

- the detail for the external door to the outdoor terrace (associated with the potential future child care centre); and
- the external vertical blades on Levels 1 and 2 of the podium. These blades are currently approved as timber blades and are now proposed to be terracotta. The Proponent has advised that these blades are currently being developed by the manufacturer and therefore, the final design detail and a sample of the material is not available. Notwithstanding this, the Proponent has confirmed that the detail for the blades will be generally consistent with that illustrated on the amended architectural drawings submitted with MOD 3.

The Department accept that elements of the building design will be subject to further design refinement prior to construction and considers that the above elements to be minor components of the overall building design. Based on the information submitted with MOD 3, the Department is satisfied that the refinement of these elements will not result in any substantial changes to the external appearance or design quality of the building. Given the minor nature of these elements, the Department does not consider further approval of the design detail of these building elements is warranted in the circumstances. Accordingly, the Department has recommended that the final details for the external doors be submitted to the Department for their records and furthermore, that the final detail for the terracotta vertical blades be generally consistent with that shown on the amended drawings submitted with MOD 3.

5.2 Gross Floor Area (GFA)

5.2.1 Overall GFA

MOD 3 proposes to increase the total GFA of the building by 991 sqm from 117,968 sqm to 118,959 sqm. The changes in the GFA allocation (by land use) compared to MOD 2 are provided in **Table 2** below. It is noted that the Proponent's RtS submission has included a correction to the commercial GFA calculation to separately list the GFA for the lobby which was inadvertently excluded in the approved GFA for MOD 2.

Table 2: Approved and proposed GFA

GFA by Use	Approved MOD 2 (sqm)	Corrected MOD 2 (sqm)	Proposed MOD 3 (RtS) (sqm)	Difference between corrected MOD 2 and Proposed MOD 3 (sqm)
Commercial	109,238	109,238	109,785 ²	+547
Lobby	-	1,740	1,655	-85
Retail	5,624	5,624 ⁶	7,402	+1778 ⁵
Childcare	1,250	1,250 ⁶	1,453 ³	+203
Gymnasium	-	-	3,265 ⁴	+3,265
Basement	117	117	117	0
Total	117,968¹	117,969	118,959	991

Notes:

¹ Error as total GFA should be 116,229 sqm. The corrected MOD 2 total GFA includes lobby GFA previously omitted.

² Includes 560 sqm allocated to potential infill of vertical voids, being 10 voids at 56 m² each.

³ Potential child care GFA to be provided in lieu of retail GFA (Level 1)

⁴ Potential gymnasium GFA to be provided in lieu of retail and commercial GFA (Levels 2 and 3, respectively)

⁵ Increase in retail GFA attributed to the miscalculation in MOD 2 which separately counted/attributed GFA to the child care use.

⁶ MOD 2 GFA calculations separately itemise the GFA allocated to the child care centre and the retail uses in the podium of the building.

The Department considers the changes to the GFA and its distribution within the building to be acceptable, as the GFA will be allocated to land uses which are permissible in the B4 mixed use zone and are compatible with the approved uses within the building. The proposal will also remain compliant with maximum GFA allocated Block 2 pursuant to the MD SEPP (**Appendix E**).

The optional use of the GFA associated with the potential gymnasium and child care centre uses and the potential infill of the vertical voids is discussed in **Sections 5.2.2** and **5.2.3** below.

5.2.2 Optional GFA allocated to Child Care Centre and Gym

MOD 3 proposes to increase the quantum of approved community uses GFA (child care centre) on podium Level 1 of the building from 1,250 sqm to 1,453 sqm and furthermore, that the use of this floor space be optional or in lieu of retail GFA. The Department notes that MOD 2 approved the reduction in community uses GFA from 1,667 sqm to 1,250 sqm.

MOD 3 also seeks optional approval to allocate a total of 3,265 sqm of GFA to a potential indoor recreational facility (gymnasium) on podium Levels 2 and 3 of the building instead of utilising this floor space for retail (1,289 sqm) and commercial (1,976 sqm) purposes. The Proponent seeks flexibility in the project approval to allow for either scenario.

The Department considers that this element of the proposal is acceptable and given the GFA proposed to be allocated to these uses would be on Levels 1 to 3 of the podium, would not adversely impact on the activation of the ground floor level of the building. In this regard, the currently approved retail units on the ground floor level of the building would continue to activate and integrate with the surrounding public domain.

The Department notes that Council suggested in its submission that a mechanism for the Proponent to surrender the retail floor space in the event child care centre or a gymnasium was provided be included in the project approval. The Proponent's RtS has appropriately addressed this issue by proposing that Condition A1 of the project approval be amended to acknowledge that the any GFA allocated to a child care centre or the gymnasium would specifically be in lieu of the equivalent retail GFA and therefore, would not be in addition the approved GFA. The Department considers this approach to be acceptable and has recommended that Condition A1 of the project approval be amended to address this issue. Notwithstanding this, the Department notes that Condition A1 also caps the maximum GFA for the building and therefore, this would negate the ability of the Proponent to double count any GFA. The Department also recommends that existing Condition A6 (other approvals) be amended to list a requirement for the Proponent to obtain separate approval for the use and fitout of the future gymnasium (noting that this condition already lists the required to obtain separate approval for the child care centre).

Further to the above, the Department notes that the Barangaroo Concept Plan approval includes a requirement for at least 3,000 sqm of community uses GFA to be located within one building in Barangaroo South. In this regard, Condition B7 requires that the community use/s be in a central position that engages with the public domain and for it to be constructed prior to the issue of the final occupation of 250,000 sqm of commercial floorspace, or the 3 commercial buildings (C3, C4 and C5) in Blocks 2 and 3, whichever occurs first. Community uses are defined in the Barangaroo Concept Plan as including child care centres and recreational facilities (major, indoor and outdoor). The Department is cognisant that the construction of C3, C4 and C5 are now well advanced and partial occupation of C4 has been achieved. Given the advanced nature of Barangaroo South, the Department considers it relevant for the Proponent to confirm how Condition B7 will be satisfied, noting that the current modification application only proposes that the child care centre and gymnasium are optional. The Department has recommended a new condition to address this matter and furthermore, for the relevant information to be submitted to the satisfaction of the Secretary prior to the issue of a construction certificate for the works approved in MOD 3.

