

Richard Beattie
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July 22, 2022

Director Key Sites Assessments
Planning and Assessment NSW
Department of Planning and Environment
Locked Bag 5022 Parramatta NSW 2124

Re: Barangaroo Concept (MP06_0162 MOD 9 - OBJECTION)

Dear Director

It was with a sense of disbelief I learned today what I think is an outrageous breach of everything that has come to be of the development collectively known as Barangaroo.

From the original concept, including what became the Lend Lease Building in Hickson Road, the Keating idea of an over-the-water tower, office buildings, the now ugly black phallus-like Crown casino, and the well done Barangaroo Reserve, how could the Government possibly be giving any consideration to the Mod 9 proposal?

Q What is worst about the Aqualand proposal? **A** The extraordinary, truly unbelievable idea another Crown-like size and height tower could come to impose itself on Sydney's classic view – the Harbour Bridge, the Rocks, Opera House, Observatory Hill and the low-rise of Millers Point north of the old Esso and now Highgate Building. My wife and I have lived here since 2000 when the old timber and temporary cruise ship wharf was still there. Our view from the University of Technology through to White Bay has all but disappeared. Not surprisingly we have never been happy with the development at Barangaroo to date. Nevertheless, on buying property in NSW unless you have an enforceable contractual agreement with the land seller guaranteeing the key location view, then you take the risk of being obscured by subsequent building. Personal preference therefore has no weight for litigation opposing the loss of view. That I understand.

However, the aesthetic value for what is truly the beating, representative heart of Sydney – think the cars, trains, marathons and New Year's Eve globally watched firework display, Circular Quay, the low-level Rocks precinct, and you will imagine what you know and, like hundreds of millions of people around the world remember, as combined is a World Heritage icon.

Think again and have an illustration, better still a scale model looking from north-west to south east and plump the Crown building where the proposed new tower would be. Then display the model at the Town Hall city model and invite one and all to cast a yes or no vote for what I believe would be a desecration of the wonderful, probably best in the world symbol of what has been preserved for its role in our great city.

My maternal ancestors William Roberts and Kezia Brown arrived in Sydney Cove on the *Scarborough* in the First Fleet and on the *Neptune* on the Second Fleet respectively. A family with a heritage like this you would not be surprised, has a passionate interest to see an eyesore as the developer proposes is utterly unacceptable.



This published Aqualand image of recent vintage deliberately and dishonestly trivialises its 73.7 metre high tower proposal. That change of mind misrepresentation is surely enough in itself to disqualify the developer as an honest, trustworthy corporation with which the government is dealing. Having shot their credibility so blatantly when whatever development is approved that should happen only *after* legislation is passed guaranteeing no further enlargement of any aspect of the development is permitted.

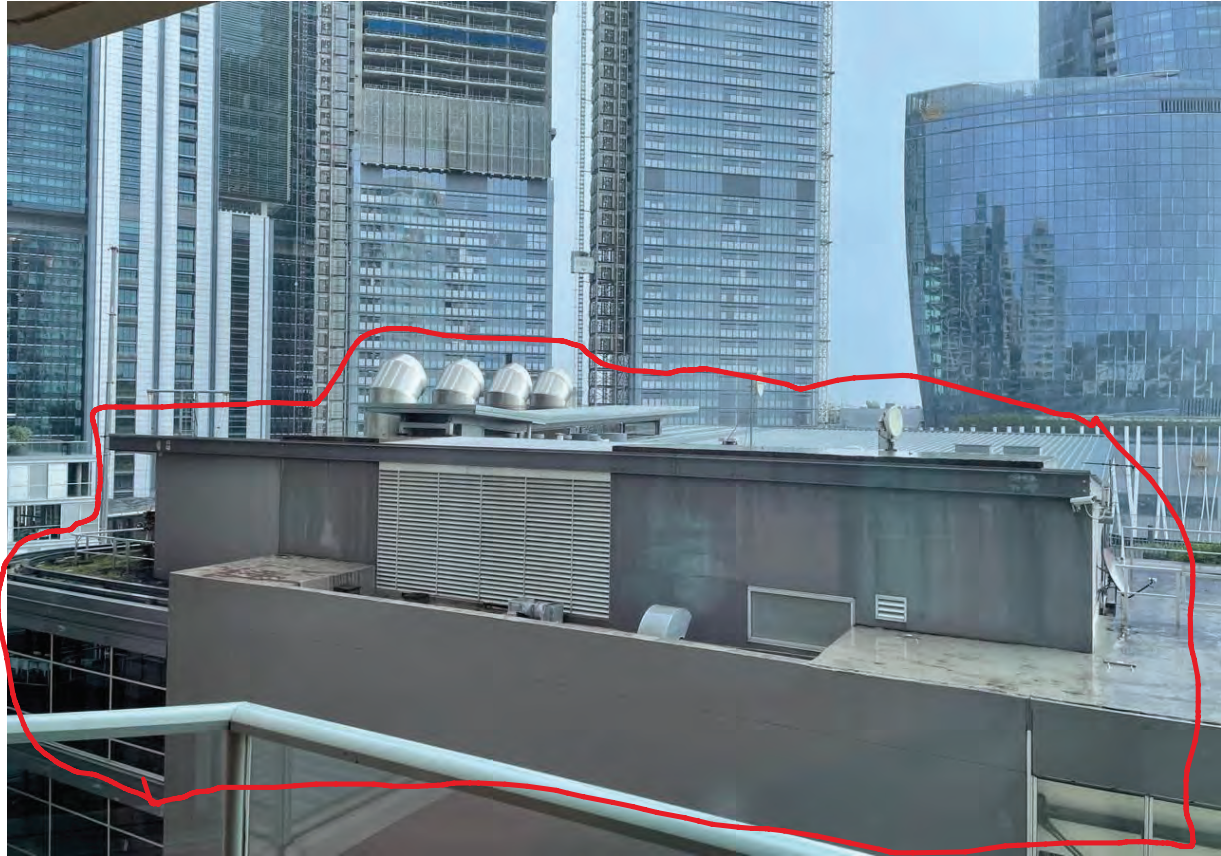
Please remember what Jack Mundy achieved saving the eastern side of the Rocks from similar desecration in the 1960s. It would be hard for any ordinary citizen of Sydney not to strongly agree with what Mundy and his branch of the Builders Labourers Federation, a Communist supporting union, did leading to the preservation of the ambience of the precinct.

Also remember the corruption in 1975 when Munday and other NSW leaders of the BLF were expelled from the union by the federal leadership under Norm Gallagher, a man later convicted of corrupt dealings with developers.¹

Surely a Liberal – conservative – government in NSW could not seriously support the wilful destruction of the amenity, history, heritage and architectural excellence of what I think of as the beating heart and primary icon of the human built settlement now 234 years in the making.

¹ Wikipedia

Any new building on the proposed new tower site must be no higher than the **maximum height** of the lower rise as seen in Aqualand's video: Fly through of Aqualand's proposal for Central Barangaroo in Sydney.



The post initial approval of the Lend Lease building added not only an extra floor but then a further structure and exhaust excrescence you see here as it appears from our west-facing apartment.

The importance of maximum height for any development cannot be overstated. Since my wife and I have lived in Highgate we have seen the approval of the Lend Lease building add not only an extra floor but then a further structure and exhaust excrescence you see here in the picture.

The sad history of development extension approvals means developer greed must be limited to the original final approval by legislation. Clearly whatever approval the company had for its illustrated plan illustrated above demonstrates that provided the reasonable and necessary profit for the development. The change of mind 73.7 metre tower by definition must be pure greed, hence completely unnecessary for the financial success of the development.

Robert Beattie

cc The Premier, Mr Dominic Perrottet
Mr John Roberts, Minister for Planning and Homes

Mr Rob Stokes, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport:
Mr Kevin Anderson, Minister for Lands and Water, and Minister for Hospitality and Racing:
Mr James Griffin, Minister for Environment and Heritage
Mr Harold Kerr, Highgate Chairman
Mr Paul Upham, Highgate Building Manager

25 July 2022

Director – Key Sites Assessments,
Planning and Assessment
Department of Planning and Environment
Infrastructure NSW
Sydney NSW 2000

RE. Barangaroo Concept Plan (Mod 9): Central Barangaroo

Dear Director,

I write to express my concerns and objection to the proposed modifications to development in Central Barangaroo as outlined in Barangaroo Concept Plan (Mod 9).

The proposed increase in height of Block 7 effectively removes the iconic views that are enjoyed by thousands of residents and visitors to Pyrmont Peninsula and Darling Harbour.

The current unobstructed views towards the Sydney Harbour Bridge, Barangaroo Reserve and Observatory Hill will cease to exist under the proposed height increase.

Of particular concern is the impact on tourists visiting The Star, Sofitel Hotel and the many residential and hotel establishments within the Darling Harbour precinct. The increased building heights within Central Barangaroo will remove the iconic views that visitors enjoy. The removal of iconic views will substantially affect the tourism sector within Darling Harbour: both monetarily and reputationally.

In reviewing my submission below, I ask that you reconsider the proposed modification to the building heights within Barangaroo Concept Plan (Mod 9): Central Barangaroo and recommend that the current height levels (of March 2014) remain in place.

Yours sincerely,



Ian Bulluss
Justice of the Peace # 123156

**SUBMISSION TO INFRASTRUCTURE NSW
BARANGAROO CONCEPT PLAN (MOD 9): CENTRAL BARANGAROO**

In making my submission of objection to the proposed modification to the Barangaroo Concept Plan, I draw your attention to the following:

1. Proposed Building Heights
2. Effect on Observatory Hill
3. Residential Impact of Increased Building Heights
4. Effect on Tourism in Darling Harbour

1. PROPOSED BUILDING HEIGHTS

The Barangaroo Concept Plan was originally approved on 9 February 2007 and has since been amended on several occasions.

Within Central Barangaroo, the Concept Plan (2007) provided for three mixed use development blocks (Blocks 5, 6 and 7) in addition to land identified for new public open space / public domain.

The March 2014 amendments to the original planning for Central Barangaroo modified the maximum heights for each block, but this modification was generally consistent with the RLs under the previously Approved Concept Plan of 2007:

	Original (2007)	Existing (2014)
a. Block 5	RL34	RL34
b. Block 6	RL29	RL34 (part) and RL 39 (north part of site)
c. Block 7	RL35	RL35

However, the current 2021 / 22 proposal increases these heights further:

Development Block	2021/22 Proposed Height (various per block)
Block 5	RL 14.95 RL 15 RL 19.45 RL 21.5 RL 23.2 RL 31.2 RL 33.75 RL 35 RL 38.7 RL 42.45 RL 44.5
Block 6	RL 20.65 RL 35 RL 38.5 RL 38.7
Block 7	RL 15 RL 20.65 RL 21.5 RL 35 RL 38.5 RL 73.7

Why increase the height? The Urbis paper, “Explanation of Intended Effect, 21 December 2021, Proposed Amendment”, Section 3.3, page 10

“Amend the maximum height of buildings within each development block, to generally align with the Central Barangaroo Envelope Plan”. (Hassell, June 2021)

The explanation for this amendment is found within, “Explanation of Intended Effect, 21 December 2021, Justification”, page 23 where it states that the increased height:

“...facilitates a future taller built form element which acts as an urban marker building highlighting the location of the Barangaroo Station as the new place to arrive in the harbour city.

Increasing the height of a building so that people might know where a Metro Station is located is hardly a reason for the more than doubling of the height of Block 7 (increasing from RL35 to RL73.7).

2. EFFECT on OBSERVATORY HILL

The Sydney Observatory made a submission to the former Barangaroo Development Authority on the 20th of June 2011 regarding Modification 4 for the Central Barangaroo development proposal⁴.

The Sydney Observatory subsequently provided notes on 'clear view corridors' to Lendlease titled Clear View Required to Western Sky from Sydney Observatory, 2013⁵, which details the required viewing envelope for the sun, moon, stars and planets - that they would like to retain.

Lendlease met with Sydney Observatory in December 2013 to discuss their concerns in regard to the MOD 4 development (documented in the Barangaroo South Mod 8 (MP06_0162 MOD 8) Concept Plan, Sydney Observatory Sky View Impact Assessment, 2014⁶).

As no new concerns have been raised by Sydney Observatory since their consultation with Lendlease in 2013, the following issues, as stated in the Lendlease Sky View Impact Assessment, 2014, are still relevant to this report.

The **Sky View Impact Assessment (2021)**, assessed the following elements in response to concerns raised by Sydney Observatory in 2011 regarding:

- clear view requirements azimuth 210° to 225°;
- clear view requirements azimuth 236° to 303°; and
- lighting impacts.

The Central Barangaroo - Sydney Observatory Sky View Impact Assessment, UNSW Unisearch, 2021 (refer Appendix 1), states the "practical lower altitude limit" for effectively viewing the night sky is 10°. The viewing angle to the highest building envelope within Block 7 is 8.82° (5.52° plus a 3° margin for the effects of finite telescope field of view and light spillage).

For the azimuth range 210° to 225°, the Block 5 and Block 6 building envelope heights are lower than the Sydney Observatory north dome and there is therefore no new sky view obstruction for this azimuth range by Central Barangaroo building envelope.

For the azimuth range 236° to 303°, the Block 7 tower element is higher than the Sydney Observatory north dome, however due to the viewing angle from the Observatory to the Block 7 tower being less than the practical viewing angle of 10°, there will be no practical impact on the sky view in this azimuth range.

Due to the relatively low building envelope heights in Central Barangaroo and the highly illuminated environment that it will sit within, there is not expected to be significant negative impact from the Central Barangaroo development on the ability of the Observatory to view the night sky. Light spill mitigation measures are also expected to be incorporated in line with current standards. This will further reduce any possible impact.

In conclusion, this report finds that there will be no practical additional reduction in sky view as a result of the Central Barangaroo MOD 9 development, and very limited to no impact arising from additional light spill.

However

The analysis fails to consider astronomical observations taken by portable telescopes external to the main buildings and the educational lessons conducted on the Sydney Observatory's lawns and that of Stargazer Lawn in the Barangaroo Reserve.

Participants in these seminary observations are not restricted by the same astronomical coordinates as that of the main dome of The Observatory but are encouraged to explore as much of the night sky as possible; often at the horizon level and certainly below 10° elevation at sunset.

The proposed RL of 73.7m building height for Block 7 will especially impact the astronomical observations taken by academics and amateurs using external, open air, telescopes.

3. RESIDENTIAL IMPACT of INCREASED BUILDING HEIGHTS

The proposed new building heights and especially that of Block 7 at an RL of 73m, will adversely affect surrounding residents viewing the buildings from the west and southwest. The justification for Block 7's increased height is that the taller built form element "acts as an urban marker building highlighting the location of the Barangaroo Station as the new place to arrive in the harbour city".

Notwithstanding, this "marker" severely interrupts the iconic views of Barangaroo Reserve and the Sydney Harbour Bridge for the thousands of residents on the Pymont Peninsular.

The **Barangaroo Modification 9: View and Visual Impact Assessment Report** (pg 94) states that the current view:

"Incorporates a substantial view of the Sydney CBD skyline, development within Central Barangaroo and South, and North Sydney seen across the water, all viewed within an expansive harbour setting".

AND

"The backdrop to Central Barangaroo incorporates the upper part of the Sydney Harbour Bridge with the southern pylons prominent, and a moderate area of low scale development within Millers Point, including the Dalgety Bond Store seen against the skyline. The large figs at Sydney Observatory Hill Park crown the hill and are also seen against the skyline."

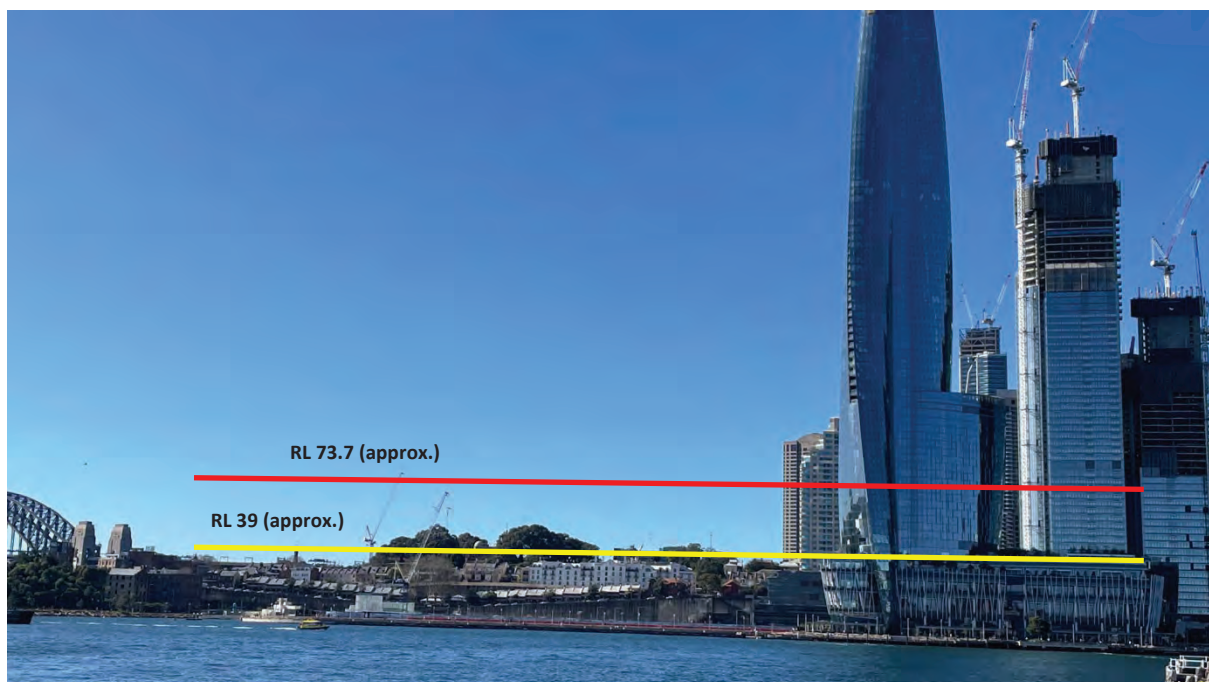
The report goes on to acknowledge that the proposed new building heights will impact views from the Pymont Peninsular:

"The Approved Concept Plan substantially removes the view to Millers Point and the Sydney Harbour Bridge....."

The report downplays this visual impact by stating:

"While substantially diminished, the view to the Sydney Harbour Bridge is still considered to have some value due to it's (sic) landmark qualities, including the ability to locate the observer within the broader harbour context".

Below is a picture, taken at an elevation of RL 2.0m, of the now (July 2022) view prior to any construction within Central Barangaroo. The red line approximates the height of Block 7 (RL 73.7m); the yellow line approximates an of RL 39m. For comparison, the Crown Building has an RL of 275m



This photo is backed up by the **Barangaroo Modification 9: View and Visual Impact Assessment Report** (pp 94-97)

The montages on page 97 of the report clearly illustrates the before and after visual impact of the 2014 and 2021 height modifications. It can be clearly seen that the impact of 2021 increased heights (especially of Block 7) on views from the Pymont peninsular is excessive and unwarranted.

The ***View and Visual Impact Assessment Report*** states that: "... a further portion of the Sydney Harbour Bridge, visible within the Approved Concept Plan, has now been removed with the north half of the remaining bridge view gone due to the extension of the Block 7 tower." CF 6.10.5, pg 96



*Building Heights (amendment March 2014)
Image showing the development envelope of the Approved Concept Plan (Source: AECOM, July 2018)*



*Building Heights (amendment 2021 / 2022)
Image showing the development envelope of MOD 9 (Source: AECOM, March 2021)*

4. Effect on Tourism in Darling Harbour

Darling Harbour including The Star, Sofitel Hotel and surrounding residential towers of Darling Harbour are a key destination of many international and domestic tourists.

Looking from waterfront at The Star, the proposed construction of Block 7 at a height of RL 73.7 will severely impact the site line to the Sydney Harbour Bridge.

Notwithstanding that the construction of the Crown Building has already reduced the iconic views enjoyed by the Star, the height of Block 7 will effectively obstruct all views of the Harbour Bridge pylons and most of the arch.

The removing of this iconic view from The Star will undoubtedly lead to a reduction in the enjoyment of tourists coming to Darling Harbour and thereby reduce the patronage at many local establishments.

Our Ref: CHS:KA:220105

25 July 2022

NSW Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email: david.glasgow@planning.nsw.gov.au

Attention: David Glasgow

Dear Mr Glasgow,

Re: Submission in relation to MP06_0162 MOD 9 for the modification of the Barangaroo Concept Plan

1. By way of introduction, we act for Strata Committee SP 85578 of The Stamford Residence, 171 Gloucester Street, The Rocks (**Strata Committee**).
2. We refer to the modification application submitted to the Department of Planning, Industry and Environment (**DPIE**) to support an amendment to the Barangaroo Concept Plan (**Mod 9**) to make amendments within Central Barangaroo and Barangaroo Reserve (**Proposed Development**).
3. We write to you to make a formal submission on behalf of our client objecting to the Proposed Development.
4. Our client does not support the significant changes now being pursued by the proponent under s75W of the Environmental Planning and Assessment Act 1979 (**EPA Act**). In summary, the impact of the Proposed Development gives rise to matters which relevantly should be considered prior to the determination of the Proposed Development. Key issues of concern include:
 - a. **Mod 9 is not in the public interest.** The modification application highlights the prejudicial legacy of the former Part 3A of the EPA Act which allows, through transitional provisions, broad ranging modifications with significantly less rigor than the approvals process that would have applied if the Proposed Development was being assessed under Part 4 of the EPA Act.
 - b. **The Proposed Development is of excessive bulk and scale.** The amendments to Blocks 5, 6, and 7 include additional height, changes to the block alignments, and additional GFA across the blocks.
 - c. **The additional development height of MOD 9 would be to the detriment of the local community,** cause significant view loss, and is contrary to the intention of the original Concept Plan.

Planning process is not in the public interest

5. Our client accepts that the modification is a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* which came into effect on 1 March 2018.
6. However, our client submits that the process of modifying the Concept Plan under s75W of the EPA Act unfairly benefits the proponent and could lead to a lack of public confidence in the decision-making process. Mod 9 commenced in March 2014, with Director General's Requirements (**DGRs**) issued in April 2014. The proponent is now taking the benefit of s75W (some 8 years after the DGRs were issued) despite that avenue otherwise closed off to other applicants lodging development of this scale since 2018.
7. If Mod 9 had not been categorised as a transitional Part 3A project, then Part 4 of the EPA Act would have required a more rigorous set of processes and Mod 9 may otherwise fail relevant considerations under Part 4.
8. There is no requirement in s75W to consider whether the Proposed Development is "substantially the same" as that originally approved, and the proponent's attempt to do so in the Environmental Assessment Report should not be supported. The very fact that Tower 7 would be increased by a total of 38.7 metres, or 110% of the original approved height indicates the very significant departure from the approved development heights.

Excessive height

9. MOD 9 proposes amended building envelopes for three development blocks along Hickson Road (5, 6 and 7). The amended building envelopes increase the overall GFA and height of the approved concept building envelope. The significant difference in heights is summarised in the table below:

Development Block	Approved Height (Mod 10/11)	Proposed Height (Mod 9)
Block 5	RL 34	Varying, but up to RL 44.5
Block 6	RL 29	Varying, but up to RL 38.7
Block 7	RL 35	Varying, but up to RL 73.7

10. As indicated above, tower 7 in the northern portion of Central Barangaroo is now proposed to have an increased height of RL 73.7 – this is a significant 110% increase from the approved height of RL 35.
11. Mod 9 is a further example of the proponent incrementally increasing building heights via modification applications pursuant to s75W, and therefore with less checks and balances.

Adverse community impacts

12. Our client has serious concerns about the proposed built form, mass and scale of the three towers, and the concomitant impacts on harbour and horizon views. The modification application is supported by a View and Visual Impact Assessment that assesses the visual impact of MOD 9 on views from different representative observer locations (OLs) but omits consideration of view impacts from our client's affected property. Our client will no longer have views over and through Central Barangaroo.
13. Our client is very concerned that the increased development height will have impacts on views from surrounding areas and may overshadow public spaces and nearby buildings particularly along High Street and Kent Street. The increased height of tower 7 will almost certainly block views to and from Observatory Hill.

Way forward

14. We kindly request that the matters raised in this submission be considered by the DPIE's Assessing Officer and that the Assessing Officer contact the writer to discuss DPIE's position. In the event that additional information is requested from the applicant, we respectfully request that we are notified and our clients are provided the opportunity to make further submissions.
15. Please contact the writer if you have any questions about this letter, or require further information.

Yours faithfully,

Karen Arthur

Per

Chris Shaw

Principal

for **SHAW REYNOLDS LAWYERS**

Karen Arthur

Special Counsel

Mobile: 0414 353 818

Email: chris.shaw@shawreynolds.com.au

Phone: 8330 5831

Email: karen.arthur@shawreynolds.com.au

Nicholas Ridgwell
16G/171 Gloucester Street,
The Rocks
NSW 2000
25th July 2022

NSW Planning & Environment

Dear Sirs,

**Re: application to modify Barangaroo Concept Plan (MOD 9)
Application no. MP06-0162 MOD 9**

As a long term resident and property owner in The Rocks I am writing to lodge my objection to the application to modify the Barangaroo Concept Materplan which is currently being exhibited.

The reasons for my objection are;

- 1) misrepresentation/lack of transparency by the NSW Government
- 2) scale of development
- 3) design merit
- 4) traffic management
- 5) community
- 6) theft of public domain

1) Misrepresentation/lack of transparency by the NSW Government;

The NSW Government have again favoured partnering with an overseas owned developer to prioritise short term revenue over long term strategy to preserve amenity and the interests of the community. The dispute with the former development partner for this site gives rise to grave concerns over the transparency of dealings of this nature

The NSW Government has changed the rules and directly impacted the value of properties on NSW Government owned land.

My property is at 171 Gloucester Street, which was developed in the 2000's under a ground lease from the Sydney Cove Redevelopment Authority, ultimately a NSW Government entity. At the time of sale, the Masterplan for Barangaroo identified that the area now referred to as Central Barangaroo, (ie north of the alignment of what is now Barton Street,) was designated for recreation purposes with any development not to exceed a modest height limit, not extending above the level of High Street. The NSW Government benefited financially from the revenues generated by the sale of units, the buyers of which had regard to the Barangaroo Masterplan and the implicit assurance that westerly and north westerly views to the water would be preserved in agreeing prices.

If this application were to be approved, the NSW Government, having enjoyed financial gain based on the revenues achieved from the sale of water view units, are now proposing to benefit again from excess development of the Barangaroo development to the detriment of buyers in this building.

2) scale of development;

the proposed scale of the proposal is insensitive to the environment in which it is located. The Rocks is a historic area with rich cultural background and a number of heritage buildings.

A development of this scale disrespects its surroundings as well as casting shadow over the recreation area.

I am concerned that any detail application to develop the site would again challenge existing or any modified envelop controls established and could be even greater in scale than that indicated on the application.

3) design merit

Inadequate information is provided in support of the application.

My concern is that it appears that the NSW Government do not apply any controls to the appearance of new buildings in what is a significant area in the Country's largest and most frequently visited City.

To explain this I draw your attention to the development at Barangaroo South, known as 1 Sydney Harbour, currently under construction, which is a terrible example of poorly designed over development. The new building lacks any redeeming architectural features and is an example of a typical "developers' building". It is not a building that Sydney can be proud of.

4) traffic management

The development of this site will generate additional vehicular traffic into what is already a congested traffic system. Traffic routes north along Hickson Road and south towards the CBD will become more difficult to navigate.

5) community

The proposals do not indicate what provision has been made for affordable or subsidised housing. Any project on Government land which does not include affordable housing totally disregards the perilous state of affordable housing supply and represents another failure by the NSW Government which has a prime responsibility to ensure this is delivered.

Additionally, the proposed provision of Community Space is laughably meagre for a project of this scale.

6) theft of public domain

The application proposes the modification of a boundary which results in a reduction of Hickson Park and attendant loss of recreational area.

In summary, myself and my neighbours are vehemently opposed to the application to modify the planning controls for this site.

I believe the NSW Government should be expected to do a much better job in maintaining a State and national asset in a sustainable way for the enjoyment of the community as a whole, rather than adopt a strategy of maximising short term revenues with an alarming lack of transparency to voters and constituents.

Yours

Nicholas Ridgwell

25 July 2022

Director – Key Sites Assessments,
Planning and Assessment
Department of Planning and Environment
Infrastructure NSW
Sydney NSW 2000

RE. Barangaroo Concept Plan (Mod 9): Central Barangaroo

Dear Director,

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1. PROPOSED BUILDING HEIGHTS

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Increasing the height of a building so that people might know where a Metro Station is located is hardly a reason for the more than doubling of the height of Block 7 (increasing from RL35 to RL73.7).

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3. RESIDENTIAL IMPACT of INCREASED BUILDING HEIGHTS

The proposed new building heights and especially that of Block 7 at an RL of 73m, will adversely affect surrounding residents viewing the buildings from the west and southwest. The justification for Block 7's increased height is that the taller built form element "acts as an urban marker building highlighting the location of the Barangaroo Station as the new place to arrive in the harbour city".

Notwithstanding, this "marker" severely interrupts the iconic views of Barangaroo Reserve and the Sydney Harbour Bridge for the thousands of residents on the Pymont Peninsular.

The **Barangaroo Modification 9: View and Visual Impact Assessment Report** (pg 94) states that the current view:

"Incorporates a substantial view of the Sydney CBD skyline, development within Central Barangaroo and South, and North Sydney seen across the water, all viewed within an expansive harbour setting".

AND

"The backdrop to Central Barangaroo incorporates the upper part of the Sydney Harbour Bridge with the southern pylons prominent, and a moderate area of low scale development within Millers Point, including the Dalgety Bond Store seen against the skyline. The large figs at Sydney Observatory Hill Park crown the hill and are also seen against the skyline."

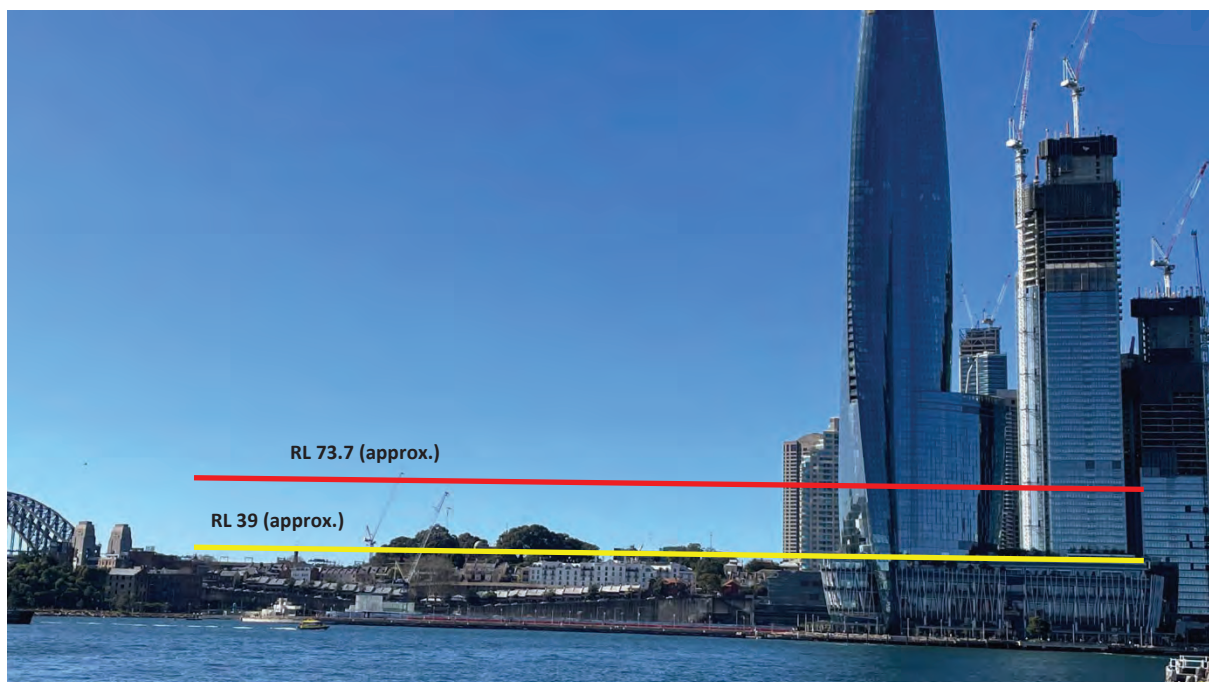
The report goes on to acknowledge that the proposed new building heights will impact views from the Pymont Peninsular:

"The Approved Concept Plan substantially removes the view to Millers Point and the Sydney Harbour Bridge....."

The report downplays this visual impact by stating:

"While substantially diminished, the view to the Sydney Harbour Bridge is still considered to have some value due to it's (sic) landmark qualities, including the ability to locate the observer within the broader harbour context".

Below is a picture, taken at an elevation of RL 2.0m, of the now (July 2022) view prior to any construction within Central Barangaroo. The red line approximates the height of Block 7 (RL 73.7m); the yellow line approximates an of RL 39m. For comparison, the Crown Building has an RL of 275m



This photo is backed up by the **Barangaroo Modification 9: View and Visual Impact Assessment Report** (pp 94-97)

The montages on page 97 of the report clearly illustrates the before and after visual impact of the 2014 and 2021 height modifications. It can be clearly seen that the impact of 2021 increased heights (especially of Block 7) on views from the Pymont peninsular is excessive and unwarranted.

The ***View and Visual Impact Assessment Report*** states that: "... a further portion of the Sydney Harbour Bridge, visible within the Approved Concept Plan, has now been removed with the north half of the remaining bridge view gone due to the extension of the Block 7 tower." CF 6.10.5, pg 96



*Building Heights (amendment March 2014)
Image showing the development envelope of the Approved Concept Plan (Source: AECOM, July 2018)*



*Building Heights (amendment 2021 / 2022)
Image showing the development envelope of MOD 9 (Source: AECOM, March 2021)*

4. Effect on Tourism in Darling Harbour

Darling Harbour including The Star, Sofitel Hotel and surrounding residential towers of Darling Harbour are a key destination of many international and domestic tourists.

Looking from waterfront at The Star, the proposed construction of Block 7 at a height of RL 73.7 will severely impact the site line to the Sydney Harbour Bridge.

Notwithstanding that the construction of the Crown Building has already reduced the iconic views enjoyed by the Star, the height of Block 7 will effectively obstruct all views of the Harbour Bridge pylons and most of the arch.

The removing of this iconic view from The Star will undoubtedly lead to a reduction in the enjoyment of tourists coming to Darling Harbour and thereby reduce the patronage at many local establishments.

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I have inspected the MP06_0162 (MOD 9) Application uploaded for public exhibition on the majorprojects.planning.nsw.gov.au website on 12 July 2022. I wish to make the following comments and objections concerning the proposal that significantly and detrimentally amends the previously approved Built Form and Public Domain of Central Barangaroo.

(A) BACKGROUND:

In 2003, the NSW State Government announced the redevelopment of the stevedoring wharves at East Darling Harbour, to be managed initially by the Sydney Foreshore Authority, later by the Barangaroo Delivery Authority and, since July 2019, by Infrastructure NSW.

In 2007, following an earlier 2005 international competition, the first Barangaroo Concept Plan was revealed. The site was to be divided into three development areas:

- Headland Park, a reconstructed naturalistic headland of around 6 hectares in area.
- Barangaroo South, the main commercial precinct,
- Central Barangaroo, intended to be a mixed-use precinct and the project's "public heart" with a cultural, civic, education, and recreation focus.
- Just under 400,000sqm of Gross Floor Area (GFA) was proposed across the total site, with approx 60,000sqm GFA allocated to Central Barangaroo.

The Concept Plan was progressively modified, significantly varying building forms and distribution, land use, and public space across the site, while also significantly increasing building height and GFA. In 2012/13, Skidmore Owings & Merrill (SOM) led a team preparing a Central Barangaroo Master Plan that followed most of the planning principles of earlier schemes going back to 2007.

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

The form and scale of proposals for the overall site continued to evolve until, in 2016, approval was given to '**Modification 8**' (MP06_0162 MOD 8 Determination, June 2016), **which proposed:**

1. **A total GFA across the entire Barangaroo site of 594,354sqm.**
2. A maximum of 183,031sqm of **Residential** GFA was approved across the site with a maximum of 154,003sqm allocated to Barangaroo South (which if fully utilised would leave 29,000sqm of Residential GFA available for Central Barangaroo).
3. A maximum of 76,000sqm GFA was approved for **Tourist Uses** across the site with a maximum of 59,000sqm allocated in Barangaroo South (which if fully utilised would leave 17,000sqm of GFA available for tourist uses in Central Barangaroo).
4. A maximum of 34,000sqm of **Retail** GFA was approved across the site with a

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maximum of 30,000sqm allocated to Barangaroo South (which if fully utilised would leave just 4,000sqm of Retail GFA available for Central Barangaroo).

5. A minimum of 12,000sqm GFA was to be provided across the site for **Community Uses** of which 3,000sqm was to be provided within Barangaroo South (already provided) and 2,000sqm was to be provided on a public pier; a minimum of 2,000sqm was to be provided within (future) Blocks 6 or 7 of Central Barangaroo.
6. **Hickson Park** was to be 'soft landscaped' to support large mature trees in a minimum of 2,000sqm of deep planting. The northern boundary of the Park was demarcated so that views from Hickson Rd through to the harbour were maintained.
7. The (future) footprint and building envelope of **Block 5** was reduced so as to remain on B4 zoned land (SEPP 2005), to allow view corridors (as above) and to minimise overshadowing of Hickson Park to no more than 2,500sqm between the hours of 12.00 and 14.00 on 21 June each year.
8. Barton Street was approved as a temporary road only until the future completion of Barangaroo Avenue. Thereafter Barton Street was to be soft landscaped and integrated into Hickson Park.
9. **Block 5** not to exceed 29,688sqm GFA, 15,000sqm as Residential GFA, max RL 34.
10. **Block 6** not to exceed 3,000sqm GFA, no residential, max RL 29.
11. **Block 7** not to exceed 15,000sqm GFA, 14,000sqm as Residential GFA, max RL 35.
12. Any future developments within **Block 5** were to demonstrate that views from Millers Point and Observatory Hill to the harbour, and those from Block Y to the Sydney Harbour Bridge and Opera House, would be retained.

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

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

(B) MODIFICATION 9:

As set out in documents uploaded on 12 July 2022, this current MOD 9 application under Part 3A Section 75W of the 1979 EP&A Act seeks to further modify the Instrument of Approval for the Barangaroo Development. (See URBIS Summary, EAR Apndx C.)

Specifically, MOD 9 applies to increase the total permissible GFA across the entire Barangaroo site by a further 17.5%, from 602,354sqm to 708,041sqm (EAR pg 7).

MOD 9 will substantially amend the Built Form and Public Domain of Central Barangaroo to the extent described in the Hassell 13 Dec 2021 Urban Design Report (EAR Apndx E).

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CURRENT 'MOD 9' APPLICATION IN RELATION TO CENTRAL BARANGAROO:

MOD 9 proposes the following MAJOR CHANGES to the MOD 8 approved Built Form and Public Domain of CENTRAL BARANGAROO, Blocks 5, 6 and 7 (EAR pg 13):

1. Increases total GFA of Central Barangaroo from 47,688sqm to 144,355sqm, comprising 116,189sqm Non-Residential GFA and 28,000sqm of Residential GFA.
2. Increases total Retail GFA of the entire Barangaroo development from 34,000sqm to 71,800sqm. Since 30,000sqm of Retail GFA has now been built or is under construction in Barangaroo South, the allocation of Retail GFA above and below ground in Central Barangaroo is therefore proposed to increase from 4,000sqm (MOD 8) to 41,800sqm (MOD 9).
3. Proposes up to 28,166sqm of GFA for allocation below ground in Central Barangaroo, primarily as Retail GFA with some Community GFA. (Basement service and parking areas will not count as GFA.)
4. 17,000sqm of GFA for tourist use, which was allocated to Central Barangaroo in MOD 8, remains unallocated in MOD 9.
5. Indicates a single 20-level apartment tower in Block 7, built to a height of 73.7m. However, the distribution and shape of 28,000sqm of Residential GFA remains uncertain and uncommitted. (A single 20-level apartment building would require an enormous footprint to fully utilise the allocation of 28,000sqm Residential GFA.)
EAR pg 93 notes: "Future residential uses in Central Barangaroo will incorporate a range of apartment types and sizes, designed and specified for contemporary city living. The actual number, mix and size of apartments will be determined as part of future detailed proposals and will respond to market demand."
6. Excludes 'wintergardens' from the calculation of commercial and residential GFA.
7. Increases the envelope of Block 5 by shifting the southern building line closer to the current line of Barton St, which is now intended to be a permanent street. The proponent acknowledges (EAR pg 81) that this modification reduces the intended size of Hickson Park, which was expected to expand on completion of Block 5 when Barton St was landscaped and integrated with the Park. The proponent also acknowledges that the modification increases overshadowing of Hickson Park from 2,500sqm to 3,300sqm.
8. Greatly modifies building envelopes of Blocks 5, 6 and 7 by adding height and GFA, revising block alignments, and flexibly allocating GFA across the blocks, specifically:
 - (a) Increases the maximum height of buildings in Block 5 from RL 34.0m to RL 42.45m (RL 44.5 at the core). (EAR pg10)
 - (b) Increases the maximum height of buildings in Block 6 from RL 29.0m to RL 38.7. (EAR pg11)

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- (c) Significantly increases the maximum height of buildings in Block 7 from RL 35.0m to RL 38.7 (Podium) and RL 73.7 (potentially a 20-level Apartment Tower). (EAR pg11)
- (d) Installs arrays of solar panels on roofs adjacent Hickson Rd. The arrays could, presumably, project above the nominated maximum RL 42.45 and RL 38.7 levels of the roofs.
- (e) Landscapes the roofs of building 5, 6 and 7. The landscaping could, presumably, project above the nominated maximum level of the roofs.
- (f) Allows a 3m cantilever of upper floor GFA on all outside elevations of Blocks 5, 6 and 7, which extends beyond the previously approved building line (“development boundaries”). (EAR pg 90)

(C) ASSESSMENT:

Most of the broader planning principles of Central Barangaroo outlined in MOD 9 were present in earlier schemes starting with the 2007 Concept Plan and continuing through to MOD 8. The broad distribution of public open space, the concept of 3 distinct building ‘Blocks’ separated by lanes with a central cascade of steps and a bridge linking the development to Millers Point, have been there for some time and are not contentious.

What MOD 9 changes significantly in Central Barangaroo is the amount of both retail and non-retail GFA, along with the expanded massing and heights of buildings.

- MOD 8 approved a total 47,688sqm GFA for Central Barangaroo comprising 29,000sqm for Residential GFA and 18,688sqm for Non-Residential GFA.

MOD 9 now proposes to increase total GFA of Central Barangaroo from 47,688sqm to 144,355sqm, comprising 28,000sqm of Residential GFA and 116,189sqm of Non-Residential GFA (EAR pgs 9-13).

The 116,189sqm of Non-Residential GFA represents a 6-fold increase of Non-Residential space over the 18,688sqm of Non-Residential GFA previously approved in MOD 8.

- MOD 8 approved a total of 34,000sqm Retail GFA across the entire Barangaroo site: 30,000sqm in Barangaroo South and 4,000sqm in Central Barangaroo.

MOD 9 now proposes to increase total Retail GFA across the entire Barangaroo site to 71,800sqm of which 30,000sqm Retail GFA has already been built or is under construction in Barangaroo South.

The 41,800sqm of Retail GFA now proposed in Central Barangaroo represents a 10-fold increase over the 4,000sqm of Retail GFA previously approved in MOD 8.

41,800sqm of Retail GFA also represents 35% of the 116,189sqm of Non-Residential GFA now proposed above and below ground in Central Barangaroo.

There is no argument that the MOD 9 proposal, like any other major development, will deliver economic and employment benefits during and after its construction (EAR pg 20). However, community and social benefits are no less important than profit and long-term economic gains and they should not be bargained away for the sake of revenue. Central Barangaroo will be built on public land and the 'common good' remains central to trust in the planning system. If economic benefit was to be the over-riding consideration of this or any other a development proposal, there would be little point in having any kind of planning review.

Therefore, in assessing the MOD 9 proposal for other than its economic merits, the key question that has to answered is: "What will the public gain from the significantly increased scale of Central Barangaroo now proposed?"

(D) OBJECTIONS:

OBJECTION 1: NO EVIDENT PROPORTIONAL INCREASE IN PUBLIC BENEFIT.

The Director General of Planning & Environment reasonably required that the MOD 9 proponent provide (among other things):

1. A **detailed justification** for the increased GFA
2. A **description of the public benefits** arising from the proposal
3. A **justification for the changes** to the design and use of the streetscape and public domain, public access, streets and pedestrian connections.
4. A **justification for the revised access hierarchy**, including the relationship between streets, footpaths and buildings, outlining how adequate permeability will be achieved through street blocks.
5. Outline **the social benefits and dis-benefits** of the modification
6. A **conclusion justifying the proposal**

In response, the proponent declares, as justification of the significant MOD 9 changes described previously:

- (a) "The principal driver of the proposed modification is to align with the strategic planning framework governing Greater Sydney and the significant investment in the infrastructure network (specifically the introduction of Barangaroo Station) surrounding the site." (EAR pg 7):
- (b) "The (previously) approved Concept Plan as it currently relates to Blocks 5, 6 and 7 of Central Barangaroo does not deliver on the extent of the urban renewal potential of this precinct and fails to optimise the extraordinary opportunity of

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developing government-owned assets for public benefit. It is now inconsistent with current strategic planning and if developed under the approved Concept Plan would result in a significant lost opportunity. This application seeks to optimise the site potential and development opportunities available to increase the wealth of economic, social and environmental benefits to be delivered to the public at the completion of the project.” (EAR, pg 7)

- (c) “... three urban markers including two landmark building elements at the north-western and south-western corners, and a new pedestrian bridge over Hickson Road... provide a significant benefit and will strengthen the identity and connectivity of the Central Barangaroo precinct.” (EAR pg 16)
- (d) “The Barangaroo project has delivered a significant range of public benefits which will only be increased and diversified through the MOD 9 application. It is the site’s ability to deliver key public benefits that would otherwise not be realised and are only able to be achieved in Central Barangaroo that is the true driver for the modification to the Concept Plan.”
- (e) “In addition to providing jobs and housing close to transport, services and an iconic public realm, a core public benefit focus is the delivery of the ‘civic heart’ of Barangaroo with supporting community facilities, which will provide a new cultural focus for the Barangaroo precinct and in turn strengthen the broader social fabric within Sydney ... The Central Barangaroo Developer’s Homes for Homes contribution is also a significant public benefit, and will involve the donation of 0.1% of the sale price of each residential dwelling to deliver affordable housing in a variety of locations to increase affordable housing provision. These public benefits will be delivered in addition to broader public benefits of the approved Concept Plan.” (EAR pg 20)
- (f) “(MOD 9 will provide) a suitable density of development that capitalises upon the sustainable and economic efficiencies associated with providing gross floor area adjacent to major transport infrastructure nodes. The proposed quantum of gross floor area in MOD 9 will reinforce demand and provide critical mass to support the operation of Barangaroo Station, thereby maximising public investment and the potential of the Sydney Metro network.” (EAR pg 21)

In the above statements, the proponent repeatedly claims improved community and social benefits will flow from the MOD 9 proposal but **fails to objectively quantify what these improved benefits might be**. Similarly, the proponent **fails to objectively justify** the expanded building form and scale of the MOD 9 proposal beyond arguing for the greater economic benefits that are expected to flow from a larger development.

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The 'dis-benefits' of the increased scale and height of the MOD 9 proposal – loss of views, over-scaled streetscape, loss of natural light, increased shadow, inappropriate intrusion of a 20 level apartment building, cantilevering of floor plates beyond the site boundaries, etc – are numerous, but have quickly been discounted, if they have been acknowledged at all.

Importantly, the proponent makes no attempt to distinguish between community and social benefits that would have flowed from the previously approved (and smaller) MOD 8 proposal and any additional community and social benefits that might flow from the greatly expanded building form and scale of the MOD 9 proposal.

- **What additional community and social benefits have been gained by increasing the 18,688sqm of non-residential GFA approved in MOD 8 to the 116,189sqm of non-residential GFA proposed in MOD 9?**
- **What additional community and social benefits have been gained by increasing the 4,000sqm of Retail GFA approved in MOD 8 to the 41,800sqm of Retail GFA now proposed in MOD 9?**
- **What additional community and social benefits have been gained by increasing the building height by up to 10m across the site and by 35 metres in the case of the apartment building?**

OBJECTION 2: NO PROPORTIONAL INCREASE IN COMMUNITY & CULTURAL USES.

Central Barangaroo was previously promoted as being Barangaroo's "public heart" and, under the SEPP 2005 B4 Mixed-Use Zoning, was expected to provide a range of cultural and entertainment facilities, leisure and recreation facilities, social, education and health services. However, the MOD 9 proposal promises to provide only 2,800sqm of community space within Blocks 5, 6 and 7, and 6,000sqm of floor space within the empty volume of The Cutaway for community and cultural uses. (These figures are minimums but there is no formal commitment to provide more.)

The proponent vaguely acknowledges (EAR "Land Use" Pg 93) that:

"community and cultural facilities are anchored at the heart of the precinct and could include a large flexible multi-purpose venue in the basement levels and two adaptable spaces throughout the development blocks above ground."

Later, the proponent acknowledges (EAR pg 252 "Community and Cultural Spaces Strategy"):

"... facilities and spaces that are currently lacking for future resident, worker and visitor communities in Barangaroo include a community hall and creative spaces, indoor performance theatre and entertainment venues, cinemas, rehearsal spaces and sports courts, in addition to others identified in the Strategy.

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This has informed JOC Consulting's recommendation of the following cultural and community facilities within Central Barangaroo:

- *Community centre (mid-sized, flexible, multi-purpose space)*
- *Small performance theatre (200 – 300 seating capacity)*
- *Basement live performance or dance club*
- *Small cinema/ theatre*
- *Performing art studio*
- *Artsy community makerspace*
- *Covered or rooftop outdoor facilities and spaces (such as outdoor meeting spaces and amenities within Harbour Park)*

In relation to the community GFA allocated to the Cutaway at Barangaroo Reserve, JOC Consulting recommend the provision of the following facilities:

- *Major cultural exhibition venue Education and cultural space*
- *Performing art studio*
- *Artsy community makerspace*

Dedication of the community floor space to specific facilities will be considered during the detailed design of future SSDAs."

Importantly, the proponent makes no attempt to distinguish between the community and social benefits that would have flowed from the previously approved MOD 8 proposal and any additional community and social benefits that might flow from the greatly expanded building form and scale of the MOD 9 proposal.

- Other than the commitment to provide 6,000sqm of space in The Cutaway and 2,800sqm of space in Blocks 5,6 and 7, **what additional community and social benefits are promised** while increasing the non-residential GFA from 18,688sqm approved in MOD 8 to the 116,189sqm proposed in MOD 9?
- **What additional community and social benefits are promised** while increasing the Retail GFA from 4,000sqm approved in MOD 8 to the 41,800sqm now proposed in MOD 9?

The proponent makes only vague promises that more community floor space may be provided in The Cutaway ("up to 18,000sqm") and elsewhere.

Considering the contentious nature of the MOD 9 proposals, it is a significant failing that the proponent has not made a clear commitment to provide more fitted-out GFA for the "public heart" of Barangaroo. Without community and cultural activity, Central Barangaroo will be no more than hectares of shops and hectares of offices with an obtrusive apartment building on the north end. In its current form, it is unlikely the development will provide the community with any sense of 'ownership' or 'belonging'.

OBJECTION 3: UNJUSTIFIED INCREASE IN BUILDING HEIGHT AND SCALE.

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

1. The proposed 20-level, RL 73, apartment tower at the visually prominent northern end of the site will now intrude on views to and from Millers Point and Observatory Hill and will dwarf the profile of Headland Park. The appearance of the building is particularly forbidding from 'Stargazer Hill' on Headland Park, which has an elevation of only RL 20.
2. As previously noted, the latest MOD 9 proposal substantially increases the height and scale of buildings across the Central Barangaroo site:
 - (a) Block 5 from RL 34.0m to RL 42.45m (RL 44.5 at the core).
 - (b) Block 6 from RL 29.0m to RL 38.7.
 - (c) Block 7 podium levels from RL 35.0m to RL 38.7

Millers Point and Observatory Hill have an elevation of RL 43 (Urban Design Report pg 240). Images clearly show (Urban Design Report pg 21) the loss of significant water views westward from Millers Point and Observatory Hill. (Only distant non-water views will be maintained). Other images clearly show that, when viewed from water level on Darling Harbour, the profiles of Millers Point and Observatory Hill are blocked by the raised building heights proposed by MOD 9.

3. Arrays of solar collectors and landscaping that are proposed for Central Barangaroo rooftops have the potential to further impact views discussed above.
4. Up to 40m high building façades along 300m (4 x 75m) of Hickson Rd will be confronting to pedestrians, drivers, and neighbourhood residents alike.
5. Street-level views from Hickson Rd through to the harbour are now only possible at Naiwi Cove, with a possible glimpse at Street C. (They are not possible underneath the proposed Barangaroo Steps or through the enclosed 'Lane 8')
6. The previous view from Hickson Rd across Hickson Park to the harbour, an approval condition of MOD 8 and MOD 11, will be reduced to no more than a glimpse with the proposed expansion of the building envelopes on Block 5.
7. The proposed 3m cantilever of upper floor GFA on all perimeter elevations of Blocks 5, 6 and 7, will encroach beyond the previously established building line, make the Hickson Rd facades even more forbidding, further limit pedestrian views, and restrict the scale and type of boulevard planting along perimeter footpaths, especially on Hickson Road.

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8. It is self-evident that increased building height and expanded bulk automatically increases shadow impacts.

The proponent asserts (EAR Pg 16):

“The modified envelope will provide an appropriate height in its western city edge context (with impacts limited), particularly when compared with existing and approved development in Barangaroo South and recently approved and proposed development in Darling Harbour and Blackwattle Bay. The distribution of the form embraces the site’s critical transition between Barangaroo South and the contrasting low-density character of the Millers Point Heritage Conservation Area and Barangaroo Reserve and achieves a modulation of urban form across the precinct which is currently absent. It also delivers equitable access to views, defines a clear street wall to activate public streets and spaces, and achieves an appropriate building separation to create a fine grain structure and capture daylight penetration.”

The Director General’s requirements state that any modifications are to be justified. However, maximising GFA for an assumed economic benefit is not sufficient justification for the loss of views and overbearing scale that will be imposed on Hickson Road, the Headland Park, and Hickson Park. Making unsubstantiated claims that the increased heights are ‘appropriate’, ‘limited’, ‘proportional’, or ‘equitable’ is no justification for the loss of visual amenity of the adjacent neighbourhoods.

OBJECTION 5: UNCOMMITTED APARTMENT BUILDING FORM.

The distribution and shape of 28,000sqm Residential GFA remains uncertain and uncommitted. EAR pg 93 notes: “Future residential uses in Central Barangaroo will incorporate a range of apartment types and sizes, designed and specified for contemporary city living. The actual number, mix and size of apartments will be determined as part of future detailed proposals and will respond to market demand.”

Images in the MOD 9 Hassell Urban Design Report indicate a single 20-level apartment tower in Block 7, built to a maximum height of 73.7m. However, a 20-level building could well have an enormous 1,400sqm footprint if it utilised the full 28,00sqm GFA allocation.

- What guarantee is there that the final form of an apartment tower (if one is approved) will be no bulkier than the one currently represented in artist’s images?
- What guarantee is there that, following approval of the MOD 9 proposal, the proponent will not later submit a final development application for a residential building with a grossly expanded floor plate? Or perhaps even twin towers?
- What guarantee is there that a future modification application will not be made for the 28,000sqm of Apartment GFA to be provided in a single tower of 30 or more floors, similar to Block 4B? (Block 4B apartment tower has a GFA of 20,637sqm.)

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It is of concern that MOD 9 makes no commitment to a maximum footprint size and height for any apartment tower that may eventually be built. An added concern is the proposal that ‘wintergardens’ should be excluded from the calculation of Residential GFA, which effectively creates a bonus GFA and increases a building’s bulk.

OBJECTION 6: REDUCED PERMEABILITY COMPARED TO BARANGAROO SOUTH.

The proponent argues (EAR pg 95):

“The key changes proposed to the street network and pedestrian connections under MOD 9 will ensure Central Barangaroo provides a high degree of adequate pedestrian permeability in both a north-south and east-west direction... MOD 9 provides for a greater permeability and pedestrian connection outcomes through a multi-layered retail network with below ground retail, an open and activated ground plane and an activated north-south pedestrian connection with a mix of community, commercial, hospitality and ancillary retail uses.”

Contrary to the above claim, the MOD 9 proposal for Central Barangaroo fails to match the ‘permeability’ of the open-to-the-sky ground-level laneways provided in Barangaroo South.

Images (EAR pg 92) indicate that Basement Levels 4 and 2, the inter-connected Ground Levels of Blocks 5 and 6, as well as the Ground Level of Block 7 will all be sunless air-conditioned spaces, roofed over by concrete podium structures.

The only ‘lanes’ open to the sky will be (EAR pg 92):

- the east-west vehicular ‘Street C’ between Blocks 6 and 7;
- the pedestrian plaza around the Block 5 ‘flagship building’;
- the Level 1 rooftop ‘lanes’ around the base of the apartment tower in Block 7; and
- the cascading ‘Barangaroo Steps’ off the Hickson Rd pedestrian bridge.

Other north-south ‘lanes’ at Level 1 lead nowhere except to narrow atria that are constrained by office facades and capped off by skylights 35m (or more) above.

Presumably, all the internal retail arcades and the atria spaces between offices will be locked off after normal retail trading hours, further reducing the ‘permeability’ of the site.

It might be more accurate to summarise the current Central Barangaroo MOD 9 Proposal as a mostly-enclosed three-level shopping centre with squat offices blocks and a 20-level apartment tower above.

(E) CONCLUSION:

This MOD 9 Application fails to deliver on the promise that Central Barangaroo will be the “public heart” of Barangaroo. The scale of the proposed development has passed a ‘tipping point’ and begs the question: “Will the proponent just come back again later and ask for more?” The development should not be approved in its current form. N.J.R. 01 Aug 2022.

In the current proposal, the panorama from Observatory Hill will no longer exist. This proposal does not preserve the panorama. It marks the loss of what is perhaps the most iconic view in Sydney, a panorama that has survived for tens of thousands of years, including from the beginning of European settlement until now.

A panorama is an unbroken view of the whole region surrounding an observer. To have a building rising through the middle of a panorama results in the destruction of that panorama. It is no longer an unbroken view. To the south of the proposed tower at the northern end of the Central Barangaroo proposed development,, the additional loss of “views of the horizon and harbour” will remove the context of any view above these buildings where that occurs. This vegetation and these distant buildings will appear as a narrow strip above the proposed new buildings for Central Barangaroo.

For these reasons I object to this development and the GML Heritage Assessment and Impact Statement, especially the assertion that the development preserves the Panoramic Views from Observatory Park. Below are quotes from the GML Statement and details of my objection.

Quotes from GML Statement

Figure 8.39 Preserved Panoramic views from Observatory Park and impacts of Block 7 tower form, as shown in ‘Central Barangaroo Urban Design Report’.

Panoramic views from Observatory Park, and from the rear of some properties on the western side of Kent Street, to the southern areas of the harbour [Pyrmont] will incur some additional minor loss of views of the horizon and harbour as a result of the increase in the heights of Blocks 5, 6 and 7.



Figure 8.25 View H4—panorama—2007 view southwest from Observatory Hill. (Source: City Plan, 2006/2008)



Figure 8.26 View H4—panorama—MOD 9 views southwest from Observatory Hill. (Source: AECOM, 2021)



The western section of the Observatory Hill Panorama that will be lost. Only from the top of Observatory Hill will it be possible to see the high buildings on the distant ridge. Described as the additional loss of “views of the horizon and harbour”, MOD 9 will effectively erect a wall across the western side of Observatory Hill Park and almost all of Millers Point.

The heritage analysis of the additional effects of this modification relative to previously approved modifications appears to address Aboriginal heritage only in relation to archaeological traces. There appears not to be any recognition that Observatory Hill Park, and the panorama visible from it, would have been highly significant to the Indigenous inhabitants prior to and even after the arrival of European colonists. Not only should such an investigation be undertaken before this modification is considered, on grounds of its Indigenous significance alone, consideration should be given to maintaining the surviving Observatory Hill Panorama that stretches from Crown Casino to the Harbour Bridge.

MOD 8 diminished and degraded the panorama seen from Observatory Hill. MOD 8 proposed varying heights for Central Barangaroo buildings so that a quarter of the buildings were to be 35 metres high. The three-quarters of the buildings that were lower would have retained some visual connections for Observatory Hill with the Balmain shoreline, the expanse of water that continues around to Rozelle Bay, and the buildings and streets of East Balmain. Adding three metres to the height of the envelope and building to that height across Central Barangaroo effectively removes this visual connection which has always been an essential part of this panorama.

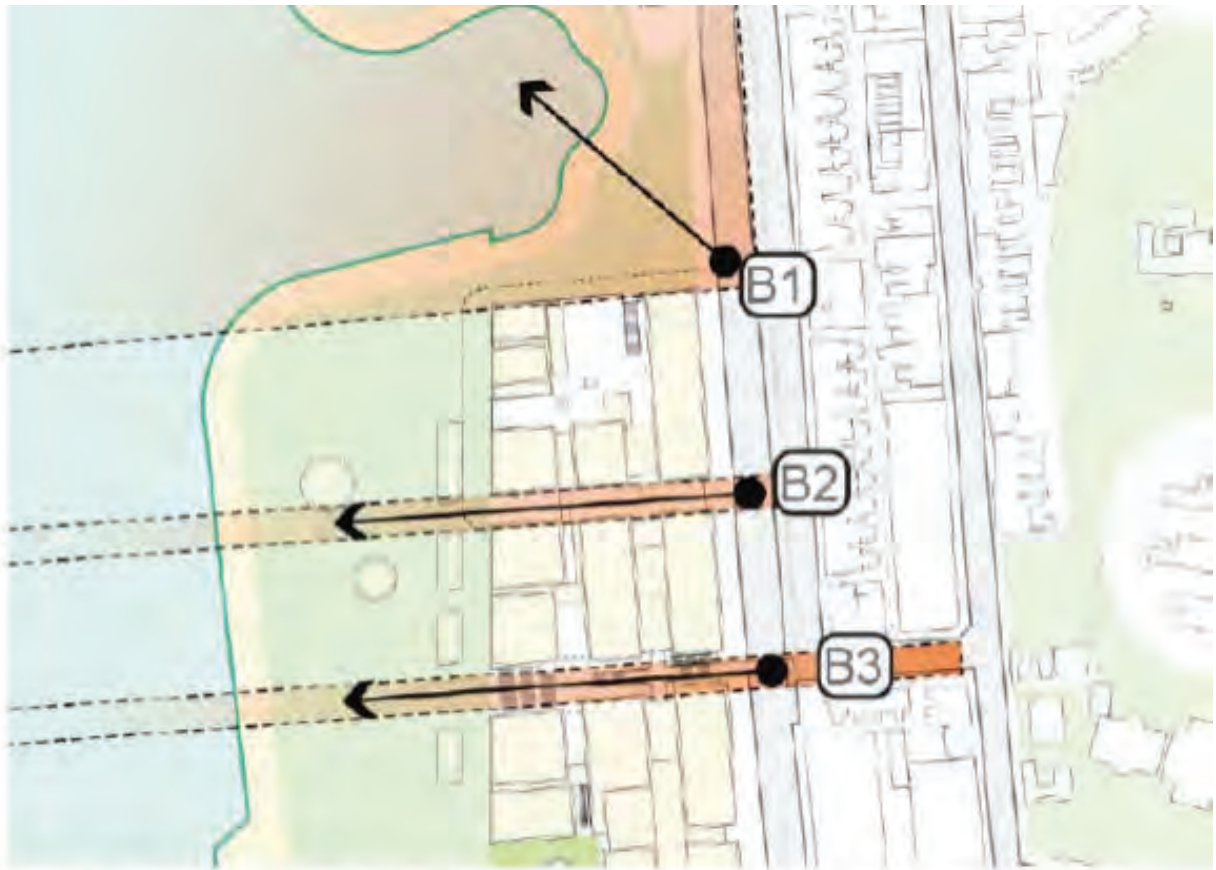


Figure 8.8 Views and view corridors. View B1 north and west of Block 7 would not be further impacted by MOD 9. View B2 between Blocks 6 and 7 of MOD 9 would provide additional visual connection to the foreshore and horizon from this part of High Street and its terraces. View B3 of MOD 9 between Blocks 5 and 6 would also provide additional visual connection. (Source: Central Barangaroo Urban Design Report, Hassell, 2021)

Much is made in the latest proposal about view corridors between Blocks 5 and 6 and between Blocks 6 and 7. It is not possible to see down these narrow view slots from 99.9% of locations in Observatory Hill Park from which Central Barangaroo buildings will be seen, and in the tiny section of the park from which it is possible to see down these “view corridors,” the width of the view corridor is substantially less than one degree. A view of the harbour that is less than one degree wide and visible from less than one-thousandth of the area of Observatory Hill Park is so insignificant that rather than furthering the case for this modification, it demonstrates the disregard for the heritage of Observatory Hill as well as all of Millers Point.

The Observatory Hill Panorama is a rear and unique heritage outlook visible from ground level. It is public and enjoyed freely by the entire community. This modification if built will privatise this panorama and move it to the proposed tower building at the northern end of Central Barangaroo. More of this panorama is taken away by the additional height of other buildings proposed for Central Barangaroo. If this modification goes ahead, whoever occupies these buildings will be despised by all Sydney residents and all visitors to Observatory Hill Park forever more.



This is the northern section of the Observatory Hill Panorama that will survive if this proposed development is built. It will no longer be a panorama.

Please record my strong objection to the current modification application, along with an invitation to roll back previous approvals so that the Observatory Hill Panorama remains intact and free for the community to enjoy into the future.

John Dunn
Dawes Point resident

352679



SUBMISSION

Re: Objection to Concept Plan MP06_0162 – Mod 9

This submission sets out my objection to the proposed modification (Mod9) to the Barangaroo Concept Plan MP06_0162, which proposes, among other things, increasing the GFA in Central Barangaroo from 59,225m² to about 120,000m². This is in the context of the massive GFA increases in Barangaroo South following the approval of several modifications. To a large extent, Mod9 seeks to justify the proposed changes to the original concept plan by taking those prior approved GFA modifications as the threshold for assessing the impacts of the proposed modification.

The primary ground for this submission is based on the depicted change in the envelope of the proposed buildings for Central Barangaroo. The original concept for Central Barangaroo envisaged relatively low-rise structures of between RL29 and RL35. Mod9 proposes to increase the building height up to RL73.7. Although the application purports to depict currently proposed building envelopes, it also allows for the likelihood that these will change, which will in turn diminish the relevance of the various impact statements lodged in support of the application, and specifically Appendix F (View and Visual Impact Assessment).

The increased height and bulk of the buildings as set out in Mod9 will have significant adverse impacts on many private views. This submission does not deal with those adverse impacts, which it is expected will be addressed by those who are personally adversely impacted. Instead, this submission addresses the adverse impact on the **public** views from Observatory Hill and Millers Point.

Millers Point is a reminder of Sydney's industrial maritime roots. It provides insight into how previous Millers Point residents lived and what they experienced. It is a location of great historical and heritage importance, which past governments and planning authorities have agreed should be retained in its original state as much as possible. By its promotion of bulky, tall buildings within a stone's throw of the Millers Point village, Mod9 pays little respect to this pursuit, to the point where it sponsors the complete obliteration of the panoramic public views to the harbour from the historic High Street.

Observatory Hill is an oasis of tranquil green open space for the residents of and visitors to Millers Point and the Rocks. My family and I regularly escape the confines of our Millers Point unit to frequent Observatory Hill for picnics or simple relaxation in the open air. In doing so, we often bump into many other Millers Point and Rocks residents doing the same. It is a vital part of our community.

The value of Observatory Hill has long been recognised. In the Heritage Statement of TKD Architects, submitted in November 2020 in support of the proposed amendment to State Significant Development Application 8892218, page 14, it is stated:

The elevation of the site with its harbour and city views and vista framed by mature Moreton Bay fig (Ficus Macrophylla) trees of the surrounding park, make it one of the most pleasant and spectacular locations in Sydney.

Further, at page 22:

The Observatory Park is of outstanding historical significance and a major component of the Observatory Hill precinct. The park commands panoramic views to the north, west and south.

The importance of protecting the ambience of Observatory Hill Park has been recognised throughout the Barangaroo development process. The Instrument of Approval for the original Barangaroo Concept Plan provided, in Schedule 2, Part C1:

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

- (a) demonstrate that views will be retained:*
 - (i) from Millers Point and Observatory Hill to the western part of Sydney Harbour...*

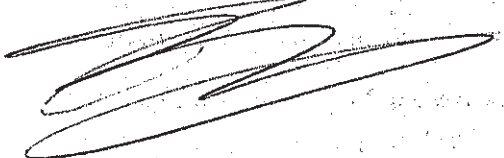
Mod9 now seeks to amend the above so that it reads:

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

- (a) ~~demonstrate that views will be retained~~ **address any impact on views, in accordance with the building envelopes in the Central Barangaroo Urban Design Report (prepared by Hassell dated 13 December 2021, in particular:***
 - (i) from Millers Point and Observatory Hill to the western part of Sydney Harbour...*

The fact that Mod9 seeks this amendment is a clear demonstration of the fact that these views will be severely impacted. Indeed, the proposed building envelopes will completely obliterate any views from High Street, Millers Point and substantially impinge on the views from Observatory Hill to the opposite harbour foreshore, which vista has been an integral element in the state significance of Observatory Hill.

This will be the case even if the Central Barangaroo project proceeds in accordance with the presently depicted proposed building envelopes. But, having regard to the many modifications that were lodged and approved in respect of the GFA and heights to the buildings in Barangaroo South, one cannot be confident that the present proposed modification is not the thin edge of the wedge, leading to further modifications proposing buildings with greater bulk, which will further impact the views from Observatory Hill and its status as a tranquil open space oasis providing the panoramic and inspirational views treasured for centuries by those who have inhabited the Gadigal lands.



Danny Sankey
2603/168 Kent Street
Millers Point NSW 2000
Tel: 0423 093 345

352695



352703





352705









Elizabeth Elenius, Convenor
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 PYRMONT NSW 2009
 0409 552 117
 elizabeth.elenius@gmail.com

2 August, 2022

Submission on the Barangaroo Concept Plan Modification 9

ABOUT PYRMONT ACTION INC

Pyrmont Action was formed in 2003. Its objective is to work with the City of Sydney, the NSW Government and local residents and businesses to improve the physical and social amenity of our suburb.

We have been represented on a number of Community Reference/Liaison Groups including the early version of the Bays Precinct CRG which reported in 2010 and its successor (now the Blackwattle Bay CRG), the Glebe Island/White Bay CLG, the PPPS Bounce Group and, more recently, on the Sydney Fish Markets CCC. We have built up a body of knowledge relating to planning in Pyrmont upon which we can draw to deliver our comments on the Modification to the Concept Plan.

FOCUS OF OUR SUBMISSION

This submission focusses on two aspects of Modification 9 of the Barangaroo Concept Plan:

1. Increase in height. Block 5 height increases from RL 34 to RL 44.5 (max). Block 6 height increases from RL 29 to RL 38.7 (max); and Block 7 height increases from RL 35 to RL 73.7 (max).
2. The increase in GFA (gross floor area) from 47,688 sqm to 144,355 sqm.

SUMMARY

Pyrmont Action opposes Modification 9 on the basis that the Modification will have an adverse visual effect on the residents of Pyrmont, and because a compelling case for the Modification has not been made.

EFFECT OF THE MODIFICATION ON PYRMONT RESIDENTS

The direct impact of the Modification to residents of Pyrmont is to diminish the views currently enjoyed.

The View and Visual Impact Assessment sets out the effects for observers at Ballarat Park and Pyrmont Park. Both venues are well patronised by Pyrmont residents.

The views from both sites will be compromised under the Modification. Prior to the Modification an observer's eye would move from the very high towers of South Barangaroo, to the moderately high buildings of Central Barangaroo, to the ground level of Barangaroo Reserve. This is a natural progression of high to low levels. Under the Modification, the view starts at the high levels of South Barangaroo, descends to the moderately high buildings of Blocks 5 and 6 of Central Barangaroo, then increases to the high building of Block 7 before descending again



to Barangaroo Reserve. This is clearly not harmonious. While the height of Block 7 may appear small in relation to the towers of South Barangaroo, it is still large in absolute terms. It is similar in size to the Blues Point tower, which is generally regarded as an eyesore. In regard to the view from Ballaarat Park, the view of the Sydney Harbour Bridge is significantly reduced. Whilst this is a small part of the overall view, the Sydney Harbour Bridge is iconic, and the significance of the reduction is far higher than its size.

OTHER OBSERVATIONS

Rationale for the Modification The change in GFA (gross floor area) for central Barangaroo under the Modification is from 47,688 sqm to 144,355 sqm; or a trebling of GFA. Such a massive increase would require a commensurately large justification – but this has not been provided. The Modification appears to have been triggered by the new Barangaroo Metro Station. However there is no need to build large edifices just because of a Metro station. The external infrastructure of successful metro stations in other cities (eg London, Paris , New York) are often not much more than holes in the ground – certainly not grandiose developments.

Use of additional GFA The increase in GFA is mainly intended for commercial use. This is anomalous in a COVID conscious world where there is a marked trend to working from home. The other intended use is retail – which may be justified by an increase in the number of people coming to Barangaroo because of the new station. However, any increased retail outlets could be sited underground or at ground level, and not impinge on the visual aspects of the new development.

Increase in height The Environmental Assessment report states “Whilst there are proposed increases in height, the proposed heights will continue to provide an appropriate height in its western city edge context (with impacts limited), particularly when compared with the scale of existing and approved developments in Barangaroo South (under the approved Concept Plan as modified) and recently approved and proposed development in Darling Harbour and Blackwattle Bay.”

Pyrmont Action rejects this line of reasoning as we have always opposed the height of Barangaroo South, Darling Harbour and Blackwattle Bay. Also, the NSW government has very recently proposed a reduction in height in some aspects of the Blackwattle Bay development.

Public open space Pyrmont Action commends the fact that the Modification maintains the delivery of 50% of Barangaroo as public open space, on or close to the harbour foreshore.

Elizabeth Elenius, Convenor



352727

7/10





OBJECTION TO CENTRAL BARANGAROO MOD 9

Personal History Considerations

I have been a resident of Darling Island for over 14 years. The property was purchased in late 2007 with the full knowledge that Darling Harbour was approved for redevelopment. The Concept Plan by Hill Thalys which won the international competition was considered by us before purchase and, because the plan would sympathetically transform Darling Harbour wharves into a western hub, we were fully supportive. The Concept Plan, while introducing some significant built form at the southern end of the site, did not propose anything which would be detrimental to the very valuable historical views from Darling Island.

Darling Island, like Darling Harbour, is central to Sydney's maritime history so, as a former professional mariner, living on Darling Island has provided an opportunity to continue to relate to this history and be part of the ongoing evolution of Sydney's maritime interests. A significant part of that history has been Observatory Hill and the workers' cottages on High Street and the slightly more affluent Kent St, all of which are part of the historical outlook we now enjoy.

Following the award of the development contract to Lend Lease I became aware of the very significant deviations from the Concept Plan as proposed by Lend Lease, including the hotel which was planned to project 85 metres into a very busy waterway. In conjunction with a number of other local interested parties from neighbouring apartment complexes, I was a co-founder of the Barangaroo Action Group, which was successful in stopping the intrusive hotel development but unsuccessful in preventing the gross deviation from the original Concept Plan proposed for Barangaroo South.

