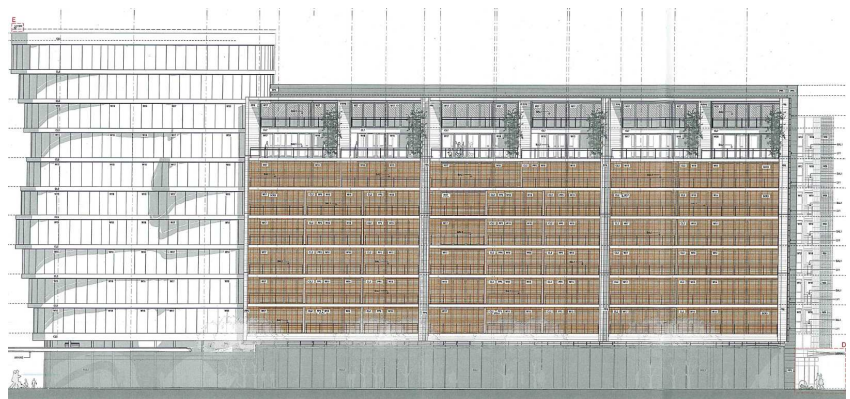




**MODIFICATION REQUEST:
Residential Buildings R8 and R9, Barangaroo South
MP 11_0002 MOD 1**



R8



R9

Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

February 2015

Cover Images: Western Elevations of Buildings R8 and R9

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W modification application lodged by Lend Lease (Millers Point) Pty Ltd, seeking to modify the project approval (MP11_0002) for the construction of residential buildings R8 and R9 at Barangaroo. The modification (MOD 1) seeks approval to correct an error in the maximum GFA approved for the development, increase the maximum building heights to accommodate alterations to the design of rooftop PV cells, introduce a range of indicative ground floor retail shop front designs, provision of awnings, and design refinements to the façade, terraces, service enclosures and shared open space areas.

1.2 The Site

Barangaroo is located on the north-western edge of the Sydney CBD. The site is bounded by the Sydney Harbour foreshore to the north and west, Hickson Road and Millers Point to the east, and Kings Street Wharf/Cockle Bay/Darling Harbour to the south. Residential buildings R8 and R9 are located within Block X of the Barangaroo Concept Plan. A Location Plan is provided at **Figure 1** below.

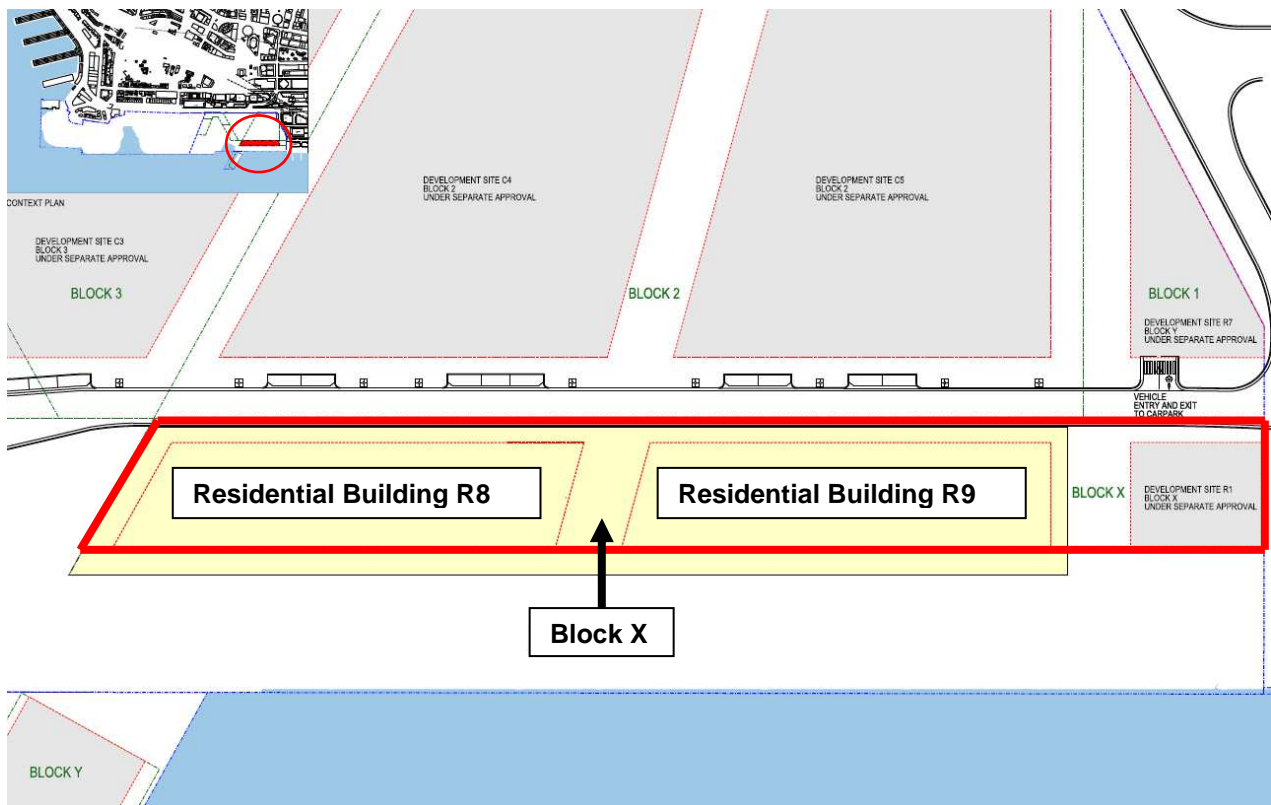


Figure 1: Location Plan

1.3 Project Approval

Residential Buildings R8 and R9 (MP11_0002)

