

Department of Planning Housing and Infrastructure

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# Modification 9 to the Barangaroo Concept Plan

Section 75W Modification Request Assessment Report (MP 06\_0162 MOD 9)



# Acknowledgement of Country



The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 9 to the Barangaroo Concept Plan (MP 06\_0162 MOD 9) Assessment Report

Cover image: elevated view looking south-east towards the Barangaroo Central development site and its existing surroundings

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# Preface

This report provides a record of the Department of Planning, Housing and Infrastructure's (the Department's) assessment and evaluation of a request to modify the Barangaroo Concept Plan (MP 06\_0162 MOD 9) lodged by Infrastructure NSW (the Proponent). The report:

- assesses the Modification Request against government policy and statutory requirements, including mandatory considerations
- demonstrates how matters raised by the community and other stakeholders have been considered
- explains the changes made to the Modification Request during the assessment process
- assesses the likely environmental, social and economic impacts of the Modification Request
- evaluates and weighs up the likely impacts and benefits of the Modification Request, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- recommends to the decision-maker, with reasons, to assist them in making an informed decision about whether the approval should be modified and any conditions that should be imposed.

# Executive Summary

This report provides the Department of Planning, Housing and Infrastructure's (the Department's) assessment of a request to modify the Barangaroo Concept Plan (MP 06\_0162 MOD 9) (the Modification Request). Infrastructure New South Wales (the Proponent) lodged the Modification Request, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Barangaroo is a significant urban renewal precinct situated at the north-western edge of Sydney's central business district, along the foreshore of Sydney Harbour in the City of Sydney local government area. It spans approximately 22 hectares and includes three distinct redevelopment precincts: Barangaroo Reserve, Central Barangaroo, and Barangaroo South.

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP 06\_0162) under Part 3A of the EP&A Act (Part 3A has since been repealed) (the Concept Plan) and the Concept Plan has subsequently been modified nine times (the Concept Approval). The Concept Approval is a transitional Part 3A project under Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (STOP Regulation).

The Concept Approval provides for a mixed-use development comprising commercial, residential, tourist, retail, community, and public recreation uses. It sets out the built form, land uses, maximum building heights and the gross floor area (GFA) for each development block. The detailed design and construction of future buildings, open space areas, and public domain are subject to separate development approval guided by the Concept Approval.

The Modification Request seeks to amend the Concept Approval largely relating to the Central Barangaroo precinct together with minor amendments to Barangaroo Reserve (The Cutaway only), including:

- increase the total GFA across Barangaroo by 53,510<sup>2</sup>, increase residential GFA within Barangaroo Central by 47,000 m<sup>2</sup> and allocate 18,000 m<sup>2</sup> GFA to The Cutaway in Barangaroo Reserve
- amend the height and layout of Blocks 5, 6 and 7 in Barangaroo Central, traffic and access arrangements, reduce the size of Hickson Park, introduce Central Barangaroo Design Guidelines and revise the Proponent's Statement of Commitments (SoC).

It is also sought to amend Barangaroo zoning, height and GFA provisions under *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (PEHC SEPP).

The Modification Request may be assessed and determined in accordance with Section 75W of the EP&A Act, as the Modification Request was lodged before the 1 March 2018 cut-off date for the winding-up of the former Part 3A of the EP&A Act.

The then Director-General's (now Secretary) environmental assessment requirements were issued on 15 April 2014 (the EARs). The Proponent provided an environment assessment report in response to the EARs on 8 April 2022.



The Minister for Planning and Public Spaces is the consent authority as the Modification Request has been made by a public authority, more than 50 public submissions were received objecting to the proposal, and the City of Sydney Council (Council) object.

The Department exhibited the Modification Request from 12 July 2022 to 8 August 2022 (28 days). During the exhibition period, the Department received advice from 12 government agencies and 838 submissions, including an objection from Council.

The key issues raised in the submissions primarily related to historic view impacts, consistency with the Concept Approval, the size and overshadowing of Hickson Park, impacts on the Sydney Observatory, loss of private views, height and scale, density/GFA, built form, traffic and parking, open space, and social and economic considerations.

In response to the issues raised during the first exhibition, the Proponent amended the Modification Request by simplifying the proposed building envelopes and reducing the overall scale of the development. Key changes included:

- reducing the proposed GFA by 28%
- amending the maximum envelope heights across the site, including removing the proposed tower from Block 7
- realigning the southern boundary of Block 5 and reducing its encroachment into Hickson Park
- removing the retention of Barton Street.

Given the level of public interest and the proposed amendments to the Modification Request, the Department re-notified the amended Modification Request for an extended period, from 11 January 2024 to 21 February 2024 (42 days). During this period, the Department received advice from 12 government agencies and 359 submissions, including an objection from Council, 15 submissions from special interest groups (14 in objection and one providing comment) and 343 submissions from the public (331 in objection, seven in support and five providing comment).

The submissions reiterated key issues raised in response to the Modification Request regarding historic views, height, bulk and scale, open space, public benefits, traffic and amenity impacts.

The Department has assessed the Modification Request in accordance with the requirements of the EP&A Act and carefully considered the issues raised in submissions and the Proponent's response and additional information to the issues raised. The Department considers the proposed modification to the Concept Approval is acceptable for the following key reasons:

- it aligns with the Region Plan and Eastern City District Plan as it promotes the development of a 30-minute city, providing housing and commercial accommodation, open space, and new employment opportunities
- while the Department appreciates the heritage significance of the area and the concerns raised about historical view impacts, the Department's assessment concludes that the proposal is acceptable for the following reasons:
  - the previous modifications to the approved Concept Plan have removed development north of Block 7 to accommodate Nawi Cove, open space, and the public domain. This has secured permanent views to and from the northern part of Millers Point, which would have otherwise been impacted by the original approval

- the proposed modification has been significantly amended to address concerns raised during the exhibition period, resulting in a reduction in Gross Floor Area (GFA), removal of a tower, and changes to layout and height, which collectively have reduced impacts on historic views
- the amended building envelopes would reduce impacts on key historical views, with the most significant height increases now limited to Block 5, located south of the Millers Point / Dawes Point Conservation Area and near existing high-rises including Crown Sydney and One Sydney Harbour. Improved view corridors have also been established along the Northern and Southern Plazas. In particular, the Department notes that the widening of the Southern Plaza would maintain an important public view looking west down High Street toward the water
- the Department's recommended reduction in height and scale of the northern end of Block 7 facing Nawi Cove, from eight to five storeys, will allow for the retention of some harbour views from Observatory Hill and help maintain historical views to and from Millers Point
- the mitigation measures outlined in the Heritage Impact Assessment (HIA), together with the Design Excellence process and Design Guidelines, would support future development within the building envelopes to be appropriately designed through careful modulation, articulation, and material selection, thereby further minimising historic view impacts
- future development would be contained within the building envelopes. Therefore, the predicted view impacts represent the maximum possible impact.
- although the proposal would result in view losses for some nearby properties, those affected will still retain sufficient outlooks, with many retaining district views and glimpses of water. Given the site's central location and the lack of current development, a certain degree of view obstruction is considered acceptable and was always anticipated as part of the original Concept Approval. It is also expected that through further design development, future buildings within the designated envelopes would result in less impacts than the maximum potential impacts currently identified
- the site is considered to be well located and able to accommodate an increased density as it is within an existing urban setting, next to a new metro station, with close access to amenities and services. However, the Department has recommended:
  - a reduction of 2,802 m<sup>2</sup> total GFA (from 104,000 m<sup>2</sup> to 101,198 m<sup>2</sup>) to account for the recommended changes to Block 7; and
  - winter gardens be excluded from GFA calculations
- the reduction of Hickson Park and the expansion of Block 5 is acceptable as an appropriate view corridor to the harbour would continue to be provided. Additionally, the total amount of public open space in Barangaroo would not be less than 50%, consistent with a key principle of the original Concept approval, and any future development in Block 5 must demonstrate that acceptable solar access to Hickson Park is maintained
- future development within the building envelopes would be subject to site-specific Design Excellence Strategy and Design Guidelines. The Department has recommended improvements to these documents to ensure that future developments are well-designed and exhibit design excellence
- an acceptable standard of residential amenity can be achieved, subject to further consideration of the Apartment Design Guide during the assessment of future applications
- it results in similar traffic generation outcomes compared to the Concept Approval. Future car parking can be accommodated on-site in accordance with existing rates, and the provision of



Barangaroo Avenue as a one-way road is unlikely to result in any significant operational or safety impacts

- future development applications must provide detailed consideration of landscaping, the Hickson Road bridge, public art, flooding and drainage, utilities, light spill, contamination, and wind impacts
- it includes public benefits relating to cultural/community, public domain, open space, community and transport matters, which are commensurate to the proposal.

Based on the reasons outlined above, the Department's assessment concludes that the proposed modifications would continue to provide a range of public benefits and remain consistent with the key strategic planning outcomes anticipated for the precinct.

- Overall, the Department finds that the proposed modification would align with government strategy to create a vibrant mixed-use precinct in Barangaroo, providing additional housing and retail uses close to existing and new transport services. Furthermore, while the Department appreciates the concerns raised about the proposal, in particular its potential impact on historic views, the Department is satisfied these impacts are acceptable and have been appropriately reduced.
- Consequently, the Department considers the Modification Request to be in the public interest and recommends that the Minister modify the Concept Approval subject to the recommended conditions in Appendix G.



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# 1 Introduction

## 1.1 Project summary

This report provides an assessment of a request to modify Concept Approval for the mixed-use redevelopment of Barangaroo (MP 06\_0162 MOD 9), pursuant to Section 75W of the EP&A Act. The Modification Request has been submitted by Infrastructure NSW (the Proponent) and seeks to:

- increase the total Barangaroo GFA by 65,332 m<sup>2</sup>, Barangaroo Central residential GFA by 47,000 m<sup>2</sup> and allocate 18,000 m<sup>2</sup> GFA to The Cutaway in Barangaroo Reserve
- amend the height and layout of Blocks 5, 6 and 7 in Barangaroo Central, traffic and access arrangements in the precinct, reduce the size of Hickson Park, introduce Central Barangaroo Design Guidelines and revise the Proponent's Statement of Commitments (SoC)
- amend Barangaroo zoning, height and GFA provisions under *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (PEHC SEPP).

## 1.2 Project location

### 1.2.1 Barangaroo Precinct

Barangaroo is a major urban renewal precinct located at the north-western edge of the Sydney central business district (CBD) and along the Sydney Harbour foreshore in the City of Sydney (Council) local government area (LGA). It covers an area of approximately 22 hectares and comprises three redevelopment precincts including Barangaroo Reserve, Central Barangaroo and Barangaroo South (Figure 1).



**Figure 1 |** Barangaroo Urban Renewal Precinct (Base source: Nearmap)



Barangaroo is the subject of the Concept Approval and various development approvals for mixed-use redevelopment, as summarised at **Section 1.4.2** and **Appendix D**.

This Modification Request relates primarily to Central Barangaroo. However, minor amendments are also proposed to the southern part of Barangaroo Reserve (The Cutaway).

### 1.2.2 Central Barangaroo and The Cutaway Barangaroo Reserve

Central Barangaroo is bound by Sydney Harbour to the west, Hickson Road to the east, Barangaroo Reserve and Nawi Cove to the north and Barangaroo South, and Barton Street / Hickson Park to the south. The precinct currently comprises a concrete hardstand and construction compound associated with the redevelopment of Barangaroo South and Sydney Metro. The site does not contain any State or local listed heritage items (**Figure 2**).

The Concept Approval provides for three development blocks up to RL 35 m (approximately eight storeys), commercial and residential uses together with public domain and open spaces within Central Barangaroo. No construction works have commenced on site other than site preparation, remediation and Metro works.

The Cutaway is an existing large void space used for community/event uses located beneath Barangaroo Reserve. Its principal pedestrian access is from the north-western side of Nawi Cove (**Figure 2**).



**Figure 2 |** Central Barangaroo (outlined red) in context with adjoining development and spaces (Base source: Nearmap)



## 1.3 Surrounding context

The site is surrounded by an established urban environment characterised by a variety of land-uses, building forms, heights, ages and architectural styles. Central Barangaroo is located at a transition point between the high-density commercial and mixed-use precinct of Barangaroo South and the low density residential / mixed use and open space areas of Millers Point and Barangaroo Reserve.

The surrounding context is summarised below (**Figure 2**):

- to the east, beyond Hickson Road and existing sandstone rock wall / ridgeline, is High Street and a variety of low-density houses and buildings including numerous State and local heritage items within Millers Point. Further east, at the highest elevation of Millers Point is the State heritage listed Sydney Observatory and surrounding gardens. This heritage significant part of Millers Point forms part of the Millers Point / Dawes Point Conservation Area (MPCA)
- to the south-east, south of the MPCA, are high-density towers up to 30 storeys including the Langham Hotel and the Stamford Residence, the Georgia and Highgate apartment buildings along Kent Street
- to the south is Barton Street, an existing, temporary road used for construction vehicles and Hickson Park, a public open space located at the northern part of Barangaroo South. Beyond Barton Street and Hickson Park are high-density towers up to 71-storeys including the Crown Sydney Hotel Resort tower and the three residential towers of the One Sydney Harbour development
- to the north, beyond Nawi Cove is the northern tip of Millers Point and Barangaroo Reserve, which has extensive hard / soft landscaped public open space and includes The Cutaway community / cultural space
- to the west, beyond the future Barangaroo Park and existing foreshore boardwalk, is Darling Harbour.

## 1.4 Relevant Planning History

### 1.4.1 Barangaroo Concept Approval

On 9 February 2007, the then Minister for Planning granted approval to a Concept Plan (MP 06\_0162) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the redevelopment of the whole Barangaroo precinct. The Concept Plan has been modified nine times as summarised in detail at **Appendix D**. The key modifications are discussed at **Section 1.4.2**.

The current Concept Approval provides for (**Figure 3**):

- a mix of residential, retail, commercial and public recreation uses
- a maximum GFA of 602,354 m<sup>2</sup>
- development footprints, building heights, an indicative road network and public open space / public domain.

The PEHC SEPP provides the land use zoning, and development standards (height and GFA) for Barangaroo. The Concept Approval aligns with the height and GFA controls in the PEHC SEPP.

The Concept Approval includes the Proponent's SoCs, which set out design and development commitments for future detailed stages of the development.

### 1.4.2 Summary of key relevant Concept Approval modifications

Since the initial approval of the Concept Plan, modifications have reshaped the built form, layout and use of the Barangaroo precinct. Key precinct-wide changes include increasing GFA, increasing building heights and amending block and road layouts, the headland park, waterfront coves, open space and public domain areas, as summarised in **Appendix D**. The PEHC SEPP was also amended to take account of modifications where relevant.

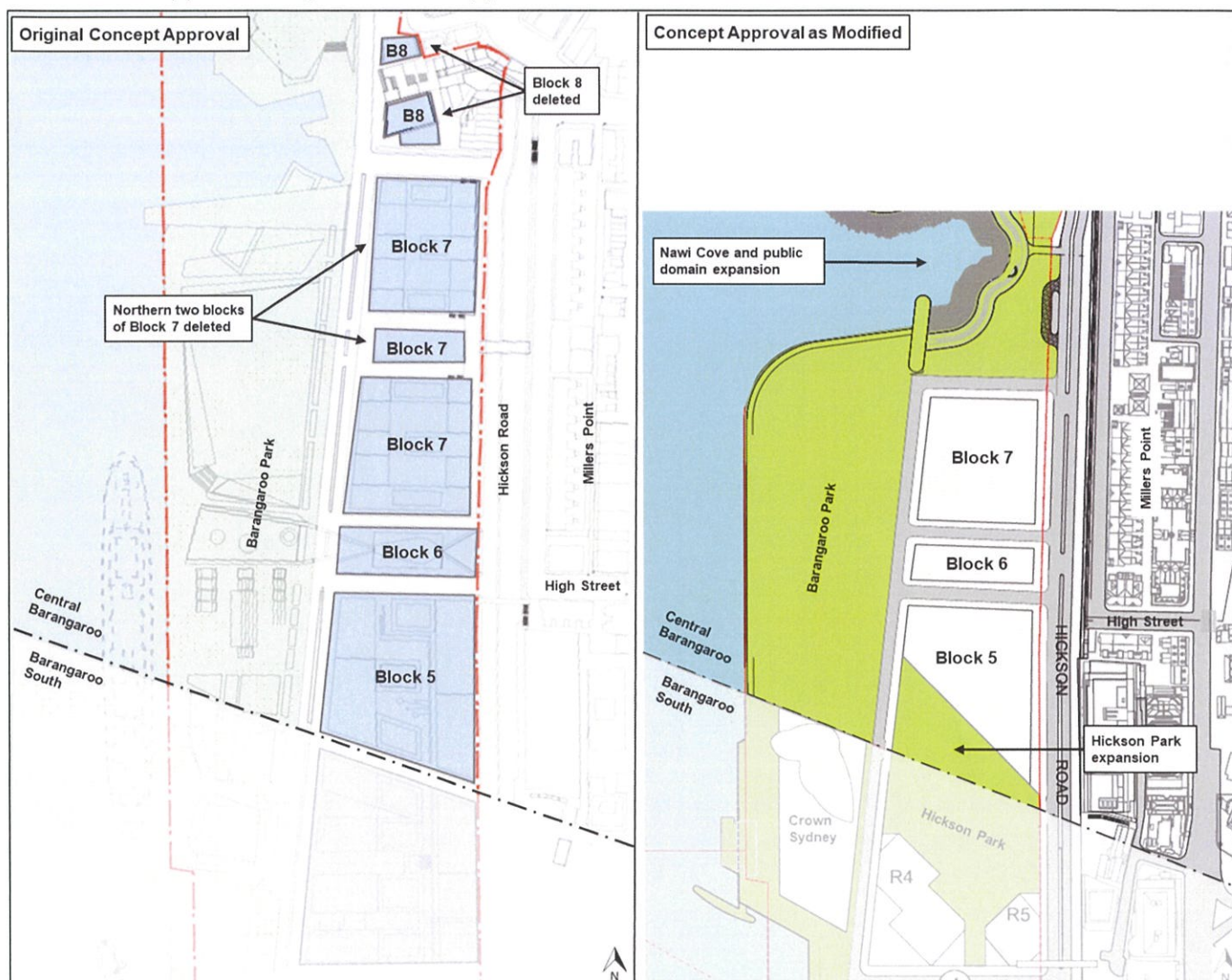
Modifications (MOD) 2, 3, 4 and 8 to the Concept Approval include amendments specific to Central Barangaroo. The key modifications to Central Barangaroo relevant to the current application are shown at **Figure 3** and summarised below:

- **Blocks 7 and 8** – the original Concept Plan included four development blocks within Central Barangaroo (Blocks 5 to 8). MOD 3 deleted Block 8, reduced the footprint of Block 7 from three to one blocks, relocated and expanded Nawi Cove and public domain in place of the above block footprints and realigned Globe Street (now Barangaroo Avenue) to join Hickson Road. SoC 124-125 recommended a Block 7 have a 4 storey frontage to Nawi Cove
- **Block 5** – Block 5 has been amended as follows:
  - MOD 2 included condition B9 relating to Central Barangaroo street wall and podium heights and setbacks
  - in its determination of MOD 8 the former Planning Assessment Commission (PAC):
    - reduced the Block 5 footprint to facilitate an expansion of Hickson Park into Central Barangaroo
    - introduced Hickson Park solar access requirements (condition B3(2)), which would affect the height / scale of future buildings within Block 5
- **GFA** – the Central Barangaroo GFA has been amended as follows:
  - because of the above built form modifications to Blocks 5 and 7 and deletion of Block 8 the:
    - MODs 2, 3, 4 and 8 reduced the Central Barangaroo GFA from 66,000 m<sup>2</sup> to 47,688 m<sup>2</sup>
    - MOD 3 reduced the maximum residential GFA within Block 7 from 27,500 m<sup>2</sup> to 14,000 m<sup>2</sup>
  - in its determination of MOD 8, the Planning Assessment Commission (PAC) required Block 6 / 7 incorporate 2,000 m<sup>2</sup> of community use GFA
- **Section 13 Controls** – the original Concept Environmental Assessment (the EA) included Building Design Principles and Development Block Controls (known as the Section 13 Controls) for each of the blocks within Barangaroo. However, the Section 13 Controls are considered less relevant to Blocks 5, 6, and 7 of Central Barangaroo, noting:
  - condition B4(3)(4) of the original Concept Approval stated no consent was granted for the Development Block Controls component of the Section 13 Controls. This was done to facilitate design excellence and appropriate street wall heights
  - MOD 2 revised the Building Design Principles component of the Section 13 Controls providing for eight Built Form Principles for future DAs, included new Development Block Controls for Barangaroo South, but did not include new Development Block Controls for Central Barangaroo



- MOD 4 subsequently deleted condition B4(3)(4)
- SoC 106 commits to the consideration of the Section 13 Controls. However, the Controls have little effect on the built form of Blocks 5, 6, and 7 due to the various modifications which have eroded the precinct wide Principles and changed the Block envelopes.

Barangaroo has been the subject of numerous other planning approvals. A summary of the relevant approvals is provided at **Appendix D**.



**Figure 3 |** Layout of the original (left) and modified (right) Concept Approval Central Barangaroo layout (Base sources: MP 06\_0162 and MOD8) - Note: the building outlines in the left image were not approved and are indicative only.

### 1.4.3 Relevant Central Barangaroo controls for future development applications

The Concept Plan was approved under the former Part 3A of the EP&A Act and it incorporated allowances for design flexibility.

In this regard, the Concept Approval does not include detailed and dimensioned building envelope drawings. Instead, the Controls for future development are derived from the PEHC SEPP development standards, Concept Approval conditions, Proponent's SoCs, and the technical documents submitted in support of the Concept Approval.



The Department has reviewed the Concept Approval, evolution / incremental changes made by modifications and considers that Central Barangaroo is subject to the Prescriptive and Performance based Controls (**Table 1**), which establish the planning framework and guidance for future development application(s) (DA(s)) and the design of future buildings and spaces.

**Table 1 | Summary of key Central Barangaroo controls**

Component	Control source	Control																		
PRESCRIPTIVE CONTROLS																				
GFA	<ul style="list-style-type: none"><li>• Conditions A1, A2, B4, B7(3)</li><li>• SoCs 106, 108</li><li>• PEHC SEPP clause 18 of Appendix 5</li></ul>	<table><tr><th>Component</th><th>Approved GFA</th></tr><tr><td>Barangaroo Precinct GFA:</td><td>602,354 m<sup>2</sup></td></tr><tr><td><ul style="list-style-type: none"><li>o Blocks max GFA</li><li>o residential max</li><li>o tourist max</li><li>o retail max</li><li>o community min</li></ul></td><td><ul style="list-style-type: none"><li>o 587,354 m<sup>2</sup>, including:</li><li>o 191,031 m<sup>2</sup></li><li>o 76,000 m<sup>2</sup></li><li>o 34,000 m<sup>2</sup></li><li>o 12,000 m<sup>2</sup></li></ul></td></tr><tr><td>Blocks 5, 6, 7 GFA:</td><td>47,688 m<sup>2</sup>, comprising:</td></tr><tr><td><ul style="list-style-type: none"><li>o Block 5 max</li><li>o Block 6 max</li><li>o Block 7 max</li></ul></td><td><ul style="list-style-type: none"><li>o 29,688 m<sup>2</sup></li><li>o 3,000</li><li>o 15,000 m<sup>2</sup></li></ul></td></tr><tr><td>Max. Residential GFA:</td><td>29,000 m<sup>2</sup>, comprising:</td></tr><tr><td><ul style="list-style-type: none"><li>o Block 5 max</li><li>o Block 7 max</li></ul></td><td><ul style="list-style-type: none"><li>o 15,000 m<sup>2</sup> residential</li><li>o 14,000 m<sup>2</sup> residential</li></ul></td></tr><tr><td>Min. public open space:</td><td>11 hectares, 50% of the site</td></tr><tr><td>Min. Block 6/7 community GFA</td><td>2,000 m<sup>2</sup></td></tr></table>	Component	Approved GFA	Barangaroo Precinct GFA:	602,354 m <sup>2</sup>	<ul style="list-style-type: none"><li>o Blocks max GFA</li><li>o residential max</li><li>o tourist max</li><li>o retail max</li><li>o community min</li></ul>	<ul style="list-style-type: none"><li>o 587,354 m<sup>2</sup>, including:</li><li>o 191,031 m<sup>2</sup></li><li>o 76,000 m<sup>2</sup></li><li>o 34,000 m<sup>2</sup></li><li>o 12,000 m<sup>2</sup></li></ul>	Blocks 5, 6, 7 GFA:	47,688 m <sup>2</sup> , comprising:	<ul style="list-style-type: none"><li>o Block 5 max</li><li>o Block 6 max</li><li>o Block 7 max</li></ul>	<ul style="list-style-type: none"><li>o 29,688 m<sup>2</sup></li><li>o 3,000</li><li>o 15,000 m<sup>2</sup></li></ul>	Max. Residential GFA:	29,000 m <sup>2</sup> , comprising:	<ul style="list-style-type: none"><li>o Block 5 max</li><li>o Block 7 max</li></ul>	<ul style="list-style-type: none"><li>o 15,000 m<sup>2</sup> residential</li><li>o 14,000 m<sup>2</sup> residential</li></ul>	Min. public open space:	11 hectares, 50% of the site	Min. Block 6/7 community GFA	2,000 m <sup>2</sup>
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Height	<ul style="list-style-type: none"><li>• Conditions A1, A2, B4(2)</li><li>• SoCs 106, 108</li><li>• PEHC SEPP clause 17 of Appendix 5</li></ul>	<table><tr><th>Block</th><th>Approved max. height</th></tr><tr><td>- Block 5</td><td>- RL 34</td></tr><tr><td>- Block 6</td><td>- RL 29</td></tr><tr><td>- Block 7</td><td>- RL 35</td></tr></table>	Block	Approved max. height	- Block 5	- RL 34	- Block 6	- RL 29	- Block 7	- RL 35										
Block	Approved max. height																			
- Block 5	- RL 34																			
- Block 6	- RL 29																			
- Block 7	- RL 35																			
Layout	<ul style="list-style-type: none"><li>• Conditions A1 and B3</li></ul>	<ul style="list-style-type: none"><li>• Development block footprints / layouts and the street hierarchy network.</li><li>• Two east-west pedestrian through-site links, including:<ul style="list-style-type: none"><li>o a 20 m wide link between Block 5 and 6</li><li>o a 10 m wide link between Block 6 and 7.</li></ul></li><li>• Overshadowing controls to Hickson Park from Block 5.</li></ul>																		
Design Excellence	<ul style="list-style-type: none"><li>• Condition C2</li></ul>	<ul style="list-style-type: none"><li>• Design excellence considerations for future DA(s) on sites &lt;1,500m<sup>2</sup>.</li></ul>																		
PERFORMANCE BASED CONTROLS																				

Component	Control source	Control
<b>Historic views</b>	<ul style="list-style-type: none"> <li>Condition</li> <li>SoCs 56-60, 106</li> </ul>	<ul style="list-style-type: none"> <li>Consideration of impacts against identified of important view locations</li> <li>Demonstrate views will be retained from Millers Point and Observatory Hill to the harbour.</li> <li>Provide adequate view corridors over / between buildings to maintain key Millers Point view attributes being: <ul style="list-style-type: none"> <li>views to significant tracts of the water and the opposite foreshores</li> <li>the junction of Darling Harbour and the Harbour proper</li> <li>panoramic qualities of existing views and the most distinctive views to landmark structures</li> </ul> </li> <li>Ensure a relationship between new built form and existing structures and design details in MPCA</li> <li>Retain ability to appreciate Millers Point headland and terrace house roofscapes from opposite foreshores</li> <li>Retain panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Park</li> <li>Engage a heritage consultant to guide conservation of Hickson Road sandstone wall and design / construction of pedestrian bridge over Hickson Road</li> <li>Built Form Principles relating to the western façade of the development, Hickson Road as a boulevard, street definition, low-scale valley, pedestrian connectivity, tapering built form, open space, view sharing and building orientation.*</li> </ul>
<b>Podium and street wall height / setbacks</b>	<ul style="list-style-type: none"> <li>Condition B9</li> <li>SoCs 124-125</li> </ul>	<ul style="list-style-type: none"> <li>Block 5: <ul style="list-style-type: none"> <li>Hickson Road street wall height RL 29.6</li> <li>Globe Street podium height RL 18.8</li> <li>appropriate street wall heights and setbacks along Agar and Healy Streets</li> <li>25 m setback above Hickson Road street wall</li> <li>5 m street wall setback from Globe Street kerb</li> <li>20 m separation from any tower forms in Block 4</li> </ul> </li> <li>Block 7 to be 4 storeys fronting Nawi Cove</li> </ul>
<b>Building form*</b>	<ul style="list-style-type: none"> <li>Condition A2</li> <li>SoCs 106, 108, 124, 125</li> </ul>	<ul style="list-style-type: none"> <li>Guidance relating to building form and articulation, design excellence, activation, connectivity, streetscape, overshadowing and interface with southern part of Barangaroo Reserve.</li> </ul>



## 2 Proposed modification

### 2.1 Summary of Modification Request

The Modification Request seeks to amend the Concept Approval as it relates to the Central Barangaroo precinct together with minor amendments to Barangaroo Reserve (the Cutaway only).

In summary, the Modification Request seeks approval to amend the permissible GFA, block height and layout, size of Hickson Park, traffic and access arrangements, introduce Central Barangaroo Design Guidelines, and revise the SoCs.

The key aspects of the proposed modifications (as amended by the Response to Submissions and additional information) are outlined in **Table 2** and shown in **Figure 4** to **Figure 6**. The amendments made to the modification as exhibited in 2022 is provided at **Section 5.4**.

