

# **Submission on Barangaroo Concept Plan, Amended Mod 9 18.02.24**

From John McInerney, AM LFPIA FRAIA

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

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

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

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

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

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

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

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

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

## **— Barangaroo Sight Lines**

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

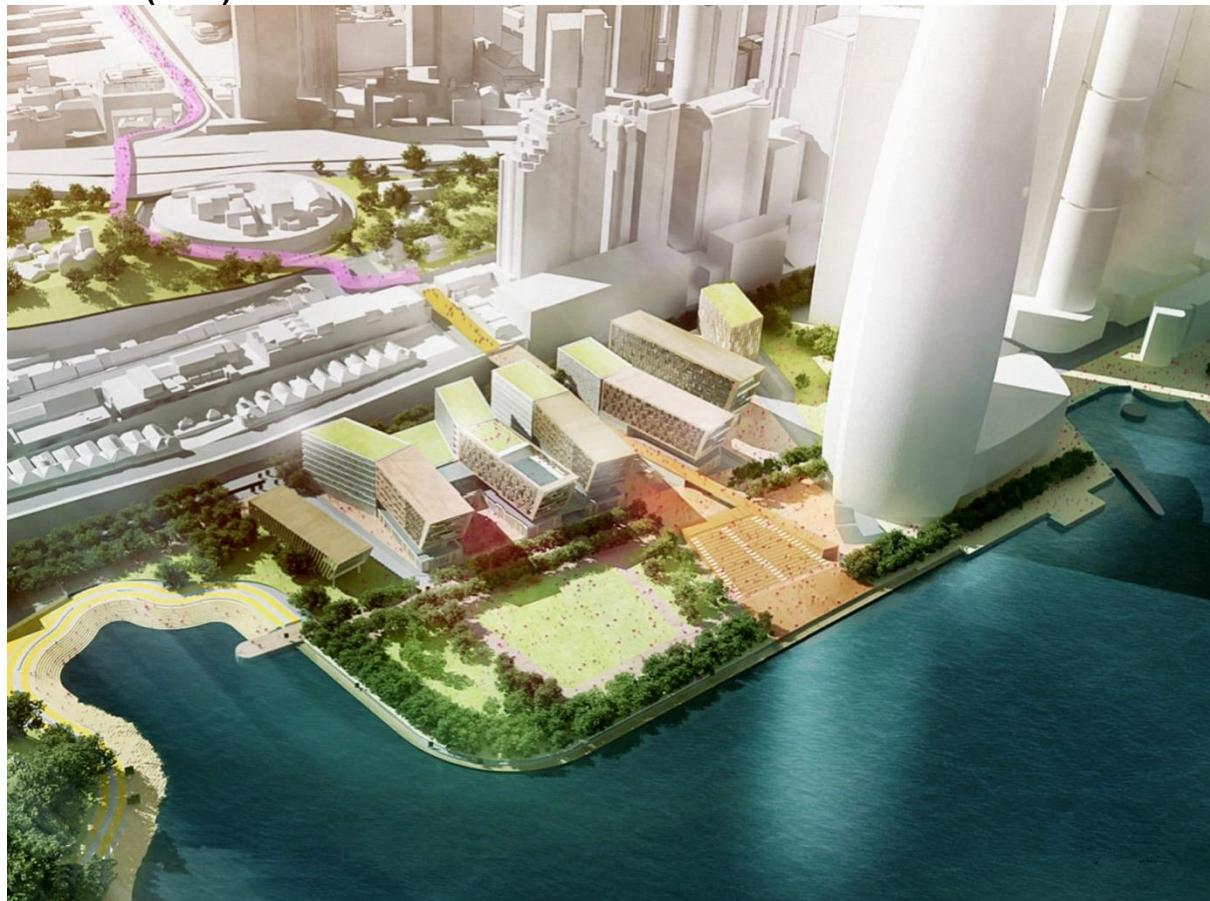
## **— Public Views**

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

#### — Private Views

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

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



**CURRENT VIEW FROM LEVEL 6, HIGHGATE MILLERS POINT**



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



8 February 2023

Secretary  
Highgate Body Corporate 127 Kent Street  
Millers Point NSW, 2000 [johnmcinerney@iinet.net.au](mailto:johnmcinerney@iinet.net.au)