On 28 June 2013, the then Executive Director, Development Assessment Systems & Approvals, under delegated authority, approved the construction of residential buildings R8 and R9. The approved development comprises of:

- demolition of existing hardstand areas, footings or piles in the area to the west of the approved basement car park;
- piling and associated earthworks and remediation;
- construction and use of two residential buildings (R8 and R9), ranging in height between 7 and 11 storeys, and with a maximum combined GFA of 18,079 m² comprised of:
 - 159 apartments (82 apartments within R8 and 77 apartments within R9);

- 16,457 m² of residential floor space (8,862 m² within R8 and 7,595 m² within R9); and
- 1,622 m² of retail floor space (807 m² within R8 and 815 m² within R9).
- the allocation of 172 residential car spaces within the basement car park for the exclusive use of R8 and R9, and 1 shared retail car space within the basement car park;
- allocation of 159 bicycle spaces for residential use in the basement car park, and 16 for residential visitors and 5 for retail workers in the public domain;
- temporary public domain works; and
- installation of utility services.

2. PROPOSED MODIFICATION

2.1 Modification Description

The section 75W modification application (MOD 1) seeks approval to modify the R8 and R9 project approval as follows:

- increase the total combined maximum GFA for building R8 and R9 in the approval by 25 m² from 18,079 m² to 18,104 m². The increase is proposed to correct an error in the original application and approval relating to the retail floor space in building R8 of 25 m² (which is now proposed to increase from 807 m² to 832 m²);
- increase the height of the building R8 by 0.4 m (from RL 41.5 m to RL 41.9 m) and building R9 by 0.5 m (from RL 36 m to RL 36.5 m) to accommodate alterations to the design of the roof top photovoltaic (PV) cells;
- design modifications to building R8, including:
 - introduction of fixed awnings on the eastern elevation facing Lime Street;
 - introduction of a range of indicative ground floor retail shop front designs on the eastern elevation facing Lime Street;
 - alterations to the terrace and introduction of service exhaust enclosures on Level 8; and
 - alterations to the design of rooftop PV cells;
- design modifications to building R9, including:
 - introduction of retractable awnings on the eastern elevation facing Lime Street;
 - introduction of a range of indicative ground floor retail shop front designs on the eastern elevation facing Lime Street;
 - alterations to the shared open space on Level 7, including the replacement of a BBQ area with storage, revised gazebo design, and removal of a landscaped green wall;
 - alterations to the design of rooftop PV cells;
 - minor changes to the façade on Level 8, including:
 - reduced vertical fins, reduced glazed areas, and minor material changes on the northern façade;
 - additional windows, reduced glazed areas for rooms fronting shared open roof space, introduction of vertical privacy fins to service path on the eastern façade; and
 - replacement of retractable awnings with a pergola with operable blades along the western façade.

A comparison of the approved and proposed modified eastern elevations of buildings R8 and R9 is provided in **Figures 2 to 5**.



Figure 2: R8 East Elevation (Approved)

