

8 August 2022

Our Ref: R/2008/16/i
File No: 2022/403674
Your Ref: MP 06_0162 MOD 9

David Glasgow
Department of Planning and Environment
via Major Projects Assessments website

Dear David,

Advice on Modification 9 - Barangaroo Concept Plan (MP 06_0162 MOD 9) - Central Barangaroo

Thank you for your correspondence dated 12 July 2022 inviting the City of Sydney (the City) to comment on Modification 9 to the Concept Approval (MP 06_0162) relating to Central Barangaroo.

The proposed modification seeks to increase the total gross floor area (GFA) in Barangaroo from 602,354sqm to 708,041sqm and seeks the following changes relating to Central Barangaroo (Blocks 5, 6 and 7):

- modify the approved building envelopes of Blocks 5, 6 and 7 including additional height and GFA, block alignments and flexible allocation of GFA across the blocks
- increase the minimum community uses GFA from 2,000sqm to 2,800sqm
- allocate up to 18,000sqm of GFA for The Cutaway in Barangaroo Reserve
- reduce the size of Hickson Park by increasing the area of Block 5
- modify the road network including converting Barton Street to a permanent street and removing vehicular traffic from Barangaroo Avenue north of Barton Street
- introduce Design Guidelines for Central Barangaroo to guide future detailed proposals
- amend the State Significant Precincts SEPP to support the proposed modifications

The City objects to Modification 9 in its current form and requests that it be referred to the Independent Planning Commission.

While the City acknowledges that some work has been done to address issues raised in previous briefings for future development at this site, including a move away from a terraced shopping mall style development that lacked legible streets, the application in its current form should not proceed.

It is imperative that this last remaining portion of Barangaroo incorporates a genuine fine grain city grid with a diversity of building forms that are sympathetic in scale for pedestrians and surrounding residents in Millers Point, as well as protecting key view lines to and from Observatory Hill.

Despite this being an application made under now repealed Part 3A, reliance on these provisions is questionable in this instance, particularly where the Government has a perceived if not actual conflict of interest. Further, the Planning Assessment Commission (the forerunner to the Independent Planning Commission) made specific requirements regarding the future stage of Barangaroo Central. The modification application seeks approval from the Minister to overturn or act contrary to the requirements of the Independent Planning Commission in its ruling on Mod 8 (2016).

Given this background, the significant departure from the approved concept plan, and the history of the site including the relocation of Hickson Park (which is now proposed to be reduced by one third), in good faith the responsible Minister should refer this modification to Independent Planning Commission.

This submission sets out the City's objection to key aspects of Modification 9. Further detailed comments will also be provided in due course.

The **City's objection to Modification 9** as submitted is based on a number of key issues identified, including, but not limited to, the following:

1. Increased height and scale of planning envelopes

The City objects to the extent of increased height, scale and GFA across the site compared to the approved Concept Plan given the ultra-sensitive location. It should be increasing the size of the foreshore parkland to compensate for the reduction in the area of Hickson Park.

The height is increased by approximately 3-10 metres across the commercial buildings and by 38.7m at the new residential tower. The modification also seeks to increase the GFA within Central Barangaroo from 47,688sqm to 144,355sqm.

It is noted that Modification 8, relating to increased GFA and height within South Barangaroo, was approved in 2016 by the Planning Assessment Commission (PAC). In approving this uplift at South Barangaroo, the PAC stated that, as a consequence, Barangaroo Central must:

- maintain a building height that is consistent with the built form within the Concept Plan
- be sympathetic to the height of development and views at Millers Point and Observatory Hill; and
- ensure that any future development within Block 5 demonstrates that views are retained from Millers Point and Observatory Hill to the western part of Sydney Harbour (imposed under Condition C1).

These obligations are not achieved under Mod 9. The following issues are raised, which result from the proposed height and GFA increase.

1.1 View impacts to and from Millers Point and Observatory Hill

- The increased height, bulk and scale to the retail/commercial buildings across the site and the new 74m high residential tower on the north-western corner of the site will generate significant and unacceptable view impacts to and from Millers Point and to and from Observatory Hill. The shore on the western side of Darling Harbour and Anzac Bridge is obscured and the new tower which completely divides the horizon line in two.
- The built form along Barangaroo Steps (between Blocks 5 and 6) adversely impacts the east-west view corridors from High Street to the harbour. While this part of High Street is tree-lined with buildings setback from the street alignment, the proposed buildings are aligned to the street reservation. The proposed buildings along this corridor will narrow the existing views from High Street and negatively impact the sense of spaciousness and connectivity to the harbour (see Figure 1 below) from this state-listed precinct.