Dear John,

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

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



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

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

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

**David Ryan**

Executive Director

## 1. PLANNING HISTORY 1.1 2.1. NSW Ports Growth Plan

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

## 1.2 Concept Plan 06\_0162 - Barangaroo

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

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

### 1.2.1 Concept Plan Strategies

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

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

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

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

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

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

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

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

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

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

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

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

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

### 1.2.2 Concept Plan Design Principles, Design Requirements and Development Controls

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

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

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

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

## 2. Indicative Built Form

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

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

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

### 2.1.1 Concept Plan 06\_0162 – Barangaroo

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

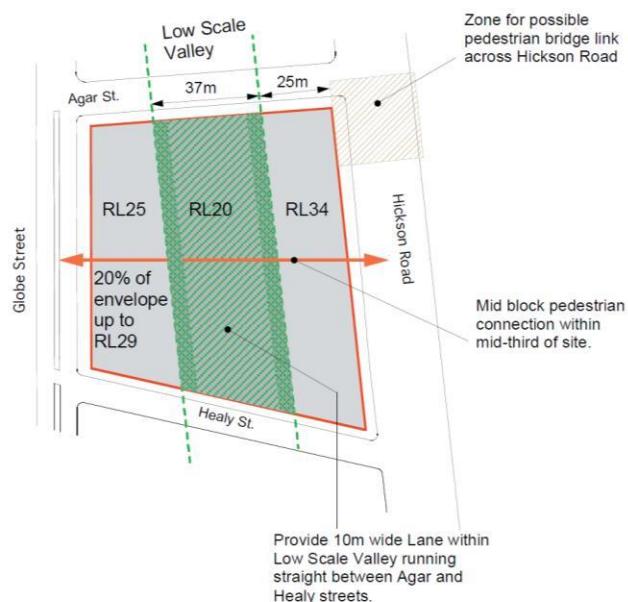
#### Block 5

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

#### Block 6

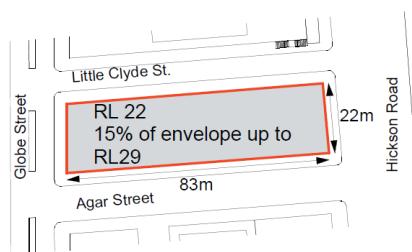
- 3,000sqm maximum permitted GFA
- Built form to RL22, 15% of envelope up to RL29
- 22m wide (Hickson Road) x 83m deep building footprint.