**Table 2 | Key aspects of the Modification Request in Central Barangaroo**

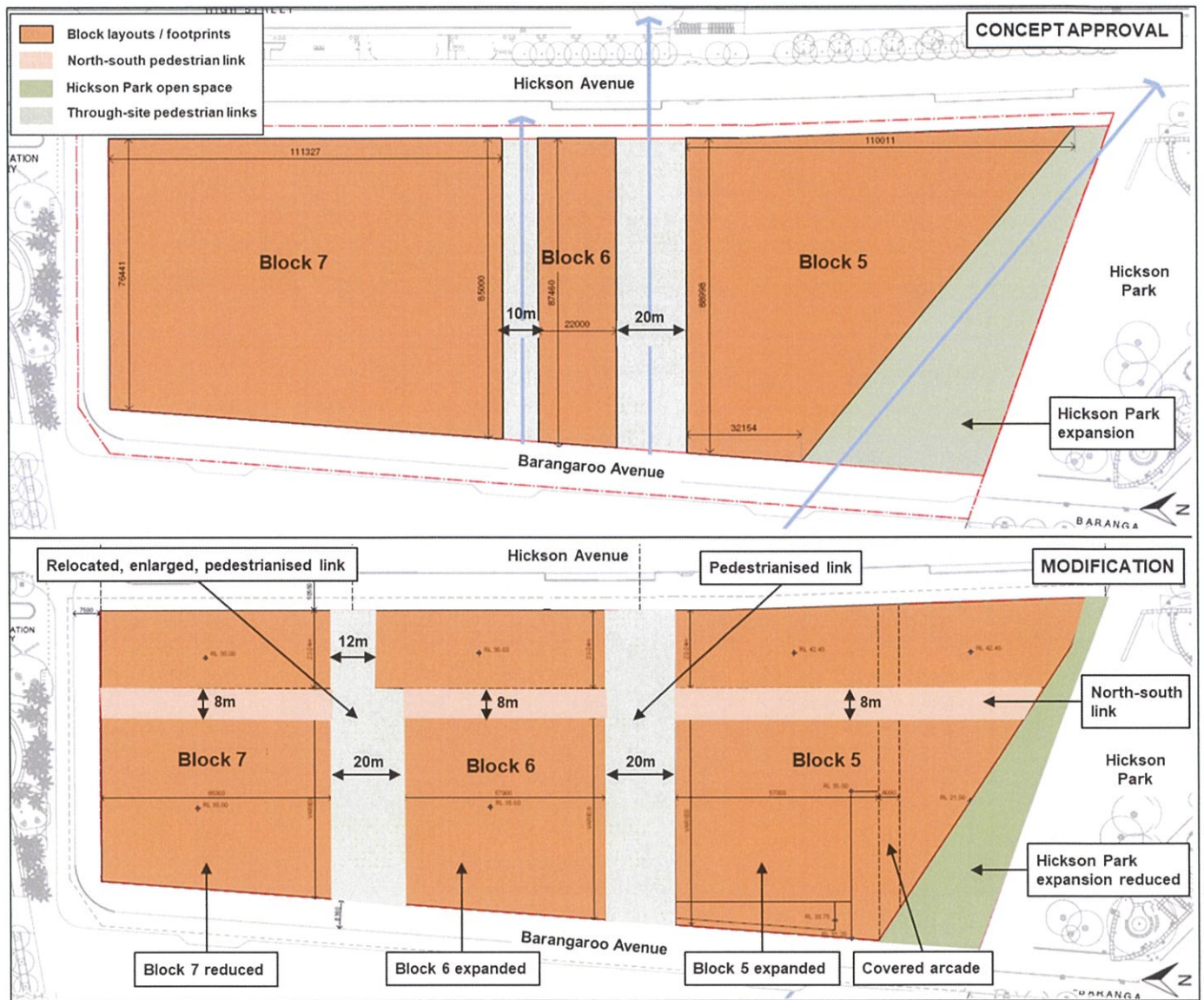
Component	Concept Approval (as amended)		Proposed Modification	
GFA	<ul style="list-style-type: none"><li>Condition B4 sets total and block GFA:</li></ul>		<ul style="list-style-type: none"><li>Amend condition B4 block GFA:</li></ul>	
	Component	Approved GFA	Modification	Difference
	Total Barangaroo GFA:	602,354 m <sup>2</sup>	667,686 m <sup>2</sup>	+65,332 m <sup>2</sup>
	o Blocks max GFA	o 587,354 m <sup>2</sup> , including:	o 643,666 m <sup>2</sup>	o +56,312 m <sup>2</sup>
	o residential max	o 191,031 m <sup>2</sup>	o 237,031 m <sup>2</sup>	o +46,000 m <sup>2</sup>
	o retail max	o 34,000 m <sup>2</sup>	o 44,766 m <sup>2</sup>	o +10,755 m <sup>2</sup>
	o community min	o 12,000 m <sup>2</sup>	o 14,800 m <sup>2</sup>	o +2,800 m <sup>2</sup>
	Blocks 5, 6, 7 GFA:	47,688 m <sup>2</sup> , comprising:	104,000 m <sup>2</sup> , comprising:	+56,312 m <sup>2</sup>
	o Block 5 max	o 29,688 m <sup>2</sup>	o site-wide GFA / no specific block-by-block GFA	o block-by-block GFA deleted and replaced with site-wide GFA
	o Block 6 max	o 3,000		
o Block 7 max	o 15,000 m <sup>2</sup>			
Max. Residential GFA:	29,000 m <sup>2</sup> , comprising:	75,000 m <sup>2</sup> (above ground)	+46,000 m <sup>2</sup>	
o Block 5 max	o 15,000 m <sup>2</sup> residential			
o Block 7 max	o 14,000 m <sup>2</sup> residential			
GFA provided:	Unspecified	GFA provided:	Introduce the division of GFA as above / below ground	
o above ground max		o 92,908 m <sup>2</sup>		
o below ground max		o 11,092 m <sup>2</sup>		
<ul style="list-style-type: none"><li>Condition B4(4) excludes ‘wintergardens’ from GFA calculation in Barangaroo South (only)</li><li>Condition B7 requires min. 2,000 m<sup>2</sup> community use within Blocks 6 and/or 7</li><li>The Concept Approval does not allocate all approved GFA to a specific use.</li></ul>		<ul style="list-style-type: none"><li>Amend condition B4(4) to exclude wintergardens from GFA calculations in Central Barangaroo</li><li>Amend condition B7 to:<ul style="list-style-type: none"><li>increase the Central Barangaroo minimum community use by 800 m<sup>2</sup> (2,800 m<sup>2</sup>) and</li></ul></li></ul>		



Component	Concept Approval (as amended)	Proposed Modification																
		<p>allow community use GFA to be provided within all blocks (Blocks 5, 6 and/or 7)</p> <ul style="list-style-type: none"><li>o reallocate between 6,000 m<sup>2</sup> to 18,000 m<sup>2</sup> of unallocated GFA to community use at The Cutaway in Barangaroo Reserve.</li></ul>																
Block layout and access	<ul style="list-style-type: none"><li>• The Concept Approval provides for the layout and dimensions of three blocks (Block 5, 6 and 7) in Central Barangaroo as shown at <b>Figure 4</b> and <b>Figure 5</b>.</li></ul>	<ul style="list-style-type: none"><li>• Amend Block 5, 6 and 7 dimensions, including:<ul style="list-style-type: none"><li>o expand the boundary of Block 5 further southward and corresponding reduction in the size of Hickson Park (below)</li><li>o expand the north-south width of Block 6 and a corresponding width reduction of Block 7.</li></ul></li></ul>																
Block height	<p>Condition B4 sets maximum Block heights:</p> <table><tr><th>Block</th><th>Approved max. height</th></tr><tr><td>- Block 5</td><td>- RL 34</td></tr><tr><td>- Block 6</td><td>- RL 29</td></tr><tr><td>- Block 7</td><td>- RL 35</td></tr></table>	Block	Approved max. height	- Block 5	- RL 34	- Block 6	- RL 29	- Block 7	- RL 35	<p>Amend Condition B4 heights:</p> <table><tr><th>Modification</th><th>Difference</th></tr><tr><td>- RL 21.5 to RL 42.45</td><td>- +8.45 m (in part)</td></tr><tr><td>- RL 35</td><td>- +6 m</td></tr><tr><td>- no change</td><td>- no change</td></tr></table>	Modification	Difference	- RL 21.5 to RL 42.45	- +8.45 m (in part)	- RL 35	- +6 m	- no change	- no change
Block	Approved max. height																	
- Block 5	- RL 34																	
- Block 6	- RL 29																	
- Block 7	- RL 35																	
Modification	Difference																	
- RL 21.5 to RL 42.45	- +8.45 m (in part)																	
- RL 35	- +6 m																	
- no change	- no change																	
Setbacks	<ul style="list-style-type: none"><li>• Condition B9 includes (MOD 2) setback and street-wall heights relating to Block 5.</li></ul>	<ul style="list-style-type: none"><li>• Delete condition B9 and its Block 5 setback and street-wall requirements.</li></ul>																
Access	<ul style="list-style-type: none"><li>• The Concept Approval includes road/pedestrian links in Central Barangaroo:<ul style="list-style-type: none"><li>o Barangaroo Avenue is a two-way road/promenade connecting Barangaroo South to Hickson Road</li><li>o Agar Street is a 20 m wide road between Blocks 5 and 6</li><li>o Little Clyde Street is a 10 m wide road between Blocks 6 and 7.</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Amend the road/pedestrian links, including:<ul style="list-style-type: none"><li>o convert Barangaroo Avenue to a one-way, north-bound shared street</li><li>o convert Agar Street into a pedestrian plaza / through link (Plaza South)</li><li>o relocate Little Clyde Street further north, widen it to 12 to 20 m and convert it to a pedestrian plaza / through link (Plaza South)</li><li>o introduce an 8 m wide north-south pedestrian link through the building envelopes</li><li>o introduce a 6 m east-west covered arcade through Block 5.</li></ul></li></ul>																
Hickson Park	<ul style="list-style-type: none"><li>• Condition B3 requires that Hickson Park (MOD 8):<ul style="list-style-type: none"><li>o be expanded north into Central Barangaroo (consistent with the Hickson Park boundaries map), providing a park of 11,414 m<sup>2</sup>.</li><li>o not be overshadowed by more than</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Amend condition B3 to:<ul style="list-style-type: none"><li>o reduce the size of Hickson Park in Central Barangaroo by 1,625 m<sup>2</sup> (to 9,789 m<sup>2</sup>) to align with the revisions to Block 5</li><li>o delete the requirement for consistency with the MOD8 Hickson Park boundaries map</li></ul></li></ul>																

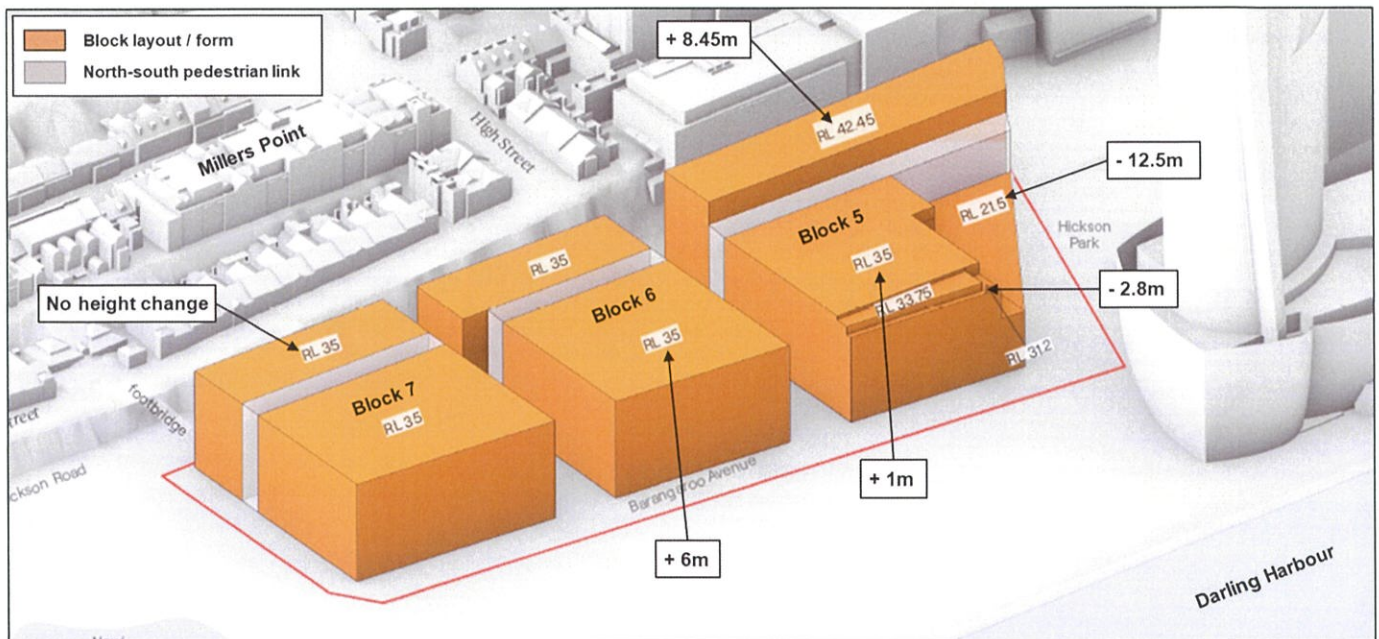
Component	Concept Approval (as amended)	Proposed Modification
	2,500 m <sup>2</sup> (average) between noon and 2 pm on 21 June winter solstice each year.	<ul style="list-style-type: none"> <li>○ increase the average permissible area of overshadowing by 500 m<sup>2</sup> (3,000 m<sup>2</sup>).</li> </ul>
<b>Design excellence</b>	<ul style="list-style-type: none"> <li>• Condition C2 requires future DA(s) on sites greater than 1,500 m<sup>2</sup> to achieve design excellence and undertake a design competition.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce a Central Barangaroo Design Excellence Strategy (DES), including an alternative process to a design competition</li> <li>• Amend condition C2 to require future design excellence panel to consider the revised Central Barangaroo building envelopes.</li> </ul>
<b>Design guidelines</b>	<ul style="list-style-type: none"> <li>• Condition B5 requires future Barangaroo South DA(s) demonstrate consistency with Design Guidelines</li> <li>• There are no specific design guidelines relating to Central Barangaroo.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend condition B5 to include a requirement that future DA(s) for Central Barangaroo demonstrate consistency with the proposed Central Barangaroo Design Guidelines (CBDGs).</li> </ul>





**Figure 4 |** Concept Approval (based on the Prescriptive Controls) (top) and proposed (bottom) Central Barangaroo block, road/pedestrian link and open space layouts (Base source: Proponent's RRFI)





**Figure 5** | Proposed Block 5, 6 and 7 envelope heights and forms (Base source: Proponent's RtS)

## 2.2 Amendments to the Statement of Commitments

The Concept Approval includes SoCs which set out the Proponent's commitments relating to a variety of planning matters and mitigation considerations such as design excellence, considerations in the preparation of future DA(s), requirements for the preparation of technical and specialist documentation, consultation, DA design/construction processes, formation of technical working groups and the delivery of specific on-site provisions.

The Modification Request includes amendments to the SoCs. In particular (SoC original numbering):

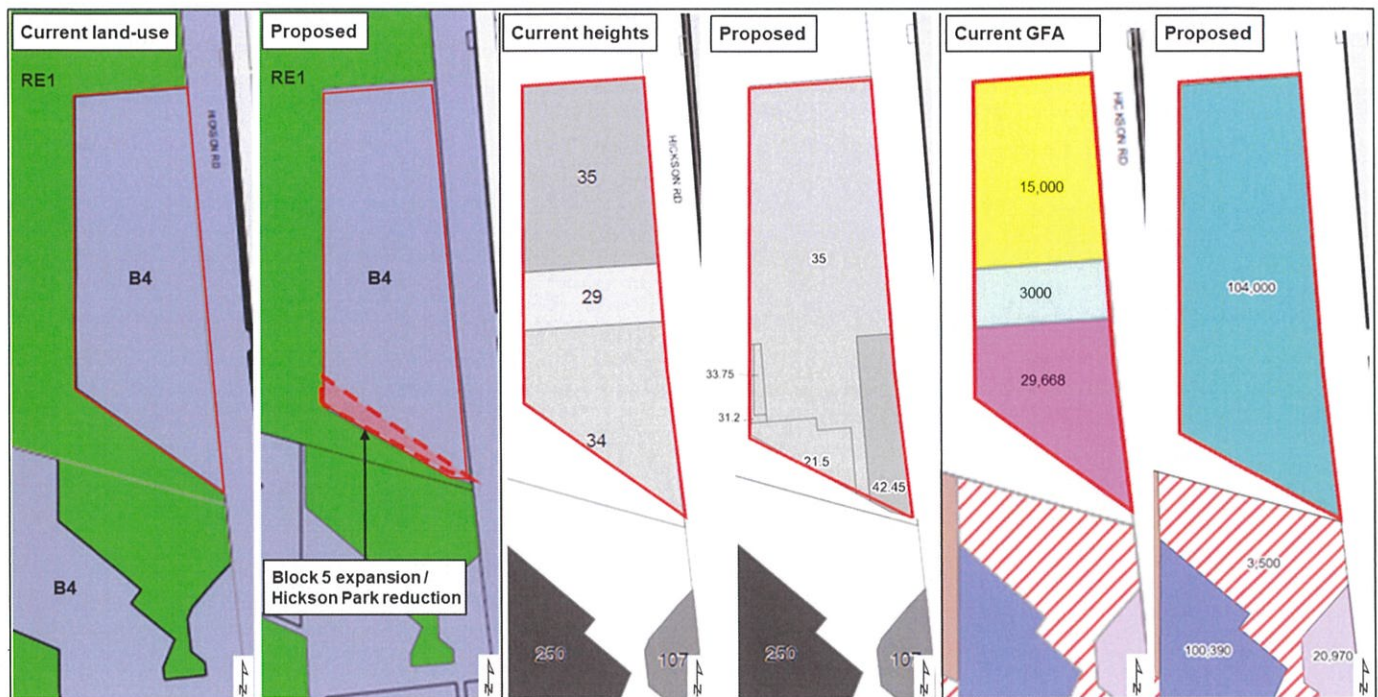
- **SoCs 19a, 22, 31, 57, 59, 106, 108 and (new) 117** are amended to delete references to superseded documentation and/or insert new references to the new relevant documentation, and amendments sought in the Modification Request
- **SoCs 123 and 125** are amended to delete references to Blocks 7
- **SoCs 56 and 60** are amended to include cross-references to SoC 57, which refers to visual impact assessment
- **SoC 99** is deleted, which requires Block 5 to be consistent with certain performance-based controls
- **SoC Appendix 1** is deleted, which shows the MOD 8 layout of the Hickson Park extension is deleted
- the SoC numbering of commitments is revised to be sequential.

## 2.3 Amendment to the PEHC SEPP

The Proponent has submitted a concurrent request with the Modification Request to amend the Barangaroo land-use, height and GFA maps contained within the PEHC SEPP to ensure they align with the changes proposed by the Modification Request. The proposed amendments to the PEHC SEPP Barangaroo maps (**Figure 6**) include:

- **land use zone map** – amend the southern B4 Mixed Use / RE1 Public Recreation zone boundary to take account of the expansion of Block 5 and reduction in the size of Hickson Park
- **height of buildings map** – revise the block layout and maximum height controls for Blocks 5, 6 and 7
- **GFA map** – increase maximum Central Barangaroo to GFA to 104,000 m<sup>2</sup>, remove block-specific GFA and allow GFA to be attributed flexibly across all blocks
- **new clause** – 11,092 m<sup>2</sup> of the total GFA in Central Barangaroo is to be below ground.

The SEPP Amendment request is considered part of a separate planning process and will be determined separately from and following the determination of this Modification Request.



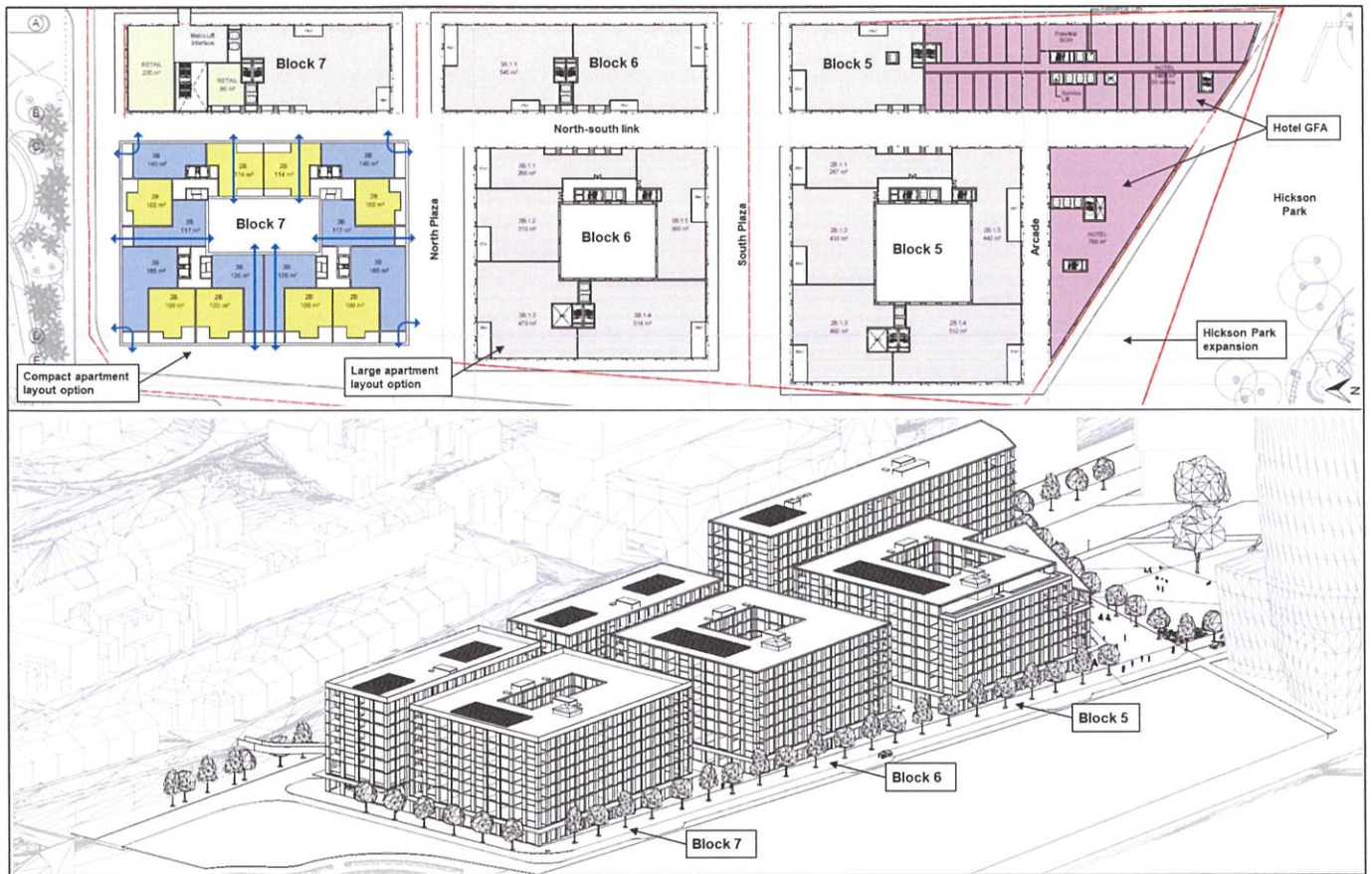
**Figure 6** | Existing and proposed land-use, height and GFA PEHC SEPP maps (Source: PEHC SEPP and Proponent's RtS)

## 2.4 Indicative Future Development / Reference Scheme

The Modification Request includes an indicative development design (Reference Scheme). While not proposed as part of this application, it seeks to demonstrate the potential form of future development in accordance with the Concept Approval (as modified by the proposal) and includes (Figure 7):

- six buildings from 4 to 11 storeys
- 104,000 m<sup>2</sup> residential, retail, community, hotel and commercial GFA, divided 92,908 m<sup>2</sup> above ground and 11,092 m<sup>2</sup> below ground
- open space, pedestrian through-site links open to the sky, an arcade, landscaping and basement car parking.





**Figure 7** | Reference Scheme typical residential / hotel floor level layout (top) and building height and massing (bottom) (Base source: Proponent's RtS and SRtS)

### 3 Strategic context

The Department considers that the modified project is appropriate for the site as it is consistent with the strategies, plans and policies outlined in **Table 3** below.

**Table 3 | Summary of government strategies, plans and policies**

Strategy, plan or policy	Comments
<b>Greater Sydney Region Plan and Eastern City District Plan</b>	<p>A Metropolis of Three Cities - Greater Sydney Region Plan (Region Plan) sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan outlines how Greater Sydney will be transformed into a metropolis of three cities. The site is located within the Eastern City District.</p> <p>The proposed modifications align with the objectives of the Region Plan and Eastern City District Plan as it will:</p> <ul style="list-style-type: none"> <li>• promote integrated land use planning, a walkable 30-minute city and optimise infrastructure use along the Eastern Economic Corridor and Harbour CBD</li> <li>• provide new housing close to services, social infrastructure, public transport and public open space</li> <li>• create and renew places/spaces and respect the Eastern District's heritage</li> <li>• create up to 1,143 future construction jobs, reduce waste and promote sustainability.</li> </ul>
<b>Future Transport Strategy 2056</b>	<p>The Future Transport Strategy 2056 outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.</p> <p>The proposed modifications would improve access to transport infrastructure and allow further design to be carried out as part of future development in Central Barangaroo. Future interchange improvements would also support the visitor economy to Barangaroo, Headland Park and The Cutaway.</p>
<b>Sustainable Sydney 2030</b>	<p>Sustainable Sydney 2030-50 is Council's Community Strategic Plan that aims to deliver a more sustainable, equitable and resilient Sydney. The proposed modifications are consistent with the Directions 2 to 10 in the plan as:</p> <ul style="list-style-type: none"> <li>• Barangaroo aims to be a sustainable precinct, create new public places with connections to the harbour, provide new streets, laneways and connections</li> <li>• the proposal provides additional housing and community uses in Central Barangaroo supported by well-connected public transport options.</li> </ul>
<b>City Plan 2036 – Local Strategic Planning Statement</b>	<p>City Plan 2036 is Council's Local Strategic Planning Statement and outlines a 20-year vision for land use planning and Council's planning priorities and actions to achieve the vision for a green, global and connected city. The proposed modifications are consistent with the City Plan 2036 as it:</p> <ul style="list-style-type: none"> <li>• aligns development and growth with supporting infrastructure</li> <li>• protects the character of heritage neighbourhoods and iconic places</li> </ul>



Strategy, plan or policy	Comments
-----------------------------	----------

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• guides appropriate built form to create a world-class city centre.</li></ul> |
|--|--|

## 4 Statutory context

### 4.1 Scope of modification and assessment pathway

Details of the legal planning pathway under which the Modification Request may be assessed is set out in **Table 4**.

**Table 4** | Permissibility and assessment pathway

Consideration	Description
<b>Scope of Modification Request</b>	<p>The Concept Approval is a transitional Part 3A project under Schedule 2 of the STOP Regulation.</p> <p>The Modification Request may be assessed and determined in accordance with Section 75W of the EP&amp;A Act, as the Modification Request was lodged before the 1 March 2018 cut-off date for the winding-up of the former Part 3A of the EP&amp;A Act.</p> <p>The then Director-General (now Secretary) issued the EARs on 15 April 2014. The Proponent provided an environmental assessment report in response to the EARs on 22 April 2022.</p> <p>The Department is satisfied the Modification Request is able to be approved under Section 75W of the EP&amp;A Act, subject to the imposition of recommended conditions.</p>
<b>Consent authority / decision-maker</b>	<p>The Minister for Planning and Public Spaces is the consent authority as the Modification Request has been made by a public authority; more than 50 public submissions in objections were received, and Council objects to the proposal.</p>

### 4.2 Planning Secretary's Environmental Assessment Requirements

The Proponent's environmental assessment report addresses each matter set out in the SEARs issued on 15 April 2014 and is sufficient to enable an adequate consideration and assessment of the Modification Request for determination purposes.

### 4.3 Environmental Planning Instruments

The Department has considered all relevant environmental planning instruments in **Appendix B**.

As detailed at **Section 2.3**, the Proponent has submitted a concurrent request with the Modification Request to amend the Barangaroo land-use, height and GFA maps contained within the PEHC SEPP. This SEPP amendment will be progressed through a separate planning process following the determination of this Modification Request.



# 5 Engagement

## 5.1 Public exhibition

The Department publicly exhibited the Modification Request on the NSW Planning Portal on two occasions (below) and notified surrounding landowners, Council and relevant public authorities in writing. The Department also published the original Modification Request, amended Modification Request / response to submissions (RtS) and additional information on its website and notified Council and relevant public authorities, as follows:

- Modification Request: exhibited from 12 July 2022 to 8 August 2022 (28 days)
- RtS: (extended exhibition) exhibited from 11 January 2024 to 21 February 2024 (42 days).

In response to the public exhibitions, the Department received 838 submissions on the Modification Request and 359 submissions on the RtS, as summarised at **Table 5**. Advice was also received from public authorities.

**Table 5 | Summary of submissions received during the MOD request and RtS exhibition periods**

MOD request exhibition submissions	RtS exhibition submissions
838 submissions comprising: <ul style="list-style-type: none"><li>• an objection from Council</li><li>• an objection from the Local Member for Sydney</li><li>• 24 submissions from special interest groups (22 objections, one in support and one comment)</li><li>• 813 submissions from the public (804 objections, four in support and five comments).</li></ul>	359 submissions comprising: <ul style="list-style-type: none"><li>• an objection from Council</li><li>• 15 submissions from special interest groups (14 objections and one comment)</li><li>• 343 submissions from the public (331 objections, seven in support and five providing comments)</li></ul>

A summary of the matters raised in submissions and public authority advice received during the exhibition periods is provided in **Sections 5.2** and **5.3**. A link to the submissions and advice is provided in **Appendix A**.

The Proponent has taken steps set out in **Section 5.4** to address issues raised in the submissions and advice and in response to the Department’s requests for further information, which are discussed in detail in its:

- RTS dated November 2023
- additional information dated June and August 2024.

The Department has considered the comments raised by the community, Council and public authorities during the assessment of the Modification Request (**Section 6**) and, where appropriate, has recommended conditions of consent (**Appendix G**) to minimise or manage the impacts of the proposal.

## 5.2 Summary of advice received from public authorities

A summary of the public authority submissions is provided in **Table 6**. This summary outlines the final position and any outstanding comments raised in each public authority response to the public exhibitions of the Modification Request and RtS. A link to a copy of the advice is provided in **Appendix A**.

Responses were also received from Heritage Aboriginal Cultural Heritage, Environmental Protection Authority, Civil Aviation Safety Authority, Sydney Airport, NSW Ports Authority, and the Department of Primary Industry (Fisheries). However, these confirmed either their initial comments had been addressed by the RtS or that they had no comments in response to the proposal.

**Table 6 | Summary of the final position and any outstanding comments raised in authority advice**

Authority	Advice summary
<b>Heritage NSW</b>	<p>Heritage NSW reviewed Modification Request and RtS and provided comments on MPCA, Sydney Observatory, heritage and view/sight line impacts and the height, bulk and scale of the proposed development blocks. Heritage NSW's final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>the proposal compromises the ability to understand/appreciate the MPCA and its large and intact collection of significant heritage items</li> <li>the increased height / GFA results in excessive bulk that has an adverse impact on Millers Point and Observatory Hill in terms of setting, views / sight-lines and the historic relationship to the waterfront</li> <li>above ground GFA calculation is unclear and continues to exceed the Concept Approval</li> <li>the proposal prioritises private benefits over State significant/public heritage spaces</li> <li>incorporate the Heritage Impact Statement (October 2023) recommendations into condition(s).</li> </ul>
<b>TfNSW</b>	<p>TfNSW reviewed the Modification Request and RtS and provided comments on the Hickson / Barton Road intersection design. TfNSW's final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>resolve the access and intersection configuration and controls along Hickson Road (including access to Barangaroo Central) in consultation with TfNSW, Sydney Metro and Council</li> <li>TfNSW recommended conditions relating to future DA(s) requiring: <ul style="list-style-type: none"> <li>TfNSW approval of any shared zones</li> <li>preparation of a Green Travel Plan (GTP) and other parking management plans relating to loading/unloading, coach parking and pick-up and drop-off.</li> </ul> </li> </ul>
<b>BCS</b>	<p>BCS reviewed the Modification Request and RtS and provided comments on biodiversity and flooding. BCS' final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>consider the interaction of increased residential density and flood potential</li> <li>provide clear flood mapping to support the increase in density</li> <li>refer any emergency management strategy to the NSW State Emergency Service.</li> </ul>



Authority	Advice summary
<b>Sydney Metro</b>	<p>Sydney Metro reviewed the Modification Request and RtS and provided comments on concurrence requirements. Sydney Metro's final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>the design and any proposed signalised pedestrian crossing must be considered and assessed in consultation with Sydney Metro, TfNSW and Council</li> <li>the Sydney Metro Station entry reference design included in the proposal is indicative only and would be subject to further future assessment.</li> </ul>
<b>DCCEEW Water</b>	<p>DCCEEW Water reviewed the Proponent's Modification Request and RtS and provided comments on basement design, waterproofing and groundwater take volume. DCCEEW Water's final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>clarify basement design to manage groundwater interactions</li> <li>calculate water take during construction and operation phases and confirm regulations are met</li> <li>clarify triggers and mitigation measures to determine the need for waterproofing.</li> </ul>
<b>Sydney Water</b>	<p>Sydney Water reviewed the Proponent's Modification Request and RtS and provided comments on water and wastewater servicing, recycled water, trade wastewater, feasibility, growth and building plan. Sydney Water's final advice and outstanding comments are summarised below:</p> <ul style="list-style-type: none"> <li>provide a servicing strategy and an options assessment in consultation with Sydney Water</li> <li>the existing sewer pumping station (SP1129) does not have capacity for the proposal and the Proponent should explore feasible servicing options in consultation with Sydney Water</li> <li>recycled water initiatives should be considered.</li> </ul>

## 5.3 Summary of submissions

### 5.3.1 Summary of council submissions

Council objected to the proposal. A summary of the issues raised by Council is provided in **Table 7** and a link to Council's submissions is at **Appendix A**.

