

## **APPENDIX C BARANGAROO CONCEPT PLAN – PLANNING HISTORY**

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### **Barangaroo Concept Plan (MP 06\_0162)**

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06\_0162) (Concept Plan) on 9 February 2007.

The Concept Plan allowed for:

- mixed use development involving a maximum of 388,300 m<sup>2</sup> of gross floor area (GFA) contained within eight blocks on a total site area of 22 hectares (ha);
- approximately 11 ha of new public open space/ public domain, including a 1.4 kilometre (km) public foreshore promenade;
- a maximum of 8,500 m<sup>2</sup> GFA for a passenger terminal and a maximum of 3,000 m<sup>2</sup> GFA for active uses that support the public domain within the public recreation zone;
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone;
- alteration of the existing seawalls and creation of a partial new shoreline to the Harbour;
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking; and
- an underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

The capital investment value of the approved Concept Plan was \$1.5 billion with the generation of up to 16,000 operational jobs

The following outlines the subsequent seven modification approvals to the Concept Plan:

### **MP 06\_0162 MOD 1**

On 25 September 2007, the then Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved a minor modification to the Concept Plan to correct minor typographical errors and re-wording of the design excellence terms. This modification did not alter the maximum GFA or mix of uses.

### **MP 06\_0162 MOD 2**

On 16 February 2009, the then Minister for Planning approved a second modification to the Concept Plan to increase the GFA of commercial uses by 120,000 m<sup>2</sup> in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 m<sup>2</sup>. The modification increased the total maximum GFA for Barangaroo to 508,300 m<sup>2</sup> (an increase of 120,000 m<sup>2</sup> or 31 per cent over the whole site).

### **MP 06\_0162 MOD 3**

On 11 November 2009, the then Minister for Planning approved a third modification to the approved Concept Plan, generally meeting the requirements of the Concept Plan approval relating to the northern headland and northern cove, with other changes as follows:

- the reinstatement of a headland at the northern end of the site with a naturalised shape and form including a build-up of height and a landscaped connection to physically link Clyne Reserve to allow direct pedestrian access from Argyle Place;
  - an enlargement of the northern cove to achieve a greater naturalised shape, form and edges (note this modification and the one above were required modifications in the terms of the original Concept Plan, contained in Modification B1 and B2, and following recommendations made in the jury report regarding the original winning competition scheme);
  - the consequential re-alignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland;
  - the consequential removal of development Block 8 and part of Block 7 and redistribution of the associated land use mix;
  - the demolition of three heritage items being the Sandstone Seawall; the Sydney Ports Harbour Control Tower; and the MWS & DB Sewage Pumping Station; and
  - amendments to the Statement of Commitments relating to the preparation of relevant plans and strategies so that work can commence in stages.
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This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 m<sup>2</sup>.

#### **MP 06\_0162 MOD 4**

On 16 December 2010, the then Minister for Planning approved a fourth modification to the Concept Plan. The modified Concept Plan provides for the following:

- a maximum of 563,965 m<sup>2</sup> mixed uses GFA, including residential, commercial and retail uses which includes:
  - a maximum of 128,763 m<sup>2</sup> of residential uses
  - a maximum of 50,000 m<sup>2</sup> of tourist uses GFA; and
  - a maximum of 39,000 m<sup>2</sup> of retail GFA.
- a maximum of 4,500 m<sup>2</sup> of active uses GFA (3,000 m<sup>2</sup> of which will be in Barangaroo South);
- a minimum of 12,000 m<sup>2</sup> of community uses GFA (10,000 m<sup>2</sup> of which will be in Barangaroo South);
- approximately 11 ha of new public open space/ public domain, with a range of formal and informal open space serving separate recreational functions and includes a 2.2 km public foreshore promenade;
- built form principles, maximum building heights and GFA for each development block within the mixed-use zone;
- public domain landscape concept including parks, streets and pedestrian connections; and
- alteration of the existing seawalls and creation of a portion of the new shoreline to the Harbour.

In order to accommodate the changes made to the Concept Plan, Schedule 3 of Part 12 of the Major Development SEPP was concurrently amended. The amendment rezoned parts of the Barangaroo site and the adjoining areas from 'RE1 Public Recreation' and 'W1 Maritime Waters and Transport' to 'B4 Mixed Use' and 'RE1 Public Recreation'. Modifications to the distribution of GFA and building heights were also included in the amendment.

#### **MP 06\_0162 MOD 5**

This modification was lodged in February 2011, and proposed modifications to clarify the outcomes with respect to the distribution of community uses GFA across the Barangaroo site, and to correct a number of minor typographical errors. This application was subsequently withdrawn on 22 March 2011.

#### **MP06\_0162 MOD 6**

This modification application proposed to modify the approved Concept Plan for Barangaroo South. The proposed modifications, as publicly exhibited, sought approval for the following:

- the realignment of the development block boundaries for Blocks 3, 4A and 4B;
- revisions to the Urban Design Controls to reflect the changes to the Block boundaries for Blocks 3, 4A and 4B;
- change the requirement for a 'minimum' of 12,000 m<sup>2</sup> of community uses GFA to be delivered to a 'maximum';
- allow architectural roof elements and building management units to be excluded from the maximum height limit definition; and
- specify the car parking rates for 'other' uses thus removing the requirement to comply with City of Sydney Council's current car parking rates.

On 25 March 2014, the Commission approved the application.

#### **MP06\_0162 MOD 7**

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

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### **MP06\_0162 MOD 8**

On the 28 June 2016, the Commission approved an eighth modification to the Concept Plan, providing for the following modifications:

- increase in the maximum GFA from 563,965 m<sup>2</sup> to 594,354 m<sup>2</sup>, and increase in maximum GFA contained in the development blocks from 549,465 to 579,354 m<sup>2</sup>;
- increase in height from RL 170 m to RL 275 m and GFA from 33,000 m<sup>2</sup> to 77,500 m<sup>2</sup> for Block Y; increase in height from RL 41.5 m to RL 250 m and GFA from 8,150 m<sup>2</sup> to 86,979 m<sup>2</sup> for Block 4A;
- decrease in height from RL 175 m to RL 107 m and GFA from 29,900 m<sup>2</sup> to 19,158 m<sup>2</sup> for Block 4B; decrease in height from RL 80 m to RL 25 m and GFA from 9,400 m<sup>2</sup> to 1,927 m<sup>2</sup> for Block 1; and deletion of Block 4C;
- decrease in GFA from 209,213 m<sup>2</sup> to 197,280 m<sup>2</sup> for Block 2, and decrease in GFA from 142,669 m<sup>2</sup> to 129,934 m<sup>2</sup> for Block 3;
- amend development block configurations for Block Y and Blocks 4A and 4B;
- increase GFA outside of blocks from 14,500 m<sup>2</sup> to 15,000 m<sup>2</sup>;
- amend GFA allocated for various land uses (residential, tourist, retail, active);
- amendment of Barangaroo site boundary, relocation of pier and reduction in the Southern Cove (now Watermans Cove); and
- amendment of Built Form Principles and Urban Design Controls.

### **Court case**

- On 29 July 2016, the Environmental Defenders Office, acting on behalf of Millers Point Fund Incorporated, lodged an appeal in the Land and Environment Court against the Commission's decision to approve MOD 8 and Crown Sydney Hotel Resort.
  - On 23 December 2016, the Court dismissed the appeal, finding the Commission had not failed to exercise its powers, duties and functions, did not take into account irrelevant considerations and no error of law had been made.
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