

24 July 2019

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GPO Box 39  
Sydney NSW 2001

Dear Rodger Roppolo,

## **RESPONSE TO SUBMISSIONS - SECTION 4.55(2) MODIFICATION APPLICATION CROWN SYDNEY HOTEL RESORT**

This submission has been prepared on behalf of the applicant, Crown Sydney Property Pty Ltd, in response to submissions received in relation to S4.55(2) Modification Application relating to the approved Crown Sydney Hotel Resort Development Consent SSD 6957 located at 51a Hickson Road, Barangaroo, NSW (**Development Consent**).

The Modification Application was placed on exhibition between Thursday, 13 June to Wednesday, 26 June 2019. Two public submissions and nine agency submissions on the Modification Application were received. Submissions were received from the following agencies:

- Roads and Maritime Services
- Fire and Rescue NSW
- City of Sydney Council
- Sydney Water
- Ausgrid
- NSW EPA
- NSW Office of Environment & Heritage - Heritage Division
- Transport for NSW
- Lands, Water and Department of Primary Industries - DPIE

By letter dated 8 July 2019, the Department of Planning, Industry and Environment (DPIE) requested that the applicant provide a response to the issues raised in the submissions received during the exhibition period, in accordance with clause 85A(2) of the *Environmental Planning and Assessment Regulation 2000*.

This submission provides a detailed response to the issues raised within all submissions received in relation to the Modification Application, and should be read in conjunction with the original Modification Application and its supporting documents, as well as the following:

- Fire Engineering Statement, prepared by Core Engineering Group (**Attachment A**)
- Traffic and Pedestrian Management Plan Letter, prepared by Lendlease Building Pty Ltd (**Attachment B**)
- Revised Architectural Plans, prepared by Wilkinson Eyre (**Attachment C**)
- Solar Access Study, prepared by Wilkinson Eyre (**Attachment D**)
- Architectural Render of proposed glass blades, prepared by Wilkinson Eyre (**Attachment E**)

Responses to each key issue raised within the submissions in response to the Modification Application are set out below.

## 1.0 Agency Submissions

Five of the nine agency submissions did not raise any specific concerns with the proposed modification, and noted that the anticipated environmental impacts are consistent with the approved development. Responses to those issues that were raised by Fire and Rescue NSW, City of Sydney, Transport for NSW and RMS are included below.

### 1.1 Fire Engineering

Fire and Rescue NSW have submitted that *“the proposed changes may have the potential to impact on current fire engineering analysis and assumptions made in the most recent Fire Engineering Report”*.

*“These changes, FRNSW believe, would need to be appropriately addressed through the revision of FER (Fire Engineering Report) Version 7”*.

#### Response:

The project Fire Engineer, Core Engineering Group, has assessed the proposed modifications the subject of the Modification Application and has confirmed that the modifications do not affect the current fire engineering strategy developed in consultation with FRNSW contained in FER Version 7. Core Engineering Group has also confirmed that the fire engineering strategy for the building remains in accordance with the Performance Requirements of the National Construction Code (NCC) applicable to the development (refer to **Attachment A**). As such, we respectfully submit that a revision to the Fire Engineering Report is unnecessary.

### 1.2 Construction Pedestrian and Traffic Management

Transport for NSW (TfNSW) recommends that the following requirement is included in any determination issued by the DPIE:

*“The applicant shall update the Construction Pedestrian and Traffic Management Sub-Plan, required under Condition B24 of the Development Consent, to reflect the modified development and submit it to the Sydney Coordination Office within Transport for NSW for the endorsement of the Coordinator General, Transport Coordination.”*

Roads and Maritime Services (RMS) recommends that the following requirement is included in any determination issued by the DPIE:

*“A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Sydney Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.”*

#### Response:

Lendlease Building Pty Ltd, the appointed Construction Manager for the Crown Sydney Hotel Resort, manages the Construction Phase Traffic and Pedestrian Management Plan. Lendlease has prepared a response to the above recommendation, confirming that the proposed modification will not have any impact on the approved Construction Phase Traffic and Pedestrian Management Plan (see **Attachment B**).

All construction, traffic and pedestrian management will continue to occur as per the existing approved arrangement under the CPTMP that was prepared and approved under Condition B24 of the existing Development Consent. Accordingly, the above recommendations proposed by TfNSW and RMS are already covered by the existing approval and therefore do not warrant reconsideration in the determination of the Modification Application.

