

4 September 2019

17632

David McNamara  
Director - Key Sites Assessments  
320 Pitt Street,  
Sydney NSW 2001

**Attn: Rodger Roppolo**

Dear David,

**RESPONSE TO AGENCY ADVICE - SECTION 4.55(2) MODIFICATION APPLICATION (SSD-6957-Mod-1)  
CROWN SYDNEY HOTEL RESORT**

This letter has been prepared on behalf of the applicant, Crown Sydney Property Pty Ltd (**Crown**), in response to further correspondence received from the City of Sydney (**Council**) regarding a S4.55(2) Modification Application SSD-6957-Mod-1 (**Modification Application**) relating to the approved Crown Sydney Hotel Resort Development Consent SSD 6957 (**Development Consent**), located at 51a Hickson Road, Barangaroo, NSW.

Crown has previously submitted a Response to Submissions (RtS) dated 24 July 2019, which responded to the matters raised in the submissions received to date, including the original submission by Council.

Council has since reviewed Crown's RtS and provided a further response in a letter dated 14 August 2018.

By letter dated 19 August 2019, the Department of Planning, Industry and Environment (DPIE) requested that the applicant provide a further response to Council's additional submission.

This letter should be read in conjunction with the Modification Application and its supporting documents, RtS and the following supporting documentation:

- Revised Architectural Plans, prepared by Wilkinson Eyre (**Attachment A**);
- Safe Path of Travel - Wayfinding Proposal, prepared by Urbanite (**Attachment B**)
- Plans indicating location of all operable windows and Juliet balconies, prepared by Bates Smart (**Attachment C**)
- Juliet balcony detail, prepared by Bates Smart (**Attachment D**); and
- Plans showing the proposed wind mitigation glass blades within this Modification Application (**Attachment E**).

Responses to each key matter raised within Council's additional response are set out below.

## **1.1 Transport**

### **1.1.1 Parking rates**

Council compare the proposed parking against the LEP parking rates. However, we note that the total parking provision for Crown Sydney Hotel Resort under the Development Consent has been approved for 610 cars, being 500 to support the tourism uses (hotel and gaming), and 110 for the residential use (apartments). These parking counts are consistent with the approved Concept Plan for Barangaroo South (MP 06\_0162 MOD 8) (**Concept Plan**).

Council asserts that the amount of approved parking is five times in excess of the City of Sydney LEP parking rates, however this is not an appropriate consideration given the total hotel and gaming parking numbers are already approved under the Development Consent (specifically acknowledging the unique mixed use nature of the development), and the Modification Application simply seeks to align the residential car count with the approved Concept Plan Condition C4 car parking rates, which Council has acknowledged is in accordance with the Concept Plan.

As demonstrated by the Traffic Report prepared by Arup the numerical increase in residential parking does not directly translate to increased environmental impacts, as it is more than offset by the reduction in hotel/commercial parking of 16 spaces. As detailed within the Traffic Report, the proposed parking provision changes in fact result in a net decrease in traffic generation and will deliver an improved outcome when compared with the traffic volumes generated under the approved Development Consent. Council's concerns regarding the potential increased queuing and congestion have been addressed by the reduction in traffic generation, as per the submitted Traffic and Parking Report prepared by Arup.

Crown respectfully disagree with Council's comparison in relation to parking rates, as the Crown Sydney Hotel Resort is a unique integrated resort development, incorporating a casino resort, hotel, retail, food and beverage outlets and residential apartments, as approved under the Development Consent.

In light of the above facts, it appears that Council's objection relates largely to the 'principle' of the parking provision approved under the current Development Consent being greater than the City of Sydney LEP rates. The proposed modification does not seek to increase the project GFA as approved under the Concept Plan for Barangaroo South and does not exceed the current Development Consent and Concept Plan Condition C4. It is therefore not a relevant consideration in the determination of this Modification Application.

#### **1.1.2 Bicycle Parking and End of Journey Facilities**

Council request that the Architectural Plans be amended to identify the location of bicycle parking, regardless of whether they are provided within general storage areas. The relevant Architectural Drawings have been revised accordingly and are included at **Attachment A**.