Since 2010 we have continued to see Lend Lease and high profile public figures hold sway over the Government's planning departments, successive Planning Ministers and the Barangaroo Development Authority, to the extent that any resemblance between the original Concept Plan for Barangaroo South and the final product is minimal. At no stage in the historical development of Barangaroo South has the public interest been a significant consideration in the decision making. To the interested lay observer, such as myself, government authorities have been complicit in largely ignoring the public interest to the benefit of the developer.

The Mod 8 Fallacy

The 296 page Environmental Assessment Report for Central Barangaroo by Urbis places great emphasis on the "approved Mod 8" conditions and relates any changes in building heights or GFA to the Mod 8 supposedly approved numbers. To the uninformed reader, this comparative method indicates that the changes proposed by Mod 9 are minimal and therefore should be accepted.

However, the representation by the Government of Mod 8 as the baseline is absolutely fallacious. Mod 8 is principally the modifications to the Concept Plan to enable the construction of the Crown Casino complex, together with changes to other Barangaroo South blocks. It makes mention of Barangaroo Central Block 5 in the context of view lines and Hickson Park but, to the best of my knowledge, does not address the specifics of Barangaroo Central development. Any consideration of Central Barangaroo under Mod 8 was specifically directed at ensuring that view-lines from the Crown development were optimised for the benefit of Crown shareholders

The EAR repeatedly refers to the Approved Concept Plan for Central Barangaroo. Mod 8 was not presented to the public as the basis for future development of Central Barangaroo. The essential elements of Mod 8, in respect of Central Barangaroo, have not been the subject of public consultation and feedback.

For a Government entity to commission an environmental assessment and encourage a consultant to use Mod 8 as a reference point is continuing clear evidence that the relationship between the Government and developers is significantly skewed in favour of the developers. The environmental assessment of Central Barangaroo should be using, as the baseline, the original Concept Plan, which was very careful to recognise the importance of sightlines to and from Millers Point.

Mod 9 Excesses Exposed

The original Concept Plan provided for about 62,00 square metres of GFA development at Central Barangaroo, which would largely be dedicated to community and other public purposes. Through various Mod processes there have been several iterations slightly above this level but, by 2016, the indicative GFA was about 47,000 square metres. Mod 9 proposes an increase of 97,000 square metres over the 2016 projection and offers, as partial justification for the increase, the introduction of the Metro station. Under any measure of reasonableness, this increase is excessive and cannot be supported by any manufactured justification.

Public Interest

Throughout the development of Barangaroo to date, the precept of public interest having equal footing with development and financial considerations has been promoted by Government and related parties. The original Concept Plan saw Central Barangaroo as having a community focus to offset the much more substantial commercial developments in Barangaroo South. In 2016 the Independent Planning Commission once again reiterated that future development should protect the public interest.

The public interest does not lie in a Government backed developer having the ability to develop a site with buildings which have a primary objective of providing saleable commercial or residential real estate, particularly if that development does not extensively support community activities.

Block 7

There has been long held recognition by Sydney-siders that the northern edge of the CBD high rise building line, extending east and west, is anchored at its western end by the Highgate development. Whether this is written in stone or is just a belief is not material. To all intents and purposes, that understanding has stood us in good stead and has provided excellent balance to the cityscape. To now introduce a residential building of 73.7 metres well north of the line is a gross and unnecessary imposition. If a building of this height were to be incorporated, it should be on Block 5 so that it is better balanced by the high-rise developments adjacent. This of course would be unacceptable to Crown.

Even to the lay observer, the reasoning for having the tallest building in Central Barangaroo at the northern end of the site is blindingly obvious. The height will provide the upper-level apartments with views over Observatory Hill to the Opera House and up the harbour,

immeasurably increasing the return to the developer. For a government agency and reputable consultants to be party to this travesty is irreconcilable.

The government should be reminded of the 1962 development vandalism which resulted in Blues' Point Tower being seen by Sydney-siders and visitors as an architectural and government support blight upon our harbour foreshores. There is little doubt that, if Mod 9 were to be approved, a similar description would be attributed to this development in perpetuity.

Mod 9 Residential Increase Justification

One of the justifications in the EAR for the increased GFA is the need for more residential accommodation to support the retail precinct. This argument is not supported by the Barangaroo South experience. With a minimal number of residential apartments, Barangaroo South is totally alive from retail, entertainment and restaurant perspectives. Businesses in the area are supported by office workers, by local residents such as ourselves who routinely go to Barangaroo, and by transients, including visitors and locals from all over Sydney.

With a walkway to the city, easy access to Barangaroo South and a Metro station bringing people in from all over Sydney, the argument that substantial residential development is essential is totally false.

The Public Good

The public good will not be well served by a multitude of commercial and residential blocks constructed without consideration for existing facilities and view-lines. One of the joys of walking along Kent St is the small streets to the west which open up historical views to the harbour. Similarly, a leisurely stroll around Observatory Hill reminds us of the history of Sydney and the area. Millers Point is a historical area which has outstanding examples of the early cottages. The imposition of bulky commercial and residential blocks would totally undermine the historical character of the area and is definitely not in the public's interest.

Views

As a former professional mariner and boat owner, I take great pride in Sydney Harbour and the efforts made by many over the years to preserve the harbour's beauty and the areas of historical significance. Hundreds of ferries and other vessels round the Headland Park or the Balmain Peninsula every day to come into or after departure from Darling Harbour and the Barangaroo precinct. Every one of them passes Barangaroo Central, providing passengers with the opportunity to observe a preserved area of our history at Millers Point. Under Mod 9 this would be totally lost. There is no argument that can justify that this blocking out of historical parts of our harbour-scape is in the public interest.



As a local resident, I currently have views to the Harbour Bridge and to Barangaroo and King Street Wharf, which substantially add to the value of my property. Mod 9 would deprive me and all who live around me of these views. While it is fully understood that views are not owned, it is a principle of the Independent Planning Commission that, in certain circumstances, views should be shared. This is one of those circumstances where the public good has equal status with the development requirements. I purchased my property on the basis that its waterfront positioning would ensure I could not be built out and that implementation of the Barangaroo Concept Plan would not materially impact my Harbour Bridge and headland views. Proceeding with Mod 9 would materially reduce the value of properties on Darling Island and would potentially provide a basis for a compensation claim against the Government.

Cost Considerations

Part of the justification for the Government being supportive of this gross over-development of Central Barangaroo is the supposed need to recoup some or all of the costs associated with the Metro development. During the Covid pandemic we have seen governments of all persuasion liberally apply public monies to address the issue. The historical concept of balancing the budget was discarded and, in this current environment, there is little public support for using financial recovery as an excuse to over-develop Central Barangaroo.

Conclusion

While the Government has an interest in ensuring that Barangaroo is appropriately developed to maximise returns to the Government, it also has a responsibility to do so with integrity. Thus far, the Barangaroo development has largely proceeded without equitable consideration of the public interest. The Government has paid consultants to prepare justifications for a gross over-development of Barangaroo Central. Consultant reports and associated

documentation have been consciously fabricated to mis-lead the public. Mod 8 provides no authority for it to be used as the baseline for Mod 9 and the true measure should be against the original Concept Plan. To gain public support for the development of Central Barangaroo, the Government and its agencies should use the original Concept Plan as the basis for renewal.

Barangaroo – Proposed Section 75W Modifications to Barangaroo Concept Plan (Mod 9)

I wish to raise an **objection** to the proposed modifications on the following grounds:

1. The proposal significantly increases the approved Gross Floor Area on the area proposed as a "Civic Heart" of Barangaroo in the Concept Plan.
2. Sydney Harbour and Foreshore is a Public Asset this proposal limits public access and amenity.
3. State and National Heritage of Millers Point will be severely impacted by the bulk and scale of the proposed development.
4. Urban Design Principles (Bulk and Scale of Development) will severely impact the amenity of Miller Point and its residents.
5. Views to and from Millers Point and Observatory Hill would be lost, the approved Concept Plan envisaged retaining views across the site to and from the harbour and opposing foreshores.
6. Hickson Park reduced in size - The proposal also seeks to take back the expanded Hickson Park granted to the people of NSW by the Independent Planning Commission as well as encroaching on adjacent parkland and ignoring many criteria in the Statement of Commitments.

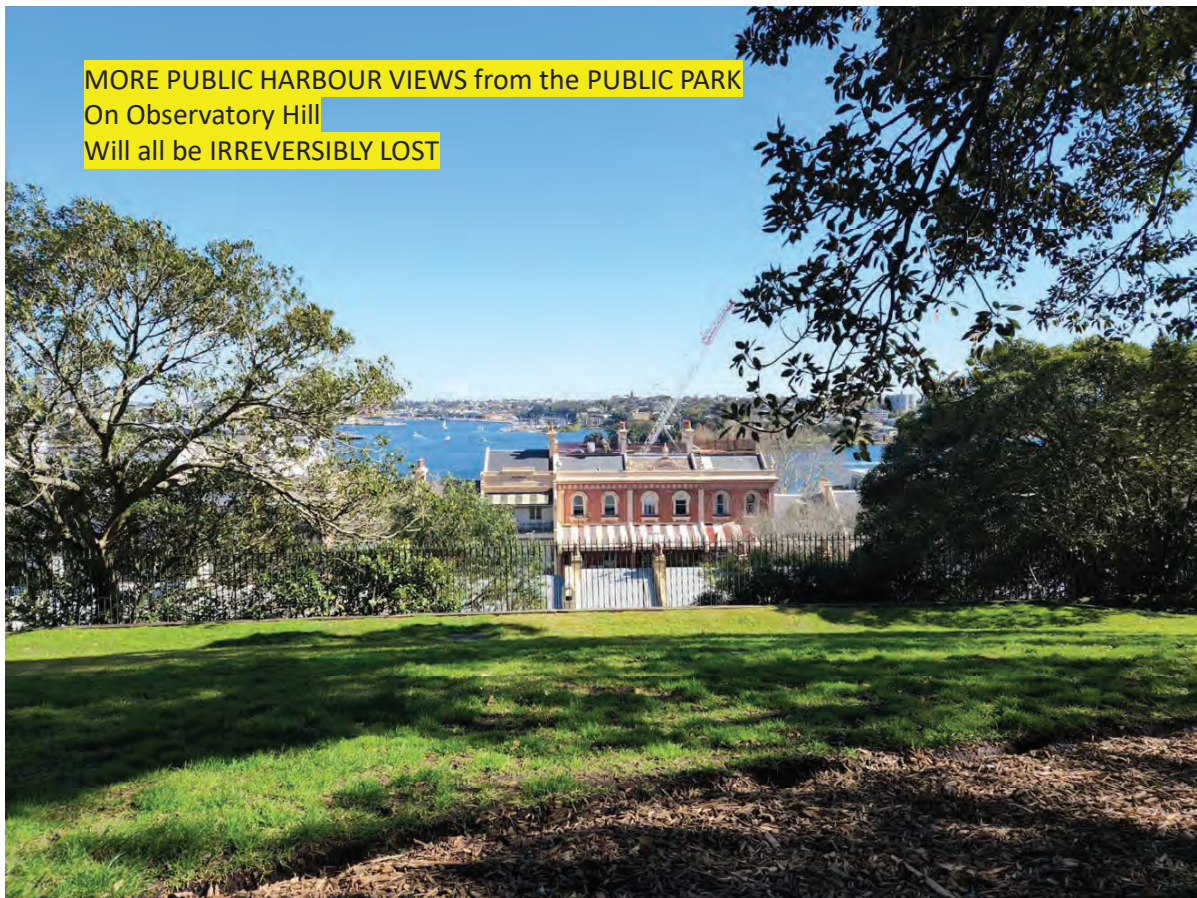
A Gilchrist
30 The Drive,
Freshwater NSW 2096

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PUBLIC HARBOUR VIEWS from the PUBLIC PARK
On Observatory Hill
Will all be IRREVERSIBLY LOST



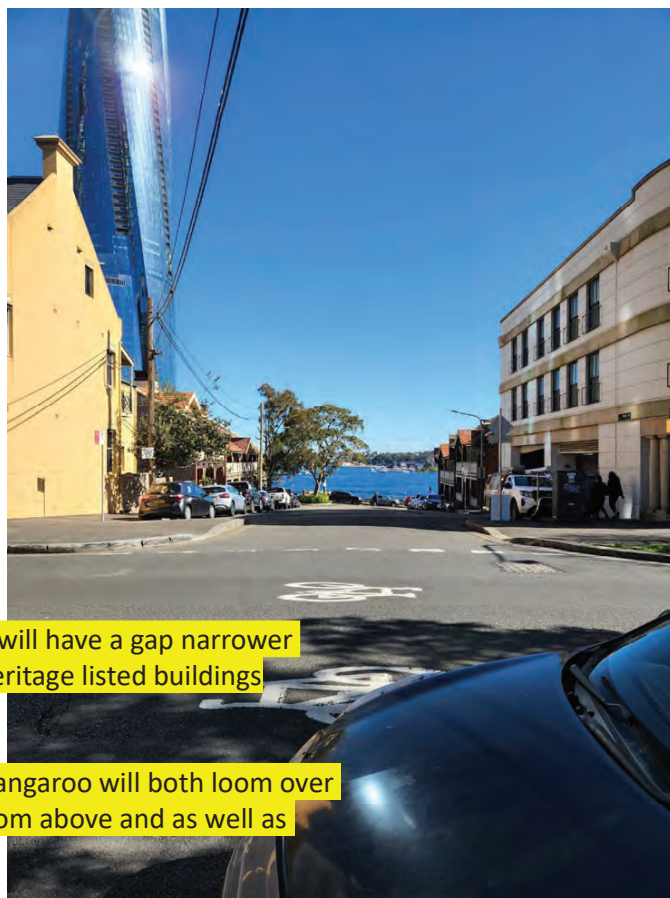
MORE PUBLIC HARBOUR VIEWS from the PUBLIC PARK
On Observatory Hill
Will all be IRREVERSIBLY LOST



PUBLIC HARBOUR VIEWS
For pedestrians on Kent St
Will be IRREVERSIBLY LOST

The grand "Barangaroo Staircase" will have a gap narrower
than this small street lined with Heritage listed buildings
(High St).

The "low" buildings of Central Barangaroo will both loom over
this area of Historic Significance from above and as well as
walling it in to the west



The rooftops and garden in this photo are the Lance daycare centre on High St, serving children in the local community for over 100 years.

The outrageously oversized buildings are proposed to tower just across from this important community service.

No light/view gaps have been incorporated for the children in this historic daycare.



All photos: Emily Gordon

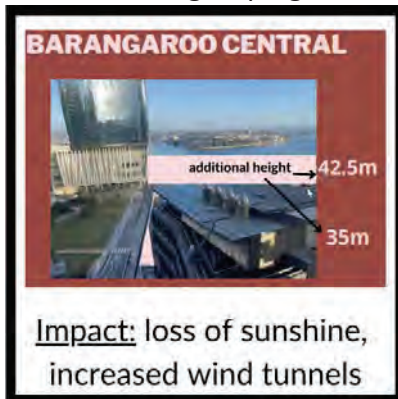
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As a resident, I am particularly concerned by several aspects of Barangaroo Central's Mod 9. I understand that revenue generated by the Barangaroo Central development is essential to a future NSW Labor Government, but where is our **government's Duty of Care?**

I feel the problem issues are as follows:

1. The 73.7-metre residential tower near Nawi Cove.
2. Building 5B, the 47.45metre installation along Barton Street fence line.
3. Hickson road will become a **wind tunnel**.
4. Dense grouping will create **noise and wind vortex**.



5. Does Sydney need more residential apartments in Barangaroo?
6. Lack of supporting infrastructure, **insufficient parking allowances** within proposed residences and **increased traffic to narrow and historical roadways**.
7. Why are you doubling the density of the community to a **culturally significant and tourist aesthetic heritage area?**



I see these towers as a sign of disrespect by the current government to the Millers Point, Sydney, NSW, Australian and International communities. Will this government continue to **Breach our Trust?** The benefits and rewards are for the corporates Crown and Lend Lease to **the detriment of all other Australian and International tourists and residents**.

I see numerous problems for residents and Sydneysiders as follows:

- Traffic along Hickson Rd is terrible now. Why do we need more residential apartments with more than 800 apartments in the new Renzo Buildings?
- **Minimal public transport** except for Barangaroo Station
- When people come out of Barangaroo Station, all they will see is a tall building, no harbour
- Barangaroo Station will be in the shade all the time from the 73m building
- Having the structure to the very edge of Barton St fence line will cause Hickson Park to be in the shade nearly all the time.

- **30% of Hickson Park will be lost** when public space is vital to everyone expected to live in the area... And at least 1600 more to come.



- The reduced park area will be expected to service more than double the foot traffic.
- The shadowed parkland will suffer and not grow in such limited sunlight. **Hickson Park trees struggle to stay alive at present without proposed further development.**
- The park area will **suffer higher wind exposure** due to the crowded towers surrounding the park.
- The effects of these buildings will be more shade, less sun, reduced **quality of life of fauna and flora in the area**, and the **general well-being of the people who visit, work, and live there!**
- View lines from Observatory Park lost.
- View lines from Gas Lane lost.
- View lines from High St lost.



There are also numerous problems for **Australian and International Tourists** as follows:

- **Highlights our lack of respect for our Aboriginal and indigenous forefathers to the rest of the world.**
- Loss of the cultural headlands and foreshore.
- High-density, **overcrowded 'mall-like configuration aspect'** diminishes the Sydney Harbour ambience.
- When people come out of Barangaroo Station, they will see a tall building, **no harbour.**
- Installation to the edge of Barton St will cause Hickson Park to be in the shade nearly all the time.
- **Unpleasantly windy and shady** surroundings belie our **Tourist Reputation for sunshine and relaxed lifestyle.**

- View lines from Observatory Park lost.
- View lines from High St lost.
- View lines from Gas Lane lost.



I and the rest of the community and nation are **endeavouring to recover from the economic, social and emotional detrimental effects of the pandemic**, which remain ongoing.

Our harbour, our history, our unique vistas, and our ambience are being sacrificed for the financial benefit of the developers and their corporate interests!

Settlement of the “views” dispute between the NSW Government, Crown, and Lend Lease determined Mod 9 was engineered to provide the Crown Casino Tower and Lend Lease’s One Sydney Harbour Apartments with unobscured views of the Harbour, the Opera House, the Bridge, etc.

There is no consideration for any other asset or party—quite the converse.

The **required unbroken westward sightlines** from Observatory Hill to the water and the horizon and views from commercial and residential buildings are impaired; that view sharing was purportedly an important Mod 9 consideration- **Not!**

Observatory Hill sightlines are among Sydney’s most precious assets. This tower vandalises all the above, and **once they have one building 73.7 high, they will want another one.**

I am hoping to gain your support towards reducing the tower's height to equal that of the rest of the development and considering the impact of the over-development of this small, unique area.

The legacy you leave behind by continuing this ghastly attitude of preserving the rights of the few and the public be damned will be a stain on our nation!!!

Kind regards,

Lisa Barakat
www.lezajohnson.com
 Sleep and Awake Coach
 M: +61417864339 Australia
 M: +! 7207674422 USA



- Today's shadowing at 8.17am
- High Wind impact

Concrete jungle!

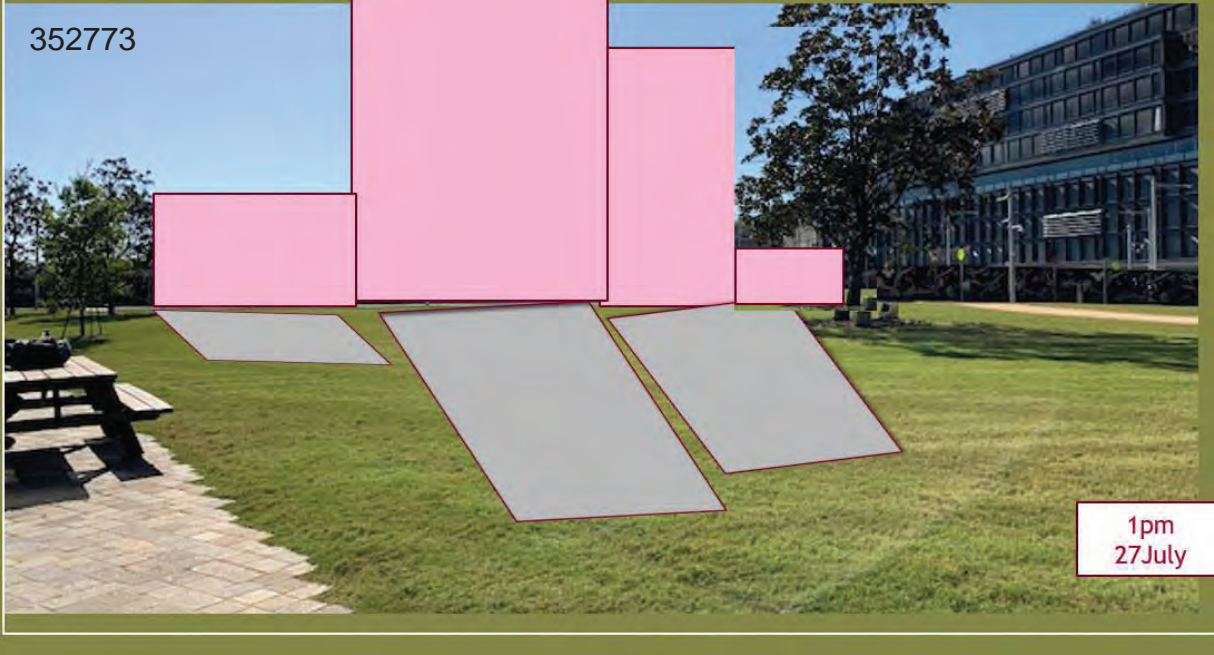


Figure 44 Identification of proposed architects for Central Barangaroo Design Excellence Strategy



Impact: double density of foreshore

352773



1pm
27 July

30% PARK LOST



This is an objection to and comments on the Barangaroo Concept Plan (Mod 9)

Many objections to this proposal will be based on the loss or degradation of the unique visual Heritage found in the general area. This may include obstruction of personal property views in the relatively immediate precinct, but broader considerations and impacts on other precincts in and around the area to be developed include both sides of the Harbour Bridge approach and right around to Balmain East.

Some properties will be directly impacted by the scale of the proposed developments but other residents and workers who use the general area as a leisure and fitness neighborhood will also be negatively impacted and their environment will be effectively degraded in terms of a sense of place. That will include residents and workers from the Rocks, Millers Point, Observation Hill, and all of the other developments in and around Barangaroo, the broader Darling Harbour and associated Bays, plus all the residential and commercial development in the CBD – particularly on the Darling Harbour side of George St.

Perhaps more important is the impact of overdevelopment of the foreshore of this area as viewed from the Harbour waters.

The proposed development will have a devastating impact on visual amenity and appreciation of Sydney's earlier settlement and history. Tourists (Nationally and internationally) are not interested in viewing more massive developments such as those already imposed on this unique part of Sydney's historic settlement. There are already enough of these around the world to satisfy those who appreciate modern architecture, and far too few that present the insight and vista of the past that exists at the moment in this particular environment.

Tourists are also regular walkers though out this whole precinct (take a walk yourself and this observation will be quickly confirmed), and the impressions these visitors take home and spread can only add to Sydney's reputation as a preserver of historical and unique harbor settings. The worth of these impressions for years to come is much more than the profits that can be made by such short-sighted benefits gained by the few.

Without a doubt, the Sydney Harbour and Foreshore is a public asset that must not be sacrificed for the private good of a few. Ignoring the State and National Heritage in such a significant precinct would show a total disregard for what little we have left. It does not have to be a Castle to justify preservation!

While the views of private dwellings and residential building are an important consideration, we are talking more about views from the water and street level views and vistas that are available to anyone who cares to take the walk around these precincts. That includes visitors and short or long-term resident and workers.

The Casino building is no doubt an architectural marvel to some and an obscenity to others, but enough is enough. Bulk and scale are a fundamental issue in Environmental Planning, so when we place new developments in and around historical precincts, we cannot ignore the obvious. To do so ignores the lessons from previous mistakes and is an assault on human perceptions and senses that cannot be remedied.

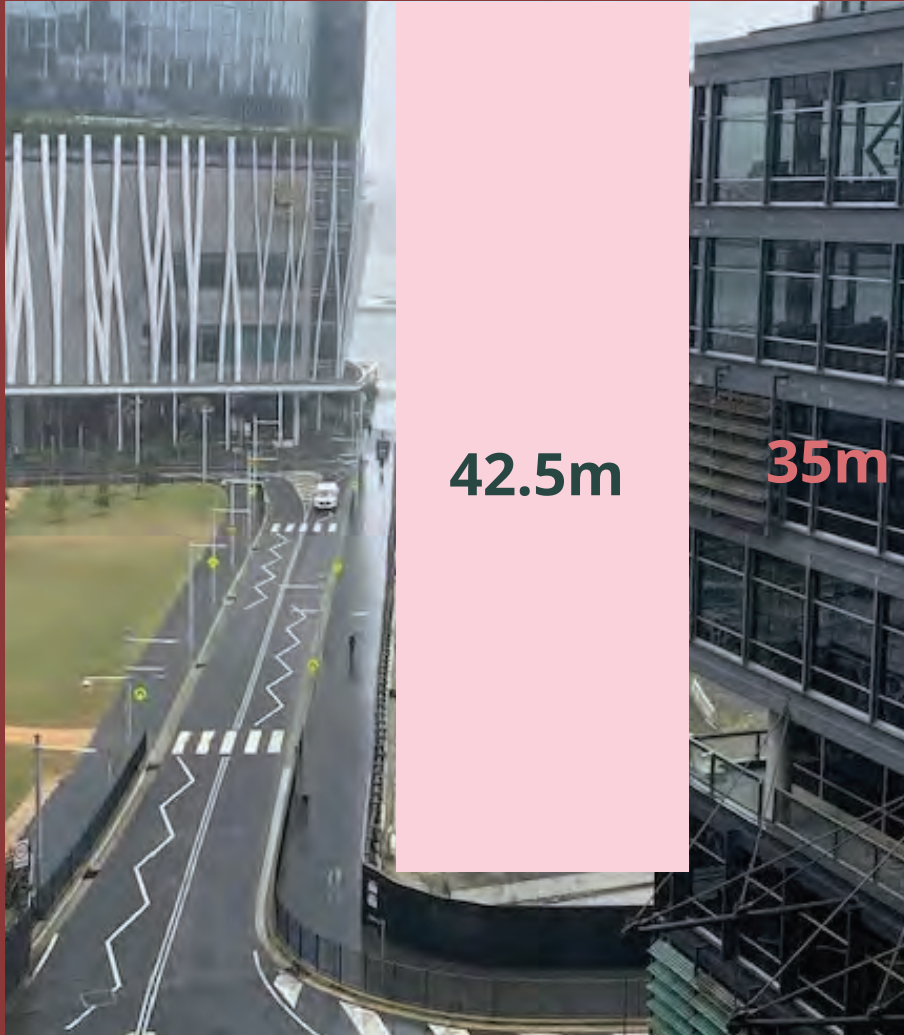
As one observer has recently commented – once it's gone it's gone forever and it is certainly not the citizens of New South Wales or Australia that will reap the benefits of this major down grading of an irreplaceable precinct protection.

Of course, any critical analysis of this proposal must acknowledge that Hickson park will be reduced in size – but then it's only a "little bit", Seriously? Where does this all start and finish?

352894

352786

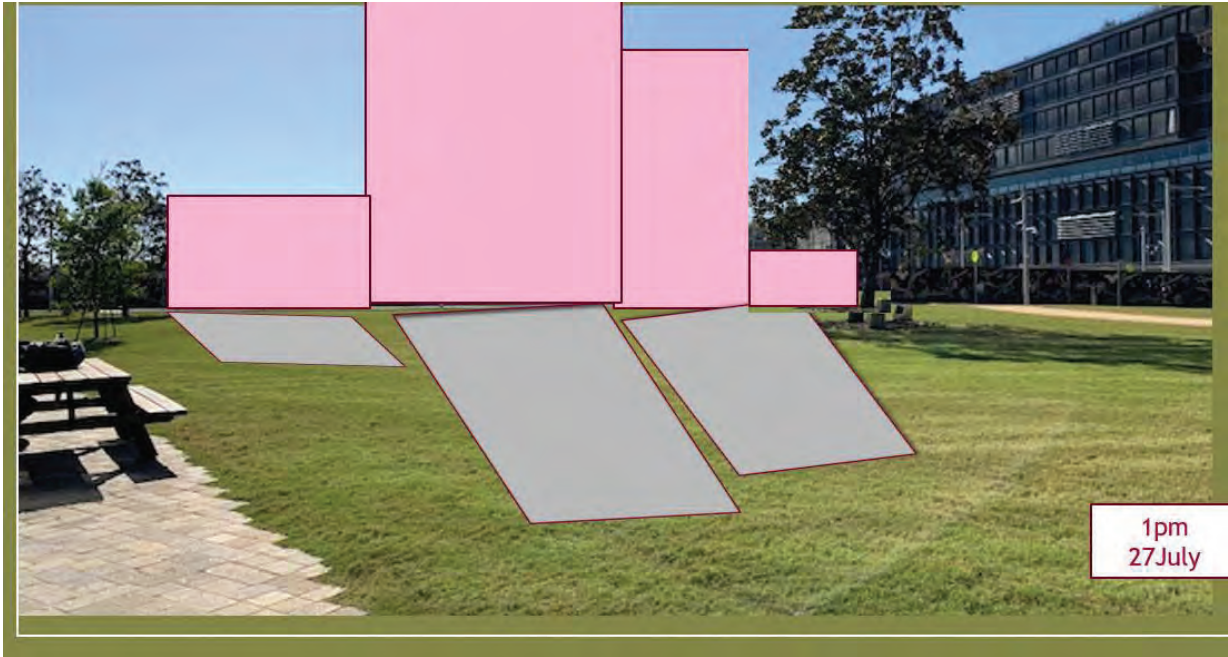
BARANGAROO CENTRAL



**Will your apartment
views be affected?**

Object now

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/



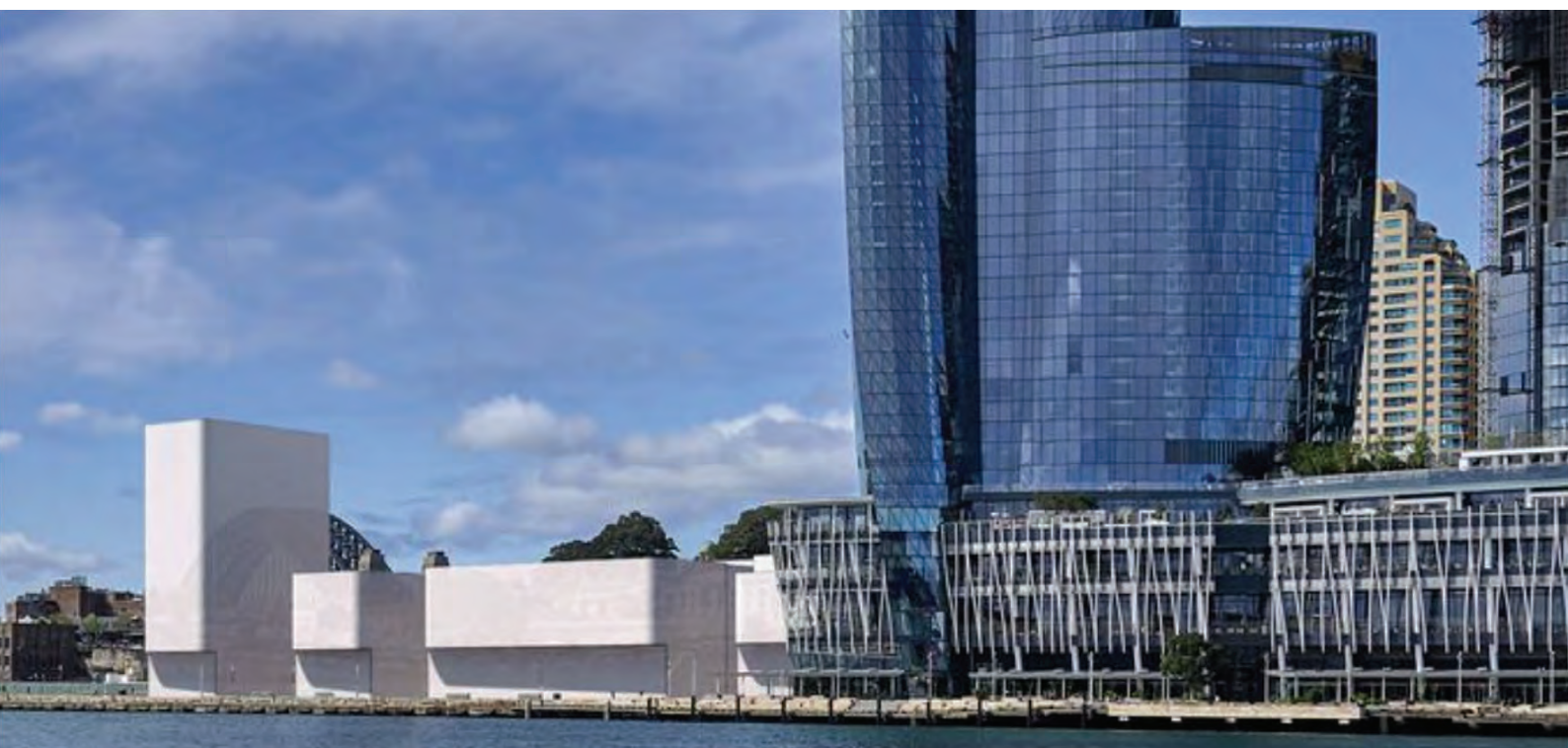
30% PARK LOST



352790







352830



James A Castley OAM
2101/127 Kent Street
Millers Point NSW 2000

Re; Objection to proposal MP06_0162 MOD9 Barangaroo Central.

Dear Sir/Madam,

I wish to object to the current new proposal MP06_0162 MOD9 for Barangaroo Central for the following reasons:

1. I believe this new plan is being considered as a “modified” plan. The English dictionary describes the word “modify” as a “**slight change**” . While the plans are complicated and difficult for a layman to understand it does appear to me that the building floorspace has been increased “**dramatically**” perhaps up to 3 times larger than the original plans. Additionally, heights have been increased whereby this would result in a “**large**” reduction of the harbour views from Observatory Hill and Millers Point. I therefore propose that this new plan should not and cannot be considered as a “modification”.
2. The three new massive Lend lease towers are not yet completed and occupied and at this stage we can not know what the impact of the 10,000’s of extra people and 1,000’s of extra cars will have on this area. Additionally, the Crown building has not yet seen its potential capacity and only after the casino is fully functioning and international visitors return will we know what additional impact this will also have on this delicate area. Therefore this increase to floorspace and ultimately people and car numbers, is something that should be carefully considered at this stage.
3. This is last undeveloped shoreline space in the whole of Sydney, and surely it is essential that the public use now and into the future is protected against over-development. I was recently in Vancouver, and couldn’t help admire the way in which a large number of their high-rise buildings in the CBD, are set back from the foot path, thus allowing some green area and extra room for sunlight to get through to the street. I walk the Sydney CBD streets regularly and I am sad that here most all the buildings front the footpath, creating no space for gardens and restricting the sunlight to get through to the foot paths. I mention this, because once mistakes like this are made, they cannot be changed, and therefore what eventually is build at Barangaroo will be with us for generations.
4. The 73m high rise building is not only totally unacceptably high, but also the location appears to be the result of protecting the harbour views of the Lend Lease buildings while blocking the unrestricted views from the public area of Observation Hill as well as the views of many other buildings in the area. How can this be ??? I hope that when our grand children sit on the hill and look out over the back harbour, this building is not front and centre of their view.

Thank you for accepting and reading this objection, and please consider these points carefully as the future of this Barangaroo Central area is in your hands.





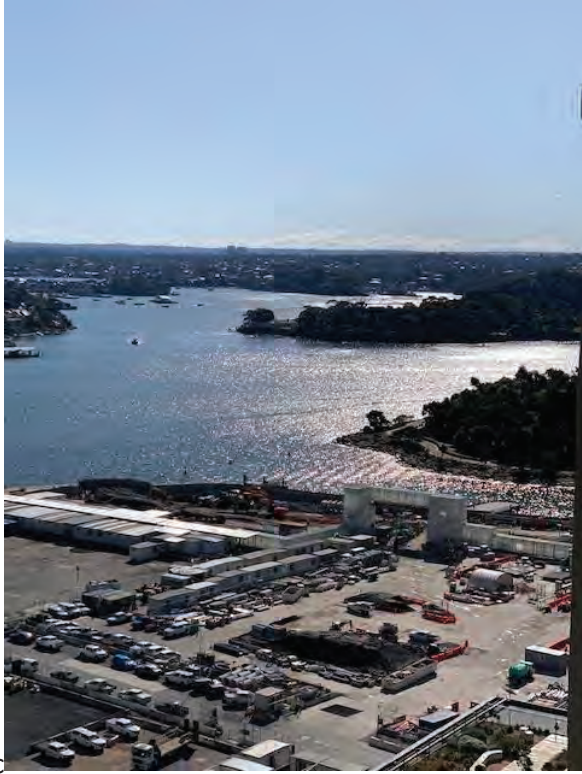
352854



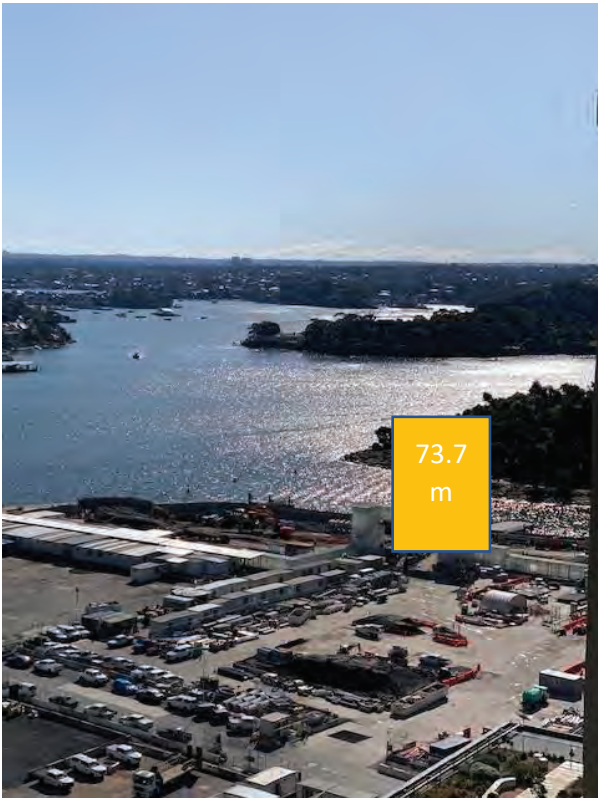


30% PARK LOST





Stamford Marque 16A



Stamford Marque 9A

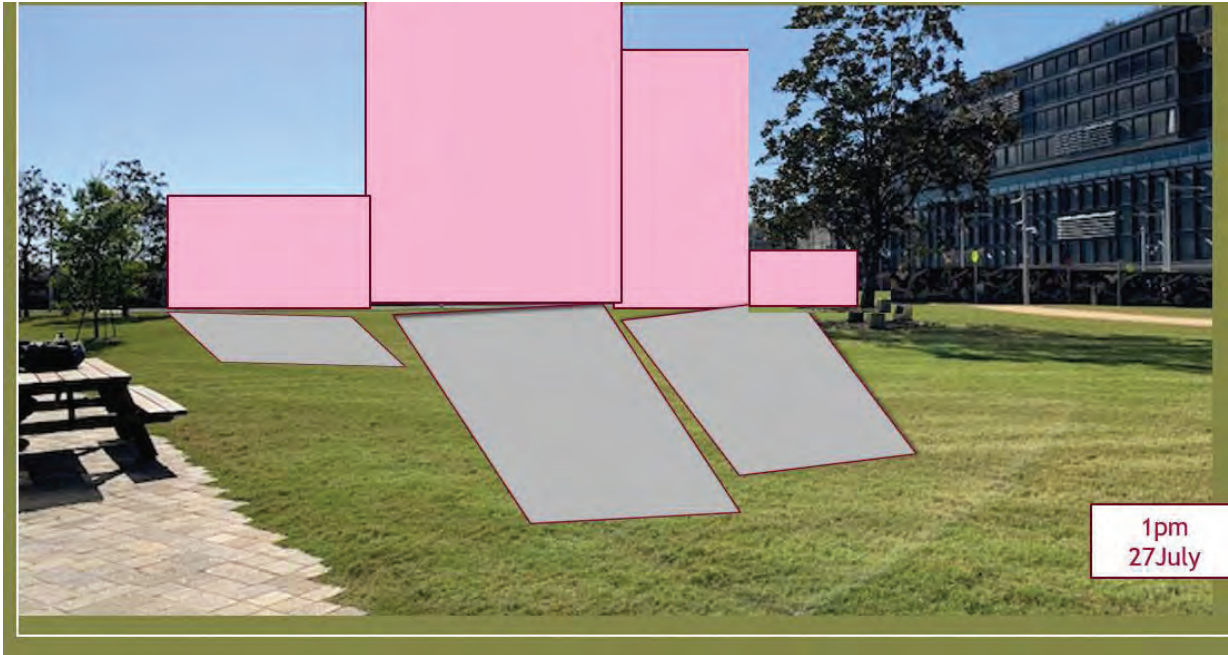


73.7m 9 story residential building.

Stamford Marquee 9A

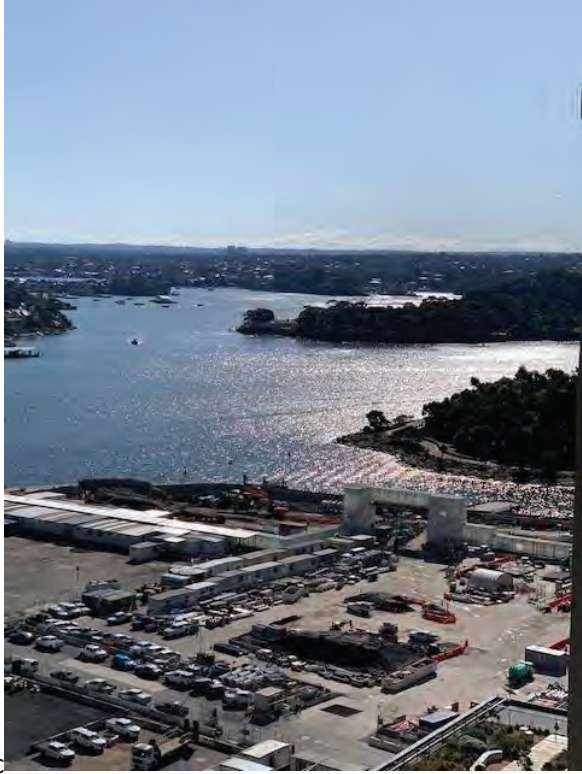


73.7m 9 story residential building.

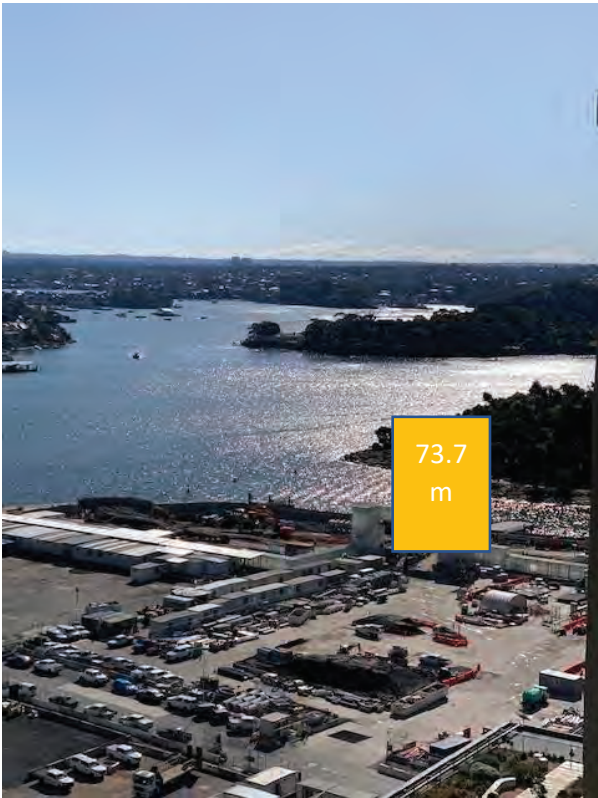


30% PARK LOST





Stamford Marque 16A



Stamford Marque 9A



73.7m 9 story residential building.

Millers Point 4 August 2022

To the Minister of Planning

Dear Sir,

The buildings along Hickson Rd are too big, with insufficient articulation, setback, separation, etc. They are an urban planning disaster.

The low-rise residential setting of the significant heritage Millers Point streetscape will be blocked as seen from the western harbour and neighbouring suburbs of Darling Island, Pyrmont, Balmain, etc.

Important vistas from the aforementioned suburbs of iconic Sydney Harbour views will also be blocked.

This views have been used by the government to sell the same terraces that now you intend to obscure, Highly unfair to those people that spent millions of dollars purchasing and refurbishing their derelict conditions.

Northern Residential Tower, this building is totally out of context to:

- o Nawi Cove
- o Millers Point heritage streetscape
- o Observatory Hill
- o Barangaroo Headland Park.

· It is without merit as a standalone building. It does not contribute as an “exclamation mark” to the whole development as stated. It is a gratuitous cash grab which will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

It does not contribute positively to the urban planning of the precinct.

Visual Impact

The proponent’s visual impact is completely inadequate.

It is highly selective of the visual impact images in its Visual Impact Report.

It does not include, for example, visual impact images from High St or Kent St, whether as a streetscape or as individual properties.

The views from Observatory Hill shouldn't be disrupted when looking westerly.

Noise

There isn't enough consideration taking with regards to the local traffic situation, noise and disruptions, there's already an enormous amount of noise coming from service trucks In the early hours of the morning, exhaust noises from the Crown building (located about 100 mt away) can be heard at all hours.

Park

By making the temporary Burton St a Permanent Street you are also depriving the people of NSW of 4000 square meters of public park, however they are leaving the building adjacent to the boundary on the northern side of Burton street, shouldn't that portion of park be reinstated in the northern side of Burton Street?

There's so many things wrong with this Modification of approval that honestly should be knocked in the Head, Dear Minister, you are still on time know, before it starts but it'll be to late when built, it'll impact us as residents in a very bad way, hopefully you will consider us, the residents and **BLOCK THE APPLICATION.**

Kind Regards

Luigi Lillino Pinna

Millers Point Community Resident Action Group

352904

Barangaroo Concept Plan (Mod 9)

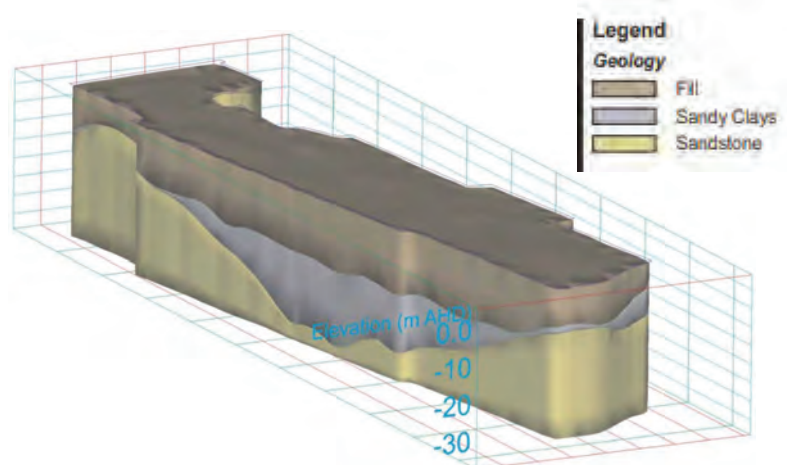
Key Issues

Top 5 Issues

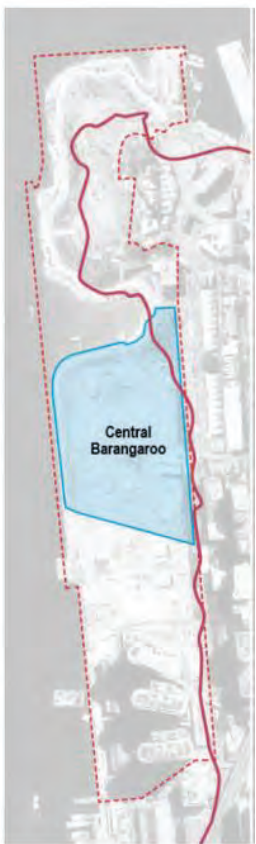
1. Sydney Harbour and Foreshore: A Public Asset – Public v Private Good
2. State and National Heritage (View and Visual Impact, Heritage Impact)
3. Millers Point and Observatory Hill
4. Urban Design Principles (Bulk and Scale of Development) and impact on amenity
5. Hickson Park

Central Barangaroo was originally Sydney Harbour

The original shoreline shows that Central Barangaroo was originally harbour. It is mostly reclaimed land.



The Sandstone bedrock is 20-30 metres below ground level at Central Barangaroo

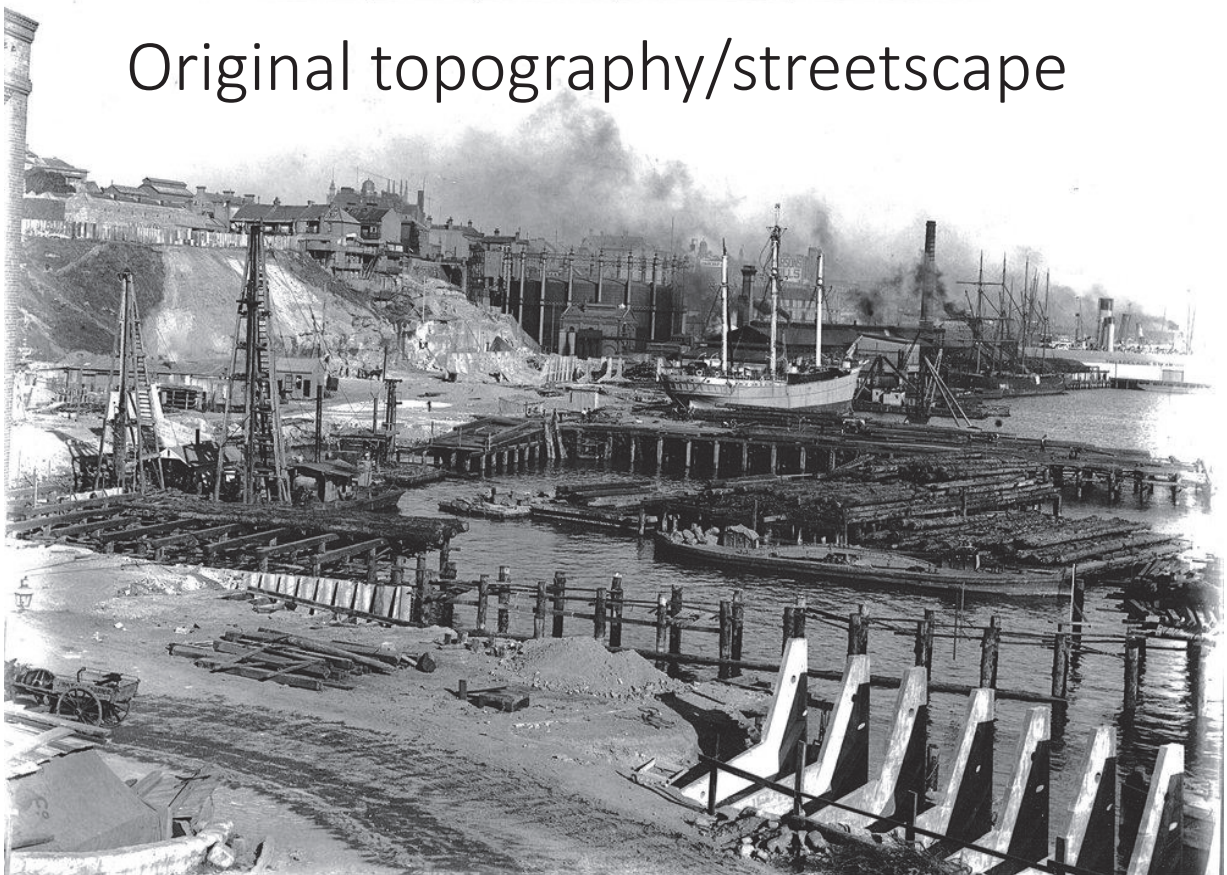


1788

Original topography/streetscape



Original topography/streetscape



Original topography/streetscape



Barangaroo Central is Crown Land (reclaimed harbour)—it belongs to the people of New South Wales

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,
- (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.



Sheet GFA 001

The Site: Existing Approval



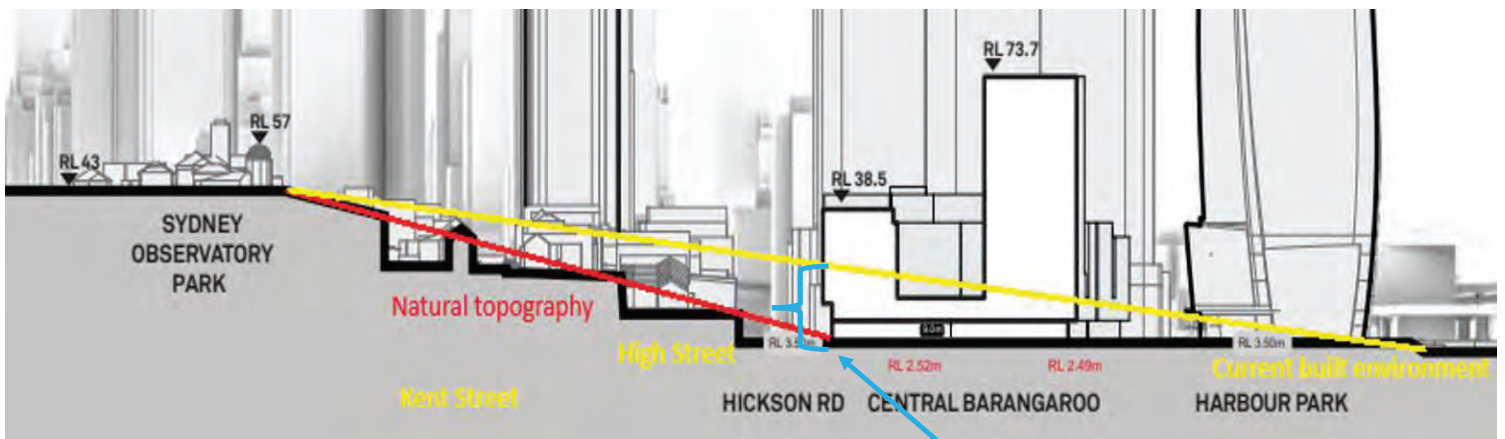
Block 5 = Max GFA 29,668 sqm, Max Height 34 metres, Block Area 8,690 sqm – average 3.42 storeys

Block 6 = Max GFA 3,000 sqm, Max Height 29 metres, Block Area 1,855 sqm – average 1.62 storeys

Block 7 = Max GFA 15,000 sqm, Max Height 35 metres, Block Area 5,960 sqm – average 2.52 storeys

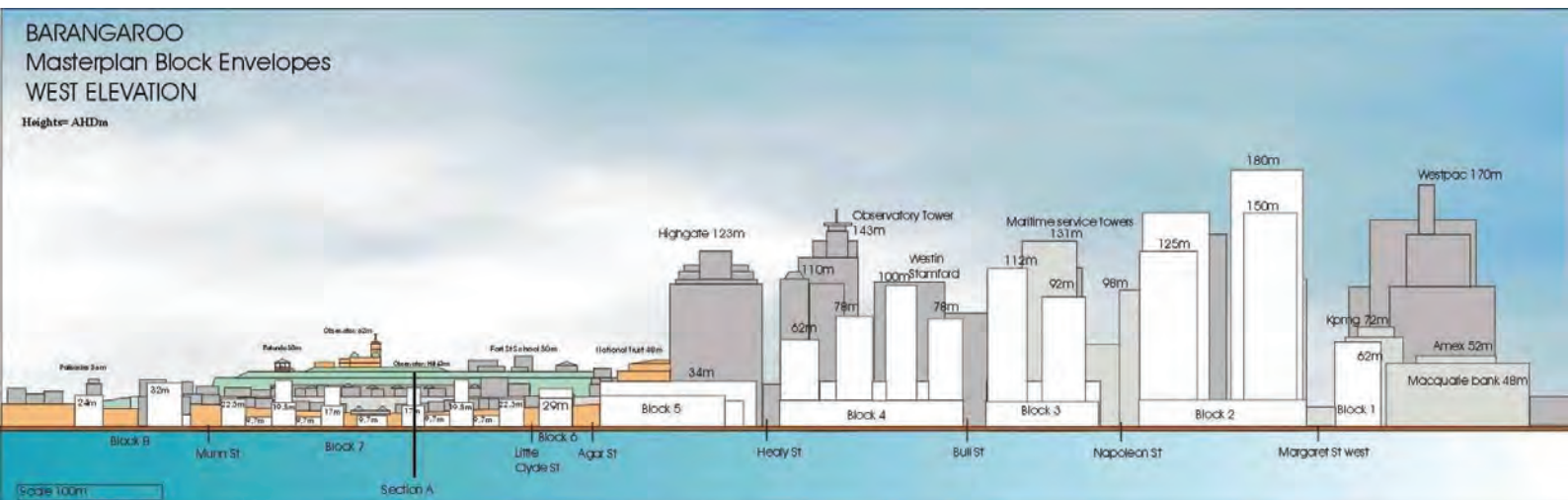
TOTAL = Max GFA 47,688 sqm, Max Height 35 metres, Block Area 16,505 sqm – average 2.89 storeys

Topography guides building envelope

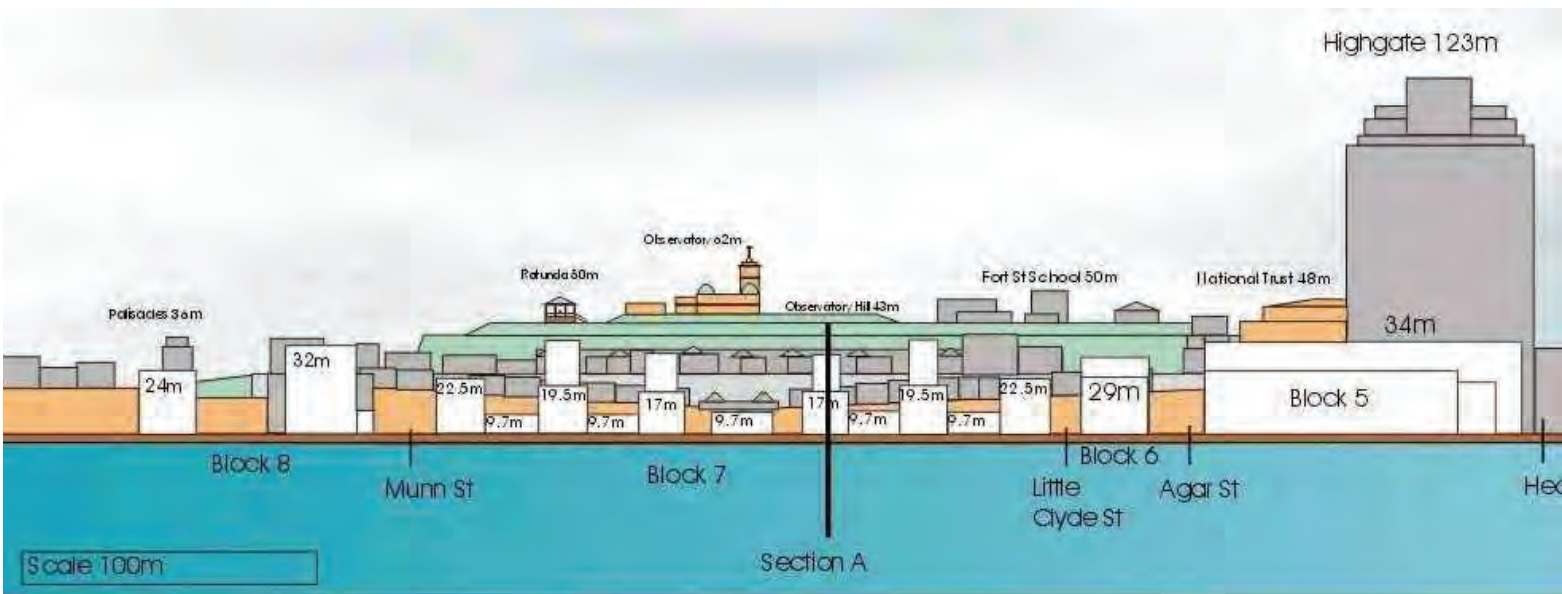


This height is approximately RL23
(21 metres above ground)

Original Concept Plan respected this principle

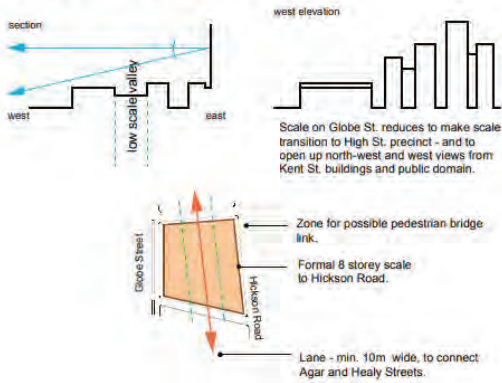


Original Concept Plan respected this principle



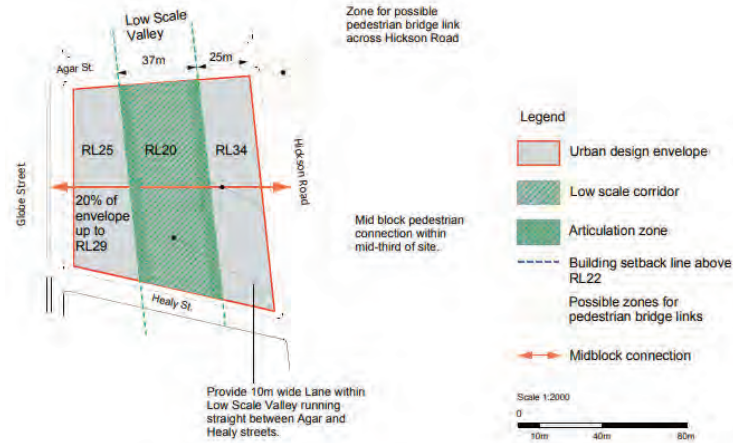
Block Design Principles and Development Controls

BLOCK 5 DESIGN PRINCIPLES



Max. permitted GFA **29,200m²**
 Urban design envelope footprint area **8,690m²**

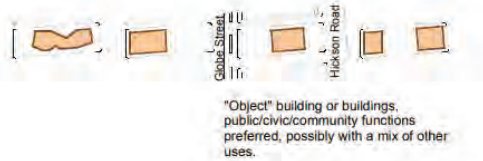
BLOCK 5 DEVELOPMENT CONTROLS



GFA - The maximum permitted GFA control prevails over the urban design envelope controls, which intentionally allow for the distribution of GFA within the urban design envelope to be resolved via more than one end building design. The max. permitted GFA does not allow for a building to fill the whole of the urban design envelope, and this is not permitted.

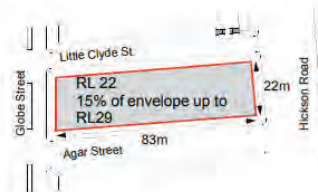
Block Design Principles and Development Controls

BLOCK 6 DESIGN PRINCIPLES



Max. permitted GFA **3,000m²**
 Urban design envelope footprint area **1,855m²**

BLOCK 6 DEVELOPMENT CONTROLS

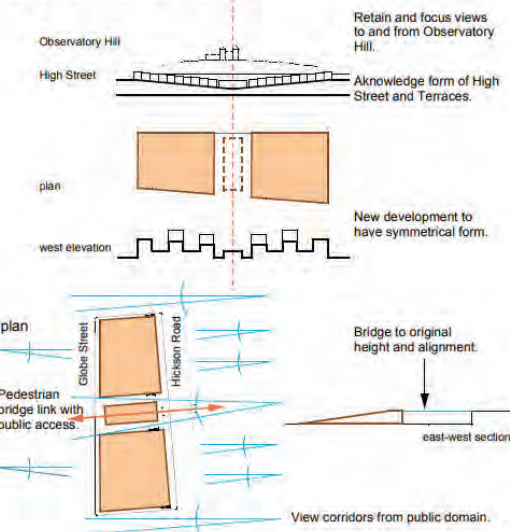


Legend
 Urban

GFA - The maximum permitted GFA control prevails over the urban design envelope controls, which intentionally allow for the distribution of GFA within the urban design envelope to be resolved via more than one end building design. The max. permitted GFA does not allow for a building to fill the whole of the urban design envelope, and this is not permitted.

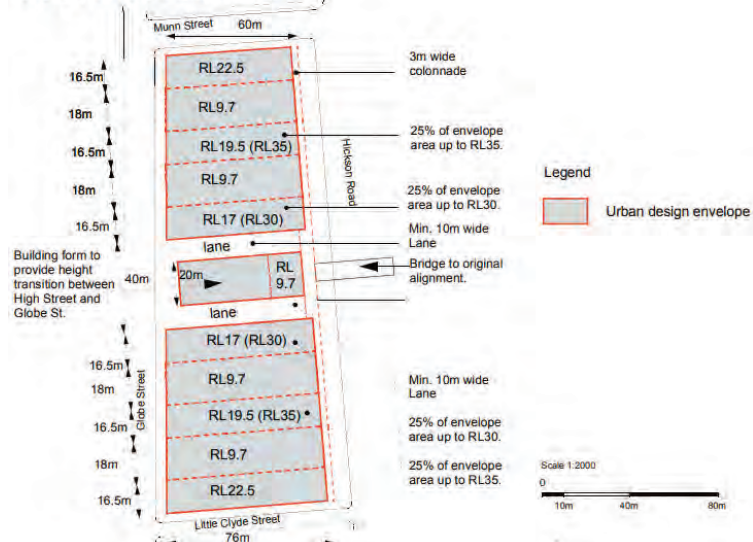
Block Design Principles and Development Controls

BLOCK 7 DESIGN PRINCIPLES



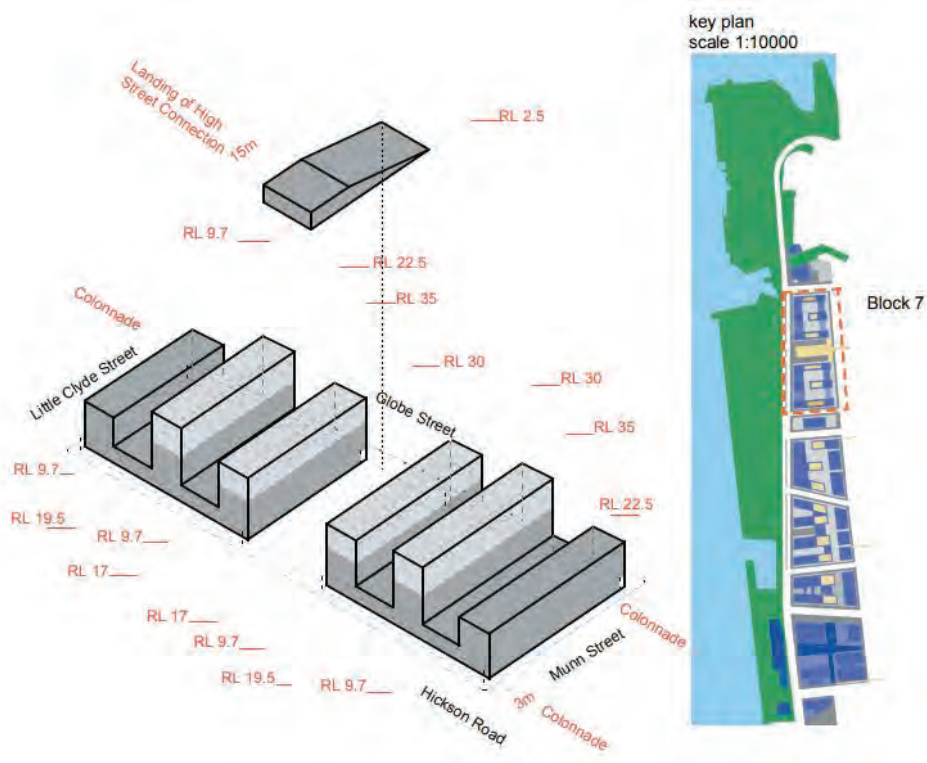
Max. permitted GFA **28,000m²**
 Urban design envelope footprint area **11,922m²**

BLOCK 7 DEVELOPMENT CONTROLS



GFA - The maximum permitted GFA control prevails over the urban design envelope controls, which intentionally allow for the distribution of GFA within the urban design envelope to be resolved via more than one end building design. The max. permitted GFA does not allow for a building to fill the whole of the urban design envelope, and this is not permitted.

Block Design Principles and Development Controls



Views to and from Observatory Hill & Millers Point

- | |
|--|
| 56. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained. |
| 57. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as these documents apply to Barangaroo South. |

Views to and from Observatory Hill & Millers Point

58.	Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are: <ul style="list-style-type: none">• views to significant tracts of the water,• the junction of Darling Harbour and the Harbour proper,• the opposite foreshores,• panoramic qualities of existing views and,• the most distinctive views to landmark structures,
59.	All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.
60.	Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.

Proponent's Assessment: Visual Impact

Summary of Findings

*“Much of the view west from Millers Point across Darling Harbour, and east from Pyrmont and Balmain East looking back towards Millers Point, **are lost already** due to the building envelope of the Approved Concept Plan. MOD 9 often only marginally increases the extent of this view loss to attractive elements or elements of specific interest within the landscape.”*

Appendix F_ View and Visual Impact Assessment Page 7

(Barangaroo Modification 9 : View and Visual Impact Assessment, AECOM, Page G)

Proponent's Assessment: Visual Impact

Reasonableness of the Proposal

*The proposal **does not comply** with the existing Approved Concept Plan planning controls. However, in this regard, all of the previous development within Barangaroo South has been successful in amending existing planning controls, often significantly so.*

Appendix F_ View and Visual Impact Assessment Page 140

(Barangaroo Modification 9 : View and Visual Impact Assessment, AECOM, Page 130)

Proponent's Assessment: Media Comment

Aqualand's Mr McCoy who said the development was not building past height requirements permitted 15 years ago.

“The currently approved building heights for Central Barangaroo, which obscure some of the westerly views from the Langham, were given consent in 2007, preceding the sale of public housing in Millers Point to the new residents, and the sale of the then Observatory Hotel to the Langham in 2012,” he said.

The Australian, July 13 2022

Development Block Controls

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

7. View Sharing – to promote the equitable access to views towards the harbour, the built form is to be arranged to define the street corridors and to allow view corridors from the existing private buildings to the east.

98. The built form of development blocks 5, 6 and 7 inclusive will follow the *design guidance set out in the Central Barangaroo Urban Design Report prepared by Hassell (13 December 2021)*. ~~Design Principles, Design Requirements, and Development Controls as set out in Part B and as amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning. Final designs for each development block will be prepared by development partners who will be subject to the Design Excellence Strategy.~~

Proponent's Analysis: Existing



Figure 33 Existing View (Source: AFCDM, July 2018)

Proponent's Analysis: "Approved"



Figure 34 Image showing the development envelope of the Approved Concept Plan for the Approved Concept Plan (Source: AECOM, March 2021)

Proponent's Analysis: Proposed



Figure 35 Image showing the development envelope of MCD 9 (Source: AECOM, September 2020)

Approved Concept Plan



Proponent's Analysis: Existing



Figure 37 Existing View (Source: AECOM, July 2018)

Proponent's Analysis: "Approved"



Figure 39 Image showing the development envelope of the Approved Concept Plan (Source: AECOM, July 2018)

Proponent's Analysis: Proposed



Figure 40 Image showing the development envelope of MDD 9 (Source: AECOM, March 2021)

Approved Concept Plan































Investor Account Details for 41707400005 - Scherini, Kim - MLC Wrap Super - MLC Wrap Super Series 2

Portfolio Valuation Asset Allocation Transaction PV History Fees Account Details Insurance Notes Document Management

Portfolio Investment Details (as at 21/02/2022)

Investment	APIR/ASX	Units	Unit Price Date	Unit price	Total	Dist...	Re...
Managed Investments							
Alphinity Global Equity Fund - Class A	HOW0164...	66066.0661	17-Feb-2022	\$1.8884	\$124,759.16	Annu...	No
Antipodes Asia Fund	IOF0203AU	21341.6803	16-Feb-2022	\$1.1653	\$24,869.46	Annu...	No
Magellan Infrastructure Fund	MGE0002...	16534.1312	16-Feb-2022	\$1.3276	\$21,950.71	Half ...	No
Vanguard International Property Sec...	VAN0018...	11840.1573	17-Feb-2022	\$1.1869	\$14,053.08	Quar...	No
Listed Investments							
APA Group Fully Paid Units Stapled ...	APA	986.0000	18-Feb-2022	\$9.9000	\$9,761.40		
Aristocrat Leisure Limited	ALL	206.0000	18-Feb-2022	\$39.8400	\$8,207.04		
AUB Group Limited	AUB	882.0000	18-Feb-2022	\$23.5700	\$20,788.74		
Beach Energy Limited	BPT	4356.0000	18-Feb-2022	\$1.4900	\$6,490.44		
Cimic Group Limited	CIM	528.0000	18-Feb-2022	\$16.3100	\$8,611.68		
CSL Limited	CSL	39.0000	18-Feb-2022	\$265.5700	\$10,357.23		









Independent Planning Commission Condition C1

The Commission sympathises with residents of the nearby residential blocks and understands that each change in the Barangaroo Concept Plan has a potential impact on their views that they have little or no control over, having bought their homes in good faith. The Commission considers that the Barangaroo development has now reached the point where further impacts on views beyond MOD8 need to be minimised. The Commission adopts the following condition to ensure that future development of Block 5 does not impact on key view lines from the Millers Point and Observatory Hill region:

C1 Future Building/s on Block 5

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

- (a) demonstrate that views will be retained:
 - (i) from Millers Point and Observatory Hill to the western part of Sydney Harbour; and,
 - (ii) from Block Y to the Sydney Harbour Bridge and the Opera House; and,
- (b) be supported by shadow diagrams demonstrating compliance with the overshadowing limits specified in B3 (1) d) and B3 (2).

