

11 November 2020

2190721

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
420 Pitt Street, Sydney NSW 2000

Attention: Anthony Witherdin (Director, Key Sites Assessments)

Dear Anthony,

**Request for Design Competition Waiver
Amending SSD DA, Building R4B Barangaroo South (SSD 8892218)**

We are writing on behalf of Lendlease (Millers Point) Pty Ltd (Lendlease), the proponent for the Amending State Significant Development (SSD) Development Application (DA) seeking amendments to the approved Building R4B (SSD 6965). The 'amending' SSD DA seeks approval for eight additional storeys and 5,650sqm of gross floor area (GFA), amongst other items, to Residential Building R4B approved under SSD 6965. This SSD DA proposes to amend the 60-storey Residential Building R4B development approved under SSD 6965, which in turn necessitates the inclusion of condition(s) of consent to this SSD DA that require the modification of SSD 6965.

This letter seeks a formal waiver from the requirements of a design competition under Division 1 Clause 19(4) of Schedule 3 Part 12 in *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP). A formal waiver was granted by the Secretary for the original Building R4B SSD DA (SSD 6965) in the Assessment Report for SSD 6965, with the former Department of Planning and Environment (the Department) noting:

The Department is therefore satisfied the requirement for a design competition can be waived as the RPBW has an outstanding reputation in architecture and necessary arrangements have been made to ensure the design is carried through to the completion of the development.

...

Given the above, the Department considers it reasonable that the Secretary's delegate (as per the delegations set out in Section 3.3), form the view the proposed buildings exhibit design excellence, and waive the requirement in the SSP SEPP and the Concept Plan for the Applicant to undertake a design excellence competition (Appendix F).

As the proposal the subject of the Amending SSD DA will be consistent with the approved Building R4B design, the proposal will maintain the design excellence deemed to be achieved under the approval of SSD 6965, and therefore the original reasons of the waiver under that earlier approval remain relevant and applicable.

Furthermore, the additional levels and GFA sought in the Amending SSD DA have continued to be designed and directed by the internationally acclaimed Renzo Piano Building Workshop, as the Building R4B project architect. Given the above, an architectural design competition is not required because of the excellence of the approved design, and the consistency of the proposed amendments in replicating and extending this design through the proposed eight additional levels. The Department can continue to be satisfied the architect has an outstanding reputation and necessary arrangements will be reinforced to ensure that the proposed design is carried through to the completion.

For completeness, the requirements of the SSP SEPP, and the specifics of how the proposed additional levels continue to achieve design excellence, are outlined in the following pages.

Design Excellence Requirements

Clause 19 of Part 3, Appendix 9 of the SSP SEPP relates to design excellence and requires that consent must not be granted for new buildings or external alterations to an existing building at Barangaroo unless the consent authority has considered whether the proposed building exhibits design excellence.

Clause 19(3) sets out situations where a design competition is to be undertaken, specifically being when a development will be greater than RL 57, or where the erection of a new building is proposed on a site of greater than 1,500 square metres.

The proposed amending SSD DA does not strictly constitute a 'new' building and is not an external alteration to an existing building. Despite this, it is noted that the proposal does relate to Building R4B, which is a new building currently under construction, and therefore an opinion may be drawn that Clause 19(3) applies to the proposal, being an Amending SSD DA.

In considering whether the proposed building exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
- (c) whether the building will meet sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
- (d) if a design competition is required to be held in relation to the building, as referred to in subclause (3), the results of the competition.*

Clause 19(4) sets out instances where the consent authority may deem a design competition is not required despite the requirements of Clause 19(3). Before certifying in writing that an architectural design competition is not required because of the excellence of the proposed design, the consent authority must be satisfied that:

- (i) the architect responsible for the proposed design has an outstanding reputation in architecture, and*
- (ii) necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.*

In addition to the above, Condition C2 – Design Excellence of the approved Concept Plan (Mod 10) requires a design excellence competition to be held by the Director-General and convention of a design review panel generally for development that exceeds 55 metres in height, or is on land exceeding 1,500m² in area.