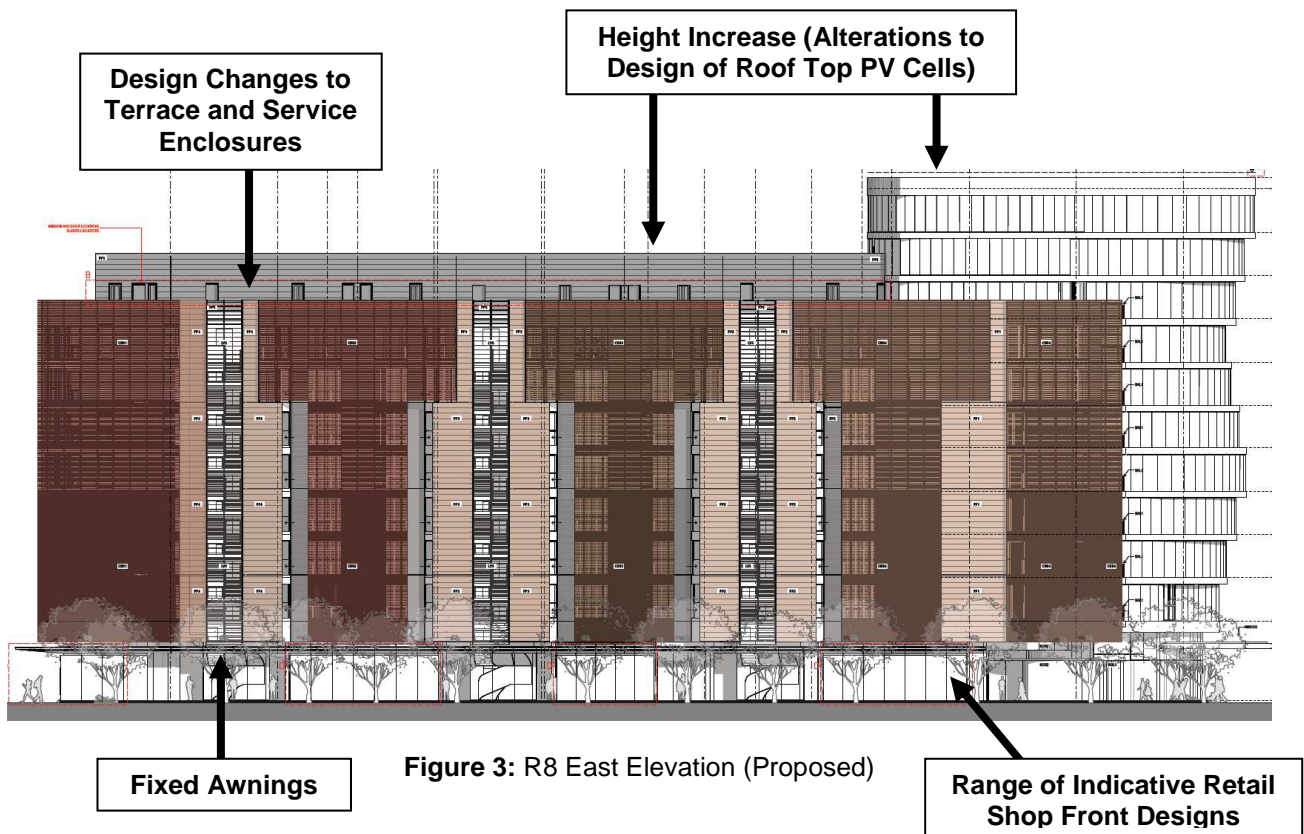


Figure 3: R8 East Elevation (Proposed)



Figure 4: R9 East Elevation (Approved)

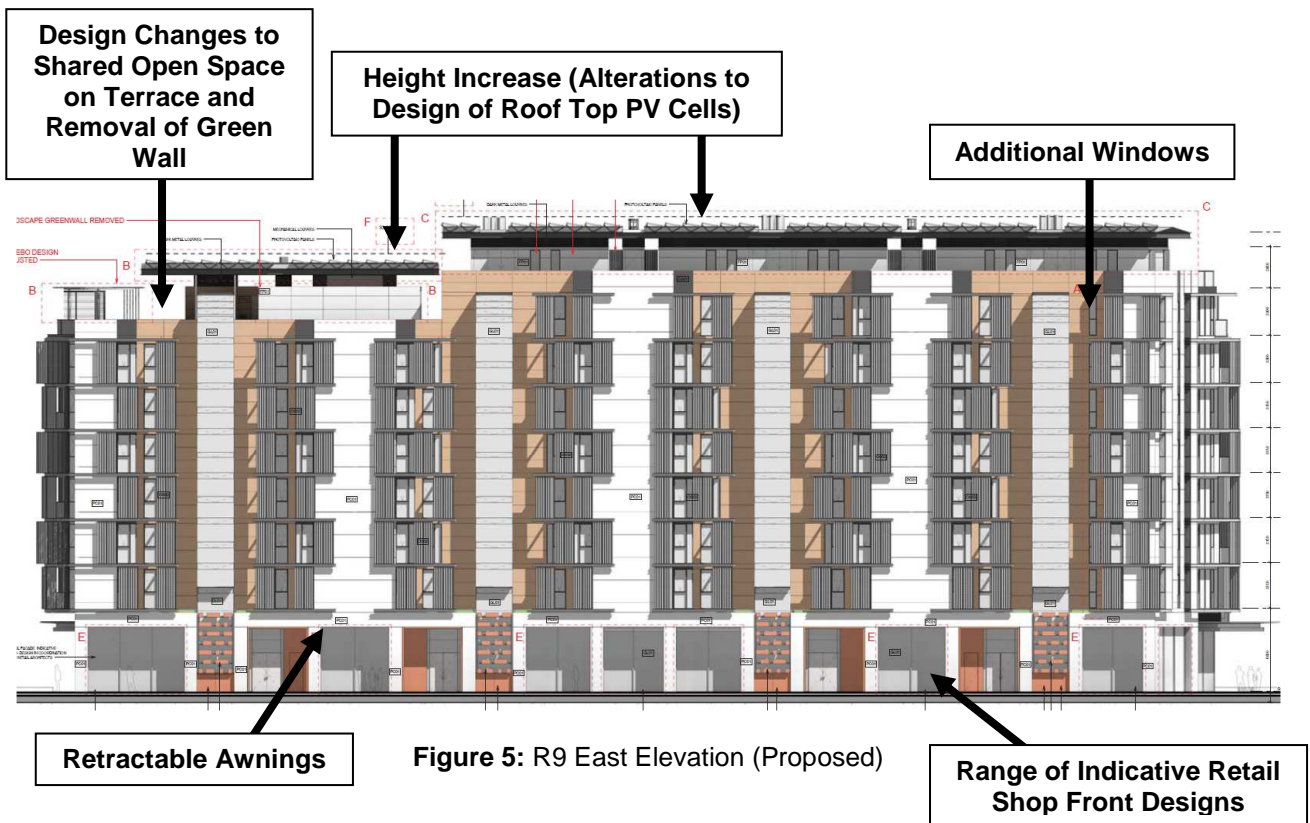


Figure 5: R9 East Elevation (Proposed)

2.2 Justification for Modification

The Proponent has advised that the proposed modifications are sought to:

- correct an error in the maximum GFA for the buildings in the project approval;
- improve the amenity of the residential apartments through improving solar access, ventilation, privacy and improving shared spaces on the terraces;
- improve pedestrian amenity and weather protect at the entries to the ground floor retail spaces; and
- optimise solar yield of the rooftop PV cells.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Project Approvals

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations. The Minister for Planning (or her delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to alter the approved drawings, a number of conditions and the Statement of Commitments, the modification requires the Minister's approval.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as the Proponent has addressed the key issues related to the modification request.