Proponent's Response

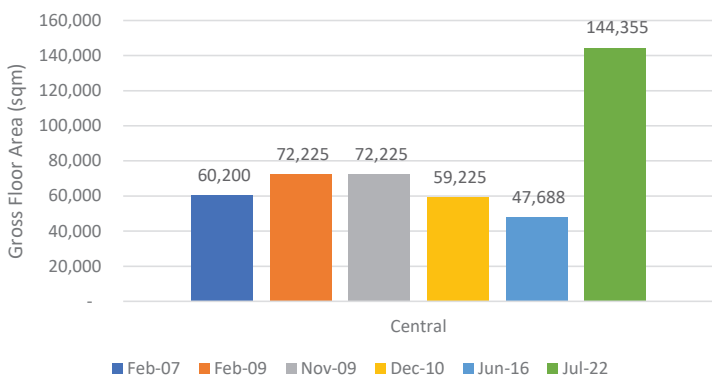
Condition	Description of modification and reason
PART C – FUTURE APPLICATIONS	
<p>C1 Future Building/s on Block 5</p> <p>Any future development application/s within Block 5 is to satisfy the following:</p> <p>a) demonstrate that views will be retained address any impact on views, in accordance with the building envelopes in the Central Barangaroo Urban Design Report (prepared by Hassell dated 13 December 2021), in particular:</p> <ul style="list-style-type: none"> i. from Millers Point and Observatory Hill to the western part of Sydney Harbour; and ii. from Block Y to the Sydney Harbour Bridge and the Opera House; and <p>b) be supported by shadow diagrams demonstrating compliance with the overshadowing limits specified in B3 (1) d) and B3(2).</p>	<p>The word “retain” is unreasonably open to interpretation and should be limited to require consideration of views in accordance with the MOD 9 documentation.</p>

Ignoring Millers Point (State Heritage Register)

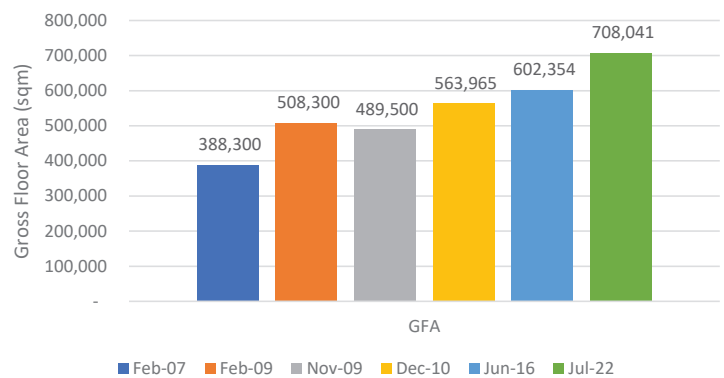
SHR	Name	Address	SHR	Name	Address
00900	Stone House	53, 55 Kent Street Millers Point	00855	Building	30 Kent Street Millers Point
00645	St Brigid's Roman Catholic Church and School	14, 16 Kent Street Millers Point	00928	Toxteth	94 Kent Street Millers Point
00930	Winsbury Terrace	75, 77, 79 Kent Street Millers Point	00858	Terrace	46 Kent Street Millers Point
00859	Terrace	44 Kent Street Millers Point	01408	Millers Point Post Office	12 Kent Street Millers Point
00527	Oswald Bond Store	1-17 Kent Street Millers Point	00873	House of Bodleigh	24, 26 Kent Street Millers Point
00839	Blyth Terrace	82, 84, 86, 88 Kent Street Millers Point	00856	Terrace	42 Kent Street Millers Point
00888	Edwardian Shop/Residences	21, 23, 25, 27, 29 Kent Street Millers Point	00876	Stone House	49, 51 Kent Street Millers Point
00864	Terrace	32, 34, 36, 38, 40 Kent Street Millers Point	00879	Terrace	83, 85 Kent Street Millers Point
00890	Katoomba House	81 Kent Street Millers Point	00916	Terrace	90, 92 Kent Street Millers Point
00908	Terrace	115, 117, 119, 121 Kent Street Millers Point	00909	Terrace	60, 62 Kent Street Millers Point
00509	Lord Nelson Hotel	19 Kent Street Millers Point	00511	Captain Cook Hotel	33, 35 Kent Street Millers Point
00871	Terrace	52, 54 Kent Street Millers Point	00921	Terrace House	48, 50 Kent Street Millers Point
00854	Building	28 Kent Street Millers Point	00872	Hexam Terrace	59, 61, 63 Kent Street Millers Point
00914	Terrace	71, 73 Kent Street Millers Point	00920	Terrace Duplexes	2-36 High Street Millers Point
00901	Terrace	123, 125 Kent Street Millers Point	00919	Terrace Duplexes	38-72 High Street Millers Point
00837	Alfred's Terrace	37, 39, 41, 43, 45, 47 Kent Street Millers Point	00868	Terrace Duplexes	74-80 High Street Millers Point
00917	Terrace	18, 20, 22 Kent Street Millers Point	00918	Terrace Duplexes	3, 5, 7, 9 High Street Millers Point
00841	Terrace	56, 58 Kent Street Millers Point	I922	Terrace group 'Carlson Terrace'	Agar Steps
			I921	Terrace group 'Agar Steps Terrace'	5-9 Agar Steps
			00526	Warehouses	6-20 Munn Street Millers Point
			00912	Terrace	18, 18a, 20, 20a Munn Street Millers Point

Bulk and Scale

Central Barangaroo GFA **a 140% increase**



Total Barangaroo GFA **an 82% increase**



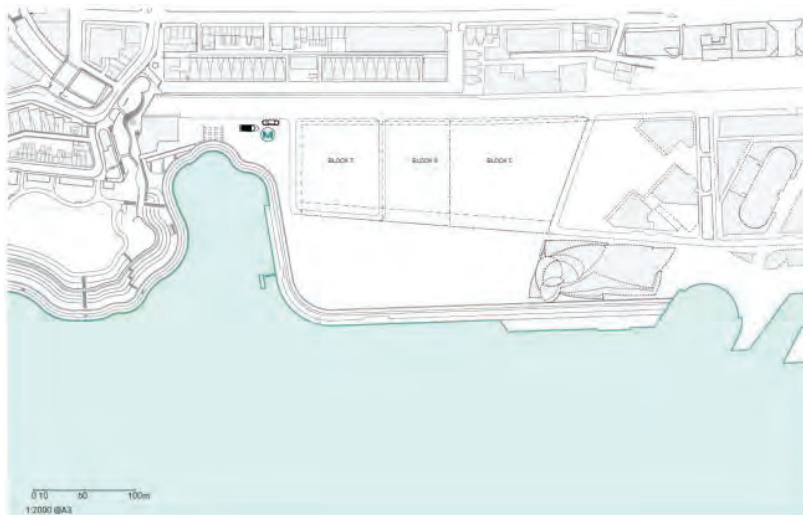
Mod 2 (Feb-09) argued the planning of a railway station at Barangaroo warranted an increase in GFA of 12,025 sqm on Block 5 as part of an increase of 120,000 sqm across the site.

Mod 3 (Nov-09) reduced the block 7 and deleted block 8 as part of expansion of the northern cove.

Mod 8 (Dec-16) reduced the size of Block 5 following a review by the IPC to improve the amenity and pedestrian access to Hickson Park

Mod 9 argues the construction of a railway station at Barangaroo warrants an increase of retail and commercial space of 96,667 sqm at Central Barangaroo (28,166 below ground and an additional 68,501 above ground)

Bulk and Scale = 1.82 times Crown



Gross floor area. • A total **GFA** of 77,500sqm, comprising: o 48,200sqm tourism floorspace, including: - 41,313sqm hotel; and. - 6,085sqm restricted gaming ...



Bulk and Scale Impacts

- **To get 144,355 square metres of Gross Floor Area....**
 - Increase height above maximum allowable
 - Ignore Block Controls
 - Take back all of Block 5 (Hickson Park)
 - Overhang by 3 metres
 - No setbacks (3 metres minimum required)
 - Treat Barangaroo Avenue as public open space
 - Treat Nawi Cove as public open space
 - Ignore minimum setbacks for residential tower
 - Provide no vehicular access
 - Provide no parking (remove parking!)

Central Barangaroo buildings increase again thanks to new station
“The latest increase to development at Barangaroo ”could be squeezing the lemon too hard,” according to Paul Keating, after the Baird government said it would allow larger buildings at the site to help pay for a new metro station.

Premier Mike Baird announced on Thursday the tender process for Central Barangaroo would open next week, and would include provision for the new station”. – **SMH 26-11-2015**

Impacts on Amenity

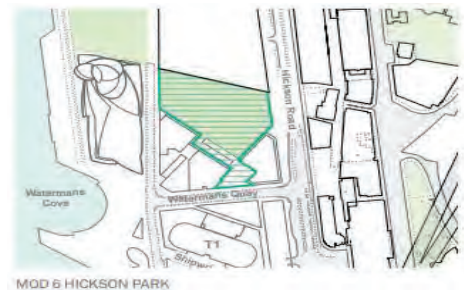
- Heritage
- View loss
- Overshadowing
- Traffic
- Parking
- Bulk and Scale
- Height
- Acoustic and Visual Privacy
- Setbacks

Think About How it Impacts **YOU**

- Heritage
- View loss
- Overshadowing
- Traffic
- Parking
- Bulk and Scale
- Height
- Acoustic and Visual Privacy
- Setbacks

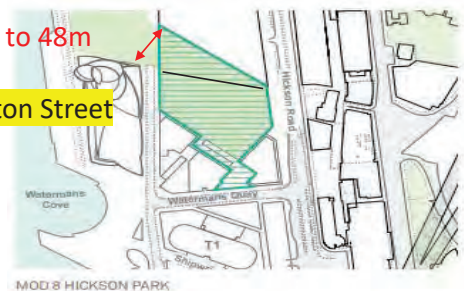
Hickson Park

- The NSW Independent Planning Commission increased the size of Hickson Park and removed Barton Street to improve the amenity of the park and improve pedestrian connection into Central from South.
- The Proponent seeks to restore the previous site boundary and keep Barton Street as a two way road joining Hickson Road.
- The proponent wishes us to compare this park to Bryant Park (a 9.6 acre park in Central Manhattan)
- The proposed park will be overshadowed in midwinter



Increase this to 48m

Remove Barton Street





The Owners of SP100247
"Revy" 8 Darling Island Road,
Pyrmont NSW 2009
Wednesday, 3 August 2022

Attn: Major Project Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Re: Submission to Section 75W Modification Request

Application No: Barangaroo Concept Plan Modification 9 (MP 06_1612 MOD 9)

Dear Mr Glasow,

I, the Strata Managing Agent, Ms Sonal Shah, have been instructed by the Owners of SP100247 to register objections to the Barangaroo Concept Plan Modification 9 based on the following issues presented with the application:

Issue 1: Significant departure from the original conceptual and approved plans in terms of bulk, scale, and height

The Owners Corporation express objections that the project's height, bulk, and scale are excessive and do not provide a clean and smooth transition to the Harbour frontage. The image presented in the Environmental Assessment Report (Figure 16 & 19 19) shows an apparent disconnect with Block 7 compared to the remaining blocks to be modified.

Figure 16 Central Barangaroo MOD 9 building heights in the surrounding context (elevation from the west)

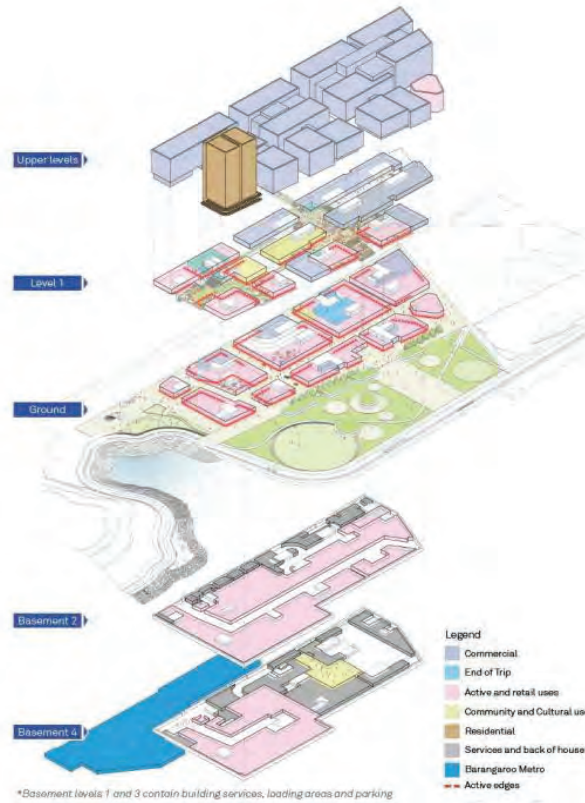


Source: Hassell

Extract 1: Figure 16 from the Environmental Assessment Report (EAR)



Figure 19 Land use configuration



Extract 2: Taken from Figure 19 from the Applicant EAR

To verify the comments and outline our position in our disagreement with the layout of the development, we present an extract of the proposed development envelope showing the disconnect in the sliding building scale of the development (with emphasis made on Block 7).



Image showing the development envelope of the MOD 9 proposed Concept Plan (Source: AECOM, August 2021)



Extract 3: Showing poor layout of Block 7 from Page 89 of the Urban Design Report (Appendix E)

When viewed from the Owners local park (Ballarat Park, Pyrmont), it is evident that the transition from Crown Sydney is not smooth. It reflects a suitable building scale and will complete with Central Barangaroo and block the harbour bridge's visual access. For verification purposes, the Owners present an extract from the View and Visual Impact Assessment from AECOM on Page 9



Figure 61 Image showing the development envelope of the proposed Concept Plan (Source: AECOM, July 2011)



Figure 62 Image showing the development envelope of MCO 8 (Source: AECOM, March 2011)

Extract 4: Showing the visual impact of disuniformity and obstruction of view from Harbour Bridge (Appendix F of the application)

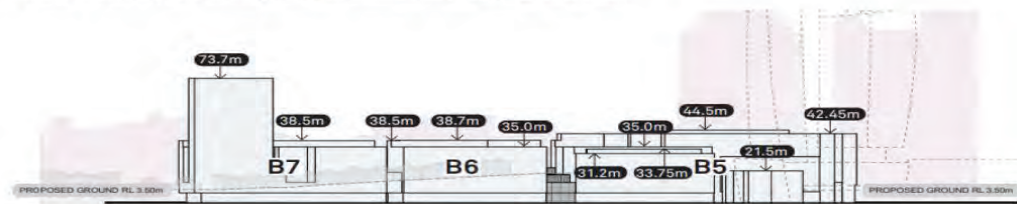
Given that the Owners strongly feel that Central Barangaroo is intended to be the focal point of the State Significant Development, the proposal clearly digresses from the concept plan and should be refused (or substantially modified to reflect the settlements positioned in this letter).

Regarding height, the proposed modification in Block 7 needs to be reduced back to 35m to reflect Picture 6 in Figure 13 of the EAR.

Figure 13 Comparison of approved and proposed building heights / block alignments (west section plan)



Picture 6 Approved building height Section Plan (MOD 8 approval)



Picture 7 Proposed building height Section Plan

Extract 5: Showing Figure 13 of the EAR

Accordingly, the owners of The Revy that the Owners have objections to such a development that would lead to the public's views of Pyrmont and Balmain being compromised and subjected to such disuniformity.

Issue 2: Built Heritage impacts

The Owners have reviewed the Heritage Assessment and Impact Statement (by CML Heritage) submitted by the Applicant. We agree with the settlements made by the consultant that those modifications will impact the Built Heritage to the west of the development.

We provide the relevant extract(s) below from the Heritage Consultant:

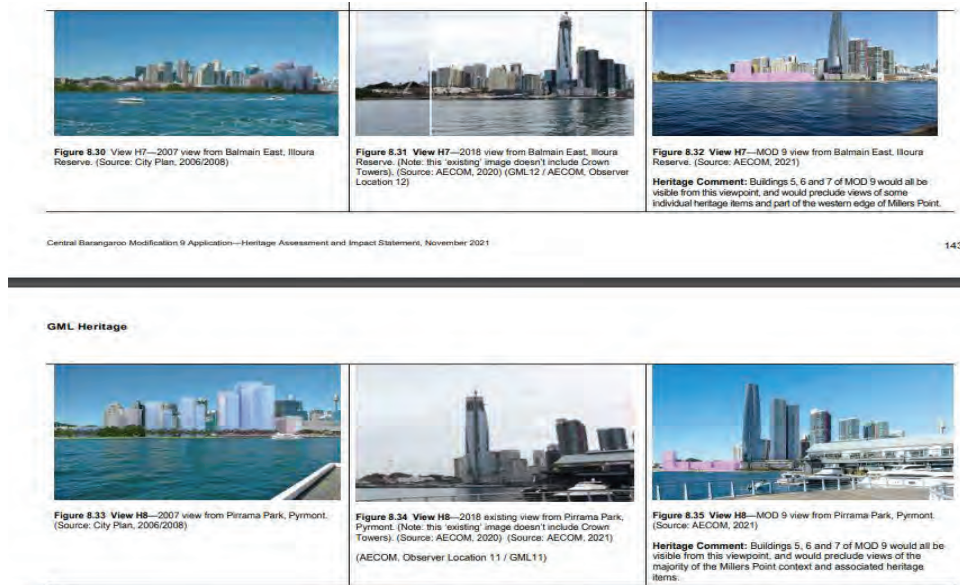
Built Heritage

MOD 9 proposes a fine-grained response for Central Barangaroo and to the adjacent setting, including between Blocks 5, 6 and 7, variable built height and form, a taller landmark at Block 7 (which also allows for creation of a north-facing public space—Nawi Terrace), and a new pedestrian bridge which would connect Central Barangaroo to Millers Point and Dawes Point. These features are described by Infrastructure NSW as having urban and architectural benefits over the approved Concept Plan.

The likely adverse heritage impacts of MOD 9 are primarily associated with building height including the impacts on Millers Point and Dawes Point Conservation Area and Millers Point and Dawes Point Village Precinct, heritage items within the Barangaroo site, heritage items in the vicinity (including Observatory Park and the Sydney Observatory site) and established heritage views. These are summarised below.

- **Additional height for Blocks 5, 6 and 7 will have some minor additional heritage impacts on panoramic views to and from the western slopes of the Millers Point and Dawes Point Village Precinct and harbour locations to the west. However, the main visual impact would primarily result from the proposed corner tower element of Block 7 (73.7 RL), which is taller than the Observatory domes (54 RL).** Otherwise, heritage impacts are generally consistent with the approved Concept Plan. There are no heritage items in Central Barangaroo. There are no identified impacts on the Walsh Bay Wharves Precinct.

Extract 6: Showing excerpt from Heritage report



Extract 7: Showing impact loss of Built Heritage as confirmed by Applicant's Heritage Consultant

Based on the above, we disagree that the impact loss is immaterial and should be able to proceed. Given that the Owners and the general public will be seeing the development on the western side, we see the proposal as a loss in the public's right to maintain the sight of these crucial state-significant heritage items as an apparent reason for the application not to proceed in its current form.

Issue 3: Wind amenity issues to existing residents (and surrounding harbour)

The Owners have reviewed the documentation submitted by the Applicant involving the wind studies carried out by the Applicant's Wind Consultant (RWDI Anemos). We are dissatisfied that the proposal has only carried out the wind studies to the local precedent of Barangaroo rather than the surrounding area(s).

Also, the wind report does not consider the evolving climate change situation and the likelihood of ever-increasing winds that shall occur to the site (and its surrounding areas). We also emphasise that the wind study had not done any modelling to affirm or establish that the prevailing winds from these tall structures (emphasis made on Block 7) will improve or worsen the strength of the winds further away from the building (and the harbour).

Accordingly, the residents believe that the wind study is deficient and needs to reflect the current client change environment along with the surrounding areas, given that it's a State Significant Site. We do not support any consent being issued for Mod 9 until these additional wind studies are carried out along with the acknowledgement

Issue 4: Traffic / Safety concerns

The Owners also have concerns and are objecting that the traffic impact of the area in terms of congestion, safety, and increased density pressures have no been adequately addressed. They substantiate this view on the basis that the congestion currently occurring to the Barangaroo site where the modelling has been taken from pre-development site (2008) rather than the current traffic behaviour occurring at the site (particularly weeknights & weekends).



Overall

In reviewing the documentation supplied by the Applicant, the Owners are of the view that the modification with particular emphasis for Block 7 (significantly higher than what has been proposed) needs to be refused. The Owners are of the view that the existing building heights are to remain under the current Concept plan.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sonal', written over a light blue horizontal line.

Sonal Shah
Strata Manager
On behalf of the Owners – Strata Plan 100247 (The Revy)



We are permanent resident in Millers Point and have been since 2011. We moved into the city and always committed to being residents in this historic area. Having learnt over this time that the process of lodging DA's and Plans for redevelopment are obviously subject to change at the whim of the applicant. Allowing for major changes to DA's, the intention as first submitted has NOT been truly reflected by the applicants. The system needs a complete overhaul to stop this sort of process being manipulated at the applicant's desire. Their real intention is to increase their PROFIT by not divulging the intended outcome. It is a fraud and more importantly deceitful in the eyes of the overall community. More Clear Objections are summarised below:

1. **Initial Design Development Intent** has been compromised and certainly the laws governing the process shouldn't allow this to happen.
2. **The historic value** of the area is being impacted by the blatant fact that anyone can lodge a development application and then know full well

what is presented can be amended for their own gain not for the local community at large.

3. This area will be impacted by the **restricted views** from the remaining **historical heritage housing** on the western side of Kent Street etc which is sensitive and already compromised enough by the overdevelopment in the Barangaroo precinct.

4. Promises of increased **outdoor recreational space** to allow the Rocks area to breathe will certainly be restricted including the impact of overshadowing. Local families will suffer from restricted natural light and the creation of increased wind corridors will further exacerbate the opportunity of freedom of movement, sunshine and the feeling that we become another New York city in our backyards.

5. The enjoyment of **the view from East to West i.e Observatory Hill** again severely compromised with High and Kent Streets already suffering from the over development to this point on the Barangaroo Peninsula. The Crown Development in itself moved from the original concept and design.

6. **Traffic flow** in the area is becoming a real problem let alone the increased risk of accidents due to frustrated drivers, compromised foot traffic and increased heavy traffic from Tour Buses, Public Transport (Bus and Rail), local traffic, servicing and delivery vehicles increasing from the development.

7. Potential Impact on **housing values** to the West due to this development is certainly a concern on all the community in this area.

8. **The Size od the Proposed Buildings** proposed is out of scale and exceeds the initial DA immensely. It is out of character totally, especially what was initially proposed.

9. **The Northern Tower** has been moved from the initial concept point for the benefit of Lend Lease's Development of Number One, Barangaroo. This impacts the whole Western area and is without any Merit and only benefits the Developer. It is obscene and without any logic.

Pamela and Russell Smith
Unit 1506
Highgate
127 Kent Street
Sydney

5 August 2022

**Re Barangaroo Central (Mod 9)
Application No. MP06 0162 MOD 9**

We have considered **Barangaroo Central (Mod 9)/Application No. MP06 0162 MOD 9** and Object to the Proposal for the following reasons:

In summary this is a totally unwarranted and highly intrusive expansion and development of the site - exceeding many of the limits on the development that were originally approved, for example

1. The 74-metre high residential tower near Nawi Cove completely ruins the viewing to the horizon from Observatory Hill, and would destroy the hitherto protected uninterrupted panorama from that site
2. The heritage views from Millers Point and Observatory Hill become highly interrupted
3. There is further encroachment into Parkland areas adjoining the foreshore parkland
4. Many of the residential buildings along Kent St which currently enjoy wonderful views will now have that those views
5. With the tripling of floor areas the traffic and parking situation will become totally intolerable
6. The further intrusion of this development into the significant heritage areas in and around Millers Point and the Rocks is totally unacceptable heritage-wise

Overall, this gross expansion of the development is the last thing that beautiful Sydney and the immediate area deserves.

Pamela and Russell Smith



As Australian citizens we are all custodians of The Rocks precinct. The Rocks is an area of unique cultural, historical, and environmental significance to us all; and especially to Indigenous Australians.

From the beginning, The Rocks has had to fight for survival, and in a case of history repeating once again, we are faced with a development proposal devoid of heritage, socio-cultural and environmental consideration.

It took the courage of Jack Munday and the Builder's Labourers Federation to protect this area from inappropriate developments that had been proposed in the late 1960's. Like the current proposal, those developments would have destroyed this area, and robbed us of our cultural history and heritage forever.

However, the "Greenbans" and the legislation that followed, did preserve the unique physical environment and the historical buildings which are significant for all of us in telling part of our nation's story. Again we find ourselves needing to rise up to fight for the protection of this special area.

The current development proposing a 21-storey building and commercial zone along Hickson Road, was not part of the Barangaroo Concept Plan, and has not undergone the traditional and acceptable planning procedures.

The Government has bypassed traditional planning methods and regulations in the name of greed. They have ignored the height, heritage, and other restrictive criteria which are placed on other proposed developments in this area for the very reason of protecting it.

To me, the approach taken by our Government and the developers is unacceptable. Beside the obvious impacts of such a development on cultural, environmental and social heritage, a veil has been placed over the progression of this development, denying transparency to all.

Unfortunately, this development will block The Rocks on its western side from the Harbour. Blocking The Rocks from the Harbour disconnects the historical buildings and areas from their linkages to the water, commerce, and industry - the very reason why our forefathers built on the site in the first place. It will mean that this part of the Rocks will be enclosed, sealed off, and overshadowed by this development, changing the physical environment and its socio-historical context forever.

How can this destruction of our historical precinct be acceptable? It cannot. In addition to other concerns, thousands of tourists, wedding parties, workers, and leisure seekers use this beautiful area every day, and do so for its connection between history and our Harbour. To disconnect them would be to destroy them.

The Rocks precinct and its contextual surroundings must be protected. A far more acceptable development would be to create a park, allowing all to use and share and preserve this unique, historical area, forever.

Re: Barangaroo Concept Plan (Mod 9)

Dear Sir/Madam,

I write to you to express my objection to the changes proposed to the Barangaroo Concept Plan (**Mod 9**). On review of application, I strongly oppose the proposal to modify the approved building envelopes of Blocks 5, 6 and 7 including additional height and GFA for the reasons below:

1. The proposal to extend the maximum height of Blocks 5, 6 and 7 by an additional 3.5 to 10 meters should be rejected as it does not comply with the Conservation Management Plan that was endorsed by the Heritage Council of NSW (**Appendix A**). The proposal seeks to increase the height to the east where it greatly worsens the heritage views to and from the High Street terraces as well as Observatory Hill. It is disingenuous of the NSW Government to impose restrictions on purchasers of their properties for sale, to then approve planning of other properties, contradicting those restrictions, when they are gaining a financial benefit.

As noted in the Central Sydney Planning Strategy "There are a number of key views within Central Sydney, to and through parks and other well-used public spaces, that help define Sydney." The views from Observatory Hill we identified as particularly significant given its "strategic role in the city's history, in milling, defence, communications, astronomy and time keeping. These functions have required the surrounding views and visual alignments to remain open. Observatory Hill's physical prominence relative to city development should be maintained." The protection of these views were enshrined in the recent amendments to the Sydney LEP that prohibits the blocking of these views. Whilst not technically applying to the project, the proposed modification does not provide adequate justification that could support disregarding this important planning principle that is embedded in the existing Concept Approval.

The tower fails to adhere with existing conservation plans and controls to maintain significant views in the area (*Davies, 2006*). From reviewing the View and Visual impact assessment (**VVIA**), it is clear most, if not all the high-moderate to high visual impacts are a result of the tower for both public and private domain (**Appendix B**). Importantly, the Central Barangaroo Masterplan Framework specifically notes the views from Observatory Hill needs to be considered. Here, the VVIA describes the tower's impact to this view as "an anomaly in the view creating a disruption to the horizon line. It is seen in high contrast against the skyline, partially removing the view towards of Rozelle and White Bay Power Station." Within the same report, AECOM summaries the extent of impact of Mod 9 on the views below.

"MOD 9 obstructs the view to the commercial buildings along Hickson Road and the finer grain architecture along High Street in Miller Point Conservation Area. The Hotel Palisade is obscured from view, as is most of the Dalgety Bond Store. The Block 7 tower also significantly disrupts the continuity of the Harbour view, obscuring Blues Point, and the view to the northern suburbs beyond. A small portion of the block sits above the horizon line in high contrast against sky view."

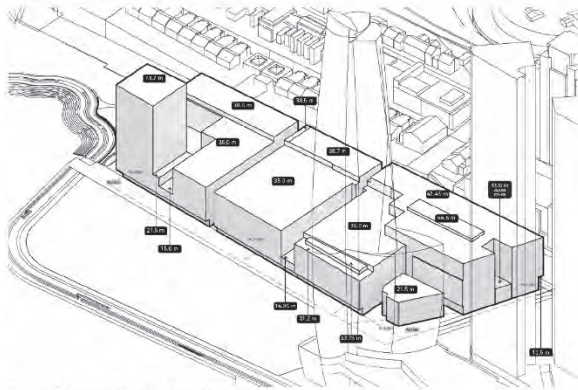
In addition, the tower fails to consider clause 25(b) of the *Sydney Regional Environmental plan (Sydney Harbour Foreshore)*, 2005, where:

"Development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries."

The VVIA accepts that the tower alone would interrupt the sweeping harbour views that were maintained with the Approved Concept Plan.

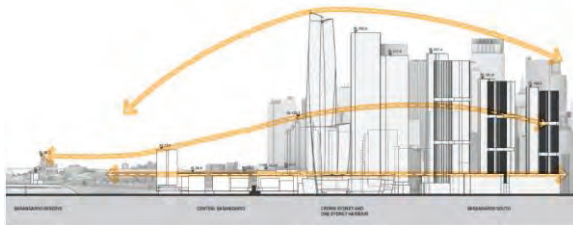
2. The increase of the maximum gross floor area (**GFA**) from 47,688 sqm to 144,355 sqm across the development should be carefully considered as it will significantly affect the bulk and scale. Evident in the axonometric views, the proposed envelope appears extremely dense and pedestrian access through the development is uncomfortably narrow and will lack natural light. This GFA increase of 200% is not minor, and the proposal fails to justify the reasons which an uplift of this magnitude is appropriate.

Figure 14 Proposed Building Envelope



Picture 8 Axonometric view from south-west

3. The proposed tower height of RL73.7 in Block 7 disregards the established design principles for Barangaroo. The approved concept plan set lower heights for Central reflecting its relationship with the State heritage listed Millers Point rather than Barangaroo South which is an extension of the Sydney CBD. Having a tower element in Central Barangaroo, specifically at the northern end, is both out of scale, and out of character with the precinct and the design principles established for the site as well as the long established 'Highgate Line' which has historically set the northern most tower elements in the planning for Central Sydney. This is clear in the elevation diagram provided where the tower interrupts the clear scaled decrease in height from Barangaroo South to Barangaroo reserve and consistent podium level seen across Barangaroo. This scale decrease set by the Government and Paul Keating, has been a guiding principle to Barangaroo to which Mod 9 fails to consider.



4. The proposed built form does not achieve design excellence. It is clear the poorly distributed massing is a product of achieving a specific commercial GFA outcome, against the private view loss principles established in the legal proceedings with Crown and Lendlease. This results in a poor design outcome that is not in the public interest. Clause 19(b) of the Precincts – Eastern Harbour City SEPP requires the consent authority be satisfied that the development exhibits design excellence, and sets out specific tests the consent authority must have regard to. Noting

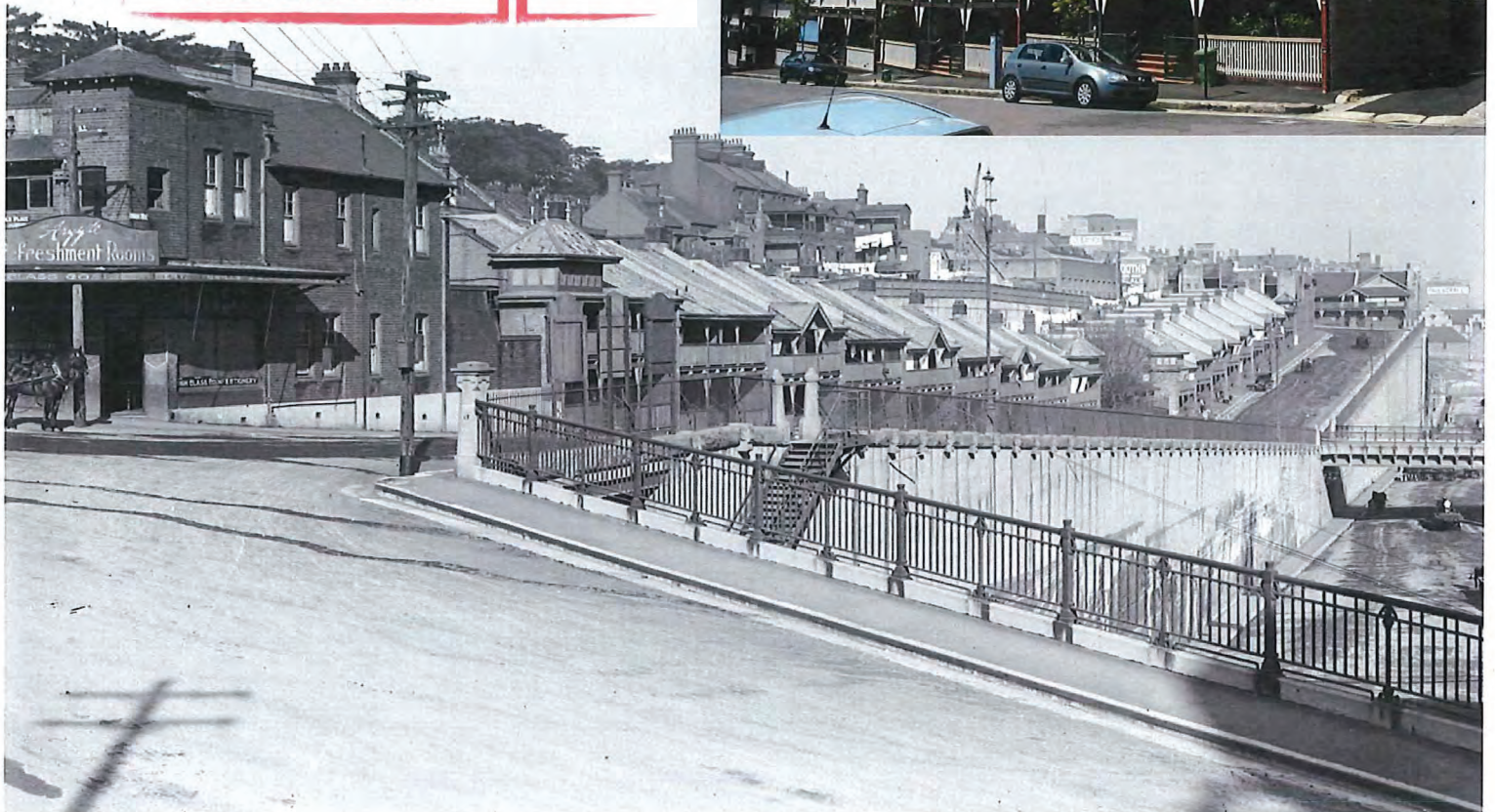
the comments above, it is not clear how the consent authority could satisfy itself that the form of the buildings will 'improve the quality and amenity of the public domain' when compared to the approved Concept Plan.

5. In addition to the comments referring to the overall overdevelopment, I particularly note my concern with the building cantilever and façade articulation zone on Hickson Road, which provide the capacity for the building to cantilever and include GFA up to 3m over the development boundary. This zone further encroaches the public domain and reduces the separation of the new development from the historic suburb of Millers Point.
6. Finally, the modification would not be considered substantially the same development. The modification relies on the continued application of Section 75W, and the presumption that a request to modify the concept plan was lodged before the STOP Regulation 'cut off date'. The original modification request lodged in 2014 bears very little resemblance to the final Modification, noting the design, land use mix, GFA and heights are substantially different. I ask that the Department clearly demonstrate to the public that the original request, which is 8 years old can be genuinely considered a request that adequately relates to the proposed development beyond they were both for Barangaroo Central, to allow for Section 75W to be used without having regard to whether it is substantially the same development. To allow for this application to proceed under Section 75W and not have to demonstrate it is substantially the same development is a clear failure in planning process and highlights the Government's double standard for itself and other proponents.

For the reasons above, I believe the Mod 9 proposal to modify the approved building envelopes of Blocks 5, 6 and 7 including additional height and additional GFA should be rejected. Clearly, the most sensible mitigation measure to the above is to keep the height aligned to the rest of the precinct, and the GFA the same as previously approved. This would result in a consistent human scale, conservation of significant views and a better outcome for all members of the public.

50, 50A, 52 & 52A HIGH STREET,
MILLERS POINT PART OF
38-72 HIGH STREET
MILLERS POINT (SHR 00919):
HIGH STREET FLATS - STAGE 2

CONSERVATION
MANAGEMENT PLAN - PARTS 1, 2 & 3



Prepared for the NSW Land & Housing Corporation by
ROBERTSON & HINDMARSH PTY LTD
VERSION 3.17
16 NOVEMBER 2016



MILLERS POINT

CONSERVATION MANAGEMENT PLAN

The archaeological potential of Millers Point is discussed in Section 2.5.

Archaeological sites and relics within the SHR property are automatically protected under Section 57 of the Heritage Act 1977. A relic is defined as an archaeological deposit, artefact, object or material evidence that relates to the settlement of NSW (not being Aboriginal settlement) that has heritage significance at a local or state level.

Development proposals that affect archaeological sites and deposits must include an excavation permit from the Heritage Council of NSW (Section 60 for sites listed on the SHR) for permission to disturb the site. All areas in Millers Point are potentially archaeologically significant and require approval for works which may impact on archaeology. In Millers Point this includes the potential for artefacts to be found in building cavities such as floor, ceiling spaces, wall spaces and fireplaces. Archaeological advice should be sought wherever works proposed could disturb 'relics' (as defined in Section 4(1) of the Heritage Act).

Where proposed works involve the demolition of a building, new construction, modification of existing open spaces (including gardens), the provision of underground services (sewerage, stormwater, power, etc.), or the excavation or opening up of building cavities (including subfloor areas), an archaeological assessment should be undertaken before designs are developed to ensure that they meet criteria, and confirm whether an excavation permit is needed.

6.3.2 SETTING

A 'setting' is the 'immediate or extended environment of a place that is part of, or contributes to its cultural significance and distinctive character:

Part of the significance of Millers Point arises from the remarkably intact late nineteenth and early twentieth century houses that form historically important streetscapes. Maintenance of the current scale and appearance of the terraces and houses in these streetscapes and broader settings requires consideration of the impacts of changes beyond individual property boundaries and ownerships.

The setting of Millers Point houses is broad as well as intimate. They are visible from a range of vantage points - their visual catchment includes public laneways, Observatory Hill park, the harbour and the wharves of Walsh Bay, Dawes Point, and McMahon's Point. Within the streetscape, individual façades relate to their group, with the rear façade typically also important. The nature and location of any changes to the exterior of buildings must therefore consider their setting and visibility in the round from the public domain, near and far.

The immediate setting of Millers Point buildings as part of a group or pair of terraces requires careful management to ensure that their consistent and complementary appearance is retained by incoming neighbours.

Public Domain Views

Part of the significance and charm of Millers Point is created by the remarkably intact late nineteenth and early twentieth-century houses that form picturesque and historically important streetscapes which can still be seen from distant vantage points as well as at a pedestrian scale. These views have been recorded from the earliest days of the colony through a variety of media, and many of the views captured in significant early etchings, paintings and photographs are still evident today. The intact nature of the built urban environment of Millers Point is appreciated by the community, and the maintenance of views to and from the area is important (see Policy 63).

Landmark Example

Several Millers Point streets and groups of terraces are visible from across the harbour, and more intimate views within the Conservation Area are defined by building fabric. This contributes to the significance of the Millers Point Conservation Area as a whole, and is a feature which needs to be either protected from change or re-established when development permits.

In summary, consideration of the impact of development on the setting of Millers Point buildings requires as much care and consideration as changes to buildings themselves. In this Conservation Area the sum of the parts is greater than the whole.

38-72 HIGH STREET



MILLERS POINT

CONSERVATION
MANAGEMENT
PLAN

existing place, its context and building fabric in terms of its significance, fabric changes and use. See the Heritage Council of NSW's publication *Design in Context* for more information.

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/DesignInContext.pdf>

The City of Sydney DCP 2012 Sydney encourages development that respects and complements heritage items which includes sympathetic and well-designed contemporary development

Policy 56 - Alterations and Significance

Proposed alterations to existing exterior surfaces and elements of interior spaces should be limited to works in accordance to the assessed significance of the components of the place.

Policy 57 – New Additions

New additions to properties are suitable if:

- Changes do not impact areas and fabric of exceptional/high/moderate significance; and
- Changes do not impact significant views to and from the property;
- Changes are consistent with existing degrees of modifications within the majority of the SHR listed group;
- Changes do not obscure significant public views; and
- Changes do not obscure significant elements of the building.

Policy 58 – Building Envelope, Later Additions

Replacement of additions of little or neutral significance may be acceptable if:

- The replacement addition is consistent with the building footprint and envelope of the element to be replaced; or
- The replacement addition is consistent with the building footprint and envelope of an existing addition within the majority of the SHR listed group; and
- The replacement will not have an adverse impact on the heritage significance of the place.

Policy 59 – Building Envelope, Original Buildings

Existing building envelopes are not to be increased upwards or outwards.

Policy 60 – Modern External Shutters and Blinds

Modern external blinds and shutters to existing openings on significant facades and those visible from the public domain are not acceptable.

Policy 61 – Traditionally Detailed External Shutters and Blinds

New timber traditional detailed shutters and blinds to any existing opening on significant facades and those visible from the public domain may be appropriate where there is documentary and/or physical evidence that these once existed.

Policy 62 – Window and Door Grilles

If security grilles are considered necessary by the owner they may acceptable to window and door openings in areas of lesser significance and not visible from the public domain and subject to a detailed design by a heritage architect. The installation of these grilles is subject to approval by the consent authorities.

7.2.16 ANCILLARY STRUCTURES

It is important that the original external appearance and form of places within Millers Point be retained. Ancillary structures for communication, energy efficiency, etc. can be installed so long as their installation is planned to minimise damage to fabric and they are concealed from view within areas of lesser significance or located in inconspicuous positions and designed to be self-effacing (such as under balconies and within the later addition rear wing or any new addition).



MILLERS POINT

CONSERVATION
MANAGEMENT
PLAN

Policy 83 – Building Use

The preferred use of the property is single residential. The way the place is used must maximise the conservation of the fabric considering the effects of:

- Structural loadings;
- Statutory requirements;
- Code compliances;
- Service installations; and
- Meeting access needs.

The use of the place and its circulation pattern must be arranged to involve the least intervention in the fabric.

Policy 84 – Site Amalgamation

Properties must not be amalgamated for contiguous use because of the negative impact upon building fabric, historic form and use, and loss of the original layout. A proposed contiguous use may only be acceptable where a property built as a single residence has been divided or subdivided at some point in the nineteenth or twentieth century, and it is proposed to reinstate the single residence and recover its early form and layout.

Policy 85 – Leasing of Terraces

If a terrace house is leased, compliance with this CMP should be incorporated into the terms of the lease and compliance with the policies monitored.

7.2.23 VIEWS

All new work needs to avoid adversely affecting significant views and the setting of Millers Point.

Potential impacts on the setting of properties and key views to and from properties and groups (as identified in Part 2 of this CMP) will need to be carefully considered in the heritage impact assessment process. The significant views provided in Part 2 are to be conserved and consideration of impacts will need to be included in development applications.

The management of streetscapes and presentation of groups of terraces is an important element to be conserved (see Policy 83⁵⁸).

In summary, consideration of the impact of development on the setting of Millers Point buildings requires as much care and consideration as changes to the building itself. The sum of the parts is greater than the whole in this conservation area.

Policy 86 – Conservation of Views

Significant views to and from individual places are identified in Part 2 of the property Conservation Management Plans and should be conserved. Change to items must not impede or obstruct a significant view and must not negatively impact upon a contributing element to a view.

7.2.24 INTERPRETATION

Interpretation is an essential part of the conservation process. In residential properties, opportunities to interpret the heritage values of the property through conservation works and new development must be incorporated in development proposals.

Policy 87 – Interpretation Requirements Generally

Measures to appropriately interpret the major aspects of the significance of the place must be incorporated into substantial development application proposals for properties. Interpretation must include all aspects of the place included in the Statement of Significance.

58 Editors Note: Refer to Policy 86 - Conservation of Views, in new 3 Part CMP Format

7.0 Analysis of Impacts

This section analyses the visual impact assessment ratings to assist in the analysis process and the drawing of conclusions.

7.1 Summary of Visual Impacts

Table 113 provides a summary of ratings of visual impact arising from MOD 9, as assessed for each of 32 representative Observer Locations.

Table 113 Summary of 'Significance of Visual Impact' ratings for each Observer Location

OBSERVER LOCATION	SENSITIVITY*	MAGNITUDE**	SIGNIFICANCE OF VISUAL IMPACT	COMMENTS***
OL 1 - SYDNEY OBSERVATORY HILL PARK	HIGH	MODERATE	HIGH/MODERATE	Sensitivity is High due to the extensive panoramic harbour views. Magnitude is Moderate due to the generally compatible composition of MOD 9 development envelope, noting that Block 7 is seen in high relief against the sky.
OL 2 - SYDNEY OBSERVATORY	HIGH	MODERATE	HIGH/MODERATE	
OL 3 - HIGH STREET (SOUTH)	LOW	MODERATE	MODERATE/LOW	
OL 4 - MUNN RESERVE	HIGH	LOW	MODERATE	
OL 5 - CLYNE RESERVE	HIGH	LOW	MODERATE	
OL 6 - BARANGAROO RESERVE - WOLUIGUL PARK	HIGH	HIGH	HIGH	
OL 7 - BARANGAROO RESERVE - STARGAZER LAWN PARK	HIGH	MODERATE	HIGH/MODERATE	
OL 8 - HICKSON ROAD	LOW	MODERATE	MODERATE/LOW	
OL 9 - GAS LANE	LOW	LOW	LOW	
OL 10 - BALLARAT PARK	HIGH	MODERATE	HIGH/MODERATE	
OL 11 - PIRRAMA PARK	HIGH	MODERATE	HIGH/MODERATE	
OL 12 - BALMAIN EAST - BILLOURA RESERVE	MODERATE	LOW	MODERATE/LOW	
OL 13 - BALLS HEAD	MODERATE	LOW	MODERATE/LOW	
OL 14 - BLUES POINT	MODERATE	LOW	MODERATE/LOW	
OL 15 - SYDNEY HARBOUR BRIDGE	LOW	LOW	LOW	
OL 16 - LANGHAM HOTEL - LEVEL 3	HIGH	MODERATE	HIGH/MODERATE	Sensitivity is Low given many recreational users may be both unaware of the 'silver' harbour view between Block Y (the Approved Concept Plan (MOD 9)) and Block 5 (MOD 9), and focussed on wayfinding. Magnitude is low given the small proportion of the Harbour view lost relative to the already small view available by Approved Concept Plan.
OL 17 - HIGHGATE - LEVEL 15	HIGH	HIGH	HIGH	
OL 18 - HIGHGATE - LEVEL 25	HIGH	MODERATE	HIGH/MODERATE	
OL 19 - THE GEORGIA - LEVEL 15	HIGH	HIGH	HIGH	
OL 20 - THE GEORGIA - LEVEL 25	HIGH	MODERATE	HIGH/MODERATE	
OL 21 - STAMFORD MARQUE - LEVEL 15	HIGH	HIGH	HIGH	
OL 22 - STAMFORD MARQUE - LEVEL 25	HIGH	MODERATE	HIGH/MODERATE	
OL 23 - STAMFORD ON KENT - LEVEL 15	HIGH	HIGH	HIGH	
OL 24 - STAMFORD ON KENT - LEVEL 25	HIGH	MODERATE	HIGH/MODERATE	
OL 25 - 189 KENT STREET - LEVEL 5	HIGH	MODERATE	HIGH/MODERATE	
OL 26 - ONE SYDNEY HARBOUR - LEVEL 9	HIGH	HIGH	HIGH	
OL 27 - CROWN SYDNEY HOTEL - LEVEL 13	HIGH	HIGH	HIGH	
OL 28 - CROWN SYDNEY APARTMENTS - LEVEL 34	HIGH	MODERATE	HIGH/MODERATE	
OL 29 - SHELLEY STREET (FROM KING STREET BRIDGE)	N/A	N/A	N/A	Sensitivity for these Private Domain visual receptors is High for all of the private domain observer locations, due to the regular attention residents and hotel guests would pay to the view, and the exceptional nature of the panoramic view across the western Sydney Harbour landscape. Magnitude is High for six of the thirteen locations due broadly to issues of: • interruption of the continuity of harbour views; • narrowing of views to the land / water interface of Darling Harbour.
OL 30 - LIME STREET	N/A	N/A	N/A	
OL 31 - DARLING HARBOUR (PYRAMONT BRIDGE)	N/A	N/A	N/A	
OL 32 - DARLING HARBOUR - AUSTRALIAN NATIONAL MARITIME MUSEUM	LOW	NEGLECTIBLE	NEGLECTIBLE	No significant view or visual impact from these locations.

Sensitivity*
Sensitivity evaluates the 'susceptibility' (or level of concern) of visual receptors to proposed change in relation to:
• views and visual amenity, and
• the 'value' attached to particular views, e.g. a view identified as important within heritage reporting.

Magnitude**
Magnitude is evaluated in terms of:
• 'size or scale' of change in the view, e.g. due to loss or addition of features;
• 'geographical extent' e.g. the area over which visual effects will be felt; and
• 'duration' and 'reversibility' of effects.

Significance of Visual Impact +
The separate assessments of Sensitivity and Magnitude are combined to determine an overall Significance of Visual Impact.

Comments**
Key high level assessment considerations. Refer s.6 'Visual Impact Assessment' tables for full summary of considerations for each observer location (e.g. Table 8 for OL 1).

5 August 2022

Reference Number: MP 06_0612 MOD 9
Site: Central Barangaroo

We have been, and generally remain, supportive of the development activities and intention for the entire Barangaroo area. However, we feel we cannot let the latest modification proposal go unchallenged and hereby register our OBJECTION.

Most of the MOD 9 proposed changes appear to be beneficial to both the commercial and public interests. However the proposed increase of building envelope of Block 7 to double the height of many of the other blocks is a change that we cannot agree with. We believe it will create an(other) eye sore and that it is completely out of keeping with the overall profile of the northern end of the city.

We attend the Central Barangaroo Exhibition Webinar 1 on Thursday, 28 July, which we found informative and well presented. We thoroughly support the concepts of green roofs, no motorised vehicles, the different planes, and the concept of ‘squeeze and release’ as outlined on the night. We are particularly encouraged by the employment of different architectural firms with a view to making each block different but tied together.

During the webinar, Block 7 was described as becoming the ‘marker’ for people exiting the Metro Station. We can understand this concept. Unfortunately, it was not outlined or explained why this ‘marker’ needed a height of 73.7m. It could be argued that with the vast array of underground floors, retail, food & beverages, escalators etc there would already be sufficient way-finders in place.

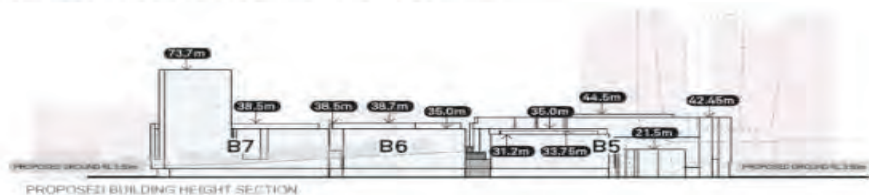
The City of Sydney skyline is iconic and has many landmark features. Taking aside the Crown Casino development that remains at odds with the remainder of the city, the buildings to date follow the line of the land and the currently approved plan continues this theme. The proposed change to Block 7 height sticks out of this envelope like a literal “sore-thumb”. This is best illustrated by Figures 12 and 13 below which have been taken from the “Explanation of Intended Effect” document provided as Appendix AA of the Modification Application.

Figure 12 Existing Height of Buildings Map (west elevation)



Source: Hassell

Figure 13 Central Barangaroo Envelope Plan (west elevation)



Source: Hassell

The real-world impact of this envelope increase is well illustrated by the figures in the View and Visual Impact Assessment that was included as Appendix F to the Modification Application. To illustrate the point we have selected and included several figures that show the intrusive and excessive nature of the proposed increase. From every viewpoint, this 'tower' just jars the eyesight and breaks the visual cityscape of the foreshore.

We recognise the right and desires of the Developer to maximise the use of the available space, however we rely on the Minister to provide the balance between the commercial interests and the greater benefit of the people of New South Wales. Creating additional floor space by simply sticking a tower on the end of the development envelope hardly seems to be a creative nor an attractive option.

We would be happy to discuss any of the points raised above with the Assessment Team.

Yours sincerely,



Andrew Wise



Julie Wise

Selection of Figures taken from Appendix F – View and Visual Impact Assessment produced by AECOM



Figure 36. View looking to the development area from 10001 Seaside. AECOM, 2016 (Nov 2016)



Figure 40. View of existing development area from 10001 Seaside. AECOM, 2016 (Nov 2016)



Figure 82. Image of existing waterfront developed according to MDC's Scenario 4 (2044, March 2017).



Figure 83. Image of existing waterfront developed according to MDC's Scenario 4 (2044, March 2017).



Figure 88 Image showing the final 2021 skyline of MOO II (Source: ARTFM, March 2021)

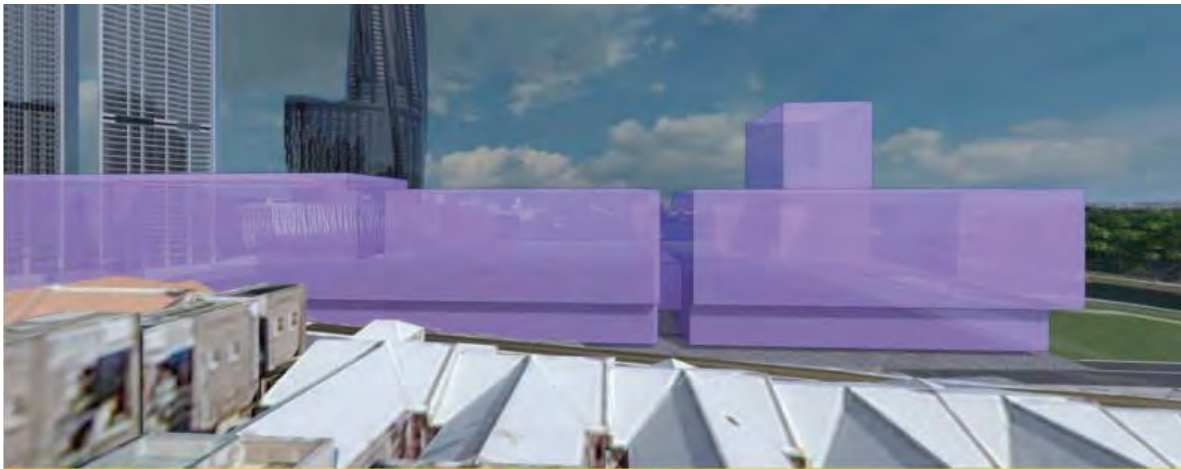


Figure 111 Image showing the development envelope of MOO II (Source: Arterra Interactive, March 2021)



Figure 117 Image showing the development envelope of MPO 3 (Source: Arterra Interactive, March 2021)

Central Barangaroo Mod 9 Objection.

I object to any approval of the application to satisfy the Director-General's Requirements for MP06-0162(MOD 9)

My objection is that the application does not satisfy the DG's requirement to provide a detailed justification for the increased 162% of GFA from the approved 59,225m2

The applicant's justification is as follows...

The approved Concept Plan as it currently relates to Blocks 5, 6 and 7 of Central Barangaroo does not deliver upon the extent of the urban renewal potential of this precinct and fails to optimise the extraordinary opportunity of developing government owned assets for public benefit. It is now inconsistent with current strategic planning and if developed under the approved Concept Plan would result in a significant lost opportunity. This application seeks to optimise the site potential and development opportunities available to increase the wealth of economic, social and environmental benefits to be delivered to the public at the completion of the project. Development of the site under MOD 9 will solidify the project as an urban renewal success and global benchmark for renewal and will deliver upon strategic priorities at a State and Regional level to provide increased employment generating floor space and associated jobs near homes, align land use and infrastructure planning priority, and elevate Sydney as 21st-Century Global City

This is no more than a glib statement than any developer might provide in an attempt to justify any commercial development in excess of the approved GFA. It is not a justification and contains a number of false statements. The DG requirements are clear ... **a detailed justification is required.** The justification by the applicant is not detailed nor valid.

The design intent of the currently approved concept plan "establishes an integrated plan for Central Barangaroo for development of a vibrant and diverse waterfront destination.... Creating a diversity of spaces and experiences from active to restful.... Integrating connections around a new gathering and celebrating space to ensure an accessible and lively place"

The increased GFA and heights of buildings is in total conflict with this design intent and no justification other than glib and incorrect statements has been provided as to why this excellent design intent should be overridden.

Further, Master Planning work by SOM+AHH in 2014, whilst identifying a potential increase to the density of the Central Barangaroo Concept Plan, stated that any increase in GFA should be within the confines of the approved development blocks. This potential to increased GFA should be used to increase civic and cultural uses within the precinct. The current application to increase the GFA is totally contrary to the findings and suggestions of the work undertaken by SOM+AHH.

The following statements in the application are incorrect.

The approved Concept Plan as it currently relates to Blocks 5, 6 and 7 of Central Barangaroo does not deliver upon the extent of the urban renewal potential of this precinct.

The Barangaroo Development Authority on numerous occasions both in writing and verbally when the approved concept plan was released espoused the magnificence of the plan and the public benefit of the urban renewal. Far from improving the urban renewal potential this plan is a significant over development of the site with considerable decrease in the public benefit.

It is now inconsistent with current strategic planning.

A statement that can and should be challenged with no evidence as to its correctness.

if developed under the approved Concept Plan would result in a significant lost opportunity

Any development needs to be a balance between public benefit and commercial gain for the developer. This plan is a significant increased opportunity for the commercial gain of the developer (and in turn the NSW Government) but a significant loss of public benefit.

to optimise the site potential and development opportunities available to increase the wealth of economic, social and environmental benefits to be delivered to the public

Any development needs to be a balance between public benefit and commercial gain for the developer. This plan is a significant increased opportunity for the commercial gain of the developer (and in turn the NSW Government) but a significant loss of public benefit

will solidify the project as an urban renewal success and global benchmark for renewal

The current approved concept plan achieves this "success" and no evidence is presented as to how this plan would improve the "urban renewal success", in fact the overdevelopment and loss of public benefit will reduce the status of the project.

provide increased employment generating floor space and associated jobs near homes.

This is a statement that any developer could make to increase approved GFA on any site within the Sydney CBD. This cannot be a justification for a 162% increase in GFA. Any approval would create a dangerous precedent.

align land use and infrastructure planning priority,

The plan proposes a retail component without providing adequate infrastructure for the many that will seek to travel to the facility by automobile.

elevate Sydney as 21st-Century Global City

A glib statement with no evidence as to the correctness of the claim.

Rather than providing a detailed justification the plan does not address that the proposal

- Is NOT consistent with the Statement of Commitments issued for the Barangaroo Development
- Is NOT consistent with the Sydney Harbour Regional Environmental Plan requirements for the protection of public views
- Is NOT consistent with the policies in the Sydney Harbour Bridge Conservation Management Plan, for the protection of public iconic views

The loss of public benefit includes.

- Loss of the public benefit created by the design intent of the current approved plan including...

Transition provided though open space from Headland Park to the Waterfront spaces at Barangaroo south

Providing a range of smaller civic spaces suited for the adjacent residential community and local workforce population

Supporting a diversity of public activities for all areas

Reinforcing street, pedestrian and visual connections to open space.

- Loss of views from the many buildings in the adjacent area and public vantage points such as Observatory Park caused by the increased heights from the approved height of 35 metres of buildings fronting Hickson Road by some 30% .

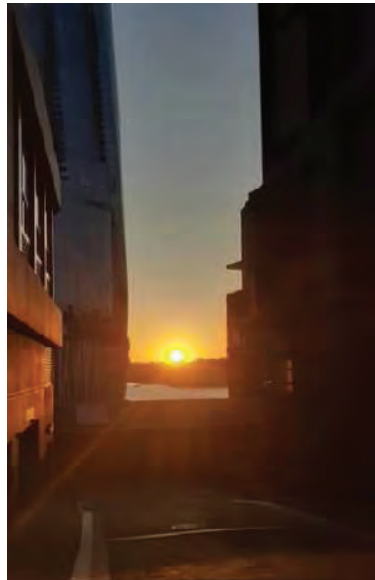
Hickson Park will be affected detrimentally by B

In summary I object to the any approval of the application. My objection is that the application does not satisfy the DG's requirement to provide a detailed justification for the increased 162% of GFA from the approved 59,225m²

Existing public views that will be blocked by Mod 9



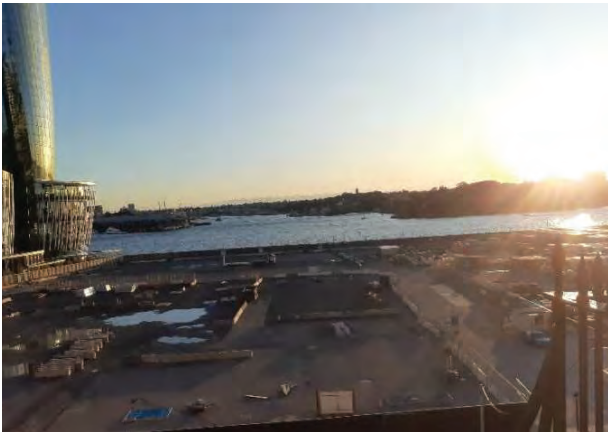
View from Kent St at Gas Lane



Sunset view Gas Lane



View from Kent St along High St



View over Central Barangaroo and the water from High St

Mod 9 obscures views to Millers Pt Heritage Precinct from the water



353033

Craig McIlveen

7 Riverside Mews
Drummoyne NSW 2047
Email: mcilveen777@gmail.com
4 August, 2022

The Hon Anthony Roberts MP
Minister for Planning & Housing
GPO Box 5341
SYDNEY NSW 2000

**Re Barangaroo Central Development Concept Plan
Application Number MP06.0162 MOD 9**

Dear Minister Roberts,

I am writing to you with respect to the above referenced concept plan ("Mod 9") which is currently on public exhibition.

The Concept Plan Proposal

The Mod 9 Concept Plan proposes for the development of three blocks namely 5, 6 and 7 on the Barangaroo Central site. Buildings on Blocks 5 and 6, as proposed, have maximum heights of 42.45 metres and 38.7 metres respectively.

Buildings proposed on the Block 7 site have a maximum height of 35 metres per the concept plan with the exception of the north westerly corner of Block 7.

Upon this most north westerly part of the Block 7 site, the concept plan proposes that a tower building be constructed to a height of 73.7 metres, some 38 metres above the podium level of other buildings within Block 7.

Objection to the Concept Plan

I wish to raise my objection to the Mod 9 proposal, in particular to the height of the proposed tower building on the north westerly corner of Block 7.

The reason for my objection is the impact that this higher tower building has upon the horizon line views and sky views to the west from Observatory Hill reserve and in particular the Sydney Observatory and its surrounds.

Observatory Hill is part of the Millers Point heritage precinct. Sydney Observatory is a significant heritage asset of the NSW State within that precinct, built in 1858. The Observatory was built to undertake astronomical scientific studies and to provide timekeeping and nautical information to our early maritime industry.

Today the Sydney Observatory continues to play a significant role, serving the public with education and opportunities to explore and learn more about the southern hemisphere night sky, our early scientific pioneers and their discoveries. The Observatory fulfills this role, being open on almost every day and more importantly almost every evening of the year offering telescope viewings, tours and presentations.

I am a member of the Sydney City Skywatchers (formerly the British Astronomical Association, NSW Branch) a not for profit society which was created in 1895. The Sydney City Skywatchers have worked closely with the Sydney Observatory over many, many years, supporting their work to engage with and encourage an interest in astronomy and related sciences amongst families and school age students in particular.

Hence my objections to the Mod 9 concept plan and specifically the tower building on Block 7 are as follows:

- a) **The height and width of the tower building blocks a significant portion of the view to the west from the Sydney Observatory.**

This will significantly block over 40% of the horizon between the most northerly and southerly setting points of the Sun and a significant portion of the setting points of the Moon. These are key observable astronomical events used every day in astronomical education by the Sydney Observatory.

- b) **Significant known events such as the September 2025 lunar eclipse and November 2030 partial solar eclipse will be blocked by this tower building.**

The Observatory will have little or no ability to host observation of these events as they will not be viewable from the Sydney Observatory and surrounding grounds.

- c) **Greater impact upon viewing from with the Observatory's grounds.**

In the Mod 9 Sky View Impact Assessment (Appendix G), it is assumed that all observations take place from the Sydney Observatory's North and South dome telescopes, two of the highest parts of the Observatory. The report makes its assessment based upon this assumption which is incorrect. Many of the viewing evenings especially those for significant astronomical events happen in the grounds of the Observatory using portable telescopes in order to accommodate the much larger viewing audiences eager to witness these events. They are very popular.

Hence the Appendix G report understates the sky view impact and the negative impact that the development will have on the ability of the Observatory to host these events in the future.

d) Impact upon observation to the horizon line

The Appendix G report also assumes that no practical viewing can take place below 10 degrees above the horizon line. Many significant astronomical events have been and will continue to be viewed below 10 degrees above the western horizon. These include observation of comets, planetary transits across the Sun, significant constellations and bright stars.

Therefore I object on the grounds that this assumption made about the practical viewing only occurring above 10 degrees above the horizon line, which has been referenced throughout the Concept Plan is incorrect. It suggests a lesser level of impact which is not correct. This assumption does not reflect how the "practical astronomy" occurs on site at the Sydney Observatory.

e) Impact of Light Spill

Mod 9 makes reference to minimising the impact of light spill and its impact upon the Sydney Observatory through the use of better more directed lighting technology. Similar suggestions were made with respect to the development of the International Towers Barangaroo. To a casual observer walking around these towers at night and seeing the amount of light spill that they do produce, the Barangaroo Central developments, no matter how well designed will still add to the amount of light spill coming from the Barangaroo area.

The added height on the Tower Building in Block 7 above the line of site of the Sydney Observatory will only add to and further impact negatively on the viewable night sky.

It would seem that there are other alternatives to building one tower on the north western corner of Block 7 where the height of this tower is so exaggerated compared to the height of the surrounding development whilst still achieving the desired floorspace and footprint of the development.

Given its visual impact upon the surrounding area, particularly the areas of such heritage significance I would ask you to question the need for such a design and seek a better design solution with less adverse impacts.

In accordance with the requirements for this submission, I confirm that I have not made any donations to any political party.

Yours Sincerely



Craig McIlveen

353039

Deirdre Duchesne
901/168 Kent Street
Millers Point NSW 2000

6 August 2022

Submission to NSW Planning and Environment

TO WHOM IT MAY CONCERN

I am writing to you with my comments and concerns regarding the Barangaroo Concept Plan (Mod 9).

Having reviewed the documents and plans proposed as changes to the various and many previous proposed plans for Barangaroo, I wish to make the following comments:

- . The plan fails to adequately consider the incredibly significant heritage and historical values of the surrounding area, which have been front of mind of decision makers for generations in Sydney. In particular, vistas and lines of sight to and from Observatory Hill and Millers Point.
- . Detrimental impact on the existing views and considerable overshadowing of public land and properties in the area. This does not comply with the original development controls as stipulated.
- . Substantial land and floor area grab by developers since the original proposed plans, making a mockery of the entire planning process and demonstrating NSW Planning and Environment's dismissive attitude toward tax and ratepayers of NSW.
- . This plan does not fit with the established character of the local area.

Thank you

I have been a resident of Millers Point for the past 8 years. I am disgusted by the proposed plan to allow the obscuring and blocking of key parts of our national heritage by private interest and greed.

When we originally purchased our home in Millers Point we were shown the plan of the development of Barangaroo and even went to the planning department to see the constructed models and diagrams. We were assured by the officials there that the original plan agreed to would respect the open public views and iconic sightlines, the Heritage Precinct and the vistas of the water and the roofscapes originally seen from our building. None of these aspects has been adhered to in the current and proposed modification of the original development plan.

- The state government has **no right** to obscure the views of water and landscape that have been available to the public for generations
- The **blocking** of these views and the significant heritage of the low-rise heritage buildings are being effaced by the developments that have already been allowed to proceed such as the Northern Residential Tower (which is completely without architectural aesthetic value and is an affront to the landscape).
- The proposed buildings along Hickson road are also a disgrace. They are too big and do not allow for the necessary set back. As such they will block the views of the western harbour for the existing heritage building and for the adjoining suburbs and for the general public visitor. Our own view of the harbour will be impacted.
- The land and water views that the development is encroaching on and in fact **stealing**, is **public** and was intended and indeed promised as open areas for the people of Sydney and visitors to enjoy.
- Finally, the impact of the developments goes beyond aesthetics. The impact on life style from the excessive traffic and lack of adequate parking will cause congestion and increase pollution.
- In sum, you are creating an unsightly ghetto through the deliberate changing of the original development concept and commitments for the Sydney Harbour Regional development and conservation plans. **Your total lack of respect for the residents of Millers point and local areas and indeed the people of Sydney is appalling**
- It is essential that this further development is rescinded and the heritage and harbour vistas and open land be maintained.



Ed and Carmel Kreamer
241/3 Darling Island Road
Pyrmont NSW 2009

To Whom It May Concern

Objection to the Barangaroo Concept Plan (Mod 9)

We would like to comment on the Barangaroo Concept Plan (Mod 9).

We do not support the proposed modification of the concept plan for the following reasons;

- It is not in keeping with the heritage neighbourhood of Millers Point and Observatory Hill
- It restricts views of the iconic Sydney Harbour from the heritage areas of Observatory Hill and Millers Point
- It restricts the panorama from other public harbor foreshore spaces through to Millers Point and the Observatory Hill historic areas
- It will block the Millers Point view and historic roofscape of terrace houses when viewed from the public spaces opposite
- It reduces free public green space available to locals and visitors alike to enjoy the world-renown Sydney Harbour
- The size and dominance of the proposed structures will overshadow the heritage buildings and parks which currently have unrestricted views across the Harbour to Pyrmont, Balmain and the junction of Darling & Sydney Harbour.
- Sydney is known for its amazing harbor and outdoor spaces. The Harbour, the Bridge and its harbor side green space makes it one of the most beautiful global cities in the world. Sydney is far better served by allowing the public asset that is the Harbour and foreshore to exist in harmony with its current streetscape, not adding a building of this size and scale.

We do not support the Modification and strongly object to the amendments.



Ed Kreamer



Carmel Kreamer

6/8/22

SUBMISSION to Department of Planning and Environment

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public or private
Political Donations made	
Support or Object	Object
Reason for Objection	<p>As a resident, I am particularly concerned by several aspects of Barangaroo Central's Mod 9.</p> <p>Our harbour, our history, our unique vistas, and our ambience are being sacrificed for the financial benefit of the developers and their corporate interests!</p> <p>Lack of supporting infrastructure, insufficient parking allowances within proposed residences and increased traffic to narrow and historical roadways.30% of Hickson Park will be lost when public space is vital to everyone expected to live in the area... And at least 1600 more to come.</p> <p>I am hoping to gain your support towards reducing the tower's height to equal that of the rest of the development and considering the impact of the over-development of this small, unique area.</p> <p>I feel the problem issues are as follows:</p> <ol style="list-style-type: none"> 1. The 73.7-metre residential tower near Nawi Cove. 2. Building 5B, the 47.45metre installation along Barton Street fence line. 3. Hickson road will become a wind tunnel. 4. Dense grouping will create noise and wind vortex. <ul style="list-style-type: none"> · Traffic along Hickson Rd is terrible · Minimal public transpor · 30% of Hickson Park will be lost when public space is vital to everyone <p>Our harbour, our history, our unique vistas, and our ambience are being sacrificed for the financial benefit of the developers and their corporate interests!</p>
Date	5 th August 2022.
Name, Address and contact details	William y. K. LAI 2505/183 Kent Street, Sydney 2000, NSW Email: ykwlai@outlook.com

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to
 Director – Key Sites Assessments, Planning and Assessment,
 Department of Planning and Environment,
 Locked Bag 5022, Parramatta NSW 2124



friendsofucc@gmail.com

To
NSW GOVERNMENT
PLANNING & ENVIRONMENT

Ultimo, 06 August, 2022

SUBMISSION

PROPOSED CENTRAL BARANGAROO CONCEPT MODIFICATION BARANGAROO CONCEPT PLAN (MOD 9) ENVIRONMENTAL ASSESSMENT

We write to strongly **OBJECT** to the proposed central Barangaroo Concept Modification (Barangaroo Concept Plan – Modification 9) currently on exhibition.

Friends of Ultimo (FoU) is a community action group, founded ten years ago to address local Ultimo issues. We communicate with our 300 members through regular emails friendsofucc@gmail.com and a Facebook page <https://www.facebook.com/ultimofriends> .

The original Central Barangaroo Concept included 3 towers of 29m-34m height and was generally considered a significant over-development of what was presented as “the cultural and civic heart of the Barangaroo precinct”. It was nonetheless approved by the NSW Government in 2007, despite **strong opposition from the local community** and City of Sydney Council.

The ‘Modification to the Concept Design’ currently on exhibition seeks to **further amplify the over-development**, proposing increases in height from 38m to 47m across most buildings, a 300% increase in gross floor area (from 47,688m² to 144,355m²) and, inexplicably proposes a 73.7m tower at the northern end.

The proposed concept modification would substantially affect the heritage-significant suburbs of Millers Point and Observatory Hill by

- Blocking public views west from Observatory Hill
- Blocking public views of White Bay Power Station from Observatory Hill
- Blocking public views of the water from key locations and streets in historic Millers Point
- Severing Millers Point’s traditional maritime relationship with the water

It would also unfavourably **affect the Ultimo/Pymont Peninsula** by blocking public views of the Harbour Bridge from Pymont Peninsula and Pirrama Park.



For the reasons above we OPPOSE the Barangaroo Concept Modification.

Patricia JOHNSON & Jean-Pierre ALEXANDRE

Friends of Ultimo

 [FriendsofUltimo@ultimofriends](https://www.facebook.com/FriendsofUltimo@ultimofriends)

This proposal is an unmitigated disaster.

The scale of the overall Barangaroo development is large. It affects a large part of the city, and therefore should be viewed in the context of a very wide part of the city. Established long views to Millers Point, the Observatory, the Rocks houses, will be completely and permanently destroyed. Jack Munday and Shirley Ball "saved" the Rocks houses, and they now will be blocked into oblivion. Where is the respect for that and other hard won earlier outcomes?

It is unfair and offensive for the State to sell off the High Street terraced houses and then build a wall of buildings immediately in front of them, blocking their views and sun, and blocking views to them by the public on the water and in suburbs to the west.

This part of Sydney is steeped in history. It ranks amongst the most important pieces of historical land in Australia, both for the Indigenous and for the colonists. The Barangaroo Central portion deserves to be largely left unspoiled, sacrosanct, as largely open space for use by all the public and complementing the excellent hill Reserve reinstatement made so far.

Compare European cities which have retained graceful open spaces, both formal and informal, displaying a respect for history and providing residents and visitors with appropriately scaled dignified relaxation space.

This proposal does the opposite. It clearly displays greed and commercial profiteering at the expense of the public good. It offends long term planning principles, and focusses only on the short term.

Once such developments are done they can never be un-done, and this site deserves better.

The principles set out in the State Government's own architect's paper Greener Places Design Guide should be applied.

The public open spaces already built on the Barangaroo site are a travesty, little left over areas squeezed in amongst buildings, not open spaces allowing strolling and quiet relaxation with sun, grass and trees, but simply standard urban thoroughfares and courtyards. Those planned for this proposal are not much better. There will be a local population of many thousands of residents, workers and visitors in and surrounding Barangaroo who deserve better than such a bare minimum.

The proposed tower is the most visible and worst intrusion into the area and should be deleted entirely. It is a late addition to all previous planning proposals. It appears to be not needed functionally, it is totally out of scale, and will overpower the hill Reserve. And it is so close to the Niwa Cove that it totally destroys the concept of linking open space on Central to the hill Reserve.

The Metro Station close to the proposed tower has been successfully integrated into the site and is appropriate. But I object to its cost being used as a rationale for over-building Central. It is part of an overall city-wide infrastructure which is an entirely separate development and which should stand alone.

Blocks B6 -B7 are too high. Without considering the history of previous Modifications, and as stated earlier, I consider protecting the visibility to and from Observatory Hill and its Observatory, and the terraced houses on Kent St and High St, is paramount. To achieve this B6 and B7 should be reduced to three or four storeys. Alternatively the insignificant and so-called view shafts between B5, B6 and B7 should be as wide as the blocks themselves, to ensure the houses behind are clearly perceived to be there. The present viewshafts are useless in that respect. All views from the water and suburbs further south are now limited by the line between the Crown Casino and Highgate. I don't object to what is south of the line, it is the views north of that line that need to be significantly increased.

As a 25 year owner in Observatory Tower I am concerned about increases in traffic, particularly along Kent St but generally also in the Miller Point area. I haven't seen data on the increase, but it is certain that what I consider to be massive over-development on Central is guaranteed to increase the traffic. The area was heavily congested before the COVID events, and it is to be expected that will return and become worse.

I consider there has been insufficient public consultation for the proposed development. It is easy to feel that we are being steam-rolled.

Similarly I consider the presentations to the public so far are replete with vague statements, beautifully coloured artists' impressions of street views which are typical of most developments, and with carefully selected views generally aerial, all of which tell an educated viewer virtually nothing of real relevance. The reality of this proposal to me is that it will turn a truly historic, wonderful, diverse and contemplative part of our city into yet another essentially over-bulky modern ordinary city block. The current charm will be seriously diminished.