**Table 7 | Summary of Council's final issues**

Council	Issues summary
<b>City of Sydney</b>	<p>Council objects to the Modification Request in relation to the increased height and scale, view impacts, heritage impacts, residential land use conflict, the extent and location of retail use, changes to Hickson Park, public domain issues, landscaping, transport and access, public art and public benefit.</p> <p>Council considered the Proponent's response to its comments and its final advice</p>

outstanding objections/comments are summarised below:

- Concerns about historic view impact, including:
  - increased height negatively impacts views from Millers Point, Observatory Hill and High Street
  - inaccurate comparisons between Concept Approval and proposed block forms
  - need for a comprehensive visual assessment of MPCA and the distant view analysis is insufficient
  - additional impact assessment is required for views from nearby areas and landmarks
  - the need to develop view management strategy with Heritage NSW and Council.
- Concerns about GFA and built form, including:
  - the need for varied building heights to align with views and topography
  - widen the Northern Plaza's eastern end from 10m to 20m
  - reduce apartment sizes to meet housing needs and adhere to Apartment Design Guide (ADG) standards
  - update the Design Guidelines to address noise, activation, wind, public realm character, building articulation, awnings, crime prevention, laneways, and arcades
  - prepare a public art strategy per Council policies
  - exclude winter gardens from Central Barangaroo GFA calculations
  - flexible GFA application of 104,000 m<sup>2</sup> across Blocks 5, 6, and 7 is not supported
  - Recommend excluding commercial-like uses from community use GFA in Central Barangaroo (e.g., gym).
- Concerns relating to open space and landscaping, including:
  - the reduction of Hickson Park compromises amenity, connectivity, public benefit is not supported
  - adverse overshadowing of Hickson Park from proposed Block 5
  - further clarify the detail and proposed design of the Concept landscape plan
  - provide for Block 5 outdoor dining/activation facing Hickson Park within the building envelope
  - ensure the new bridge link to Millers Point is appropriately located and designed
  - increase the deep soil areas to 15%, consistent with the ADG guidance
- Concerns relating to traffic and parking, including:
  - the existing car parking rates are outdated, do not take account of the Sydney Metro or sustainability objectives and therefore should be reduced
  - provide for bicycle facilities, car-share scheme and electric vehicles
  - ensure the basement is a consolidated basement across all blocks
  - provide Barangaroo Avenue as a pedestrianised boulevard
  - amend C14 to correctly refer to Council as the road authority
- Objections/comments relating to other planning matters, including:
  - The Modification Request should be determined by the Independent Planning Commission (the Commission)
  - prepare building envelope plans for approval



Council	Issues summary
	<ul style="list-style-type: none"> <li>provide 10% to 20% of residential floor space as affordable housing</li> <li>provide additional public benefits commensurate with the increase in GFA</li> <li>separate early works DA(s) should be postponed until the determination of the modification</li> <li>confirm consistency with the STOP Regulation and Section 75W request is a valid planning pathway.</li> </ul>

### 5.3.2 Summary of public submissions

A summary of the key issues raised in submissions received from the public and special interest groups during exhibition periods is provided in **Table 8** and a link to the submissions is provided at **Appendix A**.

**Table 8 | Issues raised in objection from the community and special interest groups**

Issues raised	Proportion of MOD submissions (%)	Proportion of RtS submissions (%)
Visual impacts and view loss	75%	72%
Heritage impacts	64%	63%
Height, bulk and scale	57%	77%
Impacts on amenity	35%	37%
Open space and public domain impacts	30%	65%
Traffic and access	29%	39%
Consistency with the Concept Approval	22%	-
Social and economic impacts	21%	16%
Inappropriate planning pathway	19%	34%
Impact to Sydney Observatory	11%	-

*Matters raised in response to the MOD request equalling less than 10% of total submissions include:*

*Insufficient design controls, all Section 13 Controls are relevant, land use and zoning, consultation and process transparency.*

Four public submissions were received in support of the Modification Request stating that the proposal would:

- provide an appropriate combination of commercial, retail and residential uses
- fund and help realise The Cutaway and Harbour Park developments
- provided 50% open space within Barangaroo

- leverage public benefit from the Government's investment in the Metro.

### 5.3.3 Summary of Local Member for Sydney submission

The Local Member for Sydney, Mr Alex Greenwich MP raised the following objections to the Modification Request:

- the additional height, bulk and scale is an overdevelopment of the site
- impacts on views from Observatory Hill and heritage impacts
- impacts on amenity including overshadowing of public open space
- relocation of community floor space to The Cutaway is not supported
- insufficient affordable housing contribution
- impacts on traffic, access and car parking.

## 5.4 Proponent's response to submissions and additional information

On 15 March 2024, following the exhibition of the Modification Request, the Department placed copies of all submissions and advice received on the NSW Planning Portal and requested the Proponent to provide a response to the issues raised. The Department also wrote to the Proponent requesting additional information, clarification and justification of the Modification Request.

### 5.4.1 Proponent's response to submissions

On 15 December 2023, the Proponent provided its RtS, which included additional information and justification in response to the issues raised during the public exhibition of the Modification Request. The Department placed the additional information on the NSW Planning Portal and referred it to relevant government agencies.

The RtS includes the following key amendments to the proposal. A numerical summary of the changes is provided at **Table 9** and the key changes are shown at **Figure 8** and **Figure 9**:

- amended the Barangaroo and Central Barangaroo maximum total, residential and retail GFA and introduced above and below ground GFA limits
- removed the tower component from Block 7 and reduced maximum block heights
- deleted the building cantilever (3 m beyond boundary) and façade articulation (650 mm beyond boundary)
- reduced the southern expansion of Block 5 and provided a corresponding increase in Hickson Park
- amended the layout, height, bulk, scale and dimensions of all blocks
- deleted all below ground GFA from the RE1 Public Recreation zone
- amended the proposed pedestrian links, including:
  - introduced a new 8 m wide north-south pedestrian link open to the sky
  - relocated and widened the Northern Plaza to 12-20 m and provide it open to the sky
  - relocated the Southern Plaza and provide as fully open to the sky
  - introduced a new 6 m wide east-west (covered) arcade within Blocks 5 and 6



- incorporated deep soil zones along the western and southern block boundaries
- amended the nature of Barangaroo Avenue from a pedestrianised route to a one-way shared street
- deleted the request to retain Barton Street as a permanent street
- amended staging plan for predicted construction, opening and operation of development areas
- amended the DES to include an alternative design excellence process to a design competition
- revised the CBDG's to expand guidelines and incorporate / reflect the above changes
- revised the design and layout of the Reference Scheme to incorporate / reflect the above changes and include a typical residential floor comprising more compact apartment layouts
- revised conditions A1, A2, B3, B4, B5, B7, B9, C1 and C2 to incorporate / reflect the above changes.

**Table 9 | Numerical summary of the changes made to GFA, height, pedestrian links and open space since lodgement**

Component	MOD exhibition	RtS exhibition	Difference	
GFA	<ul style="list-style-type: none"><li>total Barangaroo</li><li>total Block 5,6 and 7<ul style="list-style-type: none"><li>below ground</li><li>above ground</li></ul></li><li>max. residential</li><li>max. retail</li></ul>	<ul style="list-style-type: none"><li>708,041 m<sup>2</sup></li><li>144,355 m<sup>2</sup><ul style="list-style-type: none"><li>28,166 m<sup>2</sup></li><li>116,189 m<sup>2</sup></li></ul></li><li>28,000 m<sup>2</sup></li><li>37,800 m<sup>2</sup></li></ul>	<ul style="list-style-type: none"><li>667,686 m<sup>2</sup></li><li>104,000 m<sup>2</sup><ul style="list-style-type: none"><li>11,092 m<sup>2</sup></li><li>92,908 m<sup>2</sup></li></ul></li><li>75,000 m<sup>2</sup></li><li>10,766 m<sup>2</sup></li></ul>	<ul style="list-style-type: none"><li>-40,355 m<sup>2</sup></li><li>-40,355 m<sup>2</sup><ul style="list-style-type: none"><li>-17,074 m<sup>2</sup></li><li>-23,281 m<sup>2</sup></li></ul></li><li>+47,000 m<sup>2</sup></li><li>-27,034 m<sup>2</sup></li></ul>
Height	<ul style="list-style-type: none"><li>Block 5</li><li>Block 6</li><li>Block 7</li></ul>	<ul style="list-style-type: none"><li>RL 44.5</li><li>RL 38.7</li><li>RL 73.7</li></ul>	<ul style="list-style-type: none"><li>RL 21.5 to RL 42.45</li><li>RL 35</li><li>RL 35</li></ul>	<ul style="list-style-type: none"><li>-2.05 m</li><li>-3.7 m</li><li>-38.7 m</li></ul>
Pedestrian Links	<ul style="list-style-type: none"><li>Northern Plaza link</li><li>North-south link</li><li>East-west arcade</li></ul>	<ul style="list-style-type: none"><li>10 m wide</li><li>No north-south link</li><li>No east-west arcade</li></ul>	<ul style="list-style-type: none"><li>12 to 20 m wide</li><li>8 m wide N-S link</li><li>6 m wide E-W arcade</li></ul>	<ul style="list-style-type: none"><li>+2 m to 10 m</li><li>+8 m</li><li>+6 m</li></ul>
Open space	<ul style="list-style-type: none"><li>Hickson Park</li></ul>	<ul style="list-style-type: none"><li>Reduce by 4,213 m<sup>2</sup></li></ul>	<ul style="list-style-type: none"><li>Reduce by 1,625 m<sup>2</sup></li></ul>	<ul style="list-style-type: none"><li>-2,588 m<sup>2</sup></li></ul>

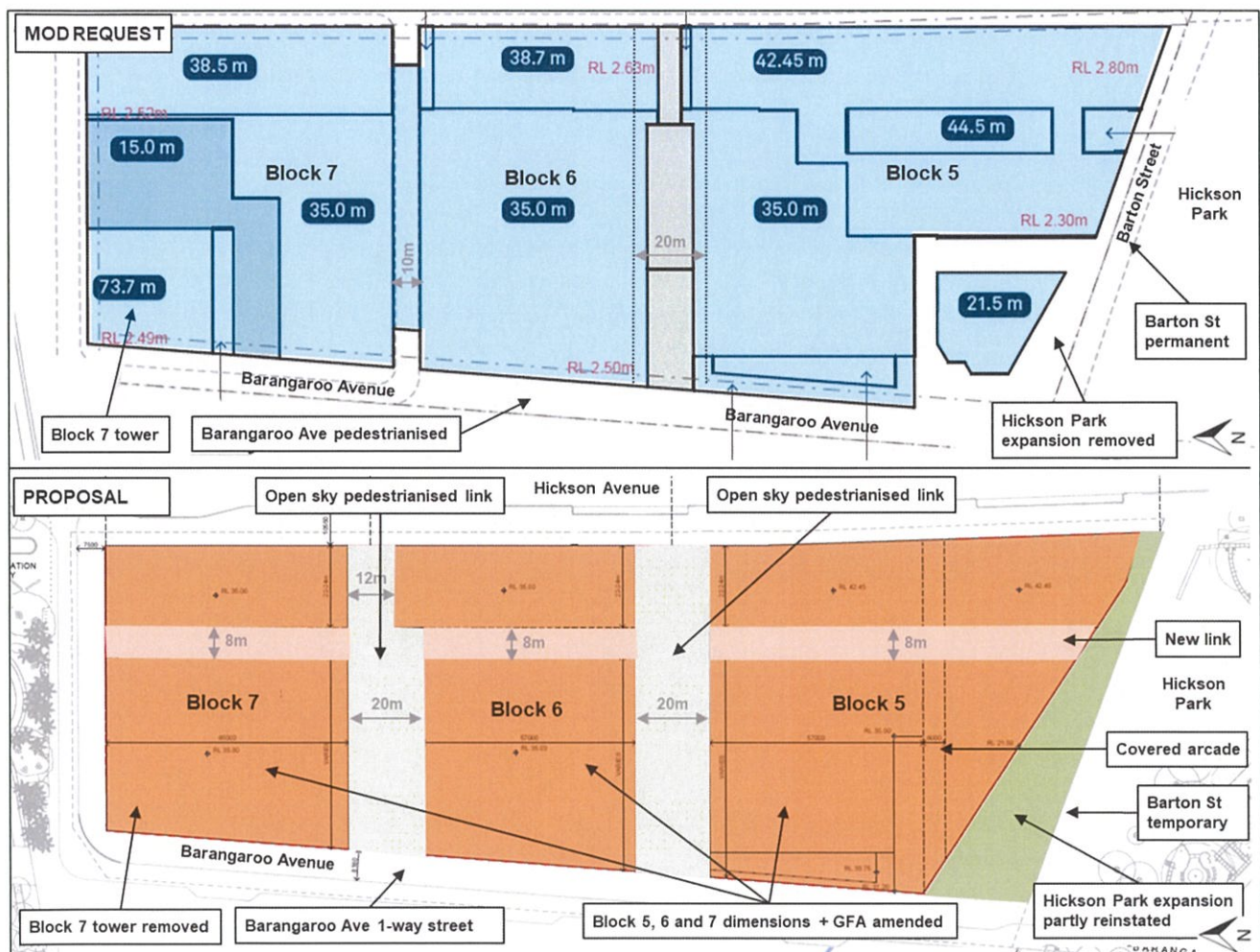
### 5.4.2 Proponent's additional information

On 7 June 2024, the Proponent submitted its Supplementary Response to Submissions (SRtS), which provides a further response to submissions, advice and additional information (**Appendix A**). The SRtS included information regarding GFA justification, visual and view impacts, heritage impact, design excellence, overshadowing, Hickson Park, traffic and parking, pedestrian link design, wind, public benefit, The Cutaway, wintergarden and block GFA and ownership/management. The SRtS also included the following amendments to the proposal:

- scaled and dimensioned building envelope, public space, block, lane, heights, articulation and deep soil plans

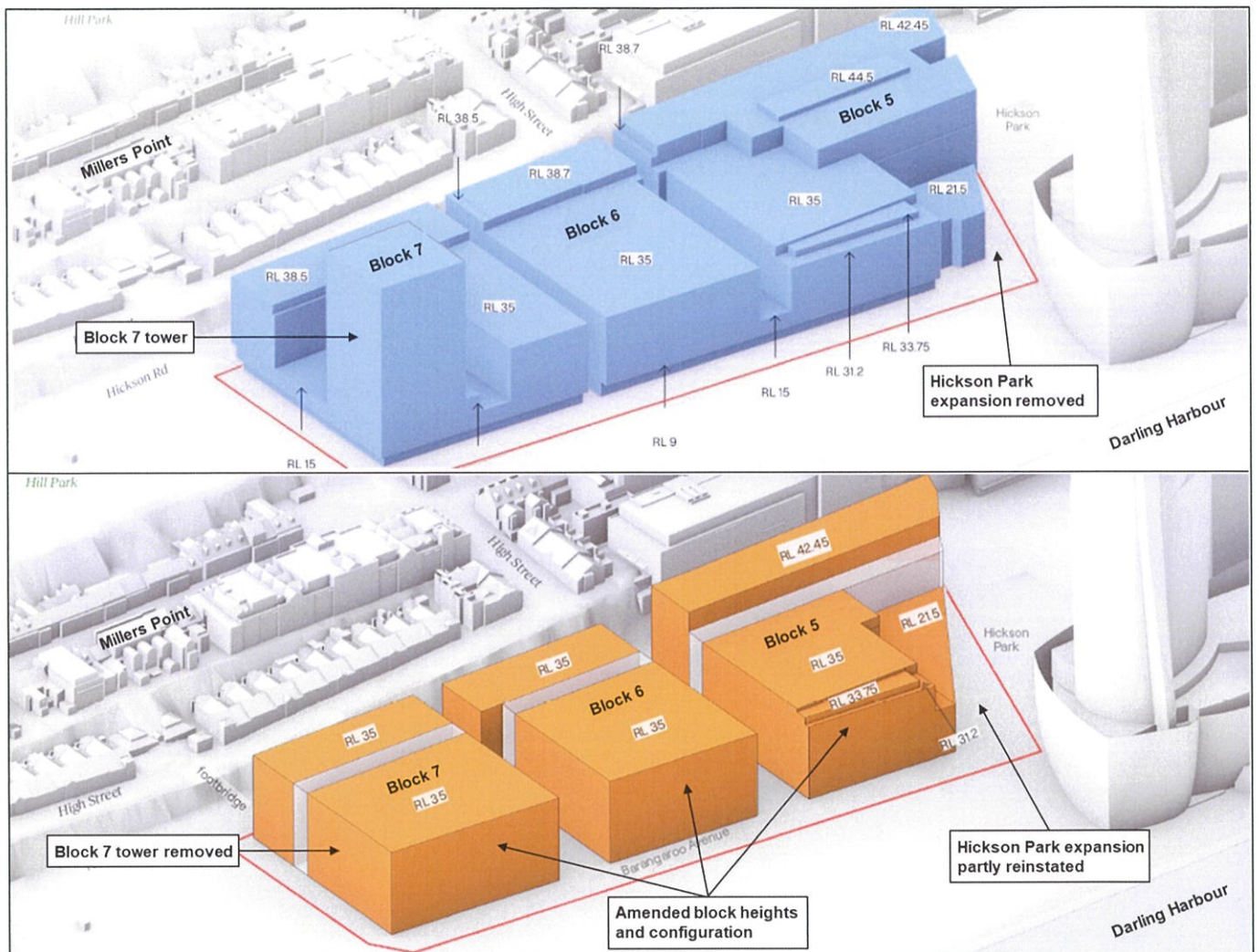
- provided indicative massing of approved GFA within the Concept Approval envelopes
- updated the DES framework and design review process.
- revised Reference Scheme, including smaller apartment sizes
- updated concept public domain, landscaping plan, deep soil, and Hickson Road Bridge plans.

On 12 August 2024, the Proponent submitted a response to the request for further information (RRFI), which provides a further response to submissions, advice and additional information (**Appendix A**). The RRFI included information regarding the treatment of the Watermans Quay / Hickson Road intersection, visual and view assessment, overshadowing, public benefit analysis, GFA calculations, CBDGs and the Hickson Road Bridge. The RRFI did not include any amendments to the proposal.



**Figure 8 | Exhibited Modification (top) and amended RtS (bottom) block layout / form (Base source: Proponent's EA and RtS)**





**Figure 9 |** The exhibited Modification Request (top) and the amended RtS proposal (bottom) block massing (Base source: Proponent's EA and RtS)

## 6 Assessment

The Department has considered the Proponent's Modification Request, the RtS, additional information, and the issues raised in submissions during its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- comparative built-form assessment
- historic view impact and built form
- Hickson Park open space

Other issues relating to the Modification Request considered during the assessment are addressed in **Section 6.4**.

### 6.1 Comparative built form assessment

The Concept Approval does not include detailed or dimensioned building envelope drawings. Instead, the built-form controls for future DA(s) are established by the PEHC SEPP development standards, Concept Approval conditions, SoCs and the technical documents submitted with the Concept Approval (comprising the Prescriptive and Performance based Controls), as outlined in **Section 1.4.3**.

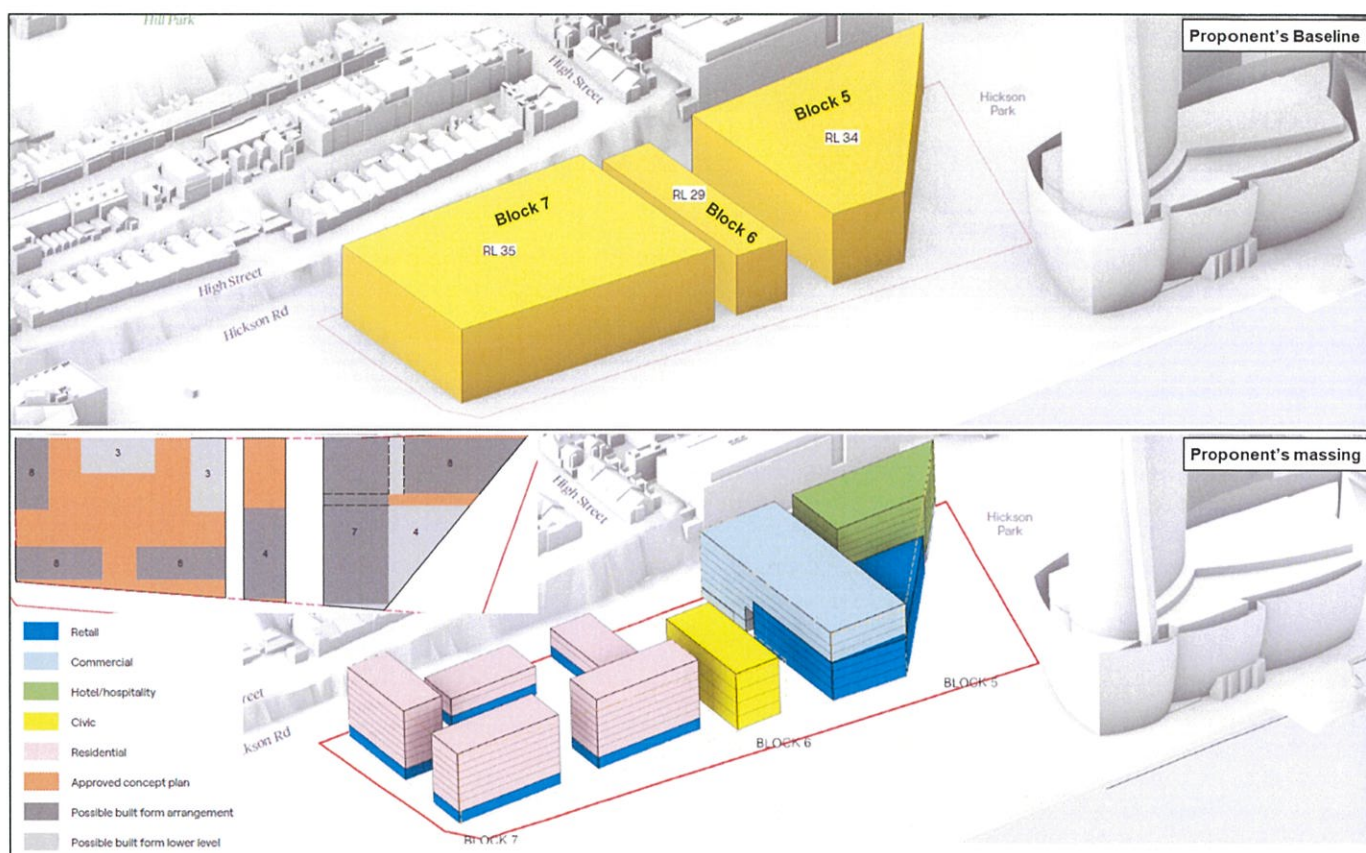
The above approach facilitates a greater level of development flexibility, which is typical of Part 3A Concept Approvals. Nevertheless, without detailed building envelope drawings and considering the wide range of possible outcomes from the interaction of the above controls (and any subsequent modifications), it is challenging to achieve a definitive three-dimensional representation of the extent of the concept envelope (Concept Baseline) for the purpose of a comparative assessment of the proposed building envelope.

The Proponent undertook an assessment of the Concept Approval and stated that in the absence of building envelope drawings, the Concept Baseline is established by the maximum block heights and block and road layouts set out by the Prescriptive Controls (**Section 1.4.3**) as shown at **Figure 4** and **Figure 10**. The Proponent also provided an indicative massing study that expresses the maximum Concept Approval GFA (47,000 m<sup>2</sup>) as potential built forms within the Proponent's assumed Concept Baseline (**Figure 10**).

Public submissions raised significant concerns that the Proponent's representation of the Concept Baseline was inaccurate, excessive, and failed to consider the requirements of the Section 13 Controls, particularly regarding the built form height, shape, massing, and location of the block controls.

Council also raised concern that the Concept Baseline misrepresented the approval and, therefore, provided a misleading comparison between the approved and proposed maximum built forms.





**Figure 10 | The Proponent's assumed Concept Baseline (top) and indicative building massing within the Baseline (bottom) (Base source: Proponent's RtS and SRtS)**

The Department has carefully considered the concerns raised in submissions, the Proponent's responses and its assumed Concept Baseline.

Given the evolution of the Concept Approval and the various modifications, the Department concludes that there is a suite of both Prescriptive and Performance-based Controls applicable to Central Barangaroo. Together, these controls establish the parameters for future development in Central Barangaroo (**Section 1.4.3**).

Given the above, the Department does not agree with the Proponent's assumed Concept Baseline. While it accounts for some of the Prescriptive Controls applying to the development, it does not include the additional restrictions on future development resulting from the application of the Performance-based Controls. As a result, the Department concludes that the Proponent has overestimated the size and impacts of the Concept Baseline and its indicative baseline building massing.

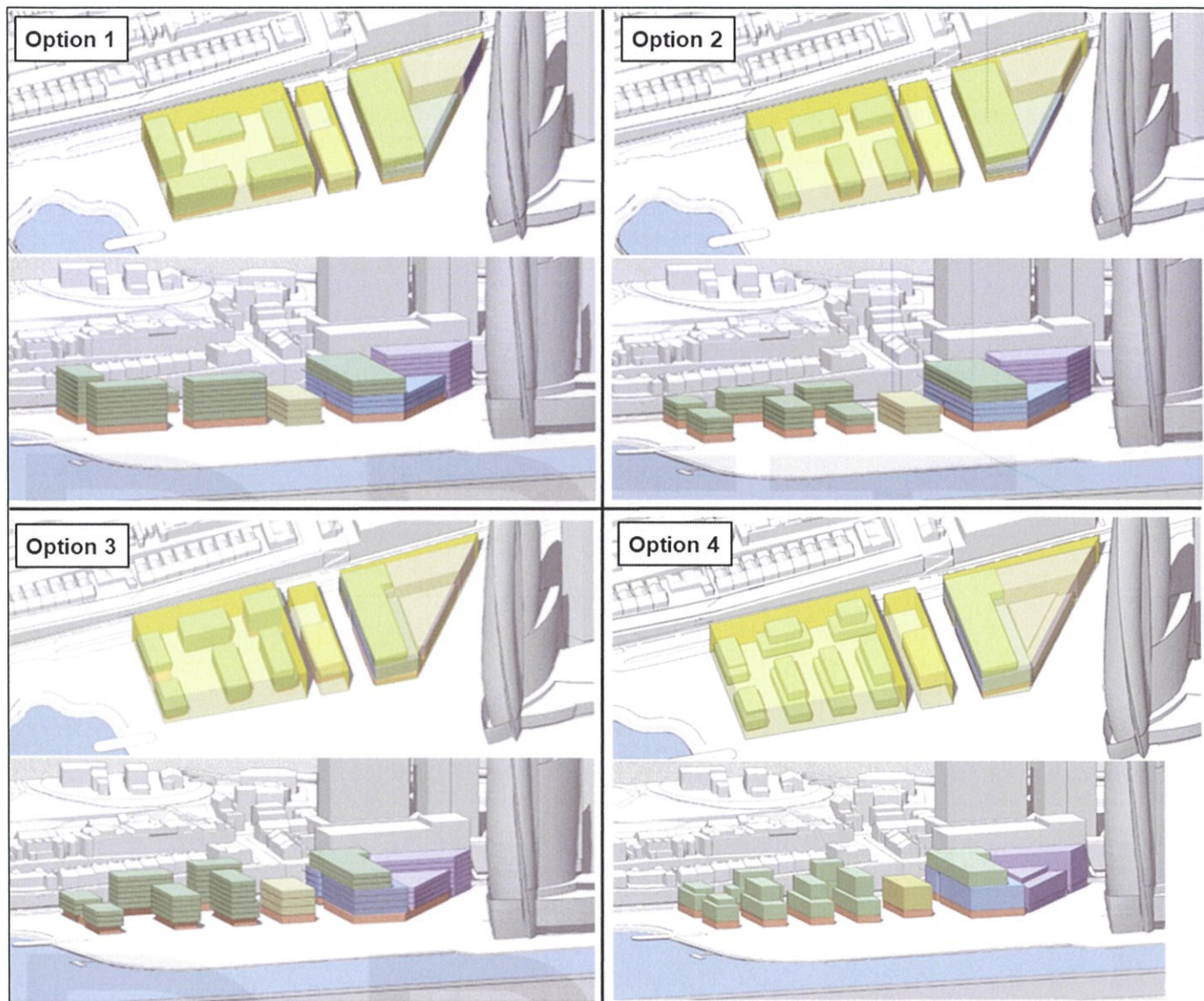
The Department notes the concerns raised in submissions. However, as discussed in **Section 1.4.2**, the Section 13 Development Block Controls are not considered to be relevant to the Central Barangaroo component of the Concept Approval and, therefore, do not have statutory weight in the consideration of the Concept Baseline. Noting the above, the Department considers that applying the Section 13 Controls to Central Barangaroo would underestimate the Concept Baseline's size and impact.

Due to the differing opinions and the complexity in clarifying the Concept Baseline, the Department engaged Turner Architects to carry out independent modelling of the Concept Approval to quantify



the Concept Baseline along with the built form and visual impacts of the proposed GFA increase (Turner Review). A link to the Turner Review is provided in **Appendix E**.

The Turner Review considered and applied the Prescriptive and Performance based controls, and modelled the potential Concept Approval built form and massing (**Figure 11**).



**Figure 11** | A range of potential Concept Baseline options put forward by the Turner Review (Base source: Turner Review)

Given the performance-based nature of a range of the Concept Approval requirements, the Turner Review illustrates that there is a broad range of possible Concept Baselines and associated built-form massing outcomes that could be achieved on the site depending on how the varying controls and requirements might be employed. On this basis, the Department acknowledges that these options do not form an altogether conclusive point for a Concept Baseline, and the associated environmental impacts would vary based on the massing option. However, it does serve to offer a general understanding of the nature and scope of possible impacts associated with the development of the Concept Approval.



In the absence of approved plans illustrating a clear Concept Baseline, the Department has undertaken a merit-based comparative assessment of the proposed modification based on the worst-case Concept Baseline option presented in the Turner Review.

The Turner Review considered Option 4 to represent the maximum impacts of the concept approval as it maximises residential uses, resulting in the largest building envelope. The Department is satisfied this approach represents the most accurate starting point for a comparative assessment of the proposal, considering the relevant Prescriptive and Performance based Controls related to the site. The Department has also carefully considered public feedback, guidance from government agencies, and the Proponent's responses as a part of its assessment.

## 6.2 Historic view impact and built form

The Modification Request seeks approval to increase the height and density of Central Barangaroo as summarised in **Section 2** and includes the following key changes (**Figure 4** and **Figure 5**):

- an increase of 56,312 m<sup>2</sup> to the maximum GFA within Blocks 5, 6 and 7 (from 47,688 m<sup>2</sup> to 104,000 m<sup>2</sup>)
- increases up to 8.45 m to the maximum height of part of Block 5 (from RL 34 up to RL 42.45)
- an increase of 6 m to the maximum height of Block 6 (from RL 29 to RL 35)
- revisions to block layouts.

The Department considers the key assessment issues to be historic view impact, height and scale, density and GFA and private view impacts.

### 6.2.1 Historic View Impact

The modification proposes increases in building height and revisions to the block layout, as summarised in **Section 2**. These changes will result in additional impacts on historic views compared to the current Concept Approval.