#### BLOCK 5 DEVELOPMENT CONTROLS



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

#### BLOCK 6 DEVELOPMENT CONTROLS



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

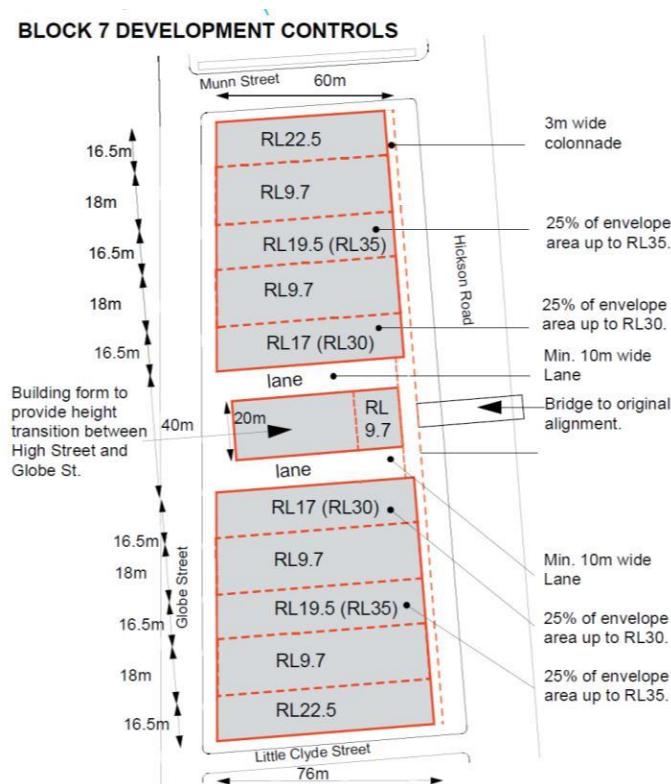
## Block 7

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

### Laneways

- Laneways between development blocks are a minimum of 10m wide (*EDH State Significant Site Proposal, Concept Plan & Environmental Assessment*, Section 13.0, p. 121). Indicative Built Form under Concept Plan 06\_0162 – Barangaroo

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



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

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

### 2.1.2 Modification 1 - MP 06\_0162 MOD 1

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

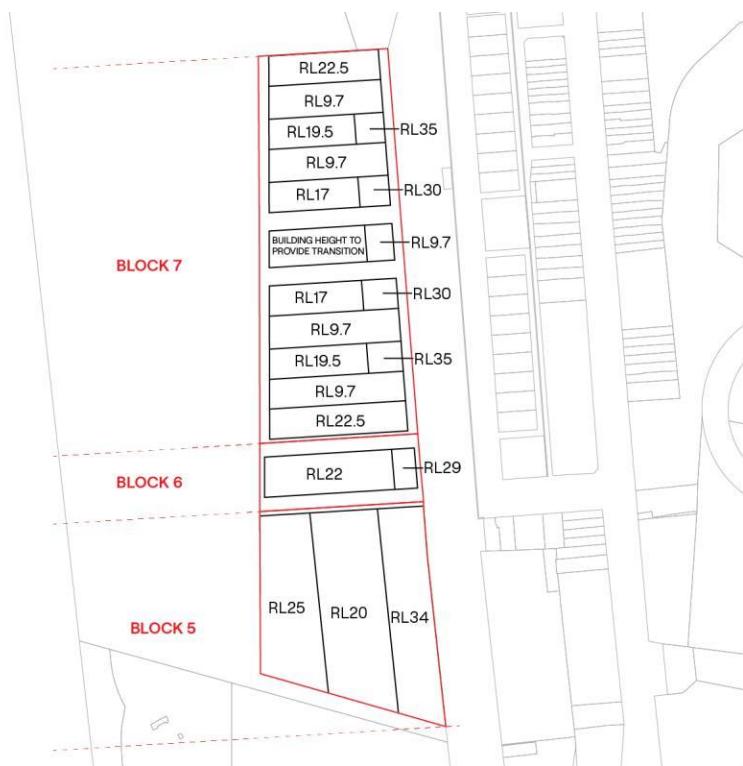
The indicative building envelope of Blocks 5, 6 and 7 remained unchanged by Modification 1.

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

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

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2. Block 5

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



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

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

#### Indicative Built Form under Modification 2

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

- Minimum 3m above podium setback (western boundary of Block 5) to represent a 'worst case scenario' of development.

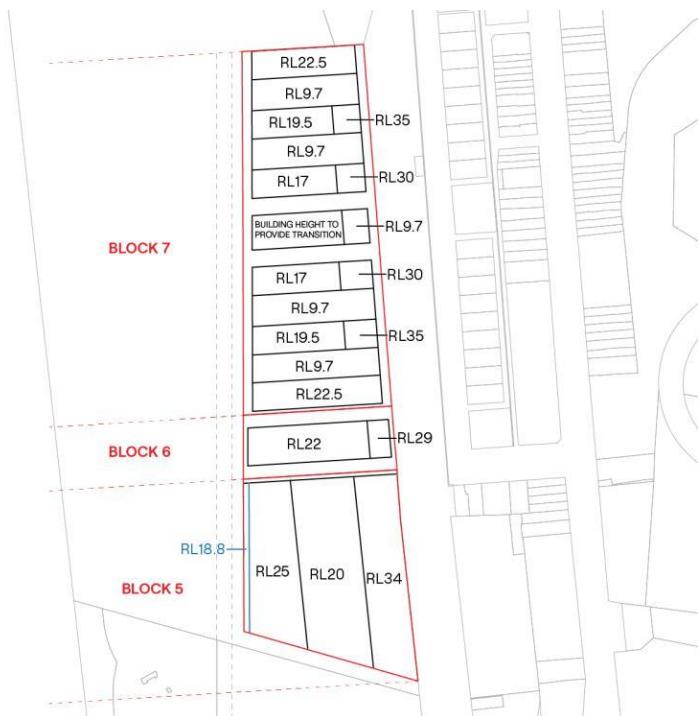
- As the RL29.6 podium to Hickson Road is proposed to be setback by 25m, the portion of the form up to RL34 would be theoretically removed. As a result, this control has not been adopted to instead assume a 'worst case scenario' of development.

