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Mr Cameron Sargent
Team Leader, Key Site Assessments
NSW Planning and Environment
22-33 Bridge Street
Sydney NSW 2000

Attention: Matthew Rosel, Senior Planner
matthew.rosel@planning.nsw.gov.au

Dear Matthew,

RE: Barangaroo South, SSD 6957 – Crown Hotel and Resort & SSD 6956 – Remediation and Earthworks Stage 1B

The proposed development which the Crown Hotel and Resort applications support is currently prohibited. As with the proceeding but as yet undetermined concept plan amendment, the City of Sydney objects to this application and requests that it be determined by the Planning Assessment Commission. This objection is to be read in conjunction with our earlier objection to the concept plan amendment application.

Key Issues:

1. The Environment Planning and Assessment Act 1979 (EP&A Act) does not elevate economic outcomes over environmental impacts and the public interest. The proposed relocation of the intended waterfront parkland to Hickson Road at the foot of very tall residential towers places more importance on the casino and its customers being waterfront than the public on parkland being waterfront as the current planning controls require. Insufficient planning evidence has been provided to substantiate this use of parkland and the consequential remediation and earthworks as proposed.
2. The public amenity of the relocated parkland will be relatively poor. While it may have solar access (but is vulnerable to final heights on Barangaroo Central), it will have limited view access, will suffer wind down drafts and will feel hemmed in by private development.
3. The waterfront promenade is reduced in width and the continuous rows of trees are narrowed and interrupted. The imposing footprint of the casino podium is driven by internal functional needs and not by respecting the 30 metre wide public promenade and setbacks to the waterfront. If the casino requires such a large footprint, impacting on the width of the waterfront promenade, it should not be approved in the proposed location or the consequent remediation and earthworks.

4. The building location interferes with important view lines to the harbour down streets and lanes which could be overcome if it was appropriately relocated closer to Hickson Road.
5. The granting of a casino license under the Casino Control Act at a site marked at Barangaroo (as a result of an unsolicited proposal) is inconsistent with the planning reform rationale. This approval is not pre-determinative or in itself a matter for consideration in the planning assessment under the EP&A Act nor can it derogate assessment responsibilities to consider whether rezoning the site is supportable and in the public interest. If the pre-approval of a casino license at Barangaroo is relied upon to justify a planning outcome, it may lead to administrative challenge.
6. The pre-application competitive design process did not test options regarding siting the building – it only allowed architectural responses to a tightly controlled development brief.

Submission Introduction

We refer to NSW Planning & Environment's exhibition of Environmental Impact Statements for the Crown Hotel and Resort (SSD 6957) and an associated application for remediation, earthworks and base building works (SSD 6965).

The SSD applications have been lodged and exhibited prior to the determination of Barangaroo Concept Plan Modification 8 (MOD 8) and State Environmental Planning Policy Amendment (Barangaroo) 2015, being an amending instrument to overcome land use prohibition, current height restrictions and to expand the boundaries of Barangaroo South Precinct into Darling Harbour.

This submission comprises the City of Sydney's (the City's) response to the two SSD DAs as the relevant local Government Authority.

As previously noted, the physical location of the Crown residential and casino development on land intended for a waterfront parkland and world-class harbour cove, as is sought by MOD 8, is objected to.

No contention is raised in relation to the architectural design of the tower other than its many siting issues. The sculptural form is not a substantive concern of the City of Sydney other than the lack of wind control where the shear tower hits the waterfront promenade relative to over-water westerly winds in winter.

City submission to Concept Plan MOD 8 and SEPP amendments

The City objects to MOD 8 and SEPP Amendment (Barangaroo) 2015 and calls for the proposed non-compliance and departure from the current approval framework to be considered by the Planning Assessment Commission to meet a public interest test and the considerations under the Act and the SEARs.