Council note that staff end of journey and bicycle parking are separated by a valet ramp, which it considers may pose a safety risk. In response, Crown notes that only some of the bicycle parking is separated from the staff shower/change rooms facilities. It is also worth highlighting that the intention has always been to provide appropriate wayfinding and ground markings to provide a safe path of travel for the designated pedestrian movement locations which are located by the valet ramp entry, please refer to the Safe Path of Travel signage documented at **Attachment B**. These plans consolidate pedestrian movement in front of the valet ramp entry to a single crossing location with appropriate ground markings and signage to caution valet drivers and attract their attention. This area will be well lit and be complemented by suspended signage on the valet ramp instructing drivers to be aware of pedestrians crossing.

Importantly the basement is a low speed, controlled environment that will be used by trained employees that will be familiar with the facility and its uses. All staff will be inducted in the safe operation and use of the bicycle storage area and end of trip facilities. Staff safety is of paramount importance to Crown, and all necessary steps will be taken to ensure a safe workplace for all employees.

## 1.2 Residential Amenity

Council objects to the shared nature of the communal open space being accessible by hotel guests and apartment owners. Council assert that because the space is not exclusively for use by residents it does not satisfy the criteria of the Apartment Design Guidelines (ADG).

The ADG does not require communal open space to be allocated for the exclusive use of residents. In fact, it states *some communal open space is accessible and usable by the general public*. Crown also note that the current residential amenity within Crown Sydney has always been a mixed residential and resort / hospitality area and was previously considered, assessed and approved by the DPIE under the original Development Consent. Crown is not proposing any change to communal open space under this Modification Application.

Council additionally comments on the proposed provision of private open space and in particular the balcony sizes provided within each apartment with reference to the ADG. As previously stated, all of the apartments are located above 10 storeys, and are large scale luxury residences with balconies. All private open spaces meet the Design Guidance requirements of the ADG, as confirmed by the Project Architect Bates Smart. This has been achieved by increased natural ventilation, Juliet balconies, resort amenities, communal open space, and other amenity benefits for occupants located both within the Development and in the adjacent surrounding public domain.

As outlined within the previous RtS, Crown strongly disagree with Council's assertions that the original development and the proposed Modification Application has not met the minimum requirements of the ADG, in particular Parts 3D and 4E. As such, Crown wish to individually address the design responses for each of the objectives and design guidance contained within Part 3D and 4E, as detailed below.

### ADG Part 3D: Communal and Public Open Space

ADG Part 3D provides objectives, design criteria and design guidelines for the provision of amenity through communal and public open space.

**3D-1 Objective** *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.*

Residents within the building will have access to use at their discretion the VIP residential pool terrace on Level 4 of the Crown Sydney Hotel Resort as well as the hotel terrace on Level 3. The Level 4 VIP Residential pool has been designed and detailed as a residential area and is only accessible to a small number of VIP hotel guests which are staying in the Villa's. These suites run at lower occupancy rates and are limited to 20 Keys in the entire resort. The ADG does not require communal open space to be allocated for the exclusive use of residents. In fact, the ADG Glossary defines Communal open space' as **(our emphasis)**:

*"outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. **Communal open space may be accessible to residents only, or to the public**"*

In addition to this the ADG encourages *communal open space [to] be supplemented by additional landscaped area, circulation space and areas for passive use and outlook; and public land used for open space and vested in or under the control of a public authority.*

The current design for the project as approved under the Development Consent provides residents discreet access to enjoy the full range of amenities within the resort at their election. This is the fundamental premise behind hospitality branded residences and the clear point of distinction between these types of mixed-use developments and a normal residential project.

The proposal to allow for residents and hotel guests to have combined access to the communal facilities is entirely compliant with the ADG requirements. This fact was confirmed when the original development was granted approval with the building incorporating this arrangement. Crown also highlights that as this is an approved arrangement and is not being proposed to be modified it is not a matter for consideration under this modification application.