5.2.3 Infill of vertical villages

The modifications to the mid-rise and high-rise office tower elements of C3 include provisions for the potential infill of the void elements (referred to as the 'vertical village') in the building in order to provide flexibility for future tenants. The Proponent's RtS advises that the removal of the double-height areas is proposed to allow for separation of tenancies and the requirements will be finalised as part of the future tenant agreements.

The Proponent has confirmed that there are twenty vertical villages within the building, each with a horizontal area of 56 sqm. Mod 3 seeks approval to infill up to ten of these voids which would equate to

560 sqm of additional GFA. A typical detail for the vertical village through the mid-rise and the high-rise of the tower are illustrated in **Figures 22** and **23** below.

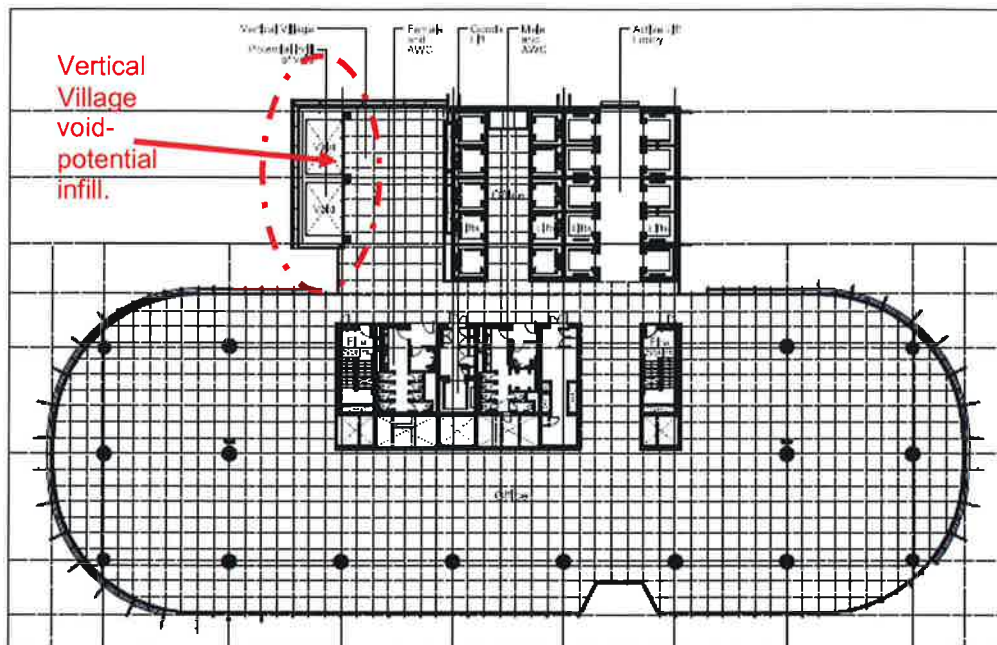


Figure 22: Typical mid-rise vertical village infill

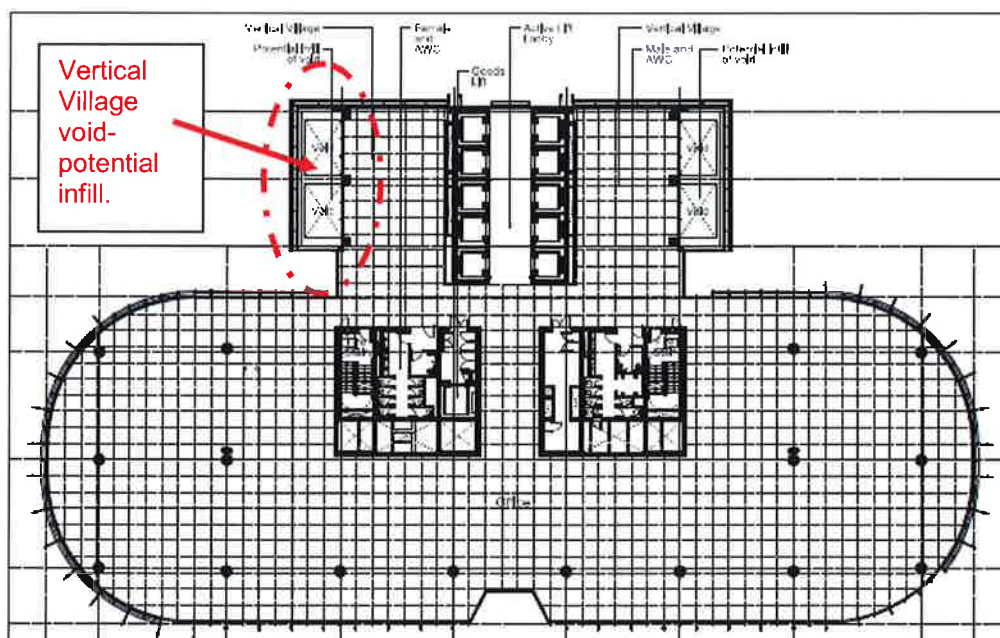


Figure 23: Typical high-rise vertical village infill

The Department has considered the potential impact of the proposed amendment on the design quality of the commercial tower. The Department notes that a key design feature of the C3 (and other towers at Barangaroo) is to maximise tenant flexibility by providing floor plates which can accommodate best work practices, including to allow for inter-floor connections of vertical villages. Whilst the infill of the void will have minimal impact of the overall design quality of the commercial tower, the Department recommends that the infill of the voids be undertaken in a fully reversible manner so that the flexible design intent for the vertical villages is not eroded. This approach would be consistent with the Department's approach for C5 which also included provision for the potential infill of the vertical villages. The Department has recommended a condition to address this matter.

Further to the above, and in order to account for the potential increase in the GFA associated with the infill of the voids (and other minor adjustments to the overall building GFA as a result of the refinement of the design), the Proponent proposes to adjust the maximum permissible GFA in the building from 117,968 sqm to 118,959 sqm (or an overall increase 991 sqm). Condition A1 of the project approval requires that the total maximum GFA of the building not exceed the stated GFA. For this reason, the Department is satisfied that the condition will provide Lend Lease with the flexibility required to accommodate tenant requirements whilst requiring compliance with the nominated GFA specified in Condition A1.

5.3 Parking Rates

5.3.1 Car Parking Rates

The proposed increases to the GFA outlined in **Section 5.2** of this report, increases the maximum number of car parking spaces permitted to service the development from 189 to 195 spaces.

The approved and proposed car parking allocation is illustrated in **Table 3** below. These rates have been calculated using the Concept Plan approval which specifies a maximum of 1 space/600 sqm of commercial and all other uses (including, retail floor space, recreational facilities and gymnasium) to comply with the City of Sydney Council rates.