Figure 1: Proposed building envelope viewed from High Street looking west

- Concern is also raised that the comparisons between Mod 8 and Mod 9 envelopes in the *View and Visual Impact Assessment* are misleading and disingenuous. The Mod 9 envelope is 'shrink wrapped' to the reference scheme and the Mod 8 envelope does not reflect the street network and building separations envisaged by the Central Barangaroo Masterplan framework.
- The proposed changes to Condition C1 are not supported. This condition was imposed by the PAC under Mod 8 and require any future development on Block 5 to retain views from Millers Point and Observatory Hill to the western part of Sydney Harbour. Replacing the word 'retain' with 'address' is not acceptable.

1.2 Impacts to the legibility of the surrounding landform

The modification will have adverse impacts on the interpretation of the surrounding landform, which has a clear change in topography from Observatory Hill down to the harbour (see Figure 2 below). The location of the proposed 74m high residential tower is particularly at odds with the surrounding landform as it is located at the low point of the cliff wall.

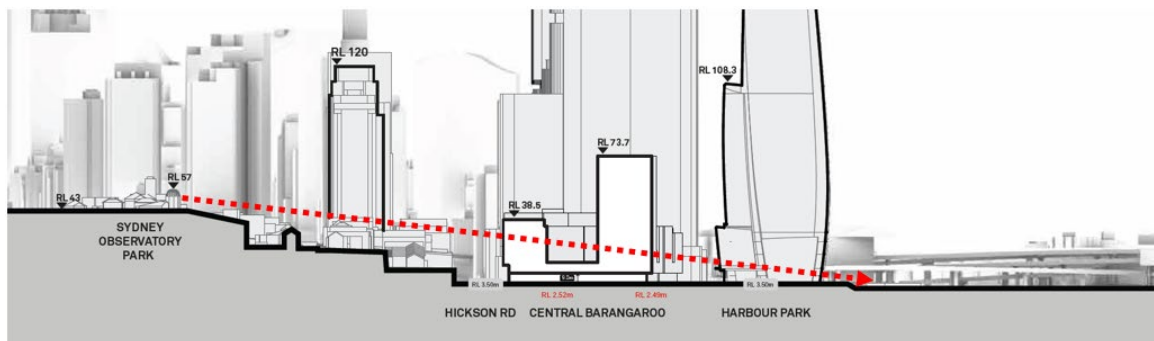


Figure 2: Section showing the slope in topography from Observatory Hill down to the harbour (red dash added by the City to emphasise the slope of the landform)

1.3 Impacts to the City skyline

The increased height and bulk on the site are inconsistent with the city morphology, which transitions from a tall city centre to much lower forms to the north and the neighbouring Millers Point heritage area (see Figure 3 below).

The Barangaroo Metro Station is not a major interchange, and the City disagrees that this station needs to be announced with a residential tower given the adverse impacts this will have on the sensitive skyline. A comprehensive wayfinding strategy and technology can help make the station entrance easy to navigate. If a city marker is needed to emphasise an urban corner, it should be created with good civic architecture and not a residential tower that will overshadow the public domain, impact amenity and be at odds with earlier rulings about what to observe.



Figure 3: Image from the Urban Design Report showing inconsistency of the development with the height transition of the City skyline

1.4 Impacts of the cantilevered design

The planning envelope is proposed to be amended to include a 3m cantilever over the public domain on Hickson Road, Street D, Barangaroo Avenue and Barton Street (see Figure 4 below). The overhang will impact street tree viability, encroach on sky views, exacerbate visual bulk and blur private/public ownership and is not supported.

Particular concern is raised regarding impacts to Hickson Road, as the increased building heights and cantilevered design adjacent to the cliff face will create a 'canyon' effect and adversely impact the amenity of this road.