Central Barangaroo is situated adjacent to and west of Millers Point and the MPCA, which includes a preserved residential and maritime precinct of state and national significance. It features buildings and civic spaces that date back to the 1830s and serves as an important example of nineteenth and early twentieth-century adaptation of the landscape.

Millers Point contains more than 100 State and 60 locally listed items and this precinct has vistas and glimpses of the harbour along its streets and over rooftops. A key aspect of its significance is the historic maritime connections between Millers Point and the waterfront. Its rows of former dockside workers' terrace houses, laneways, and streets continue to showcase that way of life through a physical and visual connection to the harbour. Millers Point is also regarded as significant for its landmark qualities, with the most prominent being the State and locally listed Sydney Observatory.

Public views are currently possible across the vacant Central Barangaroo site from locations within Millers Point towards the harbour. Distance views are also possible from public vantage points on the opposite side of the harbour towards Millers Point and its built form.

Full and unobstructed views across Central Barangaroo are a relatively recent outcome, as the demolition of the former low-rise maritime warehouse buildings around 2008-09 has opened up wider views from Millers Point to the water. The future built form anticipated under the current Concept Approval would have led to changes in views to and from Millers Point.

In relation to view impacts, as summarised in **Section 1.4.3**, the Prescriptive Controls establish maximum building height and GFA while the Performance based Controls require future developments to (in summary):

- retain views to/from Observatory Hill Park
- provide adequate view corridors over / between buildings to maintain key Millers Point view attributes being:
  - views to significant tracts of the water and the opposite foreshores
  - the junction of Darling Harbour and the Harbour proper
  - panoramic qualities of existing views and the most distinctive views to landmark structures
- retain the ability to appreciate the Millers Point headland and terrace house roofscapes from the opposite foreshores.

In relation to future development at Central Barangaroo, the Concept Approval took into account key sensitive views from Millers Point, which include perspectives from High Street (south), High Street (central), and Observatory Hill Park, as well as distant views of Millers Point from Balmain East Wharf, Ballarat Park, and Balls Head Point. The Department considers these views to be the relevant principal views for historic view impact assessment.

The modification includes a Heritage Impact Assessment (HIA) and Visual and View Impact Assessment (VVIA), which consider the maximum predicted view impact associated with the proposed building envelope. The HIA includes suggested mitigation measures to address the impact of future development on historic views. Key mitigation measures include:

- design future development to reduce impacts to/from Millers Point, MCPA and Observatory Hill. The proposed built form could be reduced in key locations to optimise view connections
- explore options to optimise the retention of views and respect the heritage significance of the setting, heritage-listed areas and items
- heritage impacts could be minimised/mitigated through innovative design guided by heritage advice
- specify building forms, landscaping and materials that are visually recessive and sympathetic to the character of Millers Point.
- careful articulation of the height of Blocks 5 and 6 to conserve visual connections.

Council objects to the Modification Request, stating the proposed height increases result in unacceptable visual and view impacts to/from Millers Point, Observatory Hill, High Street and view corridors. Council recommended the Proponent provide additional view assessment relating to the MPCA and other points within the surrounding area and prepare a view management strategy in consultation with Council and Heritage NSW.

Heritage NSW objects to the Modification Request, stating that the proposal compromises the ability to understand and appreciate the MPCA and its heritage-listed items. It also raised concern that it would have an adverse impact on Millers Point and Observatory Hill regarding the setting,



views, sightlines, and the historic relationship to the waterfront. Additionally, the proposal prioritises private benefits over state-significant public heritage spaces. Heritage NSW recommended incorporating the HIA mitigation measures into condition(s).

Public submissions raised concern that the Modification Request would adversely impact historic views to and from Millers Point, the MPCA, and Observatory Hill. MAAS/Sydney Observatory objected to the modification, stating that the increased height would negatively impact heritage views to and from the Sydney Observatory and its parkland.

In response, the Proponent amended the proposal by simplifying the building envelopes and reducing the overall scale of the development. This included reducing the proposed GFA and removing the proposed tower from Block 7. In justifying the reduced scheme, the Proponent argues that any development proposal at Central Barangaroo would impact historic views to and from Millers Point. The Proponent also indicated that the impacts associated with the amended proposal generally align with those from the Concept Approval. Furthermore, the proposal aims to preserve public and heritage views from key locations, asserting that the modification does not propose any increase in the maximum height of Block 7 (RL 35), and the proposed height increase for Block 5 is located south of the MPCA.

The Proponent confirmed that the HIA recommended historic view impact mitigation measures (noted above) would be considered as a part of future DA(s) to ensure future built forms complement the existing heritage context. The Proponent noted that the newly proposed SoC 117 requires future DA(s) to be prepared generally in accordance with technical documents; therefore, it did not support Heritage NSW's request for a condition to be imposed specifically requiring the implementation of the HIA mitigation measures.

The Department has carefully considered the proposal, objections raised in submissions, government authority advice and the Proponent's responses. As discussed in **Section 6.1**, the Department does not accept the Proponent's assumed Concept Baseline or the public submissions Concept Baseline options based on the Section 13 Controls. For assessment purposes, the Department has therefore opted to use the maximum or worst-case Concept Baseline option presented in the Turner Review **Figure 11** Option 4.

The Department's assessment has also considered the Parliamentary Inquiry on Barangaroo sight lines, which recommended developing a view management strategy for Millers and Dawes Point. Although a strategy has not yet been developed, the Department has conducted a detailed merit assessment of the proposal. It has also considered the City of Sydney Development Control Plan regarding significant views, including those identified in the Public View Protection Maps and from Observatory Hill to the Harbour.

Furthermore, the Department has also drawn upon principles established in other jurisdictions, which serve as a guide for considering historical view impacts within urban landscapes. This approach ensures that the assessment is comprehensive and aligns with best practice.

The Department notes that the original Concept Approval permitted additional built form north of Block 7. However, these additional blocks were removed from the Concept Approval during subsequent modifications to accommodate Nawi Cove, open space, and the public domain (**Section 1.4.2** and **Figure 3**). The Department considers that removing these blocks has significantly reduced the potential impact of future development from the north-west, compared to the original Concept

Approval. In particular, shifting development southward has secured permanent views to and from the northern area of Millers Point.

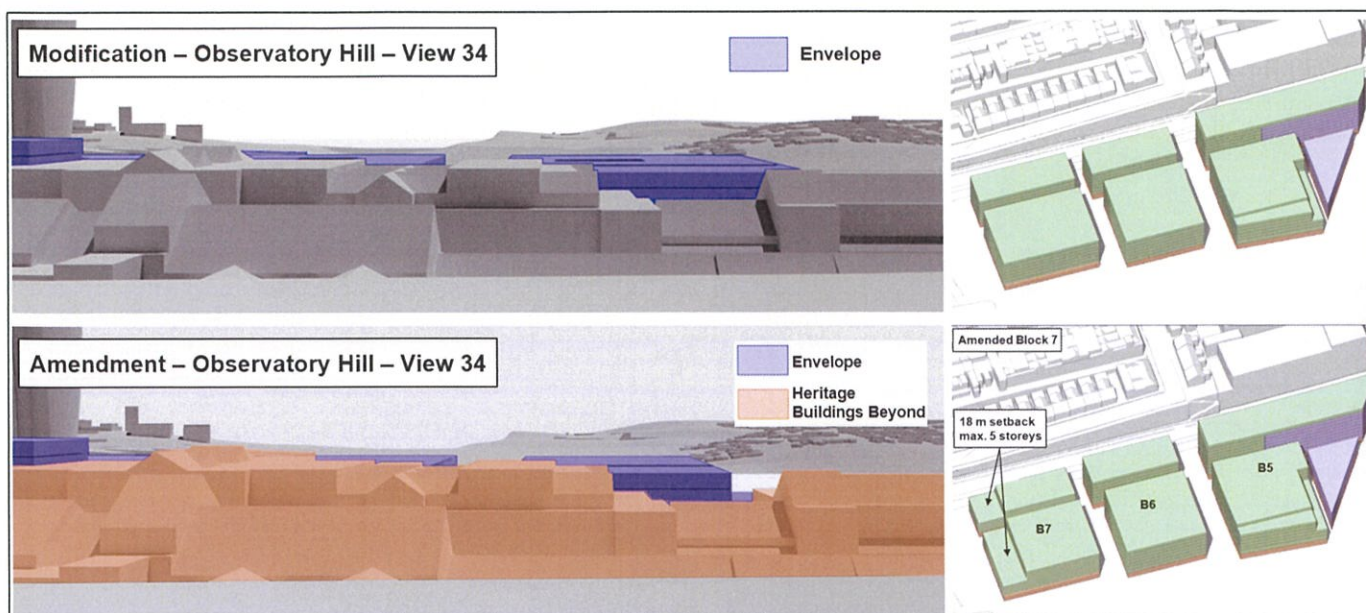
The Department also notes that the modification has undergone substantial changes since its initial exhibition in response to the concerns raised. In particular, the total Gross Floor Area (GFA) has been reduced, the tower component has been removed, and amendments have been made to the block layout, height, bulk, and scale. Additionally, the width of the Northern Plaza has been significantly increased (**Section 5.4, Figure 8 and Figure 9**). The Department considers these changes have reduced the potential future impacts on historic views to and from Millers Point, the MPCA and Observatory Hill.

Notwithstanding, the Department remains concerned that Block 7 could adversely compromise historic views, particularly public views from Observatory Hill to the harbour. To enhance these public views, strengthen the historical connection to the water, and improve the sightlines across the harbour toward the historic rooftops of Millers Point, the Department recommends imposing a condition requiring the Block 7 building envelope to be lowered in height and scale. This involves reducing the northern section of Block 7 from 8 storeys to 5 (RL 23.05) within an 18 m setback (**Figure 12**).

The Department considers that this amendment would help reduce residual impacts on public views, protect significant vistas, and align more closely with the predicted maximum impacts for Block 7 outlined in the Turners Concept Baseline worst-case scenario.

Additionally, this recommended amendment aligns with the Statements of Commitment in the current concept approval, which have always anticipated that development in the northern part of Central Barangaroo would be stepped down towards Nawi Cove. Finally, the revised height of five stories with an 18-metre setback would align better with the 'V' or the lowest point of High Street and the former site of the heritage footbridge.





**Figure 12 | Amendment to Block 7 and impact on the Observatory Hill view and panorama (Base source: Proponent's the Turner Review)**

While the Department acknowledges that the modification would lead to varying degrees of historic view impact to and from Millers Point, the MPCA, and Observatory Hill, it considers these impacts to be acceptable, on balance, for the following reasons:

- the earlier removal of development from the approved Barangaroo Concept Plan north of Block 7, to make way for Nawi Cove, open space, and the public domain, has secured lasting views to and from the northern part of Millers Point, which the original approval would have impacted
- the proposed modification has been significantly revised to address concerns raised during the exhibition period, resulting in a reduction in GFA, removal of the tower, and changes to layout and height, which collectively have reduced impacts on historic views
- the proposed building envelopes would retain key historic views. In particular:
  - the recommended reduction in the height of the northern part of Block 7 would reduce view impacts to and from Millers Point, the MPCA, and Observatory Hill. This change would also partially retain an important view line towards the harbour when looking directly west from Observatory Hill (**Figure 12**)
  - view corridors are established through the development along the Northern and Southern Plazas. In particular, the Department notes that widening the Southern Plaza would maintain an important public view corridor looking west down High Street towards the water
  - the most significant height increases are confined to Block 5, located south of the MPCA and adjacent to the existing high-rise buildings, including Crown Sydney and One Sydney Harbour
- the HIA mitigation measures would be effective in ensuring future development within the building envelopes is appropriately designed, considers and responds to key historic views to minimise adverse view impact
- future development would be contained within the building envelopes therefore, the predicted view impacts represent the maximum possible impact



- the modified height and scale of building envelopes are considered acceptable, as discussed at **(Section 6.2.2)**
- the DES and CBDGs would ensure future development achieves a high standard of design and appearance **(Section 6.4)**. In addition, the built form would be further refined and developed as part of subsequent DA(s) and the detailed design of the development.

The Department notes the Proponent's commitment under SoC 117. However, noting the importance of historical views and ensuring impacts are minimised, the Department recommends a condition requiring all HIA mitigation measures to be implemented.

The Department's assessment, therefore, concludes that the proposal is acceptable, subject to reducing the height of the northern part of Block 7 and implementing all of the HIA mitigation measures.

### 6.2.2 Height and scale

The Modification Request proposes increases in building height and changes to the block layout as outlined in **Section 2**.

Council objected to the proposed increase in the heights and scale of the building envelopes. It also recommended that building heights should relate to surrounding views and topography. Heritage NSW stated that the proposed increase in building heights resulted in excessive bulk. Objections were also raised in public submissions regarding the increase in building heights and the modified heights being inconsistent with the Concept Approval.

In response, the Proponent stated that the proposal has been amended to remove the tower component and to reduce heights across all blocks. Additionally, the inclusion of broad east-west through-site pedestrian links lessens the bulk of the development, ensuring that the block height and scale would not adversely impact heritage, views, or amenity.

As discussed in **Section 6.2.1**, the Department has recommended reductions to the height and scale of Block 7 to address adverse historic view impacts.

The Department considers the proposed building envelope height and scale (as recommended to be amended) is acceptable as **(Figure 4 and Figure 5)**:

- the greatest building height increase (up to 8.45 m) is contained within and limited to the eastern side of Block 5, adjacent to other tall buildings, including residential towers fronting Kent Street and building height steps down to Block 6 and 7
- the majority of Block 5 includes a height increase of only 1 m above the Concept Approval (RL 34), with the envelope adjacent to Hickson Park reduced to RL 21.5 (12.5 m below the approved maximum)
- the increase in Block 6 height (6 m) matches the central envelope height of Block 5 (RL 35)
- Block 7 complies with the current height controls for the site, and the recommended amendments to Block 7 **(Section 6.2.1)** will help reduce historic view impacts, provide for an appropriate stepped-built-form transition down to Nawi Cove and further reduce visual impacts at the northern end of the development
- the height of all blocks, where they front the harbour and future Harbourside Park, are comparable to, or considerably less, than the podium height of Crown Sydney and other



developments immediately fronting the harbour located south of the site within Barangaroo South

- the proposed revision to the block layouts, including generous through-site pedestrian links open to the sky (Northern and Southern Plaza and the north-south link), would appropriately separate the blocks, allow for a permeable development, and establish prominent view corridors
- the impact of building height and scale on historic views can be managed and/or mitigated (**Section 6.2.1**)
- the DES and CBDGs ensure future development will be appropriately modulated, and articulated and achieves a high standard of design and appearance (**Section 6.4**)
- the modified heights would not have an unacceptable impact on the amenity of surrounding properties in terms of solar access, privacy or private view loss (**Section 6.4**).

The Department concludes the proposed height and scale of the building envelopes is acceptable, subject to compliance with the conditions. The Department recommends condition B4 be amended to take account of the revised maximum building heights.

### **6.2.3 Density and GFA**

#### **Central Barangaroo total GFA and capacity of buildings envelopes**

The Modification Request seeks to amend the maximum GFA to provide for a total of 104,000 m<sup>2</sup> GFA (+118%) within Central Barangaroo, amend the GFA mix and specify above and below-ground GFA, as summarised in **Section 2**.

The Proponent stated that the increase in GFA is justified based on market need analysis, the site is now adjacent to a Metro station, there is a State-wide need for housing, the proposal aligns with State and Regional policies, and it would create a diverse and vibrant precinct. In addition, building envelopes have a development efficiency of 85%, allowing 15% for articulation.

Concern was raised in public submissions that the proposal represents an overdevelopment of the site, and the density is significantly greater than the original Concept Approval. Other submissions supported the proposal, stating it provides an appropriate mix of land uses.

Heritage NSW raised concern the increase in GFA was excessive. Council stated any GFA increase must demonstrate it had no adverse environmental impacts. In addition, the Reference Scheme includes excessively large apartments that would not contribute to meeting housing needs.

The Department has carefully considered the concerns raised regarding the proposed increase in GFA. In this regard, the Department notes that the Proponent's Reference Scheme has presented an option that demonstrates the building envelopes are physically and volumetrically capable of accommodating the total proposed maximum GFA, while allowing for a 15% development efficiency. The Department is satisfied that future developments meeting these parameters would provide sufficient space and volume for articulation, voids, and architectural expression, which are essential for achieving design excellence.

Despite the above, the Department acknowledges that the Reference Scheme option offers a fully maximised building envelope efficiency, which may not be possible to achieve in a real-world context, especially considering the additional protections and restrictions under the amended Concept Approval. To ensure that future development does not exceed a GFA that aligns with the

parameters of the Concept Approval, the Department recommends:

- a new condition confirming the maximum GFA is dependent on future development demonstrating consistency with the building envelopes and the detailed heritage, visual amenity, design excellence and residential amenity requirements of the Concept Approval
- amendments to condition B4 to take account of the proposed GFA and the Department's recommended GFA reduction of 2,802 m<sup>2</sup> (**Table 10**) resulting from the reduction in the height and scale of Block 7, as discussed at **Section 6.2.1**.

**Table 10 | Numerical summary of the Department's recommended changes to GFA**

Component	RtS exhibition	Recommendation	Difference
<b>GFA</b>			
• total Barangaroo	• 667,686 m <sup>2</sup>	• 664,884 m <sup>2</sup>	• -2,802 m <sup>2</sup>
• total Block 5,6 and 7	• 104,000 m <sup>2</sup>	• 101,198 m <sup>2</sup>	• -2,802 m <sup>2</sup>
◦ below ground	◦ 11,092 m <sup>2</sup>	◦ 11,092 m <sup>2</sup>	◦ no change
◦ above ground	◦ 92,908 m <sup>2</sup>	◦ 90,106 m <sup>2</sup>	◦ -2,802 m <sup>2</sup>
• max. residential	• 75,000 m <sup>2</sup>	• 75,000 m <sup>2</sup>	• No Change
• max. retail	• 10,766 m <sup>2</sup>	• 10,766 m <sup>2</sup>	• No change

The Department has carefully assessed the merits of the proposed GFA (as recommended to be amended), considering the appropriateness and potential impact of key density factors related to built form, traffic generation, amenity impacts, and demand on existing and future infrastructure. In this context, the Department considers the site can accommodate a higher density of development than that established by the Concept Approval. Subject to the recommended reduction in GFA mentioned above, the density impacts are acceptable, noting the following key considerations:

- the site is located within an existing urban setting and the proposed buildings have acceptable heritage, built form, visual and urban design outcomes, subject to conditions (**Sections 6.2 and 6.3**)
- any amenity impacts to adjoining properties can be appropriately managed or mitigated (**Section 6.4**)
- the proposal sits next to a new Metro Station providing excellent public transport service, has similar traffic generation and car parking impacts to the Concept Approval and such impacts can be effectively managed and mitigated (**Section 6.4**)
- future development will be designed in accordance with ESD principles.

Furthermore, the Department supports the revised mix of land uses, which results primarily in an increase in the proportion of residential use on the site. The Department notes that the modification does not seek approval for the Reference Scheme, and the Proponent has demonstrated that the blocks can accommodate smaller or regular-sized apartments.

The Department supports the proposed specification of above and below ground GFA and, subject to the recommended GFA reductions above, has recommended condition B4 be updated accordingly.

The Department's assessment, therefore, concludes that the density (as amended) is strategically justified in this location and would not result in adverse impacts. On this basis, the Department supports the proposed Central Barangaroo GFA, subject to the recommended reduction of 2,802 m<sup>2</sup>.



## Central Barangaroo flexible GFA

The Modification Request seeks approval to allow the total maximum GFA (104,000 m<sup>2</sup>) and the residential maximum GFA (75,000 m<sup>2</sup>) to be applied flexibly across all blocks, rather than each block being allocated a specific maximum total and residential GFA.

Council does not support the application of total GFA flexibly across the blocks, given the built form uncertainty/implications that may arise, noting the considerable size of the Central Barangaroo development. The GANSW recommended the total GFA should be allocated on a block-by-block basis.

In response to the concerns raised, the Proponent stated there is no benefit in restricting the GFAs in each block. In particular, a flexible GFA across the site would accommodate land-use distribution, allow GFA transfer between blocks to achieve building efficiencies/typologies and flexibility foster design excellence across the site.

The Department supports the flexible application of GFA across all blocks, as the building envelope defines maximum limits and future development would be subject to the design guidelines, design excellence requirements, and ADG controls to ensure an appropriate built-form outcome is achieved for each block.

### 6.2.4 Private view impacts

Several adjoining and nearby buildings benefit from a range of existing private views of Darling Harbour over the site. The Department considers the potentially most affected properties (**Figure 13**) include:

- residential apartments within: the Stamford on Kent, Stamford Marque, Georgia, Highgate, 189 Kent St Apartments (not yet constructed), One Sydney Harbour and the Kent Street and High Street dwellings
- hotel rooms within the: Langham Hotel and Crown Resort Hotel.

The Proponent's Visual Impact Assessment (VVIA) includes images that illustrate the potential view loss impacts at the properties most affected by the proposal to understand and assess how it would potentially alter the views experienced by residents and other stakeholders in the vicinity.

Objections were raised in public submissions from residents and the proprietors of adjoining hotel buildings that the proposed modified building envelopes would result in the loss of views of Darling Harbour from dwellings, apartments and hotel rooms. Some submissions included an independent view impact assessment prepared by Gyde (the Gyde VIA) that is critical of the methodology and conclusions of the VVIA.

In response, the Proponent significantly amended the proposal by deleting the Block 7 tower component, lowering the height of all blocks, reducing the proposed GFA and increasing the width of the northern plaza (**Section 5.4**). The VVIA was updated to reflect the amended proposal.

The Department has carefully considered the VVIA and public submissions and considered the view impact of the proposed building envelope on the above properties using the four-step assessment in accordance with the principles established by Tenacity Consulting vs Warringah [2004] NSWLEC 140. The steps/principles adopted in the decision are:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating').
4. Assess the reasonableness of the proposal that is causing the impact.

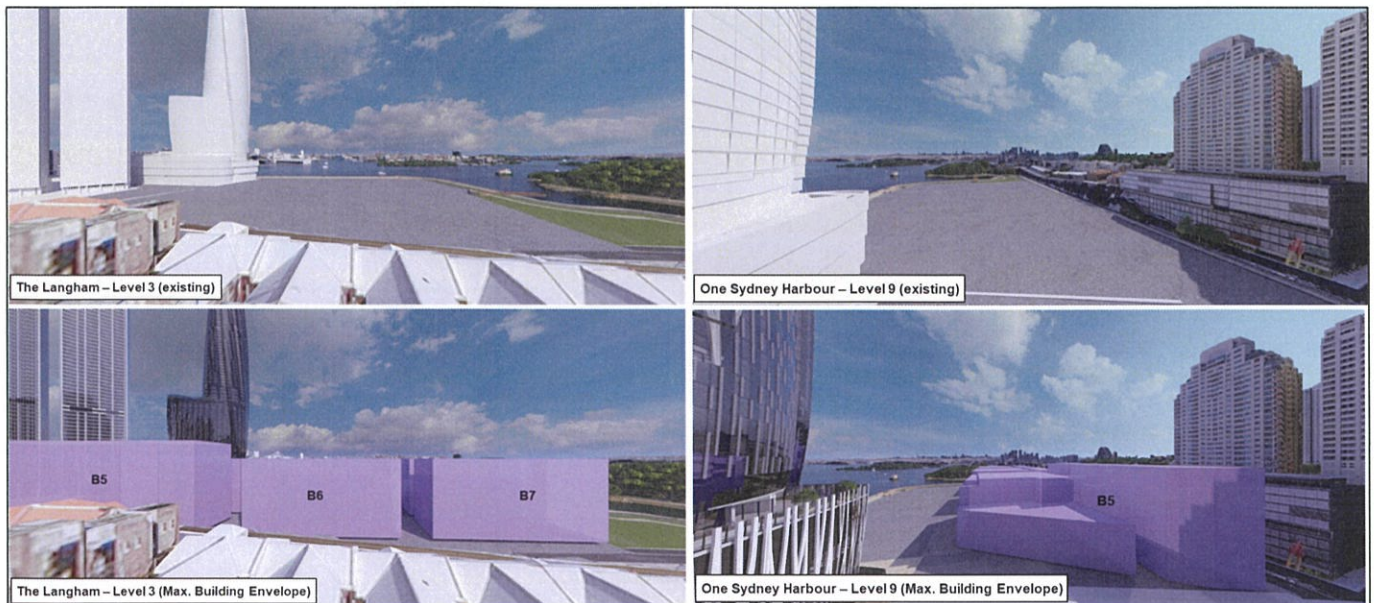
### Tenacity steps 1 to 3

A detailed assessment of potential view impacts to the above-identified properties in accordance with Tenacity steps 1-3 and considering the analysis in the Gyde VIA is provided in **Appendix C**.

In summary, concerning the identified affected properties, the Department considers:

- view impacts from The Stamford on Kent, Stamford Marque, Georgia, Highgate and 189 Kent St Apartments would range from moderate to severe depending on the apartment location and level. Water views at lower-level apartments would be obscured to varying degrees in the maximum building envelope scenario. However, distant district and sky views would continue to be possible across the Central Barangaroo site
- view impacts from the Langham Hotel would be moderate/severe. Direct water views at Level 3 and below would be obscured in the maximum building envelope scenario. However, sky views and oblique water and district views would continue to be possible
- view impacts from the Crown Resort and One Sydney Harbour would be moderate. Water views and iconic Sydney Harbour Bridge views would not be noticeably obstructed
- view impacts from the Kent Street dwellings would be moderate/severe. Direct water views are likely to be obstructed by varying degrees. However, sky view and oblique water and district views would continue to be achieved
- view impact from the High Street south dwellings would be severe. Direct water views are likely to be obstructed. However, sky view would continue to be achieved, and the inclusion of east-west plazas through Central Barangaroo would create view corridors
- the recommended amendments to building envelopes (**Section 6.2**) would further reduce view impacts beyond what is shown by the VVIA.





**Figure 13 | VVIA view analysis of the existing (top) and proposed building envelope (bottom) view impacts relating to The Langham Hotel (left) and One Sydney Harbour (right) (Base source: Proponent's RtS)**

### Reasonableness of the proposal (Tenacity step 4)

The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal that is causing the impact.

The Department has considered the height and location of buildings in the surrounding area and the state significance of the site. The Department also notes that section 6.28(ii) of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP) acknowledges that public good has precedence over the private good when changes are proposed to Sydney Harbour or its foreshores.

Although not a mandatory consideration for this proposal, the SDCP provisions provide a reference with respect to the consideration of view impacts. The SDCP indicates that outlook as opposed to private views, is the appropriate measure of residential amenity and that there is no guarantee that views or outlook from existing development can be maintained.

Even when a proposal complies with all relevant planning controls, the Tenacity planning principles require the question to be asked whether a more skilful design could provide the Proponent with the same development potential and amenity and reduce the impact on the views from neighbours.

The public submissions recommend reducing the height and scale of the building envelopes to improve or remove view impacts to affected properties.

The Department acknowledges that view losses resulting from the development would range from moderate to severe. However, the Department considers that the impact of these view losses is, on balance, acceptable for the following reasons:

- an acceptable level of outlook is maintained from affected dwellings, apartments and hotel rooms
- the key aspects of private views are retained in most circumstances, and whilst the severe view impacts to dwellings, lower floor apartments and hotel rooms is acknowledged, the majority of



affected properties retain either distant district views, some water views and/or oblique views to the northeast

- views currently enjoyed by affected properties are a result of the uncharacteristic low-rise nature of the existing site. Given the site's central city location, the interruption of existing views that are currently unimpeded by any development is inevitable and reasonable in this context
- the proposal has been significantly amended by the Proponent, including removing the tower component, reducing envelope heights and GFA and increasing the view corridor along the northern plaza (**Section 5.4**), and these changes have reduced the extent of the obstruction of private views
- the Department has recommended the amendments to address heritage and visual impacts, which would further reduce private view impacts experienced by adjoining and nearby properties (**Section 6.2**), including the reduction in the height and scale of the northern extent of the Block 7 building envelope. This would improve outlook and reduce view loss impacts experienced by some affected properties
- the VVIA assessed view impacts are based on the maximum worst-case impact caused by the full extent of the building envelopes, and future development within the envelopes would likely have a lesser impact following further design development
- the Concept Approval would have always resulted in varying degrees of view obstruction to affected properties.

With regard to the impact on outlook, as opposed to private views, the Department considers that an acceptable level of outlook is maintained from affected dwellings, apartments and hotel rooms.

The Department considers that the Modification Request, as revised by the Proponent and subject to the further revisions recommended by the Department, strikes an appropriate balance between safeguarding existing views and the appropriate redevelopment of this significant site.

### **Condition C1 – Block 5 view impacts**

Condition C1 requires future DA(s) relating to development specifically within Block 5 demonstrate that views would be 'retained' from Millers Point and Observatory Hill to the harbour and Crown Resort to the harbour and Harbour Bridge.

The modification proposes to amend the wording of condition C1 from 'retain views' to 'address any impacts on views in accordance with the building envelopes'. The Proponent has stated the amendment is necessary as the original wording of the condition may be open to interpretation and should be limited to require consideration of views in accordance with the modification documentation.

Concern was raised in public submissions that the intention of condition C1 was to require views to be retained unaltered and in full, the proposed change alters the essence of the condition and allows for adverse view loss.

As discussed in the preceding section, the Department concludes that subject to the Proponent's and Department's amendment to the building envelopes, the likely impacts on private views are, on-balance, acceptable. The Department has also reviewed the wording of condition C1 and considers it is reasonable to conclude, given the nature of the site and as the consent is a Concept Approval, that the intention of the condition is for future development to retain views generally, rather than



require all existing views to be retained wholistically and in full. In this context, the Department is satisfied the modification is generally consistent with the intent of the condition.

Noting the above, the Department agrees with the Proponent that condition C1 may be open to interpretation. The Department, therefore, recommends amended wording to require views to be addressed in accordance with building envelopes (as proposed). However, the Department also recommends views be addressed in accordance with the requirements of the Concept conditions and SoCs. In addition, noting the changes in building height and scale throughout Central Barangaroo, the Department considers the requirement to address view impacts should not just be limited to Block 5 and recommends the condition be further amended to apply to Blocks 5, 6 and 7.

### 6.3 Hickson Park open space

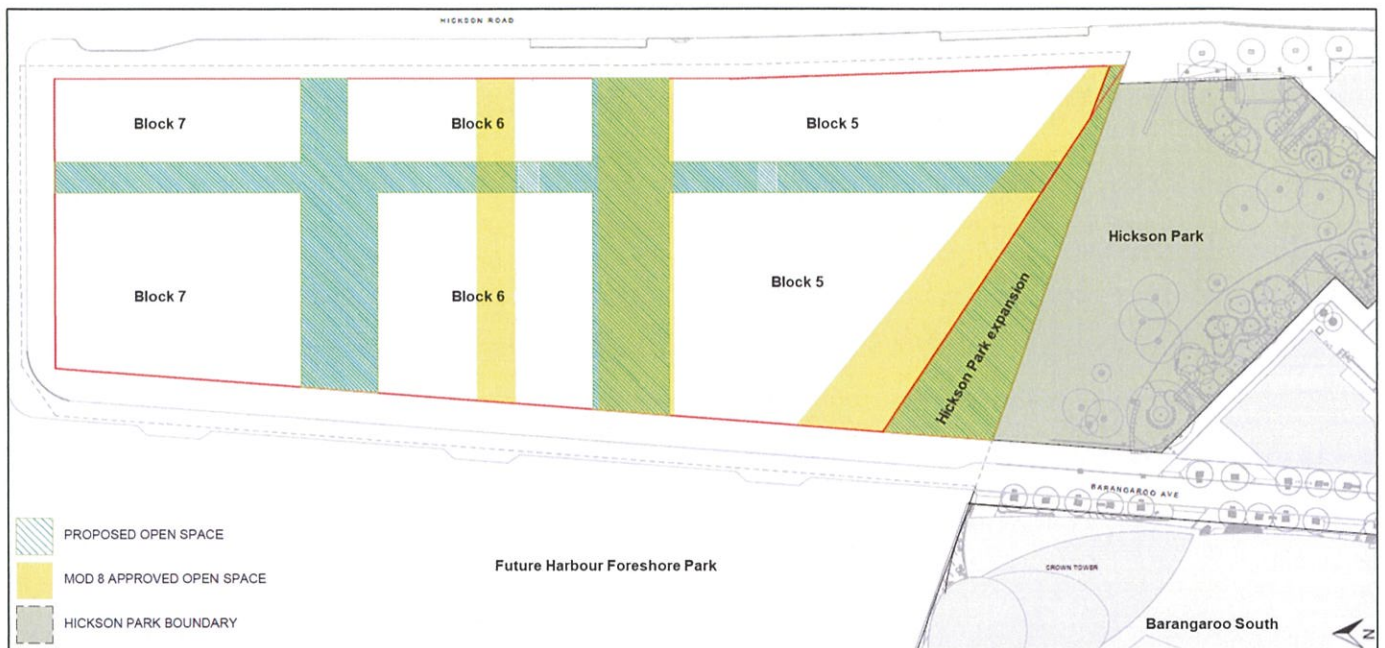
Hickson Park is a predominately soft landscaped public open space, which is currently entirely within, and at the northern end, of Barangaroo South.