Natalie Louw
2105/161 Clarence St,
Sydney, NSW, 2000

August 6, 2022

I am writing to strongly object to the Barangaroo Concept Plan (Mod 9).

I am a long-term resident of Sydney CBD along with my husband, two teenagers and our labradoodle Ruby. I am appalled but sadly not at all surprised at the current development modification before us. It appears to be the typical exclusionary 'vision' rather than a considered and inclusionary plan for the historic suburb of Millers Point.

I frequent the current Barangaroo precinct daily and my assessment would suggest an unwelcoming, overshadowed and highly dysfunctional precinct. The NSW Government had an opportunity to develop and deliver a significant urban precinct for all but squandered this for profit. There are so few developments in the CBD that we should be proud of. Most are profit driven towers of rubbish. This appalling legacy is yours to own.

Sydney Harbour and the Foreshore area of Millers Point are a public asset and should remain so without compromise nor encroachment. The NSW Government had a generational opportunity to secure this historic precinct but have squandered this opportunity for a proposed development of a bulk and scale that will overshadow the historic suburb of Millers Point.

The proposed development will have a significant visual impact on Millers Point. The connection between Millers Point and the foreshore are historically and culturally entwined. This proposal disconnects Millers Point from the very fabric of its history.

Reducing the size of Hickson Park is another cynical grab. We don't need 'experiences and connection of walkways' we need green space for all to enjoy. As a resident of Clarence Street, Sydney there are very few green spaces to enjoy in the CBD.

The proposal before us it is not the 'world class' development that you would like us to believe it is. World class developments are inclusionary, they consider public inclusion over private encroachment on public land, they connect and respect heritage.

Your website states that "The role of the Central Barangaroo Master Plan Framework is to articulate the NSW Government's ambition for a vibrant, active, and diverse community."

What does that even mean? I see no articulation of this vision in the development proposal.

Another NSW Government word salad at the expense of considered planning for generations to come.

I strongly object to this proposal.

Yours Sincerely,
Natalie Louw

353171

353293





7 August 2022

Re: Objection to Barangaroo Concept Plan (Mod 9)

Dear Sir / Madam,

I write to strongly object to the Section 75W modification application which seeks approval to increase the total permissible (GFA) in Barangaroo from 602,354 sqm to 708,041 sqm and for changes to Central Barangaroo (Blocks 5, 6 and 7).

The 2007 approved concept design included three towers of 29m-34m height. Though approved by the NSW government this scheme was strongly opposed by the community and City of Sydney Council. The current proposal increases the negative impacts of the previous scheme with increases in height and gross floor area. In particular the proposed tower at the north end would block significant views to and from Observatory Hill and The Rocks. It compromises the Observatory itself – an important heritage site, museum and educational centre.

These sites and views are of exceptional heritage significance to Sydney and NSW in a precinct vital to international tourism in Australia. I am particularly aware of the importance of these areas having completed several Conservation Management Plans in the precinct and in 2014 undertook a detail study "Terrace Houses in The Rocks, A Comparative Analysis and Assessment of Significance" for the then Sydney Harbour Foreshore Authority. This study is available at the following link:

<https://www.dropbox.com/s/bboms8onop9vz84/Terraces%20Study%20for%20Web%20sml.pdf?dl=0>

The proposed Mod 9 to the Barangaroo Concept Plan varies significantly from the 2007 proposal and should not be considered a modification rather a new proposal.

I support the National Trust of Australia NSW views, as follows:

The proposed concept modification would:

- Block public views west from Observatory Hill and to it from the west
- Block public views between White Bay Power Station and Observatory Hill
- Block public views of the water from key places and streets in historic Millers Point
- Sever the maritime relationship of historic Millers Point with the water
- Block public views of the Harbour Bridge from Pyrmont Peninsula and Pirrama Park.





The proposed modification to the Concept:

- Is NOT consistent with the approved Concept
- Is NOT consistent with the Statement of Commitments issued for the Barangaroo Development
- Is NOT consistent with the Sydney Harbour Regional Environmental Plan requirements for the protection of public views
- Is NOT consistent with the policies in the Sydney Harbour Bridge Conservation Management Plan, for the protection of public iconic views
- Does NOT respect the heritage significance of Observatory Hill
- Does NOT respect the heritage significance of Millers Point.

I strongly assert that the modification should be rejected completely.

Yours faithfully,

Jean Rice
Director, Angel Hayes PL
trading as Jean Rice Architect



Paul Franks
10A 161 Kent Street
Millers Point NSW 2000

06 August 2022

Dear NSW Planning Minister Roberts
Re: Barangaroo Concept Plan Modification 9

I have carefully reviewed all the provided documents in regards to the Barangaroo Concept Plan Modification 9 & submit the follow objections, & find no evidence to support any changes to the previously approved modification 8, & offer the following for examples.

Gross Floor Area

Mod. 9 is a gross over development which triples the approved Mod. 8 max. GFA 47,688 sum to 144,355sqm, which is a blatant cash grab by the NSW Gov. & Developer, with no public benefit.

Public Open Space

Reduction of real Public Space by including Roads/Footpaths & Nawi Cove (water) as Public Open Space.

Hickson Park

Reduction of the area & size of Hickson Park as previously approved in Mod. 8.
Will be overshadowed in mid-winter by the proposed increase in building heights.

Traffic, parking & Pedestrian Access.

These issues were resolved in Mod.8 but are now major unresolved issues due to triple the GFA development area in Mod.9.

View Loss

The increased building height will further reduce views to & from Millers Point, Observatory Hill, the Western & North Western part of Sydney harbours & adjoining foreshores.

My personal remaining views provided by Mod. 8 of the Western Part of Sydney harbour & adjoining foreshores & Barangaroo Headland will be lost also as a result of the increased building heights.

Heritage

The Historic Heritage of Millers Point & the views of Millers Point from the Harbour will be completely destroyed for ever by Mod 9, unsympathetic over development.

Bulk & Scale

The unbroken wall oh buildings along Hickson Road are too big, too high, & are an urbane planning disaster.

The northern high rise Residential Tower is a blatant cash grab, & another forever Blues Point Towers eyesore, completely destroying & at odds with adjoining Barangaroo Headland

The Proponent's for supporting arguments for Mod. 9 are unconvincing & lack creditability.

To argue that the many changes to Barangaroo South is reason to change approved Mod.8 is beyond absurdity & insulting to normal adult's intelligence.

Yours Sincerely
Paul Franks

Maureen Franks
10A 161 Kent Street
Millers Point NSW 2000

07 August 2022

Dear NSW Planning Minister Roberts
Re: Barangaroo Concept Plan Modification 9

I have carefully reviewed all the provided documents in regards to the Barangaroo Concept Plan Modification 9 & submit the follow objections, & find no evidence to support any changes to the previously approved modification 8, & offer the following for examples.

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The northern high rise Residential Tower is a blatant cash grab, & another forever Blues Point Towers eyesore, completely destroying & at odds with adjoining Barangaroo Headland

The Proponent's for supporting arguments for Mod. 9 are unconvincing & lack creditability.
To argue that the many changes to Barangaroo South is reason to change approved Mod.8 is beyond absurdity & insulting to normal adult's intelligence.

Yours Sincerely
MaureenFranks

Objection to Modification 9 from Judith Quirk

To whom it may concern,

I am writing to you regarding the Barangaroo Concept Plan (Mod 9).

I have reviewed the plans and documents provided and have put together the following summary of our concerns:

- The proposed concept plan conflicts with the established character of the area. The scale and size of the development is out of proportion with the historic nature of the local vicinity.
- The proposed concept plan has a significant impact on the view from our property, obstructing current views of the Harbour Bridge, Observatory Hill and the historic district of Millers Point
- The proposed concept plan places further restrictions on public access to the harbour foreshore, conflicting with a defining characteristic of Sydney Harbour.
- The proposed concept plan significantly impacts on the view from Observatory Hill to western Sydney
- The proposed concept plan results in substantial view and overshadowing impacts because of the design choice for the development. It is considered that the view impacts are detrimental.

View from 258/3 Darling Island Road



Objection to Modification 9 from Nigel Hobbs

To whom it may concern,

I am writing to you about the Barangaroo Concept Plan (Mod 9).

I have reviewed the plans and documents provided and have put together the following summary of our concerns:

- The proposed concept plan conflicts with the character of the area. The scale and size of the development is out of proportion with the current skyline.
- The proposed concept plan impacts substantially on the view from my property, obstructing current views of the Harbour Bridge, Observatory Hill, and the historic district of the Millers Point
- The proposed concept plan significantly impacts on the view from Observatory Hill to Pyrmont and the western suburbs of Sydney.
- The proposed concept plan results in reduction in park and community land, especially Hickson Park.

View from my property



353921
353293
353295
353297




352933



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**Ms Patricia Bray LLB, BEd, Grad Cert BA
1601/127-153 Kent St
MILLERS POINT NSW 2000**

7 August 2022

Dear Sir/Madam

**RE: Objection to submission re proposed Barangaroo Central development
Application No: MP06_0162 MOD 9**

I am a resident of Millers Point. I have lived in Sydney all of my life. In my 58 years, I have seen the city undergo remarkable change and development. This must be done with careful consideration.

I strenuously object to the proposed development (see above application number) for the following reasons:

1. Mod 9 will block most heritage views to and from Millers Point and Observatory Hill. This is in comparison to the existing approved Concept Plan which guaranteed views from Observatory Hill and surrounding areas.
2. The over development in the area over the past decade is appalling – Crown complex, One Sydney Harbour and the Barangaroo office towers. This is clearly enough!
3. The plan continues and expands on Barangaroo South's appalling expansion and over development in one of the most iconic sites in Australia.
4. The Concept Plan Gross Floor Area is being tripled. This is unacceptable.
5. It is appalling that the 73.7 metre residential tower near Nawi Cove is proposed! This will block the iconic views from Observatory Hill to the horizon.
6. The sight lines to the water will block west ward views from Observatory Hill to the harbour will be blocked by the proposed Mod 9 building height.
7. It is appalling and unacceptable that the views from the Lend Lease and Crown buildings toward the Opera House and Harbour Bridge will not be affected. However, views from precious public spaces, other residential complexes, hotels and office buildings will be seriously impacted.
8. The actual loss of views are misrepresented and not accurately shown in the Mod 9 photographs and documents. I am appalled by the fact that 50% of the Kent street residential properties will suffer a total loss on their views and this is being ignored in the Mod 9 documents.

9. The terrace houses on High St will have their view corridors significantly diminished.
10. The lack of park land in the area is unacceptable. The Crown complex has taken foreshore parkland and Mod 9 takes more away.
11. Hickson Park is further enclosed.
12. This development is being planned in an iconic area of this state and country – The Rocks and Millers Point. These areas have profound cultural and historical significance to all Australians. This over development cannot be reversed and must be preserved for future generations.

Regards

Patricia Bray

7 August 2022

NSW Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email: david.glasgow@planning.nsw.gov.au

Attention: David Glasgow

Dear Mr Glasgow,

Re: Submission in relation to MP06_0162 MOD 9 for the modification of the Barangaroo Concept Plan

By way of introduction, my wife and I are the owners and residents of 83 Kent Street, Millers Point, NSW – a property that was built in 1875 on the site of the original quarryman’s house built in 1835. Our property is listed on the State Heritage Register (SHR 00908) and protected and governed by a Conservation Management Plan approved by the Heritage Council of NSW.

I refer to the modification application submitted to the Department of Planning, Industry and Environment (**DIPE**) to support an amendment to the Barangaroo Concept Plan (**Mod 9**) to make amendments within Central Barangaroo and Barangaroo Reserve (**Proposed Development**).

I write to you to make a formal submission objecting to the Proposed Development.

I confirm that I have not made a reportable political donation.

I confirm that I have read the Department’s Privacy Statement and agree to the Department using my submission in the ways it describes. I understand this includes full publication on the Department’s website of my submission, any attachments, and any of my personal information in those documents, and possible supply to third parties such as state agencies, local government and the proponent.

I understand that it is a serious criminal offence under the Crimes Act 1900 to provide information to the Department of Planning and Environment knowing that, the information is false or misleading or the information omits any matter or thing without which the information is misleading.

I understand that by making this submission, I am providing the information contained in this letter to the Department of Planning and Environment and confirm that that information is not false or misleading

I do not support the significant changes now being pursued by the proponent under s75W of the Environmental Planning and Assessment Act 1979 (**EPA Act**). In summary, the impact of the Proposed Development gives rise to matters which relevantly should be considered prior to the determination of the Proposed Development. Key issues of concern include:

Issue 1. Views

Given the site’s location on Sydney Harbour foreshore abutting Australia’s oldest and most intact heritage precinct, the appreciation of these qualities in terms of views to and from them, in the public’s perspective, is the most critical issue facing the determination of this proposal. This is witnessed by large numbers of petitioners of the “don’t block the rocks” getup campaign (~7,000) as well as a large number of community, heritage and foreshore protection bodies who have made submissions to this proposal.

The importance of views is core to the Concept Plan and Urban Design Principles governing the Barangaroo site.

City Plan Heritage
East Darling Harbour Concept Plan
Heritage Impact Statement
26 September 2006

<https://majorprojects.accelo.com/public/fdb83a72ca7caa42d63a87b241dc2c/Appendix%20A%20Heritage%20Impact%20Statement%20%20Part%202.pdf>

“The issue of views is an important one. Any development west of Hickson Road on Darling Harbour over four floors will affect the views from Observatory Hill and the western section of Millers Point to the water of the harbour. The East Darling Harbour Concept Plan has been developed with a number of principles in mind and the protection of key views from the historic precincts is one of these principles. The idea, as detailed elsewhere, is to provide for continuous occupation along EDH and to provide residential accommodation to complement the City and to enliven this newly developed area. The residential accommodation will provide a strong link to the residential area of Millers Point.

Densities have been determined in accordance with development factors whilst maintaining the principal of lowering heights towards the north, providing interpretation of the landform features and allowing key vistas to and from Millers Point and Observatory Hill. The overall concept is aimed to ensure that the historic precinct of Millers Point can be viewed from key vantage points across the harbour and that the harbour form and the relationship to suburbs within the view shed can be viewed and understood from Millers point.”

This issue was further explored by the Heritage Council of NSW in its submission to Mod 2

<https://majorprojects.accelo.com/public/cdc46e17b8e70631fb62061b0e6abff5/Appendix%201%20Summary%20of%20Submissions.pdf>

- *(Heritage Council) Reiterates previous support for general distribution of building heights from 44 stories at the southern end of the project to 4 at the northern end. Also supported restricting podium to a height lower than High Street and the intention to protect and create multiple directed visual connections between the development and the Harbour.*
- *Further reiterates its previous comment in relation to the need for a detailed assessment of the impact of the proposed development on the identified heritage significance of the individual heritage items nearby and the Millers Point Conservation area at the later stages of the development.*

In the same document, the NSW Department of Housing, at the time the owner of many properties in the Millers Point Conservation Area including a number of properties in High Street and Kent Street also made a submission to Mod 2, objecting to the proposal.

18/08/08 NSW Department of Housing Objection (pending further view analysis)

- *PPR and Proposed Modification do not explain likely impact of project on views into and out of Miller Point. This is a critical heritage issue and important in considering public benefit of proposal.*

- *Concern argument for increasing FS on Blocks 2-5 could be extrapolated on to Blocks 6-8 which adjoin Millers Point with potentially damaging impact on heritage significance on unique maritime precinct*
- *Views in to and out of public and private spaces in Millers Point are a core element of the precincts heritage significance.*
- *Consider proposal will result in significant views of Millers Point to and from the public domain are to be diminished and significant views to and from the private domain will be substantially affected and in some cases eliminated.*
- *Require photomontages at least to and from the rear of terraces in Kent Street and the front of terraces in High Street.*

The NSW Heritage Council also wrote a submission regarding State Significant Development Application 6957 – Crown Sydney Hotel Resort, Barangaroo South

“The statement of significance in the State Heritage Register listing for the Sydney Observatory states that *“The elevation of the site, with its harbour and city views and vista...make it one of the most pleasant and spectacular locations in Sydney”*. Furthermore, the existing views from the Observatory towards the harbour are graded of considerable significance in the Conservation Plan for Sydney Observatory (endorsed by the Heritage Council), and Policy 32.5 of the Conservation Plan argues for the retention of views where it states *“Views from the path around the observatory complex down the slopes of Observatory Hill to The Rocks and water of the harbour should suffer no further encroachment.”*

The proposal blocks the views to and from Millers Point and Observatory Hill in contravention of several commitments of the approved concept plan.

Issue 2. Misleading Approved Building Envelope

The Proponent argues that building heights are already approved and that a block envelope covers Central Barangaroo at RL35, 29 and 34 thus already blocking views to and from Millers Point and Observatory Hill. This argument extrapolates the maximum block height across 100% of each block to create an “approved building envelope” without reference to GFA, block design principles, urban design principles and other modifications such as Mod 3 to Block 7 and Mod 8 to Block 5.

This approach is not only false, it is misleading.

Statement of Commitments Commitment 98 stipulates

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

The Approved Concept Plan adopted the following Development Block Controls for Blocks 5, 6 and 7.

https://majorprojects.accelo.com/public/6e4713f9001f7cc4bb1e28a99da06b/SSS%20Proposal,%20Concept%20Plan%20&%20EA%20Part_B.pdf

The Approved Concept Plan was clear on the objectives of the Development Block Controls:

“To allow for innovation, creativity and alternative design solutions to be achieved on each development block the Concept Plan does not pre-determine detailed footprints within the maximum permitted urban design envelopes.

Rather, the design principles, development controls and design requirements established for each block will ensure that the concept strategies that underpin the mixed use precinct and built form elements of the Concept Plan will be appropriately translated into the future detailed building.

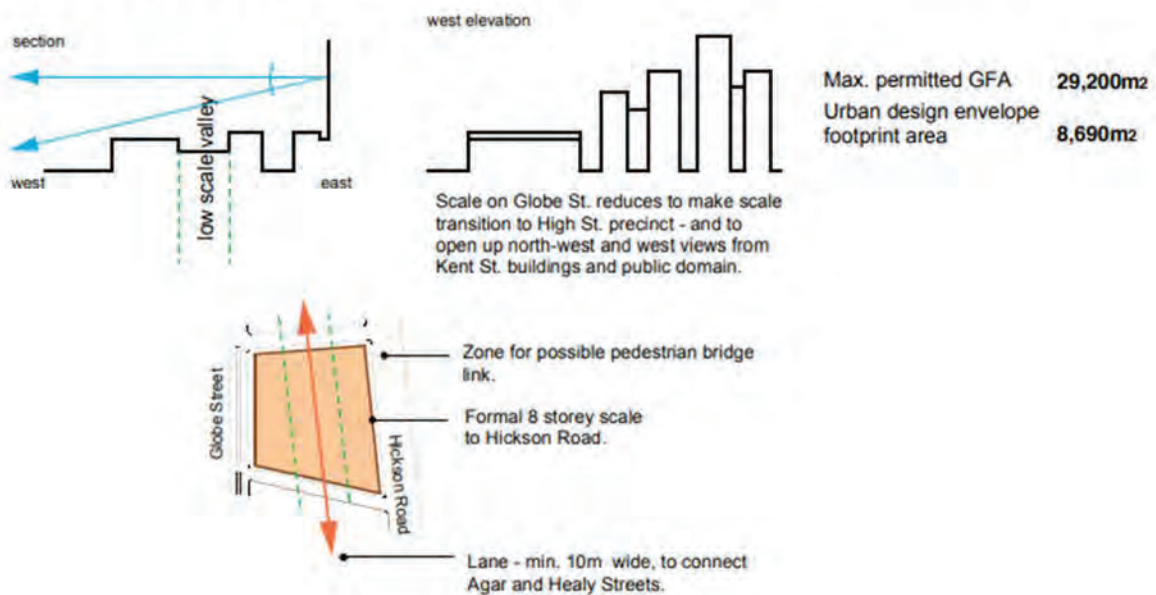
The development block controls provide the planning framework to be used for the **assessment of future individual building proposals** within the mixed use zone.”

BLOCK 5

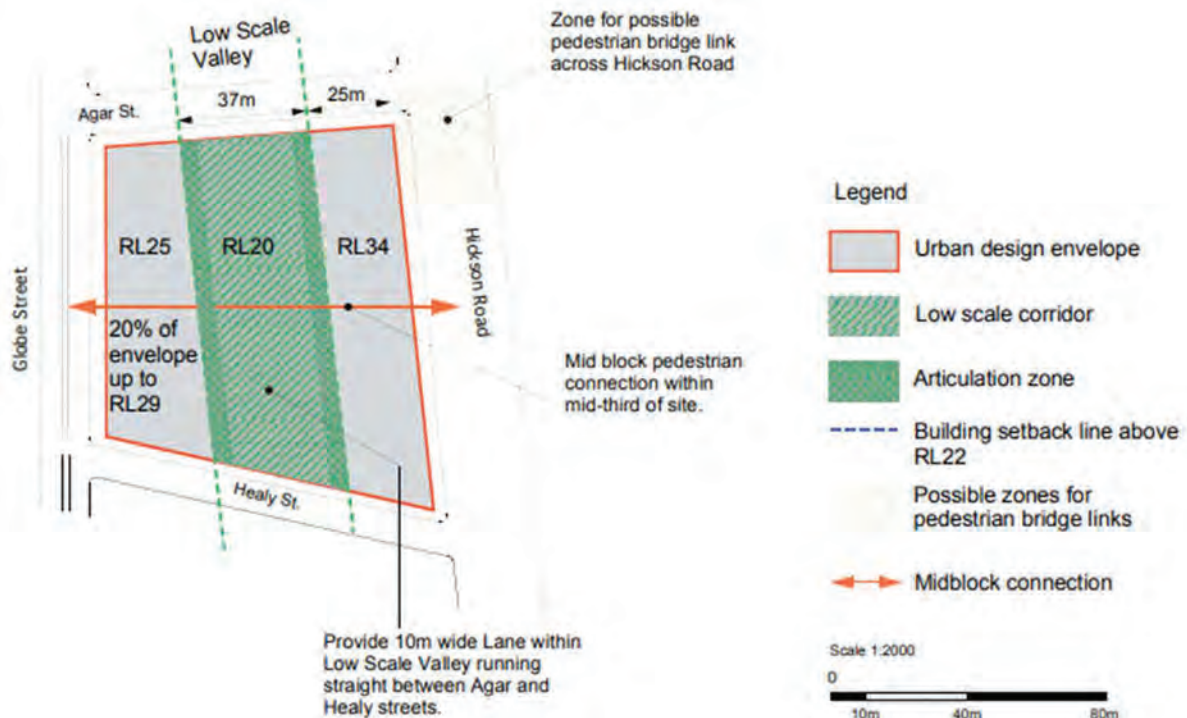
Block 5 has a site area of 8,690 sqm.

East Darling Harbour Concept Plan October 2006

BLOCK 5 DESIGN PRINCIPLES



BLOCK 5 DEVELOPMENT CONTROLS



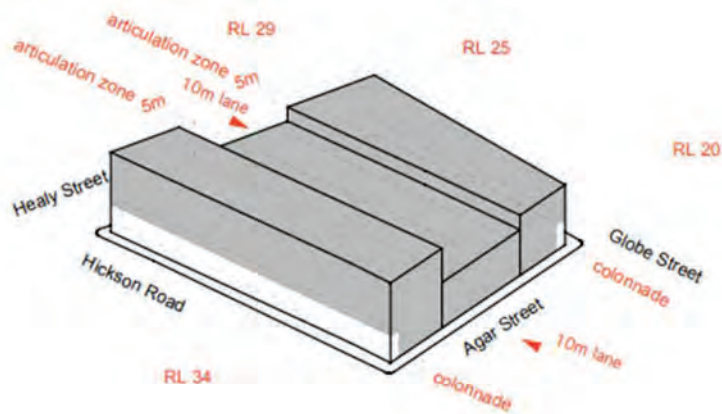
An important footnote is contained on this page, which I have highlighted here:

GFA - The maximum permitted GFA control prevails over the urban design envelope controls, which intentionally allow for the distribution of GFA within the urban design envelope to be resolved via more than one end building design. The max. permitted GFA does not allow for a building to fill the whole of the urban design envelope, and this is not permitted.

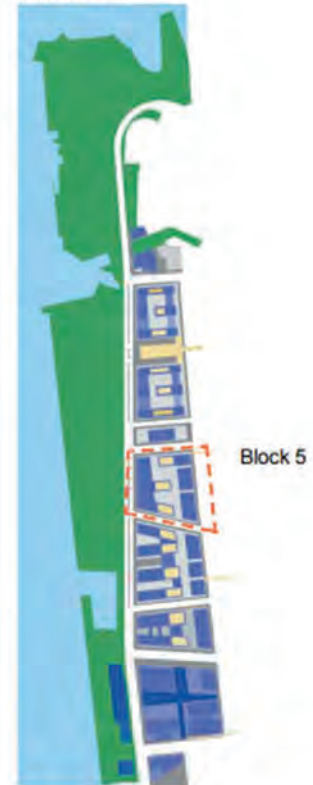
“The maximum GFA does not allow for a building to fill the whole of the urban design envelope (sic), and this is not permitted.”

This is EXACTLY what the proponent has done.

Note that the GFA for Block 5 was increased from 29,200 sqm to 41,225 sqm in Mod2 and reduced to its current approved level of 29,688 sqm in Mod 8. If one divides the GFA into the block area (8,690 sqm), one calculates a current maximum floor to space ratio (FSR) of 3.42. Using nominal standard industry practice of ground floor height of 7m and subsequent floors of 3.5 metres height, this suggests a maximum building height of 15.47m if applied across the entire building envelope.



key plan
scale 1:10000



BLOCK 5 DESIGN REQUIREMENTS

Provide colonnades for minimum 90% of the frontages of Globe St and Hickson Rd.

Provide awning/shelter to minimum 60% of Healy St and Agar St.

Build to the street alignment to minimum 90% of Hickson Rd and Globe St.


Locate vehicle access from Agar St and Healy St only.

Provide 10m wide lane within the Low Scale Valley, running between Agar St and Healy St.

Provide ground level Public Domain, including Lane, to a minimum 30% of the Low Scale Valley, of which 80% shall be open to the sky.

Two 5m wide articulation zones are included on the eastern and western edges of the Low Scale Valley, within which building elements may be built to the height of the adjacent buildings to which they are connected. The maximum footprint of such elements shall be 30% of the articulation zone.

Legend

 Main building zone - See Plan for conditions.

BLOCK 6

Site area for Block 6 is 1,855 sqm.

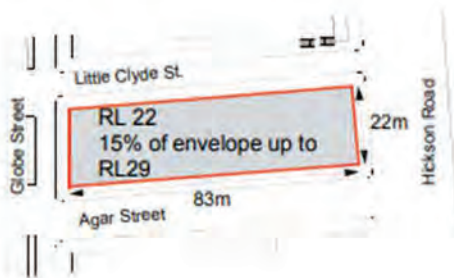
BLOCK 6 DESIGN PRINCIPLES

Max. permitted GFA 3,000m²
Urban design envelope footprint area 1,855m²




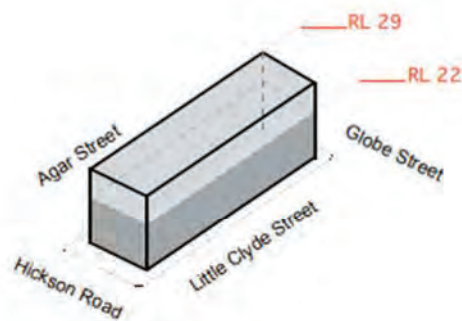
"Object" building or buildings, public/civic/community functions preferred, possibly with a mix of other uses.

BLOCK 6 DEVELOPMENT CONTROLS

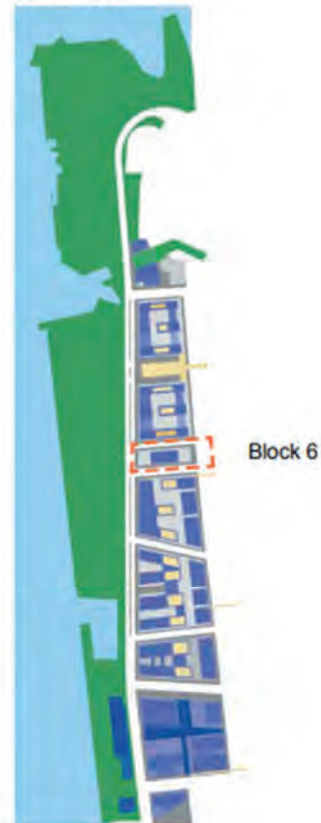


Legend

 Urban design envelope



key plan
scale 1:10000





BLOCK 6 DESIGN REQUIREMENTS

Provide minimum 40% of urban design envelope area as ground level public domain which is not fully enclosed.

Locate vehicle access from Agar St and Little Clyde St Only.

Legend

 Volume within which additional building height may be achieved. See plan for conditions.

 Main building zone - See Plan for conditions.

Using the same calculation methodology of GFA to block size, we derive an FSR of 1.62 and a maximum height filling the entire envelope of 9.16 metres.

Note Block 6 maximum GFA has remained unchanged at 3,000 sqm in all modifications.

BLOCK 7

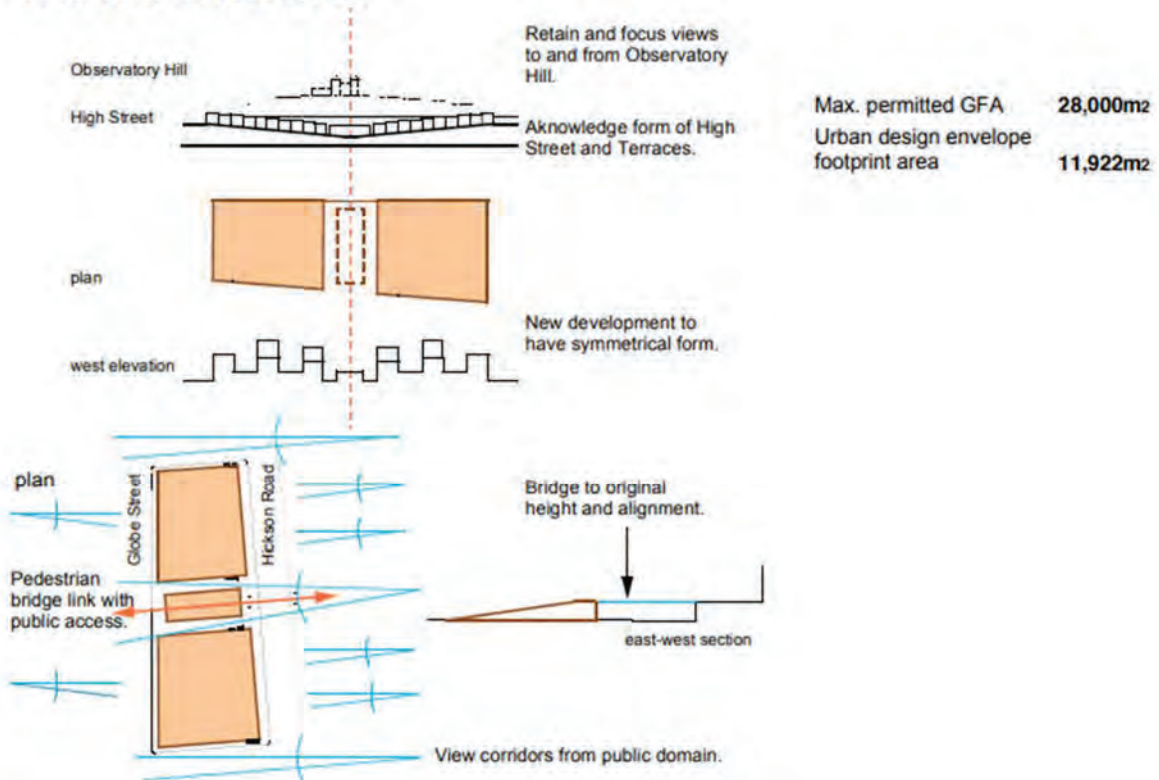
Block 7 original area was 11,922 sqm prior to Mod 3, which deleted block 8 and reduced block 7 to allow for the enlargement of the northern (now Nawi) cove. The latest published block area for block 7 is 5,960 sqm and the maximum GFA is 15,000 as it has been since Mod3. Originally, the maximum GFA for Block 7 was 28,000 sqm.

Table 3. Redistribution of maximum permitted GFA and land use on Block 7

Block Area (m ²)	Max GFA per block (m ²)	Max GFA (m ²)			
5,960	15,000	Business 0	Residential 14,000	Retail 250	Community 750

East Darling Harbour Concept Plan October 2006

BLOCK 7 DESIGN PRINCIPLES



Note the design principles spelled out in this diagram:

“Retain and focus views to and from Observatory Hill”

“Acknowledge form of High Street and Terraces”

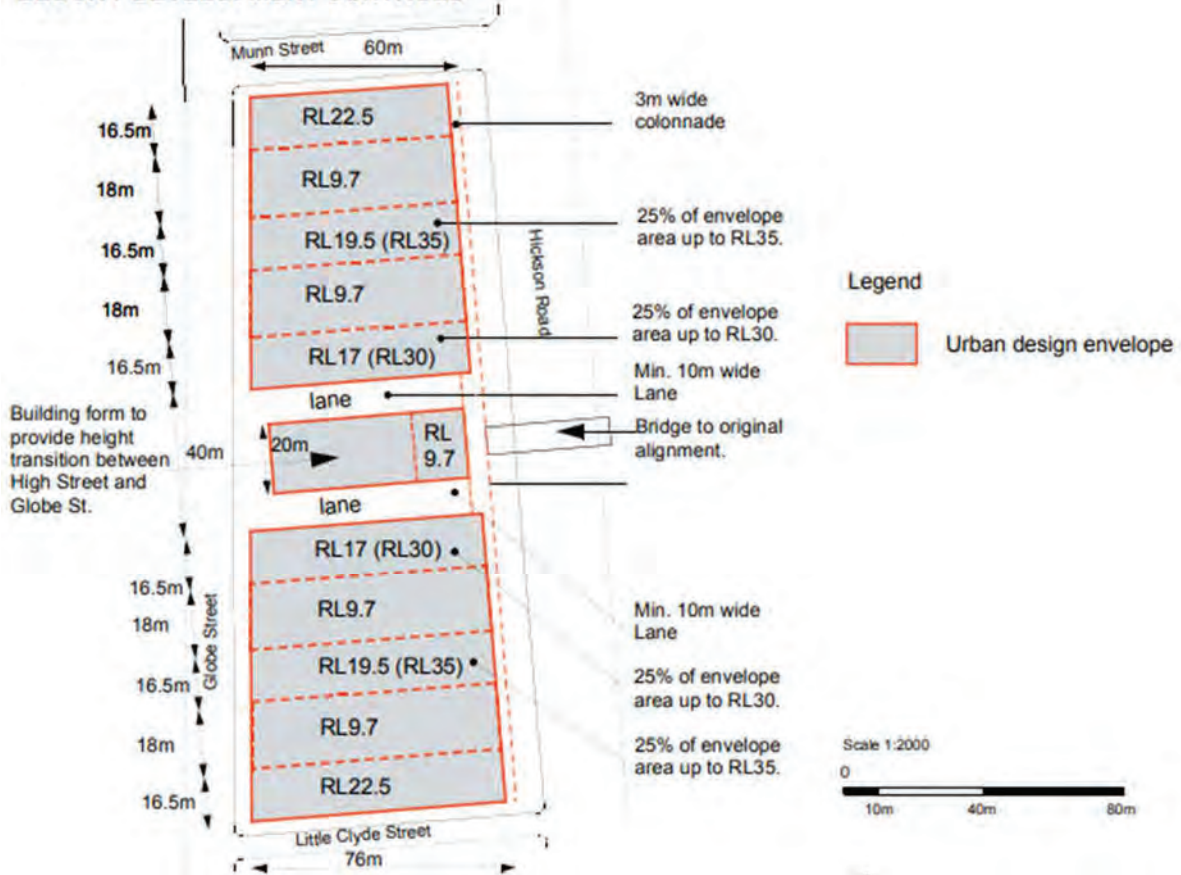
“New development to have symmetrical form”

“Bridge to original height and alignment”

“Pedestrian bridge link with public access”

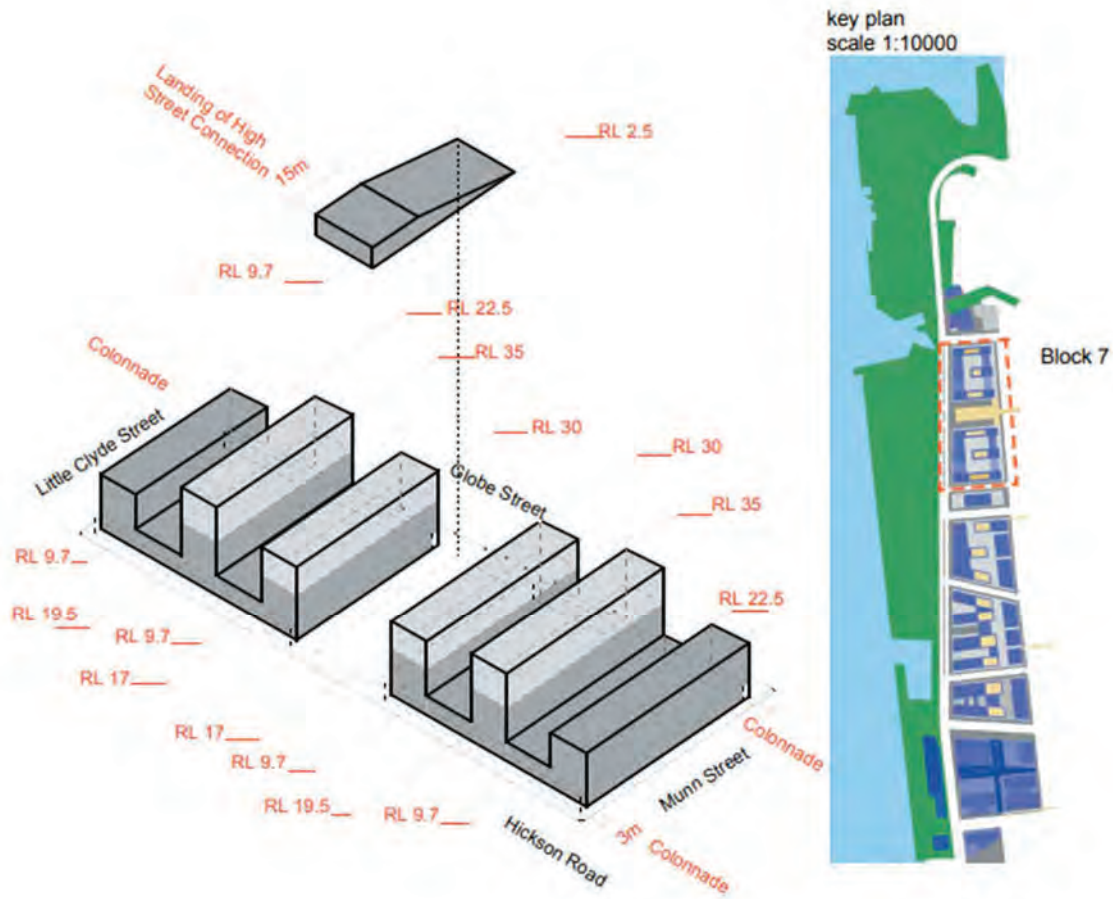
“View corridors from public domain”

BLOCK 7 DEVELOPMENT CONTROLS



Note the predominant height of the development controls on Block 7 is 9.7 metres. This is very similar to the height of the lowest point of High Street and this control is critical in allowing



1. Pedestrian access using a bridge across Hickson Road from High Street and,
2. Allowing the form of High Street and terraces to be appreciated from opposing foreshores.



BLOCK 7 DESIGN REQUIRMENTS

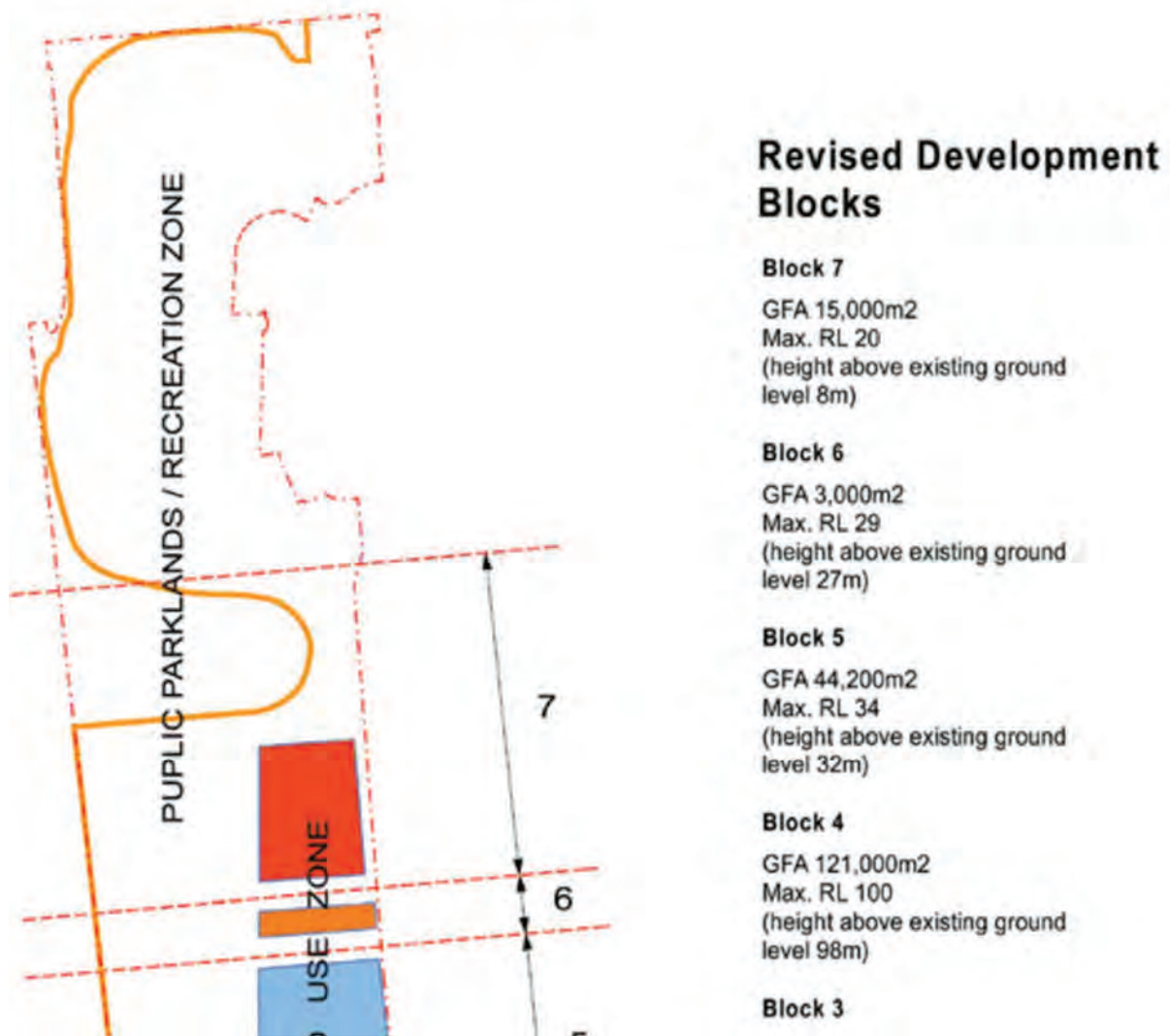
- Provide colonnades along the frontages of Globe St and Hickson Rd.
- Provide awning/shelter to 60% of Munn St and Little Clyde St.
- Provide vehicle access from Munn St and Little Clyde St only.

Legend

-  Volume within which additional building height may be achieved. See plan for conditions.
-  Main building zone - See Plan for conditions.

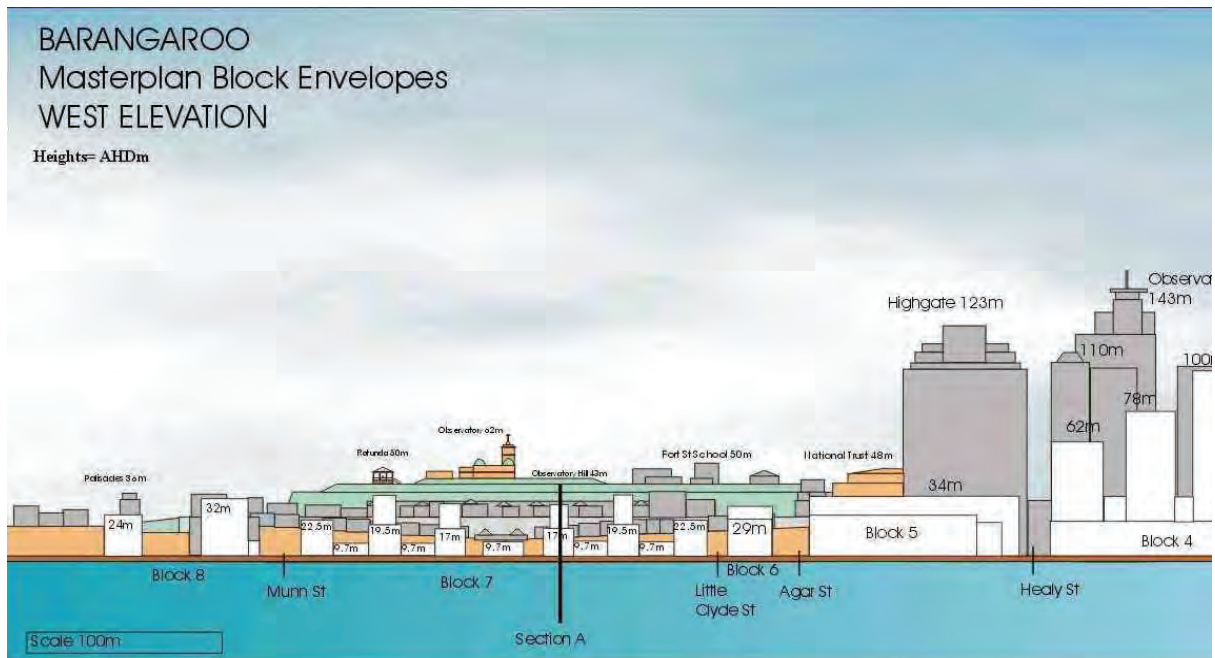
Modification 3 made several changes to Block 7. It proposed a reduction in the block area from 11,922 to 5,960 and a lowering of the maximum height to RL20.

Figure 12. Revised Development Blocks



Using the GFA to block area, we derive an FSR of 2.52 implying a maximum height across the entire envelope of 12.31 metres.

There is sufficient information for the proponent to prepare accurate assessment of the “approved building envelope” and this was done previously in public exhibition of the Approved Concept Plan shown here:



Issue 2.1 Implications of incorrectly determined “Approved Building Envelope”

If the “before” in the “before and after” analysis is not accurate, then the implications from that analysis cannot be used or relied upon.

Issue 2.1.1 The Visual Impact Statement

https://majorprojects.accelo.com/public/043cde7a94ccb20b9e57f5ecb442c6e2/Appendix%20F_View%20and%20Visual%20Impact%20Assessment.pdf

makes the assumption:

“The Approved Concept Plan incorporates the towers within Barangaroo South, and a long, relatively low development envelope within Central Barangaroo of between about 8-10 storeys in height”

As shown, this is evidently incorrect.

It compounds this error further:

“The Central Barangaroo development envelope extends across the southern face of the Millers Point Heritage Conservation Area, from midway along the length of the State Heritage Register listed terraces on High Street, to south beyond the Highgate residential tower on Kent Street. It projects above both the High Street terraces and the more elevated terraces behind on Kent Street. This effectively results in full view loss across Darling Harbour from these terraces (OL 08 shown in Figure A), and conversely, effective full view loss from locations on the western shores of Darling Harbour (OL’s 10,11,12,13,14, and 32 shown in Figure A) to the southern end of the Millers Point Heritage Conservation Area (including the terraces).”

The Visual Impact Assessment also makes the following assertion:

“Much of the view west from Millers Point across Darling Harbour, and east from Pyrmont and Balmain East looking back towards Millers Point, are lost already due to the building envelope of the Approved Concept Plan. MOD 9 often only marginally increases the extent of this view loss to attractive elements or elements of specific interest within the landscape.

Extensive harbour views are still available from sensitive viewing locations within Millers Point, including from Observatory Hill Park. A substantial and visually cohesive component of the Millers Point Heritage Conservation Area remains visible from the key observer locations along the western shore of Darling Harbour.

MOD 9 is generally seen to exhibit a High to Moderate level of visual absorption capacity due the compositional form, scale, line and massing of the three Central Barangaroo development blocks (Blocks 5, 6 and 7), relative to that of both the surrounding built form and their arrangement within the site."

As an illustration, analysis of the view from Observatory Hill is shown here from the Visual Impact Assessment:



This existing view is taken from the northern end of Observatory Hill Park and looks southwest to Pyrmont. There is no concept of a westerly view toward Balmain, which is a more traditional view.



This is the view from the same point that extrapolates the incorrect “approved development envelope”.

Compare this to image H4 from the Approved Concept Plan which uses the Development Block Controls:

<https://majorprojects.accelo.com/public/fdb83a72ca7caa42d63a87b241dc2c/Appendix%20A%20Heritage%20Impact%20Statement%20%20Part%202.pdf>

H4



H4





And the images generated by the Millers Point Community Residents Action Group which used 3D modelling on geolocated digital images using the building envelope of the proposal.











While Barangaroo South has undergone significant change since this photomontage was prepared, the view from Balmain is also erroneous. The scope of the view is excessive and not comparable to the original view montage.



Figure 52 Image showing the development and the proposed bridge from Balmain, NSW, July 2018

H7



Other examples of erroneous use of “approved building envelope”

Agar Steps



Figure 45: Street showing the development components and building envelope (View 45 from 1/2/2014, February 2014)



Figure 46: Propagating Uncertainty: Proposed For Approval: Street View for the proposed building envelope and the development of the 1/2/2014 (View 46)



Image H3 above is an accurate representation of the building envelope that was approved in the original concept plan and shown in the Environmental Impact Statement. Using this as just one example of the lack of accuracy of the Visual Impact Assessment, if we narrow the views shown in

that document to match the approved concept plan image H3, we can better appreciate the degree of deception.

Firstly, the current view from Agar Steps.



Second, the erroneous illustration of the “approved building envelope”. Compare this to H3.



Finally, the proposed building envelope. Not only a catastrophic loss of view from public space, but a misleading representation of what is already approved.



Issue 2.1.2 Heritage Impact Statement

This erroneous analysis continues in the Heritage Impact Statement.

“Agar Steps Heritage Comment: Minor adverse (additional) overall Refer to Figure 6.70. There will be some additional adverse impact on the views from the steps through the additional heights proposed for Blocks 5 and 6. The additional height will result in some distant loss of view to the horizon.”

The Heritage Impact Statement (HIS) uses the following assessment criteria:

Table 8.1 Heritage Impact Rating/Extent Definitions.

Rating/Extent	Definition
A	Actions that will have a major, long-term and irreversible impact on the setting of a heritage item or conservation area. Actions in this category would include the addition of significant additional height to

GML Heritage

Rating/Extent	Definition
Major Adverse	proposed new structures (ie an increase from the approved Concept Plan building heights) that significantly impacts on the visual setting of the item, or its significant views and vistas. These actions cannot be fully mitigated.
MA Minor adverse	Actions that will have a minor adverse impact on the setting of a heritage item or conservation area. This may be the result of the action affecting only a small part of the place or a distant/small part of the setting of a heritage place. The action may also be temporary and/or reversible.
N Neutral	Actions that will have no heritage impact.
MP Minor positive	Actions that will bring a minor benefit to a heritage item or conservation area, such as an improvement in the item's visual setting.
P Major Positive	Actions that will bring a significant benefit to a heritage item, such as removal of substantial intrusive elements, or the reinstatement of an item's visual setting or curtilage (ie a decrease from approved Concept Plan building heights).

Because the authors of the HIS were under the impression that Mod 10 (which they frequently cite) approved a 8-10 storey building envelope along Hickson Road (which we have shown to be a falsehood), the analysis arrives at the farcical conclusion that the impact on Millers Point is Positive (minor).

The NSW Heritage Branch adopt a number of questions when considering development near a heritage item.

NSW Heritage Branch Model Questions

New development adjacent to a heritage item

Question: How is the impact of the new development on the heritage significance of the item or area to be minimised?

Question: Why is the new development required to be adjacent to a heritage item?

Question: How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Question: How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

Question: Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Question: Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

Question: Will the public, and users of the item, still be able to view and appreciate its significance?

There are literally hundreds of heritage items in the Millers Point area. Consideration of the above cannot be limited in the way the HIS has been prepared.

Please refer also to Issue 11 below, which considers the lack of consideration for the numerous SHR properties that are impacted by the proposal.

Issue 3. Use of Part 3A rather than “better quality assessment”

From the Environmental Assessment Report Page 7. *“It is noted that Director General’s Requirements (DGRs) for the Barangaroo Concept Plan MOD 9 were issued on 15 April 2014. As the request to modify was lodged prior to the 1 March 2018 cut-off date, MOD 9 remains a transitional Section 75W (S75W) project under the EP&A Act. This pathway provides the Minister with the power to “modify the approval (with or without conditions) or disapprove of the Modification” and remains in force by operation of clause 3BA of schedule 2 of the Environmental Planning and Assessment (Saving 2021 Transitional and Other Provisions) Regulation 2017 (STOP Regulation). This Environmental Assessment Report (EAR) and appended consultant reports have been prepared to address the requirements of the DGRs and the requirements of the transitional provisions under Part 3A of the EP&A Act.”*

From the Department of Planning Website

Part 3A Development

In 2011, the NSW Government repealed Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) and announced that it will **no longer accept any new projects** in the Part 3A assessment system.

This system has been replaced by the State significant development (SSD) and State significant infrastructure (SSI) assessment systems, which commenced on 1 October 2011.

Transitional arrangements

The transitional arrangements for former Part 3A projects **have now closed**, and all future modifications to these projects will be assessed under either the SSD or SSI assessment pathway.

People who made modification applications *before the transitional arrangements closed (1 March 2018)*, had until 1 September 2018 to lodge their environmental assessment documentation so the modification can still be determined under the Part 3A transitional provisions.

If environmental assessment documentation was not received by that date the application will generally not be dealt with under the Part 3A provisions for modifications (section 75W), and will instead be assessed under the SSD or SSI provisions for modifications.

For existing modification applications made under s75W prior to its repeal that have not yet been determined, these can still be modified.

Comment

The intent of the regulation is clear. No more Part 3A development. Further, there is some ambiguity on the status of Mod9, with a reference to it begin withdrawn (NSW Planning Assessment Commission 28 June 2016 Determination Report: Determination of Section 75W Modification Application for the Barangaroo Concept Plan, Hickson Road, Barangaroo (MP06_612 MOD 8) page 5):

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/determination/barangarooconceptplanmod8reportpdf.pdf>

(Screen shot shown here)

gaming facility. In November 2013 the Crown Group Companies entered into a Framework Agreement with the NSW Government relating to the development of the Hotel Resort.

- **Modification 5** was withdrawn.
- **Modification 6**, determined March 2014, approved changes to the boundaries of Blocks 3, 4A and 4B and the realignment of Globe Street.
- **Modification 7**, determined November 2015, approved the use of a concrete batching plant on the site, but in all other respects matches the Modification 6 Concept Plan.
- **Modification 8.**
 - In April 2015, the Barangaroo Design Advisory Panel (comprised of Ms Meredith Sussex AM, Ms Shelley Penn and NSW Government Architect Mr Peter Poulet) was established and commissioned by NSW Planning and Environment to undertake an independent impartial expert urban design assessment of MOD 8. The Barangaroo Design Advisory Panel was in broad support of the proposal but recommended changes to Block Y and the waterfront promenade and reconsideration of the connectivity between Hickson Park and Central Parklands.
 - In November 2015, the Barangaroo Delivery Authority published a response to the Barangaroo Design Advisory Panel's assessment of MOD 8. The Barangaroo Delivery Authority sought advice from a specialist group of highly qualified and eminent design practitioners. The Design Barangaroo Development Authority and their independent Design Advisors, supported 11 out of the 18 recommendations in the Design Advisory Panel report. The Proponent adopted several recommendations within MOD 8 based on the Barangaroo Design Advisory Panel's findings.
- **Modification 9**, regarding Barangaroo Central, was withdrawn.
- **The tender process for Barangaroo Central** is nearing completion. Barangaroo Central is the final stage to be developed across the whole Barangaroo district. Barangaroo Central will combine civic and cultural attractions with recreational, residential, retail and commercial uses as well as a harbour front public domain. The Barangaroo Sydney Metro Station is also planned to be located at Barangaroo Central.

Since the Modification 9 was withdrawn, it is unlikely that it should be considered as a transitional Part 3A.

Another document – date stamped March 2016 – states that Mod 9 had not been lodged with the Department

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/department-of-planning--environments-assessment-report/appendixsummaryofplanninghistoryconceptplanpdf.pdf>

(Screen shot shown here)

MP 06_0162 MOD 7

On 11 April 2014, the then Minister for Planning and Infrastructure approved a seventh modification to the Concept Plan to allow the construction, operation and maintenance of a concrete batching plant to supply concrete for the construction of future development under this Concept Plan at Barangaroo South.

MP 06_0162 MOD 9

On 15 April 2014, the then Executive Director, Development Assessment Systems & Approvals, as delegate of the Director-General, issued modified Director-General's environmental assessment requirements for the preparation of a section 75W application (MOD 9) which proposes to modify the Barangaroo Concept Plan approval (MP 06_0162) as it relates to Barangaroo Central and the Headland Park. Specifically, MOD 9 includes increases in GFA, the redistribution of GFA and land uses across the development blocks, modification to the development blocks and building envelopes, and a redistribution of public domain areas.

MOD 9 has not yet been lodged with the Department.

Mod 9 certainly never went on public exhibition.

Is the project “substantially the same”?

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

The development, as proposed to be modified, is NOT substantially the same development as that originally approved in that:

- The proposed modifications seek to alter the approved built form and function; The building envelope is significantly greater than the Approved Concept Plan;
- The proposed modifications alters the approved land uses and GFA; The proponent seeks to develop land zones RE1 at both the northern and southern end of the site and massively increase to GFA from 48,000 to 144,000 sqm;
- The proposed modifications change the ultimate area of public open space provided; calculations are not provided in the proposal, however the space has been changed, roadway is counted as public open space, as is the cove; and
- The anticipated environmental impacts are NOT consistent with those of the approved development.

The development, as proposed to be modified is therefore both essentially and materially of a different essence as that of the approved development and is therefore considered to be substantially different to the approved development. The modification of the Development Consent can therefore NOT be lawfully made under section 4.55 of the EP&A act.

From Clayton Utz website: <https://www.claytonutz.com/knowledge/2018/march/the-updates-to-the-nsw-planning-system-are-here>

Concept plan approvals will still be able to be modified under section 75W so long as the project to which the concept relates remains "substantially the same" as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

The application of the "substantially the same" development test is a significant change for major project operators who have been relying on the broad section 75W modification process as an important part of their project development.

From Addison's website: <https://addisons.com/knowledge/insights/the-final-nail-in-the-transitional-part-3a-coffin/>

"Minister for Planning Rob Stokes has followed through on his promise to end transitional arrangements for projects approved under the former Part 3A, including modifications. On 9 January 2017, the Department of Planning and Environment released for public comment the draft Environmental Planning and Assessment Amendment Bill 2017 (Draft Bill) to introduce a suite of amendments including the repeal of the Part 3A transitional arrangements once and for all."

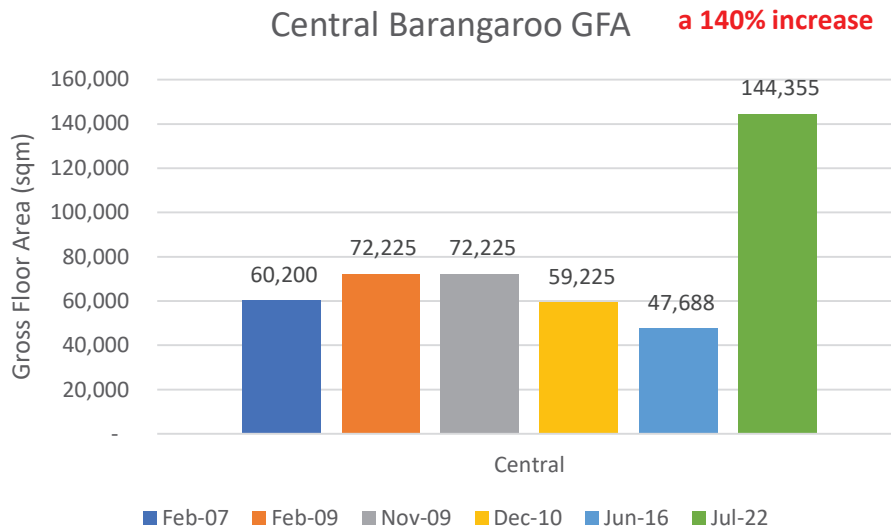
From Lindsay Taylor Lawyers website: https://www.lindsaytaylorlawyers.com.au/in_focus/substantially-the-same-identifying-the-fundamental-elements-of-development/

'Substantially the same' – identifying the fundamental elements of development

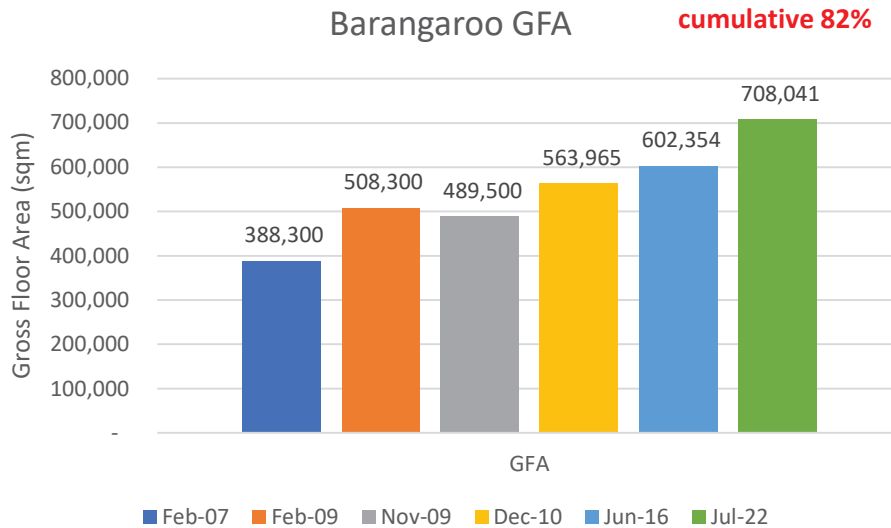
Other than to correct a minor error, misdescription or miscalculation, a development consent can only be modified under sections 4.55 and 4.56 of the Environmental Planning and Assessment Act 1979 (EPA Act) if the consent authority or the Court is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

While this issue has been given detailed consideration by the Courts, a recent Land and Environment Court of New South Wales (Court) decision provides useful guidance for both applicants and consent authorities in applying this statutory test. Adopting the Court's analysis, where a development contains more than one element, identification of the fundamental elements of an original development proposal is required. A determination must then be made as to whether the modification seeks to alter those fundamental elements to such a material degree that the modified development as proposed is no longer substantially the same development.

Just on the scale of the proposal alone, Modification 9 seeks a substantial (140%) increase in GFA from the Original Concept Plan (2006) and a 203% increase from the current approved GFA for Central, which *prima-facie* makes this a substantially different development with substantially different environmental outcomes. Both 140% and 203% would be considered "a material degree".



At the whole of Barangaroo level, GFA is proposed to be 82% higher than the 2006 Concept Plan.



Issue 3.1 Better quality assessment.

The proponent is not private developer Aqualand, but rather State Government entity, the Department of Infrastructure.

Why is Aqualand not the applicant for Modification 9?

Has Aqualand made a reportable political donation (requiring the matter to be referred to the Independent Planning Commission)?

Is it because a State Significant Development application by a private developer will be referred to the Independent Planning Commission whereas an application by a public authority is not?

The applicant for Modifications 4, 6, 7 and 8 was a private developer, Lend Lease.

Stage	Proponent
Original Concept Plan	Sydney Harbour Foreshore Authority

Mod 1	Sydney Harbour Foreshore Authority
Mod 2	Sydney Harbour Foreshore Authority
Mod 3	Sydney Harbour Foreshore Authority
Mod 4	Lend Lease (Millers Point) Pty Limited
Mod 5	Withdrawn
Mod 6	Lend Lease (Millers Point) Pty Limited
Mod 7	Lend Lease (Millers Point) Pty Limited
Mod 8	Lend Lease (Millers Point) Pty Limited
Mod 9	Barangaroo Development Authority/Infrastructure NSW
Mod 10	Infrastructure NSW
Mod 11	Infrastructure NSW

The Central Barangaroo Development Agreement

<https://www.infrastructure.nsw.gov.au/media/3360/central-barangaroo-development-agreement-annexures-n-to-r.pdf>

Page 59 clearly shows that the developer is Grocon (screenshot provided)

Parties

Barangaroo Delivery Authority ABN 94 567 807 277 of 21/201 Kent Street, Sydney NSW 2000 being a NSW government agency constituted under the Barangaroo Delivery Authority Act 2009 (NSW) (**Authority**)

Grocon (CB) Developments Pty Limited ACN 614 118 642 of 3 Albert Coates Lane Melbourne VIC 3000 (**Developer**)

Aqualand B Development Holding Pty Limited ACN 612 713 916 of Level 29, 225 George Street Sydney NSW 2000 (**Aqualand**)

Grocon (CB) Management Pty Ltd ACN 615 035 937 as trustee of the Central Barangaroo Office Sub-Trust 1 of 3 Albert Coates Lane Melbourne VIC 3000 (**Block 6 Office Investor**)

Grocon (CB) Management Pty Ltd ACN 615 035 937 as trustee of the Central Barangaroo Office Sub-Trust 2 as trustee of the Central Barangaroo Office Sub-Trust 2 of 3 Albert Coates Lane Melbourne VIC 3000 (**Block 5 Office Investor**)

WSF Fund Pty Limited as trustee of the **Scentre Barangaroo Trust** ACN 120 154 663 of Level 30, 85 Castlereagh Street, Sydney NSW 2000 (**Retail Investor**)

Scentre Design and Construction Pty Limited ACN 000 267 265 of Level 30, 85 Castlereagh Street, Sydney NSW 2000 (**Retail Step-in Party**)

[Name of Independent Certifier] ACN [number] (Independent Certifier)

And clearly states that the project is the Developer's Project.

Background

- A. The Authority and the Developer have entered into the CENDA under which the Developer will carry out or procure the carrying out of the Developer's Project which is situated within Central Barangaroo.
- B. The Developer has entered into the Implementation Agreements with the Investors in relation to the design, construction, completion, financing and acquisition of the completed Works.
- C. The Developer has engaged, or will engage, the Builder to carry out part of the Works on the terms of the Building Contracts.
- D. The Principal Parties and the Investors have financial and other interests in determining when Works for a Stage reach Stage Practical Completion as that event will cause the relevant parties to commence the relevant Lease.
- E. By this deed, the Developer appoints the Independent Certifier to perform its functions in accordance with the requirements of the CENDA and the [REDACTED]
- F. The Independent Certifier accepts its appointment and agrees to perform its functions on the terms of this deed.

Aqualand purchased the development rights from Grocon, so it now is the developer and Barangaroo Central is now its project.

Because the government has less protections and rights at law if the developer is private, by implication, the public has less protections and rights at law if the developer is the government.

Issue 3.2 Just because you can, doesn't mean you should.

Regardless of the technicalities of whether Part 3A status applies to Mod9 – which is likely does not - the people of NSW expect their government to apply the best quality assessment of State Significant Development. Only 12 months ago, the government issued improvements to the State Significant development process announced as part of PS 21-005.

The assessment of Mod9 should include the improved guidelines regarding engagement, cumulative impact and social impact. Just because there is a tenuous pathway to have the Modification assessed under an older (and by definition lower quality) assessment framework, given that the NSW State Government is both the proponent and the consent authority, prudence would dictate the choice of the "better quality assessment".

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/Planning-Circular-PS21-005.pdf?la=en>

Better quality assessment: SSD & SSI Guidelines

As of 1 October 2021, new State Significant Development Guidelines and State Significant Infrastructure Guidelines will also come into effect. The EP&A Regulation will require SSD applicants and SSI proponents to have regard to these guidelines when requesting SEARs, preparing EISs, responding to submissions, amending applications, and seeking to modify SSD consents and SSI approvals. The guidelines will provide clear guidance on assessment processes through a series of sub-guide appendices covering the following matters:

- Preparing a Scoping Report
- Preparing an Environmental Impact Statement
- Preparing a Submissions Report

- Preparing an Amendment Report
- Preparing a Preferred Infrastructure Report (SSI only)
- Preparing a Modification Report.

The guidelines set out advice, requirements and standards for the form, structure, content and technical aspects of State significant project documents.

The guidelines are intended to improve the quality of environmental assessment documents and improve the efficiency of State significant project assessment.

Of particular note, the guidelines will ensure that EISs are succinct, easy to understand, technically robust, reflect community views and provide a comprehensive evaluation of the project.

While the guidelines will take effect on 1 October 2021, a six-month transitional period (up to 31 March 2022) will allow EISs to be submitted to the Department that were prepared in line with previous requirements.

Where SEARs have been issued on or after 1 October 2021 the preparation of an EIS and other assessment documents will benefit from advice and guidance provided by these new guidelines. www.planning.nsw.gov.au/Policy-andLegislation/Planning-reforms/Rapid-AssessmentFramework/Improving-assessment-guidance

Better community engagement and assessment of social and cumulative impacts

Additional guidelines have also been prepared to support better assessment and better engagement on State significant projects:

- Undertaking Engagement Guidelines
- Cumulative Impact Assessment Guidelines
- Social Impact Assessment Guideline.

These guidelines will be applied to the assessment of State significant projects from 1 October 2021.

The Undertaking Engagement Guidelines require upfront and ongoing engagement on State significant projects to provide a better understanding of potential issues and to be able to consider responses to issues as a part of the project development and delivery. The guidelines encourage engagement to be undertaken at appropriate times throughout the life cycle of a project, including scoping, planning, assessment and delivery of State significant projects, rather than relying solely on statutory consultation requirements.

Issue 4. Lack of Community Engagement

Comment: Community engagement has been negligible since the SOM Master Planning process in 2012-13, where the BDA held a number of public forums to discuss the tender process and the master planning process and to seek input from the community.

The Cumulative Impact Assessment Guidelines aim to strengthen project-level cumulative impact assessment (CIA) for State significant projects. The guidelines provide advice on scoping cumulative impacts and methodologies for identifying and taking into account the combined impacts (including environmental, social and economic impacts) of past, present and reasonably foreseeable future projects. Better information on cumulative impacts will encourage improved

project design to reduce impacts, support informed and appropriate decision-making, and achieve better on-ground planning outcomes.

The developer had one meeting with the Millers Point Community Residents Action Group on Tuesday 8 June 2021 to provide an overview of the concept for Central Barangaroo and seek initial feedback. Very little information was provided at this meeting.

Issue 5. Cumulative Impact

Comment: The Planning Assessment Commission (now Independent Planning Commission) recognises the issue of cumulative impact in its deliberations regarding Mod 8 and its insistence that views from Millers Point be retained:

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/determination/barangarooconceptplanmod8reportpdf.pdf>

“The Commission sympathises with residents of the nearby residential blocks and understands that each change in the Barangaroo Concept Plan has a potential impact on their views that they have little or no control over, having bought their homes in good faith. The Commission considers that the Barangaroo development has now reach a point where further impacts on views beyond MOD8 need to be minimised. The Commission adopts the following condition to ensure that future development of Block 5 does not impact on key view lines from the Millers Point and Observatory Hill region:

C1 Future Building/s on Block 5

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

- (a) Demonstrate that views will be retained:
 - (i) From Millers Point and Observatory Hill to the western part of Sydney Harbour; and,
 - (ii) From Block Y to the Sydney Harbour Bridge and the Opera House.....”

Issue 6. Retain/Retained/Retention of views as per Independent Planning Commission

We note the proponent seeks to modify this condition (C1 Future Buildings on Block 5), on the basis that

“The word “retain” is unreasonably open to interpretation and should be limited to require consideration of views in accordance with the MOD 9 documentation”

We also note that the ruling in *Crown Sydney Property v Barangaroo Delivery Authority; Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931 (aka the Sight Lines Case)

<https://www.caselaw.nsw.gov.au/decision/5c1194bbe4b0851fd68d04c8>

uses the term retain in the development agreements between the parties.

7. The development agreements made between Crown and the Authority (the Crown Development Agreement, or “CDA” [1]) and Lendlease and the Authority (the Project Development Agreement, or “PDA”) contain provisions intended to protect those views. The parties called those provisions, cl 5.5 of the CDA and cl 2.5 of the PDA, the “Sight Lines Clauses”, and I shall do likewise. In effect, the Sight Lines Clauses:
1. recognise that optimisation of the development of Central Barangaroo is of critical importance to the Authority;
 2. recognise that retention of the sight lines is of critical importance to Crown and Lendlease respectively; and
 3. provide that if any application is made for development on Central Barangaroo different to that provided for in the Concept Plan, the Authority must discuss and negotiate in good faith with Crown and Lendlease to seek to agree changes that would **retain** the sight lines while at the same time optimising development opportunities.

And further

92. As to the subject-matter of the negotiations, the plaintiffs submitted that there was a stated purpose: retaining sight lines whilst at the same time optimising development opportunities. **They noted that the verb “retain” has an absolute character. It does not encompass “retaining in part” or “retaining some of”; nor did the parties word their bargain so as to admit of partial retainer.** On the other hand, the plaintiffs submitted, the concept of optimisation, in relation to development opportunities, was one of necessarily indeterminate content and susceptible to fact-dependant operation.
93. **The plaintiffs submitted that there was only one way that they could “retain” the sight lines: namely, by continuing to enjoy the full and unrestricted benefit of those sight lines.** On the other hand, they submitted, there were many factors to be taken into account and balanced in the optimisation of development opportunities. Those factors included, but were by no means limited to, the financial returns to be garnered.
137. By contrast to the first of the two subjects that are to be, if possible, reconciled, namely retaining sight lines, the second does not have any fixed or absolute quality. The concept of optimisation of development opportunities carries with it the idea that the various attributes that might be seen to improve, or make better, the proposed development are to be considered and balanced. **Thus, as the plaintiffs submitted, while there is only one way to retain sight lines,** there are many ways in which development opportunities could be optimised.

The term retain is not open to interpretation.

Issue 7. Retain/Retained/Retention Statement of Commitments

The word “retain” is generally associated with views. In the Statement of Commitments, it appears as follows:

56. Future development. Views from public spaces on opposite foreshores to Observatory Hill Park will be **retained**. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be **retained**.
57. Future development within the Barangaroo site is to **retain** views to Observatory Hill Park from public spaces on opposite foreshores; and to **retain** a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as these documents apply to Barangaroo South.
58. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be **retained** are:
- views to significant tracts of the water,
 - the junction of Darling Harbour and the Harbour proper,
 - the opposite foreshores,
 - panoramic qualities of existing views and,
 - the most distinctive views to landmark structures,
59. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.
60. Future development within the Barangaroo site is to **retain** the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.
64. A Heritage Impact Statement (HIS) will accompany any application for works to Munn Street or in the vicinity of the Munn Street terraces. That HIS will include an assessment of how the development proposed satisfies the following Principles:
- The design of the building proposed adjacent to the west of the Terraces will be sympathetic in bulk and scale and retain a reasonable level of amenity for the occupants of the Terraces.
 - Works to Munn Street will retain and conserve the front verandas, other building elements of significance along the southern frontage and the remnant cross walls and floors from the demolished terraces attached to the western elevation.
 - Works to Munn Street will retain and conserve significant landscape elements associated with the former street and the Terraces, such as the sandstone retaining walls and fences.

These are proposed to be altered as follows:

57. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained, **subject to Commitment 58**.

58. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as these documents apply to Barangaroo South, and as subsequently amended by the View and Visual Impact Assessment prepared by AECOM (December 2021) as this document applies to Central Barangaroo.
59. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are:
- views to significant tracts of the water,
 - the junction of Darling Harbour and the Harbour proper,
 - the opposite foreshores,
 - panoramic qualities of existing views and,
 - the most distinctive views to landmark structures,
60. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, and as subsequently amended by the documents listed in Commitment 58.
61. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores, subject to Commitment 58. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.
64. (unchanged)

Note that the terms “panorama” and “panoramic qualities” are used. A common definition of “panorama” is “an unbroken view of the whole region surrounding an observer.”

Back to the “**better quality assessment framework**”

The Social Impact Assessment (SIA) Guideline standardises the approach to considering and managing social impacts for State significant projects and provides greater clarity and certainty for proponents and the community. The Guideline builds on the policy foundations set by the Department’s 2017 Social Impact Assessment Guideline for State significant mining, petroleum production and extractive industry development. The SIA Guideline provides a framework for social impact assessment that can be adapted to different types and scales of State significant projects to ensure that the level of assessment is proportionate to potential impacts.

Issue 8. Consideration of the Social Impact

The Social Impact needs to be considered in terms of the public good that is lost by the proposed development offset by the provision of private good and development fees paid to the NSW Government.

The Social Impact Assessment pays limited attention to these issues:

“Our analysis identified limited potential for change in the likelihood and level of identified negative social impacts as a result of MOD 9. Social dis-benefits identified in the analysis mainly relate to housing and environmental indicators, which are covered more comprehensively in other reports and therefore not explored in detail in this report.”

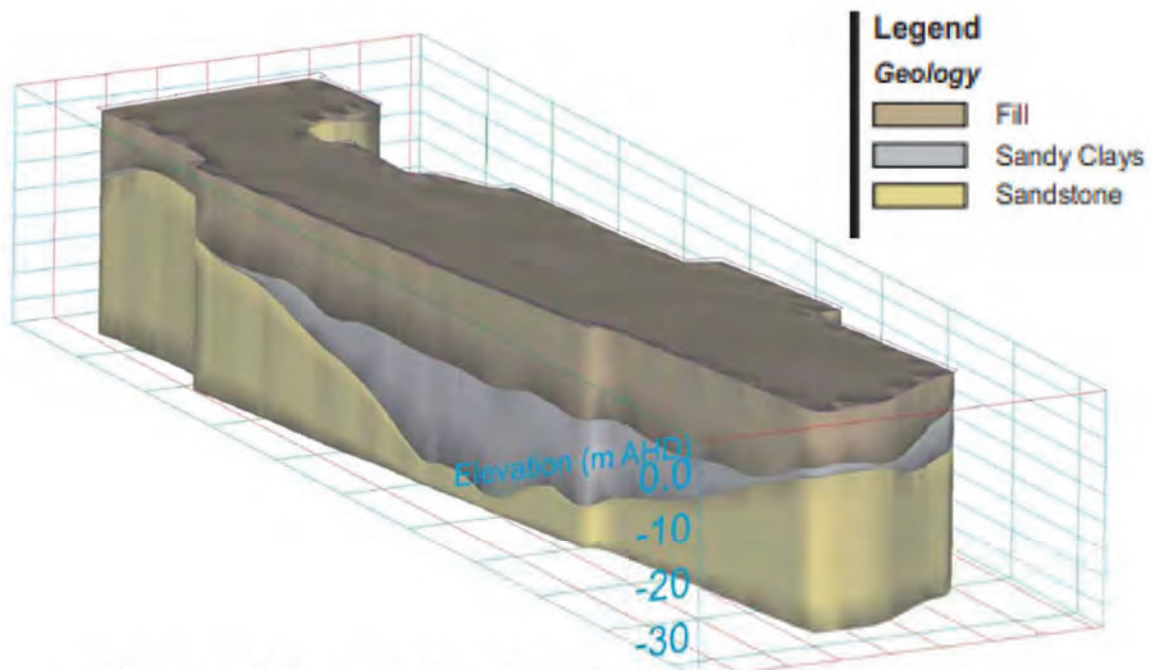
This highlights the lack of understanding of the views and opinions of residents in adjacent areas due to the lack of community consultation.

Issue 9. Urban Design Context – Sydney Harbour

The DGRs require the applicant under Urban Design, Development Controls and Land Uses:

Consider land use, height, block and building footprints, density, setbacks, **topography, streetscape**, shadowing, view corridors, ground floor permeability and connectivity, façade design, streets and lanes, **public and private open space**, and road hierarchy.

Central Barangaroo was originally Sydney Harbour.



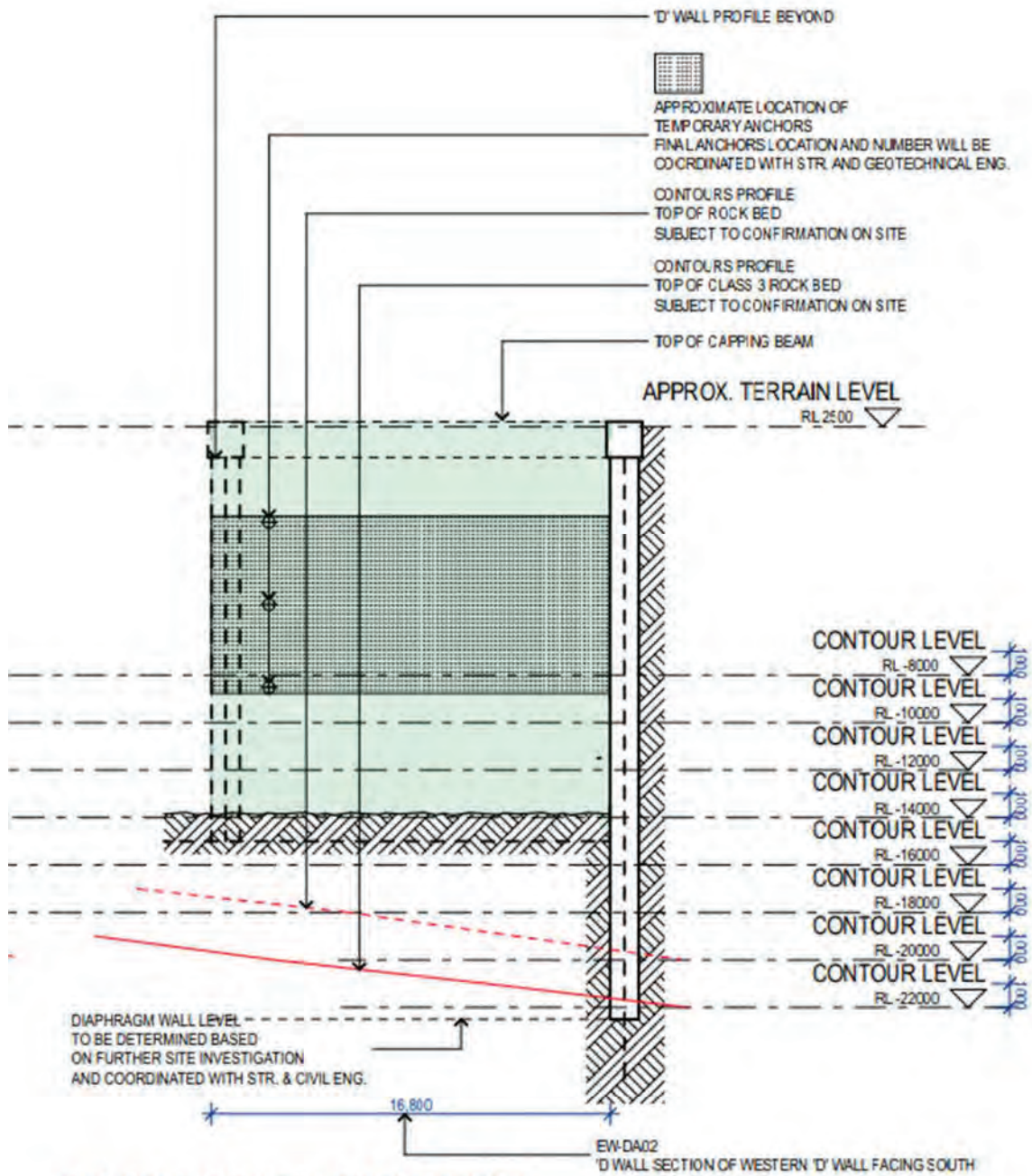
The Sandstone bedrock is 20-30 metres below ground level at Central Barangaroo



The original shoreline aligns with Hickson Road.

The Architectural Drawings accompanying the Early Stage Works shows an assumed “Class 3 rock bed” that is some 24.5 metres below the approximate terrain level.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=PDA-46227958%2120220712T013841.046%20GMT>

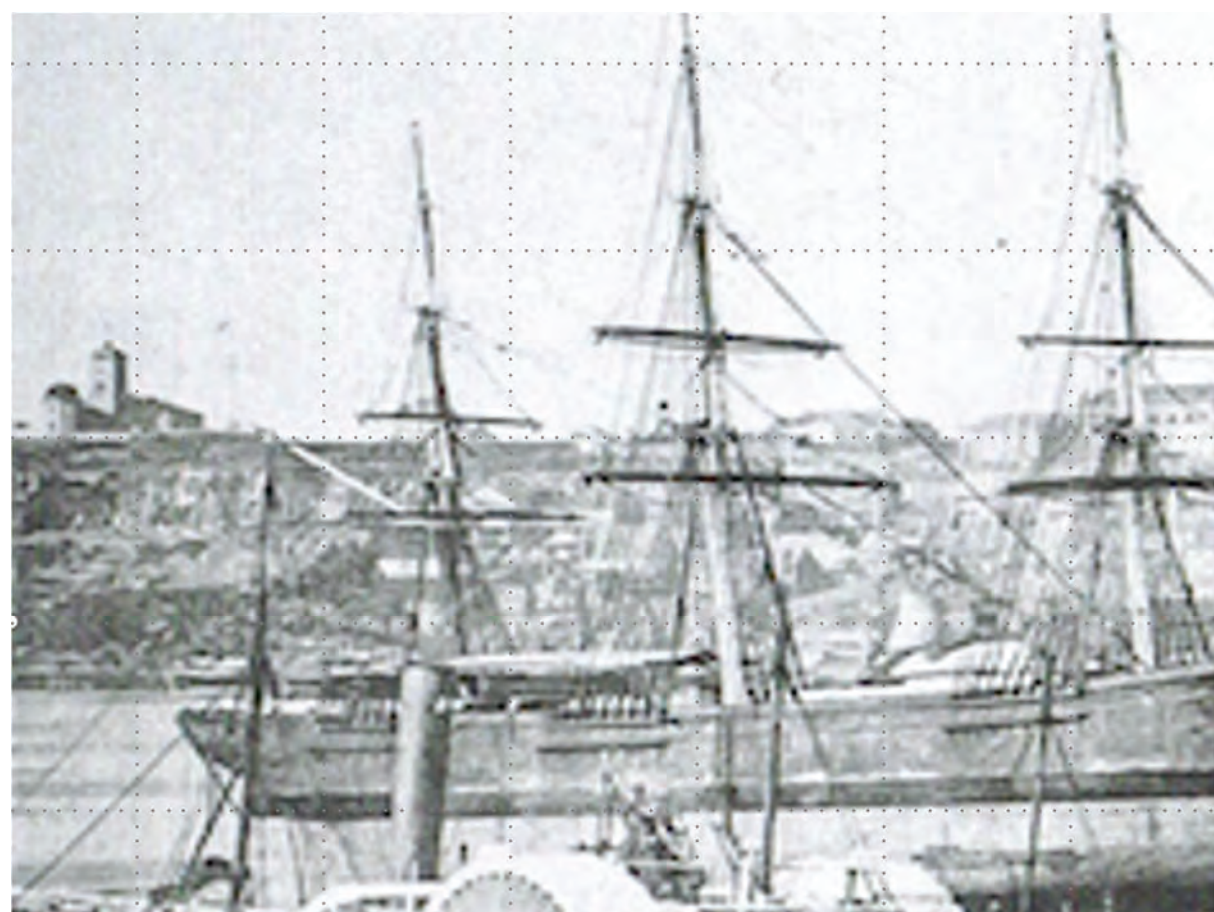


**'D' WALL SOUTH ELEVATION
ZONE 'C'**

**NOTE:
SECTIONS THROUGH CONTOURS LEVELS
INDICATIVE ONLY**

The original topography and streetscape is evident from the following images.



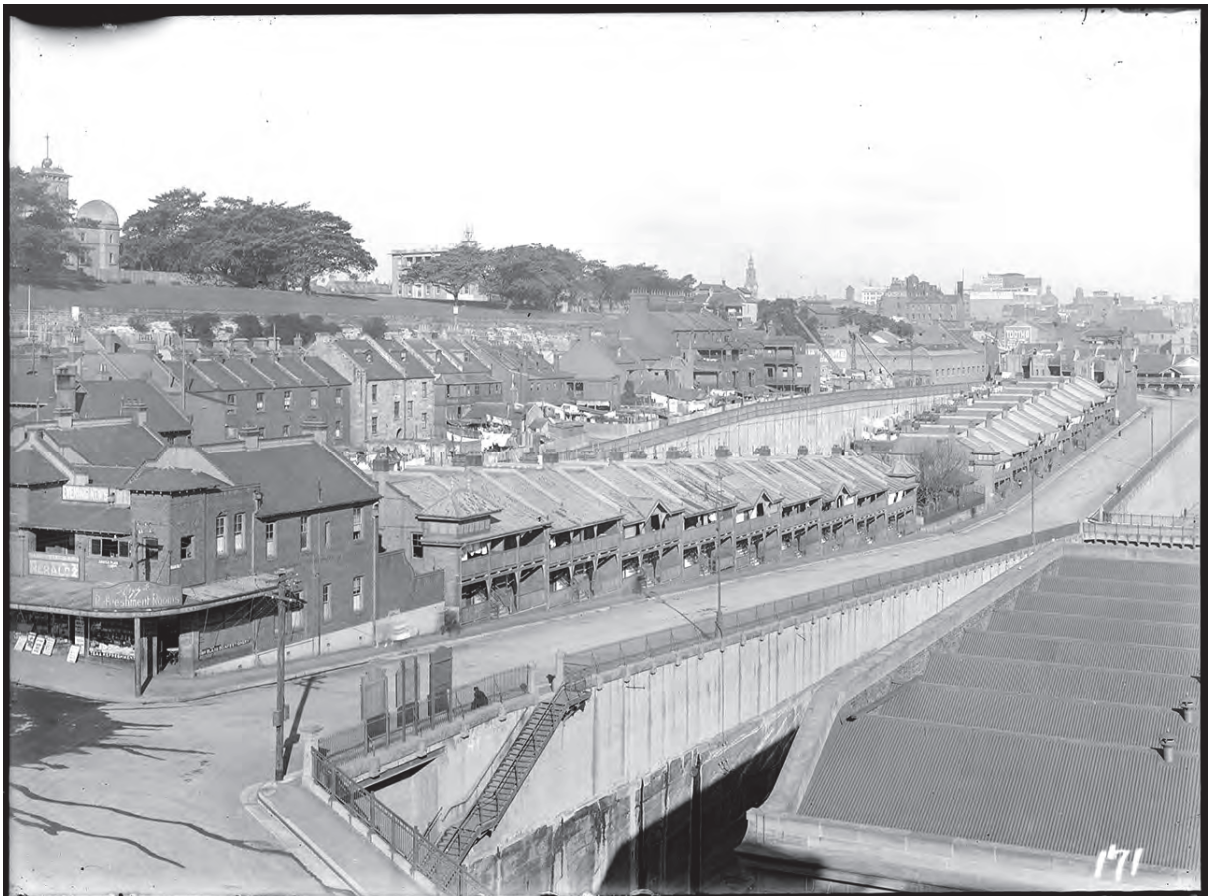




*Cuthbert's Ship Building Yard,
Sydney New South Wales.
Photographed by Freeman Suters.*



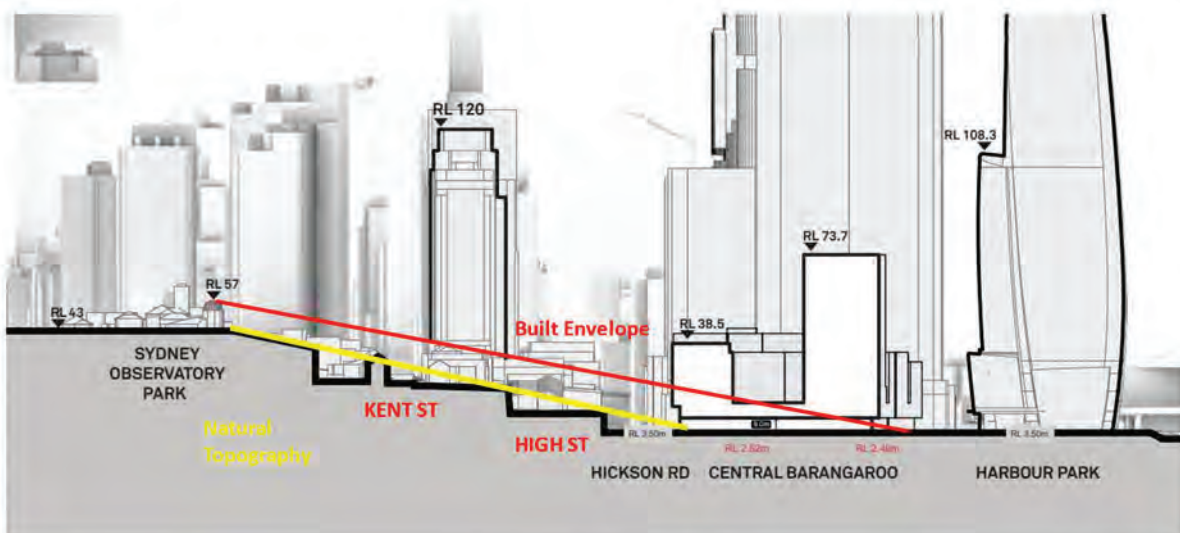




Original topography/streetscape



There is a natural topography, augmented by quarrying in the 1800's which sees Millers Point "step down" from RL43 at the top of Observatory Hill down to the shoreline. There is a heritage listed building topography which runs from the top of observatory Hill to the tops of the terraces on Kent Street at around RL35-37 and again to the tops of the workers flats in High Street down to the shoreline. These lines are illustrated here:



As a State Heritage Listed Area, Millers Point has adopted a number of heritage controls to limit building height to remain consistent to the natural topography and also the built envelope shown above.

SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - REG 6.47

Millers Point heritage conservation area

6.47 Millers Point heritage conservation area

(1) The objectives of this clause are--

(a) to conserve the heritage items and built form of the Millers Point heritage conservation area, and
(b) to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.

(2) This clause applies to land identified as "Area 10" on the Height of Buildings Map .

(3) Development consent must not be granted to development that affects a heritage item unless the consent authority considers the following--

(a) the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of the heritage item,

(b) a heritage conservation management plan for the item endorsed by the Heritage Council under section 38A of the Heritage Act 1977 ,

(c) if there is no plan endorsed by the Heritage Council, a heritage conservation management plan for the item prepared to the satisfaction of the consent authority.

(4) Development consent must not be granted to development affecting a building that is not a heritage item unless--

(a) the consent authority considers the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of any heritage item in the vicinity of the building, and

(b) the development will not result in either or both of the following--

(i) the height of the building exceeding 9 metres,

(ii) the floor space ratio for the building exceeding 2:1.

(5) Despite any other provision of this Plan, the maximum height of a building on land to which this clause applies is the height of the building on the land as at the commencement of this clause.

In much of the earlier public discussion and documentation regarding Central Barangaroo, it is clear that the vision was for low rise (four storeys or less) along Hickson Road. This point has been discussed earlier in this submission, but is elaborated here:

NSW Auditor-General's Report

Government Expenditure and Transport Planning in relation to implementing Barangaroo

June 2011

https://media.opengov.nsw.gov.au/.../Report_No_214...

“Barangaroo Central sits between the Headland Park and Barangaroo South. The public domain at Barangaroo Central fronts the harbour and the northern cove and includes community and recreational facilities and walkways. In accordance with the Concept Plan, Barangaroo Central is likely to include low rise residential, educational and cultural buildings backing onto the city. Significant commercial office or retail development is not anticipated.”

Request for Proposal, Master Planning Team, Part A, The Opportunity

August 2012

Barangaroo Delivery Authority

Sydney Australia

https://www.tenderstream.com/.../1346410236_7792A...

Barangaroo Central

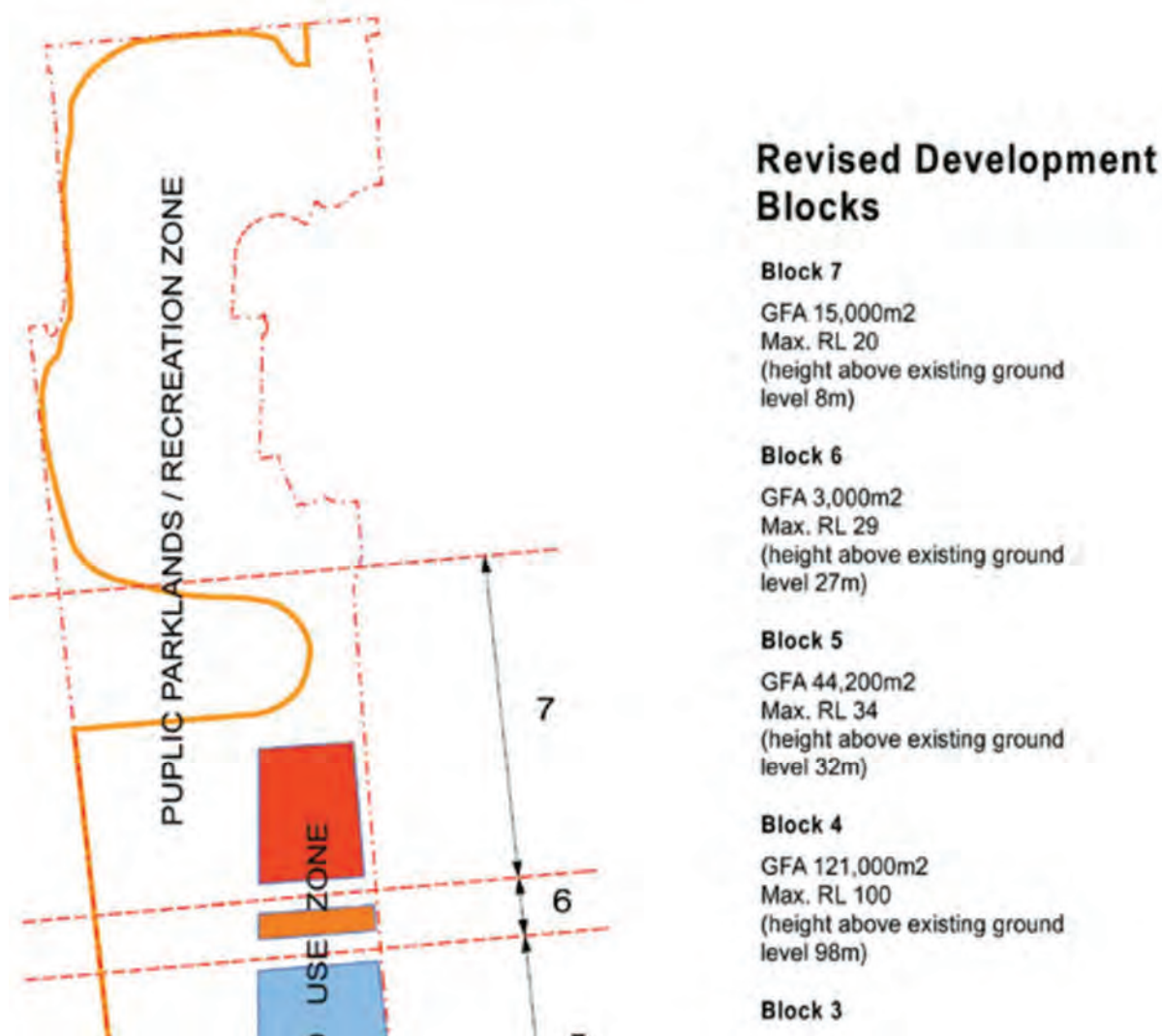
Barangaroo Central will be a stimulating place combining civic, educational and recreation uses with spaces for living, work and leisure. It will be an area for the broadest community, combining the living city with open-air spaces for festivals, entertainment, arts, culture, recreational and educational activities. It will offer visitors an opportunity to get close to the water of Sydney Harbour and create a destination that people will want to soak up night and day.

What happens at Barangaroo Central will shape how people experience Barangaroo into the future. It must encapsulate the dynamic characters of innovation, diversity, sustainability, and commerce that drive both Sydney and Australia.

Central is the transitional experience along the waterfront walk that links the southern urban commercial environment to the passive, relaxing natural form of the Headland Park. Moreover, its own pedestrian links will connect its **low-rise** residential, commercial and civic buildings back to the CBD.

The Barangaroo Part 3A Modification Report, submitted in January 2009 by the Sydney Harbour Foreshore Authority (the precursor to the Barangaroo Delivery Authority, now part of Infrastructure NSW) enlarged the Northern Cove (Nawi Cove) and made changes to Block 7 at Central Barangaroo, reducing the maximum gross floor area from 28,000 m² to 15,000m². One of the other changes proposed was to reduce the height of Block 7 at Central Barangaroo to a maximum of 20 metres.

Figure 12. Revised Development Blocks



Barangaroo Concept Plan Urban Design Advice Barangaroo Headland Park Design Strategy Review: Conybeare Morrison
<https://majorprojects.accelo.com/public/034089de6fdd631cbdd56077f415fb58/Appendix%207%20Barangaroo%20Headland%20Design%20Strategy%20Review.pdf>

3.4 Relationship of the Headland to the City

- **Identity of Block 7**- With the enlargement of the Northern Cove toward the east, Block 7 will become a significant site as it will be seen as a 'front door' to the site from the water. It will also become a waterfront site and appropriate massing will need to be developed.
- **Massing Configuration of Block 7** – With height restrictions of 4 storeys imposed on Block 7 and its new identity as a 'front door' to the site, it is important that the street walls of Block 7 are virtually continuous around the site. Some articulation allowing views into interior areas of the block, capitalising on the site's unique position, and providing a further definition of building mass need to be provided in the design.

Identity of Block 7

- With the enlargement of the Northern Cove toward the east, Block 7 will become a significant parkland space as it will be seen as a ‘front door’ to the site from the water. It will also become a waterfront area, any buildings within this area will have to consider an appropriate massing related carefully to the space. Refer to Figure 9.



Massing Configuration of Block 7

- The reconfiguration of Block 7 requires that it addresses Northern Cove and Headland Park with a street wall. Block 7 height restrictions of 4 storeys and its new identity as a ‘facing façade’ require a virtually continuous street wall building addressing parklands, the cove and Hickson Road. Some building articulation, allowing views into interior areas of the block, would capitalise the building’s unique position. Definition and articulation

of building mass should be included in the design resolution as this building will dominate the cove precinct.

Issue 10. Public v Private Good

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

2 Aims of plan

(1) This plan has the following aims with respect to the Sydney Harbour Catchment—

(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained—

(i) as an outstanding natural asset, and

(ii) as a public asset of national and heritage significance,

for existing and future generations,

(b) to ensure a healthy, sustainable environment on land and water,

(c) to achieve a high quality and ecologically sustainable urban environment,

(d) to ensure a prosperous working harbour and an effective transport corridor,

(e) to encourage a culturally rich and vibrant place for people,

(f) to ensure accessibility to and along Sydney Harbour and its foreshores,

(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,

(h) to provide a consolidated, simplified and updated legislative framework for future planning.

(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles—

(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,

(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,

(c) protection of the natural assets of Sydney Harbour has precedence over all other interests.

Millers Point is part of Sydney Harbour foreshore.

In order to weigh an assessment of public versus private good, the consent authority must consider “just how important is the heritage of Millers Point”?

In his essay, “From Old Rooty Hill to Barangaroo – Landscape preservation as urban heritage in Sydney”, Cameron Logan recalls:

“In the 1890s, the effort to protect Sydney Harbour from being despoiled by industrial development – especially the proposed colliery at Cremorne – became a major public issue and as Bonyhady (2000) has noted, the issue was explicitly linked to issues of cultural heritage and national identity. The future parliamentarian A. B. Piddington remarked at that time that “We in Sydney are the

trustees for all Australia and of all time of that national heritage of beauty which gives us our pride of place amongst the capitals of our continent”.

The same essay recalls:

“In a keynote address to the 2006 Urban History Planning History meeting, several months before the Barangaroo project was announced, historian Graeme Davison introduced his discussion of the Australian city by describing the view from his room in the Palisade Hotel at Millers Point. Perched above what would become the Barangaroo site. “Nowhere in Sydney, perhaps nowhere in Australia” he remarked “is the deposit of historical memory as deep as it is on Millers Point” (Davison 2006). What was most striking about the view, Davison suggested, was not the geography of the sublime harbour itself, but the incredible richness of the temporal layers visible in the landscape.”

Logan goes into ask “The point is rather to question what it is we are trying to achieve when we protect places under the banner of heritage”.

Some of the earliest images of Sydney – prior to photography – were from what is now Observatory Hill.



This watercolour from Joseph Fowles clearly shows the Lord Nelson Hotel on Kent Street, taken from Observatory Hill.



Another watercolour “North View of Sydney” by Lycet in 1822 shows the form of Dawes Point in the foreground and Millers Point to the right and one can also make out the Flagstaff, windmills and Fort Philip.



Heritage Consultants Godden Mackay Logan (now GML) was commissioned by the Department of Housing to develop Conservation Management Guidelines for Housing NSW Properties in Millers Point:

<https://heritagensw.intersearch.com.au/heritagenswjsui/retrieve/0c87f611-0b20-441a-9e67-03b512e1ed02/H09893%20-%20CONS.pdf>

“The whole of Millers Point is of State and National heritage significance. Throughout the late 1990s and early 2000s, the NSW Heritage Council listed on the SHR every historic privately-owned property in Millers Point in addition to those already listed via Government Agency Section 170 Heritage Registers. In 2003, a new SHR listing was gazetted for the whole of the Millers Point (titled 'Millers Point and Dawes Point Urban Village' in the listing). The new listing includes all areas of Millers Point between the Harbour Bridge / Bradfield Highway and the Walsh Bay precinct and overlays other

heritage listings including the Millers Point Conservation Area. Thus, Housing NSW properties are overlaid with four protective mechanisms under the NSW Heritage Act: a Section 170 Heritage Register listing for each individual property or group, a State Heritage Register listing for each individual property or group, and two State Heritage Register precinct listings, one for the Millers Point Conservation Area and one for the Millers Point and Dawes Point Urban Village precinct. **This unprecedented degree of listing, unique to Millers Point, reflects the intensity of the Heritage Council's view of the significance of Millers Point. SHR listing is the highest level of protection possible in the NSW heritage management system."**

Godden Mackay Logan went on to define the curtilage:

"2.4 HERITAGE CURTILAGES AND VISUAL CATCHMENT

Curtilage is the geographical area that provides the physical context for an item and which contributes to the understanding of its heritage significance. The visual catchment of the Millers Point Conservation Area is the broad curtilage or setting for Millers Point. The setting of the Millers Point Conservation Area can be described in three main topographical zones: Observatory Hill being the green space 'backdrop'; the middle plateau, defining the residential areas of Millers Point; and the former waterfront Wharves and Bond Stores (now Walsh Bay Redevelopment Area).

2.4.1 MILLERS POINT CONSERVATION AREA CURTILAGE

The current curtilage of the Millers Point Conservation Area is within the residential plateau. This immediate curtilage comprises elements including excavated rock faces and retaining walls, stairways, laneways, parks, street planting, kerbs, street alignment, urban furniture and signage. Although the Millers Point Conservation Area is limited to property owned by Housing NSW, the above contextual elements provide the physical context for Millers Point, and contribute to its significance. The Argyle Cut and Dawes Point Park also provide links between The Rocks and Millers Point, which are important in understanding their context."

Importantly, the Statement of Commitments recognises the heritage importance of two of these zones – being Observatory Hill and “the middle plateau, defining the residential areas of Millers Point” or Millers Point.

From the Department of Family and Community Services

<https://www.millerspoint.facs.nsw.gov.au/millers.../heritage>

“The heritage value of Millers Point properties continues to be protected by the government.”

Heritage

PRESERVING MILLERS POINT HERITAGE

Millers Point contains a unique collection of nineteenth and early twentieth-century properties. These properties are individually and collectively listed on the State Heritage Register.

Millers Point and Balmain from the Observatory



Millers Point and Balmain from the Observatory. c.1870-1874. State Library of New South Wales, Mitchell Library, ON 4 Box 55 No 220

Millers Point is an important remnant of the early port of Sydney and includes an extraordinary range of fine buildings and public spaces, which survive from the 1820s to the 1930s. This includes an important collection of Government designed early 20th century housing for port side workers.

The heritage value of Millers Point properties continues to be protected by the government. Conservation Management Plans are prepared for the properties prior to their sale and purchasers must comply with strict heritage conditions before undertaking any work on their properties, including maintenance, restoration or development activities. Refer to [NSW Heritage Act 1977](#).

Issue 11. Traffic

Hickson Park when completed sees the removal of Barton Street. This was Mod 11.

2.4 Barton Street location

The location of Barton Street in the context of the Barangaroo precinct is illustrated in Figure 1 below.



Figure 1 Barton Street location

Source: Grant Associates (2020)

The approval for Barton Street was made on the proviso that it be removed.

1.4.2 Barton Street temporary road

The Concept Approval allows for the construction of a temporary road (Barton Street) for the sole use of construction vehicles during the development of Barangaroo South and Central Barangaroo. The temporary road has an east-west orientation, is located within Hickson Park and is to be removed following completion of CSHR and Barangaroo Avenue.

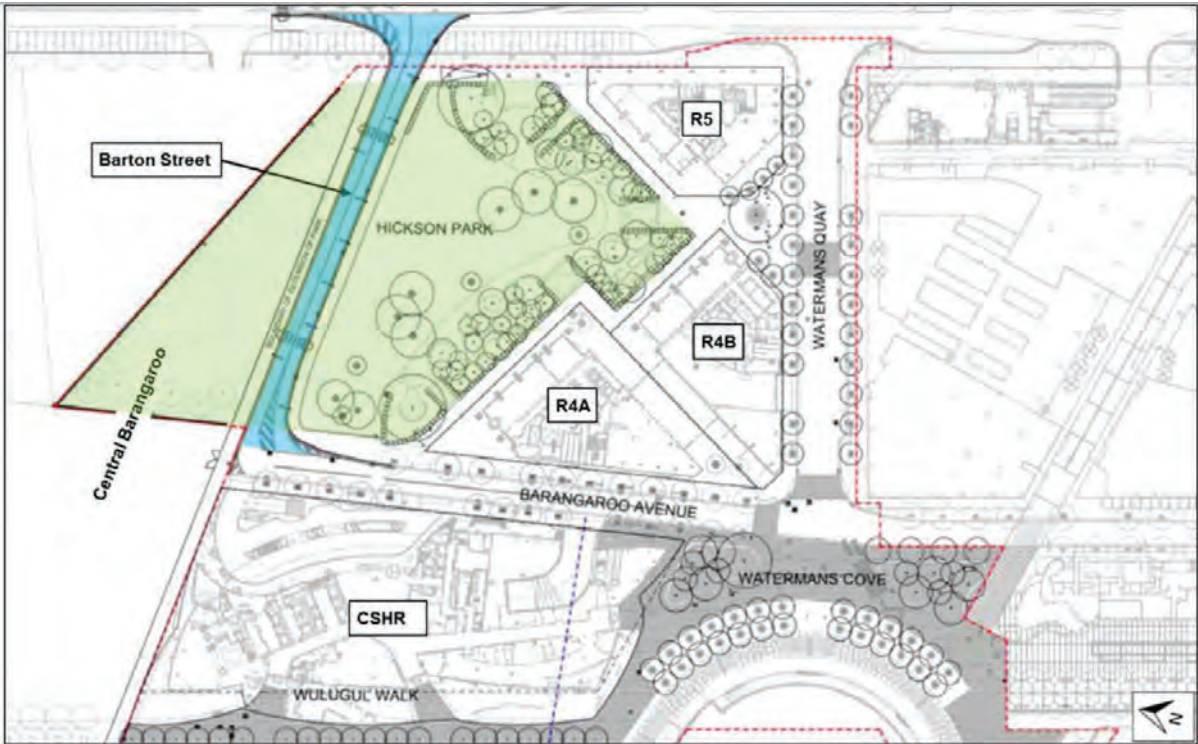


Figure 5 | The location and design of Barton Street (highlighted blue) (Base source: Proponent's EA)

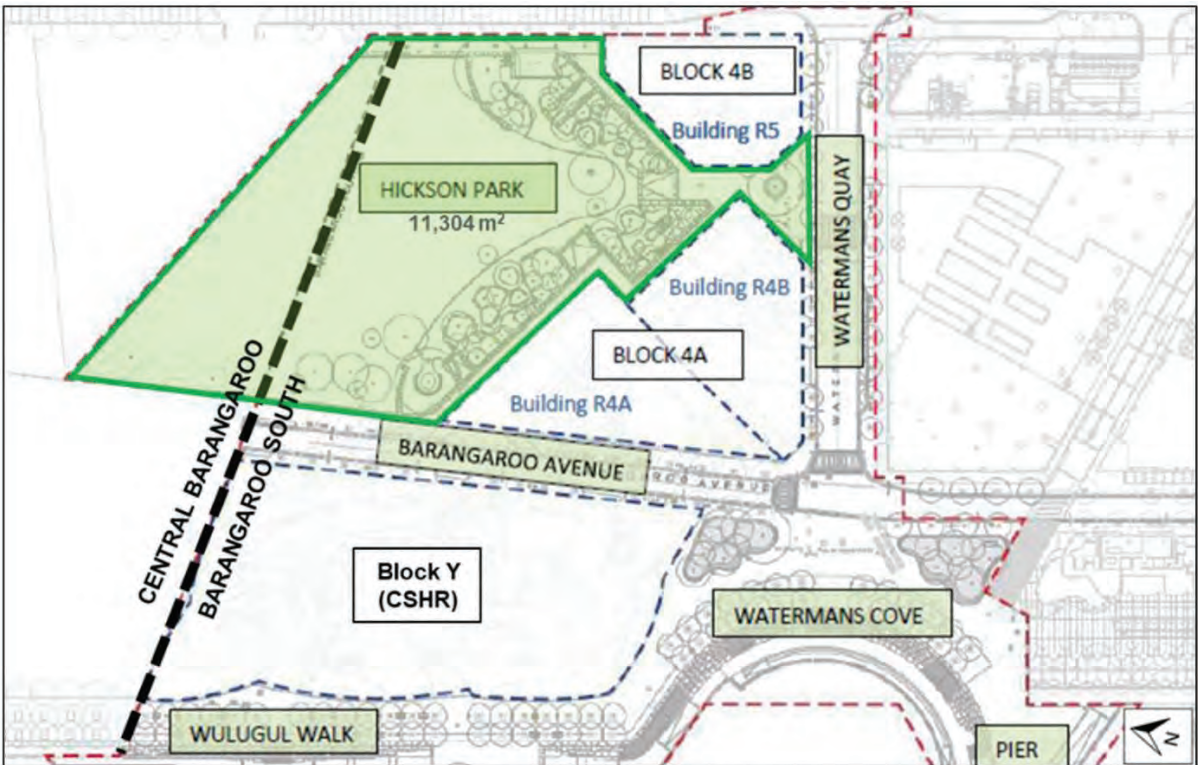


Figure 6 | Public domain works overview (showing completed Hickson Park / Barton Street removed) and Barangaroo South / Central Barangaroo boundary shown as black-dashed line (Base source: SSD 7944)

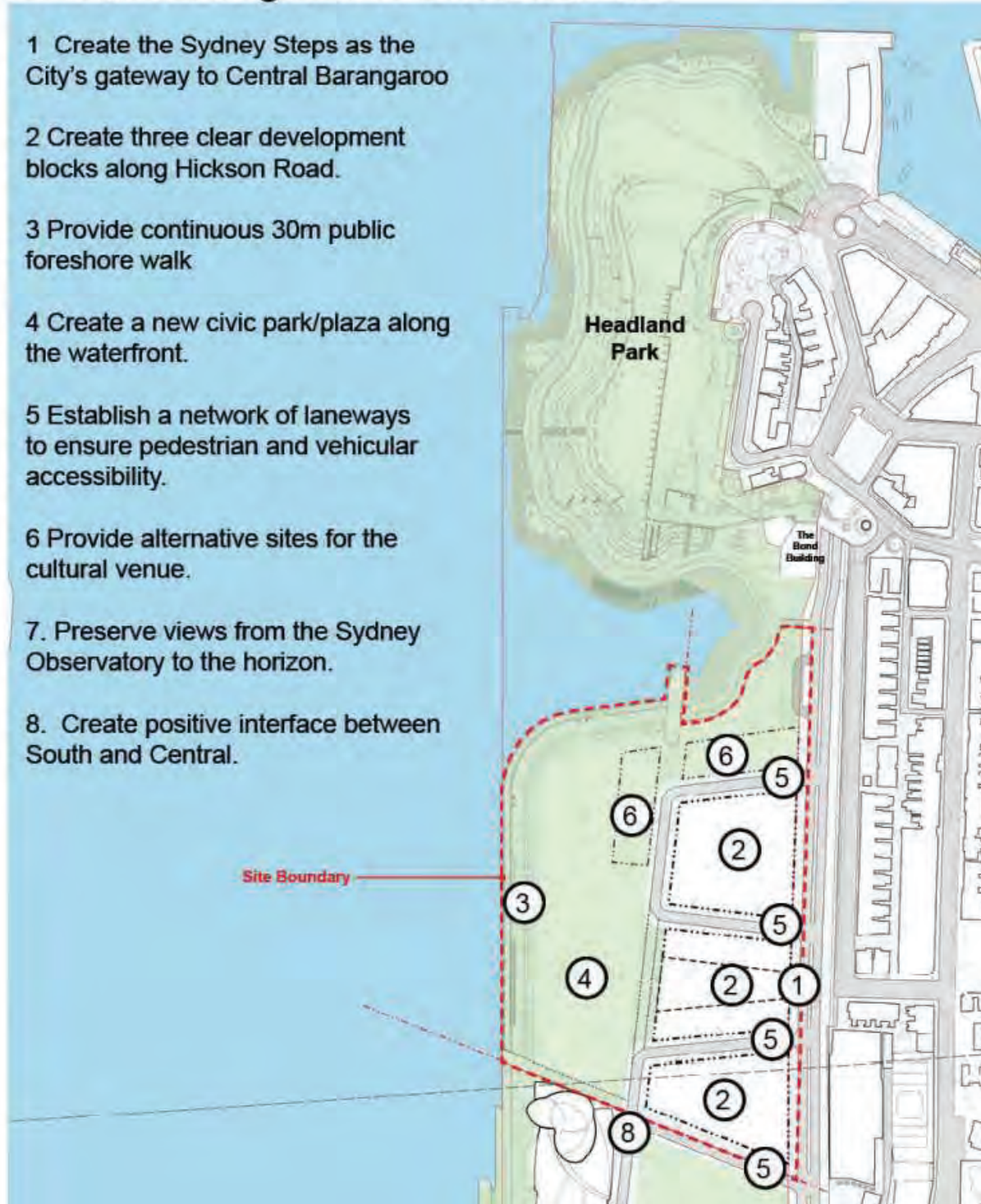
The recent Mod 9 gives the following detail:

- (5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and

converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct.

The Concept Plan pre-Mod 9 (Request for DGRS 20 March 2014) required a network of laneways to provide pedestrian and vehicular access:

Central Barangaroo Framework Plan



Issue 12. State Heritage Register (SHR) items not considered

Analysis of adjoining State Heritage Register listed properties and the impact on them must be considered by the consent authority. These sites are located within the City of Sydney. The principal planning control for these sites is the Sydney Local Environmental Plan 2012 (LEP 2012). These sites are listed as a heritage item of state, and in some cases national, significance under the LEP 2012. These sites lie within the Millers Point/Dawes Point Conservation Area (C35), which is identified as having state significance, as it is defined by Schedule 5 Part 2 of this plan. Under Part 5.10 of the LEP 2012:

(4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) *Heritage assessment*

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

There are 25 State Heritage listed properties in Millers Point which are considered by the Heritage Impact Statement, ignoring 25 other State Heritage listed properties that have direct view impact and another 25 State Heritage listed which have a partial or full view impact. Each have Conservation Management Plans endorsed by the NSW State Government and Heritage NSW.

Table 1: State Heritage Register (SHR) Properties in the vicinity of Barangaroo Central

SHR	Name	Address	Heritage Impact Statement?	Direct View
00511	Shops	1, 3, 5, 7 Argyle Place Millers Point	Yes	Yes
00527	Shops	6, 8 Argyle Place Millers Point	Yes	Yes
00645	Shops	10 ,10a, 12, 12a Argyle Place Millers Point	Yes	Yes
00856	Terrace Duplexes	74-80 High Street Millers Point	Yes	Yes
00857	Terrace Duplexes	3, 5, 7, 9 High Street Millers Point	Yes	Yes
00858	Terrace Duplexes	38-72 High Street Millers Point	Yes	Yes
00859	Terrace Duplexes	2-36 High Street Millers Point	Yes	Yes
00916	Terrace	123, 125 Kent Street Millers Point	Yes	Yes
01435	Warehouses	6-20 Munn Street Millers Point	Yes	Yes

SHR	Name	Address	Heritage Impact Statement?	Direct View
I813	Grafton Bond Store	201-217 Kent Street	Yes	Yes
I868	Agar Steps	Agar Steps	Yes	Yes
I876	National Trust Centre	1001 Bradfield Highway	Yes	Yes
I882	Palisade Fence and High Steps	High Street Millers Point	Yes	Yes
I886	Lance Kindergarten	37 High Street Millers Point	Yes	Yes
I887	Lance Kindergarten	37 High Street Millers Point	Yes	Yes
I922	Sydney Observatory Group	1003 Upper Fort Street Millers Point	Yes	Yes
I934	Observatory Hill Park	Upper Fort Street Millers Point	Yes	Yes
I935	Bureau of Meteorology	9 Upper Fort Street Millers Point	Yes	Yes
I936	Messengers' Cottage for Sydney Observatory	9A Upper Fort Street Millers Point	Yes	Yes
I937	Fort Street Primary School Site	1005 Upper Fort Street Miller Point	Yes	Yes
00509	Terrace group 'Agar Steps Terrace'	5-9 Agar Steps	Yes	Yes
00510	Terrace group 'Carlson Terrace'	110-114A Kent Street	Yes	Yes
I920	Tennis Court and Pavillion	96-108 Kent Street	Yes	No
I923	Richmond Villa	116-122 Kent Street	Yes	No
S170	The Sydney Harbour Bridge	Bradfield Highway	Yes	No
00526	Shop and Residence	9 Argyle Place Millers Point	No	Yes
00837	Palisade Hotel	35-37 Bettington Street Millers Point	No	Yes
00855	Grafton Bond Store and Sandstone Wall	36 Hickson Road Millers Point	No	Yes
00863	MSB Stores Complex	2-4 Jenkins Street Millers Point	No	Yes
00864	Lord Nelson Hotel	19 Kent Street Millers Point	No	Yes
00865	Captain Cook Hotel	33, 35 Kent Street Millers Point	No	Yes

SHR	Name	Address	Heritage Impact Statement?	Direct View
00867	Oswald Bond Store	1-17 Kent Street Millers Point	No	Yes
00870	Alfred's Terrace	37, 39, 41, 43, 45, 47 Kent Street Millers	No	Yes
00900	Hexam Terrace	59, 61, 63 Kent Street Millers Point	No	Yes
00903	Stone House	49, 51 Kent Street Millers Point	No	Yes
00908	Terrace	83, 85 Kent Street Millers Point	No	Yes
00909	Edwardian Shop/Residences	21, 23, 25, 27, 29 Kent Street Millers Point	No	Yes
00912	Katoomba House	81 Kent Street Millers Point	No	Yes
00914	Stone House	53, 55 Kent Street Millers Point	No	Yes
00917	Terrace	115, 117, 119, 121 Kent Street Millers Point	No	Yes
00919	Terrace	71, 73 Kent Street Millers Point	No	Yes
00925	Winsbury Terrace	75, 77, 79 Kent Street Millers Point	No	Yes
01682	Terrace	18, 18a, 20, 20a Munn Street Millers Point	No	Yes
1921	Millers Point & Dawes Point Village Precinct	Upper Fort Street Millers Point	No	Yes
1938	Millers Point Conservation Area	Millers Point	No	Yes
00839	Edwardian Terrace	66, 68 Bettington Street Millers Point	No	Some
00840	Victorian Terrace	56, 58, 60 Bettington Street Millers Point	No	Some
00841	Dalgety Terrace	7, 9, 11, 13 Dalgety Terrace Millers Point	No	Some
00848	Terraces	27a, 29a, 31a, 33, 35a Dalgety Terrace Millers Point	No	Some
00854	Terraces	15, 17, 19, 21, 23, 25 Dalgety Terrace Millers Point	No	Some
00868	St Brigid's Roman Catholic Church and School	14, 16 Kent Street Millers Point	No	Some
00871	Blyth Terrace	82, 84, 86, 88 Kent Street Millers Point	No	Some
00872	Terrace	56, 58 Kent Street Millers Point	No	Some
00873	Building	28 Kent Street Millers Point	No	Some
00876	Building	30 Kent Street Millers Point	No	Some
00879	Terrace	42 Kent Street Millers Point	No	Some
00884	Terrace	46 Kent Street Millers Point	No	Some
00888	Terrace	44 Kent Street Millers Point	No	Some
00890	Terrace	32, 34, 36, 38, 40 Kent Street Millers Point	No	Some
00891	Terrace	52, 54 Kent Street Millers Point	No	Some
00901	House of Bodleigh	24, 26 Kent Street Millers Point	No	Some
00918	Terrace	60, 62 Kent Street Millers Point	No	Some
00920	Terrace	90, 92 Kent Street Millers Point	No	Some

SHR	Name	Address	Heritage Impact Statement?	Direct View
00921	Terrace	18, 20, 22 Kent Street Millers Point	No	Some
00922	Terrace House	48, 50 Kent Street Millers Point	No	Some
00923	Toxteth	94 Kent Street Millers Point	No	Some
00928	Millers Point Post Office	12 Kent Street Millers Point	No	Some
00930	Stone Cottage and Wall	14-16 Merriman Street Millers Point	No	Some
01408	Cottage	18 Merriman Street Millers Point	No	Some
01431	Merriman Street Terraces	20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 48 Merriman Street Millers Point	No	Some

Every SHR property here that is not considered in the Heritage Impact Statement, i.e every property that has “No” in the second to right column, must be considered.

Examples of clauses contained in the CMP of these SHR properties are:

18.1 Conservation of Views. Where a proposal is likely to impact on historic views to and from the property, prior to any major proposal for works, a detailed curtilage study should be provided which identifies and assesses the impact of the proposed works on the curtilage and setting of the individual house and the group as a whole. It should include a view assessment that identifies views to and from terrace and the measures by which they are protected. It should be submitted with the development application. – 83-85 Kent Street CMP

Policy 86 Conservation of Views. Significant views to and from individual places are identified in Part 1 of the individual property Conservation Management Plans and should be conserved. Change to items must not impede or obstruct a significant view and must not negatively impact upon a contributing element to a view. 71,73 Kent Street CMP

Photographic examples of views to be impacted (in many cases complete eliminated). These images are taken from real estate advertisements when these properties were most recently advertised for sale, mostly by the NSW Government.

85-87 Kent Street, Millers Point. SHR 00908



83 Kent Street, Millers Point SHR 00908



Additional images taken from this property.

Images from study window (RL 26.13)



Image from attic bathroom (RL 30.68)



Image from stair to attic (RL 28.50)



Image sitting at study desk (RL 26.13)



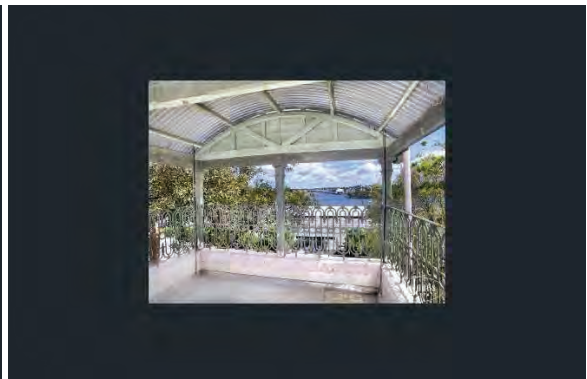
Panorama from rear balcony (RL 26.13)



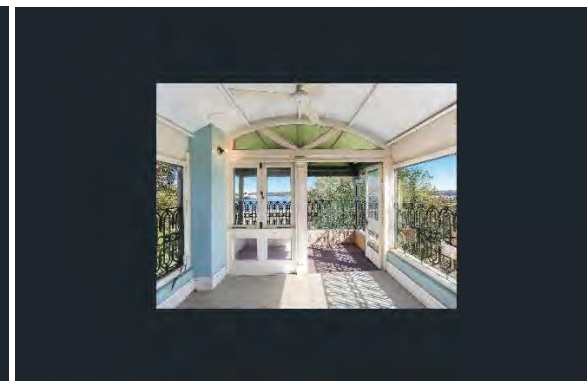
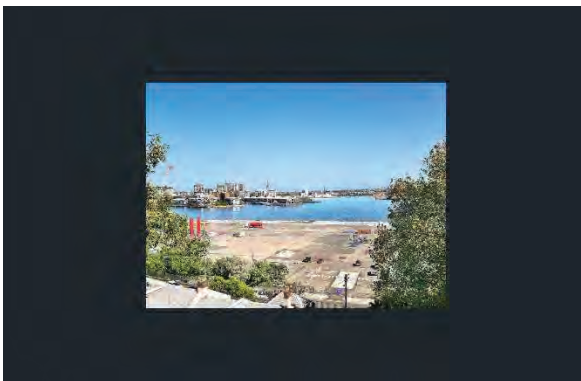
Sunset panorama from rear balcony (RL 26.13)



77 Kent Street Millers Point



75 Kent Street Millers Point



Panoramic view from High Lane



Terrace from of Millers Point



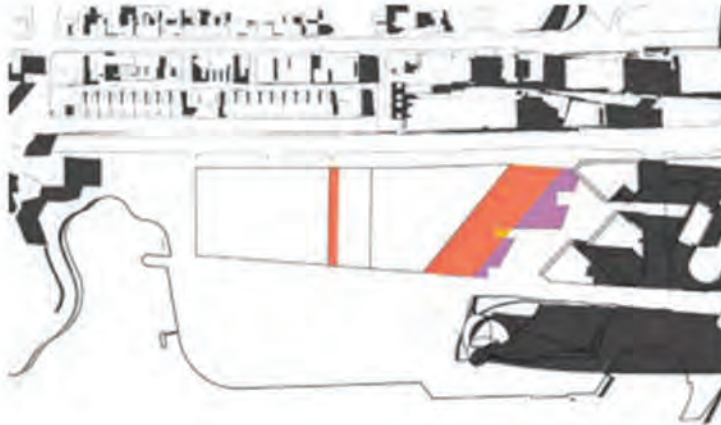
Issue 13: Overshadowing

From the statement of commitments:

82. Key public open spaces (parks and squares) are to receive direct sunlight in mid-winter.

Winter Solstice - 12pm

Approved Envelope vs Proposed Envelope



Legend

-  Approved Envelope
-  Proposed Envelope
-  Reference Design
-  Area of Additional Shadow
-  Area of Reduction in Shadow

This commitment is clearly breached as shown by the shadow diagrams from the proposal.

Issue 14. Permeability and Pedestrian Access

Issue 14.1 Vehicular Permeability

Figure 20 MOD 9 Street and Movement Network



Picture 10 Street / Movement Structure

Picture 10 shows the pedestrianisation of Barangaroo Avenue which was previously the north-south access point for buildings along Central Barangaroo. In public meetings, the proponent has suggested that all of Barangaroo Avenue, including the proposed “one way potential shared pedestrian street zone” around block 7 will also be pedestrianised.

The proponent seems to think that no vehicles will be required to access a site containing 144,000 square metres of built environment containing thousands of shoppers, residents and office workers. All visitors to and residents of the site will either walk, or catch the train.

The removal of roads from Central is motivated by adding more GFA, not by improving permeability.

Issue 14.2 Pedestrian Permeability

The proponent illustrates pedestrian access via the following diagram:



Picture 11 Pedestrian Network Connections

At the south end of the site, there is a steep walk down Gas Lane from Kent Street to the Bond building on Hickson Road. From there, there is a narrow staircase and a lift that holds a small number of people that comes down from Gas Lane/Jenkins St to Hickson Road. There is a pedestrian

crossing across Hickson Road to Barton Street. This is a clumsy pedestrian access that is not designed to or capable of carrying any significant level of pedestrian traffic.

In the middle section of the site there is reference to a pedestrian bridge across Hickson Road, but there is no detail provided in the Concept Plan about the final location, design, amenity, of this connection. Whereas the “Sydney Steps” in the 2013 SOM Masterplan were clearly shown to be aligned with High Street and Agar Steps, the proposal provides insufficient information from which an assessment of pedestrian permeability can be made.

We have gone from this....





Central Barangaroo / Skidmore, Owings & Merrill (SOM)



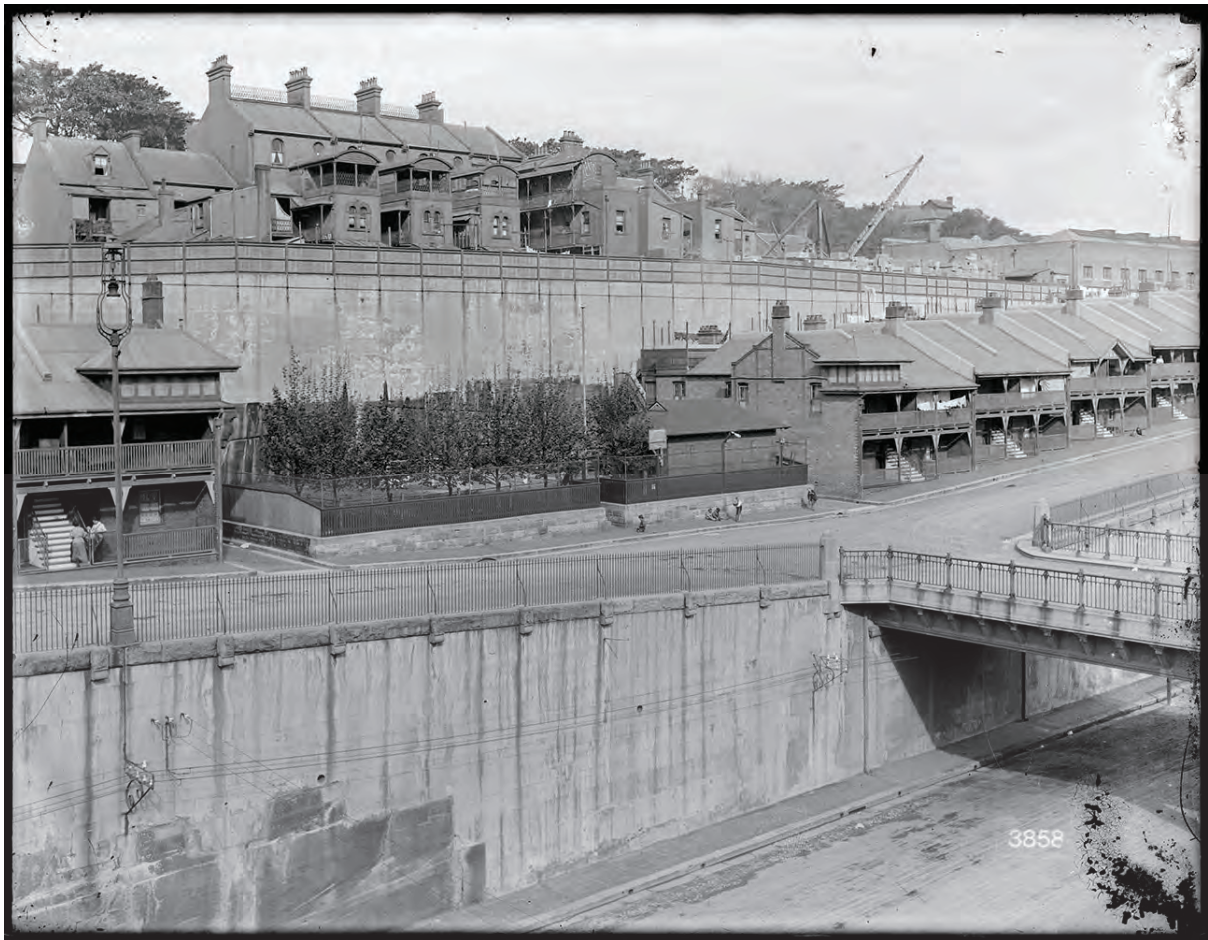
...to this...



Issue 15. Most of the Benefits without the Heritage Impact

The majority of the economic benefit is derived from the below ground connection to the Metro station, the retail buildings and built form up to RL20. The majority of the catastrophic heritage impact is caused by built form above RL20. Given the significant loss in terms of heritage impact as well as the negative financial impact in terms of tourist visitation to the Millers Point precinct should the proposal be approved, it is possible to derive the majority of the economic benefit with almost no reduction in public good by simply lowering maximum building heights.

The pedestrian bridge across Hickson Road will reduce the GFA potential of the site and it is this that is the reason there is no detail about it in the proposal.



Issue 16: Conditions and Statement of Commitments

Statement of Commitments (the numbers are from the Statement of Commitments)

57. Future development. Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained.

This “sight lines” clause in the Statement of Commitment not only protects the public views from Observatory Hill, but also by extrapolation the private views of properties west of Observatory Hill on High Street and Kent Street, south of Nawi Cove. The term “retain” is used. The Cambridge English Dictionary definition of retain is “to keep or continue to have something”. It is not ambiguous in any way.

58. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as that document applies these documents apply to Barangaroo South.

Again, the term “retain” is used. Not “share”, or “consider”. This commitment effectively bans any building above RL25 metres along Hickson Road. Mod 3 requested that Block 7 maintain a maximum floor height of RL20.

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

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

This is again a public “sight lines” clause which requires an interpretation of the term “adequate view corridors”, but again uses the more powerful term “retain” in terms of the key attributes.

60. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

This has not been done. This commitment requires any proponent of future development to use the photomontages from the Original Concept Plan. These photomontages show the varied building heights along Central Barangaroo – not the “brick” that is shown in Mod9.

61. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.

Again, the development must “retain” the ability to appreciate Millers Point, although there is some ambiguity in “ability to appreciate. NSW Heritage must be consulted but there is no evidence that this has occurred at this state.

62. An appropriately experienced and qualified heritage practitioner will be engaged to prepare Advice and a Schedule of Conservation Works that will guide the conservation of the sandstone wall on the eastern side of Hickson Road as part of the construction of any proposed pedestrian bridge across Hickson Road. The Advice and Schedule of Conservation Works will inform the design of the

proposed Hickson Road bridge and, in particular, how it meets the wall, and shall include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing High Street steps (southern end), in-filled steps (northern end), and the substation at the southern end. Any new fence elements shall be sympathetic to the existing significant fence fabric.

This commitment seems to “care” about what is built across Hickson Road to High Street, and this suggests that this is visible from public open space. The “v-shaped” cliff face and retaining wall along High Street is a very important and iconic view from opposing foreshores and the western harbour.

64. A Heritage Impact Statement (HIS) will accompany any application for works to Munn Street or in the vicinity of the Munn Street terraces. That HIS will include an assessment of how the development proposed satisfies the following Principles:

- The design of the building proposed adjacent to the west of the Terraces will be sympathetic in bulk and scale and retain a reasonable level of amenity for the occupants of the Terraces.
- Works to Munn Street will retain and conserve the front verandas, other building elements of significance along the southern frontage and the remnant cross walls and floors from the demolished terraces attached to the western elevation.
- Works to Munn Street will retain and conserve significant landscape elements associated with the former street and the Terraces, such as the sandstone retaining walls and fences.

It is rather inconsistent that the Munn Street Terraces have specific commitments. It is logical that all SHR properties impacted by the development (at least 75 of them) also have similar commitments.

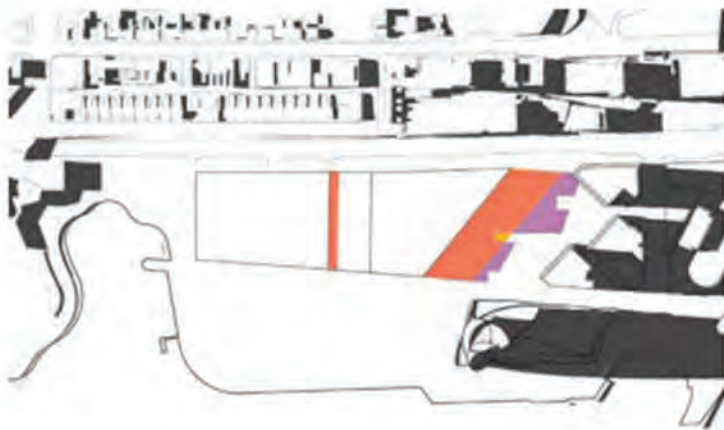
67. The proposed pedestrian bridges over Hickson Road will include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing steps (southern end), in-filled steps (northern end), and the substation at the southern end. The conservation works will be implemented through preparation and adoption of a Schedule of Conservation Works. Any new fence elements will be sympathetic to the existing significant fence fabric. An appropriately experienced and qualified heritage practitioner will be engaged to provide advice on the construction of the pedestrian bridge, how it meets the wall, and the conservation of the wall.

Similar to above, this implies that High Street will be visible from public spaces on opposing foreshores.

82. Key public open spaces (parks and squares) are to receive direct sunlight in mid-winter.

Winter Solstice - 12pm

Approved Envelope vs Proposed Envelope



Legend

-  Approved Envelope
-  Proposed Envelope
-  Reference Design
-  Area of Additional Shadow
-  Area of Reduction in Shadow

This commitment is clearly breached as shown by the shadow diagrams from the proposal.

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

This has not been done. Instead, a misleading “Approved Concept Plan” building envelope – impossible given the GFA and height constraints for each block – has been used. This results in a misleading and ultimately useless View Impact Analysis and an equally misleading and ultimately useless Heritage Impact Statement.

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

Again, there is no evidence that this has occurred.

100. All future development applications for commercial uses will be required to address how the proposal:

- Complements, connects with and extends the commercial activity of the existing Sydney CBD;
- Contributes to the character of Barangaroo as a unique business address;
- Offers opportunities for major corporate tenants;
- Where appropriate includes a mix of support related commercial and retail offerings such as convenience retail, personal services, cafes, bars and health and recreation facilities;
- Enhances and encourages walking and cycling and connectivity to public transport services;
- Provides a clear interface to the public domain and includes publicly accessible open space or pedestrian connections and arcades within the private development.

Barangaroo Avenue seems to be included as public open space, rather than within the private development. Overhangs are also into the public open space rather than the private development. There is no clear interface to the public domain.

110. Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the 'Barangaroo Headland Parklands Urban Design Report' prepared by Conybeare Morrison (August 2009).

There is no evidence that this has occurred.

111. The future detailed design of the Headland Park including the northern cove, Globe Street and adjacent Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the "Barangaroo Headland Parklands Urban Design Report" prepared by Conybeare Morrison (August 2009)

As per Commitment 110, there is no evidence that this has occurred.

Further dot-point points of objection

17. Bulk and scale. The proposed development is way too big for the site. The urban footprint of the site is (Block 5 = less than 8,690 sqm, Block 6 = 1,855 sqm, Block 7 = 5,960 sqm (reduced by Mod 3 to this level from 11,922 sqm by enlargement of Northern (Nawi) Cove)) or 16,505 sqm in total. The maximum allowable GFA on these blocks is 29,688 sqm, 3,000 sqm and 15,000 sqm respectively giving an FSR for each block of 3.416, 1.617 and 2.517 respectively and 2.889 across Central Barangaroo.
18. The applicant seeks to build increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA). This equates to a total FSR [floor space ratio] of 8.746 across the site. GFA is not stipulated by Block as the applicant seeks to distribute the GFA across the blocks as it sees fit. This massive overdevelopment has significantly deleterious impacts on amenity, heritage, traffic, parking, shadowing, wind, noise and views.
19. One of the first tasks the First Fleet set out to do was to build an Observatory! Sydney Observatory and Sydney Observatory Park are iconic to the people of NSW (and Australia).

They are the only public spaces with elevated panoramic views of the harbour (particularly to the west). The proposal seeks to destroy the panoramic views. A building height of 20 metres at Block 7 (Mod 3 proposal) would permanently protect those views. Note that Millers Point has a 9-metre maximum building height.

20. The proposal does not meet the urban design requirements of being a bridge, “civic heart” between the heavily commercial Barangaroo South and the Headland Park. It merely seeks to replicate supply of residential apartments, commercial office space and retail offerings which are already in abundant supply on South Barangaroo without providing the civic amenity and low scale development envisaged in the Concept Plan.
21. Community use is not provided by the applicant. Block 6 was specifically designed to provide community use. This condition has not been upheld. Community use is proposed to be provided in the Cutaway – which is not part of Central Barangaroo.
22. The economic justification for the development is spurious. It assumes occupancy rates and visitation that are far in excess of either current, or pre-COVID levels across the commercial and retail sites. Commercial office space is expected to be 95% leased. The proposal envisages ~\$2bn in development cost for the provision of 1,100 jobs, or \$2m per job. This is a massive waste of taxpayer money.
23. Key worker housing. NO provision is made for key worker housing.
24. One of the design principles is to provide residential and commercial space together but the demographics of workers at Central Barangaroo and the demographics of likely residents of Central Barangaroo are incompatible. It is likely that the envisaged residential dwellers will be ultra-high-net-wealth individuals.
25. The proposed tower is a preposterous over-reach. It is totally out of place with Central Barangaroo and the Headland Park, and naming it an “exclamation mark” or similar for the metro station is absurd. It does not fit in urban design sense and it obscures critical heritage views to and from Millers Point and Observatory Hill in direct breach of the statement of conditions.
26. Using the metro station as a reason to significantly increase the GFA of Central Barangaroo is not supported. Prior to the building of the metro at Barangaroo, Wynyard station was only 700m or a ten-minute walk away. Extra rail traffic is expected to increase by a modest 10%. Traffic generation was never a limiting consideration of the site and the traffic analysis provided as part of previous modifications suggested only a minor increase in traffic from a potential 120,000 sqm Central Barangaroo development WITHOUT a metro station. The factors limiting development at Central Barangaroo are the public open space requirement, heritage views and the design of Barangaroo South and the Headland Park/Nawi Cove.
27. The assertion that “things have changed” and therefore a new, larger development is required at Central Barangaroo is not supported. The heritage issues, the view issues, overshadowing, enjoyment of public space – all of these issues remain the same. If anything, the requirement for commercial office space and retail shopping space is much lower now than it was when Mod9 was originally requested.
28. Sydney Harbour Foreshore at Central Barangaroo is not and never will be an appropriate location for even a mid-rise residential tower. Parkland along the foreshore is for the enjoyment of the public and not just rich few who own apartments along the shoreline. The proposed tower effectively steals the public amenity of the northern end of the site, steals heritage sightlines to and from Millers Point and Observatory Hill and delivers them to private interests.
29. Hickson Park was extended by the IPC in response to the overbuilding of Barangaroo South and improve pedestrian connection between South and Central. The applicant seeks to

restore the boundary as if this never even happened. This proposal will put vehicular traffic and pedestrian traffic in conflict. Hickson Park to be restored.

30. Barton Street was designed as a temporary road to allow access to Block Y. Once Block Y was complete, it was to be removed and replaced with an expanded Hickson Park. The applicant seeks to restore Barton Street and cut off the separation of South and Central creating traffic and pedestrian conflict.
31. Barangaroo Avenue was designed to be the south to north axial road facilitating local traffic flow parallel to Hickson Road. The applicant seeks to pedestrianize part of Barangaroo Avenue, severely limiting vehicular access to the site, despite also seeking to add significant retail space below ground and residential space above ground.
32. The applicant seeks to include 25m of below ground intervention into land zoned RE1 which is not permitted. The applicant must seek to place retail assets within the existing building footprint.
33. The applicant seeks to include a building overhang of up to 3m around the boundary of the site, which is not permitted. Building overhang and concourse must be accompanied within the existing site boundaries. Buildings must be set back from pedestrian access and footpaths in line with City of Sydney guidelines.
34. The applicant seeks to significantly expand the retail component of the site, with up to 38,000 square metres of both above and below ground retail space. Included in this retail footprint it is envisaged to include a supermarket and the applicant seeks to expand the footprint of this site to include below ground access to area zoned RE1 which is not permitted. Nonetheless, traffic flow associated with 38,000 square metres of retail shopping centre approximately 60% the size of the Broadway shopping centre will be significant and much greater than that assumed in the traffic study. This has significant impacts on traffic flow and parking volume in the area.
35. The applicant wishes to remove 100 on-street parking space which will severely impact neighbouring Millers Point. Extra vehicular traffic flow to and from the retail area will overwhelm the existing road network and put significant pressure on remaining parking spaces.
36. Pedestrian traffic from the metro station in a southerly direction is expected to flow 25% along Hickson Road and 75% along Barangaroo Avenue and north/west corridor within the CB built area. This is assumed as part of providing only 4m wide footpaths along Hickson Road – which is insufficient and dangerous, particularly considering the lack of concourse curtilage.
37. Hickson Road was originally designed as a significant wide road (grand boulevard) to carry containers and cargo from the wharves. It was capable of handling the equivalent of four lanes of traffic. The applicant has significantly narrowed Hickson Road and removed almost all of the on-street parking in order to maximise the built form. This comes at a severe detriment to vehicular access and pedestrian safety.
38. The KU Kindergarten – the oldest in Australia – will be overshadowed by the proposed development. The children have a right to sunlight in the afternoon.
39. Views from High Street will be obliterated. All houses in High Street will lose views of the water.
40. Views from the rears of terraces in Kent Street south of Nawi Cove will lose almost all of their views. House in Kent Street north of Nawi Cove will lose up to 50% of their views.
41. The Langham Hotel will lose all its views.
42. Apartment blocks on the Western side of Kent Street will lose up to 100% (floors at or below 40m height) of their views. Even apartments on higher floors will lose some of their views.

43. The proposed tower at the northern end of the site will block some of the views from the Crown Hotel Resort. The higher built form along Hickson Road will also block views of Millers Point from the Crown.
44. The terrace form of High Street will not be able to be interpreted from opposing foreshores at Pyrmont, Ultimo, East Balmain and around the Western Harbour in direct contradiction of the statement of commitments.
45. Parking. The applicant seeks to remove almost all the designated on-street parking at Central Barangaroo. Visitors to the site will spill over into Miller Point putting further pressure on limited on-street parking – which is provided to residents as part of their occupancy.
46. Location and design of the High Street bridge is not provided. The applicant must stipulate where this bridge will be located and the impact on pedestrian activity and visitation must be considered as part of traffic and pedestrian impacts.
47. The SOM Masterplan contained Barangaroo Steps or Sydney Steps which were modelled on the Spanish Steps in Rome. This feature has been replaced by a vague commitment to an east/west pedestrian bridge which resembles the staircase at Gas Lane – insufficient and no disabled access?
48. The Sydney Steps – which are a key part of the Master Plan and a requirement to improve the permeability of the site – are little more than a single staircase. Disabled access to the site from Millers Point needs to be provided as does a mechanised escalator such as those provided at Barangaroo South.
49. Permeability of the site is significantly below what is required under the urban design principles. There is limited east-west space to facilitate pedestrian access and connection to adjacent Millers Point. The building heights are greater than those of even Kent Street let alone High Street. The requirement to have 50% of the built form on Block 7 to be at the level of High Street to allow bridge(s) access at the low point of High Street has not been fulfilled.
50. Use of Block 7 as a “front door” to Barangaroo Headland Park with a GFA of 15,000 and a maximum height of RL20 as per Mod 3 has not been upheld. Block 7 abuts the Northern (Nawi) Cove and is a natural entry point to the Headland Park. Low scale of buildings helps taper the built form of Central Barangaroo to the ground level of the Headland Park.
51. Details of the provision of community space at the Cutaway are insufficient.
52. Provision of flexible workspace at Central Barangaroo is flawed. Victory Offices – vendor of shared flexible workspace at Barangaroo South – has gone broke. WeWork is also struggling. There is a glut of commercial office space in the Sydney CBD and in the region of Walsh Bay, Barangaroo, Millers Point.
53. The applicant seeks to remove ‘wintergardens’ from the calculation of GFA which is not permitted.
54. The applicant claims that it “provides equitable access to views”. This is patently untrue. The applicant claims that heritage properties in Millers Point have already lost their views due to the maximum building height in the building height plan which they argue provides one single height across each block. This is not true.
55. According to the traffic study, the proposed modification will generate an average addition of 28 vehicle movements during the AM peak and 19 vehicle movements during the PM peak. This is despite wanting to build 34,000 sqm shopping centre, 60,000 sqm commercial space and 28,000 sqm of residential space. This is simply impossible.
56. Wind effects are worsened by the built form envisaged long Block 5. A wind tunnel will be created near the porte cochere of the casino and where Hickson Park bisects the residential

towers R1, R2 and R3 and Block 5. For this reason, Hickson Park needs to be retained at its enlarged form as per the IPC findings.

