

Mr Anthony Witherdin
Director, Key Sites
NSW Department of Planning & Environment
Locked Bag 5022
Parramatta NSW 2124

CC: Jasper Allenby
Planning Officer

SSD-39587022: Central Barangaroo Early Works – Hickson Road Interface | Formal Submission

The following correspondence has been prepared in relation to SSD-39587022, the proposed early works associated with future development of Central Barangaroo. The proposal comprises the partial demolition of a shoring wall capping beam, excavation, and construction of a new retaining pile wall parallel to the eastern boundary of Hickson Road.

As the owner of one of the adjacent properties at High Street, Millers Point, and writing on behalf of all residents, I would like to take the opportunity to express concern regarding the proposed development subject to SSD-39587022, noting the application is currently on notification between the 30 May to the 26 June 2023.

Having reviewed the documentation submitted with the application, we have considered the provided Environmental Impact Statement (EIS), architectural plans, and accompanying consultant reports and have concern regarding the application, with specific regard to the following issues:

- Inadequate public and community consultation prior to the lodgement of the proposal
- The proposals alignment with the approved concept plan and proposed Mod 9
- Anticipated construction impacts

Each of the below issues are further detailed below.

Inadequate Community Consultation

It is noted that within Section 5.1.1 of the EIS that the proponent's consultation consultant WSP identified that pre-lodgement engagement activities was to be limited to stakeholders that share a direct interface with the early works zone and specific government agencies/ authorities that have an oversight requirement or interest in the project.

This decision was arrived at due to the proponent forming the opinion that the proposal is minor in nature and limited to a small portion of the Barangaroo precinct. Despite dozens of residential dwellings being located adjacent to the works area on the opposite side of Hickson Road/ High Street, WSP and the proponent elected only to consult with four stakeholders, namely Infrastructure NSW, Sydney Metro, Sydney Water, and Ausgrid.

WSP and the proponent have made a direct decision to not consult with private residential, commercial, and retail property owners and occupiers that are located directly adjacent to the site of works, with a proposed strategy to consult with this community post approval. This is despite these dwellings being directly impacted by the proposed construction program and

disruption. Despite the proponent considering the works to be “minor in nature”, they will have a significant and direct impact to the quality of lives from residents due to construction related issues including traffic, acoustic, and air quality.

The application has been appropriately categorised as State Significant Development (SSD) in accordance with clause 3 of Schedule 2 of the *State Environmental Planning Policy (Planning Systems) 2021*, as the proposed development has a capital investment value of greater than \$10 million and is within the Barangaroo precinct.

By way of the application utilising the SSD pathway, there is a requirement to undertake effective engagement as per the requirements outlined in the NSW Department of Planning and Environment’s (DPE) *Undertaking Engagement Guidelines for State Significant Projects* (October 2022).

Appendix A of the guideline outlines requirements for engagement, including engagement to be undertaken with the local community during the scoping phase and EIS preparation phase. It is noted that during both phases the proponent has elected not to undertake any level of consultation with local residents. By electing not to engage with the community in these initial stages the proponent has deliberately deprived community members of the opportunity to both understand the project and provide feedback about aspects of the project which they support, do not support, or wish to be adjusted – a central feature of early consultation.

Most substantial however is the fact that engagement with the community is a requirement as per the Secretary’s Environmental Assessment Requirements (SEARs) that were issued by the DPE on the 14 April 2022. By way of the SEARs not being addressed, the DPE, as the consent authority cannot issue a consent until such time they are satisfied that the SEARs requirements have been met. We therefore ask that the DPE request further consultation by the proponent with the local community, noting that to date there has been none provided; to arguably the most impacted stakeholders by the proposal.

Projects Strategic Alignment

In reviewing Section 1.4 of the EIS, we request that the proponent provide additional information in relation to the proposal’s alignment with the approved Concept Plan under MP06_0162 (as modified). The EIS provides a broad description on this project’s alignment with the approved Concept Plan, noting that s4.24(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been addressed via the following:

“The proposed early works under the SSDA can be submitted under the current approved Concept Plan. The approved Concept Plan does not set any express parameters on the extent of excavation or early works within the site”.

The above sentence hardly addresses the requirements of s4.24(2), and further information as to how the proposed works under SSD-39587022 align with those approved under MP06_0162 is required. The lack of information and assessment confirming the compliance is concerning, particularly given the absurd level of uplift proposed under Mod 9 to MP06_0162 which caused distress to the High Street residents, and the wider Sydney community.