### 1.3 Traffic Impacts

City of Sydney has raised the following concerns in relation to potential traffic impacts:

*“The proposed increased parking rates for all uses within the site are excessive and counter to sound urban planning and concept plan principles. The overall parking rates proposed in the development are noted to be almost four times higher than similar sites in surrounding areas subject to provisions set out by the Sydney Local Environmental Plan 2012.”*

*“Encouraging excessive car use into the area will have the potential to lead to increased conflicts between pedestrians, cyclists and vehicles and reduce the amenity for people using the precinct (including drivers).”*

*“The submitted transport study fails to address potential queuing within the carpark, queuing on the ramp and surrounding streets with the inclusion of vehicle entry gates, how the increase in valet parking will impact use of the Porte Cochere or how the increase in overall parking spaces will impact loading functions within the site.”*

*“Further, residential bicycle parking spaces are not shown on any plans for Basement 2 although mentioned in supporting written documents and safety concern is raised regarding staff bicycle parking and end of trip facilities split between two basement levels.”*

#### Response:

The Crown Sydney Hotel Resort is a unique mixed-use development incorporating a casino resort, hotel, retail, food and beverage outlets and residential apartments, as approved under the Development Consent. We respectfully disagree with the City of Sydney’s comparative commentary in relation to parking rates, as there are no comparable projects of this nature within the surrounding area. Importantly, the Transport Assessment dated 8 July 2015, approved under the Development Consent, outlined a significant shortfall in non-residential parking spaces when compared to anticipated demand.

In the Traffic and Parking Assessment supporting the Modification Application, Arup confirms that the proposed residential parking rates remain consistent with the approved maximum parking rates as prescribed under the approved Concept Plan for Barangaroo South (MP06\_0162 MOD 8) (**Concept Plan**).

The Traffic and Parking Assessment prepared by Arup and attached to the Modification Application provides an assessment of traffic generation rates as a result of the proposed modifications. The Concept Plan MOD 8 specifies maximum non-residential parking rates (under Condition C4 Car Parking). Given that the proposed modification seeks a net decrease of 16 car parking spaces for non-residential uses, the Modification Application remains consistent with the above maximum parking rates.

Furthermore, Arup conclude that the proposed changes in parking provision will result in a decrease in traffic movements generated by the site when compared with the Development Consent. This is as a result of a reduction in high frequency self and valet parking spaces to reflect the final basement designs and detailed design coordination.

Specifically, Arup has calculated a net reduction of 4 and 16 vehicle trips in the AM and PM peak hours respectively for the site, as follows:

- traffic generation during AM peak hour under the Development Consent is calculated at 87 trips, compared to traffic generation of 83 trips under the proposed modification (equating to a reduction by 4 vehicle trips in AM peak hours); and
- traffic generation during PM peak hour under the Development Consent is calculated at 261 trips, compared to traffic generation of 245 trips under the proposed modification (equating to a reduction by 16 vehicle trips in PM peak hours).

Given the proposed modification creates a reduction in vehicle trips, we respectfully submit that vehicle trips is the appropriate indicator of the potential for conflicts between pedestrians, cyclists and vehicles and the amenity for people using the precinct (including drivers). This methodology is in keeping with the Transport Assessment dated 8 July 2015 approved under the Development Consent.

The proposed increase in bicycle parking spaces as detailed in the Modification Application is related to Crown's Green Star objectives under the Development Consent and the proposed increase in residential apartments. The additional 19 bicycle parking spaces constitute private facilities located within the residential storage units allocated to each respective residence as befitting a luxury development of this nature and are located on basement level 2. The location of the residential bicycle parking on basement level 2 is consistent with the Development Consent.

In relation to the City of Sydney's concerns regarding staff bicycle parking being split between levels, we note that the basement plans, as submitted with the Modification Application, in fact show that staff bicycle parking and end of trip facilities are co-located on basement level 1 only, and are consistent with the Development Consent. Therefore, the concern for staff safety has adequately been addressed within the Development Consent, and does not warrant reconsideration in the determination of the Modification Application.