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

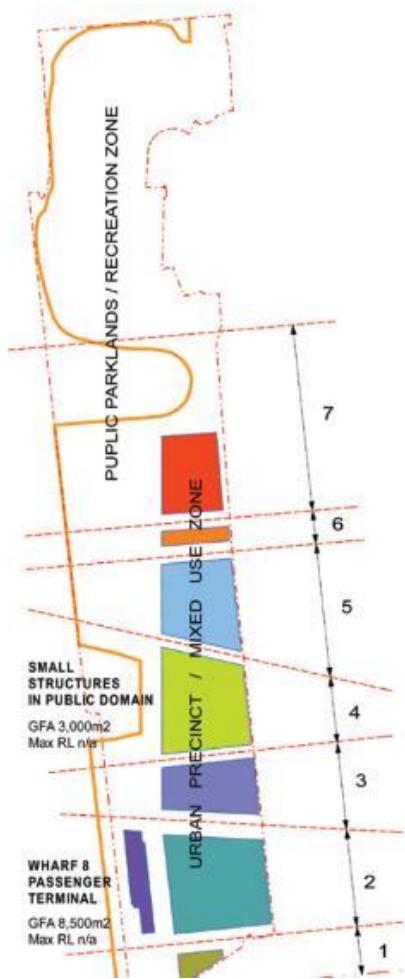
Modification 3 was determined in November 2009. The modification involved some amendments to Block 7 as a part of an amended design for the Headland Park and Northern Cove. The changes removed Block 8 and the northern portion of Block 7.

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

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



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



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

#### Block 7

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

#### Laneways

- The 'street hierarchy' was documented in more detail in *Barangaroo Part 3A Modification Report*, p. 51, outlining:

- – 20m wide 'Agar Street'.
- – 10m wide 'Little Clyde Street'. Indicative Built Form under Modification 3

