



08 August 2022

To: Barangaroo Central Assessment Team

1. NSW Minister for Planning and Public Space

2. Director - Key Sites Assessments,
Planning and Assessment
NSW Department of Planning, Industry and Environment
Locked Bag 5022 Parramatta NSW 2124
Email: use the submission inbox link below
Phone: 1 300 305 695

LINK: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6378

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

Preface

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

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

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



Statement

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

Reasons why AILA **DOES NOT SUPPORT** the proposal include;

- The proposed development is aggressive and changes the spatial and visual structure of the western Rocks area. A description of the former landscape, where 'the Coodye point formed part of a residual ridge-and-spur landform' and how this could be respected, culturally and spatially is discussed in an article by Burton in Architecture Australia (2 May 2010). The open space of the original vision has been compromised by the Crown casino tower development and is further threatened by the proposed Central Barangaroo Modification 9 Block 7 tower. The visitor experience as a walk from the Rocks and Sydney Harbour Bridge over Observatory Hill – Coodye ridgetop and terracing down to Kent Street, in terms of vistas and the ability to read the landscape of the harbour, will be destroyed by the scale of the proposed development.



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

- The proposed mass blocks significant views
 - westward to the harbour waters from the housing
 - westward to the harbour waters from west of Kent Street alignment and
 - panoramic views from Observatory Hill which is largely public open space.
 - to Observatory Hill from opposite foreshores
 - to Observatory Hill from the water
- The original winning design for the 2006 competition (Hill Thalys Architecture + Urban Projects, Paul Berkemeier Architect, Jane Irwin Landscape Architecture; EDH Report 2006) held respect for the public housing forms and the central preschool site which had a strong vista formed to the west. The built form should be low enough to allow for public gardens on



the rooftop over part of Hickson Road and the development stepping down to the harbour edge. This 2006 scheme demonstrates the need to be more respectful for the heritage fabric of the place and views in and out.

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



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

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

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

The increased proportion of building to open space is not in keeping with the then Prime Minister Keating's vision for Barangaroo as a reconstructed green headland. Keating's vision that, "this will be more representative of any headland as it was before European settlement than any other"¹ will no longer be the case, if the Modification 9 Application is approved in its current form.

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

¹ Australian Associated Press 2015 Keating's boyhood dream realised as Barangaroo Reserve opens in Sydney. Guardian August 22



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

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

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

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

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

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

AILA is concerned that Part 3A or State significant projects and infrastructure potentially override and thus destroy heritage that may be of world significance, due to a failing planning assessment process and inadequate listing of landscape heritage.