We respectfully submit that the proposed parking provisions within the Modification Application are in keeping with the intent of the Development Consent and are compliant with the approved parking rates prescribed in the Concept Plan.

#### 1.4 Wind mitigation

City of Sydney has raised a concern regarding the public domain and wind mitigation efforts within the public domain, noting that *"The enclosure and further privatisation of the outdoor terrace... encroaches on the suggested 25m setback of the building at the ground floor and reduced the width of the open space from the water's edge to only 16.7m. The introduction of 3m high wind blades at the north-western bar terrace proves to enclose an approved outdoor space with little improvement to the outdoor pedestrian comfort within the public domain, failing to adequately address wind impacts."*

##### Response:

The licensed terrace areas approved under the Development Consent have been designed to promote visual and physical connectivity and legibility. The use of deployable blinds or staggered glass blades at the licensed terrace area perimeters have been carefully designed to ensure the activation of the licensed terrace areas using visually permeable wind control elements.

We confirm that there has been no change to the approved setbacks of the podium, licensed terrace areas or promenade space. At the North West Restaurant terrace the setbacks from the water's edge are as follows:

- Podium - 25m; and
- Licensed terrace area - 16m.

This remains consistent with the approved setbacks detailed in the Development Consent (See SSD 6957 'Further Response to Submissions' plans and sections pages 5-9 as well as SSD 6957 stamped plans 00915-P-0102-TP and 00915-P-0103-TP).

The approved design of the licensed terrace areas in the Development Consent clearly depict solar and wind control elements in the form of deployable exterior blinds (see SSD 6957 'Further Response to Submissions' page 31). The implementation of staggered glass blades in lieu of deployable exterior blinds at the North West restaurant terrace has been proposed in response to an as-built wind study in the area and extensive wind tunnel testing conducted by RWDI that identified unfavourable wind conditions at that location (See Wind Impact Analysis prepared by RWDI, attached to the Modification Application).

The proposed glass blades at the North West Restaurant terrace do not fully enclose the space, and where shown are only 1.8m above the finished floor level of the terrace area. The proposed glass blades will result in greater transparency and visual connectivity compared to the originally approved deployable exterior blinds (See **Attachment E**). The proposed 1.8m glass blades have been located adjacent to seating areas and are set out so as not to impede the public access points.

The proposed modification is in response to higher than expected wind conditions in the precinct. The State of NSW government in the Amended and Restated Framework Agreement, has required Crown to deliver multiple signature restaurants with celebrity chefs in highly designed environments, that leverage Sydney's climate and harbour environment. This proposed wind mitigation solution seeks to maintain visual permeability and engagement with the foreshore while maintaining public access points as approved under the Development Consent.

In addition to the proposed modifications, Crown has, by agreement with the Barangaroo Delivery Authority (now Infrastructure NSW), funded the purchase of large scale mature trees to further improve pedestrian comfort on the public promenade.

We note that the licensed terrace area design, including all wind control elements proposed as part of the Modification Application, has been reviewed and endorsed by the former Barangaroo Delivery Authority's design review panel, as the owner of the land.

## 1.5 Mass Gaming

City of Sydney notes that the plans refer to a section of the VIP Gaming area as "Mass Gaming" rather than the previously referenced "VIP Gaming", and request clarification on whether the Applicant seeks to open gaming up to the general public.

### Response:

The Applicant confirms that it has no intention to offer gaming to the general public or seek any alterations to its approved Restricted Gaming Licence. The term 'Mass Gaming' is a spatial reference to the open plan format of gaming within the overall restricted gaming space, in contrast to the adjoining private gaming salon spaces. Access to all gaming areas on the property, including the area denoted as 'Mass Gaming', is restricted to approved VIP members only, in accordance with the terms of the Restricted Gaming Licence. Control points are clearly identified in the plans and the requirements associated with the Restricted Gaming Licence for the Crown Sydney Hotel Resort are clear.

To avoid any further confusion or misinterpretation, revised replacement plans referencing "VIP Gaming" have been prepared by Wilkinson Eyre and are included at **Attachment C** of this letter, to replace the corresponding plan in the Modification Application.