57. The applicant seeks to use the defunct and withdrawn Mod 9 to submit the revised Concept Plan rather than submit a new Concept Plan under revised and up to date planning controls. The argument seems to be that this Mod 9 is substantially the same as the previous Mod 9. Since the previous Mod 9 was **withdrawn** and never publicly shown, this is extremely unlikely. The people of NSW and the consent authority deserve better than to allow a 2014 DGR and pre-2016 planning controls to determine the application. Since the application is new and not “substantially the same” it needs to be resubmitted under the current planning controls.
58. Community consultation on Mod 9 has been close to non-existent and certainly not up to the standard expected by regulation and legislation. The 28-day exhibition period is insufficient given the lack of community consultation and the large volume of planning material that interested parties are required to absorb.
59. One of the objectives of the State Infrastructure Strategy is to ensure that population growth does not erode the amenity and character of existing communities. The proposed concept plan does erode the amenity and character of the existing community of Millers Point.
60. The view analysis omits a number of important public and private views. It makes the assumption that the maximum building heights are in place along the entirety of each block in Central Barangaroo and that this built form represents the approved status quo. This is not correct and any assertion that views have “already been lost” are simply untrue. When considering view impacts, the consent authority needs to be provided with the current view information, accurate montages of existing approved built form (not simply maximum heights across the totality of the envelope as this is not permitted) as well as the proposed built form. An accurate representation such as this will highlight the devastating impact the proposed building form will have on heritage views to and from Millers Point and Observatory Hill to and from opposing foreshores and from public and private spaces in the adjacent Millers Point Conservation area.
61. All development near a heritage curtilage must be considered by the NSW Heritage department. This does not seem to have taken place. See comments on SHR properties above.
62. The original function of Central Barangaroo under the approved Concept Plan was to provide the “civic heart” of the Barangaroo precinct. This guiding vision requires to consent authority to consider the context of a massive commercial development at Barangaroo South and the romantic naturalistic Headland Park on either side of Central. Central’s place is to soften the commercial so that it integrates not only into the naturalistic park, but the heritage listed adjacent Millers Point Conservation precinct to its east. There is little, if any, provision of civil good in the concept plan other than a vague community space four levels below ground and an underground “town hall”.
63. The western edge of the site seems to have been pedestrianized in order to allocate what is road space as parkland and attempt to keep the 50% public open space ratio despite wanting to take back the space allocated to the people of NSW by the Independent Planning Commission under Mod 8 determinations.
64. The building setbacks are below the minimum legal requirement and not permitted. Buildings must be set back a minimum distance to facilitate adequate levels of sunlight, noise amenity etc. Refer City of Sydney regulations.

65. Shadowing. The excessive built form of the proposal has catastrophic impact on solar access at the Harbour Park. The park is for the enjoyment of the people for generations to come and should be subservient to the private good of development seeking to maximise water views. The built form of Central should be tapered to meet the parkland and facilitate view sharing with neighbouring private residences and public spaces.
66. The site is Sydney Harbour Foreshore. Access to and enjoyment of the harbour (including views of the water) are negatively impacted by the proposed development.
67. It is unclear from the plans where the access to the below ground retail is obtained and where traffic is expected to flow. The one-way street around Block 7 is problematic and will likely result in a clash between vehicular and pedestrian traffic.
68. It is unclear where bicycle traffic is accommodated and where end-of-trip facilities are.
69. It is unclear from the Plans as to the status of B1 and B3 which contain car parking and building services. How will this parking level be accessed and how will this relate to pedestrian traffic?
70. How many car spaces are provided? How many sqm of retail? What flow to retail and resultant trips are assumed?
71. Staging. In all iterations of Barangaroo, the public open space is delivered BEFORE the commercial, retail and residential components. The staging plan suggests that only half the park will be delivered in 2027 and half in 2028. The public open space must be delivered first.
72. Staging suggests 2027/28 delivery. PWC Economic Impact Analysis suggests an eight year construction phase beginning in 2022 (to 2029). Given it is unlikely that construction will commence in 2022, it is likely that the project will be completed in 2030 or after. Delivery of the Harbour Park as the first priority is paramount.
73. The applicant seeks to combine the GFA of the three blocks. Three blocks have always been separated and they are designed to provide different things – residential at 7, civic at 6, commercial/retail/mixed use at 5.
74. The Central Barangaroo site is reclaimed land. Millers Point originally fell away quite sharply west of Kent Street. The cutting at High Street and the construction of Hickson Road effectively replaced finger wharves that were built there in the late 1800's. The views from terrace houses in Kent Street over the western harbour have been enjoyed over two centuries (and countless others in pre-European times). The NSW Government sold the terraces in Kent Street and High Street with these views intact and no suggestion that the views were lost, as the heritage impact statement and the view analysis authors suggest. For this to be true, the State Government would be guilty of false and misleading conduct for failing to disclose this to potential buyers as part of the sales process. These views, whilst mostly private in nature, are incredibly valuable not just in a monetary sense but in terms of enjoyment, amenity, sense of place.
75. Harbour Park has been reduced by placing Barangaroo Avenue in it and claiming it as pedestrianized and thus part of the park, which it is not. The built form of Block 7 extends to the perimeter of the site, leaving no room for the road – which is now in the park. Disgraceful.
76. Value per sqm of houses in Kent street with a harbour view versus without will give guide as to the economic loss if proposal goes ahead. (\$75m to \$100m loss of value based on \$/sqm east side v west side of Kent St). This is not considered in the Economic Assessment. Impact on tourist arrivals in Millers Point will also be negatively impacted if the proposal goes ahead which also needs to be considered in the Economic assessment.

77. Proximity to a heavy rail station was used as the rationale to build another 120,000 sqm of commercial office space a South (Mod 3). Can't have two bites at the cherry.
78. Wind tunnel, anyone? Enlargement of Block 5 will cause deleterious wind conditions.



This view looks west from Bond Plaza along Barton Street. It illustrates the direct view corridor towards Harbour Park and the western foreshore, framed by the Crown Sydney Hotel Resort and the proposed building envelope and massing for Block 5 of Central Barangaroo. (Source: AECOM, August 2021)

79. The proposed residential tower does not belong in (is out of context with) its proposed location. In 2017, the NSW Government demolished the 87-metre-tall Sydney Harbour Control Tower. The Barangaroo Delivery Authority considered that “the Harbour Control Tower (HCT's) bulk and form is visually intrusive to key harbour vistas and is not in keeping with the intimate small scale and character of the local residences in the Millers Point Conservation Area.” It was concluded that “the demolition of the Harbour Control Tower (HCT) will remove a dominant visual element which is out of context with the low-scale nature of the Millers Point Conservation Area, the Department (of Planning & Environment) concludes, that the overall merits for demolition which include improved views, better access and permeability...”

Source: MODIFICATION REQUEST; Headland Park and Northern Cove - Main Works (MP 10_0048 MOD 4): Demolition of Harbour Control Tower and associated works. July 2015

<https://majorprojects.accelo.com/.../Assessment%20Report...>

Photo SMH David Porter



Way forward

I kindly request that the matters raised in this submission be considered by the DPIE's Assessing Officer and that the Assessing Officer contact the writer to discuss DPIE's position. In the event that additional information is requested from the applicant, we respectfully request that we are notified and that I am provided the opportunity to make further submissions.

Please contact me if you have any questions about this letter, or require further information.

Faithfully

Martin Crabb

Martin Crabb

Telephone: 0410 418 496

Email: crabb65@gmail.com

I Barbara White of Unit 1005, Observatory Tower, 168 Kent St Millers Point, 2000. became an owner on 27 November 1997, not long after the building was opened after Baulderstone Hornibrook bought the IBM Building and re-developed the 18 office floors into 27 floors for apartment living.

Over the years there has been many changes to the northern end of Kent Street with the public houses being sold and I have enjoyed the views from the north-western side of the building.

At the beginning of the Barangaroo development, Paul Keating was heavily involved in the planning and I can remember him saying that there would be a walkway from Circular Quay to Pymont where members of the public and overseas visitors could walk around the foreshore and admire the buildings on the left as they merged into the built-up area and that there would be no buildings erected in the new development but only parkland for families to come and enjoy.

After the plans were submitted to Council, the residents were able to view these drawings in the Aon Building in Kent Street and I would visit these premises and ask about the future of Central and Northern Barangaroo and was always told there would be no tall buildings involved in the redevelopment.

Sadly the Council has deemed it differently as we now have the huge Crown tower, One Sydney Harbour with 2 buildings as well as the office blocks which now take over a major part of the area which was deemed to be parkland. Please see attached photos of how The Crown has impacted on my views.

Now the Sydney Council has once again given into developers, who are the major recipients of the constructions being erected and have no thought or conscience on just what an impact this has on apartment owners who have enjoyed living in the area which used to have magnificent views, and now no longer exist.

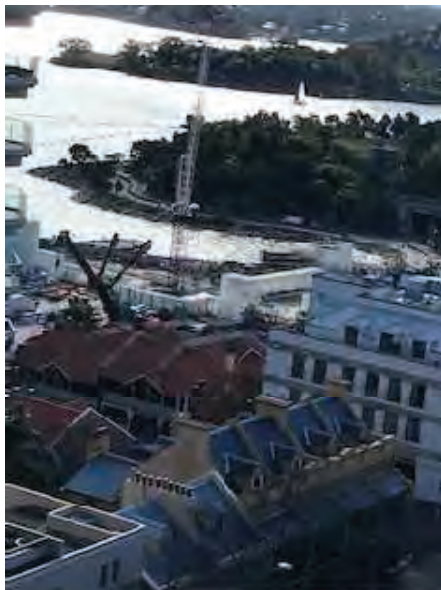
View from Study



View of Crown Casino from the living room and Balcony



View from Balcony, Second Bedroom and Living Room of Barangaroo.



353323

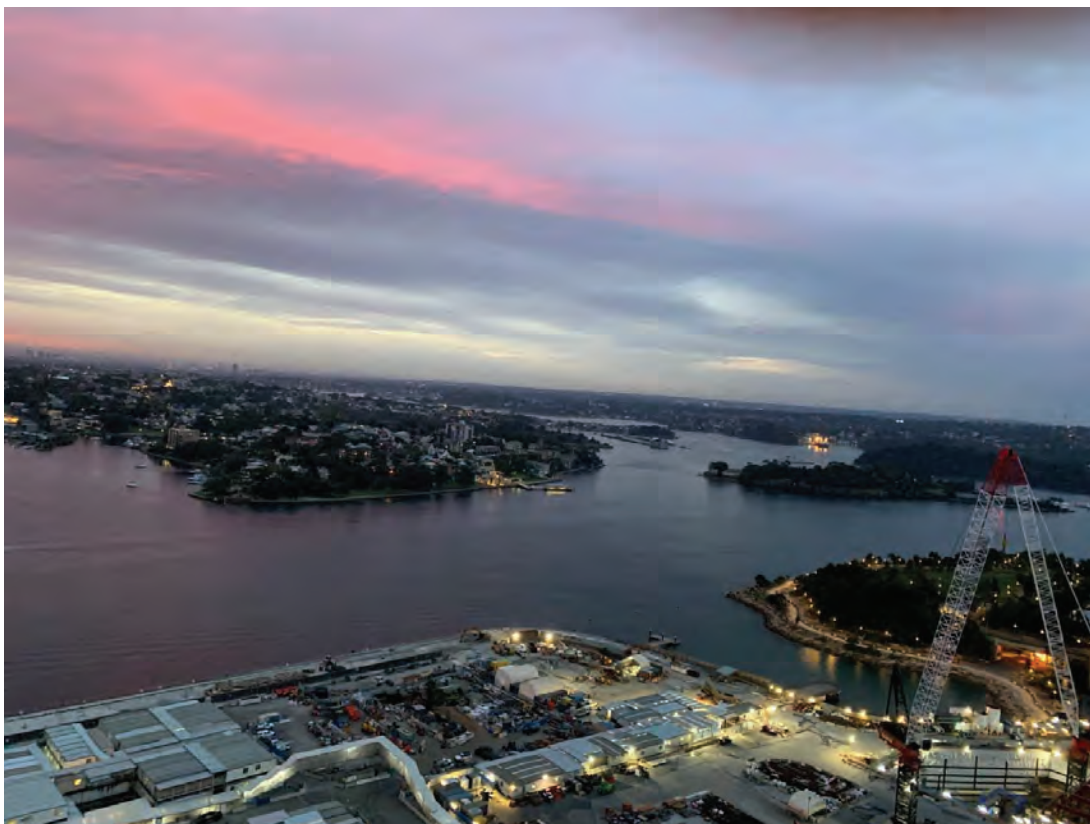


This is the current area where we can see the forested horizon which we could lose from this development proposal.



North-west view from 17th Floor, Observatory Tower.







This is a submission in response to Barangaroo Concept Plan (Mod 9)

We have been residents of Walsh Bay /Millers Point for 6 years and currently live in our own townhouse in Millers Point. We note however that our property faces north and we do not outlook onto Barangaroo Central and South in any way, so we are not making any comments below in order to preserve our own views. Rather, all comments are about our opinion of the impact on the Millers Point community

There are vast volumes of submission material for Mod 9 and we have not had the opportunity to read it cover to cover. Therefore, it is possible some of our comments and assertions are dealt with in parts of the submission that we haven't read.

1. Support for Development

Overall, we would class ourselves as supporters of the Barangaroo Central development, but not at the current scale. The amenities it will bring to the area will be welcomed and add to the existing community. We like the concept of expanded parkland, the harbour front walk already in place is quite iconic and very well used and we look forward to the eateries and nightlife that the development will bring. In particular, the laneway concept and European city feel of low rise buildings looks great.

We think the majority of matters being sought under the Mod 9 are immaterial and have our support. This includes matters covered under the Section 75W Modification Application at items (2), (3), (4), (5), and (7).

2. Concerns with Development

Our concerns with the development fall under items (1), (6) and (8) of the 75W Application.

Floor Area

The application states that within the Central Barangaroo Blocks 5, 6, 7, it is proposed to increase the GFA from 47,688sqm to 144,355sqm. One has to question whether an increase of 96,667sqm, or an increase of 303% from the original approval should be dealt with as a Modification or a completely new Planning Approval. These are totally different scale of projects.

The reason for this expansion is not understood. It is justified in the Environmental Assessment Report to "capitalise on the once in a lifetime generational opportunity associated with the new Barangaroo Station, and to support additional activity in Barangaroo and drive higher levels of patronage on the new metro rail".

With respect, town planning and development was carried out on the original planning approval and 47,688 was deemed appropriate. The current proposition is these planners got it wrong by 303%, or else we must deduce that there is some other opportunistic force involved.

Decisions were made to proceed with Barangaroo Station on the basis of 47,688sqm of GFA in Barangaroo Central. Experienced developers in Grocon, Aqualand and Scentre also competitively bid for and won the development rights for a 47,688sqm approved development.

It is however somewhat unclear from the Environmental Assessment Report (p49) which suggests that the procurement process for Barangaroo Central commenced in December 2015 suggesting that interested parties consider up to 150,000sqm of above ground GFA. This is against the approved GFA of 47,688sqm. One could therefore suggest that MOD9 is being pushed through by the government without proper consideration of all interested stakeholders i.e. Millers Point community, in order to meet a pre-existing contractual obligation to the Central Barangaroo developers. If so, this is an absolute abuse of process, it must be called out for what it is, and should be stopped.

It is disingenuous by all parties involved to now resubmit for an increase of 303% in GFA.

There are many comments throughout the submission outlining how Central Barangaroo now lines up against South Barangaroo. Comments such as (p53) “The current permissible scale is inconsistent with the scale and intensity of built form on Barangaroo South which has been approved since the Central Barangaroo framework was previously endorsed”. What has been done to Barangaroo South cannot be used to justify an expansion to Barangaroo Central. Where is any consideration given in the Modification Application to the inconsistent scale of the new proposed Barangaroo Central to the adjacent Millers Point? Nowhere we could find.

We assert that the original approval for Barangaroo Central did properly consider the scale of development against Barangaroo Reserve, Millers Point and particularly those areas around High Street and the Palisade Hotel that are directly impacted by the proposed MOD 9 Barangaroo Central development.

Our position is therefore one of total objection to the proposal for 144,355sqm of GFA, however accept that some increase on the currently approved 47,688sqm may be appropriate provided our comments provided elsewhere in our response submission are considered.

Building Height

The proposed revised height of buildings is unacceptable in our opinion.

The Environment Assessment Report outlines the proposed increases:

	Approved	Proposed/Revised Maximum	Increase
Block 5	RL 34	RL 44.5	10.5m
Block 6	RL 29	RL 38.7	9.7m
Block 7	RL 35	RL 73.7	38.7m

Again, as with the increase in GFA, the justification for this increase appears to be that it is necessary to keep the context to Barangaroo South without any consideration for Millers Point or Barangaroo Reserve.

Flowery justifications are provided such as (p16) “The distribution of the form embraces the site’s critical transition between Barangaroo South and the contrasting low-density character of the Millers Point Conservation Area and Barangaroo Reserve and achieves a modulation of urban form across the precinct which is currently absent”. Yet again, the 2022 planners are critical of the work done and approvals provided by the 2007-2016 planners. We suggest the original planners got it right as they have approved a development in keeping with the character of Millers Point, not Barangaroo South. Millers Point should be entitled to some rights given it has been there well over 100 years compared to Barangaroo South’s recent arrival.

The lack of thought regarding Millers Point is apparent throughout the Environmental Assessment Report with further example statements such as (p19) “The built form, mass and scale of MOD 9 is considered to be visually subservient to the development within Barangaroo South”. Where is the consideration that the built form, mass and scale of MOD is totally inconsistent, and in fact detrimental and overpowering to the Millers Point village?

Further at p18, “The proposed amendment to the building height of Blocks 5,6, and 7 will have some level of impact on views, setting and sense of enclosure of State and local heritage items within the Barangaroo precinct and in proximity to the site, and conservation areas located to the east and north east to the site. However, it is noted for some of these items the impact results from the approved Concept Plan and MOD 9 will not cause additional adverse impact”. How can this statement be made with any credibility? Heights

adjacent the Millers Point community are increasing 10.5m Lot 5, 9.7m Lot 6 and 38.7m Lot 7 and this will not cause “additional adverse impact’. There is no factual basis on which this statement can be made and brings into question the credibility and independence of the total Environmental Assessment Report.

At p86, “The changes proposed to the building heights across Blocks 5, 6, and 7 provide a balanced response which better modulates the building envelope to guide future detailed development proposals and facilitates the pivotal role of Central Barangaroo as the final important piece of Barangaroo”. Again, absolutely no mention of any alignment with the Millers Point village.

Approval cannot be given for MOD9 when the Environmental Assessment Report is so clearly biased in considering impacts only on Barangaroo South, and is dismissive or does not consider at all, the impacts on and rights of Millers Point.

One could also suggest that the reason for siting the residential high rise to RL73.7 at the absolute northern end of Central Barangaroo is to avoid any further argument with Crown over the loss of views from their South Barangaroo site. This well published court case remains unresolved, but it appears that the Government is in the Crown camp in planning for the revised Barangaroo Central development to appease the Crown interests. It was reported from the Grocon court case that Crown was concerned about the potential loss of views to the Harbour Bridge from the Crown gym and boardroom. The proposed location of the residential high-rise in Block 7 means Harbour Bridge views from Crown are unimpeded, where as locating the high-rise further south in Barangaroo in say Lot 5 or 6 would obstruct the Harbour Bridge views. Is this mere coincidence, best practice town planning or pandering to the interests of Crown? Again, the question must be asked – why are the needs of the recently arrived Barangaroo South more important than the 100 year plus old Millers Point community?

The Kent St area has been subject to high rise development which extends north along Kent St to just south of High street. This also happens to align approximately with the northern end of the Crown Development.

Our suggestion would be that the section of High Street that runs approximately east - west should mark the limit of high rise development in Barangaroo Central. North of this point, any development in Barangaroo Central should be sympathetic to the surrounding low rise Millers Point environment. Some views may need to be obscured, but no approval should be given for building heights which obliterate the current environment, creating a wall for the current community and there is absolutely no place for a high rise to RL 73.7 at Nawi Cove.

Parking and Traffic

The application is for an increase in GFA of 96,667 sqm, of which it seems 20,000 sqm max is permitted as residential in Block 7.

A rough calculation on additional people this may bring to the area is therefore:

- Residential 28,000sqm / 100sqm per apartment by 2 people per apartment = 560 No.
- Office / Commercial 96,667 – 28,000/ 20sqm per person (say) = 3,400 No.
- Total 4,000 No persons

The additional GFA may give rise to some 4,000 additional persons residing in, working in or visiting Barangaroo Central.

It is acknowledged that many people, perhaps a majority will utilise Barangaroo Station for their commute. But many others will use Uber, private car, drop off etc.

The Arup Transport Management and Accessibility Report (Appendix I) suggests for this additional 96,667 sqm GFA and potentially 4,000 persons (our calculation) there will be 28 additional vehicle movements in

morning peak, and 19 in afternoon peak (p36). We acknowledge we are not professionals in this field, but clearly the Arup figures do not pass any sensibility test.

The reason for the concerns with traffic and parking are twofold:

1. Lack of public car parking in the area. Already car parks on Hickson Road Walsh Bay are overflowing with persons parking for Walsh Bay theatres and restaurants but also many who walk to Barangaroo South.
2. Hickson Road / Sussex Street cannot handle the traffic at current level, let alone the traffic from an additional 144,355sqm GFA at Barangaroo Central. In particular, the section from Hickson Road through Sussex Street from Erskine Street to Market St is gridlocked in peak hour through to 10 – 11am in the morning. It is much more efficient at those times if travelling to the western suburbs to drive along Kent Street, go north over the Harbour Bridge, do a U-turn at North Sydney and then drive south over the Harbour Bridge and Western Distributor

Sussex Street simply cannot handle the current traffic volumes, let alone those that will arise from the MOD 9 development.

Arup's report supports this proposition as at p199, it suggests the Level of Service at Sussex/Erskine and Hickson/Napoleon will be LOS C. Somehow Arup calculated that traffic at the intersections will be better than MOD 8/10 where it is the LOS D? How can this be with the addition of 144,355 sqm GFA?

Sussex Street south of Erskine clearly cannot handle current, let alone additional volumes from MOD 9 but this has not been considered whatsoever in the Arup report.

Summary

1. We support the original development proposal and believe it will be beneficial to the local community and create another iconic harbourside area in Sydney
2. Decisions have been made to proceed with Barangaroo station and Barangaroo Central developments on the basis of 47,688sqm GFA. A 303% increase at this stage is not warranted and does not respect the work of planners who obtained the right balance with surrounding Millers Point when approval was provided over a decade ago.
3. The increase in GFA will not work from a traffic perspective, and the Arup Report fails to consider actual traffic patterns and the delays along Sussex Street.
4. The suggested increase in buildings height to accommodate the increased GFA is out of context with surrounding Millers Point, and disrespectful to that community. This appears to have been recognised by planners a decade ago who got the balance right. Current planners who are only seeking context against Barangaroo South have got it wrong. Only low rise buildings to the originally approved heights (RL 34, 39, 35) should be permitted north of the section of High Street that runs east – west.
5. Some increase in GFA from the original GFA of 44688 sqm may be appropriate provided building heights and traffic are adequately considered
6. Given the substantial change proposed to the current approval with a 303% increase in GFA proposed, it is asserted that a new study to be performed where the Terms of Reference fully consider the impacts on Millers Point. MOD 9 has such obvious bias to considering the context to Barangaroo South without any valid comments of the impacts on Millers Point. A new study should also be transparent in how the Barangaroo Central proposal has been developed to avoid further conflict with the Crown development over loss of Harbour Bridge views.

SUBMISSION to Department of Planning and Environment

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	private
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>The key reason: This proposal is unacceptable, the increase sought is a 146% increase in Gross Floor Area (GFA) and significant increases in building heights. I also object because this is our harbour, our reclaimed land, there have been promises made and broken. The strict guidelines documented have been ignored by developers profiteering from the misuse of public land!</p> <p>The objections:</p> <ol style="list-style-type: none"> 1. I object to ANY increase in the maximum GFA above the approved 47,000m² 2. I object to ANY increase in height above the approved RL 22.5 Block 5, RL 29.0 Block 6 and RL 35 Block 7 3. I object to any modification to the approved block boundaries 4. I object to the conversion of Barton Street from a temporary road to a permanent road against the existing approval 5. I object to proposed amendments to the State Significant Precincts SEPP 6. I object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. <p>Loss of quiet enjoyment due to Mod 9 My health and safety, my quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. I note that SSD-39587022 is at “prepare EIS” stage. The Bond has had ZERO consultation. The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety and quiet enjoyment of SP72797’s residents will suffer throughout the entire build process.</p> <p>Barton Street was NEVER proposed as permanent – it must be moved. Barton Street lies about 150 meters from The Bond Apartments. It has become a drag strip for loud “super cars” attracted by the restaurants, apartments and Hotel in Barangaroo and the noise especially at night and on weekends is totally unacceptable. We have “put up” with this on the basis of the temporary approval and stress that Barton Street CANNOT be left as permanent, see my comments on Hickson Park which relate.</p> <p>Hickson Park will be significantly overshadowed and was not approved to remain its current (limited) size.</p>

The NSW Independent Planning Commission increased the size of Hickson Park and removed Barton Street to improve the amenity of the park and improve pedestrian connection into Central from South.

The Applicant seeks to restore the previous site boundary and keep Barton Street as a two-way road joining Hickson Road.

- The applicant wishes us to compare this park to Bryant Park (a 9.6-acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter

Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

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

- (a) Are to minimise overshadowing of Hickson Park .. no more than 2,500sqm of Hickson Park is overshadowed ..
- (b) On page 21 of the Determination report it is stated “the Commission recommended a reduction in the footprint of Block 5 .. to limit overshadowing.”

Against this background the applicant has completely ignored the Commission’s determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL44.5. Outrageous!

Zero consideration of the nearest residential building to the proposal in Mod 9:

In making this objection, I would point out that I reside at The Bond Apartments, 38 Hickson Road Millers Point Strata Plan 72797 and have since 2016. I strongly object to the TOTAL lack of consultation and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod9, revision 11 dated 10/12/2021, the View and Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.

Mod 9 proposal is destructive of the heritage of the area - Barangaroo is Crown Land

Mod 9 destroys many aspects of the heritage value of the whole of Barangaroo. The proposal **does not comply** with the existing Approved Concept Plan planning controls. However, in this regard, all of the previous development within Barangaroo South has been successful in amending existing planning controls, often significantly so. This MUST NOT be allowed for Barangaroo Central.

Appendix F_ View and Visual Impact Assessment Page 140

(Barangaroo Modification 9 : View and Visual Impact Assessment, AECOM, Page 130)

There is repeated guidance and determination in all previous reports such as: “Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores.”

These principles have NOT been adopted in the present Mod 9 application. I

OBJECT to the applicant’s “Summary” which (erroneously) states (inter-alia)

“Mod 9 often only marginally increases the extent of view loss”. This statement

	made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9.
Date	6 August 2022
Name, Address and contact details	John Houston 1003/38 Hickson Road Barangaroo thehoustons@gmail.com

www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

The Honourable Anthony John Roberts MP, Minister for Planning and Homes
The Honourable James Henry Griffin MP, Minister for Environment and Heritage

Dear Honourable Ministers,

As a resident of New South Wales, advocate for STEM education and practise, history affiliate with the University of Sydney, past Manager of Sydney Observatory with considerable experience managing other heritage sites and as a NSW resident I object to Concept Plan for Barangaroo (MP06_0162 Mod 9).

Objections:

- The height of the buildings in Central Barangaroo which block the horizon. As past manager of Sydney Observatory (until 2015) I was promised, and the then Director of the Museum of Applied Arts and Sciences (MAAS) and the citizens of NSW were promised, that none of the western horizon would be blocked. This promise has been broken under a false and misleading premise that 10 degrees above the horizon is not used for astronomy purposes.
- The blocking of historic sight lines between the harbour and historic Timeball on Sydney Observatory.
- The blocking of sightlines that relate to pre-colonial Indigenous Heritage.

This modification has state, national and international impacts. Sydney Observatory is as significant to NSW, Australia and beyond as is the Royal Observatory Greenwich (ROG) to the people of the UK and beyond. A building that blocked the views from ROG would not be approved.

Modification 9 specifically impacts

- All generations to come. This Modification denies future generations the opportunity to view historically significant events as they set in the west.

STEMM education – Sydney Observatory is a fundamental part of the education of many (over 10,000 each year) school children in the city, regional and rural NSW, as well as scout and girl guide groups. This modification shows disregard for the educational values and STEMM initiatives. Thousands of school children witnessed a transit of Venus from Sydney Observatory- this was a memorable event when the Sun sank on the western horizon.

- The preservation of Nationally and Internationally significant heritage. Sydney Observatory is well-known internationally. Papers about Sydney Observatory are part of a UK based program initiated at Royal Observatory Greenwich about Observatories and matters such as the preservation of historical sightlines.

Errors in the heritage and environmental assessments

There are significant errors and inaccurate assumptions in regard to viewing the sky below 10 degrees above the horizon in Appendix G of the report titled “Central Barangaroo - Sydney Observatory Sky View Impact Assessment”, dated 7 July 2021, prepared by Unisearch (UNSW) (reference UN59699).

Appendix F is based on erroneous Appendix G

It is most unfortunate that GML Heritage, a highly respectable company, has relied on erroneous reports as a basis for Appendix F: Heritage assessment and impact statement.

Appendix G disregards and is erroneous because:

- Many important astronomical events are viewed below 10 degrees above the horizon. In the location of the sky to be affected by the new Barangaroo Central tower western and setting views of the Sun, Moon, planets, comets and even the International Space Station would be blocked significantly.
- Events like eclipses, planetary transits across the Sun, as well as planetary and lunar conjunctions may well be obstructed.
- To lose these viewing opportunities for several months of the year is an unacceptable loss for our generation and generations to come.
- Most amateur astronomy and special event viewings use telescopes on the ground from the north, south and western sides of Sydney Observatory.
- The Gadigal People of the Eora Nation used their observations to track the seasons. The ability to track the Sun and Moon as they set throughout the year is destroyed from the highest natural point in Sydney (Sydney Observatory) by the increased height of this proposed building modification.

Errors in the social impact assessment

I object to the report by PWC as erroneous and inadequate in its assessment and written without full consideration of the existing and future loss of cultural and social benefits caused by the height of Modification 9.

Appendix J disregards:

- The loss of tourism due to the negative impact of Modification 9 on Sydney Observatory and Observatory Hill. There are plenty of retail opportunities in southern Barangaroo and the Rocks. The tourism on Observatory Hill is unique and irreplaceable.
- The loss of indigenous and post-invasion culture by Modification 9.
- The loss of educational opportunities due to modification 9.

NSW Heritage adds to the economy and reputation of our State

Whilst tall towers and buildings can generate income it is important to quantify the and support the economic importance of heritage. Sydney Observatory and Observatory Hill are important cultural and tourism contributors.

Many voters such as myself want to be proud of our heritage and the way our State Government manages and cares for the culture of our state. This is always at risk of developments such as Modification 9 Central Barangaroo,

Yours sincerely

Toner

Dr Toner Stevenson

Honorary affiliate, History, the University of Sydney
Previous Manager Sydney Observatory (2003 to 2015)
Vice President and past President Sydney City Skywatchers
Email: tste4134@uni.sydney.edu.au

Submission about the Modification Application for Central Barangaroo MP 06_0162 MOD 9**1.Reduction in public space**

The proposed reduction in the size of Hickson Park is an unacceptable contraction of remaining natural public space within Central Barangaroo. Parkland in this area is a rare commodity and is highly valued by the public for its aesthetic and health benefits.

2. Increase in light pollution

The Barangaroo development has already impacted on the activities of the Sydney Observatory. Further high-rise building will worsen this impact on an important cultural icon of Sydney. The public will experience further erosion of their quality of life in Sydney.

3. Disproportionate bulk and scale

The north-west portion of block 7 proposes an RL of 73.7, which is a towering structure completely out of scale with the rest of the proposed development. It will be an **eyesore** for Sydneysiders that will engender negative responses and comments, similar to those that have dogged the Crown Casino building.

Please do not inflict this on the unsuspecting public! As you can see in Figure 17, this proposed tower would stand out as a dominant bulky structure in front of the lower built skyline behind. It would tower over the adjacent harbour and spoil any peaceful outdoor recreation the public might want to enjoy around Nawi Cove.

Central Barangaroo Development

I write to object to the proposed Central Barangaroo Development. The basis for my objection is many and varied. This is but a snapshot.

The fundamental premise of INSW's application as a mere incremental modification to a previously approved concept plan is flawed and misleading. The basis of being allowed building heights up to a **maximum** of 35 metres with 47,000sqm of above ground GFA cannot be interpreted as allowing 35 metres being used as a **minimum** with a more than doubling of GFA. It is like comparing apples to spaceships. It is a complete nonsense argument and holds the NSW public in contempt. Just on this basis INSW should be sent back to the naughty corner to redo their homework.

This flawed premise flows through the entire Modification application and the consultant reports on which it relies, resulting in a skewed analysis, thus arriving at wrong conclusions. Quite simply, the Government must start again and not rely on loopholes it created to enable this sham.

Observatory Hill Vistas

Who in their right mind believe that obscuring western harbour vistas that have existed and been enjoyed for millennia for a few bucks is a good idea. As much as politicians like to sprout about creating jobs with big projects, they do not have the right to obliterate these views.



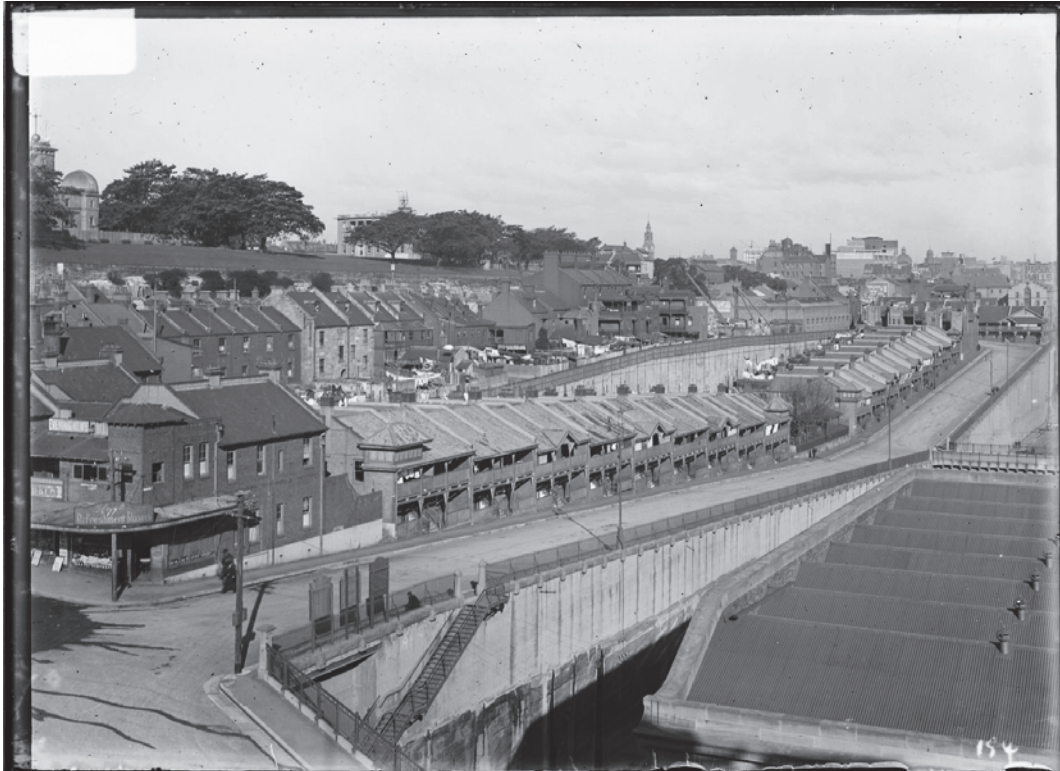
Apart from the obvious – as Planning people you know better than I – that these vistas to and from Sydney Harbour and Observatory Hill are protected in law, that Sydney Harbour is our international jewel in the crown of Sydney, therefore the starting point for any development must be from here. Respect these vistas, respect Sydney and develop from here.

Massive Bulk and Scale

Where else in Sydney would an established residential neighbourhood, let alone one with the heritage status and significance of Millers Point, have new office buildings literally 50 metres away from people's front verandas and front bedrooms. That is an outrageous breach of privacy.



This original vista of a significant housing precinct should be respected.



In addition to that, the buildings proposed along Hickson Rd are just too big, with insufficient articulation, setback, separation, etc. They are an urban planning disaster.

No consideration has been given to the low-rise residential setting of the significant heritage Millers Point streetscape on High St - it will be blocked as seen from the western harbour and neighbouring suburbs of Darling Island, Pyrmont and Balmain.

These neighbourhoods will also have their iconic vistas to the iconic Sydney Harbour Bridge blocked. I am no Planning expert, but I am aware that Planning law places a great emphasis on people's existing views to Sydney's two icons – the Opera House and the Sydney Harbour Bridge. The views of residents, businesses and visitors from Pyrmont Peninsula and Pirrama Park of the Sydney Harbour Bridge will be obliterated.



The 20-story Residential Tower

At the risk of sounding crass, this is just taking the proverbial. Its as if the developer said to INSW, “can we toss this tower into the mix, maybe it will get approved without anyone noticing”. Because that is the only way this monstrosity could be approved.

I have now sat through numerous briefings from INSW and Aqualand. On this subject it is pure spin. It will be the “exclamation point” on the Central Barangaroo development they say. It will be a key wayfinding feature so people will know where the Metro station is – clearly they haven’t of Google Maps.

There is simply no justification for this building. It does not align with the original intent of Central being the ‘civic and cultural centre’ of Barangaroo. It adds zero value to the activation of the area.

It is as if INSW doesn’t appreciate there is a residential precinct on Central Barangaroo’s doorstep which 3,000 people call home. Millers Point is a natural destination for international visitors and Sydneysiders alike as they explore Sydney’s Old Town and they will in turn visit Central Barangaroo.

Central Barangaroo will activated beyond the limited imagination of INSW – Sydney has been crying out for Central Barangaroo to happen. It does not need this monstrosity to make it work.

The elephant in the room of course, is the comparison of this proposed tower with its existing counterpart across the water – Blues Point Tower. A building the Premier himself said should be demolished. And for good reason.

Like the proposed 20-story tower, there is no positive urban planning reason for its existence. This is why no further towers were built at Blues Point – they realised their mistake and stopped further development.

It will be a permanent eyesore on Sydney’s skyline. And just because Aqualand have retained some fancy, internationally recognised architect (Chipperfield) to design the thing – that is meaningless. You only have to look 500 metres to the south to recognise that international architects sometimes get it wrong – One Sydney Harbour would be the blandest residential tower complex built in Sydney – Renzo clearly had an off day. The so-called international reputation of the architect is irrelevant.

In summary, this building is totally out of context to:

- Nawi Cove
- Millers Point heritage streetscape
- Observatory Hill
- Barangaroo Headland Park.
- Sydney Harbour
- The Maritime heritage of the area.

It is without merit as a building. It must be rejected.

Millers Point Heritage Precinct

It goes without saying that the development sought must be in the context of the State-heritage listed “Millers Point and Dawes Point Village Precinct”.

Over the last 10 years, the NSW Government has sold heritage listed properties to private buyers, including ourselves. We bought in Argyle Place.

Our Contract of Sale had as an addendum a several hundred-page Conservation Management Plan. The level of detail about what you could and could not do was remarkable. But we all bought in on that basis – to respect the heritage of this place, to bring these buildings back from the brink as the Government are hopeless asset managers of heritage buildings. And we undertook our renovation and restoration work accordingly.

As a community, we spent in excess of \$600 million buying the properties. Add \$40 million for stamp duty. And then as a conservative estimate the average cost of bringing our homes to a reasonable level of residential amenity was at least 50% of purchase price.

So private buyers have spent approximately \$950 million* (as a minimum) on the heritage conservation of Sydney’s Old Town. A responsibility that successive NSW Governments failed to do.

(* This figure does not include the sale price of the Sirius Building of \$150 million with up to \$100 million spent on renovation – so circa \$250 million)

And that’s just the dollars and cents. What these successive governments did to the living heritage of Millers Point, the residents who lived here for decades, multiple generations, people who actually had a connection to the Maritime heritage of the area is just as indicative of their complete disinterest and disregard, in deed contempt, for heritage in all its forms.

So you would think this would be a key element of the application – pay serious attention to the neighbouring heritage precinct of Millers Point. But no.

The Heritage Impact Statement should be an embarrassment to its author.

I’m no heritage expert, but merely quoting the State Heritage database listing on various properties adjacent to Barangaroo and restating the position of the applicant, does not add any value to the discussion of how this development needs to be seen in the heritage context of Millers Point. It is mostly pointless, with any push back against the proponent well hidden within its 172 pages. Even when it does “push back” it is so heavily qualified as to put in real doubt whether the consultants had any control over their document, or the proponent took the red pen to their original document. As an example, it is obvious the KU Lance Preschool will be overshadowed by the proposal but below

is the best they could do on the subject (and in 8 font). Indicative of their lack of power to hold the proponent to their development responsibilities.

“Additional height will potentially increase the sense of enclosure in High Street from the additional height of MOD 9 overall.”

Visual Impact

The proponent’s visual impact study is completely inadequate. It is highly selective of the locations presented in its Visual Impact Report. It does not include a view analysis of all directly affected state heritage listed properties, for example. The Department of Planning should undertake a visual impact of all affected SHR properties.

The NSW Government sold these properties to private owners and used these views as part of their marketing material. They have now sold the views three times.

Various Consultant Reports

With the veracity of the proponent’s core claim regarding the alleged previous approved heights under serious question, the Department of Planning should engage a range of consultants to analyse their peers’ reports and test their assumptions and determine their accuracy.

Bernard Kelly

40 Argyle Place, Millers Point

Images of the proposed development's visual impact



353469

Stephen Duchesne
901/168 Kent Street
Millers Point NSW 2000

7 August 2022

Submission to NSW Planning and Environment

TO WHOM IT MAY CONCERN

I am writing to you to register objections and significant concerns regarding the Barangaroo Concept Plan (Mod 9).

Having reviewed the documents and plans proposed as changes to the various and many previous proposed plans for Barangaroo, I wish to make the following comments:

- . The plan fails to adequately consider the incredibly significant heritage and historical values of the surrounding area, which have been front of mind of decision makers for generations in Sydney. In particular, vistas and lines of sight to and from Observatory Hill and Millers Point.
- . Detrimental impact on the existing views and considerable overshadowing of public land and properties in the area. Importantly, this does not comply with the original development controls as stipulated.
- . Substantial land and floor area grab by developers since the original proposed plans, making a mockery of the entire planning process and demonstrating NSW Planning and Environment's dismissive attitude toward tax and ratepayers of NSW.
- . This plan does not fit with the established character of the local area.

Thank you

NSW Department of Planning and Environment 4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email: david.glasgow@planning.nsw.gov.au

Attention: David Glasgow

Dear Mr Glasgow,

Re: Submission in relation to MP06_0162 MOD 9 for the modification of the Barangaroo Concept Plan

My husband and I are owners and residents of 77 Kent Street, Miller's Point, the middle terrace of the three late Victorian Italianate state heritage listed Winsbury Terraces built in 1875. We acquired the property at auction in 2010 and set about meeting our obligations under Housing NSW's and the Heritage Council's Conservation Management Plan to conserve the heritage values and convert 77 Kent Street from multiple flats to a single residence. This necessitated a substantial investment in heritage compliance with which we wholeheartedly participated.

We came to see the surviving structures built following the arrival of the First Fleet in 1788 at The Rocks and Miller's Point to be of incalculable value to the city of Sydney, New South Wales and Australia.

With Observatory Hill this discrete area represents the colonial and maritime history of Port Jackson and, therefore, Australia.

As a tourism and visitor drawcard for New South Wales and Australia, enhanced with the later structures of the Harbour Bridge 1932 and the Opera House 1982, The Rocks and Miller's Point are areas of state, national and global significance. The sight lines to Observatory Hill for water craft plying the harbour and from the western harbour side suburbs of Balmain, Rozelle, Pyrmont, White Bay, Waverton, North Sydney and Milson's Point have prevailed unimpeded since first settlement. Likewise the sight lines from Observatory Hill to the west, northwest and north to the harbour and the lapping suburbs have prevailed unimpeded from first settlement.

Similarly, the sight lines to the Harbour's north and east have been preserved eg the height limits on the Hyatt Hotel, so those historic vistas are unimpeded.

Until now.

The obstruction of the sight lines now proposed by this amendment to the Barangaroo Concept Plan is a violation of the public interest. We draw your attention to how world famous cities have preserved their defining vistas: the inviolate heritage conservation values surrounding the Palaces of Westminster, the Tower of London and St Paul's Cathedral dome in London; the Eiffel Tower and Sacre Coeur in Paris; the Winter Palace in St Petersburg; St Peter's Basilica and the winding Tiber River in Rome; the natural landscape in Vancouver; the Golden Horn and the Bosphorus in Istanbul; the Elbe River in Dresden.

The modification application submitted to the Department of Planning, Industry and Environment (DPIE) to support an amendment to the Barangaroo Concept Plan (Mod 9) to make amendments within Central Barangaroo and Barangaroo Reserve (Proposed Development) will, if approved, desecrate Australia's unique heritage sight lines.

If Australia's built heritage is desecrated at the site of its foundation at Observatory Hill, The Rocks and Miller's Point by a floorspace over-development to cash in for state Treasury revenue-raising purposes and approved by a Minister acting as the sole consent authority, it will confirm in the public mind that expediency and greed are the only imperatives motivating the current parties in government.

We therefore object in the strongest possible terms to what, if approved, would become the destruction of this area's both tangible and intangible value to the people of New South Wales and Australia.

I write to you to make a formal submission objecting to the Proposed Development. I confirm that I have not made a reportable political donation.

I confirm that I have read the Department's Privacy Statement and agree to the Department using my submission in the ways it describes. I understand this includes full publication on the Department's website of my submission, any attachments, and any of my personal information in those documents, and possible supply to third parties such as state agencies, local government and the proponent.

I understand that it is a serious criminal offence under the Crimes Act 1900 to provide information to the Department of Planning and Environment knowing that the information is false or misleading or the information omits any matter or thing without which the information is misleading.

I understand that by making this submission, I am providing the information contained in this letter to the Department of Planning and Environment and confirm that that information is not false or misleading

I do not support the significant changes now being pursued by the proponent under s75W of the Environmental Planning and Assessment Act 1979 (EPA Act). In summary, the impact of the Proposed Development gives rise to matters which relevantly should be considered prior to the determination of the Proposed Development.

We strongly support the detailed analysis contained in the submission of our neighbour Mr Martin Crabb of 83 Kent Street Miller's Point covering:

- * Views - the obliteration of once uninterrupted sight lines to and from Observatory Hill.
- * The misleading "approved" building envelope. We endorse Mr Crabb's timeline analysis and conclusions.
- * Use of Part 3A rather than "better quality assessment". The expediency in the current process is self-evident. This is a steam roller process.
- * Lack of Community Engagement. There is no demonstrable sensitivity to all the heritage and public interest issues which have been raised since the over-development proposal was first mooted.
- * Cumulative Impact. This is well illustrated by the geo located building heights and their visual and dominating impacts to and from Observatory Hill. On individual impact for the three Winsbury Terraces the proposed block wall buildings along Hickson Road and the high rise apartment building at the northern section of Barangaroo Central and adjacent to the metro station will obliterate the western views from the first and second floors of our property, 77 Kent Street.
- * Retain/Retained/Retention of views as per Independent Planning Commission. We respectfully submit alternatives to retain sight lines would be more sensitive to the great heritage, tourism and public value of the entire area.
- * Retain/Retained/Retention Statement of Commitments. We concur with Mr Crabb's submission.

- * Consideration of the Social Impact. Likewise.
- * Public v Private Good. Likewise.

I request an opportunity to answer any relevant questions concerning 77 Kent Street Miller's Point and the heritage conservation and preservation of this unique part of Australia.

Elizabeth O'Brien

[REDACTED]
[REDACTED]

7 August 2022

NSW Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email: david.glasgow@planning.nsw.gov.au

Attention: David Glasgow

Dear Mr Glasgow,

Re: Submission in relation to MP06_0162 MOD 9 for the modification of the Barangaroo Concept Plan

By way of introduction, my wife and I are the owners and residents of 83 Kent Street, Millers Point, NSW – a property that was built in 1875 on the site of the original quarryman’s house built in 1835. Our property is listed on the State Heritage Register (SHR 00908) and protected and governed by a Conservation Management Plan approved by the Heritage Council of NSW.

I refer to the modification application submitted to the Department of Planning, Industry and Environment (**DIPE**) to support an amendment to the Barangaroo Concept Plan (**Mod 9**) to make amendments within Central Barangaroo and Barangaroo Reserve (**Proposed Development**).

I write to you to make a formal submission objecting to the Proposed Development.

I confirm that I have not made a reportable political donation.

I confirm that I have read the Department’s Privacy Statement and agree to the Department using my submission in the ways it describes. I understand this includes full publication on the Department’s website of my submission, any attachments, and any of my personal information in those documents, and possible supply to third parties such as state agencies, local government and the proponent.

I understand that it is a serious criminal offence under the Crimes Act 1900 to provide information to the Department of Planning and Environment knowing that, the information is false or misleading or the information omits any matter or thing without which the information is misleading.

I understand that by making this submission, I am providing the information contained in this letter to the Department of Planning and Environment and confirm that that information is not false or misleading

I do not support the significant changes now being pursued by the proponent under s75W of the Environmental Planning and Assessment Act 1979 (**EPA Act**). In summary, the impact of the Proposed Development gives rise to matters which relevantly should be considered prior to the determination of the Proposed Development. Key issues of concern include:

Issue 1. Views

Given the site’s location on Sydney Harbour foreshore abutting Australia’s oldest and most intact heritage precinct, the appreciation of these qualities in terms of views to and from them, in the public’s perspective, is the most critical issue facing the determination of this proposal. This is witnessed by large numbers of petitioners of the “don’t block the rocks” getup campaign (~7,000) as well as a large number of community, heritage and foreshore protection bodies who have made submissions to this proposal.

The importance of views is core to the Concept Plan and Urban Design Principles governing the Barangaroo site.

City Plan Heritage
East Darling Harbour Concept Plan
Heritage Impact Statement
26 September 2006

<https://majorprojects.accelo.com/public/fdb83a72ca7caa42d63a87b241dc2c/Appendix%20A%20Heritage%20Impact%20Statement%20%20Part%202.pdf>

“The issue of views is an important one. Any development west of Hickson Road on Darling Harbour over four floors will affect the views from Observatory Hill and the western section of Millers Point to the water of the harbour. The East Darling Harbour Concept Plan has been developed with a number of principles in mind and the protection of key views from the historic precincts is one of these principles. The idea, as detailed elsewhere, is to provide for continuous occupation along EDH and to provide residential accommodation to complement the City and to enliven this newly developed area. The residential accommodation will provide a strong link to the residential area of Millers Point.

Densities have been determined in accordance with development factors whilst maintaining the principal of lowering heights towards the north, providing interpretation of the landform features and allowing key vistas to and from Millers Point and Observatory Hill. The overall concept is aimed to ensure that the historic precinct of Millers Point can be viewed from key vantage points across the harbour and that the harbour form and the relationship to suburbs within the view shed can be viewed and understood from Millers point.”

This issue was further explored by the Heritage Council of NSW in its submission to Mod 2

<https://majorprojects.accelo.com/public/cdc46e17b8e70631fb62061b0e6abff5/Appendix%201%20Summary%20of%20Submissions.pdf>

- *(Heritage Council) Reiterates previous support for general distribution of building heights from 44 stories at the southern end of the project to 4 at the northern end. Also supported restricting podium to a height lower than High Street and the intention to protect and create multiple directed visual connections between the development and the Harbour.*
- *Further reiterates its previous comment in relation to the need for a detailed assessment of the impact of the proposed development on the identified heritage significance of the individual heritage items nearby and the Millers Point Conservation area at the later stages of the development.*

In the same document, the NSW Department of Housing, at the time the owner of many properties in the Millers Point Conservation Area including a number of properties in High Street and Kent Street also made a submission to Mod 2, objecting to the proposal.

18/08/08 NSW Department of Housing Objection (pending further view analysis)

- *PPR and Proposed Modification do not explain likely impact of project on views into and out of Miller Point. This is a critical heritage issue and important in considering public benefit of proposal.*

- *Concern argument for increasing FS on Blocks 2-5 could be extrapolated on to Blocks 6-8 which adjoin Millers Point with potentially damaging impact on heritage significance on unique maritime precinct*
- *Views in to and out of public and private spaces in Millers Point are a core element of the precincts heritage significance.*
- *Consider proposal will result in significant views of Millers Point to and from the public domain are to be diminished and significant views to and from the private domain will be substantially affected and in some cases eliminated.*
- *Require photomontages at least to and from the rear of terraces in Kent Street and the front of terraces in High Street.*

The NSW Heritage Council also wrote a submission regarding State Significant Development Application 6957 – Crown Sydney Hotel Resort, Barangaroo South

“The statement of significance in the State Heritage Register listing for the Sydney Observatory states that *“The elevation of the site, with its harbour and city views and vista...make it one of the most pleasant and spectacular locations in Sydney”*. Furthermore, the existing views from the Observatory towards the harbour are graded of considerable significance in the Conservation Plan for Sydney Observatory (endorsed by the Heritage Council), and Policy 32.5 of the Conservation Plan argues for the retention of views where it states *“Views from the path around the observatory complex down the slopes of Observatory Hill to The Rocks and water of the harbour should suffer no further encroachment.”*

The proposal blocks the views to and from Millers Point and Observatory Hill in contravention of several commitments of the approved concept plan.

Issue 2. Misleading Approved Building Envelope

The Proponent argues that building heights are already approved and that a block envelope covers Central Barangaroo at RL35, 29 and 34 thus already blocking views to and from Millers Point and Observatory Hill. This argument extrapolates the maximum block height across 100% of each block to create an “approved building envelope” without reference to GFA, block design principles, urban design principles and other modifications such as Mod 3 to Block 7 and Mod 8 to Block 5.

This approach is not only false, it is misleading.

Statement of Commitments Commitment 98 stipulates

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

The Approved Concept Plan adopted the following Development Block Controls for Blocks 5, 6 and 7.

https://majorprojects.accelo.com/public/6e4713f9001f7cc4bb1e28a99da06b/SSS%20Proposal,%20Concept%20Plan%20&%20EA%20Part_B.pdf

The Approved Concept Plan was clear on the objectives of the Development Block Controls:

“To allow for innovation, creativity and alternative design solutions to be achieved on each development block the Concept Plan does not pre-determine detailed footprints within the maximum permitted urban design envelopes.

Rather, the design principles, development controls and design requirements established for each block will ensure that the concept strategies that underpin the mixed use precinct and built form elements of the Concept Plan will be appropriately translated into the future detailed building.

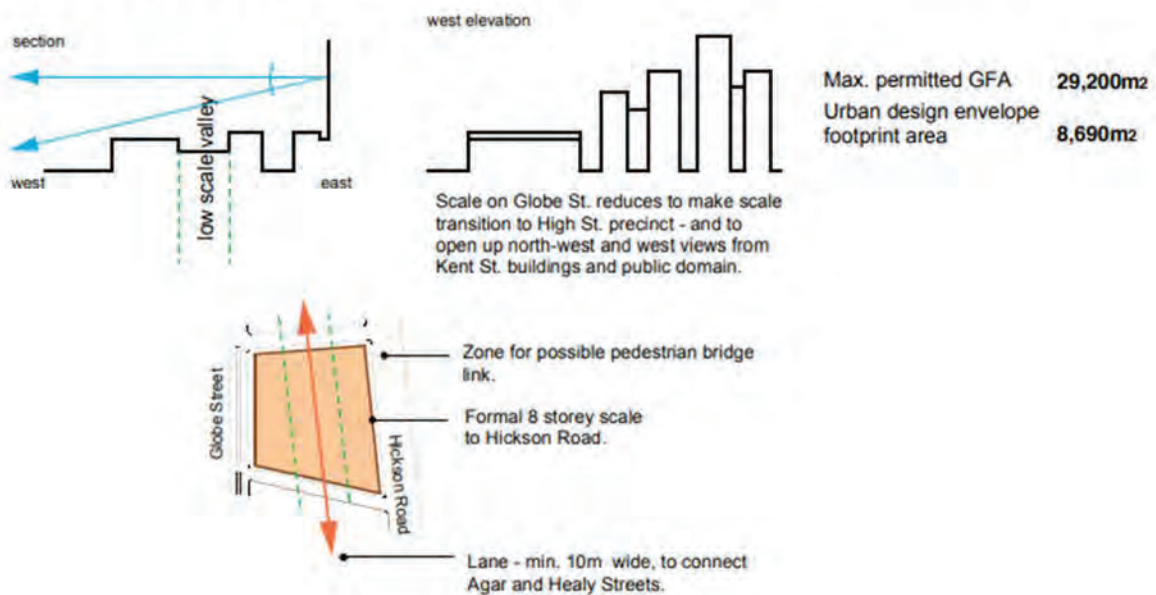
The development block controls provide the planning framework to be used for the **assessment of future individual building proposals** within the mixed use zone.”

BLOCK 5

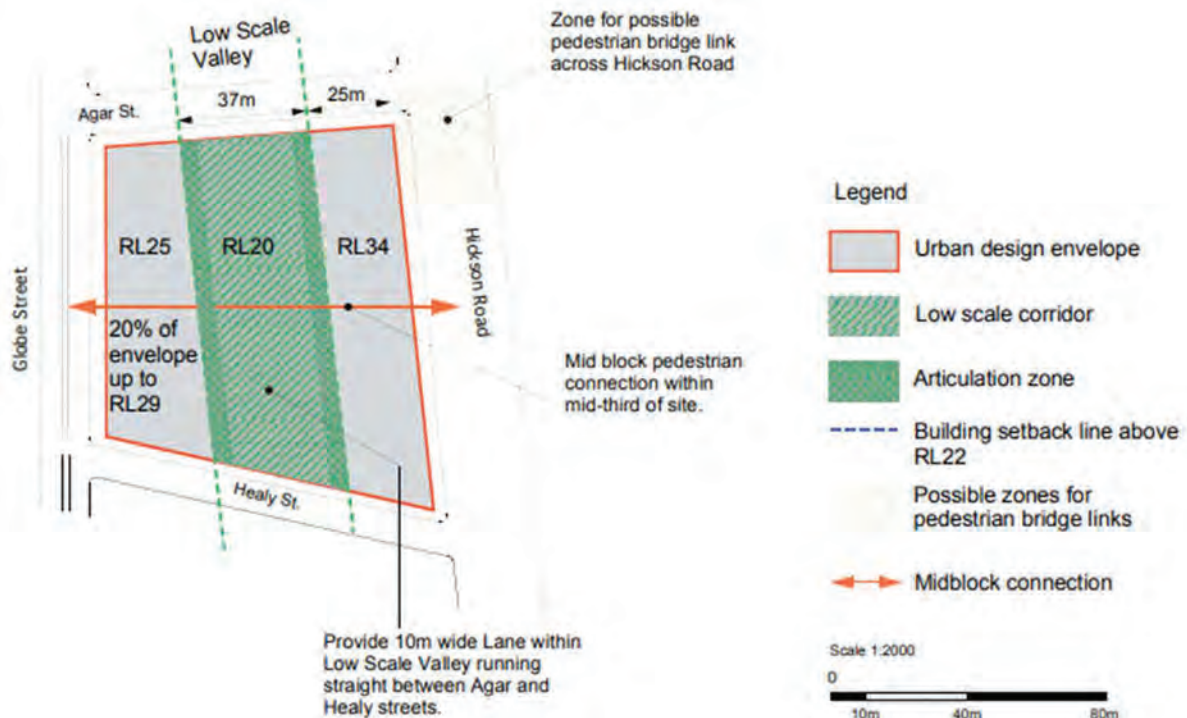
Block 5 has a site area of 8,690 sqm.

East Darling Harbour Concept Plan October 2008

BLOCK 5 DESIGN PRINCIPLES



BLOCK 5 DEVELOPMENT CONTROLS



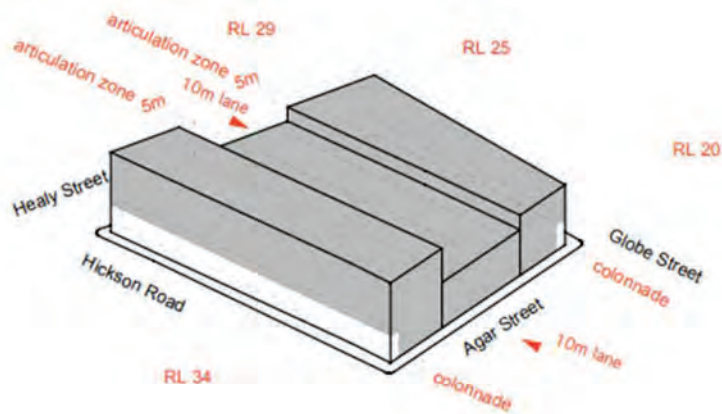
An important footnote is contained on this page, which I have highlighted here:

GFA - The maximum permitted GFA control prevails over the urban design envelope controls, which intentionally allow for the distribution of GFA within the urban design envelope to be resolved via more than one end building design. The max. permitted GFA does not allow for a building to fill the whole of the urban design envelope, and this is not permitted.

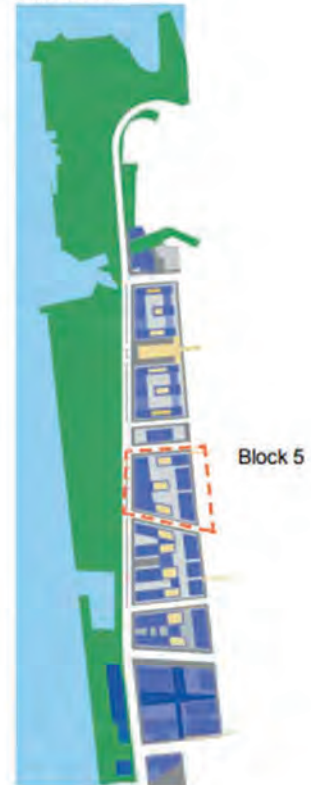
“The maximum GFA does not allow for a building to fill the whole of the urban design envelope (sic), and this is not permitted.”

This is EXACTLY what the proponent has done.

Note that the GFA for Block 5 was increased from 29,200 sqm to 41,225 sqm in Mod2 and reduced to its current approved level of 29,688 sqm in Mod 8. If one divides the GFA into the block area (8,690 sqm), one calculates a current maximum floor to space ratio (FSR) of 3.42. Using nominal standard industry practice of ground floor height of 7m and subsequent floors of 3.5 metres height, this suggests a maximum building height of 15.47m if applied across the entire building envelope.



key plan
scale 1:10000



BLOCK 5 DESIGN REQUIREMENTS

Provide colonnades for minimum 90% of the frontages of Globe St and Hickson Rd.

Provide awning/shelter to minimum 60% of Healy St and Agar St.

Build to the street alignment to minimum 90% of Hickson Rd and Globe St.


Locate vehicle access from Agar St and Healy St only.

Provide 10m wide lane within the Low Scale Valley, running between Agar St and Healy St.

Provide ground level Public Domain, including Lane, to a minimum 30% of the Low Scale Valley, of which 80% shall be open to the sky.

Two 5m wide articulation zones are included on the eastern and western edges of the Low Scale Valley, within which building elements may be built to the height of the adjacent buildings to which they are connected. The maximum footprint of such elements shall be 30% of the articulation zone.

Legend

 Main building zone - See Plan for conditions.

BLOCK 6

Site area for Block 6 is 1,855 sqm.

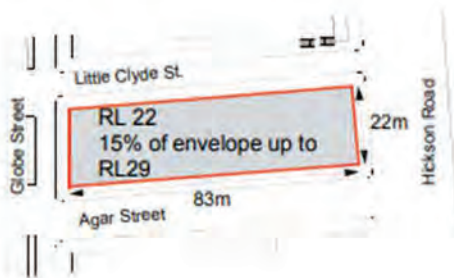
BLOCK 6 DESIGN PRINCIPLES

Max. permitted GFA 3,000m²
Urban design envelope footprint area 1,855m²




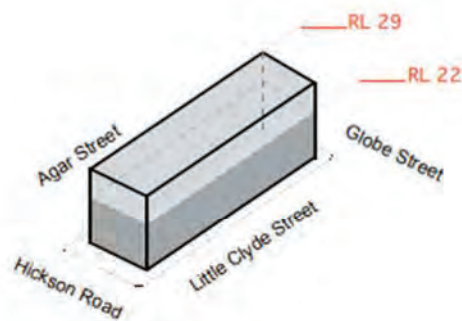
"Object" building or buildings, public/civic/community functions preferred, possibly with a mix of other uses.

BLOCK 6 DEVELOPMENT CONTROLS

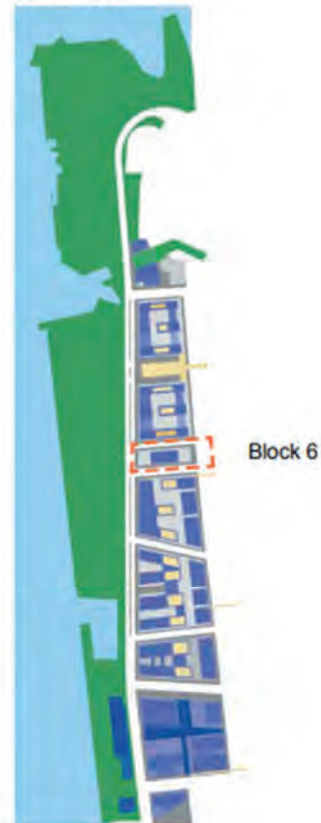


Legend

 Urban design envelope



key plan
scale 1:10000





BLOCK 6 DESIGN REQUIREMENTS

Provide minimum 40% of urban design envelope area as ground level public domain which is not fully enclosed.

Locate vehicle access from Agar St and Little Clyde St Only.

Legend

 Volume within which additional building height may be achieved. See plan for conditions.

 Main building zone - See Plan for conditions.

Using the same calculation methodology of GFA to block size, we derive an FSR of 1.62 and a maximum height filling the entire envelope of 9.16 metres.

Note Block 6 maximum GFA has remained unchanged at 3,000 sqm in all modifications.

BLOCK 7

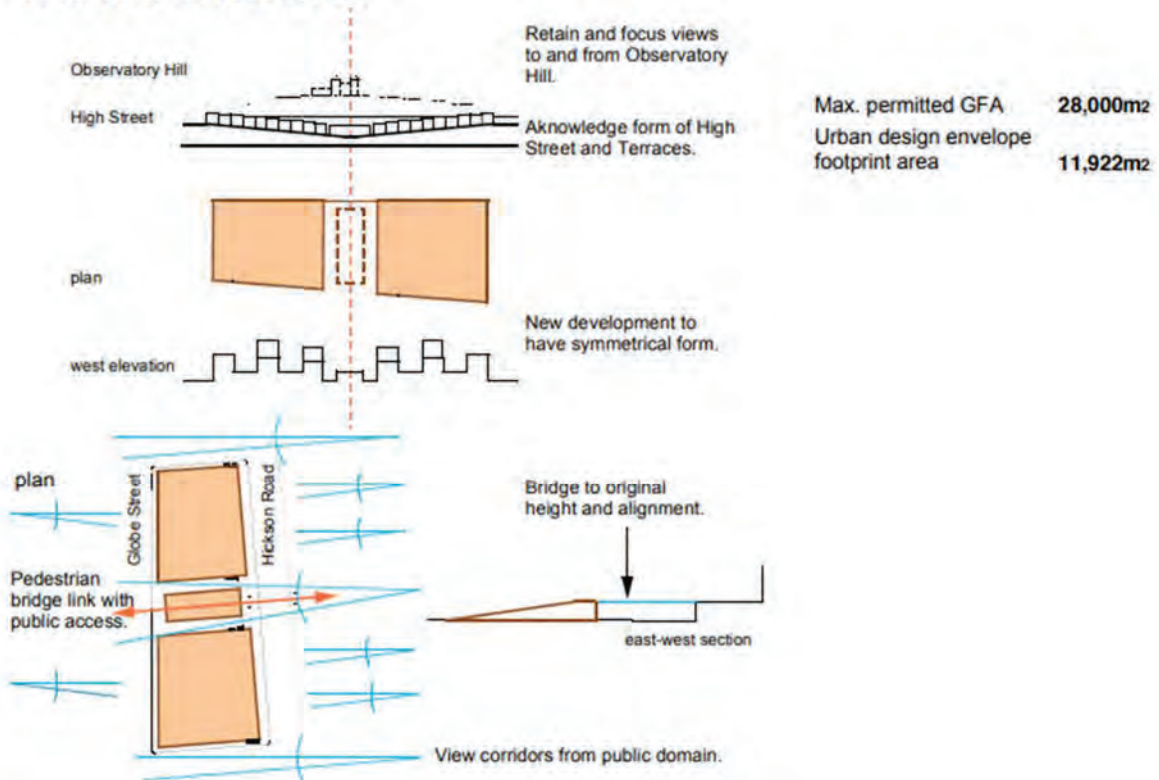
Block 7 original area was 11,922 sqm prior to Mod 3, which deleted block 8 and reduced block 7 to allow for the enlargement of the northern (now Nawi) cove. The latest published block area for block 7 is 5,960 sqm and the maximum GFA is 15,000 as it has been since Mod3. Originally, the maximum GFA for Block 7 was 28,000 sqm.

Table 3. Redistribution of maximum permitted GFA and land use on Block 7

Block Area (m ²)	Max GFA per block (m ²)	Max GFA (m ²)			
5,960	15,000	Business 0	Residential 14,000	Retail 250	Community 750

East Darling Harbour Concept Plan October 2006

BLOCK 7 DESIGN PRINCIPLES



Note the design principles spelled out in this diagram:

“Retain and focus views to and from Observatory Hill”

“Acknowledge form of High Street and Terraces”

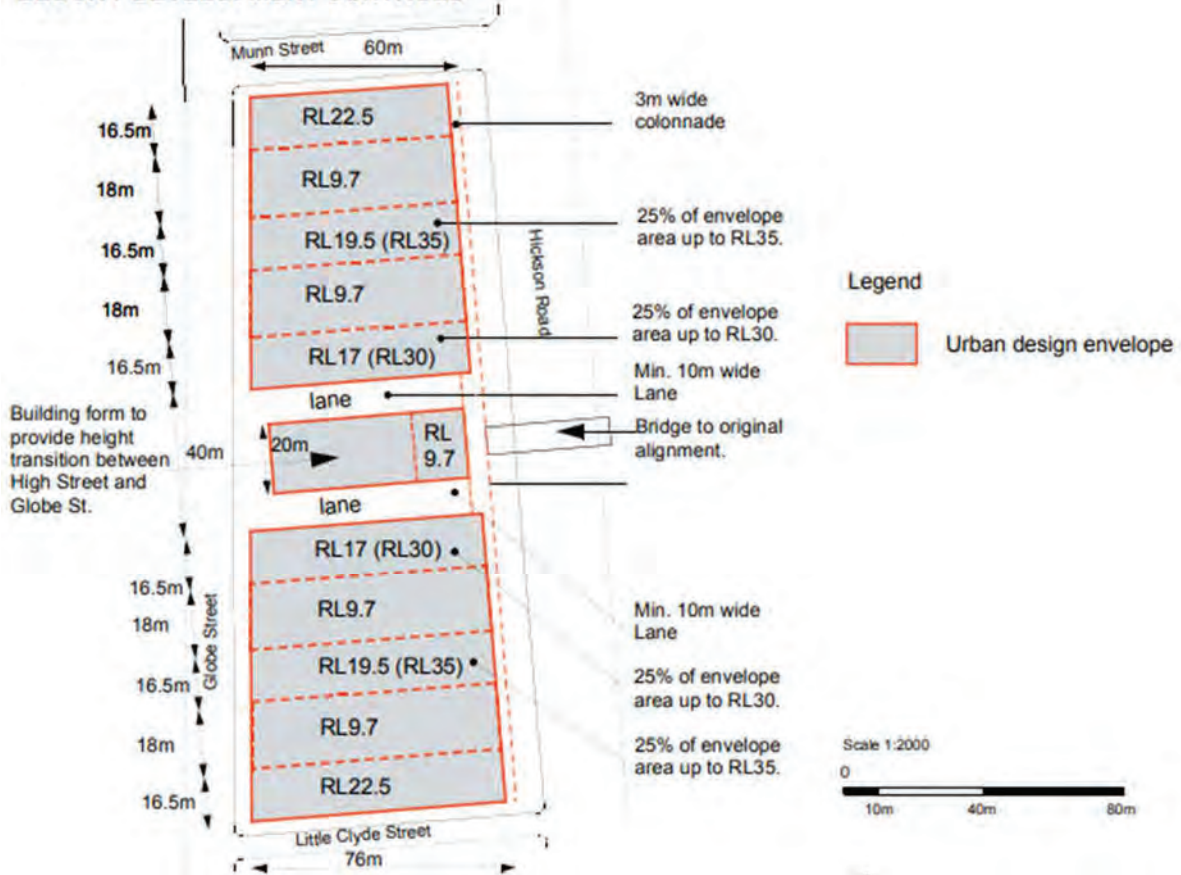
“New development to have symmetrical form”

“Bridge to original height and alignment”

“Pedestrian bridge link with public access”

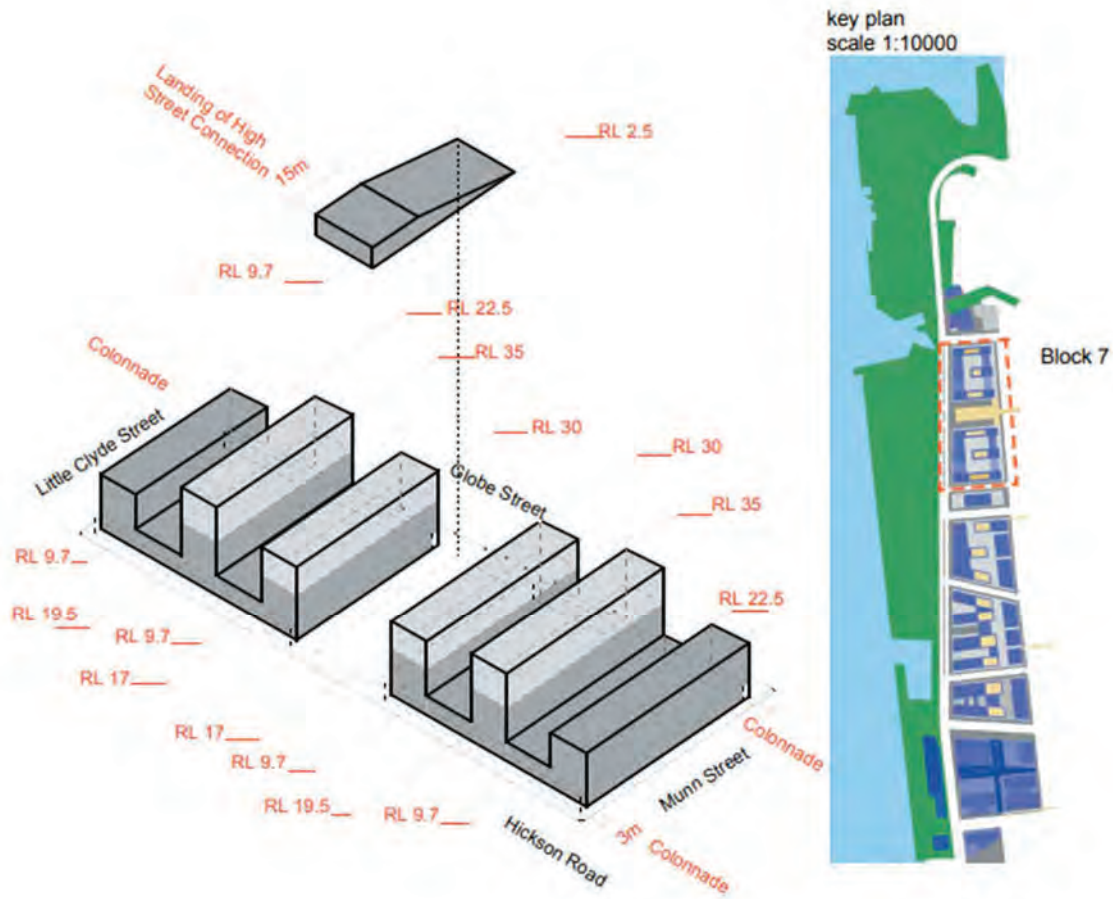
“View corridors from public domain”

BLOCK 7 DEVELOPMENT CONTROLS



Note the predominant height of the development controls on Block 7 is 9.7 metres. This is very similar to the height of the lowest point of High Street and this control is critical in allowing



1. Pedestrian access using a bridge across Hickson Road from High Street and,
2. Allowing the form of High Street and terraces to be appreciated from opposing foreshores.



