974
	State Heritage Register	2000
	Sydney City LEP	2012
Observatory Park	National Trust Register	1974
Observatory Precinct	National Trust Register	1974
	Sydney City LEP	2012
Sydney Harbour Bridge	National Trust Register	1974
	Sydney City LEP	2005
	National Heritage List	2007
The Rocks Conservation Area (including Millers Point)	National Trust Register	1978
Sydney Harbour Landscape Conservation Area	National Trust Register	1983
Millers Point Conservation Area	State Heritage Register	1999
	Sydney City LEP	2000

The SHI listing for the *Millers Point Conservation Area* notes:

Millers Point & Dawes Point Village Precinct is of state significance for its ability to demonstrate, in its physical forms, historical layering, documentary and archaeological records and social composition, the development of colonial and post-colonial settlement in Sydney and New South Wales.

The natural rocky terrain, despite much alteration, remains the dominant physical element in this significant urban cultural landscape in which land and water, nature and culture are intimately connected historically, socially, visually and functionally... The whole place remains a living cultural landscape greatly valued by both its local residents and the people of New South Wales.

Aboriginal Heritage

The *Building Barranagroo* website states:

“People have been an integral part of the Barangaroo landscape for thousands of years. The Traditional Custodians, the Gadigal, used the land for hunting, the harbour for fishing and the foreshore as a place of congregation. Large shell middens and numerous rock engravings close to the site indicate Aboriginal occupation dating back some 6,000 years, while radio carbon dates from other parts of Sydney indicate that the wider area was occupied for at least 14,500 years prior to European colonisation.”¹

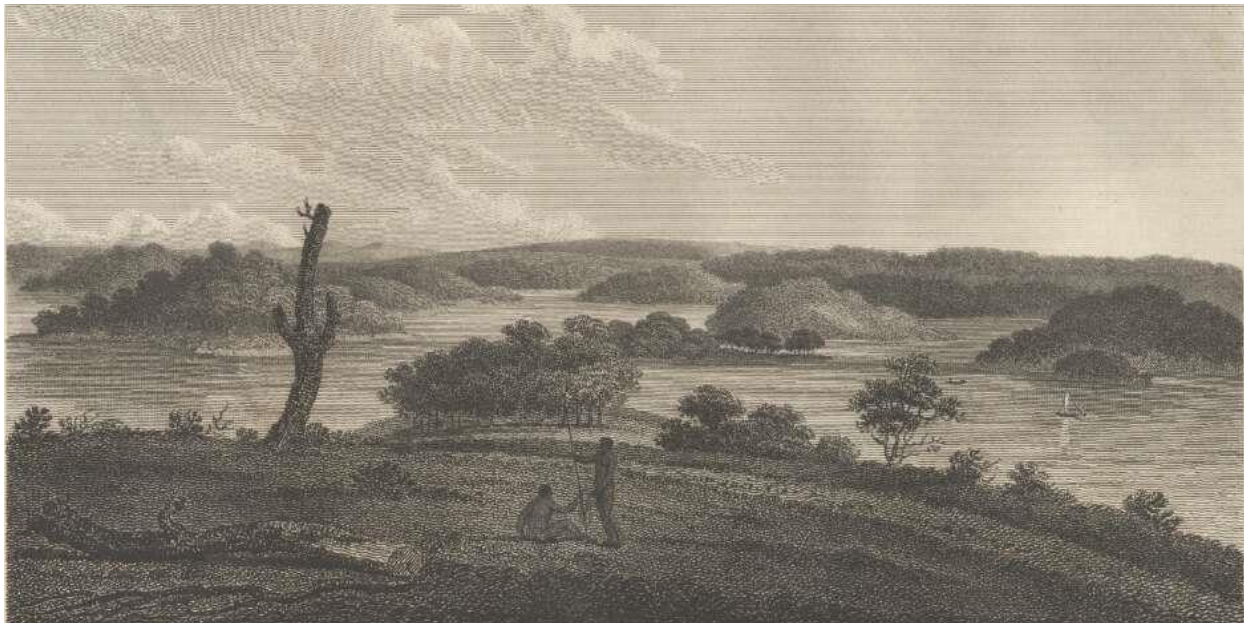
¹ Barangaroo. Website accessed 19 August 2022. <https://www.barangaroo.com/about/the-place/history/aboriginal-culture>



Observatory Hill is a crest of a rocky ridge overlooking Sydney Harbour, at the western end of the former catchment area for the Tank Stream, as well as in close proximity to Sydney Harbour. This the location would have allowed easy access to both fresh and salt water (and all the resources afforded by both), and its elevation and geographical location would have afforded advantageous views of the harbour and surrounding landscape in every direction.

The Millers Point area was known to the Cadigal as Coodye, and Dawes Point as Tar-ra/Tarra, and the Eora people called Darling Harbour ‘Tumbalong’, meaning a place where seafood is found. The shores were littered with the remnants of oyster shells and other shellfish remains accumulated over thousands of years, and it is this that led the Europeans to call the area Cockle Bay. Observatory Hill had direct views to Mel-Mel (Goat Island) and other key areas of the landscape.

Early European paintings depict Aboriginal people on and around Observatory Hill, as shown in the following illustration.



By water to Parramatta with a distant view of the western mountains, taken from the Wind mill hill at Sydney c.1789.
(Source: NLA. <http://nla.gov.au/nla.obj-135681388>)

Hills, promontories, mountains and prominent geographical features are well understood to be used by Aboriginal people as landmarks on traditional travel routes and as interconnected sites in a broader cultural landscape, as prominent landscape features associated with dreaming stories, and as viewing points. **For the local Aboriginal people, Observatory Hill was probably a popular lookout spot because it was the highest point in Sydney.**²

It is difficult to see how this proposal, which will forever remove these key views of Sydney Harbour from Observatory Hill, relates to such understandings and proposed ambitions. The Aboriginal cultural values of Observatory Hill must be considered.

Current proposal

The National Trust has argued tirelessly that Millers Point is valuable, amongst many other reasons, for its unique urban landscape and relationship with the harbour. The current proposal continues to threaten a number of the elements that contribute to this unique character. The National Trust notes the following outcomes that will negatively impact the heritage from both Millers Point and Observatory Hill:

² Observatory Hill, Barani (Sydney’s Aboriginal History), <https://www.sydneybarani.com.au/sites/observatory-hill/>



View loss to and from High Street & Observatory Hill

The National Trust notes that while the tower has been removed, the overall form and scale of the buildings proposed at Central Barangaroo still significantly block the views and connection from High Street (including the Agar Steps) and Observatory Hill to the water. The visualisation rendered from Observatory Hill shows that there will no longer be a direct view west of the water. Furthermore, the view from terraces along High Street will be all but entirely lost to the new design.

Loss of 'rocky topography' and distinctive hill

All assessments of significance in the area refer to the interesting topography surrounding Observatory Hill. The need for access and materials has created a precinct with a number of hidden stairs, buildings clustered onto the hillside, and a general zig-zagging down towards the water. The response to the landscape has allowed for special moments throughout both The Rocks and Millers Point, such as the Agar Steps, Argyle Cut or the street view along the stepping of terrace houses down the slope.

The proposed buildings reach almost as high as Observatory Hill itself, blocking an authentic view of the Hill from the west and erasing the image of the cutting form of High Street.

Views analysis

The National Trust are of the opinion that the project does not adequately respond to the need to preserve real and important views from the heritage areas of Millers Point generally, and Observatory Hill in particular, and remain concerned about the way the impact of the proposal has been illustrated in the documentation provided.

We disagree with the conclusion in the *View and Visual Assessment* (p.281) that a mitigating measure to “consider creating sufficient visual contrast between Central Barangaroo built form and the heritage backdrop of the Millers Point Conservation Area, to provide clear delineation between the two, thereby highlighting the historic landscape and architectural qualities of the Conservation Area, e.g. as seen from Balmain East” is in any way sufficient to mitigate the heritage impacts of the proposal – which relate solely to scale and bulk.

While we welcome the fact that a view analysis from High Street (south) has finally been included in the documentation, the Trust is also – once again – greatly concerned that the *View and Visual Assessment* (Aecom, October 2023) for the project represents the proposed project in transparent forms, with colours that are deliberately chosen to appear similar to the sky and/or water, does not reflect the true impact of the proposal. In some instances the views that have been analysed are not even views at all. For example, the National Trust question the usefulness of the “proposed view” (below) from the National Trust carpark which is obviously not a realistic representation of such a major project at all.



Visualisation showing the development envelope of MOD 9 - RtS from the National Trust carpark (AECOM, July 2023, p.235)



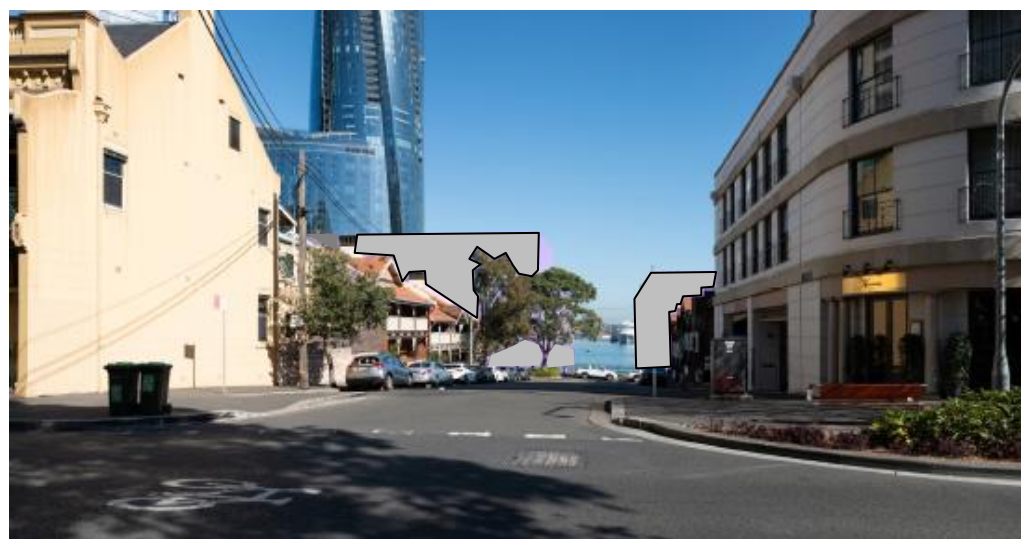
Once again, the Trust has considered it necessary to actually make amendments to the documentation provided to show new buildings as a solid mass, not as transparent blue boxes.



Existing view west down High Street (Aecom report, p.52)



Proposed view west down High Street of new proposal (Aecom report, p.53)



Proposed view west down High Street of new proposal (Aecom report, p.53) with actual new buildings not shown as transparent (overlay by National Trust)



Existing view from Observatory Hill Park (Aecom report, p.38)



Proposed view of new proposal from Observatory Hill Park (Aecom report, p.39)



Proposed view of new proposal from Observatory Hill Park (Aecom report, p.39) with actual new buildings not shown as transparent (overlay by National Trust)



Existing view from High Street South (Aecom report, p.244)



Proposed view from High Street South (Aecom report, p.245)



Proposed view from High Street South (Aecom report, p.245) with actual new buildings not shown as transparent (overlay by National Trust)



Conclusion

The National Trust urges for a better planning outcome – in particular one which will not entirely change the nature and relationship of Observatory Hill to Sydney Harbour. The best possible outcome is one that fits in with the unique topography of the adjacent landscape and the historic qualities of the Millers Point Conservation Area. It is this response to the landscape that has created Millers Point as we know it today - now a precious and historic precinct – and using it as a precedent would result in a far better outcome for this place.

By responding to place, Barangaroo Central will be of benefit to all citizens and visitors to Sydney, not just those privileged enough to live or work within the new buildings.

- **The approved envelope is not itself an appropriate response to this important site.**
- **Some relatively minor modifications to building heights would preserve the views of the water from Observatory Hill Park which have Aboriginal, historic, and ongoing social significance.**
- **A more generous new street between the new buildings would help to preserve the view of the water as people descend the historic Agar Steps on their way to the new Barangaroo Central.**

If it is done well, Barangaroo Central has the potential to be one of the great success stories of modern Sydney's growth and development. The National Trust urges the Department and the Minister to remember the cultural significance of this area, to consider its future for generations to come, and to encourage the proponent to respond to this appropriately in their proposal by reducing the scale and the bulk of the buildings where this is needed.

Yours sincerely,

David Burdon
Director, Conservation

Barangaroo Concept Plan (Mod 9)

Submission – Objection

21 February 2024

I am objecting to the Baranagaroo Concept Plan (Mod 9) on the basis that it detracts from the public amenity, the issue of road safety for vehicles, cyclists and pedestrians, traffic gridlock culminating in increased risks and detracting from disabled and tourism benefits and finally sight lines or lack thereof.

Public Amenity:

The approved heights were already increased beyond the original concept. Why is it being increased again? What is the benefit to the government? We know that money is important to developers. The developers knew about the original concept when they signed on.

Why does the government even bother with a design competition when it allows developers to trash the design that won!

Further in relation to public amenity, I sight the loss and detraction of amenity to the current residents, workers and tourists in the Barangaroo-Millers Point-The Rocks areas.

The matter in upholding amenity was recently handed down by the Land & Environment Court (<https://www.caselaw.nsw.gov.au/decision/18cad2273c26f3078ac9c016>). The acceptability of the impact of the development of a construction upon existing public and private views was a central issue.

While this is about a different construction, nevertheless it draws attention to residents, workers, visitors and tourists losing amenity.

I believe there is a parallel with Barangaroo Central. In handing down the judgement, the Court said, the applicant's counsel helpfully explained - the 2022 Solar Guide sets out several steps for visual magnitude assessment using panoramic photographs from agreed locations to form a photomontage to assist in the assessment of a development's visual impact. Each photomontage is examined using a visual magnitude grid which reduces the photo to cells which are then counted to give a visual magnitude rating.

Park space for the enjoyment of the public will be significantly reduced.

Traffic Gridlock and Road Safety:

Currently Kent Street and Hickson Road are the key access roads to Walsh Bay, The Rocks and the Overseas Terminal at Circular Quay.

With the completion of One Sydney Towers (3) including car parking this will increase the traffic gridlocks that are currently experienced using -

Kent Street to access the Harbour Bridge
Kent Street to access Anzac Bridge
Sussex/Hickson Roads to cross the City and to access Anzac Bridge.

Already Margaret, Jamison, Grosvenor and Bridge Streets are gridlocked for most of the day, resulting in vehicles backed up along Kent Street and it is envisaged that Napoleon Street will also become gridlocked with the number of vehicles leaving and entering Barangaroo once the proposed Hotel and Apartment Blocks are built in Barangaroo Central.

The safety of both drivers and pedestrians should have been a priority in the development of this Modification. Alas it is nowhere to be seen or acknowledged. Of course the planners will say they have addressed these as they've conducted myriad traffic flows. The current Hickson Road access by reducing the number of lanes will only exacerbate this issue.

The intersection of Kent and Clarence Streets including the Harbour Bridge access from Kent Street, has already experienced myriad of near misses of pedestrians, cycles and motor vehicles. It is dangerous as it appears Google Maps indicate that pedestrians can cross the Bridge access and Clarence Street entrance to Kent Street rather than it being a cycle lane only!

This is but a small sample of the road safety risks awaiting Barangaroo Central.

Mod9 does not address the increased flow of people during public and school holidays. Already Barangaroo Headland is a tourist attraction whether they are Australians, locals or overseas tourists.

Disabled Access:

The plan to omit the original 'Grand Staircase' emanating from Observatory Hill, across Kent Street and down High Street cross Hickson Road to Barangaroo will only increase pedestrian safety risks. This would have been a tremendous tourist attraction and could have helped in ameliorating pedestrian safety risks.

The Grand Staircase was a brilliant design in aiding pedestrians to traverse down to Barangaroo and it had a lift! It was part of the original concept.

As it stands Gas Lane Lift is the nearest lift for disabled people other than Barangaroo Headland (other than Barangaroo Metro Station). The Grand Staircase would have provided improved amenity for disabled and others who experience walking challenges.

Sight Lines:

The Crown Casino and government agreed to lock in the Crown Casino sight lines. However, this agreement has not been mirrored elsewhere in relation to Barangaroo Central, namely: The Langham Hotel, the High Street maritime workers cottages and to the heritage listed Kent Street terraces. The sight line to/from Observatory Hill has been reduced.

The question arises for the Government, if you compromise in relation to the sight line for Observatory Hill, how can the Government insist on other sight lines in NSW, namely:

Parramatta Government House and the Female Factory? This is a monumental threat to the historical and heritage areas of early NSW and the amenity of the public.

Protecting public space for future generations to come

Friends of Sydney Harbour Inc. (FOSH) is a community activist group that is a voice for Sydney Harbour to retain the beauty and amenity, and ensure the enjoyment and future, of Sydney Harbour for everyone.

FOSH welcomes the opportunity to provide a submission on this significant development for Sydney.

FOSH acknowledges the growth of Sydney is inevitable; however, Sydney Harbour is a unique asset, it is the centre piece of Australia's international city, the focal point for locals and tourists and must be preserved.

FOSH seeks that any proposed development on this iconic site at Central Barangaroo should preserve this living entity and the Harbour, and its foreshores be protected as it cannot be replaced.

FOSH considers that the Central Barangaroo site should reflect the protection of the natural form, heritage and access including iconic vistas to and from the Harbour for **everyone**.

The Central Barangaroo area is etched in indigenous, colonial, and natural heritage as a meeting place from the land and the Harbour, it is part of the working Harbour dry docks etc. with Observatory Hill being the highest natural point of the Harbour.

Central Barangaroo was once Sydney Harbour and is on reclaimed Crown Land. Therefore, FOSH demands that this public domain / open space not be alienated but retained, allowing access directly to Sydney Harbour foreshore and water. This view is supported by Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

To enable these aims to be achieved, in relation to the Foreshores and Waterways Area, this plan adopts the following principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good.
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.
- (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.

FOSH supports the concept for Barangaroo that it is a Civic and Cultural precinct with a Reserve Headland, not a high-end development site with no civic space. The 50% reduction of community space in this modification is unacceptable. Commercial, retail, residential was wholly focused on Barangaroo South, now with the metro station providing access. The plan for Central Barangaroo was and should be developed as public domain with direct access to the Harbour foreshore mirroring the Botanical gardens and Domain headland to the east of the Harbour bridge as identified in the original design and concept plan with scaled low-rise buildings echoing the topography of the headland park.

FOSH considers that the proposed Mod 9 application 2024 on exhibition is **not** in the public interest and is in total opposition to the principles of public domain in the following ways:

- Excessive bulk, mass form and scale of the proposal - increasing the gross floor area of residential and hotel from 47,000 to 105,000.
- Sight lines to the Harbour and from the Harbour to the headland are not preserved. The sight Line clause in the statement of commitment for Barangaroo South that the 270-degree panoramic views from Pyrmont and around to the Harbour bridge for Crown and Lend Lease should be consistent for all Barangaroo and imposed for Central Barangaroo as outlined in the concept plan “for future development within the Barangaroo site is to retain the views to Observatory Hill from (the Harbour and) public spaces on opposite foreshores and to keep the panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Hill Park” (2010).
- The development visually impacts on ALL the Harbour west, southwest and northwest of the Harbour bridge.
- The development does not reflect the natural topography of the land in line with the concept plan.
- Reduction of inclusive public open space and equitable alienation to foreshore access rather than the concept of a transition space from the economic/residential hub to a green and shaded Harbour park, Sydney steps, Harbour stage and cultural meeting precinct linking to the headland reserve.
- The proposed boxes of ‘elite’ ‘high end’ commercial, retail, and residential development could occur in any site in the CBD. There is NO inclusion of social affordable housing. This open space, Harbour vistas and public domain cannot.
- The proposed development also has a detrimental impact on tourism.

FOSH seeks that due to the significance and size of the development, along with the existing development partnership with the NSW Government , this development modification should be referred to the Independent Planning Panel.

