

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.

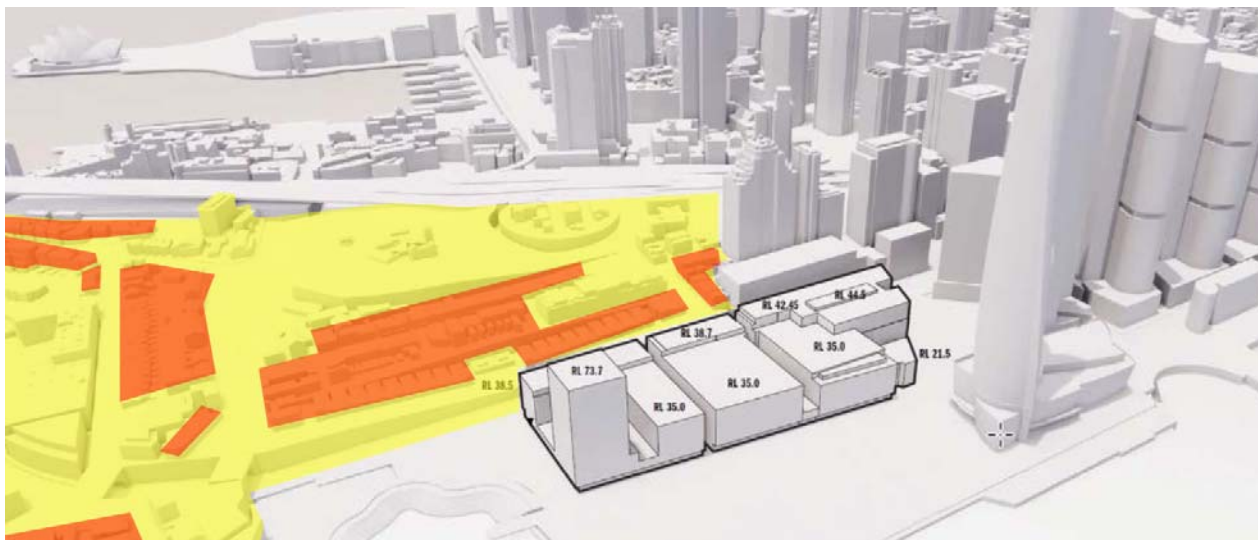


Figure 2: The relationship between Barangaroo Central and the Millers Point Conservation Area (red) and the Millers Point and Dawes Point Village Precinct (yellow) is clear to see in this image. (Source: Infrastructure NSW with National Trust overlay).

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° 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° 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 whole 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.

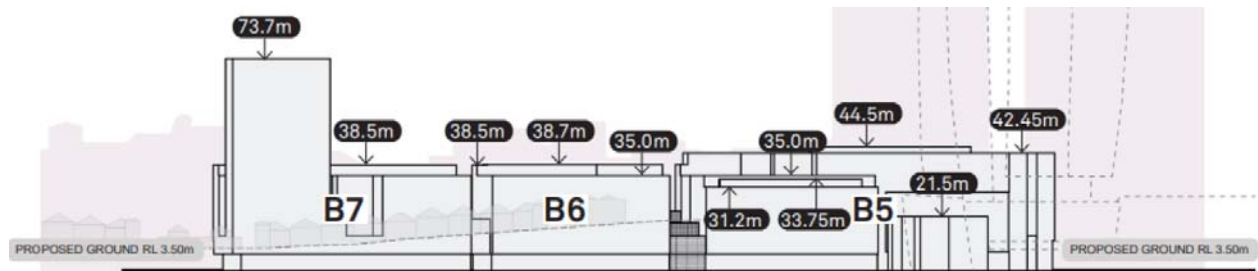


Figure 8: Proposed building height increases across the three blocks.

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://heritagewsw.intersearch.com.au/heritagewswspui/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,

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