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

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



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

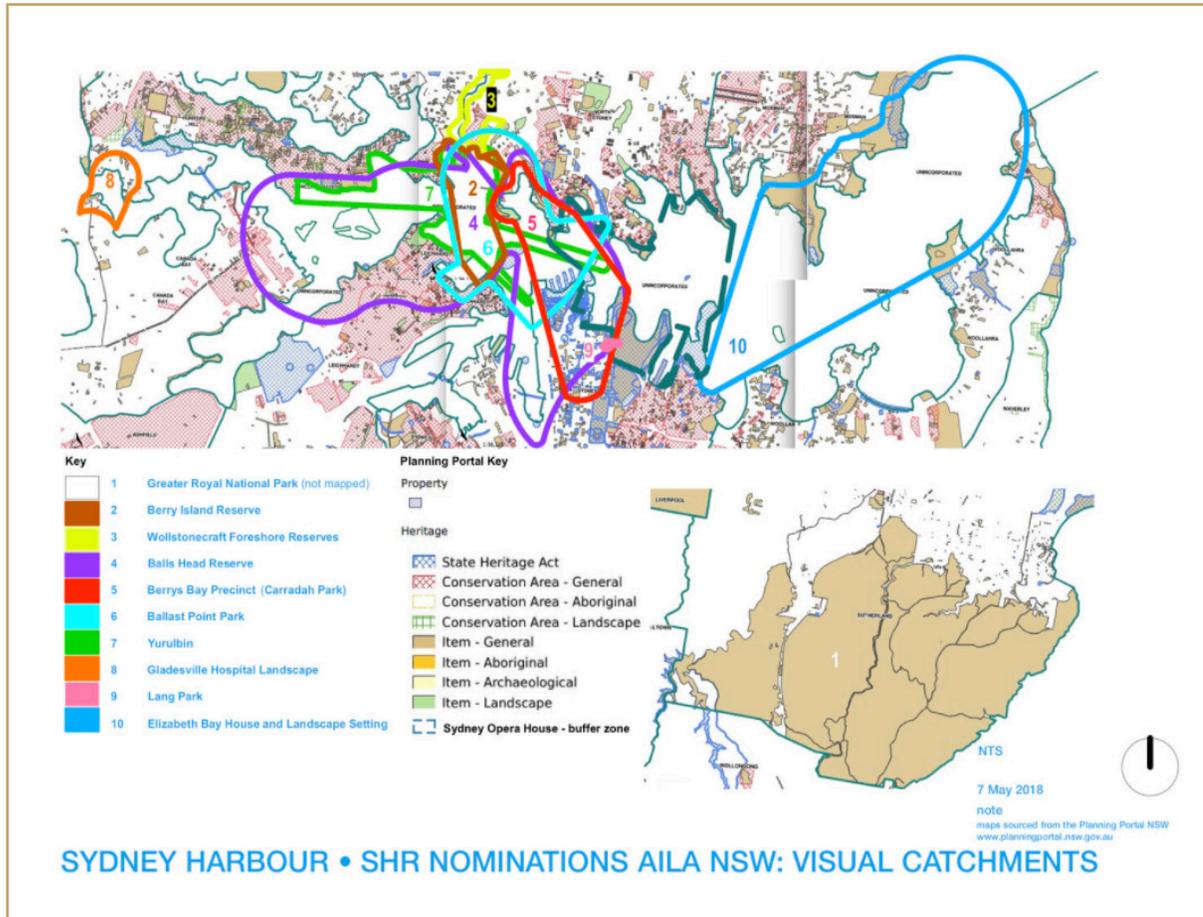


Figure 4. Sydney Harbour SHR Nominations AILA NSW :Visual Catchments map, 7 May 2018.

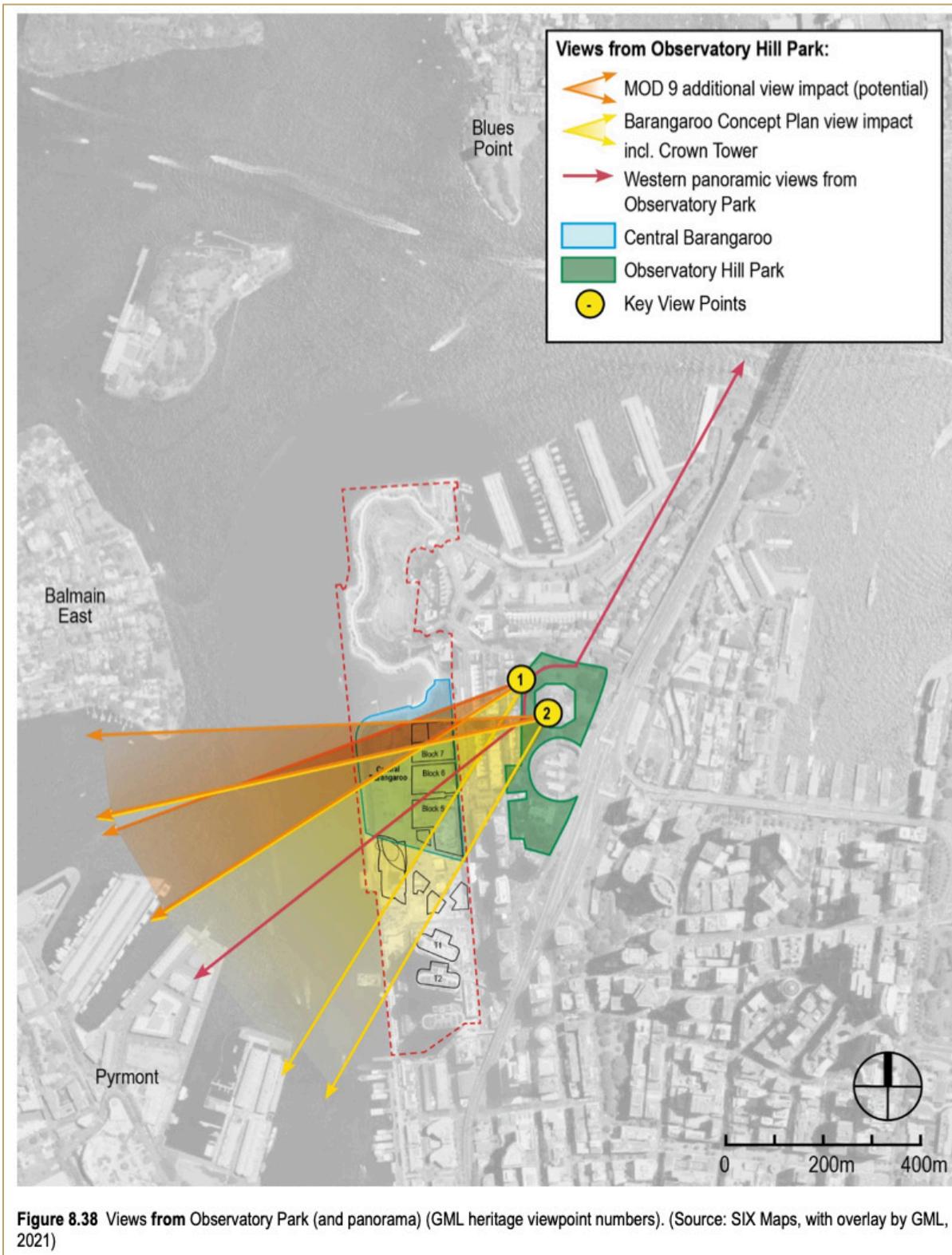
- AILA supports the Ministers' commitment to retaining views,