The key grounds of objection were are:

- (a) MOD 8 is not in the public interest and the reasonableness to rezone parkland is not well founded, nor are the public benefits commensurate with the uplift in development;

- (b) MOD 8 fails to justify how the revised development blocks, facilitating the Crown SSDA and cove reduction is a preferred land use to permanent foreshore parkland and water space for future generations;
- (c) MOD 8 must be refused as the proposal should be relocated east of Globe Street and retain the Southern Cove to reduce impacts generally including visual impacts, open space impacts, heritage impacts and wind impacts;
- (d) MOD 8 produces a reduction in quality and quantity of public open space (in addition to relocation) by reclassifying what is counted as public open space and disrupting the approved continuity of the foreshore public parklands;
- (e) MOD 8 floor space could have been reallocated to the proposed land use in an acceptable location. This would be through the reuse and redistribution of approved floor space into new building envelopes. On the contrary, the project is yet again subject to development creep, making the original tender submission far removed from the current proposal.

It is understood that the Minister for Planning has nominated a design advisory panel to review MOD 8. The panel is to make recommendations on improvements to built-form outcomes, mitigation of amenity impacts and means of enhancing the quality of public domain areas. It is expected that the panel will have provided the Secretary for Planning or the Minister for Planning with their initial findings and key issues by now.

Public transparency in the planning assessment framework would be assisted if the Panel's views are made available alongside the exhibition of the subject SSD DAs.

Submission to Crown Hotel and Resort

In the event that the Planning Assessment Commission does not refuse the application, the following key issues require resolution:

- (i) Respect the existing approved waterfront promenade width and not allow transgression of the continuous parklands;
- (ii) Further develop the design and programming of the waterfront promenade prior to the SSD DA determination;
- (iii) Achieve satisfactory wind mitigation in the design of the tower and podium with integrated wind shielding;
- (iv) Commit to provide affordable and key worker housing of at least 10%, and preferably 20%, of proposed residential floor space and commit to provide a more diverse dwelling mix;
- (v) Relocate or rationalise the northern extent of the podium to maintain a public view corridor to and from "Gas Lane" to Hickson Road and the harbour;
- (vi) Document the visual impact of the tower on public vantage points south of the building;
- (vii) Reduce car parking supply and prevent public car parking from operating as commuter parking.

Expanding on the above headline matters, the issues below are raised for the Agency's and Applicant's consideration. Recommendations are included.

1. Public Domain

Waterfront Promenade

The disruption of the existing Concept Plan and zoning restrictions preserving a continuous waterfront promenade is not supported. A 30m wide setback applies from the northern cove (now Nawi Cove) in Barangaroo Central. The Barangaroo Central promenade has, from the edge of the caisson sea wall – a timber boardwalk, an informal walking trail containing a central row of trees, a second row of trees, a paved walking and cycling path and a third row of trees at the grassed edge. This division of pathways gives users options for promenading, commuting, exercising and socialising. The continuous parkland waterfront is a strong element of the existing Concept Plan that varying the approved outcome runs counter to the requirements of the Barangaroo design competition jury and is not supported by the City.

The Crown SSD DA and MOD 8 have a waterfront setback between 15-20m. The restaurant and bar outdoor dining terraces privatise and inhibit the continuity of the 30m setback.

Arising from the above, the loss of a continuous row of waterfront tree planting – from three rows of trees down to two rows – and the way in which pedestrians and cyclists will have a tighter fixed path are considered a poor, and avoidable, outcome.

The Barangaroo Central promenade should continue along the Crown frontage to unify the public domain. Greater clearance should be provided between the sea wall and any Crown related structures. A third row of trees should be preserved.

Waterfront Promenade design

It is understood that responsibility for delivery of the waterfront promenade along the Crown frontages rests with the Barangaroo Delivery Authority. Indicative concepts have been shown in relation to a 5m pathway or boardwalk extension along the

Harbour, a plaza space via the retention of the existing concrete buildout, a water taxi drop-off and arrangement of tree planting. These features are not resolved and are outside the development boundaries of the SSD DAs. However, it is understood that the BDA has appointed a landscape architect to progress work.

The waterfront intentions should be resolved prior to determination, at least in concept or design principles.

The Crown frontage should not be different to suit one particular commercial outcome. A unifying approach should be adopted, else the Lend Lease frontage, Crown frontage and Barangaroo Central frontages will transition abruptly and haphazardly.

Wind impacts

Wind impacts from the tower are anticipated, based on the impact assessments in Concept Plan MOD 8 and the proposed SSD to be adverse along the waterfront promenade, Globe Street (Barangaroo Avenue) and within the rooftop podium levels of the tower. Wind speeds are modelled to exceed safe walking criteria and comfort criteria. Heavy reliance is placed on landscaping along the waterfront to buffer highly affected public areas, particularly at the north-western corner of the building. However, there is still exceedance of comfort and safety levels.