3.4 Permissibility

The site is zoned 'B4 Mixed Use' and 'RE1 Public Recreation' under Part 12 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). The R8 and R9 residential buildings (with retail) are permissible within the B4 Mixed Use zone, subject to approval. However, a number of balconies in the north-west corner of residential building R8 protrude into the RE1 Public Recreation zone (by up to 2.8 m) which prohibits residential uses. Clause 23 of Part 12 of Schedule 3 of the MD SEPP 'development near zone boundaries' overcomes this prohibition. Therefore the encroachment into the neighbouring zone remains permissible pursuant to clause 23 of Part 12 of Schedule 3 of the MD SEPP.

3.5 Delegated Authority

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

The proposal complies with the terms of the delegation as City of Sydney Council did not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received. Accordingly, the Executive Director, Infrastructure and Industry Assessments may determine the application in accordance with the Minister's delegation.

Additionally, as outlined in Section 5.1.1 of this report, the Proponent has sought the Secretary's concurrence to contravene the building height development standard pursuant to clause 20 of Part 12 of Schedule 3 of the MD SEPP. The Secretary delegated responsibility for functions under Schedule 3 of the MD SEPP to Executive Directors who report to the Deputy Secretary, Planning Services. Accordingly, the Executive Director, Infrastructure and Industry Assessments may grant concurrence for the contravention of the development standard in accordance with the Secretary's delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act and clause 8G of the *Environmental Planning & Assessment Regulation 2000*, the Secretary is required to make modification applications publicly available. On 22 August 2014, the modification application was placed on the Department's website. In addition, the Department notified relevant State and local government authorities in writing.

4.2 Public Authority Submissions

Two submissions were received from public authorities in response to the exhibition of the modification application including a submission from the City of Sydney Council (Council) and Transport for NSW (TfNSW). Council and TfNSW raised no objection or concern to the application.

4.3 Public Submissions

No submissions were received from the general public at the time of writing this report.

4.4 Response to Submissions

The Proponent submitted a Response to Submissions (RTS) on 17 December 2014 which provided some additional information and minor amendments to the proposal in response to issues raised by the Department.

5. ASSESSMENT

The Department considers that the key issues relating to the proposed modification include:

- compliance with the MD SEPP and Barangaroo Concept Plan; and
- design changes.

5.1 Compliance with the MD SEPP and Barangaroo Concept Plan

5.1.1 Compliance with the MD SEPP

Part 12 of Schedule 3 of the MD SEPP specifies that development at Barangaroo must comply with:

- the gross floor area (GFA) and height of buildings maps;
- the relevant zone objectives; and
- the design excellence provisions.

The Department has assessed the application against the requirements of the MD SEPP and notes that the proposed modified building R8 exceeds the maximum building height control for Block X by 0.4 m. However, both building R8 and R9 remain consistent with the GFA controls for Block X. **Table 1** below provides a summary of compliance with the controls in the MD SEPP.

Table 1: MD SEPP Controls

Controls	Approved Project	Proposal As Modified	Compliance
Zoning			
Zone B4 Mixed Use	Building R8: Mostly located in the B4 zone.	Building R8: No change.	Yes
	Building R9: Wholly located in the B4 zone.	Building R9: No change.	Yes
Zone RE1 Public Recreation	Building R8: North-west balconies above ground level protrude into the RE1 zone by up to 2.8 m.	Building R8: No change.	Yes (discussed previously in Section 3.4 of this report – Clause 23 of MD SEPP 'development near zone boundaries')
GFA (Block X)			

18,908 m ²	Combined GFA of Buildings R8 and R9: 18,079 m ² (829 m ² remains available within Block X).	Combined GFA of Buildings R8 and R9 of 18,104 m ² (804 m ² remains available within Block X).	Yes
Height (Block X)			
RL 41.5	Building R8: 9-11 storey building attaining a maximum height of RL 41.5 m. Building R9: 7-9 storey building attaining a maximum height of RL 36.	Building R8: 9-11 storey building attaining a maximum height of RL 41.9 m (to the top of PV cells). Building R9: 7-9 storey building attaining a maximum height of RL 36.5 (to the top of PV cells).	No (see comments below) Yes

Note¹: Height, as defined in the Standard Instrument means "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flag poles, chimneys, flues and the like". This excludes PV cells.

The proposed increase in the building height is a result of alterations to the design of the roof top PV cells (see **Figures 3 and 5**), which are now proposed to be tilted (previously flat) to optimise solar yield. The proposed revised design of the rooftop PV cells would increase the height of building R8 by 0.4 m to 41.9 m, 0.4 m above the maximum building height control for Block X in the MD SEPP. The height of building R9 would also increase as a result of the revised design of the roof top PV cells (by 0.5 m), however this building would remain below the maximum building height control in the MD SEPP.