Under Condition C2 of the Concept Plan (as modified), the key matters for consideration are:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- whether the form and external appearance of the building will improve the quality and amenity of the public domain;
- whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency;
- a comparison of the proposed development against the indicative building controls identified in Section 13.0 – Built Form of the approved Concept Plan EAR; and
- whether the new development detrimentally impacts on view corridors, particularly from public spaces and streets.

Similar to Clause 19(4) of the State Significant Precincts SEPP, Condition C2(7) of the approved Concept Plan (as modified) allows for the consent authority to waive the requirement for an architectural design competition. Condition C2(7) states:

Notwithstanding (2) above, the requirement for a design excellence competition may be waived if the Director General:

(a) certifies in writing that the development is one for which an architectural design competition is not required because of the excellence of the proposed design for the development concerned, and

(b) is satisfied that:

(i) the architect responsible for the proposed design has an outstanding reputation in architecture, and

(ii) necessary arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned.

Design Competition Process

While a formal waiver under Clause 19(4) of the SSP SEPP is now being sought to support the Amending SSD DA, consistent with the original approval for Building R4B (SSD 6965), an architectural design competition was undertaken for the proposed One Sydney Harbour development as a whole. The design competition was undertaken in collaboration with the Barangaroo Delivery Authority (now Infrastructure NSW) and was not strictly carried out in accordance with Clause 19(3) of the SSP SEPP. In the Assessment Report for SSD 6965, the Department acknowledged a design competition was undertaken.

A waiver from the requirement for a design competition was therefore granted for the Building R4B under SSD 6965 as it was acknowledged that a competitive design process was undertaken as envisaged by the requirements of Clause 19 of the SEPP.

The design competition held for One Sydney Harbour occurred in 2014 and included alternative designs submitted by a selection of locally and internationally renowned architects, including Renzo Piano Building Workshop (RPBW), WOHA, Denton Corker Marshall (DCM), FJMT and Christian De Portzamparc.

A judging panel comprising Lendlease team members and the Barangaroo Delivery Authority selected RPBW over the other entrants due to the innovation shown in the design and the building's relationship to its context.

Following the completion of the design competition the proposed design for each building, including Building R4B, underwent a further rigorous process of design review, internally within Lendlease and with the assistance of independent design experts.

Design Team Selected

RPBW was selected as the winning team following the design competition. RPBW is an international architectural practice with offices in Paris, Genoa and New York City and winner of the Pritzker Architecture Prize. Since its formation in 1981, RPBW has successfully undertaken and completed over 120 projects across Europe, North America, Australasia and East Asia. Among its best known works are:

- the Menil Collection in Houston, Texas;
- the Kansai International Airport Terminal Building in Osaka;
- the Kanak Cultural Centre in New Caledonia;
- the Beyeler Foundation in Basel;
- the Rome Auditorium;
- the Maison Hermès in Tokyo;
- the Morgan Library and the New York Times Building in New York City;
- the California Academy of Sciences in San Francisco; and

- the Shard in London.

The quality of RPBW's work has been recognised with over 70 design awards, including major awards from the American Institute of Architects (AIA) and the Royal Institute of British Architects (RIBA).

The design of the One Sydney Harbour buildings was informed by the 'Master Architects' of Barangaroo South, Rogers Stirk Harbour and Partners (RSH+ P). Other members of the consultant team have also contributed greatly to the scheme, ensuring that each building is a realistic, integrated and innovative design. Lendlease's team of world class specialists in engineering, sustainability, urban planning and landscape design have all helped to shape the scheme from its inception.

In addition, the project team has always been mindful of emerging trends throughout the world and has benchmarked the scheme against other projects in Australia and internationally.

The eight additional levels and GFA sought in the proposed Amending SSD DA maintain the overall design approach of the approved building, with RPBW continuing in their capacity as the project architect.