In addition to the communal open space provided within the Resort footprint, the greater Barangaroo precinct provides some 50% of its total area as public open space with 11 out of 22 hectares within Barangaroo dedicated for public use. Crown has already made significant financial contributions towards the public domain, parklands, and public open space in the Barangaroo precinct, which includes Watermans Quay, Wulugul Walk - foreshore promenade, Hickson Park, Barangaroo Central foreshore and the Barangaroo headland park. The six star resort

facilities when coupled with the public open space that Crown has substantially contributed to, provide an unparalleled level of amenity to residents when benchmarked against other residential developments in Sydney market.

### **3D-1 Design Criteria**

- *Communal open space has a minimum area equal to 25% of the site*
- *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)*

Crown Sydney Hotel Resort meets the design criteria as the onsite provision of communal open space for residents, in excess of 40% of the site area. This onsite communal open space area achieves the criteria for a minimum 50% of direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).

### **3D-1 Design Guidance**

- *On site Communal open space is consolidated into a well-designed, easily identified and usable area*
- *Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions*
- *Communal open space should be co-located with deep soil areas*
- *Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies*
- *Where communal open space cannot be provided at ground level, it should be provided on a podium or roof*
- *Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:*
  - *Provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
  - *Provide larger balconies or increased private open space for apartments*
  - *Demonstrate good proximity to public open space and facilities and/or provide contributions to public open space*

The outdoor areas of the Crown Sydney Hotel Resort have been designed by world-leading Landscape Architect St. Legere, with a focus on creating a well-designed and easily identifiable usable area that meets the 6-star resort intent. The outdoor terraces are located with direct and equitable access from the common circulation areas within the building and are heavily landscaped. The deep soil zone design guidance has been addressed through Crown's contribution to the public realm within the Wulugul Walk Foreshore and 1.6 hectare Hickson Park, both of which are located adjacent to the Crown Sydney Hotel Resort. Further to this, Crown has worked in collaboration with Infrastructure New South Wales (Infrastructure NSW) to upsize the public realm trees around the perimeter of the Crown site to ensure that mature landscaping is available from day one of the project opening date.

**3D-2 Objective** *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.*

Further to the above, the designated communal open space for use by residents at the outdoor areas is architecturally designed to satisfy the design intent to qualify as a 6-star resort. The level of amenity with regard to the provision of facilities is consistent with the design intent, providing seating/lounges for individual/groups, swimming pool, gym, and tennis court. Furthermore, the pool terrace is carefully designed to provide residents with shelter from wind, sun and rain. This is achieved through purpose-built shade structures, pool cabanas, large scale fixed umbrellas and perimeter glass balustrades providing unobstructed views of Sydney harbour.

Crown respectfully submits that the level of design detailing and finishing for the resort terraces is well beyond the typical residential offering anywhere in the Sydney market.

**3D-2 Design guidance**

- *Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:*
  - o *seating for individuals or groups*
  - o *Barbecue areas*
  - o *Play equipment or play areas*
  - o *swimming pools, gyms, tennis courts or common rooms*
- *The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts*
- *Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks*

The level of amenity provided to residents is consistent with the design intent of the ADG, providing for seating/lounges for individual/groups, shelter in the form of cabanas and umbrellas, swimming pool, gym, and tennis court. The amenity provided suits a vast range of age groups and lifestyles. The neighbouring parklands and Public Domain further provides opportunity for residents to utilise recreational play areas. Crown undertook extensive as built wind studies to inform the design and respond to the unique microclimate relevant to the Development location. The number and selection of exposed external services elements have been minimised in and around the outdoor terraces, with special consideration given to the Level 4 pool terrace to improve the resident experience.

**3D-3 Objective** *Communal open space is designed to maximise safety*

The Development effectively satisfies this objective of the ADG, the communal open space has been designed to be consistent with a six star resort. All areas are well lit with security provisions and full-time on-site management including security personnel. The service and security levels being provided to residents are consistent with an operating six star resort providing residents with a safe, secure and comfortable environment.

The overall design of the communal open space and operational management strategy complies with the recommendations made in the Crime Prevention through Environmental Design (CPTED) report prepared by JBA (April 2015). Communal open space is monitored by CCTV cameras and security staff 24 hours a day.