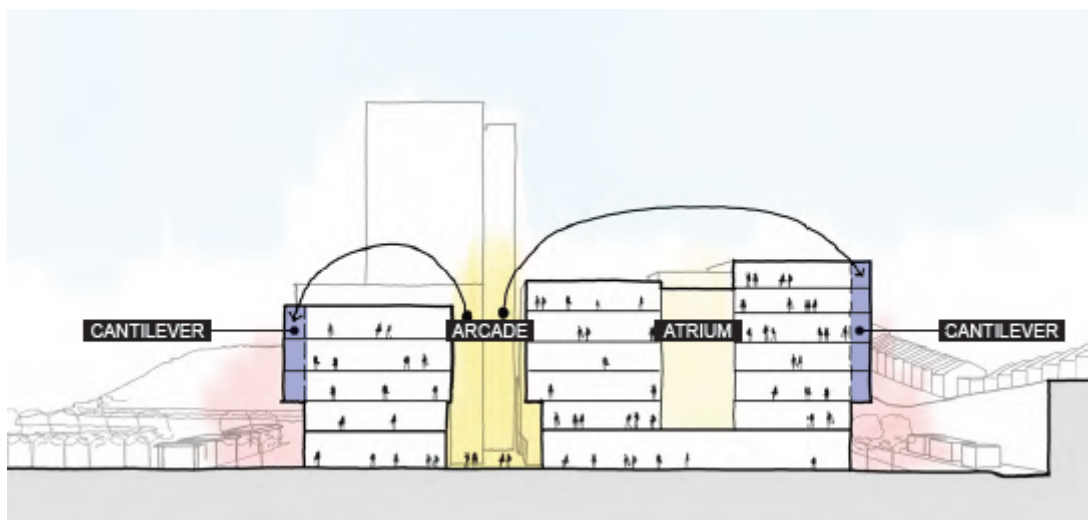


Figure 4: Proposed cantilevers over the public domain

1.5 Overshadowing

The additional height and GFA result in increased overshadowing to public spaces which is not supported. In particular:

- The proposed development results in increased overshadowing to a reduced Hickson Park, south of Central Barangaroo at lunch time (12-2pm) in mid-winter.
- The proposed development results in increased overshadowing to Harbour Park, west of Central Barangaroo in the morning. The shadow of the proposed residential tower cuts the 'apron' of sun into two, which prohibits the ability for the park to enjoy a continuous area of sun.

1.6 Wind impacts

The proposed residential tower exacerbates wind impacts to the south which is due to both its size and location away from the existing tower cluster in Barangaroo South.

The landscape masterplan for the precinct relies on landscaping to mitigate wind impacts. There are several locations in public open space and street areas that will be only suitable for walking and strolling, which is unsatisfactory for a precinct that hopes to draw visitors to dwell and enjoy open spaces.

Design amendments and further wind tunnel testing will be required to ensure all areas of public open space are suitable for people to dwell and enjoy open spaces.

1.7 Exclusion of wintergardens from GFA calculations

The modification seeks to exclude the calculation of wintergarden area from the residential and commercial GFA and treat them like balconies to match the conditions in the concept plan for South Barangaroo. This is not supported. The buildings in Central Barangaroo are not of equivalent height compared to buildings in South Barangaroo to warrant balconies to be enclosed and protected from the wind. This exclusion from the GFA adds to the overall bulk proposed under Mod 9 and exacerbates the problems described.

1.8 Relationship between height and GFA proposed

Concern is raised that height increases across the site of 3 – 10m are not commensurate to the extent of GFA increase above ground. This is likely to be the rationale behind the proposed building overhangs.

2. Heritage impacts

The Heritage Assessment and Impact Statement (HAIS) and View and Visual Impact Assessment (VVIA) have been reviewed from a heritage perspective. Both reports make reference to the significant views identified in the *Millers Point and Walsh Bay Heritage Review* prepared by Paul Davies and the *East Darling Harbour Concept Plan Heritage Impact Assessment* prepared by City Plan Heritage (2007).

The *Darling Harbour Wharves Site Study* prepared on behalf of the Council by Hill Thalys Architecture + Urban Projects Pty Ltd also identified significant local views to, within and across the Barangaroo site. No reference is made to this study in the HAIS.

Overall, the proposed height increase has unacceptable heritage impacts. The setting and views to and from the conservation area and heritage sites are adversely affected and the inclusion of a residential tower at a significant landmark location of Barangaroo is not justified. The tower must be significantly reduced in height to respect the view principles to and from Observatory Park.

The following key issues are raised from a heritage perspective.

2.1 Height increase and visual impact on heritage sites

The city skyline presents clearly defined edges of the tall building cluster. Barangaroo Reserve, Millers Points and Dawes Point Village precinct at the northwest form foregrounds of the cluster and provide a buffer zone between the Harbour Bridge and the high-rise buildings. The distant tall building cluster forms the western setting and backdrop of the low-scale historic precincts. Viewed from the west, the proposed tower at Block 7 protrudes above the headland of the harbour and departs from the high-rise cluster.