Given the above, the Department can be satisfied that the internationally acclaimed RPBW with an outstanding reputation is continuing in their responsibility for the design. Furthermore, in light of the track record of Lendlease in maintaining the high quality design of buildings at Barangaroo South through to completion, the Department can be satisfied that the design as proposed to be amended with eight additional levels, and envisaged by RPBW, will be realised in the final built form.

Achievement of Design Excellence in the Amending SSD DA

As detailed above, a design competition was held for the One Sydney Harbour buildings with the intent of selecting an architect that demonstrates the capacity to design buildings that exhibit design excellence. Clause 19(2) of the SSP SEPP and Condition C2 of the Concept Plan (as modified) set out the key matters for consideration when deciding whether a proposal achieves design excellence.

The proposed Amending SSD DA seeks to provide eight additional levels and corresponding residential GFA to the approved Building R4B. These eight additional levels will replicate and extend the approved RPBW design of Building R4B, ensuring that the same level of design excellence achieved in the original building design is maintained and continued.

The consistency of Building R4B, including the eight additional levels proposed, with the key matters for consideration of design excellence, is set out below:

- The materials, articulation and detailing of the façades match the quality that is synonymous with RPBW buildings.
- The design strikes a balance between creating a suite of three elegant towers of an international architectural standard while being considerate of neighbouring buildings, including the Crown Sydney Hotel and Resort and the International Towers Sydney.
- The 'crystal' inspired design respects the Concept Plan layout and setbacks, to create three towers that read as separate stand-alone buildings that also form part of a larger architectural statement.
- The podium form and design has been crafted to ensure a consistent streetscape scale is achieved in the precinct and a transition is created between the built form of Barangaroo South and the new Hickson Park.
- The generous apartment layouts have been optimised to deliver an exceptional standard of amenity, in particular taking advantage of the northern aspect and panoramic views.
- The design provides a striking back drop to the future Hickson Park. Each of the dwellings have been designed to maximise outlook to the park to the north, and harbour to the west.
- A unique feature of the winning design is the provision of the pedestrian Strada between Buildings R4A and R4B, which will provide additional connectivity and activation through Block 4A from Watermans Quay to the future Hickson Park.

- The design incorporates a variety of environmentally sustainable measures including the use of water efficient fixtures and fittings and photovoltaics.

The design excellence exhibited in the original building is maintained throughout this application and through the amendments, and a Design competition waiver is appropriate, as:

- The building has been designed by the internationally renowned architect, RPBW.
- The building continues to provide the high standard of architectural design, materials and detailing in the additional levels, appropriate to the building type, location and family of One Sydney Harbour buildings.
- The building's appropriate form, external appearance and the ground plane continue to provide for high amenity and quality of the public domain.
- Lendlease is committed to ensuring continuity in the design process and realisation of the submitted design in the completed building by ensuring that RPBW has direct involvement in the design documentation phase.
- The proposed scheme generally complies with the planning framework established for the site.
- The design will have no adverse impacts on view corridors, particularly from public spaces and streets, beyond those assessed as part of Concept Plan (Mod 10).
- The building continues to utilise Lendlease's skills and proven track record to deliver an exemplary residential building.
- The building implements innovative technical and sustainable solutions, contributing to cutting edge design excellence.

Given the above, it is clear that the proposal continues to deliver a tower that will exhibit design excellence and therefore meets the intent of Clause 19 of the Major Development SEPP and Condition C2 of the Concept Plan (as modified).

We trust that the information provided in this letter is sufficient for the Department to form a view that an architectural design competition under Clause 19(3) of the SSP SEPP is not required for the assessment and determination of the Amending SSD DA to Building R4B. Furthermore, the Department can be satisfied that RPBW, an architect with an outstanding reputation, is continuing in their responsibility for Building R4B and necessary arrangements have been made to ensure that the proposed design is carried through to completion.

We request that the Department provides Lendlease with written confirmation of this waiver. Should you have any queries about this matter, please do not hesitate to contact me on bhoskins@ethosurban.com.

Yours sincerely,



Brendan Hoskins
Associate Director