Table 3: Compliance with Concept Plan Car Parking Rates

Parking Rate	Concept Plan Car Parking Rate			Compliance
	Approved Spaces MOD 2	Maximum Spaces Permitted MOD 3	Spaces Proposed MOD 3	
1 space/600m ² for commercial GFA	182	186	186	Yes
All other uses as per the Council's rates	7	9	8	Yes
TOTAL	189	195	194	Yes

As illustrated in **Table 3**, the proposed changes to the GFA would result in the maximum permissible number of car parking spaces allocated to the development increasing to 195 spaces. The application proposes to allocate 194 spaces to the development and therefore, would remain compliant with the maximum permitted car parking rates. The Department notes that given a single car parking rate has been adopted for 'all other uses' which applies to retail, recreational facilities and gymnasium floor space, should the Proponent ultimately take-up the option to convert some of the approved GFA in podium Levels 1-3 of the building to a child care centre or gymnasium, there would be no change to the car parking allocation and the rates detailed in **Table 3** would continue to apply.

The Department has recommended modifications to Conditions A1 and B22 to reflect the new car parking maximums permitted to service the development.

5.3.2 Bicycle Parking

The total approved bicycle parking for the development is 373 spaces comprised of 336 spaces permanently located within the basement carpark and 37 spaces which are located within the temporary landscaped forecourt fronting Hickson Road on a future development site referred to as 'C1'. MOD 3 seeks approval to modify Condition B23 to clarify the circumstances under which the temporary bicycle space would be provided. In this regard, MOD 3 proposes that the temporary bicycle parking would only be provided in following circumstances:

- where the site is not being used for the construction of the C3 building or another approved project at Barangaroo South, or
- where a construction certificate has been issued for C1 and its associated public domain, or
- where a construction certificate has been issued for the permanent public domain on that land for Stage 1A Barangaroo South, as contemplated under SSD 6303, or

- where temporary public domain works are being provided on that land pursuant to another approval, including the Bulk Excavation and Basement Car Parking approval as modified.

The location of the temporary bicycle parking is illustrated in **Figure 24** below.

MOD 2 establishes that 37 visitor bicycle spaces be provided within the temporary landscape courtyard adjacent to the Hickson Street frontage of the site. This is consistent with the approach also taken for C4 and C5 and is intended to temporarily activate the land to the east of commercial buildings prior to the development of these sites. Whilst these spaces will form part of the total bicycle spaces required to service the site, the Department notes that the public domain areas surrounding C3 have always intended to be temporary, and that the permanent visitor bicycle spaces would be constructed as part of the permanent public domain works. This being the case, the Department raises no objection to the proposed modification to Condition B23.

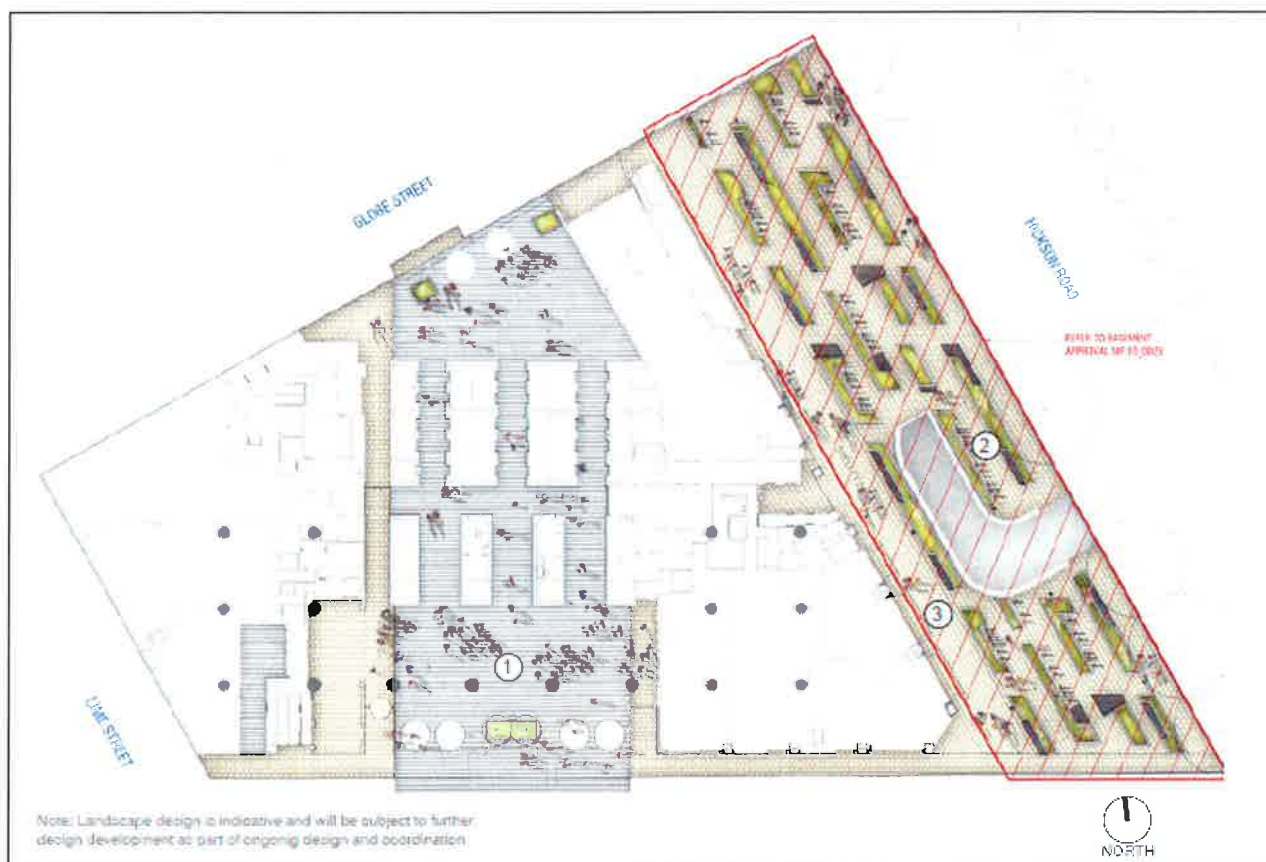


Figure 24: Ground Floor landscape plan show location of temporary bicycle parking (source: Aspect I Oculus)

5.4 Other issues

5.4.1 Signage

Building Identification Signage

The project approval (as modified) permits the creation of six primary signage zones, including two primary signage zones on the northern and southern elevations of the podium. Condition A6(3)(c) of the project approval requires that the detailed design of the building identification signage and business identification signage be submitted for the approval of the Secretary prior to the issue of the relevant Construction Certificate. Furthermore, all signage is required to be consistent with the requirements of the Barangaroo South Built Form Principles and Urban Design Controls, which require that signage is not to exceed 60 sqm per sign and not be greater than 1 building storey in height.