As the DPE is aware, proposed Mod 9 to MP06_0162 was on exhibition between July and August 2022 for Barangaroo Central which sought to blatantly disregard NSW planning principles on several fronts and mislead the public on the details of previously approved modifications. The proposal sought to significantly impact heritage views to and from

Observatory Hill via a proposed additional 144,355sqm of new gross floor area, resulting in a significant increase in the approved block height, bulk, and scale with adverse impacts; namely the proposed reduction in size of Hickson Park, and a lack of affordable housing.

Section 1.4.2 of the EIS notes that Mod 9 is currently being refined following its lodgement in April 2022. This is a result of the communities scathing response to the proposal, including opposition by local and State government..

Further confirmation is now sought from the proponent and the DPE that the proposed works subject to this proposal are inline with the current approval for Central Barangaroo under MP06_0162, and not being undertaken to facilitate unacceptable future uplift as was proposed under the previous Mod 9 submission.

To further frustrate local residents and stakeholders, it is noted that the NSW DPE does not make documents available for the concept plan on the NSW Major Projects Portal, the information only being available on the old portal website. It is noted that the NSW DPE removed a link to the old portal on their website, and a search of MP06_0162 on the new portal provides no results. The DPE is making access to information increasingly difficult for the public, made evident by the fact that the DPE have not complete or made available a consolidated consent for the proposal, despite the latest modification for MP06_0162 being approved on 20 October 2020.

Construction Impacts

In addition to the above matters, there remains concern regarding the impacts associated with the proposed construction program. Section 3.2.7 of the EIS notes that the anticipated construction program is to take between 14 and 17 months.

In reviewing the EIS and associated consultants' reports, the below concerns are noted:

- **Traffic & Transport**
 - There is to be limited temporary on-site parking provided for the proposed works, however this will not be available to construction workers for long-term parking and workers will not be permitted to park on the surrounding roads. Despite an average of 30 workers on-site at any given time, no management plan or detailed mitigation measures as to how workers will be restricted from parking on local streets have been provided. This may lead to significant impacts on High St parking for both residents and visitors.
 - The traffic impact assessment provided is considered inadequate. The Traffic, Transport and Accessibility Assessment submitted as Appendix I notes that it is anticipated the construction activity will result in six trucks per hour (60 trucks per day), with a maximum of eight trucks per hour during concrete pours for the secant piles. Whilst this number is considered generally minor, the cumulative impacts of the proposed works and the surrounding developments, namely Barangaroo Metro Station and One Sydney Harbour, has not been appropriately assessed. The assessment only notes that cumulative impacts will be managed, however a more detailed assessment, including understanding the service level of local intersections should be undertaken. The length of the construction works and potential impact to surrounding local road network warrants further assessment.

- Noise & Vibration
 - The Noise and Vibration Impact assessment submitted as Appendix J notes that the residences south of the childcare centre at 37 High Street will be exposed to noise levels up to 10 dB(A) above the applicable management levels. 10 dB(A) exceedance for residential dwellings is considered inappropriate, and the Noise and Vibration Impact assessment notes that feasible and reasonable noise mitigation would need to be investigated by the contractor to minimise noise impacts. It is requested that the DPE seek further detailed construction processes and adequate mitigation measures to ensure that the exceedance is not this high. The exceedance at this level will have impacts to the quality of life of residents along High Street.
- Air Quality
 - The Air Quality Impact Assessment lodged as Appendix K has considered the potential impacts of the likely construction program and has described the dust soiling and human health (PM10) impacts and as 'high' for the sensitive areas within 350m of the site. Given the proximity of the High Street residential dwellings to the site, this is a major health risk to tenants and is concerning. As noted above, no draft or indicative Construction Environmental Management Plan (CEMP) has been submitted with the EIS. Whilst it is a standard condition of consent for a CEMP to be approved prior to the issuing of a Construction Certificate, given the classified 'high' risk to air quality from the proposal, it is requested that a CEMP be provided to the DPE prior to approval, to allow detailed mitigation measures to be developed to ensure this risk is appropriately managed. The 'high' risk to local residents is considered completely inappropriate, and until this impact is managed, the DPE are unable to provide development consent to the proposal.

I thank the DPE for the opportunity to comment on the application and look forward to a full assessment being undertaken to ensure that the impacts to the existing environment, built form, and residents of the High Street, Millers Point Community are not detrimentally impacted as a result of the proposed works under SSD-39587022.

Kind regards,