Additionally, FOSH considers the Central Barangaroo Mod 9 2024 application has the same detrimental impact as the planning precedent Commissioner Peter Walsh found in relation to Gladesville Marina development on 19th July 2022 in the Land in Environment Court. In that:

“The proposal prevents the aim of protecting the Sydney Harbour Foreshore as an outstanding natural and public asset for future generations.”

“That it would be a “visually intrusive, negative factor and incompatible with the existing character of the embankment.”

“Would create visual impact problems for those using the foreshore.”

“The development is not in the public interest.”

FOSH believes that we are all the custodians of the Harbour and its foreshores; it is our responsibility in a democracy to provide free and unfettered access to what is our future. For what is another example of short-term expedient elite development. By any measure this is not good planning. To deny citizens access to our Harbour is to deny access to our soul and who we are. It will impact the future fabric of our society for what can easily be created in a much more appropriate environment. In Sydney Harbour’s future, do we want more open space like the Domain, or 35m high blocks of residential buildings?

This site offers a unique opportunity to retain what is the philosophy of Sydney Harbour for future generations which should not be lost.

This development is a negative force in the future of Sydney.

Your sincerely,

David Pescud



Committee Member

Friends of Sydney Harbour Inc.

dpescud01@gmail.com

Signed by Marnie Peterson on behalf of the
FOSH Inc. Committee



Chair/President

Friends of Sydney Harbour Inc.

marnie@bemg.com.au

I strongly oppose the 2024-amended Barangaroo concept plan (MOD 9).

While I support responsible development, the sheer scale and bulk of the proposed 2024-amended Barangaroo concept plan (MOD 9) are insensitive and unnecessary. The plan prioritises short-term economic gains over preserving our heritage. This prioritisation will undermine our city's longer-term economic potential and weaken our sense of community identity and pride.

I ask that the applicant review and remedy the following:

1. Loss of views to and from Observatory Hill, Agar Steps, High St, and Kent St.

Observatory Hill is an iconic Sydney landmark, offering captivating westward views, encompassing the opposite shoreline and harbour. It is a significant attraction for visitors to our city, as are Balmain and Pyrmont which offer views back to Observatory Hill.

On the Millers Point side, Agar Steps and Kent Street, including at the intersection with High Street, offer charming corridor views of the harbour and contribute significantly to the experiences of resident and visitor alike. The loss of the views back to the Hill from Pyrmont and Balmain will also impact the experiences of residents and visitors there.

The original concept plan for Central Barangaroo development acknowledged the importance of these views and received approval on the condition that they would be preserved. However, the 2022 modified proposal misrepresents the situation, claiming these elements are already lost and the new building envelope will only marginally worsen the issue.

This assertion is demonstrably false. The panoramic views from and towards Observatory Hill remain iconic and warrant preservation. At a minimum the heights of the proposed blocks must be lowered to allow direct line of sight from the Hill to the harbour, to maintain the view corridor down High Street facing west, and the views along the north-south footpath direction of High Street.

The developer's commercially driven prioritisation of maximising views from the proposed buildings cannot override the NSW Government's responsibility to safeguard these iconic external views. Upholding the previously agreed-upon concept design parameters remains crucial to ensure their preservation for future generations of Sydneysiders and visitors.

Please don't block our wonderful harbour!

2. Excessive bulk of the proposed development – impacting heritage and amenity.

Millers Point, with its captivating streetscape, diverse building stock (including 18 State Heritage-listed structures), and charming landscaping, stands as a significant contributor to Sydney's heritage and a major draw for visitors. But the revised Barangaroo Central development, even with its most recent amendment, exceeds the original concept plan's gross floor area (GFA) by more than double, and will severely compromise the very essence of Millers Point: its unique look, feel, and character.

Residents along High Street face the prospect of being virtually walled in by the excessively tall blocks 5, 6, and 7, with minimal separation between them. Such an oppressive environment is also unlikely to attract visitors. It will spoil any sense of Millers Point's maritime heritage.

In addition to reducing the height of the proposed blocks to ensure they don't impact views, the applicant needs to increase the distance between the buildings. We appreciate that the latest plans remove earlier overhanging elements, but setbacks from the street need to be increased to avoid creating an oppressive and visually overwhelming presence for pedestrians and residents.

While the applicant has emphasised community spaces, they have in fact been reduced to around 10 percent of the originally approved allotment, significantly impacting the community's amenity. Public community space needs to be preserved.

Please preserve Sydney's heritage and amenity for everyone!

3. Reduce size to avoid aggravating traffic congestion

Millers Point, particularly along Kent Street, Argyle Street, and Hickson Road, already struggles to accommodate parking and traffic flow. The proposed addition of more residences, each likely to include multiple car spaces, along with service vehicles for the development, can only exacerbate this traffic congestion. Traffic flow will inevitably slow, forcing more vehicles from Hickson Road onto Kent Street, overburdening that corridor.

A more modest development – as originally envisaged – would avoid traffic havoc.

20th February 2024

The Director General
NSW Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

**Barangaroo Central – MP06_0162 / Modification 9 to Concept Plan
Letter of Objection**

We write to object in the strongest possible terms to the latest Modification 9 amendments to the Concept Plan for Central Barangaroo (Blocks 5,6 and 7).

1.0 Planning Pathway

Modification 9 continues the distortion of the planning process for this site of unparalleled importance. Since the original Concept Plan in 2007, the discredited Part 3A planning pathway has been used to make numerous 'modifications'. In effect these have subverted the form and intent of the original approved Concept Plan (Hill Thalis contributed to the design drawings and physical controls in that Plan). As with Modifications 1-8, this is not a Modification but a substantial reworking of the site that undermines the public qualities of the original approval.

Modification 9 should be a new application, subject to a full assessment process. Indeed, this application seems to be 'innovating' by proposing a modification to a rejected or withdrawn modification.

2.0 Incorrect Project Description

The Planning Portal deceptively reports on this new Modification in relation to the rejected and withdrawn 2022 Modification 9 Application. The numerics – GFA, Height etc, are referred to as reductions, but they are reductions related to a plan that never received planning approval and has no statutory status. Instead DPIE should be reporting on the increases relative to the original 2007 approved Concept Plan, as it purports to be a Modification application.

The statements in their current form give the public a misleading basis on which to understand the impacts of this application.

3.0 Public Space

There is no Public Space, capable of being dedicated to the City of Sydney and operating as part of a coordinated and cohesive public network, identified on the Modification 9 plans.

This is one of the many anti-public aspects of the proposal, and reason enough for its rejection. Private development, without any demonstrated public benefit, should not occupy prime waterfront land in the City. For the avoidance of doubt, 'shopping' is not a public benefit.

3.1 Barangaroo Avenue

Barangaroo Avenue, the element of the original Concept Plan approval that provides continuity to the urban form and connections to the wider city, is proposed to be trivialised into little more than a private driveway or drop off in Modification 9. This would diminish the city's western edge street – the complement to Macquarie Street on the east. The proposal is a distinctly anti-urban configuration that is inappropriate and does not fulfill the critically important public role of this site to frame Sydney's public interface with the harbour. Significant long term impacts result from such a diminished benchmark of the role, and resilience of streets at their inception. Seeing the role of this street as a service role for private vehicles lacks public vision. This proposal lends this critical public space all of the distinction, scale and gravitas of a shopping centre loading bay.

The proposal continues, and increases, the now well demonstrated risks of facilitating co-option and privatisation of the public park edge. This process has been seen at places like Wentworth Point and Breakfast Point and should not be allowed to be repeated at the critical western edge of the city.

3.2 Proposed East West 'Plazas'

The pair of proposed East West oriented spaces, dubbed 'plazas' are formed with a tightly constrained separation between buildings. As a consequence they would have limited vistas to the harbour and park, would be overshadowed and dominated by the bulk of the flanking building. As with the miniaturised 'service roads' in Barangaroo South, they structure only a commercial marketing opportunity, in dereliction of their wider duty as part of the city structure and public space. It is my opinion that these are the most substandard 'streets' proposed in the city centre since the mid C19th.

Furthermore, the layout of these plazas and the transverse laneway are dictated by the footprints and floor plates of the private development parcels, rather than tied into an idea of the broader city structure. They are residual to development needs, rather than framed for public purpose. The relation of the South Plaza to Agar Street is not specifically defined – desirably it would be wider than Agar Street to open the public view to the harbour from Millers Point.

The plazas lack any deep soil for the long-term planting of trees, as they have 3 levels of basement beneath. The basement should be substantially reduced and deep soil provided under genuine public spaces. This precinct is justified on the basis that it has access to a Metro station. Parking rates should be drastically cut, to reflect its privileged access to public transport.

Modification 9 is world's worst practice - all the purported public spaces designated as 'plazas' – aren't such spaces really just an outdoor shopping mall?

3.3 Hickson Park

Hickson Park has been consistently diminished through Modifications 1 to 8 – moving from the foreshore position it occupied in the Concept Plan approval to become inset and isolated. It has poor edge definition and in urban terms reads as the resultant geometric afterthought of the planning of the residential towers. Additionally, it is burdened with four storeys of private car parking beneath it, in defiance of all contemporary best practice in public space and sustainability terms, which seeks holistic and genuine landscape outcomes.

Modification 9 proposes to diminish further the amenity of this 'park' (sic) forecourt space by imposing additional overshadowing. The shadow diagrams in the submission materials omit the shadow impact of the Barangaroo casino. It is heavily overshadowed in mid-winter.

The cumulative impacts of Modifications 1 to 8 have succeeded in making this 'public space' a parody of the original Concept Plan. Modification 9 continues this erosion of its public sensibility, amenity and utility.

3.4 Metro Entrance

The relationship to the Barangaroo Metro Station lacks presence or integration. It would be better as a stand-alone structure on the Hickson Road frontage, set independently north of this development.

3.5 Community Space

The Community space is an insult to the existing and future community. It is entombed, with no presence to a genuine public frontage. Instead it has a minimal presence on the narrower North Plaza, where one descends into the depths of the bloated basements and car park.

The proposed Community space totals just 2 700m² (Cutaway void 18 000m²) out of gross total floor area across Barangaroo. This equates to public buildings being at most 0.025% of total floor space at Barangaroo. This level of provision is below any international standard and is a poor outcome on 22 hectares of foreshore public land adjoining the city centre.

Again the contrast with the original site planning could not be more stark: it presented a freestanding and distinctive public community building, addressing public space on all sides and adding to the complex Millers Point skyline.

3.6 Pedestrian Bridge from High Street

Some plans appear to show a narrow curving bridge from the low point in High Street, where historically there was a bridge across to the associated wharves. It seems to disappear into the building, perhaps dropping by an internal stair within a shopping area. Circulation and movement through the site is not clearly demonstrated – nor the times of day that said movement will be available to the public.

A direct pedestrian bridge should extend from this low point in High Street over Hickson Road to land in public space. It should have clear wayfinding and an unimpeded vista to public parkland and the harbour waters beyond. It must be open 24/7.

4.0 Blocked views between Sydney Harbour and Observatory Hill

Modification 1 to 8 has succeeded in diminishing the city's relationship to its harbour through the massing of the gross commercial and now residential towers on the site that prioritise their view capture, rather than the maintenance of visual links from the city to the harbour. This has been to the direct commercial benefit of the Barangaroo precinct's private developers, and the expense of the greater city.

Modification 9 extends this principle of prioritising the private interest over the needs of the city. The proposal to increase the height of Blocks 5, 6 and 7 severs the relationship between the harbour and Observatory Hill – a historically, and culturally significant relationship that is proposing to be broken for the sake of additional floor space. The removal of the "Trojan Horse" of the 20 storey tower has in no way satisfied the critical retention of the memorable silhouette of Observatory Hill as seen from the harbour.

The aptly-named Observatory Hill has, since European occupation and no doubt long before, provided an unrivalled panorama of Sydney Harbour and now the city. This reciprocal relationship would be severely and irreparably damaged, were this proposal to be approved. The long view along the axis of White Bay will be completely blocked, the closer views to Darling Harbour obliterated, while the views to the Observatory from the west would be largely lost, appropriated by a mass of buildings filling their inflated envelope.

Further it would inevitably act as an undesirable precedent that risks allowing other buildings to further intrude on, and diminish, Observatory Hill's relationship to the harbour.

5.0 Urban Design

The Urban Design Report is lengthy but inadequate. The 'urban design' fails to set out its critical role in the framing of the extension and connection with the city, as there is effectively no public space to give orientation, connection and scale in Barangaroo Central. The urban design proposal is one that focuses on the needs of commercial development form proposing a monolithic singular development – rather than an urban framework, within which differentiated and articulated development is situated.

Currently building forms present as monotonous masses, of uniform height. Rather than having closed and internalised courtyards, all the building envelopes should be reconfigured to be East-West aligned blocks to allow outlook and breezes to High Street and Millers Point behind. The street wall to Hickson Road is massive and undifferentiated. It should be lowered to be no higher than the levels of the High Street escarpment opposite.

Like Barangaroo South, Barangaroo Central is prioritising its commercial and residential benefit as a controlled and singular enclave – formally homogenous, inward-focused and corporate. The lack of authentic formal, scale and typological diversity renders this form of development disposable when too soon obsolete.

6.0 Basements and Car Parking

The developable parts of Barangaroo are all on reclaimed land full of fill – areas that were once water. The extent of excavation should be drastically reduced.

There can be little credible justification for the nebulous retail in Basements 1 and 2. They risk attracting shoppers in cars to this most isolated corner of the city.

The car park in Basement 3 is excessive. The extent of the excavation and the car parking numbers should be radically reduced.

7.0 Housing

The proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore previously allocated to be the 'civic and cultural heart' of Barangaroo.

The housing proposed are huge apartments for the super wealthy. As seen at East Circular Quay and Barangaroo, these provide little urban life – such residents being targeted here so often own multiple properties – they tend to be rarely present, and in any case typically have low occupancy.

Sydney is in the grip of a housing crisis. There is no attempt to address housing diversity in terms of type or tenure. There is no plan for public housing – no plan for affordable housing. This is publicly held and owned land. The opportunity cost of poor choices made in this place resonate for decades to come.

8.0 Planning and the Public Interest

The developer of Central Barangaroo seeks to double the size of the approved concept plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit.

Barangaroo Central remains against the public interest – a commercially inward-focused enclave appropriating the foreshore of Sydney Harbour. It diminishes its relationship to the broader city and to isolate the extraordinary qualities of the site for its own benefit. It treats historic vistas and long-standing cultural relationships with contempt. It has no network of genuine public spaces.

It is wholly conceived of in terms of development self-interest, undermining and deforming existing planning principles to maximise commercial gain. It irretrievably devalues the nationally-important heritage context of Millers Point and Observatory Hill.

Barangaroo's planning, Modification 9 continues the legacy of undermining the aims of the 2005 Sydney Harbour Regional Environmental Plan;

Clause 2 Aims of Plan


(2) For the purpose of enabling these aims to be achieved in relation to the

Foreshores and Waterways Area, this plan adopts the following principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,*

For the above reasons, Modification 9 should be rejected.

Yours faithfully,



Philip Thalys LFRAIA

Director Hill Thalys Architecture + Urban Projects Pty Ltd

B Sc Arch, B Arch, USyd, CEEA Arch Urb (Paris)

Professor of Practice in Architecture UNSW

428481



PRESERVING OUR HERITAGE

PO Box 85, HUNTERS HILL, NSW 2110
www.huntershilltrust.org.au

Minister Paul Scully
Department of Planning, Housing & Infrastructure
Parramatta, NSW 2124

21 February 2024

Dear Minister

Re: Central Barangaroo Concept Plan Modification 9 revised proposal

The Hunters Hill Trust is a community organisation formed in 1968, arising from threats to heritage across our local government area. We maintain a large and active membership due to concern for ongoing planning decisions which incrementally change the character of our suburbs and urban settings. Trust members apply our best efforts to protecting not only the built environment but also the natural landscape that invariably provides the context for so much of our sense of place – the bushland, parks, tree canopy, sandstone and gardens which enhance the heritage that we value and aim to preserve.

The Trust was integral to the saving of Kelly's Bush from residential development in Hunters Hill, now widely valued regenerated native bushland and recognised globally as the first Green Ban. Jack Munday, the Union Green Bans and an engaged community went on to enable vital heritage and public space protection across Sydney in the 1970s.

Most particularly, they were successful in The Rocks, where plans by the State Government and developers were threatening to destroy the unique character of Sydney's Old Town. Preserving this historic precinct has provided an exceptional gift to residents of our city and state, as well as for visitors and overseas tourists alike.

The Trust wrote a submission in August 2022 to strongly object to the proposals lodged by Infrastructure NSW and outlined in the Central Barangaroo Concept Plan Modification 9. We take this further opportunity to reiterate our view that approving the level of development proposed will detract disastrously from established heritage values and amenity, not only for the immediate experience of place but also for the historic views both to and from significant landmarks of The Rocks, Millers Point and Observatory Hill, universally enjoyed as a commonly held 'public good' and now, it seems, at risk. These sight lines are rightly considered to belong to all who live or visit here. It is unimaginable that they might disappear forever.

Approving this further bulk, density and disruption would be indefensible. The revised proposed Modification is not consistent with the originally approved Concept Plan or with the Statement of Commitments issued for the Barangaroo Development. Neither is it consistent with the Sydney Harbour Regional Environment Plan requirements for the protection of public views, or with policies in the Sydney Harbour Bridge Conservation Management Plan relevant to the protection of iconic views.

We make the following points to the above objections:

- The developer of Central Barangaroo seeks to double the size of the approved Concept Plan (from 45,000 to 104,000 m²), despite offering a negligible improvement in public benefit. It takes much from the community and delivers little in return.
- The heritage sightlines from public open spaces to the opposing foreshore from Observatory Hill and the State Heritage listed Millers Point and Dawes Point precinct are lost under the new proposal.
- The modified proposal reduces the size of Hickson Park and reduces the amount of community space from 28,000 to 2,800 m². This loss of crucial public land is clearly unacceptable.
- The new proposal seeks to build 150 luxury apartments and a new hotel on Sydney Harbour foreshore, an area previously allocated to be the 'civic and cultural heart' of Barangaroo.
- It still blocks the historical views from Balmain and Pyrmont to the heritage listed Millers Point and Dawes Point precinct.

In addition to previous substantive grounds for objection to the last Modification 9 proposal in 2022, there are a number of other significant points of concern:

The developers have doubled-down on the argument that the views below a 35 metre height (higher than the roof line of the Langham Hotel) west of the site (all of High Street, Kent Street, parts of Observatory Hill) were lost when Modification 2 did not approve the development block controls back in 2008 – completely at odds with the Conditions of Consent that these views must be retained.

The applicant has ignored requests to represent the original Concept Plan in visual assessments – despite requests from the Government Architect – suggesting such analysis would be “meaningless”.

The application has changed from a mixed-use retail, office and residential proposal to a primarily (up to 75%) residential development which fails to deliver against the key principle of being the “civic and cultural heart” of Barangaroo and will also fail to fully capitalise on the amenity of the metro station.

The important pedestrian links between neighbouring Millers Point and Central Barangaroo (characterized by the Sydney Steps in previous proposals) do not form part of the proposal.

A cornerstone planning principle for the Barangaroo precinct has been ignored – that heights gradually reduce as the development moves north towards the Headland Park.

The “approved concept plan” promulgated by Aqualand and Infrastructure NSW is based on legal technicalities and not on the established planning principles and original block development controls for Barangaroo (modulated building heights respecting the High Street sandstone wall cutting and terraces above).

The Department of Planning and the Government Architect have not declared what the “approved concept plan” as a base line is exactly.

In conclusion, we urge the government to reject this revised Modification proposal. Our city's heritage and the broader public interest and amenity are being ignored in favour of private gain. Loss of precious adjacent parkland as well as the expanded Hickson Park along the foreshore, granted by the Independent Planning Commission, is highly detrimental to the enjoyment and values of the precinct and represents a further unjustifiable alienation of community land.