Statement of Commitment No. 5 also specifies that at any one time:

- no more than two building identification and/or business identification signs will be provided at high level on a maximum of two (2) facades of the building;
- a maximum of two (2) building identification and/or business identification signs will be provided at the podium level on a maximum of two facades of the building; and
- a maximum of two (2) secondary building identification and/or business identification signs will be provided at podium level for each façade of the building.

MOD 3 seeks approval to increase the area of the signage zones on the northern and southern elevations of the podium to provide greater flexibility. The maximum area of signage within the signage zones is not proposed to be modified. The Department notes that MOD 3 does not seek to change the four primary signage zones approved at the roof level of the building or the retail signage.

The changes to the building identification signage zones on the northern and southern elevations of the podium are illustrated in **Figures 25** and **26** below.

Approved signage zone

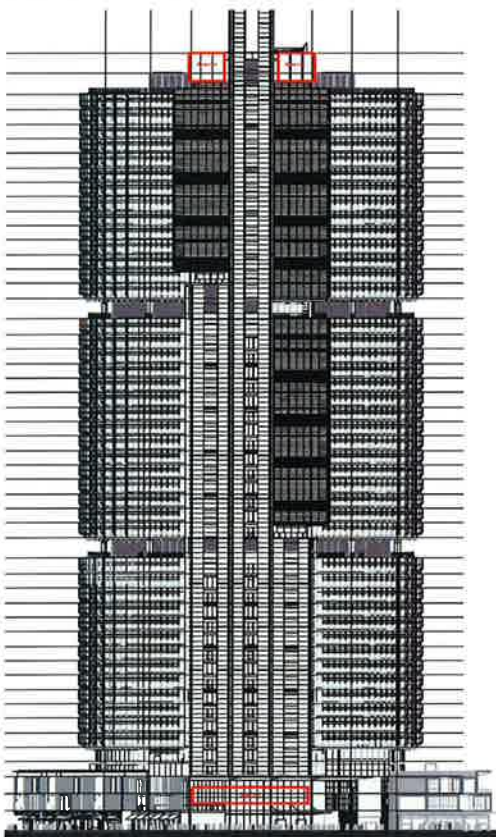


Figure 25A: Approved Signage zones
North Elevation MOD 2

Proposed signage zone

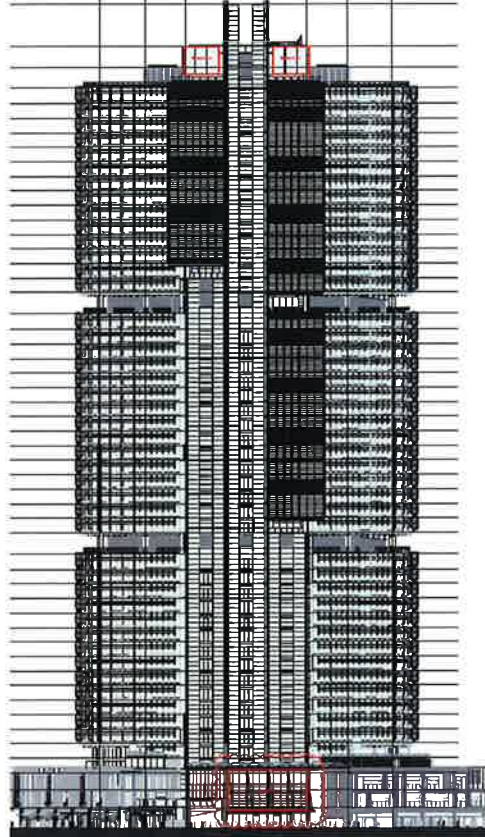


Figure 25B: Proposed signage zones
North Elevation MOD 3

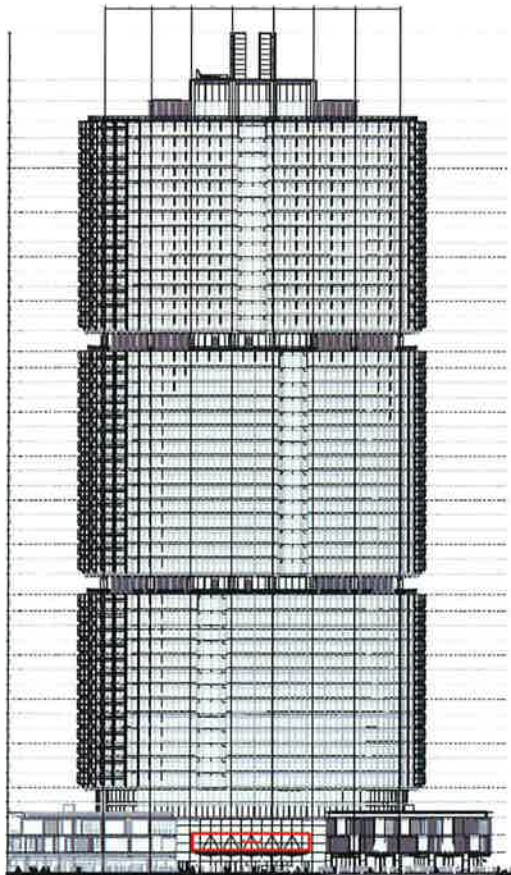


Figure 26A: Approved signage zone
South Elevation MOD 2

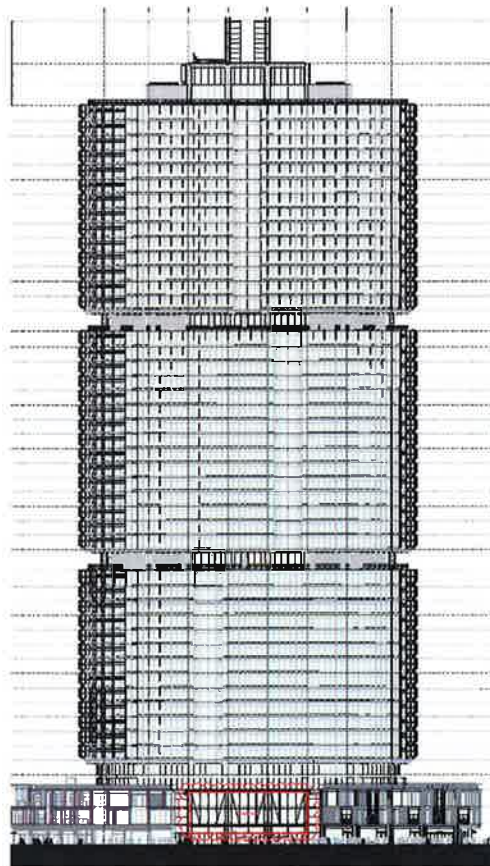


Figure 26B: Proposed signage zone
South Elevation MOD 3

The Department considers that the change to the extent of the signage zones to be acceptable and to be an appropriate response to the architectural composition of the podium. Given MOD 3 does not seek any change to the size or number of signs within the modified signage zones and given the signage within these zones is restricted by the terms of the current project approval, the Department supports this aspect of the application.

External Podium Signage Strategy

The RtS for MOD 3 includes the submission of the External Podium Signage Strategy prepared by Urbanite Pty Ltd. This Strategy only relates to podium signage (i.e. for tenancies and wayfinding) and not the signage within the primary podium or tower zones on the north and south elevation of the building as detailed in **Figures 25** and **26** above.

The Department has given detailed consideration to the Signage Strategy and is satisfied that the Signage Strategy provides an appropriate range of signage options for future tenants/ businesses that will occupy the podium of the building. These include decal business identification signage to be provided within nominated zones on the shopfront facade (shopfront identification), tenant blade identification signage and business identification signage on the shopfront awnings. The Strategy also includes through-site-link wayfinding signage, external building identification signage and directory board signage. The Strategy includes relevant parameters to limit the size and location of signage and therefore, the Department is satisfied that the Strategy will provide a co-ordinated and integrated approach to signage for commercial building that will be well located and designed to complement the architecture of the building. Furthermore, the Department is satisfied that the Signage Strategy will not give rise to visual or physical clutter and that the signage will relevantly contribute to the legibility of the Barangaroo precinct.

The Department recommends that the Signage Strategy be approved and that a new condition be included in the project approval to require all signage for future tenancies to be comply with the Signage Strategy.

The Department notes that Condition A6(3)(c) of the project approval requires that the detailed design of the building identification signage and business identification signage be submitted for the approval of the Secretary prior to the issue of the relevant Construction Certificate. As the information submitted with the current modification only relates to podium signage for businesses and way-finding signage and excludes the primary signage zones on the podium and the tower of the building, it is relevant that Condition A6(3)(c) be retained in its current form.

5.4.2 Wind

The modification application is supported by a wind assessment statement prepared by Cermak Peterka Petersen (CPP), the appointed wind engineers for the project. The statement assesses the impacts of the façade changes, including the impact of the minor changes to the lobby awning, on the environmental wind conditions at the ground level public domain and the podium. Based on the minor nature of these changes, the statement concludes that findings of the previous wind assessment reports undertaken for C3 remain valid for the proposed changes.