The Wind Assessment for the SSD DA adopts a different approach to the Wind Assessment for Concept Plan MOD 8. The MOD 8 assessment speaks to safety and comfort criteria for able-bodied pedestrians and less-able-bodied pedestrians. The SSD DA assessment is more general and does not make distinctions between the user experiences of an able-bodied person and a person with a disability. The former is a preferred methodology. For example, the MOD 8 assessment predicts the waterfront promenade being suitable for able-bodied pedestrians only, with other pedestrians expected to be in distress.

The wind assessors for the SSD DA should adopt the same methodologies used in the MOD 8 assessment.

Generated wind effects appear to be constantly ignored and underplayed during Departmental assessments, and then become the subject of rectification proposals as the buildings are built (for example the Hickson Road loggia structure now incorporated at the ground of the commercial towers, where previously those towers managed wind downdrafts themselves).

Localised wind amelioration measures are nominated for the privatised waterfront terraces within the development boundaries, including glass blades and horizontal blinds along the outdoor dining zones. These devices will close off the terraces to the promenade and result in poor interaction between the public and private domains.

Wind shields/skirts should be incorporated into the built form of the tower and podium to address downdrafts on both the privatised and public areas of the base.

Shopfront and Signage

Shopfront and Signage Strategies should be prepared to guide the detailed design phase toward integrated approaches that contribute positively to the public domain.

Signage visible from the public domain, both night and day but particularly when illuminated at night, should be integrated to the quality and form of the building and not detract from the vista of the public waterfront.

Tenancy or branding for bar and restaurant uses along the waterfront promenade should be integrated into the facade design rather than added along the external terracing later.

It would be excessive to have building identification signage over every pedestrian entry to the building, e.g. the entry doors for the through-building links, when the casual observer will have already been exposed to podium and major entry signage.

Weather Protection

Outdoor dining areas along the waterfront terraces are provided with awnings for weather protection. However, awnings are not incorporated above public entries associated with the through-site links.

Private development under public roads

The basement car parking includes car parking spaces allocated to the apartments below Barangaroo Avenue. These are the spaces nominated in Basement B2.

The City does not support private uses below public roads when it assesses development applications. Private spaces that are divisible, such as parking spaces and storage areas, are staunchly avoided due to multiple stratum owners. Future maintenance works or maintenance issues, such as water leaking into the basement, are made significantly more challenging with multiple owners.

Recommendations:

- Maintain the continuity of the existing 30m wide waterfront promenade;
- Develop concepts or design principles for the waterfront promenade's structures
- Wind assessments for Concept Plan MOD 8 and the SSD DA should adopt the same methodology for assessing the severity of the impact on pedestrian comfort and safety;
- Shopfront and Signage Strategies should be prepared to guide the detailed design;
- Provide weather protection at all building entries; and
- Limit uses under public roads to common areas and accesses.

2. Built Form

Podium length

The northern extent of the podium base protrudes into a public view corridor along "Gas Lane" to/from Hickson Road and the harbour.

The maintenance of strong east-west views lines has been a key design intent of the Concept Plan since inception. It is considered unnecessary that the Crown podium protrude so far north into the east-west view line. Internal planning should be rationalised to create a view corridor.

Recommendation

Rationalise the northern extent of the podium to maintain a public view corridor to and from "Gas Lane" (now Barton Street) to Hickson Road and the harbour.

3. Social Planning and Affordable/Key Worker Housing

Affordable and Key Worker Housing

The provision of affordable and key worker housing is an important community benefit for housing diversity, inclusiveness and equity. The SSD DA does not include any commitments to affordable or key worker housing although a number of key workers and shift workers will be needed to support the development in the future.

A minimum of 10% of the proposed residential gross floor area (GFA), and preferably 20%, should be provided as affordable and key worker housing.

Any developer or land agreement between the Barangaroo Delivery Authority and Crown Hotels and Resorts should include provisions for affordable and key worker housing within Barangaroo.

Dwelling mix

Of the apartments included in the development, all are 2 bedroom, 3 bedroom, 4 bedroom or 5 bedroom dwellings. None are studio or 1 bedroom apartments. This dwelling mix is not supported by the City. The Sydney Development Control Plan 2012 allocates targets for a diverse mix of dwelling types to promote affordability and a range of tenure.

