

8 August 2022

Mr David Glasgow
Planning and Assessment Group
Department of Planning and Environment
Locked Bag 5022, Parramatta NSW 2124

Dear Mr Glasgow

I refer to Modification 9 of the approved Barangaroo Concept Plan recently submitted by the Central Barangaroo Developer.

Urban Taskforce strongly supports this modification as proposed by Infrastructure NSW, as a logical final component of the Barangaroo vision.

GFA Stats

- The NSW Government's application proposes to increase the total maximum Gross Floor Area (GFA) for Central Barangaroo from 47,000m² to 116,000m² above ground GFA plus up to 25,000m² of below ground GFA.
- Additional GFA has been added to allow for the continued use of the "Cutaway".

Public Benefit

- Through the development of Central Barangaroo, the Developer will contribute over \$280m towards public benefit, including community and cultural facilities, public art, and the remediation of the site.
- The fit out of the Cutaway and the construction of the new Harbour Park, announced by the Government on Sunday, are only possible with the contributions collected from the Developer, arising from the delivery of Central Barangaroo.
- The development of Central Barangaroo will contribute \$45m to the construction of the new Harbour Park, announced by Minister Stokes on the weekend. Without this contribution, the Harbour Park would have to compete for budget funding in an increasingly tough economic cycle.

Public Open Space

- The proposed development honours the NSW Government's commitment that 50% of Barangaroo will be open space accessible to the public, despite calls to the contrary.
- This proposal will fund the delivery of the new Harbour Park – building on the generous provision of popular waterfront public domain throughout Barangaroo.
- Many of the opponents of the scheme were also opposed to the creation of Barangaroo Reserve, the delivery of which has proven to be a masterstroke and the highlight of the entire precinct.

Broader enjoyment

- Barangaroo is a project that is recognised globally as an exemplar of urban renewal.
- Barangaroo is a place that can be enjoyed by all of Sydney, not just those who have the benefit of living in former public housing in Millers Point.

Leveraging public benefit from the Metro Investment

In terms of the broader public interest, it is critical that full advantage be taken of the new Metro station at Barangaroo. The Metro represents a significant investment of scarce public funds, and as such it is imperative that the Government maximises outcomes such as residential development and job creating commercial/retail.

The delivery of the new metro station, the new ferry wharves on the Barangaroo foreshore, new pedestrian links to Millers Point, Walsh Bay and the Rocks, and the connections back into the city through Wynyard Walk and Gas Lane, will make this precinct one of the most accessible and connected places for workers, residents, and visitors in Australia.

The NSW Productivity Commission White Paper, launched in 2021, emphasised the importance of maximising the opportunities provided by investments in infrastructure to generate value for those taxpayer funded investments.

Large investments in transport infrastructure, such as the Western Sydney Metro, must be used to stimulate growth in jobs and residential accommodation. The proposal meets the Government's policy of increased land use intensification around new public transport infrastructure.

Urban Taskforce urges the Minister for Planning to support Modification 9. It is critical that the Government back Infrastructure NSW and not allow a bunch of well-funded CBD NIMBYs strand billions of dollars of investment in public infrastructure through an organised campaign of localised opposition to this modification.

Barangaroo, along with the redevelopment of the Carlton United Brewery site at Central Park, were the projects that kickstarted the revitalisation of the Sydney CBD. The same people who opposed the highly successful development of the CUB site are now pulling out every opportunity to stymie the Government's realisation of value here at Barangaroo. This must be resisted.

Infrastructure NSW' Modification 9 represents an ideal combination of commercial, retail and residential opportunity, and the Government must deliver on this potential.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', written over a white background.

Tom Forrest
Chief Executive Officer

Barangaroo Concept Plan (Mod 9)

Submission

Please consider my following submission to the Barangaroo Concept Plan (Mod 9). Please note that I strongly object to the proposed development.

I have been living in Millers Point since 2011, after we conserved the terrace home that we bought from New South Wales Land and Housing Corporation. We engaged a heritage architect and sympathetically conserved our dwelling which was otherwise unliveable.

Over the past years we have observed that the NSW Government has repeatedly intervened in the Barangaroo precinct impacting on our enjoyment of the environment that we live in, starting with the overdevelopment of the area where the Crown tower currently stands. In the name of public open spaces, there is only a small area west of the Crown. At times, the wind tunnel makes it unwalkable from Hickson road to Barangaroo Avenue and further west.

The proposed development is the worst. It will block forever the beautiful vistas from High Street, Argyle Place, Kent Street, and even from the Barangaroo Reserve viewed towards the South-East. And what happens to the views from the coveted Observatory Hill – they will be gone forever!

I attended the Central Barangaroo Exhibition Webinar on 28 July 2022. How can you accept the developers' abhorrent comments such as the two mentioned below?

Quote

"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."

"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."

Unquote

Such blatant statements indicate the thinking by the developers that the consultation is just a farce, and that the developers would do anything they desire. Is this what the Minister thinks too?

The Nawi Cove is a beautiful area as is and must not be surrounded by a very tall structure. Any construction around the Nawi Cove will spoil the vista, no matter how beautiful the structures are developed. That area should not be built around at all.

The proposed tall building appears to be a money grab, without adding any value to public good. It will spoil my view by obstructing the sky views from my home by being very close. It will also impact on visual privacy for me.

Little children visiting our home would enjoy the view of aeroplanes flying from west to east as if taking off. The tall towers at South Barangaroo have resulted in losing that enjoyment forever. The structure around Nawi Cove would make it worse. And what happened to the skate-boarding facility for young children that was promised initially?

It is a joy to walk along High Street and Observatory Hill and enjoy the water views looking west. The proposed development will deny that forever. And all the proposed structures are very large and as I understand, the proposed development also contravenes the advice from Independent Planning Commission. There is no need to have such large office spaces when the CBD buildings are being emptied post pandemic WFH (work from home) acceptance. Even the developers accepted this fact during the consultation webinar.

NSW Government has a demonstrated history of handing over public land to private developers, the Toaster Building next to the Sydney Opera House, and South Barangaroo to Lendlease are just a few examples. It looks like a charade to have public consultations and tick the box. Otherwise, the NSW Government would have stood firm and awarded the entire Barangaroo redevelopment to Hill Thalys Architects who were selected through a proper process and worldwide competition. This is very unfortunate.

The entire State Heritage listed precinct of Millers Point/ Dawes Point is now already surrounded by tall buildings. Please do not add further structures so close to this area in the name of development. Let this area and the panoramic views be available for the future generations and visitors to marvel and appreciate. Plant more trees and have greenery like we have at The Domain.

This is public property and should remain so. Originally, no construction was proposed there and that's how it was 'sold' to us at that time. As elected representatives, the Ministers should not hand over this land to private developers.

I vehemently oppose this development.

Kind regards.

Central Barangaroo Development - Disapprove

From Howard-Victor, Renshaw

We have been owner residents of Barangaroo since 2013 and in purchasing the apartment, due diligence and including the Barangaroo authority – development approved which did not include the current buildings directly opposite 38 Bond Street, and there was to be a park in front with line off site to the harbour between the current buildings on the south side, and the Casino building to the water.

We have attended along with many residents and people affected over the years at meetings conducted by the Barangaroo authority and lodged our concerns which are noted below with no consideration given by the Barangaroo authority as to increased heights of buildings, expanding the base footprint, encroaching upon the residents and public's area, and line off site aspects which effects the environmental impact of living, blocking out the northwest to west light and sun, and causing major traffic management issues which will only increase dramatically once the buildings are occupied, currently under construction (3 high rises) and now the proposed Central Barangaroo development, – **we vehemently disapprove of the planned development.**

The public and the residents have had to put up with major issues along Sussex Street and Hickson Road including parking, vehicle and stopping has been eliminated and no provisions for pickups and drop-offs, access to buildings, and further deliveries and removals of goods and services is non-existent, which has caused significant problems to the residents. The City Council parking fines on behalf of NSW government Treasury (the collector) high costs to carry out services and deliveries (this also includes Jamison street coming off Kent Street via Gas Lane and then running north-south) is just an absolutely disgrace and unacceptable.

Action will have to be considered whether that be a Class actions for compensation and damages for the changes to planning and thereby consideration for the residents and people of Barangaroo (which includes new residents).

It is now got to such a stage that the people will have to take action against the government (who removed the Barangaroo authority) and is now under the NSW government infrastructure minister. The implications of Lendlease corporate involvement in lobbying for all these approvals, as well as Lendlease acceptance as the community engagement which is not their responsibility in the development approvals.

Lendlease, The state government - Treasure, the Sydney city Council have already benefited and will significantly benefit from these major overdevelopments and violations of the approved original Barangaroo development plan. Previous Ministers and public servants shall be accountable as part of this action whether they have now retired or moved on, will be held personally responsible as well as corporately. This is public land title and ownership could be disputed, let alone taxes & fines imposed on such land.

The proposed development for Central Barangaroo currently on display, whoever is responsible for this architecture, ugly and blocking design right along the foreshore from the Crown Casino to the northern park end where the current underground station is in progress of completion, should be dismissed immediately and the Minister and government held accountable for any such approval. There is no need for any high-rise development on the northern end and any proposed commercial and shopping centre development should be restricted in area and height and line of site to the northwest from the east and allowing for Central Barangaroo park and green land area be significance to the current walkway fronting the harbour.

The current building just started on Hickson Road at the southern end should be stopped and reversed to ground level, it is just unacceptable this type of development without any consideration for people

living in the area and who will live in the area in the future, especially the environment and traffic management for the people who work and live south Barangaroo excessive over build.

People who lived in this area over the past 10 + years have suffered from the environmental pollution, noise from the construction and diesel motors during construction. This includes the continuous heavy vehicle movement, diesel movements and redirection of buses down Hickson Road, the noisy and air quality pollution has entered homes, and this has been brought to the notice at the public meetings of the Barangaroo authority and EA.,

Government authorities hold consultative meetings, tick the box, and take no notice of anyone. In fact, there is no report back to us on these matters raised on many occasions which are of significant impact nature to the people and residents of Barangaroo.

Finally, access in and out of Sussex street Hickson Road is unacceptable for this type of overdevelopment as there is only one way in and one way out and thereby traffic is forced up onto Kent Street is currently a disaster anyway. **Traffic management plan-poor.**

We disapprove the Central Barangaroo development plan.

This is said at this stage, without prejudice, to take people seriously and to actions in relation to the proposed Central Barangaroo development plan now.

Background - has been extensive acting for the government and prime producers in NSW and Federal organisations, private family and public companies in the areas of infrastructure and reorganisation including the ports of Sydney, Newcastle and Port Kembla, the rail network both in country and city as an inquiry member that took into consideration the environmental impact and traffic management of the railways of goods and services from west of the Blue Mountains to the city including White Bay coal and grain terminals which were closed down and reorganised under the inquiry that, and implemented the 78 recommendation from the state government and cabinet in relation to these matters.

Howard-Victor, Renshaw, Citizen NSW



7 August 2022

Attn: Director General
NSW Department of
Planning and Environment

4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Barangaroo Central

MP06_0162 / Modification 9 to Concept Plan

Letter of Objection

I write to offer a number of objections to the Modification 9 amendments to the Concept Plan for Central Barangaroo (Blocks 5,6 and 7), which I understand are currently before you for review. These objections are categorised and detailed below.

1.0 Planning Pathway

Modification 9 continues the distortion of the planning process for this highly significant site. Since the original Concept Plan in 2007, the widely discredited Part 3A planning pathway has been used to make numerous 'modifications'. In effect these have subverted the form and intent of the original approved Concept Plan As with Modifications 1-8, this is not a modification but a substantial reworking of the site that effectively undermines the public qualities of the original approval.

Modification 9 should be a new application, subject to a full assessment process.

2.0 Public Space

There is no Public Space identified on the Modification 9 plans.

2.1 Barangaroo Avenue

Barangaroo Avenue, the element of the Concept Plan approval that provides continuity to the urban grain and connections to the wider city, is proposed to be cut in Modification 9.

This would diminish the city's western edge – the complement to Macquarie Street on the east, into a pair of minor streets configured to service development, rather than frame the public space on the site. The proposal is a distinctly suburban configuration that is inappropriate and does not fulfill the critically important public role of this site to frame Sydney's public interface with the harbour.

The proposal continues the privatisation of public space. This process has been seen in locations like Wentworth Point and Breakfast Point, and should not be risked at the critical western edge of the city.

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The alignment of Barangaroo Avenue is impinged by a proposed 3 metre deep, multiple storey overhang, described in Urban Design report as a 'verandah'. No enclosed floorspace should be permitted to encroach upon the Barangaroo Avenue reservation either above or below ground level. Such encroachments limit and diminish the clarity and form of the street, and its public potential and maintenance over time.

The proposed cross section of Barangaroo Avenue, in Figure 15 of the Environmental Assessment Report is contradictory to every positive principle for urban sustainability. The potential quality of the street is undermined for the purposes of private vehicle servicing in a basement below – at the expense of a the public realm.

2.2 Hickson Road

A 4m overhang is also shown to Hickson Road. This is difficult to interpret, as the historic reservation of Hickson Road is not shown. Similar to Barangaroo Avenue, no enclosed floorspace should be permitted within the reservation of Hickson Road. Historically, this street had a 30 metre wide road reservation, measured from the cliff face below High Street - this should be retained, intact and unimpeded.

2.3 Nawi Terrace

Nawi Terrace is a private commercialised area, disconnected from ground plane. This is not part of the public space but instead is a commercial area masquerading as public space.

2.4 Proposed East West 'Streets'

The pair of proposed East West oriented streets are formed with a tightly constrained 12m separation between buildings. As a result they would have limited vistas to the harbour and park, and would be overshadowed and dominated by the bulk of the flanking building. These streets are the places where a generous visual and physical connection between the existing city and the harbour should be maintained. As with the constrained streets in Barangaroo South, they would exist only as commercial shopping lanes, not as genuine parts of the city's spatial fabric. These seem to be the most substandard streets proposed in the city centre since last century.

2.5 Effects on Hickson Park

Hickson Park has already been vandalised through previous modifications – receding from its foreshore position in the Concept Plan to become an internal and isolated space. It has poor edge definition and in urban terms reads as the afterthought of the planning of the residential towers. Additionally, it is burdened with four storeys of private car parking beneath it, in defiance of all contemporary

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best practice in public space and sustainability terms, preventing viable landscape outcomes.

Modification 9 proposes to diminish further the amenity of this 'park' space with additional overshadowing. The shadow diagrams in the submission materials omit the impact of the Packer casino, which will heavily overshadow the space in mid-winter.

The cumulative impacts of prior modifications have made this 'public space' a parody of the original Concept Plan. Modification 9 continues this erosion of its public sensibility, amenity and utility.

3.0 Height

There is no reasonable justification given for any further increase in height across Blocks 5,6 and 7 in Central Barangaroo.

It is difficult to conceive of any urban, cultural or heritage terms that could justify a tower building rising to 73.7metres in height at the northern end of the site. Such a building will block the open axial vistas of and from the Observatory, and the long view west down to White Bay.

The diagram (Figure 35) illustrated on page 161 of the Environmental Assessment Report, purporting to illustrate the relationship of the existing and proposed built form is substandard as an explanation or justification of the urban proposition. These documents have statutory purpose - and documentation in them should meet a minimum professional standard.

4.0 Blocked views between Sydney Harbour and Observatory Hill

Modification 1 to 8 has succeeded in diminishing the city's relationship to its harbour via massing of commercial towers on the site that prioritise their view capture, rather than the maintenance of visual links from the city to the harbour. This has been to the direct commercial benefit of the Barangaroo precinct, and at the expense of the city and its residents.

Modification 9 extends this principle of prioritising the private interest over the needs of the city. The proposal to increase the height of Blocks 5, 6 and 7 severs the relationship between the harbour and Observatory Hill – a historically and culturally significant relationship that is proposing to be broken for the sake of additional anonymous commercial space.

The aptly-named Observatory Hill has, for millennia provided an unrivalled panorama of Sydney Harbour and now the city. Observatory Hill was the site of one of the Gadigal's dancing circles, highly valued civic spaces that were physical and visual gathering points for surrounding tribes and clans. This reciprocal relationship would be irreparably lost were this proposal to be approved. The long view along the axis of White Bay will be completely blocked, while the views

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to the Observatory from the west would be largely lost, appropriated by a private tower dominating the foreshore.

Further it would inevitably act as an undesirable precedent that risks allowing other buildings to further intrude on, and diminish, Observatory Hill's relationship to the harbour.

5.0 Urban Design

The Urban Design Report is lengthy but inadequate. The 'urban design' fails to set out its critical role in the framing of the extension and connection with the city, as there is effectively no public space to give orientation, connection and scale in Barangaroo Central. The urban design proposal is one that focuses on the needs of commercial development form proposing a monolithic singular development, rather than an urban framework, within which differentiated and articulated development might be situated. Future façade articulation by a collection of esteemed architects is a poor substitute for genuine formal and typological diversity.

There is a distinct lack of connection to Millers Point, and between High Street and Hickson Road. There is a risk that Hickson Road will be consigned to a service function, creating a long and inactive frontage, with activity focused inwards in the manner of the most typical expression of this sort of development form - the large shopping centre.

Like Barangaroo South, Barangaroo Central is prioritising its commercial benefit as a controlled and singular enclave – formally homogenous, inward-focused and corporate. The lack of authentic formal, scale and typological diversity renders this form of development disposable when commercial realities make it obsolete.

6.0 Built Form

The Design Excellence selection process has not been shared publicly, with scant justification or explanation of the future segmentation of this oversized block. While some of the nominated architects are recognisable, there are unanswered questions regarding the role of the Scentre Group in the delivery of design excellence in architecture, public space and landscape design on the site into the future. It is curious that with so many significant architects involved in the development of the site that there is not more variety in the scale, typology and formal response of the parts. This does raise questions about the nature, rigour and structure of the Design Excellence process to date.

The submission does not give adequate explanation of the underground parts of the scheme, including the scale and organisation of the extremely large shopping centre and its relation to the metro station. There are significant questions about the manner in which parking and loading is being organised, including the location and impact of the entry to these basements on the perimeter of the development. As noted above, the colonisation of Barangaroo Avenue with

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enclosed floor space above and below street level is worst practice in urban, public, landscape and sustainability terms – and is unacceptable.

Most importantly, there is insufficient explanation for why an outdated monolithic shopping centre model has been selected for the harbour foreshore, in the most inaccessible corner of the city centre. It is highly likely to increase traffic congestion in the whole north-west quadrant of the city.

The last two years of pandemic has raised significant questions about the relevance and viability of this commercial type. The quantum of below ground commercial space should be significantly reduced.

7.0 Public and Community Uses

Proposed community uses total just 19 000m² (Cutaway void 18 000m²) out of current total of 708,041m² of gross floor area across Barangaroo. This equates to public buildings being just 0.025% of total floor space at Barangaroo. This level of provision is below any international standard and is a poor outcome on what was previously 22 hectares of foreshore accessible public land adjoining the city centre.

8.0 Planning and the Public Interest

Barangaroo Central is against the public interest – a commercially inward-focused enclave appropriating the foreshore of Sydney Harbour. It diminishes its relationship to the broader city and isolates the extraordinary qualities of the site for its own benefit. It treats historic vistas and long-standing cultural relationships with contempt. It has no network of genuine public spaces.

It is wholly conceived of in terms of development self-interest, undermining and deforming existing planning principles to maximise commercial gain.

Barangaroo's planning, Modification 9 continues the legacy of undermining the aims of the 2005 Sydney Harbour Regional Environmental Plan.

For the above reasons, and in the public interest, Modification 9 should be rejected, and a wholly transparent design excellence process re-commenced for this incredibly valuable public asset.

Regards,

Tom Rivard

Principal - Urban Design Lead

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**Objection to Development
Modification to Barangaroo Concept Plan (MP_06_0612 MOD 9)**

I was sent a letter informing of the proposed 'amendment' to the Barangaroo Development as I have been identified a neighbouring landowner.

I object to this development.

At a general level it is perhaps worth remembering:

- 1) that this entire area of land was PUBLIC LAND, with the government of the day having a duty of care to the public to reserve it for public good. This imperative was greater than usual as it was waterfront land in the CBD of Sydney and therefore the most prime of real estate. There was inherent in this, a duty to ensure that this beautiful waterfront area would be used to maximise the enjoyment of as many citizens of NSW as possible.
- 2) It was given to the developer without going to tender which called into question whether this was the most beneficial use of the land either in terms of economics or community well-being.
- 3) It was given to a group who were later found to be unfit to hold a licence for the business for which they were given the land. They were also found have turned a blind eye to money laundering suggesting a priority of profits over ethics.

The increase of the maximum total permissible GFA from 602,345 to 708,041 square metres is an 18% increase in overall size which should require a new proposal rather than being portrayed a mere 'modification', a term which suggests a minor amendment. Bearing this in mind, in relation to the 8 amendments proposed:

- (1) The increase of the maximum GFA from 47,688 sq metres for the Central Barangaroo area from 47,688 sqm to 144,355 sqm is also far from a mere modification but more than TRIPLES the maximum GFA .
- (2) The 800 sqm increase earmarked for community use is a 0.8% of the 96,667 sqm increase and 0.6% of the whole of this 144,355 sqm. Presumably 99.4% of the increase is for the developers' private benefit.
- (3) The land to the south is part of Hickson's waterfront Public Park and should not be given to private development.
- (4) The Cutaway is a venue space for use of the public leased out by the Barangaroo Delivery Authority (government offices) and none of it, let alone 18,000 sqm should be given to developers. It is at the northwest end of the headland in the parkland and was specifically reserved as a public use venue for hire, after the southern end was allocated for development. This is some distance from the built up area within the public park and was not part of the proposed private development.
- (5) Roads are paid for by the public to provide access for the public. And should not be converted to service roads for the benefit of a few.

- (6) The initial height, building envelopes, block alignments of Blocks 5,6 and 7 should be retained and not be granted additional or flexible GFAs. Extra height blocks views of Observatory Hill from Balmain. These buildings already block sunlight within the newly built areas of the Barangaroo complex and have created shadowing with dark, cold, draughty wind tunnels very apparent.
- (7) There should be no amendments to existing Design Guidelines for Central Barangaroo
- (8) State Significant Precincts, especially waterfront ones that can be enjoyed by all citizens, have been chosen with thought and care. Permission for proposed use have been granted after extended periods of broad consultation, similarly with great thought and care. Large modification proposals with only a few weeks of consideration should not be granted, especially where a few private interests seem to be given priority over the benefit of the public whose land it is.

Given that this land belongs to all the citizens of NSW to enjoy, I sincerely hope that the letter from the NSW Department of Planning and the Environment requesting comments on 'modification' proposals was not just sent to those neighbouring landowners/occupiers but to all of those who are entitled to enjoy the public waterfront park at Barangaroo.

CENTRAL BARANGAROO CONCEPT PLAN (Mod 9)

The Headland Preservation Group welcomes the opportunity to make a submission on the Central Barangaroo Concept Plan (Mod 9).

The Headland Preservation Group (HPG) was formed in 1996 to ensure the protection, preservation and interpretation of the environmental, historical and cultural values of harbour foreshore lands which comprise lands now managed by the Sydney Harbour Federation Trust (Harbour Trust).

IMPORTANCE OF SYDNEY HARBOUR FORESHORE LANDS

Sydney Harbour foreshore lands, which include Harbour Trust lands, and sites including Barangaroo, define Sydney and are to a large extent also recognised internationally as defining our nation. They hold very important First Nations, military, colonial and cultural values which must be interpreted, protected and enhanced.

The development proposed for Central Barangaroo is at odds with the interpretation, protection and enhancement of the aforementioned values. Other major international cities are at pains to protect their heritage and yet this proposed development is in stark contrast to, and takes no account of, the historic precinct in which it is placed.

Sydney Harbour is arguably the most beautiful harbour in the world and is a major tourist attraction. The proposed development will be detrimental to the visual attraction of the precinct as viewed to and from the harbour, will detract from visitor appreciation of the city and compromises public amenity.

HPG OBJECTIONS TO CBCP (MOD 9)

(Mod 9) would more than double the above-ground gross floor area of Central Barangaroo to 116,189 sqm and impact neighbouring Hickson Park by reducing its size. This increase in bulk and size of the development will in no small measure impact on the aesthetics and public use of the precinct by diminishing public open space, sun and light.

HPG objects strongly to the Central Barangaroo Concept Plan (Mod9) for the following reasons:

1. The proposed concept modification would:
 - Block public views west from Observatory Hill
 - Block public views of White Bay Power Station from 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.
2. 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.

SPECIFIC OBJECTIONS

In particular, HPG submits the following comments:

Observatory Hill

- Vistas to and from Observatory Hill which is the highest point in the city and which has significant heritage values will be obscured.
- These views have been seen for millennia and are irreplaceable. They are an integral part of our appreciation of Sydney Harbour and our heritage.

Bulk and Scale

- The increased bulk and scale of the proposed development is overpowering and out of context with the surrounding low rise heritage precinct.
- The existing 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 Bridge views will also be blocked.

Northern Residential Tower

- This building is totally out of context to:
 - Nawi Cove
 - Millers Point heritage streetscape
 - Observatory Hill
 - Barangaroo Headland Park
- It is without merit as a standalone building.
- It does not contribute positively to the urban planning of the precinct as the tower will cast morning shadows over the Barangaroo waterfront and the planned Harbour park as well as cast shadowing over much of Hickson Park during winter. This overshadowing will detract from the public amenity of the area.

Millers Point Heritage Precinct

- The proposal completely ignores consideration of the impact on the Heritage Precinct of Millers Point, Sydney's Old Town.
- Other major cities around the world respect their Old Towns by maintaining sightlines. Once our heritage values have been compromised they cannot be restored.
- The views from the west of the Millers Point streetscape have been seen ever since they were built in the 1800's to 1910's. They will be completely obscured by the development. The NSW Government has an obligation to the people of Australia to maintain our heritage.

Traffic / Parking

- A wholly inadequate assessment of how traffic will spill out from Central Barangaroo into Millers Point and Walsh Bay, dominating these residential areas with excess traffic and parking issues.
- The application does not seek to add additional car parking spaces which will exacerbate traffic / parking issues.

Public Health

If the experience of the last three years of the COVID 19 pandemic has taught us nothing else, it has highlighted the importance of public open space which has immeasurable value to public health. How can Minister Rob Stokes endorse such a proposal when he has spoken frequently about the lack of usable open public space in the Sydney CBD.

The Headland Preservation Group urges the Minister for Planning, Anthony Roberts, to reject the modification of the Central Barangaroo Concept Plan (Mod 9).

Jill L'Estrange

President

Headland Preservation Group Inc.

8 August 2022

7th August 2022

The Director General
NSW Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

**Barangaroo Central – MP06_0162 / Modification 9 to Concept Plan
Letter of Objection**

We write to object in the strongest possible terms to Modification 9 amendments to the Concept Plan for Central Barangaroo (Blocks 5,6 and 7).

1.0 Planning Pathway

Modification 9 continues the distortion of the planning process for this site of unparalleled importance. Since the original Concept Plan in 2007, the opaque and discredited Part 3A planning pathway has been used to make numerous 'modifications'. In effect these have subverted the form and intent of the original approved Concept Plan (Hill Thalis contributed to the design drawings and physical controls in that Plan). As with Modifications 1-8, this is not a Modification but a substantial reworking of the site that undermines the public qualities of the original approval.

Modification 9 should be a new application, subject to a full assessment process.

2.0 Public Space

There is no Public Space identified on the Modification 9 plans.

2.1 Barangaroo Avenue

Barangaroo Avenue, the element of the Concept Plan approval that provides continuity to the urban form and connections to the wider city, is proposed to be cut in Modification 9. This would diminish the city's western edge street – the complement to Macquarie Street on the east, into a pair of minor loop streets configured to service development, rather than frame the public space network on the site. The proposal is a distinctly suburban configuration that is inappropriate and does not fulfill the critically important public role of this site to frame Sydney's public interface with the harbour.

The proposal continues and increases the risk of facilitating co-option and privatisation of public park edge. This process has been seen at places like Wentworth Point and Breakfast Point and should not be risked at the critical western edge of the city.

The alignment of Barangaroo Avenue is impinged by a proposed 3 metre deep, multiple storey overhang, disingenuously described in Urban Design report as a 'verandah'. No enclosed floorspace should be permitted to encroach upon the Barangaroo Avenue reservation either above or below ground level. Such encroachments limit and diminish the clarity and form of the street, and its public potential and maintenance over time.

The proposed cross section of Barangaroo Avenue, reproduced in Figure 15 of the Environmental Assessment Report is contradictory to every positive principle for urban sustainability. The potential quality of the street is undermined for the purposes of private vehicle servicing in a basement below – at the expensive of a sustainable, publicly-focused public realm agenda.

2.2 Hickson Road

A 4m overhang is also shown to Hickson Road. This is difficult to interpret, as the historic reservation of Hickson Road is not shown. Similarly to Barangaroo Avenue, no enclosed floorspace should be permitted within the reservation of Hickson Road. Historically, this street had a 30.4metre wide reservation, measured from the cliff face below High Street which should be retained, intact and unimpeded.

2.3 Nawi Terrace

Nawi Terrace is a private commercialised area, disconnected from ground plane. This is not part of the public space but instead is a commercial area masquerading as public space.

2.4 Proposed East West 'Streets'

The pair of proposed East West oriented streets are formed with a tightly constrained 12m separation between buildings. As a consequence they would have limited vistas to the harbour and park, would be overshadowed and dominated by the bulk of the flanking building. These streets are the places where a generous visual and physical connection between the existing city and the harbour can be maintained. As with the miniaturised streets in Barangaroo South, they structure only a confected commercial marketing opportunity, in dereliction of their wider duty as part of the city structure. It is my opinion that these are the most substandard streets proposed in the city centre since the mid C19th.

2.5 Effects on Hickson Park

Hickson Park has already been diminished through Modifications 1 to 8 – moving from the foreshore position it occupied in the Concept Plan approval to become inset and isolated. It has poor edge definition and in urban terms reads as the resultant geometric afterthought of the planning of the residential towers. Additionally, it is burdened with four storeys of private car parking beneath it, in defiance of all contemporary best practice in public space and sustainability terms, which seeks holistic and genuine landscape outcomes.

Modification 9 proposes to diminish further the amenity of this 'park' (sic) forecourt space by imposing additional overshadowing. The shadow diagrams in the submission materials omit the shadow impact of the Barangaroo casino. It is heavily overshadowed in mid-winter.

The cumulative impacts of Modifications 1 to 8 have succeeded in making this 'public space' a parody of the original Concept Plan. Modification 9 continues this erosion of its public sensibility, amenity and utility.

3.0 Height

There is no reasonable justification given for any further increase in height across Blocks 5,6 and 7 in Central Barangaroo.

This is perhaps not surprising, as it is difficult to conceive of any urban, cultural or heritage terms that could justify a tower building rising to 73.7metres in height at the northern end of the site. Such a building would block the open axial vistas of and from the Observatory, and the long view west down to White Bay.

The diagram (Figure 35) illustrated on page 161 of the Environmental Assessment Report, purporting to illustrate the relationship of the existing and proposed built form is wholly deficient as an explanation or justification of the urban proposition. These documents have statutory purpose - and documentation in them should meet a minimum intellectual standard.

4.0 Blocked views between Sydney Harbour and Observatory Hill

Modification 1 to 8 has succeeded in diminishing the city's relationship to its harbour through the massing of the commercial towers on the site that prioritise their view capture, rather than the maintenance of visual links from the city to the harbour. This has been to the direct commercial benefit of the Barangaroo precinct, and the expense of the greater city.

Modification 9 extends this principle of prioritising the private interest over the needs of the city. The proposal to increase the height of Blocks 5, 6 and 7 severs the relationship between the harbour and Observatory Hill – a historically, and culturally significant relationship that is proposing to be broken for the sake of additional commercial floor.

The aptly-named Observatory Hill has, since European occupation and no doubt long before, provided an unrivalled panorama of Sydney Harbour and now the city. This reciprocal relationship would be severely and irreparably damaged, were this proposal to be approved. The long view along the axis of White Bay will be completely blocked, while the views to the Observatory from the west would be largely lost, appropriated by a private tower dominating the foreshore.

Further it would inevitably act as an undesirable precedent that risks allowing other buildings to further intrude on, and diminish, Observatory Hill's relationship to the harbour.

5.0 Urban Design

The Urban Design Report is lengthy but inadequate. The 'urban design' fails to set out its critical role in the framing of the extension and connection with the city, as there is effectively no public space to give orientation, connection and scale in Barangaroo Central. The urban design proposal is one that focuses on the needs of commercial development form proposing a monolithic singular development – rather than an urban framework, within which differentiated and articulated development is situated. Future façade articulation by a collection of esteemed architects is a poor substitute for genuine formal and typological diversity.

There is a distinct lack of connections to Millers Point, and between High Street and Hickson Road. There is a risk that Hickson Road will be consigned to a service function, creating a long and a rather dead frontage, with activity focused inwards in the manner of the most typical expression of this sort of development form - the large shopping centre.

Like Barangaroo South, Barangaroo Central is prioritising its commercial benefit as a controlled and singular enclave – formally homogenous, inward-focused and corporate. The lack of authentic formal, scale and typological diversity renders this form of development disposable when too soon obsolete.

6.0 Built Form

The Design Excellence selection process has not been shared publicly, with scant justification or explanation of the future parcelisation of this oversized block. While several the architects are undoubtedly well-credentialed, there are unanswered questions regarding the role of the Scentre Group in the delivery of design excellence in architecture, public space and landscape design on the site into the future. It is curious that with so many significant architects involved in the development of the site that there is not more variety in the scale, typology and formal response of the parts – and this does raise questions about nature, rigour and structure of the Design Excellence process to date.

The submission does not give adequate explanation of the underground parts of the scheme, including the scale and organisation of the extremely large shopping centre and its relation to the metro station. There are significant questions about the manner in which its parking and loading is being organised., including the location and impact of the entry to these basements on the perimeter of the development. As noted above, the colonisation of Barangaroo Avenue with enclosed floor space above and below street level is worst practice in urban, public, landscape and sustainability terms – and is unacceptable.

Most importantly, there is insufficient explanation for why an outdated monolithic shopping centre model has been selected for the harbour foreshore, in the most inaccessible corner of the city centre. It is highly likely to increase traffic congestion in the whole north-west quadrant of the city.

The last two years of pandemic has raised significant questions about the relevance of monolithic commercial building forms and types. The quantum of below ground commercial space should be significantly reduced.

7.0 Public and Community Uses

Proposed community uses total just 19 000m² (Cutaway void 18 000m²) out of current total of 708,041m² of gross floor area across Barangaroo. This equates to public buildings being just 0.025% of total floor space at Barangaroo. This level of provision is below any international standard and is a poor outcome on 22 hectares of foreshore accessible public land adjoining the city centre.

8.0 Planning and the Public Interest

Barangaroo Central is against the public interest – a commercially inward-focused enclave appropriating the foreshore of Sydney Harbour. It diminishes its relationship to the broader city and to isolate the extraordinary qualities of the site for its own benefit. It treats historic vistas and long-standing cultural relationships with contempt. It has no network of genuine public spaces.

It is wholly conceived of in terms of development self-interest, undermining and deforming existing planning principles to maximise commercial gain. It irretrievably devalues the nationally-important heritage context of Millers Point and Observatory Hill.

Barangaroo's planning, Modification 9 continues the legacy of undermining the aims of the 2005 Sydney Harbour Regional Environmental Plan;

Clause 2 Aims of Plan

- (2) *For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:*
- (a) *Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
- (b) *the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,*

For the above reasons, Modification 9 should be rejected.

Yours faithfully,



Philip Thal LFRAIA

Director Hill Thal Architecture + Urban Projects Pty Ltd

B Sc Arch, B Arch, USyd, CEAA Arch Urb (Paris)

Professor of Practice in Architecture UNSW

- 1 Headland Park featuring native trees, seating, natural sandstone rockpools and walking tracks (completion 2015).
- 2 15,000sqm cultural space within Headland Park.
- 3 Northern cove, in a cultural space rich with diverse activities and water access.
- 4 Barangaroo central. A lively and active civic space (concept to be finalised).
- 5 Globe harbour.
- 6 Hotel (new location currently being negotiated with Lend Lease).
- 7 C4 building. 180m tall, 42-storey, 99,432sqm gross floor area (completion 2015).
- 8 Wynyard walk. A dedicated pedestrian route connecting Wynyard railway station to the Barangaroo waterfront, King Street Wharf and surrounding streets.

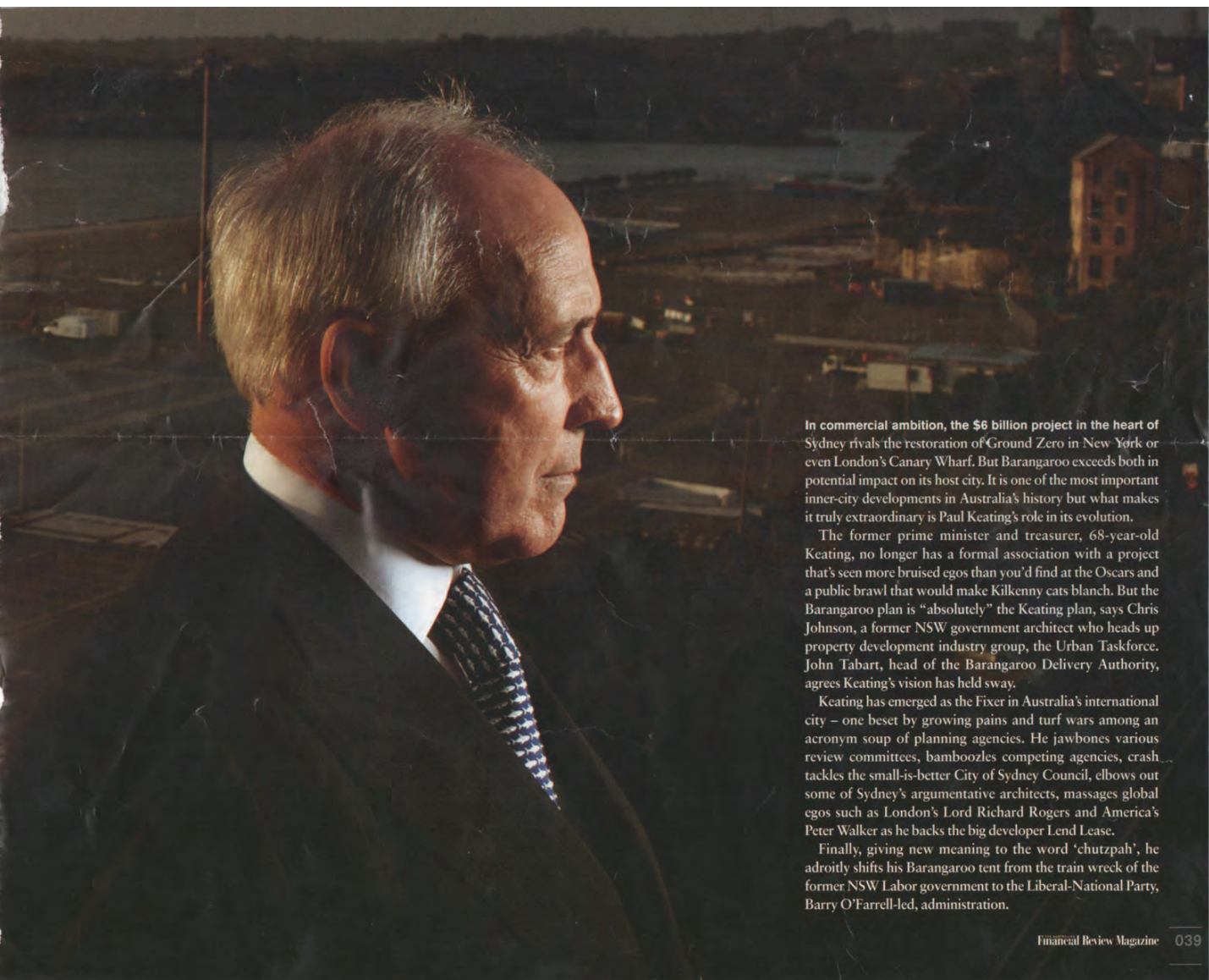


of it; currently it's 2.75 but let's call it 3 per cent," he says.
"A 3 percentage point growth rate is going to be quite high by

IN 2009, 20
years after h
Laba. Laba



Artist impression only.



In commercial ambition, the \$6 billion project in the heart of Sydney rivals the restoration of Ground Zero in New York or even London's Canary Wharf. But Barangaroo exceeds both in potential impact on its host city. It is one of the most important inner-city developments in Australia's history but what makes it truly extraordinary is Paul Keating's role in its evolution.

The former prime minister and treasurer, 68-year-old Keating, no longer has a formal association with a project that's seen more bruised egos than you'd find at the Oscars and a public brawl that would make Kilkenny cats blanch. But the Barangaroo plan is "absolutely" the Keating plan, says Chris Johnson, a former NSW government architect who heads up property development industry group, the Urban Taskforce. John Tabart, head of the Barangaroo Delivery Authority, agrees Keating's vision has held sway.

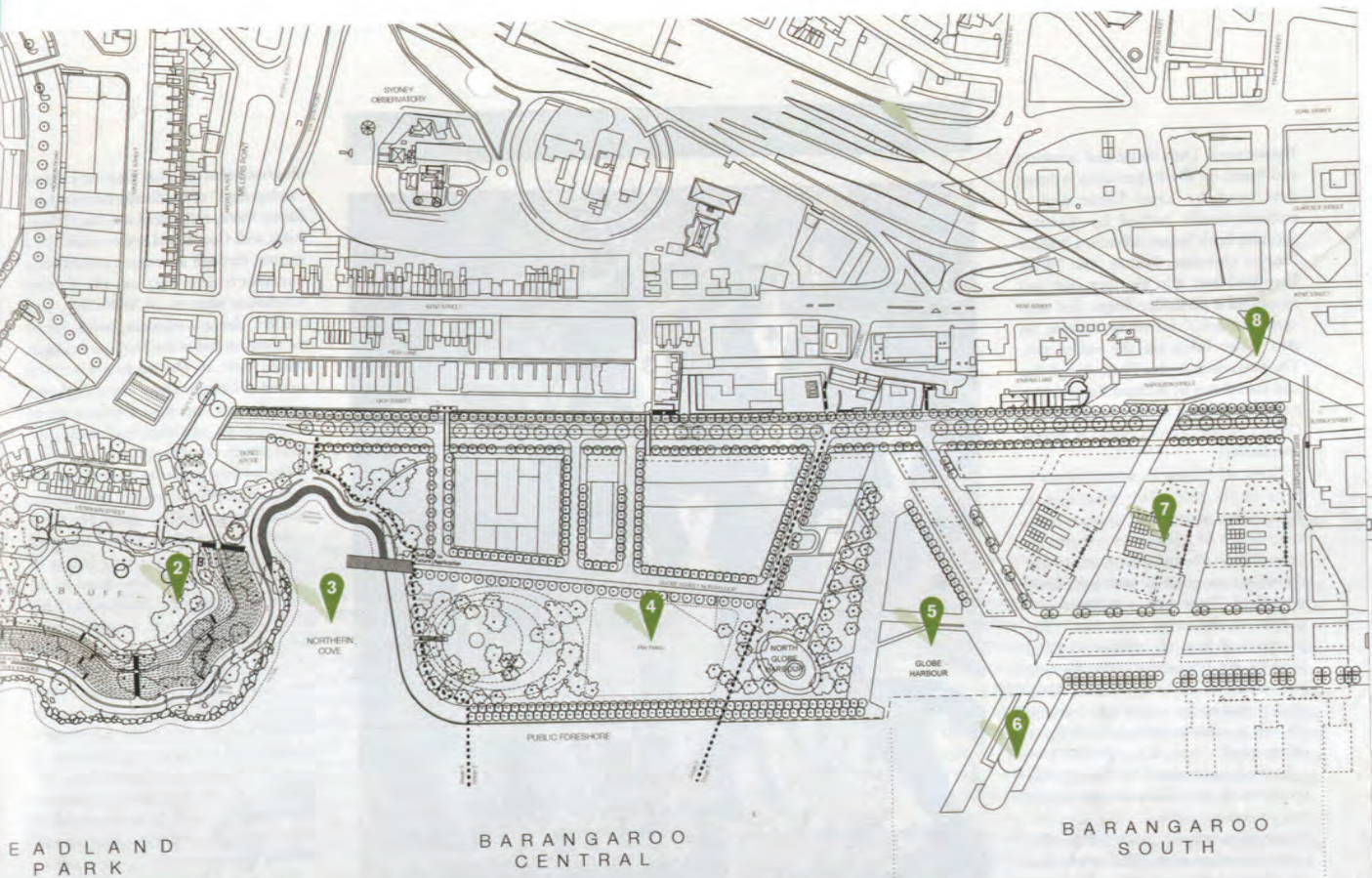
Keating has emerged as the Fixer in Australia's international city – one beset by growing pains and turf wars among an acronym soup of planning agencies. He jawbones various review committees, bamboozles competing agencies, crash tackles the small-is-better City of Sydney Council, elbows out some of Sydney's argumentative architects, massages global egos such as London's Lord Richard Rogers and America's Peter Walker as he backs the big developer Lend Lease.

Finally, giving new meaning to the word 'chutzpah', he adroitly shifts his Barangaroo tent from the train wreck of the former NSW Labor government to the Liberal-National Party, Barry O'Farrell-led, administration.



VISION SPLENDID

Paul Keating's very public engagement with Sydney's most important CBD development opportunity in years is not driven so much by aesthetic considerations as by the desire to execute the final masterstroke in a reform program that began a generation ago. **Andrew Clark** reports.



In 2003, a decade after the economic reform era and seven years after he left federal politics, Keating approached the Carr Labor Government in NSW with the idea that "in the post-industrial period we had a unique opportunity in Sydney". A 30-year-old, 22-hectare container terminal marking the north-west tip of the Sydney CBD was approaching its use-by date,

Submission **to Object** to the Modification Application for Central Barangaroo, Section 75W
Modification Request

Application No: MP 06_0162MOD9

I submit **my objection** to the Modification Request (modification No9) put forward by Infrastructure NSW. It is beyond belief that the NSW Government continues to reject a decade of concerns and submissions raised over the development site of the Central Barangaroo site and continues to propose the expansion of the project in scope and scale each time. The original concept is now a thing of the past. I argue that this proposed modification is not a modification but a new proposal and should be treated as such. Sydney belongs to all people of the State of New South Wales. The development of this site as outlined in the application and the impact this will have on the landscape and vistas that is the history of New South Wales, is something that must be preserved for next generations and not a victim to development.

The actions of the NSW Government in refusing to listen and act on behalf of the people and the State's taxpayers, in preference for supporting multi-national developers whose only interest is a return on their investment is an action that runs against the basic principle of integrity, equality and democracy. These principles separate Australia from autocratic states who use development for their own interests and not for its citizens. Actions like this: to take land that forms the single most important precinct in the development of NSW from the earliest days of colonisation and act to develop it extensively beyond what is needed or necessary only provides profits for developers but disregards the needs and interests of the people. With the City precinct around the City North and Barangaroo a shell of vacant offices, closed business and missing people, seeking to increase the scope and scale of the development of Central Barangaroo beyond the original concept is an ill judged, unwarranted and unwanted addition to the City of Sydney planning. Under no circumstances can the current modification request meet the needs of the people of Sydney.

I write this submission as an owner/resident of Kent Street, Millers Point. We purchased our property in August 2011 on a 99-year leasehold which **legally bound** leasees to undertake the conservation and preservation of residential properties within a strict timeframe to ensure the integrity of the Millers Point historical precinct, and an ongoing responsibility for maintaining its conservation for future generations. The heritage process attached to this involved a heritage architect, a number of government offices and total compliance - meaning that owners were unable to make minor amendments to properties without strict investigation on issues like sightlines, original materials to ensure historical integrity – ie a new dormer will detract the view from the water when looking up or from sitting in historic Observatory Hill, or an air conditioner unit be seen from the street or the water is against heritage– **APPLICATION REJECTED**. The conditions that have been imposed on owners throughout this historical restoration process to ensure historical and sightline integrity is retained was now a completely pointless exercise for those of us that live on Kent and High Street. **With Modification 9 none of the houses in Kent Street and High Street will be seen from the water. This hypocrisy in the name of development demonstrates that dollars before preservation of history is paramount.**

Key issues that affect me directly as follows:

1. The buildings along Hickson Road Central Barangaroo are considerably higher than earlier plans and will create a block row of buildings, that together with the Crown, the three Harbour One buildings and the earlier three towers of Barangaroo mean that there is continuum of concrete and glass that line one side of Hickson Road. This area of Sydney is a wind tunnel. The developments to date has created new wind issues for residents in Kent Street and High Street, where the circulatory wind factor is ferocious and unsafe for both old and young people. I have lived in Kent Street since before the construction of any of the new Barangaroo South buildings and therefore speak with personal authority of the situation.
2. Millers Point is a low rise heritage precinct whether individual houses have a water view or not, the important issue is the environment and care for retaining the integrity of its history. The sight of the water from High Street, Agar Stairs or Kent Street is breath-taking and every day many 1000s of visitors and residents pass by and admire the spectacular sunsets, the ships docked, the sailing boats across the western harbour, Darling Harbour, Balmain and Pyrmont. Even the glowing Crown Tower has found itself complementary in the South development but all this will be lost on the Central Barangaroo proposal. This is at street level. This issue is far more distressing from Observatory Hill the most important and culturally sacred place in Sydney's history.
3. Observatory Hill and the Observatory itself and the National Trust attracts people from everywhere in the world. This is what visitors and residents do – they visit historical places to understand history. To steal this from the people and replace with concrete architecture lacks foresight by the Government. Countries around the world understand the significance of acknowledging history and places and the water views of Sydney Harbour both West and North from Millers Point are integral to the life of the city.
4. A major issue that has not been given the appropriate assessment is the impact of traffic and parking in the area of Hickson Road and what that means for Kent Street and surrounding streets including High and Argyle Streets. With the exception of a few small restaurant businesses, a corner store and four hotels, **Millers Point is residential**. This is not a commercial district and therefore the impact of traffic and parking affects everyone that lives here in Millers Point. Millers Point is a family suburb with children in the local schools and kindergartens. The traffic situation is unsafe and unbearable at present, with the construction of South Barangaroo and the Metro line providing some indication of what traffic and parking will be like in the future - unacceptable. The increase in the scale of the development means the situation is compounded and our residential existence – one which we bought into **to preserve on behalf of the NSW Government the historical precinct of Millers Point** , becomes little more than a sideshow alley amidst a concrete development.

I Object to this Modification Request submitted by Infrastructure NSW as it does not respect the heritage significance of Millers Point or Observatory Hill and the long-term impact for the people of Sydney and future generations.

Cathryn Hlavka

121 Kent Street Millers Point 2000





Australian Institute of
Landscape Architects

Planning and Assessment

NSW Department of Planning, Industry and Environment

08/08/202

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA) SUBMISSION

OBJECTION TO CENTRAL BARANGAROO MODIFICATION 9 APPLICATION, (Miller's Point and Observatory Hill) - Aqualand – SSD- Infrastructure NSW - Section 75W Modification Request; Application No MP 006 0162 MOD 9

Barangaroo Central Assessment Team

1. NSW Minister for Planning and Public Space

2. Director - Key Sites Assessments,

Planning and Assessment

NSW Department of Planning, Industry and Environment

Locked Bag 5022 Parramatta NSW 2124

by the Australian Institute of Landscape Architects (AILA) NSW Chapter

PREFACE

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice, to share knowledge, ideas, and action. With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design and planning of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning, design, and management for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's livability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.

A central purpose of the AILA (NSW) Landscape Heritage Group is to inform, inspire and enrich the culture of the discipline of landscape architecture in Australia and particularly the identification and understanding of both natural and cultural landscapes in NSW together with the role of such knowledge in the processes of planning and design.

BACKGROUND

STATEMENT:

The Australian Institute of Landscape Architects (AILA) DOES NOT SUPPORT the proposed development by Aqualand at Central Barangaroo.

Reasons why AILA DOES NOT SUPPORT the proposal include.

- The proposed development is aggressive and changes the spatial and visual structure of the western Rocks area. A description of the former landscape, where 'the Coodye point formed part of a residual ridge-and-spur landform' and how this could be respected, culturally and spatially is discussed in an article by

Burton in Architecture Australia (2 May 2010)¹. The open space of the original vision has been compromised by the Crown casino tower development and is further threatened by the proposed Central Barangaroo Modification 9 Block 7 tower. The visitor experience as a walk from the Rocks and Sydney Harbour Bridge over Observatory Hill – Coodye ridgetop and terracing down to Kent Street, in terms of vistas and the ability to read the landscape of the harbour, will be destroyed by the scale of the proposed development.



Figure 1: Vistas from the public domain experience will potentially be obscured. Right; proposed view

- The proposed mass blocks significant views
 - o westward to the harbour waters from the housing
 - o westward to the harbour waters from west of Kent Street alignment and
 - o panoramic views from Observatory Hill which is largely public open space.
 - o to Observatory Hill from opposite foreshores
 - o to Observatory Hill from the water

- The original winning design for the 2006 competition (Hill Thalys Architecture + Urban Projects, Paul Berkemeier Architect, Jane Irwin Landscape Architecture; EDH Report 2006) held respect for the public housing forms and the central preschool site which had a strong vista formed to the west. The built form should be low enough to allow for public gardens on the rooftop over part of Hickson Road and the development stepping down to the harbour edge. This

1

2006 scheme demonstrates the need to be more respectful for the heritage fabric of the place and views in and out.



Figure 2: Thalís et al. 2006, East Darling Harbour Report : Elevation, p. 21



Figure 370178 Hill Thalís Architecture + Urban Projects Paul Berkemeier Architect Jane Irwin Landscape Architecture East Darling Harbour: A Working Vision, Report 2006, Floor space Schedule and Density Options : A framework for a viable and innovative urban project p27. Elevation Option 2 illustrates a yield of and Option 3 illustrate a yield of 390 000 sq.m. and over 500 000 sq.m. respectively, without compromising landscape heritage.

Landscape Architect contributors to this scheme include Jane Irwin, Scott Hawken, Melissa Wilson, Hans Sachs, Derek Hill, Sue Barnsley, Andrew Burges, Craig Burton, Dr Peter Emmett, Dr Shirley Fitzgerald, Richard Green, Professor Tom Heneghan, Richard Johnson and Cath Lassen.

- *(Change 1 – to increase the maximum Gross Floor Area GFA)*

The increased proportion of building to open space is not in keeping with the then Prime Minister Keating's vision for Barangaroo as a reconstructed green headland. Keating's vision that, "this will be more representative of any headland as it was before European settlement than any other"² will no longer be the case, if the Modification 9 Application is approved in its current form.

- *(Change 4 – to increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park)*

² Australian Associated Press 2015 Keating's boyhood dream realised as Barangaroo Reserve opens in Sydney. Guardian August 22

The Inner Harbour is characterized by post-industrial public open space including Millers Point, Balmain, Mel Mel, Pyrmont and Badangi (Balls Head and Berry Island). These public open spaces, and their vistas and views to and from them and the water, must be conserved and protected, not built upon, obscured or cluttered beyond resemblance to their typical Inner Harbour sense of place. For more information, refer to work commissioned by Prime Minister Keating by Craig Burton. Copies of this work may be provided, if required.

- *(Change 6 – modify the approved building envelope of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks)*

It is stated in Central Barangaroo Modification 9 Application, Appendix 5: Heritage Assessment and Impact Statement (HAIS), GML Heritage, page 158, that the proposal will obscure significant heritage views.

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

The AILA finds this unacceptable, as the views will not be 'retained'. By reducing or breaking the existing views, the proposal will result in a loss of the panoramic quality of visitor experience at Observatory Hill, for which the site is world renown. The proposed development will require movement across the site to gain a complete view. This reinforces the concerns of Heritage NSW in relation to the modification to the Concept Plan:

" The proposed addition in height has a potential to increase the adverse visual impacts to the setting of a number of local and State heritage items and conservation areas, both adjacent to and in the vicinity of the site. "

AILA is concerned that Part 3A or State significant projects and infrastructure potentially override and thus destroy heritage that may be

of world significance, due to a failing planning assessment process and inadequate listing of landscape heritage.

- In addition we refer the Premier to the [AILA NSW LANDSCAPE HERITAGE REPORT, VOLUMES 1 & 2, Ten State Heritage Register Nominations, Case Study: Sydney Harbour](#), 2018, proudly supported by NSW Heritage, prepared by Christine Hay, Colleen Morris and James Quoyle .

The AILA Landscape Heritage Report identifies a group of Sydney Harbour landscape heritage places as significant, including the water and views, not yet adequately protected and at risk of being lost by future approved development. Berry Island Reserve, Wollstonecraft Foreshore Reserves, Ball Head Reserve, Berrys Bay Precinct (Carradah Park), Ballast Point Park, Yurulbin. A group nomination for listing and protection is Badangi, currently under consideration.

The impact of the proposed development on important visual connections between all of the identified 'Green Necklace' sites; Badangi, Balls Head Reserve, Berrys Bay Precinct, the Coal loader, Observatory Hill, Balmain and the Bays Precinct and the water itself, must be assessed as part of the proposal. Refer to the [Sydney Harbour SHR Nominations AILA NSW :Visual Catchments map, 7 May 2018](#).

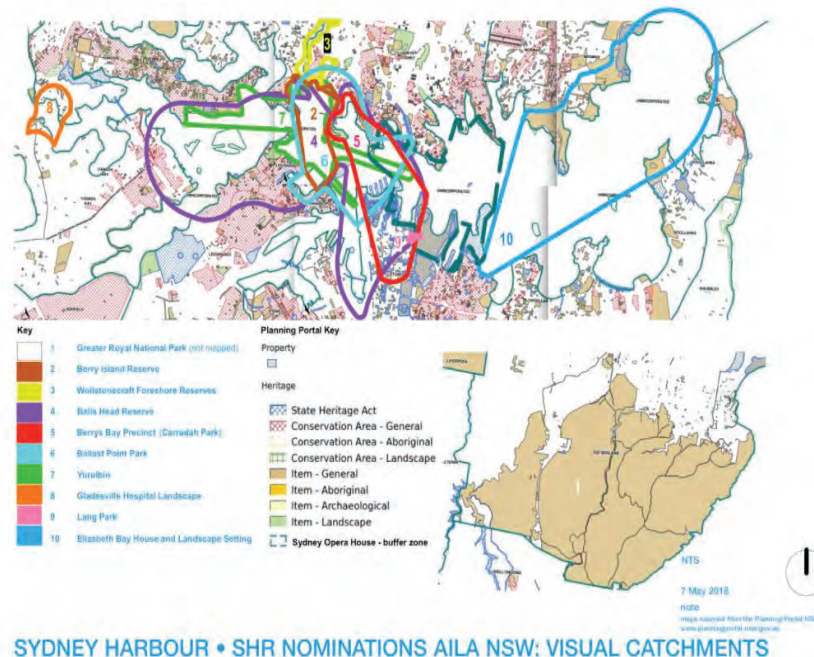


Figure 4. Sydney Harbour

- AILA supports the Ministers' commitment to retaining views,

'Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores.'

yet the view mapping, Figures 8.37, 8.38 and 8.39, and concluding remarks of the Heritage Assessment and Impact Statement (HAIS) on page 158 demonstrate that appreciation of these qualities will be impossible.

'Views to Observatory Park from Ballarat(sic) Park and Pirrama Park will involve an additional minor loss of views to the tops of trees in Observatory Park and the Observatory itself, as proposed under MOD 9'



Figure 8.37 Views to heritage items from heritage items (GML heritage viewpoint numbers). (Source: SIX Maps, with overlay by GML, 2021)

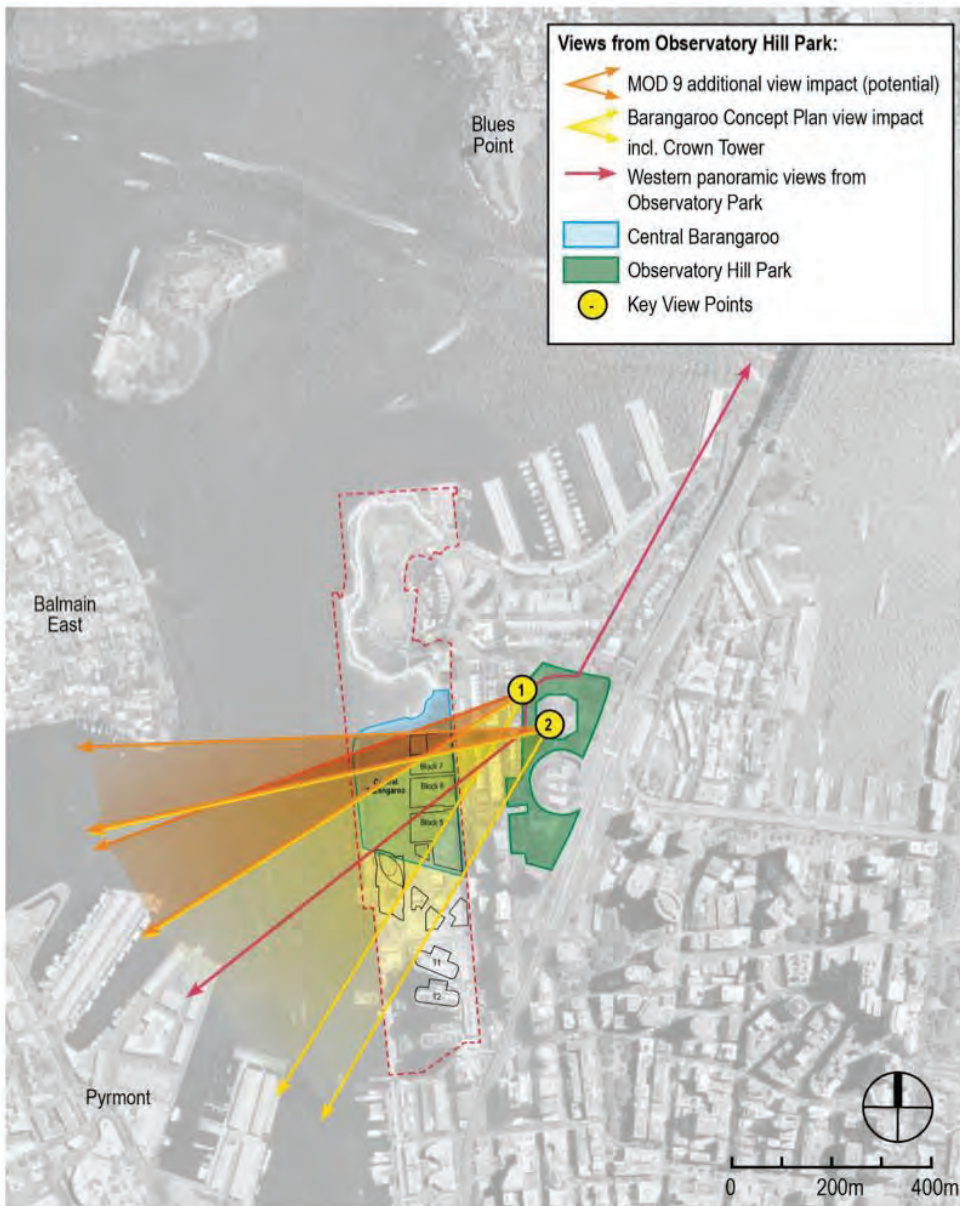


Figure 8.38 Views from Observatory Park (and panorama) (GML heritage viewpoint numbers). (Source: SIX Maps, with overlay by GML, 2021)



Figure 8.39 Preserved Panoramic views from Observatory Park and impacts of Block 7 tower form, as shown in 'Central Barangaroo Urban Design Report'. 'A' District and harbour views to and from Observatory Hill Park, 'B' Local views along existing and new streets / connections 'C' Sydney Observatory sky views. (Source: Hassell, 2021)

- AILA were assured by the Director, Heritage Operations in May 2020, in response to the AILA Landscape Heritage Report that the Department of Premier and Cabinet SHR Committee formed a working group to consider improvements to policy and procedures to better support and promote SHR listing of cultural landscapes. *The findings of this SHR Committee must be considered in this assessment of this proposal.*
- In mid-2021, the Review of the Heritage Act 1977 process revealed great concern from peak bodies that the Heritage Act was not as problematic as its

implementation and this proposal demonstrates this failure. After consultation, the Heritage Act Review Standing Committee (SC) recommends Government commit to several points exemplified here:

2) Reflect more varied understandings of State Heritage (beyond conventional understandings of heritage as buildings and structures -SC) including landscapes and intangible heritage '- This proposal impacts negatively on landscape and intangible heritage

(3) Undertake a review of interjurisdictional approaches to matters relating to intangible heritage. International examples of similar historic view, light, ambiance protection include Venice and Barcelona. Further study must be undertaken on world heritage landscape protection prior to granting approval.

10) Improved listing programs, more diverse range and more representative nominations. Sydney harbour listing of Badangi is under consideration and must be considered as part of this application.

(6) Peak bodies urged that the provisions of the Heritage Act should not be turned off by State Significant Developments. AILA shares this concern around heritage overrides and sees Central Barangaroo Modification 9 proposal as an example where landscape heritage protection must not be compromised for untested claims of community benefit.

Government does not support the Standing Committee recommendation for override 'only after consultation and clear NET benefit to the community for proceeding with a State Significant Development which results in a diminution of an 'item's heritage value', only 'noted', citing the Minister for Planning and Public Spaces consultation with the Heritage Council in determining the impacts and consent conditions, as if the overrides are a given. AILA recommends The Minister for Planning and Public Spaces use his discretionary power to reject this application as the additional 800 square metres of community use does not balance the loss of panoramic views to and from Observatory Hill.

(16) First Nations Cultural Heritage Protection Alliance and Council findings and refusal to support the Bill must be considered as a priority and as a prerequisite for this approval as it directly affects Connection with, and visual access to, identified sites of immeasurable cultural importance such as.

- Mel Mel (Goat Island)
 - the water where the three rivers meet (refer First Nations knowledge holders and ACIUCN etc.)
 - From Observatory Hill, Millers Point and Barangaroo - places of deep time and complex shared history and contemporary cultural and scientific centres.
- Non-visual experience of Observatory Hill and the Central Barangaroo Foreshore Park by the wide diversity of workers, residents and visitors will be compromised by wind tunnel effect and overshadowing caused by the additional GFA in the proposed form due to corridors and additional height of Block 5. AILA recommends that *qualified Landscape Architects be engaged in assessment of landscape heritage impacts.*

RECOMMENDATIONS

The Australian Institute of Landscape Architects (NSW) concurs with community concern and forms a position that significant post-industrial harbour public open spaces of the Inner Harbour, and the sightlines from to and from each other, and to and from the water, and must be completely protected from incremental destruction, as shared history of high significance to all people of the world. AILA objects to the proposal in its current form.

A determination on the current proposal must not be made without considering and respecting this position, the recommendations of the AILA Landscape Heritage Report and its relevant nominated listings.

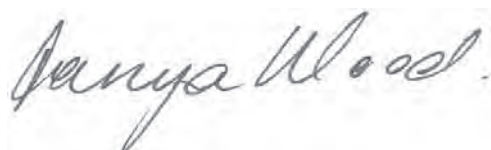
An outstanding landmark development that remains in keeping with the Masterplan and Headland Park Urban Design Framework and Preferred Project Parkland Objectives³ could be achieved with considered adjustment. The proposed footprint, excessive at 1.5 x the extent of the Crown Casino, could be limited to reduce environmental impacts on public space. The RLs must be limited to 20.00 over the extent of the building footprint to retain views to and from Observatory Hill and avoid overshadowing public open space.

AILA supports a revision of the Conservation Management Plan for the landscape and setting of Observatory Hill and Millers Point. This will provide a valuable guide and direction for development proposals around Observatory Hill as a whole. As part of the rigor of a Conservation Management Plan, the vistas that have been lost over time need to be assessed and reviewed as part of the Conservation Management Plan to guide the landscape conservation and policies for the place.

A more detailed submission is in preparation, as permitted by the extension of time. This submission invites dialogue with AILA and we would be please to provide consultation and further information.

Sincerely yours,

Tanya Wood
AILA NSW President



SUBMISSION TEAM

This submission has been prepared by a working group of AILA NSW members, co-ordinated by Prof. Emeritus Helen Armstrong AM FAILA, Craig Burton FAILA, Matthew Taylor, AILA, Annabel Murray, AILA

Burton, C. 2010, Barangaroo: Seeing ahead(land) *Architecture Australia*, May 2, 2010

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Woodward, E., Hill, R., Harkness, P. & R. Archer (Eds.) 2020, *Our Knowledge Our Way in caring for Country* ACIUCN NAILSMA & CSIRO

Appendix: The description of proposed modification:

to increase the total permissible gross floor area (GFA) within Barangaroo from 602,354 sqm to 708,041 sqm and for the following changes to Central Barangaroo (Blocks 5, 6 and 7):

- (1) increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA)
- (2) increase the minimum community uses GFA from 2,000 sqm to 2,800 sqm

- (3) allocate up to 18,000 sqm of GFA for The Cutaway within Barangaroo Reserve (previously unallocated)
- (4) increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park
- (5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct
- (6) modify the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks
- (7) introduce Design Guidelines for Central Barangaroo to guide future detailed proposals
- (8) amend the State Significant Precincts SEPP to support the proposed modifications to Central Barangaroo.

ATTACHMENT A: Comments on “Sky View Loss Assessment for Barangaroo Concept Plan (06_0162) Modification 9”

A response from Powerhouse Museum to the assessment of the “sky view loss” caused by buildings of the Barangaroo Central development as prepared for Infrastructure NSW by AECOM Australia, dated 15 July 2021. This assessment is based on a Report from Unisearch (UNSW), reference UN59699, written by Dr George Georgevits (consulting engineer), dated 7 July 2021.

By Dr Andrew Jacob, Curator, Sydney Observatory, August 2022

Executive Summary

The Assessment has made a number of assumptions that has led to the following four issues in its conclusions and recommendations:

1. **The assessment incorrectly assumes a “lowest practical angle of viewing”** (of 10-degrees altitude) from Sydney Observatory. **No such angle exists.** Sydney Observatory views celestial objects and events in all directions in the sky including down to the horizon at 0-degrees altitude. These include but are not limited to the Sun, Moon, planets, comets, bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun, planetary & lunar conjunctions, appulses and groupings. In addition, observations are made of objects on the ground such as the Balmain Post Office clock tower and St Augustine’s church tower, which assist in orienting visitors.
2. **The assessment incorrectly assumes all observations from Sydney Observatory are made by telescope from only the North and South Domes.** In fact, the sky is viewed by telescope, binoculars and the naked eye from all three domes (North, South & East), from windows and from the grounds throughout the site.
3. **The assessment fails to acknowledge the heritage significance of views** to and from Sydney Observatory, to the harbor, to surveying stations and to the horizon. It fails to acknowledge the important connection the Observatory has with the broader cultural and scientific context of the western horizon as the location where celestial objects depart from view after their daily passage across the sky. In particular, sunset on the western horizon each day is the prelude to darkness and a night of astronomical viewing. Also, observing the steady sweep of sunset back and forth along the western horizon during the year has always marked the progression of the calendar and the passing of the seasons, and continues to do so.
4. Although illumination control measures are proposed for the Central Barangaroo site **the light produced by this development will only increase the loss of sky view** experienced by Sydney Observatory over and above that already existing and approved as part of the Barangaroo development.

PART I: Detailed comments & response to the AECOM Assessment

Executive Summary

This Assessment is fundamentally in error in assuming that there is a practical (lowest) angle of viewing from Sydney Observatory of 10-degrees above the horizon. Sydney Observatory does not presently conduct astronomical research from the site. Instead, we conduct public viewing. For this purpose, the viewing targets are different to and the requirements less stringent than for research. Sydney Observatory can and does observe right down to the horizon (at zero degrees altitude). Objects observed include the Sun, Moon, planets and comets. Also observed are bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun, planetary & lunar conjunctions, appulses and groupings and buildings on the horizon. The inclusion of the tower within Block 7 will detrimentally impact visitor viewing of these objects and occurrences.

The assessment is also fundamentally in error in assuming all observations are made only from the North Dome and only by telescope. Sydney Observatory also observes from the South dome, East dome, western terrace and from across the whole site. Observations are also made with binoculars and by the naked eye.

Regardless of the present illuminated environment the additional light produced by the Central Barangaroo development will only further increase the loss of sky view experienced by Sydney Observatory.

Section 3.0 Background

In 'Clear View Requirements to the Western Sky' the Azimuth angle should be defined as 'north through east in a clockwise direction', not anticlockwise.

Section 4.0 View Analysis

Section 4.1

The requirement of a clear view corridor from 210 to 225 degrees is a misunderstanding of Sydney Observatory's original (2013) requirements. However, this region is now effectively blocked by the Barangaroo South buildings and now lost to view.

Section 4.2

This analysis includes two major incorrect assumptions. It assumes incorrectly that viewing only occurs from the "northern telescope"; and that a practical lower altitude limit exists and is 10-degrees.

- viewing at Sydney Observatory occurs from all three domes (North, South & East) and from across the Observatory site, and is done by telescope, binoculars and eye; and
- there is no practical lower altitude limit for observing from Sydney Observatory.

Viewing from the Observatory takes place:

- from all parts of the Observatory site, including the western driveway at a height of 42m and no lower altitude limit;
- on the western driveway at a height of 42m and from across the whole site; and
- for regular viewing of objects below 9-degrees, and right down to the horizon.

We find that Block 5 & 6 will obstruct views to the harbor waters.

Block 7 obstructs azimuths in the range from 250 to 275 degrees and altitudes below 9-degrees. As such, Block 7 will have a significant and detrimental effect on viewing from Sydney Observatory.

Block 7 will obstruct viewing of the Sun, comets, bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings, structures on the ground and historically significant views to the harbor which form a critical interpretive component of the visitor experience.

If Block 7 were relocated so that it fell within the envelope currently formed by the Crown Sydney and One Sydney Harbour towers of Barangaroo South, as viewed from the Observatory site, then it would not obstruct any required view corridors.

Section 4.3

Although Sydney Observatory presently operates within a light-affected environment, Night Viewing sessions are very popular and run successfully for 364 nights of the year, and twice per night in the winter season. The Moon, planets, bright stars, constellations, satellites, comets, star clusters, nebulae, galaxies and more are all viewed successfully.

Any additional light produced by the Central Barangaroo development incrementally adds to the existing light-affected environment and impacts on viewing from Sydney Observatory.

It is recommended that all lights have a warm colour temperature, have zero upward light output ratio, that blue lighting not be used at all, and that lighting is automatically reduced in intensity or switched off or when not required.

Section 5.0 Conclusion

For the azimuth range 236 to 303 degrees the proposed location of the Block 7 tower will have a significant impact on the sky view from Sydney Observatory. There is no minimum practical viewing angle.

Any additional lighting will have an incremental impact on sky viewing from Sydney Observatory.

PART II: Comments on Appendix 1 – Central Barangaroo – Sky View Impact Assessment by George Georgevits, UNSW Unisearch report #UN59699

Section 1. Executive Summary and Conclusions

Point 4 is Incorrect. Block 7 does obstruct the view of the sky from Sydney Observatory. There is no lower limit on the angle above the horizon at which objects are observed. Areas of the sky below 10-degrees are regularly observed from Sydney Observatory.

Point 5 is Incorrect. In addition to the Moon and planets other objects & events of interest including the Sun, comets, bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings and structures on the ground can all be observed, and in most cases have been observed, within the area obstructed by Block 7. Such observations can and have been made at any time of the day or night.

Point 6 is incorrect. The ecliptic, and hence the Sun, passes through the obstructed area during about 160 days of the year in two seasons, Sep-Nov and Jan-Apr. The Moon passes through the obstructed area on 3-4 days per lunar month, or about 96 days per year. Jupiter & Saturn pass through obstructed area on about 160 days, but the date ranges will vary from year to year. Mercury, Venus and Mars also pass through obstructed area but the number of days obstructed and the date range will vary for each planet and from year to year.

Point 7 is incorrect. The presence of the proposed Block 7 tower will have an extremely significant adverse effect on the view of the sky from Sydney Observatory by blocking views of the Sun, Moon, planets and other celestial objects & phenomena throughout the year.

Section 4.2 The Solar System

Point 34 is incorrect. Mercury, Uranus, Neptune and comets are also relevant. All are observed from Sydney Observatory. In addition, bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits, conjunctions, appulses and groupings are all relevant.

Point 36: Yes, the planetary orbital planes are closely aligned to the ecliptic. However, the planets and the Moon can appear in the sky up to about 5-degrees from the ecliptic.

Point 40: Sydney Observatory also operates a second research-grade 40cm telescope in the East Dome, in the south-east corner of the site, and a historical 11.5-inch refracting telescope in the South Dome.

Point 42: At Sydney Observatory observing is done by eye and binoculars, not only by telescope.

Section 5.2 Cloud Cover

Point 45: These Bureau of Meteorology statistics are based on cloud observations made at 9am and 3pm, and do not indicate night-time cloud cover.

Point 46: This value of 50% overstates the chance of cloud affecting observing at Sydney Observatory. Sydney Observatory has previously compiled actual cloud data and found that objects are observable during about 70% of Night Tours, i.e. on only about 30% of Night Tours does cloud prevent observing.

Sections 5.3 to 5.5: Smog and particulate pollution, Scintillation, Practical Limits on Observing at low altitudes

Despite the theoretical nature of Sections 5.3, 5.4 & 5.5 there are no practical limits on the lowest altitude at which observing may occur at Sydney Observatory. This is for several reasons:

- Sydney Observatory is not a professional research observatory and therefore conditions (smog and particulates, scintillation and altitude) are less restrictive;
- at Sydney Observatory observations are made also with binoculars and the naked-eye therefore the issues raised (smog, particulates, scintillation, altitude) are less relevant or not relevant; and
- many of the issues raised in these Sections are variable and intermittent.

Point 68: Sydney Observatory serves general public and education audiences and does observe objects at all altitudes, to well below 10-degrees and right down to the horizon. These include the Sun, Moon, planets, comets, bright stars and constellations. Sydney Observatory also observes sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun, planetary & lunar conjunctions, appulses and groupings, all of which can be observed down to the horizon. We also often observe buildings on the horizon, usually the Balmain Post Office clock tower and St Augustine's church tower. The consultant has no experience with observations that take place at Sydney Observatory.

Point 69: This assumption is in error. Sydney Observatory is not limited to a practical lower observing limit of 10-degrees.

Section 5.6 Observing Sky objects near sources of bright light

None of the Observatory's present telescopes are made by Celestron nor do they have such a wide field of view (paragraph 75). The consultant is not familiar with current Sydney Observatory equipment and observing practices.

Point 75: A field of view of 5.7 deg is more applicable to binocular viewing.

Section 5.7 Sydney Observatory Opening Times

In normal operations, Sydney Observatory is open from 10am to 10pm 364 days per year. In addition, special events may be held at any time, e.g. pre-dawn lunar eclipse viewing. A sky object could be within the obscured area at any time.

Considering the impact of any obstruction on an individual visitor, given that most visitors visit only once, if an object is blocked from view that visitor is 100% affected.

Section 6 Sydney Observatory's loss of sky view concerns

Point 80: These azimuth angles are of particular concern in relation to the Barangaroo developments. Sydney Observatory is of course concerned with all azimuth directions.

Point 81: This list is not exhaustive. Objects of interest include the Sun, Moon, planets, comets, bright stars and constellations. Astronomical phenomena of interest include sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings. Some structures and objects on the ground are also of interest including flags on the Anzac bridge, Balmain Post Office clock tower and St Augustine's church tower.

Section 8 Effect of the Central Barangaroo development on the sky view from the Sydney Observatory

Point 86: The altitude angle of Block 7 from the western driveway of the Observatory site is 9-degrees. This does not include the additional margin of 3-degrees proposed in the Unisearch report.

Point 87: Sydney Observatory Dome floors are at 50m above sea level. The ground floor is at 44m. The western driveway is at 42m.

Points 94-96 are incorrect. Sydney Observatory observes from locations across its entire site using portable telescopes, binoculars and the naked eye in addition to observing from the main North, South and East Domes. The **obstructed area** caused by Block 7 is therefore from azimuths of 250 to 275 degrees and up to an altitude of 9-degrees, not including any additional margin.

Point 98: Objects of interest include the Sun, Moon, planets, comets, bright stars and constellations. Astronomical phenomena of interest include sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings. Some structures and objects on the ground are also of interest including flags on the Anzac bridge, Balmain Post Office clock tower and St Augustine's church tower.

Point 99: Objects and events that pass through, or occur within, the obstructed area (250-275-degrees azimuth, <9degrees altitude) include the Sun, Moon, planets, comets, bright stars and constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings, Balmain Post Office clock tower and St Augustine's church tower.

Point 101: Figure 8 is misleading. It implies that only a small proportion of the entire sky would be obstructed. However, only the narrow band of the sky close to the ecliptic (green line) is able to pass through the obstructed area thereby vastly increasing the proportional obstruction. In addition, the setting of any object (as it crosses the horizon) in the obstructed area is *permanently & totally* obstructed.

Point 102: The value of 1% is misleading. The obstructed area (250-275-degrees azimuth, <9degrees altitude) comprises 4.5% of the observable ecliptic region above the horizon at any one moment. Equivalently, the obstruction blocks the last 36-minutes before setting of the passage of any object across the sky.

The obstruction blocks:

- The final 36 minutes each day of viewing for any object in the ecliptic region (such as bright stars, parts of constellations, comets, etc.) and any celestial event that continues until setting, including eclipses, transits, conjunctions, appulses and groupings as previously noted.
- the setting Sun for about 160 days per year,
- the setting Moon for about 96 days per year,
- the setting of Jupiter & Saturn for about 160 days per year and,
- the setting of Mercury, Venus & Mars at various times from year to year.

Point 103: Observing from Sydney Observatory is viable below 10-degrees, and down to the horizon at 0-degrees.

Section 9 Conclusions

Point 107: Block 7 does obstruct the view of the sky from Sydney Observatory. Areas of the sky below 10-degrees are regularly observed from Sydney Observatory.

Point 108 is incorrect. In addition to the Moon and planets other objects & events of interest including the Sun, comets, bright stars, constellations, sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings and structures on the ground can all be observed, and in many cases have been observed, within the obstructed area. Such observations can and have been made at any time of the day or night.

Point 109 is incorrect. The ecliptic, and hence the Sun passes through the obstructed area during about 160 days of the year in *two* seasons, Sep-Nov and Jan-Apr. The Moon passes through the obstructed area on 3-4 days per lunar month, or about 96 days per year. Jupiter & Saturn pass through obstructed area during about 160 days, but the date ranges will vary from year to year. Mercury, Venus and Mars also pass through obstructed area but the number of days obstructed and the date range will vary for each planet and from year to year.

Point 110 is incorrect. The presence of the proposed Block 7 tower will have an extremely significant adverse effect on the view of the sky from Sydney Observatory by blocking views of the Sun, Moon, planets and other celestial objects & phenomena throughout the year.

Appendix - Sydney Observatory Information and Analysis

Abbreviations Used

MICA Multiyear Interactive Computer Almanac

AEST Australian Eastern Standard Time

AEDT Australian Eastern Daylight-saving Time

Definitions

Conjunction = when two celestial objects have the same celestial longitude (known as Right Ascension)

Appulse = when two celestial objects are at their closest separation

Azimuth = angle measured from true north clockwise through east

This analysis made use of the planetarium programs MICA and Stellarium (www.stellarium.org).

1. Locations at Sydney Observatory from where observations are made

Viewing at Sydney Observatory is done by Telescope, Binoculars and the naked-eye; from the North, South & East Domes; from the grounds across whole site; and from the top of the Time Ball Tower.

2. Objects and astronomical phenomena observed low in the western sky from Sydney Observatory

Objects observed low in the western sky include the Sun, Moon, planets, comets, bright stars and constellations. Astronomical phenomena observed include sunsets, moonsets, supermoons, Blue moons, lunar and solar eclipses, planetary transits across the Sun (of Mercury & Venus), planetary & lunar conjunctions, appulses and groupings. Some structures and objects on the ground are also observed including flags on the Anzac bridge, Balmain Post Office clock tower and St Augustine's church tower.

3. The extent of the Barangaroo Central Block 7 obstruction as seen from Observatory site

5.1 Azimuth range

The Unisearch analysis incorrectly assumes Sydney Observatory only observes from the North or South Dome and therefore finds Block 7 obstructs azimuths in the range 258.2 to 265.96 degrees. For simplicity we will round these values to 258 to 266 degrees.

In fact, Sydney Observatory observes the western sky from its whole site, including the northern courtyard, the western driveway, the southern garden, etc. and does so using portable telescopes, binoculars and the naked eye. Measuring from Fig 1. (a modified copy of Fig 6, page 17 of the Unisearch report) we find the following azimuth angles for Block 7,

- From northern most part of Sydney Observatory site to southern edge of Block7 is azimuth about 250deg

- From southern most part of Sydney Observatory site to northern edge of Block7 is azimuth about 275deg

That is, Block 7 obstructs azimuths in the range of 250 to 275 degrees, not including any additional margin beyond the building envelope.

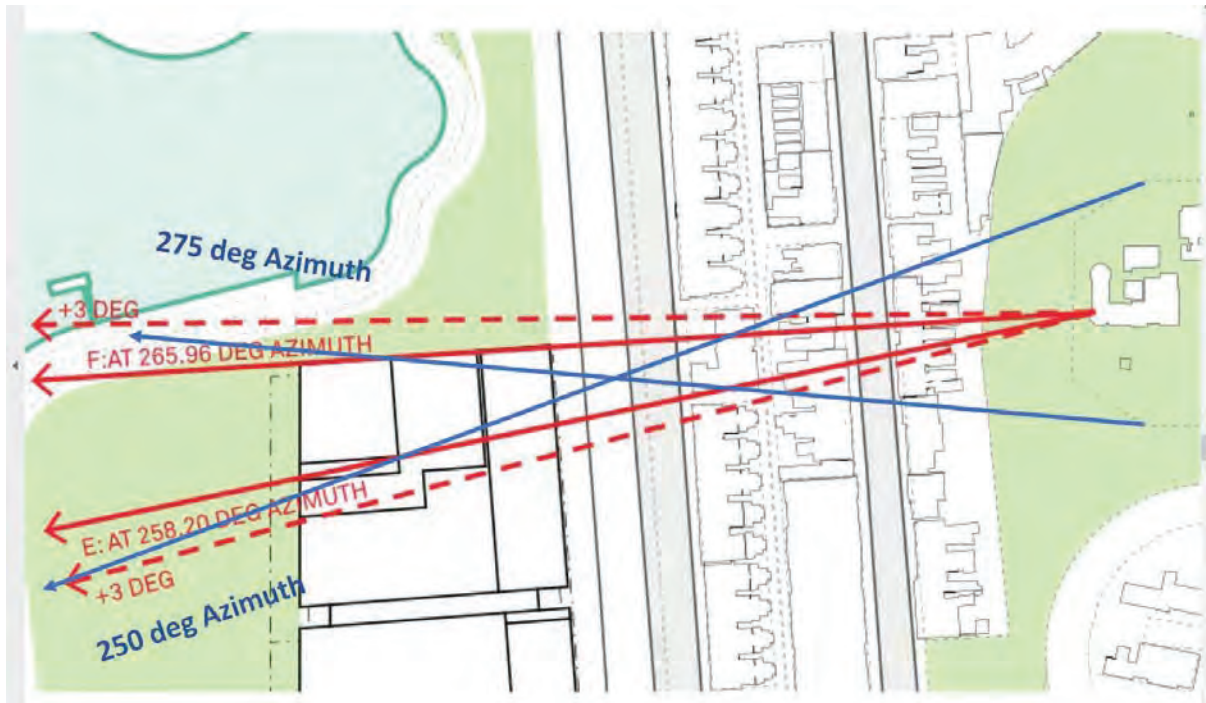


Fig 1: Copy of Fig 6 (modified) from p17 of Unisearch report UN59699, 21Jul2021. Viewing occurs from all parts of the Sydney Observatory site. Sightlines (in blue) from northern and southern edges of the Observatory grounds have been added. Block 7 obstructs azimuths in the range of 250 to 275 degrees when viewed from the whole Observatory site.

5.2 Altitude range

Sydney Observatory heights above sea level used in this document are, to the nearest metre,

- Ground floor 44m
- Top of Tower 63m
- Dome floors 50m
- Western driveway estimate, about 42m
- North Dome eyepiece when telescope is pointed towards horizon 52m
- South Dome eyepiece when telescope is pointed towards horizon 52m

The western driveway is therefore the lowest point within the Observatory site and will suffer the greatest obstruction from Block 7. The western driveway is often used for observing with portable telescopes, binoculars or the naked-eye.

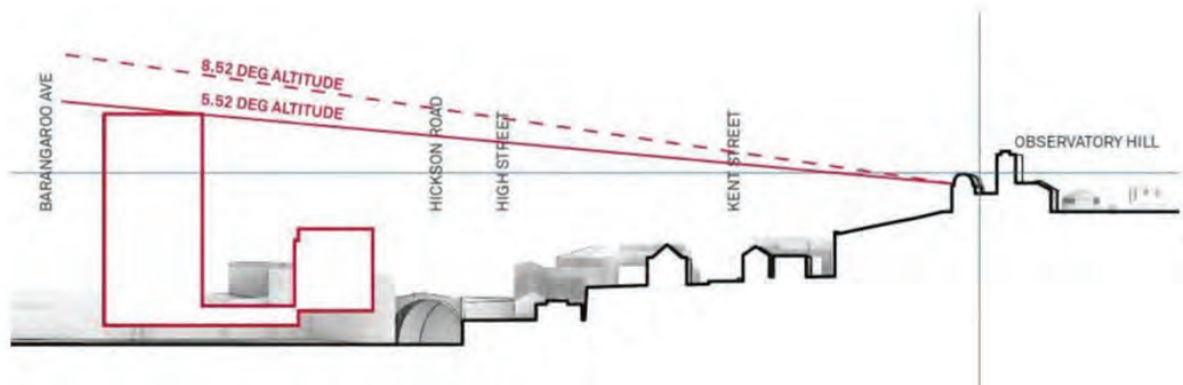


Fig 2: Copy of Fig 5 from p16 of Unisearch report UN59699, 21Jul2021. Sightlines from Sydney Observatory south dome to Block 7. This figure is used to determine the distance from Sydney Observatory to Block 7.

To determine the altitude of the top of Block 7 we need to know the distance from Observatory to Block 7. The AECOM and Unisearch reports assume (incorrectly) the dome height to be 54m. However, using this value, and using the given altitude of the top of Block 7 from the South Dome from Fig 2 of 5.52-deg, we calculate the distance of Block 7 from the South Dome to be $(73.7-54)/\tan(5.52) = 203.85\text{m}$. We round these values to Distance=204m, Block 7 Height=74m.

Therefore, from the Western driveway of the Observatory, at 42m, the altitude of the top of Block 7 is 8.91-degrees. We round this to 9-degrees.

That is, Block 7 obstructs altitudes below 9 degrees, not including any additional margin beyond the building envelope.

7. Number of days in the year when Block 7 obstructs the view of the setting Sun from Sydney Observatory

The analyses in this Part III were made using the program Multiyear Interactive Computer Almanac (MICA v2.2.2), an electronic version of *The Astronomical Almanac* prepared jointly by the US Naval Observatory and H.M. Nautical Almanac Office, and the planetarium program Stellarium (www.stellarium.org).

Block 7 will obstruct the setting Sun during two periods in the year, once in about summer-autumn and once again in spring.

The Sun sets at azimuth 250-degrees on Feb03 and Nov07. The Sun sets at azimuth 275-degrees on Apr01 and Sep10. But as Fig 3 shows the corner of the obstruction also blocks views of the setting Sun (moving on an angled path in the sky) for additional days, from about Jan 12 and up to about Nov 28.