Based on these conclusions, the Department is satisfied that existing Condition F8, which stipulates that the Proponent undertake post-construction wind testing to confirm that the constructed building complies with the 'comfort' criteria and the 15m/s 'safety criterion' at all test locations, remains relevant and appropriate. In the event that any non-compliances are found, Condition F8 also requires that the Proponent implement appropriate wind mitigation measures to the satisfaction of the Secretary. In this regard, the Department is satisfied that this condition is sufficiently robust and that adequate safeguards are in place to ensure the environmental quality of the public domain for pedestrians is protected, in the event of any adverse and unforeseen wind conditions resulting from modifications to the design.

5.4.3 Temporary Public Domain Works

The existing project approval for C3 requires that all approved temporary landscaping/public domain works be completed prior to the issue of the first Occupation Certificate, unless a Construction Certificate has been issued for the following:

- the construction of commercial building C1 (or permanent building in the same location); or
- the permanent public contemplated in SSD 6303 (Stage 1A public domain works now approved); or
- the temporary public domain on land pursuant to another planning approval.

The modification application now seeks to alter the circumstances under which the temporary public domain works would be required to be constructed and furthermore, to reference an updated drawing. Specifically, MOD 3 seeks to include that the temporary public domain works associated with C3 would need to be completed prior to the issue of an Occupation Certificate for C3, unless:

- the site (ie. of the temporary public domain works) is not being utilised in association with the construction of the C3 building or another approved building in Barangaroo South; or
- a Construction Certificate has not been issued for the permanent use of the C1 development site; or
- a Construction Certificate has not been issued for the permanent public domain on that land for Stage 1A Barangaroo South, as contemplated under SSD 6303; or
- temporary landscaping/public domain works are not being provided on that land pursuant to another approval, including the Bulk Excavation and Basement Car Parking approval (as modified).

The Department recently approved the Stage 1A public domain works (SSD 6303) which includes approval of the permanent public domain works surrounding C3. However, Lend Lease has advised that the Construction Certificate has yet to be issued in relation to the permanent public domain works relative to C3. Given the public domain works relative to C3 and the broader Stage 1A area are being incrementally completed to coincide with the occupation of neighbouring buildings and to facilitate public access to Barangaroo South, the Department raises no objection

to the modification proposed and notes that the issue of a Construction Certificate for the permanent public domain works is likely to surpass the need for the completion of the temporary works in any instance. The Department notes that some temporary public domain works have now been installed under the approval for temporary public domain works pursuant to MP10_0023 MOD 6.

6. CONCLUSION

The Department has assessed the modification application and has considered the submissions received from Council and TNSW and has concluded that the proposed modification application is generally consistent with the approved project which comprised the construction of commercial building C3, the allocation of car parking and bicycle parking spaces, construction of temporary public domain works, and remediation works.


Furthermore, the modified project generally complies with key controls within the MD SEPP and the Barangaroo Concept Plan (as modified), such as maximum height, gross floor area and the relevant car and bicycle parking rates.

Accordingly, the Department supports the proposed modifications, and recommends that MOD 3 be approved subject to the modifications to the Minister's Instrument of Approval detailed in this report.

7. RECOMMENDATION


That the Director, Key Sites Assessment

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modifications to MP 11_0044, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- c) **Sign** the attached Instrument of Modification (**Tag A**).