The harbour views and proximity to water are significant setting and context of the State heritage listed conservation areas. One aspect of significance of Millers Point Conservation Area and Millers Point and Dawes Point Village Precinct is: *Its vistas and glimpses of the harbour along its streets and over rooftops, the sounds of boats, ships and wharf work, and the smells of the sea and harbour waters.*

Section 2.2 of the VVIA identifies the visual catchment area of Central Barangaroo. It is apparent that the precinct will be widely visible from the western coastlines. Most of those public views are iconic, with the sights of Sydney Observatory and Harbour Bridge. In the catchment, only few vantage points are selected and tested in the VVIA. The assessment on the distant views in the catchment area is inadequate and further tests should be carried out. For example, the proposed residential tower at Block 7 is considered to have a major impact on some views towards Sydney Bridge from Pyrmont peninsula. The images below, taken from Pyrmont eastern coastline, indicates how the tower will be close to and have direct impact on the view to the Bridge.



Figure 5: View of the subject site from Pyrmont



Figure 6: View of the subject site from Pyrmont

Paul Davies' report (*Millers Point and Walsh Bay Heritage Review*) identifies not just single viewpoints, but a wide range of view angles at some key spots. The impacts identified at the single viewpoints, though may be typical, may not fully represent the actual visual impact perceived when one look around at those key spots, when a broader context and setting come into sight.

The VVIA and HAIS suggest that the height increase at all 3 blocks will have incremental impact.

Impact on some views is classified as being high or moderate, which include views from Observatory Hill Park and the Observatory. The report concludes the new tower at Block 7 will not affect the function of the Observatory, but it will come into sight from most views looking west of the hill. The historical use and context of Observatory Hill and its relationship with the harbour and the sky above are significant to Sydney Observatory and its surrounding parkland. The elevation of the site, with its harbour and city views and vistas framed by mature Moreton Bay fig trees of the park, make it one of the most pleasant and distinctive locations in Sydney. The proposed tower, as demonstrated by the VVIA and HAIS, is considered to have major impact on this historical significance.

The view from the intersection of Kent Street and south end High Street towards water also considerably affected by the proposed height increase.

The proposed corner tower will also have additional impact on Munn Street Bonds Store, a SHR item, due to its proximity and height.

The view and visual impact on other individual State heritage items and local heritage items within the conservation areas are not assessed in the VVIA report, though they are discussed in the HAIS.

The approved building height appears to align with the completed buildings to the south and the podium height of Crown Resorts hotel. The proposed new heights at Central Barangaroo are higher than the tower podiums and waterfront buildings in South Barangaroo. This is not consistent with the overall topography and skyline of the city as viewed from the west side of Darling Harbour.

2.2 Cantilever facing Hickson Street

As discussed under Point 1.4 above, the proposed cantilevers result in adverse impact on the public domain and contribute to the excessive bulk of the site. They also have adverse impacts from a heritage perspective.

The western boundary of Millers Point Conservation Area sits on the western side of Hickson Road. Any encroachment to Hickson Road by the proposed cantilevers is also an encroachment to the curtilage of the Conservation Area. The cantilever will cause the new buildings to be 3m closer to the cliff wall on the east side of the street and heritage terraces on High Street. The reduced distance of the new development from High Street will impose considerable adverse impact on the sky views and spatial setting of Millers Point Conservation Area. This perceptible spatial impact on the adjacent Conservation Area cannot be measured only by a view analysis.

The eastern façade design of Central Barangaroo should echo the clean straight cliff face on the west side of the street.

2.3 New link bridge to Millers Point

Historically, a bridge was built at the lowest point of High Street to connect Millers point to the wharves. The choice of the lowest point of the cliff was a sensible response to the local topography and contours.

The proposed new bridge is at highest point of High Street and the Hickson Road wall, where it has a drop of about 17m to Hickson Road. This will result in a very high and visually prominent bridge on Hickson Road. The new bridge will likely need high screens to address safety, wind and acoustic issues, which will significantly increase the visual bulk of the bridge. The screens may affect the harbour views from northern end of High Street and Agar Steps. Along with buildings built to the eastern boundary at Central Barangaroo, the bridge will enhance the sense of enclosure at the southwest corner of Millers Point Conservation Area. The bridge also will impact on the southwest views along Hickson Road from High Street.

Construction of the new bridge will remove part of existing palisade fence and its sandstone plinth. It is noted that little information about the new bridge is provided, and the view analysis do not include the proposed bridge. The exact physical impact and visual impact of the bridge cannot be properly assessed.

A new bridge at the lowest point of High Street, where an early bridge was located and the ground less than 7m higher than Hickson Street, despite the existing gradients, would be a preferred option from a heritage perspective. It would have less physical and visual impact on High Street. This option should be investigated, and details provided.