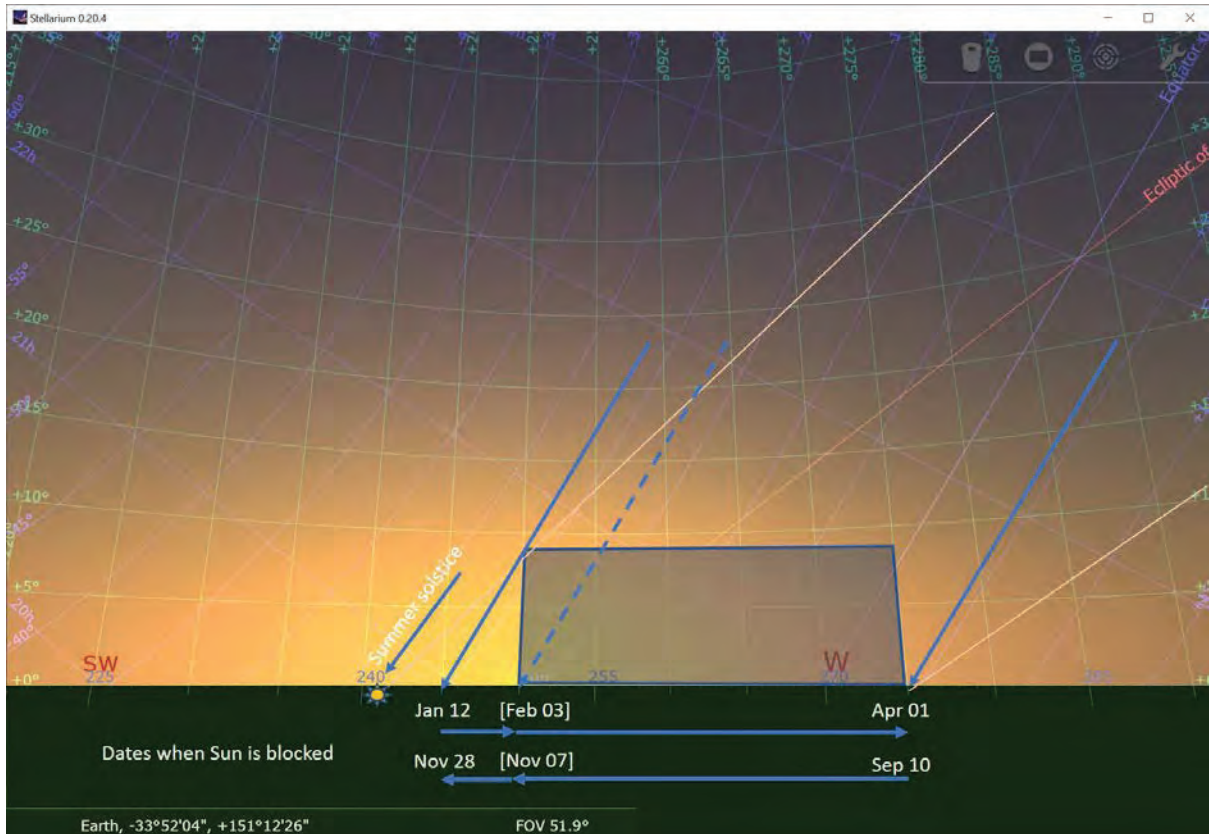


Fig 3: View west from Sydney Observatory showing Block 7 obstruction, as viewed from the whole Sydney Observatory site (azimuth 250 to 275 degrees, and altitude 9-degrees), and paths of the setting Sun (blue lines). Dates when the setting Sun is blocked by the Block 7 obstruction are shown. Made with Stellarium.

Therefore, Block 7 obstructs views of the setting Sun each year from about:

- **Jan 12 to Apr 01 or 80 days; and**
- **Sep10 to Nov 28 or 80 days**

From the Unisearch analysis the obstructed area is defined to be from azimuths 255 to 269 degrees and up to an altitude of 8.5 degrees. We find the Sun sets at azimuth 255-degrees on Feb16 and Oct25 and the Sun sets at azimuth 269-degrees on Mar20 and Sep23. Including the additional days when the Sun is obstructed (due to the angled path of the Sun as above and in Fig 1), from Feb01 & until Nov09, then Block 7 obstructs the setting Sun from about,

- Feb 01 to Mar 20 or 48 days; and
- Sep 23 to Nov 09 or 48 days.

That is, the obstruction occurs in two parts of the year, Jan-Apr and Sep-Nov, not just in Sep-Dec as the Unisearch report claims in its paragraph 109.

8. Days in the year when Block 7 obstructs the view of the setting Moon & planets from Sydney Observatory

This analysis was also made using MICA and Stellarium.

This analysis is complicated by the movement of the Moon & planets with respect to the Sun.

The Moon: the situation is more complex than for the Sun but the Moon will fall into the obstructed area twice per lunar month for a 3-4 days each time, i.e. for approximately 96 days per year. The Moon is bright enough that almost all of these settings will be observable regardless of the time of day.

Mercury, Venus and Mars: the situation is also more complex (due to their more rapid motion around the Sun) and the number of days obstructed and the date range will vary for each planet and from year to year.

Jupiter & Saturn: the number of days obstructed when setting each year will be similar to the Sun, i.e. about 160 days, but the date ranges will vary from year to year. However, about half of these settings will be before sunset and unobservable.

9. Some astronomical events in the recent past that occurred in the obstructed area

The Block7 tower obstructs azimuths of 250-275deg, and altitudes up to 9-deg from the Sydney Observatory site. All times below are in Sydney clock time, i.e. AEST or AEDT according to date.

9.1 Transit of Venus, 2004

A Transit of Venus occurs when Venus crosses the face of the Sun. Occurring just twice per century, and those two times usually 8 years apart these are very rare events, not available to everyone. These hold historical significance for Australia as James Cook observed a Transit of Venus in 1769 from Tahiti before reaching the east coast of Australia. The transit on 2004 Jun 08 was one of the most significant events viewed at Sydney Observatory. The Sun set at 4:53pm, with Venus still in transit. As Fig 4 shows this transit was viewed low in the western sky until the moment of sunset. Although this was not within the obstructed area (azimuth at sunset was at 297degrees) it was observed below the assumed “practical lower altitude limit” of 10-degrees stated in the Unisearch report and the AECOM report. Such a limit does not exist.



Fig. 4 Viewing the 2004 Transit of Venus. The transit was still in progress at sunset. The telescope is pointing at the Sun on the horizon. Photo by Sotha Bourn, copyright MAAS.

9.2 Supermoons, 2021

Supermoons are Full Moons that occur when the Moon is closest to Earth. These are popular events and generate public and media interest. The precise definition of a Supermoon varies and we use lists from both the annual *Australasian Sky Guide* (published by MAAS) and the annual astronomy almanac *Astronomy 2021* (etc) by Quasar Publishing.

Two of four Supermoons in 2021 set within the obstructed area, those on 2021 Mar 29 at azimuth 271 degrees, and on 2021 Apr 27 at azimuth 259 degrees.

9.3 Jupiter-Saturn conjunction, 2020

On 2020Dec21 Jupiter & Saturn were at their closest to each other in the sky for almost 400 years. Normally we observe them separately, but for several days they were both visible side by side through a telescope, and also by eye. This was a very significant & rare pairing and it could only be observed for a short time (about 1 hour) after evening civil twilight, therefore they were observed at a very low altitude. Although Sydney Observatory was closed due to Covid this would have been a popular and booked-out public event.



Fig. 5 Jupiter & Saturn as viewed through a portable 10" telescope on 2020Dec20 at 9:35pm at an altitude of less than 6-degrees. This image was taken from Victoria but the view from Sydney Observatory was almost identical. Jupiter's moons and Saturn's rings are clearly seen despite the low altitude. Photo copyright Karl Rafferty, used with permission.

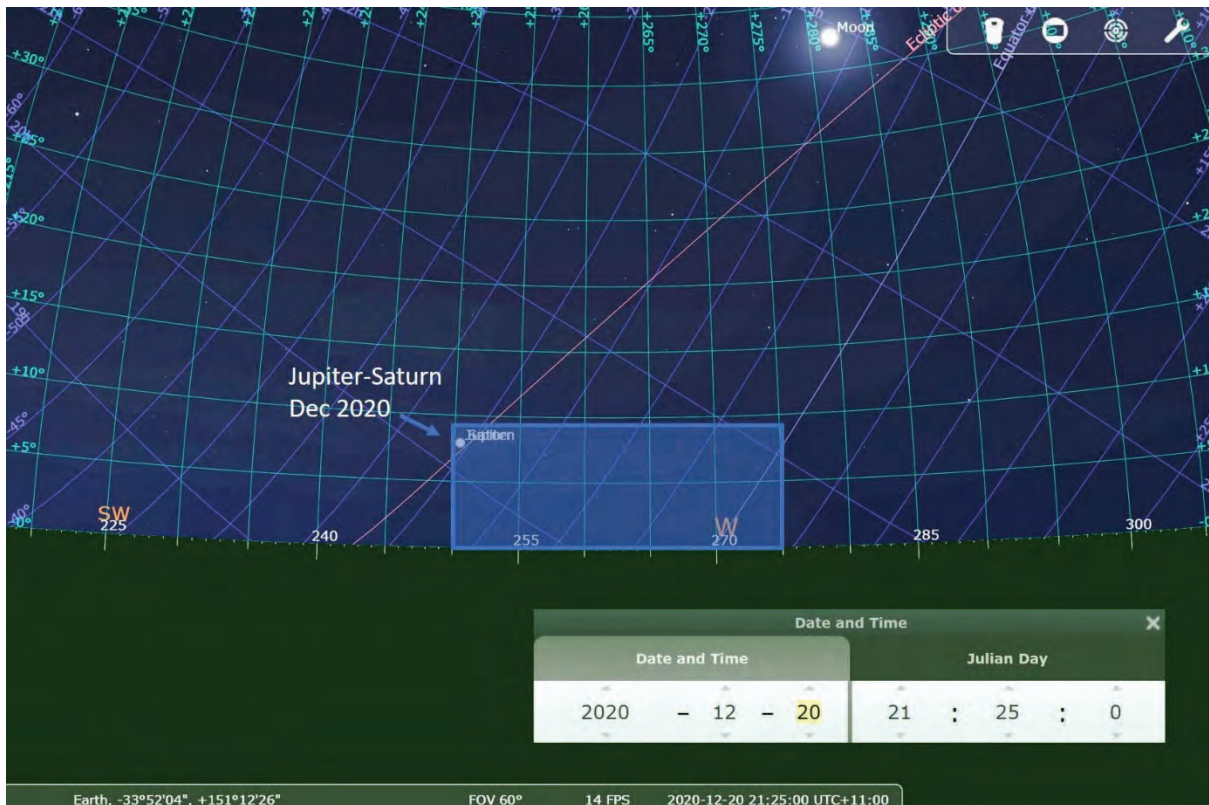


Fig.6 Jupiter & Saturn on 2020 Dec 20 at 9:25pm. Both planets are within the obstructed area. Made with Stellarium.

Fig 5 shows that this event was clearly observed at an altitude of less than 6-degrees. Andrew Jacob also observed this event by telescope, binoculars and by eye on 2020Dec22 between 9:00pm and 9:30pm, from outside Sydney. At 9:20pm, the planets were clearly seen at an altitude of 7.7-degrees and azimuth 250.4-degrees. This would have been within the obstructed area if viewed from Sydney Observatory.

Fig 6 shows that from Sydney Observatory this very significant & rare pairing of Jupiter & Saturn would have been obstructed by Block 7.

9.4 Mars & Total Lunar Eclipse, 2018

On 2018 Jul 28 Mars and a total lunar eclipse (during which the Moon appeared reddened) appeared together in the western sky. Mars, the red planet, was particularly close to Earth at that time, such that this pairing (Mars at opposition with a total lunar eclipse) was a [once in 3000 year event](#). A special early morning event (04:30-07:00am) was held at Sydney Observatory with about 50 visitors in attendance. The event ended with the Moon setting (at azimuth 248deg) as the Sun rose. Block 7 would have obstructed the view of the eclipsed Moon from 06:05am to 06:33am bringing an early end to this remarkable celestial event. Viewed by eye the broad & unobstructed western horizon provided spatial context and a solid geographical anchor for both Moon and Mars as they descended towards the horizon.

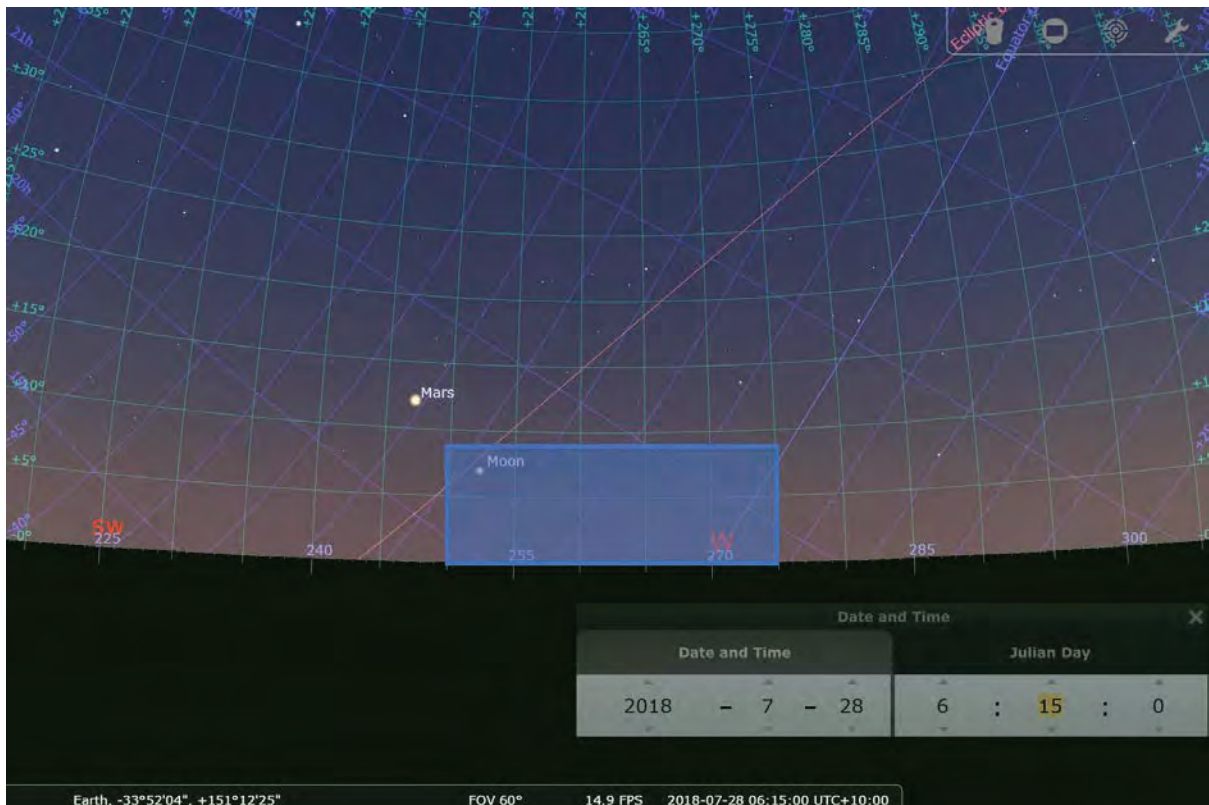


Fig. 7 The eclipsed Moon and Mars in 2018 July 28 during a once in 3000 years event were observed at a special early morning viewing at Sydney Observatory. The eclipsed Moon would have been obstructed by Block 7 from 06:05 to 06:33am. Made with Stellarium.

9.5 Comet C/2006 P1 McNaught, 2007

Bright comets appear only once per decade but are always observed from Sydney Observatory by telescope, binoculars and eye. Their orbits may be highly inclined relative to the planets, therefore they can be seen anywhere along the western horizon when setting.

Comet McNaught was a very bright comet with a spectacular & unusual tail visible from Sydney Observatory in January 2007 by eye, binoculars and telescope. Fig 8 shows its complex tail and also that it was observable very close to the horizon, at an altitude of about 2-degrees.

Although comet McNaught itself was not in the Block 7 obstructed area future comets, being in orbit about the Sun but sometimes with highly inclined orbits, will appear at any azimuth along the western horizon and may also be observable at altitudes as low as comet McNaught.



Fig. 8 Comet C/2006 P1 McNaught. Left: detail of its spectacular & unusual tail structure. Image taken outside Sydney. Right: From Sydney the comet was clearly visible even by eye, including hints of its tail structure, at about 2 degrees altitude. The top of the Anzac Bridge flag pole, as measured from the North Dome is at 1.75 degrees. Images copyright Melissa Hulbert, used with permission.

10. Upcoming Astronomical Events

Future astronomical events that would be obstructed by Block 7 include, but are not limited to, those noted below:

10.1 Solar Eclipses 2021-2030

Solar eclipses are significant events that are observed at Sydney Observatory whenever possible.

A partial solar eclipse on 2030 Nov 25 will occur low in the western sky, beginning at about 6:25pm and continuing until sunset at 7:46pm. The Sun is still eclipsed at sunset.

As Fig. 9 shows the eclipse is obstructed by Block 7 from 6:55pm until 7:02pm, interrupting this event.

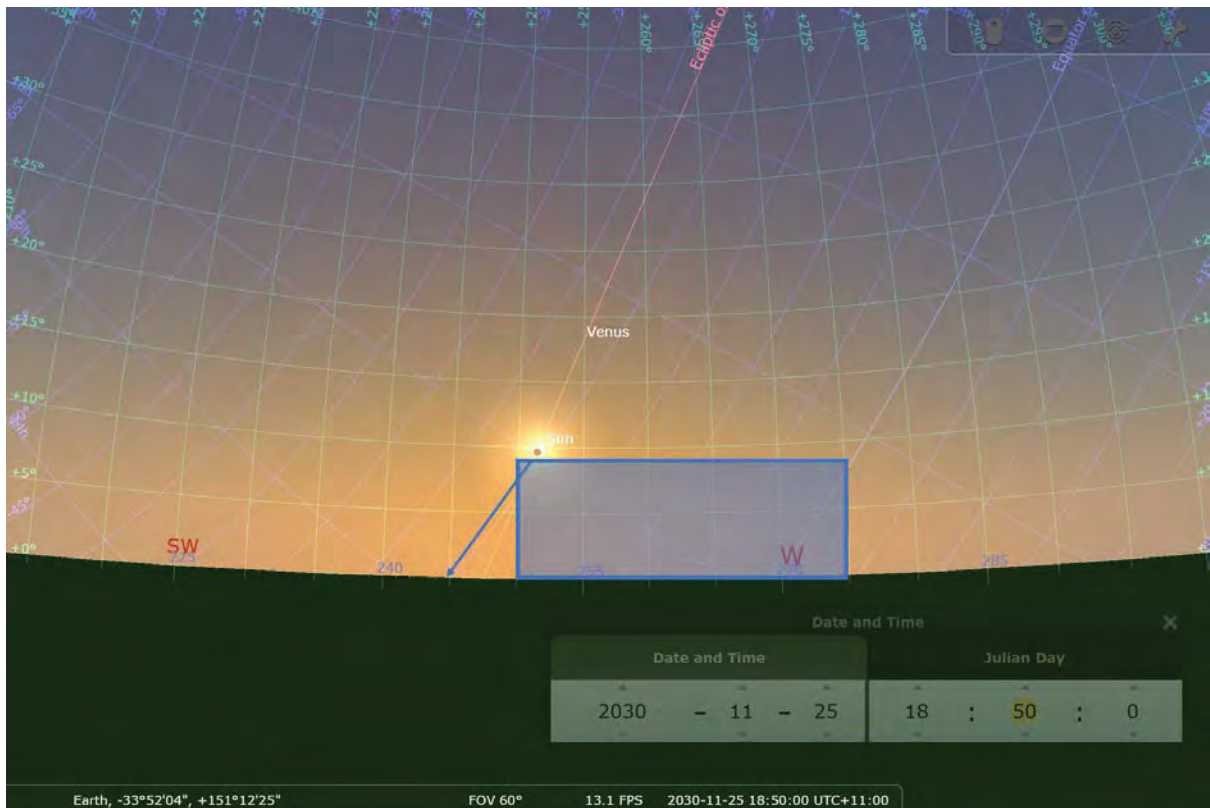


Fig. 9 The partial solar eclipse of 2030 Nov 25. Made with Stellarium.

10.2 Lunar Eclipses 2021-2030

Lunar eclipses are significant events that are observed at Sydney Observatory whenever possible, no matter what time of night they occur.

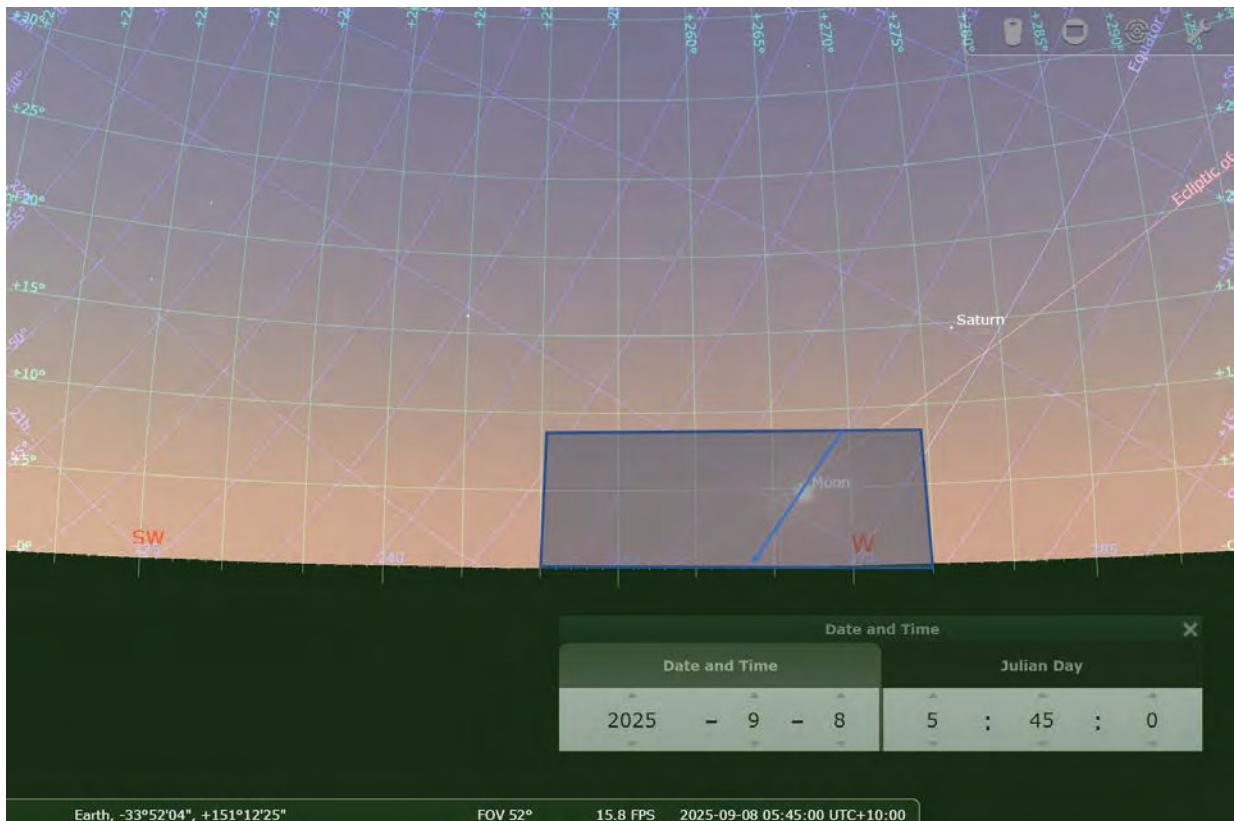


Fig. 10 The total lunar eclipse of 2025 Sep 08. Made with Stellarium.

On 2025Sep08 a total lunar eclipse occurs low in the western sky, with totality beginning at about 3:30am and lasting until about 4:55am. The Moon remains partially eclipsed until it sets at 06:11am.

Block 7 will obstruct the Moon, still partially eclipsed, from 5:23am until it sets at 6:11am at azimuth 263degrees.

10.3 Supermoons in 2022

Supermoons are full moons that occur at the Moon's closest point to Earth (perigee). Several occur each year. Precise definitions vary, but all supermoons appear larger and brighter than other full moons. When the moon is near the horizon (either rising or setting) the 'Moon-illusion' – in which the Moon is perceived to be larger close to the horizon – adds to the effect making Supermoons striking and popular viewing events.

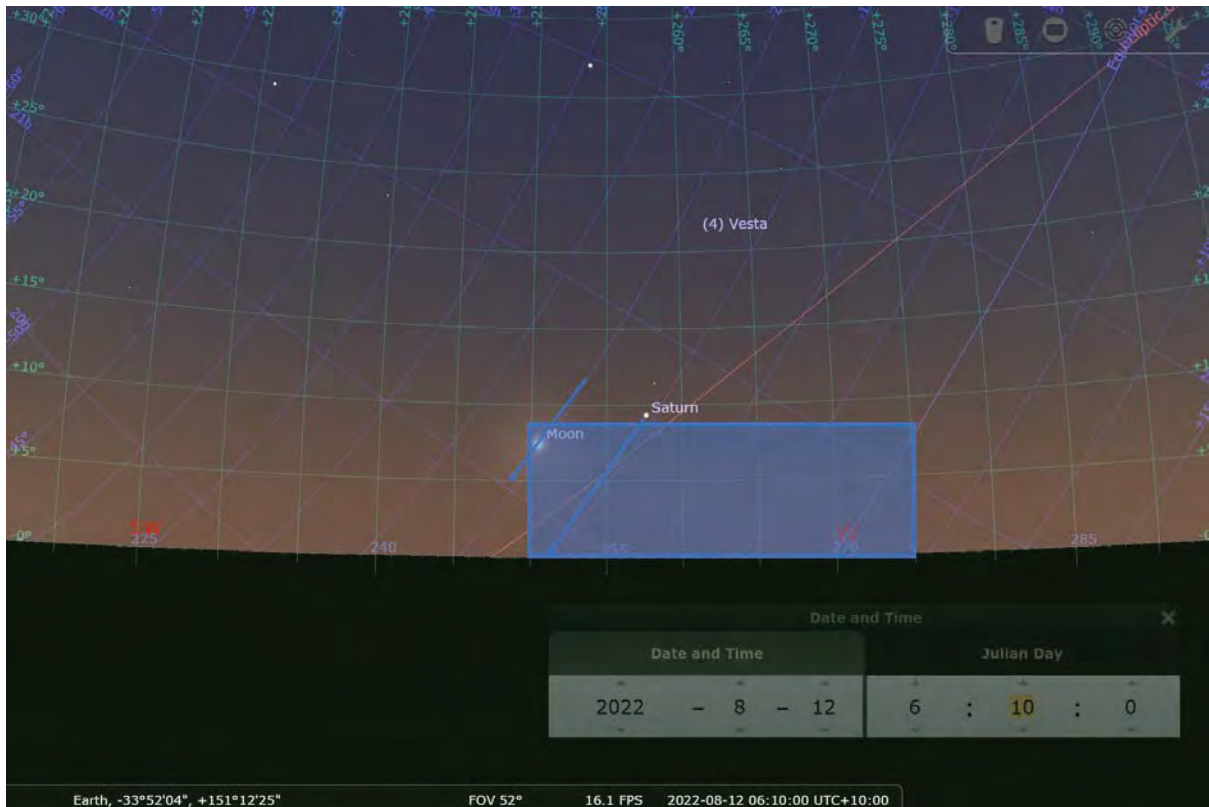


Fig. 11 Supermoon and Saturn setting together on 2022 Aug 12. Made with Stellarium.

The supermoon of 2022 Aug 12 sets beside Saturn. The Moon is obstructed by Block 7 from 06:02am to 06:14am. Saturn is obstructed from 06:12am until it sets at 06:59am.

10.4 Blue Moons until 2030

A Blue Moon commonly refers to the second full moon in a calendar month. These are regularly observed from Sydney Observatory. There are only four Blue Moons viewable from Sydney from 2022 until 2030, once of these will be obstructed by Block 7.

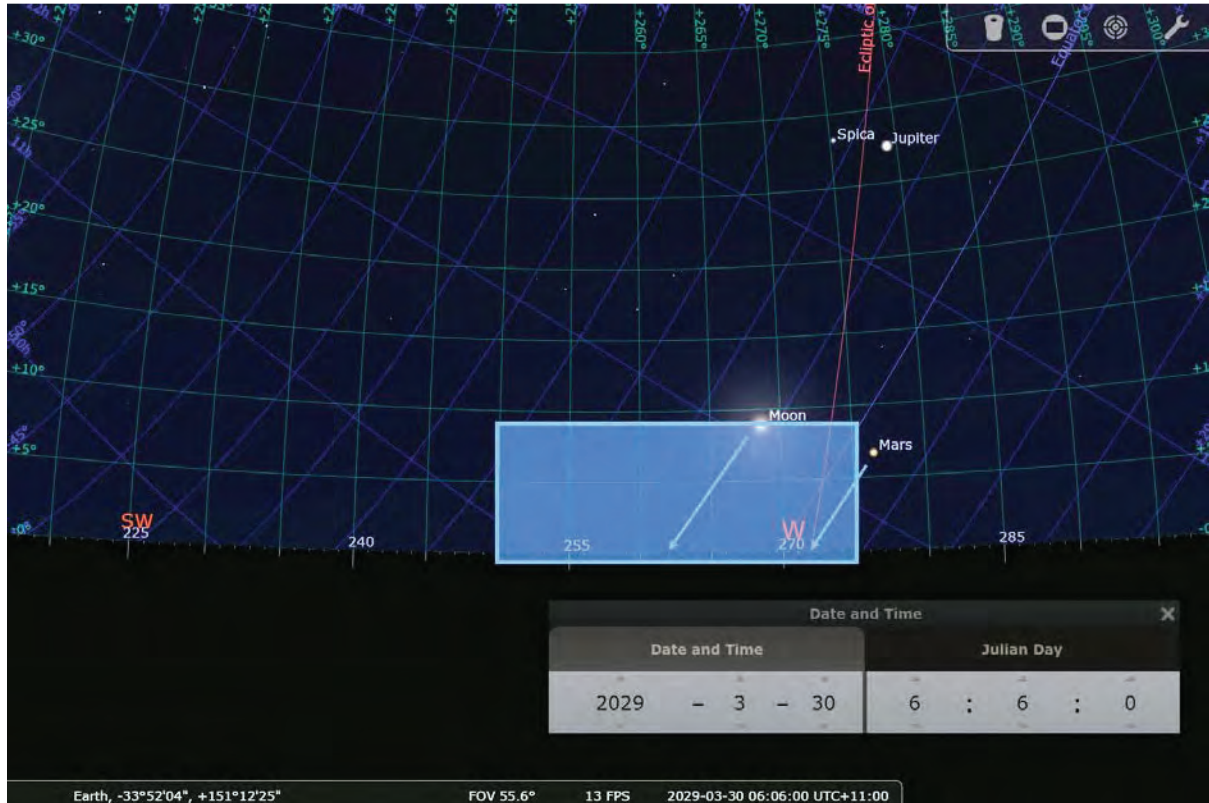


Fig. 12 The Blue Moon and the Red Planet Mars set together on 2029 Mar 30. Made with Stellarium. The Blue Moon and the Red Planet set side by side on 2029 Mar 30. Mars sets at 06:40am at an azimuth of 272deg and the Moon sets at 06:55am at an azimuth of 262deg. This event is obstructed by Block 7 from 6:03am when the Moon passes into the obstructed area. Mars is obstructed from 06:16.

10.5 Transits of Mercury

About a dozen times per century, at irregular intervals, Mercury crosses (or transits) the face of the Sun where it appears as a small black dot. These transits have been observed before and will be significant viewing events in the future. The next transit occurs in 2032 and is obstructed by Block 7.

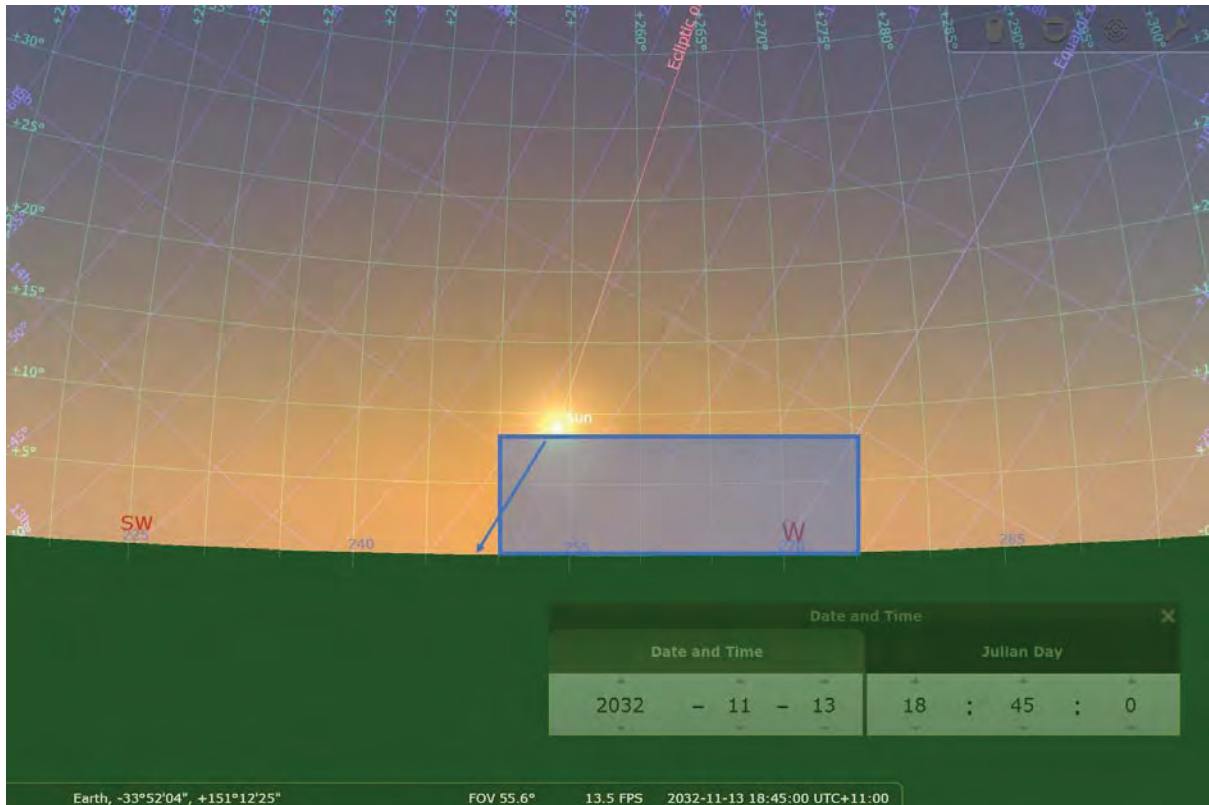


Fig. 13 The Transit of Mercury of 2032 Nov 13. Made with Stellarium.

The transit of Mercury on 2032 Nov 13 is visible in the western sky from 5:40pm until sunset at 7:35pm. At sunset the transit is still in progress (ends at 10:06pm) therefore viewing would continue until sunset.

The event is obstructed by Block 7 from 6:45pm until 7:15pm, or for a quarter of the available viewing time.

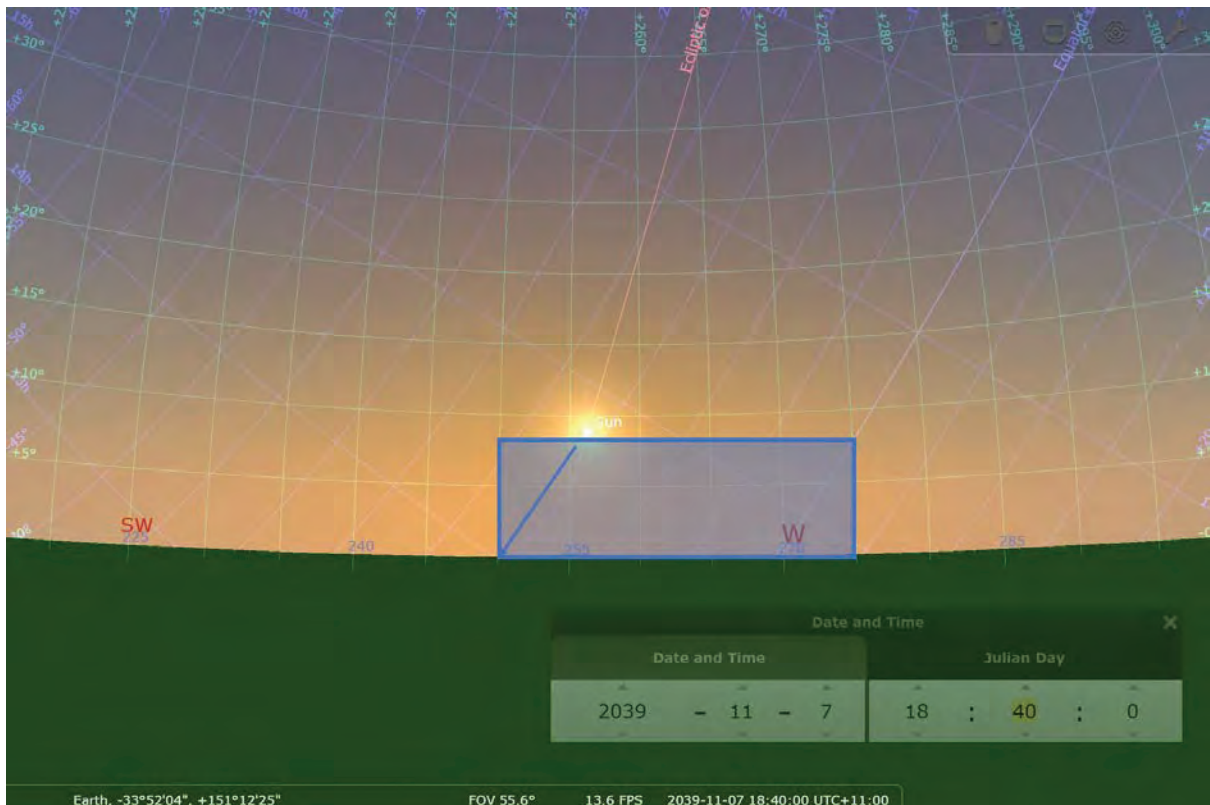


Fig. 14 The Transit of Mercury of 2039 Nov 07. Made with Stellarium.

The transit of Mercury on 2039 Nov 07 is visible in the western sky from 6:18pm until sunset at 7:28pm. At sunset the transit is still in progress (ends at 9:14pm) and the Sun is at an azimuth of 250 degrees.

The event is obstructed by Block 7 from 6:40pm for the final 48 minutes, or over 2/3rds of the event.

10.6 The major planetary grouping of 2040

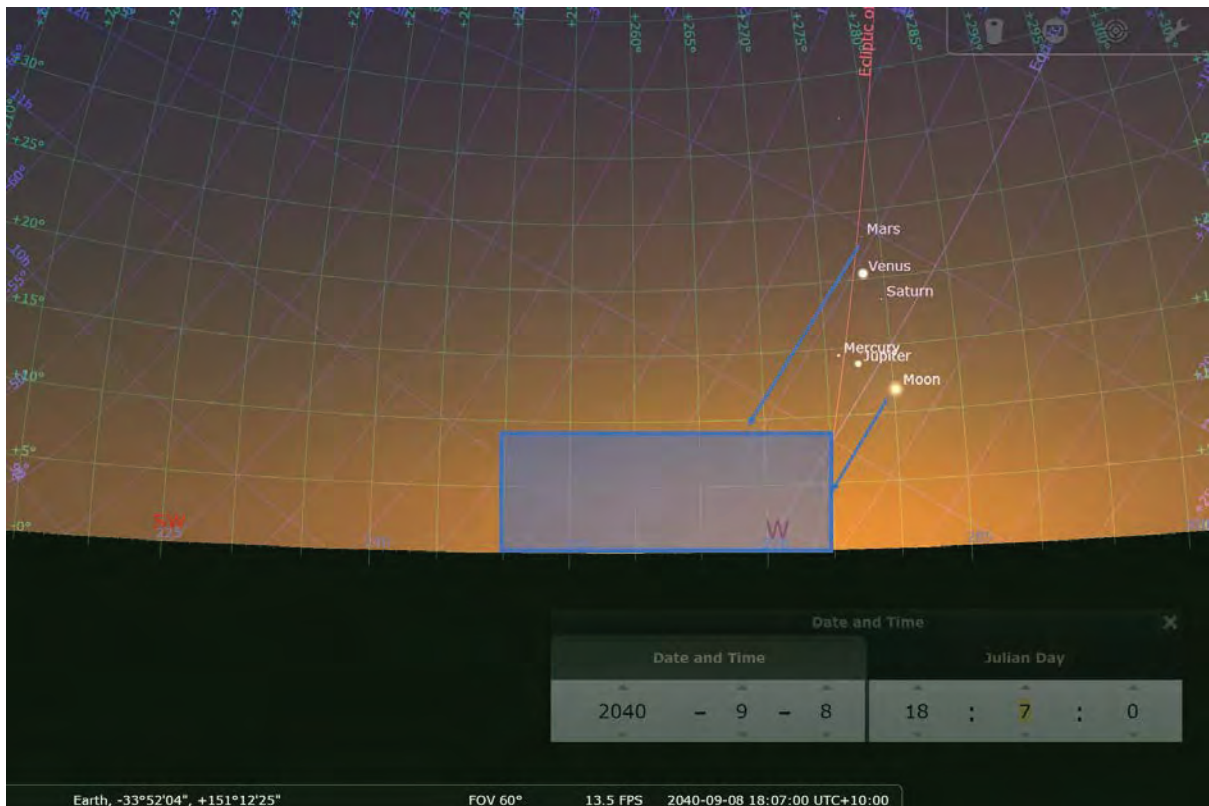


Fig. 15 2040Sep08 – all five naked eye planets, plus the Moon, are close together in the western sky after sunset. This occurs once in 500 years on average. Made with Stellarium.

On 2040 September 08 a spectacular planetary gathering occurs in the evening sky. All five naked eye planets (Mercury to Saturn) are visible very close together with the Moon, and all low in the western sky after sunset. This is a once in 500-year event on average, the last time being in 1186. The planets remain close for a few weeks around Sep 08th. On the 8th viewing begins around civil twilight at 6:07pm when the sky darkens enough to see the planets. It continues for two hours until Mars sets at 8:05pm.

However, Block 7 would interrupt the viewing from 6:35pm, when Jupiter becomes the first planet blocked. The viewing is reduced to barely 28 minutes before Block 7 begins to interfere. And for each planet the last 45 minutes of viewing is obstructed by Block 7.

To whom it may concern

Re: Sydney Observatory and the Barangaroo Concept Plan (Mod 9)

As an astronomer and curator at Sydney Observatory for over 30 years, I am very familiar with the site, its history and the way it operates. I can state unequivocally that the view down to the horizon in the west has always been a prized attribute of the Observatory. Breaking that view with a building jutting considerably above the horizon would be a most unfortunate and a serious detriment to the Observatory and its functioning.

The windows in the west wing of the Observatory face due west. On coming up to the first floor almost every visitor stops to admire the view at one of those windows. During the day and on cloudy nights, the guides when leading a conducted tour, demonstrate the working of the telescopes in both the South and North domes, by observing the Balmain Town Hall clock. This is a particular thrill to children, with each child in a school group remarking to their teacher, "It's upside down Miss!". That view would be blocked by the planned building 7, at least from the North dome. In addition, it should be noted that a satisfactory view is obtained of the clockface even though it is viewed horizontally.

Sunsets and moonsets in the western sky can be a highlight of a visit to the Observatory, whether by people casually wandering in the grounds or people on an organised tour. In the latter case, the guides can use the sunset to explain how the direction of the event moves from south to north and back again throughout the year and so could become the basis of a yearly calendar.

There are many astronomical events that can only be viewed low in the western sky. One of these was the transit of Venus on 8 June 2004, the first transit of the planet for 122 years, that saw hundreds of people lined up on the western driveway of the Observatory to view the planet silhouetted on the Sun through the provided portable telescopes. This event was extensively covered in the media with newspaper, TV and radio reporters present plus live radio interviews as it was happening. Many other events, such as planetary conjunctions occur low in the west. Some, involving the innermost planets Mercury and Venus, can only occur low in the west, as these planets do not stray far from the Sun. Similarly, comets at their brightest are near the Sun and so often can only be seen low in the west after sunset; an example being Comet McNaught in 2007. Also, the first appearance of the crescent Moon can only be seen low in the western sky at dusk. In fact, some people come up to Observatory Hill to observe its first appearance for religious reasons.

As indicated in the examples above, there is no "lower angle of viewing" from Sydney Observatory for the purposes of public outreach and education. It is purely **fictitious**. Though the Observatory's hours are 10 am to 10 pm nominally, I have been there for public

Dr Nick Lomb

events late at night and in the early morning. The hours are flexible, if there is an astronomical event of public interest that can best be viewed at other times.

Lighting from new nearby buildings, whether just below the horizon or jutting above it would be a serious concern with regard to light pollution. Possibly, measures can be taken by Barangaroo Central with regard to public lighting, though the mention of blue lights along the shoreline does not indicate much understanding of the issue. Blue is not only bad for astronomical observations, there are hundreds of scientific papers indicating that blue lighting can have serious health consequences for nearby residents, such as increasing risks of breast and prostate cancer, heart disease and obesity.¹ Not only public lighting is a concern when the Observatory's telescopes are pointed west at whatever elevation, but so is the direct light from office windows that are almost always left on and unshaded. As would light from the windows of apartments.

To summarise, a building jutting above the western horizon would be most a most unfortunate detriment to the service that Sydney Observatory provides to its large numbers of public visitors, including adults, school groups, locals and tourists, during the day or at night.



Dr Nick Lomb FASA FRNSW FRSA

Adjunct Professor, University of Southern Queensland, nick.lomb@usq.edu.au,
<https://astrophysics.usq.edu.au/about-us/nick-lomb/>

18 July 2022

¹ See, for example, the American Medical Association's media release on streetlights: <https://www.ama-assn.org/press-center/press-releases/ama-adopts-guidance-reduce-harm-high-intensity-street-lights#:~:text=The%20AMA%20also%20recommends%20all,for%20off%20peak%20time%20periods.> And the report on which it was based: <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/about-ama/councils/Council%20Reports/council-on-science-public-health/a16-csaph2.pdf>

08 August 2022

Mr David Glasgow
Principal Planning Officer, Key Sites Assessments
Department of Planning, Industry and Environment
david.glasgow@environment.nsw.gov.au

Dear Mr Glasgow

RE: Barangaroo Concept Plan (Mod 9)

The Powerhouse Museum welcomes the opportunity to provide a submission on the proposed modification (Mod 9) to the Barangaroo Concept Plan.

Powerhouse operates Sydney Observatory as an active public museum and education facility, with a program of highly successful public and educational programs and tours centred on telescope viewing experiences of the Southern Night Sky. As a close neighbour of the project, the development of Barangaroo has the potential to impact the operations and setting of Sydney Observatory.

Built in 1858, Sydney Observatory is a significant site in Australia's scientific and pre- and post-colonial history. Geographically positioned on the highest point of Warrane (Sydney) and overlooking the harbour, it is considered a site of significance for the Eora nation. It is recognised as an item of state significance on the NSW State Heritage Register, and is a unique heritage and tourism asset for Sydney and NSW as a working Observatory in a city setting.

Sydney Observatory's 90-minute Night Tours introduce visitors to the highlights of the Southern Sky, and include experiences with both Australia's oldest working telescope and a modern research-grade telescope. The visible astronomical objects viewed through the telescopes changes throughout the year, informed by the movement of the planets, moon and the visibility of seasonal stars and constellations. Visitors view up to six astronomical objects on a tour – including nebulae, star clusters, binary star systems and planets. Tours are also conducted during the day, allowing visitors to view the Sun through the telescopes.

Cumulative impacts from obstruction and light pollution as a result of urban development obstruct the visibility of many celestial objects and also limit what may be viewed on any given night.

This submission is confined to the impact the proposed modification will have on Sydney Observatory, namely the proposed tower form within Block 7. The proposal to increase the height of block 7 from RL35 to RL73.7 through a tower form raises significant concerns for Sydney Observatory.

Architecture and Urban Design

The proposed modification includes an increase in height for all blocks, with a prominent tower within Block 7 at the north-west corner. The justification contained within the Environmental Assessment Report and Urban Design Report (Appendix E) for the placement and extent of the tower is unclear. The reports note that the tower is intended to be 'an architecturally distinctive building' and 'a marker to Central Barangaroo.' Such statements when weighed against the impact of such built form on Sydney Observatory do not seem to provide adequate justification.

The Analysis of Alternatives contained at section 2.4 of the Environmental Assessment Report outlines some options in terms of placement and extent of height. This analysis is however limited in exploration of all feasible alternatives to distribution of height, particularly when compared to the impacts of the proposed location and extent of the tower within Block 7. It appears feasible that the floor area within the proposed tower could be distributed throughout Blocks 5-7 without impacting Sydney Observatory. Further such distribution would not preclude the creation of an architecturally distinctive building nor marker to Central Barangaroo at the north-west corner.

The extent of the proposed tower within Block 7 will detrimentally impact views both to and from Sydney Observatory. This impact has been assessed as high-moderate within the View and Visual Impact Assessment (Appendix F). Despite such an assessment, no mitigation measures specific to the impact on Sydney Observatory are proposed. The mitigation measure to utilise similar plant species for roof-top gardens to that of Observatory Hill Park does not mitigate impact to Sydney Observatory and further is questionable in its mitigation of the impact on the park in terms of views from these two locations.

Acknowledging the objectives of the development within the proposed modification, it is considered that feasible alternatives exist for the creation of distinctive architectural form, a marker to the Central Barangaroo sub-precinct, and achievement of the desired gross floor area without impacting Sydney Observatory.

Sky View Assessment

The Sky View Impact Assessment (Appendix G) has been prepared in absence of any meaningful consultation with Sydney Observatory. Such consultation would have ensured incorrect assumptions made within the assessment could have been corrected prior to lodgement. These assumptions have led to an incorrect assessment of impacts not only within the Sky View Impact Assessment but also a number of other reports that rely on this assessment.

The Sky View Impact Assessment maintains that a viewing angle of less than 10 degrees above the horizon is not relevant for Sydney Observatory activities. As Sydney Observatory is a place for public viewing rather than an astronomical research station, all angles of viewing are relevant. Consequently, the impact of loss of viewing angle due to the construction of the tower within Block 7 has not been assessed.

The Sky View Impact Assessment relies on a report by UNSW Unisearch that has been developed in absence of an understanding of Sydney Observatory operations. This report relies on limited consultation with Sydney Observatory staff. This limited consultation has led to assumptions in the report regarding hours of opening, equipment utilised and how observations are conducted. Adequate

consultation to understand the operations of Sydney Observatory would have corrected errors inherent in these assumptions and ensured all impacts were adequately assessed.

A full assessment of the Sky View Impact Assessment has been undertaken by Sydney Observatory staff and is appended to this letter.

Consultation

Representatives of Powerhouse Museum/Sydney Observatory were provided with a project briefing by the Applicant on 18 August 2021. Whilst this briefing was appreciated, further consultation prior to the lodgement of the modification would have assisted both the Applicant in understanding the operations of the observatory and may have assisted Sydney Observatory in understanding the rationale for the tower form within Block 7.

Sydney Observatory remains willing to meet with the Applicant to further discuss the proposed modification and assist in correcting errors stated above.

Heritage

The Heritage Assessment and Impact Statement (Appendix S) states that due to the tower within Block 7 there will be 'an adverse impact on the panoramic view shed to and from the central, western and south-western parts of Observatory Park.' The Statement claims there will be little or no adverse impact to Sydney Observatory for its continued historical use. This is considered an inaccurate assessment as the impacts for views to and from Sydney Observatory is of equal historical importance to that of Observatory Park.

The claim that little or no adverse impact on historical use is assumed to be based on the assessment contained within the Sky View Impact Assessment. For the reasons outlined above, this is an inaccurate representation of both the historical and current operations of the observatory. As such it is recommended that this assessment be revised.

The Statement contains mitigation measures for heritage impacts, including a recommendation for Sydney Observatory to review the Sky View Impact Assessment. Whilst this is appreciated, it is considered that further mitigation measures could be made in respect of heritage impacts of the proposal on Sydney Observatory, principally in relation to the location and extent of the tower within Block 7.

Cumulative Impacts

The Director General's Requirements include a requirement to assess the potential impacts of the proposed modification including cumulative impacts. The Environmental Assessment Report assesses cumulative impacts, however this is largely confined to construction and operational traffic.

The approval of Crown Sydney and the residential towers R4A/R4B/R5 (One Sydney Harbour) at Barangaroo generated significant impact to Sydney Observatory in relation to sky view loss and heritage views to and from the Observatory. The proposed Mod 9 does not assess the cumulative impacts of the tower within Block 7 together with that of Crown Sydney and One Sydney Harbour. As such it is considered that the assessed impacts of Mod 9 on Sydney Observatory are underestimated

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as they have not considered the totality of impacts on the Observatory of the Barangaroo development.

I trust these comments are useful to the Department of Planning, Industry and Environment in the assessment of Barangaroo Concept Plan Mod 9.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact James Rongen-Hall at james.rongen-hall@maas.museum or (02) 9217 0187.

Yours sincerely



Lisa Havilah
Chief Executive
Powerhouse Museum

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Attachment A: Comments on “Sky View Loss Assessment for Barangaroo Concept Plan (06_0162) Modification 9” by Dr Andrew Jacob, Curator, Sydney Observatory, August 2022

Attachment B: Letter re: Sydney Observatory and the Barangaroo Concept Plan (Mod 9) by Dr Nick Lomb FASA FRNSW FRSA, Adjunct Professor, University of Southern Queensland, 18 July 2022

8 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,

Section 75W Modification Request
Application MP06_0162 MOD 9
Modification Central Barangaroo Plan

I write to you to make a formal submission objecting to the modification application submitted by Infrastructure NSW to the Department of Planning, Environment (DPE) to amend to the Barangaroo Concept Plan (Mod 9) in relation to Central Barangaroo and Barangaroo Reserve.

I reside at 71 Kent Street, Millers Point, Sydney 2000, which is owned by my wife. The property was constructed in 1876 by Isaac Roddam, a shipwright who operated from the wharves that now comprise the current Central Barangaroo area. The property is part of the Millers Point heritage conservation area, is subject to a Conservation Management Strategy, and listed on the State Heritage Register at SHR 00919.

I object to and do not support the substantial and significant changes to the Barangaroo Concept by the applicant under section 75W of the Environmental Planning and Assessment Act 1979 (EPA Act).

There are numerous issues in respect of both the application process and the impact the proposed changes will have.

Impact on Views

The proposed changes will block views to/from Millers Point/Observatory Hill to/from Sydney Harbour locations to the west and south-west (Pyrmont, Whites Bay, Balmain East). This is in contravention of numerous statements and undertakings from governmental agencies involved in the development of the Barangaroo Concept Plans that these views were to be preserved given the historical significance of Millers point/Observatory Hill.

In portraying the impact the changes proposed will have on views from and to Millers Point/Observatory Hill, the applicant has engaged in gross misrepresentation of the impact of the existing approved concept plan for the area by claiming the existing concept plan already removed those views. This is patently untrue – the existing concept plan does not remove the views, it specifically takes into account preservation of views.

Significant and Substantial Change

As noted above, the changes proposed by the applicant to the Barangaroo Concept plan are significant and substantial. Subsection 4.55(1A) of the EPA Act sets out 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 applicant is proposing to increase the GFA for the current approved Central Barangaroo concept plan from 48,000sqm to 144,000 sqm – that is an increase of 200% in GFA. It is simply not credible that the consent authority can accept that a proposal to increase a development GFA by 200% will fall within the requirements of subsection 4.55(1A).

The proposed changes therefore cannot be legitimately approved pursuant to the modification process afforded by s.75W.

Retention of views

In 2016, the Independent Planning Commission (IPC) adopted the requirement that future development applications for Barangaroo demonstrate that views would be retained from Millers Point and Observatory Hill to the western part of Sydney Harbour, (and from Block Y to the Sydney Harbour).

In blatant dissembling fashion, the applicant states that 'the word retain is unreasonably open to interpretation' and then manipulates the wording of the Statement of Commitments to simply obviate the retention of views as required by the Commission.

The word 'retain' and the context within which it was used by the IPC is very clear – there is no space for an alternative interpretation, and the requirement to retain these historical views cannot be avoided.

Heritage Impact Statement.

The Heritage Impact Statement (HIS) prepared by the applicant does not set out any consideration of the impact the proposed changes will have on this particular property – 71 Kent Street, which as noted above, is registered on the State Heritage Register and is subject of a Conservation Management Strategy endorsed by the NSW State Government and Heritage NSW.

Further, the HIS does not address the direct significant impact the changes will have on many other heritage registered properties in Kent Street – those it does address are situated in locations that will not be impacted to any significant degree (for example, 123 and 125 Kent, 98 Kent).

I attach a photograph taken from the rear bedroom of our property – a property sold to us in 2011 by the NSW government as "Capturing dynamic views out over the harbour from the rear' (direct quote from advertising brochure). This view across to Pyrmont/White Bay will be completely obliterated by the proposed changes – yet there is simply no consideration of that impact in the HIS. The impact will be similar for every other property on the western side of Kent Street from the Langham hotel to High Lane.

Overdevelopment

The proposed changes represent a gross overdevelopment of the site, creating a significant environmental impact in visual terms by blocking historical views, introducing intrusive structures (a new 'Blues Point Tower' next to Nawi Cove), absolutely inadequate parking for the retail space being proposed, absolutely inadequate traffic planning, creating commercial space in an area where demand is currently static and falling – in essence, the sale of public space for private gain.

Please do not hesitate to contact me for further information or to discuss any aspect of the above.

Your sincerely

Rodger Muir

Rodger Muir

Ph: 0414 253 890

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Media Release

5 November 2013

CENTRAL BARANGAROO: A NEW PLACE TO CELEBRATE ON THE HARBOUR

A major new waterfront park and event spaces form the centrepiece to complete the vision for Barangaroo, where construction is now progressing apace and the first two commercial towers and the Headland Park are on track for completion in 2015.

The Barangaroo Delivery Authority today released the new master plan framework for Central Barangaroo, which will be an exciting, diverse and active addition to the western CBD waterfront.

"Barangaroo is a \$6 billion investment in the future of NSW – the Barangaroo precinct will help to cement Sydney's place as one of the Asia Pacific's leading financial and tourism destinations," Authority CEO John Tabart said.

"Barangaroo will be a place for Sydneysiders to work, live and enjoy the Harbour. Barangaroo will incorporate major public recreation, cultural and event spaces. We confirm our commitment to ensuring over half the new precinct will be assigned for public and recreational space, ending close to two centuries of port and industrial use.

"Central Barangaroo will include 2.6 hectares of waterfront public space, with the Barangaroo foreshore promenade completing one of the world's great waterfront walks stretching 14 kilometres from Woolloomooloo to the Anzac Bridge. This public space will create a forecourt to a vibrant mix of residential, commercial and cultural uses at Central Barangaroo," said Mr Tabart.

"The refined master plan framework provides the opportunity for Central to be more active and engaging, with greater flexibility allowing for a diversity of uses. Central will provide a platform for events such as live music, festivals and outdoor art exhibitions."

The master plan will be placed on public display as part of the consultation process prior to the lodgement of a planning application seeking a modification to the Barangaroo Concept Plan.

Master Plan Overview

Key aspects of the new Central Barangaroo master plan include:

- The "Sydney Steps" creating a new city gateway to Barangaroo and the waterfront
- A continuous 30m wide public foreshore walk
- New civic plaza and parks on the waterfront
- A network of laneways ensuring pedestrian and vehicular accessibility
- Preservation of a site for a future cultural venue
- • Preservation of views from Observatory Hill to the horizon and the harbour ✓
- Greater diversity of active uses to create a 24/7 environment all generally within the current approved building heights and footprints creating a more engaging, active and vibrant waterfront precinct – this can lead to up to a total of 121,500 of gross floor area within Central Barangaroo. ✓

SUBMISSION to Department of Planning and Environment

Reason for Objection	<p>The key reason: The Mod 9 proposal is unacceptable. The proposed development is wholly out of character with the Millers Point environment. The proposed development occupies public land that has significant cultural and heritage importance to the city of Sydney. The Rocks / Millers Point area is all that is left of Sydney's 'old town' and while sympathetic development at the perimeter is acceptable, Mod 9 fails that test completely. The obliteration of sightlines from (and perhaps more importantly, to) Millers Point and Observatory Hill cannot be accepted. Sensible development would enhance those sightlines and celebrate the history of our city... not bury it behind cement and glass.</p> <p>The objections:</p> <ol style="list-style-type: none"> 1. I object to ANY increase in the maximum GFA above the previously approved level 2. I object to ANY increase in height above the previously approved level 3. I object to any increase to the previously approved block sizes 4. I object to the conversion of Barton Street from a temporary road to a permanent road 5. I object to the loss of views and heritage aspect from and to Observatory Hill and Millers Point. <p>Barton Street. Barton Street was never proposed as permanent. It was approved temporarily as an access road for trucks servicing the One Sydney Harbour site. It was never part of the Central Barangaroo plan. It now also seems to be assumed that this road is required for vehicle access to the Crown hotel. This is wholly unacceptable given the consequent destruction of Hickson Park. Barton St is already a constant source of noise and disruption for residents (known locally as 'supercar avenue'). Barton St must be moved north to where the road was originally planned, restoring the original dimensions of Hickson Park and reducing the block sizes in Central Barangaroo.</p> <p>Hickson Park. A condition of the opening of Crown Casino was the completion of Hickson Park at its previously approved size. The delay in the opening of the casino now seems to have given carte blanche to everyone to chip away at the park. Lend Lease have destroyed the southern end and then successfully lobbied for Barton St as a temporary construction access road. This does not give the developers of Central Barangaroo the right to assume it just stays there. Hickson Park was designed to seamlessly link South and Central Barangaroo. The park was an important piece of the original concept design and must be restored. Comparisons with parks in New York are ridiculous. The increase in building height of Central Barangaroo will now see significant overshadowing in winter. This goes completely against the Mod 8 determination that building height in Central needs to minimise overshadowing of the park.</p> <p>The 'Tower'. The proposed tower at the northern end of Central Barangaroo is totally inappropriate. It seems incredulous that this even needs to be stated! Justification of the structure as some kind of 'statement' or 'exclamation point'</p>
----------------------	--

are laughable. The placement of the structure couldn't be worse... competing with and distracting from Sydney Observatory and the heritage Palisade hotel. The structure must be removed... not reduced in height... removed completely.

Hickson Rd.

The buildings fronting Hickson Rd are too big. They will overshadow Hickson Rd and turn it into a dark, windy alley. The setback from Hickson Rd is too small and the buildings are too high, completely blocking the High St escarpment (one of the most unique geographic features of Millers Point). These structures must be reduced in height significantly... to the level of High St and no higher.

Mod 9 proposal is destructive of the heritage of The Rocks and Millers Point.

Mod 9 destroys many aspects of the heritage value of The Rocks and Millers Point. The proposal **does not comply** with the existing Approved Concept Plan planning controls.

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. The applicant's summary states, “Mod 9 often only marginally increases the extent of view loss”. This statement is clearly, obviously incorrect and leads one to ask if the applicant has actually looked at their own renders of the development! The heritage views to Observatory Hill and Millers Point are destroyed by Mod 9.

Dexus Property Services Pty Limited
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Sydney NSW 2000

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

8 August 2022

Dear David,

SUBMISSION TO MP06_0162 MOD 9, Barangaroo Central

This submission has been prepared by Dexus Property Services on behalf of the **Dexus Office Trust and Hickson Road Subtrust**, the owners of the commercial buildings 30 The Bond (30-34 Hickson Road) and 36 Hickson Road which are located directly east of the current Modification (MP06_0162 MOD 9) under assessment by the Department of Planning and Environment (DPE). Dexus objects to the proposed MOD 9.

30 The Bond is a contemporary A-grade office tower built in 2004 which includes a full height atrium providing an abundance of natural light. The 10 level building features glass lifts, suspended meeting rooms and open breakout spaces. The building also providing underground car parking.

36 Hickson Road comprises a part five level (Building 1) and two level (Building 2) commercial buildings constructed in 1845 and 1899 respectively. The buildings were refurbished in 2004 and again in 2014-2015 and adjoin the building at 30-34 Hickson Road. The site contains two heritage listed buildings listed on the State Heritage Register.





The proposal under MOD 9 relates to:

- An increase in total permissible GFA from 602,354sqm to 708,041sqm, comprising the following proposed within Central Barangaroo and Barangaroo Reserve:
 - Up to 116,189sqm of above ground GFA, primarily within the B4 Mixed Use zone of Blocks 5, 6 and 7 (including a maximum of 28,000sqm of residential GFA);
 - Up to 28,166sqm of below ground GFA, primarily within the B4 Mixed Use zone of Blocks 5, 6 and 7;
 - A minimum of 2,800sqm of Community uses GFA within Blocks 5, 6 and 7; and
 - A minimum of 6,000sqm and maximum of 18,000sqm of Community uses GFA within the RE1 Zone of Barangaroo Reserve to allow for future community / cultural facilities located in the Cutaway.
 - An allocation of 1,000sqm GFA for potential community uses within the RE1 Zone.
- A re-adjustment of the Block 5 southern boundary and building envelope towards the previously approved alignment prior to the MOD 8 approval, whilst providing building setbacks to both Barangaroo South and Hickson Park.
- Modifications to Barangaroo's movement network, including the removal of uncontrolled vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 (excluding controlled service vehicle access), and converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct.
- Modifications to the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and the distribution of GFA across the blocks.
- Introduction of Design Guidelines for Central Barangaroo to guide future detailed proposals.
- Consequential amendments to the State Significant Precincts SEPP to support modifications to the Barangaroo Concept Plan (MOD 9) for Central Barangaroo.
- Modifications to the current Instrument of Approval.
- Revisions to the Barangaroo Concept Plan Statement of Commitments.

As a major land owner within the City of Sydney CBD, Dexus supports the regeneration of underutilised sites and the realisation of the Barangaroo master plan. Therefore, Dexus in principle supports the progression of development at Barangaroo Central to continue the realisation of a complete Barangaroo precinct.



However, Dexus has a number of serious concerns regarding the submitted MOD 9, and requests DPE's consideration of the amendments required to address these concerns, which include:

- Bulk and Massing
- Overshadowing
- Heritage Impacts
- View Impacts
- Transition of scale
- Realignment and Reduction of Hickson Park

This submission is premised on the protection of worker amenity to the highly successful and well tenanted building of 30 The Bond. Specifically, the streetscape of Hickson Road, the solar access, connectivity and size of Hickson Park and the protection of a historic connection to the waterfront.

As it stands, Dexus object to the current form of the MOD 9 as it stands.

Bulk and Massing

The submitted building envelopes and visual impact analysis indicate that the visual bulk presenting to Hickson Road and 30 The Bond is substantially increased. Notably, this includes the introduction of a cantilevered overhang into the setback zone.

This represents a substantially worse urban design outcome and will further enclose the already relatively narrow Hickson Road. Allowing GFA to cantilever over the public domain will reduce amenity on the street, with the described street trees likely to struggle where building envelopes project over the footpath. This will create an unwelcome sense of enclosure for 30 The Bond and is inconsistent with best practise and acceptable development practices in the wider CBD.

The encroachment of the building envelope south also represents a greater sense of mass for the proposed development and detracts from the linkages between the waterfront and existing development.

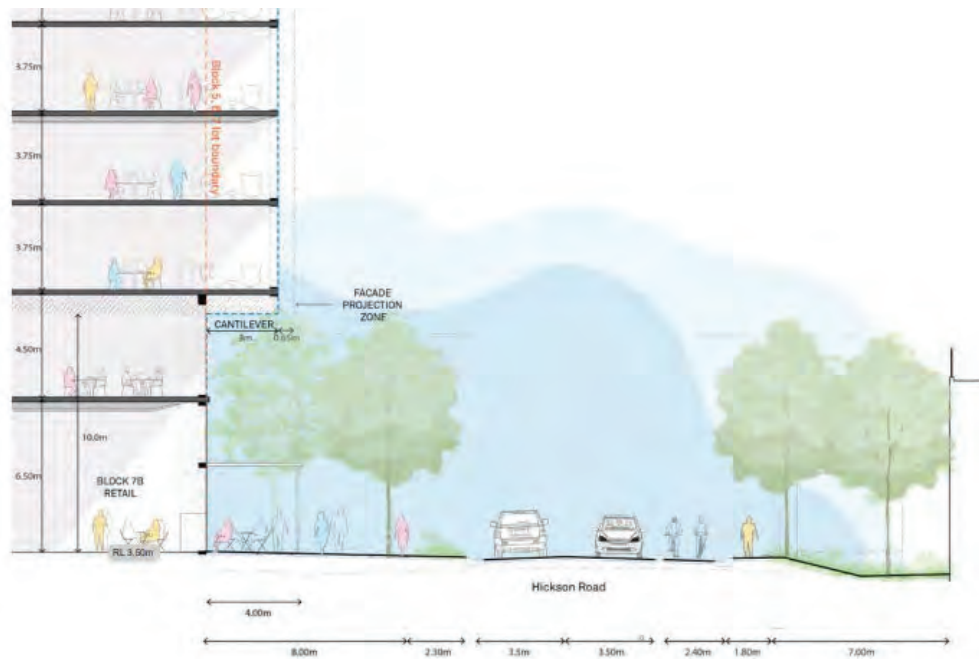


Figure 71 Image showing the development envelope of the proposed Hickson Road. (Source: AECOM, February 2021)



Figure 72 Image showing the development envelope of the proposed Hickson Road. (Source: AECOM, March 2021)

View Impact Indication from 30 The Bond



Hickson Road Proposed Section

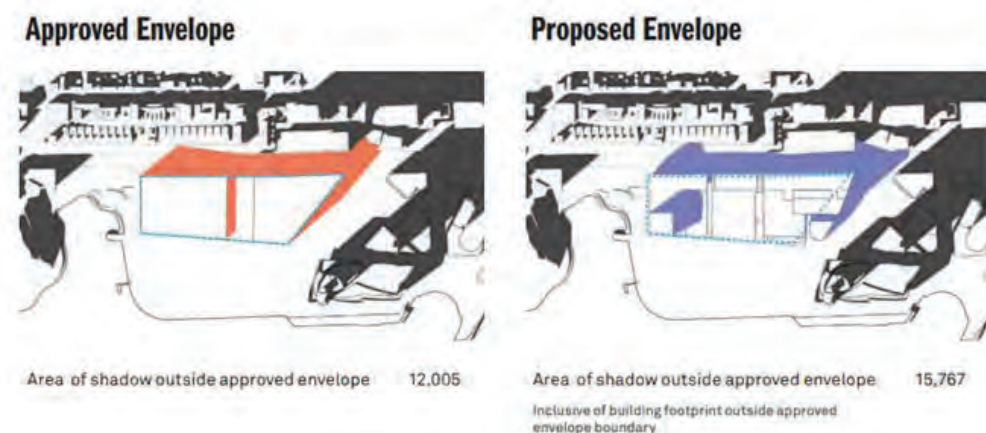


Overshadowing

Insufficient information and analysis has been provided around Shadow Impact.

Dexus seek analysis of more times of day (suggested half-hour increments) and increased detail of impact on public and private spaces to appreciate the increased overshadowing impacts as it relates to the forecourt areas adjacent the Hickson Road sites and public forecourts.

Further, the impact on localised overshadowing as a result of the proposed cantilever must be included to understand the effect of this on the amenity of the streetscape. The resultant shadow impacts, as shown below, will obscure all solar access to the MSB Stores Complex on the winter solstice.



Overshadowing Analysis – 3PM Winter Solstice

Heritage Impact

The proposed modification has an unacceptable impact on the heritage vistas of the MSB Stores Complex (State Heritage Item 01435). The Maritime Services Board (MSB) Stores complex is of historical significance, and illustrates the early development and subsequent growth of the organisation. The complex is of significance for its association with the port facilities and maritime activities of Darling Harbour and its role in the historical, social and physical development of Sydney. Predating the historical foreshore extensions at Barangaroo, the item has an enduring and important link to the waterfront and the historical maritime uses of the area. Throughout the evolution of the Barangaroo master plan, it has maintained vistas and views of the waterfront.



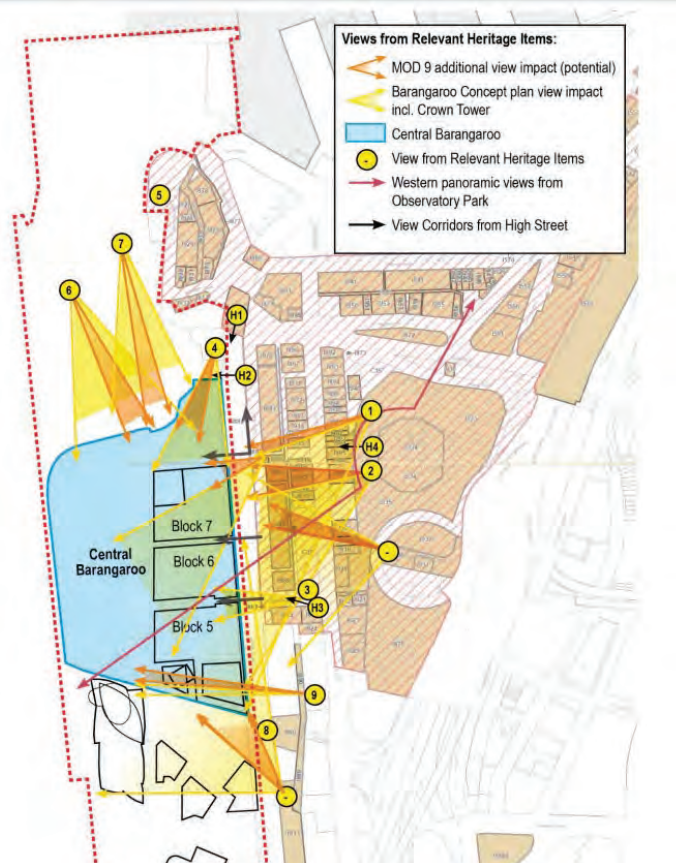
Although the proposed alignment does return the edge of the park to what was approved before MOD 8, the introduction of the Crown Hotel and Casino tower necessitated the realignment of this parkland in order to maintain this significant connection to the waterfront.

Though mentioned in the Heritage Impact Statement, the assessment is scant. It identifies that:

The additional height of MOD 9 Block 5 will not further impact harbour views to and from these items at a low level. This additional height may, however, increase the loss of sky aspect from these items.

While this may be the case, it fails to account for the realignment of the building envelope and Hickson Park which almost entirely cuts off the heritage item from the waterfront. Analysis of view lines, shown below, fails to include any outlook from the MSB Stores Complex (Viewpoint 8). The suggested reduction in view lines is demonstrated by the marked-up diagram below.

Views from relevant heritage items





Views

30 The Bond currently enjoys district and water views. While it is acknowledged that the concept plan as approved partly obscures this view, the proposed MOD 9 encroaches substantially more.

The Visual Impact Assessment identifies the impact of view from Hickson Road as “low given users would be travelling through the space.” This assessment is inadequate as it fails to take into account the views enjoyed from the Dexus buildings.

The proposed increase in heights obscures views of the harbour from the upper floors of 30 The Bond, reducing the amenity of the spaces. This is not adequately addressed by the Visual Impact Analysis nor the EIS which fails to apply the Tenacity v Warringah view loss principles adequately to the Dexus sites, particularly as the interface of water and land is one of the most highly rated views when considering Step 1 of Tenacity case – being the assessment of views to be affected.

Transition of Scale

The proposed MOD 9 consistently refers to the contextual transition of scale that the increase in height offers. We reject this conclusion. The Environmental Assessment Report (EAR) states:

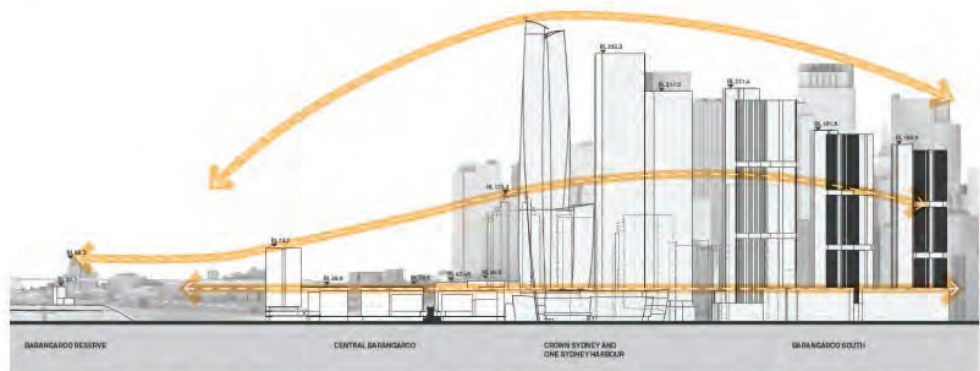
The current permissible scale is inconsistent with the scale and intensity of built form on Barangaroo South which has been approved since the Central Barangaroo framework was previously endorsed. The resultant future-built form would not be modulated and would not provide any transition from Barangaroo South to Barangaroo Reserve, resulting in a dramatic shift in building height and scale between One Sydney Harbour and Crown Sydney Hotel Resort, Central Barangaroo, Millers Point and Barangaroo Reserve. Given the substantial visibility of the site and the significance of the overall urban renewal project, where any improvement to the urban form is available this must be explored.

This fails to acknowledge the deliberate separation in character between Barangaroo South and Barangaroo Central and the scale grading to the existing development east of Barangaroo that has been consistent through the iterative development of the precinct.

Whilst the Figure below shows the north/south scale transition, there is inadequate assessment of the east/west transition of scale.



Figure 35 MOD 9 building envelopes in the context of immediate surrounding development



Picture 22 West elevation showing the proposed built form at Central Barangaroo in the context of the immediate surrounds

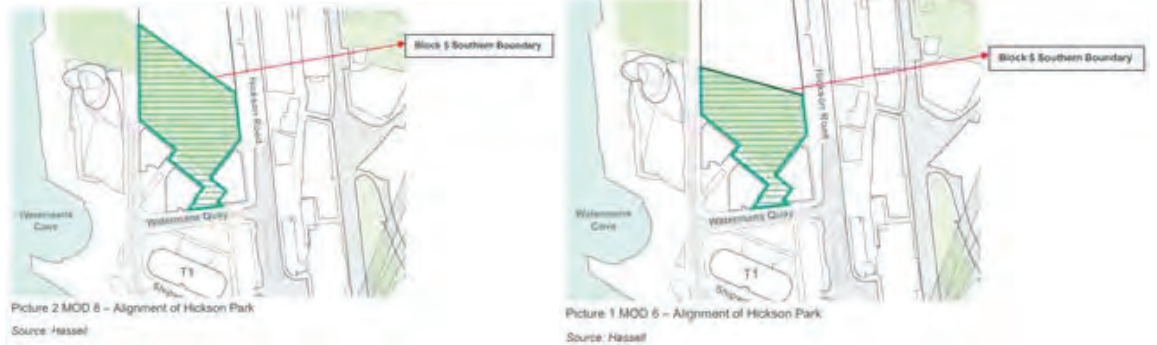
Height Context Diagram

Hickson Park Realignment and Reduction

This Modification reduces the size of Hickson Park as well as increasing the overshadowing impact by 1,000sqm.

It proposes to realign the boundary of Hickson Park to that which existed before MOD 8. However, the impetus behind shifting the boundary was to compensate for the impacts of MOD 8, with the new location of the Crown Casino and a large increase in GFA. To revert to the boundary approved under MOD 6 would be to undo the mitigating measures included in MOD 8 to ensure that Hickson Park is a well connected and successful urban park. Notably, the proposed boundary change completely severs any connection between Hickson Park and Harbour Park, compromising the vision for a string of continuous parkland at Barangaroo.

Reducing the size of the park while allowing a larger share of it to be overshadowed is a depressing and unsatisfactory urban outcome. As the primary local open space for tenants of 30 The Bond, this impact is unacceptable and represents a backwards step in the realisation of Barangaroo as a vibrant and liveable urban precinct.



Alignment of Hickson Park as approved in MOD 8 vs suggested return to MOD 6 alignment

Summary and Conclusion

We thank DPE for considering this submission as part of the exhibition process and we request due regard is had to the concerns raised in this submission.

Should you have any queries regarding this submission letter, please do not hesitate to contact the undersigned.

Sincerely,

Dakota Edmiston
Property Manager, Office
dakota.edmiston@dexus.com
0430 558 315

I'd like to add my voice to the objections to the proposed height, footprint and any other elements that would obstruct the existing view west from Observatory Hill.

What makes Sydney so special is not just its beautiful harbour but the vantage points – especially green open spaces – from which to admire it.

Observatory Hill is a truly glorious spot and it's one to which tourists gravitate. For 25 years I *was* that tourist. Sydney only became my home in adult life. I was born in Brisbane in 1971 and every January, just before the school or uni year started, from 1977 to 1993, mum and I would head to Sydney for a break.

The itinerary was packed but mum would always make time for Observatory Hill, and it wasn't just for the picture-perfect view to the east or looking north over the Harbour Bridge. We'd enjoy watching the incoming liners and tugs escorting them into White Bay. We were always drawn to the **working harbour**, the stevedores, the bustling activity and expansive view to the west that took in another significant landmark – the **ANZAC bridge**.

While we often started our walk near the Rotunda overlooking the famous bridge, where we'd settle for lunch was on the western side, under this tree below. The icons are beautiful, but this felt to us a little more like the **local's Sydney**, not showy, but beautiful nonetheless.

Like a visit to Watson's Bay, this was part of our annual routine. The view, the shade, the serenity of the spot, coupled with a **cool breeze** that would kick **off that western water**, was a wonderful respite on a hot summer day.



We'd also enjoy gazing down on these **historic terraces wrapped in harbour blue** (so different to the classic Queenslander!), wondering how far back they dated into Sydney's horse-and-cart days. The appeal of early Sydney obviously stayed with me when I finally moved here to live in 1996, because my Facebook homepage for over 10 years now, [this image](#) (bottom left), depicts Observatory Hill, from the perspective of the old v's the new.

My only complaint is that it doesn't wraparound to cover the western view!

Simple activities like these – sitting on a hilltop soaking up the harbour and early Sydney – are quite rejuvenating; it was often our last stop before we headed back to the hotel to grab our bags for the trip home, and the start of the busy school or uni year.

I ask that you'd reconsider height limits to protect the western view so others can enjoy it as my mum and I did for so many years.

Michaela Watson

Michaela Marya Watson



Barangaroo Concept Plan Mod 9 – Objection Submission

MP06_0162 MOD 9

I object to the Barangaroo Concept Plan Modification Plan 9 on many many grounds. Millers Point and The Rocks represent early Sydney. They are our most significant heritage assets. The area is a significant Heritage Precinct for the whole city, the state and the country.

The most concerning grounds for my objection are laid out below:

1) The out-of-place view-blocking Northern Residential Tower

- This 73.7m building is completely out of context with:
 - Barangaroo Headland Park
 - Nawi Cove
 - Millers Point Heritage Streetscape
 - Observatory Hill

It will remain an ugly blot on the Sydney Harbour landscape on what is essential harbour foreshore public land. It will be compared unfavourably to the much-lamented Blues Point Tower located on the opposite north shore of the Harbour. It is not a positive contribution to the precinct's urban planning and does not belong right next to the public areas of Nawi Cove and Barangaroo Headland Park. It will block views from all directions including those current views from Observatory Hill to the horizon. There is already a significant number of residential apartments in Millers Point. This building must not be higher than the 2007 approved height of 29-34m in the Central Barangaroo Concept Design.

2) The devastating effects on the Millers Point Heritage Area views and sightlines

- The Mod 9 Plan does not take into account the impact on the Heritage Area of Millers Point (arguably the oldest remaining intact area of Old Sydney Town). Supposedly preserved views to and from the Heritage Area are severely impacted and even completely obscured. The houses on High St and the western side of Kent St (plus many lower levels of apartment buildings on the same side of Kent St) along with the five-star Langham Hotel will also totally lose these views with the Mod 9 plan.
- "Protected" views of Millers Point streets, houses and landscape including Observatory Hill from the West (the Western Harbour, Balmain, Pyrmont and other nearby suburbs) have been available to all for over 200 years. They will be completely lost by the proposed Mod 9 development. Such sightlines are expressly required in the original Central Barangaroo Concept Plan.
- In addition, public views of the Harbour Bridge from Pyrmont Peninsula and Pirrama Park will be obscured.

3) The obliteration of Observatory Hill views and sightlines

- 1) Easterly views of Observatory Hill and equally views west from Observatory Hill have been seen by local inhabitants and visitors for thousands of years. The State Government has no right to just block them out forever. This cannot be allowed to happen.

- 4) **Minimal “view corridors”**
 - 2) Minimal “view corridors” high-up between Mod 9 Blocks 5 and 6 only provide minor Harbour glimpses and not a panoramic western view of the harbour as the Mod 9 document suggests. In particular, the view corridors to and from High St terraces are significantly diminished. A significant proportion of the State Government sale price of these terraces to the public was for the water views across the western harbour to Balmain and beyond. Now, with this proposal the view is an impenetrable concrete wall.

- 5) **Loss of a part of Hickson Park**
 - 3) Mod 9 encroaches on Hickson Park, taking back the expanded Hickson Park granted to the people of NSW by the Independent Planning Commission. This leaves Hickson Park even more enclosed by massive, tall buildings which will place even more of the park in unacceptable shadow in certain seasons of the year.

- 6) **The sheer size and scale of the proposed buildings in Central Barangaroo.**
 - 4) The Mod 9 proposed development is for a tripling of the Gross Floor Area. By anybody’s standards, this is an over-expansion of the previously approved GFA.
 - 5) The proposed buildings along Hickson Rd are too overpowering, with insufficient articulation, setback separation. They are just a Great Wall that follows no urban planning principles.
 - 6) There is already an over-supply of retail and office space in Sydney CBD.
 - 7) The proposed 28000sqm shopping centre will create parking problems which do not appear to have been adequately assessed. There is very little or no parking for shoppers to the new centre. They will park in the already crowded streets of Millers Point and Walsh Bay.
 - 8) There appears to be an inadequate assessment of the traffic flow problems that will arise from Central Barangaroo traffic pouring into Millers Point and Walsh Bay, especially at peak times.

- 7) **Inadequacy of Mod 9 Visual Impact Report.**
 - 9) The visual impact photos in the Mod 9 plan are insufficient and often misleading. The report does not include, for example, visual impact photos from High St or Kent St as a streetscape or from individual properties. The use of wide-angle photos reduces the view impact of building development in the centre of images. The angle and view of visual impact images from Observatory Hill have been chosen carefully and could be construed as misleading. The actual loss of views of the western Harbour is very dramatic (almost total) from many significant locations.

8) In Conclusion

I would like to summarize the below consistency failures in the Mod 9 plan:

The Mod 9 Plan modification of the Concept Plan fails to be consistent with:

- The Approved Concept Plan
- The statements issued for the Barangaroo Development
- The Sydney Harbour Regional Environmental Plan requirements for the protection of public views
- The policies in the Sydney Harbour Bridge Conservation Management Plan for the protection of iconic views.
- The heritage significance of Observatory Hill
- The heritage significance of Millers Point

OBSERVATORY TOWER

168 KENT STREET SYDNEY NSW 2000

Dear Minister Roberts

As the Chair of the Observatory Tower Strata Committee, I write on behalf of our over 500 owners and residents to object to the Barangaroo Concept Plans Mod 9 released on 12th July, 2022. We are furious with the latest changes proposed and you will no doubt receive many individual objections.

As long-term residents of the area, we have taken more than a passing interest in news reports of decisions taken by various governments on matters concerning Barangaroo. It is now clear that the decision taken by past Governments to approve various modifications, increasing GFAs and heights, and disregard the original Lend Lease contract that called for a hotel and disallowed apartments is the root cause of the need for a manifestation of all governments bowing to developers' wishes. Modification 9 should not be another example of this practice.

Further, the poorly drafted contract with Lend Lease resulted in the Government being required to protect the Crown Tower's views at the expense of public views! The Government must find an alternative way to compensate Aqualand than to take these views from our community and indeed the broader Sydney community.

The major objections that our residents and owners raised with me, and our Strata Committee can be summarised as follows:

1. The scale and impact of the development is unacceptable and permanently obliterates long established views that have been protected for decades and are enjoyed by all, not just residents.
2. The tower is a travesty. While not all residents have their views impacted, we are all concerned at its scale, especially in relation to the beautiful Barangaroo Park.
3. Residents are concerned with the significant loss of green and open spaces, so critical to the health and well-being of city dwellers
4. There is particular concern about the loss of heritage views from Observatory Hill and also west down High Street from Kent Street which have been either not shown or understated in the 'mock-ups' in the material provided.
5. The continuing modifications to plans in the area, and the apparent misrepresentation of the impacts on views and heritage and lack of clear and early communication of the changes is significantly impacting our trust in Government.
6. We are already experiencing issues with traffic and parking in the area and expect this will only worsen if the plans are allowed to proceed.
7. The process for making objections has been difficult for many of our older residents and has required us to provide significant support.

Millers Point is a genuine village community with multiple vertical villages herein, Observatory Tower being one of them. Residents value the heritage nature, views and green spaces in the area, a reason why many have come to live and often then buy here.

Our Owners and Residents have made it clear to us that they are frustrated with the lack of public consultation on this and many other important issues. A large number feel that they are being continually steamrolled by governments who constantly pander to developers at the expense of community interests and social values. It's gallingly ironic that the developer of Central Barangaroo seeks to justify its gross overdevelopment by reference to the towering edifices that evolved in South Barangaroo through countless modifications, and even more galling that it seeks to adopt the same process in Central Barangaroo.

In this case, the blatant marketing of this proposal and numerous inaccuracies/misleading statements and photographs are offensive to our community of intelligent professionals. We have had enough. It's time we were listened to.

Yours sincerely



Margaret Wright, Chair
chair@observatorytower.com.au

NSW Department of Planning and Environment

Re: Submission MP06_0162 MOD 9 Barangaroo Concept Plan - OBJECT

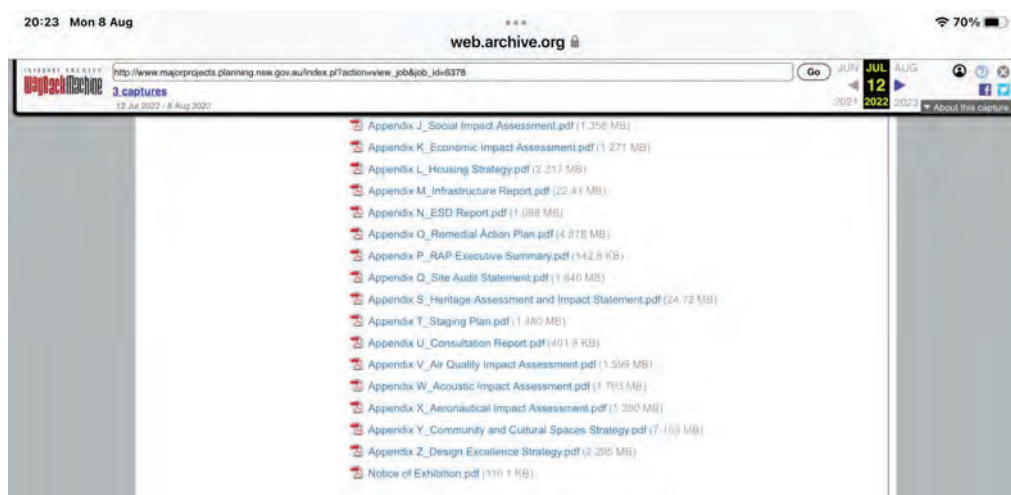
DOCUMENT MISSING FROM MAJOR PROJECTS PORTAL – INADEQUATE EXHIBITION

August 8, 2022

It appears that Appendix R “Site Audit Report Remedial Action Plan” (RAP), was not available for the complete term of the Exhibition, ie missing from the Major Projects Portal on at least July 12, the start-date, and possibly longer. I am unable to determine the exact missing dates because only August 6 and August 8 (today) are subsequently archived.

The document IS missing when viewing the Major Projects Portal on July 12, using the “Wayback Machine”. The Wayback Machine is an initiative of the Internet Archive, a US-based 501(c)(3) non-profit, building a digital library of Internet sites and other cultural artefacts in digital form. Link and screen-shot:

https://web.archive.org/web/20220712091724/http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6378



Appendix R is NOT missing as of today, August 8.

https://web.archive.org/web/20220808074809/http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6378

I understand that the RAP, which has to do with contamination and dated 2013, is a significant document. It appears that other Exhibition documents, created for MOD 9 and dated 2021, refer to it. Therefore, some or many submitters may not have had access to full information.

I understand that the Exhibition is a pre-condition to granting approval. It appears that there has been a procedural error in the Exhibition that may be significant.

In order that I may properly consider my legal options, could the Department please confirm the dates when Appendix R DID and DID NOT appear on the Portal? Could the Department also advise what steps it will take to remedy?

Yours truly,

Linda Bergin OAM
1707/168 Kent St., Millers Point 2000
linda@bergin.com.au, 0498-744-299

Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9. I list some of them here.

Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset, and**
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

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

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified."