18/12/15

Cameron Sargent
Team Leader
Key Sites Assessment



18/12/15.

Ben Lusher
Director
Key Sites Assessment

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6978

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6978

APPENDIX C RESPONSE TO SUBMISSIONS/PREFERRED PROJECT REPORTAND RELATED INFORMATION

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6978

APPENDIX D PLANING HISTORY- BARANGAROO CONCEPT PLAN

Barangaroo Concept Plan MP 06_0162

The then Minister for Planning approved the Barangaroo Concept Plan (MP 06_0162) on 9 February 2007.

The Concept Plan approval allowed for:

- mixed use development involving a maximum of 388,300 sqm of gross floor area (GFA) contained within eight blocks on a total site area of 22 hectares (ha);
- approximately 11 ha of new public open space/public domain, including a 1.4 kilometre (km) public foreshore promenade;
- a maximum of 8,500 sqm GFA for a passenger terminal and a maximum of 3,000 sqm GFA for active uses that support the public domain within the public recreation zone;
- built form design principles, maximum building heights and maximum GFA for each development block within the mixed use zone;
- alteration of the existing seawalls and creation of a partial new shoreline to the Harbour;
- retention of the existing Sydney Ports Corporation Port Safety Operations and Harbour Tower Control Operations including employee parking; and
- an underground car park beneath the northern headland park, containing approximately 300 car parking spaces.

The capital investment value (CIV) of the approved Concept Plan was \$1.5 billion with up to 16,000 operational jobs

The following outlines the subsequent 7 modification approvals to the Concept Plan:

MP 06_0162 MOD 1

On 25 September 2007, the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, approved a minor modification to the approved Concept Plan to correct minor typographical errors and re-wording of the design excellence terms. This modification did not alter the maximum GFA or mix of uses.

MP 06_0162 MOD 2

On 16 February 2009, the then Minister for Planning approved a second modification to the Concept Plan to increase the GFA of commercial uses by 120,000 sqm in Blocks 2, 3, 4 and 5, to a total overall GFA of 438,000 sqm. The modification increased the total maximum GFA for Barangaroo to 508,300 sqm (an increase of 120,000 sqm or 31 per cent over the whole site).

MP 06_0162 MOD 3

On 11 November 2009, the then Minister for Planning approved a third modification to the Concept Plan, generally meeting the requirements of the Concept Plan approval relating to the northern headland and northern cove, with other changes as follows:

- the reinstatement of a headland at the northern end of the site with a naturalised shape and form including a build-up of height and a landscaped connection to physically link Clyne Reserve to allow direct pedestrian access from Argyle Place;
- an enlargement of the northern cove to achieve a greater naturalised shape, form and edges (note this modification and the one above were required modifications in the terms of the original Concept Plan, contained in Modification B1 and B2, and following recommendations made in the jury report regarding the original winning competition scheme);

- the consequential re-alignment of Globe Street to turn right towards Hickson Road immediately south of the enlarged cove, rather than continuing north around the headland;
- the consequential removal of development Block 8 and part of Block 7 and redistribution of the associated land use mix;
- the demolition of three heritage items being the Sandstone Seawall; the Sydney Ports Harbour Control Tower; and the MWS & DB Sewage Pumping Station; and
- amendments to the Statement of Commitments relating to the preparation of relevant plans and strategies so that work can commence in stages.

This modification slightly reduced the approved GFA and mix of uses, with a resulting total GFA of 501,000 sqm (comprising 489,500 sqm of mixed uses and 11,500 sqm for the passenger terminal and active uses in the open space zone).

MP 06_0162 MOD 4

On 16 December 2010, the then Minister for Planning approved a fourth modification to the Concept Plan. The modified Concept Plan provides for the following:

- a maximum of 563,965 sqm mixed uses GFA, including residential, commercial and retail uses which includes:
 - a maximum of 128,763 sqm of residential uses
 - a maximum of 50,000 sqm of tourist uses GFA; and
 - a maximum of 39,000 sqm of retail GFA.
- a maximum of 4,500 sqm of active uses GFA (3,000 sqm of which will be in Barangaroo South);
- a minimum of 12,000 sqm of community uses GFA (10,000 sqm of which will be in Barangaroo South);
- approximately 11 hectares of new public open space/public domain, with a range of formal and informal open space serving separate recreational functions and includes a 2.2 km public foreshore promenade;
- built form principles, maximum building heights and GFA for each development block within the mixed use zone;
- public domain landscape concept including parks, streets and pedestrian connections; and
- alteration of the existing seawalls and creation of a portion of the new shoreline to the Harbour.

In order to accommodate the changes made to the Concept Plan, Schedule 3 of Part 12 of the MD SEPP was concurrently amended. The amendment rezoned parts of the Barangaroo site and the adjoining areas from 'RE1 Public Recreation' and 'W1 Maritime Waters and Transport' to 'B4 Mixed Use' and 'RE1 Public Recreation'. Modifications to the distribution of GFA and building heights were also included in the amendment.

MP 06_0162 MOD 5

This modification was lodged in February 2011, and proposed modifications to clarify the outcomes with respect to the distribution of community uses GFA across the Barangaroo site, and to correct a number of minor typographical errors. This application was subsequently withdrawn on 22 March 2011.

MP 06_0162 MOD 6

On 25 March 2014, the Planning Assessment Commission approved MOD 6 to the Barangaroo Concept Plan. The approved modifications include:

- the realignment of the development block boundaries for Blocks 3, 4A and 4B;
- revisions to the Urban Design Controls to reflect the changes to the Block boundaries for Blocks 3, 4A and 4B;

- change the requirement for a 'minimum' of 12,000 sqm of community uses gross floor area (GFA) to be delivered to a 'maximum';
- allow architectural roof elements and building management units to be excluded from the maximum height limit definition; and
- specify the car parking rates for 'other' uses thus removing the requirement to comply with City of Sydney Council's current car parking rates.

MP 06_0162 MOD 7

On 11 April 2014, the then Minister for Planning and Infrastructure approved a seventh modification to the Concept Plan to allow the construction, operation and maintenance of a concrete batching plant to supply concrete for the construction of future development under this Concept Plan at Barangaroo South.