In determining previous modification MOD8 to the Concept Approval, the PAC amended the Concept Approval and sought to increase the size of Hickson Park and create a visible, wider and more accessible opening between Crown Sydney and Block 5 through to the foreshore. The PAC considered that for Hickson Park to be a successful space, it must have clear connectivity to the foreshore, associated parkland, and promenade and not be adversely overshadowed by Block 5.

To achieve the above objectives, the PAC imposed condition B3. Condition B3 requires the expansion of Hickson Park into Central Barangaroo, a corresponding reduction in the southern extent of Block 5, and the creation of a view corridor from Hickson Road to the harbour (48 m wide between Block 5 and the Crown Sydney podium). The condition also requires that future development not overshadow Hickson Park by more than an average of 2,500 m<sup>2</sup> between noon and 2pm on 21 June (mid-winter) each year.

The Concept Approval requires a minimum of 50% publicly accessible open space across the whole Barangaroo precinct forming part of land zoned RE1 Public Recreation under the PEHC SEPP. Hickson Park, including the area of the Hickson Park expansion, is zoned RE1 Public Recreation under the PEHC SEPP.

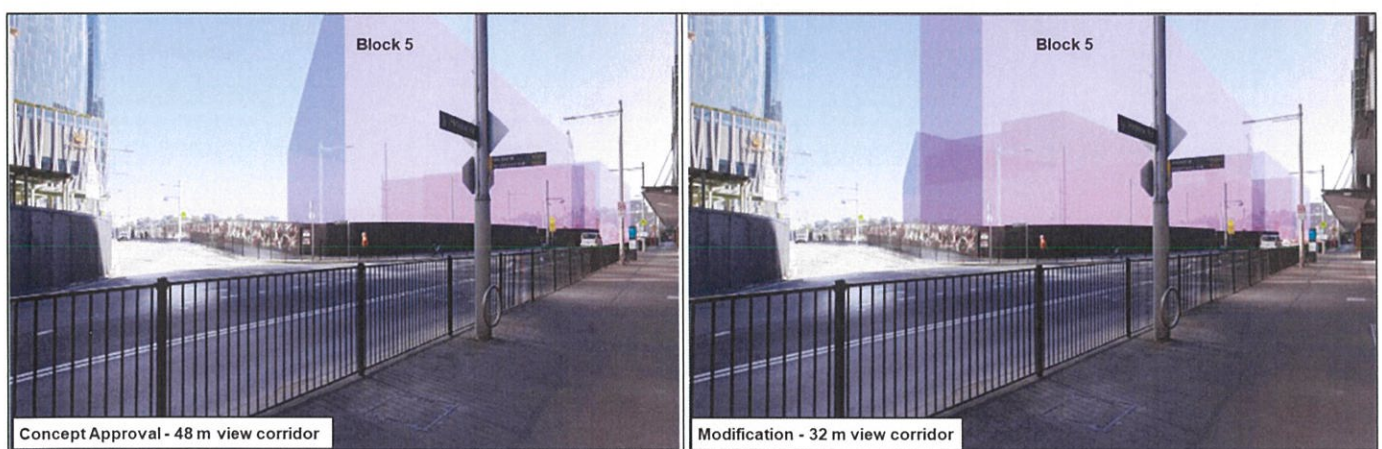
The Modification Request includes amendments to the size of Hickson Park and the solar access requirements and the Department has considered these key issues below.



**Figure 14** | Concept Approval and modified Hickson Park extension and public domain (Base source: Proponent's RtS)

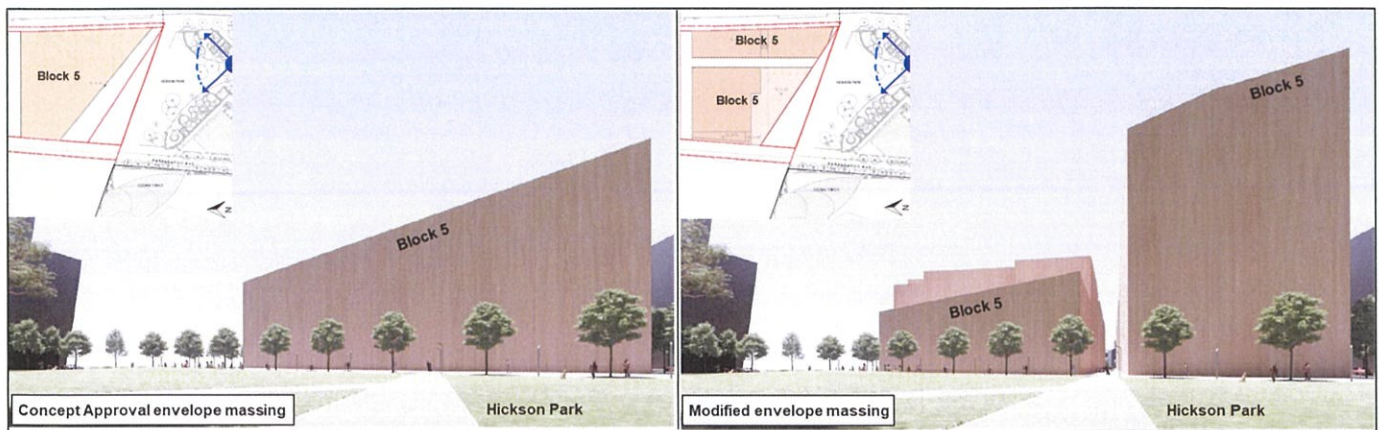
### 6.3.1 Reduction in the size of Hickson Park expansion

The Modification Request proposes to reduce the size of Hickson Park by 1,625 m<sup>2</sup> / 14.2% (from 11,414 m<sup>2</sup> to 9,789 m<sup>2</sup>) and expand the southern extent of Block 5. The amendment would reduce the width of the view corridor from Hickson Road to the harbour by 16 m (from 48 m to 32 m) as measured between Block 5 and Crown Sydney (Figure 15 and Figure 16).



**Figure 15** | Concept Approval (left) and modified (right) looking south-west along the proposed Hickson Park view corridor towards the foreshore (Base source: Proponent's RtS)





**Figure 16 |** Concept Approval (right) and modified (left) view north across Hickson Park towards the building envelopes and view corridor (Base source: Proponent's RtS)

The Proponent stated that Hickson Park's modified size and aperture width between Block 5 and Crown Sydney would continue to achieve the objectives of the PAC decision. In particular, the proposal maintains clear visual connectivity to the foreshore, east-west movement is protected, and the revised (lower) height of Block 5 provides for an active and human-scaled edge to the park. In addition, the reduction in the size of Hickson Park is largely compensated for by the increases in open space and public domain provided within the site from the new north/south link and reclassification of east/west roads to pedestrianised plazas (+1,264 m<sup>2</sup>).

Further to the above, the Proponent points to the Pedestrian Wind Assessment (PWA), which indicates that the approved alignment of Hickson Park would be subject to strong westerly winds and result in an uncomfortable environment for pedestrians and users of the extended park. The PWA confirms the amended building envelope would decrease wind-washing effects along the southern edge and provide a greater level of pedestrian/user comfort.

Council objected to the reduction in the size of Hickson Park and expansion of Block 5 southwards, stating:

- the proposal undermines the PAC's determination and notes the enlargement of Hickson Park and the creation of a view corridor was in part required to offset the reconfiguration and relocation of Crown Sydney
- wind impacts are on balance, not an improvement, noting impacts improve along the length of Hickson Park but worsen within the gap between Block 5 and Crown Sydney
- the expansion of Block 5 results in a reduction in the public view corridor from Kent Street along Gas Lane and its connection to the water (a protected view under the SDCP)
- Council does not support the classification of the public through-site links as 'public open space' and those links do not compensate for the reduction in the size of Hickson Park within Central Barangaroo.

The Department has carefully considered the PAC determination, the proposal, submissions and the Proponent's responses. The Department notes the modification has been amended in response to concerns raised to reduce the encroachment of Block 5 into Hickson Park and increase the size of the Hickson Park expansion as well as the view corridor aperture.

The Department considers the proposed reduction in the size of Hickson Park and the view corridor aperture to be acceptable, on balance, and the objectives of the PAC's determination would continue to be met as:

- despite the reduction in the width of the view corridor aperture, an acceptable visual connection to the harbour would continue to be provided between Hickson Road and the foreshore and along Gas Lane
- the reduction in the mass of the Block 5 building envelope fronting Hickson Park provides for an improved, more human scale of development framing the northern extent of the park
- the Department agrees with Council that the additional 1,264 m<sup>2</sup> pedestrian through-site links are not 'public open space' comparable/equivalent to an open park. However, the Department considers that the public domain would provide for new and varied publicly accessible spaces enjoyed for a range of active/passive purposes
- the resulting expansion of Hickson Park is substantial in size and would offer high-quality, predominantly soft-landscaped, publicly accessible open space
- the modification would not reduce the amount of publicly accessible open space across the whole Barangaroo precinct below 50%
- wind impacts within Hickson Park, including any necessary mitigation measures would be considered in detail as part of future DA(s).

The Department recommends condition B3(1)(a) be amended to remove the requirement that the size and shape of the Hickson Park extension reflect MOD8 layout. The Department supports the deletion of SoC Appendix 1, showing the MOD8 Hickson Park extension layout map.

### **6.3.2 Overshadowing of Hickson Park**

Conditions B3(d) and B3(2)(a) require that Hickson Park not be overshadowed by built form over more than an average area of 2,500 m<sup>2</sup> between noon and 2 pm during mid-winter each year.

The modification proposes to amend condition B3(d) to allow overshadowing up to an average of 3,000 m<sup>2</sup>. In addition, condition B3(2)(a) is proposed to be deleted as it duplicates B3(d).

The Proponent has provided an overshadowing analysis, which shows the (**Figure 17**):

- Concept Approval built form (Prescriptive Controls only) overshadow an average of 3,836 m<sup>2</sup> of Hickson Park in mid-winter
- modification building envelope overshadows an average of 2,772 m<sup>2</sup> and the Reference Scheme reduces overshadowing to an average of 2,538 m<sup>2</sup>.

The Proponent has stated the building envelope is not the final built form, and the increase to the average overshadowing allowance is sought to allow for a suitable level of design flexibility for buildings within Block 5.

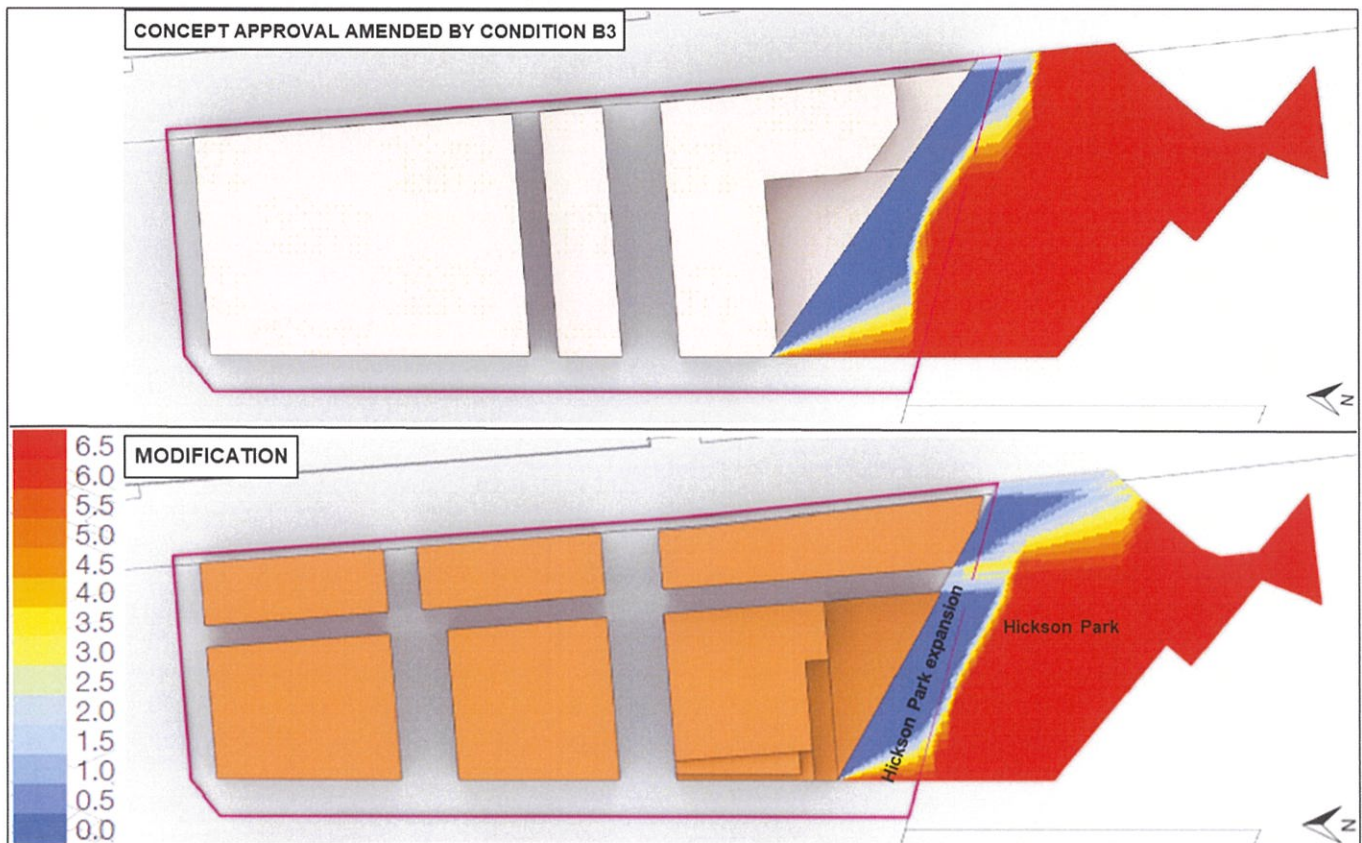
Council objected to the potential overshadowing of Hickson Park and the proposed increase in the allowed average overshadowed area from 2,500 m<sup>2</sup> to 3,000 m<sup>2</sup> stating this would have an adverse impact on the amenity and use of Hickson Park.



The Department does not support the amendment of condition B3(d) to increase the maximum allowable Hickson Park overshadowed area and recommends the condition be retained in full for the following reasons:

- there is no justification for the increase in the average Hickson Park overshadowed area to 3,000 m<sup>2</sup> as:
  - the modified envelope results in a maximum potential overshadowing of 2,772 m<sup>2</sup> and therefore, allowing further flexibility to 3,000 m<sup>2</sup> is unnecessary
  - the overshadowing analysis shows future development can achieve the solar access requirements of condition B3(d), subject to further design refinements to future built form within Block 5
  - the potential overshadowing from the Concept Approval built form is not relevant as the Department does not accept the Proponent's Concept Baseline (**Section 6.1**) and any future development within Block 5 must be designed to a height/scale that addresses condition B3(d) requirements
- the modification seeks an increase to the height and dimensions of Block 5 when compared to the Concept Approval, and the Department considers this additional envelope volume already provides ample flexibility for the design of future buildings
- allowing for an additional overshadowing allowance may result in a significant adverse amenity impact on the future use and enjoyment of Hickson Park.

The Department supports the deletion of condition B3(2)(a), noting this duplicates the requirements of B3(d).



**Figure 17** | Concept Approval (Prescriptive Controls only) (top) and modification (bottom) predicted maximum envelope overshadowing of Hickson Park (Base source: Proponent's RRFI's)

## 6.4 Other issues

The Department's consideration of other issues is summarised in **Table 11** below.

**Table 11** | Assessment of other issues

Issue	Findings and conclusions	Recommendation
<b>Design Excellence Strategy</b>	<ul style="list-style-type: none"> <li>Future development is required to achieve design excellence, noting: <ul style="list-style-type: none"> <li>Section 19 of the PEHC SEPP and condition C2 require future development on sites larger than 1,500 m<sup>2</sup> to undertake a design excellence competition (DEC) to select the architect/project team</li> <li>the PEHC SEPP and condition C2 both confirm the Planning Secretary can certify that a DEC is not required.</li> <li>condition C2(4)(d) requires the design review panel for the DEC to compare the DEC scheme against the Section 13 Controls relating to Building Design Principles and Development Block Controls (summarised in <b>Section 1.4.2</b>).</li> </ul> </li> <li>The modification seeks approval for a DES, which proposes an alternative design excellence process, referred to as a Curatorial Approach and comprising: <ul style="list-style-type: none"> <li>the selection of seven international and local architectural practices in consultation with INSW and GANSW</li> <li>the division of the blocks into seven components, and each individual architectural practice would be allocated a stage/building to complete</li> <li>establishment of the Central Barangaroo Design Review Panel (CBDRP), comprising four members from the GANSW, the developer and the State DRP.</li> </ul> </li> <li>The modification also proposes to amend condition C2(4)(d) to exclude Central Barangaroo from the requirement to consider the Section 13 Controls</li> <li>Concern was raised in submissions about the lack of clarity on the DES process. Council stated it would prefer all development be subject to a DEC, however, it acknowledged the GANSW would advise on the appropriate approach.</li> <li>The GANSW reviewed the DES and generally supports the Curatorial Approach for the site (subject to future waiver requirements). However, has recommended detailed amendments to the DES to address inaccuracies and consistency with the GANSW design excellence guideline requirements and design review and State Design Review Panel practices.</li> <li>The Department has carefully considered the proposed DES and is satisfied the Curatorial Approach is acceptable, as it would still ensure a strong design excellence process is undertaken for</li> </ul>	<p>The Department has recommended:</p> <ul style="list-style-type: none"> <li>a new condition requiring the DES be amended in accordance with the GANSW's amendments</li> <li>a new condition requiring future DAs demonstrate consistency with the CBDGs</li> <li>condition C2(4) be amended to require a comparative review against the Central Barangaroo envelopes and the CBDGs (rather than the Section 13 Controls).</li> </ul>



Issue	Findings and conclusions	Recommendation
	<p>future buildings, provided the DES is updated to include the amendments recommended by GANSW. The Department has recommended a condition accordingly. The Department notes further that DA(s) would need to seek a DEC waiver from the Planning Secretary in accordance with the PEHC SEPP and condition C2 to pursue the proposed DES Curatorial Approach.</p> <ul style="list-style-type: none"> <li>• The Department supports the amendment to condition C2(4)(d) as the Section 13 Controls only apply to Barangaroo South, as discussed at <b>Section 1.4</b>.</li> </ul>	
<b>Design guidelines</b>	<ul style="list-style-type: none"> <li>• No design guidelines currently apply to Central Barangaroo. Condition B9 requires future DA(s) include specific building and podium heights and building setbacks (<b>Section 1.4.3</b>).</li> <li>• The modification includes the CBDGs, which seek to provide whole-of-precinct design guidance relating generally to park and Nawi Cove interfaces, connecting with country, Barangaroo Avenue and Hickson Road, Hickson Road bridge, lanes and arcades, plaza design, articulation and activation, materials, public art and wayfinding. The modification also proposes the deletion of condition B9, relating to Central Barangaroo street wall and podium heights and setbacks.</li> <li>• The Proponent has stated that the CBDGs provide considerations for both the built form and public domain and facilitate the creation of buildings and spaces that exhibit a high level of architectural design. In addition, the deletion of condition B9 is warranted as its height and setback requirements are no longer relevant to Central Barangaroo, inconsistent with the current modification and the CBDGs provide appropriate built form guidance.</li> <li>• Council considered the CBDGs and recommended they be further updated to include operational noise, wind impact, public realm character and crime prevention guidance.</li> <li>• The GANSW reviewed the CBDGs and recommended further amendments relating to the structure of the CBDGs, the incorporation of design excellence principles, and guidance related to the laneway, cultural facility and bridge designs, as well as the public domain, wind and landscaping, connecting with country, deep soil, footpaths, and arcades (<b>Appendix F</b>).</li> <li>• The Department notes that SoCs 98 to 106 and 120 include sufficient commitments to address operational and construction noise impacts and crime prevention as part of future DA(s), and the Department, therefore, does not recommend a new CBDG on these matters.</li> <li>• The Department agrees with the GANSW's recommended improvements to the CBGDs and recommends a condition</li> </ul>	<p>The Department has recommended:</p> <ul style="list-style-type: none"> <li>• a new condition requiring the CBDGs be amended in accordance with GANSW amendments</li> <li>• a new condition requiring future DAs demonstrate consistency with the CBDGs</li> <li>• condition B9 to be amended to require a revised block plan for Block 7.</li> </ul>



Issue	Findings and conclusions	Recommendation
	<p>accordingly.</p> <ul style="list-style-type: none"> <li>The Department considers that although the CBDGs represent high-level guidance and are subject to the above changes, they would provide a clear basis for the design of future buildings and spaces, a coherent vision for the site and foster good design.</li> <li>The Department considers the original requirements of condition B9 can be deleted, noting future developments would be required to provide for appropriate heights, setbacks, design and built form by the Concept Approval conditions as amended by the Department (<b>Section 6.2</b>), the SoCs and the CBDGs (as revised, above).</li> </ul>	
<b>Wintergarden GFA</b>	<ul style="list-style-type: none"> <li>Condition B4(4) allows the exclusion of winter gardens from the calculation of residential and tourist GFA within Barangaroo South.</li> <li>The modification proposes a new condition (B4(5)) that would exclude winter gardens from the calculation of residential and commercial GFA within Central Barangaroo.</li> <li>The Proponent has justified the exclusion by stating that although the Reference Scheme does not propose wintergardens, the exclusion of wintergardens from GFA calculation is consistent with the approach taken at Barangaroo South and should be allowed at Central Barangaroo.</li> <li>Council does not support the exclusion noting this approach is inconsistent within the LGA, would increase the visual bulk of buildings and is unlikely to meet the exclusion requirements under clause 4.5A of the SLEP.</li> <li>The Department notes condition B4(4) was added under MOD 8 and the exclusion was allowed on the basis that the affected Barangaroo South buildings comprised tall towers and wintergardens would likely be wind affected. In addition, clause 4.5A of the SLEP allows an exclusion where balconies are wind affected (i.e. located 30+ m above the ground) and meet relevant amenity criteria.</li> <li>The Department does not support the exclusion of wintergardens from GFA calculation as: <ul style="list-style-type: none"> <li>the proposal does not contain tall buildings and is therefore does not justify an exclusion based on the approach taken for Barangaroo South</li> <li>the proposal is unlikely to meet the clause 4.5A exclusion criteria</li> <li>there is no restriction on the size of a wintergarden relative to the apartment or accommodation type to which they relate</li> <li>the exclusion is likely to result in a reduction in articulation and</li> </ul> </li> </ul>	<p>The Department:</p> <ul style="list-style-type: none"> <li>does not support a new condition excluding wintergardens from GFA calculation</li> <li>recommends condition B4(4) be updated clarifying the wintergarden exclusion only relates to Barangaroo South.</li> </ul>



Issue	Findings and conclusions	Recommendation
<b>The Cutaway GFA</b>	<p>increase in the bulk and scale of buildings.</p> <ul style="list-style-type: none"> <li>The Modification Request proposes a new condition allocating between 6,000 m<sup>2</sup> and 18,000 m<sup>2</sup> of currently unallocated GFA to be allocated to The Cutaway in Barangaroo Reserve.</li> <li>The Proponent has stated that the allocation would allow for future expansion of The Cutaway within the GFA range and the 18,000 m<sup>2</sup> upper limit reflects the amount of GFA that could be achieved within the approved space.</li> <li>The Department notes that in December 2023 approval was granted for a new cultural facility within The Cutaway, which provides for 9,222 m<sup>2</sup> GFA (<b>Appendix D</b>). In addition, the Proponent has not provided supporting information of how the proposed additional GFA could be reasonably accommodated within The Cutaway or how it interacts with the recent approval.</li> <li>Noting the above, the Department is concerned the proposal provides insufficient detail to undertake an assessment of the potential impact of the reallocation of GFA. In the absence of information, the Department concludes it would be premature to grant consent for the reallocation of GFA at this stage.</li> </ul>	The Department does not support a new condition reallocating GFA to The Cutaway.
<b>Community use GFA</b>	<ul style="list-style-type: none"> <li>Condition B7(3) requires a minimum of 2,000 m<sup>2</sup> community use GFA be provided within Blocks 6 and 7.</li> <li>The Modification Request proposes to increase the minimum community use allocation to 2,800 m<sup>2</sup> and allow the use to be provided within all Central Barangaroo blocks, not just Blocks 6 and 7.</li> <li>Council supported the proposal and recommended it respond to key community, recreation and cultural needs recommendations and the final community uses exclude commercial-like uses (e.g. a gym).</li> <li>In response, the Proponent provided a Community and Cultural Strategy Assessment, which confirms future community GFA is capable of meeting Council's requirements.</li> <li>The Department supports the proposed increase in community GFA and its expansion to include all blocks. The Department considers it would not be appropriate to limit the type of community use at this stage and notes the acceptability of specific uses would form part of the detailed assessment of future DA(s).</li> </ul>	The Department has recommended condition B7 be amended to take account of the revised GFA restriction.
<b>B4 zoned land</b>	<ul style="list-style-type: none"> <li>Condition B3(2) requires the footprint of Block 5 be reduced to remain within the B4 zoned land.</li> <li>The Modification Request includes the deletion of condition B3(2). The Proponent has stated the separate SEPP Amendment</li> </ul>	The Department has recommended condition B3(2) be deleted.



Issue	Findings and conclusions	Recommendation												
	<p>process would change the boundary of the B4 zoned land and this would ensure the proposed revised footprint Block 5 (Section 6.3.1) would be wholly contained with the B4 zone.</p> <ul style="list-style-type: none"><li>The Department agrees, subject to the approval of the SEPP Amendment, condition B3(2) would be redundant. The Department, therefore, supports the deletion of condition B3(2).</li></ul>													
Traffic	<ul style="list-style-type: none"><li>The Modification Request includes a Transport Management and Accessibility Plan (TMAP), which analyses predicted traffic generation, parking requirements and impact on the surrounding area. The TMAP also considered the Concept Approval and provided a comparison between the approved and modified proposals.</li><li>Based on the Reference Scheme GFA and land-use mix, the TMAP predicts the proposal would generate 70 AM and 100 PM vehicle trips during the peak periods.</li><li>The TMAP notes that, due to the reduction in commercial and increase in residential GFA, along with the introduction of the Metro and the revision of future bus numbers, the predicted number of vehicle trips is similar to that of the Concept Approval. A comparison between the Concept Approval and modified Barangaroo precinct site-wide vehicle trips is provided below:<table><tr><th>Period</th><th>Concept Approval</th><th>Modification</th><th>Difference</th></tr><tr><td>AM Peak</td><td>701</td><td>687</td><td>-14</td></tr><tr><td>PM Peak</td><td>810</td><td>827</td><td>+17</td></tr></table></li><li>The TMAP has modelled the likely traffic impact to nearby intersections and predicts there would be only minor changes in intersection operational performance and minor change in vehicle delay. The TMAP proposes the potential future signalisation of the Hickson Road / Watermans Quay intersection to provide for a new controlled pedestrian crossing.</li><li>Concern was raised in public submissions that the modification would result in an adverse increase in traffic in surrounding and local streets and intersections.</li><li>TfNSW and Sydney Metro do not support the provision of signals and a pedestrian crossing at Hickson Road / Watermans Quay intersection at this stage due to potential safety concerns. TfNSW recommends Hickson Road access, intersection configuration and controls be agreed prior to the determination of the modification. TfNSW also recommended a condition requiring future DA(s) to include a Construction and Pedestrian Traffic Management Plan (CPTMP).</li><li>The Department notes the modification would generate a similar quantum of traffic when compared with the Concept Approval</li></ul>	Period	Concept Approval	Modification	Difference	AM Peak	701	687	-14	PM Peak	810	827	+17	The Department has recommended conditions requiring the Hickson Road intersection controls be agreed and preparation of a CPTMP.
Period	Concept Approval	Modification	Difference											
AM Peak	701	687	-14											
PM Peak	810	827	+17											