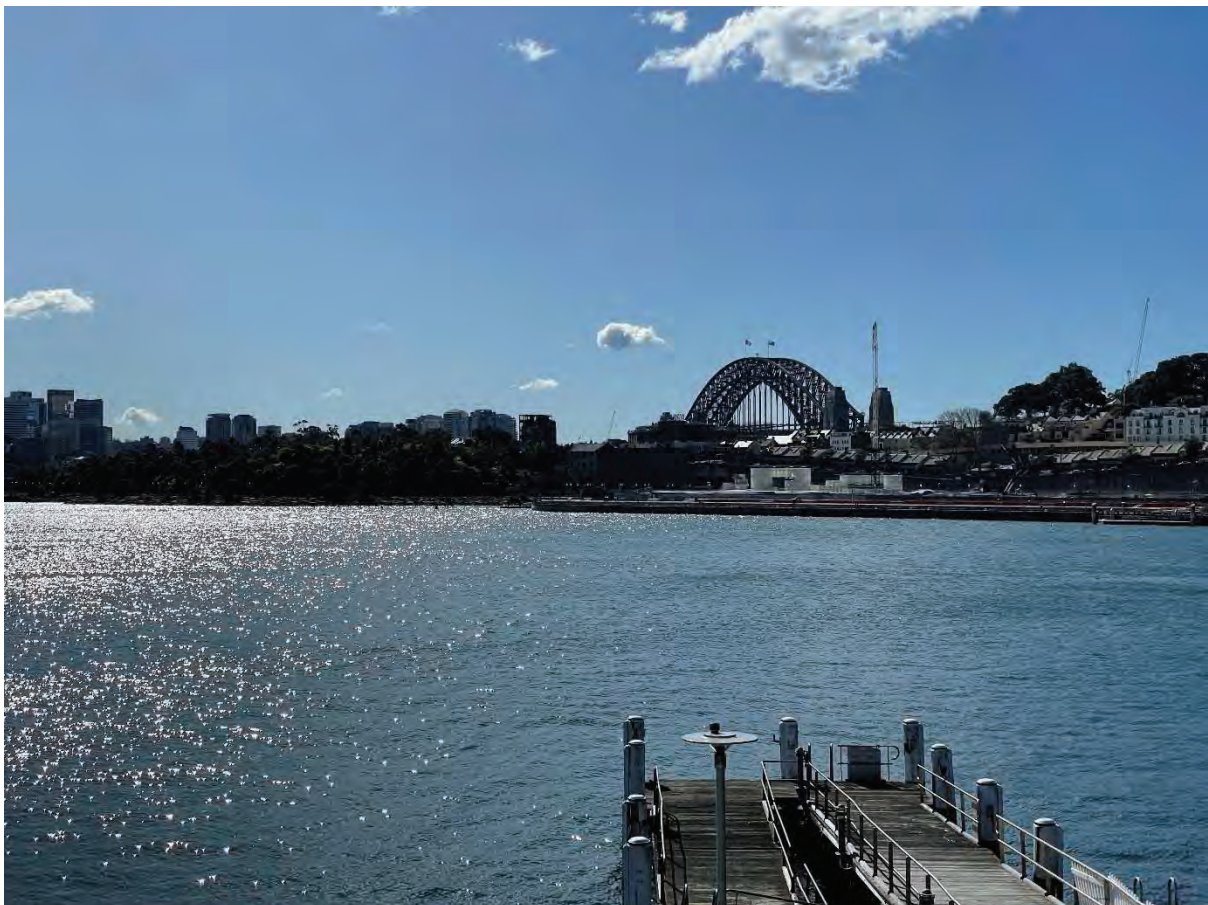
Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the “Approved Concept Plan” which it says is the most recently approved plan: MOD 11. It is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pymont foreshore where I live.

Modification 9 obliterates the views from Pymont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pymont and surrounds.



Bulk/Scale

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

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

David Ford

8 August 2022



APPLICATION FOR MODIFICATION OF MP 06_0162 MOD 9
FOR CENTRAL BARANGAROO



SUBMISSION OF
MILLERS POINT COMMUNITY RESIDENT ACTION GROUP
(MPCRAG)

37 Lower Fort St DAWES POINT NSW 2000

Contact: Mr Bernard Kelly (President): Bernard Kelly president@millerspoint.org.au

We acknowledge and pay our respects to the traditional custodians of the lands and waters of Barangaroo, the Cadigal people of the Eora nation, and all Aboriginal elders, past, present and emerging.

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Millers Point Community Resident Action Group

Statement of the Miller's Point Community Residents' Action Group (MPCRAG)

The Millers Point Community Residents Action Group (MPCRAG) formally objects to the Infrastructure NSW¹ proposal for the development at Central Barangaroo. The proposed 'modifications' destroy protected heritage views and panoramas, decimate the value of Australia's most significant heritage area, and violate the conditions governing the development of Central Barangaroo that were imposed to offset increases in heights, GFA and number of buildings in South Barangaroo. The proposal *misrepresents and extinguishes the original Concept Plan* (MP 06_0162) that protected and showcased key historical panoramas, views, vistas, and visual Harbour connections.

It is extremely disturbing that the Infrastructure NSW proposal demonstrates a complete disregard for the commitments undertaken by the NSW Government and developers that have been repeatedly reiterated with each approved modification for the development at Barangaroo South. The dense blocks of enormous buildings that have been permitted in Barangaroo South rest on, and were offset by, commitments for limited development at Central Barangaroo. If the NSW Government does not honour these commitments, confidence in the Government and the integrity of its planning processes will be irrevocably damaged, as will our national heritage.

The commitments that have been undertaken, along with the Concept Plan, ensured low-rise development that minimally impacts specified heritage views through the application of the built Principles and controls of the Concept Plan. This includes slender low-rise buildings and towers interspersed from north to south with wide lanes and podiums to retain views. The Concept Plan also ensures that Central Barangaroo is primarily a residential development, with some limited retail, and expanses of readily accessible public space. Other than some limited commercial space in Block 5, there is no commercial space allocated within Central Barangaroo under the Concept Plan.

Infrastructure NSW blatantly states that the increases in building heights and gross floor area, and the changes to land use, building envelopes and footprints have 'minimal' impacts on our visual connections between Millers Point, the Observatory and Observatory Park and the Harbour. This is blatantly false and dishonest. Heritage and harbour views would be decimated from onshore and offshore points of view, and connections lost under the Infrastructure NSW proposal.

Infrastructure NSW seeks to change the mix of usage to include large increases in commercial space and retail; this changes the amenity of the area, reduces its ambiance and sense of connection for residents, and further over-develops precious Sydney Harbour foreshore land that belongs to the people (not to a NSW Government agency) for their enjoyment, in favour of private interests. This prioritising of privilege and pecuniary interests over the public good is unacceptable.

¹ The Glossary and Abbreviations of the Urbis (2021) Environmental Assessment Report Central Barangaroo, prepared for Infrastructure NSW will be utilised throughout this submission.

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The Infrastructure NSW proposal is dishonest, unethical, and unscrupulous. It contains incorrect information and assertions and distortions that misrepresent the facts and conditions of the Barangaroo development to date, and the proposed development at Central Barangaroo put forward in the Concept Plan. It dismisses the importance of Australia's heritage views that are protected under the Concept Plan. These falsities and misrepresentations appear intended to mislead the Minister of Planning (Minister) and the public. The proposal amplifies the avarice of the abolished Barangaroo Delivery Authority that Infrastructure NSW has replaced.

Of gravest concern, it appears that those preparing the documents for Infrastructure NSW, and indeed Infrastructure NSW itself, have not read fundamental documents, such as the original Concept Plan, the advice presented to the Minister by the Planning and Assessment Commission (PAC), or the foundation documents for the development of Central Barangaroo laid down for Modification 8 that are restated in Modification 11. The alternative is that these documents have been consulted and deliberately misrepresented. Either option is unconscionable.

Public confidence in the NSW Government's integrity has been significantly undermined throughout the development of South Barangaroo. Its machinations, exemplified in part by the events leading to the dissolution of the Barangaroo Development Authority and public reaction to South Barangaroo's 'Crowning glory', are already widely perceived as corrupt. The people of Australia and NSW are not prepared to accept further breaches of faith and trust in non-adherence to contracted commitments to protect Central Barangaroo, made in exchange for the gross over-development of South Barangaroo. The fact that these breaches of faith and trust would have serious and irreversible negative impacts on Australia's heritage and the amenity of NSW residents and visitors is unacceptable. No 'architectural' or other 'mitigation' is capable of offsetting these impacts.

The proposal made by Infrastructure NSW to amend the Instrument of Approval for Modification 8 that allowed for massive increases in the development at South Barangaroo, the intrusion of the privately owned Crown building onto the publicly owned prime Sydney Harbour foreshores, and to default on its conditions of approval or commitments, is completely unacceptable. For this proposal to be presented to the public in itself breaches the trust of the public and confidence in the planning processes of Government.

This proposal can only gain approval through the corruption or improper application of Government laws and processes that would have further negative impacts on public confidence, and call into question the integrity of the NSW Government. Premier Dominic Perrottet stated in a media release on 20th July 2022, 'There is no place for corruption in the NSW Parliament'. One hopes this statement also applies to the NSW Government, including its departments and agencies, such as Infrastructure NSW.

That such defective a proposal has come to the point of public consultation in itself undermines public confidence in the Government and its planning processes, and increases the public's dissatisfaction with the Barangaroo over-development, Infrastructure NSW, and the NSW Government.

Millers Point Community Resident Action Group

KEY OBJECTIONS TO THE NSW INFRASTRUCTURE PROPOSAL FOR CENTRAL BARANGAROO:

1. **The Infrastructure NSW proposal (MOD 9) is in breach of the principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW).**
2. **The Infrastructure NSW proposal bears virtually no resemblance to the Concept Plan.**
3. **The defining elements of the Concept Plan – its Principles, Design elements, and Controls - cannot be accommodated within the massive three-fold increase in above ground GFA at Central Barangaroo. The Infrastructure NSW proposal cannot be accepted as a ‘modification’ to the Concept Plan.**
4. **In the Infrastructure NSW proposal, the containment of Blocks 5, 6, and 7, and their broad, strategic separations are abandoned.**
5. **If approved, the massive increase in unallocated GFA for Central Barangaroo would be open to equally massive abuse of the Concept Plan, Principles, Design Elements and Controls that would have devastating impacts on one of Australia’s key heritage areas.**
6. **The proposal is requesting carte blanche for massive increases in GFA, both above and below ground, without the responsibility of allocation that would demonstrate the true changes to the Central Barangaroo development.**
7. **Underground development of 28,116m² is extensive and the impacts of this on the stability of the surrounding area has not been addressed. The High Street cutting is placed at exceptional risk with such disturbance to the sandstone plate at its feet, in addition to the Metro development.**
8. **The proposed changes to building heights across Central Barangaroo are damaging and destructive to heritage views, vistas, panoramas, and visual connections that are required to be retained under the Concept Plan and its subsequent modifications.**
9. **The proposed increases in heights, massing, and density of Blocks 5, 6 and 7, as proposed, are in direct opposition to the Concept Plan and decimate heritage views protected under the Concept Plan. The proposal is clearly unsuitable to the Central Barangaroo development.**
10. **The perspectives shown and statements made in comparison of the Concept Plan and Infrastructure NSW proposal are based on misrepresentations of the Concept Plan and are rejected.**

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- 11. The height and configuration of Block 7 remains to be determined based on the reports by MG Planning (January 2009), Conybeare Morrison (2009), instated in the commitments for Modification 3 (NSW Government Department of Planning and Environment, November, 2009) and reinforced in the commitments for Modifications 8 (NSW Government, Department of Planning and Environment, 2016) and 11 (AMBS Ecology & Heritage, 2017) (NSW Government, Department of Planning, Industry and Environment, 2020).**
- 12. The disingenuous misrepresentation of the building Principles, Design elements and Controls of the Concept Plan by Infrastructure NSW is unacceptable and unworthy of a NSW Government agency that is required to work in the interests of the public.**
- 13. The Infrastructure NSW proposal offers a bulky, massed, oversized, build that decimates heritage views, varies minimally in height and articulation, and has minimal visual interest.**
- 14. To replace the fine design Principles, Design elements and Controls of the Concept Plan that define the blocks of Central Barangaroo with the massed, dense, and raised blocks presented within the proposal with misrepresentations and generalised depictions based on false claims and promises would be a disaster.**
- 15. The raised heights and bulk of massed and dense buildings proposed under the Infrastructure NSW plan decimates prized heritage views protected under the Concept Plan. This proposal is deplorable.**
- 16. The Infrastructure NSW proposal is contrary to all established principles for Central Barangaroo, including those accepted in the failed Modification 9 proposal. The new Modification 9 negates these principles with devastating results. Furthermore, the proposal ignores the clear advice from the PAC.**
- 17. The Infrastructure NSW proposal seeks to overturn the PAC advice and its attendant commitments that reduce the impacts of the encroachment of the Crown and Sydney Harbour One buildings into prized public foreshore land.**
- 18. Inserting the Crown building and Harbour One into the Harbour Foreshores into designated open public space made significant compromises to foreshore public spaces and cut Hickson Park off from the Harbour foreshores. The reduction and realignment of Block 5 moderated these impacts and must remain.**

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19. The Infrastructure NSW proposal is a much worse prospect for Hickson Park than that rejected by the PAC in 2016 under Modification 8 as it seeks to increase the height of the block to 44.5m and add an unspecified increase in GFA.
20. We concur with the PAC's statement 'Without the certainty that the public good is able to be properly balanced against private benefits of developing the site, the impacts of the proposals currently before the Commission would not be approvable'.
21. Infrastructure NSW is accountable to the NSW Government and the public. The attempts to mislead, ignore, minimise, and diminish the advice of the PAC in relation to Block 5 and Hickson Park and prioritising private and short-term economic interests over the public interest is inexcusable.
22. The notional Barton Plaza proposition, with its 'flagship' building is contrary to the intent of the PAC in its advice and determination in response to the Modification 8 application and is an unacceptable intrusion into Hickson Park.
23. Block 5 must retain all constraints as laid down as commitments in Modification 8 to protect Hickson Park as intended by the PAC.
24. The massive increase in the size of every dimension of Block 6 is unacceptable, as is its accompanying, although unspecified and unallocated, increase in GFA.
25. Documents on which the conditions of approval for Modifications 8 and 11 restate that Block 7 is to be reduced in height. This commitment must be honoured, not terminated as in the Infrastructure NSW proposal. The actual reduction in height remains to be determined.
26. The overwhelming of High Street, resulting from the massive increases in size of Blocks 5 and 6, is unacceptable.
27. The slender low towers with their wide, articulated view corridors protecting heritage views of the Concept Plan are discarded as the oversized 73m residential tower and its associated buildings with increased height, mass and density interrupt and block the smooth transition from the Headland Park, overpowering the parklands and Nawi Cove, while reducing the amenity of the public.
28. The Block 7 tower blots out the Observatory, bisects Observatory Hill, obliterates the southern wing of the High Street cutting, while destroying its continuity, and presents only a sliver of overwhelmed view with markedly reduced value. This is completely opposed to the Concept Plan with its key aim to

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'retain and focus views to and from Observatory Hill' (NSW Government, 2006, p. 134).

29. **The Infrastructure NSW proposal for Block 7 is appalling as it**
 - **completely disregards the Principles of the Concept Plan;**
 - **has devastating impacts on the heritage views and panoramas protected under the Concept Plan;**
 - **does not include conditions of consent from key documents that support the approval for Modification 8; and**
 - **Infrastructure NSW attempts to reclaim the GFA lost in Modification 3 that was reallocated to Barangaroo South with the incursion of Nawi Cove. This constitutes double dipping, exemplifies the lack of integrity associated with the Barangaroo project.**

30. **The massive size increases in the whole of Block 7 with its increased heights, mass, and density form a high wall that does not properly and sensitively address the parklands, the cove and Hickson Road.**

31. **The proposed increased height of Block 7 with its 73m tower for Block 7 is completely unacceptable as it permanently bisects, cuts, blocks and encloses key heritage views that are protected under the Concept Plan.**

32. **Despite the increases in height, density, and mass of Block 7, there is actually a reduction in the number of residents in the precinct.**

Increases to the heights of buildings along Hickson Road and massive increases in Blocks 5, 6, and 7, along with the loss of proper strategic, intermittent view corridors, and little built mass or density, would have catastrophic impacts on Australia's unique heritage, which is of incalculable value; all for a relatively small short-term monetary gain to the State's coffers. This proposal is an atrocity.

33. **The Infrastructure NSW proposal that offers a bulky, massed, oversized, build that decimates heritage views, varies minimally in height and articulation, and has minimal visual interest.**

34. **The proposed design principles seek to erase the design principles and controls of the Concept Plan, replacing them with vague rhetoric about 'articulation' and 'variation' in building heights, without demonstrating these 'mitigations' to the disastrous increases in building enveloped being proposed.**

35. **The vague design principles offered, with no controls, support critical increases in heights, and enormous increases in GFA, massing, and density of the three blocks that directly oppose the Principles, design guidelines, and controls of the Concept Plan.**

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36. The designation of Blocks 6 and 7 as 'mixed use', or within the 'Mixed Use zone', throughout the report is misleading and presumptive. Such misrepresentation in a NSW Government report is unacceptable.
37. The rezoning proposed for Central Barangaroo by Infrastructure NSW is inconsistent with the objectives for development of the precinct under the Concept Plan.
38. Rezoning Central Barangaroo entirely changes the character of the precinct as laid out in the Concept Plan from a predominantly low-rise residential and community area to a commercial and retail complex that:
 - a. Confines residential space to an anomalous over-sized high-rise tower in a small corner of the area.
 - b. Increases noise and light pollution not only for residents of Central Barangaroo, but also the surrounding area.
 - c. Reduces social amenity for residents reducing positive social outcomes.
39. Community use development of the Barangaroo precinct is completely inadequate, particularly in light of the massive movement of publicly owned prized foreshore into private hands.
40. The increased 'employment opportunities' promoted for Central Barangaroo are out of step with Australia's current and future needs in a time of critically low unemployment and employee shortages. Increasing the development and the need for employees, as per the Infrastructure NSW proposal, will place additional stress on an already strained economy that cannot provide sufficient workers.
41. It is essential to retain the current zoned land use of residential and community development in Blocks 6 and 7 so as to encourage the connections between residents and the development of an urban village with high levels of amenity. This is fostered by the low-rise buildings and current zoning of the Concept Plan.
42. The permanence of Barton Street is an unwarranted incursion into designated parklands. The servicing of Barangaroo can quite adequately be undertaken, as planned, via Barangaroo Avenue.
43. The continuity provided by the removal of part of Block 5 and the return of Barton Street to parklands has already been agreed to and is necessary to enhance the prospects of Hickson Park and offset the loss of public space by the intrusion of the Crown Building into the Harbour foreshores.

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44. The conversion of the northern end of Barangaroo Avenue to primarily a pedestrian thoroughfare is supported.
45. The reduction of Barangaroo Avenue in the north to 16m across that is encroached upon by an imposing, overbearing, bulky overhang to accommodate a retail precinct is not acceptable.
46. The development of an activated retail and dining edge along Barangaroo Avenue to the north is not supported as it will:
 - a. Completely change the urban village character of Central Barangaroo from that under the Concept Plan;
 - b. Increase traffic into the area, putting pressure on parking under the Harbour Park; and
 - c. Increase noise and pollution levels for residents of Central Barangaroo and the local area.
47. The highly significant narrowing of the laneways between Blocks 5, 6 and 7 to allow for the massive increases in building envelopes to accommodate the enormous increase in GFA is deplorable. Such a proposition would convert the built design into an almost continuous mass from north to south, and would have significant and unacceptable impacts on view corridors.
48. Streets C and D joining Barangaroo Avenue dissect the pedestrian precinct and cut Block 7 off from the parklands. This reduces amenity of residents.
49. Consultation with local residents needs to be assured prior to any proposal for the siting of pedestrian connections to Millers Point as these will have significant impact on Millers Point residents.
50. Pedestrian connections need to consider access to the Barangaroo Station for residents of nearby precincts.
51. Intrusion into green space of the built form of the Barangaroo Steps needs to be minimised.
52. Visual impact representations for all developments in NSW need to provide accurate assessments from within the surrounding properties and key site points. These need to accurately provide reduced three-dimensional digitised images of the built forms and their impacts.
53. The Infrastructure NSW proposal would further enclose the Gas Lane vista that is required to be protected under the Concept Plan. This is unacceptable.

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54. The proposal for Blocks 5 and 6 would enclose and greatly diminish the vista and view from all along High Street. This is deplorable.
55. The Infrastructure NSW proposal conforms with none of the requirements and commitments to retain heritage views, panoramas and the appreciation of Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores.
56. AECOM (2021) photomontages of the built form of the Concept Plan are incorrect. They do not take account of the built form principles and controls clearly outlined in the Concept Plan and provide distorted perspectives of the Infrastructure NSW built forms. This is deceptive.
57. The views to and from Millers Point, protected in the Concept Plan are destroyed in the Infrastructure NSW proposal.
58. The panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill is decimated by the Infrastructure NSW proposal.
59. The protected heritage views of the terraces from Observatory Park, the opposite foreshores and Pymont Park are ruined by the proposal.
60. The views of landmark structures of the Harbour Bridge, Observatory Park, the Observatory, the High Street cutting and Millers Point terraces from Darling Harbour are all eradicated under the Infrastructure NSW proposal.
61. The Infrastructure NSW proposal equates to heritage vandalism.
62. The proposed Infrastructure NSW development destroys great swathes of identified Heritage views to and from Millers Point and Observatory Hill that are required to be retained, chopping, dividing, and obscuring key elements, and thereby demolishing their beauty and value.
63. The claims by Infrastructure NSW of minimal or acceptable impacts on heritage connections, views, vistas, and panoramas are completely false and speak to corruption of NSW Government planning processes that deny the importance and intrinsic value of Australia's irreplaceable heritage connections and visual accessibility. That such claims are made confirms the perception that private interests trump public ownership, Australia's unique heritage, and its future.
64. Properties have been sold by both the NSW Government and privately with purchasers relying on the integrity of the Government to honour its commitments in the retention of views from their properties and from local high rise apartment blocks. These commitments were undertaken by the NSW

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Government and developers in exchange for massive increases in GFA under Modification 8, including the relocation of, and increase in size of, the Crown building. The Infrastructure NSW proposal renege on these commitments is deplorable.

- 65. The PAC has stated ‘the Barangaroo development has now reached the point where further impacts on views beyond MOD8 need to be minimised’ (Planning and Assessment Commission, 2016c, p. 25). This needs to be observed.**
- 66. If the NSW Government permits developers to renege on the commitments already undertaken for the development at Central Barangaroo, the government can no longer be trusted to govern. It would create a crisis in public confidence and portend the collapse of a rule-based society led by Government dishonesty in its dealings with developers that are the anthesis of the public interest.**
- 67. The preliminary application documents for Modification 9 (Barangaroo Delivery Authority, 2014) were withdrawn without being assessed in 2016, thus nullifying their tenure and any basis for resubmission under Section 75W in 2021.**
- 68. The transitional arrangement for assessment under Section 75W of the EP&A Act, 1979 fully closed on 1st September 2018. To be considered under Section 75W the environmental assessment documentation had to be submitted by this date.**
- 69. The Director General’s 2014 recommendations have been superseded by Modifications 8 – 11 with their commitments for approval and are no longer valid.**
- 70. The Infrastructure NSW application is in breach of the commitments for past Modifications to the Concept Plan that limit the use and size of Central Barangaroo to protect its heritage views.**
- 71. The raising of building heights in the Infrastructure NSW Central Barangaroo development proposal is a substantial and crucial difference from the 2014 withdrawn preliminary application for Modification 9, as is the proposed underground development.**
- 72. The Director General’s 2014 recommendations have been superseded by Modifications 8 – 11 with their commitments for approval and are no longer valid.**
- 73. The Infrastructure NSW proposal does not meet the conditions for a modification under Section 4.33 of the EP&A Act 1979; it must be submitted as a new development application. The proposal:**

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- a. **The proposed modification would have a disastrous environmental impact on protected heritage views;**
- b. **The Infrastructure NSW proposal breaches the commitments on which the development at South Barangaroo rests; and**
- c. **The proposed development substantially differs from the Concept Plan.**

74. The essential nature of the Infrastructure NSW proposal is, in fact, antagonistic to the Concept Plan, particularly in one of its key aims: to enhance and protect the heritage views adjacent to the Central Barangaroo development.

In summary,

- **Based on this review and its understanding of the existing approved project and the proposed modifications, there is a transformation of the project.**
- **The project as modified is not consistent with the objectives and functions of the approved project as a whole.**
- **The project as modified is not consistent with the objectives and functions of key elements of the Approved Project.**
- **There are massive new environmental impacts on protected heritage views and vistas as a result of the proposed modifications.**
- **The project as modified is not consistent with the conditions of approval.**
- **Impacts of the proposed modifications are minimised, misrepresented, and ignored.**
- **Impacts of the proposed modifications are unable to be mitigated so as to not have an adverse impact.**

75. The Infrastructure NSW proposal for development at Central Barangaroo must be submitted as a new development application that cannot be approved due to its disastrous heritage impacts.

76. Regardless of the underlying intent, the planning processes and development of Barangaroo has caused deep distrust in successive State Governments and shattered the confidence of the public in Government processes and priorities. The Infrastructure NSW proposal continues to demolish public confidence through its misrepresentations and disregard for the commitments undertaken to allow the modifications already made to South Barangaroo.

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77. The proposal is unacceptable whether as a 'modification' or a new development application.
78. The Concept Plan, with its sequential modifications up to Modification 11, remains the statutory planning instrument.
79. The Infrastructure NSW application is in breach of the commitments for past Modifications to the Concept Plan that limit the use and size of Central Barangaroo to protect its heritage views.
80. The Infrastructure NSW Central Barangaroo development proposal is substantially and crucially different from the 2014 withdrawn preliminary application for Modification 9, in all its increased critical and destructive dimensions, including the inclusion of underground GFA.
81. The transitional arrangement for assessment under Section 75W of the EP &A Act, 1979 fully closed on 1st September 2018. To be considered under Section 75W the environmental assessment documentation had to be submitted by this date. The Infrastructure NSW proposal does not meet the conditions for a modification under Section 4.33 of the *EP&A Act 1979*.
- a. The proposed modification would have a *disastrous* environmental impact on protected heritage views;
 - b. The Infrastructure NSW proposal breaches the commitments on which the development at South Barangaroo rests; and
 - c. The proposed development substantially differs from the Concept Plan.

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Sydney is a global city, internationally recognised and acclaimed for the natural beauty of its harbour, its unique heritage, and treasured icons of the Harbour Bridge and Opera House.

Aboriginal and early European heritage areas are fundamental assets that underpin the identity of Australia and its people; Barangaroo is a vital, integral part of the publicly owned Sydney Harbour foreshores; these two key issues converge at Central Barangaroo.

Central Barangaroo is of particular significance in the Barangaroo development because it abuts the Millers Point Conservation Area and the Observatory and Observatory Hill, heritage items of exceptional significance to New South Wales (NSW) and Australia. An outstanding opportunity for optimisation of the special heritage harbourside elements of this critically important area to benefit Australia is offered with the development of Central Barangaroo.

Barangaroo sits on prized waterfront land owned by the people of NSW and cannot be sold. The NSW Government is the custodian of this land. It cannot be permitted to sell off development rights at Central Barangaroo for any project that does not protect our heritage nor reflect the best interests of the people of NSW.

Heritage Views at Central Barangaroo

‘Heritage is all the things that make up Australia’s identity - our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass on to future generations’ (NSW Government, Department of Agriculture, Water and the Environment, 2021) .

Initially Barangaroo fell under the authority of the Sydney Harbour Foreshore Authority.

Prime Minister of Australia at the time, John Howard, announced the formation of the Harbour Trust in a speech that ‘described Sydney Harbour as “...probably the world’s greatest harbour. It is one of the great natural beauty spots of our nation. It is the cradle of European settlement in Australia, and it is one of those parts of our country which gives immense pride and immense pleasure, not only to the residents of Sydney, but also to all Australians because it wins such wide acclaim around the world” (Trust, 2019).

Aboriginal history abounds in the area and enriches our connection to the water and the land. Barangaroo was a key fishing ground for Aboriginal people long before European settlement. Barangaroo is also fundamental to Australia’s heritage of early European settlement, represented by four vitally important heritage sites: Sydney Harbour and Foreshores, the Millers Point Conservation Zone, the Sydney Observatory, and Darling Harbour. Central Barangaroo lies intimately adjacent to these areas. Development of Central Barangaroo must preserve, enhance, and showcase the important heritage features of the area for the current public, tourism, and future generations.

Development at Central Barangaroo that is insensitive to our heritage areas would be destructive, irreversible, and unconscionable.

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Early History of Barangaroo

Barangaroo is named after a Cammeraygai woman who was a powerful figure in Aboriginal culture and community at the time of colonial settlement. According to the City of Parramatta Research Collections (City of Parramatta, 2020), she hailed from the area around North Harbour and Manly, and was a survivor of the smallpox epidemic that decimated the Aboriginal population and killed her first husband. She subsequently married Bennelong, namesake of Bennelong Point, the location of the Sydney Opera House.

Barangaroo was a fisherwoman and a carrier of cultural knowledge of laws, teaching and women's rituals. This gave her eminence in her community and authority over younger women. Fisherwomen 'were the main food providers for their families, highly skilled in fishing and canoeing whilst juggling onboard fires and small children in surf that would terrify their toughest sailors' (Karskens, G. 2014, cited by City of Parramatta, 2021).



Figure 1 Bark nawi on Sydney Harbour. City of Parramatta, 2021. Source: Natural History Museum (London)

Prior to European settlement, Aboriginal people of the Cadigal (or Gadigal) territory fished and navigated the harbour in bark nawi (as seen in Figure 1), collected seashells and hunted. European settlement brought maritime trade, a port site, container wharves, gasworks, freezing works, pumping station, and merchant firms trading in wool etc.. The Barangaroo part of the harbour has sustained the inhabitants of the local area and linked the growing city and country to the world as seen in Figure 2.



Figure 2 Barangaroo and Millers Point circa 1870 NSW Government City of Sydney Archives and Resources, ID A-00077223

European Heritage Area

Uniquely positioned within the Barangaroo development, Central Barangaroo lies adjacent to the most historic areas of Sydney, Millers Point, Dawes Point, Walsh Bay, the Observatory and

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Observatory Hill, and The Rocks. Most impacted by the development at Central Barangaroo will be the Millers Point Conservation Precinct, the Sydney Observatory and Observatory Hill.

The NSW State Heritage Register

The State Heritage Register (Register) is a statutory list under the *Heritage Act 1977 (NSW)* that provides legal protection for the conservation and management of state significant heritage items. A listed item cannot be damaged, destroyed, altered, or moved without approval from the Heritage Council that advises the Minister for Heritage (Environmental Defenders Office, 2012).

Millers Point Heritage Conservation Area

The Millers Point Conservation Area (Figure 3) was listed on the Register on 02.04.1999. The Millers Point Heritage Conservation Area is described as,

an intact residential and maritime precinct of outstanding State and national significance. It contains buildings and civic spaces dating from the 1830s and is an important example of nineteenth and early twentieth century adaptation of the landscape. The precinct has changed little since the 1930s...

The relative intactness (or interpretation in cases of redevelopment) of the area is representative of measures taken to protect the heritage values of individual buildings and the precinct as a whole since the 1950s by the local community and Heritage/Historic Groups. This led to the listing of Millers Point Heritage Conservation Area and individual listings for items in the area.

(Department of Premier and Cabinet: Heritage NSW, 2021).



Figure 3 Millers Point Conservation Area, State Heritage Register (SHR No 0088A)

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The Statement of Significance:

The Millers Point area is of State and National Significance as a rare urban residential area remnant of early port of Sydney dating from the early 1800s which remains relatively unchanged since the 1930s; exhibits a range of fine buildings and spaces from the 1830s-1920s with high individual integrity, important collection of Government housing (built for port workers) and community maritime associations from European settlement to 20th century. The area has changed little since the 1930s, the high degree of integrity and authenticity area and of individual buildings... is an important example of nineteenth and early twentieth century adaptation of the landscape...

The area contains numerous original and characterful views to and from the harbour that are formed by a combination of dramatic topography and long physical evolution. It is the extent, the expansiveness, the change of view of individual buildings as the viewer moves around the water that gives the place distinction and significance. The variety, complexity and scale of views from the wharfs (sic), observatory hill (sic), from roadways, edges of escarpments and walls are significant in defining the character of the area. The area is significant, as aside from the southern edge of the precinct, it is not overpowered by city scale development. The area contains numerous streets and lanes of historical and aesthetic significance. The area contains numerous features such as steps, fences, rock cuttings of historical and aesthetic interest. The natural rocky terrain, despite much alteration, remains the dominant physical element in this significant urban cultural landscape in which land and water, nature and culture are intimately connected historically, socially, visually and functionally.

(Department of Premier and Cabinet: Heritage NSW, 2021).

The Statement of Significance goes on to sum up the historical importance of the site,

The whole place remains a living cultural landscape greatly valued by both its local residents and the people of New South Wales

(Department of Premier and Cabinet: Heritage NSW, 2021).

The High Street cutting

Within the curtilage of the Millers Point Conservation Area and covered by the legal heritage protections offered by listing on the State Heritage Register lies the High Street cutting². Running for 300m along the eastern side of Hickson Road, from the Munn Street overbridge to the High Street Steps; cutting into the bedrock of the natural sandstone above; creating a retaining wall supporting High Street, Millers Point that rises approximately 18 metres at Millers Point (Barangaroo Delivery Authority, 2014); the High Street cutting forms the boundary between Central Barangaroo and Millers Point.

² Brief histories of the history of the High Street cutting and the Hickson Road 'Hungry Mile' are available within Besix Watpac, 2021; AMBS Ecology & Heritage, 2017; Tanner, Denton & Kibble, 2016; City Plan Heritage, 2006.

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Figure 4 View north-east from the Munn Street bridge of Hickson Street and the High Street cutting. The slope falls away to a dip and rises again to the south seems to mark the pattern of quarrying (City Plan Heritage, 2006, p. 61)

The High Street cutting provides a significant, dramatic, dominant, and relatively intact historical and physical boundary between Hickson Road and Central Barangaroo, and uniquely defines the character of this boundary. The wall of the cutting itself is considered 'contributory to the significance of the Millers Point & Dawes Point Village Precinct' (AMBS Ecology & Heritage, 2017, p. 5). Furthermore,

The High Street cutting and retaining wall has been identified as having historic, aesthetic and social significance; however, it is arguable that the cutting and retaining wall has technical value for the achievement of its construction by the Sydney Harbour Trust' (AMBS Ecology & Heritage, 2017, p. 29).

The terraces of High Street and Kent Street

The State Heritage Register 'lists items of particular importance to the people of NSW' (NSW Government, Department of Premier and Cabinet, 2021a). Blocks of [terrace houses of Millers Point in Kent and High Streets](#) that are listed on this register of protected items, as shown in Figure 5:

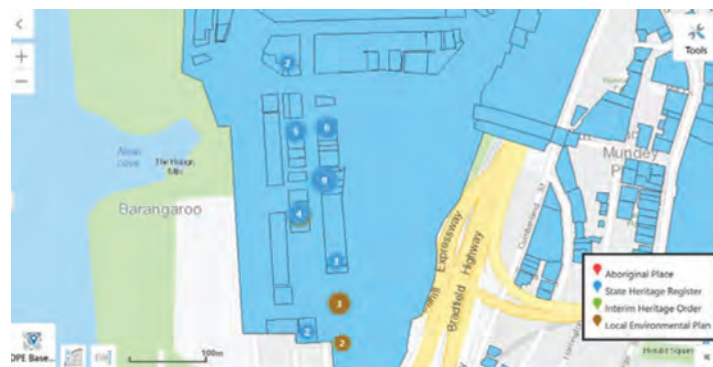


Figure 5 Screenshot of NSW State Heritage Register identifying blocks of listed terraces (NSW Government, (Department of Premier and Cabinet: Heritage NSW, 2021).

Listed items 'are historical records, that are important as tangible expressions of Australian identity and experience' (NSW Heritage Office, 2002, p. 15). Conservation of listed items is taken seriously, and detailed guidance is provided to retain and maintain these properties to

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preserve them for the enjoyment of all Australians. Hence the requirement to maintain views to and from these terraces is central to the Concept Plan (City Plan Heritage, 2006) and restated as conditions of consent throughout the series of modifications of the development of South Barangaroo. The terraces identified on the State Heritage Register are parts of integrated terrace rows, each dependent on its neighbour.

Sydney Observatory and Observatory Hill

The Sydney Observatory was listed on the Register of the National Estate, the precursor to the New South Wales State Heritage Register on 21.03.1978. The listing was updated on the New South Wales State Heritage Register on 20.10.2005 where the Statements of Significance describe the *Sydney Observatory* as,

The Observatory is of exceptional significance in terms of European culture. Its dominant location beside and above the port town and, later, City of Sydney made it the site for a range of changing uses, all of which were important to, and reflected, stages in the development of the colony...

An excellent example of a Colonial building erected for scientific purposes and continuing to perform its function at the present time. The structure makes an imposing composition atop the historic hill originally known as Flagstaff Hill and occupies the historic Fort Phillip site (1804-45) ...

(Department of Premier and Cabinet: Heritage NSW, 2021)

The Sydney Observatory 'Group' that included the Sydney Observatory itself and accompanying buildings and grounds, including Observatory Hill, was listed on the New South Wales State Heritage Register on the 14.12.2012. *Observatory Hill* is described as being 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 elevation of the site, with its harbour and city views and vistas 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.

(Department of Premier and Cabinet: Heritage NSW, 2021)

Built in 1858, the Sydney Observatory (Observatory, Figure 6) is an item of exceptional historical significance listed on the Heritage Register and recognised as of 'state significance' by the NSW Government³. 'The structure makes an imposing composition atop the historic hill originally known as Flagstaff Hill and occupies the historic Fort Phillip site (1804-45)' (Tanner, Denton & Kibble, 2016, p. 13). It is 'the most intact and longest serving early scientific building in the state' (Kerr, 2014, p. 39).

³ A detailed history of the Observatory and its surrounding complex is available in the Sydney Observatory Conservation Plan (Kerr, 2014).

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Figure 6 Sydney Observatory, Sydney's Unique Venues Association (Sydney's Unique Venues Association, 2014)

'The construction of the Observatory ensured that the 'surrounding views and visual alignments had to remain open' (Kerr, 2014, p. 70). These sight lines have remained protected for 200 years.

While the Observatory no longer functions as an astronomical observatory, having been converted into a museum in 1982,

The observatory is still an observatory, although after nearly a century and a half of use its role is now that of an educational rather than an exploratory scientific facility. However, it is still important that it continue to be able to demonstrate its traditional function to visitors – of which there are over 100,000 [as of 2014] each year

(Kerr, 2014, p. 53).

Policy 16.1 of the Conservation Plan for the Sydney Observatory is explicit:

The prime consideration in determining uses for the place should be that it continues to be capable of functioning as an observatory [emphasis added] with the necessary facilities and that no improvements, adaptations, developments or uncontrolled commercial programs interfere with that capacity [emphasis added] (Kerr, 2014, p. 53).

The Conservation Plan for the Sydney Observatory (Conservation Plan, Kerr, 2014) lays out a series of policies to protect, retain, and reinforce its significance. Policy 5.2 clarifies, '*Features or treatments that obscure understanding of the function or appreciation of the distinctive character of spaces of exceptional significance are unacceptable*' (Kerr, 2014, p. 46).

Policy 32.5 states,

Views from the path around the observatory complex down the slopes of Observatory Hill to The Rocks and the waters of the harbour should suffer no further encroachment (Kerr, 2014, p. 71).

Like the firing of the cannon at Fort Denison, the dropping of the time ball (originally at 12.00pm, but now at 1.00pm) remains a daily reminder of Australia's maritime history. Visual access to this traditional occurrence for the public from the harbour foreshores remains essential.

The Observatory sight lines have already been impacted by the South Barangaroo development (Tanner, Denton & Kibble, 2016, p. 32). No further impacts can be accommodated.

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The heritage views of Millers Point and the Observatory must be protected for future generations. The views to and from the High Street cutting, the Observatory and Observatory Hill, must be retained without obstruction and enhanced where possible with the development of Central Barangaroo.

NSW Heritage Protections

NSW has in place strong protective legislation for heritage areas and individual heritage items within New South Wales. The *Heritage Act (1977)* and *Local Government Plans 2012* are primary instruments for heritage protection in NSW. The *Sydney LEP* has particular protections for Millers Point that provides limits on the height of buildings within and adjacent to the Heritage Area.

This legislation also 'binds the Crown', meaning that the Australian Executive (Cabinet and Ministry) of the federal Government is subject to these NSW laws. However, the legislation does not bind 'State Significant Developments (SSDs)' in NSW! This should not give the NSW State Government licence to ride roughshod over heritage considerations.

If 'important to the State for economic, environmental or social reasons' (Department of Planning, Industry and Environment, 2021, p. 8), a development can be listed as an SSD. SSD Projects are assessed directly by the Minister for the Department of Planning, Industry and Environment and are subject to the Federal *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*. The East Darling Harbour (Barangaroo) project was listed as a SSD site under the EPA on 2nd July 2007 (Pham, 2017).

SSDs are exempt from the need to obtain approvals under the Heritage Act (Environmental Defenders Office, 2012), and from Council planning controls, such as LEPs. However, these instruments, as well as the Sydney Development Control Plan 2012, 'are still fully considered in the SSD assessment' (Department of Planning, Industry and Environment, 2021, p. 10), and are instrumental in guiding decision-making in relation to SSDs.

Importantly, the Minister's Planning Principles (NSW Government, 2021) do bind the Minister for Planning, Industry and Environment. They provide for protection of heritage areas and items and must be followed within the approval process for any development under the Minister's authority.

Planning controls for State Significant Developments (SSDs)

The *Environmental Planning and Assessment Act 1979 NSW* (EPA Act) is the primary law regulating land use in NSW. It is binding on SSDs.

The EPA Act promotes 'the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources' (1.3) and (1.3 f.) 'promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)'.

Under this Act, *State Environment Planning Policies (SEPPs)* are created to regulate planning. Approval is in the hands of the Minister for Planning, Industry and Environment. This is

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problematic, as the 'practical effect of a SEPP is often to take power away from local councils in order to prohibit certain types of development in an area or to allow certain types of development even where local controls prohibit it' (Environmental Defenders Office, 2012). The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW)*, that is currently under review is also utilised to assess developments. The aims of this plan are:

- (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.

Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW).

To achieve these aims, 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.

Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW),

These instruments all hold substantial controls around heritage protection, despite both having been modified to accommodate changes to the East Darling Harbour State Significant Site Proposal, Concept Plan and Environmental Assessment (MP 06_0162) (Concept Plan) (Planning and Assessment Commission, 2016a).

Appeals against planning approval decisions can be referred by any person to the Land and Environment Court. This is an appellate court, meaning that it will consider matters afresh (Department of Planning, Industry and Environment, 2021). There are strong checks and balances to ensure that heritage areas and items are respected and protected against excessive or poor development. However, Governments are able to find the means to bypass these in favour of developers and their own revenue.

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Central Barangaroo

Central Barangaroo is of unique importance within the Barangaroo precinct as it has the greatest potential to impact heritage views identified in the Concept Plan as of outstanding heritage significance. The Central Barangaroo development will irreversibly impact and define the value and importance of our history, not only for us, but for all future generations.

Central Barangaroo sits between the new Headland Park at the north and the commercial mixed-use area at Barangaroo South; bound by Munn Street and Healy Street. The Modification 9 application extends this domain into the Cutaway, which is part of the Headland Park. Its 5.2 hectares is the last remaining site for development within the Barangaroo precinct.

From the north, the site is visible from McMahons Point, Lavender Bay and Blues Point. Goat Island obscures most views from further away to the north west. To the west the site is highly visible from the public parklands of Balmain Peninsula from Peacock Point to Simmons Point as well as from Darling Point Road. From the south west the site is visible from Pymont, particularly the public parks and spaces at Pymont Point and Darling Island. Further south the site is less visible from the western edge of Darling Harbour and the Pymont Bridge

(City Plan Heritage, 2006, p. 10).

From the water and opposite shores, the current view of Central Barangaroo provides a superb display of the Heritage listed buildings along High and Kent Streets, above the V-shaped sandstone cliffs, topped by the Observatory framed by old Moreton Bay Figs Figure 7.

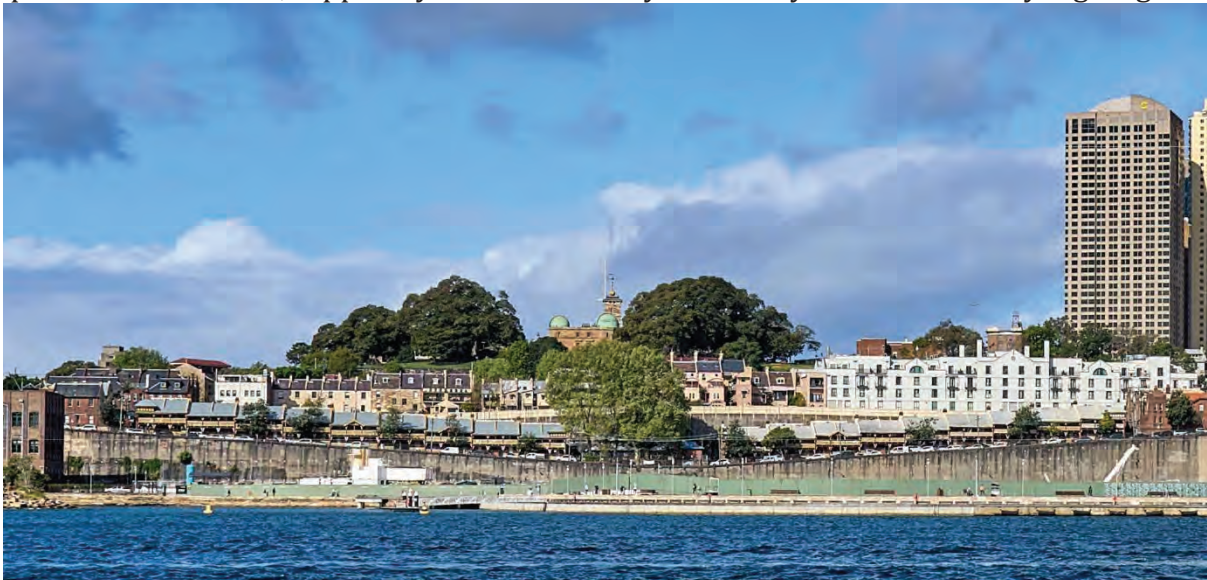


Figure 7 Central Barangaroo displaying the High Street cutting, Kent Street terraces, Observatory, and Observatory Park, as seen from Peacock Point, Balmain, 2021

From the water and the public spaces on the surrounding foreshores ... the area is visually distinctive due to the tree canopy of Observatory Hill Park, the landscape form and trees of Millers Point proper, the roofscape of rows of terrace houses and the stone escarpments of Millers Point and Hickson Road... including the sandstone cliffs and Observatory Hill... The prominence of these elements and features in relation to the

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CBD context will remain appreciable due to appropriately scaled and articulated building forms proposed by the Concept Plan (City Plan Heritage, 2006, p. 49).

These historical views of Central Barangaroo have been enhanced by the relocation of non-significant foreshore buildings and relocation of significant items, in accordance with the Concept Plan (NSW Government, 2006). As an example of preservation of the panorama, the clear benefit of the height limit to the Observatory Hotel (now the Langham Hotel) in Kent Street is very evident (Figure 7). This limitation was the result of successful action taken by the National Trust (National Trust NSW, 2021). It ensured the views to and from Observatory Hill were protected.

Our heritage views must be retained, enhanced, and showcased.

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The Promise: Built in Heritage Protections by Design



Figure 8 Vision for Barangaroo (Hill Thalys Architecture and Urban Planning, 2022)

Inherent recognition of the critical importance of the adjacent heritage areas and their significant views is evident throughout the Concept Plan, for example, 'The design of the public domain will allow visitors to appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points (sic), including the sandstone cliffs and Observatory Hill, (NSW Government, 2006, p. 49). Appreciation of 'the importance of the site integrating with its surroundings and the city in general... remains a priority issue' (NSW Government, 2006, p. 156).

A laudable vision to protect our heritage views and provide the steps to realise this vision was presented in the Concept Plan through recommendations, design principles and development controls (NSW Government, 2006). Intrinsic heritage protections are detailed and are considered fundamental to the Barangaroo development. The Heritage Impact Statement warned:

The potential for detrimental impact upon the significant values of the Area arises from the visual impact to and from the Area and its significant elements.

(City Plan Heritage, 2006, p. 46).

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Figure 9 Barangaroo concept, provided by Hill Thalys Architecture

The Concept Plan Principles Protect Heritage Views

The Principles of the Concept Plan (NSW Government, 2006, pp. 112 – 116) are its essence, its beating heart. These Principles describe the objectives of the Concept Plan and define its purpose. While these principles could be more flexible in over building South Barangaroo, this is not the case for Central Barangaroo due to the impact on heritage views.

The East Darling Harbour [now Barangaroo] 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 (City Plan Heritage, 2006, p. 48).

Heritage views

The Heritage Impact Statement of the Concept Plan was explicit:

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 (sic) (City Plan Heritage, 2006, p. 47).

From the water and the public spaces on the surrounding foreshores ... the area is visually distinctive due to the tree canopy of Observatory Hill Park, the landscape form and trees of Millers Point proper, the roofscape of rows of terrace houses and the stone escarpments of Millers Point and Hickson Road. These elements are all located north of the east-west portion of High Street, adjoining Kent Street, and are sited at a much higher level than the wharves of the subject site. The prominence of these elements and features in relation to the CBD context will remain appreciable due to appropriately scaled and articulated building forms proposed by the Concept Plan.

- To and from the High Street cutting and terraces ... This view has had an evolving history. Originally the cutting and the terraces were obscured by the wharf buildings on the western side of Hickson Road ...and it is only relatively recently that these views have become available. The impact upon the views has been mitigated as:*

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- *Building heights are lower in this section of the site retaining visual access to the Millers Point roofscape;*
- *The heights of the towers interpret the V-shape profile of High Street;*
- *The separate towers are articulated providing filtered and framed views to the area; and*
- *There is a specific view corridor provided from the proposed walkway at the lowest point in High Street to the harbour's edge.*
- *Views west towards the water from the western slopes of Millers Point: view corridors are retained from Gas Lane, Jenkins Street Park, Munns (sic) Street Park and filtered views from the majority of High Street will also be retained. Although the proposal will impact on Millers Point in part, the views are considered to be retained to an extent that will not diminish the sense of relationship between the harbour and Millers Point.*
- *Views to Observatory Hill Park (Views H6, H7 and H9): will not be affected because it sits high above the surrounding development. The tree canopy of the park will remain apparent.*
- *Views from Observatory Hill Park to the west and north west (H4): The photomontages and cross sections (Attachments B and C) demonstrate that the tower elements will be visible within existing views; however, they will not detract from the quality of the view because the majority of the harbour will remain visible and legible and the opposite foreshore (Peacock Point) will remain visible. The issue here relates, as discussed above, to the opportunity to create a new active precinct along the former wharf areas and to allow residential and recreation uses that will enhance the city and the water's edge*

(City Plan Heritage, 2006, pp. 48-49).

The Built Form Principles (Principles) of the Concept Plan that demonstrate the core elements of the Concept Plan are presented here in blue. These are accompanied by an indicative layout, design principles and development controls that exemplify these Principles. While these are not binding on developers, they provide strong guidance and an envisaging of the application of the key Principles across the site.

The design principles and development controls for two of the three Blocks (5 & 7) of Central Barangaroo have been strongly impacted by modifications arising from the South Barangaroo development, with both being markedly reduced in size. These changes will be outlined below. The Infrastructure NSW proposal will be evaluated against the Principles and the subsequent modifications to the design principles and development controls.

Principles of the Concept Plan (NSW Government, 2006)

1. **City's New Western Façade:** To create an integrated new western frontage to the city centre, orient the slender ends of buildings to the waterfront to define an open and memorable silhouette.
2. **Hickson Road as a Boulevard:** To promote the scale of Hickson Road as a grand boulevard,

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buildings addressing the street are limited to 8 storeys in height, except where a podium of 4 stories exists to support buildings of a greater height in the block south of Napoleon Street.

3. **Buildings to Define Streets:** To define the public space of the street, set all building façades to the street alignment and respect the differing characters, scales and activation of the streets.
4. **Low Scale Valley:** To promote built form of a human scale along pedestrian lanes, to encourage diversity in open space uses and to allow midday sun penetration within more dense blocks, mid-block buildings are limited to 4/5 storeys in height and are to provide accessible roof top open spaces. This enables the formation of an accessible roof valley.
5. **Tapering Built Form:** To continue a built form dialogue with the adjoining city, building heights across the site are to generally taper towards the north, with the highest forms concentrated in the block in front of Napoleon Street.
6. **Open Space Within Blocks:** To create hollow blocks permeated with open public spaces, courtyards, walkways and gardens. Interrelate the central band of the accessible roof valley with the ground plane and intermediate levels.
7. **View Sharing:** To promote the equitable access to views towards the harbour, arrange the built form to define the street corridors and to allow filtered views from the existing private buildings to the east.
8. **Orientation of Buildings:** To provide optimum orientation and transparency across the site and to create a silhouette of slender towers to Globe Street and the waterfront - orientate the long facades of tower forms to the north. However, on Hickson Road, to define the linear nature of this road, generally orientate the long façades to the east.

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Approved Changes to the Concept Plan for Central Barangaroo

Massive changes have been made to the East Darling Harbour (Barangaroo) Concept Plan during the development of South Barangaroo. These rest on Section 75W of the *EP&A Act 1979* that allowed compounding modifications based on each previous approval, rather than in direct comparison to the Concept Plan itself. However, these modifications retain the built form principles, design elements and controls for the Central Barangaroo development largely intact, with some significant adjustments that actually **limit** the Central Barangaroo development further.

1. GFA for the entire Central Barangaroo development under the Concept Plan initially totalled **60,200 m²** (NSW Government, 2006). This has subsequently been reduced to **47,688 m²** via modifications to the Concept Plan, with the offset used to increase the GFAs within South Barangaroo.
 - a. Block 8 and part of Block 7 were removed in **Modification 3**.
 - b. The building envelope and design of Block 5 was delineated in **Modification 2** and subsequently reduced in **Modification 8** to offset the imposition of the Crown building onto foreshore space and to allow adequate separation from the now enclosed Hickson park. The Modification 2 design was retained in Modification 8, albeit reduced in size.

Early Approved Changes to Blocks 7 & 8

The original Concept Plan included Block 8, which was designated for tourist use and permitted a maximum RL of 32m. Block 8 and part of Block 7 were removed in **Modification 3** with the approval for the inclusion of Nawi Cove in Central Barangaroo, as can be seen in Figure 10. The subsequently reduced GFAs were re-distributed to the South Barangaroo development, reducing the approved GFA for Central Barangaroo at the time to **59,225m²**.



Figure 10 Design for Nawi Cove approved under Modification 3 (MG Planning, September 2009, p. 8)

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The changes to Block 7 under Modification 3:

- The footprint of Block 7 was **reduced** from 11,922m² to **5,960m²**;
- The GFA **decreased** from 28,000m² to **15,000m²**;
- 14,000m² of GFA is permitted for residential development (MG Planning, September 2009).

Further controls for Block 7, including a reduction in height, were itemised by MG Planning, January 2009, Conybeare Morrison 2009 and instated in the commitments for Modification 3 (NSW Government Department of Planning and Environment, November, 2009).

While these included a plan to *reduce* the height of Block 7, a new reduced RL for Block 7 was not itemised in the conditions of consent for Modification 3. Nevertheless, it is clear the intent is to reduce the height of Block 7 to realise the vision and purpose contained within the Conybeare Morrison report (July 2009), and this remains to be resolved and will be discussed further in comparison to the Infrastructure NSW proposal.

The development conditions and controls for the built form of Block 5 established with Modification 2 were restated (NSW Government Department of Planning and Environment, November, 2009), as were the conditions of consent for the **retention of the heritage views to and from Millers Point and Observatory Hill and their associated panorama views**. These are detailed below in the conditions of consent for Modification 8.

Early Approved Changes to Block 5

Modification 2 approved an **increase in** total GFA at Central Barangaroo to **78,025m²** for commercial purposes (NSW Government, Department of Planning and Environment, February, 2009). Modification 2 addressed only the 'mixed zone'. The only block of Central Barangaroo situated within the 'mixed zone' is Block 5, and so this increase was contained entirely within Block 5; it increased from **29,200m²** to **41,225m²**. Block 5 is bound to the north by Agar Street that is a continuance of High Street as it runs at right angles to the water from Kent Street.

Modification 2 was approved with specific conditions of consent for Block 5:

- a. The podium or street wall to Hickson Road is to have a height of RL 29.6 metres (Note: existing ground level = RL 2.0).
- b. The podium or street wall to Globe Street is to have a height of RL 18.8 metres (Note: existing ground level = RL 2.0).
- c. Appropriate street wall heights to Agar Street and Healy Street need to mediate between podium heights fronting Hickson Road and Globe Street.
- d. Above podium elements are to have a minimum setback of 25 metres from the Hickson Road Street wall or podium edge.
- e. Above podium elements are to have an appropriate setback from the Globe Street, Agar Street and Healy Street wall or podium edge to ensure an appropriate scale to these streets.

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- f. The street wall or podium is to have a minimum setback of 5 metres from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses.
- g. Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20 metres.
- h. No diagrammatic presentation to demonstrate the indicative form of the building controls for Block 5 specifically was provided in the report prepared for the Sydney Foreshore Authority (Sydney Foreshore Authority, October, 2008). However, Block 3 was required to have the same design configuration. This *configuration* is exemplified in the and diagrammatic images for Block 3. Block 3, with a height of RL 112m, is substantially higher than Block 5, with a maximum of RL 34m. Therefore, the maximum height of Block 5 above the Hickson Road podium (RL 29.6m) would be 4.4m; i.e. far lower than depicted below for Block 3.

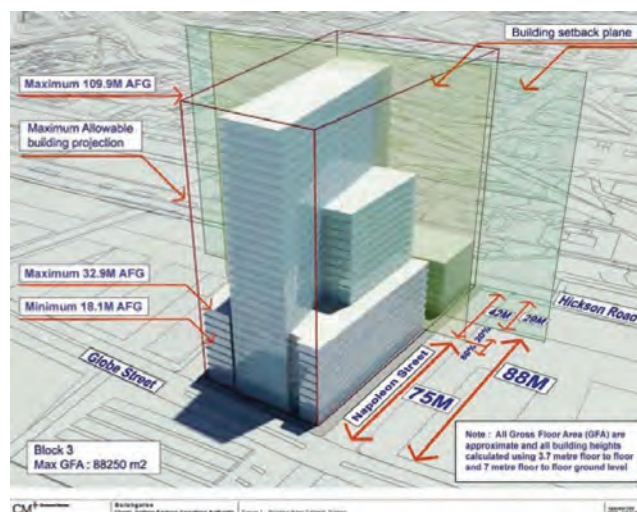


Figure 11 Indicative built form of Block 5 as per Block 3, illustrating controls Modification 2 (Sydney Foreshore Authority, October, 2008, p. 7)

These conditions follow the design principles and development controls of the Concept Plan in constraining the proportion of Block 5 that can reach the maximum height, limiting the height on Hickson Road, and sloping the buildings from east to west. While reducing the width of the low scale valley, it was also brought down to street level, improving pedestrian connectivity through the site. Modification 2 did not, however, demonstrate the required articulation along this walkway that enables a more human scale, as per Design Principle of the Low Scale Valley. This Principle requires a 4-5 storey limit on adjoining mid-block buildings with accessible roof top open spaces.

Modification 8 and Modification 11: Standing Statutory Commitments

Modification 8 to the Concept Plan primarily sought to relocate the hotel building (Block Y, i.e., the controversial Crown building, approved in Modification 4) from a reclaimed extension over the Harbour to allocated parkland on the shore at the front of Block 4, increasing its height from 170 m to 275m, and more than doubling the GFA from **33,000m²** to **77,500m²**,

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while including a gaming facility. Block Y and a further Block X were new creations packed into the South Barangaroo space.

Block 4A was concurrently increased from a height of 41.5m to 250m, with a more than 10 times increase in GFA from **8,150m²** to **86,979m²** (NSW Government, Department of Planning and Environment, 2016). These massive increases were to be 'offset' by some lesser reductions in heights and GFAs (NSW Government, Department of Planning and Environment, 2016) to other buildings. A multitude of other amendments to the Barangaroo sitewide distribution and usage of GFAs were also approved. These changes all came with commitments imposed on the future Central Barangaroo development.

Within South Barangaroo, the Waterfront Promenade was reduced from 60m to 27m in width. An enclosed 'Hickson Park' was cut off from the shoreline. Part of Block 5 was removed and the remainder realigned to provide an adequate separation of Hickson Park from Block 5. The conditions of consent for the Approval of **Modification 8** made reductions to the footprint of Block 5 to somewhat offset these encroachments and improve the prospects for Hickson Park, which is not to be overshadowed by built form. The built form specifications for Block 5 made in **Modification 2** were continued.

Binding conditions for building heights, GFAs, and uses were detailed for all Blocks for Central Barangaroo. The conditions also restated past controls on the Central Barangaroo Blocks and the retention of heritage views most likely to be impacted by development at Central Barangaroo (NSW Government, Department of Planning and Environment, 2016). The Concept Plan, along with the conditions of consent for its subsequent Modifications, make up the fixed parameters of the Central Barangaroo development.

It is notable that the modifications approved in **Modification 8** in terms of the massive boost in GFA, enormous increases in building heights, increased building number, and their location at South Barangaroo were unwanted by the public⁴. The **Modification 8** Approval continued the movement of prime Harbour foreshore land into private hands and incensed the residents of NSW and their representatives, shattering public confidence in the Government and the planning processes for development.

The PAC Determination

Modification 8 was referred to the PAC for determination, due to the strong negative public response to its proposed modifications. The approval for **Modification 8** plays a key role in the Central Barangaroo development, despite its application being for development within South Barangaroo. The commitments clearly sought to restrain the development of Central Barangaroo, despite only having application for Block 5 of that development. These commitments are the current conditions for the Central Barangaroo development and use and are re-stated in the Approval for **Modification 10** (NSW Government, Department of Planning, Industry and Environment, 2020).

The PAC report stated, '... it is important to ensure that each stage of change brings an appropriate balance between the public interest/benefit and development interests *so that community confidence is retained in the outcomes [emphasis added]*' (Planning and

⁴ There were 36 submissions for the proposal, 13 of these from business groups, and 159 against it.

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Assessment Commission, 2016a, p. 2), and cited the Sydney Harbour Catchment REP 2005 Principle 2(b), that

'the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores...' (Planning and Assessment Commission, 2009, p. 4).

The PAC advice that the public good also takes precedence over the component of public benefit and public interest related to the financial return to the Government. This remains of prime importance today.

Building Heights at Central Barangaroo

The Principle of tapering buildings to the North with the highest forms concentrated in front of Napoleon Street, designed 'to continue a built form dialogue with the adjoining city' (NSW Government, 2006, p. 113) has been abandoned at South Barangaroo through successive modifications (Figure 12).

The Concept Plan made clear, '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 views to and from Millers Point and Observatory Hill' (City Plan Heritage, 2006, p. 48). The Central Barangaroo development was therefore restricted in height to showcase views of the High Street cutting, the Observatory, and Observatory Hill.

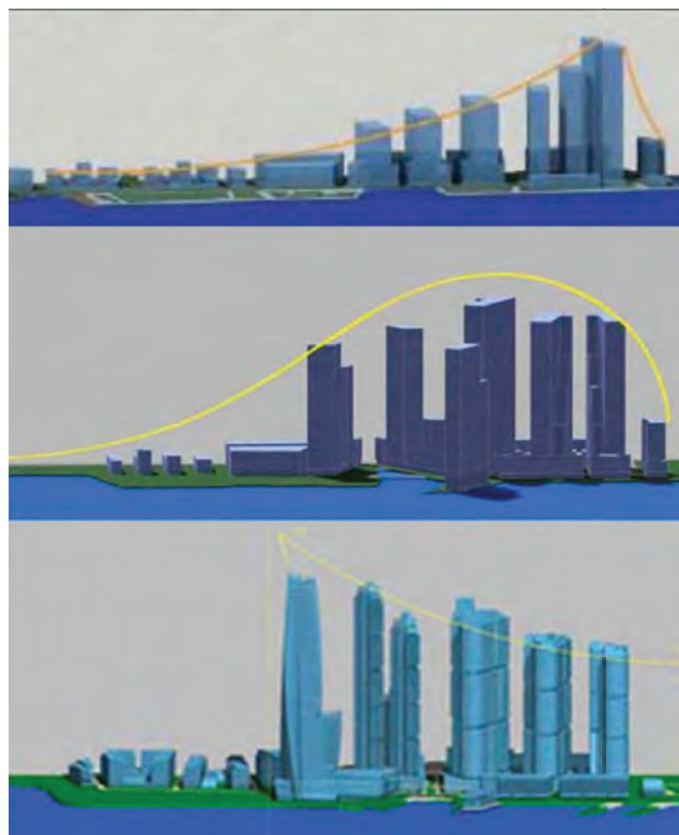


Figure 12 Variance in building profile: Modification 2, Modification 4 and Modification 8, 2016. Source: NSW Government, 2016. MP06_0162 Modification 8 PAC Determination Report, p. 14. Individual drawings rescaled for direct comparison (Pham, 2017)

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While this Principle has been abandoned (as can be seen in Figure 12), its remnants are critical with respect to Central Barangaroo and to the protection of the heritage views to and from Millers Point, the Observatory and Observatory Park. This was recognised by the PAC in their Determination for **Modification 8**:

The Commitments for Approval of Modification 8

The PAC's advice (Planning and Assessment Commission, 2016a; Planning and Assessment Commission, 2016b; Planning and Assessment Commission, 2016c) established the conditions of consent for the Approval for **Modification 8** (NSW Government, Department of Planning and Environment, 2016). The Instrument of Approval for **Modification 8** lists all reports on which the consent rests (see Appendix A for most recent list). The conditions of consent contained within the **Modification 8** documents related to Central Barangaroo are extracted below.

Maximum heights, GFAs and usage for Central Barangaroo

The Instrument of Approval for **Modification 8** (NSW Government, Department of Planning and Environment, 2016) specified the maximum GFA imposed across the Central Barangaroo development:

- (1) ... *future development applications are not to exceed the GFA, maximum residential GFA and building heights specifically identified in table (2)(a) below* (Table 1 below is extracted from table (2)(a)):

Table 1 Conditions for Blocks 5,6, & 7 at Central Barangaroo for Approval of Modification 8

	GFA (sqm)	Residential GFA (Max) (sqm)	Height (Max AHD)	Height above existing ground level (m)
Block 5	29,688	15,000	RL 34	32
Block 6	3,000	-	RL 29	27
Block 7	15,000	14,000	RL 35	33
Total	47,688	19,000		

Hickson Park and Block 5

Hickson Park was expanded into Block 5, being defined by the boundaries of Blocks 4A, 4B and Block 5. The terminology here is important to note, particularly of points 1 & 2 below. Specified restrictions were placed on the future dimensions of Block 5.

1. The GFA of Block 5 was *reduced* from 41,225m² to 29,688m². This reduced the total GFA for Central Barangaroo to 47,688m² (NSW Government, Department of Planning and Environment, 2016).

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2. 'The footprint and building envelope of Block 5 is to be *reduced* to remain within the B4 [mixed use] zoned land (NSW Government, Department of Planning, Industry and Environment, 2020). Note that the 'mixed use' zone extends south from Agar Street.
3. Future above ground buildings in Block 5 are required to 'demonstrate that views will be retained from Millers Point and Observatory Hill to the western part of Sydney Harbour' (NSW Government, Department of Planning, Industry and Environment, 2020).

The Instrument of Approval for Modification 8 also stipulates, 'Hickson Park is not to be overshadowed by built form over more than an average area of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year' (NSW Government, Department of Planning and Environment, 2016). This refers primarily to the built form of Central Barangaroo.

Block 7

Conditions of consent for **Modification 8** number 125 explicitly states:

To be demonstrated as part of any project application which relates to the Headland Park and surrounds:

The future detailed design of the Headland Park including the northern cove, Globe Street and adjacent Block 7 is to be prepared in accordance with the Headland Park Urban Design Framework and Preferred Project Parkland Objectives detailed in the "Barangaroo Headland Parklands Urban Design Report" prepared by Conybeare Morrison (August 2009).

(NSW Government, Department of Planning and Environment, 2016).

The Conybeare Morrison (2009) report recommends a Block 7 is restricted to four stories in height.

Heritage conditions

Throughout the various modifications to the Concept Plan, the heritage conditions, including retention of identified heritage views, have been repeatedly re-stated. Nevertheless, **Modification 8** had significant impacts on the sight lines for the Observatory, and other views required to be retained by the Concept Plan.

The Sydney Observatory

Considered an important legacy to be protected, the sight lines of the Observatory have been respected and protected for around 200 years. As cited earlier, the Conservation Plan for the Observatory explicitly states,

The observatory is still an observatory, although after nearly a century and a half of use its role is now that of an educational rather than an exploratory scientific facility. However, it is still important that it continue to be able to demonstrate its traditional function to visitors – of which there are over 100,000 [as of 2014] each year (Kerr, 2014, p. 53).

Policy 16.1 of the Conservation Plan for the Sydney Observatory is explicit:

*The prime consideration in determining uses for the place should be that it **continues to be capable of functioning as an observatory** [emphasis added] with the necessary facilities and*

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that no improvements, adaptations, developments, or uncontrolled commercial programs interfere with that capacity [emphasis added] (Kerr, 2014, p. 53).

The Conservation Plan for the Sydney Observatory (Conservation Plan, Kerr, 2014) lays out a series of policies to protect, retain, and reinforce its significance. Policy 5.2 clarifies, '*Features or treatments that obscure understanding of the function or appreciation of the distinctive character of spaces of exceptional significance are unacceptable*' (Kerr, 2014, p. 46).

Policy 32.5 states,

Views from the path around the observatory complex down the slopes of Observatory Hill to The Rocks and the waters of the harbour should suffer no further encroachment (Kerr, 2014, p. 71).

The heritage conditions of consent for **Modification 8** echoed those in the conditions of consent for previous Modifications. Those specifically required for **Modification 8** are provided in full within the consolidated conditions of consent below.

However, in 2016 the PAC accepted the evaluation of the Department of Planning Industry, and Environment 'that the obstruction of a number of constellation viewable from Sydney Observatory for a portion of the year is acceptable' (Planning and Assessment Commission, 2016c, p. 26), and the Barangaroo Delivery Authority, 'that the Sydney Observatory had shifted in its primary purpose from being a scientific centre to being one for recreation and education' (Planning and Assessment Commission, 2016c, p. 26). Sadly, this was a decisive error.

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Consolidated Commitments for the Central Barangaroo Development

Commitments for each Modification to the Concept Plan are carried forward unless further modified in subsequent modifications. Apart from Modification 3, that removed Block 8 and reduced Block 7 in Central Barangaroo to make way for Nawi Cove, while the majority of modifications to the Concept Plan were made for development at South Barangaroo, they impacted the conditions of consent for the Central Barangaroo development. The conditions of consent for the development have been extracted from the reports listed in Appendix A and the Instruments of Approval for each Modification made to the Concept Plan:

Foreshore walkway

To be retained at 30 metres between Nawi Cove and Hickson Road (Modification 3).

Globe Street

- a) Globe Street needs to terminate at a significant point along Hickson Road
- b) Globe Street to turn 90 degrees towards Hickson Road at the location of the 'Observatory Hill axial connection', running northwest in line with the Observatory dome (Modification 3).

Hickson Park

Hickson Park is not to be overshadowed by built form over more than an average area of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year (Modification 8).

Built Form

- a) Future project applications are to provide a comparison, and outline any variations from, the block controls outlined in Section 13.0 - Built Form of the EA. B5 Principle in Section 13.0 of the Concept Plan (Modification 1).
- b) Buildings are to provide a consistent street wall and form to Hickson Road and Globe Street (Modification 1).

Maximum GFA use across site:

Residential use: 19,000m² (15,000m² in Block 5 and 14,000m² in Block 7).
Community use: 2,000m² within Block 6 or 7.
Tourist and retail use: 20,688m².

Block 5

- a) Height is RL 34 (Concept Plan; Modification 8).
- b) Maximum GFA is 29,688m² (Modification 8).
- c) 15,000m² is permitted for residential use (Modification 8).
- d) Footprint is reduced from 8,690m² (Modification 2) to stay within the mixed zone (Modification 8).
- e) Views from Millers Point and Observatory Hill are to be retained (Modification 2).
- f) A portion of the Block is to have a maximum of RL 34m (Modification 2).

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- g) The podium or street wall to Hickson Road is to have a height of RL 29.6 metres (Modification 2).
- h) The podium or street wall to Globe Street is to have a height of RL 18.8 metres (Modification 2).
- i) Appropriate street wall heights to Agar Street and Healy Street need to mediate between podium heights fronting Hickson Road and Globe Street (Modification 2).
- j) Above podium elements are to have a minimum setback of 25 metres from the Hickson Road Street wall or podium edge (Modification 2).
- k) Above podium elements are to have an appropriate setback from the Globe Street, Agar Street and Healy Street wall or podium edge to ensure an appropriate scale to these streets (Modification 2).
- l) The street wall or podium is to have a minimum setback of 5 metres from the Globe Street kerb to ensure an adequate footpath dimension for circulation and active uses (Modification 2).
- m) Any above podium forms are to be separated from tower forms on Block 4 by a minimum of 20 metres (Modification 2).
- n) A 37m wide ground level pedestrian walkway is to transverse Block 5 parallel to Hickson Road, replacing the articulated low scale valley in the built form of the Concept Plan (Modification 2).

Block 6

- a) Height is RL 29 (Concept Plan; Modification 8).
- b) Maximum GFA is 3,000m² (Concept Plan; Modification 8).
- c) No residential development is permitted in Block (Concept Plan; Modification 8).
- d) Footprint is 1,855m² (Modification 2).

Block 7

- a) Height and configuration of Block 7 remain to be resolved (Modification 3). The Block is to be reduced to 4 storeys or an RL of 20m. The height is currently notionally at an RL of 35m in the Instrument of Approval for Modification 8. The commitments for this approval also include the documents within which the reduction in height is stated as still to be determined.
- b) The maximum GFA is 15,000m² (Modification 3).
- c) 14,000m² is permitted for residential use (Modification 8).
- d) The footprint is reduced from 11,922m² to 5,960m² (Modification 3).
- e) Detailed design of Block 7 and Globe Street to be prepared in accordance with the Objectives detailed in the "Barangaroo Headland Park Strategy Review" prepared by Conybeare Morrison (2009).

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Heritage conditions

Throughout the various modifications to the Concept Plan heritage conditions have been repeatedly re-stated. The heritage conditions of consent for Modification 8 are cited in full here as the most recent description:

56. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from 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 that document applies these documents apply to Barangaroo South.

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

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

59. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

60. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage

(NSW Government, Department of Planning and Environment, 2016).

These are the statutory commitments under which the development of Central Barangaroo must be undertaken. Along with the Concept Plan, it is against these commitments that the Infrastructure NSW proposal needs to be evaluated.

One of the **key aims** of the Concept Plan is to ‘enhance and interpret the historic associations of the place and respect the curtilage of individual places of heritage significance that are in the vicinity of the site’ (City Plan Heritage, 2006, p. 30). This important aim must be realised in any development at Central Barangaroo.

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The Concept Plan, with its sequential modifications, remains the statutory planning instrument.



THE INFRASTRUCTURE NSW PROPOSAL
FOR MODIFICATION OF MP 06_0162 MOD 9
FOR CENTRAL BARANGAROO

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The Infrastructure NSW proposal for Central Barangaroo is based throughout on a series of false claims, misrepresentations, distortions, and blatant falsehoods. For example, Infrastructure NSW makes the false claim,

The Central Barangaroo site is owned by the NSW State Government through Infrastructure NSW. Arrangements for the future ownership of the Central Barangaroo site are administered through the Project Development Agreement established for the site between the Central Barangaroo Developer and Infrastructure NSW (Urbis, 2021, p. 60).

The principles of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW)* makes clear this is not the case, as discussed above:

- (a) Sydney Harbour is to be recognised as a public resource, *owned by the public* [emphasis added], 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.

Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW),

The Infrastructure NSW proposal (MOD 9) is in breach of the principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW).

The Infrastructure NSW (Urbis, 2021) proposal (MOD 9) seeks to ‘modify’ the approved Barangaroo Concept Plan (MP06_0162) (MOD 9) under the old 75W of the *EP&A Act 1979* in a revised application for Modification 9 previously submitted to the Department of Planning and Infrastructure for approval in 2014 and subsequently withdrawn. As the foundation of this application is based on a previously withdrawn, and thereby nullified, earlier application, its validity to be considered under the defunct Section 75W regulation is highly questionable. Throughout the development of Barangaroo, the appalling, discredited, and now obsolete, Part 3A planning process has been used to make ‘modifications’ that bear little resemblance to the approved, award-winning Concept Plan (NSW Government, 2006). The built form principles, design guidelines and controls have been torn to shreds, resulting in a massive privately owned overbuild on public owned Harbour foreshores. This continues with Modification 9 (Urbis, 2021).

Infrastructure NSW claims, ‘MOD 9 does not seek any changes to the balance of the Barangaroo project site, which will continue to have the same heights, block layouts, land uses and GFA as the approved Concept Plan’ (Urbis, 2021, p. 8). They then, correctly, contradict this claim: ‘Modifications to the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and the distribution of GFA across the blocks’ (Urbis, 2021, p. 9). The ‘modifications’ sought completely undermine the key objectives, Principles, design, controls and heritage protections of the Concept Plan. The proposal negates virtually all the Principles of the Concept Plan and dismisses the commitments laid down for the Central Barangaroo development in exchange for modifications already effected at South Barangaroo. That it is sought to negate these commitments, that have been undertaken for the development to date, seriously undermines

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the confidence of the public in the integrity of the NSW Government, its departments, and agencies.

The proposal has irreversible destructive impacts on the heritage views and panoramas of Australia that are protected under the Concept Plan. A comparison of the design elements of the Concept Plan and the Infrastructure NSW proposal will be undertaken, followed by a demonstration of the impacts of the proposed 'modifications' being sought and their validity under the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.



Figure 13 Artist impression of Central Barangaroo Concept Plan (Hill Thalys Architecture and Urban Planning, 2022)

The Concept Plan for Central Barangaroo is significantly different to that of South Barangaroo, as seen in Figure 13. It is in Central Barangaroo that the Principles are most important in protecting heritage views, panoramas, vistas, and visual Harbour connections. The above depiction shows the application of the Concept Plan Principles to Central Barangaroo in an indicative layout by the 2006 Concept Plan architect that is light, permeated with green space, visually elegant, with slender low buildings that are widely spaced and variable to follow the landscape of the High Street cutting and allows for view corridors for its sloping tiara of terraces, while retaining intact the view to the Observatory and Observatory Hill at the peak of its crown.

Central Barangaroo contains three blocks of buildings, Blocks 5, 6, and 7. To preserve the Principles and the protected views to and from Millers Point, the Observatory and Observatory Hill, the Concept Plan limits the heights of these blocks, provides restrictions to their GFA and usage, and proposes design principles and controls, while allowing development of the space to its sensible maximum.

In contrast, the Infrastructure NSW (Urbis, 2021) proposal more than triples the GFA, expands the block density and massing well beyond the maximum approved, and raises the

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heights of the buildings, with devastating impacts. The Infrastructure NSW (Urbis, 2021) application concept bears little resemblance to the Concept Plan (MP06_0162), as is readily seen by comparing Figure 13 and Figure 14.

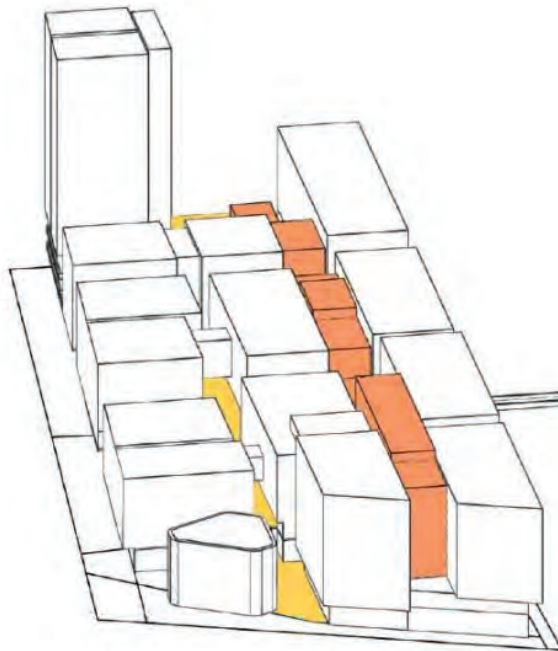


Figure 14 Depiction of the indicative building envelopes, orientations and separations proposed for Central Barangaroo (Urbis, 2021a, p. 30)

The Infrastructure NSW proposal bears virtually no resemblance to the Concept Plan.

An increase in total above ground GFA from 47,588m² to 116,189 m².

The proposed increase in GFA constitutes a more than threefold increase from the Concept Plan above ground GFA. This 'modification' is excessive and beyond any reasonable interpretation of the term 'modification'. It is quite evident that with such a large increase in GFA, the Principles, Design elements and Controls of the Concept Plan cannot be implemented and the protected heritage views to and from Millers Point retained. This becomes increasingly evident as the various proposed 'modifications' are outlined in the Environmental Report submitted by Infrastructure NSW (Urbis, 2021).

To minimise the enormity of this increase in GFA for Central Barangaroo, Infrastructure NSW makes comparison with the modified Concept Plan for the whole of Barangaroo.

The increase in the approved maximum GFA (by 17.55%) across the Barangaroo site is not significant in comparison to the overall site GFA and the capacity of this state significant urban renewal site to accommodate mixed use development over a 14-year period... The increase in the approved maximum retail GFA across the Barangaroo site is considered nominal compared to the approval quantum of GFA across the site.

(Urbis, 2021, p. 116).

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Such a comparison to minimise the significance of the massive increase in GFA at Central Barangaroo is unacceptable and misleading, particularly given the sensitivity of the Central Barangaroo site and the commitments made as a trade-off for the over-development of South Barangaroo. The 'modification' application should apply specifically to Central Barangaroo, and it is the comparison against the Concept Plan for Central Barangaroo that is of relevance, not combined with the grossly over-built South Barangaroo.

As Infrastructure NSW rightly points out, 'The proposed increase in GFA is required to be measured against the GFA in the approved Concept Plan, rather than the original 2007 Concept Plan which has evolved significantly over 14 years' (Urbis, 2021, p. 150). The current approved Concept Plan is for **47,688m²** of GFA for Central Barangaroo.

The defining elements of the Concept Plan – its Principles, Design elements, and Controls -cannot be accommodated within the massive three-fold increase in above ground GFA at Central Barangaroo. The Infrastructure NSW proposal cannot be accepted as a 'modification' to the Concept Plan.

The increase in GFA for Central Barangaroo arises from amended block envelopes for Blocks 5, 6 and 7; however, the distribution of the increased GFA across these blocks is not allocated. Such missing allocation cannot possibly maintain the defining elements of the Concept Plan.

Provision of a condition of consent to enable the GFA allocated to each block to be flexibly applied, subject to remaining within the total maximum permissible GFA for the three blocks and the building envelope established for the development blocks.

(Urbis, 2021, p. 13).

The lack of specificity of allocation of increased GFA leads to the high potential for abuse in not only this application, but also in future development applications. This cannot be accepted.

In the Infrastructure NSW proposal, the containment of Blocks 5, 6, and 7, and their broad, strategic separations are abandoned.

If approved, the massive increase in unallocated GFA for Central Barangaroo would be open to equally massive abuse of the Concept Plan Principles, Design Elements and Controls that would have devastating impacts on one of Australia's key heritage areas.

Up to 28,166m² of below ground GFA.

The Concept Plan only permits basements and car parking underground. Regardless, the proposal is for **28,166m²** of GFA below ground earmarked for 'retail, including but not limited to a supermarket' (Urbis, 2021, p. 15). Furthermore, 'Parties were also encouraged to explore below ground opportunities to take advantage of the station connection' (Urbis, 2021, p. 49). Again, flexible allocation of GFA is requested for this space. This imposes no real limits on the GFA and design elements and is unacceptable.

The proposed below ground development is extensive and lies beneath Blocks **5, 6 and 7**, extending under recreational land, at a minimum depth of 1.4m to allow deep planting, but

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designed to a nominal depth of 15m below ground level (Urbis, 2021, p. 237), see Figure 15. There is no impact study or engineering report provided to assess the risks such development poses to the adjacent High Street cutting, heritage area and items, and local residential buildings.

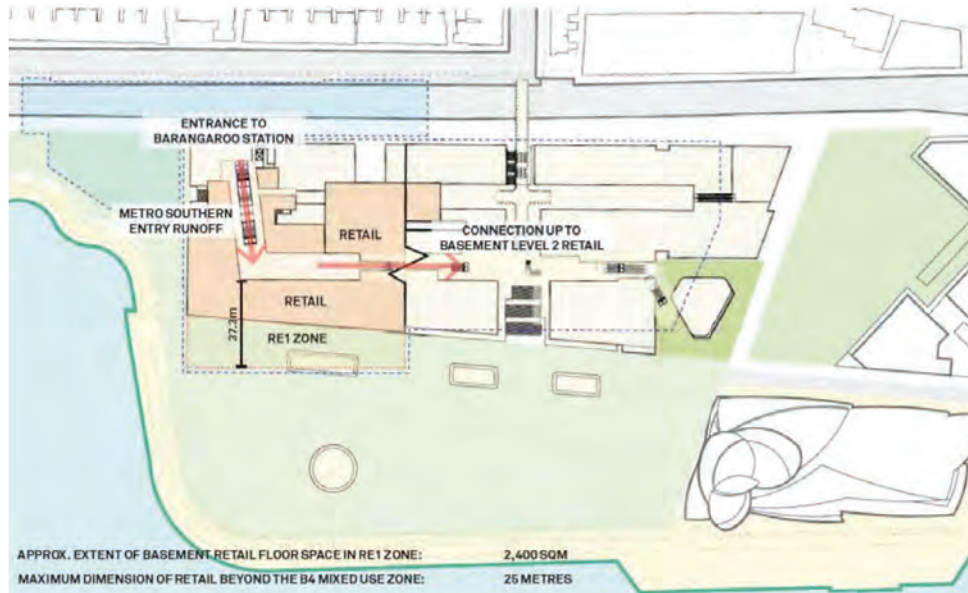


Figure 15 Proposed below ground retail within Central Barangaroo (Urbis, 2021, p. 154)

While below ground development of the Central Barangaroo site might bring benefits in terms of connectivity to South Barangaroo and the Metro, plus retail opportunities, with little impact on heritage views, it not only differs markedly from the Concept Plan, but also brings risks in terms of the stability of the surrounding area, threatening the High Street cutting and associated terraces in particular.

The proposal is requesting carte blanche for massive increases in GFA, both above and below ground, without the responsibility of allocation that would demonstrate the true changes to the Central Barangaroo development. Underground development of 28,116m² is extensive and the impacts of this on the stability of the surrounding area have not been addressed. The High Street cutting is placed at exceptional risk with such disturbance to the sandstone plate at its feet, in addition to to the Metro development.

While the proposed underground 'modification' is entirely distinct from the Concept Plan, far more egregious are the proposed changes to the above ground building envelopes. This is due to their extreme detrimental impact on the heritage views, which are to be strictly preserved under the Concept Plan (as shown below).

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Modifications to the Above Ground Building Envelopes of Blocks 5, 6 and 7 Including Additional Height, Block Alignments, Massing, Density, Additional GFA, and the Distribution of GFA across the Blocks.

Infrastructure NSW proposes to increase the heights of the Central Barangaroo Blocks as follows:

Block 5: Increases from a maximum **RL of 34m/8 storeys/20m** to **RL 44.5m**;

Block 6: Increases from a maximum **RL of 29m** to **RL 38.7m**;

Block 7: Increases from a maximum **RL of 35m** to **73.7m**.

The proposed changes to building heights across Central Barangaroo are damaging and destructive to heritage views, vistas, panoramas and visual connections that are required to be retained under the Concept Plan and its subsequent modifications.

These impacts will be shown in greater detail in terms of the proposed changes to each Block of the Central Barangaroo development and the impacts these have on protected heritage views.

Changes to the Built Design Principles and Controls for the Three Blocks at Central Barangaroo

Central Barangaroo contains three Blocks: **Block 5**, **Block 6** and **Block 7**. The Infrastructure NSW proposal seeks to make changes to each and every aspect of the design of the three blocks of Central Barangaroo. What results bears no recognisable resemblance to the Concept Plan. The Principles of the Concept Plan, designed to protect adjacent heritage views and visual connections to and from the Harbour, are discarded with devastating and irrevocable consequences. The proposed changes under the Infrastructure NSW proposal will be shown here in contrast to the Concept Plan. Subsequently, the impact of these proposals on the protected heritage views and panoramas will be demonstrated visually.

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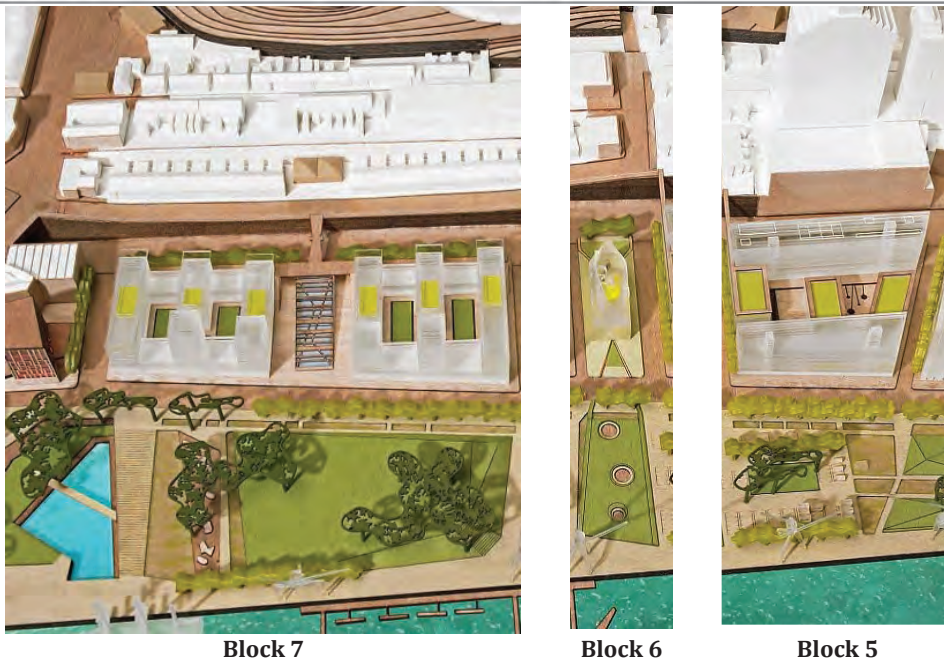
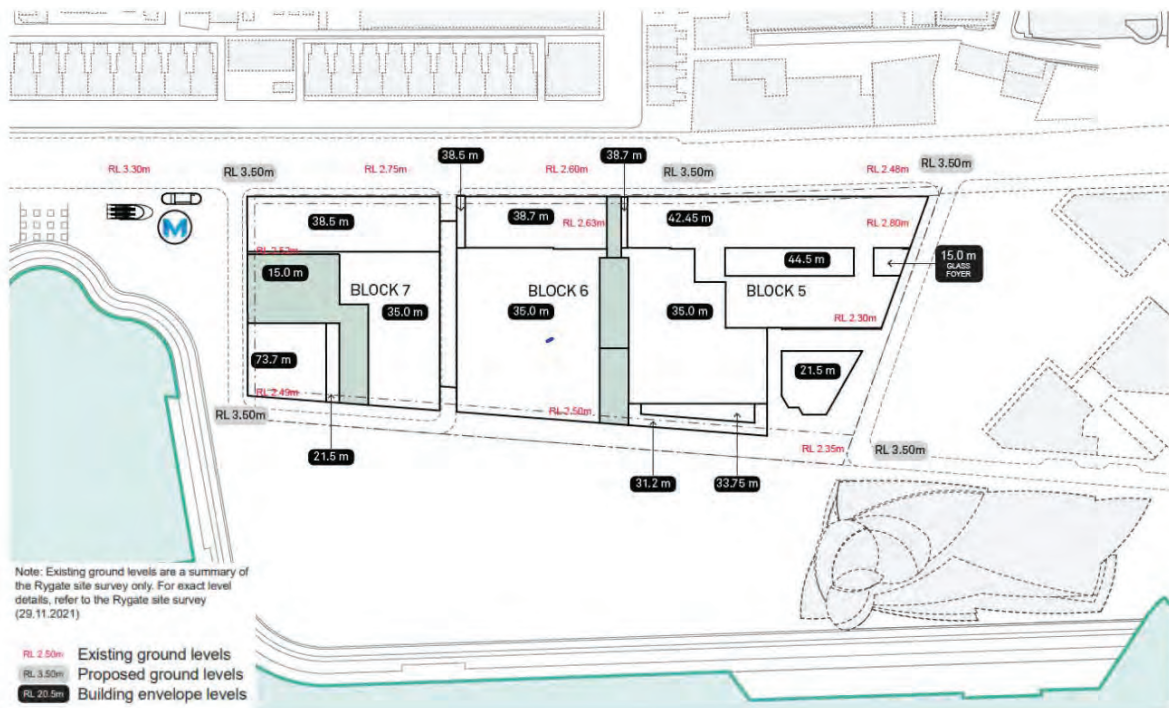


Figure 16 Artist's impression Blocks 5, 6 and 7 of Central Barangaroo in the Concept Plan (Hill Thalys Architecture and Urban Planning, 2022)

As can be seen in Figure 16, the architect's impression of the built form of the Concept Plan's three Central Barangaroo blocks demonstrate its Principles, as outlined above. Slender buildings front the water, along Hickson Road buildings are kept to 8 storeys, with intermittent wide, low podiums dividing slender towers in **Block 7** to provide wide view corridors; wide laneways separate the blocks; low scale valleys provide human scale to the built form; mid-block buildings are limited to 4/5 storeys; buildings taper to the north; there is open space permeated with courtyards, walkways, and gardens.