In our view, if the public realm and the heritage significance of Millers Point and Observatory Hill are not considered as being worthy of respect and permanently preserved for future generations, this would ensure a sad legacy for the current NSW government. We urge you to reject these revised proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Raisin', written in a cursive style.

Karyn Raisin
President
Hunters Hill Trust
www.huntershilltrust.org.au



21 February 2024

To:
Barangaroo Central Assessment Team

1. NSW Minister for Planning and Public Spaces Online submission inbox:
<https://www.planningportal.nsw.gov.au/daex/exhibition/barangaroo-concept-plan-mod-9>

2. Director - Key Sites Assessments,
Planning and Assessment
NSW Department of Planning, Industry and Environment
Locked Bag 5022 Parramatta NSW 2124 Phone: 1 300 305 695

**AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA)
OBJECTION TO
CENTRAL BARANGAROO MOD 9 REVISION**

Landscape Heritage INNER SYDNEY HARBOUR:
Observatory Hill,
Shr Listed Millers Point & Dawes Point Precinct,
Hickson Park,
Balmain and Pyrmont.

Address: Barangaroo Central and Headland Park
Portal reference: MPO6_0162-Mod-9
Type of Development: Part 3A Mod
Consent Authority: Sydney

AILA acknowledges the Eora land of the Gadigal was never ceded, and respects Elders, past present and emerging.

PREFACE

The Australian Institute of Landscape Architects (AILA) is the peak national body for Landscape Architecture. The Australian Institute of Landscape Architects (AILA) leads a dynamic and respected profession: creating great places to support healthy communities and a sustainable planet.

STATEMENT:

The Australian Institute of Landscape Architects (AILA) **OBJECTS** to the revised Modification 9 proposal for Central Barangaroo.



The submission summarises the current proposal, gives the AILA assessment of the changes to the design, lists five additional reasons for concern and offers three recommendations. Heritage of the Rocks and Harbour, and views to and from Observatory Hill to the water and opposite shore must be respected, by reworking the reconfiguration of the building mass. This work should be guided by qualified landscape architects, to reduce impacts to the heritage context.

BACKGROUND

Aqualand, the developer of Central Barangaroo Mod 9, has reported their response to submissions to the earlier Modification 9 proposal. A submission by AILA was not in favour of the proposal (Refer Appendix 1). The Aqualand response is summarised as;

- Reducing the overall scale of the development including reduced Gross Floor Area (GFA) and lower building heights, including the removal of the residential tower at the north west corner.
- Reconfigured streets and lanes, public domain and open space that better relates to the future Harbour Park, adjacent to the development.
- Reduced retail and commercial space and more residential floor space.
- Modifying the approved building envelopes.
- Consequential amendments to statutory development controls.
- amendments to the size and configuration of the proposed building envelopes, including deleting the previously proposed tower form at Block 7, reducing its height from RL73.7 to RL 35 (-38.7m)
- reducing the total increase in GFA from 144,355sq.m to 104,000sq.m (- 40,355sq.m)
- increasing the maximum residential GFA from 28,000 sqm to 75,000 sqm
- revising the alignment of the proposed building envelopes to Hickson Park
- modifying the road network to retain Barangaroo Avenue as a one-way shared street and deletion of Barton Street as a permanent two-way street.
- providing a new north/south laneway open to the sky and amend two east/west pedestrian links.
- amendments to the Design Guidelines to reflect the above changes.
- amendments to the Precincts - Eastern Harbour City SEPP to support the above changes.

The revised proposal is available at the **Department of Planning, Housing and Infrastructure's website:** <https://www.planningportal.nsw.gov.au/daex/exhibition/barangaroo-concept-plan-mod-9>

Assessment reveals that the recommendations made in the previous submission by AILA remain unheeded, as **highly significant sightlines are still not protected in the current revised proposal.** The AILA position was, and is that;



"..significant post-industrial harbour public open spaces of the Inner Harbour, and the sightlines from to and from each other, and to and from the water, and must be completely protected from incremental destruction, as shared history of high significance to all people of the world."

In disregard of this stated position, the revised proposal fails to meet the minimum requirement;

a) **ICONIC PUBLIC SPACE SIGHTLINES TO THE HARBOUR ARE DESTROYED.**

The current revised proposal still destroys sightlines from public open spaces of Observatory Hill and the State Heritage listed Millers Point and Dawes Point precincts west and southwest to the water and to the opposite foreshore.

b) **ICONIC PUBLIC SPACE SIGHTLINES TO OBSERVATORY HILL ARE DESTROYED.**

The current revised proposal still destroys sightlines from Balmain and Pyrmont to the east, and northeast to the State Heritage listed Millers Point and Dawes Point precincts.



Further to this important point, it is noted that other concerns remain;

- 1) **THE SIZE OF THE DEVELOPMENT IS EXCESSIVE**, as for the previous proposal.
At 104, 000m² it is more than twice the approved concept plan of 45,000m²
- 2) **COMMUNITY SPACE IS REDUCED**, as for the previous proposal.
Hickson Park is diminished in size and community space is reduced by a factor of ten (28 000m² to 2 800m²)
- 3) **PEDESTRIAN LINKS ARE MISSING.**
Important links for pedestrians between Millers Point and Central Barangaroo, that previously took the form of the Sydney Steps, are not part of this proposal.
- 4) **PRECINCT PLANNING PRINCIPLES ARE IGNORED.**
Raking of height from tall to lower towards the north at Headland Park is not evident in this proposal.



The modulation of building heights to respond to the High St terraces and sandstone wall cutting, a principle of the approved concept plan, are no longer respected.

Original block development controls to protect views from west of the site (High Street, Kent Street and Observatory Hill) have not been respected below 35 metres high.

5) **VISUAL ASSESSMENTS ARE MISSING.**

Despite requests from the Government Architect visual assessments of the original concept plan are missing.

RECOMMENDATIONS

- 1) In keeping with the determination of the former premier Perrottet, supporting the previously stated AILA position, **it is essential that views to and from; public spaces of Observatory Hill, Millers Point and Dawes Point and from the opposite shores of Balmain and Pyrmont, and the water, are retained as landscape heritage of significance to the world.** This remains effective as reason to object to the current proposal.
- 2) The visual assessments around landscape heritage views and sightlines must involve **the engagement of qualified and experienced landscape architects** to perform them, in order to meet the requirements of the Government Architect and to consider fully the Connecting with Country dimension of the land and waters.
- 3) **There is a need to reconfigure building mass and scale to address view and visual issues, scale and character, to reflect the Rocks built pattern and reduce heritage impacts to the Rocks area and Sydney Harbour.**

CONCLUSION

AILA is pleased to review and comment on these proposals. Further discussions are welcomed to reach the world class outcomes for Barangaroo Central that are possible with landscape architectural expertise.

Sincerely yours,

[Redacted signature block]

SUBMISSION TEAM

This submission has been prepared by a working group of AILA NSW members.

[Redacted contact information]



A central purpose of the AILA (NSW) Landscape Heritage Group is to inform, inspire and enrich the culture of the discipline of landscape architecture in Australia and particularly the identification and understanding of both natural and cultural landscapes in NSW together with the role of such knowledge in the processes of planning and design.



Appendix 1

Langham Hotel visualisation of the current revised proposal from the east. (to be supplied)



Appendix 2

AILA Submission 2022

08 August 2022

To: Barangaroo Central Assessment Team

1. NSW Minister for Planning and Public Space
2. Director - Key Sites Assessments,
Planning and Assessment
NSW Department of Planning, Industry and Environment
Locked Bag 5022 Parramatta NSW 2124
Email: use the submission inbox link below
Phone: 1 300 305 695

LINK: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6378

OBJECTION TO CENTRAL BARANGAROO MODIFICATION 9 APPLICATION, (Miller's Point and Observatory Hill) - Aqualand – SSD- Infrastructure NSW - Section 75W Modification Request; Application No MP 006 0162 MOD 9

Preface

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice, to share knowledge, ideas and action. With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design and planning of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning, design and management for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's liveability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.

A central purpose of the AILA (NSW) Landscape Heritage Group is to inform, inspire and enrich the culture of the discipline of landscape architecture in Australia and particularly the identification and understanding of both natural and cultural landscapes in NSW together with the role of such knowledge in the processes of planning and design.



Statement

The Australian Institute of Landscape Architects (AILA) **DOES NOT SUPPORT** the proposed development by Aqualand at Central Barangaroo.

Reasons why AILA **DOES NOT SUPPORT** the proposal include;

- The proposed development is aggressive and changes the spatial and visual structure of the western Rocks area. A description of the former landscape, where 'the Coodye point formed part of a residual ridge-and-spur landform' and how this could be respected, culturally and spatially is discussed in an article by Burton in Architecture Australia (2 May 2010). The open space of the original vision has been compromised by the Crown casino tower development and is further threatened by the proposed Central Barangaroo Modification 9 Block 7 tower. The visitor experience as a walk from the Rocks and Sydney Harbour Bridge over Observatory Hill – Coodye ridgetop and terracing down to Kent Street, in terms of vistas and the ability to read the landscape of the harbour, will be destroyed by the scale of the proposed development.



Figure 1: Vistas from the public domain experience will potentially be obscured. Right; proposed view

- The proposed mass blocks significant views
 - westward to the harbour waters from the housing
 - westward to the harbour waters from west of Kent Street alignment and
 - panoramic views from Observatory Hill which is largely public open space.
 - to Observatory Hill from opposite foreshores
 - to Observatory Hill from the water
- The original winning design for the 2006 competition (Hill Thalys Architecture + Urban Projects, Paul Berkemeier Architect, Jane Irwin Landscape Architecture; EDH Report 2006) held respect for the public housing forms and the central preschool site which had a strong vista formed to the west. The built form should be low enough to allow for public gardens on



the rooftop over part of Hickson Road and the development stepping down to the harbour edge. This 2006 scheme demonstrates the need to be more respectful for the heritage fabric of the place and views in and out.

Figure 2: Thalís et al. 2006, *East Darling Harbour Report : Elevation*, p. 21

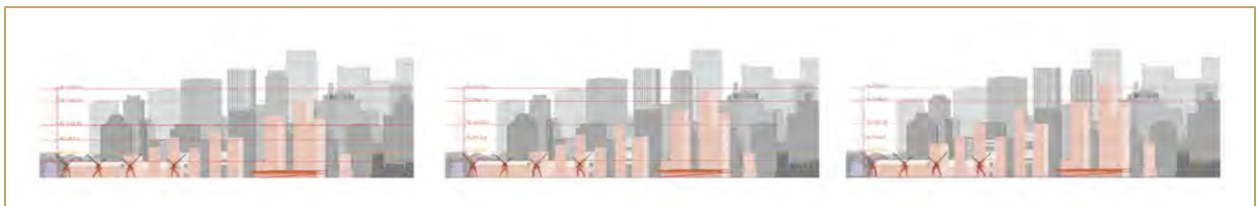


Figure 370178 Hill Thalís Architecture + Urban Projects Paul Berkemeier Architect Jane Irwin Landscape Architecture East Darling Harbour: A Working Vision, Report 2006, Floor space Schedule and Density Options : A framework for a viable and innovative urban project p27. Elevation Option 2 illustrates a yield of and Option 3 illustrate a yield of 390 000 sq.m. and over 500 000 sq.m. respectively, without compromising landscape heritage.

Landscape Architect contributors to this scheme include: Jane Irwin, Scott Hawken, Melissa Wilson, Hans Sachs, Derek Hill, Sue Barnsley, Andrew Burges, Craig Burton, Dr Peter Emmett, Dr Shirley Fitzgerald, Richard Green, Professor Tom Heneghan, Richard Johnson and Cath Lassen.

- **(Change 1 - to increase the maximum Gross Floor Area GFA)**

The increased proportion of building to open space is not in keeping with the then Prime Minister Keating's vision for Barangaroo as a reconstructed green headland. Keating's vision that, "this will be more representative of any headland as it was before European settlement than any other"¹ will no longer be the case, if the Modification 9 Application is approved in its current form.

- **(Change 4 - to increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park)**

¹ Australian Associated Press 2015 Keating's boyhood dream realised as Barangaroo Reserve opens in Sydney. Guardian August 22



The Inner Harbour is characterized by post-industrial public open space including Millers Point, Balmain, Mel Mel, Pyrmont and Badangi (Balls Head and Berry Island). These public open spaces, and their vistas and views to and from them and the water, must be conserved and protected, not built upon, obscured or cluttered beyond resemblance to their typical Inner Harbour sense of place. For more information, refer to work commissioned by Prime Minister Keating by Craig Burton. Copies of this work may be provided, if required.

- **(Change 6 - modify the approved building envelope of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks)**

It is stated in Central Barangaroo Modification 9 Application, Appendix 5: Heritage Assessment and Impact Statement (HAIS), GML Heritage, page 158, that the proposal will obscure significant heritage views;

Panoramic views from Observatory Park, and from the rear of some properties on the western side of Kent Street, to the southern areas of the harbour (Pyrmont) will incur some additional minor loss of views of the horizon and harbour as a result of the increase in the heights of Blocks 5, 6 and 7.

The AILA finds this unacceptable, as the views will not be 'retained'. By reducing or breaking the existing views, the proposal will result in a loss of the panoramic quality of visitor experience at Observatory Hill, for which the site is world renown. The proposed development will require movement across the site to gain a complete view. This reinforces the concerns of Heritage NSW in relation to the modification to the Concept Plan:

" the proposed addition in height has a potential to increase the adverse visual impacts to the setting of a number of local and State heritage items and conservation areas, both adjacent to and in the vicinity of the site. "

AILA is concerned that Part 3A or State significant projects and infrastructure potentially override and thus destroy heritage that may be of world significance, due to a failing planning assessment process and inadequate listing of landscape heritage.

- In addition we refer the Premier to the AILA NSW LANDSCAPE HERITAGE REPORT, VOLUMES 1 & 2, Ten State Heritage Register Nominations, Case Study: Sydney Harbour, 2018, proudly supported by NSW Heritage, prepared by Christine Hay, Colleen Morris and James Quoyle .

The AILA Landscape Heritage Report identifies a group of Sydney Harbour landscape heritage places as significant, including the water and views, not yet adequately protected and at risk of being lost by future approved development. Berry Island Reserve, Wollstonecraft Foreshore Reserves, Ball Head Reserve, Berrys Bay Precinct (Carradah Park), Ballast Point Park, Yurulbin. A group nomination for listing and protection is Badangi, currently under consideration.



The impact of the proposed development on important visual connections between all of the identified 'Green Necklace' sites; Badangyi, Balls Head Reserve, Berrys Bay Precinct, the Coal loader, Observatory Hill, Balmain and the Bays Precinct and the water itself, must be assessed as part of the proposal. Refer to the [Sydney Harbour SHR Nominations AILA NSW :Visual Catchments map, 7 May 2018.](#)

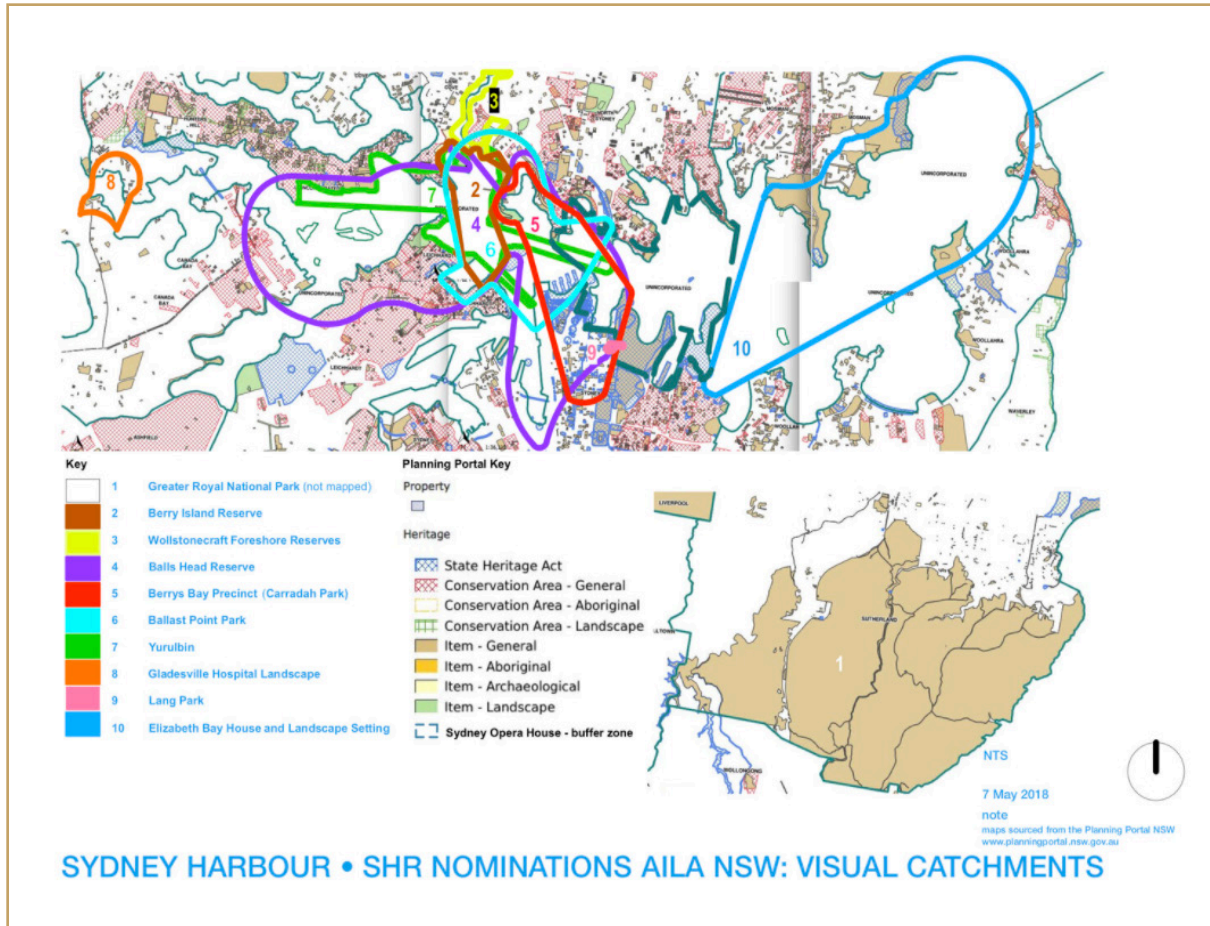


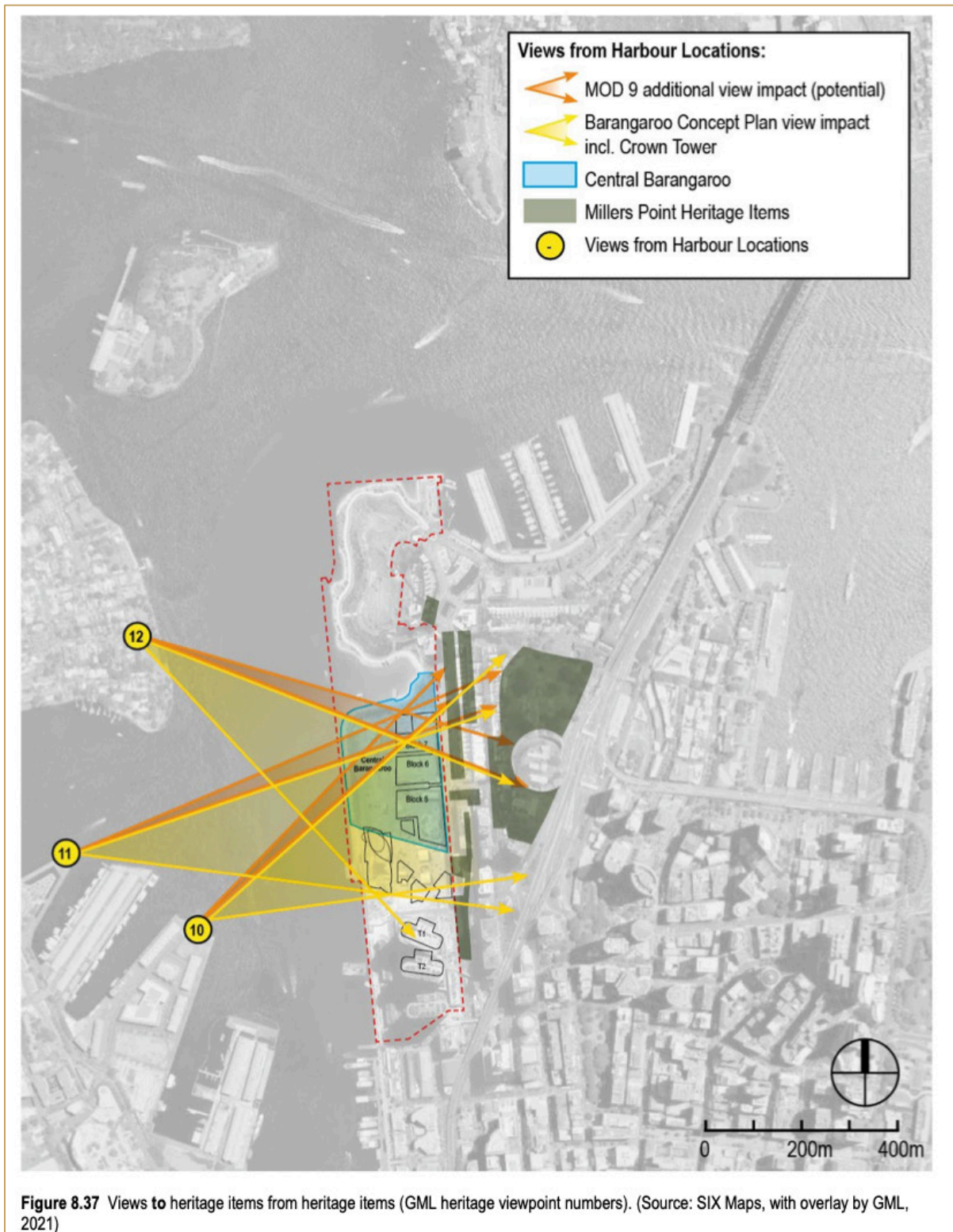
Figure 4. Sydney Harbour SHR Nominations AILA NSW :Visual Catchments map, 7 May 2018.