The benefit of the proposed pedestrian bridge and impact on the local character, in particular local community in Millers Point, needs further studies and consultation.

2.4 Conservation work to Hickson Road wall and steps

It is understood that the update of Hickson Road is part of the Central Barangaroo development. The surfaces of the eastern cliff/stone wall of Hickson Road appear to be in varied condition. Some conservation works may be required. The cliff or wall under High Street is a very important engineered natural feature of Millers Point precinct. A proper diagnosis and conservation to the wall should be carried out when works on Hickson Road are carried out. The stairs (Hickson Steps) linking Hickson Road and High Street at the southwest corner of High Street should be properly repaired.

Heritage summary

- The proposed corner tower at Block 7 has major adverse impact on the setting and views of Sydney Observatory, Observatory Park and Millers Point and Dawes point village precinct. No towers should be built in the northern section of Central Barangaroo.
- The proposed height increase of Block 5, 6 and 7 and overhang over Hickson Road have adverse impact on setting of Millers Point and Dawes Point Village Conservation Area and High Street.
- The view analysis is inadequate. More views from the west side of identified visual catchment and from heritage items on the east side of Hickson Road are to be tested.
- The proposed pedestrian bridge has some adverse impact on setting of High Street. Further detail and justification of the bridge are required.
- Conservation work to Hickson Road Wall and Steps are to be included in the project.

3. Residential land use conflict

The residential tower in the north-western corner of the development introduces a sensitive land use that is likely to prejudice the operation of the adjoining retail and food & drink premises as well as the use of Harbour Park, The Cutaway and Star Gazers lawn.

Tourism and entertainment land uses in our experience generate substantial noise and are at odds with the acoustic privacy expectations for residential development. The residential tower would diminish the enjoyment of the foreshore precinct as a public asset for leisure, recreation, entertainment, culture and education.

4. Extent and location of retail

The entire ground floor, a third of the first floor and a significant proportion of the two basement levels are identified as retail. It is questioned whether there is demand for this extent of retail, given the existing retail offering in Barangaroo South.

The City questions whether an underground and internalised retail strategy is appropriate given Central Barangaroo's public location on the harbour. Retail areas can only be successful where there is sufficient connectivity with adjacent areas that support and draw people. This is at odds with the site's harbour location being surrounded by open space that would draw people away from internal spaces. Bringing people into interior retail areas will remove them from activating the street areas, particularly Hickson Road, risking the success of the public domain.

The modification proposes a mixed-use development, but not the final mix of uses, with the final mix to be established in future detailed SSDAs based on market demand. This creates a risk if the built form and envelopes are approved under Mod 9 but the market for retail reduces during later stages, resulting in all retail being located underground with limited activation on street level.

5. Changes to Hickson Park

While the conversion of Barton Street into a permanent street is generally supported, the City is opposed to the reduction in size to Hickson Park.

The PAC increased the size of Hickson Park under Modification 8 to enhance views to the harbour, improve the amenity of the park and provide greater pedestrian connectivity to the Central Barangaroo foreshore. This was a direct response to the relocation of the park from its original location on the foreshore and the increased height and GFA at South Barangaroo approved under Mod 8.

The built form in Block 5 and the flagship retail store occupies an important visual and physical link between Hickson Park and Harbour Park and harbour views. It also breaks the important connections that encourage people to explore the precinct at ground level. Block 5 should be redesigned to re-establish these links.

6. Public domain

6.1 Street and pedestrian connections

- The proposal to internalise and underground streets will undermine street activation and the ability for public life at ground level to thrive. Metro commuters should be brought to ground and encouraged to filter through a network of activated streets that are open to the sky and views to the harbour, but still protected from inclement weather with light-weight awnings.
- The connection with the Metro station may underestimate the peak volume of people that will move through the space, having soft landscape areas and constrained widths of pathways. This gives the indication the applicant believes most movement will be underground (as noted above).
- Pedestrian volumes and service levels need to be assessed to determine whether footpath widths will cope with the volume of pedestrians and commuters generated by Metro and additional commercial/ residential GFA. Level of service modelling should be provided to support the proposed footpath widths. This modelling needs to document the cumulative impact of development in addition to modelling for Sydney Metro Barangaroo stop by TfNSW.
- Vertical connections should be integrated into buildings. Lifts, escalators and stairs between building levels should not occupy public space, unless they are connecting the public domain to legitimate streets.
- If it proceeds, the High Street bridge and building separation between Blocks 5 and 6, should be the same width as High Street (building line to building line). The MOD 9 building separation restricts views down to the harbour and is not supported.
- Hickson Road is being partly delivered by Metro. Hickson Road design needs to be fully coordinated, designed, and resolved in consultation with the City.
- There is no clear indication of how the buildings will be readily navigated from street level in terms of building identification.
- North-south pedestrian movement through the site appears to miss an opportunity for clear sight lines through the site and presents as a privatised space.