The result is that the blocks of Central Barangaroo sit lightly on the land and pay homage to the Observatory and its Park with ancient trees atop the historic High Street cutting. The Infrastructure NSW proposal annihilates these highly valued features, significantly diminishing the City of Sydney's visual amenity and connections to the Harbour in the process.

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Source: Hassell
 Figure 17 Proposed Barangaroo Concept Plan MOD 9 - Building Envelope Plan (Urbis, 2021, p. 10)

The envelopes of each Block are vastly increased as shown in Figure 14, Figure 17, Figure 18, and Figure 19.

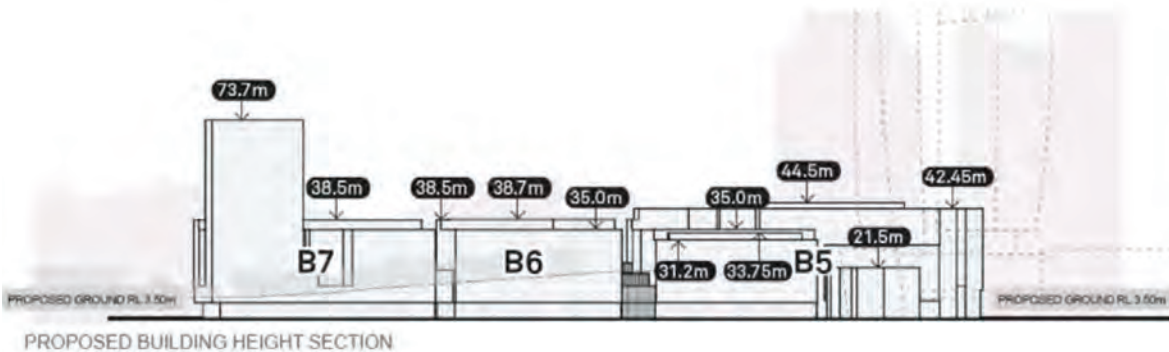


Figure 18 Envelopes of Block 5, 6, and 7 at Central Barangaroo (Urbis, 2021a, p. 22)

The lightness and carefully considered high variability in building heights, and their spacing of the Concept Plan (as modified to date), are replaced with dense, massed, bulky building envelopes, intersected by closed-in, overshadowed, windy, narrow laneways, that are raised just enough to completely obscure and enclose the views to and from the southern end of the Observatory, Observatory Hill, and the High Street cutting of Millers Point with a wall of buildings, as shown in Figure 19. The Principles of the Concept Plan are eradicated, and replaced with massive, over-sized, dense, massed building blocks that destroy heritage views protected under the Concept Plan.

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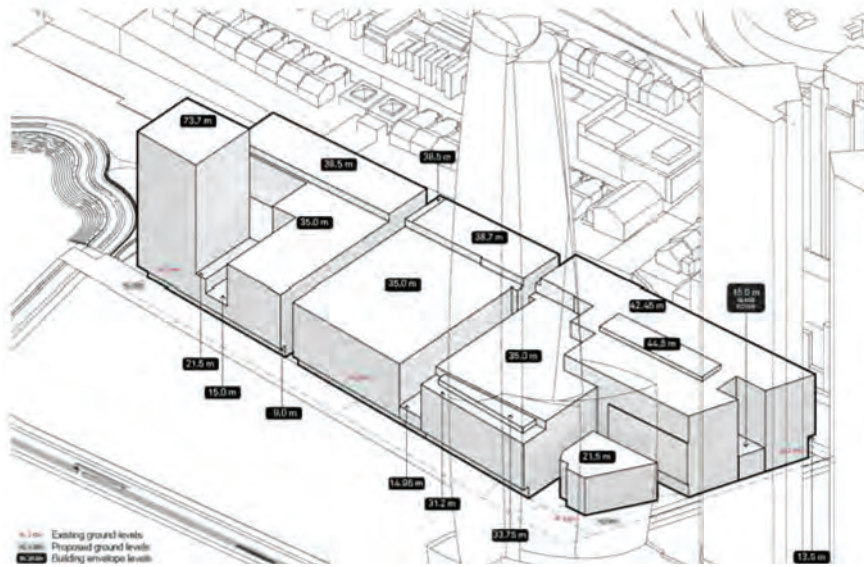


Figure 19 View corridors and walkways proposed for Central Barangaroo

Despite this obvious outcome, Infrastructure NSW claims, 'MOD 9 retains the siting, development footprint and predominate form of the approved building envelope for Blocks 5, 6 and 7' (Urbis, 2021, p. 117). This is blatantly incorrect and is intended to mislead the Minister and the public. Similar claims are made throughout the proposal and completely undermine the Infrastructure NSW proposal and public's trust in the integrity of Infrastructure NSW itself.

No actual sizes for the blocks are specified in the documentation, to provide for 'flexibility', but the block envelopes capture as much volume as possible by massively increasing each block's footprint, bulk, and height, as can be seen in Figure 19. The footprints and predominate forms of each block are vastly increased, and the Principles and controls of the Concept Plan are discarded entirely.

The excess scale of existing development in Barangaroo South and recently approved and proposed development in Darling Harbour and Blackwattle Bay are used to justify these damaging changes. Such parallels are spurious, as these developments do not include protected heritage views, and are not situated at the sensitive point of the northern end of the Barangaroo development where it flows from the Headland, abuts the heritage area of Millers Point, and sits below the Sydney Observatory, which is of exceptional heritage significance, and Observatory Hill.

The increases in heights, massing, and density of Blocks 5, 6 and 7, as proposed, are in direct opposition to the Concept Plan and decimate heritage views protected under the Concept Plan. The proposal is clearly unsuitable to the Central Barangaroo development.

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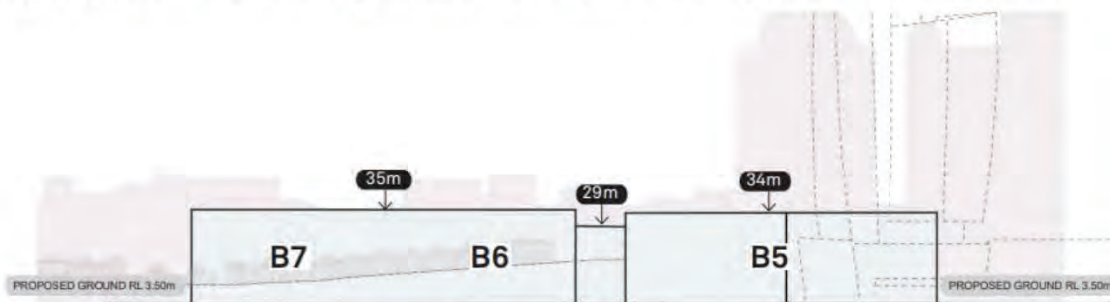
Egregious Misrepresentation of the Concept Plan

The documents presented by Infrastructure NSW depicting the built form of the Concept Plan for Central Barangaroo are based on falsehood. This alone invalidates the proposal. The graphics provided by Hassell (2021), the visual analysis provided by AECOM (2021), and the heritage impact statement provided by GML, all with the approval of Infrastructure NSW in the Urbis (2021) report, are deceptive, as they entirely misrepresent in Concept Plan.

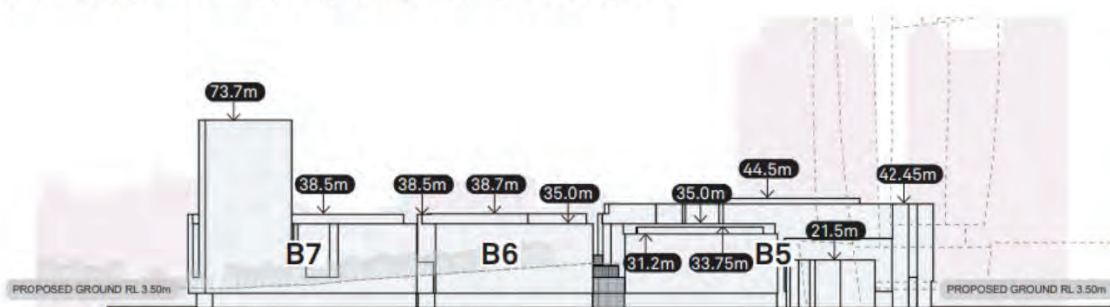
The images and photomontages presented within those documents are provided from a perspective that does not exist and does not relate to human scale. The heritage evaluations, visual analysis, and impacts are founded on misrepresentations of the Concept Plan as a point of comparison. This renders them valueless.

The perspectives shown and statements made in comparison of the Concept Plan and Infrastructure NSW proposal are based on misrepresentations of the Concept Plan and are rejected.

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

Source: Hassell

Figure 20 Comparison of building articulation, variation and modulation provided by Infrastructure NSW (Urbis, 2021, p. 84)

The Infrastructure NSW documents misrepresent **Blocks 5, 6, and 7** as single massed, bulky blocks completely filling the building envelopes. This is completely opposite to the reality of the Concept Plan. The depiction of their own proposal is, however, far more accurate. The proposal converts the intermittent, light blocks of the Concept Plan into the single massed,

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bulky blocks completely filling the building envelopes as projected by them onto the Concept Plan. A more accurate projection of the Concept Plan design principles and controls is provided in Figure 22 below. A more honest representation of the Concept Plan is shown in Figure 21 and projected onto the landscape of Millers Point in Figure 22:

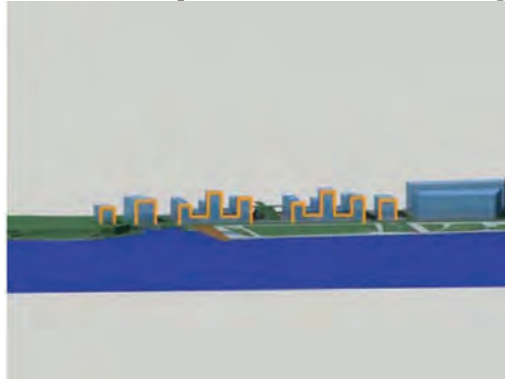


Figure 21 Depiction of the Concept Plan built form with articulation and variations as proposed (Sydney Foreshore Authority, October, 2008, p. 55)

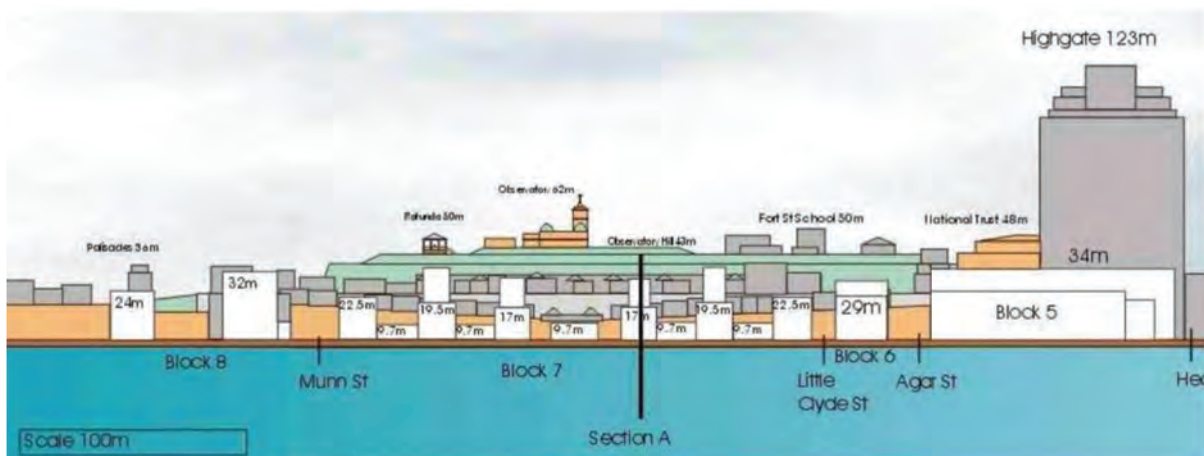


Figure 22 Depiction of the original design principles and controls of the Concept Plan (prior to the reduction in Blocks 5 and 7) for Central Barangaroo provided by Harold Kerr extrapolated from the photomontage for Modification 3 (Sydney Foreshore Authority, October, 2008, p. 55).

It is of note that this depiction in Figure 22 was provided in support of **Modification 3** and has subsequently seen the removal of the northern wing of Block 7 with the introduction of Nawi Cove and the reduction in size of Block 5 with the incursion of the Crown building (Block Y) into the parklands of the Harbour foreshore.

The application reports for the Infrastructure NSW proposal all utilise this falsification of massed, bulky blocks filling the maximum volume of the envelopes to provide comparisons to the Concept Plan in their proposal for built forms (Hassell, 2021), visual impacts (AECOM, 2021), and the integration of these reports for the summary Environment Report of the application for modification (Urbis, December 2021). Therefore, these reports all based on this falsehood and can hold no weight in a planning process claiming to represent the interests of the public with integrity.

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As can be seen clearly, the Infrastructure NSW claim that the Concept Plan does not provide modulation and variation of building form is false. To remedy this falsehood, Infrastructure NSW proposes to,

Impose varied maximum height limits across Block 5, 6 and 7 to reflect the proposed Central Barangaroo Building Envelope Plan, resulting in improved modulation of the built form and providing the opportunity to create a more visually interesting and varied built form outcome

(Urbis, 2021, p. 15).

It is claimed that this will 'Ensure the height of buildings in Central Barangaroo are more varied than those under the approved Concept Plan to enable better articulation in built form and massing at an appropriate scale' and 'Ensure the height of buildings in Central Barangaroo are more varied than those under the approved Concept Plan to enable better articulation in built form and massing at an appropriate scale' (Urbis, 2021, p. 83). This is clearly wrong and deceptive. The design principles and controls of the Concept Plan for **Blocks 5, 6 and 7** will be outlined in more detail below. Figure 23 clearly demonstrates this falsehood when in direct comparison as shown in Figure 21 and Figure 22.

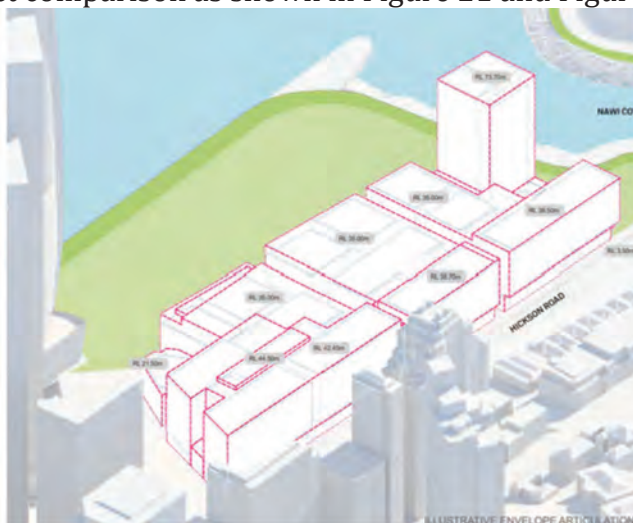


Figure 23 Illustrative design of the 'articulation' and 'variation' of Blocks 5, 6 and 7 under the Infrastructure NSW proposal (Hassell, 2021, p. 181).

While Figure 23 supposedly represents the maximum envelopes under the Infrastructure NSW proposal, it cannot be trusted that these will not be increased further in future development proposals for the site. Such an outcome would be in keeping with the thrust of the current proposal with its misrepresentations and distortion of facts.

Reduction in sizes of Blocks 5 and 7

There have been no changes made to the design principles and controls of the Concept Plan at any point throughout the South Barangaroo development other than for *the reduction in size of both Blocks 5 and 7*. The *reduced* height and configuration (Modifications, 3,8,and 11) remain to be determined, as discussed above. The reduction in the size of **Block 5** by the Modification 8 commitments is, *falsely*, not represented here in the proposal's Picture 6 (Figure 20). This too is deceitful.

The height and configuration of Block 7 remains to be determined based on the reports by MG Planning (January 2009), Conybeare Morrison (2009), instated in the commitments for Modification 3 (NSW Government Department of Planning and

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Environment, November, 2009) **and reinforced in the commitments for Modifications 8** (NSW Government, Department of Planning and Environment, 2016) **and 11** (AMBS Ecology & Heritage, 2017) (NSW Government, Department of Planning, Industry and Environment, 2020).

Furthermore, the *maximum* height limits for **Blocks 5, 6 and 7** were reinforced according to the Concept Plan in the commitments for **Modification 8**, and again restated in the approval for **Modification 11**. Any proper reading of the Approval for **Modification 8** will find the list of reports on which the future directions and commitments rest (see Appendix A). Even a cursory perusal of these documents shows that the design principles and controls of the Concept Plan only changed by *reduction* in the size and heights of **Blocks 5 and 7**, with a further reduction in the height of **Block 7** remaining to be resolved, and that the design principles and controls of the Concept Plan remain current.

The disingenuous misrepresentation of the building Principles, Design elements and Controls of the Concept Plan by Infrastructure NSW is unacceptable and unworthy of a NSW Government agency that is required to work in the interests of the public.

The Infrastructure NSW report claims,

The proposed building heights have been sensitively developed to preserve both public and private views, including views towards the harbour, the City, and key landmarks from surrounding buildings and public vantage points. The proposed heights seek to maintain the amenity of the surrounding area through respecting solar access and view outlook (Urbis, 2021, p. 85).

This is all nonsense!

The Infrastructure NSW proposal offers a bulky, massed, oversized, build that decimates heritage views, varies minimally in height and articulation, and has minimal visual interest.

To offer such a concept, and to project its own failings onto the Concept Plan, is disingenuous. The heights of the proposed blocks are intolerable. They not only obscure and diminish heritage views protected under the Concept Plan, but obstruct in the most egregious manner private views from the terraces and public views to these icons of Sydney's history. The design principles and controls of the Concept Plan remain current today and provide excellent articulation, height variation, and visual interest, while protecting the heritage views identified under the Concept Plan. These must be retained, as required under commitments already undertaken for the Central Barangaroo development.

To replace the fine design Principles, Design elements and Controls of the Concept Plan that define the blocks of Central Barangaroo with the massed, dense, and raised blocks presented within the proposal with misrepresentations and generalised depictions based on false claims and promises would be a disaster.

The raised heights and bulk of massed and dense buildings proposed under the Infrastructure NSW plan decimates prized heritage views protected under the Concept Plan. This proposal is deplorable.

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Comparison of the Concept Plan Principles, Design elements and Controls with the Infrastructure NSW proposal

The Barangaroo South Master Plan acknowledges the importance of a termination of high-rise towers at 'the Highgate Line'. 'Sydney's frame remains key to the Barangaroo South Masterplan' (Roger Stirk Harbour and Partners, 2010, p. 16). Figure 24 shows the 'Highgate line' that demarks the city's edge of high-rise buildings.

In this image, the maximum heights of buildings making up **Blocks 5, 6, and 7** at Central Barangaroo remain unimpacted by the South Barangaroo development, only being affected by the **Modification 3** removal of **Block 8** and part of **Block 7** to make way for Nawi Cove. The reduction in the size of **Block 5** is not demonstrated here as this resulted from the later **Modification 8** commitments.

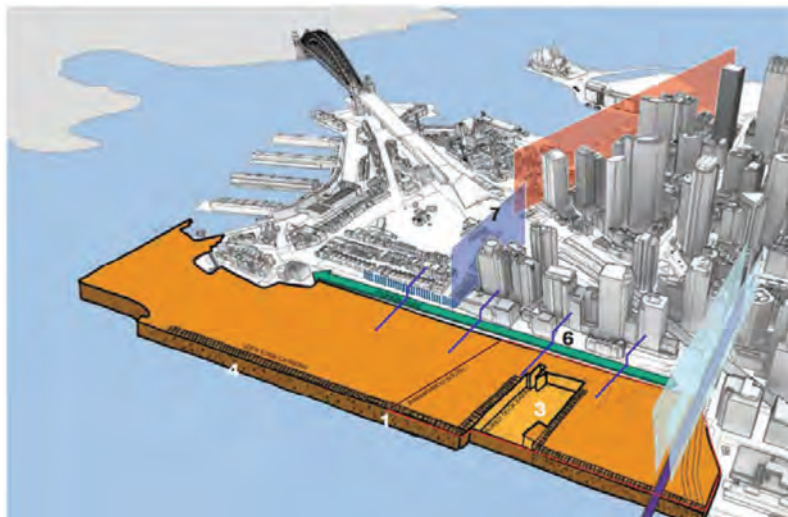


Figure 24 Sydney's frame for high buildings, also known as the 'Highgate line' (No 7) (Roger Stirk Harbour and Partners, 2010, p. 10)

The Barangaroo Delivery Authority restated this requirement in their preliminary submission for the withdrawn **Modification 9**, 'The Central Barangaroo precinct should step down in height from the south to the north. Taller buildings should be in Block 5, respecting the Highgate Line, **lowest buildings in block 7** [emphasis added]' (Barangaroo Delivery Authority, 2014, p. 21).

The PAC acknowledged the public's concerns about the height creep of buildings and their alteration of the Barangaroo skyline throughout the Barangaroo Project's development (NSW Planning Assessment Commission, 2016c, p. 4) and recommended,

the height of development on Block Y [Crown building] should 'book end' the high rise development in Barangaroo. As a consequence Barangaroo Central must maintain a building height that is consistent with the built form within the Concept Plan and sympathetic to the height of development and views at Millers Point and Observatory Hill'

(NSW Planning Assessment Commission, 2016c, p. 15).

The Infrastructure NSW proposal is contrary to all established principles for Central Barangaroo, including those accepted in the failed Modification 9

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proposal. The new Modification 9 negates these principles with devastating results. Furthermore, the proposal ignores the clear advice from the PAC.

The PAC acknowledged the public's concerns about the height creep of buildings and their alteration of the Barangaroo skyline throughout the Barangaroo Project's development (NSW Planning Assessment Commission, 2016c, p. 4) and recommended, the height of development on Block Y [Crown building] should 'book end' the high rise development in Barangaroo. As a consequence Barangaroo Central must maintain a building height that is consistent with the built form within the Concept Plan and sympathetic to the height of development and views at Millers Point and Observatory Hill'

(NSW Planning Assessment Commission, 2016c, p. 15).

Block 5

Block 5 is the southernmost Block at Central Barangaroo. Like the Blocks of South Barangaroo, it is zoned for 'mixed business' that can include commercial space. Being zoned as 'mixed development' **Block 5** is subject to different principles, controls, and design requirements to Blocks 6 and 7.

The Concept Plan for Block 5

In the Concept Plan **Block 5** was to ensure view corridors at High Street, 'and to open up north-west and west views from Kent Street buildings and public domain' (NSW Government, 2006, p. 130) as seen in Figure 25 Nevertheless, the built forms remained roughly the same:

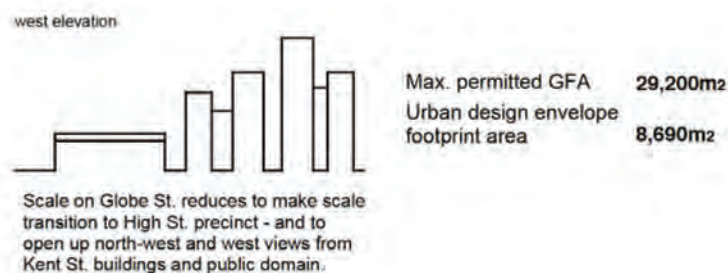


Figure 25 Design Principles for Block 5

Under the Concept Plan, view corridors are positioned along High Street 'to open up north-west and west views from Kent Street buildings and public domain' (NSW Government, 2006, p. 130). A possible pedestrian bridge is provided for across Hickson Road to meet High Street at the northern end of **Block 5**. Block 5 is to be divided by:

a ground level domain, including [a] 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 (NSW Government, 2006, p. 131).

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The Lane is to run between Agar and Healy Street and is to be 10m wide to allow connectivity and interrelate the central band of the accessible roof valley with the ground plane and intermediate levels (NSW Government, 2006, p. 114), as depicted in Figure 26.

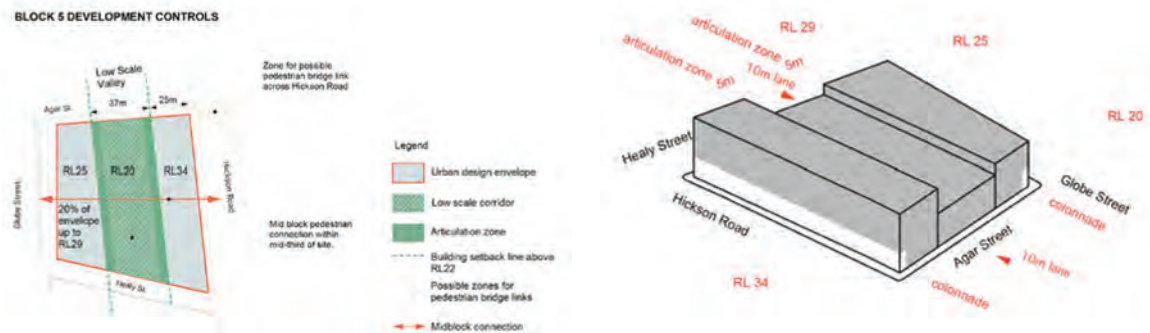


Figure 26 Development controls for Block 5 (NSW Government, 2006, pp. 130, 131)

In line with the principles and design of the Concept Plan, Block 5 slopes downwards towards the north to preserve the vista from Gas Lane. The greatest height was along Hickson Road at an RL of 34 metres. A 10 metre Lane dissected the Block.

Hickson Park and Modifications of the Concept Plan for Block 5

As detailed above, the massive increases in GFA and density of the buildings in South Barangaroo through **Modification 2** were contained within **Block 5** in Central Barangaroo via restrictions to heights and controls on setback. The enormous increases in building heights and the inclusion of the Crown and Sydney Harbour One on the foreshores of South Barangaroo in **Modification 8** also profoundly impacted Hickson Park. To moderate these effects, further stringent commitments were placed on the development of **Block 5**. Under the commitments for approval of **Modification 8**, the footprint of **Block 5** was *reduced* and realigned (NSW Government, Department of Planning and Environment, 2016), while being required to remain entirely 'within the B4 [mixed use] zone (i.e. reduced from 8,600m²)'. The PAC rejected the proposed 25m corridor between **Block Y** (the Crown building) and **Block 5** as not sufficient and 'amended the terms of the Concept Plan Approval ... to include a **48 metre separation** distance between **Block Y** to **Block 5**' [emphases added] (Planning and Assessment Commission, 2016b), as depicted below in Figure 27.

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Figure 27 Reduction of Block 5 (with the **removed** section in dark pink), Hickson Park, and the promenade now reflected in SEPP 2016 Amendment (Barangaroo) (Planning and Assessment Commission, 2016c, p. 6)

The resultant relative size of Hickson Park is shown in Figure 28, which demonstrates a strong, continuous connection of Hickson Park to the foreshore parklands.



Figure 28 Required relative size of Hickson Park resulting from Modification 8 (Planning and Assessment Commission, 2016c, p. 21)

The Approval for **Modification 8** (NSW Government, Department of Planning and Environment, 2016) ensured the following changes to **Block 5**:

- The GFA of Block 5 was *reduced* from 41,225m² to 29,688m². This brought the total GFA for Central Barangaroo to 47,688m² (NSW Government, Department of Planning and Environment, 2016).
- The residential allocation is not to exceed **15,000m²** [emphasis added].
- The height is **not to exceed 34m** [emphasis added].
- 'The footprint and building envelope of Block 5 is to be *reduced* to remain within the B4 [mixed use] zoned land (NSW Government, Department of Planning, Industry and Environment, 2020). Note that the 'mixed use' zone extends south from Agar Street.

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- View corridors were to be provided from Hickson Road to the Harbour.
- Future above ground buildings in Block 5 are required to 'demonstrate that views will be retained from Millers Point and Observatory Hill to the western part of Sydney Harbour' (NSW Government, Department of Planning, Industry and Environment, 2020).
- Block 5 is not to overshadow Hickson Park.

Inserting the Crown building and Harbour One into the Harbour Foreshores into designated open public space made significant compromises to foreshore public spaces and cut Hickson Park off from the Harbour foreshores. The reduction and realignment of Block 5 moderated these impacts and must remain.

These conditions have not changed yet the Infrastructure NSW proposal seeks to *reinstate* the dimensions of **Block 5** as proposed in the application for **Modification 8**, which was rejected by the PAC, with the insertion of a notional 'Barton Plaza' into the connecting space between Hickson Park and the parklands of the foreshore.

The Infrastructure NSW proposal for Block 5 and Hickson Park

The Infrastructure NSW proposal is a much *worse* prospect for Hickson Park than that rejected by the PAC in 2016 under **Modification 8** as it seeks to *increase* the height of the block to **44.5m** and the unspecified increase in **GFA**. In the proposal, Infrastructure NSW unconscionably requests to negate the conditions placed on **Block 5** that mitigate the impacts of the encroachment of the Crown and Sydney Harbour One into prized public foreshore space. This is completely unacceptable.

As a condition of approval for **Modification 8**, **Hickson Park was expanded into Block 5**, being defined by the boundaries of Blocks 4A, 4B with a reduced and realigned **Block 5**. Without the mitigations imposed by the PAC, Hickson Park would be an enclosed, uninviting, little-used space that would merely provide an enhanced park forecourt for the Casino and its guests. Furthermore, the move would block the remaining sliver of the Gas Lane vista, as will be shown below.

Infrastructure NSW refers to the reinstatement of the **Block 5** footprint, density, and envelope, as can be seen in Figure 29, as a 'realignment' or moving of the 'boundary'. This is deceptive. Such egregious manipulation is unacceptable from a NSW Government agency.

The Infrastructure NSW proposal is a much worse prospect for Hickson Park than that rejected by the PAC in 2016 under Modification 8 as it seeks to increase the height of the block to 44.5m and add an unspecified increase in GFA.

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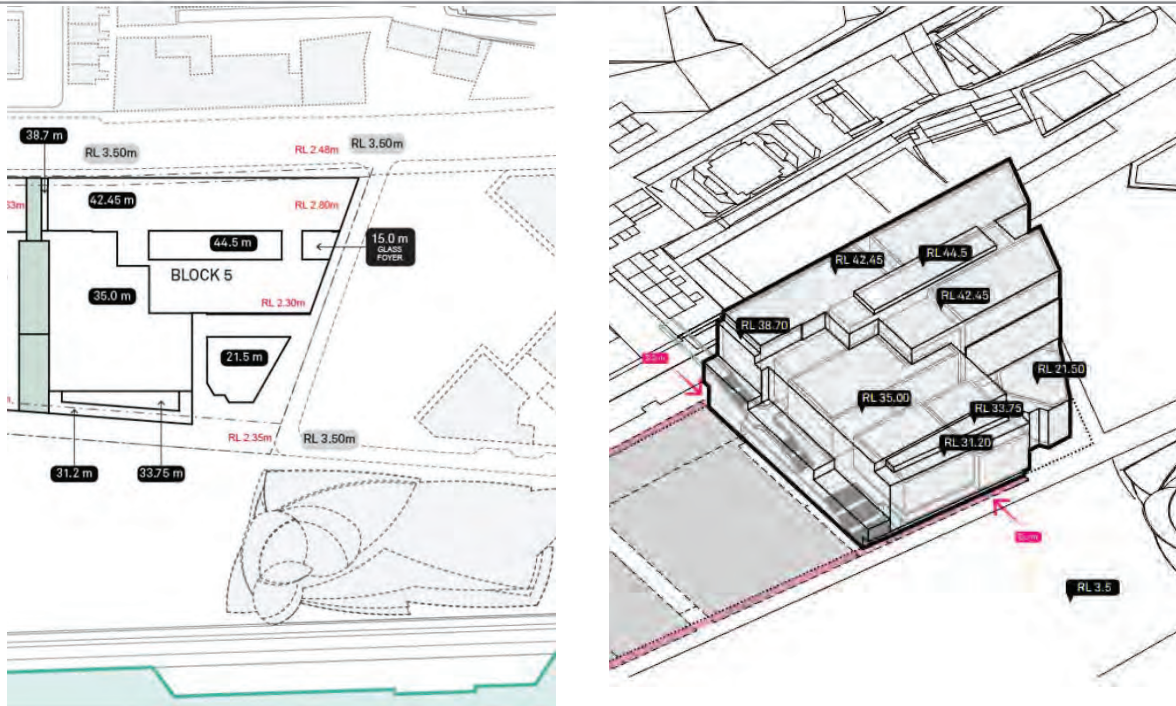


Figure 29 Depictions of the mass and bulk of the proposed reinstated Block 5 (Hassell, 2021, p. 186)

To justify their proposal for the reinstatement of **Block 5**, Infrastructure NSW seeks to dismiss the concerns and considerations of the PAC for **Block 5** and **Hickson Park** that mitigate the encroachment of the Crown and Sydney Harbour One into the foreshore parkland of the Concept Plan. To do so they make the following demeaning statements about the PAC and the PAC determination:

At the time of this determination, the PAC did not have any detail or knowledge of the vision or intent of Central Barangaroo, and thus was unaware of the significant implications of this decision on future development of the precinct. This determination was largely based on a number of principles pertaining to solar access, key views, building separation and public accessibility.

(Urbis, 2021, p. 41).

This misrepresents the PAC's position. In their determination report, the PAC clearly stated:

The Commission appreciates that the changes to Block 5 will put some pressure on the gross floor area potential of Barangaroo Central, however the Commission strongly believes the changes represent significant enhancements to the public domain that will rebalance the public and private benefits to be derived from the proposal, as espoused by the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, principle 2(b) which specifies that '... *the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshore*'. In this regard, the Commission noted a number of submissions raised concern that Hickson Park was an inferior compromise; a result of the relocation of Block Y [the Crown] to a prime foreshore location and was a planning afterthought. The Commission is now satisfied its modifications to the Concept Plan will mitigate these concerns and protect the quality and green space; connectivity to the foreshore and CBD; and use of Hickson Park as a valuable urban park.

(Planning and Assessment Commission, 2016c, p. 30).

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In the supplementary advice to the Minister dated 21st June 2016, the PAC also stated, The Commission has always acknowledged that to reduce the size of Block 5 would have implications at the margin for the potential development revenue returned to the Government, The Commission does not demure from this.

(NSW Planning Assessment Commission, 2016b, p. 2).

The PAC went on to say that the required changes to Hickson Park represent but 0.8% of the non-developmental area, in comparison with a 56% increase in developmental GFA on the overall site, due to **Modification 8**. The PAC considered this a small and necessary addition to the public domain.

The PAC also rejected the proposal of the Barangaroo Delivery Authority to defer the decision regarding the amenity of Hickson Park to a later date, stating that this 'does not provide sufficient certainty in our view' (NSW Planning Assessment Commission, 2016b, p. 5). Clearly, the PAC was prescient!

The PAC commented on the perception of the motivation of the Barangaroo Delivery Authority behind their proposal and subsequent argument with the PAC's decision,

Indeed, those with a less balanced outlook than the Commission would be minded to conclude that the Authority's suggested approach was at odds with public benefit outside the pursuit of economic returns.

Without the certainty that the public good is able to be properly balanced against private benefits of developing the site, the impacts of the proposals currently before the Commission would not be approvable.

(NSW Planning Assessment Commission, 2016b, p. 6).

This comment is even more robustly applicable to the motivations of Infrastructure NSW. The Infrastructure NSW proposal attempts to further minimize the concerns of the PAC and undermine the conditions imposed that mitigate for the public good regarding Hickson Park via the reduction of **Block 5**.

We concur with the PAC's statement 'Without the certainty that the public good is able to be properly balanced against private benefits of developing the site, the impacts of the proposals currently before the Commission would not be approvable'.

Minimization and disregard of the PAC concerns and mitigating commitments by Infrastructure NSW

The pretence put forward in the Infrastructure NSW proposal documents that **Modification 8** simply 'changed the northern boundary' (Urbis, 2021, p. 163) and that 'reinstatement of the Block 5 boundary to be more in line with the pre-MOD 8 arrangement will continue to achieve the principles set by the PAC' (Urbis, 2021, p. 167) is dishonest and utterly deplorable from a Government agency that is required to work in the best interests of the public.

In claiming that the primary concerns of the PAC were 'solar access, key views, building separation and public accessibility' (GML Heritage Pty Ltd, 2021, p. 12), the Infrastructure

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NSW proposal diminishes and negates the real concerns of the PAC. These were described in advice on 1st June 2016 far more broadly as,

Key risks to the success of Hickson Park derive from its land-locked location; lack of legible connections to the foreshore; relationship to the proposed buildings on Block 4 and Block Y; and uncertainty around the future scale of the adjoining blocks within Barangaroo Central (in particular Block 5).

(NSW Planning Assessment Commission, 2016a, p. 5).

In its advice to the Minister of Planning (NSW Planning Assessment Commission, 2016a), the PAC made their concerns about the **Modification 8** proposal very clear. The PAC expressed concern about ‘the quality, connectivity and amenity of the proposed Hickson Park’ and ‘public views and access to and along the harbour’. In terms of land use allocation, the proposed outcome represented a very poor trade. These concerns apply equally to what is now essentially a slightly modified resubmission of the **Modification 8** proposal by Infrastructure NSW (Urbis, 2021):

The Commission is of the view that the planning of Block Y [the Crown building] as proposed will impinge on foreshore open space, interrupt the continuity of the foreshore parkland and detract from the public experience of the harbour. In exchange for the development of Block Y, the current proposal offers up the new Hickson Park—a handkerchief style city park above basement parking land-locked to the east ‘behind’ the Block Y built form, and overshadowed for much of the day ...

As proposed, Hickson Park will be almost fully enclosed to the north and west by Block 5 (part of Barangaroo Central) and Block Y respectively. To the south and east, the open space will be further enclosed by the building developments on Blocks 4A and 4B of Barangaroo South. In particular, the proposed revisions to Blocks Y, 4A, 4B and R5 (modified footprints and increases to height and GFA) will dominate and compromise the potential use and amenity of the open space.

(NSW Planning Assessment Commission, 2016a, p. 3).

The PAC agreed with the Barangaroo Design Excellence Advisory Panel (BDAP), citing:

A clear, visual, spatial and physical connection between Hickson Park and the waterfront is essential to maximise amenity and safety in the park and to ensure that it is legible as public space, not as space intended for the use of the apartments adjacent

(NSW Planning Assessment Commission, 2016a, p. 4).

In agreement with the BDAP, the PAC states,

considers that Hickson Park has the potential to connect the city to the harbour in a direct and compelling way and to diversify the experience and use of Barangaroo’s public open spaces. However, in the Commission’s view the current proposal falls well short of such aspirations. In terms of land use allocation the proposed outcome represents a very poor trade. Approximately 7,500m² of significant foreshore parkland is subsumed by Block Y. This lost foreshore parkland is exchanged for a similar sized but inferior space—an enclosed, overshadowed and overlooked city park with limited glimpses to the harbour, poor pedestrian connectivity and legibility to the foreshore, further conflicted by Crown Sydney’s proposed port cochere

(NSW Planning Assessment Commission, 2016a, p. 4).

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The PAC advice on June 1st, 2016, states,

Development of Barangaroo Central must reinforce, not jeopardise, the improved outcomes for Hickson Park. Development height limits on Block 5 should not be increased in any way that creates any additional impact on the park space beyond that created by current approved height limits (as modified by the Block 5 footprint change outlined above). This requirement will assure the success of the park and maintain an appropriate balance of public benefit within the precinct.

Similarly, future development at Barangaroo Central must not further reduce the area of foreshore open space. The Commission considers the significant increase in GFA at Barangaroo combined with any reductions to foreshore open space should not be permitted to put added pressure on the role of the remaining foreshore open space area.

(NSW Planning Assessment Commission, 2016a, p. 5).

The PAC concludes,

In summary, the Commission considers that increasing the size of Hickson Park, extending the park and access corridor to 48 metres between Block Y and the built form of Block 5, and ensuring a 30 metre public domain to the west of Block Y will deliver much greater public benefit from the development, consistent with Sydney Harbour Catchment REP 2005 Principle 2 (b). It will also ensure that the great visible benefits of this harbour side site are delivered in a way that highlights the significance and elegance of the proposed landmark building on Block Y.

(NSW Planning Assessment Commission, 2016a, p. 6).

The Barangaroo Delivery Authority challenged the PAC advice, leading to the PAC providing the Minister with further supplementary advice on 21st June 2016, stressing,

It is important to understand that the Commission's advice to you is motivated by a clear desire to protect the public interest, recognising that the community will lose a large area of prime foreshore park as a consequence of legislation regarding the location of the restricted gaming facility on Block Y [the Crown], while the developers of Barangaroo South will receive significantly increased gross floor area as a result of this SEPP (NSW Planning Assessment Commission, 2016b, p. 2).

The PAC states that the response of the Barangaroo Delivery Authority 'has sought only to address the size and overshadowing elements of the Commission's concerns, and not the quality of the park' (NSW Planning Assessment Commission, 2016b, p. 2) and had ignored the broader concerns raised. This is true again of the Infrastructure NSW proposal that limits the PAC concerns to 'solar access, key views, building separation and public accessibility' (GML Heritage Pty Ltd, 2021, p. 12).

It appears that those preparing documents for Infrastructure NSW, and the agency itself, may not have read the advice of the PAC. If this is the case, they are negligent, derelict in their duty, and incompetent. If the PAC advice has been read and the attempts to ignore, diminish, and deflect from this advice drives statements in the documents to this effect, then they are false and manipulative. Either way, the misrepresentation of the facts by Infrastructure NSW regarding the PAC advice and recommendations is inexcusable.

Infrastructure NSW is accountable to the NSW Government and the public. The attempts to mislead, ignore, minimise, and diminish the advice of the PAC in

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relation to Block 5 and Hickson Park and prioritising private and short-term economic interests over the public interest is inexcusable.

The Government and the developers have already reaped the benefits of massive increases in GFA in the South Barangaroo development. Infrastructure NSW now seeks to increase these monetary benefits further at the expense of the heritage views portrayed at Central Barangaroo.

Barton Plaza

Infrastructure NSW injects 'Barton Plaza' into the open space created by the reduction in footprint of **Block 5**, demolishing the recommended **48m** separation from Block Y (the Crown) (NSW Planning Assessment Commission, 2016c, p. 6), as shown below in Figure 30. Barton Plaza contains a 'flagship' building and Metro station, surrounded by a narrow green area divided from Hickson Park by Barton Street. Barton Plaza is clearly a direct contravention of the intent of the PAC to open Hickson Park to the water by removing part of **Block 5**.



Figure 30 Barton Plaza

The notional Barton Plaza proposition, with its 'flagship' building is contrary to the intent of the PAC in its advice and determination in response to the Modification 8 application and is an unacceptable intrusion into Hickson Park.

The increase in size of Block 5 to again enclose Hickson Park would have significant impacts, not only on the amenity of Hickson Park itself, but also on the vistas from Gas Lane and High Street, as will be shown in the below section of providing visual representations of these impacts. Furthermore, indicative plans for Barton Plaza and the delivery of a pedestrian connection across Hickson Road from High Street/Millers Point to Central Barangaroo run the risk of further damage to the Gas Lane vista and High Street vistas.

Block 5 must retain all constraints as laid down as commitments in Modification 8 to protect Hickson Park as intended by the PAC.

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Block 6:

The Concept Plan for Block 6

Under the Concept Plan, **Block 6** is permitted a footprint area of 1,855m² (82m x 22m). A minimum of 40% of the Block 6 envelope is to be public domain and not fully enclosed (NSW Government, 2006, p. 133). The height of **Block 6** is permitted to be up to an RL of 29m for 15% of the Block at the south-west corner, sloping to an RL of 22m along Little Clyde Street and along Hickson Road, as can be seen in Figure 31.

BLOCK 6 DEVELOPMENT CONTROLS

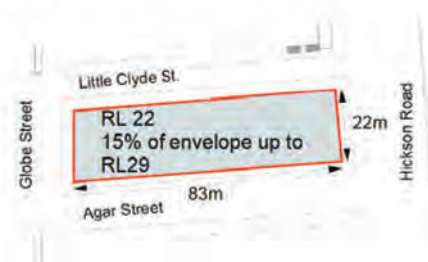


Figure 31 Block 6 height limits

Together, the narrow dimension of **Block 6**, with its restriction of a 15% maximum **RL of 29m** to the south, is lower relative to both of the height controls for **Block 5**, (maximum of **RL of 34m**), and **Block 7** (maximum **RL of 35**). This retains an intact view from High Street to the water unimpeded. It also offers permeability and a connection to Millers Point via a potential roof-top walkway.

The Infrastructure NSW proposal for Block 6

In contrast to the Concept Plan's design principles and controls, the Infrastructure NSW proposed development of **Block 6** is large, bulky, and with massed density, see Figure 32. The height is increased from a maximum of 15% of the block being an RL of **29m** to the entire block varying from **38.7m** along Hickson Road, and with the bulk of the block being **36m**, without a slope downwards to the north.

The block is shown to be at least three times the size of Block 6 in the Concept Plan and has discarded the narrowness, lightness, and small scale of the Concept Plan. The block has extended across the northern lane and appears to extrude into the southern lane. This is clearly intended to accommodate a massive unspecified GFA for this block that is already allocated to community space in the Concept Plan.

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Figure 32 Proposed bulk and scale of Block 6 (Hassell, 2021, p. 192)

The proposed **Block 6** bears no resemblance to the Concept Plan and, along with the changes proposed for **Block 5**, has appalling impacts on the view from the northern end of High Street. This will be demonstrated below.

The massive increase in the size of every dimension of Block 6 is unacceptable, as is its accompanying, although unspecified and unallocated, increase in GFA. The overwhelming of High Street, resulting from the massive increases in size of Blocks 5 and 6, is unacceptable.

Block 7:

The Concept Plan for Block 7

Block 7 is highly sensitive as it sits between the High Street cutting and the water. Since it is adjacent to protected heritage views, Block 7 has stricter controls under the Concept Plan Built Form Principles, which are more complex to ensure that the Block's buildings follow the landform of the High Street cutting and provide intermittent views to and from High Street and Kent Street, thereby retaining the heritage views that are a condition of development at Central Barangaroo, see Figure 16.

Block 7 was dramatically modified through **Modification 3** to allow the incursion of Nawi Cove into the foreshore. The northern 'wing' and the centre building were removed entirely to **reduce the footprint** from **11,922m²** to **5,960m²**, leaving approximately **76.3m²** further to be shaved off the remaining footprint of the southern 'wing' (Figure 33).

It is notable that the design principles and controls laid out for **Block 7** in the Concept Plan specifically state their purpose to 'retain and focus views to and from Observatory Hill' (NSW Government, 2006, p. 134). This requirement remains in force.

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BLOCK 7 DESIGN PRINCIPLES



Figure 33 Reduction of Block 7 from Concept Plan (NSW Government, 2006, p. 134) to Modification 3

The GFA was thereby **decreased** from **28,000m²** to **15,000m²** with **14,000m²** permitted for residential development (MG Planning, September 2009), leaving **1000m²** available for retail. **Block 7** narrows from 73.8m (east to west) along the south to 67.5m along the new northern side, as can be seen in Figure 34.

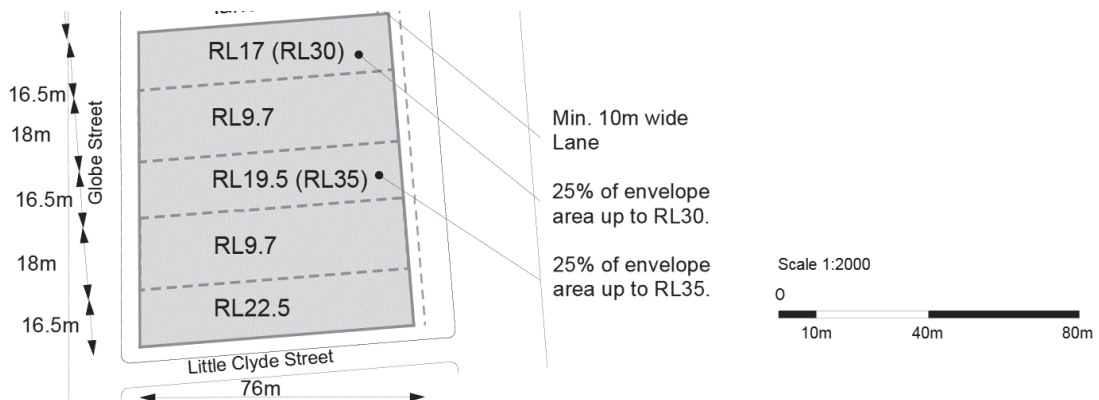


Figure 34 Block 7 modified footprint design controls

The remaining southern 'wing' of Block 7 is divided into five sections. Three small, narrow towers, each 16.5m wide from east to west are separated by 18m wide podiums with RLs of 9.9 metres. The central tower is permitted to reach a height of up to RL 35m (25% of the envelope); with the southern tower permitted to reach a height of up to an RL of 22.5m (25% of the envelope), and the northern tower permitted to reach an RL of 30m, see Figure 35.

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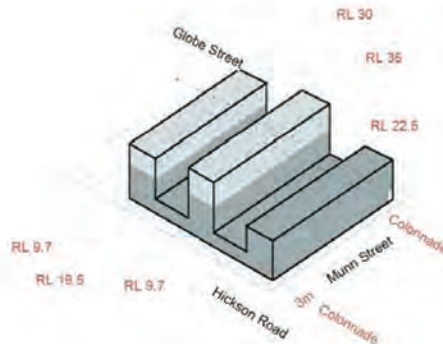


Figure 35 Block 7 modified height development controls

Proposed reduction in height for Block 7 under Modification 8

In developing **Block 7** post **Modification 3** the Conybeare Morrison report, one of the reports on which the commitments of **Modification 8** rest (see Appendix A) states,

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 ...

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* [emphasis added] 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

(Conybeare Morrison, 2009, p. 24).

A *reduction* in the height of **Block 7** was also recommended in the MG Planning report that provided Revised Development Blocks in Figure 13 to reflect the proposed changes to Block 7. In this representation, the *RL of Block 7 was represented at 20m, not 34m* (MG Planning, January 2009, p. 27).

One of the objections to the proposed reconfiguration of Block 7 at Central Barangaroo came from Hill Thalys, the firm of architects of the Concept Plan.

They contend that the new High St project proposed in the original scheme was intended to relate to the urban form and scale of the original High St housing to the east and that the proposal to reduce Block 7 ignores the design intent and loses the historical connection. They also argue that with the approved increase in commercial floorspace and removal of Block 8 and part of Block 7 there will be significant adverse impacts from the resulting bulk of scale of buildings and the loss of the tapering effect proposed under the CCP [Concept Plan]

(MG Planning, September 2009, pp. 21-22).

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MG Planning responded, pointing out that the removal of **Block 8** and part of **Block 7** will have minimal impact on the Principle of tapering of the built form to the north, and:

This response arose out of a recognition that the built form within Barangaroo needed to be sensitive to the heritage significance and urban fabric of Millers Point. However, the view that this can only be achieved through implementing the block configuration as proposed in the CCP is not supported. There are a range of alternative design and urban structure responses that could equally respect and acknowledge the housing along High Street

(MG Planning, September 2009, p. 22).

The *reduced* height of **Block 7** remains to be resolved. The Director General's Report stated, 'Should the modification be approved a consequential amendment to Schedule 3 of the MD SEPP will be required to delete block 8 and reconfigure block 7 and associated maximum GFA and building heights for block 7' (Director General, 2009, p. 3).

The conditions of consent for **Modification 3** directs,

104. 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 (Preferred Project Report)" prepared by Conybeare Morrison (July 2009).

(NSW Government Department of Planning and Environment, November, 2009).

A new reduced RL for **Block 7** was not determined in the conditions of consent for **Modification 3**. Nevertheless, it is clear the intent is to reduce the height of Block 7 to realise the vision and purpose contained within the Conybeare Morrison report (July 2009).

Documents on which the conditions of approval for Modifications 8 and 11 restate that Block 7 is to be reduced in height. This commitment must be honoured, not terminated as in the Infrastructure NSW proposal. The actual reduction in height remains to be determined.

The Infrastructure NSW proposal for Block 7

Rather than *reduce* the height of Block 7, as discussed by the documents supporting the approval for Modification 8 that underpin the commitments undertaken, the Infrastructure NSW proposal is to almost double its maximum height (from 35m to 73.7m), claiming this is 'very minor in comparison to the approved and largely constructed height of built form in Barangaroo South including Block Y...' (Urbis, December 2021, p. 117). Such a statement is appalling!

The dismissal of the key objectives of the approved Concept Plan for Central Barangaroo and the protected heritage views vaulting off the perceived corruption associated with the Barangaroo South development, is perceived as deliberately misleading and manipulative. It is unworthy of a NSW Government agency entrusted to represent and act in the best interests of the public.

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The slender low towers with their wide, articulated view corridors protecting heritage views of the Concept Plan are discarded as the oversized 73m residential tower and its associated buildings with increased height, mass and density interrupt and block the smooth transition from the Headland Park, overpowering the parklands and Nawi Cove, while reducing the amenity of the public.



Figure 36 Block 7 as seen from a non-existent viewpoint and with a potentially diminished perspective (Hassell, 2021, p. 322)

The massive size increases in Block 7 are incompatible with the smooth transition from Headland Park as it dominates Nawi Cove and divides it from the proper smooth transition to the parklands to the south. The Infrastructure NSW proposal acknowledges, 'the proposed height increase of the Block 7 tower disrupts some continuity of harbour and horizon views'... and wrongfully claims, 'generally there is sufficient context either side of the tower form to maintain visual continuity of harbour and horizon views' (Urbis, December 2021, p. 17). This is an appalling statement.

The Block 7 tower blots out the Observatory, bisects Observatory Hill, obliterate the southern wing of the High Street cutting, while destroying its continuity, and presents only a sliver of overwhelmed view with markedly reduced value. This is completely opposed to the Concept Plan with its key aim to 'retain and focus views to and from Observatory Hill' (NSW Government, 2006, p. 134).

The Infrastructure NSW proposal for Block 7 is appalling as it

- **completely disregards the Principles of the Concept Plan;**
- **has devastating impacts on the heritage views and panoramas protected under the Concept Plan;**
- **does not include conditions of consent from key documents that support the approval for Modification 8; and**
- **Infrastructure NSW attempts to reclaim the GFA lost in Modification 3 that was reallocated to Barangaroo South with the incursion of Nawi Cove. This constitutes double dipping, exemplifies the lack of integrity associated with the Barangaroo project.**

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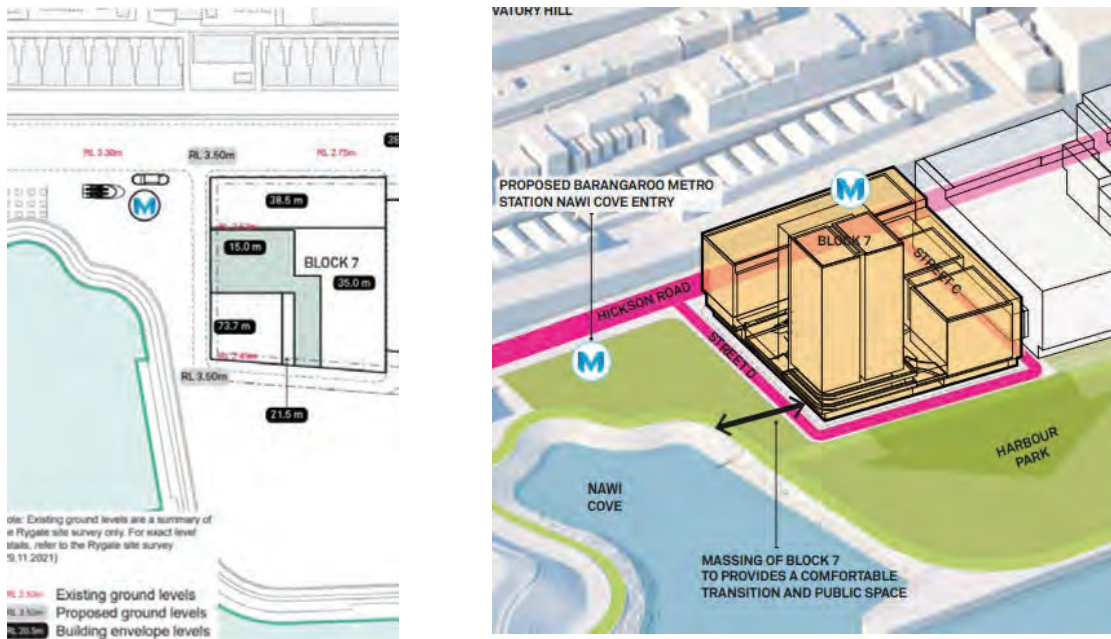


Figure 37 Proposed bulk and scale for Block 7 (Hassell, 2021, p. 196)

Gone are the narrow low towers divided by 18m podiums to provide view corridors to the heritage views of the Millers Point High Street cutting. The resultant dense, massive, bulky, heavy block, positioned up against to **Block 6**, overwhelms the space. This is in complete *opposition* to Principle 6 of the Concept Plan: To create hollow blocks permeated with open public spaces, courtyards, walkways, and gardens.

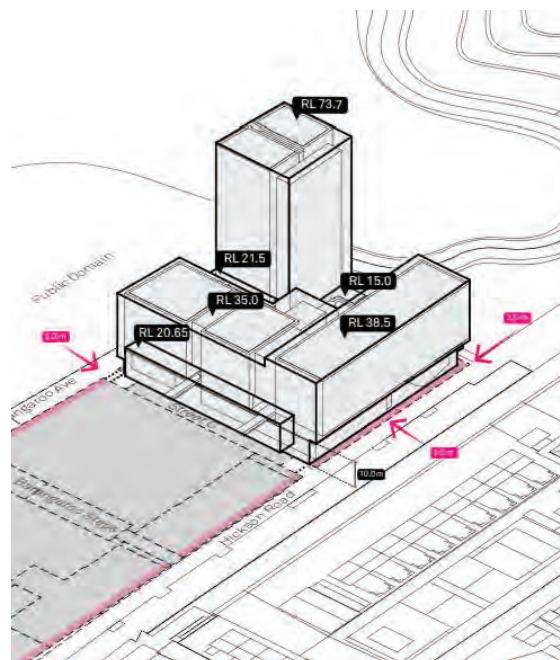


Figure 38 The anomaly of Block 7 dominating parklands and destroying heritage views (Hassell, 2021, p. 198)

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The proposal for **Block 7** is nothing less than an abomination. Not only does the height of the block *increase* to a high-rise tower perched at the front of Block 7, looming over the Headland Park and Harbour Parklands, the tower obliterates the protected heritage views to and from the terraces and their roofscapes. The 73m tower at the northern end of the block dissects not only the High Street cutting with its terraces, but the views to and from the Observatory and Observatory Park, while enclosing and diminishing the value and importance of the remaining view.

This is despite the advice of the PAC:

the height of development on Block Y [Crown building] should ‘book end’ the high rise development in Barangaroo. As a consequence Barangaroo Central must maintain a building height that is consistent with the built form within the Concept Plan and sympathetic to the height of development and views at Millers Point and Observatory Hill’

(NSW Planning Assessment Commission, 2016c, p. 15).

The claims made by Infrastructure NSW that the view corridors resulting from an increase in GFA, heights, massing and bulk of building envelopes will have little impact is clearly a mockery of the reality. The disregard for the heritage views of Millers Point, Observatory Hill and the Observatory is evident in the statement,

Overall, the view impacts resulting from MOD 9 (predominantly Block 7) in comparison to the approved Concept Plan, are considered acceptable in the context of the public benefits and community uses provided, as well as the need to capitalise on the introduction of Barangaroo Station in order to maximise public transport patronage and contribute to achieving strategic objectives including delivering a 30-minute city (Urbis, 2021, p. 18).

This statement is disgraceful. It is clear there is no respect for Australia’s heritage views within those involved with this proposal, and the ‘public benefits’, in the view of Infrastructure NSW, lies entirely with the economic benefits provided by expanding the dense, massed, buildings of excessive height into Central Barangaroo from South Barangaroo for the profit of Government and private developers. This is particularly obvious as residential development is decreased and community space is only marginally increased (by a mere 800m²), but the unwarranted commercial development is increased for profit. Furthermore, the Infrastructure NSW proposal states the purpose of the increases in height, massing, and density of **Block 7** in to ‘increase the number of people living and working within close proximity to the Barangaroo Station’ (Urbis, 2021, p. 104). This is a nonsense. There is, in fact, a reduction in residents for Central Barangaroo under the proposal and there is already a large pool of workers that will be able to access workplaces via Barangaroo Station as this site is on the doorstep of Barangaroo South and the city itself.

The massive size increases in the whole of Block 7 with its increased heights, mass, and density form a high wall that does not properly and sensitively address the parklands, the cove and Hickson Road.

The proposed increased height of Block 7 with its 73m tower for Block 7 is completely unacceptable as it permanently bisects, cuts, blocks and reduces key heritage views that are protected under the Concept Plan.

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Despite the increases in height, density, and mass of Block 7, there is actually a reduction in the number of residents in the precinct.

Hickson Road:

The Concept Plan for Hickson Road

Under the Concept Plan, buildings along Hickson Road are 'are limited to 8 storeys in height' (Principle 2) (City Plan Heritage, 2006, p. 112). The design principles and controls limit the height of the buildings to an RL of 34 metres from Napoleon Street to the South in the mixed zone (as shown above for Block 5). The heights of Blocks 6 and 7 along Hickson Road vary and taper the boulevard to the north and allow for adequate view corridors for the terraces above the High Street cutting.

Both Blocks 5 and 6 slope downwards to the north.

- **Block 6** reduces the façade from an RL of **29m in the south to an RL of 22m** to the north (Figure 31) along the Hickson Road boulevard, with only 15% of the block at an RL of 29m.
- **Block 7** offers a variable, broken facade to the boulevard, with three narrow towers separated by podiums. Three small, narrow towers, each **16.5m wide from east to west are separated by 18m wide podiums with RLs of 9.9 metres**. The central tower is permitted to reach a height of up to **RL of 35m** (25% of the envelope); with the southern tower permitted to reach a height of up to an **RL of 22.5m** (25% of the envelope) and the northern tower permitted to reach a height of up to an **RL of 32.5m**.

Infrastructure NSW proposal for Hickson Road

In contrast, the Infrastructure NSW proposal raises the RL's along Hickson Road and removes the building slopes, and view corridors required to retain heritage views and provide adequate view sharing.

- **Block 5** increases to a flat **42.45m**;
- **Block 6** increases to a flat **38.7m**;
- **Block 7** increases to a flat **38.5m**.

The Principles of the Concept Plan are negated. This creates an enclosing wall along Hickson Road that obliterates the High Street cutting entirely at the southern end and divides the Observatory and Observatory Hill, as is depicted in the photomontage section below. The Concept Plan uses multiple restrictions, design principles, and development controls to ensure the key heritage views focused at Central Barangaroo are retained and showcased. Over the period of development of South Barangaroo, many adjustments have been made to the Concept Plan that impact Central Barangaroo, but throughout, commitments have been laid down for the South Barangaroo development to enshrine the aspects of the Concept Plan that protected the principles and heritage protections at Central Barangaroo. These protections are obliterated in the Infrastructure NSW proposal, as can be seen in the next section addressing the loss of heritage views that would result from the Infrastructure NSW proposal.

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Increases to the heights of buildings along Hickson Road and massive increases in Blocks 5, 6, and 7, along with the loss of proper strategic, intermittent view corridors, and little built mass or density, would have catastrophic impacts on Australia's unique heritage, which is of incalculable value; all for a relatively small short-term monetary gain to the State's coffers. This proposal is an atrocity.

The Infrastructure NSW proposal that offers a bulky, massed, oversized, build that decimates heritage views, varies minimally in height and articulation, and has minimal visual interest.

Introduction of Design Guidelines for Central Barangaroo to guide future detailed proposals: Negating the Design Principles and Controls of the Concept Plan

The proposal pursues critical increases in heights, and enormous increases in GFA, massing, and density of the three blocks that oppose the Principles of the Concept Plan. These changes eradicate the key Principles of the Concept Plan, replacing them with design principles and guidelines to support a significant transformation of the built forms in every dimension of the three blocks at Central Barangaroo.

What is requested completely transforms the Central Barangaroo precinct from a low-rise residential and community precinct into a highly active mixed use, predominantly commercial and retail area, which markedly changes the character of the precinct from its original concept. Building blocks are raised in height to completely obstruct and decimate protected views. The Principles of the Concept Plan are negated.

The design principles espoused to replace those of the Concept Plan are, seemingly, kept deliberately vague, but they rest on critically increased height, and enormously increased GFA, massing and bulk of the blocks to support the proposal. No proper controls, designs, or allocated GFAs are included, only rhetoric, to offset the immense changes being requested with their accompanying loss of heritage views and panoramas.

No design principles or controls can mitigate the critical increases in building heights and massive increases in massing, density.

The proposed design principles seek to erase the design principles and controls of the Concept Plan, replacing them with vague rhetoric about 'articulation' and 'variation' in building heights, without demonstrating these 'mitigations' to the disastrous increases in building enveloped being proposed.

The vague design principles offered, with no controls, support critical increases in heights, and enormous increases in GFA, massing, and density of the three blocks that directly oppose the Principles, design guidelines, and controls of the Concept Plan.

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Zoning changes to Central Barangaroo

Unlike South Barangaroo, under the Concept Plan, Central Barangaroo is to be primarily residential and community space. The three blocks of Central Barangaroo are differentially zoned (NSW Government, 2006, p. 107). **Blocks 6 and 7** fall within the 'recreational zone' that explicitly excludes commercial development. **Block 5** resides within the 'mixed zone' and is required to remain within the parameters of the 'mixed zone'. Retail is permitted along Hickson Road. These permissions are shown in Figure 39.



Figure 39 Approved land use for Barangaroo under the Concept Plan and commitments for Modification 8

Despite the clear zoning of the Concept Plan, Infrastructure NSW states, 'Up to 28,166sqm of below ground GFA, primarily within the B4 Mixed Use zone of Blocks 5, 6 and 7' (Urbis, 2021, p. 9), and refers to the precinct as a 'mixed zone' throughout the document. This is presumptive and misleading, seemingly with the intention of providing the impression to the Minister and the public that commercial development is permitted throughout the precinct.

No commercial usage is permitted in **Blocks 6 or 7** under the Concept Plan or the commitments attached to **Modification 8** where the limitations on use of space are laid out. This is to provide amenity, active space, and parklands to residents of the whole Barangaroo site, residents of the local areas, and visitors. As the blocks of Central Barangaroo are required to remain low, human scale is inherent in the planning.

The allocation of GFA to these three uses (residential, community and retail) are laid out in the Concept Plan and reiterated in the commitments for **Modification 8**, as can be seen in Table 1. These provide for no commercial use in **Blocks 6 and 7** and limit residential use to the following:

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Block 5 is allowed a maximum of **15,000m²** of residential use;

Block 6 no residential use is allowed;

Block 7 is allowed a maximum of **14,000m²** of residential use.

Residential uses include residential accommodation, multi-unit housing, residential flat buildings, seniors housing, shop top housing and boarding houses (NSW Government, 2006, p. 43). Residential use is not permitted in Block 6...

A minimum of 2,000 sqm of **community uses** GFA must be provided within Block 6 or 7 (or other block approved by the Secretary) and be of a type acceptable to the Secretary' (NSW Government, Department of Planning and Environment, 2016)...

Community uses include child care centres, community facilities, educational establishments, entertainment facilities (other than cinemas and amusement centres), information and education facilities, places of public worship, public administration buildings, public halls, recreation areas, recreation facilities (major, outdoor and indoor)

(NSW Government, 2006, p. 43).

While the remaining **11,699m²** of **Block 5** is zoned for mixed use and can include commercial use, other permitted uses for the remaining **1,000m²** of **Block 7** are:

Tourist uses include "backpacker's" accommodation, bed and breakfast accommodation, hotel accommodation and serviced apartments' ... [serviced apartments must be in single ownership and title (no strata titling). If they meet these criteria they will be considered residential homes].

Retail uses include food and drink premises, retail premises, markets and pubs ...

(NSW Government, 2006, p. 43).

Infrastructure NSW Proposal for Changes to Zoning of Blocks 6 and 7

Throughout the Infrastructure NSW proposal prepared by Urbis (2021), the three Blocks of Central Barangaroo are described as 'mixed use', and it is explicitly stated that GFA increases will occur 'primarily within the B4 Mixed Use zone of Blocks 5, 6 and 7'. This assertion is both misrepresentative and presumptive. In the Concept Plan, only **Block 5** is contained within the 'mixed use' zone, and this is reiterated in the approval for **Modification 8**.

The designation of Blocks 6 and 7 as 'mixed use', or within the 'Mixed Use zone', throughout the report is misleading and presumptive. Such misrepresentation in a NSW Government report is unacceptable.

Having made the above contentious claims and assumptions about mixed land use at Central Barangaroo, the Infrastructure NSW proposal undermines its credibility further by seeking an **amendment** to the Concept Plan '**to enable mixed use redevelopment of Central Barangaroo with a range of land uses. The final mix of land uses will be subject to future detailed development applications**' [emphasis added]. The proposal goes on to *invalidly* claim:

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The proposed land use configuration is generally consistent with the approved Concept Plan and maintains the principle of a mixed-use precinct, whilst embedding flexibility to allow for resilience to market conditions and ensure viable urban design outcomes (Planning and Assessment Commission, 2016b, p. 12).

Under the current commitments for **Modification 8** limits the GFA of **Blocks 5, 6 and 7** to a GFA of **47,688m²** to be distributed as follows:

- **29,000m²** is allocated to residential development
- **3,000m²** of community development that is now spread across **Blocks 5, 6, 7** and the Cutaway, where it was confined under the Concept Plan to **Block 6 and 7**; and
- **18,000m²** to retail, tourist and commercial development; with commercial development (maximum of **11,699m²**) being confined entirely within the mixed zone of **Block 5**.

Under the Infrastructure NSW proposal, above ground GFA increases to **116, 189m²** to be flexibly applied the three blocks as mixed use. This results in a small *decrease* in residential space, a small increase in community space and a massive increase in retail and commercial space:

- **28,855m²** residential space located primarily in **Block 7**;
- **2,800m²** of community space in Blocks 5, 6 and 7, plus an additional **1,000m²** in the recreational zone.
- **83,655m²** of commercial and retail space spread across the three blocks.

This dramatically changes the character of Central Barangaroo from a primarily relatively quiet (particularly at night) low-rise residential and community area that faces the water across parklands, to a commercial and retail dominated precinct, which adds to noise and light pollution for residents both within the precinct and the local area. The residential space is packed into an anomalous, 'punched up', oversized high-rise tower packed onto the front of the complex looming over the parklands, cutting off the view from the parklands to Observatory Hill and the Observatory.

Where the Concept Plan provides conditions for the connection of residents and the development of an urban village, the Infrastructure NSW proposal demolishes this concept. The Infrastructure NSW proposal would increase anonymity and reduce the connection of the resident population. This would have negative impacts on social outcomes for residents.

The rezoning proposed for Central Barangaroo by Infrastructure NSW is inconsistent with the objectives for development of the precinct under the Concept Plan.

Rezoning Central Barangaroo entirely changes the character of the precinct as laid out in the Concept Plan from a predominantly low-rise residential and community area to a commercial and retail complex that:

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- **Confines residential space to an anomalous over-sized high-rise tower in a small corner of the area.**
- **Increases noise and light pollution not only for residents of Central Barangaroo, but also the surrounding area.**
- **Reduces social amenity for residents reducing positive social outcomes.**

Community use

Of the **708,041m²** proposed GFA for Barangaroo as a whole, only 19,000m² have been provided for community use. This equates to approximately 0.25% of total GFA. The vast majority of the 22ha of prized public land that makes up the Barangaroo foreshore has been massively developed primarily in private interests, and the Infrastructure NSW proposal clearly intends to further move public land into private hands.

Community use development of the Barangaroo precinct is completely inadequate, particularly in light of the massive movement of publicly owned prized foreshore into private hands.

The invalid purposes of increasing mixed zoning across Central Barangaroo

The increase in building heights, mass, density, and envelopes, at the expense of heritage views and residents' amenity, results directly from increasing the mixed zone to inject additional 'employment generating' commercial and retail space into Central for around 21,900 employees (Aqualand presentation by webinar). This follows on from a massive employment surge in construction of the site. It is entirely unwarranted.

Infrastructure NSW proposes:

MOD 9 proposes to increase the amount of employment generating floor space in the form of commercial buildings largely concentrated in Blocks 5, 6 and 7 (excluding Tower 7A) and an activated retail base across the precinct (a range of shops including supermarkets, speciality retail, and food and beverage) in the basement, ground and first level (Urbis, 2021, p. 12).

This aim is completely out of step with the current needs of Australia and offers a single, narrow view of its effect on employment. We do *not* need to provide massive new employment opportunities. Unemployment is at a critically low level (the lowest in 50 years) and there is a significant shortage of employees directly impacting the economy. The proposed development is only likely to increase the pressure for employees as the world population moves towards its peak in the coming decades.

Currently, increases in employment are most likely to be brought about by immigration, which is diminished and bottlenecked under the policies of the previous Federal Government and the COVID pandemic. Going forward, it is likely Australia will need to compete with other developed countries for immigrants to fill employment needs. This is already occurring in aged care, health care and education.

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Furthermore, due to COVID, much of the commercial office space in South Barangaroo and the city is empty or under-utilised as people work from home full or part time, by choice, sometimes making it a condition of their ongoing employment in the tight employment market. This is likely to continue into the future, even should the COVID pandemic abate, as it has become the preferred mode of employment for many.

Furthermore, the Central Barangaroo Metro has already led to a massive increase in number of employees at South Barangaroo and the city itself, as it is one doorstep to the city. Further increases to 'employment opportunities', and a massive development as proposed by Infrastructure NSW will further exacerbate the skills and worker shortage currently putting the Australian economy at serious risk.

The increased 'employment opportunities' promoted for Central Barangaroo are out of step with Australia's current and future needs in a time of critically low unemployment and employee shortages. Increasing the development and the need for employees, as per the Infrastructure NSW proposal, will place additional stress on an already strained economy that cannot provide sufficient workers.

Furthermore, in terms of residential space the Infrastructure NSW proposal does nothing further than the Concept Plan to meet the NSW Premier's priority to 'Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10 per cent by 2023' (Urbis, 2021, p. 70). In fact, despite the eyesore of the 73m residential tower situated within **Block 7**,

Residential density is proposed to slightly *decrease* [emphasis added] by 0.5% across the approved Concept Plan, with residential uses largely concentrated within the tower form within Block 7. The application will retain the ability to provide some residential floor space in Blocks 5 and 6, however the allocation of residential floor space in these blocks will be reduced compared to the approved Concept Plan.

(Urbis, 2021, p. 12).

Finally, the movement of 1,000m² of GFA allocated to community space allocated to Block 6 (or Block 7, with the permission of the Secretary) is now proposed to be moved to the public recreation zone (RE1), rather than being situated within the blocks of Central Barangaroo, as per the Concept Plan. This too increases the potential for unwarranted commercial space and cramped connections again puts profits over the heritage interests of the country.

It is essential to retain the current zoned land use of residential and community development in Blocks 6 and 7 to encourage the connections between residents and the development of an urban village with high levels of amenity. This is fostered by the low-rise buildings and current zoning of the Concept Plan.

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Modifications to Barangaroo's Movement Network.

3.3.2 Street structure

Three shared street types have been identified for Central Barangaroo. Their functionality and location has been based on the intended function of the adjacent public realm, and providing adequate circulation around the block edges.

Pedestrian Spaces
The Barangaroo Steps and movement spaces that directly interface with areas of public realm focus have been designated as pedestrian spaces. Ordinarily, vehicles will be prohibited from these areas, with the exception of service vehicles for enabling events.

The area of Barangaroo Avenue in front of Blocks 5 and 6 will directly link with Barangaroo Steps and Waterfront Park. A civic program will be promoted through public realm design and a dynamic events calendar.

One Way Shared Streets
Streets C and D have been identified for one-way shared streets. Pedestrians will be prioritised through public realm design, any zones where vehicles are permitted, kept to a minimum. Areas for address dining, general street seating, planting and pedestrian promenade will be maintained.

Urban Streets
Other streets within Central Barangaroo, notably Hickson Road, have been designated as urban streets. Hickson Road will carry two-way vehicle flows, but contain ample and comfortable pedestrian footpaths and a separated cycle path.

Two Way Vehicular Street
One Way Vehicular Street
Pedestrian Boulevard



Figure 40 Proposed Street Structure for Central Barangaroo (Hassell, 2021, p. 142)

The street structure proposed for Central Barangaroo, as shown in Figure 40, again detracts from the Concept Plan through the permanent retention of Barton Street, the reduction in width of Barangaroo Avenue to the north, division, enclosure, the narrow east-west laneways; all of which are overpowered by the encroaching bulk and mass of over-sized buildings. This destroys the public amenity.

Conversion of Barton Street to a Permanent Road

Barton Street is a temporary road that, following completion of construction of the Crown building (Block Y) and Barangaroo Avenue, is required to be returned to parkland and integrated to form part of Hickson Park (NSW Government, Department of Planning, Industry and Environment, 2020; NSW Planning Assessment Commission, 2016c). The PAC determination advice to the Minister for **Modification 8** clearly states, 'Any future application in respect of Hickson Park shall ensure the design, construction and use of this area is public open space and parkland' (Planning and Assessment Commission, 2016c, p. 28). The PAC states that the return of Barton Street to parkland must be undertaken in a manner that is 'sympathetic to Hickson Park and conducive to safe pedestrian access' (Planning and Assessment Commission, 2016c, p. 28). The PAC concludes, 'Reclamation of Barton Street, combined with the proposed condition to reduce Block 5 will greatly improve the connectivity of Hickson Park to the foreshore and the value of the public open space' (Planning and Assessment Commission, 2016c, p. 28).

The Infrastructure NSW proposal for Barton Street

Against the specific advice of the PAC, and the commitments undertaken by the Government and developers that allowed previous modifications at Barangaroo South, given as recently as **Modification 11**, Infrastructure NSW proposes to make Barton Street a permanent two-way

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road, dividing Hickson Park and removing its continuity to the parklands along the foreshores. This, along with the reinstatement of the removed section of Block 5 is unacceptable. The incursion of the Crown building must be moderated to some extent by the dimensions and layout of Hickson Park as laid down in **Modification 8**.

The permanence of Barton Street is an unwarranted incursion into designated parklands. The servicing of Barangaroo can quite adequately be undertaken, as planned, via Barangaroo Avenue.

The continuity provided by the removal of part of Block 5 and the return of Barton Street to parklands has already been agreed to and is necessary to enhance the prospects of Hickson Park and offset the loss of public space by the intrusion of the Crown Building into the Harbour foreshores.

The proposal for Barangaroo Avenue

Removal of traffic from Barangaroo Avenue

The one positive proposition of the Infrastructure NSW proposal is the removal of all but service traffic from the northern end of Barangaroo Avenue, making it primarily a pedestrian thoroughfare, as shown in Figure 41. This will indeed 'enhance pedestrian connections and integration with Harbour Park and the overall experiences for park users' (Urbis, 2021, p. 98).



Figure 41 Proposal for the northern end of Barangaroo Avenue to become primarily a pedestrian thoroughfare (Urbis, 2021, p. 98)

The conversion of the northern end of Barangaroo Avenue to primarily a pedestrian thoroughfare is supported.

The proposed design of Barangaroo Avenue north

The Central Barangaroo component of Barangaroo Avenue is reduced to 16m across and is encroached upon by an imposing, overbearing, bulky overhang to accommodate a retail precinct.

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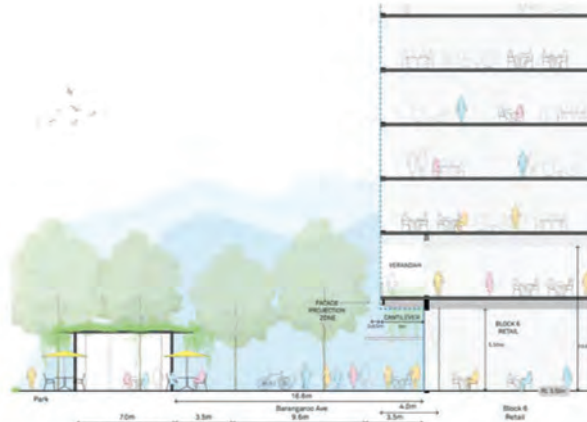


Figure 42 Barangaroo Avenue Building Overhang and Façade Projection Zone

The reduction of Barangaroo Avenue in the north to 16m across that is encroached upon by an imposing, overbearing, bulky overhang to accommodate a retail precinct is not acceptable.

The proposal, 'Barangaroo Avenue will have an activated retail edge offering dining and retail opportunities that better connects the built form to Harbour Park', along with its accompanying zoning changes, changes the character of Central Barangaroo from a relatively quiet neighborhood of primarily low-rise residential and community area, as determined under the Concept Plan, and creates continuous noise and disconnecting residents from their neighbors.

The increase to noise-generating activity and car, van, and truck traffic would be substantial.

The development of an activated retail and dining edge along Barangaroo Avenue to the north is not supported as it will:

- **Completely change the urban village character of Central Barangaroo from that under the Concept Plan;**
- **Increase traffic into the area, putting pressure on parking under the Harbour Park; and**
- **Increase noise and pollution levels for residents of Central Barangaroo and the local area.**

The enormous increases in building envelopes to accommodate massive increases in GFA and re-zoning to include commercial development within **Blocks 6 and 7** can only be accommodated by proportional reduction in the dividing laneways. This obliterates the required view corridors between blocks and substantially reduces linking courtyards and gardens required under the Concept Plan, as shown in Figure 43. **Again, private interests take priority over the public interest.**

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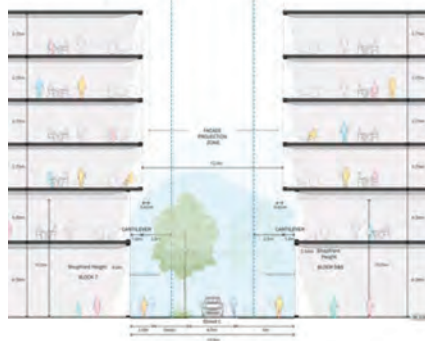


Figure 43 The canyons of C and D Laneways

The highly significant narrowing of the laneways between Blocks 5, 6 and 7 to allow for the massive increases in building envelopes to accommodate the enormous increase in GFA is deplorable. Such a proposition would convert the built design into an almost continuous mass from north to south, and would have significant and unacceptable impacts on view corridors.

Despite their poverty, the service Laneways C and D carry traffic and cut the proposed residential tower of Block 7 off from the Parklands. The resultant island of residential tower is an appalling anomaly.

Streets C and D joining Barangaroo Avenue dissect the pedestrian precinct and cut Block 7 off from the parklands. This reduces amenity of residents.

The Parklands Playfields of the Concept Plan

The Playfields of the Concept Plan comprise the second largest component of public domain within the Barangaroo development after the Headland Park. The Playfields are situated along the waterfront west of Blocks 6 and 7, from Munn Street and Agar Street as seen in Figure 44. The northern section contains a 'stormwater treatment wetland' in the Concept Plan but has been replaced with Nawi Cove.

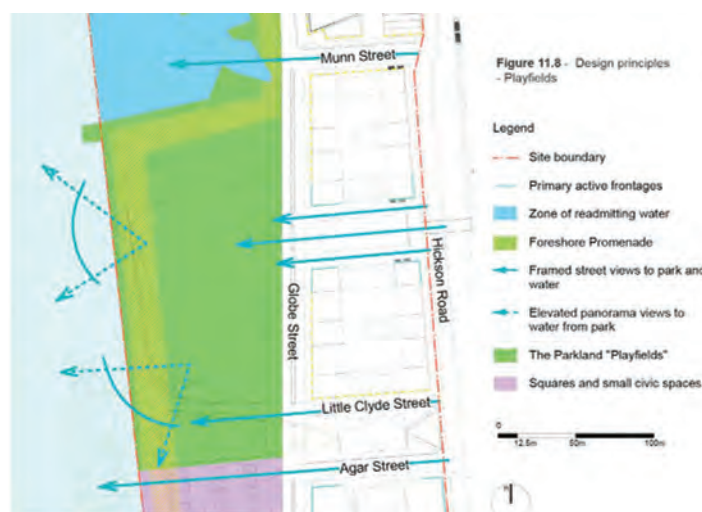


Figure 44 Playfields as per Concept Plan Design Principles

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The Objectives of the Parklands Playfields are to:

- Create park spaces that are suited to the needs of a residential community, but also adaptable for wider use such as events and festivals.
- Allow for a grassed open space large enough for team sports.
- Design the edges of the parkland to allow spectators of active sports.
Provide small facilities associated with the Playfields such as change facilities, storage space, and kiosks.
- Provide a regional scale children's playground intimate enough for local use, but large and inviting enough for visitors from outside the area.

The Playfields provide access to these facilities for Barangaroo residents and those of Millers Point and Walsh Bay. They provide a significant enhancement in amenity for the area.

The Infrastructure NSW notional plan

Infrastructure NSW presents the 'playfields' as primarily parkland and make a significant intrusion of built form into prized green space by the 'Barangaroo Steps' linking Central Barangaroo to High Street. This is shown in Figure 45.

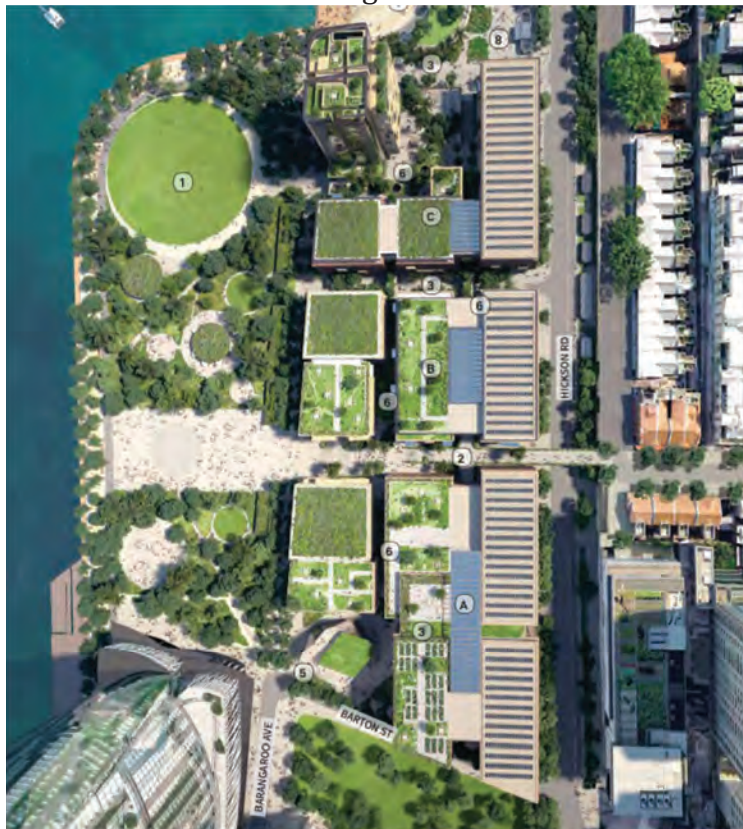


Figure 45 Notional intrusion of the built form of the 'Barangaroo Steps' into the green space of the parklands (Hassell, 2021, p. 52).

While the siting of the 'Barangaroo Steps' and pedestrian walkways connecting Central Barangaroo to Millers Point have not been determined, it is essential that consultation occur with the local residents prior to the finalisation of any proposal for these developments. They will have significant impacts on the views, use of green space and the amenity of the residents

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in Millers Point. Access to the Barangaroo Station needs to be considered in the planning of these connections.

Consultation with local residents needs to be assured prior to any proposal for the siting of pedestrian connections to Millers Point as these will have significant impact on Millers Point residents.

Pedestrian connections need to consider access to the Barangaroo Station for residents of nearby precincts.

Intrusion into green space of the built form of the Barangaroo Steps needs to be minimised.

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The Impact of the Infrastructure NSW's Proposal on Heritage Views.

Infrastructure NSW claims 'The impact on heritage items and outlooks have been assessed ...[and] concludes the proposed modification will not adversely impact the heritage significance of heritage items in the surrounding context, ensuring the ongoing appreciation of the role environmental heritage plays in Greater Sydney' (Urbis, 2021, p. 72). *This is extremely misleading.*

Infrastructure NSW's own reports, i.e. those of Urbis (2021), AECOM's (2021), and that of GML (2021) comparative assessment in relation to the Concept Plan, despite misrepresentations of the Concept Plan that actually apply to the Infrastructure NSW proposal, and still shows these impacts are, in fact, 'moderate to high' (Urbis, 2021, pp. 183-185), with 'High' being the highest rating. Every 'marginal increase' sought by Infrastructure NSW in Mod 9 would have a highly significant impact. No architectural design can 'mitigate' this irreversible loss of, and damage to, publicly owned heritage views. The Infrastructure NSW proposal demolishes the character and integrity of the protected heritage views. The commitments required for Modification 8 reiterated the views to be protected:

56. Future development Views from public spaces on opposite foreshores to Observatory Hill Park will be retained. Panoramas from Pyrmont Park around to the Harbour Bridge (from Observatory Hill Park) will also be retained.

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

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

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

59. All the above shown within the approved Concept Plan (as modified) and illustrated by the photomontage images included in the Heritage Impact Statement prepared by City Plan Heritage.

60. Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores. The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage

(NSW Government, Department of Planning and Environment, 2016).

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It has been shown that all of these protected views are to be destroyed in the Infrastructure NSW (2021) proposal. The proposal is gross and insensitive and dismisses the value of Australia's important visual history.

Countering misrepresentation of the developed forms

The depictions and photomontages provided by Infrastructure NSW in their documents are deceptive. Impacts are minimised through distortion and photomontages are provided from views that do not exist to again minimise impacts.

To circumvent any potential misunderstanding, misrepresentation, distortion, or manipulation arising from the various representations within the proposal, photographic images geolocated to the positions and specified heritage views that are required to be retained by the Heritage Impact Statement (City Plan Heritage, 2006) of the Concept Plan will be shown here. Superimposed scaled graphics have been placed over the photographs to give the most accurate portrayal of the impacts of the Infrastructure NSW proposal on the heritage sites and views.

In the Infrastructure NSW proposal documents, no clear, accurate views of the proposed 'modifications' from the water or the opposite foreshores are provided. Critical view images are elongated to make the proposed built form look smaller and more distant. Some are projected from heights that distort the perspective to minimise the impacts of the proposed built forms.

To provide proper representations of the visual impacts of the proposed 'modifications' Infrastructure NSW should be required to undertake accurate assessments from within the surrounding properties and heritage site points provided in the Concept Plan. These need to accurately provide reduced three-dimensional digitised images of the built forms and their impacts.

Visual impact representations for all developments in NSW need to provide accurate assessments from within the surrounding properties and key site points. These need to accurately provide reduced three-dimensional digitised images of the built forms and their impacts.