MP 06_0162 MOD 8

On 20 March 2015, the Applicant lodged MOD 8 to the Barangaroo Concept Plan which generally seeks to:

- increase the total maximum GFA and height limits of development blocks at Barangaroo South;
- amend the development block configurations of Block Y and Block 4;
- amend the GFA allocated to various land uses within Barangaroo;
- amend the Barangaroo site boundary due to the north-eastern relocation of the hotel and relocate the Pier;
- amend public domain areas and reduce the size of the Southern Cove; and
- introduce a new set of Design Guidelines to guide the future development within Barangaroo South.

This modification application is currently being considered by the Department.

MP 06_0162 MOD 9

On 15 April 2014, the then Executive Director, Development Assessment Systems & Approvals, as delegate of the Director-General, issued modified Director-General's environmental assessment requirements for the preparation of a section 75W application (MOD 9) which proposes to modify the Barangaroo Concept Plan approval (MP 06_0162) as it relates to Barangaroo Central and the Headland Park. Specifically, MOD 9 includes increases in GFA, the redistribution of GFA and land uses across the development blocks, modification to the development blocks and building envelopes, and a redistribution of public domain areas.

MOD 9 has not yet been lodged with the Department.

APPENDIX E COMPLIANCE WITH RELEVANT EPIs, THE CONCEPT PLAN APPROVAL AND DCPs

1.0 Compliance with State Environmental Planning Policy (Major Development) 2005 (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 has concluded that the application does not exceed the maximum height or GFA controls applicable to buildings within Block 2. Furthermore, the Department is satisfied that the development remains consistent with the zone objectives, insofar as it would remain a mixed use development comprising commercial and retail floor space.

Table 1 below provides a summary of compliance with the numeric controls contained in the MD SEPP.

Table 1: MD SEPP Controls

Controls	Approved Projects	Proposal As Modified	Compliance
Height			
RL 209	RL 213 ¹ RL 219 to top of architectural features	No change to building height is proposed- Building height as approved in MOD 3.	Yes
GFA			
Total permitted GFA within Blocks 2, 3, and 4A – 4C= 428,932 sqm	Total approved GFA= 315,028 sqm	Total Proposed GFA= 316,019 sqm	Yes
Remaining GFA	113,904 sqm	112,913 sqm	

Note¹: Height, is 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 communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like". RL 213 is the height of the approved BMU (MOD2), RL 209 is the approved building height.

Note²: The MD SEPP provides a maximum GFA of 428,932 sqm for blocks 2, 3 and 4 in total. It does not specify a maximum GFA for each individual block (maximum GFA allocations for each individual block are contained in the Concept Plan).

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

- the scope of the modification application relates primarily to design refinement of the development. The fundamental design of the podium and tower remains unchanged and therefore, the proposed modified development would provide an outcome generally consistent with the existing approved development;
- the proposed modified podium and tower 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 building would continue to improve the quality and amenity of the public domain through its design, including through the activation of the building at ground floor level.

2.0 Compliance with the Barangaroo Concept Plan

The Barangaroo Concept Plan includes height and GFA controls for each individual development block in Barangaroo, which are consistent with the broader MD SEPP provisions outlined in **Section 1.0** above. The Department has assessed the modification application against the controls in the Concept Plan and has concluded that the application does not exceed the height or GFA controls applicable to Block 2.

Table 2 below provides a summary of compliance with the numeric controls contained in the Concept Plan.

In addition, Conditions 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 **Section 3.0** below. On the basis of this assessment, the Department is satisfied that the proposed modified building would continue to achieve compliance with the Built Form Principles and Urban Design Controls.

Table 2: Barangaroo Concept Plan Controls

Block 3 Controls	Approved Project	Proposal As Modified	Compliance
Height			
RL 209	RL 213 RL 219 to top of architectural features	No change to the maximum building heights as approved.	Yes
GFA			
142,669 sqm permitted within Block 3	GFA currently approved within Block 3: 117,968 sqm	GFA currently proposed within Block 3: 118,959 sqm	Yes
Remaining GFA	24,701 sqm	23,710 sqm	Yes

Further to the above, the Department notes that Condition B7 of the Barangaroo Concept Plan approval requires the Proponent to deliver at least 3,000sqm of community uses GFA within one building in Barangaroo South prior to the final occupation of 250,000sqm of commercial floor space, or the 3 commercial buildings (C3, C4 and C5) in Blocks 2 and 3, whichever occurs first. Given the advance nature of construction on the site, the Department has recommended new Condition A12 requiring the Proponent to submit information to the Department to confirm how the requirements of Condition B7 will be satisfied. Refer to further discussion in **Section 5.2.2** of this report.

3.0 Compliance with the Built Form Principles and Urban Design Controls

The proposals compliance with the approved built form and urban design controls in the Barangaroo Concept Plan are provided in **Table 3** below.

Table 3: Barangaroo Concept Plan- Compliance with Built Form Principles and Urban Design Controls

BUILT FORM PRINCIPLES		
The scope of modification application relates primarily to design refinements to the podium, tower and roof top, however the fundamental design of the podium and tower 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.		
URBAN DESIGN CONTROLS- BLOCK 2		
CONTROL	COMMENT	COMPLIANCE
1. Building Mass and Location <ul style="list-style-type: none"> Length of horizontal floor plate of the north and south elevation of the tower form to be no more than 85.5 m. 	<ul style="list-style-type: none"> No changes are proposed to the horizontal floor plate length. 	N/A