6.2 Crime Prevention through Environmental Design

The urban design report notes that 'safer by design principles' will be applied as the design of Central Barangaroo progresses beyond Mod 9. The following objectives need to be made explicit:

- Target hardening needs to occur within buildings and the deployment of freestanding elements in the public domain such as bollards will not be supported.

- Reliance on hostile vehicle mitigation barriers such as bollards or other intrusive elements needs to be reduced. HVM must not clutter or impact the permeability of the public domain.

6.3 High Street bridge

The City generally supports a bridge as a way of integrating and connecting Barangaroo Central to the rest of the City (with consideration of the heritage comments provided above).

Community concerns around this bridge allowing people to park in Millers Point and walk to the proposed shopping centre need to be adequately addressed.

The bridge must provide disability access and be accessible to people cycling. The City should remain involved in the selection of location and the design process.

6.4 Nawi Terrace and Barangaroo Steps

- Nawi Terrace and Barangaroo Steps areas are both roughly 11.5m above ground level – a rise of almost 3 storeys. This significant vertical separation divorces these spaces from public life at ground level. They are rooftop terraces and although these spaces might be publicly accessible, they will feel like they are semi-private and for the exclusive use of workers, residents, and shoppers, rather than public urban spaces.
- On Nawi Terrace, there is a potential conflict of uses between the community and public uses and the adjacent residential tower and commercial buildings. Ability for public to use Nawi Terrace and community facilities will be significantly compromised by these adjacencies.
- The link between the metro station upstairs to Nawi Terrace is narrow and looks more like a private link to a non-public space. Accessibility needs to be improved with clear waymarking and directions for disabled access.
- The positioning of cultural heart adjacent to and between Nawi Terrace and Barangaroo Steps has been noted, however, cultural interfaces should be located on streets, not elevated terraces, to facilitate easier and more equitable access and enrich public life on public streets and spaces.
- If the cultural heart is a First Nations/Connecting with Country gesture, then the commercial and managed nature of Nawi Terrace and the cultural heart is inappropriate. A space for use by Aboriginal people needs to have prominence in the place and needs to be able to be managed and used as the community decide. By default, the activities, and hours of the 'cultural heart' and the adjacent rooftop terrace 'Nawi Terrace' will be limited by the commercial/residential development it is surrounded by and located above.

6.5 Barton Plaza

Barton Plaza is identified as a public plaza and is included in the calculation of public open space. This is more accurately described as the forecourt into the proposed retail flagship store and is not genuine public open space.

Escalators from the underground shopping centre which connects to the Metro occupy a significant part of the plaza, which is not appropriate in public open space. If Barton Plaza is to be a public plaza, escalators and vertical transport must be integrated into buildings and not occupy public space.

6.6 Barton Street

- The realignment of Barton Street as a permanent street is generally supported (except for the fact that it reduces the size of Hickson Park, as discussed under Point 5). The lost park space resulting from Barton Street being made permanent must be relocated elsewhere within the site.

- Barton Street lies across the path of people moving north south and has only one crossing provided. It forms an obstacle to the movement of people particularly on any alignment of the pedestrian avenue and links between parks.
- The qualities of Barton Plaza are not well demonstrated. It appears to be identified as a traditional city street, but the design guide section shows the carriage way flush with the footpath. Clarification is required. If it is a traditional street, which is encouraged, it needs more pedestrian and cycle crossings at key intersections. If it is a flush shared zone, consideration needs to be given to the detailed design of the shared zone and requirements for additional obstacles in the public domain such as bollards. The City's preference is for a traditional street with kerb and gutter treatment in this location, to minimise the need for bollards and other infrastructure.
- It is recommended that the size of the pedestrian crossing be increased and extended to the corner to facilitate the desire line of pedestrians and park users.
- Clarification around cyclist connections along Barton Street is also required.