Issue	Findings and conclusions	Recommendation																									
	<p>and, therefore, is satisfied the modification would not have an adverse impact on the operation of the road network or intersection performance.</p> <ul style="list-style-type: none"><li>The Modification Request relates to a Concept Approval, and the assessment of detailed matters, such as the design of roads/intersections, would form part of future DAs. The Department, therefore, recommends conditions requiring Hickson Road access, intersection configuration and controls be agreed upon with TfNSW, Sydney Metro and Council and the preparation of a CPTMP.</li></ul>																										
Car parking	<ul style="list-style-type: none"><li>Condition C4 provides maximum car parking rates for future development within Barangaroo (below).</li><li>Based on the Reference Scheme GFA and land-use mix, the TMAP indicates that a maximum of 577 car parking spaces could be provided within Central Barangaroo, and the Reference Scheme includes 483 spaces:</li></ul> <table><tr><th>Type</th><th>Car parking rate</th><th>Maximum</th><th>Proposed</th><th>Complies</th></tr><tr><td>Commercial</td><td>1 per 600 m² GFA</td><td>26</td><td>11</td><td>Yes (-15)</td></tr><tr><td>Residential</td><td>1 bed – 1 per 2 units 2 bed – 1.2 per unit 3 bed – 2 per unit</td><td>286</td><td>286</td><td>Yes</td></tr><tr><td>Other Uses</td><td>SDCP</td><td>265</td><td>186</td><td>Yes (-79)</td></tr><tr><td>Total</td><td></td><td>577</td><td>483</td><td>Yes (-94)</td></tr></table> <ul style="list-style-type: none"><li>Based on the Concept Approval, the TMAP states that the whole of Barangaroo could accommodate up to 3,602 car parking spaces. Applying the modification Reference Scheme spaces, the TMAP states the total spaces would increase to 3,619 (+ 17 spaces).</li><li>Concerns were raised in public submissions about car parking impacts. Council stated the car parking rates are outdated, do not take account of the Sydney Metro or sustainability objectives and total parking should be reduced. Council also recommended electric vehicle (EV) infrastructure and car-share spaces should be provided in accordance with the SDCP.</li><li>TfNSW recommended a condition requiring the preparation of a GTP and other parking management plans relating to loading/unloading, coach parking and pick-up and drop-off.</li><li>In response, the Proponent stated existing condition C4 sets car parking rates for Barangaroo and the Modification Request does not propose any amendments to those approved rates. The Proponent updated the TMAP to confirm future DA(s) would consider the installation of EV infrastructure and car share</li></ul>	Type	Car parking rate	Maximum	Proposed	Complies	Commercial	1 per 600 m² GFA	26	11	Yes (-15)	Residential	1 bed – 1 per 2 units 2 bed – 1.2 per unit 3 bed – 2 per unit	286	286	Yes	Other Uses	SDCP	265	186	Yes (-79)	Total		577	483	Yes (-94)	<p>The Department has recommended new conditions requiring future DA(s):</p> <ul style="list-style-type: none"><li>include a GTP and TfNSW's recommended management plans</li><li>provide EV charging and car share facilities in accordance with the SDCP.</li></ul>
Type	Car parking rate	Maximum	Proposed	Complies																							
Commercial	1 per 600 m² GFA	26	11	Yes (-15)																							
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Issue	Findings and conclusions	Recommendation
	<p>spaces.</p> <ul style="list-style-type: none"> <li>The Proponent also confirmed future DA(s) would include initiatives to reduce dependency on private car use and encourage sustainable modes of transport. In addition, the SoCs include commitments to consider opportunities to promote public and active modes of transport.</li> <li>The Department has carefully considered the concerns raised in submissions and the Proponent's responses. The Department concludes, on-balance, it would not be reasonable to require the amendment/reduction of the condition C4 car parking rates as: <ul style="list-style-type: none"> <li>the car parking rates are in place and have been consistently applied across the entire precinct, despite the introduction of new public transport options adjacent to Barangaroo precinct since its original approval (ferry, light rail, and metro).</li> <li>the TMAP indicates that future development within Central Barangaroo would not result in an adverse increase in traffic impacts and sustainable transport measures would be developed as part of future DA(s)</li> <li>the predicted parking provision is generally similar to what could have been provided based on the existing Concept Approval.</li> </ul> </li> <li>To ensure future DA(s) appropriately consider and address sustainable transport, the Department recommends new conditions requiring the preparation of GTP and EV charging infrastructure and car share facilities be provided in accordance with the SDCP. The Department also recommends a condition requiring the preparation of TfNSW's management plans.</li> </ul>	
<b>Barangaroo Avenue</b>	<ul style="list-style-type: none"> <li>Barangaroo Avenue is proposed to extend along the western side of Blocks 5, 6 and 7 and connect to Hickson Road on the northern side of Block 7. Condition C14 requires the Proponent to consult with TfNSW regarding the design of all new intersections with Hickson Road. Condition C8 requires shared zones to be consistent with TfNSW guidelines.</li> <li>The Modification Request proposes to convert Barangaroo Avenue from a two-way street into a one-way, northbound shared street. The Proponent stated the proposal is justified as: <ul style="list-style-type: none"> <li>residential trips to and from Central Barangaroo will all use Hickson Road</li> <li>Crown Sydney trips (mostly taxis) would only be northbound and low</li> <li>a low level of retail deliveries is expected to Blocks 5, 6 and 7</li> <li>it would provide a clear delineation for pedestrians, cyclists and vehicle movement and prioritise safe pedestrian</li> </ul> </li> </ul>	<p>The Department has recommended:</p> <ul style="list-style-type: none"> <li>condition C14 be updated to require consultation with Council</li> <li>condition C8 be updated to require TfNSW approval for shared zones.</li> <li>Design guidelines be updated to restrict</li> </ul>



Issue	Findings and conclusions	Recommendation
	<p>movements.</p> <ul style="list-style-type: none"> <li>Concerns were raised in public submissions that the one way arrangement may result in increased congestion and vehicle queueing within the precinct.</li> <li>GA NSW recommended the design guidelines being amended to restrict shelter structures on the footpath to maximise accessibility.</li> <li>Council recommended Barangaroo Avenue be converted into a pedestrian boulevard with all vehicle access being provided from Hickson Road. Council also recommended condition C14 be amended to include a reference to Council as the relevant road authority for Hickson Road. TfNSW recommended the Proponent seek TfNSW's approval for shared zones.</li> <li>The Department considers the provision of Barangaroo Avenue as a one-way, northbound road is acceptable as: <ul style="list-style-type: none"> <li>vehicle trips along the one-way road are likely to be low</li> <li>the operation and safety of the road would be considered in detail as part of future DA(s).</li> </ul> </li> <li>The Department supports Council's proposed amendment of condition C14 and recommends condition C8 be updated to require TfNSW approval for shared zones.</li> </ul>	<p>secondary shelter structures in the footpath zone</p>
<b>Consolidated basement car park design</b>	<ul style="list-style-type: none"> <li>Council recommended the basement car park be designed as a shared / consolidated basement to minimise traffic within the development and surrounding street network.</li> <li>The Proponent stated the Reference Scheme identifies the ability for the basement to be a consolidated basement. However, the overall footprint and configuration of the basement will be subject to future detailed DA(s).</li> <li>The Department supports the provision of a consolidated basement noting the efficiency of such a space and potential reduction in traffic impacts. The Department recommends a new condition requiring the provision of a consolidated basement.</li> </ul>	<p>The Department has recommended a new condition requiring the provision of a consolidated basement.</p>
<b>Bicycle facilities</b>	<ul style="list-style-type: none"> <li>SoC 47 commits future DA(s) to providing bicycle parking equal to 4% of the commercial GFA, one space per dwelling and 6 spaces per 100 car parking spaces for other uses. In addition, end of trip facilities shall be provided.</li> <li>Council recommended bicycle facilities be provided in accordance with the SDCP. In response the Proponent stated that bicycle facilities would be provided in accordance with SoC 47.</li> <li>The Department notes the Barangaroo bicycle facility requirements are existing, have been consistently applied across the whole Barangaroo precinct and the Proponent does not</li> </ul>	<p>No conditions or amendments necessary</p>



Issue	Findings and conclusions	Recommendation
	<p>propose any changes to the requirements. In this context the Department is satisfied the requirements are sufficient and no amendments are necessary.</p>	
<b>Sydney Metro station entrance</b>	<ul style="list-style-type: none"> <li>• Condition C15 requires future DA(s) for Metro entrance(s) to be designed to ensure pedestrian safety.</li> <li>• The Modification Request includes an indicative location for an underground Barangaroo Metro Station entry and Central Barangaroo connection at the north-east corner of the site. The proposal also includes an indicative station entry reference design.</li> <li>• Concerns were raised in submissions that the proposal lacks a clear underground connection to the Metro station. Sydney Metro stated that the proposal's station entry reference design is indicative only and must be subject to separate DA(s).</li> <li>• The Department considers the modification has made sufficient allowance for the provision of a southern Metro Station entrance and connection to future development within Central Barangaroo, noting the Modification Request relates to a Concept Approval. In addition, the detailed location, design and operation of the Metro Station entrance and connection(s) would be subject to detailed assessment as part of future DA(s).</li> <li>• The Department is satisfied the modification will not prevent the design and construction of a southern access point to the metro station as part of any future application.</li> </ul>	<p>No conditions or amendments necessary</p>
<b>New bridge link to Millers Point</b>	<ul style="list-style-type: none"> <li>• The Modification Request includes the provision of a pedestrian bridge linking the low point of High Street and the northeastern corner of Block 7, adjacent to the Metro station entry. The CBDGs include design guidance relating specifically to the bridge design, alignment, width, connection and public accessibility. SoCs 61 and 66 (original numbering) require heritage advice to inform the design of the bridge and how it meets the Hickson Road sandstone wall and fence.</li> <li>• Council recommended physical intervention to the sandstone wall and palisade fence should be minimised, the bridge should be well proportioned, provide an easily identifiable civic connection, and be (and appear) publicly accessible. The GANSW recommended the bridge have clear public domain visibility and sufficient capacity in line with its civic purpose.</li> <li>• The Department supports the provision of a new bridge, noting the proposal seeks to reflect the historic location of the former pedestrian bridge demolished in the 1960s, and a bridge in this location would improve connectivity to Millers Point. The SoCs commit to ensuring any new bridge is sympathetic to the heritage</li> </ul>	<p>The Department has recommended</p> <ul style="list-style-type: none"> <li>• the CBDGs be amended to incorporate GANSW's comments</li> <li>• a condition requiring the bridge be designed in accordance with the CBDGs.</li> </ul>



Issue	Findings and conclusions	Recommendation
	<p>significance of the Hickson Road sandstone wall and fencing.</p> <ul style="list-style-type: none"> <li>The Department recommends the CBDGs be amended to take account of Council and GANSW's recommended changes. In addition, the Department recommends a new condition requiring the design of the bridge to be consistent with the CBDGs.</li> </ul>	
<b>Concept landscape plan</b>	<ul style="list-style-type: none"> <li>Council raised concern the modified concept landscape plan does not include sufficient detail, includes dominant hard-surface areas and the water feature would be subject to adverse wind impact. In addition, any outdoor dining or activation along the northern promenade of Hickson Park, adjacent to the southern face of Block 5, should be accommodated within the building envelope and not spill out into the land reserved for Hickson Park.</li> <li>The Proponent states that deep soil, along with hard and soft landscaping, can be implemented throughout the site, adhering to building envelope plans, deep soil zones, and CBDGs. These guidelines suggest that the Hickson Park interface should feature continuous active frontages with retail, cafes, restaurants, outdoor dining, and other uses to enhance activation, interaction, and passive surveillance.</li> <li>The Department notes the proposal is for the modification of a Concept Approval, and the assessment of the detailed landscaping design would form part of future DAs.</li> <li>The Department is satisfied the concept landscape plan provides sufficient guidance and flexibility for the development of future landscape designs. In addition, the Department notes the concept landscape design is not the final design and could be amended, refined or improved to address any issues that are identified during the detailed design process.</li> <li>The Department supports the CBDGs Hickson Park interface objective. However, the Department agrees with Council that outdoor dining and activation should not encroach into the land reserved for Hickson Park / public open space and recommends a condition accordingly.</li> </ul>	The Department has recommended a condition preventing outdoor dining from encroaching into land reserved for Hickson Park.
<b>Northern Plaza</b>	<ul style="list-style-type: none"> <li>The Modification Request includes the provision of the Northern Plaza, which is an east-west through-site pedestrian link, open to the sky, located between Blocks 6 and 7. The majority of the plaza is 20 m wide. However, the eastern portion of the plaza narrows to 12 m (<b>Figure 4</b>).</li> <li>Council stated the narrowing of the Northern Plaza at its eastern end is a missed opportunity to provide more significant public views to be retained at intervals along High Street. Heritage NSW did not provide comment on the Northern Plaza width.</li> </ul>	No conditions or amendments necessary



Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> <li>• In response, the Proponent confirmed the Northern Plaza is significantly wider (by 2-10 m) than what was required by the Concept Approval and, therefore, represents an improvement.</li> <li>• The Department supports the provision of the Northern Plaza, noting it provides a meaningful building separation between Block 6 and 7, ensures the northern part of the site is permeable and establishes an east-west view corridor through the site.</li> <li>• The Department considers the 12-20 m width is acceptable, as: <ul style="list-style-type: none"> <li>◦ the plaza is 2-10 m wider than what was required under the Concept Approval, is of an appropriate civic scale and provides improved permeability</li> <li>◦ when compared to the Concept Approval the Northern Plaza has been relocated further northwards, and the Southern and Northern Plaza together now provide for view corridors equally spaced along High Street</li> <li>◦ the plaza is located mid-way along the length of High Street and widening the eastern portion by an additional 8 m would not meaningfully increase views to/from Millers Point / the MPCA</li> <li>◦ the proposal would not have an adverse impact on historic views, as discussed in <b>Section 6.2</b>.</li> </ul> </li> </ul>	
<b>Wind impact</b>	<ul style="list-style-type: none"> <li>• Condition C12 requires future DA(s) for above-ground works to consider wind impacts and include mitigation measures where necessary.</li> <li>• The Modification Request includes a PWA, which carried out modelling and wind tunnel tests to determine the wind conditions affecting various outdoor areas within and around the development.</li> <li>• The site is relatively exposed to prevailing winds, and currently, the PWA indicates that the corners of the Crown Tower and One Sydney Harbour towers, centrally located within Hickson Park and the future Harbour Park, are prone to wind conditions that exceed the pedestrian wind safety and comfort criteria at various points throughout the area year.</li> <li>• The PWA assessment of the proposed built form concludes that wind conditions would remain largely consistent with the existing conditions and: <ul style="list-style-type: none"> <li>◦ the proposal would resolve wind safety exceedances within Hickson Park</li> <li>◦ conditions within the site and in Harbour Park and Hickson Park would be comfortable for sitting or standing throughout the year</li> <li>◦ predicted wind safety exceedances within the Southern Plaza</li> </ul> </li> </ul>	No conditions or amendments necessary



Issue	Findings and conclusions	Recommendation
	<p>could be addressed through future mitigation measures</p> <ul style="list-style-type: none"> <li>○ it may be possible to address remaining existing wind exceedances with mitigated including awnings, landscaping, corner articulation or artwork / screening.</li> <li>• Concerns were raised in public submissions about potential future wind impacts within and around the development. Council recommended additional analysis of wind impacts and likely necessary mitigation measures be undertaken.</li> <li>• The Department considers the wind impacts of the proposal are acceptable and do not significantly worsen the existing wind conditions in Central Barangaroo or nearby public open space. In addition, subject to the implementation of appropriate wind mitigation measures in accordance with condition C12, it is likely that outdoor areas within and around the development can be made suitable for their intended uses.</li> </ul>	
<b>Future residential amenity</b>	<ul style="list-style-type: none"> <li>• The Proponent has stated the block parameters ensure future detailed developments can comply with the requirements of the ADG. In particular, the Reference Scheme is consistent with ADG guidance relating to solar access, cross ventilation, apartment sizes and deep soil area.</li> <li>• Council raised concern the apartment sizes are excessively large and a revised ADG assessment should consider realistic / smaller apartments. Council also recommended that the deep soil area should be increased to 15%.</li> <li>• The Department notes the Proponent provided a revised Reference Scheme typical floor layout, which shows one floor in Block 7 with a smaller apartment layout (<b>Figure 7</b>).</li> <li>• The current modification relates to a Concept Approval, and the assessment of detailed matters such as detailed design and layout would form part of future DAs. As the Modification Request does not include detailed apartment design/layouts at this stage, it is not possible to consider their ADG in detail.</li> <li>• Notwithstanding the above, the Department has considered the Reference Scheme and notes the larger apartments option is generally consistent with ADG key standards.</li> <li>• However, the Department notes that the revised Reference Scheme with a smaller typical apartment layout may not be consistent with the following ADG key guidance: <ul style="list-style-type: none"> <li>○ min. 70% of apartments receive at least 2 hours of sunlight in winter</li> <li>○ max. 15% of apartments receive no direct sunlight in winter</li> <li>○ min. 60% of apartments are naturally cross-ventilated</li> <li>○ min. 18 m building separation distance between 5 to 8 storeys.</li> </ul> </li> </ul>	No conditions or amendments necessary



Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> <li>• A concept deep soil plan has been provided indicating future development would achieve 8.8% deep soil area, which is less than the ADG recommended guidance of 15%.</li> <li>• The Department has considered the potential inconsistencies with the ADG recommended standards and considers that they are acceptable as: <ul style="list-style-type: none"> <li>◦ measurements are based on the Reference Scheme and, therefore would be subject to change/improvement as part of the detailed design</li> <li>◦ the ADG allows for solar and ventilation shortfalls to be offset by a high standard of amenity relating to apartment size, open space and views</li> <li>◦ overlooking resulting from building separation shortfall(s) can be mitigated by architectural techniques, e.g. screening, offset/oblique windows and the like</li> <li>◦ the ADG acknowledges that deep soil may not always be capable of being achieved in CBD locations or mixed-use zones with retail at ground level. In addition, 50% of the Barangaroo precinct would be public open space.</li> </ul> </li> <li>• The Department concludes the residential component of the development is capable of general consistency with the ADG key standards and potential minor inconsistencies may be mitigated or justified as part of the detailed design of the future residential development.</li> </ul>	
<b>Public art</b>	<ul style="list-style-type: none"> <li>• The SoCs 15 and 73 commit to incorporating public art within the public domain and include design guidance relating to public art.</li> <li>• Council recommended a Public Art Strategy should be developed prior to the determination of the Modification Request for Central Barangaroo in consultation with Council and identified initiatives.</li> <li>• The Department notes the Proponent has committed to the provision of public art as part of future developments. In addition, the current Modification Request relates to a Concept Approval, and the detailed assessment building design, public and open spaces would form part of future DAs.</li> <li>• Noting the above, the Department is satisfied sufficient commitment has been made to the provision of public art at this stage, the CBDGs provide appropriate guidance to future DA(s) and it is appropriate that the preparation of a detailed public art strategy be deferred to the future DA stage.</li> </ul>	No conditions or amendments necessary
<b>Contamination</b>	<ul style="list-style-type: none"> <li>• Historical contamination in Central Barangaroo was assessed and remediated under previous SSD applications and an overreaching Remedial Action Plans (RAP) continues to apply to the site.</li> <li>• The Modification Request does not propose to change the</li> </ul>	No conditions or amendments necessary



Issue	Findings and conclusions	Recommendation
	<p>remediation strategy and has confirmed further RAPs would be prepared as necessary as part of future DA(s) to ensure compliance with legislative requirements of Chapter 4 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Hazards SEPP).</p> <ul style="list-style-type: none"> <li>• Concern was raised in public submissions about site contamination and associated health and dust impacts during construction. The EPA and Council did not raise any concerns relating to contamination.</li> <li>• In response, the Proponent's RtS includes additional contamination information and concluded the remediation approach ensures the site would be suitable for the intended uses and meets the Hazards SEPP requirements.</li> <li>• The Department is satisfied the implementation of the existing remediation approach, RAPs and remedial works would ensure the site is made suitable for the intended future uses.</li> </ul>	
<b>Flooding and drainage</b>	<ul style="list-style-type: none"> <li>• The Modification Request includes an integrated water management strategy for Central Barangaroo, confirming that the development would expand on and connect to existing Barangaroo infrastructure. Additionally, it confirmed that the proposal would comply with SDCP floodplain management requirements and incorporate water-sensitive urban design features, and all finished floor levels will reflect the probable maximum flood (PMF) level.</li> <li>• BCS raised concerns that the increase in residential use on the site may expose residents to evacuation difficulties, roads serving the development experience level H2 hazard conditions during the 1% Annual Exceedance Probability flood events and H3 and H4 during the PMF, which may impact emergency service access.</li> <li>• Council recommended stormwater infrastructure be coordinated with works underway at Hickson Road.</li> <li>• The Department acknowledges that, due to the existing landform and the site's foreshore location, certain areas may be affected by flooding. Nevertheless, the development is part of the broader Barangaroo project, and the neighbouring Barangaroo precincts are subject to similar conditions. These areas have been developed with mitigation measures to ensure they are suitable for future proposed uses. In addition, the application is for concept approval, and therefore, detailed flood impact, planning, and mitigation are not yet certain at this stage.</li> <li>• The Department concludes that subject to future DA(s) preparing a detailed FIA and including suitable management and mitigation</li> </ul>	<p>The Department has recommended a new condition requiring the preparation of a FIA and implementation of mitigation measures, where necessary.</p>



Issue	Findings and conclusions	Recommendation
	<p>measures, flood impacts can be appropriately mitigated and managed.</p> <ul style="list-style-type: none"> <li>The Department notes the Proponent has lodged a separate early works application with the Department (<b>Appendix D</b>), which was approved by the Commission on 29 January 2025, and SEARs have been issued for a second early works SSD application. Both applications seek to address the coordination of temporary drainage infrastructure with Hickson Road works.</li> </ul>	
<b>Groundwater</b>	<ul style="list-style-type: none"> <li>The Proponent has confirmed that management of groundwater will be required during the construction phase of future development(s), and a Water Access License (WAL) will be required for groundwater take and discharge.</li> <li>Furthermore, groundwater take and the need for basement waterproofing would be determined following detailed investigation, monitoring and analysis assessment. The Proponent confirmed any necessary permits would be obtained from the relevant authorities.</li> <li>DCCEEW Water recommended the Proponent provide the above information prior to the determination of the Modification Request.</li> <li>The Department notes the proposal is for the modification of a Concept Approval, and the assessment of detailed matters such as construction methodology and the design of buildings would form part of future DAs. Noting this, and as the Proponent has confirmed it would obtain a WAL and all necessary permits, the Department concludes sufficient commitments have been made at this stage to ensure groundwater impacts would be addressed as part of future DA(s).</li> </ul>	No conditions or amendments necessary
<b>Utilities</b>	<ul style="list-style-type: none"> <li>SoCs 7 and 23 commit to the preparation of the Utility and Infrastructure Plan and the provision of appropriate connections to utilities and services.</li> <li>The modification includes a Utilities and Infrastructure Report (UIR), which outlines connections to services, including stormwater, potable water, wastewater, recycled water, electrical, telecommunication and natural gas. The UIR confirmed the proposed utility and infrastructure services provisions will be further developed throughout the detailed design phases of the project.</li> <li>Sydney Water stated that the existing sewer pumping station may not have sufficient capacity to service the development; recycled water initiatives should be considered, and the development should prepare a serving strategy in consultation with Sydney Water.</li> </ul>	No conditions or amendments are necessary



Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> <li>The Department notes the application is for Concept Approval, and therefore, detailed utilities, infrastructure, and connections would be considered in further detail in future DA(s). Notwithstanding this, the site is located within a dense urban setting and, therefore, has ready access to existing infrastructure to allow for new connections. Any infrastructure augmentation, amplification or asset relocation can be addressed as part of future DA(s) in consultation with the relevant utility authority/service provider.</li> </ul>	
<b>Sydney Observatory</b>	<ul style="list-style-type: none"> <li>Condition C13 requires future DA(s) to include a Lighting Strategy considering the potential light impacts to Sydney Observatory and include any necessary mitigation measures.</li> <li>Sydney Observatory and MAAS raised concern the proposal has a cumulative and detrimental impact on the scientific function of the observatory, its ability to view the night sky and would result in light-spill.</li> <li>In response, the Proponent confirmed the tower build form has been removed from Block 7. In addition, the Proponent provided an updated sky view assessment, which demonstrates the amended maximum block heights maintain observation sightlines below the horizontal plane from the observatory. No amendment is proposed to condition C13.</li> <li>Noting the above, and following the amendments to block heights in particular, the Department concludes the modification would not adversely impact the observatory's scientific function or its ability to view the night sky. In addition, condition C13 is maintained and future DA(s) would be required to consider and mitigate any potential light-spill impacts.</li> </ul>	No conditions or amendments necessary
<b>Public benefits</b>	<ul style="list-style-type: none"> <li>Concern was raised in public submissions that the proposal does not provide sufficient public benefit (open space, affordable housing and community use floorspace). Council recommended the provision of additional public benefits commensurate with the uplift in GFA and future Central Barangaroo development include affordable housing equal to 10-20% of residential GFA.</li> <li>In response, the Proponent stated that public benefits have been identified holistically throughout the evolution of planning for Barangaroo with agreement that the various benefits will be delivered in different ways in each precinct. The Proponent's RTS also outlined that Central Barangaroo is a cultural and arts-led precinct which will deliver \$226 million in public benefits, including: <ul style="list-style-type: none"> <li>\$78m to support cultural facilities and initiatives</li> <li>\$61m for public domain improvements (in kind)</li> </ul> </li> </ul>	No conditions or amendments necessary



Issue	Findings and conclusions	Recommendation
	<ul style="list-style-type: none"> <li>○ \$45m for the embellishment of Harbour Park</li> <li>○ \$8m for Metro Station Southern entry</li> <li>○ \$2m for fit-out for arts and community facilities</li> <li>○ \$11m for urban arts contribution</li> <li>○ \$11m in development contributions</li> <li>○ \$10m for provision of pedestrian footbridge</li> <li>• The Concept Approval includes the provision of affordable housing as part of Barangaroo South, with SoC 34 requiring a total of 3% of residential floorspace to be allocated to key worker housing.</li> <li>• The Department notes the proposal includes a range of public benefits relating to cultural/community, public domain, open space, community and transport matters, which are considered commensurate with the proposal. In addition, despite the reduction in the quantum of the proposed development under the RtS (<b>Section 5.4</b>) The above-proposed public benefits have been maintained.</li> <li>• The Department notes that the public benefits do not include affordable housing. However, on balance, the Department considers this acceptable, acknowledging the extensive public benefits proposed. It is also noted that affordable housing was considered on a site-wide basis during the assessment and determination of the current Concept Approval, and affordable housing was designated within Barangaroo South.</li> </ul>	
SoCs	<ul style="list-style-type: none"> <li>• The modification includes amendments to the SoCs, as summarised at <b>Section 2.2</b>. The proposed amendments are largely administrative in nature to replace references to superseded documents, delete redundant references and cross-reference SoCs. The SoCs also include references to the Proponent's VVIA, Urban Design Report and other technical documents.</li> <li>• As discussed in <b>Section 6.2</b> and <b>6.3</b>, the Department has recommended amendments to the building envelopes, CBDGs and DES and these changes supersede the Proponent's proposed built form and mitigation measures contained within the VVIA, Urban Design and other technical documents.</li> <li>• The Proponent has not amended its SoC in response to the Department's recommended changes.</li> <li>• Despite the above inconsistency, the Department is satisfied the SoCs can be approved in their current form as condition A2(3)(b) confirms that in the case of an inconsistency between the SoCs and a condition, the requirements of a condition prevail.</li> </ul>	The Department has updated the SoCs listed at Schedule 3 of the Concept Approval to reflect the Proponent's SoCs.



Issue	Findings and conclusions	Recommendation
<b>Planning pathway</b>	<ul style="list-style-type: none"> <li>Concern was raised in submissions and by Council that the planning pathway for the proposal is unclear and potentially invalid as section 75W of the EP&amp;A Act has been repealed.</li> <li>As outlined in <b>Section 4</b>, the Concept Approval may be modified under section 75W of the EP&amp;A Act in accordance with the STOP Regulation.</li> <li>Accordingly, the Department is satisfied the Modification Request is within the scope of the transitional arrangements set out in the STOP Regulation and that section 75W of the EP&amp;A Act applies.</li> </ul>	No conditions or amendments necessary
<b>Early works SSD applications</b>	<ul style="list-style-type: none"> <li>Council stated the extant Central Barangaroo early works SSD application currently being assessed by the Department (<b>Appendix D</b>) should not be determined prior to the determination of this Modification Request.</li> <li>The Commission approved the Central Barangaroo early works application (SSD-39587022) on 29 January 2025. In determining the application, the Commission concluded that the early works were consistent with the Concept Approval and did not pre-empt changes proposed as part of the separate MOD 9 application (the subject of this report).</li> </ul>	No conditions or amendments necessary
<b>The Commission</b>	<ul style="list-style-type: none"> <li>Council stated that the modification should be referred to the Commission for determination due to its objections to the proposal.</li> <li>As outlined in <b>Section 4</b>, the Minister is the consent authority for the Modification Request, as the Proponent is a Public Authority and referral to the Commission is not required.</li> <li>The Department has carefully considered the Council's objections in <b>Section 6</b> and concludes the matters arising from the assessment of the proposal have been addressed and the modification is approvable subject to the recommended conditions.</li> </ul>	No conditions or amendments are necessary
<b>Property values</b>	<ul style="list-style-type: none"> <li>Concern was raised in public submissions the proposal would have an adverse impact on property values.</li> <li>The Department appreciates the concerns raised in submissions. However, the Department has undertaken a detailed merit assessment of the proposal and concludes that subject to conditions, the modification is acceptable and would not result in any unreasonable impacts. On this basis, the Department is satisfied that the proposal would not result in any significant impacts on property values.</li> </ul>	No conditions or amendments are necessary.

## 7 Evaluation

The Department has reviewed the Modification Request, RtS and additional information and assessed the merits of the proposal, taking into consideration the relevant matters and objects of the EP&A Act (**Sections 4 and 6**), advice from government agencies, Council and public submissions (**Section 5**), and strategic government policies and plans (**Section 3**). All environmental issues associated with the proposal have been thoroughly assessed (**Section 6**).

The Department's assessment concludes that the proposal is acceptable for the following reasons:

- it aligns with the Region Plan and Eastern City District Plan as it promotes the development of a 30-minute city, providing housing and commercial accommodation, open space, and new employment opportunities
- while the Department appreciates the heritage significance of the area and the concerns raised about historical view impacts, the Department's assessment concludes that the proposal is acceptable for the following reasons:
  - the previous modifications to the approved Concept Plan have removed development north of Block 7 to accommodate Nawi Cove, open space, and the public domain. This has secured permanent views to and from the northern part of Millers Point, which would have otherwise been impacted by the original approval
  - the proposed modification has been significantly amended to address concerns raised during the exhibition period, resulting in a reduction in Gross Floor Area (GFA), removal of a tower, and changes to layout and height, which collectively have reduced impacts on historic views
  - the revised building envelopes improve key historical views, with the most significant height increases now limited to Block 5 which is located south of the MPCA and near existing high-rises including Crown Sydney and One Sydney Harbour. Improved view corridors have also been established along the Northern and Southern Plazas. In particular, the Department notes that the widening of the Southern Plaza would maintain an important public view looking west down High Street toward the water
  - the Department's recommended reduction in height and scale of the northern end of Block 7 facing Nawi Cove, from eight to five storeys, will allow for the retention of some harbour views from Observatory Hill and help maintain historical views to and from Millers Point
  - the mitigation measures outlined in the Heritage Impact Assessment (HIA), together with the Design Excellence process and design guidelines, would support future development within the building envelopes to be appropriately designed through careful modulation, articulation, and material selection, thereby further minimising historic view impacts
  - future development would be contained within the building envelopes. Therefore, the predicted view impacts represent the maximum possible impact.
- although the proposal would result in view losses for some nearby properties, those affected will still retain sufficient outlooks, with many retaining distant district vistas and glimpses of water. Given the site's central location and the lack of current development, a certain degree of view obstruction is considered acceptable and was always anticipated as part of the original Concept Approval. It is also expected that through further design development future developments within the designated envelopes would result in less impacts than the maximum potential impacts currently identified



- the site is considered to be well located and able to accommodate an increased density as it is within an existing urban setting, next to a new metro station, with close access to amenities and services. However, the Department has recommended:
  - a reduction of 2,802 m<sup>2</sup> total GFA (from 104,000 m<sup>2</sup> to 101,198 m<sup>2</sup>) to account for the recommended changes to Block 7
  - winter gardens be excluded from GFA calculations
- the reduction of Hickson Park and the expansion of Block 5 is acceptable as an appropriate view corridor to the harbour would continue to be provided. Additionally, the total amount of public open space in Barangaroo would not be less than 50%, consistent with a key principle of the original Concept approval, and any future development in Block 5 must demonstrate that acceptable solar access to Hickson Park is maintained
- future development within the building envelopes would be subject to site-specific Design Excellence Strategy and Design Guidelines. The Department has recommended improvements to these documents to ensure that future developments are well-designed and exhibit design excellence
- future development can provide an acceptable standard of residential amenity, subject to further consideration of the recommended standards in the Apartment Design Guide
- it results in similar traffic generation outcomes compared to the Concept Approval. Future car parking can be accommodated on-site in accordance with existing rates, and the provision of Barangaroo Avenue as a one-way road is unlikely to result in any significant operational or safety impacts
- future development applications must provide detailed consideration of landscaping, the Hickson Road bridge, public art, flooding and drainage, utilities, light spill, contamination, and wind impacts
- it includes public benefits relating to cultural/community, public domain, open space, community and transport matters, which are commensurate to the proposal.

Consequently, the Department considers the Modification Request to be in the public interest and recommends that the Minister modify the Concept Approval subject to the recommended conditions.

## 8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **agrees** the Modification Request is within the scope of section 75W of the EP&A Act and in accordance with the transitional arrangements set out in the STOP Regulation
- **adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the Barangaroo Concept Plan (MP 06\_0162 MOD 9) as amended, subject to the conditions set out in Appendix G .