The real impact of these egregious misrepresentations made by all modification proposals, including this one by Infrastructure NSW, are demonstrated in relation to the Gas Lane vista that was required to be protected under the Concept Plan. This requirement was reiterated throughout the approval processes as part of the commitments for the modification to the development at South Barangaroo, and remains in force under Mod 8, despite its partial destruction. This dishonesty throughout in the representations of the impacts on the Gas Lane vista cannot be understated and are best exemplified in pictorial form.

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The Travesty of the Gas Lane Vista

The development at Barangaroo South that impacts the protected vista from Gas Lane exemplifies the deceit at the core of the Barangaroo development. The misrepresentations on this vista within the Modification 8 proposal has led to what could only be considered a parody if it weren't so serious and irreversible. Again, these misrepresentations are presented in the Infrastructure NSW proposal.

The Concept Plan Heritage Impact Statement ensured, 'Views west towards the water from the western slopes of Millers Point: view corridors are retained from Gas Lane ...' (City Plan Heritage, 2006, p. 49). The Gas Lane depiction presented prior to any modifications to the Concept Plan (JBA Planning, 2010 Appendix G, as per Figure 46) is also highly distorted:



Original photo with crop marks to identify the field of view of longer lens sizes.

Figure 46 Gas Lane prior to South Barangaroo development (Virtual Ideas, August 2010, p. 10)

Here the lens chosen has distorted and manipulated the reality to flatten and elongate Gas Lane, framing the water in the distance with highly misleading results.

The rationale for using a 17mm lens was to capture as much of the barangaroo (sic) buildings as possible as we were very close to the subject. We also wanted to show some of the sides of the Gas lane (sic) buildings (Virtual Ideas, 2013, p. 10).

The requirement to retain this view was disregarded with the Approval for Modifications 4 and 6 and obliterated in Modification 8, despite the concerns and objections raised in submissions,

Concerns were raised regarding the bulk of the podium, in particular the height and the impact this would have on view corridors along Gas Lane. The Proponent's [i.e. that of the Barangaroo Delivery Authority] visual assessment, acknowledged the impact

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noting, “*the approved Concept Plan MOD 6 development establishes an envelope that terminated the Gas Lane view corridor [emphasis added]*. Similarly, the proposed MOD 8 envelope will terminate the Gas Lane view corridor” (Planning and Assessment Commission, 2016c, p. 25).

This implied that the view from Gas Lane had already been ‘terminated’ by Modification 6, despite the claims by JB Planning in response to objections to Modification 6 about the loss of this view (cited above in Modification 6):

- will generally maintain existing views as described above at the Gas Lane / Kent Street intersection as the Barangaroo South development blocks end at the southern alignment of Gas Lane...
- ‘Views over the harbour’s waters to the north-west will be largely unaffected, whilst some views through to Pyrmont will be impeded by potential development blocks. This *minor impact* [emphasis added] is the greatest impact from the top of Gas Lane’...
- only a portion of the currently impeded sky view will be impacted

(JBA Planning, November 2010, pp. 48-49)

This led to the claim there would be little impact of the change requested in Modification 8 replacing the already approved hotel building with the new Crown building. This was demonstrated with the depictions below showing a comparison of indicative designs for the building envelope approved in Modification 6 compared to the proposed Modification 8 depiction. These depictions were misleading, deceiving the PAC about their impact, in order to provide the Crown building a smaller and more distant perspective, framed by the buildings adjoining the lane:

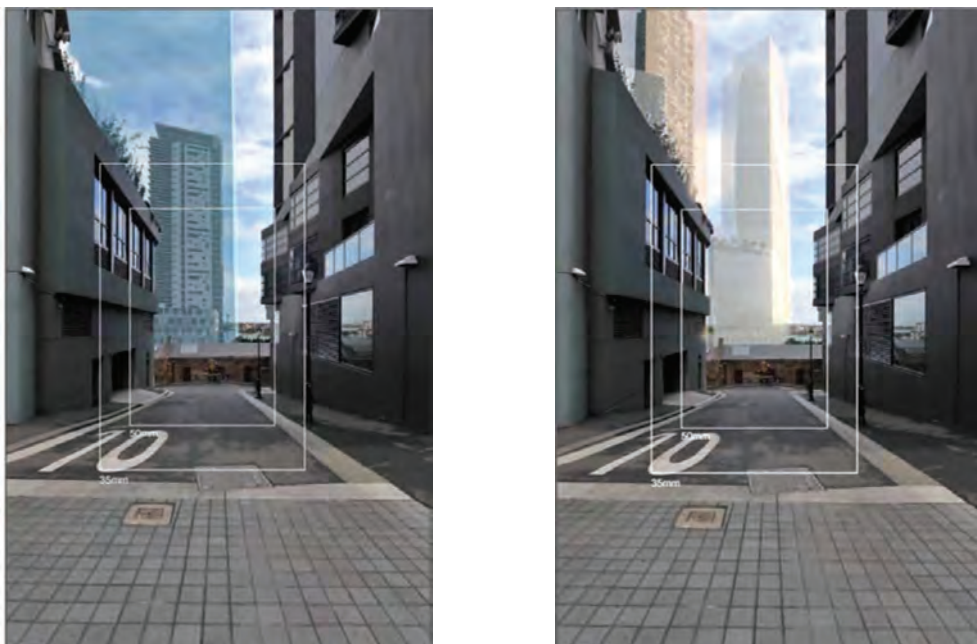


Figure 47 Visual Assessment of Gas Lane comparing approved MOD 6 left with proposed MOD 8 right (Planning and Assessment Commission, 2016c, p. 25)

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The Infrastructure NSW Proposal for Gas Lane

In comparing the further loss of vista from Gas Lane in relation to the Concept Plan, GML claims:

Views from Gas Lane (above Hickson Road) of the western part of Sydney Harbour would be further impacted (marginally) with the proposed massing of MOD **9 *rather than the approved Concept Plan*** [emphasis added]. There would be loss of sky view from this viewpoint, but some sky view to the western harbour would be retained (GML Heritage Pty Ltd, 2021, p. 125).

This is the current actual vista from the above viewpoint:

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Figure 48 The overwhelmingly ugly current reality engulfing Gas Lane

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Infrastructure NSW proposes a massive increase in Block 5 from a maximum RL of 34m to RL 44.5m, accompanied by increases in massing and density of its buildings to enclose the maximum building envelope and an expansion of the footprint of Block 5 into Hickson Park. The depictions of the impact of these changes are minimized by Infrastructure NSW, as per Figure 49 below.

According to the Infrastructure NSW proposal, the impact of the Concept Plan on Gas Lane is seen in Figure 49. It is important to note that in the Concept Plan there was no Casino building blocking Gas Lane, as is presently. A smaller proposed hotel building, as per above, was designated. Undoubtedly, the intrusion of the hotel was less than is seen in Figure 47, given that this image was supplied to minimise the impact of the Crown building. No image of this vista is provided in the Concept Plan to demonstrate the size of the proposed hotel.



Figure 49 Approved envelope for Block 5 (AECOM, 2021, p. 90)

The claim represented in this photomontage cannot be correct, however, as under the Concept Plan, Block 5 slopes **away from the point where it meets Gas Lane** leaving perhaps somewhat angled (depending on perspective) unimpeded views from Gas Lane to the water, as shown in Figure 50.

The removal and realignment of part of **Block 5 in Modification 8** (see above), in fact, further reduced the intrusion of Block 5 into Gas Lane, as it is lowered the height and moved the boundary further to the north as was shown in Figure 27.



Figure 50 Gas Lane point of alignment with Block 5

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The Mod 9 Infrastructure NSW proposed view from Gas Lane with the increased footprint, height, mass and density of **Block 5** is shown Figure 51. This depiction completely misrepresents, not only the current reality, but the further impact of removing the remaining sliver of view from this once valuable vista.



Figure 51 proposed view from Gas Lane under Mod 9

The current view from Gas Lane is quite different, as can be seen below



Figure 52 Current view from southern corner of Gas Lane

Only a small section of the protected vista to the water is currently retained from an angle. Any further encroachment on this vista is unacceptable. The footprint and envelope for **Block 5** needs to be retained in accordance with the commitments of **Modification 8**.

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This pictorial sleight of hand and its proposed further damaging misrepresentation is another breach of trust that renders all future depictions of important heritage views suspect and unable to be relied upon to reflect the actual delivered reality. The remaining sliver of the Gas Lane vista needs to be retained to ensure some, if minor, relevance to the Concept Plan.

The Infrastructure NSW proposal would further enclose the Gas Lane vista that is required to be protected under the Concept Plan. This is unacceptable.

Falsehoods and Misrepresentation of Protected Heritage Vistas and Views

The photomontages provided by AECOM, (2021) have highly questionable validity and may not be an accurate reflection of the delivered reality, as has been evident throughout the Infrastructure NSW documentation and that of previous applicants that seek to minimise impacts through unreliable depictions of impacts on views. The impacts of these practices have been shown in the resultant views from Gas Lane when compared with the photomontages presented in support of **Modification 8**.

Such misrepresentation is also evident in the AECOM photomontages when showing effects of the built form of the Concept Plan for comparison. These ignore the actual built principles and controls of the Concept Plan to bulk up the entire built envelope of the blocks and provide reduced sizes and increased distances of the resulting Infrastructure NSW proposed development.

The analysis of the impacts of the Concept Plan and the Infrastructure NSW proposal rest on these misrepresentations and are invalid. Photomontages from AECOM will be limited here to indicate only the *minimal possible* impact of the proposal on heritage when no other photomontage is available.

AECOM (2021) photomontages of the built form of the Concept Plan are incorrect. They do not take account of the built form principles and controls clearly outlined in the Concept Plan and provide distorted perspectives of the Infrastructure NSW built forms. This is deceptive.

The AECOM (2021) misrepresentations are not confined to photomontages. AECOM (2021) falsely states,

The majority of views east to Darling Harbour and beyond from Millers Point, and west from Pyrmont and Balmain East looking back towards Millers Point, have already been lost to the Approved Concept Plan, with MOD 9 often only marginally increasing the extent of this view loss to attractive elements, or elements of specific interest within the landscape. Extensive harbour views are still available north of Central Barangaroo from sensitive viewing locations within Millers Point including from Observatory Hill Park, High Street, Merriman Street (north end), and Dalgety's Road. A substantial and visually cohesive component of the Millers Point Heritage Conservation Area remains visible from two of the three identified key observer locations along the western shore of Darling Harbour.

Such dishonest statements can only be considered deliberate attempts to mislead the Minister and the public. Such statements are egregious.

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The Proposed Ruination of the High Street Vista

The proposed increases in footprints, envelopes, density, heights of **Blocks 5 and 6** have a shattering impact on the view from the southern part of High Street. The vista is enclosed, even in the untrustworthy depictions of the proposal, to a sliver, and the view over the water is dissected and engulfed.



Figure 53 Current view from Kent Street to the water at High Street

The vista shown in Figure 53 Current view from Kent Street to the water at High Street shows the current reality of the High Street view. In contrast, Figure 56 shows the change proposed under the Infrastructure NSW proposal.

City Plan Heritage (2006) clearly shows in Attachment B, Figure H3, the impact of the of the Concept Plan at the southern point of High Street, reproduced here in Figure 54.

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Figure 54 Vista from the southern point of High Street to the west (City Plan Heritage, 2006)

The representation provided by AECOM (2021) deceptively misrepresents this vista under the Concept Plan, as shown in Figure 56.



Figure 55 Egregious misrepresentation of the 'approved building envelope' of the Concept Plan by Infrastructure NSW (AECOM, 2021, p. 49).

AECOM then imposes the 'modification' onto the Figure 55 misrepresentation to minimise the increased impacts that completely enclose the vista and remove the connection to the water provided by the Concept Plan, as seen in Figure 56 below.

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Figure 56 Depictions from High Street showing proposed 'modifications' (AECOM, 2021, p. 49)

The view from the fence at the top of the High Street cutting overlooking the water, as shown Figure 53, changes from the current view in Figure 57:

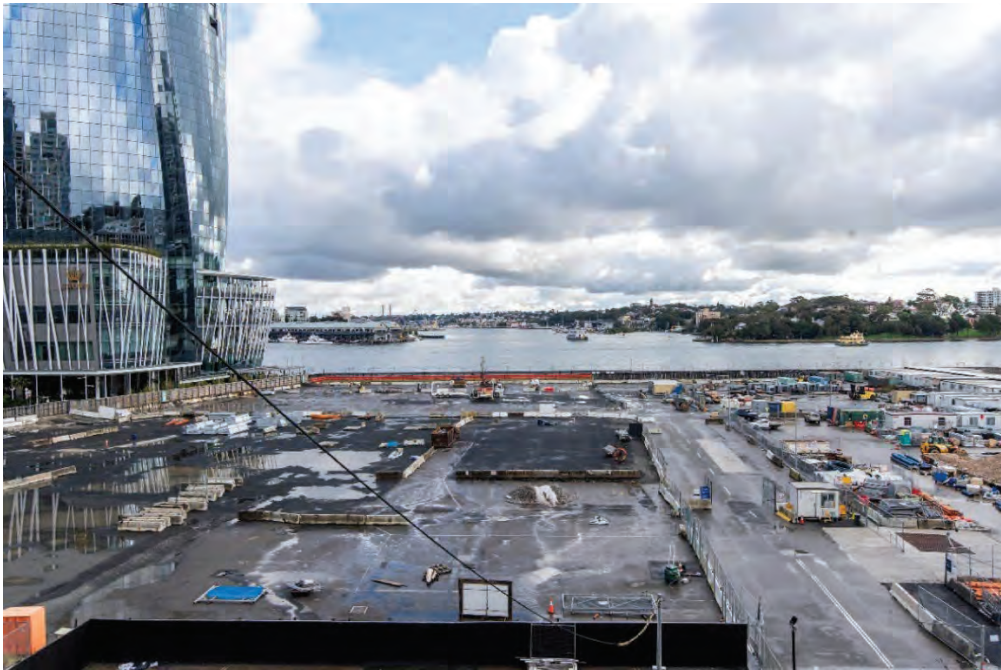


Figure 57 Current view from the southern end of High Street from the southern end of the High Street cutting

To the proposed vista in Figure 58:

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Figure 58 Proposed built vista from the southern end of High Street from the southern end of the High Street cutting

The addition of a pedestrian walkway from High Street either between **Block 5** and **6** (as shown in Figure 59) or **Block 6** and **7** further demolishes the views from the protected High Street cutting, as can be seen in Figure 59.



Figure 59 High Street pedestrian walkway lining Central Barangaroo to the proposed Barangaroo Steps (Hassell, 2021, p. 83)

Dreadful as these photomontages are, the visual depictions of the proposed changes in the Infrastructure NSW documents cannot be trusted to provide an accurate representation of the reality, as has been seen by the depictions of the Gas Lane Vista. The photomontages below represent the reality more accurately.

The proposal for Blocks 5 and 6 would enclose and greatly diminish the vista and view from all along High Street. This is deplorable.

Destruction of Protected Heritage Panoramas and Views

The Concept Plan ensures that:

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- ‘Views to Observatory Hill Park ... will not be affected because it sits high above the surrounding development. The tree canopy of the park will remain apparent’ (City Plan Heritage, 2006, p. 49).
- ‘Views from Observatory Hill Park to the west and northwest ... the majority of the harbour will remain visible and legible and the opposite foreshore (Peacock Point) will remain visible’ (City Plan Heritage, 2006, p. 49).

The specific protections for heritage views and panoramas laid down in the Concept Plan were further ensured under commitments undertaken to obtain approval for **Modification 8**. These have been reiterated throughout the South Barangaroo development, most recently as commitments for the approval of **Modification 11**. Each of the protected heritage panoramas, views and vistas are protected by the built form Principles, design principles and controls of the Concept Plan. The protected heritage views and panoramas protected under the commitments made for the development at Central Barangaroo are:

Retain views from public spaces on opposite foreshores to Observatory Hill Park.

Retain panoramas from Pyrmont Park around to the Harbour Bridge (from Observatory Hill Park).

Retain views to Observatory Hill Park from public spaces on opposite foreshores.

Retain a panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Hill Park.

(NSW Government, Department of Planning and Environment, 2016).

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,*

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.

(NSW Government, Department of Planning and Environment, 2016)

Furthermore, ‘The detailed design of future development within Barangaroo should ensure a relationship between new built form and existing structures and design details within Millers Point Conservation Area. Consultation is to be undertaken with NSW Heritage as part of detailed project Application Stage’ (NSW Government, Department of Planning and Environment, 2016).

The Infrastructure NSW proposal conforms with none of the requirements and commitments to retain heritage views, panoramas and the appreciation of

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Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores.

The most useful assessment of the impacts of the *Infrastructure NSW* Proposal on these heritage views is depicted from the geolocated photographs below. These views differ to varying degrees from those provided by Infrastructure NSW through Urbis (2021) and AECOM (2021), as these latter perspectives do not always align with the locations or viewpoints from which the views are to be preserved. Where the views do align with the required perspective, the images provided in these documents appear to minimise the impact of the proposal via distant and distorted, incorrect height perspectives.

Views to Millers Point from the Opposite Foreshores

Millers Point is a heritage conservation area of State and National heritage significance specifically protected under the *Sydney Local Environment Plan 2012, Reg 6.47*. This aims,

(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.

Under this regulation:

(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](#).

The Infrastructure NSW proposal clearly does not take these requirements into consideration. The conservation area of Millers Point would suffer serious and irreparable damage should

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the Infrastructure NSW proposal be approved. This is opposed to the protections afforded under the Concept Plan.

The entirety of the High Street cutting and the roofscape of terraces is visible under the built form of the Concept Plan. This follows the shape of the High Street cutting and showcases Observatory Hill and the Observatory through constrained heights of buildings in Block 7 and strategically placed view corridors, as required. These protected heritage views are destroyed under the Infrastructure NSW proposal, as can be seen in Figure 60.



Figure 60 Current and proposed perspectives from the opposite public foreshore towards Observatory Hill Park

In the Infrastructure NSW proposal, the view of Millers Point from the opposite public foreshore is destroyed. The distinctive features of this historical view are decimated: the Sydney Observatory is completely obscured and half of the V-shape of the High Street cutting with the roofscape of terrace houses has been blocked, leaving this essential feature enclosed and diminished. The open view of Observatory Park has been overwhelmed. As the whole is more than the sum of its parts, this desecration drastically reduces the view's heritage value.

The views to and from Millers Point, protected in the Concept Plan are destroyed in the Infrastructure NSW proposal.

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The panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill

Pymont Park is not visible from Observatory Hill, nor vice versa, as is shown in Figure 61,



Figure 61 Demonstrating the loss of protected views to and from Pymont Park and of the terraces to and from Observatory Hill

The panorama from Pymont Park around to the Harbour Bridge as seen from Observatory Hill is decimated by the Infrastructure NSW proposal.

The views to and from the terraces of High and Kent Streets

The photomontage shown in Figure 61 also shows the loss of ‘ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores’ that are required to be retained. This loss is demonstrated even more clearly in the AECOM photomontage from a perspective that looks over the High Street terraces from the Kent Street terraces towards Hickson Road, as shown in Figure 62.

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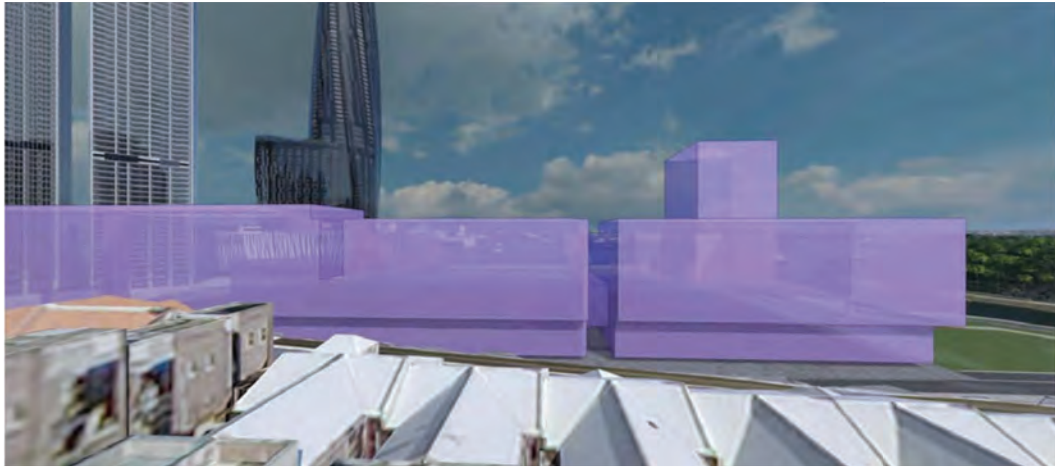


Figure 62 Infrastructure NSW proposed changes to the design controls for the Hickson Road boulevard deleting protected heritage views to and from the terraces (AECOM, 2021, p. 129).

The protected heritage views of the terraces from Observatory Park, the opposite foreshores and Pyrmont Park are ruined by the proposal.

The Junction of Darling Harbour and the Harbour proper

The view from Darling Harbour to its junction with the harbour proper includes the distinctive view of the iconic Harbour Bridge, Observatory Park, the Observatory, the High Street cutting and Millers Point terraces. Under the Infrastructure NSW proposal these landmark structures are completely obscured, as can be seen in Figure 63.

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Figure 63 Before and after views from Darling Harbour

The views of landmark structures of the Harbour Bridge, Observatory Park, the Observatory, the High Street cutting and Millers Point terraces from Darling Harbour are all eradicated under the Infrastructure NSW proposal.

The Infrastructure NSW proposal equates to heritage vandalism.

The proposed Infrastructure NSW development destroys great swathes of identified Heritage views to and from Millers Point and Observatory Hill that are required to be retained, chopping, dividing, and obscuring key elements, and thereby demolishing their beauty and value.

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False Claims of Heritage Impacts by Infrastructure NSW (Urbis, 2021)

In its summary of heritage impacts of the Infrastructure NSW proposal (Urbis, 2021, 212-216), multiple false, insensitive, and minimising claims are made. Virtually none of the claims made stand up to even the most cursory scrutiny. The comparison throughout falsified representations of the Concept Plan that protected invaluable heritage visual access.

This is unacceptable from a NSW Government agency tasked with ensuring the best interests of the public and speaks to the corruption of Infrastructure NSW in putting private interests over public good by demolishing the value of Australia's heritage views, panoramas and vistas at a key point of the Harbour where our working marine foreshores connect to heritage conservation areas. The majority of claims of minimal, or acceptable, impacts are completely false, and **no mitigations** can alleviate these irreplaceable connections to our heritage.

The claims by Infrastructure NSW of minimal or acceptable impacts on heritage connections, views, vistas, and panoramas are completely false and speak to corruption of NSW Government planning processes that deny the importance and intrinsic value of Australia's irreplaceable heritage connections and visual accessibility. That such claims are made confirms the perception that private interests trump public ownership, Australia's unique heritage, and its future.

View Sharing

While the primary concern of this submission is retention of the heritage views that are protected in the Concept Plan Heritage Impact Statement (City Plan Heritage, 2006), and upon which subsequent modifications were approved, the views of residents are also of concern. These incorporate the Kent and High Street terraces, (that sit above the historic High Street cutting, the Langham Hotel, and residents of the Kent Street towers: Highgate, The Georgia, Stamford Marque and Stamford on Kent.

The Concept Plan recognised the potential impacts of the development at Central Barangaroo on these nearby residents stating, 'Retention of public views to the harbour is also of importance, particularly to local stakeholders' (NSW Government 2006b p. 156). 'Local stakeholders' include those from terraces in Kent Street, and High Street, the Langham Hotel and residents of Highgate, The Georgia, Stamford Marque, and Stamford on Kent.

Planning Principles for Views, View sharing and Outlook

It has been a long-standing strategic position of the City of Sydney Council that views, and view sharing, is a matter of specific and particular importance with respect to the potential impact of development on key views and vistas that are available at the street level and generally from within the public domain.

Central Sydney Development Control Plan 1996 (DCP 1996) acknowledges (refer Section 2.8) that:

- It is important that views to Sydney Harbour and parks be maintained from as many points as possible at street level.

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- In the redevelopment of some sites consideration should be given to opening up new significant views.
- Vistas are views along streets that are terminated by buildings and can be enhanced with sensitive design of the visually prominent buildings that terminate them.
- The siting and design of new buildings should maintain existing vistas along streets to places of architectural, landscape, or cultural significance.

(JBA Planning, 2007, p. 1 Appendix B)

In the Concept Plan,

View sharing is intrinsically considered, as the new tower forms are lower in height and well removed from existing Kent Street towers. All taller buildings are split into parallel forms, decreasing their perceived bulk, and allowing sun, breezes and views through the block.

Opposite High Street, the buildings are lower again to respect the unique urban form, and frame the axial perspective of the Observatory, framed by the majestic figs on the hill.

(Hill Thalys Architects, 2006, p. 22).

The Concept Plan provides view corridors to ensure view sharing, as can be seen in Figure 64 below.

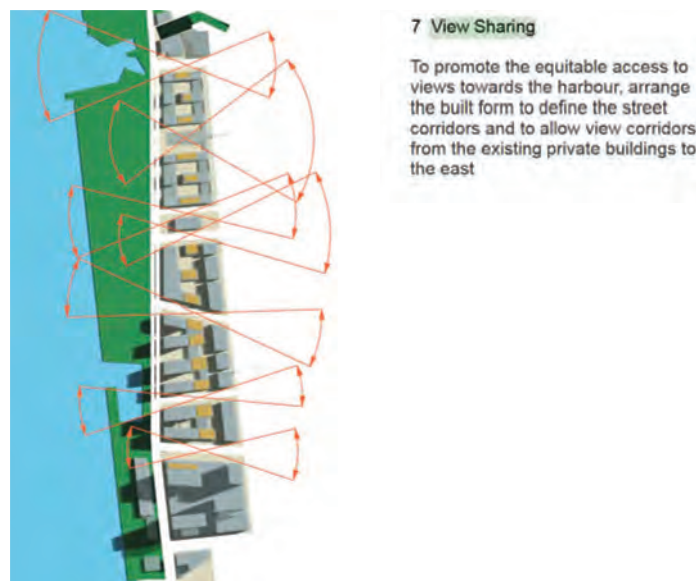


Figure 64 Built Form Principle 7 (NSW Government, 2006, p. 115)

Views to and from the terraces

From 2014 – 2018 the NSW Government sold off terraces in Kent and High Streets that had been used for social housing, raising over \$608 million from the 189 properties sold (Burke, 2018). Many of these terraces and High Street apartment blocks were explicitly advertised and sold on behalf of the NSW Government with water views over Barangaroo.

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Properties have been sold by both the NSW Government and privately with purchasers relying on the integrity of the Government to honour its commitments in the retention of views from their properties and from local high rise apartment blocks. These commitments were undertaken by the NSW Government and developers in exchange for massive increases in GFA under Modification 8, including the relocation of, and increase in size of, the Crown building. The Infrastructure NSW proposal renegeing on these commitments is deplorable.

Views to and from the Kent Street terraces and High Street apartment complexes not only need to be retained to preserve their heritage value and that of the High Street cutting, but also for the benefit of residents. Many of these residents have purchased their properties with views specifically itemised as part of the sale.

For example,

- 63 Kent Street was sold in 2017⁵ 'Featuring views over Barangaroo to the western harbour';
- 74-80A High Street sold in 2017⁶ with 'panoramic views across Barangaroo, Balmain, and Darling Harbour';
- 62-64A High Street was sold in 2017 with 'evolving water views'⁷;
- 5-7 High Street sold in 2018⁸ with 'views [that] span from Barangaroo to Balmain' and 'Deep north facing verandahs (sic) on upper and lower levels with water views.'

This latter block is part of 3 - 9 High Street that was specifically identified as of historical significance by Tanner, Kibble, and Denton (2016) in their Statement of Heritage Impact. The Approval for Modification 8 was handed down in June 2016. The conditions of consent ensured the specified views to and from the terraces would be preserved in the Central Barangaroo development (NSW Government, Department of Planning and Environment, 2016).

Purchasers bought these properties in good faith that the Government was selling the views with the properties; they expected that the views would be retained with the Central Barangaroo development. Purchasers did not have their sight lines contracted in legal terms, as did Crown and Lendlease, nevertheless, the contract is inherent in the advertising terms of the sale. The same sight line conditions would be expected to apply to the sale of the terraces as with the Crown and other affected Barangaroo buildings:

1. They similarly optimised sales for the Government;
2. In advertising the views, the Government recognised that retention of sight lines would be of critical importance to purchasers;

⁵ Advertising for 63 Kent Street Millers Point. <https://www.realestate.com.au/sold/property-house-nsw-millers+point-126314086>

⁶ Advertising for 74-80A High Street Millers Point. <https://www.realestate.com.au/sold/property-unitblock-nsw-millers+point-126919818>

⁷ Advertising for 62-64A High Street Millers Point. <https://www.realestate.com.au/sold/property-unitblock-nsw-millers+point-126476474>

⁸ Advertising for 5-7 High Street Millers Point. <https://www.realestate.com.au/sold/property-unitblock-nsw-millers+point-128116818>

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3. No negotiation in good faith has taken place with purchasers to agree to 'changes that would retain the sight lines while at the same time optimising development opportunities' (7 (3) *Crown Sydney Property v Barangaroo Delivery Authority; Lendlease (Millers Point) v Barangaroo Delivery Authority [2018] NSWSC 1931*).

The Langham Hotel

The PAC also raised concerns in relation to views held by the Langham Hotel and local residents (Planning and Assessment Commission, 2016c). In 1993 the Langham Hotel (previously the Observatory Hotel) was restricted to four storeys due to action taken by the National Trust (National Trust NSW, 2021) to ensure the views to and from Observatory Hill were protected. Should this protection be removed, the owners of the Langham Hotel would have the right to dismiss the position that these views are significant and need to be retained. The consequences of this outcome could have serious impacts on the Millers Point Conservation Area should the Langham Hotel be redeveloped without these constraints.

Apartment residents' views

During the implementation of the Barangaroo development it was understood that 'The impact the current modification may have on views is a key issue for consideration (potential impacts to the Highgate, Stamford Marquee, Stamford on Kent, Bond Apartments and the Historic Millers Point Precinct)' (Director General, 2008). Hill Thalix Architects addressed this in the Concept Plan design (see above) with their built forms for Blocks 5, 6, & 7. In considering the Modification 8 Application, the PAC sympathised with residents of the nearby residential blocks, acknowledging that each modification to the Concept Plan had potential view impacts for residents, over which they have little control, having bought their properties in good faith. The PAC made a further forward reaching statement:

'The PAC considers that the Barangaroo development has now reached the point where further impacts on views beyond MOD8 need to be minimised'
(Planning and Assessment Commission, 2016c, p. 25).

The Department of Planning and Environment adopted the PAC's condition that future development of Block 5 would not impact on key view lines from the Millers Point and Observatory Hill. No such constraint was possible for Blocks 6 and 7 as they were outside the scope of Modification 8.

Legal precedents

The Land and Environment Court of New South Wales 2004 established a principle for view sharing in their ruling in *Tenacity Consulting v Warringah [2004] NSWLEC 140*. This ruling provided guidelines for consideration of the impact of a proposed development on views from private properties:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable). To decide whether or not view sharing is reasonable, I have adopted a four-step assessment (25).

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The ruling laid down a four-step assessment process that required:

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

The 'view sharing' principle was confirmed with *Rose Bay Marina Pty Limited v Woollahra Municipal Council & Anr* [2013] NSWLEC 1046, again by the Land and Environment Court. It is worth noting that a development proposal under the Concept Plan can be referred to the Land and Environment Court for judicial review if required.

View sharing depictions of South Barangaroo

The Concept Plan acknowledges that views to the south-west from residential apartment buildings Highgate, The Observatory Tower, The Georgia, Stamford Marque and Stamford on Kent would be strongly impacted by the development at South Barangaroo. The tallest building under the Concept Plan was supposed to be 100m in South Barangaroo. This was accepted by residents of the buildings overlooking Barangaroo.



Figure 65 South Barangaroo built form of the Concept Plan (Hill Thalys Architects, 2006, p. 12)

The massive increases in building heights, bulk and position have had devastating impacts that seriously impact not only the views for nearby residents of apartment buildings, but their privacy and living conditions. These impacts go well beyond 'amenity'.

No photomontage of the visual impact of the Crown building on residents of Highgate, The Georgia, Stamford Marque and Stamford on Kent was provided for Modification 8 that finalised the increases in height and bulk for South Barangaroo; however, photomontages

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were provided for Modification 6 and offer an indicative understanding of the distortions utilised to minimise impacts on views.

Figure 66 shows a fisheye lens photomontage from the air of the proposed development at South Barangaroo prior to approval for the Crown building. This portrays a distorted panorama including views to the north and west that are not relevant to the impacts of the South Barangaroo development on residents' views of Darling Harbour. The impacted views are the left-hand half of this photomontage only:



Figure 66 Photomontage depicting development at South Barangaroo prior to approval for the Crown building (Virtual Ideas, 2013)

Figure 67 taken with a lens close to a human's eyepoint from a similar angle to Figure 66 shows the actual view of Darling Harbour enjoyed by residents at mid-level of Highgate *at the northernmost end* prior to the commencement of construction of South Barangaroo.



Figure 67 Pre-development views of Darling Harbour from mid-level north western corner of Highgate

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On a clear day, residents of the southeast corner of Highgate could see to the airport. Figure 68 shows the current view from the same northwest corner of Highgate and the eradication of this view:



Figure 68 Current view from mid-level northwest corner of Highgate

While the Infrastructure NSW proposal may have some merit, any benefits to the proposal are completely obliterated by the destruction of heritage views, vistas, and panoramas. To mitigate these impacts the Concept Plan built form principles, design guidelines and controls, as well as the limits imposed by subsequent modifications, such as the restrictions on development placed by the commitments made in response to **Modification 8**, that are reiterated in **Modification 11**, need to remain in place for the development of Central Barangaroo.

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Infrastructure NSW Proposition to Renege on Commitments

Because the Infrastructure NSW proposal is in most aspects in complete opposition to the Concept Plan, the Statement of Commitments for **Modification 8**, the Instrument of Approval, and the SEPP, Infrastructure NSW proposes to default on their commitments and replace the Concept Plan and adapt the SEPP to allow the proposal. This is unconscionable.

The public expects Government departments and agencies to act with honesty and integrity. This includes abiding by commitments undertaken. The commitments made that allowed massive increases in building heights and GFAs at South Barangaroo and the injection of the Crown building onto prized public foreshores were entered into by the Government and developers. Infrastructure NSW has now made clear it intends the project at Central Barangaroo to renege on these commitments undertaken. It proposes to,

Delete the Statement of Commitments in its entirety and replace with the MOD 9 Statement of Commitments provided at Appendix A (Urbis, December 2021).

This is a shocking travesty of governance and integrity! That a NSW Government entity makes such a submission to public and the Minister is an appalling breach of faith.

If the NSW Government permits developers to renege on the commitments already undertaken for the development at Central Barangaroo, the Government can no longer be trusted to govern. It would create a crisis in public confidence and portend the collapse of a rule-based society led by Government dishonesty in its dealings with developers that are the antithesis to the public interest.

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Invalid 'Modification' Application under the *EP & A ACT, 1979*.

While adherence to the key design principles and controls laid down in the Concept Plan are not binding on developers, the Concept Plan (MP06_0162) (NSW Government, 2006) is the existing approved plan for the Central Barangaroo development. Modifications to Major Projects can be made under the *EPA&A Act, 1979* that covers State Significant Development, such as the Barangaroo project.

Infrastructure NSW has applied for a modification to the Concept Plan under the *EPA&A Act, 1979 to be assessed under Section 75W*. It is claimed this is a legitimate request under clause 3C(1), and subject to clause 3BA of the STOP Regulation. It is not a valid application. Section 75W of the *EPA&A Act, 1979* was revoked in March 2018, and replaced with Section 4.33. Both of these Sections set out the parameters within which the Minister's approval of a Major Project Application may be modified. Section 4.33 has more stringent requirements in terms of the conditions that permit a 'modification' than its predecessor.

Infrastructure NSW claims that the modification proposal submitted in 2021 (Urbis, 2021) can be assessed under the now defunct Section 75W of the *EP&A Act 1979*, 'as the request to modify was lodged prior to the 1 March 2018 cut-off date' for a transitional Section 75W (S75W) project under the EP&A Act. However, the request to modify the Concept Plan to which they refer was ***never considered*** and was ***withdrawn, and thereby nullified***, following advice from the Planning and Assessment Commission (PAC) that strongly indicated it would not be approved (outlined below).

Furthermore, the current application rests on Director General recommendations provided in 2014. These are outdated as **Modifications 8 – 11** have subsequently been approved with conditions that impact the current **Modification 9**. Hence, the Director General's 2014 recommendations have been superseded and are no longer valid for a 2021 application.

The Director General's 2014 recommendations have been superseded by Modifications 8 - 11 with their commitments for approval and are no longer valid.

Prior Withdrawn Modification 9: The Master Plan for Central Barangaroo 2014

The Infrastructure NSW proposal claims the current application for Modification is 'substantially the same project' as the 'Central Barangaroo Master Plan' (Barangaroo Delivery Authority, 2014). This 'Master Plan' was submitted as a 'preliminary' environmental assessment report with a request for the Director-General's requirements for the purpose of ultimately making a full application for a Modification 9. No completed application was submitted at any time.

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The Preliminary and Environmental Assessment Report and Request for the Director-General's Requirements (Barangaroo Delivery Authority, 2014), for Modification 9's Master Plan sought approval under Section 75W of the EP&A Act to modify the Approved Concept Plan for Central Barangaroo to:

- Increase the GFA to **120,000m² of gross floor area**;
 - Increase the total gross floor area within envelopes and footprints;
 - Modification to the building envelopes for Block 5, 6 and 7 and flexibility in the delineation of blocks and distribution of gross floor area across the blocks;
- (Barangaroo Delivery Authority, 2014)

The report claims,

The proposed gross floor area is *generally consistent with the existing development zone footprints and height controls* [emphasis added]. It is consistent with the core principles for the development previously approved.

- It will provide additional density to create a vibrant rich precinct which can be achieved whilst *primarily remaining within the development envelopes already approved for the site* [emphasis added].

(Barangaroo Delivery Authority, 2014, p. 12).

As can be seen from Table 2 below, these claims are entirely spurious:

Table 2 Approved Building GFAs and Heights compared with those proposed in the Master Plan (Barangaroo Delivery Authority, 2014, pp. 13, 14)

	Approved GFA (sqm)	Master Plan GFA (sqm)	Approved Height (Max AHD)	Master Plan Height (Max AHD)
Block 5	29,688	40,000	RL 34	RL 34
Block 6	3,000	35,000	RL 29	RL 34 (part) and RL 39 (north part of site)
Block 7	15,000	45,000	RL 35	RL 35
Total	47,688	120,000		

Despite the carefully angled 'artist impressions', it is clear the 'Master Plan' was not compliant with the Concept Plan, nor was it compliant with the specifications for Block 5 that were conditions of consent for Modification 2. Block 7 GFA had already been reduced to 15,000m² by the conditions of consent for Modification 3 at the time this preliminary application was submitted. These conditions had been reinforced throughout subsequent modification approvals.

The Principles of the Concept Plan were disregarded: buildings did not provide the 'slender', 'open' 'silhouettes' that sloped downwards towards the water; the dense buildings with large footprints did not include open spaces within Blocks or intersecting laneways lined by lower development; and they did not provide variable heights according to the Concept Plan to provide required viewpoints from the terraces of Kent Street. The prohibition against a building 'filling the whole of the urban design envelope' and the percentage of maximum

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height restriction for each Block appear to have been disregarded (NSW Government, 2006, pp. 130,132, 134).

This Modification 9 initial proposal mentioned the Concept Plan's principle of tapering to the north, without the explicit height limits that accompanied this concept for Central Barangaroo: 'The Central Barangaroo precinct should step down in height from the south to the north. Taller buildings should be in block 5, respecting the Highgate Line, lowest buildings in block 7' (Barangaroo Delivery Authority, 2014, p. 21). Yet, the buildings did not taper to towards the north, nor did they follow the principles of the Concept Plan with all buildings stepping down to the west. Block 7 did not reflect V-shaped landform of High Street, as required by the Concept Plan. The withdrawn Modification 9 did not approximate, nor reflect in any way, the Concept Plan in terms of the indicative building heights and shapes of Blocks 5, 6, and 7.

The Concept Plan, with its sequential modifications up to Modification 11, remains the statutory planning instrument.

The Failure of the Central Barangaroo Master Plan

In a presumptive move, prior to the release of Approval for Modification 8 (28th June 2016), with the constraints on the Central Barangaroo development imposed within its conditions of consent, the Barangaroo Delivery Authority released the tender documents based on its Master Plan for Central Barangaroo (Barangaroo Delivery Authority, 2015). The bid document did not incorporate the conditions of consent for Modification 8.

The preliminary Master Plan for Central Barangaroo was submitted in 2014. The completed application for Modification 8 was submitted in 2015. Applications for Modifications 8 and 9 were intertwined and went as far as to utilise the photomontage of the Central Barangaroo Master Plan, for which approval was sought in Modification 9, as the lead illustration for the Application for Modification 8.

The bid document for the Central Barangaroo development (Barangaroo Delivery Authority, 2015) was made public on the unfounded assumption that both Modifications 8 and 9 would receive full development approval, with a massive increase (up to 150,000m²) in the GFAs of Blocks 5, 6 & 7 in Central Barangaroo that could be constructed as bulky, unitary blocks, as in proposed in the 'preliminary' Modification 9 proposal, along with an increase in height for Block 6.

This pre-emptory and presumptive approach by the Barangaroo Delivery Authority was strongly criticised by the PAC. On June 1st 2016, the Commission warned, 'there is no current planning Approval for more than 59,225m² on Barangaroo Central... any of the amendments proposed by this advice *must not assume GFA of 120,000-150,000 is either likely or appropriate*' [emphasis added] (NSW Planning Assessment Commission, 2016a, p. 7).

It is important to note that this advice from the PAC preceded the Approval for Modification 8 (released on 28th June 2016) that made the sought development at South Barangaroo conditional on a *reduction* in GFA, footprint, and height of Block 5, thereby *reducing* the overall GFA for Central Barangaroo from 59,225m² to **47,688m²** and restated limits on heights, GFA, and use for each of the Central Barangaroo Blocks (as described above).

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The PAC's warning was reiterated on 28th June 2016 within supplementary advice given in response to the Barangaroo Delivery Authority's objections to their initial advice. This was while the tender process, based on the assumed approval of both Modifications 8 and 9, was in progress:

It is important to recognise that under the approved Concept Plan for Barangaroo Central the gross floor area allowance is just 59,225m². Paradoxically, the Authority suggests its Master Plan process [Modification 9] resulted in a recommendation that the gross floor area for Central Barangaroo should be increased to a maximum of 120,000m² (ie be doubled), yet it goes on to confirm tenders have been invited to explore up to a maximum of 150,000m² (i.e. 2½ times the original area proposed for development

(NSW Planning Assessment Commission, 2016b, p. 4).

The PAC placed the risk arising from the premature tender process squarely on the Barangaroo Delivery Authority in undertaking the tender process prior to the release of the conditions of consent for Approval of Modification 8 to the Concept Plan.

The bid document for Central Barangaroo claims, 'The [unapproved] master plan [rather than the Concept Plan] sets the principles for development' (Barangaroo Delivery Authority, 2015, p. 5). This grandiose claim is blatantly false.

The Supreme Court made it clear in its 2018 findings in the sight line dispute between LendLease and Crown that, 'neither the [Barangaroo Delivery] Authority nor its predecessor the SHFA had any power to grant planning approvals. Neither was a consent authority' (63, *Crown Sydney Property v Barangaroo Delivery Authority; Lendlease (Millers Point) v Barangaroo Delivery Authority [2018] NSWSC 1931*). Regardless, the Barangaroo Development Authority acted on the assumption that the unapproved Central Barangaroo Master Plan would be the basis for development within Central Barangaroo.

After the advice and determination report from the PAC, and with the release of commitments for Approval of Modification 8, that imposed strict building limits and ensured retention of heritage views, the Barangaroo Delivery Authority withdrew the Application for Modification 9, thus negating the application.

The preliminary application documents for Modification 9 (Barangaroo Delivery Authority, 2014) were withdrawn without being assessed in 2016, thus nullifying their tenure and any basis for resubmission under Section 75W in 2021.

In July 2019, the Barangaroo Delivery Authority was abolished. Its functions were transferred to Infrastructure NSW, supposedly an 'independent' body reporting to the State Premier (Barangaroo Act 2009 No 2) 9. The dissolution of the Barangaroo Delivery Authority and Urban Growth NSW occurred amidst soaring debt, mishandling, renegeing on requirements, and incompetence that are elucidated by MacDonald (Macdonald, 2019).

⁹ <https://www.infrastructure.nsw.gov.au/news/2019/july/01/machinery-of-Government-changes/>

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Harris describes the evolution of delivery authorities, as delivery authorities are there to develop, they start acting like developers and increasingly focus on profitability. While making more money for the Government could be argued to be in the public interest, the pursuit of profit over other goals undermines not only the early project principles but the ability to realise more strategic and demonstrable public benefit related to the project and its role in the city. These patterns compound with the lack of accountable and transparent targets and monitoring frameworks related to the early principles (Harris, 2018, p. 128).

The current Infrastructure NSW proposal demonstrates that nothing has changed. Infrastructure NSW has had more than six years to provide a bid that conforms with the commitments for the Central Barangaroo development. That they have failed to do so can only be seen as utter contempt for the PAC, the planning process, and the people of NSW. The application to dismiss the commitments undertaken to allow the massive increases in development at South Barangaroo, reflects extremely poorly on the development process of the NSW Government.

The Infrastructure NSW application is in breach of the commitments for past Modifications to the Concept Plan that limit the use and size of Central Barangaroo to protect its heritage views.

Lack of Relationship to the Withdrawn Modification 9 Proposal 2014

Without the accompanying documentation of a completed application, it is difficult to determine building heights, density, massing, envelopes, footprints, GFA, and zoning that would enable a detailed comparison between the withdrawn 2014 Modification 9 application and the current proposal. However, from the depictions within the Master Plan report, these all substantially increase, except for building heights (other than for Block 6), that do not decimate the heritage views and vistas of the Concept Plan.

The Infrastructure NSW Central Barangaroo development proposal is substantially and crucially different from the 2014 withdrawn preliminary application for Modification 9, in all its increased critical and destructive dimensions, including the inclusion of underground GFA.

Transitional arrangements for consideration under Section 75W

Infrastructure NSW claims their proposed modification can still be assessed under transitional arrangements made for assessment under Section 75W of the *EP & A Act, 1979*, rather than under Section 4.33 of the Act that is now the requirement. However, under the transition arrangements, 'People who made modification applications before the transitional arrangements closed (1 March 2018), had ***until 1 September 2018 to lodge their environmental assessment documentation*** [emphasis added] so the modification can still be determined under the Part 3A transitional provisions' (NSW Government, Department of Planning and Environment, 2022).

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The transitional arrangement for assessment under Section 75W of the EP & A Act, 1979 fully closed on 1st September 2018. To be considered under Section 75W the environmental assessment documentation had to be submitted by this date.

Infrastructure NSW withdrew its application in 2016 and did not submit the environmental assessment documentation for this modification of the Concept Plan until December 2021; more than three years after the cut-off date. The withdrawn application was not in effect, and the current proposal differs substantially from the withdrawn application. The Infrastructure NSW proposal is an entirely new application and cannot be assessed under Section 75W of the *EP & A Act, 1979*.

The Infrastructure NSW proposal does not meet the conditions of Section 4.33 of the EP & A Act 1979

As has been outlined above, the Infrastructure NSW proposal does not qualify for a modification of the Concept Plan under Section 75W of the *EP&A Act 1979*, nor does it meet criteria for assessment as a modification under the new Section 4.33 of the Act.

Application under Section 4.33

The Concept Plan (MP06_0162) (NSW Government, 2006) is the existing approved plan for the Barangaroo development. Modifications to Major Projects can be made under Section 4.55 of the *EPA & A Act 1979*.

A [*consent authority*](#) may modify the consent under Section 4.33 of the *EPA & A Act 1979*,

if:

(a) it is satisfied that the proposed modification is of minimal [*environmental impact*](#), and

(b) 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), and ...

The proposed Infrastructure NSW modification does not comply with the conditions of this Section of the Act, and cannot be considered under 4.55 of the *EPA & A Act 1979*, because,

- The proposed modifications have an enormous environmental impact on protected heritage views; and
- The proposed development is substantially different from the Concept Plan.

This submission has shown that the Infrastructure NSW proposal, should it be approved, would cause irreversible destruction to Australia's heritage views, panoramas, vistas, and

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visual connections to the Harbour to and from the Millers Point heritage area. Views to and from the Observatory and Observatory Park would be decimated, as would the line of the High Street cutting with its views to and from the terraces, and their roofscapes.

Furthermore, it has been very clearly shown that the Infrastructure NSW proposal for Central Barangaroo **does not** conform to the objectives and built form Principles of the Concept Plan for Central Barangaroo and has devastating impacts on heritage views, vistas, and panoramas that the Concept Plan specifically sought to protect. These core elements of the Concept Plan are ignored.

The eight Built Form Principles (Principles) of the Concept Plan demonstrate the core elements of the Concept Plan and are accompanied by an indicative layout, design principles and development controls for each block that exemplify these Principles, as shown above. These provide strong guidance and an envisaging of the application of the key Principles across the site.

- 1. City's New Western Façade:** To create an integrated new western frontage to the city centre, orient the slender ends of buildings to the waterfront to define an open and memorable silhouette.
The Infrastructure NSW proposal contains no 'slender buildings' oriented to the waterfront and no 'open memorable silhouette.'

This Principle is abandoned in the proposal.

- 2. Hickson Road as a Boulevard:** To promote the scale of Hickson Road as a grand boulevard, buildings addressing the street are limited to 8 storeys in height, except where a podium of 4 storeys exists to support buildings of a greater height in the block south of Napoleon Street.
Under the Infrastructure NSW proposal the Hickson Road Boulevard exceeds the 8 storey height limit, with lower heights to the north.

This Principle is ignored.

- 3. Buildings to Define Streets:**
To define the public space of the street, set all building façades to the street alignment and respect the differing characters, scales and activation of the streets.
While all building façades are set to the street alignment, the buildings provide blocked dense masses with virtually no differing characters, scales and activation of the streets.

This Principle is dishonoured.

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4. **Low Scale Valley:** To promote built form of a human scale along pedestrian lanes, to encourage diversity in open space uses and to allow midday sun penetration within more dense blocks, mid-block buildings are limited to 4/5 storeys in height and are to provide accessible roof top open spaces. This enables the formation of an accessible roof valley.

The pedestrian lanes are not limited to 4/5 storeys. Although accessible roof top open spaces are provided, these do not represent roof valleys, but large flat spaces.

This Principle is distorted.

5. **Tapering Built Form:** To continue a built form dialogue with the adjoining city, building heights across the site are to generally taper towards the north, with the highest forms concentrated in the block in front of Napoleon Street. This Principle was long abandoned with the development at Barangaroo South; however, the PAC advice is to cease the high-rise buildings and 'book end' the build with the Crown building. This advice has been ignored with a high-rise tower at the northernmost end 'punching up' to despoil the moderated tapering of the buildings of Central Barangaroo and destroy heritage views.

This Principle is completely disrespected.

6. **Open Space Within Blocks:** To create hollow blocks permeated with open public spaces, courtyards, walkways and gardens. Interrelate the central band of the accessible roof valley with the ground plane and intermediate levels. The blocks have been massed and minimise open space, courtyards and gardens of the Concept Plan. There is only a central band of roof valleys with ground plane and intermediate levels.

This Principle is distorted and minimised.

7. **View Sharing:** To promote the equitable access to views towards the harbour, arrange the built form to define the street corridors and to allow filtered views from the existing private buildings to the east. Despite the PAC's advice and the commitments of **Modification 8** that the high-rise development was to cease at the Highgate line and that residents had already had their views seriously and sufficiently impacted by the development at South Barangaroo, the proposal seeks to also obliterate those of residents of the terraces of High Street and Kent Street that are protected under the Concept Plan. The built form of the proposal does **not** 'define the street corridors and... allow filtered views from the existing private residents'.

This Principle has been violated.

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- 8. Orientation of Buildings:** To provide optimum orientation and transparency across the site and to create a silhouette of slender towers to Globe Street and the waterfront - orientate the long facades of tower forms to the north. However, on Hickson Road, to define the linear nature of this road, generally orientate the long façades to the east.
- There is no 'optimum orientation and transparency across the site' no 'silhouette of slender towers to Globe Street and the waterfront' in the Infrastructure NSW proposal.

This Principle is replaced by massive blocks that remove any similarity to the Concept Plan. The Infrastructure NSW proposal bears virtually no resemblance to the Concept Plan. The 202% increase in total GFA, 24,123m² of underground development, the heights, density, orientation, GFAs and usage of each Block, and the lack of compliance with the vast majority of the key Principles of the Concept Plan render this ineligible for consideration as a modification under the *EPA & A Act*. Furthermore, as has been demonstrated, the proposal does not comply with any of the specific design principles and controls for **Blocks 5, 6 and 7**.

The Infrastructure NSW proposal does not meet the conditions for a modification under Section 4.33 of the *EP&A Act 1979*.

- d. The proposed modification would have a *disastrous* environmental impact on protected heritage views;**
- e. The Infrastructure NSW proposal breaches the commitments on which the development at South Barangaroo rests; and**
- f. The proposed development substantially differs from the Concept Plan.**

The essential nature of the Infrastructure NSW proposal is, in fact, antagonistic to the Concept Plan, particularly in one of its key aims: to enhance and protect the heritage views adjacent to the Central Barangaroo development.

In summary,

- Based on this review and its understanding of the existing approved project and the proposed modifications, there is a transformation of the project.**
- The project as modified is not consistent with the objectives and functions of the approved project.**
- The project as modified is not consistent with the objectives and functions of key elements of the Approved Project.**
- There are massive new environmental impacts on protected heritage views and vistas because of the proposed modifications.**

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- **The project as modified is not consistent with the conditions of approval.**
- **Impacts of the proposed modifications are minimised, misrepresented, and ignored.**
- **Impacts of the proposed modifications are unable to be mitigated so as to not have an adverse impact.**

The Infrastructure NSW proposal for development at Central Barangaroo must be submitted as a new development application; however, even in this form it cannot be approved due to its disastrous heritage impacts.

Collapse of Public Confidence

Public confidence in the planning processes of the NSW State Government has plummeted with each increase in height, bulk, and number of buildings at South Barangaroo. The interests of developers and politicians have overridden the wishes of the public and the public interest. The Infrastructure NSW proposal decimates the little remaining hope that might have remained in the Government having the public's interests, not the State coffers, at the heart of the development.

Harris provides an incisive account of the history of the Barangaroo development to date, leading to 'widespread disillusionment and mistrust of the project's planning and political processes' (Reinmuth, 2012, cited in Harris, p. 115). The account provided by Harris is a scathing indictment of those with power in the planning and delivery of the Barangaroo project. He describes:

A steady stream of high-profile conflicts has punctuated the planning and delivery process. In 2010 Clover Moore resigned from the Barangaroo Development Authority claiming the public were being "railroaded" with persistent breaches of transparency and poor public consultation (Spencer, 2010, cited in Harris p. 116).

Put succinctly:

Barangaroo has been a highly controversial megaproject. This public controversy stars an international development company who wins the tender for the project, forms a partnership with Government and then later takes the same Government partner to court, a confrontational ex-prime minister of Australia with a single-minded vision, a popular Sydney mayor who resigns from the project delivery authority board in protest, a billionaire casino owner and developer and a host of famous international architects

(Harris, 2018).

This was while the Government allowed Crown Resorts a gaming license, only to lead to the finding that Crown Resorts was *not suitable to hold* a gambling license by the New South Wales gaming regulator (Newsdesk, 2021).

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Harris identifies the five globally consistent criticisms of mixed-use megaprojects, as per the Barangaroo development:

1. introverted governance models that circumvent local planning frameworks, traditional channels of democratic participation and accountability;
2. global economic positioning and marketing towards a mobile elite prevailing over the concern of local issues;
3. physically and socially self-contained, isolated and disconnected from the context of the host city;
4. similar urban form regardless of the host city that encapsulates a narrow definition of urban life and culture;
5. minimal commitment to public benefit or socially just policies arising from a primary focus on profitability

(Harris, 2018, p. 114).

These criticisms apply to the Barangaroo development as a whole, but also specifically to the Infrastructure NSW proposal for Central Barangaroo.

Harris focusses on the 'scale creep' of the project and the casino as two 'dominant controversies'. The Crown building is built, but the 'scale creep' now threatens the heritage views adjacent to Central Barangaroo.

Harris questions whether the early optimistic start of Barangaroo was 'a "bait and switch" strategy where the public is promised one thing, only to be delivered something else'; 'or was there genuine intent to achieve the things that have not been achieved?' (Harris, 2018, p. 127). Harris states,

After conducting the largest global survey on megaprojects to date, Flyvbjerg (2005: 18) was left with no doubt the Barangaroo development fit the "Machiavellian formula for project approval, even if it means misleading parliaments, the public and the media about the costs and benefits of projects" (Harris, 2018, pp. 127-128).

However, Harris modifies this assessment in likening the process to 'an accumulative erosion than a deliberate pre-planned strategy (Mould, 2017). They begin with good and strong ambitions with a mandate clearly in the public interest before two eroding processes begin to happen' (Harris, 2018, p. 128).

An independent Infrastructure NSW was intended to renew public confidence in the Barangaroo project. However, the fact that Infrastructure NSW has submitted this proposal conveys the lack of real independence of this relative newcomer to the Barangaroo planning disaster. It appears that the problems experienced throughout the development are set to continue, with the owners of the land on which it sits, the public of NSW, the losers. The confidence of the public in the Government itself is at stake in the decisions made regarding this dreadful proposal.

The proposal is nothing short of heritage vandalism. That an organisation of a Government elected to represent and promote the public good for the people of NSW and the country as a

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whole is so ready to desecrate Australia's unique and irreplaceable heritage for short-term monetary gain is appalling. It is clearly time for Infrastructure NSW to follow its predecessor, the Barangaroo Delivery Authority, and be dissolved. This organisation clearly does not represent the interests of Australia.

Regardless of the underlying intent, the planning processes and development of Barangaroo has caused deep distrust in successive State Governments and shattered the confidence of the public in Government processes and priorities. The Infrastructure NSW proposal continues to demolish public confidence through its misrepresentations and disregard for the commitments undertaken to allow the modifications already made to South Barangaroo.

The proposal is unacceptable whether as a 'modification' or a new development application.

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Appendix A: Documentation Approved with Amendments contained within Instruments of Approval

Approval of Development in Accordance with Plans and Documentation (extracted from Modification of Minister's Approval: Major Project Number MP06_0162, Modification 11 (NSW Government, Department of Planning, Industry and Environment, 2020):

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

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

Except as modified by

(b) Barangaroo Part 3A Modification Report (Volume 1) and Appendices (Volume 2) prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated June 2008;

(c) Barangaroo Part 3A Modification Report - Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009; and

(d) Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants and dated August 2010.

(e) Section 75W Modification titled 'Concept Plan Modification 6, Barangaroo South' prepared by JBA Urban Planning Consultants and dated June 2013.

(f) Section 75W Modification titled 'Concept Plan Modification 7, Barangaroo South' prepared by JBA Urban Planning Consultants and dated October 2013.

(g) Section 75W Modification titled "Concept Plan Modification 8 and Major Development SEPP, State and Regional Development SEPP and Sydney Harbour SREP Amendments" prepared by JBA Urban Planning Consultants and dated March 2015.

(h) State Environmental Planning Policy Amendment (Sydney Harbour) 2016 made on 28 June 2016.

(i) Section 75W Modification titled "Concept Plan MP06_0162 Modification 10 and State Significant Precinct Amendment" prepared by Ethos Urban and dated 7 April 2020.

(j) Section 75W Modification titled "Section 75W Modification Application - Environmental Assessment Report Barangaroo Concept Plan MP06_0162 (MOD 11)" submitted by INSW on 17 July 2020.

(2) The following Preferred Project Report including a revised Statement of

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Commitments are approved:

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

Except as modified by

- (a) Preferred Project Report Barangaroo Part 3A Modification - Commercial Floor Space and Revised Statement of Commitments and Preferred Project Report Addendum prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated October 2008;
- (b) Preferred Project Report Barangaroo Part 3A Modification Report - Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of the Barangaroo Development Authority and dated September 2009 and Preferred Project Report Addendum Map prepared by the Barangaroo Development Authority dated September 2009 (Revision F); and
- (c) Preferred Project Report Concept Plan Modification 4 (MP 06_0162 MOD 4) Barangaroo Stage 1 prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated November 2010 and revised Statement of Commitments (December 2010).
- (d) Preferred Project Report Concept Plan Modification 6 (MP06_0162), Barangaroo South prepared by JBA Urban Planning Consultants on behalf of Lend Lease and dated 17 October 2013.
- (e) Response to Submissions and Preferred Project Report titled "Concept Plan Modification 8, Major Development SEPP and State and Regional Development SEPP and Sydney Harbour SREP Amendments, Barangaroo South" prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2015, as amended by drawings B10_AMP_08_0093-01, B10_AMP_08_0094-01 and B10_AMP_08_0095-01 prepared by Lend Lease dated 25 November 2015 and the SEPP Amendment made on 28 June 2016.
- (f) Response to Submissions titled "Barangaroo South Concept Plan MP06_0162 Modification 10" prepared by Ethos Urban and dated 17 July 2020. Together with revised Statement of Commitments contained within Section 75W Modification titled "Concept Plan MP06_0162 Modification 10 and State Significant Precinct Amendment" prepared by Ethos Urban and dated 7 April 2020 and revised 'Appendix C Built Form and Urban Design Controls' prepared by Ethos Urban and submitted on 18 August 2020.
- (g) Response to Submissions titled "Response to Submissions - S75W Modification Application to Barangaroo Concept Plan MP06_0162 (MOD 11)" prepared by MG Planning and dated 8 September 2020, as amended by Road Safety Audit ref JN21019_Report01 Rev02-JMT Barton, prepared by

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AMWC RSA and dated 22 September 2020.

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National NSW

This was published 6 years ago

Keating fears taller buildings at Central Barangaroo will pay for railway

By [Anne Davies](#)

Updated August 21, 2015 – 3:47pm, first published at 1:15pm

- [Barangaroo Reserve opens to the public](#)
- [Keating's vision for vision for Barangaroo Reserve](#)

Former prime minister Paul Keating says the NSW government should resist permitting higher buildings at Barangaroo Central to fund the new underground railway station there, because it will undermine the original concept for descending heights towards the headland park, Barangaroo Reserve.

Mr Keating has been one of the driving forces for a naturalistic park at the tip of Barangaroo that would act as a "pivot point" between the old wharves at Walsh Bay and the new development at South and Central Barangaroo.



There is still pressure to allow greater height and floor space in Central Barangaroo. BRENDAN ESPOSITO

But plans to step down the building heights along the huge development site from south to north are now under a cloud.

The original concept envisaged mixed-use buildings of about six storeys in Hickson Road, separated by wide roads with the waterfront portion devoted to parkland and grass.

Over time the buildings have got fatter and taller and the space between them tighter.

The first increase in floor space occurred when the former Labor government proposed a metro station at the site, since scrapped. The current approval from 2013 allows for 59,225 square metres of mixed-use development at Central Barangaroo, including cultural, retail, office and residential. It caps the buildings at 33 metres, or about nine storeys.

But the Barangaroo Delivery Authority, which is managing the site, is still to lodge its latest plan, Modification 9.

In its preliminary documentation before the railway announcement, it sought permission to lodge a modification for "flexibility on sizing" of the three development blocks in Hickson Road, known as Blocks 5, 6, and 7. It said it wanted to almost double the floor space in Central Barangaroo to 120,000 square metres.

In June, the NSW government announced plans to build a new rail line under the harbour and through the city, with a new station located at Central Barangaroo.

While \$84 million has been allocated in the 2015-16 state budget for planning, Treasury is understood to be looking at financing the estimated \$400 million cost of the station at Barangaroo through further increases in floor space.

While Mr Keating said a railway station was "unambiguously good", he urged the government to resist the temptation.

"I had the buildings level with High Street [in the Rocks]," he said, referring to his time as chairman of the design panel. "Nine stories was all right, but the temptation will be to take it to 15 or 20 storeys," he said.

A BDA spokeswoman said that as part of the premier's announcement, it was also revealed that a working group would be formed – including the Department of Premier and Cabinet, Transport for NSW, the Barangaroo Delivery Authority and Treasury.

"The working group will consider issues such as station location, design and configuration, aligning the timing of Sydney Metro and Central Barangaroo construction and the optimal scale of Central Barangaroo in light of the increased transport capacity," she said.



Anne Davies is a senior reporter and investigations writer for The Sydney Morning Herald. Connect via [email](#).



Dear Madam/ Sir,

Bruce & Nicole Powell
Kent St,
Sydney

My wife and I write as concerned residents at Highgate, but primarily as Sydney siders who love our city and wish to preserve and protect its beauty and amenity for the generations to come. To be completely frank, I am personally, deeply saddened and disappointed that the Barangaroo development has been allowed to progress in any capacity. It's so odd to see buildings like the Roche building, which is a modern commercial building which appears to fit into the landscape and have been suitably approved and built within a cascading relief toward the water's edge, now so oddly and abruptly walled in by the newly built Barangaroo South development.

The Barangaroo Concept Plan Mod 9 is now before us, which presents two highly undesirable outcomes; the already approved development for Barangaroo Central, and further additional building heights and floor areas.

As a member of the public and a lover of Sydney and Miller's Point, we'd first like to argue the common case for disapproval of Mod 9, and later for our own loss of personal amenity at Highgate. Millers Point is by far our favourite suburb of Sydney, due to its beautiful mix of old and new, strong community values and care for others and the natural beauty afforded by the harbour and rich green landscapes with large, matured Morton Bay Figs. Millers Point combines the old world charm of sandstone structures with natural beauty and civil amenity. It is only a few minutes walk from public transport infrastructure (Wynyard Station and Buses, and more recently, the tram on George St), or safe cycling across our Harbour Bridge.

Part of the appeal of Millers Point is the shared experience of beautiful public spaces such as Observatory Hill. I'm unsure if you have ever experienced a warm winter's afternoon there yourself, but my wife and I have done so on several occasions, and did so again on Saturday afternoon past, when walking back from Haymarket via the Rocks. We shared time with such a community there of people, collectively enjoying a beautiful sunset over waters of our city. Figure 1 is of that pleasant time, taken Saturday 6th 2022.



Figure 1 : Myself and others enjoying the sunset looking West from Observatory Hill, 5:04pm, Saturday August 6th 2022.

The following image is the Consultant's representation of the likely loss of visual amenity at this same location. Unfortunately for the purpose of comparison, the aspect chosen by the Consultant's photographer is not toward the sunset at all - as one would have expected, and as is even suggested by the due-West aspect of the existing public benching - but instead, the aspect offered is across that view, toward Barangaroo South. Despite this, the detrimental impact of the apparently already approved development to visual amenity is made clear, and then further under Mod 9, where the entire land/water interface from this vantage point to the West, is almost completely obscured! This is clearly not in the public interest. If allowed to go forward, it is a shocking legacy and a sign of deep disrespect for both our current and future generations.



Figure 2 : Observatory Hill; consultant’s image of likely loss of amenity, looking toward the Barangaroo South development. Source : View and Visual Impact Assessment for Barangaroo Concept Plan (06_0162) Modification 9.

I am unsure why it is a community group that must be relied upon to represent more clearly and openly, the full extent of loss of public visual amenity from Observatory Hill when looking toward the West. Figure 3 (right panel) represents the alarming loss of public visual amenity as represented by the Concept Plan under Mod 9.



Figure 3 : Observatory Hill : View toward the West, showing the current and potential loss of public visual amenity, as a consequence of approved Barangaroo Mod 11 & Mod 9 Developments. Source : Millers Point Community Residents Action Group.

In terms of visual amenity, none of these options are in the public interest.

Figure 4 describes the elevation of the buildings planned under Mod 11 (blue shading) and then Mod 9 (red shading). It is clear that under Mod 11, while inappropriate, development to this height remains somewhat consistent with both the topography of the landscape from Observatory Hill, and also the existing Barangaroo South development. The Mod 9 development height and profile however, can make neither claim. It instead greedily exceeds both boundaries, with wholesale reductions in visual amenity from all key vantage points along Kent St and from Observatory Hill.

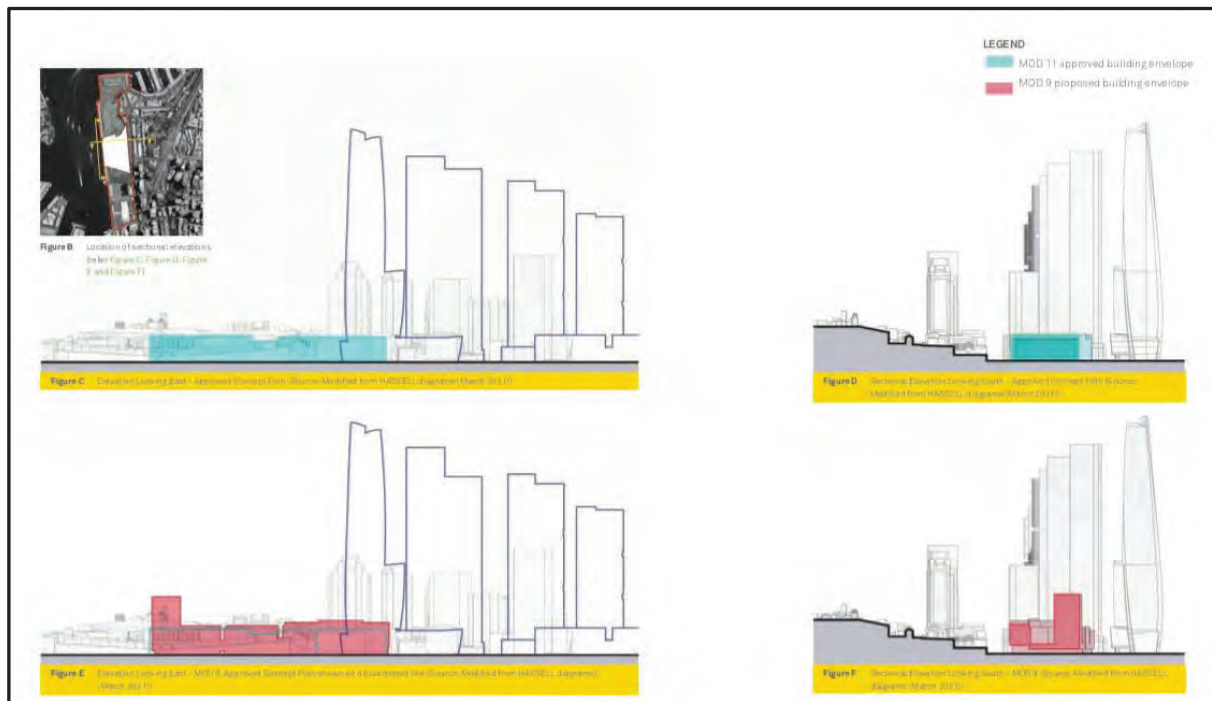


Figure 4 : Building elevations and local topography under Mod 11 (blue shade) and Mod 9 (red shade) Source : View and Visual Impact Assessment for Barangaroo Concept Plan (06_0162) Modification 9

Is there a demand for additional commercial floorspace in Sydney?

In consideration of the amount of commercial property available for lease in Sydney, as at the time of writing, it appears little has changed since the date of the chart below. Image 5 describes demand for CBD commercial property within each Australian capital city for the six months to January 2022. Demand for commercial floorspace in the Sydney CBD lags so far behind all other capitals cities, apart from Darwin which historically has a negative average demand, and Brisbane. At the time of the publication of this chart, the Australian Property Journal (Feb 2022) reported that Sydney CBD had an additional 150,000 square metres of commercial floor space coming online in 2022, with prime grade incentives running at an (extremely high) 35%.

Sydney CBD does not require additional commercial floor space at this time.



Figure 5 : Net CBD Demand for Commercial Floorspace, Australian Capital Cities, six months to January 2022 Source : Australian Property Journal, Feb 3rd 2022.

Personal Visual Impacts

The renderings as shown in Figure 7, describe the potential visual impact for residents in the Highgate apartments. These apply to residents on Level 15. Figure 6 displays our lounge room and kitchen views when standing, as at August 2022. We are situated on Level 8. However we pay the same premium for and enjoy - and share with many others at this time who care to visit us in Millers Point – this magnificent visual amenity, albeit now already partially obstructed by the development of Barangaroo South. The impact of the proposed development under Mods 11 and especially Mod 9 to the views from our home to the North will be profound. Highgate Level 8 will (already) just be at eye level with the top of Mod 11 structures if built. Floors below us can expect to receive no visual amenity whatsoever. Under Mod 9, the effects will become yet more severe, and for a greater proportion of our residents here also. Is this acceptable planning practice?



Figure 6 : View from Lounge Room when at Standing height. Highgate Level 8, Aug 2022.

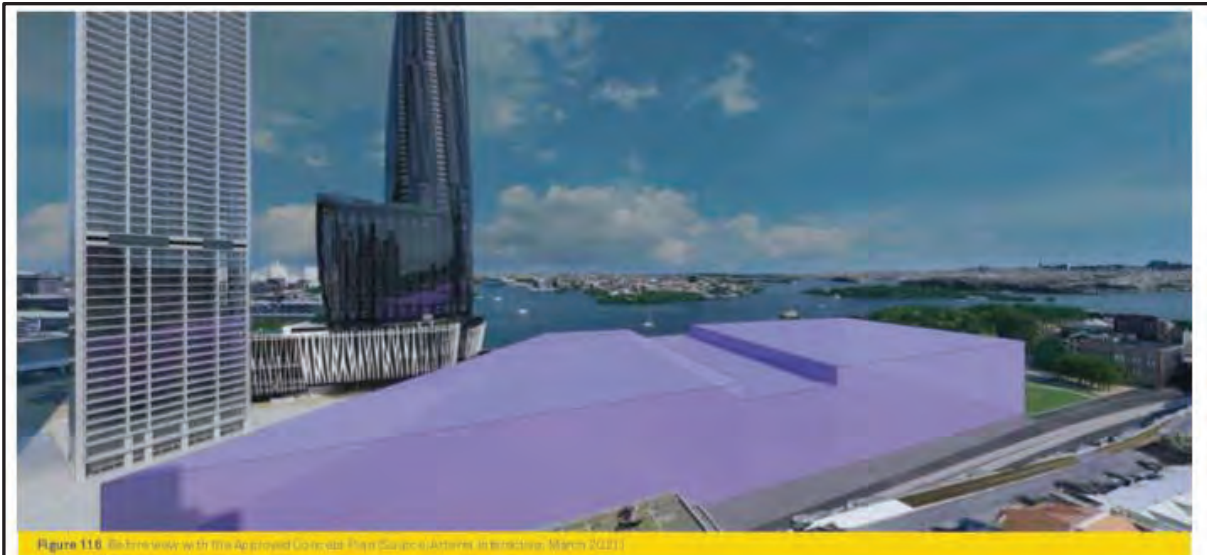


Figure 116. Aerial view with the Approved Concept Plan (Source: Architects Interactive, March 2021)

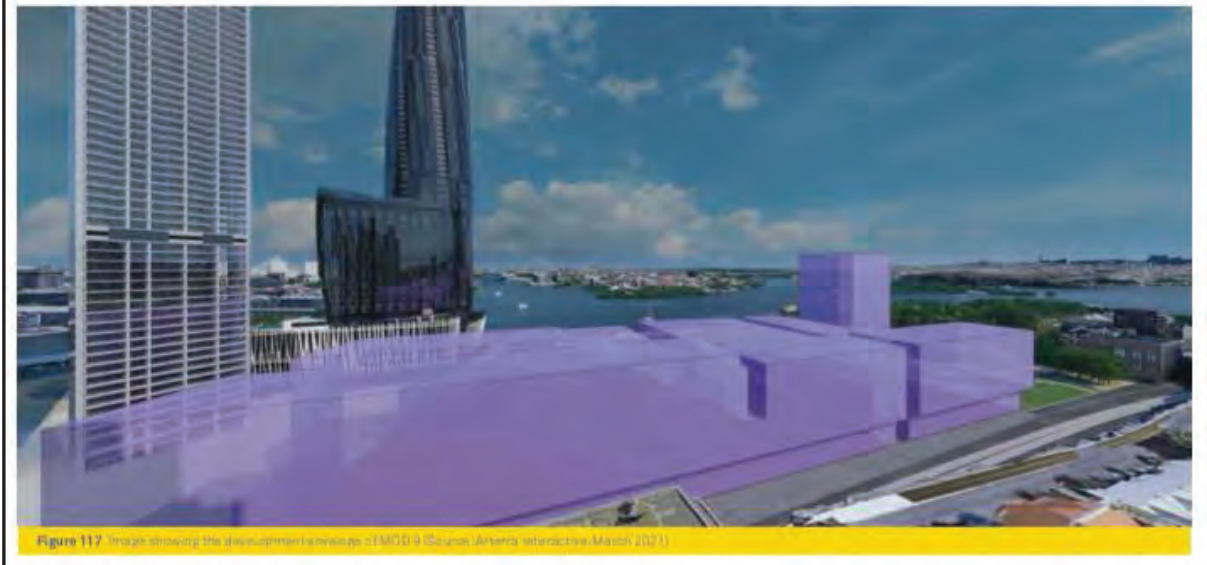


Figure 117. Image showing the development proposals (MOD 9) (Source: Architects Interactive, March 2021)

Figure 7 : Visual impact for Highgate Residents at Level 15 under Mod 11 and Mod 9. Source : View and Visual Impact Assessment for Barangaroo Concept Plan (06_0162) Modification 9.

In Conclusion

One of the five key objects of the Acts governing Barangaroo that Proponents claim have remained consistent throughout includes :

(e) to create in Barangaroo an opportunity for design excellence outcomes in architecture and public domain design.

The arguments in this submission consider that the development proponents are failing both the wider Australian public and those residents local to Millers Point, Observatory Hill and Kent St North. They are also failing the key objects (objectives) of the Acts governing the development.

What is being presented under Mod 9 is neither architectural excellence or excellence in Public Domain design. It fails to consider and assess the development's proposed impact on public wellbeing public and private amenity. Consequently, certainly Mod 9 should be rejected outright and for the sake of the this and future generations, with planning for Central Barangaroo wholly reviewed.

We sincerely request the minister take into consideration these arguments as Mod 9 is reviewed, and reject the Proposal.



12 July 2022

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

Dear Sir/Madam

Application no: MP06_0162 MOD9
Applicant: Infrastructure NSW Minister for Planning

I refer to your notification of Exhibition of Modification Application and make the following comments:

This is the 9th modification in Central Barangaroo and seeks approval to increase the total permissible gross floor area (GFA) within Barangaroo from 602,354 sqm to 708,041 sqm and seeks the following changes to Central Barangaroo. This indicates an increase in development which is unnecessary and to which I object, specifically raising the matters in your description of proposed modification:

- (1) an increase in the maximum GFA of almost three times is unnecessary and reduces the area of space left for citizens and tourists;
- (4) increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park – surely it is not necessary to reduce the only park in the area?
- (6) modify the approved building envelopes of Blocks 5, 6 and 7 etc – this seems totally unnecessary as it includes height, block alignments and additional GFA;
- (7) introduce design guidelines for Central Barangaroo to guide future detailed proposals – what are these guidelines? Please specify;
- (8) amend the State Significant Precincts ^{SEPP} to support the proposed modifications to Central Barangaroo. Obviously, without this amendment, modifications 1-6 could not proceed.


Obviously I disagree and do not support any of the proposals and object to all proposals.

At one stage Barangaroo had sufficient area for public and tourist use. This application clearly reduces that amenity and should not be permitted.

Yours faithfully







The Director (per Ms Amy Watson)
Key Sites Assessments, Planning and Assessment
NSW Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms Watson,


Your Ref: MP06_0162 MOD 9

I refer to your letter of July 8, 2022 entitled 'Notice of Exhibition – Modification to Barangaroo Concept Plan (MP06_0162 MOD 9)' and wish to make a submission regarding the modification application to **which I most strongly object**. My objections are as follows:-

- The proposed modification suggests that the total permissible gross floor area (GFA) for the Central Barangaroo development be increased from 602,354 sqm to 708,041 sqm. This is an increase of approximately 17.5%! For the Blocks 5, 6 and 7 the proposed maximum increase in the GFA is being **tripled!** This is not a 'modification'; it is an entirely new and monstrous enlargement of the original development plan. If permitted, the new plan would replicate the over-development and creeping expansion that has been the sad story of Barangaroo South where repeated modifications resulted in ever increasing density at the expense of the public domain and amenity.
- Although the original Master Plan incorporated the important principle of "*preserving views from Observatory Hill to the horizon and the harbour,*" the modified plan allows for high density tower developments. The height of these developments will provide a visual barrier to the west and eliminate the sightlines and heritage views to and from Observatory Hill and Millers Point – areas that date back to the beginnings of the European settlement of Australia. The heritage of the area will be compromised and diminished. Moreover, this travesty is proposed while, at the same time, the views from the Crown and Lend Lease developments (to the harbour, the Bridge, the Opera House etc.) are guaranteed. Why are the occupants of these developments having their views privileged over those of other residents in the district? The photographs used in the Mod 9 are misleading and do not properly show the views that will be lost if the development proceeds.
- The Crown development has already usurped what was originally intended as foreshore parkland and the proposed Mod 9 development encroaches further on open space and adjacent parkland with Hickson Park being further enclosed. These spaces were designated for use by the public and the increased density of the whole Barangaroo site requires a commensurate increase in public spaces for passive recreation – i.e. places to sit, to walk and to just breathe fresh air.

I think the proposed Mod 9 is an appalling alteration to what residents of Millers Point (such as myself) had believed was a settled plan and for what? It seems likely that the proposed changes are driven by the short-term funding needs of the State Government for capital works to the detriment of any long-term benefit to our city.

Yours faithfully,



[REDACTED]
Millers Point NSW 2000

21 July 202

Dear Sir

Re Application MPO_0162 MOD 9

I write to you to object to the above proposed development at Barangaroo

I bought in the Highgate, 127 Kent St, Millers Point, over 27 years ago to enjoy being able to share and enjoy the view of the harbour, the atmosphere of the old and historic part of Sydney.

I bought with the confidence that there are laws in place to prevent overdevelopment and protect the rights of the ordinary people to enjoy the beauty of this precinct.

The impact of the new development is disastrous.

It cannot be good for Sydney

The guaranteed views of the water from the Observatory Hill area which I thought was in place, is lost.

Sydney's heritage must be preserved. Foreshore parklands must be preserved.

History cannot be duplicated.

I urge you to please step in and stop this for the sake of Sydney

[REDACTED]
[REDACTED]

Director
Key Sites Assessments, Planning and Assessments
NSW Department of Planning and Environment
Locked bag 5022
Parramatta
NSW 2124

[REDACTED]
[REDACTED]
Millers Point NSW 2000
24/7/2022.

MP06-0162 MOD9

Dear Sir,

I am writing to voice my many objections to the plan for Barangaroo Central Mod 9.

This new plan increases the density of the development by an unacceptable margin resulting in gross over development.

Photographs used in Mod9 do not give a true picture of the degree of impact on views of residences in Kent Street leading to total loss of views for many.

Further amenity is lost by the reduction of space in Hickson Park resulting in it being further enclosed.

The plan ignores the importance of the significance of Observatory Hill and the heritage significance of Millers Point.

I urge you to respect this historic site and protect it from overcrowding and alienation from the water and views to and from the west.

This area has developed a wonderful sense of community. It is welcoming and popular with visitors from near and far. Please be mindful of its unique history and its geographic location. They are too precious to destroy.

Yours sincerely

[REDACTED]

[REDACTED]

**CENTRAL BARANGAROO SECTION 75W MODIFICATION REQUEST
MP 06_0162 MOD 9**

SUBMISSION

[REDACTED]

We object strongly to the current modification proposal for several reasons.

- 1) Hickson Park (page 20) will become a “handkerchief park” unsuitable for lunchtime corporate games of football, soccer, cricket, etc. The reduced site will do little to enhance the lives of workers at Barangaroo and certainly will be little used by local residents, especially with only 2 hours of sun each day in mid winter and narrow glimpses of the Harbour as provided by your diagrams.
- 2) Harbour Park (page 20) will also be considerably smaller. What happened to the tree canopy and, again, more outdoor recreational space as we head post pandemic with global warming a reality....what environmental credentials are evident in this large scale building platform with considerably smaller parkland in the heart of the development? This is certainly not “providing a better planning outcome” as stated in the Modification.
- 3) On page 30, diagrams show Building cantilevers, arcade and atrium for Blocks 5, 6 and 7. It is rather obvious that Block 7 at 73.7 RL will significantly block, not only the northern sun from the rest of the buildings , but also be a significant obstacle in front of Observatory Hill and their wonderful telescope which is open to the public. Already The Crown building impacts on Observatory Hill by hindering celestial observations: Block 7 will be even worse. Developers’ greed seems to trump the common good once again. The proposed Central Barangaroo Modification concept is so different to the rest of Barangaroo as well as being a dense concentration of buildings that we do not believe it “will drive higher levels of patronage” either on the Metro line or become an attractive addition to the entire precinct. Hanging around a railway station to eat, shop, relax or work does not enhance the experience for workers, families or tourists! Judging from the wind tunnels and lack of open air and greenery at Barangaroo South, we regret to inform you that this Modification will recreate more of the same and businesses will not be able to attract the patronage you are stating: all the diagrams in the world will not hide this fact.

REDESIGN CENTRAL BARANGAROO WITH PEOPLE IN MIND!!

[REDACTED]



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.

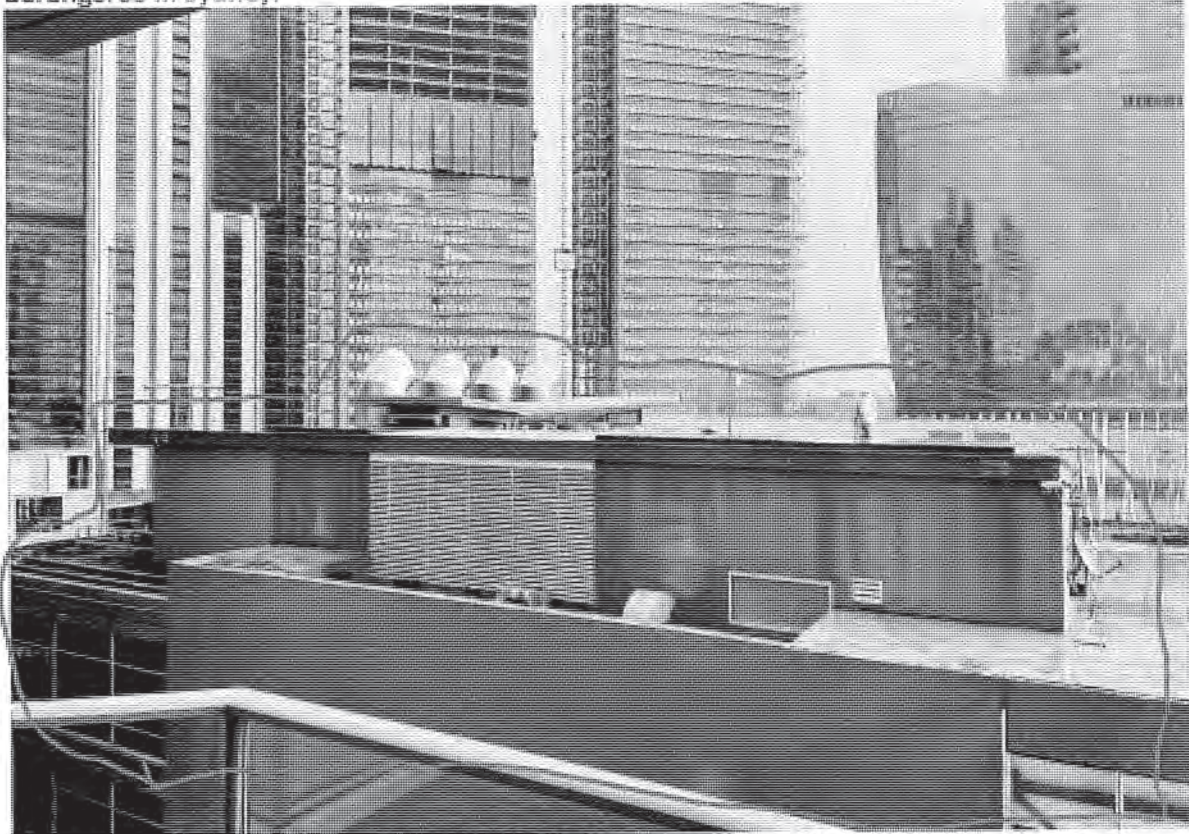
Please remember what Jack Mundy achieved saving the eastern side of the Rocks from similar desecration in the 1960s. It would be hard for any ordinary citizen of Sydney not to strongly agree with what Mundy and his branch of the Builders Labourers Federation, a Communist supporting union, did leading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



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



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

Re: MP06_0162 MOD 9

Dear Sir / Madam,

From the outset, be it known that I object strongly to the proposal as outlined in the reference to MOD 9.

The State Government has completely abrogated its responsibilities to the people of Sydney, particularly those who live in the area around Barangaroo. The further reduction of the promised parkland as a result of the proposal is a serious denial of the rights of Sydney citizens.

When one looks back over the original stages of the development of Barangaroo and the representations of size, scale and floor area of buildings, and the numerous obfuscations of the plan, it is clear that the citizens of Sydney have been hoodwinked and lied to.

We are now at the end of the development and are faced with yet again an over-development which clearly abuses the original plan and concept by reason of height, floor space and volume. The arrogant destruction of residual views available to residents of apartments along the Barangaroo foreshore rising up to the apartments adjacent to Observatory Hill, is the result of this ill conceived plan.

As a citizen of this heritage precinct of Sydney, I view this whole proposal as an absolute disgrace, a complete abrogation of Government responsibilities, a denial of private rights, a denial of remaining views and should be completely reconsidered.

Yours Faithfully,



31st July 2022

354091

Application Number
MP 06_0162 MOD 9



21 7 2022

The Director.

Key Sites Assessments, Planning and Assessment

NSW Department of Planning and Environment

Locked Bag 5022

Parramatta NSW 2124

Dear Sir,

I wish to vehemently oppose the latest plan (Mod 9) recently published regarding the further overdevelopment of Barangaroo North.

I note that this increases the floor area approved in the Concept Plan by a factor of several times with consequent further reduction in the already overcrowded open public spaces.

In addition, the 75 m. tower next to Barangaroo Headland Park has to be a bad joke. I would hope that the bureaucrat responsible for this monstrosity has his name permanently displayed on site for public ridicule. This building would completely overshadow the adjacent Headland Park and destroy the natural superiority of the Historic Observatory Hill Park. This shows disregard for the history of Sydney. It will certainly vie with Blues Point for the worst building on the Harbour.

This disastrous proposition is the result of years of poor and devious planning by those responsible in government and the people of Sydney should not have to pay for their mistakes in this way.

Stop it now.

—

8th August 2022

The Director General
NSW Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Barangaroo Central – MP06_0162 - Modification 9 to Concept Plan

Letter of Objection

We write to object in the strongest possible terms to Modification 9 amendments to the Concept Plan for Central Barangaroo (Blocks 5,6 and 7).

Planning Pathway

Modification 9 should be a new application, subject to a full assessment process.

Public Space

Shamefully, there is no Public Space identified on the Modification 9 plans.

Barangaroo Avenue

The proposed cross section of Barangaroo Avenue, reproduced in Figure 15 of the Environmental Assessment Report is contradictory to every positive principle for urban sustainability. The potential quality of the street is undermined for the purposes of private vehicle servicing in a basement below – at the expense of a sustainable, publicly-focused public realm agenda.

The alignment of Barangaroo Avenue is impinged by a proposed 3 metre deep, multiple storey overhang, disingenuously described in Urban Design report as a 'verandah'. No enclosed floorspace should be permitted to encroach upon the Barangaroo Avenue reservation either above or below ground level. Such encroachments limit and diminish the clarity and form of the street, and its public potential and maintenance over time.

Hickson Road

We strongly object to the hiding or not showing the historic reservation of Hickson Road.

A 4m overhang is also shown to Hickson Road. Similarly, to Barangaroo Avenue, no enclosed floorspace should be permitted within the reservation of Hickson Road. Historically, this street had a 30.4metre wide reservation, measured from the cliff face below High Street which should be retained, intact and unimpeded.

Nawi Terrace

Nawi Terrace is a private commercialised area, disconnected from ground plane. This is not part of the public space but instead is a commercial area masquerading as public space.