6.7 Harbour Park

- The width of the plaza is considered excessive at almost 90m wide. The plaza with a water feature is a large, paved space with westerly aspect that will be hot hostile and windy environment that does not integrate well with the more organic park design. Further design refinement is required to increase provision of large canopy trees to 30% of the plaza to reduce urban heat island effects and provide seating and gathering areas.
- The Park's program needs to be a balance between tree canopy provision to mitigate urban heat and a garden concept to ensure access to sunlight and provision of useable lawn surfaces for recreational uses.
- The open turf area for casual active lunchtime recreation (the oval) needs to be increased in size.
- The proposal seeks to locate some GFA in Harbour Park in the form of one pavilion structure with community use and food and beverage uses. The placement of a pavilion must be considered as part of the design competition being run for the park. It is also unclear what the proposed footprint is beyond 'small' – clarification is required.

6.8 Hickson Road

- As mentioned under Point 1, the increased heights and cantilevered design contributes to a canyon effect along Hickson Road which will severely impact upon its amenity and use by the public. Section 3.2 of the Urban Design Report shows this clearly and probably misrepresents the amount of light reaching the street.
- With the High Street cutting opposite, it is expected that high winds will occur, limiting the success of the trees and making street level unpleasant for pedestrians and outdoor seating. This will negatively impact upon the activation of the frontage with outdoor dining and other activities.
- The Plans shown in the Urban Design Report are inconsistent with the cross sections, showing the commercial buildings much closer to Hickson Road which will impact the success of any street trees.
- It is requested that clear footprints and studies into the public domain along Hickson Road be provided. The City strongly recommends that the cantilever to be removed and buildings heights lowered or setback at upper levels to increase the amenity in the street.
- Clarity is required around the provision of street trees and to what degree they are under any overhang of the building, and the depth of soil/ planting, etc over any concrete slabs.

6.9 Stormwater and flooding

Significant stormwater infrastructure is to be provided under Hickson Road in conjunction with the Metro Station and the Metron Group. No reference is made in the submitted documents about the impact and coordination of services.

Planning for the provision of stormwater infrastructure, impact of any flooding on building and underground thresholds, coordinated with the works underway in Hickson Road must be shown.

6.10 Public domain materials

Legibility of the different hierarchy of streets, parks and waterfront promenade should be reinforced by the materials, furniture, lighting and street trees. The network of streets, laneways between buildings should be consistent with the whole of the Barangaroo Precinct, referencing the City of Sydney palette of materials for the CBD, including granite paving, smart poles and trees, and the City's suite of street furniture. Maintaining consistency will assist people to navigate around the area. The waterfront promenade should continue the established character linking Barangaroo South to Headland Park. Further development of the park will be required.

7. Landscape

7.1 Contamination in deep soil and landscaped areas

- The Remediation Action Plan is uncertain and does not confirm the locations in plan of vegetation at grade and VENM soil depths to support the healthy growth of trees and plants to maturity.
- Clarification is required regarding the location and proposed soil depths. This must include the provision of minimum 1m depth VENM to tree pits, 600mm to shrubs, 450mm to groundcovers and 200mm to lawn areas (depths excluding mulch and drainage) and must be consistent with the Sydney Landscape Code.

7.2 Greening of the precinct and green roofs

- As the site is located in Central Sydney, the proposal must contribute greening within the precinct to achieve a minimum 40% green cover, including 27% canopy cover.
- The parkland must provide medium and large sized canopy trees.
- Building envelopes must allow for trees in raised planters in communal open spaces. Planters to be designed with minimum soil depth and soil volume of the Landscape Code Volume 2
- Landscape masterplan indicates inaccessible green roofs to several envelope rooftops. These are to be biosolar green roofs (integrated green roofs with solar panels over) to slow stormwater infiltration and discharge from the precinct and increase biodiversity. Daramu House is a built precedent, and all green roofs are to be comparable.

7.3 Communal open space

Above ground GFA is predominantly commercial and residential use. The design must ensure that each block makes allowances for communal open spaces of 25% of the block area with good solar access and a range of high-quality communal uses, shade, and amenities recreational use of workers / residents, and in accordance with the ADG and SDCP 2012 4.2.3.8.

The public open spaces cannot contribute to communal open spaces.

7.4 Interface with Hickson Road and Metro entries

- The development must ensure envelopes and awnings do not impact on the delivery of Hickson Road footpath, avenue of street trees and street furniture at the western kerb edge.
- Ensure design provides equitable universal access on new footpaths to station entries with uncluttered public domain and clear sight lines for vision impaired to City Standard.

- Reduce reliance on hostile barriers at station entries and Hickson Road carriageway.
- Proposed retail envelope at southern edge of precinct significantly reduces the legibility of metro station entry and public access from Hickson Park and Wurrugal Walk.

7.5 Other landscape issues

Additional comments regarding deep soil, Water Sensitive Urban Design, materials and hardscape, wayfinding and legibility, plant species, drainage and rainwater harvesting will be outlined in the City's further detailed submission to be provided.