The Proponent has sought the Secretary's concurrence for the 0.4 m contravention of the building height development standard for Block X pursuant to clause 20 of Part 12 of Schedule 3 of the MD SEPP. Clause 20 provides that an exemption may be granted to a development standard if the Secretary is of the opinion that compliance is unreasonable or unnecessary, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The Department has assessed the Proponent's request to exceed the building height development standard in the MD SEPP and concludes that the proposed variation to the height control is minor and that the revised design of the rooftop PV cells would not significantly add to the overall bulk or scale of building R8 or result in any discernable overshadowing or view loss impacts. The revised tilted PV cells design is also consistent with other buildings in Barangaroo South and more broadly, throughout the Sydney CBD, and the revised design would improve the solar collection efficiency of the PV cells and thereby enhance the overall sustainability initiatives of the building. The departure from the height control does not raise any matters of significance for State or regional environmental planning, and compliance with the development standard in this instance would not result in any public benefit. The Department therefore concludes that there are sufficient grounds to justify the departure from the height control in the MD SEPP, and recommends that the Executive Director, Infrastructure and Industry Assessments, as delegate of the Secretary, grant concurrence for the contravention of the development standard (see Section 7 of this report).

In addition to building height, as identified in **Table 1**, the total combined GFA of the development is proposed to increase by 25 m² from 18,079 m² to 18,104 m². The Proponent advised that the existing approved GFA plans and approval incorrectly identify that the retail component of building R8 was 807 m² when it was in fact 832 m². The Proponent has therefore sought to correct the error in GFA as part of the modification application. The Department accepts that the proposed increase in GFA is for the purpose of correcting an error in the original application, and that no physical increase is proposed to the buildings as part of the modification application. The proposed modified development (with increased GFA) will continue to comply with the relevant GFA controls in the MD SEPP. The Department therefore concludes the increase in GFA to be acceptable. Within Block X, there will now remain 804 m² of floor space available for building R1.

The Department has also assessed the modification application against the design excellence provisions of the MD SEPP and is satisfied the proposed modified development will continue to exhibit design excellence for the following reasons:

- the scope of the modification application relates primarily to minor design refinements to the ground floor retail shop fronts, awnings, facades, terraces, service enclosures, shared open space

areas and rooftop PV cells, however, the fundamental design of both buildings remains unchanged and the modified development would provide an outcome generally consistent with the existing approved development;

- the proposed modified buildings would remain highly articulated and composed of high quality materials and finishes, appropriate to the building type and location; and
- the form and external appearance of the proposed modified buildings would continue to improve the quality and amenity of the public domain through the provision of new views and vistas within Barangaroo South, and through the provision of temporary public domain works.

The proposed modifications are also generally supported by the Department's architectural advisor, the NSW Government Architect, however a number of minor design recommendations were made, and where relevant, these are discussed in Section 5.2 of this report.

5.1.2 Compliance with the Barangaroo Concept Plan

The Barangaroo Concept Plan also includes height and GFA controls for each individual development block, which are consistent with the broader MD SEPP provisions outlined in Section 5.1.1. The Concept Plan also includes a maximum residential land use GFA control for Block X. The Department has assessed the application against the numeric controls in the Concept Plan and notes that building R8 exceeds the maximum building height control for Block X by 0.4 m, as a result of the alterations to the design of the roof top PV cells. However, both buildings remain consistent with the GFA and maximum residential land use controls for Block X. **Table 2** below provides a summary of compliance with the numeric controls in the Barangaroo Concept Plan.

Table 2: Barangaroo Concept Plan Controls

Block X Controls	Approved Project	Proposal As Modified	Compliance
Height			
RL 41.5	Building R8: 9-11 storey building attaining a maximum height of RL 41.5 m	Building R8: 9-11 storey building attaining a maximum height of RL 41.9 m (to the top of PV cells)	No
	Building R9: 7-9 storey building attaining a maximum height of RL 36	Building R9: 7-9 storey building attaining a maximum height of RL 36.5 (to the top of PV cells)	Yes
Total GFA			
18,908 m ² permitted within Block X	The following GFA is currently approved within Block X: <ul style="list-style-type: none"> • Building R8: 9,669 m² GFA (approved); and • Building R9: 8,410 m² GFA (approved). TOTAL: 18,079 m² (829 m ² would remaining available for allocation for building R1 within Block X)	The following GFA is currently approved within Block X: <ul style="list-style-type: none"> • Building R8: 9,694 m² GFA (proposed); and • Building R9: 8,410 m² GFA (no change). TOTAL: 18,104 m² (804 m ² would remaining available for allocation for building R1 within Block X)	Yes
Residential Land Use GFA			
16,463 m ² permitted for residential use within Block X	The following residential GFA is currently approved within Block X: <ul style="list-style-type: none"> • R8: 8,862 m² GFA (approved); and • R9: 7,595 m² GFA (approved). TOTAL: 16,457 m² (6 m ² would remaining available for allocation in building R1, however building R1 is not proposed to include residential uses)	No change is proposed to the residential GFA of building R8 or R9.	Yes

Note¹: Height, as defined in the Standard Instrument means "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flag poles, chimneys, flues and the like". This excludes PV cells.

As outlined in Section 5.1.1, the Department considers the departure from the height control to be minor and is satisfied that the revised design of the roof top PV cells would not result in any additional

discernible environmental impacts above the existing approved development. The development, as modified, would remain generally consistent with the terms of approval of the Concept Plan.

In addition, Modifications B5 and B9 of the Concept Plan approval require applications to demonstrate compliance with the Built Form Principles and Urban Design Controls prepared by Rogers, Stirk, Harbour and Partners. A comprehensive assessment of compliance with the Built Form Principles and Urban Design Controls is provided in Appendix 4 of this report. On the basis of this assessment, the Department is satisfied that the proposed modified buildings will continue to achieve compliance with the Built Form Principles and Urban Design Controls.