BLOCK 7 DESIGN REQUIRMENTS

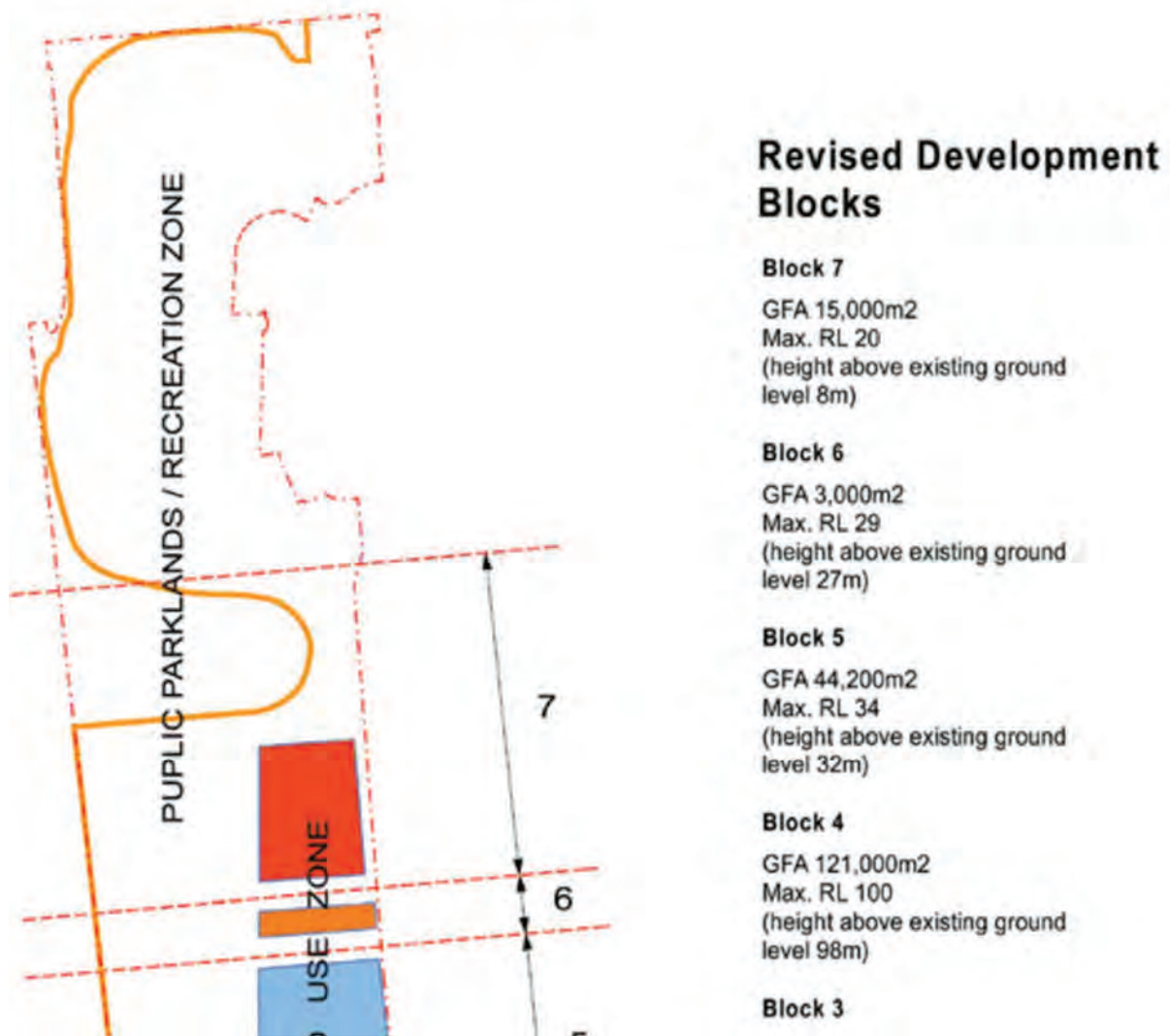
- Provide colonnades along the frontages of Globe St and Hickson Rd.
- Provide awning/shelter to 60% of Munn St and Little Clyde St.
- Provide vehicle access from Munn St and Little Clyde St only.

Legend

-  Volume within which additional building height may be achieved. See plan for conditions.
-  Main building zone - See Plan for conditions.

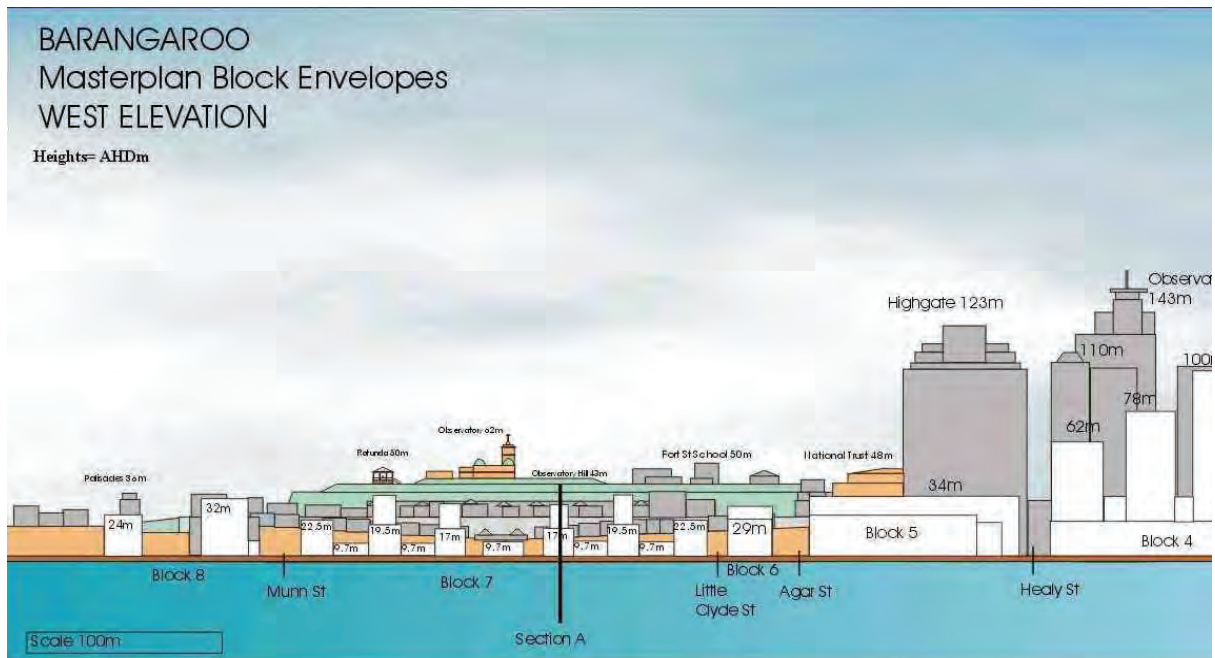
Modification 3 made several changes to Block 7. It proposed a reduction in the block area from 11,922 to 5,960 and a lowering of the maximum height to RL20.

Figure 12. Revised Development Blocks



Using the GFA to block area, we derive an FSR of 2.52 implying a maximum height across the entire envelope of 12.31 metres.

There is sufficient information for the proponent to prepare accurate assessment of the “approved building envelope” and this was done previously in public exhibition of the Approved Concept Plan shown here:



Issue 2.1 Implications of incorrectly determined “Approved Building Envelope”

If the “before” in the “before and after” analysis is not accurate, then the implications from that analysis cannot be used or relied upon.

Issue 2.1.1 The Visual Impact Statement

https://majorprojects.accelo.com/public/043cde7a94ccb20b9e57f5ecb442c6e2/Appendix%20F_View%20and%20Visual%20Impact%20Assessment.pdf

makes the assumption:

“The Approved Concept Plan incorporates the towers within Barangaroo South, and a long, relatively low development envelope within Central Barangaroo of between about 8-10 storeys in height”

As shown, this is evidently incorrect.

It compounds this error further:

“The Central Barangaroo development envelope extends across the southern face of the Millers Point Heritage Conservation Area, from midway along the length of the State Heritage Register listed terraces on High Street, to south beyond the Highgate residential tower on Kent Street. It projects above both the High Street terraces and the more elevated terraces behind on Kent Street. This effectively results in full view loss across Darling Harbour from these terraces (OL 08 shown in Figure A), and conversely, effective full view loss from locations on the western shores of Darling Harbour (OL’s 10,11,12,13,14, and 32 shown in Figure A) to the southern end of the Millers Point Heritage Conservation Area (including the terraces).”

The Visual Impact Assessment also makes the following assertion:

“Much of the view west from Millers Point across Darling Harbour, and east from Pyrmont and Balmain East looking back towards Millers Point, are lost already due to the building envelope of the Approved Concept Plan. MOD 9 often only marginally increases the extent of this view loss to attractive elements or elements of specific interest within the landscape.

Extensive harbour views are still available from sensitive viewing locations within Millers Point, including from Observatory Hill Park. A substantial and visually cohesive component of the Millers Point Heritage Conservation Area remains visible from the key observer locations along the western shore of Darling Harbour.

MOD 9 is generally seen to exhibit a High to Moderate level of visual absorption capacity due the compositional form, scale, line and massing of the three Central Barangaroo development blocks (Blocks 5, 6 and 7), relative to that of both the surrounding built form and their arrangement within the site."

As an illustration, analysis of the view from Observatory Hill is shown here from the Visual Impact Assessment:



This existing view is taken from the northern end of Observatory Hill Park and looks southwest to Pyrmont. There is no concept of a westerly view toward Balmain, which is a more traditional view.



This is the view from the same point that extrapolates the incorrect “approved development envelope”.

Compare this to image H4 from the Approved Concept Plan which uses the Development Block Controls:

<https://majorprojects.accelo.com/public/fdb83a72ca7caa42d63a87b241dc2c/Appendix%20A%20Heritage%20Impact%20Statement%20%20Part%202.pdf>

H4



H4



353469



And the images generated by the Millers Point Community Residents Action Group which used 3D modelling on geolocated digital images using the building envelope of the proposal.











While Barangaroo South has undergone significant change since this photomontage was prepared, the view from Balmain is also erroneous. The scope of the view is excessive and not comparable to the original view montage.



Figure 52 Image showing the development and the proposed bridge from Balmain, NSW, July 2018

H7



Other examples of erroneous use of “approved building envelope”

Agar Steps



Figure 45: Street showing the development components and building envelope (View 45) (March 2024, February 2018)



Figure 46: Street showing the development components and building envelope (View 46) (March 2024, February 2018)



H3

Image H3 above is an accurate representation of the building envelope that was approved in the original concept plan and shown in the Environmental Impact Statement. Using this as just one example of the lack of accuracy of the Visual Impact Assessment, if we narrow the views shown in

that document to match the approved concept plan image H3, we can better appreciate the degree of deception.

Firstly, the current view from Agar Steps.



Second, the erroneous illustration of the “approved building envelope”. Compare this to H3.



Finally, the proposed building envelope. Not only a catastrophic loss of view from public space, but a misleading representation of what is already approved.



Issue 2.1.2 Heritage Impact Statement

This erroneous analysis continues in the Heritage Impact Statement.

“Agar Steps Heritage Comment: Minor adverse (additional) overall Refer to Figure 6.70. There will be some additional adverse impact on the views from the steps through the additional heights proposed for Blocks 5 and 6. The additional height will result in some distant loss of view to the horizon.”

The Heritage Impact Statement (HIS) uses the following assessment criteria:

Table 8.1 Heritage Impact Rating/Extent Definitions.

Rating/Extent	Definition
A	Actions that will have a major, long-term and irreversible impact on the setting of a heritage item or conservation area. Actions in this category would include the addition of significant additional height to

GML Heritage

Rating/Extent	Definition
Major Adverse	proposed new structures (ie an increase from the approved Concept Plan building heights) that significantly impacts on the visual setting of the item, or its significant views and vistas. These actions cannot be fully mitigated.
MA Minor adverse	Actions that will have a minor adverse impact on the setting of a heritage item or conservation area. This may be the result of the action affecting only a small part of the place or a distant/small part of the setting of a heritage place. The action may also be temporary and/or reversible.
N Neutral	Actions that will have no heritage impact.
MP Minor positive	Actions that will bring a minor benefit to a heritage item or conservation area, such as an improvement in the item's visual setting.
P Major Positive	Actions that will bring a significant benefit to a heritage item, such as removal of substantial intrusive elements, or the reinstatement of an item's visual setting or curtilage (ie a decrease from approved Concept Plan building heights).

Because the authors of the HIS were under the impression that Mod 10 (which they frequently cite) approved a 8-10 storey building envelope along Hickson Road (which we have shown to be a falsehood), the analysis arrives at the farcical conclusion that the impact on Millers Point is Positive (minor).

The NSW Heritage Branch adopt a number of questions when considering development near a heritage item.

NSW Heritage Branch Model Questions

New development adjacent to a heritage item

Question: How is the impact of the new development on the heritage significance of the item or area to be minimised?

Question: Why is the new development required to be adjacent to a heritage item?

Question: How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

Question: How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

Question: Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

Question: Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

Question: Will the public, and users of the item, still be able to view and appreciate its significance?

There are literally hundreds of heritage items in the Millers Point area. Consideration of the above cannot be limited in the way the HIS has been prepared.

Please refer also to Issue 11 below, which considers the lack of consideration for the numerous SHR properties that are impacted by the proposal.

Issue 3. Use of Part 3A rather than “better quality assessment”

From the Environmental Assessment Report Page 7. *“It is noted that Director General’s Requirements (DGRs) for the Barangaroo Concept Plan MOD 9 were issued on 15 April 2014. As the request to modify was lodged prior to the 1 March 2018 cut-off date, MOD 9 remains a transitional Section 75W (S75W) project under the EP&A Act. This pathway provides the Minister with the power to “modify the approval (with or without conditions) or disapprove of the Modification” and remains in force by operation of clause 3BA of schedule 2 of the Environmental Planning and Assessment (Saving 2021 Transitional and Other Provisions) Regulation 2017 (STOP Regulation). This Environmental Assessment Report (EAR) and appended consultant reports have been prepared to address the requirements of the DGRs and the requirements of the transitional provisions under Part 3A of the EP&A Act.”*

From the Department of Planning Website

Part 3A Development

In 2011, the NSW Government repealed Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) and announced that it will **no longer accept any new projects** in the Part 3A assessment system.

This system has been replaced by the State significant development (SSD) and State significant infrastructure (SSI) assessment systems, which commenced on 1 October 2011.

Transitional arrangements

The transitional arrangements for former Part 3A projects **have now closed**, and all future modifications to these projects will be assessed under either the SSD or SSI assessment pathway.

People who made modification applications *before the transitional arrangements closed (1 March 2018)*, had until 1 September 2018 to lodge their environmental assessment documentation so the modification can still be determined under the Part 3A transitional provisions.

If environmental assessment documentation was not received by that date the application will generally not be dealt with under the Part 3A provisions for modifications (section 75W), and will instead be assessed under the SSD or SSI provisions for modifications.

For existing modification applications made under s75W prior to its repeal that have not yet been determined, these can still be modified.

Comment

The intent of the regulation is clear. No more Part 3A development. Further, there is some ambiguity on the status of Mod9, with a reference to it begin withdrawn (NSW Planning Assessment Commission 28 June 2016 Determination Report: Determination of Section 75W Modification Application for the Barangaroo Concept Plan, Hickson Road, Barangaroo (MP06_612 MOD 8) page 5):

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/determination/barangarooconceptplanmod8reportpdf.pdf>

(Screen shot shown here)

gaming facility. In November 2013 the Crown Group Companies entered into a Framework Agreement with the NSW Government relating to the development of the Hotel Resort.

- **Modification 5** was withdrawn.
- **Modification 6**, determined March 2014, approved changes to the boundaries of Blocks 3, 4A and 4B and the realignment of Globe Street.
- **Modification 7**, determined November 2015, approved the use of a concrete batching plant on the site, but in all other respects matches the Modification 6 Concept Plan.
- **Modification 8.**
 - In April 2015, the Barangaroo Design Advisory Panel (comprised of Ms Meredith Sussex AM, Ms Shelley Penn and NSW Government Architect Mr Peter Poulet) was established and commissioned by NSW Planning and Environment to undertake an independent impartial expert urban design assessment of MOD 8. The Barangaroo Design Advisory Panel was in broad support of the proposal but recommended changes to Block Y and the waterfront promenade and reconsideration of the connectivity between Hickson Park and Central Parklands.
 - In November 2015, the Barangaroo Delivery Authority published a response to the Barangaroo Design Advisory Panel's assessment of MOD 8. The Barangaroo Delivery Authority sought advice from a specialist group of highly qualified and eminent design practitioners. The Design Barangaroo Development Authority and their independent Design Advisors, supported 11 out of the 18 recommendations in the Design Advisory Panel report. The Proponent adopted several recommendations within MOD 8 based on the Barangaroo Design Advisory Panel's findings.
- **Modification 9**, regarding Barangaroo Central, was withdrawn.
- **The tender process for Barangaroo Central** is nearing completion. Barangaroo Central is the final stage to be developed across the whole Barangaroo district. Barangaroo Central will combine civic and cultural attractions with recreational, residential, retail and commercial uses as well as a harbour front public domain. The Barangaroo Sydney Metro Station is also planned to be located at Barangaroo Central.

Since the Modification 9 was withdrawn, it is unlikely that it should be considered as a transitional Part 3A.

Another document – date stamped March 2016 – states that Mod 9 had not been lodged with the Department

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/department-of-planning--environments-assessment-report/appendixsummaryofplanninghistoryconceptplanpdf.pdf>

(Screen shot shown here)

MP 06_0162 MOD 7

On 11 April 2014, the then Minister for Planning and Infrastructure approved a seventh modification to the Concept Plan to allow the construction, operation and maintenance of a concrete batching plant to supply concrete for the construction of future development under this Concept Plan at Barangaroo South.

MP 06_0162 MOD 9

On 15 April 2014, the then Executive Director, Development Assessment Systems & Approvals, as delegate of the Director-General, issued modified Director-General's environmental assessment requirements for the preparation of a section 75W application (MOD 9) which proposes to modify the Barangaroo Concept Plan approval (MP 06_0162) as it relates to Barangaroo Central and the Headland Park. Specifically, MOD 9 includes increases in GFA, the redistribution of GFA and land uses across the development blocks, modification to the development blocks and building envelopes, and a redistribution of public domain areas.

MOD 9 has not yet been lodged with the Department.

Mod 9 certainly never went on public exhibition.

Is the project “substantially the same”?

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”.

The development, as proposed to be modified, is NOT substantially the same development as that originally approved in that:

- The proposed modifications seek to alter the approved built form and function; The building envelope is significantly greater than the Approved Concept Plan;
- The proposed modifications alters the approved land uses and GFA; The proponent seeks to develop land zones RE1 at both the northern and southern end of the site and massively increase to GFA from 48,000 to 144,000 sqm;
- The proposed modifications change the ultimate area of public open space provided; calculations are not provided in the proposal, however the space has been changed, roadway is counted as public open space, as is the cove; and
- The anticipated environmental impacts are NOT consistent with those of the approved development.

The development, as proposed to be modified is therefore both essentially and materially of a different essence as that of the approved development and is therefore considered to be substantially different to the approved development. The modification of the Development Consent can therefore NOT be lawfully made under section 4.55 of the EP&A act.

From Clayton Utz website: <https://www.claytonutz.com/knowledge/2018/march/the-updates-to-the-nsw-planning-system-are-here>

Concept plan approvals will still be able to be modified under section 75W so long as the project to which the concept relates remains "substantially the same" as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

The application of the "substantially the same" development test is a significant change for major project operators who have been relying on the broad section 75W modification process as an important part of their project development.

From Addison's website: <https://addisons.com/knowledge/insights/the-final-nail-in-the-transitional-part-3a-coffin/>

"Minister for Planning Rob Stokes has followed through on his promise to end transitional arrangements for projects approved under the former Part 3A, including modifications. On 9 January 2017, the Department of Planning and Environment released for public comment the draft Environmental Planning and Assessment Amendment Bill 2017 (Draft Bill) to introduce a suite of amendments including the repeal of the Part 3A transitional arrangements once and for all."

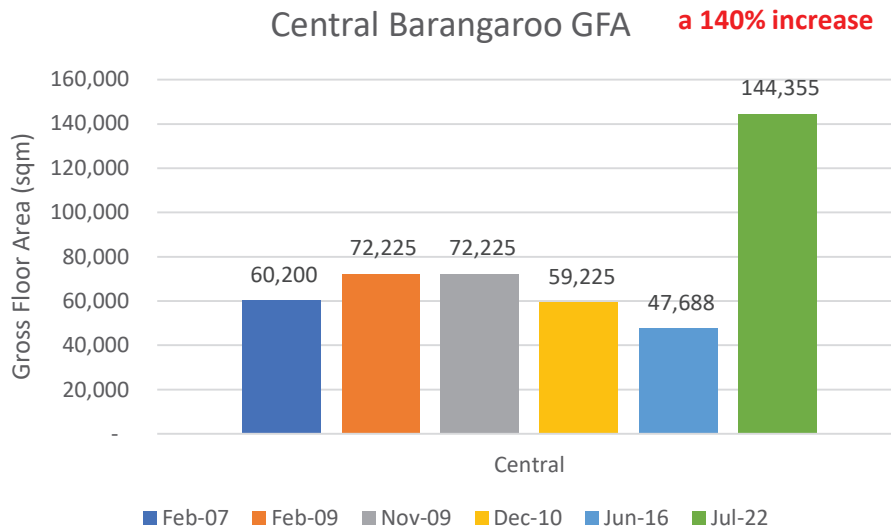
From Lindsay Taylor Lawyers website: https://www.lindsaytaylorlawyers.com.au/in_focus/substantially-the-same-identifying-the-fundamental-elements-of-development/

'Substantially the same' – identifying the fundamental elements of development

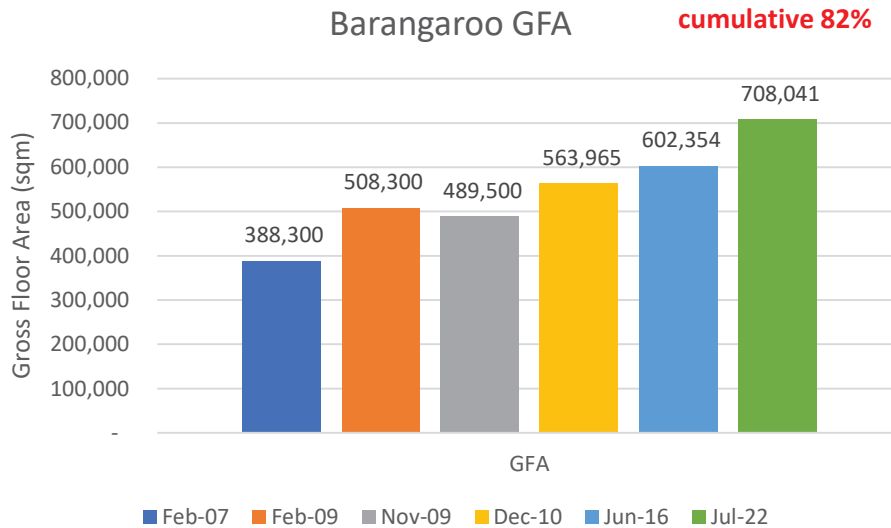
Other than to correct a minor error, misdescription or miscalculation, a development consent can only be modified under sections 4.55 and 4.56 of the Environmental Planning and Assessment Act 1979 (EPA Act) if the consent authority or the Court is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

While this issue has been given detailed consideration by the Courts, a recent Land and Environment Court of New South Wales (Court) decision provides useful guidance for both applicants and consent authorities in applying this statutory test. Adopting the Court's analysis, where a development contains more than one element, identification of the fundamental elements of an original development proposal is required. A determination must then be made as to whether the modification seeks to alter those fundamental elements to such a material degree that the modified development as proposed is no longer substantially the same development.

Just on the scale of the proposal alone, Modification 9 seeks a substantial (140%) increase in GFA from the Original Concept Plan (2006) and a 203% increase from the current approved GFA for Central, which *prima-facie* makes this a substantially different development with substantially different environmental outcomes. Both 140% and 203% would be considered "a material degree".



At the whole of Barangaroo level, GFA is proposed to be 82% higher than the 2006 Concept Plan.



Issue 3.1 Better quality assessment.

The proponent is not private developer Aqualand, but rather State Government entity, the Department of Infrastructure.

Why is Aqualand not the applicant for Modification 9?

Has Aqualand made a reportable political donation (requiring the matter to be referred to the Independent Planning Commission)?

Is it because a State Significant Development application by a private developer will be referred to the Independent Planning Commission whereas an application by a public authority is not?

The applicant for Modifications 4, 6, 7 and 8 was a private developer, Lend Lease.

Stage	Proponent
Original Concept Plan	Sydney Harbour Foreshore Authority

Mod 1	Sydney Harbour Foreshore Authority
Mod 2	Sydney Harbour Foreshore Authority
Mod 3	Sydney Harbour Foreshore Authority
Mod 4	Lend Lease (Millers Point) Pty Limited
Mod 5	Withdrawn
Mod 6	Lend Lease (Millers Point) Pty Limited
Mod 7	Lend Lease (Millers Point) Pty Limited
Mod 8	Lend Lease (Millers Point) Pty Limited
Mod 9	Barangaroo Development Authority/Infrastructure NSW
Mod 10	Infrastructure NSW
Mod 11	Infrastructure NSW

The Central Barangaroo Development Agreement

<https://www.infrastructure.nsw.gov.au/media/3360/central-barangaroo-development-agreement-annexures-n-to-r.pdf>

Page 59 clearly shows that the developer is Grocon (screenshot provided)

Parties

Barangaroo Delivery Authority ABN 94 567 807 277 of 21/201 Kent Street, Sydney NSW 2000 being a NSW government agency constituted under the Barangaroo Delivery Authority Act 2009 (NSW) (**Authority**)

Grocon (CB) Developments Pty Limited ACN 614 118 642 of 3 Albert Coates Lane Melbourne VIC 3000 (**Developer**)

Aqualand B Development Holding Pty Limited ACN 612 713 916 of Level 29, 225 George Street Sydney NSW 2000 (**Aqualand**)

Grocon (CB) Management Pty Ltd ACN 615 035 937 as trustee of the Central Barangaroo Office Sub-Trust 1 of 3 Albert Coates Lane Melbourne VIC 3000 (**Block 6 Office Investor**)

Grocon (CB) Management Pty Ltd ACN 615 035 937 as trustee of the Central Barangaroo Office Sub-Trust 2 as trustee of the Central Barangaroo Office Sub-Trust 2 of 3 Albert Coates Lane Melbourne VIC 3000 (**Block 5 Office Investor**)

WSF Fund Pty Limited as trustee of the **Scentre Barangaroo Trust** ACN 120 154 663 of Level 30, 85 Castlereagh Street, Sydney NSW 2000 (**Retail Investor**)

Scentre Design and Construction Pty Limited ACN 000 267 265 of Level 30, 85 Castlereagh Street, Sydney NSW 2000 (**Retail Step-in Party**)

[Name of Independent Certifier] ACN [number] (**Independent Certifier**)

And clearly states that the project is the Developer's Project.

Background

- A. The Authority and the Developer have entered into the CENDA under which the Developer will carry out or procure the carrying out of the Developer's Project which is situated within Central Barangaroo.
- B. The Developer has entered into the Implementation Agreements with the Investors in relation to the design, construction, completion, financing and acquisition of the completed Works.
- C. The Developer has engaged, or will engage, the Builder to carry out part of the Works on the terms of the Building Contracts.
- D. The Principal Parties and the Investors have financial and other interests in determining when Works for a Stage reach Stage Practical Completion as that event will cause the relevant parties to commence the relevant Lease.
- E. By this deed, the Developer appoints the Independent Certifier to perform its functions in accordance with the requirements of the CENDA and the [REDACTED]
- F. The Independent Certifier accepts its appointment and agrees to perform its functions on the terms of this deed.

Aqualand purchased the development rights from Grocon, so it now is the developer and Barangaroo Central is now its project.

Because the government has less protections and rights at law if the developer is private, by implication, the public has less protections and rights at law if the developer is the government.

Issue 3.2 Just because you can, doesn't mean you should.

Regardless of the technicalities of whether Part 3A status applies to Mod9 – which is likely does not - the people of NSW expect their government to apply the best quality assessment of State Significant Development. Only 12 months ago, the government issued improvements to the State Significant development process announced as part of PS 21-005.

The assessment of Mod9 should include the improved guidelines regarding engagement, cumulative impact and social impact. Just because there is a tenuous pathway to have the Modification assessed under an older (and by definition lower quality) assessment framework, given that the NSW State Government is both the proponent and the consent authority, prudence would dictate the choice of the "better quality assessment".

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/Planning-Circular-PS21-005.pdf?la=en>

Better quality assessment: SSD & SSI Guidelines

As of 1 October 2021, new State Significant Development Guidelines and State Significant Infrastructure Guidelines will also come into effect. The EP&A Regulation will require SSD applicants and SSI proponents to have regard to these guidelines when requesting SEARs, preparing EISs, responding to submissions, amending applications, and seeking to modify SSD consents and SSI approvals. The guidelines will provide clear guidance on assessment processes through a series of sub-guide appendices covering the following matters:

- Preparing a Scoping Report
- Preparing an Environmental Impact Statement
- Preparing a Submissions Report

- Preparing an Amendment Report
- Preparing a Preferred Infrastructure Report (SSI only)
- Preparing a Modification Report.

The guidelines set out advice, requirements and standards for the form, structure, content and technical aspects of State significant project documents.

The guidelines are intended to improve the quality of environmental assessment documents and improve the efficiency of State significant project assessment.

Of particular note, the guidelines will ensure that EISs are succinct, easy to understand, technically robust, reflect community views and provide a comprehensive evaluation of the project.

While the guidelines will take effect on 1 October 2021, a six-month transitional period (up to 31 March 2022) will allow EISs to be submitted to the Department that were prepared in line with previous requirements.

Where SEARs have been issued on or after 1 October 2021 the preparation of an EIS and other assessment documents will benefit from advice and guidance provided by these new guidelines. www.planning.nsw.gov.au/Policy-andLegislation/Planning-reforms/Rapid-AssessmentFramework/Improving-assessment-guidance

Better community engagement and assessment of social and cumulative impacts

Additional guidelines have also been prepared to support better assessment and better engagement on State significant projects:

- Undertaking Engagement Guidelines
- Cumulative Impact Assessment Guidelines
- Social Impact Assessment Guideline.

These guidelines will be applied to the assessment of State significant projects from 1 October 2021.

The Undertaking Engagement Guidelines require upfront and ongoing engagement on State significant projects to provide a better understanding of potential issues and to be able to consider responses to issues as a part of the project development and delivery. The guidelines encourage engagement to be undertaken at appropriate times throughout the life cycle of a project, including scoping, planning, assessment and delivery of State significant projects, rather than relying solely on statutory consultation requirements.

Issue 4. Lack of Community Engagement

Comment: Community engagement has been negligible since the SOM Master Planning process in 2012-13, where the BDA held a number of public forums to discuss the tender process and the master planning process and to seek input from the community.

The Cumulative Impact Assessment Guidelines aim to strengthen project-level cumulative impact assessment (CIA) for State significant projects. The guidelines provide advice on scoping cumulative impacts and methodologies for identifying and taking into account the combined impacts (including environmental, social and economic impacts) of past, present and reasonably foreseeable future projects. Better information on cumulative impacts will encourage improved

project design to reduce impacts, support informed and appropriate decision-making, and achieve better on-ground planning outcomes.

The developer had one meeting with the Millers Point Community Residents Action Group on Tuesday 8 June 2021 to provide an overview of the concept for Central Barangaroo and seek initial feedback. Very little information was provided at this meeting.

Issue 5. Cumulative Impact

Comment: The Planning Assessment Commission (now Independent Planning Commission) recognises the issue of cumulative impact in its deliberations regarding Mod 8 and its insistence that views from Millers Point be retained:

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2016/03/mod-8-barangaroo-concept-plan/determination/barangarooconceptplanmod8reportpdf.pdf>

“The Commission sympathises with residents of the nearby residential blocks and understands that each change in the Barangaroo Concept Plan has a potential impact on their views that they have little or no control over, having bought their homes in good faith. The Commission considers that the Barangaroo development has now reach a point where further impacts on views beyond MOD8 need to be minimised. The Commission adopts the following condition to ensure that future development of Block 5 does not impact on key view lines from the Millers Point and Observatory Hill region:

C1 Future Building/s on Block 5

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

- (a) Demonstrate that views will be retained:
 - (i) From Millers Point and Observatory Hill to the western part of Sydney Harbour; and,
 - (ii) From Block Y to the Sydney Harbour Bridge and the Opera House.....”

Issue 6. Retain/Retained/Retention of views as per Independent Planning Commission

We note the proponent seeks to modify this condition (C1 Future Buildings on Block 5), on the basis that

“The word “retain” is unreasonably open to interpretation and should be limited to require consideration of views in accordance with the MOD 9 documentation”

We also note that the ruling in *Crown Sydney Property v Barangaroo Delivery Authority; Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931 (aka the Sight Lines Case)

<https://www.caselaw.nsw.gov.au/decision/5c1194bbe4b0851fd68d04c8>

uses the term retain in the development agreements between the parties.

7. The development agreements made between Crown and the Authority (the Crown Development Agreement, or “CDA” [1]) and Lendlease and the Authority (the Project Development Agreement, or “PDA”) contain provisions intended to protect those views. The parties called those provisions, cl 5.5 of the CDA and cl 2.5 of the PDA, the “Sight Lines Clauses”, and I shall do likewise. In effect, the Sight Lines Clauses:
1. recognise that optimisation of the development of Central Barangaroo is of critical importance to the Authority;
 2. recognise that retention of the sight lines is of critical importance to Crown and Lendlease respectively; and
 3. provide that if any application is made for development on Central Barangaroo different to that provided for in the Concept Plan, the Authority must discuss and negotiate in good faith with Crown and Lendlease to seek to agree changes that would **retain** the sight lines while at the same time optimising development opportunities.

And further

92. As to the subject-matter of the negotiations, the plaintiffs submitted that there was a stated purpose: retaining sight lines whilst at the same time optimising development opportunities. **They noted that the verb “retain” has an absolute character. It does not encompass “retaining in part” or “retaining some of”; nor did the parties word their bargain so as to admit of partial retainer.** On the other hand, the plaintiffs submitted, the concept of optimisation, in relation to development opportunities, was one of necessarily indeterminate content and susceptible to fact-dependant operation.
93. **The plaintiffs submitted that there was only one way that they could “retain” the sight lines: namely, by continuing to enjoy the full and unrestricted benefit of those sight lines.** On the other hand, they submitted, there were many factors to be taken into account and balanced in the optimisation of development opportunities. Those factors included, but were by no means limited to, the financial returns to be garnered.
137. By contrast to the first of the two subjects that are to be, if possible, reconciled, namely retaining sight lines, the second does not have any fixed or absolute quality. The concept of optimisation of development opportunities carries with it the idea that the various attributes that might be seen to improve, or make better, the proposed development are to be considered and balanced. **Thus, as the plaintiffs submitted, while there is only one way to retain sight lines,** there are many ways in which development opportunities could be optimised.

The term retain is not open to interpretation.

Issue 7. Retain/Retained/Retention Statement of Commitments

The word “retain” is generally associated with views. In the Statement of Commitments, it appears as follows:

56. Future development. Views from public spaces on opposite foreshores to Observatory Hill Park will be **retained**. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be **retained**.
57. Future development within the Barangaroo site is to **retain** views to Observatory Hill Park from public spaces on opposite foreshores; and to **retain** a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as these documents apply to Barangaroo South.
58. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be **retained** are:
- views to significant tracts of the water,
 - the junction of Darling Harbour and the Harbour proper,
 - the opposite foreshores,
 - panoramic qualities of existing views and,
 - the most distinctive views to landmark structures,
59. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.
60. Future development within the Barangaroo site is to **retain** the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.
64. A Heritage Impact Statement (HIS) will accompany any application for works to Munn Street or in the vicinity of the Munn Street terraces. That HIS will include an assessment of how the development proposed satisfies the following Principles:
- The design of the building proposed adjacent to the west of the Terraces will be sympathetic in bulk and scale and retain a reasonable level of amenity for the occupants of the Terraces.
 - Works to Munn Street will retain and conserve the front verandas, other building elements of significance along the southern frontage and the remnant cross walls and floors from the demolished terraces attached to the western elevation.
 - Works to Munn Street will retain and conserve significant landscape elements associated with the former street and the Terraces, such as the sandstone retaining walls and fences.

These are proposed to be altered as follows:

57. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained, **subject to Commitment 58**.

58. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as these documents apply to Barangaroo South, **and as subsequently amended by the View and Visual Impact Assessment prepared by AECOM (December 2021) as this document applies to Central Barangaroo.**
59. Future development within the Barangaroo site is to provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point. The key attributes to be retained are:
- views to significant tracts of the water,
 - the junction of Darling Harbour and the Harbour proper,
 - the opposite foreshores,
 - panoramic qualities of existing views and,
 - the most distinctive views to landmark structures,
60. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, **and as subsequently amended by the documents listed in Commitment 58.**
61. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores, **subject to Commitment 58.** The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.
64. (unchanged)

Note that the terms “panorama” and “panoramic qualities” are used. A common definition of “panorama” is “an **unbroken view** of the whole region surrounding an observer.”

Back to the “**better quality assessment framework**”

The Social Impact Assessment (SIA) Guideline standardises the approach to considering and managing social impacts for State significant projects and provides greater clarity and certainty for proponents and the community. The Guideline builds on the policy foundations set by the Department’s 2017 Social Impact Assessment Guideline for State significant mining, petroleum production and extractive industry development. The SIA Guideline provides a framework for social impact assessment that can be adapted to different types and scales of State significant projects to ensure that the level of assessment is proportionate to potential impacts.

Issue 8. Consideration of the Social Impact

The Social Impact needs to be considered in terms of the public good that is lost by the proposed development offset by the provision of private good and development fees paid to the NSW Government.

The Social Impact Assessment pays limited attention to these issues:

“Our analysis identified limited potential for change in the likelihood and level of identified negative social impacts as a result of MOD 9. Social dis-benefits identified in the analysis mainly relate to housing and environmental indicators, which are covered more comprehensively in other reports and therefore not explored in detail in this report.”

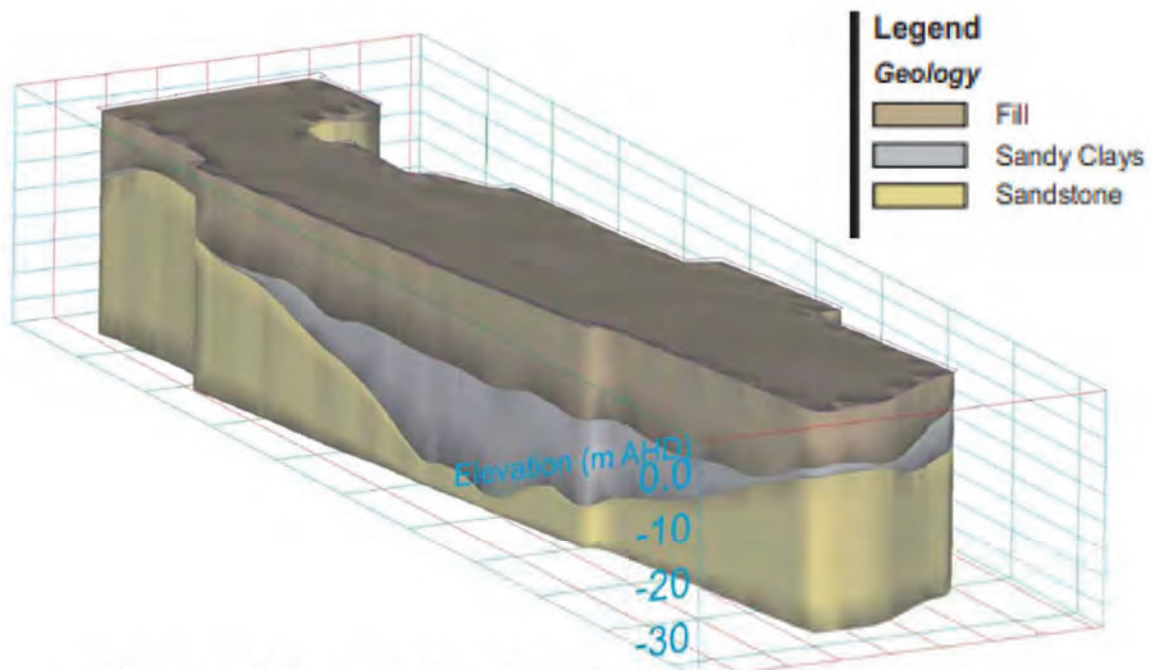
This highlights the lack of understanding of the views and opinions of residents in adjacent areas due to the lack of community consultation.

Issue 9. Urban Design Context – Sydney Harbour

The DGRs require the applicant under Urban Design, Development Controls and Land Uses:

Consider land use, height, block and building footprints, density, setbacks, **topography, streetscape**, shadowing, view corridors, ground floor permeability and connectivity, façade design, streets and lanes, **public and private open space**, and road hierarchy.

Central Barangaroo was originally Sydney Harbour.



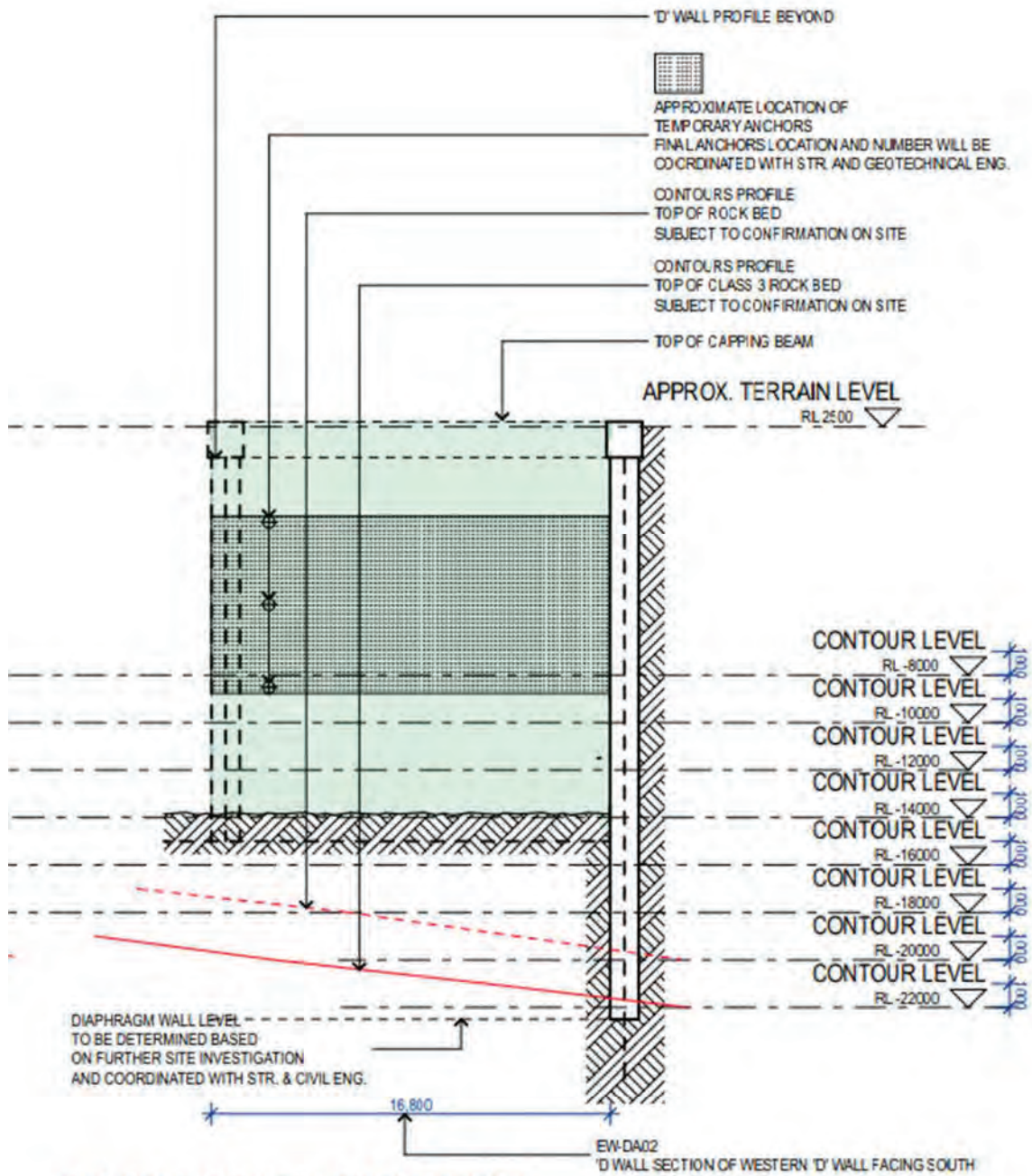
The Sandstone bedrock is 20-30 metres below ground level at Central Barangaroo



The original shoreline aligns with Hickson Road.

The Architectural Drawings accompanying the Early Stage Works shows an assumed “Class 3 rock bed” that is some 24.5 metres below the approximate terrain level.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=PDA-46227958%2120220712T013841.046%20GMT>

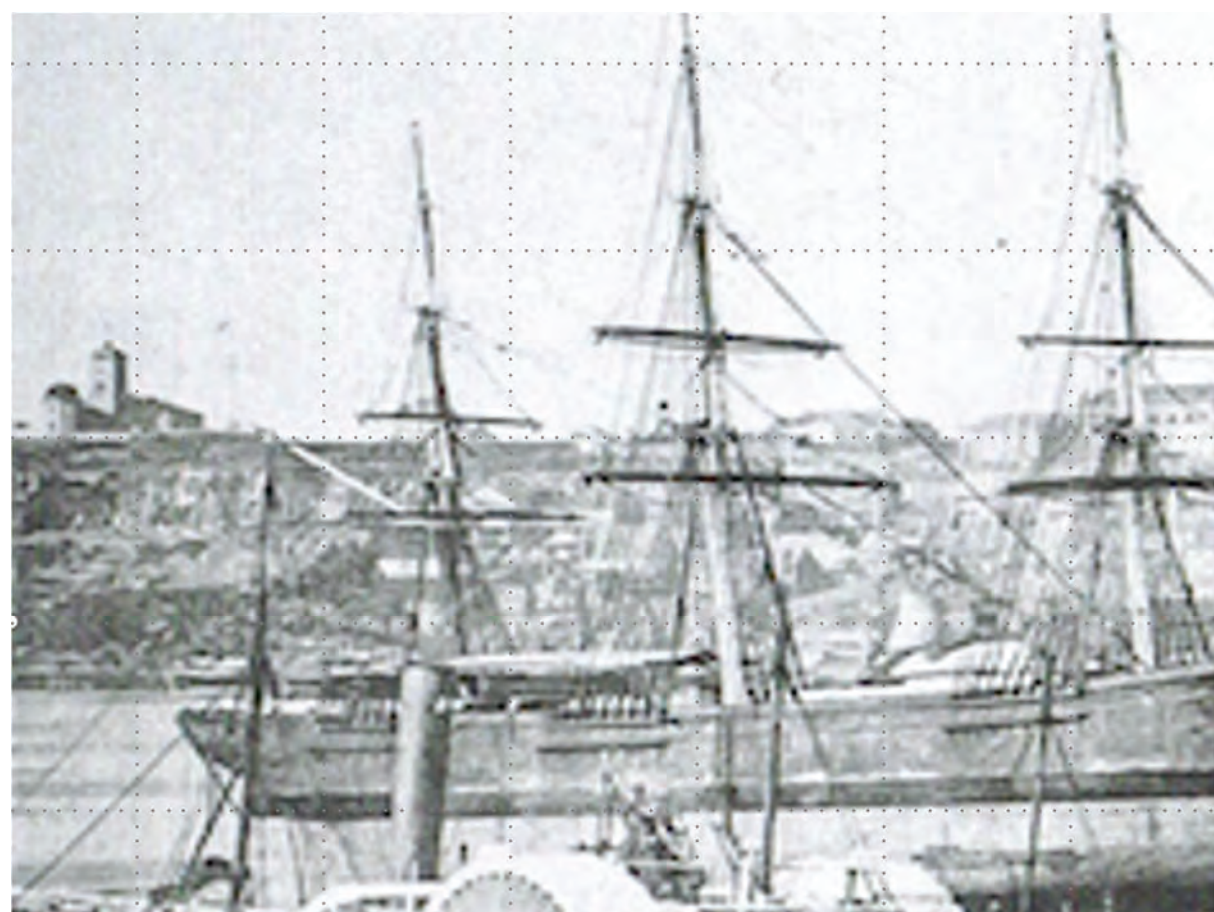


**'D' WALL SOUTH ELEVATION
ZONE 'C'**

**NOTE:
SECTIONS THROUGH CONTOURS LEVELS
INDICATIVE ONLY**

The original topography and streetscape is evident from the following images.



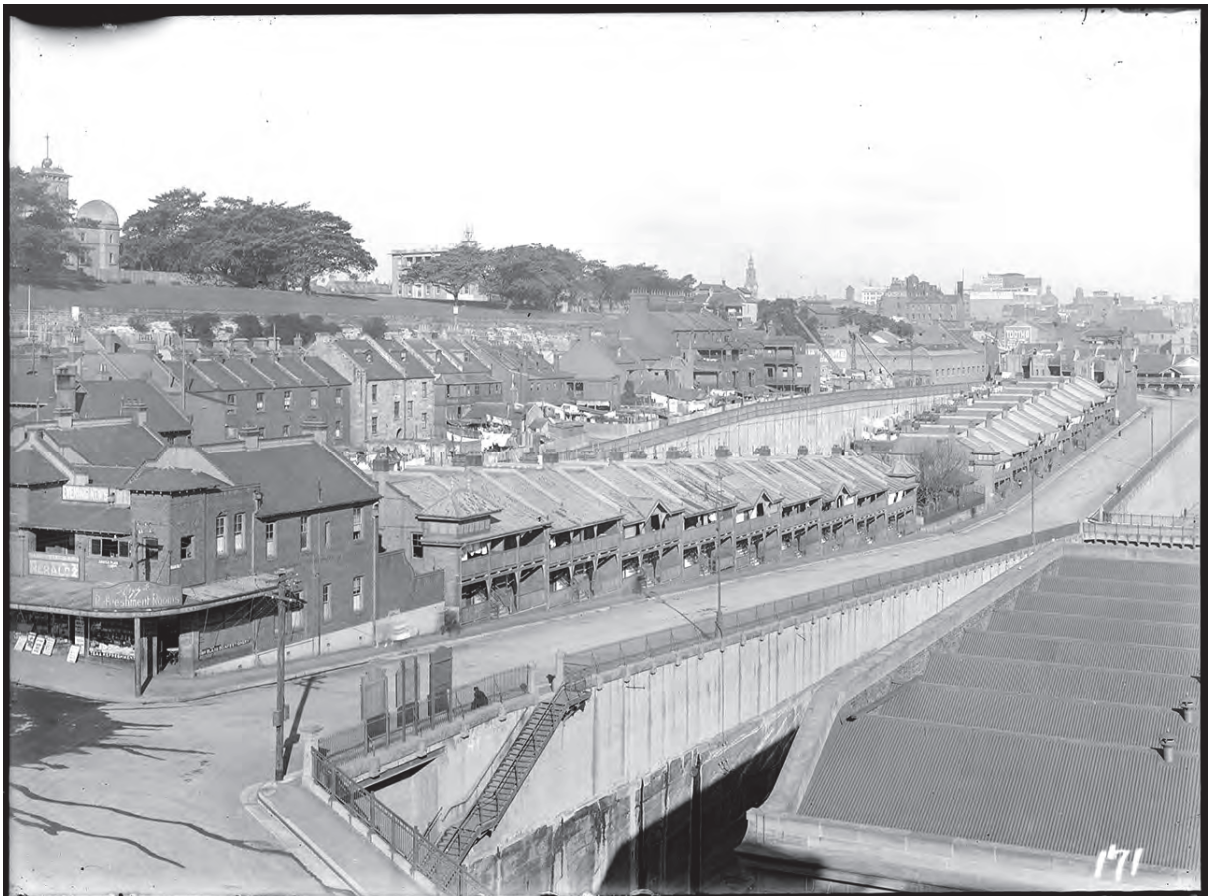




*Cuthbert's Ship Building Yard,
Sydney New South Wales.
Photographed by Freeman Suters.*



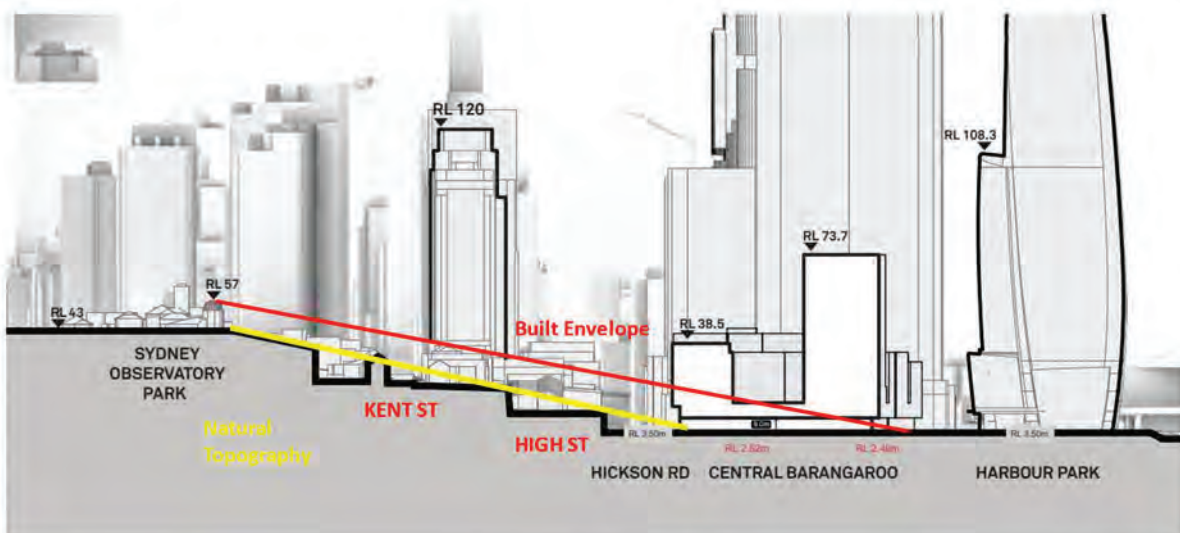




Original topography/streetscape



There is a natural topography, augmented by quarrying in the 1800's which sees Millers Point "step down" from RL43 at the top of Observatory Hill down to the shoreline. There is a heritage listed building topography which runs from the top of observatory Hill to the tops of the terraces on Kent Street at around RL35-37 and again to the tops of the workers flats in High Street down to the shoreline. These lines are illustrated here:



As a State Heritage Listed Area, Millers Point has adopted a number of heritage controls to limit building height to remain consistent to the natural topography and also the built envelope shown above.

SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 - REG 6.47

Millers Point heritage conservation area

6.47 Millers Point heritage conservation area

(1) The objectives of this clause are--

(a) to conserve the heritage items and built form of the Millers Point heritage conservation area, and
(b) to ensure that conservation management plans endorsed by the Heritage Council are considered in the assessment of development that impacts a heritage item in the Millers Point heritage conservation area.

(2) This clause applies to land identified as "Area 10" on the Height of Buildings Map .

(3) Development consent must not be granted to development that affects a heritage item unless the consent authority considers the following--

(a) the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of the heritage item,

(b) a heritage conservation management plan for the item endorsed by the Heritage Council under section 38A of the Heritage Act 1977 ,

(c) if there is no plan endorsed by the Heritage Council, a heritage conservation management plan for the item prepared to the satisfaction of the consent authority.

(4) Development consent must not be granted to development affecting a building that is not a heritage item unless--

(a) the consent authority considers the impact of the development on the built form and heritage significance of the heritage conservation area, and on the built form, fabric and heritage significance of any heritage item in the vicinity of the building, and

(b) the development will not result in either or both of the following--

(i) the height of the building exceeding 9 metres,

(ii) the floor space ratio for the building exceeding 2:1.

(5) Despite any other provision of this Plan, the maximum height of a building on land to which this clause applies is the height of the building on the land as at the commencement of this clause.

In much of the earlier public discussion and documentation regarding Central Barangaroo, it is clear that the vision was for low rise (four storeys or less) along Hickson Road. This point has been discussed earlier in this submission, but is elaborated here:

NSW Auditor-General's Report

Government Expenditure and Transport Planning in relation to implementing Barangaroo

June 2011

https://media.opengov.nsw.gov.au/.../Report_No_214...

“Barangaroo Central sits between the Headland Park and Barangaroo South. The public domain at Barangaroo Central fronts the harbour and the northern cove and includes community and recreational facilities and walkways. In accordance with the Concept Plan, Barangaroo Central is likely to include low rise residential, educational and cultural buildings backing onto the city. Significant commercial office or retail development is not anticipated.”

Request for Proposal, Master Planning Team, Part A, The Opportunity

August 2012

Barangaroo Delivery Authority

Sydney Australia

https://www.tenderstream.com/.../1346410236_7792A...

Barangaroo Central

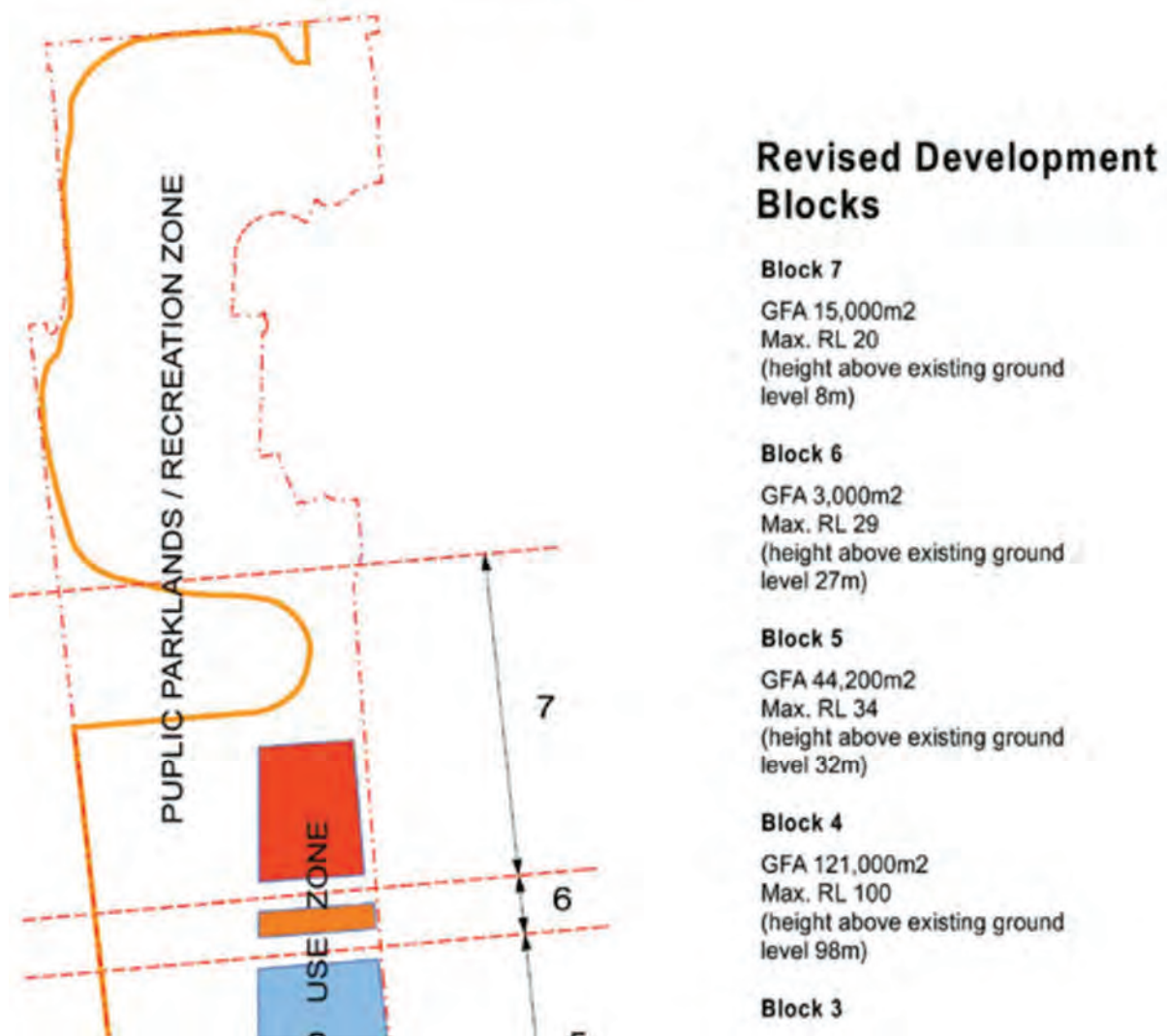
Barangaroo Central will be a stimulating place combining civic, educational and recreation uses with spaces for living, work and leisure. It will be an area for the broadest community, combining the living city with open-air spaces for festivals, entertainment, arts, culture, recreational and educational activities. It will offer visitors an opportunity to get close to the water of Sydney Harbour and create a destination that people will want to soak up night and day.

What happens at Barangaroo Central will shape how people experience Barangaroo into the future. It must encapsulate the dynamic characters of innovation, diversity, sustainability, and commerce that drive both Sydney and Australia.

Central is the transitional experience along the waterfront walk that links the southern urban commercial environment to the passive, relaxing natural form of the Headland Park. Moreover, its own pedestrian links will connect its **low-rise** residential, commercial and civic buildings back to the CBD.

The Barangaroo Part 3A Modification Report, submitted in January 2009 by the Sydney Harbour Foreshore Authority (the precursor to the Barangaroo Delivery Authority, now part of Infrastructure NSW) enlarged the Northern Cove (Nawi Cove) and made changes to Block 7 at Central Barangaroo, reducing the maximum gross floor area from 28,000 m² to 15,000m². One of the other changes proposed was to reduce the height of Block 7 at Central Barangaroo to a maximum of 20 metres.

Figure 12. Revised Development Blocks



Barangaroo Concept Plan Urban Design Advice Barangaroo Headland Park Design Strategy Review: Conybeare Morrison

<https://majorprojects.accelo.com/public/034089de6fdd631cbdd56077f415fb58/Appendix%207%20Barangaroo%20Headland%20Design%20Strategy%20Review.pdf>

3.4 Relationship of the Headland to the City

- **Identity of Block 7**- With the enlargement of the Northern Cove toward the east, Block 7 will become a significant site as it will be seen as a 'front door' to the site from the water. It will also become a waterfront site and appropriate massing will need to be developed.
- **Massing Configuration of Block 7** – With height restrictions of 4 storeys imposed on Block 7 and its new identity as a 'front door' to the site, it is important that the street walls of Block 7 are virtually continuous around the site. Some articulation allowing views into interior areas of the block, capitalising on the site's unique position, and providing a further definition of building mass need to be provided in the design.

Identity of Block 7

- With the enlargement of the Northern Cove toward the east, Block 7 will become a significant parkland space as it will be seen as a ‘front door’ to the site from the water. It will also become a waterfront area, any buildings within this area will have to consider an appropriate massing related carefully to the space. Refer to Figure 9.



Massing Configuration of Block 7

- The reconfiguration of Block 7 requires that it addresses Northern Cove and Headland Park with a street wall. Block 7 height restrictions of 4 storeys and its new identity as a ‘facing façade’ require a virtually continuous street wall building addressing parklands, the cove and Hickson Road. Some building articulation, allowing views into interior areas of the block, would capitalise the building’s unique position. Definition and articulation

of building mass should be included in the design resolution as this building will dominate the cove precinct.

Issue 10. Public v Private Good

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

2 Aims of plan

(1) This plan has the following aims with respect to the Sydney Harbour Catchment—

(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained—

(i) as an outstanding natural asset, and

(ii) as a public asset of national and heritage significance,

for existing and future generations,

(b) to ensure a healthy, sustainable environment on land and water,

(c) to achieve a high quality and ecologically sustainable urban environment,

(d) to ensure a prosperous working harbour and an effective transport corridor,

(e) to encourage a culturally rich and vibrant place for people,

(f) to ensure accessibility to and along Sydney Harbour and its foreshores,

(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,

(h) to provide a consolidated, simplified and updated legislative framework for future planning.

(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles—

(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,

(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,

(c) protection of the natural assets of Sydney Harbour has precedence over all other interests.

Millers Point is part of Sydney Harbour foreshore.

In order to weigh an assessment of public versus private good, the consent authority must consider “just how important is the heritage of Millers Point”?

In his essay, “From Old Rooty Hill to Barangaroo – Landscape preservation as urban heritage in Sydney”, Cameron Logan recalls:

“In the 1890s, the effort to protect Sydney Harbour from being despoiled by industrial development – especially the proposed colliery at Cremorne – became a major public issue and as Bonyhady (2000) has noted, the issue was explicitly linked to issues of cultural heritage and national identity. The future parliamentarian A. B. Piddington remarked at that time that “We in Sydney are the

trustees for all Australia and of all time of that national heritage of beauty which gives us our pride of place amongst the capitals of our continent”.

The same essay recalls:

“In a keynote address to the 2006 Urban History Planning History meeting, several months before the Barangaroo project was announced, historian Graeme Davison introduced his discussion of the Australian city by describing the view from his room in the Palisade Hotel at Millers Point. Perched above what would become the Barangaroo site. “Nowhere in Sydney, perhaps nowhere in Australia” he remarked “is the deposit of historical memory as deep as it is on Millers Point” (Davison 2006). What was most striking about the view, Davison suggested, was not the geography of the sublime harbour itself, but the incredible richness of the temporal layers visible in the landscape.”

Logan goes into ask “The point is rather to question what it is we are trying to achieve when we protect places under the banner of heritage”.

Some of the earliest images of Sydney – prior to photography – were from what is now Observatory Hill.



This watercolour from Joseph Fowles clearly shows the Lord Nelson Hotel on Kent Street, taken from Observatory Hill.



Another watercolour “North View of Sydney” by Lycet in 1822 shows the form of Dawes Point in the foreground and Millers Point to the right and one can also make out the Flagstaff, windmills and Fort Philip.



Heritage Consultants Godden Mackay Logan (now GML) was commissioned by the Department of Housing to develop Conservation Management Guidelines for Housing NSW Properties in Millers Point:

<https://heritagensw.intersearch.com.au/heritagenswjsui/retrieve/0c87f611-0b20-441a-9e67-03b512e1ed02/H09893%20-%20CONS.pdf>

“The whole of Millers Point is of State and National heritage significance. Throughout the late 1990s and early 2000s, the NSW Heritage Council listed on the SHR every historic privately-owned property in Millers Point in addition to those already listed via Government Agency Section 170 Heritage Registers. In 2003, a new SHR listing was gazetted for the whole of the Millers Point (titled 'Millers Point and Dawes Point Urban Village' in the listing). The new listing includes all areas of Millers Point between the Harbour Bridge / Bradfield Highway and the Walsh Bay precinct and overlays other

heritage listings including the Millers Point Conservation Area. Thus, Housing NSW properties are overlaid with four protective mechanisms under the NSW Heritage Act: a Section 170 Heritage Register listing for each individual property or group, a State Heritage Register listing for each individual property or group, and two State Heritage Register precinct listings, one for the Millers Point Conservation Area and one for the Millers Point and Dawes Point Urban Village precinct. **This unprecedented degree of listing, unique to Millers Point, reflects the intensity of the Heritage Council's view of the significance of Millers Point. SHR listing is the highest level of protection possible in the NSW heritage management system."**

Godden Mackay Logan went on to define the curtilage:

"2.4 HERITAGE CURTILAGES AND VISUAL CATCHMENT

Curtilage is the geographical area that provides the physical context for an item and which contributes to the understanding of its heritage significance. The visual catchment of the Millers Point Conservation Area is the broad curtilage or setting for Millers Point. The setting of the Millers Point Conservation Area can be described in three main topographical zones: Observatory Hill being the green space 'backdrop'; the middle plateau, defining the residential areas of Millers Point; and the former waterfront Wharves and Bond Stores (now Walsh Bay Redevelopment Area).

2.4.1 MILLERS POINT CONSERVATION AREA CURTILAGE

The current curtilage of the Millers Point Conservation Area is within the residential plateau. This immediate curtilage comprises elements including excavated rock faces and retaining walls, stairways, laneways, parks, street planting, kerbs, street alignment, urban furniture and signage. Although the Millers Point Conservation Area is limited to property owned by Housing NSW, the above contextual elements provide the physical context for Millers Point, and contribute to its significance. The Argyle Cut and Dawes Point Park also provide links between The Rocks and Millers Point, which are important in understanding their context."

Importantly, the Statement of Commitments recognises the heritage importance of two of these zones – being Observatory Hill and “the middle plateau, defining the residential areas of Millers Point” or Millers Point.

From the Department of Family and Community Services

<https://www.millerspoint.facs.nsw.gov.au/millers.../heritage>

“The heritage value of Millers Point properties continues to be protected by the government.”

Heritage

PRESERVING MILLERS POINT HERITAGE

Millers Point contains a unique collection of nineteenth and early twentieth-century properties. These properties are individually and collectively listed on the State Heritage Register.

Millers Point and Balmain from the Observatory



Millers Point and Balmain from the Observatory. c.1870-1874. State Library of New South Wales, Mitchell Library, ON 4 Box 55 No 220

Millers Point is an important remnant of the early port of Sydney and includes an extraordinary range of fine buildings and public spaces, which survive from the 1820s to the 1930s. This includes an important collection of Government designed early 20th century housing for port side workers.

The heritage value of Millers Point properties continues to be protected by the government. Conservation Management Plans are prepared for the properties prior to their sale and purchasers must comply with strict heritage conditions before undertaking any work on their properties, including maintenance, restoration or development activities. Refer to [NSW Heritage Act 1977](#).

Issue 11. Traffic

Hickson Park when completed sees the removal of Barton Street. This was Mod 11.

2.4 Barton Street location

The location of Barton Street in the context of the Barangaroo precinct is illustrated in Figure 1 below.



Figure 1 Barton Street location

Source: Grant Associates (2020)

The approval for Barton Street was made on the proviso that it be removed.

1.4.2 Barton Street temporary road

The Concept Approval allows for the construction of a temporary road (Barton Street) for the sole use of construction vehicles during the development of Barangaroo South and Central Barangaroo. The temporary road has an east-west orientation, is located within Hickson Park and is to be removed following completion of CSHR and Barangaroo Avenue.