**3D-3 Design Guidance**

- *Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:*
  - o *bay windows*
  - o *corner windows*
  - o *balconies*
  - o *Communal open space should be well lit*
  - o *Where communal open space/facilities are provided for children and young people they are safe and contained*

Each of the residential apartments will be afforded views of the communal open space and adjacent public domain areas. All apartments have balconies and floor to ceiling external glass facades. Within each apartment the floor to ceiling heights are well in excess of the minimum 2.70m ADG requirement, providing for a superior outlook to public domain areas, Sydney CBD, bridge and harbour. The recessed nature of apartment private open spaces (balconies) provides the residents with visual privacy from neighbouring apartments and communal spaces below.

The controlled access to the outdoor communal spaces and Level 4 pool terrace ensures safety to all residents, including children and young people. As stated above, all communal open space areas are well lit and appropriately managed to mitigate any safety risks.

**ADG Part 4E: Private Open Space and Balconies**

The ADG part 4E provides objectives, design criteria and design guidelines for the provision of amenity through private open space and balconies.

Outlined below is a summary of Crown's design response to Part 4E of the ADG.

#### **4DE-1 Objective** *Apartments provide appropriately sized private open space and balconies to enhance residential amenity*

All of the apartments within the Development have private balconies, as per the original Development Consent. Majority of the balconies meet the Design Criteria of the ADG. Those that do not meet the Design Criteria, achieve the Design Guidance.

#### **4E-1 Design Guidance**

- *Increased communal open space should be provided where the number or size of balconies are reduced*
- *Storage areas on balconies is additional to the minimum balcony size*
- *Balcony use may be limited in some proposals by:*
  - *consistently high wind speeds at 10 storeys and above*
  - *close proximity to road, rail or other noise sources*
  - *exposure to significant levels of aircraft noise*
  - *heritage and adaptive reuse of existing buildings*

*In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated*

The ADG states that the use of balconies may be limited in situations where there are *consistently high wind speeds at 10 storeys and above*. The existence of consistently high winds has been confirmed by the RWDI Pedestrian Wind Study and all apartments are located from Level 33 to level 65, well above the 10 storey ADG benchmark. Limited use of balconies is therefore appropriate and consistent with the ADG in this case. The ADG further explains that *in these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both*. The proposed design solution limits the number of fully open balconies and incorporates juliet balconies and operable walls, both of which represent a design solution that is entirely consistent with the ADG. The location of the juliet balconies have been shown in **Attachment C** and will be to be consistent with the diagram on page 92 of the ADG, Figure 4E.2 (See juliet balcony detail at **Attachment D**).

The ADG also states that to conform with the high wind balcony concession, *Natural ventilation also needs to be demonstrated*. The proposed design includes the provision of operable windows for natural ventilation to all apartments. These have been shown, for clarity, in **Attachment C**.

Additional amenity benefits are provided within the apartments, including floor to ceiling glass, large indoor living areas and ceiling heights well in excess of the minimum 2.70m ADG design criteria, all of which have been designed to take advantage of the significant amenity benefits that are derived from the substantial and superior outlook and iconic views to the Sydney CBD, Sydney Opera House, Sydney Harbour and Harbour Bridge.

The amenity benefits provided for residents are not limited to the apartments design features. The Development also provides amenity for residents through the provision of unique hospitality services and access to the resort amenities including the 14 restaurants and bars within the development itself. As stated above, the development provides for a significant increased level of amenity in respect of communal open space provided on site as well as adjacent public space.

#### **4E-2 Objective** *Primary private open space and balconies are appropriately located to enhance liveability for residents*

All balconies are either located off living areas or main bedrooms and are therefore appropriately located to enhance liveability. Due to the location of the Development, the balconies provide a spectacular opportunity to allow residents to capitalise on the surrounding views of the Sydney CBD, Harbour, Sydney Opera House, Harbour Bridge and parklands. All apartments enjoy a superior outlook given the building's unique design around view corridors, apartment location at the top of the tower and the development's harbour side location in Barangaroo.