Compliance with the car parking requirements of the Concept Plan are also addressed in Section 5.3 of this report.

5.2 Design Changes

The modification application includes a number of key design changes to buildings R8 and R9. To assist with its assessment of the application, the Department engaged the NSW Government Architect to undertake a review of the proposed design modifications. The Government Architect generally supported the proposed modifications, however, a number of minor design recommendations were made of for the Department's consideration relating to the proposed retail shop front designs, awnings, service enclosures, shared open space areas and the roof top PV cells, which are discussed below.

Retail Shop Fronts

The modification application seeks approval for a series of indicative retail shop front designs for the ground floor retail shopfronts of buildings R8 and R9 (primarily along the eastern elevation facing Lime Street). Six options are provided for the various ground floor retail tenancies in building R8 and five options are provided for building R9.

Council raised no objection to the proposed range of retail shop front designs, however, the Government Architect requested further clarification regarding the method for selecting shopfront designs for each of the ground floor retail tenancies. The Department also sought clarification from the Proponent as to whether the retail shop fronts would be constructed under the project approval or as part of the future fit-out applications for the ground floor retail tenancies.

The RTS identified that the retail shop front designs proposed in the modification application are currently only indicative, and that the final detailed designs would be selected by the future tenants according to their design and operational needs. The RTS also identified that the final design of the retail shop fronts would be either undertaken by the Proponent, subject to further approval by the Secretary under the project approval, or the subject of separate future applications by the future tenants themselves. Additionally, the Proponent sought to introduce a new Statement of Commitment (SOC) to secure a framework for the future assessment of the shopfronts for the other elevations (north, south west). The proposed SOC includes general design parameters for each of the shopfronts, namely:

- all works must comply with the Building Code of Australia and relevant Australian Standards;
- shopfronts may include operable/fixed elements, such as glazing, windows, doors, benches and the like;
- the minimum transparency of the glazing is to be 55%; and
- signage is to be consistent with the signage strategy, which is to be submitted to the Secretary prior to issue of a relevant construction certificate.

The Department considers that the indicative retail shop front designs with various combinations of glazing and pivot entry and bi-folding doors would generally provide an acceptable outcome for the ground floor retail areas of the buildings fronting Lime Street. The Department also acknowledges the need to provide flexibility for future tenants to tailor the final design of the shop fronts to their needs, and is generally satisfied with the proposed SOC and general design parameters for the shopfronts for the other elevations. Notwithstanding, to provide clarity in the approval, the Department has recommended modifying a number of conditions to specify that no approval is granted to the

ground floor retail shop fronts (except the indicative designs on the eastern elevation), and that the final detailed design of the shopfronts must be submitted for the approval of the Secretary prior to the issue of the relevant construction certificate. Alternatively, approval of the final detailed design of the retail shopfronts may be sought via a separate application. The Department also considers that the signage strategy should be submitted and approved by Secretary to ensure it contains suitable parameters for the signage proposed at the ground floor retail areas, and has therefore recommended a condition to ensure this occurs. It is however also noted that a significant amount and type of signage can be undertaken under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The Department is satisfied that, subject to the recommended conditions, the ground floor retail shop front areas of the building will achieve an acceptable outcome.

Awnings

The modification application includes the provision of a fixed awning above the retail shop fronts along the eastern elevation of building R8, and retractable awnings above the retail shop fronts along the eastern elevation of building R9.

The Government Architect did not support the proposed retractable fabric awnings to building R9 and considered that retractable awnings will impact design excellence, and raised particular concerns regarding the suitability of providing fabric awnings at corner locations. The Government Architect also identified it did not support non-continuous awnings to building R8, and that permanent, continuous footpath protection should be provided in order to promote a high amenity pedestrian environment.

The RTS identified that the proposed retractable fabric awnings to building R9 are intended to soften the strong concrete elements of the design of the building and introduce a more human scale along Lime Street. The awnings would be constructed of high quality durable material to withstand the elements, and the operable awnings would be carefully detailed to be flush with the shopfronts when retracted. The powder coated elements of the awning would match the rest of the shopfront. The RTS also identified that a continuous fixed awning is proposed generally along the entire length of Lime Street which would provide for permanent, continuous footpath protection, which addresses the concerns raised by the Government Architect.

Whilst noting the Government Architect's concerns regarding the retractable fabric awnings, the Department considers that the proposed provision of awnings would generally be an improvement over the existing approved development as they will provide for improved pedestrian amenity and protection. Additionally, the awnings would help to give visual and acoustic separation between the busy public domain and retail activity at ground level, and the residential component of the development immediately above. The Department considers that the retractable awnings, together with the retail shop fronts, residential lobby areas, green walls, and public domain trees and footpaths areas will contribute to a positive pedestrian experience, and that an acceptable outcome can be achieved that will not impact design excellence.

The Department therefore concludes that the proposed awnings are acceptable. Notwithstanding, pursuant to the existing Condition B4 of the approval, the final detailed design of the awnings will be subject to further approval by the Secretary prior to the issue of the relevant construction certificate.

Façade, terrace, service enclosures and shared open space

The modification application proposes a number of minor design changes to the façade including changes to windows on the residential apartments for building R9 and minor design changes to the terrace, service enclosures and shared open space areas.