The select inclusion of large luxury apartments for high-income buyers has potential to become a symbol of inequality in the CBD.

Recommendation

- At least 10%, and preferably 20%, key worker housing should be committed, owing to the proposed gain in residential GFA from the SSD DA.
- A greater diversity of dwelling mix should be provided.

4. Visual Impact

The Visual Impact Assessment does not contain an analysis of the view corridor along the waterfront promenade from the south – i.e. from a vantage point in front of Residential Building R8 or R9 or further south.

The visual impact of the development on the northerly aspect from the Barangaroo South waterfront promenade supports the objection by the City to Concept Plan MOD 8 where the City has called for the Crown block to be moved further east into the established development zone.

The preparation of a view analysis from the immediate south of the Crown tower is considered necessary for the public's understanding of the full impacts of the proposal.

Recommendation

The Visual Impact Assessment should include an analysis of the vista from the waterfront promenade in Barangaroo South, with and without the Crown proposal.

5. Transport and Access

Quantum of car parking

The 610 car parking spaces proposed is excessive and not supported by public investment in existing and improved public transport initiatives in the vicinity. In

particular, the government's announcement of a metro rail line with a station at Barangaroo supports a radical reduction in public and private car parking. The existing and proposed range of public transport infrastructure on the doorstep of the proposal is well set out in the Transport Assessment lodged with the EIS and includes metro rail, ferry, taxis, existing and planned bus routes and future light rail.

Despite objections from the City, Barangaroo South and indeed other departmental assessments for precincts excised from the City of Sydney like the Darling Harbour Live Precinct, has been granted approvals containing car parking supply well in excess of rates applied by the City to immediately adjoining land. This is extremely disappointing and leads to road congestion.

The residential parking within the Crown basement is particularly anomalous. The proposed parking is double the allowance under Sydney Local Environmental Plan 2012. The LEP rates are based on public transport accessibility. Were the Barangaroo Precinct not excised from the City in 2003, with consent authority functions subsequently removed from the City in 2005, the Precinct would have a rating for public transport accessibility second-to-none.

The SSD DA proposes 110 spaces for 66 apartments where 57 spaces would be the maximum under the City's controls. This is excessive and promotes poor and inconsistent public policy implementation.

Prevention of commuter car parking

The 500 car parking spaces allocated to the hotel, gaming, retail and entertainment uses of the must be prevented from being operated as commuter car parking during the day for casino and hotel workers and more broadly for Barangaroo and CBD workers. There is greater latent commercial pressure to operate a short stay commuter car park due to the significant loss of on-street parking spaces arising from Concept Plan modifications, from 275 spaces down to 40 spaces.

Barton Street

The SSD DAs include the construction of a new northern access road, Barton Street, running east-west from Hickson Road to the Crown tower. The road is to be delivered in two halves, with the southern half in Barangaroo South and the northern half in Barangaroo Central. It should be redesigned and contained within one precinct to avoid uncertainty, construction staging issues and sacrificial works. Neither MOD 8 nor the SSD DAs confirm the interim or final designs for the road and whether Barangaroo South traffic can be adequately managed if the road is staged.

Loading dock

The proposed loading dock has a clearance height of 3.6m and the dock itself is designated for waste collection. By comparison, the City's domestic waste collection vehicles require a clearance height no less than 5.6m.

Recommendations

- Limit residential car parking to maximum Sydney LEP rates and reduce public car parking generally due to public transport availability, now and into the future;
- Restrict the 500 public car parking spaces being operated for commuter car parking;
- Relocate Barton Street wholly within Barangaroo South or Barangaroo Central; and
- Establish whether the proposed loading dock has been adequately designed to accommodate waste vehicle collection.

In closing, whilst it is challenging to comment upon an SSD DA that is subject to an unresolved concurrent Concept Plan modification and unresolved legislative changes, this submission raises issues worthy of further interrogation, response and resolution.

Should you wish to speak with a Council officer about the above, please contact Russell Hand, Senior Planner, on 9265 9333 or at rhand@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. M. Barone', with a long horizontal flourish extending to the right.

Monica Barone
Chief Executive Officer