Proposed East West 'Streets'

The proposed 'streets' are to be overshadowed and dominated by the bulk of flanking buildings. The miniaturised streets in Barangaroo South, they structure only a confected commercial marketing opportunity, in dereliction of their wider duty as part of the city structure.

Effects on Hickson Park

Hickson Park has already been diminished through Modifications 1 to 8 – moving from the foreshore position it occupied in the Concept Plan approval to become inset and isolated.

Modification 9 proposes to diminish further the amenity of this 'park' (sic) forecourt space by imposing additional overshadowing. The shadow diagrams in the submission materials omit the shadow impact of the Barangaroo casino. It is heavily overshadowed in mid-winter.

Height

There is no reasonable justification given for any further increase in height across Blocks 5,6 and 7 in Central Barangaroo.

This is perhaps not surprising, as it is difficult to conceive of any urban, cultural or heritage terms that could justify a tower building rising to 73.7metres in height at the northern end of the site. Such a building would block the open axial vistas of and from the Observatory, and the long view west down to White Bay.

Blocked views between Sydney Harbour and Observatory Hill.

The aptly-named Observatory Hill has, since European occupation and no doubt long before, provided an unrivalled panorama of Sydney Harbour and now the city. This reciprocal relationship would be severely and irreparably damaged, were this proposal to be approved. The long view along the axis of White Bay will be completely blocked, while the views to the Observatory from the west would be largely lost, appropriated by a private tower dominating the foreshore.

Modification 9 extends this principle of prioritising the private interest over the needs of the city. The proposal to increase the height of Blocks 5, 6 and 7 severs the relationship between the harbour and Observatory Hill – a historically, and culturally significant relationship that is proposing to be broken for the sake of additional commercial floor.

Urban Design

The Urban Design Report is lengthy but inadequate. The 'urban design' fails to set out its critical role in the framing of the extension and connection with the city, as there is effectively no public space to give orientation, connection and scale in Barangaroo Central. The urban design proposal is one that focuses on the needs of commercial development form proposing a monolithic singular development – rather than an urban framework, within which differentiated and articulated development is situated. Future façade articulation by a collection of esteemed architects is a poor substitute for genuine formal and typological diversity.

There is a distinct lack of connections to Millers Point, and between High Street and Hickson Road. There is a risk that Hickson Road will be consigned to a service function, creating a long and a rather dead frontage, with activity focused inwards in the manner of the most typical expression of this sort of development form - the large shopping centre. Like Barangaroo South, Barangaroo Central is prioritising its commercial benefit as a controlled and singular enclave – formally homogenous, inward-focused and corporate. The lack of authentic formal, scale and typological diversity renders this form of development disposable when too soon obsolete.

Built Form

The Design Excellence selection process has not been shared publicly, with scant justification or explanation of the future parcelisation of this oversized block. While several the architects are undoubtedly well-credentialed, there are unanswered questions regarding the role of the Scentre Group in the delivery of design excellence in architecture, public space and landscape design on the site into the future. It is curious that with so many significant architects involved in the development of the site that there is not not more variety in the scale, typology and formal response of the parts – and this does raise questions about nature, rigour and structure of the Design Excellence process to date.

The submission does not give adequate explanation of the underground parts of the scheme, including the scale and organisation of the extremely large shopping centre and its relation to the metro station. There are significant questions about the manner in which its parking and loading is being organised., including the location and impact of the entry to these basements on the perimeter of the development. As noted above, the colonisation of Barangaroo Avenue with enclosed floor space above and below street level is worst practice in urban, public, landscape and sustainability terms – and is unacceptable.

Most importantly, there is insufficient explanation for why an outdated monolithic shopping centre model has been selected for the harbour foreshore, in the most inaccessible corner of the city centre. It is highly likely to increase traffic congestion in the whole north-west quadrant of the city.

The last two years of pandemic has raised significant questions about the relevance of monolithic commercial building forms and types. The quantum of below ground commercial space should be significantly reduced.

Public and Community Uses

Proposed community uses total just 19 000m² (Cutaway void 18 000m²) out of current total of 708,041m² of gross floor area across Barangaroo. This equates to public buildings being just 0.025% of total floor space at Barangaroo. This level of provision is below any international standard and is a poor outcome on 22 hectares of foreshore accessible public land adjoining the city centre.

Planning and the Public Interest

Barangaroo Central is against the public interest – a commercially inward-focused enclave appropriating the foreshore of Sydney Harbour. It diminishes its relationship to the broader city and to isolate the extraordinary qualities of the site for its own benefit. It treats historic vistas and long-standing cultural relationships with contempt. It has no network of genuine public spaces.

It is wholly conceived of in terms of development self-interest, undermining and deforming existing planning principles to maximise commercial gain.

Barangaroo's planning, Modification 9 continues the legacy of undermining the aims of the 2005 Sydney Harbour Regional Environmental Plan;

Modification 9 should be rejected for the above reasons.

Regards



Submission to Planning NSW: Modification to Barangaroo Concept Plan

The government should not:

- destroy any remaining heritage and cultural landscapes at Barangaroo
- even consider approving outrageous bulk and scale modifications at Barangaroo – FIFTEEN years after formal approval
- ignore the area's major heritage values
- destroy the enjoyment of all Sydney-siders of the harbour & Observatory Hill vistas
- compromise the historic streetscapes of the Millers Point by blocking sightlines from multiple neighbouring suburbs
- cynically approve cash grabs for developers
- approve a building that will become yet another Sydney eyesore, for which developers have no regard or concern.

This is a government that does not learn from past mistakes – architectural, environmental, cultural and social.

The citizens are opposed to this development and the government should learn to respect the views of citizens and heritage experts, including the National Trust.

This proposal is not consistent with the Barangaroo Concept Plan and is a travesty.

Approval would have significant negative impacts: on the enjoyment and values of the people of Sydney; and the heritage values of Observatory Hill, Millers Point and Barangaroo Headland Park. This should not and cannot be approved.

██
██
██

Cc: Clover Moore, Lord Mayor of Sydney
Alex Greenwich, Member for Sydney

Submission Re: Proposed Modification to Barangaroo Concept Plan.

I am appalled that the NSW Liberal Government would contemplate increasing building heights and floor space, in cavalier disregard for (yet again) impacts on dwindling and important heritage in our beautiful harbour city.

The government cannot be trusted when developer greed is privileged above: a) citizen's expectations that areas of heritage significance will be protected by government; and b) the small amount of remaining heritage landscape and iconic Sydney vistas.

Observatory Hill outlooks! Who owns these? They are the environmental and cultural assets all of the people and the inheritance for future generations. The Perrottet government has no short-term entitlement to destroy this legacy.

This proposed approval to allow developer profits to take precedence over the approved Barrangaroo Concept Plan is also:

- inconsistent with: The Statement of Commitments for the Barrangaroo Development
 - Sydney Harbour Bridge Conservation Management Plan
 - Sydney Harbour Regional Environment Plan

This disgraceful proposal is: introduced 15 years (!) after approvals; over scale; lacking in any architectural merit; an insult to people who have worked to protect heritage; lacking respect for the major significance of much-loved Observatory Hill and it's outlooks; and a disgrace in relation to future generations who could reasonably expect heritage to have been protected by government in 2022 Those of us who love Sydney and its heritage treasures demand that this proposal be rejected.

██
██
Castlecrag (Heritage suburb)

Cc: Clover Moore, Lord Mayor of Sydney
Alex Greenwich, Member for Sydney



Australian Institute of
Landscape Architects

Planning and Assessment

NSW Department of Planning, Industry and Environment

08/08/202

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA) SUBMISSION

OBJECTION TO CENTRAL BARANGAROO MODIFICATION 9 APPLICATION, (Miller's Point and Observatory Hill) - Aqualand – SSD- Infrastructure NSW - Section 75W Modification Request; Application No MP 006 0162 MOD 9

Barangaroo Central Assessment Team

1. NSW Minister for Planning and Public Space

2. Director - Key Sites Assessments,

Planning and Assessment

NSW Department of Planning, Industry and Environment

Locked Bag 5022 Parramatta NSW 2124

by the Australian Institute of Landscape Architects (AILA) NSW Chapter

PREFACE

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice, to share knowledge, ideas, and action. With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design and planning of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning, design, and management for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's livability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.

A central purpose of the AILA (NSW) Landscape Heritage Group is to inform, inspire and enrich the culture of the discipline of landscape architecture in Australia and particularly the identification and understanding of both natural and cultural landscapes in NSW together with the role of such knowledge in the processes of planning and design.

BACKGROUND

STATEMENT:

The Australian Institute of Landscape Architects (AILA) DOES NOT SUPPORT the proposed development by Aqualand at Central Barangaroo.

Reasons why AILA DOES NOT SUPPORT the proposal include.

- The proposed development is aggressive and changes the spatial and visual structure of the western Rocks area. A description of the former landscape, where 'the Coodye point formed part of a residual ridge-and-spur landform' and how this could be respected, culturally and spatially is discussed in an article by

Burton in Architecture Australia (2 May 2010)¹. The open space of the original vision has been compromised by the Crown casino tower development and is further threatened by the proposed Central Barangaroo Modification 9 Block 7 tower. The visitor experience as a walk from the Rocks and Sydney Harbour Bridge over Observatory Hill – Coodye ridgetop and terracing down to Kent Street, in terms of vistas and the ability to read the landscape of the harbour, will be destroyed by the scale of the proposed development.



Figure 1: Vistas from the public domain experience will potentially be obscured. Right; proposed view

- The proposed mass blocks significant views
 - o westward to the harbour waters from the housing
 - o westward to the harbour waters from west of Kent Street alignment and
 - o panoramic views from Observatory Hill which is largely public open space.
 - o to Observatory Hill from opposite foreshores
 - o to Observatory Hill from the water

- The original winning design for the 2006 competition (Hill Thalys Architecture + Urban Projects, Paul Berkemeier Architect, Jane Irwin Landscape Architecture; EDH Report 2006) held respect for the public housing forms and the central preschool site which had a strong vista formed to the west. The built form should be low enough to allow for public gardens on the rooftop over part of Hickson Road and the development stepping down to the harbour edge. This

1

2006 scheme demonstrates the need to be more respectful for the heritage fabric of the place and views in and out.



Figure 2: Thalís et al. 2006, East Darling Harbour Report : Elevation, p. 21



Figure 370178 Hill Thalís Architecture + Urban Projects Paul Berkemeier Architect Jane Irwin Landscape Architecture East Darling Harbour: A Working Vision, Report 2006, Floor space Schedule and Density Options : A framework for a viable and innovative urban project p27. Elevation Option 2 illustrates a yield of and Option 3 illustrate a yield of 390 000 sq.m. and over 500 000 sq.m. respectively, without compromising landscape heritage.

Landscape Architect contributors to this scheme include Jane Irwin, Scott Hawken, Melissa Wilson, Hans Sachs, Derek Hill, Sue Barnsley, Andrew Burges, Craig Burton, Dr Peter Emmett, Dr Shirley Fitzgerald, Richard Green, Professor Tom Heneghan, Richard Johnson and Cath Lassen.

- *(Change 1 – to increase the maximum Gross Floor Area GFA)*

The increased proportion of building to open space is not in keeping with the then Prime Minister Keating's vision for Barangaroo as a reconstructed green headland. Keating's vision that, "this will be more representative of any headland as it was before European settlement than any other"² will no longer be the case, if the Modification 9 Application is approved in its current form.

- *(Change 4 – to increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park)*

² Australian Associated Press 2015 Keating's boyhood dream realised as Barangaroo Reserve opens in Sydney. Guardian August 22

The Inner Harbour is characterized by post-industrial public open space including Millers Point, Balmain, Mel Mel, Pyrmont and Badangi (Balls Head and Berry Island). These public open spaces, and their vistas and views to and from them and the water, must be conserved and protected, not built upon, obscured or cluttered beyond resemblance to their typical Inner Harbour sense of place. For more information, refer to work commissioned by Prime Minister Keating by Craig Burton. Copies of this work may be provided, if required.

- *(Change 6 – modify the approved building envelope of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks)*

It is stated in Central Barangaroo Modification 9 Application, Appendix 5: Heritage Assessment and Impact Statement (HAIS), GML Heritage, page 158, that the proposal will obscure significant heritage views.

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

The AILA finds this unacceptable, as the views will not be 'retained'. By reducing or breaking the existing views, the proposal will result in a loss of the panoramic quality of visitor experience at Observatory Hill, for which the site is world renown. The proposed development will require movement across the site to gain a complete view. This reinforces the concerns of Heritage NSW in relation to the modification to the Concept Plan:

" The proposed addition in height has a potential to increase the adverse visual impacts to the setting of a number of local and State heritage items and conservation areas, both adjacent to and in the vicinity of the site. "

AILA is concerned that Part 3A or State significant projects and infrastructure potentially override and thus destroy heritage that may be

of world significance, due to a failing planning assessment process and inadequate listing of landscape heritage.

- In addition we refer the Premier to the [AILA NSW LANDSCAPE HERITAGE REPORT, VOLUMES 1 & 2, Ten State Heritage Register Nominations, Case Study: Sydney Harbour](#), 2018, proudly supported by NSW Heritage, prepared by Christine Hay, Colleen Morris and James Quoyle .

The AILA Landscape Heritage Report identifies a group of Sydney Harbour landscape heritage places as significant, including the water and views, not yet adequately protected and at risk of being lost by future approved development. Berry Island Reserve, Wollstonecraft Foreshore Reserves, Ball Head Reserve, Berrys Bay Precinct (Carradah Park), Ballast Point Park, Yurulbin. A group nomination for listing and protection is Badangi, currently under consideration.

The impact of the proposed development on important visual connections between all of the identified 'Green Necklace' sites; Badangi, Balls Head Reserve, Berrys Bay Precinct, the Coal loader, Observatory Hill, Balmain and the Bays Precinct and the water itself, must be assessed as part of the proposal. Refer to the [Sydney Harbour SHR Nominations AILA NSW :Visual Catchments map, 7 May 2018](#).

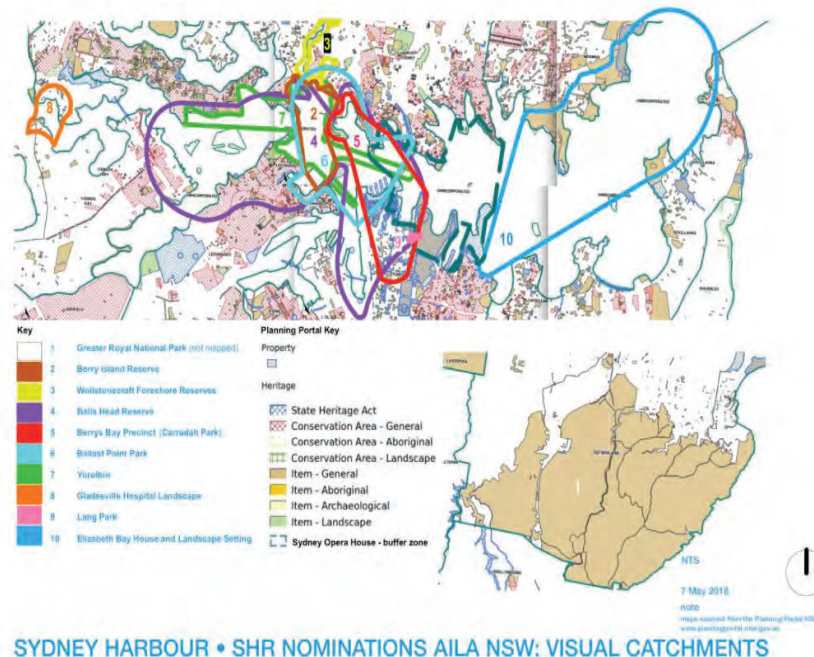


Figure 4. Sydney Harbour

- AILA supports the Ministers' commitment to retaining views,

'Future development within the Barangaroo site is to retain the ability to appreciate the Millers Point headland and the roofscape of terrace houses throughout Millers Point when viewed from public spaces on opposite foreshores.'

yet the view mapping, Figures 8.37, 8.38 and 8.39, and concluding remarks of the Heritage Assessment and Impact Statement (HAIS) on page 158 demonstrate that appreciation of these qualities will be impossible.

'Views to Observatory Park from Ballarat(sic) Park and Pirrama Park will involve an additional minor loss of views to the tops of trees in Observatory Park and the Observatory itself, as proposed under MOD 9'

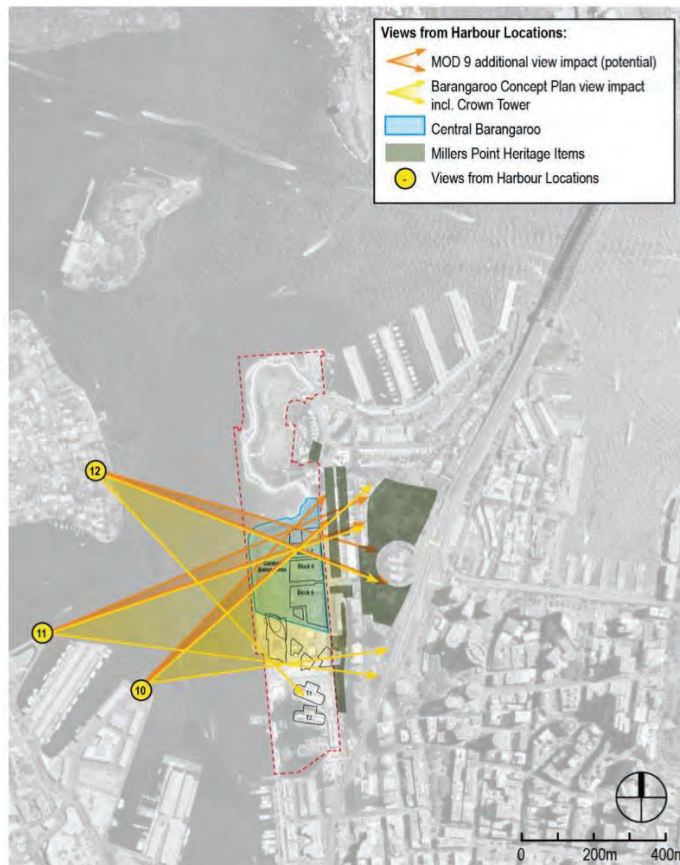


Figure 8.37 Views to heritage items from heritage items (GML heritage viewpoint numbers). (Source: SIX Maps, with overlay by GML, 2021)

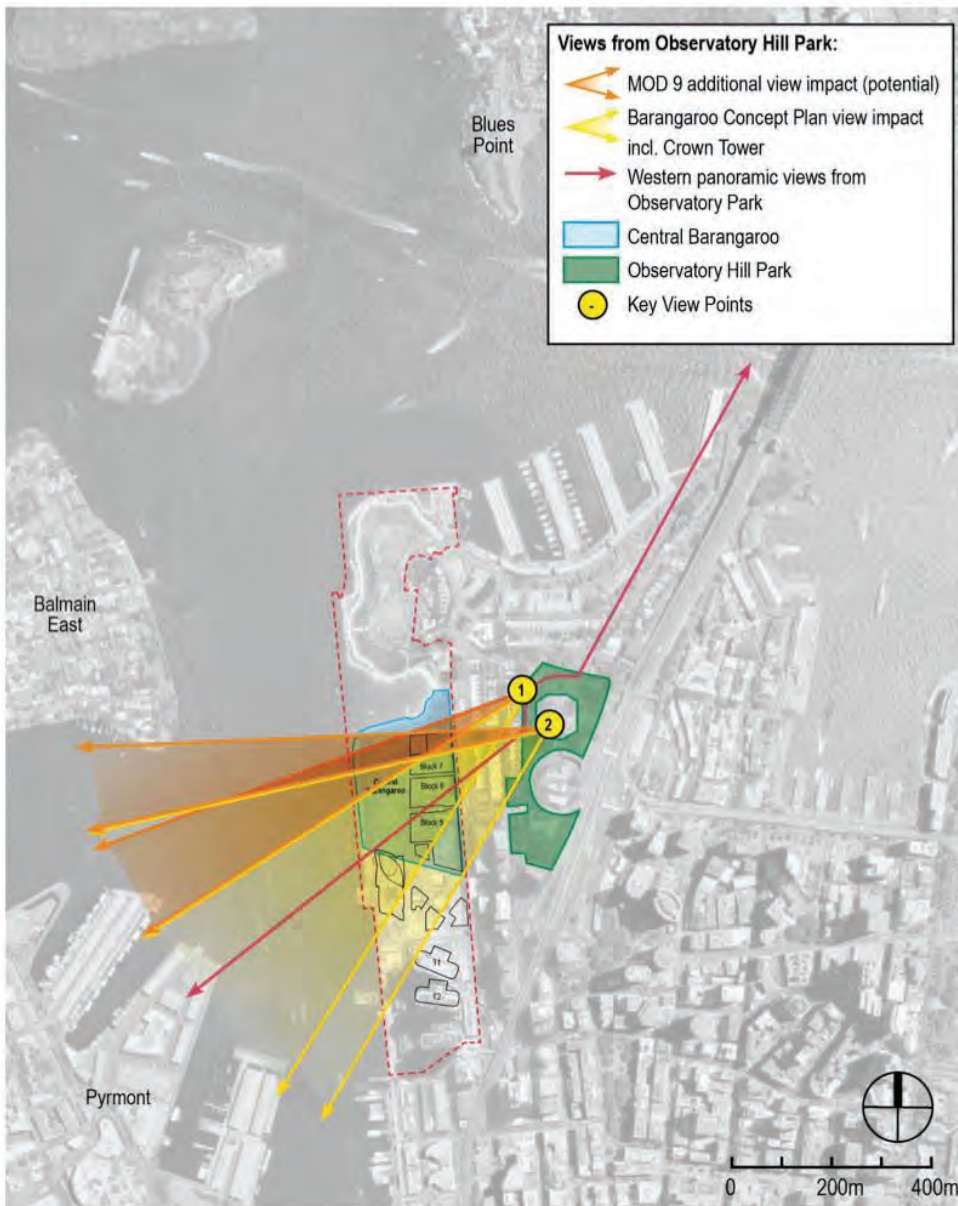


Figure 8.38 Views from Observatory Park (and panorama) (GML heritage viewpoint numbers). (Source: SIX Maps, with overlay by GML, 2021)



Figure 8.39 Preserved Panoramic views from Observatory Park and impacts of Block 7 tower form, as shown in 'Central Barangaroo Urban Design Report'. 'A' District and harbour views to and from Observatory Hill Park, 'B' Local views along existing and new streets / connections 'C' Sydney Observatory sky views. (Source: Hassell, 2021)

- AILA were assured by the Director, Heritage Operations in May 2020, in response to the AILA Landscape Heritage Report that the Department of Premier and Cabinet SHR Committee formed a working group to consider improvements to policy and procedures to better support and promote SHR listing of cultural landscapes. *The findings of this SHR Committee must be considered in this assessment of this proposal.*
- In mid-2021, the Review of the Heritage Act 1977 process revealed great concern from peak bodies that the Heritage Act was not as problematic as its

implementation and this proposal demonstrates this failure. After consultation, the Heritage Act Review Standing Committee (SC) recommends Government commit to several points exemplified here:

2) Reflect more varied understandings of State Heritage (beyond conventional understandings of heritage as buildings and structures -SC) including landscapes and intangible heritage '- This proposal impacts negatively on landscape and intangible heritage

(3) Undertake a review of interjurisdictional approaches to matters relating to intangible heritage. International examples of similar historic view, light, ambiance protection include Venice and Barcelona. Further study must be undertaken on world heritage landscape protection prior to granting approval.

10) Improved listing programs, more diverse range and more representative nominations. Sydney harbour listing of Badangi is under consideration and must be considered as part of this application.

(6) Peak bodies urged that the provisions of the Heritage Act should not be turned off by State Significant Developments. AILA shares this concern around heritage overrides and sees Central Barangaroo Modification 9 proposal as an example where landscape heritage protection must not be compromised for untested claims of community benefit.

Government does not support the Standing Committee recommendation for override 'only after consultation and clear NET benefit to the community for proceeding with a State Significant Development which results in a diminution of an 'item's heritage value', only 'noted', citing the Minister for Planning and Public Spaces consultation with the Heritage Council in determining the impacts and consent conditions, as if the overrides are a given. AILA recommends The Minister for Planning and Public Spaces use his discretionary power to reject this application as the additional 800 square metres of community use does not balance the loss of panoramic views to and from Observatory Hill.

(16) First Nations Cultural Heritage Protection Alliance and Council findings and refusal to support the Bill must be considered as a priority and as a prerequisite for this approval as it directly affects Connection with, and visual access to, identified sites of immeasurable cultural importance such as.

- Mel Mel (Goat Island)
 - the water where the three rivers meet (refer First Nations knowledge holders and ACIUCN etc.)
 - From Observatory Hill, Millers Point and Barangaroo - places of deep time and complex shared history and contemporary cultural and scientific centres.
- Non-visual experience of Observatory Hill and the Central Barangaroo Foreshore Park by the wide diversity of workers, residents and visitors will be compromised by wind tunnel effect and overshadowing caused by the additional GFA in the proposed form due to corridors and additional height of Block 5. AILA recommends that *qualified Landscape Architects be engaged in assessment of landscape heritage impacts.*

RECOMMENDATIONS

The Australian Institute of Landscape Architects (NSW) concurs with community concern and forms a position that significant post-industrial harbour public open spaces of the Inner Harbour, and the sightlines from to and from each other, and to and from the water, and must be completely protected from incremental destruction, as shared history of high significance to all people of the world. AILA objects to the proposal in its current form.

A determination on the current proposal must not be made without considering and respecting this position, the recommendations of the AILA Landscape Heritage Report and its relevant nominated listings.

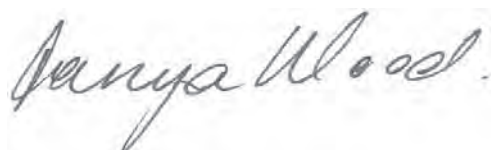
An outstanding landmark development that remains in keeping with the Masterplan and Headland Park Urban Design Framework and Preferred Project Parkland Objectives³ could be achieved with considered adjustment. The proposed footprint, excessive at 1.5 x the extent of the Crown Casino, could be limited to reduce environmental impacts on public space. The RLs must be limited to 20.00 over the extent of the building footprint to retain views to and from Observatory Hill and avoid overshadowing public open space.

AILA supports a revision of the Conservation Management Plan for the landscape and setting of Observatory Hill and Millers Point. This will provide a valuable guide and direction for development proposals around Observatory Hill as a whole. As part of the rigor of a Conservation Management Plan, the vistas that have been lost over time need to be assessed and reviewed as part of the Conservation Management Plan to guide the landscape conservation and policies for the place.

A more detailed submission is in preparation, as permitted by the extension of time. This submission invites dialogue with AILA and we would be please to provide consultation and further information.

Sincerely yours,

Tanya Wood
AILA NSW President

A handwritten signature in black ink that reads "Tanya Wood". The signature is written in a cursive, flowing style.

SUBMISSION TEAM

This submission has been prepared by a working group of AILA NSW members, co-ordinated by Prof. Emeritus Helen Armstrong AM FAILA, Craig Burton FAILA, Matthew Taylor, AILA, Annabel Murray, AILA

Burton, C. 2010, Barangaroo: Seeing ahead(land) *Architecture Australia*, May 2, 2010

Barangaroo Headland Parklands Urban Design Report. Prepared by Conybeare Morrison August 2009.

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Taksa, Lucy. History of development of Observatory Hill & Higginbotham, Edward A.K. Report on historical and archaeological sites & New South Wales. Government Architects Branch & Travis Partners (1987). *Observatory Hill conservation management plan* (Draft). Travis Partners, [Sydney]
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The National Trust Centre : a plan for its conservation and management / prepared by Otto

Cserhalmi & Partners P/L. Publisher:[Sydney, N.S.W.] : [Otto Cserhalmi & Partners P/L], 2004. Call Numbers: HQ 2019/0286
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Draft Designing with Country Framework, New South Wales Government Architect.

Walliss, J. 2012, The politics of aesthetics: Expanding the critique of Headland Park, Sydney, *Journal of Landscape Architecture*, 7:2, 6-13.

Woodward, E., Hill, R., Harkness, P. & R. Archer (Eds.) 2020, *Our Knowledge Our Way in caring for Country* ACIUCN NAILSMA & CSIRO

Appendix: The description of proposed modification:

to increase the total permissible gross floor area (GFA) within Barangaroo from 602,354 sqm to 708,041 sqm and for the following changes to Central Barangaroo (Blocks 5, 6 and 7):

- (1) increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA)
- (2) increase the minimum community uses GFA from 2,000 sqm to 2,800 sqm

- (3) allocate up to 18,000 sqm of GFA for The Cutaway within Barangaroo Reserve (previously unallocated)
- (4) increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park
- (5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct
- (6) modify the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks
- (7) introduce Design Guidelines for Central Barangaroo to guide future detailed proposals
- (8) amend the State Significant Precincts SEPP to support the proposed modifications to Central Barangaroo.

8 August 2022

The Hon. Anthony Roberts MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Central Barangaroo – Modification 9

Central Barangaroo provides unprecedented opportunity to create a world-class cultural and civic precinct that celebrates our iconic harbour and its heritage surrounds and sympathetically integrates South Barangaroo with the Headland Park. A design that is sensitive to its location and that puts public outcomes at the forefront could deliver a unique attraction that is enjoyed by visitors near and far while contributing to the city's beauty and vitality.

But modification 9 is nothing more than a final attempt to squeeze excess development onto the site for short term private profit at the utter detriment of the harbour, public open space, the heritage values at Millers Point and Observatory Hill, iconic views from across the city and Barangaroo itself.

Modification 9 is a second-rate proposal that should be outright rejected.

Bulk and Scale

Gross floor area across the three blocks at Central Barangaroo would swell by 116,189 square metres plus an additional 28,166 square metres below ground, tripling the amount of built form on the site. Heights will increase, overshadowing public open space, creating new wind impacts and severing longstanding connections between the harbour and heritage areas like Observatory Hill Park and Millers Point. New block configurations encroach development onto public open space at Hickson Park and Harbour Park.

Particularly destructive is the proposal for a tower of around 20 storeys high at block 7 above the planned metro station. The tower is poorly placed, adjacent to Nawi Cove, the Headland Park and the harbour promenade. It is starkly out of context with its environment and adjacent development making it an eyesore that would dominate views across the public domain. Its location breaches good planning principles that require building heights to taper down as development gets closer to the water. There is no urban design justification other than to squeeze more real estate profit out of this iconic harbour location.

There is significant and unacceptable development creep outside of the Central Barangaroo boundary. Building overhangs of up to three metres are proposed around the boundary of the site, and community uses which have long been touted as the purpose of the Central Barangaroo redevelopment, have been relocated out of Central Barangaroo to the Headland Park cutaway. There is also significant and unacceptable development encroachment into public open space with built form reducing the boundary of Hickson Park, Barangaroo Avenue relocating to Harbour Park land, and underground development for retail extending below recreational zoned land.

Increased bulk and scale must be rejected.



I refer below to the significant and unacceptable impacts caused by the excess bulk and scale proposed.

Overshadowing

The block 7 tower will cast morning shadows over Harbour Park, Wugul Walk and Nawi Cove. This is a disgrace. The waterfront and adjacent public open space are crucial public provisions that must be protected and celebrated at all times of the day. It is an assault on the vision of creating a global harbour attraction to claim that sun is not needed in the morning. It is already bad enough that the Crown tower shadows much of the South Barangaroo promenade; reducing solar access along the Central Barangaroo promenade adds to significant cumulative impacts on the harbour.

Additional massing under Modification 9 across the proposal would see Hickson Park lose significant solar access in the morning and afternoon including during the winter solstice, when it is needed most. As a result, less than half the park would receive sunlight at midday during the winter solstice. I remind assessors that the response to community opposition to building the Crown tower on land promised for a public harbour park was that the new Hickson Park would have better solar access. The response to submissions to Modification 8 promised that future development would preserve direct sunlight at Hickson Park *throughout the day*. This is a disgraceful betrayal of public trust.

Fort St Public School, Australia's oldest public school and the KU Lance, Australia's oldest childcare centre and a not-for-profit, will be overshadowed. Sunlight is vital to children's learning and development and it is outrageous that latest plans neglect the needs of local children.

Hickson Park

As discussed above, shadow impacts on Hickson Park will erode the park's amenity and betray commitments to preclude any further overshadowing of the park in the future. In addition, shockingly, modification 9 proposes to reduce the park's boundary to make way for bigger and bulkier development at Central Barangaroo. Claims that the new boundary reflects that prior to modification 8 purposely ignore the history which resulted in new land added to Hickson Park under modification 8 to compensate for the insensitive placement of the Crown tower on the public foreshore.

Harbour Park

Harbour Park is the most important feature of the Central Barangaroo development, being crucial to creating an attractive new precinct. But modification 9 would see Barangaroo Avenue encroach onto the recreational park because block 7's built form would encroach onto the roadway. It does not matter that Barangaroo Avenue is set to be pedestrianised, it should not be built over the iconic Harbour Park.

View Loss

Modification 9 fails to honour the longstanding commitment that Central Barangaroo would preserve views from Observatory Hill to the horizon and the harbour. Sydney Observatory Hill Park currently has almost 270 degrees of uninterrupted views of Sydney Harbour. These views have heritage significance dating back to when the park was used to signal incoming ships so that their arrival could be prepared for. Modification 9 would destroy these consistent water views, degrading the park's important heritage values. Other parks across the region would also lose water views.

Observatory Hill is not only heritage listed in Australia, it is included on the UNESCO portal for astronomical heritage. Poor placement of the Crown tower has already blocked views of important constellations from August to October and so-called “marginal” reductions in sky views add to the cumulative erosion of Observatory Hill. Furthermore, the claim that view losses limited to below 10 degrees above the horizon are only “marginal” is false. Many important astronomical views occur at angles below 10 degrees including setting views of the sun, moon, planets and comets. The tower would destroy these views forever.

Outdoor viewing locations at Observatory Hill Park and the Stargazer Lawn currently attract educational seminars associated with the observatory throughout the year, including events held by the Sydney City Skywatchers. These astronomical events where participants bring their own telescopes, binoculars or use their naked eye provide vital science and technology education roles – roles which the proponent has shown a worrying lack of respect for.

The block 7 tower would eliminate iconic views of the Sydney Harbour Bridge and Observatory Hill from Darling Harbour and the Pyrmont Peninsula, including from iconic public parks. Darling Harbour is a major tourist attraction and along with Pyrmont, is a destination for tourist accommodation. Obliterating views in this region to the bridge would erode their place as tourist destinations. This represents a devastating outcome for Sydney for no public gain.

Views of the city from Wulugul Walk will be dominated by the block 7 tower, replacing an intricate city skyline with a crude building mass, eroding the park’s attraction.

Homes on High Street and Kent Street would lose water views and homes at the Highgate, The Georgia and 189 Kent Street would have important Sydney Harbour views interrupted. Views are important to the wellbeing of apartment and terrace residents, who live with no private open space. A view can connect someone inside an apartment with the outside world and create a sense of space. There is no public gain from destroying the views in these homes.

Millers Point Integration

Millers Point is a state heritage-listed precinct, which includes the Millers Point Conservation Area and the Millers Point and Dawes Point Village Precinct. It has historic links to the Barangaroo land and the harbour that are preserved through continuous views. But under the proposed changes, views to the harbour would be severed across Millers Point.

The Secretary’s Environmental Assessment Requirements requires the environmental impact assessment to show the impact on views in Millers Point but little assessment is provided. Instead it is claimed that the views have already been lost under the approved concept plan. This is disingenuous because there were no development applications and the approved concept plan stated that applications would seek to maintain views across the site to and from the harbour. It is unacceptable for the proponent to now try to evade its responsibilities to preserve these heritage views.

Not only does Modification 9 fail to preserve visual links between heritage Millers Point and the harbour, it fails to integrate Central Barangaroo with Millers Point precinct. Increased heights and bulk of development adjacent to Millers Point would create a wall effect that blocks Millers Point from the land and the harbour.

The massing along Hickson Road has swelled to such an extent that the sky would be almost completely obscured on the street and in adjacent homes. Views from Millers Point to Darling Harbour would be obliterated.

Barangaroo development should treat Millers Point as an asset. I support the National Trust of Australia (New South Wales) proposals for retention of the “V” shape of development of High Street when viewed from the water, where heights gradually decrease to the north.

Wind

The supporting documentation fails to make it clear how wind impacts differ between the approved and proposed plans, or which wind impacts will be mitigated. What is clear is that there will be new wind impacts that will make the public domain uncomfortable; this is not acceptable for a world-class urban renewal project on the harbour.

The interaction between the casino tower, the residential towers of Barangaroo South and block 5 will create a wind tunnel at Hickson Park, eroding its amenity and attractiveness.

Poor Justification for Overdevelopment

Lack of public transport was never the reason that Central Barangaroo development was restricted; it was restricted to protect the headland park, the foreshore promenade and the heritage views at Millers Point and Observatory Hill, and to create a sympathetic transition between South Barangaroo and the Headland Park. These outcomes must be preserved with or without a metro service.

The new metro service has been introduced to meet the transport needs of the region generated from massive development already constructed and approved, and adjacent activities including at Walsh Bay and Millers Point where existing public transport services are poor. It is a pity that it is being used as an excuse to overdevelop what was to be the cultural heart of Barangaroo for private residential and commercial purposes. The metro should instead be used to support bringing visitors to the cultural and civic attractions at Central Barangaroo and to the iconic harbour foreshore.

Bizarrely environmental impact assessment documentation claims that the tower over the metro station is good planning because it will provide “an urban marker building highlighting the location of the Barangaroo station” and that it will be an “exclamation mark” for the metro. These attempts to justify overdevelopment are simply absurd and have no planning or design merit whatsoever.

The environmental impact statement declares that modification 9 seeks to deliver a built form and massing outcome consistent with the existing and emerging developments along the western foreshore and CBD edge, including Barangaroo South. Central Barangaroo’s bulk and scale was never meant to be consistent with central business district massing, indeed such an outcome would be disastrous to the precinct’s amenity and purpose. Its design aimed to create a sympathetic transition between the massing of Barangaroo South and the Headland Park.

Affordable Housing Lost Opportunity

Sydney and New South Wales is experiencing an affordable housing crisis with low income earners especially affected. Key workers that ensure the city can function are being priced out and finding jobs closer to where they live.

The inner city urgently needs new social and affordable housing and as a publicly owned site, Central Barangaroo provides an opportunity to deliver. But despite proposing a massive tower dedicated to residential development that will erode local amenity and values, it will only contribute a measly 0.1 percent of each home sold to affordable housing.

Housing affordability should be a high priority for Central Barangaroo development and should deliver around 15 percent of new homes for social and affordable housing.

Access

I share community concern that the traffic and transport impacts have been underestimated. The increase to retail space is akin to introducing an entire Broadway Shopping Centre on the site but only minor increases to traffic are predicted. There is further concern that proposals to pedestrianise Barangaroo Avenue and remove all on-street parking at Central Barangaroo could exacerbate traffic and parking congestion problems that already exist in this geographically constricted area, particularly during events like Vivid and when cruise ships are docked.

The proposed Sydney steps between Central Barangaroo and Millers Point are narrow and likely inadequate, and there is no disability access. It is unclear if bridge access to High Street will be possible given previous conditions of consent that required 50 percent of built form at block 7 to be at the level of High Street to facilitate the bridge have been abandoned.

Central Barangaroo: Cultural Heart Demoted

The community was promised that Central Barangaroo would be the cultural heart of Barangaroo, delivering a new cultural and civic hub that connects the commercial and residential Barangaroo South precinct with the Headland Park, and integrates with the adjacent Millers Point Conservation area. But modification 9's focus on squeezing more commercial and residential development on the site would relegate the cultural vision to a mere token component.

Community space has been relocated to the cutaway at the Headland Park and only 800 square metres of the 144,355 total square-metre increase in gross floor area will be for community purposes. Modification 9 would result in less than half a percent of the total gross floor area in Central Barangaroo dedicated for community uses.

Central Barangaroo must remain true to its cultural, community and civic purpose instead of seeking short term private profit from commercial and residential sales.

Exhibition Period

The proposal is complex and the environmental impact statement involves a large number of detailed and lengthy reports that are of a technical nature. Community members have reported that they need more time to assess the reports to understand the proposal in full. Given the public importance of the site to the wider New South Wales community owing to its location on Sydney's harbour and adjacent to the state heritage items of Observatory Hill and Millers Point, it is vital that the wider community is given adequate time to assess documents and make submissions. I thank the department for providing an extension until 22 August for some and ask that this be extended to the wider community.

Could you please extend the submission period until 22 August for all?

Modification 9 would result in massive overdevelopment at the expense of the harbour, public open space, heritage Millers Point and Observatory Hill, cultural and civic purposes and the longstanding vision of a world-class redevelopment. There is no justification for creating such a poor legacy for future generations on our iconic harbour other than to provide short term private profit for a few.

I urge you to reject this cynical attempt to privatise the values of Central Barangaroo and refuse modification 9.

I ask that you provide a copy of this letter to the department as a submission to the planning application.

Yours sincerely

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

Alex Greenwich
Member for Sydney

8 August 2022

The Director General
NSW Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

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

Dear Director General

Letter of Opposition to Barangaroo Central – MP06_0162 / Modification 9

I am writing to express my vehement opposition to Modification 9's revisions to the Concept Plan for Central Barangaroo.

An entirely new application should be submitted for Modification 9. This is not a modification, rather, it is a significant redesign of the site that negates the public benefits of the first approval, similar to Modifications 1 through 8. The planning process for this location, which is of significant importance, has continued to be distorted by Modification 9. Since the release of the first Concept Plan in 2007, various "modifications" have been made using the ill-defined and untransparent Part 3A planning method. These have effectively undermined the structure and purpose of the initially authorised Concept Plan.

Height, Bulk and Floor Area

For any further height rise throughout Central Barangaroo's Blocks 5, 6 and 7, there is no justifiable explanation provided. The skyscraper with a height of 73.7 metres proposed at the northern end of the site is grossly inconsistent with the site context whether urban, cultural or heritage. The western views down to White Bay and the wide axial views from and to the Observatory would be blocked by a structure of such bulk and scale.

By massing the commercial skyscrapers on the site in a way that prioritises view capture above maintaining visual linkages between the city and the harbour, Modifications 1 to 8 furthers the reduction the city's relationship to its harbour. The modification places private interests above those of the city is expanded by Modification 9.

The link between Observatory Hill and the harbour is to be severed as a result of the proposal to raise the height of Blocks 5, 6, and 7. This relationship is important historically and culturally, but it is being proposed to be disrupted in order to provide more commercial floor space.

Observatory Hill has offered an unparalleled vista over Sydney Harbour and the city. If this suggestion were to be accepted, the reciprocal connection would be permanently harmed. While the views to the Observatory from the west will be mostly lost, the vista along White Bay's axis will be completely obstructed.

Most crucially, there is not enough justification for the decision to build a dated monolithic shopping centre on the harbour foreshore in an inaccessible part of the city. The entire city's north-west quadrant's traffic congestion is quite likely to worsen as a result. Significant concerns have been expressed concerning the usefulness of the form and bulk of the commercial building, particularly given the urban lessons learnt following the Covid-19 over the past two years. There should be a major reduction in the amount of commercial space below ground.

Urban Design

The urban design of Barangaroo Central goes against being community-focussed by placing commercial benefit above public benefit. It is another corporate, internal and inward-looking enclave, similar to Barangaroo South.

In Barangaroo Central, a missed opportunity in scale, connectivity and orientation through public space has been presented. Between High Street and Hickson Road as well as to Millers Point, there are notably few connections. There is a chance that Hickson Road will be reduced to a service role, producing a continuous, stark frontage, without interfacing the neighbouring precincts.

The Design Excellence selection process has not been made publicly available and there is little reason or explanation for the future parcelisation of this huge block. There remain unaddressed doubts regarding the role of the Scentre Group in the implementation of design excellence in architecture, public space, and landscape design on the site into the future, even if several of the architects have undeniably strong credentials.

The urban design concept places a strong emphasis on delivering private development, instead of offering an urban framework where diverse and articulated development is positioned. Unfortunately, a variety of human-scaled built form typologies required to create a high-quality ground plane have also been omitted. It is odd that there is not more variety in the scale, typology, and formal response of the parts given the number of notable architects participating in the site's creation; this raises concerns about the nature, rigor, and structure of the Design Excellence process up to this point.

The underground components of the concept, notably the size and layout of the incredibly enormous shopping centre and its relationship to the metro station, are not adequately explained in the submission. There are considerable concerns with how the development is set up in terms of parking and loading, especially where the entrance to these basements is located and how it affects the complex's perimeter. As mentioned above, it is undesirable to enclose Barangaroo Avenue with floor space above and below street level, as this represents the worst possible urban, public, landscape, and environmental practices.

Out of the present amount of 708,041m² of gross floor area across Barangaroo, proposed community uses only take up 19 000m² (Cutaway void 18 000m²). This translates to only 0.025 percent of Barangaroo's total floor area being occupied by public buildings.

Hickson Park

Modifications 1 through to 8 have already successfully diminished the public nature of Hickson Park. This proposed Modification furthers the loss of public sensibility, amenity and utility of the place.

Hickson Park has not only lost its original size, but has been relocated away from the foreshore location it held in the Concept Plan approval due to Modifications 1 to 8. The adjacent residential buildings are being prioritised above this important green space, resulting in poor edge definition. By adding more overshadowing, Modification 9 seeks to also significantly reduce the park's amenity. In addition, it has four stories of private parking beneath it, which is contrary to all current best practices in sustainability and public space, which aim for environmental and climate-sensitive effects.

Barangaroo Avenue

In Modification 9, it is planned to remove Barangaroo Avenue, the part of the Concept Plan approved that maintains the urban shape and links to the surrounding metropolis. This would turn Macquarie Street, the city's western edge street and its eastern counterpart, into two small loop streets designed to serve the development rather than frame the site's network of important public spaces and vistas. The proposed layout is clearly suburban, unsuitable, and falls short of the site's very vital public function of framing Sydney's public context and interface with the harbour.

What is being proposed raises the possibility of encouraging the privatisation and co-optation of public green space edges. It should not be risked at the crucial western boundary of the city because this process has been observed at locations like Wentworth Point and Breakfast Point.

The projected three-metre deep, multi-story overhang interferes with Barangaroo Avenue's orientation. Barangaroo Avenue should not be invaded by any enclosed floorspace, either above or below ground. Such encroachments restrict and weaken the streetscape and legibility, as well as its public utility and upkeep over time.

Hickson Road

Hickson Road had a reservation that was originally 30.4 metres wide. It should be preserved, undamaged, and unhindered (measured from the cliff wall below High Street). The proposal is depicting to have a four metre overhang to Hickson Road. Due to the absence of the old Hickson Road reserve, this is difficult to explain. No enclosed floorspace should be allowed inside the Hickson Road reservation, similar to Barangaroo Avenue. This roadway

Nawi Terrace and East West Roads

Nawi Terrace poses to be public space but is a privately-owned business precinct that is cut off from the rest of the city.

The two East-West roadways that are being proposed are built with 12 metres of closely confined space between buildings. As a result, they would only have a nominal view of the harbour and green spaces. This would be dwarfed and dominated by the size of the next structure, neglecting their larger responsibility as a part of the city structure. A generous visible and physical connection between the current city and the harbour can be preserved along these roadways.

Given the reasons outlined in this letter, I oppose Modification 9 and it should be rejected.

Yours sincerely



Councillor HY William Chan RAIA
City of Sydney

BDesArch(Hons) MSc(ArchSustDes) DottMagArch CertASA DipASP
NSW Registered Architect 11229

CENTRAL BARANGAROO CONCEPT PLAN MOD 9

OBJECTION

I have lived on Darling Island for almost 15 years and have observed the development of Barangaroo on a daily basis. A major feature of living on Darling Island is the unobstructed outlook towards the Barangaroo Headland, the historical area of Millers Point and the Harbour Bridge. Should the development of Central Barangaroo proceed as planned much of that outlook would be forever lost, not only to the residents and workers on Darling Island, but also the thousands of locals and visitors who daily use the waterfront promenade and Balaaratt Park on the northern end of Darling Island.

Over the years I have observed that Lend Lease has proposed an initial plan and then, once approved, has sought additional modifications, which seem to be approved by the Government of the day without due consideration of the negative impacts or of balancing the public interest with the other competing factors. Hence Barangaroo South approved and built GFA has ended up a significant multiple greater than the original concept plan, which was presented to the public as the basis on which development would proceed.

The process now appears to be repeating itself with Barangaroo Central. A developer pressuring the bureaucracy and the Government to get approval for a usable GFA which is almost three times what was initially contemplated. Furthermore the current proposal does not have any regard for the view lines from and towards Millers Point and Observatory Hill.

I understand that the current Mod 9 proposal uses Mod 8 as the basis for comparison, with the clear intent of down-playing the impact. For the Government to commission a 269 page Environment Report based on this falsehood is totally dishonest and reprehensible. The current Mod 9 proposal is the first time since the original Concept Plan that the development has been considered in its totality. In this decision-making process, the comparison should be with the original Concept Plan.

My objection is not purely about the very significant impact on my view-lines and the property value attributable to that outlook. Equally important is the high density commercial and residential space proposed, which totally overwhelms the site. Barangaroo South is accepted as a high density commercial and residential precinct. To impose similar densities on the Central area, which was initially planned for much greater public and community usage, should not be supported. While the developer and Government clearly want to maximise returns from the development, those returns are not balanced against the public interest.

Finally, to Block 7. The imposition of a 74 metre high residential building at the northern end of Central Barangaroo is beyond reproach. It is clearly intended to enable views across Observatory Hill to the east, thereby increasing the return to the developer for the higher apartments.

In conclusion, the credibility of Government and its servants can clearly be questioned. This proposed Mod 9 is not being independently considered and has been subject to undue influence by the developer. To retain some credibility, it should be considered against the original Concept Plan by the Independent Planning Commission.

I object strongly to the Mod 9 proposal in its entirety and I want a much better balance between Government and Developer needs and the reasonable requirements of the public.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Level 24
Three International Towers
300 Barangaroo Avenue
Sydney NSW 2000
0447 755 799
10 August 2022

ATTN: David Glasgow
Planning and Assessment
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

RE: OBJECTION TO MP06_0162 MOD 9 / BARANGAROO CONCEPT PLAN (MOD 9)

Dear Mr Glasgow,

This objection is prepared on behalf of Mr Greg Gav, the owner of 135 Point St Pyrmont. We hereby register our strenuous objection to the Barangaroo Concept Plan (Mod 9), which seeks to considerably increase the size of Blocks 5-7. This objection rests upon:

1. the visual impact that the proposed modification will have upon the landscape,
2. the iconic harbour and Millers Point headland vista impacts surrounding the site, and
3. the excessive size and unacceptable environmental impacts of the proposal.

When first approved, the concept plan for Barangaroo included a total gross floor area (GFA) of 388,300m². The concept plan's GFA has since been modified several times upwards to 602,354m². Modification 9 now seeks to increase this further to 708,041m² through the increasing of height and density in Blocks 5-7.

The justification for this increase is said to be the proximity of the new Metro Station and the increased density of Barangaroo South therefore warranting more density in Barangaroo Central. Rather, the proposed modification is an opportunistic and cynical gaming of the consent modification process to purely harvest additional GFA.

This will negatively affect the public domain. The increased impacts on public views, both to and from Observatory Hill are substantial as is the increased shadow impact proposed upon Hickson Park. These impacts are inconsistent with earlier modifications and their reasons for approval. Further densification of the Barangaroo concept plan against the public interest should not be granted consent.

Clause 3BA(5) of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Amendment (Modifications) Regulation 2022 applies to this modification and requires that it have either a minimal environmental impact or be substantially the same as the previously approved modification for it to be assessable as a modification. The proposal represents a massive increase in floor space, height and environmental impacts and cannot meet either criterion. Failing these tests, the application should not be approved as a modification, regardless of the merits of the proposal.

Modification is Invalid

The Environmental Assessment Report (EAR) prepared by Urbis outlines the proposed approval pathway for modification 9 stating (pp.15):

“The Concept Plan for Barangaroo is a transitional Part 3A project and under clause [3C\(1\)](#), and subject to clause [3BA](#) of the STOP Regulation, may continue to be modified under the former Section 75W of the EP&A Act. Accordingly, MOD 9 of MP06_01620 is made under the former Section 75W of the EP&A Act.”

The *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (STOP Regulation) relevantly states the following under Clause 3BA of Schedule 2 (emphasis added):

3BA Winding-up of transitional Part 3A modification provisions on cut-off date of 1 March 2018 and other provisions relating to modifications

(5) A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—

(a) the proposed modification is to correct a minor error, misdescription or miscalculation, or

(b) the proposed modification is of minimal environmental impact, or

(c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

Under 3BA(5), the Minister must be satisfied that the proposed modification is to correct a minor error, or is of minimal environmental impact; or, is substantially the same as the most recent modification made to that concept plan. The proposed modification has not been made to correct a minor error. Accordingly, the Minister must be satisfied that the proposed modification has either a minimal environmental impact or is substantially the same as previously approved.

The proposed modification would increase the total GFA of blocks 5-7 by 96,667m² from 47,688m² to 144,355m² which is a 203% increase in GFA. It would also increase the maximum heights of Blocks 5, 6 & 7 by 10.4m, 9.7m and 38.7m, respectively. This is a more than doubling of the maximum height of Block 7. These modifications substantially increase shadow impacts on Hickson Park and have view impacts to and from Millers Point. The proposal cannot reasonably be considered as having ‘minimal environmental impact’.

The proposed concept envelopes differ greatly from those previously approved, including those modifications approved under modification 8 which altered the location of Block 5 in relation to Hickson Park. The nature and impacts of the proposal are altered drastically and the development cannot be reasonably considered to be substantially the same.

3BA(5) of the STOP Regulation requires that, if the Minister is not satisfied that the proposal is of minimal environmental impact and is not substantially the same as the concept plan, it cannot be modified under section 75W of the *Environmental Planning and Assessment Act 1979*.

View Impact

View Impacts have been an important consideration at all stages of the Barangaroo development project. Section 7.3.3 of the MGB planning Report dated June 2008 which forms part of the consent for Modification 2, provided built form principles stating:

The Approved Concept Plan establishes Built Form Principles for future project applications on development blocks. Condition C2 of the Minister's Terms of Approval requires consideration of these Built Form Principles by a design review panel in determining whether a building exhibits design excellence as part of a design excellence competition.

Principle 7 was view sharing stating:

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.

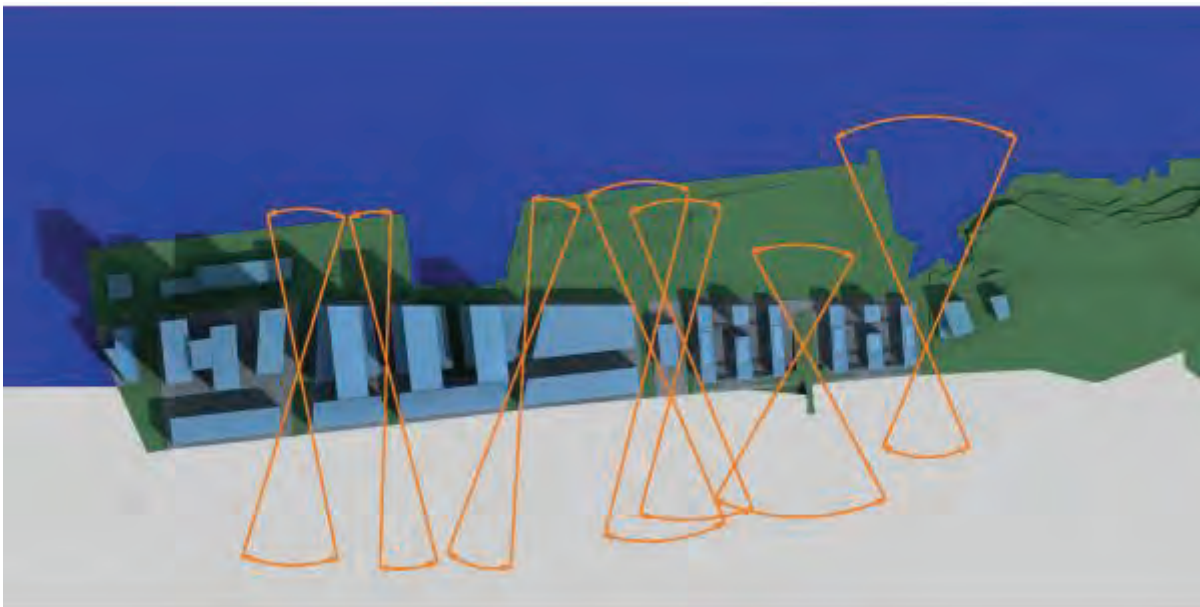


Figure 1 - View sharing identified in the Mod 2 concept plan

In further considering the view impacts of Mod 2, the report stated (emphasis added):

When viewed from the south-west, west, and north-west the increased floorspace will result in a change to the view as anticipated by the Approved Concept Plan. This is primarily due to the changed floor plate configuration. However, the montages illustrate that when viewed from these directions the buildings will be seen within the backdrop of the high density high rise CBD development profile and so will be viewed as entirely consistent with their setting. No significant adverse impacts on views are therefore anticipated as a result of the increase in floorspace.

The same cannot be said for the Mod 9 proposal which includes a tower form that viewed from the south-west, west and north west is not set against the backdrop of the CBD.

In considering the view impacts on heritage, the MGB planning Report states in section 7.5.4 that there is no impact on the following "important views":

- *the panorama from Observatory Hill to the west and over the Barangaroo site,*
- *the view south along Hickson Road from Munn Street,*
- *a view west from the northern end of High Street over the former Munn Street alignment,*
- *the view west from the centre of High Street, and*
- *the view from the southern end of High Street.*

The View Impact Assessment by Aecom lodged with the Application considers the impact of the proposal on views from the public and private domain. From the public domain, it identifies either a “moderate-high” or “high” impact from 6 of the 15 public domain vantage points being considered.

- OL 1 – Sydney Observatory Hill Park: High-moderate
- OL 2 – Sydney Observatory: High-moderate
- OL 6 – Barangaroo Reserve – Wulugul Park: High
- OL 7 – Barangaroo Reserve – Stargazer Lawn Park: High
- OL 10 – Ballarat Park: High-moderate
- OL 11 – Pirrama Park: High

Notably, this includes impacts upon the important views that were being protected under Mod 2.

The Concept Plan consent includes a statement of commitments made by the Proponent. These include commitments:

- to retain a panorama from Pyrmont Park around to the Harbour Bridge as seen from Observatory Hill Park
- to retain views to Observatory Hill Park from public spaces on opposite foreshores
- provide adequate view corridors over and between new built form to maintain the key attributes of views from Millers Point.
- 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 proposed modification does not meet these commitments as shown in the View Impact Assessment by Aecom. The modification thereby seeks to amend and soften the commitments with regards to view impacts from and upon the headland. This interrupts the panoramic view from Observatory Hill, interrupts views to Observatory Hill from Pirrama Park and sets itself apart from the CBD skyline backdrop.

The elements of the approved concept envelope that justified its view impacts to and from Millers Point have been substantially degraded in the proposed modification. The increased building heights and FSRs will interrupt views towards Millers Point from the opposite foreshores with the proposed tower form, from many angles, not being positioned in front a CBD backdrop. This creates a tower that will stand-alone at odds with the natural topography and without any surrounding built form.



Figure 2 - View from Observatory Park



Figure 3 - View from Pirrama Park



Figure 4 - View from Barangaroo Reserve - Wulugul Walk



Figure 5 - Extract from View Analysis Report showing view locations

Shadow Impacts

Modification 8 had modified the concept plan and included the following condition under B3(2):

2) The footprint and building envelope of Block 5 is to be reduced to remain within the B4 zoned land. Future above ground buildings in Block 5:

a) Are to minimise the overshadowing of Hickson Park, ensuring no more than an average of 2,500 sqm of Hickson Park is overshadowed by the built form between the hours of 12:00 and 14:00 on the 21 June each year.

The proposed modification seeks to amend this condition to being not overshadowed over an average area of 3,500 sqm form between the hours of 12:00 and 14:00 on the 21 June each year. The proposal has an excessive and unnecessary shadow impact on Hickson Park that is not warranted and should not be permitted.

Summary

The proposal is nothing less than the most egregious example of 'rent seeking behaviour' in this litany of modifications to the Barangaroo Concept Plan. The proponent has repeatedly contrived and manipulated the Concept Plan approval resulting in a gross overdevelopment of the site at the clear expense of the public interest.

It seeks a windfall of an additional 105,687m² of GFA and 'reneges-on' previous urban design commitments in the process. The proposal will irreparably disrupt views of the Millers Point landscape without regard to its sensitive and important context. These views were specifically protected in previous modifications as was the overshadowing of Hickson Park. This modification disregards these commitments, seeking for them to be overwritten.

I strongly object to the proposed modification and ask that the Minister refuse Modification 9.

Yours Sincerely,

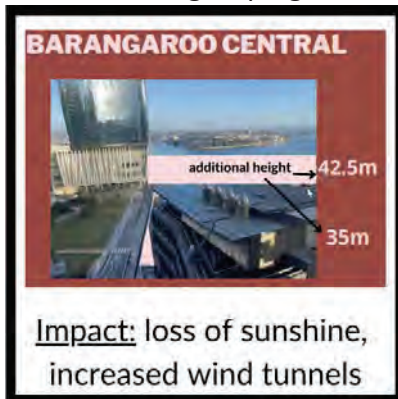


Giovanni Cirillo
B Urb Reg Plan Hons, Grad Dip Econs, M Int Stud,
Adj. Assoc. Prof. University of Sydney.

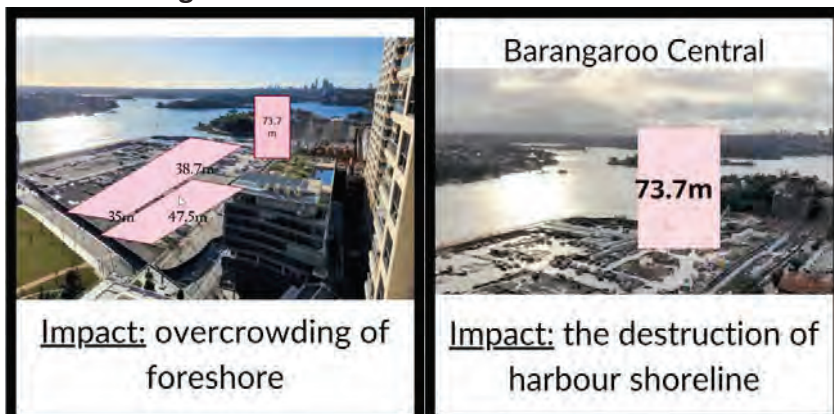
As a resident, I am particularly concerned by several aspects of Barangaroo Central's Mod 9. I understand that revenue generated by the Barangaroo Central development is essential to a future NSW Labor Government, but where is our **government's Duty of Care?**

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.



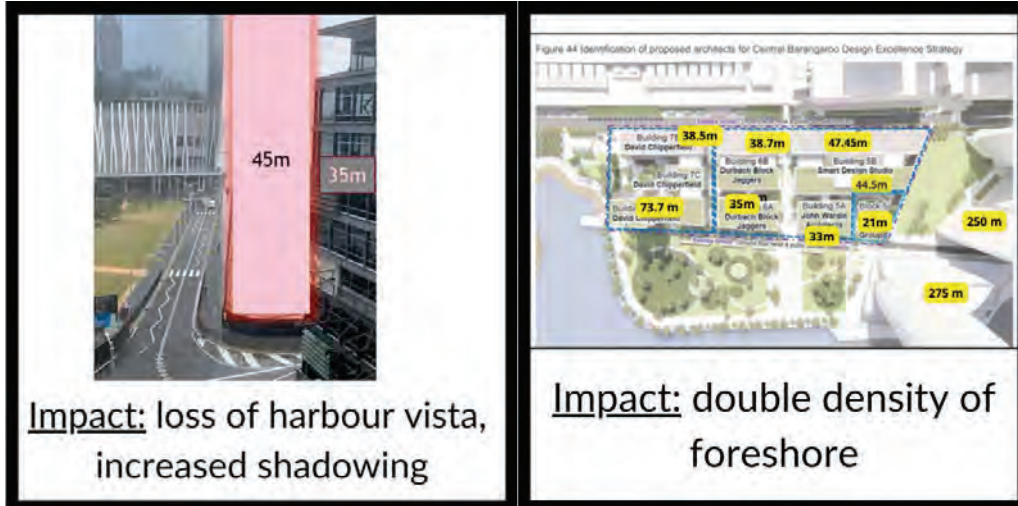
- The reduced park area will be expected to service more than double the foot traffic.
- The shadowed parkland will suffer and not grow in such limited sunlight. **Hickson Park trees struggle to stay alive at present without proposed further development.**
- The park area will **suffer higher wind exposure** 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,



Barangaroo Concept Plan (Modification 9)

Objections to Modification 9

There are many reasons why I object to Modification 9, including the following.

Use of Public Land

The site the subject of this application is owned by the State of New South Wales and operated on its behalf by the Barangaroo Delivery Authority. **It is public land!**

The NSW Government's own *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has aims for the Sydney Harbour Catchment which include **ensuring** that the catchment and foreshores of the Harbour **are recognised, protected, enhanced and maintained:**

- (i) **as an outstanding natural asset, and**
- (ii) **as a public asset of national and heritage significance,**

for existing and future generations.

To achieve these aims, the Policy adopts the following principles:

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

I do not need to go through these line by line for it to be seen that Modification 9 is clearly in breach of every one of these principles.

The Original Concept Plan of 2007 respected these principles.

Views from and to Observatory Hill

The *View and Visual Impact Assessment* (December 2021) accompanying the Modification 9 application is inadequate and misleading. It cannot be relied upon. As its authors from AECOM admit, it "has been prepared based on the Client's description of its requirements AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, **some of which may not have been verified.**"

Misleadingly and deceptively, the *View and Visual Impact Assessment* compares the proposal with what it calls the "Approved Concept Plan" which it says is the most recently approved plan: MOD 11. This is deceptive because the proposal ought to be compared with the Original Concept Plan approved in 2007. The latter made it clear that any future development had to retain the views of Observatory Hill from public spaces on opposite foreshores, including the Pymont foreshore where I live.

Modification 9 obliterates the views from Pymont, Darling Island and Balmain. The low-rise residential setting of the significant heritage Millers Point streetscape will cease to be visible from these areas.

Modification 9 also blocks the views of the western Harbour from Observatory Hill and Millers Point.

These views have been seen for thousands of years. The NSW Government has no right to obscure them – forever.

This photo shows my current view. Should Modification 9 proceed, I will not be able to see Observatory Hill, the Millers Point historic housing or the Harbour Bridge. People on Observatory Hill or at Millers Point will not be able to see Pyrmont and surrounds.



Heritage

The Millers Point Precinct is part of Sydney and Australian history and must be protected **for its unique heritage**.

Governments and developers have tried over the years to destroy this heritage. In the 1970s, the National Trust, trade unionists and community groups successfully worked together to stop government-driven high-rise development in The Rocks and Millers Point. Now, 50 years later, the NSW Government and developers are trying again. Their greed has no bounds. **This overdevelopment must be stopped once again.**

Modification 9 completely ignores consideration of the impact on the Heritage Precinct of Millers Point and must be rejected for this reason alone.

Traffic and Parking

The assessment of how traffic will leave Central Barangaroo and travel into Millers Point and Walsh Bay is inadequate. These residential areas will be adversely affected by excess traffic and out-of-area shoppers parking in their narrow streets.

Modification 9 offers no additional car parking. Rather, it seeks to remove over 100 on-street parking spaces in Hickson Road despite planning a 28,000 sqm retail development.

Hickson Park

The NSW Independent Planning Commission increased the size of Hickson Park to improve its amenity. Modification 9 seeks to reverse this while at the same time creating a park which will be overshadowed in winter.

Northern Residential Tower

The proposed tower at the northern end of Central Barangaroo will be an eyesore comparable to Blues Point Tower and the Crown Casino tower. It is totally out of keeping with its surrounds: Nawi Cove, the Millers Point heritage streetscape, Observatory Hill, and the Barangaroo Headland Park.

It has no merit as a standalone building. It will be a permanent eyesore on the Sydney landscape on what is critical harbour foreshore public land.

Bulk/Scale

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

Finally

In opposing Modification 9, I echo the words of my local Member of Parliament. Alex Greenwich, MP, Member for Sydney:

Central Barangaroo could be a world-class unique attraction enjoyed and celebrated by locals and visitors near and far. But if this proposal is approved, it will leave a second-rate legacy for future generations.

I express my opposition to Modification 9 in the strongest possible terms.

██████████

8 August 2022

I wish to object to the modification 9 of the Barangaroo Central development plan for the following reasons below:

Impact to the Heritage:

- The modified design will further damage the culturally significant and tourist aesthetic heritage area
- A 73.7-metre residential tower near Nawi Cove – disrespect to the indigenous space
- The tall towers and the over commercialised venues will damage the image of the Aboriginal and indigenous space.
- Creates loss of the cultural headlands and foreshore.
- High-density, overcrowded 'mall-like design' diminishes the ambience at the Sydney Harbour and its surroundings.
- Access to appreciate the heritage site will be limited to fewer people, as people could no longer view the site from the Observatory Hill and Millers Point due to the proposed tall buildings
- The loss of visual connectivity between the heritage precinct and the harbor
- The large buildings potentially overshadowing the appeal of the precinct



1The new height adversely impact the image to the indigenous space, damage the serenity of a heritage site, loss of view to residents and visitors to the Observatory Hill

Impact to the Environment:

- Building 5B, the 47.45metre installation along Barton Street fence 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.
- The residents nearby will be impacted by the overshadow of the proposed tall buildings, it blocks the sun, sky and air that was initially enjoyed by the residents in their homes.
- Hickson road will become a wind tunnel.
- Dense grouping will create noise and wind vortex.
- 30% of Hickson Park will be lost when public space is vital to everyone expected to live in the area.
- 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
- Increased traffic to narrow and historical roadways.

Impact to the Residents and Visitors:

- A well protected heritage area attracts local and overseas visitors thus bringing in tourism, economy and increase Sydney's global image. Once our well preserved heritage space is damaged by the tall buildings and commercial venues and activities, it loses its uniqueness and attractiveness to local and overseas visitors making it look like just another metropolitan city
- Increased traffic to narrow and historical roadways.
- Residents will be impacted by the worsened increased traffic
- When people come out of Barangaroo Station, all they will see is a tall building, no harbour
- The reduced park area will be expected to service more than double the foot traffic causing quicker deterioration to the land.
- The effects of these buildings will be more shade, less sun, reduced quality of life of general well-being and mental health of the people who visit, work, and live there
- The unpleasant windy and shady surroundings will disappoint tourists and visitors who come to Sydney for its reputed sunshine and relaxed lifestyle.
- View lines from Observatory Park lost
- View lines from Gas Lane lost.
- View lines from High St lost.
- residents can no longer enjoy the lifestyle they work hard trying to achieve with the views from their home being blocked by the tall buildings erected. They could no longer enjoy the sunshine, fresh air, blue skies when they look at the window, it severely impacts to their quality of life and mental health.



Other concerns:

- With the trend of people working from home and changing business operation, is there a need to expand building height to cater for extra office space?
- The proposed residential building will only benefit wealthy overseas buyers which further pushes higher house prices which would not help regular Australians to buy an affordable home.
- Increase of noise to the neighborhood, possible security concerns to residents and increased traffic impact
- The proposed modification is not consistent with the initial concept. It is also not consistent with the Sydney Harbour Regional Environmental Plan and Sydney Harbour Bridge Conservation Management Plan requirements for the protection of public views. It would appear to the public that it is acceptable to play through the loopholes by submitting an 'acceptable' proposal first, and once it is accepted, the plan will be modified such that it would not have been accepted in the first stage.
- "Privatization" of the public foreshore – it will impact public' confidence to the NSW government
- The latest proposal seems to show an arrangement between the developers with no blockage of views from the Crown Casino Tower and Lend Lease's One Sydney Harbour Apartments with to the Harbour, the Opera House, the Bridge, etc.

Please consider the impact the latest modification proposal has to environment, heritage site and its surroundings, nearby residents and Sydney losing its unique attractiveness to travelers as well as the public's reaction to the decision.

Regards,

██████████



PRESERVING OUR HERITAGE
PO Box 85, HUNTERS HILL, NSW 2110
www.huntershilltrust.org.au

Department of Planning & Environment
Parramatta, NSW 2124

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6378

Att: David.Glasgow@planning.nsw.gov.au

Dear Minister

Re: Central Barangaroo Concept Plan Modification 9

The Hunters Hill Trust is a community organisation formed in 1968, arising from threats to heritage occurring across our local government area. We continue to have a large and active membership due to concern for ongoing planning decisions which incrementally change the character of our suburbs and urban settings. Trust members apply our best efforts to protecting not only the built environment but also the natural environment that invariably provides the context for so much of our sense of place – the bushland, parks, tree canopy, sandstone and gardens which enhance the heritage that we value and aim to preserve.

The Trust was integral to the saving of Kelly's Bush from residential development in Hunters Hill, now widely valued regenerated native bushland and recognised globally as the first Green Ban. Jack Munday, the Union Green Bans and an engaged community went on to enable vital heritage and public space protection across Sydney in the 1970s.

Most particularly, they were successful in The Rocks, where plans by the State Government and developers were threatening to destroy the unique character of Sydney's Old Town. Preserving this historic precinct has provided an exceptional gift to residents of our city and state, as well as for visitors and overseas tourists alike.

We take this opportunity to strongly object to the proposals lodged by Infrastructure NSW and outlined in the *Central Barangaroo Concept Plan Modification 9*. We believe that to now consider imposing the level of development proposed will detract disastrously from established heritage values and amenity, not only for the immediate experience of place but also for the historic views both to and from significant landmarks of The Rocks, Millers Point and Observatory Hill, universally enjoyed as a commonly held 'public good' and now, it seems, destined for obliteration. These sight lines are rightly considered to belong to all who live or visit here. It is unimaginable that they might disappear forever.

Approving this further bulk, density and disruption would be entirely indefensible. The proposed Modification is not consistent with the previously approved Concept Plan or with the Statement of Commitments issued for the Barangaroo Development. Neither is it consistent with the Sydney Harbour Regional Environment Plan requirements for the protection of public views, or with policies in the Sydney Harbour Bridge Conservation Management Plan relevant to the protection of iconic views.

If the public realm and the heritage significance of Millers Point and Observatory Hill are not

considered as being worthy of respect and permanently preserved for future generations by rejection of these proposals, this would indeed ensure a very sad legacy for the current NSW government.

The Concept Plan designed in 2007 included three towers of 29m to 34m height for Central Barangaroo, the last of the precincts to be developed. This Plan was met with disbelief and opposition from the community and City of Sydney Council, but nevertheless approved by the NSW government. However, we understand that this Plan did envisage retaining views across the site to and from the Harbour, which will now be lost if the revised Concept Plan goes ahead via this Modification.

Rather than mitigating the impacts of the earlier Concept, this Modification now seeks instead to amplify the negative outcomes, proposing increases in height from 38m to 47m across most buildings, a 140% increase in gross floor area (from 47,688sqm to 144,355sqm) and worst of all, proposing a 73.7m tower at the northern end that would block historic community views from The Rocks and Observatory Hill. The proposed construction of this 21-storey residential tower at the northern end of the site of Central Barangaroo, and the intrusive bulk of the commercial buildings along Hickson Road, extends even beyond the much-opposed original Barangaroo Concept Plan.

Seeking to triple the size of the approved gross floor area will result in a massive line of over-development along the Harbour foreshore, disconnecting the maritime relationship of historic Millers Point with Sydney Harbour. The impacts on Headland Park, the encroachment into precious adjacent parkland as well as the expanded Hickson Park along the foreshore, granted as crucial public land by the Independent Planning Commission, are all highly detrimental to the enjoyment and history of the precinct and represent a further unjustifiable alienation of community land.

We urge the government to revisit this Modification to the Concept Plan and review the range of outcomes and disbenefits from expanding the height, scale and density of the proposals. Our city's heritage and the broader public interest and amenity are clearly being ignored in favour of private gain. The loss will be irrevocable and stand as an indictment on this government's term in office.

Yours sincerely



PLEASE DELETE ALL PERSONAL INFORMATION BEFORE PUBLICATION**SUBMISSION OF OBJECTION** – [REDACTED]

MODIFICATION OF CENTRAL BARANGAROO

The impact of gross overdevelopment of the Barangaroo site needs to be reviewed. The bulk & scope of this development has overshadowed the significance of the history of Sydney's earliest European settlement. Once it's gone, it's gone forever.

I ABSOLUTELY OBJECT to The Modification of Central Barangaroo [MP 06_ 0162 MOD 9] for the following reasons:

1. The modification proposed will greatly impact on our property's views of the Harbour foreshore. We originally had full views of the Harbour foreshore as indicated from the photo below. The building of Crown Casino & apartments in South Barangaroo have obstructed 50% of our views. We have already lost so much due to the construction of South Barangaroo.

There has already been a clear disregard to the existing residents of Millers Point. Our property was purchased in good faith with a stunning waterview.

The modification proposed will devalue the worth of our property significantly.

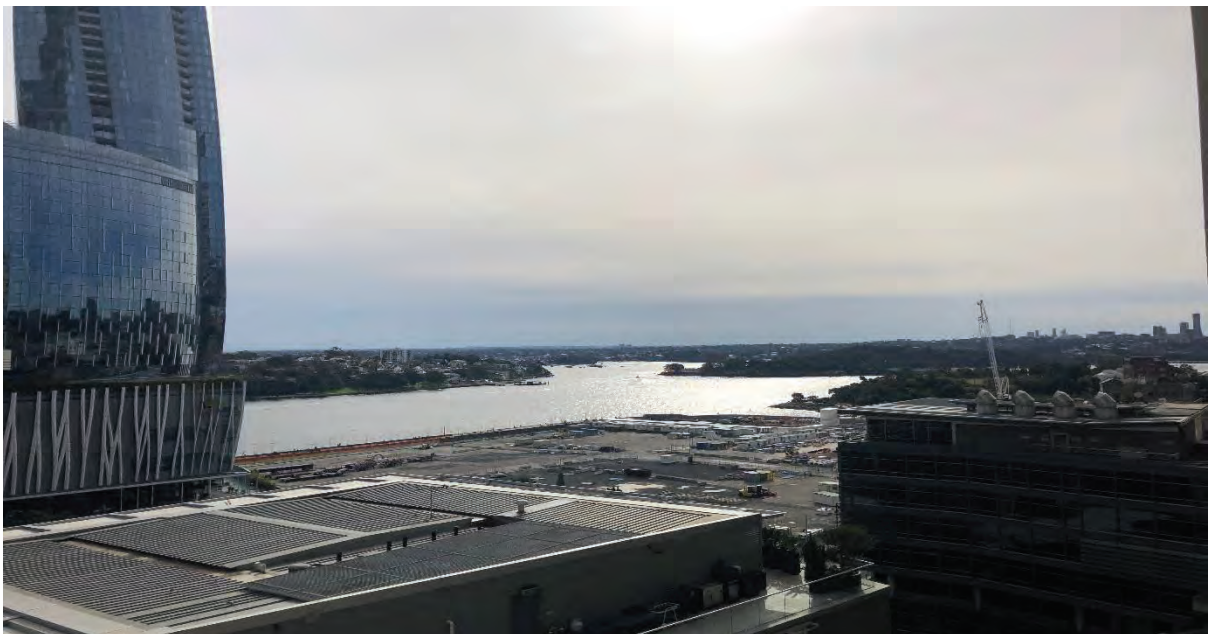
"Whole views are valued more highly than partial views, eg a water view in which the interface between land & water is visible, is more valuable than one in which it is obscured."¹

"The cumulative impact of development on views should be minimised"²

Our unobstructed view before development



Our current obstructed view



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

Enough is enough!

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

Are taken from level 15 or above. No consideration is made for all the many residents that live below level 15 of these apartments. Their views even more so greatly impacted.

The impact study is NOT a true representation of all the residents that live in the above apartments. Many residents live below level 15!!!

Is there bias? The new, not yet completed, residential tower of One Sydney Harbour has views considered from a lower level of their building.

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

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

6. Qualitative Evaluation

7.2 "Would the proposed change make the view less desirable/ why" - "Yes, in that it removes a greater portion of the view to the water & horizon..."³

7.6 "If the present obstruction of the view is extensive, does that which remains still warrant preservation" - "Yes"⁴

7. Analysis of Impact

7.6 “If the present obstruction of the view is extensive, does that which remains still warrant preservation” - “Yes. Any visual clues to the nature of the landscape beyond is worthy of preservation”⁵

“The increase in the proportion of the view occupied by MOD9 is high,which is visually prominent in scale & mass & is seen in high contrast against the sky & blocks the cityscape behind.”⁶

From Gas Lane - City of Sydney (2011)

“Approximately two thirds of the remaining view is lost, noting that the Block Y tower has obscured half of the original view” ⁷

From Stamford on Kent – City of Sydney (2011)

Sensitivity – “ The value of the existing view from this location is high”⁸

Residents in the residential towers mentioned in point 4 have paid significantly for the panoramic views across western Sydney Harbour & the magnitude of impact is HIGH⁹

8. The proposed buildings along Hickson road are too big & too high. They need to be set back so the public are able to view the foreshore & appreciate the historical significance of “The Hungry Mile”.
9. Hickson Park has been reduced, impacting on the public use of open space. What amenities will be provided for all the proposed increase of residents. There should be more parkland & a playgrounds.
10. There has been little respect shown to the significance of the historical nature of Millers Point & The Rocks and the gross impact of the residents in this area.
11. I absolutely object & reject any increase in ground floor area and height of any development in Central Barangaroo. Greed & a larger income for developers should not be a criteria in the use of Public land. Enough is enough.



References

1. p27 [MP 06_ 0162 MOD 9]
2. p16 [MP 06_ 0162 MOD 9]
3. p45 [MP 06_ 0162 MOD 9]
4. p45, p86 [MP 06_ 0162 MOD 9]
5. p52 [MP 06_ 0162 MOD 9]
6. p73 [MP 06_ 0162 MOD 9]
7. p92 [MP 06_ 0162 MOD 9]
- 8.p16 [MP 06_ 0162 MOD 9]
9. p201 [MP 06_ 0162 MOD 9]



By email to David.Glasgow@planning.nsw.gov.au 14 August 2022

Barangaroo Concept Plan (Mod 9) to make amendments within Central Barangaroo and Barangaroo Reserve (Proposed Development)

Sir,

I have been a property owner and resident in Millers Point for about 20 years.

I wish to highlight my objections to Modification 9 in regard to views, bulk, access and heritage connections.

Is this the point in time when all legal promises to protect the historic vistas of and from the area in question will crumble? Will the connection between the residential and maritime heritage of Millers Point, Barangaroo (formerly East Darling Harbour) and surrounding areas, also across the water, be cut forever? Why?

A walk around Observatory Hill provides unique views into the city's historic past. The proposed Modification 9 ignores some of the policies in the Sydney Harbour Bridge Conservation Management Plan for the protection of public iconic views, amongst other protections for views and sight lines in the area.

The removal of the Harbour Control Tower was promoted for restoring some of the historic views. A chunky, over-height residential tower will take away that and more if the proposal is approved. The new metro station does not require an "exclamation mark".

Central Barangaroo is meant to be a connection between the commercial Barangaroo South, the Barangaroo Headland Park and the heritage-listed streets of the Millers Point Conservation precinct. The proposal appears to offer a rather similar fare to South Barangaroo and, indeed to the Sydney CBD, less than 1 km away. Where is the "civic heart" in this plan?

The site is part of the Sydney Harbour Foreshore. The proposal will negatively impact on the access to and enjoyment of the harbour, which includes the views of the water.

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 states amongst its aims in relation to the Foreshores and Waterways Area:

"(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.”

It appears that some streets within the site will be set aside for pedestrian use only. How will residents access their properties, and how will retail receive their deliveries?

Some current on-street parking spaces will be taken away under the proposal, retail spaces will only add a minimal number of spaces for non-local shoppers.

The assessment of how traffic will flow within Barangaroo, Millers Point and Walsh Bay appears unrealistic.

Access to the site from the South from Kent Street is via a steep, staircase and a small lift. The specification of a pedestrian bridge in the proposal is rather vague.

I understand that Modification 8 offered a workable solution and that a previous Modification 9 was retracted. Why another one?

Thank you for reading my letter.

Yours faithfully,

██████████

By email to David.Glasgow@planning.nsw.gov.au

Barangaroo Concept Plan Modification 9

Sir,

I received the Concept Plan Modification 9 and make the following objection:

1) Heritage

Heritage views from Millers Point in particular plus other areas will be destroyed by Modification 9. This includes the outlook and some access to current heritage buildings.

2) Gross Floor Area

The modification triples the approved Modification 8 with a maximum GFA of 47,688 to 144,355 sq m.

3) Public Open Space

By including roads, footpaths, etc., plus water areas as Public Open Space is a distortion of the facts. Also, by reducing the area of Hickson Park as noted in Modification 8. This will create a further negative public problem of the area being overshadowed by increases in building heights.

4) Traffic Issues

These were all satisfactorily resolved in Modification 8 but are now major public issues by significantly increasing the GFA.

5) The mass of buildings along Hickson Road are a planning disaster together with the high-rise buildings, in particular adjacent to the Barangaroo headland.

6) The whole area is going to be completely destroyed by Modification 9. We look for those that should be held accountable to be personally identified and not allowed to create the Modification 9 disaster.

7) These changes reflect the potential of corruption in destroying a well-planned and -designed proposal in Modification 8. This is not the first time this type of design change has occurred with long-term gross negative impacts on the community.

8) With my extensive experience in delivering major projects, I would take a bet that, given access to all relevant documentation, I would find issues of corruption if Modification 9 were adopted.

Here is hoping that reason will prevail and the project will proceed based on Modification 8. I would like to ask the question: "Who will accept responsibility for the negative impacts of Modification 9, and will the public be advised on those who conducted the procedures that allowed the negative change to take place?"

Yours sincerely,



14 August 2022

Local property owner and resident for more than 20 years

PLEASE DELETE ALL PERSONAL INFORMATION BEFORE PUBLICATION

SUBMISSION OF OBJECTION – [REDACTED]

MODIFICATION 9 PROPOSAL OF CENTRAL BARANGAROO, MP 06_ 0162 MOD 9

The impact of gross over-development of the Barangaroo site needs to be reviewed and Central Barangaroo, MP 06_ 0162 MOD 9 should be rejected. The bulk & scope of this development has overshadowed the significance of the history of Sydney's earliest European settlement. Once it's gone, it's gone forever.

I STRENUOUSLY OBJECT to The Modification of Central Barangaroo [MP 06_ 0162 MOD 9] for the following reasons:

1. The modification proposed will greatly impact on our property's views of the Harbour foreshore.

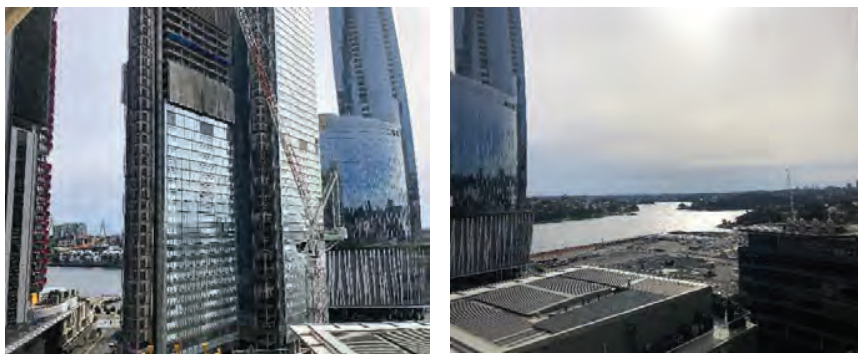
We originally had full 180 degree views of the harbour foreshore as indicated from the Figure 1 photos below.

Figure 1 Our unobstructed view before development



Now, the building of Crown Casino & apartments in South Barangaroo have obstructed 50% of our views. We have already lost so much due to the construction of South Barangaroo. There has already been a clear disregard to the existing residents of Millers Point. Our property was purchased in good faith with a stunning waterview. This 50% loss of view is shown in the Figure 2 group of photos below.

Figure 2 Our current obstructed view



The proposed modification 9 of Central Barangaroo would result in us losing all the balance of our views. This means we have gone from a 180 degree view to a 90 degree view to perhaps zero.

This is so unjust & shows absolutely no respect or consideration of existing residents. The proposed modifications should consider the cumulative impact from what residents had before the introduction of the Barangaroo Development. It should not only consider the incremental change from Modification 8 to modification 9 but the total extent of development creep from the originally awarded development proposal.

The proposed modification 9 of Central Barangaroo will devalue the worth of our property significantly. This is even noted in the modification development proposal as following quotes confirm:

“Whole views are valued more highly than partial views, eg a water view in which the interface between land & water is visible, is more valuable than one in which it is obscured.”¹

“The cumulative impact of development on views should be minimised”²

2. The original Barangaroo development proposal was large enough, skewed and framed to suit the developers and the huge benefit of the few who may purchase. Since then, the Barangaroo and now central Barangaroo development has insidiously further grown larger and larger in 9 successive modifications.
Each change, over the history of the development, some huge, some larger, some incremental have further eroded and ignored the original criteria of the development on the existing locality, existing residents and public access to this public space.

Why should the developers and their customers have the right to this area and views to the detriment of the existing residents and public access visitors? They should not.

Enough has been given over to the developers. It should stop.

Enough is enough!

3. BARANGAROO IS ALL PUBLIC LAND. The increased density and hugely increased volume of Modification 9 further encroaches the public domain. It further blocks not only public view and amenity but displaces and reduces public access to the foreshore to a few narrow access channels. Effectively the public access feels and becomes hidden behind the large block buildings of significant height and bulk never originally condoned nor approved.

This historical area & heritage listed sites would be totally consumed by the bulk & scale of the modification 9 of the development. This historical area should be enjoyed by all the public & not overshadowed by bulk & density of buildings. Public land is for the good of all, not just for adding more income to developers.

The original plan for Central Barangaroo was for low-rise buildings NOT mid-rise buildings. The view of Observatory Hill from all areas of the Harbour Foreshore should be retained.

4. The impact study of Central Barangaroo Modification 9 considers loss of view only based on level 15 and above of the existing residential towers of:
 - Highgate
 - Georgia

- Stamford Marquee
- Stamford on Kent
- 189 Kent Street

No consideration is made for all the many residents that live below level 15 of these apartments. Their views are even more so greatly impacted. Clearly, no real consideration of visual amenity impact is made if the criteria is only for levels significantly higher than the proposed modification.

The impact study is NOT a true representation of all the residents that live in the above apartments. Many residents live below level 15!!!

Is there bias? It appears so, since the new, not yet completed, residential tower of One Sydney Harbour has views considered from a lower level of their building.

5. The significance of views of heritage importance has clearly been documented in

- City Plan Heritage (2006)
- Davies (2006)
- Sydney Regional Environmental Plan (2005)
- City of Sydney (2011)

The Observatory Hill where the public, including local residents, visitors - both domestic and international, are currently able take in exceptional panoramic views of this historical area. These views have been enjoyed for many generations since early European Settlement. Once the oversized and over-height developments proposed in Modification 9 are built, the historical views are destroyed for all our future generations.

6. Qualitative Evaluation of the Modification 9 report poses questions in the references below that can be answered as follows:

7.2 “Would the proposed change make the view less desirable” – “Yes, in that it removes a greater portion of the view to the water & horizon...”³

7.6 “If the present obstruction of the view is extensive, does that which remains still warrant preservation” - “Yes”⁴

7. Analysis of Impact

7.6 “If the present obstruction of the view is extensive, does that which remains still warrant preservation” - “Yes. Any visual clues to the nature of the landscape beyond is worthy of preservation”⁵

“The increase in the proportion of the view occupied by MOD9 is high,which is visually prominent in scale & mass & is seen in high contrast against the sky & blocks the cityscape behind.”⁶

From Gas Lane - City of Sydney (2011)

“Approximately two thirds of the remaining view is lost, noting that the Block Y tower has obscured half of the original view”⁷

From Stamford on Kent – City of Sydney (2011)

Sensitivity – “ The value of the existing view from this location is high”⁸

Residents in the residential towers mentioned in point 4 have paid significantly for the panoramic views across western Sydney Harbour & the magnitude of impact is HIGH⁹

8. The proposed buildings along Hickson road are too big & too high. They need to be set back so the public are able to view the foreshore & appreciate the historical significance of "The Hungry Mile".
9. Hickson Park has been reduced, impacting on the public use of open space. What amenities will be provided for all the proposed increase of residents. There should be more parkland & a playgrounds.