- AILA supports the Ministers' commitment to retaining views,

'Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores'.

yet the view mapping, Figures 8.37, 8.38 and 8.39, and concluding remarks of the Heritage Assessment and Impact Statement (HAIS) on page 158 demonstrate that appreciation of these qualities will be impossible;

'Views to Observatory Park from Ballarat(sic) Park and Pirrama Park will involve an additional minor loss of views to the tops of trees in Observatory Park and the Observatory itself, as proposed under MOD 9'.



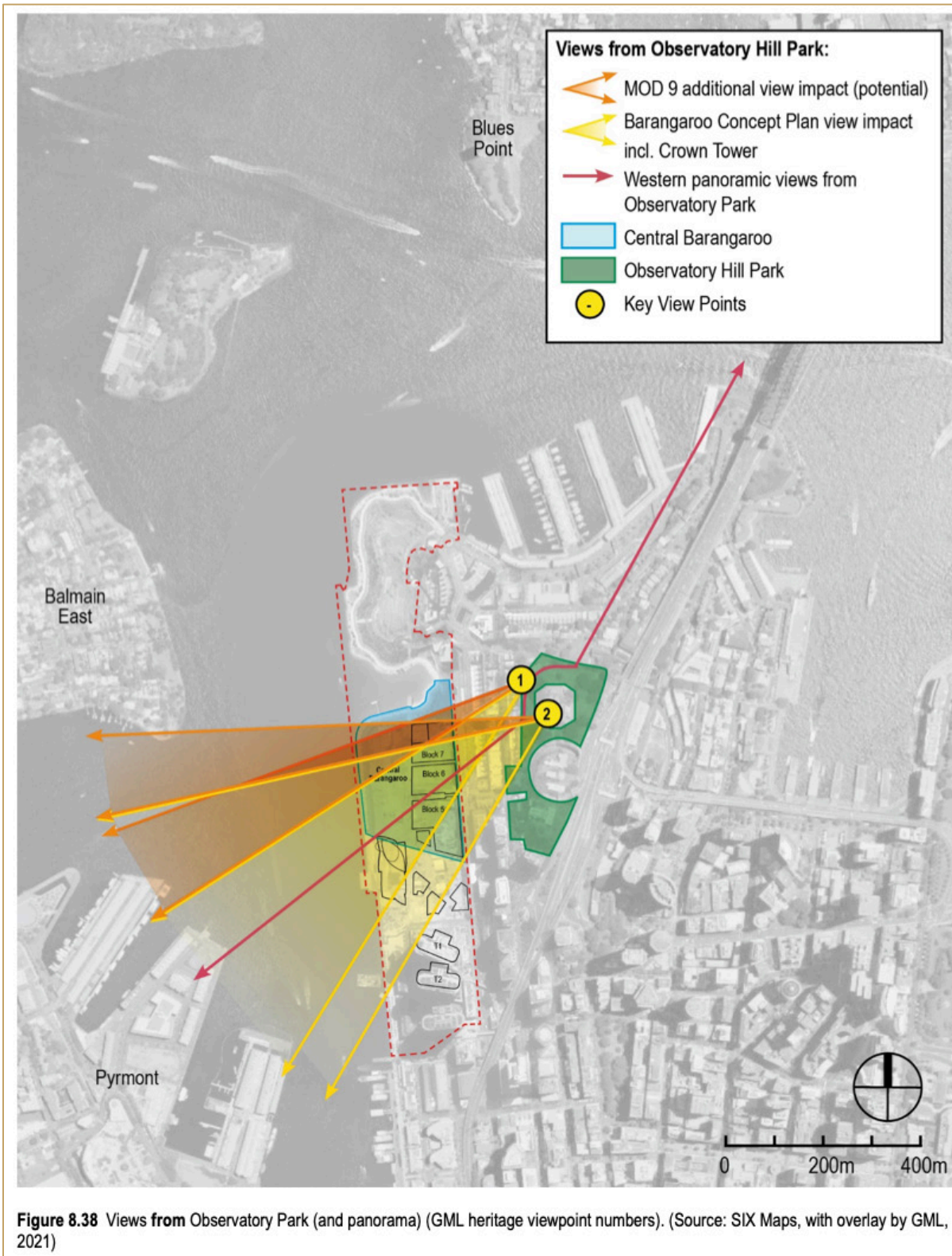




Figure 8.39 Preserved Panoramic views from Observatory Park and impacts of Block 7 tower form, as shown in 'Central Barangaroo Urban Design Report'. 'A' District and harbour views to and from Observatory Hill Park, 'B'; Local views along existing and new streets / connections 'C' Sydney Observatory sky views. (Source: Hassell, 2021)

AILA were assured by the Director, Heritage Operations in May 2020, in response to the AILA Landscape Heritage Report that the Department of Premier and Cabinet SHR Committee formed a working group to consider improvements to policy and procedures to better support and promote SHR listing of cultural landscapes. **The findings of this SHR Committee must be considered in this assessment of this proposal.**

- In mid-2021, the Review of the Heritage Act 1977 process revealed great concern from peak bodies that the Heritage Act was not as problematic as its implementation and this proposal demonstrates this failure. After consultation, the Heritage Act Review Standing Committee (SC) recommends Government commit to several points exemplified here:



- (2) *Reflect more varied understandings of State Heritage (beyond conventional understandings of heritage as buildings and structures -SC) including landscapes and intangible heritage* - **This proposal impacts negatively on landscape and intangible heritage**
- (3) *Undertake a review of interjurisdictional approaches to matters relating to intangible heritage. International examples of similar historic view, light, ambiance protection include Venice and Barcelona.* **Further study must be undertaken on world heritage landscape protection prior to granting approval.**
- 10) *Improved listing programs, more diverse range and more representative nominations.* **Sydney harbour listing of Badangi is under consideration and must be considered as part of this application.**
- (6) Peak bodies urged that the provisions of the Heritage Act should not be turned off by State Significant Developments. **AILA shares this concern around heritage overrides and sees Central Barangaroo Modification 9 proposal as an example where landscape heritage protection must not be compromised for untested claims of community benefit.**

Government does not support the Standing Committee recommendation for override 'only after consultation and clear NET benefit to the community for proceeding with a State Significant Development which results in a diminution of an 'item's heritage value', only 'noted', citing the Minister for Planning and Public Spaces consultation with the Heritage Council in determining the impacts and consent conditions, as if the overrides are a given. **AILA recommends The Minister for Planning and Public Spaces use his discretionary power to reject this application as the additional 800 square metres of community use does not balance the loss of panoramic views to and from Observatory Hill.**

(16) First Nations Cultural Heritage Protection Alliance and Council findings and refusal to support the Bill must be considered as a priority and as a prerequisite for this approval as **it directly affects Connection with, and visual access to, identified sites of immeasurable cultural importance** such as;

- Mel Mel (Goat Island)
 - the water where the three rivers meet (refer First Nations knowledge holders and ACIUCN etc.)
 - From Observatory Hill, Millers Point and Barangaroo - places of deep time and complex shared history and contemporary cultural and scientific centres.
- Non-visual experience of Observatory Hill and the Central Barangaroo Foreshore Park by the wide diversity of workers, residents and visitors will be compromised by wind tunnel effect and overshadowing caused by the additional GFA in the proposed form due to corridors and additional height of Block 5. AILA recommends that **qualified Landscape Architects be engaged in assessment of landscape heritage impacts.**



Recommendations

The Australian Institute of Landscape Architects (NSW) concurs with community concern and forms a position that significant post-industrial harbour public open spaces of the Inner Harbour, and the sightlines from to and from each other, and to and from the water, and must be completely protected from incremental destruction, as shared history of high significance to all people of the world. AILA objects to the proposal in its current form.

A determination on the current proposal must not be made without considering and respecting this position, the recommendations of the AILA Landscape Heritage Report and its relevant nominated listings.

An outstanding landmark development that remains in keeping with the Masterplan and Headland Park Urban Design Framework and Preferred Project Parkland Objectives² could be achieved with considered adjustment. The proposed footprint, excessive at 1.5 x the extent of the Crown Casino, could be limited to reduce environmental impacts on public space. The RLs must be limited to 20.00 over the extent of the building footprint to retain views to and from Observatory Hill and avoid overshadowing public open space.

AILA supports a revision of the Conservation Management Plan for the landscape and setting of Observatory Hill and Millers Point. This will provide a valuable guide and direction for development proposals around Observatory Hill as a whole. As part of the rigor of a Conservation Management Plan, the vistas that have been lost over time need to be assessed and reviewed as part of the Conservation Management Plan to guide the landscape conservation and policies for the place.

A more detailed submission is in preparation, as permitted by the extension of time. This submission invites dialogue with AILA and we would be please to provide consultation and further information.

Yours sincerely,

Sincerely yours,

[Redacted signature]

[Redacted name]

AILA NSW President

SUBMISSION TEAM

AUTHORS:

[Redacted authors]

² Barangaroo Headland Parklands Urban Design Report. Prepared by Conybeare Morrison August 2009



References

- Burton, C. 2010, *Barangaroo :Seeing ahead(land) Architecture Australia, May 2, 2010*
Barangaroo Headland Parklands Urban Design Report. Prepared by Conybeare Morrison August 2009.
- Central Barangaroo Modification 9 Application : Heritage Assessment and Impact Statement , November 2021 GML Heritage for HASSELL
- Taksa, Lucy. History of development of Observatory Hill & Higginbotham, Edward A.K. Report on historical and archaeological sites & New South Wales. Government Architects Branch & Travis Partners (1987). *Observatory Hill conservation management plan* (Draft). Travis Partners, [Sydney] <https://trove.nla.gov.au/work/24519501>
- The National Trust Centre : a plan for its conservation and management / prepared by Otto Cserhalmi & Partners P/L. Publisher:[Sydney, N.S.W.] : [Otto Cserhalmi & Partners P/L], 2004. Call Numbers: HQ 2019/0286 <https://collection.sl.nsw.gov.au/record/74VKVy72p4gl>
- AILA Landscape Heritage Report / prepared by Christine Hay, Colleen Morris and James Quoyle supported by Heritage NSW
<https://www.landscapearchitectureprojects.com/projects/2020/1/29/aila-nsw-landscape-heritage-conservation-listing-project>
- Draft Designing with Country Framework, New South Wales Government Architect.
- Walliss, J. 2012, The politics of aesthetics: Expanding the critique of Headland Park, Sydney, *Journal of Landscape Architecture*, 7:2, 6-13.
- Woodward, E., Hill, R., Harkness, P. & R. Archer (Eds.) 2020, *Our Knowledge Our Way in caring for Country* ACIUCN NAILSMA & CSIRO



Appendix: The description of proposed modification:

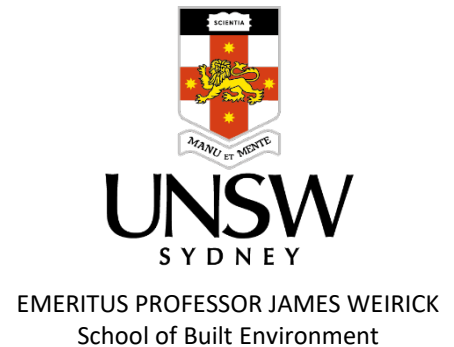
to increase the total permissible gross floor area (GFA) within Barangaroo from 602,354 sqm to 708,041 sqm and for the following changes to Central Barangaroo (Blocks 5, 6 and 7):

- (1) increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA)
- (2) increase the minimum community uses GFA from 2,000 sqm to 2,800 sqm
- (3) allocate up to 18,000 sqm of GFA for The Cutaway within Barangaroo Reserve (previously unallocated)
- (4) increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park
- (5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct
- (6) modify the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks
- (7) introduce Design Guidelines for Central Barangaroo to guide future detailed proposals
- (8) amend the State Significant Precincts SEPP to support the proposed modifications to Central Barangaroo.

428561

21 February 2024

Director - Key Sites Assessment
Planning & Assessment
NSW Department of Planning & Environment
Locked Bag 5022
Parramatta, NSW 2124



Dear Sir or Madam,

MP 06_0162 MOD 9 (Revised) - Blocks 5, 6 & 7, Barangaroo Central

Thank you for the opportunity to comment on the revised plans and supporting documents submitted by Infrastructure NSW for MP 06_0162 MOD 9 in response to issues raised by government agencies, the City of Sydney and members of the public on initial release of the MOD 9 application in July 1922.

I make this submission in my personal capacity as a concerned citizen based on the MP 06_0162 MOD 9 (Revised) documentation uploaded to the Major Projects site of the NSW Planning Portal and notified on 11 January 2024.

I object to the proposal on the following grounds:

- Unacceptable impacts of the proposed building envelopes on the heritage values of the State Heritage listed Millers Point & Dawes Point Village Precinct (SHR 01682) and the Millers Point Conservation Area (SHR 00884, LEP C35).
- Unacceptable impacts of the proposed building envelopes on views to and from Observatory Hill Park (LEP 935).

The original Barangaroo Concept Plan, approved in 2007, states with respect to heritage, *inter alia*:

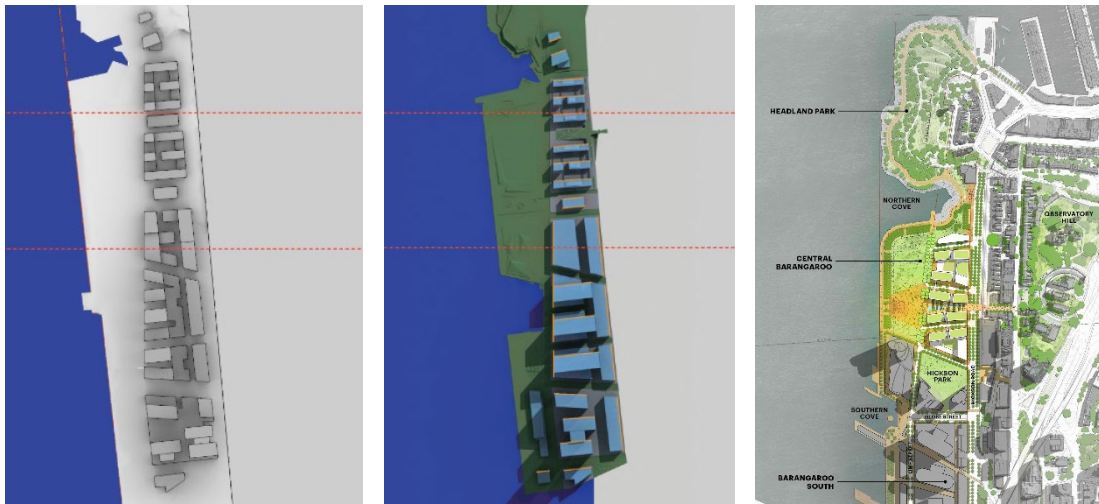
The heritage significance of EDH (East Darling Harbour) is found in the history of its former operations. The site was once socially and physically connected to the working class residential areas of Millers Point which provided labour for the wharf operations during the 19th and early 20th centuries. The adjoining built form and landscapes reflect the history of this part of Sydney. The strategy for EDH is based on protecting and enhancing the surrounding townscape and views, and telling the history of EDH through the design of the public domain and public art . . .

The major views over the EDH site from the opposite headlands to Millers Point and Observatory Hill are to be improved with the removal of the existing stevedoring sheds and their replacement by parkland or low scale development. Views from Observatory Hill to the water are retained by the Concept Plan which maintains lower height development opposite Millers Point and Observatory Hill, with the development increasing in height further south as the site merges into the existing CBD cityscape.¹

¹ JBA Urban Planning Consultants 2006, *East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment*, Prepared under Part 3A of the Environmental Planning & Assessment Act 1979 (as amended), p.53 – MP 06_0162 as determined, 9 February 2000.

The 'low scale development' adjoining the Millers Point conservation areas was conceived as a series of narrow, east-west building masses separated by slots of open space or lower built forms in a 'bar code' configuration, a reinterpretation of the 19th/early 20th century East Darling Harbour finger wharves. Sympathetic in scale and presence with Millers Point, this urban design typology was based on a series of view corridors to and from the State Heritage-listed precinct on the heights above the harbour and its crowning green space, Observatory Hill Park.

The 'bar code' configuration of Barangaroo Central (approved in 2007), was maintained in MP 06_0162 MOD 2 (approved in February 2009), and formed the basis for the MOD 9 studies undertaken by Skidmore, Owings & Merrill and Andersen Hunter Horne from 2013 to 2019 (Figures 1-3).



Figures 1 - 3. 'Bar code' configuration of east-west buildings for Barangaroo Central, MP 06_0162 2007 (left), MOD 2 2009 (centre), and SOM study c.2016-2017 (this study post-dates approval of MOD 8 in June 2016). (Sources: Mecone 2023, *Response to Submissions Report – Barangaroo Central, MP 06_0162 MOD 9*, p.27, and SOM, <https://architizer.com/projects/central-barangaroo/> - accessed 21 February 2024).