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

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

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





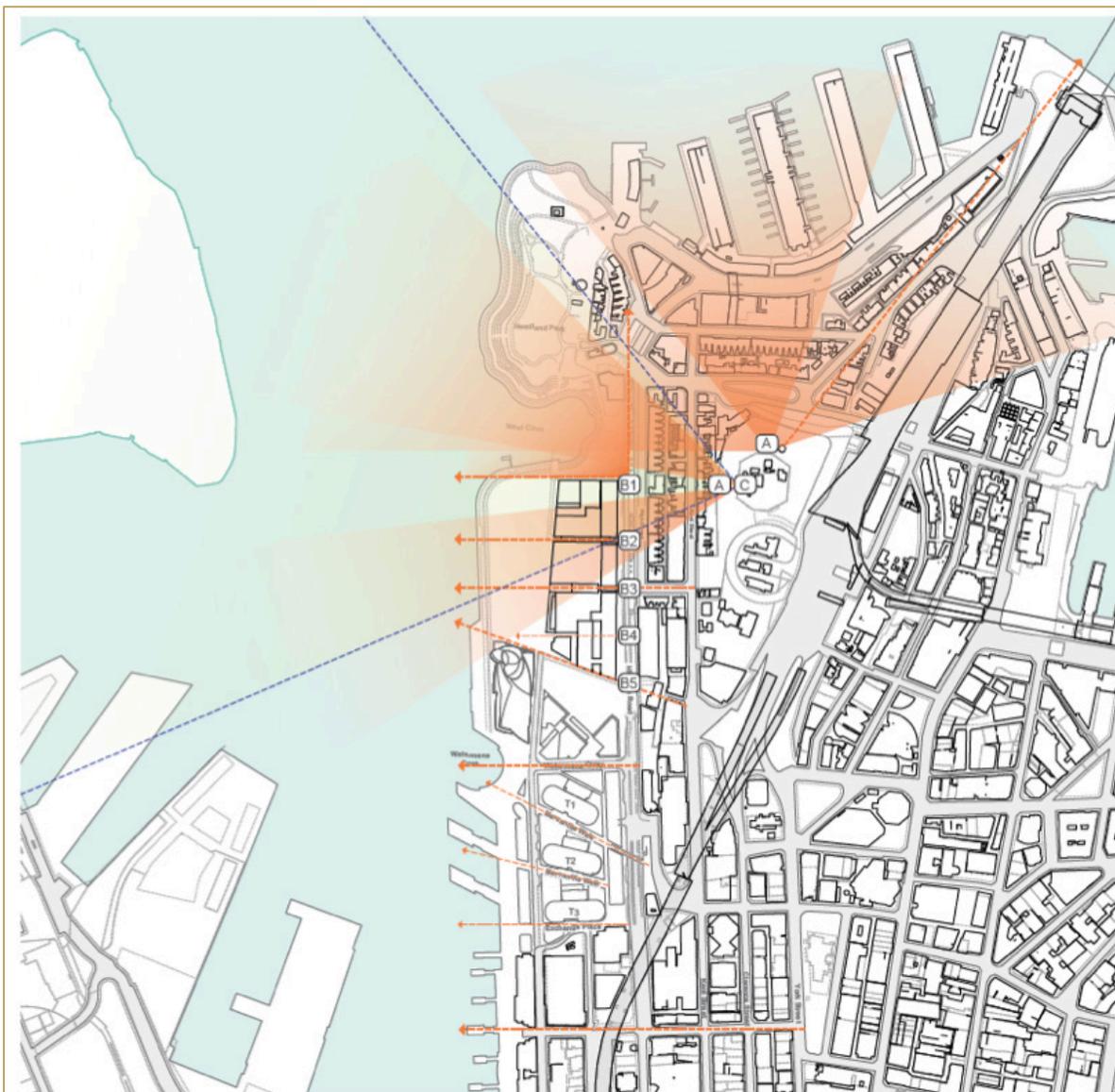


Figure 8.39 Preserved Panoramic views from Observatory Park and impacts of Block 7 tower form, as shown in 'Central Barangaroo Urban Design Report'. 'A' District and harbour views to and from Observatory Hill Park, 'B'; Local views along existing and new streets / connections 'C' Sydney Observatory sky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

AILA were assured by the Director, Heritage Operations in May 2020, in response to the AILA Landscape Heritage Report that the Department of Premier and Cabinet SHR Committee formed a working group to consider improvements to policy and procedures to better support and promote SHR listing of cultural landscapes. **The findings of this SHR Committee must be considered in this assessment of this proposal.**

- In mid-2021, the Review of the Heritage Act 1977 process revealed great concern from peak bodies that the Heritage Act was not as problematic as its implementation and this proposal demonstrates this failure. After consultation, the Heritage Act Review Standing Committee (SC) recommends Government commit to several points exemplified here:



- (2) *Reflect more varied understandings of State Heritage (beyond conventional understandings of heritage as buildings and structures -SC) including landscapes and intangible heritage* - **This proposal impacts negatively on landscape and intangible heritage**
- (3) *Undertake a review of interjurisdictional approaches to matters relating to intangible heritage. International examples of similar historic view, light, ambiance protection include Venice and Barcelona.* **Further study must be undertaken on world heritage landscape protection prior to granting approval.**
- 10) *Improved listing programs, more diverse range and more representative nominations.* **Sydney harbour listing of Badangi is under consideration and must be considered as part of this application.**
- (6) Peak bodies urged that the provisions of the Heritage Act should not be turned off by State Significant Developments. **AILA shares this concern around heritage overrides and sees Central Barangaroo Modification 9 proposal as an example where landscape heritage protection must not be compromised for untested claims of community benefit.**

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