There has been little respect shown to the significance of the historical nature of Millers Point & The Rocks and the gross impact of the residents in this area.

I absolutely object & reject any increase in ground floor area and height of any development in Central Barangaroo. Greed & a larger income for developers should not be a criteria in the use of Public land. Enough is enough.



Modification 9 Documentation References

1. p27 [MP 06_ 0162 MOD 9]
2. p16 [MP 06_ 0162 MOD 9]
3. p45 [MP 06_ 0162 MOD 9]
4. p45, p86 [MP 06_ 0162 MOD 9]
5. p52 [MP 06_ 0162 MOD 9]
6. p73 [MP 06_ 0162 MOD 9]
7. p92 [MP 06_ 0162 MOD 9]
- 8.p16 [MP 06_ 0162 MOD 9]
9. p201 [MP 06_ 0162 MOD 9]

Director, Key Sites Assessments,
 Planning and Assessment,
 NSW Dept. of Planning & Environment, Sydney NSW 2000.
 Locked Bag 5022,
 Parramatta, NSW 2124.

5th August 2022.

Dear Sir,
Barrangaroo Central - MAb 0162 Mod 9

I am writing to register my objection to the new plans for Barrangaroo Central (Modification 9).

The latest proposals represent a highly significant departure from previous plans and safeguards and would clearly have a particularly detrimental impact on Millers Point and a most important part of our historical past.

Valuable views from and to the area would be lost forever; numerous existing ratepayers would suffer a loss in property values and their general ambience; and traffic, parking and pedestrian problems seem likely to be greatly increased.

For the benefit of present and future generations, it is imperative that the NSW Government rejects Modification 9.

6th August 2022



The Director – Key Sites Assessments
Planning & Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW. 2124

Dear Sir/Madam

**SUBMISSION TO MODIFICATION TO CENTRAL BARANGAROO CONCEPT PLAN
– SECTION 75W MODIFICATION REQUEST. APPLICATION NO. MP 06_0162 MOD 9**

I am a resident of 3 Darling Island Road, Pyrmont. I am a born and bred Sydney sider with a long and continuous association with the harbour. I have been involved in the real estate industry in the City of North Sydney and the City of Sydney all my working life. I object to this proposed modification.

I am appalled at the attempt by the NSW Govt, to try and grant itself a 300% plus increase in GFA on the proposed site. The original concept plan had a graduation of the Northern Parkland, lower rise Central section and the towers of the southern "City section" of the Barangaroo precinct. To date the development has been an outstanding success delivering on the vision.

The proposed "modification" is far from a modification, if any normal developer lodged a Section 96 with a 300% increase in GFA over the approved plan they would be laughed out by the consent authority and rejected wholeheartedly.

What has been proposed is an over development above the ground and is aimed at giving increased scale to the project to cover the costs of the proposed underground works which would otherwise be uneconomic. The site is predominately on reclaimed land and the subterranean areas of the complex will need to be "tanked" and anchored to combat the water penetration and floatation of the adjacent harbour.

The proposed tower 7 is disjointed and obscene, it will surely become the "Blues Point Tower South". It is so far from the masterplan concept it is ridiculous, it is so ill conceived that Tower 7 will cast shadows on its own complex. If you were going to have a tower you would put it to the south to stop the shadow effect, its placement is purely to maximise end value. From the renderings to date the complex appears to have no architectural merit whatsoever, indeed the whole complex looks more like a building you would expect skirting an airport, not the most magnificent harbour in the world.

The Rocks were saved in the 1970's by the Jack Mundy Green Bans and has recently undergone a renaissance with the artfully heritage rebuilds of many of the previously Govt controlled housing, such housing will ultimately return to Public hands at the end of the 99 year leases, however the asset will have diminished in potential value due to this proposed development effectively walling off the western harbour from the Rocks. So the Govt is looking for short term gain at its own long term expense.

One can only assume that some vested interests have devised this plan to their own benefit. Will this be the next chapter of this Govt long association with the ICAC. Hopefully the findings won't be too late to stop this abuse of power.





7 August 2022

The Director - Key Sites Assessments
Planning and Assessments
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA. NSW. 2124

Dear Sir/Madam

**MODIFICATION APPLICATION CENTRAL BARANGAROO
SECTION 75W MODIFICATION REQUEST
APPLICATION NO MP 06_0182 MOD 9**

I am the registered owner of 126/3 Darling Island Road, Pyrmont and I object to the above modification on the following basis.

- 1. Significant obstruction of my view of the Harbour Bridge and the historic Rocks area.** I purchased my apartment less than 2 years ago to be my retirement residence after selling the family home of some years. A lifelong dream of mine was to have a view of the Harbour Bridge. The proposed development will nearly completely block my view of the Harbour Bridge especially Block 7 with a proposed increase height to 73.7 m. Further my view of the historic terraces facing on the western side of the Rocks will be inhibited. This modification will both decrease my apartment's value and directly affect my everyday amenity as my view is significantly impacted.
- 2. Over development of Central Barangaroo.** The modification is an enormous increase of total permissible gross floor area. Something over a 300% increase. One would think that this should be treated as a completely new development not a modification when the changes are so large. The bulk and overdevelopment of the area is significant. There is little architectural merit in the boxed look of the Blocks where they are just trying to cram as much GFA into the buildings.
- 3. Height of Block 7 not in keeping with original concept of Central Barangaroo** With all of the buildings in other Blocks below 44.5 m to just have one block at 73.7 m being the most northern is in total contrast to the original concept of the development of this area.



4. **Blight on our harbour landscape.** Central Barangaroo is viewed on the harbour from many aspects – from lower north shore suburbs, Balmain, Pyrmont, Darling Harbour and other harbour front suburbs. The Rocks area encompasses a hugely significant historic area. It was envisaged that the low rise of the area showed the historic significance of the area with the modern city emerging as you travel south towards the Quay with increased building heights. Block 7 increased height to 73.7 m (20 storey tower) which is also the most northerly building and close to the western waterfront, will ruin the historic low-rise and impact on the concept of the old rising to the new. Is this to be another Blue Point Tower which is rued by many?
5. **Significant impact on the community enjoyment of the Rocks and harbour views**
The Rocks views of the harbour, a much visited area by both locals and tourist, will be significantly affected. Many property owners which were sold their properties in the Rocks area by the Government on the basis of its views and low-rise character of the area will feel justifiably cheated.
Further, there are many harbourside areas views of the city will be impacted generally and for special events i.e., New Year's Eve. For example, Ballaart Park Pyrmont, which is directly in front of my apartment block, is a closed ticketed no alcohol area for New Year's Eve – which is very popular for families and certain religious/ethnic citizens. It's view of the Harbour Bridge for New Year's Eve fireworks will be taken away by Block 7 increased height. This also takes away a great vantage point for the community for this iconic Sydney event.

Is this the NSW government's grab for money over the public interests? One wonders when the Applicant and the Consenting Authority are basically the same. Where is the independence, will this be another matter for ICAC?

Please find attached the following:

1. Photo of my view from my Apartment showing the impact the proposed development will have on my aspect; and
2. The required Declaration regarding reportable political donations.



View from [REDACTED] Darling Island Road, Pyrmont



HIGH GATE

Highgate Owners Corporation Strata Plan 49822 ABN 66 342 557 275

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

15th August 2022,

Highgate Owners Corporation Strata Plan 49822

Mr Paul Upham

* on behalf of Owners Corporation Strata Plan 49822

Mr David Glasgow

Principal Planning Officer

David.Glasgow@planning.nsw.gov.au

Application number - MP06 0162 MOD 9

Dear Mr Glasgow,

The Highgate Owners Corporation Strata Plan 49822 strongly objects to the above proposal.

Please find full submission attached.

Modification to Barangaroo Concept Plan (MP06_0162 MOD 9)

Highgate Statement

Highgate is privileged to be situated on the doorstep of the Millers Point Conservation Area at the historic end of Kent Street overlooking Barangaroo. Along with all Australians, Highgate residents appreciate, value, and are proud of Australia's unique built history and its connections to the internationally acclaimed Sydney Harbour. These quintessentially Australian features identify Sydney as a city of exceptional beauty and historical significance globally.

Aboriginal and colonial historical connections and curtilage converge at the site of the proposed development of Central Barangaroo. The High Street cutting, showcasing the rows of terraces above its distinctive V shaped sandstone cliff, is crowned by the Sydney Observatory, which is of special historical significance, and sits framed by ancient Moreton Bay figs within Observatory Park. These historical assets represent the soul of our nation, and enhance the beauty and value of the Harbour and its aspects.

Highgate residents support development at Central Barangaroo that respects, is sensitive to, enhances, and displays the continuity of our heritage views, panoramas and vistas with their connections to the Harbour for the benefit of the people of NSW and Australia. The Concept Plan (2006) meets these requirements.

Under the award-winning Concept Plan, the vistas, views, and panoramas showcasing these critical elements focussed at Central Barangaroo are preserved and enhanced. In contrast, the Infrastructure NSW (INSW) development proposal demonstrates a callous disregard for these iconic assets of the Australian people and a prioritisation of short- term private and political pecuniary gain over the long-term public benefit.

Subsequent modifications to the Concept Plan have reduced the built forms of Central Barangaroo to deliver Nawi Cove and provide some minimal compensation for the atrocity of the incursion of the privately-owned Crown building onto prized public foreshore parkland and that also stripped the amenity, connection to the Harbour, and value of Hickson Park. The proposal seeks to reverse these positive compensatory outcomes from the Australian public for the benefit of private interests.

As well as reversing these positive outcomes and compensations, the also proponents propose to default on commitments that have been made to the public in the protection of heritage views, vistas, and panoramas at Central Barangaroo. This is dishonourable and would further undermine the confidence of the public in the planning processes and the NSW Government, which is the lead proponent in the development through INSW and also the consent authority.

The NSW Government and developers have already received enormous financial benefits from massive increases in building heights, gross floor area (GFA), number of buildings, and the movement of publicly owned prime foreshore to private ownership at South Barangaroo. They attempt to further increase their benefits in precisely the same way at Central Barangaroo. Unlike South Barangaroo, however, the consequences of such a proposal would see the destruction of the heritage aspects and connections so prized by the people of NSW and the nation.

Highgate residents hold numerous serious concerns about the integrity of the proposal for development of Central Barangaroo (submitted by INSW) in partnership with the developer, Aqualand). The pecuniary self-interest of the proponents is confirmed by actively false written and visual depictions of both the Concept Plan and the impacts of the proposal. The scale and consistency of the deception points not to incompetence, but corruption, with an intent to mislead the Minister for Planning and the public of NSW.

The public can have no confidence in the planning processes, or the laws that protect our publicly owned assets, if this proposal is approved. The destruction that would be irrevocably wrecked upon our irreplaceable, prized historical and natural Harbour assets by the proposed development, in the name of the NSW Government, would be immense and irreversible.

We are also gravely concerned about the transformation of the precinct from the primarily low-rise residential and community development of the Concept Plan into an overdeveloped commercial and retail precinct that allocates community space to the underground space of Headland Park at the Cutaway. This conversion of the entire character of the precinct would isolate and alienate residents, while leaving buildings abandoned in the evenings and at weekends.

We call to account the integrity of INSW in its submission of this appalling proposal. It is certainly not in the public's interests, provides no benefits to the public, and destroys prized heritage aspects and connections. Like the discredited Barangaroo Delivery Authority that preceded it, it is evident that INSW does not act in the public interest.

WE REJECT THE MOD 9 PROPOSAL

We would like to acknowledge the Gadigal of the Eora Nation, the traditional custodians of this land and pay our respects to the Elders both past and present and emerging.

Central Barangaroo: A Focal point for our Heritage

Sydney Harbour is internationally renowned for its stunning beauty, iconic sights, and hundreds of kilometres of shoreline that display and connect highly significant historical items and aspects of outstanding importance to the country. These exceptional and irreplaceable assets are protected in law for their owners, the public of NSW.

Central Barangaroo is situated to the west, with Circular Quay to the east, of the most significant promontory of Sydney Harbour in terms of its historical importance and value to Australia's people. Together with the Sydney Harbour Bridge connecting the city to the northern shore, The Rocks/Barangaroo area is bringing together the natural beauty of the Harbour, fished by the Gadigal people of the Eora nation long before European settlement, and the core components of Australia's remaining colonial history.

Linking the two sides of the promontory are the Rocks, the beating heart of Sydney's colonial past, and the colonial wharves of Walsh Bay. Millers Point was the maritime centre that supported the colony, linking it to the outside world.



FIGURE 1 THE HERITAGE DISPLAY OF THE HIGH STREET CUTTING CURRENTLY AS SEEN FROM THE OPPOSITE FORESHORES

The historical remains of early colonial settlement and the Harbour's central importance can clearly be seen in the view shown in Figure 1 of the Millers Point High Street cutting, topped by the terraces of High and Kent Street, and capped by the Observatory sitting within Observatory Park surrounded by ancient Moreton Bay figs. This display, and the associated continuity of our historical past around the headland with its connections to the Harbour, are invaluable and must be preserved at all costs.

Throughout the application for the proposed development at Central Barangaroo, and in the press, the contempt of the proponents of this proposal for the Sydney Harbour foreshore, the historical importance of its curtilage, and highly valued aspects, and their connections, is palpable. The public who have made known their concern about the irrevocable loss of intrinsic values of the Harbour, our nation's heritage, and the connections between them, is perverted and demeaned, as private interests surpass public good at every turn.

The INSW proposal for Development at Central Barangaroo

The INSW application proposes to increase the building heights, mass, and density of all blocks at Central Barangaroo, confine a reduced amount of residential space into a 73.7m enclosing tower in the north, shown in Figure 2, and change the zoning requirements from a residential precinct with limited retail into a dominantly commercial and retail precinct. Community space is largely removed from the precinct itself and confined to The Cutaway underneath the Headland Park.

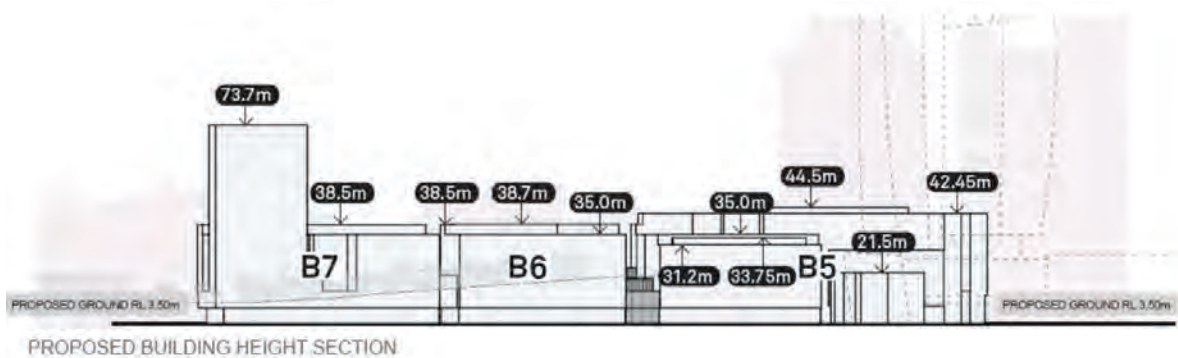


FIGURE 2 PROPOSED BUILDING HEIGHTS AND MASSING OF THE CENTRAL BARANGAROO BLOCKS

This proposal would inflict incalculable and irreversible harms on significant and outstanding key heritage aspects that belong to the people of NSW and Australia. No benefits for the public accompany these changes. The movement of highly prized publicly owned foreshore land into the private hands of developers for commercial and retail use constitutes a tremendous loss to the public and brings no benefits for the public. The only benefits are to the developers and a short-term boost to the coffers of the NSW Government.

The Harms inflicted by the Proposal on Heritage and the Harbour Foreshore

Immense harms would be perpetrated by this proposal on Australia's heritage and Sydney Harbour foreshores. These are irreplaceable, unique, significant and highly valued assets belonging to the people of NSW (not to INSW as the proponents claim).

The proposal's most grievous destruction of heritage aspects and Harbourside connections is inflicted by the unacceptable increase in height of all blocks at Central Barangaroo, along with their increased density. The proposed increased heights of all blocks, along with their increased bulk, massing, and density have the following impacts:

- The essential elements of the heritage value of the High Street cutting, with its V-shape display of the High and Kent Street terraces, capped by the Sydney Observatory sitting within Observatory Park framed by Moreton Bay figs, is obliterated from a Darling Harbour viewpoint, and split in two when viewed from the water, opposite foreshores, and Central Barangaroo itself.
- Increases in all block heights annihilates the line of the V shaped core by extinguishing the aspect to and from its southern half, walling in the remaining northern component, and destroying the continuity of the rows of terraces sitting atop the cutting. This dramatically reduces the heritage value of the cutting and its connections to the Harbour, the Sydney Observatory and Observatory Park.

- The well-loved view that connects the Harbour waters to Millers Point at the Agar Steps, which lead up to the Observatory Park, is enclosed, disconnected from the water, and destroyed.
- Hickson Park is disconnected from the parklands and Harbour foreshore, despite the rejection of this same proposal in Modification 8 and in contravention of the commitments made for the incursion of the privately owned Crown building into prized publicly owned land, along with massive increases in building heights to accommodate monstrous increases in GFA.
- A large swathe of potential green space within Blocks 5, 6 and 7 is replaced with an almost impenetrable mass of buildings, with cold, dark, narrow, overshadowed spaces, that wall off the Headland Park and Hickson Road and overhang the parklands.

The Proposal for Modification of the Concept Plan for Central Barangaroo is illegitimate

The proponents have submitted a proposal that is founded on distortion, misrepresentation, minimisation of harms, and claims of non-existent benefits that include, but are not limited to:

- An invalid application for modification of the Concept Plan (2006) under Section 75W of the *EP & A Act, 2009*;
- Misrepresentation of the approved Concept Plan;
- Minimisation and distortion of harms inflicted by the proposal on the integration, connection, and display of heritage assets along the Harbour foreshore;
- Claims of benefits to the public that do not exist.
- Contravention of the protections provided for Australia's most significant and valued heritage areas and items.
- Defaulting on commitments made in return for massive development increases already achieved at South Barangaroo.

An Application for Modification under Section 75W is not Valid

Section 75W of the *Environmental and Planning Act 1979 (EP&A Act 1979)*, that allowed applications for modifications under the now discredited 3A pathway for assessment, was revoked on March 1st, 2018. Transitional arrangements ceased on September 1st, 2018, by which time all application documents needed to be lodged. The documents for MOD 9 were not submitted until the end of 2021.

The current application is founded on a *preliminary and partial* application based on a 2014 request for the Director General's requirements that was *withdrawn* in 2016 following advice from the Planning and Assessment Commission (PAC) that strongly indicated the proposal would not be approved, thus ending that application. The Director General's requirements of 2014 have been superseded by the determination of Modification 8, which was submitted in 2015, prior to the preliminary application for Modification 9.

Misrepresentation of the Approved Concept Plan

One of the key aims of the Concept Plan for Barangaroo is to protect the heritage aspects located to the east of the Central Barangaroo development. The intent of the built form principles, design elements and controls of the Concept Plan for Central Barangaroo were established to ensure the aspects to and from heritage areas and items were protected and enhanced. The Concept Plan has been egregiously misrepresented throughout the documentation submitted by INSW.

The diagrammatic image of Blocks 5, 6, 7 and 8 of the original Concept Plan is shown in Figure 3. Section A shows a line approximating the point from which all buildings have been removed to the north to allow for the incursion of Nawi Cove under Modification 3. Modification 3 removed Block 8 and more than half of Block 7, reallocating the GFA removed from Central Barangaroo to South Barangaroo, where it has been implemented.

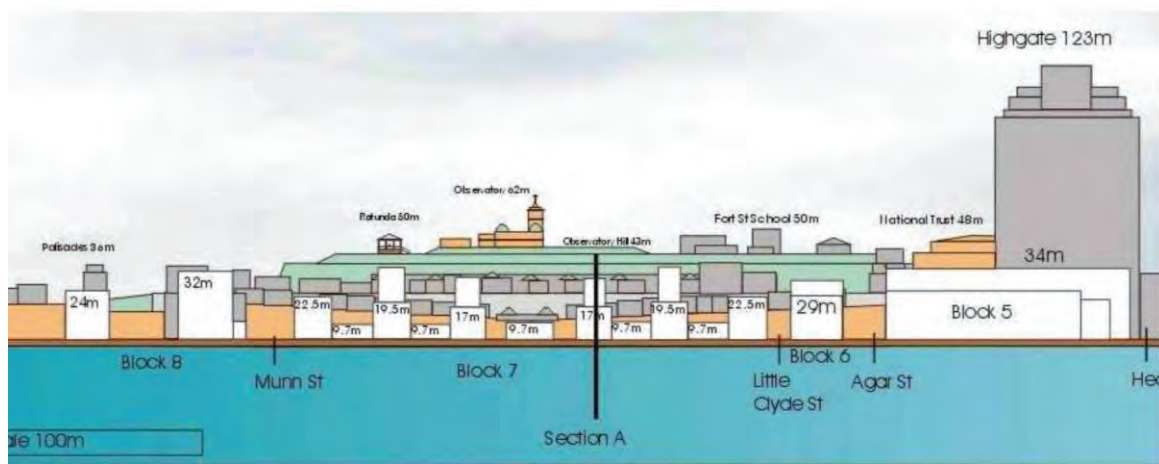


FIGURE 3 ACTUAL DIMENSIONS OF THE BUILT FORM OF CENTRAL BARANGAROO BARANGAROO MASTERPLAN BLOCK ENVELOPES WEST ELEVATION

Maximum heights of Blocks 5, 6 and 7 located at Central Barangaroo were established under the Concept Plan to ensure heritage protections. These were:

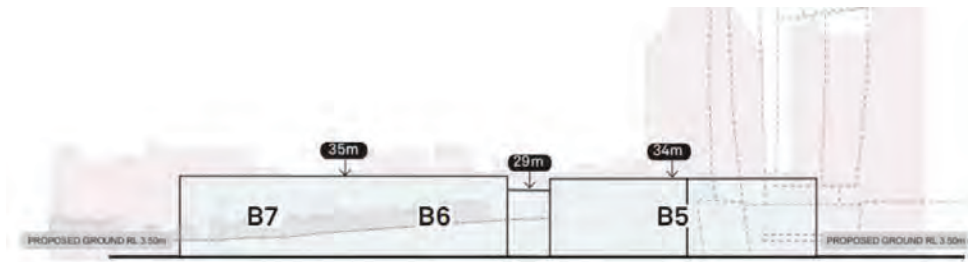
Block 5: **34m** with only 20% of the building envelope permitted to reach this height.

Block 6: **29m** with only 15% of the building envelope permitted to reach this height.

Block 7: **32m** with only 25% of the building envelope permitted to reach this height.

Each block, as depicted in Figure 3, is widely spaced by low podiums and wide laneways. Block 5 is dissected, north to south at its centre, by a valley with an RL of 20m and 37m width, and a central laneway at ground level of at least 10m. All blocks taper towards the water. Block 6 tapers to the north.

The documentation provided by INSW deceptively misrepresents this built form through the removal of the built form principles and design controls of the Concept Plan. It depicts the built form of the three blocks of Concept Plan as continuous, massed, rectangular building envelopes that fill the width and heights of the built forms to the maximum, as seen in Figure 4. This is an inaccurate, distorted, and dishonest representation of the building heights and built forms approved under the Concept Plan.



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

FIGURE 4 MISREPRESENTATION OF THE APPROVED CONCEPT PLAN BUILDING ENVELOPES FOR CENTRAL BARANGAROO PROVIDED BY HASSELL, PRESENTED BY URBIS, AND SUBMITTED BY INSW

This deception was used for comparison with the proposed height and density increases of the INSW proposal with the claim they were approved under Modification 8. The articulation and design controls of the blocks at Central Barangaroo have not been changed in any way, other than in the *reductions* of sizes of Block 7 in Modification 3, and Block 5 in Modification 8, which is deceptively not portrayed here despite it being the current approved envelope for Block 5. This outrageous sleight of hand represents dishonest dealing with the Minister of Planning and the public.

The *reduction* in the dimensions of Block 5 were made in Modification 8 to offset the massive increases in building heights and density at Barangaroo South and the incursion of the privately-owned Crown building into prized publicly owned Harbour foreshore parklands. The reductions were made to enable Hickson Park to re-connect to the parklands and Harbour foreshore. The current proposal not only excludes these offsets, but substantially worsens the outcome for Hickson Park.

INSW also provides *falsified representations* of the Concept Plan in photomontages. None of the photomontages provided in any of the reports can be trusted to actually represent the Concept Plan, or indeed the negative impacts of the proposal itself. For example, AECOM (2021) misrepresents the Concept Plan by expanding and filling the built form envelope of the three blocks and then comparing this to the INSW proposal, for the northern end of Central Barangaroo, as shown in Figure 5 and Figure 6. While Figure 5 showing the built form representation of the Concept Plan is not a depiction from the same perspective as AECOM's version in Figure 6, the perspective of the actual built form of the Concept Plan can be readily gleaned from Figure 5 for comparison.



FIGURE 5 CONCEPT PLAN REPRESENTATION OF THE BUILT FORM (CITY PLAN HERITAGE, 2006)



FIGURE 6 MISREPRESENTATION OF THE CONCEPT PLAN (ABOVE) FOR CENTRAL BARANGAROO COMPARED TO THE PROPOSAL AECOM, 2021

A further example of misrepresentation by AECOM is Figure 7 that shows the impacts of the actual Concept Plan development on the view from the Agar Steps to the water, contrasted with the misrepresentation of the Concept Plan provided by AECOM. All reports of the application are replete with such deceptions.



FIGURE 7 MISREPRESENTATION OF THE CONCEPT PLAN IN THE VIEW FROM THE AGAR STEPS TO THE HARBOUR: CONCEPT PLAN REPRESENTATION TO THE LEFT; AECOM 2021 REPRESENTATION TO THE RIGHT.

Minimisation and distortion of harms inflicted on the integration, connection, and display of heritage assets along the Harbour foreshore

The evaluations of the harms inflicted on the Harbour foreshore and Australia’s heritage by the proposal are founded on falsehoods perpetrated by Urbis, AECOM, and GML. This is the responsibility of INSW. A few examples are provided here.

The majority of views east to Darling Harbour and beyond from Millers Point, and west from Pyrmont and Balmain East looking back towards Millers Point, have already been lost to the Approved Concept Plan, with MOD 9 often only marginally increasing the extent of this view loss to attractive elements, or elements of specific interest within the landscape. Extensive harbour views are still available north of Central Barangaroo from sensitive viewing locations within Millers Point including from Observatory Hill Park, High Street, Merriman Street (north end), and Dalgety’s Road. A substantial and visually cohesive component of the Millers Point Heritage Conservation Area remains visible from two of the three identified key observer locations along the western shore of Darling Harbour.

(AECOM 2021).

This statement is an outright lie. Again misrepresentation of the Concept Plan is designed to distort the reality that is to be delivered. Four photomontages (Figure 8, Figure 9, Figure 10, & Figure 11) tell the true story when compared to Figure 3 above .



FIGURE 8 DESTRUCTION OF THE PROTECTED VIEW FROM PEACOCK PARK INFLECTED BY THE PROPOSAL



FIGURE 9 LOSS OF VIEW AND CONNECTION TO THE HARBOUR FROM OBSERVATORY PARK UNDER THE PROPOSAL



FIGURE 10 LOSS OF AN ICONIC VIEW FROM DARLING HARBOUR UNDER THE PROPOSAL

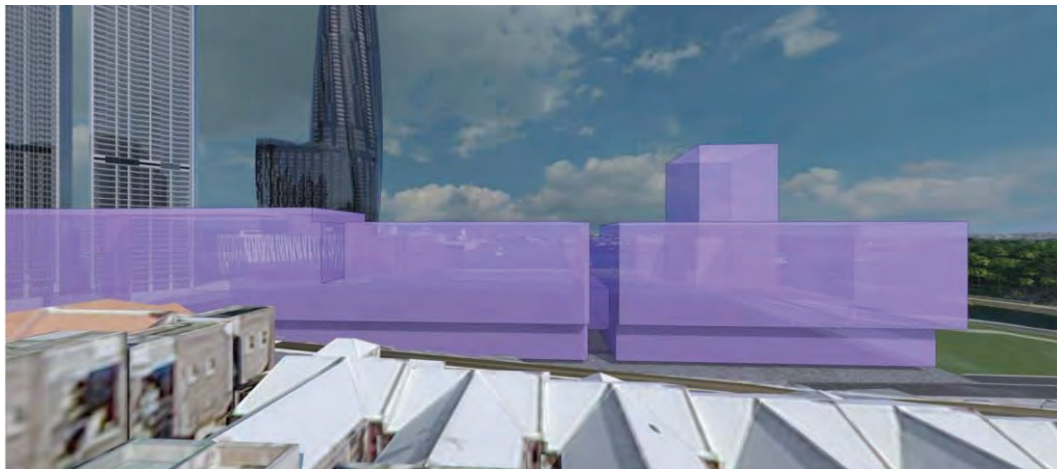


FIGURE 11 THE IMPACT OF THE PROPOSAL ON THE TERRACES OF HIGH AND KENT STREETS, AECOM 2021.

GML Heritage claims, *The loss of views and vistas to and from High Street, its terraces, and the pedestrian High Steps will not be further impacted through the increased heights proposed in MOD 9 (GML Heritage, 2021, p.120).*

The proposal intends to further intrude into the vista of Gas Lane, supposedly protected under the Concept Plan, but where barely a splinter of water view remains. Again, the current reality and the intended consequences of the reinstatement and bulking up with increased height of Block 5 is misrepresented, as shown in Figure 12 and Figure 13.



FIGURE 12 THE REALITY OF THE GAS LANE VISTA (PROVIDED BY HAROLD KERR)

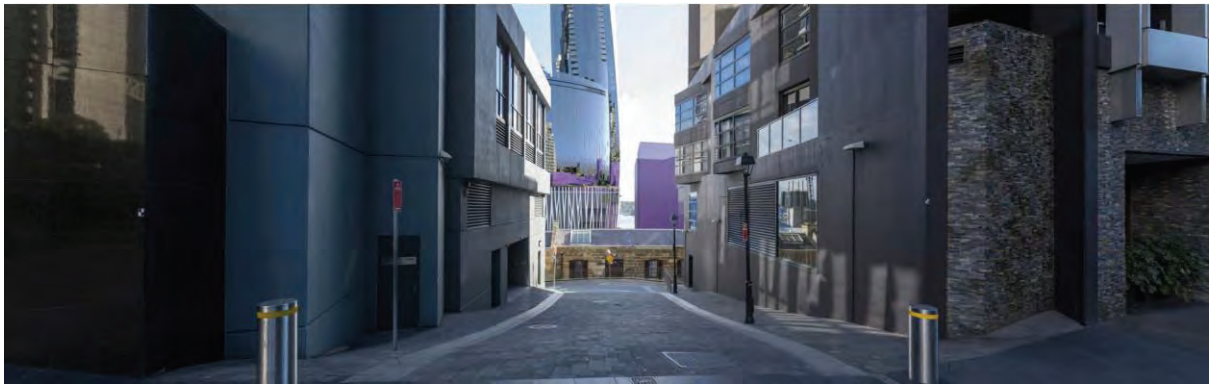


FIGURE 13 THE PROPOSED VISTA FROM THE TOP OF GAS LANE FROM THE SAME VIEWPOINT

The Duplicity of GML's Heritage Reports

From the initial Heritage Plan put forward by City Plan Heritage, through each Modification with its accompanying heritage impact and management statements (e.g. Besix Watpac, 2021; AMBS Ecology & Heritage, 2017; Tanner, Kibble Denton, 2016), the heritage aspects of the High Street cutting and its terraces, Millers Point, the Sydney Observatory, Observatory Park, and their connections, have been declared as significant and in need of preservation.

In 2017, when unencumbered by an interest to support any proposal for development, GML Heritage prepared a Statement of Significance for the High Street cutting for AMBS Ecology and Heritage to submit to Sydney Metro that is reported by Besix, 2021:

The Hickson Road Retaining Wall is a significant, contributory built element within the Millers Point and Dawes Point Village Precinct and the Millers Point Conservation Area, an intact residential and maritime precinct of outstanding state significance. The retaining wall is a dominant and relatively intact component of the extensive alterations to the natural topography of Millers Point designed to facilitate the management of cargo into and out of the new two-level finger wharves. The wall incorporated steps at its northern and southern ends to provide improved access to the wharves for stevedores and wharf workers who resided in Millers Point. It

provides a dramatic street edge to the eastern side of Hickson Road. The wall has landmark quality and displays an interface of fabrics, comprising the excavated rock face, cement render and masonry construction at the northern end of the wall. While there are varying degrees of erosion and deterioration to the stone/render, as well as intrusive fixtures, signage and penetrations, the retaining wall continues to define the edge of Millers Point and makes a positive contribution to the unique landscape character of Hickson Road. The Hickson Road Retaining Wall holds social significance as it forms part of the 'Hungry Mile', a historic stretch of Sydney's waterfront where men and women would walk from wharf to wharf in search of employment during the Great Depression of the 1930s.

(GML, 2017, p 22-23).

Based on this evaluation Besix concluded,

The significance of the High Street cutting and retaining wall as a contributory item of the state heritage Millers Point & Dawes Point Village Precinct should be understood by all on-site staff and construction team to ensure that no inadvertent damage is done to the wall.

(Besix, 2021, p.14).

In its Heritage Assessment and Impact Statement (2021) for the INSW proposal for Central Bangaroo, GML Heritage again quite extensively describes and extolls the significance of the High Street cutting, and its accompanying terraces topped by the Sydney Observatory and Observatory Park, with its prominent tree canopy. One example is:

There are a number of significant views, vistas and sight lines to and across the site, in particular from High Street south and north, which demonstrates the historical relationship between the housing along High Street and the former wharves of Darling Harbour, from Observatory Hill west over the conservation area to the harbour and from Sydney Observatory. This visual relationship connecting the residential areas of Millers Point to the former industrial wharves and the harbour provides evidence of their significant historical connection and is an important part of the setting of the High Street Terraces.

(GML Heritage, 2021, p. ii).

And another:

The key aspect of the north–south vista is the High Street streetscape, defined by the terraces on one side, the palisade fence and cutting to Hickson Road on the other. The north–south vista along High Street also allows appreciation of the dramatic topography of the street, a key part of its character.

(GML Heritage, 2021, p. 101).

However, throughout their Heritage Assessment and Impact Statement (2021), GML Heritage focusses primarily on what it considers to be the 'benefits' of the pedestrian link between Central Barangaroo and High Street, as shown in notionally from the point of High Street that currently connects the vista from the Agar Steps to the Harbour (as shown in Figure 7 above) both with the pedestrian bridge at this point and without it Figure 16.

GML Heritage explicitly and entirely erroneously states,

The proposed MOD 9 would potentially have a minor positive impact on the conservation area / precinct, by maintaining and re-establishing earlier pedestrian connections from Hickson Road to High Street, linking through to Observatory Hill and Circular Quay (GML Heritage, 2021, p. 119).

The notional position for a pedestrian crossing over Hickson Road as proposed by INSW is at the northern end of High Street. This point provides a vista connecting the Observatory and Observatory Hill to the Harbour via the Agar Steps. The site draws tourists for photographs that display themselves within this historical setting shown in Figure 14. The only change required to this linking vista is the removal of the telegraph pole that bisects its continuity, and more sensitive placement of signs.



FIGURE 14 VISTAS TO AND FROM THE AGAR STEPS AT KENT STREET (PROVIDED BY HAROLD KERR)

When seen from the top of the High Street cutting to the west of the Agar steps, the current view is open and fulsome, as shown in Figure 15.

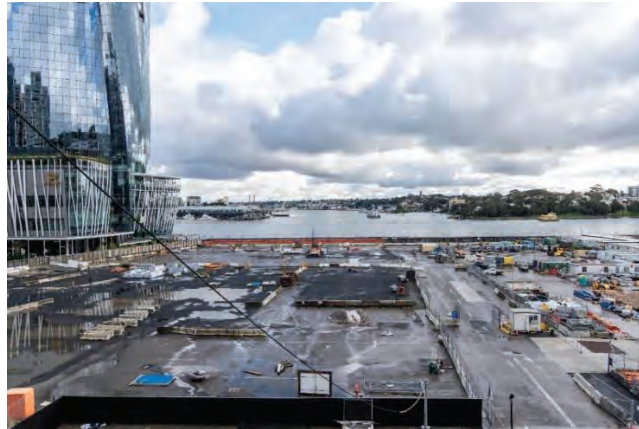


FIGURE 15 VIEW FROM THE TOP OF THE HIGH STREET CUTTING BELOW THE AGAR STEPS (PROVIDED BY HAROLD KERR)

The proposed destruction of this view by the INSW proposal is shown below in Figure 16, both with and without the addition of the raised pedestrian walkway. The Concept Plan included a potential pedestrian walkway from High Street to Central Barangaroo. If included at this point, it may have utilised the rooftop of Block 6, which was to be 29m high, rather than 36.7m height of the proposal. Under the Concept Plan, the walkway would have sloped towards the water, retaining a strong connection from the High Street cutting to the Harbour, unlike the proposed INSW plan shown in Figure 16.



FIGURE 16 ENCLOSED VISTA CURRENTLY OPEN FROM THE AGAR STEPS TO THE WATER WITH AND WITHOUT THE PLANNED PEDESTRIAN BRIDGE

GML Heritage provides an appalling assessment of the impacts of the proposal with statements such as:

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.*

(GML Heritage, 2021, p. iii).

The proposed MOD 9 would have no physical impact to the conservation areas (GML Heritage, 2021, p. 119).

The proposed MOD 9 would have no greater adverse impact on the remaining vista across Nawi Cove to the western harbour and the horizon, from the centre of High Street, than the currently approved Concept Plan (GML Heritage, 2021, p. 119).

The report also repeatedly misrepresents the Concept Plan with statements such as:

The proposed MOD 9 would provide view corridors and vistas through the articulation and separation of Blocks 5, 6 and 7, which are not provided in the currently approved Barangaroo Concept Plan (which would present as a singular high wall between High Street and the western harbour and horizon).

(GML Heritage, 2021, p. 119).

The impacts of the proposed MOD 9 massing generally remain consistent with the approved Concept Plan, except for the additional height of the Block 7 tower, which would result in some additional impacts on the setting of the Millers Point and Dawes Point Village Conservation Area/Precinct. The Block 7 tower will have some impact on the setting of the precinct and impact some of the views to and from Millers Point.

(GML Heritage, 2021, p. 120).

Such statements are but a representative small sample from the report. The GML Heritage report's evaluation is an obscene misrepresentation of both the Concept Plan and the true impacts of the proposal and should disqualify GML Heritage from undertaking any further work on behalf of the NSW Government.

Above are but a few examples of the entire proposal's lack of integrity, which reflects extremely poorly on NSW itself. It deliberately misrepresents and distorts the Concept Plan, while falsifying the comparison between the Concept Plan and the proposal to minimise the massive impacts of the proposal on Australia's prized assets and the shape of the City of Sydney itself; all in the interests of developers! On this basis alone, it should be rejected. It is very evident that NSW is not fit to serve the public.

Claims of benefits to the public that do not exist

The NSW proposal claims that the destruction of heritage aspects is acceptable, due to the 'public benefits and community uses provided':

Overall, the view impacts resulting from MOD 9 (predominantly Block 7) in comparison to the approved Concept Plan, are considered acceptable in the context of the public benefits and community uses provided, as well as the need to capitalise on the introduction of Barangaroo Station in order to maximise public transport patronage and contribute to achieving strategic objectives including delivering a 30-minute city.

(Urbis 2021, p.18).

This is absolute nonsense:

- As can be readily seen from the photomontages above, the view impacts are completely *unacceptable* to/from *all blocks*, although the cramming of a *reduced* residential space into an isolated Block 7 tower for the benefit of developers, commercial, and retail interests is a particularly egregious use of publicly owned land and a self-interested enclosure of Harbour views.

- There are *no public benefits* from the proposed increase in commercial space, and the benefits of a large retail complex situated on publicly owned prime harbour foreshore are highly questionable at best.
- The character and nature of the precinct would be transformed from readily accessible open public space with low-rise residential and community buildings into overdeveloped commercial and retail space, alienating residents, and with community space relegated to underground space below Headland Park at The Cutaway.
- No social housing is included at Central Barangaroo. Instead, the meagre contribution of 1% of the sale price of each residential dwelling to be donated to deliver affordable housing in a variety of locations (*not* at Central Barangaroo itself) is *reduced* by the proposal, as residential space is reduced by 1,000m².
- The large influx of workers into the area would create alienation for residents, not only those of Central Barangaroo itself, but also for those of surrounding suburbs.
- Like South Barangaroo, buildings would be empty in the evenings and at weekends, creating a sense of desolation within the precinct.
- Barangaroo Station can quite adequately serve the commercial precinct of South Barangaroo and the city without a further increase in commercial and retail space.

No mitigating measures can counter such negative impacts. There are *no benefits* to the public provided by the proposal at all, and certainly not in contrast to the Concept Plan. The sole benefit is to developers (Aqualand) and private commercial and retail interests. The development would come at an enormous cost to the public, the City of Sydney, the Harbour foreshores, and our unique heritage aspects that contribute to the definition and beauty of Sydney Harbour.

Heritage protections for Sydney Harbour, Millers Point, the Sydney Observatory and Observatory Park

The proposal for Central Barangaroo, submitted by INSW, is in breach of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW)*, which aims:

- (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.*

From the outset, the Urbis (2021) report claims that the Barangaroo site ‘belongs’ to INSW, and thereby the NSW Government. Through this means, INSW assume the right to indiscriminately destroy the natural beauty of the Harbour and its integrated heritage aspects. However, the principles of the plan make clear:

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

The development proposal for Central Barangaroo is in direct opposition to the public good. It does not *enhance and maintain this public asset of national and heritage significance, for existing and future generations*; it ruins it.

Specific protections for Millers Point

The High Street cutting is within the curtilage of the Millers Point Conservation Area, and thereby is provided particular protections that limit development under the *Sydney Local Environment Plan 2012*, Reg 6.47:

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.

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.

The INSW proposal obliterates half of the High Street cutting from all aspects, encloses, overwhelms, and overshadows it. It significantly diminishes the value of its protected historical aspect. Furthermore, in doing so, it destroys the aspect of the Sydney Observatory and Observatory Park from the western shores opposite Central Barangaroo and the whole of the western foreshores of the Harbour.

While Reg 6.47 of the *Sydney Local Environment Plan 2012* can be overruled by the Minister for Planning, such a decision would irrevocably destroy significant heritage aspects. It would be a decision that would not stand up to any independent scrutiny.

The proposal also contravenes the protections provided under the *Concept Plan (2006)*. These were restated in the commitments for approval for the Modification 8 development:

From the water and the public spaces on the surrounding foreshores ... the area is visually distinctive due to the tree canopy of Observatory Hill Park, the landscape form and trees of Millers Point proper, the roofscape of rows of terrace houses and the stone escarpments of Millers Point and Hickson Road. These elements are all located north of the east-west portion of High Street, adjoining Kent Street, and are sited at a much higher level than the wharves of the subject site. The prominence of these elements and features in relation to the CBD context will remain appreciable due to appropriately scaled and articulated building forms proposed by the Concept Plan.

- *To and from the High Street cutting and terraces ... This view has had an evolving history. Originally the cutting and the terraces were obscured by the wharf buildings on the*

western side of Hickson Road ...and it is only relatively recently that these views have become available. The impact upon the views has been mitigated as:

- *Building heights are lower in this section of the site retaining visual access to the Millers Point roofscape;*
- *The heights of the towers interpret the V-shape profile of High Street;*
- *The separate towers are articulated providing filtered and framed views to the area; and*
- *There is a specific view corridor provided from the proposed walkway at the lowest point in High Street to the harbour's edge.*
- *Views west towards the water from the western slopes of Millers Point: view corridors are retained from Gas Lane, Jenkins Street Park, Munns (sic) Street Park and filtered views from the majority of High Street will also be retained. Although the proposal will impact on Millers Point in part, the views are considered to be retained to an extent that will not diminish the sense of relationship between the harbour and Millers Point.*
- *Views to Observatory Hill Park (Views H6, H7 and H9): will not be affected because it sits high above the surrounding development. The tree canopy of the park will remain apparent.*
- *Views from Observatory Hill Park to the west and north west (H4): The photomontages and cross sections (Attachments B and C) demonstrate that the tower elements will be visible within existing views; however, they will not detract from the quality of the view because the majority of the harbour will remain visible and legible and the opposite foreshore (Peacock Point) will remain visible. The issue here relates, as discussed above, to the opportunity to create a new active precinct along the former wharf areas and to allow residential and recreation uses that will enhance the city and the water's edge.*

(City Plan Heritage, 2006, pp. 48-49).

The design of the public domain will allow visitors to appreciate the history of the site and new views to the surrounding heritage precinct of Millers Points (sic), including the sandstone cliffs and Observatory Hill (Concept Plan, 2006, p. 49).

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 (sic).

(City Plan Heritage, 2006, p. 47).

Protections for the Sydney Observatory and Observatory Hill

According to the Heritage Register, the Sydney Observatory is considered to be of 'exceptional' historical significance to Australia and the site of Observatory Hill 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 elevation of the site, with its harbour and city views and vistas 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.

(Department of Premier and Cabinet: Heritage NSW, 2021).

The Sydney Observatory Conservation Plan states, 'construction of the Observatory ensured that the 'surrounding views and visual alignments had to remain open' (Kerr, 2014, p. 70). These sight lines have remained protected for more than 150 years, but again they are being badly diminished by the Barangaroo development under the INSW development proposal for Central Barangaroo.

While the Observatory no longer functions as an astronomical observatory, having been converted into a museum in 1982, the Conservation Plan is clear:

The observatory is still an observatory, although after nearly a century and a half of use its role is now that of an educational rather than an exploratory scientific facility. However, it is still important that it continue to be able to demonstrate its traditional function to visitors – of which there are over 100,000 [as of 2014] each year.

(Kerr, 2014, p. 53).

Proposal to default on commitments made in return for massive development increases already realised at South Barangaroo

The commitments undertaken in order to gain approval for massive increases in building heights, GFA, and number, and the movement of the Crown building onto publicly owned foreshore parklands at South Barangaroo, limit the size of the development at Central Barangaroo to protect its heritage aspects and connections to the Harbour. INSW, in partnership with Aqualand, propose to continue to rot the people of NSW by reneging on these commitments.

The Approved Concept Plan allowed for 388,300m² of GFA for the mixed zone of the Barangaroo development, which included Blocks 1-5. Through ten successive modifications this has blown out to 602,354m², with the majority being given to private interests through the transfer of publicly owned Harbour foreshores into private hands primarily for commercial and retail purposes.

INSW proposes a more than three-fold increase in GFA from the approved 47,688m² to 144,189m², all of which is allocated to commercial and retail development at Central Barangaroo, while *reducing* residential and community space, and providing *less* social housing. As noted above, community space has for the most part been removed from the three blocks (primarily Block 6) and relegated to The Cutaway. Part of this increased GFA represents a 'double dipping' of that already transferred from Central Barangaroo to South Barangaroo with the removal of Block 8 and part of Block 7.

The massive increase in GFA proposed for Central Barangaroo brings *no* additional benefit to the public. The benefit entirely goes to the developers with a short-term boost to the coffers of NSW Government at the expense of the future of irreplaceable heritage aspects. Furthermore, such development would provide unwanted and unnecessary additional commercial space and place a pressures on employment, which would in turn create a larger burden on the economy.

More than 300,000m² of new commercial office space was delivered in the City of Sydney in 2020; more than 200,000m² in 2021; and a further 120,000m² is due to be delivered in 2022 (Real Estate Asia). Frontier, November 2021, reports,

The transition to working from home is now an entrenched part of the landscape and may prompt tenants to permanently reduce their office space.

For the partnership of INSW and Aqualand to propose to renege on commitments made, that have already realised massive gains for private interests, is a breach of public trust. If approved, this proposition would undermine the integrity of the planning processes and public confidence in the NSW Government.

The people of NSW rely on the Government to prioritise public good over private commercial gain, and to act with integrity at all times by keeping commitments made. NSW residents of the terraces and apartment buildings impacted by the Central Barangaroo development purchased properties trusting the NSW Government to honour its commitments.

INSW plans to demolish the basis of trust in the NSW Government to put short-term pecuniary gain and private interests above the public interest and the integration and continuity of Australia's heritage and Sydney Harbour, with their invaluable aspects. This is staggering. Furthermore, such a decision would be in breach of the standing protections afforded our heritage and Harbour foreshores. The proposal itself is corrupt.

The Proposal Bears Virtually no Resemblance to the Concept Plan

Any application for modification of an approved Concept Plan, whether under the obsolete Section 75W or the updated Section 4.33 of the *EP & A Act 1979*, is made against the Principles of that Concept Plan with its built form requirements and design controls. The INSW proposal does not reflect these core components of the Concept Plan in any way, shape, or form.

The massive increase in GFA

The carefully allocated 47,688m² of GFA in the approved Concept Plan is increased more than three-fold to 144,355m² and cannot be considered a 'modification'. Any such proposal requires a new development application.

Not only is the GFA of the precinct massively increased, but it also remains unallocated to the three blocks, to enable 'flexibility'. Such a vague proposal is dangerous as it leaves the development open to further misrepresentations and 'minimal' increases in built forms resulting in even worse impacts.

Underground development

The proposed inclusion of 28,166m² of GFA below ground to accommodate retail development is well outside of the Concept Plan where underground development was limited and restricted to basements and service areas. This component of the proposal needs an entirely new, independent development application for consideration, as, not only is nothing like it included in the Concept Plan, but it is also not in any way part of the Barangaroo development to date. The desirability of such a proposal for prime public foreshore land needs careful consideration and justification.

Rezoning

The proposed rezoning of the Central Barangaroo precinct changes its nature from a primarily low-rise residential development, incorporating community space and some limited retail, to a massive commercial and retail development, while reducing residential space. Such a proposal cannot be considered a 'modification' of the Concept Plan; it is a complete transformation.

The Principles of the Concept Plan

The Concept Plan for Barangaroo consisted of eight Principles. These Principles with their accompanying built form principles and design controls for each block at Central Barangaroo have been discarded in the INSW proposal:

1. *City's New Western Façade: To create an integrated new western frontage to the city centre, orient the slender ends of buildings to the waterfront to define an open and memorable silhouette.*

Buildings presented in the INSW proposal are massed, overblown blocks with little separation and poor articulation that runs primarily from east to west. The buildings do not have 'slender ends' to orientate to the waterfront, and the 'silhouettes' they present are closed and exceptionally unremarkable.

2. *Hickson Road as a Boulevard: To promote the scale of Hickson Road as a grand boulevard, buildings addressing the street are limited to 8 storeys in height, except where a podium of 4 storeys exists to support buildings of a greater height in the block south of Napoleon Street.*

In the INSW proposal for the Central Barangaroo development, buildings along Hickson Road all exceed 8 storeys with devastating consequences. One storey is approximately 3.3m; eight storeys would therefore be **26.4m¹**. Under the INSW proposal, Block 5 is proposed to be **44m** high (13 storeys); Block 6, **38.7m** (12 storeys); and Block 7, **73.3m** (22 storeys) high. These heights engulf and enclose Hickson Road, and High Street (including for CU Lance Children's Centre), reducing sunlight and amenity, while destroying views protected under the Concept Plan.

3. *Buildings to Define Streets: To define the public space of the street, set all building façades to the street alignment and respect the differing characters, scales and activation of the streets.*

The building façades of the INSW proposal are aligned to the streets; however, there is no respect given to differing characters, scales and activation of the streets, all of which are narrowed in comparison to the Concept Plan and further reduced by cantilevered overhangs.

4. *Low Scale Valley: To promote built form of a human scale along pedestrian lanes, to encourage diversity in open space uses and to allow midday sun penetration within more dense blocks, mid-block buildings are limited to 4/5 storeys in height and are to provide accessible roof top open spaces. This enables the formation of an accessible roof valley.*

There are no low scale valleys provided within the proposal to promote human scale. Buildings enclosing pedestrian lanes far outstrip the 4/5 storeys (13 – 16.5m) and, along with the loss of the wide podiums and laneways of the Concept Plan, would allow little sunlight to penetrate.

5. *Tapering Built Form: To continue a built form dialogue with the adjoining city, building heights across the site are to generally taper towards the north, with the highest forms concentrated in the block in front of Napoleon Street.*

This Principle has been abandoned within the South Barangaroo development; however, in 2016 the PAC determination stated,

¹ <https://www.convertunits.com/from/story/to/meters>

the height of development on Block Y [Crown building] should 'book end' the high rise development in Barangaroo. As a consequence Barangaroo Central must maintain a building height that is consistent with the built form within the Concept Plan and sympathetic to the height of development and views at Millers Point and Observatory Hill.

(NSW Planning Assessment Commission, 2016, p. 15).

The INSW proposal totally disregards this determination, misrepresents the built form within the Concept Plan, and is destructive of the views at Millers Point and Observatory Hill.

6. Open Space Within Blocks: To create hollow blocks permeated with open public spaces, courtyards, walkways and gardens. Interrelate the central band of the accessible roof valley with the ground plane and intermediate levels.

The INSW proposal removes these crucial elements of the Concept Plan, replacing them with bulked up, massed, and dense buildings that overfill the maximum building envelopes of each block. The result is nothing like the light open buildings of the Concept Plan.

7. View Sharing: To promote the equitable access to views towards the harbour, arrange the built form to define the street corridors and to allow filtered views from the existing private buildings to the east.

The PAC considers that residents of the high-rise apartment complexes overlooking Barangaroo have already had their views seriously and sufficiently impacted by the development at South Barangaroo. The PAC did not comment of the views of residents of the terraces of High and Kent Streets as these are protected by the Concept Plan and the Modification 8 determination.

Under the INSW development proposal, the views of residents of high-rise apartment complexes, such as Highgate, would certainly be further significantly eroded, particularly by the intrusion of Block 7 to the north, and of course residents object to that, particularly as previously open views to the south have already been entirely enclosed. However, views of residents of the terraces would be destroyed. The terraces to the south (and the Langham Hotel) would lose all views to the water, while those at the northern end would become enclosed, much diminished vistas. These views were protected under the Concept Plan. Furthermore, the built form being proposed by INSW does *not* 'define the street corridors and... allow filtered views from the existing private residents' as required, as shown in Figure 17.



FIGURE 17 ENCLOSURE OF THE HIGH STREET TERRACES, CUTTING THEM OFF FROM THE CONNECTION TO THE HARBOUR

The terraces along High Street and Kent Street have been sold by the NSW Government since June 2016 with the standing commitments made under Modification 8. The public should be able to rely on the NSW Government to act with integrity and honour its commitments.

In developing the proposal, no consultation has occurred with the Highgate Owners Corporation Strata Committee, and no actual photographs have been taken from within the building itself, despite depictions being shown in the reports from levels 15 and 25 of the Highgate building.

8. *Orientation of Buildings: To provide optimum orientation and transparency across the site and to create a silhouette of slender towers to Globe Street and the waterfront - orientate the long facades of tower forms to the north. However, on Hickson Road, to define the linear nature of this road, generally orientate the long façades to the east.*

There is no 'optimum orientation' for the bulked-up mass of dense buildings being proposed by INSW, as no 'slender towers exist in the proposal. No transparency across the site is therefore possible, and the north is dominated by a high wall of solid buildings terminating in a high tower cutting into the protected views from the Observatory and Observatory Hill, slicing the Millers Point aspect, while looming over Nawi Cove, the Harbour parklands, and the High Street cutting.

A Single Individual should not Determine the Future of Australia's Heritage and Prized Publicly owned Foreshores

According to the press, the Minister for Planning, the Honourable Anthony John Roberts MP, has indicated he will determine the outcome of this illegitimate application. Such a move would be exceptionally courageous, given the consequences for Australia's heritage aspects and the current political climate in which political self-interests and conflicts of interest are being challenged and politicians are called to account by the people.

When dealing with prized, publicly owned Sydney Harbour Foreshore threatened by proposed development that would destroy Australia's unique historical views and connections in favour of private interests, rejection of the application should be straightforward. However, given the pecuniary interests of the NSW Government, and the fact that they themselves (i.e. INSW) are partners with the developers in the application, there is a strong conflict of interest, and no individual politician should be permitted to make such an important decision.

Public confidence in the planning processes already exemplified in the Barangaroo development are at a very low ebb, and anger over the perceived corruption of the planning processes and the laws by self-serving politicians will only amplify should this proposal be approved by a politician, or politicians. Such a move would constitute a breach of trust of the people of NSW, and leave a legacy that would be known throughout history as highly detrimental to the country. It would leave a horrific legacy for the Liberal Party and the Minister of Planning himself.

We believe the determination of the proposal should be made with integrity, and therefore independently of the NSW Government. The proposal needs to be sent to the Independent Planning Commission (IPC) for determination. The IPC would be best able to take account of the heritage impacts and value of heritage aspects being threatened by the proposal, as well as review the entire history of the Barangaroo development, with its standing commitments, to act in the best interests of the public in this critical development.

Dear Minister,

I object to the modification called: **Concept Plan for Barangaroo (MP06-0162 Mods 9)** and seek your support to **stop it proceeding** for reasons I outline below.

I am a regular visitor to the Sydney Observatory, a volunteer for 28 years until the pandemic started. I am also a committee member of the Sydney City Skywatchers, previously called the British Astronomical Association NSW branch. We are an active astronomical society, with members of all ages and have been associated with the Sydney Observatory since 1985 and value the opportunity to view astronomical events from this highly significant heritage site. We encourage others to understand and engage with astronomy and Sydney Observatory is very important STEMM education of families and school groups, which our society also supports.

Central Barangaroo development was approved to be below the line of the rockface/land platform and not interfere with the Sydney Observatory and Sydney Skywatchers. We and all the people of NSW and beyond gave up a lot of sky for the Southern Barangaroo development.

There are major errors in Appendix G – the report titled “Central Barangaroo – Sydney Observatory Sky View Impact Assessment”, dated 7th July 2021, prepared by Unsearched (UNSW) (reference UN59699):

1. Highly significant astronomical events are viewed below 10 degrees above the horizon. These include the Sun, Moon, planets, comets, bright stars, constellations, sunsets, moonsets, supermoons, blue moons, lunar and solar eclipses, planetary transit across the face of the Sun, planetary & Lunar conjunctions. To lose this viewing for 4 months of the year is unacceptable loss for our generations and generations to come.
2. Most of our telescope viewing is using our telescopes on the ground from the north, south and western sides of the Sydney Observatory.

Our society undertakes to learn more about the First Astronomers from this site. The Gadigal People of the Eora Nation used their observations to track the seasons. The ability to track the Sun and the 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.

This building, now is much higher, will add to skyglow significantly in the direct line of our telescope viewing to the west where a large number of astronomical events occur throughout the year.

Sydney Observatory is listed on the UNESCO portal for astronomical heritage – this development diminishes its heritage significance. This modification destroys Aboriginal heritage of the night sky, heritage of Sydney Observatory and restricts opportunities for our society and the public, including school children for ever.

Yours sincerely

Monty Leventhal OAM.



16 August 2022

Attn: David Glasgow
Planning and Assessment
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear David,

Objection to MP06_0162 Mod 9 / Barangaroo Concept Plan (Mod 9)

ae design has been engaged by [REDACTED], the owner of [REDACTED] Point Street, Pyrmont prepare Photomontages and a Visual Impact Assessment demonstrating the impacts of the Barangaroo Concept Plan (Mod 9).

ae design formally object the Barangaroo Concept Plan (Mod 9) as the proposed building envelopes will significantly impact iconic views of the Sydney Harbour Bridge from primary living and entertaining areas of 135 Point Street, Pyrmont.

Please refer to the Photomontages (Attachment 1) and Visual Impact Assessment (Attachment 2) prepared by ae design for further detail.

The Photomontages dated 16 August 2022 prepared by ae design partnership have been produced in accordance with the NSW Land and Environment Court Photomontage Policy.

ae design personnel conducted a site visit on the 11th of August 2022 and took photos at two (2) key vantage points. Photographs were taken with a *Canon 6D Mark II Full Frame Camera* and lens model *Sigma AF 24-70mm F2.8 Dg Os HSM Art* at 24mm, 35mm and 50mm focal lengths.

The chosen focal lengths for each view are 35mm.

Should you have any further queries regarding the above matter, please contact me on [REDACTED] or via email on [REDACTED].

Sincerely,
ae design partnership Pty Ltd

A handwritten signature in black ink, appearing to be a stylized 'R' followed by a long horizontal stroke.

[REDACTED]
Director

Point Street, Pyrmont

Submission Against Barangaroo Concept Plan (Mod 9)

Prepared For:



AUGUST 2022





EXISTING VIEW

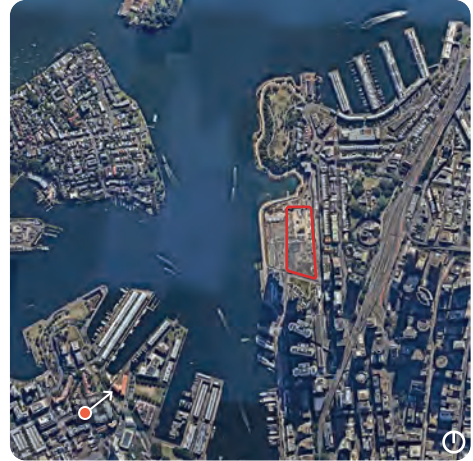
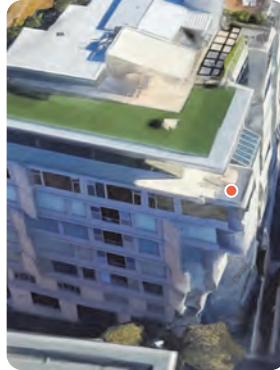


VIEW WITH APPROVED ENVELOPE



VIEW WITH PROPOSED ENVELOPE

PHOTO LOCATION



LEGEND

- Photo Location
- Subject Development Boundary

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LOCATION: Balcony off living area
POSITION: Standing
FOCAL LENGTH: 35mm

VANTAGE POINT | DATE 15/06/2022
1 | ISSUE A | SHEET 01



EXISTING VIEW

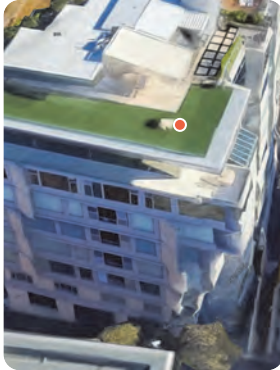


VIEW WITH APPROVED ENVELOPE



VIEW WITH PROPOSED ENVELOPE

PHOTO LOCATION



LEGEND

- Photo Location
- Subject Development Boundary

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LOCATION: Balcony off living area
POSITION: Standing
FOCAL LENGTH: 35mm

VANTAGE POINT | DATE 16/06/2022
2 | ISSUE A | SHEET 02



EXISTING VIEW

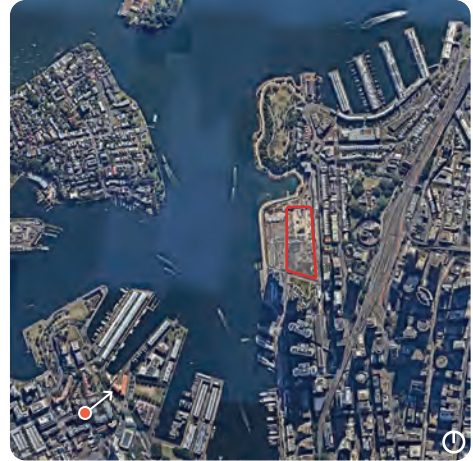
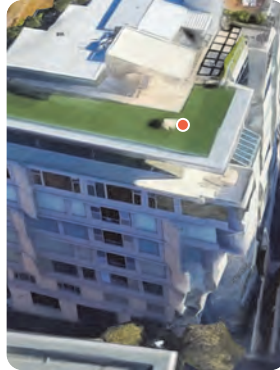


VIEW WITH APPROVED ENVELOPE



VIEW WITH PROPOSED ENVELOPE

PHOTO LOCATION



LEGEND

- Photo Location
- Subject Development Boundary

Copyright by AE Design Partnership Pty Ltd. This document is conceptual and for discussion purposes only. Drawings are subject to further detail study, Council approval, engineering input, and survey. Coloured boundaries, areas and dimensions are approximate only. Annotated dimensions prevail over any scaled dimensions. Any unauthorised use of this document is at the user's sole risk and without limiting AE Design Partnership rights. The user releases and indemnifies AE Design Partnership from and against all loss or damage.

LOCATION: Roof Terrace
POSITION: Sitting
FOCAL LENGTH: 35mm

VANTAGE POINT 3
DATE 16/06/2022
ISSUE A
SHEET 03

WIREFRAMES

VP1



EXISTING BUILDINGS

VP2



EXISTING BUILDINGS

VP3



EXISTING BUILDINGS



EXISTING BUILDINGS & PROPOSED DEVELOPMENT



EXISTING BUILDINGS & PROPOSED DEVELOPMENT



EXISTING BUILDINGS & PROPOSED DEVELOPMENT

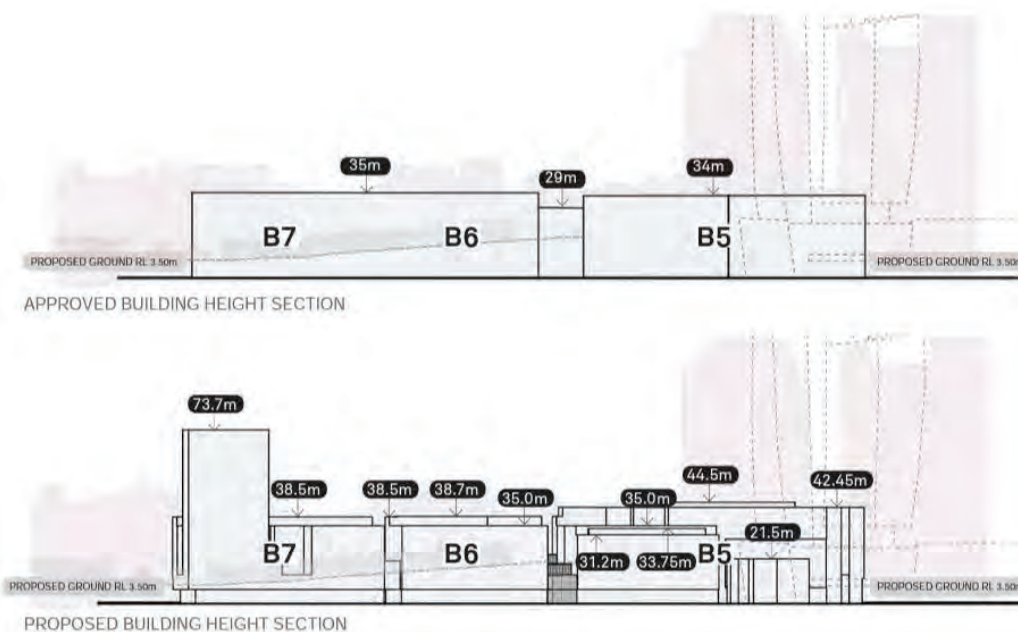
VIEW IMPACT ASSESSMENT

Point Street, Pyrmont

August 2022

AE Design Partnership has been engaged to prepare an assessment on behalf of [REDACTED], the owner of [REDACTED] Point Street, Pyrmont. The visual impact assessment and photomontages prepared by ae design highlight existing views are impacted as a result of the Barangaroo Concept Plan - Modification 9.

The Barangaroo Concept Plan - Modification 9 (**proposed concept plan**) seeks to modify the approved building envelopes in Central Barangaroo. As shown below, the approved concept plan limits buildings to heights of RL29m to RL35m. The proposed concept plan seeks to increase these heights across the development site, particularly in the northern corner where a tower reaching RL73.7m is proposed.



Approved vs proposed section comparison (Hassell 2021)

The proposed concept plan is assessed against the View Sharing Planning Principle for Private Properties in Tenacity Consulting v Warringah [2004] NSWLEC 140 (**Tenacity**).

This assessment is to be read in conjunction with Photomontages prepared by AE Design Partnership dated 16 August 2022 (Attachment 1), which show:

- Location of each vantage point
- Existing views obtained at each affected vantage point
- Views obtained with the approved concept plan
- Views obtained with the proposed concept plan



ASSESSMENT AGAINST PLANNING PRINCIPLE RELATING TO VIEW SHARING (PRIVATE)

The proposed development is assessed against the Principles of View Sharing for Private Properties in *Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity)* below:

Step 1: Assessment of views to be affected

At paragraph [27] Roseth SC states,

“Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.”

Photographs have been taken from three locations within the subject property:

- Vantage Point 1 - Balcony off living area
- Vantage Point 2 - Roof terrace (standing position)
- Vantage Point 3 - Roof terrace (sitting position)

As demonstrated in the photomontages, views from all three locations are impacted similarly by the proposed envelope and will therefore be assessed as one view.

The existing view from this property is framed by the Crown Casino tower to the south and the North Sydney CBD to the north. Within this frame, there are unobstructed views of Millers Point, Barangaroo Reserve, the undeveloped area of central Barangaroo and most importantly the Sydney Harbour Bridge which is regarded as an iconic view.

Step 2: Identification of the parts of the property of which views are obtained

At paragraph [27] Roseth SC states,

“... the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

The photographs are taken at both standing and seated positions from the primary living and entertaining areas of the property. The views are obtained over the front boundary.

STEP 3: ASSESSMENT OF THE EXTENT OF IMPACT

At [28] Roseth SC states:

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).”

The view shown in the photomontages prepared by ae design is the primary view from the subject property. Views further to the west are obstructed by the building at 127-133 Point Street Pyrmont and views to the east are obstructed by the building at 26 Point Street.

The proposed concept plan will obstruct views to a large portion of the Sydney Harbour Bridge including the south-western pylon. As outlined in Step 1, views of the Sydney Harbour Bridge are regarded as iconic and are highly valued. In this instance, the significance of the view is severely compromised by the tower element of the proposed concept plan which breaks up the view of the Sydney Harbour Bridge in its entirety. Therefore the impacts of the proposed concept plan can be assessed as devastating.



STEP 4: REASONABLENESS OF THE PROPOSAL THAT IS CAUSING THE IMPACT.

At [29] Roseth SC states:

“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The current planning controls prescribed to the site are based on the approved envelope which allows development up to a height of RL35m. As shown in the photomontages in attachment 1, the impacts of the approved concept plan on views from the subject property are minor. It does not obstruct views to any portion of the Sydney Harbour Bridge.

On the contrary, the proposed concept plan will have a significant impact on iconic views to the Sydney Harbour Bridge. These views are impacted by elements in the proposed concept plan that extend beyond the approved envelope, in particular, the tower in the northern corner of the site which is proposed to reach RL73.7m, double the height of the approved envelope.

As discussed in Step 3, the extent of impact to the view overlooking the front boundary of 135 Point Street is devastating due to the obstruction of iconic views to the Sydney Harbor Bridge. The obstruction is caused by elements of the proposed envelope that significantly exceed the approved height limit for the site and therefore the impacts of the Barangaroo Concept Plan (Mod 9) can be considered unreasonable.

10 August 2022



Mr A Roberts
Planning Minister
Parliament House
Sydney NSW

Attn: Mr D Glasgow Principal Planning Officer
Department of Planning

Dear Minister

Re: Objection to Proposed Development Central Barangaroo Concept Plan (Mod 9) (the "Proposal")

I am writing to strongly object to the Proposal submitted by the Aqualand Group and Scentre Group to develop Central Barangaroo. I am objecting to the Proposal on two bases, firstly on how it affects me personally and secondly on how it affects the local community and greater population of Sydney.

1 Personal Effect

In 2009 we purchased a 99-year lease from the Department of Housing for 115 Kent Street which is located on the corner of Kent Street and High Street Millers Point. One of the principal reasons for purchasing this house (and for paying over the then current market value) was the view and the relatively quiet ambience of Millers Point. Millers Point at the time was a dormitory suburb with little industry apart from the docks (which at that time had been principally depreciated to a timber handling facility). Traffic, except for local traffic used the 4 lane Hickson Road.

In 2020 we exercised our option to purchase the Lease from the Department of Housing. The purchase price was based on 2 independent Valuations both of which noted the view in the valuation.

At the time of our initial purchase, we had no knowledge of Barangaroo

When we converted from leasehold to freehold in 2020 we were assured by numerous Government announcements/publications and Ministerial Statements the Barangaroo Concept Plan would be adhered to and that the maximum height of Barangaroo Central would not exceed 8 storeys and a 30-50 metre laneway (the Spanish Steps) would be constructed at the end of High Street hence preserving our views.

The Independent Planning Commission has adopted the following Condition to ensure the future development of Block 5 does not impact on the key view lines from Millers Point and Observatory Hill. It states that any Development Application of Block 5 must demonstrate that views from Observatory Hill and Millers Point will be retained.

The proposal submitted by Aqualand (Mod 9) seeks to significantly increase the existing height limits to in excess of 44.5 metres so that High Street will be obscured and our views will be eliminated. The

GFA will almost triple to in excess of 144,000 sqm. The 20 storey tower at the Norther end of the site is an eyesore and completely destroys all agreed design principles.

The proposal presented by Aqualand (Mod 9) will block our view to the West and Northwest which will have a significant effect on our amenity and wellbeing. We now have a home which is open to sunlight and harbour views, if Mod 9 is approved we will be surrounded by large buildings with no outlook.

When we decided to convert our ownership from Leasehold to Freehold in 2020, had this current proposal for Mod 9 been mooted we would not have paid the Conversion Premium and sought compensation from the Government (which was feasible under the Conversion Option). If Mod 9 were to go ahead, we may still pursue this option.

2 General Objection

2.i The Concept

This development will have a serious effect on the City of Sydney as it is far too large and oppressive in design. Whilst this is not unexpected from a company that follows the “Wolf Warrior” philosophy it must not be allowed to happen to Millers Point in particular and Sydney in general.

Sydney is situated around the most beautiful harbour in the world and whilst it has been damaged with the Cahill Expressway and the “Toaster” building this development by Aqualand would destroy any remnants of its beauty by encasing the Observatory Hill with a large monolith.

Aqualand in its stated objectives is to “Develop Prime Foreshore Residences, boasting views across the iconic Sydney Harbour” and “Create legacies for future generations”. It obviously doesn’t care that it steals others iconic harbour views and the only legacy is that it constructs an ugly concrete slab that blocks the gentle slope from the foreshore to the Observatory Hill.

It also destroys the designated Public Space originally proposed for Central Barangaroo and offers only a nominal public area (which will probably be incorporated into the landscaping of the buildings as has been done in with the Crown Casino).

The concept plan as presented by Aqualand is out of all proportion to the surrounding environs of Central Barangaroo. Whilst it can be argued that Barangaroo South blends into the city landscape there is no equivalent cityscape that can justify the bulk of the Aqualand proposal as it seeks to increase the GFA from 48,000sqm to 144,000sqm.

There is no justification for this sized building apart from profit.

It has been suggested that there is no residential accommodation in Barangaroo. This premise is false as it has already been used to justify One and Two Barangaroo and the Crown Residences.

Regardless the original Concept Plan envisaged some accommodation and commercial on a much smaller scale and certainly not a 20 storey tower.

2.2 The Project and Scale

It is outrageous that Aqualand can propose an increase in in the GFA from 48,000 sqm to 144,000 sqm and call it a Modification to the original plan. This is a whole new Concept and should be treated by the relevant authorities as one.

The people of NSW were promised that the land associated with the reclamation of the wharves forming Barangaroo Central was Crown Land and belongs to the people of NSW. The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 postulates the following principals;

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

It would also be unconscionable of the Minister to disregard this Condition determined by an independent body of highly qualified experts which was established by the Minister for Planning and Public Spaces in 2018. I would find it very difficult to think of one legitimate reason for the Minister to agree to Aqualand's proposal.

Aqualand has shown its contempt for the people of Sydney and NSW by proposing a 20-storey building at the Northern end of the Barangaroo Central site. This tower neatly bookends the mass of buildings with the Crown casino at the Southern end. It will become an eyesore and object of poor urban planning like Blues Point Tower but without any architectural merit.

It also makes a mockery of Barangaroo Reserve which Mr Keating promoted as reclamation of the site to its natural heritage. It will now become a forecourt of the Aqualand development. (The architect who designed and planned this tower should be ashamed).

It would be very difficult to argue, that what Aqualand is proposing meets the above principals as the only good it provides is the financial gain of the Company. How can these building monstrosities that block out the heritage buildings of Millers Point and the beautiful and historic public recreational Observatory Gardens be of any benefit. The planned exclusive apartments selling for multi-million dollar and Scentre's huge retail precinct which takes business from the already financially struggling Sydney CBD add nothing to the Private Public Good of the people of NSW.

2.3 Traffic

I understand that no allowance has been made for parking in the Aqualand Concept Plan. Are we to believe that the owners of hundreds of apartments, employees at the commercial offices and retail customers at one of the largest retail complexes in NSW do not drive cars and all catch the Metro.

Surely this just another fallacy promoted by Aqualand with the goal of making another application to the Government to build (say) 3,000 parking spaces, with resultant additional GFA and size of the building to ***“Save traffic congestion and public parking spaces for the lucky people of Millers Point”***. What a nonsense and if Public Authorities, including the Minister, were to accept this argument, I believe they would be complicit in this deception.

Apart from the problem of parking there is also the problem of traffic flow. Hickson Road is no longer designed to funnel traffic out of the city. North flowing traffic ends in George Street which is no longer a thoroughfare due to the light rail and South flowing traffic ends in Barangaroo and Sussex Street. The only alternative is to utilise Kent Street which is a single lane residential street.

3 Conclusion

In conclusion this proposal by Aqualand should not be taken as a Modification to a previous Approval but a new Application in its entirety.

The NSW Government under the auspices of the Department of Planning, Industry and Environment, in its 2020 publication Barangaroo Realising the Vision stated;

“Central Barangaroo will be the cultural and civic focal point of Barangaroo – a place for people to visit, explore, enjoy and learn. The site will feature unique buildings for cultural spaces, educational activities and a diversity of housing types that will encourage vibrant neighbourhoods made up of all ages, vocations and walks of life.

More than half of the site will be given over to public space for recreation, public entertainment and events, creating a spectacular new destination for Sydney”.

Nothing in the Aqualand proposal apart from some nominal unrelated open spaces and the completion of the “Cutaway” which should have been done with the completion of the Headland meet these objectives.

The open spaces will be viewed by the public as a commercial area; I cannot imagine families enjoying any picnic or other recreational activities on the lawns. However, office workers (If they can find a free space) can probably enjoy a sandwich on the lawn.

Consequently, I strongly recommend the Minister for Planning reject this Aqualand proposal (Mod 9) and demand that any future development of Barangaroo Central comply with current approved height and GFA limits of;

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

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

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

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

By standing up to the proponents of this project and their self-interested followers, it would encourage the people of NSW to believe that the Government is not in the pockets of greedy Developers and their cronies doing backroom deals, but is willing to protect the public interest.

Yours sincerely



Peter Knight

Attachment 1

The below are examples of our current views which we believe will be destroyed by the Aqualand Mod 9 proposal





Modification to Barangaroo Concept Plan
MP 06_0162 MOD 9



Dear Mr Glasgow,

Please accept this letter objecting to the proposal.

I am of the opinion that the allowable building height in all of Barangaroo central should not be increased as this would block sight lines from observatory hill to the water as well as degrading the tourist potential of the Rocks precinct and ruining the views from Barangaroo park to the south which has been so successful.

In essence this means that I object to the new "blues point tower" being built near the metro station. I believe this to be a purely financial decision and not in the greater interests of the area. My understanding was that greater building heights around metro stations was allowed to encourage people to use public transport which is a reasonable goal but in this case Barangaroo is the destination and not the departure point, anybody living in the Barangaroo area will almost certainly be walking to their place of work (or leisure) which means the argument for extra height at metro/train stations is not longer valid and just an excuse to over build.

Thank you for receiving this letter of objection.



Figure 81 Image showing the development envelope of the Approved Concept Plan (Source: AECOM, July 2018)



Figure 82 Image showing the development envelope of MOD 9 (Source: AECOM, March 2021)







23 August 2022

David Glasgow
Principal Planning Officer – Key Sites Assessments
Department of Planning and Environment

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

Dear Mr Glasgow,

Re: National Trust objection to Barangaroo Concept Plan - Modification 9

The National Trust, as both the State's leading voice for heritage protection and a close neighbour to Barangaroo, has long advocated to ensure Barangaroo respects and is sympathetic to the immense heritage values of Millers Point, Observatory Hill and Sydney's world famous harbour. It should therefore come as no surprise that the National Trust is completely opposed to the current Concept for Central Barangaroo.

The National Trust were provided with a briefing from Infrastructure NSW and Aqualand in August 2021 on their proposed concept for Central Barangaroo and provided feedback following that presentation. We are disappointed that none of our feedback provided at the time has been incorporated into the Modification application.

Our major concerns can be summarised as follows:

- The proposal is in no way a "modification";
- The proposal shows a complete disregard for its existing context between Sydney Harbour and the State Heritage Register listed *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*;
- The proposal includes a completely unacceptable, almost uniform increase in height from the approved concept;
- The proposed 73m residential building directly to the west of Sydney Observatory compromises the very integrity of this building, which was specifically located on the highest point in Sydney to be seen (and to see) in the round;
- The proposed 73m residential building is completely out of context with the entire Millers Point and Walsh Bay setting, which is defined by low-rise buildings;
- The proposal does not take into account the topography of the surroundings in any way whatsoever, particularly in response to High Street with its distinctive, symmetrical, row of buildings;
- The proposal has wider impacts on hugely important view lines and the visual setting of the wider Sydney Harbour, and will diminish and obscure views to and from Observatory Hill and even impact views of the Sydney Harbour Bridge, an item listed on Australia's National Heritage List;
- The documentation presented is confusing in terms of the information presented and does not discuss or acknowledge many major detrimental impacts of the scheme; and
- The purported economic, tourist and social benefits of this modification do not outweigh its considerable, negative effects.

As a consequence of the above, the National Trust of Australia (NSW) objects to the proposed Barangaroo Concept Plan Modification 9 (Central Barangaroo) in its current form.



MODIFICATION IS INVALID

The Proposed Concept Plan Modification (Mod 9)

It is our understanding that the proposed modifications to the Barangaroo Concept Plan broadly comprise the following:

- An increase in total permissible GFA across the entirety of the Barangaroo precinct from 602,354sqm to 708,041sqm;
- A significant increase in total permissible GFA across Central Barangaroo from 47,688sqm to 144,355sqm (of which 116,189sqm is an above ground increase);
- Changes to the southern boundary, building envelope and building setbacks of Block 5;
- Removal of uncontrolled vehicular traffic from Barangaroo Avenue (north of Barton Street and adjacent to Blocks 5 and 6);
- Converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road;
- Reduction to the size of Hickson Park;
- Significant changes to the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and the distribution of GFA across the blocks.
- Introduction of Design Guidelines specific to Central Barangaroo to guide future detailed proposals;
- Consequential amendments to the State Significant Precincts SEPP (to enable the proposed Concept Plan modifications);
- Significant changes to the current Instrument of Approval (to enable the proposed Concept Plan modifications); and
- Significant change to the earlier approved Barangaroo Concept Plan Statement of Commitments (to enable the proposed Concept Plan modifications).

Not substantially the same project

Barangaroo is being assessed under the (now repealed) Part 3A of the NSW Environmental Planning and Assessment Act. This complex planning arrangement of laws and regulations essentially allows that, due to the original concept being approved under Part 3A, any application to modify said approved concept design can continue to be assessed under Part 3A.

There are, however, caveats to the use of the now repealed Part 3A modification allowances and the legislation requires that three tests must be met. Specifically, it states:

*A concept plan may continue to be modified under section 75W pursuant to a request lodged ...
but only if the Minister is satisfied that:*

- a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- b) the proposed modification is of minimal environmental impact, or*
- c) the project to which the concept plan as modified [ie the current modification application] relates **is substantially the same** as the project to which the concept plan currently relates [ie the current approved Concept Plan] (including any modifications previously made under section 75W).*

Does the current application meet the three tests?

Test A: The proposed modification is to correct a minor error, misdescription or miscalculation?

The proposed concept fails Test A.

The proposed Modification 9 is not a correction of minor errors, misdescriptions or miscalculations. It comprises a new design and significant changes to a major sub-precinct of Barangaroo.



Test B: The proposed modification is of minimal environmental impact

The proposed concept fails Test B.

The environmental impacts of the proposed Modification 9 are not of minimal environmental impact. The development comprises 144,355sqm of buildings across a 5.2 hectare site. It is impossible for developments of this magnitude to have “minimal environmental impact.”

Test C: The project to which the concept plan as modified [ie the current modification application] relates is **substantially the same** as the project to which the concept plan currently relates [ie the current approved Concept Plan] (including any modifications previously made under section 75W).

The proposed concept fails Test C.

The current proposal for Central Barangaroo and its Environmental Assessment Report have been submitted on the basis that this modification passes this test, that is, that this modification is substantially the same as the latest approved Modification and cites Modification 11 as the point of comparison.

The Trust notes, however, that Modification 11 did not relate to Central Barangaroo (being related only to staging plans for works and use of roads for construction vehicles) nor did the previous Modification 10 (relating only to blocks outside of Barangaroo Central, being related to Blocks 4a, 4b, R4a, R4b and R5). In fact, the application/approval/modification cycle for Barangaroo overall, and Barangaroo Central in particular, is so convoluted that it is incredibly difficult for the Trust to even ascertain something as simple as **‘what concept are we comparing the current proposed Modification 9 to?’**

The NSW Land and Environment Court have made numerous judgements on what constitutes *substantially the same development* and, in June 2022, Justice Duggan noted that this “does not mean that the power to modify exists without constraint” and cited numerous cases where the determining factor was whether “the development must remain substantially the same once amended as that which was originally approved.”¹

The following illustrations show the approved Concept and proposed concept, showing substantially different development envelopes, bulk and scale of the proposed buildings. The National Trust would argue that that this proposal, which involves an almost tripling of the approved floor area (by an increase of 96,667sqm) and in some parts a doubling of building heights, is no longer substantially the same development.

The following comparisons are made by the Trust to determine if the modification is “essentially and materially” the same as the approved concept:

Concept element	Original Concept	Approved Concept Plan	Current proposal - Modification 9
Gross Floor Area – all Barangaroo	388,300sqm	602,354sqm	708,014sqm
Gross Floor Area – Central Barangaroo	60,200sqm	47,688sqm	144,355sqm
All buildings heights under Observatory Hill	Yes	Yes	No
Built form of Central Barangaroo tapering down to the north	Yes	Yes	No
Included underground buildings	No	No	Yes (133,166sqm)
Allows buildings under public open space	No	No	Yes, mechanism proposed to allow

¹Hunter Development Brokerage Pty Limited trading as HDB Town Planning and Design v Singleton Council [2022] NSWLEC 64, <https://www.caselaw.nsw.gov.au/decision/18121985286fdba1d758652c>



Figure 1: Original concept (above) and proposed concept (below). This proposal cannot be considered “substantially the same”.

The Modification 9 fails to meet the test of being “substantially and essentially the same” as the approved concept.

The National Trust also note the analysis presented in the Environmental Assessment Report (Urbis, December 2021, p.7) that:

“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.”

While there have certainly been changes to the precinct since the initial concept (notably, the inclusion of a Metro Station in the vicinity) this does not mean that the revised scheme represents an improvement in terms of public benefit.

The National Trust would argue that both the approved concept plan and the current proposed concept plan represent a significant lost opportunity for Sydney – an opportunity to maintain viewlines from Observatory Hill that have been protected since 1804; an opportunity to see the harbour when descending Agar Steps; an opportunity for a unique and contemporary architectural response that relates to its context; and an opportunity for this new precinct to respond to the existing topography, community and heritage of Millers Point.

National Trust recommendation

The National Trust strongly asserts that:

- The current proposal is in no way “substantially the same” as the original concept;
- The current application does not satisfy the three tests;
- The current application is invalid as a modification to the existing concept plan;
- The current application should be refused by the Minister.



HERITAGE SIGNIFICANCE

Heritage Listings

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

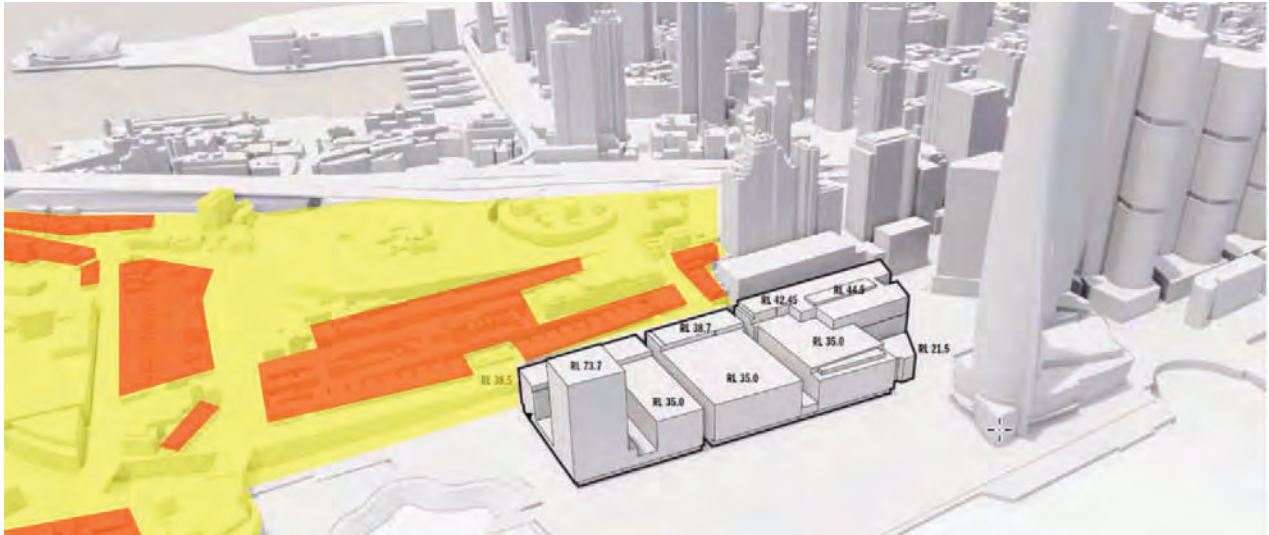


Figure 2: The relationship between Barangaroo Central and the Millers Point Conservation Area (red) and the Millers Point and Dawes Point Village Precinct (yellow) is clear to see in this image. (Source: Infrastructure NSW with National Trust overlay).

The heritage significance of this place is well established through its listing on the State Heritage Register as the *Millers Point Conservation Area* and the *Millers Point and Dawes Point Village Precinct*. These areas, precincts, places and views have been long identified, recognised, protected and conserved, as outlined in the table below.

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



Aboriginal Heritage

The Building Barrangaroo website states:

“People have been an integral part of the Barangaroo landscape for thousands of years. The Traditional Custodians, the Gadigal, used the land for hunting, the harbour for fishing and the foreshore as a place of congregation. Large shell middens and numerous rock engravings close to the site indicate Aboriginal occupation dating back some 6,000 years, while radio carbon dates from other parts of Sydney indicate that the wider area was occupied for at least 14,500 years prior to European colonisation.”²

Design Principle 1 (Design places with beauty and character that people feel proud to belong to) claims that:

The concept design response for Central Barangaroo **seeks to respect, connect and celebrate the rich and layered history** of this part of Sydney CBD. **Commencing with an understanding of and respect for Country and the heritage character of the local area.**

Observatory Hill is a crest of a rocky ridge overlooking Sydney Harbour, at the western end of the former catchment area for the Tank Stream, as well as in close proximity to Sydney Harbour. This the location would have allowed easy access to both fresh and salt water (and all the resources afforded by both), and its elevation and geographical location would have afforded advantageous views of the harbour and surrounding landscape in every direction (as illustrated in Figure 3 below).



Figure 3:: Pre-contact viewshed of Sydney from Observatory Hill³

² Barangaroo. Website accessed 19 August 2022. <https://www.barangaroo.com/about/the-place/history/aboriginal-culture>

³ C. Macarthur, Presentation to Australia ICOMOS “The Sydney Observatory Site (Intangible) Cultural Heritage Sightlines Within the Cultural & Natural Landscape of Sydney Harbour” <https://www.aicomos.com/wp-content/uploads/Using-historic-themes-of-Sydney-observatory-relationships-with-the-harboursites-around-the-harbour.pdf>



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

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



Figure 4: By water to Parramatta with a distant view of the western mountains, taken from the Wind mill hill at Sydney c.1789. Source: NLA. <http://nla.gov.au/nla.obj-135681388>

Hills, promontories, mountains and prominent geographical features are well understood to be used by Aboriginal people as landmarks on traditional travel routes and as interconnected sites in a broader cultural landscape, as prominent landscape features associated with dreaming stories, and as viewing points. **For the local Aboriginal people, Observatory Hill was probably a popular lookout spot because it was the highest point in Sydney.**⁴

The Urban Design Report (Hassell, December 2021) states that :

*“the Central Barangaroo proposals will deliver an exemplar public open space project **that understands, connects and designs with Country.**”*

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

As the proposal does not adequately assess the Aboriginal cultural values of Observatory Hill and sightlines to and from this important place, the impact of the proposed modification on Aboriginal cultural values of Observatory Hill cannot be understood.