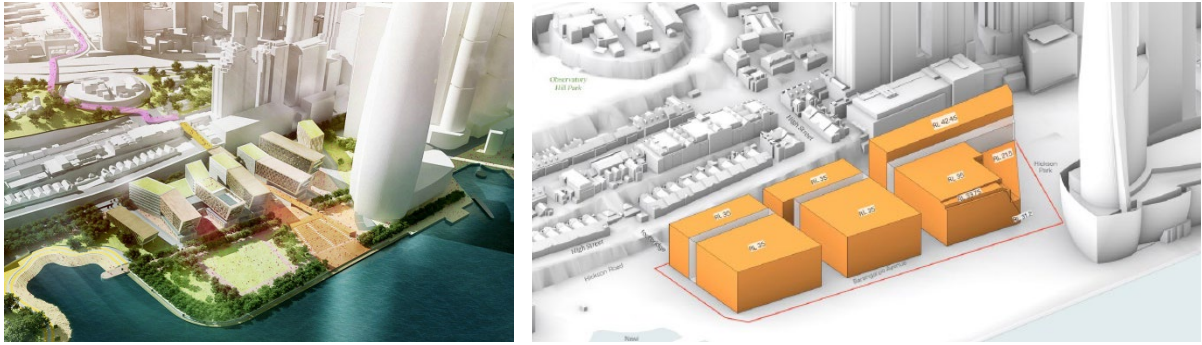
The SOM/AHH design team was replaced by Hassell in 2020. The 'bar code' configuration was abandoned in Hassell's scheme for the MOD 9 application lodged with the Department of Planning in July 2022. A massive 'perimeter block' configuration was proposed instead, dominating the Millers Point conservation areas and blocking significant views to and from Observatory Hill.

Hassell's scheme, prepared in association with a number of prominent architects, was widely condemned by experts and lay people alike – including the Minister for Planning in the Perrottet L-NP Government, Anthony Roberts, who took particular exception to a 22-storey residential tower designed by British 'starchitect' David Chipperfield. The NSW Government Architect, advising the Minister, stated at this time, 'the increased building heights did not follow the important urban language established by the Millers Point Conservation Area.'²

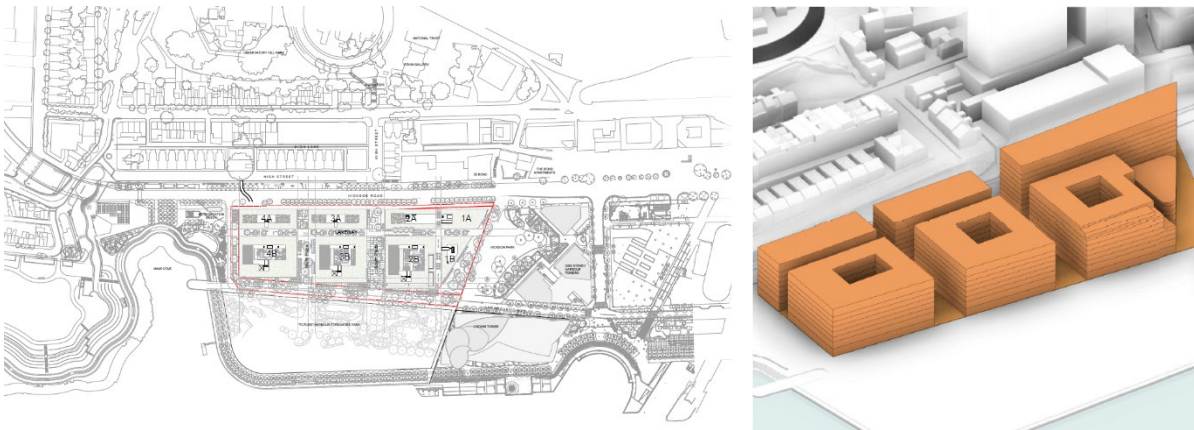
The current 'Response to Submissions' scheme, prepared by SJB Architects, has removed the Chipperfield tower, and reduced other building heights by 2.05 and 3.7 metres. The scheme, however, retains the bulky, view-blocking 'perimeter block' configuration rather than reverting to the 'bar code' configuration. Compared to the currently approved Concept Plan for Blocks 5, 6 & 7, Barangaroo Central (MP 06_01682 MOD 3, approved 11 November 2009, and MOD 8, approved 28 June 2016), the maximum height of Block 5 at RL42.5 is 8.45m higher; Block 6 at RL35m is 6m higher; Block 5 at RL35 remains the same.³

² Koziol, M. 2022, 'Planning minister kills proposal for new tower at Barangaroo's missing link,' *Sydney Morning Herald*, 8 October, <https://www.smh.com.au/national/nsw/planning-minister-kills-proposal-for-new-tower-at-barangaroo-s-missing-link-20221007-p5bo3k.html> - accessed 21 February 2024.

³ Mecone 2023, *Response to Submissions Report*, pp.42-43, 90.



Figures 4 & 5. SOM/AHH MOD 9 study, c.2016-2017 (left) incorporating generous view corridors to and from the Millers Point conservation areas and Observatory Hill inherent in its 'bar code' configuration; SJB MOD 9 (Revised) scheme, 2023 (right) based on bulky, view-blocking building envelopes inherent in its 'perimeter block' configuration. (Sources: SOM, <https://architizer.com/projects/central-barangaroo/> - accessed 21 February 2024; Mecone 2023, *Response to Submissions Report*, p.56).



Figures 6 & 7. SJB MOD 9 (Revised) Reference Scheme, 2023 demonstrating the unacceptable bulk and scale of development on Blocks 5, 6 & 7, Barangaroo Central under the 'perimeter block' urban design typology in relation to the traditional fine scale of the Millers Point heritage conservation areas. (Sources: Mecone 2023, *Response to Submissions Report*, Appendix U – SJB Reference Scheme, Site Plan, Drawing AR 00-0101, Revision 8, 30.10.23); SJB 2023, *Central Barangaroo Urban Design Report & Design Guidelines*, p.63.

The unacceptable bulk and scale of the 'perimeter block' configuration in relation to the fine scale of the State heritage listed Millers Point conservation areas is graphically shown in the 3D view of the SJB MOD 9 (Revised) Reference Scheme (Figure 7) where the impact of walling in the terrace houses of High Street can be clearly seen, and the SJB site sections (Figures 8 & 9) where the impact of the height differential of these long walls of development dominating the High Street terraces and the stepped profile of the Millers Point precinct is all too evident.

In addition, the long walls of development block views to and from the waterfront of this traditional maritime precinct, and views to and from Observatory Hill.

The Statement of Significance of the Millers Point & Dawes Point Village Precinct (SHR 01682) includes the following:

Millers Point & Dawes Point Village Precinct is of state significance for its ability to demonstrate, in its physical forms, historical layering, documentary and archaeological records and social composition, the development of colonial and post-colonial settlement in Sydney and New South Wales.

The natural rocky terrain, despite much alteration, remains the dominant physical element in this significant urban cultural landscape in which land and water, nature and culture are intimately connected historically, socially, visually and functionally.

Much . . . of the colonial-era development . . . remains substantially represented in . . . the walking-scale, low-rise, village-like character of the place with its . . . its vistas and glimpses of the harbour along its streets and over rooftops, the sounds of boats, ships and wharf work, and the smells of the sea and harbour waters.

The post-colonial phase is well represented by the early 20th century public housing built for waterside workers and their families . . . and the connections to working on the wharves and docklands still evident in the street patterns, the mixing of houses, shops and pubs, and social and family histories of the local residents The whole place remains a living cultural landscape greatly valued by both its local residents and the people of New South Wales.⁴

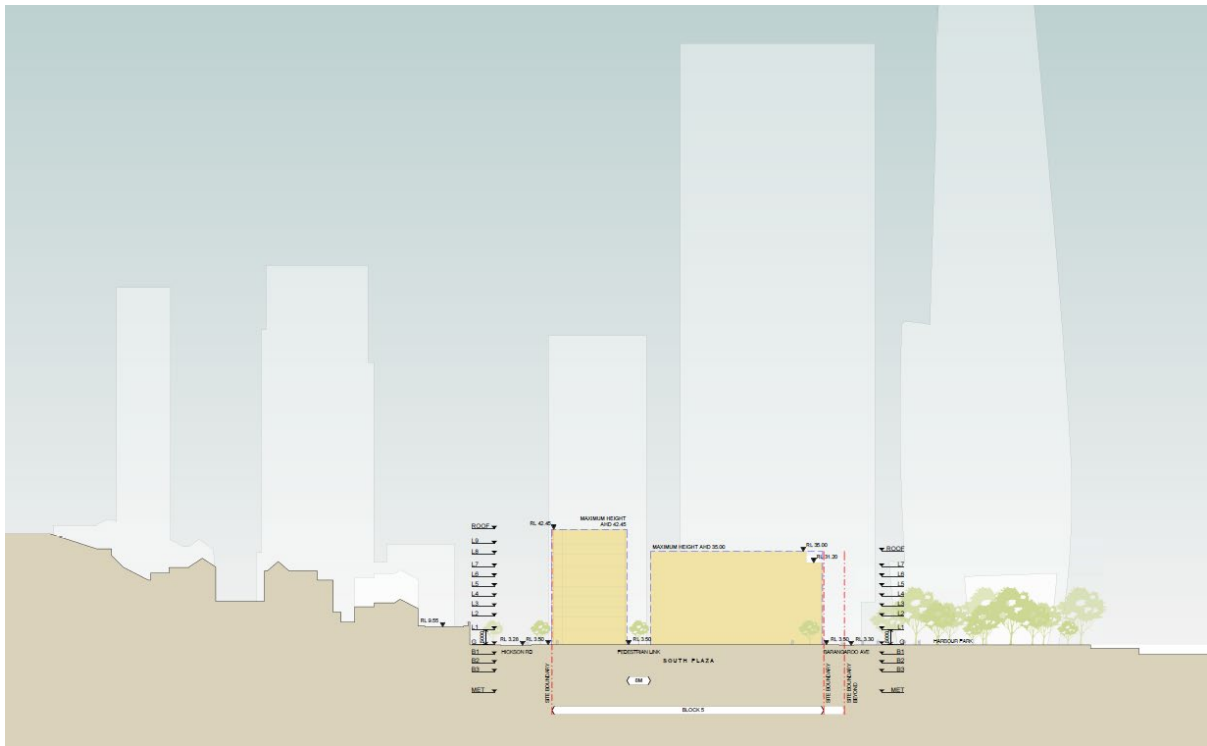


Figure 8. Dominance of the ‘perimeter block’ development under the proposed MOD 9 (Revised) scheme shown in relation to the diminutive scale of the terraces in High Street, Millers Point, stepped down from Observatory Hill. (Source: Mecone 2023, *Response to Submissions Report*, Appendix U – SJB Reference Scheme, South Plaza Elevation to proposed development on Block 5, Drawing AR 00-1409, Revision 4, 30.10.23).

⁴ NSW State Heritage Inventory, Millers Point & Dawes Point Village Precinct (SHR 01682), Statement of Significance (extracts).

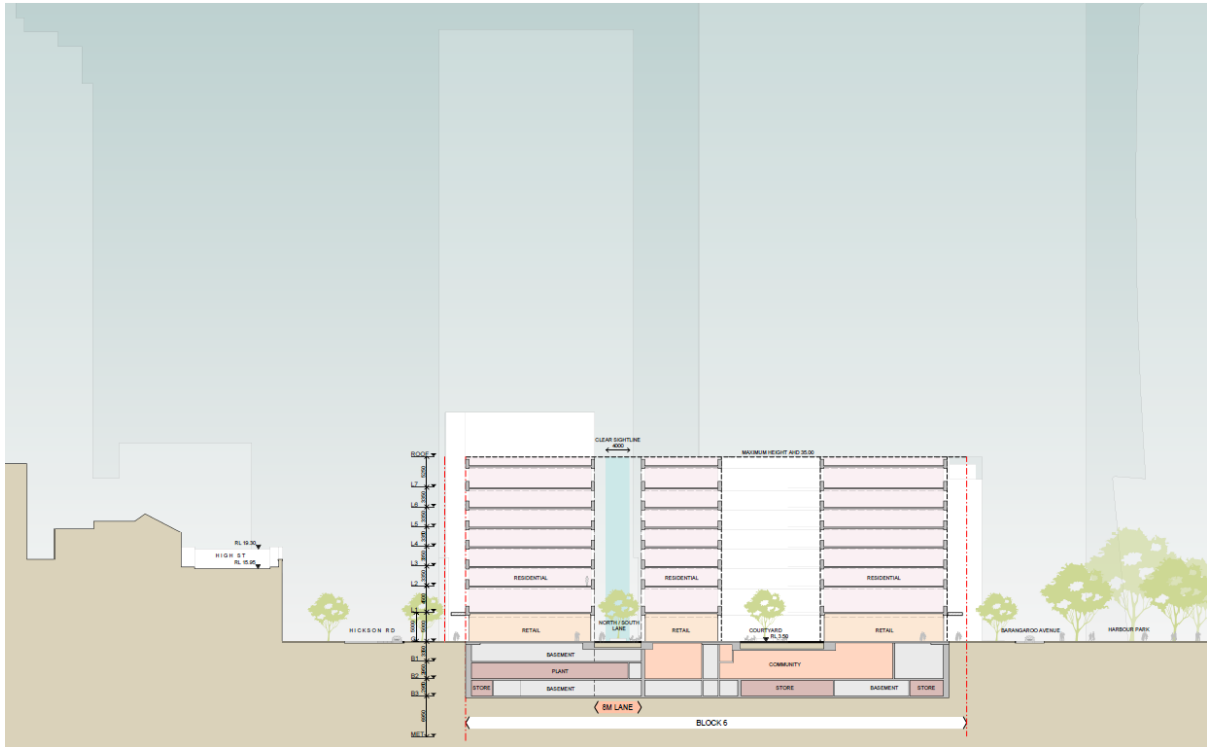


Figure 9. Dominance of the ‘perimeter block’ development under the proposed MOD 9 (Revised) scheme shown in relation to the diminutive scale of the terraces in High Street, Millers Point above the Hickson Road cut, and the modest ‘three storey part four storey’ scale of the contextual Langham Hotel designed by Cox, Richardson, Taylor & Partners in 1987-1988 (City of Sydney Development Application 44/87/165). (Source: Mecone 2023, *Response to Submissions Report*, Appendix U – SJB Reference Scheme, Site Section, through Block 6, Drawing AR 00-1506, Revision 7, 30.10.23).

The Applicant’s heritage consultants, GML Heritage, have assessed the heritage impacts of the MOD 9 (Revised) scheme to be overwhelmingly adverse:

- of fifteen (15) assessments under ‘Settings, Views & Vistas,’ fourteen (14) were found to be adverse, with six (6) found to be ‘Major Adverse’;
- of eleven (11) assessments of ‘Additional Views,’ ten (10) were found to be adverse;
- of two (2) assessments of ‘Heritage Conservation Areas,’ one (1) was found to be adverse, with the other not visible from the subject site;
- of three (3) assessments of ‘Heritage items in Barangaroo,’ one (1) was found to be adverse, with one not visible from the subject site;
- of twenty three (23) assessments of ‘Heritage Items in the Vicinity,’ eighteen (18) were found to be adverse, with three (3) found to be ‘Major Adverse’;

Overall, the Applicant’s Heritage Consultants undertook fifty four (54) assessments, and found forty four (44) to be adverse. Nine (9) were found to be ‘Major Adverse.’⁵

⁵ GML Heritage 2023, *Central Barangaroo - Response to Submissions and Updated Heritage Impact Statement*, pp.31-61.

The consultants' determination of what constitutes a 'Major Adverse' impact can be called into question. Taking one example, the impact on Observatory Hill Park (LEP 935), the assessment text includes the following:

- *The amended proposal includes three blocks of built form with RLs between 42.45, RL35 and RL22. Notwithstanding the east west openings, the built form will essentially form a wall of varying height parallel to Hickson Road that will impact the ability to visually appreciate features that evidence the heritage significance of Observatory Park. This includes the landform's prominence comparative to the distinctive human modified topographical change between the park, as the highest point in Millers Point, when viewed from Pyrmont, Darling Harbour and water. The legibility of the natural landform and its transition will be obscured, although the tops of figs within the park will remain visible above the buildings associated with the amended proposal RTS.*
- *Existing views to the harbour from the southwest will be obscured by the proposed building envelopes. Darling Harbour and parts of Pyrmont will no longer be visible.*
- *The loss of the harbour view to the southwest and screening of Millers Point historical maritime precinct roofline will impact the setting, and the ability to read and appreciate aspects of the modified landform and the historical maritime, industrial and Victorian features that characterise the area.⁶*

Despite this accurate, and damning assessment, the consultants determined that the heritage impact of the MOD 9 (Revised) proposal on Observatory Park would be 'Moderate Adverse,' not 'Major Adverse,' as would clearly be the case.

The consultants' assessment of the Cumulative Impacts of the MOD 9 (Revised) proposal includes the following statements:

The concept approval and the amended proposal of Central Barangaroo will:

- *contribute cumulatively to impacts on the historic and other heritage values associated with the Millers Point and Dawes Point village precinct, the Millers Point heritage conservation area and listed heritage items . . .*
- *contribute to the cumulative loss of historic visual connections and views to and from Millers Point to the waterfront*
- *exceed the heights of former historical maritime buildings. This will impact Millers Point and obscure the historical visual relationships and associations between the modified landforms, the maritime working harbour and the Victorian period workers housing located along the ridge.⁷*

The consultants' assessment of the MOD 9 (Revised) proposal with respect to the heritage issues raised in submissions to the original MOD 9 application includes the following statements:

While heritage impacts have been reduced, the amended proposal will still have considerable heritage impacts on the heritage items and conservation areas in Millers Point. This is predominantly through visual and setting impacts.

Close views to the waters of Darling Harbour and Pyrmont from Observatory Hill will be lost.

⁶ GML Heritage 2023, *Central Barangaroo - Response to Submissions and Updated Heritage Impact Statement*, p.56.

⁷ GML Heritage 2023, *Central Barangaroo - Response to Submissions and Updated Heritage Impact Statement*, p.62.

The amended proposal will still have a major adverse impact on several High Street Terrace duplexes, and a moderate adverse impact on the Millers Point conservation areas, Sydney Observatory, Observatory Hill Park and others.

Based on this assessment, the visual impact on the conservation areas and heritage items in Millers Point (especially High Street) is undoubtedly the proposal's most significant impact. The proposal, if built to the reference design, would significantly impact the connection of the terraces to the harbour and alter their setting.

The proposal, if built to the reference design, would significantly impact the connection of the terraces to the harbour and alter their setting.

The amended proposal will block views to many heritage terraces on High Street and partially on Kent Street. In the case of High Street, these views were historically screened by maritime warehouses, although the proposal and the approved concept plan are in excess of this.

The updated assessment assesses the impact of the additional height on the heritage items with views along High Street from the Kent Street intersection, and its impact on the Millers Point conservation areas. The assessment concludes that the additional height will have an additional adverse impact in excess of the approved concept plan. This derives from impacts to the character of the area and loss of the stepped terrace roofline silhouette against the sky.⁸

The Heritage Impact Statement by the Applicant's own heritage consultants effectively concludes that the MOD 9 (Revised) proposal is an over-development of the site. The consultants recommend reducing the development:

Future development should be designed to reduce impacts to and from the Millers Point and Dawes Point Village Precinct, the heritage conservation area and heritage items in Millers Point, Observatory Hill and elsewhere. The proposed built form in key locations could be reduced to optimise historical visual connections, and views to and from the harbour from Millers Point and Observatory Hill.⁹

The Applicant's heritage consultants' conclusion is correct - the proposal is an overdevelopment of the site - but their recommendation is meaningless unless the 'perimeter block' configuration and the bulk, heights and scale of the building envelopes of the MOD 9 (Revised) proposal are refused.

Conclusions & Recommendations

In their written statements and assessments embedded in their report, the Applicant's own heritage consultants, GML Heritage, provide clear, unequivocal support to my contention that the MOD 9 (Revised) proposal entails:

- Unacceptable impacts of the proposed building envelopes on the heritage values of the State Heritage listed Millers Point & Dawes Point Village Precinct (SHR 01682) and the Millers Point Conservation Area (SHR 00884, LEP C35).
- Unacceptable impacts of the proposed building envelopes on views to and from Observatory Hill Park (LEP 935).

⁸ GML Heritage 2023, *Central Barangaroo - Response to Submissions and Updated Heritage Impact Statement*, pp.69-73.