Recommended by:



Anthony Witherdin  
Director  
Key Sites & TOD Assessments

Recommended by:



Ben Lusher  
Executive Director  
Housing and Key Sites Assessments

Recommended by:



David Gainsford  
Deputy Secretary  
Development Assessment and Sustainability



## 9 Determination

The recommendation is adopted/not adopted by:

A handwritten signature in blue ink, appearing to read 'Paul Scully', written over the word 'adopted' in the preceding line.

The Hon. Paul Scully

Minister for Planning and Public Spaces

14/4/25

# Glossary

Abbreviation	Definition
AHD	Australian height datum
Biodiversity SEPP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
CBD	Central Business District
CBDGs	Central Barangaroo Design Guidelines
CIV	Capital investment value
CMP	Conservation Management Plan
Commission	The Independent Planning Commission of NSW (formerly the Planning Assessment Commission)
Concept Approval / Concept Plan	The Barangaroo Concept Plan approved on 9 February 2007 by the then Minister for Planning for the redevelopment of the whole Barangaroo precinct (MP 06_0162)
Council	City of Sydney Council
Cutaway, The	The Cutaway Cultural Facility, SSD-47498458, determined on 22 December 2023
DA(s)	Development application(s)
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DEC	Design Excellence Competition
Department	Department of Planning, Housing and Infrastructure
DES	Design Excellence Strategy
DGRs	Director-General's Requirements (now referred to as SEARs)
EA	Environmental Assessment
EIE	Explanation of Intended Effect
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
EV	Electric vehicle
GFA	Gross Floor Area
GtP	Green Travel Plan
Gyde VIA	The independent view impact assessment included with public submissions, prepared by Gyde and dated 20 February 2024
HNSW	Heritage NSW
HIA	Heritage Impact Assessment
LGA	Local government area
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
MPCA	Millers Point / Dawes Point Conservation Area



Abbreviation	Definition
<b>PEHC SEPP</b>	<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>
<b>Planning Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>PWA</b>	Pedestrian Wind Assessment
<b>RAP</b>	Remedial Action Plan
<b>RL</b>	Relative Level in metres
<b>Section 75W</b>	Section 75W of the EP&A Act
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SoC</b>	Statement of Commitments
<b>SSD</b>	State significant development
<b>STOP Regulation</b>	Environmental Planning and Assessment (Savings, Transitional & Other Provisions) Regulation 2017
<b>TfNSW</b>	Transport for NSW
<b>TMAP</b>	Transport Management and Accessibility Plan
<b>VVIA</b>	View and Visual Impact Assessment

# Appendices

## Appendix A - Documents, submissions and government agency advice

All information associated with the Modification Request, the Response to Submissions report, additional information, supporting appendices, public submissions and government agency advice is available on the Department's website at the link below.

<https://www.planningportal.nsw.gov.au/daex/barangaroo-concept-plan-mod-9-0>

## Appendix B - Statutory considerations

### B1 - Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 12** below.

**Table 12** | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<ul style="list-style-type: none"><li>The modified proposal will promote the social and economic welfare of the community through the delivery of the final piece of the urban renewal of Barangaroo. This would include new public places, amenities and links to the foreshore.</li></ul>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none"><li>The modified proposal would still be capable of achieving the sustainability and ESD initiatives of the Barangaroo Concept Plan, details of which would be developed as part of future applications.</li></ul>
(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"><li>The modification is considered to promote the orderly and economic use and development of land as it seeks to provide additional floorspace in a large urban renewal precinct and leverage nearby public transport services.</li></ul>
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"><li>The modification would not impact the existing affordable housing outcomes under the Concept Plan.</li></ul>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"><li>The modification would not increase impacts on the environment, including conservation of threatened and other species. These impacts would be assessed further as part of future applications.</li></ul>



Object	Consideration
<b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b>	<ul style="list-style-type: none"> <li>The modified proposal would not result in any physical impacts to existing listed heritage items or Aboriginal cultural heritage. The proposal will provide opportunities for the management of cultural heritage through the detailed design of future built form.</li> </ul>
<b>(g) to promote good design and amenity of the built environment,</b>	<ul style="list-style-type: none"> <li>The modified proposal will promote good design in the built environment as part of the new design excellence strategy and design guidelines.</li> </ul>
<b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>	<ul style="list-style-type: none"> <li>N/A – the proposed modification does not approve any physical works.</li> </ul>
<b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,</b>	<ul style="list-style-type: none"> <li>The modified proposal is consistent with this object as the Department engaged with Council and government agencies throughout the assessment process.</li> </ul>
<b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	<ul style="list-style-type: none"> <li>The Department exhibited the modification and amendments in 2022 and 2024 and has considered the submissions in its assessment.</li> </ul>

## B2 - EP&A Regulation

The Modification Request was made publicly available in accordance with the EP&A Regulation (Section 5).

## B3 - Environmental Planning Instruments (EPIs)

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (PEHC SEPP)
- State Environmental Planning Policy (Planning Systems) 2021 (Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP).

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

The PEHC SEPP is the principal EPI that applies to the site. Appendix 5 of the PEHC SEPP identifies Barangaroo as a State Significant Precinct. Part 3 this appendix details the zoning, land use, height and floor space requirements for Barangaroo. The Barangaroo site is identified as being on land zoned B4 Mixed Use and RE1 Public Recreation.

As discussed at **Section 2.3**, a concurrent SEPP amendment is proposed with MOD 9 to facilitate the amended GFA and height of building controls proposed. The proposed amendments include changes to Barangaroo Maps, relating to height of buildings, GFA and land-use zoning.

Should the current modification be approved, a separate planning process would be undertaken to amend the PEHC SEPP.

### **State Environmental Planning Policy (Planning Systems) 2021**

Schedule 2 of the Systems SEPP identifies development in the Barangaroo site with a CIV over \$10 million as State Significant Development. This would be considered as part of future applications within Barangaroo.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The Transport SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.102 requires a consent authority to give written notice to Sydney Metro of any application that may be within the Interim Metro Corridor and consider any issues raised in a submission. As such, the Department notified TfNSW and Sydney Metro of the project (**Section 5**).

The Department notes no physical works would occur as part of the Concept Approval. The Proponent has advised it would ensure consistency with the Barangaroo Interface Management Agreement with Sydney Metro and would undertake further consultation as part of future applications near the Metro Corridor.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of the Hazards SEPP prevents a consent authority from determining a development consent unless it has considered whether the land is contaminated, a contaminated site is suitable for its proposed use and the site will be remediated before the land is used for the purpose proposed under the application.

Historical contamination in Central Barangaroo was assessed and remediated under previous SSD applications and an overreaching RAP continues to apply to the site. The Modification Request does not propose to change the remediation strategy and has confirmed further RAPs would be prepared as necessary as part of future DA(s) to ensure compliance with legislative requirements of the Hazards SEPP.

Contamination is addressed in **Section 6.4** of this report.

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## State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

SEPP 65 seeks to improve the design quality of residential apartment developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential apartment developments.

On 14 December 2023, the State Environmental Planning Policy Amendment (Housing) 2023 (Housing Amendment) was gazetted. The Housing Amendment, among other things, incorporated SEPP 65 and its associated Apartment Design Guide and then repealed SEPP 65.

The Housing Amendment included savings and transitional provisions which confirm that the changes within the Housing Amendment do not apply to applications lodged before the commencement date. As the application was lodged prior to 14 December 2023 the Housing Amendment and repeal of SEPP 65 does not apply to the application.

Noting the above, an assessment of the development against the relevant provisions of SEPP 65 and the ADG is provided in the following section.

### SEPP 65 Aims and Objectives

The Department has assessed the proposal against the SEPP 65 aims / objectives at **Table 13** and the ADG best practice design principles below.

**Table 13 | Consideration of aims and objectives of SEPP 65**

SEPP 65 Principle	Consideration and comments
1. Context and Neighbourhood Character	The Department has considered the height, scale and design of the modified building envelopes at <b>Section 6.2</b> and concludes, subject to amendments and conditions, the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the building envelopes are appropriate in this location and context and the CBGDs and the DES would guide the detailed design of future buildings and spaces to ensure they achieve a high standard of layout, design and appearance ( <b>Section 6.2</b> ).
3. Density	The modified density of the development is strategically justified in this location and would not result in adverse built form, traffic, amenity or heritage impacts, subject to the recommended amendments and conditions ( <b>Section 6.2</b> and <b>6.4</b> )
4. Sustainability	Future development is required to demonstrate consideration of ESD principles in accordance with the SoCs and Concept Approval conditions.
5. Landscape	The concept landscaping proposal consists of publicly accessible through site links and open spaces including hard and soft landscaping and tree planting.
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve satisfactory internal amenity. The modified building envelope impact on existing public and private views is considered acceptable on-balance ( <b>Section 6.2</b> ).
7. Safety	The SoCs include a commitment requiring all future DA(s) consider CPTED principles



SEPP 65 Principle	Consideration and comments
	and include mitigation measures where necessary.
<b>8. Housing Diversity and Social Interaction</b>	The development will improve housing supply and choice and has the ability to provide for a mix of apartment types to cater for a range of households. Affordable housing has been addressed as part of the Barangaroo South precinct development.
<b>9. Architectural Expression</b>	The building envelopes allow for appropriate building articulation, modulation and include appropriate setbacks, subject to the recommended amendments and conditions ( <b>Section 6.2</b> ). The Department has recommended conditions to require future developments include detailed design report(s), architectural plans and are generally consistent with the TPDGs.

### Apartment Design Guide

The ADG sets out several guidelines for residential apartment development to ensure apartments are provided with an appropriate level of residential amenity.

The modification includes the potential provision of residential apartments above ground floor level within the building envelopes. Detailed floor plan layouts and façade design will be the subject of future DA(s) and does not form part of this application. Notwithstanding this, the application includes a Reference Scheme (**Section 2.4**), which provides indicative building layouts and floor plans to demonstrate how future development may be able to achieve the ADG recommended standards.

The Proponent has stated the block parameters ensure future detailed developments can comply with the requirements of the ADG. In particular, the Reference Scheme is consistent with ADG guidance relating to solar access, cross ventilation, apartment sizes and deep soil area.

The Department has considered the Reference Scheme and notes the larger apartments option is generally consistent with ADG key standards. However, the Reference Scheme revised (smaller) typical apartment layout may not be consistent with the following ADG key guidance:

- min. 70% of apartments receive at least 2 hours of sunlight in winter
- max. 15% of apartments receive no direct sunlight in winter
- min. 60% of apartments are naturally cross ventilated
- min. 18 m building separation distance between 5 to 8 storeys.

In addition, a concept deep soil plan has been provided indicating future development would achieve 8.8% deep soil area, which is less than the ADG recommended guidance of 15%.

The Department has considered the above ADG inconsistencies and concludes they are acceptable given the circumstances of the site and subject to conditions, as discussed at **Section 6.4**.



## State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity SEPP contains the provisions of a number of former / repealed environmental EPIs. The former : *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* is relevant to this modification.

On 21 November 2022, the Biodiversity SEPP was amended, including the repeal of Chapters 7-12 and consolidation and revision of provisions relating to all water catchment areas (including the Sydney Harbour Catchment) into Chapter 6 of the SEPP. Despite this amendment section 6.65 details savings and transitional provisions that stipulate that the new Chapter 6 Biodiversity SEPP water catchment provisions only apply to applications lodged after 21 November 2022. Therefore, as the application was lodged before that date, the former Biodiversity SEPP Sydney Harbour Catchment provisions under the now repealed Chapter 10 continue to apply.

Chapter 10 of the Biodiversity SEPP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area and is a 'Foreshores and Waterways Area' and 'City Foreshore Area' on the Sydney Harbour Strategic Foreshore Sites Map. The site is not identified as zoned land on the Biodiversity SEPP zoning map.

Section 10.39 of former Chapter 10 states that development consent must not be granted for the carrying out of development on a strategic foreshore site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. The Modification Request seeks approval to amend the Barangaroo Concept Approval (**Section 2**) and therefore the provisions of this clause are not applicable.

Despite that this Modification Request is being considered under section 75W, the Department has considered the relevant matters of the SEPP in **Table 14** and **Table 15** below.

**Table 14 | Planning Principles in Part 10.2 of the saved Biodiversity SEPP**

Principle	Consideration
<b>Planning Principles for the Sydney Harbour Catchment (former s.10.10)</b>	
(a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,	The modified proposal would not impact the hydrological, ecological and geomorphological processes that influence the health of the catchment. Future DA(s) are required to consider flooding and drainage impacts.
(b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,	<p>The site has a long-established history of use/development for urban purposes. Future development includes the revitalisation of the foreshore and provision of public domain improvements.</p> <p>The modified proposal would not impact the natural assets of the Sydney Harbour Catchment.</p>



Principle	Consideration
(c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,	The modified proposal and the Department's assessment has considered the cumulative impacts of the development ( <b>Section 6</b> ).
(d) action is to be taken to achieve the targets set out in the referenced documents	The modified proposal would not impact the actions in the reference documents (water management and quality) as it would not involve any physical works. Future DA(s) are required to consider flooding and drainage impacts.
(e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled <i>Floodplain Development Manual 2005</i> (published in April 2005 by the Department),	The modified proposal does not involve the construction of built form or physical works that would impact the natural drainage of the catchment.
(f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,	The Department has assessed the impact of the modified proposal on views from waterways and opposite foreshores at <b>Section 6</b> .
(g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,	Central Barangaroo is currently surrounded by hoarding. Glimpse views from High Street to the water will be retained though development blocks. The proposed modifications to the Concept Plan will provide additional public vantage points along the extension to Barangaroo Avenue and along new east/west plazas. New public vantage points would also potentially be created by a new pedestrian bridge over Hickson Road as part of future DA(s).
(h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,	The proposal does not include any physical works. Water quality and run-off impacts would be considered as part of future DA(s).
(i) action is to be taken to achieve the objectives and targets set out in the <i>Sydney Harbour Catchment Blueprint</i> , as published in February 2003 by the then Department of Land and Water Conservation,	As above.



Principle	Consideration
(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,	There are no existing watercourses, wetlands, riparian corridors or remnant vegetation on the site. The proposal includes concept landscaping, public open space and public domain improvements.
(k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,	The proposal does not include any physical works. Salinity impacts would be considered as part of future DA(s).
(l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the <i>Acid Sulfate Soil Manual</i> , as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.	As above.

#### Planning Principles for Foreshore and Waterways Area (former s.10.11)

(a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,	The proposal does not include any physical works. The proposal will not adversely impact the biodiversity, ecology or the general environment. Future development would include new parks and open spaces and provide for extensive landscaping and habitat opportunities.
(b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,	The modified proposal will maintain public access to the foreshore as envisaged under the Concept Approval and without adversely impacting watercourses, wetlands, riparian lands or remnant vegetation.
(c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,	As above.
(d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,	<p>The location, height and scale of the modified building envelopes are considered acceptable, subject to amendments and conditions (<b>Section 6.2</b>). The assessment of detailed built form would form part of future DA(s).</p> <p>The Department concludes that future development is capable of achieving design excellence, and the proposal is not considered to have an adverse impact on the scenic qualities of Sydney Harbour.</p>



Principle	Consideration
(e) adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,	The site is not identified as a working harbour use. The modified proposal would not reduce the capacity of the Sydney Harbour to function as a working harbour.
(f) public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes,	Building envelopes are significantly set back from the foreshore, the existing waterfront promenade is retained and future development would include public foreshore access and additional pedestrian connections to the foreshore.
(g) the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,	The modified proposal would not impact the adjacent maritime uses/development in Barangaroo or Darling Harbour.
(h) water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,	The modified proposal would not impact the existing ferry services in Barangaroo.
(i) the provision and use of public boating facilities along the waterfront should be encouraged.	The modified proposal would not impact the existing public boating facilities in Barangaroo.

#### Planning Principles for Heritage Conservation (former s.10.12)

(a) Sydney Harbour and its islands and foreshores should be recognised and protected as places of exceptional heritage significance	The modified proposal would not impact the heritage significance of Sydney Harbour or its islands.
(b) the heritage significance of particular heritage items in and around Sydney Harbour should be recognised and conserved	The modified proposal would not impact the significance of any of the heritage items identified in the Biodiversity and Conservation SEPP heritage map.
(c) an appreciation of the role of Sydney Harbour in the history of Aboriginal and European settlement should be encouraged	The proposed CBDGs detail Connecting with Country measures that would form part of subsequent applications for built form.



Principle	Consideration
(d) the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area should be protected	<p>The site has a long-established history of use/development for urban purposes. Future development includes the revitalisation of the foreshore and the provision of public domain improvements.</p> <p>The location, height and scale of the modified building envelopes are considered acceptable, subject to amendments and conditions (<b>Section 6.2</b>). The assessment of the detailed built form will form part of future DA(s).</p> <p>The Department concludes that future development is capable of achieving design excellence, and the proposal is not considered to have an adverse impact on the scenic, environmental, and cultural qualities of Sydney Harbour.</p>
(e) significant fabric, settings, relics and views associated with the heritage significance of heritage items should be conserved	The Department has considered the impacts to the views associated with heritage items at <b>Section 6.2</b> . The modified proposal would not have any physical impacts on the fabric of heritage items.
(f) archaeological sites and places of Aboriginal heritage significance should be conserved	The proposal does not involve any physical works. Impacts to any archaeological sites or places of Aboriginal significance would be considered as part of future DA(s).

**Table 15** | Consideration of relevant matters for Foreshore and Waterways Area, Part 10.3 of the B&C SEPP

Matters for consideration	Consideration
<b>Former Chapter 10 of the Biodiversity and Conservation SEPP</b>	
10.19 – Biodiversity, ecology and environment protection	The modified proposal would have an acceptable impact on biodiversity, ecology and the environment.
10.20 – Public access to, and use of, foreshores and waterways	The proposal would maintain public access to the foreshore and details of future streets and pedestrian links would be assessed in future applications.
10.21 – Maintenance of a working harbour	Not applicable.
10.22 – Interrelationship of waterway and foreshore uses	The proposal would not impact the interrelationship between waterway and foreshore uses.



Matters for consideration	Consideration
<p>10.23 – Foreshore and waterways scenic quality</p> <p>(a) the scale, form, design and siting of any building should be based on an analysis of –</p> <p>(i) the land on which it is to be erected, and</p> <p>(ii) the adjoining land, and</p> <p>(iii) the likely future character of the locality,</p> <p>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</p> <p>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.</p>	<p>The site has a long-established history of use/development for urban purposes. Future development includes the revitalisation of the foreshore and the provision of public domain improvements.</p> <p>The location, height and scale of the modified building envelopes are considered acceptable, subject to amendments and conditions (<b>Section 6.2</b>). The assessment of detailed built form would form part of future DA(s).</p> <p>The Department concludes that future development is capable of achieving design excellence, and the proposal is not considered to have an adverse impact on the scenic, environmental, and cultural qualities of Sydney Harbour.</p> <p>The modified proposal does not constitute water-based development.</p>
<p>10.24 – Maintenance, protection and enhancement of views</p> <p>(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,</p> <p>(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,</p> <p>(c) the cumulative impact of development on views should be minimised.</p>	<p>The Department has considered the visual impacts of modified proposal in <b>Section 6.2</b>.</p>
10.25 – Boat storage facilities	The proposal does not involve boat storage.
10.26 – Floating boat pontoons	The proposal does not involve boat pontoons.
10.27 – Mooring pens	The proposal does not involve mooring pens.

## Other policies

In accordance with clause 2.10 of the Systems SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, the following DCP provides appropriate guidance for the redevelopment of the site and is considered below.



## Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (SHFW DCP) applies to sites within the Foreshores and Waterways Area as identified in the Biodiversity SEPP (incorporating the former *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*). The SHFW DCP outlines guidelines to protect and enhance the ecological and landscape values of the harbour foreshore and provides specific guidelines for water-based, land-based and land and land-and-water interface developments. The relevant guidelines of the SHFW DCP are considered at Table 16.

**Table 16 | Consideration of relevant SHFW DCP guidelines**

Issue	Guidelines	Department consideration
<b>Foreshore access</b>	<ul style="list-style-type: none"> <li>• Foreshore access is to be encouraged and wherever possible, public access to and along the foreshore including the inter-tidal zone should be secured or improved</li> <li>• most desirable are foreshore links joining public open spaces or access points</li> </ul>	The modified building envelopes and spaces maintain and improve public access to the waterfront. Existing public access is maintained along the existing waterfront promenade.
<b>Siting of buildings and structures</b>	<ul style="list-style-type: none"> <li>• where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it</li> <li>• buildings should address the waterway;</li> <li>• buildings should not obstruct views and vistas from public places to the waterway</li> <li>• buildings should not obstruct views of landmarks and features identified on the maps accompanying this DCP</li> <li>• where there are cliffs or steep slopes, buildings should be sited on the top of the cliff or rise rather than on the flat land at the foreshore</li> </ul>	<p>The site does not contain any existing vegetation.</p> <p>The modified building envelopes are set back from, and address, the harbour and is sited to maintain public views from the surrounding area.</p> <p>The Department has considered public and private view impacts at <b>Section 6.2</b>.</p>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting</li> <li>• where undeveloped ridgelines occur, buildings should not break these unless they have a backdrop of trees</li> <li>• while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with their surroundings. It is</li> </ul>	<p>The scale of the modified building envelopes are similar to other existing developments along the eastern Darling Harbour foreshore. In addition, future DA(s) are required to achieve design excellence to ensure development makes a positive contribution to Darling Harbour.</p> <p>The Department has recommended amendments to building envelopes to preserve heritage and public views. In addition, future DA(s) would be required</p>



Issue	Guidelines	Department consideration
	<p>preferable to break up facades and roof lines into smaller elements and to use pitched roofs</p> <ul style="list-style-type: none"> <li>walls and fences should be kept low enough to allow views of private gardens from the waterway</li> <li>bright lighting and especially floodlighting which reflects on the water, can cause problems with night navigation and should be avoided. External lights should be directed downward, away from the water. Australian Standards AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting should be observed</li> <li>use of reflective materials is minimised and the relevant provisions of the Building Code of Australia are satisfied</li> <li>colours should be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3 of this DCP</li> <li>the cumulative visual impact of a number of built elements on a single lot should be mitigated through bands of vegetation and by articulating walls and using smaller elements;</li> <li>the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items</li> </ul>	<p>to demonstrate consistency with the CBDGs, DES, CoS and conditions, which seek to provide for appropriate building forms.</p> <p>The modified density has strategic merit, subject to recommended amendments (<b>Section 6</b>).</p> <p>Future DA(s) are required to undertake a lighting study to ensure development(s) do not cause adverse light-spill impacts. The assessment of the acceptability of detailed building design, appearance, materiality and public domain and landscaping would form part of future DA(s).</p> <p>The proposal will complement and support the revitalisation and modernisation of Darling Harbour. The modified building envelopes have acceptable visual and view impacts, subject to amendments and conditions, as discussed in <b>Section 6.2</b>.</p> <p>The proposal is not considered to have an adverse impact on nearby and adjoining heritage items or the MPCA, as discussed in <b>Section 6.2</b>.</p>
Planting	<ul style="list-style-type: none"> <li>appropriate species from those found in the surrounding landscape should be incorporated</li> <li>endemic native species should be used in areas where native vegetation is present or has the potential to be regenerated</li> </ul>	<p>The modification includes a concept landscape plan, which provides adequate detail for this stage of development (<b>Section 6.4</b>). The CBDGs also include guidance relating to public domain and landscaping.</p>



Issue	Guidelines	Department consideration
	<ul style="list-style-type: none"> <li>• exotic species that have the potential to spread into surrounding bushland should be avoided</li> <li>• existing mature trees should be retained where possible and incorporated into the design of new developments</li> <li>• vegetation along ridgelines and on hillsides should be retained and supplemented with additional planting to provide a backdrop to the waterway</li> <li>• a landscape plan is to be submitted with any land-based development proposal showing existing and proposed changes in contours, surface and sub-surface drainage, existing trees to be retained and removed, measures to protect vegetation during construction, and proposed planting including species and common names.</li> </ul>	<p>The detailed design and layout of landscaped areas and spaces would form part of future DA(s).</p>
<b>Redevelopment sites</b>	<p>Redevelopment proposals should:</p> <ul style="list-style-type: none"> <li>• ensure continuous and inviting public access to the foreshore;</li> <li>• allow for a mix of uses to further improve the public utility and amenity of the waterfront;</li> <li>• provide public jetties and wharves for access to vessels where there is a demonstrated demand;</li> <li>• identify suitable areas that can be conserved and made available to the public;</li> <li>• provide public road access to the foreshore park where a park is being provided; and</li> <li>• be designed considering the site in the broader context of the River and the Harbour. Redevelopment sites have the potential to provide a gateway and become a waterside destination for the hinterland.</li> </ul>	<p>The proposal will maintain and improve public access to the foreshore and pedestrian circulation and connectivity around the waterfront. Future development would include a variety of land uses, public open spaces, new roads and pedestrian links.</p>

## Appendix C - Assessment of private view loss (Tenacity steps 1-3)

The Department has carefully considered the VVIA and public submissions and considered the view impacts of the proposed building envelope on affected properties using the four-step assessment in



accordance with the principles established by *Tenacity Consulting Vs Warringah [2004] NSWLEC 140*. The steps / principles adopted in the decision are:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including 'negligible', 'minor', 'moderate', 'severe' and 'devastating').
4. Assess the reasonableness of the proposal that is causing the impact.

A detailed assessment of potential view impacts to the identified properties in accordance with Tenacity steps 1-3 is provided below. The Department's assessment of the reasonableness of the proposal (step 4) is provided in **Section 6.2.4**.

### C1 - Tenacity Steps 1-3

Existing residential properties and hotels to the east and south face Central Barangaroo and enjoy a range of water and district views to the west and north across the site (**Figure 18**).



**Figure 18** | Existing aerial view of Central Barangaroo and the location of potentially view affected properties (Base source: Nearmap)

The VVIA considers the potentially most affected properties and includes a summary of the significance of the impact on views. The VVIA has used a different view impact spectrum (negligible, low, moderate and high) to the established Tenacity spectrum (Appendix C1, point 3 above). However, the Department considers the Proponent's spectrum is largely reflective of the Tenacity spectrum except that it excludes the final grade of 'devastating'. For ease of reference, the Department has referred to the Tenacity spectrum.



The VVIA considers the following adjoining and nearby properties are the potentially most affected properties and that the proposed building envelopes would result in the following view impacts to those properties (**Figure 18**):

- **Moderate view impact:** residential apartments within: the Stamford on Kent (31 storeys), Stamford Marque (27 storeys), Georgia (29 storeys), Highgate (28 storeys) and 189 Kent St Apartments (not yet constructed)
- **Moderate / Severe view impact:** hotel rooms within the: Langham Hotel (4 storeys), Crown Resort Hotel (75 storeys) and residential apartments and within One Sydney Harbour (72 storeys).

The Department has considered the VVIA's identified affected properties and agrees they are likely to form part of the most affected properties. However, the Department also notes that the frontages of dwellings on High Street and rears of dwellings on Kent Street also have existing views that are likely to be affected by the proposal. Other properties would be affected. However, the impacts would not be significantly different from those considered acceptable under the Concept Approval.

The Department notes the VVIA has based its view impact assessment considerations on the Proponent's Concept Baseline (i.e. approved maximum building envelopes / Prescriptive Controls only and does not incorporate envelope reductions associated with the Performance-based Controls). The VVIA, therefore, compares the proposed building envelope impacts against a worst-case Concept Approval building envelope scenario that is greater than what would be permissible and reduces the identified degree of potential view loss impact. The Department has considered the Concept Baseline in **Section 6.1**. In the absence of the ability to conduct a comparative assessment, the Department has undertaken a merit-based assessment of the proposal modification.

The Department has considered the existing and likely impacts to the most affected properties below.

#### **Stamford on Kent, Stamford Marque, Georgia, Highgate and 189 Kent St Apartments**

The Stamford on Kent, Stamford Marque, Georgia, Highgate and 189 Kent St Apartments all have west-facing balconies and windows to a variety of rooms, including living rooms, kitchens and bedrooms. The Department notes (**Figure 19** to **Figure 21**):

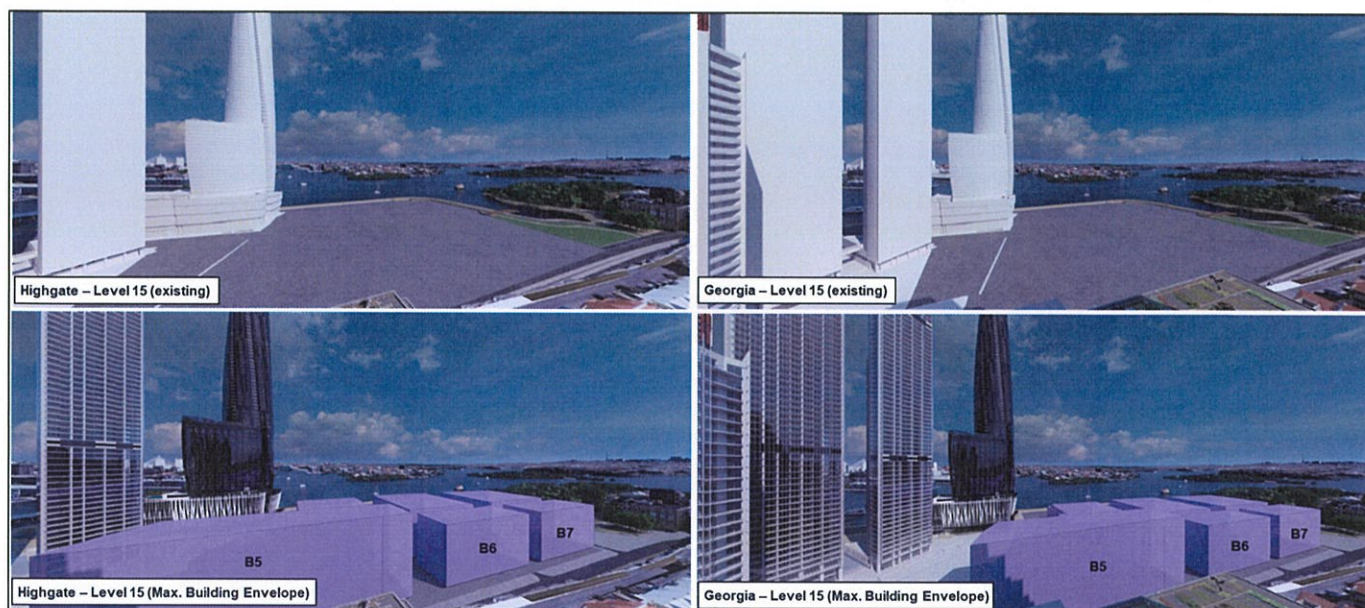
- these apartments have views of significant scenic value across the Central Barangaroo site in a north-westerly direction. Apartments have mid-distance water views including, in some instances, the foreshore interface, beyond this, distant district views are achieved. These views are partially restricted by existing tall buildings within Barangaroo South
- the VVIA indicates that at mid (level 15) and upper-levels (level 25) the proposed maximum building envelopes would change existing views. However, these changes are unlikely to result in an appreciable reduction in existing water or district views and concludes overall view impacts would be Moderate
- the Concept Approval would have resulted in a degree of view obstruction.