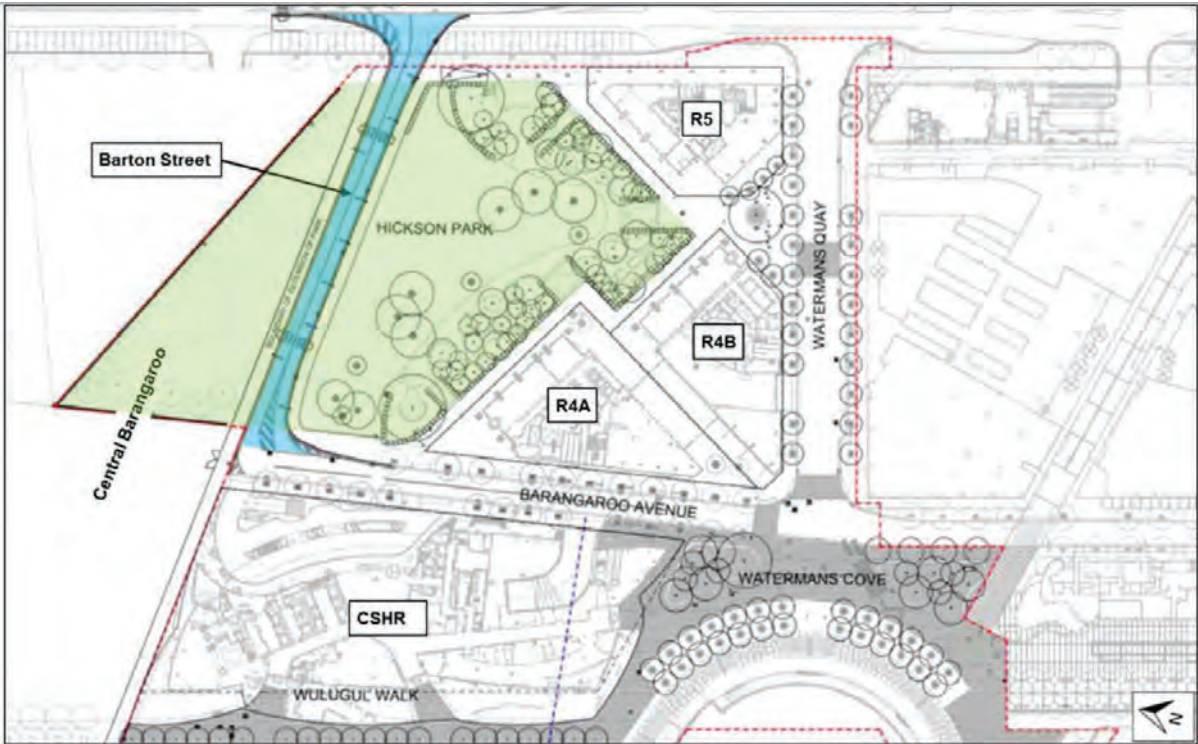


Figure 5 | The location and design of Barton Street (highlighted blue) (Base source: Proponent's EA)

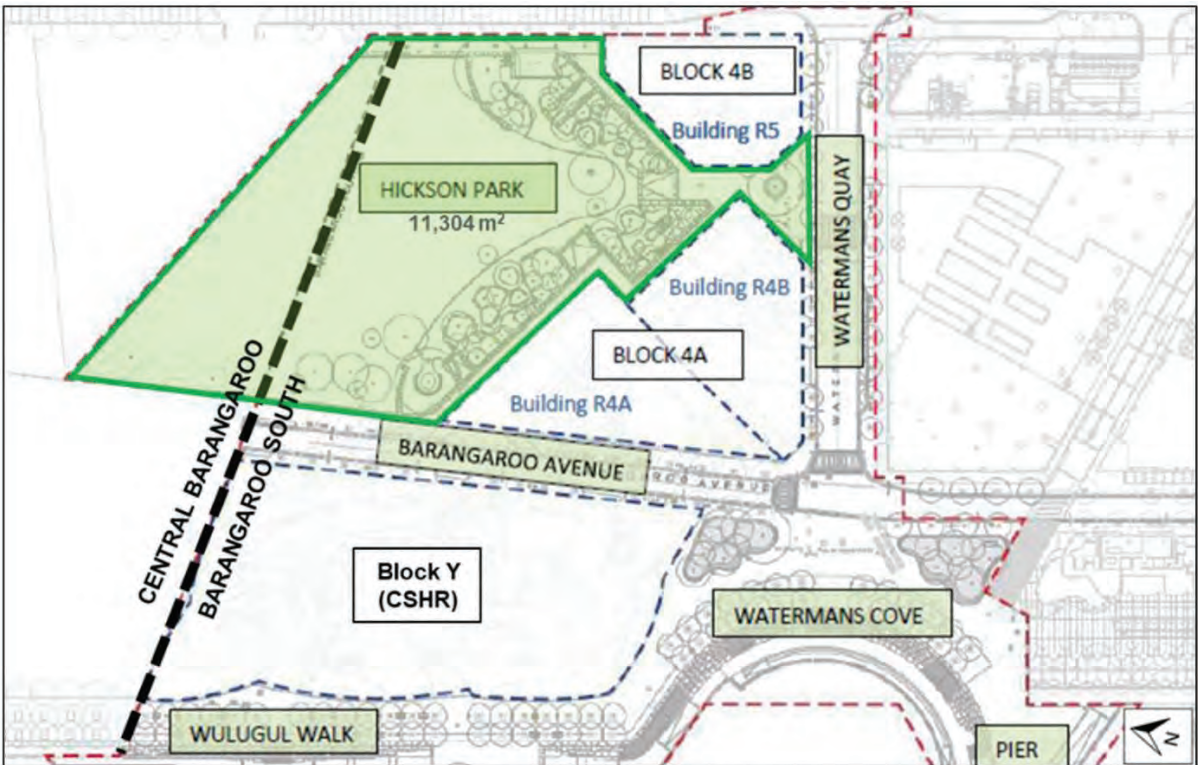


Figure 6 | Public domain works overview (showing completed Hickson Park / Barton Street removed) and Barangaroo South / Central Barangaroo boundary shown as black-dashed line (Base source: SSD 7944)

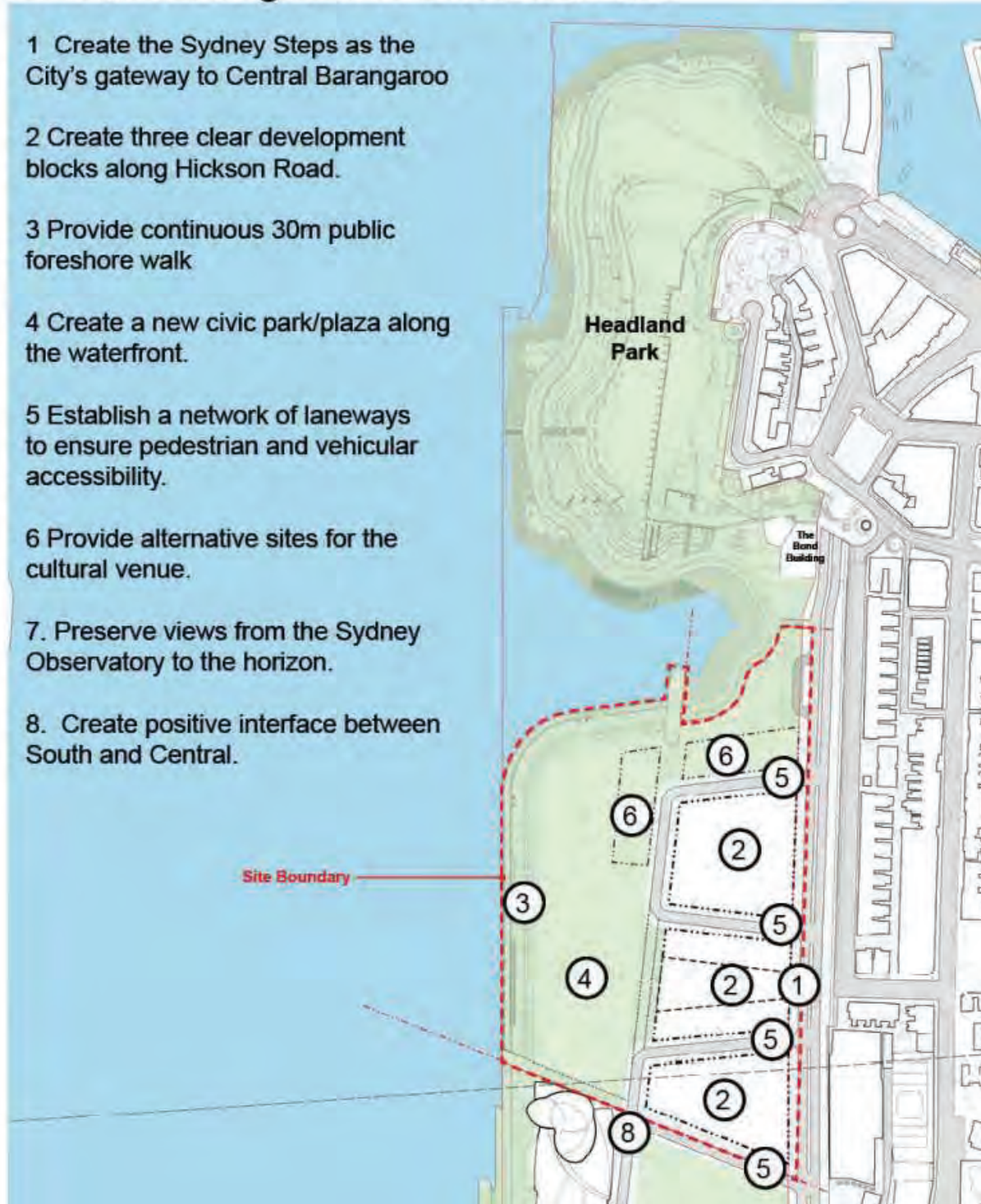
The recent Mod 9 gives the following detail:

(5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and

converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct.

The Concept Plan pre-Mod 9 (Request for DGRS 20 March 2014) required a network of laneways to provide pedestrian and vehicular access:

Central Barangaroo Framework Plan



Issue 12. State Heritage Register (SHR) items not considered

Analysis of adjoining State Heritage Register listed properties and the impact on them must be considered by the consent authority. These sites are located within the City of Sydney. The principal planning control for these sites is the Sydney Local Environmental Plan 2012 (LEP 2012). These sites are listed as a heritage item of state, and in some cases national, significance under the LEP 2012. These sites lie within the Millers Point/Dawes Point Conservation Area (C35), which is identified as having state significance, as it is defined by Schedule 5 Part 2 of this plan. Under Part 5.10 of the LEP 2012:

(4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) *Heritage assessment*

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

There are 25 State Heritage listed properties in Millers Point which are considered by the Heritage Impact Statement, ignoring 25 other State Heritage listed properties that have direct view impact and another 25 State Heritage listed which have a partial or full view impact. Each have Conservation Management Plans endorsed by the NSW State Government and Heritage NSW.

Table 1: State Heritage Register (SHR) Properties in the vicinity of Barangaroo Central

SHR	Name	Address	Heritage Impact Statement?	Direct View
00511	Shops	1, 3, 5, 7 Argyle Place Millers Point	Yes	Yes
00527	Shops	6, 8 Argyle Place Millers Point	Yes	Yes
00645	Shops	10 ,10a, 12, 12a Argyle Place Millers Point	Yes	Yes
00856	Terrace Duplexes	74-80 High Street Millers Point	Yes	Yes
00857	Terrace Duplexes	3, 5, 7, 9 High Street Millers Point	Yes	Yes
00858	Terrace Duplexes	38-72 High Street Millers Point	Yes	Yes
00859	Terrace Duplexes	2-36 High Street Millers Point	Yes	Yes
00916	Terrace	123, 125 Kent Street Millers Point	Yes	Yes
01435	Warehouses	6-20 Munn Street Millers Point	Yes	Yes

SHR	Name	Address	Heritage Impact Statement?	Direct View
I813	Grafton Bond Store	201-217 Kent Street	Yes	Yes
I868	Agar Steps	Agar Steps	Yes	Yes
I876	National Trust Centre	1001 Bradfield Highway	Yes	Yes
I882	Palisade Fence and High Steps	High Street Millers Point	Yes	Yes
I886	Lance Kindergarten	37 High Street Millers Point	Yes	Yes
I887	Lance Kindergarten	37 High Street Millers Point	Yes	Yes
I922	Sydney Observatory Group	1003 Upper Fort Street Millers Point	Yes	Yes
I934	Observatory Hill Park	Upper Fort Street Millers Point	Yes	Yes
I935	Bureau of Meteorology	9 Upper Fort Street Millers Point	Yes	Yes
I936	Messengers' Cottage for Sydney Observatory	9A Upper Fort Street Millers Point	Yes	Yes
I937	Fort Street Primary School Site	1005 Upper Fort Street Miller Point	Yes	Yes
00509	Terrace group 'Agar Steps Terrace'	5-9 Agar Steps	Yes	Yes
00510	Terrace group 'Carlson Terrace'	110-114A Kent Street	Yes	Yes
I920	Tennis Court and Pavillion	96-108 Kent Street	Yes	No
I923	Richmond Villa	116-122 Kent Street	Yes	No
S170	The Sydney Harbour Bridge	Bradfield Highway	Yes	No
00526	Shop and Residence	9 Argyle Place Millers Point	No	Yes
00837	Palisade Hotel	35-37 Bettington Street Millers Point	No	Yes
00855	Grafton Bond Store and Sandstone Wall	36 Hickson Road Millers Point	No	Yes
00863	MSB Stores Complex	2-4 Jenkins Street Millers Point	No	Yes
00864	Lord Nelson Hotel	19 Kent Street Millers Point	No	Yes
00865	Captain Cook Hotel	33, 35 Kent Street Millers Point	No	Yes

SHR	Name	Address	Heritage Impact Statement?	Direct View
00867	Oswald Bond Store	1-17 Kent Street Millers Point	No	Yes
00870	Alfred's Terrace	37, 39, 41, 43, 45, 47 Kent Street Millers	No	Yes
00900	Hexam Terrace	59, 61, 63 Kent Street Millers Point	No	Yes
00903	Stone House	49, 51 Kent Street Millers Point	No	Yes
00908	Terrace	83, 85 Kent Street Millers Point	No	Yes
00909	Edwardian Shop/Residences	21, 23, 25, 27, 29 Kent Street Millers Point	No	Yes
00912	Katoomba House	81 Kent Street Millers Point	No	Yes
00914	Stone House	53, 55 Kent Street Millers Point	No	Yes
00917	Terrace	115, 117, 119, 121 Kent Street Millers Point	No	Yes
00919	Terrace	71, 73 Kent Street Millers Point	No	Yes
00925	Winsbury Terrace	75, 77, 79 Kent Street Millers Point	No	Yes
01682	Terrace	18, 18a, 20, 20a Munn Street Millers Point	No	Yes
1921	Millers Point & Dawes Point Village Precinct	Upper Fort Street Millers Point	No	Yes
1938	Millers Point Conservation Area	Millers Point	No	Yes
00839	Edwardian Terrace	66, 68 Bettington Street Millers Point	No	Some
00840	Victorian Terrace	56, 58, 60 Bettington Street Millers Point	No	Some
00841	Dalgety Terrace	7, 9, 11, 13 Dalgety Terrace Millers Point	No	Some
00848	Terraces	27a, 29a, 31a, 33, 35a Dalgety Terrace Millers Point	No	Some
00854	Terraces	15, 17, 19, 21, 23, 25 Dalgety Terrace Millers Point	No	Some
00868	St Brigid's Roman Catholic Church and School	14, 16 Kent Street Millers Point	No	Some
00871	Blyth Terrace	82, 84, 86, 88 Kent Street Millers Point	No	Some
00872	Terrace	56, 58 Kent Street Millers Point	No	Some
00873	Building	28 Kent Street Millers Point	No	Some
00876	Building	30 Kent Street Millers Point	No	Some
00879	Terrace	42 Kent Street Millers Point	No	Some
00884	Terrace	46 Kent Street Millers Point	No	Some
00888	Terrace	44 Kent Street Millers Point	No	Some
00890	Terrace	32, 34, 36, 38, 40 Kent Street Millers Point	No	Some
00891	Terrace	52, 54 Kent Street Millers Point	No	Some
00901	House of Bodleigh	24, 26 Kent Street Millers Point	No	Some
00918	Terrace	60, 62 Kent Street Millers Point	No	Some
00920	Terrace	90, 92 Kent Street Millers Point	No	Some

SHR	Name	Address	Heritage Impact Statement?	Direct View
00921	Terrace	18, 20, 22 Kent Street Millers Point	No	Some
00922	Terrace House	48, 50 Kent Street Millers Point	No	Some
00923	Toxteth	94 Kent Street Millers Point	No	Some
00928	Millers Point Post Office	12 Kent Street Millers Point	No	Some
00930	Stone Cottage and Wall	14-16 Merriman Street Millers Point	No	Some
01408	Cottage	18 Merriman Street Millers Point	No	Some
01431	Merriman Street Terraces	20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 48 Merriman Street Millers Point	No	Some

Every SHR property here that is not considered in the Heritage Impact Statement, i.e every property that has “No” in the second to right column, must be considered.

Examples of clauses contained in the CMP of these SHR properties are:

18.1 Conservation of Views. Where a proposal is likely to impact on historic views to and from the property, prior to any major proposal for works, a detailed curtilage study should be provided which identifies and assesses the impact of the proposed works on the curtilage and setting of the individual house and the group as a whole. It should include a view assessment that identifies views to and from terrace and the measures by which they are protected. It should be submitted with the development application. – 83-85 Kent Street CMP

Policy 86 Conservation of Views. Significant views to and from individual places are identified in Part 1 of the individual property Conservation Management Plans and should be conserved. Change to items must not impede or obstruct a significant view and must not negatively impact upon a contributing element to a view. 71,73 Kent Street CMP

Photographic examples of views to be impacted (in many cases complete eliminated). These images are taken from real estate advertisements when these properties were most recently advertised for sale, mostly by the NSW Government.

85-87 Kent Street, Millers Point. SHR 00908



83 Kent Street, Millers Point SHR 00908



Additional images taken from this property.

Images from study window (RL 26.13)



Image from attic bathroom (RL 30.68)



Image from stair to attic (RL 28.50)



Image sitting at study desk (RL 26.13)



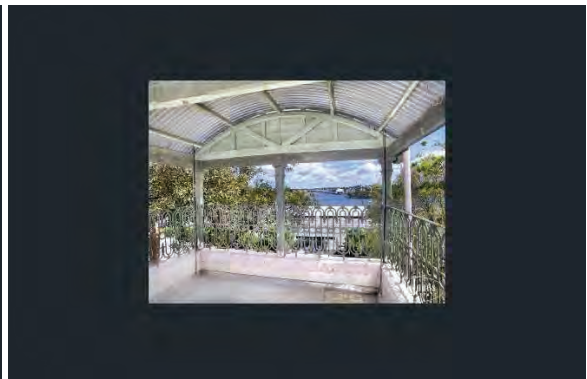
Panorama from rear balcony (RL 26.13)



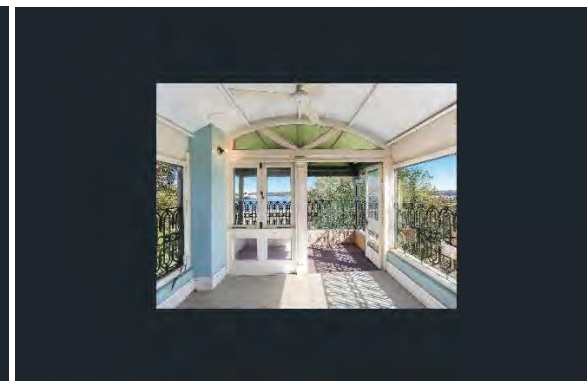
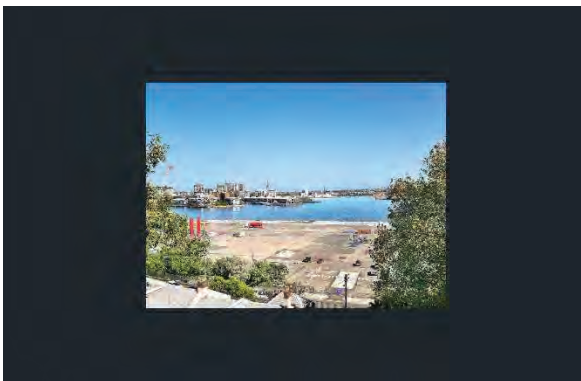
Sunset panorama from rear balcony (RL 26.13)



77 Kent Street Millers Point



75 Kent Street Millers Point



Panoramic view from High Lane



Terrace from of Millers Point



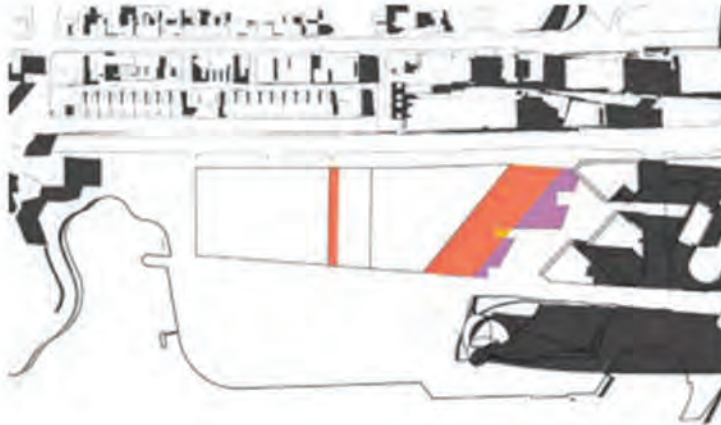
Issue 13: Overshadowing

From the statement of commitments:

82. Key public open spaces (parks and squares) are to receive direct sunlight in mid-winter.

Winter Solstice - 12pm

Approved Envelope vs Proposed Envelope



Legend

-  Approved Envelope
-  Proposed Envelope
-  Reference Design
-  Area of Additional Shadow
-  Area of Reduction in Shadow

This commitment is clearly breached as shown by the shadow diagrams from the proposal.

Issue 14. Permeability and Pedestrian Access

Issue 14.1 Vehicular Permeability

Figure 20 MOD 9 Street and Movement Network



Picture 10 Street / Movement Structure

Picture 10 shows the pedestrianisation of Barangaroo Avenue which was previously the north-south access point for buildings along Central Barangaroo. In public meetings, the proponent has suggested that all of Barangaroo Avenue, including the proposed “one way potential shared pedestrian street zone” around block 7 will also be pedestrianised.

The proponent seems to think that no vehicles will be required to access a site containing 144,000 square metres of built environment containing thousands of shoppers, residents and office workers. All visitors to and residents of the site will either walk, or catch the train.

The removal of roads from Central is motivated by adding more GFA, not by improving permeability.

Issue 14.2 Pedestrian Permeability

The proponent illustrates pedestrian access via the following diagram:



Picture 11 Pedestrian Network Connections

At the south end of the site, there is a steep walk down Gas Lane from Kent Street to the Bond building on Hickson Road. From there, there is a narrow staircase and a lift that holds a small number of people that comes down from Gas Lane/Jenkins St to Hickson Road. There is a pedestrian

crossing across Hickson Road to Barton Street. This is a clumsy pedestrian access that is not designed to or capable of carrying any significant level of pedestrian traffic.

In the middle section of the site there is reference to a pedestrian bridge across Hickson Road, but there is no detail provided in the Concept Plan about the final location, design, amenity, of this connection. Whereas the “Sydney Steps” in the 2013 SOM Masterplan were clearly shown to be aligned with High Street and Agar Steps, the proposal provides insufficient information from which an assessment of pedestrian permeability can be made.

We have gone from this....





Central Barangaroo / Skidmore, Owings & Merrill (SOM)



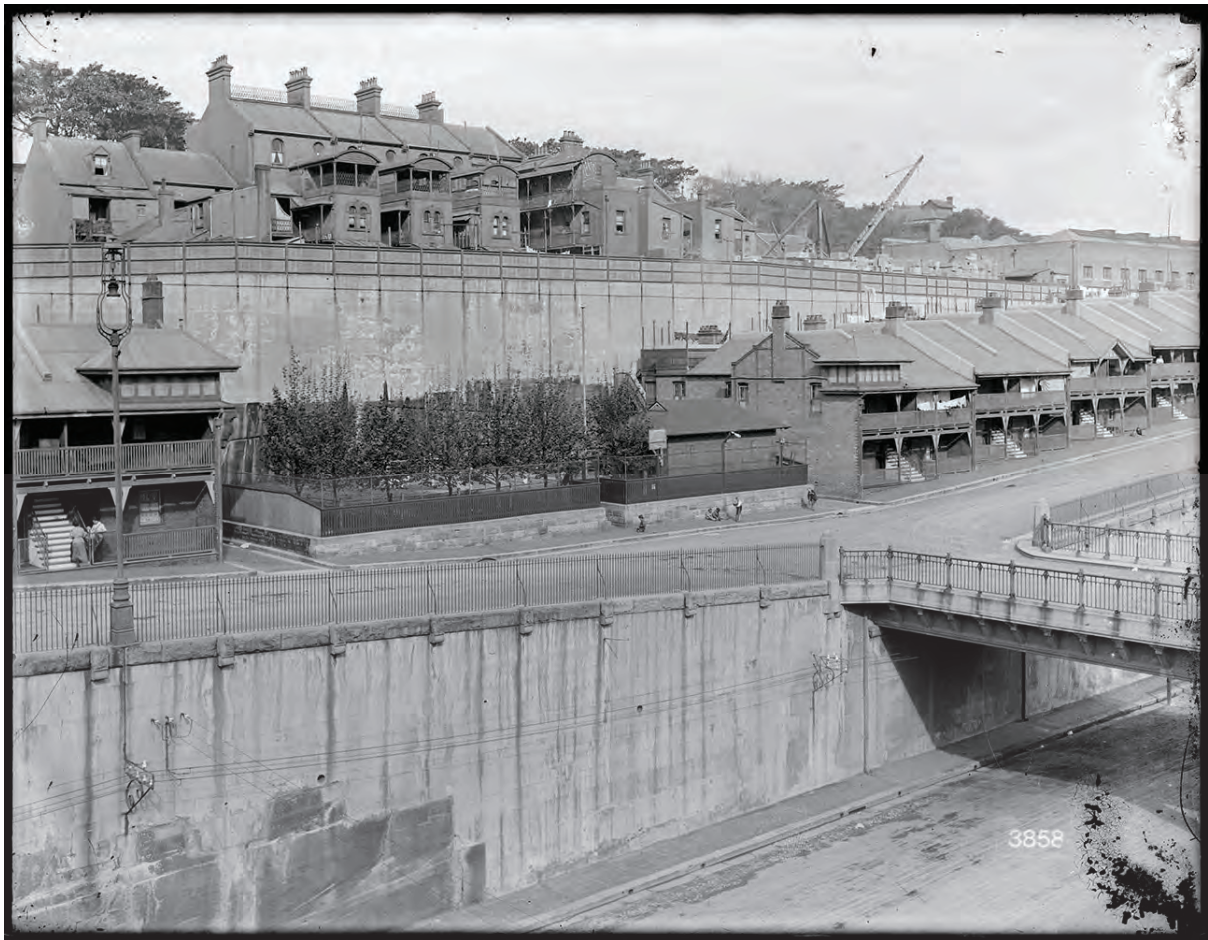
...to this...



Issue 15. Most of the Benefits without the Heritage Impact

The majority of the economic benefit is derived from the below ground connection to the Metro station, the retail buildings and built form up to RL20. The majority of the catastrophic heritage impact is caused by built form above RL20. Given the significant loss in terms of heritage impact as well as the negative financial impact in terms of tourist visitation to the Millers Point precinct should the proposal be approved, it is possible to derive the majority of the economic benefit with almost no reduction in public good by simply lowering maximum building heights.

The pedestrian bridge across Hickson Road will reduce the GFA potential of the site and it is this that is the reason there is no detail about it in the proposal.



Issue 16: Conditions and Statement of Commitments

Statement of Commitments (the numbers are from the Statement of Commitments)

57. Future development. Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pymont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained.

This “sight lines” clause in the Statement of Commitment not only protects the public views from Observatory Hill, but also by extrapolation the private views of properties west of Observatory Hill on High Street and Kent Street, south of Nawi Cove. The term “retain” is used. The Cambridge English Dictionary definition of retain is “to keep or continue to have something”. It is not ambiguous in any way.

58. Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores; and to retain a panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill Park, and as shown within the approved Concept Plan (as modified) by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage, amended by the Barangaroo Modification Report dated June 2008 prepared by MG Planning (as it applies to Block 5, 6 and 7) and subsequently amended the View Impact Analysis prepared by JBA Planning (November 2010) in support of the Concept Plan Modification Preferred Project Report, also prepared by JBA Planning (November 2010) and the Visual Impact Analysis prepared by JBA (September 2014) in support of the Concept Plan Modification Report as that document applies these documents apply to Barangaroo South.

Again, the term “retain” is used. Not “share”, or “consider”. This commitment effectively bans any building above RL25 metres along Hickson Road. Mod 3 requested that Block 7 maintain a maximum floor height of RL20.

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

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

This is again a public “sight lines” clause which requires an interpretation of the term “adequate view corridors”, but again uses the more powerful term “retain” in terms of the key attributes.

60. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

This has not been done. This commitment requires any proponent of future development to use the photomontages from the Original Concept Plan. These photomontages show the varied building heights along Central Barangaroo – not the “brick” that is shown in Mod9.

61. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage.

Again, the development must “retain” the ability to appreciate Millers Point, although there is some ambiguity in “ability to appreciate. NSW Heritage must be consulted but there is no evidence that this has occurred at this state.

62. An appropriately experienced and qualified heritage practitioner will be engaged to prepare Advice and a Schedule of Conservation Works that will guide the conservation of the sandstone wall on the eastern side of Hickson Road as part of the construction of any proposed pedestrian bridge across Hickson Road. The Advice and Schedule of Conservation Works will inform the design of the

proposed Hickson Road bridge and, in particular, how it meets the wall, and shall include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing High Street steps (southern end), in-filled steps (northern end), and the substation at the southern end. Any new fence elements shall be sympathetic to the existing significant fence fabric.

This commitment seems to “care” about what is built across Hickson Road to High Street, and this suggests that this is visible from public open space. The “v-shaped” cliff face and retaining wall along High Street is a very important and iconic view from opposing foreshores and the western harbour.

64. A Heritage Impact Statement (HIS) will accompany any application for works to Munn Street or in the vicinity of the Munn Street terraces. That HIS will include an assessment of how the development proposed satisfies the following Principles:

- The design of the building proposed adjacent to the west of the Terraces will be sympathetic in bulk and scale and retain a reasonable level of amenity for the occupants of the Terraces.
- Works to Munn Street will retain and conserve the front verandas, other building elements of significance along the southern frontage and the remnant cross walls and floors from the demolished terraces attached to the western elevation.
- Works to Munn Street will retain and conserve significant landscape elements associated with the former street and the Terraces, such as the sandstone retaining walls and fences.

It is rather inconsistent that the Munn Street Terraces have specific commitments. It is logical that all SHR properties impacted by the development (at least 75 of them) also have similar commitments.

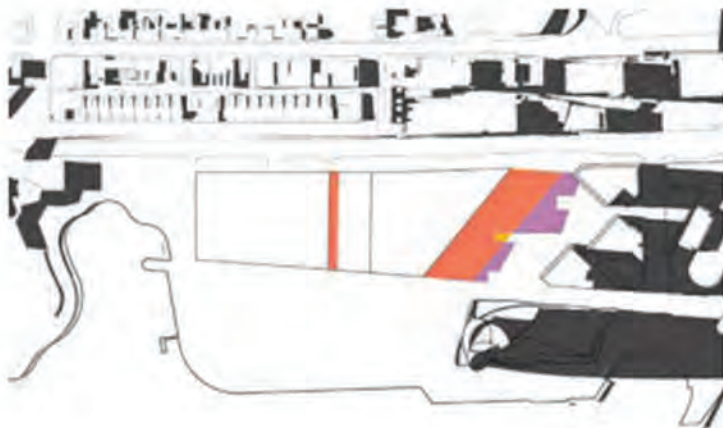
67. The proposed pedestrian bridges over Hickson Road will include conservation works to the palisade fence, sandstone piers and plinth, the cutting wall, the existing steps (southern end), in-filled steps (northern end), and the substation at the southern end. The conservation works will be implemented through preparation and adoption of a Schedule of Conservation Works. Any new fence elements will be sympathetic to the existing significant fence fabric. An appropriately experienced and qualified heritage practitioner will be engaged to provide advice on the construction of the pedestrian bridge, how it meets the wall, and the conservation of the wall.

Similar to above, this implies that High Street will be visible from public spaces on opposing foreshores.

82. Key public open spaces (parks and squares) are to receive direct sunlight in mid-winter.

Winter Solstice - 12pm

Approved Envelope vs Proposed Envelope



Legend

- Approved Envelope
- Proposed Envelope
- Reference Design
- Area of Additional Shadow
- Area of Reduction in Shadow

This commitment is clearly breached as shown by the shadow diagrams from the proposal.

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

This has not been done. Instead, a misleading “Approved Concept Plan” building envelope – impossible given the GFA and height constraints for each block – has been used. This results in a misleading and ultimately useless View Impact Analysis and an equally misleading and ultimately useless Heritage Impact Statement.

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

Again, there is no evidence that this has occurred.

100. All future development applications for commercial uses will be required to address how the proposal:

- Complements, connects with and extends the commercial activity of the existing Sydney CBD;
- Contributes to the character of Barangaroo as a unique business address;
- Offers opportunities for major corporate tenants;
- Where appropriate includes a mix of support related commercial and retail offerings such as convenience retail, personal services, cafes, bars and health and recreation facilities;
- Enhances and encourages walking and cycling and connectivity to public transport services;
- Provides a clear interface to the public domain and includes publicly accessible open space or pedestrian connections and arcades within the private development.

Barangaroo Avenue seems to be included as public open space, rather than within the private development. Overhangs are also into the public open space rather than the private development. There is no clear interface to the public domain.

110. Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the 'Barangaroo Headland Parklands Urban Design Report' prepared by Conybeare Morrison (August 2009).

There is no evidence that this has occurred.

111. The future detailed design of the Headland Park including the northern cove, Globe Street and adjacent Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the "Barangaroo Headland Parklands Urban Design Report" prepared by Conybeare Morrison (August 2009)

As per Commitment 110, there is no evidence that this has occurred.

Further dot-point points of objection

17. Bulk and scale. The proposed development is way too big for the site. The urban footprint of the site is (Block 5 = less than 8,690 sqm, Block 6 = 1,855 sqm, Block 7 = 5,960 sqm (reduced by Mod 3 to this level from 11,922 sqm by enlargement of Northern (Nawi) Cove)) or 16,505 sqm in total. The maximum allowable GFA on these blocks is 29,688 sqm, 3,000 sqm and 15,000 sqm respectively giving an FSR for each block of 3.416, 1.617 and 2.517 respectively and 2.889 across Central Barangaroo.
18. The applicant seeks to build increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA). This equates to a total FSR [floor space ratio] of 8.746 across the site. GFA is not stipulated by Block as the applicant seeks to distribute the GFA across the blocks as it sees fit. This massive overdevelopment has significantly deleterious impacts on amenity, heritage, traffic, parking, shadowing, wind, noise and views.
19. One of the first tasks the First Fleet set out to do was to build an Observatory! Sydney Observatory and Sydney Observatory Park are iconic to the people of NSW (and Australia).

They are the only public spaces with elevated panoramic views of the harbour (particularly to the west). The proposal seeks to destroy the panoramic views. A building height of 20 metres at Block 7 (Mod 3 proposal) would permanently protect those views. Note that Millers Point has a 9-metre maximum building height.

20. The proposal does not meet the urban design requirements of being a bridge, “civic heart” between the heavily commercial Barangaroo South and the Headland Park. It merely seeks to replicate supply of residential apartments, commercial office space and retail offerings which are already in abundant supply on South Barangaroo without providing the civic amenity and low scale development envisaged in the Concept Plan.
21. Community use is not provided by the applicant. Block 6 was specifically designed to provide community use. This condition has not been upheld. Community use is proposed to be provided in the Cutaway – which is not part of Central Barangaroo.
22. The economic justification for the development is spurious. It assumes occupancy rates and visitation that are far in excess of either current, or pre-COVID levels across the commercial and retail sites. Commercial office space is expected to be 95% leased. The proposal envisages ~\$2bn in development cost for the provision of 1,100 jobs, or \$2m per job. This is a massive waste of taxpayer money.
23. Key worker housing. NO provision is made for key worker housing.
24. One of the design principles is to provide residential and commercial space together but the demographics of workers at Central Barangaroo and the demographics of likely residents of Central Barangaroo are incompatible. It is likely that the envisaged residential dwellers will be ultra-high-net-wealth individuals.
25. The proposed tower is a preposterous over-reach. It is totally out of place with Central Barangaroo and the Headland Park, and naming it an “exclamation mark” or similar for the metro station is absurd. It does not fit in urban design sense and it obscures critical heritage views to and from Millers Point and Observatory Hill in direct breach of the statement of conditions.
26. Using the metro station as a reason to significantly increase the GFA of Central Barangaroo is not supported. Prior to the building of the metro at Barangaroo, Wynyard station was only 700m or a ten-minute walk away. Extra rail traffic is expected to increase by a modest 10%. Traffic generation was never a limiting consideration of the site and the traffic analysis provided as part of previous modifications suggested only a minor increase in traffic from a potential 120,000 sqm Central Barangaroo development WITHOUT a metro station. The factors limiting development at Central Barangaroo are the public open space requirement, heritage views and the design of Barangaroo South and the Headland Park/Nawi Cove.
27. The assertion that “things have changed” and therefore a new, larger development is required at Central Barangaroo is not supported. The heritage issues, the view issues, overshadowing, enjoyment of public space – all of these issues remain the same. If anything, the requirement for commercial office space and retail shopping space is much lower now than it was when Mod9 was originally requested.
28. Sydney Harbour Foreshore at Central Barangaroo is not and never will be an appropriate location for even a mid-rise residential tower. Parkland along the foreshore is for the enjoyment of the public and not just rich few who own apartments along the shoreline. The proposed tower effectively steals the public amenity of the northern end of the site, steals heritage sightlines to and from Millers Point and Observatory Hill and delivers them to private interests.
29. Hickson Park was extended by the IPC in response to the overbuilding of Barangaroo South and improve pedestrian connection between South and Central. The applicant seeks to

restore the boundary as if this never even happened. This proposal will put vehicular traffic and pedestrian traffic in conflict. Hickson Park to be restored.

30. Barton Street was designed as a temporary road to allow access to Block Y. Once Block Y was complete, it was to be removed and replaced with an expanded Hickson Park. The applicant seeks to restore Barton Street and cut off the separation of South and Central creating traffic and pedestrian conflict.
31. Barangaroo Avenue was designed to be the south to north axial road facilitating local traffic flow parallel to Hickson Road. The applicant seeks to pedestrianize part of Barangaroo Avenue, severely limiting vehicular access to the site, despite also seeking to add significant retail space below ground and residential space above ground.
32. The applicant seeks to include 25m of below ground intervention into land zoned RE1 which is not permitted. The applicant must seek to place retail assets within the existing building footprint.
33. The applicant seeks to include a building overhang of up to 3m around the boundary of the site, which is not permitted. Building overhang and concourse must be accompanied within the existing site boundaries. Buildings must be set back from pedestrian access and footpaths in line with City of Sydney guidelines.
34. The applicant seeks to significantly expand the retail component of the site, with up to 38,000 square metres of both above and below ground retail space. Included in this retail footprint it is envisaged to include a supermarket and the applicant seeks to expand the footprint of this site to include below ground access to area zoned RE1 which is not permitted. Nonetheless, traffic flow associated with 38,000 square metres of retail shopping centre approximately 60% the size of the Broadway shopping centre will be significant and much greater than that assumed in the traffic study. This has significant impacts on traffic flow and parking volume in the area.
35. The applicant wishes to remove 100 on-street parking space which will severely impact neighbouring Millers Point. Extra vehicular traffic flow to and from the retail area will overwhelm the existing road network and put significant pressure on remaining parking spaces.
36. Pedestrian traffic from the metro station in a southerly direction is expected to flow 25% along Hickson Road and 75% along Barangaroo Avenue and north/west corridor within the CB built area. This is assumed as part of providing only 4m wide footpaths along Hickson Road – which is insufficient and dangerous, particularly considering the lack of concourse curtilage.
37. Hickson Road was originally designed as a significant wide road (grand boulevard) to carry containers and cargo from the wharves. It was capable of handling the equivalent of four lanes of traffic. The applicant has significantly narrowed Hickson Road and removed almost all of the on-street parking in order to maximise the built form. This comes at a severe detriment to vehicular access and pedestrian safety.
38. The KU Kindergarten – the oldest in Australia – will be overshadowed by the proposed development. The children have a right to sunlight in the afternoon.
39. Views from High Street will be obliterated. All houses in High Street will lose views of the water.
40. Views from the rears of terraces in Kent Street south of Nawi Cove will lose almost all of their views. House in Kent Street north of Nawi Cove will lose up to 50% of their views.
41. The Langham Hotel will lose all its views.
42. Apartment blocks on the Western side of Kent Street will lose up to 100% (floors at or below 40m height) of their views. Even apartments on higher floors will lose some of their views.

43. The proposed tower at the northern end of the site will block some of the views from the Crown Hotel Resort. The higher built form along Hickson Road will also block views of Millers Point from the Crown.
44. The terrace form of High Street will not be able to be interpreted from opposing foreshores at Pyrmont, Ultimo, East Balmain and around the Western Harbour in direct contradiction of the statement of commitments.
45. Parking. The applicant seeks to remove almost all the designated on-street parking at Central Barangaroo. Visitors to the site will spill over into Miller Point putting further pressure on limited on-street parking – which is provided to residents as part of their occupancy.
46. Location and design of the High Street bridge is not provided. The applicant must stipulate where this bridge will be located and the impact on pedestrian activity and visitation must be considered as part of traffic and pedestrian impacts.
47. The SOM Masterplan contained Barangaroo Steps or Sydney Steps which were modelled on the Spanish Steps in Rome. This feature has been replaced by a vague commitment to an east/west pedestrian bridge which resembles the staircase at Gas Lane – insufficient and no disabled access?
48. The Sydney Steps – which are a key part of the Master Plan and a requirement to improve the permeability of the site – are little more than a single staircase. Disabled access to the site from Millers Point needs to be provided as does a mechanised escalator such as those provided at Barangaroo South.
49. Permeability of the site is significantly below what is required under the urban design principles. There is limited east-west space to facilitate pedestrian access and connection to adjacent Millers Point. The building heights are greater than those of even Kent Street let alone High Street. The requirement to have 50% of the built form on Block 7 to be at the level of High Street to allow bridge(s) access at the low point of High Street has not been fulfilled.
50. Use of Block 7 as a “front door” to Barangaroo Headland Park with a GFA of 15,000 and a maximum height of RL20 as per Mod 3 has not been upheld. Block 7 abuts the Northern (Nawi) Cove and is a natural entry point to the Headland Park. Low scale of buildings helps taper the built form of Central Barangaroo to the ground level of the Headland Park.
51. Details of the provision of community space at the Cutaway are insufficient.
52. Provision of flexible workspace at Central Barangaroo is flawed. Victory Offices – vendor of shared flexible workspace at Barangaroo South – has gone broke. WeWork is also struggling. There is a glut of commercial office space in the Sydney CBD and in the region of Walsh Bay, Barangaroo, Millers Point.
53. The applicant seeks to remove ‘wintergardens’ from the calculation of GFA which is not permitted.
54. The applicant claims that it “provides equitable access to views”. This is patently untrue. The applicant claims that heritage properties in Millers Point have already lost their views due to the maximum building height in the building height plan which they argue provides one single height across each block. This is not true.
55. According to the traffic study, the proposed modification will generate an average addition of 28 vehicle movements during the AM peak and 19 vehicle movements during the PM peak. This is despite wanting to build 34,000 sqm shopping centre, 60,000 sqm commercial space and 28,000 sqm of residential space. This is simply impossible.
56. Wind effects are worsened by the built form envisaged long Block 5. A wind tunnel will be created near the porte cochere of the casino and where Hickson Park bisects the residential

towers R1, R2 and R3 and Block 5. For this reason, Hickson Park needs to be retained at its enlarged form as per the IPC findings.

57. The applicant seeks to use the defunct and withdrawn Mod 9 to submit the revised Concept Plan rather than submit a new Concept Plan under revised and up to date planning controls. The argument seems to be that this Mod 9 is substantially the same as the previous Mod 9. Since the previous Mod 9 was **withdrawn** and never publicly shown, this is extremely unlikely. The people of NSW and the consent authority deserve better than to allow a 2014 DGR and pre-2016 planning controls to determine the application. Since the application is new and not “substantially the same” it needs to be resubmitted under the current planning controls.
58. Community consultation on Mod 9 has been close to non-existent and certainly not up to the standard expected by regulation and legislation. The 28-day exhibition period is insufficient given the lack of community consultation and the large volume of planning material that interested parties are required to absorb.
59. One of the objectives of the State Infrastructure Strategy is to ensure that population growth does not erode the amenity and character of existing communities. The proposed concept plan does erode the amenity and character of the existing community of Millers Point.
60. The view analysis omits a number of important public and private views. It makes the assumption that the maximum building heights are in place along the entirety of each block in Central Barangaroo and that this built form represents the approved status quo. This is not correct and any assertion that views have “already been lost” are simply untrue. When considering view impacts, the consent authority needs to be provided with the current view information, accurate montages of existing approved built form (not simply maximum heights across the totality of the envelope as this is not permitted) as well as the proposed built form. An accurate representation such as this will highlight the devastating impact the proposed building form will have on heritage views to and from Millers Point and Observatory Hill to and from opposing foreshores and from public and private spaces in the adjacent Millers Point Conservation area.
61. All development near a heritage curtilage must be considered by the NSW Heritage department. This does not seem to have taken place. See comments on SHR properties above.
62. The original function of Central Barangaroo under the approved Concept Plan was to provide the “civic heart” of the Barangaroo precinct. This guiding vision requires to consent authority to consider the context of a massive commercial development at Barangaroo South and the romantic naturalistic Headland Park on either side of Central. Central’s place is to soften the commercial so that it integrates not only into the naturalistic park, but the heritage listed adjacent Millers Point Conservation precinct to its east. There is little, if any, provision of civil good in the concept plan other than a vague community space four levels below ground and an underground “town hall”.
63. The western edge of the site seems to have been pedestrianized in order to allocate what is road space as parkland and attempt to keep the 50% public open space ratio despite wanting to take back the space allocated to the people of NSW by the Independent Planning Commission under Mod 8 determinations.
64. The building setbacks are below the minimum legal requirement and not permitted. Buildings must be set back a minimum distance to facilitate adequate levels of sunlight, noise amenity etc. Refer City of Sydney regulations.

65. Shadowing. The excessive built form of the proposal has catastrophic impact on solar access at the Harbour Park. The park is for the enjoyment of the people for generations to come and should be subservient to the private good of development seeking to maximise water views. The built form of Central should be tapered to meet the parkland and facilitate view sharing with neighbouring private residences and public spaces.
66. The site is Sydney Harbour Foreshore. Access to and enjoyment of the harbour (including views of the water) are negatively impacted by the proposed development.
67. It is unclear from the plans where the access to the below ground retail is obtained and where traffic is expected to flow. The one-way street around Block 7 is problematic and will likely result in a clash between vehicular and pedestrian traffic.
68. It is unclear where bicycle traffic is accommodated and where end-of-trip facilities are.
69. It is unclear from the Plans as to the status of B1 and B3 which contain car parking and building services. How will this parking level be accessed and how will this relate to pedestrian traffic?
70. How many car spaces are provided? How many sqm of retail? What flow to retail and resultant trips are assumed?
71. Staging. In all iterations of Barangaroo, the public open space is delivered BEFORE the commercial, retail and residential components. The staging plan suggests that only half the park will be delivered in 2027 and half in 2028. The public open space must be delivered first.
72. Staging suggests 2027/28 delivery. PWC Economic Impact Analysis suggests an eight year construction phase beginning in 2022 (to 2029). Given it is unlikely that construction will commence in 2022, it is likely that the project will be completed in 2030 or after. Delivery of the Harbour Park as the first priority is paramount.
73. The applicant seeks to combine the GFA of the three blocks. Three blocks have always been separated and they are designed to provide different things – residential at 7, civic at 6, commercial/retail/mixed use at 5.
74. The Central Barangaroo site is reclaimed land. Millers Point originally fell away quite sharply west of Kent Street. The cutting at High Street and the construction of Hickson Road effectively replaced finger wharves that were built there in the late 1800's. The views from terrace houses in Kent Street over the western harbour have been enjoyed over two centuries (and countless others in pre-European times). The NSW Government sold the terraces in Kent Street and High Street with these views intact and no suggestion that the views were lost, as the heritage impact statement and the view analysis authors suggest. For this to be true, the State Government would be guilty of false and misleading conduct for failing to disclose this to potential buyers as part of the sales process. These views, whilst mostly private in nature, are incredibly valuable not just in a monetary sense but in terms of enjoyment, amenity, sense of place.
75. Harbour Park has been reduced by placing Barangaroo Avenue in it and claiming it as pedestrianized and thus part of the park, which it is not. The built form of Block 7 extends to the perimeter of the site, leaving no room for the road – which is now in the park. Disgraceful.
76. Value per sqm of houses in Kent street with a harbour view versus without will give guide as to the economic loss if proposal goes ahead. (\$75m to \$100m loss of value based on \$/sqm east side v west side of Kent St). This is not considered in the Economic Assessment. Impact on tourist arrivals in Millers Point will also be negatively impacted if the proposal goes ahead which also needs to be considered in the Economic assessment.

77. Proximity to a heavy rail station was used as the rationale to build another 120,000 sqm of commercial office space a South (Mod 3). Can't have two bites at the cherry.
78. Wind tunnel, anyone? Enlargement of Block 5 will cause deleterious wind conditions.



This view looks west from Bond Plaza along Barton Street. It illustrates the direct view corridor towards Harbour Park and the western foreshore, framed by the Crown Sydney Hotel Resort and the proposed building envelope and massing for Block 5 of Central Barangaroo. (Source: AECOM, August 2021)

79. The proposed residential tower does not belong in (is out of context with) its proposed location. In 2017, the NSW Government demolished the 87-metre-tall Sydney Harbour Control Tower. The Barangaroo Delivery Authority considered that “the Harbour Control Tower (HCT's) bulk and form is visually intrusive to key harbour vistas and is not in keeping with the intimate small scale and character of the local residences in the Millers Point Conservation Area.” It was concluded that “the demolition of the Harbour Control Tower (HCT) will remove a dominant visual element which is out of context with the low-scale nature of the Millers Point Conservation Area, the Department (of Planning & Environment) concludes, that the overall merits for demolition which include improved views, better access and permeability...”

Source: MODIFICATION REQUEST; Headland Park and Northern Cove - Main Works (MP 10_0048 MOD 4): Demolition of Harbour Control Tower and associated works. July 2015

<https://majorprojects.accelo.com/.../Assessment%20Report...>

Photo SMH David Porter



Way forward

I kindly request that the matters raised in this submission be considered by the DPIE's Assessing Officer and that the Assessing Officer contact the writer to discuss DPIE's position. In the event that additional information is requested from the applicant, we respectfully request that we are notified and that I am provided the opportunity to make further submissions.

Please contact me if you have any questions about this letter, or require further information.

Faithfully

Martin Crabb

Martin Crabb

[Redacted signature]

[Redacted contact information]

Friends of Sydney Harbour (FOSH) Inc. Submission for Central Barangaroo



Friends of Sydney Harbour (FOSH) is a not-for-profit community activist group that is a voice for the preservation and protection of Sydney Harbour for the enjoyment of everyone now and in the future.

FOSH welcomes the opportunity to provide a submission on this significant development for Sydney. FOSH acknowledges the growth of Sydney is inevitable; however, Sydney Harbour is a unique asset, it is the centrepiece of Australia's international city, the focal point for locals and tourists and must be preserved.

FOSH seeks that any proposed development on this site should preserve this living entity and the harbour, and its foreshores protected as it cannot be replaced.

FOSH considers that the Central Barangaroo site should reflect the protection of the natural form, heritage and access including iconic vistas to and from the harbour for **everyone**.

The Central Barangaroo area is etched in indigenous, colonial, and natural heritage as a meeting place from the land and the harbour, it is part of the working harbour dry docks etc. with Observatory Hill being the highest natural point of the harbour.

Central Barangaroo was once Sydney Harbour and is on reclaimed Crown Land. Therefore, FOSH demands that this public domain / open space not be alienated but retained, allowing access directly to Sydney Harbour foreshore and water. This view is supported by Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

For the purpose of enabling these aims to be achieved, in relation to the Foreshores and Waterways Area, this plan adopts the following principles:

- (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good
- (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores
- (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.

FOSH supports the concept for Barangaroo that it is a Reserve Headland, not a development site with no civic space. Commercial, retail, residential was wholly focused on Barangaroo South and to the North. Central Barangaroo was to be developed as public domain with direct access to the harbour foreshore mirroring the Botanical gardens and Domain headland to the east of the harbour bridge as identified in the original design and concept plan.

FOSH considers that the proposed Mod 9 application on exhibition is **not** in the public interest and is in total opposition to the principles of public domain in relation to:

- Excessive bulk, mass form and scale of the commercial residential development
- Sight lines to the harbour and from the harbour to the headland are not preserved. The sight Line clause in the statement of commitment for Barangaroo South that the 270-degree panoramic views from Pyrmont and around to the harbour bridge for Crown and Lend Lease

- should be consistent for all of Barangaroo and imposed for Central Barangaroo as outlined in the concept plan “for future development within the Barangaroo site is to retain the views to Observatory Hill from (the harbour and) public spaces on opposite foreshores and to retain the panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Hill Park” (2010).
- The development visually impacts on ALL the harbour west, southwest and northwest of the harbour bridge.
 - It does not reflect the natural topography of the land in line with the concept plan
 - Reduction of inclusive public open space and equitable alienation to foreshore access rather than the concept of a transition space from the economic hub to a green and shaded harbour park, Sydney steps, harbour stage and cultural meeting precinct linking to the headland reserve.
 - The proposed ‘elite’ ‘high end’ commercial, retail, and residential development could occur in any site in the CBD. This open space, harbour vistas and public domain cannot.

Additionally, FOSH considers the Central Barangaroo Mod 9 application has the same detrimental impact as the planning precedent Commissioner Peter Walsh found in relation to Gladesville Marina development on 19th July 2022 in the Land in Environment Court. In that:

“The proposal prevents the aim of protecting the Sydney Harbour Foreshore as an outstanding natural and public asset for future generations.”

“That it would be a “visually intrusive, negative factor and incompatible with the existing character of the embankment”

“Would create visual impact problems for those using the foreshore”

“The development is not in the public interest”

FOSH believes that we are all the custodians of the Harbour and its foreshores; it is our responsibility in a democracy to provide free and unfettered access to what is our future. For what is another example of short-term expedient elite development. By any measure this is not good planning. To deny citizens access to our Harbour is to deny access to our soul and who we are and will impact the future fabric of our society for what can easily be created in a much more appropriate environment. In Sydney Harbour’s future, do we want more open space like the Domain or high-rise buildings?

This development is a negative force in the future of Sydney.

Your sincerely,

John Molyneux



Chair

Friends of Sydney Harbour Inc.
jr@molyneux.com.au

David Pescud

Committee Member

Friends of Sydney Harbour Inc.
dpescud01@gmail.com

Department of Planning and Environment (NSW)
4Parramatta Square
12 Darcy Street
Parramatta NSW 2150

By email: David.glasgow@planning.nsw.gov.au

8 August 2022

Dear Mr Glasgow,

Objection to the Modification of the Barangaroo Concept Plan and the Proposed Development

I write on behalf of Darling Island Apartment's Strata Committee (DIA SC) representing the input from a large number of our 112 owners at 3 Darling Island Rd, Pyrmont.

We write to object to the Proposed Development and the alteration of any planning documents that would allow a decision in favour of the Proposed Development.

We confirm the Department can publish our submission and that the DIA SC has not made a reportable political donation.

We are concerned and strongly object to Proposed Development for the following two main issues:

1. View loss and the impact of the Proposed Development due to bulk and scale; and
2. The significant proposed change of the Barangaroo Concept Plan which was approved after significant consultation with a large number of stake holders.

1. View Loss – Bulk and Scale

Millers Point and Observatory Hill is a recognised heritage precinct and is one of the “special aspects” of Sydney Harbour which can be viewed by many from many advantage points at the present. The original Barangaroo Concept Plan and relevant planning documents supported only low-rise development at the Northern end of Barangaroo primarily for this reason.

The bulk and scale of this proposed development will significantly detract from a special and significant aspect of Sydney Harbour. It will adversely impact on many decisions made by owners that relied on the planning documents available at the time they made a decision to buy or develop.

2. Change of Concept Plan Without Due Consultation

It is not appropriate that such an extensively prepared Concept Plan should be altered in a different manner than it was created; especially altering the Concept Plan to support a large

development that would never be considered permissible from the original Concept Plan and supporting planning documents.

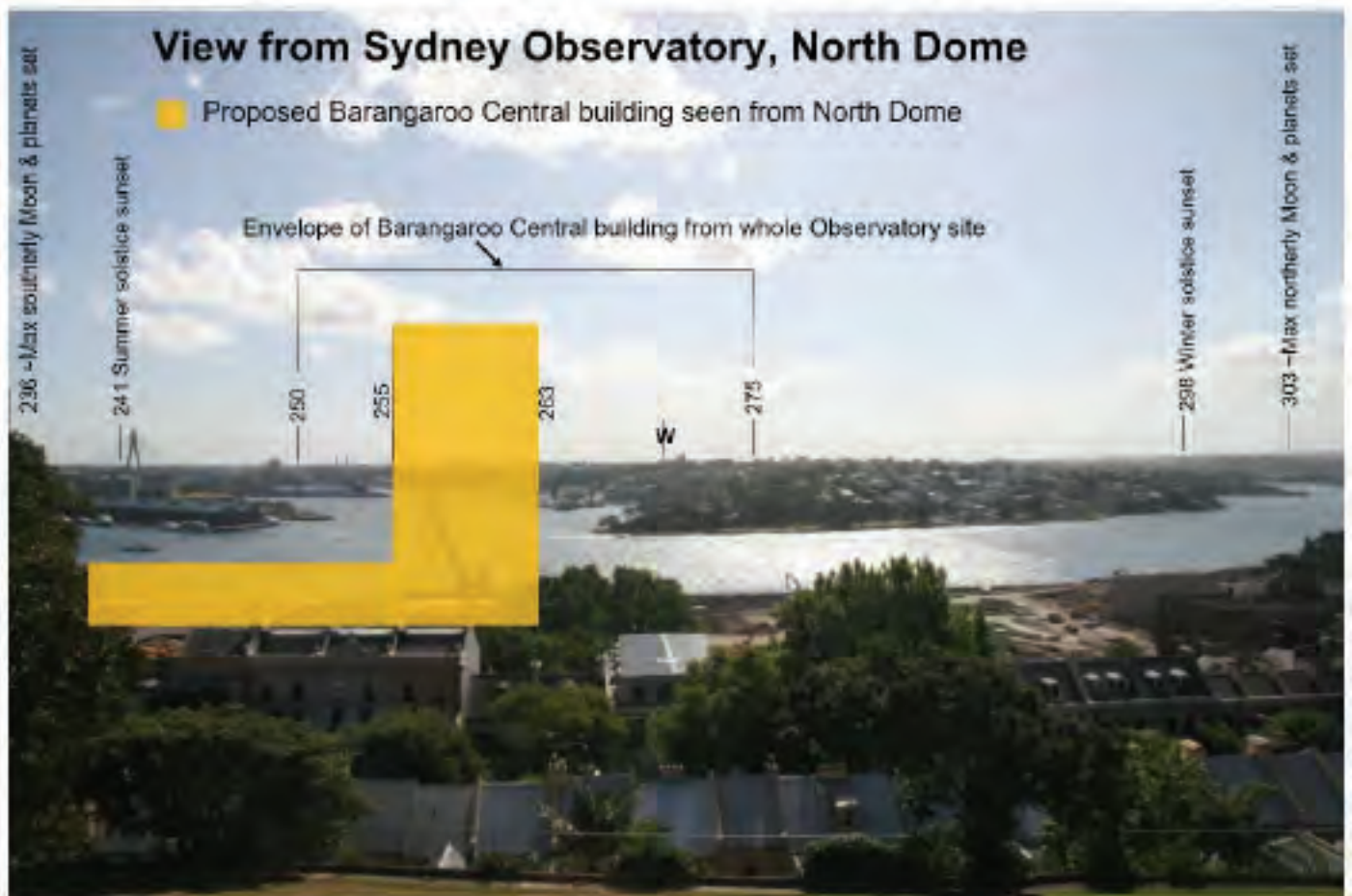
This process is highly undemocratic and shows no faith to the extensive preparation of the original process and their related Concept Plan and supporting planning documents.

Conclusion

The owners and residents of Darling Island Apartment's strongly object to the government allowing any process or documents which would support approval of the Proposed Development. Darling Island has a connection to Millers Point and Observatory Hill and this should be preserved for future generations.

Yours faithfully

Wendy Crane
Secretary Darling Island Apartment's Strata Committee



OBJECTION to Department of Planning and Environment

Development	Barangaroo Concept Plan Modification 9
Application number	MP06_0162 MOD 9
Location	Central Barangaroo
Personal Information	Public (Objection on behalf of an Owners Corporation SP72797)
Political Donations made	Nil
Support or Object	Object
Reason for Objection	<p>Primary objections:</p> <ol style="list-style-type: none"> 1. We object to ANY increase in the maximum GFA above the approved 47,000m2 and block boundaries 2. We object to ANY increase in height above the approved RL 22.5 Block 5, RL 29.0 Block 6 and RL 35 Block 7 3. We object to the conversion of Barton Street from a temporary road to a permanent road against the existing approval 4. We object to any amendments to the State Significant Precincts SEPP in relation to Mod 9 5. We object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. <p>Zero consideration to SP72797: In making this objection, we, the Strata Committee representing the owners of SP72797 consisting of 50 lots in The Bond Apartments, 38 Hickson Road Millers Point, this objection is made on behalf of each and every owner of SP72797 by the Strata Committee representing the Owners through the Managing Agent. We strongly object to the total lack of consultation with this Strata Plan and point out that The Bond Apartments is the closest residential Strata to the proposed Central Development, and there has been ZERO consultation with the owners of this Strata. Please see Appendix F in Mod 9, revision 11 dated 10/12/2021, the View and Visual Impact Assessment report is therefore seriously flawed and a falsehood in that it does not consider the nearest residential Strata.</p> <p>Loss of quiet enjoyment and views due to Mod 9 The owners and occupants' health and safety, our quiet enjoyment will all be dramatically affected by the proposed changes in Modification 9. We note that SSD-39587022 is at "prepare EIS" stage. The Bond has had ZERO consultation. The remediation project will again expel toxic substances into the atmosphere from the historic gas plant on the site and as the closest residential Strata Plan the health, safety and quiet enjoyment of SP72797's residents will suffer throughout the entire build process.</p> <p>Barton Street was NEVER proposed as permanent. Barton Street lies about 150 meters from The Bond Apartments. It has become a drag strip for loud "super cars" attracted by the restaurants, apartments and Hotel in Barangaroo and the noise especially at night and on weekends is totally</p>

unacceptable. We have “put up” with this on the basis of the temporary approval and stress that Barton Street CANNOT be left as permanent, see my comments on Hickson Park which relate.

Hickson Park will be significantly overshadowed and was not approved to remain its current (limited) size.

The NSW Independent Planning Commission increased the size of Hickson Park and removed Barton Street to improve the amenity of the park and improve pedestrian connection into Central from South.

The Applicant seeks to restore the previous site boundary and keep Barton Street as a two way road joining Hickson Road.

- The applicant wishes us to compare this park to Bryant Park (a 9.6 acre park in Central Manhattan) – there is no comparison!
- Hickson Park will be overshadowed in midwinter

Hickson Park is small as is and was NEVER proposed or approved to remain its current (limited) size.

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

- (a) Are to minimise overshadowing of Hickson Park .. no more than 2,500sqm of Hickson Park is overshadowed ..
- (b) On page 21 of the Determination report it is stated “the Commission recommended a reduction in the footprint of Block 5 .. to limit overshadowing.”

Against this background the applicant has completely ignored the Commission’s determination by INCREASING the proposed height of Block 5 from RL 22.5 to RL44.5. Outrageous!

Mod 9 proposal is destructive of the heritage - Barangaroo is Crown Land

Mod 9 destroys many aspects of the heritage value of the whole of Barangaroo. The proposal **does not comply** with the existing Approved Concept Plan planning controls. The Government must not allow this developer to destroy the Heritage of this historical and important area.

Refer Appendix F_ View and Visual Impact Assessment Page 140

(Barangaroo Modification 9 : View and Visual Impact Assessment, AECOM, Page 130) - There is repeated guidance and determination in all previous reports such as:

“Future development within the Barangaroo site is to retain views to Observatory Hill Park from public spaces on opposite foreshores.”

These principles have NOT been adopted in the present Mod 9 application. I OBJECT to the applicant’s “Summary” which (erroneously) states (inter-alia) “Mod 9 often only marginally increases the extent of view loss”. This statement made by the applicant is a falsehood. The heritage views to the Millers Point historical cottages are destroyed by Mod 9.

Summary: This proposal is unacceptable, the increase sought is a 146% increase in Gross Floor Area (GFA) and significant increases in building heights. We also object because this is our harbour, our reclaimed land, there have been promises made and broken. The strict guidelines documented have been ignored by developers profiteering from the misuse of public land!

Date	8 August 2022
Name, Address and contact details	The Owners - Strata Committee of Strata Plan 72797 - 38 Hickson Road Barangaroo c/- Whelan Property elizabeth.w@whelanproperty.com.au Tel: 0292194109 www.majorprojects.planning.nsw.gov.au/page/on-exhibition/

Or post to

Director – Key Sites Assessments, Planning and Assessment,

Department of Planning and Environment,

Locked Bag 5022, Parramatta NSW 2124

353681

Views from 83 Kent Street Millers Point
State Heritage Listed SHR item 00879, Plan 2818 with recoding as two adjoining terraces 83 & 85 Kent Street, Lot DP 1155126



View sitting at desk in study

View from 1st floor deck

View standing at desk in study

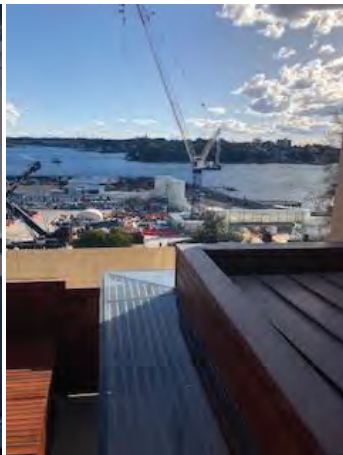
View from 1st floor deck



View from 1st floor bedroom



View from Attic



View from 1st floor deck

Dr Judy Hyde

1705/127 Kent Street

PLEASE DELETE PRIVATE ADDRESS

Millers Point

Submission in response to Application Number MP 06_10162 MOD 9 by Infrastructure NSW for a Section 75W Modification request for Central Barangaroo

Statement:

In my professional capacity I have submitted between 120 and 150 submissions representing national organisations and other interests in response to Federal and State government enquiries, consultation papers, and a Senate Inquiry. Never have I seen such a misrepresentation of facts, minimising of harms, empty, unsupported, glossy rhetoric, and disregard for the interests of the public or their right to the ownership of their prized assets contained in a suite of 'consultation' papers. It seems the documents presented by Infrastructure NSW aim to deceive the Minister and the public in order to subvert the interests of NSW and the nation to prioritise the interests of overseas developers and private ownership of public land.

If this is reflective of Infrastructure NSW, the people of NSW are being corruptly served. The movement of prized publicly owned (*not* government owned as claimed by Urbis, 2021) Harbour foreshore land into private hands is *not* in the best interests of the public for the Central Barangaroo development and must not be permitted.

I have made no reportable donation.

I oppose and reject the Infrastructure NSW proposal on the following grounds:

1. The proposal demolishes the heritage views, vistas, panoramas, and connections of the water required to be preserved under the Concept Plan and conditions of consent for modifications made at South Barangaroo. The proposal decimates views required to be preserved to and from:
 - a. The heritage area of Millers Point;
 - b. the Sydney Observatory;
 - c. Observatory Park;
 - d. The roofscape of terraces above the High Street cutting;
 - e. Pyrmont Point; and
 - f. Darling Harbour.

These highly valued views along with the sense of connection of our maritime past and associated heritage areas to the Harbour are divided, enclosed, diminished and ultimately destroyed by the proposed heights, massing and bulk of the buildings in Blocks 5, 6 and 7.

2. The unconscionable, irreversible destruction of Australia's heritage for the private gain of developers and a temporary boost to the NSW Government coffers is utterly reprehensible and cannot be permitted.

3. The proposal for further movement of prized public foreshores into private hands, following from the debacle of the Crown and other massive increases in building heights and GFA at South Barangaroo, is appalling.
4. The original Concept Plan upon which the request for modifications rests in misrepresented throughout the documentation in both written and visual forms. The built form principles, design guidelines and controls are ignored and deceptively described, along with further deception about the proposal's 'improvement' to the Concept Plan built form. This in itself disqualifies the proposal from consideration. It is unacceptable for a NSW Government agency to deliberately misrepresent facts to the public.
5. The visual representations and evaluation of impacts of the proposal on the High Street cutting, Sydney Observatory, Observatory Park and the terraces is deceptively minimised through photomontage distortions and their comparisons to the misrepresented Concept Plan.
6. The cramming of residential space into a massive 73.7m high tower that destroys the visual connections to and from the Harbour the heritage area of Millers Point, the High Street cutting and its terraced roofscape, the Sydney Observatory, and Observatory Hill, with the loss of residential space is unacceptable. The tower also breaks the smooth transition from Headland Park to the playfields.
7. The proposed reinstatement and increases in all dimensions of Block 5 destroys the connections of Hickson Park to the parklands, turning it into a small, enclosed, handkerchief of a space that has little amenity. This proposal has already been rejected in MOD 8.
8. Making Barton Street permanent, as per the proposal further cuts Hickson Park off from the parklands and foreshores and is unacceptable.
9. The proposed rezoning of Blocks 6 and 7 from residential, community, and a little retail use to primarily retail and commercial space is unacceptable and unwarranted. No further commercial space is necessary in the area and the destruction of Sydney's heritage connections is too massive a price to pay for such unnecessary space.
10. Australia is facing a massive shortage of employees. The proposal for increased employment opportunities increases the pressure on this shortage with negative impacts on the economy.
11. The proposal to revoke conditions of consent that attempt to offset the huge incursion of the Crown building into prized publicly owned parkland foreshore, along with massive increases in GFA at South Barangaroo, is deplorable.
12. People bought their homes in Millers Point with the understanding that these conditions of consent would protect their views.
13. The legitimacy of a request for a modification under Section 75W of the *EP&A Act* is highly suspect. The preliminary request for the Director General's 2014 recommendations for Modification 9 was withdrawn and the final date for submission of documents under transitional arrangements was the 1st September, 2018.
14. The one component of the proposal that is supported is the conversion of the northern end of Barangaroo Avenue to a primarily pedestrian thoroughfare.

This proposal is corrupt in almost every aspect and should never have been presented to the public for consultation nor to the Minister for approval. It acts, in itself, to undermine the confidence of the public in the development process and in the NSW Government. It is clear this proposal puts private interests over and above those of the public and the country's unique heritage.

Philip Bruce
Unit 1807, 127-153 Kent Street [DO NOT PUBLISH ADDRESS]
Millers Point NSW 2000

8th August 2022

**Re: Modification Application
Central Barangaroo
Section 75W request**

I OBJECT TO THIS PROPOSAL

Objections

The application is termed Modification 9 and is dated March 2014 and, further, purports to be the 'Master Plan' for Central Barangaroo.

- It is out of date by over seven years and irrelevant.
- It has not had the recent extensive exposure and stakeholder consultation necessary to confirm that the community supports such a Master Plan for Central Barangaroo. The Appendix U engagement report notes the brief encounters with stakeholders, and the application demonstrates the disregard for their concerns.
- The current 'Modification 9' is similar to the 2014 version but adds an odd looking tall building at the north end. However, the 2014 Mod 9 was panned by the Planning Assessment Committee (PAC) at the preliminary stage and subsequently withdrawn, so this Modification 9 is just a rerun of a failed earlier application. It should also be withdrawn and started again and, at least, adhere to the conditions of the PAC response and then updated according to reflect current community expectations and heritage requirements to preserve vistas.
- Changes since 2014, and just beforehand, to the South Barangaroo number of buildings, GFAs, building height/ volumes, building placement and available parkland and public and community spaces have all detrimentally impinged upon the remaining land to the north for development at Barangaroo. South Barangaroo and the Crown building now overwhelm the Harbour foreshore and the Barangaroo project site. Therefore, in contrast to the 2014 Modification 9 and the current version, Central Barangaroo needs a complete rethink and a lowering of GFAs, building number, volumes and an increase in openness and spaces between the buildings, plus tapering the buildings and sight lines (to/from the water and Millers Point High Street cutting) down towards the north and west.
- This application is a far departure from the Concept Plan and has to be rejected until compliant with the Concept Plan and the PAC responses to the 2014 preliminary application.

The modification application seeks to increase GFA within Barangaroo from 602,354 sqm to 708,041 sqm, though the relevant increase sought is for Central Barangaroo (Blocks 5, 6 and 7) from 47,688 sqm above ground to 116,189 sqm above ground.

- The Central Barangaroo GFA was reduced to 47,688 sqm as offsets against the over-development of South Barangaroo and the addition of the Crown building. The current proponent has to honour those commitments as undertaken by all concerned, not disregard them as is common in developing countries.
- The 'below ground' GFA seems to rely in part on increasing the ground level from RL2.0m to RL3.5m, which is not clarified in the documents.

Minimum community GFA is increased from 2,000 sqm to 2,800 sqm.

- Unspecified location of additional GFA of 800 sqm for community use needs to be presented and discussed with appropriate community interests.
- Despite a proposed increase in Central Barangaroo of 68,501 sqm, an increase of only 800 sqm in GFA for community use is an insult to the community egregiously impacted by the proposed over-development.

Allocating up to 18,000 sqm of GFA for The Cutaway.

- The applied for GFA for The Cutaway GFA is within the Barangaroo Reserve, which is not a part of Central Barangaroo, and needs to be applied for separately.

Increase in the area of Block 5 by relocating the boundary to the south and reducing the area of Hickson Park.

- The area of Block 5 was reduced from the south to accommodate commitments under the conditions imposed for the inclusion of the Crown building and Sydney Harbour One into South Barangaroo, which over-whelm Hickson Park. The south boundary of Block 5 must stay at least where it is to honour these commitments and PAC conditions and to ensure a reasonable size for Hickson Park with fulsome green growth endowment rather than just a miserable postage stamp of open area.
- The application also seeks to increase the height of Block 5, which will further over-shadow Hickson Park and must be rejected.
- A drip by drip removal of public amenity, such as the diminution of Hickson Park by degrees, is the attitude taken by Infrastructure NSW/Aqualand for Central Barangaroo and has to be strenuously defended against by the Minister.

Modify the road network, removal of vehicular traffic from Barangaroo Avenue north of Barton Street and converting Barton Street to a permanent street.

- Removal of vehicular traffic, except for controlled service vehicles access, from the north part of Barangaroo Avenue is OK, and can be done without retaining Barton Street.
- Barton Street is a temporary street to assist construction access and has to be returned to Hickson Park on completion of construction.
- The size of Hickson Park and its connection to the water must be preserved, otherwise it just becomes a separated forecourt for the Crown building.

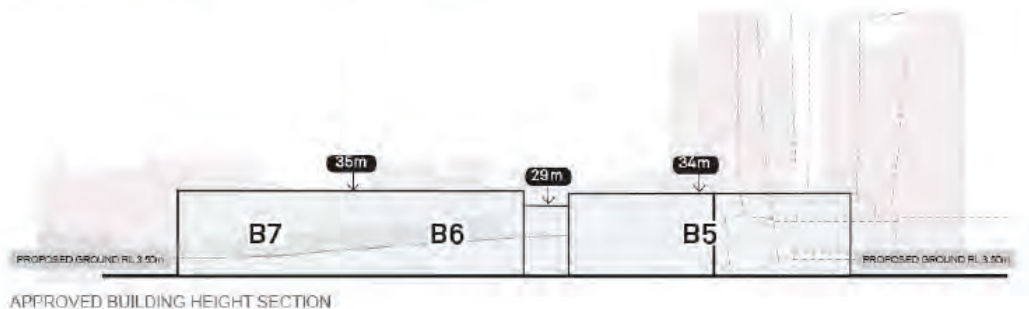
Modify approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks.

- The application raises building heights to eliminate protected views as shown in Figure 12 Appendix U. It is a breathtaking abomination against the approved Central Barangaroo built environment and travestying the Sydney Harbour Foreshores, heritage vistas and the amenity rights of the public and the residents of Millers Point.
- The Principles of the Concept Plan, which both the earlier Modification 9 preliminary application and this current version are supposed to honour, include the preservation of views to/from opposite foreshores, the harbour and the High Street cutting and those of local residents. This application does not preserve these views and must be rejected until the proponents take them into proper consideration and not just their own economic outcome.
- The depictions and figures in the application distort the 'existing heights' (eg. Figure 12 Appendix U shows Block 6 at RL29m as part of Block 7 at RL35m) and do not show the built-form that the proponents propose, but rather the nominal outlines, and with lots of words of empty

description. The application has to be rejected and building heights reduced to at most the currently approved RL heights.

- The GFAs for the blocks are unallocated and full disclosure is mandatory for where the GFAs are to be allocated, with specific built-form presentations. Otherwise the developer is unfettered by normal design specifications, which is contrary to accepted building developments and community expectations of the planning process. The building designs need to be advanced to point of specified GFAs and exposed for review prior to further advancement of this modification application.
- The application adds a tower at the north end of Block 7 to RL73.7m at the low point of the High Street cutting 'V'. The location of this is an anathema to the Principles, approvals, conditions and commitments that have gone before: the tapering down of Central Barangaroo building heights is to reflect the 'V' vista from the west. It reflects the 'erect penis' (though smaller) of the Crown building and of the Blues Point tower on the opposite shore of the Harbour. It is an odd 'punched up' building that is proposed to house the bulk of the residential GFA, however it seems to be an aggrandisement for the proponents and a windfall profit-making exercise to selfishly capture elevated harbour and Sydney vistas. The penthouse would be a prized residence for someone. The exaggerated height of the building has to be reduced to at least the currently approved elevations.
- The Concept Plan and subsequent modifications have the building and open areas between

Figure 12 Existing Height of Buildings Map (west elevation)



Source: Hassell

Figure 13 Central Barangaroo Envelope Plan (west elevation)



Source: Hassell

them as 'slender, low towers with wide, articulated view corridors protecting heritage views' and to 'retain and focus views to and from Observatory Hill' however this application eliminates these design principles and the views. The application has to be withdrawn and major design changes made to comply with the previous commitments and the preservation of the iconic harbour and foreshore views.

Philip Bruce

8th August 2022