8. Transport and access

Preliminary transport and access comments are outlined below, with further detailed comments to be provided.

8.1 Cycling

The application shows very little about cycling provision, in particular how the proposed cycleway down Hickson Road is integrated with the development and links to open space and the harbour.

8.2 Car parking

The proposal results in an increase in car parking on the site compared to Mod 8, which is generally not supported by the City in this location. In order to address community concerns about demand for car parking with the extent of retail proposed, the proposal should design the retail strategy around a no-drive approach.

8.3 Loading

Barangaroo South is a good example of an efficient and effective shared loading dock. Lessons from this development should be applied to Barangaroo Central.

The City supports the commitment to adopt loading rates consistent with the Sydney DCP.

The City would strongly encourage a commitment to a shared / consolidated basement to minimise traffic within the development and surrounding street network as part of this modification.

8.4 Street network

Barton Street is generally supported as a permanent two-way street and Laneway B supported as a pedestrianised laneway.

Barangaroo Avenue should be a pedestrianised boulevard only, without timed service vehicle access.

8.5 Walking assessment

The walking assessment should use the methodology set out in TfNSW's Walking Space Guide (2020) rather than Fruin which is only suitable for within constrained interchanges. The assessment should include background walking volumes, not just people exiting the Metro.

8.6 Bike facilities

Cycle parking and end of trip facilities for all land uses, including visitor parking, should meet the Sydney DCP rates. Guidance regarding placement, quality and accessibility should also refer to Sydney DCP. In particular:

- Where bike parking for tenants is provided in a basement, it is to be located on the uppermost level, close to entry/exit points and subject to security surveillance.
- A safe path of travel from bike parking areas to entry/exit points is to be provided
- Bike parking should be accessible via ramp

- End of trip facilities should be located close to the bike parking area

Visitor bike parking is to be provided in an accessible on-grade location near a major public entrance to the development.

8.7 Car share

Sydney DCP car share rates should be applied. The applicant should consider the balance between providing the car share bays on-street and off-street.

8.8 Electric vehicle charging

The proposal should commit to providing adequate charging facilities for electric vehicles.

8.9 Swimming and Watercraft

The proposal should consider the potential for harbour swimming, kayaking and the like. It should consider the likely demand for kayak storage and provide adequate facilities to avoid negative impacts on the public domain.

9. Public art

A future public art strategy for the Central precinct should be developed that supports the implementation of projects identified in the Barangaroo Public Art and Cultural Plan, including The Hungry Mile project being developed in partnership with the City of Sydney. The public art strategy should be consistent with the aims of the Barangaroo Public Art and Cultural Plan and the City of Sydney's broader aims for the Eora Journey : Recognition in the Public Domain Program and Yananurala | Walking on Country (Harbour Walk), and the projects outlined in the [Harbour Walk Storytelling Report](#) endorsed by Council in December 2019.

10. Public benefit

The City is concerned that there is a lack of increased public benefit that is commensurate with the proposed uplift within Central Barangaroo, and no affordable housing is provided.

11. Lack of information to confirm that a Section 75W request is valid

Modification 9 is made under Section 75W of the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Part 3A was repealed in response to community concern that major projects were not being assessed with sufficient rigour. Modification 9 should be subject to the same level of rigorous assessment as major projects being assessed as State significant developments.

The application relies on transitional arrangements under Schedule 2, Clause 3BA of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (STOP Regulation) which was intended to phase out modifications under Section 75W. The application documentation does not confirm that Section 75W is available for Modification. This clause states that an approved concept plan cannot be modified under Section 75W on or after 1 March 2018, unless:

- the request to modify the concept plan under Section 75W was lodged before 1 March 2018; and
- the request has not been determined by 1 September 2018; and
- the Secretary has not notified the applicant that it will not be dealt with under Section 75W.

The applicant states that the Director General's Requirements for Mod 9 were issued on 15 April 2014. There is no further information provided to confirm that Section 75W is available for Modification 9. The City requests confirmation that the requirements of the STOP Regulation have been met and that the Section 75W request is valid.

In summary, the City objects to Modification 9 in its current form and requests that it be referred to the Independent Planning Commission. Please note that the above list of key issues is not exhaustive, and the City will be providing further comments due course.

Should you wish to speak with a Council officer about these comments, please contact Samantha Kruize, Senior Planner on 9265 9333 or at skruize@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', written in a cursive style.

Graham Jahn AM LFRAIA Hon FPIA
Director
City Planning | Development | Transport