**4E-2 Design Guidance**

- *Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space*
- *Private open spaces and balconies predominantly face north, east or west*
- *Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms*

The Development satisfies the design guidance requirements of the ADG as all residential apartments have balconies providing a superior outlook to Sydney CBD and Sydney Harbour when compared to other comparable residential developments. The location of the balconies was carefully considered to enhance liveability for residents and have subsequently been provided off the main living and/or main bedrooms of the apartments. All of the balconies have been orientated with the longer side facing outwards to optimise daylight access into adjacent rooms.

**4E-3 Objective** *Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building*

The balcony design has been integrated into the overall façade design to ensure a seamless aesthetic is maintained, as per the original Development Consent. The balconies, particularly the Juliet balconies, provide a natural articulation to the buildings form, which maintains the original competition award winning architectural design intent.

**4E-3 Design guidance**

- *Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred*
- *Full width full height glass balustrades alone are generally not desirable*
- *Projecting balconies should be integrated into the building design and the design of soffits considered*
- *Operable screens, shutters, hoods and pergolas are used to control sunlight and wind*
- *Balustrades are set back from the building or balcony edge where overlooking or safety is an issue*
- *Downpipes and balcony drainage are integrated with the overall facade and building design*
- *Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design*
- *Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design*
- *Ceilings of apartments below terraces should be insulated to avoid heat loss*
- *Water and gas outlets should be provided for primary balconies and private open space*

Fully transparent balustrades have been incorporated into the design of all balconies to maintain visual connectivity. None of the balcony balustrades are full height. The balconies have been fully integrated with the building's façade, avoiding any projections forward of the façade lines. The balustrades have been designed to sit on the façade line, however they are all 1400mm high and have been inclined inwards to mitigate any potential safety concerns. Balcony drainage and services reticulation items have been designed to be permanently hidden from view. Balconies will remain permanently free from air conditioning units and clothes drying apparatus. The ceilings of apartments located below the balconies will be insulated to meet the relevant statutory requirements.

The provision of operable screens, shutters, hoods and pergolas to control sunlight and wind is a guideline that is deemed not applicable to the Development as the wind speeds are deemed to be too high to implement such mitigation measures. Additionally, primary balconies are provided with electrical outlets to allow electrical cooking appliances as Crown building management consider gas outlets to be an unnecessary fire safety risk. Piped water is considered to be non-essential on the balconies.

**Objective 4E-4 Private open space and balcony design maximises safety**

**Design guidance**

- Changes in ground levels or landscaping are minimised
- Design and detailing of balconies avoids opportunities for climbing and falls

The design guidance for safety has been considered and incorporated into the terrace and Juliet balcony designs. Balustrade heights on all balconies have been increased to 1400mm and exceed the minimum safety requirements for balconies. All fixed elements on the balconies have been positioned to avoid any potential risk due to climbing and falls.

Given the above, Crown respectfully believes that the Council's suggestion that the proposal is inconsistent with the ADG is unjustified and unsubstantiated.

**1.3 Wind Mitigation**

The glass blades relating to this Modification Application are only proposed to the North West restaurant terrace and are at a maximum height of 1.8m when measured from the finished floor level of the public domain. Crown acknowledges Council's concerns and is willing to accept Council's desire to restrict the height of these blades to 1.8m and to remain staggered and not form a continuous glazed wall. Crown also accepts the requirement for the blade panels to remain transparent and without obstruction by any coverings (i.e. signage). A plan illustrating the proposed glass blades the subject of the Modification Application is included within **Attachment E**.

Crown would like to clarify that the 3.4m high glass blades that Council refers to are those that are already approved under the existing Development Consent, and are located at the western and southern entrances of the Crown Sydney Hotel Resort as an approved wind mitigation measure, given the 24 hour operation of these entries. Crown is not proposing any change to the previously approved wind mitigation measures.

**2.0 Conclusion**

The majority of the concerns raised by Council have been addressed within the RtS 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, residential amenity and glass blades.

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

Yours sincerely,



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