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



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

### 2.1.5 Modification 4 - MP06\_0162 MOD 4 (Hotel development, additional GFA and Height)

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

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

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

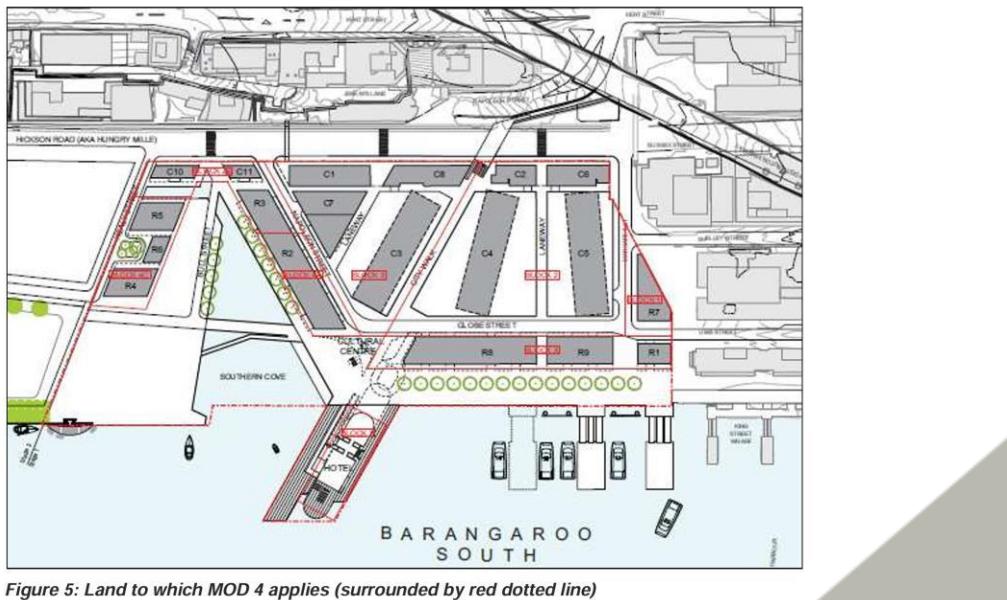


Figure 5: Land to which MOD 4 applies (surrounded by red dotted line)

**2.1.6 Modification 5 - MP06\_0162 MOD 5 Barangaroo Concept Plan** Modification 5 was withdrawn in March 2011.

#### **2.1.7 Modification 6 - MP06\_0162 (MOD 6) Barangaroo Concept Plan**

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

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

#### **2.1.8 Modification 7 - MP06\_0162-Mod-7 Modification to Concept Plan**

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

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

#### **2.1.9 Modification 8 - MP06\_0162 MOD 8 - Modifications to Barangaroo Concept Plan**

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

The indicative building envelope of Blocks 6 and 7 remained unchanged by Modification 2. Block 5

- Chamfer design is adopted to the southern boundary of Block 5.
- 29,668sqm revised maximum GFA. Indicative Built Form under Modification 8

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



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

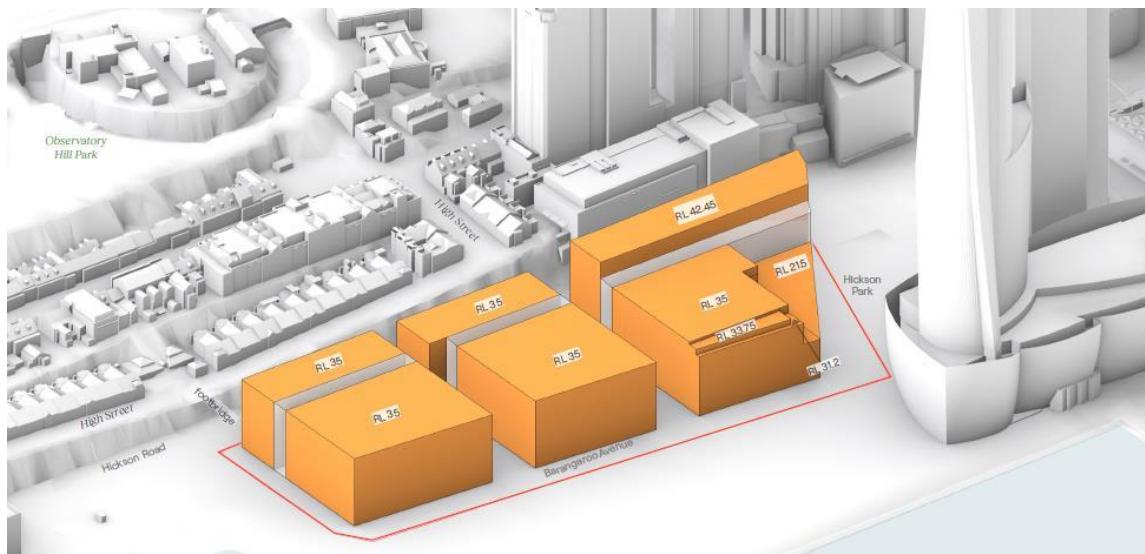
### **2.1.10 Modification 9 - MP06\_0162-Mod-9**

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

Key changes proposed include:

- Extending the southern boundary of Block 5 further south to encroach into land zoned RE1 Public Recreation.
- Amending the maximum height of buildings within each development block

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



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

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

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

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

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

Modification 11 was approved in October 2020. The modification involved construction of a temporary

construction road and amended staging of Hickson Park and construction exclusions zones.

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

### **2.1.13 Summary of Assumptions**

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

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