The Department has considered the view impacts to mid and upper-levels and agrees with the VVIA conclusion. In particular, the Department notes that existing views from the assessed apartments remain largely unaffected and the retention of the majority of water, district and sky views from middle and upper-level apartments in the worst case / maximum building envelope scenario. In

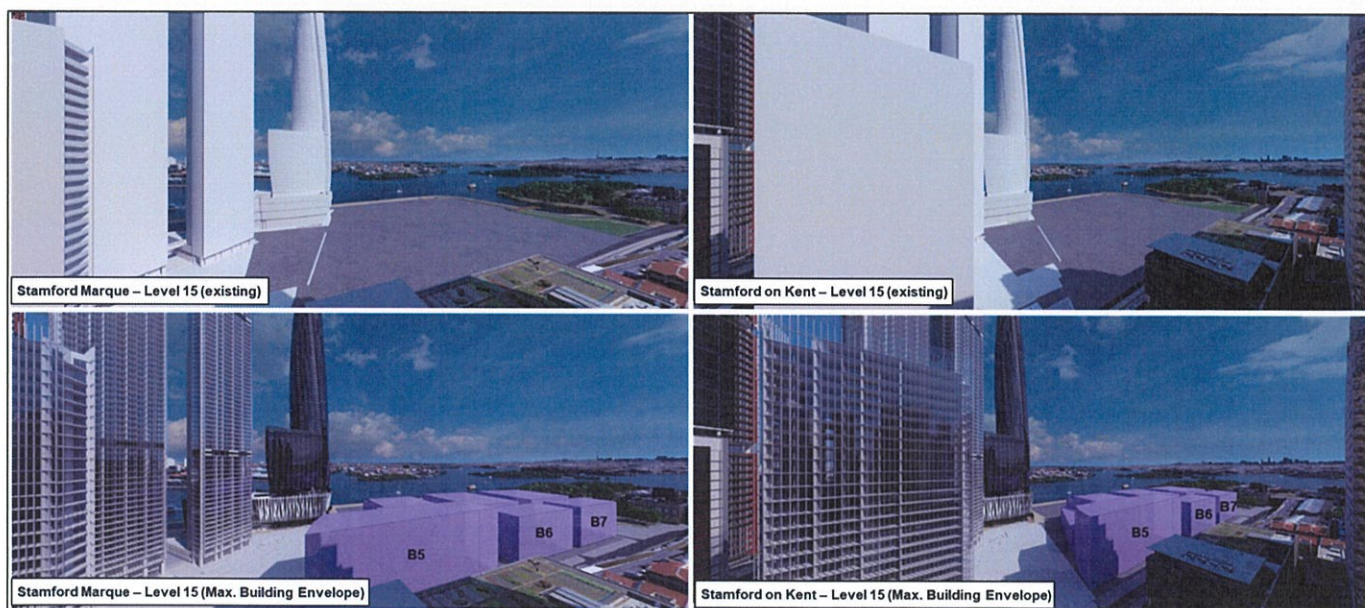
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addition, the Department notes the recommended amendments to building envelopes (Section 6.2) are likely to further reduce view impacts.

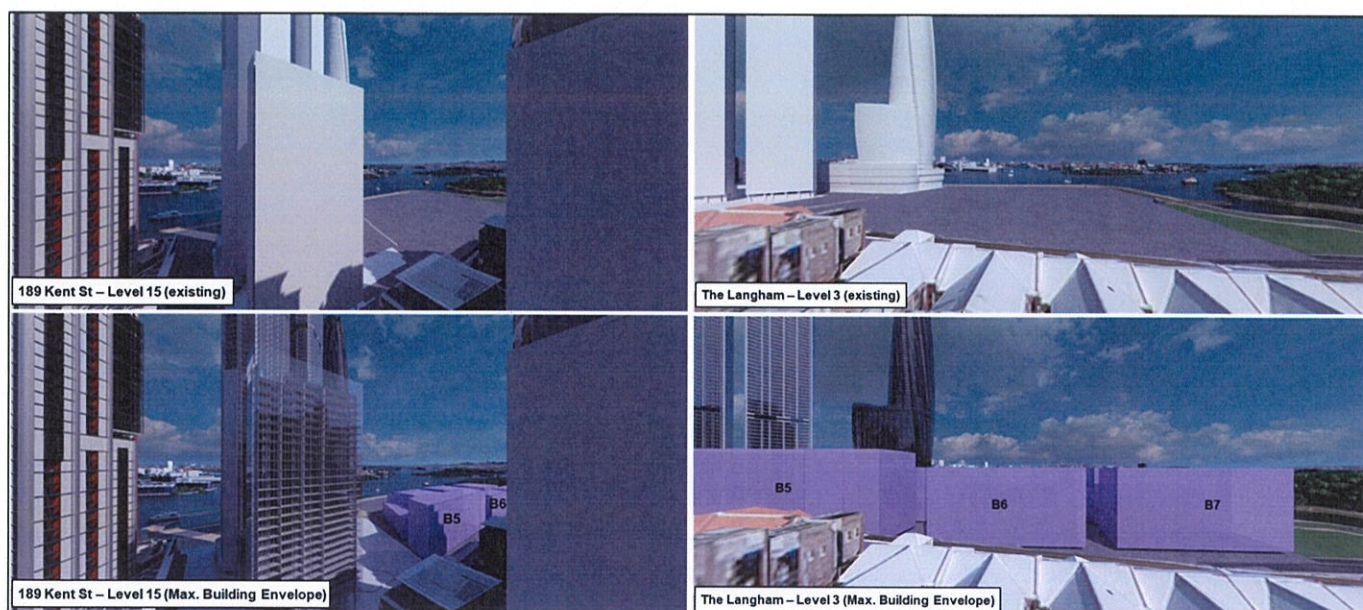


**Figure 19** | VVIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to the Highgate (left) and the Georgia (right) (Base source: Proponent's RtS)



**Figure 20** | VVIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to the Stamford Marquee (left) and Stamford on Kent (right) (Base source: Proponent's RtS)





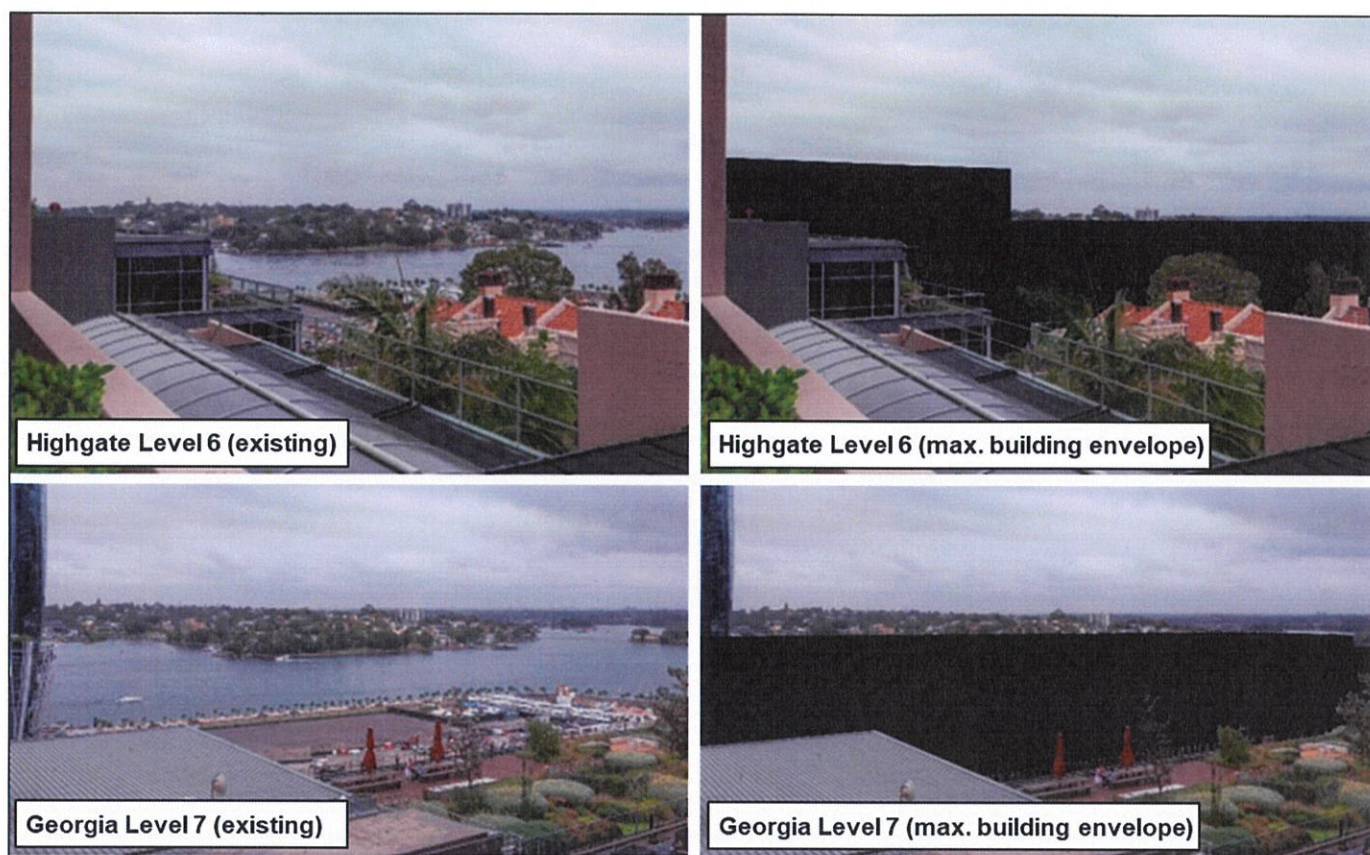
**Figure 21 | VVIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to 189 Kent Street (left) and The Langham Hotel (right) (Base source: Proponent's RtS)**

Objections were raised in public submissions about the veracity of the VVIA assessment and also that the VVIA does not include an assessment of the view impact to apartments within the lower levels (below level 15) in the identified properties. Some submitters engaged Gyde Consultants to prepare an independent view impact assessment, which includes visual representations of likely view impact to lower levels (Gyde VIA). The Gyde VIA indicates that at Level 6 of the Highgate Apartments and Level 7 of the Georgia the maximum proposed building envelopes would completely block mid-distance water views and partially block distant district and sky views (**Figure 22**).

The Department has considered the findings of the VVIA as well as the Gyde VIA visualisations of impact at lower levels. The Department concludes the impact to lower levels is likely to be Severe, noting:

- the impacts on water views would be reduced at an increasing level of magnitude moving down the levels of the buildings below level 15
- restricted and glimpse oblique water views through the tall Barangaroo South buildings would be unaffected
- distant district and sky views would be retained
- the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts
- the Concept Approval would have resulted in varying degrees of view obstruction to all apartments at lower levels.





**Figure 22** | Gyde VIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to the Highgate (left) and the Georgia (right) lower levels (Base source: Gyde VIA).

### The Langham Hotel

The Langham Hotel is a 4 storey building fronting Kent Street, Millers Point. The Department notes (Figure 21):

- west facing hotel rooms have views of significant scenic value across the Central Barangaroo site. These rooms have mid-distance water views including, in some instances, the foreshore interface, beyond this, distant district views are achieved. The southern aspect of these views is partially restricted by existing tall buildings within Barangaroo South
- the VVIA indicates that at Level 3 the proposed maximum building envelopes would obstruct direct western water and district views. However, oblique water and district views would be retained in a north-eastern direction. The VVIA concludes overall view impacts would be **Moderate / Severe**
- the Concept Approval would have resulted in a degree of view obstruction.

The Department has considered the view impacts to Level 3 and agrees with the VVIA conclusion. In particular, the Department notes that oblique water, district and sky views would continue to be achieved in the worst case / maximum building envelope scenario. In addition, the Department notes the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts.

Objections were raised by the Langham Hotel in public submission about the veracity of the VVIA. The Gyde VIA includes visual representations of Level 2 of the Langham Hotel, which indicate the complete loss of views at that level.



The Department has considered the findings of the Proponent's VVIA and the Gyde VIA visualisations of impact at lower levels. The Department concludes the likely impact to lower levels is likely to be **Moderate / Severe**, noting the extent of view impacts would be largely the same as those for Level 3. In particular, sky view and oblique water and district views would continue to be achieved, the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts and the Concept Approval would have resulted in varying degrees of view obstruction to all hotel rooms.

### Crown Hotels and One Sydney Harbour

Crown Resort has hotel rooms and apartments and One Sydney Harbour has apartments with northern views across the site. The Department notes (**Figure 23**):

- hotel rooms and apartments have views of significant scenic value across the Central Barangaroo site. Rooms and apartments have mid-distance water views including, in some instances, the foreshore interface. Beyond this, distant district views and iconic views of the Sydney Harbour Bridge are achieved. All northern views are partly obstructed by CBD buildings and northern views from One Darling Harbour are also partially restricted by Crown Resort.
- the VVIA indicates that the proposed maximum building envelopes would change existing views at lower, mid and upper-levels. However, the changes are unlikely to result in an appreciable reduction in existing water or district views. The VVIA concludes overall view impacts would be Moderate / Severe
- the Concept Approval would have resulted in a degree of view obstruction.

The Department has considered the view impacts to Crown Resort and One Sydney Harbour, the VVIA conclusions and considers that view impacts are Moderate. In particular, the Department notes that water, district and iconic views would continue to be achieved in the worst-case / maximum building envelope scenario. In addition, the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts.

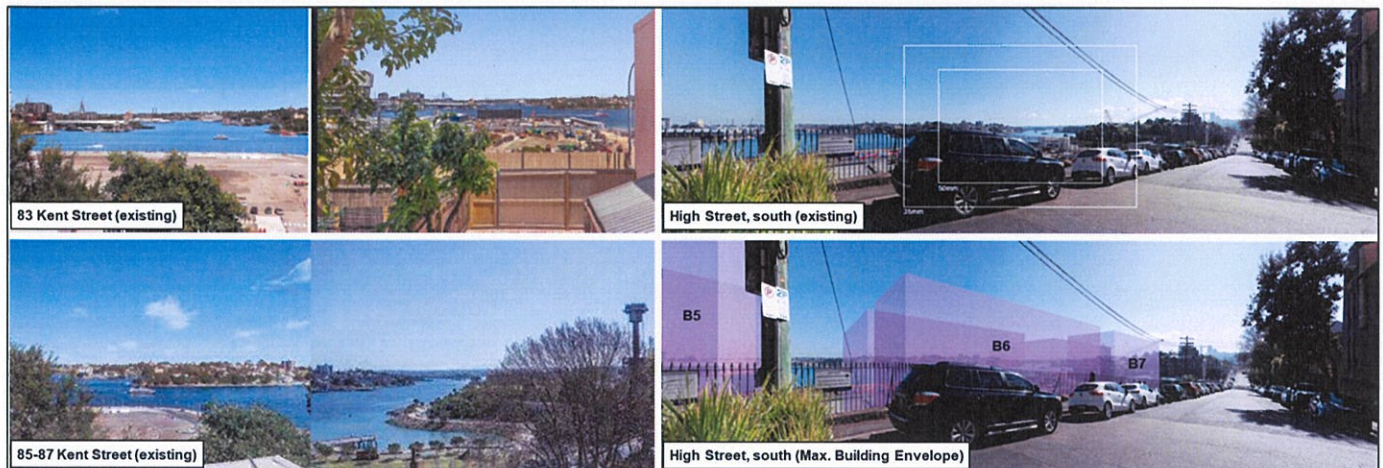


**Figure 23 | VVIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to Crown Resort (left) and One Sydney Harbour (right) (Base source: Proponent's RtS)**



## Kent Street dwellings

The two and three-storey dwellings north of The Langham on the western side of Kent Street have rear-facing balconies and windows to a variety of rooms, including living rooms, kitchens and bedrooms. Objections were raised in public submissions that the proposal would obscure views from these dwellings and included photographs of existing views.



**Figure 24** | Existing views from the rears of 83-87 Kent Street (right) and VVIA view analysis of the existing (top) and maximum building envelope (bottom) view impacts relating to High Street, south (Base source: Public submission and Proponent's RtS)

The Department has assessed the view loss impact on these dwellings and has considered the photographs submitted with submissions (**Figure 24**):

- west facing windows have views of significant scenic value across the Central Barangaroo site, including mid-distance water views including, in some instances, the foreshore interface, beyond this, distant district views are achieved
- impact to windows is likely to be Moderate / Severe, noting direct western views are likely to be obstructed by varying degrees. However, sky view and oblique water and district views would continue to be achieved and the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts
- the Concept Approval would have resulted in varying degrees of view obstruction to all windows

## High Street dwellings

Two-storey High Street dwellings (southern section) front High Street and have west-facing balconies and windows to a variety of rooms, including living rooms and bedrooms. The Department received submissions from residents along High Street, objecting to the view impacts of the proposal.

The VVIA includes public views taken from High Street. The Department notes (**Figure 24**):

- west facing windows and balconies have views of significant scenic value across the Central Barangaroo site, including mid-distance water views including, in some instances, the foreshore interface, beyond this, distant district views are achieved
- impact to windows is likely to be Severe, noting direct western views are likely to be obstructed. However, sky view would continue to be achieved and the inclusion of east-west plazas through Central Barangaroo would create view corridors providing views for some affected properties. In



addition, the recommended amendments to building envelopes (**Section 6.2**) are likely to further reduce view impacts

- the Concept Approval would have resulted in significant view obstruction to all dwellings.

## Appendix D - Modification history and related development

### D1 – Previous modifications to the Concept Approval

The previous modifications to the Concept Approval are summarised at **Table 17**. Related SSD and Major Project Approvals within Barangaroo are also listed below.

**Table 17 | Summary of modifications to the Barangaroo Concept Plan**

Mod No.	Description	Decider	Date
<b>MOD 1</b>	Administrative changes and re-wording of the design excellence terms.	Exec Director	25 Sept 2007
<b>MOD 2</b>	Increases the GFA of commercial uses by 120,000 m <sup>2</sup> in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 m <sup>2</sup> and increase the total maximum GFA for Barangaroo from 399,800 to 508,300 m <sup>2</sup> .	Minister	16 Feb 2009
<b>MOD 3</b>	Reinstatement of a headland park at the northern end of the site and enlargement of the northern cove. Realignment of Globe Street across the northern end of Block 7. Deleted Block 8 and halved Block 7 which reduced the GFA in the Concept Plan 18,800 m <sup>2</sup> to 501,000 m <sup>2</sup> (comprising 489,500 m <sup>2</sup> of mixed uses and 11,500 m <sup>2</sup> for the passenger terminal and active uses in the open space zone).	Minister	11 Nov 2009
<b>MOD 4</b>	Changes to accommodate a new hotel, GFA increase, removal of the passenger terminal, increases in building heights. Concurrent amendment to the then Major Development SEPP.	Minister	16 Dec 2010
<b>MOD 5</b>	Clarify the outcomes with respect to the distribution of community uses GFA across the Barangaroo and amend typographical errors.	N/A	Withdrawn
<b>MOD 6</b>	Realignment of development block boundaries of Blocks 3, 4A and 4B, changes to road layout, height, urban design controls and design excellence provisions.	PAC	25 Mar 2014
<b>MOD 7</b>	Allow concrete batching plants as a temporary permitted use.	Minister	11 Apr 2014
<b>MOD 8</b>	<p>Increase the maximum GFA from 563,965 to 594,353 and increase the maximum GFA in nine blocks from 549,465 to 590,911 m<sup>2</sup>. Amend the:</p> <ul style="list-style-type: none"> <li>• maximum heights of certain development blocks in Barangaroo South.</li> <li>• Barangaroo South site boundary and urban structure</li> </ul>	PAC	28 Jun 2016



Mod No.	Description	Decider	Date
	<ul style="list-style-type: none"> <li>indicative layout and various land use distributions within Barangaroo South</li> <li>location, design and size of the open space and public domain areas</li> <li>Increase car parking and introduce new design guidelines for Barangaroo South.</li> </ul>		
<b>MOD 10</b>	<p>Increase GFA in Barangaroo from 594,354 m<sup>2</sup> to 602,354 m<sup>2</sup>.</p> <p>Envelope changes to increase the height of building envelope R4B (Block 4A) by 25 m (from RL 210 to RL 235) and reduce the depth of building envelope R4B.</p> <p>Include a 3 m setback to the south-western elevation of building envelope R4B above RL 209.</p> <p>Amendment of Built Form Principles and Urban Design controls.</p>	Director	2 Sept 2020
<b>MOD 11</b>	The construction of Hickson Park in seven stages and allow non-construction vehicles to also use the temporary road (Barton Street).	Director	22 Oct 2020

## D2 – Summary of key Barangaroo SSD applications

**Table 18** | Summary of key Barangaroo SSD applications

Precinct	Key Applications		
<b>Barangaroo South</b>	<ul style="list-style-type: none"> <li>MP10_0023 - basement carpark</li> <li>MP10_0025 - Building C4</li> <li>MP10_0227 - Building C5</li> <li>MP11_0002 - Buildings R8 and R9</li> <li>MP11_0044 - Building C3</li> <li>SSD 5897 - Block 4 Remediation</li> <li>SSD 6303 - 1A public domain</li> </ul>	<ul style="list-style-type: none"> <li>SSD 6381 - 1A subdivision</li> <li>SSD 6425 - Building C2/C6 kiosk</li> <li>SSD 6513 - Building R1</li> <li>SSD 6623 - Building R7</li> <li>SSI 6727 - Ferry Hub</li> <li>SSD 6623 - Building R7</li> <li>SSD 6956 - 1C remediation and earthworks</li> </ul>	<ul style="list-style-type: none"> <li>SSD 6957 - Crown Sydney Hotel</li> <li>SSD 6960 - 1B basement</li> <li>SSD 6964 - Building R4A</li> <li>SSD 6965 - Building R4B</li> <li>SSD 6966 - Building R5</li> <li>SSD 7944 - 1B public domain works</li> </ul>
<b>Central Barangaroo</b>	<ul style="list-style-type: none"> <li>SSD 6533 - Remediation</li> </ul>	<ul style="list-style-type: none"> <li>SSD 6617 - Hickson Rd Remediation</li> </ul>	<ul style="list-style-type: none"> <li>SSI 7400 - Sydney Metro</li> </ul>
<b>Barangaroo Reserve</b>	<ul style="list-style-type: none"> <li>MP10_0047 - Park Early Works</li> </ul>	<ul style="list-style-type: none"> <li>MP10_0048 - Park Main Works</li> </ul>	<ul style="list-style-type: none"> <li>SSD 47498458 - The Cutaway</li> </ul>

## D3 – Key SSD applications relevant to Central Barangaroo

### The Cutaway Cultural Facility (SSD-47498458)

On 22 December 2023, the Department determined SSD-47498458 for the fit-out and operation of The Cutaway Cultural Facility, including:



- internal alterations and fit-out of up to 9,222 m<sup>2</sup> of GFA within The Cutaway for events, back-of-house areas, amenities, commercial kitchen, offices and ancillary retail and café
- enclosure of existing roof openings/voids, façade, landscaping and entry treatment works
- hours of operation for events, exhibitions, cultural uses and installations.

### **Stage 1 B Public Domain Works (SSD-7944)**

On 11 September 2018, the Commission approved SSD-7944 for public domain and associated works for Barangaroo South and Central Barangaroo including Hickson Park, Waterman's Quay, Wulugul Walk and part of Barangaroo Avenue. Hickson Park to the south of Barton Street is complete. When the additional area in Central Barangaroo is complete, the park will cover an area equal of 11,414 m<sup>2</sup>. However, as discussed in **Section 2**, the Proponent seeks to reduce the size of Hickson Park around halfway to its position prior to MOD 8.

### **Sydney Metro City and Southwest Project (SSI-7400)**

In June 2015, the NSW Government announced a new Metro station at Central Barangaroo as part of the Sydney Metro City and Southwest project (SSI-7400). The project opened to the public in August 2024. The station entrance in Barangaroo is to the north of Block 7 and part of the public domain upgrades along Hickson Road are also complete.

SSI-7400 required Station Design Precinct Plans (SDPP) to integrate place making, access and landscaping around each station. The SDPP for Barangaroo was approved on 5 July 2022, however the detailed design and ground plane integration, including the construction of Street D, is subject to future development of Central Barangaroo. Future development in Central Barangaroo also contemplates a second, southern station entry.

### **Central Barangaroo Early Works – Hickson Road Interface (SSD-39587022)**

On 29 January 2025, the Commission approved SSD-39587022 for early works at the interface of Blocks 5 and 6 and Hickson Road within Central Barangaroo. The works include demolition, excavation and construction of a new retaining pile wall along part of the frontage to Hickson Road.

### **Harbour Park (SSD-49673466)**

On 9 December 2022, the Department issued SEARs for Harbour Park (SSD-49673466), comprising a new public park adjacent to the Sydney Harbour foreshore and Blocks 5, 6 and 7 in Central Barangaroo.

At the time of the writing of this report, the application for Harbour Park has not been lodged.

## **Appendix E - Independent review of the Concept Baseline – the Turner Review**

Following the RtS exhibition, and to assist with its detailed assessment, the Department engaged Turners Architects to undertake independent modelling of the Concept Approval to quantify the built form and visual impacts of the proposed GFA increase. The Turner Review can be found on the Department's website, link provided below:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/barangaroo-concept-plan-mod-9>

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## Appendix F - GANSW Advice

# GOVERNMENT ARCHITECT NEW SOUTH WALES

06 December 2024

To: Ben Lusher  
Executive Director  
Key Sites and Regional  
Assessments Planning  
[ben.lusher@planning.nsw.gov.au](mailto:ben.lusher@planning.nsw.gov.au)

Attn: Anthony Witherdin  
Director  
Key Sites and Regional  
Assessments Planning  
[anthony.witherdin@planning.nsw.gov.au](mailto:anthony.witherdin@planning.nsw.gov.au)

**PROJECT:** Barangaroo Concept Plan – Modification 9 (MP06\_0162 MOD 9)  
**RE:** Design Guidelines

Dear Ben,

Government Architect NSW (GANSW) is responding to a request to review the Draft Design Guidelines for the above proposal.

It is recommended that the Design Guidelines in Part 4 (pages 72–88) of the Urban Design Report (November 2023) be reformatted as a stand-alone document to enable a clear, concise and relevant set of guidelines for the next stage of the project. Recommended changes are outlined in Attachment A to this letter.

Please don't hesitate to contact me or Darlene van der Breggen ([darlene.vanderbreggen@planning.nsw.gov.au](mailto:darlene.vanderbreggen@planning.nsw.gov.au)) if you have any queries regarding this advice.

Kind regards,



Abbie Galvin LFRAIA ARN 6501  
Government Architect NSW

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**Attachment A: Required amendments to *Central Barangaroo Design Guidelines* (Aug**

**1. Generally:**

- Restructure to enable use as a standalone document, incorporating relevant aspects of the Urban Design Report as outlined below.
- Provide a Table of Contents, including numbered figures and diagrams.

2. Include pages from the Urban Design Report (dated November 2023) as follows:

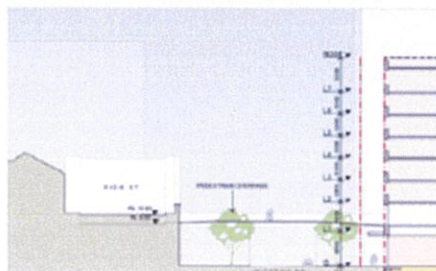
- Page 56 Pedestrian Bridge Design and Cultural facility
- pages 59-65 Built form controls, amended as follows:
  - Generally – north south and east west laneways to be shown as open space (as per diagram at note 3 below) on all diagrams
  - Envelope controls to ensure key connections and alignments (eg the southern east west plaza alignment with High Street corridor).
- a section on Public Domain – including an overall Landscape strategy, clear standards for amenity ie wind comfort conditions, solar access etc, and incorporating Wayfinding and public art (refer item 6 below for more detail)
- principles underpinning and summary of the revised Design Excellence process.

3. Diagrams in the draft *Central Barangaroo Design Guidelines* to be amended as follows:

- All key plans to show the east west laneway in block 5 as open to sky (ie white, refer diagram below)



- P 76 (Hickson Rd Interface) include larger scaled, detailed section, showing the relationship of built form with the Hickson Rd escarpment and High St - including buildings on the eastern side of High Street – refer detail below



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4. Text in the draft Central Barangaroo Design Guidelines to be amended as follows:

- P72 (Hickson Rd Interface) and P73/4 (Barangaroo Ave and Harbour Park interface) additional Landscape note: *Provide for deep soil along this frontage to support and maximise healthy tree canopy.*
- P73 (Barangaroo Ave) additional Architectural note: *Secondary shelter structures are not permitted in the footpath zone.*
- P77 (Hickson Rd Bridge) additional note: *The bridge link connection into Block 7 should have clear public domain visibility and sufficient volume in line with its civic purpose.*
- P78 (lanes) amend note 5: *North-south lane to be 8 metres wide. The lane alignment can be staggered within this zone but a continuous north-south visual link of 4m width must be retained for its full length.*
- P79 (Arcades) additional note: *Arcade to be at least 2st high at the eastern end, and open to the sky west of the north-south laneway, with potential for minimal connecting bridges or covering roof if required.*
- P80 (Plazas) additional Landscape note: *Provide for deep soil to support and maximise healthy tree canopy.*
- Remove all references to reliance on planting and screening for wind mitigation, including but not limited to P73 (Barangaroo Ave, Landscape item 7) and P80 (Plazas, Landscape item 3).

5. **Connecting with Country** to be amended as follows:

- Include Part 2 of the Urban Design Report *Connecting with Country* (p13-14) as an introduction / preamble
- Draft Central Barangaroo Design Guidelines – **replace** the last sentence in the introductory paragraph (p70) ‘An effort should be made to connect with this work’s findings’ with the following:  
*‘The outcomes and findings of this work, as summarised in the following principles and considerations should inform the ongoing co-design process to ensure that the final spatial designs embody these ideas and values.’*

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6. **New Section on Public Domain.** Indicative structure as below. Items requiring new guidance are shown in **bold**:

1. Overall set-outs for public domain – block and open space dimensions (p59)
2. Access and servicing (p60)
3. **Landscape guidance** - including minimum tree sizes
4. Deep soil and Landscape zones (p61). Add additional notes:
  - i. *Demonstrate that deep soil has been maximised*
  - ii. *Deep soil zones should be located to support significant sized trees and to allow for the development of healthy root systems and stability for mature trees.*
5. Interface zones (p76-82)
6. Activation and Awnings (p84)
7. **Street furniture (seats, bins, street lighting etc).** Where existing standards are to apply, then these should be specifically named and dated, and a link included if available.
8. Public Art, Wayfinding / Signage, Lighting (pages 87-88)
9. **Material palette.** To include guidance on all external finishes – both soft and hard elements, and principles for their application.
10. **CPTED.** Provisions and standards for personal safety in the public domain, including visibility, lighting levels etc.
11. **Amenity** - ie wind comfort conditions, solar access etc. In the section on wind comfort, include the following:
  - i. A wind comfort criteria map to ensure that target wind conditions for different spaces are suitable and safe for their intended use
  - ii. New note - *Optimise and provide safe and comfortable wind conditions that are suitable for intended use and capable of supporting green infrastructure targets.*
  - iii. New note - *Mitigate unsafe and uncomfortable wind conditions through the building massing strategy and built form without reliance on wind mitigation devices or screening*

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# GOVERNMENT ARCHITECT NEW SOUTH WALES

04 December 2024

To: Ben Lusher  
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Attn: Anthony Witherdin  
Director  
Key Sites and Regional  
Assessments Planning  
anthony.witherdin@planning.nsw.gov.au

**PROJECT:** Barangaroo Concept Plan – Modification 9 (MP06\_0162 MOD 9)  
**RE:** Design Excellence Strategy

Dear Ben,

Government Architect NSW (GANSW) is responding to a request to review the Design Excellence Strategy for the above proposal.

Please find attached the recommended amendments to the proponent's Design Excellence Strategy. The amendments requested are in consideration of the existing Design Excellence requirements for the site and based on previous discussions with the proponent.

A revised Design Excellence Strategy should be resubmitted, consistent with the markups and comments as noted. 00

Please contact GANSW Design Advisor, Chris Taylor  
christopher.taylor@dpie.nsw.gov.au, if you have any queries regarding this matter.

Kind regards,



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## Appendix G - Recommended instrument of modification

The recommended instrument of modification is at the link below.



<https://www.planningportal.nsw.gov.au/daex/under-consideration/barangaroo-concept-plan-mod-9>