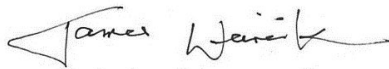
⁹ GML Heritage 2023, *Central Barangaroo - Response to Submissions and Updated Heritage Impact Statement*, p.66.

The MOD 9 (Revised) application is a deeply flawed proposal based on an over-development of the subject site.

I recommend the following:

- (1) MP 06_01682 MOD 9 (Revised) be refused.
- (2) Any future proposal for the Barangaroo Central site be based on the original 'bar code' configuration of low-scale development comprising a series of narrow, east-west building masses separated by slots of open space or lower built forms in a reinterpretation of the 19th/early 20th century East Darling Harbour finger wharves, sympathetic in scale and presence with the Millers Point heritage conservation areas, conserving views to and from Observatory Hill Park.
- (3) Given the over-development of the MOD 9 (Revised) proposal, the quantum of GFA for any future development of Barangaroo Central in accordance with Recommendation (2) be determined by a public hearing of the Independent Planning Commission.

Yours faithfully,

A handwritten signature in black ink that reads "James Weirick". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke at the end.

Emeritus Professor James Weirick

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McMahons Point, NSW 2060
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20 February 2024

This is a submission in response to Barangaroo Amended Mod 9 Submission.

We lodged a submission in response to Barangaroo Concept Plan (Mod 9) and hence are following up that submission.

We have been residents of Walsh Bay /Millers Point for 6 years and currently live in our own townhouse in Millers Point. We note however that our property faces north, and we do not outlook onto Barangaroo Central or South in any way, so we are not making any comments below in order to preserve our own views. Rather, all comments are about our opinion of the impact on the Millers Point community.

Whilst we acknowledge the changes made between Mod 9 and Amended Mod 9, we do not believe the changes have gone far enough, and hence we continue to lodge some points of objection. Overall, we would class ourselves as supporters of the Barangaroo Central development but not at the current scale.

At the outset, it must be said it is difficult to follow what has previously been approved and what we can rightfully challenge now in Amended Mod 9. What we would say is that Amended Mod 9 Submission continually refers to Mod 9 as some form of benchmark. We object to measuring any improvement against that submission as that was someone's attempt to bulldoze through an amendment that was unsatisfactory in so many respects. We therefore are not going to fall for the approach of how much better Amended Mod 9 is. In our view, the rightful benchmark remains the Barangaroo Concept Plan (2007) ("Concept Plan").

1. Floor Area

We understand that the Concept Plan has an approved floor area of 47688m² for Central Barangaroo Blocks 5,6,7.

Amended Mod 9 seeks to increase GFA from 47688sqm to 104000m². One has to again question whether an increase of 56312sqm, taking the GFA to 218% of the original approval should be dealt with as a Modification or a completely new planning approval. These are totally different scale of projects.

We can still not understand the reason for such a large increase. The submission maintains that "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".

With respect, town planning and development was carried out on the original planning approval and 47688m² was deemed appropriate. Amended Mod 9 still proposes that these planners got it wrong by 118%, or else we must continue to deduce that there is some other opportunistic force involved.

Our position is therefore one of total objection to the proposal for 104000sqm of GFA, however we are not opposed to some reasonable increase in floor area provided other criteria provided elsewhere in our response submission are met.

2. Building Height

The summary of building heights is as below:

	Approved Concept Plan	Amended Mod 9 Maximum	Change in RL from Approved Height
Block 5	RL34	RL42.45	+8.45
Block 6	RL29	RL35	+6.00
Block 7	RL35	RL35	0

We continue to push for views from Millers Point and back to Millers Point from the harbour to be unobstructed by the Central Barangaroo development. To this end, we believe that any development north

of High St (section that runs approximately east – west) should be limited such that views to and from Millers Point and Observatory Hill are not obscured. Millers Point views should be celebrated given they have been there well over 100 years.

An increase in height of 8.45m is proposed for Block 5. Block 5 is largely south of High St and we have no objection given the high rise buildings already in place in this vicinity.

However, we believe the quid pro quo for this increase in allowable height in Block 5 should be a decrease from the RLs of 29 and 35 for Blocks 6 and 7 respectively approved in the Concept Plan. These heights still block Millers Point / Observatory Hill views and we strongly object to this.

We believe a bit of give and take against the original concept plan is warranted and the developer should be able to accommodate this given they are still pursuing an increase of 118% against the approved Concept Plan.

3. Parking and Traffic

We maintain our objection to the traffic management arrangements associated with Amended Mod 9. We think there is 483 car parking spaces associated with Central Barangaroo (page 6 of Transport Management and Accessibility Plan).

These car parking spaces will generate additional traffic on Hickson Road, together with Ubers/Taxis/private vehicles associated with an extra 104,000m² of floor space, of which Residential increases by 435% on the Concept Plan's maximum Residential Cap and is a 168% increase on MOD 9.

The concerns with traffic and car parking are:

- a) Lack of public car parking in the area. Already car parks on Hickson Road Walsh Bay are overflowing with patrons for Walsh Bay Theatre and restaurants and many persons who already walk to Barangaroo entertainment area.
- a) The revised Transport Management and Accessibility Plan (TMAP) concludes that the total volume of traffic generated will be slightly reduced when compared with that previously assessed. As outlined in our previous submission, the TMAP undertaken for MOD 9 was grossly inadequate and not reflective of reality.

The Arup Report fails to adequately model the intersections on Hickson Road.

The Arup Report shows Napoleon / Hickson Road to be LOS E both morning and afternoon peaks. This is not satisfactory.

Further, the Arup Report fails to consider Sussex/King which drives traffic congestion in the area and is one of the few ways out of Walsh Bay. Sussex Street south of Erskine clearly cannot handle current, let alone additional volumes from Amended MOD 9 but this has not been considered in the Arup report.

- b) You can no longer viably exit Walsh Bay via George St due to the seating placed on George St at the Rocks. The "roundabout"/ turning area on George St just north of the Cahill Expressway makes it impossible to exit in any reasonable timeframe.
- c) Trucks and busses running to the cruise ships continue to use Kent St and Hickson Rd and these local streets just cannot handle the traffic.

It is suggested a full analysis of traffic in the Walsh Bay/Millers Point/The Rocks area (including along Sussex St to King Street) needs to be completed. Arup's conclusions from their traffic models do not reflect reality.

In addition, the results of the Traffic and Transport Study for the Millers Point, Dawes Point and Walsh Bay Peninsula undertaken in October 2023 by the City of Sydney, in conjunction with TfNSW (Transport for NSW), must be considered and addressed in response to the proposed development.

4. Summary

1. We support the development of Central Barangaroo and believe it will be beneficial to the local community and create another iconic harbourside area in Sydney.
2. Decisions have been made to proceed with Barangaroo station and Barangaroo Central developments on the basis of 47,688sqm GFA. A GFA 118% larger than approved in the Concept Plan at this stage is not warranted and does not respect the work of planners who obtained the right balance with surrounding Millers Point when approval was provided over a decade ago.
3. Some increase in GFA from the original GFA of 44,688 sqm may be appropriate provided building heights and traffic are adequately considered.
4. The Mod 9 building heights in Blocks 6 and 7 will block views to and from Miller Points and Observatory Hill. We promote a position that the increase in height in Block 5 against the approved Concept Plan (RL 34 to 42.45) should be offset by a reduction in height in Blocks 6 and 7 from the approved Concept Plan of RL 29 and 35 respectively such that no interference with Millers point and Observatory Hill views exists at all.
5. The increase in GFA will not work from a traffic perspective, and the Arup Report fails to consider actual traffic patterns and the real delays.
6. A full transport and traffic analysis is undertaken of the Walsh Bay/Millers Point/Rocks/Sussex St area, incorporating the recent City of Sydney / TfNSW Traffic study results.

Submission Re Notification of Amended Modification Application - Barangaroo Concept Plan Approval (MP 06_0162 MOD 9)

The major concerns still exist which have not been addressed are as follows.

1. I refer you to pages 9 & 10 of your supporting document (**Modification to Barangaroo Concept plan: Central Barangaroo and Headland Park**) – Central Barangaroo Framework Plan, you have not demonstrated the height of the buildings to scale being and #2 on the plan (refer to pages 9, 10 & 14) to create three development blocks along Hickson Rd which affects the residents of Hickson Rd and others.
2. Hickson Park was modified and was grossly reduced in size being parallel to Barton St leading to the Crown Casino. It is not clear that Barton St is going to be removed completely.
3. We have already objected previously to the 3 buildings, major high-rise buildings between Waterman's Quay and Barton St.
4. We have been residents at the site since Jan 2013 and have seen 14 + major changes to the original plans and DAs to do with the further high-rise buildings and the current area of land to the north of Barton St. in addition incorporates a further 4 to 5 high-rise buildings plus lower rises buildings probably in total of some 10+ all along Hickson Rd to the new underground railway construction and development site currently in progress.
5. The major problem that I have outlined over 10 years and originally to the Barangaroo Authority before you disbanded and incorporated into the Department of Planning House and Infrastructure Group still stands.
6. The most serious concern with the continuing buildings on Central Barangaroo and south let alone the ones established at Barangaroo north is the massive problem with traffic management, access to any buildings in relation to servicing, pickups and drop-offs, parking provisions for the local people that were taken away of Hickson Rd. for visitors, servicing & maintenance.
7. Environmental impact and noise level is not acceptable due to the current public bus fleet from their exhaust and engines including motorcycles and cars deliberately making noises beyond the acceptability is not acceptable. This further impacted by the high-rises along Sussex St and Hickson Rd, the noise travels up to an unacceptable level day and long into the night, we have to work at home as well.

8. While you have allowed some green areas along the foreshore as noted on pages 9 & 10 of the Modification document, you conveniently allow the Headland Park to be part of 50% as green which is not a criticism but does not help the commercial and residents who live with the central south Barangaroo precedent along Hickson Rd.
9. As I have brought to the attention of the Department of Planning & Infrastructure (2014) over the last decade that there is one-way in along Sussex St, Hickson Rd to the Miller's Point and the same way out, currently with your proposed developments Central Barangaroo major high-rises again, the traffic is already grid locked a great part of the day & night. It would only get worse as all these buildings have to lease access & serviced one way or another.

Further, the residents who live within this area with cars are not just for traveling around the metropolitan area of Sydney but as well a lot of people have business outside of Sydney and into country NSW and always have and on this point the continuing blocking off Hickson Rd and Sussex St for running events etc. is not acceptable as a lot of us have to move early on Sunday morning not only for personal reasons, but for business reasons and further people accessing this area from airports or vice versa on Sunday is becoming a nightmare or not accessible.

10. The Wynyard tunnel in the peak hours over 3 hours (AM & PM) is already running at tsunami capacity, and what even worse, currently as in the past before Covid 19 the trains running at Town Hall and Wynyard are at full capacity, the platforms (Town Hall is a disaster) and Wynyard platform is wider that the railway is constantly making announcement to passenger-management not only to the platforms capacity but warnings waiting to get to the platforms safety.
11. I note that Lendlease wants further DA as noted in your document of page 12 under separate modification being sought - Barangaroo South (Modification 8), we would all like to know what that is as they have had many modifications and we certainly we don't need another one in this area unless there is good reason that is going to be some reduction or cancellation, most likely it would be further buildings and heights of buildings increases.
12. There is no doubt that there is serious conflict of interest to do with seeking out further significant contracts for Lendlease, to the Sydney City Council who are the beneficiary of significant revenue from their rates, taxes, land & property tax including parking in strata buildings and other penalties and services, and from

the NSW Government who benefits substantially from stamp duty revenues on purchases and sales of enterprises within this precedent and along with the city council increased property taxes and other taxes.

It is very difficult to understand on pages 13 & 14 of the Modification document – what your modifications are to mod 9 as well as Lendlease modifications to mod 8 and does not demonstrate the height of buildings and footprint effect upon the precedent and upon those living in the area so affected includes all the points made.

Further, that the line site for people is of major concern living in the area as well as wind tunnel created which has already been observed from the current buildings north due to the strong wind from northwest to southwest in this area and shadowing and lighting, we continually have to put up with environment noise into the night as well as black suit particles coming from all the vehicles and industrial uses and construction which is going to continue for the next 3-4 years, air pollution that we have suffered over the last 10 years.

It is all very well to have a nice foreshore and green area running along the foreshore front as indicated figure 4 page 6, but that doesn't help anyone else in the precedent especially along Hickson Rd.

In 2013-2014 we objected to the step coming down from High St. to ground level of Central Barangaroo, those objections still stand, and I don't understand why you want to create a situation for people who have to go up and down with step crossing the roads and as we said previously it is interrupting the whole environmental aspect of the precedent.

Communication with people in the area is non-existent, no interaction with people in the area at all and no consideration, as if you know everything and we know nothing and we are the ones living here. I hope you can explain to us the different questions raised here with proper answers as to the environment, traffic management and how we are able to live with this high-rise concrete jungle, tower & cement along Sussex St and Hickson Rd.

Sincerely,

Howard V. Renshaw

Resident of Barangaroo and with significant credentials to make such statements and concerns to you, having served the state for over 50 years attending to these sort of matters in the past along with my extended family of father and uncles who have represented the state of NSW and Australia over all of their lifetimes as I have at the highest level.

Re Application MP06_0162-Mod-9

I am a resident of The Rocks and I strongly object to application MP06_0162 MOD 9 and its (amended) proposals for Central Barangaroo. The amended application still fails to adhere to the 2016 concept plan and still advocate buildings whose bulk and height block significant views to and from Miller's Point, one of Sydney's oldest and most historic areas.

The proposals ride roughshod over Mod 8's 2016 commitments to how Central Barangaroo would be developed. If this application was to be approved, it would not only result in the massive overdevelopment of Central Barangaroo but would have a major negative impact on the whole heritage precinct of the Millers Point peninsula, including Barangaroo itself.

The specific reasons for my objection to MP06_0162-Mod-9 are as follows:

1. The design ignores the compliance requirements of the 2016 Mod 8 approval.

I am not against development and I think it ridiculous to hear people imply that developers should not make a profit. That said, a development has to be appropriate to its location, comply with regulations and deliver on commitments.

Central Barangaroo is the last of the three areas of the Barangaroo site to be developed. The other two are the 7.5 hectares of excessively high-rise development that constitutes Barangaroo South, and Barangaroo Headland Park, a 6-hectare foreshore park.

The 3 stage Barangaroo development has suffered from 'modification creep' from Day 1. The NSW Government adopted the original Concept Plan for Barangaroo in 2007. Since then, it has approved a series of ten 'modifications' which have done their best to undermine and overturn that Plan and consequently, to squander much of the opportunity to create something of lasting benefit for the people of Sydney and their environment.

In approving these modifications, the NSW Government has moved from a Plan that facilitated a relatively sensitive and heritage-aware development of the site for public benefit towards something that would see the site grossly overdeveloped and focussed primarily on financial gain for the property industry and the NSW Government Treasury. This focus comes at the expense of protecting the adjoining Millers Point heritage area.

The 2007 Concept Plan allowed for a gross floor area of 388,300m² across the Barangaroo site. By the time of the 2016 Modification 8 approval, 'modification creep' had seen this increased by 50% to 602,354m². At that time, the Planning and Assessment Commission (PAC) partly compensated for floor space increases approved for Barangaroo South by reducing by 20% - from 60,200m² to 47,688m² - the maximum amount of floor space that would be allowed in Central Barangaroo. Importantly, this acknowledged the need to ensure that Central Barangaroo should not dominate or compete with

- the heritage streetscapes of Millers Point,
- the views to and from Observatory Hill or
- the landscape features created in the Barangaroo Headland Park.

Infrastructure NSW's initial Mod 9 proposals sought to triple the maximum floor space allowable under Mod 8. Infrastructure NSW now seeks, via its amended Mod 9, to more than double the floor space for Central Barangaroo from the approved maximum of 47,688m² to 104,000m².

Mod 9 proposes varying approved building envelopes and design and development principles across Blocks 5, 6 and 7 of the site. It proposes ignoring the commitment of the Mod 8 approval to protect historic views to and from Millers Point and Observatory Hill, as well as those of local residents. Infrastructure NSW's proposals are in blatant contravention

of the design constraints the PAC laid down in Mod 8 and are therefore unacceptable. Central Barangaroo should, at least, be adhering to the commitments of Mod 8, as we had been led to expect and, given the opportunities the site presents, it should be developing it in an aesthetically pleasing manner.

2. The scale, bulk and mass of the proposed buildings is still excessive

Mod 8 allowed for 47,688m² of floor space at Central Barangaroo to be incorporated within a series of mainly low-rise buildings, with only 25% to be mid-rise in height. In Mod 9, Infrastructure NSW seeks approval of 104,000m² of floor space, to be achieved by construction of a mass of 12 to 14 storey high-rise buildings. While it is good to see the reduction in the height of the 'tower' building, what is proposed is still a high-rise building.

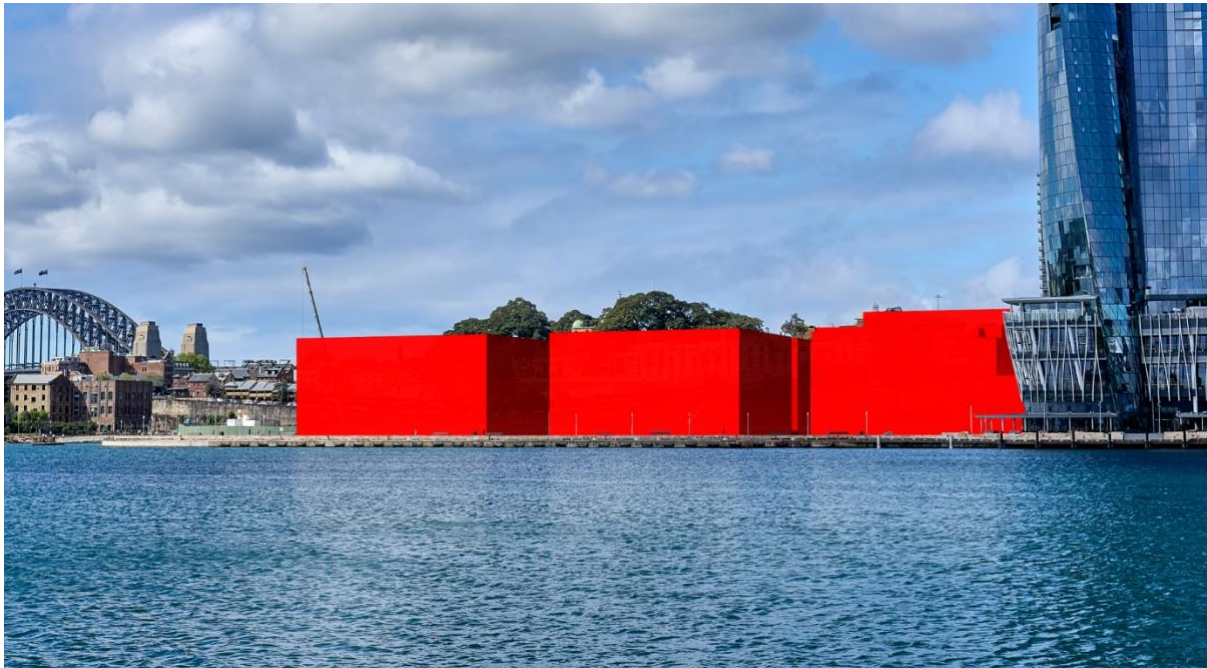


Image 1 showing the visual impact of the Mod 9 proposals. The bulk, mass and height of these buildings totally obscures the views of Observatory Hill and Millers Point from the western shore of the Harbour.

The Mod 8 requirement to deliver mainly low-rise buildings has been ignored as have those of maintaining views to and from Observatory Hill and having building heights be gradually reduced at the Headland Park end of the site.

The visual impact of the Mod 9 would comprise a long, high-rise and bulky mass of buildings, separated by narrow corridors and overshadowing Harbour Park, Wugul Walk and Nawi Cove of a morning and Observatory Hill and High Street in the afternoon. Hickson Park would be deprived of sunshine in both the morning and the afternoon. At certain times during the winter, only half of Hickson Park would receive any sunshine.