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

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



Recommendations

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

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

An outstanding landmark development that remains in keeping with the Masterplan and Headland Park Urban Design Framework and Preferred Project Parkland Objectives² could be achieved with considered adjustment. The proposed footprint, excessive at 1.5 x the extent of the Crown Casino, could be limited to reduce environmental impacts on public space. The RLs must be limited to 20.00 over the extent of the building footprint to retain views to and from Observatory Hill and avoid overshadowing public open space.

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

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

Yours sincerely,

Sincerely yours,

Tanya Wood

AILA NSW President

SUBMISSION TEAM

AUTHORS:

PROF. EMERITUS HELEN ARMSTRONG AM FAILA | CRAIG BURTON FAILA | MATTHEW TAYLOR, AILA | ANNABEL MURRAY, AILA

² Barangaroo Headland Parklands Urban Design Report. Prepared by Conybeare Morrison August 2009



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Appendix: The description of proposed modification:

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

- (1) increase the maximum GFA from 47,688 sqm to 144,355 sqm (including 116,189 sqm of above ground GFA and 28,166 sqm of below ground GFA)
- (2) increase the minimum community uses GFA from 2,000 sqm to 2,800 sqm
- (3) allocate up to 18,000 sqm of GFA for The Cutaway within Barangaroo Reserve (previously unallocated)
- (4) increase the area of Block 5 by relocating the boundary to the south and reducing the size of Hickson Park
- (5) modify the road network, including the removal of vehicular traffic from Barangaroo Avenue north of Barton Street adjacent to Blocks 5 and 6 with controlled service vehicle access only, and converting Barton Street to a permanent street connecting Barangaroo Avenue with Hickson Road, servicing the wider Barangaroo precinct
- (6) modify the approved building envelopes of Blocks 5, 6 and 7 including additional height, block alignments, additional GFA and flexible allocation of GFA across the blocks
- (7) introduce Design Guidelines for Central Barangaroo to guide future detailed proposals
- (8) amend the State Significant Precincts SEPP to support the proposed modifications to Central Barangaroo.