The Government Architect requested further clarification regarding the proposed changes to the service exhausts and changes relating to the shared open space areas (including clarification regarding the removal of a green wall, materials for the gazebo and alterations to the BBQ areas).

The RTS identified that the changes to the service exhaust are the result of further detailed design, however given the service exhausts will sit below the height of the parapet, they will not be visible from the public domain and will therefore not result in any significant change in appearance of the building. Additionally the service exhausts are provided for the natural ventilation of the fire stairs and will not have any noise or air quality impacts on the residential apartments. The RTS also included a minor amendment to the layout and further detailing of the materials of the gazebo. The minor amendment to the layout comprised a minor increase in the western setback of the gazebo from the parapet to introduce a Building Management Unit (BMU) operator cradle. In relation to the proposed removal of the green wall, the Proponent advised that following further consideration of the communal roof landscape strategy, it determined that the green wall (located on the eastern side of a rooftop plant room in building R9) had minimal benefit to the main communal shared open space, and visibility of the green wall from the surrounding commercial towers was significantly reduced by the parapet and overhanging roof. The Proponent has therefore sought to remove the green wall element and instead provide a simplified white form to the eastern side of the plant room.

The Department considers that the proposed modifications to the façade, terrace, service enclosures and shared open spaces areas constitute minor design refinements which have minimal impact or consequence to the overall design of the development. The proposed change to the gazebo will not result in any significant change in appearance of the building and the BMU operator cradle will be concealed behind the parapet when not in use. In relation to the removal of the green wall, it is acknowledged that the provision of a green wall in this location has minimal benefit to both the rooftop communal shared open space, or for observers from surrounding buildings. Additionally, notwithstanding its proposed removal, the building would continue to provide numerous other prominent green wall elements and planters in the facades and roof areas which feature as design elements, and which will soften the built form.

The Department therefore concludes the proposed minor design changes, including the removal of the green wall, to be acceptable.

Alterations to the rooftop PV cells

The proposed modification seeks approval for alterations to the design of the roof top PV cells, which are now proposed to be tilted (previously flat) to optimise solar yield. The Government Architect generally supported the revised design of the PV cells, including the exceedance of the height limit discussed previously in Section 5.1.1 of this report, however concern was raised regarding potential impacts of the change in angle of the PV cells, including potential reflectivity impacts.

The RTS confirmed that the PV cells will continue to have a light reflectivity not exceeding 20% in accordance with the existing approval, and that the PV cells will be self-cleaning to reduce requirements for maintenance.

The Department concludes that the alterations to the design of the roof top PV cells would not result in any significant environmental impacts subject to the existing approved conditions.

6. CONCLUSION

The Department has assessed the modification application and considered the submissions received from the Council and Transport for NSW. The Department has also considered the design recommendations from the NSW Government Architect.

The proposed modified project would be generally consistent with the existing approved project which comprises demolition works, earthworks and remediation, construction of two residential buildings with ground floor retail (R8 and R9), allocation of car parking and bicycle parking spaces, temporary public domain works and installation of utility services.

The proposed design changes generally result in an improved outcome over the existing development. The proposed awnings would improve pedestrian weather protection as well as providing visual and acoustic separation between the busy public domain and retail activity at ground level, and the residential apartments immediately above.

Whilst the proposed modified project would exceed the maximum building height development standard in the MD SEPP and the Concept Plan as a result of the revised design of the rooftop PV cells, detailed justification for the departure has been documented and accepted by the Department. The Department has therefore recommended that the Executive Director, Infrastructure and Industry Assessments, as delegate of the Secretary, grant concurrence under clause 20, Part 12, Schedule 3 of the MD SEPP to provide an exemption to the development standard in this instance.

Notwithstanding the above, the proposed modified project continues to comply with all other key controls in the MD SEPP and Barangaroo Concept Plan, including gross floor area, car parking, design excellence provisions and the Built Form Principles and Urban Design Controls.

The Department therefore recommends that the modification application be approved, and relevant conditions of the project approval be amended accordingly.

7. RECOMMENDATION

It is recommended that the Executive Director, Infrastructure and Industry Assessments:

- a) **Consider** the findings and recommendations of this report;
- b) **Grant** concurrence to vary the building height development standard for Block X pursuant to clause 20, Part 12, Schedule 3 of the MD SEPP;
- c) **Approve** the modifications in MP 11_0002 MOD 1, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- d) **Sign** the attached Instrument of Modification (**Tag A**).

Endorsed by:



11/2/15

Cameron Sargent
Team Leader
Key Sites

Approved by:



12.2.15

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Prepared by: Ben Eveleigh

Endorsed by:



Ben Lusher
Manager
Key Sites

APPENDIX 1 MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6665

APPENDIX 2 SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6665

APPENDIX 3 RESPONSE TO SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6665