The supposed justification for these structures is providing the population density needed to increase the viability of the metro. The metro would have been better located under the casino in the densely-developed Barangaroo South. If Infrastructure NSW has put the metro in the wrong place, it has to find a way to make it work with low-rise buildings not via the high-rise bulky buildings proposed, especially as they would dominate the landscape and block views to and from adjoining heritage areas and parkland. This could be achieved with low rise buildings with smaller one-bedroom apartments rather than high-rise buildings of large 2- to 3-bedroom apartments.

3. The proposals pose a significant threat to historic views to and from Millers Point and Observatory Hill.

Millers Point, one of Australia's most significant heritage areas, adjoins and overlooks Barangaroo. Millers Point incorporates over 100 State heritage-listed items and its streetscapes, laneways and terrace housing continue to reflect the area's physical and visual links to Sydney harbour. Its highest point is Observatory Hill, which rises forty metres higher than ground level at Barangaroo. With its 270° uninterrupted harbour views, Observatory Hill is renowned among locals. It is one of the best places from which to view the beauty of our famous Harbour, especially now that views from West Circular Quay are largely obscured by cruise ships. Tourists regularly identify Observatory Hill as one of Sydney's 'hidden gems'. It is the home of Sydney Observatory (1858), an important and historic star-gazing site.

Mod 9 shows no respect for the value of Observatory Hill and its views and more accurately, it seeks to 'ride roughshod' over its heritage significance. Mod 9 would block existing historic views from the Hill over the western harbour and replace them with views of a grossly inferior cluster of bulky high-rise buildings, most of which would be 14 storeys in height (see Figure 7, p. 20 'Amended MOD 9 Building Envelope' of the Response to Submissions Report from Mecone). Together, these buildings would create the sense of a wall separating Observatory Hill from the harbour and its foreshore. Water glimpses would replace panoramic water views. As Image 1 (above) shows, views of Observatory Hill and the terraced houses of High Street from the harbour foreshore would also be lost.

I have been a regular visitor to Observatory Hill since 1971, when I first enjoyed it as the ultimate picnic spot on a sunny Sunday afternoon spent wandering around the history-laden streets of The Rocks and Millers Point.

In the mid-1970s, as a young teacher, I took small groups of my Year 9 History students there on Sunday afternoons so they could appreciate the topography, landscapes and architecture that were part of the early colony. We walked in an area that retained a sense of being in another time and place, where the modern world encroached gently and the sense of 'old Sydney' still dominated.

Today, nearly fifty years later, the fundamentals remain the same, while the area's rich history and beautiful outlooks have been further enhanced by the renovation of terraced houses and detached dwellings in Kent and High Streets, Argyle Place and Lower Fort Street. Now, as a local, I appreciate Observatory Hill as a place to stroll, to relax, to be mentally rejuvenated. I am in the middle of the city, with all the benefits that can bring, but it is the harbour, the heritage streets and housing and the natural environment that predominate.

My five-year-old grandson got to know these views from both Observatory Hill and from nearby High Street, where he attended the childcare centre, KU Lance, located on the ridge above Barangaroo among a row of early twentieth century heritage-listed terraced housing. The unique views of the harbour he and other children enjoyed will be lost forever if the proposed uniformly high-rise building envelopes of Mod 9 are approved.

The high-rise buildings proposed for Central Barangaroo would rob all of us of the views to and from these iconic places. And for what? Massive overdevelopment that would destroy amenity and deliver nothing beyond commercial gain. Sydney deserves better planning than this. It deserves planning that takes in 'the big picture' and not just the priorities of the NSW Treasury and a developer on an individual site.

In an era when Sydney is seeking to attract tourists, its planners should not be allowing developers to destroy the features that make our city unique.

4. The proposed buildings for Blocks 5, 6 and 7 would encroach on public land and facilities

Not content with destroying the amenity which people for centuries have enjoyed on Observatory Hill, Infrastructure NSW, and its development partner, Aqualand, still propose to diminish the public open space promised for Barangaroo. Its Mod 9 buildings would:

- overhang Central Barangaroo's boundaries by up to 3 metres.
- extend into public space in Hickson Park. The applicant seeks to mislead decision makers by claiming that the proposed extension of its buildings into Hickson Park is only restoring the old pre-Mod 8 boundary. This claim ignores the fact that the Mod 8 approval provided increased public space for Hickson Park as compensation for locating the 75-storey Crown Casino skyscraper on the harbour foreshore.
- seek to take space from the Headland Park cutaway to house community facilities promised for Central Barangaroo.

The modified proposal seeks to obtain a 90% reduction in the amount of community space - from 28,000m² to 2,800 m².

Decision-makers must restore faith in Government planning

We were sold a vision of Barangaroo's transition from container terminal as facilitating the creation of 'once in a lifetime', world class, new precinct for Sydney. Barangaroo was a wonderful opportunity for city planners. Sadly, they have abrogated any planning leadership in this venture and left it to the site's developers to propose and shape its usage, priorities and appearance. It is time for decision-makers to reverse this.

It is concerning to hear that the decision regarding this application is to be made by one person alone, the Minister for Planning and Public Spaces, Paul Scully. This is NOT the normal process, which would be for the submission to be determined by the Department, or, given the number and significance of the objections it is likely to generate, by members of an Independent Planning Commission (IPC).

One hears that a number of Ministers just want to have the matter settled, regardless of the merits of what is put forward. Given this and also the pressure created by Infrastructure NSW, a government agency, one can only imagine the difficulties the Minister will face in trying to make an independent decision.

Conclusion

The key objectives in the Central Barangaroo decision-making process should be to

- protect historic sightlines to and from Millers Point and the harbour
- to ensure aesthetically pleasing, low-rise development on the site itself
- ensure that the Mod 8 design and development principles, especially with regard to public space, are adhered to.

Submission to Barangaroo Concept Plan Amendment (Mod 9)

Dear Sir/Madam,

I am writing to submit my feedback and express my objections to the current proposal outlined in the Barangaroo Concept Plan Amendment (Mod 9), specifically concerning the aspects of height, floor space, residential development, Hickson Park, community and cultural spaces, public open space, public views, and car parking.

Height and Floor Space: The proposed heights and floor space allocations remain significantly high, which I believe will adversely affect public views and diminish solar access to Hickson Park. These factors are crucial in maintaining the area's livability and environmental sustainability.

Residential Development: While I am in favour of increasing housing to address Sydney's growing needs, it is imperative that this development delivers tangible public benefits. This includes a commitment to Affordable Housing and the creation of genuine, accessible open spaces. Additionally, a diverse mix of apartment sizes is necessary to ensure a broad contribution to the city's housing supply, accommodating a variety of residents' needs.

Hickson Park: I firmly oppose any proposals that would lead to a reduction in the size of Hickson Park. The preservation of green spaces is vital for community wellbeing and environmental health, making any decrease unacceptable.

Community and Cultural Spaces: I welcome the increase in cultural floor space within the development. However, it is essential that this space remains flexible to accommodate a range of uses, ensuring the precinct remains vibrant and can be activated by various community and cultural initiatives.

Public Open Space: The introduction of proposed streets and laneways is not a sufficient replacement for lost public open space. My stance is that public areas, particularly parks, should be a primary focus and must be prioritised in the development plans to foster community engagement and environmental sustainability.

Public Views: The protection of significant public views, especially those between Observatory Hill/Millers Point and across the harbour, is critical. These views contribute to the unique character and appeal of Sydney and should be preserved for the enjoyment of all residents and visitors.

Car Parking: I advocate for a reduction in the provision of basement areas and car parking rates within the development. This change is necessary to facilitate an increase in green spaces and to discourage private car usage. Given the development's proximity to the new Metro station,

efforts should align with the broader sustainability objectives, encouraging the use of public transport and active travel options.

In conclusion, while I recognise the potential benefits of the Barangaroo development, it is crucial that these concerns are addressed to ensure the project contributes positively to the community, environment, and the city's overall landscape. I look forward to seeing amendments that reflect these priorities.

Yours sincerely,

Simon Lesch

Submission to Barangaroo Concept Plan Amendment (Mod 9)

Dear Sir/Madam,

I am reaching out to provide my critique and voice my concerns regarding the proposed changes in the Barangaroo Concept Plan Amendment (Mod 9), particularly in relation to the elements of building height, floor space, residential development, Hickson Park, community and cultural spaces, public open areas, public views, and car parking.

Hickson Park: I strongly object to any proposals that would result in a reduction in the size of Hickson Park. Green spaces are essential for community wellbeing and environmental health, and any decrease in their size is unacceptable.

Community and Cultural Spaces: I am in favour of the proposed increase in cultural floor space within the development. However, it is vital that this space remains flexible to accommodate a variety of uses, ensuring the precinct remains vibrant and can be activated by different community and cultural initiatives.

Public Open Space: The proposed introduction of streets and laneways does not compensate for the loss of public open space. I believe that public areas, especially parks, should be prioritised in the development plans to promote community engagement and environmental sustainability.

Height and Floor Space: The proposed increase in building heights and floor space allocations are of significant concern. I believe these changes will negatively impact public views and reduce sunlight access to Hickson Park, which are essential for maintaining the area's livability and environmental sustainability.

Residential Development: While I support the need for additional housing to cater to Sydney's growing population, it is crucial that such development brings tangible benefits to the public. This includes a commitment to Affordable Housing and the creation of accessible open spaces. Furthermore, a diverse range of apartment sizes is necessary to cater to the varied needs of the city's residents.

Public Views: The preservation of significant public views, particularly those from Observatory Hill/Millers Point and across the harbour, is of utmost importance. These views are integral to Sydney's unique character and should be maintained for the enjoyment of both residents and visitors.

Car Parking: I propose a decrease in the provision of basement areas and car parking rates within the development. This change is necessary to increase green spaces and discourage the use of private cars. Given the development's proximity to the new Metro station, efforts should be made to promote the use of public transport and active travel options.

In summary, while I acknowledge the potential advantages of the Barangaroo development, it is essential that the concerns outlined above are addressed to ensure the project positively contributes to the community, environment, and the overall cityscape. I look forward to seeing revisions that reflect these priorities.

Yours sincerely,

Matthew Donnison

429301

21st February 2024

ATTN: NSW Planning Minister for development

Department of Planning and Environment, 4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By Online lodgement

Subject: Objection to Barangaroo Central Development Proposal - Building 5

Dear Director,

I am writing to you on behalf of myself, Mani Houston, a resident of The Bond Apartments, 38 Hickson Road, to formally object to the proposed development of Barangaroo Central by Aqualand, specifically concerning Building 5 located at the southern corner of the site. This objection is lodged with a deep concern for the principles of view sharing as established in *Tenacity Consulting v Warringah Municipal Council*, which have not been adhered to in the current development proposal.

As the nearest residential neighbour to Building 5, it is disconcerting that The Bond Apartments, comprising 50 lots—49 residential and one commercial—have not been considered in the "Barangaroo Modification 9: View and Visual Impact Assessment". This oversight—or more disconcertingly, exclusion—invalidates the assessment and disregards the detrimental impact on the daily lives of the residents due to the total loss of water views that are integral to our property value and residential amenity.

The value of the north-western water views from The Bond Apartments cannot be overstated, both in terms of economic and amenity value. These views, predominantly enjoyed from living areas and balconies, are at risk of being completely obstructed, transforming the essence of our living spaces.

The proposed development shows a disregard for design considerations that would minimize impact on these views. The alternative of eliminating Building 5 from the proposal in favour of extending parkland is not just a preference but a necessity for maintaining the balance between development and resident interests.

There is a clear lack of effort to mitigate the loss of views for The Bond Apartments, with no suggestion of alternative designs that respect the pre-established community environment. Moreover, the development's benefits have been narrowly defined without considering the broader implications on the local community, which pronounces that the development "STILL BLOCKS THE ROCKS".

The revised proposal remains unsatisfactory, showing no accommodation for the original objections raised by myself and other residents. The purported consultation with the nearest residential strata is non-existent, and the health, safety, and quiet enjoyment of the residents remain unaddressed, particularly considering the potential release of toxic substances during the remediation of the historic gas plant on the site.

It is also concerning that the proposal seeks to reduce the size of Hickson Park by 1625 sqm, further contravening previous commitments made to the residents, and ignoring the Commission's determination to limit overshadowing by proposing an increased height from RL 22.5 to RL42.5.

Therefore, I request a separate and thorough explanation as to why the nearest residential strata has been overlooked regarding the view impact. My objections are clear and are made with the expectation of due consideration:

1. No increase in the maximum GFA above the approved 47,000m².
2. No elevation increase above 22.5 RL.
3. No modification to the approved block boundaries.
4. No reduction of Hickson Park and the southward movement of buildings.
5. No amendments to the State Significant Precincts SEPP.
6. Preservation of views and heritage aspects from and to Observatory Hill and Millers Point.

The statement by the applicant in the "Summary" of Mod 9, suggesting a marginal increase in view loss, is misleading and disregards the full extent of the impact on The Bond Apartments and the heritage views to Millers Point's historical cottages.

I urge the Department to consider these objections with the gravity they deserve and to undertake a comprehensive re-evaluation of the proposal that includes a detailed assessment of the view loss impact on The Bond Apartments.

Thank you for your attention to this critical matter.

Sincerely,

Mani Houston
Resident, The Bond Apartments

21st February 2024

ATTN: NSW Planning Minister for development

Department of Planning and Environment, 4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By Online lodgement

Subject: Objection to Barangaroo Central Development Proposal - Building 5

To Whom It May Concern,

I am Jason Banton, a concerned citizen and resident of the bond apartments located at 38 Hickson road Millers point. I am compelled to write to you to express my profound objection to the proposed Development Application MOD 9 for Barangaroo. This development, as it stands, is not only in direct conflict with the strategic objectives and standards set forth by the Sydney Local Environmental Plan (LEP) and the State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 but also poses a significant and irreversible threat to the heritage, environment, and social fabric of our community.

The proposal in its current form stands in stark contravention to a host of fundamental planning principles outlined within the Sydney Local Environmental Plan (LEP) and the State Environmental Planning Policy (SEPP) for Eastern Harbour City 2021. It is of the utmost importance that the assessment of such a proposal is conducted with stringent adherence to the regulatory frameworks provided by the Sydney LEP and the SEPP. These instruments are not arbitrary; they are the bulwarks that protect the distinctive character of our metropolis, ensuring that development is not only physically sustainable but also honors the rich tapestry of the community's heritage and the delicate ecological equilibrium we have nurtured. Any proposal that fails to align with these critical guidelines must be re-evaluated to prevent the erosion of the city's identity and the well-being of its inhabitants.

Sydney Local Environment Plan (LEP)

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the City of Sydney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (b) to support the City of Sydney as an important location for business, educational and cultural activities and tourism,
 - (c) to promote ecologically sustainable development,
 - (d) to encourage the economic growth of the City of Sydney by—
 - (g) to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport,
 - (h) to enhance the amenity and quality of life of local communities,
 - (k) to conserve the environmental heritage of the City of Sydney,
 - (l) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.

Part 4 Principal development standards

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to ensure the height of development is appropriate to the condition of the site and its context,
 - (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,
 - (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

Note—

No maximum height is shown for land in Area 3 on the [Height of Buildings Map](#). The maximum height for buildings on this land are determined by the sun access planes that are taken to extend over the land by clause 6.17.

- (2A) Despite any other provision of this Plan, the maximum height of a building on land shown as Area 1 or Area 2 on the [Height of Buildings Map](#) is the height of the building on the land as at the commencement of this Plan.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
 - (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,
 - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,
 - (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) **Objectives** The objectives of this clause are as follows—
 - (a) to conserve the environmental heritage of the City of Sydney,
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - (c) to conserve archaeological sites,
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
 - (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
 - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
 - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (d) disturbing or excavating an Aboriginal place of heritage significance,
 - (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Division 3 Height of buildings and overshadowing

6.16 Erection of tall buildings in Central Sydney

- (1) The objectives of this clause are to ensure—
 - (a) the satisfactory distribution of built form and development of floor space for tall buildings in Central Sydney, and
 - (b) tall building setbacks will provide an appropriate level of amenity for public places and important publicly accessible places, and
 - (c) tall buildings will maximise active public place frontages, and
- (2) This clause applies to development on land in Central Sydney involving the erection of a building—
 - (a) with a height greater than 55 metres above ground level (existing), or
 - (b) with a floor space ratio greater than the maximum floor space ratio shown on the [Floor Space Ratio Map](#), or
 - (c) to which paragraphs (a) and (b) apply.
- (3) Development consent must not be granted to development to which this clause applies unless—
 - (a) the consent authority is satisfied that the building will not adversely impact on—
 - (i) the wind conditions of public places and important publicly accessible places, or
 - (ii) key views from public places, or
 - (iii) the curtilage of heritage items, or
 - (iv) the setting and character of buildings and heritage items in conservation areas and special character areas, or
 - (v) the free movement of air to provide ventilation around tower forms, and
 - (b) the consent authority is satisfied that the building will provide for high levels of—
 - (i) sun and daylight access to public places and significant publicly accessible places, and
 - (ii) outlook for the proposed development, and
 - (iii) appropriate height transitions between new development and buildings and heritage items in conservation areas and special character areas.
- (4) Development consent must not be granted to development to which subclause (2)(a) or (c) applies unless the site area is at least 1,000 square metres.

6.17 Sun access planes

- (1) The objectives of this clause are—
 - (a) to ensure that buildings maximise sunlight access to the public places set out in this clause, and
 - (b) to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas, and
 - (c) to protect and improve sunlight access to important public parks and places in and near Central Sydney throughout the year, and during periods in the day when the parks and places are most used.
- (2) The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane described in Schedule 6A.

6.18 Overshadowing of certain public places

- (1) The objectives of this clause are—
 - (a) to prevent additional overshadowing of valued public places that are used as areas for passive recreation by the public, workers and visitors in Central Sydney, and
 - (b) to protect significant, new and planned public places from future overshadowing.
- (2) Development consent must not be granted to development resulting in part of a building causing additional overshadowing to the following places shown on the [Sun Access Protection Map](#) during the specified dates and times—
- (6) Development results in a building causing additional overshadowing if the total overshadowing of the relevant location during the specified times would be greater after the development is carried out than the overshadowing of that location during the specified times caused by existing buildings.

6.19 View planes

- (1) The objectives of this clause are—
 - (a) to preserve significant views from public places, and
 - (b) to ensure development does not obstruct public views.
- (2) The consent authority must not grant development consent to development on land if the development will result in a building on the land projecting higher than a part of a view plane taken to extend over the land under this clause.
- (3) Despite subclause (2), the consent authority may grant development consent to development for the purpose of maintaining or refurbishing an existing building that projects higher than part of the relevant view plane if the maintenance or refurbishment does not result in the building projecting further above the view plane.
- (4) This clause applies to the view planes taken to extend over land described in Schedule 6B.

6.19A Views of Sydney Harbour

- (1) The objectives of this clause are—
 - (a) to preserve significant views from public places, and
 - (b) to ensure development does not obstruct public views from Observatory Hill to Sydney Harbour.
- (2) Development consent must not be granted to development on land to which this Plan applies resulting in part of a building causing additional obstruction of the view to Sydney Harbour from the following locations—
 - (a) the Observatory Hill Rotunda at 333951.6E, 6252020.4N, RL41.6,
 - (b) a point in the north west quadrant of Observatory Hill, east of the fig trees, at 333887.9E, 6251885.8N, RL39.8,
 - (c) a point west of the Cahill Expressway corkscrew off ramp at 333902.5E, 6252031.4N, RL40.7.
- (3) In this clause—

Sydney Harbour means the water below the mean high water mark within an area bounded by the following coordinates—

 - (a) Point 1 at 333260.9E, 6253147.0N,
 - (b) Point 2 at 334555.1E, 6253025.1N,
 - (c) Point 3 at 334433.4E, 6251730.8N,
 - (d) Point 4 at 333139.2E, 6251852.5N.