## 1.6 Key Worker Housing

City of Sydney notes that *“The City’s objection remains in that absence of GFA dedicated to affordable and key worker housing, it is not in the public interest.”*

### Response:

There is no proposed change in total approved GFA for residential use and the Key Worker Housing requirements are not affected. Consistent with the Development Consent, Key Worker Housing is already being delivered as per the Concept Plan, Condition B11. This Key Worker Housing is provided on Block 4 within the Barangaroo South development site. As such, the provision of Key Worker Housing does not warrant reconsideration in the determination of the Modification Application.

## 1.7 Residential Design Principles

City of Sydney has further outlined that *“the proposed residential component of the site fails to achieve various design principles as per the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, primarily in terms of providing inadequate private open space and relying on an outdoor terrace also used by VIP hotel members as “communal open space.”*

*“Additionally, evidence has not been provided to confirm apartments receive adequate solar access within living areas and on balconies. No such shadow and solar access assessment has been provided for review and compliance cannot be confirmed.”*

### Response:

The Crown Sydney Hotel Resort is a fully integrated mixed use property, as approved in the original Development Consent. The property provides for residential, hotel, VIP gaming, retail and public food and beverage uses. The residential component caters to a specific market, this being high end luxury apartments.

In relation to private open space, we note that all apartments are provided with balconies. Most balconies meet the *State Environmental Planning Policy No 65 (SEPP 65)* design criteria, and those that do not meet the criteria itself do meet the design guidance, and provide alternative solutions to achieve the objective. These design solutions include the provision of operable windows as well as Juliet balconies in lieu of full sized balconies. Other amenity benefits are provided, including floor to ceiling glass and ceiling heights well in excess of the 2.70m Apartment Design Guide minimum. The Design Verification Statement prepared by Bates Smart, supporting the Modification Application, confirms that the proposed private open space provision is compliant with the *SEPP65 Apartment Design Guide* ‘Design Guidance’.

We further note that the proposed modification does not propose any changes to the operation and accessibility of communal open space, and specifically its ability to be used by both residents and hotel guests. Extensive high quality communal open space is provided within the building, providing a superior level of amenity for all residents. The level of amenity and accessible open space, including areas managed as part of the Crown Sydney Hotel Resort, are key features of branded hospitality serviced residential apartments and are highly desired by the luxury segment for which the residential component caters.

Furthermore, the building is surrounded by large scale public spaces to the south (Watermans Quay), west (30m Wulugul walk - foreshore promenade), north (Barangaroo Central Foreshore open space) and east (Hickson Park). The amount of adjacent open space and high quality public realm, when coupled with the adjacent Barangaroo headland park area, provides residents with significant amenity and access to large scale open spaces and park land. As the original Concept Plan details the extent of these parklands and high quality public realm areas, and remains unaffected by this Modification Application, we respectfully submit that Council’s concerns have been adequately addressed.

In relation to the Council's comments relating to solar access, we note that the Design Verification Statement prepared by Bates Smart confirms that the proposed modification is compliant with the required solar access controls and design guidance solutions. Further to this, the solar access study prepared by executive architect Wilkinson Eyre confirms that 73.56% of apartments receive sunlight to habitable rooms, primary windows and private open space, for 2 hours between 9am and 3pm at mid-Winter (See **Attachment D**). This is above the 70% design criteria under Part4A-1 of the *SEPP65 Apartment Design Guide*. The proposed modification is therefore compliant with the required solar access controls.

## 2.0 Public Submissions

Other than the comment set out and addressed below, the majority of comments submitted within the public submissions do not relate to the Modification Application itself, and therefore have not been addressed within this response.

### Parking

*"The proposed modifications relating to the reconfiguration of the car park at page 2 of the Ethos urban report is inconsistent with that for Table 1 of the summary but gather that the table details are correct".*

### Response:

The abovementioned inconsistency is acknowledged to be an error in the letter. For the purpose of clarification, the summary contained within Table 1 of the Modification Application letter prepared by Ethos Urban is correct.

## 3.0 Conclusion

The anticipated environmental impacts of this Modification Application are consistent with the Development Consent.

The majority of the concerns raised by agencies have been addressed within the original Modification Application letter, as well as in further detail above. This response letter provides additional clarity in relation to the stated concerns, and provides additional information specifically in relation to the proposed parking and wind mitigation measures.

We thank you for the opportunity to respond to your request and the submissions and look forward to working with the DPIE in its ongoing assessment and determination of this Modification Application.

Yours sincerely,



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