APPENDIX 4 COMPLIANCE WITH THE BUILT FORM PRICIPLES AND URBAN DESIGN CONTROLS

BUILT FORM PRICIPLES		
<p>The scope of modification application relates primarily to design refinements to the ground floor, façade and terrace areas, however the fundamental design of the building R8 and R9 remains unchanged, and the modified development would provide an outcome generally consistent with the existing approved development. Accordingly, the Department considers that the proposed modifications would not alter the development's consistency with the Built Form Principles.</p>		
CONTROL	COMMENT	COMPLIANCE
<p>1. Building Mass and Location</p> <ul style="list-style-type: none"> ▪ Above Ground floor level the westerly oriented facades to have a minimum 3m setback. Open and enclosed balconies are allowed to protrude into the setback zones. ▪ The building mass height will be between maximum and minimum heights of RL41.5 and RL25 respectively. ▪ On the easterly oriented facades a minimum of 1m setback is required. 	<ul style="list-style-type: none"> ▪ Western façade of R8 is setback between 2 m and 2.3 m. Western façade of R9 is setback between 2.7 m and 3 m. Non-compliance assessed as part of original application and considered acceptable on merit. No change proposed to setbacks in modification application. ▪ R8 is proposed to be 41.9 m in height (0.4 m above maximum building height). R9 is proposed to be 36.5 m in height. Assessed in Section 5.1 of this report. ▪ Eastern façade of R8 is setback between 0 m and 1 m. Eastern façade of R9 is setback 0 m to 1.1 m. Non-compliance assessed as part of original application and considered acceptable on merit. No change proposed to setbacks in modification application. 	<p>Partial</p> <p>Partial</p> <p>Partial</p>
<p>2. Street Wall Establishment</p> <ul style="list-style-type: none"> ▪ The building mass at the podium is to form a continuous Street Wall around the site for a minimum of 85% of the site perimeter. 	<ul style="list-style-type: none"> ▪ The proposed building mass forms a continuous street wall around the site. 	<p>Yes</p>
<p>3. Building Articulation</p> <ul style="list-style-type: none"> ▪ To reduce the impact of the buildings mass, the envelope and floor plates are to be horizontally and/or vertically articulated, in particular at upper levels. ▪ Building Form is to express sustainability features such as for example access to natural light, ventilation and solar shading. 	<ul style="list-style-type: none"> ▪ Modification maintains horizontal and vertical articulation and modulation through the expression planter boxes, awnings, sun shading devices, private balconies and expressed staircases. ▪ Modification improves the expression of sustainability features through proposed revised design of roof top PV cells to improve solar yield, as well as maintaining the existing sustainability features of the buildings such as adjustable shading and ventilation. 	<p>Yes</p> <p>Yes</p>
<p>4. Building Legibility</p> <ul style="list-style-type: none"> ▪ The separate primary components of the building will be expressed and include additional elements such as the open and enclosed balconies. ▪ Building form is to be reinforced using modulation of open and enclosed balconies, building elements, etc. to avoid monotony. 	<ul style="list-style-type: none"> ▪ The modification maintains expression of the separate primary components of the building. ▪ The modification maintains modulation of the built form through the open and closed balconies. 	<p>Yes</p> <p>Yes</p>
<p>5. Ground Floor Permeability and Accessibility of Public Realm</p> <ul style="list-style-type: none"> ▪ Public access around the Blocks is to be maintained on all edges. 	<ul style="list-style-type: none"> ▪ The modification maintains public access around the edge of R8 and R9. 	<p>Yes</p>

<ul style="list-style-type: none"> To provide one north to south and four east to west primary connections. 	<ul style="list-style-type: none"> The modification maintains 2 north south connections, and 3 east west connections, with the fourth east west connection to be provided under a separate application (R1). 	<p>Yes</p>
<p>6. Ensuring Quality of Rooftops</p> <ul style="list-style-type: none"> Roof forms to incorporate architectural treatment. Architectural treatment of exposed elements such as lift shafts, overruns control rooms and any sustainability features. Exposed mechanical equipment is to be avoided. Good quality materials (ie durable, hardwearing and sustainable) are to be used. Roof to incorporate no more than 60% accessible terraces. 	<ul style="list-style-type: none"> The modification maintains architectural treatment of the roof top. The modification maintains architectural treatment of the roof top and incorporates sustainability features such as roof top PV cells, shading devices and green wall elements. No mechanical equipment will be exposed on the R8 and R9 rooftops. The modification maintains the use of good quality materials on the roof top. R9 will have accessible roof terraces which exceed 60% of the roof area. Non-compliance assessed as part of original application and considered acceptable on merit. No change proposed to roof terraces in modification application. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Partial</p>
<p>7. Façades</p> <ul style="list-style-type: none"> The choice of appropriate materiality for longevity, durability and flexibility. Materials such as steel, glass, concrete, timber and aluminium shall be considered. Environmentally sustainable design is to be incorporated on all facades. Depth and layering of facades is to be achieved through relief and protrusions. Mirrored facades should be avoided. Facade components such as external shading shall be used to provide light and shade to the building. 	<ul style="list-style-type: none"> The modification maintains an appropriate mix of materiality for the longevity, durability and flexibility of the buildings. The modification maintains environmentally sustainable design features on all facades, including sun shading devices and natural ventilation features. The modification will maintain the depth and layering of the facades of the approved development. The modification maintains external shading devices on the façade. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>8. Active Street Fronts</p> <ul style="list-style-type: none"> At least 85% of the Ground Level is to be active on the primary Street Wall facades (North & West) Building entrances to internal areas such as residential lobbies, exit ways and service areas or loading docks shall be considered as part of the 85% active requirement. The width of driveways shall be minimised. 	<ul style="list-style-type: none"> Active uses are proposed to line approximately 98% of the key public domain frontages of the buildings. No building service areas or loading dock areas are proposed on the promenade, with the majority of services, parking and loading docks occurring from within the basement. No driveways are proposed. 	<p>Yes.</p> <p>Yes</p> <p>N/A</p>