It is inconceivable that Observatory Hill would not have been a popular and/or important lookout and site for the local Aboriginal population. It is a fundamental failure of the proposal, the proponent and the landowner that potential Aboriginal cultural values, and the subsequent impact of the proposal on these values, is ignored.

⁴ Observatory Hill, Barani (Sydney's Aboriginal History), <https://www.sydneybarani.com.au/sites/observatory-hill/>



National Trust recommendation

The National Trust strongly recommends that:

- This project not proceed without a thorough and comprehensive Aboriginal Cultural Values study of Observatory Hill and its views, including consultation, being undertaken;
- The impact of the proposed Modification and Approved Concept is assessed against these values; and
- Any designs are amended to ensure these values are not impacted.

VISUAL IMPACT

Significant Views

One of the most valuable assets of Observatory Hill Park is that it currently has, within its boundaries, almost uninterrupted 270^o views of Sydney Harbour. This was the reason for its being selected as the site for Fort Phillip and, later the Observatory.

The State Heritage Register listing for the Millers Point Conservation Area notes that

“the natural rocky terrain, despite much alteration, remains the dominant physical element in this significant urban cultural landscape in which land and water, nature and culture are intimately connected historically, socially, visually and functionally.”

Also relevant is the State Heritage Register listing for the Observatory, which notes:

The Observatory is of exceptional significance in terms of European culture. The elevation of the site, with its harbour and city views and vistas 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.

Observatory Park, the summit and flanks of this hilltop ... affording panoramic views of Sydney Harbour, the port and ridges in all directions.

Indeed, a Report to Premier the Hon. Neville Wran, April 1977 (*The Development and Management of Observatory Hill*) recognised the fundamental importance of the views and their protection, stating ***“It affords unique and splendid views, particularly to the west. It surely must be one of Sydney’s most precious open space assets”*** and that ***“Observatory Park, because of its elevated position, has extensive panoramic views of Sydney.”***

Observatory Park, because of its elevated position, has extensive panoramic views of Sydney. From the north western corner of the park the view spans between south-west and north-east in the westerly direction. This is a panorama of approximately 200^o which includes numerous long distance elements such as Sydney University to the south-west; Balmain and the Parramatta River Valley to the west including landforms such as Pennant Hills and part of the Blue Mountains; Crows Nest and the commercial centre of North Sydney across the Harbour. Sydney Harbour provides strong visual interest from Observatory Park with harbour foreshores and the movement of water traffic to and from the commercial sectors of White Bay, Johnstons Bay, Darling Harbour, Walsh Bay and Goat Island. Elements that have become symbolic of Sydney are the Harbour Bridge and Luna Park and these can be seen to the North of Observatory Hill.

Figure 5: Report to Premier the Hon. Neville Wran, April 1977 - *The Development and Management of Observatory Hill*. (Source: Heritage NSW online library)

Historically, Observatory Hill was important to the early colony of New South Wales because of its viewshed, especially to the west. In 1804, the Sydney Gazette reported the laying of the Fort Phillip foundation stone and noted its commanding views and stating that

“...from its elevated situation commands the Cove, with the upper and lower approaches to the Harbour, and the while surrounding neighbourhood to an extensive distance.



A letter by Governor King to Lord Hobart on 14th August 1804, also has Governor King noting:

*I have also caused a citadel to be commenced (and on which a considerable progress is made) on the highest windmill hill, which circumstances may eventually render necessary, as **it commands the town and country round to a very great extent** and the approach to the harbour.*

He is referring to the construction of Fort Phillip, the colony's only inward defence citadel ever built. King's concerns about defence were not limited to seaward attack from other colonisers, but also focused on concern about internal uprising from convicts and Aboriginal peoples from inland Sydney. **Fort Phillip was specifically built on Observatory Hill because of its commanding westward views.**

The elevated position and distant views from this location later meant that the arrival of incoming ships could be signalled by flagstaff from South Head and those flags could be seen from Observatory Hill (originally known as Flagstaff Hill), which then flew corresponding signals on its flagstaff to announce the new arrival. This allowed the authorities and the merchants to be prepared for the ship's arrival at the wharves in Sydney Cove or Darling Harbour. The flagstaff at Observatory Hill could be seen from most parts of the city and, in recognition of the importance of this function, the flagstaff was reinstated at the Observatory in 2008.



Figure 6: Fort Phillip signal station and the network of signal stations in Sydney Harbour⁵

Importantly, views to Observatory Hill and the nearby Harbour Bridge as iconic Sydney landmarks also have exceptional heritage significance, and will be affected by this proposal. This includes views to the Sydney Harbour Bridge which is listed on Australia's National Heritage List. Its Conservation Management Plan states:

*The **protection of these views is an essential component of the overall strategy for conserving the cultural values of the bridge.** Inappropriate development within this setting, dependent upon the type and location of the development, has the potential to affect these values.*



Figure 7: View from Pyrmont to Sydney Harbour Bridge.

⁵ C. Macarthur, Presentation to Australia ICOMOS "The Sydney Observatory Site (Intangible) Cultural Heritage Sightlines Within the Cultural & Natural Landscape of Sydney Harbour



HEIGHTS INCREASED AND VIEWS IMPACTED

Increased heights have immense impact on views

Modification 9 proposes to increase the heights of the 3 Central Barangaroo blocks; it should be noted that **all previous modifications** kept the building heights consistent with the approved Concept Plan.

Block	Height - Approved Concept	Proposed Height: Modification 9
Block 5	RL 34	RL 14.95 to RL 44.45
Block 6	RL 29	RL 35 to RL 38.7
Block 7	RL35	RL 15 to RL 73.7

These increased heights represent a significant, large scale change to the approved concept design, as shown in the Figure below.

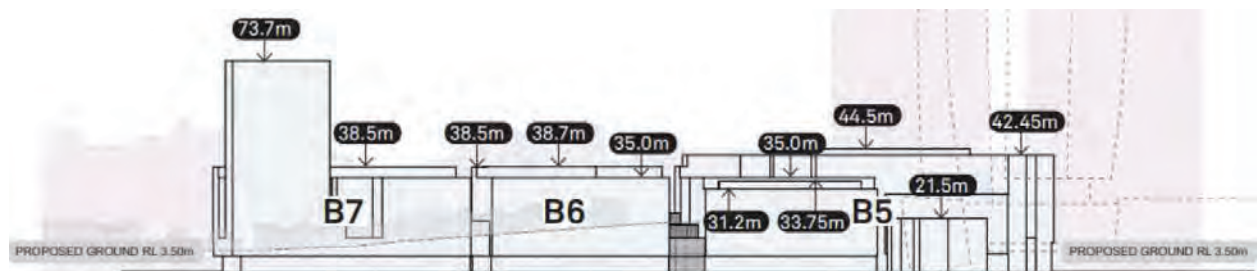


Figure 8: Proposed building height increases across the three blocks.

The Proposed Modification 9, which incorporates a tower on the north-west corner of Central Barrangaroo, fails to adequately acknowledge and assess its impact on views:

- from and to Observatory Hill;
- from and to Millers Point Precinct; and
- to the Harbour Bridge.

The 70m tower, shown in Figure 9, is located in the highly prominent NW corner of the site. **This location is totally unacceptable for a tower and cannot be justified in urban design terms.** Height alone does not, and never has, given prominence or design quality to a building. As the yellow arrow indicates, this building will directly block the western views to and from Sydney Observatory and Observatory Hill.



Figure 9: The proposal will directly block views to the west from Observatory Hill (Source: Infrastructure NSW with National Trust overlay)



Decades of previous planning advice is being totally ignored

Observatory Hill has been an important point in Sydney since the foundation of the colony, and long before that to the Cadigal People who no doubt also utilised its extensive views of the whole harbor from the highest point in the Millers Point or Coodye area.

More than 200 years ago, a notice to the population was issued in the Sydney Gazette cautioning people from "purchasing, building or repairing any huts about the Esplanade around Fort Philip, on the Citadel Hill" as the government was some difficulty with settlers building houses within the surrounds of the Fort, causing issues with the ability to see from and to the Fort.

The need to protect these views was established very early and was reflected in the initial use of the site for defence purposes (importantly, to protect from a western/inland attack) and as the mid-point of an extensive network of signal stations between South Head and Parramatta, and then for timekeeping purposes across the harbor. All of these relied on views to the water and the horizon – views that have been continually protected and which will be lost if this proposal proceeds.

The importance of protecting these views have been acknowledged by the state government for decades. For example, a 1977 Report to the NSW Premier on the *Development and Management of Observatory Hill* stated:

- ***The view is vital to the character of Observatory Hill, considering it is obtained from a public park and not a commercial man-made structure.***
- ***The panoramic view has been maintained because of the existing low levels of the adjacent urban residential and commercial buildings, with the tallest being the five level Palisade Hotel and adjacent warehouse in the Millers Point area.***
- ***To maintain the existing views from Observatory Hill it would be necessary to establish controls over the height and bulk of any future development within the Millers Point area and emphasis should also be placed on the appearance of any future development and its relationship to the existing urban development.***
- ***It should be decided what provision can be applied to view protection of Observatory Hill especially to State Government authorities who own and manage most of the property adjacent to Observatory Hill.***⁶

Views analysis does not show the full impact of the proposal

The National Trust do not feel that the views analysis is a sufficient representation or assessment of the impact of this development proposal. Despite the importance of views from the southern end of High Street, which will be completely obscured, this view is not assessed. Further, despite the importance of views from the actual waters of Sydney Harbour towards the Observatory, not a single view from the water has been included.



Figure 10: Before and after views of Sydney Harbour from High Street, Millers Point. Despite being directly opposite the proposal, this view is not assessed. (Source: Google Street view with National Trust overlay)

⁶ J.M. Wallace and G.P. Webber, *Development and management of Observatory Hill: final report to the Hon. N.K. wran, Q.C. M.L.A. Premier of New South Wales, 1977* <https://heritagensw.intersearch.com.au/heritagenswispui/retrieve/3d8fd380-e767-47fa-9b7f-05ec0f222ab4/000016467%20-%20OBSE.pdf>



The Trust also take issue with the continual use of blue, transparent outlines to show proposed building forms. This deliberately disguises the impact of the proposal.

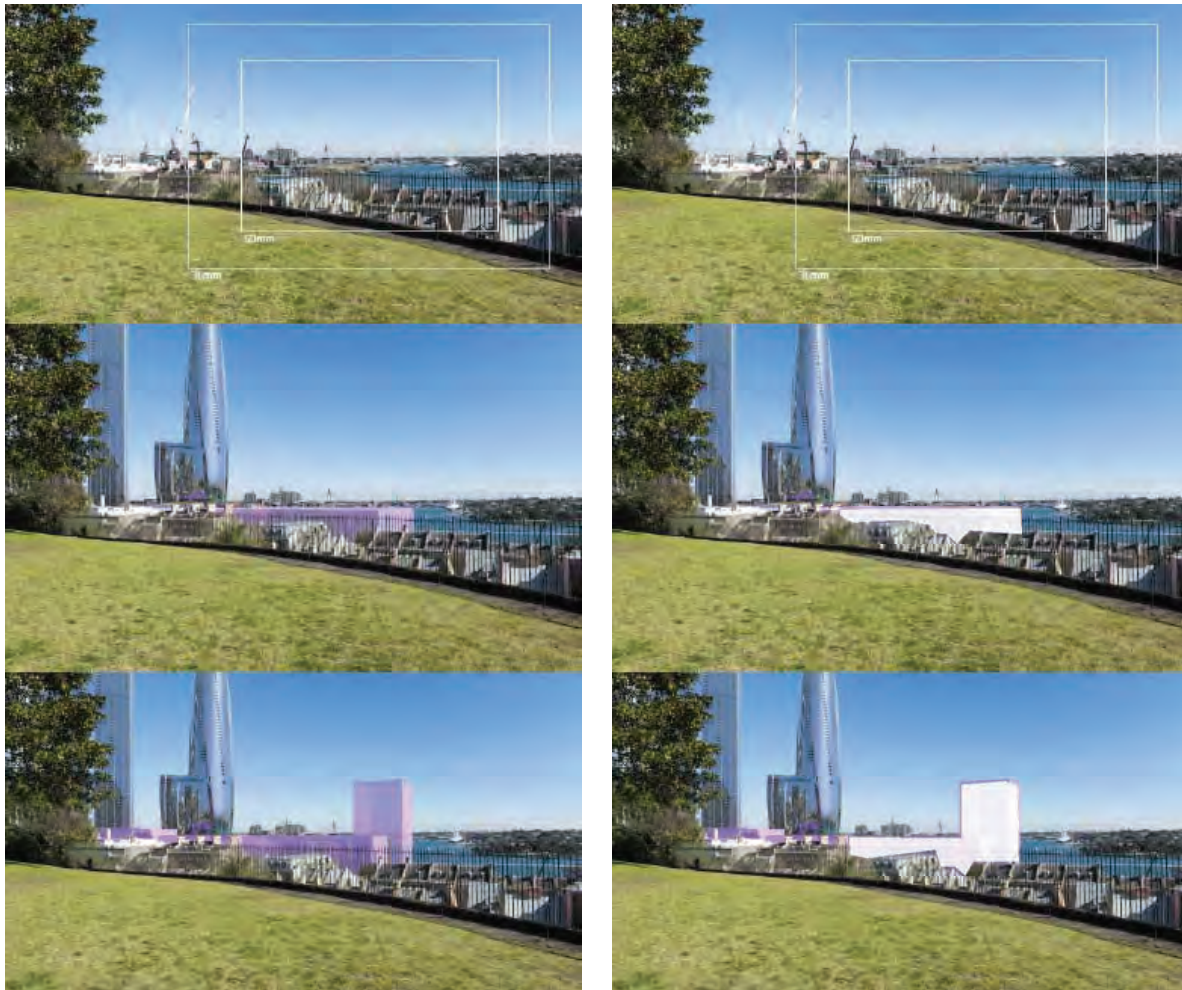


Figure 11: View impacts from report showing disguised blue buildings that blend into the water and the sky (left) and showing actual impact on harbor views (right) as prepared by the National Trust.

The proposed Modification fails to adequately assess its impact on significant views. Arguments that an “architecturally significant building” is justified as a “marker to Central Barangaroo” are not justifiable, logical or necessary.

The proposed development will have immense impact on heritage values and established views.

National Trust recommendation

The National Trust strongly recommends that:

- The tower is removed from the proposal;
- The heights of all buildings, as a minimum, be lowered to the approved concept heights (February 2007 approval);
- An accurate view impact analysis, including views from High Street and from the water itself, is produced to show the full impact of the proposal.



CUMULATIVE IMPACT

Inadequacies of assessment and cumulative impact

The suite of documents on exhibition appear to purposely downplay the heritage impact of the proposed works and selectively applies differing impact assessment methodologies to skew the results. This results in a meaningless Environmental Assessment Report that cannot be relied on for an accurate or objective assessment of the project's immense impacts.

For example, the Statement of Heritage Impact **assess only the additional impact** of the changes proposed in this Modification and **only as they relate to Central Barangaroo**, not of the cumulative impact of all the changes and the entirety of the development. This results in the downplaying of the impact, seen in frequent statements such as **"this modification will minor to no additional heritage impact."**

Similarly, the Environmental Assessment Report justifies the overall increase in gross floor space **in relation to the entirety of the Barangaroo**, including Barangaroo North, Central and South. This of course results in the downplaying of the immense increase in the scale of the development, seen in frequent statements such as:

- "Whilst this modification results in a quantitative change to the approved development parameters, this change results in an increase of only 17.55% of the total approved GFA under the Concept Plan, **which is not significant in comparison to the overall site GFA** ;
- "The amendments to building height of Block 5, 6 and 7, including the proposed addition of 38.7m of height to tower 7 is **relatively minor in the context of the approved heights of other building within Barangaroo.**"

All impact assessments in the suite of documents, including the EAR and the supporting technical studies, should use the same baseline for their assessments to ensure a true and accurate understanding of the project's impact can be understood. For example, if the proponent wishes to justify the project by placing it within the context of all the changes that have occurred at Barangaroo (as it does to justify the Modification's expansion of the GFA) then it follows that it should assess the impact, for example, in its entirety on the views.

In addition, the Director General's Requirements for the project, issued in 2014, clearly state in its 'General Requirements' that the modification application must include a detailed assessment of the key issues and an assessment of the potential impacts of the modifications, **including cumulative impacts**.

The Heritage Impact Statement and Views, the View and Visual Impact Assessment, and the EAR fail to assess the cumulative heritage impact.

The Environmental Impact Report, Statement of Heritage Impact and Views & Visual Assessment fail to meet the Director General Requirement's for the modification application to assess the project's cumulative impacts.

The constantly changing comparison baseline skews the impact assessment's outcomes in its own favour.

National Trust recommendation

The National Trust strongly recommends that:

- The exhibited documents do not assess the cumulative impact;
- Consequently the exhibited documents do not meet the modification's Director General's Requirements and should not be approved; and
- An impact assessment for the modification should not be considered adequate until a common baseline for each impact assessment is established.



Increased Gross Floor Area

As outlined earlier in this submission, the proposed Modification includes a significant increase in Central Barangaroo’s Gross Floor Area, as illustrated in the following table.

Element	Approved Concept	Modification 8	Proposed Modification 9	% increase
Gross Floor Area all Barangaroo	388,300sqm	602,354sqm	708,014sqm	17.54% increase from Mod 8 to Mod 9 82.35% increase from approved concept to Mod 9
Gross Floor Area Central Barangaroo	60,200sqm	47,688sqm	144,355sqm	202.70% increase from Mod 8 to Mod 9 139.79% increase from approved concept to Mod 9

These increased GFAs represent a significant, large scale change to the approved concept design.

Building Overhang / cantilever

Another significant design change in the proposed Concept is the inclusion of building “overhangs” – that is, allowing the building to cantilever over the adjacent public realm. The proposed cantilever allowance is 3m plus 650mm, a total of 3.65m.

These proposed allowance for building cantilevers is a significant change to the approved concept design.

Hickson Park

A final significant design change in the proposed Concept is the reduction in size of Hickson Park and the severing of its relationship with the water.

Modification 9 proposes to reduce the size of this Park. It should be noted that the Modification 8 increased the size of the Park to enhance views to the harbour and provide greater pedestrian connectivity to the Central Barangaroo foreshore as response to mitigate the relocation of the park from its original location on the foreshore, and to mitigate the increased height and GFA at South Barangaroo approved under Mod 8.

The proposed Concept 9 is now reversing earlier mitigation measures by reducing the size of this Park, reducing its harbour views and further isolating its relationship to the water.

The proposed changes to Hickson Park are a significant change to the approved concept design.

Narrowing of view corridors

The proposed “Sydney Steps” has been wedged in between an increasingly narrow group of buildings, which will now completely block the view to the water when seen from Kent Street.



Figure 11: Before and after views of Sydney Harbour from Kent Street, Millers Point. The opening between buildings is so narrow as to be meaningless. Sydney Harbour will not be able to be viewed from Kent Street. (Source: Google Street view with National Trust overlay)



COMPLEXITY OF DOCUMENTATION

Overly complex documentation hinders meaningful community consultation

Many aspects of the documentation on public exhibition are excruciatingly, frustratingly complex. They are as often as not written in plain English making it at times impossible to understand and appreciate the scale of the work and its impact.

For example, something as simple as the “project description” in the new proposed Instrument of Approval for Barangaroo (Part A – Terms of Approval, Part A1, Development Description) provides the following project description (note that we have placed the information into a dot point style for better readability):

“Concept approval is granted **only to the carrying out of the development solely within the Concept Plan area as described in:**

- **the documents titled** “East Darling Harbour State Significant Site Proposal, Concept Plan & Environmental Assessment (Volume 1 & 2)” prepared by JBA Urban Planning Consultants & SHFA (dated October 2006),
- **amended by** Barangaroo Part 3A Modification Report (Volume 1 & 2) prepared by MG Planning Pty Ltd & SHFA (dated June 2008),
- **amended by** y Barangaroo Part 3A Modification Report – Headland Park and Northern Cove prepared by MG Planning Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated January 2009,
- **and amended by** Barangaroo South Concept Plan Modification and Major Development SEPP Amendment Environmental Assessment Report prepared by JBA Urban Planning Consultants (dated August 2010),
- **and amended by** Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated June 2013)
- **and amended by** Barangaroo Concept Plan Section 75W Modification prepared by JBA Urban Planning Consultants (dated October 2013)
- a **and amended by** Barangaroo Concept Plan Section 75W Modification (MOD 8) prepared by JBA Urban Planning Consultants (dated March 2015),
- **and amended by** Section 75W Modification (MOD10) prepared by Ethos Urban (dated 7 April 2020),
- **and amended by** Section 75W Modification (MOD11) submitted by INSW on 17 July 2020,
- **and amended by** ‘Environmental Assessment Report Central Barangaroo: Concept Plan MP06 by Urbis (dated December 2021) including...

How anyone is supposed to generate a meaningful understanding of something as fundamental as the description of the proposed development from the above, is beyond comprehension. It renders it almost impossible to compare this modification to earlier modifications and flies in the face of the government’s own numerous Consultation and Planning Report guidelines which state, for example:

[the report] should make it easy for people to understand the proposed changes, community views on the changes and the likely impacts of the changes so they can make informed submissions or decisions on the merits of the preferred.⁷

⁷ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Policy-and-legislation/SSI-Guidelines/SSI-Guide---preparing-a-preferred-infrastructure-report-App-E.pdf>



CONCLUSION

Summary

The National Trust acknowledge the extension of time that was provided to us to properly review and assess this proposal, which has led us to conclude the following:

- The proposed Modification, at best downplays its impact on the incredibly significant heritage precincts and views it will impact, and at worst completely disregards them.
- This massive increase in height and floor area must not be considered “substantially the same” and must not be considered as a modification. To approve this modification would fly in the face of fair, transparent, accountable planning practices.
- The view of the water from Observatory Hill is one of great importance, not only historically but (more importantly) into the future. This is a public place from which to view the harbour, and for over 200 years specific planning principles and policies have helped to preserve this. Just as the original design for the Langham Hotel in Kent Street was specifically considered in order to preserve this view, so too must any new development at Barangaroo.
- The scheme does not respond to or interact with the existing community of Millers Point or its historic buildings. Even a single new bridge link across Hickson Road at the low point of High Street would be a new way to respond to this setting, but this has not been considered.
- The topography of High Street must be responded to. While this street slopes down to a central point in a very considered design response for one of Sydney’s most important examples of terrace housing, the proposal opposite is of a single wall of uniform height that will result in the total destruction of this most important harbourside street in Sydney. The connection to the water from the southern end of High Street must be maintained.
- This proposal is thoroughly underwhelming both in terms of its planning and execution. Simply because some noteworthy and capable architects are to be appointed to the various elements does not excuse the fact that these are for inappropriately scaled built form envelopes that resemble a business park in the suburbs, rather than embracing and responding to one of the most unique harbourside locations in the world. A far more contextually-responsive and architecturally imaginative scheme must be put forward.
- The proposal for the “grand stair” is a good idea in theory, but not as shown. The narrow corridor that this element goes between completely blocks the view of the harbour from High Street. As a simple design principle this opening needs to align with the existing building alignments of High Street.
- There is no basis whatsoever for the stated claims that a “landmark” tower is required above a new Metro Station. The small station entries of the subways for London, Paris and New York all operate effectively, and this is yet another example of real estate potential, not public benefit, shaping our precious harbour.
- The recent claims by Aqualand (SMH, 9 August) that they are “providing public benefits in other forms such as... the refit of the Cutaway” are in complete contradiction to our earlier briefing on 25 August 2021 from Aqualand and Infrastructure NSW when they informed the National Trust that the Cutaway was *not* part of this proposal at all. To claim such benefits as part of this proposal is misleading.
- The proposal is in direct contradiction to various controls guiding harbourside development and to the Director General’s Requirements for this Modification.



Lost opportunities, no ambition, and no benefit

The proposal, as it stands, represents a litany of lost opportunities for Sydney. The National Trust strongly believe that Barangaroo Central offers a unique opportunity to engage with one of the most historically important and visually prominent parts of this great harbour city. New components such as the Sydney Metro Station certainly have the potential to achieve great outcomes for this place, yet so many aspects will have lasting negative impacts.

One of the positive suggestions made was for the introduction of the “Barangaroo Steps” which have the potential (should the Cahill Expressway ever be reimagined) to link Barangaroo and the western harbour all the way up the Agar Steps, across Observatory Hill, and through to the Royal Botanic Gardens and Farm Cove. Yet the utter meanness of this new piece of public infrastructure, which is wedged in a canyon between new buildings that do not even relate to the existing building setbacks of High Street, is plain to see. To completely block the view of the water from pedestrians exiting the Agar steps and not allow anyone to understand that straight ahead may be one of the most beautiful parts of our city just waiting to be explored, is a tragedy.

Barangaroo Central deserves to be world class. It needs to engage with its topography, community, heritage, wider setting and unique harbourside location. It needs to be designed for the benefit of the many, not the few. It is something we need to get right.

The current proposal however benefits the few, ignores heritage, destroys its setting, ruins Observatory Hill, ignores its potential, and does not benefit Sydney at all.

Much development can occur in this place that will drive the required economic imperatives and capitalize on the location, but it must do this in a sensitive and considered way.

Central Barangaroo is not only the final piece of Barangaroo, it is the piece with the most potential, sitting as it does in a unique setting surrounded by the newly-formed Nawi Cove and the historic Millers Point community, and connected to greater Sydney by a new Metro Line. Neither the initial proposal, nor this modification, are an outcome worthy of this location.

Yours sincerely,

David Burdon
Director, Conservation

Jane Alexander
Advocacy Manager

















5 September 2022

Major Projects Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Mr. David Glasgow, Principal Planning Officer – Key Sites Assessments

Dear Mr. Glasgow

**RE: MP06_0162 (MOD 9) – BARANGAROO CONCEPT PLAN
SUBMISSION TO SECTION 75W MODIFICATION APPLICATION IN RELATION TO THE BARANGAROO
CONCEPT PLAN
HICKSON ROAD, SYDNEY**

We write in response to Section 75W Modification Application No. MP06_0162 MOD 9 (MOD 9) lodged with the Department of Planning and Environment (DPE) relating to the Barangaroo Concept Plan (MP06_0162). The Barangaroo Concept Plan was originally determined on 9 February 2022 and has since been subject to a number of Modification Applications.

The public exhibition period for MOD 9 commenced on 12 July 2022 and concluded 8 August 2022. On 16 August 2022, Milestone sent an email to Mr David Glasgow, Principal Planning Officer at the DPE, requesting an extension to submit an Objection submission on behalf of the Owners Corporation of Strata Plan No. 61897. On the same day via an email response, Mr Glasgow granted an extension to issue a submission no later than 5 September 2022.

This submission has been prepared by Milestone (Aust) Pty Limited (Milestone) on behalf of the Owner's Corporation of the Stamford on Kent Apartments (Stamford) (Strata Plan No. 61897) and residents of the building at No. 183 Kent Street, Millers Point. The Stamford comprises a total of 159 units and is located directly to the east of the Barangaroo Central Precinct (refer to **Figure 1**).

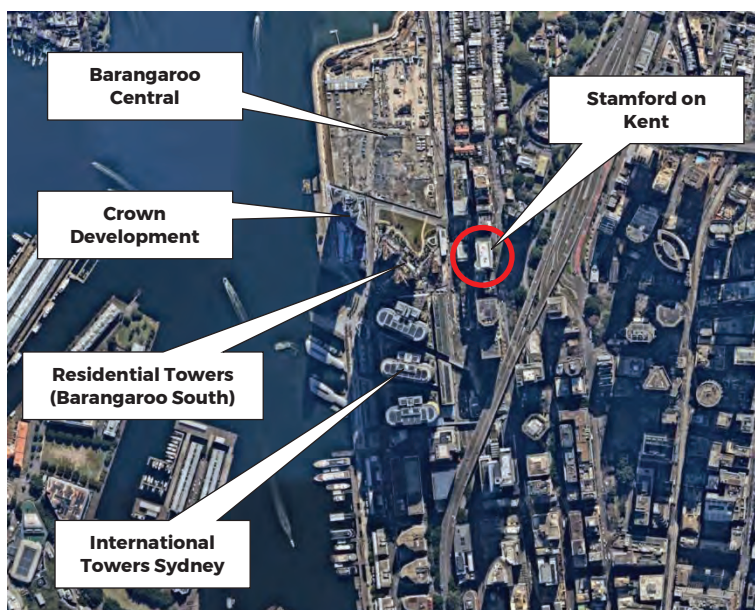


Figure 1: Site Context

Source: Assetline Capital, 2022

This submission raises significant concerns with the potential impacts of the modified Barangaroo Concept Plan (MOD 9) specifically to the Stamford Apartment Building, which have been identified as:

- Visual Impact and Loss of Views.
- Wind Impact.

In addition to key impacts specific to the Stamford Apartment Building, significant environmental impacts of the modified proposal on the locality are identified as follows:

- Impact on Public Open Space Areas.
- Validity of Proposal under Section 75W of the EP&A Act.
- Planning Certainty.
- Heritage Impacts.

This submission has been prepared based on a review of the following:

- Inspection of the site and locality on Tuesday, 16 August 2022.
- Supporting plans and documents submitted to NSW Department of Planning and Environment and made available on the Major Projects Register for the Barangaroo Concept Plan Application MPO6_0162 and proceeding Modifications.
- Government, Agency, Organisation, and public submissions received during the public exhibition period of MPO6_0162 MOD 9.

On the basis of the significant adverse environmental impacts and the substantial changes made to the Barangaroo Concept Plan, we request that that the proposal under MOD 9 in its current form not be supported.

1. GROUNDS FOR OBJECTION

1.1 Visual Impact and View Loss

The modified proposal will result in the obstruction of views from residential buildings along Kent Street between Gas Lane and Observatory Hill, which includes the Stamford located at No. 183 Kent Street, Millers Point. Although the Applicant justifies the modified proposal by stating that there is only a minor additional impact to views when compared to the approved Concept Plan, the view loss encountered by the surrounding residents are iconic views to Sydney Harbour and surrounding foreshore, and historic landmarks within Sydney. Therefore, the loss of additional views requires greater consideration and proper assessment than has been given under the MOD 9 proposal.

Apartments on the western side of the Stamford have primary orientation to Sydney Harbour, as well as significant Sydney landmarks such as Goat Island and Jones Bay Wharf, which are both identified as State Heritage Items by Heritage NSW. The Stamford has already been heavily impacted by the existing development within Barangaroo South, notably the relocation of the recent Crown development, as well as three (3) new residential towers, which have completely obstructed views of Sydney Harbour and Jones Bay Wharf (refer to **Figure 2** and **Photo 1**).

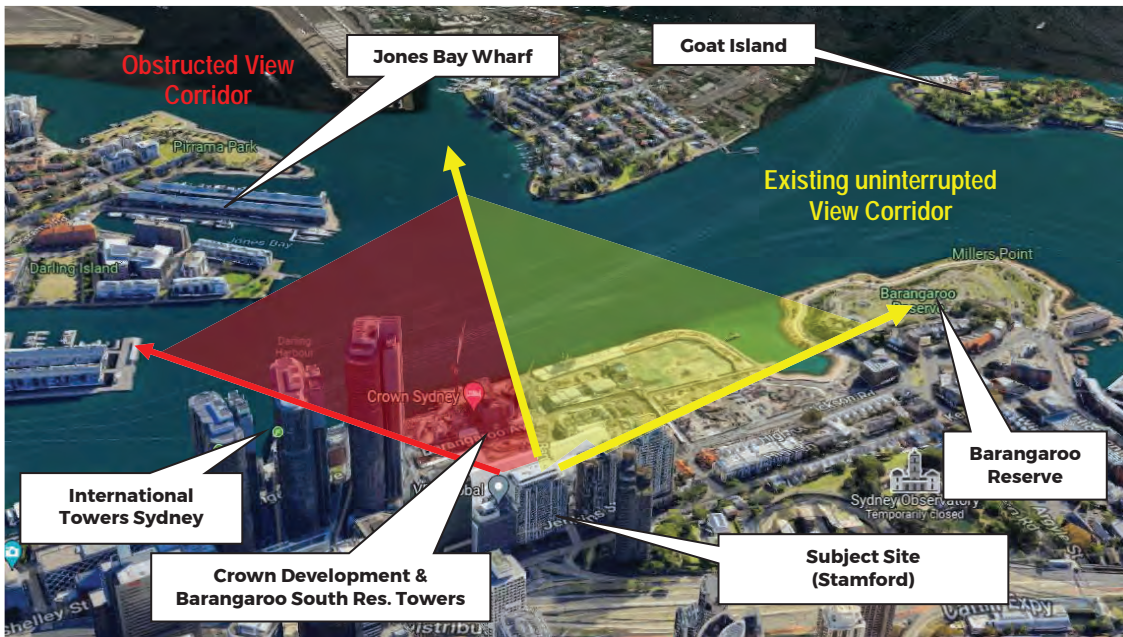


Figure 2: Existing view corridors west from the Stamford
 Source: Google Maps, 2022



Photo 1: Obstructed views from balcony of Apartment No. 1506 (Level 15), view west
 Source: Milestone, 2022

A View and Visual Impact Assessment dated December 2021 was prepared by AECOM and submitted under MOD 9. The report illustrates the additional view impact from the modified development to the Stamford. This view assessment was taken from Level 15 of the building and demonstrated using 3D render imagery. This analysis is not considered a true reflection of the impact and is deemed inadequate for the purpose of assessing view loss impacts (refer to **Figure 3**).



Figure 3: Massing of proposed MOD 9 Concept as seen from Level 15 of the Stamford
Source: AECOM, 2021

Milestone undertook an inspection of the Stamford and assessed the existing view corridor currently enjoyed by those apartments orientated west on Level 15, particularly Apartment No. 1506. The 3D render images provided within the View and Visual Impact Assessment do not provide a true indication of the Barangaroo Development and therefore, cannot be relied upon. The perspective in the 3D render appears manipulated presenting a development which is situated further from the Stamford, resulting in a smaller massing of the proposed development. This can be demonstrated by the size of the Crown Development shown when compared to the images taken by Milestone. **Photos 2** and **3** illustrate the impact to these view corridors when considering the massing of the modified development within a true perspective image as opposed to a 3D render.



Photo 2: Existing view corridor from the balcony of Apartment No. 1506 (Level 15), view Northwest
Source: Milestone, 2022

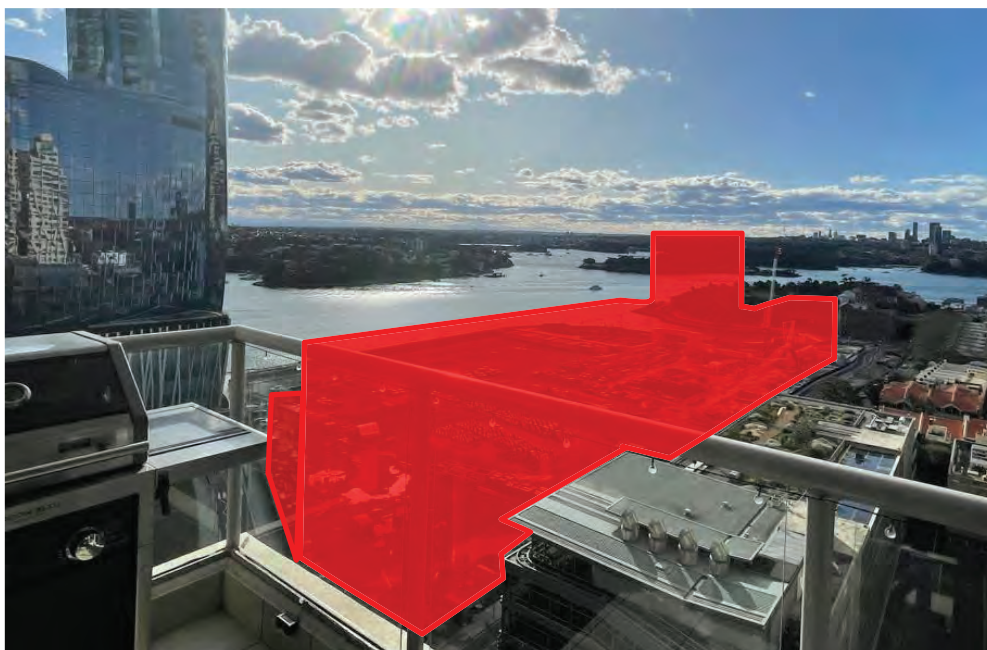


Photo 3: Proposed impact on view corridor of Apartment No. 1506 (Level 15) from MOD 9, view northwest
Source: Milestone, 2022

When considering the apartments within the Stamford located on lower floors, the expected impact from the modified development will see a considerable amount of the remaining iconic Sydney Harbour views obstructed, as well as view loss to Goat Island. Further district views of Barangaroo Reserve will also be impacted by the proposed new residential tower in Block 7. A Visual Impact Assessment has been provided within by AECOM with the Assessment Report dated December 2021 in accordance with the view loss tests contained within the *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* Land and Environment Court judgement. The justifications provided within AECOM's assessment and Milestone's comment are outlined in **Table 1** below:

Table 1: View Loss Planning Principles

Planning Principle	Justification from AECOM	Milestone Comment
<p>Step 1. What views will be affected?</p>	<p><i>The existing harbour view north of Block Y is substantially intact, seen framed between Barangaroo South and existing buildings on Kent Street. The Harbour is seen extending, unbroken, around the northern point of Barangaroo Reserve, and north east towards the Harbour Bridge (which is not visible from this location).</i></p> <p><i>Although it may not become an iconic Sydney building, Block Y appears likely to at least become a significant, highly recognisable building within the Sydney City landscape. In this sense, retention of the existing, substantially uninterrupted view of this building would appear likely to be of interest to these observers.</i></p>	<p>The court ruling states that water views are valued more highly than land views. The approved Concept Plan for Central Barangaroo will already have an impact on the views of the Sydney Harbour currently enjoyed by not only the residents of the Stamford, but also those in the neighbouring residential development, public spaces, and heritage landmarks. The proposed height increases to Blocks 5, 6, and 7 will further obstruct water views, and the height increase of the new residential tower will also impact on views enjoyed to Goat Island, a State Heritage Item and iconic Sydney landmark, as well as Barangaroo Reserve.</p> <p>The analysis and conclusion made by AECOM that Block Y will become a significant building within the Sydney City landscape and that residents will have an interest in their views being obstructed by the building is an unacceptable justification and inconsistent with the priority of the planning principle that aims</p>

		to retain views of the water and iconic Sydney heritage landmarks.
Step 2. Where views are obtained	<i>The view would be from a balcony and (assumed) living area windows, e.g., living room, dining room and/or kitchen as with the southern end of Stamford Marque, the orientation of the Harbour facing frontage swings a little towards the north, therefore extending west of Highgate and The Georgia building line. This provides a potential substantial increase in harbour view to the north towards McMahon's Point (refer Figure 147 and Figure 148). Further, about half of the balconies extend beyond the Stamford on Kent building line, further increasing the extent of harbour views to the north. This is particularly so for the balconies at the southern end of the building which cantilever out in a broad arc. Additionally, although not shown in these figures, a view south to Haymarket and beyond would also be available from the building, although this would potentially comprise a more interrupted view than that available to the north. Further, much of the view as shown could be available from a seated position within the apartment.</i>	Significant views are available from the primary living areas and balconies, as well as the kitchen within Apartment No. 1506. These views from all rooms are of the iconic Sydney Harbour across the entire foreshore to the full body of water, including Goat Island to the northwest, and Barangaroo Reserve to the north.
Step 3. Extent of the impact	<i>Impacts of MOD 9 on the view and regarding visual absorption capacity are addressed in Section 6.23.5, and in Table 95 'Visual absorption capacity'. The southern face of Block 5 of MOD 9 is at a less acute angle than that of the Approved Concept Plan design and obstructs a small portion more of the land / water interface along Central Barangaroo, however, there is sufficient interface edge available to interpret the extent of that edge. The high point in Block 7 removes part of the water view between Goat Island and Barangaroo Reserve, a portion of Goat Island and the northern suburbs behind, which disrupts the continuity of the Harbour view and the horizon line, and reduces the seen extent of Barangaroo Reserve. However, as described above, the orientation of the Harbour facing frontage of the Stamford on Kent building provides a substantially increased water view east of Balls Head Reserve, extending to McMahon's Point. Notwithstanding the above, much of the view towards the north-west is retained.</i>	The view assessment demonstrates a considerable impact from the Central Barangaroo Development. The view corridor to the west from the Stamford has already been obstructed by approximately 50% due to the Barangaroo South and Crown Developments. The additional bulk and scale of Block 5 and 6 and the new high-rise residential tower at Block 7 will remove the unobstructed sightlines of Sydney Harbour to the northwest from living areas and principal open space of units within balcony areas.
Step 4. Reasonableness of the impact.	<i>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</i>	The impact generated by the Barangaroo Central development is already significant to the surrounding residents due to the obstruction of iconic and water views within Sydney Harbour, which are

	<p><i>successful in amending existing planning controls, often significantly so.</i></p> <p><i>Notwithstanding the above described view loss and interruptions to the Harbour view, the proposal does retain a substantial component of the Harbour / Sydney Basin view towards the north-west.</i></p>	<p>identified within Tenacity as the most valuable types of views.</p> <p>The increased bulk and scale proposed in MOD 9 will further interrupt sightlines within the north and northwest view corridors from the Stamford. The view assessment provided by AECOM points out that MOD 9 does not comply with the planning controls. It is not reasonable nor fair to support <u>any</u> non-compliances. The planning controls should not be amended to suit the modified proposal, as has been done with previous modifications to the Barangaroo Concept Plan. This premise justified by the Applicant cannot be supported. We note there has been a substantial number of continuous modifications to the Barangaroo Concept Plan to increase the bulk and scale without proper regard for the impact on the surrounding locality and the planning controls in place to mitigate this impact.</p>
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It could not be said that the principle of view sharing has been applied by MOD 9.

We request that the significant additional view loss that will result from the modified proposal of Barangaroo Central be properly considered. Detailed analysis is required from the Applicant by way of true modelling to illustrate the actual impact of the sheer size of the development proposed in Central Barangaroo and the level of impact it will have on the remaining view corridors from surrounding residential development. The 3D renders provided are not a true indication and can be manipulated in order to illustrate a lesser impact. We seek a comprehensive assessment be carried out against each of the planning principles when assessing the modified proposal, as the fundamental objectives of *Tenacity* have not been satisfied by MOD 9.

1.2 Wind Impact

A Pedestrian Wind Study was prepared by RWDI Anemos Ltd. dated 15 November 2021 and submitted under MOD 9. We note that this report only provides an assessment for the Barangaroo site and does not consider potential wind tunnelling impacts within the surrounding area. The report concludes that the modified development will have generally similar wind conditions under the MOD 9 Concept Plan however, the assessment places reliance on the *“potential landscaping proposed as part of the masterplan.”*

We request that further wind tunnel testing be carried out to assess the suitability of these public open spaces for use by the public, including local residents, as well as the impacts to the surrounding residential properties and the loss of amenity to use their principal private open space areas (balcony) due to adverse wind impacts.

1.3 Impact to the Amenity of Public Open Space Areas

The modified proposal reduces the area of Hickson Park to further increase the size of Block 5, which completely disregards the Terms of Approval issued under the modified Instrument of Approval under MOD 8. Part B3(2) conditioned that Block 5 was to be reduced to remain within the B4 zoned land. Further, Part B3(5) states that Barton Street is to only be a temporary road until the completion of Block Y and the construction of Barangaroo Avenue, to which then it was to be converted to provide additional parkland. Both conditions required an increase to the size of Hickson Park to improve amenity pedestrian connection. Part B3(2)(a) also states:

Hickson Park is not to be overshadowed by built form over more than an average of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year.

The EIA prepared by Urbis and dated December 2021 states that generally, half of Hickson Park will receive solar access between 12:00 and 14:00, which equates to 3,553.16m² of parkland being overshadowed (refer to **Figure 4**). Therefore, the park is overshadowed by more than 2,500m² and does not meet the conditions under MOD 8. As such, the public benefit is severely compromised by MOD 9.

The Applicant has requested modification of the condition to state an average area of 3,300m² for solar access to Hickson Park, stating that the modification “will ensure future detailed development applications do not further increase overshadowing of Hickson Park”. There is no valid planning or design merit to demonstrate further loss of amenity to Hickson Park and the Applicant’s justification is both inadequate and does not speak to demonstrate why an increase in overshadowed area within Hickson Park is in the public interest. Therefore, there are no grounds to modify Condition B3.1(d) to allow for the increased overshadow impact generated by the enlarged building envelopes proposed in MOD 9.

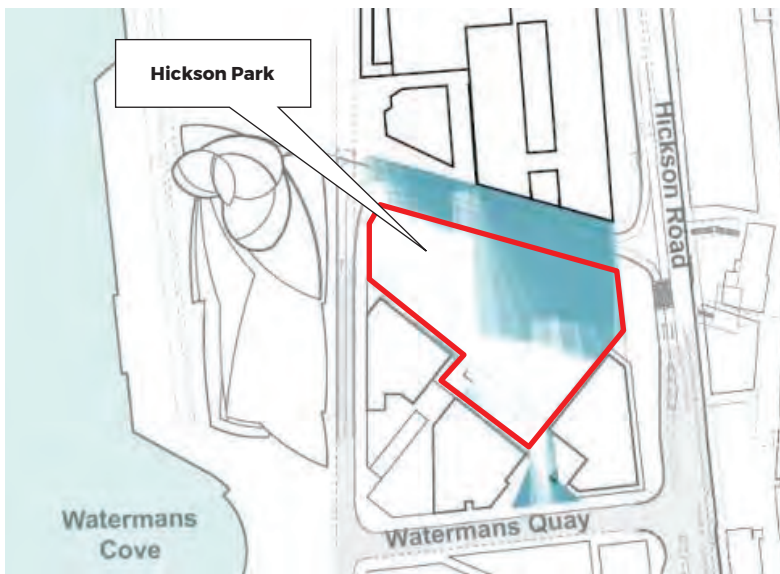


Figure 4: Overshadow to Hickson Park between 12:00pm and 2:00pm
Source: EIA prepared by Urbis, December 2021

1.4 Validity of proposal under Section 75W of the EP&A Act

The original Concept Plan for Barangaroo was approved as a major project under Part 3A of the EP&A Act on 9 February 2007. This system has since been replaced by the State Significant Development (SSD) and State Significant Infrastructure (SSI) assessment systems, which commenced on 1 October 2011.

Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation) includes clause 3BA which provides for a cut-off date of 1 March 2018 for making a request to modify an approved Part 3A development under Section 75W of the EP&A Act. The Environmental Impact Statement (EIS) prepared by Urbis dated December 2021 states that MOD 9 remains a transitional Section 75W project under the EP&A Act due to the Director General’s Requirements being issued prior to the cut-off date, on 15 April 2014. Notwithstanding, the modification should still be required to satisfy clause 3BA (5) of the STOP Regulation which states, inter alia:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) the proposed modification is of minimal environmental impact, or*
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The proposal under MOD 9 is not to correct a minor error, misdescription, or miscalculation as per 3BA (5)(a). Therefore, the proposed modification must be of minimal environmental impact or satisfy the tests of substantially the same. Quantitatively, MOD 9 proposes the following changes to the Approved Concept Plan:

- Increase in the total permissible GFA within Barangaroo from 602,354m² to 708,041m².
- Reconfiguration of the land use zones within Barangaroo Central, decreasing the RE1 Zone (Hickson Park) to increase the size of B4 Mixed Use (Block 5).
- Establishing Barton Street as a permanent street.
- An increase in the total above ground GFA within Blocks 5, 6, and 7 from 47,688m² to 116,189m² and allocate a further below ground GFA of 28,166m² (additional 96,667m², 202% increase).
- Modification of the approved Block 5 building envelope to increase maximum building height from RL34 to RL44.5 (additional 10.5m, 30% increase).
- Modification of the approved Block 6 building envelope to increase maximum building height from RL29 to RL38.7 (additional 9.7m, 33% increase).
- Modification of the approved Block 7 building envelope of to increase maximum building height from RL35 to RL73.7 (additional 38.7m, 110% increase).

The proposed modification increases the total GFA of blocks 5, 6, and 7 by 96,667m². It also increases the maximum heights of Blocks 5, 6, and 7 by 10.5m, 9.7m and 38.7m, respectively. These modifications to the approved built form within Barangaroo Central constitute a development intensified by more than double the approved. The proposed building envelopes within the MOD 9 Concept Plan vary greatly from those previously approved. The nature and impacts of the proposal are altered considerably and have not been adequately addressed by the Applicant. therefore, the modified development cannot be reasonably considered to be substantially the same.

In terms of environmental impact, the MOD 9 Concept Plan results in a substantial increase of overshadowing onto Hickson Park, during the period of 12:00pm to 2:00pm, when it is expected that the CBD workforce will utilise the open space and result in substantial view loss from private residential development, as well as public spaces and State heritage items such as Observatory Hill, Millers Point Heritage Conservation Area, and Sydney Harbour. No assessment has been provided by the Applicant to specifically demonstrate that the proposal is of 'minimal environmental impact' in order to support it under the Section 75W pathway. We request that compliance against 3BA(5)(b) be demonstrated by the Applicant.

If the modified proposal fails these tests, the application cannot be modified under Section 75W. We request that the Applicant revise what is proposed under MOD 9 to be able to adequately demonstrate that the modified proposal is consistent with the requirements of the STOP Regulation prior to any determination under this planning approval pathway. If the modified proposal is not able to achieve a development that is 'substantially the same' or of 'minimal environmental impact', any proposed development must be required to be submitted as a new Development Application under the State Significant Development planning approval pathway.

1.5 Planning Certainty

The significant intensification of the Barangaroo Concept Plan is of a bulk, scale and density that is disrespectful to the iconic heritage landmarks within the locality and surrounding development, and a complete contradiction to what was initially approved for the Barangaroo Precinct. The proposed increase in height from the MOD 8 Concept Approval, particularly Block 7 from a maximum of 32m to 73.7m and further GFA density increases across the site, is vastly inconsistent with Terms of Approval under MOD 8. These Terms of Approval request the GFA and heights of the development within Barangaroo Central are reduced to increase solar access to Hickson Park and also respect existing view corridors to and from heritage landmarks. MOD 9 does not respect any of these requirements and is therefore, not a suitable development for the site. Granting approval knowing the numerous inconsistencies with the Terms of Approval would set an undesirable precedent for future development and further uncertainty within the NSW planning framework.

Furthermore, we emphasise that the Barangaroo Concept Plan is only 'indicative' and is subject to change during the detailed design process. This also contributes to a lack of certainty for the community as additional building height and density and other commercial and residential uses that may be proposed in the future.

A transparent planning framework and development approval process is more likely to provide individuals and businesses with confidence about the future use of their land, use of their CBD, and the land surrounding. As such, they are more likely to commit to investment when respect for the existing and future character as well as enhancement of the public domain is attained by the planning framework. The approval of the development envisaged within the Barangaroo Concept Plan under MOD 9 provides uncertainty for existing residents and businesses in Sydney, including the residents of the Stamford, and this is not considered to be within the public interest. The modified proposal totally disregards a vast amount of work that has gone into the development of appropriate development controls and outcomes for the Barangaroo Precinct under previous Modification Applications. Further revisions to the Terms of Approval to allow for an increased height and density within the Barangaroo site does not only have detrimental impacts to the existing commercial development and residents within the area but sets a precedence of unpredictability and lack of community consideration within the NSW planning framework.

1.6 Heritage Impacts

The modified development has no attempt to consider impacts to Observatory Hill, Millers Point, or Sydney Harbour, which are arguably Sydney's most important landmarks. The Heritage Council of NSW stated via teleconference during the Out-of Session (OOS) Meeting Resolution:

"The proposal is likely to adversely affect one of the most significant heritage precincts in the country with (possibly) the highest concentration of listed items - Millers Point contains in excess of 100 State and 60 locally listed items. The peninsula provides a rare opportunity to understand and appreciate such a large and intact collection of very significant heritage items. The proposal directly and irreversibly compromises this"

The Darling Harbour Wharves Site Study prepared by Hill Thalys Architecture + Urban Projects Pty Ltd on behalf of Council identified significant local views to, within and across the Barangaroo site. The analysis culminated a set of planning principles for redevelopment of the site, which were endorsed by the Council on 27 July 2005. These planning principles which relate to views and view sharing as being appropriate to guide the future redevelopment opportunities for the overall Barangaroo site are as follows:

- Retain significant views across the site to the waterfront.
- Allow for public views across the Harbour from Millers Point (the northernmost part of the site) and Observatory Hill.
- Consider the high visibility of the site from public places including the waterway, harbour edge parks, Sydney Harbour Bridge and Anzac Bridge.
- Protect local views to the site and adjoining waterway from public domain areas in Millers Point and the western side of the city; place highest importance on axial views along streets to the waterfront.
- Allow views from the site and adjoining waterway to natural features including the High Street / Hickson Road cliff faces and retaining walls.

The original Concept Approval for the Barangaroo site had a more thorough understanding and consideration for the surrounding heritage value of the locality with lower building heights and densities overall. The Heritage Impact Statement (HIS) prepared by City Plan Heritage and dated 26 September 2006 considered Millers Point and Observatory Hill within the density controls at the northern portion of the site, stating inter alia:

"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 level of consideration has since been phased out by the proceeding modifications to the Barangaroo Concept Plan. MOD 9 increases building heights across Blocks 5, 6, and 7, which are already breaching what would be considered an appropriate building height transition sympathetic to the surrounding heritage landmarks. The setting and views to and from the surrounding heritage sites are adversely affected by the proposed modified development and the inclusion of a 73.7m tall residential tower is offensive and cannot be reasonably justified. The View and Visual Impact Assessment prepared by AECOM and dated December 2021, illustrates the impact of the proposed residential tower on the views from Observatory Hill (refer to **Figure 5**).



Figure 5: MOD 9 Concept Proposal, view west from Observatory Hill
Source: AECOM, 2021

Higher density development along Kent Street is partially blocked within sightlines from Observatory Hill by the existing tree canopy cover. This cannot be said for the proposed development at Central Barangaroo. The additional height proposed along Blocks 5, 6, and 7 result in the obstruction of Sydney Harbour views to the west. The proposed residential tower must be significantly reduced in height to respect the view principles to and from Observatory Hill.

Barangaroo Reserve enjoys sightlines across Nawi Cove to Central Barangaroo, as well as the Hickson Cutting and State heritage listed terraces within the Millers Point Heritage Conservation Area are clearly visible. The approved Concept Plan already results in the breaking of sightlines from Barangaroo Reserve to the Millers Point Heritage Conservation Area and terrace development above the Hickson Cutting (refer to **Figure 6**). Whilst iconic views are already disrupted by what is already approved for the site, the proposal under MOD 9 has a complete disregard to the flow of density and height within the Sydney City skyline by placing a residential tower at the foreshore to which lower building forms are more suitable and in character for the heritage conservation area adjoining (see **Figure 7**).



Figure 6: Approved Concept Development, view southeast from Barangaroo Reserve
Source: AECOM, 2021



Figure 7: Proposed Concept Plan under MOD 9, view southeast from Barangaroo Reserve
Source: AECOM, 2021

The statement of Commitments within the modified Instrument of Approval for MOD 8 requires all development within the Barangaroo precinct to maintain and preserve views to and from iconic Sydney heritage landmarks, as well as 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 modified Concept Plan includes an increased height across Central Barangaroo, including a new high-rise residential tower in Block 7, which will completely obstruct views to more than half of Observatory Hill from the Harbour. This is documented within the Submission by Highgate Apartments located at No. 127 Kent Street, Millers Point, dated 15 August 2022 (refer to **Figure 8**).



Figure 8: Obstructed views of Observatory Hill from Sydney Harbour

Source: Highgate Submission, 2021

The statement of significance for the Millers Point and Dawes Village Precinct endorsed by the Central Sydney Planning Committee and dated 30 October 2014 indicates the significance of the area's connection to the harbour, referencing its vistas and glimpses of the harbour along its streets and over rooftops. The HIS prepared by GML Heritage dated November 2021 states that the impact of the modified Concept Plan under MOD 9 will generally remain as has already been approved for the Barangaroo site. However, there are clear significant additional heritage impacts resulting from the added bulk and scale throughout the modified development in Barangaroo Central, especially the proposed residential tower, which will have detrimental impacts to views to and from the harbour, Millers Point and Observatory Hill.

2. Conclusion

This Objection Submission summarises the significant adverse environmental, heritage, and social impacts of the modified Barangaroo Concept Plan proposed under MP06_0162 MOD 9 for the residents of Stamford on Kent, located at No. 183 Kent Street, Millers Point (SP 61897) and the surrounding locality.

The modified Concept Plan under MOD 9 constitutes an overdevelopment of Barangaroo Central that will result in greater impact on the surrounding development and significant heritage sites. These impacts are summarised as follows:

- Further loss of views from surrounding residential properties along Kent Street, including the Stamford on Kent.
- Loss of amenity to private open space areas (balconies) of surrounding residential properties from potential increased wind impacts.
- Decreased functionality of Hickson Park as a result of reduced area and increased overshadowing.
- Further impact on the setting and views to and from surrounding significant heritage sites including Observatory Hill, Millers Point Heritage Conservation Area, and the Sydney Harbour Foreshore from the increased bulk and scale of Blocks 5, 6, and 7.

- Increased planning uncertainty due to a total disregard of key development controls and Terms of Approval established under previous Modification Applications.

We also note that a lack of assessment has been provided to demonstrate that the modified Concept Plan satisfies Clause 3BA (5) in Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017. Therefore, there are issues in the validity of the proposal lodged under Section 75W of the Environmental Planning and Assessment Act 1979.

The bulk and scale proposed within the modified Concept Plan is inconsistent with the surrounding locality and without regard to the established Sydney city skyline, in particular the high-rise residential tower within Block 7. This scale of development is entirely inconsistent with the strategic planning intent for the Barangaroo site and would establish an undesirable precedent for other major development in Sydney.

A complete revision of the modified Concept Plan under MOD 9 is required to be consistent not only with the Terms of Approval, but also the planning principles for the Barangaroo site, which aim to provide development that is sympathetic to the heritage significance of the Millers Point Heritage Conservation Area, Observatory Hill, and the iconic Sydney Harbour foreshore. The amenity of the surrounding residential development along Kent Street needs to also be further considered.

For the foregoing reasons, the Owner's Corporation of Stamford on Kent are not supportive of the modified Concept Plan presented in MOD 9. To allow such an intense level of increase to the bulk and scale of the development within Barangaroo Central would not be in the public interest. To do so would provide no certainty in the planning process.

If you have any queries in relation to this matter, please do not hesitate to contact the undersigned.

Please contact the undersigned if you require any clarification of this matter.

Yours sincerely

Milestone (AUST) Pty Limited



Luke Signoretti
Senior Planner



Lisa Bella Esposito
Director

5 September 2022

Major Projects Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Mr. David Glasgow, Principal Planning Officer – Key Sites Assessments

Dear Mr. Glasgow

**RE: MP06_0162 (MOD 9) – BARANGAROO CONCEPT PLAN
SUBMISSION TO SECTION 75W MODIFICATION APPLICATION IN RELATION TO THE BARANGAROO
CONCEPT PLAN
HICKSON ROAD, SYDNEY**

We write in response to Section 75W Modification Application No. MP06_0162 MOD 9 (MOD 9) lodged with the Department of Planning and Environment (DPE) relating to the Barangaroo Concept Plan (MP06_0162). The Barangaroo Concept Plan was originally determined on 9 February 2022 and has since been subject to a number of Modification Applications.

The public exhibition period for MOD 9 commenced on 12 July 2022 and concluded 8 August 2022. On 16 August 2022, Milestone sent an email to Mr David Glasgow, Principal Planning Officer at the DPE, requesting an extension to submit an Objection submission on behalf of the Owners Corporation of Strata Plan No. 61897. On the same day via an email response, Mr Glasgow granted an extension to issue a submission no later than 5 September 2022.

This submission has been prepared by Milestone (Aust) Pty Limited (Milestone) on behalf of the Owner's Corporation of the Stamford on Kent Apartments (Stamford) (Strata Plan No. 61897) and residents of the building at No. 183 Kent Street, Millers Point. The Stamford comprises a total of 159 units and is located directly to the east of the Barangaroo Central Precinct (refer to **Figure 1**).

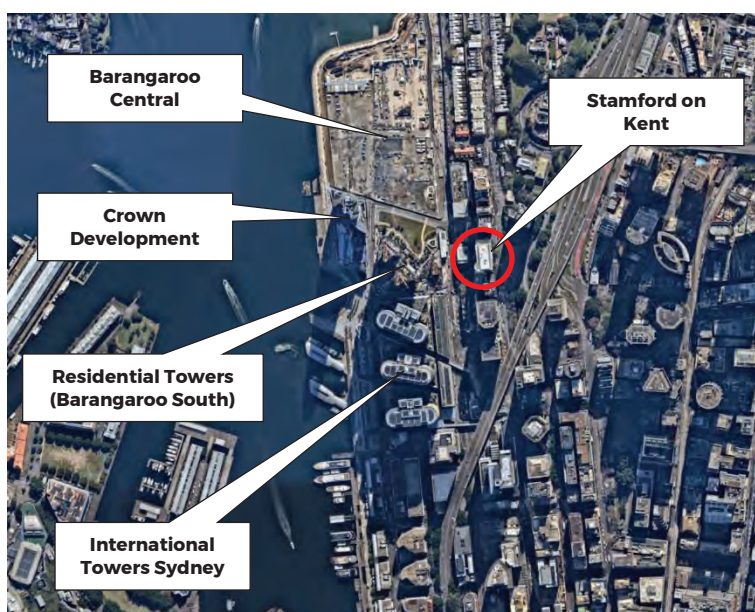


Figure 1: Site Context

Source: Assetline Capital, 2022

This submission raises significant concerns with the potential impacts of the modified Barangaroo Concept Plan (MOD 9) specifically to the Stamford Apartment Building, which have been identified as:

- Visual Impact and Loss of Views.
- Wind Impact.

In addition to key impacts specific to the Stamford Apartment Building, significant environmental impacts of the modified proposal on the locality are identified as follows:

- Impact on Public Open Space Areas.
- Validity of Proposal under Section 75W of the EP&A Act.
- Planning Certainty.
- Heritage Impacts.

This submission has been prepared based on a review of the following:

- Inspection of the site and locality on Tuesday, 16 August 2022.
- Supporting plans and documents submitted to NSW Department of Planning and Environment and made available on the Major Projects Register for the Barangaroo Concept Plan Application MPO6_0162 and proceeding Modifications.
- Government, Agency, Organisation, and public submissions received during the public exhibition period of MPO6_0162 MOD 9.

On the basis of the significant adverse environmental impacts and the substantial changes made to the Barangaroo Concept Plan, we request that that the proposal under MOD 9 in its current form not be supported.

1. GROUNDS FOR OBJECTION

1.1 Visual Impact and View Loss

The modified proposal will result in the obstruction of views from residential buildings along Kent Street between Gas Lane and Observatory Hill, which includes the Stamford located at No. 183 Kent Street, Millers Point. Although the Applicant justifies the modified proposal by stating that there is only a minor additional impact to views when compared to the approved Concept Plan, the view loss encountered by the surrounding residents are iconic views to Sydney Harbour and surrounding foreshore, and historic landmarks within Sydney. Therefore, the loss of additional views requires greater consideration and proper assessment than has been given under the MOD 9 proposal.

Apartments on the western side of the Stamford have primary orientation to Sydney Harbour, as well as significant Sydney landmarks such as Goat Island and Jones Bay Wharf, which are both identified as State Heritage Items by Heritage NSW. The Stamford has already been heavily impacted by the existing development within Barangaroo South, notably the relocation of the recent Crown development, as well as three (3) new residential towers, which have completely obstructed views of Sydney Harbour and Jones Bay Wharf (refer to **Figure 2** and **Photo 1**).

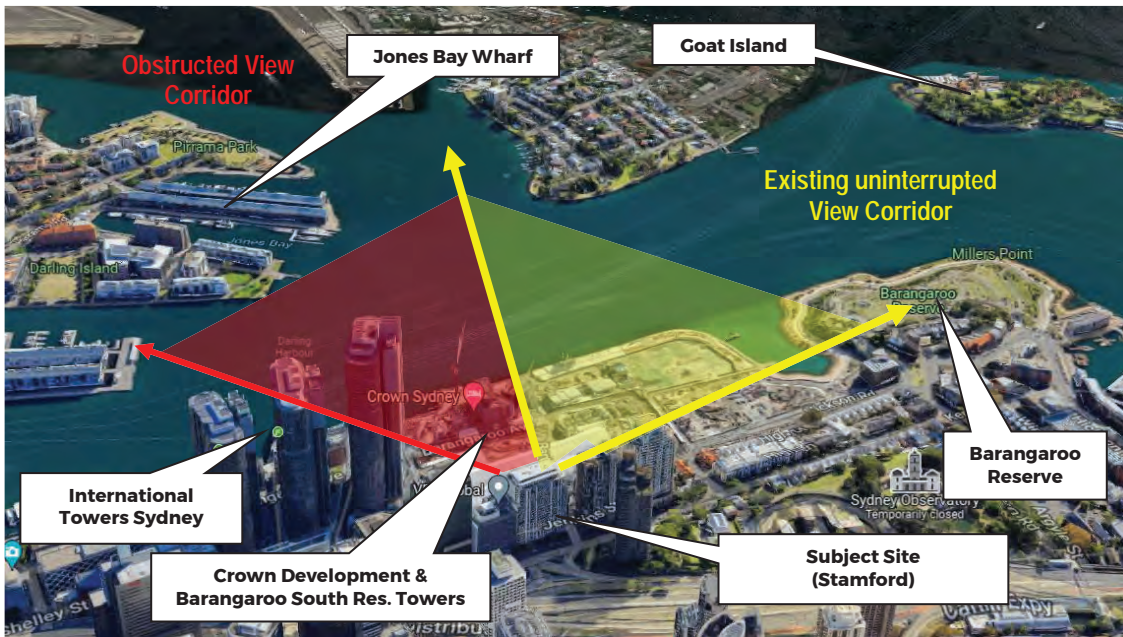


Figure 2: Existing view corridors west from the Stamford
 Source: Google Maps, 2022



Photo 1: Obstructed views from balcony of Apartment No. 1506 (Level 15), view west
 Source: Milestone, 2022

A View and Visual Impact Assessment dated December 2021 was prepared by AECOM and submitted under MOD 9. The report illustrates the additional view impact from the modified development to the Stamford. This view assessment was taken from Level 15 of the building and demonstrated using 3D render imagery. This analysis is not considered a true reflection of the impact and is deemed inadequate for the purpose of assessing view loss impacts (refer to **Figure 3**).



Figure 3: Massing of proposed MOD 9 Concept as seen from Level 15 of the Stamford
Source: AECOM, 2021

Milestone undertook an inspection of the Stamford and assessed the existing view corridor currently enjoyed by those apartments orientated west on Level 15, particularly Apartment No. 1506. The 3D render images provided within the View and Visual Impact Assessment do not provide a true indication of the Barangaroo Development and therefore, cannot be relied upon. The perspective in the 3D render appears manipulated presenting a development which is situated further from the Stamford, resulting in a smaller massing of the proposed development. This can be demonstrated by the size of the Crown Development shown when compared to the images taken by Milestone. **Photos 2** and **3** illustrate the impact to these view corridors when considering the massing of the modified development within a true perspective image as opposed to a 3D render.



Photo 2: Existing view corridor from the balcony of Apartment No. 1506 (Level 15), view Northwest
Source: Milestone, 2022

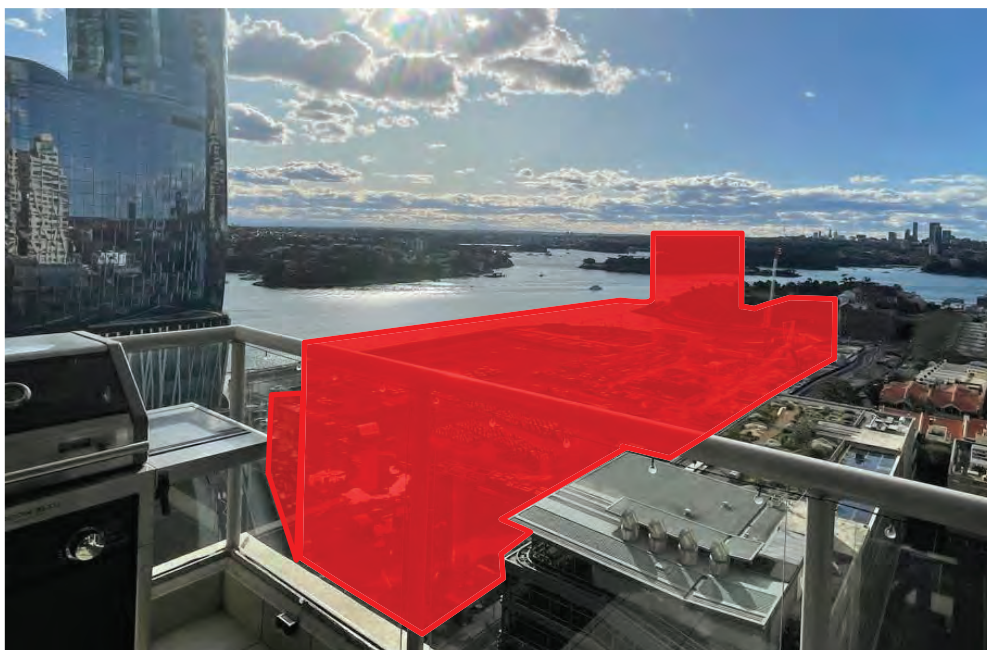


Photo 3: Proposed impact on view corridor of Apartment No. 1506 (Level 15) from MOD 9, view northwest
Source: Milestone, 2022

When considering the apartments within the Stamford located on lower floors, the expected impact from the modified development will see a considerable amount of the remaining iconic Sydney Harbour views obstructed, as well as view loss to Goat Island. Further district views of Barangaroo Reserve will also be impacted by the proposed new residential tower in Block 7. A Visual Impact Assessment has been provided within by AECOM with the Assessment Report dated December 2021 in accordance with the view loss tests contained within the *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* Land and Environment Court judgement. The justifications provided within AECOM's assessment and Milestone's comment are outlined in **Table 1** below:

Table 1: View Loss Planning Principles

Planning Principle	Justification from AECOM	Milestone Comment
<p>Step 1. What views will be affected?</p>	<p><i>The existing harbour view north of Block Y is substantially intact, seen framed between Barangaroo South and existing buildings on Kent Street. The Harbour is seen extending, unbroken, around the northern point of Barangaroo Reserve, and north east towards the Harbour Bridge (which is not visible from this location).</i></p> <p><i>Although it may not become an iconic Sydney building, Block Y appears likely to at least become a significant, highly recognisable building within the Sydney City landscape. In this sense, retention of the existing, substantially uninterrupted view of this building would appear likely to be of interest to these observers.</i></p>	<p>The court ruling states that water views are valued more highly than land views. The approved Concept Plan for Central Barangaroo will already have an impact on the views of the Sydney Harbour currently enjoyed by not only the residents of the Stamford, but also those in the neighbouring residential development, public spaces, and heritage landmarks. The proposed height increases to Blocks 5, 6, and 7 will further obstruct water views, and the height increase of the new residential tower will also impact on views enjoyed to Goat Island, a State Heritage Item and iconic Sydney landmark, as well as Barangaroo Reserve.</p> <p>The analysis and conclusion made by AECOM that Block Y will become a significant building within the Sydney City landscape and that residents will have an interest in their views being obstructed by the building is an unacceptable justification and inconsistent with the priority of the planning principle that aims</p>

		to retain views of the water and iconic Sydney heritage landmarks.
Step 2. Where views are obtained	<i>The view would be from a balcony and (assumed) living area windows, e.g., living room, dining room and/or kitchen as with the southern end of Stamford Marque, the orientation of the Harbour facing frontage swings a little towards the north, therefore extending west of Highgate and The Georgia building line. This provides a potential substantial increase in harbour view to the north towards McMahon's Point (refer Figure 147 and Figure 148). Further, about half of the balconies extend beyond the Stamford on Kent building line, further increasing the extent of harbour views to the north. This is particularly so for the balconies at the southern end of the building which cantilever out in a broad arc. Additionally, although not shown in these figures, a view south to Haymarket and beyond would also be available from the building, although this would potentially comprise a more interrupted view than that available to the north. Further, much of the view as shown could be available from a seated position within the apartment.</i>	Significant views are available from the primary living areas and balconies, as well as the kitchen within Apartment No. 1506. These views from all rooms are of the iconic Sydney Harbour across the entire foreshore to the full body of water, including Goat Island to the northwest, and Barangaroo Reserve to the north.
Step 3. Extent of the impact	<i>Impacts of MOD 9 on the view and regarding visual absorption capacity are addressed in Section 6.23.5, and in Table 95 'Visual absorption capacity'. The southern face of Block 5 of MOD 9 is at a less acute angle than that of the Approved Concept Plan design and obstructs a small portion more of the land / water interface along Central Barangaroo, however, there is sufficient interface edge available to interpret the extent of that edge. The high point in Block 7 removes part of the water view between Goat Island and Barangaroo Reserve, a portion of Goat Island and the northern suburbs behind, which disrupts the continuity of the Harbour view and the horizon line, and reduces the seen extent of Barangaroo Reserve. However, as described above, the orientation of the Harbour facing frontage of the Stamford on Kent building provides a substantially increased water view east of Balls Head Reserve, extending to McMahon's Point. Notwithstanding the above, much of the view towards the north-west is retained.</i>	The view assessment demonstrates a considerable impact from the Central Barangaroo Development. The view corridor to the west from the Stamford has already been obstructed by approximately 50% due to the Barangaroo South and Crown Developments. The additional bulk and scale of Block 5 and 6 and the new high-rise residential tower at Block 7 will remove the unobstructed sightlines of Sydney Harbour to the northwest from living areas and principal open space of units within balcony areas.
Step 4. Reasonableness of the impact.	<i>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</i>	The impact generated by the Barangaroo Central development is already significant to the surrounding residents due to the obstruction of iconic and water views within Sydney Harbour, which are

	<p><i>successful in amending existing planning controls, often significantly so.</i></p> <p><i>Notwithstanding the above described view loss and interruptions to the Harbour view, the proposal does retain a substantial component of the Harbour / Sydney Basin view towards the north-west.</i></p>	<p>identified within Tenacity as the most valuable types of views.</p> <p>The increased bulk and scale proposed in MOD 9 will further interrupt sightlines within the north and northwest view corridors from the Stamford. The view assessment provided by AECOM points out that MOD 9 does not comply with the planning controls. It is not reasonable nor fair to support <u>any</u> non-compliances. The planning controls should not be amended to suit the modified proposal, as has been done with previous modifications to the Barangaroo Concept Plan. This premise justified by the Applicant cannot be supported. We note there has been a substantial number of continuous modifications to the Barangaroo Concept Plan to increase the bulk and scale without proper regard for the impact on the surrounding locality and the planning controls in place to mitigate this impact.</p>
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It could not be said that the principle of view sharing has been applied by MOD 9.

We request that the significant additional view loss that will result from the modified proposal of Barangaroo Central be properly considered. Detailed analysis is required from the Applicant by way of true modelling to illustrate the actual impact of the sheer size of the development proposed in Central Barangaroo and the level of impact it will have on the remaining view corridors from surrounding residential development. The 3D renders provided are not a true indication and can be manipulated in order to illustrate a lesser impact. We seek a comprehensive assessment be carried out against each of the planning principles when assessing the modified proposal, as the fundamental objectives of *Tenacity* have not been satisfied by MOD 9.

1.2 Wind Impact

A Pedestrian Wind Study was prepared by RWDI Anemos Ltd. dated 15 November 2021 and submitted under MOD 9. We note that this report only provides an assessment for the Barangaroo site and does not consider potential wind tunnelling impacts within the surrounding area. The report concludes that the modified development will have generally similar wind conditions under the MOD 9 Concept Plan however, the assessment places reliance on the *“potential landscaping proposed as part of the masterplan.”*

We request that further wind tunnel testing be carried out to assess the suitability of these public open spaces for use by the public, including local residents, as well as the impacts to the surrounding residential properties and the loss of amenity to use their principal private open space areas (balcony) due to adverse wind impacts.

1.3 Impact to the Amenity of Public Open Space Areas

The modified proposal reduces the area of Hickson Park to further increase the size of Block 5, which completely disregards the Terms of Approval issued under the modified Instrument of Approval under MOD 8. Part B3(2) conditioned that Block 5 was to be reduced to remain within the B4 zoned land. Further, Part B3(5) states that Barton Street is to only be a temporary road until the completion of Block Y and the construction of Barangaroo Avenue, to which then it was to be converted to provide additional parkland. Both conditions required an increase to the size of Hickson Park to improve amenity pedestrian connection. Part B3(2)(a) also states:

Hickson Park is not to be overshadowed by built form over more than an average of 2,500 sqm between the hours of 12:00 and 14:00 on the 21 June each year.

The EIA prepared by Urbis and dated December 2021 states that generally, half of Hickson Park will receive solar access between 12:00 and 14:00, which equates to 3,553.16m² of parkland being overshadowed (refer to **Figure 4**). Therefore, the park is overshadowed by more than 2,500m² and does not meet the conditions under MOD 8. As such, the public benefit is severely compromised by MOD 9.

The Applicant has requested modification of the condition to state an average area of 3,300m² for solar access to Hickson Park, stating that the modification “*will ensure future detailed development applications do not further increase overshadowing of Hickson Park*”. There is no valid planning or design merit to demonstrate further loss of amenity to Hickson Park and the Applicant’s justification is both inadequate and does not speak to demonstrate why an increase in overshadowed area within Hickson Park is in the public interest. Therefore, there are no grounds to modify Condition B3.1(d) to allow for the increased overshadow impact generated by the enlarged building envelopes proposed in MOD 9.

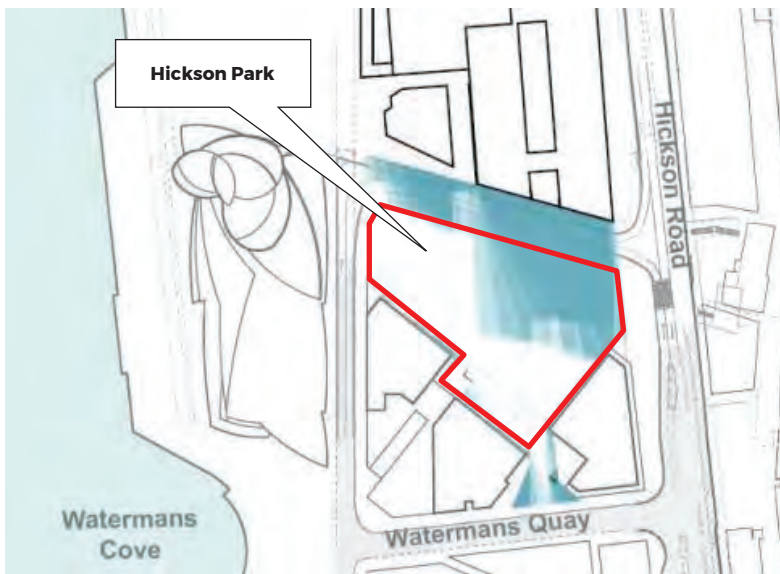


Figure 4: Overshadow to Hickson Park between 12:00pm and 2:00pm
Source: EIA prepared by Urbis, December 2021

1.4 Validity of proposal under Section 75W of the EP&A Act

The original Concept Plan for Barangaroo was approved as a major project under Part 3A of the EP&A Act on 9 February 2007. This system has since been replaced by the State Significant Development (SSD) and State Significant Infrastructure (SSI) assessment systems, which commenced on 1 October 2011.

Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation) includes clause 3BA which provides for a cut-off date of 1 March 2018 for making a request to modify an approved Part 3A development under Section 75W of the EP&A Act. The Environmental Impact Statement (EIS) prepared by Urbis dated December 2021 states that MOD 9 remains a transitional Section 75W project under the EP&A Act due to the Director General’s Requirements being issued prior to the cut-off date, on 15 April 2014. Notwithstanding, the modification should still be required to satisfy clause 3BA (5) of the STOP Regulation which states, inter alia:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) the proposed modification is of minimal environmental impact, or*
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The proposal under MOD 9 is not to correct a minor error, misdescription, or miscalculation as per 3BA (5)(a). Therefore, the proposed modification must be of minimal environmental impact or satisfy the tests of substantially the same. Quantitatively, MOD 9 proposes the following changes to the Approved Concept Plan:

- Increase in the total permissible GFA within Barangaroo from 602,354m² to 708,041m².
- Reconfiguration of the land use zones within Barangaroo Central, decreasing the RE1 Zone (Hickson Park) to increase the size of B4 Mixed Use (Block 5).
- Establishing Barton Street as a permanent street.
- An increase in the total above ground GFA within Blocks 5, 6, and 7 from 47,688m² to 116,189m² and allocate a further below ground GFA of 28,166m² (additional 96,667m², 202% increase).
- Modification of the approved Block 5 building envelope to increase maximum building height from RL34 to RL44.5 (additional 10.5m, 30% increase).
- Modification of the approved Block 6 building envelope to increase maximum building height from RL29 to RL38.7 (additional 9.7m, 33% increase).
- Modification of the approved Block 7 building envelope of to increase maximum building height from RL35 to RL73.7 (additional 38.7m, 110% increase).

The proposed modification increases the total GFA of blocks 5, 6, and 7 by 96,667m². It also increases the maximum heights of Blocks 5, 6, and 7 by 10.5m, 9.7m and 38.7m, respectively. These modifications to the approved built form within Barangaroo Central constitute a development intensified by more than double the approved. The proposed building envelopes within the MOD 9 Concept Plan vary greatly from those previously approved. The nature and impacts of the proposal are altered considerably and have not been adequately addressed by the Applicant. therefore, the modified development cannot be reasonably considered to be substantially the same.

In terms of environmental impact, the MOD 9 Concept Plan results in a substantial increase of overshadowing onto Hickson Park, during the period of 12:00pm to 2:00pm, when it is expected that the CBD workforce will utilise the open space and result in substantial view loss from private residential development, as well as public spaces and State heritage items such as Observatory Hill, Millers Point Heritage Conservation Area, and Sydney Harbour. No assessment has been provided by the Applicant to specifically demonstrate that the proposal is of 'minimal environmental impact' in order to support it under the Section 75W pathway. We request that compliance against 3BA(5)(b) be demonstrated by the Applicant.

If the modified proposal fails these tests, the application cannot be modified under Section 75W. We request that the Applicant revise what is proposed under MOD 9 to be able to adequately demonstrate that the modified proposal is consistent with the requirements of the STOP Regulation prior to any determination under this planning approval pathway. If the modified proposal is not able to achieve a development that is 'substantially the same' or of 'minimal environmental impact', any proposed development must be required to be submitted as a new Development Application under the State Significant Development planning approval pathway.

1.5 Planning Certainty

The significant intensification of the Barangaroo Concept Plan is of a bulk, scale and density that is disrespectful to the iconic heritage landmarks within the locality and surrounding development, and a complete contradiction to what was initially approved for the Barangaroo Precinct. The proposed increase in height from the MOD 8 Concept Approval, particularly Block 7 from a maximum of 32m to 73.7m and further GFA density increases across the site, is vastly inconsistent with Terms of Approval under MOD 8. These Terms of Approval request the GFA and heights of the development within Barangaroo Central are reduced to increase solar access to Hickson Park and also respect existing view corridors to and from heritage landmarks. MOD 9 does not respect any of these requirements and is therefore, not a suitable development for the site. Granting approval knowing the numerous inconsistencies with the Terms of Approval would set an undesirable precedent for future development and further uncertainty within the NSW planning framework.

Furthermore, we emphasise that the Barangaroo Concept Plan is only 'indicative' and is subject to change during the detailed design process. This also contributes to a lack of certainty for the community as additional building height and density and other commercial and residential uses that may be proposed in the future.

A transparent planning framework and development approval process is more likely to provide individuals and businesses with confidence about the future use of their land, use of their CBD, and the land surrounding. As such, they are more likely to commit to investment when respect for the existing and future character as well as enhancement of the public domain is attained by the planning framework. The approval of the development envisaged within the Barangaroo Concept Plan under MOD 9 provides uncertainty for existing residents and businesses in Sydney, including the residents of the Stamford, and this is not considered to be within the public interest. The modified proposal totally disregards a vast amount of work that has gone into the development of appropriate development controls and outcomes for the Barangaroo Precinct under previous Modification Applications. Further revisions to the Terms of Approval to allow for an increased height and density within the Barangaroo site does not only have detrimental impacts to the existing commercial development and residents within the area but sets a precedence of unpredictability and lack of community consideration within the NSW planning framework.

1.6 Heritage Impacts

The modified development has no attempt to consider impacts to Observatory Hill, Millers Point, or Sydney Harbour, which are arguably Sydney's most important landmarks. The Heritage Council of NSW stated via teleconference during the Out-of Session (OOS) Meeting Resolution:

"The proposal is likely to adversely affect one of the most significant heritage precincts in the country with (possibly) the highest concentration of listed items - Millers Point contains in excess of 100 State and 60 locally listed items. The peninsula provides a rare opportunity to understand and appreciate such a large and intact collection of very significant heritage items. The proposal directly and irreversibly compromises this"

The Darling Harbour Wharves Site Study prepared by Hill Thalys Architecture + Urban Projects Pty Ltd on behalf of Council identified significant local views to, within and across the Barangaroo site. The analysis culminated a set of planning principles for redevelopment of the site, which were endorsed by the Council on 27 July 2005. These planning principles which relate to views and view sharing as being appropriate to guide the future redevelopment opportunities for the overall Barangaroo site are as follows:

- Retain significant views across the site to the waterfront.
- Allow for public views across the Harbour from Millers Point (the northernmost part of the site) and Observatory Hill.
- Consider the high visibility of the site from public places including the waterway, harbour edge parks, Sydney Harbour Bridge and Anzac Bridge.
- Protect local views to the site and adjoining waterway from public domain areas in Millers Point and the western side of the city; place highest importance on axial views along streets to the waterfront.
- Allow views from the site and adjoining waterway to natural features including the High Street / Hickson Road cliff faces and retaining walls.

The original Concept Approval for the Barangaroo site had a more thorough understanding and consideration for the surrounding heritage value of the locality with lower building heights and densities overall. The Heritage Impact Statement (HIS) prepared by City Plan Heritage and dated 26 September 2006 considered Millers Point and Observatory Hill within the density controls at the northern portion of the site, stating inter alia:

"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 level of consideration has since been phased out by the proceeding modifications to the Barangaroo Concept Plan. MOD 9 increases building heights across Blocks 5, 6, and 7, which are already breaching what would be considered an appropriate building height transition sympathetic to the surrounding heritage landmarks. The setting and views to and from the surrounding heritage sites are adversely affected by the proposed modified development and the inclusion of a 73.7m tall residential tower is offensive and cannot be reasonably justified. The View and Visual Impact Assessment prepared by AECOM and dated December 2021, illustrates the impact of the proposed residential tower on the views from Observatory Hill (refer to **Figure 5**).



Figure 5: MOD 9 Concept Proposal, view west from Observatory Hill
Source: AECOM, 2021

Higher density development along Kent Street is partially blocked within sightlines from Observatory Hill by the existing tree canopy cover. This cannot be said for the proposed development at Central Barangaroo. The additional height proposed along Blocks 5, 6, and 7 result in the obstruction of Sydney Harbour views to the west. The proposed residential tower must be significantly reduced in height to respect the view principles to and from Observatory Hill.

Barangaroo Reserve enjoys sightlines across Nawi Cove to Central Barangaroo, as well as the Hickson Cutting and State heritage listed terraces within the Millers Point Heritage Conservation Area are clearly visible. The approved Concept Plan already results in the breaking of sightlines from Barangaroo Reserve to the Millers Point Heritage Conservation Area and terrace development above the Hickson Cutting (refer to **Figure 6**). Whilst iconic views are already disrupted by what is already approved for the site, the proposal under MOD 9 has a complete disregard to the flow of density and height within the Sydney City skyline by placing a residential tower at the foreshore to which lower building forms are more suitable and in character for the heritage conservation area adjoining (see **Figure 7**).



Figure 6: Approved Concept Development, view southeast from Barangaroo Reserve
Source: AECOM, 2021



Figure 7: Proposed Concept Plan under MOD 9, view southeast from Barangaroo Reserve
Source: AECOM, 2021

The statement of Commitments within the modified Instrument of Approval for MOD 8 requires all development within the Barangaroo precinct to maintain and preserve views to and from iconic Sydney heritage landmarks, as well as 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 modified Concept Plan includes an increased height across Central Barangaroo, including a new high-rise residential tower in Block 7, which will completely obstruct views to more than half of Observatory Hill from the Harbour. This is documented within the Submission by Highgate Apartments located at No. 127 Kent Street, Millers Point, dated 15 August 2022 (refer to **Figure 8**).



Figure 8: Obstructed views of Observatory Hill from Sydney Harbour

Source: Highgate Submission, 2021

The statement of significance for the Millers Point and Dawes Village Precinct endorsed by the Central Sydney Planning Committee and dated 30 October 2014 indicates the significance of the area's connection to the harbour, referencing its vistas and glimpses of the harbour along its streets and over rooftops. The HIS prepared by GML Heritage dated November 2021 states that the impact of the modified Concept Plan under MOD 9 will generally remain as has already been approved for the Barangaroo site. However, there are clear significant additional heritage impacts resulting from the added bulk and scale throughout the modified development in Barangaroo Central, especially the proposed residential tower, which will have detrimental impacts to views to and from the harbour, Millers Point and Observatory Hill.

2. Conclusion

This Objection Submission summarises the significant adverse environmental, heritage, and social impacts of the modified Barangaroo Concept Plan proposed under MP06_0162 MOD 9 for the residents of Stamford on Kent, located at No. 183 Kent Street, Millers Point (SP 61897) and the surrounding locality.

The modified Concept Plan under MOD 9 constitutes an overdevelopment of Barangaroo Central that will result in greater impact on the surrounding development and significant heritage sites. These impacts are summarised as follows:

- Further loss of views from surrounding residential properties along Kent Street, including the Stamford on Kent.
- Loss of amenity to private open space areas (balconies) of surrounding residential properties from potential increased wind impacts.
- Decreased functionality of Hickson Park as a result of reduced area and increased overshadowing.
- Further impact on the setting and views to and from surrounding significant heritage sites including Observatory Hill, Millers Point Heritage Conservation Area, and the Sydney Harbour Foreshore from the increased bulk and scale of Blocks 5, 6, and 7.

- Increased planning uncertainty due to a total disregard of key development controls and Terms of Approval established under previous Modification Applications.

We also note that a lack of assessment has been provided to demonstrate that the modified Concept Plan satisfies Clause 3BA (5) in Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017. Therefore, there are issues in the validity of the proposal lodged under Section 75W of the Environmental Planning and Assessment Act 1979.

The bulk and scale proposed within the modified Concept Plan is inconsistent with the surrounding locality and without regard to the established Sydney city skyline, in particular the high-rise residential tower within Block 7. This scale of development is entirely inconsistent with the strategic planning intent for the Barangaroo site and would establish an undesirable precedent for other major development in Sydney.

A complete revision of the modified Concept Plan under MOD 9 is required to be consistent not only with the Terms of Approval, but also the planning principles for the Barangaroo site, which aim to provide development that is sympathetic to the heritage significance of the Millers Point Heritage Conservation Area, Observatory Hill, and the iconic Sydney Harbour foreshore. The amenity of the surrounding residential development along Kent Street needs to also be further considered.

For the foregoing reasons, the Owner's Corporation of Stamford on Kent are not supportive of the modified Concept Plan presented in MOD 9. To allow such an intense level of increase to the bulk and scale of the development within Barangaroo Central would not be in the public interest. To do so would provide no certainty in the planning process.

If you have any queries in relation to this matter, please do not hesitate to contact the undersigned.

Please contact the undersigned if you require any clarification of this matter.

Yours sincerely

Milestone (AUST) Pty Limited



Luke Signoretti
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Lisa Bella Esposito
Director