6.47 Millers Point heritage conservation area

- (1) The objectives of this clause are—
 - (a) to conserve the heritage items and built form of the Millers Point heritage conservation area, and
 - (b) to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.
- (3) Development consent must not be granted to development that affects a heritage item unless the consent authority considers the following—
 - (a) the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of the heritage item,
 - (b) a heritage conservation management plan for the item endorsed by the Heritage Council under section 38A of the [Heritage Act 1977](#),
 - (c) if there is no plan endorsed by the Heritage Council, a heritage conservation management plan for the item prepared to the satisfaction of the consent authority.
- (4) Development consent must not be granted to development affecting a building that is not a heritage item unless—
 - (a) the consent authority considers the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of any heritage item in the vicinity of the building, and
 - (b) the development will not result in either or both of the following—
 - (i) the height of the building exceeding 9 metres,
 - (ii) the floor space ratio for the building exceeding 2:1.
- (5) Despite any other provision of this Plan, the maximum height of a building on land to which this clause applies is the height of the building on the land as at the commencement of this clause.

State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

Part 3 Provisions applying to development within Barangaroo site

6 Application of Part

This Part applies with respect to any development within the Barangaroo site and so applies whether or not the development is a transitional Part 3A project.

7 Land use zones

- (1) For the purposes of Chapter 2, land within the Barangaroo site is in a zone as follows if the land is shown on the [Land Zoning Map](#) as being within that zone—
 - (a) Zone B4 Mixed Use,
 - (b) Zone RE1 Public Recreation.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

8 Zone B4 Mixed Use

- (1) 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,
 - (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.

9 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation 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,
 - (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.

15 Public utility undertakings

- (1) Development for the purposes of public utility undertakings that is carried out on land within the Barangaroo site does not require development consent.

17 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](#).

18 Gross floor area restrictions

The total gross floor area of all buildings on any land within the Barangaroo site is not to exceed the gross floor area shown for the land shown on the [Gross Floor Area Map](#).

19 Design excellence

- (1) Consent must not be granted to development involving the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed building exhibits design excellence.
- (2) In considering whether the proposed building exhibits design excellence, the consent authority must have regard to the following matters—
 - (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 will meet 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) if a competitive design process is required to be held in relation to the building, as referred to in subsection (3), the results of the process.

20 Exceptions to development standards

- (1) The objectives of this section are—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The *Environmental Planning and Assessment Regulation 2021* requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subsection (3).

21 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item—
 - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree, or land on which the building, work or relic is situated, or the land that comprises the place, or
 - (g) make structural changes to the interior of the building or work, except with the consent of the consent authority.
- (2) However, consent under this section is not required if the proponent of the development has notified the consent authority of the proposed development and the consent authority has advised the proponent in writing before any work is carried out that it is satisfied that the proposed development—
 - (a) is of a minor nature, or is for the maintenance of the heritage item, and

(b) would not adversely affect the significance of the heritage item.

22 Infrastructure development and the use of existing buildings of the Crown

- (1) This Appendix does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Appendix does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

23 Development near zone boundaries

- (1) The objective of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25 metres.
- (3) Despite the provisions of this Appendix relating to the purposes for which development may be carried out, consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (4) This section does not prescribe a development standard that may be varied under this Appendix.

After reviewing the evidence and the information provided in the supporting documents submitted with Barangaroo Modification 9 by Aqualand, it is with a sense of duty to my community that I voice my objection to the proposal. This objection stems from a number of considerations that, upon careful analysis, appear to conflict with the best interests and well-being of our local community. The grounds for this objection are numerous and are informed by careful consideration of the proposal's implications and are listed below.

1. Total Loss of Iconic Views and Inadequate Impact Assessment

The proposed development inflicts a complete deprivation of the iconic Sydney Harbour foreshore vistas as experienced from the Bond Apartments, a point that has been egregiously understated and ostensibly disregarded by the applicant. The failure to properly assess the impact of lost views westward towards Sydney Harbour and Balmain is not only an oversight but a blatant neglect of the consequential effects on the value of neighbouring properties and the quality of life of the residents. This disregard for a critical amenity is inexcusable. A Markup of a photograph taken from our apartment balcony depicts the potential loss of views can be seen below. Note the applicant chose not to provide any such detail in their assessment reports.



2. Absence of Consultation with The Bond Apartments

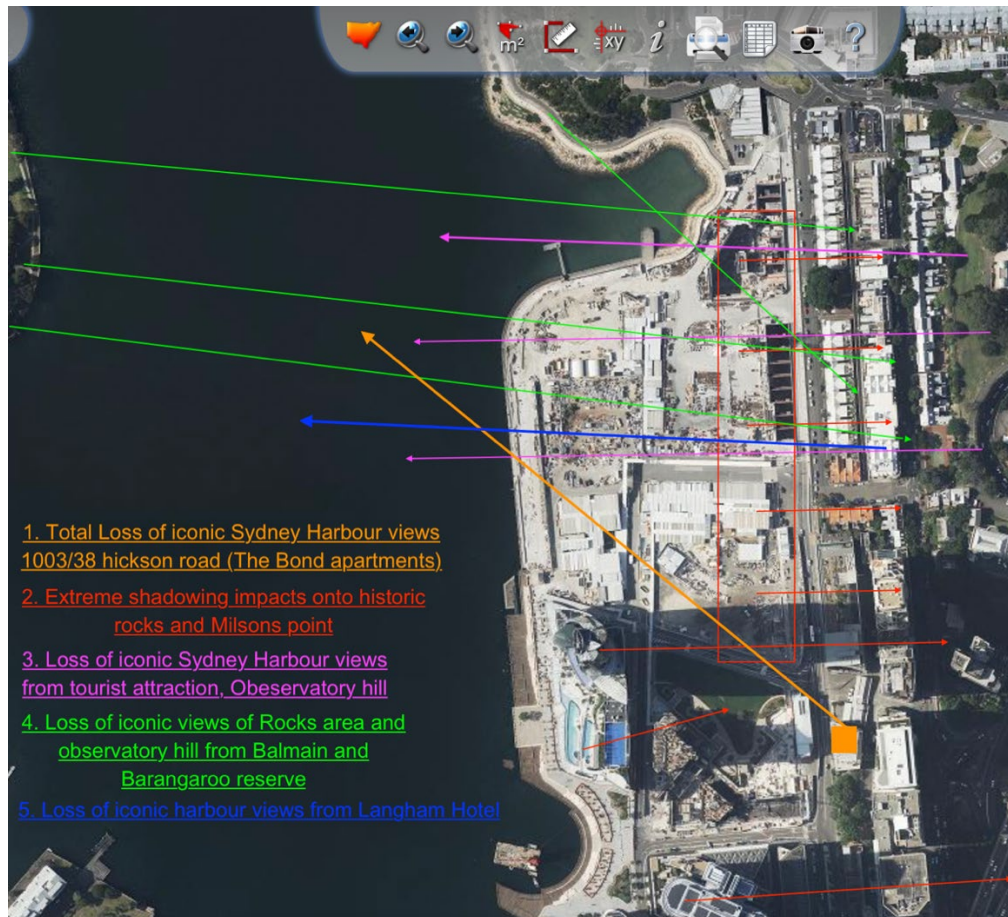
It is particularly egregious that The Bond Apartments, the closest residential Strata to the proposed Central Development, has not been consulted; this absence of dialogue is alarming. The complete lack of view impact assessment from The Bond Apartments at 38 Hickson Road represents a glaring deficiency in the application. Such an omission, which I assert as deliberate and insidious, serves to invalidate the View and Visual Impact Assessment presented.

3. Legal Precedent for View Sharing

Importantly, legal precedence underscores the gravity of our concerns. The decision in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (*Tenacity*) highlights the fundamental principle of view sharing. This case law elucidates the need for reasonable consideration of view loss, which must be factored into the assessment of any development proposal that encroaches upon established visual corridors. The current proposal's flagrant dismissal of such principles compels a rigorous re-evaluation, ensuring that these legal considerations are adequately addressed.

4. Comprehensive Loss of Views to Historic Areas

The application understates the total obliteration of views to The Rocks and Miller's Point area from significant sightlines such as Sydney harbour, Pyrmont, East Balmain, and observatory hill. The Heritage Assessment, Impact Statement, do not accurately reflect the severity of the impact on the community and the viewing pleasure of both residents and visitors who frequent Sydney's key tourist attractions which is an unacceptable outcome.

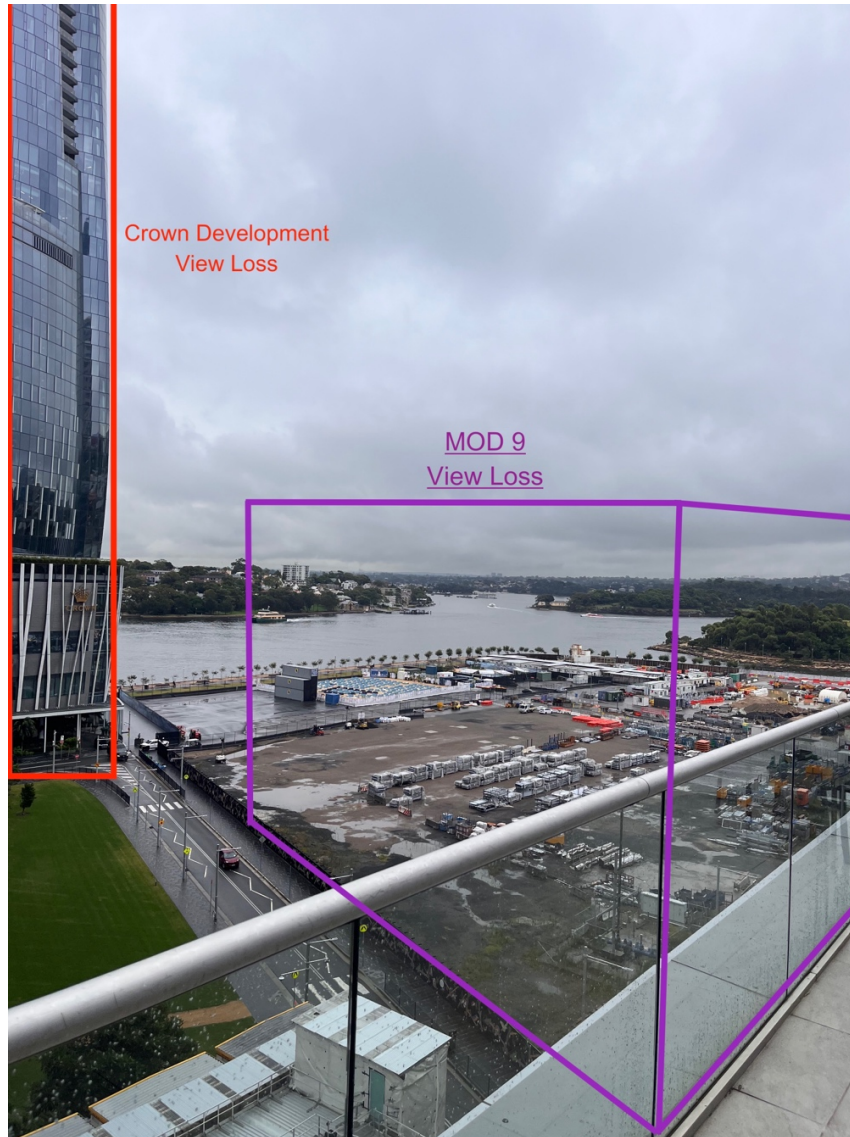


The NSW Heritage Office's Interpreting Heritage Places and Items: Guidelines (2005) and Heritage Interpretation Policy (as endorsed by the Heritage Council in 2005). The Heritage Interpretation Policy states that: The interpretation of New South Wales' heritage connects the communities of New South Wales with their heritage and is a means of protecting and sustaining heritage values. Heritage interpretation is an integral part of the conservation and management of heritage items, and is relevant to other aspects of environmental and cultural management and policy. Heritage interpretation incorporates and provides broad access to historical research and analysis. Heritage interpretation provides opportunities to stimulate ideas and debate about Australian life and values, and the meaning of our history, culture and the environment.



6. Disregard for Cumulative Impact of Barangaroo Development

The development application fails to address the aggregate impact of the ongoing development at Barangaroo. This lack of consideration for the compounded effects, including the significant repercussions of increased building heights, the exacerbation of traffic congestion, the creation of wind tunnels, and the persistent influence of vested interests, represents a glaring gap in the developmental review process. These elements have consistently been points of contention within the precinct's developmental narrative. Moreover, the Bond Apartments have already experienced a substantial loss of view, estimated at around 80%, particularly to the southwest and west due to the construction of the Three International Towers, Crown Towers, and One Sydney Harbour. The proposed new development threatens to further this degradation. By failing to account for these cumulative impacts, the proposal not only overlooks but also undermines the visual heritage that is fundamental to the identity of our city. A visualisation of the cumulative view loss from apartment 1003 can be seen below.



7. Diminishment of Aboriginal Cultural Significance

The development reports attempt to diminish the indelible significance of the Aboriginal Gadigal land by using language that trivializes its importance under the guise it has been diminished by overdevelopment throughout its history. This is not only disrespectful but also indicative of a broader trend of prioritizing modern development at the expense of our rich indigenous heritage. Details of this significant History are found within the Heritage impact statement attached with the development application.

- City Plan Heritage, 2007 Barangaroo Heritage Interpretation Strategy

“This whole area (Barangaroo) is highly significant to the Aboriginal People of the past and present, it has been lived on for over Thousands and Thousands of years by the First People, Aboriginal People and the Spirituality of the land is so overpowering it gives me Goosebumps just thinking about what those old people think of how we disrespect their ways of life and Spirituality given to them by the Great Creator, we have let them down.”

8. Ensuring Clean Airflow and Mitigating Health Risks

The proposed development portends a significant reduction in air quality for residents of the Bond Residential Tower. This is attributable to the anticipated increase in traffic and the resulting emissions, as well as the proximity and density of the proposed buildings which would hinder the natural airflow. Of graver concern is the disruption of land that formerly housed a gas plant. The remediation activities necessary for this development are poised to re-release toxic substances into the atmosphere, substances that were once sequestered by the now-defunct industrial operation. As the residential complex nearest to this site, the Bond Apartments' inhabitants are at the most immediate risk of exposure to these potential airborne toxins, thereby exacerbating health risks and diminishing the quality of life. It is imperative that such environmental and health repercussions are given paramount consideration in the assessment of the development's viability.

In summary I object to the following:

- Any increase in the maximum GFA above the approved 47,000m²
- Any increase in height above 22.5 RL
- Any modification to the approved block boundaries
- The reduction of Hickson Park and the movement of the Buildings further South because of the changes to Barton Street proposal
- Proposed amendments to the State Significant Precincts SEPP
- The loss of views and heritage aspect from and to Observatory Hill and Millers Point and bond apartments.
- This proposal "STILL BLOCKS THE ROCKS"
- We note from planning guidance "Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores."

In light of the above points, it is my firm stance that Development Application MOD 9 should be rejected. It is imperative that the Planning Authority exercises its regulatory oversight to ensure that the development within our city aligns with the vision and rules established to protect our cultural and environmental assets.

Sincerely,

Jason Banton

21 February 2024

The Director General
NSW Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email david.glasgow@planning.nsw.gov.au

Dear Director General

**Letter of Opposition to Barangaroo Central – MP06_0162 /
Modification 9 to Concept Plan**

I am writing to express my considered objection to the Modification 9 amendments to the Concept Plan for Central Barangaroo (Blocks 5, 6, and 7).

First and foremost, the portrayal of Modification 9 on the Planning Portal in relation to the previously rejected and withdrawn 2022 application is deeply misleading. The purported numerical reductions are inaccurately framed as adjustments to a plan that never received planning approval. This lack of clarity in the project description misleads the public regarding the true implications of the proposed modification.

Modification 9 perpetuates a troubling trend of distorting the planning process for this pivotal site. Since its inception with the original Concept Plan in 2007, the use of the discredited Part 3A planning pathway has resulted in a series of modifications that significantly deviate from the urban form and objectives outlined in the approved plan. This latest modification represents a significant departure from the site's original vision and demands a fresh application subjected to a comprehensive assessment process.

As a concerned elected representative deeply invested in the liveability and heritage of our community, urban design excellence and public benefit outcomes, I urge you to consider the following points of objection.

The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local area.



The proposed heights and floor space in Modification 9 remain excessively high, significantly impacting public views and solar access to Hickson Park. Such excessive development compromises the integrity of the surrounding area and diminishes the quality of life for residents and visitors alike. The proposal to increase the height of Blocks 5, 6, and 7 would sever the historic and culturally significant relationship between Sydney Harbour and Observatory Hill, obstructing crucial visual connections and setting a detrimental precedent for future development. These views contribute to the unique character and identity of our city and must be safeguarded for future generations of Sydneysiders to enjoy.

While I recognise the importance of increased housing, particularly during a time of a housing crisis, it must be accompanied by tangible public benefits and amenity, including affordable housing provisions and genuine open spaces accessible to all. I advocate for a diverse mix of apartment sizes to contribute meaningfully to housing supply and accommodate a range of socioeconomic backgrounds within the community.

Modification 9 glaringly omits any allocation of public space designated for the City of Sydney, which is indispensable for fostering a coherent and interconnected public network. This stark absence contradicts the public interest and should serve as sufficient grounds for rejection. The proposal's disproportionate emphasis on private development, devoid of any substantiated public benefit, is particularly egregious, especially considering the prime location on Sydney Harbour, our city's most valuable public space. Hickson Park has been subject to a steady erosion of its integrity through previous modifications, resulting in diminished amenity and overshadowing. This green space is a vital asset to the community and must be preserved and enhanced rather than minimised. Modification 9 further exacerbates these issues, perpetuating the erosion of its public value, amenity, and functionality.

The proposed streets and laneways in Modification 9 fail to adequately compensate for lost public open space. It is imperative that public places, such as parks and green areas, be prioritised and adequately provided for to maintain the quality of life and wellbeing of the community. The proposed treatment of Barangaroo Avenue as a mere private driveway severely undermines its critical function as an essential urban axis, pivotal for integrating the site with the broader cityscape. The proposed anti-urban configuration is wholly inappropriate and fails to fulfill the site's crucial public role in shaping Sydney's waterfront interface.

The proposed 'plazas' suffer from a lack of separation from surrounding structures, severely restricting their visual prominence and subjecting them to overshadowing. Structured primarily as commercial ventures, these spaces neglect their broader obligation as integral components of the cityscape and public realm, falling significantly short of acceptable standards for urban design.

I note the expansion of cultural production floor space within the precinct. However, I believe there should be flexibility in the designated use of these spaces to ensure the activation and vibrancy of the precinct. Allowing for various cultural and community uses will enrich the area and better serve the needs of residents and visitors alike. While the proposed community floorspace is disproportionately minimal and lacks meaningful public access, highlighting the project's disregard for community needs and public benefit.

Basement areas and car parking rates must be significantly reduced to accommodate more greenery and promote sustainability objectives. Given the proximity to Sydney Metro City & Southwest's new Barangaroo Station, private car usage should be actively discouraged in line with the development's sustainability goals and to promote alternative modes of transportation. Furthermore, the proposed integration with Barangaroo Station lacks coherence and presence, suggesting a standalone structure on the Hickson Road frontage would be more appropriate, independent of the proposed development.

The overarching planning approach for Barangaroo Central, including Modification 9, prioritises commercial interests at the expense of the public good, contravening established planning and urban design principles.

I firmly believe that Modification 9 should be rejected outright due to its significant departure from the original vision, its adverse impacts on public spaces, and its failure to prioritise the public interest.

I urge you to carefully consider the concerns raised and act in the best interest of our community, including the preservation of the cultural and heritage significance of Millers Point and Observatory Hill.

Should you require further information, please contact my office on 02 9288 5922 or at WChan@cityofsydney.nsw.gov.au

Yours sincerely



**Councillor HY William Chan RAIA
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