<ul style="list-style-type: none"> Min. 20 m setback of building mass from Hickson Rd. Primary floor plate depth of 30 m. 	<ul style="list-style-type: none"> The bulk building mass is set back 37.5 m from Hickson Road. The modification does not change the proposals compliance with this controls The depth of the floor plate is 30 m. The modification does not change the proposals compliance with this controls 	<p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> Min. 3 storey podium height at max. RL27. 	<ul style="list-style-type: none"> The podium is predominantly 3 storeys and below a height of RL27. 	<p>Yes</p>
<p>2. Street Wall Establishment</p> <ul style="list-style-type: none"> Built form to establish Hickson Rd colonnade. Min. 1 storey street wall height to accessible ground floor façade. Building mass to define a street wall on Globe St, City Walk and Hickson Rd. Shelley Lane to be min. 6 m width and parallel eastern edge with Hickson Rd at ground level. 	<p>The street wall height is unmodified by the MOD 3. Comments relevant to the provisions are provided below:</p> <ul style="list-style-type: none"> This modification application does not propose to construct a building along Hickson Road; 3 storey street wall height provided around accessible public domain; Street wall provided to Globe St and City Walk. No building is proposed to Hickson Road as part of this application; and Shelley Lane not part of project. However, a min width of 6m can be provided between commercial building C3 and Hickson Road to accommodate Shelley Lane. 	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>3. Building Articulation</p> <ul style="list-style-type: none"> Envelope and floor plates to be articulated and modulated. Tower form to express sustainability features. 	<p>MOD 3 does not propose any substantive changes to the building articulation. In this regard, MOD 3 maintains the following:</p> <ul style="list-style-type: none"> articulation and modulation through the expression of the core, curved floor plates and vertical external shading. façade design provides for deep daylight penetration and horizontal and vertical shading devices are incorporated into the façade design. 	<p>Yes</p> <p>Yes</p>
<p>4. Building Legibility</p> <ul style="list-style-type: none"> Separate primary components of the building will be expressed. Tower's primary structure to extend to the ground plane and be expressed as a separate element from the podium. 	<ul style="list-style-type: none"> Primary components of the building, including podium, lift core and floor plates, separately expressed and maintained. The tower's primary structure has been extended to the ground plane and expressed as a separate element of the podium. 	<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 block is to be maintained at all edges. 	<p>MOD 3 does not changes to the ground floor permeability and access to the public realm.</p> <ul style="list-style-type: none"> Public access around the edge of C3 is being maintained. 	<p>Yes</p>
<ul style="list-style-type: none"> Provision of 2 north to south and 2 east to west primary connections to be provided, including the Hickson Rd colonnade. 	<ul style="list-style-type: none"> No changes are proposed to the primary connections provided through the block. 	<p>N/A</p>
<ul style="list-style-type: none"> Provision of 1 north to south secondary public access routes. 	<ul style="list-style-type: none"> MOD 3 does not propose any changes to the north/south connection. 	<p>Yes</p>
<ul style="list-style-type: none"> Shelley Lane not less than 50% open to sky. 	<ul style="list-style-type: none"> MOD 3 proposes minor changes to the awning design, however the Proponent has advised that the awning will maintain this requirement. 	<p>Yes</p>

<ul style="list-style-type: none"> ▪ Secondary routes may be closed for security. 	<ul style="list-style-type: none"> ▪ Secondary routes through building would be secured beyond office hours. MOD 3 does not change this arrangement 	Yes
<p>6. Ensuring Quality of Rooftops</p> <ul style="list-style-type: none"> ▪ Roof forms to incorporate architectural elements. ▪ Lift shafts, overruns and control rooms to be extruded above the roof line and utilised as architectural articulation. ▪ Exposed mechanical equipment to be avoided. ▪ Architectural roof treatment to be sympathetic to adjacent context. ▪ Good quality materials to be used. ▪ Roof design to integrate sustainable features. 	<ul style="list-style-type: none"> ▪ The plant room has been organised into a series of bays to provide articulation. In addition, the plant room has been designed to respond to the architectural language of the tower. ▪ Lift overruns are extruded above the roof line and have been designed to be read in conjunction with the architectural feature. ▪ Mechanical equipment is not exposed. ▪ Roof treatment will remain sympathetic to its surrounding context. ▪ Materials and finishes selected are considered satisfactory and assist in the expressions of the built form. ▪ MOD 3 seeks to change the extent of the PVCs by deleting them as a design element on the north core. Notwithstanding this, MOD 3 retains PVCs on the rooftop plant and achieves an acceptable level of compliance with this control. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>7. Façades</p> <ul style="list-style-type: none"> ▪ Depth and layering of façades to be achieved through relief and protrusions. Mirrored facades should be avoided. ▪ Choice of appropriate materials and finishes. ▪ Environmentally sustainable design to be incorporated to façade. ▪ Façade components to be used to provide light and shade. ▪ Facades longer than 60 m to be modulated above podium level. ▪ No single plane in the façade having dimensions greater than 60 m (L) x 60 m (H) without articulation. 	<ul style="list-style-type: none"> ▪ Modifications to the façades of the tower form ensure it remains highly articulated through the exposed lift core, vertical and horizontal louvers and plant levels. These elements assist in breaking up both the vertical and horizontal mass of the building to provide relief. The façades will not exceed 20% reflectivity. ▪ Materials and finishes (steel, glass, concrete) selected are considered satisfactory and assist in the expressions of the built form and remain unaltered by MOD 3. ▪ Proposed varying sized horizontal and vertical louvers arranged on façade to provide shading based on orientation and reduce mechanical cooling dependence. ▪ As above. ▪ North and south elevations which exceed 60 m are modulated with distinctive architectural elements. No change to the façade length is proposed in MOD 3. ▪ No single plane greater than 60 m is without articulation. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>8. Active Street Fronts</p> <ul style="list-style-type: none"> 60% of ground level to be active on primary street wall façades (building entrances to internal areas shall not count toward 60% requirement). No building service areas, parking entrances or loading docks permitted on Hickson Rd or Globe Street. Driveway widths to be minimised. 	<ul style="list-style-type: none"> MOD 3 proposes no changes to the approved provision of public domain at street level. However, changes are proposed to the Proponent's obligations to complete the temporary public domain works- refer to discussion in Section 5.4.3 of this report. MOD 3 does not propose any changes to the building services areas or design. The width of the driveway is consistent with the basement design and has been minimised where possible. MOD 3 does not propose any change to the driveway width. 	<p>N/A</p> <p>Yes</p> <p>Yes</p>
<p>9. Signage</p> <ul style="list-style-type: none"> High level signage to be limited to max. 2 separate faces per building. Signage not to exceed 60 m²/sign. Identity signage only to be incorporated within building façade/structure. Details of signage to be considered as part of overall building design. Signage shall not be greater than 1 building storey high. 	<ul style="list-style-type: none"> The signage zones were regulated by condition in MOD 2. No change is proposed to this aspect of the application. The maximum area of each sign does not exceed 60 m². Refer to comment above. The proposed alternate signage zones are incorporated into the plant rooms at roof level. Signage zones have been integrated into the overall building design. A Signage Strategy for the podium signage has been submitted with MOD 3 and demonstrates options for future tenant signage. The Department is satisfied that the signage would be suitably integrated into the podium design of the building- refer to detailed discussion in Section 5.4.1 of this report. While indicative signage zones are greater than one storey high, the individual signs shall not be greater than 1 storey high. Refer to detailed discussion in Section 5.4.1 of this report. 	<p>Yes</p> <p>Yes.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

APPENDIX G RECOMMENDED MODIFYING INSTRUMENT
